



Hamilton

**B-24:29 – 147 Mary Street, Hamilton (Delegated Authority)**

**Recommendation:**

Approve

**Proposed Conditions:**

1. The proposed consent for an easement in favour of 121 & 135 Mary St is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The easement will be over an existing driveway. Therefore, Development Engineering has no comments or objections to the creation of the easement.
2. The owner shall submit survey evidence that parking on the lot conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

**Proposed Notes:**



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**Development Planning:**

**Background**

|  | <b>Frontage</b> | <b>Depth</b> | <b>Area</b>          |
|--|-----------------|--------------|----------------------|
| <b>SEVERED LANDS (Part 1):</b><br>(For Easement) | 6.00 m±         | 32.91 m±     | 257 m <sup>2</sup> ± |
| <b>RETAINED LANDS:</b>                           | varies m±       | 384.16 m±    | 0.13 ha±             |

The purpose of this application is to create an easement (Part 1 on the submitted survey) on the subject lands municipally known as 147 Mary Street, to the benefit of 121 and 135 Mary Street, for access purposes. Staff note that, as stated in the submitted cover letter and application form, Good Shepherd Non-Profit Homes is the owner of 121, 135 and 147 Mary Street. The easement allows for both properties to utilize a shared driveway for access purposes.

Staff note that this Consent application was concurrently submitted with Minor Variance application A-24:102 and is to facilitate Site Plan application DA-22-095.

**Analysis**

**Urban Hamilton Official Plan**

The subject lands are identified as “Downtown Urban Growth Centre” in Schedule E – Urban Structure and are designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.2.3.1.6, E.4.4.4 and Section F.4.2, amongst others, are applicable and permit the proposed multiple dwelling and social services establishment in addition to the proposed easement.

**Downtown Hamilton Secondary Plan**

The subject lands are designated “Downtown Residential” on Land Use Plan Map B.6.1-1 and are identified as “High Rise 2” on Maximum Building Heights Map B.6.1-2 of the Downtown Hamilton Secondary Plan. Policies B.6.1.3.1 and B.6.1.4.3, amongst others, are applicable and permit the proposed multiple dwelling and social services establishment.

**Beasley Neighbourhood Plan**

The subject lands are identified as “High Density Apartments” on Map 6703 (Map 1 of 2) within the Beasley Neighbourhood Plan.

**Archeology**

No comments.



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**Cultural Heritage**

No comments.

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

The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone under City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwelling and social services establishment are permitted uses.

Zoning:

| Recommendation:      | Comments and Conditions / Notes  |
|----------------------|--|
| Proposed Conditions: | 1. The owner shall submit survey evidence that parking on the lot conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).  |
| Comments:            | <p>1. The proposed Consent to establish an approximately 257 square metre right-of-way easement with the abutting property at 121 and 135 Mary Street, Hamilton, will facilitate Site Plan Application No. DA-22-095.</p> <p>2. This application is to be heard in conjunction with Minor Variance Application No. A-24:102 for 121 and 135 Mary Street, Hamilton.</p> <p>3. Please note that legally established rights of ways shall be properly registered on title to provide access between properties and sharing of parking areas.</p> <p>4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p> |
| Proposed Notes:      |  |

Cultural Heritage:

| Recommendation:      | Comments Only  |
|----------------------|--|
| Proposed Conditions: |  |
| Comments:            | <p>Archaeology:</p> <p>No comments</p> <p>Cultural Heritage:</p> |



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|                 |   |
|-----------------|---|
|                 | <p>The subject property is listed on the Municipal Heritage Register. Accordingly, section B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, applies.</p> <p>Notwithstanding that the subject property is on the Municipal Heritage Register, staff have no concerns as the easement provides access on the paved portion of the site that does not contain any built heritage features.</p> <p>Staff have no further comments on the application as circulated.</p> |
| Proposed Notes: |   |

Natural Heritage:

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

Forestry:

|                      |   |
|----------------------|---|
| Recommendation:      | Approve   |
| Proposed Conditions: |   |
| Comments:            | There are no public tree assets impacted by the proposed application. |
| Proposed Notes:      |   |

Development Engineering:

|                      |   |
|----------------------|---|
| Recommendation:      | Approve   |
| Proposed Conditions: | <ul style="list-style-type: none"> <li>The proposed consent for an easement in favour of 121 &amp; 135 Mary St is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The easement will be over an existing driveway. Therefore, Development Engineering has no comments or objections to the creation of the easement.</li> </ul> |
| Comments:            |   |
| Proposed Notes:      |   |

Building Engineering:

|                      |            |
|----------------------|------------|
| Recommendation:      | No Comment |
| Proposed Conditions: |            |
| Comments:            |            |
| Proposed Notes:      |            |



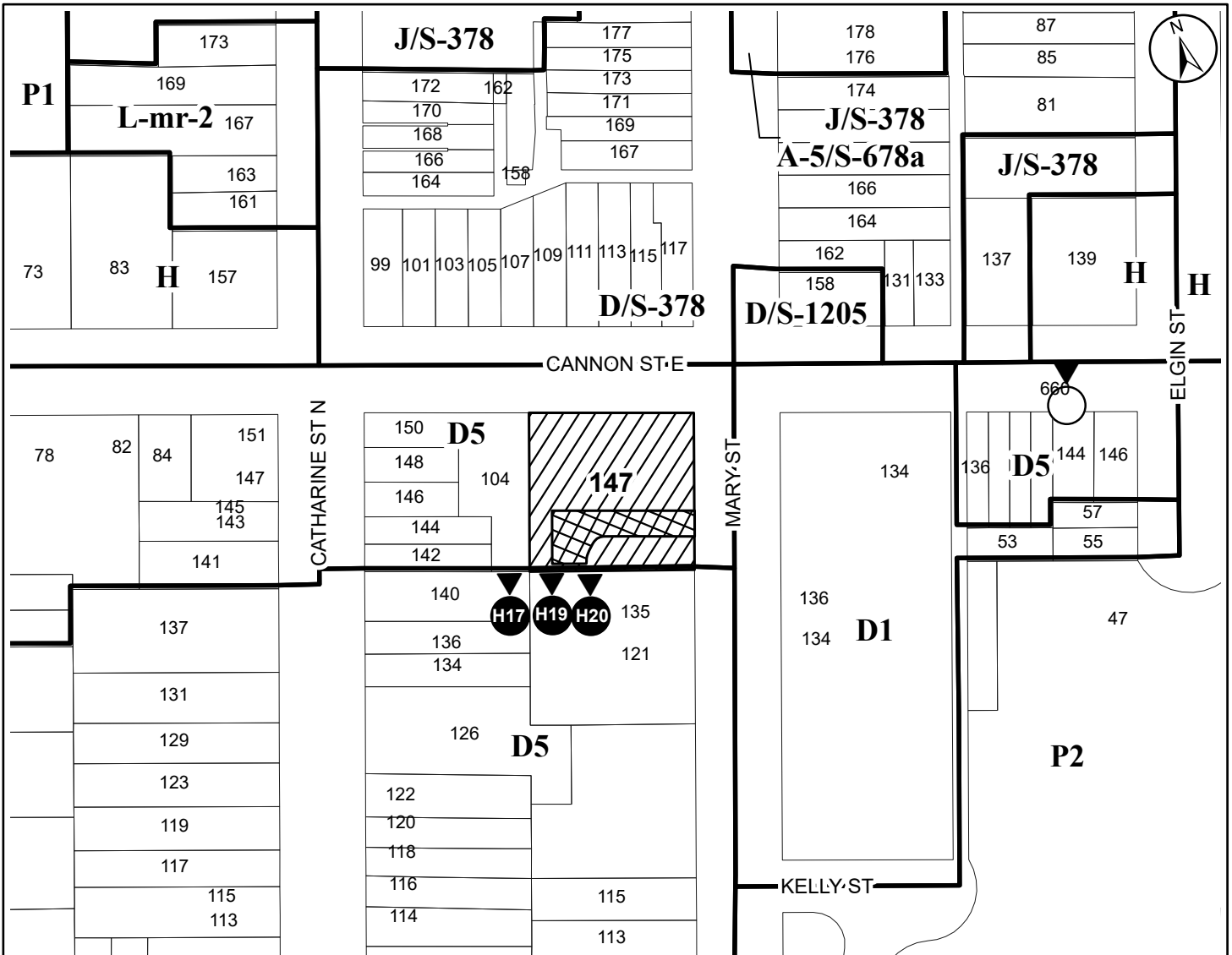
# Hamilton

Transportation Planning:

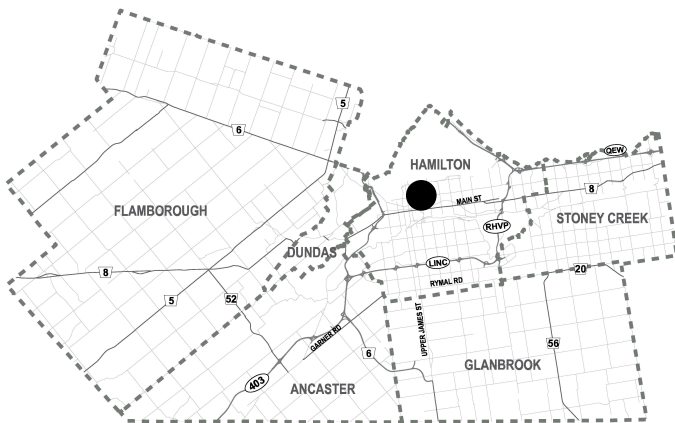
|                      |   |
|----------------------|---|
| Recommendation:      | Comments Only   |
| Proposed Conditions: |   |
| Comments:            | No files were available to review for Transportation Planning |
| Proposed Notes:      |   |

Legislative Approvals:

|                      |  |
|----------------------|--|
| Recommendation:      | No Comments.   |
| Proposed Conditions: |  |
| Comments:            |  |
| Proposed Notes:      | We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. |



● Site Location





**City of Hamilton**

# Committee of Adjustments

**Subject Property**

147 Mary Street, Hamilton (Ward 2)

-  Lands to be retained
-  Easement

**File Name/Number:**

B-24:29

**Date:**

June 6, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**