



Hamilton

A-24:178 (378 East 25th St., Hamilton)

Recommendation

Approve Variance 1
Deny Variance 2

Recommended Conditions

1. That Variance 1 for a minimum lot width of 8.6 metres instead of the minimum required lot width of 9.0 metres applies to a semi-detached dwelling use only.

Development Planning:

Background

This application was previously tabled at the September 10th, 2024 hearing. The proposal is to permit two new semi-detached dwellings. Staff note that previous iterations of this proposal would have resulted in a building with a total of 6 dwelling units and would be considered a multiple dwelling per the definition under the Urban Hamilton Official Plan. Staff note the applicant has withdrawn Variance 2, above, from consideration in this application and is only proceeding with the minor variance related to the lot width.

The subject lands received Conditional Approval of a Consent Application (HM/B-23:83) on the subject lands to establish a semi-detached dwelling. Condition 5 of the approval stated that “the applicant apply for and receive final approval of a Minor Variance Application to address all zoning deficiencies, to the satisfaction of the Director of Development Planning.”. Variance 1 is required in order to legalize the proposed semi-detached lot width. The applicant was previously seeking an additional variance to permit two additional dwelling units within a semi-detached dwelling unit thus establishing a multiple dwelling. This variance has been withdrawn.

The following variances are **requested**:

1. A minimum lot width of 8.6 metres shall be provided instead of the minimum required lot width of 9.0 metres.
2. Two (2) Additional Dwelling Units within a semi-detached dwelling unit shall be permitted instead of the maximum permitted one additional dwelling unit. **(withdrawn)**

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban



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Hamilton Official Plan. The City's Urban Hamilton Official Plan does not contemplate a semi-detached dwelling with two attached additional dwelling units, as this would result in a building with six dwelling units, which per the definition below is considered a multiple dwelling. Please note that the proponent is no longer requesting Variance 2.

“Multiple Dwelling: means a building or part thereof containing five or more dwelling units. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, street townhouse dwellings fronting onto a condominium road, and apartment dwellings.”

The proposal is also considered residential intensification. Policy B.2.4.2.2 establishes evaluation criteria for residential intensification in the neighbourhoods designation. Criteria k) of Policy B.2.4.2.2 states that uses permitted in Volume 1 Policy E.3.4.4 must meet the Neighbourhood Infill Design Guidelines. The Neighbourhood Infill Design Guidelines are intended to inform the evaluation of infill development through a Minor Variance application. Staff have completed an analysis of Variance 1 versus the Neighbourhood Infill Design Guidelines and have determined that the proposed minor reduction in the lot width generally meets the Neighbourhood Infill Design Guidelines. Please note that staff have not completed a review of Variance 2 against the Neighbourhood Infill Design Guidelines as Variance 2 was withdrawn by the applicant.

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

The subject lands are zoned “R1” (Low Density Residential), which permits a semi-detached dwelling with one attached additional dwelling unit. The Zoning By-law does not permit two attached additional dwelling units for a semi-detached dwelling or multiple dwellings.

Analysis

Variances 1

1. A minimum lot width of 8.6 metres shall be provided instead of the minimum required lot width of 9.0 metres.

The proposed variance is for a slight decrease in the minimum lot width for semi-detached dwellings. The resultant lots will remain viable from a development perspective as no reductions to the required yards or lot area are proposed. The resultant lots will also be generally in keeping with the character of the area. Staff support this variance. The proposed reduction in lot width has been reviewed against the Neighbourhood Infill Design Guidelines and staff area satisfied that it meets them.

Variance 2

1. Two (2) Additional Dwelling Units within a semi-detached dwelling unit shall be permitted instead of the maximum permitted one additional dwelling unit. **(withdrawn)**



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This variance was withdrawn from consideration by the applicant.

Based on the foregoing, staff recommend **approval of Variance 1** as it is desirable for the appropriate development of the lands, minor in nature, and is in keeping with the general intent and purpose of the Official Plan and Zoning By-law. Variance 2 is being withdrawn by applicant and should be denied.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised insufficient information was provided to determine zoning compliance with Section 4.6 a). Additional variances may be required if zoning conformity cannot be achieved. 2. Please be advised insufficient information was provided to determine full zoning compliance for Section 5, (parking requirements). Additional variances may be required if zoning conformity cannot be achieved. 3. The proposed development shall be in accordance with Section 4.9 and 4.35 c) of Hamilton Zoning By-law 05-200. 4. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the "Transitional Provisions" of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has not been included in the following zoning chart. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.
Proposed Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



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Building Engineering:

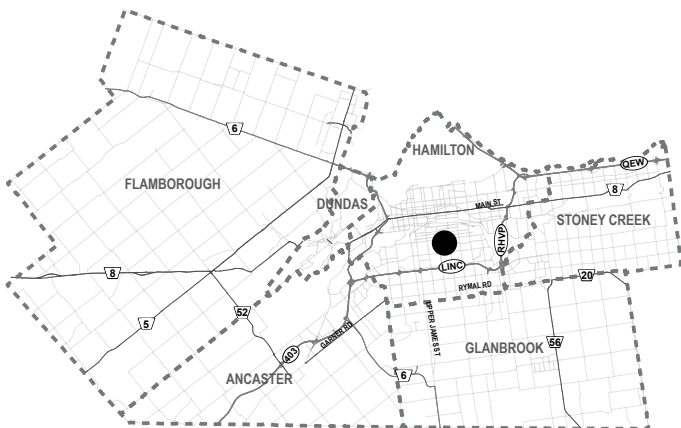
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed semi-detached dwelling each containing two (2) additional dwelling units. Be advised that Ontario Building Code regulations may require specific setback and construction types

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



378 East 25th Street, Hamilton
(Ward 7)

File Name/Number:
A-24:178

Date:
November 11, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton