



City of Hamilton
COMMITTEE OF ADJUSTMENT
ADDENDUM

Meeting #: 20-05
Date: June 25, 2020
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 3935
cofa@hamilton.ca

June 25th, 2020

**CONSOLIDATION REPORT
VARIANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **HM/A-19:410 (121 Hunter St. W., Hamilton)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

1. That the applicant includes a warning clause on the Condominium Agreement to caution the tenants of Units 44 and 45 that the two parking spaces provided will be tandem parking with no manoeuvring space.

June 25th, 2020

HM/A-19:410 (121 Hunter St. W., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

Minor Variance application HM/A-19:410 was tabled by the Committee of Adjustment on January 23, 2020 to allow the applicant, Urban Solutions, to hold a public meeting for the tenants of 121 Hunter Street West, answering questions about the associated Condominium Conversion File No. 25CDM-CONV-11-001 which was draft approved on August 8, 2011.

The purpose of this application is to permit the conversion of a multiple dwelling containing two hundred and twenty-five dwelling units into a condominium pursuant to Condominium Conversion File No. 25CDM-CONV-11-001 to convert rental units to condominium tenure and add seven new units on the 17th floor, notwithstanding the following variances.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. The subject lands are also designated “High Density Apartments” within the Durand Neighbourhood Plan. Policies B.3.2.1.5, B.3.2.2, E.3.2.1, E.3.2.3, E.3.2.7, E.3.6.1, E.3.6.2 and E.3.6.6 amongst others, are applicable and permit multiple dwellings.

Built Heritage

The subject property is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. The subject property is also surrounded by other properties listed on the City’s Register.

Notwithstanding that the property is included in the City’s Register of Property of Cultural Heritage Value or Interest, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property 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 “E-3” (High Density Multiple Dwellings) District, which permits a multiple dwelling.

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Variance 1 – 3

The applicant is requesting a variance to allow a minimum front yard depth of 0.0 metres for the portion of the building containing the above ground and underground garage, to allow a minimum easterly and southerly side yard width of 13.4 metres for the multiple dwelling and to allow a minimum easterly and southerly side yard width of 0.0 metres for the portion of the building containing the above ground and underground garage, notwithstanding the minimum required 7.5 metre front yard depth and the minimum required side yard width of 13.5 metres. The intent of the Zoning By-law is to allow for sufficient space for amenity area, access and drainage and to avoid any impact on the enjoyment and privacy of the adjacent residential properties.

The variances recognize an existing condition. The variances are desirable for the development and minor in nature as no negative impact is anticipated for the development or surrounding area as a result of the condominium conversion and the addition of seven units.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 4

The applicant is requesting a variance to allow a maximum floor area ratio of 3.39 notwithstanding the requirement that no building or structure in an “E-3” District shall have a gross floor area greater than the area within the District of the lot on which it is situate, multiplied by the floor area ratio factor of 2.55. The intent of the Zoning By-law is to prevent the over-development of the site and to ensure the necessary servicing is in place for the development to function.

The variance is recognizing an existing condition as the gross floor area is not proposed to change. The intent of the By-law is being maintained as the seven additional units proposed will be built into the existing penthouse and no additions to the existing building are being proposed. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area as a result of the condominium conversion and the addition of seven units.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

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Variance 5

The applicant is requesting a variance to allow a minimum landscaped area of 22.0% and no minimum requirement for the dimension and location, notwithstanding the minimum required landscaped area of 26.6% of the lot area as required by Minor Variance Application File No. HM/A-15:107 and the requirement that a minimum of 40.0% of the required landscaped area shall be in one space with a minimum dimension of 6.0 metres and located anywhere but the front yard. The intent of the Zoning By-law is to allow for sufficient space for landscaped and amenity area.

This variance is recognizing an existing condition. The accommodation of additional landscaped area would require altering the existing site design which would cause the applicant undue hardship. A condition of Draft Plan of Condominium Approval for application 25CDM-CONV-11-001 was to submit a Landscape Plan to show additional tree plantings on the Hunter Street West road allowance as outlined in Staff Report PED11131. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 6

The applicant is requesting a variance to allow a minimum of six visitor parking spaces to be provided, notwithstanding the minimum required 36 visitor parking spaces. The intent of the Zoning By-law is to ensure there is adequate parking for the needs of the residents.

Appendix A of Staff Report PED11131 for 25CDM-CONV-11-001 displays the “as-built” floor plans which identifies a total of 195 resident parking spaces and three visitor parking spaces were provided at the time the building was constructed. The applicant has proposed to add three visitor parking for a total of six visitor parking spaces. The proportion of resident parking spaces and visitor parking spaces is an existing condition. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area as a result of the condominium conversion and the addition of seven units.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

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Variance 7 and 8

The applicant is requesting a variance to allow a minimum aisle width manoeuvring space of 4.2 metres to be provided and to allow a minimum two-way access driveway width of 2.8 metres, notwithstanding the minimum required 6.0 metre aisle width manoeuvring space and minimum required 6.0 metre two-way access driveway width. The intent of the Zoning By-law is to allow a variety of vehicles to manoeuvre safely at anytime with no obstructions.

The variances are recognizing existing conditions. The parking garage has operated with a minimum aisle width of 4.2 metres and minimum two-way access driveway since the building was constructed in 1964 with no identified issues. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area as a result of the condominium conversion and the addition of seven units.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 9 -13

The applicant is requesting the following variances.

- to allow the boundary of the parking area containing five or more parking spaces to be 0.0 metres from the adjoining residential district boundary and to be 0.0 metres from a street line for a parking area within 3.0 metres of a residential district, notwithstanding the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district to be a minimum of 1.5 metres from the adjoining residential district boundary and shall not be closer to the street line than the minimum depth of the front yard required adjoining a residential district (being 7.5 metres for the adjoining "E" district and 12.0 metres for the adjoining "A/S-1443" district) for the portion of the parking area within 3.0 metres of a residential district;
- to allow no planting strip to be provided between the parking area and the residential district, to allow no visual barrier to be provided along the boundary of the lot abutting a residential district, notwithstanding the requirement that for a parking area on a lot containing five or more parking spaces a planting strip shall be provided and maintained between the boundary of the parking area and the

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residential district and a visual barrier shall be provided and maintained along the

- boundary of the lot abutting the residential district with a minimum height of 1.2 metres and a maximum height of 2.0 metres; and
- to allow the required parking area to be located in the required front yard, notwithstanding the requirement that no part of the required parking area in a residential district shall be located in a required front yard.

The intent of the Zoning By-law is to provide sufficient distance separation between the surrounding residential uses and the required parking to ensure there is adequate space for access, maintenance, drainage, and privacy, and to provide a consistent streetscape. The variances recognize existing conditions and would require alterations to the existing site design in order to comply. The variances are desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area as a result of the condominium conversion and the addition of seven units.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 14 and 15

The applicant is requesting a variance to permit parking spaces labelled as Units 44A, 44B, 45A and 45B on Level 1 to be tandem parking and to allow manoeuvring space for Units 44A and 45A to be obstructed by other parking spaces as tandem parking. However, the Zoning By-law requires that sufficient space, additional to the required parking space, be provided and maintained on the same lot on which parking is located, in a manner that allows each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot to and egress from required parking spaces and the requirement that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.

The intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit. The independent spaces allow residents to safely access their own parking spaces at anytime with no obstructions. The variance is to turn the two existing 16.18 metre by 3.55 metre resident parking spaces into four tandem parking spaces (two tandem parking spaces on each original oversized parking space). Tandem parking spaces with no manoeuvring space would cause jockeying in the access driveway of the parking garage, which would impact the functionality and safety of the

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parking garage. Staff note the additional two parking spaces created by allowing tandem parking is not necessary to meet the minimum number of parking spaces for the condominium with the additional seven units. As such, the variance does not meet the intent of Zoning By-law 6593 and is not desirable for the development nor minor in nature.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not being maintained, the variance is not desirable for the development nor minor in nature; therefore, staff do not support the variance.

Recommendation:

Based on the preceding information, Variances 1 - 13 maintain the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that Variances 1- 13 be approved.

Variance 14 and 15 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or City of Hamilton Zoning By-law No. 6593. The variances are not considered minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that Variances 14 & 15 be denied.

CONDITIONS: (If Approved)

1. That the applicant includes a warning clause on the Condominium Agreement to caution the tenants of Units 44 and 45 that the two parking spaces provided will be tandem parking with no manoeuvring space.

Building Division:

1. Variance No. 15 shall be revised to add the words “on Level 1” after the words “Units 44A and 45A” so that the variance shall now read:

“The manoeuvring space for Units 44A and 45A on Level 1 shall be permitted to be obstructed by other parking spaces as tandem parking shall be permitted instead of the requirement that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.”

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2. The variances are necessary to facilitate Condominium Conversion File No. 25CDM-CONV-11-01.
3. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning does not support the following proposed variances relating to this Committee of Adjustment Application, due to safety concerns and general contradiction to Vision Zero policies, resulting in potential vehicular conflicts as well as potential conflicts with pedestrians walking to/from vehicles:
 - a. A minimum aisle width manoeuvring space of 4.2m shall be provided instead of the minimum required aisle width manoeuvring space of 6.0m.
 - b. A minimum two-way access driveway width of 2.8m shall be provided instead of the minimum required two-way access driveway width of 6.0m.
 - c. Tandem parking shall be permitted for parking spaces labelled as Units 44A, 448, 45A and 458 on Level 1 instead of the requirement that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.
 - d. The manoeuvring space for Units 44A and 45A shall be permitted to be obstructed by other parking spaces as tandem parking shall be permitted instead of the requirement that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

121 Hunter St W., Hamilton (Ward 2)



Applicants Proposal: To permit the conversion of the existing residential dwelling to a condominium.

Variances for Property:

- **Easterly Side Yard:** A side yard width of 13.4m shall be permitted for the dwelling and a easterly side yard of 0.0m shall be permitted for the portion of the building containing the aboveground and underground parking garage instead of the required minimum side yard width of 13.4m

Impact to City Property: There is no expected impact as a result of this application.

Recommendations: Real Estate has no objection to the proposed variance.

From: [Farr, Jason](#)
To: [Sheffield, Jamila](#)
Cc: [Matt Johnston](#)
Subject: Endorse
Date: June 16, 2020 6:00:12 PM

Jamila,

Please accept this email as confirmation that I support the approval of subject application. All minor variances are required only to recognize the existing as built condition of the property.

The application was tabled the first time it went to the Committee of Adjustment given a number of concerns and confusion related to the associated condominium conversion application.

To address this issue, Effort Trust and UrbanSolutions voluntarily hosted a tenant information meeting which I attended [on March 3rd](#).

The meeting was valuable to the tenants of the building and I as it provided a great opportunity for residents to understand the previously approved condominium conversion while also gaining an understanding of the many planned building improvements scheduled for the building.

Since that time, Effort Trust has carried on with the building improvements outlined at the information meeting. Most notably, this includes the full modernization of the 3 passenger elevators which started in May. This work is programed to ensure 2 of the 3 elevators are operation over the six months of the project. More work is planned to commence with the resumption of normal work pended due to COVID.

Please feel free to contact me with any questions.

Thank you,
Councillor Farr

Sent from my iPhone

within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 2.55.

- A minimum landscaped area of 22% shall be permitted and there shall be no requirement respecting a minimum dimension and location instead of the requirement that there shall be provided and maintained on the lot and within the district at least 26.6% of the area of the lot on which it is situate as landscaped area as required by Minor Variance File No. HM/A-15:107 and at least 40% of said landscaped area shall be in one space having a least dimension of 6.0 metres and in other than the front yard.
- A minimum of six (6) visitor parking space shall be provided instead of the minimum required thirty-six (36) visitor parking spaces.
- A minimum aisle width manoeuvring space of 4.2m shall be provided instead of the minimum required aisle width manoeuvring space of 6.0m.
- A minimum two-way access driveway width of 2.8m shall be provided instead of the minimum required two-way access driveway width of 6.0m
- The boundary of the parking area containing five (5) or more parking spaces shall be 0.0m from the adjoining residential district boundary instead of the requirement that the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 1.5m from the adjoining residential district boundary.
- The boundary of the parking area containing five (5) or more parking spaces shall be 0.0m from a street line for a parking area within 3.0m of a residential district instead of the requirement that the boundary of the parking area shall be not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district (being 7.5m for the adjoining "E" district and 12.0m for the adjoining "A/S-1443" district) for that portion of the parking area within 3.0m of a residential district.
- No planting strip shall be provided between the boundary of the parking area and the residential district instead of the requirement that for a parking area on a lot containing five or more parking spaces there shall be provided and maintained a planting strip between the boundary of the parking area and the residential district.
- No visual barrier shall be provided along the boundary of the lot abutting a residential district instead of the requirement that for a parking area on a lot containing five or more parking spaces there shall be provided and maintained a visual barrier along the boundary of the lot abutting the residential district not less than 1.2m in height and not greater than 2.0m in height.
- The required parking area shall be permitted to be located in the required front yard instead of the requirement that no part of the required parking area in a residential district shall be located in a required front yard.
- Tandem parking shall be permitted for parking spaces labelled as Units 44A, 448, 45A and 458 on Level 1 instead of the requirement that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.

- The manoeuvring space for Units 44A and 45A shall be permitted to be obstructed by other parking spaces as tandem parking shall be permitted instead of the requirement that all manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces

Impact on City Property:

- No apparent impact on City owned property.

Recommendations:

- No further actions from Real Estate required at this time



March 16, 2020

033-14

Via Email

Jamalia Sheffield
Secretary-Treasurer
Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Baldry,

**RE: 121 Hunter Street, Hamilton
Minor Variance Application
HM/A-19:410 & 25CDM-CONV-11-01**

Further to the Committee hearing on January 23, 2020 and in response to feedback received from the Committee members as well as hearing attendees, UrbanSolutions hosted a Tenant Information Meeting with the tenants of the apartment building that occupies the subject lands on March 3, 2020. There were 39 attendees that signed the sign in sheet however approximately 75+ people attended this meeting. For your information please find enclosed the following:

- One (1) copy of the Notice invitation prepared by UrbanSolutions;
- One (1) copy of the sign-in sheet for the Tenant Information Meeting; and,
- One (1) copy of the minutes of the Tenant Information Meeting prepared by UrbanSolutions.

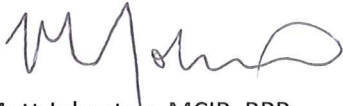
The meeting was also attended by Councillor Farr, it was an excellent opportunity to outline the condominium conversion process as well as planned building improvements. In addition to the above, we wish to advise that we will be requesting a modification to Variance No. 5 by changing the minimum landscaped area identified in the notice from 22% to 20%. As such Variance No. 5 shall read:

A minimum landscaped area of 20% shall be permitted and there shall be no requirement respecting a minimum dimension and location instead of the requirement that there shall be provided and maintained on the lot and within the district at least 26.6% of the area of the lot of which it situates as landscaped area as required by Minor Variance File No. HM/A-15:107 and at least 40% of said landscaped area shall be on one space having at least dimension of 6.0 metres and in other than the front yard.

We will be making this request on March 19, 2020 at the Committee of Adjustment hearing.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, BA
Planning Technician

Encl.

cc: Mr. David Horwood, Effort Trust
Councillor Farr, Ward 2, City of Hamilton



February 13, 2020

NOTICE OF TENANT INFORMATION MEETING

**Proposed Minor Variance Application to the Former City of Hamilton Zoning By-law No. 6593
121 Hunter Street, Hamilton Ontario
HM/A-19:140**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Renimob Properties Ltc. c/o Effort Trust regarding the Minor Variance application for the lands located at 121 Hunter Street in the City of Hamilton.

The purpose and effect of this application is to permit the existing conditions of the site and bring the existing state of the building and parking areas into conformity with the City of Hamilton Zoning By-law No. 6593.

The condominium conversion of the building was approved by Hamilton City Council on October 12, 2011. This decision is final and separate from the Minor Variance process. Due to several condominium conversion concerns that were raised at the Minor Variance hearing, a Tenant Information Meeting is being held to provide information on both the minor variances and condominium conversions and all tenants of the building are invited. To ensure you know your rights as existing tenants, please refer to the attached frequently asked questions.

TENANT INFORMATION MEETING

DATE: March 3, 2020

TIME: 7:00 pm to 8:00 pm

**LOCATION: Central Presbyterian Church
165 Charlton Avenue West,
Hamilton, ON
L8P 2C8**

Councillor Jason Farr and City of Hamilton staff have also been invited to and a representative from Renimob Properties Ltc./ Effort Trust will be attending. For more information, please contact Laura Drennan at 905-546-1087 ext. 110 or by email at ldrennan@urbansolutions.info

**FREQUENTLY ASKED QUESTIONS (AND ANSWERS)
CONCERNING CONVERSION OF RENTAL UNITS
TO CONDOMINIUM OWNERSHIP**

The following only applies to tenants who are tenants of the residential building at the time the residential rental property is converted to a condominium (these tenants are called “standing tenants”). Only standing tenants will enjoy the benefits described below.

1. **Question:** does registration of a rental apartment building to a condominium allow a landlord to terminate my lease under the *Residential Tenancies Act, 2006* (the “RTA”)?

Answer: No. Section 4(2), (“Rights of Tenants”) of the *Condominium Act*, states that the registration of a Condominium shall not terminate or otherwise affect the rights of a standing tenant under the RTA. Therefore, any such person has security of tenure as a tenant.

2. **Question:** When a building is converted to condominium and a residential apartment unit becomes a “condominium unit”, does the landlord/owner of such condominium unit have the right to terminate the residential tenancy of the occupant of the unit?

Answer: No. Section 4(3) (“No Termination of Tenancy”) of the *Condominium Act* states that registration of a condominium does not constitute grounds for a landlord to give notice of termination under Part V of the RTA to standing tenants. Therefore, such tenant has security of tenure.

3. **Question:** is it true that a standing tenant obtains greater protection against termination of his/her lease on conversion of the rental building to a Condominium?

Answer: Yes. Under the RTA, a landlord can terminate the tenancy under Section 48(1) on the basis that the landlord requires the unit for residential occupation by:

- a) The landlord;
- b) The landlords spouse;
- c) A child or parent of the landlord or the landlord’s spouse; or
- d) A person who provides or will provide care services to the landlord’s spouse, or a child or parent of the landlord or the landlord’s spouse, if the person receiving the care services resides or will reside in the building.

Under Section 51(1) of the RTA, when a building is converted to a Condominium, a landlord may NOT give notice to a standing tenant under any of the grounds in Section 48(1).

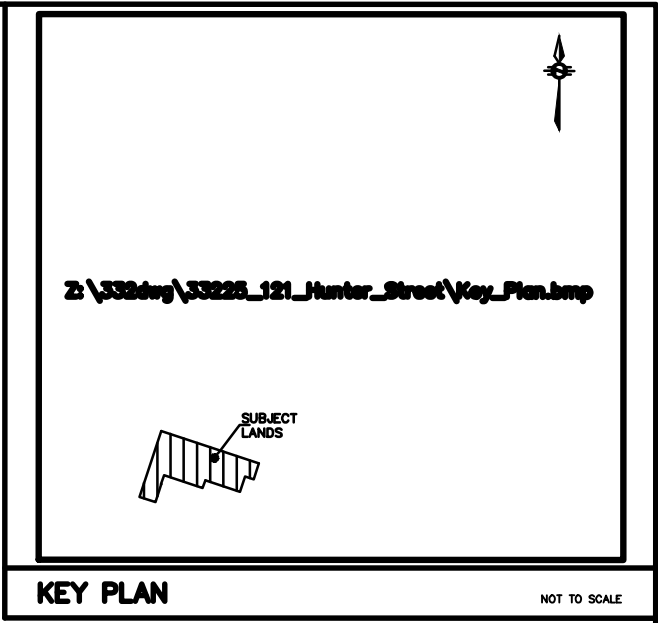
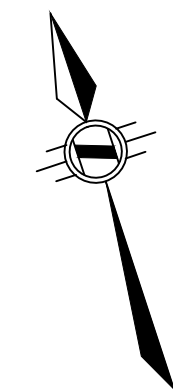
Therefore, as a standing tenant (a tenant of the rental building at the time of conversion), you have greater rights to protect your tenancy.

4. **Question:** Does the conversion process give the standing tenant an opportunity to purchase a unit when the conversion is completed?

Answer: Yes. The standing tenant now has a right of first refusal. Under Section 51 (5) (“Conversion to condominium, right of first refusal”) of the *Condominium Act*, the landlord must provide a 72 hour notice of right of first refusal to the standing tenant where:

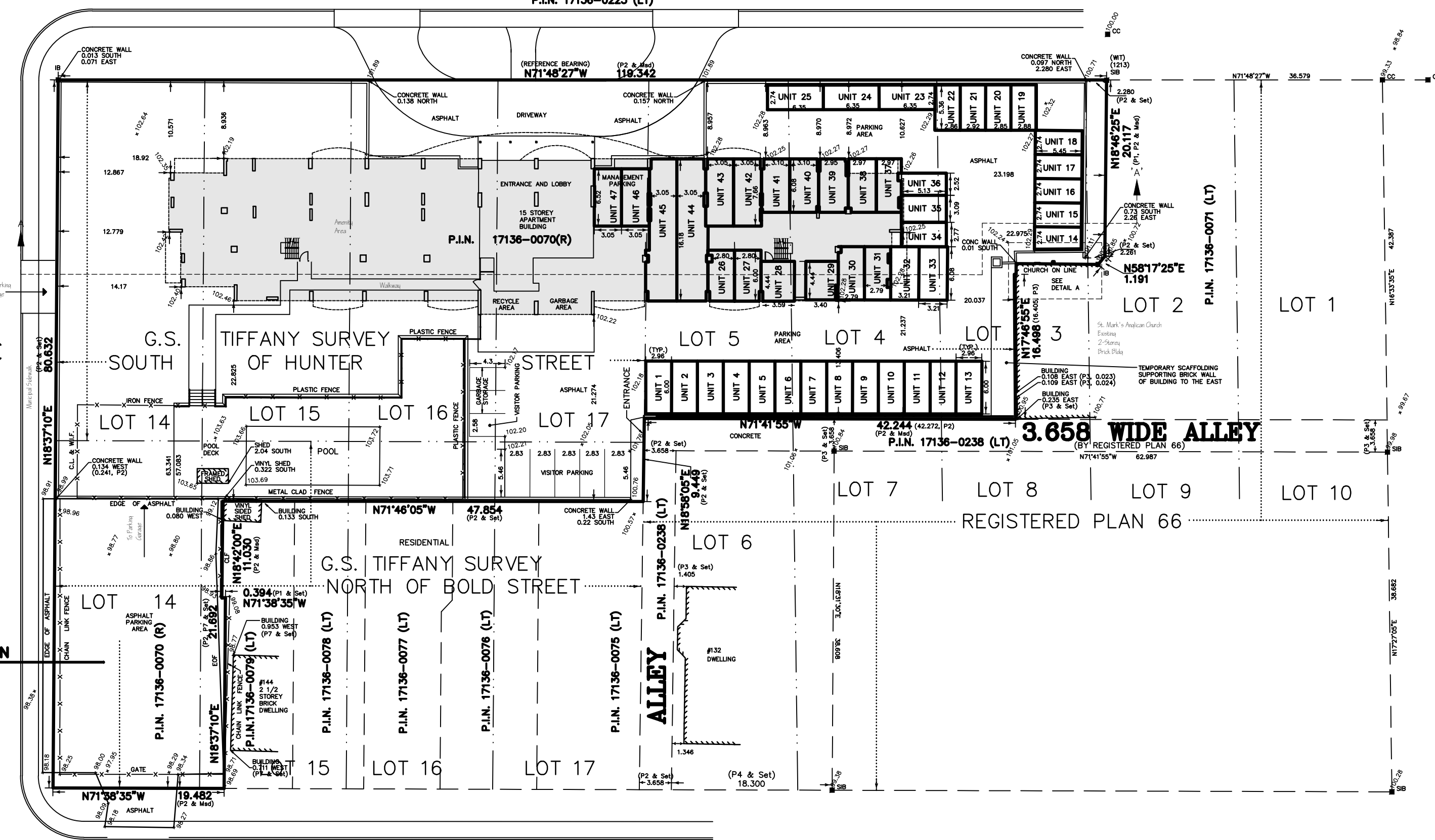
- a) A landlord/owner of a condominium unit receives an acceptable offer to purchase the converted condominium unit which is still occupied by a standing tenant; or
- b) Where the landlord receives an acceptable offer to purchase a rental unit intended to be converted to a condominium unit, at the price and subject to the same terms and conditions in the offer to purchase.

The standing tenant has two advantages, greater security of tenure and a right of first refusal.



HUNTER STREET WEST

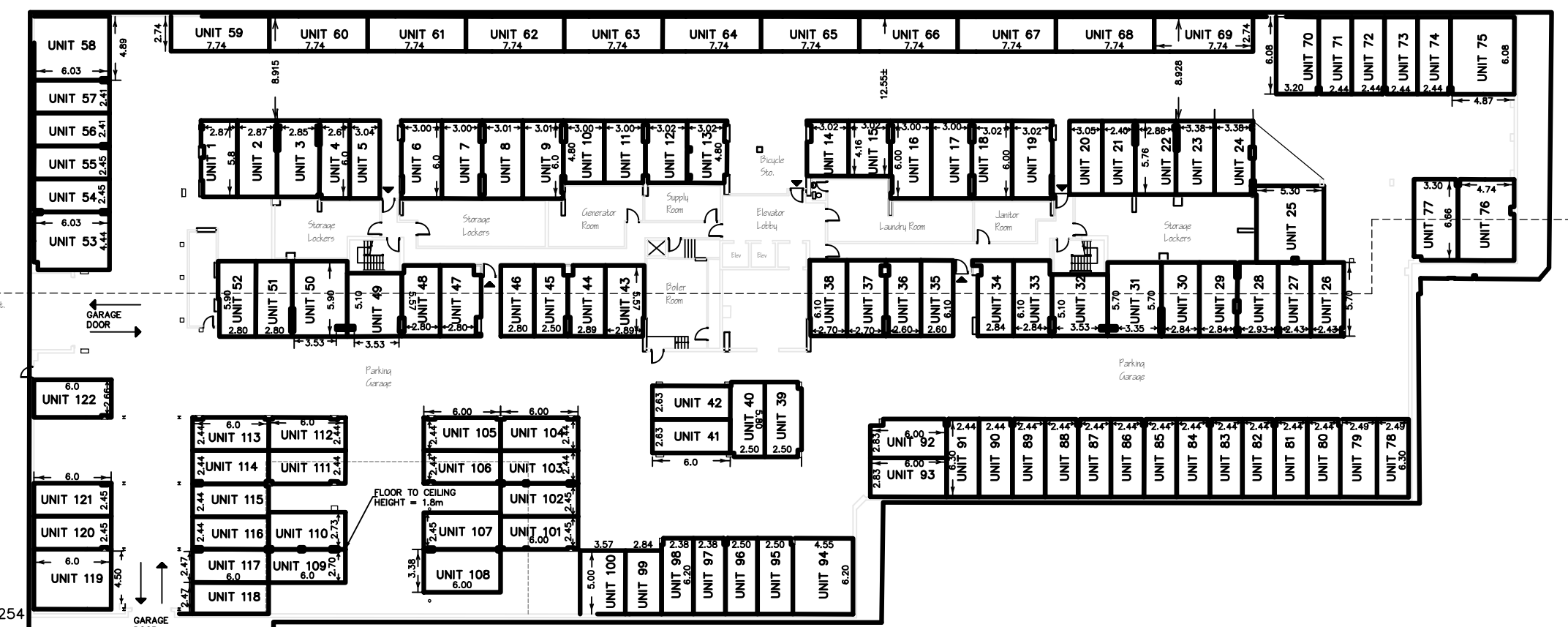
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P.L.N. 17136-0223 (L.T)



BOLD STREET

(201176) WEST
P.L.N. 17136-0226 (L.T)

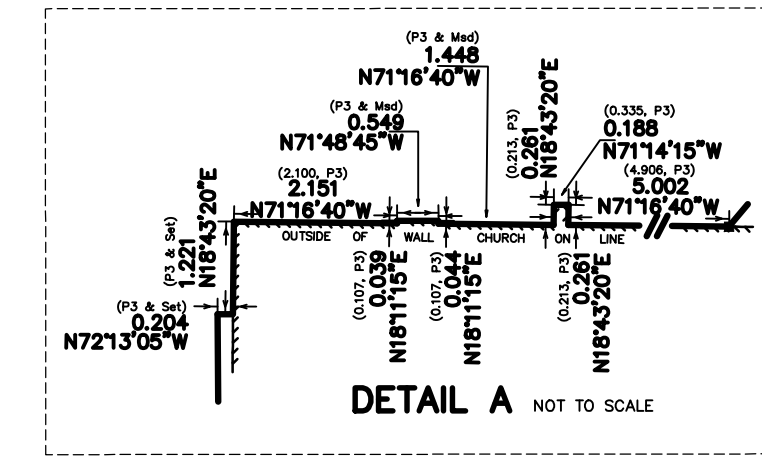
HUNTER STREET WEST



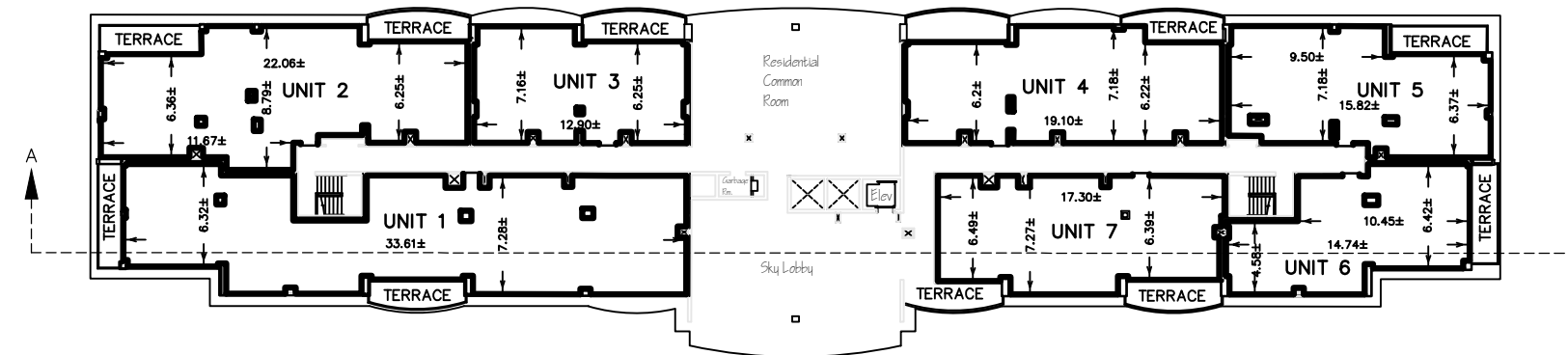
LEVEL A

BOLD STREET

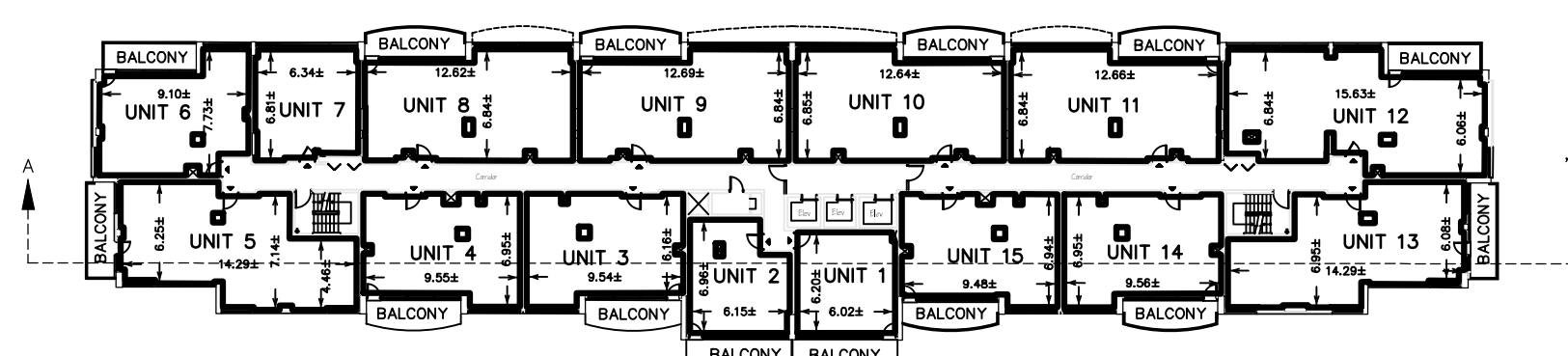
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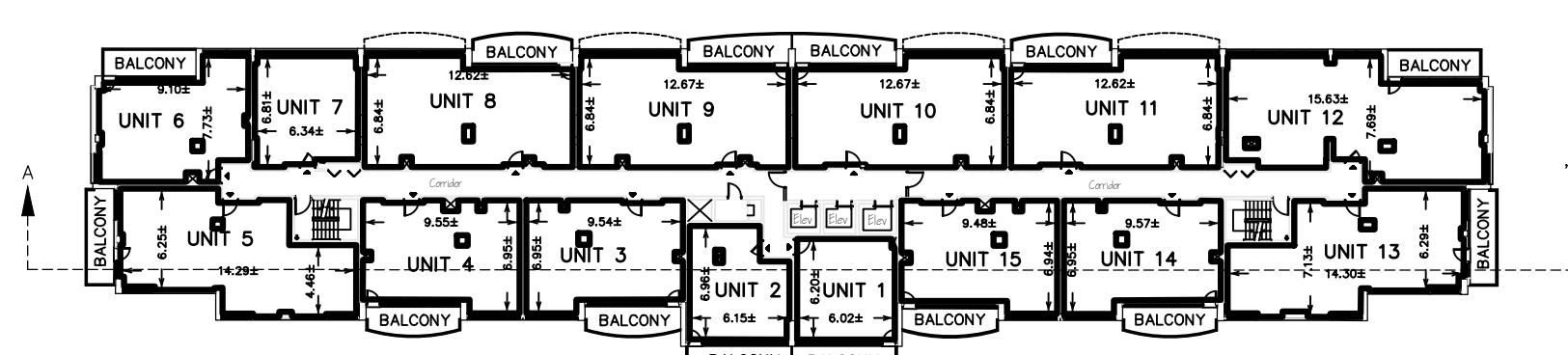
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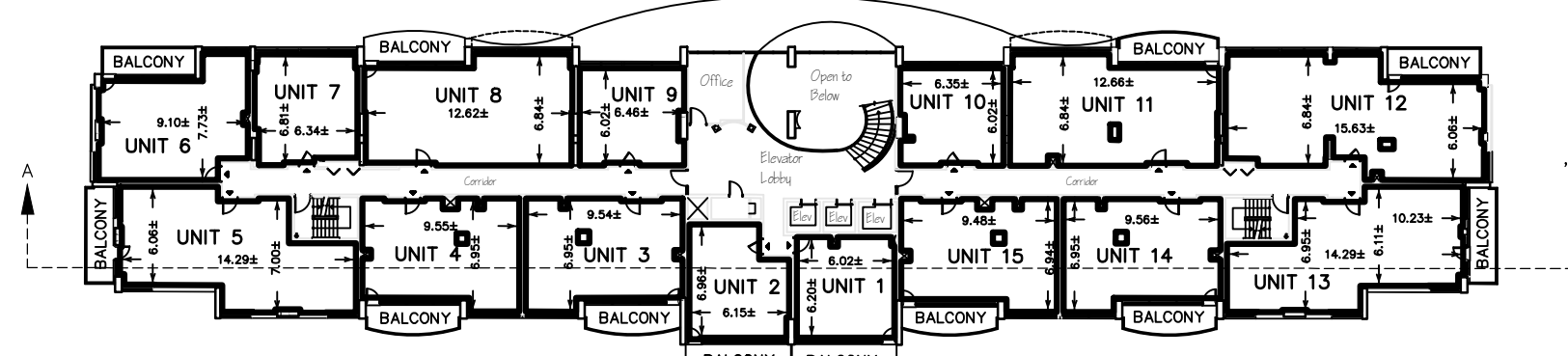
LEVEL 17 - (PROPOSED)



LEVEL 4, 6, 8, 10, 12, 14, 16



LEVEL 3, 5, 7, 9, 11, 13, 15



LEVEL 2

LEVEL 17	UNIT 1				Staircase	UNIT 7		UNIT 6	LEVEL 17
LEVEL 16	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 16
LEVEL 15	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 15
LEVEL 14	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 14
LEVEL 13	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 13
LEVEL 12	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 12
LEVEL 11	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 11
LEVEL 10	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 10
LEVEL 9	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 9
LEVEL 8	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 8
LEVEL 7	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 7
LEVEL 6	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 6
LEVEL 5	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 5
LEVEL 4	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 4
LEVEL 3	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 3
LEVEL 2	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 2
LEVEL 1	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL 1
LEVEL A	UNIT 5	UNIT 4	UNIT 3	UNIT 2	UNIT 1	UNIT 15	UNIT 14	UNIT 13	LEVEL A

SECTION A-'A' TO ILLUSTRATE RELATIONSHIP OF LEVELS

NOT TO SCALE

121 HUNTER STREET WEST
DRAFT PLAN OF STANDARD CONDOMINIUM
 ALL OF
LOT 4, AND 5
SOUTH SIDE OF HUNTER STREET
 AND PART OF
LOT 3
SOUTH SIDE OF HUNTER STREET
 REGISTERED PLAN 66
 AND ALL OF
LOT 14, 15, 16 AND 17
SOUTH SIDE OF HUNTER STREET
 BETWEEN CAROLINE AND BAY STREETS
 AND ALL OF
LOT 14
NORTH SIDE OF BOLD STREET
 BETWEEN CAROLINE AND BAY STREETS
 AND PART OF
LOT 15, 16 AND 17
NORTH SIDE OF BOLD STREET
 BETWEEN CAROLINE AND BAY STREETS
 G.S. TIFFANY SURVEY (UNREGISTERED)
 IN THE
CITY OF HAMILTON
 SCALE 1: 300 METRIC
S.D. McLAREN, O.L.S. 2011

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS
 SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE
 ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
 FEBRUARY 15, 2011
 DATE
 S.D.McLAREN, O.L.S.

METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN
 BE CONVERTED TO FEET BY DIVIDING BY 0.3048
SECTION 51 (17) PLANNING ACT - AS REVISED
 (A) SHOWN ON PLAN (G) SHOWN ON PLAN
 (B) SHOWN ON PLAN (H) MUNICIPAL PIPED WATER AVAILABLE
 (C) SHOWN ON PLAN (I) CLAY LOAM
 (D) SEE SCHEDULE (J) SHOWN ON PLAN
 (E) SHOWN ON PLAN (K) MUNICIPAL SERVICES EXISTING
 (F) SHOWN ON PLAN (L) SHOWN ON PLAN

SCHEDULE
 TOTAL AREA OF SITE = 4102 Sq.m
 TOTAL NUMBER OF RESIDENTIAL UNITS = 232
 TOTAL VISITORS PARKING SPACES = 6
 TOTAL RESIDENTS PARKING SPACES = 159
 MAXIMUM BUILDING HEIGHT = 17 STOREY
 CONSTRUCTION TO COMMENCE IN = EXISTING BUILDING
 (LEVEL 17 - PROPOSED)

NOTE:
 AREAS NOT DESIGNATED AS UNITS ARE
 PART OF THE COMMON ELEMENTS
 UNITS 1 TO 47 ON LEVEL 1 AND UNITS 1 TO 140 ON LEVEL
 A ARE FOR PARKING PURPOSES

1	ADDED AS REAL PARKING DMS	JUNE 14, '11	DS
No.	DESCRIPTION	DATE	BY

REVISIONS

BEARING NOTE:
 BEARINGS ARE ASTROMONIC AND ARE
 REFERRED TO THE SOUTHWESTLY MOST LIMIT
 OF HUNTER STREET SOUTH, SUITE 230
 PLAN BY MCGAY, MCGAY & PETRES
 LIMITED, DATED MARCH 8, 1990, AS BEING
 W72°00'00"W

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 89 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Scale: 1:300
 Date: 2011
 Drawn: S.D.McLaren
 Checked: S.D.McLaren
 Title: 17136-0223



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

SIGN-IN SHEET

121 Hunter Street
Tenant Information Meeting
March 3, 2020

Name	Address/ Unit No.	Email
Elcira Montoya	# 403	
Elizabeth Orah	# 506	
Maria Buki-Buehner	# 710	
Donna Keay	#816	dkeay@evansphilp.com
Ricciardone		
Steven Davy	512	
Josie DiRisio	1505	
MARIO BATTAGLIA	1505	
ROSE Podbreznik	202	
R. Stibys	604	
Frances Armstrong	804	
Saul Jean Polito	211	
YVONNE BADE	1003	
JOHN WADE	808	
PAT WADE	808	
Rose Turk	615	
Ed + Barb Burgers	1110	
Cindy + William Bennett	1708	
Joey Bask	1512	
Cynthia Junek	716	



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

SIGN-IN SHEET

121 Hunter Street
Tenant Information Meeting
March 3, 2020

Name	Address/ Unit No.	Email
Chantal Lefebvre	010	
Christine Byers	1607	
Thomas Gilder	1101	
Amir	1710	
SL ADD	1016	
NYL GARCIA	815	
MARIO GARCIA	715	
AM	807	
Jay Farr	City Hall	
M. Darab	1102 121 Hunter W	
Maggie Pope Hutton	912	
Marlene Ziser	305	
Aberash Bekere	412	
Keshie Jeter	1804	
Ancient Burnett	409	
C.W. Marshall	1515	
Paula Johnston	1012	
Phil Gauthier	1012	
Tristan Kush	1216	



MEETING MINUTES

Date: March 3, 2020
Re: Tenant Information Meeting (25CDM-CONV-11-001 & HM/A-19:410)
Project: 033-14

This meeting was held at Central Presbyterian Church, 165 Charlton Avenue West, at 7:00 pm on March 3, 2020. The purpose of the meeting was to have a question and answer period with the tenants of 121 Hunter Street as well as to provide details regarding the Minor Variance Process and Condominium Conversion Process to tenants of 121 Hunter Street.

All 225 tenants of 121 Hunter Street were invited along with Councillor Jason Farr as well as City of Hamilton Planning staff. While 39 people completed the sign-in sheet, more than 75 were in attendance. In addition to those indicated on the attached Sign-In Sheet, the following were also in attendance:

Name	Agency	Contact
Councillor Jason Farr	City of Hamilton	jason.farr@hamilton.ca
David Horwood	Effort Trust	dh@efforttrust.ca
Matt Johnston	UrbanSolutions	mjohnston@urbansolutions.info
Laura Drennan	UrbanSolutions	ldrennan@urbansolutions.info

The meeting began with a brief presentation which included a description of the history of this project, the minor variance process and the condominium conversion process.

Following the presentation, attendees were invited to ask questions regarding the minor variance and condominium conversion process as well as building repairs and improvements. These questions answered by Matt Johnston and David Horwood. The meeting concluded around 8:30 pm.



● Site Location



Committee of Adjustment

Subject Property



121 Hunter Street West, Hamilton (Ward 2)

File Name/Number:

HM/A-19:410

Date:

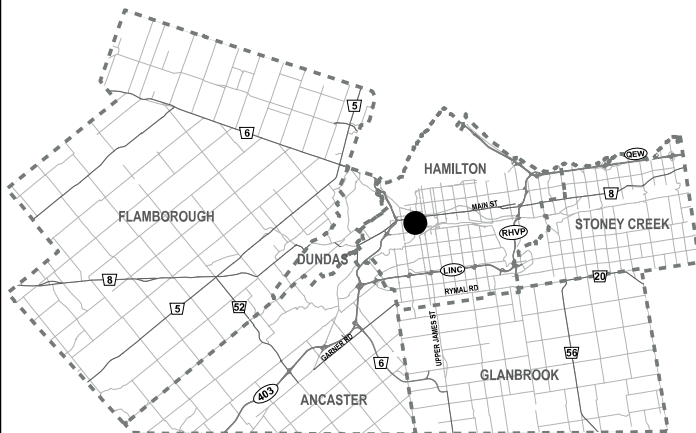
January 6, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton

CONSOLIDATION REPORT VARIANCES

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **FL/A-20:18 (60 Rockcliffe Rd., Flamborough)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

NOTE:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

FL/A-20:18 (60 Rockcliffe Rd., Flamborough)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the expansion and alteration of an existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and is identified as “Neighbourhoods” in Schedule E – Urban Structure. The following policies, amongst others, are applicable:

“E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The subject lands are located within an established subdivision and the applicant is proposing to add an addition to the existing home. The addition is minor and is sympathetic to the prevailing character of the neighbourhood. As such staff are of the opinion that the intent of the Urban Hamilton Official Plan is maintained.

Former [Town of Flamborough Zoning By-law No. 90-145-Z](#)

The subject lands are zoned “R1-6” Urban Residential (Single Detached) Zone. To which the use complies.

Cultural Heritage

The subject property meets three (3) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of

- a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) In the vicinity of distinctive or unusual landforms.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

Variance 1

The applicant is seeking a variance to allow for a lot coverage of 26.1% to be permitted instead of the required maximum lot coverage of 15%.

The intent of the By-law is to limit the required lot coverage in order for new dwellings to be constructed that are more in character with the surrounding neighbourhood. The proposal is to construct a bungalow which is in keeping with the prevailing character in the surrounding neighbourhood which is currently experiencing gradual change. The proposed lot coverage of the proposed renovated dwelling is therefore meeting the intent of the Zoning By-law and the variance is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to allow for a maximum space of 304 square metres to be permitted instead of the required maximum floor space of 186 square metres.

As discussed above, the proposed renovated single detached dwelling is in keeping with the character of the neighbourhood and staff do not perceive a negative impact on any surrounding properties by permitting an increase from the maximum floor space provisions of the By-law. Therefore, the variance meets the intent of the Zoning By-law, is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. Applicant shall ensure building height is provided in accordance with the definitions of 'Height' and 'Grade' as defined in Section 3 of Flamborough Zoning By-law 90-145-Z. Should the building height of the single detached dwelling exceed the height maximum of 8.2 metres, additional variances will be required.
2. Applicant shall ensure parking is provided in accordance with the regulations under Section 5.21 in Flamborough Zoning By-law 90-145-Z; should parking not be in accordance with Section 5.21, additional variances will be required.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. A building permit is required for the alteration to the existing single detached dwelling.

Development Engineering:

Information:

Based on the Grading Plan provided, it appears that all roof drainage from the dwelling will drain towards Rockcliffe Road via proposed side swales. Since there is no increase in stormwater runoff towards the rear and adjacent properties, and the increase in

stormwater runoff to the front of the property is minimal, Development Approvals has no more concerns with Minor Variance #1.

Recommendations:

No further comments pertaining to minor variances.

June 18, 2020

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

Attention: Morgan Evans

File# FL/A-20:18

Re: 60 Rockcliffe Rd

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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.

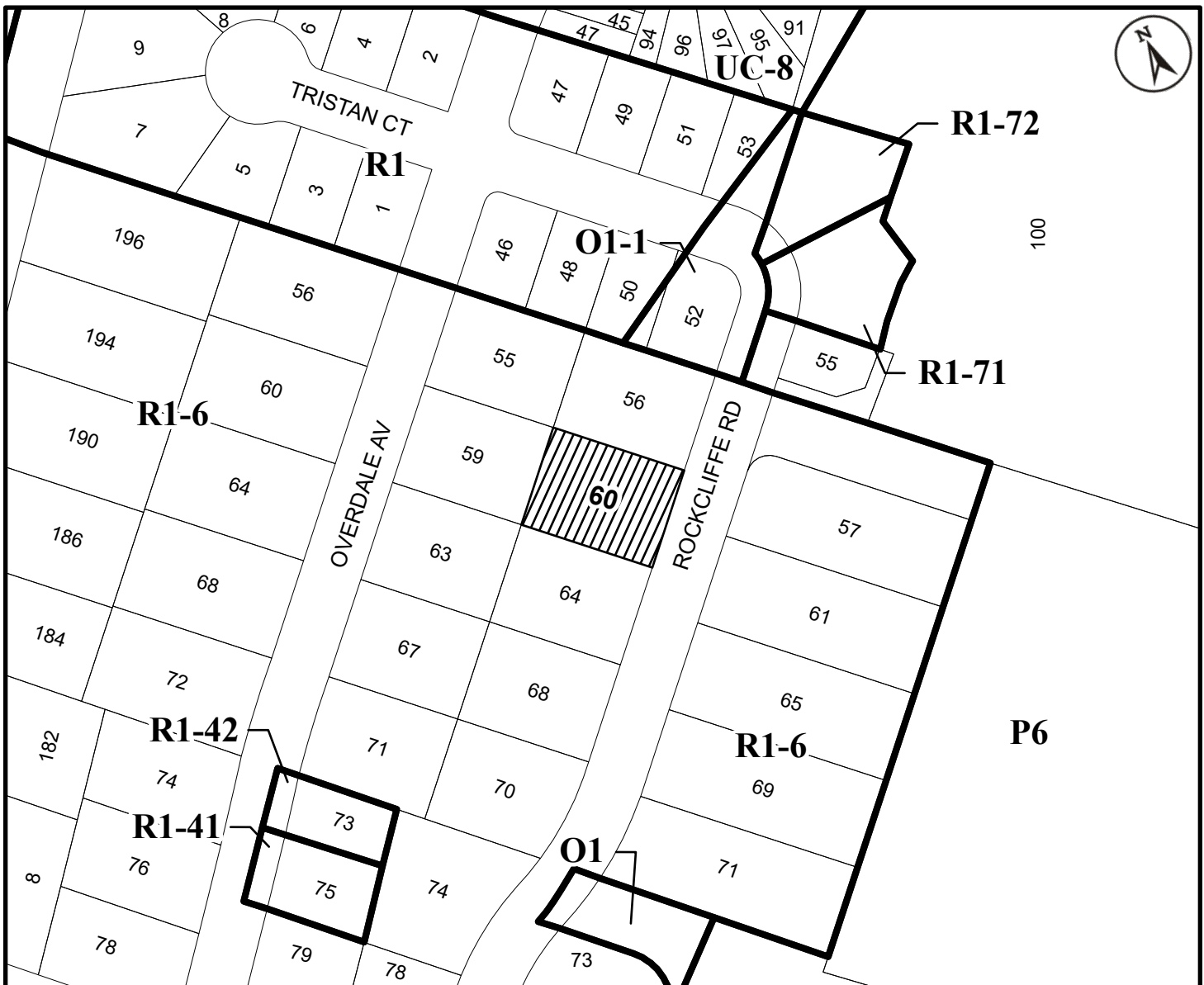
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

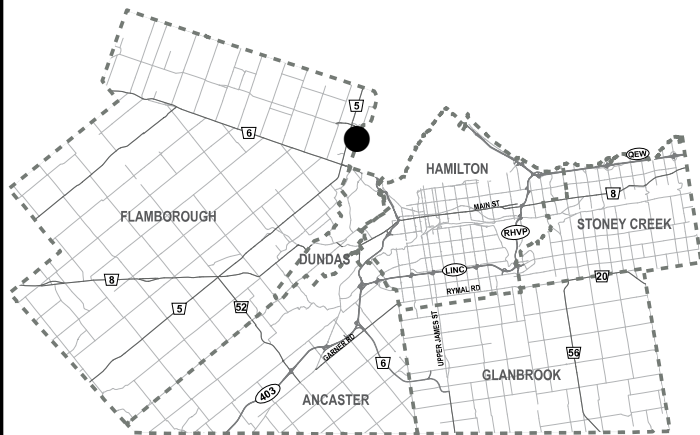
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



60 Rockcliffe Road, Flamborough (Ward 15)

File Name/Number:

FL/A-20:18

Date:

February 24, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

CONSOLIDATION REPORT VARIANCES

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **FL/A-20:12 (24 McDonald Cr., Flamborough)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

NOTE:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

FL/A-20:12 (24 McDonald Crt., Flamborough)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the construction of a two-storey 113 square metre addition to the existing single detached dwelling.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

The subject lands are designated “Low Density Residential 2e” within the West Waterdown Secondary Plan, to which the use complies.

Policy E.3.2.3 states:

“The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and housing with supports.”

In accordance with the above policies, Policy E.3.2.1 and E.3.2.3 identifies single detached dwellings as a permitted use within the Neighbourhoods designation. As such, the proposed two storey addition is a permitted use within the Urban Hamilton Official Plan and the variances do not seek to deviate from the residential use. Therefore, the variances meet the general intent and purpose of the Urban Hamilton Official Plan since a single detached dwelling is a permitted use.

Town of Flamborough Zoning By-law No. 90-145-Z

The subject property is zoned Urban Residential (Single Detached) “R1-6” Zone to which the use complies.

Cultural Heritage

The subject property meets three (3) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

3) In areas of pioneer EuroCanadian settlement.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

Variance 1

The applicant is seeking a variance to allow for a maximum lot coverage of 20 percent to be permitted instead of the maximum permitted 15 percent lot coverage.

The purpose of this Zoning By-law requirement is to ensure there is adequate storm water runoff and drainage on the property, while ensuring the streetscape character of the neighbourhood is maintained, and that there is adequate outside amenity area provided for residents.

The variance meets the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law since the proposed two storey addition to the single detached dwelling is permitted and can be seen as consistent with the existing dwelling. Staff note the subject land is a corner lot and that the proposed addition will not negatively impact the

surrounding properties as the proposal is consistent with the surrounding built form. As well, the requested lot coverage increase of 5% does not represent a significant increase. Therefore, Staff consider the variance minor in nature and is deemed desirable for the appropriate use of the property. Accordingly, Staff support this variance.

Variance 2

The applicant is seeking a variance to allow for a minimum interior side yard of 1.2 metres to be permitted instead of a minimum required 3 metre interior side yard. The interior side yard is internal to the proposed development. The intent of this provision is to allow for adequate access and drainage. Since the variance is relatively minor, staff do not anticipate any negative impacts. Staff note that there is dense vegetation along the property line which provides a significant amount of privacy and minimal overlook to the adjoining property. Staff defer to Development Approvals regarding any drainage issues. The variance maintains the four tests, and staff support the variance.

Variance 3

The applicant is seeking a variance to allow for a maximum floor space of 220 square metres to be permitted for one storey instead of the maximum 182 square metre floor space permitted for one storey.

The proposed single detached dwelling is in keeping with the character of the neighbourhood and staff do not perceive a negative impact on any surrounding properties by permitting a 38m² increase from the provisions of the By-law. Staff note that several neighbouring properties have single detached dwellings which are of a similar size and height and are located within a similar location. Therefore, the variance meets the intent of the Zoning By-law, is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 4

The applicant is seeking a variance to allow for a maximum height of 6 metres instead of the maximum permitted height of 4.6 metres for an accessory building.

The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties. With regards to being subordinate, staff note that the proposed addition to the existing single detached dwelling on the property is two storeys in height and the proposed accessory structure is one storey in height with a peaked roof. Height is calculated to the peak of the accessory structure. Staff note that the

proposed accessory structure is located within an area which will not impact the adjacent property and has an abundant amount of cedar vegetation which will provide a natural form of screening for the accessory structure that will not negatively impact the streetscape and character of the neighbourhood. The variance maintains the general intent of the UHOP and Zoning By-law as the height of the accessory structure is subordinate to the single detached dwellings in the neighbourhood. The variance is minor in nature and appropriate for the development of the subject lands as there are no perceived impacts on the neighbouring properties. Staff support the variance.

Variance 5

The applicant is seeking a variance to allow for eaves and gutters to be permitted to encroach into the required interior side yard a maximum of 0.8 metres instead of the maximum 0.65 metres that eaves and gutters are permitted to encroach into the requires interior side yard.

The general intent and purpose of the UHOP is to maintain the existing neighbourhood character. Staff recognize the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. A building permit is required for the construction of the proposed two-storey addition to the existing single detached dwelling and the proposed accessory building.
2. The Notice shall be amended by adding “and a 37 square metre accessory structure (shed)” so that it reads as follows:

“To permit the construction of a two-storey 113 square metre addition to the existing single detached dwelling, and a 37 square metre accessory structure (shed), notwithstanding that;”

3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. No elevation drawings were provided for the proposed accessory dwelling in order to confirm the requested variance is correct.
5. Any proposed outdoor swimming pools shall be permitted in accordance with Section 5.22.

Development Engineering:

Information:

The proposed 20% lot coverage represents a significant increase in impervious area. This would likely increase the stormwater runoff from the property. This can adversely impact downstream properties.

Recommendations:

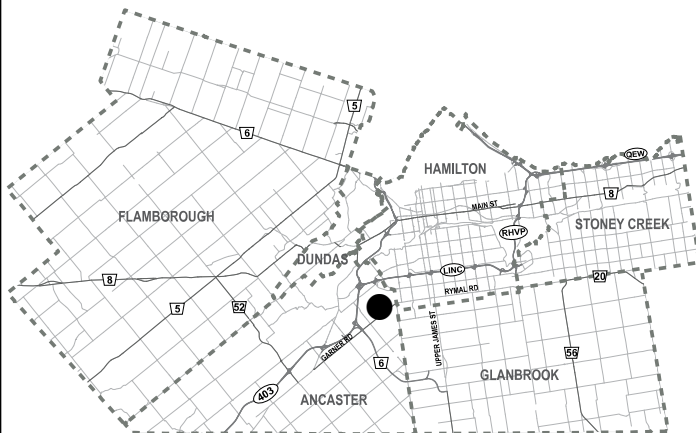
Variance #1 should be tabled until such time as the applicant demonstrates that the post-development stormwater runoff levels will not exceed pre-redevelopment levels to the satisfaction of the Manager of Development Approvals.

This comment was received and has been amended to:

Development Approvals is waiving the recommendation that 24 McDonald be tabled.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

372 Springbrook Avenue, Ancaster (Ward 12)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
AN/B-20:12

Date:
March 12, 2020

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

FL/A-20:28 (16 Orchard Dr., Flamborough)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the construction of a single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and is identified as “Neighbourhoods” in Schedule E – Urban Structure.

The subject lands are located within an established subdivision. The applicant is proposing to demolish an existing one storey single family dwelling and construct a new single detached dwelling on the subject lands.

Town of Flamborough Zoning By-law No. 90-145-Z

The subject property is zoned Urban Residential (Single Detached) “R1-6” Zone to which the use complies.

Archeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In an area of sandy soil in areas of clay or stone.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological

.../2

FL/A-20:28

Page 2

assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392). “

Cultural Heritage

The subject property is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. The subject property is also adjacent to 12, 15, 19 and 20 Orchard Drive, and 25 Hamilton Street Units 26-29, which are properties included on the City's Inventory of Buildings of Architectural and/or Historical Interest.

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

Section B.3.4.2.12 of the Rural Hamilton Official Plan, Volume 1, states that a Cultural Heritage Impact Assessment shall be required by the City and submitted prior to or at the time of any application submission pursuant to the *Planning Act* where the proposed *development, site alterations or redevelopment* of lands (both public and private) has the potential to adversely affect *cultural heritage resources* through displacement or disruption.

Variance 1

The applicant is seeking a variance to allow for a lot coverage of 26% to be permitted instead of the required maximum lot coverage of 15%.

The intent of the by-law to restrict lot coverage (percentage of the lot covered by buildings and structures) limit building massing, reduce the impact on the streetscape and maximize permeability on the property. Staff note that the property is large enough with adequate permeable areas to accommodate a dwelling of the proposed size. The proposed lot coverage is therefore meeting the intent of the Zoning By-law and the variance is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

.../3

FL/A-20:28
Page 3

Variance 2

The applicant is seeking a variance to allow for a maximum floor space of 343 square metres to be permitted instead of the required maximum floor space of 186 square metres.

The size of the proposed single detached dwelling is in keeping with the character of the neighbourhood and staff do not perceive a negative impact on any surrounding properties by permitting an increase from the maximum floor space. Staff note that the street has been experiencing change with some nearby dwellings recently constructed that are similar in size. The variance meets the intent of the Zoning By-law, is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The drawings submitted are lacking detail to determine all necessary variances, as such:
 - The two (2) variances have been written as requested by the applicant which are based on a proposed building envelope only. Insufficient details (i.e. no building plans, elevations, floor plans, etc.) were provided from which to confirm if lot coverage or floor space maximums are correct. Therefore, compliance for the proposed single detached dwelling shall be determined at building permit stage of the development.
 - Applicant shall ensure building height is provided in accordance with the definitions of 'Height' and 'Grade' as defined in Section 3 of Flamborough Zoning By-law 90-145-Z. Insufficient information was provided to confirm compliance. Should the building height of the single detached dwelling exceed the height maximum of 8.2 metres, additional variances will be required.

.../4

FL/A-20:28

Page 4

- Applicant shall ensure parking is provided in accordance with the regulations under Section 5.21 in Flamborough Zoning By-law 90-145-Z. Insufficient information was provided to confirm compliance. Should parking not be provided in accordance with Section 5.21, additional variances will be required.
 - Applicant shall ensure any sills, belt courses, cornices, chimney breasts, bay windows, pilasters, eaves or gutters, balconies, canopies, awnings, steps, unenclosed porches, exterior staircases are provided in accordance with the regulations for Yard Encroachments under Section 5.30 in Flamborough Zoning By-law 90-145-Z. Insufficient information was provided to confirm compliance. Should applicable yard encroachments not be provided in accordance with Section 5.30, additional variances will be required.
2. A building permit is required for the construction of the proposed single detached dwelling. Be advised that the Ontario Building Code regulations may require specific setback and construction types.
 3. A demolition is required for the demolition of the existing single detached dwelling.
 4. This property is listed in the City of Hamilton's Inventory of Building of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, ext. 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

Development Engineering:

This property was included within an external Storm Tributary Area (see drawing 94-S-10_7 in the vault) for the Regal Heights Addition Subdivision having a maximum coefficient of imperviousness of $C=0.42$. Provided that this is the case in the post development scenario, Development Approvals has no objection with the approval of this application from a drainage perspective.

See attached for additional comments.

From: [paul](#)
To: [Committee of Adjustment](#)
Subject: APPLICATION NO. FL/A-20:28 16 Orchard Drive (Flamborough) - Zoning Variance
Date: June 21, 2020 1:08:32 PM

Dear Sirs/Mses/CoA Staff: Notice of Public Hearing Thursday June 25, 2020 1:30 PM

Pursuant to notice received about the Application for a Minor Variance at 16 Orchard Drive (Waterdown) Flamborough by Barich Grenkie Surveying Ltd (on behalf of owner Toni-Lynne Jackson).

My concern/comment is the Drainage. The outpouring of water during intense downpours is a problem. The once in a century downpour isn't once a century anymore and is in fact quite frequent. At heavy rainfall times the water from this lot cannot be angled or contained by the storm sewer in front of my property and on its way to the double catch basin in front of 25 it can at times overflow the gutter of my drive way (as well as the 2 neighbouring houses at 23 & 25) and floods the side of the house to the point it leaks into my basement.

I wish to make sure this construction does not exacerbate the situation (i.e. a solid paved front yard (ensuring adequate parking) but angled straight across the road is just a giant eaves trough to my property. This is further compounded by the overflow from the townhouses behind 16 & 20 Orchard drive. The neighbour has pictures of me standing, in the middle of the road, in the run-off, which was well above my ankles.

I have no objections to the construction provided something concrete and NOT merely unguaranteed VERBAL assurances are provided prior to the constructions (i.e. sentences without words like should, could, may, only in extreme storms – i.e. what constitutes an extreme storm?) as to how the drainage is going to be addressed.

Thank You.

Yours truly

Paul Bachand
19 Orchard Drive
Waterdown ON L8B 0G2

Ps. In an unrelated but relevant matter., several years ago the City/Canada Post re-zoned the postal areas in waterdown and changed all our postal codes – a living nightmare, closed off by a comment that “incorrectly coded mail could be returned to sender”. Not wishing to miss any important notices due to a paperwork glitch, please change my PC from LOR 2H0 (waterdown Post Office's code and my original code about 20 -30 years ago) to my current PC of

L8B 0G2. Thank You.



The Enfield Group Inc.
Property Management & Consultants

March 16, 2020

City of Hamilton
ATTN: Morgan Evans & Scott Baldry

RE: Application # FL/A- 20:28
16 Orchard Drive (Flamborough) City of Hamilton

WSSC 336- Variance Request
Re: Application # FL/ A- 20:28

Dear Morgan & Scott,

On behalf of the Board of Directors, the Board of Directors represent the owners of 25 Hamilton Street N, WCC #336, which shares the property line to the north of the subject property.


The Board of Director's have no objections to the variances as requested with respect to the increase in lot coverage and also the reduced rear yard. The Board of Director's would however like to register their concern, at this time, with respect to final grading.

There is ongoing discussion regarding grading and water issues between ourselves and other property owners (You might prefer to say "20 Orchard Drive" to be specific) along Orchard Drive.

We do not want to be held at all responsible for any additional overland water that might result on the properties of either 12 or 20 Orchard after the construction on the property of 16 Orchard Drive.

Please let me know if you have any questions or concerns.

Sincerely
THE ENFIELD GROUP



Sarah Vahrmeyer, RCM
Property Manager

Cc: Board of Directors



The Enfield Group Inc.
Property Management & Consultants

June 18, 2020

City of Hamilton
ATTN: Morgan Evans & Scott Baldry

RE: Application # FL/A- 20:28
16 Orchard Drive (Flamborough) City of Hamilton

WSSC 336- Variance Request
Re: Application # FL/ A- 20:28

Dear Morgan & Scott,

On behalf of the Board of Directors, the Board of Directors represent the owners of 25 Hamilton Street N, WSSC No.336, which shares the property line to the north of the subject property.

The Board of Director's have no objections to the variances as requested with respect to the increase in lot coverage and also the reduced rear yard. The Board of Director's would however like to register their concern, at this time, with respect to final grading.

There has been ongoing discussion regarding grading and water issues between ourselves and other property owners (You might prefer to say "20 Orchard Drive" to be specific) along Orchard Drive.

WSSC No. 336 has concerns on this application regarding surface (sheet) drainage flow. On both the east & west sides of this noted property (Lot 21 Registered Plan 894) there is a surface drainage swale that runs NW on both sides; East & West of the noted property. With the larger footprint of this proposed build, WSSC No. 336 would need assurance that this sheet drainage from our adjoining property is not compromised. i.e. there needs to be an adequate allowance for sheet drainage as this proposed build pushes much closer to these property lines.

We do not want to be held at all responsible for any additional overland water that might result on the properties of either 12 or 20 Orchard after the construction on the property of 16 Orchard Drive.

Please let me know if you have any questions or concerns.

Sincerely
THE ENFIELD GROUP

Sarah Petrie (Vahrmeyer), RCM
Property Manager

Cc: Board of Directors

June 18, 2020

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

Attention: Morgan Evans

File# FL/A-20:28

Re: 16 Orchard Dr

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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.

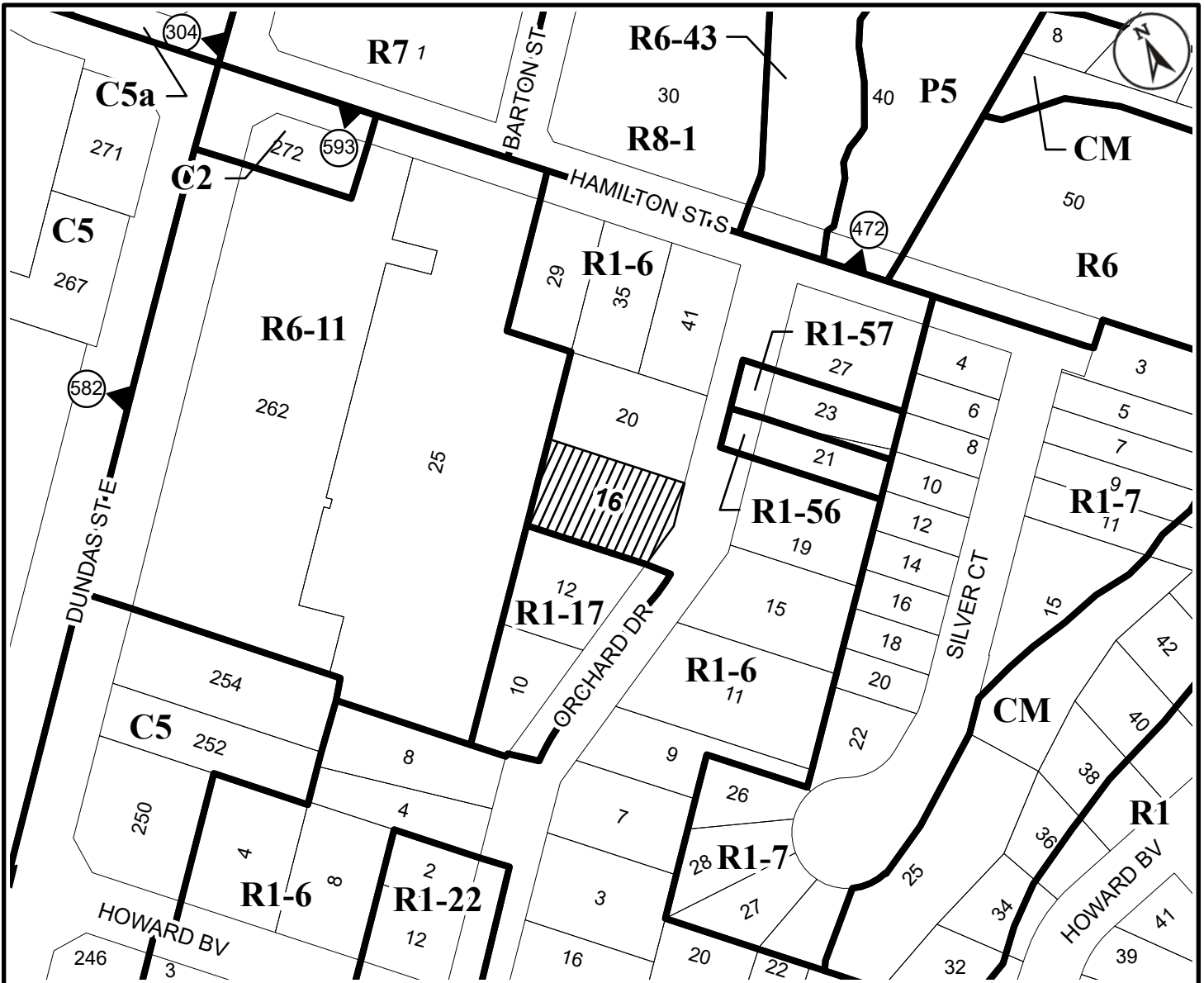
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

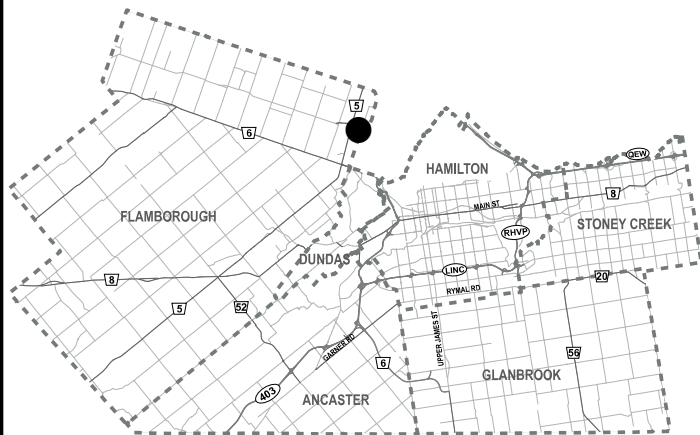
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



16 Orchard Drive, Flamborough
(Ward 15)

File Name/Number:
FL/A-20-28

Date:
March 4, 2020

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

CONSOLIDATION REPORT VARIANCES

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application FL/A-20:33 (550 Tenth Con. Rd. E., Flamborough) and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

June 25th, 2020

FL/A-20:33 (550 Tenth Con. Rd. E., Flamborough)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the construction of a 10.67m (35') x 12.19m (40') detached building accessory to the existing single detached dwelling.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designations, to which the use complies.

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

The subject property is zoned (A2) Rural Zone and Conservation/Hazard Land – Rural Zone (P7) and (P8). The applicant is to locate the accessory structure within the (A2) Rural Zone portion of the property, to which the use complies.

Archeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping,

.../2

FL/A-20:33

Page 2

staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).”

Cultural Heritage

The subject property is *adjacent* to 530 and 541 Tenth Concession Road East, properties listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest.

Notwithstanding that the subject property is *adjacent* to properties listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest, staff are of the opinion that the cultural heritage value of these properties will be conserved and have no further comments on the application as circulated.

Variance 1

The applicant is seeking a variance for the accessory building to be permitted within the front yard instead of the requirement that no accessory building or structures shall be located within a front yard. The general intent of the purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and to ensure sufficient landscaping, parking, and amenity space is available within the front yard.

.../3

FL/A-20:33

Page 3

The proposed accessory structure will be located to the side but within the front yard. The subject property is a large rural flag shaped lot, adjacent to other large rural and agricultural properties, some with accessory structures in the front yard. The applicant advises that locating the accessory structure in the rear would necessitate removing of several trees on the property and disturbing the significant natural features. Staff are satisfied the proposed variance will have no impact on the existing character and streetscape of the settlement area. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

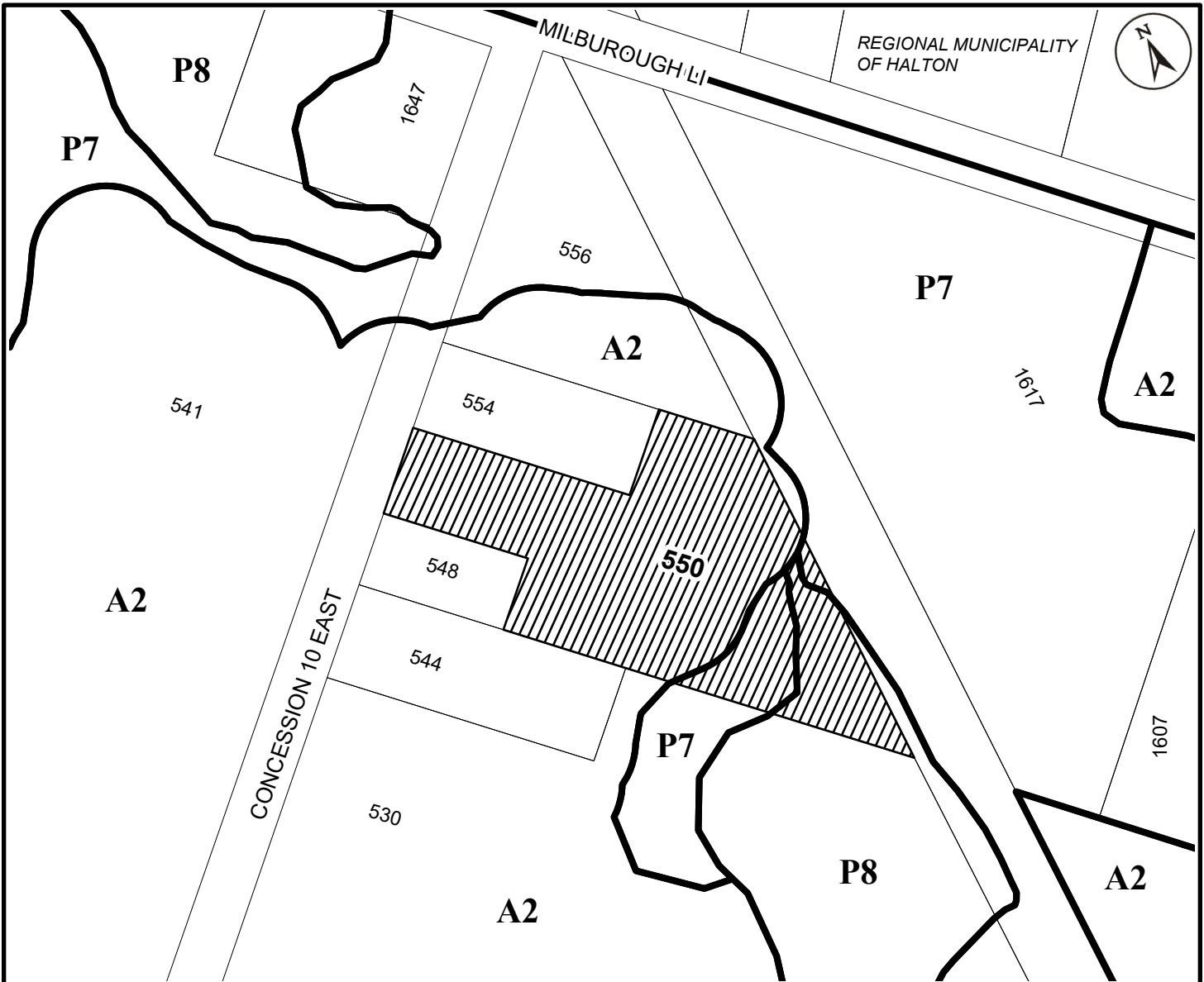
Building Division:

1. Further to Comment No. 1 of the Building Division's letter of March 5, 2020, the word "detached garage" at the end of the 2nd line shall be replaced by the words "attached garage".

Development Engineering:

The Official Plan classifies Tenth Concession Road East as a collector road having a designated ultimate road allowance width of 120 feet (36.580m). The present width of this section of Tenth Concession Road East is only 66 feet (20.120m). Upon receipt of a future development application the City will require a road allowance widening of 27 feet (8.230m). Provided that the existing drainage pattern is maintained, we have no concerns from a grading perspective.

See attached for additional comments.



REGIONAL MUNICIPALITY OF HALTON



● Site Location



Committee of Adjustment

Subject Property



550 Concession 10 East, Flamborough (Ward 15)

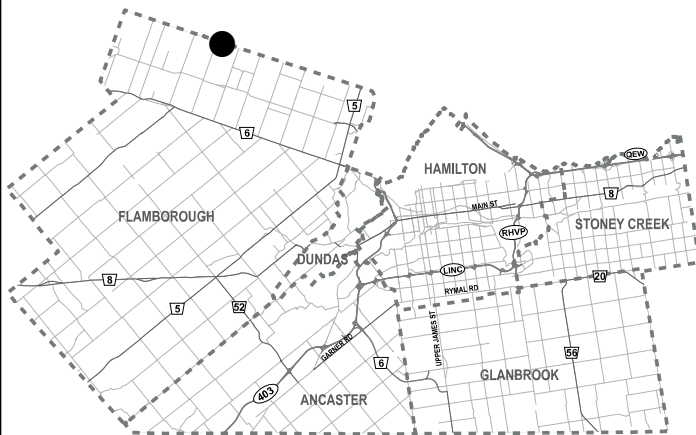
File Name/Number:
FL/A-20-33

Date:
March 4, 2020

Technician:
AL

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton

June 25th, 2020

DN/A-20:31 (31 Helen St., Dundas)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural:

The purpose of this application is to permit the establishment of an accessory apartment within the existing single detached dwelling.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling.

Former Town of Dundas Zoning By-law 3581-86

The subject property is zoned Single Detached Residential “R2” Zone, accessory apartments are a permitted use within the Single Detached Residential “R2” Zone.

Variance 1

The existing northerly side yard, which is 1.06 metres, is legally established non-conforming, whereas the Former Town of Dundas Zoning By-law only permits an accessory apartment in an existing detached dwelling which conforms with the requirements of the Zoning By-law.

Section 9.1.5 of the Former Town of Dundas Zoning By-law states that:

“9.1.5 One ACCESSORY APARTMENT in a dwelling converted that does not change the outside appearance of the dwelling, has no impact on the surrounding area and neighbourhood, where the detached house conforms to the Zoning By-law, is connected to sanitary sewers, sewage treatment capacity is available and is registered under the Municipal Act.”

In this case staff are aware that the 1.06m northerly side yard is a pre-existing condition which does not conform to the 1.2m side yard minimum within an “R2” Single Detached Residential Zone. For that reason, this variance is supported by staff as the variance is minor in nature and appropriate for the development of the subject property.

.../2

DN/A-20:31

Page 2

Variance 2

The applicant is seeking a variance to permit two (2) on-site parking spaces instead of providing three (3) parking spaces which are required for a Dwelling Converted.

The intent of the Official Plan is maintained as the reduction in parking can be supported as the subject property provides two on-site spaces by means of an attached garage and a driveway that accommodates two cars in tandem. It is staff's opinion that the existing parking on-site is sufficient. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 3

The applicant is seeking a variance to allow for no on-site maneuvering to be provided instead of a maneuvering space with a minimum width of 6.0 metres to be provided abutting each parking space.

Staff note the use of the subject lands is a single detached dwelling located on a local road which sees minimal traffic. There is ~5.2 m of length from the property line to the curb line that can aid with the additional maneuvering as it provides enough space from the property line to the curb, for a typical automobile to safely maneuver to and from the driveway. Therefore, the variance maintains the four tests as there are no perceived negative impacts. Accordingly, staff support the variance

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Dundas Zoning By-law. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. A further variance will be required if any alterations are proposed for the exterior of the existing dwelling.
2. A further variance will be required of gravel or similar surface or suitable paving is not provided for the parking area.

.../3

DN/A-20:31

Page 3

3. A building permit is required for the construction of the proposed dwelling. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

No Comment

See attached for additional comments.

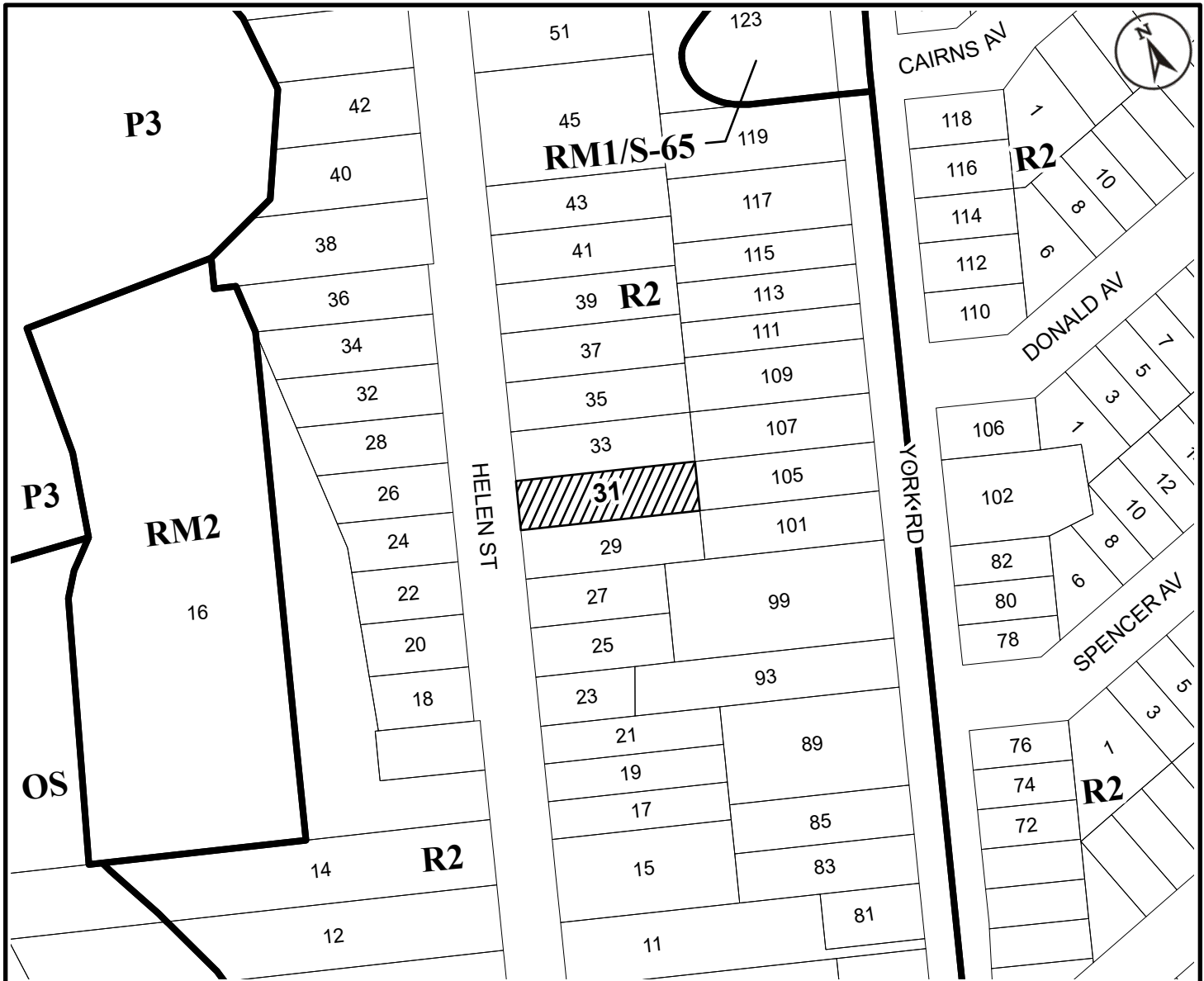
From: [Evans, Morgan](#)
To: [Sheffield, Jamila](#)
Subject: Fw: application # DN/A-20:31...31 Helen St (Dundas) Hamilton.. zoning by-law 3581-86 as amended
Date: March 25, 2020 10:38:13 AM

From: Linda Kinloch <lakinloch@hotmail.com>
Sent: March 17, 2020 3:27 PM
To: Evans, Morgan; Baldry, Scott
Subject: RE: application # DN/A-20:31...31 Helen St (Dundas) Hamilton.. zoning by-law 3581-86 as amended

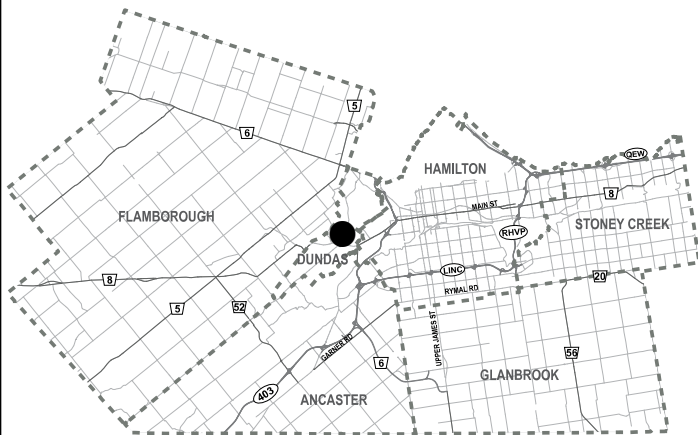
To Whom it may concern ,My name is Linda Kinloch and I am the home owner of 23 Helen St in Dundas . I was planning on attending the meeting scheduled for Thursday March 19th , 2020 in regards to application # DN/A-20:31 however due to the COVID-19 and the changing recommendations and restrictions this may not be possible or the safest thing to do . As a result I am sending this email in regards 31 Helen Street , Dundas and the new owners request to amend the existing By -law . I am absolutely against the proposed change in zoning or amendments to the zoning for 31 Helen Street , Dundas . I bought on this street knowing that the homes are single detached residential and want it to stay that way . Although there is an apartment building with a Helen St address it has a very long driveway and is set up behind a row of single detached homes making it seem like it is on its own Street . When the trees are with foliage the building is not even visible . However , parking can be an issue due to this apartment as the building is obviously allowed to charge for parking spaces which has made some tenants choose to park on Helen Street instead and than walk up to the building .Allowing this single dwelling home to add an apartment or apartments would add to the existing problem . Depending on the day of the month if you want to walk facing traffic in order to be safe you have to walk around these parked cars . We do not need to add to this problem . We also already have a problem with People that are aware that this road leads to the driving park..speeding and increase flow , especially during the summer when children are trying to play and people are out walking ect . I am against any amendments or variances that have been proposed for 31 Helen Street by the new owners . Thank you for you time and consideration .

Sincerely, Linda Kinloch

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



31 Helen Street, Dundas
(Ward 13)

File Name/Number:

DN/A-20:31

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

FL/A-20:32 (4 Haines Ave., Flamborough)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the construction of a garage addition and a two storey addition to an existing single detached dwelling.

Rural Hamilton Official Plan:

The property is within the “Greensville Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 8a Greensville Rural Settlement Area Plan. Policy A.3.5.5 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

The subject property is zoned (S1) Settlement Residential Zone which permits a single detached dwelling.

Variance 1

The applicant is seeking a variance to permit a minimum southerly side yard to be 1.5 metres instead of the minimum 3.0 metres.

The intent of the side yard provisions is to allow for wide enough side yards for adequate drainage and to access the rear of the property. The side yard setbacks of the surrounding dwellings vary from narrow side yard setbacks to wider setbacks. The applicant has proposed to construct a garage addition and two storey addition to the existing residential dwelling on the southerly portion of the property to coincide with the existing driveway on the property. The intent of the RHOP and Zoning By-law are maintained as an adequate yard will be maintained that can allow for access. In addition, the neighbouring properties vary from one storey to two storey single detached dwellings with attached garages, for that reason the proposal to include a second storey with attached garage is in keeping with the surrounding neighbourhood. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Staff do, however, defer to Development Engineering regarding drainage. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to permit a minimum northerly side yard to be 1.9 metres instead of the minimum 3.0 metres.

.../2

FL/A-20:32

Page 2

Staff note that the existing northerly side yard setback is 1.9 metres which is a pre-existing condition that is triggered as a technicality due to the subject proposal to construct the garage addition and a two-storey addition to the existing single detached dwelling. In staff's opinion, the proposed addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The variances have been written as requested by the applicant, except that a variance also applies to the northerly side yard due to the proposed addition.
2. The existing dwelling is a raised ranch bungalow. The proposed addition would provide for the construction of an attached garage on the main floor and a full second floor above the proposed garage and the existing main floor to create a two (2) storey dwelling. With the proposed addition, the gross floor area of the existing dwelling would be increased from 108.06 square metres to 278 square metres.
3. The existing lot width and lot area are deemed to comply with the S1 Zone due to the Vacuum Clause provided in Section 4.12(d) of the Zoning By-law.
4. A building permit is required for the construction of the proposed garage and second floor additions to the existing single detached dwelling.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

The proposed garage addition is to be located at a minimum distance of 1.5m from the sideyard property line. This is sufficient to maintain the existing drainage pattern and therefore, Development Approvals has no concerns from a grading perspective.

See attached for additional comments.

From: [Avram, Jim \(MNRF\)](#)
To: [Sheffield, Jamila](#)
Cc: [Evans, Morgan](#); [Mignano, Martha](#)
Subject: NEC Comments - June 25 CoA
Date: June 19, 2020 7:04:01 PM

Good afternoon Jamila,

NEC staff have reviewed the agenda for the upcoming Committee of Adjustment meeting.

The following items pertain to lands that are subject to the policies of the Niagara Escarpment Plan, 2017 (NEP):

1. FL/A-20:18 60 Rockcliffe:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

2. FL/A-20:28 16 Orchard Dr:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

3. FL/A-20:32 4 Haines Ave:

The property is located within a designated Minor Urban Centre. NEC staff have no concerns provided the Committee is satisfied that the resultant massing of the dwelling will be compatible with the identity and traditional character of the Greensville Minor Urban Centre (Part 1.6.1.5 of the NEP).

4. HM/A-19:359 469 Scenic Dr:

The property is designated as Urban Area by the NEP. NEC staff interpret that the purpose of this application is to allow for "habitable" space accessory to the existing single dwelling on the property, and not to allow for a separate dwelling unit to be established within the upper level of the accessory structure. NEC staff have no concerns provided that the Committee is satisfied that the proposed change qualifies as a minor variance under Section 45 of the *Planning Act*.

5. AN/A-20:30 153 Wilson St. W:

The property is designated as Urban Area by the NEP. NEC staff have no concerns subject to all municipal departments being satisfied.

Kind regards,

Jim Avram, MCIP, RPP

Senior Planner



Niagara Escarpment Commission

An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-6370* **Website:** www.escarpment.org

* I am currently not available at this number but can offer services via telephone upon request.

Please let me know if you require communication supports or alternate formats.

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website:

<https://www.escarpment.org/Commission/COVID19>

Graham and Lindsay Flett
6 Haines Ave
Flamborough ON L9H 5K1

March 18, 2020

Committee of Adjustment
City Hall, 5th Floor
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Jamila Sheffield, Secretary Treasurer

RE: 4 Haines Ave, Flamborough [Application NO FL/A-20:32]

We are owners and residents of 6 Haines Ave, located directly to the south of 4 Haines Ave. We have lived here for 15 years and are very concerned about the proposal to permit the construction of a garage and a 2-story addition to the existing single detached dwelling with a minimum southerly side yard at 1.5 meters instead of the required minimum 3.0 meters on 4 Haines Ave.

We purchased our home because of the rural setting, spacious properties and yet still a community feel. We liked how the houses were not very close to one another as you find in the city. We feel that the proposed building will encroach on the privacy and enjoyment of our property. We don't want people peering down at us from a balcony. It's important to note that we made compromises with the owners of 4 Haines Avenue to construct a privacy fence between our properties at their request last year. It's ironic they now want to build a 2-story dwelling with a balcony where the bulk of its mass will loom at the property line sacrificing our privacy but maintaining theirs.

Some additional concerns with the proposal we have are as follows:

- Not fitting in with the character of the street. All the houses on our street are all single-story dwellings.
- There are no fire hydrants on our street and in the event of a fire, water needs to be trucked in. This takes valuable time. The potential of fire jumping from one building to another will be increased dramatically due to the proximity of the proposed addition.
- The potential impact it could have on our community well. We already have extremely low water pressure.
- We have children's bed rooms in the north end of our building and are concerned with garage noises causing a disturbance.

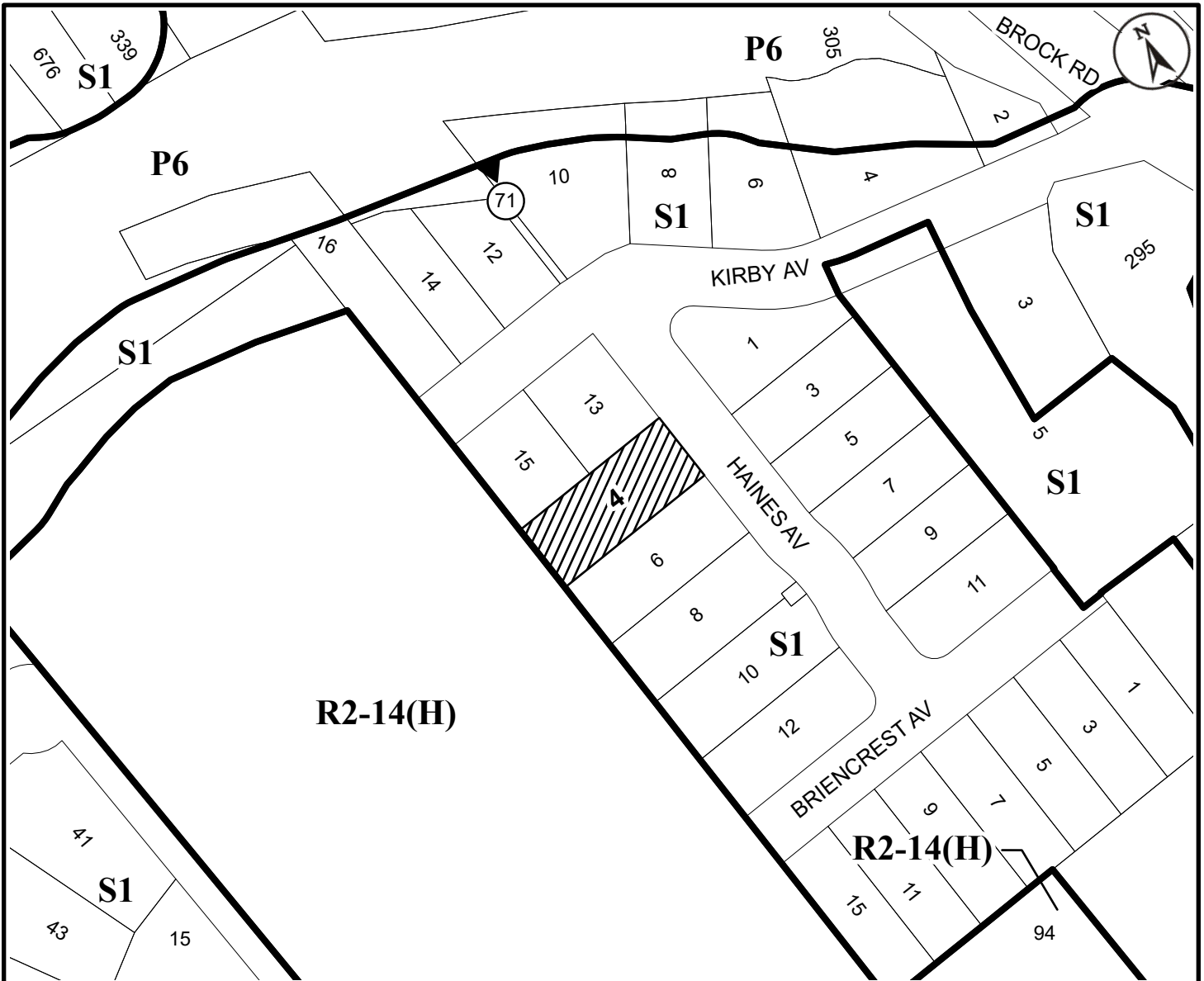
The property of 4 Haines Ave is over 60 meters long, if they want to build a large house, why don't they build more to the West. There is lots of room in that direction that will allow them to stay within the current zoning rules. We feel that their request to build to 1.5 meters of our property line is too close for this rural area.

We were shocked that there was no contact made from the owners of 4 Haines Ave to discuss their intentions or look at drawings during the planning process. Instead we found out less than two weeks ago, when we received the notice in the mail. Maybe a compromise could have been made if there was any kind of attempt at communication.

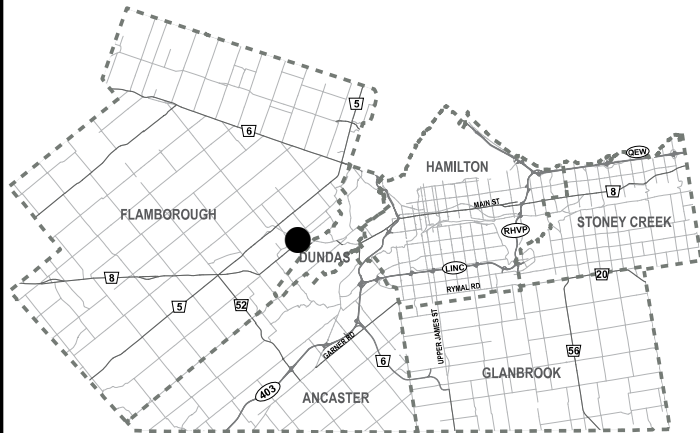
We formally oppose the request for variance and we ask that this application be refused as is. We request to receive a copy of the committee's decision for this property.

Thank you for your time.

Sincerely,
Graham and Lindsay Flett



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



4 Haines Avenue, Flamborough
(Ward 13)

File Name/Number:

FL/A-20:32

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

DN/A-20:37 (51 Sunrise Cres., Dundas)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the construction of a new one (1) storey accessory structure (Hobby workshop) to be located in the required rear yard of the single-detached dwelling.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling.

Former Town of Dundas Zoning By-law 3581-86

The subject property is zoned Single Detached Residential “R2” Zone, accessory apartments are a permitted use within the Single Detached Residential “R2” Zone.

Archeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes; and,
- 3) Within a property designated under the Ontario Heritage Act.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological

.../2

DN/A-20:37

Page 2

assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

Cultural Heritage

The subject property is *adjacent* to 739 Sulphur Springs Road, a property designated under Part IV of the *Ontario Heritage Act*.

Notwithstanding that the subject property is adjacent to a designated property, staff have reviewed the application and are of the opinion that the cultural heritage value of the property will be conserved and have no further comments on the application as submitted.

Variance 1

The applicant is seeking a variance to permit a 3.6m rear yard setback to be provided for the proposed accessory structure instead of the regulation in the By-Law, which states that for accessory structures having an area greater than 18.0m², must comply with the required yard setback and regulations for principle dwelling (7.5 m required rear yard minimum). Due to the property's pie shaped configuration and the location of the principal dwelling on the property, a 7.5 metre setback for the accessory structure is not possible. The variances are minor in nature and appropriate for the development of the subject property as the construction of the accessory structure is compatible with the character of the neighbourhood. Accordingly, staff support this variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Dundas Zoning By-law. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. Please be advised that a portion of this property is within an area regulated by

.../3

DN/A-20:37

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Hamilton Conservation. Please contact (905) 525-2181 prior to any development.

2. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

The proposed workshop is to be located at a minimum distance of 1.8m from the sideyard property line. This is sufficient to maintain the existing drainage pattern and therefore, Development Approvals has no concerns from a grading perspective.

See attached for additional comments.

June 18, 2020

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

Attention: Morgan Evans

File# DN/A-20:37

Re: 51 Sunrise Cres

In response to your correspondence dated June 10, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Hydro easement is to remain clear of encroachment of any kind.
- See existing easement drawing attached.

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 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)

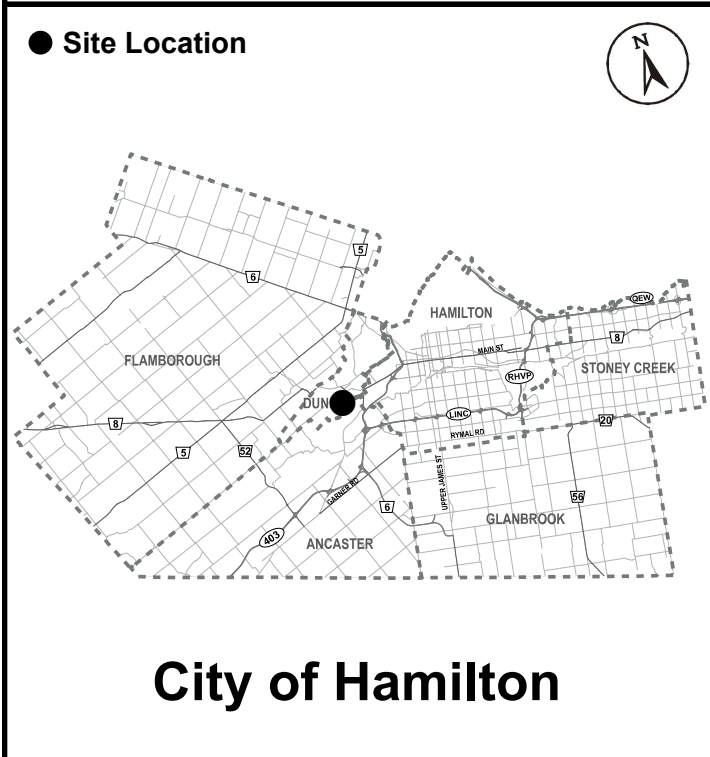
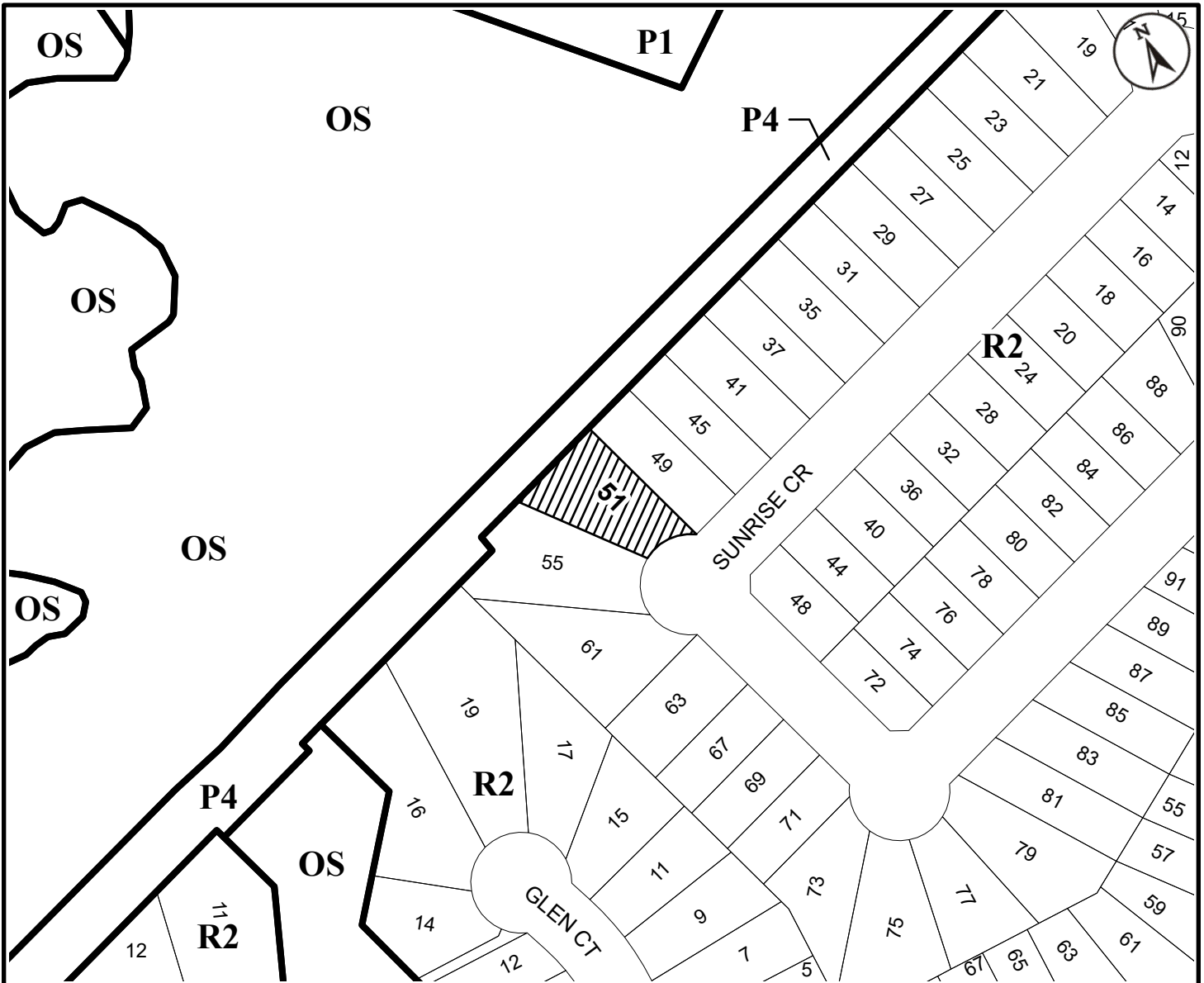
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



Committee of Adjustment

<p>Subject Property</p> <p> 51 Sunrise Crescent, Dundas (Ward 13)</p>	<p>File Name/Number: DN/A-20:37</p> <p>Date: March 5, 2020</p> <p>Technician: AL</p> <p>Map Not To Scale</p> <p>Appendix "A"</p>
<p>Hamilton</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	

June 25th, 2020

DN/A-20:42 (229 Hatt St., Dundas)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the expansion of legally established non-street townhouse dwelling by the addition of a new roofed-over unenclosed porch (steps and awning) at the front of each street townhouse unit.

The proposal and variances are identical for all three units and as such have been consolidated.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E”-Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Street townhouses are permitted in Low Density Residential areas, at a maximum density of 60 units per hectare.

The UHOP permits the enlargement of a legal non-conforming use, provided that the enlargement maintains the intent and purpose of the UHOP and the Zoning By-law (Volume 1-F.1.12.9).

Neighbourhoods are regarded as physically stable areas, each with its own unique scale and character, and changes compatible with this character shall be permitted (Volume 1-E.2.6.7). The policy goals of the Neighbourhoods designation include promoting design that enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution (Volume 1-E.3.1.4).

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Medium Density Multiple Dwelling (RM2) Zone, which does not permit street townhouses. However, the existing use is deemed to comply with the zoning as a legal non-conforming use.

Cultural Heritage

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;

.../2

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Page 2

- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this consent is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Subject property is listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest and is adjacent to a property designated under Part IV of the *Ontario Heritage Act* (10 Market St. S.). Staff are of the opinion that the subject application may impact the heritage resources located on the property. Therefore, if this minor variance is granted, Staff require that the Committee of Adjustment attach the condition of a Heritage Impact Assessment.

Variance 1

The applicant is seeking a variance to recognize the use of a Street Townhouse which is not permitted at this location. Staff are aware that the existing street townhouses were legally established prior to the passing of Former Town of Dundas Zoning By-law No. 3581-86, and the use has continued uninterrupted to the date of this application. Therefore, the existing use is deemed to comply as a legal non-conforming use.

Variance 2

The applicant is seeking a variance to permit no front yard landscaping to be provided instead of the minimum of 50% of the front yard as landscaped area.

.../3

DN/A-20:42

Page 3

This variance is triggered because the existing townhouses have no front yard except for a small set of stairs that lead directly to the public sidewalk. Staff are aware that the building envelope of the Street Townhouse is a pre-existing condition, which had been legally established prior to the force and effect of Former Town of Dundas Zoning By-law No. 3581-86. For that reason, staff are satisfied that the subject variance is technical in nature and is triggered by the proposal which intends to update and replace the wooden steps and railings with concrete steps and metal railings. As well, staff are of the opinion that allowing this variance will help improve the livability and safety within the subject lands. Therefore, the variance maintains the four tests as there are no perceived negative impacts. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the City of Hamilton Zoning By-law No.05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the applications be approved.

In addition, the applicant has provided information which includes the design of proposed concrete stairs, metal railings, and awnings. This information is satisfactory to Cultural Heritage Planning and for that reason the requirement to attach the condition of a Heritage Impact Assessment is waived.

Building Division:

1. Please be advised that the zoning regulations of the RM2 zone are applicable only to specific permitted uses. As the use of a Street Townhouse Dwelling is not permitted within the RM2 zone there are no applicable zoning regulation such use in that zone (i.e. there is no minimum required front yard for a Street Townhouse Dwelling in the RM2 zone.)
2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner for further information.
3. The addition of the proposed roofed over unenclosed porch is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

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DN/A-20:42

Page 4

Development Engineering:

The proposed steps and awning would encroach within the municipal right-of-way and this is not permitted without an Encroachment Agreement. At the discretion of the Public Works Department, the applicant may require an Encroachment Agreement. The applicant is advised to please contact the Public Works Department by phone at 905-546-2424 ex. 5803 or by email to encroachment@hamilton.ca.

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

229-233 Hatt St., Dundas (Ward 13)



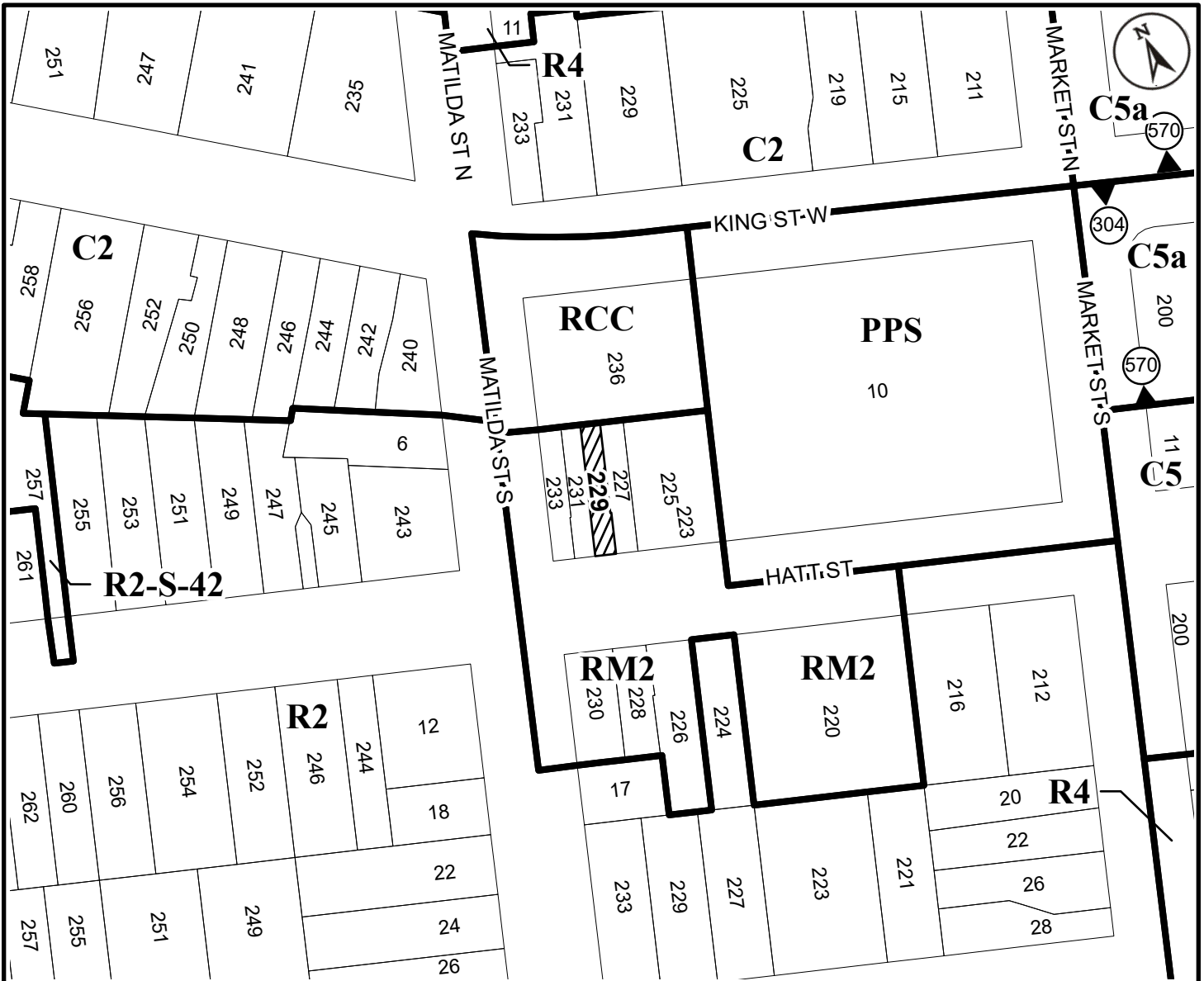
Applicants Proposal: To permit the expansion of the legal non-conforming townhouse by adding an enclosed porch at the front of each of the three dwelling units.

Variances for Property:

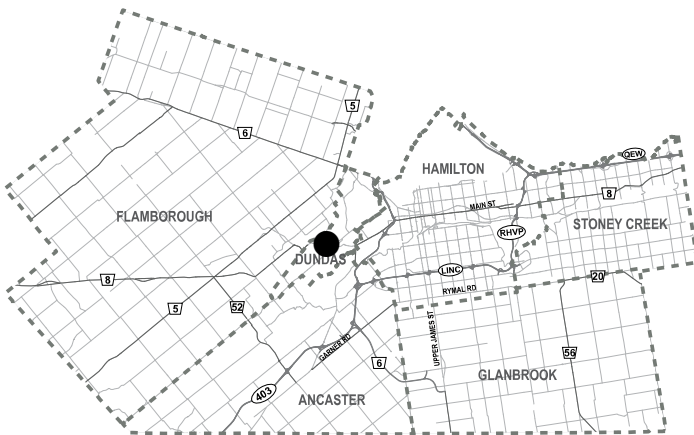
- **Minimum Landscaped Area:** No front yard landscaping shall be provided instead of the required 50% landscaped front yard.

Impact on City Property: There is no expected impact resulting from this application.

Recommendations: Real Estate has no objection to the proposed variance.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



229 Hatt Street, Dundas
(Ward 13)

File Name/Number:

DN/A-20:42

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

DN/A-20:43 (231 Hatt St., Dundas)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the expansion of legally established non-street townhouse dwelling by the addition of a new roofed-over unenclosed porch (steps and awning) at the front of each street townhouse unit.

The proposal and variances are identical for all three units and as such have been consolidated.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E”-Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Street townhouses are permitted in Low Density Residential areas, at a maximum density of 60 units per hectare.

The UHOP permits the enlargement of a legal non-conforming use, provided that the enlargement maintains the intent and purpose of the UHOP and the Zoning By-law (Volume 1-F.1.12.9).

Neighbourhoods are regarded as physically stable areas, each with its own unique scale and character, and changes compatible with this character shall be permitted (Volume 1-E.2.6.7). The policy goals of the Neighbourhoods designation include promoting design that enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution (Volume 1-E.3.1.4).

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Medium Density Multiple Dwelling (RM2) Zone, which does not permit street townhouses. However, the existing use is deemed to comply with the zoning as a legal non-conforming use.

Cultural Heritage

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;

.../2

DN/A-20:43

Page 2

- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this consent is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Subject property is listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest and is adjacent to a property designated under Part IV of the *Ontario Heritage Act* (10 Market St. S.). Staff are of the opinion that the subject application may impact the heritage resources located on the property. Therefore, if this minor variance is granted, Staff require that the Committee of Adjustment attach the condition of a Heritage Impact Assessment.

Variance 1

The applicant is seeking a variance to recognize the use of a Street Townhouse which is not permitted at this location. Staff are aware that the existing street townhouses were legally established prior to the passing of Former Town of Dundas Zoning By-law No. 3581-86, and the use has continued uninterrupted to the date of this application. Therefore, the existing use is deemed to comply as a legal non-conforming use.

Variance 2

The applicant is seeking a variance to permit no front yard landscaping to be provided instead of the minimum of 50% of the front yard as landscaped area.

.../3

DN/A-20:43

Page 3

This variance is triggered because the existing townhouses have no front yard except for a small set of stairs that lead directly to the public sidewalk. Staff are aware that the building envelope of the Street Townhouse is a pre-existing condition, which had been legally established prior to the force and effect of Former Town of Dundas Zoning By-law No. 3581-86. For that reason, staff are satisfied that the subject variance is technical in nature and is triggered by the proposal which intends to update and replace the wooden steps and railings with concrete steps and metal railings. As well, staff are of the opinion that allowing this variance will help improve the livability and safety within the subject lands. Therefore, the variance maintains the four tests as there are no perceived negative impacts. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the City of Hamilton Zoning By-law No.05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the applications be approved.

In addition, the applicant has provided information which includes the design of proposed concrete stairs, metal railings, and awnings. This information is satisfactory to Cultural Heritage Planning and for that reason the requirement to attach the condition of a Heritage Impact Assessment is waived.

Building Division:

1. Please be advised that the zoning regulations of the RM2 zone are applicable only to specific permitted uses. As the use of a Street Townhouse Dwelling is not permitted within the RM2 zone there are no applicable zoning regulation such use in that zone (i.e. there is no minimum required front yard for a Street Townhouse Dwelling in the RM2 zone.)
2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner for further information.
3. The addition of the proposed roofed over unenclosed porch is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

.../4

DN/A-20:43

Page 4

Development Engineering:

The proposed steps and awning would encroach within the municipal right-of-way and this is not permitted without an Encroachment Agreement. At the discretion of the Public Works Department, the applicant may require an Encroachment Agreement. The applicant is advised to please contact the Public Works Department by phone at 905-546-2424 ex. 5803 or by email to encroachment@hamilton.ca.

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

229-233 Hatt St., Dundas (Ward 13)



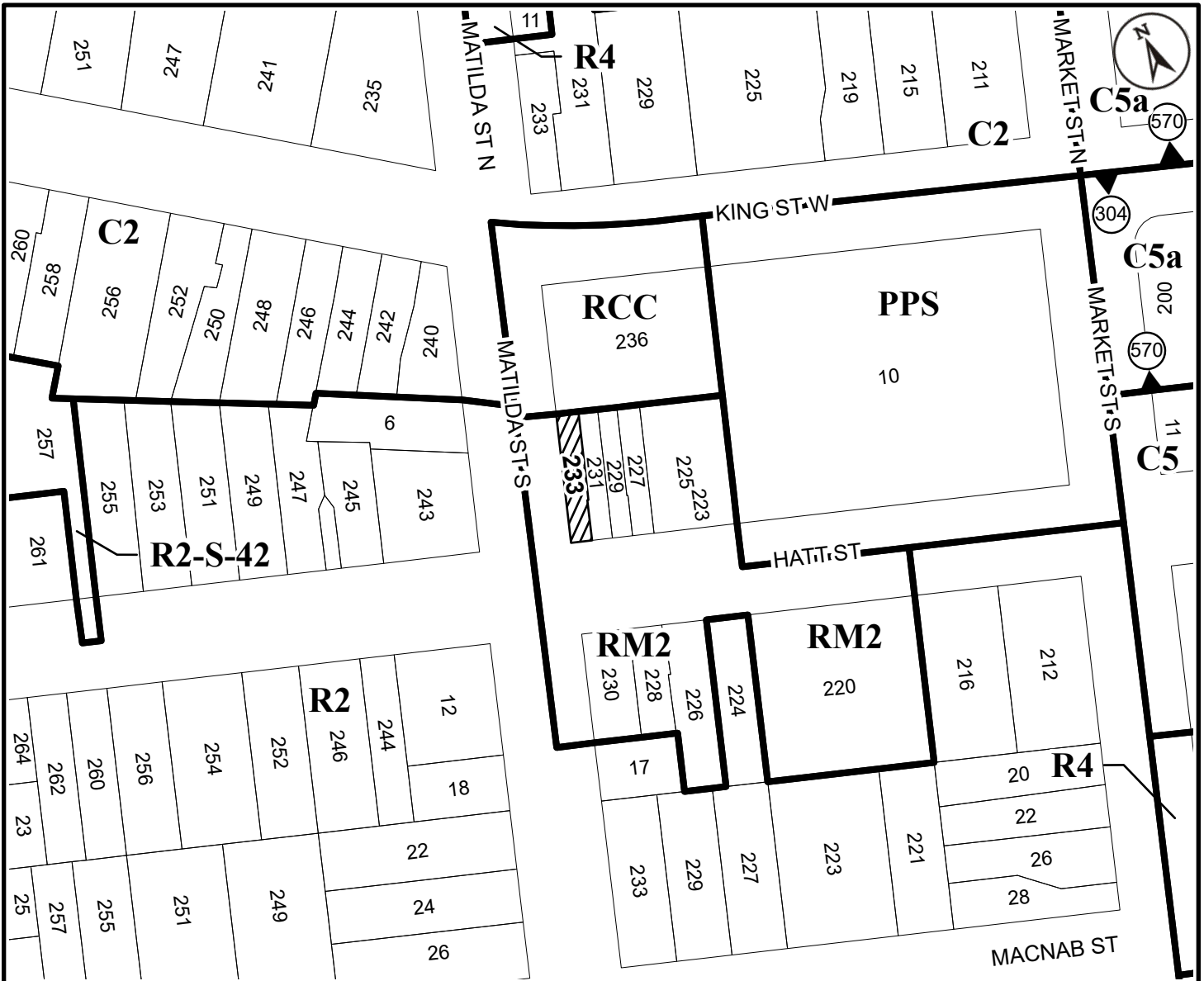
Applicants Proposal: To permit the expansion of the legal non-conforming townhouse by adding an enclosed porch at the front of each of the three dwelling units.

Variances for Property:

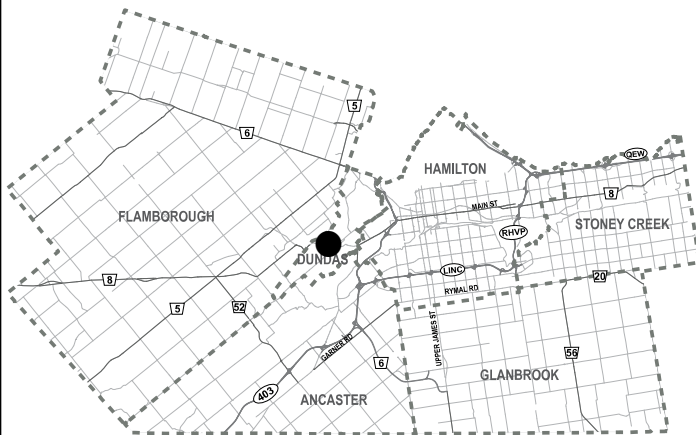
- **Minimum Landscaped Area:** No front yard landscaping shall be provided instead of the required 50% landscaped front yard.

Impact on City Property: There is no expected impact resulting from this application.

Recommendations: Real Estate has no objection to the proposed variance.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



233 Hatt Street, Dundas
(Ward 13)

File Name/Number:

DN/A-20:44

Date:

March 5, 2020

Technician:

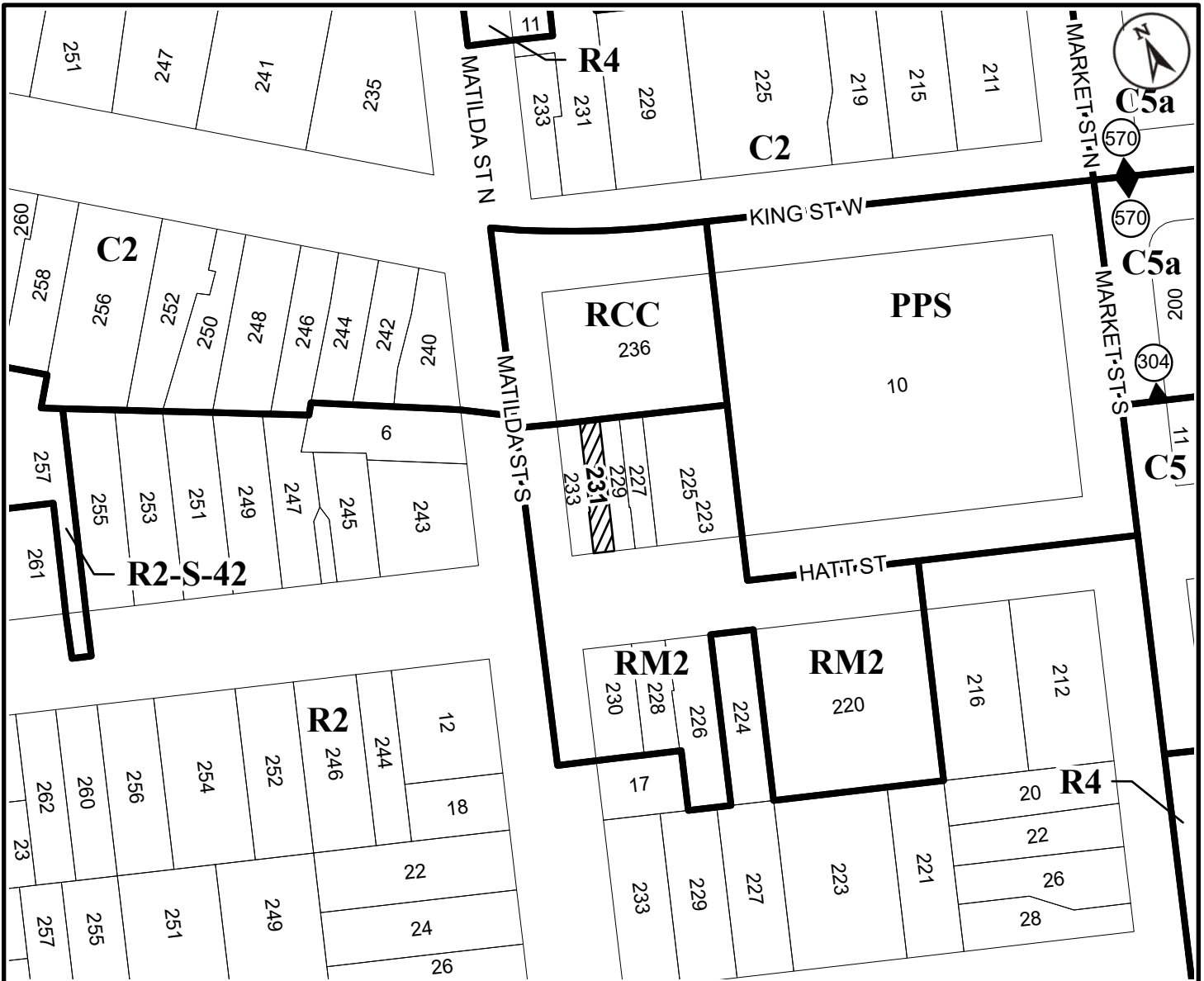
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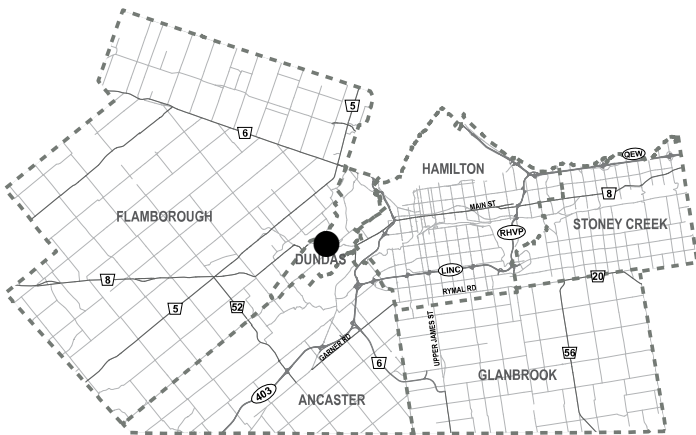
Appendix "A"



Hamilton



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



231 Hatt Street, Dundas
(Ward 13)

File Name/Number:
DN/A-20:43

Date:
March 5, 2020

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

DN/A-20:44 (233 Hatt St., Dundas)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:**

The purpose of this application is to permit the expansion of legally established non-street townhouse dwelling by the addition of a new roofed-over unenclosed porch (steps and awning) at the front of each street townhouse unit.

The proposal and variances are identical for all three units and as such have been consolidated.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E”-Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Street townhouses are permitted in Low Density Residential areas, at a maximum density of 60 units per hectare.

The UHOP permits the enlargement of a legal non-conforming use, provided that the enlargement maintains the intent and purpose of the UHOP and the Zoning By-law (Volume 1-F.1.12.9).

Neighbourhoods are regarded as physically stable areas, each with its own unique scale and character, and changes compatible with this character shall be permitted (Volume 1-E.2.6.7). The policy goals of the Neighbourhoods designation include promoting design that enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution (Volume 1-E.3.1.4).

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Medium Density Multiple Dwelling (RM2) Zone, which does not permit street townhouses. However, the existing use is deemed to comply with the zoning as a legal non-conforming use.

Cultural Heritage

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;

.../2

DN/A-20:44

Page 2

- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this consent is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Subject property is listed on the City’s Inventory of Buildings of Architectural and/or Historical Interest and is adjacent to a property designated under Part IV of the *Ontario Heritage Act* (10 Market St. S.). Staff are of the opinion that the subject application may impact the heritage resources located on the property. Therefore, if this minor variance is granted, Staff require that the Committee of Adjustment attach the condition of a Heritage Impact Assessment.

Variance 1

The applicant is seeking a variance to recognize the use of a Street Townhouse which is not permitted at this location. Staff are aware that the existing street townhouses were legally established prior to the passing of Former Town of Dundas Zoning By-law No. 3581-86, and the use has continued uninterrupted to the date of this application. Therefore, the existing use is deemed to comply as a legal non-conforming use.

Variance 2

The applicant is seeking a variance to permit no front yard landscaping to be provided instead of the minimum of 50% of the front yard as landscaped area.

.../3

DN/A-20:44

Page 3

This variance is triggered because the existing townhouses have no front yard except for a small set of stairs that lead directly to the public sidewalk. Staff are aware that the building envelope of the Street Townhouse is a pre-existing condition, which had been legally established prior to the force and effect of Former Town of Dundas Zoning By-law No. 3581-86. For that reason, staff are satisfied that the subject variance is technical in nature and is triggered by the proposal which intends to update and replace the wooden steps and railings with concrete steps and metal railings. As well, staff are of the opinion that allowing this variance will help improve the livability and safety within the subject lands. Therefore, the variance maintains the four tests as there are no perceived negative impacts. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the City of Hamilton Zoning By-law No.05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the applications be approved.

In addition, the applicant has provided information which includes the design of proposed concrete stairs, metal railings, and awnings. This information is satisfactory to Cultural Heritage Planning and for that reason the requirement to attach the condition of a Heritage Impact Assessment is waived.

Building Division:

1. Please be advised that the zoning regulations of the RM2 zone are applicable only to specific permitted uses. As the use of a Street Townhouse Dwelling is not permitted within the RM2 zone there are no applicable zoning regulation such use in that zone (i.e. there is no minimum required front yard for a Street Townhouse Dwelling in the RM2 zone.)
2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner for further information.
3. The addition of the proposed roofed over unenclosed porch is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

.../4

DN/A-20:44

Page 4

Development Engineering:

The proposed steps and awning would encroach within the municipal right-of-way and this is not permitted without an Encroachment Agreement. At the discretion of the Public Works Department, the applicant may require an Encroachment Agreement. The applicant is advised to please contact the Public Works Department by phone at 905-546-2424 ex. 5803 or by email to encroachment@hamilton.ca.

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

229-233 Hatt St., Dundas (Ward 13)



Applicants Proposal: To permit the expansion of the legal non-conforming townhouse by adding an enclosed porch at the front of each of the three dwelling units.

Variances for Property:

- **Minimum Landscaped Area:** No front yard landscaping shall be provided instead of the required 50% landscaped front yard.

Impact on City Property: There is no expected impact resulting from this application.

Recommendations: Real Estate has no objection to the proposed variance.

June 25th, 2020

HM/A-19:359 (469 Scenic Dr., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of this application is to permit the conversion of the second storey of the accessory building into habitable space for the existing single detached dwelling, notwithstanding that the accessory building being converted for habitable space is for residential purposes on a lot in which a residential building has already been erected.

History

Minor Variance application HM/A-19:359 was tabled by the Committee of Adjustment at the hearing on November 7, 2019. The initial proposal was to convert the second storey of the existing detached garage into a residential dwelling unit. Staff recommended denial of the application because the proposal did not maintain the intent of the Official Plan. The applicant met with Development Planning staff on December 10, 2019, to discuss staff's concerns and recommendations. The application being heard today has been amended to remove the proposed kitchenette, in keeping with staff's recommendation.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling.

The general intent of the Neighbourhoods designation is to maintain the existing character of established neighbourhoods. The second storey of an existing detached garage is proposed to be used for residential purposes accessory to the existing single detached dwelling on the same lot. As the detached garage is existing, staff does not perceive any negative impacts on the neighbourhood character.

With regards to privacy and overlook, there are two windows on the west façade adjacent to the private outdoor amenity area of the abutting lot. Although the structure is set back 3 m from the westerly side lot line at the pinch point at the north westerly corner, due to its orientation it is set back greater than 6.5 m at the south westerly corner. There is a hedge row along the westerly property line that provides some screening for privacy.

As a result of the orientation, natural screening, and anticipated intensity of the use of

.../2

HM/A-19:359

Page 2

this space as an extension of the existing dwelling, staff does not perceive that the proposal will have a negative effect on privacy. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the UHOP.

Staff notes that the accessory structure is located within the Hamilton Conservation Authority's regulated area. As a result, staff recommends that the Hamilton Conservation Authority be contacted regarding the application.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "B" and "B-1" Districts (Suburban Agriculture and Residential, Etc.). A single detached dwelling is permitted within the zoning, subject to the applicable provisions. The Zoning By-law permits structures accessory to a residential use but prohibits the conversion or residential use of a building on a lot where a residential building has already been erected.

Variance 1

The second storey of the accessory building to the existing single detached dwelling is proposed to be converted into habitable space for residential purposes, whereas this is prohibited by the Zoning By-law. The intent of the provision is to ensure that every principal residential building is situated on its own lot, and that accessory buildings remain accessory to the principal building and cause no negative impact on the enjoyment and privacy of the abutting properties.

The proposed conversion is not considered a dwelling unit by the Zoning By-law as there is no kitchen. The accessory building will therefore remain an accessory use to the single detached dwelling on the property. The rear façade has no glazing. As noted in the UHOP section, staff has no concerns with regards to the fenestration on the west façade. Therefore, staff does not perceive any negative impacts on privacy. It is desirable to permit appropriate expansions of existing uses. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and the Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

.../3

HM/A-19:359

Page 3

Building Division:

1. This variance is to allow for the use of both the accessory building and the existing single family dwelling to be used as a single family dwelling only, not to allow for an additional self-contained dwelling unit within this accessory building. Should the owner decide to convert the accessory building into an additional dwelling unit, further variances will be required.
2. Please be advised that parking for a single family dwelling is required to be provided at a rate of two (2) parking spaces for the first eight habitable rooms, plus an additional 0.5 spaces for each additional habitable room. It appears that three (3) habitable rooms are intended within the accessory building however, insufficient information has been provided to confirm the number of habitable rooms existing within the single detached dwelling. As such, the total number of required parking spaces cannot be determined at this time. Further variances will be required if the minimum number of required parking spaces cannot be provided on site in accordance with Section 18A of Hamilton Zoning By-law 6593.
3. A building permit is required in the normal manner for the proposed renovations.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

Development Engineering:

No Comment

See attached for additional comments.

February 26, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West
Hamilton, ON L8P 4Y5

Attn: Jamila Sheffield

**Re: File HM/A-19:359, 469 Scenic Drive
Support for Revised Minor Variance Application**

I am writing with respect to the revised minor variance application submitted for 469 Scenic Drive under Committee of Adjustment file HM/A-19:359. I am aware that the property is currently occupied by a single family dwelling and two-storey detached garage. It is my understanding that the original minor variance application involved modifications to the second floor of the detached garage that would have resulted in the second floor being deemed an additional dwelling unit by City of Hamilton building and zoning staff.

I have reviewed the revised plans for the second floor of the detached garage, as well as the revisions to the minor variance application. I have no concerns and support the revised proposal to use this area as habitable space, as defined under the zoning by-law.

I welcome any questions you have or further information I can provide.

Yours truly



Name

48 Pine Ave
Hamilton

Address

2901153

February 26, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West
Hamilton, ON L8P 4Y5

Attn: Jamila Sheffield

**Re: File HM/A-19:359, 469 Scenic Drive
Support for Revised Minor Variance Application**

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I have reviewed the revised plans for the second floor of the detached garage, as well as the revisions to the minor variance application. I have no concerns and support the revised proposal to use this area as habitable space, as defined under the zoning by-law.

I welcome any questions you have or further information I can provide.

Yours truly,

Tedd Shaver, Elizabeth Tran
Name

471 Scenic Dr
Address

February 26, 2020

City of Hamilton
Committee of Adjustment
71 Main Street West
Hamilton, ON L8P 4Y5

Attn: Jamila Sheffield

**Re: File HM/A-19:359, 469 Scenic Drive
Support for Revised Minor Variance Application**

I am writing with respect to the revised minor variance application submitted for 469 Scenic Drive under Committee of Adjustment file HM/A-19:359. I am aware that the property is currently occupied by a single family dwelling and two-storey detached garage. It is my understanding that the original minor variance application involved modifications to the second floor of the detached garage that would have resulted in the second floor being deemed an additional dwelling unit by City of Hamilton building and zoning staff.

I have reviewed the revised plans for the second floor of the detached garage, as well as the revisions to the minor variance application. I have no concerns and support the revised proposal to use this area as habitable space, as defined under the zoning by-law.

I welcome any questions you have or further information I can provide.

Yours truly,



Name

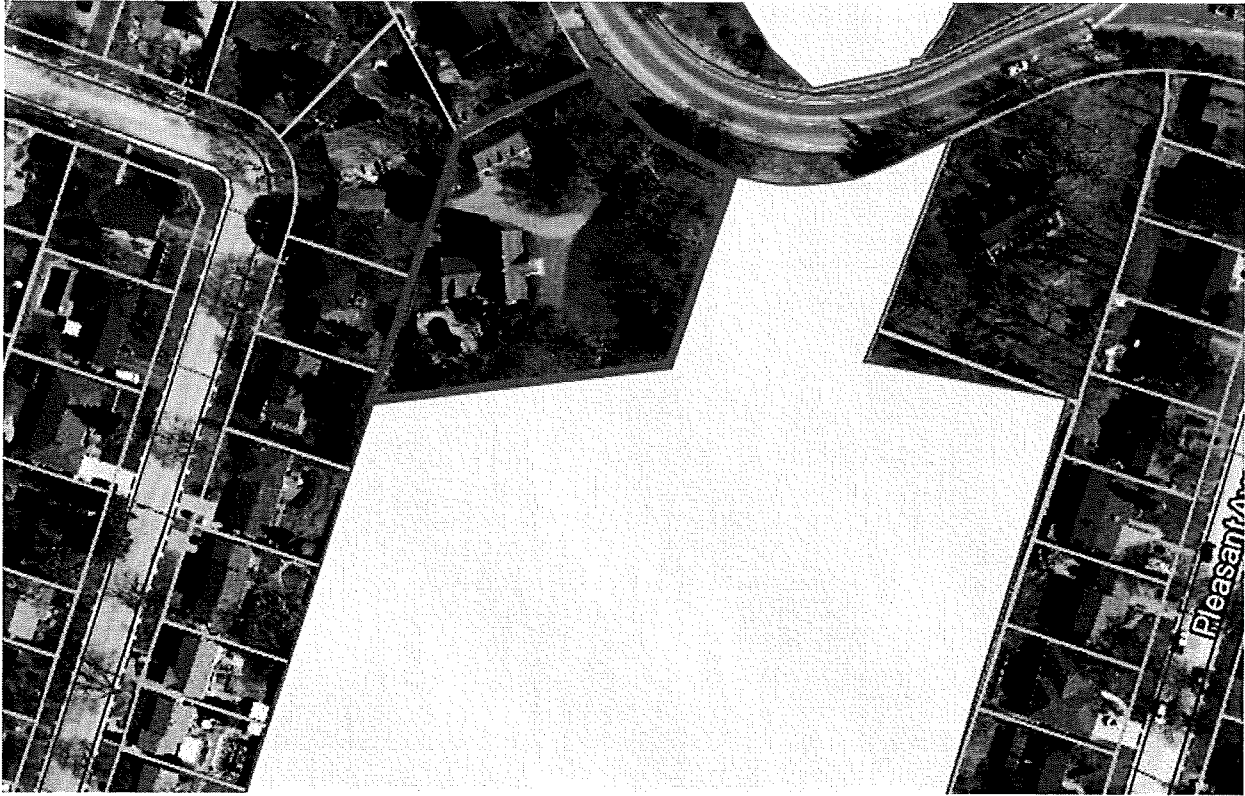
JAMES McELREA

477 SCENIC DRIVE

Address

Real Estate Comments – CoA June 25, 2020

369 Scenic Drive, Hamilton (Ward 14)



Applicants Proposal: To permit the conversion of the accessory building into a dwelling unit.

Variations for Property:

- N/A

Impact on City Property: There are no expected impacts on the adjacent City property.

Recommendations: Real Estate has no objection to the proposed variance.

From: [Avram, Jim \(MNRF\)](#)
To: [Sheffield, Jamila](#)
Cc: [Evans, Morgan](#); [Mignano, Martha](#)
Subject: NEC Comments - June 25 CoA
Date: June 19, 2020 7:04:01 PM

Good afternoon Jamila,

NEC staff have reviewed the agenda for the upcoming Committee of Adjustment meeting.

The following items pertain to lands that are subject to the policies of the Niagara Escarpment Plan, 2017 (NEP):

1. FL/A-20:18 60 Rockcliffe:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

2. FL/A-20:28 16 Orchard Dr:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

3. FL/A-20:32 4 Haines Ave:

The property is located within a designated Minor Urban Centre. NEC staff have no concerns provided the Committee is satisfied that the resultant massing of the dwelling will be compatible with the identity and traditional character of the Greensville Minor Urban Centre (Part 1.6.1.5 of the NEP).

4. HM/A-19:359 469 Scenic Dr:

The property is designated as Urban Area by the NEP. NEC staff interpret that the purpose of this application is to allow for "habitable" space accessory to the existing single dwelling on the property, and not to allow for a separate dwelling unit to be established within the upper level of the accessory structure. NEC staff have no concerns provided that the Committee is satisfied that the proposed change qualifies as a minor variance under Section 45 of the *Planning Act*.

5. AN/A-20:30 153 Wilson St. W:

The property is designated as Urban Area by the NEP. NEC staff have no concerns subject to all municipal departments being satisfied.

Kind regards,

Jim Avram, MCIP, RPP

Senior Planner



Niagara Escarpment Commission

An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

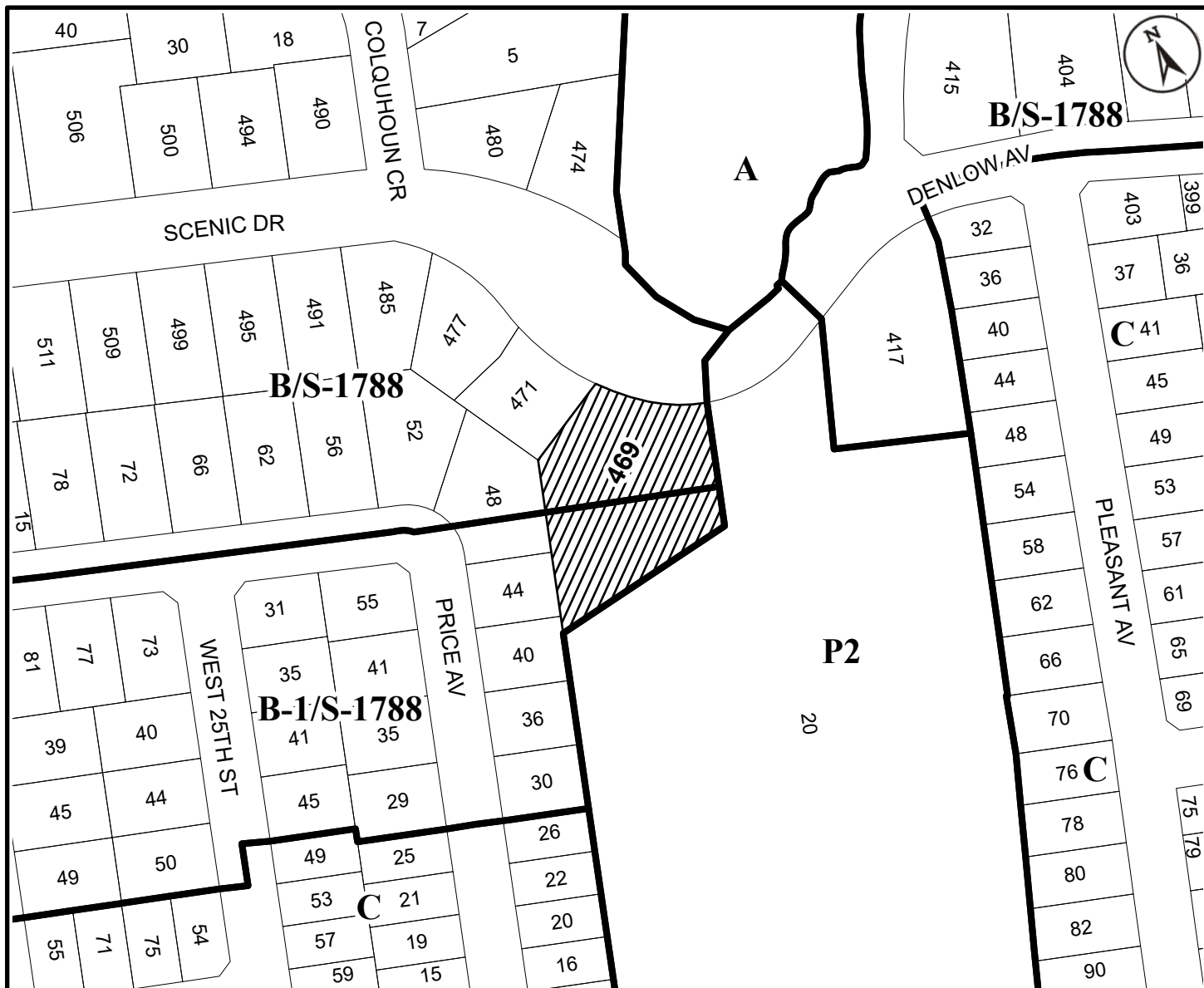
Tel: 905-877-6370* **Website:** www.escarpment.org

* I am currently not available at this number but can offer services via telephone upon request.

Please let me know if you require communication supports or alternate formats.

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website:

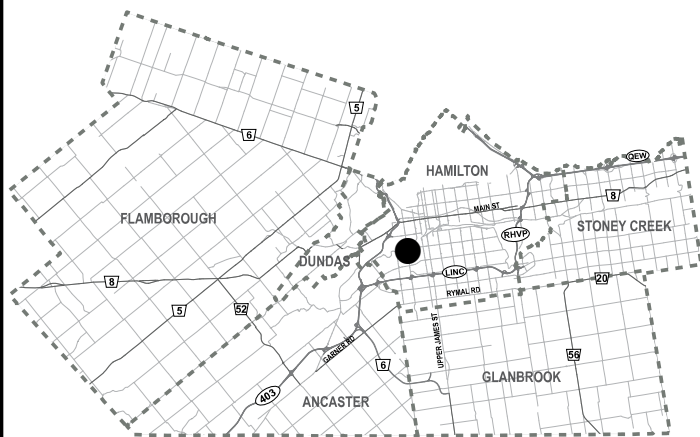
<https://www.escarpment.org/Commission/COVID19>



● Site Location



Committee of Adjustment



Subject Property



469 Scenic Drive, Hamilton (Ward 14)

File Name/Number:

HM/A-19:359

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

City of Hamilton

June 25th, 2020AN/A-20:39 (96 Floresta Crt., Ancaster)PLANNING and ECONOMIC DEVELOPMENT DEPARTMENTDevelopment Planning – Suburban:

The purpose of this application is to permit the construction of a single detached dwelling upon demolition of the existing detached dwelling, notwithstanding the variances below.

The proposal consists of demolition of the existing dwelling down to the foundation, and construction of an addition with a footprint of 13.6 square metres as well as a second storey addition. Site Plan Control was waived by Development Planning staff on January 7, 2020, because the proposed reconstruction and proposed addition did not represent a 50% increase in the existing ground floor area.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Existing Residential “ER” Zone, which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum westerly side yard setback of 1.6 m is proposed, whereas the Zoning By-law requires a minimum 2.5 m side yard setback. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. The required minimum side yard width also contributes to the streetscape by defining the spaces between buildings. Staff is satisfied that the proposed reduced side yard width is adequate for access and maintenance. Staff defers to Development Engineering Approvals with regards to all drainage concerns. The proposed side yard is in keeping with the streetscape as it represents the setback of the dwelling being reconstructed. The variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Accordingly, staff **supports** the variance.

AN/A-20:39

Page 2

Variance 2

The existing accessory structures and swimming pool are proposed to remain during construction, whereas the Zoning By-law does not permit accessory structures to be located on a lot where there is no principal structure. The provision is intended to prevent land from being underutilized, and to maintain a desirable streetscape. Staff is of the opinion that, in the context of the proposal to construct a dwelling on the lot, approval of this variance maintains the intent of the Zoning By-law. The variance maintains the intent of the Official Plan, and it is desirable and minor in nature. Staff **supports** the variance.

Variance 3

The required unobstructed length of 1.0 m within the side yard and 1.0 m width within the rear yard is not proposed to be provided. The existing driveway, swimming pool, and accessory structure preclude the ability to provide the unobstructed areas. The intent of the provision is to maintain adequate drainage on site. Staff defers to Development Engineering Approvals for all drainage concerns. Approval of the variance does not impact the streetscape. The variance maintains the intent of the Official Plan and the Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. A further variance will be required if the maximum permitted lot coverage of 35 percent is exceeded.
2. For the purpose of this application, the front lot line is deemed to be the northerly lot line.
3. The applicant shall ensure one (1) parking space with an unobstructed area measuring 3.5 metres in width by 6.0 metres in length is provided within the attached garage and one (1) parking space with an unobstructed area measuring 3.0 metres in width by 5.8 metres in length is provided within the driveway area.

.../3

AN/A-20:39

Page 3

4. The applicant shall ensure the eave and gutter encroachment does not project more than 60 centimetres into a required side yard setback.
5. A building permit is required for the construction of the proposed dwelling. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

We have no concerns from a Growth Management Approvals perspective.

See attached for additional comments.

From: [Bishop, Kathy](#)
To: [Sheffield, Jamila](#); [Mignano, Martha](#)
Cc: [jeremy van den Heuvel](#)
Subject: AN/A-20:39 - 96 Floresta Crt., Ancaster
Date: March 13, 2020 10:47:27 AM
Attachments: [AN A-20 39.pdf](#)

Good Morning Jamila/Martha

Councillor Ferguson is out of town and not available to attend the March 19th Committee of Adjustment meeting regarding 96 Floresta Court in Ancaster.

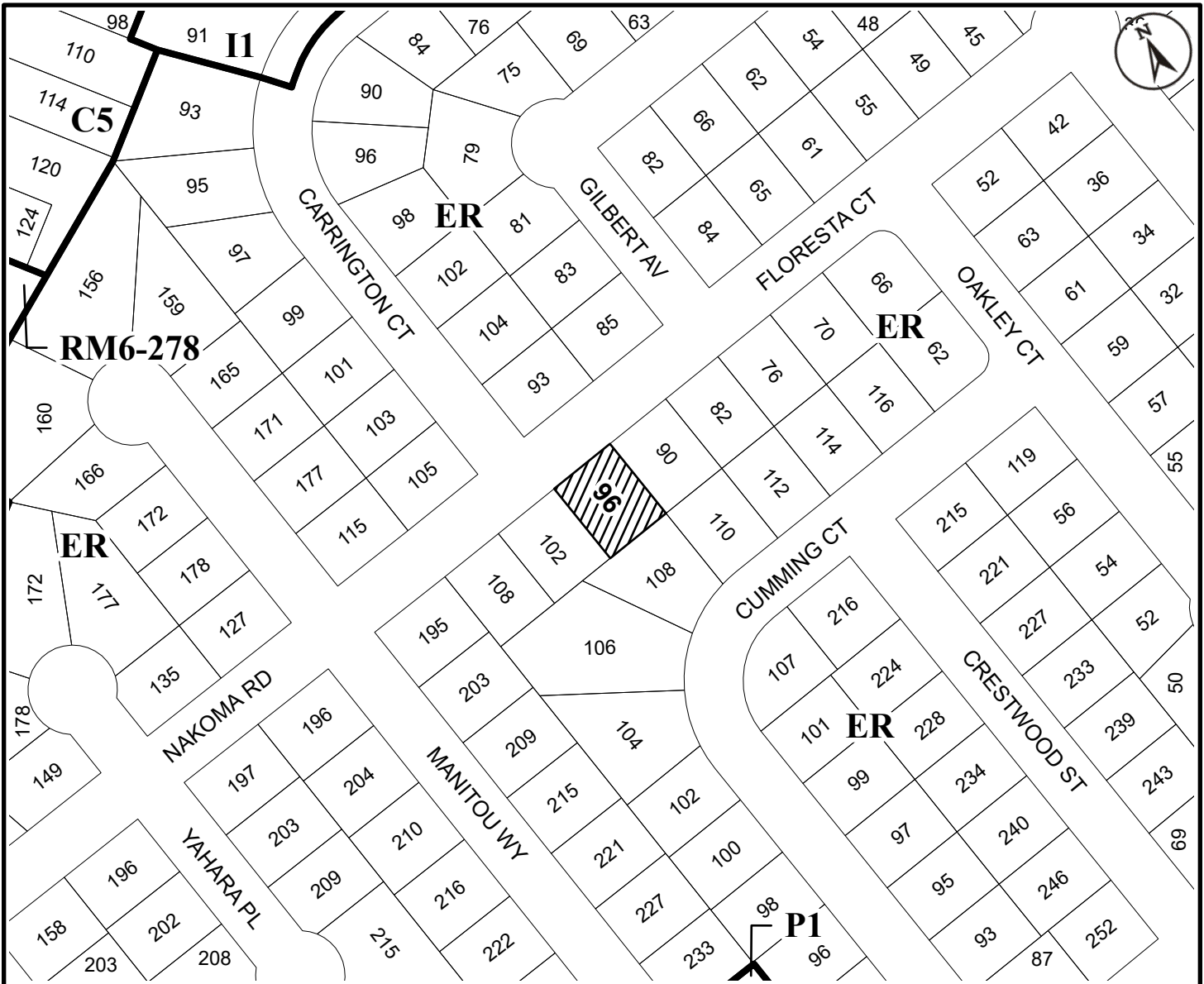
However, please be advised that our office has not received any opposition to this application and Councillor Ferguson is in full support of it.

Thanks.

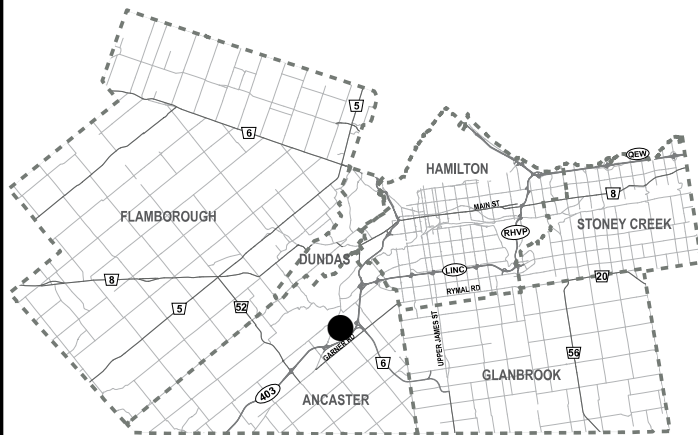
Kathy Bishop

Executive Assistant to Councillor Lloyd Ferguson
Ward 12 Ancaster 905-546-3196





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



96 Floresta Court, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:39

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020**AN/A-20:30 (153 Wilson St. W., Ancaster)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of this application is to permit the construction of a three-storey apartment building containing a total of 63 dwelling units as per Site Plan Amendment application SPA-18-124, notwithstanding that a variance to permit a minimum front yard of 0.2 m is required to facilitate the proposal.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

The subject lands are within the Ancaster Wilson Street Secondary Plan and are designated “Medium Density Residential 2” on Land Use Plan Map B.2.8-1 (UHOP – Volume 2). The lands are also subject to Site-Specific Policy – Area C (Land Use Plan Map B.2.8-1). Policies B.2.8.7.4 and B.2.8.16.3 are applicable, amongst others, and permit the proposed apartment building.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). Staff notes that the proposed development will integrate compatibly with the surrounding area while further enhancing and building upon the streetscape patterns. The provision of amenity space complements the existing patterns of private and public amenity space. It is the opinion of staff that the proposal is consistent with the policies of the UHOP.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential Multiple “RM6, 665” Zone, Modified, which permits apartment buildings, subject to the applicable provisions.

Variance 1

A minimum front yard of 0.2 m is proposed, whereas a minimum front yard of 1.5 m is required by the Zoning By-law. The intent of the provision is to create and maintain a consistent streetscape by having buildings set back a similar and compatible distance from the street.

Staff notes that the principal façade conforms to the minimum required front yard setback of 1.5 m. The variance is proposed in order to permit a front yard setback of 0.2

.../2

AN/A-20:30

Page 2

m to the foundation of the balcony. The proposed balcony encroaches 1.256 m into the minimum required front yard. Although encroachments into the front yard are permitted to project a maximum of 1.5 m for balconies and unenclosed porches, the proposed balcony supported by a foundation does not meet either of these zoning definitions. If the balcony were cantilevered, the variance would not be required. In light of the foregoing, staff considers this to be a technical variance.

In the opinion of staff, the proposed balcony on a foundation will have no greater impact on the streetscape than a cantilevered balcony. The variance would permit the principal façade to conform to the minimum required front yard setback and animate the streetscape. The variance is desirable to provide private outdoor amenity space. Based on the foregoing, the variance maintains the intent of the Official Plan and the Zoning By-law, and it is desirable and minor in nature. Staff supports the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. A building permit is required for the construction of the proposed three-storey apartment building.
2. The variance is required to facilitate Site Plan Application SPA-18-124.
3. The applicant shall ensure that a minimum of 109 parking spaces are provided and maintained within the underground parking level; otherwise, further variances will be required. No underground parking layout was provided from which to confirm compliance.

Development Engineering:

For the Information of the Committee all engineering related concerns are being dealt with under Site Plan Application SPA-18-124.

See attached for additional comments.

From: [je tottman](#)
To: [Committee of Adjustment](#)
Cc: [je tottman](#); primotracker@hotmail.com
Subject: Questions /Comments for Minor Variance Meeting June 25th re Application Number AN/A-20:30
Date: June 23, 2020 10:05:42 AM

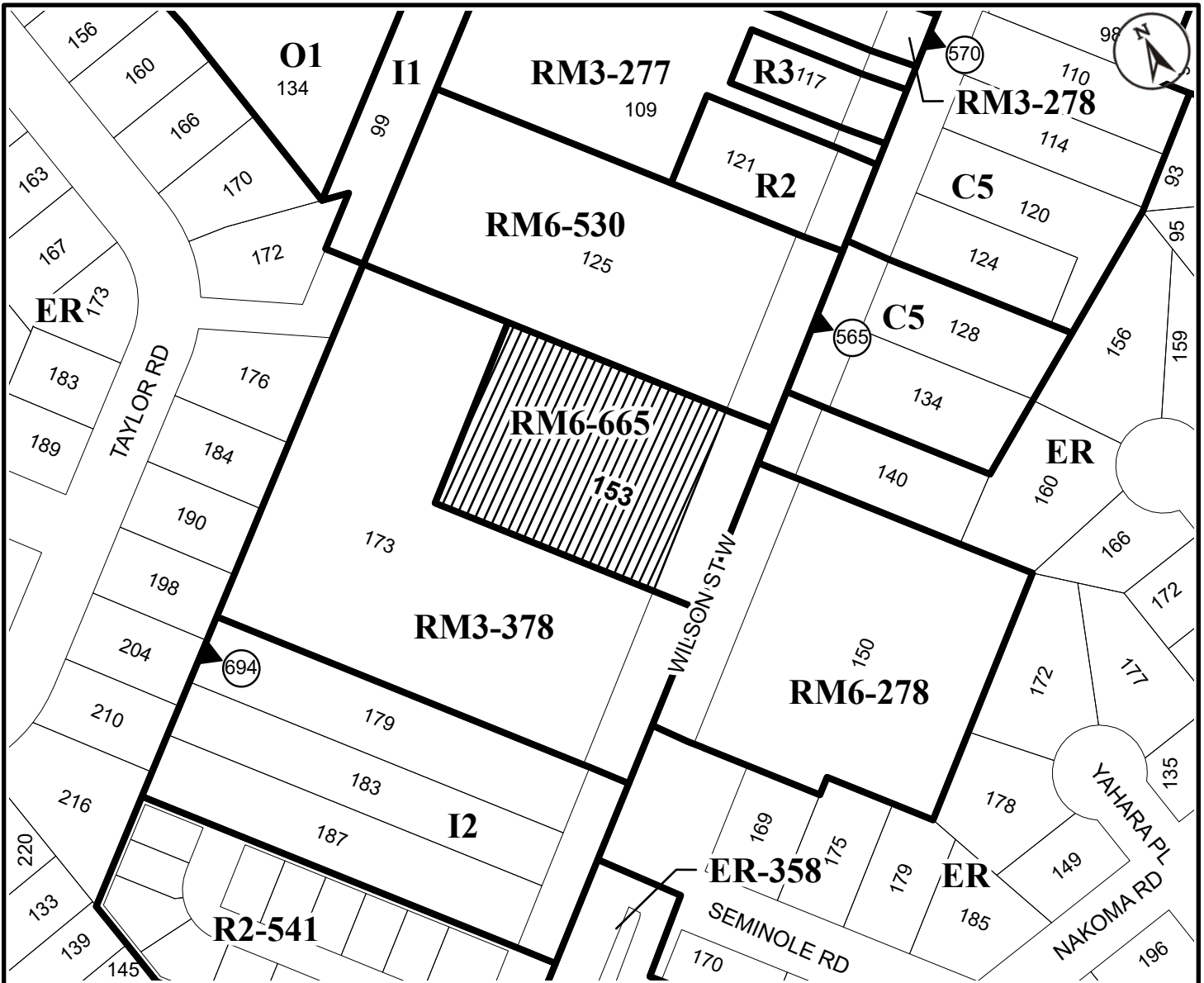
Regarding the Public Hearing for a Minor Variance requested by Garth Trails for their property at 153 Wilson St West in Ancaster, we submit the following questions/comments for discussion at the virtual Public Hearing:

1. Is the Architectural firm responsible for this proposed structure new to the city? If not, then they must be familiar with building and zoning requirements which prompts the question why did they not incorporate the city mandated 1.5 m minimum front yard into their design from the outset?
2. How did the missing allowance come to light? Did they acknowledge their error or did they wait for the city's Planning department to identify that their proposed design was lacking more than 86% of the required front yard?
3. At the point of acknowledging this major deficiency in their design, did they take any action to amend their drawing or did they simply rely on Hamilton Planning to acquiesce?
4. Considering the small amount of set back required, it would seem unimaginable that they could not recover the necessary 1.5 m from either their building design or via the space behind the building in order to comply with the bylaw to preserve the streetscape. What corrective actions have they proposed other than non-compliance with the bylaw?
5. What steps has the City taken to encourage the builder's compliance with the 1.5m front yard bylaw?
6. Where else in the city has the Planning department permitted a builder to proceed with such a dramatic reduction in the mandated 1.5 m requirement?

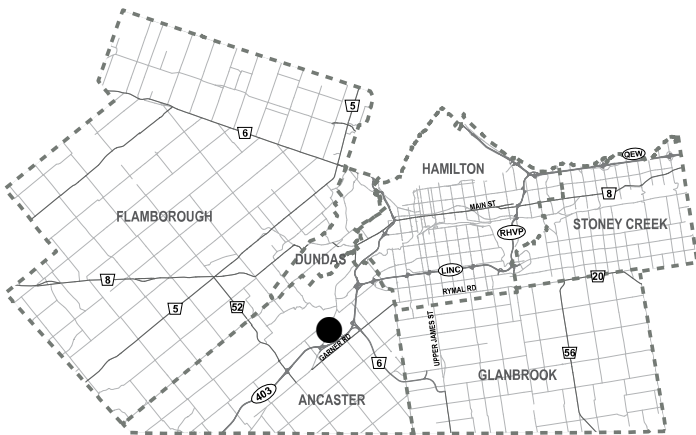
7. How does the City measure/forecast the impact on safety and other considerations for pedestrians on Wilson Street?

8. Are there potential impacts on vehicle traffic with the encroachment of this proposed structure being so close to the road?

Jeff and Judy Tottman
150 Wilson St W, Unit 202
Ancaster, ON L9G 4E7



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



153 Wilson Street West,
Ancaster (Ward 12)

File Name/Number:

AN/A-20:30

Date:

March 5, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

From: [Avram, Jim \(MNRF\)](#)
To: [Sheffield, Jamila](#)
Cc: [Evans, Morgan](#); [Mignano, Martha](#)
Subject: NEC Comments - June 25 CoA
Date: June 19, 2020 7:04:01 PM

Good afternoon Jamila,

NEC staff have reviewed the agenda for the upcoming Committee of Adjustment meeting.

The following items pertain to lands that are subject to the policies of the Niagara Escarpment Plan, 2017 (NEP):

1. FL/A-20:18 60 Rockcliffe:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

2. FL/A-20:28 16 Orchard Dr:

The property is designated as Urban Area by the NEP. NEC staff have no concerns.

3. FL/A-20:32 4 Haines Ave:

The property is located within a designated Minor Urban Centre. NEC staff have no concerns provided the Committee is satisfied that the resultant massing of the dwelling will be compatible with the identity and traditional character of the Greensville Minor Urban Centre (Part 1.6.1.5 of the NEP).

4. HM/A-19:359 469 Scenic Dr:

The property is designated as Urban Area by the NEP. NEC staff interpret that the purpose of this application is to allow for "habitable" space accessory to the existing single dwelling on the property, and not to allow for a separate dwelling unit to be established within the upper level of the accessory structure. NEC staff have no concerns provided that the Committee is satisfied that the proposed change qualifies as a minor variance under Section 45 of the *Planning Act*.

5. AN/A-20:30 153 Wilson St. W:

The property is designated as Urban Area by the NEP. NEC staff have no concerns subject to all municipal departments being satisfied.

Kind regards,

Jim Avram, MCIP, RPP

Senior Planner



Niagara Escarpment Commission

An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-6370* **Website:** www.escarpment.org

* I am currently not available at this number but can offer services via telephone upon request.

Please let me know if you require communication supports or alternate formats.

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website:

<https://www.escarpment.org/Commission/COVID19>

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:13 (360 Mohawk Rd. W., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. Noise Study: That the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
3. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. Landscape Plan: That the owner submits and receive approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy

.../2

HM/B-20:13

Page 2

requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

6. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.
7. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.
8. The owner submits to the Committee of Adjustment office an administration fee of \$60.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

June 25th, 2020

HM/B-20:13 (360 Mohawk Rd. W., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of these applications is to sever the subject lands into four parcels of land for the purpose of constructing a semi-detached dwelling on each lot.

Application HM/B-20:13 proposes to sever a ±13.4 metre by ±34 metre parcel of land, shown as Parts 1 and 2, having an area of ±729 square metres, and to retain a ±14.9 metre by ±28 m parcel of land, shown as Parts 3, 4, and 5, having an area of ±575 square metres. A pair of semi-detached dwellings is proposed on both the severed and retained lands.

Application HM/B-20:14 proposes to sever Part 2, measuring ±6.775 metres by ±34 metres with an area of ±248.02 square metres, from Part 1 which measures ±6.668 metres by ±34 metres with an area of ±233.06 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 1 and 2 through application HM/B-20:13.

Application HM/B-20:15 proposes to sever Part 3, measuring ±6.775 metres by ±33 metres with an area of ±229.48 square metres, from Parts 4 and 5 which measure ±8.132 metres by ±28 metres with an area of ±346.33 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 3, 4, and 5 through application HM/B-20:13.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and “Secondary Corridors” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits semi-detached dwellings.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal contributes to achieving a range of dwelling types and tenures in a neighbourhood consisting primarily of single detached dwellings. The lot widths proposed will result in dwellings of a scale that is similar and compatible with the scale of the existing development of the streetscape. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the

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proposed severances do consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape. The zoning of the subject lands was amended on August 16, 2019, by Zoning By-law Amendment No. 19-195. The intent of the amendment was to rezone these lands in order to permit the proposed development. Through this process, several conditions were identified to be applicable to the future Consent applications.

Mohawk Road West in this location is classified as a major arterial road. For residential development that is proposed within 400 m of a major arterial road, the UHOP requires that a noise feasibility study and/or a detailed noise study be submitted (B.3.6.3.7). Further, the UHOP requires noise mitigation measures when predicted noise levels in outdoor areas exceed 60 dBA (B.3.6.3.8 (c)). A noise feasibility study prepared by RWDI and dated August 13, 2018, was submitted in support of the Zoning By-law Amendment. The study identified that, at minimum, a 2.0 m high acoustical barrier will be required for the dwelling unit adjacent to Mohawk Road West and that warning clauses for each dwelling unit will be required to be included in all future purchase / sale agreements and lease / rental agreements. The staff recommendation report noted that a detailed noise study would be required to finalize the details of the required noise mitigation measures. As a result, staff recommends that conditions be attached to any approvals that will ensure that the noise policies of the UHOP are satisfied.

Trees have been identified on the subject lands, several of which conflict with the proposed development. A conceptual Tree Removal and Landscape Plan prepared by Marton Smith Landscape Architects and dated August 29, 2018, was submitted in support of the Zoning By-law Amendment. The staff recommendation report noted that minor modifications to the Tree Protection Plan were required, and it was recommended that these modifications be finalized through the future Consent applications. As a result, staff recommends that a condition be attached to any approvals to ensure these requirements are satisfied.

Compensation is required for the removal of private trees which are of 10 cm diameter at breast height or greater. Compensation is required to be provided on a Landscape Plan. As a result, staff recommends that a condition be attached to any approvals to ensure these requirements are satisfied.

There are no municipal tree assets adjacent to the subject lands; however, the City of Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment for road allowance street trees, as approved through the review of a proposed street tree planting scheme.

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The staff recommendation report noted that this would be a condition of the future Consent applications. Staff defers to the recommendations of the Public Works Department (Environmental Services Division – Forestry and Horticulture Section) with regards to street tree planting requirements.

There is a Canada Post Community Mailbox in the municipal right-of-way adjacent to Part 3. A minimum 3 m separation is required to be provided in the municipal right-of-way between the mailbox and a driveway approach. Staff notes that, through the rezoning process, it was identified that the applicant would coordinate with Canada Post to relocate the mailbox to the easterly side of West 15th Street.

Staff is of the opinion that the proposed consents are consistent with the policies of the Official Plan, and that the lots to be retained and conveyed reflect the general scale and character of the established development. In addition, the proposed lots are fully serviced by municipal water and wastewater systems and have frontage on a public road. Based on the foregoing, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Cultural Heritage

Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

As part of a previous application (ZAC-18-046), a Stage 1 & 2 archaeological report (P029-0941-2017) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports for compliance with licensing requirements in a letter dated February 12, 2018. Staff is of the opinion that the municipal interest in the archaeology of the site has been satisfied.

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Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-1785” District (Urban Protected Residential – One and Two Family Dwellings, Etc.), which permits semi-detached dwellings, subject to the applicable provisions. A minimum lot width of 13.5 m and a minimum lot area of 480 sq. m are required for a semi-detached dwelling. The subject lands are proposed to be severed into two lots through application HM/B-20:13, with construction of a pair of semi-detached dwellings proposed on each lot. Both of the proposed lots conform to the minimum lot width and lot area required by the Zoning By-law. Staff notes that lot width is measured at a depth of 9 m from and parallel to the front lot line.

Applications HM/B-20:14 and HM/B-20:15 propose to further subdivide the two lots created through application HM/B-20:13 in order to permit the separate conveyance of each dwelling from both pairs of semi-detached dwellings. In accordance with subsection 6(4), the reduction of the minimum required lot widths and areas for the purpose of selling one dwelling unit is permitted.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

HM/B-20:13 CONDITIONS: (If Approved)

1. Noise Study: That the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
2. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional

.../5

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Page 5

(i.e. certified arborist registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

3. Landscape Plan: That the owner submits and receive approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/B-20:14 CONDITIONS: (If Approved)

1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

HM/B-20:15 CONDITIONS: (If Approved)

1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clauses in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:
 - a. For the southerly lot abutting Mohawk Road West, being Part 4, one of the following warning clauses:
 “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”; or,

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Page 6

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”, as the case may be.

b. For Part 3:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be severed and retained are zoned site-specific D/S-1788 which was created by Amending By-law 19-307 to address a pilot project for certain lands within wards 1, 8 and part of 14 respecting Residential Conversion requirements for accessory dwelling units.
3. The lands to be severed and retained are zoned site-specific D/S-1785 which was created by Amending By-law 19-195. The approved zoning allowed for a two family dwelling a minimum lot width of at least 13.5 metres and an area of at least 480 square metres. The proposed lands to be severed and the proposed lands to be retained comply with these site-specific requirements. This Division has no concerns with the proposed application.
4. The lands to be severed are to be further addressed in Consent application HM/B-20:14.
5. The lands to be retained are to be further addressed in Consent application HM/B-20:15.

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CONDITIONS:

1. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.

Growth Management:

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

Development Engineering:

Information:

According to our GIS records, the subject section of Mohawk Road West is classified as a major arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Mohawk Road West is ± 30.1 m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the subject section of West 15th Street is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of West 15th Street is ± 20.1 m. Therefore, a road allowance widening dedication will not be required.

The proponent will be required to dedicate a 4.57m x 4.57m daylighting triangle from the limits of Mohawk Road West and West 15th Street.

The proponent will be required to submit a deposited R-Plan and land transfer deed in accordance with the City of Hamilton Road Widening Procedural Guide.

According to our GIS records, the existing municipal services front the subject property as follows:

HM/B-20:13

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Mohawk Road West

- 250mmø Sanitary Sewer
- 300mmø Storm Sewer
- 300mmø Watermain

West 15th Street

- 300mmø Sanitary Sewer
- 1800mmø Storm Sewer
- 150mmø PVC Watermain

According to our records, each of the four lots have existing sewer and water service laterals which are stubbed at the property line.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided the following conditions are met:

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- a. Mohawk Road West is an Arterial Road and West 15th Street is a Local Road. The Applicant is to dedicate a 12.19 metres x 12.19 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
 City Centre, 77 James Street North, Suite 400
 Hamilton, ON L8R 2K3
 Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
 Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: March 12, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
 Development Planning
 City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 360 Mohawk Rd. W, Hamilton
 File: HM/B-20:13, HM/B-20:14, HM/B-20:15,

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

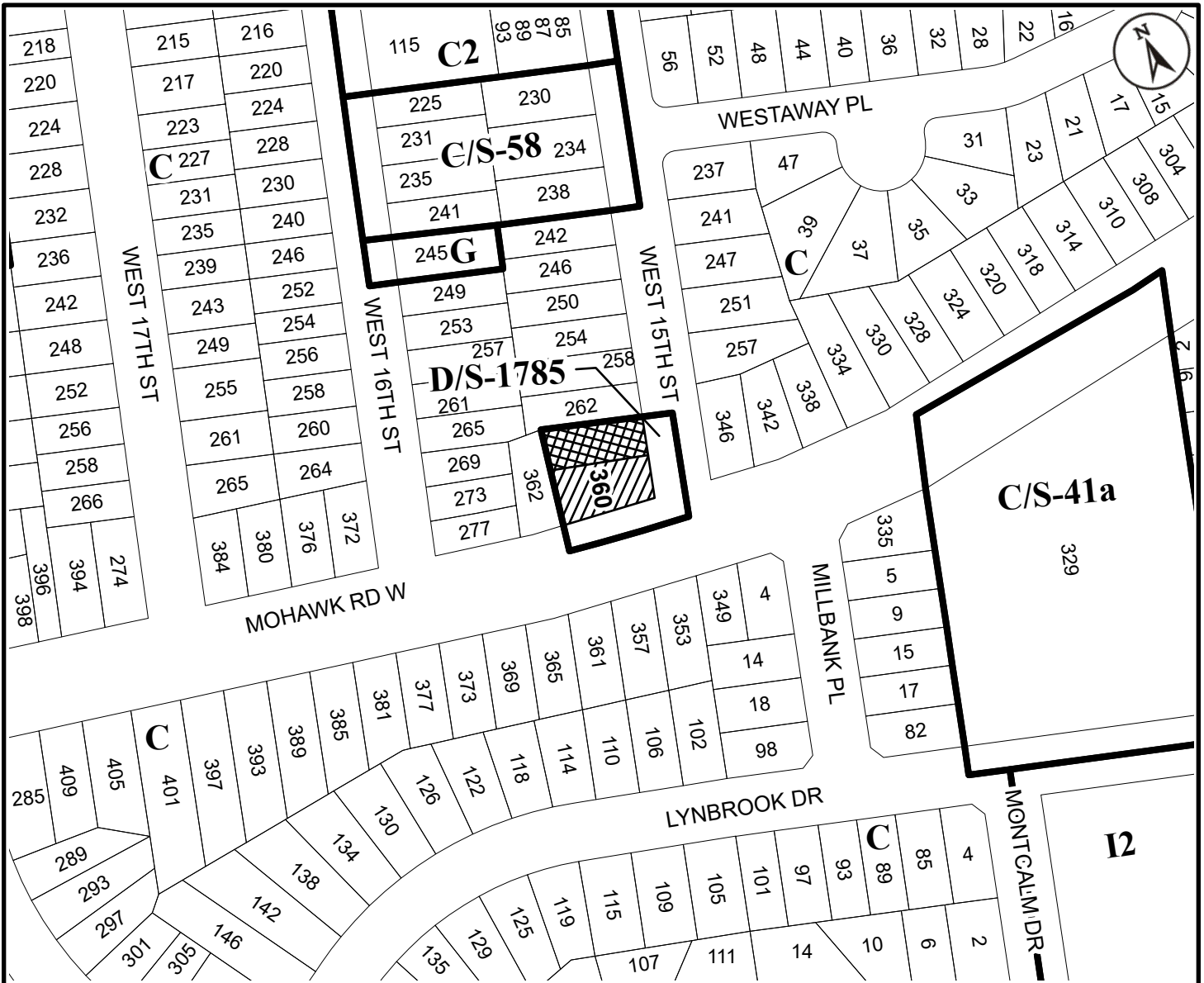
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

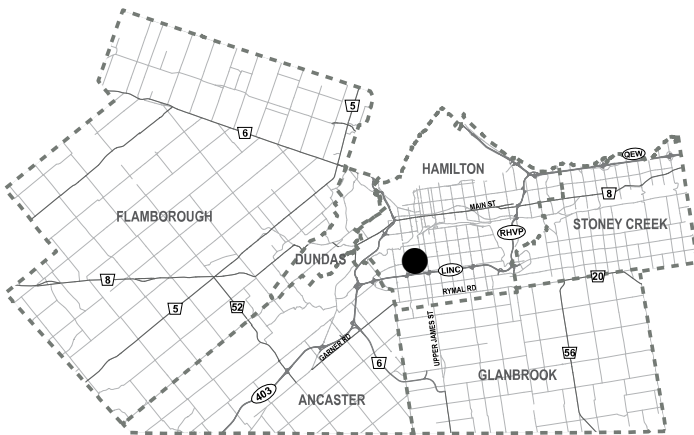
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is written in a cursive, somewhat stylized font.

Sam Brush
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

360 Mohawk Road West, Hamilton
(Ward 8)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:

HM/B-20:13

Date:

March 11, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:14 (360 Mohawk Rd. W., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
3. That the owner/applicant agrees to include the following noise warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

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4. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

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HM/B-20:14

Page 2

5. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.
6. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.
7. The owner submits to the Committee of Adjustment office an administration fee of \$60.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

June 25th, 2020

HM/B-20:14 (360 Mohawk Rd. W., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of these applications is to sever the subject lands into four parcels of land for the purpose of constructing a semi-detached dwelling on each lot.

Application HM/B-20:13 proposes to sever a ±13.4 metre by ±34 metre parcel of land, shown as Parts 1 and 2, having an area of ±729 square metres, and to retain a ±14.9 metre by ±28 m parcel of land, shown as Parts 3, 4, and 5, having an area of ±575 square metres. A pair of semi-detached dwellings is proposed on both the severed and retained lands.

Application HM/B-20:14 proposes to sever Part 2, measuring ±6.775 metres by ±34 metres with an area of ±248.02 square metres, from Part 1 which measures ±6.668 metres by ±34 metres with an area of ±233.06 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 1 and 2 through application HM/B-20:13.

Application HM/B-20:15 proposes to sever Part 3, measuring ±6.775 metres by ±33 metres with an area of ±229.48 square metres, from Parts 4 and 5 which measure ±8.132 metres by ±28 metres with an area of ±346.33 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 3, 4, and 5 through application HM/B-20:13.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and “Secondary Corridors” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits semi-detached dwellings.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal contributes to achieving a range of dwelling types and tenures in a neighbourhood consisting primarily of single detached dwellings. The lot widths proposed will result in dwellings of a scale that is similar and compatible with the scale of the existing development of the streetscape. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

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New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances do consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape. The zoning of the subject lands was amended on August 16, 2019, by Zoning By-law Amendment No. 19-195. The intent of the amendment was to rezone these lands in order to permit the proposed development. Through this process, several conditions were identified to be applicable to the future Consent applications.

Mohawk Road West in this location is classified as a major arterial road. For residential development that is proposed within 400 m of a major arterial road, the UHOP requires that a noise feasibility study and/or a detailed noise study be submitted (B.3.6.3.7). Further, the UHOP requires noise mitigation measures when predicted noise levels in outdoor areas exceed 60 dBA (B.3.6.3.8 (c)). A noise feasibility study prepared by RWDI and dated August 13, 2018, was submitted in support of the Zoning By-law Amendment. The study identified that, at minimum, a 2.0 m high acoustical barrier will be required for the dwelling unit adjacent to Mohawk Road West and that warning clauses for each dwelling unit will be required to be included in all future purchase / sale agreements and lease / rental agreements. The staff recommendation report noted that a detailed noise study would be required to finalize the details of the required noise mitigation measures. As a result, staff recommends that conditions be attached to any approvals that will ensure that the noise policies of the UHOP are satisfied.

Trees have been identified on the subject lands, several of which conflict with the proposed development. A conceptual Tree Removal and Landscape Plan prepared by Marton Smith Landscape Architects and dated August 29, 2018, was submitted in support of the Zoning By-law Amendment. The staff recommendation report noted that minor modifications to the Tree Protection Plan were required, and it was recommended that these modifications be finalized through the future Consent applications. As a result, staff recommends that a condition be attached to any approvals to ensure these requirements are satisfied.

Compensation is required for the removal of private trees which are of 10 cm diameter at breast height or greater. Compensation is required to be provided on a Landscape Plan. As a result, staff recommends that a condition be attached to any approvals to ensure these requirements are satisfied.

There are no municipal tree assets adjacent to the subject lands; however, the City of

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Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law 15-125 requires new developments to provide payment for road allowance street trees, as approved through the review of a proposed street tree planting scheme.

The staff recommendation report noted that this would be a condition of the future Consent applications. Staff defers to the recommendations of the Public Works Department (Environmental Services Division – Forestry and Horticulture Section) with regards to street tree planting requirements.

There is a Canada Post Community Mailbox in the municipal right-of-way adjacent to Part 3. A minimum 3 m separation is required to be provided in the municipal right-of-way between the mailbox and a driveway approach. Staff notes that, through the rezoning process, it was identified that the applicant would coordinate with Canada Post to relocate the mailbox to the easterly side of West 15th Street.

Staff is of the opinion that the proposed consents are consistent with the policies of the Official Plan, and that the lots to be retained and conveyed reflect the general scale and character of the established development. In addition, the proposed lots are fully serviced by municipal water and wastewater systems and have frontage on a public road. Based on the foregoing, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Cultural Heritage Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 5) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 6) In an area of sandy soil in areas of clay or stone;
- 7) In areas of pioneer EuroCanadian settlement; and,
- 8) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

As part of a previous application (ZAC-18-046), a Stage 1 & 2 archaeological report (P029-0941-2017) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports

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for compliance with licensing requirements in a letter dated February 12, 2018. Staff is of the opinion that the municipal interest in the archaeology of the site has been satisfied.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-1785” District (Urban Protected Residential – One and Two Family Dwellings, Etc.), which permits semi-detached dwellings, subject to the applicable provisions. A minimum lot width of 13.5 m and a minimum lot area of 480 sq. m are required for a semi-detached dwelling. The subject lands are proposed to be severed into two lots through application HM/B-20:13, with construction of a pair of semi-detached dwellings proposed on each lot. Both of the proposed lots conform to the minimum lot width and lot area required by the Zoning By-law. Staff notes that lot width is measured at a depth of 9 m from and parallel to the front lot line.

Applications HM/B-20:14 and HM/B-20:15 propose to further subdivide the two lots created through application HM/B-20:13 in order to permit the separate conveyance of each dwelling from both pairs of semi-detached dwellings. In accordance with subsection 6(4), the reduction of the minimum required lot widths and areas for the purpose of selling one dwelling unit is permitted.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

HM/B-20:13 CONDITIONS: (If Approved)

1. Noise Study: That the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

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2. Tree Protection Plan: That the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. Landscape Plan: That the owner submits and receive approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/B-20:14 CONDITIONS: (If Approved)

1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

HM/B-20:15 CONDITIONS: (If Approved)

1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clauses in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:
 - c. For the southerly lot abutting Mohawk Road West, being Part 4, one of the following warning clauses:

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“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”; or,

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”, as the case may be.

d. For Part 3:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be severed and retained are zoned site-specific D/S-1788 which was created by Amending By-law 19-307 to address a pilot project for certain lands within wards 1, 8 and part of 14 respecting Residential Conversion requirements for accessory dwelling units.
3. The lands to be severed and retained are zoned site-specific D/S-1785 which was created by Amending By-law 19-195. The approved zoning allowed for a two family dwelling a minimum lot width of at least 13.5 metres and an area of at least 480 square metres. The lands are subject to the approval of Consent Application HM/B-20:13 to enable the creation of two (2) semi-detached dwellings (one semi-detached dwelling on Part 1 & 2 and one semi-detached dwelling on Part 3 & Part 4). The proposed Consent HM/B-20:14 are the severed lands from Consent application HM/B-20:13 and comply with these site-specific requirements.

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4. This division has no concerns with the proposed application.

CONDITIONS:

1. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.

Growth Management:

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

Development Engineering:

Information:

According to our GIS records, the subject section of Mohawk Road West is classified as a major arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Mohawk Road West is ± 30.1 m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the subject section of West 15th Street is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of West 15th Street is ± 20.1 m. Therefore, a road allowance widening dedication will not be required.

The proponent will be required to dedicate a 4.57m x 4.57m daylighting triangle from the limits of Mohawk Road West and West 15th Street.

The proponent will be required to submit a deposited R-Plan and land transfer deed in accordance with the City of Hamilton Road Widening Procedural Guide.

According to our GIS records, the existing municipal services front the subject property as follows:

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Mohawk Road West

- 250mmø Sanitary Sewer
- 300mmø Storm Sewer
- 300mmø Watermain

West 15th Street

- 300mmø Sanitary Sewer
- 1800mmø Storm Sewer
- 150mmø PVC Watermain

According to our records, each of the four lots have existing sewer and water service laterals which are stubbed at the property line.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided the following conditions are met:
 - a. Mohawk Road West is an Arterial Road and West 15th Street is a Local Road. The Applicant is to dedicate a 12.19 metres x 12.19 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

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CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: March 12, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 360 Mohawk Rd. W, Hamilton
File: HM/B-20:13, HM/B-20:14, HM/B-20:15,

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

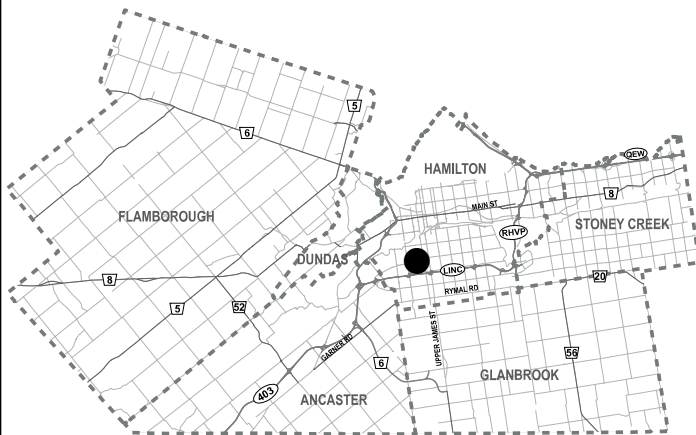
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is written in a cursive, somewhat stylized font.

Sam Brush
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

360 Mohawk Road West, Hamilton
(Ward 8)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:

HM/B-20:14

Date:

March 11, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:15 (360 Mohawk Rd. W., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
3. That the owner/applicant agrees to include the following noise warning clauses in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:
 - a. For the southerly lot abutting Mohawk Road West, being Part 4, one of the following warning clauses:

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”; or,

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”, as the case may be.
 - b. For Part 3:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

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Page 2

4. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change
6. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.
7. The owner submits to the Committee of Adjustment office an administration fee of \$60.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

June 25th, 2020

HM/B-20:15 (360 Mohawk Rd. W., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of these applications is to sever the subject lands into four parcels of land for the purpose of constructing a semi-detached dwelling on each lot.

Application HM/B-20:13 proposes to sever a ±13.4 metre by ±34 metre parcel of land, shown as Parts 1 and 2, having an area of ±729 square metres, and to retain a ±14.9 metre by ±28 m parcel of land, shown as Parts 3, 4, and 5, having an area of ±575 square metres. A pair of semi-detached dwellings is proposed on both the severed and retained lands.

Application HM/B-20:14 proposes to sever Part 2, measuring ±6.775 metres by ±34 metres with an area of ±248.02 square metres, from Part 1 which measures ±6.668 metres by ±34 metres with an area of ±233.06 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 1 and 2 through application HM/B-20:13.

Application HM/B-20:15 proposes to sever Part 3, measuring ±6.775 metres by ±33 metres with an area of ±229.48 square metres, from Parts 4 and 5 which measure ±8.132 metres by ±28 metres with an area of ±346.33 square metres. The consent is proposed to facilitate the separate conveyance of each dwelling from the pair of semi-detached dwellings proposed on Parts 3, 4, and 5 through application HM/B-20:13.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and “Secondary Corridors” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits semi-detached dwellings.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The proposal contributes to achieving a range of dwelling types and tenures in a neighbourhood consisting primarily of single detached dwellings. The lot widths proposed will result in dwellings of a scale that is similar and compatible with the scale of the existing development of the streetscape. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

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Page 2

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severances do consider the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape. The zoning of the subject lands was amended on August 16, 2019, by Zoning By-law Amendment No. 19-195. The intent of the amendment was to rezone these lands in order to permit the proposed development. Through this process, several conditions were identified to be applicable to the future Consent applications.

Mohawk Road West in this location is classified as a major arterial road. For residential development that is proposed within 400 m of a major arterial road, the UHOP requires that a noise feasibility study and/or a detailed noise study be submitted (B.3.6.3.7). Further, the UHOP requires noise mitigation measures when predicted noise levels in outdoor areas exceed 60 dBA (B.3.6.3.8 (c)). A noise feasibility study prepared by RWDI and dated August 13, 2018, was submitted in support of the Zoning By-law Amendment. The study identified that, at minimum, a 2.0 m high acoustical barrier will be required for the dwelling unit adjacent to Mohawk Road West and that warning clauses for each dwelling unit will be required to be included in all future purchase / sale agreements and lease / rental agreements. The staff recommendation report noted that a detailed noise study would be required to finalize the details of the required noise mitigation measures. As a result, staff recommends that conditions be attached to any approvals that will ensure that the noise policies of the UHOP are satisfied.

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Compensation is required for the removal of private trees which are of 10 cm diameter at breast height or greater. Compensation is required to be provided on a Landscape Plan. As a result, staff recommends that a condition be attached to any approvals to ensure these requirements are satisfied.

There are no municipal tree assets adjacent to the subject lands; however, the City of

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Page 3

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There is a Canada Post Community Mailbox in the municipal right-of-way adjacent to Part 3. A minimum 3 m separation is required to be provided in the municipal right-of-way between the mailbox and a driveway approach. Staff notes that, through the rezoning process, it was identified that the applicant would coordinate with Canada Post to relocate the mailbox to the easterly side of West 15th Street.

Staff is of the opinion that the proposed consents are consistent with the policies of the Official Plan, and that the lots to be retained and conveyed reflect the general scale and character of the established development. In addition, the proposed lots are fully serviced by municipal water and wastewater systems and have frontage on a public road. Based on the foregoing, staff is **supportive** of the proposed consents, subject to the conditions following the recommendation.

Cultural Heritage Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 9) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 10) In an area of sandy soil in areas of clay or stone;
- 11) In areas of pioneer EuroCanadian settlement; and,
- 12) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

As part of a previous application (ZAC-18-046), a Stage 1 & 2 archaeological report (P029-0941-2017) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports

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Page 4

for compliance with licensing requirements in a letter dated February 12, 2018. Staff is of the opinion that the municipal interest in the archaeology of the site has been satisfied.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-1785” District (Urban Protected Residential – One and Two Family Dwellings, Etc.), which permits semi-detached dwellings, subject to the applicable provisions. A minimum lot width of 13.5 m and a minimum lot area of 480 sq. m are required for a semi-detached dwelling. The subject lands are proposed to be severed into two lots through application HM/B-20:13, with construction of a pair of semi-detached dwellings proposed on each lot. Both of the proposed lots conform to the minimum lot width and lot area required by the Zoning By-law. Staff notes that lot width is measured at a depth of 9 m from and parallel to the front lot line.

Applications HM/B-20:14 and HM/B-20:15 propose to further subdivide the two lots created through application HM/B-20:13 in order to permit the separate conveyance of each dwelling from both pairs of semi-detached dwellings. In accordance with subsection 6(4), the reduction of the minimum required lot widths and areas for the purpose of selling one dwelling unit is permitted.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

HM/B-20:13 CONDITIONS: (If Approved)

1. Noise Study: That the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

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1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clause in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

HM/B-20:15 CONDITIONS: (If Approved)

1. That the owner receives final approval for Consent Application HM/B-20:13 and registers the documents.
2. That the owner/applicant agrees to include the following noise warning clauses in the consent/development agreement and in all offers of purchase and sale and/or lease/rental agreements:
 - c. For the southerly lot abutting Mohawk Road West, being Part 4, one of the following warning clauses:

HM/B-20:15

Page 6

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”; or,

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”, as the case may be.

d. For Part 3:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be severed and retained are zoned site-specific D/S-1788 which was created by Amending By-law 19-307 to address a pilot project for certain lands within wards 1, 8 and part of 14 respecting Residential Conversion requirements for accessory dwelling units.
3. The lands to be severed and retained are zoned site-specific D/S-1785 which was created by Amending By-law 19-195. The approved zoning allowed for a two family dwelling a minimum lot width of at least 13.5 metres and an area of at least 480 square metres. The lands are subject to the approval of Consent Application HM/B-20:13 to enable the creation of two (2) semi-detached dwellings (one semi-detached dwelling on Part 1 & 2 and one semi-detached dwelling on Part 3 & Part 4). The proposed Consent HM/B-20:15 are the retained lands from Consent application HM/B-20:13 and comply with these site-specific requirements.

.../7

HM/B-20:15

Page 7

4.. This division has no concerns with the proposed application.

CONDITIONS:

1. The owner shall submit survey evidence that the lands to be severed and lands to be retained conform to the requirements of the Zoning By-Law. The survey shall provide Lot Width as defined in Hamilton Zoning by-law 6593.

Growth Management:

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

Part 1 - 264 West 15th Street, Hamilton

Part 2 - 266 West 15th Street, Hamilton

Part 3 - 268 West 15th Street, Hamilton

Part 4 - 270 West 15th Street, Hamilton

Development Engineering:

Information:

According to our GIS records, the subject section of Mohawk Road West is classified as a major arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Mohawk Road West is ± 30.1 m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the subject section of West 15th Street is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of West 15th Street is ± 20.1 m. Therefore, a road allowance widening dedication will not be required.

The proponent will be required to dedicate a 4.57m x 4.57m daylighting triangle from the limits of Mohawk Road West and West 15th Street.

The proponent will be required to submit a deposited R-Plan and land transfer deed in accordance with the City of Hamilton Road Widening Procedural Guide.

According to our GIS records, the existing municipal services front the subject property as follows:

.../8

HM/B-20:15

Page 8

Mohawk Road West

- 250mmø Sanitary Sewer
- 300mmø Storm Sewer
- 300mmø Watermain

West 15th Street

- 300mmø Sanitary Sewer
- 1800mmø Storm Sewer
- 150mmø PVC Watermain

According to our records, each of the four lots have existing sewer and water service laterals which are stubbed at the property line.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That the Owner dedicate to the City of Hamilton, an adequately sized daylighting triangle from the limits of Mohawk Road West and West 15th Street, to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided the following conditions are met:

.../9

HM/B-20:15

Page 9

- a. Mohawk Road West is an Arterial Road and West 15th Street is a Local Road. The Applicant is to dedicate a 12.19 metres x 12.19 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
 City Centre, 77 James Street North, Suite 400
 Hamilton, ON L8R 2K3
 Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
 Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: March 12, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
 Development Planning
 City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 360 Mohawk Rd. W, Hamilton
 File: HM/B-20:13, HM/B-20:14, HM/B-20:15,

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

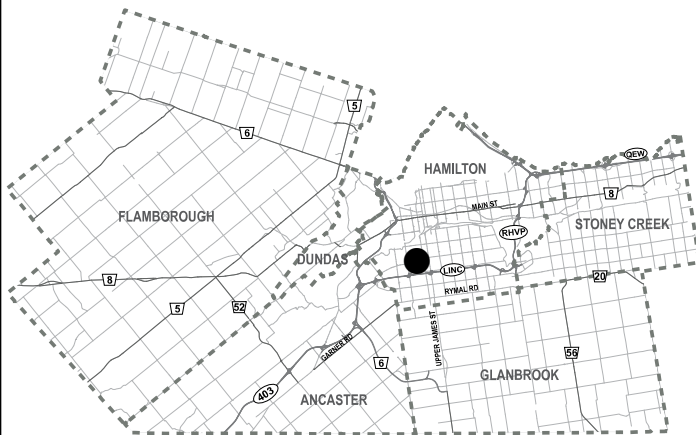
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is written in a cursive style with a large, looped initial "S".

Sam Brush
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

360 Mohawk Road West, Hamilton
(Ward 8)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:

HM/B-20:15

Date:

March 11, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

CONSOLIDATION REPORT SEVERANCES

The attached comments have been reviewed with regard to Committee of Adjustment Severance File AN/B-20:12 (372 Springbrook Ave., Ancaster) and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
3. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal sanitary sewer and watermain construction on Springbrook Avenue that was completed as part of the 'Meadowlands – Phase 10 – Springbrook Avenue Urbanization' subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed side property line and the existing rear lot line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner

.../2

AN/B-20:12

Page 2

6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton to cover the cost of setting up a new tax account for the newly created lot.
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Note: Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of **372 Spingbrook Ave (Part 1) Hamilton (Ancaster)**, and the lands to be retained will be assigned the address of **376 Springbrook Avenue, Hamilton (Ancaster)**.

June 25th, 2020

AN/B-20:12 (372 Springbrook Ave., Ancaster)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of this application is to permit the conveyance of a ±13.26 metre by ±32 m parcel of land, having an area of 424.32 square metres, for the purpose of constructing a single detached dwelling. A ±13.26 metre by ±32 m parcel of land, having an area of 424.32 square metres, is proposed to be retained for the purpose of constructing a single detached dwelling.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.2.6-1 (UHOP – Volume 2). The designation permits single detached dwellings (B.2.6.1.4).

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2. Springbrook Avenue in this location is undergoing a transition from larger lots to smaller lots more typical of the adjacent plans of subdivision, being Registered Plan Nos. 62M-1260 and 62M-1116. Staff is of the opinion that the proposed lots are compatible with the existing patterns, and that they are consistent with and will build upon the emerging lot pattern as the area evolves. The proposed lots respect the emerging streetscape pattern, and although no site plan was submitted, the minimum required setbacks of the existing zoning will permit development that will enhance the streetscape as the area transitions.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severance does consider the design and compatibility with the existing neighbourhood. The proposed lot fabric is consistent with the development patterns of the neighbourhood as it transitions, and the consent will allow for further residential intensification that will enhance the streetscape. The proposed lots conform to the minimum lot width and lot area requirements of the Zoning By-Law. There are municipal services available to service the proposed lots; however, there may be associated cost recovery requirements. Staff defers to Development Engineering Approvals for all servicing concerns.

Staff is of the opinion that the proposed consent conforms to the Official Plan and the adjacent plans of subdivision, and that the dimensions and shapes of the proposed lots

.../2

AN/B-20:12

Page 2

are suitable for the proposed single detached dwellings. In addition, full municipal services are available to service the proposed lots, and the lots have frontage on public roads. Based on the foregoing, staff is **supportive** of the proposed consent.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential “R4, 562” Zone, Modified, which permits single detached dwellings, subject to the applicable provisions. A minimum lot area of 400 sq. m and a minimum lot frontage of 12 m is required by the Zoning By-law. Both the severed and retained lots conform to the minimum lot area and lot frontage requirements.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consent conforms to the Official Plan. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. The comments dated March 6, 2020 shall be replaced in their entirety by the following comments.
2. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
3. Based on the City of Hamilton’s GIS air photo mapping it appears that there is existing building straddling the proposed side lot lines and both rear lot lines. Demolition of all or an appropriate portion of the building straddling the proposed side property line and the rear lot line of each lot shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.

CONDITIONAL UPON:

1. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed side property line and the existing rear lot line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner

.../3

AN/B-20:12

Page 3

Growth Management:

Note: Based on the application being approved and all the conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the address of **372 Spingbrook Ave (Part 1) Hamilton (Ancaster)**, and the lands to be retained will be assigned the address of **376 Springbrook Avenue, Hamilton (Ancaster)**.

Development Engineering:

Information:

According to our GIS records, the subject section of Springbrook Avenue is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Springbrook Avenue is ±20.4m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the existing municipal services front the subject property as follows:

Springbrook Avenue

- 300mmø Sanitary Sewer
- 675mmø Storm Sewer
- 200mmø Watermain

There are outstanding cost recoveries which apply to the subject property for the construction of the municipal sanitary sewer and watermain on Springbrook Avenue. The Owner will be required to provide a cash payment to the City for these outstanding charges.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during

construction (unknown costs at this time). Cash payments mentioned above are subject to change.

2. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal sanitary sewer and watermain construction on Springbrook Avenue that was completed as part of the 'Meadowlands – Phase 10 – Springbrook Avenue Urbanization' subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473
Email – Sam.Brush@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: March 12, 2020

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 372 Springbrook Ave., Ancaster
File: AN/B-20:12

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is written in a cursive style with a large, looped initial "S".

Sam Brush
Urban Forest Health Technician



LOYALTY. INTEGRITY. VISION.

March 11, 2020

Ms. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**Re: Consent Application AN/B-20:12
372 Springbrook Avenue, Ancaster, ON**

The above-noted severance application is to be considered by the Committee of Adjustment on their meeting of March 19, 2020. LIV Developments (formerly Landmart Homes) has developed an adjacent residential subdivision and as part of that subdivision approval process, was required to urbanize Springbrook Avenue. As you may be aware, construction of the urbanization works commenced in the Fall of 2019, and as part of the work, additional servicing was provided to 372 Springbrook Avenue to accommodate the proposed severance. The additional servicing was requested by Urbex Engineering on behalf of their client (Springbrook Meadows West) and confirmed by the City.

The above noted severance application fronts onto a section of Springbrook Avenue that is the subject of the urbanization works. Accordingly, we respectfully request that the Committee of Adjustment impose as a condition of approval that the proponent be required to pay, prior to the issuance of building permit, their proportionate share for the urbanization of Springbrook Avenue as well as the above noted additional servicing to the City of Hamilton for reimbursement back to LIV Developments Ltd.

Thank you for your consideration and please provide notice of the Committee's decision to the undersigned.

Yours Truly,
LIV DEVELOPMENTS LTD.

A handwritten signature in black ink, appearing to read 'Sylvain Rivet', written over a white background.

Sylvain Rivet, P. Eng.
Director of Land Development

Cc: J. Vraets, City of Hamilton

June 18, 2020

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

Attention: Morgan Evans

File# FL/A-20:12

Re: 24 McDonald Crt

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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 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)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

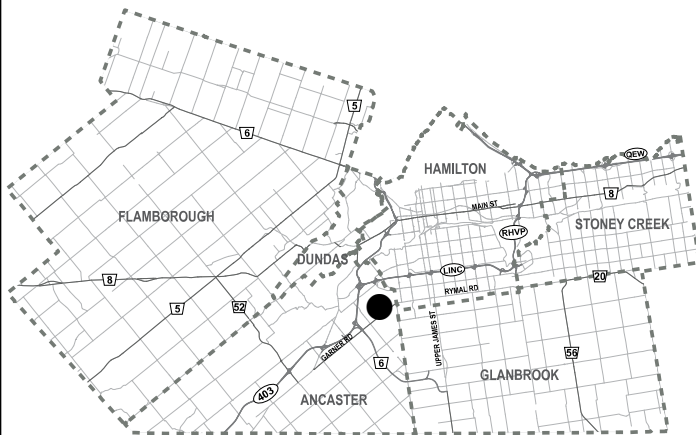
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

372 Springbrook Avenue, Ancaster
(Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:12

Date:

March 12, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:11 (73 Chipman Ave., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the owner provides a fully scaled and dimensioned site plan to show that the proposed parking and landscaping arrangements for the retained lands conform to the requirements of the Zoning By-law, or alternatively, apply for and receive final and binding approval of any necessary minor variances from the requirements of the Zoning By-law, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. The owner shall demolish the existing accessory building (i.e. shed) on the lands to be severed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). This may be subject to a demolition permit issued in the normal manner.
4. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

.../2

HM/B-20:11

Page 2

6. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
7. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton to cover the cost for setting up a new tax account for the newly created lot.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Note: Based on the application being approved and all the conditions being met, the owner / applicant should made aware that the lands to be retained will retain the address of **73 Chipman Avenue, Hamilton**, and the lands to be conveyed will be assigned the address of **77 Chipman Avenue, Hamilton**.

June 25th, 2020

HM/B-20:11 (73 Chipman Ave., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of this application is to permit the conveyance of a ±14.6 metre by ±46.7 metre parcel of land, having an area of 682.2 square metres, for the purpose of constructing a single detached dwelling. A ±15.8 metre by ±46.7 metre parcel of land, having an area of ±742.0 square metres, is proposed to be retained. The existing single detached dwelling located on the retained lands is proposed to remain.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). Staff is of the opinion that the proposed severance takes into consideration the scale, form and character of the existing neighbourhood. The proposed lot widths are similar to the lot width of other lots that have been severed in the area and approval of the consent will allow the neighbourhood to transition to accommodate more density while building upon the desired lot pattern.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severance has regard for the design and compatibility with the existing neighbourhood. The proposed lot fabric is consistent with the development patterns of this neighbourhood as it intensifies, and the consent will allow for further residential intensification that will enhance and build upon the streetscape. The proposed lots conform to the minimum lot width and lot area required by the Zoning By-law; however, the site plan does not show the proposed parking arrangement on the retained lands to determine zoning conformity.

There is a hydro pole with overhead wires in the municipal right-of-way adjacent to the westerly side lot line. Should the relocation of any existing infrastructure in the municipal right-of-way be warranted in order to provide access to the retained parcel, all associated costs shall be borne by the owner. This can be achieved through the Consent Agreement condition recommended by Development Engineering Approvals. In order for the severed lands to conform to the Zoning By-law, the existing shed must be demolished. Staff recommends two conditions to ensure that both lots conform to the zoning upon the severance being finalized.

HM/B-20:11

Page 2

Staff is of the opinion that the proposed consent is consistent with the policies of the Official Plan, subject to the conditions following the recommendation, and that the lots to be retained and conveyed are compatible with the character of the established development. Based on the foregoing, staff supports the proposed consent.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "C/S-1788" District (Urban Protected Residential, Etc.) which permits single detached dwellings, subject to the applicable provisions. Both the severed and retained lots conform to the minimum lot width and lot area required by the Zoning By-law.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consent conforms to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

1. That the owner provides a fully scaled and dimensioned site plan to show that the proposed parking and landscaping arrangements for the retained lands conform to the requirements of the Zoning By-law, or alternatively, apply for and receive final and binding approval of any necessary minor variances from the requirements of the Zoning By-law, to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the owner shall demolish the existing shed on the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed severed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. A variance is required to permit the accessory structure (i.e. shed) to remain on the severed lands when no main building has been established.

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3. The property is zoned C/S-1788 District which retains the provisions of the C District for the development of single family dwellings. The Site-Specific S-1788 pertains to certain modified zoning provisions passed under amending By-law 19-307 that apply to single family dwellings that are converted under Section 19 of the Zoning By-law.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Conditions:

1. The owner shall demolish the existing accessory building (i.e. shed) on the lands to be severed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). This may be subject to a demolition permit issued in the normal manner.
2. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

Growth Management:

Note: Based on the application being approved and all the conditions being met, the owner / applicant should made aware that the lands to be retained will retain the address of **73 Chipman Avenue, Hamilton**, and the lands to be conveyed will be assigned the address of **77 Chipman Avenue, Hamilton**.

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Development Engineering:

Information:

According to our GIS records, the subject section of Chipman Avenue is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Chipman Avenue is ± 20.1 m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the existing municipal services front the subject property as follows:

Chipman Avenue

- 250mm \varnothing Sanitary Sewer
- 450mm \varnothing Storm Sewer
- 200mm \varnothing PVC Watermain

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application.

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CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: March 13, 2020

To: Jamila Sheffield
Planning Technician II
Development Planning Heritage and Design

From: Shannon Clarke, Urban Forest Health Technician

Subject: 73 Chipman Ave., Hamilton
File: HM/B-20:11

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion

SCOPE

There are no Municipal Tree Assets located on site; therefore a Tree Management Plan will not be required.

No Landscape Plan required.

Forestry has no concerns.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

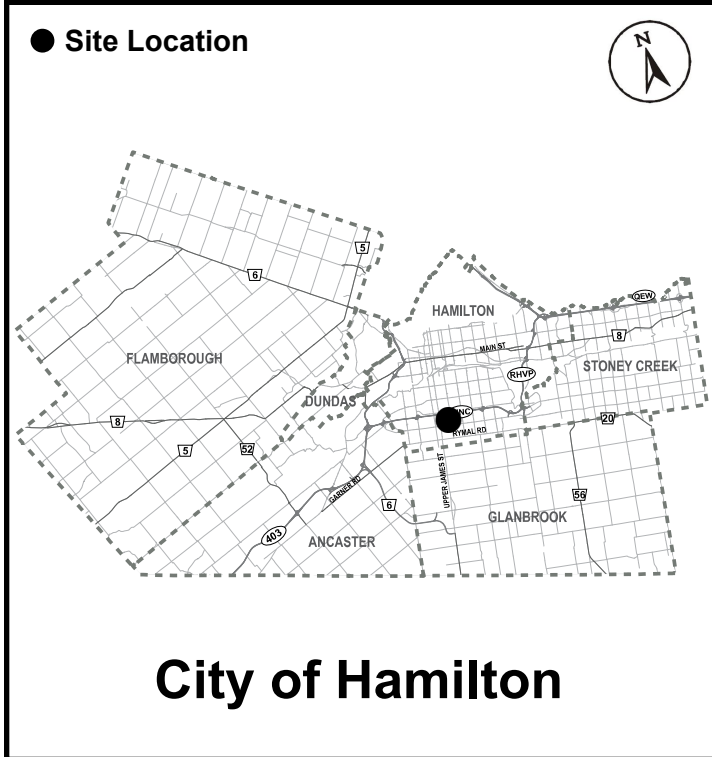
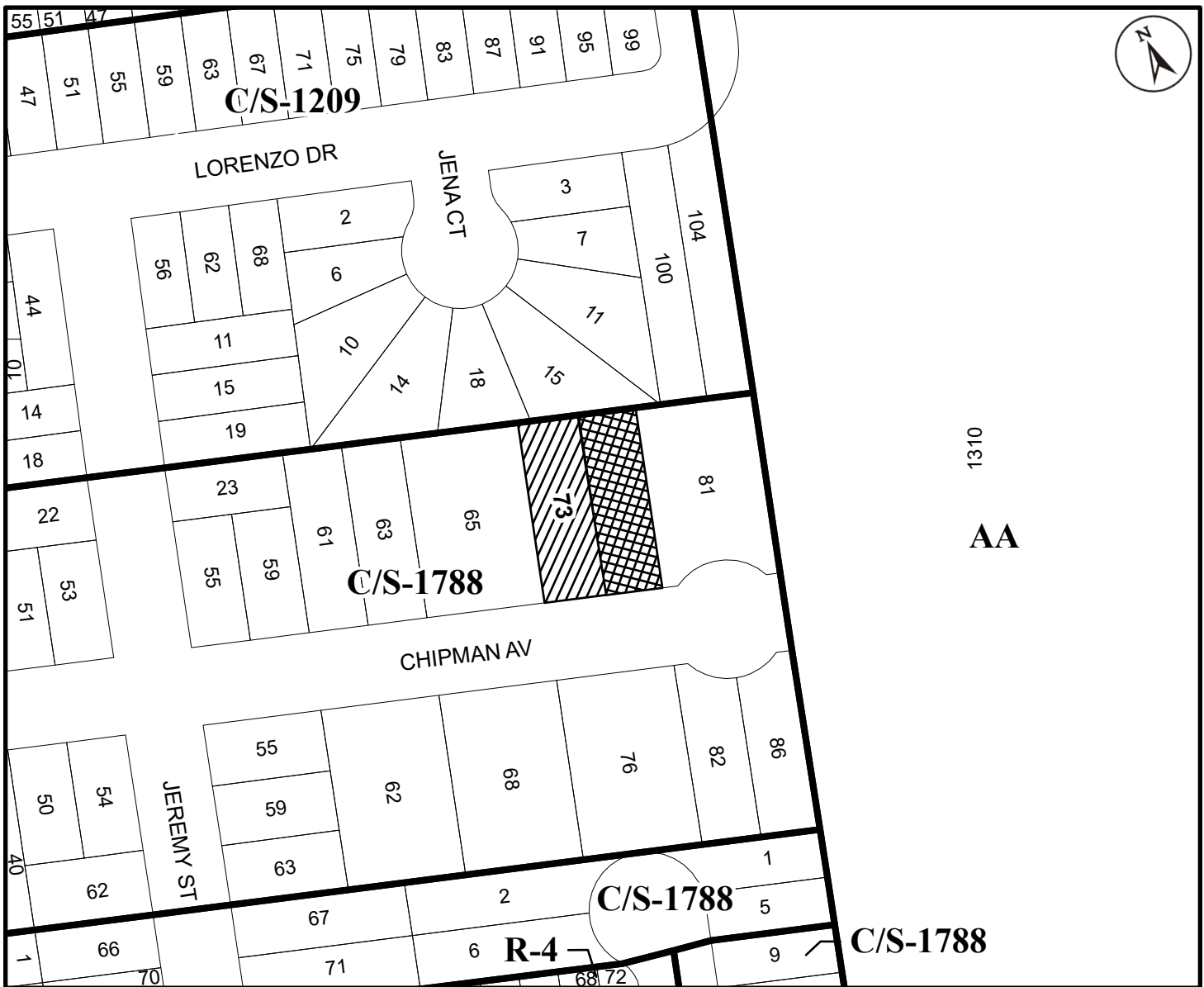
- There are no Municipal Tree Assets located on site; therefore Tree Management will not be required.
- No Landscape Plan required.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 4219.

Regards,

A handwritten signature in black ink that reads "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



Committee of Adjustment

Subject Property



73 Chipman Avenue, Hamilton
(Ward 8)

File Name/Number:

HM/B-20:11

Date:

March 6, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

HM/A-20:38 (135 Limeridge Rd. E., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban:**

The purpose of this application is to facilitate the provisional consent granted through Consent application HM/B-19:74 by permitting the existing single detached dwelling and detached garage to remain on the lands proposed to be retained, notwithstanding the variances below.

History

Consent application HM/B-19:74 was tabled by the Committee of Adjustment when it was initially heard on August 29, 2019. Development Planning staff had concerns about the applicant's intent to retain the existing dwelling in light of the required road widening and daylighting triangle land dedications, and the extent of the Minor Variances necessary to facilitate the proposal. As a result, staff recommended that the application be tabled until such time as a Minor Variance application and revised land division sketch, illustrating the location of all existing structures and the required road widening and daylighting triangle land dedications, were submitted in order to allow for a comprehensive review of the proposal so that staff could evaluate whether the proposal was consistent with the Residential Intensification policies of Chapter B or the Lot Creation policies of Chapter F – Urban Hamilton Official Plan (UHOP).

Through discussions between the applicant and Development Engineering Approvals, it was determined that the daylighting triangle could be reduced from 9.14 m by 9.14 m to 4.57 m by 4.57 m, which ensured that the existing dwelling would be located entirely on the retained lot. The applicant did not provide a revised land division sketch or make a Minor Variance application to address Development Planning staff's concerns prior to the application being brought forward at the hearing on January 23, 2020. As a result, Development Planning staff again recommended that the application be tabled in order to allow for a comprehensive review of the proposal against the applicable UHOP policies. Provisional Consent was granted by the Committee of Adjustment at the hearing on January 23, 2020, subject to a condition that the retained lands conform to the requirements of the Zoning By-law.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

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Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” District (Urban Protected Residential, Etc.), which permits a single detached dwelling and structures accessory thereto, subject to the applicable provisions.

Staff notes that approval of Variances 1 and 4 will permit the existing single detached dwelling to remain on the lands. Approval of Variance 3 will permit the existing detached garage to remain on the lands, and approval of Variances 2 and 3 will permit the detached garage to continue to provide the two parking spaces required by the Zoning By-law.

Variances 1 & 4

A minimum westerly side yard width of 0.6 m is proposed for the existing single detached dwelling (Variance 1), along with an eaves and gutters encroachment of 0.6 m so that they may be as close as 0.0 m from the westerly side lot line (Variance 4), whereas a minimum side yard width of 1.2 m, and an eaves and gutters encroachment of not more than one half of the side yard width, is required by the Zoning By-law. The intent of these provisions is to ensure that adequate space is provided for access, maintenance, and drainage. Staff defers to Development Engineering Approvals for all drainage concerns. Further, the setback from the exterior side lot line can aid in maintaining a consistent streetscape and provides a physical separation between the public and private realm.

The variances are proposed in order to recognize the location of the existing single detached dwelling, including eaves and gutters. There are no changes proposed. Approval of the variances will not impact the streetscape or neighbourhood character. It is desirable to permit the existing dwelling in good condition to remain, and to facilitate appropriate intensification. Based on the foregoing, staff is of the opinion that the variances maintain the intent of the Official Plan and the Zoning By-law, and that they are desirable and minor in nature. Staff **supports** the variances.

Variance 3

The existing detached garage is proposed to remain located at a minimum setback of 1.0 m from the Maitland Avenue street line, whereas a minimum setback of 6.0 m is required by the Zoning By-law. Accessory buildings in the rear yard must maintain a minimum setback of 0.45 m from any lot line, except for corner lots in residential districts. Where these accessory buildings provide a rear yard setback less than the

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minimum required for the principal structure, they must provide a setback from the street line that is equal to the required front yard of the abutting lot. The intent of the provision is to maintain desirable streetscape patterns by ensuring there is adequate separation so that the structure does not appear to be located in a front yard.

The variance is requested in order to facilitate a consent which will permit a detached dwelling to be constructed on the severed lot on Maitland Avenue. Although the garage is existing, staff is of the opinion that the proposed dwelling on the abutting lot in conjunction with the existing detached garage is not consistent with the streetscape patterns. There are no other detached garages similarly sited in the immediate or surrounding area. Staff notes that the existing dwelling on the subject lands is sited closer to the street than the detached garage; however, it does not contribute to the Maitland Avenue streetscape as the architectural front façade of the dwelling addresses Limeridge Road East. As a result, staff is of the opinion that the variance does not maintain the intent of the Zoning By-law. It is desirable to facilitate appropriate intensification, but staff is of the opinion that it is not desirable to permit the existing detached garage to remain due to the negative impact on the streetscape. Based on the foregoing, it is the opinion of staff that, although the intent of the Official Plan is maintained, the variance does not meet the intent of the Zoning By-law, nor is it desirable or minor in nature. Accordingly, staff **does not** support the variance.

Variance 2

No onsite manoeuvring space is proposed for the two parking spaces contained within the detached garage, whereas manoeuvring space for each parking space is required to be provided on the lot by the Zoning By-law. The intent of onsite manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street.

Because staff cannot support Variance 3, staff cannot recommend approval of this variance as it would facilitate a variance that staff does not support. Accordingly, staff recommends that Variance 2 be **denied**.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that Variances 1 and 4 maintain the purpose and intent of the Official Plan and the Zoning By-law. Variances 1 and 4 are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that Variances 1 and 4, as outlined in the Notice of Hearing, be **approved**; and,

.../4

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Although Variances 2 and 3 maintain the purpose and intent of the Official Plan, staff is not satisfied that Variances 2 and 3 maintain the purpose and intent of the Zoning By-law. In the opinion of staff, Variances 2 and 3 are not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that Variances 2 and 3, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. Subject to the issuance of building permits in the normal manner.
2. The variances are necessary to facilitate Consent Application HM/B-19:74.
3. No building details were provided for the proposed dwelling on the new lot; as such, compliance shall be determined at building permit stage of the development.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

The dwelling is existing therefore we have no comments.

See attached for additional comments.



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

April 28, 2020

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Delivered via e-mail: jamila.sheffield@hamilton.ca;
sara.rogers@hamilton.ca

Attn: Ms. Jamila Sheffield, Secretary-Treasurer
Ms. Sara Rogers, CPT

**Re: Minor Variance Application (HM/A-20:38)
135 Limeridge Road East**

Dear Madam,

We are in receipt of the Staff Report dated March 19th, 2020 regarding Minor Variance Application HM/A-20:38 for 135 Limeridge Road East. The purpose of the minor variance application is to satisfy the provisional consent granted through Consent Application HM/B-19:74 to sever the subject lands. The subject lands contain an existing single-detached dwelling and an existing detached garage. Both the existing dwelling and detached garage are contained within the lands to be retained (Part B), as per conditionally approved Consent Application HM/B-19:74.

Four (4) variances are requested that will permit the existing single-detached dwelling and the existing detached garage to be retained on the subject lands. The application was originally scheduled to be heard by the Committee of Adjustment on March 19th, 2020. As a result of the on-going Covid-19 outbreak and the resulting closure of most municipal facilities to the public, all Committee hearings have been postponed indefinitely. At this time, the hearing has not yet been rescheduled.

Please accept this letter as a formal written response to City Staff's recommendations, outlined in their Report dated March 19th, 2020. The following is a summary of the requested variances, along with the corresponding recommendation from Staff. Staff recommended approval of Variances 1 and 4; however, Staff recommended denial of Variances 2 and 3.

Variance	Provision	Requirement	Relief Requested	Recommendation
1	Min. Side Yard Setback	1.2 m	0.6 m	Approval
2	Manoeuvring Space	Manoeuvring space for each parking space is required.	No onsite manoeuvring space is proposed for the two parking spaces	Denial



Variance	Provision	Requirement	Relief Requested	Recommendation
			contained in the detached garage.	
3	Accessory Structure setback from Streetline (corner lot)	Equal to the min. required front yard setback of the abutting lot (6.0 m)	Min. setback of 1.0 m shall be required from the street line for accessory structure.	Denial
4	Encroachment into required yards	Eaves and gutters are permitted to encroach not more than one half of the required side yard width.	0.6 m encroachment shall be permitted for eaves and gutters into the required side yard	Approval

We concur with Staff's recommendation of approval for Variances 1 and 4 – pertaining to the existing single-detached dwelling; however, we do not agree with Staff's recommendation of denial for Variances 2 and 3 – pertaining to the existing detached garage.

Staff have recommended denial of Variance 2 as it would facilitate Variance 3, for which they have recommended denial. Staff have provided no further rationale for the denial of Variance 2. Accordingly, it is understood that should Variance 3 be approved, Variance 2 should also be approved.

Variance 3 would allow the existing detached garage to remain in its current location, which location has existed for decades and as such, forms part of the neighbourhood character and streetscape. The variance would permit a minimum setback of 1.0 metre from the Maitland Avenue street line, whereas the Zoning by-law requires a minimum setback of 6 metres. The 6-metre requirement is based on the front yard setback for the adjacent property, with the intent to maintain a desirable streetscape. In order to demonstrate that proposed variances are appropriate, we have prepared a review of the four tests for a minor variance, as per Section 45(1) of the *Planning Act*.

Test #1 – Is it minor?

The proposed variances are both technical and minor in nature. Both proposed variances are required to recognize the locations of existing structures on the subject lands. When assessing the degree to which a variance is considered 'minor', it is important to recognize that this is measured by impact and not simply based on changes in numerical values.

Aerial imagery, accessed on the City of Hamilton's online mapping database, shows that both the detached garage and single-detached dwelling have existed in their current locations since at least 1995. As such, Variances 2 and 3 (for which Staff have recommended denial) will have no impact on the streetscape or the overall function of the property. No changes to the existing conditions on the subject lands will result from the proposed variances. Both the dwelling and the detached garage have existed in their current locations for over 25 years. As such, there will be no changes to the appearance or function of the street, nor the appearance or function of the subject lands.

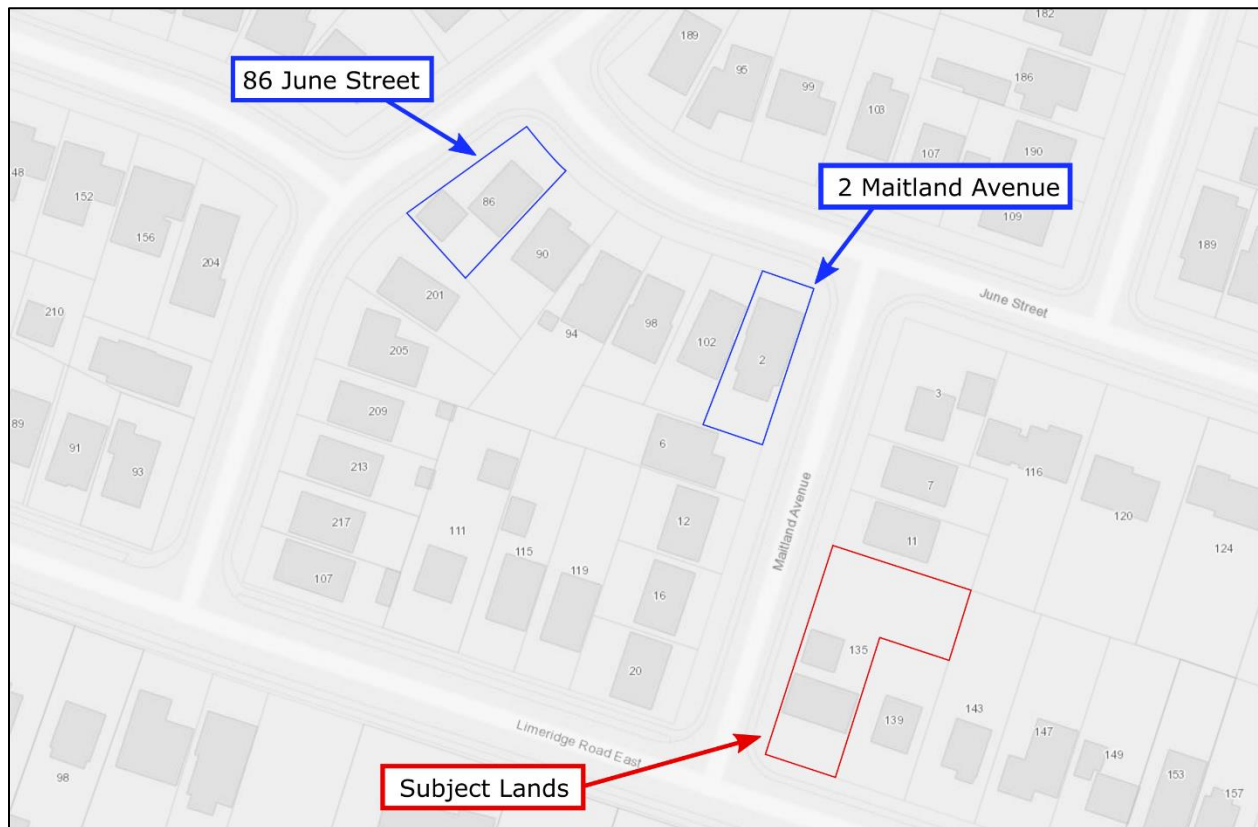


Figure 1: Neighbourhood Context (map.hamilton.ca - 2020).

Test #2 – Is it desirable for the appropriate development of the subject lands?

Variations 2 and 3 are desirable for the appropriate development of the subject lands, as they will allow the existing garage to be retained. The existing dwelling and detached garage have existed on the subject lands in the same location for over 25 years. The proposed variations are intended to maintain both structures in their existing locations. Staff have indicated support for Variations 1 and 4 – to retain the dwelling; however, they have recommended denial of Variations 2 and 3 – which would require that the existing detached garage be demolished.

By demolishing the garage, the overall function of the site would be significantly impacted. A new garage would have to be setback a minimum of 6.0 metres from the street line, resulting in the loss of most of the rear yard amenity area. This would have a significant detrimental impact on the liveability and overall function of the property, as well as increase the amount of hardscaped impermeable surface area, which is not desirable considering the current garage has proven functional for a long time.

If the garage were not to be replaced, the streetscape would be adversely impacted. Rather than the existing detached garage with enclosed parking for two (2) vehicles, there would be a larger driveway in the rear yard. The driveway would either need to be at least 12 metres long to accommodate the minimum required two (2) parking spaces in tandem, or alternatively be double-wide to accommodate side-by-side parking. In either option, this results in a large paved area that is objectively less functional and detracts from the visual aesthetic of the streetscape. As shown by the above images, several dwellings



in the neighbourhood contain garages or other driveways that clearly do not have the required on-site maneuverability, yet they form part of the streetscape's aesthetic. Therefore, Variances 2 and 3 are desirable to maintain the existing, well-maintained garage, overall function of the site and will assist to maintain the character of the area.

Test #3 – Does it maintain the intent and purpose of the Official Plan?

The subject lands are designated 'Neighbourhoods' as per Schedule E-1 of the Urban Hamilton Official Plan (UHOP). The Neighbourhoods designation includes a diverse range of historic areas and newly developed subdivisions throughout the City. The UHOP recognizes that each individual neighbourhood has its own character, which is made up of more than just homes, but includes a variety of land uses – including accessory uses such as garages. The broad goals of the UHOP are to develop complete communities which respect the existing neighbourhood character, while also allowing for their ongoing evolution through various forms of intensification and infill. The provisionally approved severance application associated with this minor variance, will actually re-establish an existing lot of record which will result in modest and appropriate infill of a single-detached lot and dwelling.

In general, the intent of the Official Plan is to ensure that new development maintains the liveability, and respects the character, of the surrounding neighbourhood. Variances 2 and 3 will simply enable the existing detached garage to be retained, allowing the site to continue functioning as it has for decades. No changes to the existing conditions will result from the proposed variances. This will ensure that the property continues to meet the functional needs of residents, while also maintaining the established character of the neighbourhood. As such, the proposed variances maintain the intent and purpose of the Official Plan.

Test #4 – Does it Maintain the intent and purpose of the Zoning By-law?

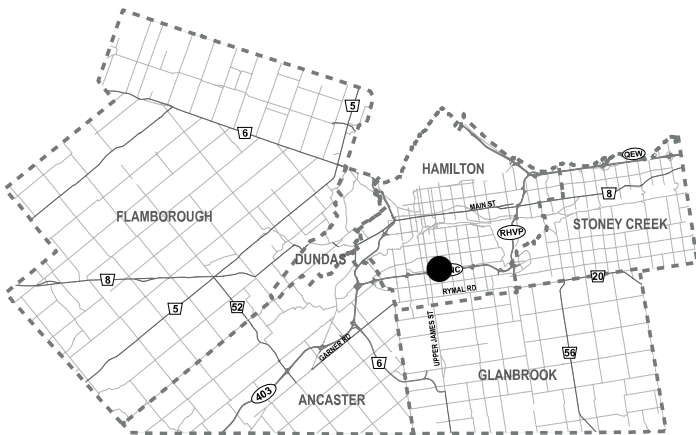
The subject lands are zoned Urban Protected Residential, etc. "C" District in the former City of Hamilton Zoning By-law 6593. The intent of the minimum setback from a street line for an accessory structure is to maintain a desirable streetscape. City Staff have stated that, in their opinion, the existing garage is inconsistent with the established streetscape pattern; however, it forms part of that established character. When discussing streetscape pattern, it is important to fully appreciate the context within which a site is located.

As discussed, and illustrated above, both the existing detached garage and single-detached dwelling have existed in their current locations for more than 25 years. The proposed variances will simply recognize the existing conditions on the subject lands. No changes to the location or built form of the garage or dwelling are proposed. As such, there will be no changes to the established streetscape as a result of the proposed variances.

It is important to consider how streetscape character is established. Although the "C" District requires a blanket setback of 6 metres across the City for accessory structures on a corner lot, these provisions were not established with any specific street in mind. As such, the zone provisions do not themselves inherently reflect the character of the streetscape along Maitland Avenue. The streetscape character can only be established by the homes, garages, and yards that make up the residential fabric of the neighbourhood.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



135 Limeridge Road East,
Hamilton (Ward 8)

File Name/Number:
HM/A-20:38

Date:
March 6, 2020

Technician:
VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-19:23 (684 Beach Blvd., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall submit survey evidence that the lands to be retained (Part 3), including the location of any existing structure(s) conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
5. The owner submits to the Committee of Adjustment office an administration fee of \$60.00 payable to the City of Hamilton to cover the costs of setting up new tax accounts for the newly created lots.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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HM/B-19:23

Page 2

Notes:

1. Amended HM/B-19-23 – 684 Beach Blvd

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will be assigned the address of **10 Knapmans Drive, Hamilton**. The lands to be conveyed (Part 2) will be assigned the address of **11 Knapmans Drive, Hamilton**. The lands to be retained (Part 3) will remain as **684 Beach Boulevard, Hamilton**.

The additional address of **678 Beach Boulevard, Hamilton**, will be retired and no longer referred to.

If at a future date it is discovered that the main entry of the lands of Part 3 will face Knapmans Drive, an address change will be required.

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

2. "Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).

June 25th, 2020

HM/B-19:23 (684 Beach Blvd., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

Severance applications HM/B-19:22 and HM/B-19:23 was tabled by the Committee of Adjustment of April 4, 2019. The two severance applications were requested to create a total of four residential lots, two fronting onto Beach Boulevard and two fronting onto Knapmans Drive. The applicant has revised the application to request one severance application to create a total of three residential lots, including the retention of the existing lot containing a single detached dwelling at 684 Beach Boulevard and the creation of two lots fronting onto Knapmans Drive.

The purpose of this application is to permit the conveyance of a parcel of land shown as Part 2 on the submitted plan will be 41.22 metres by 13.30 metres for a total area of 556.0 square metres, to retain a parcel of land shown as Part 1 which will be 41.22 metres by 13.40 metres for a total lot area of 556.0 square metres, and to retain a parcel of land shown as Part 3 which will be 22.86 metres by 39.40 metres for a total lot area of 523.0 square metres.

Staff note, on December 2, 2010 the Committee of Adjustment granted severance application HM/B-10:151 for lands located at 684 Beach Boulevard which has since lapsed. The applicant has noted severance application HM/B-10:151 also proposed three residential lots with similar sizes as the current proposal.

Urban Hamilton Official Plan (UHOP)

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3, and F.1.14.3.1 amongst others, are applicable and permit single detached dwellings and supports the severance of the lands to maintain the residential use.

The proposal is for the severance of the existing rectangular corner lot into three individual lots for residential purposes. The severed lands and retained lands are fully serviced by municipal water and wastewater systems, and front onto Beach Boulevard or Knapmans Drive. The proposed severance will facilitate future residential development on lands shown as Part 1 and Part 2 on the submitted plan along Knapmans Drive. However, Staff note the proposed residential development will be subject to Site Plan Control upon approval of this severance. The existing single detached dwelling on the lands shown as Part 3 on the submitted plan will be retained.

The intent of the Urban Hamilton Official Plan is to ensure the established residential

.../2

HM/B-19:23

Page 2

character of the neighbourhood is maintained. Beach Boulevard is characterized by a variety of lot patterns which contain larger homes and smaller cottage style homes. The existing lot known as 684 Beach Boulevard forms a long rectangular corner lot which extends along the entire east side of Knapmans Drive. The proposed severances will facilitate two wide and shallow rectangular residential lots along Knapmans Drive.

Staff are of the opinion that the proposed severance will maintain the residential character of the neighbourhood and create an appropriate lot fabric along the easterly side of Knapmans Drive. The proposed lot frontages, and lot areas conform to the requirements of Zoning By-law No. 6593.

Staff are of the opinion that the proposed lot creation reflects the general scale and character of established of the neighbourhood specifically along Beach Boulevard and Knapmans Drive, and therefore complies to the general intent and purpose of the Urban Hamilton Official Plan.

Archaeology:

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment at this time but may require an archaeological assessment as part of any future Site Plan Control application for the development on each new lot. The proponent must be advised in writing by the Committee of Adjustment as follows (see note below).

City of Hamilton Zoning By-law No. 6593

The subject property is zoned "C/S-1436b" (Urban Protected Residential, etc.) District, Modified which permits single family dwellings.

.../3

HM/B-19:23
Page 3

Recommendation

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be approved.

Note:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay relevant fees.

.../4

HM/B-19:23

Page 4

3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay relevant fees.
4. Be advised that the proposed dwellings are required to conform to the requirements of the C/S-1436b district contained within Hamilton Zoning By-law 6593. If compliance cannot be achieved, a successful application for minor variance through the Committee of Adjustment will be required.
5. A building permit is required in the normal manner for the construction of each proposed dwelling.
6. These lands are subject to site plan control.

CONDITIONAL UPON:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall submit survey evidence that the lands to be retained (Part 3), including the location of any existing structure(s) conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Growth Management:

Amended HM/B-19-23 – 684 Beach Blvd

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will be assigned the address of **10 Knapmans Drive, Hamilton**. The lands to be conveyed (Part 2) will be assigned the address of **11 Knapmans Drive, Hamilton**. The lands to be retained (Part 3) will remain as **684 Beach Boulevard, Hamilton**.

The additional address of **678 Beach Boulevard, Hamilton**, will be retired and no longer referred to.

If at a future date it is discovered that the main entry of the lands of Part 3 will face Knapmans Drive, an address change will be required.

HM/B-19:23

Page 5

We ask that the following be added as a condition for final approval:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

Development Engineering:

Information:

1. The existing municipal infrastructure fronting the subject site is summarized as follows:

Knapmans Drive

- 250mmø sanitary sewer
- 150mmø watermain
- 100mmø watermain

Beach Boulevard

- 450mmø sanitary sewer
- 450mmø storm sewer
- 300mmø watermain

2. There is an existing sanitary lateral and water lateral servicing the subject site on Beach Boulevard. Each lot will require separate services.
3. There is a 0.15m reserve along the south property line of Parts 1, 2, and 3.
4. The lots shall be designed as per the Beach Boulevard Master Drainage Plan (MMM, 1999) and the Beach Boulevard Stormwater Ponding Study (2019).

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches,

.../6

HM/B-19:23

Page 6

relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application. Transportation Planning provides the following additional information.
 - a. The Manager of Transportation Planning has waived the right-of-way requirement on Knapman's Drive as per conversation with the Applicant dated September 16, 2019.
 - b. Road widenings along Beach Boulevard should not be taken due to the historical implementation measures based on findings of the Master Drainage Plan for the Beach strip.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.

From: [Spencer Skidmore](#)
To: [Sheffield, Jamila](#)
Cc: [Steve Fraser](#)
Subject: 684 Beach Boulevard
Date: March 16, 2020 10:03:47 AM
Attachments: [image001.png](#)
[image003.png](#)
[Notice of Hearing.pdf](#)
[R-4133A severance sketch.pdf](#)

Good Morning Jamila,

I hope you are keeping well.

Just wanted to point out a couple of small errors in the attached Notice of Hearing. The area of Part 3 is approximately 803.81 square metres and not 523 as indicated in the Notice; and the area of Part 1 is approximately 561 square metres, not 556 square metres.

The correct areas are shown on the drawing (attached) that was circulated.

All the best,

Spencer Skidmore M.Pl.,MCIP,RPP
Planner

A. J. Clarke and Associates Ltd.
25 Main Street West, Suite 300, Hamilton, ON L8P 1H1
spencer.skidmore@ajclarke.com | www.ajclarke.com
Tel: 905 528 8761 x275 | Fax: 905 528 2289



Shannon Clarke, Urban Forest Health Technician
 City Centre, 77 James Street North, Suite 400
 Hamilton, ON L8R 2K3
 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
 Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: March 13, 2020

To: Jamila Sheffield
 Planning Technician II
 Development Planning, Heritage and Design

From: Shannon Clarke, Urban Forest Health Technician

Subject: 684 Beach Blvd., City of Hamilton
 File: HM/B-19:23

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that they are insignificant and shall be removed without the requirement of a permit or fees; therefore no Tree Management Plan is required.

No Landscape Plan required.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry & Horticulture Section.

SUMMARY

- There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.
- No Landscape Plan required.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 4219.

Regards,

A handwritten signature in black ink that reads "Shannon Clarke". The signature is written in a cursive style with a large initial 'S' and 'C'.

Shannon Clarke
Urban Forest Health Technician

From: sandrahanmer@hotmail.com
To: [Committee of Adjustment](#)
Cc: [Collins, Chad](#)
Subject: App # HM/B -19:23. 684 Beach Blvd Severance
Date: June 12, 2020 11:56:31 AM

To Whom it May Concern

I live at 4 Knapmans right opposite the land in question.

Does this request for severance mean there are plans to build houses on all three plots or just the plot they wish to sever and presumably sell?

If a house is built directly opposite me on the middle lot, Part Two(2) the proposed severance, it would completely block the light from my one small living room window. That strip of land has hardly any depth to it so the house would have to be tall and narrow. If such a house is proposed it should be sited to be opposite my driveway to minimize the effect on my outlook.

Please enter this email into the consideration. I cannot use phone as hard of hearing and the technology involved in taking part is completely beyond me.

Thank you
Sandra Hanmer
4 Knapmans Dr
Hamilton
LH8 7G2
Sent from my iPad

From: [Evans, Morgan](#)
To: [Committee of Adjustment](#)
Subject: FW: Notice of Public Hearing - 684 Beach Boulevard, Hamilton
Date: June 22, 2020 8:49:03 AM
Attachments: [image002.png](#)

From: Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>
Sent: Friday, June 19, 2020 9:50 AM
To: Evans, Morgan <Morgan.Evans@hamilton.ca>
Subject: RE: Notice of Public Hearing - 684 Beach Boulevard, Hamilton

Re: HM/B-19:23
684 Beach Boulevard, Hamilton
Application for Consent/Land Severance

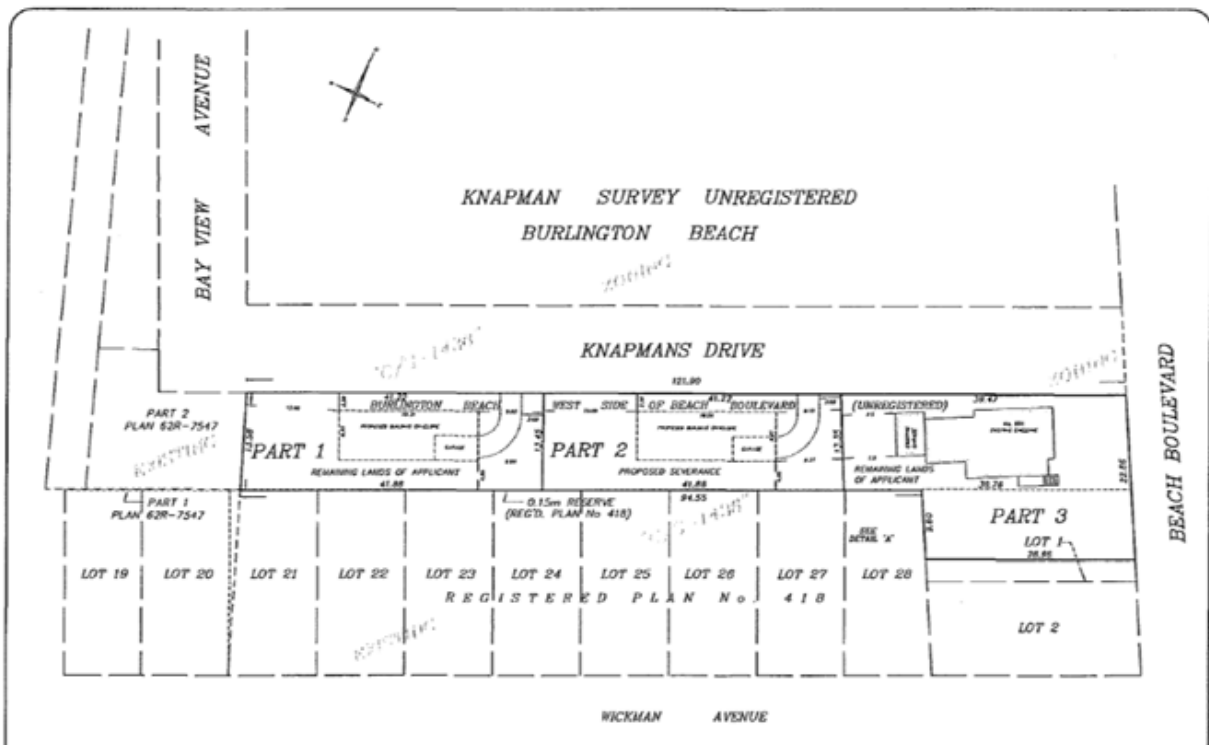
Hi Morgan,

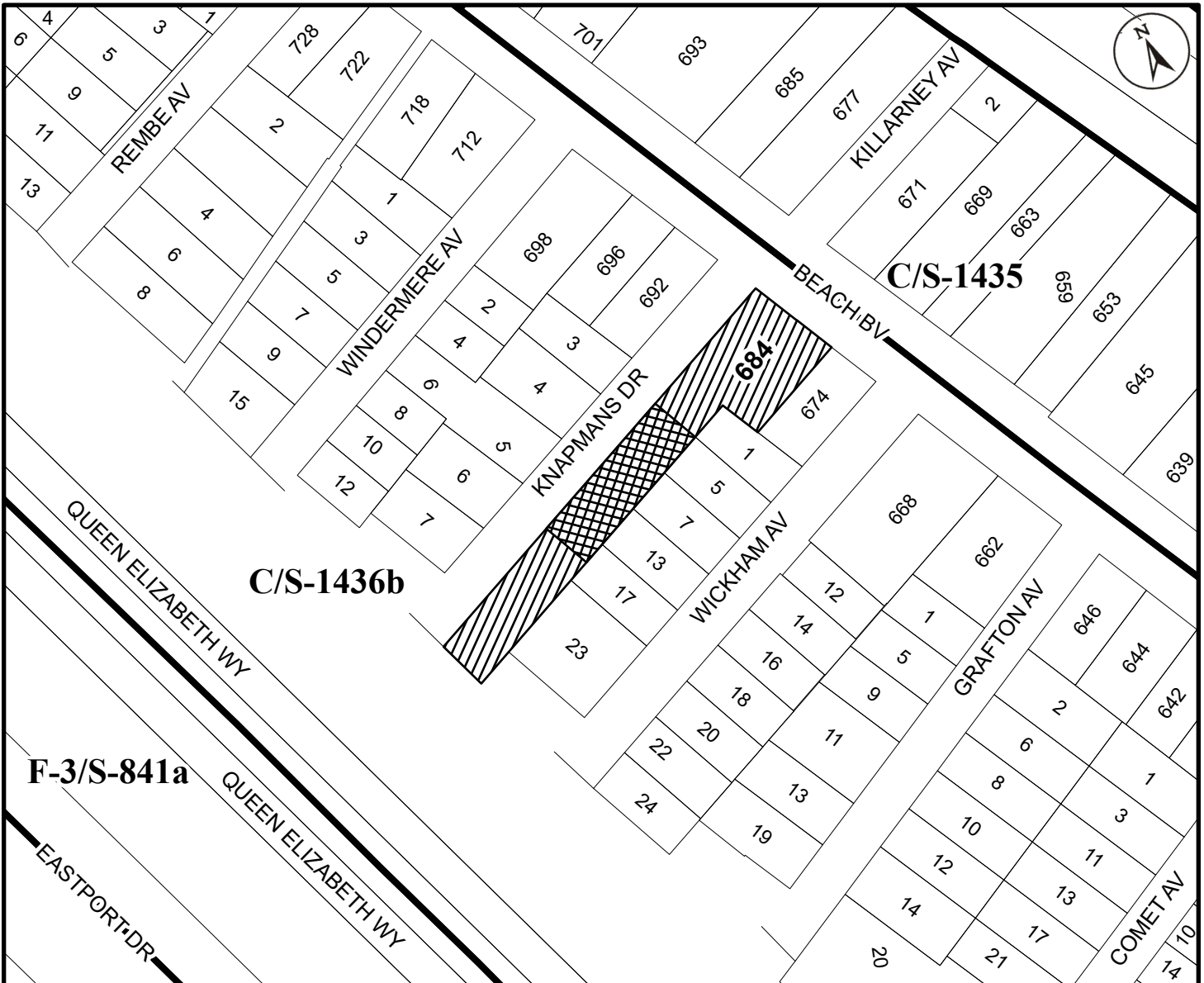
Thank you for the circulation regarding the above noted application, please note that the ministry has reviewed the attached correspondence in accordance with the requirements under the Public Transportation and Highway Improvement Act and the following are our comments:

- In general MTO has no objection to the proposed severance application. It is noted that proposed 2 new lots (part 1 and part 2) will have access to Knapmans Dr. and the remaining lot (part 3) will front Beach Blvd. and both newly created lots are zoned residential.
- The land to be severed is located within the ministry permit control area therefore any changes to the land (rezoning, development proposal) will require ministry review and approval.
- All grading of any kind in relation to the development proposal will not be permitted on the land without the ministry's approval and permit.
- Any correspondence or/and submission regarding future development proposal should be addressed through MTO Corridor Management Office.

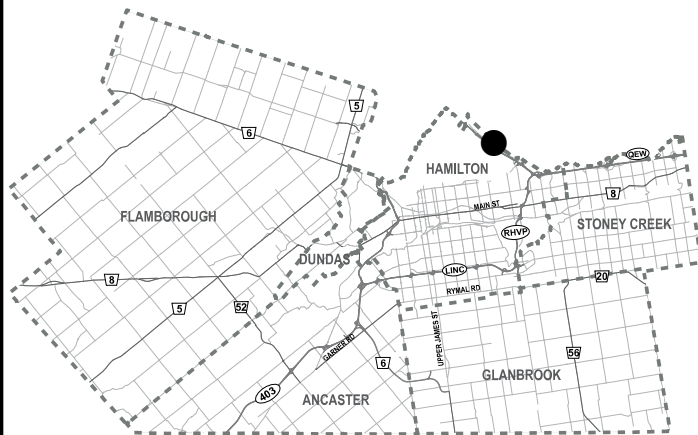
I trust that the above is clear. Please note that all submissions should be circulated through the municipality, this is to ensure all stakeholder comments are reviewed and received. If you have any questions or require some clarifications please do not hesitate me.

Thank you,
Alexandra Boucetta
Corridor Management Officer





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



684 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/B-19:23

Date:

March 6, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:10 (2804 King St. E., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall comply with the Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
4. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
5. That the Owner / Applicant dedicates sufficient lands at the intersection of Vienna Street and Greenhill Avenue to establish a 4.57m x 4.57m Daylighting Triangle, all to the satisfaction of the City's Manager of Development Engineering Approvals.

.../2

HM/B-20:10

Page 2

6. That the Owner / Applicant pays for all outstanding costs recoveries associated with the frontage of the property onto Vienna Street and outstanding servicing costs related to the flankage of the property onto Greenhill Avenue to lift the existing 0.30 m reserve along this flankage.
7. The owner submits to the Committee of Adjustment office an administration of \$20.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Growth Management:

Notes: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

The lands to be retained will retain the address of **8 Vienna Street**.

The lands to be retained will retain the address of **2804 King Street East**.

The lands to be conveyed will be assigned the address of **4 Vienna Street, Hamilton**

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

June 25th, 2020

HM/B-20:10 (2804 King St. E., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the conveyance of a parcel of land from 8 Vienna Street and a parcel of land from 2804 King Street East to be added to the property at the corner of Vienna Street and Greenhill Avenue known municipally as 2798 King Street East, to facilitate the construction of a single detached dwelling, in accordance with Zoning By-law Amendment application ZAR-19-037 which was passed by Council on November 13, 2019.

Zoning By-law Amendment ZAR-19-037 changed the zoning from “AA” (Agricultural) District to the “C/S-1790” (Urban Protected Residential, Etc.) District, Modified (Block 1) for lands located at 2798 and the portion of 2804 King Street East, and for a modification to the “C” (Urban Protected Residential, Etc.) District (Block 2), for a portion of the lands located at 8 Vienna Street.

8 Vienna Street:

The retained lands which contains an existing single detached dwelling will have a lot area of 535.7 square metres and the severed lands which have an area of 74.4 square metres

2804 King Street East:

The retained lands which contains existing commercial uses will have a lot area of 3,310.2 square metres and the severed lands which have an area of 37.9 square metres will be added to the lot at the corner of Vienna Street and Greenhill Avenue.

The newly consolidated lot at the corner of Vienna Street and Greenhill Avenue will have a total lot area of 476.5 square metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3 and F.1.14.3.1 amongst others, are applicable and permit single detached dwellings and the severance of land for residential purposes.

The subject lots, known as 8 Vienna Street, 2804 King Street East and 2798 King Street East are all fully serviced by municipal water and wastewater systems and have

.../2

HM/B-20:10
Page 2

frontage onto a public street. The proposal is consistent with the established lot pattern and the residential character of the neighbourhood. As such the intent of the Urban Hamilton Official Plan is being maintained.

Archaeology:

The subject property meets four (4) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "C/S-1790" (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

The Conceptual Site Plan submitted for Zoning By-law Amendment ZAR-19-037 demonstrates the ability to construct a single family dwelling in conformity with Zoning By-law No. 6593, as amended, on the newly consolidated lot known as 2798 King Street East. However, Staff notes that any variances will require a successful Minor Variance application to facilitate the construction of the proposed single family dwelling.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be approved.

HM/B-20:10

Page 3

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

Building Division:

1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. The lands to be conveyed shall be merged in title with the lands to which the area to be added.
4. Survey evidence of the lands to be retained is required to determine zoning compliance. A minimum setback of the existing building, together with a Planting Strip with a minimum width of 3.0 metres, together with a Visual Barrier in accordance with Section 4.19 of the Zoning By-law is required to be provided adjacent to the new lot line for the lands to be retained.

CONDITIONS:

1. The owner shall comply with the Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, including parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

.../4

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Page 4

Growth Management:

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

The lands to be retained will retain the address of **8 Vienna Street**.

The lands to be retained will retain the address of **2804 King Street East**.

The lands to be conveyed will be assigned the address of **4 Vienna Street, Hamilton**

Development Engineering:

Information:

The owner / applicant of the subject parcel is assembling land for residential purposes. There are two applications required for this proposal known as HM/B-20:10 for lands being conveyed from 2804 King Street East and HM/B-20:09 for lands being conveyed from 8 Vienna Street. It should be noted that the existing topography is lower at the rear of the site and may impose grading challenges as the stormwater run-off shall be self contained and not adversely impact the neighboring lands.

Municipal Services

According to our GIS records, the existing **municipal services** that front the subject property are as follows:

Vienna Street

- 375mmø Sanitary Sewer
- 1050mmø Storm Sewer
- 200mmø Watermain

Greenhill Avenue

- No Sanitary Sewer
- No Storm Sewer
- 400mmø and 1200mmø Watermain

Right-of-way Widening

The subject property is a corner lot and fronts onto Vienna Street and Greenhill Avenue and both right-of-ways are already at the maximum described widths, as per the Urban Official Plan. Vienna Street is classified as local roadway and the existing width is

HM/B-20:10
Page 5

20.1m, therefore, a right-of-way widening is not required. Greenhill Avenue is classified as a collector roadway and the existing width is 26.2m, therefore, a right-of-way widening is not required.

Daylighting Triangle Requirements

A 4.57m x 4.57m Daylighting Triangle is required at the intersection of Greenhill Avenue and Vienna Street.

Cost Recoveries

As per plan 62R-6380, there is an existing 0.3m reserve fronting the subject property which has benefited from the works as part of S702-018 – Battleridge Subdivision – Phase 1, Hamilton. The Owner / Applicant shall pay for the associated cost recoveries to lift the 0.3m reserve. For information, the current amounts payable have not been calculated and will be provided when available.

Recommendations:

1. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
2. That the Owner / Applicant dedicates sufficient lands at the intersection of Vienna Street and Greenhill Avenue to establish a 4.57m x 4.57m Daylighting Triangle, all to the satisfaction of the City's Manager of Development Engineering Approvals.
3. That the Owner / Applicant pays for all outstanding costs recoveries associated with the frontage of the property onto Vienna Street and outstanding servicing costs related to the flankage of the property onto Greenhill Avenue to lift the existing 0.30 m reserve along this flankage.

.../6

HM/B-20:10

Page 6

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application. Transportation Planning notes through ZAR-19-037, the Manager of Transportation Planning has reduced the required daylighting triangle at Greenhill Avenue and Vienna Street to 4.57 metres x 4.57 metres.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: March 13, 2020

To: Jamila Sheffield
Planning Technician II
Development Planning Heritage and Design

From: Shannon Clarke, Urban Forest Health Technician

Subject: 2804 King Street East, Hamilton
File: HM/B-20:10

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.

No Landscape Plan required.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry & Horticulture Section.

SUMMARY

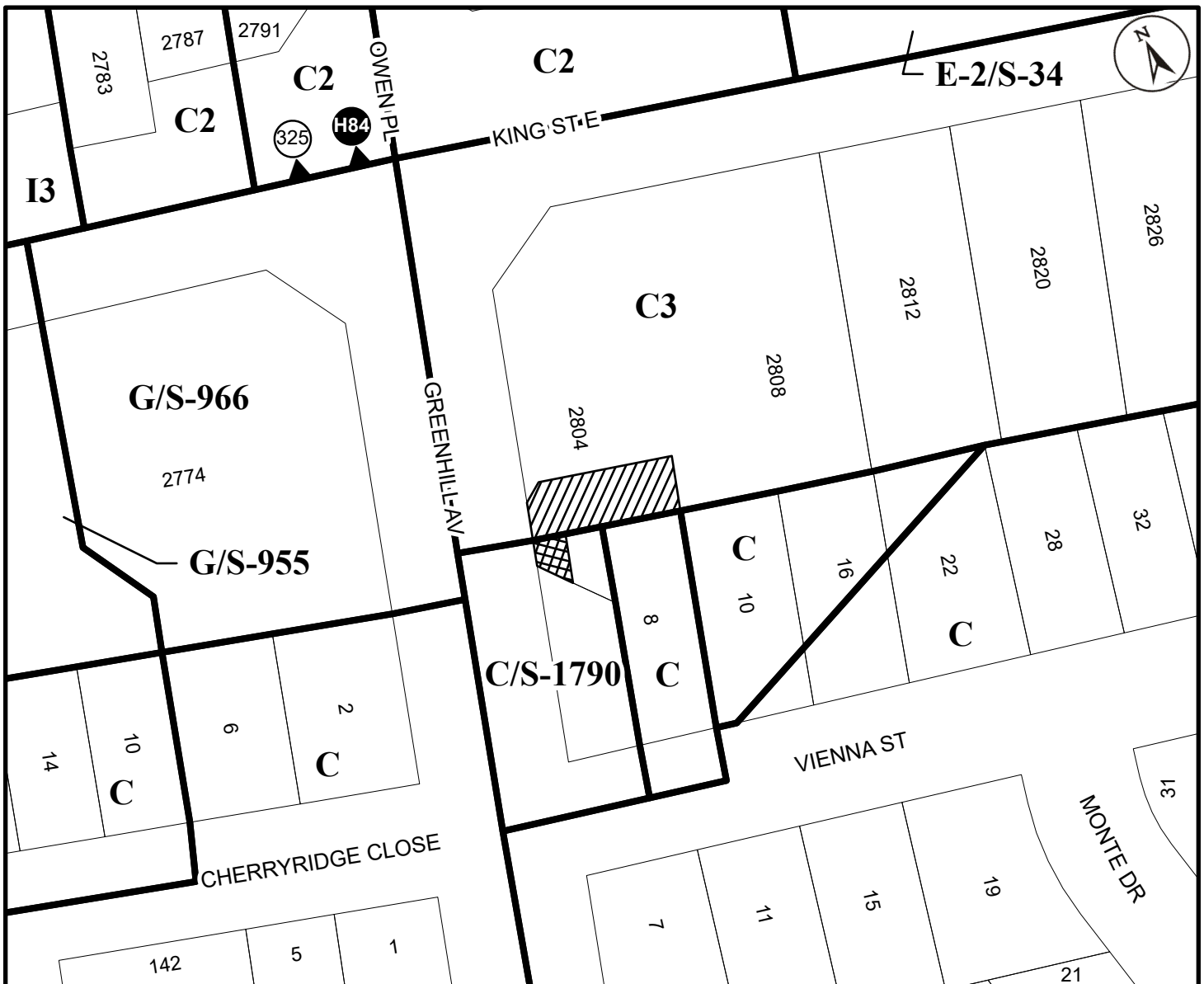
- There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.
- No Landscape Plan required.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 4219.

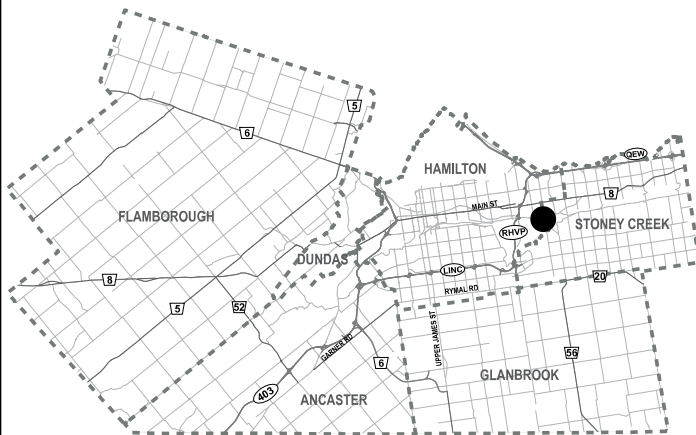
Regards,

A handwritten signature in black ink that reads "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

2804 King Street East, Hamilton (Ward 5)

 Lands to be Retained

 Lands to be Severed

File Name/Number:

HM/B-20:10

Date:

March 11, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File **HM/B-20:09 (8 Vienna St., Hamilton)** and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
3. That the Owner / Applicant dedicates sufficient lands at the intersection of Vienna Street and Greenhill Avenue to establish a 4.57m x 4.57m Daylighting Triangle, all to the satisfaction of the City's Manager of Development Engineering Approvals.
4. That the Owner / Applicant pays for all outstanding costs recoveries associated with the frontage of the property onto Vienna Street and outstanding servicing costs related to the flankage of the property onto Greenhill Avenue to lift the existing 0.30 m reserve along this flankage
5. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

.../2

HM/B-20:09

Page 2

6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner submits to the Committee of Adjustment office an administration of \$20.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

The lands to be retained will retain the address of **8 Vienna Street**.

The lands to be retained will retain the address of **2804 King Street East**.

The lands to be conveyed will be assigned the address of **4 Vienna Street, Hamilton**

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

June 25th, 2020

HM/B-20:09 (8 Vienna St., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the conveyance of a parcel of land from 8 Vienna Street and a parcel of land from 2804 King Street East to be added to the property at the corner of Vienna Street and Greenhill Avenue known municipally as 2798 King Street East, to facilitate the construction of a single detached dwelling, in accordance with Zoning By-law Amendment application ZAR-19-037 which was passed by Council on November 13, 2019.

Zoning By-law Amendment ZAR-19-037 changed the zoning from “AA” (Agricultural) District to the “C/S-1790” (Urban Protected Residential, Etc.) District, Modified (Block 1) for lands located at 2798 and the portion of 2804 King Street East, and for a modification to the “C” (Urban Protected Residential, Etc.) District (Block 2), for a portion of the lands located at 8 Vienna Street.

8 Vienna Street:

The retained lands which contains an existing single detached dwelling will have a lot area of 535.7 square metres and the severed lands which have an area of 74.4 square metres

2804 King Street East:

The retained lands which contains existing commercial uses will have a lot area of 3,310.2 square metres and the severed lands which have an area of 37.9 square metres will be added to the lot at the corner of Vienna Street and Greenhill Avenue.

The newly consolidated lot at the corner of Vienna Street and Greenhill Avenue will have a total lot area of 476.5 square metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3 and F.1.14.3.1 amongst others, are applicable and permit single detached dwellings and the severance of land for residential purposes.

The subject lots, known as 8 Vienna Street, 2804 King Street East and 2798 King Street East are all fully serviced by municipal water and wastewater systems and have frontage onto a public street. The proposal is consistent with the established lot pattern and the residential character of the neighbourhood. As such the intent of the Urban Hamilton Official Plan is being maintained.

.../2

HM/B-20:09

Page 2

Archaeology:

The subject property meets four (4) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

1. In an area of sandy soil in areas of clay or stone;
2. In the vicinity of distinctive or unusual landforms;
3. In areas of pioneer EuroCanadian settlement; and,
4. Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1790” (Urban Protected Residential, Etc.) District, Modified, which permits single family dwellings.

The Conceptual Site Plan submitted for Zoning By-law Amendment ZAR-19-037 demonstrates the ability to construct a single family dwelling in conformity with Zoning By-law No. 6593, as amended, on the newly consolidated lot known as 2798 King Street East. However, Staff notes that any variances will require a successful Minor Variance application to facilitate the construction of the proposed single family dwelling.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be approved.

NOTE:

“**Caution:** Notwithstanding current surface conditions, the property has been

..../3

HM/B-20:09

Page 3

determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499)."

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Growth Management:

Note: based on these applications being approved and all the conditions being met, the owner / applicant should be made aware that the lots will be assigned the following addresses:

The lands to be retained will retain the address of **8 Vienna Street**.

The lands to be retained will retain the address of **2804 King Street East**.

The lands to be conveyed will be assigned the address of **4 Vienna Street, Hamilton**

.... /4

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Development Engineering:

Information:

The owner / applicant of the subject parcel is assembling land for residential purposes. There are two applications required for this proposal known as HM/B-20:10 for lands being conveyed from 2804 King Street East and HM/B-20:09 for lands being conveyed from 8 Vienna Street. It should be noted that the existing topography is lower at the rear of the site and may impose grading challenges as the stormwater run-off shall be self contained and not adversely impact the neighboring lands.

Municipal Services

According to our GIS records, the existing municipal services that front the subject property are as follows:

Vienna Street

- 375mmø Sanitary Sewer
- 1050mmø Storm Sewer
- 200mmø Watermain

Greenhill Avenue

- No Sanitary Sewer
- No Storm Sewer
- 400mmø and 1200mmø Watermain

Right-of-way Widening

The subject property is a corner lot and fronts onto Vienna Street and Greenhill Avenue and both right-of-ways are already at the maximum described widths, as per the Urban Official Plan. Vienna Street is classified as local roadway and the existing width is 20.1m, therefore, a right-of-way widening is not required. Greenhill Avenue is classified as a collector roadway and the existing width is 26.2m, therefore, a right-of-way widening is not required.

Daylighting Triangle Requirements

A 4.57m x 4.57m Daylighting Triangle is required at the intersection of Greenhill Avenue and Vienna Street.

Cost Recoveries

As per plan 62R-6380, there is an existing 0.3m reserve fronting the subject property which has benefited from the works as part of S702-018 – Battleridge Subdivision –

.... /5

HM/B-20:09

Page 5

Phase 1, Hamilton. The Owner / Applicant shall pay for the associated cost recoveries to lift the 0.3m reserve. For information, the current amounts payable have not been calculated and will be provided when available.

Recommendations:

1. That the Owner / Applicant enters into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Engineering Approvals.
2. That the Owner / Applicant dedicates sufficient lands at the intersection of Vienna Street and Greenhill Avenue to establish a 4.57m x 4.57m Daylighting Triangle, all to the satisfaction of the City's Manager of Development Engineering Approvals.
3. That the Owner / Applicant pays for all outstanding costs recoveries associated with the frontage of the property onto Vienna Street and outstanding servicing costs related to the flankage of the property onto Greenhill Avenue to lift the existing 0.30 m reserve along this flankage

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application. Transportation Planning notes through ZAR-19-037, the Manager of Transportation Planning has reduced the required daylighting triangle at Greenhill Avenue and Vienna Street to 4.57 metres x 4.57 metres.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Shannon Clarke, Urban Forest Health Technician
City Centre, 77 James Street North, Suite 400
Hamilton, ON L8R 2K3
Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473
Email – Shannon.Clarke@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: March 13, 2020

To: Jamila Sheffield
Planning Technician II
Development Planning Heritage and Design

From: Shannon Clarke, Urban Forest Health Technician

Subject: 8 Vienna Street, Hamilton
File: HM/B-20:09

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 19, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.

No Landscape Plan required.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry & Horticulture Section.

SUMMARY

- There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.
- No Landscape Plan required.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 4219.

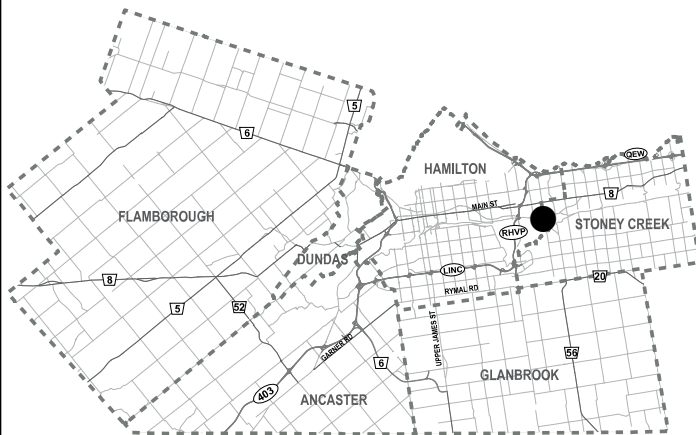
Regards,

A handwritten signature in black ink that reads "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

8 Vienna Street, Hamilton (Ward 5)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
HM/B-20:09

Date:
March 12, 2020

Technician:
VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020**HM/A-20:40 (73 Cannon St. E., Hamilton)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to recognize the existing accessory building, associated with the existing grocery store (retail store), with a gross floor area of 94.0 square metres, notwithstanding the following variance. The accessory building was reviewed under Minor Site Plan application MDA-10-037, however the building permit for the accessory building is outstanding.

Urban Hamilton Official Plan

The subject property is located within the West Harbour (Setting Sail) Secondary Plan Area which is subject to Local Planning Appeal Tribunal (LPAT) Non-Decision No. 113. The Regional Official Plan and City of Hamilton Official Plan are referred to in evaluating this application.

West Harbour (Setting Sail) Secondary Plan

The subject property is designated “Open Space” on Schedule M-2: General Land Use and is identified as a “Stable Area” on Schedule M-1: Planning Area and Sub-Areas. Open spaces and parks are permitted within the designation (Policy A.6.3.3.2.13). The retail store use is permitted by Zoning By-law No. 6593 and is therefore considered legal non-conforming to the West Harbour (Setting Sail) Secondary Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “H” (Community Shopping and Commercial, Etc.) District, which permits a retail store.

Variance 1

The applicant is requesting a variance to allow a maximum height of 4.7 metres, notwithstanding the maximum permitted building height of 4.0 metres for an accessory building. The general intent of the Zoning By-law is to maintain the established streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

The property immediately north of the subject property is McLaren Park and the property immediately west of the subject property, 63 Cannon Street East, contains a Motor Vehicle Service Station. The accessory building is located approximately 8.5

.../2

HM/A-20:40

Page 2

metres from the northerly property line which is screened by trees located in McLaren Park. As such, Staff do not anticipate any negative impact on McLaren Park as a result of the increase in height.

The accessory building is located approximately 0.6 metres from the westerly property line while the minimum required setback for an accessory building is 0.45 metres from any property line. The concrete building located at 63 Cannon Street East has been built right up to the easterly property line, thus screening the accessory building from John Street North.

Staff do not anticipate any negative impact on the enjoyment and privacy of 63 Cannon Street East as the submitted elevations of the accessory building show no windows on the west elevation. The variance is maintaining the general intent of the Zoning By-law as no negative impact is anticipated on the surrounding properties or on the established streetscape as it is screened from both Cannon Street East and John Street North.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the City of Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Building Division:

1. The accessory building was initially addressed as a Minor Site Plan in 2010 under Site Plan Application MDA-10-037 and was to be used in conjunction with a former grocery store. The building however, was constructed without obtaining the required building permit.
2. The variance is written as requested by the applicant and is required in order to facilitate the use of the property for future commercial purposes.
3. Eaves and gutters for the existing accessory building are permitted to project a maximum of one-half of the width of the westerly side yard which is 0.32m, or additional variances shall be required.

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HM/A-20:40

Page 3

4. A Building Permit is required to address the construction of the existing 94 square metre building.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.

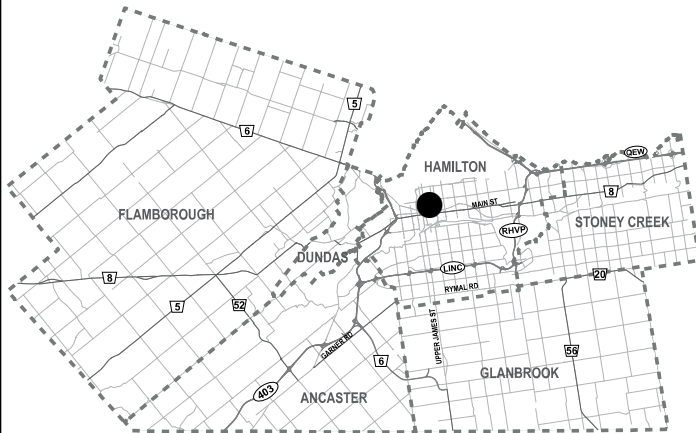
Development Engineering:

No Comment

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



73 Cannon Street East, Hamilton (Ward 2)

File Name/Number:
HM/A-20:40

Date:
March 12, 2020

Technician:
VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
VARIANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **HM/A-20:36 (66 Oak Knoll Dr., Hamilton)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

June 25th, 2020

HM/A-20:36 (66 Oak Knoll Dr., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the construction of a 26.0 square metre, one storey rear addition to the existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits single detached dwellings.

Archaeology:

The subject property meets two (2) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In areas of pioneer EuroCanadian settlement.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows (see note below).

Cultural Heritage:

The subject property is within the Westdale Original Subdivision Cultural Heritage Landscape, as indicated in the Urban Hamilton Official Plan (UHOP), Volume 2 Chapter B Map B.6.2-2. The subject property is also within the Westdale South Established Historical Neighbourhood.

As set out in Policy 6.1.11.1, cultural heritage landscapes shall be protected by retaining major characteristics through the review of Planning Act applications.

HM/A-20:36

Page 2

Staff are of the opinion that the proposed addition will not have an adverse impact on the cultural heritage character of the Cultural Heritage Landscape or the Established Historical Neighbourhood, and as such, have no concerns with the proposal.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 c), B.6.2.5.4 and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1361 and C/S-1788” (Urban Protected Residential, Etc.) District, Modified, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum rear yard depth of 4.5 metres, notwithstanding the minimum required rear yard depth of 7.5 metres. The intent of the Zoning By-law is to allow adequate space for grading and drainage, and to accommodate the necessary amenity area to satisfy the needs of a single detached dwelling. Staff defers any grading or drainage concerns to Development Engineering Approvals.

Staff acknowledge the subject property is an irregular shape. Due to the orientation of the existing single detached dwelling, the required rear yard functions as a side yard with the majority of the landscaped and amenity area being located in the required front yard. Staff is satisfied the necessary amenity area to accommodate the needs of a single detached dwelling will remain on site. In addition, Staff does not anticipate any negative impact on the established residential streetscape as a result of the rear addition.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton

HM/A-20:36

Page 3

Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

Building Division:

1. The owner shall ensure that the dwelling does not exceed a floor area ratio of 0.45 of the total lot area. If compliance with this provision cannot be achieved, further variances may be required.
2. Please be advised that parking for a single family dwelling is required to be provided at a rate of two (2) parking spaces for the first eight habitable rooms, plus an additional 0.5 spaces for each additional habitable room. Insufficient information has been provided to confirm the number of habitable rooms existing within the single family dwelling. As such, the total number of required parking spaces cannot be determined at this time. Further variances will be required if the minimum number of required parking spaces cannot be provided on site and in accordance with Section 18A of Hamilton Zoning By-law 6593.
3. A building permit is required in the normal manner for the construction of the proposed addition.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

Development Engineering:

Provided that the existing drainage patterns are maintained, Development Engineering has no comments regarding the minor variance as proposed.

See attached for additional comments.

From: Glenn Lou-Hing
To: [Committee of Adjustment](#)
Subject: Variance Application # HM/A-20:36
Date: Friday, June 12, 2020 10:44:49 PM

Hello. This is a message from the backyard neighbour of this applicant.

I am pleased to have a building such as this built. It will be a beautiful addition to the back of the house.

I will no longer have to look at a rotting deck!

Glenn

Sent from my iPhone

From: [Jakob Koch](#)
To: [Committee of Adjustment](#)
Subject: Fwd: C of A 66 oak knoll drive June 25
Date: June 23, 2020 9:56:03 AM

Regarding application number HM/A-20:36 I would like to add these to conceptual pictures to help committee and community members understand the nature of the addition.
Thanks Jakob

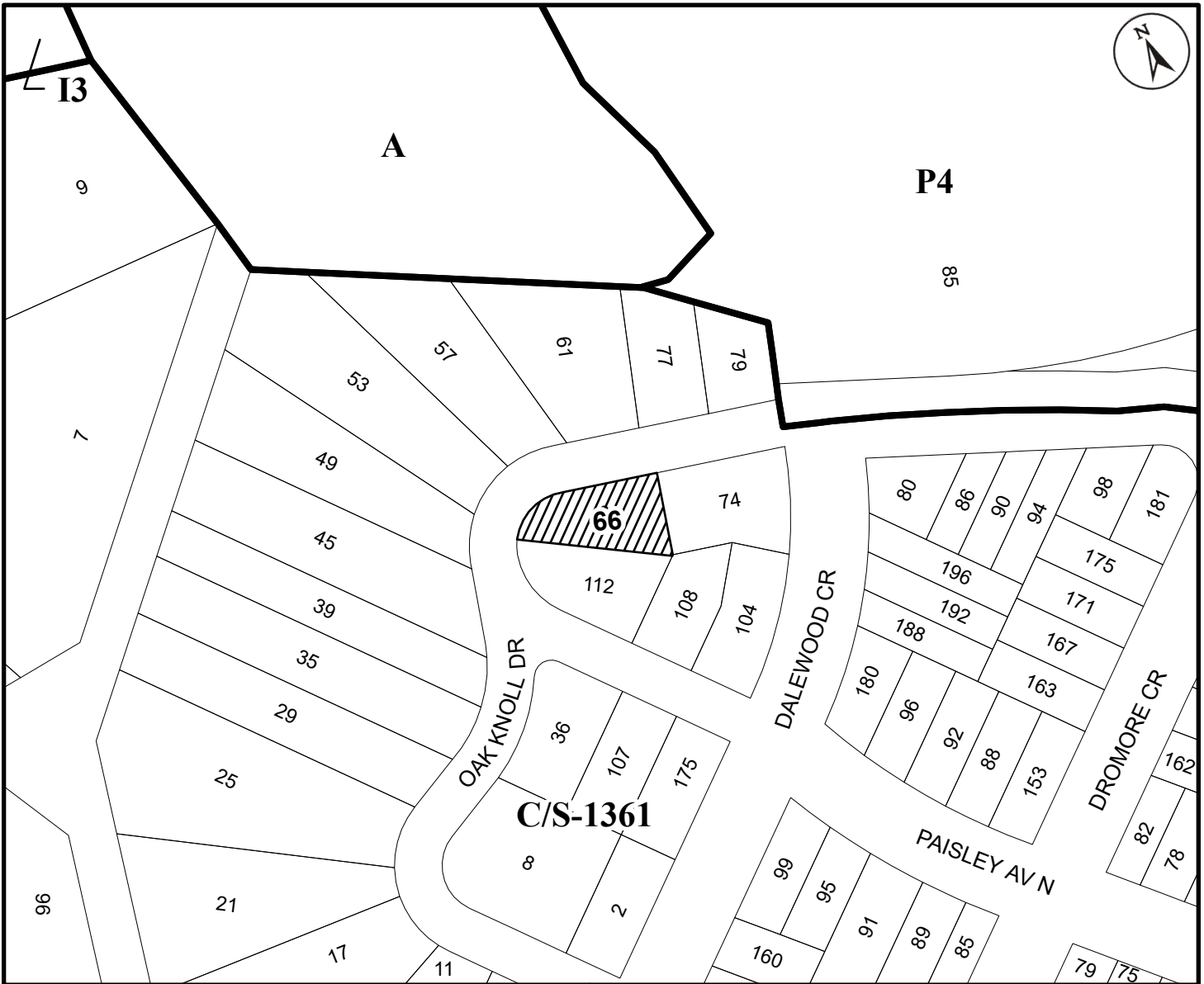
Jakob Koch
Hamilton,

Subject: C of A 66 oak knoll drive June 25
Application #. HM/A-20:36

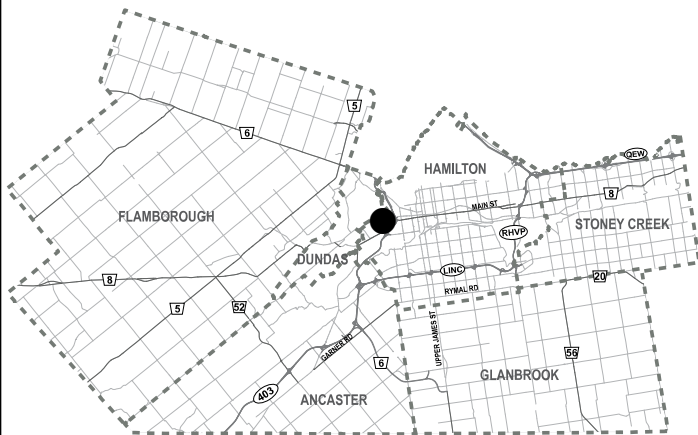




*Jakob Koch
Hamilton, Ontario*



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



66 Oak Knoll Drive, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:36

Date:

March 12, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
VARIANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **HM/A-19:290 (315B Aberdeen Ave., Hamilton)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

1. The applicant provide confirmation that the alleyway has been acquired; and,
2. The applicant shall merge the existing properties and the acquired alleyway into one property on title.

June 25th, 2020

HM/A-19:290 (315B Aberdeen Ave., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

Minor Variance application HM/A-19:290 was tabled by the Committee of Adjustment on September 12, 2019 as the application was premature. The purpose of this application is to establish the lot frontage on Aberdeen Avenue and to facilitate the construction of a two storey single detached dwelling on an irregular shaped lot, notwithstanding the following variances.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits single detached dwellings.

Archaeology:

The subject property meets three (3) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

Cultural Heritage:

The subject property is *adjacent* to 315 Aberdeen Ave and 7 Mountain Avenue, properties listed on the City’s Inventory of Property of Cultural Heritage Value or Interest. In addition, the subject property is within the Kirkendall South Established Historical Neighbourhood.

HM/A-19:290

Page 2

Staff are of the opinion that the proposed new dwelling will not have an adverse impact on the adjacent inventoried properties or on the character of the Kirkendall South established Historical Neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C and C/S-1335a” (Urban Protected Residential, Etc.) District, Modified, and “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings. Etc.) District, Modified which permits single family dwellings.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 3.6 metres and to allow the front yard to contain no landscaped area, notwithstanding the minimum required lot width of 12.0 metres and the requirement that no less than 50% of the gross floor area shall be used for landscaped area.

The intent of the Zoning By-law is to maintain a consistent streetscape and allow sufficient space for access, drainage and the necessary landscaped area to satisfy the needs of a single detached dwelling. Staff defers any drainage concerns to Development Engineering Approvals.

The applicant has applied to acquire the existing alleyway in order to establish frontage and provide access to the proposed single detached dwelling. The alleyway is located within an established residential block, leaving insufficient space for the applicant to provide additional lot width. Once acquired, the alleyway will function as a driveway and provide access to the proposed single detached dwelling. It is therefore not feasible for the applicant to provide landscaping in the required front yard. The variances are maintaining the general intent of the Zoning By-law as the established streetscape will remain unchanged as a result of establishing the alleyway as lot frontage. In addition, Staff are satisfied there is sufficient landscaped area in the rear yard to satisfy the needs of a single detached dwelling.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance, on condition.

Variance 3

The applicant is requesting a variance to allow the finished level of the garage floor to be at grade (0.0 metres), notwithstanding the minimum required finished floor level of

.../3

HM/A-19:290

Page 3

0.3 metres above grade for an attached garage. The intent of the Zoning By-law is to avoid any drainage and grading implications. Staff defers any drainage and grading concerns to Development Engineering Approvals.

Staff is of the opinion that the minimum required finished level of 0.3 metres above grade for the garage floor can be achieved on the subject property. As such, Staff request the applicant revise the Site Plan and Elevations to conform with this provision of the Zoning By-law.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the general intent of Zoning By-law is not being maintained, the variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Recommendation:

Based on the preceding information, Variance 1 and 2 maintains the general intent and purpose of the Urban Hamilton Official Plan, former City of Hamilton Zoning By-law No. 6593. Variances 1 and 2 are considered to be minor in nature and desirable for the appropriate use of the property.

Variance 3 does not maintain the general intent of former City of Hamilton Zoning By-law No. 6593. Variance 3 is not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 1 and 2 be approved while Variance 3 be denied.

CONDITIONS: (If Approved)

1. The applicant provide confirmation that the alleyway has been acquired; and,
2. The applicant shall merge the existing properties and the acquired alleyway into one property on title.

Building Division:

1. A building permit is required for the construction of the proposed single family dwelling.
2. A demolition permit is required for the demolition of the existing structure.

.../4

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3. Part of this property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Our office has no clear understanding of feasibility to provide service connections to the subject lands. Therefore, we recommend having this application **tabled** until adequate information is provided by the proponent to address this issue.

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

315B Aberdeen Ave., Hamilton (Ward 1)



Applicant's Proposal: To establish lot frontage on Aberdeen Avenue and to permit the construction of a two-storey single family dwelling on the lot.

Variations for Property:

- **Lot Width:** Lot width of 3.6m shall be provided instead of the required lot width of 12m
- **Landscaped Area:** The front yard shall be permitted to contain no landscaping whereas 50% of the front yard is required to be landscaped.
- **Garage Floor Height:** The proposed garage shall be permitted to be constructed at grade instead of the required minimum height of 0.3m

Impact on City Lands: There are no expected impacts on adjacent city lands as the variations are conditional upon the successful acquisition and merging of the adjacent alleyway.

Recommendation: Real Estate has no objection to the proposed variance.

June 18, 2020

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

Attention: Morgan Evans

File# HM/A-19:290

Re: 315B Aberdeen Ave

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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 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)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

From: tomasikjoseph@gmail.com
To: [Evans, Morgan](#); [Sheffield, Jamila](#)
Cc: [Helen Tomasik](#); [Wilson, Maureen](#)
Subject: Application No: HM/A-19:290
Date: Thursday, March 12, 2020 10:47:53 AM

As residents of 12 Undermount Ave for the past 33 years, we vehemently oppose the approval of this application. Unfortunately we are unable to attend the March 19, 2020 meeting. We have therefore summarized our concerns and objections in this email.

The variances are unreasonable in number and scale. The building proposed is far too large, taking up 51% of the building lot. Of greatest concern is the fact that all evidence indicates that this building will become a multi unit rental property - there is minimal landscaping space around the entire property with the front door facing an active alley with a view of our fence and garage. To suggest this proposal is meant to facilitate the construction of a single family dwelling is disingenuous. We cannot contemplate any family wanting to live in a home that has so little green space for their children to play, or for adults to enjoy outdoor leisure, and an immediate front view of an alley, our backyard fence and garage.

This lot is in "the middle of the block" accessible only via an alley, with no street frontage. Existing building bylaws do not contemplate building on such a lot. While we support laneway housing, appropriate bylaws need to be enacted to govern such housing.

VARIANCES:

Variance 1 - The applicant is requesting the width of an existing alleyway, 3.6 metres, be considered as the building lot width, instead of the required lot width of at least 12.0 metres. Not only is the width of this alleyway 70% less than the required minimum, not even one cm of this width actually fronts any side of the proposed building. Furthermore, the "lot width"/alleyway would continue to be an active alleyway.

Variance 2 - The applicant is requesting the front yard be permitted to contain no landscaped area instead of the minimum 50%. This variance request underscores the unreasonableness of Variance 1. The "front yard" is not a front yard; it's an existing alleyway required to access the proposed building. The same "front yard" would continue to serve as an alleyway for the neighbourhood.

Variance 3 - The applicant is requesting the garage floor be at grade instead of 0.3m above grade. We are not aware of any justification for this variance. If there is good reason to have a minimum grade requirement for a garage floor, why would it not apply in this case?

It would appear that other variances not mentioned in the application might also be required, eg. What about the 7.5 metre setback requirement for the back yard, wherever that may be for this property?

BUILDING SIZE:

The building proposed would cover 51 % of the lot. The norm in the neighbourhood for a single family dwelling is less than 40%. The footprint of the proposed dwelling relative to the building lot would be the largest in the neighbourhood.

The building does not have a suitable front yard, required to be at least 6.0 metres, with 50% landscaped, nor a required back yard depth of 7.5 metres. Furthermore, the front of the house is only 1.54 metres from the property line.

The front of this two storey building sitting almost right on the lot line would be towering over our backyard. We will lose sunlight and privacy, especially when we enjoy our backyard garden for family meals and entertaining. We will be exposed to noise and light from the property and we will have this large building blocking our view. Rain

water runoff seeping into neighbours' basements is another major concern. There would also be an increase in the number of cars parking on Undermount and Mountain Aves where parking is already limited for residents and visitors.

Clearly such a building would have a severe negative impact on the property value of neighbouring homes, with greatest negative impact on us and our neighbours residing at #16 Undermount Ave.

While there are other concerns relating to this proposal we trust the Committee will consider, we have focused only on our most serious concerns.

We request the Committee of Adjustment deny this application.

Sincerely,

Helen and Joe Tomasik
12 Undermount Ave
Hamilton, ON. L8P 3Z6

Sent from my iPad

From: tomasikjoseph@gmail.com
To: [Evans, Morgan](#); [Sheffield, Jamila](#)
Subject: Fwd: Application No: HM/A-19:290
Date: March 13, 2020 9:10:23 AM

Please confirm receipt of the email sent below. We are in Mexico and were experiencing some transmission issues yesterday. It appears the email finally went through but like to make sure.

Thank you,

Joe Tomasik

Sent from my iPad

Begin forwarded message:

From: tomasikjoseph@gmail.com
Date: March 12, 2020 at 8:47:48 AM CST
To: Morgan.Evans@hamilton.ca, Jamila.Sheffield@hamilton.ca
Cc: Helen Tomasik <helen.tomasik@gmail.com>, maureen.wilson@hamilton.ca
Subject: **Application No: HM/A-19:290**

As residents of 12 Undermount Ave for the past 33 years, we vehemently oppose the approval of this application. Unfortunately we are unable to attend the March 19, 2020 meeting. We have therefore summarized our concerns and objections in this email.

The variances are unreasonable in number and scale. The building proposed is far too large, taking up 51% of the building lot. Of greatest concern is the fact that all evidence indicates that this building will become a multi unit rental property - there is minimal landscaping space around the entire property with the front door facing an active alley with a view of our fence and garage. To suggest this proposal is meant to facilitate the construction of a single family dwelling is disingenuous. We cannot contemplate any family wanting to live in a home that has so little green space for their children to play, or for adults to enjoy outdoor leisure, and an immediate front view of an alley, our backyard fence and garage.

This lot is in “the middle of the block” accessible only via an alley, with no street frontage. Existing building bylaws do not contemplate building on such a lot. While we support laneway housing, appropriate bylaws need to be enacted to govern such housing.

VARIANCES:

Variance 1 - The applicant is requesting the width of an existing alleyway, 3.6 metres, be considered as the building lot width, instead of the required lot width of at least 12.0 metres. Not only is the width of this alleyway 70% less than the required minimum, not even one cm of this width actually fronts any side of the proposed building. Furthermore, the “lot width”/alleyway would continue to be an

active alleyway.

Variance 2 - The applicant is requesting the front yard be permitted to contain no landscaped area instead of the minimum 50%. This variance request underscores the unreasonableness of Variance 1. The “front yard” is not a front yard; it’s an existing alleyway required to access the proposed building. The same “front yard” would continue to serve as an alleyway for the neighbourhood.

Variance 3 - The applicant is requesting the garage floor be at grade instead of 0.3m above grade. We are not aware of any justification for this variance. If there is good reason to have a minimum grade requirement for a garage floor, why would it not apply in this case?

It would appear that other variances not mentioned in the application might also be required, eg. What about the 7.5 metre setback requirement for the back yard, wherever that may be for this property?

BUILDING SIZE:

The building proposed would cover 51 % of the lot. The norm in the neighbourhood for a single family dwelling is less than 40%. The footprint of the proposed dwelling relative to the building lot would be the largest in the neighbourhood.

The building does not have a suitable front yard, required to be at least 6.0 metres, with 50% landscaped, nor a required back yard depth of 7.5 metres. Furthermore, the front of the house is only 1.54 metres from the property line.

The front of this two storey building sitting almost right on the lot line would be towering over our backyard. We will lose sunlight and privacy, especially when we enjoy our backyard garden for family meals and entertaining. We will be exposed to noise and light from the property and we will have this large building blocking our view. Rain water runoff seeping into neighbours’ basements is another major concern. There would also be an increase in the number of cars parking on Undermount and Mountain Aves where parking is already limited for residents and visitors.

Clearly such a building would have a severe negative impact on the property value of neighbouring homes, with greatest negative impact on us and our neighbours residing at #16 Undermount Ave.

While there are other concerns relating to this proposal we trust the Committee will consider, we have focused only on our most serious concerns.

We request the Committee of Adjustment deny this application.

Sincerely,

Helen and Joe Tomasik

12 Undermount Ave
Hamilton, ON. L8P 3Z6

Sent from my iPad

June 21, 2020

As residents of **12 Undermount Ave** for the past 33 years, we are submitting a third letter to the Committee of Adjustment expressing our vehement opposition to the approval of **Variance Application NO: HM/A-19:290**.

The variances are unreasonable in number and scale. The building proposed is far too large, taking up 51% of the building lot. We are also greatly concerned this building will become a multi unit rental property - there is minimal landscaping space around the entire property with the front door facing an active alley with a view of our fence and garage. To suggest this proposal is meant to facilitate the construction of a single family dwelling is disingenuous. We cannot contemplate any family wanting to live in a home that has so little green space for their children to play, or for adults to enjoy outdoor leisure, with an immediate front view of an alley, our backyard fence and garage. This lot is in "the middle of the block" accessible only via an alley, with no street frontage. Existing building bylaws do not contemplate building a residential home on such a lot, hence why the builder is requesting what we consider to be major and inappropriate variances.

VARIANCES:

Variance 1 - The applicant is requesting the width of an existing alleyway, 3.6 metres, be considered as the building lot width, instead of the required lot width of at least 12.0 metres which is required of all of the other homes in our neighbourhood. Not only is the width of this alleyway 70% less than the required minimum, not even one cm of this width actually fronts any side of the proposed building.

Variance 2 - The applicant is requesting the front yard be permitted to contain no landscaped area instead of the minimum 50%. This variance request underscores the unreasonableness of Variance 1. The "front yard" is not a front yard; it's an existing alleyway required to access the proposed building. The same "front yard" would continue to serve as an alleyway for the neighbourhood, an alleyway that enters directly into a very busy intersection at Locke and Aberdeen.

Variance 3 - The applicant is requesting the garage floor be at grade instead of 0.3m above grade. We are not aware of any justification for this variance. If there is good reason to have a minimum grade requirement for a garage floor, why would it not apply in this case?

It would appear that other variances not mentioned in the application might also be required, eg. What about the 7.5 metre setback requirement for the back yard, wherever that may be for this property?

BUILDING SIZE:

The building proposed would cover 51% of the lot. The norm in the neighbourhood for a single family dwelling is less than 40%. The footprint of the proposed dwelling relative to the building lot would be the largest in the neighbourhood.

The building does not have a suitable front yard, required to be at least 6.0 metres, with 50% landscaped, nor a required back yard depth of 7.5 metres. Furthermore, the front of the house is only 1.54 metres from the property line. The front of this two storey building, sitting almost on the lot line, would tower over our backyard. Of further concern is the windows on the second floor which will impact the privacy of our property as they overlook our back deck and bedroom windows. This is presumably why the bylaw for laneway housing has restrictions for second floor windows and doors.

We will lose sunlight and privacy, especially when we enjoy our backyard garden for family meals and entertaining. We will be exposed to noise and light from the property. Rain water runoff seeping into neighbours' basements is another major concern. There would also be an increase in the number of cars parking on Undermount Ave and Mountain Ave where parking is already limited for residents and visitors. Clearly such a building would have a severe negative impact on the property value of neighbouring homes, with greatest negative impact on us and our neighbours residing at **#16 Undermount Ave.**

Having stated our objections to the variances, we do support laneway housing, and would respectfully submit that the applicant consider the requirements stipulated in By-law No. 18-299 (which amends Zoning By-law No.6593) for this proposed laneway house. Consideration of building height and square footage maximums, window and door placement restrictions as well as minimum setbacks from lot lines, would significantly ameliorate the concerns of our neighbourhood. Given this proposed house is not a second dwelling in the back yard of an existing residential property, the windows and doors **should only be permitted on the ground floor on the east side** of the proposed house, as to place windows and doors on the second floor impacts the privacy of the residents of **#12 and #16 Undermount Ave.**

We trust the Committee will consider our serious concerns and invite members of the Committee to conduct a site visit to see firsthand the impact that such a building would have on our property and the neighbourhood.

We request the Committee of Adjustment deny this application.

Sincerely,
Helen and Joe Tomasik
[12 Undermount Ave](#)
[Hamilton, ON. L8P 3Z6](#)

From: tomasikjoseph@gmail.com
To: [Committee of Adjustment](#)
Cc: helen.tomasik@outlook.com; [Wilson, Maureen](#)
Subject: Fwd: HM/A-19:290 Variance Application to be heard on June 25,2020
Date: June 22, 2020 1:32:52 PM
Attachments: [Variance Application Concerns June 21, 2020.docx](#)
[ATT00001.htm](#)

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

We are writing to advise the Committee of Adjustment of the following additional points submitted in opposition to the requested variance application HM/A-19:290 re Municipal Address 315B Aberdeen Avenue, Hamilton to supplement our submission sent at 4:19 pm yesterday.

The additional points are:

1. With respect to the concern that this building will become a multi-unit dwelling, the majority of the building, as proposed, falls mainly in Zone C, Single Family, but a small portion, the garage, falls in Zone D, Multi-Unit. What assurance is there that this will NOT become a multi-unit dwelling?
2. We have a detached garage which abuts the alleyway. This garage could only be accessible for vehicle parking via the alleyway. The front door of the building as proposed in the Application, would be directly across from our garage. We wish to maintain our ability to drive a vehicle into our garage via the alleyway, should we decide to do so by putting in a garage door on the back of the garage. This would be particularly significant if we purchased an electric vehicle as the garage has electricity. Losing such potential use of our garage would only add to the devaluation of our property that would be result from a large two storey building towering over our backyard. What assurance is there the proposed dwelling, along with the applicant's purchase of this alleyway, will not rob us (or any prospective purchaser of our property) of the ability to utilize our garage as described herein?

Helen and Joe Tomasik
12 Undermount Avenue
Hamilton, Ontario L8P 3Z6

Sent from my iPad

Sent from my iPad

Begin forwarded message:

From: Helen Tomasik <helen.tomasik@outlook.com>
Date: June 21, 2020 at 4:19:08 PM EDT
To: "cofa@hamilton.ca" <cofa@hamilton.ca>
Cc: "Tomasikjoseph@gmail.com" <Tomasikjoseph@gmail.com>,

"Maureen.Wilson@hamilton.ca" <Maureen.Wilson@hamilton.ca>

Subject: HM/A-19:290 Variance Application to be heard on June 25,2020

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

Ms Sheffield,

Attached is our written submission for consideration of the Committee of Adjustment regarding HM/A-19:290. We will be registering our attendance at the virtual meeting on June 25th at 3:10 pm.

Sincerely,

Helen and Joe Tomasik
12 Undermount Ave
Hamilton, ON L8P 3Z6

From: [Harris, Richard](#)
To: [Committee of Adjustment](#)
Cc: [Wilson, Maureen](#)
Subject: HM/A-19:290
Date: June 21, 2020 8:08:57 AM
Attachments: [Letter re variance.pdf](#)

To the members of the Committee of Adjustment,

Three months ago I sent a letter regarding the application for a minor variance at 315B Aberdeen Avenue. As you can see, I don't believe that the variance is minor, or that the application is being made in good faith.

The hearing was postponed until this coming Thursday, June 25. Because I am not sure whether you have retained the earlier correspondence, I am again sending my letter, as an attachment to this message.

I am cc'ing to my ward councillor, Maureen Wilson.

Richard

Richard Harris, FRSC, FRCGS
School of Geography and Earth Sciences
McMaster University, Hamilton, Ontario

(905) 525-9140 ext. 27216



School of Geography
and Earth Sciences

1280 Main Street West
Hamilton, Ontario, Canada
L8S 4K1

Richard S. Harris, PhD
Professor of Geography
School of Geography and Earth Sciences
McMaster University, Hamilton, Ontario
Canada L8S 4K1
Tel: (905) 525-9140 ext. 27216
Fax: (905) 546-0463
E-mail: harrisr@mcmaster.ca

16 March 2020

Re: An application for a minor variance for construction of a dwelling at 315B Aberdeen Avenue

To whom it may concern,

I am writing to express serious concerns about this application which I think should be rejected in its current form.

I write primarily in my capacity as a Professor of urban geography at McMaster University. Full disclosure: it is true that I am a resident of the neighbourhood in which this address is situated, specifically 37 Undermount Avenue, but I would not be directly affected by the proposed development.

First let me say that I agree with the principle of increasing residential densities in existing residential neighbourhoods of the city. Indeed, I make the case for this to my undergraduate students, and next year will be supervising a postdoctoral student who is specifically concerned with ways of promoting what are sometimes known as Accessory Dwelling Units (ADUs) in existing single-family homes. However, I also tell my students that densification should be undertaken transparently, and sensitively.

In that context, I have much the same concerns with the present application as I did with its previous incarnation.

The first and most significant is that there are reasons to believe that the applicant is being duplicitous. It is implausible, indeed inconceivable, that anyone able and willing to purchase a very large (5 bedroom) single family dwelling would be interested in a home on such a cramped site, with no front yard, and with no direct frontage onto a residential street. The only access is

via a narrow alley/driveway onto a busy arterial, Aberdeen.

It is likely that the developer intends to create a multi-unit dwelling, which would be at more substantial variance with the current zoning and for which the parking would be wholly inadequate. The developer may believe that, once the building is complete, a subsequent request for a multi-unit variance would be accepted. In other words he is not being transparent about his intentions.

My second concern is that, even taken at face value, the application entails substantial variances in terms of setbacks and rear yards. Either of these would be a potential concern, but in combination they clearly indicate the inappropriateness of such a development on this site. One could imagine a more modest – and affordable – structure, but this is not what is being proposed.

The third issue is that the parking would be adequate for the residents of a single-family dwelling but that there is no provision for visitors, still less for the potential tenants of a 5-bedroom dwelling. Moreover, the proposed development would entail an encroachment on the existing alley, which is already being used for parking. Current users would be displaced. The nearest parking would be on Undermount Avenue or Homewood Avenue, both of which are already receiving overflow parking from the reviving Locke Street. And no, I do not say this out of self-interest: my house contains a driveway long enough to accommodate my own vehicles and a visitor's.

Fourthly, as noted, the proposal involves encroaching on the alley in which that are likely to restrict, or possibly prevent, proper rear access to several properties on Undermount and Mountain Avenues. (To repeat. This does not affect me.) This would potentially prevent the owners of those properties from themselves developing a laneway house of more appropriate size. It is my understanding that a property owner on Mountain is indeed contemplating such a development.

In light of the above, I strongly recommend that the present application for a minor variance be denied.

Yours sincerely,



Richard Harris, Professor

Sheffield, Jamila

From: benwri benwri <benwri@bell.net>
Sent: March 15, 2020 2:31 PM
To: Evans, Morgan
Subject: Application HM/A-19:290 315B Aberdeen Avenue

Hello,

I am unable to attend the Committee of Adjustment meeting on Thursday March 19, 2020 and I want to send my comments by email.

I want to register my objection to the proposed variances.

The reduction of the lot width from 12 metres to 3.6 metres is significant and the reason given that they want to have frontage on Aberdeen Ave and not Mountain Ave is not provided. The indication is that the proponent wants to take ownership of the alley off of Aberdeen but still provide access to the houses backing onto the alley. I believe it is wrong to take ownership of the alley without every property owner accessing the alley providing his/her approval since not having access to the alley will create problems for them to access their yards and additional parking. If these houses lose the option of accessing parking from the alley they will have to park on the street; e.g. Undermount and Mountain which are already 'packed' with cars. This will exacerbate the situation. If the proponent wants to 'assume the full alley' he/she should have the written approval of every property owner that backs onto to the alley or not proceed until he/she has this.

I understand the proponent's desire to buy the alley but the zoning bylaw No 05-200-section 4 states that no lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres but the width of the laneway would be the requested 3.6 metres. I think that seeking a variance is an 'underhanded' way of achieving this. If this is to be a single family house, having the alley 'act' as a front yard is inappropriate, especially since not having a landscaped front yard is not consistent with all single family houses in the neighbourhood.

The footprint of the house is very large (about 52% of the lot versus 40% of other houses in the area) and the proposed 5 bedrooms would likely mean that the proposed 2 parking spaces will be insufficient for all residents of the house meaning that there will be parking spillover on the other streets. In addition, it appears that much of the lot will have non-permeable surfaces, which would increase runoff and may negatively impact the surrounding houses and an already stretched sewer system. Best design practices are promoting the increased use of permeable surfaces and not a reduction.

Although we do not back onto this property, a large house so close to the property line would have a negative impact on the houses particularly on Undermount since their backyards are much more narrow than the houses on Mountain. Having people looking directly onto someone's backyard (from the proposed building's second floor) is not desirable and will probably create issues for these homeowners when they try to sell their properties.

I understand that the City of Hamilton is reviewing options to allow laneway houses but these houses in general are significantly smaller than the proposed house for many of the same reasons. For example, in the August 3, 2018 article in the Hamilton Spectator, the City allowed a laneway house to be built that was 800 square feet and a single story. With this in mind, if any one of the owners of the properties that currently abut the laneway wish to create a laneway house they will be unable to do so.

I should note that I am a proponent of these smaller laneway houses as a way of providing affordable housing options for the city. According to the pilot zoning PED16200(a), the property must abut a laneway. Taking this option away from

the property owners that currently abut onto the laneway is contrary to the 'intent' of the City's plan to increase the number of affordable housing options in the city.

Alan Bentley

59 Undermount Avenue

Sheffield, Jamila

From: Rebecca Mills <rebeccamills@gmail.com>
Sent: March 16, 2020 11:18 AM
To: Sheffield, Jamila; Evans, Morgan; Wilson, Maureen
Subject: APPLICATION NO: HM/A-19:290

Hello,

I am emailing for the second time to express my concerns about application no: HM/A-19:290. Please don't let this pass as is. These plans are inappropriate and not fair to the current members of the community. This is clearly going to be a rental house, and it is disingenuous to claim otherwise.

Develop the property, but let a regular, single family house be built without all these variances.

To be in keeping with the neighborhood, it needs a front and back yard, and the front door should open on the north side. In addition, the east side should be at minimum 6 m from the fence line (providing a 3-metre 'front yard')

Please listen to the residents and don't approve a development project that is incongruent with the neighborhood. In its current state, this project will adversely impact the privacy and quality of life of current members.

Stop favouring developers and start listening to the Hamilton residents: deny this application.

Regards,
Rebecca Mills
289-755-4397

Sheffield, Jamila

From: Sally Luke <sally.luke1@gmail.com>
Sent: March 17, 2020 3:41 PM
To: Sheffield, Jamila; Evans, Morgan
Subject: Fwd: Presentation - drawing now - HMA 19-290
Attachments: HMA-19-290 March 2020 drawing Final.JPG; HMA-19-290 March 2020 drawing draft 1.JPG

Hi Jamila & Morgan,

Please go ahead and include these two drawings of the HMA 19-290 site, as well as our written comments (that Graeme Luke sent in on a separate email).

One drawing says Final (and is easier to read); the other is how I made the drawing (using both the March 2020 and September 2019 submissions by the applicant). The drawings were drawn at 1/4" scale = 1m with an architectural imperial scale, as I do not own a metric scale. The drawing will be smaller (on an 8.5x11) when you print on paper (as it goes to the border of the page). I had to take a photo of them to allow printing.

Best wishes and be safe,

Sally

----- Forwarded message -----

From: Sally Luke <sally.luke1@gmail.com>
Date: Tue, Mar 17, 2020 at 8:29 AM
Subject: Presentation - drawing now - HMA 19-290
To: Sheffield, Jamila <jamila.sheffield@hamilton.ca>, Evans, Morgan <morgan.evans@hamilton.ca>, Helen Tomasik <helen.tomasik@gmail.com>, Graeme Luke <luke@mcmaster.ca>, Joe Tomasik <tomasikjoseph@gmail.com>

Hi Morgan and Jamila,

Attached please find the drawing of the HMA 19-290 site (the one that says Final). The other is how I made the drawing (using both the March 2020 and September 2019 submission).

Please include this in your meeting this morning.

Thank you,

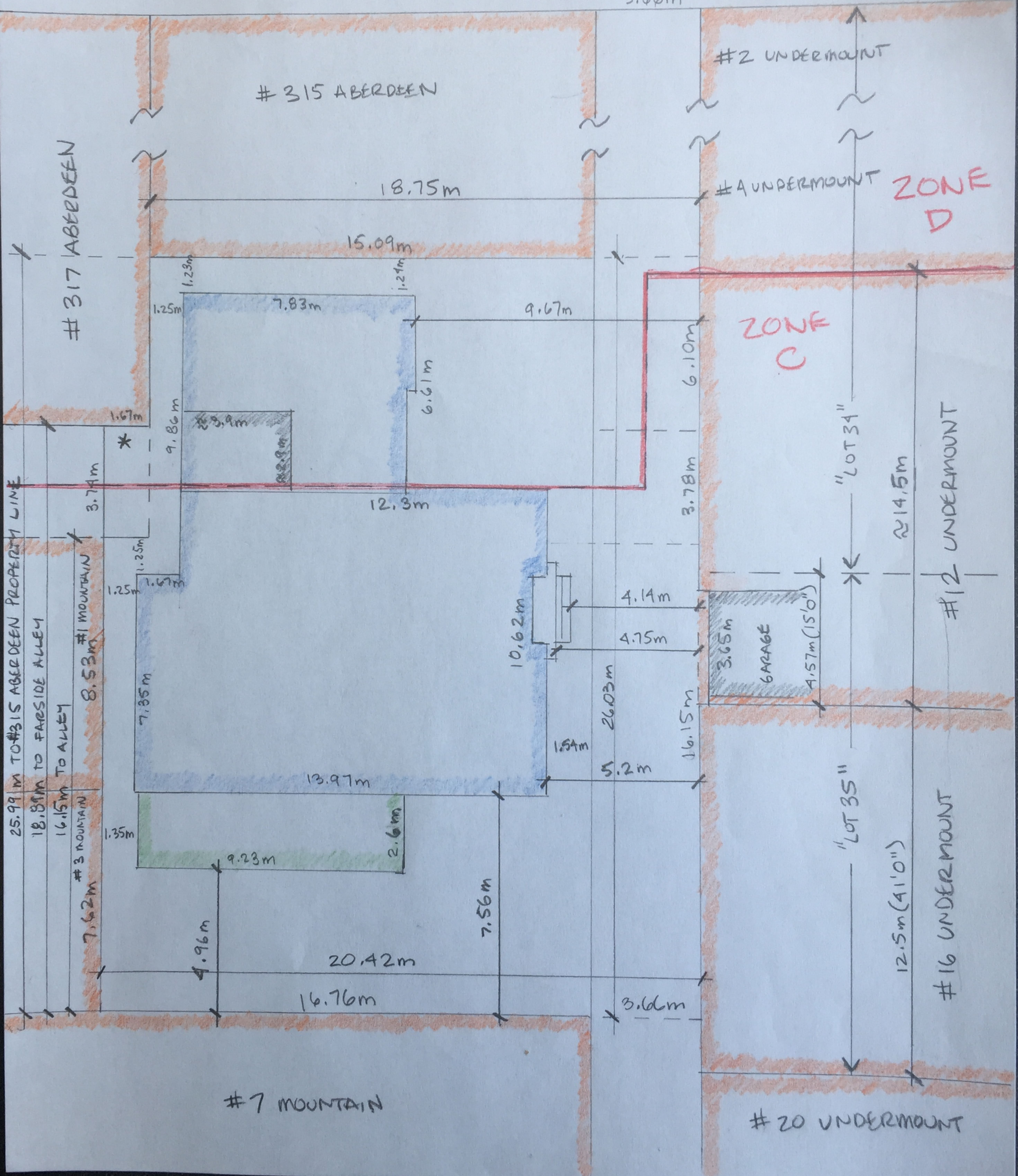
Sally

MAIN BLDG $\approx 141.0555 \text{ m}^2$
 GARAGE $\approx 52.7742 \text{ m}^2$
 193.8297 m^2
 1 FL PORCH $\approx 24.0000 \text{ m}^2$
 TOTAL BLDG $\approx 217.8292 \text{ m}^2$

ZONING FRONT YARDS 6.0m
 BACK YARDS 7.5m

SEP 2019 LOT SIZE $\approx 419.7632 \text{ m}^2$
 MAR 2020 LOT SIZE $\approx 426.0010 \text{ m}^2$
 * LOT INCREASE, AS PORTION
 OF MOUNTAIN ALLE ADDED
 % BLDG TO LOT TO SEP 2019 LOT = 52%
 TO MAR 2020 LOT = 51%

ABERDEEN AVENUE
 3.66m



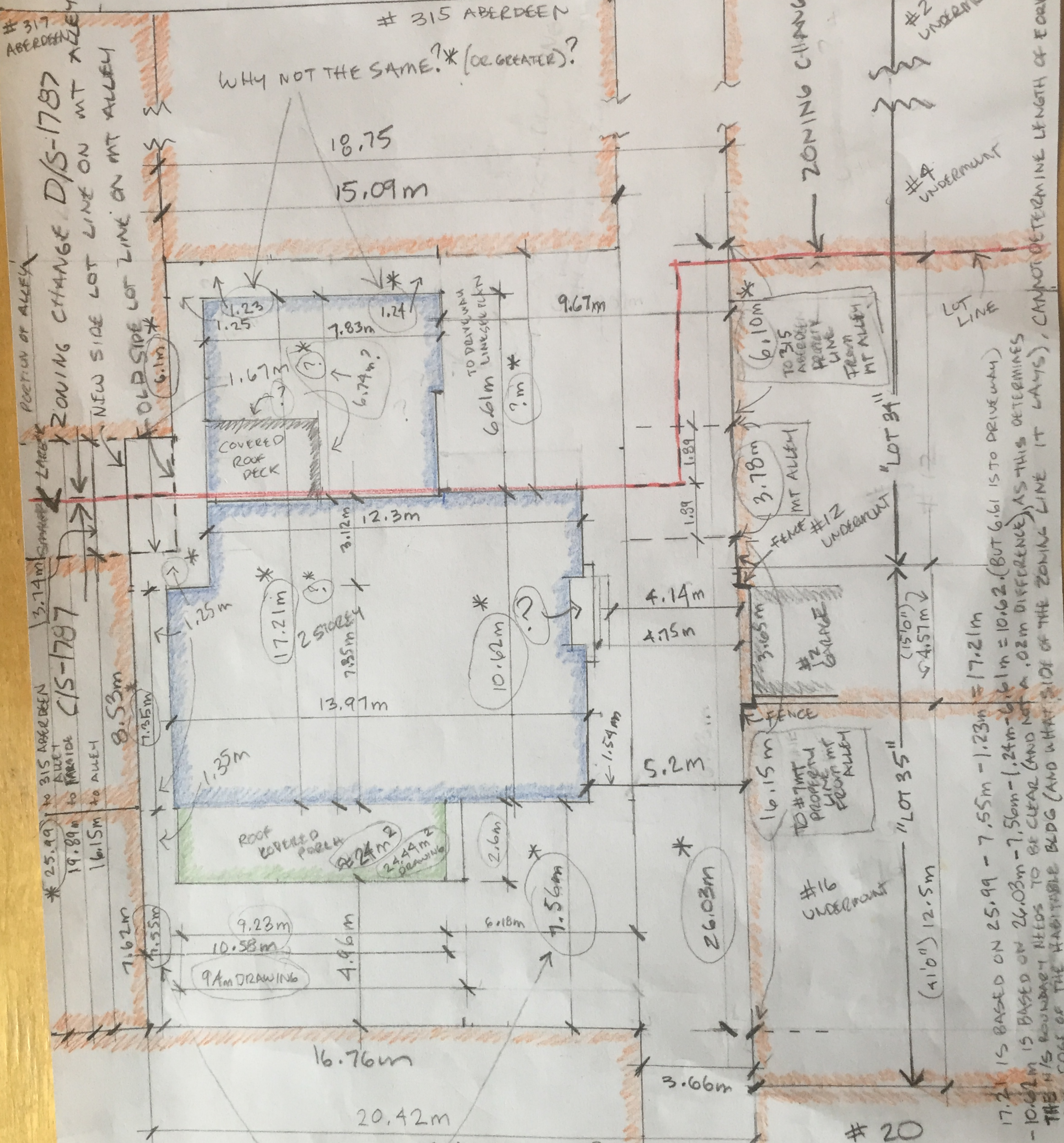
GARAGE 52.7742 m²
MAIN BLDG 141.0555 m²

ZONING - FRONT YARDS ARE 6.0m
BACK YARDS ARE 7.5m

• LOT INCREASE ON MT ALLEY = 6.2458m²
• SEP 2019 SQ LOT = 419.7632 m²
• MARCH 2020 SQ LOT (w/MT ALLEY INCREASE) = 426.009 m²
% BLDG TO SEP 2019: 52.8%
TO MARCH 2020: 51%

193.8297 m²
2FL PORCH 24.0000 m²
OR 1FL PORCH 24.4400 m²

ABERDEEN AVE



TOTAL WHY NOT THE SAME? * (OR GREATER)?
* IF APPROX. .02m ADDED NORTH-SOUTH, WHY IS "LOT" LENGTH 25.99 ON WEST AND 26.03 ON THE EAST, A .04m DIFFERENCE?
NOTE - THE N/S BOUNDARY NEEDS TO BE CLEAR (AND NOT A .02m DIFFERENCE) AS THIS DETERMINES THE EDGE OF THE HABITABLE BLDG (AND WHAT SIDE OF THE ZONING LINE IT LAYS), CANNOT DETERMINE LENGTH OF EORW SIDES

Sheffield, Jamila

From: P Vuurman <pvuurman@hotmail.com>
Sent: March 15, 2020 9:48 PM
To: Evans, Morgan; Sheffield, Jamila
Subject: VARIANCE APPLICATION NO: HM/A-19:290

With respect the above mentioned APPLICATION NO: HM/A-19:290:

As a more than three decade resident in this neighbourhood and having voted in every election since arrival, I am very concerned with what appears to be a proposal that will severely impact this area negatively. There are several issues that have been mentioned by others that I need not repeat but all having to do with insufficient space to accommodate a structure indicated by said proposal including but not limited to:

- insufficient lot size compared to green space
- excess water runoff into neighbouring properties
- potentially five (5) bedrooms in an eight (8) habitable-room dwelling with possible use as a rooming house / multi-family / student housing contrary to the designated zoning
- diminished quality of life for the immediate neighbours - safety issues, parking issues, noise issues, etc

Another aspect is my concern for elementary school children from the catchment area on and West of Mountain Ave, South of Aberdeen Ave. A significant number of these children are observed every day using the alley starting from Mountain Ave eastward to the alley down to the crosswalk at the top of Locke St. thus avoiding using the busiest section of Aberdeen Ave where the sidewalk is immediately beside the driven part of the road. These youngsters are entrusted with the personal responsibility of arriving safely as school each day and they are deliberately choosing this safer alternative. The aforementioned variances include provisions to permanently close this safer alternative.

Furthermore, it has come to my attention that City Council and a number of City Departments have been discussing measures to improve public safety. I understand that several proposals have been posited including at least one for Aberdeen Ave potentially involving traffic calming, bicycle lanes and parking modifications. Approval of this application HM/A-19:290 with the consequent closing of the alley would be counter to stated City safety objectives for these students.

I am requesting that APPLICATION NO: HM/A-19:290 be **rejected**.

Sincerely, Pat Vuurman, 21 Undermount Ave.

June 22, 2020

Dear Members of the Committee of Adjustment,

We are writing to advise the committee that we are opposed to the HM/A-19:290 (current address 315 Aberdeen Ave) as submitted.

We are not opposed to any development of the property entirely, in fact; we fully support appropriate development of a dwelling which fits the lot and doesn't impose significant negative demands on neighboring properties and the neighbourhood in general (for example, an alley house or, at the largest, a single-family house in keeping with the neighbourhood, with comparable footprint percentage and adequate landscaping to other properties). An appropriately sized house with pedestrian and vehicle access for all the surrounding properties would be most welcome.

The Kirkendall Neighbourhood Association Developmental Review Committee has encouraged us (the Tomasiks #12 and Lukes #16) to present our concerns to the Committee of Adjustment. Additionally, we have asked the KNA to facilitate any discussions between the concerned community when the time is appropriate.

As to the application...

The proposed development of 315B Aberdeen requires several variances in its present form. the variances are not reasonable (and two additional necessary variances are even omitted from the application).

Variance 1 –

The first variance requested is that a lot width of 3.6 metres be permitted instead of the required lot width of 12.0 metres. The purpose of this variance is so that the proposed house can have an address on Aberdeen Avenue, rather than being "landlocked" within the block encompassed by Aberdeen, Undermount, Glenfern and Mountain Avenues. The proposed address and frontage on Aberdeen would consist of the alley extending from Aberdeen Avenue parallel to Undermount Ave. This would require the applicant to acquire the alley from the city. However, this alley is used by several neighbouring properties for access and so a right of way access (for pedestrians and vehicles) and would need to be granted in perpetuity to all of these properties. Such a right of way will negatively impact the proposed building's true "front" yard (the east face) as future needs of these neighbouring properties who might require enhanced access to enable parking of electric vehicles (EV's) via the alley and simply to have a second parking space (as demand on parking on Undermount, already very high, will undoubtedly increase).

It is worth noting that the alley parallel to Undermount Ave., is quite narrow and decaying, especially at Aberdeen Avenue: it will be extremely difficult and even dangerous for emergency

vehicles to access the proposed property at 315B Aberdeen. Access to this alley is already difficult, as it comes from the stoplight at Locke & Aberdeen.

It is possible that this application should be rewritten entirely and moved to acquiring the Mountain Avenue alley (and the city's address amended), as Mountain Avenue would be a much safer entrance for this property (for the residents of this building, as well as for pedestrians and other traffic on Aberdeen Ave). This should be studied by all departments (e.g., traffic, planning and real estate).

Variance 2 (and the omitted Variance 4) –

“The gross area of the front yard shall be permitted to contain no landscaped area instead of the required minimum of 50% of the gross area of the front yard to be provided as landscaped area.”

Note, a front yard should be 6.0m and the alley cannot be the front yard, as the alley will continue to be shared with all properties on the alley (#2, #4, #12, #16, #20, #24 Undermount Avenues and #315 Aberdeen, as well as, #7 Mountain and #11/#9 Mountain). The “front yard” as presented in the drawings would directly back on to the alley behind #12 and #16 Undermount.

Variance 4 (not on application) –

This variance (not requiring a 7.5m backyard) was in September 2019 application. It is not mentioned in this application. However, if the variance is not mentioned, then the covered porch should not be in the drawings.

As presented, the rear yard will be substantially occupied by a covered porch built onto the house, extending well into the required 7.5m depth back yard required by bylaws.

This requirement should be the fourth variance (if the plans are to be accepted). We would not be in support of this variance and hold that a back yard should conform to the by-law.

The proposed building with the porch approximately 217.8 m² (and without the porch would be about 194 m²). The footprint occupies nearly 52% of the buildable lot whereas a single-family dwelling typically occupies less than 40% of the lot in this neighbourhood. The proposed building does not have a landscapable yard that is typical or appropriate. The “front” (east face) of the house will extend to a distance of 1.5m from the alley (extending parallel to Undermount), with the front steps extending forward to a 0.5m distance from the alley.

From east to west, the back yard is 7.56 m deep for 6.18m, 4.96 m deep for 9.23 m and 7.56 m for 1.35 m to create a 100.5 m² back yard. 100.5 m² is close to 99 m² that a 6.0 m across the width of the 16.76 m back yard would provide, but 6.0 m is not 7.5m; back yards in zone C require 7.5 m. The back yard should be 126.7 m², this is 27.5 m² short.

To suggest that a single family would ever live in property without a front yard for landscaping and an inadequate back yard for children to play and adults to entertain is unimaginable. Furthermore, having the “front” windows and door leading directly on to an active alley opposite from a garage (that may at any time turn around its entrance) is unfathomable.

The effect of this variance is that the developable portion of the lot will be maximally occupied by the proposed dwelling rather than providing appropriate landscaping as all other properties in the neighbourhood are required. There is no good reason for granting this variance #2 and being in violation of the 7.5m backyard setback bylaw. The only apparent purpose is to maximize the footprint of the proposed dwelling. This would have the effect of creating the maximum negative impact on the neighbouring properties.

Variance 3 –

This variance is about being permitted to have a finished level garage at grade (0.0m) of the required minimum of 0.3m above grade for a finished level of the garage floor. We do not know why this would be and what are the implications.

Variance 5 –

This variance, “Variances are based on the owner merging all portions of acquired and closed portions on title, with the lands known as 293 Aberdeen Avenue and 315B Aberdeen Avenue” is omitted from this application and was in the March 2020 application.

We do not know why this variance was omitted from this application and again, the acquisition of Mountain Avenue alley might make more sense for this property.

Discussion as to the drawings -

The effect of the proposed variances (and completely ignoring two) is to maximize the size of proposed dwelling. In view of the minimal property set aside for landscaping it appears likely that this property is designed to be converted to a multi-family or multi-adult dwelling. Such a development would place extreme demands on the neighbourhood for parking. The proposed dwelling has parking for two vehicles, and a provision for 8 habitable rooms. This proposed parking is likely already inadequate; this would be even worse if the property were rezoned as might be expected by the design submitted. The parking on Undermount and surrounding neighbourhood will already be impacted by the four displaced vehicles that currently park in the portion of the Mountain Alley that will be built upon.

Taking over the Mountain Alley (a portion permanently) will clearly have an impact on pedestrians in the neighbourhood (especially to St. Joseph’s School, Ryerson Elementary School and Lionsgate Montessori). Furthermore, the closure will impact drivers through the two alley system (and their access to their properties).

The proposed building covers vastly more of the property (52%) than any other neighboring properties (typically 40%). This will have deleterious effects on the neighborhood due to

inadequate drainage as much of the property as the entire alley will be impermeable. The result will be rainwater and melting snow draining into neighboring properties (and their basements) and down the main access alley to Aberdeen Avenue. The city's Consolidation Report dated September 12, 2019 recommends that the previous application" be tabled until such time that the applicant provides additional information on how they intend to handle the increased stormwater runoff/impervious area of the site." No such information is provided in this application: in fact no mention of water runoff appears anywhere in this application.

The proposed building will negatively affect the property values of 12 Aberdeen, 16 Aberdeen (and 20 Aberdeen Avenue). These neighbors will face directly onto the proposed building which will be extremely close to our houses since it will not be adequately set back from the alley (1.5m, with steps only 0.5 m back), much closer to our houses than allowed otherwise. The steps of the building will be 4.14m from our property line (and the face of the building 5.2m from our property line), rather than 7.5m required by the bylaw for facing backyards. The proposed building will block our sunlight in the afternoon/evening and will result in excessive light pollution on our property (bedrooms etc.). It will present unreasonable noise in our property which will not be mitigated by landscaping or distance and will negatively infringe on our privacy.

Vehicle and Pedestrian Access is not explicitly provided for in the written proposal, however it is somewhat in the fine print on the provided plan. The plan reads, "Proposed closure of alleyway (alley # illegible) right of way to be created for adjoining properties (by registered plan (illegible #s)).

The plan shows "Lot Lines" and not property lines. Lot 35 starts on the south end at #20/#16 Undermount property line and doesn't end until 15'0" (4.57 m) past the #16/#12 Undermount property line and a bit past #12 Undermount's garage. Lot 34 starts at this point and doesn't end until Aberdeen Avenue.

Therefore, "Lot 34" includes "#2 Undermount, #4 Undermount and #12 Undermount, and "Lot 35" includes "#12 Undermount" and #16 Undermount.

The proposal needs to include property lines and needs to include in its notes that vehicle and pedestrian access will be provided to nine properties (and not lots), the properties are: #315 Aberdeen, #2 Undermount, #4 Undermount, #12 Undermount, #16 Undermount, #20 Undermount, #24 Undermount, #7 Mountain and #11/#9 Mountain.

Furthermore, the nine deeds of the above properties need to be amended to reflect this in perpetuity.

The drawing is vague as to many of the dimensions (and one has to go to the September 2019 for much of the missing information (but not all). The drawings omit many of the dimensions north to south, specifically at the garage; the exterior dimension is unknowable, as the interior dimension is given without reference to wall depth.

Additionally, the depth of the driveway is unavailable. All of the above can lead to improper location of the building and the potential for a future owner to argue that the habitable build is in Zone D (multi-family, multi-adult rental properties). Please see attached drawings of the project using both the September 2019 and the current application.

What guarantees are there that this will never become a multi-family home, a multi-adult rental property, or an Airbnb?

An appropriate application could be accomplished with proper setbacks for the entire back yard (7.5 m) and an increase to the east side yard of 3.84 m, at a minimum, so that appropriate landscaping and screening from alley can be in place (7.5 m from 12 and 16 Undermount fence line, including the 3.36 m alley). An even more appropriate east face should be 6.m as a true "front yard" (and 9.36 from 12 and 16 Undermount fence line, including the 3.36 m alley).

To conclude, we believe the variances requested should be refused and the proponents should return with more appropriate plans for developing the 315B Aberdeen property that reflects the rest of the neighborhood and treats the alleys appropriately.

As discussed with Jamilla Sheffield, we will be submitting photos tomorrow morning.

Thank you,

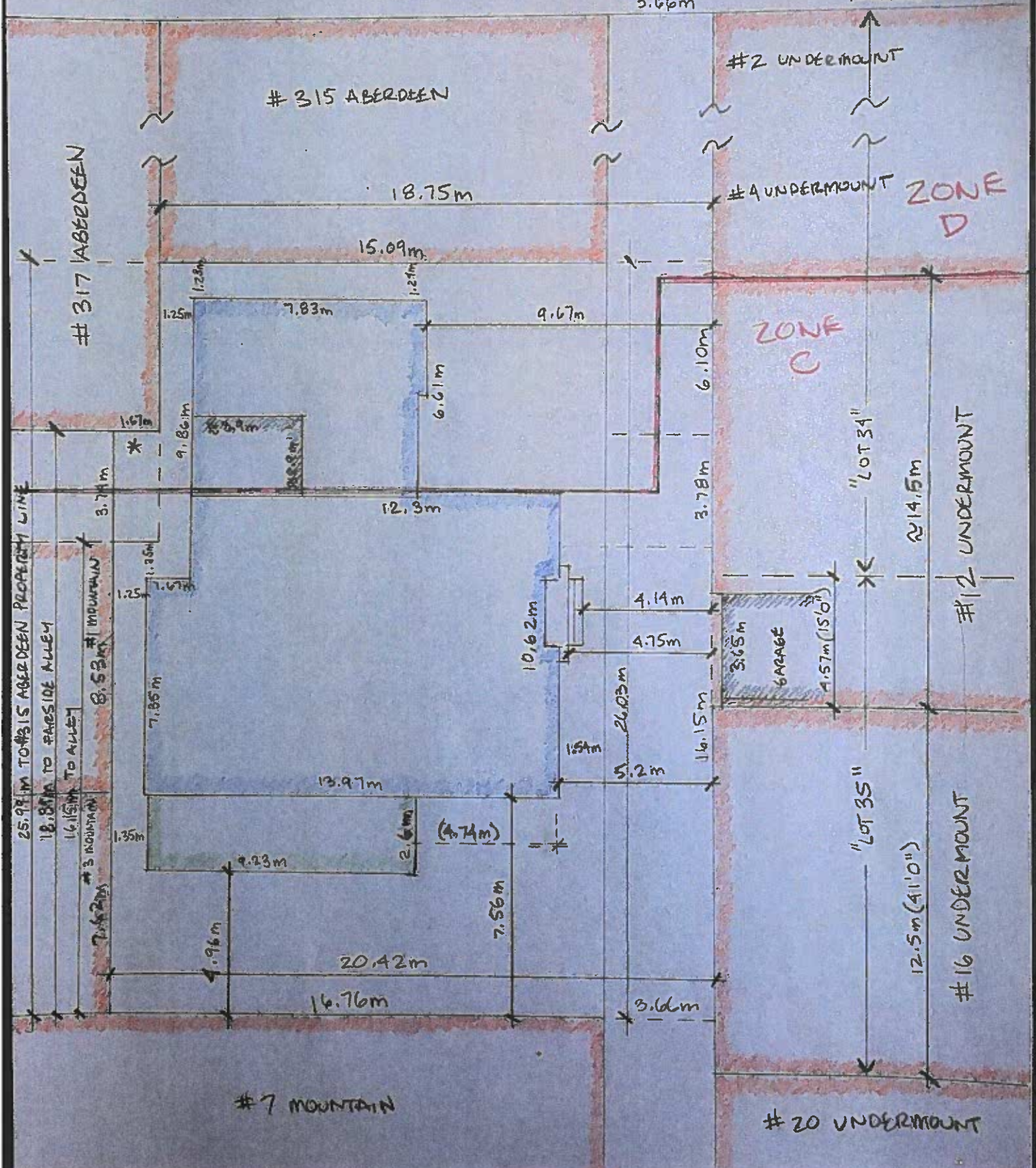
Graeme and Sally Luke
16 Undermount Avenue

MAIN BLDG $\approx 141.0555 \text{ m}^2$
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 1FL PORCH $\approx 24.0000 \text{ m}^2$
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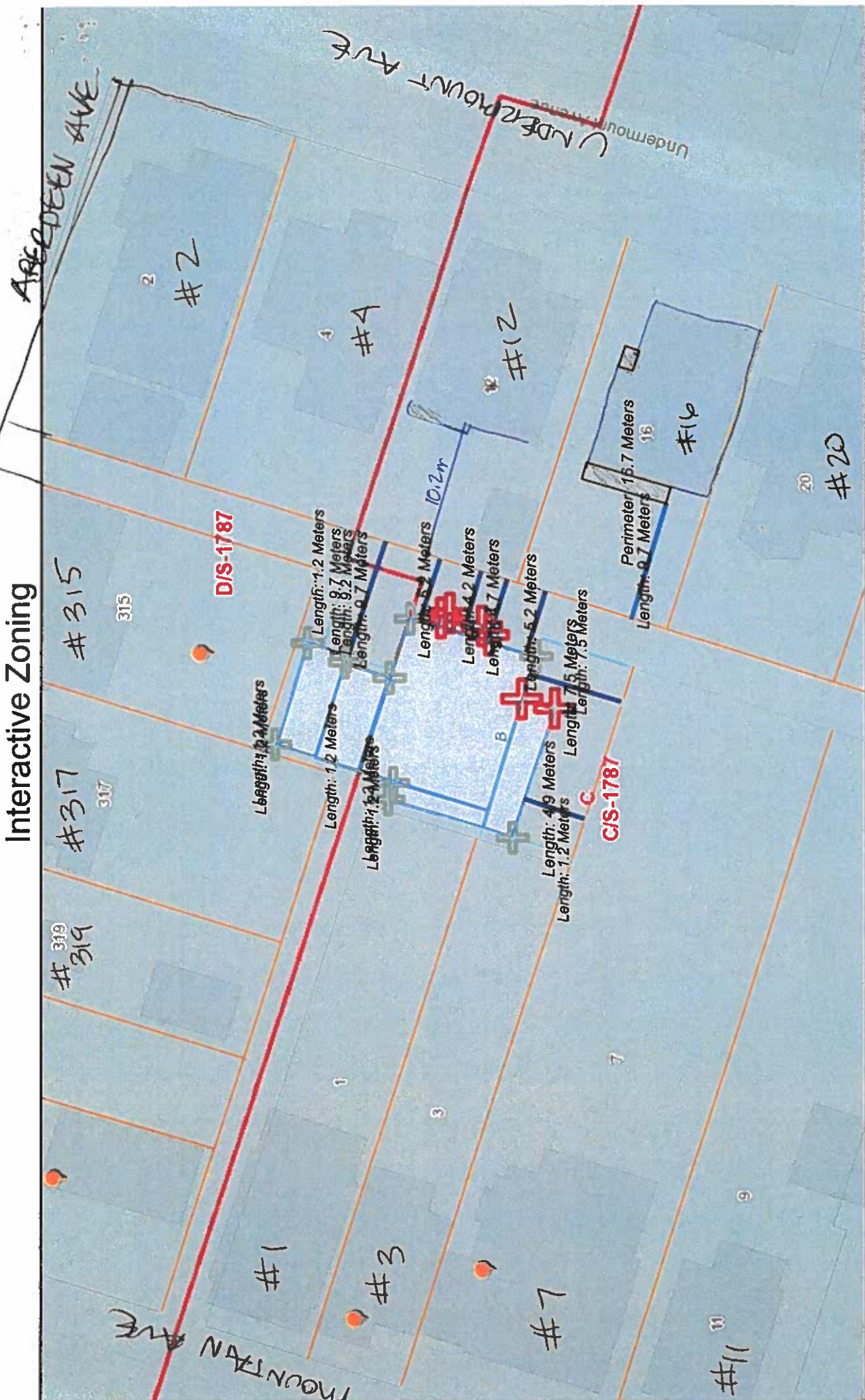
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 * LOT INCREASE, AS PORTION
 OF MOUNTAIN ALLE ADDED
 % BLDG TO LOT TO SEP 2019 LOT = 52%
 TO MAR 2020 LOT = 51%

ABERDEEN AVENUE



Interactive Zoning



5/2020, 11:26:14 PM

- Committee of Adjustment
- City Boundary
- Urban Boundary
- Ward Boundary
- Community Boundary
- Zoning Boundaries
- Council Approved - Zoning Boundaries
- Property Parcels

NOTE:
 THE FILE WAS USED TO LAY OUT THE ZONING BOUNDARIES DIMENSIONS ON THE CITY'S INTERACTIVE ZONING PROGRAM

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes.

City of Hamilton, City of Hamilton - Web GIS Framework

From: [LMJ Gable-Flock](#)
To: [Committee of Adjustment](#)
Subject: Committee of Adjustment Application# HM/A19:290
Date: June 22, 2020 6:45:54 PM

Please find below questions for the Committee of Adjustment Application# HM/A19:290.
 A virtual Meeting to take place Thursday June 25th 2020 at 3:10 pm.
 Thank you in advance

Mary Jane Gable-Flock
 319 Aberdeen Ave.,
 Hamilton, L8P 2R6
 905-520-1453
mj_lady_080@yahoo.ca

QUESTIONS:
for Committee of Adjustment Application# HM/A19:290

Time Table

1. What is the plan for start & finish dates?
2. what are the working hours each day?

Has there been any Consideration for soil testing?

1. in the -50's, 60's & 70's it was a sheet metal shop, car restoration shop

Suggestion on last meeting closing of Mountain St.

- Is Mountain ave going to be closed - if so what are the plans for residents of Mountain and the families that use the laneway to access their properties including parking?

Laneway

1. Narrow Laneway from East to West

- box trucks now have difficulty moving in & out of the laneways - dump trucks are minimum 8.5 to 10- ft wide and can haul up to 27 tons
- trailers 13 ft 6 inches wide

2. Wear & tear on the laneway consider-

- it is gravel & not paved - frequently there are pot holes now just with cars going up & down - not maintained by the city
- what is the plan for construction vehicles to unload and turn around in the laneway? Previously, the purchaser commented that he could use the open space behind 1 Mountain - which is private property.
- Many times it is impassable during the winter due depth of snow

What is the plan for taking away the materials from the building

Parking

1. parking is at a premium with the residents living in the houses connected to and using the laneway now.
2. 12 families use the laneway now with their driveways & parking off of it
3. Plans for parking?

Future Plans

- Is it a single family dwelling?
- Previously said the house was for purchaser's children
- if at a later date it changes to student housing - will that require another variance?
-

Dear Members of the Committee of Adjustment,

We are writing in regards to the application for several minor variances (application HM/A-19:290: the 315B Aberdeen Ave. property). We oppose the granting of these variances as they are submitted for the reasons we outline below.

The proposed building will occupy a significant portion (52%) of the property and will be very damaging to our property, our drainage, our privacy and our quality of life. Furthermore, the property would be damaging to the neighbourhood as a whole, in terms of parking and noise. Additionally, the approval of a building with so many variances, would set a dangerous precedent as, what are zoning rules for if they are not to be followed, if they are not to ensure that buildings fit neighbourhoods? And finally, it is unbelievable that this is a single-family home, as it has no front yard and an inadequate back yard and it fronts a fence, a garage and an active alley.

The proposed development of 315B Aberdeen requires several variances in its present form. The first variance requested is that a lot width of 3.6 metres be permitted instead of the required lot width of 12.0 metres. The purpose of this variance is so that the proposed house can have an address on Aberdeen Avenue, rather than being "landlocked" within the block encompassed by Aberdeen, Undermount, Glenfern and Mountain Avenues. The proposed address and frontage on Aberdeen would consist of the alley extending from Aberdeen Avenue parallel to Undermount Ave. This would require the applicant to acquire the alley from the city. However, this alley is used by several neighbouring properties for access and so a right of way access (for pedestrians and vehicles) would need to be granted to all of these properties. Such a right of way will negatively impact the buildings "front" yard (the east face) as future needs of these neighbouring properties who might require enhanced access to enable parking of electric vehicles (EV's) via the alley and simply to have a second parking space (as demand on parking on Undermount will undoubtedly increase).

The second variance is that "front yard shall be permitted to contain no landscaped area instead of the required minimum 50.0% of the gross area of the front area to be provided as a landscaped area". The effect of this variance is that the developable portion of the lot will be maximally occupied by the proposed dwelling rather than providing appropriate landscaping as all other properties in the neighbourhood are required. There is no good reason for granting this variance, whose only apparent purpose is to maximize the footprint of the proposed dwelling.

The main effect of the proposed variances is to maximize the footprint of the proposed dwelling which would have the effect of creating the maximum negative impact on the neighbouring properties (including ours at 16 Undermount Ave.). The proposed building without the porch would be about 194 m² and approximately 217.8 m² including the attached covered porch. The footprint occupies nearly 52% of the buildable lot whereas a single-family dwelling typically occupies less than 40% of the lot in this neighbourhood. The proposed building does not have a landscapable yard that is typical or appropriate. The "front" (east face)

of the house will extend to a distance of 1.5m from the alley (extending parallel to Undermount), with the front steps extending forward to a 0.5m distance from the alley. The rear yard will be substantially occupied by a covered porch built onto the house, extending well into the required 7.5m depth back yard required by bylaws. Furthermore, there is no request for a variance from this requirement appears in the application. This requirement should be the third variance.

The effect of the proposed variances (and completely ignoring one) is to maximize the size of proposed dwelling. In view of the minimal property set aside for landscaping it appears likely that this property is designed to be converted to a multi-family or multi-adult dwelling. Such a development would place extreme demands on the neighbourhood for parking. The proposed dwelling has parking for two vehicles, and a provision for 5 habitable rooms. This proposed parking is likely already inadequate; this would be even worse if the property were rezoned as might be expected by the design submitted. The parking on Undermount and surrounding neighbourhood will already be impacted by the four displaced vehicles that currently park in the portion of the Mountain Alley that will be built upon.

The proposed building covers vastly more of the property than any other neighboring property. This will have deleterious effects on the neighborhood due to inadequate drainage as much of the property as the entire alley will be impermeable. The result will be rainwater and melting snow draining into neighboring properties (and their basements) and down the main access alley to Aberdeen Avenue. The city's Consolidation Report dated September 12, 2019 recommends that the previous application be tabled until such time that the applicant provides additional information on how they intend to handle the increased stormwater runoff/impervious area of the site." No such information is provided in this application: in fact no mention of water runoff appears anywhere in this application.

From east to west, the back yard is 7.56 m deep for 6.18m, 4.96 m deep for 9.23 m and 7.56 m for 1.35 m to create a 100.5 m² back yard. 100.5 m² is close to 99 m² that a 6.0 m across the width of the 16.76 m back yard would provide, but 6.0 m is not 7.5m; back yards in zone C require 7.5 m. The back yard should be 126.7 m², this is 27.5 m² short.

Vehicle and Pedestrian Access is not explicitly provided for in the written proposal, however it is somewhat in the fine print on the provided plan. The plan reads, "Proposed closure of alleyway (alley # illegible) right of way to be created for adjoining properties (by registered plan (illegible #s)). The plan shows "Lot Lines" and not property lines. Lot 35 starts on the south end at #20/#16 Undermount property line and doesn't end until 15'0" (4.57 m) past the #16/#12 Undermount property line and a bit past #12 Undermount's garage. Lot 34 starts at this point and doesn't end until Aberdeen Avenue. Therefore, "Lot 34" includes "#2 Undermount, #4 Undermount and #12 Undermount, and "Lot 35" includes "#12 Undermount" and #16 Undermount. The proposal needs to include property lines and needs to include in its notes that vehicle and pedestrian access will be provided to nine properties (and not lots), the properties are: #315 Aberdeen, #2 Undermount, #4 Undermount, #12 Undermount, #16 Undermount, #20 Undermount, #24 Undermount, #7 Mountain and #11/#9 Mountain. Furthermore, the nine deeds of the above properties need to be amended to reflect this in perpetuity.

Attention:
Committee of Adjustment
Hamilton
March 14, 2020

RE: 315B Aberdeen Avenue, Hamilton
HM/A-19:290
Owner: Kevin Daley
Zoning By-law 6993

To whom it may concern:

Once again, I am writing to express my strong opposition to the proposed so-called “minor variances” in application HM/A-19:290 at 315B Aberdeen Avenue put forward by Kevin Daley. This letter of opposition is very similar to the one I sent last September, as I don’t believe the changes that have been suggested in response to neighbourhood concerns have been in any way addressed.

What is proposed are not minor variances. While I support intensification in the city, I think that the house proposed is still much too large for the piece of land it is intended to occupy. Why have a zoning by-law which requires a certain frontage, landscaping, and so on when this proposal is so at variance with that by-law? If it is truly intended as a single-family home, then why cannot it not be one that fits the space appropriately? That is why we have by-laws in the first place. Perhaps this is all about making a profit, rather than building suitable structures?

If such a large home were built close to the property line as suggested, it would block the light of existing houses on Undermount. We saw that this happened to all the north facing apartment dwellers on Dundurn when a new building at the corner of Dundurn and Aberdeen was erected a few years ago. It seems unbelievable to me that the developer of that building got permission to build so close to the street (one does have to wonder cynically) and to the neighbouring building. Our neighbourhood is not in downtown Toronto.

And then there’s the issue of parking. We have at least 10 units or more (more than I previously realized ... how many are not legal?) in only three houses at the foot of Undermount, at Aberdeen – with inadequate provision for parking. Despite wishful thinking, many Hamiltonians still rely on cars to get around. We have cars already parked right up the street – beginning dangerously close to Aberdeen – when people are home from work. Anyone turning off Aberdeen and on to Undermount in the winter does so with serious risk because of the blocked view from so many densely parked cars. Add to this the existing apartment at the corner of Locke and Aberdeen which also lacks parking, as well as the new businesses on Locke Street, and we regularly experience overflow with people parking on this street. It’s a problem that is only going to get worse. With only two parking spaces allotted for the new house, this does not account for visitors who have difficulty finding a spot now as it is, not to mention householders

who use their garages for storage. Nor does it take into account the fact that people already park on that vacant lot. They will have to move onto the street.

Again, I am not opposed to building on this lot – just make it the appropriate size and use and set it back from the lot lines.

Next there's the issue of safety. The laneway that leads to this lot is extremely narrow and bounded by cement on both sides at Aberdeen. There is little room to spare for regular cars, let alone emergency vehicles. In this house proposal, there's basically no set-back from the laneway. The stairs land practically in it. If houses on Mountain choose to put laneway houses at the back of their properties (as rumoured), then you would have cars going back and forth right on the door step of this house. This will also happen if the houses on Undermount choose to open up their back areas for parking; one house already has a garage there. So allowing for such a narrow set-back is dangerous and unnecessary. Change the set-backs and change the design for the front door.

In truth, I find it hard to believe that anyone wanting a large single family home in our neighbourhood would want it in that location, right on the laneway, and without any yard to speak of. So I cannot help but wonder if the owner might actually want to build something and then come back to turn it into a student house, or a duplex or triplex later – legally or illegally. That seems to be the way things happen in this city. Is that perhaps why they are seeking an Aberdeen rather than a Mountain Ave address? Either would work. We have seen developers use back doors to do this. If that is the real intention, it should be stated, and appropriate parking should be built into the structure, or the application rejected.

I hope the committee will take our concerns more seriously this time around. We want places for people to live – but this is the wrong plan.

Carol Town
37 Undermount Avenue
Hamilton
905-512-0231 or 905-525-4770
caroljtown@hotmail.com

The drawing is vague as to many of the dimensions (and one has to go to the September 2019 for much of the missing information (but not all). The drawings omit many of the dimensions north to south, specifically at the garage; the exterior dimension is unknowable, as the interior dimension is given without reference to wall depth. Additionally, the depth of the driveway is unavailable. All of the above can lead to improper location of the building and the potential for a future owner to argue that the habitable build is in Zone D (multi-family, multi-adult rental properties).

It is worth noting that the alley parallel to Undermount Ave., is quite narrow and decaying, especially at Aberdeen Avenue: it will be extremely difficult and even dangerous for emergency vehicles to access the proposed property at 315B Aberdeen.

The proposed building will negatively affect the property values of 12 Aberdeen, 16 Aberdeen and 20 Aberdeen Avenue (as well as everyone). These neighbors (including us at 16 Aberdeen) will face directly onto the proposed building which will be extremely close to our houses since it will not be adequately set back from the alley (1.5m, with steps only 0.5 m back), much closer to our houses than allowed otherwise. The proposed building will block our sunlight in the afternoon/evening and will result in excessive light pollution on our property (bedrooms etc.). It will also present unreasonable noise in our property which will not be mitigated by landscaping or distance.

We wish to note that we do not object to any development on this property. In fact, we fully support appropriate development of a dwelling which fits the lot and doesn't impose significant negative demands on neighboring properties. A single-family dwelling with comparable footprint and adequate landscaping to other properties in the area would be most welcome. For the past 20 years, young families have been coming back there imagining a house with a year. This could be accomplished with proper setbacks for the entire back yard (7.5 m) and an increase to the east side yard of 3.84 m so that appropriate landscaping and screening from alley can be in place (7.5 m from 12 and 16 Undermount fence line, including the 3.36 m alley).

To conclude, we believe the variances requested should be refused and the proponents should return with more appropriate plans for developing the 315B Aberdeen property that reflects the rest of the neighborhood.

Thank you,

Graeme and Sally Luke
16 Undermount Avenue

From: [Ari Kugler](#)
To: [Highway Closures; building; Evans, Morgan; Sheffield, Jamila; ari kugler; Aaron Kugler](#)
Subject: HM/A-19:290 315B Aberdeen Ave. Hamilton
Date: March 19, 2020 8:55:09 AM

Hamilton, November 19, 2018

CITY OF HAMILTON

Re: Application #HM/A-19:290

Owner: Kevin Daley, Agent : Michael Sabelli

Re: **Opposition to variances proposed for 315B Aberdeen Ave. Hamilton**

To whom it may concern,

Please be advised that I am the owner of the above mentioned property adjacent to the proposed new development that would be built directly attached to my rear yard.

As one of the major stakeholders in this project I would have very much liked to attend the meeting on Thursday, however as an 3rd year medical Resident recently returned from abroad, I am currently subject to self quarantine and cannot leave my home to attend a public meeting. As such I would request that this meeting be rescheduled for the benefit of all the interested parties so this public forum can indeed be available to the public.

I would like to attend and express my concerns and objections regarding this proposal that would effectively box in the public lane that serves as parking for nearly a dozen residents plus provides a much used path and play area for local residents.

I have already communicated my opposition to the last proposal to Highway Closures that would effectively privatize the public pathways and prejudice dozens of homes and residents for the benefit of one developer who continues to pursue a long series of municipal exceptions and requests that would allow him to build a residential home in an in normally in accessible location. The series of variance requests plus purchases and public allowances that are required to allow for this one single residential development are numerous, unusual and exceptional and seem to persist in spite of the collective objections of just about every owner that is affected residing on Aberdeen and Mountain.

Condemning the bidirectional access that has existed for over one hundred years between Mountain and Aberdeen causes all the existing owners considerable prejudice by limiting access, making parking almost unusable during winter months and reduces public green space that is enjoyed by children and residents alike. The impact on our property values can only suffer due to the reduced access and requires urban planning gymnastics that would ordinarily never be considered in a straight forward construction request.

I also expressed my concerns over public safety and security that would result in boxing in the numerous residents affected by this action by not only depriving residents of a beautiful green space and walk but also make parking access in the ally much more limited and restrictive and ultimately dangerous during winter months when snow accumulation makes access extremely limited.

I am in total agreement with all my neighbours on Aberdeen and behind us to continue to vocally OPPOSE the closure and sale of the rear alleyways and to approve a series of unusual and prejudicial

variances that would effectively drop a new single family home with double garage in a brand new street that you would be creating for just one project. This also means that the home will need to exit onto Aberdeen right in the centre of an intersection.

This entire project is incredibly strange and unusual and requires incredible municipal gymnastics that make no sense and prejudice dozens of home owners and families.

We oppose this project and will hold both the developer and City directly responsible for any damages that we may incur should this project be approved and reduce the values of our homes and land.

Thank you for your cooperation,

Aaron Kugler

Aaron Kugler, MDCM

514.239.9500

Kugler.aaron@gmail.com

CC Me Ari Kugler BA LLB

AriKugler@gmail.com

514.418.9500

From: [Rebecca Mills](#)
To: [Sheffield, Jamila](#); [Evans, Morgan](#); [Wilson, Maureen](#)
Subject: APPLICATION NO: HM/A-19:290
Date: March 16, 2020 11:18:25 AM

Hello,

I am emailing for the second time to express my concerns about application no: HM/A-19:290. Please don't let this pass as is. These plans are inappropriate and not fair to the current members of the community. This is clearly going to be a rental house, and it is disingenuous to claim otherwise.

Develop the property, but let a regular, single family house be built without all these variances.

To be in keeping with the neighborhood, it needs a front and back yard, and the front door should open on the north side. In addition, the east side should be at minimum 6 m from the fence line (providing a 3-metre 'front yard')

Please listen to the residents and don't approve a development project that is incongruent with the neighborhood. In its current state, this project will adversely impact the privacy and quality of life of current members.

Stop favouring developers and start listening to the Hamilton residents: deny this application.

Regards,
Rebecca Mills
289-755-4397

From: [Rebecca Mills](#)
To: [Committee of Adjustment](#); [Wilson, Maureen](#); [Sally Luke Film Club](#); helen.tomasik@gmail.com
Subject: Concerned about HM/A-19:290
Date: June 22, 2020 12:48:49 PM

Hello,

I am emailing for the third time to express my concerns about application no: HM/A-19:290. Please don't let this pass as is. These plans are inappropriate and not fair to the current members of the community. This is clearly going to be a rental house, and it is disingenuous to claim otherwise.

Develop the property, but let a regular, single family house be built without all these variances.

To be in keeping with the neighborhood, it needs a front and back yard, and the front door should open on the north side. In addition, the east side should be at minimum 6 m from the fence line (providing a 3-metre 'front yard')

Please listen to the residents and don't approve a development project that is incongruent with the neighborhood. In its current state, this project will adversely impact the privacy and quality of life of current members.

Stop favouring developers and start listening to the Hamilton residents: deny this application. I am unable to attend the Webex meeting, but I would be there if I could to express my disapproval of this variance.

Regards,
Rebecca Mills
289-755-4397

Ian Bannerman
20 Undermount Avenue

2020-03-15

Per HM/A-19:290

Minor Variance Application

Applicants: Owner: Kevin Daley
Agent: Michael P. Sabelli

The proposed variances, if accepted will allow a house to be built that will significantly affect our neighbourhood in a negative way.

I am truly in favour of developing that property, as It has been a blight on the area for a long time. However this proposal is not the correct fix as it will do more harm than good. Why do they need relief from so many Bylaws? An appropriate house can be designed to compliment our community. This is the second attempt for the developer to pass a proposal. The same issues remain in that the building is too large for the property size.

The establishment of the frontage on Aberdeen Avenue requiring the purchase and ownership of the alley that runs up to the intersection of Locke St. and Aberdeen Ave. will cause significant disruption to the access of the rear of my property 20 Undermount. If the land in the alley becomes private, and a right of way created. How is the right of way to be managed? Will the owners of the new property be determining what is safe for the right of way to be travelled? Snow and ice will need to be cleared in the winter. Any other debris will need to be cleared throughout the year. The right of way will need to accommodate utility trucks, cars, bicycles and pedestrian traffic. Given the proposed steps of the house being 0.5m from the alley edge there is a concern for ensuring safe driving past the front door. Taking care and driving slow will be required, but no system is perfect and this is too much risk. Given the extra parking that will occur on Undermount, I will want to park at the rear of my property. I need to understand how that will be possible when on either side of my public alley, the alley sections are private property.

The proposal to permit no landscaped area is not in keeping with our neighbourhood. They have opted to increase the size of the building and forsake a front yard and reduce the required 7.5m back yard. Houses in this neighbourhood vary in size, shape, exterior, and style, but all have front yards to ensure set back from the road and provide both front and back yards that provide for aesthetic appeal and community. This building has been extended to the limits of the footprint without regard for outside space. The design is inward looking, not community focused. The priority is to the residents staying indoors and not venturing outside. This inward focus will not help the surrounding property values as it will detract from the family nature of our neighbourhood. We have many schools, churches, parks, and gathering places. This neighbourhood is for family and community. The community living props up the property values and a large house on a small plot is contradictory to that.

Given the size of this house, it is unrealistic to assume it will remain a two car parking property. This house is most likely going to be a multi-family or multi-adult rental in the near future. The residents will spend time in the wider community; their focus will not be on the building or it's' immediate surroundings. The parking spaces that will be lost when the alleys are closed will require overflow on to Undermount Ave. (my street), Mountain Ave., Glenfern Ave., Fairmount Ave., and even Homewood Ave. Undermount has already become a thoroughfare, evidenced by the new 40kph speed signs recently erected, and the speed bumps on all of the surrounding

streets. The speed bumps funnel traffic to our street as it is easier to use. The increased pressure of the west mountain traffic cutting through our neighbourhood trying to avoid both Aberdeen Avenue and South Street/Glenfern as they travel up to Beckett drive. We have two rental properties at #2 and #4 Undermount who currently park cars in the alley and on Undermount Avenue. The additional parking to support this new house, as well as the loss of four unofficial spots, will come at the cost to Undermount parking spots.

What is to become of the alley directly behind my property #20 Undermount? If the alley is private property up to the end of the proposed lot, then there will be a completely enclosed public section directly behind my house. This section cannot remain undefined. The alley south of my house from 24 Undermount up to Glenfern avenue has been closed by the residents of Undermount and Mountain to the point that it is now impassable and for all intents and purposes private property. The ability for #20 Undermount to be assessed and valued will become even more complicated and difficult reducing my ability to sell my house in the future. It will be difficult for prospective buyers to understand what their backyard will look like, what the benefits and risks are, and how they can manage their property going forward. The privatizing of the alley from Aberdeen avenue to the edge of my property will not make the situation better. It will cost my property value as prospective buyers will shy away from the risk this causes.

Given the size of the building, this single family house will soon become a multi-unit rental. Which will put increased pressure on all aspects of the alley. How will the building be serviced with water and sewer? How will emergency vehicles drive up to, or past the house, when the front steps are 0.5m, and the building set-back only 1.5m, from the alley. Fire trucks are heavy and the roads they drive on need to be rated for their weight. Will the alley meet those standards? They need their garbage picked up and cannot leave bins in the alley, even if they own it, it needs to be clear as a right of way for cars. When the fire department needs to get back there how will they pull in their trucks? there is very little room as is for standard cars.

In closing, please reject all proposals made by HM/A-19:290. A more appropriate building can be built that will suit the neighbourhood and provide for a profit for the developer. There is no need to have such a house built on this property.

Thank you for your consideration,

Ian Bannerman

A handwritten signature in black ink, consisting of a stylized 'I' and 'B' followed by a horizontal line.

June 22, 2020

Committee of Adjustment
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Sent via email: cofa@hamilton.ca

Re: Application No. HM/A-19:290

To whom it may concern:

I recently became aware of the above-noted application for minor variance for the municipal address 315B Aberdeen Avenue. I have a number of concerns about the proposed dwelling in its current form on this property:

- The size of the dwelling, as proposed in its current state, is far too large for the property at this location.
- The reduced allowances of the yard around the dwelling puts it in too-close proximity to the adjacent properties and would decrease the enjoyment and privacy of all properties affected.
- The reduced allowances will not permit for landscaping (ie – trees) that would support privacy for the residents of the dwelling, or the neighbouring homes, or to support the tree canopy in the area.
- Prohibits use of existing alleyway for neighbouring residents to access their properties and eliminates a safe and active transportation route to nearby schools.
- The footprint of the proposed home is much larger than most other homes in the neighbourhood. Combined with the lost opportunities for landscaping, it would not be in character with the rest of the neighbourhood.
- Acceptance of this application for minor variance leads to a slippery slope for future development of large dwellings that are out of scale with surrounding homes and properties in the neighbourhood.

I would like to clarify that I am not opposed to a dwelling in this location. I support laneway housing as a means of densification to help prevent urban sprawl, however, this dwelling as proposed is too large in scale for what is appropriate for this specific location.

I hope that the City and the developer can work with the neighbours in this area to come up with a more suitable design for this space.

Thanks,

Susan Millman
(417 Dundurn St. S.)

From: [robert munroe](#)
To: [Committee of Adjustment](#)
Cc: [Sally Luke](#); luke@mcmaster.ca; helen.tomasik@gmail.com; tomasikjoseph@gmail.com; sammon@mcmaster.ca; [Wilson, Maureen](#)
Subject: APPLICATION HM/A-19.290 RE Municipal Address 315B Aberdeen Avenue, Hamilton - Additional submissions
Date: June 22, 2020 12:17:59 AM

We are writing to advise the Committee of Adjustment of the following additional points submitted in opposition to the requested variance application HM/A-19.290 RE Municipal Address 315B Aberdeen Avenue, Hamilton to supplement the submissions sent at 3:08 PM today which are set out below.

The additional points are:

1. The Applicant's answer to Question 7 of this Application as found on page 408 of the material before of the Committee of Adjustment is incomplete and deficient. In answer to the question "Why is it not possible to comply with the provisions of the By-law" the applicant answers only "Existing Condition". This fails to explain why the applicant cannot construct a building which does comply with the by-law and what compelling reason, if any, the applicant has to deviate from the By-law requirements to construct the proposed building which will not comply with the By-law. It is fundamental to this type of application that the applicant gives meaningful particulars explaining why he is constructing this type of building rather than one which complies with the by-law and why he cannot construct a building without a minor variance.
2. For the reasons set out in our original email below, we submit that this application does not meet the requirements for a minor variance application as found in S 45(1) of the Planning Act because: it is not "minor" given the major issues described below; it is not desirable for the appropriate development of the lands in question; and, it does not conform with the intent of the By-law.

Yours truly,

Bob Munroe and Sheila Sammon

From: robert munroe <munroerobert@yahoo.ca>
Sent: June 21, 2020 3:08 PM
To: cofa@hamilton.ca
Cc: Luke, Graeme <luke@mcmaster.ca>; helen.tomasik@gmail.com; tomasikjoseph@gmail.com; Sammon, Sheila <sammon@mcmaster.ca>; maureen.wilson@hamilton.ca; Bob Munroe <munroerobert@yahoo.ca>
Subject: APPLICATION HM/A-19:290 RE Municipal Address 315B Aberdeen Avenue., Hamilton
Sent: June 21, 2020 3:08 PM
To: cofa@hamilton.ca
Cc: Luke, Graeme <luke@mcmaster.ca>; helen.tomasik@gmail.com; tomasikjoseph@gmail.com; Sammon, Sheila <sammon@mcmaster.ca>; maureen.wilson@hamilton.ca; Bob Munroe <munroerobert@yahoo.ca>
Subject: APPLICATION HM/A-19:290 RE Municipal Address 315B Aberdeen Avenue., Hamilton

I am writing to advise the Committee of Adjustment on behalf of myself and my partner Sheila Sammon of our **opposition** to the proposal to establish lot frontage on Aberdeen Avenue for the above noted property to facilitate construction of a two story family dwelling on the property by the owners of that property.

We are the owner and occupants of 48 Undermount Avenue where we have lived since 1986. I have lived most of my life in this immediate neighbourhood. Our long residence in this neighbourhood gives us a good understanding of it including issues relating to traffic, safety, environmental issues, and urban density/use intensity in the Lock\Aberdeen intersection and surrounding area. We have read the proposal carefully and are very concerned that if allowed to proceed this proposal will diminish this intersection and surrounding areas in every one of these important areas of municipal planning.

Specifically:

1. **Traffic:** Intensifying the use of this property by allowing exceptions to important set back and lot area requirements with an exit from the property into the intersection of Lock and Aberdeen will generate increased traffic from the south into this already busy intersection. The existing traffic signals and configuration of the Lock\Aberdeen intersection are not designed to alert drivers using this intersection to increased travel into the intersection from the property in question from the south. It is already a congested and confusing intersection particularly given the closeness of Undermount Avenue to the intersection and a bus stop. To introduce more traffic now through the narrow entrance from this property with poor site lines to the proposed driveway entrance will add to the difficulty of drivers, cyclists and pedestrians navigating this intersection.

2. **Pedestrian and Traffic Safety:** The traffic issues raised in 1. above will result in reduced safety to pedestrians, cyclists and vehicles using this intersection. Drivers exiting the property in question into the intersection will have poor sight lines and be required to simultaneously look in many directions to safely navigate the intersection without injuring pedestrians, cyclists and through drivers on Aberdeen Avenue. It must be remembered that this is a high intensity intersection facilitating pedestrian, cycling, bus and other vehicle traffic to schools, churches, residents and commercial establishments.

3. **EMS Accessibility and Safety:** The proposed construction of a large dwelling in the centre of a block surrounded by other buildings with a narrow entrance to a busy intersection on Aberdeen will greatly restrict the ability of EMS services including firefighting vehicles to access the property in a timely fashion resulting in obvious safety concerns. It is also difficult to understand how the alleyway will be maintained and cleared of ice and snow so as to be safe for travel given its narrow configuration.

3. **Environmental Issues:** Water run-off from the property onto the non-permeable alleyway will create a flooding danger to surrounding properties and may result in excessive discharge of water onto Aberdeen Avenue. In addition, there is an intermittent watercourse extending north\south in the centre of the block between South Street and the proposed property - the proposal is silent about any consideration being given to this water course and whether or not the proposal effects the drainage of water during high volume times such as Spring run-off. Water exiting this property onto Aberdeen Avenue during the winter poses an ice hazard.

4. **Urban Density/Land Use Intensity:** Set back requirements and lot area rules are designed, in part, to reduce the impact of over-development of a property on surrounding properties. Without justification, this proposal requires multiple reductions in set back and area requirements which will significantly impact the surrounding properties and neighbourhood including: lack of landscaping; blocking access; displacing

existing parking spaces; increased traffic and parking requirements; intrusive site lines into adjacent properties; reduced property values to adjacent properties and disruption of an existing right-of-way.

In summary, given the above issues and the importance of maintaining existing rules and regulations applying to property development we oppose the request made in Application HM/A-19:290 Re Municipal Address 315B Aberdeen Avenue, Hamilton.

My contact email and Sheila Sammon's contact email are set out above.

Yours truly,

Bob Munroe and Sheila Sammon

From: [Alexandra Moore](#)
To: [Committee of Adjustment](#)
Cc: sally.luke1@gmail.com
Subject: response to HM/A-19:290
Date: June 21, 2020 9:12:03 PM

To the Committee of Adjustment,

In response to Variance Application no: HM/A-19:290, my partner and I would like to express our concerns.

Having read the details of the application, and having physically investigated the premises, we are extremely concerned about the size and type of dwelling proposed for such a small lot. The lot width is in no way compatible for a "single family dwelling." The current building is a fraction of the proposed size, and even then it feels imposing in the space. The backyards of #12 and #16 Undermount Avenue would literally be right at the front door of the proposed new building. None of their proposed dimensions fit within city permitted lot sizes. There will be virtually no yard to speak of, meaning the building will dominate the alley way and will be an enormously imposing building. The front door will only be 1.54m from the property line, which is only a quarter of the 6m city requirement. The surrounding houses will be shadowed by this "dwelling." We could get into further specifics, but we trust this has already been reviewed tirelessly by the community members who have already been fighting against this ridiculous variance application.

As a Hamiltonian - born and raised - I know this neighbourhood extremely well. I know the type of families that value this neighbourhood, and I understand what properties are worth. Undermount Avenue is a prestigious street. Houses are currently selling well over 1 million dollars. Surrounding streets are valued similarly. It is completely unfathomable to us that a family would buy this plot of land, in an alley way just off of Aberdeen, to build their dream home. No one family would be investing this much time and money to build such a massive house, with the intention on actually living in it. What family is building a home of this size, in an alley way!? The intentions for such a dwelling are virtually transparent. It is clear to anyone who looks at the variance application - and the renderings they include - that the investors are just that: investing in a property that will make them a profit. There is no doubt in my mind that this building is intended as a multi-unit dwelling. I can, without hesitation, say that this is being built as a rental opportunity. Not only will this decrease the value of the surrounding homes, but it will create further congestion to the street traffic and parking that is already an issue and growing concern. The families that live on Undermount, that will be forced to look onto this massive rental unit, will quite literally lose not only the view they have loved for many years, but they will also lose any sense of privacy. The proposed building will be quite literally up against their fences, creating security issues and privacy issues over night.

We are deeply concerned for the integrity of this neighbourhood, as well as the safety of all current residents. As owners of a home on Undermount Avenue, and a family that has lived in Kirkendall for over a decade, we are committed to protecting this gorgeous, old neighbourhood, and the history it holds. Allowing for such proposed buildings to be permitted not only insults the immediate surrounding residents, but it also sends an extremely negative message to the community in general - that just about anywhere you can get your hands on land is fair game to build a monstrous structure, disregarding all city regulations. So much for community protection or loyalty.

Should you have any questions for us as home owners on Undermount Avenue, I invite you to contact us at this email address.

We will be attending the public hearing on Thursday, June 25th, and truly hope to see the city taking into consideration all of the concerns that our community has brought forward.

Sincerely,
Alexandra Moore-Gibson & John Gibson
64 Undermount Avenue

From: [ALAN](#)
To: [Committee of Adjustment](#)
Cc: [Sally Luke](#)
Subject: VARIANCE APPLICATION NO:HM/A-19:20
Date: June 21, 2020 12:01:52 PM

With respect to the Minor Variance application above, we, as property owners at 33 Undermount Avenue, wish to express their opposition to said application on a number of grounds:.

1. Setbacks at the front, side and rear all are huge reductions from what is required and hardly constitute “minor” variances
2. The proposed footprint/envelope of the building on the lot virtually occupies the entire property even with the portion of additional laneway. “Monster” home comes to mind given the massive square footage which is out of sync with rest of neighbourhood.
3. The above factors will detrimentally impact privacy and drainage issues on a number of adjacent properties abutting on Undermount Ave. and Mountain Ave.

Alan and Lorraine Stacey
33 Undermount Avenue
Hamilton, L8P 3 Z7

Sent from [Mail](#) for Windows 10



Virus-free. www.avast.com

From: benwri.benwri
To: [Committee of Adjustment](#)
Subject: [****POSSIBLE SPAM]Application HM/A-19:290 315B Aberdeen Avenue
Date: June 20, 2020 4:34:12 PM

I am planning to attend the webex meeting on June 25 2020 at 3;10 pm but I also want to send my comments by email.

I want to register my objection to the proposed variances.

The reduction of the lot width from 12 metres to 3.6 metres is significant and the reason given that they want to have frontage on Aberdeen Ave and not Mountain Ave is not provided. The indication is that the proponent wants to take ownership of the alley off of Aberdeen but still provide access to the houses backing onto the alley. i believe it is wrong to take ownership of the alley without every property owner accessing the alley providing his/her approval since not having access to the alley will create problems for them to access their yards and additional parking. If these houses lose the option of accessing parking from the alley they will have to park on the street; e.g. Undermount and Mountain which are already 'packed' with cars. This will exacerbate the situation. if the proponent wants to 'assume the full alley' he/she should have the written approval of every property owner that backs onto to the alley or not proceed until he/she has this.

I understand the proponent's desire to buy the alley but the zoning bylaw No 05-200-section 4 states that no lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres but the width of the laneway would be the requested 3.6 metres. I think that seeking a variance is an 'underhanded' way of achieving this . If this is to be a single family house, having the alley 'act' as a front yard is inappropriate, especially since not having a landscaped front yard is inconsistent with all single family houses in the neighbourhood.

The footprint of the house is very large (about 52% of the lot versus 40% of other houses in the area) and the proposed 5 bedrooms would likely mean that the proposed 2 parking spaces will be insufficient for all residents of the house meaning that there will parking spillover on the the other streets. Eliminating the landscaped yard and not the 50% of gross area of the front yard is inconsistent with the neighbourhood. In addition, it appears that much of the lot will have non-permeable surfaces, which would increase runoff and may negatively impact the surrounding houses and an already stretched sewer system. Best design practices are promoting the increased use of permeable surfaces and not a reduction. I also think that the way the proponent presented the information is an attempt to obfuscate the exact size of the proposed building and lot. If the proponent was being open and transparent then the information would have been presented with the exact area of the building and each side yard clearly delineated. Instead the proponent chose to present it in a way that forced the neighbours to have to calculate the exact size. In my opinion this is a devious way of presenting the information. It should be presented in an open and transparent format so that everyone is able to easily understand the information.

Due to the large size and height of the proposed building, the second floor windows would look directly on to the back yards of the neighbouring properties. This of particular concern for the Undermount Avenue houses which have much smaller properties than the Mountain Avenue properties. Placing a house of this size so close to the Undermount Avenue houses

dramatically increases intensity of the micro-neighbourhood around this house and is inconsistent with the current zoning requirements. Although we do not back onto this property, a large house so close to the property line would have a negative impact on the houses particularly on Undermount since their backyards are much more narrow than the houses on Mountain. Having people looking directly onto someone's backyard (from the proposed building's second floor) is not desirable and will probably create issues for these homeowners when they try to sell their properties.

I understand that the City of Hamilton is reviewing options to allow laneway houses but these houses in general are significantly smaller than the proposed house for many of the same reasons. For example, in the August 3, 2018 article in the Hamilton Spectator, the City allowed a laneway house to be built that was 800 square feet and a single story; whereas the proposed building is much larger than other laneway housing that the city has approved. With this in mind, if any one of the owners of the properties that currently abut the laneway wish to create a laneway house they will be unable to do so.

I should note that I am a proponent of these smaller laneway houses as a way of providing affordable housing options for the city. According to the pilot zoning PED16200(a), the property must abut a laneway. Taking this option away from the property owners that currently abut onto the laneway is contrary to the 'intent' of the City's plan to increase the number of affordable housing options in the city.

Alan Bentley

59 Undermount Avenue

From: [Cristina Gage](#)
To: [Committee of Adjustment](#)
Subject: REGARDING HEARING FOR APPLICATION NO HM/A-19:290
Date: June 20, 2020 10:49:08 AM

We are residents of 55 Undermount Avenue and are strongly opposed to the above variance/development request for numerous reasons.

The plans for this proposed housing unit are unclear and perhaps purposely do not provide enough detail. However, it is quite clear that they are attempting to secure the right to build a unit that is directly in defiance of existing bylaws and profit by it.

The size of the proposed building envelope exceeds any of the bylaws with regards to front and backyard allowance. It will close the alley and it is unclear what the storm and drainage allowances and implications are.

This is not in keeping with the housing currently in this well-established and older neighbourhood. It is akin to building the type of home more suited to new building developments, and on a property that will not allow proper access, proper parking, and importantly - proper privacy distance from neighbours, which current bylaws strive to protect.

It disturbs me that this is under consideration and has not been turned back to the owner/agent forcing them to provide greater detail/amendments.

By allowing this type of construction a dangerous precedent will be set. It makes the argument easier for following applications to succeed breaching the existing bylaws which we feel will undermine the underlying character of the neighbourhood .

Cristina and Brian Gage
55 Undermount Avenue

To: Committee of Adjustment

RE: Minor Variance Application No. HM/A-19:290

Subject Property: 315B Aberdeen Ave., Hamilton

June 19, 2020

This letter is respectfully submitted and will serve as concern and objection to the proposal to establish lot frontage on Aberdeen Ave. for the construction of a single family dwelling which does not meet the required width of 12 metres or the required rear yard depth of at least 7.5 metres.

Objections are based on the following concerns:

- In the application, the proposed design allows for no landscape space in the front yard or at the side instead of the usual zoning requirements. The homes in this neighbourhood all have appropriate greenspace and landscaping.
- The proposed structure actually sits in two zones one of which allows for rental units. Although the proposal states single family residence, does this zoning allow for a conversion to rentals at a future date which does not fit into current neighbourhood and impacts on parking availability on Mountain and Undermount Ave.?
- Parking is already a concern for residents of Undermount given that renters from Aberdeen already take up spaces. Removal of the 4 spaces will only make parking worse.
- The proposed footprint of the structure takes up almost the entire lot and is larger than any in the area leaving no room for greenspace or landscaping especially since the alley is to remain.
- A two- storey structure will greatly impact on the privacy of the adjacent homes on Undermount Ave. In addition the structure will not only block sunlight during the day but also cause light pollution to adjacent home at night. This will negatively impact the current value of the adjacent homes.
- Will there be adequate storm water drainage?
- Demolition and construction will cause significant stress and disruption to home owners on Undermount given the very close proximity to their properties.

In closing, the negative impact this proposal may have on current property values for homes on Undermount Ave. is a major concern. We do not necessarily object to a home being built in the location but the footprint on the lot should be according to current by- laws allowing for greenspace and landscaping in keeping with the neighbourhood and not infringe on the privacy of adjacent neighbours. This proposed plan does not.

Linda and William Carson,

30 Undermount Ave., 905-522-4620

From: [Annette Tonogai](#)
To: [Committee of Adjustment](#)
Subject: Minor Variance HMA 19:290
Date: June 19, 2020 9:19:52 PM

I writing with regards to Minor Variance HMA 19:290.

As a homeowner on Undermount Ave (#51), I feel this proposed building is not appropriate for this street or neighbourhood. All houses in the immediate surrounding will be negatively affected. Less sunlight, invasion of privacy (as the building is clearly out to all property lines, and flooding potential.

There are no plans (or room, according to the drawings) for a front or back yard. This makes me think it will be built not a single family dwelling, but as a rental for multiple families. This will result in less street parking for Undermount Ave and Mountain Ave as well as the potential for more noise pollution.

Sincerely, a concerned neighbour,

Annette Tonogai

Date: June 19, 2020

To: COMMITTEE OF ADJUSTMENT – City of Hamilton

Re: VARIANCE APPLICATION NO: HM/A-19:290

In regard to application HM/A- 19:290: (315B Aberdeen Ave.) we oppose the granting of these variances as they are submitted for the reasons outlined below:

- 1) **BUILDING SIZE AND INTENDED USE:** The building proposed is too large for the lot, taking up 51% of the space. A typical family home in this neighbourhood takes up on average only 40% of any lot. Given that it is being built with a front door facing an active alley with a plan to have a 1.5 metre “front yard” which is actually the alley, and lacks the required bylaw size for a back yard set back of at least 7.5m , our concern is that this large home is not at all intended as a single family dwelling with children playing or adults gathering in the “yard”. All evidence indicates that this building will become a multi-unit rental property with an Aberdeen address on an active ally. (Part of the building - the garage - is already planned in Zone D – zoned multi-family).

- 2) **PRIVACY, NOISE AND PARKING CONGESTION:** The proposed building site will already displace the parking for 4 cars that currently use the alley for parking. This very large building is planned to have a two car garage which is an inadequate number of spaces for the size of the home and tenancy in the house will further strain an already congested parking situation on both Undermount and Mountain Avenues. Multi-unit rental properties on Aberdeen currently use these streets for their parking. As a result, single family properties on these two streets already have difficulty parking. As well, this proposed property is planned to be built to the lot’s edges towering over the adjoining properties resulting in reduced privacy, and will have no noise barriers in the form of land space or garden/greenery to absorb sound causing a lack of enjoyment of outdoor space for several neighbouring back yards.

- 3) **RUNOFF –** With significantly less yard and green space proposed, the lack of drainage on the lot will increase the potential for rainwater and snow melt flooding the basements of adjoining properties.

Please note that we support the development of laneway housing in Hamilton. Perhaps this house would not technically be considered a laneway house due to it's appropriated Aberdeen address but on all other physical accounts it is one and therefore should follow reasonable bylaws governing laneway housing for the city.

We request that the Committee of Adjustment reject this application.

David and Heather Blandford
17 Undermount Avenue
Hamilton, ON L8P 3Z7

From: [P.Vuurman](#)
To: [Committee of Adjustment](#)
Cc: [Evans, Morgan](#); [Sheffield, Jamila](#)
Subject: Re: VARIANCE APPLICATION NO: HM/A-19:290
Date: June 22, 2020 11:32:51 AM

With respect to the above mentioned APPLICATION NO: HM/A-19:290:

As a more than three decade resident in this neighbourhood and having voted in every election since arrival, I am very concerned with what appears to be a proposal that will severely impact this area negatively. There are several issues that have been mentioned by others that I need not repeat but all having to do with insufficient space to accommodate a structure indicated by said proposal including but not limited to:

- insufficient lot size compared to green space
- excess water runoff into neighbouring properties
- potentially five (5) bedrooms in an eight (8) habitable-room dwelling with possible use as a rooming house / multi-family / student housing contrary to the designated zoning
- increased parking required on neighbouring streets of vehicles that currently park in the alley
- diminished quality of life for the immediate neighbours - safety issues, parking issues, noise issues, privacy issues, etc

Another aspect is my concern for elementary school children from the catchment area on and West of Mountain Ave, South of Aberdeen Ave. A significant number of these children are observed every day using the alley starting from Mountain Ave eastward to the alley down to the crosswalk at the top of Locke St. thus avoiding using the busiest section of Aberdeen Ave where the sidewalk is immediately beside the driven part of the road. These youngsters are entrusted with the personal responsibility of arriving safely as school each day and they are deliberately choosing this safer alternative. The aforementioned variances include provisions to permanently close this safer alternative.

Furthermore, it has come to my attention that City Council and a number of City Departments have been discussing measures to improve public safety. I understand that several proposals have been posited including at least one for Aberdeen Ave potentially involving traffic calming, bicycle lanes and parking modifications. Approval of this application HM/A-19:290 with the consequent closing of the alley would be counter to stated City safety objectives for these students.

I am strongly recommending that APPLICATION NO: HM/A-19:290 be **rejected**. Furthermore I am strongly recommending that both demolition of the existing building and land remediation of the subject property be **required** forthwith and that the necessary permits would be the **only** permits that may be granted in perpetuity.

Sincerely, Pat Vuurman, 21 Undermount Ave.

From: [Kate Lazier](#)
To: [Committee of Adjustment](#)
Subject: HM/A-19:290
Date: June 22, 2020 12:06:28 PM

I oppose the variances. The proposed building is in an alley and should be subject to the regulations for an alley house. The proposed house does not have a front yard or backyard that would comply with set back regulations for house on the street. An oversized house in the middle of an alley does not fit with the character of the neighborhood or current bylaws. The house should be limited in size to not interfere with the existing residential building and its should be required to meet all existing bylaws, to the extent possible.

I would like to join the meeting and speak.

Regards
Kate Lazier
24 UNDERMOUNT Ave.

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To whom it may concern,

I am a resident in the Aberdeen/Locke street neighbourhood. Aberdeen and Locke is the closest major intersection to my residence. We regularly walk in this neighbourhood and appreciate the green space and availability of alleys as an alternative to streets. There has been an unwelcome change in recent years with reduced trees and inappropriate buildings hard against boundaries (such as the tower at the corner of Dundurn and Aberdeen). We want to prevent any further breakdown of building requirements, particularly in quieter, family residential areas further from Dundurn. In the Aberdeen and Locke area there is a standard front yards with landscaping and adherence to basic property boundary spacing requirements that is essential to the character of the neighbourhood.

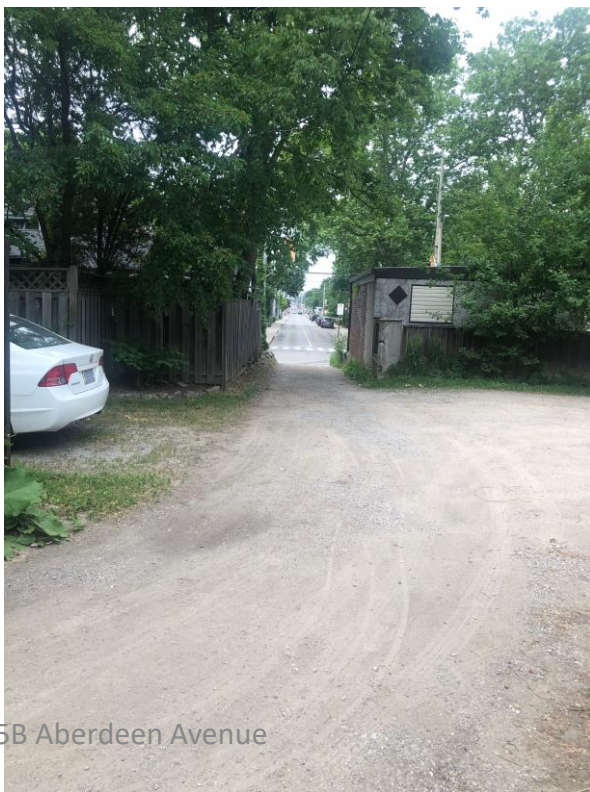
My understanding is that there is an application for variance to allow an inappropriate building at 315B Aberdeen avenue (HMA-19:290). The applicant intends to take alley space and build without regard to the usual boundary spacing requirements or the typical standards for the neighbourhood. This will damage the quality of life in the neighbourhood, negatively impact the privacy of nearby residences and dramatically reduce green space. Such a large building would take up an unusually large fraction of the lot area and is out character with the neighbourhood. Due to the lack of green space/landscaping and such a large roof space, the proposed building is likely to contribute to flooding and damage to nearby properties. In addition, by removing usable alley space, the change will contribute to the already congested and problematic parking situation for nearby residences. Spacing requirements exist for multiple reasons, including water and fire risk management. They should not be arbitrarily reduced.

I am strongly against allowing a variance that would permit a large house footprint on this site. It is a small site embedded among other residences. As such, a small house, similar to those around it is appropriate and fair. In addition, the alley they propose to take is less wide than the standard required front yard. Thus they are flaunting multiple spacing requirements – taking that alley and then building to the edge of the property including the alley. The alley should be left as a public thoroughfare and can thus act as a buffer space around the property.

Sincerely,

James Wadsley

Walking North from South edge of proposed property towards Aberdeen.
-Behind 16 Undermount
-Behind 12 Undermount
-Behind corner NW 12 (and shot turned to the E – the fence at 12 Undermount)
-Undermount at intersection of 2 alleys
-At intersection of 2 alleys
-Behind 315 Aberdeen/4 Undermount



Walking further North down the alley to Aberdeen/Locke intersection

- Behind 315 Aberdeen / 4 Undermount
- Behind 315 Aberdeen / 2 Undermount
- Behind 315 Aberdeen / 2 Undermount
- Behind 315 Aberdeen / 2 Undermount



At end of alley at Aberdeen/Locke intersection, **the proposed frontage of 315B Aberdeen Ave**

Bottom Row

-Almost at Aberdeen

-Facing West down Aberdeen

-Facing toward Locke St

-Facing East down Aberdeen



07/27/19 2:00 - 315B Aberdeen Avenue



Looking Across Aberdeen Avenue towards proposed front yard of 315B Aberdeen Avenue



- From far NE corner of Aberdeen and Locke
- From NE corner of Aberdeen and Locke
- From NW corner of Aberdeen and Locke
- From far NW corner of Aberdeen and Locke

Going South up Locke Street towards the entrance at the alley



Going up alley from Aberdeen Avenue towards the 315B property



- Between 2 Undermount & 315 Aberdeen
- then between 4 Undermount & 315 Aberdeen

Going further south up the alley behind 20 Undermount on the left and 7 Mountain on the right. At the end, you can see the gate of 24 Undermount on the left and 11/9 Mountain on the right.

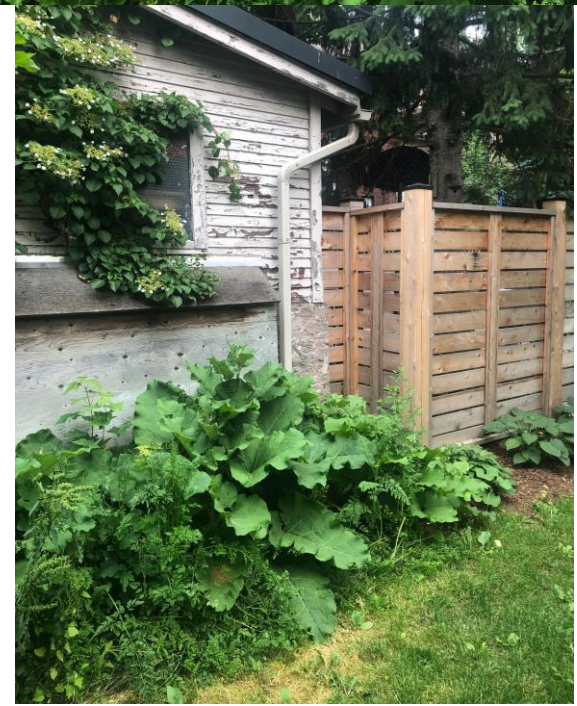
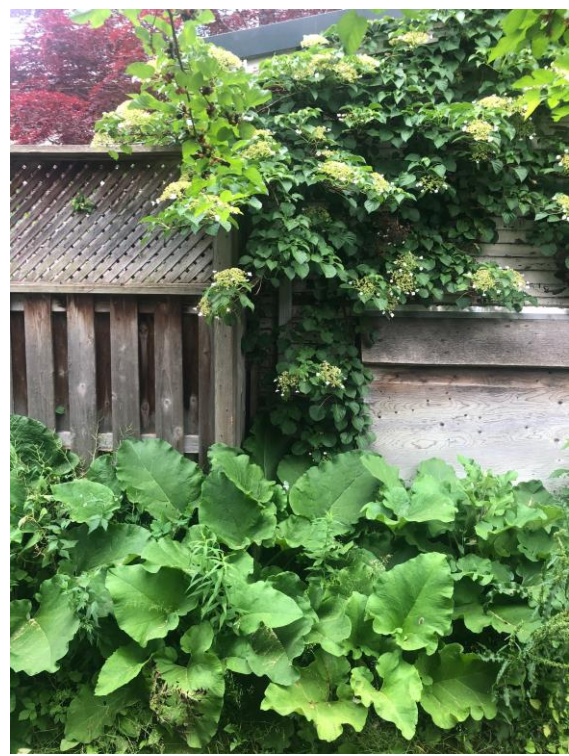


Looking from North to South up the alley from mid-point of the Mountain/Aberdeen Alley intersection, in front of the current structure at 315B Aberdeen



On the right, the 12 Undermount Garage, the view is straight on.

The three shots below are from standing at the centre of the front door of the proposed property and simply turning to the North for two more shots.



Parking spots on the Mountain Alley between the two parcels of 315B Aberdeen Avenue



- Looking East up the Mountain Alley at the edge of the building where a car normally parks (under the For Sale sign)
- Looking West down the Mountain Alley, the cars are parking on the North property piece of 315B Aberdeen

Intersection of the two alleys and some of the cars that park back there



- Looking East towards 4 Undermount Ave and the fence at 12 Undermount, parking in rear of building at 4 Undermount
- Looking SW toward 315 Aberdeen's parking

Going West past the current structure at 315B Avenue and down the Mountain Alley (parallel to Aberdeen Avenue)



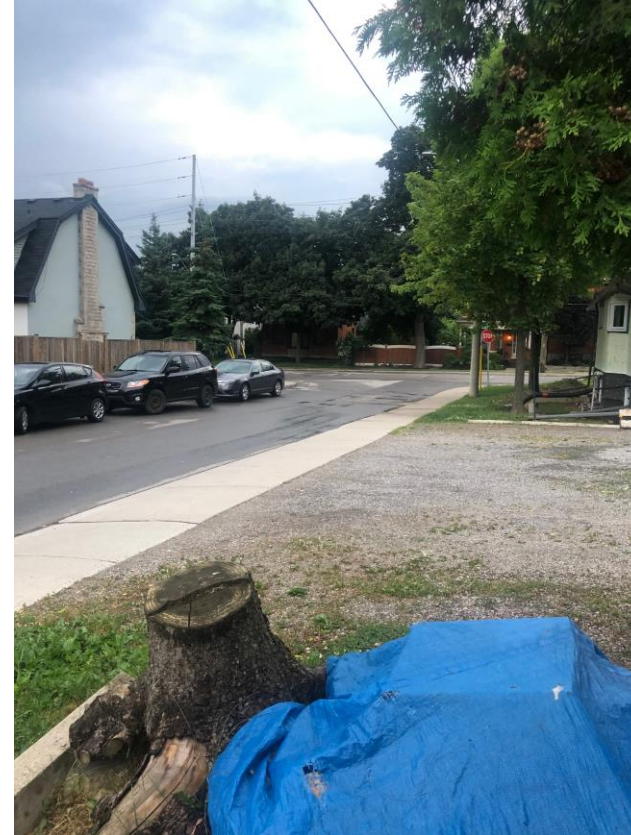
Going further West down the Mountain Alley towards Mountain Avenue



Going even further West down the Mountain Alley towards Mountain Avenue



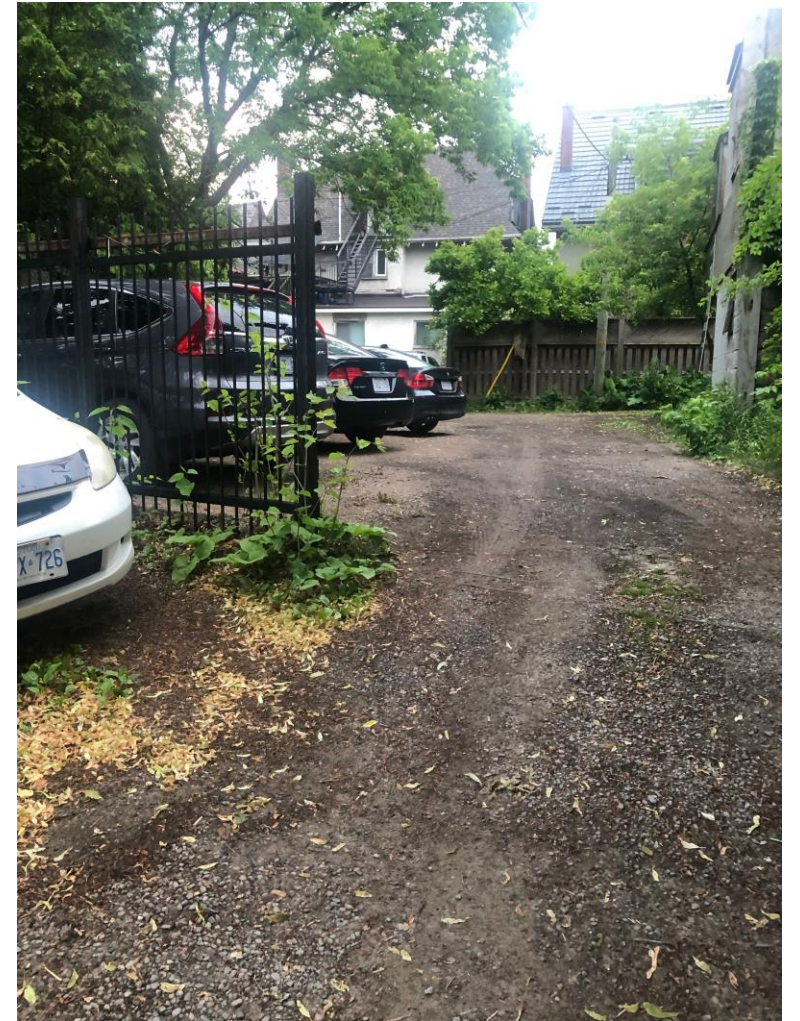
Mountain Avenue, first looking up Mountain Avenue to the South, then ultimately North towards Aberdeen



Back up the Mountain Alley going East towards the 315B Aberdeen property

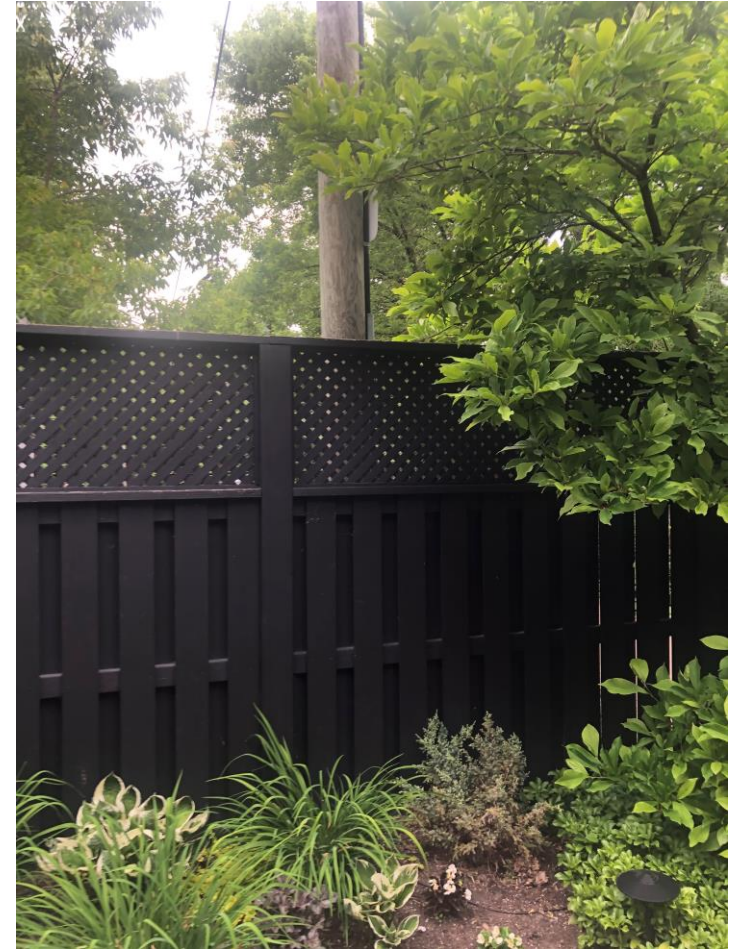


Further East up the Mountain Alley to the Northwest edge of the 315B Aberdeen property



View of the property from within 12 Undermount's yard (from their lower patio)

- Note in the left and centre photos, the current structure at 315B Aberdeen. This is 1.5 stories tall and does not have any windows.
- Note the north face of the proposed building is approximately two feet to the South of the electrical pole in the right photo (at the centre point of Mountain Alley).



HM/A-19:290 - 315B Aberdeen Avenue

View of the property from within 12 Undermount's yard (from their upper patio)

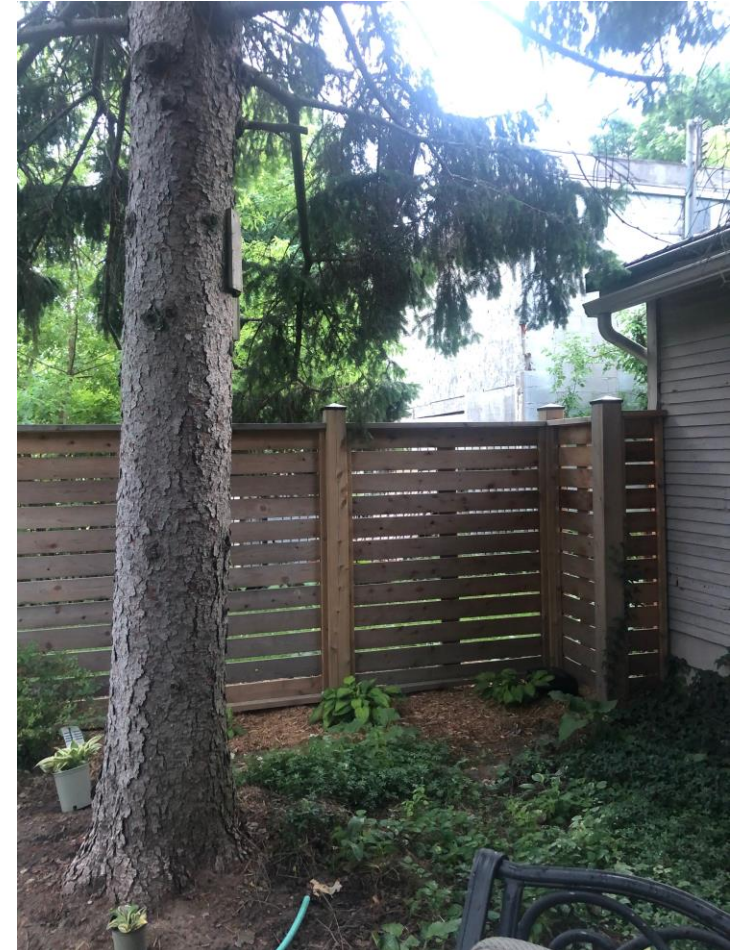


HM/A-19:290 - 315B Aberdeen Avenue

View of the property from within 16 Undermount's yard.

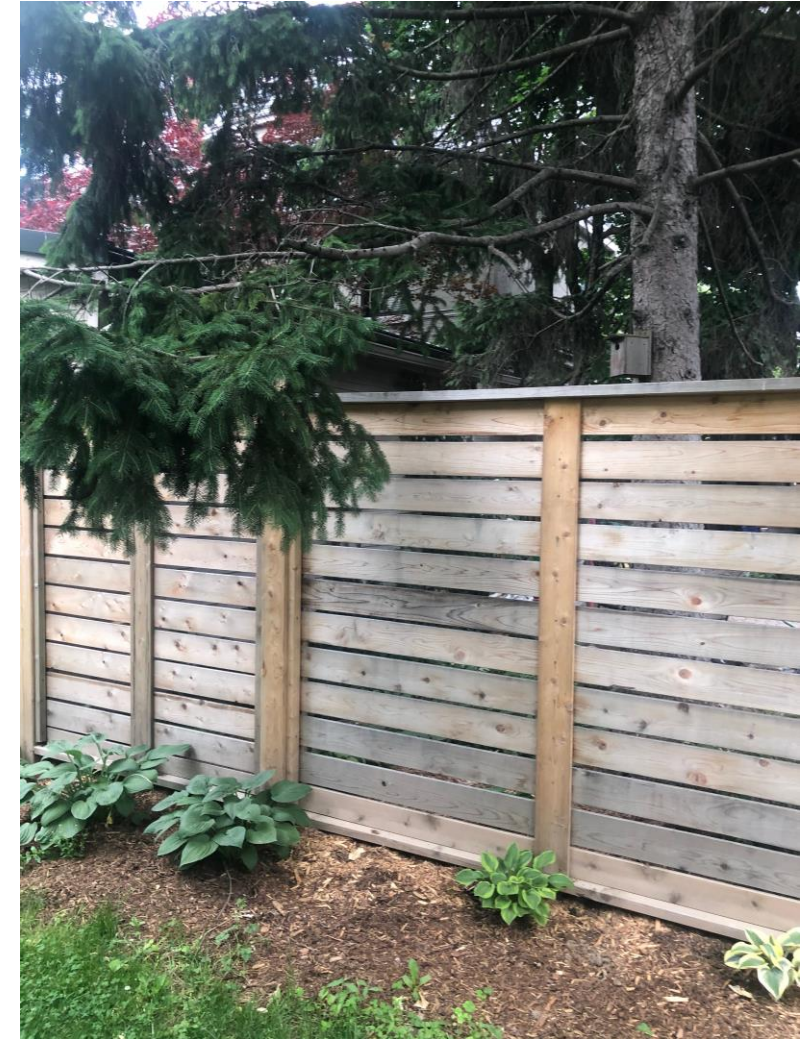
-Note the 7.5 m setback from the rear of the 315B Aberdeen property line lands at approximately the right-hand gate post (in the left photograph)

-Note in the right photo, the current structure at 315B Aberdeen Avenue



View of property from upper deck into the proposed backyard of 315B Aberdeen Avenue.

-Note one of the limbs of the evergreen tree hangs over the alley (see third photo). If that limb is cut, this will remove one layer of privacy.



Is this site for sale?



HM/A-19:290 - 315B Aberdeen Avenue

June 21, 2020

As residents of **12 Undermount Ave** for the past 33 years, we are submitting a third letter to the Committee of Adjustment expressing our vehement opposition to the approval of **Variance Application NO: HM/A-19:290**.

The variances are unreasonable in number and scale. The building proposed is far too large, taking up 51% of the building lot. We are also greatly concerned this building will become a multi unit rental property - there is minimal landscaping space around the entire property with the front door facing an active alley with a view of our fence and garage. To suggest this proposal is meant to facilitate the construction of a single family dwelling is disingenuous. We cannot contemplate any family wanting to live in a home that has so little green space for their children to play, or for adults to enjoy outdoor leisure, with an immediate front view of an alley, our backyard fence and garage. This lot is in "the middle of the block" accessible only via an alley, with no street frontage. Existing building bylaws do not contemplate building a residential home on such a lot, hence why the builder is requesting what we consider to be major and inappropriate variances.

VARIANCES:

Variance 1 - The applicant is requesting the width of an existing alleyway, 3.6 metres, be considered as the building lot width, instead of the required lot width of at least 12.0 metres which is required of all of the other homes in our neighbourhood. Not only is the width of this alleyway 70% less than the required minimum, not even one cm of this width actually fronts any side of the proposed building.

Variance 2 - The applicant is requesting the front yard be permitted to contain no landscaped area instead of the minimum 50%. This variance request underscores the unreasonableness of Variance 1. The "front yard" is not a front yard; it's an existing alleyway required to access the proposed building. The same "front yard" would continue to serve as an alleyway for the neighbourhood, an alleyway that enters directly into a very busy intersection at Locke and Aberdeen.

Variance 3 - The applicant is requesting the garage floor be at grade instead of 0.3m above grade. We are not aware of any justification for this variance. If there is good reason to have a minimum grade requirement for a garage floor, why would it not apply in this case?

It would appear that other variances not mentioned in the application might also be required, eg. What about the 7.5 metre setback requirement for the back yard, wherever that may be for this property?

BUILDING SIZE:

The building proposed would cover 51% of the lot. The norm in the neighbourhood for a single family dwelling is less than 40%. The footprint of the proposed dwelling relative to the building lot would be the largest in the neighbourhood.

The building does not have a suitable front yard, required to be at least 6.0 metres, with 50% landscaped, nor a required back yard depth of 7.5 metres. Furthermore, the front of the house is only 1.54 metres from the property line. The front of this two storey building, sitting almost on the lot line, would tower over our backyard. Of further concern is the windows on the second floor which will impact the privacy of our property as they overlook our back deck and bedroom windows. This is presumably why the bylaw for laneway housing has restrictions for second floor windows and doors.

We will lose sunlight and privacy, especially when we enjoy our backyard garden for family meals and entertaining. We will be exposed to noise and light from the property. Rain water runoff seeping into neighbours' basements is another major concern. There would also be an increase in the number of cars parking on Undermount Ave and Mountain Ave where parking is already limited for residents and visitors. Clearly such a building would have a severe negative impact on the property value of neighbouring homes, with greatest negative impact on us and our neighbours residing at **#16 Undermount Ave.**

Having stated our objections to the variances, we do support laneway housing, and would respectfully submit that the applicant consider the requirements stipulated in By-law No. 18-299 (which amends Zoning By-law No.6593) for this proposed laneway house. Consideration of building height and square footage maximums, window and door placement restrictions as well as minimum setbacks from lot lines, would significantly ameliorate the concerns of our neighbourhood. Given this proposed house is not a second dwelling in the back yard of an existing residential property, the windows and doors **should only be permitted on the ground floor on the east side** of the proposed house, as to place windows and doors on the second floor impacts the privacy of the residents of **#12 and #16 Undermount Ave.**

We trust the Committee will consider our serious concerns and invite members of the Committee to conduct a site visit to see firsthand the impact that such a building would have on our property and the neighbourhood.

We request the Committee of Adjustment deny this application.

Sincerely,
Helen and Joe Tomasik
[12 Undermount Ave](#)
[Hamilton, ON. L8P 3Z6](#)

From: tomasikjoseph@gmail.com
To: [Committee of Adjustment](#)
Cc: helen.tomasik@outlook.com; [Wilson, Maureen](#)
Subject: Fwd: HM/A-19:290 Variance Application to be heard on June 25,2020
Date: June 22, 2020 1:32:52 PM
Attachments: [Variance Application Concerns June 21, 2020.docx](#)
[ATT00001.htm](#)

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

We are writing to advise the Committee of Adjustment of the following additional points submitted in opposition to the requested variance application HM/A-19:290 re Municipal Address 315B Aberdeen Avenue, Hamilton to supplement our submission sent at 4:19 pm yesterday.

The additional points are:

1. With respect to the concern that this building will become a multi-unit dwelling, the majority of the building, as proposed, falls mainly in Zone C, Single Family, but a small portion, the garage, falls in Zone D, Multi-Unit. What assurance is there that this will NOT become a multi-unit dwelling?
2. We have a detached garage which abuts the alleyway. This garage could only be accessible for vehicle parking via the alleyway. The front door of the building as proposed in the Application, would be directly across from our garage. We wish to maintain our ability to drive a vehicle into our garage via the alleyway, should we decide to do so by putting in a garage door on the back of the garage. This would be particularly significant if we purchased an electric vehicle as the garage has electricity. Losing such potential use of our garage would only add to the devaluation of our property that would be result from a large two storey building towering over our backyard. What assurance is there the proposed dwelling, along with the applicant's purchase of this alleyway, will not rob us (or any prospective purchaser of our property) of the ability to utilize our garage as described herein?

Helen and Joe Tomasik
12 Undermount Avenue
Hamilton, Ontario L8P 3Z6

Sent from my iPad

Sent from my iPad

Begin forwarded message:

From: Helen Tomasik <helen.tomasik@outlook.com>
Date: June 21, 2020 at 4:19:08 PM EDT
To: "cofa@hamilton.ca" <cofa@hamilton.ca>
Cc: "Tomasikjoseph@gmail.com" <Tomasikjoseph@gmail.com>,

"Maureen.Wilson@hamilton.ca" <Maureen.Wilson@hamilton.ca>

Subject: HM/A-19:290 Variance Application to be heard on June 25,2020

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

Ms Sheffield,

Attached is our written submission for consideration of the Committee of Adjustment regarding HM/A-19:290. We will be registering our attendance at the virtual meeting on June 25th at 3:10 pm.

Sincerely,

Helen and Joe Tomasik
12 Undermount Ave
Hamilton, ON L8P 3Z6

From: [Kate Lazier](#)
To: [Committee of Adjustment](#)
Subject: HM/A-19:290
Date: June 22, 2020 12:06:28 PM

I oppose the variances. The proposed building is in an alley and should be subject to the regulations for an alley house. The proposed house does not have a front yard or backyard that would comply with set back regulations for house on the street. An oversized house in the middle of an alley does not fit with the character of the neighborhood or current bylaws. The house should be limited in size to not interfere with the existing residential building and its should be required to meet all existing bylaws, to the extent possible.

I would like to join the meeting and speak.

Regards
Kate Lazier
24 UNDERMOUNT Ave.

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Attention:
Committee of Adjustment
Hamilton
March 14, 2020

RE: 315B Aberdeen Avenue, Hamilton
HM/A-19:290
Owner: Kevin Daley
Zoning By-law 6993

To whom it may concern:

Once again, I am writing to express my strong opposition to the proposed so-called “minor variances” in application HM/A-19:290 at 315B Aberdeen Avenue put forward by Kevin Daley. This letter of opposition is very similar to the one I sent last September, as I don’t believe the changes that have been suggested in response to neighbourhood concerns have been in any way addressed.

What is proposed are not minor variances. While I support intensification in the city, I think that the house proposed is still much too large for the piece of land it is intended to occupy. Why have a zoning by-law which requires a certain frontage, landscaping, and so on when this proposal is so at variance with that by-law? If it is truly intended as a single-family home, then why cannot it not be one that fits the space appropriately? That is why we have by-laws in the first place. Perhaps this is all about making a profit, rather than building suitable structures?

If such a large home were built close to the property line as suggested, it would block the light of existing houses on Undermount. We saw that this happened to all the north facing apartment dwellers on Dundurn when a new building at the corner of Dundurn and Aberdeen was erected a few years ago. It seems unbelievable to me that the developer of that building got permission to build so close to the street (one does have to wonder cynically) and to the neighbouring building. Our neighbourhood is not in downtown Toronto.

And then there’s the issue of parking. We have at least 10 units or more (more than I previously realized ... how many are not legal?) in only three houses at the foot of Undermount, at Aberdeen – with inadequate provision for parking. Despite wishful thinking, many Hamiltonians still rely on cars to get around. We have cars already parked right up the street – beginning dangerously close to Aberdeen – when people are home from work. Anyone turning off Aberdeen and on to Undermount in the winter does so with serious risk because of the blocked view from so many densely parked cars. Add to this the existing apartment at the corner of Locke and Aberdeen which also lacks parking, as well as the new businesses on Locke Street, and we regularly experience overflow with people parking on this street. It’s a problem that is only going to get worse. With only two parking spaces allotted for the new house, this does not account for visitors who have difficulty finding a spot now as it is, not to mention householders

who use their garages for storage. Nor does it take into account the fact that people already park on that vacant lot. They will have to move onto the street.

Again, I am not opposed to building on this lot – just make it the appropriate size and use and set it back from the lot lines.

Next there's the issue of safety. The laneway that leads to this lot is extremely narrow and bounded by cement on both sides at Aberdeen. There is little room to spare for regular cars, let alone emergency vehicles. In this house proposal, there's basically no set-back from the laneway. The stairs land practically in it. If houses on Mountain choose to put laneway houses at the back of their properties (as rumoured), then you would have cars going back and forth right on the door step of this house. This will also happen if the houses on Undermount choose to open up their back areas for parking; one house already has a garage there. So allowing for such a narrow set-back is dangerous and unnecessary. Change the set-backs and change the design for the front door.

In truth, I find it hard to believe that anyone wanting a large single family home in our neighbourhood would want it in that location, right on the laneway, and without any yard to speak of. So I cannot help but wonder if the owner might actually want to build something and then come back to turn it into a student house, or a duplex or triplex later – legally or illegally. That seems to be the way things happen in this city. Is that perhaps why they are seeking an Aberdeen rather than a Mountain Ave address? Either would work. We have seen developers use back doors to do this. If that is the real intention, it should be stated, and appropriate parking should be built into the structure, or the application rejected.

I hope the committee will take our concerns more seriously this time around. We want places for people to live – but this is the wrong plan.

Carol Town
37 Undermount Avenue
Hamilton
905-512-0231 or 905-525-4770
caroljtown@hotmail.com

From: [Alexandra Moore](#)
To: [Committee of Adjustment](#)
Cc: sally.luke1@gmail.com
Subject: response to HM/A-19:290
Date: June 21, 2020 9:12:03 PM

To the Committee of Adjustment,

In response to Variance Application no: HM/A-19:290, my partner and I would like to express our concerns.

Having read the details of the application, and having physically investigated the premises, we are extremely concerned about the size and type of dwelling proposed for such a small lot. The lot width is in no way compatible for a “single family dwelling.” The current building is a fraction of the proposed size, and even then it feels imposing in the space. The backyards of #12 and #16 Undermount Avenue would literally be right at the front door of the proposed new building. None of their proposed dimensions fit within city permitted lot sizes. There will be virtually no yard to speak of, meaning the building will dominate the alley way and will be an enormously imposing building. The front door will only be 1.54m from the property line, which is only a quarter of the 6m city requirement. The surrounding houses will be shadowed by this “dwelling.” We could get into further specifics, but we trust this has already been reviewed tirelessly by the community members who have already been fighting against this ridiculous variance application.

As a Hamiltonian - born and raised - I know this neighbourhood extremely well. I know the type of families that value this neighbourhood, and I understand what properties are worth. Undermount Avenue is a prestigious street. Houses are currently selling well over 1 million dollars. Surrounding streets are valued similarly. It is completely unfathomable to us that a family would buy this plot of land, in an alley way just off of Aberdeen, to build their dream home. No one family would be investing this much time and money to build such a massive house, with the intention on actually living in it. What family is building a home of this size, in an alley way!? The intentions for such a dwelling are virtually transparent. It is clear to anyone who looks at the variance application - and the renderings they include - that the investors are just that: investing in a property that will make them a profit. There is no doubt in my mind that this building is intended as a multi-unit dwelling. I can, without hesitation, say that this is being built as a rental opportunity. Not only will this decrease the value of the surrounding homes, but it will create further congestion to the street traffic and parking that is already an issue and growing concern. The families that live on Undermount, that will be forced to look onto this massive rental unit, will quite literally lose not only the view they have loved for many years, but they will also lose any sense of privacy. The proposed building will be quite literally up against their fences, creating security issues and privacy issues over night.

We are deeply concerned for the integrity of this neighbourhood, as well as the safety of all current residents. As owners of a home on Undermount Avenue, and a family that has lived in Kirkendall for over a decade, we are committed to protecting this gorgeous, old neighbourhood, and the history it holds. Allowing for such proposed buildings to be permitted not only insults the immediate surrounding residents, but it also sends an extremely negative message to the community in general - that just about anywhere you can get your hands on land is fair game to build a monstrous structure, disregarding all city regulations. So much for community protection or loyalty.

Should you have any questions for us as home owners on Undermount Avenue, I invite you to contact us at this email address.

We will be attending the public hearing on Thursday, June 25th, and truly hope to see the city taking into consideration all of the concerns that our community has brought forward.

Sincerely,
Alexandra Moore-Gibson & John Gibson
64 Undermount Avenue

From: benwri.benwri
To: [Committee of Adjustment](#)
Subject: [****POSSIBLE SPAM]Application HM/A-19:290 315B Aberdeen Avenue
Date: June 20, 2020 4:34:12 PM

I am planning to attend the webex meeting on June 25 2020 at 3;10 pm but I also want to send my comments by email.

I want to register my objection to the proposed variances.

The reduction of the lot width from 12 metres to 3.6 metres is significant and the reason given that they want to have frontage on Aberdeen Ave and not Mountain Ave is not provided. The indication is that the proponent wants to take ownership of the alley off of Aberdeen but still provide access to the houses backing onto the alley. i believe it is wrong to take ownership of the alley without every property owner accessing the alley providing his/her approval since not having access to the alley will create problems for them to access their yards and additional parking. If these houses lose the option of accessing parking from the alley they will have to park on the street; e.g. Undermount and Mountain which are already 'packed' with cars. This will exacerbate the situation. if the proponent wants to 'assume the full alley' he/she should have the written approval of every property owner that backs onto to the alley or not proceed until he/she has this.

I understand the proponent's desire to buy the alley but the zoning bylaw No 05-200-section 4 states that no lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres but the width of the laneway would be the requested 3.6 metres. I think that seeking a variance is an 'underhanded' way of achieving this . If this is to be a single family house, having the alley 'act' as a front yard is inappropriate, especially since not having a landscaped front yard is inconsistent with all single family houses in the neighbourhood.

The footprint of the house is very large (about 52% of the lot versus 40% of other houses in the area) and the proposed 5 bedrooms would likely mean that the proposed 2 parking spaces will be insufficient for all residents of the house meaning that there will parking spillover on the the other streets. Eliminating the landscaped yard and not the 50% of gross area of the front yard is inconsistent with the neighbourhood. In addition, it appears that much of the lot will have non-permeable surfaces, which would increase runoff and may negatively impact the surrounding houses and an already stretched sewer system. Best design practices are promoting the increased use of permeable surfaces and not a reduction. I also think that the way the proponent presented the information is an attempt to obfuscate the exact size of the proposed building and lot. If the proponent was being open and transparent then the information would have been presented with the exact area of the building and each side yard clearly delineated. Instead the proponent chose to present it in a way that forced the neighbours to have to calculate the exact size. In my opinion this is a devious way of presenting the information. It should be presented in an open and transparent format so that everyone is able to easily understand the information.

Due to the large size and height of the proposed building, the second floor windows would look directly on to the back yards of the neighbouring properties. This of particular concern for the Undermount Avenue houses which have much smaller properties than the Mountain Avenue properties. Placing a house of this size so close to the Undermount Avenue houses

dramatically increases intensity of the micro-neighbourhood around this house and is inconsistent with the current zoning requirements. Although we do not back onto this property, a large house so close to the property line would have a negative impact on the houses particularly on Undermount since their backyards are much more narrow than the houses on Mountain. Having people looking directly onto someone's backyard (from the proposed building's second floor) is not desirable and will probably create issues for these homeowners when they try to sell their properties.

I understand that the City of Hamilton is reviewing options to allow laneway houses but these houses in general are significantly smaller than the proposed house for many of the same reasons. For example, in the August 3, 2018 article in the Hamilton Spectator, the City allowed a laneway house to be built that was 800 square feet and a single story; whereas the proposed building is much larger than other laneway housing that the city has approved. With this in mind, if any one of the owners of the properties that currently abut the laneway wish to create a laneway house they will be unable to do so.

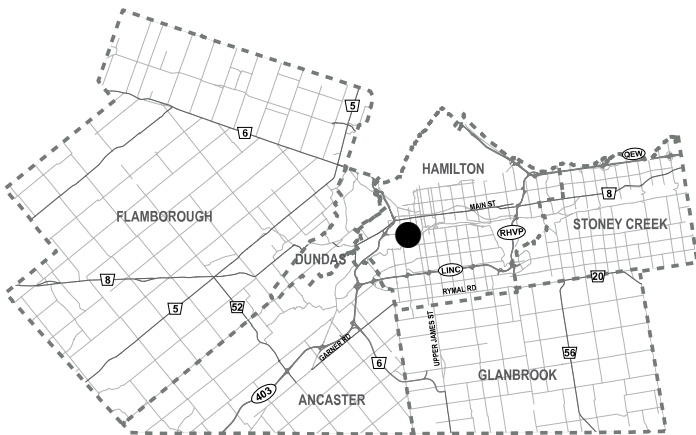
I should note that I am a proponent of these smaller laneway houses as a way of providing affordable housing options for the city. According to the pilot zoning PED16200(a), the property must abut a laneway. Taking this option away from the property owners that currently abut onto the laneway is contrary to the 'intent' of the City's plan to increase the number of affordable housing options in the city.

Alan Bentley

59 Undermount Avenue



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



315B Aberdeen Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-19:290

Date:

March 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
VARIANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **HM/A-20:29 (71 Chatham St., Hamilton)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

1. The proposed front addition and open car port be constructed in accordance with the submitted Site Plan and Elevations.

NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

June 25th, 2020

HM/A-20:29 (71 Chatham St., Hamilton)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the construction of a two and a half storey front addition and an open sided carport side addition to the existing single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits single detached dwellings.

Archaeology:

The subject property meets two (2) of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In areas of pioneer EuroCanadian settlement.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows (see note below).

Cultural Heritage:

The subject property is located within the Kirkendall North Established Historical Neighbourhood. Established Historical Neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources. The following policy applies:

.../2

HM/A-20:29

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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.”

Staff are of the opinion that the proposed design of the dwelling will not have an adverse impact to the established character along Chatham Street. 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-1787” (Urban Protected Residential – One and Two Family Dwellings, Etc). District, Modified, which permits a single family dwelling.

Variance 1, 3 and 4

The applicant is requesting a variance to allow a minimum front yard depth of 0.9 metres, to allow no front landscaping to be provided and to allow the front stairs (uncovered porch) to be located 0.3 metres from the front lot line, notwithstanding the minimum required front yard depth of 6.0 metres, the requirement that a minimum of 50% of the gross floor area of the front yard shall be used for landscaped area, and the minimum required 1.5 metre separation between an uncovered porch and the nearest street line.

The general intent of the Zoning By-law is to provide a consistent streetscape, allow sufficient space in the front yard to accommodate the necessary landscaped area and to provide an appropriate distance separation from the porch and the street.

Staff acknowledge the majority of the single detached dwellings on the south side of this portion of Chatham Street have been built very close to the front property line. The front yard depths range between 0.0 metres and 2.5 metres. Staff acknowledge there is approximately 4.6 metres of landscaped Boulevard between the front property lines and the sidewalk on the south side of Chatham Street that aides the distance separation from the porch to the street.

Based on the submitted plans, Staff is satisfied the proposed front addition will maintain the established residential streetscape. While Staff acknowledge the proposed front addition will reduce the existing amount of front landscaped area, Staff is satisfied the front landscaped area is consistent with the established residential streetscape. In addition, Staff acknowledge the Boulevard, measuring approximately 4.6 metres in

.../3

HM/A-20:29

Page 3

depth, will provide a landscaped buffer between the proposed stairway/unenclosed front porch and the sidewalk on Chatham Street. As such, the variances are maintaining the general intent of the Zoning By-law.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, staff support the variances.

Variance 2

The applicant is requesting a variance to allow a minimum side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to provide a consistent streetscape, allow sufficient space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The reduction in side yard width is to accommodate the proposed open sided car port on the existing driveway and will continue to function as a parking space. As such, Staff do not anticipate any negative impact on the enjoyment or privacy of the adjacent property. The variance is maintaining the general intent of the Zoning By-law Staff as the proposed open sided car port will not alter the established residential character.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

CONDITIONS: (If Approved)

1. The proposed front addition and open car port be constructed in accordance with the submitted Site Plan and Elevations.

HM/A-20:29

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NOTE:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499).”

Building Division:

1. Variance # 2 should be altered to include the word “westerly” before side yard. The variance should read as follows:

A minimum westerly side yard width of 0.9 m shall be provided instead of the minimum required side yard width of 1.2 m; and

2. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

Provided that the existing drainage patterns are maintained, Development Engineering has no comments regarding the minor variance as proposed.

See attached for additional comments.

Real Estate Comments – CoA June 25, 2020

71 Chatham St., Hamilton (Ward 1)



Applicant's Proposal: To permit the construction of a 2 ½ storey addition to the front of the dwelling and an open carport.

Variances for Property:

- **Front Yard Depth:** A front yard depth of 0.9m shall be provided instead of the required 6.0m
- **Side Yard Width:** A minimum side yard depth of 0.9m shall be provided instead of the required 1.2m
- **Landscaped Area:** No front yard landscaping shall be provided instead of the required 50%
- **Permitted Projections:** The front steps shall provide a 3m setback from the front lot line instead of the required 1.5m minimum setback.

Impact on City Lands: There are no expected impacts on adjacent city lands as the variances are contained at the front of the lot.

Recommendation: Real Estate has no objection to the proposed variance.

June 18, 2020

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

Attention: Morgan Evans

File# HM/A-20:29

Re: 71 Chatham St

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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.

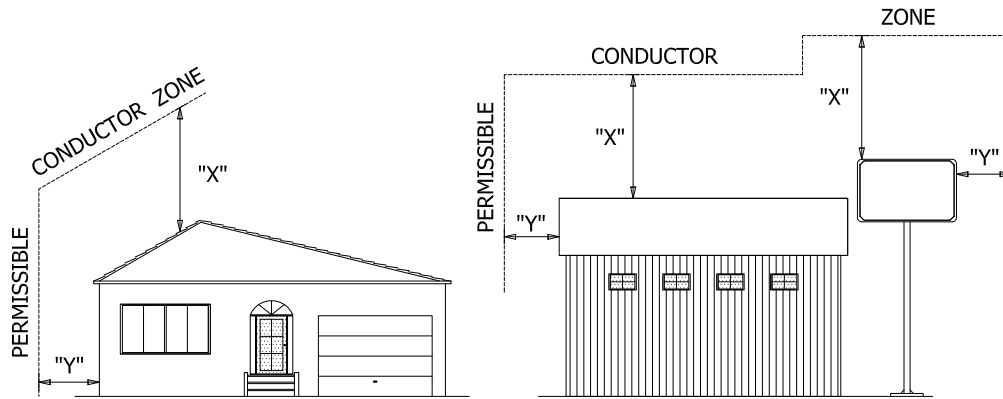
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital




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

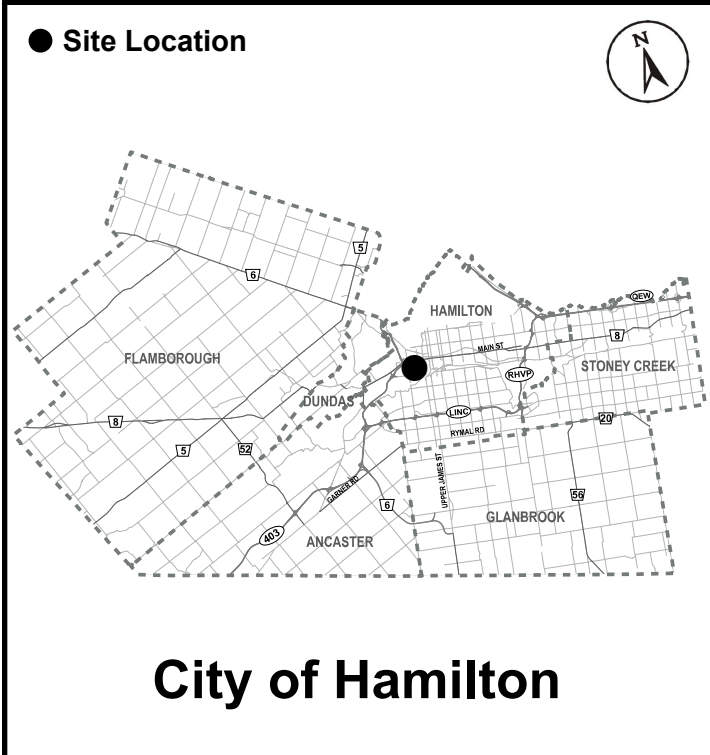
SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:


1. 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.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. 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)
4. 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).
5. 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.

	DRAWING STATUS	BY	DATE DD/MM/YY	MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS (EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)	REFERENCE DRAWINGS:	DRAWINGS NOT TO SCALE	
	REDRAWN:	JM	12/06/07		DRAWING #	SHEET#	REVISION#
	CHECKED:	ND	26/04/05		3-105	1	0
	APPROVED:	CR	26/04/05				




Committee of Adjustment

Subject Property

 71 Chatham Street, Hamilton (Ward 1)

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:	HM/A-20:29
Date:	March 12, 2020
Technician:	VS
Map Not To Scale	
Appendix "A"	
 Hamilton	

June 25th, 2020**HM/A-19:349 (66 Radford St., Hamilton)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

Minor Variance application HM/A-19:349 was tabled by the Committee of Adjustment on November 7, 2019 and on January 23, 2020. The purpose of this application is to permit the conversion of the existing single family dwelling into a dwelling containing two units, notwithstanding the following variances.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3 and E.3.4.3 amongst others, are applicable and permits duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335 and C/S-1335a” (Urban Protected Residential, Etc.) District, Modified, which permits the conversion of a single family dwelling to a two unit dwelling in accordance with Section 19(1).

Variance 1

The applicant is seeking a variance to allow for two parking spaces to be located within the required front yard whereas the Zoning By-law permits only one of the required parking spaces to be located within the required front yard. The general intent of the purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and to ensure sufficient landscaping, parking, and amenity space is available within the front yard.

The general intent of the Zoning By-law is being maintained as the location of proposed parking still provides a residential streetscape, sufficient landscaping and amenity space within the front yard. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 2

The applicant is seeking a variance to allow for the manoeuvring space aisle width for a
.../2

HM/A-19:349

Page 2

90-degree parking space to be 0.0 metres, whereas the Zoning By-law requires a minimum 6.0 metres. The purpose and intent of this provision is to allow all vehicles to move and to and from the site safely.

Staff recognize that there is an additional 4.3 metres from the property line to the sidewalk line, plus the sidewalk width that can aid with additional manoeuvring. The intent of the By-law is being maintained as sufficient space is being provided to aide the moving of a vehicle to and from the site. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 3

The applicant is seeking a variance to allow for a minimum parking size width of 2.6 metres whereas the Zoning By-law requires a minimum parking space width of 2.7 metres. The intent of this provision is to allow adequate space to accommodate a variety of vehicle sizes.

Staff recognize that this is an extension of the existing driveway and for that reason the driveway should be built to the proper size of the space size standard. As such, Staff request the applicant revise the Site Plan to conform the parking space size required by Zoning By-law No. 6593.

After discussions with Staff, the applicant has indicated they are willing to extend the proposed driveway to conform with the Zoning By-law.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the general intent of Zoning By-law is not being maintained, the variance is not desirable for the development nor considered minor in nature; therefore, staff do not support the variance.

Recommendation:

Based on the preceding information, Variance 1 and 2 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. Variance 1 and 2 are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

.../3

HM/A-19:349

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Variance 3 does not maintain the general intent of former City of Hamilton Zoning By-law No. 6593, is not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 1 and 2 be approved while Variance 3 be denied.

Building Division:

1. A building permit is required for the conversion of the proposed two (2) dwelling units.
2. The Notice shall be amended by removing the words “required” after the word “the” and before the word “front” so that it reads as follows:

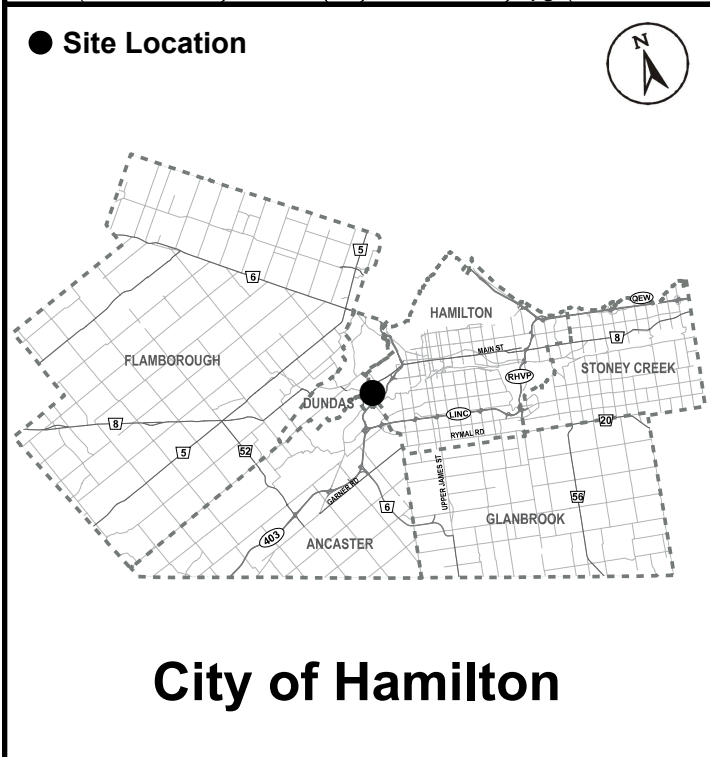
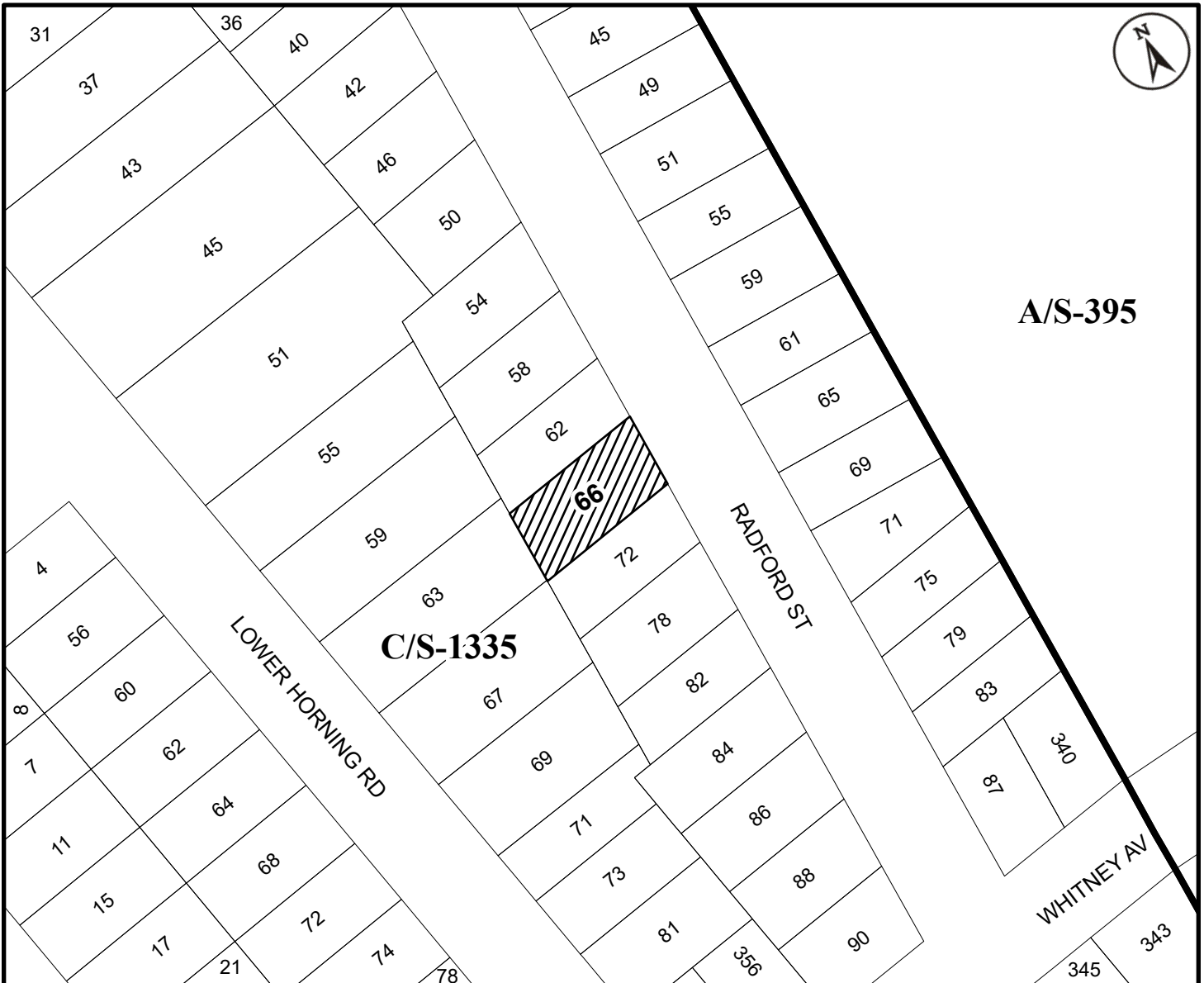
Two (2) parking spaces shall be permitted to be located within the front yard whereas the zoning By-law permits only one of the required parking spaces to be located within the front yard.

3. Order to Comply #19-119374, dated April 24, 2019, remains outstanding.

Development Engineering:

No Comment

See attached for additional comments.



Committee of Adjustment

Subject Property



66 Radford Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-19:349

Date:

March 12, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

June 25th, 2020

**CONSOLIDATION REPORT
VARIANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Variance Application **HM/A-20:101 (137 George St., Hamilton)** and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition:

1. That the proposed multiple dwelling is built in accordance with the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

June 25th, 2020**HM/A-20:101 (137 George St., Hamilton)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Urban:**

The purpose of this application is to permit the construction of a three storey multiple dwelling consisting of six dwelling units to replace the existing two and a half storey brick dwelling, in accordance with Site Plan application DA-20-011 which received Conditional Approval on March 11, 2020, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Mixed Use - Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.2.2 and E.3.2.3 a) amongst others, are applicable and permit multiple dwellings.

Cultural Heritage:

Staff have commented on the proposal through the related site plan control application DA-20-011. Staff have no concerns with the proposed variances as submitted and have no further comments on this application.

Archaeology:

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

This criterion defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this application is approved, the proponent must be advised in writing by the Committee of Adjustment as per the acknowledgment note below.

Strathcona Secondary Plan

The subject lands are designated “Mixed Use - Medium Density” within the Strathcona Secondary Plan. Policies B.6.6.6.1 a), d), f), g), j), k), l), and m) and B.6.6.15.3 b) amongst others, are applicable and permit multiple dwellings.

HM/A-20:101
Page 2

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

The subject lands are zoned Mixed Use Medium Density (C5, 297) Zone, Modified, and which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum rear yard depth of 7.2 metres notwithstanding the minimum required rear yard depth of 7.5 metres. The intent of the Zoning By-law is to allow adequate space for grading and drainage, and to accommodate the necessary amenity area to satisfy the needs of the proposed multiple dwelling. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The variance is maintaining the intent of the Zoning By-law as Staff is satisfied the proposed minimum rear yard depth of 7.2 metres is sufficient to provide the necessary amenity area for the proposed multiple dwelling. In addition, Staff acknowledge the subject property is in close proximity to a number of parks including Victoria Park and Central Park that the tenants of the proposed multiple can utilize as additional amenity area. The variance is desirable for the development of the site and is considered minor in nature.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Variance 2

The applicant is requesting a variance to allow an easterly side yard of 1.2 metres, notwithstanding the minimum required side yard setback of 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use. The intent of the Zoning By-law is to allow adequate space for access, grading and drainage, to maintain the established residential streetscape, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any grading or drainage concerns to Development Engineering Approvals.

It is common along this portion of George Street for the existing single detached dwellings to maintain side yard setbacks of less than 1.0 metre in width. As such, Staff recognize the proposed side yard setback of 1.2 metres will maintain a consistent streetscape. Given the intensity of the use, the Zoning By-law requires a larger side yard setback in order to avoid any impact on the enjoyment and privacy of the

HM/A-20:101

Page 3

residential property adjacent to the easterly side yard, known as 131 - 133 George Street.

Staff acknowledge the building footprint and building height of the proposed multiple dwelling does not deviate significantly from that of the existing two and a half storey single detached dwelling on the subject property. The submitted West Elevation drawing shows no windows along the westerly façade which overlooks 131 - 133 George Street. As such, staff do not anticipate any significant impact on the privacy or enjoyment of the adjacent property as a result of the reduction in side yard setback.

Additionally, staff is satisfied the proposed side yard width allows for sufficient space to accommodate the necessary access for maintenance purposes. The variance is considered minor in nature and desirable for the development of the site as no significant impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance with a condition.

Variance 3

The applicant is requesting a variance to allow a westerly side yard of 0.8 metres, notwithstanding the minimum required side yard setback of 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use. The intent of the Zoning By-law is to allow adequate space for access, grading and drainage, to maintain the established residential streetscape, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any grading or drainage concerns to Development Engineering Approvals.

It is common along this portion of George Street for the existing single detached dwellings to maintain side yard setbacks of less than 1.0 metre in width. As such, staff recognize the proposed side yard setback of 0.8 metres will maintain a consistent streetscape. Given the intensity of the use, the Zoning By-law requires a larger side yard setback in order to avoid any impact on the enjoyment and privacy of the residential property adjacent to the easterly side yard, known as 139 George Street.

Staff acknowledge the building footprint and building height of the proposed multiple dwelling does not deviate significantly from that of the existing two and a half storey single detached dwelling on the subject property. The submitted East Elevation drawing shows minimal windows with no windows along the portion of the façade which overlooks the rear yard amenity area located at 139 George Street. As such, staff do

.../4

HM/A-20:101

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not anticipate any significant impact on the privacy or enjoyment of the adjacent property as a result of the reduction in side yard setback.

Additionally, staff is satisfied the proposed side yard width allows for sufficient space to accommodate the necessary access for maintenance purposes. The variance is considered minor in nature and desirable for the development of the site as no significant impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance with a condition.

Variance 4

The applicant is requesting a variance to allow a 0.8 metre planting strip abutting a Residential Zone along the westerly side lot line, notwithstanding the minimum required 1.5 metre planting strip abutting a Residential or Institutional Zone or lot containing a residential use. The general intent of the Zoning By-law is to allow adequate space for grading and drainage and to maintain a consistent streetscape. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The submitted Site Plan shows a planting strip is provided along the westerly side lot line with the narrowest portion being 0.8 metres. Staff acknowledge most of the planting strip maintains a width of at least 1.5 metres, maintaining at least 2.0 metres in width within the front yard. The variance is maintaining the general intent of the Zoning By-law as the reduction in planting strip width will not impact the George Street streetscape. The variance is considered minor in nature and desirable for the development of the site as no significant impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 5 and 6

The applicant is requesting a variance to allow the required parking spaces to abut the street line and to allow no planting strip to be provided along the street line, notwithstanding the requirement that no parking is permitted between the façade and the front lot line with the exception of visitor parking, no parking is permitted to be located within the required front yard or within 3.0 metres of a street line, and the minimum required 3.0 metre wide planting strip to be permanently maintained between the street line and the parking space or aisle.

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The general intent of the Strathcona Secondary Plan is to ensure the location of the parking area does not negatively impact pedestrian safety and to ensure sufficient landscaped area is being provided to maintain a consistent streetscape and provide an adequate buffer between adjacent residential uses. The general intent of the Zoning By-law is to ensure a variety of vehicles can safely access the required parking spaces with no obstructions, to maintain the established character of the area, and to maintain a consistent streetscape.

George Street is characterized by two, and two and half storey single detached dwellings with large front yards, containing a high proportion of landscaped area and narrow asphalt driveways. The variances are maintaining the general intent of the Zoning By-law as the provision of parking in the front yard is consistent with the character of the area. While the applicant is proposing the two parking spaces to be adjacent, staff acknowledge the submitted Site Plan shows one of the proposed parking spaces being a permeable surface and the provision of landscaped area on either side of the parking spaces. As such, staff is of the opinion the proposed front yard will maintain a consistent streetscape.

Additionally, staff do not anticipate any safety concerns for vehicles or pedestrians as a result of the proposed parking spaces having direct access onto George Street, as discussed below. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variances.

Variance 7 and 8

The applicant is requesting a variance to allow the parked vehicles to be permitted to reverse onto George Street and to allow no manoeuvring aisle to be provided on site, notwithstanding the requirement that any parking lot shall provide egress in a forward motion only and the minimum 6.0 metre wide manoeuvring aisle required for 90 degree parking spaces. The general intent of the Strathcona Secondary Plan is to ensure the location of the parking area does not negatively impact pedestrian safety. The general intent of the Zoning By-law is to ensure all vehicles can safely egress from the parking spaces.

The proposed parking area for the multiple dwelling will function as a driveway instead of a parking lot. The proposed parking spaces will provide unobstructed access for

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vehicles travelling to and from the site. The intent of the Zoning By-law is being maintained as sufficient space is being provided within the George Street road allowance to aid the moving of a vehicle to and from the site.

Staff acknowledge George Street is a local road in accordance with Schedule C – Functional Road Classification with the Urban Hamilton Official Plan and Map B.6.6-2 within the Strathcona Secondary Plan. As such, staff do not anticipate any safety concerns as a result of using George Street to aid in the moving of a vehicle to and from the site. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, staff support the variances.

Variance 9 and 11

The applicant is requesting a variance to allow the parking to be provided at a minimum rate of 0.5 parking spaces per unit, notwithstanding the minimum rate of 0.7 parking spaces per unit for a multiple dwelling with dwelling units over 50 square metres in in gross floor area in a Commercial and Mixed Use Zone. The applicant is also requesting a variance to allow the parking for a multiple dwelling to be provided at a rate of 0.33 parking spaces, notwithstanding the minimum required rate of 1.0 parking spaces per unit for a multiple dwelling. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

Variances 9 and 11 both apply because the parking requirement for the Commercial and Mixed Use Zones for multiple dwellings as provided by Amending By-law 17-240 is not currently in effect. Therefore, the most restrictive requirement (Variance 11) prior to Amending By-law 17-240 applies until a determination of the outstanding regulations of Amending By-law 17-240 has been made by the Local Planning Advisory Tribunal (LPAT).

The subject property is in close proximity to Downtown Hamilton and is within walking distance to a number of amenities, including: Victoria Park, Central Park, Ryerson Middle School, a number of Places of Worship, two Sobi Bike hubs and various commercial uses along King Street West and Main Street West. In addition, the subject

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property is serviced by a number of HSR bus routes, including No. 1, 5, 7, 10, 34, 51 and future higher order transit. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, staff support the variances.

Variance 10

The applicant is requesting a variance to allow no long term bicycle parking spaces to be provided on site, notwithstanding the minimum required three long term bicycle parking spaces for the proposed multiple dwelling. The general intent of the Strathcona Secondary Plan and the Zoning By-law is to accommodate a variety of transportation options and to promote the use of active transportation.

Staff notes the submitted Site Plan indicates three long term bicycle spaces will be provided at the basement level. Staff recommends the applicant revise the Floor Plan of the basement to show the three long term bicycle spaces being proposed. As such, the requested variance is not required to facilitate DA-20-011.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

CONDITIONS: (If Approved)

2. That the proposed multiple dwelling is built in accordance with the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are

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encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Building Division:

1. Variances are written as requested by the applicant.
2. The notice should be modified to delete Variance #10 which reads as follows:

"No long term bicycle parking spaces shall be required instead of the required three (3) long term bicycle parking spaces for the proposed multiple dwelling."

The applicant has advised that although the detail was not shown on the plan submitted for the variance, long term bicycle parking would continue to be required for site plan approval.
3. The variances are necessary to facilitate Site Plan Application DA-20-011 which is currently under review.
4. The property is subject to the regulations of the "C5, Exception 297" Zone under Hamilton Zoning By-law 05-200. Exception 297, includes special provisions to permit a maximum building height of 14.0m and to permit parking to be not less than 1.0m to an abutting residential zone.
5. Variances 9 and 11 apply because the parking for the Commercial and Mixed Use (CMU) Zones for multiple dwellings is not currently in effect. Therefore, the more stringent requirement provided in variance 12 would apply until a determination of the outstanding regulations of amending by-law 17-240 has been made by the Local Planning Appeals Tribunal (LPAT).

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6. An eave/gutter may project not more than 0.6 metres into the required yard to a maximum of half the distance of the required yard whichever is the lesser amount. If the requested side yard variances are approved, an eave/gutter may project a maximum of 0.4m into the required westerly side yard and 0.6m into the required easterly side yard. Insufficient details were provided to confirm compliance; as such, additional variances may be required.
7. The six (6) proposed dwelling units would be greater than 50 square metres in gross floor area.
8. With respect to Variances 2 and 3 for the easterly and westerly side yards respectively, it is noted that the subject property abuts a residential dwelling unit along the easterly side yard and a residential zone along the westerly side yard.
9. The Zoning By-law permits a maximum projection of 1.5m into the required rear yard, or to a maximum of half the distance of the required yard, whichever is the lesser. The projection of the proposed unenclosed porch into the rear yard would conform to the Zoning By-law providing the requested variance for the reduced rear yard is approved (Variance # 1).
10. A building permit is required for the construction of the proposed multiple dwelling.
11. Be advised that Ontario Building Code regulations may require specific setback and construction types.
12. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m. The O.B.C. will regulate the type of construction permitted as the limiting distance is close to 0m for the abutting dwelling to the west.

Development Engineering:

The proposed Minor Variance for a minimum westerly side yard width of 0.80m does not meet the 0.90m minimum required width of swale. Therefore, the Development Approvals section recommends that this Minor Variance be denied.

Transportation Planning & Parking Division (Traffic):

1. There are two proposed parking spaces leading to George Street which is a local road with minimal traffic. Without setting precedence, Transportation Planning will support reversing from George Street into the parking spaces so that the vehicles leave in a forward manner.

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2. Instead of providing separate long term bicycle parking the residents shall be permitted to keep their bicycles in their units.

See attached for additional comments.

June 18, 2020

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

Attention: Morgan Evans

File# HM/A-20:101

Re: 137 George St

In response to your correspondence dated June 10, 2020, 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 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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.

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 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)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 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 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital