

A-25:020 — 70 Lakeview Drive, Stoney Creek

**Recommendation:**

Deny — Transportation Planning

Table — Development Planning

**Proposed Conditions (if approved):**

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). (Development Planning)
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design. (Development Planning)

**Proposed Notes:**

*Minimum setbacks to basement walk-ups, Underground Garage Ramps and Underground Garage Vents.*

*If the concrete retaining wall surrounding the stairs from the basement to grade level or the concrete curbing of Underground Garage Ramps or Underground Garage Vents does not extend greater than 6" (0.15m) above grade then they can encroach into a required yard (the setback will be measured from the dwelling/building). NOTE: The 6" curbing/retaining wall can have a guard/fence surrounding the curbing/wall.*

*If the wall extends greater than 6" above grade, then the minimum required yard setback must be taken from the surrounding the stair, ramp or vent.*

The retaining walls for the stairs appear to be 0.15 metres or less above grade and are not considered an encroachment. (Zoning)

A building permit is required for the construction of the proposed construction of a triplex. Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)



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**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. 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)

## **Development Planning:**

### **Background**

The purpose of the application is to facilitate the construction of a triplex.

The following variances are requested:

1. A minimum Rear Yard Setback of 5.2 metres shall be provided whereas the by-law requires a minimum of 7.5 metres.
2. A minimum of 33.57% of the front yard shall be landscaped area whereas the by-law requires a minimum of 50%.
3. A maximum driveway width of 66.53% of the lot width and 8.5 metres shall be provided whereas the by-law permits a maximum driveway width of 50% of the lot width or 8.0 metres.

### **Urban Hamilton Official Plan**

The subject property is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. The subject property is not identified as being located in a Secondary Plan Area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies, triplex dwellings are permitted.

### **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) 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; and
- 2) In an area of sandy soil in areas of clay or stone.

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

## **Natural Heritage**

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural features that ecologically connect Core Areas) have not been identified within the subject property. While a Core Area (Lake Ontario) has been identified within 120 metres of the property, it is anticipated that the proposed development will not further negatively impact the City's Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within and adjacent to 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 protection and restoration of trees (policy C.2.11.1). Based on the proposal, it appears that trees may be impacted. If trees are to be removed, the City requires 1 for 1 compensation to be provided. This is to ensure that existing tree cover is being maintained. Conditions related to the provision of a Tree Protection Plan and a Landscape Plan have been recommended to be included.

## **Neighbourhood Infill Design Guidelines (2024)**

The purpose of the Neighbourhood Infill Design Guidelines is to guide multiplex infill development; triplexes and fourplexes which are permitted in Low Density Residential Zones. Accordingly, the proposed minor variances that seek to implement a triplex are to be reviewed against the Neighbourhood Infill Design Guidelines. The below guidelines are directly applicable to the variances identified. Policy B.2.4.2.2 k) of the Urban Hamilton Official Plan requires that "for uses permitted in Volume 1 Policy E.3.4.3, the ability to meet the Neighbourhood Infill Design Guidelines".

## **2.1 Site Design**

### **Landscaping**

2. Provide soft landscaped areas along public frontages and ensure a minimum 50% landscaped area is maintained in the front and flankage yards in accordance with the following:
  - a. Plantings/gardens should be naturalized, low maintenance, and resilient with vegetation maximizing the coverage of the landscaped area; refer to Appendix K Naturalized Trees in Hamilton's Park and Open Space Development Guide;
  - b. Plant native perennial non-invasive trees and shrubs to help restore and enhance Hamilton's plant biodiversity;



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- c. Incorporate low maintenance landscape materials that assist with stormwater infiltration;  
and
- d. Plant shrubs/hedges that retain their leaves in winter to create a privacy screen for the ground floor units in the front and flankage yards.

## **Parking**

- 17. Where the coverage for surface parking is greater than the Zoning By-law requirements, permeable pavers must be used for all driveways and parking spaces.
- 21. The width of front driveways should not exceed two cars in width to reduce the impacts of surface parking on the streetscape.

## **2.2 Built Form**

- 1. Design buildings to reflect/resemble the massing and height of existing built form along the street. Additional massing may be contemplated away from the streetscape/ public realm.

## **Height/Transition**

- 8. When proposing a structure more than one storey taller in height than surrounding homes, transition the height away from the lower buildings by:
  - a. stepping down the side of the proposed building;
  - b. providing additional step-back of the upper storey(s) along the street;
  - c. providing step-back of the upper storey(s) at the rear (proportionate depth to height);  
and
  - d. incorporating the upper storey within the roof structure.

## **Setbacks**

- 12. Site layout shall achieve the following objectives, in order of priority:
  - c. Consistency in the established rear yard setback. If a reduction in rear yard setback is proposed, the building should not interfere with a 45 degree angular plane projected from the rear property line.

Guideline 2.1.21, states that “parking in the front driveway should not exceed two cars in width”. The proposed application contemplates three cars in width for the front driveway, which triggers the need



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## STAFF COMMENTS

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to both increase the maximum driveway width under the Zoning By-law (variance 3) and decrease the minimum landscaped area of the front yard (variance 2). Furthermore, Guideline 2.1.2 requires that a minimum 50% landscaped area is maintained in the front. In staff's opinion variances 2 and 3 are not in keeping with the Neighbourhood Infill Design Guidelines.

Guidelines 2.2.8 c) and 2.2.12 c) both require additional step-backs of the upper storey(s) along the rear yard should the rear yard be reduced. This guidelines states that if a reduction in rear yard setback is proposed, the building should not interfere with a 45 degree angular plane projected from the rear property line. Based on staff's analysis, the proposed triplex building would significantly interfere with a 45 degree angular plane projected from the rear property line.

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

The subject property is zoned "R1" (Low Density Residential) in the City of Hamilton Zoning By-law No. 05-200. The "R1" (Low Density Residential) zone permits triplex dwellings.

The subject lands are identified as being located within PRA3 (Parking Rate Area 3) which requires 1 space per a unit. As apart of this application three parking spaces are provided.

### **Analysis**

#### Variance 1

1. A minimum Rear Yard Setback of 5.2 metres shall be provided whereas the by-law requires a minimum rear yard setback of 7.5 metres.

The intent of the minimum rear yard provision is to ensure that there is sufficient space in the rear yard for landscaping and amenity area; to ensure that there is sufficient building separation to mitigate adverse impacts on adjacent properties in the form of privacy, overlook and shadowing; and, to ensure sufficient space for grading and drainage between neighbouring properties. Staff have reviewed the requested variance to reduce the rear yard from 7.5 metres to 5.2 metres, and are the opinion that the proposed variance is not in accordance with the City of Hamilton's Neighbourhood Infill Design Guidelines, in particular guidelines 2.2.8 c) and 2.2.12 c). This guidelines states that if a reduction in rear yard setback is proposed, the building should not interfere with a 45 degree angular plane projected from the rear property line. Based on staff's analysis, the proposed triplex building would significantly interfere with a 45 degree angular plane projected from the rear property line. Staff recommend that the application be tabled to allow for discussions to occur between City staff and the applicant to reach a design that implements the Neighbourhood Infill Design Guidelines.

#### Variance 2 & 3

2. A minimum of 33.57% of the front yard shall be landscaped area whereas the by-law requires a minimum of 50%.



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3. A maximum driveway width of 66.53% of the lot width and 8.5 metres shall be provided whereas the by-law permits a maximum driveway width of 50% of the lot width or 8.0 metres.

The intent of the provisions is to ensure that there is adequate landscaped area in the front yard to ensure a consistent and desirable streetscape as well as to provide adequate area for landscaping/vegetation, snow storage and to limit impervious area for drainage and storm water run-off. Staff have reviewed the proposal to provide a minimum of 33.57% landscaping in the front yard instead of the minimum 50% required, which is due to the increased size in driveway width being sought in variance 3, and do not support the proposed variances as it is not consistent Neighbourhood Infill Design Guidelines, and particularly, the specific guideline provisions outlined in Guideline 2.1.21 and 2.1.2. The proposal seeks to include a driveway width of 3 spaces wide, whereas Guideline 2.1.21 requires that the width of front driveways should not exceed two cars in width to reduce impacts on the street. Guideline 2.1.2 requires that a minimum 50% of areas along public frontages are landscaped. The proposal seeks a reduced area of landscaping of 33.57%, which is inconsistent with the guideline. Based on the above staff have concerns with the layout of the parking spaces as they contemplate having a large portion of the frontage being dedicated to parking with reduced areas for landscaping. Based on the forgoing staff recommend that the application be tabled as to facilitate talks between city staff and the applicant to reach a design that implements the policies found in the Infill Design Guidelines.

Based on the forgoing, staff recommend that the application be **tabled** so the applicant and staff can discuss revisions to the plans to reflect a design that is more consistent with the Neighbourhood Infill Design Guidelines.

**Zoning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	<p><i>Minimum setbacks to basement walk-ups, Underground Garage Ramps and Underground Garage Vents.</i></p> <p><i>If the concrete retaining wall surrounding the stairs from the basement to grade level or the concrete curbing of Underground Garage Ramps or Underground Garage Vents does not extend greater than 6" (0.15m) above grade then they can encroach into a required yard (the setback will be measured from the dwelling/building). NOTE: The 6" curbing/retaining wall can have a guard/fence surrounding the curbing/wall.</i></p> <p><i>If the wall extends greater than 6" above grade, then the minimum required yard setback must be taken from the surrounding the stair, ramp or vent.</i></p>



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	The retaining walls for the stairs appear to be 0.15 metres or less above grade and are not considered an encroachment.
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**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed construction of a triplex. Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

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

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





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



70 Lakeview Drive, Stoney Creek  
(Ward 10)

File Name/Number:

A-25:020

Date:

March 11, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department