



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:286 — 173 Jackson Street South & 46 Ferguson Avenue South, Hamilton

Recommendation:

See attached

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed 29-storey multiple dwelling with 417 dwelling units and 101 parking spaces.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)

Please note that 9 accessible parking space and 22 visitors parking spaces are required and must be signed accessible and visitors. (Transportation Planning)



Hamilton

Development Planning: see attached

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	<ol style="list-style-type: none"> 1. The parking calculation for the development only accounts for 407 units, whereas 417 units are proposed, parking variance may need to be revised as the number of required parking spaces has changed. 2. Long-term bicycle parking required is $0.5 \times 417 = 208$ only 159 bicycle parking spaces is proposed as per site statistics, additional variance is required. 3. Width of driveway along Jackson Street West is 7.45m whereas 7.5m is required as per Section 6.1.3 c) iv), additional variance required. 4. Please note the Parking Lot is required to be a stable surfaces such as asphalt, concrete or other hard-surfaced material, material used for parking lot not provided on plans unable to determine compliance. 5. Appears there is only two barrier free parking spaces proposed as per the underground parking floor plans, should variance # 4 be granted four barrier free parking spaces are required, additional variance required. 6. Short-term bicycle parking is proposed on the north-west corner of the site, site statistics indicate four spaces are proposed whereas 5 spaces are required, additional variance required. 7. This variance/these variances is/are necessary to facilitate Site Plan Application DA-23-074.
Notes:	N/A

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A



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Comments:	Detailed comments related to grading and servicing for the development will be provided through Site Plan application DA-23-074. Development Engineering has no objections to the minor variances as proposed.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed 29-storey multiple dwelling with 417 dwelling units and 101 parking spaces. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Please note that 9 accessible parking space and 22 visitors parking spaces are required and must be signed accessible and visitors.
Notes:	Please note that 9 accessible parking space and 22 visitors parking spaces are required and must be signed accessible and visitors.

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment
From: Daniel Barnett, Planner 2– Development Planning
Email: Daniel.Barnett@hamilton.ca
File Number: A-24:286
Address: 173 Jackson Street East and 46 Ferguson Avenue South, Hamilton
Subject: Committee of Adjustment File Comments – February 13, 2025

Recommendation

- Table

Proposed Conditions

N/A

Proposed Notes

N/A

Background

The purpose of Minor Variance application A-24:286 is to permit the construction of a 29 storey tower with a 13 storey mid rise component and a 3 storey podium. The development is to consist of 417 dwelling units. Parking is to consist of 101 vehicular parking spaces and 159 long term bicycle parking spaces.

This Minor Variance application is to facilitate Site Plan application DA-23-174, which received Conditional Approval on January 24, 2024. Staff note a related application to remove Holding Provisions “H17”, “H19” and “H20” was received on December 4, 2024. The comments for Holding Removal application ZAH-25-001 identified outstanding issues with respect to shadow, wind and visual impacts that need to be resolved prior to the lifting of the Holding Provisions.

Urban Hamilton Official Plan

The subject lands are identified as “Downtown Urban Growth Centre” in Schedule E – Urban Structure and are designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.4.4.4, amongst others, is applicable and permit the proposed multiple dwelling.



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Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use” on Land Use Plan Map B.6.1-1 and are identified as “High-Rise 2” on Maximum Building Heights Map B.6.1-2 of the Downtown Hamilton Secondary Plan. Policies B.6.1.4.12, B.6.1.4.18, B.6.1.4.19, B.6.1.4.23, B.6.1.4.31 through B.6.1.4.39, and B.6.1.6 amongst others, are applicable and permit the proposed multiple dwelling.

Staff note that Holding Provisions “H17”, “H19” and “H20” are applicable to the subject lands. These provisions restrict development to a maximum height of 44 metres until, to the satisfaction of the Director of Planning and Chief Planner, a Shadow Impact Study, a Pedestrian Level Wind Study, a Visual Impact Assessment, Traffic Impact Study and a Functional Servicing Report are submitted, reviewed and approved. An application to lift these Holding Provisions (ZAH-25-001) was received on December 4, 2024, circulated for comment on December 19, 2024, with comments due by January 23, 2025. Planning comments with respect to the Holding Provision (ZAH-25-001) identified concerns related to the Shadow Impact Study, Pedestrian Level Wind Study, and Visual Impact Assessment and therefore approval on these issues has yet to be granted and the Holding Provision is cannot be lifted at this time.

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

The subject lands are Zoned Downtown Central Business District (D1, H17, H19, H20) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwelling development is permitted. As noted above, Holding Provisions “H17”, “H19” and “H20” apply to the subject lands and are required to be lifted prior to development occurring.

Variances 1 to 4

1. A minimum 0.0 metres stepback shall be permitted from the building base façade height above 11.0 metres along Jackson Street East instead of the minimum 3.0m stepback required from the building base façade height above 11.0 metres.
2. A minimum 0.0 metres stepback shall be permitted from the building base façade height above 11.0 metres along Ferguson Avenue South instead of the minimum 3.0 metres stepback required from the building base façade height above 11.0 metres.
3. A minimum 2.0 metre stepback shall be required for the portion of a building exceeding 22.0 metres in height from a side or rear lot line whereas the By-law requires a minimum stepback of 3.0 metres.



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4. A minimum of 101 parking spaces shall be provided instead of the minimum required 210 parking spaces required.

Development Planning staff are unable to determine if the proposal meets the tests of the *Planning Act* regarding Minor Variances. As the completion of technical studies to the satisfaction of the Director of Planning and Chief Planner is necessary to demonstrate that the proposal conforms with the policies of the Downtown Hamilton Secondary Plan, meets the intent of the Zoning By-law, confirms that the proposed relief is appropriate for the proposed development and is minor in nature staff are requesting this application be tabled. This would afford time for additional information address the concerns raised with respect to Holding Removal application ZAH-24-035, as requested by staff in comments above.

Additional Variances

The site statistics on the concept plans submitted with the application for Minor Variance identify that a ratio of 0.5 long term bicycle parking spaces per unit is required, that the 417 units would require 202 long term bicycle parking spaces and that 159 long term bicycle parking are proposed. The bicycle parking ratio of 0.5 per unit is based on the applicable ratio in place at the time Conditional Site Plan Approval was granted. The 417 units would require 208 long term bicycle parking spaces as opposed to 202 spaces identified in the site statistics and the proposed 159 bicycle parking spaces not comply with the minimum requirement of 208 spaces.

In respect to short term bicycle parking the site stats identify that four short term bicycle parking spaces are required and that four are provided, however a minimum of five short term bicycle parking spaces are required based on the zoning requirements in place at the time that Conditional Site Plan Approval was granted and therefore the four proposed short term bicycle parking spaces would not be sufficient to comply with the minimum short term bicycle parking requirement of the Zoning By-law.

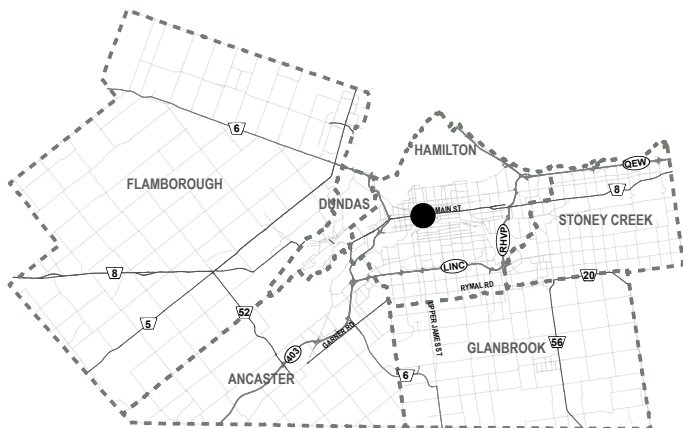
Development Planning staff note that variances to reduce both long term and short term bicycle parking was not identified in the minor variance application. Furthermore, as the direction of the Council of the City of Hamilton, as per By-law No. 24-052, with respect to require bicycle parking is to increase the minimum number of long term and short term bicycle parking spaces, a reduction in the number of bicycle parking spaces would stand in contrast to the direction of Council.

Conclusion

Based on the foregoing, **staff recommend this application be tabled.**



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



173 Jackson Street South & 46 Ferguson Avenue South, Hamilton (Ward 2)

File Name/Number:
A-24:286

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton