

A-25:134 — 61 Clapham Road, Hamilton

Recommendation:

Approve variances 1-5 with the proposed conditions. — Development Planning

Proposed Conditions:

1. That the requested/proposed variances generally apply to the provided site sketch and elevation package found in the Notice of Public Hearing for file A-25:134 (61 Clapham Road, Hamilton) being heard on August 14, 2025, to the satisfaction of the Director of Development Planning.
2. 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). (Natural Heritage)
3. 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. (Natural Heritage)

Proposed Notes:

A building permit is required for the construction of the proposed five street townhouse dwellings each containing a secondary dwelling unit. (Building Engineering)

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

The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units. (Building Engineering)

Development Planning:

Background

The purpose of the application is to permit the construction of five (5) Street Townhouse Dwellings each containing a Secondary Dwelling Unit.

Staff note that the proposed Minor Variance application is related to Zoning By-law Amendment application ZAC-16-018 and Holding Removal application ZAH-23-021. The Holding Provision on the lands was removed on December 19, 2024. Staff note that a future Severance application will be required to sever the individual Street Townhouse Dwellings.

The following variances are requested:

1. A minimum side yard width of 1.5 metres shall be permitted for a Street Townhouse Dwelling not exceeding two (2) storeys in height, instead of the minimum required side yard width of 2.0 metres.
2. An unenclosed porch shall be permitted within a side yard instead of the requirement that an unenclosed porch shall only be permitted within a front or rear Yard.
3. A minimum driveway dimension of 2.8 metres by 5.5 metres for a Secondary Dwelling Unit shall be permitted instead of the minimum required 2.8 metres by 5.8 metres.
4. A minimum parking and loading space dimension of 3.0 metres by 5.5 metres for a Secondary Dwelling Unit shall be permitted instead of the minimum required 3.0 metres by 5.8 metres.
5. Every access driveway where a townhouse dwelling is adjacent to a residential district that does not permit such use shall be located not less than 1.9 metres from the common boundary between the district in which the townhouse dwelling is located and the district that does not permit such use, instead of the required 3.0 metres.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations 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 permits single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings. The subject property permits the proposed Street Townhouse Dwellings subject to criteria.

Centennial Neighbourhoods Secondary Plan



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

The subject property is further designated “Low Density Residential 3” on Map B.6.7-1 – Centennial Neighborhoods Secondary Plan – Land Use Plan. In accordance with Policy B.1.5 a), Policy E.3.4.3 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. Based on the forgoing the proposed Street Townhouse Dwellings comply with the Centennial Neighbourhoods Secondary Plan.

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 areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, the development will not further negatively impact the features or functions of the City’s Natural Heritage System.

Based on 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). Further, through the Council adopted Urban Forestry Strategy, a canopy target of 40 percent by 2050 within the urban area has been identified. The maintenance of existing trees assists in achieving this goal. Based on the proposal, trees within the property may be impacted. If these trees are to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained. A Tree Protection Plan and Landscape Plan were identified as conditions of Site Plan approval (DA-17-124). These conditions were not satisfied.

Archaeology

No Comments.

Cultural Heritage

No Comments.

Former City of Hamilton Zoning By-law No. 6593

The subject property is zoned as RT-30/S-1738 (Street Townhouse) District in Zoning By-law No. 6593. The zone permits the proposed Street Townhouse Dwellings subject to regulations.

Analysis

Variance 1



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STAFF COMMENTS

HEARING DATE: August 14, 2025

1. A minimum side yard width of 1.5 metres shall be permitted for a Street Townhouse Dwelling not exceeding two (2) storeys in height, instead of the minimum required side yard width of 2.0 metres.

The intent of the above provision is to ensure that there is an adequate required yard setback to provide sufficient space for access and maintenance and grading/drainage. This provision also ensures a consistent streetscape and sufficient separation between adjacent uses. Based on staff's analysis of the proposed variances, staff are of the opinion that the proposed decrease in side yard setback is minor, as staff do not foresee adverse impacts being generated through the proposed decrease. The proposed 1.5 metre side yard maintains a sufficient yard to provide access and conduct maintenance, while also providing sufficient separation from adjacent uses. Staff defer concerns relating to drainage to Development Engineering Staff for comment. Through the submitted minor variance sketch and package, the applicant has demonstrated that the proposed configuration of the street townhouse dwellings is in character with the area and that the reduced side yard setbacks will not generate concerns related to privacy/overlook, or massing. Based on the forgoing analysis, **staff are supportive of the proposed variance 1** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. An unenclosed porch shall be permitted within a side yard instead of the requirement that an unenclosed porch shall only be permitted within a front or rear Yard.

The intent of this provision is to ensure the side yard is maintained for access and that impacts of a porch projection on neighbouring lands is limited. Staff have reviewed the requested variance in conjunction with the provided site plan and materials. Staff note that the subject lands are on the corner of Catalina Drive and Clapham Road and that the proposed porch encroachment is into the exterior side yard along Clapham Road. The proposed porch is to accommodate an additional entrance required for the primary unit, as the access off of the front of the dwelling is to a basement Additional Dwelling Unit. The proposed porch encroachment does not project into the public right-of-way and staff do not anticipate any impacts to the subject or adjacent lands. Staff also note that the proposed porch projection helps animate the flankage façade of the proposed townhouse and further animates the street, which is desirable. Staff defer to Transportation Planning staff related to any vehicular visibility concerns. Based on the forgoing **staff are supportive of the requested variance 2** as it meets the four tests of a minor variance under the *Planning Act*.

Variances 3 & 4

3. A minimum driveway dimension of 2.8 metres by 5.5 metres for a Secondary Dwelling Unit shall be permitted instead of the minimum required 2.8 metres by 5.8 metres.
4. A minimum parking and loading space dimension of 3.0 metres by 5.5 metres for a Secondary Dwelling Unit shall be permitted instead of the minimum required 3.0 metres by 5.8 metres.



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The intent of the provisions being proposed by the applicant is to ensure that driveway dimensions are of a minimum size in order to appropriately function and accommodate a variety of vehicles and door swing. Staff note that the sizes are deficient in depth given the existing boulevard as shown in the provided site plan. An exception is justified in this circumstance and the reduction is minor in nature. Staff do not foresee any adverse impacts being generated through the reduction in permitted parking stall and driveway depth as adequate space can be provided on site and given the large boulevard impacts to the existing streetscape are not anticipated. Staff acknowledge that the lands are located within PRA1 (Parking Rate Area 1), which requires no occupant parking spaces. Had these lands zoned within By-law No. 05-200 parking would not be required for Additional Dwelling Units. Based on the forgoing **staff are supportive of requested variances 3 & 4** as they meet the four tests of a minor variance under the *Planning Act*.

Variance 5

5. Every access driveway where a townhouse dwelling is adjacent to a residential district that does not permit such use shall be located not less than 1.9 metres from the common boundary between the district in which the townhouse dwelling is located and the district that does not permit such use, instead of the required 3.0 metres.

The intent of the provision is to ensure that there is a sufficient space between an access driveway and neighbouring uses. Staff have reviewed the variance and generally have no concerns with the proposed decrease in setback of the proposed access driveway adjacent to a residential district. Staff note that the provided 1.9 metres is of a sufficient width to accommodate landscaping and snow storage and is of a sufficient width to buffer the proposed driveway from adjacent uses. Staff do not foresee adverse impacts through approving the proposed variance. Staff defer concerns relating to site drainage to Development Engineering staff for comment. Based on the forgoing **staff are supportive of the requested variance 5** as it meets the four tests of a minor variance under the *Planning Act*.

Based on the forgoing analysis **staff recommend the approval of variances 1-5** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">i. Please be advised variance No. 3 and 4 have been written as requested.ii. Please be advised insufficient information was provided to determine



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STAFF COMMENTS

HEARING DATE: August 14, 2025

	zoning conformity with Section 18A (7b) – garage floor height above grade. Additional variances may be required if conformity cannot be achieved.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed five street townhouse dwellings each containing a secondary dwelling unit.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p>

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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

August 1, 2025

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Committee of Adjustment

File# A:25-134

Re: 61 Clapham Rd

In response to your correspondence dated July 28, 2025, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-798-3234.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.
- Existing O/H secondary service to #57 Clapham Road will have to be relocated to a mid-span prior to any tree removals, site construction or lot severences for developpe of new townhome lots. Contact our ICI Group to discuss service relocation and new servicing options for development.

We would also like to stipulate the following:

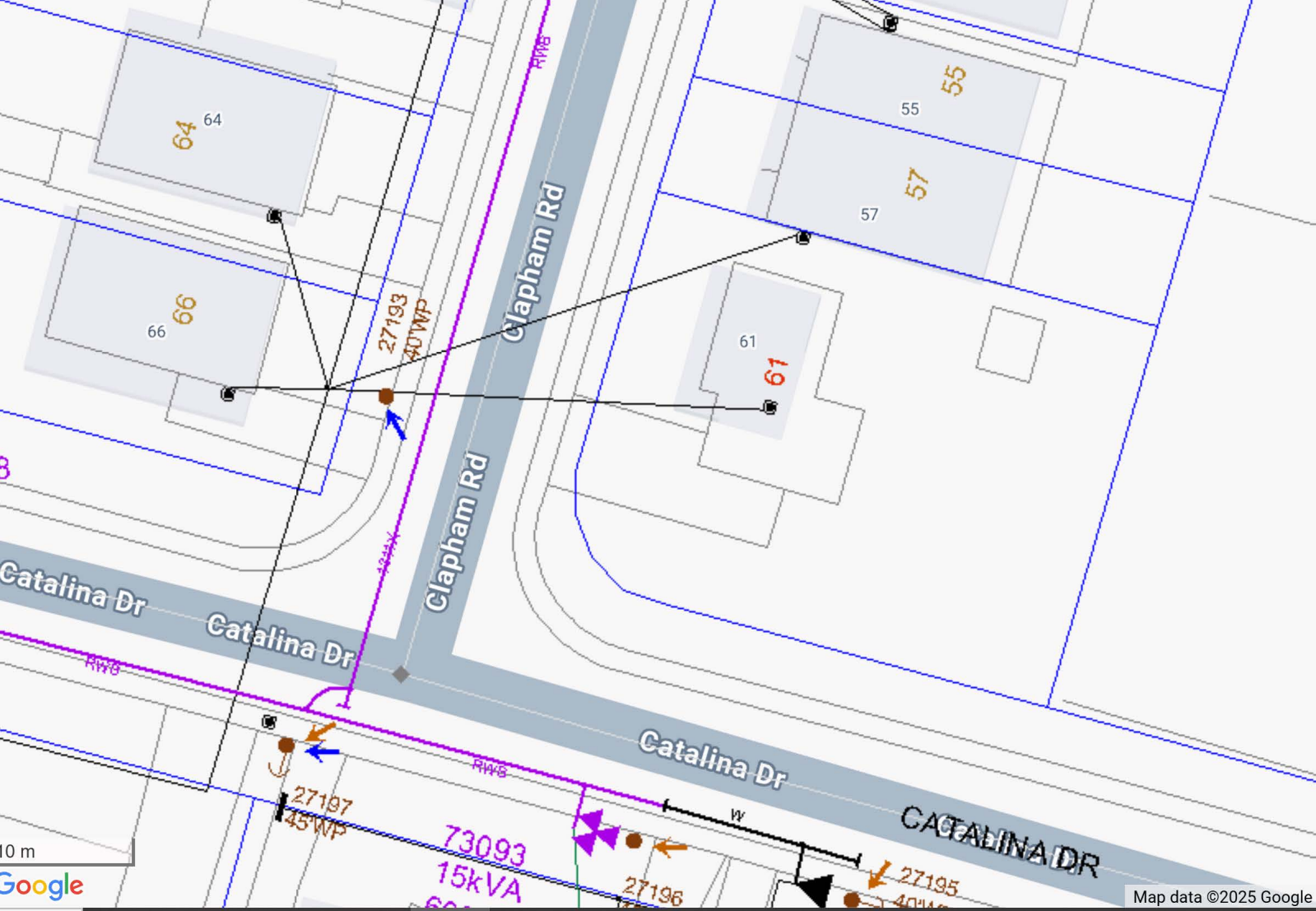
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.


Sincerely,

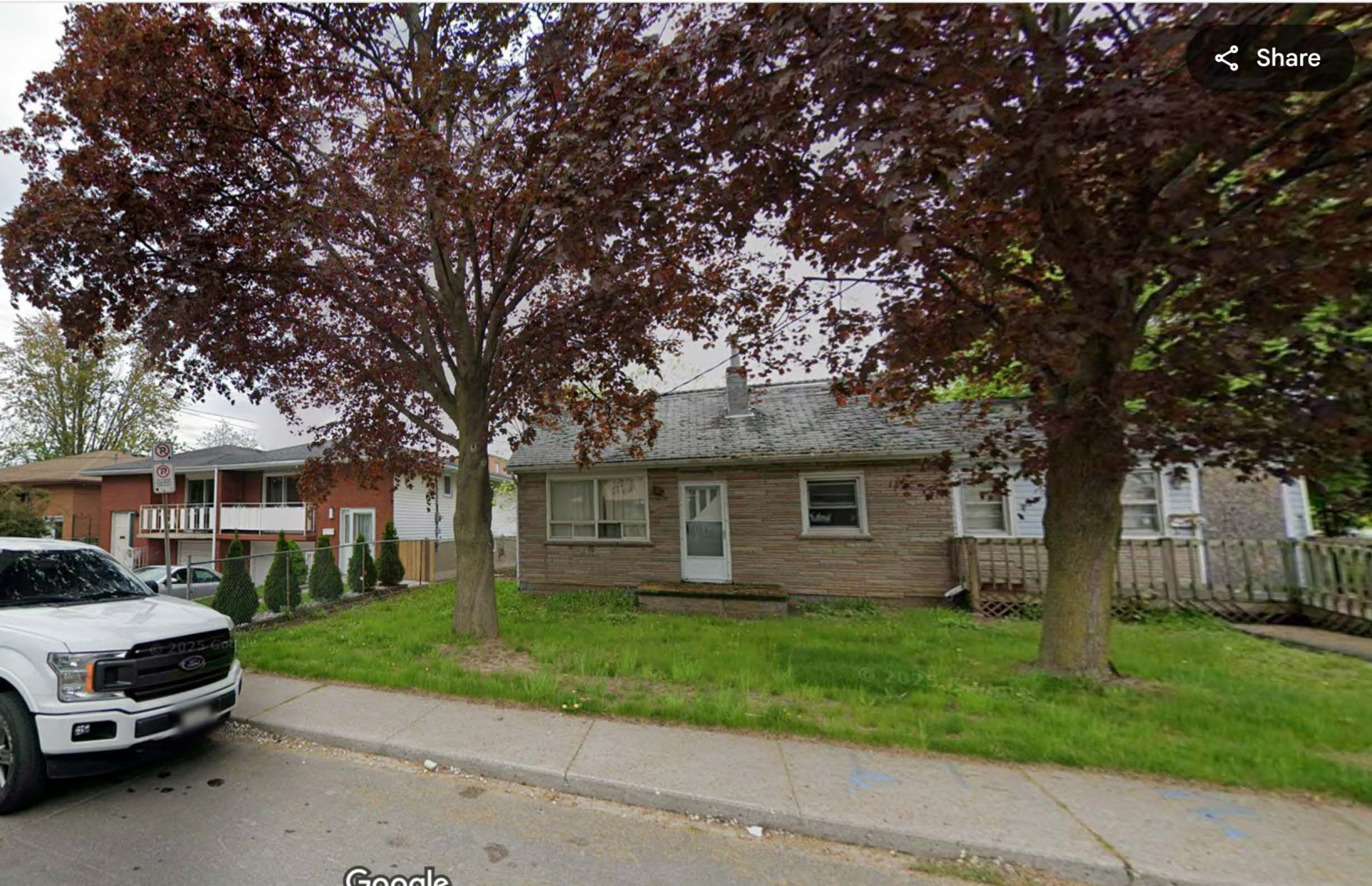
Tirath Garcha/per

Mark Jakubowski
Supervisor, Design, Customer Capital

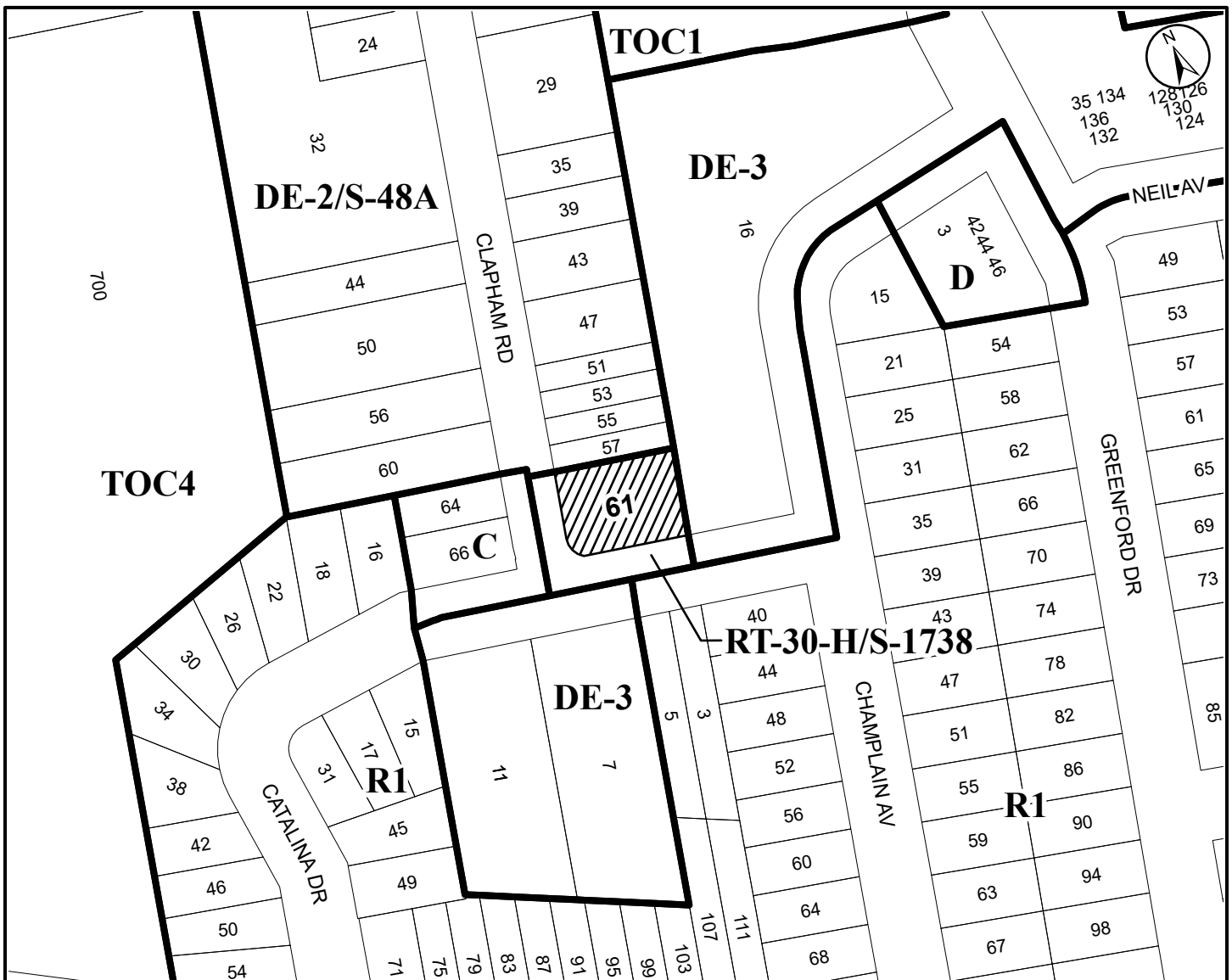


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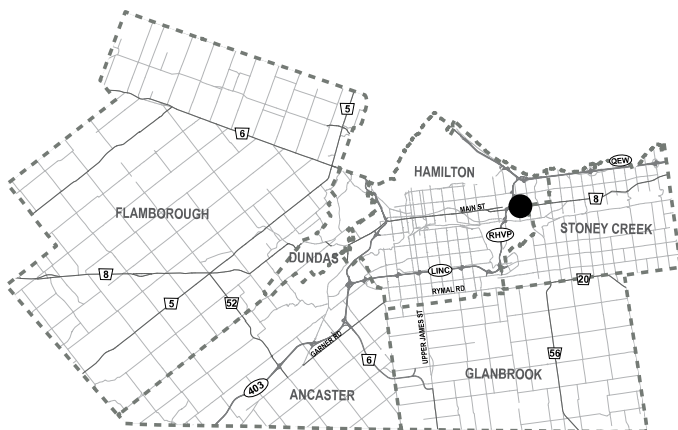
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● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



61 Clapham Road, Hamilton (Ward 5)

File Name/Number:

A-25:134

Date:

August 6, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department