



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:224 – 37 Pirie Drive, Dundas

Recommendation:

Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

Development Planning:

Background

To facilitate the construction of a rear yard balcony.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing townhouse dwelling.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Low Density Residential-Small lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The existing townhouse dwelling is permitted.

Variance 1

1. To permit the balcony to encroach into the required rear yard a maximum of 2.6 metres whereas a balcony can only encroach a maximum of 1.0 metre into a required yard.

The intent of this provision is to ensure that there is sufficient amenity space in the rear yard and to prevent privacy and overlook impacts on adjacent properties.

Staff note that the proposed balcony is intended to be used as additional amenity space by the residents. Staff are of the opinion that the proposed balcony is similar in size and encroachment to other balconies existing in the neighbourhood and enhances the amenity space. The existing tree in the rear yard helps mitigate some of the privacy and overlook impacts on neighbouring lands. In staff's opinion the provided 4.99 metre setback between the proposed balcony and rear lot line is sufficient to mitigate privacy and overlook impacts on adjacent lands.

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is minor in nature. Staff support the variance.

Based on the foregoing, staff are of the opinion that the requested variance meets the four tests of a minor variance. **Staff recommend approval.**

Zoning:



Hamilton

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	
Notes:	N/A

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed rear yard balcony.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.

