

A-25:135 — 392 Main Street West, Hamilton

**Recommendation:**

Approve Variance 1 and Deny Variance 2 — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of the proposed six (6) storey multiple dwelling.  
(Building Engineering)

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

## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-25:135 is to permit the use of parking stackers to provide parking for a proposed six storey multiple dwelling, in accordance with Site Plan Control application DA-22-167. DA-22-167 received conditional approval on December 8, 2023.

Staff note that an earlier application, Minor Variance application HM/A-23:218 was approved by the Committee of Adjustment on October 19, 2023. The previous design was for a nine storey mixed use building, with one level of underground parking. The height of the building has been reduced, the underground parking removed and the building is now proposed to be a multiple dwelling.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are identified as “Primary Corridor” on Schedule E – Urban Structure and are designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.4.6.5, amongst others, is applicable and permits the proposed six storey multiple dwelling.

#### **Strathcona Secondary Plan**

The subject lands are designated “Mixed Use – Medium Density” and “Site Specific Policy – Area B” on Map B.6.2.-1 – Land Use Plan Map of the Strathcona Secondary Plan. Policies B.6.6.6.1 and B.6.6.15.2, amongst others, are applicable and permit the proposed multiple dwelling.

#### **Strathcona Neighbourhood Plan**

The subject lands are identified as “Commercial” on map 6804 (Map 2 of 2) of the Strathcona Neighbourhood Plan.

#### **Archaeology**

Staff comments addressed as part of Site Plan Application DA-22-167.

#### **Cultural Heritage**

Staff comments addressed as part of Site Plan Application DA-22-167.

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

The subject lands are zoned Mixed Use Medium Density (C5, 298) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed six storey multiple dwelling is a permitted use.

### **Variance 1**



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

1. Stacked parking shall be permitted within a parking lot for a multiple dwelling and without a parking attendant on site whereas stacked parking is only permitted in association with a commercial parking facility or hotel and only where a parking attendant is on site.

The intent of this provision (Section 5.2.4 c) of the Zoning By-law is to ensure access to a parking space is not obstructed. This provision permits parking stacker systems, used with attendants and with associated commercial parking structures or hotels, as an alternative parking arrangement to accommodate multiple vehicles within what would otherwise be a single parking space.

Per the parking stacker system information provided with this application, the proposed system will utilize two vertical platforms, accommodating two vehicles within one space. The system is to be operated with remote controls by residents. This system would allow access for each vehicle without interfering with each other and will only be utilized by residents.

Based on the above, it is staff's opinion that Variance 1 maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the variance.

**Variance 2**

2. A minimum parking space size of 2.2 metres x 5.1 metres shall be provided for stacked parking spaces instead of the minimum required parking space size of 2.8 metres x 5.8 metres.

The intent of this provision is to ensure parking spaces are large enough to accommodate the vast majority of personal vehicles, including vehicles as large as pick-up trucks or larger SUVs.

Staff note that the proposed parking space size is reflective of the size of a vehicle the parking stacker system can accommodate. However, staff are concerned that the significant decrease in both parking space width and depth will not accommodate a wide enough range of vehicles.

Therefore, staff are of the opinion that Variance 2 does not meet the intent of the Zoning By-law, is not desirable for the appropriate use or development of the land and is not minor in nature. Staff do not support the variance.

Staff are of the opinion that the Variance 1 meets the four tests of a minor variance whereas Variance 2 does not meet all four tests of a minor variance. Based on the foregoing, **staff recommend approval of Variance 1 and denial of Variance 2.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	i) This variance application is to facilitate Site Plan application DA-22-167.



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

	<p>ii) Please note there is a deficiency of accessible parking spaces for this development, applicant will address this through the Site Plan application DA-22-167 and has not included it as part of the variance application.</p> <p>iii) Variances written as requested by applicant.</p>
Notes:	N/A

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed six (6) storey multiple dwelling.</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:	

**Corporate Real Estate Office:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Please be advised the subject property abuts a City owned alleyway. Corridor Management should be engaged for comment.</p>
Notes:	



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

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:25-138

Re: 392 Main St W

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](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.

We would also like to stipulate the following:

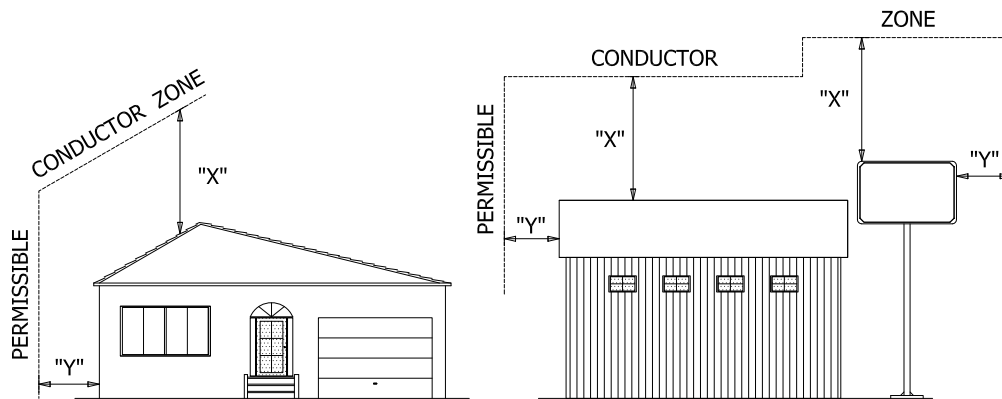
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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



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

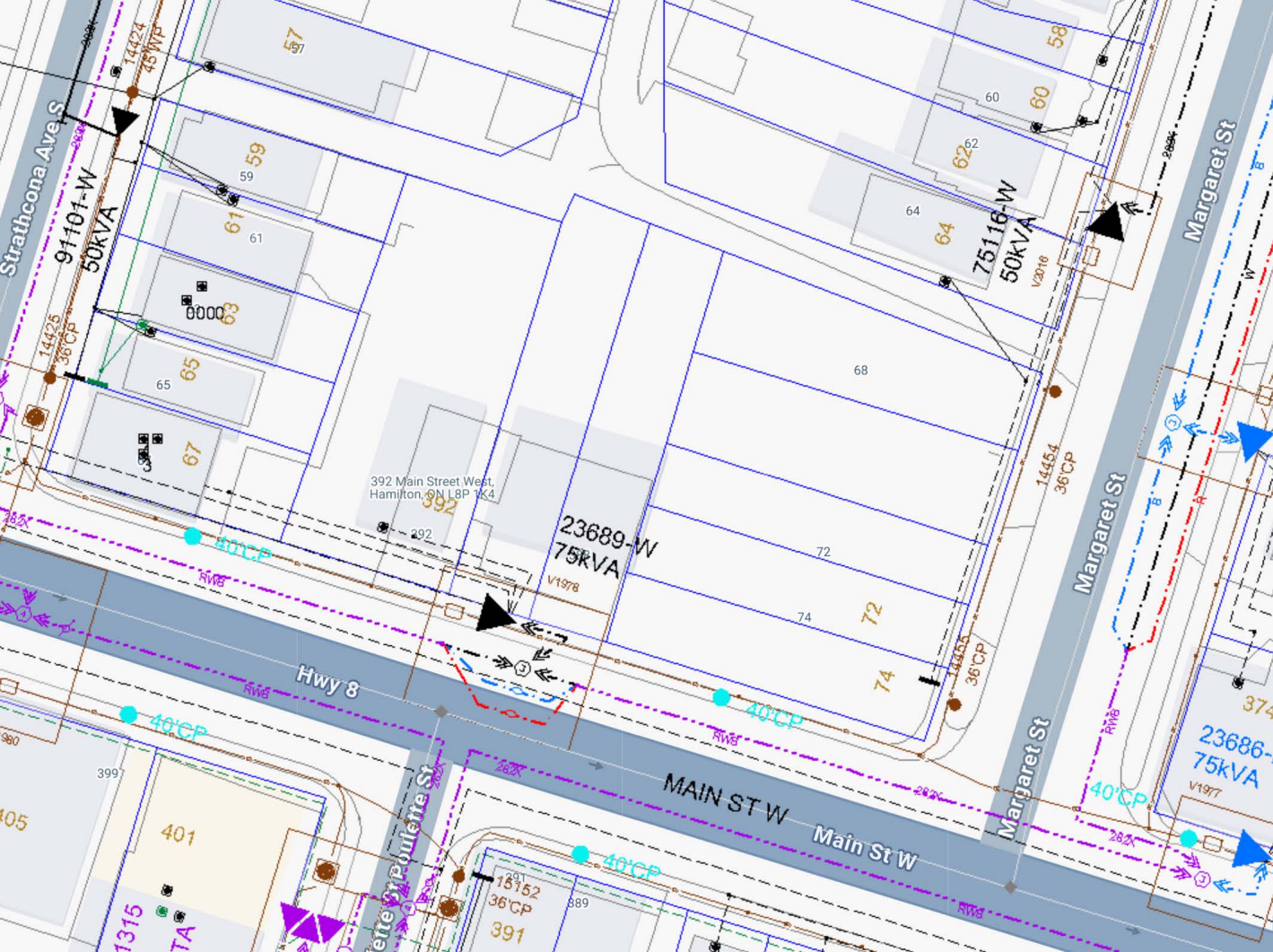
SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

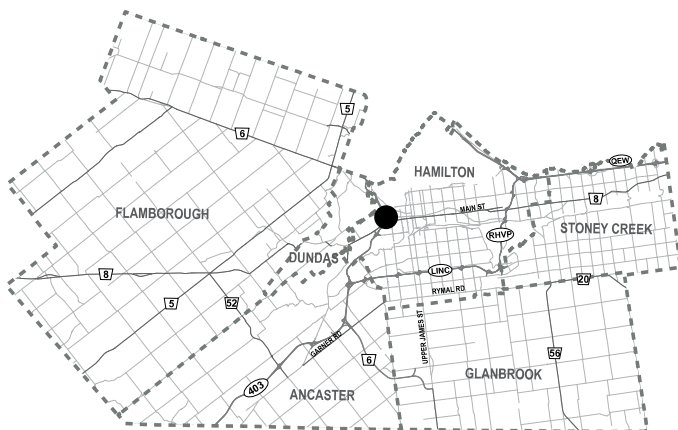
- THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- 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)
- 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).
- 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.







● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



392 Main Street West, Hamilton  
(Ward 1)

File Name/Number:  
A-25:135

Date:  
August 5, 2025

Technician:  
AL

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department