



A-25:176 — 20 Canada Street, Hamilton

Recommendation:

Approve Consent to Sever Application, Approve Variances 1 and 2 for Lot #20A and Deny Variance 3 for Lot #20A, Approve Variances 1 to 5 for Lot #20B and Deny Variance 6 for Lot #20B
— Development Planning

Proposed Conditions:

1. The Owner submit a noise and vibration study to the satisfaction of the Director of Development Planning and agrees to implement all measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) guidelines. Should a peer review of the report be warranted, all associated costs shall be borne by the Owner and shall be submitted to the satisfaction of the Director of Development Planning.
2. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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).

3. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
4. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.



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Proposed Notes:

A building permit is required for the construction of the proposed triplex. (Building Engineering)

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



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (LOT 2 #20B):	7.6 m±	30.65 m±	235 m ² ±
RETAINED LANDS (LOT 1 #20A):	7.6 m±	30.65 m±	228 m ² ±

The purpose of Consent to Sever application B-25:061 is to permit the conveyance of a parcel of land to create a new residential building lot. The severed lands will contain a proposed three storey triplex and the retained lands will contain the existing two storey duplex with additional dwelling unit. Minor Variance application A-25.176 was concurrently submitted to facilitate Consent to Sever application B-25:061.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, 2.4.2.2, B.3.6.3.7, B.3.6.3.10, C.2.11.1, E.3.4.3, and F.1.14.3.1, amongst others, are applicable and permit the existing duplex and additional dwelling unit and proposed triplex.

Policy B.3.6.3.7 e) requires a noise feasibility study or detailed noise study be submitted for any development of residential uses within 400 metres of a railway line. Additionally, Policy B.3.6.3.10 requires a vibration study for development on lands within 75 metres of a railway line or railway yard. The subject property is located within 75 metres of a railway line. Therefore, staff are recommending a condition to require a noise and vibration study be completed to the satisfaction of the Director of Development Planning.

Policy C.2.11.1 recognizes the importance of trees and woodlands to the health and quality of life within the City. Policy C.2.11.1 encourages sustainable forestry practices and the protection and restoration of trees and forests in order to meet City’s the tree canopy coverage target of 40% as identified in the Council adopted Urban Forest Strategy. Staff are of the opinion that Variance 3 for Lot #20A and Variance 6 for Lot #20B do not maintain the intent of this policy.

The proposal is considered residential intensification and has been evaluated against the criteria found in Policies B.2.4.1.4 and B.2.4.2.2. The proposed lots and built form, including setbacks, are consistent with the existing lot fabric, development pattern and streetscape along Canada Street.

Policy F.1.14.3.1 permits new lots for residential uses in the “Neighbourhoods” designation subject to the following criteria:



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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 note that the proposed lots will have frontage on a public road and are fully serviced by municipal water and wastewater services. The proposed lots and built form are generally consistent with and compatible with the character, scale and established development pattern of the area. However, the retained lands and severed lands would not meet the minimum required lot area or the minimum required lot width of the Zoning By-law. Minor Variance application A-25:176 was concurrently submitted to address these and other non-conformities, which are further discussed below.

Development Planning staff note that Zoning staff will require confirmation that the proposed lots comply with the Zoning By-law.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, components of the City's Natural Heritage System (Core Areas and Linkages) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the City's Natural Heritage System.

Based on aerial photograph, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). Further, through the Council adopted Urban Forest Strategy, a canopy cover target of 40 percent by 2050 within the urban area has been identified. The maintenance of existing trees assists in achieving this goal. Based on this proposal, trees may be impacted. If these trees are to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained.

The following conditions should be considered:



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- That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
- That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees, to the satisfaction of the Manager of Heritage and Urban Design.

Archaeology:

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer Euro-Canadian settlement; and,
- 3) Along historic transportation routes.

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.

If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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).”

Cultural Heritage:



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The subject property, located at 20 Canada Street, is comprised of a circa 1881 two-storey brick dwelling and is listed on the City's Inventory of Heritage Properties.

The subject property is adjacent to 243 Jackson Street West, a property listed on the City's Inventory of Heritage Properties.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject and adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

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*.

B.3.4.2.1(g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.

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.3.4.6.2 *Cultural heritage landscapes*...shall be protected in the carrying out of any undertaking subject to the *Environmental Assessment Act* or the *Planning Act*.

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.

The proponent proposes to create a new residential building lot. The severed lands will contain a



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proposed 3 storey triplex, and the retained lands will contain the existing 2 storey brick building which is intended to remain.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Staff strongly recommend design revisions that consider the existing built heritage features within the historic context. Staff strongly encourage that a similar colour and materiality, such as brick cladding, be used to the surrounding buildings. Staff would further recommend the use of architectural elements that are sympathetic to the surrounding existing built heritage resources.

Based on the above analysis, staff are of the opinion the proposed severance maintains the general intent of the Urban Hamilton Official Plan. **Therefore, staff recommend approval.**

Kirkendall North Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6803 (Map 2 of 2) of the Kirkendall North Neighbourhood Plan.

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 duplex, additional dwelling unit and proposed triplex are permitted uses.

The Zoning By-law requires a minimum lot area of 270 square metres and a minimum lot width of 9 metres for both duplexes and triplexes. As proposed, the retained and severed lands do not meet the minimum required lot width or lot area. Minor Variance application A-25:176 was submitted to address these and other zoning non-conformities, discussed below.

Variations for “Lot #20A”

1. A minimum lot area of 228.0 square metres shall be provided instead of the minimum required lot area of 270 square metres.
2. A minimum lot width of 7.6 metres shall be provided instead of the minimum required lot width of 9.0 metres.
3. A single area within the required landscaped area for tree protection and/or tree planting shall not be provided.

The intent of these provisions is to ensure lots are large enough to be viable building lots and to ensure a consistent lot fabric and development pattern. Tree planting or tree preservation areas are intended to contribute to the City’s urban tree canopy coverage goal.



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Regarding Variances 1 and 2, lot widths along Canada Street range from approximately 15 metres for larger properties and between 7 and 8 metres for smaller properties. Lot areas along Canada Street range from approximately 460 square metres to approximately 230 square metres.

The retained parcel, with a width of 7.6 metres and an area of 228 square metres, is comparable with this existing range of lot widths and areas. Additionally, the existing duplex will maintain a side yard setback of 1.2 metres to the newly established lot line.

Therefore, staff are of the opinion that the retained parcel is compatible with the established lot pattern and built form of the area. Variances 1 and 2 maintain the general intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use or development of the land and are minor in nature. Staff support Variances 1 and 2.

Regarding Variance 3, staff note that the tree planting or tree protection area is informed by the City of Hamilton's Neighbourhood Infill Design Guidelines. In Section 2.1, Landscaping, of the City of Hamilton's Neighbourhood Infill Design Guidelines a recommendation to include at least one high branching deciduous tree with a minimum soil volume of 21 cubic metres (3.75 metres x 3.75 metres x 1.5 metres deep) is provided.

As no tree planting or tree protection area is proposed, this does not contribute to meeting City's tree canopy coverage target of 40% as identified in the Council adopted Urban Forest Strategy. Therefore, it is staff's opinion that Variance 3 does not maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support Variance 3.

Variance for "Lot #20B"

1. A minimum lot area of 235.0 square metres shall be provided instead of the minimum required lot area of 270 square metres.
2. A minimum lot width of 7.6 metres shall be provided instead of the minimum required lot width of 9.0 metres.
3. A minimum 2.5 metre front yard shall be permitted instead of the minimum required 3.4 metre setback.
4. A minimum 0.9 metre interior side yard shall be permitted for the easterly side lot line instead of the minimum required 1.2 metre setback.
5. A front porch shall be permitted to be located at a distance of 1.3 metres from the front lot line instead of the minimum required 3.4 metre setback.



6. A single area within the required landscaped area for tree protection and/or tree planting shall not be provided.

The intent of these provisions is to ensure lots are large enough to be viable building lots, to maintain a consistent lot fabric and development pattern as well as provide sufficient separation between buildings. Tree planting or tree preservation areas are intended to contribute to the City's urban tree canopy coverage goal. Side lot line setbacks ensure there is adequate space for access, maintenance and drainage purposes. Staff defer any drainage or grading concerns to Development Engineering staff.

Regarding Variances 1 and 2, lot widths along Canada Street range from approximately 15 metres for larger properties and between 7 and 8 metres for smaller properties. Lot areas along Canada Street range from approximately 460 square metres to approximately 230 square metres. The proposed retained parcel, with a width of 7.6 metres and an area of 235 square metres, is comparable with this existing range of lot widths and areas.

Therefore, staff are of the opinion that the severed parcel is compatible with the established lot pattern and built form of the area. Variances 1 and 2 maintain the general intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use or development of the land and are minor in nature. Staff support Variances 1 and 2.

Regarding Variance 3, staff note that front yard setbacks along Canada Street vary significantly with some buildings as close as 1.9 metres to the street line and some as far back as 9 metres from the street line. The proposed front yard setback of 2.5 metres is greater than the existing 1.9 metre setback for the existing duplex on the retained parcel. Staff are of the opinion the requested variance is compatible with the neighbourhood character and streetscape and will not adversely impact the area. Therefore, Variance 3 maintains the general intent of the Urban Hamilton Official Plan and the Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support Variance 3.

Regarding Variance 4, staff note that a 1.2 metre setback will be maintained along the westerly side yard while a 0.9 metre setback is proposed along the easterly side yard. Development Planning staff are of the opinion that sufficient separation will be maintained for access purposes on both the westerly and easterly side yards. Staff are of the opinion that Variance 4 maintains the general intent of the Urban Hamilton Official Plan and the Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Provided that Development Engineering have no concerns, Development Planning staff support Variance 4.

Regarding Variance 5, staff note that a covered porch and staircase on the retained parcel have a front yard setback of 0.9 metres whereas the front porch on the severed parcel is proposed to have a setback of 1.3 metres. Staff are of the opinion that the requested variance is compatible with the neighbourhood character and streetscape and will not adversely impact the area. Therefore, Variance



5 maintains the general intent of the Urban Hamilton Official Plan and the Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support Variance 5.

Regarding Variance 6, staff note that the tree planting or tree protection area is informed by the City of Hamilton’s Neighbourhood Infill Design Guidelines. In Section 2.1, Landscaping, of the City of Hamilton’s Neighbourhood Infill Design Guidelines a recommendation to include at least one high branching deciduous tree with a minimum soil volume of 21 cubic metres (3.75 metres x 3.75 metres x 1.5 metres deep) is provided.

As no tree planting or tree protection area is proposed, this does not contribute to meeting City’s the tree canopy coverage target of 40% as identified in the Council adopted Urban Forest Strategy. Therefore, it is staff’s opinion that Variance 6 does not maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support Variance 6.

In conclusion, staff are of the opinion that Variances 1 and 2 for Lot #20A and Variances 1 to 5 for Lot #20B meet the four tests of a minor variance, whereas Variance 3 for Lot #20A and Variance 6 for Lot #20B do not meet the four tests of a minor variance. **Therefore, staff recommend approval for Variances 1 and 2 for Lot #20A and Variances 1 to 5 for Lot #20B and denial for Variance 3 for Lot #20A and Variance 6 for Lot #20B.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	This application is associated with Consent application B:25-061
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 triplex.



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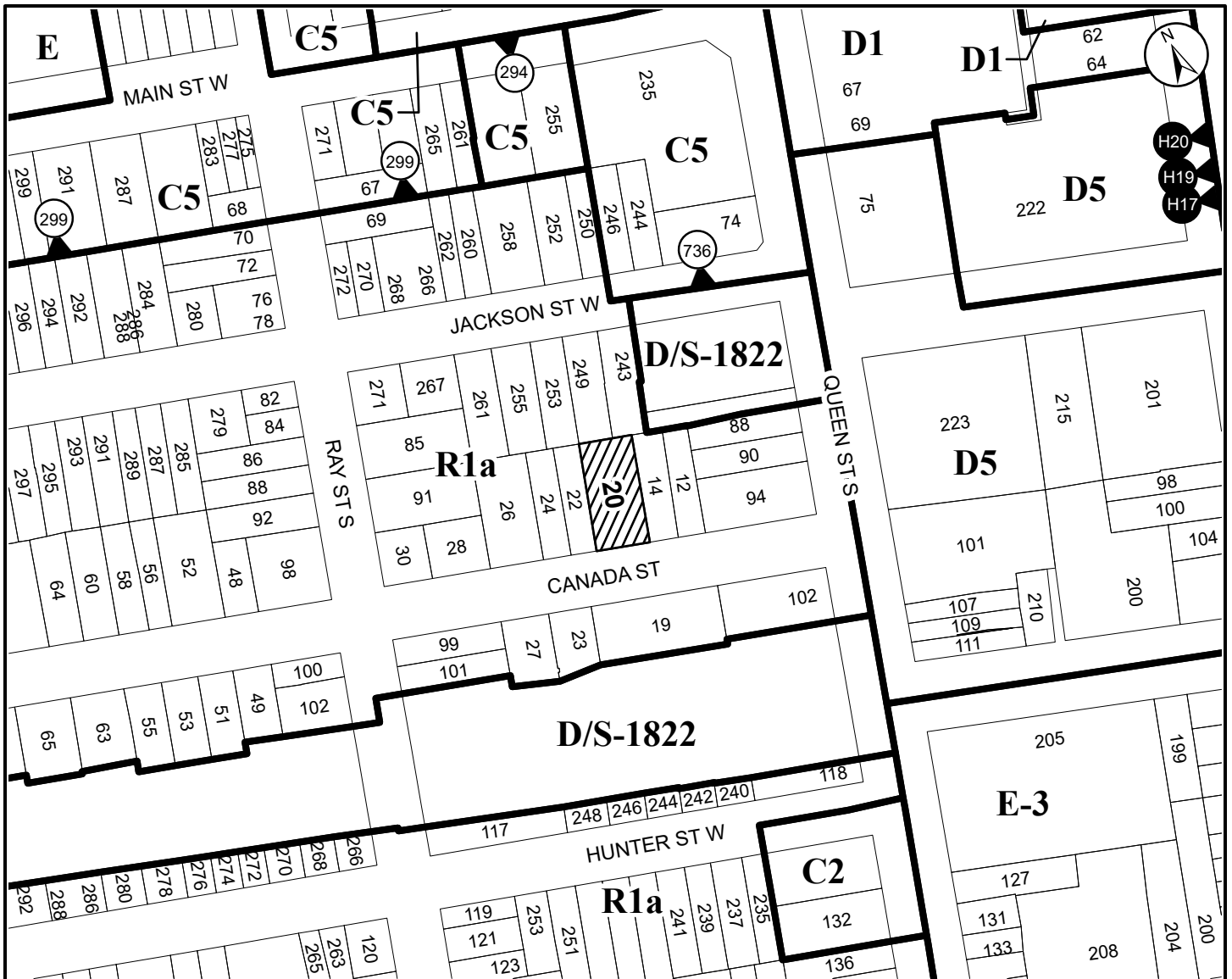
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	Be advised that Ontario Building Code regulations may require specific setback and construction types.
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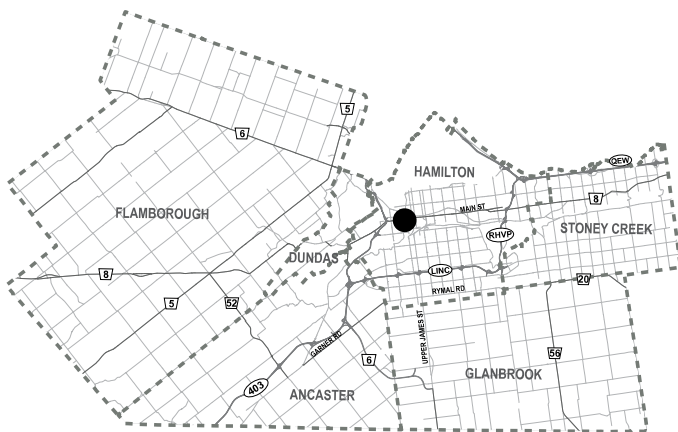
Transportation Planning:

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

20 Canada Street, Hamilton (Ward 1)

File Name/Number:
A-25:176

Date:
September 15, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department