



Hamilton

STAFF COMMENTS

HEARING DATE: March 26, 2024

GL/A-24:23 – 3530 Upper James Street, Glanbrook

Recommendation

- Approve with condition

Proposed Conditions

1. That this variance only apply to Phase 1 of the proposed development in accordance with conditional approval of Site Plan Control Application DA-23-062, to the satisfaction of the Manager of Site Planning.

Proposed Notes:



Hamilton

Development Planning:

Background

The application is to permit the construction of a new commercial development in accordance with Site Plan Control Application DA-23-062.

The following variance is requested:

1. The width of the ground floor building façade shall be a minimum 16% of the measurement of all lot lines abutting a street whereas the by-law requires the width of the ground floor façade to be greater than or equal to 50% of the measurement of all lot lines which abut a street.

Background

The applicant has received conditional approval for a Site Plan Control application DA-23-062, to develop the easterly portion of the subject lands to facilitate a one storey drive-through restaurant in the northeast corner with a ground floor area of 414.0 square metres and a two storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0 square metres of at-grade retail space and 416.7 square metres of office space on the second storey. The proposal will be developed within two phases – Phase 1 will be for the drive-thru restaurant and Phase 2 will be for the commercial plaza.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “District Commercial” on Schedule E-1 – Urban Land Use Designations. The following policy, amongst others apply:

- “E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;”

Mount Hope Secondary Plan

The subject lands are further designated “District Commercial” in Map B.5.4-1 Land Use Plan within the Mount Hope Secondary Plan. Policies B.5.4.4.1.b), among others, are applicable and permit retail and restaurant uses.

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



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The subject lands are zoned C6 (District Commercial), to which the use is permitted.

Analysis

The applicant is proposing the width of the ground floor building façade be a minimum 16% of the measurement of all lot lines abutting a street whereas the by-law requires the width of the ground floor façade to be greater than or equal to 50% of the measurement of all lot lines which abut a street. The proposed drive-thru restaurant is the first phase of the two phase development. This variance allows the proposed drive-thru to be developed first, once Phase 2 is complete the provision for width of the ground floor façade facing a front lot line and flankage lot line shall be met. The requested reduction from 50% to 16% will not adversely impact the abutting properties or the characterises of the neighbour. Staff recommend adding a condition that this variance only apply to the Phase 1 of development in accordance with Site Plan Control Application DA-23-062. Staff support this variance.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. This variance is necessary in order to permit the construction of the proposed development in two separate phases.
Proposed Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	No Comments
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of a new commercial development. Be advised that Ontario Building Code regulations may require specific setback and construction types.



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Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

External Agencies

Ministry of Transportation:

It seems that the ministry did not receive the Site Plan Application (SPA) for the proposed McDonald's restaurant construction on the specified lot. The ministry needs the SPA to be circulated for review and approval of the site. The proposed Minor Variance for the SPA cannot be addressed currently. Additionally, the application indicates that the lot requires a severance, but no severance application has been submitted. Could you please clarify whether a severance has already occurred or is planned for the future? If a severance has already taken place, we kindly request the ministry's comments on the matter. Typically, after the SPA is reviewed and approved, the proponent must submit a Building and Land Use (BLU) permit application before starting any construction work.



Hamilton

COMMITTEE OF ADJUSTMENT

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To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

From: **Alexandra Boucetta**
Corridor Management Officer | Corridor Management, Central Region West |
Operations Division
Ministry of Transportation | Ontario Public Service
416-816-4719 | alexandra.boucetta@ontario.ca

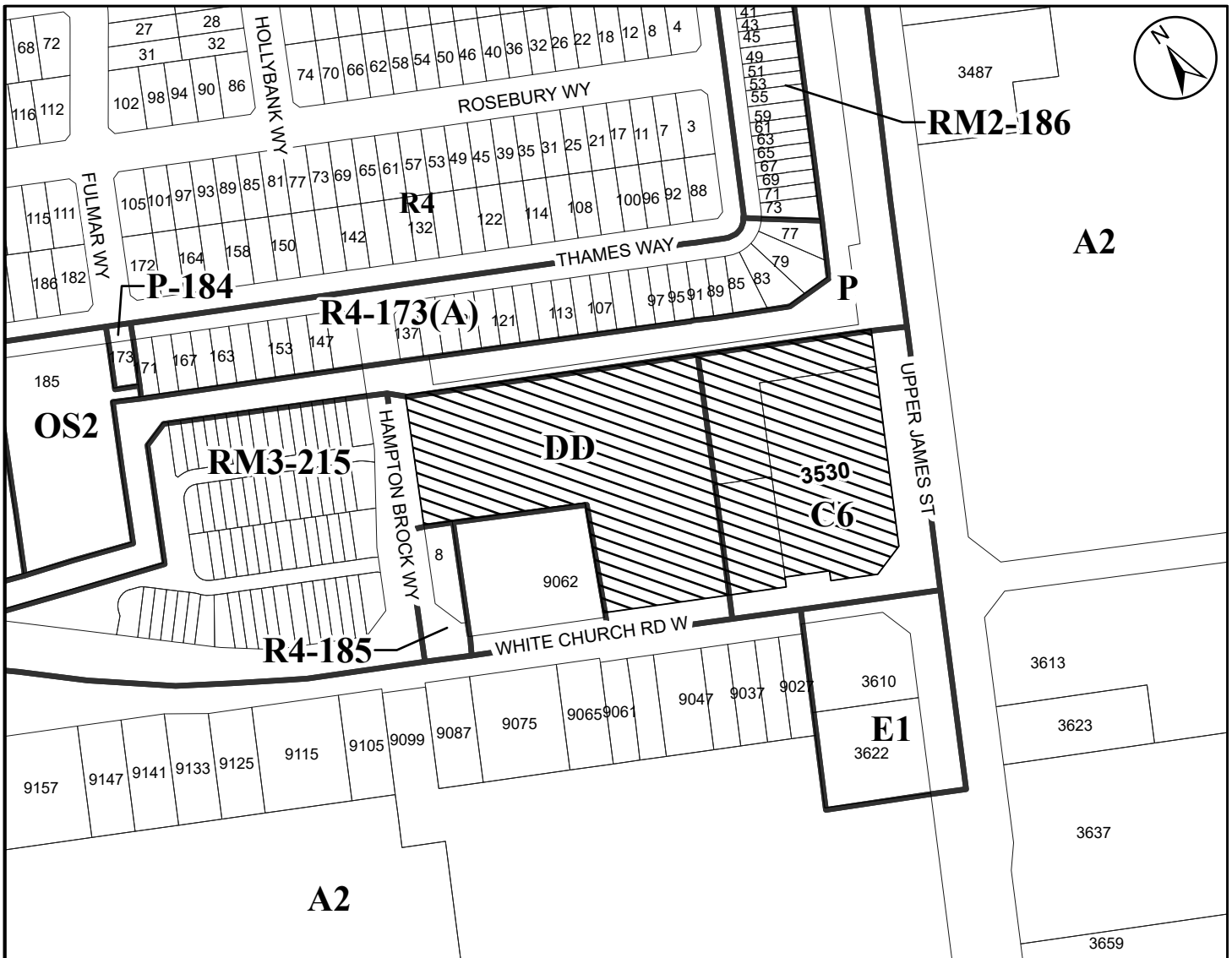
Email: alexandra.boucetta@ontario.ca

File Number: GL/A-24:23

Address: 3530 Upper James Street, Glanbrook

Subject: Committee of Adjustment File Comments – “Date of Hearing”

Recommendation	Comments Only
Proposed Conditions:	
Comments:	<p>It seems that the ministry did not receive the Site Plan Application (SPA) for the proposed McDonald's restaurant construction on the specified lot. The ministry needs the SPA to be circulated for review and approval of the site. The proposed Minor Variance for the SPA cannot be addressed currently. Additionally, the application indicates that the lot requires a severance, but no severance application has been submitted. Could you please clarify whether a severance has already occurred or is planned for the future? If a severance has already taken place, we kindly request the ministry's comments on the matter. Typically, after the SPA is reviewed and approved, the proponent must submit a Building and Land Use (BLU) permit application before starting any construction work.</p>
Notes:	



● Site Location



Committee of Adjustments

Subject Property



3530 Upper James Street, Glanbrook (Ward 11)

File Name/Number:

GL/A-24:23

Date:

March 1, 2024

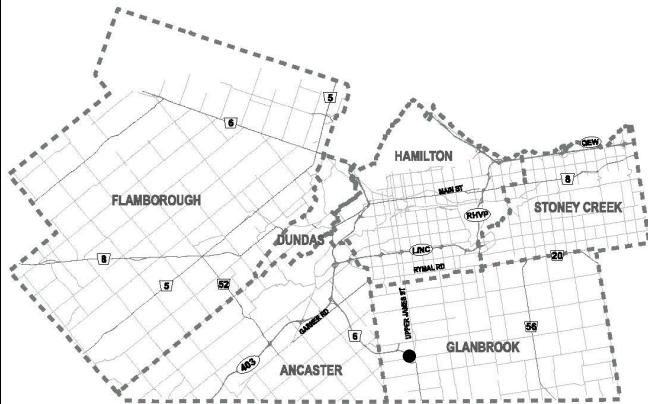
Technician:

NB

Scale:

N.T.S.

Appendix "A"



City of Hamilton

Planning and Economic Development Department



Hamilton