



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

SC/A-24:48 – 343 McNeilly Road, Stoney Creek

Recommendation:

- Approve 2-5, 7 Deny 1 and 6

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To facilitate site plan application DA-23-053 which is converting a single detached dwelling into an Industrial Administrative Office. Site Plan DA-23-053 has been conditionally approved.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Business Park” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.5.4.3, among others, are applicable and permit the use.

Zoning By-law City of Hamilton 05-200

The subject site is zoned “M3” (Prestige Business Park), which permits the use.

Variance 1

1. No visual barrier shall be required for the proposed outdoor storage area instead of the requirement of Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this Bylaw.

The intent of this provision is to ensure outdoor storage is adequately screened from the street.

Staff note that while the applicant has noted they are providing a planting strip along the Arvin Avenue streetscape as a visual barrier, staff are of the opinion that a planting strip that does not meet the requirements of a visual barrier would not provide a continuous planting of suitable trees or shrubs to maintain the intended screening requirements of the by-law. Therefore, staff are of the opinion that the variance does not maintain the general intent of the By-law as a sufficient visual barrier is not being provided to screen the storage area from the street view. Staff are of the opinion the variance is not minor in nature nor desirable for the development as negative impacts may be anticipated to the subject site or surrounding area by not providing a visual barrier. Staff are of the opinion that the variance does not meet the four tests of a minor variance. Based on the foregoing, **staff do not support the variance.**

Variance 2

2. A 0.0 metres landscape area, including planting strip shall be provided instead of the minimum 6.0 metre wide landscaped area, inclusive of a 3.0 metre wide planting strip required abutting a street.



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The intent of this provision is to provide vegetation and a visual barrier between the use on the land and the street.

Staff note that the portion of the site that is not providing a landscaped along McNeilly Road has no proposed work and will remain as is. Staff note that existing trees and fencing is proposed to remain. Staff are of the opinion that the variance maintains the general intent of the By-law as vegetation and screening from the rear will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Variance 3

3. Parking shall be permitted to be located 0.0 metres from a street line instead of the minimum 3.0 metre setback from a street line required for parking spaces.

The intent of this provision is to ensure sufficient distance separation is provided between the vehicle parking and street to allow for entering and exiting the vehicle.

Staff note that there is approximately 7.0 metres between the parking space and street. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient distance separation is provided from the parking and street line. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Variance 4

4. A 0.0 metre planting strip shall be provided instead of the 3.0 metre wide planting strip being required and permanently maintained between the street line required.

The intent of this provision is to provide vegetation and a visual barrier between the use on the land and the street.

Staff note that the portion of the site that is not providing a landscaped along McNeilly Road has no proposed work and will remain as is. Staff note that existing trees and fencing is proposed to remain. Staff are of the opinion that the variance maintains the general intent of the By-law as vegetation and screening from the rear will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Variance 5



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5. A minimum 3.0 metre aisle width shall be provided for a 90 degree parking angle instead of the minimum 6.0 metre aisle width required for a 90 degree parking aisle.

The intent of this provision is to ensure sufficient space is provided for the vehicle to maneuver.

Staff note that the parking aisle width is an existing condition. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance**.

Variance 6

6. No barrier free parking shall be provided instead of the minimum 1 barrier free parking space required.

The intent of the provision is to ensure sufficient barrier free parking is being provided on site.

Staff are of the opinion that providing no barrier free parking does not maintain the general intent of the By-law as no barrier free parking options are provided. Staff are of the opinion the variance is not minor in nature nor desirable for the development as negative impacts may be anticipated to the subject site or surrounding area by not providing a barrier free parking space. Staff are of the opinion that the variance does not meet the four tests of a minor variance. Based on the foregoing, **staff do not support the variance**.

Variance 7

7. A minimum of 3 parking spaces shall be provided on site instead of the minimum 1 space for every 30 square metres of space which accommodates an office use.

The intent of this provision is to ensure sufficient parking is provided on site.

Staff are of the opinion that the proposed parking is sufficient for the size of the proposed office. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance**.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate site plan application DA-23-053



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	2. Please note that these lands may be regulated by a conservation authority. Staff cannot confirm this information at this time and the applicant should take the appropriate inquires in order to determine what other regulations may be applicable to the subject property
Proposed Notes:	

Development Engineering:

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

Building Engineering:

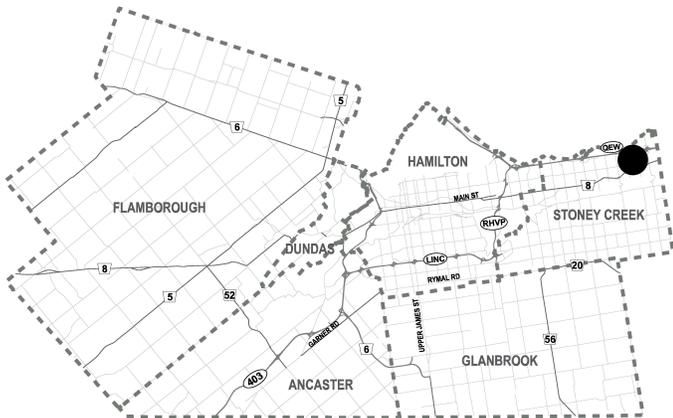
Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Transportation Planning has concern with the maneuverability of the parking spaces for the office. The Applicant/Owner needs to be able to maneuver in and out of the site in a forward manner. The location of the driveway access for the office building should be widened to the west or moved to the west.
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



343 McNeilly Road, Stoney Creek (Ward 10)

File Name/Number:

SC/A-24:48

Date:

March 25, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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