



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:223 — 247 Herkimer Street, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. That the Owner shall submit materials confirming that the proposed addition does not further encroach into the existing non-compliant side yard to the satisfaction of the Director of Development Planning.
2. That requested variances 3 & 4 generally apply to the provided Site Sketch titled “Proposed Site Plan SP2” dated December 19, 2024 as found in Notice of Public Hearing for file A-24:223 to the satisfaction of the Director of Development Planning.

Proposed Notes:

A building permit is required for the construction of the proposed addition, rear deck and front porch addition for an existing single detached dwelling.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)

Meeting held with applicant and Development Engineering on January 7th, 2025, in which Development Engineering agreed to the proposal. (Development Engineering)



Development Planning:

Background

The purpose of the application is to facilitate a two-storey side yard addition and front porch and rear deck addition on an existing single detached dwelling. Staff note that the application was previously tabled at the Committee of Adjustment hearing on November 12th, 2024 at the request of the applicant. Variances 3 & 4 have been further identified since the previous hearing.

The following variances are being **requested**:

1. A minimum 1.1 metre Front Yard shall be permitted instead of the minimum required 4.0 metre setback.
2. A minimum 0.5 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.
3. A minimum 20% landscaped area shall be permitted instead of the minimum required 30% landscaped area.
4. A minimum 13% landscaped area in the Front Yard shall be permitted instead of the minimum required 50%.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” 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 are permitted.

The following Official Plan policies among others are applicable:

“E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.



- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

Based on the forgoing policies including policy section E.3.2.7 of the Urban Hamilton Official Plan seeks to evaluate the quality of urban and architectural design of development within the Neighbourhoods designation. Staff are of the opinion that subsections b) and d) specifically apply to the proposed development. In staff’s opinion the proposed variances maintain the general intent and conform to these policies. Staff note that the extension of the porch will encroach into the required front yard setback approximately 40 centimetres further than the existing porch. Staff are of the opinion that this proposed extension is consistent with front yard setbacks found throughout the neighbourhood. Staff have reviewed the proposed side yard and it appears to be consistent with the side yard existing for the current attached garage. Provided the non-conforming condition is not exasperated, staff have no concerns with the proposed setback. Staff defer any drainage and grading concerns to Development Engineering. As a condition of approval, the applicant will be required to confirm that the proposed addition maintains the existing side yard and that the existing non-compliant side yard is not being exacerbated.

Archaeological:

No comments.

Cultural Heritage:

The property known as 247 Herkimer Street is located within the Kirkendall North Established Historical Neighborhood.

Accordingly, Sections B.3.4.1.3, B.3.4.2.1(g) and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

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:

- 252 & 254 Herkimer Street
- 28 Kent Street



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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.

The proponent proposes to extend the front porch and construct a one (1) and two (2) storey addition to the West side of the house.

Staff have reviewed the application and would encourage the use of similar materials and design to conform to the existing built heritage resources in the Kirkendall North Established Historical Neighbourhood.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Low Density Residential (R1) Zone in Zoning By-law No. 05-200. The (R1) Zone permits single detached dwellings.

Analysis

Variance 1

1. A minimum 1.1 metre Front Yard shall be permitted instead of the minimum required 4.0 metre setback.

The intent of the minimum setback provision is to provide adequate spacing between the road and the principal dwelling for landscaping and amenity area and to preserve the existing streetscape character. Staff have reviewed the proposed encroachment into the front yard and do not foresee any adverse impacts resulting from the reduction of front yard setback to 1.1 metres from the required 4 metre setback. Staff note that a portion of the existing porch extends into the required setback currently and appears to be legal non-conforming. The proposed reduction is inline with the predominant character of the existing neighbourhood, which contains dwellings with small front yard setbacks and front porches that encroach into the required front yard. Staff defer to Development Engineering staff with respect to grading and drainage. Staff also defer any comments on future road



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widenings and impacts thereof to Transportation Planning staff. Based on the forgoing analysis staff support the proposed variance.

Variance 2

2. A minimum 0.5 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.

The intent of the minimum side yard setback provision is to provide for adequate space for access to the rear of the lot and for maintenance of the dwelling, and to allow for sufficient drainage between neighbouring properties as to not generate excess runoff onto neighbouring lands. The required side yard setback also provides consistent distances between dwellings along the streetscape. Staff acknowledge that the existing attached garage appears to have a 0.5 metre side yard setback as it exists today as indicated through the application. Staff are of the opinion of the redevelopment of this portion to include the second storey is minor and does not further exacerbate the deficient side yard. Furthermore, this portion of Herkimer Street contains dwellings with similar side yards, so the proposed side yard reduction is not out of character with the area. Upon further confirmation with the applicant it was determined that there are no further impacts to neighbouring lands including the existing second-storey window on the neighbouring lands. Additionally, policy section E.3.2.7 of the Urban Hamilton Official Plan speaks to the affect of garages, parking areas and driveways that front along a public street shall not be dominant and should be minimized, staff are of the opinion that the addition and expansion above the existing garage is minor and does not further encroach into the side yard. Staff defer to Development Engineering staff with respect to grading and drainage. Based on the forgoing analysis staff are supportive of the proposed variances as requested, subject to a condition.

Variance 3

3. A minimum 20% landscaped area shall be permitted instead of the minimum required 30% landscaped area.

The intent of the minimum 30% landscaped area is to ensure that there is sufficient landscaped area on a residential parcel of land in order to create opportunities for increased planting and amenity area and onsite drainage. The applicant is proposing a negligible reduction of the total landscaping on the subject lands through the proposed front porch extension of approximately 0.4 metres into the required front yard. In staff's opinion the reduction is minor when considering a large portion of the reduction is attributed to the existing conditions on the site and the reduction attributed directly to the proposed extension is minor and is in keeping with the character of the neighbouring lands. In staff's opinion the proposed variance 3 meets all the four tests under the *Planning Act*.

Variance 4



- 4. A minimum 13% landscaped area in the Front Yard shall be permitted instead of the minimum required 50%.

The intent of the minimum landscaping area in the front yard is to ensure the preservation of natural features, including tree plantings and other types of foliage and an enhanced streetscape by minimizing the extent and impact of hard surfaced areas. Through staff’s analysis the reduction from 50% to 13% is minor and is mostly attributed to the existing conditions on the lands including the existing covered porch and driveway. In staff’s opinion the reduction is minor in nature and generally meets the four tests under the *Planning Act*. Staff request that proposed condition 2 be added to the decision to recognize the existing conditions on the property and only apply to what is being proposed.

Based on the forgoing analysis staff recommend the **approval of Variances 1, 2, 3, and 4** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

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 Second 4.9 of Hamilton Zoning By-law 05-200. Additional variances may be required of compliance cannot be achieved. 2. Please be advised the proposed development shall be in accordance with Section 4.35 c).
Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Existing garage to be demolished and proposed additions will be constructed in place of the garage and match existing setbacks. Development Engineering has no objections to the minor variances as proposed, provided the existing drainage pattern is maintained (downspouts shall direct rainwater to the front and rear yards only).
Notes:	Meeting held with applicant and Development Engineering on January 7th, 2025, in which Development Engineering agreed to the proposal.

Building Engineering:



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STAFF COMMENTS

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Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed addition, rear deck and front porch addition for an existing single detached dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

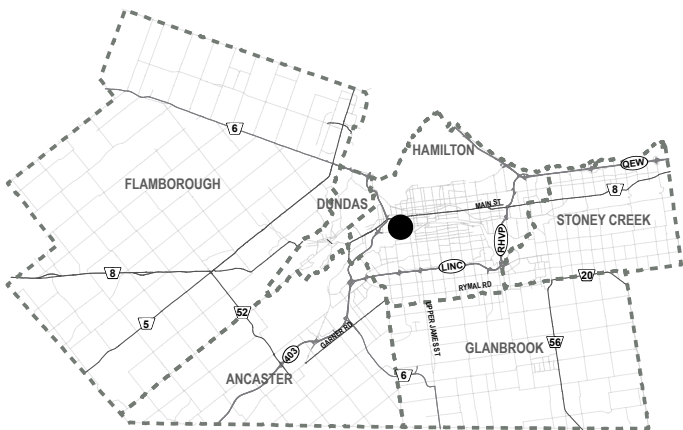
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



247 Herkimer Street, Hamilton
(Ward 1)

File Name/Number:
A-24:223

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton