



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

A-24:149 – 56 York Road, Dundas

Recommendation:

- Table

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

Development Planning:

Background

To permit the construction of a three storey, 10 unit multiple dwelling. Staff note that previous Minor Variance application DN/A-19:406 was approved for the following variances that are applicable to the subject property:

1. A minimum lot area of 1339.0 square metres shall be permitted instead of the minimum 1380.0 square metres lot area required.
2. A minimum lot frontage of 22.7 metres shall be permitted instead of the minimum 30.0 metre lot frontage required.
3. No onsite loading space shall be permitted instead of the minimum one loading space required.
4. The roofed-over unenclosed porches shall be permitted to be located as close as 3.0 metres from the southerly lot line instead of the minimum 4.5 metre setback required.

The subject property was previously subject to Site Plan Control application SPA-20-101. Through this application, the subject property was determined to have archaeological potential and a registered archaeological site identified (Morden-Hare site, AhGx-780). A Stage 3 Archaeological Assessment (P244-013-2018) for the subject property was conducted and submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton.

Staff note that in the Notice of Public Hearing for this application, Variance 2 refers to “a minimum Northerly Side Yard setback”. Variance 2 is intended to refer to the southerly side yard setback and has been reviewed by staff as such.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and are identified as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies, B.2.4.1.4, B.2.4.2.2, B.3.4.2.1, B.3.6.3.7 and those in Section E.3.5, among others, are applicable. The proposed multiple dwelling is a permitted use.

Policies found within Section E.3.5 Medium Density Residential of the Urban Hamilton Official Plan speak to the function, scale and design of medium density residential uses within the “Neighbourhoods” designation. Staff note that while the proposal is not of a mid-rise height, as the



Hamilton

proposal contains more than 6 residential units, therefore, the proposal will be evaluated against the medium density residential policies and not the low-density residential policies.

Policy E.3.5.2 permits the proposed multiple dwelling use. Policy E.3.5.8 permits a maximum building height of 6 storeys or up to 12 storeys if the criteria outlined in the policy are met. As the proposal is for 3 storeys, it complies with this policy.

Policy E.3.5.9 provides policies for design requirements of medium density residential uses. In summary, developments should have direct access to a collector or arterial road. The development shall be integrated with neighbouring lands with respect to density, design and functional consideration. The development must provide adequate amenity features, on-site parking and buffering, if required. Height, massing and built form must be compatible with the surrounding area.

Per Policy B.3.6.3.7, proposed residential developments within 400 metres of a major arterial road require a noise feasibility study or detailed noise study shall be required to demonstrate compliance with Policy B.3.6.3.8. Per Schedule C – Functional Road Classification of the Urban Hamilton Official Plan, both King Street East and Cootes Drive are identified as major arterial roads. Staff are recommending a condition requiring the submission of a noise study to satisfy this requirement.

Policy B.3.4.2.1, amongst other goals, requires the protection and conservation of cultural heritage resources such as archaeological resources and the avoidance of harmful disruption or disturbance of known archaeological sites or areas of archaeological potential. Similarly, Policy B.2.4.2.2 i) requires the conservation of Cultural Heritage resources as one of the criteria in evaluating residential intensification development within the “Neighbourhoods” designation. As the subject property has been determined to have archaeological potential and a registered archaeological site through Site Plan Control application SPA-20-101, staff are recommending that this application be tabled until the Cultural Heritage policies of the Urban Hamilton Official Plan can be met.

Archaeology

As part of a previous Site Plan Control Application SPA-20-101, the subject property was determined to have archaeological potential and a registered archaeological site identified (Morden-Hare site, AhGx-780). A Stage 3 Archaeological Assessment (P244-013-2018) for the subject property was conducted and submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. The report concluded that the registered archaeological site retained cultural heritage value or interest and requires further Stage 4 assessment. Heritage Staff concurred with this recommendation and required that the applicant conduct a Stage 4 Archaeological Assessment and that this report be submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton prior to any further approvals.



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

An outline for a Stage 4 Avoidance and Protection Plan, dated June 11, 2020, was developed by the consultant archaeologist on the file, in discussion with the City of Hamilton and the Ministry. It included site mitigation and planning requirements as well as conditions that must be carried out to permit the development of the subject property. In a letter dated June 22, 2020, the consultant archaeologist concluded that, provided these requirements and conditions are fulfilled to the satisfaction of the City and the Ministry, the redevelopment project may proceed.

As a result of recent provincial changes to the *Planning Act*, the scope of the previous redevelopment proposal for the site no longer requires a Site Plan Control Application to implement and there is no mechanism in place to hold the proponent to the conditions and mitigation measures required to ensure that the registered archaeological site is conserved in accordance with the *Ontario Heritage Act*.

The City's records indicate that a Stage 4 excavation was initiated on the property in 2020, however staff do not have record of this report having been submitted to the City.

Staff are not able to attach a condition of approval to a Minor Variance application and, therefore, this application does not provide the required mechanism to ensure the appropriate conservation of this registered archaeological site. As such, staff believe this application is premature until such time as the City and the Ministry have confirmed the site has been fully excavated and no longer retains any cultural heritage value or interest, or an agreement can be registered on title (or other appropriate mechanism or protection in place) to ensure the registered archaeological site is appropriately conserved and impacts mitigated resulting from the proposed development proposal.

Cultural Heritage

Staff comments addressed as part of DA-18-083.

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Low Density Multiple Dwellings (RM2) Zone under Former Town of Dundas Zoning By-law No. 3581-86. The proposed multiple dwelling is permitted.

Variations 1 and 2

1. A minimum northerly side yard setback of 1.7 metres shall be permitted instead of the minimum 4.5 metre side yard.
2. A minimum southerly side yard setback of 2.5 metres shall be permitted instead of the minimum 4.5 metre side yard.



Hamilton

The intent of these provisions is to ensure sufficient separation between a multiple dwelling and neighbouring properties to prevent or mitigate negative impacts on neighbouring properties in terms of privacy and overlook issues. Staff defer to Development Engineering staff regarding drainage or grading concerns.

Variance 3

- 3. A maximum building height of 13.15 metres shall be permitted instead of the maximum building height of 10.5 metres.

The intent of this provision is to ensure buildings retain a low-rise built form to prevent or mitigate negative impacts on neighbouring properties in terms of privacy, overlook and shadowing concerns.

Variance 4

- 4. Three parking spaces shall be permitted within the front yard instead of the requirement that parking spaces shall not be located in the front yard of an apartment building development site.

The intent of this provision is to ensure a consistent, pedestrian oriented streetscape instead of a streetscape that is predominantly vehicular parking or parking spaces.

Staff have concerns that the proposed visitor parking within the front yard would not be consistent with the general character or streetscape along York Road and would not meet the intent of the Zoning By-law. Staff do not support the variance.

Staff are recommending that this application be tabled until the Cultural Heritage policies of the Urban Hamilton Official Plan have been addressed to the satisfaction of Cultural Heritage staff. Based on the foregoing, **staff recommend tabling of this application.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Variance #2 should be altered by deleting the word “Northerly” and replace it with “Southerly” so that it reads as follows:</p> <p><i>“A minimum Southerly Side Yard setback of 2.5 metres shall be permitted instead of the minimum 4.5 metre Minimum Side Yard.”</i></p> <p>The amendment is required to address the appropriate yard setback.</p> <p>2. Please note, a previous Minor Variance application DN/A-19:406 was approved for the following variances and remains applicable to the subject property:</p>



	<ol style="list-style-type: none"> 1. <i>A minimum lot area of 1339.0m² shall be permitted instead of the minimum 1380.0m² lot area required.</i> 2. <i>A minimum lot frontage of 22.7m shall be permitted instead of the minimum 30.0m lot frontage required.</i> 3. <i>No onsite loading space shall be permitted instead of the minimum one (1) loading space required.</i> 4. <i>The roofed-over unenclosed porches shall be permitted to be located as close as 3.0m from the southerly side lot line instead of the minimum 4.5m setback required.</i> <p>The above variances have been provided for information purposes and have been applied to the proposed development in addition to the requested variances above.</p> <p>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 CulturalHeritagePlanning@hamilton.ca for further information.</p>
Notes:	

Development Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no issues with this application.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed Apartment Building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

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/24:149

Re: 56 York Rd

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:

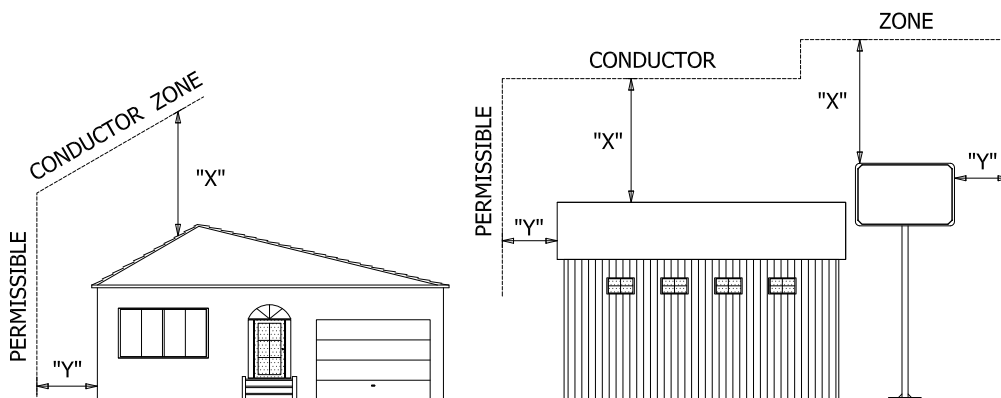
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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



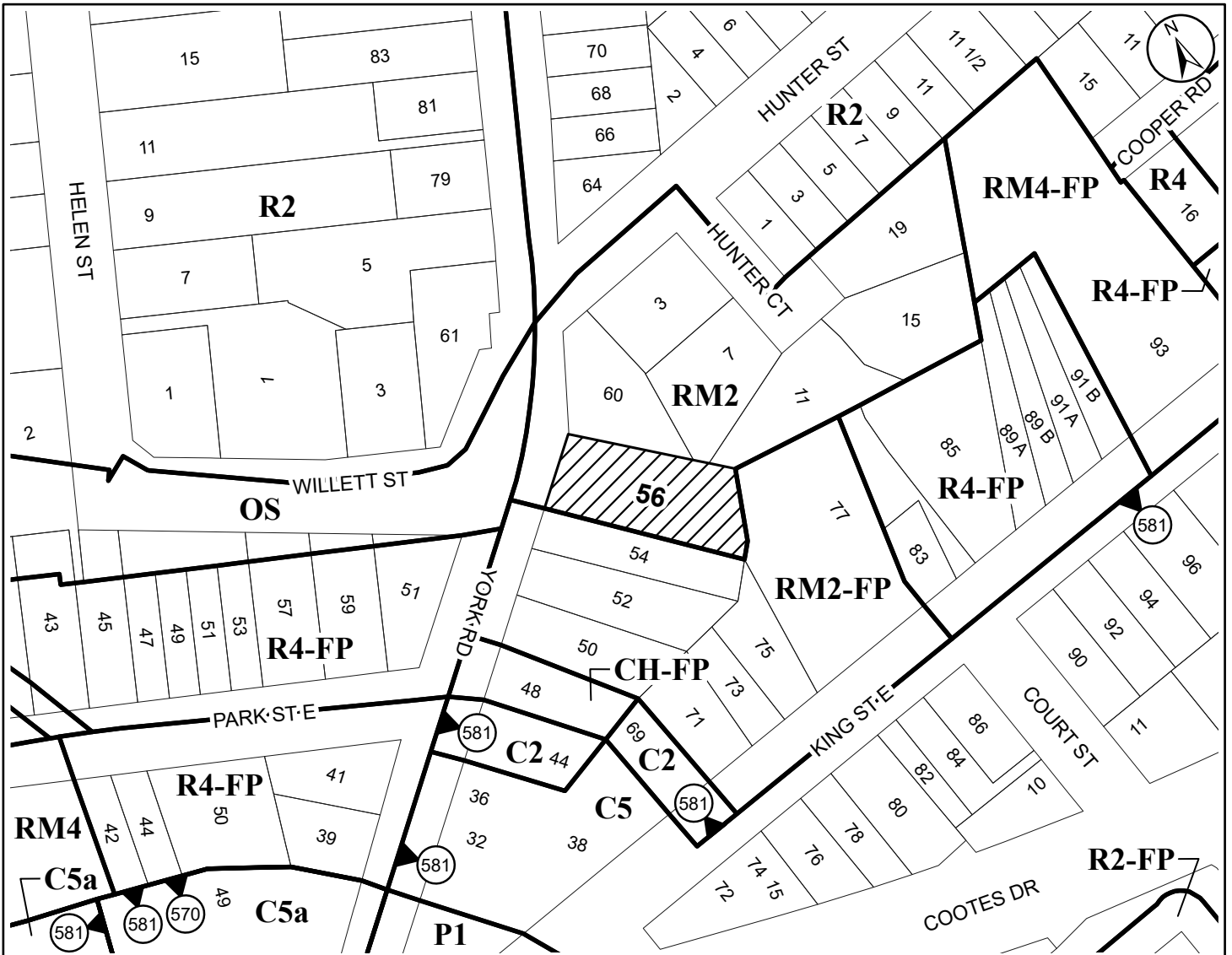
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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)

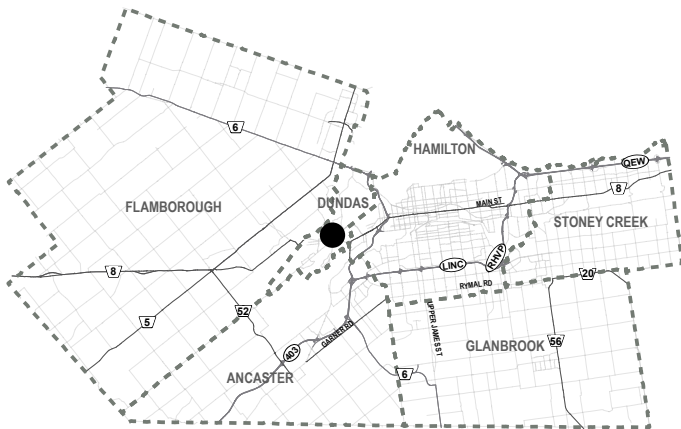
* - INCLUDES MULTI-GROUNDED NEUTRALS

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.




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 56 York Road, Dundas (Ward 13)

File Name/Number:

A-24:149

Date:

July 5, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department