



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

SC/A-24:48 — 343 McNeilly Road, Stoney Creek

Recommendation:

Deny variance 1 — Development Planning

Approve variances 2, 3, 4, 5, and 6, subject to conditions — Development Planning

Proposed Conditions:

1. That variances 2, 3, 4, 5 and 6 apply only to the existing conditions of the site in accordance with the site sketch titled Site Plan S.P.01 found in the Notice of Public Hearing for file SC/A-24:48 (343 McNeilly Road, Stoney Creek). (Development Planning)

Proposed Notes:

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

A building permit is required for the conversion of an existing single detached dwelling to an office use and provide twelve (12) truck parking spaces in the rear yard. (Building Engineering)



Hamilton

Development Planning:

Background

To facilitate site plan application DA-23-053, which is converting a single detached dwelling into an Industrial Administrative Office. Site Plan DA-23-053 has been conditionally approved.

The following variances are requested:

1. No visual barrier shall be required for the proposed outdoor storage area instead of the requirement that Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.
2. No Landscaped Area or Planting Strip shall be required whereas the by-law requires a minimum 6.0 metre wide landscaped area, inclusive of a 3.0 metre wide planting strip to be provided abutting a street.
3. A parking area shall be permitted to be located 0.0 metres from a street line instead of the minimum required 3.0 metre setback from a street line.
4. No Planting Strip shall be required between the parking area and a street line whereas the bylaw requires a minimum 3.0 metre wide planting strip to be provided.
5. A minimum 3.0 metre aisle width shall be provided for parking spaces designed at a 90 degree parking angle instead of the minimum 6.0 metre aisle width required for a 90 degree parking aisle.
6. A minimum of three (3) parking spaces shall be provided on-site instead of the minimum required one (1) space for every 30.0 square metres of Gross Floor Area which accommodates such use.

Urban Hamilton Official Plan

The subject property is designated “Business Park” on 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 industrial land use is permitted.

Cultural Heritage

Staff Comments addressed as part of Site Plan Application DA-23-053



Hamilton

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

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

Analysis

Variance 1

1. No visual barrier shall be required for the proposed outdoor storage area instead of the requirement that Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

The intent of this provision is to ensure outdoor storage is adequately screened from the street. Staff note that a Visual Barrier in accordance with Section 4.19 may consist of “A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth”. Staff are of the opinion that the applicant is able to make amendments to the provided planting strip so that it meets the requirements of a visual barrier by providing a continuous planting of suitable trees or shrubs to maintain the intended screening requirements of the by-law. Therefore, staff are of the opinion that the variance does not maintain the general intent of the By-law as a sufficient visual barrier is not being provided to screen the storage area from the streetscape. Staff are of the opinion that the variance is not minor in nature nor desirable for the appropriate development of the lands, as negative impacts may be anticipated to the subject site or surrounding area by not providing a visual barrier. Staff are of the opinion that the variance does not meet the four tests of a minor variance. Based on the foregoing, **staff do not support the variance.**

Variance 2 and 4

2. No Landscaped Area or Planting Strip shall be required whereas the by-law requires a minimum 6.0 metre wide landscaped area, inclusive of a 3.0 metre wide planting strip to be provided abutting a street.
4. A parking area shall be permitted to be located 0.0 metres from a street line instead of the minimum required 3.0 metre setback from a street line.

Staff note that variances 2 and 4 are to recognize the existing conditions (concrete pad) of the site, as such staff recommend that a condition be included that applies the variances to the existing conditions of the site only. The intent of the provision is to ensure there is an adequate area dedicated for landscaping, and to require a vegetative buffer between the parking spaces and the street to ensure a desirable and consistent streetscape. Based on the analysis of the requested variances staff acknowledge that the variance is being sought for existing conditions, the proposal is seeking a minimum 3.08 metre planting strip for the portion of the lands subject to new development.



Hamilton

As such staff are **generally supportive of the requested variances 2 and 4 subject to the inclusion of condition 1 as apart of the decision.**

Variance 3

3. A parking area shall be permitted to be located 0.0 metres from a street line instead of the minimum required 3.0 metre setback from a street line.

The intent of this provision is to ensure sufficient distance separation is provided between the vehicle parking and street to allow for vehicle maneuvering and to allow for a buffer between the parking area and the street.

Staff note that there is approximately 7.0 metres between the parking space and traveled portion of the street. It's also important to note that the proposed variance recognizes an existing paved area used for parking with the existing single detached dwelling to be converted to an employment use. All proposed new parking areas are setback a minimum of 3.0 metres from the street. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient separation distance between the travelled portion of the street is bring provided from the parking and street line. Staff have recommended that the variance only apply to the existing site conditions, as implemented through proposed condition 1. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the inclusion of condition 1 as apart of the decision.**

Variance 5

5. A minimum 3.0 metre aisle width shall be provided for parking spaces designed at a 90 degree parking angle instead of the minimum 6.0 metre aisle width required for a 90 degree parking aisle.

The intent of this provision is to ensure sufficient space is provided for the vehicle to maneuver.

Staff note that the parking aisle width is an existing condition. Staff are of the opinion the variance is minor in nature and desirable for the development of the subject lands as no negative impacts are anticipated to the subject site or surrounding area. Staff have recommended that the variance only apply to the existing site conditions, as implemented through proposed condition 1. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the inclusion of condition 1 as apart of the decision.**

Variance 6



Hamilton

- 6. A minimum of three (3) parking spaces shall be provided on-site instead of the minimum required one (1) space for every 30.0 square metres of Gross Floor Area which accommodates such use.

The intent of this provision is to ensure sufficient parking is provided on site to support the proposed use.

Staff are of the opinion that the proposed parking is sufficient for the size of the proposed office. Based on the identified gross floor area of the administrative office (120 square metres), four parking spaces would be required and the applicant is providing three, a deficiency of one space. Staff are of the opinion the variance is minor in nature and desirable for the appropriate development of the subject lands as no negative impacts are anticipated and the parking area and office building are existing. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the inclusion of condition 1 as apart of the decision.**

Based on the forgoing analysis **staff do not support variance 1** as it does not maintain the general intent and purpose of both the Official Plan and Zoning By-law, nor is it minor in nature, or desirable for the appropriate development of the subject lands. **Staff support variance 2-6 subject to condition 1** as they maintains 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:	Requested variances are required to facilitate site plan application DA-23-053
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	



Hamilton

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 conversion of an existing single detached dwelling to an office use and provide twelve (12) truck parking spaces in the rear yard</p>
--------	--

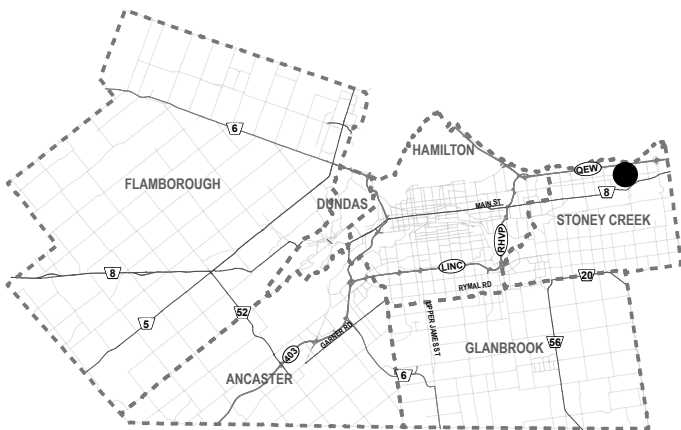
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



343 McNeilly Road, Stoney Creek
(Ward 10)

File Name/Number:
SC/A-24:48

Date:
March 11, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton