



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 4, 2020
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 184 and 186 Markland Street, Hamilton (PED20016) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Revised Zoning By-law Amendment Application ZAC-18-047 by Robert and Michelle Edmonds, Owner**, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwelling, Etc.) District to “DE-3/S-1796-‘H’” (Multiple Dwellings) District, Modified, Holding, to permit six units within the existing building for lands located at 184 and 186 Markland Street, Hamilton, as shown on Appendix “A” to Report PED20016, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED20016, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law attached as Appendix “B” to Report PED20016, be added to District Map No. W6 of Zoning By-law No. 6593;
  - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning;

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The Holding Provision “DE-3/S-1796-‘H’” (Multiple Dwellings) District, Holding, Modified, be removed conditional upon:

- 1) That the Owner merge the properties municipally known as 184 and 186 Markland Street on title, to the satisfaction of the Manager of Development Planning, Heritage and Design;
  - 2) That the Owner applies for and receives Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design; and,
  - 3) That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan;
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Medium Density Apartments” in the Durand Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 184 and 186 Markland Street, Hamilton. The Owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to recognize:

- the illegal conversion of a semi detached dwelling containing a total of two units at 184 Markland Street and a semi detached dwelling containing a total of one unit at 186 Markland Street, to a multiple dwelling with six units and to merge the lands on title.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2014) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the

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development of a complete community, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

**Alternatives for Consideration – See Page 23**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Applicant/Owner:	Robert and Michelle Edmonds
File Number:	ZAC-18-047
Type of Application:	Zoning By-law Amendment
Proposal:	<p>The applicant initially applied to legalize the conversion of a semi detached dwelling containing two units at 184 Markland Street and one unit at 186 Markland Street, to a four unit multiple dwelling on each lot, for a total of eight units, within an existing two and a half storey building that was established without a building permit. The applicant was also seeking to provide a total of seven parking spaces. Finally the applicant was seeking to maintain 184 and 186 Markland Street as separate lots of record.</p> <p>The applicant subsequently revised the application to legalize the conversion of a semi detached dwelling containing two units at 184 Markland Street and one unit at 186 Markland Street, to a six unit multiple dwelling within an existing two and a half storey building. The applicant is proposing a total of seven parking spaces. The applicant has agreed to merge 184 and</p>

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	186 Markland Street into a single lot due to the fact that the proposal functions as one lot in respect to parking, pedestrian access, and amenity space.
<b>Property Details</b>	
Municipal Address:	184 and 186 Markland Street, Hamilton
Lot Area:	546.4 square metres
Servicing:	Existing Full Municipal Services.
Existing Use:	<p>A legally recognized semi detached dwelling containing a total of two units at 184 Markland Street and a semi detached dwelling containing a total of one unit at 186 Markland Street.</p> <p>The building has been illegally converted to contain a total of four units at 184 Markland Street and four units at 186 Markland Street.</p>
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation
Official Plan Proposed:	No amendment required, subject to a change in designation from “Single & Double” to “Medium Density Apartments” in the Durand Neighbourhood Plan.
Zoning Existing:	“D” (Urban Protected Residential – One and Two Family Dwelling, Etc.) District
Zoning Proposed:	“DE-3/S-1796-‘H’” (Multiple Dwelling) District, Modified, Holding.
Modifications Proposed:	<p>Staff Proposed:</p> <ul style="list-style-type: none"> <li>• Restriction on number of dwelling units (six units); and,</li> <li>• Prohibit an emergency shelter or long term care facility.</li> </ul>

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	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>• Recognize existing front and side yard setbacks;</li> <li>• Reduction in lot width and lot area;</li> <li>• Eliminate maximum floor area ratio;</li> <li>• Recognize existing eave, gutter, porch and stair encroachments;</li> <li>• Reduce the side yard setback for an existing air conditioner;</li> <li>• Eliminate requirement for an on-site loading space;</li> <li>• Reduce the required manoeuvring space;</li> <li>• Reduce the required setback of a parking area from an adjacent residential district;</li> <li>• Eliminate requirement for planting strip between a parking area and an adjacent residential district;</li> <li>• Eliminate requirement for a visual barrier along the north and west lot lines; and,</li> <li>• Permit access by way of alleyway.</li> </ul>
<b>Processing Details</b>	
Received:	August 22, 2018
Deemed Incomplete:	September 20, 2018
Deemed Complete:	December 21, 2018
Notice of Complete Application:	Sent to 349 property owners within 120 metres of the subject property on January 11, 2019.
Public Notice Sign:	Posted January 25, 2019 and updated on January 8, 2020.
Notice of Public Meeting:	Sent to 153 property owners within 120 metres of the subject property on January 17, 2020.
Public Consultation:	Letter sent out by agent / applicant on March 26, 2019 to property owners within 120 metres of the subject property.
Public Comments:	<p>12 letters were received:</p> <ul style="list-style-type: none"> <li>• 0 in support;</li> <li>• 11 expressing concern; and,</li> <li>• 1 requesting additional information.</li> </ul>

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	Two responses to the agent's Public Information Letter: <ul style="list-style-type: none"><li>• 1 in support; and,</li><li>• 1 expressing concern.</li></ul>
Processing Time:	410 days

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Two family dwelling (184 Markland Street) and single unit semi detached dwelling (186 Markland Street)	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District

**Surrounding Land Uses:**

<b>North</b>	Two family dwelling	"DE-3" (Multiple Dwellings) District
<b>East</b>	Single detached dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>South</b>	Single detached and two family dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>West</b>	Single detached dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning

Appeals Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

#### Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policy of the PPS also applies:

- “2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) areas of pioneer EuroCanadian settlement; and,
- 2) along historic transportation routes.

The subject properties are included in the City's Register of Property of Cultural Heritage Value or Interest as non-designated properties. A Cultural Heritage Impact Assessment (CHIA) dated November 2018 was submitted as part of the complete application in 2018. The report assessed the impact of the proposed development on heritage attributes using municipal heritage policies. The CHIA was supportive of the project, including the possible future addition of a front yard porch to the dwelling so long as the porch is in keeping with the Victorian-style heritage character of the Durand Neighbourhood. The CHIA was reviewed by City staff and staff concur with the recommendations. It is the opinion of staff that as the proposal seeks to adaptively reuse the existing building, the heritage attributes of the protected heritage property will be conserved. With the exception of the parking area, no external modifications or new construction are proposed. As such, a written caution advising of the archaeological potential of the subject lands will be included at the Site Plan Control stage.

## Noise

Regarding noise, the PPS provides the following:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The applicant submitted a Noise Impact Study prepared by S. Llewellyn and Associates Limited dated November 2018 for the subject proposal. The noise study determined that vehicular traffic on Queen Street South is the dominant transportation noise source of sound affecting the proposed development. Based on the results of the study, the predicted noise levels impacting the subject property are below the maximum un-attenuated noise levels required by the Ministry of the Environment, Conservation and Parks and therefore no noise mitigation measures are required.

As the application for a change in zoning complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

## Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structures and designated “Neighbourhoods” on Schedule “E-1” Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the application.

“E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.



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

- a) residential dwellings, including second dwelling units and *housing with supports*.

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

#### High Density

E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.

E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.

E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road.
- d) Development shall:
  - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;

- ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
- iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The policies for lands designated “Neighbourhoods” permit residential uses including multiple dwellings (Policies E.3.2.3 and E.3.6.2). As the proposal is for a multiple dwelling with a density exceeding 100 units per hectare the high density policies apply.

The proposed use is restricted to the existing two and a half storey building and therefore will not alter the existing scale and character of the neighbourhood (Policy E.2.6.7 and E.3.2.4).

The proposed development has a density of 109.8 units per hectare and is located 50 metres from Queen Street South, a minor arterial road, in accordance with policies E.3.6.6 b) and E.3.6.1.

The subject lands are located on Markland Street which is classified as a local road with no direct access to a collector road, major or minor arterial road. A total of 11 low density residential dwellings front onto the portion of Markland Street extending from Hess Street South and Queen Street South. Therefore, only a limited number of low density residential dwellings are located between the subject property and a minor arterial road (Queen Street South) (Policy E.3.6.7 a)).

Policy E.3.6.7 d), i) requires that development provide adequate amenity features. Adequate amenity space is required to meet the private amenity and recreation needs of the residents of the proposed development and are being provided in the following ways:

- A rear second floor deck approximately 13.95 square metres in area;
- Two rear first floor decks each approximately 9.6 square metres in area; and,
- A rear yard sodded area approximately 29 square metres in area.

In addition, the subject property is within 500 metres of four municipal parks (Radial Park, Mapleside Park, Hamilton Amateur Athletic Association and Durand Park). The amenity features, both on site and in the surrounding area, will ensure that the amenity needs of the residents of the proposed multiple dwelling will be met.

Adequate landscaping is required for development to be compatible with the streetscape character of the area, provide buffering for surrounding properties and to

improve the storm water management of the subject lands by providing appropriate porous lands. The proposal is seeking to maintain and expand upon the landscaping that currently exists and therefore the proposal will not alter the existing streetscape character of the area and, will improve upon the existing situation with respect to buffering surrounding properties and storm water management. It is noted the rear yard will be balanced between landscaped area and parking area, as shown in the concept plan attached as Appendix "C" to Report PED20016.

The subject property is located within area "B" on schedule "H" in the City of Hamilton Zoning By-law No. 6593. A multiple dwelling within area "B" requires one parking space per unit. The proposed multiple dwelling with six units requires a minimum of six parking spaces to conform to the Zoning By-law. The proposed development will exceed the minimum number of parking spaces with a total of seven parking spaces being provided and therefore adequate on-site parking will be provided, as shown in the concept plan attached as Appendix "C" to Report PED20016.

Policy E.3.6.7 d), ii) requires that development be compatible with the existing and future uses of the surrounding area in terms of height, massing and the arrangement of the buildings. As the proposed multiple dwelling will be within the existing building there are no concerns in terms of height and massing.

Policy E.3.6.7 d), iii) requires that development provide adequate access to the property to minimize traffic conflicts between vehicles and pedestrians both on and off site. Vehicle access to the proposed parking spaces is provided by way of the existing un-assumed alleyways. No new driveways are being proposed nor will the proposal add any new interactions between vehicles and pedestrians. The residents of the proposed development will gain access to the building and parking areas by way of proposed walkways, as shown in the concept plan attached as Appendix "C" to Report PED20016.

#### Residential Intensification

"B.2.4.1.4 Residential Intensification development shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

**B.2.4.2.2** When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.

B.2.4.3.2 Residential Intensification in established historical neighbourhoods shall be in accordance with Policy B.3.4.3.6 and Policy B.3.4.3.7.”

The proposed change in use will be restricted to the existing building thereby maintaining the existing streetscape, lot pattern, relationship to neighbouring properties, and cultural heritage value, in accordance with Policies B.2.4.1.4 b), d) and g) and B.2.4.2.2 b), c), d), e), g), h) and i).

As previously noted the proposed development maintains adequate parking and amenity space to meet the needs of the residents of the proposed multiple dwelling. There are existing municipal services along Markland Street that can service the subject lands and have been demonstrated to have adequate capacity, therefore, there is adequate infrastructure capacity to service the proposed development. Based on the scale of the proposed development minimal traffic will be generated and is unlikely to have an impact on the area road network, therefore, there is adequate transportation capacity to meet the needs of the proposed development. The proposed multiple dwelling contributes towards achieving a range of dwelling types and tenures. Therefore, the proposal is in accordance with Policies B.2.4.1.4 c), e) and f) and B.2.4.2.2 f) and j).

Based on the foregoing, the proposal complies with the policies of the UHOP.

### **Durand Neighbourhood Plan**

The subject lands are designated “Single and Double” within the Durand Neighbourhood Plan.

#### **“Single Family Residential Area**

The area from mid-block between Herkimer and Markland south to the Escarpment is characterized by older single family homes on large lots, generally increasing in size and value closer to the Escarpment, south of Aberdeen Avenue. This area has remained relatively stable over the years except for some minor infilling.

#### **2.1 Residential**

Primary uses permitted are dwellings ranging from single-family housing to apartment units.

Objective 1 – Variety of Housing Densities and Types

Durand is attractive as a residential environment because of its proximity to the downtown, its ambience and amenities and the number and quality of its building stock, therefore this character should be maintained and enhanced.

Policies

1. The Durand Neighbourhood will contain a variety of residential densities as shown on Map 1 in Appendix B.
2. Higher residential densities will be encouraged on the periphery of the neighbourhood, where possible, to minimize impacts on the interior.
3. Low residential densities will be maintained in the area south of Charlton Avenue.

Objective 4 – Renovation and Redevelopment

Renovation, infilling and compatible redevelopment or re-use of existing buildings should be encouraged especially if it is aimed at a specific group or activities not currently well-served in the area.

Policies

1. The rehabilitation of older or deteriorating housing will be encouraged wherever possible or desirable.
2. Adaptive re-use of existing buildings will be encouraged especially if the building is deemed of historical or architectural significance, contributes to the streetscape, or if the new use is providing a service of use not currently available in the area, such as short-term lodging homes, bed and breakfast establishments, neighbourhood pub, or family accommodation.
6. Redevelopment, where encouraged, will be in the form of infilling of a scale and design which is compatible with existing development.
7. Measures to encourage the provision of affordable housing for both singles and families will be considered, such as minor modifications to zoning by-law requirements.”

Multiple dwellings are not permitted for lands designated “Single and Double” in the Durand Neighbourhood Plan and therefore the designation of the subject lands will need to be changed from “Single and Double” to “Medium Density Apartments”.

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The neighbourhood plan does contemplate the adaptive re-use of older buildings and specifically buildings with historical or architectural significance. As discussed previously, the proposal is to accommodate a multiple dwelling with six units within the existing building which is included in the City's Register of Property of Cultural Heritage Value or Interest.

Based on the forgoing the proposed development complies with the policies of the Durand Neighbourhood Plan, subject to the change in designation from "Single and Double" to "Medium Density Apartment".

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District. To implement the proposed development, the applicant has applied to change the zoning to a site specific "DE-3" (Multiple Dwellings) District. Staff have proposed two site specific modifications and the applicant has requested 14 site specific modifications to accommodate the proposal as outlined on page 4 of Report PED20016.

The proposed site specific modifications facilitate the legalization of six dwelling units within the existing building and to permit the required parking to be located in the rear yard, accessed from alleyways. A detailed discussion on the merits of the modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix "D" to Report PED20016.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"><li>• Transit Division, Public Works Department</li><li>• Strategic Planning, Public Works Department</li></ul>	No Comment	
<ul style="list-style-type: none"><li>• Healthy Environments Division, Public Health Services</li></ul>	Promote walking, cycling or using public transit, which increases physical activity and improves air quality.	The proposed development is a form of residential intensification in proximity to transit and other amenities which will promote

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	Encourage the provision of short term bicycle parking and secure indoor bicycle parking.	walking, cycling and transit use.
<ul style="list-style-type: none"> <li>Forestry and Horticulture Section, Public Works Department</li> </ul>	<p>Reviewed Tree Management Plan and identified issues with the plan in respect to correctly identifying existing municipal tree assets.</p> <p>Require payment of Tree Management Plan review fee.</p> <p>A permit will be issued upon approval of the Tree Management Plan.</p>	The Tree Management Plan will be completed as part of the Site Plan Control application which is required to lift the 'H' Holding provision.
<ul style="list-style-type: none"> <li>Recycling and Waste Disposal, Operations Division, Public Works Department</li> </ul>	Proposed development is eligible for municipal waste collection services subject to meeting the City's requirements.	Recycling and waste disposal will be reviewed as part of the Site Plan Control application
<ul style="list-style-type: none"> <li>Engineering Approvals</li> </ul>	<p>Markland Street is required by the UHOP to have a width of 20.117 metres.</p> <p>There is an existing 150 mm diameter watermain, 1,050 mm concrete watermain and 375 mm combined sewer on Markland Street adjacent to the subject property.</p> <p>The peak domestic water usage for the site, based on the approximate fixture unit approach, has been calculated as 1.39 L/s, which is acceptable. The Functional Servicing Report submitted sufficiently demonstrates that</p>	<p>A right-of-way widening dedication to the City is not required as Markland Street is currently 20.117 metres.</p> <p>Required fire flow calculations, firewall requirements and servicing requirements will need to be updated to reflect the merger of the subject lands.</p> <p>A revised Functional Servicing Report will need to be submitted as part of the future Site Plan Control application, in order to update domestic and fire flow calculations based on the final design of the building.</p>

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	<p>the existing municipal sewer and water infrastructure can adequately service the proposed development.</p> <p>In respect to required fire flow the applicant needs to demonstrate a firewall between the two properties on any future plans. The gross floor area of the dwelling has not been provided, therefore the required fire flow calculations cannot be verified. Updated hydrant flow from 2018 data should be utilized. The additional and updated information needs to be included in any future Functional Servicing Report.</p>	<p>A detailed engineering review will be undertaken as part of the future Site Plan Control application.</p>
<ul style="list-style-type: none"> <li>• Development Planning</li> </ul>	<p>A Tree Management Plan (TMP) prepared by Adesso Design, dated July 31, 2018 was submitted with the application.</p> <p>The TMP shows that all trees on-site are to be preserved. A tree is located within the alleyway and is therefore a municipal tree. Approval from Forestry and Horticultural staff is required respecting any potential disturbance.</p> <p>If there are any alterations to existing chimneys the applicant must contact the Ontario Ministry of Natural Resources and Forestry to determine if there would be any impact to the species'</p>	<p>The TMP will be completed as part of the Site Plan Control application.</p>

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	habitat.	
• Growth Planning	The Owner is required to submit a list indicating the unit numbers that will be used for the addressing of each unit.	The list indicating the unit numbers will be required as part of the Site Plan Control application.
<b>Public Consultation</b>		
Issue	Comment	Staff Response
Supportive Comments	Support the relocation of the parking spaces out of the alleyway.  Support the relocation of the accessory structures.	The proposed parking space layout and location of accessory structures can be seen in Appendix "C" to Report PED20016.
Over Intensification	The proposal represents an over intensification with respect to the scale and density of the development compared to the neighbourhood.	While the applicant originally proposed a total of eight dwelling units the applicant has subsequently reduced the total number of units to six.  The proposed six dwelling units are to be established within the existing low rise building.  Adequate on-site parking will be provided for the proposed six dwelling units without any modification to the By-law.
Insufficient Parking and Traffic Impacts and Impacts on Access	There is not sufficient parking to meet the needs of the proposed use which will put further demand on already limited on-street parking in the area.  Parking that obstructs the alleyway will create traffic impacts and obstruct access	Revised proposal includes seven parking spaces, whereas the Zoning By-law requires a minimum of six parking spaces.  The existing and proposed parking spaces will be accessed from the existing un-assumed alleyways.

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	<p>for surrounding properties.</p> <p>The increase in activity will further erode the condition of the alleyway.</p>	<p>The applicant has revised the parking layout, including relocating the parking spaces to not obstruct the alleyway.</p> <p>The additional parking spaces are not expected to significantly increase the activity on the alleyway.</p>
Loss of Green Space	The proposed use would reduce the amount of greenspace (landscaping).	The applicant is not seeking to reduce the minimum landscape requirement of the Zoning By-law and is seeking to maintain and expand upon the existing on-site landscaping.
Impact on Storm Water Management	The increased amount of impervious surface area proposed for the development will result in negative impacts with respect to Storm Water Management.	<p>No concerns were raised by staff respecting Storm Water Management.</p> <p>A detailed review of grading and drainage, as well as Storm Water Management will be undertaken as part of the Site Plan Control application.</p>
Fencing (Visual Barriers)	The proposed development lacks fencing between the rear yard and adjacent properties.	<p>Fencing will be required along the easterly lot line (side yard) to provide buffering and screening to the adjacent properties to the east.</p> <p>To the west and north are alleyways and on the west and north sides of the alleyways parking and detached garages are predominate. Not requiring fencing on the west and north sides of the subject property can be supported in order to allow vehicles to access the parking.</p>

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		The establishment of all required visual barriers will be addressed at the Site Plan Control stage.
Noise	The proposed development will create negative noise impacts on the adjacent lands.	Based on the scale of the proposed multiple dwelling (six units), it is not anticipated that significant noise will be generated.
Privacy	<p>The proposed development will create privacy impacts on the adjacent lands.</p> <p>A specific concern was also raised respecting privacy impacts from proposed raised platforms.</p>	<p>The proposal is seeking to establish a multiple dwelling within the existing building and therefore there will be no change in respect to the existing windows.</p> <p>While the existing building is to be maintained the applicant is proposing to construct second storey balconies at the rear of the building along with stairs to the balconies which includes raised platforms (landings).</p> <p>The second storey balcony at the rear of the building predominately looks down onto the back yard of the subject lands, with only a small portion of the balcony facing the adjacent properties to the east and west. The balconies will be setback approximately 2.1 metres from the property line to the east and 4.0 metres from the property line to the west, thereby reducing the overlook impact from the second storey balconies.</p> <p>A specific concern was raised in respect to raised platforms. The platforms are intended to be</p>

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		landings for exterior stairs for the units. Given the small size they would not be suitable as amenity space.  The Site Plan Control process will evaluate the elevation plans and incorporate any mitigation measures require to limit privacy and overlook concerns from the new multiple dwelling units.
Character of Neighbourhood	That the proposed development is not in keeping with the character of the neighbourhood.	The proposal is to be contained within the existing building.  The existing and proposed parking area will be located at the rear of the existing building and therefore the parking area will not alter the streetscape character of the neighbourhood.
Property Values	The proposed development would negatively impact the property values of existing properties in the area.	Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.
Loss of Heritage Building	The proposed development would result in a loss of heritage buildings.	The proposal is seeking to legalize dwelling units within the existing heritage building.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 349 property owners within 120 m of the subject property on January 11, 2019. A Public Notice sign was posted on the property on January 25, 2019 and updated on January 8, 2020. Finally, Notice of the Public Meeting was given on January 17, 2020 in accordance with the requirements of the *Planning Act*.

To date, 11 letters have been submitted expressing concern with the proposed development including a letter from the Durand Neighbourhood Association and one letter requesting further information which are attached as Appendix “E” to Report PED20016 and summarized in the table above.

### **Public Consultation Strategy**

The Public Consultation Strategy included mailing out a public information letter to the property owners within 120 metres and the Durand Neighbourhood Association, as discussed on page 5 of Report PED20016. The applicant was contacted by two neighbouring residents, one in support and one expressing concern.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is of a size and scale that is compatible with the area, and represents good planning.
2. The application for Zoning By-law Amendment is for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, Etc.) District to the “DE-3/S-1796 – ‘H’” (Multiple Dwellings) District, Holding, Modified.

The proposed change in zoning will permit a form of residential intensification within the built-up area, increasing the total number of units from three to six. As the proposed six unit multiple dwelling will be located within the existing building there will be no change to the character of the area from the street. The proposal will maintain adequate on-site parking to meet the requirements of the Zoning By-law and will provide adequate landscaping.

The modifications to the “DE-3” (Multiple Dwelling) District meet the intent of the “Neighbourhoods” designation of the UHOP with some modifications needed to recognize the existing built form. The modifications are identified on page 4 of Report PED20016 and discussed in detail in Appendix “D” to Report PED20016.

Therefore, staff support the proposed Zoning By-law Amendment.

3. The subject property currently contains eight dwelling units that were established without a building permit. As the application for Zoning By-law Amendment will permit a maximum of six dwelling units, the applicant will be required to remove two of the eight dwelling units and receive Building Permits for the remaining six dwelling units.

4. Holding Provision

The existing building has been illegally converted to an eight unit multiple dwelling without the necessary Building Permits. An 'H' Holding Provision is being proposed on the subject lands to ensure that a Building Permit is applied for, thereby legally establishing the six unit multiple dwelling.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that an application for Site Plan Control is applied for and Conditional Site Plan Approval is granted prior to lifting the Holding Provision.

Finally, staff are placing an 'H' Holding Provision on the subject lands to ensure that the properties of 184 and 186 Markland Street are merged together in title, to ensure that the proposed development is established on a single lot.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property would remain zoned "D" Urban Protected Residential – One and Two Family Dwellings, etc.) District, in the City of Hamilton Zoning By-law No. 6593. Furthermore the applicant would be required to adhere to the Order to Comply and would be required to discontinue the use of the existing building as an eight unit multiple dwelling.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

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### **Economic Prosperity and Growth**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Amendment to Zoning By-law No. 6593

Appendix "C" – Revised Concept Plan

Appendix "D" – Zoning By-law Site Specific Modification - Chart

Appendix "E" – Public Submissions