



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

A-25:177 — 25 Grove Street, Hamilton

Recommendation:

Deny — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the conversion of the existing two family dwelling to contain three dwelling units. (Building Engineering)

The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units. (Building Engineering)

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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)



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Development Planning:

Background

The purpose of Minor Variance application A-25:177 is to permit a semi-detached dwelling to contain two additional dwelling units.

Staff note that Minor Variance application A-25:178, located at 27 Grove Street, is a related application to permit two additional dwelling units within the other half of the semi-detached dwelling located on both 25 and 27 Grove Street.

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. Policy B.2.4.2.2, E.3.4.3, and E.3.4.6, amongst others, are applicable and permit the existing semi-detached dwelling and one additional dwelling unit.

The Urban Hamilton Official Plan does not contemplate a semi-detached dwelling that contains two additional dwelling units, as this functionally results in a building with six dwelling units and is considered a multiple dwelling. The Urban Hamilton Official Plan defines a multiple dwelling as follows:

“Multiple Dwelling: means a building or part thereof containing five or more dwelling units. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, street townhouse dwellings fronting onto a condominium road, and apartment dwellings. (OPA 167)”

Per this definition, the proposed development would result in a six-unit multiple dwelling, which each half of the existing semi-detached dwelling containing three units. As the definition of a multiple dwelling pertains to the building specifically, the proposal must be reviewed with the entirety of the existing building in mind (being both halves of the existing semi-detached dwelling). If three dwelling units are proposed in each half of the building, this totals six dwelling units and thus becomes a multiple dwelling as defined by the Urban Hamilton Official Plan.

Policy E.3.4.3 permits single detached, semi-detached, duplex, triplex, fourplex, street townhouse dwellings and multiple dwellings containing a maximum of six units. Policy E.3.4.6 e) permits multiple dwellings provided they have access to a collector or arterial road from a local road where only a small number of low density residential dwellings are located on that portion of the local road. Staff note that the subject lands are a short distance to Hunter Street East, crossing eight properties along Grove Street and Wellington Street South. Hunter Street East is classified as a collector road on Schedule C – Functional Road Classifications.

The proposal is considered residential intensification and has been reviewed against the criteria found in Policy B.2.4.2.2 for residential intensification within the “Neighbourhoods” designation. In



particular, Policy B.2.4.2.2 k) states that uses permitted in Policy E.3.4.3 must meet the Neighbourhood Infill Design Guidelines. The Neighbourhood Infill Design Guidelines are intended to inform the evaluation of infill development through a minor variance application.

Based upon staff's review of the proposal against these guidelines, the proposal does not meet these guidelines as they do not contemplate permitting fiveplexes and sixplexes (or multiple dwellings containing 5 or 6 units) via the Minor Variance process. Instead, it is recommended that a Zoning By-law Amendment application be submitted to evaluate the merits of the proposed development, to ensure all site considerations are subject to a fulsome review.

It is staff's opinion that the requested variance does not maintain the intent of the Urban Hamilton Official Plan as the proposal is considered a multiple dwelling. A minor variance application is not considered the appropriate *Planning Act* application to permit the proposed development, in accordance with the Neighbourhood Infill Design Guidelines.

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,
- 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.

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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

The subject property, located at 25 Grove Street, is comprised of a circa 1885 semi-detached two-storey brick dwelling and is listed on the City's Inventory of Heritage Properties. The property is also located within the Grove Street Cultural Heritage Landscape and Corktown Established Historical Neighbourhood.



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The subject property is adjacent to 23 Grove Street and 27 Grove Street which are 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 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, sections B.3.4.1.4, B.3.4.1.5, B.3.4.2.1(g), B.3.4.2.1(h), and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes permit the semi-detached dwelling to contain two additional dwelling units.

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 setback, the streetscape and significant vistas.

Notwithstanding that the on site property is listed on the Inventory of Heritage Properties and is within the Grove Street Cultural Heritage Landscape and Corktown Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the on-site cultural heritage resource will be conserved. Staff have no further comments on the application as circulated.

Corktown Neighbourhood Plan

The subject lands are identified as "Commercial" on Map 6702 of the Corktown 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 semi-detached dwelling and additional dwelling unit are permitted uses.

Variance 1

1. A semi-detached dwelling unit shall be permitted to contain a total of two additional dwelling units instead of the requirement that each half of a semi-detached dwelling is only permitted to contain one additional dwelling unit.



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The intent of this provision is to limit the number of dwelling units within the interior of a semi-detached dwelling to two units, including one additional dwelling unit and the primary dwelling unit.

Staff note that the existing semi-detached dwelling contains an additional dwelling unit and a primary dwelling unit in both halves of the existing building. The proposal is to permit two additional dwelling units in each half of the existing semi-detached dwelling for a total of six units within a building, comprising 25 and 27 Grove Street. A separate minor variance application was submitted to permit the second additional dwelling unit at 27 Grove Street.

Staff further note that the Zoning By-law permits one additional dwelling unit within each half of a semi-detached dwelling to ensure only a maximum of four units are permitted within the building. The Zoning By-law defines a multiple dwelling as “a building or part thereof containing five or more dwelling units but shall not include a street townhouse dwelling.”

Based upon this definition, a semi-detached dwelling with three dwelling units in each half of the building would be a six unit multiple dwelling. While this is permitted within the “Neighbourhoods” designation, it is not permitted as of right by the Zoning By-law within the Low Density Residential – Small Lot (R1a) Zone. The intent was to permit multiple dwellings within low density residential areas through the Zoning By-law Amendment process, where all site considerations and appropriate zoning regulations could be applied on a site by site basis.

Therefore, it is staff’s opinion that the requested variance does not maintain the general intent of the Urban Hamilton Official Plan and Zoning By-law as the minor variance process is not considered the appropriate method to permit the proposed development. Staff do not support the variance.

Based on the foregoing, staff are of the opinion that the requested variance does not meet the four tests of a minor variance. **Staff recommend denial.**

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	The Owner shall submit grading plan in accordance with City Standards.
Notes:	



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STAFF COMMENTS

HEARING DATE: September 25, 2025

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the conversion of the existing two family dwelling to contain three dwelling units. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.

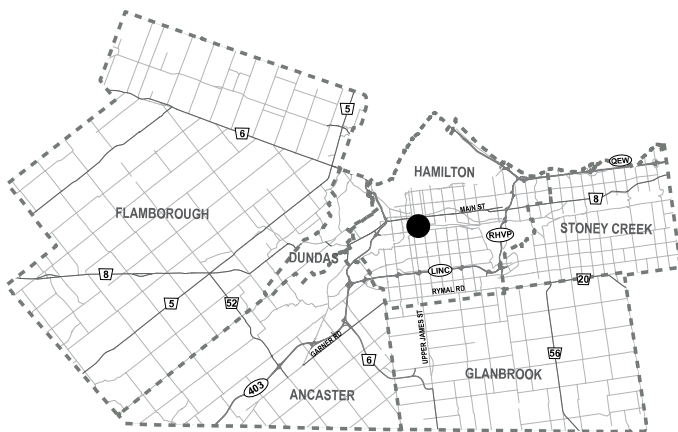
Transportation Planning:

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

 25 Grove Street, Hamilton (Ward 2)

File Name/Number:
A-25:177

Date:
September 15, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department