



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:232 — 28 Oak Avenue, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

Proposed Notes:



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	6.21 m±	29.53 m±	193.80 m ² ±
RETAINED LANDS:	9.02 m±	29.48 m±	269.20 m ² ±

The purpose of Consent to Sever application B-24:65 is to sever the existing residential lot into two parcels. The severed lands will be a vacant residential parcel and the retained lands will contain the existing single detached dwelling, which is intended to remain.

Staff note that related Minor Variance application A-24:232 was concurrently submitted to facilitate Consent to Sever application B-24:65.

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 B.2.4.1.4, 2.4.2.2, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the proposed single detached dwellings.

The proposal is considered residential intensification and has been evaluated against the criteria found in Policies B.2.4.1.4 and B.2.4.2.2. Staff are of the opinion that the proposal is similar to and compatible with the built form, uses and established development pattern within the area. The proposed lots are consistent with the existing lot fabric and the development will maintain as well as enhance the existing streetscape.

Policy F.1.14.3.1 permits new lots for residential uses in the “Neighbourhoods” designation subject to the following criteria:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;



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- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

Staff note that the proposed lots will have frontage on a public road, are similar to the character, scale and established development pattern of the area and are fully serviced by municipal water and wastewater services. The retained land would comply with the minimum required lot width of the Zoning By-law. However, the retained land does not meet the minimum required lot area and the severed land does not meet either requirement. Staff further note that Minor Variance application A-24:232 was concurrently submitted to address these and other non-conformities, which is further discussed below.

Landsdale Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6608 (Map 1 of 2) of the Landsdale Neighbourhood Plan. The proposed residential uses are consistent with the vision of the Neighbourhood Plan.

Archaeological:

No comments.

Cultural Heritage:

The property known as 28 Oak Avenue is located within the Landsdale Established Historical Neighborhood.

The proponent proposes to sever the existing lot into two parcels to facilitate the construction of a new structure.

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 Landsdale Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage



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value of the landscape will be conserved. Staff have no further comments on the application as circulated.

Therefore, staff are of the opinion the proposed severance maintains the general intent of the Urban Hamilton Official Plan. **Staff recommend the proposed severance be approved.**

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. Single detached dwellings are a permitted use.

Both the retained and severed lands require a minimum lot area of 270 square metres and a minimum lot width of 9 metres.. The severed lands would not meet the required minimum required lot area or width. Minor Variance application A-24:232 was submitted to address these and other zoning non-conformities, discussed below.

Lands to be Retained

Variance 1

3. A minimum lot area of 269.2 square metres shall be permitted instead of the required lot area of 270 square metres.

The intent of this provision is to ensure lots are large enough to be viable building lots and to ensure a consistent lot fabric and development pattern.

Staff note that properties in the neighbourhood range in size from approximately 200 square metres to approximately 450 square metres in area. The proposed retained lands, being 269.2 square metres, would fall within this range. Additionally, with an area of 269.2 square metres, the retained lands would only be deficient by 0.8 square metres. Therefore, it is staff's opinion that the proposed retained lot is in keeping with the character and established development pattern of the neighbourhood and is a viable building lot.

The requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.

Variance 2

4. A minimum setback to the southerly lot line of 0.9 metres shall be permitted instead of the required minimum setback to a side lot line of 1.2 metres.



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The intent of this provision is to ensure there is sufficient space between a building and the side lot line for access, maintenance and stormwater management and drainage purposes. Staff defer to Development Engineering staff regarding drainage and stormwater management concerns.

Staff are of the opinion that the proposed 0.9 metre southerly side yard setback would maintain sufficient space for access and maintenance purposes and is generally in character with the neighbourhood. The requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate development of the land. Provided Development Engineering staff have no concerns regarding drainage and stormwater management, Development Planning staff support the variance.

Lands to be Severed

Variations 1 and 2

5. A minimum lot area of 193.8 square metres shall be permitted instead of the required minimum lot area of 270 square metres.

6. A minimum lot width of 6.2 metres shall be permitted instead of the required minimum lot width of 9.0 metres.

The intent of these provisions is to ensure lots are large enough to be viable building lots and to ensure a consistent lot fabric and development pattern.

Staff note that lots in the neighbourhood range in size from approximately 200 square metres to approximately 450 square metres in area and lot widths range from approximately 7 metres to approximately 16 metres. The proposed severed lands, being 193.8 square metres in area and 6.2 metres in width, are slightly below these ranges.

It is staff's opinion that the severed lands, while slightly below the typical sizes of the neighbourhood, are compatible in terms of scale and character with the neighbourhood. Additionally, the proposed development accommodates 0.9 metre side yard setbacks on the proposed severed lands. Based on this analysis, it is staff's opinion that the proposed severed lot is in keeping with the character and established development pattern of the neighbourhood and is a viable building lot. Therefore, the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the lands and is minor in nature.



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Variance 3

7. A minimum setback to the side lot line of 0.9 metres shall be permitted instead of the required minimum setback to a side lot line of 1.2 metres.

The intent of this provision is to ensure there is sufficient space between a building and the side lot line for access, maintenance and stormwater management and drainage purposes. Staff defer to Development Engineering staff regarding drainage and stormwater management concerns.

Staff are of the opinion that the proposed 0.9 metre side yard setback would maintain sufficient space for access and maintenance purposes and is generally in character with the neighbourhood. The requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, and is desirable for the appropriate development of the land and is minor in nature. Provided Development Engineering staff have no concerns regarding drainage and stormwater management, Development Planning staff support the variance.

Variance 4

8. A minimum front yard setback of 2.0 metres shall be permitted instead of the minimum front yard setback of within 10% of the average setback from the front lot line of the two adjacent dwellings.

The intent of this provision is to preserve the existing character of the neighbourhood by maintaining a consistent built form and streetscape.

Staff note that the existing dwelling on the retained lands has a front yard setback of 1.93 metres. Additionally, front yard setbacks along Oak Avenue range from approximately 0 metres to approximately 4 metres. The proposed 2 metre front yard setback is similar to the existing dwelling on the retained lands and is generally consistent with the neighbourhood and streetscape overall.

Staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate development of the land.

In conclusion, staff are of the opinion the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval of the proposed severance and requested variances.**



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Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. This application shall be heard in conjunction with Consent application B-24:65 2. Please note that specific details regarding the proposed Dwelling on the lot to be conveyed have not been provided as it relates to Landscaped Area, Yard Encroachments or other applicable requirements. As such, a complete review cannot be provided at this time. Should the proposed building not comply with all applicable provisions of the By-law, additional variances may be required. 3. Please note, variance #2, as it relates to the lot to be retained has been written as it relates to the new setback created as a result of severance. Be advised that the 0.46 metre setback to the northerly side lot line is an existing condition and is deemed to be in compliance.
Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Detailed grading review will be conducted as part of the Consent Agreement process under application B-24:65. There is sufficient space for a side yard drainage swale considering the requested variances. As such, Development Engineering has no objections to the minor variances as proposed.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building Permit # 24T-3425, issued on June 7, 2024, for interior alterations to the basement level of the single-family dwelling, remains not finalized.



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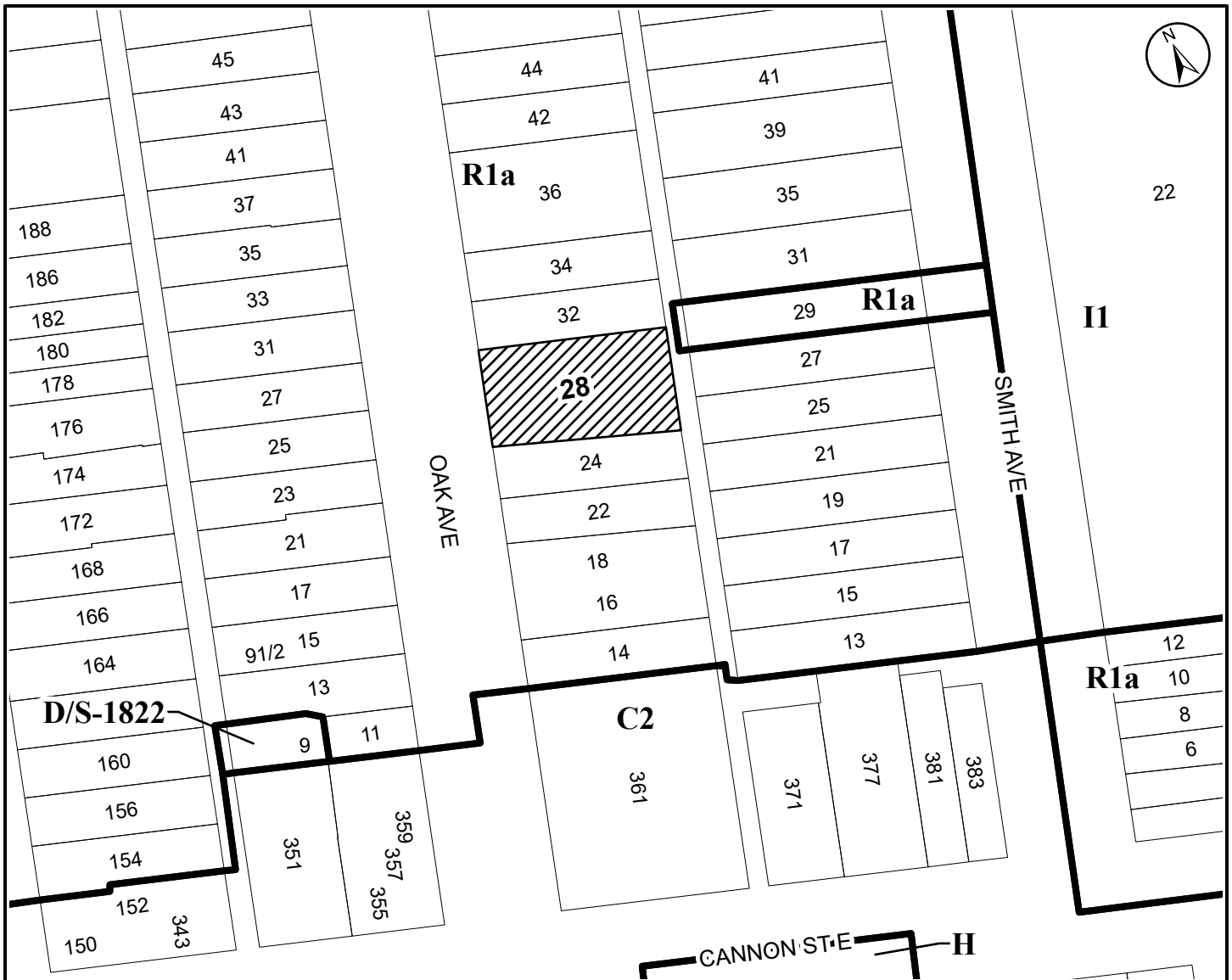
HEARING DATE: February 13, 2025

	Building Permit # 24-8270, issued on December 16, 2024, for alterations to the interior of the single-family dwelling to include installation of smoke/CO detectors and relocation of ductwork, remains not finalized.
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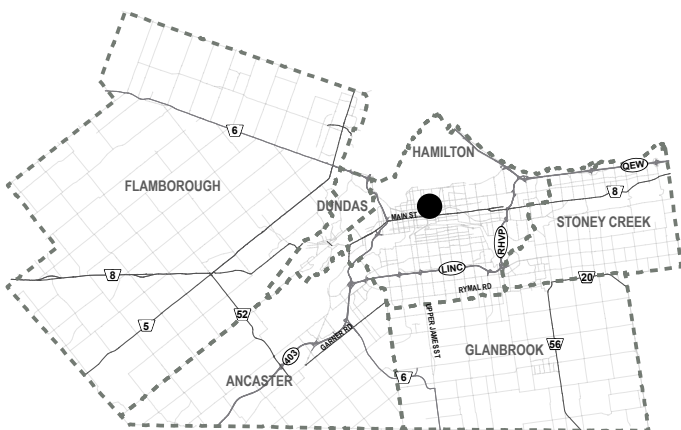
Transportation Planning:

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

 28 Oak Avenue, Hamilton (Ward 3)

File Name/Number:
A-24:232

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



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Planning and Economic Development Department