



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

A-24:270 – 215 West 32<sup>nd</sup> Street, Hamilton

**Recommendation:**

Table — Development Planning

Deny — Development Engineering

**Proposed Conditions:**

**Proposed Notes:**



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## **Development Planning:**

### **Background**

The applicant is seeking variances to facilitate the construction of a proposed Additional Dwelling Unit - Detached and the construction of a garage addition.

The following variances are required:

1. A minimum southerly side yard setback of 0.6 metres shall be provided for an Additional Dwelling Unit - Detached instead of the minimum 1.2 metre side yard setback required.
2. A minimum rear yard setback of 0.6 metres shall be provided for an Additional Dwelling Unit - Detached instead of the minimum 1.2 metre rear yard setback required.
3. A maximum ground floor area of 84.6 square metres shall be provided instead of the maximum 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres required.

### **Urban Hamilton Official Plan**

The subject property is designated as “Neighbourhoods” on Schedule E-1-Urban Land Use Designation in the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. Based on the forgoing policies, single detached dwellings and accessory dwelling units are permitted land uses.

### **Archeology:**

No Comments.

### **Cultural Heritage:**

No Comments.

### **City of Hamilton Zoning By-law No. 05-200, as Amended by By-law 24-051**

The subject property is zoned R1 (Low Density Residential) in Zoning By-law No. 05-200. The R1 Zone permits the proposed single detached dwelling and Additional Dwelling Unit – Detached are permitted through Section 4.33 of the Zoning By-law. Accordingly, the proposed uses are permitted.



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**Analysis**

Variance 1 & 2

1. A minimum southerly side yard setback of 0.6 metres shall be provided for an Additional dwelling unit- detached instead of the minimum 1.2 metre side yard setback required.
2. A minimum rear yard setback of 0.6 metres shall be provided for an Additional Dwelling unit-detached instead of the minimum 1.2 metre rear yard setback required.

The intent of the minimum side yard setback is to allow for adequate space for access for maintenance and drainage to the Additional Dwelling Unit – Detached, and to minimize impacts related to massing and overlook on adjacent properties. Staff are not supportive of the proposed 0.6 metre side yard setback. Staff recommend that the application be tabled so that discussions can be had with the applicant to determine a suitable setback that can be viable and allow for adequate access and drainage between the proposed Additional Dwelling Unit - Detached and the property line. Staff defer further comments related to grading and drainage to Development Engineering staff.

Variance 3

3. A maximum ground floor area of 84.6 square metres shall be provided instead of the maximum 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres required.

The intent of the maximum ground floor area provision is to ensure the primary dwelling unit remains the dominant structure on the subject lands over the Accessory Dwelling Unit-Detached. This provision is also intended to prevent the overdevelopment of lands. Staff are of the opinion that more information is needed in order to determine how the proposed increase in gross floor area will impact the subject lands and surrounding area. Staff also require clarification on how the proposed accessory structure will be used. As proposed, the ground floor area of the accessory structure (≈84 square metres), exceeds that of the primary dwelling (≈ square metres).

Based on the forgoing staff recommend that the application be **tabled** to allow for discussions between the applicant and City staff based on the requested variances and proposal.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate the construction of a proposed Additional Dwelling Unit- Detached and garage addition



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	<p>2. Applicant indicates that the proposed garage is intended to be used for a parking purposes. Applicant should ensure all proposed parking meets the requirements contained in section 5 of Hamilton Zoning By-law 05-200.</p> <p>3. It is noted that the property is located in parking rate area 2, and as such no parking is required for the proposed additional dwelling unit -detached.</p> <p>4. If parking is intended to be provided for the additional dwelling unit-detached, additional zoning review will be required.</p>
Notes:	

**Cultural Heritage:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	<p>Archeology: No Comments.</p> <p>Cultural Heritage: No Comments.</p>
Notes:	

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>The proposed southerly side yard setback of 0.6m does not meet the minimum width of 0.90m required to construct a drainage swale (0.15m depth minimum,3:1 maximum side slopes). Therefore, we recommend that Minor Variance #1 be denied.</p> <p>Additionally, the proposed rear side yard setback of 0.6m does not meet the minimum width of 0.90m required to construct a drainage swale (0.15m depth minimum,3:1 maximum side slopes). Therefore, we recommend that Minor Variance #2 be denied.</p>
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
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Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 23-120216, issued on June 29, 2023, to demolish existing half-storey and construct a 71.79m<sup>2</sup>, second storey addition to the existing single family dwelling and interior alterations to reconstruct 67.37 m<sup>2</sup> interior structure on the main floor remains not finalized.</p> <p>A building permit is required for the construction of the proposed additional dwelling unit-detached and the construction of a garage addition.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

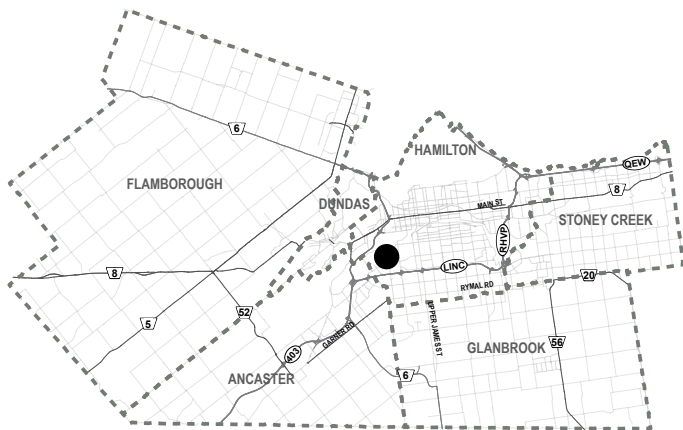
**Transportation Planning:**

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



215 West 32nd Street, Hamilton  
(Ward 14)

File Name/Number:  
A-24:270

Date:  
January 8, 2025

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



Planning and Economic Development Department

**Hamilton**