

A-25:022 — 128 Cannon Street West, Hamilton

**Recommendation:**

Deny — Development Planning

**Proposed Conditions:**

1. That the owner complete scoped Cultural Heritage Impact Assessment - Documentation and Salvage Report to the satisfaction of the Manager of Heritage and Urban Design. (Development Planning)

**Proposed Notes:**

A building permit is required for the construction of the proposed 4-storey, multi-use building.

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

**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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 of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:022 is to permit the construction of a 4 storey mixed use building consisting of 15 dwelling units and commercial space.

Staff note that no Site Plan application has been received for the subject property regarding the proposed development.

### **Hamilton-Wentworth Regional Official Plan**

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan.

### **West Harbour (Setting Sail) Secondary Plan**

The subject lands are designated “Low Density Residential” in Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan. Policies found in Section A.6.3.3.1.12, amongst others, are applicable and do not permit the proposed mixed use development.

Per Policy A.6.3.3.1.12, the permitted uses within the “Low Density Residential” designation are single detached, semi-detached and street townhouse dwellings. New development shall generally reflect the existing low density scale, type and character of neighbourhood with generally consistent lot dimensions and building setbacks.

Additionally, the permitted density within the “Low Density Residential” designation ranges from 25 to 60 units per gross hectare. Based on the proposed 15 dwelling units, the development would have an approximate density of 353 units per gross hectare, greatly exceeding the maximum permitted 60 units per gross hectare.

As the requested variance is to facilitate a use that does not comply with the policies of the “Low Density Residential”, staff are of the opinion that the requested variance does not maintain the intent of the West Harbour (Setting Sail) Secondary Plan.

### **Archaeology**

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:

- 1) In areas of pioneer Euro-Canadian settlement; and
- 2) Along historic transportation routes.



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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.

**If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:**

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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 of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

### **Cultural Heritage**

The subject properties, located at 128 and 130 Cannon Street West, are comprised of a pair of semi-detached circa 1895 two-storey brick rowhouses and are listed on the City’s Inventory of Heritage Properties.

The subject properties are located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties and **listed on the Municipal Heritage Register**, including:

- 13 Railway Street;
- 15 Railway Street;
- 17 Railway Street;
- 139 Bay Street North;
- 141 Bay Street North;
- 143 Bay Street North;
- 112 Caroline Street North;
- 114 Caroline Street North;
- 118 Caroline Street North; and,
- **130 York Boulevard.**

Further, 128-130 Cannon Street West is located within the Central Established Historical Neighbourhood.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).



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Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, the following sections of the West Harbour Secondary Plan, apply:

A.6.3.2.7 “ Hamilton’s rich cultural and industrial heritage are rooted in West Harbour. As the urban fabric of the area continues to evolve, remnants of its past must not be discarded and its history not forgotten. Conserving and celebrating West Harbour’s heritage is important and should include:

- i. conserving and strengthening the overall character of the West Harbour neighbourhoods and streetscapes;
- ii. conserving, restoring and reusing historic buildings and structures;
- iii. reflecting and interpreting the city’s industrial, marine and cultural heritage in the design of new buildings and open spaces;
- iv. encouraging the development of cultural institutions to inform residents and visitors about the area’s heritage; and,
- v. providing public open spaces for cultural festivals and other celebratory events.”

A.6.3.3.3.4 “A Heritage Impact Assessment, in accordance with the Official Plan for the City of Hamilton, and to the satisfaction of the City, may be required for any private development or public initiative that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that are:

- i. designated under the Ontario Heritage Act;
- ii. listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest;
- iii. sites featuring open spaces, vistas or cultural heritage landscapes listed on the City’s Cultural Landscape Resources Inventory; and/or,
- iv. within or adjacent to a Heritage Conservation District.”

A.6.3.3.3.5 “The Heritage Impact Assessments, where required, shall be submitted with development or building permit applications and shall be reviewed by the City’s Municipal Heritage Committee.”

A.6.3.3.3.6 “The City may require that, as part of development or redevelopment of land, heritage properties be retained on-site and incorporated, used or adaptively reused as appropriate to the proposed development and land use. Retention of a heritage feature on lands subject to development may be a condition of development approval. Specifically, heritage easements pursuant to the Ontario Heritage Act, may also be required and negotiated, as well as development agreements.”

A.6.3.3.3.7 “New development adjacent to heritage buildings or in areas containing heritage buildings shall:

- i. reflect the setbacks, heights and cornice lines of adjacent heritage buildings;



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- ii. support the creation of a continuous street wall;
- iii. maintain a consistent street orientation and building line;
- iv. be encouraged to reflect the character, massing and materials of surrounding buildings.”

The proponent requests one (1) Minor Variance to facilitate the construction of a four (4) storey building containing residential and commercial uses.

**Staff require that a scoped Cultural Heritage Impact Assessment - Documentation and Salvage Report be submitted as a condition of approval.**

Documentation and Salvage reports shall be prepared in conformity with the [City's Documentation and Salvage Report Guidelines](#) and shall be submitted for review by Planning staff prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals. The report may also be forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals. Any recommendations coming out of the Documentation and Salvage Report, including heritage features proposed for salvage and reuse/incorporation into the new development, should be reflected in the development proposal and may also be included as conditions of future development applications.

Further, staff strongly encourage the use of compatible materials, massing, height and design in the construction of the proposed new building to ensure minimal visual impacts on the adjacent listed and registered properties and on the streetscape.

Staff have no further comments on the application as circulated.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “H” (Community Shopping and Commercial, Etc.) District in Former City of Hamilton Zoning By-law No. 6593. The proposed 15 dwelling unit, mixed use development is not permitted.

**Variance 1**

1. To permit a minimum rear yard depth of 2.6 metres instead of the minimum required rear yard depth of 7.5 metres for every part of the building used for human habitation and the minimum required rear yard depth of 4.5 metres in all other cases.

The intent of this provision is to ensure sufficient space is provided to maintain rear yard amenity area and to prevent or mitigate privacy impacts.

Staff note that the “H” (Community Shopping and Commercial, Etc.) District requires a lot area of 180 square metres per dwelling unit, provided the building does not exceed two storeys in height and the



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**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

gross floor area of the dwelling units does not exceed the gross floor area of commercial uses. The subject property has a lot area of 291.35 square metres and 15 dwelling units are proposed. The proposed development exceeds what is permitted by the Zoning By-law.

Therefore, it is staff's opinion that the requested variance does not maintain the intent of the West Harbour (Setting Sail) Secondary Plan and the Zoning By-law, it is not desirable and appropriate for the development or use of the land and it is not minor in nature.

Staff are of the opinion that the requested variance does not meet the four tests of a minor variance. Based on the foregoing, **staff recommend denial**.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"><li>1. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.</li><li>2. It does not appear that the proposed 4-storey mixed use building containing a commercial use(s) and 15 residential dwelling unit is permitted within the current zoning designation. For Residential Uses, in accordance with Section 14(1)(iia), a maximum of one (1) dwelling unit for each 180.0 square metres of lot area is permitted provided that the building does not exceed 2-storeys in height and provided further that the gross floor area of the building used for dwelling units does not exceed the gross floor area used for commercial purposes. The proposed development exceeds which is permitted within the "H" zoning district.</li><li>3. This property is listed in the City of Hamilton's Inventory of Heritage Buildings as a property of cultural heritage value or interest.</li></ol>
Notes:	

**Development Engineering:**

Recommendation:	Comments Only
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**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed 4-storey, multi-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:	

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-25:022

Re: 128 Cannon St W

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](http://www.alectrautilities.com). To make a service request, [Make a Service Request | Alectra Utilities](#)
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- 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 advantageous 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.



- Existing O/H secondary service to #10 Railway will have to be relocated further north via midspan secondary connection for proposed development. Contact our ICI Group to discuss relocation and new service options.

We would also like to stipulate the following:

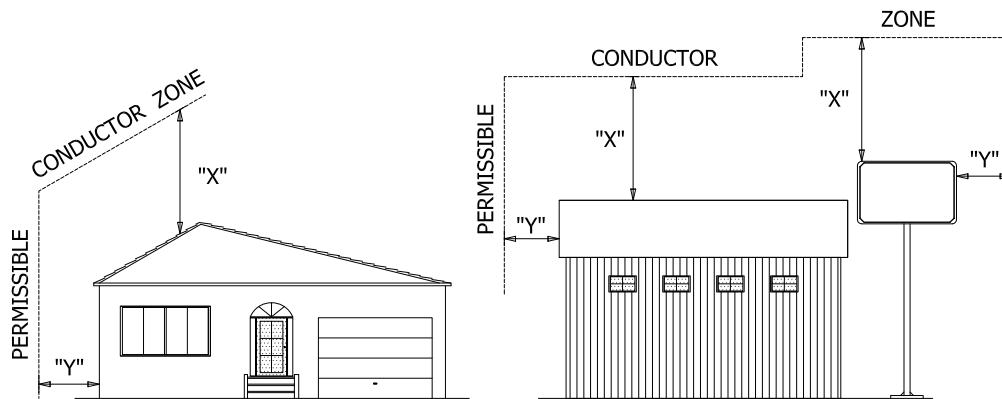
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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



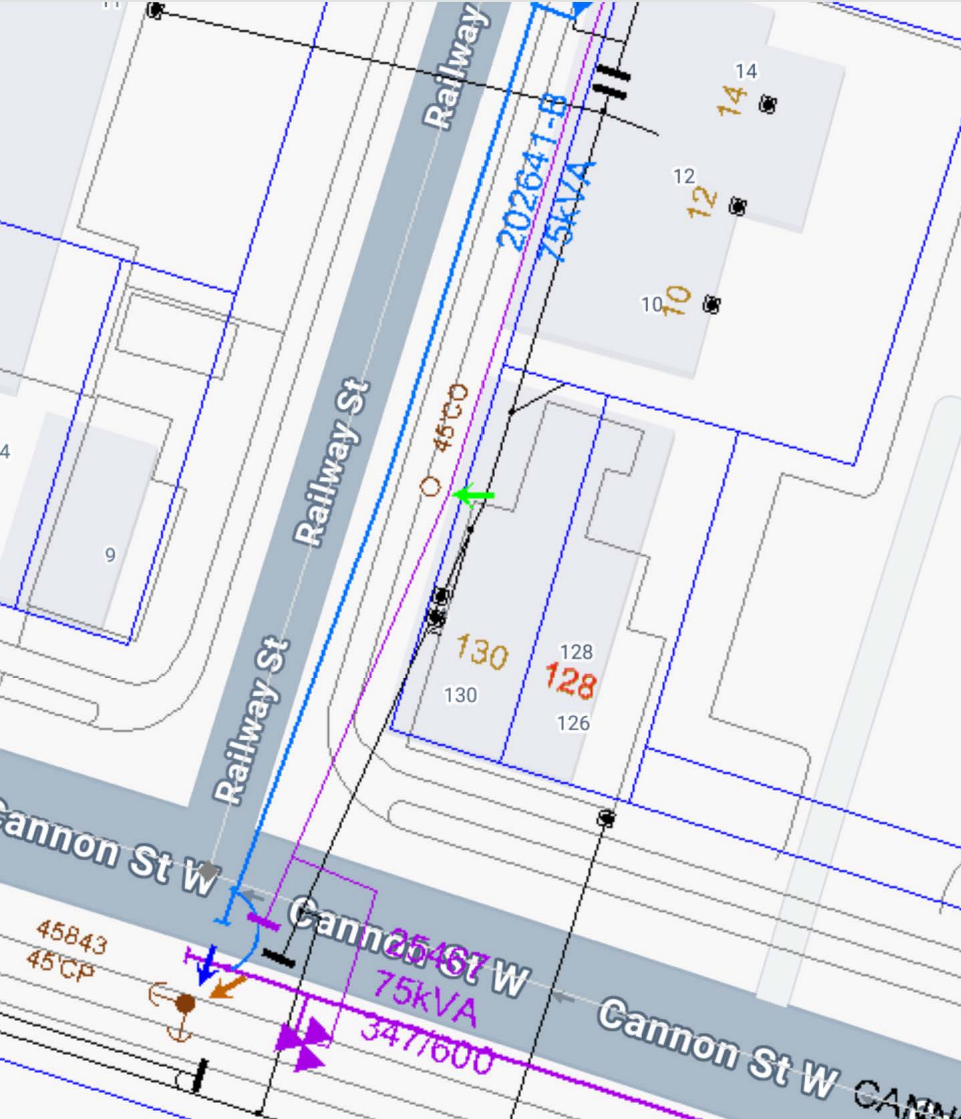
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.





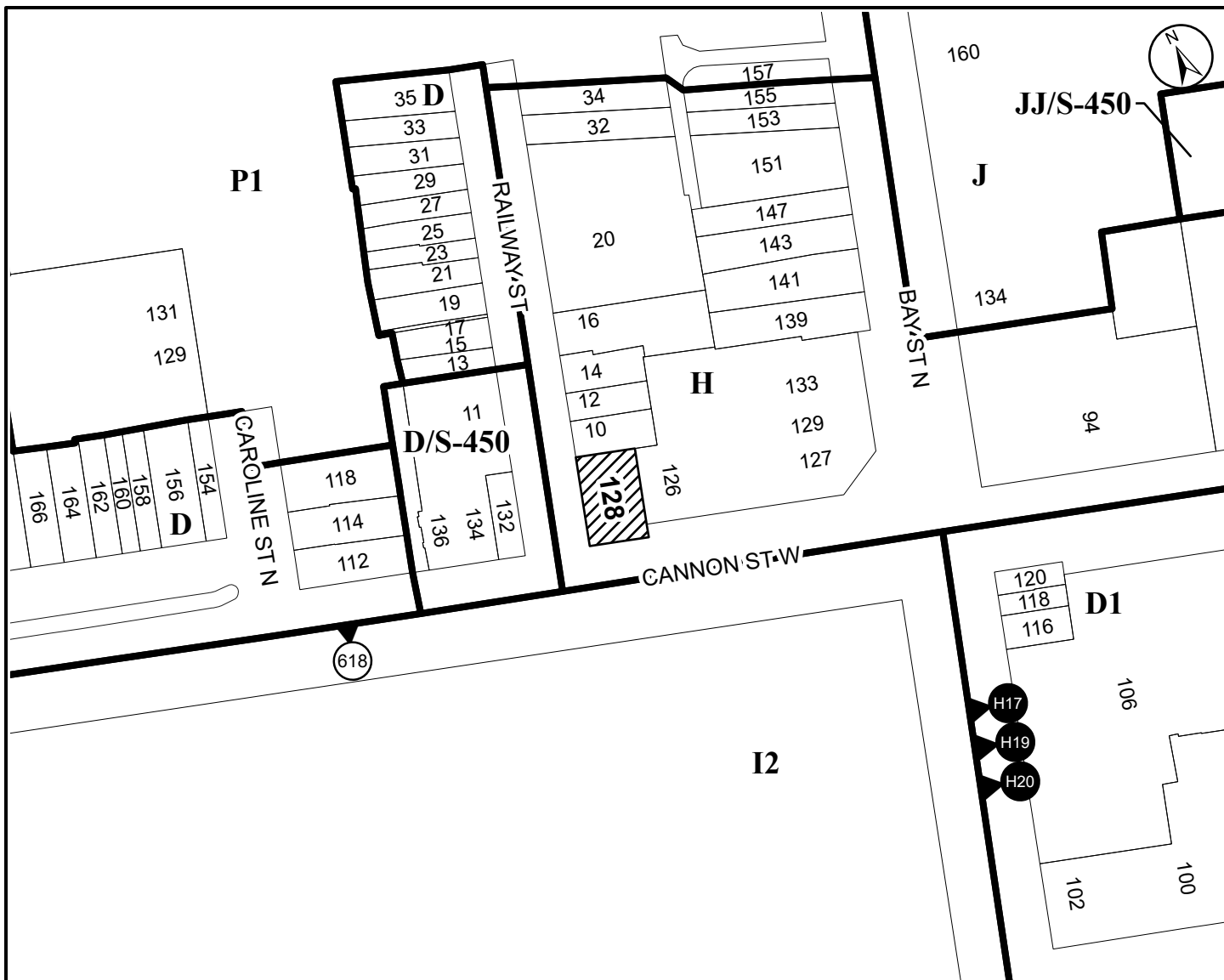
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E 1st St

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## ● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



128 Cannon Street West, Hamilton  
(Ward 2)

File Name/Number:

A-25:022

Date:

March 13, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department