



Hamilton

STAFF COMMENTS

HEARING DATE: June 25, 2024

A-24:104 – 701 Upper Sherman Avenue, Hamilton

Recommendation:

- Approve Variances 1,2,3,4,5 and 6
- Variances 7 and 8 Not Required

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

The application is to facilitate the construction of a two storey-addition to the existing Macassa long-term care facility.

The following variances are requested:

1. A minimum northerly side yard of 2.4m shall be permitted along the Macassa Avenue lot line instead of the minimum 7.0m side yard required.
2. A minimum setback of 0.0m shall be permitted from the Macassa Avenue street line and a minimum setback of 2.1m shall be permitted from the Upper Sherman Avenue street line to parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m setback required from a street line.
3. No planting strip shall be permitted to be maintained along the Macassa Avenue street line; a minimum 1.8m wide planting strip shall be permitted along the hypotenuse of a daylight triangle; and a minimum 2.1m wide planting strip shall be permitted along the Upper Sherman Avenue street line and all existing parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m wide planting strip required.
4. A minimum parking space size having width of 2.5m x 4.6m shall be permitted for existing parking spaces instead of the minimum 2.8m x 5.8m parking space size required.
5. A minimum 3.9m wide parking space width shall be permitted for barrier free spaces located within the existing parking areas instead of the minimum 4.4m wide parking space width required for barrier free parking spaces.
6. A minimum aisle width of 5.7m shall be permitted for 90.0° parking located within the existing parking areas instead of the minimum required 6.0m aisle width for 90.0° parking.
7. No Electric Vehicle Parking shall be permitted to be maintained instead of the minimum required 50.0% of the parking spaces provided to be maintained as Electric Vehicle parking.
8. No accessibility aisle shall be permitted to be maintained continuously along the length of accessible parking spaces whereas the zoning By-law requires a minimum of one side of an accessible parking space to provide a continuous abutting accessibility aisle.

This Minor Variance application is necessary to facilitate Site Plan Control application SPA-23-060, which received conditional approval.



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Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Institutional” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

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

The subject lands are zoned Major Institutional “I3” District, which permits the use of long term care facility.

Analysis

| | Variations Requested | Comments |
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| 1 | A minimum northerly side yard of 2.4m shall be permitted along the Macassa Avenue lot line instead of the minimum 7.0m side yard required. | This setback is an existing condition and is not being exasperated by the proposed addition to the south. Staff have no concerns and support the variance. |
| 2 | A minimum setback of 0.0m shall be permitted from the Macassa Avenue street line and a minimum setback of 2.1m shall be permitted from the Upper Sherman Avenue street line to parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m setback required from a street line. | This setback is an existing condition and is not being exasperated by the proposed addition on the interior of the site. Staff have no concerns and support the variance. |
| 3 | No planting strip shall be permitted to be maintained along the Macassa Avenue street line; a minimum 1.8m wide planting strip shall be permitted along the hypotenuse of a daylight triangle; and a minimum 2.1m wide planting strip shall be permitted along the Upper Sherman Avenue street line to all existing parking spaces and aisles giving direct access to abutting parking spaces instead of the minimum 3.0m wide planting strip required. | Planning Staff have reviewed submitted Landscape Plan at the Site Plan Control stage and are satisfied with the landscaping proposed for the proposed development. Furthermore, the proposed variance recognizes planting strip widths along Upper Sherman Avenue and Macassa Avenue that are existing and does not |



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| | | propose a reduction in width. Staff are of the opinion that this variance is minor in nature and desirable for the development. Staff support this variance. |
| 4 | A minimum parking space size having width of 2.5m x 4.6m shall be permitted for existing parking spaces instead of the minimum 2.8m x 5.8m parking space size required. | These variances pertain to the existing parking spaces and the variances will allow retention of existing parking. Please note that these variances only relate to existing parking spaces. All new parking spaces, or further revisions to the existing surface parking area will be required to comply with the in-effect Zoning by-law. Staff have no concerns and support the variances. |
| 5 | A minimum 3.9m wide parking space width shall be permitted for existing barrier free spaces located within the existing parking areas instead of the minimum 4.4m wide parking space width required for barrier free parking spaces. | |
| 6 | A minimum aisle width of 5.7m shall be permitted for 90.0° parking located within the existing parking areas instead of the minimum required 6.0m aisle width for 90.0° parking. | |
| 7 | No Electric Vehicle Parking shall be permitted to be maintained instead of the minimum required 50.0% of the parking spaces provided to be maintained as Electric Vehicle parking. | The Electric Vehicle Parking requirements were brought in through By-law 21-051, which was approved by Council on April 10 th , 2024, and is currently subject to appeal. The transition policies of Zoning By-law 05-200 currently state that Site Plan Applications that are Conditionally Approved are not subject to subsequent amendments to the by-law. Accordingly, the EV provisions of By-law 21-051 do not apply and this variance is not required for the existing parking area. |



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| 8 | <p>No accessibility aisle shall be permitted to be maintained continuously along the length of accessible parking spaces whereas the zoning By-law requires a minimum of one side of an accessible parking space to provide a continuous abutting accessibility aisle.</p> | <p>Similar to Variance 7, above, the accessibility access aisle requirements were brought in through By-law 21-051, which was approved by Council on April 10th, 2024, and is currently subject to appeal. The transition policies of Zoning By-law 05-200 currently state that Site Plan Applications that are Conditionally Approved are not subject to subsequent amendments to the by-law. Accordingly, the accessibility aisle provisions of By-law 21-051 do not apply and this variance is not required for the existing parking area.</p> |
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Zoning:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <ul style="list-style-type: none"> • These variances are necessary to facilitate Site Plan Control Application SPA-23-060. • The applicant shall ensure that the minimum Landscaped Areas/Landscaped Parking Islands required for parking lots are maintained; otherwise, further variances shall be required. Insufficient information was provided from which to determine compliance. • The zoning By-law requires short-term and long-term bicycle parking to provided on site. Insufficient information was provided from which to determine compliance; as such, further variances may be required. • The plans show two (2) other barrier free parking spaces located within existing parking area containing 38 parking spaces which appear to have a size less than as requested in variance #5 above. The applicant shall ensure that the variance requested is correct or shall amend the plans in order to ensure compliance. |
| Proposed Notes: | |



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Natural Heritage:

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

Cultural Heritage:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <p>Archaeology:</p> <p>Staff comments addressed in SPA-23-060</p> <p>Cultural Heritage:</p> <p>No Comments.</p> |
| Proposed Notes: | |

Development Engineering:

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

Building Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Proposed Notes: | <p>A building permit is required for the construction of an additional dwelling unit.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>Building Permit # 20 146822, issued on 2/20/2020, Alteration to the existing building for installation of magnetic locking devices at 3 doors remains not finalized.</p> |



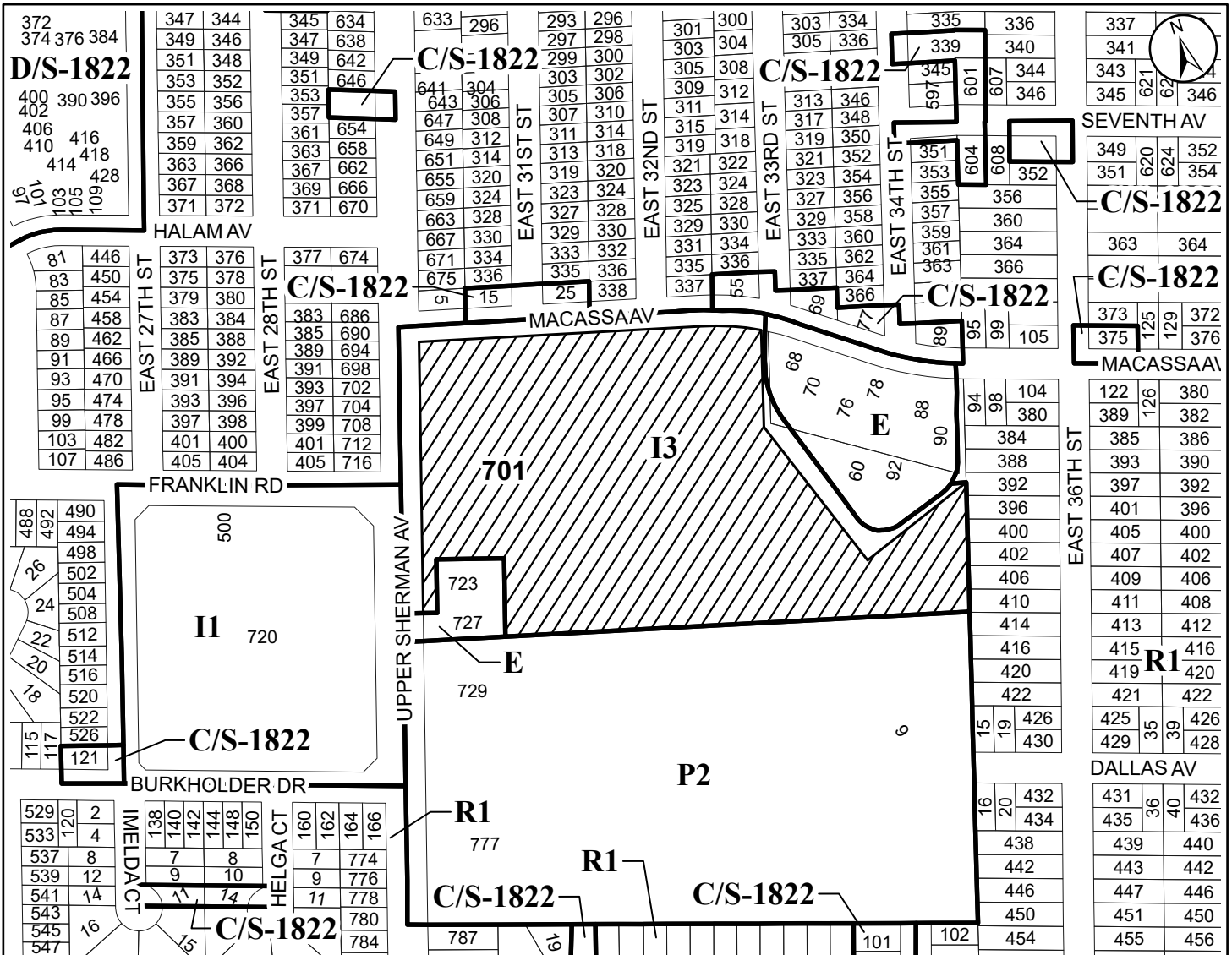
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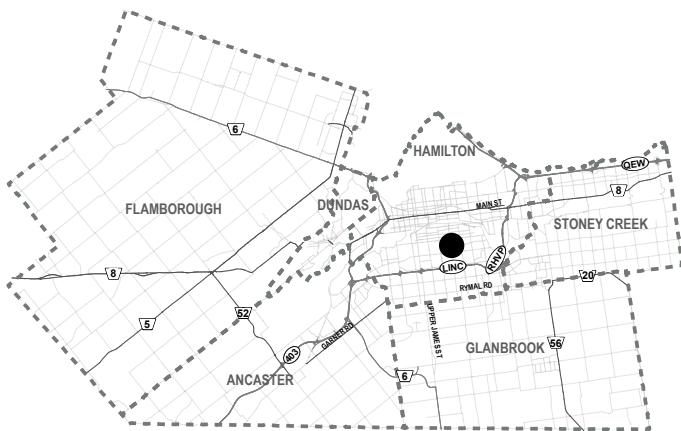
HEARING DATE: June 25, 2024

Transportation Planning:

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



701 Upper Sherman Avenue, Hamilton (Ward 7)

File Name/Number:

A-24:104

Date:

June 10, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department