



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

A-25:028 — 60 Beulah Avenue, Hamilton

Recommendation:

Approve Variances 2 to 4 and Deny Variances 1, 5 and 6 — Development Planning

Proposed Conditions:

Proposed Notes:

Building Permit # 24-7457, issued on Oct 30, 2024, to construct a pool enclosure for the proposed in-ground pool. remains not finalized.

A building permit is required for the construction of the proposed detached garage.

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).



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Development Planning:

Background

The purpose of Minor Variance application A-25:028 is to permit an accessory building (detached garage) in the rear yard of the existing single detached dwelling and a new driveway in the front yard.

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 E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

Kirkendall South Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6802 of the Kirkendall South Neighbourhood Plan. The existing single detached dwelling is consistent with the vision of the Neighbourhood Plan.

Archaeology

Archaeology

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 areas of pioneer Euro-Canadian settlement; and
- 2) 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.

If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“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.

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Cultural Heritage

The property known as 60 Beulah Avenue is located within the Kirkendall South Established Historical Neighbourhood.

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.3.4.3.6 “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 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.”



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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 requests six Minor Variances to facilitate the construction of an accessory building and a new driveway in the front 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 Kirkendall South Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved. 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 – Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed accessory building are permitted uses.

Variance 1

1. On a lot containing a single detached dwelling, a minimum 28% landscaped area shall be provided in the front yard, instead of the minimum 50% landscaped area required [Section 4.35(a)].

The intent of this provision is to maintain a consistent residential character and streetscape by ensuring at least 50% of the front yard of a property is landscaping instead of parking surface or driveway.

Staff note that while some properties on Beulah Avenue have a driveway within their front yard, it is more common for there to be no front yard driveway or a curb cut. A number of properties rely on the abutting laneway to the rear of the properties for vehicular access and parking. Therefore, staff are of the opinion that the reduced landscaped area will not be in keeping with the character of the neighbourhood. It is staff’s opinion that the requested variance does not maintain the intent of the



Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature.

Variations 2 and 3

2. The aggregate gross floor area of all accessory buildings shall not exceed 60.0 square metres or 14.0% total lot coverage, instead of the maximum 45 square metres and 7.5% total lot coverage permitted. [Current In-force requirement as per Section 4.8.1.1(a)]
3. The maximum combined lot coverage of all accessory buildings shall not exceed 75 square metres or 14.0% of the lot area, instead of the maximum permitted lot coverage of 45 square metres or 7.5% of the lot area [Not Final and Binding - Section 4.8.1.1(a) as amended by By-law No. 24-137];

The intent of these provisions is to ensure that accessory buildings remain subordinate in scale, character and function to the principal building or use.

Staff note that the proposed accessory building would have a gross floor area of 59.46 square metres and a lot coverage of 74.32 square metres. The dwelling currently has a gross floor area of 187.11 square metres and a lot coverage of 96.1 square metres. The proposed additions would increase this to 264.83 square metres and 142.93 square metres, respectively.

Staff are of the opinion that the proposed accessory building will remain subordinate in scale, character and role to the dwelling. It is staff's opinion that Variations 2 and 3 maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use or development of the land and are minor in nature. Staff support the variations.

Variance 4

4. In the case of a dwelling unit without an attached garage, the driveway width of the driveway in the rear yard shall not exceed 70% of the lot width or 6.10 metres, instead of the maximum permitted driveway width of 50% of the lot width or 4.42 metres [Section 5.3.2(a)(iii)];

The intent of this provision is to maintain a consistent residential character and streetscape of a neighbourhood by limiting driveway width to 50% of the lot width.

Staff note that the subject property is significantly wider at the rear with a width of 15.24 metres, whereas the frontage along Beulah Avenue is only 8.84 metres wide. Staff further note that the driveway in question is located in the rear, accessing the property via a laneway. As the driveway is located at the rear of the property, accessed via laneway, and the rear of the property is almost twice



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the width of the frontage of the property, staff do not anticipate any impacts to the residential character of the neighbourhood or streetscape.

Therefore, it is staff's opinion that the requested variance will maintain the intent of the Urban Hamilton Official Plan and Zoning By-law as the character and streetscape of Beulah Avenue will not be affected, the variance is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variance.

Variance 5

5. A maximum of two (2) driveways shall be permitted for each dwelling unit on a lot having a minimum width of approximately 8.84 metres, instead of the requirement that on a lot having a minimum width of 30.0 metres, a maximum of two driveways may be permitted. [Section 5.3.2(a)(iv)]

The intent of this provision is to limit the number of driveways or accesses to maintain a consistent streetscape by minimizing impacts on landscaping, on-street parking and traffic conflict.

Staff note that only the proposed driveway would be accessed via Beulah Avenue, whereas the existing driveway is accessed via the laneway to the rear of the property. Additionally, the location of the proposed driveway would interfere with and reduce available on-street parking as the location is not currently used as an access.

Therefore, it is staff's opinion that the requested variance does not maintain the intent of the Zoning By-law as the additional driveway would interfere with existing on-street parking and result in insufficient front yard landscaping, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support the variance.

Variance 6

6. Parking spaces and driveways shall be composed of asphalt, instead of the requirement that in a Residential Zone, any parking provided beyond the minimum requirements shall be maintained with permeable material [Section 5.3.4(a)(i)].

The intent of this provision is to limit impacts to drainage and stormwater management by limiting impermeable surfaces on a property and to maintain a consistent residential character and streetscape. Staff defer any drainage or stormwater management concerns to Development Engineering staff.



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Staff note that the proposal is for the subject property to have a second driveway fronting on Beulah Avenue to provide additional parking. Staff are of the opinion that the requested variance contradicts the intention of this provision, that any supplemental parking must be maintained with permeable material. Therefore, the requested variance does not maintain the intent of the Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support the variance.

Based on the foregoing, staff are of the opinion that the Variances 2 to 4 meet the four tests of a minor variance whereas Variances 1, 5 and 6 do not. **Staff recommend approval of Variances 2 to 4 and denial of Variances 1, 5 and 6.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Beulah Avenue. Note that as the parking space indicated in the front yard is primarily located within the public right-of-way, it is not counted towards the number of parking spaces being provided on the lot.
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building Permit # 24-7457, issued on Oct 30, 2024, to construct a pool enclosure for the proposed in-ground pool. remains not finalized. A building permit is required for the construction of the proposed detached garage.



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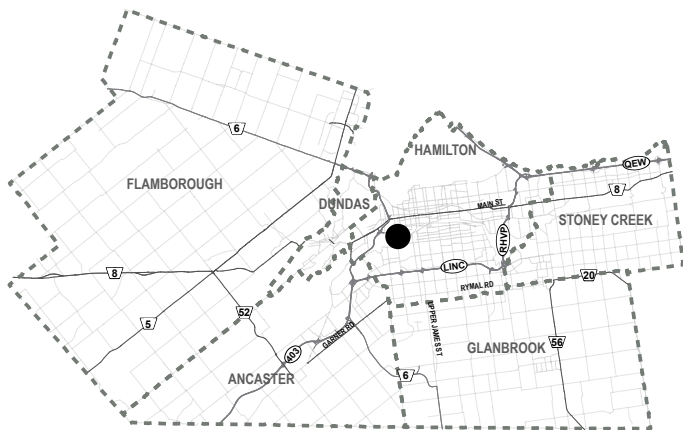
Transportation Planning:

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



60 Beulah Avenue, Hamilton
(Ward 1)

File Name/Number:

A-25:028

Date:

March 13, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department