



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 25, 2025**

A-25:179 — 184 Park Street West, Dundas

**Recommendation:**

Approve with conditions. — Development Planning

**Proposed Conditions:**

1. That the variances be implemented in accordance with the site plan labelled SP1.01, last dated August 8, 2025, submitted with the application, to the satisfaction of the Director of Development Planning.
2. That an unobstructed access path with a minimum width of 1.0 metre and minimum clearance of 2.1 metres in height be provided and maintained from the street line to the entrance of the detached Additional Dwelling Unit, in accordance with Section 4.33.2(f) of Zoning By-law No. 05-200, to the satisfaction of the Director of Development Planning.

**Proposed Notes:**

Building Permit # 24T-185146, issued on August 6, 2024, to construct a 2-storey, 78.9 m<sup>2</sup> detached secondary dwelling unit within the rear yard of the existing single-family dwelling, remains not finalized. (Building Engineering)

A building permit is required for the construction of the proposed addition dwelling unit-detached. (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-25:179 is to permit alterations a detached additional dwelling unit in the rear yard of the subject property.

### 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. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling and proposed additional dwelling unit.

### Archaeology:

The subject property meets five (5) 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;
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;
3. In an area of sandy soil within an area of clay or stone;
4. In an area of pioneer Euro-Canadian settlement; and,
5. Along historic transportation corridors.

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:



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The subject property, located at 184 Park Street West, is comprised of a circa 1909 two-storey brick dwelling and is listed on the City's Municipal Heritage Register as a non-designated property. The property is also situated within the proposed Melville Street Heritage Conservation District. Hamilton City Council approved the staff and Heritage Committee recommendations on the final Melville Street Heritage Conservation District Study findings and directed staff to proceed with preparing a Plan for the proposed District.

Further, the subject property is located adjacent to 207-209 King Street West, a property designated under Part IV of the *Ontario Heritage Act* and a "protected heritage property" under the Provincial Planning Statement. Accordingly, Section 4.6.3 of the Provincial Planning Statement applies, as follows:

"Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be *conserved*."

Additionally, the subject property is also located near a concentration of properties of cultural heritage value or interest listed on the City's Municipal Heritage Register, including:

- 11 Market Street North
- 13 Market Street North
- 17 Market Street North
- 180 Park Street West

The subject property is also located within the Dundas Central Business District Cultural Heritage Landscape.

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.



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- B.3.4.2.5 In addition to the provisions of the *Ontario Heritage Act* respecting demolition of buildings or structures located on *cultural heritage properties* contained in the Register, the City shall ensure that such properties shall be *conserved* 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.
- 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 a detached Additional Dwelling Unit. The applicant should note that the designation of the new Melville Street Heritage Conservation District is expected to proceed later in 2025, though until Council proceeds with this designation no Heritage Permit approvals are required to implement this proposal. Notwithstanding that the on-site and adjacent properties are listed on the Municipal Heritage Register, and that the subject property is within the Dundas Central Business District Cultural Heritage Landscape, staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the on-site and adjacent cultural heritage resources will be conserved. Staff have no further comments on the application as circulated.

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

The subject lands are zoned Low Density Residential (R1) () Zone, in City of Hamilton Zoning By-law No. 05-200. The existing single-detached dwelling and proposed additional dwelling unit are permitted.

## Variance 1

1. A maximum Building Height of 7.2 metres shall be provided for an Additional Dwelling Unit-Detached instead of the maximum permitted Building Height of 6.0 metres.

The intent of this provision is to ensure that detached additional dwelling units remain compatible with surrounding low density residential areas and visually subordinate to the primary dwelling on the lot.



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The proposed additional dwelling unit will be 7.2 metres in height, while the main dwelling on the property is 9.58 metres in height. Staff are of the opinion that the proposed additional dwelling unit detached will remain visually subordinate to the main dwelling and consistent with the neighbourhood character. The modest increase of 1.2 metres is not anticipated to create adverse impacts related to shadowing or overlook, given the depth of the rear yard and the separation from adjacent dwellings. Staff support the variance.

**Variance 2**

- 2. A maximum Gross Floor Area of 80.0 square metres shall be provided instead of the maximum permitted 75.0 square metres.

The intent of this provision is to ensure that detached additional dwelling units remain clearly accessory in scale and function relative to the primary dwelling on the lot.

The proposed additional dwelling unit detached will have a gross floor area of 80.0 square metres, while the primary dwelling on the property has a gross floor area of 284.0 square metres. The additional dwelling unit detached will remain substantially smaller than the primary dwelling and will continue to function in an accessory capacity. The requested increase of 5.0 square metres is modest and will not materially change the form, massing, or character of the proposed building. Staff support the variance.

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 and development of the land and are minor in nature. Based on the foregoing analysis, staff recommend that the minor variances be approved, subject to the conditions outlined above.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Requested variances are required to facilitate the construction of a proposed Additional Dwelling Unit- Detached
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

**Building Engineering:**



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**STAFF COMMENTS**

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Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 24T-185146, issued on August 6, 2024, to construct a 2-storey, 78.9 m<sup>2</sup> detached secondary dwelling unit within the rear yard of the existing single-family dwelling, remains not finalized.</p> <p>A building permit is required for the construction of the proposed addition dwelling unit-detached.</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.

