



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:69 — 86 Lister Avenue, Hamilton

Recommendation:

See attached

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed additional dwelling unit.

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



Hamilton

Development Planning: see attached

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Requested variances are required to facilitate the construction of a proposed Additional Dwelling Unit- Detached
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Provided that the existing drainage pattern is maintained and the SDU is serviced by the existing private services and runoff from the SDU is directed to the municipal ROW we have no issues with the proposal.
Notes:	N/A

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed additional dwelling unit. 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.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment
From: David Bonaventura, Planning Technician I – Development Planning
Email: David.Bonaventura@hamilton.ca
File Number: A-24:69
Address: 86 Lister Ave, Hamilton
Subject: Committee of Adjustment File Comments – February 13, 2025

Recommendation

- Approve

Proposed Note

“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



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of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Background

The purpose of Minor Variance application A-24:69 is to facilitate the construction of an additional dwelling unit – detached in the rear yard of the existing dwelling.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing dwelling and proposed additional dwelling unit – detached.

Allison Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7501 of the Allison Neighbourhood Plan. The proposed development is consistent with the vision of the Neighbourhood Plan.

Archaeological:

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 250 metres of known archaeological sites; and
- 2) 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.

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.

Cultural Heritage:

No comments.

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



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The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law No. 05-200. The existing dwelling and proposed additional dwelling unit – detached are permitted.

Variance 1 and 3

1. A maximum building height of 7.3 metres shall be permitted for an additional dwelling unit – detached instead of the maximum 6.0 metre building height permitted.
3. A maximum gross floor area of 101.1 square metres shall be permitted instead of the maximum 75 square metre gross floor area permitted.

The intent of these provisions is to ensure the additional dwelling unit – detached remains secondary in scale and function to the principle dwelling and structure on the property.

Staff note that the existing dwelling is 1 storey or 4.8 metres tall and the proposed additional dwelling unit – detached would be 2 storeys or 7.24 metres tall. The gross floor area of the principle dwelling is 137.87 square metres and the additional dwelling unit – detached would have a gross floor area of 101.1 square metres.

Staff further note that the accessory building would be setback 30.42 metres from the front property line, behind the existing dwelling. While the proposed additional dwelling unit – detached would be taller than the existing dwelling, it would remain smaller in total living area would be situated to the rear of the existing dwelling. Staff are of the opinion that the function and character of the additional dwelling unit – detached would remain secondary to the principle dwelling due to its location in the rear yard, its total size and the design of the building. Staff support the variances.

Variance 2

2. A balcony shall be permitted above the first floor level whereas a balcony is prohibited above the first floor level of an additional dwelling unit – detached.

The intent of this provision is to prevent privacy and overlook issues between dwellings on neighbouring properties and the additional dwelling unit – detached.

Staff note that the proposed second floor balcony faces the interior of the rear yard of the subject property, setback approximately 15 metres from the eastern side property



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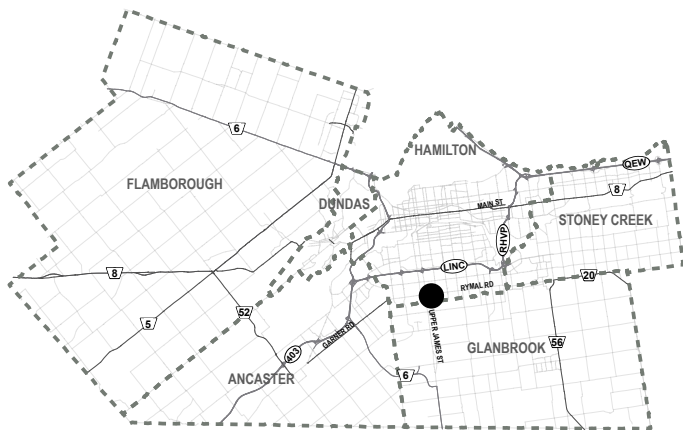
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line. Additionally, the balcony would be setback 3.57 metres from the rear property line. Staff do not anticipate privacy or overlook issues. Staff support the variance.

Staff are of the opinion the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



86 Lister Avenue, Hamilton
(Ward 8)

File Name/Number:
A-24:69

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton