

A-25:122 — 12 Melbourne Street, Hamilton

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of the proposed additional dwelling unit detached within the rear yard of the existing single detached dwelling. (Building Engineering)

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

**“Acknowledgement Note:** The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:122 is to permit the construction of an Additional Dwelling Unit - Detached within the rear yard of the existing Single Detached 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 and proposed additional dwelling unit is permitted.

#### **Kirkendall North Neighbourhood Plan**

The subject lands are identified as “Single and Double” on Map 6803 of the Kirkendall North 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.

### **Cultural Heritage**

The property known as 12 Melbourne Street, Hamilton, is located within the Kirkendall North Established Historical Neighborhood.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- “B.3.4.1.4      Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.



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- B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.
- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.
- B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.”

The proponent proposes the construction of an Additional Dwelling Unit that is detached within the rear yard of the existing Single Detached Dwelling.

Staff recommend design revisions that consider the existing built heritage features of the surrounding Established Historical Neighbourhood. Staff strongly recommend that the height of the proposed additional dwelling unit not exceed the height of the primary dwelling. Staff further recommend that the proposed additional dwelling unit be of similar colour and materiality to the surrounding buildings and that the proposed additional dwelling unit utilize an architectural style and architectural elements sympathetic and in keeping with the character of the surrounding area.

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

The subject lands are zoned Low Density Residential-Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit are permitted uses.

#### **Variances 1 and 2**

1. A minimum 0.9 metre side yard setback shall be permitted instead of the minimum required 1.2 metre setback.
2. No Landscape Strip shall be required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached whereas a Landscape Strip is required.



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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 neighbouring properties and to ensure that there is sufficient greenspace.

Staff note that the subject property backs onto a parking lot and contains a permeable pathway in the sideyard which satisfies privacy, drainage, and separation concerns. Additionally, staff note that the property has sufficient greenspace including trees that line the sideyard of the property.

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

### **Variances 3-5**

3. A maximum building height of 7.0 metres shall be provided for the Additional Dwelling Unit – Detached, instead of the maximum permitted height of 6.0 metres.
4. A maximum gross floor area of 95.0 square metres shall be provided for the Additional Dwelling Unit – Detached whereas a maximum gross floor area of 75.0 square metres is permitted.
5. A maximum combined lot coverage of all buildings on a lot containing an Additional Dwelling Unit – Detached shall be 47% instead of the maximum permitted lot coverage of 45%.

The intent of this provision is to ensure additional dwelling units remain subordinate in size, scale and character to the principle building or primary dwelling.

Staff note that the existing single detached dwelling has a height of 4.5 metres, whereas the proposed additional dwelling unit is to have a height of 7 metres. Additionally, the existing single detached dwelling has a gross floor area of 266.7 square metres and the additional dwelling unit has a gross floor area of 95 square metres.

Staff note that the proposed additional dwelling unit is significantly smaller in area than the existing single detached dwelling. In addition, the proposed additional dwelling unit is concealed from the streetscape behind the existing single detached dwelling. The significant change in grade allows for an increased height which maintains the streetscape. It is staff's opinion that the proposed additional dwelling unit will remain subordinate in size, scale and character to the single detached dwelling.

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



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

**Variance 6**

6. A total of two (2) parking spaces shall be permitted to be maintained with a hard surface material instead of the requirement that any parking provided beyond that which is required shall be maintained with permeable material.

The intent of this provision is to ensure that there is sufficient stormwater management.

Staff note that there is sufficient soft landscaping and permeable materials on the subject property to mitigate drainage and water runoff issues. Development Planning defers to Development Engineering regarding any drainage and water runoff concerns.

Staff are of the opinion that the requested variance 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.

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

**Zoning:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	No Zoning Concerns.
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed additional dwelling unit detached within the rear yard of the existing single detached dwelling.



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**STAFF COMMENTS**

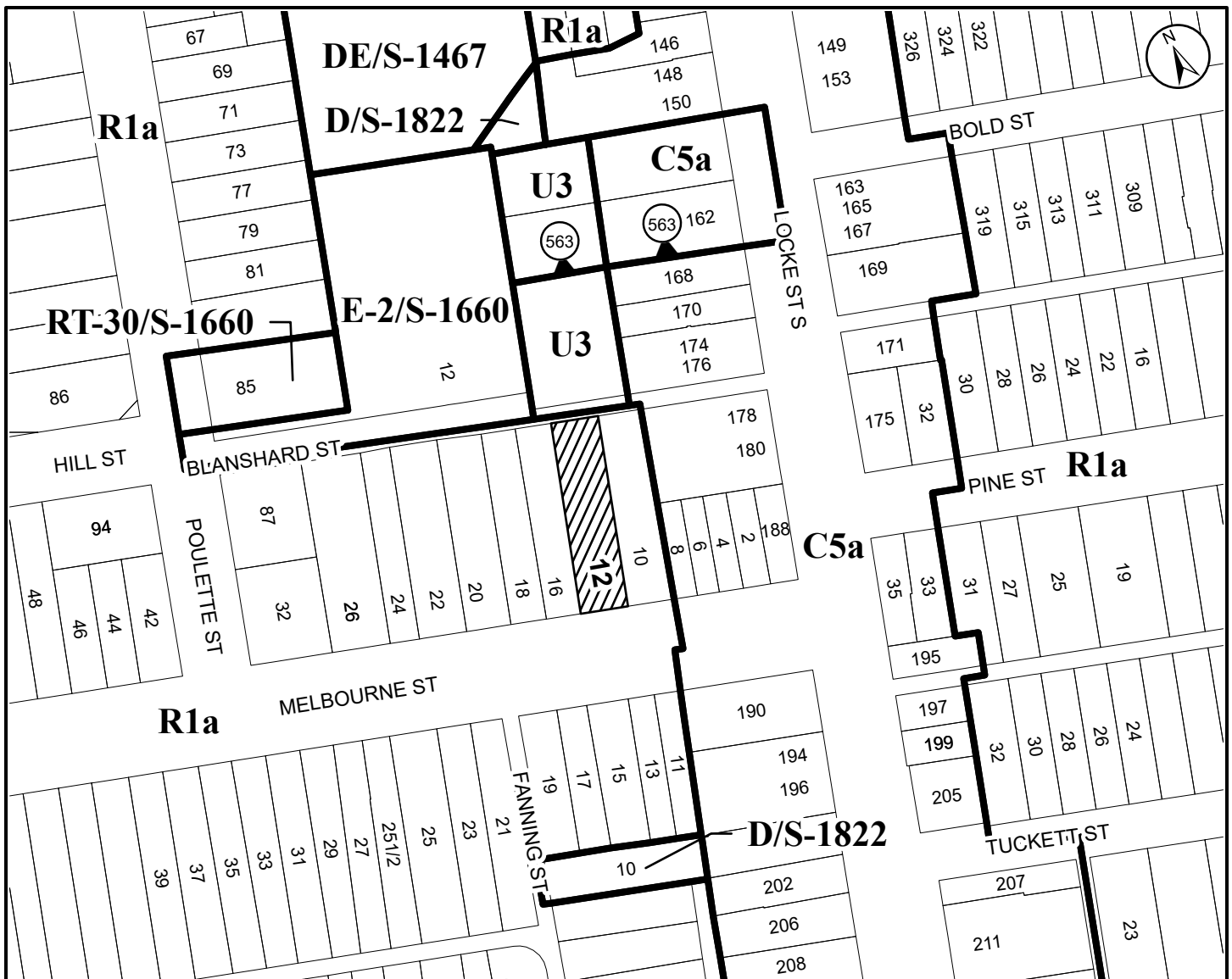
**HEARING DATE: August 14, 2025**

	Be advised that Ontario Building Code regulations may require specific setback and construction types.
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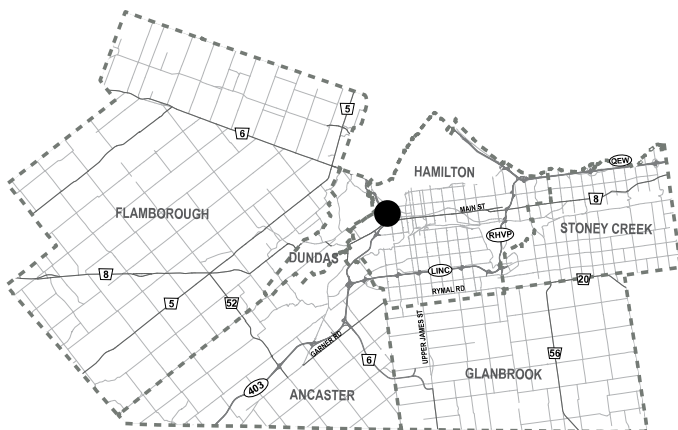
**Transportation Planning:**

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



12 Melbourne Street, Hamilton  
(Ward 1)

File Name/Number:

A-25:122

Date:

August 6, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department