

A-25:130 — 38 Freedom Crescent, Glanbrook

Recommendation:

Approve Variance 1 and Deny Variance 2. — Development Planning

Proposed Conditions:

Proposed Notes:

Building Permit # 23-120108, issued on June 1, 2023, to construct a 3.25m² deck in the rear of the single-family townhouse dwelling, remains not finalized. (Building Engineering)

A building permit is required for the conversion of the single-family dwelling to a proposed two-family dwelling. (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 a Secondary Dwelling Unit within an existing Single Detached Dwelling.

Staff note that the provided site sketch package shows a partial additional parking space in the front yard. Staff are not supportive of including that space.

The following variance is requested:

1. No parking spaces shall be provided for the Secondary Dwelling Unit instead of the minimum required one (1) parking space.
2. A minimum front yard landscaped area of 26% shall be permitted, instead of the minimum required front yard landscaped area of 50%.

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. Based on the forgoing policies, street townhouse dwellings are permitted. Based on the policies found in Volume 1 of the Urban Hamilton Official Plan the proposed additional dwelling unit is permitted.

Mount Hope Secondary Plan

The subject property is further designated “Low Density Residential 2c” on Map B.5.4-1 – Mount Hope 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 proposal complies with the Mount Hope Secondary 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 250 metres of known archaeological sites; and



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- 2) 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.

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.

A Stage 4 archaeological report (P013-382-2007) was submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province signed off on the reports for compliance with licensing requirements in a letter dated April 20, 2008. 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

Former Township of Glanbrook Zoning By-law No. 464

The subject property is zoned as Residential Multiple "RM2-194(A)" Zone. Modified, in the Former Township of Glanbrook Zoning By-law No. 464. The zone permits the proposed Additional Dwelling Unit.

Analysis

Variance 1

1. No parking spaces shall be provided for the Secondary Dwelling Unit instead of the minimum required one (1) parking space.

The intent of the provision is to ensure that adequate parking spaces are provided on a property in order to accommodate the inclusion of an additional dwelling unit. Staff have reviewed the proposed variance and generally do not have concern with the removal of a parking space for an additional dwelling unit as, if the zoning of the lands were within Zoning By-law No. 05-200 which in the near future will be brought into the comprehensive city-wide zoning by-law, a parking space for an additional dwelling unit would not be required to be provided. Therefore, staff do not have concerns with the removal of the required parking space. Based on the forgoing **staff are supportive of the requested variance 1** as it meets the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A minimum front yard landscaped area of 26% shall be permitted, instead of the minimum required front yard landscaped area of 50%.



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STAFF COMMENTS

HEARING DATE: August 14, 2025

The intent of the minimum landscaped area provision is to allow for adequate permeable area and softscaping to be located in the front yard to respect the relationship with the existing streetscape and neighbouring lands. Additionally, the minimum landscaping provision allows for adequate space for drainage of stormwater run-off. Planning staff defer drainage matters to Development Engineering. Staff are of the opinion that the reduction from 50% to 26% is not minor or desirable. Based on the provided site sketch the existing front yard landscaping is being reduced due to a proposed deficient in size parking space. Staff are not supportive of having an additional parking space in the front landscaped area. Planning staff defer to Transportation Planning regarding the proposed parking space partial encroachment into the municipal boulevard. Based on the forgoing **staff are not supportive of the requested variance 2** as it does not meet the four tests under the *Planning Act*.

Based on the forgoing analysis staff recommend the **approval of variance 1 and denial of variance 2** as proposed variance 1 maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature and desirable for the appropriate development of the subject lands and proposed variance 2 does not maintain the general intent and purpose of the Official Plan and Zoning By-law, is not minor in nature and is not desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building Permit # 23-120108, issued on June 1, 2023, to construct a 3.25m ² deck in the rear of the single-family townhouse dwelling, remains not finalized.



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STAFF COMMENTS

HEARING DATE: August 14, 2025

	<p>A building permit is required for the conversion of the single-family dwelling to a proposed two-family dwelling.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p>
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Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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

From: Kyle Riley <kriley@npca.ca>
Sent: Wednesday, August 6, 2025 1:37 PM
To: Committee of adjustment
Subject: Re: August 14, 2025 Committee of Adjustment Agenda Available

External Email: Use caution with links and attachments

Hello,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming Hamilton's August 14, 2025, Committee of Adjustments Agenda, and offers the following comments.

7290 Airport Road East **A:25:145-**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9754 Twenty Road West -

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3392 Homestead Drive -

[REDACTED]

[REDACTED]

[REDACTED]

474 Provident Way -

[REDACTED]

[REDACTED]

[REDACTED]

38 Freedom Crescent -

The Applicants seek Minor Variances to provide no parking spaces for a Secondary Dwelling Unit instead of the minimum one required parking space and to permit a minimum front yard landscape are of 26% where a minimum of 50% is required.

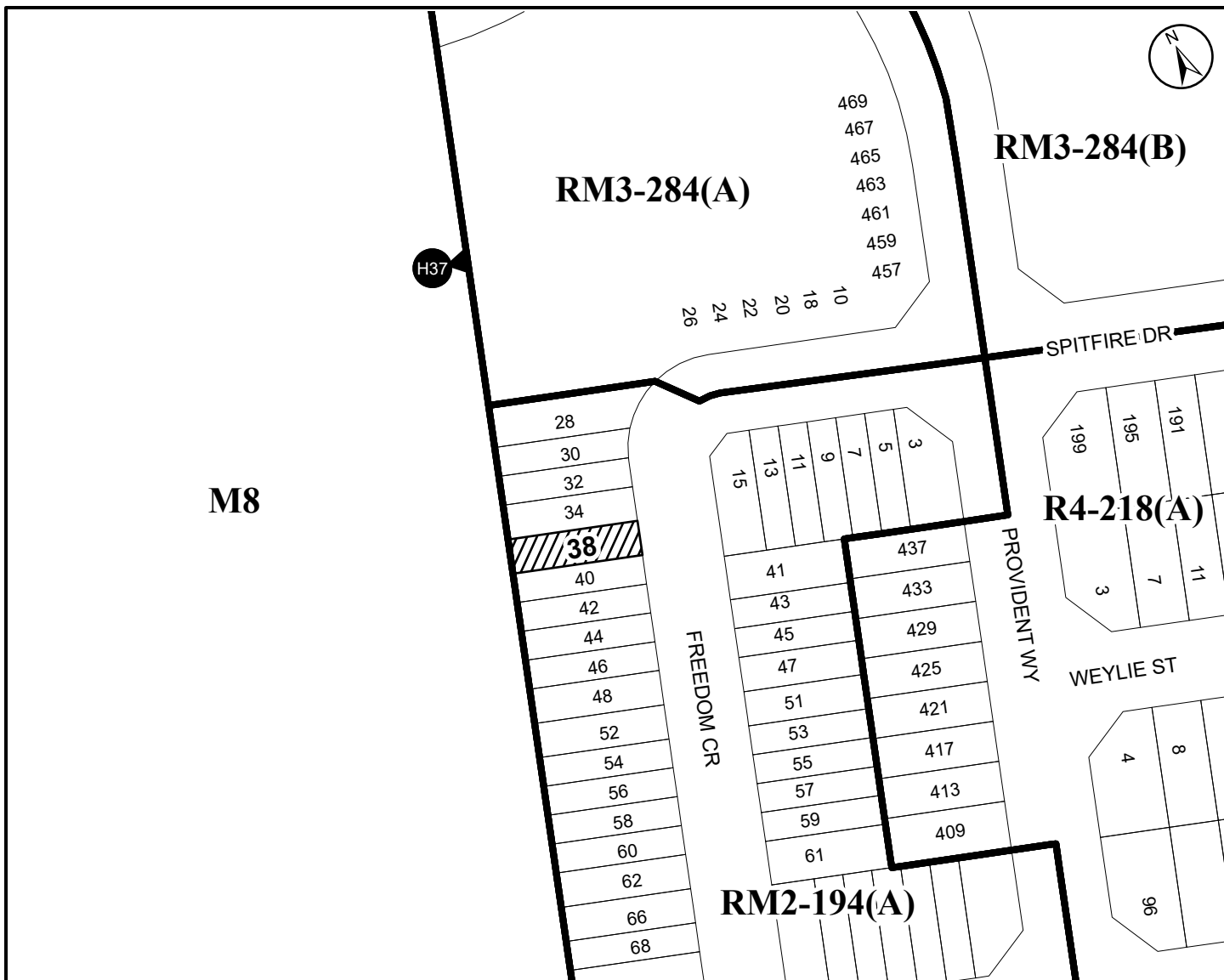
There are no NPCA-regulated features located at this address at this time. As such, the NPCA offers No Objections to proposed development.

There are no NPCA Planning or Permitting fees required to facilitate the development of this Application.

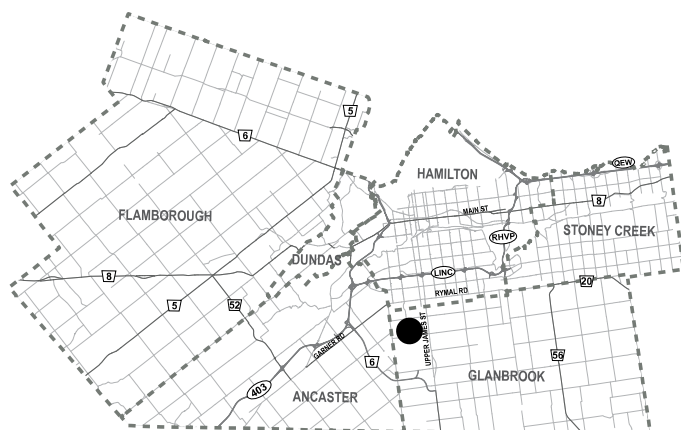
We thank you kindly for circulating this Application to our Offices for comments.

Should you have any questions please contact the undersigned.

Best regards,



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



38 Freedom Crescent, Glanbrook
(Ward 11)

File Name/Number:

A-25:130

Date:

July 29, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department