



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:228 – 457 Dundas Street East, Flamborough

Recommendation:

Approve with amendments

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

Development Planning:

Background

So as to permit the development of a new dwelling unit – mixed use and to facilitate Site Plan application DA-22-053. DA-22-053 was conditionally approved on September 30, 2022.

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 of the Urban Hamilton Official Plan. Policy E.4.6.5, amongst others, is applicable and permits the proposed residential and commercial uses.

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

The subject lands are zoned Community Commercial (C3) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed ground floor commercial use and existing second floor dwelling units are permitted.

Variance 1

1. Dwelling Unit(s), Mixed Use shall be only be permitted above the ground floor except for access, accessory office and utility areas and shall be permitted to occupy a maximum of 52% of the total gross floor area of all building(s) within the lot, instead of the maximum 50% permitted.

The intent of this provision is to ensure the residential function of the property remains secondary to the primary commercial function.

Staff are recommending a revised variance to clarify that dwelling units are only permitted above the ground floor. This revised variance still captures the request relief of permitting the residential component to occupy a maximum of 52% of the total gross floor area, while maintaining that no dwelling units are permitted on the ground floor.

Staff note that residential dwelling units are proposed only on the second floor of the building. A portion of the ground floor is required for the lobby and amenity spaces for the residential portion of the mixed-use development. As a result, the commercial portion of the ground floor does not achieve 50% of the total gross floor area. The commercial space totals 572.84 square metres of gross floor area and the residential portion totals 608.43 square metres of gross floor area. Staff note that the residential lobby is situated at the rear of the building and will not impact the commercial operations or detract from the commercial street presence at ground level.



Hamilton

Staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature. 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:	<p>i. The variance requested shall be revised as follows:</p> <p>“Dwelling Unit(s), Mixed Use shall be only be permitted above the ground floor except for access, accessory office and utility areas and shall be permitted to occupy a maximum of 52% of the total gross floor area of all building(s) within the lot, instead of the maximum 50% permitted.”</p> <p>This variance is necessary to facilitate Site Plan Application No. DA-22-052, and has been written exactly as requested by the applicant.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Grading and servicing issues for this property are being reviewed under Site Plan Control Application DA-22-052
Notes:	N/A

Building Engineering:

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



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

Transportation Planning:

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

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

October 31, 2024

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Committee of Adjustment

File# A-24:228

Re: 457 Dundas St E

In response to your correspondence dated October 24, 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](#)
- 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 advantages 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.

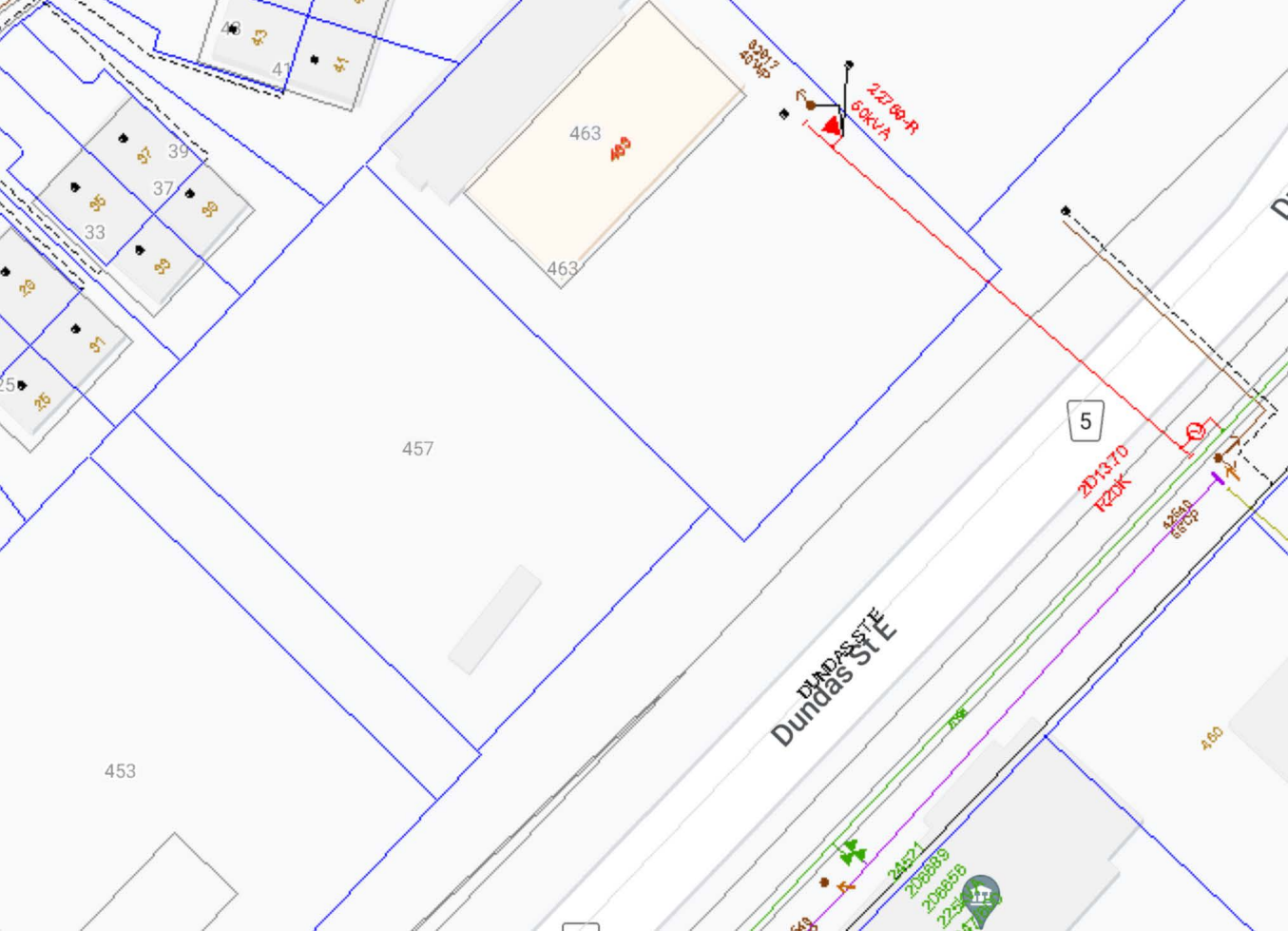
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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

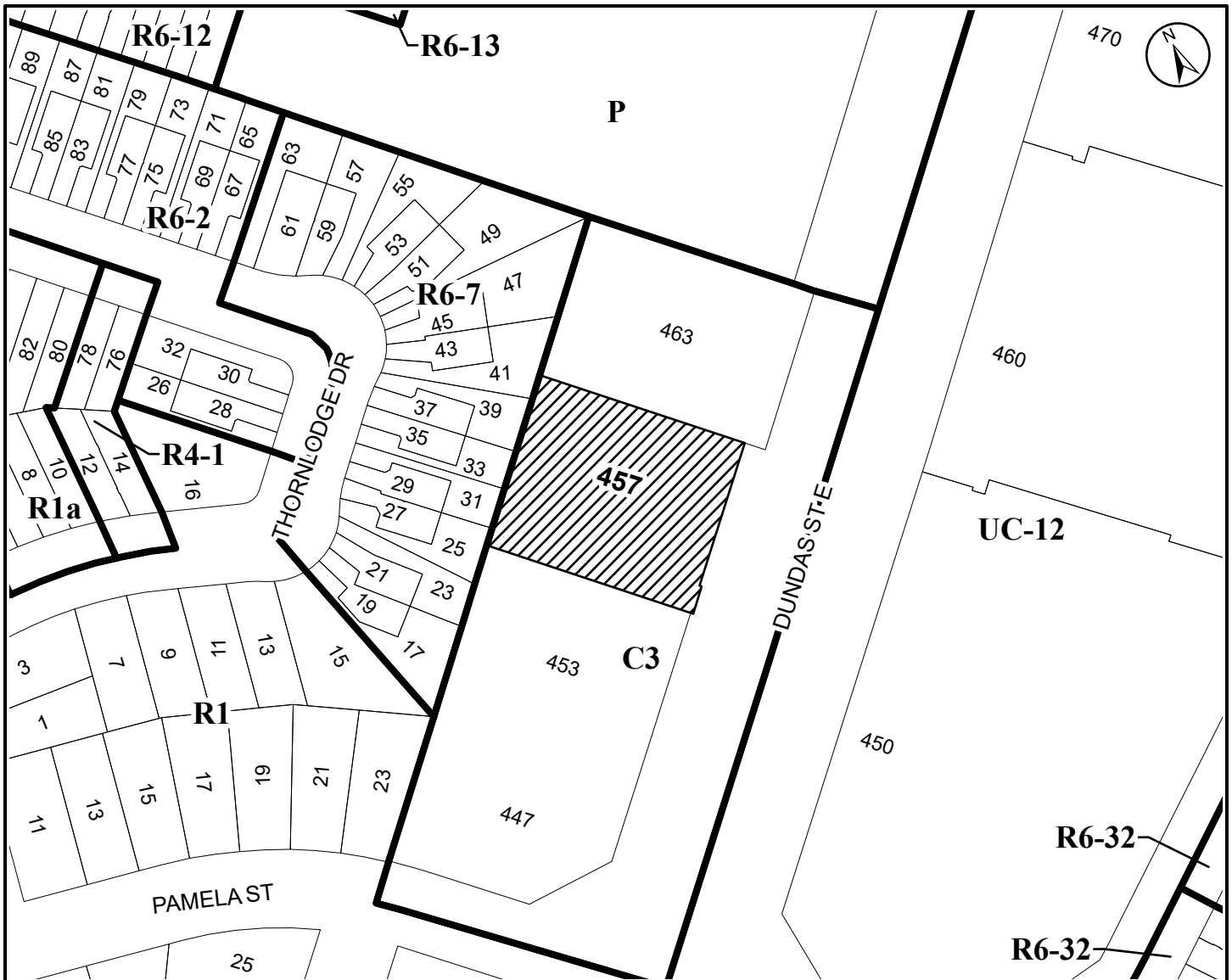
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

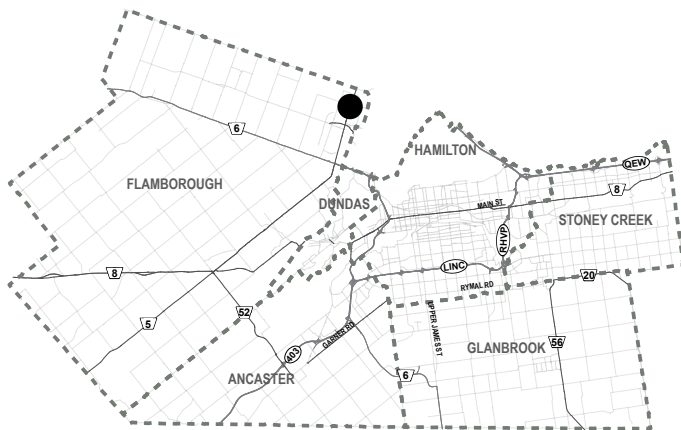
Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital





● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



457 Dundas St E, Flamborough
(Ward 15)

File Name/Number:
A-24:228

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton