

A-25:131 — 707 Upper James Street, Hamilton

Recommendation:

Deny — Development Planning

Proposed Conditions:

1. That the Owner install an inspection manhole on the existing sanitary drain in accordance with the requirements of the current Sewer By-law 23-234 to the satisfaction of the Director of Development Engineering.

Proposed Notes:

Order to Comply 24T-21077, dated April 9, 2024 remains outstanding. (Building Engineering)

It appears that proposal is to convert the existing residential dwelling into a medical office that requires installation of an inspection MH at the property line in accordance with the City Sewer By-law. (Development Engineering)

Development Planning:

Background

The purpose of Minor Variance application A-25:131 is to permit the establishment of a medical clinic use within the existing building.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Primary Corridor” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.8.1, E.3.8.2 and 3.8.9, amongst others, are applicable and permit proposed medical clinic.

Policy E.3.8.1 permits local commercial uses that cater to the weekly or daily needs of residents. Policy E.3.8.2 b) permits a medical office or clinic provided it has direct access to an arterial road and is adjacent to other local commercial uses. Staff note that the subject property fronts onto Upper James Street, a major arterial road, and local commercial uses are present on the adjacent property to the north and along the western side of Upper James Street.

Policy E.3.8.9 states that development and redevelopment of local commercial uses shall:

- a) Front and have access to a major arterial, minor arterial or collector road;*
- b) Provide safe and convenient access for pedestrians and cyclists; and,*
- c) Be compatible with surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping and lighting.*

Staff note that the subject property fronts onto a major arterial road and no alterations are proposed to the on-site conditions.

Staff are of the opinion that the proposed medical clinic is permitted by the Urban Hamilton Official Plan as the subject property generally complies with the criteria provided in Section E.3.8 of the Urban Hamilton Official Plan.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed medical clinic is not a permitted use.

Variance 1



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

1. The use of a medical clinic shall be permitted whereas the use of a medical clinic is not permitted within the current zoning designation.

The intent of this Low Density Residential (R1) Zone is to permit low density residential uses and built forms, from single detached dwelling to fourplexes. Commercial uses, with the exception of accessory uses such as home businesses, are not permitted within the zone.

As the proposal is to permit a commercial use within a strictly residential zone, staff are of the opinion that the requested variance does not maintain the intent of the Zoning By-law. A Zoning By-law Amendment application would be the more appropriate mechanism to establish the use of a medical clinic and the appropriate regulations on the subject property. Staff do not support the variance.

Staff note that a minor variance application must satisfy all four tests of a minor variance as prescribed in Section 45(1) of the *Planning Act*. These tests are: does the requested variance maintain the general intent of the Official Plan, does it maintain the general intent of the Zoning By-law, is the requested variance desirable for the appropriate development or use of the land, building or structure and is the requested variance minor in nature. If an application does not meet all of these prescribed tests, the application must be denied.

Based upon the foregoing, staff are of the opinion that the requested variance does not meet all four tests of a minor variance as the requested variance does not maintain the general intent of the Zoning By-law. It is staff's opinion a Zoning By-law Amendment application would be the more appropriate mechanism to establish the proposed use and the appropriate regulations for this use. Based on the foregoing, **staff recommend denial**.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	It is indicated in the cover letter that no changes to the existing site conditions are proposed. As such, the submitted concept plan has not been reviewed for zoning compliance.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the Owner install an inspection manhole on the existing sanitary drain in accordance with the requirements of the current Sewer By-law 23-234 to the satisfaction of the Director of Development Engineering.
Comments:	



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Notes:	It appears that proposal is to convert the existing residential dwelling into a medical office that requires installation of an inspection MH at the property line in accordance with the City Sewer By-law.
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Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Order to Comply 24T-21077, dated April 9, 2024 remains outstanding.

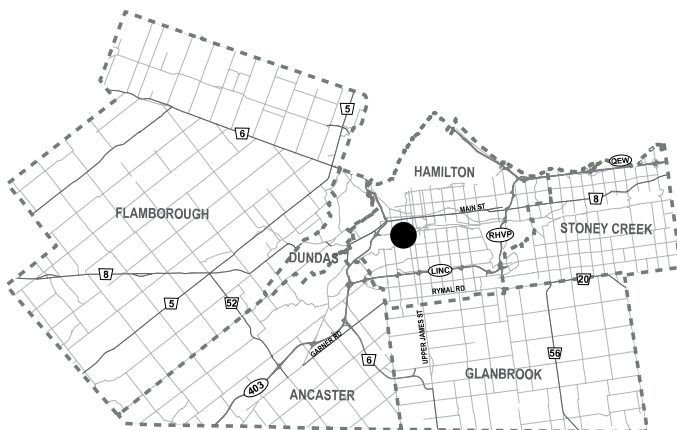
Transportation Planning:

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



707 Upper James Street, Hamilton
(Ward 8)

File Name/Number:
A-25:131

Date:
July 29, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department