

A-25:117 — 34 Albert Street, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. That the Owner submits a Functional Servicing Report, prepared by a qualified professional to assess the suitability of the existing services private and municipal services to support the proposed intensification to the satisfaction of the Director of Development Engineering.

Proposed Notes:

A building permit is required for the conversion of the existing Triplex to the proposed five (5) unit Multiple Dwelling. (Building Engineering)

The proponent is required to go through the standard approval process for 3 to 10 Units established by the City in support of the proposed intensification. (Development Engineering)

Development Planning:

Background

The purpose of Minor Variance application A-25:117 is to establish a five unit multiple dwelling within the existing building, currently a triplex dwelling. Staff note that an existing industrial building (warehouse) is also located on the subject property, but is not within the scope of this application.

Staff note that this Minor Variance application was made under Section 45(2) of the *Planning Act*. Accordingly, staff have reviewed this Minor Variance application under Section 45(2)(a)(ii) of the *Planning Act*.

Staff further note that a previous application, HM/A-16:195, was previously denied by the Committee of Adjustment. This previous application was to permit the conversion of the existing triplex into a five unit multiple dwelling. The application contained variances pertaining to the residential conversion and variances pertaining to the existing warehouse.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. As this application is regarding legal non-complying uses, Policies B.3.4.3.6, B.3.4.3.7, E.3.4.3, F.1.12.7, F.1.12.8 and F.1.12.9, among others, are applicable.

- “F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 – Urban Land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.
- F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:
- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
 - b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
 - c) the use is in compliance with appropriate provincial and municipal regulations.
- F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”



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Further, Policy E.3.4.3 permits multiple dwellings with a max of six units on lots within proximity of collector or arterial roads. Staff note that the subject property is within proximity of Maplewood Avenue to the south and Main Street East to the north. Schedule C – Functional Road Classification of the Urban Hamilton Official Plan identifies Maplewood Avenue as a collector road and Main Street East as a major arterial road.

Policies B.3.4.3.6 and B.3.4.3.7 seek to conserve and protect built heritage resources and character within established historical neighbourhoods in the context of residential intensification. They read as follows:

- “B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials;
- B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.”

The existing triplex dwelling is non-conforming. There are no changes to the exterior of the building proposed except for the addition of an exit stairwell. Based upon Cultural Heritage Planning staff’s comments, Development Planning staff have no concerns regarding negative impacts on neighbouring cultural and built heritage resources, or the compatibility of the design with the neighbourhood.

Further, the proposed multiple dwelling is a permitted use within the “Neighbourhoods” designation. Therefore, staff are of the opinion the proposed conversion maintains the general intent of the Urban Hamilton Official Plan.

Blakeley Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6603 of the Blakeley Neighbourhood Plan.

Archaeology

No comments.

Cultural Heritage

The property known as 34 Albert Street is located within the Blakeley Established Historical Neighborhood and



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Accordingly, sections B.3.4.1.4, B.3.4.2.1(g), B.3.4.3.6, B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent to increase the number of units within the existing dwelling from three units to five units. The only external change is a proposed exit stairwell at the front of the dwelling.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the subject property is within the Blakeley Established Historical Neighbourhood, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No 6593

The subject lands are zoned “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified in Former City of Hamilton Zoning By-law No. 6593. The existing triplex dwelling and proposed five unit multiple dwelling are not permitted uses.

Variances 1 to 5

1. A multiple dwelling use shall be permitted whereas the use is not permitted in the current zoning district.
2. A minimum of four parking spaces shall be provided for the multiple dwelling instead of the required seven parking spaces.
3. No loading spaces shall be provided for a Multiple Dwelling use whereas one loading space being 9.0 metres in length, 3.7 metres in width and 4.3 metres in height is required for a multiple dwelling use.
4. No visitor parking spaces shall be provided instead of the minimum required two visitor parking spaces.
5. A visual barrier shall not be provided along the boundary of the parking area butting the adjacent residential district is required.

The applicant proposes to permit the expansion of a non-conforming use by converting the existing triplex dwelling into a multiple dwelling, with interior and minor exterior renovations. The addition of an exit stairwell is the only proposed exterior alteration.

Staff note that this application is being reviewed in accordance with Section 45(2)(a)(ii) of the *Planning Act*, which reads:



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“(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee.”

Having regard for the matters under subsection 45(2) of the *Planning Act*, staff are satisfied that the proposed conversion to a multiple dwelling is similar to and compatible with the uses permitted by the Zoning By-law. Staff do not have concerns regarding the compatibility with the neighbourhood or neighbouring cultural heritage resources. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The size of the proposed parking spaces are required to be provided measuring 2.7 metres x 6.0 metres. If compliance with Section 18A(7) cannot be achieved, additional variances may be required.
Notes:	

Development Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	That the Owner submits a Functional Servicing Report, prepared by a qualified professional to assess the suitability of the existing services private and municipal services to support the proposed intensification to the satisfaction of the Director of Development Engineering.
Comments:	
Notes:	The proponent is required to go through the standard approval process for 3 to 10 Units established by the City in support of the proposed intensification.

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the conversion of the existing Triplex to the proposed five (5) unit Multiple Dwelling.

Transportation Planning:



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Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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

August 1, 2025

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

Attention: Committee of Adjustment

File# A:25-117

Re: 34 Albert St

In response to your correspondence dated July 28, 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.
- 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.
- Existing O/H secondary service is in conflict with existing large balcony on the proposed conversion of this property exposing tennents or public to possible electrical contact risk and must be immediately relocated to meet the Electrical Safety Authority clearnces of 3.1m for energized services over a roof or patio immediately.

We would also like to stipulate the following:

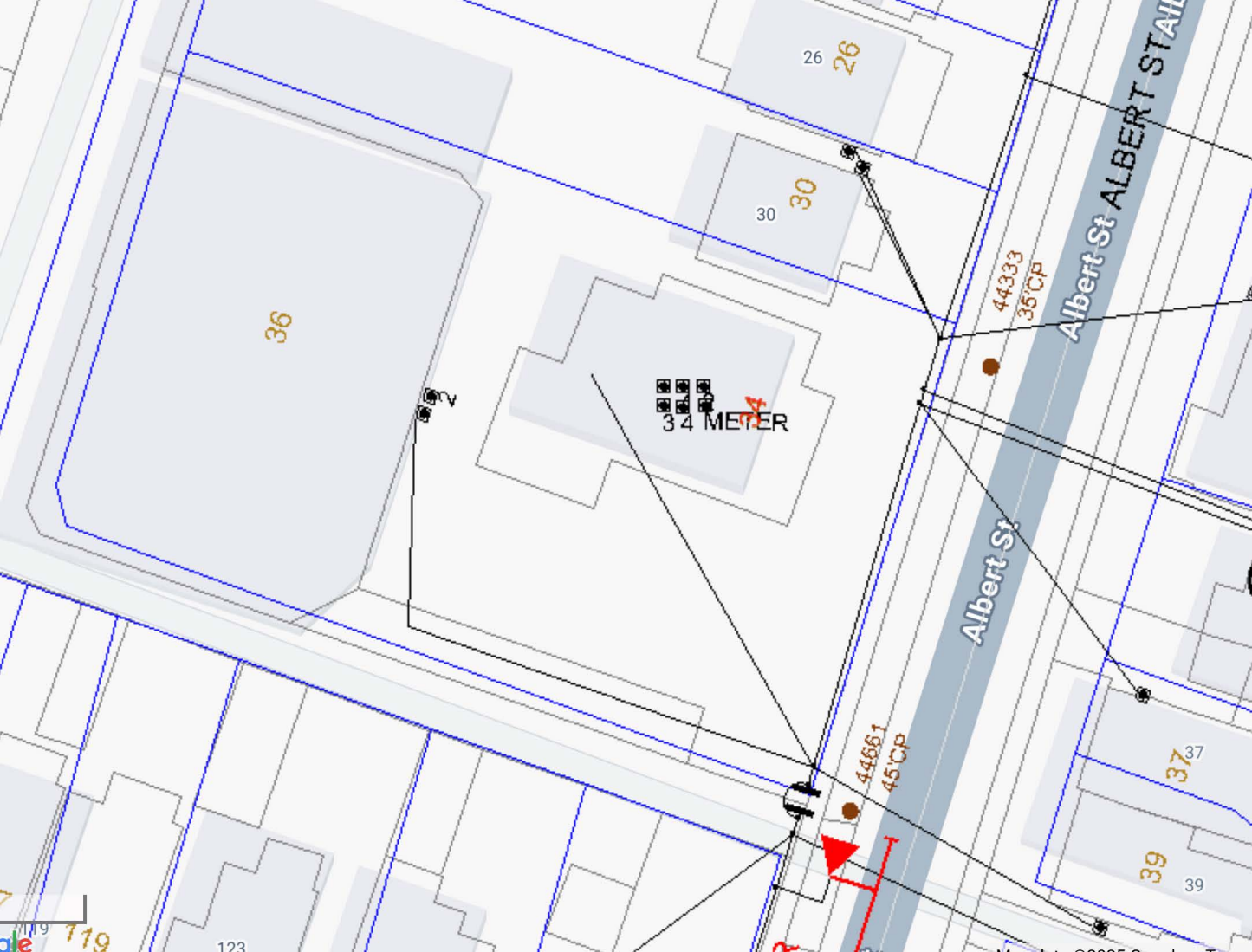
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

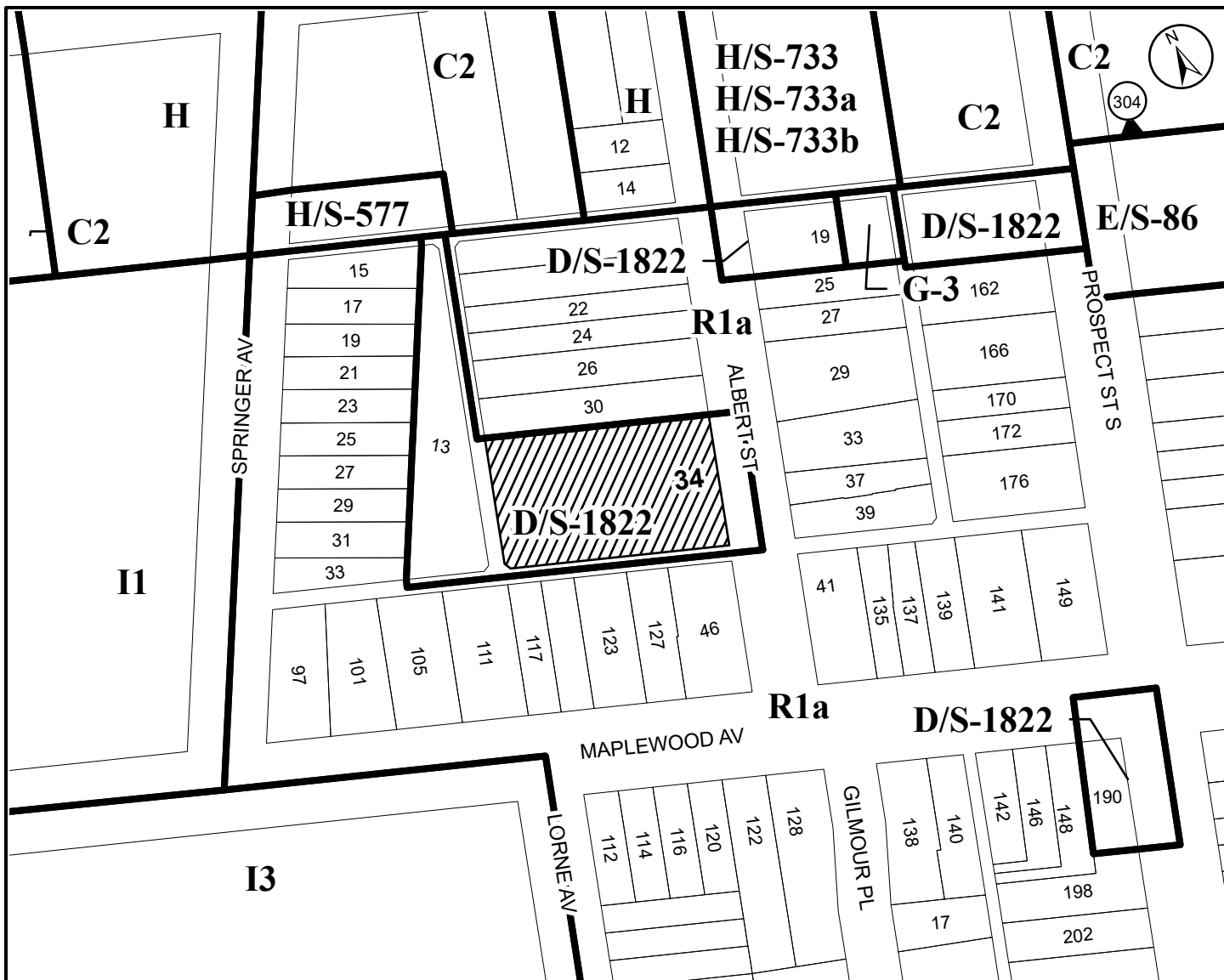
Tirath Garcha/per

Mark Jakubowski
Supervisor, Design, Customer Capital

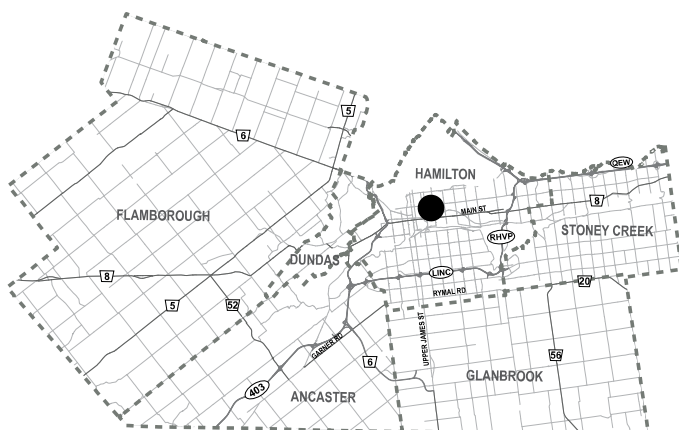


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● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



34 Albert Street, Hamilton
(Ward 3)

File Name/Number:

A-25:117

Date:

July 24, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department