



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

HM/A-23:337 – 531 Queenston Road, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

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).



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Development Planning:

Background

The purpose of this application is to permit the construction of a new parking area to complement the existing medical clinic.

The following variances are requested:

1. A minimum planting strip of 0 metres to 0.63 metres for at least 8.0 metres along the rear lot line shall be provided whereas the by-law requires an average planting strip of 1.0 metres and no less than 0.9 metres along the rear lot line.
2. A minimum distance of 0.63 metres to the street line for parking spaces shall be provided whereas the by-law requires a minimum distance of 3.0 metres to the street line.
3. A minimum planting strip of 0.63 metres between the parking spaces and the street line shall be provided whereas the by-law requires a minimum width of 3.0 metres between the parking spaces and the street line.
4. A minimum landscape strip of 0 metres to the east and 0.63 metres to the north abutting a residential zone whereas the by-law requires a minimum landscape strip of 1.5 metres abutting a residential zone.

Urban Hamilton Official Plan:

The subject lands are identified as “Primary Corridor” and “Priority Transit Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and designated “Medium Density Residential 3” on Map B.6.7-1 of the Centennial Neighbourhoods Secondary Plan. The existing medical clinic is a legal non-complying use that is recognized as an existing use in the Zoning By-law in accordance with policy F.1.12.8. As per policy F.1.12.9, a change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law.

Archeology:

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) 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;



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- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy 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).”

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

The subject lands are zoned Transit Oriented Corridor Multiple Residential (TOC3, 627) Zone, Special Exception 627 permits a medical clinic within the existing building.

Analysis

	Proposed Variance	Comments
1.	A minimum planting strip of 0 metres to 0.63 metres for at least 8.0 metres along the rear lot line shall be provided whereas the by-law requires an average planting strip of 1.0 metres and no less than 0.9 metres along the rear lot line.	The proposal will upgrade the existing 5 parking spaces to 7 parking spaces with one electric vehicle charger and an accessible parking space. The existing garage will be demolished to accommodate the changes.
2.	A minimum distance of 0.63 metres to the street line for parking spaces shall be provided whereas the by-law requires a minimum distance of 3.0 metres to the street line.	To maximize the use of the area, the applicant is seeking relief for the reduced landscaped planting strips. No changes to the existing landscaped area are proposed. Staff do not foresee any negative impacts from the reduced landscaping with the changes to the parking.
3.	A minimum planting strip of 0.63 metres between the parking spaces and the street line shall be provided whereas the by-law requires a minimum width of 3.0 metres between the parking spaces and the street line.	A minimum distance of 0.63 metres to the street line for parking spaces will be provided whereas the by-law



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4.	A minimum landscape strip of 0 metres to the east and 0.63 metres to the north abutting a residential zone whereas the by-law requires a minimum landscape strip of 1.5 metres abutting a residential zone.	requires a minimum distance of 3.0 metres to the street line. Staff would defer to Transportation Planning to ensure that there is sufficient manoeuvring area for each parking space. Overall, Planning staff are satisfied with the changes and the new layout of the parking stalls.
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Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments & Conditions / Notes
Comments:	A Corridor Development Permit is required from Metrolinx to construct any buildings, structure, road, utility infrastructure, or to conduct any excavation, dewatering or other Prescribed Work pursuant to the Building Transit Faster Act and its Regulation.

Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	Building Permit #23 309612, issued on December 11, 2023 to demolish a detached garage in the rear yard remains not finalized.

Legislative Approvals:

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

