



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2025**

A-24:88 — 884 Garth Street, Hamilton

**Recommendation:**

Deny — Transportation Planning

Deny — Development Engineering

See attached – Development Planning

**Proposed Conditions:**

**Proposed Notes:**



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Development Planning: see attached

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Requested variance is required to facilitate the implementation of a new paved driveway.</li> <li>2. As per section 5.2.1 the minimum parking space dimension required is 2.8m x 5.8m. typical parking space provided indicated as 2.7m x 5.4m. should these parking spaces remain, additional variances will be required.</li> <li>3. As per section 5.7.1, one (1) parking space is required for the single detached dwelling.</li> <li>4. It is noted that section 5.3.4 a) i) states the following:  <i>Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot</i>  It would appear that one (1) parking space can be provided in the existing attached garage. Should parking spaces continue to be provided on the “new concrete driveway” additional variances will be required.</li> </ol>
Notes:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	N/A
Comments:	Proposed setback of 0.6m under Variance #2 does not provide for installation of a sideyard swale, a minimum setback of 0.9m is required.
Notes:	N/A



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**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building Permit # 15-121976, issued on December 21, 2015, for alterations to the interior of the single-family dwelling, remains not finalized.

**Transportation Planning:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	The maximum allowed driveway width is 6.1 metres.
Notes:	

**Source Protection Planning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Requested variance is required to facilitate the implementation of a new paved driveway</li> <li>2. As per section 5.2.1 the minimum parking space dimension required is 2.8m x 5.8m. typical parking space provided indicated as 2.7m x 5.4m. should these parking spaces remain, additional variances will be required</li> <li>3. As per section 5.7.1, one (1) parking space is required for the single detached dwelling.</li> <li>4. It is noted that section 5.3.4 a) i) states the following; <p style="margin-left: 40px;"><i>Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot</i></p> <p>It would appear that one (1) parking space can be provided in the existing attached garage, Should parking spaces continue to be provided on the “new concrete driveway” additional variances will be required.</p> </li> </ol>



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**HEARING DATE: February 13, 2025**

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



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## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**To:** Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

**From:** David Bonaventura, Planning Technician I – Development Planning

**Email:** David.Bonaventura@hamilton.ca

**File Number:** A-24:88

**Address:** 884 Garth Street, Hamilton

**Subject:** Committee of Adjustment File Comments – February 13, 2025

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### Recommendation

- Deny

### 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-24:88 is to facilitate the implementation of a new paved driveway. Staff note that the pavement work for the new driveway is already complete.

Minor Variance application A-24:88 was originally heard at the May 21, 2024 Committee of Adjustment meeting. Staff requested the site plan be drawn to scale and clarification regarding the front property line’s location. An updated site plan drawn to scale was provided by the applicant.

### **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.

#### **Natural Heritage**

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features or functions of the City’s Natural Heritage System.

Through aerial photograph interpretation and the Plan provided, trees have been identified within the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the restoration and protection of trees (policy C.2.11.1). Since this application is to legalize work that has already been completed, Natural Heritage Planning staff does not have any further concerns with this application.



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### **Archaeological:**

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) 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;
- 2) In an area of sandy soil in areas of clay or stone; and
- 3) Along historic transportation routes.

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**

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing dwelling is a permitted use.

### **VariANCES 1 and 2**

1. A minimum 30% front yard landscaped area shall be permitted instead of the minimum 50% landscaped area in the front yard required.
2. On a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage towards the southerly lot line to a maximum width of 10.88 metres and no closer than 0.0 metres to the side lot line instead of the maximum 5.0 metres in width, and no closer than 0.6 metres to the side lot line.

The intent of these provisions is to maintain a consistent residential character and ensure the streetscape is not predominantly seen as vehicular parking. Staff note that the extension of the concrete driveway is existing.

Staff note that most residential driveways along Garth Street are not as wide as 10.88 metres but instead fall within a range of approximately 4 to 6 metres in width.



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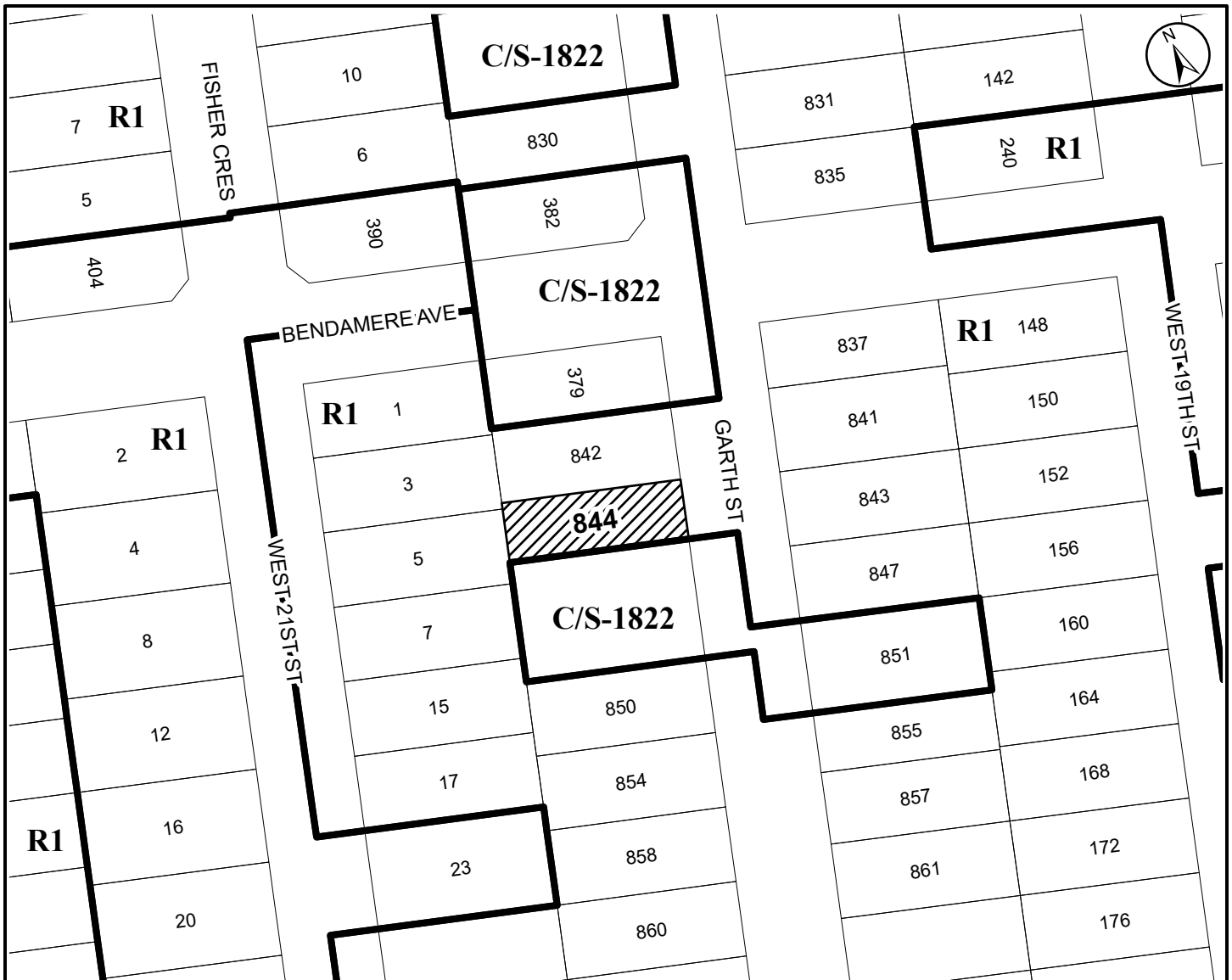
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Additionally, most residential properties along Garth Street have more than 30% of their front yard as landscaping.

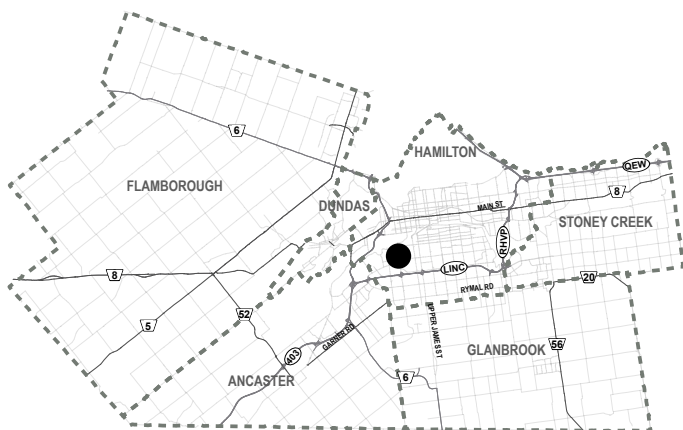
Based on this, it is staff's opinion that the driveway expansion on the subject property is not compatible with the character or streetscape of the area. Development Planning staff do not support the variances.

Staff are of the opinion the requested variances do not 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



844 Garth Street, Hamilton  
(Ward 14)

File Name/Number:  
A-24:88

Date:  
February 6, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**