



Hamilton

A-24:73 (21 Kennedy Ave., Hamilton)

Recommendation

- Approve Variance 1 for the Lands to be Retained, Deny Variance 1 for the Lands to be Severed

Proposed Conditions

N/A

Proposed Notes

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

Development Planning:

Background

The purpose of Minor Variance application A-24:73 is to facilitate Consent to Sever application HM/B-24:19, which was conditionally approved on May 7, 2024.

Staff note that the subject property is now zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200, whereas it was formerly zoned "B" (Suburban Agriculture and Residential, Etc.) District in Former City of Hamilton Zoning By-law No. 6593.



Hamilton

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” Schedule E-1 – Urban Land Use Designations. Policies found in Sections E.3.4.3, amongst others, are applicable and permit the existing and proposed residential uses.

Kennedy East Neighbourhood Plan

The subject site is further identified as “Single and Double” on Map 7603 of the Kennedy East Neighbourhood Plan. Single detached dwellings are permitted, and the proposal is consistent with the Kennedy East Neighbourhood Plan.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms; and
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. **If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:**

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.



Hamilton

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage

No comments.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing and proposed single detached dwellings are permitted uses.

Lands to be Retained (Part 1)

Variance 1

1. A minimum 45% landscaped area shall be permitted in the front yard, instead of the minimum 50% landscaped area required.

The intent of this provision is to preserve the residential character and streetscape of the area by maintaining greenspace and landscaping within the front yards of residential properties. Additionally, this provision is also intended to ensure sufficient permeable surface area is maintained to ensure there are no negative impacts regarding drainage or stormwater management. Development Planning staff defer to Development Engineering staff regarding drainage and stormwater management concerns.

Staff note that no changes are proposed to the existing driveway, landscaping or built form of the retained lands. Staff anticipate no negative impacts on the character or streetscape of the neighbourhood as a result of the requested variance. Provided Development Engineering staff have no concerns, Development Planning staff support the variance.

Lands to be Severed (Part 2)

Variance 1

1. To permit an existing accessory building ("shed") prior to the erection of a principle dwelling on the same lot.



Hamilton

The intent of this provision is to ensure that principal uses are established on the site before accessory structures. Accessory structures are intended to support the principal land use once it is established on the site. Therefore, staff are of the opinion that this variance does not maintain the intent of the Zoning By-law and is not minor in nature. Staff do not support the variance.

Staff are of the opinion that Variance 1 for the Lands to be Retained meets the four tests of a minor variance whereas Variance 1 for the Lands to be Severed does not. Based on the forgoing, **staff recommend approval of Variance 1 for the Lands to be Retained and denial of Variance 1 for the Lands to be Severed.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> i. Please note that this application is subsequent to Consent/Severance Application No. HM/B-24:19, which received conditional approval on May 7th, 2024, to establish the two (2) lots as indicated. ii. Please note that specific details regarding parking have not been provided for either the portion of the lands that are to be retained (Part 1) or the portion of the lands that is to be conveyed (Part 2). Additional variances may be required if compliance with Section 5: Parking cannot be achieved. <p>Detailed drawings for the proposed Single Detached Dwelling on the portion of the lands to be conveyed (Part 2) have not been provided to confirm zoning compliance. Additional variances may be required if compliance with all sections of Hamilton Zoning By-law No. 05-200 cannot be achieved.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	<ul style="list-style-type: none"> • Severance application B-24:19 for the subject property is currently being facilitated with Development Engineering. Grading has been approved under the noted application. <p>We have no concerns or objections to the minor variances as proposed.</p>
Proposed Notes:	



Hamilton

Building Engineering:

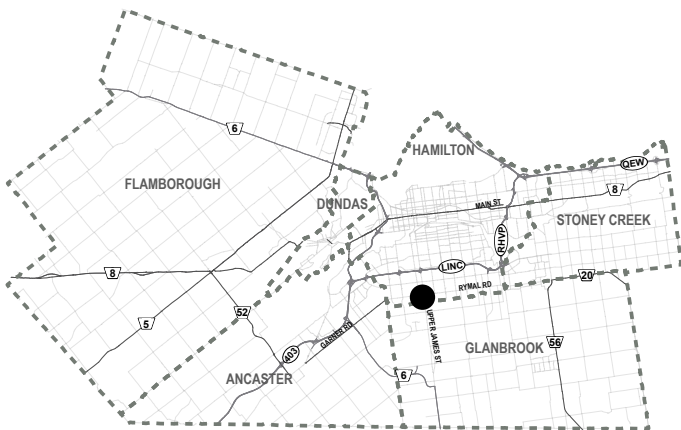
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction the proposed Single Detached Dwelling.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



21 Kennedy Avenue, Hamilton
(Ward 8)

File Name/Number:
A-24:73

Date:
November 11, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Planning and Economic Development Department

Hamilton