



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:187 (3300 Homestead Dr., Glanbrook)

Recommendation:

Development Planning – Deny Variance 1 and 4, Approve Variances 2 and 3

Proposed Conditions:

Proposed Notes:

Staff note that an additional variance may be required regarding Section 10.5.3 g) ii) of Zoning By-law No. 05-200.



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STAFF COMMENTS

HEARING DATE: September 10, 2024

Development Planning:

Background

To permit the development of two, two storey multiple dwellings containing eight dwelling units each. Staff note that this minor variance application is required to facilitate Site Plan application SPA-23-059, which received conditional approval on November 1, 2023.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations or the Urban Hamilton Official Plan. Policies B.3.3.3, B.3.6.3, C.4.8, E.4.6.5 and E.4.6.16, amongst others, is applicable and permits the proposed multiple dwellings.

Policy E.4.6.16 requires new development to be designed and oriented in such a way to create comfortable, vibrant and stimulating pedestrian-oriented streets. Similarly, Policy 4.6.17 states that the intent of “Mixed Use – Medium Density” areas is to have a compact urban form with a streetscape and building placement that supports pedestrian use, circulation and the creation of vibrant people places.

To this end, the Urban Design policies found in Section B.3.3.3 provide the policies and criteria to achieve these goals while designing the built form of a development. More specifically, Policies B.3.3.3.2 and B.3.3.3.5 speak to impacts on neighbouring properties and pedestrian friendly built form.

Policy B.3.3.3.2 states:

“B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;*
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,*
- c) minimizing the impacts of shadows and wind conditions.”*



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Staff note that Variance 3 is requesting a reduced rear yard setback of 6.0 metres from the required 10.7 metres. Staff further note that the proposed design of the multiple dwellings does not include windows on the ground floor or second floor facing the rear of the subject lands. Staff are of the opinion that the proposed design mitigates privacy impacts on neighbouring lands and maintains the intent of the Urban Hamilton Official Plan.

Policy B.3.3.3.5 reads as follows:

“B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

a) locating principal façades and primary building entrances parallel to and as close to the street as possible;

b) including ample glazing on ground floors to create visibility to and from the public sidewalk;

c) including a quality landscape edge along frontages where buildings are set back from the street;

d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,

e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

Staff note that Variance 2 is required to permit a setback of 4.5 metres from the streetline. Staff further note that Variance 4 is required to permit the principal entrance to be provided in a portion of the ground floor façade that is not closest to the street, whereas B.3.3.3.5 a) requires the primary entrance to be located as close to the street as possible.

Staff are of the opinion that Variance 2 meets the intent of the Urban Hamilton Official Plan as the building is situated close to the street and ample glazing is shown on both the ground floor and second floor facing the street, helping to create a pedestrian friendly streetscape.

The primary entrance of a building is required to be located as close to the street as possible not only to promote a pedestrian friendly streetscape but also to ensure ease of access with the shortest route possible from the public sidewalk. Therefore, staff are of the opinion that Variance 4 does not meet



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the intent of the Urban Hamilton Official Plan as the principal entrance is not located as close to the street as possible, potentially negatively impacting pedestrian access.

Policy B.3.6.3.6 states that development within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport. The proposal generally complies with the policies of Section C.4.8. As discussed below in the Secondary Plan analysis, noise study and vibration requirements will be addressed through Site Plan application SPA-23-059.

Policy B.3.6.3.7 requires a noise feasibility study or detailed noise study be submitted for development of residential or other noise sensitive land uses within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. The subject property is within 400 metres of Upper James Street, which is identified as a major arterial road on Schedule C. Staff note that a noise study prepared by dBA Acoustical Consultants Inc. (dated June 2023) was submitted as part of Site Plan application SPA-23-059. Policy B.3.6.3.7 will be address through Site Plan application SPA-23-059.

Mount Hope Secondary Plan

The subject lands are designated “Mixed Use – Medium Density” and “Area Specific Policy – Area D” in Map B.5.4-1 Land Use Plan of the Mount Hope Secondary Plan. Policies 5.4.4.2, 5.4.9.1 and 5.4.11.4, amongst others, are applicable and permit the proposed multiple dwellings.

Policy 5.4.9.1 reads:

“5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Employment Growth District are not compromised: (OPA 142)

a) Sections B.3.6.3 – Noise, Vibration and Other Emissions and C.4.8 – Airport of Volume 1, shall apply to the Mount Hope Secondary Plan area;

b) all new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines;

c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,



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d) Notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional, Residential or Mixed Use – Medium Density on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply (OPA 69)."

Per Policy 5.4.9.1 d), Subsection 3 of Table C.4.8.1 of Volume 1 shall apply to lands located between the 28 and 30 Noise Exposure Forecast contours and designated "Mixed Use – Medium Density" within the Mount Hope Secondary Plan. Subsection 3 of Table C.4.8.1 requires that new residential developments or redevelopments submit a detailed noise study, employ mitigation measures and include appropriate warning clauses. As noted above, a noise study was submitted and reviewed as part of Site Plan application SPA-23-059. Staff further note Condition #7 of the conditional approval issued on November 1, 2023 requires the investigation of on site noise levels and implementation of noise control measures and warning clauses.

Policy 5.4.11.4 reads:

"5.4.11.4 The following policies shall apply to lands located at 3239 to 3331 Homestead Drive and 3260 to 3329 Homestead Drive, designated "Mixed Use – Medium Density" on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan to allow for infill residential development in areas, where the noise contour is under 30 NEF, which will support a more balanced mix of land uses within the Mount Hope Community: (OPA 142)

a) In addition to the uses permitted in Policy E.4.6.5 of Volume 1, street townhouses, block townhouses, and existing single detached dwellings (including minor additions, porches, decks, etc.) shall also be permitted.

b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, maximum building heights shall be restricted to three storeys.

c) Policy B.5.4.9.1 of Volume 2 shall not apply to minor additions, porches, decks, etc. to existing single detached dwellings."

Staff note that the proposed multiple dwellings are below three storeys in height and are also proposed in an area where the Noise Exposure Forecast contour is below 30.

In summary, staff are of the opinion that Variances 1 and 4 do not meet the intent of the Urban Hamilton Official Plan regarding Urban Design and built form policies. Staff are of the opinion that Variances 2 and 3 meet the intent of the Urban Hamilton Official Plan as the reduced setback from the street promotes a pedestrian friendly streetscape and design measures ensure privacy is maintained between the subject lands and neighbouring properties.



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STAFF COMMENTS

HEARING DATE: September 10, 2024

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

The subject lands are zoned Mixed Use Medium Density (C5, 652) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwellings are permitted.

Variance 1

1. The finished floor elevation of any dwelling unit shall be a minimum of 0.0 metres above grade, instead of the minimum 0.9 metres [as required per Section 10.5.1.1(i)1.].

The intent of this provision is to ensure the privacy of ground floor residential units by maintaining a separation between public and private spaces by elevating the ground floor units above public spaces such as walkways, streetscapes, parking areas or ground floor commercial uses.

Staff note that the proposed site design situates the proposed multiple dwellings to be internal facing, whereas buildings on Homestead Drive are predominantly street-facing. Staff further note that the only spatial separation between the public space of the parking area and the ground floor dwelling units would be the proposed 1.5 metre sidewalk. Staff are concerned that the requested variance would result in insufficient separation between the ground floor dwelling units and public spaces, potentially impacting the privacy of the units. Staff are of the opinion the requested variance does not meet the intent of the Zoning By-law, is not considered desirable for the appropriate development and is not minor in nature. Staff do not support the variance.

Variance 2

2. The minimum setback of a building from a streetline shall be 4.5 metres, instead of the minimum required setback of 9.0 metres [as per Section 10.5.3(a) and Special Exception E652].

The intent of this provision is to maintain a consistent streetscape and character in the area.

Staff note that the setbacks and built form along Homestead Drive varies, depending upon the age of construction or development on a given property. Older homes along Homestead Drive are typically set farther back, roughly between 10 and 12 metres from the streetline. More recent developments typically have closer setbacks to the streetline. For example, the townhouses on the east side of Homestead Drive have a setback of 6 metres from the streetline, as approved in Minor Variance application GL/A-20:92.



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Staff are of the opinion that the proposed 4.5 metre setback from the streetline will encourage a more pedestrian friendly streetscape and that the character of the area will be maintained as the proposed development is compatible with the existing low-rise residential character of the area. Therefore, it is staff's opinion that the requested variance maintains the intent of the Zoning By-law and is minor in nature. Staff support the variance.

Variance 3

3. A minimum rear yard of 6.0 metres shall be permitted, instead of the minimum required rear yard of 10.70 metres [as per Section 10.5.3(b) and Special Exception E652].

The intent of this provision is to ensure sufficient space is provided in the rear yard to prevent privacy and overlook impacts on neighbouring properties.

Staff note that the proposed Building "A" is to be setback 6 metres from the rear lot line. Additionally, neighbouring residences to the west are setback approximately 20 metres from the subject property. Staff further note that mitigation measures are shown in the proposed design to mitigate or prevent privacy impacts between the neighbouring properties, including a planting strip along the rear lot line and removing windows on the western façade of the proposed multiple dwellings, preventing overlook into neighbouring properties.

Based on the above, staff do not anticipate negative impacts on neighbouring properties in terms of privacy or overlook. Staff support the variance.

Variance 4

4. A principal entrance shall be permitted to be located within the ground floor façade that is not setback closest to the street, instead of the requirement that a minimum of one principal entrance shall be provided within the ground floor façade that is closest to a street [as per Section 10.5.3(g)(vii)]

The intent of this provision is to maintain an aesthetically pleasing and activated street, resulting in a more pedestrian friendly streetscape and to ensure ease of access by keeping principal entrances as close to the street as possible.

Staff note that the easterly façade of the proposed multiple dwellings includes windows and Juliette balconies. Staff further note that the proposed principal entrance of Building "B" is setback 14.54 metres from the streetline, whereas the front façade of the building is approximately 4.5 metres from the streetline.



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While glazing is present on the eastern façade of Building “B”, the distance of the principal entrance from the streetline disconnects the principal entrance from the streetscape and impedes direct pedestrian access. This results in a less welcoming and pedestrian friendly streetscape and does not ensure ease of access, as intended by the Urban Hamilton Official Plan and Zoning By-law. Therefore, staff are of the opinion that Variance 4 does not maintain the intent of the Urban Hamilton Official Plan or Zoning By-law and is not minor in nature. Staff do not support the variance.

Based on the foregoing, staff are of the opinion that Variance 1 does not maintain the intent of the Zoning By-law and is not minor in nature whereas Variances 2 to 4 meet the four tests of a minor variance. **Staff recommend denial of Variances 1 and 4 and approval of Variances 2 and 3.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	i. The requested variances are necessary to facilitate Site Plan Application No. SPA-23-059 and have been written as requested by the applicant.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

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



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STAFF COMMENTS

HEARING DATE: September 10, 2024

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


Hamilton COA

Kyle Riley <kriley@npca.ca>

Tue 9/3/2024 10:10 AM

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

Cc:Sarah Mastroianni <smastroianni@npca.ca>

 5 attachments (3 MB)

2187 Regional Road 56 Basemap.pdf; Extent Basemap 3417 and 3325 Tyneside Road.pdf; Basemap 9724 Twenty Road.pdf; 2016 Regional Road 56 Basemap.pdf; 3300 Homestead Drive.pdf;

External Email: Use caution with links and attachments

Hello Jamila,

Please see below the Niagara Peninsula Conservation Authorities (NPCA) comments for Hamiltons COA meeting on September 10th, 2024.

GL/A-24:09 2016 REGIONAL ROAD 56: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

A-24:187 3300 Homestead Drive: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

A-24:188 3325 Tyneside Road: Both 3417 and 3325 Tyneside are traversed by numerous NPCA-regulated watercourses which do not have regulated floodplains. As the proposal is a Boundary Adjustment, and there is no associated change in land-usage the NPCA offers No Objections to the proposals. No Planning or Permitting fees are required for this review.

A-24:184 2187 Regional Road 56: The Applicants are seeking a Minor Variance to Permit the construction of 5 accessory storage structures without these structures existing behind a main building. The Applicants also seek a Minor Variance to Permit the storage of various categories of vehicles on the site. A total of six accessory buildings will be added to the site as a result of the Minor Variance. A separate Site Plan Application is also being undertaken at this lot, and the comments provided here shall only apply to the issues mentioned above.

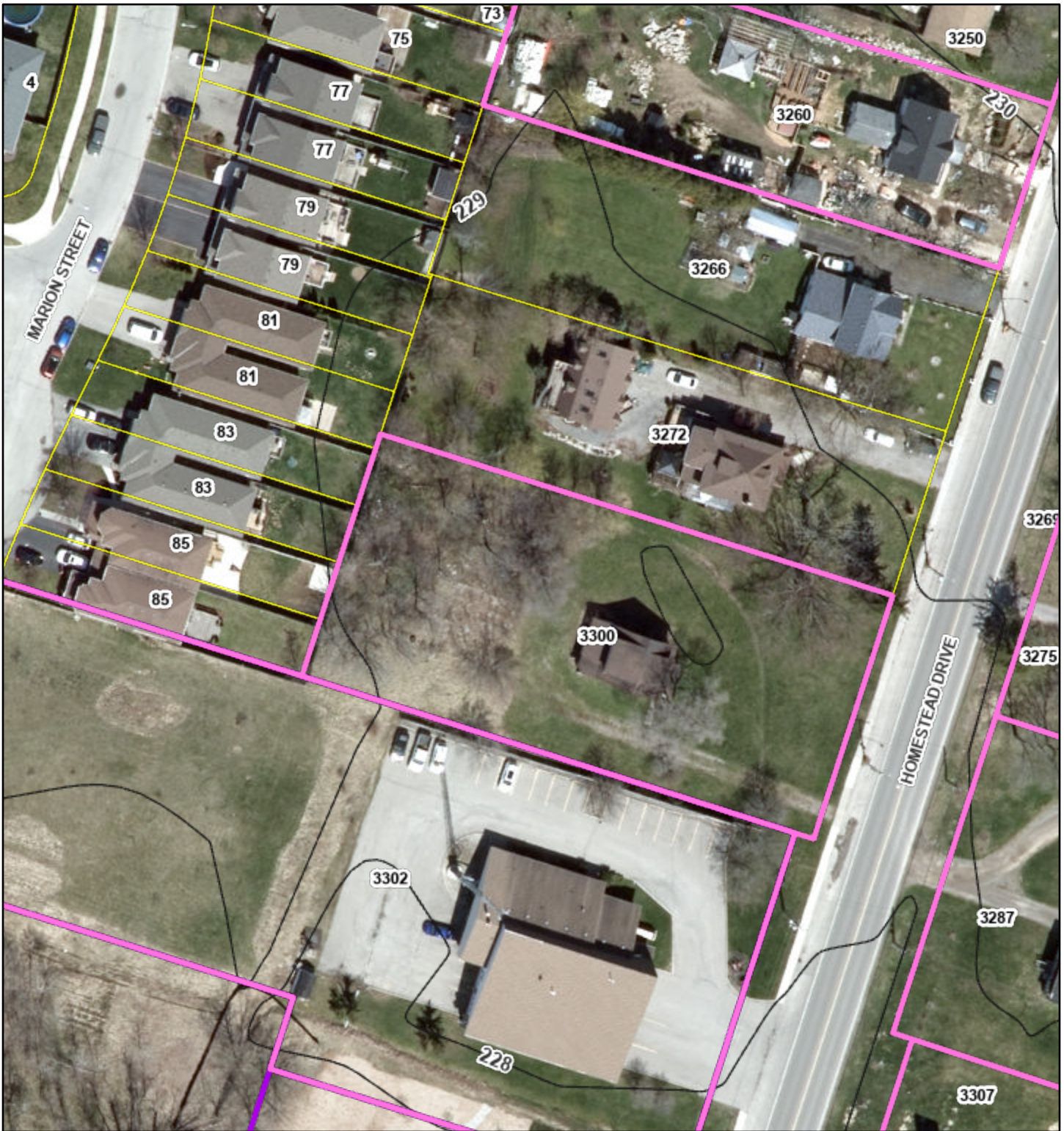
Previous site-visits conducted by the NPCA at the subject address have confirmed the presence of wetlands to the east of the proposed lots, which retain a 30m development set-back. The locations of the size accessory buildings, along with the structures of the rights-of-way, and the snow storage are beyond the reach of NPCA-regulated features on-site. As such, the NPCA offers No Objections to the Minor Variances at the lot and will continue reviewing the Site Plan Application at the same location. Again, please only apply our comments to the Minor Variance titled "**A-24-184.**" No fees are requested for this review.

B-24:46 9724 Twenty Road W: There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

Should you have any questions on the above, please, do not hesitate to contact the underwritten.

Kind regards,

ArcGIS Web Map



9/3/2024, 10:03:02 AM

1:1,128

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

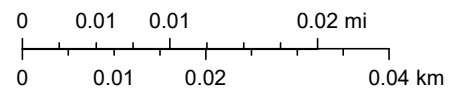
CityView Application Views

CityView Historic Parcels

Assessment Parcels

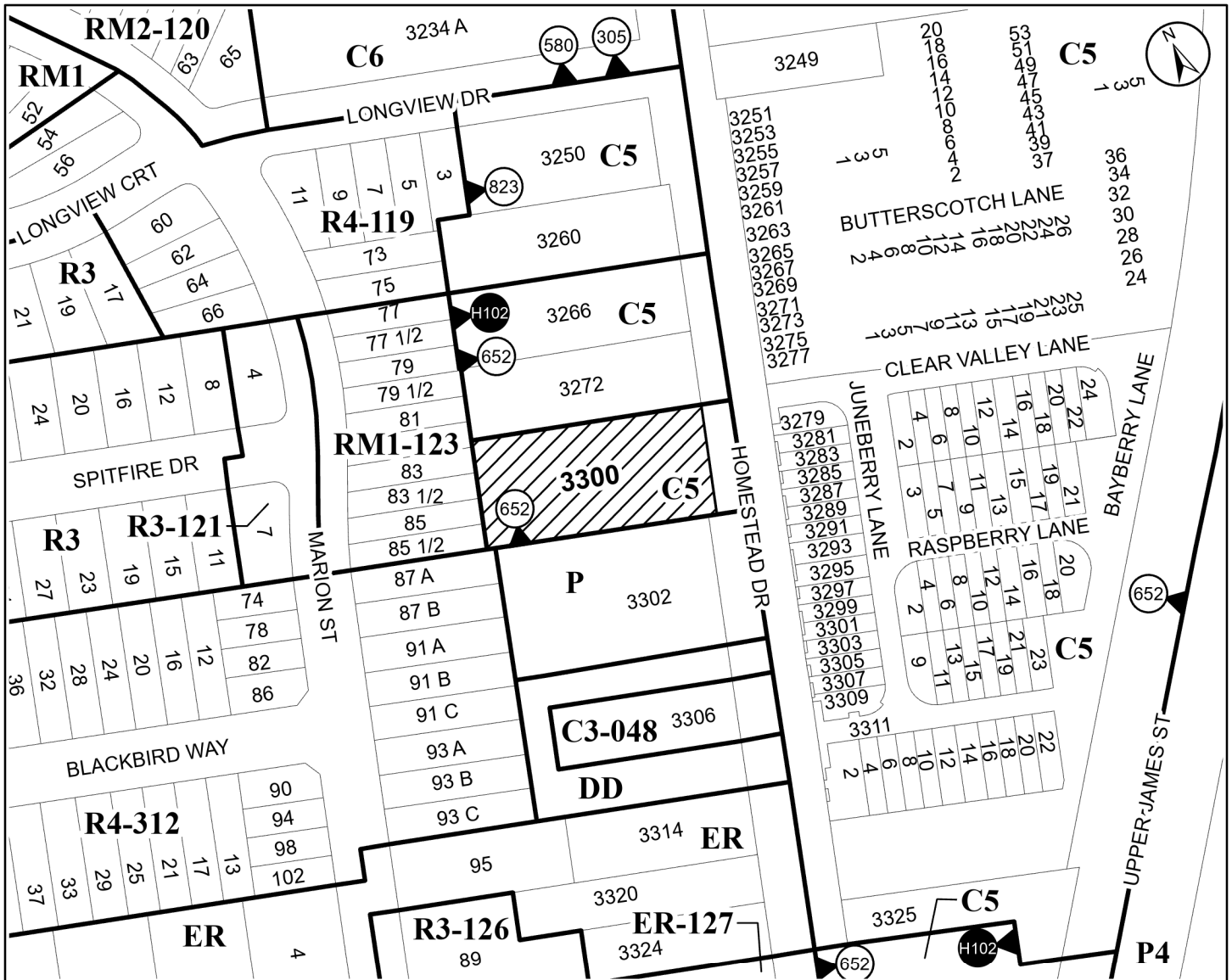
Niagara Region Ortho 2023

- Red: Red
- Green: Green
- Blue: Blue

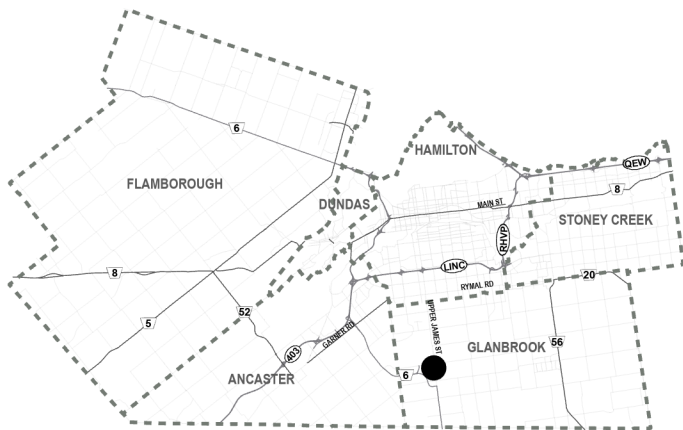


NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



3300 Homestead Drive, Glanbrook
(Ward 11)

File Name/Number:

A-24:187

Date:

August 26, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department