



Hamilton

**A-24:231 (1280 Rymal Rd. E. & 385 Nebo Rd., Hamilton)**

**Recommendation**

Table

**Proposed Conditions (if approved)**

1. That the owner demonstrate that the revised site plan conforms to the pedestrian circulation plan submitted through SPA-24-003, to the satisfaction of the Director of Development Planning.
2. That the owner provides an updated TPP (Tree Protection Plan), to the satisfaction of the Director of Development Planning.
3. That the owner demonstrates that of the proposed rear yard setback provides sufficient space to accommodate the proposed rear walkway, swale and retaining wall between the lot line and proposed Buildings H and C as shown on the Site Plan submitted through SPA-24-003, to the satisfaction of the Director of Development Planning.
4. That the proponent provides a planting strip/visual barrier between the rear walkway, property line and the railway trail on the easterly property line to the satisfaction of the Director of Development Planning.

**Proposed Notes**

**As per SPA-24-003, an updated caution note must be added to the site plan. Therefore, 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 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).”



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Development Planning:

## **Background**

This Minor Variance application is related to a Site Plan application SPA-24-003. The application is to permit the construction of a commercial building. Buildings C and H on the provided Site Plan are affected through this application.

The applicant has requested the following variance:

1. To permit a minimum rear yard of 1.5 metres instead of the minimum required rear yard of 6.0 metres.

## **Urban Hamilton Official Plan**

The subject property is designated as Arterial Commercial in the Urban Hamilton Official Plan. Policy E.4.8.2 a) permits a variety of commercial uses. The subject lands are not located in any secondary plan areas found in Volume 2 of the Urban Hamilton Official Plan. The below policies are applicable, among others.

E.4.8.4 Site plan standards shall be developed to address the unique siting and design challenges of areas designated Arterial Commercial including those inherent in siting and buffering large buildings, large parking lots, blank building walls, and drive-throughs. As well, landscape standards shall be developed to provide buffer plantings along boulevards and within the site to address these matters.

E.4.8.5 Setbacks and siting shall be addressed in detail through secondary plan policies, the implementing Zoning By-law, and site plan approval. Pedestrian walkways shall be included within the site and between sites so pedestrians may comfortably access Arterial Commercial designated properties.

E.4.8.6 Areas designated Arterial Commercial shall be designed to improve the aesthetics from the public realm.”

Staff are of the opinion that not enough information has been provided to determine if the proposal is keeping with the above policies. Staff are recommending the application be tabled so that the applicant is able to provide additional information to help determine if the requested variance to reduce the required setback of the easterly property line is suitable and meets the general intent and purpose of the Urban Hamilton Official Plan.

Archaeology:

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:



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**STAFF COMMENTS**

**HEARING DATE: November 26, 2024**

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) 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:

No comments.

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

The subject lands are zoned “C7” Arterial Commercial Exception 878 in Zoning By-law No. 05-200, as amended. The zone permits a variety of commercial uses.

### **Analysis**

#### Variance 1

1. To permit a minimum rear yard of 1.5 metres instead of the minimum required rear yard of 6.0 metres.

The intent of the minimum required rear yard setback is to allow for adequate buffering between neighbouring properties including adequate space for drainage, access and visual buffering between land uses and buildings. Staff are unable to determine if sufficient space is being provided to satisfy this intent. Staff are not supportive of the requested variance until such time that the proponent is able to demonstrate that the requested variance to reduce the rear yard setback to 1.5 metres from the required 6 metres would not impose any adverse impacts on neighbouring lands to the rear including the existing Chippewa Trail, and that the proposed setback can accommodate the required pedestrian walkway, retaining wall and drainage swale.

Based on the forgoing analysis staff recommend the applicable be **tabled** so that discussions can be had between staff and the applicant and additional materials can be provided.



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. The variance has been written as requested by the applicant.</li> <li>2. The variance is necessary to facilitate Site Plan Application SPA-24-003.</li> </ol>
Proposed Notes:	

Development Engineering:

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

Building Engineering:

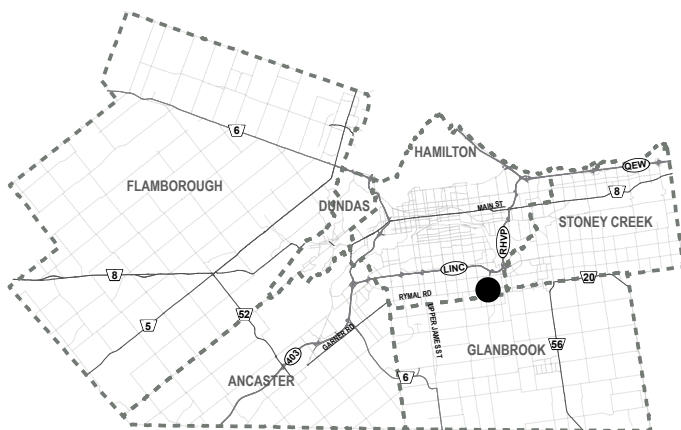
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed Commercial building</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types</p>

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



1280 Rymal Road East &  
385 Nebo Road, Hamilton (Ward 6)

File Name/Number:  
A-24:231

Date:  
November 11, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department