



Hamilton

A-24:169 – 725 Strathearne Avenue North, Hamilton

Recommendation:

Development Planning: Approve variances 1-3, Deny 4 and 5

Transportation Planning: Deny variance no. 4 (under Zoning By-Law 05-200)

Proposed Conditions:

1. That the variances only apply to the existing parking spaces as shown on the submitted site plan, titled "Site Plan" dated July 24, 2024.
2. That the Owner enter into an agreement with the City for parking in the public right-of-way and any costs associated with such an agreement would be the responsibility of the Owner, all to the satisfaction of the Manager of Parking Operations.

Proposed Notes:

Variance No. 1:

- a) Granting of this variance does not release the landowner from any requirements to enter into an Encroachment Agreement with the City to allow private assets on the right-of-way, including a paved area (i.e., paving material) for vehicle parking.



Hamilton

Development Planning:

Background

So as to permit the renovation of existing buildings for storage purposes and the construction of a new maintenance building.

Analysis

Urban Hamilton Official Plan

The subject lands are designated “Industrial Land” on Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.5.3.2 among others, are applicable and permits the use.

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

The subject lands are zoned General Industrial (M5) Zone, which permits the use.

Variances 1-3

1. Parking spaces shall be permitted to be located partially within the Strathearne Avenue Right of Way instead of the requirement that all required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle and shall be arranged so as not to interfere with normal public use of the street or laneway.
2. Offsite maneuvering and minimum required 3.0 metre access aisle shall be permitted for parking spaces with a 60-degree angle instead of the minimum required 5.5 metre access aisle.
3. The existing parking spaces shall be permitted to be a minimum of 2.8 metres in width and 5.3 metres in length instead of the minimum of 2.8 metres in width and 5.8 metres in length.

The intent of this provision is to ensure parking is accessible and not within public land and that the provided parking spaces are sufficient in size to accommodate vehicles.

Staff acknowledge that the variances are to recognize exiting conditions. Staff note that the existing parking spaces appear to have existed with no negative impacts and that the parking has existing landscaping that provides a buffer from the parking spaces and street. Staff note that if the variances are approved, the applicant may need to apply for and receive a boulevard encroachment agreement with the City to legalize the existing parking within the city owned land as a condition of approval. Staff defer to Transportation Planning for further comment. Furthermore, staff recommend that if the variances are approved a condition be placed on the approval that the variances only apply to the



Hamilton

existing parking spaces as shown on the submitted site plan. Based on the foregoing, staff **recommend that variances be approved.**

Variance 4

2. No barrier-free parking spaces shall be required instead of the minimum required one (1) barrier-free parking space.

The intent of this provision is to ensure sufficient barrier free parking is provided on-site.

Staff note that the submitted plan shows a designated barrier free parking space, which appears to be located entirely within the municipal road right-of-way. Staff recommend that the space shown for barrier free parking be dimensioned and included in the parking on site to ensure conformity. Staff are of the opinion that the variance does not maintain the general intent of the By-law as no space is being provided for barrier free parking. Staff are of the opinion the four tests of a minor variance are not being met. Based on the foregoing, staff **recommend that variance be denied.**

Variances required under Zoning By-law Amendment No. 24-052

Variance 5

5. No Long-Term Bicycle Parking spaces shall be required instead of the minimum required 3 Long Term Bicycle Parking spaces.

The intent of this provision is to provide an alternate mode of transportation and bicycle parking spaces.

Staff are of the opinion that providing zero parking bicycle parking spaces does not meet the intent of the By-law as the there are no bicycle parking spaces for an alternative mode of transportation. Staff are of the opinion that the variance is neither minor in nature nor desirable for the development as providing zero bicycle parking spaces limits the modes of transportation for users of the land. Staff are of the opinion the four tests of a minor variance are not being met. Based on the foregoing, staff **recommend that variance be denied.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please note, these variances are required to facilitate a Zoning Compliance Review and future Site Plan Control application. 2. Variance #1 should be altered to the word “partially” and replace it with the word “entirely” so that the variance reads as follows:



Hamilton

	<p><i>“Twenty-Two Parking spaces shall be permitted to be located entirely within the Strathearne Avenue Right of Way instead of the requirement that all required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle and shall be arranged so as not to interfere with normal public use of the street or laneway.”</i></p> <p>3. Variance #2 should be altered to remove the number “3.0” and replace it with “0.0” so that the variance reads as follows:</p> <p><i>“Offsite maneuvering and minimum required 0.0 metre access aisle shall be permitted for parking spaces with a 60-degree angle instead of the minimum required 5.5 metre access aisle.”</i></p> <p>4. A variance should be added following variance #4 to read as follows:</p> <p><i>“Offsite maneuvering and a minimum required 5.5 metre access aisle shall be permitted for parking spaces with a 90-degree angle instead of the minimum required 6.0 metre access aisle.</i></p> <p>Please note, the above three variances have been provided as it relates to the requirement of a future 3.0 metre road widening. The altered variances will permit the existing parking lot to remain to service the proposed alterations and improvements.</p> <p>5. Please note, should the variances be granted these permissions shall only apply to Zoning regulations on the property and do not grant legal ownership or indefinite access to land within the Right of Way.</p>
Proposed Notes:	

Development Engineering:

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



Hamilton

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the renovation of the existing buildings for storage purposes and the construction of a new maintenance building.

Transportation Planning:

Recommendation:	Comments and Notes Variance no. 1 (under Zoning By-Law 05-200) Deny Variance no. 4 (under Zoning By-Law 05-200)
Proposed Conditions:	a)
Comments:	<p>Variance No 1: Transportation Planning is concerned about the unconditional granting of this variance as it may end up being or even perceived as being an enduring right to park within the adjacent municipal right-of-way, thus precluding the City from using that portion of the right-of-way for any other purpose. An Encroachment Agreement with the City to allow the paved area(s) for parking will ensure use of the right-of-way by the City in the future when needed.</p> <p>Variance No 4: Transportation Planning does not support this variance. Not providing the required number of barrier-free parking spaces restricts people with mobility issues from accessing the site. Moreover, even if the variance is granted, one (1) or more barrier-free parking spaces may still be required to comply with Provincial legislation (i.e., the Accessibility for Ontarians with Disabilities Act).</p>
Proposed Notes:	<p>Variance No. 1: Granting of this variance does not release the land owner from any requirements to enter into an Encroachment Agreement with the City to allow private assets on the right-of-way, including a paved area (i.e., paving material) for vehicle parking.</p>

August 20, 2024 - CoA - HCA Comments for A-24:169 for 725 Strathearne Avenue North, Hamilton

Jeff Tweedle <jtweedle@conservationhamilton.ca>

Tue 8/13/2024 11:04 AM

To:Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for August 20, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for A-24:169 for 725 Strathearne Avenue North, Hamilton.

A-24:169 – 725 Strathearne Avenue North, Hamilton

The subject property is approximately 5.24 ha (12.95 ac) in size and is within the Urban Hamilton Core sub-watershed draining to Hamilton Harbour. Hamilton Harbour is located immediately across Strathearne Ave to the east of the subject site.

Based on a review of the submitted materials the proposed development is located entirely outside of the flooding and erosion hazards associated with Hamilton Harbour. HCA is satisfied the application is consistent with the natural hazard policies of the PPS and staff have no objections to the municipality granting the requested minor variances.

The north-east portion of the property is regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)*. The regulated area is associated with the potential flooding and erosion hazards produced by Hamilton Harbour. The proposed development is located entirely outside the flooding and erosion hazard areas and does not require written permission from HCA under the *Conservation Authorities Act*. Future development or site alteration in the north-east portion of the subject site may required written permission from HCA.

Please contact the undersigned if there are any questions regarding the provided comments.

The will be no fee for HCA's comments on this file.

Regards,

Jeff Tweedle

Conservation Planner

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 164

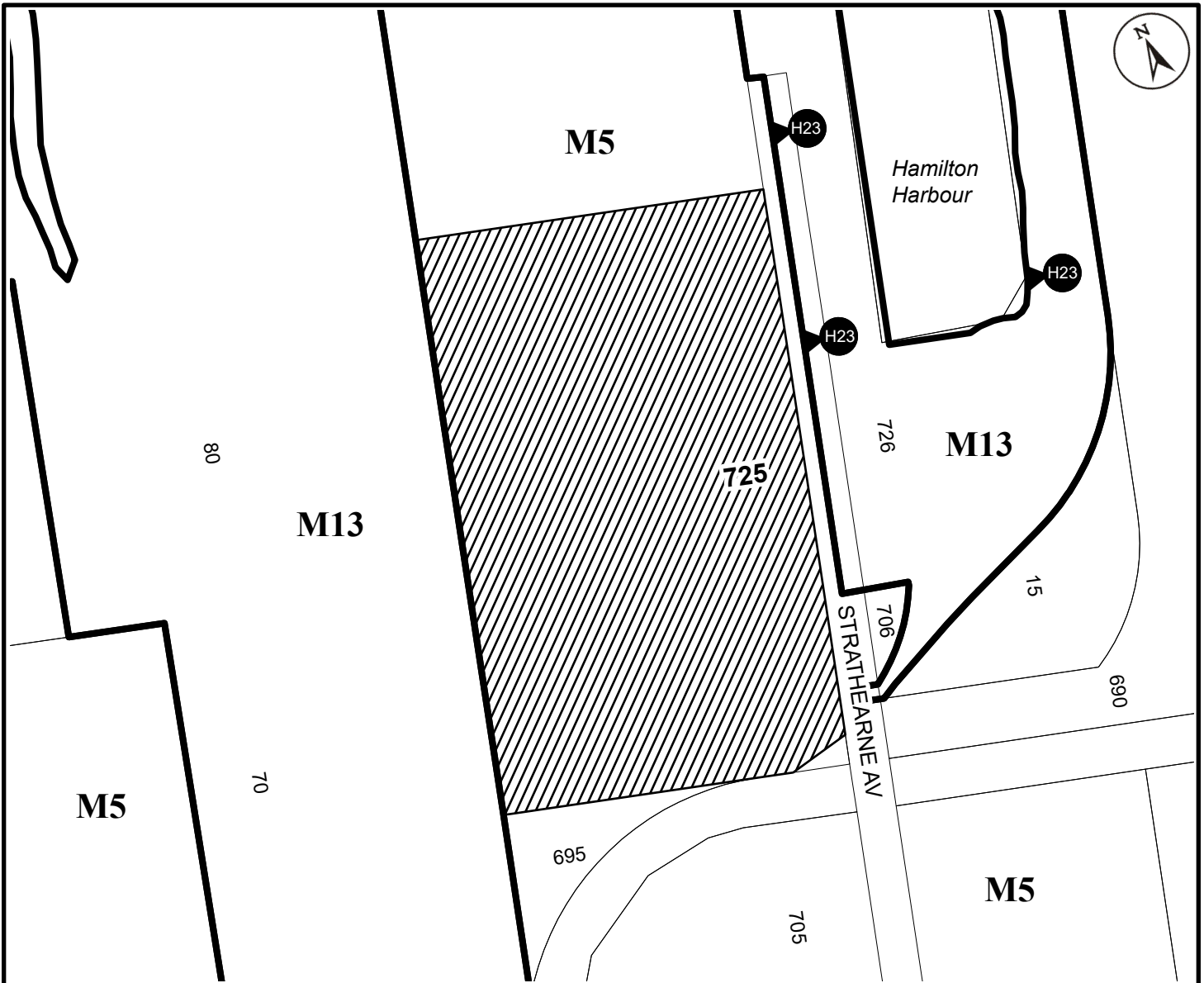
Email: jtweedle@conservationhamilton.ca

www.conservationhamilton.ca

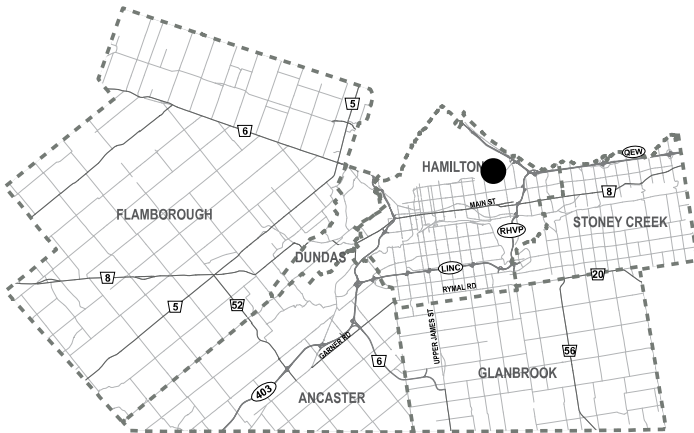


A Healthy Watershed for Everyone

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



725 Strathearne Avenue North,
Hamilton (Ward 4)

File Name/Number:
A-24:169

Date:
August 2, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton