



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2025**

A-24:273 — 163 Melville Street, Dundas

**Recommendation:**

Deny — Development Engineering

Variance 1 not required — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of the proposed addition to an existing single detached dwelling within the rear yard.

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

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



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## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-24:273 is to permit the construction of an addition to the existing dwelling.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Mixed Use – Medium Density” in Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

#### **Spencer Creek, Colborne and Sydenham Neighbourhood Plan**

The subject lands are identified as “Single and Double” on the Sydenham Neighbourhood Land Use Map in the Spencer Creek, Colborne and Sydenham 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) In an area of sandy soil in areas of clay or stone; and
- 2) In areas of pioneer Euro-Canadian settlement.

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:**

The subject property, located at 163 Melville Street, is comprised of a circa 1934 one (1) storey brick building and is listed on the City’s Municipal Heritage Register as a non-designated property.

The subject property is also located near a concentration of properties of cultural heritage value or interest listed on the City’s Municipal Heritage Register, including:

- 151 Melville Street
- 156 Melville Street
- 157 Melville Street



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- 158 Melville Street
- 160 Melville Street
- 161 Melville Street
- 162 Melville Street
- 166 Melville Street
- 171 Melville Street
- 172 Melville Street
- 174 Melville Street
- 179 Melville Street
- 182 Melville Street

Furthermore, the subject property is located within the Colborne Established Historical Neighborhood, and situated within the newly proposed Melville Street Heritage Conservation District. Hamilton City Council approved the staff and Heritage Committee recommendations on the final Melville Street Heritage Conservation District Study findings and directed staff to proceed with preparing a Plan for the proposed District.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.4 Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.

B.3.4.2.1(g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.

B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.

B.3.4.6.2 *Cultural heritage landscapes*...shall be protected in the carrying out of any undertaking subject to the *Environmental Assessment Act* or the *Planning Act*.

B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new



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construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

**B.3.4.3.7** Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

The proponent proposes to construct an addition to the existing detached dwelling within the rear yard.

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 Colborne Established Historical Neighbourhood and is situated within the proposed Melville Street Heritage Conservation District, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved, as the proposed addition is out of the view from main streets and is subordinate to the existing structure's massing. Until such time as Council may proceed with designation of the new Melville Street Heritage Conservation District, no Heritage Permit approvals are required to implement this proposal.

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 City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is permitted.

**Variance 1**

1. A minimum 0.6 metre easterly side yard shall be permitted instead of the minimum required 1.2 metre side yard.



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Staff note that the existing dwelling has an existing legal non-conforming minimum side yard of 0.49 metres, whereas the proposed addition would have a side yard of 0.65 metres. Based on discussion with Zoning staff, **variance 1 is not required.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	The requested variance is no longer required as per Zoning Policy ZON-041.
Notes:	N/A

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	N/A
Comments:	The proposed side yard setback 0.60m does not meet the minimum requirement of 1.2m side yard setback as identified in the City’s Lot Grading Policy. This is required for drainage purposes as well as maintenance and access. Therefore, we recommend that the minor variance #1 be denied.
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 addition to an existing single detached dwelling within the rear yard.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

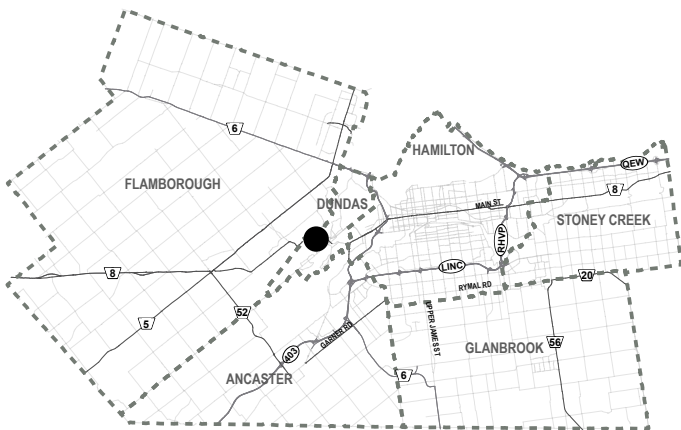
**Transportation Planning:**

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



163 Melville Street, Dundas  
(Ward 13)

File Name/Number:  
A-24:273

Date:  
February 6, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**