



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

A-24:237 – 158 Broadway Avenue, Hamilton

Recommendation:

Approve with conditions — Development Planning

Proposed Conditions:

1. That the design of the addition be revised to be more in keeping with the historic character of the neighbourhood, including cladding materials and window orientation, to the satisfaction of the Manager of Heritage and Urban Design

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).”



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Development Planning:

Background

The purpose of Minor Variance application A-24:237 is to permit the construction of an addition to the existing single detached dwelling to establish three additional dwelling units.

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.3.2.3, amongst others, is applicable and permits the existing single detached dwelling and proposed additional dwelling units.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” in Land Use Plan Map – Map B.6.2-1 and identified as part of the “Burke Survey Cultural Heritage Landscape” in Cultural Heritage Landscapes – Map B.6.2-2 of the Ainslie Wood Westdale Secondary Plan. Policies 6.2.5.3, 6.2.5.4 and 6.2.13.2 and Section 6.2.14 permits the existing and proposed residential uses.

Policy 6.2.5.3 c) requires new construction or renovations to be comparable and compatible with the existing housing styles on the same block and street. While the proposed addition is large, Development Planning staff are of the opinion that the proposed addition will be comparable to some of the larger existing dwellings on Broadway Avenue and will be compatible with the neighbourhood as a whole.

Policy 6.2.13.2 and Policy 6.2.14 call for, amongst other things, the recognition and conservation of the cultural heritage features of the Ainslie Wood Westdale community.

Archeology:

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) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In areas of pioneer Euro-Canadian settlement.



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These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning 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.

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:

The property known as 158 Broadway Avenue is located within the Burke Survey Cultural Heritage Landscape.

Additionally, the subject property is adjacent to 151 Emerson Street, a property listed on the City’s Inventory of Heritage Properties.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated



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but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.1.4; B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.

Additionally, sections 6.2.13.1; 6.2.13.2; and 6.2.14.2 (b) of the Ainslie Wood Westdale Secondary Plan, apply.

The proponent proposes to construct an addition to a single detached dwelling and to establish three (3) Additional Dwelling Units (ADU's).

Staff strongly recommend design revisions that consider the existing built heritage features within the historic context. The design should reflect the scale, height, massing, building materials and design of the existing built context.

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 single detached dwelling is permitted and the proposed additional dwelling units are permitted.

Variance 1

1. A minimum 6.48 metre rear yard shall be permitted instead of the minimum required 7.5 metre setback.

The intent of this provision is to ensure sufficient separation is provided between the dwelling and the rear lot line to maintain sufficient amenity space for the dwelling and to prevent or mitigate potential privacy impacts on neighbouring properties.

Staff are of the opinion that the proposed rear yard setback of 6.48 metres provides a sufficient amenity area in the rear of the property.



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Staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development or 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 subject to the recommended condition.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	<ol style="list-style-type: none"> 1. There is a landscaped area located in the southerly side yard which appears to be able to accommodate the required landscaped area for tree protection (3.75m x 3.75m) as per Section 4.35 of Hamilton Zoning By-law 05-200. 2. Please note the notice has been revised based on updated drawings and the only variance required is for the rear yard (6.48m provided).
Notes:	N/A

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Archeology:</p> <p>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:</p> <ol style="list-style-type: none"> 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and, 2) In areas of pioneer Euro-Canadian settlement. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.</p> <p>Cultural Heritage: The property known as 158 Broadway Avenue is located within the Burke Survey Cultural Heritage Landscape.</p>



	<p>Additionally, the subject property is adjacent to 151 Emerson Street, a property listed on the City’s Inventory of Heritage Properties.</p> <p>The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).</p> <p>Although not formally recognized under the Ontario Heritage Act through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.</p> <p>Accordingly, sections B.3.4.1.4; B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>Additionally, sections 6.2.13.1; 6.2.13.2; and 6.2.14.2 (b) of the Ainslie Wood Westdale Secondary Plan, apply.</p> <p>The proponent proposes to construct an addition to a single detached dwelling and to establish three (3) Additional Dwelling Units (ADU’s).</p> <p>Staff strongly recommend design revisions that consider the existing built heritage features within the historic context. The design should reflect the scale, height, massing, building materials and design of the existing built context.</p>
Notes:	<p>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:</p> <p>“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</p>



	<p>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.</p> <p>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).”</p>
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Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

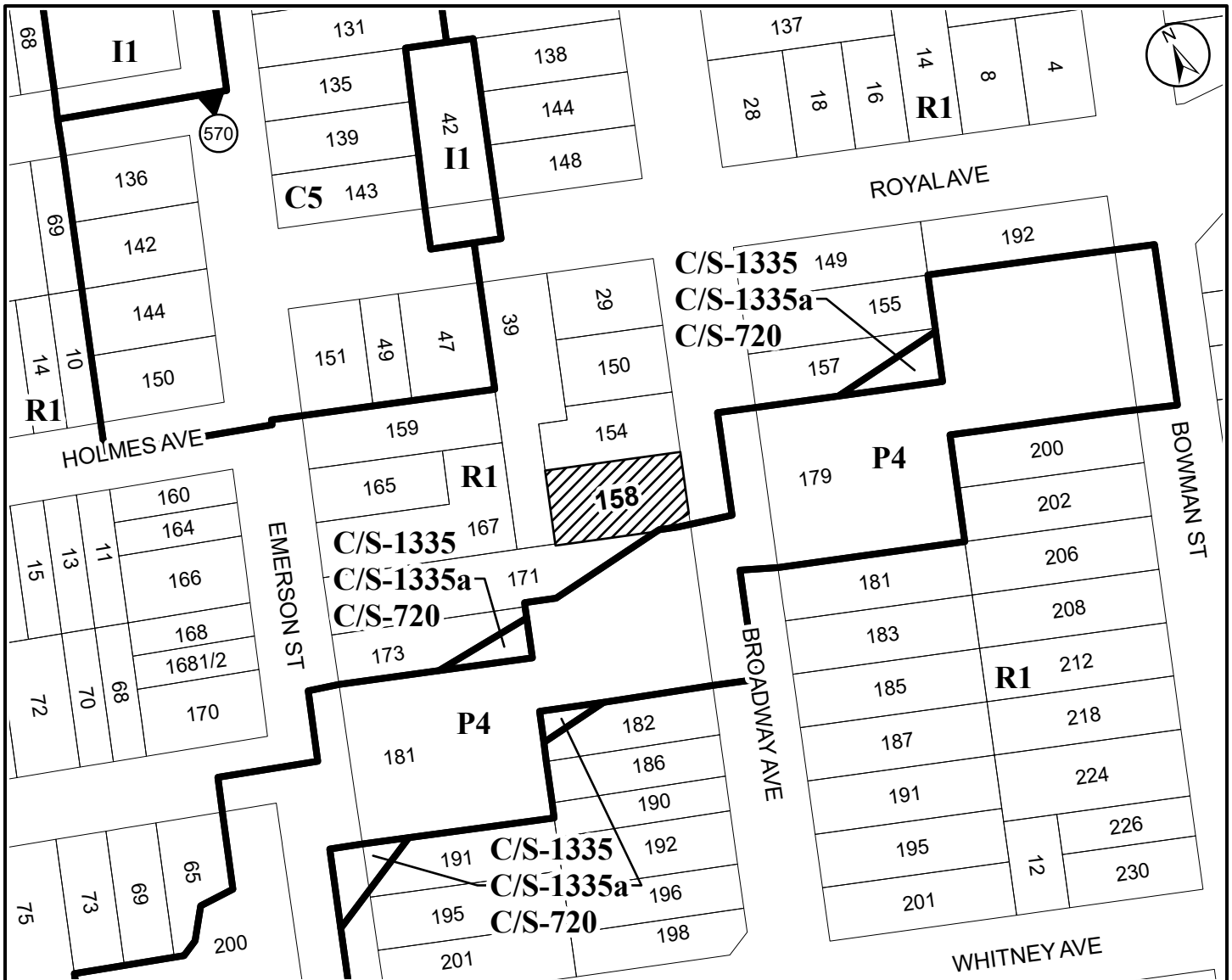
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed addition to a single detached dwelling and to establish three (3) Additional Dwelling Units (ADU’s).</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

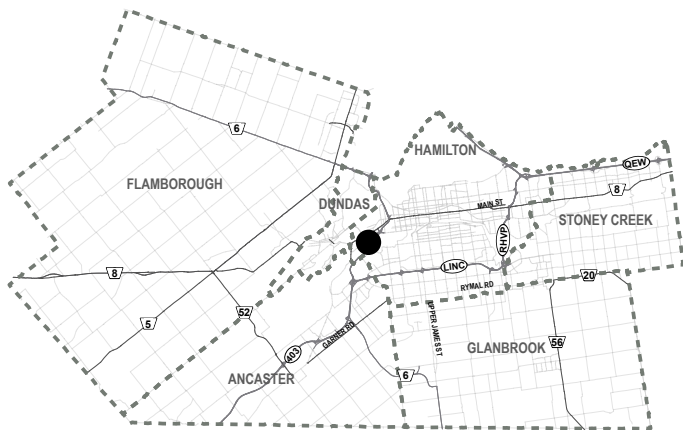
Transportation Planning:

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



158 Broadway Avenue, Hamilton
(Ward 1)

File Name/Number:
A-24:237

Date:
January 7, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton