



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:284 — 325 James Street South, Hamilton

Recommendation:

See attached

Proposed Conditions:

Proposed Notes:

A building permit is required for the alteration of an existing Multiple Dwelling from 107 Dwelling Units to 164 Dwelling Units.

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



Hamilton

Development Planning: see attached

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Variance #3 should be altered by deleting the words “one” so that it reads:</p> <p>“A minimum of two (2) visitor parking spaces plus 0.05 visitor parking spaces for a Multiple Dwelling containing five (5) or more Dwelling Unit(s) instead of the minimum required 0.2 spaces per Class A Dwelling Unit;”</p> <p>The above is provided as it relates to the second half of the variance which read as “instead of the minimum required one 0.2 spaces per Class A Dwelling Unit;”. The inclusion of “one” is a grammatical error and should be removed.</p> <p>2. Please note, a total of 44 Parking Spaces have been indicated within the Existing Parking Lot. As per Section 18A(16), the required 11 Visitor Parking Spaces shall be maintained exclusively for the use of visitors and shall have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	No comments or objections to the minor variances as proposed.
Notes:	The proposal seeks to increase the existing buildings overall unit count from 107 units to 164 units with renovations proposed within the existing footprints. A zoning by-law amendment may be required to facilitate this proposal.

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

Notes:	<p>A building permit is required for the alteration of an existing Multiple Dwelling from 107 Dwelling Units to 164 Dwelling Units.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
--------	---

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	<p>Providing no loading spaces when 2 are required.</p> <p>2 visitor parking spaces plus 0.05 visitor parking spaces when 0.2 per dwelling unit are required.</p> <p>Zero parking space when one per unit is required.</p>

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment
From: David Bonaventura, Planning Technician I – Development Planning
Email: David.Bonaventura@hamilton.ca
File Number: A-24:284
Address: 325 James Street South, Hamilton
Subject: Committee of Adjustment File Comments – February 13, 2025

Recommendation

- Approve

Proposed Conditions

N/A

Proposed Notes

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Background

The purpose of Minor Variance application A-24:284 is to permit the intensification of the existing multiple dwelling use through internal renovations. The total dwelling units are to increase from 107 units to 164 units.

Staff note that Council passed By-law No. 24-109 on June 26, 2024, enacting the Rental Housing Protection By-law. The Rental Housing Protection By-law was intended to come into force and effect on January 1, 2025. A Rental Housing Demolition and Conversion Permit may be required to facilitate the proposed development as part of the interior renovations include reducing the size of larger three and two bedroom units to accommodate more smaller units.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Primary Corridor” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies, E. 2.3.1.16 and E.3.5.2, amongst others, are applicable and permit the existing multiple dwellings.

Policy E.2.3.1.16 states that reduced parking requirements shall be considered to encourage a broader range of uses and densities and to support transit. Staff note that the subject property is within walking distance of the Hamilton GO Station located and numerous HSR bus routes that run along James Street South and other nearby arterial roads such as John Street South, Main Street East and West as well as King Street East and West.

Staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan as the proposed development will maintain the property’s existing on site parking and the is located in close proximity to existing intercity transit and public transit, as well as the future planned LRT corridor.

Archaeological:

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:



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

- 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 4.6.2 of the Provincial Planning Statement apply to the subject application.

Cultural Heritage:

The subject property is located adjacent to the following properties that are designated under Part IV or V of the *Ontario Heritage Act* and a “protected heritage property” under the *Provincial Policy Statement*:

- 1 St James Place (Pigott Built Home, Part IV)
- 1 Markland Street (Frost Residence, Part V)

Accordingly, Section 4.6.3 of the Provincial Planning 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 *adjacent* to the Durand-Markland Heritage Conservation District, designated under Part V of the *Ontario Heritage Act* and a “protected heritage property” under the *Provincial Policy Statement*. Accordingly, Section 4.6.3 of the *Provincial Planning 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*.

Where new construction and/or alterations or additions to existing structures are proposed adjacent to a Heritage Conservation District, key consideration is given to the visual and physical impacts on the built fabric and landscape features.

The property known as 325 James Street South is located within the following Cultural Heritage Landscapes:

- Freeman Place
- James Mountain Road
- James Street South



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

The property known as 325 James Street South is also located within the Corktown Established Historical Neighborhood.

The Cultural Heritage Landscapes and Established Historical Neighbourhood are both identified in Volume 1, Chapter B of the Urban Hamilton Official Plan.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.4 Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.

B.3.4.2.1(g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.

B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.

B.3.4.6.2 *Cultural heritage landscapes*...shall be protected in the carrying out of any undertaking subject to the *Environmental Assessment Act* or the *Planning Act*.

B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

The proponent proposes to alter the existing multiple dwelling structure to introduce 57 new dwelling units.

Staff have completed a preliminary evaluation of the cultural heritage value or interest of the subject property in accordance with *Ontario Regulation 9/06 of the Ontario Heritage Act* and determined that the property is a candidate for designation under Part IV of the *Ontario Heritage Act*, as follows:

“The 1926 five-storey brick apartment building located at 325 James Street South has design and physical value as it is a representative example of the Edwardian Classicism style of architecture. The property also displays a high degree of craftsmanship through the elaborate frontispiece with triangular pediment and decorated tympanum.

The historical value of the property lies in its association with the theme of the City of Hamilton’s growth and change as an urban area in the past two centuries. The property also has historical value as it demonstrates the work of father-son architectural team J. Hunt Stanford & Son.

Contextually, this property is important in contributing to the character of James Street South as an upscale late nineteenth and early twentieth century residential neighbourhood. It is historically and visually linked to its surroundings, being on its original location as part of the surrounding James Street South streetscape.”

The property has therefore been added to the City’s list of candidates for designation.

Notwithstanding that the subject property is a candidate for designation under Part IV of the *Ontario Heritage Act*, and the adjacent properties are designated under Part IV and V of the *Ontario Heritage Act*; staff have reviewed the application and are of the opinion that the heritage attributes of the subject property and adjacent protected heritage properties will be conserved.

Staff have no further comments on the application as circulated.

Corktown Neighbourhood Plan

The subject lands are identified as “Medium Density Apartments” on Map 6702 of the Corktown Neighbourhood Plan. The proposed development is consistent with the vision of the Neighbourhood Plan.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District in Former City of Hamilton Zoning By-law No. 6593. The existing multiple dwellings are permitted.

VariANCES 1 to 3

1. A minimum of 0 parking spaces per Class A dwelling unit shall be provided for a multiple dwelling containing 5 or more dwelling units instead of the minimum required 1 parking space per Class A dwelling unit.
2. A minimum of 2 visitor parking spaces plus 0.05 visitor parking spaces for a multiple dwelling containing 5 or more dwelling units instead of the minimum required 1 space plus 0.2 spaces per Class A dwelling unit.
3. A minimum of 0 loading spaces for a multiple dwelling containing greater than 100 dwelling units shall be provided instead of the minimum required 2 loading spaces for a multiple dwelling containing greater than 100 dwelling units.

The intent of these provisions is to ensure sufficient on site parking is provided for residences, visitors and loading spaces for residences moving in or out.

The goal of this application is to apply the current parking regulations of Zoning By-law No. 05-200 to the subject property to facilitate the proposed residential intensification. Currently, no loading spaces are provided on site. Staff note that the existing supply of on site surface parking is to remain unchanged, at 52 spaces.

Under the current parking requirements of Parking Rate Area 1, no parking spaces are required for residential uses, a minimum of 11 visitor parking spaces would be required (at a rate of 2 spaces plus 0.05 per dwelling unit) and no loading spaces are required. The requested variances are in keeping with the current parking requirements of Parking Rate Area 1 and the proposed parking would exceed the minimum required visitor parking.

Staff further note that the subject property is within walking distance to the Hamilton GO Station for intercity transit and is close to numerous HSR bus routes. The proposed development will be transit supportive and would exceed the minimum required parking found in the current parking regulations.



Hamilton

COMMITTEE OF ADJUSTMENT

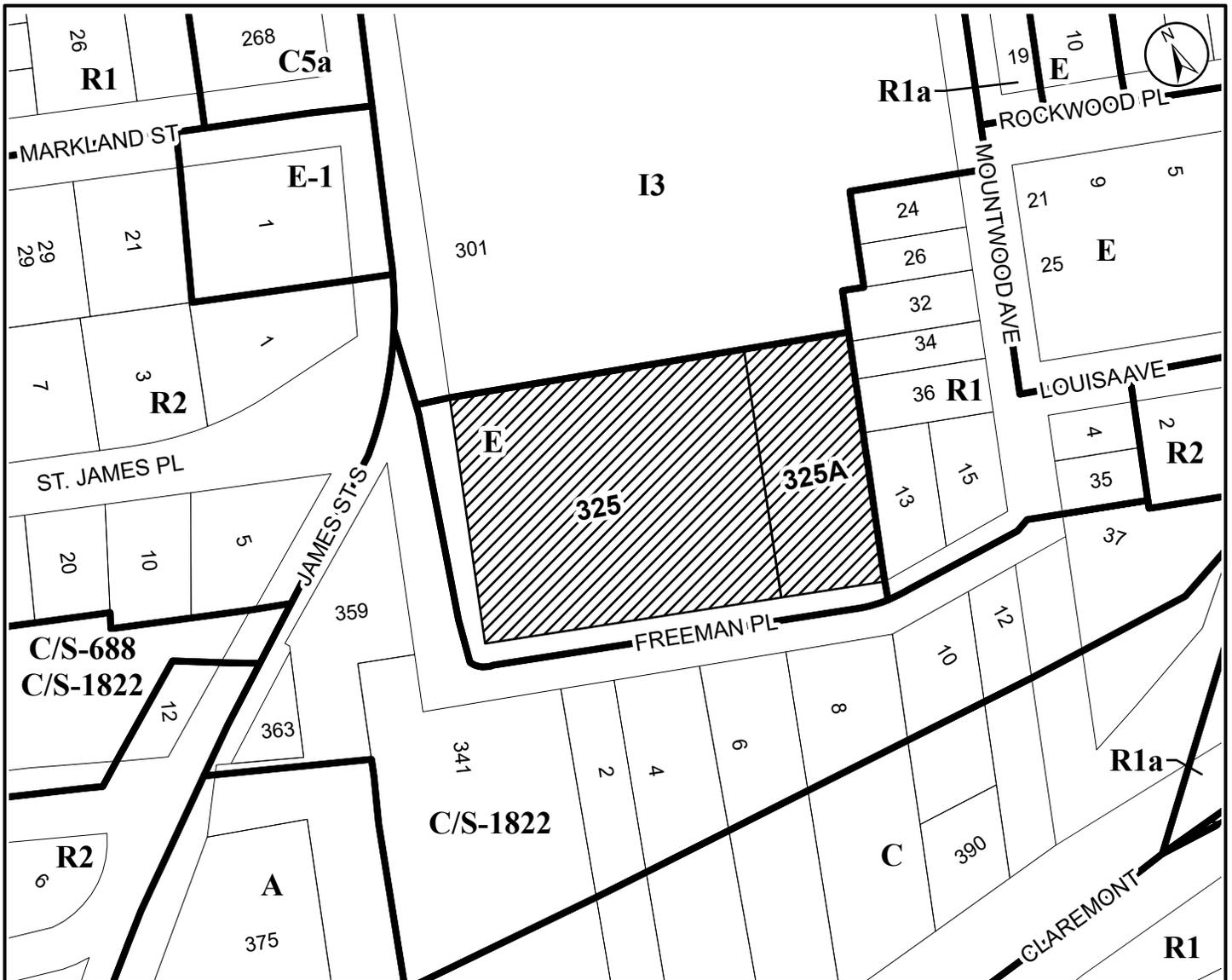
City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

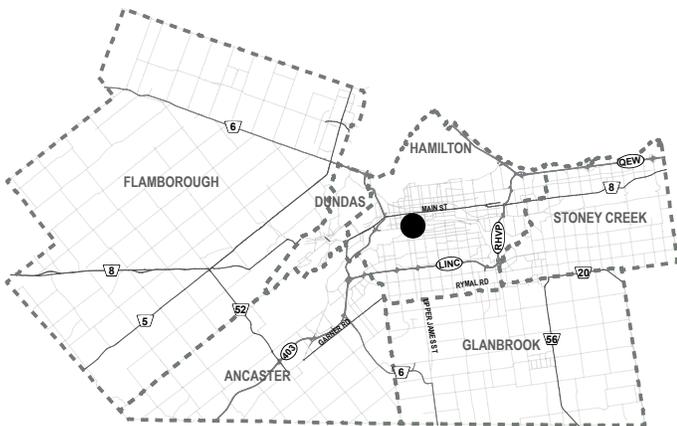
E-mail: cofa@hamilton.ca

Therefore, staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use and development of the land and is minor in nature.

Based on the foregoing, staff are of the opinion that the requested variances meet the four tests of a minor variance. **Staff recommend approval.**



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



325 & 325A James Street South,
Hamilton (Ward 2)

File Name/Number:
A-24:284

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department