



City of Hamilton

Report for Consideration

To: Chair and Members
Planning Committee

Date: April 14, 2026

Report No: PED26024

Subject/Title: Application for a Zoning By-law Amendment for Lands
Located at 1042 and 1050 West 5th Street, Hamilton

Ward(s) Affected: Ward 8

Recommendations

- a) That **Amended Zoning By-law Amendment Application ZAC-25-031, by A.J. Clarke and Associates Ltd. (c/o Steve Fraser and James Thomas), on behalf of 1000259434 Ontario Inc. (c/o Anukur Patel), Owner**, for a change in zoning from “C/S-1822” (Urban Protected Residential, etc.) District, Modified, to “DE-2/S-1844” (Multiple Dwellings) District, Modified, to permit the development of 18 multiple dwelling townhouse units, on the lands located at 1042 and 1050 West 5th Street, Hamilton, as shown in Appendix “A” attached to Report PED26024, **BE APPROVED** on the following basis:
- i. That the draft amending By-law, attached as Appendix “B” to Report PED26024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- ii. That the proposed change in zoning is consistent with the Provincial Planning Statement (2024) and complies with the Urban Hamilton Official Plan;
- iii. That upon finalization of the amending By-law, the subject lands, known municipally as 1042 and 1050 West 5th Street and as shown in Appendix “A” attached to Report PED26024, be redesignated from “Single and Double” to “Attached Housing” in the Sheldon Neighbourhood Plan, as shown in Appendix “J” attached to Report PED26024.

Key Facts

- The application is for a Zoning By-law Amendment to change the zoning from "C/S-1822" (Urban Protected Residential, etc.) District, Modified, to "DE-2/S-1844" (Multiple Dwellings) District, Modified, to facilitate the development of 18 multiple dwelling townhouse units accessed through a private road as illustrated in Appendix “D” attached to Report PED26024.
- The lands are designated “Neighbourhoods” in the Urban Hamilton Official Plan.
- Site Plan Control and Draft Plan of Condominium applications will be required should the Zoning By-law Amendment be approved.
- Staff recommends approval of the Zoning By-law Amendment application.

Financial Considerations

Not applicable.

Analysis

The subject lands are municipally known as 1042 and 1050 West 5th Street, are approximately 0.36 square metres in area and consist of two parcels that are rectangular in shape with frontage along the western side of West 5th Street. The lands are currently occupied by two single detached dwellings that are to be demolished. The existing properties will need to be merged prior to the development of the multiple dwellings.

The development will have access from a private road that will be connected to West 5th Street. The eastern half of the subject lands will contain two blocks (Block A and Block B) of four storey stacked multiple dwelling townhouse units. Block A is proposed to contain four units and Block B is proposed to contain six units. Both blocks will have a height of approximately 14.0 metres. The western half of the subject lands will contain one block (Block C) containing eight, two storey multiple dwelling townhouse units with a height of approximately 8.5 metres. Each unit will have access to two parking spaces, one in the garage and a second space within each unit's driveway and no additional visitor parking spaces are proposed. Details on surrounding land uses are included in Appendix "A1", the Historical Background Factsheet in Appendix "C", and the Concept Plan in Appendix "D" attached to Report PED26024.

A full review of applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix "E" attached to Report PED26024.

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The development is located within a settlement area and is designed to promote efficient use of land. The proposal supports the development of healthy, livable, and complete communities by providing housing options in an area with access to a mix of land uses, employment, schools, parks, and open spaces. The proposal will utilize existing and planned infrastructure and public service facilities, supports active transportation, is transit supportive, and contributes to the provision of missing middle housing. Furthermore, the proposed development will act as a transition between existing two storey residential uses located to the north and west, and the new four storey and nine storey development to the east and northeast of the subject lands.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure. West 5th Street is categorized as a “Minor Arterial Road” on Schedule C – Functional Road Classification.

The “Neighbourhoods” designation permits the proposed residential use and those areas designated “Neighbourhoods” shall function as complete communities with diverse residential types, densities, and supporting uses. The proposal will intensify the subject lands by developing 10 four storey and eight, two storey multiple dwelling townhouse units. The subject lands are located directly adjacent to William Connell City Park and are approximately 900 metres to Ryckmans Corners, which contains various commercial and recreational uses. The proposed development is compatible with the building massing and characteristics of the two storey single detached and townhouse residential development located to the north and west of the subject lands. The western side of the subject lands will contain two storey structures whereas the eastern side of the lands will contain four storey structures. The two storey height limit on the western

side of the development will reduce privacy and overlook related concerns for abutting residences.

West 5th Street is in the process of urbanizing, with the addition of pedestrian sidewalks and road upgrades. Through the Site Plan Control application, the City will require that sidewalks be constructed along the west side of West 5th Street to improve connectivity between the subject lands and abutting properties.

The proposal is a form of medium density residential development and represents an appropriate form of housing compatible with the evolving nature of the neighbourhood. A portion of the development will exceed the height of existing residential uses to the west; however, the overall building massing and scale achieves an appropriate transition between the subject lands and the surrounding neighbourhood.

The subject lands contain 66 existing trees with 45 trees proposed to be removed to accommodate the proposed development. To compensate for the proposed tree removal, the applicant is proposing to plant 24 trees and additional vegetation on the subject lands and provide monetary compensation to offset the trees slated for removal.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan.

Sheldon Neighbourhood Plan

The subject lands are identified as “Single and Double” within the Sheldon Neighbourhood Plan. The Neighbourhood Plans are adopted by Council resolution and do not form part of the Official Plan. However, development or redevelopment must conform to the designations and policies in the Neighbourhood Plan.

The “Single and Double” designation in the Neighbourhood Plan is for “single and double family housing”. Therefore, staff are recommending that the Sheldon Neighbourhood Plan be amended to change the designation of the subject lands to “Attached Housing” on Map 7605 – Sheldon Neighbourhood Plan, as shown in Appendix “J” attached to Report PED26024 to implement the proposed development.

The proposed amendment can be supported for the following reasons:

- It allows for the residential intensification of the subject lands, consistent with the Provincial Planning Statement and represents good planning; and,
- The proposal complies with the Urban Hamilton Official Plan and the policy objectives.

City of Hamilton Zoning By-law No. 6593

The purpose of the Zoning By-law Amendment application is to change the zoning from “C/S-1822” (Urban Protected Residential, etc.) District, Modified, to “DE-2/S-1844” (Multiple Dwellings) District, Modified. Modifications proposed by the applicant and staff to the “DE-2 (Multiple Dwellings) District are required to facilitate the proposal and are discussed in Appendix “G” to Report PED26024.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing development in the area and represents good planning by introducing a residential development that is compatible with the existing and planned character of the area and contributes to the creation of a complete community by providing housing types and densities that are in keeping with the neighbourhood, while making efficient use of the land, existing municipal services, and supporting multi modal transportation infrastructure.

2. Zoning By-law Amendment

The proposal expands the range of housing options within the neighbourhood and introduces a built form that will not have an adverse impact on adjacent properties and is considered appropriate intensification. Staff are satisfied that the proposed Zoning By-law Amendment complies with the policies of the Urban Hamilton Official Plan, as outlined in Appendix “E” attached to Report PED26024.

Therefore, staff support the proposed Zoning By-law Amendment.

3. Neighbourhood Plan Amendment

Staff support the Neighbourhood Plan amendment from “Single and Double” to “Attached Housing” as it meets the general intent and vision for the area and the “Attached Housing” designation is the most appropriate under the Sheldon Neighbourhood Plan given the scale of proposed development and range of available designations.

Alternatives

Should this application be denied, the subject lands can be used in accordance with the “C/S-1822” (Urban Protected Residential) District, Modified, in the Former City of Hamilton Zoning By-law No. 6593.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.1. Facilitate the growth of key sectors

2. Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comment summary and responses provided in Appendix “F” attached to Report PED26024.

The applicant held an online meeting on January 21, 2025, and submitted a public consultation summary. The summary included notifying the Ward Councillor and mailing information to property owners within 120 metres and was extended 400 metres west to include most existing residential development along the southern end of Stone Church Road. Three members of the public were in attendance. The response to the Public Consultation that occurred prior to the submission of the application is included as Appendix “H” attached to Report PED26024. The public was mainly concerned about height of the buildings, screening considerations and privacy issues.

At the time of writing this report, one submission was received from the public regarding the proposed development, and a summary is included in Appendix “I” attached to Report PED26024. A member of the public was supportive of the development due to the size and scale of the development being smaller than what is located along the southeastern corner of Stone Church Road and West 5th Street.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix A1: Existing and Surrounding Land Uses and Zoning

Appendix B: Amendment to Zoning By-law No. 6593

Appendix C: Historical Background Report Fact Sheet

Appendix D: Concept Plan

Appendix E: Policy Review

Appendix F: Staff and Agency Comments

Appendix G: Zoning Modification Table

Appendix H: Public Consultation Summary

Appendix I: Public Comments Received

Appendix J: Amendment to Sheldon Neighbourhood Plan Mapping

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