



A-25:139 — 56-62 Delawana Drive, Hamilton

Recommendation:

Approve revised variance 1 and proposed variances 2 & 3 with the proposed condition.
— Development Planning

Proposed Conditions:

1. That the requested variances generally apply to the provided site sketch package found in the Notice of Public Hearing for file A-25:139 (56-62 Delawana Drive, Hamilton) being heard on August 14, 2025, to the satisfaction of the Director of Development Planning.

Proposed Notes:

- i. The minor variances requested are to facilitate consent application B.25.044 (Zoning)
- ii. Floor Plans have not been provided. (Zoning)

Development Planning:

Background

The purpose of the application is to sever the existing residential lot into two (2) parcels. The existing 2-storey fourplex will be divided in half. The severed lands will contain a 2-storey duplex dwelling, and the retained lands will contain a 2-storey duplex dwelling. An existing shed will be moved to facilitate this application.

The owner will have to construct a party wall in accordance with the Ontario Building Code or demonstrate that the existing dwelling wall meets the Ontario Building Code. The owner will also be required to demonstrate that both lots operate as self-contained individual dwelling units and are serviced and accessed independently.

The following variances are requested:

1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 1.2 metres.
2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 18.0 metres.
3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.

Staff are recommending Variance 1 be revised as follows:

1. A minimum interior Side Yard width of 0.0 metres shall be provided where the lot line is a shared party wall whereas the By-law requires a minimum Side Yard width of 1.2 metres.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS:	12.19 m±	41.09 m±	500.2 m±
RETAINED LANDS:	12.19 m±	41.09 m±	500.3 m±

Urban Hamilton Official Plan



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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 duplex dwellings on both the proposed severed and retained lots subject to criteria.

Centennial Neighbourhoods Secondary Plan

The subject property is further designated “Low Density Residential 2” on Map B.6.7-1 – Centennial Neighbourhoods 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 severance for both the retained and the severed lots complies with the Centennial Neighbourhoods Secondary Plan including the proposed duplex dwellings, which are permitted.

Riverdale West Neighbourhood Plan

The subject property is identified as being Single and Double in the Riverdale West Neighbourhood Plan. Which permits the proposed duplex dwelling land use.

The following Official Plan Policies are applicable, among others:

The proposal is considered residential intensification in accordance with the Urban Hamilton Official Plan. Staff have completed an analysis of the proposal against Policy B.2.4.1.4 and B.2.4.2.2 and are satisfied that the proposed severance conforms to the residential intensification policies. The proposed severance is compatible with the scale and character of the neighbourhood, maintains the general streetscape pattern, and considers the relationship of the proposed lots with existing development. Staff note that the proposed severance simply serves to sever the existing fourplex into two duplexes. The existing structure is to remain so the impact on the streetscape is mitigated.

Policy B.3.6.3.7 addresses impacts related to road traffic noise and vibration. Centennial Parkway North is identified as a Major Arterial Road in Schedule C – Functional Road Classification. The requirement for a noise study is for lands within 400 metres of a major arterial road. The severed lands will be located approximately 170 metres from Centennial Parkway North, based on the forgoing staff recommend the inclusion of a noise study to be completed to the satisfaction of the Director of Development Planning.

The following Official Plan policy applies to consent applications to create a new lot:

“F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:



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- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Staff have completed an analysis of the lot creation policies of Policy F.1.14.3.1 and are of the opinion that the proposed severance conforms to the above noted policies. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area. The proposed lots are designated “Low Density Residential 2” within the Centennial Neighbourhoods Secondary Plan area and comply with the applicable policies. The subject property is identified as being located within the Riverdale Neighbourhood Plan area as Single and Double which permits the proposed duplex dwellings. Staff note that the applicant is applying for a concurrent Minor Variance to address zoning compliance. Development planning staff defer to Zoning staff to verify if a condition to determine zoning compliance is necessary for the newly proposed lot in addition to the concurrent minor variance application. The proposed lots have frontage on a public road (Delawana Drive). Planning Staff defer to Development Engineering staff on any concerns related to servicing, with respect to F.1.14.3.1 e). Accordingly, the proposed severance complies with the Urban Hamilton Official Plan, subject to the conditions identified.

Archaeology

No Comments.

Cultural Heritage

No Comments.

Former City of Hamilton Zoning By-law No. 6593

The subject property is zoned as DE/S-103 (Low Density Multiple Dwellings) Zone in Zoning By-law No. 6593. The zone permits the existing multiple dwelling and proposed semi-detached dwellings subject to criteria.



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Analysis

Severance

Based on the above analysis, the proposed severance conforms to the policies of the Urban Hamilton Official Plan, subject to the recommended conditions. Development planning staff are of the opinion that the lots are well integrated within the existing neighbourhood and represent a compatible form of residential intensification in keeping with the existing neighbourhood character and streetscape.

Minor Variance

Variance 1 requested

1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 1.2 metres.

Variance 1 Revised by Staff:

1. A minimum interior Side Yard width of 0.0 metres shall be provided where the lot line is a shared party wall whereas the By-law requires a minimum Side Yard width of 1.2 metres.

The intent of the above provision is to ensure that there is an adequate required interior side yard setback to ensure sufficient access for maintenance and sufficient separation distance to adjacent properties for grading and drainage. Based on staff's analysis of the proposed variance, staff are supportive of a 0.0 metre setback in this instance as it is an existing condition. The subject application will create a duplex that shares a party wall with another duplex dwelling on an adjacent lot. The applicant is seeking to sever an existing fourplex into two separate lots and create two duplex dwellings. Staff note that the proposed 0m side yard is to reflect that the shared wall of the proposed two existing duplex dwellings will have a setback of 0 metres. With approval of the proposed conditions staff support the proposed 0 metre interior side yard. Staff defer concerns relating to drainage to Development Engineering Staff. Based on the forgoing analysis **staff are supportive of the revised variance 1** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 18.0 metres.

The intent of the provision is to ensure that the proposed lots are of an adequate size in order to support the proposed use of the subject property being a duplex dwelling on each of the proposed and severed lots. Staff note that there is an existing fourplex on the lot that the applicant is seeking to remain as is. The lots will maintain the same number of dwelling units, which have functioned effectively on the site since they were built in the ≈1970s. Staff note in this circumstance that the



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building is existing and through the proposed variance maintains the character of neighbourhood. Staff in reviewing the proposed variance acknowledge that had these lands been zoned within Zoning By-law No. 05-200 the minimum lot width for a duplex in the R1 Zone would be 12 metres. Based on the forgoing analysis, **staff are supportive of the proposed variance 2** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 3

3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.

The intent of the provision is to ensure that there is an adequate lot area to facilitate the permitted uses in the D - District Zone of Zoning By-law No. 6593. Based on staff's analysis of the proposed variance, staff are of the opinion that the proposed decrease in minimum lot area from 540.0 square metres to 500.0 square metres is minor, as staff do not foresee adverse impacts being generated through the proposed decrease in lot area. Staff note that the proposed variance is to facilitate a concurrent consent application, and that the existing structure on the site is to remain without any exterior changes. Staff are of the opinion that the proposed lot area is in character for the area and does not generate concerns of overdevelopment of the proposed lots. Through the submitted minor variance sketch and package, the applicant has demonstrated that the lots are of a sufficient size to accommodate the proposed use, while still accommodating appropriate amenity area, etc. Based on the forgoing analysis **staff are supportive of the proposed variance 3** as it meets the four tests of a minor variance under the *Planning Act*.

Based on the forgoing, staff recommend the **approval of revised variance 1 and requested variances 2 & 3** 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:	<p>Request variances have been revised to read;</p> <ol style="list-style-type: none">1. A minimum interior Side Yard width of 0.0 metres shall be provided whereas the By-law requires a minimum Side Yard width of 1.2 metres.2. A minimum Lot Width of 12.0 metres shall be provided whereas the By-law requires a minimum Lot Width of 15.0 metres.3. A minimum Lot Area of 500.0 square metres shall be provided whereas the By-law requires a minimum Lot Area of 540.0 square metres.



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Notes:	i. The minor variances requested are to facilitate consent application B.25.044
	ii. Floor Plans have not been provided.

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

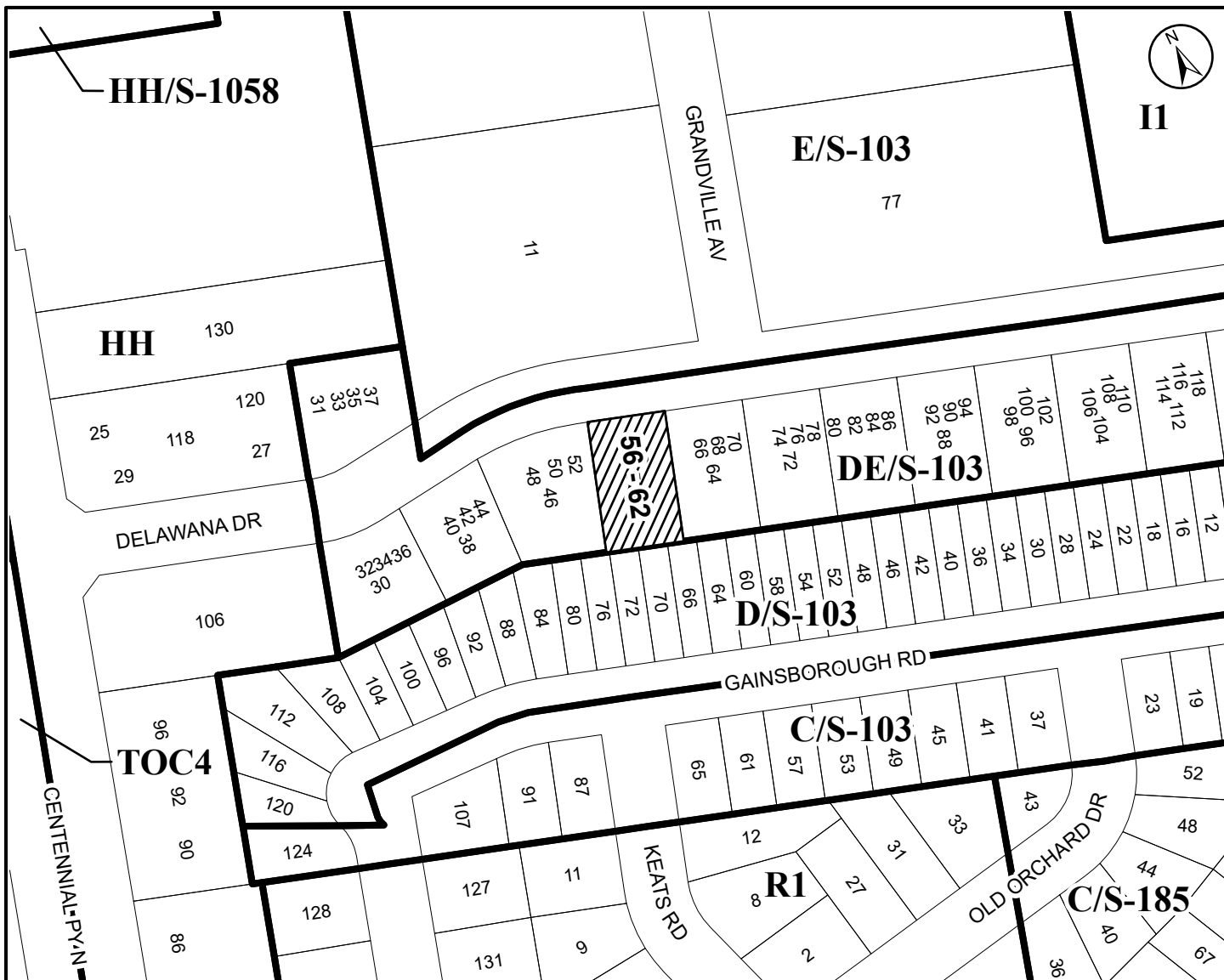
Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

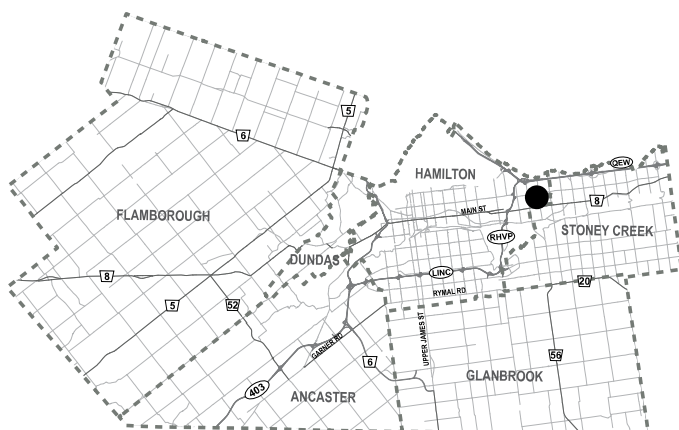
Transportation Planning:

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



56 - 62 Delawana Drive, Hamilton
(Ward 5)

File Name/Number:

A-25:139

Date:

August 6, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department