



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

A-24:267 – 71 Canada Street, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. The applicant shall enter into an Encroachment Agreement, to be registered on title, with the Corridor Management Section of the Engineering Services Division, to the satisfaction of the Director of Development Planning.

Proposed Notes:



Hamilton

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Development Planning:

Background

To permit the construction of a roofed-over porch, including steps, at the front of the existing building.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.4.3 and B.3.3.2.4 (f), amongst others, are applicable and permit the existing single detached dwelling and encourage transitional areas between public and private spaces using features such as porches.

Kirkendall North Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6803 of the Kirkendall North Neighbourhood Plan.

Hamilton By-law No. 05-200

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in the Hamilton By-law No. 05-200. The existing single detached dwelling is a permitted use.

Variance 1

1. A porch, including roof and steps, shall be permitted to encroach the entire depth of the existing front yard instead of the maximum permitted encroachment of 0.79 metres (half the distance of the existing front yard, deemed to be the required front yard) into the required front yard.

The intent of this provision is to ensure that there is sufficient distance from the sidewalk to the porch in order to preserve privacy and the character of the neighbourhood.

Staff note that the increase of the porch front yard encroachment has minimal impact on the privacy of the residents and character of the neighbourhood. Development Planning staff further note that confirmation that the owner of the subject lands enters into an Encroachment Agreement to permit the porch over a portion of the municipal right-of-way is required. Staff are recommending that a condition be applied to the minor variance to ensure that the Encroachment Agreement is completed.



Hamilton

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate 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.**

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Archeology:</p> <p>The subject property meets four (4) 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; 2) In the vicinity of distinctive or unusual landforms; 3) In areas of pioneer Euro-Canadian settlement; and, 4) Along historic transportation routes. <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:</p> <p>The property known as 71 Canada Street is located within the Canada Street Cultural Heritage Landscape and is located within the Kirkendall North Established Historical Neighborhood. The subject property is comprised of two-storey brick dwelling built circa 1900 and has been listed by staff on the City’s Inventory of Heritage Properties.</p>



Additionally, the subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties, including:

- 73 Canada Street;
- 60 Canada Street;
- 64 Canada Street;
- 66 Canada Street;
- 99 Pearl Street South;
- 103 Pearl Street South;
- 107 Pearl Street South;
- 296 Hunter Street West;
- 292 Hunter Street West;
- 280 Hunter Street West; and,
- 278 Hunter Street West.

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).

Although not formally recognized under the Ontario Heritage Act through registration or designation, the adjacent properties are 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); B.3.4.2.1 (g); B.3.4.6.2; and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to construct a roofed-over porch, including steps, at the front of the existing building.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the subject property is within the Canada Street Cultural Heritage Landscape and the Kirkendall North Established



	<p>Historical Neighbourhood, and that the subject property is listed on the Inventory of Heritage Properties, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	<p>If this variance is granted, an advisory note should be attached to the approval as follows:</p> <p>“Advisory Note: That prior to any further approvals under the <i>Planning Act</i>, the property owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Citizenship and Multiculturalism (MCM) confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.</p> <p>The subject lands are considered to be of archeological potential and 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>

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
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Hamilton

STAFF COMMENTS

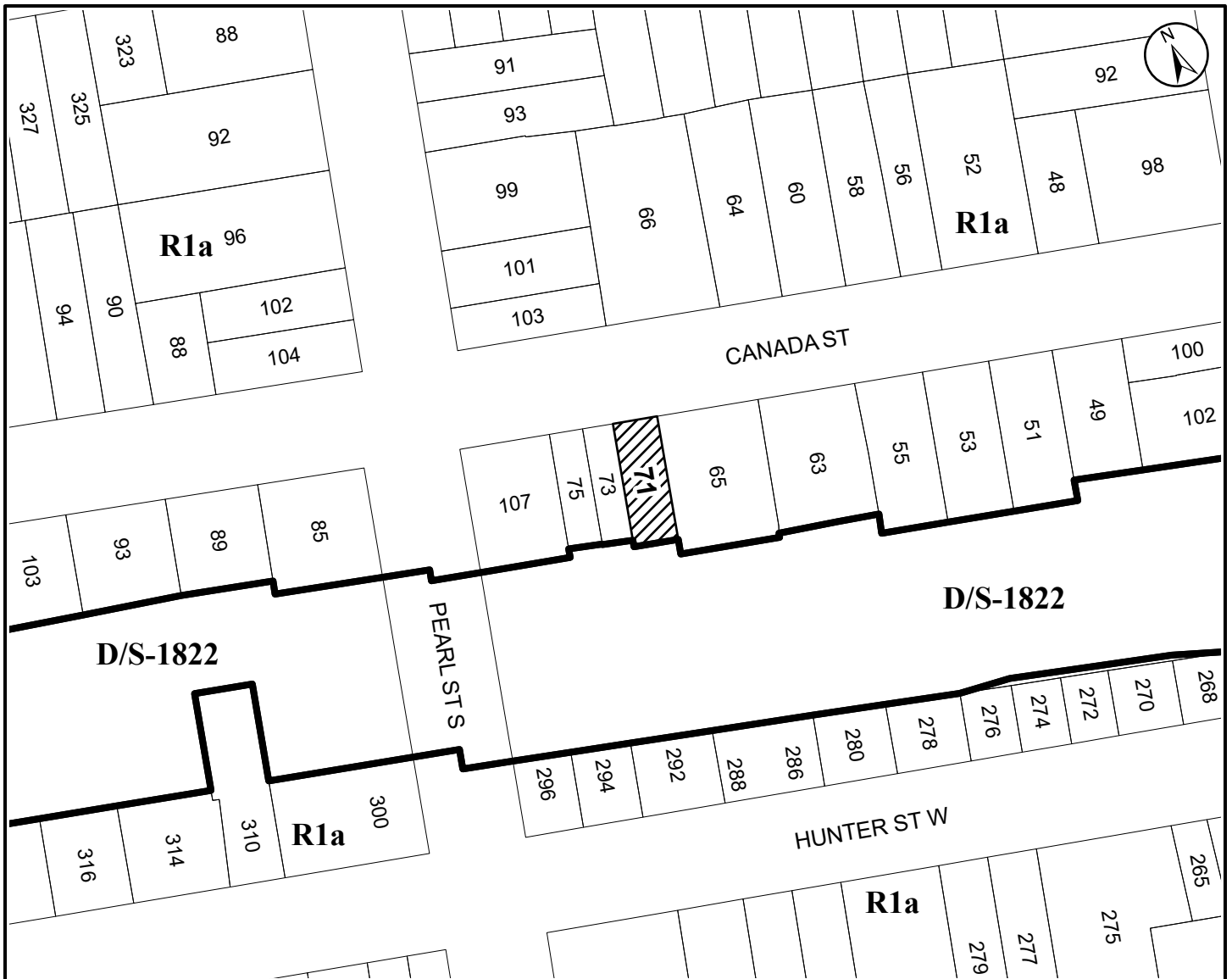
HEARING DATE: January 21, 2025

Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 24T-1431, issued on May 6, 2024, for alterations to the interior of the single-family dwelling to waterproof the east and north sides of the block foundation wall and install a weeping tile system remains not finalized.</p> <p>A building permit is required for the construction of the proposed roofed-over porch, including steps, at the front of the existing building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

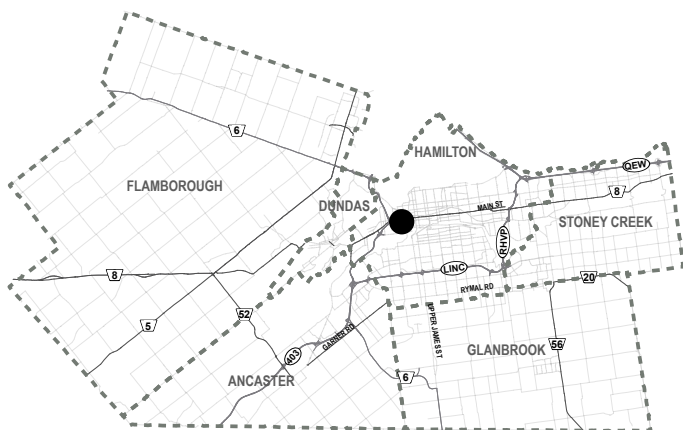
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 71 Canada Street, Hamilton (Ward 1)

File Name/Number:
A-24:267

Date:
January 8, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department