



Hamilton

**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

A-24:212 – 1869 Main Street East, Hamilton

**Recommendation:**

Approve variance 1 as amended and approve variance 2 as requested and deny variances 3,4 & 5.

**Proposed Conditions**

N/A

**Proposed Notes**

N/A



Hamilton

## Development Planning:

### Background

The application is in support of an increase in capacity of an existing Day Nursery. The applicant has requested the following variances:

1. To permit a minimum of 10 parking spaces whereas the zoning by-law requires a minimum of 17 parking spaces.
2. To permit a minimum parking space size of 2.82 metres x 5.81 metres whereas the zoning bylaw requires a minimum size of 2.7 metres x 6.0 metres.
3. To permit a minimum parallel parking space size of 2.82 metres x 5.82 metres whereas the zoning by-law requires a minimum size of 2.5 metres x 6.7 metres.
4. To permit the location of an access driveway to be 0 metres from a residential district whereas the by-law requires a minimum of 1.5 metres.
5. To permit the parking area to be closer to the street line than the minimum depth of the front yard requirement of the adjacent residential district.

Variance 1 is recommended to be **amended** as follows:

1. To permit a minimum of 6 parking spaces whereas the zoning by-law requires a minimum of 17 parking spaces.

### Urban Hamilton Official Plan

The subject property is designated as Neighbourhoods in the Urban Hamilton Official Plan. Policy E.3.8.2 a) permits a day nursery. Policy E.3.8.4 permits small single-use local commercial buildings such as those occupied by a convenience store or a medical office. The subject property is not located within any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies a day nursery is a permitted use on the subject lands. Additionally small single-use local commercial buildings are a permitted built form on the lands. The proposed built form and use are permitted and conform to the Urban Hamilton Official Plan.

The following Official Plan policies, among others, apply:

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.



- E.3.2.6 Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- a) small single-use buildings such as those occupied by a convenience store or a medical office;
  - b) a plaza form at varying scales containing multiple commercial uses;
  - c) a main street configuration with multiple commercial uses; or,
  - d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.
- E.3.8.5 The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.
- E.3.8.9 Development and redevelopment of local commercial uses shall:
- a. front and have access to a major arterial, minor arterial, or collector road;
  - b) provide safe and convenient access for pedestrians and cyclists; and,
    - b. be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.
- E.3.8.17 No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.”

Based on the forgoing policies as identified through sections E3.8.4 to E.3.8.8 staff are of the opinion that the proposed expansion of the existing Day Nursery conforms and meets the general intent and purpose of the above policies. The land use of day nursery is identified as being permitted in Neighbourhoods land use designation and is an existing use. Staff do not have any concerns from a land use and compatibility perspective as the use is existing and do not foresee any substantive



Hamilton

**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

impacts through the expansion of the existing use. As noted in policies E.3.8.9 & E.3.8.17 in the Urban Hamilton Official Plan speak to the effect of compatibility of parking and the general compatibility of the building including the associated uses on the lands. The parking provided on the site is an existing condition, and the size of the site makes it challenging to provide additional parking.

**Archaeology:**

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

1. In areas of pioneer Euro-Canadian settlement; and
2. Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

**Cultural Heritage**

The subject property is adjacent to 1855 Main Street East a property listed on the City's Inventory of Heritage Properties.

Accordingly, section B.3.4.1.3 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate an increase in the childcare capacity of the existing Day Nursery.

Notwithstanding that the adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resource will be conserved.

Staff have no further comments on the application as circulated.

**If this variance is approved, the proponent must be advised in writing by the Committee of Adjustment as follows:**

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human



Hamilton

**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).”

### **Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “C” (Urban Protected Residential, Etc.), District, in the Former City of Hamilton Zoning By-law No.6593. The “C” District permits the use of a day nursery.

### **Analysis**

#### Variance 1

##### Variance 1 as **submitted**

1. To permit a minimum of 10 parking spaces whereas the zoning by-law requires a minimum of 17 parking spaces.

##### Variance 1 as **amended**

1. To permit a minimum of 6 parking spaces whereas the zoning by-law requires a minimum of 17 parking spaces.

Staff recommend that the variance be amended to require only 6 parking spaces for the proposed day nursery. This is consistent with the parking rates for day nursery currently applied in the City’s comprehensive Zoning By-law No. 05-200, which the subject lands will likely be brought into in the future. The rate for a day nursery under Zoning By-law 05-200 would be 0.8 spaces per 100 square metres of gross floor area, which would result in a parking requirement of 2 spaces for the expanded day nursery (261 square metres). The proposed parking supply of 6 spaces would significantly exceed this requirement. Furthermore, the subject lands are within walking distance of both HSR Bus Route 11 (Parkdale) and Route 3 (Cannon), which promotes alternative modes of transportation and further reduces the parking demand on the lands. The recommended further reduction alleviates the need for additional surface parking to be added to the lands, which is constrained in terms of size and existing configuration, and eliminates the need for variances 3 - 5. Development Planning staff defer further concerns to Transportation Planning staff for comment. Staff are supportive of the above noted amended variance 1.

#### Variance 2

2. To permit a minimum parking space size of 2.82 metres x 5.81 metres whereas the zoning bylaw requires a minimum size of 2.7 metres x 6.0 metres.



## Hamilton

Staff recommend that this variance be approved as it appears to be an existing condition. Staff also note that the requested dimensions of the parking spaces are inline with the newer Zoning By-law No. 05-200 requirements, which requires a stall size of 2.8 metres X 5.8 metres. Staff are of the opinion that this is keeping with the general intent and purpose of the Zoning by-law and will not generate adverse impacts to the existing conditions of the property as well as neighbouring land uses. Staff are supportive of the requested variance.

### Variance 3

3. To permit a minimum parallel parking space size of 2.82 metres x 5.82 metres whereas the zoning by-law requires a minimum size of 2.5 metres x 6.7 metres.

Staff recommend that the requested variance be denied as this variance is intended to facilitate addition parking on the lands that is no longer required should amended variance 1 be approved. Staff recommend the reduction of requested parking spaces be at 6 spaces, thus not requiring parallel parking spaces at reduced performance standards. The revised variance as requested in staff's opinion will accommodate the needs of the site. Staff are not supportive of this variance and recommend denial.

### Variance 4 & 5

4. To permit the location of an access driveway to be 0 metres from a residential district whereas the by-law requires a minimum of 1.5 metres.
5. To permit the parking area to closer to the street line than the minimum depth of the front yard requirement of the adjacent residential district.

Staff recommend the denial of the requested variances 4 & 5 as per amended variance 1. The requested variances are in support of additional tandem parking spaces on the north side of the day nursery. These spaces will no longer be needed as the 6 parking spaces can be accommodated through the existing spaces in the surface parking area to the west of the building. Staff are of the opinion that Variances 4 and 5 would facilitate parking spaces that are undesirable from a design, location and access perspective. As indicated previously, the parking spaces being established through these variances are not required should variance 1 be approved. Staff are not supportive of requested variances 4 & 5.

Based on the forging analysis staff recommend that variance 2 be approved and variance 1 be approved, as amended. Staff have concerns with the variances requesting parallel parking spaces as well as the requested parking spaces that are located to the north of the existing building. Variances 3, 4 and 5 will not be required based on the amended variance 1. Based on the above analysis staff recommend the **approval of amended variance 1, approval of variance 2 as requested, and the denial variances 3,4 and 5**



Hamilton

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	1. Variances 3, 4 and 5 are not required if a reduction of the number of parking spaces is proposed.
Notes:	

**Development Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Development Engineering requires a 0.9-meter side yard setback to accommodate a drainage swale.
Notes:	N/A

**Building Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Transportation Planning:**

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	<p>Didn't hear from Joanne if any issues with On-street Parking</p> <ol style="list-style-type: none"> <li>1. To permit a minimum of 10 parking spaces whereas the zoning by-law requires a minimum of 17 parking spaces.</li> <li>2. To permit a minimum parking space size of 2.82 metres x 5.81 metres whereas the zoning bylaw requires a minimum size of 2.7 metres x 6.0 metres.</li> <li>3. To permit a minimum parallel parking space size of 2.82 metres x 5.82 metres whereas the zoning by-law requires a minimum size of 2.5 metres x 6.7 metres.</li> <li>4. To permit the location of an access driveway to be 0 metres from a residential district whereas the by-law requires a minimum of 1.5 metres.</li> </ol>



Hamilton

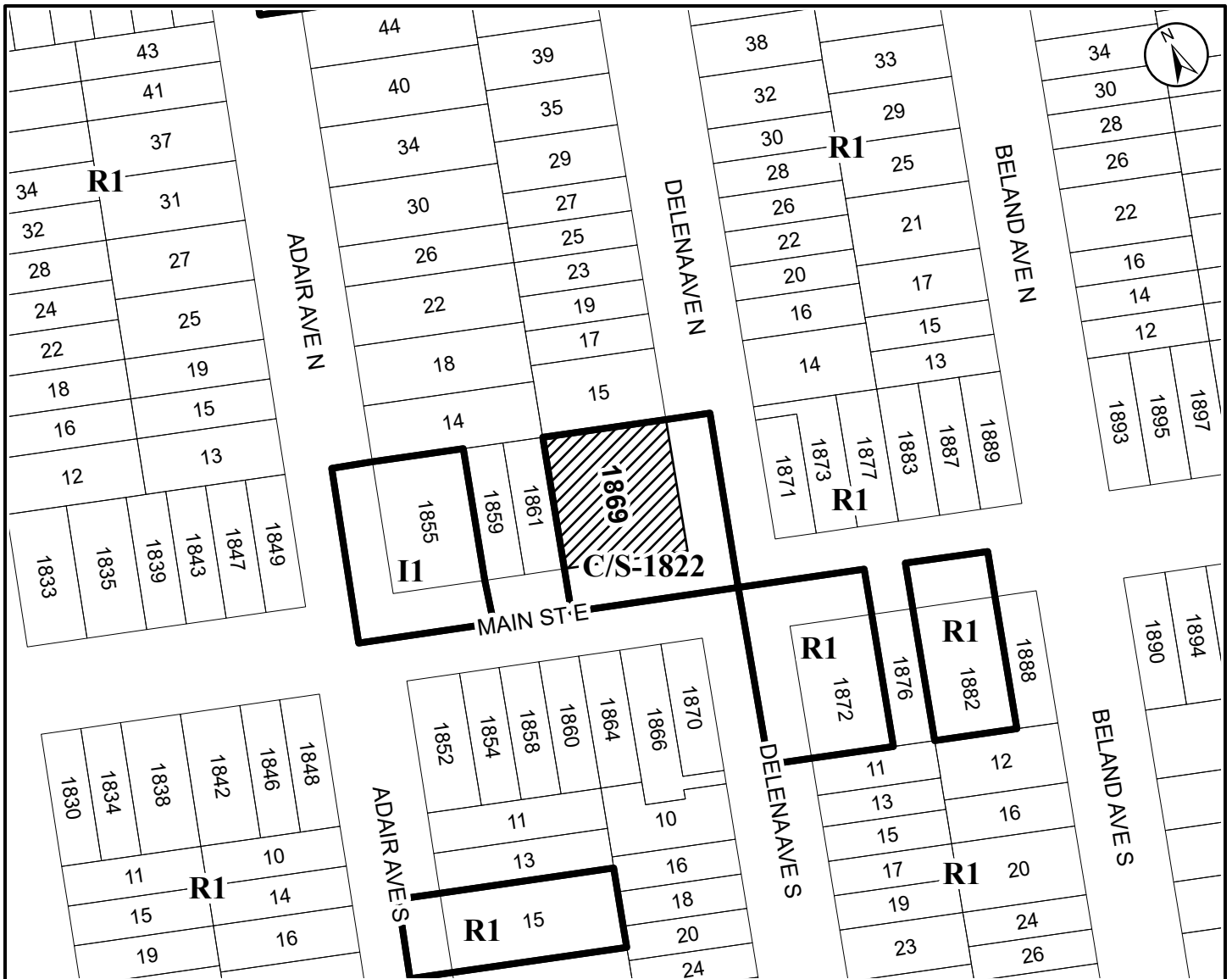
**STAFF COMMENTS**

**HEARING DATE: November 12, 2024**

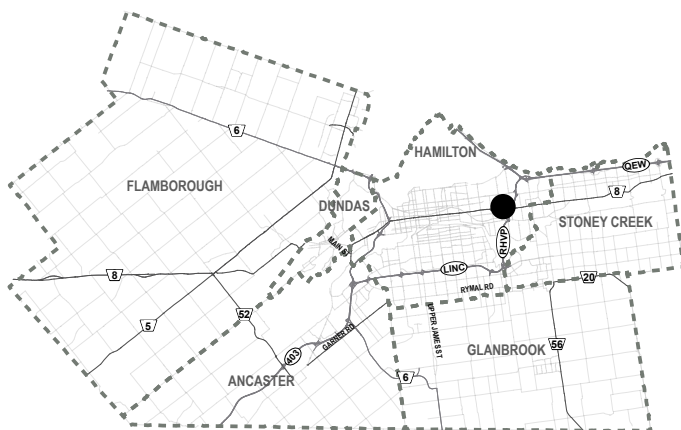
	5. To permit the parking area to closer to the street line than the minimum depth of the front yard requirement of the adjacent residential district.
--	---

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





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



1869 Main Street East, Hamilton  
(Ward 4)

File Name/Number:  
A-24:212

Date:  
October 28, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**