

A-24:234 (1036 Garth St., Hamilton)

Recommendation

- Approve

Proposed Conditions

N/A

Proposed Notes

N/A

Development Planning:

Background

So as to facilitate the severance of the subject lands and establish a semi-detached dwelling. Staff note the proposed severance and built form were the subject of related Consent to Sever application HM/B-24:02 and Minor Variance application HM/A-23:347, which were approved by the Committee of Adjustment on February 13, 2024.

The subject property was previously zoned “C/S-1822” (Urban Protected Residential) District, Modified in Former City of Hamilton Zoning By-law No. 6593, however, it was rezoned to Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200 with Council’s passing of By-law No. 24-051 on April 10, 2024. Minor Variance application HM/A-23:347 approved the following variances under Zoning By-law No. 6593:

1. To permit a minimum lot width of 6.6 metres for each individual semi-detached dwelling whereas the By-law requires a minimum lot width of 9.0 metres.
2. To permit a minimum lot area of 205 square metres for each individual semi-detached dwelling whereas the By-law requires a minimum lot area of 270 square metres.

Staff further note that Condition 11 of HM/B-24:02 requires an approximate 3 metre right-of-way dedication to widen Garth Street. As a result, the final lot size and front yard setback of the proposed development are smaller than originally proposed and do not meet the requirements of Zoning By-law No. 05-200.



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Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits semi-detached dwellings.

Gilbert Neighbourhood Plan

The subject site is further identified as “Single and Double” on Map 7102 of the Gilbert Neighbourhood Plan. Semi-detached dwellings are permitted, and the proposed development is consistent the vision of the Gilbert Neighbourhood Plan.

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. Semi-detached dwellings are a permitted use.

Variances 1 and 2

1. A minimum lot area of 187.5 square metres shall be provided instead of the minimum required lot area of 270 square metres.
2. A minimum lot width of 6.56 metres shall be provided instead of the minimum required lot width of 9.0 metres.

The intent of these provisions is to ensure lots are large enough to be viable building lots and are compatible with the character and established development pattern of the area.

Staff note that the proposed semi-detached dwelling is to be converted from a single detached dwelling under construction. Staff further note that the proposed built form complies with the required setbacks and landscaped area for semi-detached dwellings, other than the required front yard as a result of the right-of-way dedication. Staff are of the opinion the proposed lots compatible with the character and established development pattern of the area. **Staff support the variances.**

Variances 3 and 4

3. A minimum 3.4 metre front yard shall be permitted instead of the minimum required 4.0 metre front yard.
4. A maximum building height of 11.0 metres shall be provided instead of the maximum permitted 10.5 metres.



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The intent of these provisions is to ensure a consistent built form and streetscape.

Staff note that the proposed semi-detached dwellings are to be converted from a single detached dwelling currently under construction. The building height of 11 metres was permitted as of right under the previous zoning in Zoning By-law No. 6593. Staff further note that the front yard setback of the dwelling does not meet the required 4 metres as a result of a right-of-way dedication to widen Garth Street by approximately 3 metres.

Staff are of the opinion that the requested variances are technical in nature and are not due to revisions in the design or material changes in the built form. Therefore, staff do not anticipate negative effects on the streetscape or character of the area as the built form is not being altered.

Staff support the variances.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Please be advised additional information has been provided and variance No. 4 is no longer required.2. As per updated drawing notes the proposed development appears to comply with Section 4.6 of Hamilton Zoning by-law 05-200. Elevations did not provide encroachment dimensions for the proposed eaves/gutters; additional variances may be required if zoning conformity cannot be achieved.3. Please be advised insufficient information as provided to determine zoning conformity with Section 5.2.4 d). Additional variances may be required if zoning conformity cannot be achieved.4. The proposed development shall be in compliance with Section 4.9 and 4.35 c) of Hamilton Zoning By-law 05-200.5. 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



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STAFF COMMENTS

HEARING DATE: November 26, 2024

	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 may be applicable upon review for such building permit.
Proposed Notes:	

Development Engineering:

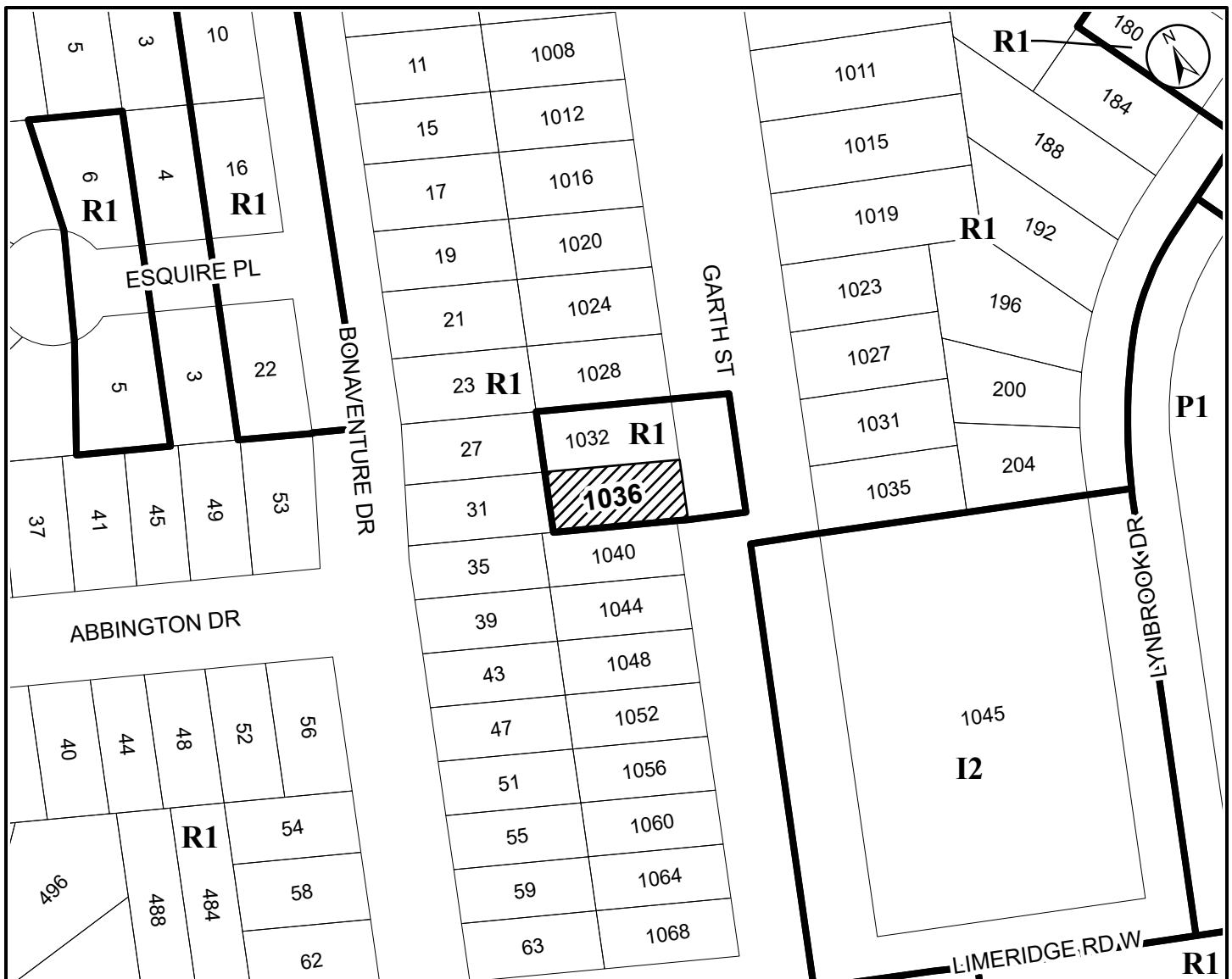
Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	<ul style="list-style-type: none">The severance for the subject property under CofA file number HM/B-24:02 has been recommended for approval from Development Engineering. We have no concerns or objections with the minor variances as proposed.
Proposed Notes:	

Building Engineering:

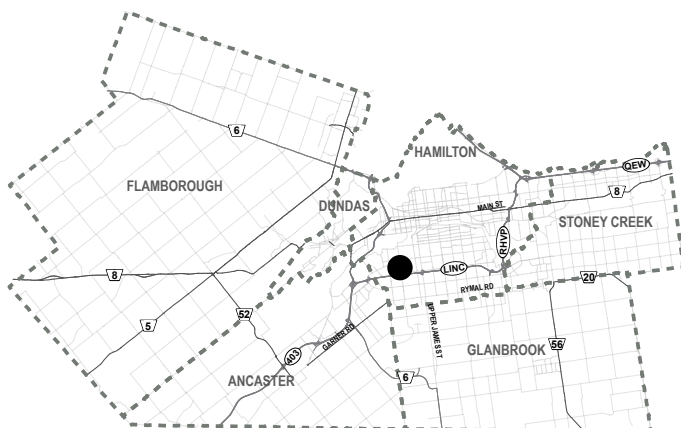
Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1036 Garth Street, Hamilton
(Ward 14)

File Name/Number:
A-24:234

Date:
November 12, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department