



**A-24:107 – 467 Main Street East, Hamilton**

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

**Background**

The subject Minor Variance Application is to permit an increase in the capacity of the existing residential care facility from 74 persons to 215 residents. There is no development considered with the proposed increase in capacity and all increase in capacity can be accommodated within the existing structure.

The lands are subject to a previous Minor Variance application (A-97:294), which increased the permitted capacity on the subject lands to 74 residents. This minor variance was to the previous Zoning By-law No. 6593 and the lands have since been brought into Zoning By-law No. 05-200 under the "TOC1" Transit Oriented Corridor - Mixed Use Medium Density Zone; however, the increase in capacity to 74 residents is considered to be legal non-conforming. The proposed increase in resident capacity will be contained within the existing structure and no external construction or additions are proposed through the submitted applications.

The following variance is requested from the Notice of Public Hearing:

6. A maximum capacity of 215 residents shall be permitted for a Residential Care Facility instead of the permitted maximum capacity of 20 residents for a Residential Care Facility.

Note: The lands are currently recognized as having a legal non-conforming capacity of 74 residents as approved through Minor Variance A-97:294.

Urban Hamilton Official Plan

The subject lands are identified as a "Primary Corridor" on Schedule E - Urban Structure and designated "Mixed Use – Medium Density" on Schedule E-1 - Urban Land Use Designations within the Urban Hamilton Official Plan (UHOP). Policies E.4.6.5, among others, are applicable and a variety of institutional uses, including a residential care facility, are permitted. Policy B.3.2.4.3 states that housing with supports, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, and Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations, where applicable. The Mixed Use – Medium Density designation is considered a Commercial and Mixed Use designation, and accordingly a residential care facility is permitted.

Policy B.3.2.1.6 of the Urban Hamilton Official Plan states that one of the urban housing goals of the Plan is to increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City. The proposed increase in resident capacity, on a property where a residential care facility has already been established supports this



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policy goal. Policy B.3.2.3.1 states that the City shall endeavor to provide a facilitative land use planning process for development applications for affordable housing and housing with supports. The proposed Minor Variance to support an increase in resident capacity within the existing building is supportive of this policy.

The lands are located within a Primary Corridor. Urban Corridors are intended to be a focus of intensification, in particular Primary Corridors shall be a focus of growth given their proximity to higher order transit. Accordingly, the proposed increase in resident capacity is appropriate as it is located in an intensification corridor in close proximity to higher-order transit, commercial uses, and public service facilities.

Former City of Hamilton Zoning By-law No. 6593

The subject lands were previously under Zoning By-law No. 6593 and obtained a Minor Variance (A-97:294), which increased the permitted capacity on the subject lands to 74 residents.

Comprehensive Zoning By-law No. 05-200

The subject lands were brought into Zoning By-law No. 05-200 and are zoned as the “TOC1” Transit Oriented Corridor - Mixed Use Medium Density Zone. The “TOC1” Zone permits a Residential Care Facility with a maximum capacity of 20 residents. It should be noted that the facility currently operates at a capacity of 74 residents, which is a legal non-conforming condition.

**Analysis**

Variance 1

The following variance is requested:

1. A maximum capacity of 215 residents shall be permitted for a Residential Care Facility instead of the permitted maximum capacity of 20 residents for a Residential Care Facility.

***Is it in keeping with the general intent and purpose of the Official Plan?***

As discussed in the Urban Hamilton Official Plan section above, a residential care facility is permitted within the Mixed Use – Medium Density designation. Furthermore, the City promotes a facilitative land use planning process for development applications for affordable housing and housing with supports. The lands are also located along a Primary Corridor in close proximity to higher-order transit, commercial uses, and public service facilities, which is an appropriate location to accommodate increased intensification, such as the proposed increase in resident capacity. Furthermore, the Official Plan policy contemplates an intensification of this entire neighbourhood over time, which will phase out many of the existing low density residential land uses that are more sensitive to such a facility.



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The proposed variance is in keeping with the general intent and purpose of the Urban Hamilton Official Plan.

***Is it in keeping with the general intent and purpose of Zoning By-law No. 05-200?***

The intent of the maximum number of residents for Residential Care Facilities in the “TOC1” Zone is to limit any potential adverse impacts on the surrounding community from the function of the proposed facility and ensure that the proposed built-form is appropriate.

When assessing the impact of the proposed capacity increase on the surrounding community, particular attention is given to the surrounding low density residential areas located toward the interior of the neighbourhood. The proposed increase in capacity is for an existing residential care facility, which has operated in the community at an increased capacity (74 residents) for a number of years without any identified adverse impacts on the community. The facility is also located at the periphery of the neighbourhood along a Major Arterial Road and in proximity to a higher-order transit corridor, which will allow it to be less disruptive to the surrounding low density residential area towards the interior of the neighbourhood. Furthermore, all of the surrounding lands are zoned as either “TOC1” Transit Oriented Corridor Mixed Use Medium Density or “C5” Mixed Use Medium Density, both of which do not permit low density residential land uses. In particular, the lands bound by Main Street East, King Street East, East Avenue South, and Wentworth Street South are zoned “TOC1”. Accordingly, it is anticipated that the existing low density residential land uses that are adjacent to the proposed facility will transition to a more compact form of development over time in accordance with both the Official Plan policy and Zoning regulations.

In terms of built form, the proposed increase in capacity is being accommodated within the existing building and no construction is proposed at this time. Accordingly. No impacts associated with the built-form of the proposal are anticipated as it is an existing condition.

It is important to note that, through Council’s recent adoption of By-law 24-051, the City has removed resident capacities for residential care facilities in its low density residential zones in Zoning By-law 05-200. By-law 24-051 is not currently in-force as it is under appeal at the Ontario Land Tribunal. This demonstrates Council direction with respect to the removal of maximum resident capacities for residential care facilities, and it is anticipated that future updates to Zoning By-law No. 05-200 modify or remove resident capacities in other zoning classifications of Zoning By-law 05-200, including the “TOC1” Zone. Should this occur, the proposed minor variance would not be required.

The proposed variance is in keeping with the general intent and purpose of Zoning By-law No. 05-200.

***Is it minor in nature?***





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When evaluating whether a variance is considered minor, it's important to complete the evaluation with respect to impact. As discussed above, the increase in capacity is being located within the existing facility, which already operates within the community at an increased capacity. The facility's location at the periphery of the neighbourhood and in an area that's been identified to transition to a mixed use, medium density area, will further limit it's impact on the neighbourhood.

The proposed variance is considered minor in nature.

***Is it desirable for the appropriate development of the lands?***

The proposed minor variance will facilitate an increase in resident capacity that can be accommodated within an existing residential care facility that already operates in the neighbourhood. Given the ongoing housing crisis and the high demand for new housing with supports and affordable housing units, the proposed variance will implement a desirable use.

The proposed variance is desirable for the appropriate development of the lands.

Conclusion

Based on the foregoing it is staff's opinion that the proposed variance satisfies the four tests for a Minor Variance under Section 45 (1) of the *Planning Act*. The proposed variance meets the general intent and purpose of both the Official Plan and Zoning By-law, is minor in nature, and desirable for the appropriate development of the lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"><li>1. Please be advised as it relates to Variance #1. Minor Variance Application A-97:294 approved a maximum residential capacity of 74 persons, which we currently recognize as existing.</li><li>2. Please be advised the Northeast corner of the subject lands fall within the Metrolinx Corridor Development Boundary.</li></ol>
Proposed Notes:	<ol style="list-style-type: none"><li>1. This property is now also subject to the Amending By-law 24-052 under Hamilton Zoning By-law 05-200, which is not yet final and binding.</li></ol>

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	



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**STAFF COMMENTS**

**HEARING DATE: May 21, 2024**

Proposed Notes:	
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**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A change of use permit is required to increase of the maximum resident capacity for a Residential Care Facility.

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	None
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required.  No Landscape plan required.  Forestry has no concerns or conditions regarding this application.  For questions please contact: urbanforest@hamilton.ca
Proposed Notes:	

**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	

## Re: A.24.107 Inquiry

Suzanne Dice <susieeddie@gmail.com>

Thu 5/16/2024 11:27 AM

To: Committee of adjustment <cofa@hamilton.ca>; Taylor Sutherland <taylor.a.j.sutherland@gmail.com>

 2 attachments (8 MB)

image\_67180033.JPG; image\_67195649.JPG;

**External Email:** Use caution with links and attachments

Wesley is taking up all our parking on our street! Take a look. Lots of homes on our block don't have driveways







On Thu, May 16, 2024 at 11:00 AM Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)> wrote:

Good Morning,

Are you submitting these as comments?

Yes, Participation Procedures are available on the website: <https://www.hamilton.ca/build-invest-grow/planning-development/committee-adjustment-delegated-consent-authority/agendas>

You can participate virtually or in person - directions are included in the Participation Procedures.

Thanks,  
Morgan

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**From:** Suzanne Dice <[susieeddie@gmail.com](mailto:susieeddie@gmail.com)>

**Sent:** Thursday, May 16, 2024 10:57 AM

**To:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>; Taylor Sutherland <[taylor.a.j.sutherland@gmail.com](mailto:taylor.a.j.sutherland@gmail.com)>

**Subject:** Re: A.24.107 Inquiry

**External Email:** Use caution with links and attachments

Yes and also what is a residential care centre cover??? To go to 215 beds our area is being deluged with these places within a two block radius. We have beautiful homes and I'm ready to leave this city. You're not caring about taxpayers who have lived in this area and filling it with immigrants homeless and addicts. Enough is enough. Put it in your neighborhood please. I know they want the increase so when the immigrants are no longer there they can make it a drug rehab. Poor elderly people were kicked out of their homes for this?

Not acceptable it needs to stop. Hamilton is becoming a dumping ground and our area the dump. This can't be approved.

Thank you

I will participate. Is it clear how to participate?

Suzanne Dice

On Thu, May 16, 2024 at 10:49 AM Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)> wrote:

Hello Suzanne,

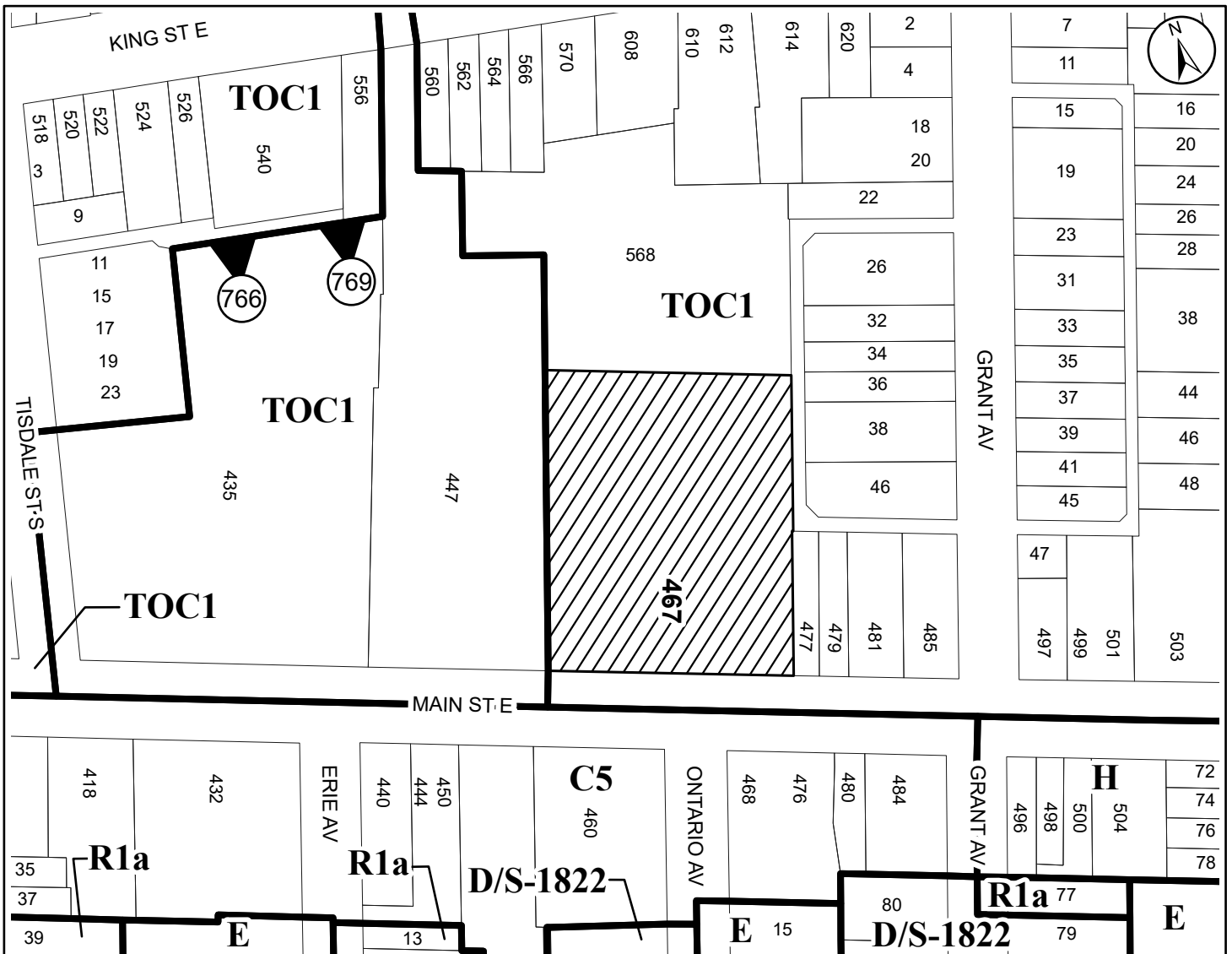
The Date was incorrect on the notice, and we are making sure that the correction is made. The date of the item being heard is May 21st, 2024 at the time listed.

I hope this clears up some of the confusion for you.

Thanks,

Committee of Adjustment Staff  
CB





## ● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



467 Main Street East, Hamilton  
(Ward 3)

### File Name/Number:

HM/A-24:107

### Date:

May 10, 2024

### Technician:

AL

### Scale:

N.T.S.

### Appendix "A"



**Hamilton**

Planning and Economic Development Department