



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-24:154 — 1107 Main Street, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. That the proposed development be in accordance with approved Site Plan Application DA-23-003, to the satisfaction of the Director of Development Planning.

Proposed Notes:

Order to Comply 25-2000112, dated January 16, 2025 remains outstanding.

A building permit is required for the construction of the proposed fifteen (15) storey mixed use building.

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



Development Planning:

Background

The purpose of Minor Variance application A-24:154 is to facilitate Site Plan Control application DA-23-003 and to permit the construction of a 15 storey mixed use building. Staff note that Site Plan Control application DA-23-003 received conditional approval on October 11, 2023. Staff further note that Urban Hamilton Official Plan Amendment application UHOPA-20-012 and Zoning By-law Amendment application ZAC-20-016 were approved by City Council on June 22, 2022. These applications created a Site Specific Policy Area within the Ainslie Wood Westdale Secondary Plan to permit the proposed development and specific modifications to the zoning in place. Development Planning staff comments regarding these applications can be found in [Staff Report PED22098](#), which will be discussed in further detail below.

Additionally, staff note that Zoning By-law Amendment application ZAH-23-049 to remove Holding Provision H75 from the subject lands is still under review by staff.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Primary Corridor” and “Priority Transit Corridor” in Schedule E – Urban Structure and are designated as “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 mixed use development. The subject lands are located within the Ainslie Wood Westdale Secondary Plan and are also subject to the policies of the Secondary Plan.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Mixed Use – Medium Density” and “Area Specific Policy – Area E-1” in Land Use Plan - Map B.6.2 – 1 of the Ainslie Wood Westdale Secondary Plan. Policies 6.2.14.1, 6.2.14.2, 6.2.17.5 and 6.2.17.6, amongst others, are applicable and permit the proposed 15 storey mixed use development.

Staff note that policy 6.2.17.6 b) permits a maximum building height of 15 storeys on the subject lands. The proposed development conforms to this policy.

Archaeology

Staff comments addressed as part of Site Plan Control Application DA-23-003



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Cultural Heritage

Staff comments addressed as part of Site Plan Control Application DA-23-003.

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

The subject lands are zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed mixed use development is a permitted use.

As noted above, a Zoning By-law Amendment Application to remove Holding Provision 'H75' is currently under review by staff.

Variance 1

1. A finished floor elevation of any dwelling unit shall be permitted to be at grade instead of the minimum 0.5 metre finished floor elevation required.

The intent of this provision is to ensure a balance between the privacy of ground floor dwelling units by maintaining a separation between the private and public spaces and activating the streetscape and creating a pedestrian friendly environment.

Staff note that as part of Zoning By-law Amendment application ZAC-20-016, one of the site specific modifications supported by staff at the time was to permit ground floor dwelling units to have a finished floor elevation of 0.5 metre, which was reduced from 0.9 metres. This modification was made with respect to the ground floor dwelling units proposed to front along Dow Avenue and Cline Avenue South. Additionally, Appendix "E" to Staff Report PED22098 notes that the intent of this provision is to "avoid rear lotting and ensure buildings are designed with front porch conditions facing the street". It was further noted that the modification for a 0.5 metre finished floor elevation helped achieve a built form more reflective of the scale of development for the area.

The proposed design for the ground floor dwelling units along Cline Avenue South and Dow Avenue includes private garden spaces, providing privacy and separation between the dwelling units and the public realm. The dwelling units maintain a 3 metre setback from Cline Avenue South and Dow Avenue.

Therefore, staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law as the 3 metre setback and private gardens provide separation between the private and public spaces while creating a pedestrian friendly, activated streetscape. Further, the requested variance is considered desirable for the appropriate use and development of the land and considered minor in nature.



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Variance 2

2. A maximum setback from Dow Avenue shall be 5.023 metres instead of the maximum 4.5 metres required.

The intent of this provision is to utilize maximum setbacks from the street line to promote a consistent built form that promotes a pedestrian friendly and active streetscape.

Staff note that the proposed development includes several dwelling units that front along Dow Avenue with private gardens for each unit located at the southeasterly portion of the property. Staff are of the opinion that the increased setback is marginal and a consistent build form and activated streetscape will be maintained along Dow Avenue. Staff support the variance.

Variance 3

3. A minimum setback shall be 9.3 metres for any portion of a building exceeding 37.5 metres in height instead of the minimum 9.3 metres required for any portion of a building exceeding 36.0 metres in height.

The intent of this provision is to ensure that the portions of the proposed building are appropriately setback as the height of the building increases to minimize shadowing impacts and for appropriate massing of the building in relation to the streetscape of Main Street West.

Staff note that the original site specific modification found in PED22098 and amending By-law No. 22-163 specifies the setback in relation to Main Street West and includes the following:

2. b) iv) 2. *Notwithstanding 1. above, a minimum 9.3 metres [setback] from Main Street West for any portion of the building exceeding 36.0 metres in height;*

Staff request that Variance 3 be amended to include wording specifying the minimum setback is from Main Street West.

Staff note that the site specific modification was originally a staff recommendation. The site specific modification contemplated portions of the proposed building above 36 metres or above the twelfth storey and their impacts on the public realm in terms of shadowing and massing along Main Street West.

Staff received an angular plane drawing received on August 9, 2024. This drawing shows that the proposed increase in height will result in the corners of the 13th floor and the mechanical penthouse



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marginally breaching the 45 degree angular plane. Staff are of the opinion that the proposed increase in height will not result in increased negative impacts on the public realm in terms of shadowing and massing along Main Street West. Staff support the variance.

Variance 4

- 4. A minimum setback shall be 13.8 metres for any portion of a building exceeding 22.0 metres in height for the portion of the building abutting Cline Avenue and Dow Avenue instead of the minimum 14.3 metres required for any portion of a building exceeding 22.0 metres in height.

The intent of this provision to ensure the portions of the building above 22 metres in height, above the seventh floor, are setback far enough from Dow Avenue and Cline Avenue South so that the upper portions of the proposed tower do not create negative impacts with respect to shadowing, overlook and building massing.

Staff note that, as shown in the application, the proposed 13.8 metre setback above 22 metres would apply to two portions of the tower between floors 8 and 15 that extend out from the tower façade whereas the rest of the tower façade maintains the required 14.3 metre setback. Staff further note that the two portions of structure that extend out from floors 8 to 15 are to accommodate a proposed precast system to transfer structural loads from the tower to the base of the structure.

Staff received angular plane drawings on August 9, 2024 showing the angular plane in relation to Cline Avenue South and Dow Avenue South. Upon review of these drawings, staff are of the opinion that the proposed decrease in setback will not result in increased negative impacts on the public realm in terms of shadowing and massing along Cline Avenue and Dow Avenue. Staff support the variance.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please note, the variances and comments have been provided based on the material submitted at the time the application was formally submitted on June 14, 2024. 2. Please note, insufficient information has been provided to determine the minimum rear yard setback to the portion of a building exceeding



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	<p>22.0 metres in height. Should the proposed portion of the building exceeding 22.0 metres in height be setback less than the required 33.5 metres from the rear lot line, additional variances may be required.</p> <p>3. Please note, it appears a “Gravel Stone” area is proposed along a portion of the lot line that abuts the Institutional Zone to the rear of the property and is indicated to overlap with the required 3 metres Planting Strip. Should a 3.0 metre Planting Strip, as defined under Section 3, not be provided along the lot line abutting an Institutional Zone, additional variances may be required.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Detailed comments related to grading and servicing for the development will be provided through Site Plan application DA-23-003. Development Engineering has no objections to the minor variances as proposed.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>Order to Comply 25-2000112, dated January 16, 2025 remains outstanding.</p> <p>A building permit is required for the construction of the proposed fifteen (15) storey mixed use building.</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:	



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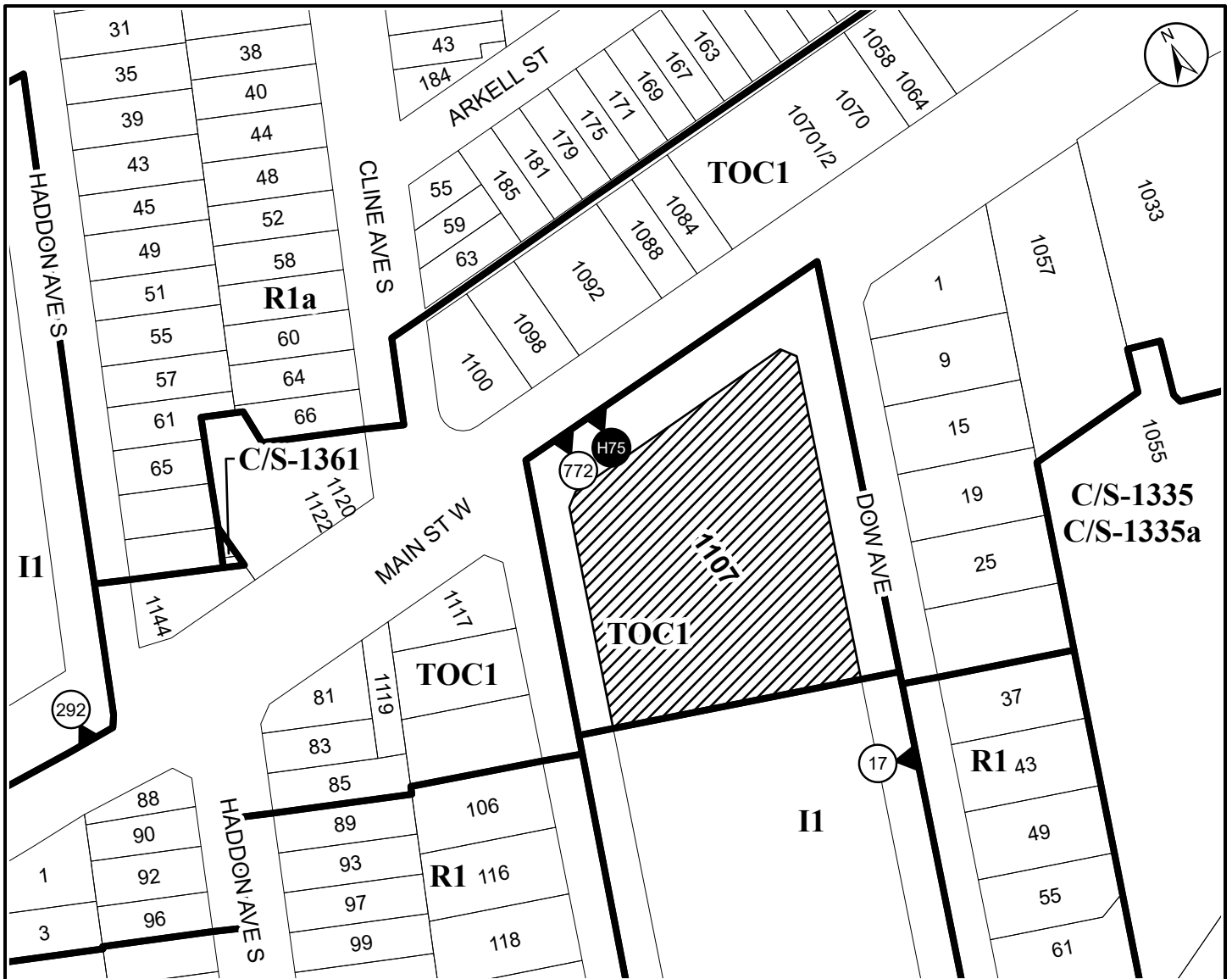
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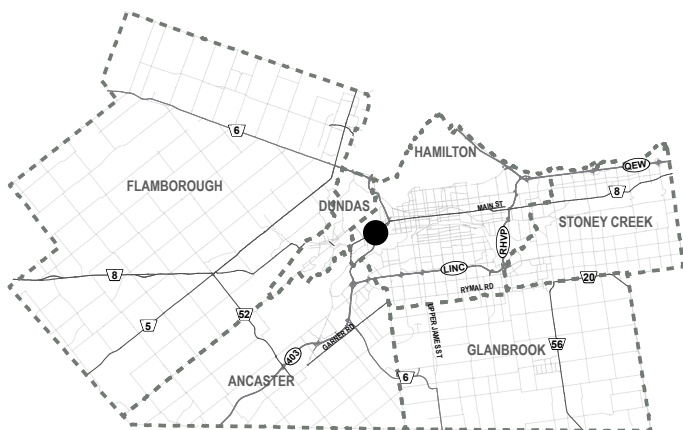
Ontario Ministry of Transportation:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>The Ministry has no issues with the proposed minor variances. However, the proponent must be aware that the property is within the Ministry's permit control area and requires a review and approval by a Ministry Planner. If not already done, the municipality should circulate the file to the ministry.</p> <p>A Ministry Building and Land Use permit is required following Ministry approval. No construction or grading may begin until the permit has been approved and issued.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1107 Main Street W, Hamilton
(Ward 1)

File Name/Number:
A-24:154

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



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Planning and Economic Development Department