



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

A-24:137 – 820 Rymal Road East, Hamilton

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



Hamilton

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HEARING DATE: July 23, 2024

Development Planning:

Background

The purpose of this application is to facilitate the construction of fourteen (14) street townhouse dwellings fronting onto a private condominium road.

On January 18, 2024, the applicant received approval for a Minor Variance application, to permit a reduced side yard of 1.1m and 0.9m to units 9 and 14 as well as permitted a maximum open stair encroachment of 1.1m.

On July 31, 2018, the applicant received conditional approval for Site Plan Control application DA-18-123, to construct 14 townhouse dwellings on a private condominium road with 35 associated parking spaces. The variances requested are necessary to facilitate Site Plan Control application DA-18-123.

On March 8, 2018, the Committee of Adjustment approved Minor Variance application HM/A-18:06, to permit a condominium road be considered a “highway” for purposes of establishing lot frontage, visitor parking and landscaping, and be permitted within the condominium road, deemed a highway.

The lands were subject to Urban Hamilton Official Plan Amendment UHOPA-17-013, Zoning By-law Amendment ZAC-15-063, Draft Plan of Subdivision 25T-201604 and Draft Plan of Condominium (Common Element) 25CDM-201521, which were recommended for approval by Planning Committee on October 3, 2017, and approved by Council on October 25, 2017, with the By-laws deemed final and binding on November 28, 2017.

The following variances are requested:

1. A minimum rear yard depth of 4.6m shall be permitted instead of the minimum 7.5m rear yard required.
2. A minimum side yard width of 1.6m shall be permitted for Unit 8 instead of the minimum 2.0m side yard required for a street townhouse dwelling not exceed two storeys in height.
3. An open stairway may project a maximum of 1.2m into a required rear yard for units 1 to 8 instead of the maximum 1.1m open stairway projection permitted.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” - Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The lands are identified as “Attached Housing” in the Broughton West Neighbourhood Plan. The proposed townhouses are a permitted use in the designation.



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City of Hamilton Zoning By-law No. 6593

The lands are zoned RT-30/S-1752 (Street-Townhouse), Modified, District in Hamilton Zoning By-law No. 6593. The proposed townhouses are a permitted use in the zone.

Analysis

No.	Variance Requested	Comments
1.	A minimum rear yard depth of 4.6m shall be permitted instead of the minimum 7.5m rear yard required.	Please note that the requested variance is technical in nature as the functional rear yard will remain as 7.71 metres. However; due to the presence of a retaining wall and catch basins associated with private stormwater management infrastructure, the proponent has included the southerly most ≈2.5-3.0 metres of the rear yard within the common elements of the condominium. This will ensure that the infrastructure in this area is maintained by the condominium corporation and not the individual owners of the parcels of tied land. The individual owners will still have access to the portion of the property included as common elements, so it can still function as amenity area, even though it is not included as part of their parcel. Staff are of the opinion that the proposed reduced rear yards will not adversely



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		<p>impact the usability of the outdoor space and will still provide ample area of amenity space, while also providing a sufficient amount of separation distance to the lands to the south</p> <p>Staff support this variance.</p>
2.	<p>A minimum side yard width of 1.6m shall be permitted for Unit 8 instead of the minimum 2.0m side yard required for a street townhouse dwelling not exceed two storeys in height.</p>	<p>Similar to the above, the requested variance is technical in nature as the functional side yard will remain as 2.0 metres. However; due to the presence of a retaining wall, a portion of the side yard has now been included in the common elements of the condominium for future maintenance purposes. The building itself remains approximately 3 metres from the westerly side yard. Staff are of the opinion that the side yard reduction of 0.4 metres is minor and will not adversely impact the surrounding lots.</p> <p>Staff support this variance.</p>
3.	<p>An open stairway may project a maximum of 1.2m into a required rear yard for units 1 to 8 instead of the maximum 1.1m open stairway projection permitted.</p>	<p>Staff are of the opinion that the proposed rear yard encroachment will not adversely impact the usability of the rear yard or impact privacy/overlook on surrounding properties.</p> <p>Staff support this variance.</p>



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Based on the foregoing, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the Former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate development of the property.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> • The variances are necessary to facilitate Site Plan Application DA-18-123. • Previous Committee of Adjustment Decision HM/A-23:313, permitted a reduced side yard of 1.1m and 0.9m to units 9 and 14 as well as permitted a maximum open stair encroachment of 1.1m. • A storage area is shown within each of the private garages. The applicant shall ensure that a minimum clear parking space size of 2.7m x 6.0m is maintained for each of private garages; otherwise, further variances shall be required. • The applicant shall ensure that required visitor parking is clearly marked and maintained for visitors; otherwise, further variances shall be required.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 22-148939, issued on February 3, 2023 to demolish a 1-storey, 177 m² single family dwelling, remains not finalized.</p> <p>Building permits are required for the construction of the proposed fourteen two storey townhouse dwellings</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



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Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.

July 16, 2024

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Committee of Adjustment

File# A/24:137

Re: 820 Rymal Rd E

In response to your correspondence dated July 4, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

We would also like to stipulate the following:

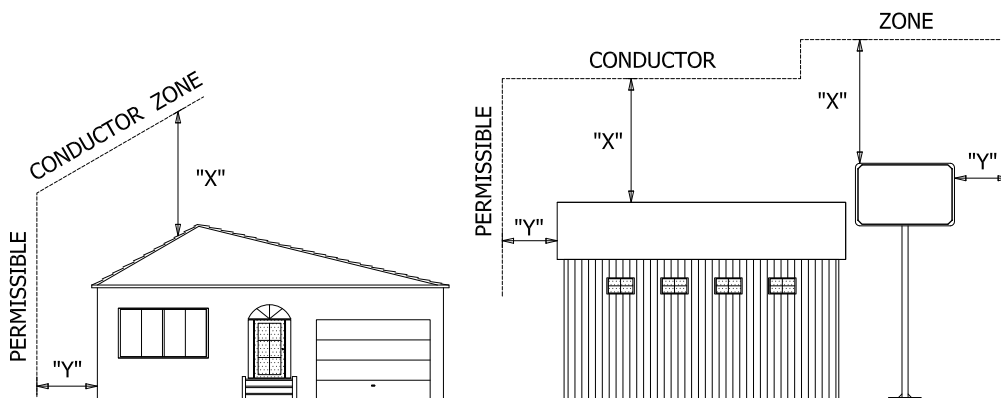
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.



DRAWING STATUS	BY	DATE DD/MM/YY
REDRAWN:	JM	12/06/07
CHECKED:	ND	26/04/05
APPROVED:	CR	26/04/05

MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS

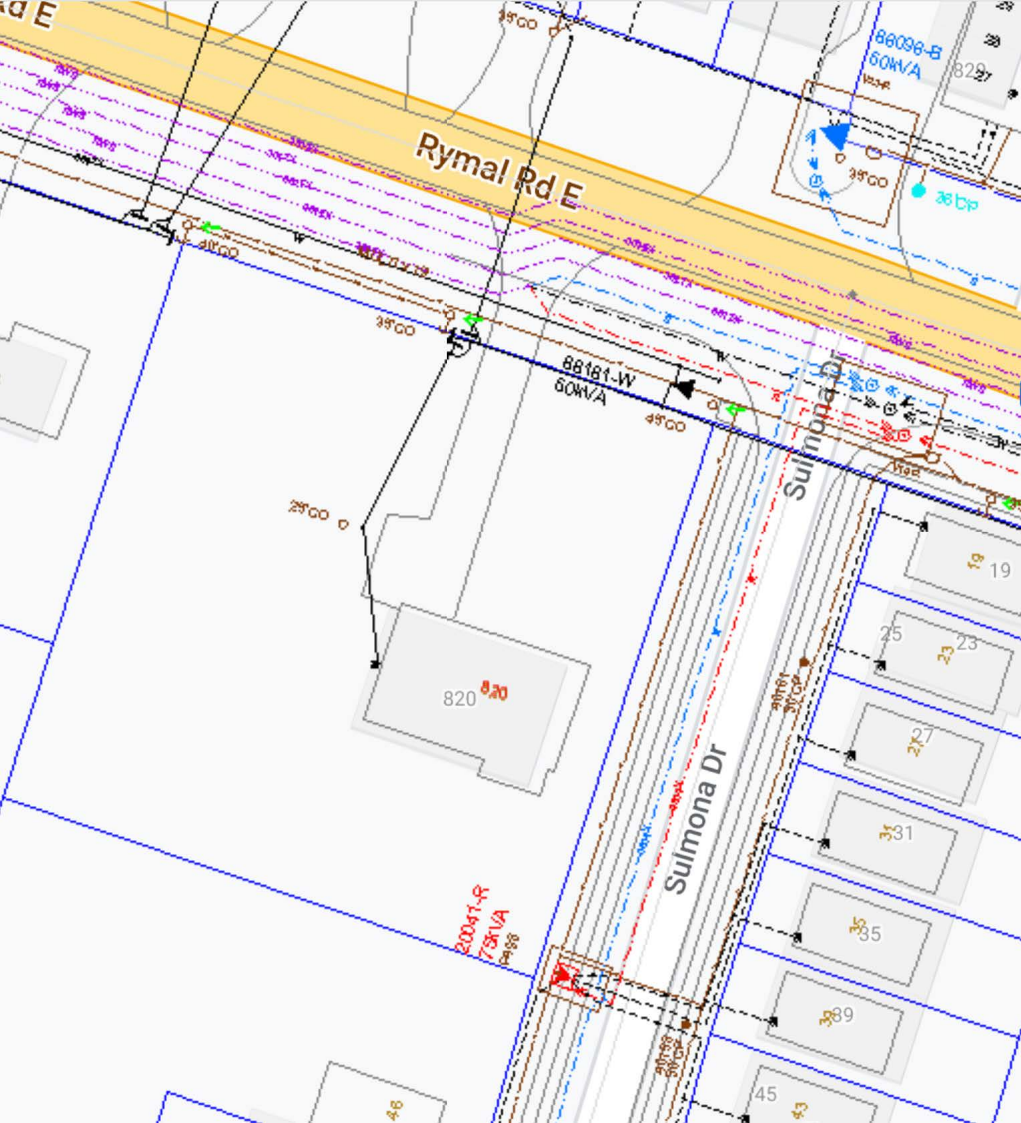
(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

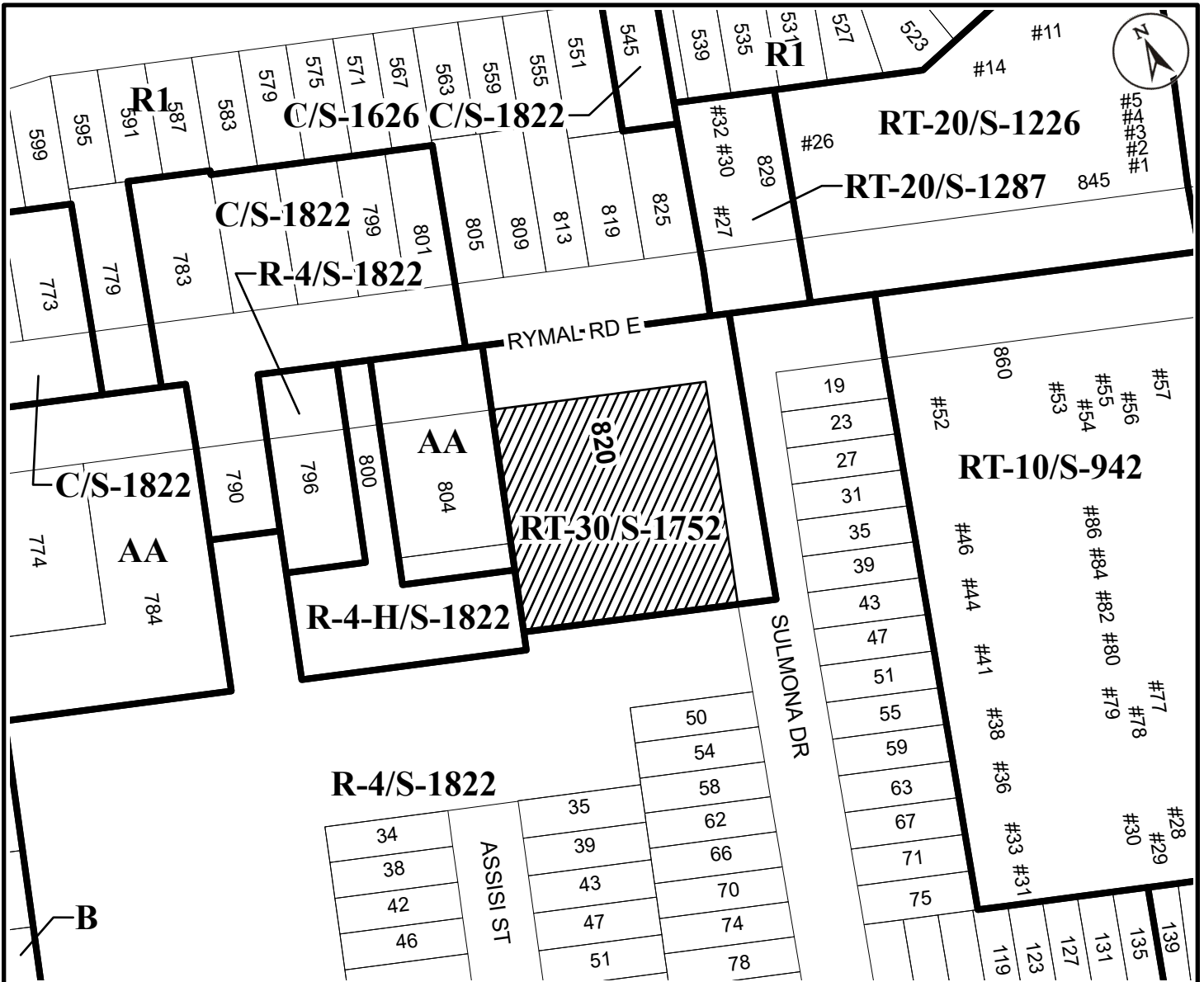
REFERENCE DRAWINGS:

DRAWINGS NOT TO SCALE

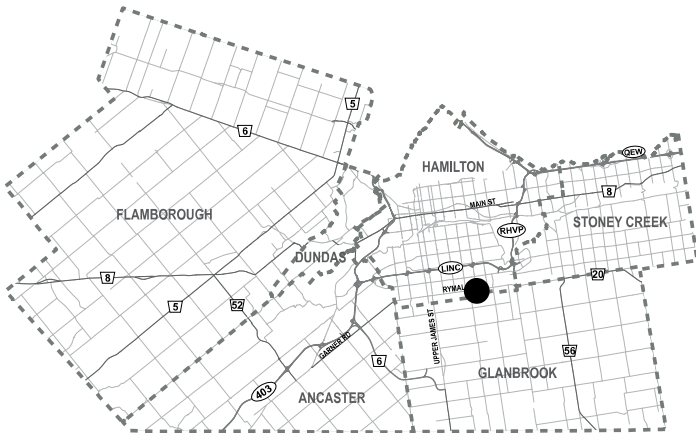
DRAWING #
3-105

SHEET#	REVISION#
1	0





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



820 Rymal Road East, Hamilton
(Ward 6)

File Name/Number:

A-24:137

Date:

July 8, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT