



A-25:142 — 5 Welch Lane, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed deck in the rear yard of the existing dwelling. (Building Engineering)

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

Development Planning:

Background

The purpose of Minor Variance application A-25:142 is to permit the construction of a deck within the rear yard of an existing street townhouse dwelling.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Institutional” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3 and E.6.2.4, amongst others, are applicable and permit the existing street townhouse dwelling.

Policy E.6.2.4 permits residential uses ancillary to institutional uses, and E.6.2.4 b) states residential uses shall be developed in accordance with Section E.3.4 or E.3.5. Based on the proposed built form of single detached dwellings, the policies of Section E.3.4 are applicable.

Chedmac Secondary Plan

The subject lands are designated “Institutional” on Map B.6.3-1 – Land Use Plan of the Chedmac Secondary Plan. Policies 6.3.4.1, amongst others, is applicable and permit the existing street townhouse dwelling.

Mountview Neighbourhood Plan

The subject lands are identified as “Civic and Institutional” on Map 7111 (Map 1 of 2) of the Mountview Neighbourhood Plan.

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 areas of pioneer Euro-Canadian settlement.

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.



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

A Stage 1-2 archaeological report (P018-215-2007) for the subject property were submitted to the City and the Ministry of Citizenship and Multiculturalism. The Province signed off on the reports for compliance with licensing requirements in a letter dated January 5, 2009.

Staff is of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Cultural Heritage

No comments.

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

The subject lands are zoned Major Institutional (I3) Zone in City of Hamilton Zoning By-law No. 05-200. The existing street townhouse and proposed deck are permitted.

Variance 1

1. A deck shall be permitted to encroach 5.5 metres into the required rear yard instead of the maximum permitted encroachment of 1.5 metres into the required rear yard.

The intent of this provision is to ensure sufficient rear yard amenity space is provided and to prevent or mitigate privacy and overlook impacts.

Staff note that no variance is required for encroachment into a required side yard for the deck as there is no required side yard related to the common wall of a street townhouse.

Staff further note that the proposed deck would have a 2 metre setback to the rear property line, and a 3.66 metre setback to the western property line, preserving a landscaped area in addition to the deck. Regarding privacy and overlook concerns, staff note that the rear of the subject property abuts Chedmac Drive. Based on the foregoing, it is staff's opinion that there will be no negative impacts to amenity space as the deck itself is for amenity space and staff do not anticipate negative impacts in terms of privacy or overlook.

Staff are of the opinion that the requested variance 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.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

Comments:	<p>1. The variance requested to allow a deck to encroach into a required side yard is not required as there is no required side yard related to the common wall of a street townhouse.</p> <p>2. 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:	Comments Only
Proposed Conditions:	
Comments:	The subject property is within a private Condo development. The Condo corporation has easement in their favour to deal with the grading and drainage within this property, to our understanding. Therefore, the proponent is directed to obtain pre-approval from the Condo Board first.
Notes:	

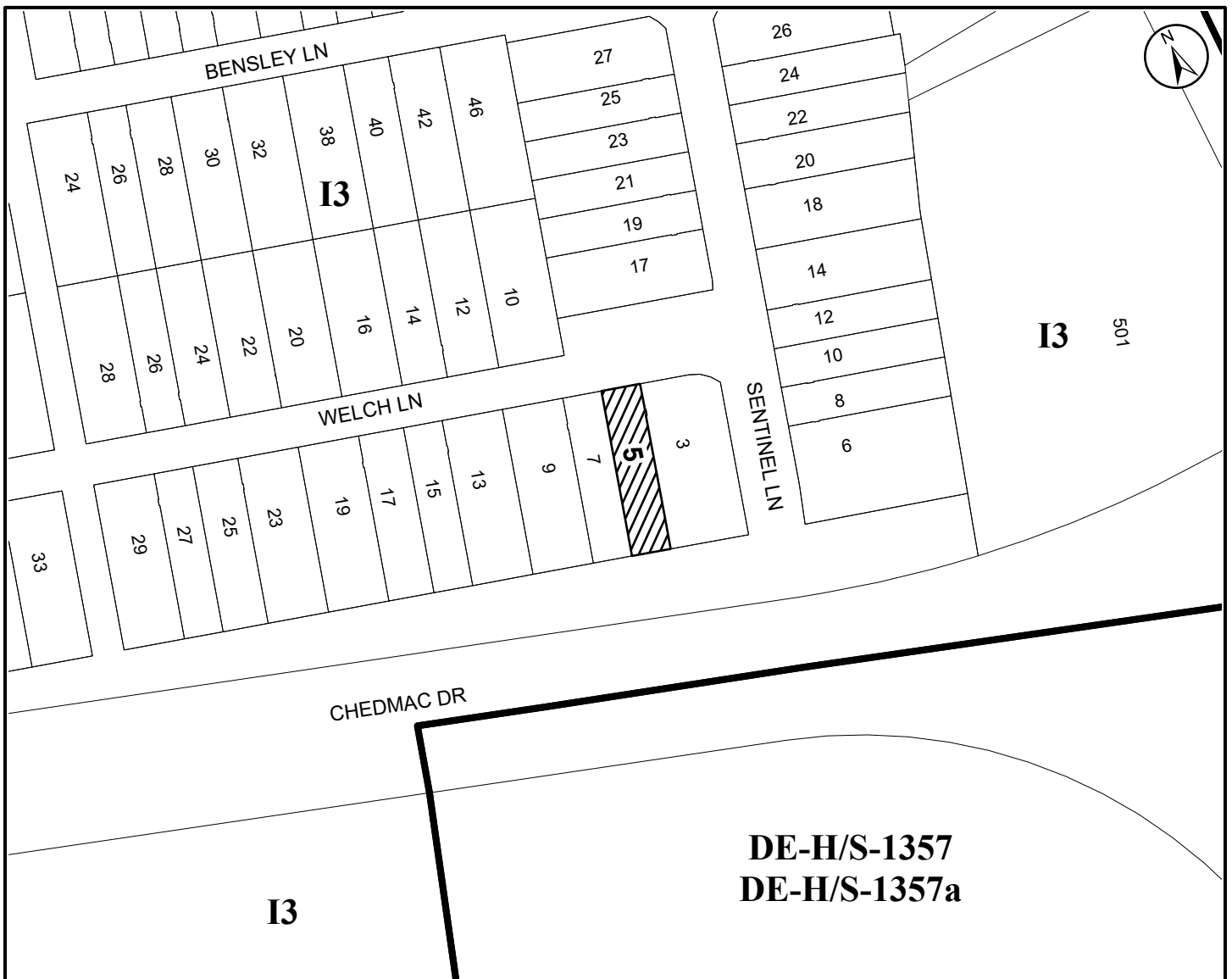
Building Engineering:

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

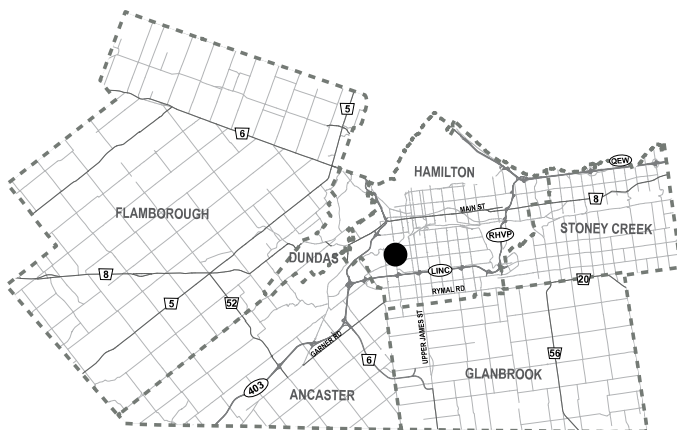
Transportation Planning:

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



5 Welch Lane, Hamilton (Ward 14)

File Name/Number:

A-25:142

Date:

August 5, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department