



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

A-24:145 – 1110 Cannon Street East, Hamilton

**Recommendation:**

Approve, with conditions.

**Proposed Conditions:**

1. That a revised site plan and floor plan illustrating the entrance and exit for the proposed ground floor unit (Unit 4) facing the southeast side of the building, Rosslyn Avenue North, is required to be submitted and approved, to the satisfaction of the Director of Development Planning.

**Proposed Notes:**

N/A



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## **Development Planning:**

### **Background**

To facilitate the establishment of 3 residential units in an existing commercial building.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.2.3, amongst others, is applicable and permits the existing residential and commercial uses as well as the proposed residential dwelling uses.

#### **Crown Point West Neighbourhood Plan**

The subject property is identified as “Commercial” on Map 6605 (Map 1 or 2) of the Crown Point West Neighbourhood Plan.

### **Archaeology**

No comment.

### **Cultural Heritage**

The subject property is adjacent to 164 Kensington Avenue North, also known as the Kensington Avenue Gospel Hall or the Kensington Brethren Assembly, a property listed on the City of Hamilton’s Municipal Heritage Register. Additionally, the subject property is adjacent to 160 Kensington Avenue North and 162 Kensington Avenue North, properties listed on the City of Hamilton’s Inventory of Heritage Properties.

Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply. The proponent proposes to facilitate the establishment of 3 residential units in an existing commercial building.

Notwithstanding that the subject property is in the immediate vicinity of properties on the City of Hamilton’s Inventory of Heritage Properties and Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved due to the absence of proposed exterior changes to the subject property. Staff have no further comments on the application as circulated.



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

The subject lands are zoned Neighbourhood Commercial (C2) Zone in City of Hamilton Zoning By-law No. 05-200. The existing ground floor commercial use and existing second floor dwelling unit are permitted. The proposed second dwelling unit on the second floor is permitted whereas the proposed third dwelling unit on the ground floor is not permitted.

**Variance 1**

1. A dwelling unit(s) mixed use shall be permitted on the ground floor of an existing commercial building instead of dwelling unit(s) mixed use shall only be permitted above the ground floor level.

The intent of these provisions is to ensure that the street facing portion of the ground floor of mixed use buildings remains commercial in nature, to promote an activated streetscape.

Staff note that while a residential unit is proposed on the ground floor of the building, more than 50% of the gross floor area of the building will remain non-residential and the front of the building will remain fully commercial, promoting an active street.

Additionally, staff are recommending a condition of approval to change the location of the entrance to the proposed ground floor dwelling unit to face Rosslyn Avenue North. The intent of this recommendation is to promote a more street-oriented design for the ground floor unit. Staff are of the opinion that the requested variance, subject to the recommended condition, maintains the general intent of the Zoning By-law. Staff support the variance.

Based on the foregoing, staff are of the opinion that the requested variance does meet the four tests of a minor variance. **Staff recommend approval.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Requested variance is required to facilitate the establishment of a dwelling unit on the ground level of an existing commercial building
Notes:	



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**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

**Development Engineering:**

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Development Engineering has no objections to the minor variance as requested.
Notes:	

**Building Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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

