



Hamilton

STAFF COMMENTS

HEARING DATE: April 23, 2024

DN/A-24:44 – 51-55 Cootes Drive & 110 King Street East, Dundas

Recommendation:

Approval

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To permit the construction of a six storey multiple dwelling and facilitate Site Plan Control application DA-18-018.

Staff note that through correspondence between Development Planning staff, Zoning staff and the Agent for this application, it was determined that the requested variance for a maximum setback of 7.6 metres to a street line was insufficient to facilitate the design as proposed. The Agent requested to increase the variance to permit a maximum setback of 10 metres from the street line.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations and are identified as “Community Node” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies in Sections E.4.6.5, E.4.6.16, E.4.6.17 and E.4.6.23, amongst others, are applicable and permit the proposed six storey multiple dwelling.

The subject lands are identified as “Area Specific UD-3” in Map D-1 of Volume 3 of the Urban Hamilton Official Plan and are subject to the policies of found within the UD-3 – Dundas Two Zone Flood Plane Area found in Volume 3, Chapter B Section UD-3 1.0 of the Urban Hamilton Official Plan. Policies found in Section UD-3 1.0 state the following:

- “a) All development shall be floodproofed to the regulatory flood elevation. Where this is not feasible or practical a lower level of floodproofing may be considered but in no case shall the minimum acceptable level be less than 1.1 metre below the regulatory flood elevation;*
- i) Transition slopes within the limits of a parcel of land that are necessary to match grades with existing streets shall be deemed to conform with the provisions of this area specific policy.*
- j) Residential development, redevelopment or major renovation/addition to residential structures shall be permitted in accordance with this Plan and the Zoning By-law provisions provided the structure complies with the minimum flood proofing elevation and:*
 - i) The habitable room elevation of any residential dwelling unit is located above the regulatory flood level;*
 - ii) Safe access and safe parking can be achieved;*



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- iii) Mechanical, electrical, heating and air conditioning equipment are located above the regulation flood level;*
- iv) Minor renovations/additions to existing buildings used solely for residential purposes shall be permitted in accordance with Hamilton Conservation Authority policy provided that, in no case, the proposed floor level is lower than the existing ground floor level; and,*
- v) A permit has been issued from the Hamilton Conservation Authority.”*

Staff note that the proposed site design and building situation are to comply with the above policies and situate the proposed development above the regulatory flood elevation. This site design necessitates an increased setback from the street line to provide for berms and landscaping around the proposed multiple dwelling and parking structure.

Policies found in Sections E.4.6.16, E.4.6.17 and E.4.6.23 are meant to support new developments which create vibrant, comfortable and compact urban forms with streetscapes and building arrangements that are pedestrian friendly. Approaches and designs that create vibrant people places and enhance the pedestrian experience through the improvement of the public and private realm are encouraged to meet these goals. Staff note that while the requested increase in maximum setback from the street line is a significant increase from the permitted 4.5 metre maximum, Staff are of the opinion that the proposed site design and landscaping maintain the intent of these policies by creating a vibrant, comfortable and pedestrian friendly streetscape.

Based on the above, Staff are of the opinion that the proposed development and requested variance maintain the intent of the Urban Hamilton Official Plan.

Archaeology

Staff comments addressed for site plan application DA-18-018.

Cultural Heritage

Staff comments addressed for site plan application DA-18-018.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Concerns with regards to tree protection are currently being addressed through the Site Plan process (DA-18-018).



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

The subject lands are zoned Mixed Use Medium Density (C5, 581), Modified under City of Hamilton Zoning By-law No. 05-200. The proposed multiple dwelling is a permitted use.

Variance 1

1. A maximum setback of 7.6 metres to a street line shall be permitted instead of the maximum 4.5 metres to a street line.

The intent of this provision is to promote a built form and streetscape that is supportive of active transit, pedestrian friendly and engaging to the public.

Staff note that, per the cover letter submitted in support of this application, the site design is due to the subject lands being located within the Lower Spencer Creek flood plain. This necessitates a site design that raises the proposed building above the Regulatory Flood Elevation. The resulting design produces a terraced, gradual slope to the street line. The requested increase in maximum setback from the street line is to facilitate the proposed design. The proposed landscaping and site design provide for an attractive and pedestrian friendly streetscape. Staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and the Zoning By-law, is desirable and appropriate development of the land and is minor in nature.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Please note, this variance is required to facilitate Site Plan application DA-18-018.2. The variance should be altered by removing “7.6” and replacing it with “10.0” so that the variance reads as follows: “A maximum setback of 10.0 metres to a street line shall be permitted instead of the maximum required 4.5 metres to a street line.” Please note, the above variance has been requested on behalf of the applicant. The subject property poses substantial grading considerations



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	due to slope and as such the building façade has been articulated in such a way that prevents the proposed building from maintaining compliance due to Section 10.5.3(g)iii). As such, the above variance has been requested to provide relief from this section as the entirety of the building would be in compliance with the maximum required setback.
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	All drainage and grading issues/concerns will be addressed within the site plan control application (DA-18-018).
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed multi-dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry

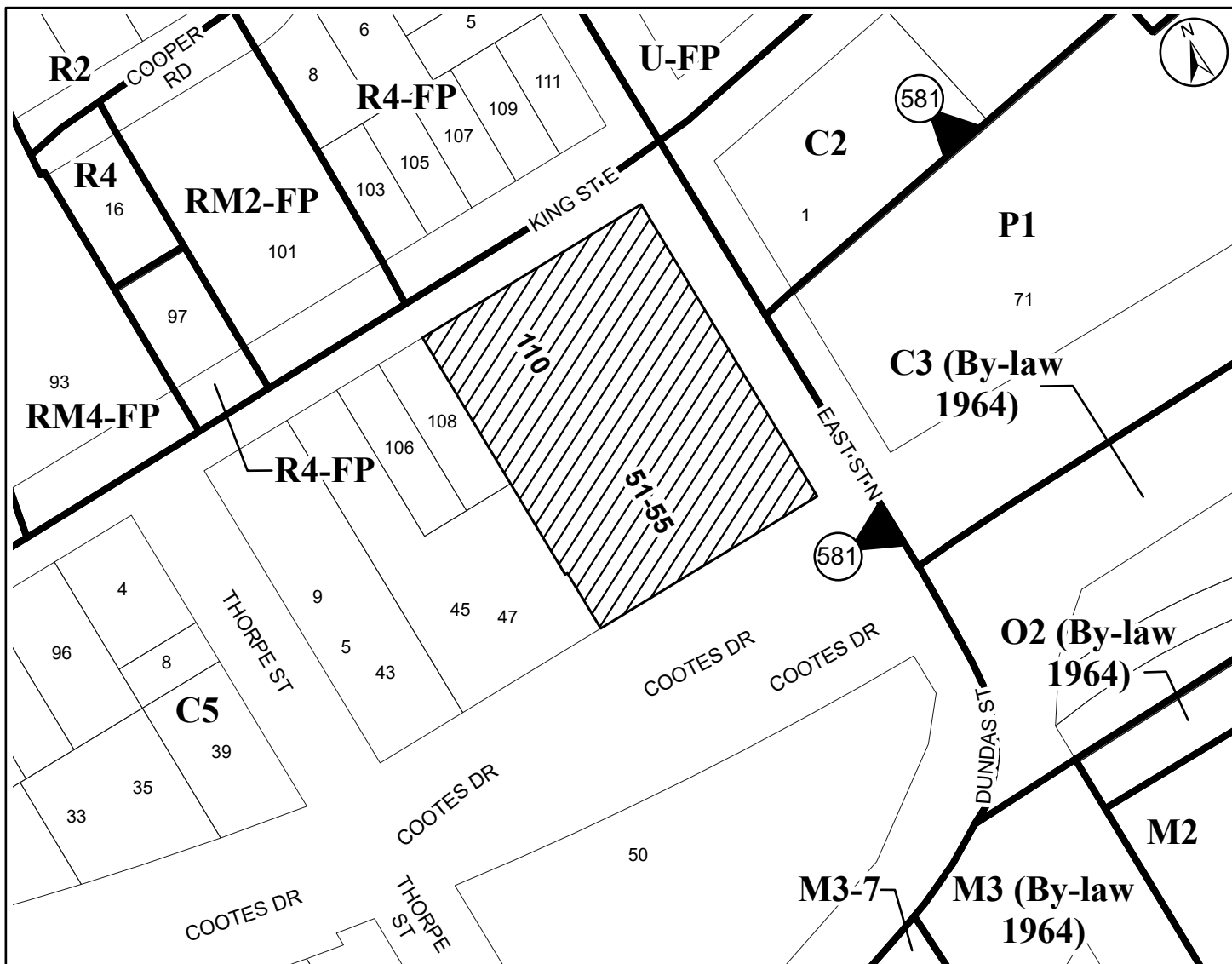


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Recommendation	Approve
Proposed Conditions:	No conditions required.
Comments:	Forestry supports the extended building setback from a public street tree spacing perspective.
Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



51 - 55 Cootes Drive &
110 King Street East, Dundas
(Ward 13)

File Name/Number:

DN/A-24:44

Date:

April 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department