

A-25:120 — 52 Purnell Drive, Hamilton

Recommendation:

Deny — Development Engineering

Approve variance 2 and Deny variances 1, 3 and 4 — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction the proposed addition to the existing dwelling.
(Building Engineering)

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

A written consent from the adjacent land owner for the proposed grading works on their lands is required to be submitted in support of the proposed 0.3m sideyard setback. (Development Engineering)

Development Planning:

Background

The purpose of Minor Variance application A-25:120 is to permit the construction of an addition to the existing dwelling.

Analysis

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E and Schedule E-1 of the Urban Hamilton Official Plan. Policy E.3.4.3 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. Policy E.3.2.3 permits additional dwelling units. Based on the forgoing policies, the existing single detached dwelling is permitted.

Gilbert Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7102 of the Gilbert Neighbourhood Plan.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is a permitted use.

Variances 1 and 2

1. A minimum setback of 0.3 metres shall be permitted from the interior side lot line instead of the minimum required setback of 1.2 metres from a side lot line.
2. A minimum setback of 2.4 metres shall be permitted from the flankage lot line instead of the minimum required setback of 3.0 metres from a flankage lot line.

The intent of these provisions is to ensure that sufficient separation is provided between the dwelling and the side lot line in order to prevent or mitigate potential drainage and privacy impacts on the residents and neighbouring properties and maintain the streetscape from the flankage lot line.

Staff note that 0.3 metres, requested through Variance 1, is not a sufficient separation between the dwelling and the side lot line. The proposed setback of 0.3 metres does not provide sufficient space to accommodate additional projections, such as eave troughs, that may be required to facilitate the proposed development. Additionally, Guidelines 13 and 15 of the Neighbourhood Infill Design Guidelines for the City of Hamilton indicate that setbacks should minimize shadow impacts and overlook conditions for adjacent lots while ensuring adequate privacy for residents. Staff note that 0.3 metres is not enough of a setbacks to mitigate these concerns.



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Staff are of the opinion that the requested Variance 1 does not maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use of the land, and is not minor in nature. Staff do not support the variance.

In regards to Variance 2, Staff note that the proposed 2.4 metre setback from the flankage lot line is a sufficient distance to the street to mitigate privacy concerns for the residents and maintain the streetscape.

Staff are of the opinion that the requested Variance 2 maintains the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is minor in nature. Staff support the variance.

Variances 3

3. The eave and gutters shall be permitted to encroach the entire width of the interior side yard instead of the maximum permitted encroachment of one-half the width of the required interior side yard.

The intent of these provisions is to ensure that sufficient separation is provided between the dwelling and the side lot line in order to prevent or mitigate potential water runoff on neighbouring properties.

Staff are concerned that the proximity of the eaves and gutters to the neighbouring property will not provide sufficient space for access and maintenance purposes and will cause potential water runoff into the neighbouring property. Development Planning defers to Development Engineering for concerns regarding stormwater management.

Staff note that proposed encroachment of the eaves and gutters are out of character for the neighbourhood where there is a greater distance between the dwelling units within the neighbourhood. As per Policy E.3.2.4 of the Urban Hamilton Official Plan, the existing character of established neighbourhood areas shall be maintained.

Staff are of the opinion that the requested Variance 3 does not maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use of the land, and is not minor in nature. Staff do not support the variance.

Variance 4

4. The width of the parking space to be contained within the proposed attached garage shall be increased by 0.3 metres where the parking space is abutting two walls instead of increasing the width of the parking space to be containing within the proposed attached garage by 0.6 metres where the parking space is abutting two walls.



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STAFF COMMENTS

HEARING DATE: August 14, 2025

The intent of these provisions is to ensure that the car door can be opened in the garage or next to the walls.

Staff are concerned that the reduced width of the parking spaces would be insufficient for entering and exiting vehicles parked in the garage. Policy E.3.2.7 requires that development is designed to be safe and efficient. Staff note that the proposed width of the parking spaces poses safety concerns and will not be efficient and functional for everyday use.

Staff are of the opinion that the requested Variance 4 does not maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use 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 requested variance meets the four tests of a minor variance. **Staff recommend approval of variance 2 and denial of variances 1, 3 and 4.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>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.</p> <p>2. The proposed attached garage is shown to provide a garage door on both the front and rear elevations, however, an access driveway providing access to the proposed attached garage via the rear yard is not shown to be proposed. The applicant shall ensure compliance with the Zoning By-law should the intent be to access the proposed attached garage via the rear yard.</p> <p>3. A minimum landscaped area of 30% of the lot area is required to be maintained. It is noted that a minimum landscaped area of 30.3% of the lot area will be maintained has landscaped area. The applicant shall ensure the proposed landscaped area has been provided in accordance with Landscaped Area as defined within the Zoning By-law.</p>



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	<p>4. A further variance will be required if a minimum of 50% of the area of the front yard is not provided as landscaped area.</p> <p>5. A further variance will be required if a minimum of 50% of the area of the flankage yard is not provided as landscaped area.</p> <p>6. A further variance will be required if a single area within the required landscaped area is not maintained for tree protection and/or tree planting which provides a minimum length of 3.75 metres on each side and which does not contain hard landscaping or structures.</p>
Notes:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	The Development Engineering staff recommends denial of variance #1 for 0.3m sideyard setback.
Notes:	A written consent from the adjacent land owner for the proposed grading works on their lands is required to be submitted in support of the proposed 0.3m sideyard setback.

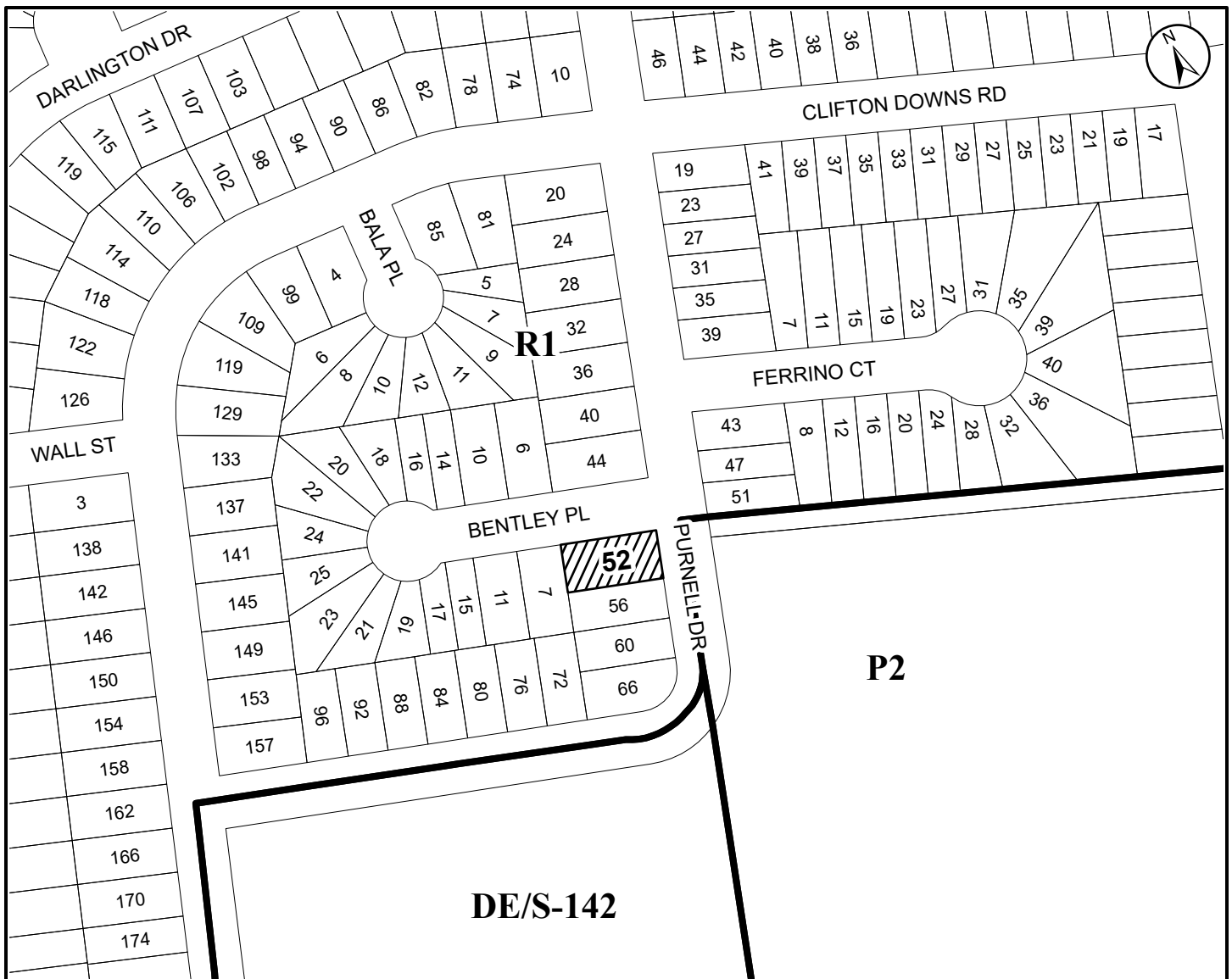
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction the proposed addition to the existing dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

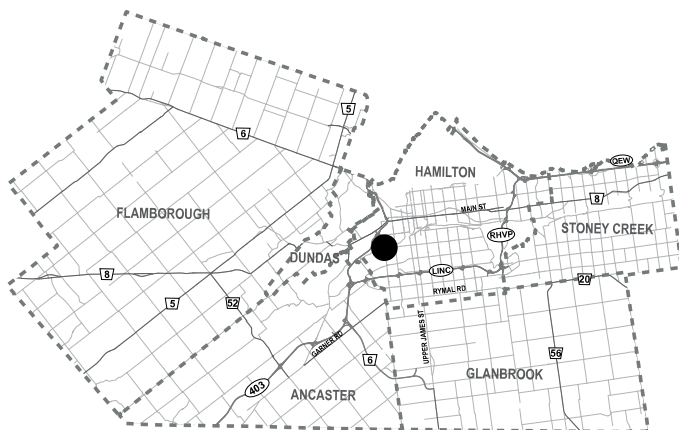
Transportation Planning:

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



52 Purnell Drive, Hamilton
(Ward 8)

File Name/Number:

A-25:120

Date:

July 24, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department