



Hamilton

STAFF COMMENTS

HEARING DATE: June 11, 2024

A-24:102 – 121 & 135 Mary Street, Hamilton

Recommendation:

Approve

Proposed Conditions:

1. That the owner shall receive final and binding approval of Consent application B-24:29, to the satisfaction of the Director of Development Planning.

Proposed Notes:



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Development Planning:

Background

To permit the development of a ten storey multiple dwelling and social services establishment.

Staff note this Minor Variance application is to facilitate Site Plan application DA-22-095, which received conditional approval on November 2, 2022. Consent application B-24:29 was concurrently submitted to facilitate a proposed access easement over 147 Mary Street in favour of the subject lands.

Staff further note the neighbouring property to the north, 147 Mary Street, contains a four storey multiple dwelling that is also owned and operated by Good Shepherd Non-Profit Homes. 147 Mary Street is a Registered Non-Designated heritage property.

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 and E.4.4.4, amongst others, are applicable and permit the proposed use.

Development Planning staff defer to Cultural Heritage staff regarding the proposal’s conformity to the Cultural Heritage policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan.

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, B.6.1.4.3, B.6.1.4.12, B.6.1.4.17, B.6.1.4.33 and B.6.1.5.1, amongst others, are applicable and permit the proposed multiple dwelling and social services establishment.

Policy B.6.1.4.18 a) defines a “tall building” as any building that is greater than 12 storeys in height. As the proposed multiple dwelling is only 10 metres in height, staff have reviewed the proposal against the Mid-Rise Building policies found in Policy B.6.1.4.17.

Policy B.6.1.4.17 states:

“6.1.4.17 The following policies shall apply to mid-rise building forms:



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- a) a mid-rise building is any building greater than 6 storeys but no greater than 12 storeys in height;*
- b) mid-rise buildings shall be designed to address the street with active frontages, and provide principal entrances from the public realm;*
- c) mid-rise buildings shall create an effective transition between low-rise neighbourhoods and existing or future tall buildings through the use of appropriate setbacks and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan;*
- d) mid-rise buildings shall be designed to frame the street they are fronting while allowing access to sunlight to adjacent properties. This shall be achieved through considerations given to building orientation, setbacks, stepbacks, angular plane, and relationship to grade and land uses; and,*
- e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies may be required to determine potential impacts arising from mid-rise buildings.”*

Policy B.6.1.4.33 states:

“6.1.4.33 Development shall be required to provide transition in scale, within the development site, as a result of any of the following:

- a) the development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;*
- b) the development is adjacent to a cultural heritage resource or a cultural heritage landscape; or,*
- c) the development is adjacent to existing or planned parks, or open spaces.”*

Staff note that Variances 2 and 3 seek to reduce the rear yard setback from 7.5 metres to 0.5 metres and stepback from the northern lot line for portions of the building above 22 metres from 3.0 metres to 2.4 metres, respectively.

The area along the rear lot line with the proposed 0.5 metre setback would apply only to the first floor of the multiple dwelling . The abutting property at 126 Catharine Street North currently contains a commercial use where a 7.5 metre setback is maintained against the neighbouring residential uses. Regarding Variance 3, staff note that the portion of 147 Mary Street abutting the subject lands is a surface parking area and driveway.

Based upon the above, staff are of the opinion that the requested minor variances maintain the intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan.



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Beasley Neighbourhood Plan

The subject lands are identified as “Civic and Institutional” and “Industrial” on Map 6703 (Map 1 of 2) within the Beasley Neighbourhood Plan.

Archaeology

No comment.

Cultural Heritage

No comment.

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.

Variance 1

1. A maximum side yard of 7.9 metres shall be permitted instead of the maximum permitted side yard of 7.5 metres [as per Section 6.5.3.4 (f)].

The intent of this provision is to ensure that buildings are situated in a manner that maintains an activated streetscape while providing sufficient area for transitions between neighbouring buildings and land uses.

Staff note that the requested increase in maximum side yard is minor and meets the intent of the Zoning By-law. Staff support the variance.

Variance 2

2. A minimum rear yard of 0.5 metres shall be permitted instead of the minimum required rear yard of 7.5 metres [as per Section 6.5.3.4 (f)].

The intent of this provision is to mitigate overlook and shadowing onto neighbouring properties.

The area along the rear lot line with the proposed 0.5 metre setback would apply only to the first floor of the multiple dwelling. The abutting property at 126 Catharine Street North currently contains a commercial use where a 7.5 metre setback is maintained against neighbouring residential uses. Staff do not anticipate negative impacts on neighbouring properties. Staff support the variance.



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Variance 3

3. A minimum 2.4 metre setback to the northerly side lot line shall be permitted for any portion of the building exceeding 22.0 metres in height, instead of the minimum 3.0 metre setback required [as per Section 6.0 (b)(ii)].

The intent of this provision is to establish a sufficient transition in scale between high or mid-rise buildings and neighbouring low-rise buildings to minimize potential negative impacts, for example shadowing, wind, overlook.

Staff note that the portion of 147 Mary Street abutting the subject lands is a surface parking area and driveway, whereas the existing four storey multiple dwelling on 147 Mary Street has an approximate setback of 18 metres. Therefore, staff do not anticipate any negative impacts on the 147 Mary Street. Staff support the variance.

Variances 4 & 5

4. An accessory building shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot [as per Section 4.8 (f)].
5. An accessory building having a gross floor area less than 18 square metres shall be permitted to be setback a minimum of 0.6 metres from the rear lot line, instead of the minimum 1.2 metres [as per Section 4.8.1.3 (a)(i)].

The intent of these provisions is to prevent an accessory structure or use on a property without a principle use or structure and to ensure that sufficient space is maintained between the lot line and accessory structures for stormwater drainage, maintenance and access purposes.

Regarding Variance 4, staff note that proposed accessory structure is to provide stair access to the proposed underground parking of the development. Staff also note that, per the Planning Rationale provided with this application, the access to the underground parking must be constructed prior to the erection of the principal building in order to provide access below grade during the construction process. Staff are of the opinion that the requested variance maintains the intent of the Zoning By-law as the accessory structure will be constructed as part of the same development as the principal building and the order of construction is intended to safely facilitate the construction process. Staff support the variance.



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Regarding Variance 5, staff defer to Development Engineering staff regarding stormwater drainage concerns. Staff are of the opinion that the proposed 0.6 metre setback from the rear lot line maintains sufficient space for access and maintenance purposes. Staff support the variance.

Staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development and use of the land. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>i. Be advised that By-law No. 24-052 was recently approved which repealed and replaced Section 5: Parking, of Hamilton Zoning By-law No. 05-200. As By-law No. 24-052 is not yet final, at present, all proposed development is reviewed under both the existing and proposed Zoning By-laws regulations with the more restrictive zoning regulations being applied.</p> <p>ii. This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.</p> <p>iii. These variances are necessary to facilitate Site Plan Application No. DA-22-095, and have been written exactly as requested by the applicant.</p> <p>iv. This application is to be heard in conjunction with Consent/Land Severance Application No. B-24:29 to establish a +/- 257 square metre easement with the abutting property at 147 Mary Street, which will facilitate Site Plan Application No. DA-22-095.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Staff comments addressed as part of DA-22-095.
Proposed Notes:	



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Natural Heritage:

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

Development Engineering:

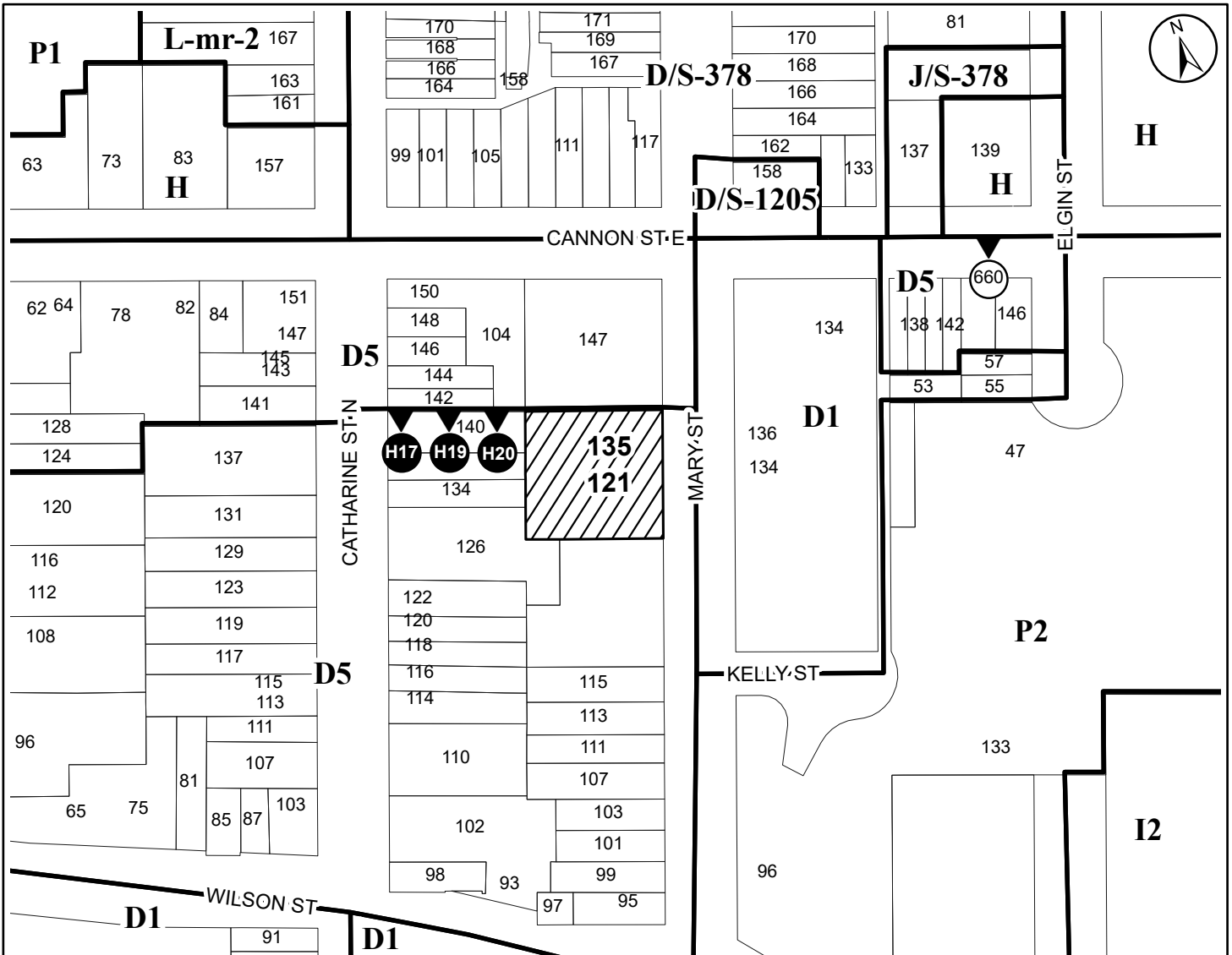
Recommendation:	Approve
Proposed Conditions:	
Comments:	Development Engineering has no objections to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

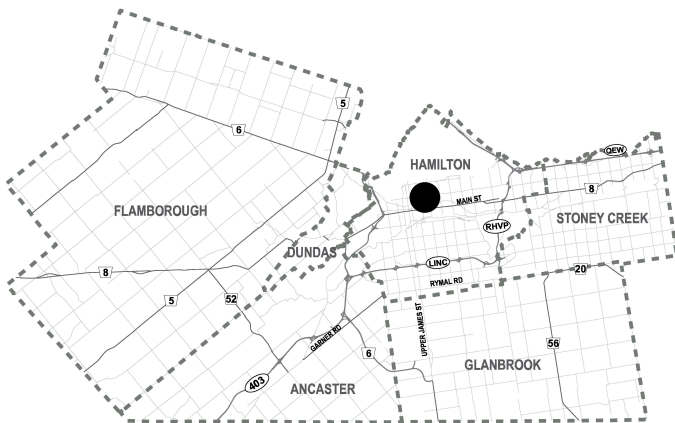
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the proposed development of 10-Storey Multiple Dwelling and social services establishments. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



121 & 135 Mary Street, Hamilton
(Ward 2)

File Name/Number:

A-24:102

Date:

May 27, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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