



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

A-25:031 — 97 Dartnall Road, Hamilton

Recommendation:

Approve variances 1–3 with the proposed conditions — Development Planning

Proposed Conditions:

1. That the owner provides adequate visual screening through the utilization of vegetation, fencing, screening, decorative panels or similar features to appropriately screen the proposed accessory structures (Molok Waste Containers) located in the front yard per Variance 1, to the satisfaction of the Director of Development Planning.
2. That the requested variances generally apply to the provided site sketch package titled Business Park Commercial Building, dated December 2021 and plotted 2024.06.13, as found in the Notice of Public Hearing for file A-25:031 for 97 Dartnall Road, Hamilton. (Development Planning)

Proposed Notes:

A building permit is required for the [construction of a Planned Business Centre.

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



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Development Planning:

Background

The purpose of the application is to facilitate the construction of a Planned Business Centre.

Staff note that this application is related to site plan file DA-19-130 and a previous Minor Variance application HM/A-23:328.

The following variances are requested:

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement that no accessory buildings or structures shall be located within a front yard.
2. Parking spaces and aisles, giving direct access to abutting parking spaces extending directly from the street shall be permitted to be located within 1.0 metre of the street line Instead of the requirement that they shall not be located within 3.0 metres of a street line.
3. A minimum 1.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle instead of the minimum required 3.0 metre wide planting strip.

Urban Hamilton Official Plan

The subject property is designated “Business Park” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.5.4.3, permits a variety of Employment Area - Business Park uses. The subject property is not identified as being within a Secondary Plan Area identified in Volume 2 of the Urban Hamilton Official Plan. The proposed land use is permitted.

Cultural Heritage

Staff comments addressed as part of Site Plan Application DA-19-130

City of Hamilton Zoning By-law 05-200

The subject property is zoned “M3” (Prestige Business Park) Zone in the City of Hamilton Zoning By-law No. 05-200. The M3 (Prestige Business Park) zone permits the proposed land use.

Analysis

Variance 1



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1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement that no accessory buildings or structures shall be located within a front yard.

The intent of the provision restricting accessory structures in the front yard is to ensure that there are no impacts from a streetscape perspective and to ensure that the accessory building does not appear to be the dominant structure along the street. This provision also serves to limit development in the front yard to ensure there is sufficient space for other considerations such as landscaping, parking and amenity area. Staff note that the accessory building in this circumstance is a Molok Waste Container, which is a small structure and is not anticipated to generate any adverse impacts along the streetscape. Staff defer any concerns relating to the location of the waste container and its proximity to the required 5 metre visibility triangle to Transportation Planning Staff. Staff generally support the variance subject to the inclusion of the proposed condition 1, which requires that the owner provides adequate visual screening through the utilization of vegetation, fencing, screening, decorative panels or similar features to appropriately screen the waste containers. Based on the forgoing **staff are supportive of the requested variance subject to the proposed condition 1.**

Variance 2

2. Parking spaces and aisles, giving direct access to abutting parking spaces extending directly from the street shall be permitted to be located within 1.0 metre of the street line Instead of the requirement that they shall not be located within 3.0 metres of a street line.

The intent of the provision is to ensure that there is adequate spacing between the street and areas dedicated to parking to ensure sufficient area for landscaping and other features to effectively buffer the surface parking area from the street and establish a desirable streetscape. Staff have reviewed the requested variance and generally have no concerns as the requested proposal is inline with the previously conditionally approved site plan. Staff note that there is a significant landscape boulevard in the public right-of-way, so the functional buffer between the travelled portion of the street and the proposed parking area is significant. Staff also note that given the constraints of the site with respect to required setbacks to the natural features to the east, increasing the parking setback to meet the minimum required under the zoning would be challenging. Given the existing constraints on the site, **staff are supportive of the requested variance** as the applicant is maintaining a planting strip of a functional size, which will effectively buffer the proposed surface parking from the street.

Variance 3

3. A minimum 1.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle instead of the minimum required 3.0 metre wide planting strip.

The intent of the provision is to ensure that there is an adequate buffer in the form of a planting strip to buffer the site including areas dedicated for parking spaces. Staff have reviewed the requested variance and generally have no concerns with the proposed reduction from 3 metres down to 1 metre,



Hamilton

as the 1 metre planting strip is only for a portion of the frontage and the planting strip spacing varies along the front lot line. Given that intent of the provisions is being maintained and given the existing site constraints, staff are **supportive of the requested variance as it satisfies the four tests under the *Planning Act*.**

Based on the forgoing analysis staff recommend the **approval of variances 1, 2 & 3 subject to conditions** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate development of the subject lands.

Zoning:

| | |
|----------------------|--|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <ol style="list-style-type: none"> 1. Please be advised Minor Variance Application HM/A-23:328 and Site Plan Application DA-19-130 are associated with the subject lands. 2. Please be advised that a small portion of the property falls under the Hamilton Conservation Authority. |
| Notes: | |

Development Engineering:

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|----------------------|-------------|
| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |
| Notes: | |

Building Engineering:

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|----------------------|--|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Notes: | <p>A building permit is required for the [construction of a Planned Business Centre.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> |

Transportation Planning:

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|----------------------|-------------|
| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

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

March 14, 2025

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Committee of Adjustment

File# A-25:031

Re: 97 Dartnall Rd

In response to your correspondence dated March 10, 2025, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

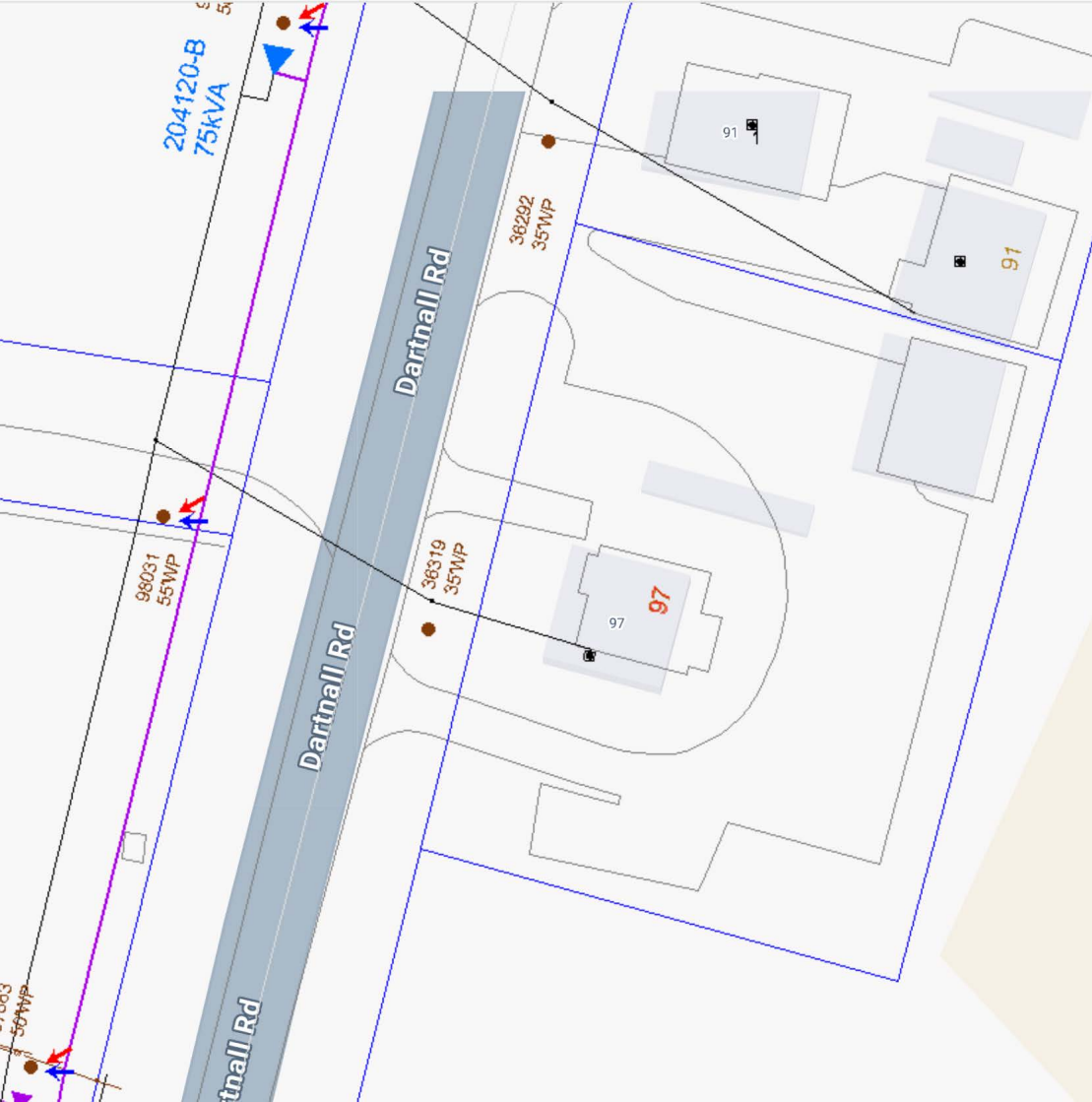
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



204120-B
75KVA

98031
55WP

Dartrnall Rd

Dartrnall Rd

38319
35WP

38292
35WP

97

91

98031
55WP

Dartrnall Rd

Danelski, Alexander

From: Mikiya Hobbs <mhobbs@conservationhamilton.ca>
Sent: Tuesday, March 18, 2025 1:23 PM
To: Committee of adjustment
Cc: Liam Doherty
Subject: March 27th COA - HCA Comments for A-25:031 for 97 Dartnall Rd, Hamilton

External Email: Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance Application A-25:031 for the lands located at 97 Dartnall Road, Hamilton. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

The subject property is located within the Hannon Creek subwatershed. A small portion of the site is regulated by HCA due to its proximity to Hannon Creek and the associated potential for flooding and erosion hazards.

HCA understands that minor variances are requested to permit accessory buildings within the front yard, reduce the required setback for parking spaces, and reduce the width of the required planting strip to allow for the construction of a Planned Business Centre. HCA has previously reviewed the conditionally approved Site Plan application DA-19-130 for the proposed Business Centre development, and staff have no natural hazard concerns regarding the proposed development.

HCA staff have no objections to the approval of the proposed minor variances.

There will be no HCA review fee for this file.

If there are any questions, please let me know.

Thank you,

Mikiya Hobbs

Planner, Watershed Management Services
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 148

Email: mhobbs@conservationhamilton.ca

www.conservationhamilton.ca



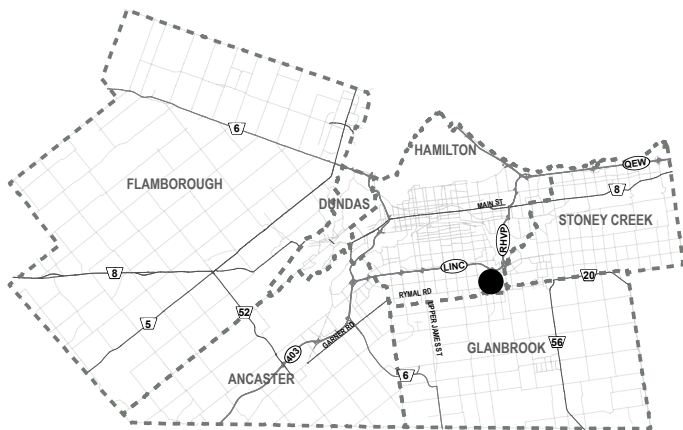
**Hamilton
Conservation
Authority**

A Healthy Watershed for Everyone

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● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



97 Dartnall Road, Hamilton
(Ward 6)

File Name/Number:
A-25:031

Date:
March 11, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton