



Hamilton

**A-24:195 (160 Hughson St. S., Hamilton)**

**Recommendation**

Approve with a Condition

**Proposed Conditions (if approved)**

1. That the Minor Variances approved though A-24:195 apply only to the existing building and surface parking area and the addition of 11 additional multiple dwelling units through interior renovations.

Development Planning:

**Background**

The purpose of the application is to facilitate interior alterations throughout the existing multiple dwelling to establish an additional 11 dwelling units. Variances are to recognize existing conditions on the site. This application was previously tabled at the September 24<sup>th</sup> hearing date. The applicant has provided additional information in support of the application as requested by staff.

The following variances are being requested:

1. A 0.0m finished floor elevation for a dwelling unit shall be provided instead of the minimum 0.9m above grade finished floor elevation required.
2. A parking space may be setback 2.01 metres from the Forest Avenue Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
3. A parking space may be setback 0.0 metres from Hughson Street South Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
4. No planting strip shall be required between a street line and a parking space instead of the minimum 3.0m wide planting strip required between a street line and a parking space.
5. Parking spaces on a lot containing a Multiple Dwelling shall be permitted between the building façade and a front or flankage lot line instead of the requirement that no parking shall be located between a building façade and a front or flankage lot line.



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6. A total of four (4) parking spaces for small car parking shall be permitted instead of a maximum of 10% of the required parking for small car parking permitted.

### **Urban Hamilton Official Plan**

The subject property is designated as “Mixed Use – Medium Density” on Schedule E1 - Urban Land Use Designations in the Urban Hamilton Official Plan. The Designation permits multiple dwellings. The lands are not within a secondary plan area.

The following policies, among others, are applicable:

- “E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1.1.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.
- E.4.6.28 Some historic commercial main streets have more commercial space than can be supported by the surrounding market area. In these locations, residential development and conversion shall be encouraged on the fringes outside of the pedestrian focus streets.”

Based on the above policies, staff are of the opinion that the proposed variances 1-7 maintain the general intent and purpose of the Official Plan and Zoning By-Law. The purpose of the application to add additional units on the ground floor is permitted through Policy 4.6.9, which permits ground related housing forms. The property is not identified on table E.4.3.1 as being a pedestrian focus street. Ground floor residential units are in keeping with the predominant residential character of the area.

Policies E.4.6.26 – E.4.6.28 noted above, provide guidance on maintaining automobile access for sites but the need for a balance between automobile access and promoting alternative modes of transportation. Staff generally support the conversion of surplus parking to residential dwelling units. Policy E.4.6.27 indicates that reduced parking can be “considered and encouraged” as the lands are well serviced by active transportation infrastructure and transit. Policy E.4.6.28 encourages residential on the fringes outside of pedestrian focused streets. The site is on the periphery and not located on a pedestrian focus street.

Archaeology:



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No comments

Cultural Heritage:

The property known as 160 Hughson Street South is located within the Corktown Established Historical Neighborhood. The subject property is located adjacent to 209-211 James Street South, a property designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the *Provincial Policy Statement*. Accordingly, Section 4.6.3 of the *Provincial Policy Statement* applies as follows:

Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be *conserved*.

Additionally, the subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties.

Further, the subject property is adjacent to 183 Hughson Street South and 187 Hughson Street South, two properties listed on the City’s Municipal Heritage Register as a non-designated property.

Accordingly, section B.3.4.1.3, B.3.4.2.1(g), B.3.4.2.1(g), and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate interior alterations to an existing Multiple Dwelling to establish 11 additional dwelling units.

Staff have reviewed the application and are of the opinion that given the property’s location within the Corktown Established Historical Neighbourhood and concentration of surrounding heritage properties, staff strongly encourage that the applicant utilize massing and materials compatible with the adjacent built heritage resources for any exterior changes that may take place to facilitate the additional units.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Mixed Use Medium Density (C5) in the City of Hamilton’s Comprehensive Zoning By-law No. 05-200, which permits the proposed use.

**Analysis**

Variances 1-6



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**STAFF COMMENTS**

**HEARING DATE: November 26, 2024**

1. A 0.0m finished floor elevation for a dwelling unit shall be provided instead of the minimum 0.9m above grade finished floor elevation required.
2. A parking space may be setback 2.01 metres from the Forest Avenue Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
3. A parking space may be setback 0.0 metres from Hughson Street South Street line instead of the minimum 3.0m minimum setback from a street line required for parking spaces.
4. No planting strip shall be required between a street line and a parking space instead of the minimum 3.0m wide planting strip required between a street line and a parking space.
5. Parking spaces on a lot containing a Multiple Dwelling shall be permitted between the building façade and a front or flankage lot line instead of the requirement that no parking shall be located between a building façade and a front or flankage lot line.
6. A total of four (4) parking spaces for small car parking shall be permitted instead of a maximum of 10% of the required parking for small car parking permitted.

Variances 2 – 6 appear to be existing conditions and the applicant is not proposing any changes to these existing conditions through the proposed interior renovations to add additional dwelling units. The applicant has provided detailed floor plans and building elevations that have provided staff with more information of how the proposed units are going to interface with the site, the street, and neighbouring properties. Variance 1 would permit units to be at-grade as opposed to the required 0.9m above grade. The intent of this provision is to help mitigate any adverse privacy impacts associated with the at-grade units along the street. Furthermore, this regulation limits residential at-grade in the Medium Density Mixed Use area, to ensure at-grade commercial uses are considered in this area. Staff note that there is a significant setback between both Hughson Street South (14.74 metres) and Forest Avenue (3.88 metres). This setback will aid in mitigating any privacy and overlook impacts on the proposed dwelling units from the street. Furthermore, this portion of Hughson Street South is residential in character and contains other buildings with residential units at grade at a similar distance to the street. As the proposal is the conversion of the existing building, it would be challenging to retrofit the building to provide the 0.9 metre requirement of the by-law. Staff do not have concerns with the requested variances to recognize the existing conditions of the site and permit dwelling units at-grade. Urban Hamilton Official Plan policies encourage retrofits and a reduction of required parking spaces for residential uses. Staff are supportive of variances 1-6 as they are minor in nature, desirable for the appropriate development of the subject lands and meet the general intent and purpose of the Official Plan and Zoning By-law. The proposal will be subject to Site Plan control and the design/access to the proposed units can be dealt with through that mechanism. **Staff recommend the approval of variances 1-6 with the requested condition.**



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, this application was previously tabled for the Committee Hearing on September 24, 2024. Previous comments indicated Variances would not be required for total number of parking spaces and Bicycle Parking spaces should Zoning By-law Amendment 24-052 come into full force and effect. As per OLT 24-000544, the majority of Zoning By-law Amendment 24-052 is now in full force and effect. As such, the previous variances are no longer required and have been removed from the requested variances.</p> <p>Be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the "Transitional Provisions" of the Hamilton Zoning By-law 05-200. If the remaining portions of By-law 24-052, pertaining to Electric Vehicle Parking, become Final and Binding before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.</p> <p>Please note, an Encroachment Agreement with Public Works may be required for the shed and fence located within the Forest Avenue Right of Way.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	The existing finished floor elevation is at grade with the existing pavement outside the building. Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

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



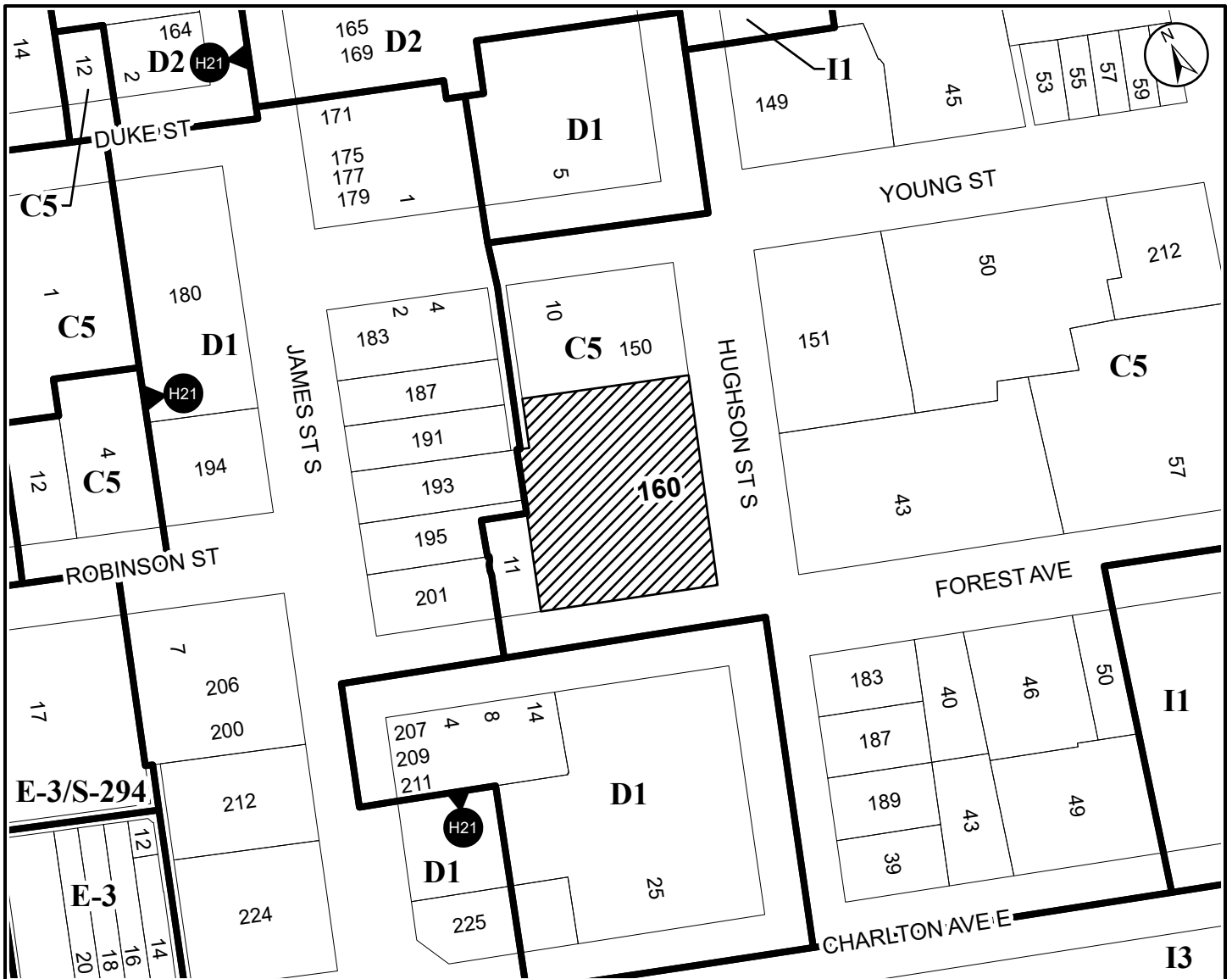
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**STAFF COMMENTS**

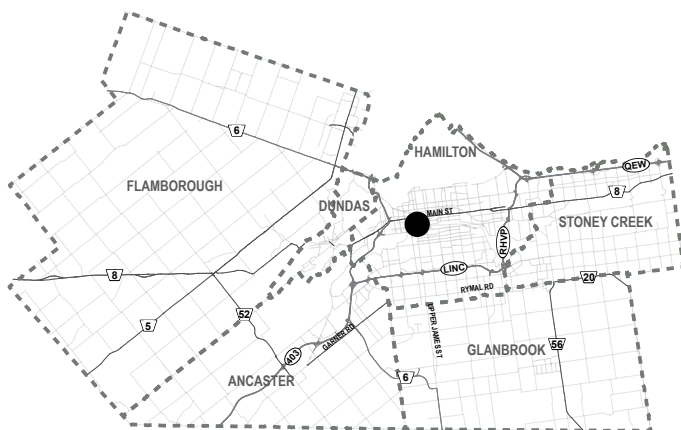
**HEARING DATE: November 26, 2024**

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



160 Hughson Street South, Hamilton  
(Ward 2)

File Name/Number:  
A-24:195

Date:  
November 11, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department