

**15. Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 16 and 20 Hamilton Avenue North**

**Motion - Résolution du Conseil concernant l'article 45 de *la Loi sur l'aménagement du territoire*, à l'égard du 16 et 20, avenue Hamilton nord**

**Committee recommendation**

That Council approve that an application to the Committee of Adjustment for minor variance be permitted in respect to the property at 16 and 20 Hamilton Avenue North.

**Recommandation du Comité**

Que le Conseil autorise la présentation d'une demande de dérogation mineure au Comité de dérogation pour les 16 et 20, avenue Hamilton Nord.

**Documentation/Documentation**

1. Committee Coordinator's report, Office of City Clerk, dated November 29, 2019 (ACS2019-OCC-PLC-0005)

Rapport de la Coordinatrice du comité, Bureau du Greffier municipal, daté le 29 novembre 2019 (ACS2019-OCC-PLC-0005)

Report to  
Rapport au:

Council  
Conseil

11 December 2019 / 11 décembre 2019

Submitted on November 29, 2019  
Soumis le 29 novembre 2019

Submitted by  
Soumis par:  
Melody Duffenais, Committee Coordinator / coordonnatrice du Comité

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Ward: SOMERSET (14)

File Number: ACS2019-OCC-PLC-0005

**SUBJECT:** Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 16 and 20 Hamilton Avenue North

**OBJET:** Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 16 et 20, avenue Hamilton nord

## REPORT RECOMMENDATIONS

That Council approve that an application to the Committee of Adjustment for minor variance be permitted in respect to the property at 16 and 20 Hamilton Avenue North.

## RECOMMANDATIONS DU RAPPORT

Que le Conseil autorise la présentation d'une demande de dérogation mineure au Comité de dérogation pour les 16 et 20, avenue Hamilton Nord.

## **BACKGROUND**

The Planning Committee, at its meeting of November 28, 2019, approved the following motion, which was added to the agenda pursuant to Subsection 89. (3) of Procedure By-law 2016-377:

WHEREAS report ACS2019-PIE-PS-0040 (Official Plan and Zoning By-law Amendment – 16 and 20 Hamilton Avenue North), was approved by Planning Committee on June 27, 2019 and Council on July 10, 2019 via By-law 2019-262, to permit an eight-storey mixed use building with interior parking; and

WHEREAS this approval was based on a recommendation from City Planning staff where one driveway to the parking garage has been consistently proposed in all submitted iterations of the Site Plan; and

WHEREAS the applicant is proposing a car stacking system with one single traffic driveway controlled through electric signalling to minimise the space occupied by interior parking; and

WHEREAS Section 107 of Zoning By-law 2008-250 requires a double traffic driveway when one access is provided to a parking garage; and

WHEREAS safe ingress and egress can be achieved through electric signalling, which can be conditioned through site plan control approval; and

WHEREAS a minor variance to Zoning By-law 2008-250 is needed to allow the proposed single traffic driveway; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment; and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted; and

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment for minor variance be permitted in respect to the property at 16 and 20 Hamilton Avenue North.

## **DISCUSSION**

The Committee unanimously supported the aforementioned motion, which is now before

Council.

## **RURAL IMPLICATIONS**

There are no rural implications associated with the report recommendation.

## **CONSULTATION**

No consultation was undertaken as this is an administrative item that was added at the Planning Committee meeting.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

Councillor Leiper brought the motion forward at Planning Committee.

## **LEGAL IMPLICATIONS**

Legal staff will be present at the Council meeting and can provide comment if requested.

## **RISK MANAGEMENT IMPLICATIONS**

There are no known risk implications associated with the report recommendation.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no impacts to accessibility associated with the report recommendation.

## **TERM OF COUNCIL PRIORITIES**

This report has no direct impacts on the City's strategic priorities or directions identified for the current term of Council.

## **SUPPORTING DOCUMENTATION**

Document 1 – Planning Committee Extract of draft Minutes, November 28, 2019

## **DISPOSITION**

The Office of the City Clerk will communicate Council's decision to the property owner.

Document 1

Planning Committee extract of draft Minutes, November 28, 2019

Other Business – Additional Item

Motion

Moved by Councillor J. Leiper

That the Planning Committee approve the addition of the following Item to the agenda for consideration by the Committee at this meeting, pursuant to Section 89(3) of the Procedure By-Law, in order to give timely consideration to this matter as the applicant would like to apply to the Committee of Adjustment as soon as possible.

- Council Resolution regarding Section 34 of the Planning Act.

CARRIED

Motion

Moved by Councillor J. Leiper

WHEREAS report ACS2019-PIE-PS-0040 (Official Plan and Zoning By-law Amendment – 16 and 20 Hamilton Avenue North), was approved by Planning Committee on June 27, 2019 and Council on July 10, 2019 via By-law 2019-262, to permit an eight-storey mixed use building with interior parking; and

WHEREAS this approval was based on a recommendation from City Planning staff where one driveway to the parking garage has been consistently proposed in all submitted iterations of the Site Plan; and

WHEREAS the applicant is proposing a car stacking system with one single traffic driveway controlled through electric signalling to minimise the space occupied by interior parking; and

WHEREAS Section 107 of Zoning By-law 2008-250 requires a double traffic driveway when one access is provided to a parking garage; and

WHEREAS safe ingress and egress can be achieved through electric signalling, which can be conditioned through site plan control approval; and

WHEREAS a minor variance to Zoning By-law 2008-250 is needed to allow the proposed single traffic driveway; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment; and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted; and

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment for minor variance be permitted in respect to the property at 16 and 20 Hamilton Avenue North.

CARRIED