



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 26, 2024**

**HM/A-24:29 – 1395 Upper Ottawa Street, Hamilton**

**Recommendation:**

- Table



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**Development Planning:**

**Background**

The application is to to permit the construction of a new drive through restaurant.

The following variances are requested:

1. To permit parking, stacking lanes and drive aisles between the building façade and the front lot line and flankage lot line, whereas the by-law does not permit parking, stacking lanes and drive aisles to be located between the building and the front lot line and flankage lot line.
2. A maximum setback of 20.7 metres building setback to the street line whereas the By-law permits a maximum building setback of 4.5 metres to the street line.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, 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:
- b) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- E.4.7.13        No parking, driveways, lanes, stacking lanes, or aisles should be permitted between buildings and the public sidewalk except as provided for in Policy E.4.7.16.
- E. 4.7.16        Single use stores greater than 5,000 square metres may be situated in the interior or at the rear of the site with smaller footprint buildings located close to the street. Alternatively, larger stores could be located up to the streetline along an arterial road or along a collector road provided in the latter situation they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.”

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

The subject lands are zoned District Commercial (C6) Zone, exception 346, which permits the use of restaurants.



**Analysis**

Drive-through restaurants are subject to a Site Plan Control application, which has not been submitted. Staff are also of the understanding that no Site Plan Formal Consultation application has been submitted for this application. Staff would recommend tabling this application until the applicant receives a conditional approval for a Site Plan Control application, which allow a more comprehensive review of the proposal and associated variances required. Furthermore, through that process Staff may require further design changes that trigger additional variances. Tabling the application until the Site Plan application proceeds will allow the applicant to capture any additional variances within the current application.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. The use and operation of a Restaurant business is subject to the issuance and maintenance of a municipal license from the Licencing Section of the Licensing and By-law Services Division.</li> <li>2. These variances are necessary to facilitate an amendment to Phase 2 of Site Plan Application DA-12-003.</li> <li>3. Please note that these lands may be: <ul style="list-style-type: none"> <li>• Regulated by a Conservation Authority;</li> <li>• Located within or adjacent to an Environmentally Sensitive Area (ESA);</li> <li>• Designated under the Ontario Heritage Act;</li> <li>• Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or,</li> <li>• Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest.</li> </ul> <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p> </li> <li>4. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted</li> </ol>



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	<p>by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.</p> <p>Please visit <a href="https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project">https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project</a> or email <a href="mailto:reszoning@hamilton.ca">reszoning@hamilton.ca</a> for further information.</p>
Proposed Notes:	

**Development Engineering:**

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the purposed restaurant with drive thru.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

**Transportation Planning:**

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

March 4, 2024

City of Hamilton  
Planning and Economic Development Department  
71 Main St W  
Hamilton, Ontario  
L8P 4Y5

**Attention: Committee of Adjustment**

File# HM/A-24:36

Re: 1395 Upper Ottawa St

In response to your correspondence dated February 22, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com). To make a service request, [Make a Service Request | Alectra Utilities](#)
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

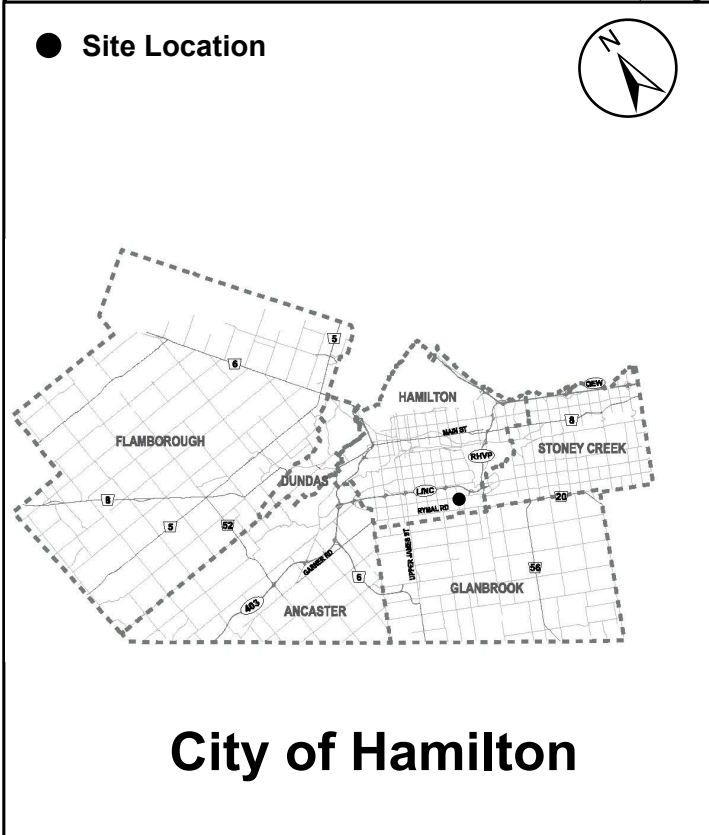
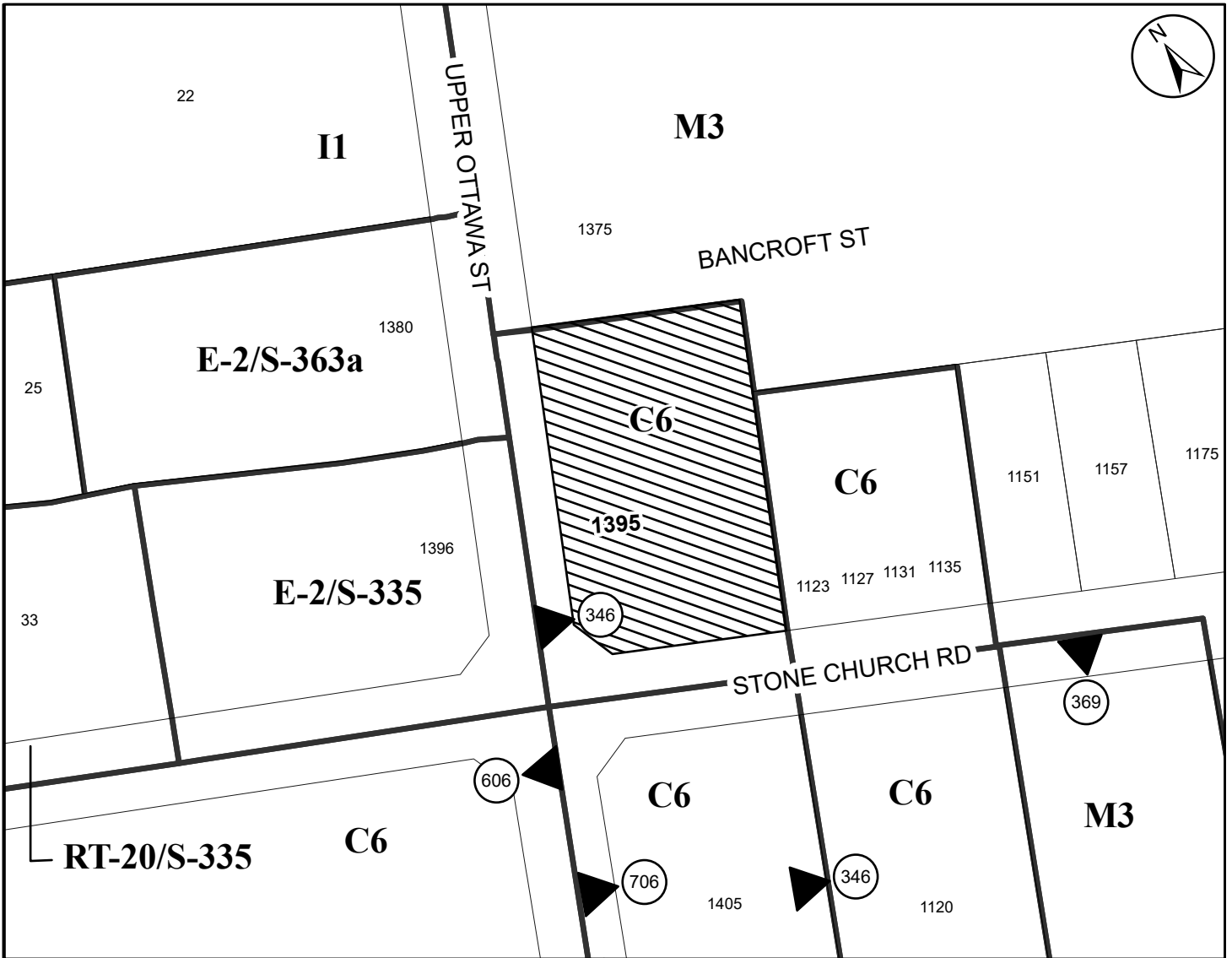
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
  - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
  - Electrical Safety Code Rule 75-312
  - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
  - CSA Standard C22.3 No. 1:20, Overhead System
  - CSA Standard C22.3 No. 7:20, Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.



Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



# Committee of Adjustments

<b>Subject Property</b>	File Name/Number: HM/A-24:29
	Date: March 1, 2024
 1395 Upper Ottawa Street, Hamilton (Ward 6)	Technician: NB
	Scale: N.T.S.
Appendix "A"	
 <b>Hamilton</b>	
Planning and Economic Development Department	