



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

SC/A-23:346 – 2251 Rymal Road East, Stoney Creek

Recommendation:

Development Planning - Staff recommend that the application be **tabled** until the applicant has received conditional approval of a Site Plan Control application or received a waiver from Site Plan Control requirements and has submitted a Parking Analysis Brief that indicates support for the proposed parking rate.

Proposed Conditions:

If approved, please add the following conditions:

1. The owner shall receive conditional approval of a Site Plan Control application or receive a waiver from Site Plan Control requirements to the satisfaction of the Director of Heritage and Design.
2. A Parking Analysis Brief shall be submitted and approved, to the satisfaction of the Director of Development Planning.

Proposed Notes:

N/A



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Development Planning:

Background

The purpose of this application is to facilitate the construction of two existing outdoor patios for a restaurant.

The following variance is requested:

1. A minimum of 9 parking spaces shall be provided whereas 13 parking spaces are required.

Background:

The two outdoor patios were built without a building permit. There is currently an active building permit application 2023 133113 C3 to legalize them. This minor variance application is required to facilitate the issuance of the building permit.

Urban Hamilton Official Plan:

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Mixed Use Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Mixed Use Medium Density” on Map B.7.6-1 – Land Use Plan of the West Mountain Area (Heritage Green) Secondary Plan. Restaurant uses are permitted.

Cultural Heritage:

The subject property comprises a one storey brick building constructed circa 1865 and is listed on the City’s Municipal Heritage Register as a non-designated property. The property is also on the City’s list of Candidates for Designation, slated for review and consideration before January 1, 2025.

The applicant proposes a minimum of 9 parking spaces instead of the 13 parking spaces are required.

Notwithstanding that the property is listed on the City’s Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property 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 Mixed Use Medium Density (C-5) Zone, which permits restaurant uses.



Analysis

The applicant is proposing to a minimum of nine parking spaces for the restaurant whereas 13 parking spaces are required. Staff are concerned that any overflow of vehicles will impact abutting lots. In order to support a Minor Variance, a Parking Analysis Brief must be provided that indicates support for the proposed parking rate. At this time, no Parking Analysis Brief has been provided by the applicant.

Furthermore, restaurant patios are subject to a Site Plan Control application, which has not been submitted. Staff notes that the parking spaces are deficient in size and parking stall #5 on the submitted Site Plan has limited manoeuvring space. The location of the existing access driveway conflicts with parking stalls #6 to #9.

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. The two outdoor patios were built without a permit, there is currently an active building permit 2023 133113 C3 to legalize them, this variance is required to facilitate the issuance of the building permit. 2. The variances are written as requested by applicant. 3. Additional variances may be required. 4. This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days’ notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at CulturalHeritagePlanning@hamilton.ca for further information.

Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
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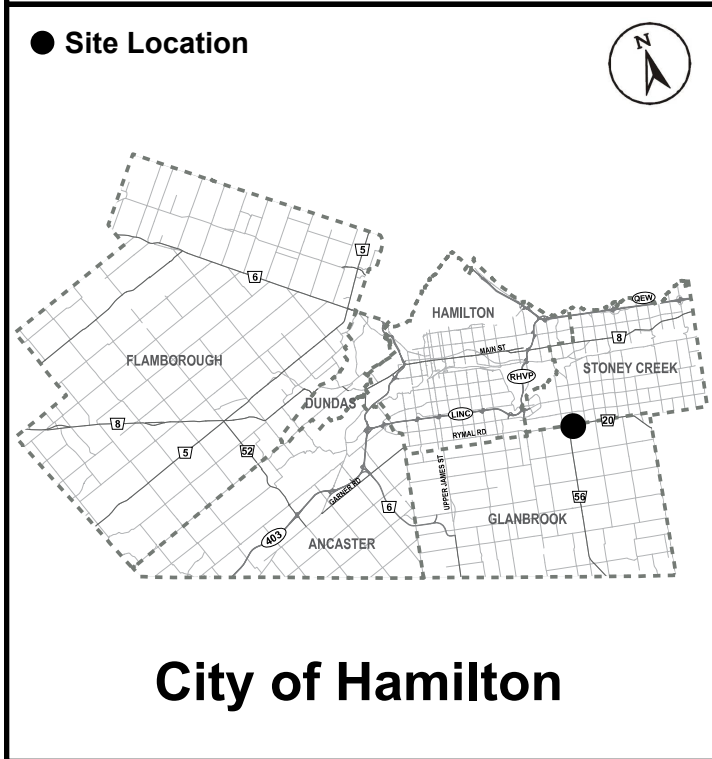
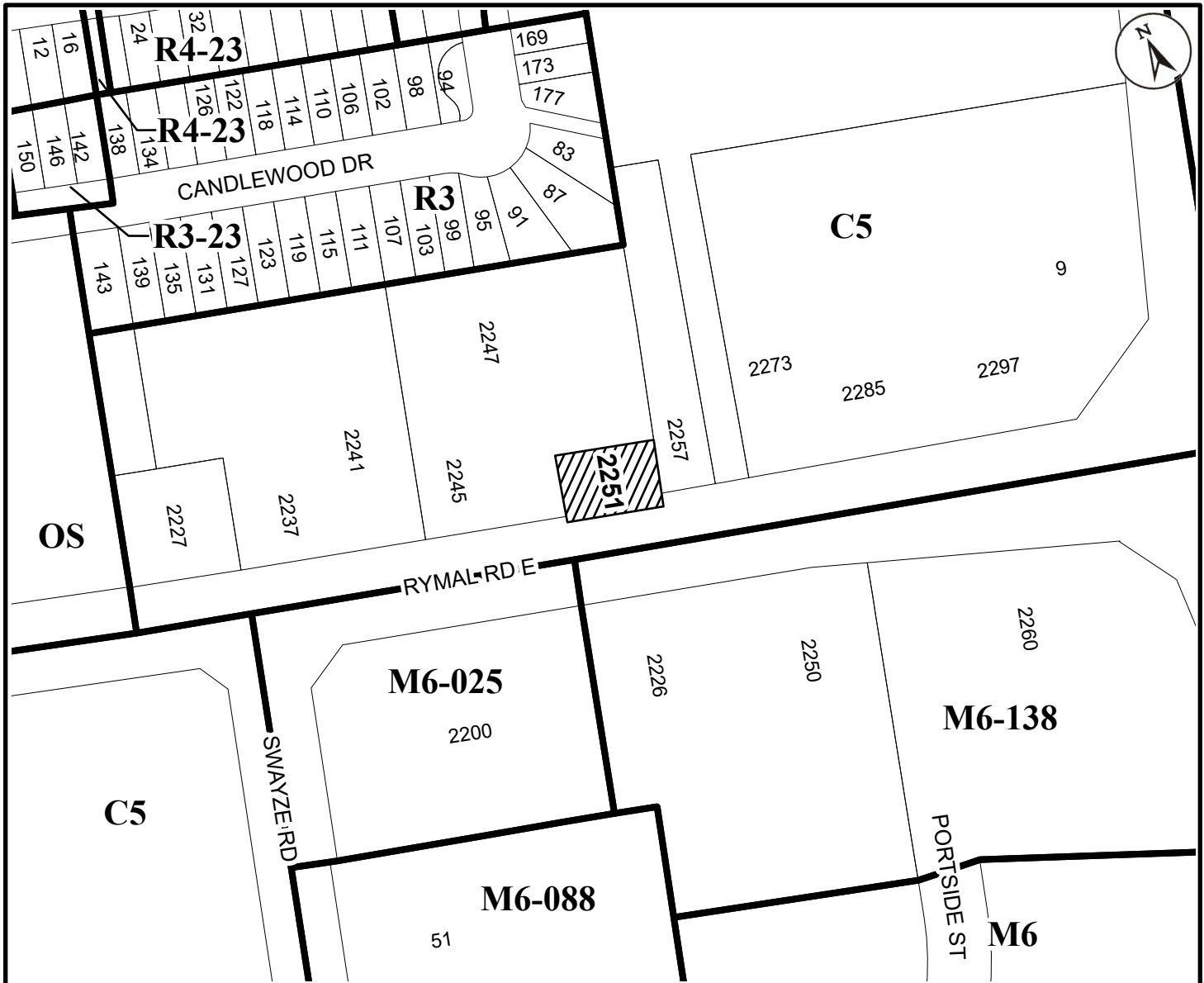
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Notes:	A building permit is required for the construction of the proposed two outdoor patios. Order to Comply 21 163495, dated December 2, 2021 remains outstanding.
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Legislative Approvals:


Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



Committee of Adjustment

Subject Property	 2251 Rymal Road East, Stoney Creek (Ward 9)
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

File Name/Number:	SC/A-23:346
Date:	January 29, 2024
Technician:	AL
Map Not To Scale	
Appendix "A"	
 Hamilton	