

May 28th, 2015

HM/A-15:83 (554 Main Street East, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban:

The applicant requires minor variance approval in order to permit the establishment of a medical office within the ground floor and second floor of an existing building.

Provincial Policy Statement (2014)

The application is consistent with the policies of the Provincial Policy Statement.

Urban Hamilton Official Plan

The subject property is identified as "Primary Corridor" on Schedule "E" and designated "Neighbourhoods" on Schedule "E-1"

Policy E.3.2.3 states "The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- d) local commercial uses."

Policy E.3.8.1 states "Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhood Designation.

Policy E.3.8.2 states "The following uses shall be permitted:

- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses."

As the proposal is to permit a medical office within an existing building located along an arterial road the proposed use conforms to the policies of the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law

The subject property is zoned Community Shopping and Commercial "H" District in the City of Hamilton Zoning By-law, to which the proposed use complies.

Variance 1:

The intent and purpose of requiring a minimum of 32 on-site parking spaces is in order to ensure that the parking needs of the property are met and do not cause traffic conflicts.

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The subject property has a total of 8 parking spaces that are located on-site however there is an additional 10 parking spaces located on a property on the opposite side of an alleyway which provide additional parking to meet the parking needs of the subject property. The property on which the 10 additional parking spaces are located is zoned "G-3" Public Parking Lots and there are existing signage restricting parking to the business at 554 Main Street East. While there is no-street parking available on either Main Street East or Myrtle Avenue there are existing bus routes along both Main Street East and Wentworth Street South which is located one block west of the subject property. Therefore it is the opinion of staff that sufficient parking and alternative transportation options are available to meet the needs of the subject property. Therefore it is the opinion of staff that the proposed variance meets the intent and purpose of the Zoning By-law.

As sufficient transit and alternative parking is available for the subject property it is the opinion of staff that the proposed variance is minor in nature and is desirable and appropriate.

Variance 2:

The intent and purpose of requiring a minimum 6m on-site manoeuvring space is to ensure that parking spaces can be entered into and exited safely without causing traffic conflicts.

The 8 on-site parking spaces are accessed from an alleyway, which separate the on-site parking spaces from the 10 spaces located on the opposite side of the alleyway and which also access from the alleyway. It is not expected that there will be significant levels of traffic along the alleyway and therefore the proposed variance for 0m of on-site manoeuvring space will permit the parking spaces to be entered and exited safely without causing traffic conflicts.

As the parking is to be accessed from an alleyway the proposed variance for no on-site manoeuvring space is considered to be minor in nature and desirable and appropriate.

Variance 3:

The intent and purpose of requiring a minimum parking space size of 2.7m by 6m is to ensure that a parking space can accommodate a wide variety of different types of vehicles.

The applicant is proposing parking spaces that are 2.6m by 5.5m which is the new standard for parking space set out in the new City of Hamilton Zoning By-law. A 2.6m by 5.5m parking space is considered to be of sufficient size to accommodate a wide variety of different types of vehicles. Therefore the proposed variance meets the intent and purpose of the Zoning By-law.

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As the proposal is to establish parking at the new City of Hamilton Zoning By-law standard the proposed variance is considered to be minor in nature and desirable and appropriate for the use of the lands.

Variance 4:

The intent and purpose of requiring a minimum of one on-site loading space is to ensure that the loading and unloading needs of the property are met.

The proposed use of the building is to be a medical office which is not expected to have frequent large deliveries of products nor is the use expected to be sending out large shipments. The limited loading and loading activities associated with the proposed use can be accommodate within the exiting parking area at points of the day when the demand on the available parking is not as high. Therefore the proposed variance meets the intent and purpose of the Zoning By-law.

Recommendation:

It is the opinion of staff that the proposed variances are minor in nature, are desirable and appropriate for the use of the lands, and meets the intent and purpose of the Official Plan and Zoning By-law. Therefore, staff recommends that the proposed variances be **Approved**.

Building Division:

1. A building permit is required for the proposed medical office.
2. A minimum of thirty-two (32) parking spaces are required for the proposed medical office. No parking is required for the basement general business offices as a floor area of less than 450.0m² is provided.
3. Based on our records it appears that the alley way providing the access to the rear parking spaces is assumed by the City. Please note that if the alley is not publicly assumed additional variances will be required.
4. Please note that upon discontinuance of the existing uses at 554 Main Street East, the legal non-conforming status for the existing parking spaces located on the adjacent lands known as 77 Myrtle Avenue is lost. Therefore, the ten (10) parking spaces located on the said adjacent lands cannot be counted towards parking provided for the proposed medical office.
5. Order to Comply #11-103704 dated March 16, 2011, is outstanding.

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Development Engineering – East:

We have no comments respecting the establishment of a medical office within the ground and second floor of the existing building.

Hamilton Municipal Parking System (Parking Services):

For the information of the Committee, the applicant is requesting a variance to provide 8 of the 32 required parking spaces for this property. Full time parking is not permitted on Main Street East because of rush hours and it's "Through Street" designation and a Time Limit on the North side of the street. Any overflow parking will infiltrate into the adjacent residential neighbourhood where on-street parking is already of significant concern to area residents as it is very limited.

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

Our records indicate that the alley leading to the parking spaces is public unassumed.
