



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:223 – 247 Herkimer Street, Hamilton

Recommendation:

Approve

Proposed Conditions:

1. That the Owner shall submit materials confirming that the proposed addition does not further encroach into the existing non-compliant side yard to the satisfaction of the Director of Development planning.

Proposed Notes:

N/A



Development Planning:

Background

The purpose of the application is to facilitate a two-storey side yard addition and front porch addition on an existing single detached dwelling.

The following variances have been requested:

1. A minimum 1.17 metre Front Yard shall be permitted instead of the minimum required 4 metre setback.
2. A minimum 0.52 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.

Urban Hamilton Official Plan

The subject property is designated as Neighbourhoods in the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies, single detached dwellings are permitted.

The following Official Plan policies among others are applicable:

- “E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
 - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

Based on the forgoing policies including policy section E.3.2.7 of the Urban Hamilton Official Plan seeks to evaluate the quality of urban and architectural design of development within the Neighbourhoods designation. Staff are of the opinion that subsection b) and d) specifically apply to the proposed development. In staff’s opinion the proposed variances maintain the general intent and conform to these policies. Staff note that the extension of the porch will encroach into the required front yard setback approximately 40 centimetres further than the existing porch. Staff are of the opinion that this proposed extension is consistent with front yard setbacks found throughout the neighbourhood. Staff have reviewed the proposed side yard and it appears to be consistent with the side yard existing for the current attached garage. Provided the non-conforming condition is not exasperated, staff have no concerns with the proposed setback. As a condition of approval, the applicant will be required to confirm that the proposed addition maintains the existing side yard and that the existing non-compliant side yard is not being exacerbated.

Archaeology:

No comments

Cultural Heritage:

The property known as 247 Herkimer Street is located within the Kirkendall North Established Historical Neighborhood.

Accordingly, Sections B.3.4.1.3, B.3.4.2.1(g) and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

In addition, as the proposal includes a new addition and the property is located in an Established Historic Neighbourhood, the following section of the Urban Hamilton Official Plan also applies;

3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

The proponent proposes to facilitate the construction of a two- storey side yard addition and front porch addition to an existing single detached dwelling.



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

Staff have reviewed the application and strongly recommend the use of more compatible materials and sympathetic design in order to conform to the neighbouring built heritage resources in the Kirkendall North Established Historical Neighbourhood.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned “R1” (Low Density Residential) in Zoning By-law No. 05-200. The “R1” zone permits single detached dwellings.

Analysis

Variance 1

1. A minimum 1.17 metre Front Yard shall be permitted instead of the minimum required 4 metre setback.

The intent of the minimum setback provision is to provide adequate spacing between the road and the principle dwelling for landscaping and amenity area and to preserve the existing streetscape character. Staff have reviewed the proposed encroachment into the front yard and do not foresee any adverse impacts resulting from the reduction of front yard setback to 1.17 metres from the required 4 metre setback. Staff note that a portion of the existing porch extends into the required setback currently and appears to be legal non-conforming. The proposed reduction is inline with the predominant character of the existing neighbourhood, which contains dwellings with small front yard setbacks and front porches that encroach into the required front yard. Staff defer to Development Engineering staff with respect to grading and drainage. Staff also defer any comments on future road widenings and impacts thereof to Transportation Planning staff. Based on the forgoing analysis staff support the proposed variance.

Variance 2

2. A minimum 0.52 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.

The intent of the minimum side yard setback provision is to provide for adequate space for access to the rear of the lot and for maintenance of the dwelling, and to allow for sufficient drainage between neighbouring properties as to not generate excess runoff onto neighbouring lands. The required side yard setback also provides consistent distances between dwellings along the streetscape. Staff acknowledge that the existing attached garage appears to have a 0.52 metre side yard setback as it exists today as indicated through the application. Staff are of the opinion of the redevelopment of this portion to include the second storey is minor and does not further exacerbate the deficient side yard. Furthermore, this portion of Herkimer Street contains dwellings with similar side yards, so the



Hamilton

proposed side yard reduction is not out of character with the area. Additionally, policy section E.3.2.7 of the Urban Hamilton Official Plan speaks to the affect of garages, parking areas and driveways that front along a public street shall not be dominant and should be minimized, staff are of the opinion that the addition and expansion above the existing garage is minor and does not further encroach into the side yard. Staff defer to Development Engineering staff with respect to grading and drainage. Based on the forgoing analysis staff are supportive of the proposed variances as requested, subject to a condition.

Based on the forgoing analysis staff recommend the **approval of variances 1 & 2** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

| | |
|----------------------|--|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <ol style="list-style-type: none"> 1. Please be advised variance No. 1 has been written as requested. 2. Insufficient information has been provided to determine zoning compliance for the minimum landscaped area. Additional variances may be required if zoning conformity cannot be achieved. 3. The proposed development shall be in accordance with Section 4.9 of Hamilton Zoning By-law 05-200. 4. Insufficient information has been provided to determine zoning compliance with Section 4.35 of Hamilton Zoning By-law 05-200. Additional variances may be required if zoning conformity cannot be achieved. |
| Notes: | |

Development Engineering:

| | |
|----------------------|---|
| Recommendation: | |
| Proposed Conditions: | Deny |
| Comments: | The proposed side yard setback of 0.52m does not meet the minimum width of 0.90m required to construct a drainage swale (0.15m depth minimum, 3:1 maximum side slopes). Therefore, we recommend that Minor Variance #2 be denied. |
| Notes: | N/A |

Building Engineering:

| | |
|-----------------|---------------|
| Recommendation: | Comments Only |
|-----------------|---------------|



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

| | |
|----------------------|---|
| Proposed Conditions: | |
| Comments: | |
| Notes: | <p>A building permit is required for the construction of the proposed two (2) storey side yard addition and front porch addition to an existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> |

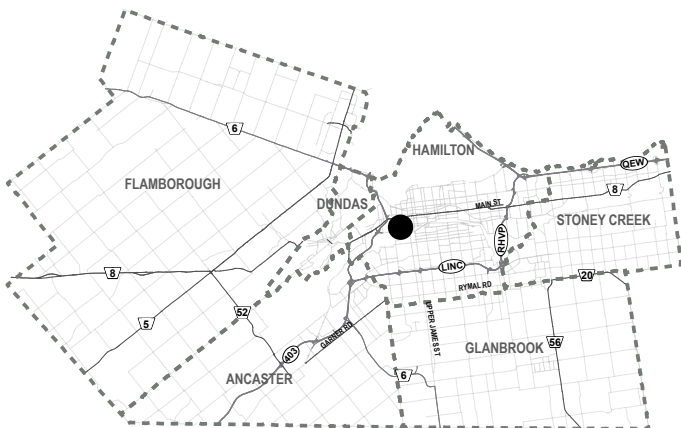
Transportation Planning:

| | |
|----------------------|-------------|
| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |
| Notes: | |

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



247 Herkimer Street, Hamilton
(Ward 1)

File Name/Number:
A-24:223

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department