



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

A-25:030 — 4 Turner Avenue, Hamilton

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of the proposed single-family dwelling.

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



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## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:030 is to permit the construction of a new single detached dwelling.

Staff note that Minor Variance application HM/A-22:288 and Consent to Sever application HM/B-22:93 were previously heard at the October 6, 2022, Committee of Adjustment hearing. HM/B-22:93 was approved with conditions, to sever a parcel of land for new residential development and the retained land would contain the existing single detached dwelling. The severed lands are municipally known as 4 Turner Avenue, and the retained lands are municipally known as 2 Turner Avenue.

HM/A-22:288 was approved with amendments, and granted the following variances:

### **Severed Lands:**

1. A maximum height of 12.0 metres and two and half storeys shall be permitted instead of the maximum 11.0 metres and two and half storeys height permitted.
2. A minimum northerly side yard width of 0.9 metres shall be permitted instead of the minimum 1.2 metre side yard width required.
3. An eave or gutter shall be permitted to project into the entire northerly side yard and therefore, may be located as close as 0.0m to the northerly lot line whereas the zoning By-law permits an eave/gutter to project into a required side yard not more than one-half of its width, or 1.0 metre, whichever is the lesser.

### **Retained Lands:**

4. A minimum northerly side yard width of 1.1m shall be permitted instead of the minimum 1.2m side yard width required.
5. A minimum of two (2) parking spaces shall be provided for a single-family dwelling instead of the minimum required two (2) parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room.

Staff further note that the subject lands were zoned "C" (Urban Protected Residential) District in City of Hamilton Zoning By-law No. 6593 at the time the Consent to Sever application as assessed,



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whereas they are currently zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law No. 05-200.

## **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 and E.3.4.5, amongst others, are applicable and permits the proposed single detached dwelling.

Staff note that Policy E.3.4.5 permits a maximum height of 3 storeys within low density residential areas.

## **Durand Neighbourhood Plan**

The subject lands are identified as “Single and Double” on Map 6701 (Map 2 of 2) of the Durand Neighbourhood Plan. The proposed single detached dwelling is consistent with the vision of the Neighbourhood Plan.

## Archaeology

Staff comments addressed as part of HM/B-22:93.

## Cultural Heritage

The subject property, located at 4 Turner Avenue, is comprised of a circa 1903 two and a half storey brick dwelling in the Edwardian Style 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 and **designated under Part IV of the Ontario Heritage Act** including:

- 109 Aberdeen Ave
- 125 Aberdeen Ave
- 131, 135 Aberdeen Ave
- 1 Ravenscliffe Ave
- 3 Ravenscliffe Ave
- 5 Ravenscliffe Ave
- **7 Ravenscliffe Ave**
- 1 Turner Ave
- 2 Turner Ave



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- 3 Turner Ave
- 5 Turner Ave
- 7 Turner Ave
- 8 Turner Ave
- 9 Turner Ave
- 10 Turner Ave

Additionally, the subject property is located within the Durand 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.3.4.2.5 “In addition to the provisions of the *Ontario Heritage Act* respecting demolition of buildings or structures located on *cultural heritage properties* contained in the Register, the City shall ensure that such properties shall be *conserved* 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 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



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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 five (5) Minor Variances to permit the construction of a single detached dwelling.

A Cultural Heritage Impact Assessment for the subject property was completed by McCallum Sather on August 30, 2022. The report assessed the impact of the construction for the three (3) storey single detached dwelling. Staff have reviewed the Cultural Heritage Impact Assessment dated August 30, 2022, and find it to be comprehensive and complete.

Staff appreciate that the applicant proposes massing, set back, material usage and design elements that are sympathetic to the character of the surrounding area.

Staff have no further comments as circulated.

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

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

**Variances 1 and 2**

7. A minimum lot area of 397 square metres shall be permitted instead of the minimum required lot area of 630 square metres.
  
8. A minimum lot width of 12.0 metres shall be permitted instead of the minimum required lot width of 18.0 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.

It is staff's opinion that the dimensions and area of the subject lands are compatible with the lot fabric, development pattern and built form of the neighbourhood.

Therefore, staff are of the opinion that Variances 1 and 2 maintain the general 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 variances.

**Variance 3**



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9. A minimum side yard setback of 1.2 metres shall be provided from the northerly side lot line and a minimum side yard setback of 1.1 metres shall be provided from the southerly side lot line instead of the minimum required side yard setback of 2.0 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.

Development Planning staff consider the proposed 1.10 metre southerly side yard and 1.25 northerly side yard to be sufficient for access and maintenance purposes. It is staff's opinion that Variance 3 maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Provided Development Engineering staff have no concerns, staff support the variance.

#### **Variations 4 and 5**

10. A maximum building height of 12.2 metres shall be permitted instead of the maximum permitted building height of 10.5 metres.
11. A maximum lot coverage of 47% of the lot area shall be provided instead of the maximum permitted lot coverage of 35% of the lot area.

The intent of these provisions is to maintain a consistent built form and residential character within a neighbourhood.

Staff note that dwellings along Turner Avenue are typically two to three storeys in height. Notably, the neighbouring dwelling on 2 Turner Avenue is three storeys (or 12.1 metres) tall. Additionally, the lot coverage of 2 Turner Avenue is approximately 50 percent. The proposed building height and lot coverage are consistent with the character, scale and built form that is typical along Turner Avenue.

Therefore, it is staff's opinion that the requested variances will maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variances.

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

**Zoning:**



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Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the “Transitional Provisions” of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has not been included in the following zoning chart. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.</li> <li>2. The applicant shall ensure the proposed building height has been calculated from average finished grade to the uppermost portion of the building in accordance with Building Height and Grade as defined within Hamilton Zoning By-law 05-200.</li> <li>3. The applicant shall ensure that the eave and gutter do not encroach into a required yard greater than the maximum permitted encroachment of 0.6 metres or to a maximum of half the distance of the required yard, whichever is the lesser.</li> <li>4. The applicant shall ensure that any proposed Mechanical and Unitary Equipment complies with the requirements of Section 4.9 of Hamilton Zoning By-law 05-200.</li> <li>5. The applicant shall ensure a single area within the required front yard landscaping is provided for tree protection and/or tree planting, where each side measures a minimum of 3.75 metres in length and where no hard landscaping or structures are located.</li> <li>6. The lands are located within a Parking Rate Area (PRA) 1; as such, no parking is required to be provided for the proposed Single Detached Dwelling. However, should parking be proposed, the applicant shall ensure such parking space(s) comply with the Parking requirements of Section 5 of Hamilton Zoning By-law.</li> <li>7. This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days’ notice of any intention to demolish or remove any building or structure on the property.</li> </ol>
Notes:	



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**Development Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed single-family dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

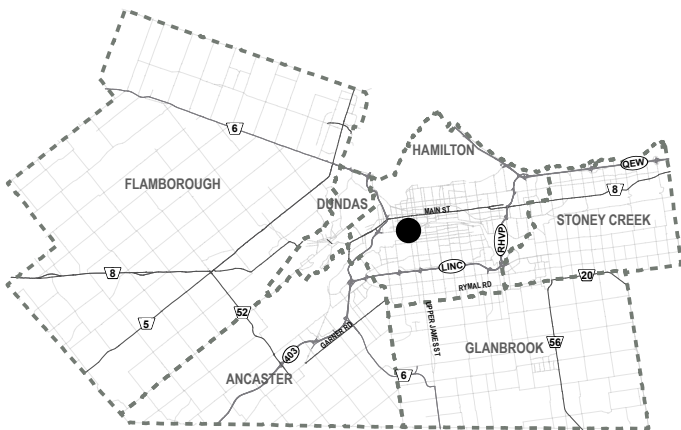
Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



4 Turner Avenue, Hamilton  
(Ward 4)

File Name/Number:  
A-25:030

Date:  
March 13, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department