

TABLED FROM THE JULY 23rd HEARING

GL/A-20:97 (1800 Upper James St., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Purpose

The purpose of this application is to permit the construction of a food production manufacturing facility notwithstanding that the use is not permitted by the Zoning By-law. The covering letter states that the proposed facility will include a restaurant and sales component in conjunction with the food production area and administrative offices. The sketch shows that the restaurant is proposed to have no seats.

The notice of public hearing indicates that a Minor Variance is being sought; however, the covering letter submitted with this application states that relief through other in the opinion of the committee, conforms with the uses permitted in the by-law. (2)(b) of the Planning Act: where the uses of land, buildings or structures permitted in the by-law are defined in general terms, the permittee may use the building or structure for any purpose that, in a similar manner as the various components of the uses permitted within the zoning.

Site Plan Control

The Development Review Team considered Site Plan Control application DA-19-155 on December 4, 2019, at which time the applicant was advised that the proposed use was considered manufacturing which is not permitted within the zoning. The applicant was further advised that the proposal did not maintain the intent of the Urban Hamilton Official Plan. Accordingly, staff advised that the successful completion of an Urban Hamilton Official Plan Amendment application and a Zoning By-law Amendment application would be necessary to facilitate the proposal.

The Floor Plan (Romanov Romanov Architects Inc., August 26, 2019) shows a 418 sq. ft “pick up” area and a 504 sq. ft “retail” area on Level 1, totalling 922 sq. m which represents 5.9 % of the total gross floor area of the building.

Urban Hamilton Official Plan

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

Urban Corridors are intended to function as commercial spines that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods (E.2.4.6). In the portions of the Urban Corridor designated Arterial Commercial, land extensive retail stores and services catering to the traveling or drive-by consumer are permitted (E.2.4.7).

In the opinion of staff, the proposed food production facility is not commercial in nature and does not cater to the travelling public, and hence the use **does not** meet the intent of the UHOP.

The subject lands are within and adjacent to areas regulated by the Niagara Peninsula Conservation Authority. As a result, staff recommends the NPCA be contacted to determine if they have any concerns or requirements related to the approval of the application.

Cultural Heritage Archaeology

The property has archaeological potential; however, the municipal interest in archaeology will be satisfied through Site Plan Control application DA-19-155.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Arterial Commercial (C7) Zone, which permits a variety of large-format commercial uses catering to the traveling public, subject to the applicable provisions.

In the opinion of staff, the proposed food production facility is an employment use that does not cater to the travelling public, and hence the use **does not** meet the intent of the C7 Zone.

Analysis

The rationale provided in support of the proposal is that the various components of the food production facility operate in a similar manner as the various components of the uses permitted within the zoning. Staff is of the opinion that the nature and function of the use is not captured through an analysis of each component part, as outlined below.

The applicant notes that the commercial kitchen for food production is in keeping with Conference and Convention Centre. The Convention Centre use caters to the travelling

or drive-by public. While it is true that a facility for the production of wholesale food has a commercial kitchen, the primary use does not cater to the travelling or drive-by public.

The applicant notes that the distribution is comparable to the operational shipping and receiving practices of the permitted uses of the zone such as a Building and Lumber Supply Establishment. Staff agrees that many businesses, including food production facilities and retail establishments, require shipping and receiving as a course of business. The shipping and receiving operations of, for example, a Building and Lumber Supply Establishment, are to support a use that caters to the travelling or drive-by consumer, whereas the shipping and receiving for the proposed food production facility support an employment use which does not cater to the public.

The applicant notes that a restaurant is permitted. Staff concurs. The restaurant is proposed to have no seats and so appears to be for the purpose of selling the food products that are manufactured on site. As a result, the proposed restaurant appears to be incidental to the primary use of a food production facility.

Based on the foregoing, staff is of the opinion that due to the employment activity function of the use, it does not conform with the permitted uses of the zone. As noted above, staff is of the opinion the proposed use does not meet the intent of the Official Plan or the Zoning By-law. Accordingly, staff **does not** support the application.

Recommendation:

Having regard for the matters under subsection 45(2)(b) of the Planning Act, although the uses permitted in the Zoning By-law are defined in general terms, staff is not satisfied that the proposed use of a food production facility conforms with the uses permitted in the Zoning By-law. Staff recommends that the application be **denied**.

Building Division:

1. A building permit is required for the construction of the proposed food production manufacturing facility.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation for further information.
3. This variance is necessary to facilitate Site Plan Application DA-19-155.
4. The Zoning By-law permits a maximum height of 14.0m. The site statistics indicate a height of 12.85m; however, no elevation plans were submitted to confirm compliance. Therefore, further variances may be required.
5. The zoning By-law requires a minimum 3.0m wide planting strip along the street line. No details were shown on the site from which to confirm compliance. Therefore, further variances may be required.

6. The zoning By-law requires minimum planting strip requirements consisting of landscaped areas or landscaped parking islands for a parking lot containing 50 or more parking spaces in a Commercial and Mixed Use zone. It does not appear that compliance has been achieved based on the submitted site plan. Therefore, the applicant shall ensure that the required plantings are provided; otherwise, further variances shall be required.
7. Based on the proposed 51 parking spaces shown on the submitted site plan, it appears that the site will contain surplus parking. However, the applicant shall confirm the total gross floor area intended for the office component within the proposed manufacturing facility in order to confirm the minimum number of parking spaces required for the development.

Development Engineering:

No Comment.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objections to the variance. All comments from Transportation Planning regarding DA-19-155 are still valid.

See attached for additional comments.

From: [Gail Forbes](#)
To: [Committee of Adjustment](#)
Subject: Application no. gL/A-20:97 1800 upper James st Hamilton
Date: July 20, 2020 10:10:19 AM

Thank you for your notice of the above applied for variance Application regarding a proposed food processing plant on upper James st. We have read the information provided and find it lacking in many details. What kind of food processing will be done at this site? What kind of emissions or noxious doors will result from the process? How will this plant affect the quality of our enjoyment of our property? How will it affect our property value?

Given these unanswered questions We state that we are apposed to the granting of this variance.

Yours truly
David and Gail Forbes
6 Sunibel Drive
Mount Hope

Sent from my iPad

From: [Geraldine Mason](#)
To: [Committee of Adjustment](#)
Subject: Building ar 1800 Upper James St. Glanbrook
Date: July 20, 2020 9:39:03 PM

We would like to object to the construction of a food production facility at the
Above location.

Sincerely

Brian & Geraldine Mason,
5 Sunibel Drive.
Mount Hope.

Sent from my iPad

From: [john.purcell](#)
To: [Committee of Adjustment](#)
Cc: [Johnson, Brenda](#)
Subject: Committee of Adjustment Application No. GL/A-20:97 (1800 Upper James St.)
Date: July 20, 2020 5:46:28 PM

The variance sought in this application is to allow a food processing plant on a lot zoned for commercial uses only. I understand Mr. Mercanti, the property owner, intends the building to be used as a manufacturing plant to make the lasagna his company Mercanti Specialty Foods Inc. sells under the name Mama Yolanda's Gourmet Lasagna, and makes at 60 Harlowe Rd. currently.

My wife and I own 16 Northernbreeze St. in Twenty Place. Our back yard looks out directly on the site on which the factory is proposed to be built. We are concerned that such a plant may seriously decrease our property value, and may bring mice and rats too close for our comfort. While we think Mr. Mercanti is a great guy and a credit to Hamilton, and his lasagna looks delicious, we would very much prefer that he locate his new plant in the nearby Airport Employment Growth District, where services are already in place, the zoning is compatible, and the city is longing for resident businesses.

We are asking the Committee of Adjustment to encourage such a move by denying this application.

Yes, this is about as close as one can get, literally, to a NIMBY objection, but current zoning is there, in part, to provide us some protection from incompatible land use and we think it only fair that it should stand. Thank you.

From: [Demik, Kristen](#) on behalf of [Johnson, Brenda](#)
To: [myrna sguigna](#); [Johnson, Brenda](#)
Cc: [Sheffield, Jamila](#); [Committee of Adjustment](#)
Subject: RE: Minor Variance, 1800 Upper James St. Glanbrook GL/A-20:97
Date: July 20, 2020 4:47:16 PM

Hi Myrna,

Thank you so much for writing in. By copy of this email I am including our committee of adjustment staff to make sure your comments are included on this file and brought to the committee before any decisions are made.

Thanks,

Kristen Demik,

Executive Assistant to Councillor Brenda Johnson, Ward 11

Phone 905-546-4678, Fax. 905-546-2535

Web www.brendajohnson.ca

The lobbying of members of the City of Hamilton's Mayor, Council and Senior Management Team are subject to the City's Lobbyist Registry By-law. It's the responsibility of lobbyists to register their lobbying activity. For more information about the Lobbyist Registry please visit www.hamilton.ca/lobbyistregistry.

From: myrna sguigna <v_msguig@hotmail.com>
Sent: July 20, 2020 3:56 PM
To: Johnson, Brenda <Brenda.Johnson@hamilton.ca>
Subject: Minor Variance, 1800 Upper James St. Glanbrook GL/A-20:97

Brenda I live in Twenty Place and have received the notice of public hearing for a minor variance at 1800 Upper James.

I do not think that a food production manufacturing facility should be allowed in a residential area. The odors that will occur from food production is my main concern, and if the variance is allowed more companies could build in the area, the best place is over on Twenty Road & Nebo Rd where there is already food production.

I am not against construction of new commercial business in the area that will provide work for people.

Myrna Sguigna
4 Sunibel Dr.
Mount Hope

Sent from [Mail](#) for Windows 10

From: [Gail Forbes](#)
To: [Committee of Adjustment](#)
Subject: Fwd: Application no. gL/A-20:97 1800 upper James st Hamilton
Date: July 20, 2020 10:34:11 AM

I previously sent an email regarding this matter. I noticed that my iPad had changed one letter on my response. I would like to clarify that we are OPPOSED to this variance for reasons outlined in my previous email. Thank you
Gail Forbes 6 Sunibel Avenue Mount Hope

Sent from my iPad

Begin forwarded message:

From: Gail Forbes <forbes@sourcecable.net>
Date: July 20, 2020 at 10:10:11 AM EDT
To: cofa@hamilton.ca
Subject: Application no. gL/A-20:97 1800 upper James st Hamilton

Thank you for your notice of the above applied for variance Application regarding a proposed food processing plant on upper James st. We have read the information provided and find it lacking in many details. What kind of food processing will be done at this site? What kind of emissions or noxious doors will result from the process? How will this plant affect the quality of our enjoyment of our property? How will it affect our property value?

Given these unanswered questions We state that we are apposed to the granting of this variance.

Yours truly
David and Gail Forbes
6 Sunibel Drive
Mount Hope

Sent from my iPad

From: [cmcosgrove](#)
To: [Committee of Adjustment](#)
Subject: Concerns
Date: July 21, 2020 9:35:40 AM
Attachments: [20200721_093610_16184842439077.mp4](#)

Good Morning;

Thank you for the notice of events that will be occurring.

It would have been nice if the residents on Trinity Church would have been advised of a trucking company moving into the area. They moved onto a property that was once a farm. They started out with about 5 dump trucks. There is at least 20 on the property now. I really don't think it is zoned for this.

The residents on Trinity Church should also have been notified of the construction taking place on Highway 56 which effects us because everyone comes down here. Everyone comes down here to get to the Red Hill. I have mentioned this several times. There should be a bypass so we wouldn't get so much traffic.

Here is a video of the road outside our house.

Christine Cosgrove
1583 Trinity Church Road

Sent from my Samsung Galaxy smartphone.

From: [Karen Nelson](#)
To: [Committee of Adjustment](#)
Cc: [Johnson, Brenda](#)
Subject: Food Processing plant request for variance
Date: July 21, 2020 10:01:21 AM

I am a resident of the Twenty Place Community, which is in close proximity to the this property.

I am very much opposed to this proposal. First of all, I would not care for the odours which could emit from this plant and also could entice more vermin in that swamp like area. The noise from the plant as well as the traffic noises could disturb our quiet community. Why could this plant not be put in the industrial area on the east mountain so that the residential areas would not be affected?

Karen Nelson
44 Critzia Drive
Mount Hope
Sent from my iPad

Petition to City of Hamilton Committee of Adjustment Re:GL/A-20:97

We are residents of Twenty Place, near neighbours to the applicant's property, and request that the Committee of Adjustment deny Application GL/A-20:97, regarding 1800 Upper James St.

The Regulatory Environment

The City has spent considerable time and effort revising the Official Plan and By-law 05-200 to establish the C7 zoning, and that included the subject property. Council saw fit to make the Zoning for this property Arterial Commercial C7 for good and sufficient reasons. The application provides no compelling reason to circumvent and upend that decision. The Committee of Adjustment, established to relieve property owners from "minor" regulatory inconveniences, should support the Official Plan and the principal requirements of the Zoning Bylaw, and not become the plaything of developers looking to game the system for their personal profit.

The following has been taken from an on-line document published by the Toronto legal firm Rodrigues Paiva LLP:

"The Legal Test

S 45(1) of the Planning Act (the "Act") gives the Committee of Adjustments and the Ontario Municipal Board the authority to grant or deny minor variances, commonly referred to as the "four tests" for approval.

The variance must meet the following tests:

1. Maintain the general intent and purpose of the official plan;
2. Maintain the general intent and purpose of the zoning by-law;
3. Be desirable for the appropriate development or use of the land, building or structure; and
4. Be minor in nature.

In the case *Vincent v DeGasperis*, the Divisional Court of Ontario shed light on the four part minor variance test.

The Court emphasized that the definition of something "minor" is something that is "lesser or comparatively small in size or importance" such that a variance could be more than minor because it is too large, or too important. The Court stated that a minor variance could be too large even if it will likely have no other impacts.

The Court further noted that each variance should be considered not from a private perspective, but from a land use planning and public interest point of view. This is accomplished by analyzing the general intent and purpose of the official plan and zoning by-law at issue.

Finally, the Court in *DeGasperis* introduced need and hardship into the s 45 test, stating that the Committee and OMB can consider whether the applicant seeking the variance "needs" the relief or will "suffer hardships" if the variance is not granted, and factor this into its decision."

We would submit that this application fails all four tests, and that the applicant has not demonstrated needing relief or suffering hardships. (The Ontario Municipal Board has been succeeded by the Local Planning Appeal Tribunal, or LPAT.)

Possibility of a Catastrophic Accident

The drawing provided with the application indicates that the factory building would be less than 20 metres from the northerly property line. Immediately on the other side of the property line, in the Hydro One Right-of-Way, is a pipeline easement containing a Union Gas pipeline shipping natural gas and a TransCanada PipeLines pipe shipping liquid petroleum products. In the event of an industrial scale accident at the proposed plant, say an explosion or fire, the consequences could be extremely serious if they impact those pipelines. Any spill induced would likely pollute Twenty Mile Creek, as well. Such an event is much less likely with the commercial uses permitted by the existing zoning.

Property Values: Ours or Theirs

When many of us bought our home in Twenty Place, the Urban Hamilton Official Plan did not allow industrial uses on the subject property and that was a factor in determining if our investment was a safe one. To circumvent the current zoning, which still does not allow industrial uses, by utilizing the Committee of Adjustment as a “back door” method to subvert the intention of the Official Plan would be most unfair to us and all our neighbours in Twenty Place. The presence of such a business so close to our homes, and the possibility that this will be used as a precedent by adjacent property owners to turn their land into industrial locations, risks diminishing our property values. There are 657 units in Twenty Place, and at recent sale prices, just a 10% drop would represent a loss of asset value, collectively, of approximately \$31,000,000. That is patently unfair and would be a gross abuse of the intention of a Committee of Adjustment.

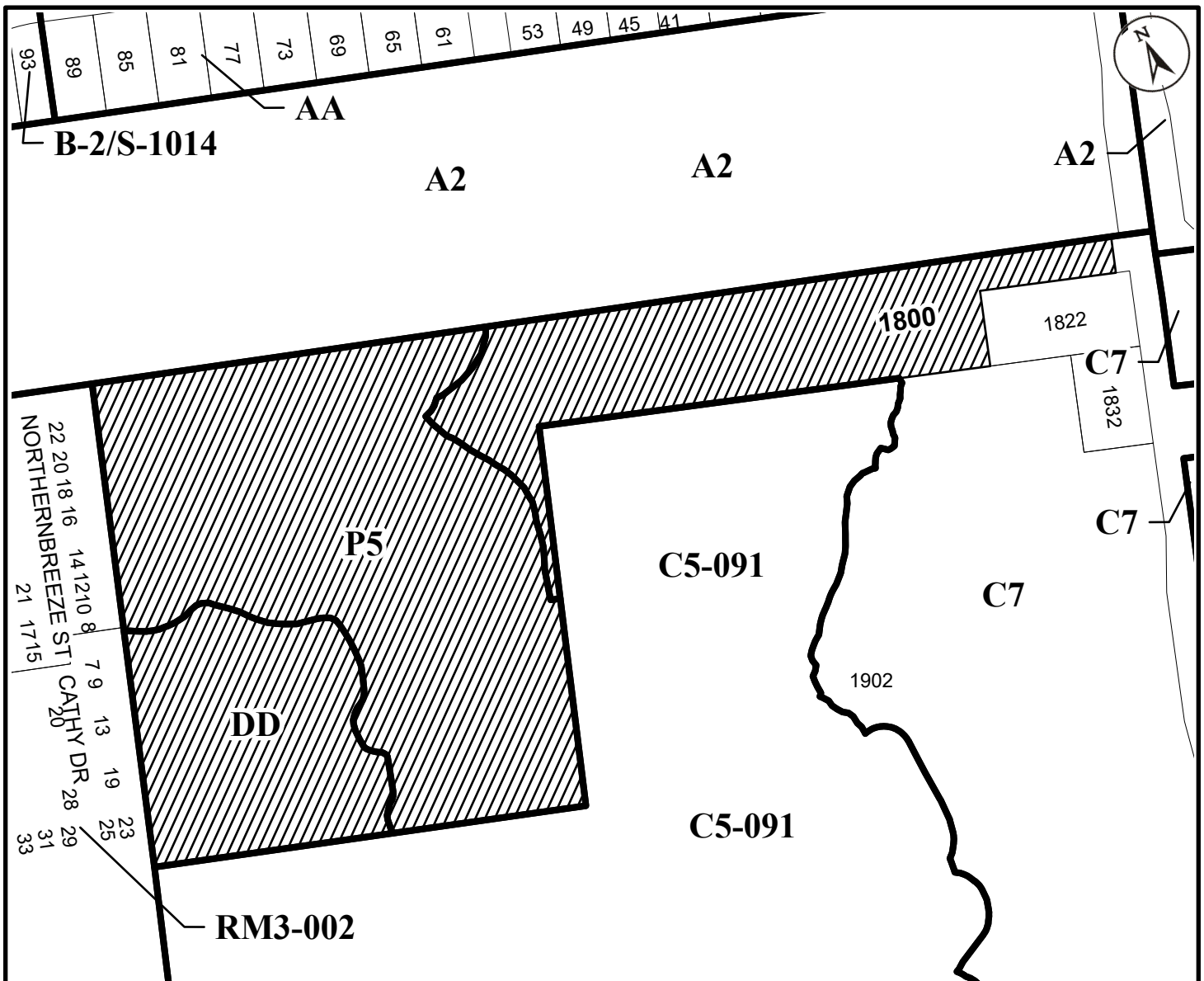
There is plenty of opportunity in the nearby Airport Employment Growth District to locate this business where zoning is compatible and the City is longing for resident businesses. As the subject property is still advertised and listed for sale, it appears as though the developer is attempting to enhance the salability for a “flip” by creating an exemption to the current zoning that would appeal to an additional market. This attempted monetizing of influence is rather callous, as it disregards the damage it may do to the asset value that so many people have spent a lifetime accumulating to see them through their sunset years.

There are additional objections:

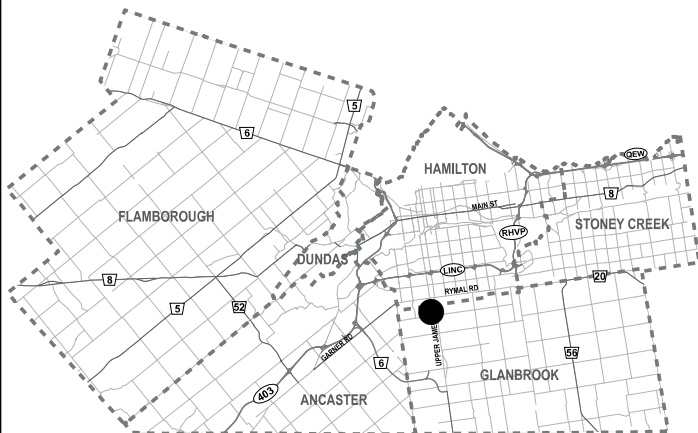
- Staff have recommended denying the application.
- The possibility of noxious odours from the proposed development.
- Conditions that attract vermin, coyotes, skunks, raccoons may arise (odours, waste disposal).
- The impact on an existing wildlife corridor in the Twenty Mile Creek lands, a proper topic for an Environmental Impact Statement, which appears to be lacking from the support materials by the applicant.

Please do the right thing for the 1000 seniors who live in Twenty Place and deny this application. “Stick with The Plan”.

John and Roberta Purcell
16 Northernbreeze St.
905-679-6735
john.purcell@sourcecable.net
August 2, 2020



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1800 Upper James Street, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:97

Date:

July 15, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:87 (236 Old Guelph Rd., Dundas)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit a 24 square metre 1-storey addition to the rear of an existing single detached dwelling.

Niagara Escarpment Plan (2017)

236 Old Guelph Road is Designated “Escarpment Protection Area” and “Special Policy Area 174 (Pleasantview)” in the NEP. The following policies, amongst others, are applicable:

- “21. The Pleasant View Survey Lands consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 1 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2, City of Hamilton (former Town of Dundas), as identified on Schedule A of Amendment 179 to this Plan, are subject to the following additional special provisions:
- a) notwithstanding the permitted uses, and the definitions for lot, existing lot of record and existing use in this Plan, the following apply:
 - i. only uses, except for single dwellings, that existed on or before February 16, 1993 shall be permitted; and
 - ii. only single dwellings that existed on or before August 14, 1998 shall be permitted.
 - b) notwithstanding the provisions set out in a) i) and ii) above, uses accessory to an existing use or to an existing single dwelling (e.g., garage, accessory building, swimming pool) may be permitted in accordance with the Development Criteria of this Plan. The replacement of an existing single dwelling may also be permitted in accordance with the Development Criteria of this Plan.
 - c) notwithstanding the provision set out in a) ii) above, a single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan.”

The Niagara Escarpment Plan takes precedence in this instance as the policies contained in the Niagara Escarpment Plan are the most restrictive of the plans in effect for 236 Old Guelph Road. The NEP only permits single detached dwellings that existed on or before

August 14, 1998. The NEP also permits replacements of existing single detached dwellings and accessory structures.

The proposal represents the development of a single detached dwelling after August 14, 1998 (24 metre addition to the rear of an existing single detached dwelling). Subsection c) makes note that single detached dwellings may only be permitted on a lot having a minimum lot size of 10 hectares. The subject property is 0.19 ha. in size and therefore does not meet the minimum requirement for a single detached dwelling. Based on the preceding information, the proposal does not conform to the Niagara Escarpment Plan.

Rural Hamilton Official Plan

The subject property is designated "Rural" and "Open Space" on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan.

The lands are located in the Rural Special Policy Area A (SPA A) in the Rural Hamilton Official Plan. Staff note the following policy of Volume 3, Chapter A:

"A.1.0 SPA A – Pleasantview

Lands generally located between the eastern limits of the former Town of Dundas urban area, Cootes Paradise, Highway No. 6 and Old Guelph Road.

A.1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable provincial plans and policies."

C.1.1.1 Any development within the Niagara Escarpment Plan Area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan, the most restrictive policies will prevail.

C.114 On lands located within Rural Hamilton and identified as Niagara Escarpment Plan Rural Area on Schedule A – Provincial Plans, the following policies shall apply:

- c) Where lands are designated Rural on Schedule D – Rural Land Use Designations, the policies in Section D.4, Rural Designation of this Plan shall apply; ”

The RHOP specifies that development shall be in accordance with the most restrictive policies of the applicable provincial plans (Policy C1.1.1). Three plans are applicable in this case: the Niagara Escarpment Plan, Parkway Belt West Plan and the local Rural Hamilton Official Plan. The most restrictive policies belong to that of the Niagara Escarpment Plan. Therefore, the NEP prevails. Finally, the applicable policies referred to SPA A from the Dundas OP that relate to development in the Pleasantview Area are described below.

Official Plan of the Former Town of Dundas

The subject lands are designated “Rural” on Schedule – B and “Special Policy Area 14” on Schedule B-1 in the Dundas Official Plan. The following policies, amongst others, are applicable:

“1.3.1.14A For those lands designated “RURAL” on Schedule “B” and identified on
(O.P.A. #13) Schedule “B-1” as SPECIAL POLICY AREA 14, the following provisions
will apply:

(O.P.A. #23)

i) Notwithstanding Policy 4.3.7(ii), the lands will be subject to Site Plan Control;

ii) If a piped water supply is approved by the Ministry of Environment for extension into the area, a Neighbourhood Plan will be prepared which will identify the pipeline easement and road pattern;

(O.P.A. #13,
Amended by
Board Order)

iii) Development of one single detached dwelling on a lot of not less than 10 ha will be permitted in accordance with the following provisions:

a) Development will only be permitted as if and when the area is serviced with a piped water supply;

b) All developments by plan of subdivision or conveyance will be subject to the following requirements:

- a report from a qualified soils engineer to determine suitability to support a septic system

detailing the percolation rate and grain size distribution; the amount of over burden to a minimum depth of 2.1 m; depth of water table (if less than 3 m); and, plan of finished grades;

- sewage disposal shall be by a private system acceptable to and approved by the Medical Officer of Health on a lot by lot basis;
- zero increase in run-off from developed areas;
- storm water brought to the invert of the stream system with the appropriate erosion control protection at outlets;
- minimize run-off down valley slopes
- no development will be permitted adjacent to lands designated Conservation – Hazard Lands where any portion of a building, structure or tile field will be closer than 60 m from the edge of a stream or natural water course or pond, or 15 m from valley “fill” lines or “top-of-bank” lines, as determined by the Conservation Authority having jurisdiction, whichever results in the greatest distance. If slopes are determined to be unstable, appropriate setbacks will be established at the time of development. Alternatively, an appropriate distance may be established by the appropriate Conservation Authority, and the Department of Public Health Services;
- submission of a grading and drainage plan showing proposed site grading, land slopes and overland flow direction, in accordance with the requirements of the Conservation Authority having jurisdiction; and,

- provide for an appropriate storm water management scheme and maintenance of systems within the ravine network;

The Dundas Official Plan notes under 1.3.1.14A iii) that the development of a single detached dwelling may only be permitted on lots having a minimum lot area of 10 hectares (24.7 ac.). The intent of this provision comes from an OMB decision from June 1995, where new development in Pleasantview was limited to very low density. In 1995, there wasn't a comprehensive provincial planning framework to compliment planning decisions like there is today and so there were proposals to develop Pleasantview with various subdivisions notwithstanding basic provisions such as infrastructure or transit.

As such, the OMB decision recognized that new development should locate in settlement areas and the intent of the 10-hectare provision was only to allow for a select number of properties to develop with single detached dwellings. As the subject lands are only 0.19 hectares the proposal does not meet the intent of the Dundas Official Plan.

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

The subject lands are zoned "RU/S-58" (Rural Zone) District. A single detached dwelling is a permitted use, however, the use is subject to the performance standards of the RU Zone. The applicant requires variances to the performance standards to permit the single detached dwelling to be constructed.

Variance 1 and 2

For variance 1, the applicant is seeking a variance to permit an addition to a legally existing single detached dwelling to be permitted in the "RU/S-58" (Rural Zone) District.

For variance 2, the applicant is seeking a variance to permit a minimum lot area of 0.19 hectares (1923 square metres) to be permitted instead of the required minimum lot area of 0.8 hectares (8000 square metres).

The applicant requests that a single detached dwelling be permitted on the subject property with a minimum lot area of 0.19 hectares notwithstanding that the required minimum lot area for a single detached dwelling is 10 hectares (24.7 acres). The subject lot is an existing lot; however the single detached dwelling is not permitted within an RU Zone unless the minimum required lot area is met or a minor variance is achieved.

The minimum lot size is related to the OMB decision from June 1995 and was implemented through the Dundas Official Plan and Niagara Escarpment Plan. Both plans indicate that a single detached dwelling is permitted on a lot having a minimum lot area of 10 hectares. As such, the intent of the Dundas Official Plan is not met in this case. As the Zoning By-law implements the direction of the Dundas Official Plan and requires a minimum lot size of 10 hectares, staff are of the opinion that the intent of Dundas Zoning By-law 3581-86 is not met in this instance.

In staff's opinion, the variances do not meet the intent of the Dundas Official Plan and Zoning By-law.

Recommendation

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Dundas Official Plan and the Former Town of Dundas Zoning By-law No. 3581-86. The variances are not considered to be minor in nature and are not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

1. The rear deck noted on plans has not been reviewed for zoning compliance as insufficient details were provided for a full zoning review. Should the rear yard deck not be in compliance with Dundas Zoning By-law 3581-86, further variances will be required.
2. A building permit is required in the normal manner for the construction of the proposed addition.
3. Please be advised Ontario Building Code regulations may require specific setback and construction types.
4. Building permit #17-131834, issued on November 17, 2017, to finish the basement remains not finalized.
5. Building permit #20-146635, issued on January 23, 2020, to construct a 49.33m² detached garage remains not finalized.

Development Engineering:

Provided the existing drainage pattern is maintained, the Development Approvals section has no issue with the Minor Variance as proposed.

See attached for additional comments.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of Adjustment](#)
Subject: COA - MTO comments
Date: July 27, 2020 10:02:37 AM

To whom it may concern:

I have reviewed the latest Committee of Adjustment and identified the properties located within Ministry's permit control. Please see the list below.

73 Pinelands Ave.

111 Teal Ave.

3659 Upper James St.

36 Old Guelph Rd.

801 King St. W.

352 Beach Blvd.

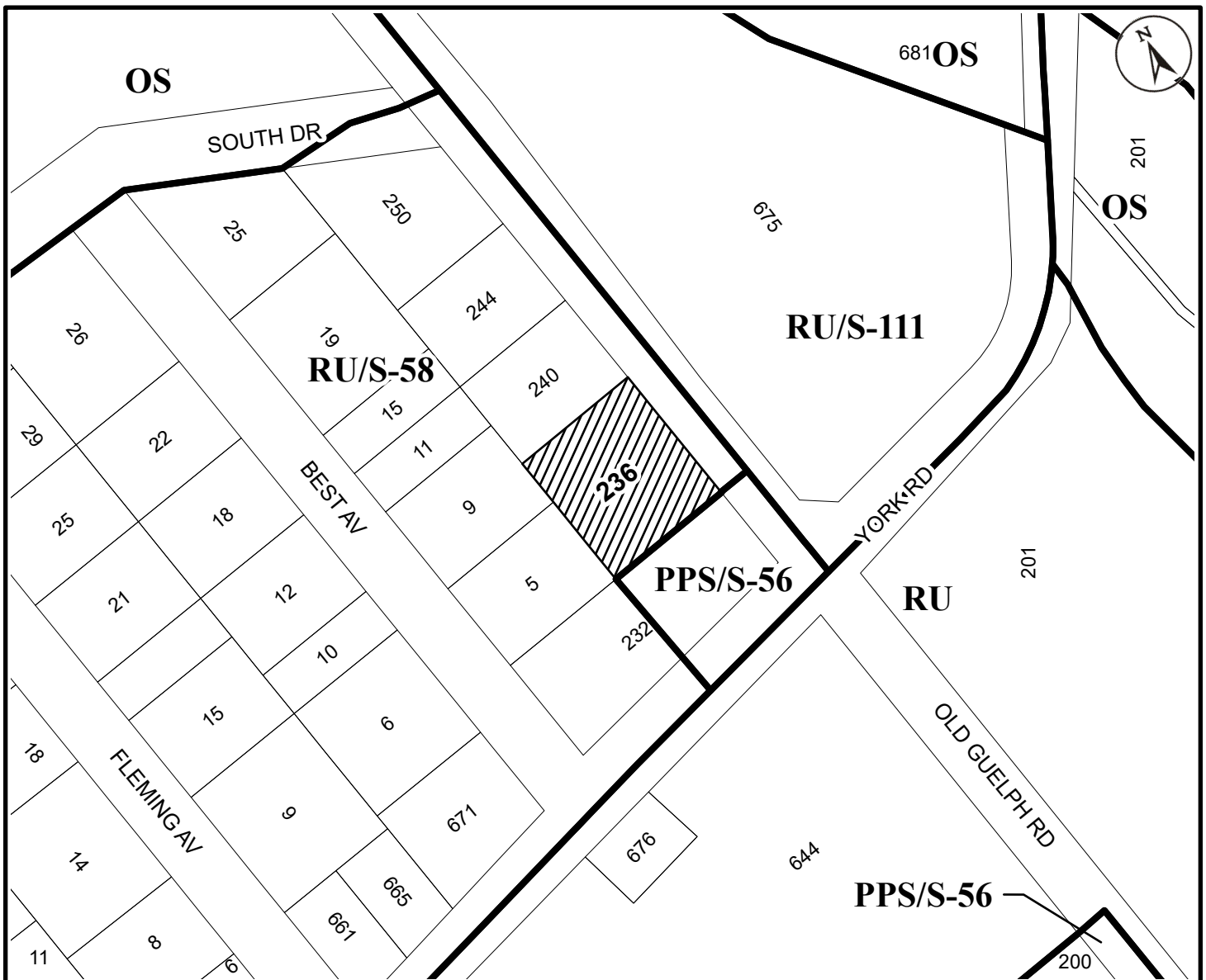
6 Roselawn Ave.

801 King St. W.

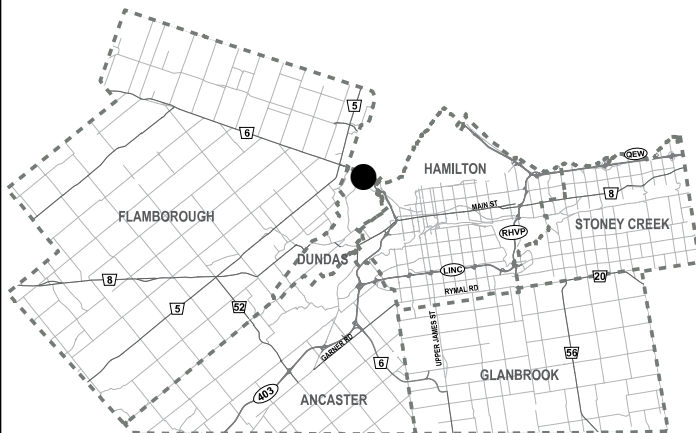
46 Roselawn Ave.

The residential properties will require a Ministry's BLU (Building and Land Use) permit. Commercial properties will require a full submission reviewed and approved before the proponent may apply for a permit. Typically MTO requires a Site Plan, drainage, traffic, and electrical materials.

Regards,
Alexandra Boucetta
Corridor Management Officer - Hamilton



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



236 Old Guelph Road, Dundas
(Ward 13)

File Name/Number:

DN/A-20:87

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:88 (3 Janis Court, 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 detached accessory structure (garage) to be located in the rear yard of an 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 Zone (R2), to which the use complies.

Variance 1 and 2

The applicant is seeking a variance to permit a minimum side yard setback of 0.9m instead of the minimum 2.0m side yard setback required by the R2 Zone. The applicant is also seeking a variance to permit a minimum rear yard setback of 0.9m instead of the minimum required 2.0m rear yard setback.

The proposed variances are intended to enable the construction of a new detached garage to replace an existing detached garage. Staff note that the existing detached garage has a side yard setback of only 0.15m. Further, similar setbacks have been established for other rear yard accessory structures in the immediate area. With regard to drainage, staff defer to Development Engineering Approvals. The intent of the RHOP and Zoning By-law are maintained as the setback is compatible with the neighbourhood character and achieves access into the rear yard. The variances are minor in nature and appropriate for the development of the subject property as the configuration, form and mass of the proposed detached garage is compatible with the character of the neighbourhood. Accordingly, staff support the variances.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan and the Former Town of Dundas Zoning By-law No. 3581-86. 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:

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

Development Engineering:

No Comment

See attached for additional comments.

HEATHER SWARTZ
4 Linda Court
Dundas * Ontario * L9H 1S6
905 517-6468

August 2, 2020

Committee of Adjustment
Hamilton, Ontario
cofa@hamilton.ca

RE: Minor Variance Application
Committee of Adjustment Meeting Thursday, August 6, 2020
Application No: DN/A- 20:88
Applicants: Owner: Susan Frasson
Agent: J.H. Cohoon Engineering
Subject Property: 3 Janis Court, Dundas

Thank you for the opportunity to participate in this Committee of Adjustment meeting. I am the homeowner of 4 Linda Court, Dundas located directly behind (west of) the full rear property (lot) line of 3 Janis Court, the subject property. I wish to express opposition to the Committee of Adjustment providing a minor variance to the minimum rear yard setback under the Town of Dundas Zoning By-law 3581-8, as amended.

Lot Line

It is my understanding that the existing wood fence, installed at my cost in 2010, was built slightly west and parallel to the lot line as determined by a professional survey. The fence does not signify the lot line and the rear yard setback should be calculated from the actual lot line as determined by a professional survey.

Setback

Dwg. No. A5 of the Proposed Accessory Garage indicates that the structure walls will be positioned 3 ft. (0.9 m) from the lot line with a roof/eave overhang of 1 ft. 6 in. (0.457 m). This would provide a setback of only 0.45 m (18 in) from the lot line, which I find unacceptable given the size and height of the proposed structure is the maximum allowable. Any portion of the proposed structure, including eaves or roof overhang, should not extend beyond the minimum 2.0 m rear yard setback established under the By-law.

Clay Pipe Drainage

I have been a resident of 4 Linda Court from 1958 to 1978 and 2000 to 2020, with my parents residing in the home from 1958 to 2000. Based on my knowledge of the property and the neighbourhood, I am aware that an approximately 9 in clay draining pipe was

installed in the 1950's in the rear yard of 3 Janis Court parallel to the lot line, approximately 2 to 3 ft from the rear yard lot line and approximately 1 to 2 ft below grade. This clay pipe runs parallel to the lot line of each home on the west side of Janis Court and was installed to provide drainage for rain water runoff from the escarpment to the north, channeling the water to the storm sewer located on Marion Crescent to the south. In the spring of 2011, there was flooding in the rear yard of 3 Janis Court, and, to assist my then neighbour, I dug down to the clay pipe the length of the rear yard to confirm its integrity. Allowing a minor variance to the minimum setback would potentially damage or, due to roof runoff, put additional pressure on an aging clay pipe that provides essential drainage for the neighbourhood.

Maximum Size

Dwg. No. A5 indicates that the proposed structure represents the maximum size of 41 m² (442 ft²) and the maximum height of 4.0 m (13 ft 1 ½ in). The size of the structure is not in keeping with other accessory structures in the neighbourhood.

- Width

The width of the rear of the proposed structure is 8.23 m (27 ft). With the roof overhang/eaves, the width of the structure is 9.14 m (30 ft). The width of the accessory structure is wider than the principle dwelling which is 7.95 m (26 ft 1 in) and has a setback 16.64 m (54 ft 7 ¼ in) from the rear lot line. Given my existing garden shed, all but 2.1 to 2.4 m (7 to 8 ft) of my rear yard line of sight will be obstructed by a proximate and continuous building and roof.

- Height

At 4.0 m (13 ft 1 ½ in) high the structure will extend 2.1 m (7 ft) higher than my existing 91.8 m) 6 ft. fence. The height of the proposed structure is inconsistent with any other accessory buildings, garages or sheds in the neighbouring properties which are approximately 3.0 (10 ft) high.

- Lot Coverage

The proposed structure is 41 m² (442 ft²). In comparison, the lot coverage of the structure represents more than half (60.5%) of the lot coverage of the principle dwelling, which is 67.8 m² (730.8 ft²). The size of the proposed structure, while within the maximum allowable size, is not in keeping with other accessory structures in the neighbourhood.

The application submitted for the minor variance indicates that the By-law provision cannot be complied with as the proposed garage takes up too much backyard space of a "small" lot. This rationale is perplexing as the lot is a standard size of 15.24 by 30.48 m (50 by 100 ft) with the rear yard measuring 15.24 x 16.65 m (50 by 54 ft 7 ¼ in). The current garage is 7.33 by 3.66 m (24 x 12 ft). The lawn and garden area is compromised by the owners' personal choices to erect a large wooden deck and an accessory structure

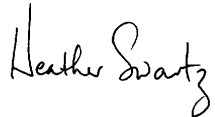
that is the maximum size and requires a driveway for its stated use. These personal decisions do not provide a legitimate reason to vary the setback.

- Usage

The structure's future use as a garage is diminished by its location at the rear of the property and need for a 24 m (79 ft) long driveway. I understand that the structure cannot be used for habitation and would ask that any future usage be in accordance with the By-law.

Thank you for the opportunity to participate and submit comments. I respectfully request that the Committee of Adjustment deny the minor variance to the minimum rear yard setback for the proposed accessory structure at 3 Janis Court.

Yours very truly,

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

Heather Swartz

From: [Rob Wagner](#)
To: [Committee of Adjustment](#)
Subject: DN/A-20:88
Date: July 24, 2020 7:23:48 PM

Hello, in response to the CofA for 3 Janis Crt.

I'd prefer it not be allowed to be any closer than 2m to property line

Rob Wagner, CET

Owner / Design Consultant
8 Linda Crt, Dundas, ON L9H 1S6
ph (905) 379-1816
tailoredliving.com/Hamilton

"We calm your chaos"

I would appreciate your referrals. Please feel free to forward my contact information to your family, friends & business associates.

follow us on facebook!

From: [Wendy Crechiola](#)
To: [Committee of Adjustment](#)
Subject: Committee of adjustment
Date: August 3, 2020 9:02:47 PM

Committee of Adjustment
Hamilton, Ontario
cofa@hamilton.ca

RE: Minor variance Application
Committee of adjustment meeting Thursday, August 6, 2020
Application No: DN/A-20:88
Applicants Owner: Susan Frasson
Agent: J.H. Cohoon Engineering
Subject Property 3 Janis Court Dundas

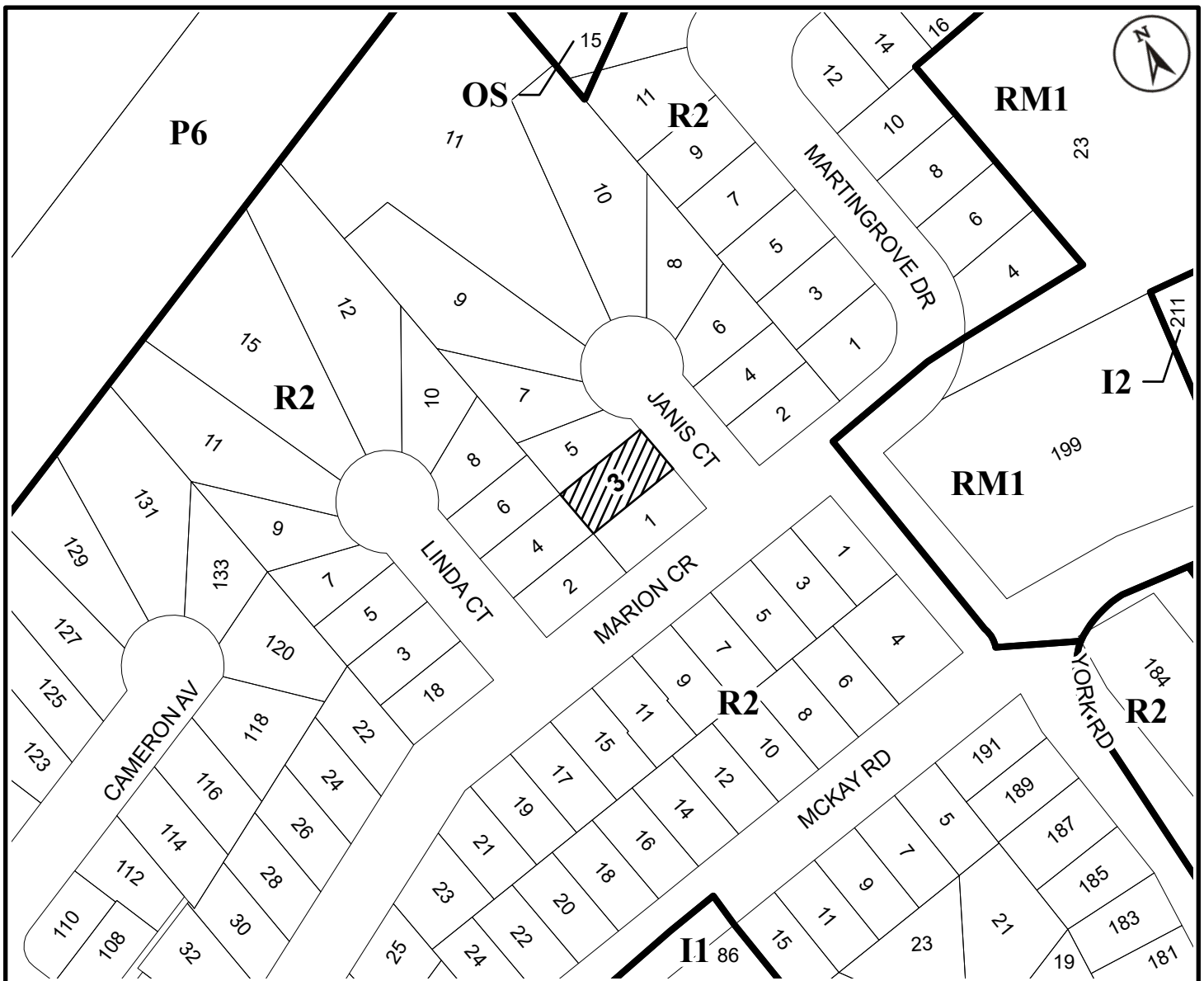
Thank you for the opportunity to submit comments to the Committee of Adjustment meeting on August 6, 2020 regarding the application by 3 Janis court (DN/A-20:88) for a minor variance th the minimum rear yard setback under the Town of Dundas Zoning By_law 3581-8, as amended

For over 40 years my husband and I have been the homeowners of 6 Linda Court, Dundas located behind (west and north of) the rear property line of 3 Janis Court, the subject property.

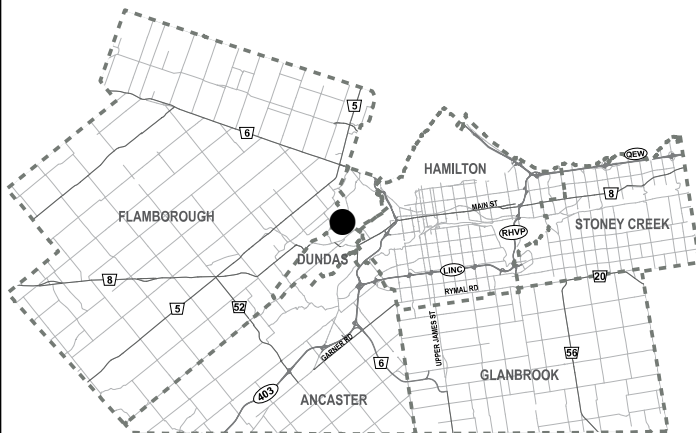
We wish to express opposition to the Committee of Adjustment providing a minor variance given the maximum size and height of the proposed structure. The structure will be larger and higher than other accessory structures in the neighborhood and should not be placed closer to the rear property line than is legally allowed.

Thank you for your time

Wendy Crechiola
6 Linda Court,
Dundas, Ontario
L9H1S6
905-975-8158



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3 Janis Court, Dundas
(Ward 13)

File Name/Number:

DN/A-20:88

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:129 (7 Greenwood Crt., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new covered deck in the rear yard of the existing single detached dwelling.

Rural Hamilton Official Plan:

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

City of Hamilton Zoning By-law 05-200:

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

Variance 1

The applicant is seeking a variance to permit a minimum rear yard setback of 3.0m for the new deck instead of the minimum 6.0m rear yard setback required by the S1 Zone.

The abutting properties consist of single detached dwellings with lots that are of a similar size and irregular configurations, some with deeper rear yards. The location of the proposed covered deck is in the rear yard of the subject property. Given the significant distance between the proposed deck and the existing dwelling at 9 Bayview Avenue (i.e. abutting property to the north) Staff are satisfied that the reduced rear setback will not have any negative affect on that property from a massing, privacy or overlook perspective. Existing mature vegetation along the property line serves to further mitigate any potential impacts. The prescribed side yard setback of the S1 Zone will be maintained from the west property line. The massing of the deck structure is modest in nature when compared to the existing single detached dwellings in the area to which the rear yard setback regulation applies. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

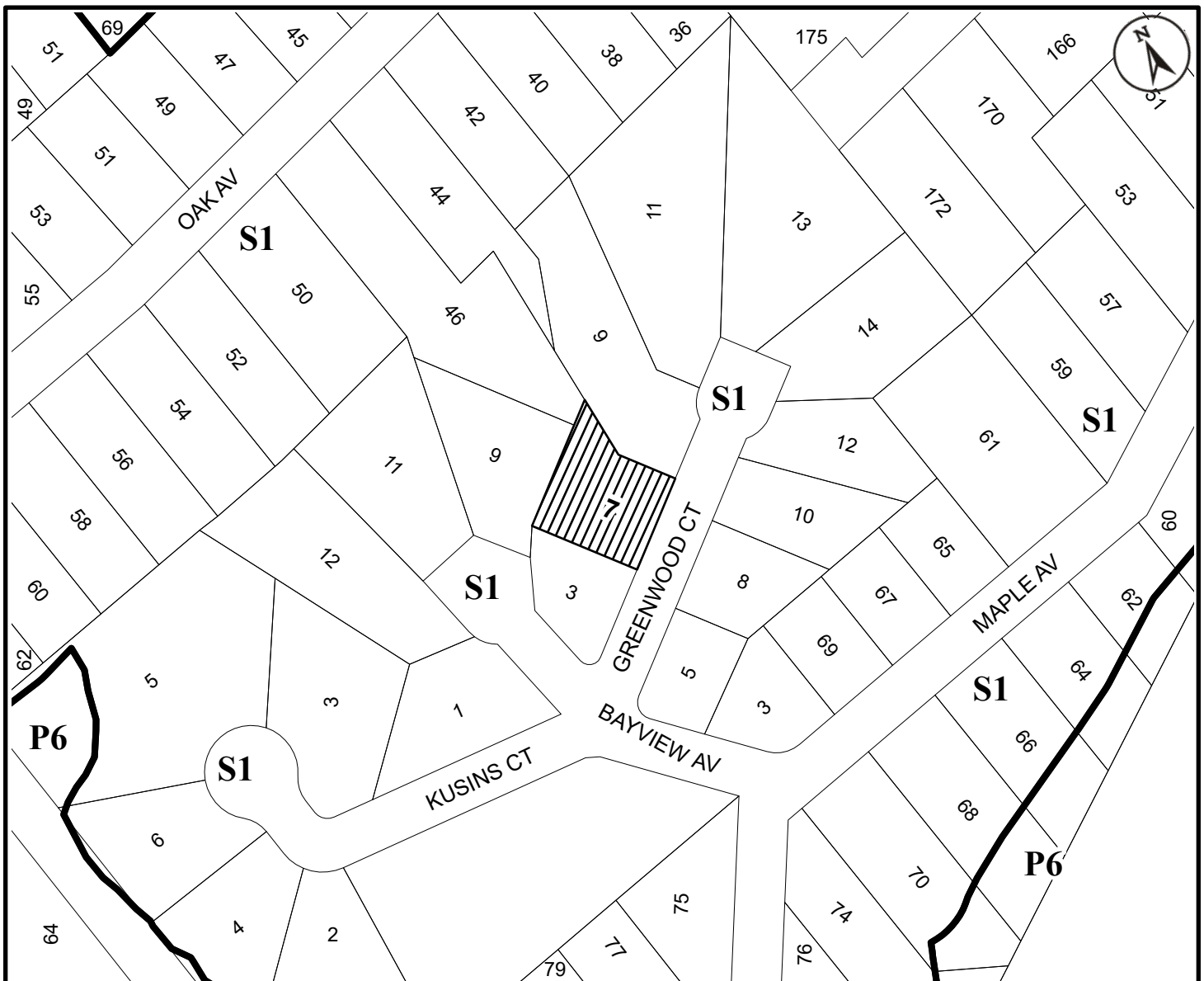
Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion,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

Building Division:

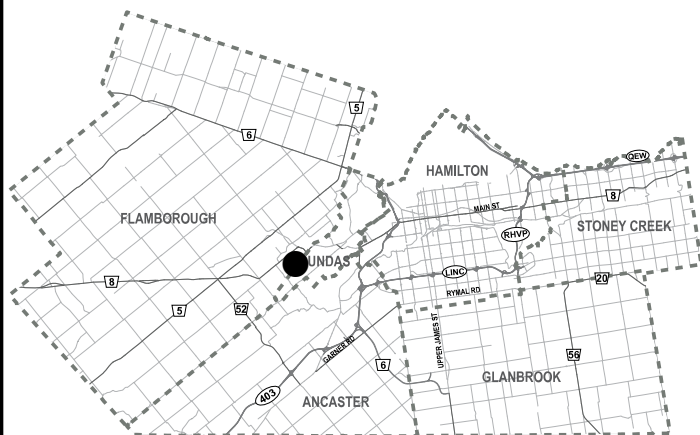
1. A building permit is required for the construction of the proposed new deck.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



7 Greenwood Court, Flamborough
(Ward 13)

File Name/Number:

FL/A-20:129

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:89 (182 11th Con. Rd. E., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an 88.10 square metre addition to an existing single detached dwelling.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” on Schedule D – Rural Land Use Designations, to which the use complies. Significant portions of the property are identified as “Core Areas” on Schedule B – Natural Heritage System reflecting the presence of Significant Woodlands and Wetlands. The disturbed portion of the site surrounding the existing dwelling is not within the Core Area designation.

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

The subject property is zoned Rural (A2) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone. The applicant proposes the construction of an addition to an existing single detached dwelling within the Conservation/Hazard Land – Rural (P7) Zone. Existing single detached dwellings and limited additions to existing dwellings are permitted.

Variance 1

The applicant is seeking a variance to permit a maximum expansion of 44 percent of the gross floor area of an existing dwelling (88.10 square metre expansion) whereas the regulations of the P7 Zone permit a maximum expansion of 10 percent of the gross floor area of an existing dwelling (16.38 square metre expansion).

the P7 Zone is applied to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan. As such, the zone regulations seek to limit new construction so as to ensure the protection of Natural Heritage features. The P7 regulations allow for modest additions to existing buildings as of right (i.e. 10% max.).

Section 2.4.4 of the Rural Hamilton Official Plan provides that expansions to existing buildings and structures for agricultural uses, and residential dwellings together with accessory uses may be considered within or adjacent to Core Areas and their associated vegetation protection zones if it is demonstrated that: a) There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and b) The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible. In this regard:

- The existing dwelling is located in a disturbed portion of the site which is the preferred alternative;
- There is sufficient space to accommodate the expanded area within the existing disturbed area outside of the mapped core area features;
- The existing dwelling is over 30 metres from the mapped boundaries of the core features which does achieve a minimum vegetation protection zone; and,
- The property is subject to Site Plan Control which provides an additional mechanism to address Natural Heritage considerations and ensure any impacts are minimized to the greatest extent possible.

The proposed modified regulation to permit a 44% gross floor area expansion for the proposed dwelling is therefore meeting the intent of the Official Plan and Zoning By-law and the variance is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

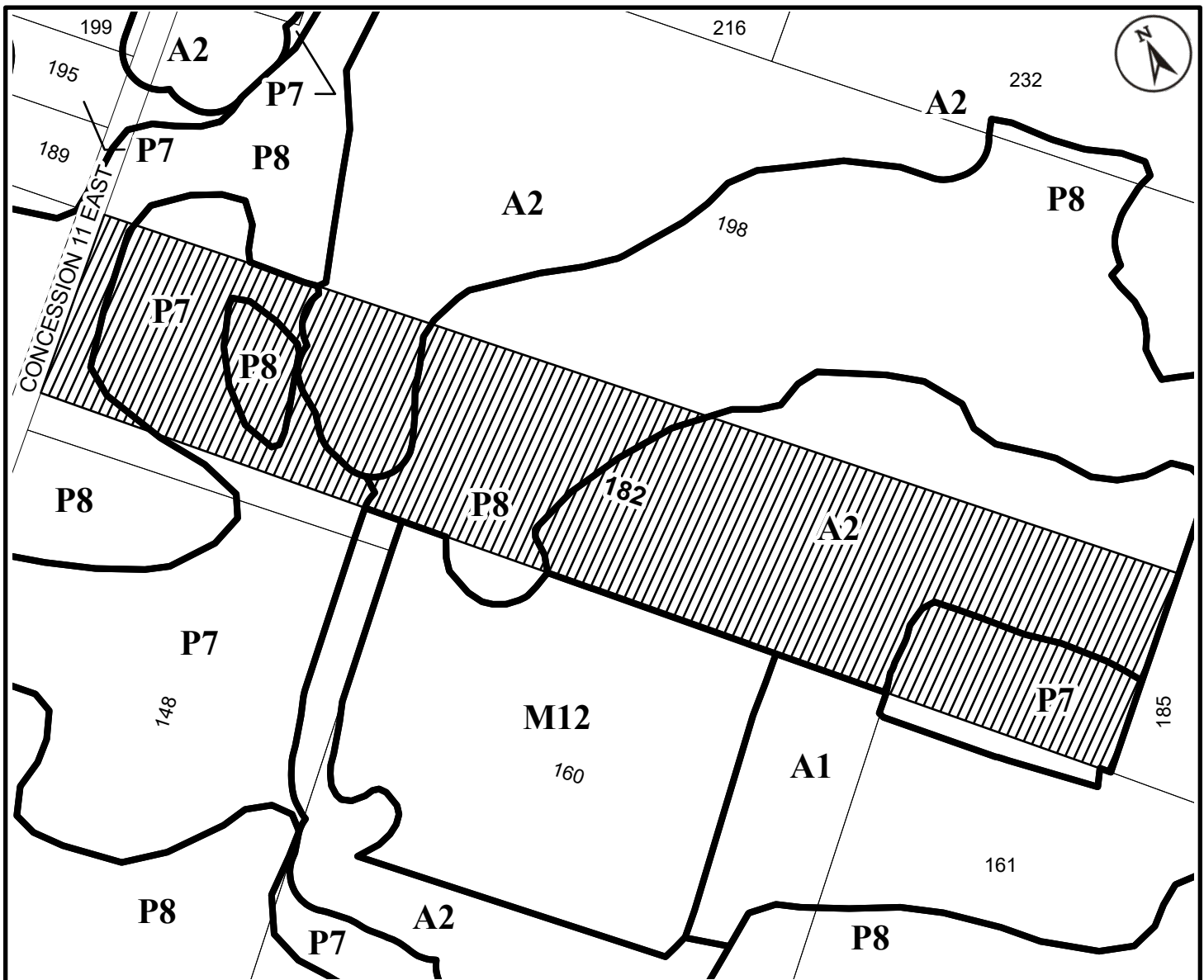
Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion,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

Building Division:

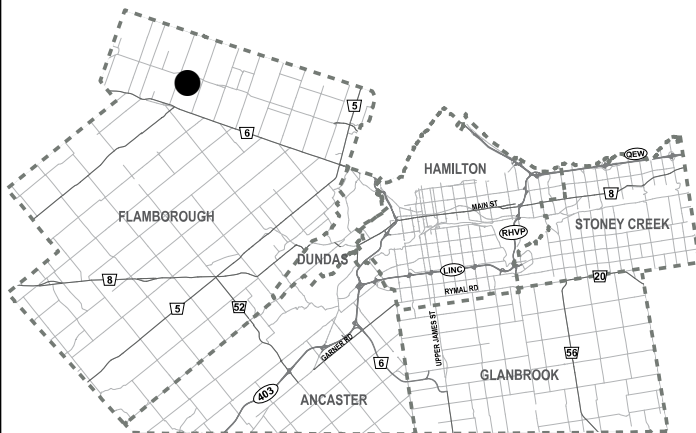
1. No elevation drawings or floor plans were included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.
2. Specific details regarding permitted yard encroachments were not included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.
3. Construction of the proposed addition 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. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton prior to any development.

Development Engineering:

Provided the existing drainage pattern is maintained, the Development Approvals section has no issue with the Minor Variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



182 11th Concession Road East,
Flamborough (Ward 15)

File Name/Number:

FL/A-20:89

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:90 (8010 Dickenson Rd. W., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a one-storey, 110m² addition to the east side of the existing single detached dwelling, a covered front porch and a new covered rear porch, along with a 92.0m² accessory structure (detached garage) in the rear yard.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” on Schedule D – Rural Land Use Designations to which the use complies. Policy D.4.1, amongst others, is applicable and permits a single detached dwelling.

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

The subject property is zoned Rural (A2) Zone with a small portion in the northwest corner being zoned Conservation/Hazard Land – Rural (P7) Zone. A single detached dwelling and accessory buildings are permitted in the A2 Zone.

Variance 1

The applicant is seeking a variance to permit a minimum front yard setback of 2.4m instead of the minimum 10.0m front yard setback required by the A2 Zone.

Staff note that the front yard setback for the existing dwelling is 2.4m, at the closest point between the dwelling and the southerly lot line. The proposed one-storey, 110m² addition to the east side of the existing detached dwelling will maintain the existing 2.4m setback. The proposed covered front porch would be permitted to encroach/project into the front yard up to half of the distance of the required front yard.

Staff note that the principle building envelope will not encroach further into the front yard than the existing condition and, as such, will not negatively alter the character of the existing streetscape. 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 adjacent properties or the surrounding neighbourhood. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to permit a building height of 6.5m for the accessory building (detached garage) instead of the maximum permitted building height of 6.0m required for buildings accessory to a single detached dwelling in the A2 Zone.

Staff note that although the proposed height of the accessory structure is 6.5 metres, the additional height is a result of a pitched roof design and is not being requested so as to accommodate additional levels of floor space. The proposed accessory structure will be (1) one storey, consistent with the zone regulations. In evaluating the proposed height of the accessory structure, staff note that the scale will remain subordinate to the existing single detached dwelling which has a height of 7.32m. With regard to the location, the height can be justified by both the size of the lot and the lack of sensitive uses adjacent to the structure. Therefore, the variance meets the intent of the Zoning By-law, the variance is minor in nature and is appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 3

The applicant is seeking a variance to permit a gravel access driveway to be provided whereas the by-law requires an access driveway to be either asphalt or concrete for a minimum of 10.0m extending from the street.

This variance represents an existing condition affecting the subject property as the parking area has never had an asphalt surface. It is a common condition in the rural area to have existing uses that have gravel parking areas. The variance meets the intent of the Official Plan and Zoning By-law as it represents an existing condition on the subject property. The variance 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 Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 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 application be approved.

Building Division:

1. A variance has also been requested to permit the projection of the proposed covered front porch. However, Section 4.6(d) permits a porch to encroach into a yard not more than half the distance of the required front yard. As such, the location of the proposed covered front porch will comply provided that variance #1 is granted.

2. A portion of the rear yard is zoned 'P7' (Conservation/Hazard Land). Be advised that the Hamilton Zoning By-law 05-200 prohibits new buildings from being within 7.5m of the boundary of a 'P7' zone. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if any new construction is proposed within 7.5m of the P7 zone.
3. One (1) parking space is required to be provided for the single detached dwelling. Each parking space shall be at least 3.0m in width and 5.8m in length and shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Parking Details have not been provided to determine zoning compliance.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority prior to any development.
5. A building permit is required in the normal manner for the proposed construction.
6. Please be advised that Ontario Building Code may required specific setbacks and construction types.

Development Engineering:

No comment. For the information purposes only, the applicant should be advised of a future road widening requirement on Dickenson Road. Presently the road allowance width is 28.6m, the future road widening width requirement is 36.576m.

See attached for additional comments.

From: [Sarah Mastroianni](#)
To: [Committee of Adjustment](#)
Subject: GL/A-20:90
Date: July 28, 2020 3:01:47 PM

Good Afternoon,

Please note the NPCA offers no objections to the approval of this application. Any works proposed within the NPCA's screening areas will require approval from this office prior to the issuance of any building permits.

Thank you.

Sarah Mastroianni
Senior Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121
email: smastroianni@npca.ca

[NPCA Watershed Explorer](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at https://twitter.com/NPCA_Ontario.

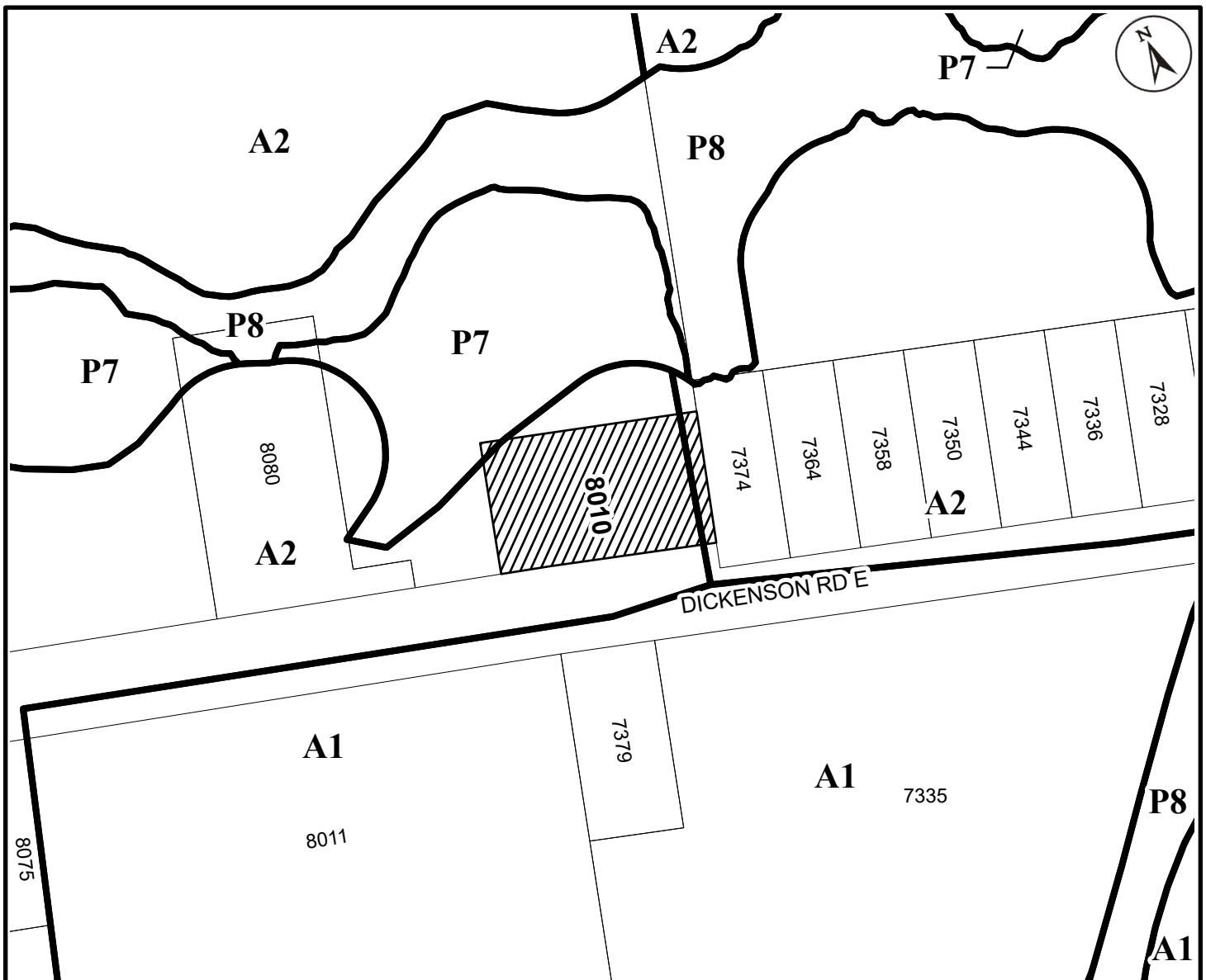
For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

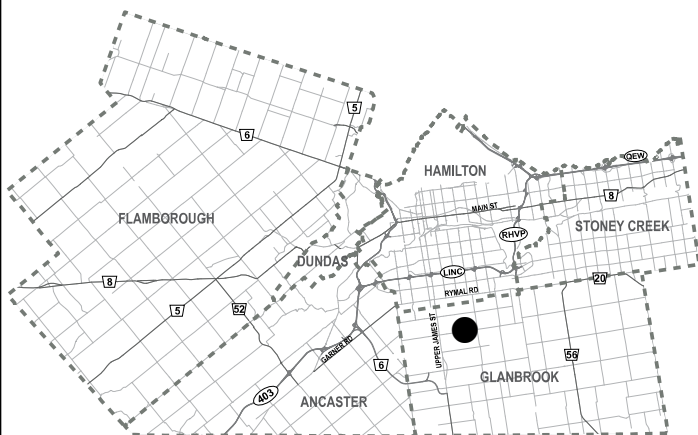
To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

[NPCA Watershed Explorer](#)

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



8010 Dickenson Road West
Glanbrook (Ward 11)

File Name/Number:

GL/A-20-90

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:91 (267 Upper Centennial Pkwy., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a commercial shopping centre in order to facilitate Site Plan File No. DA-19-101.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates this property as “Arterial Commercial” in Schedule E-1: Urban Land Use Designations, to which the use complies.

The subject lands are designated as “Arterial Commercial” also identified as “Site Specific Policy – Area E” within the Nash Neighbourhood Secondary Plan: Land Use Plan Map B.7.5-1. To which the use complies.

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

The subject property is zoned “C7, 315, H83” Arterial Commercial, Holding Zone. The permitted uses within this zone coincide with the proposal.

Variances 1 and 2

For Variance 1, the applicant is seeking a variance to allow for a maximum front yard setback to not be required instead of the maximum required 6.0m front yard.

For Variance 2, the applicant is seeking a variance for a maximum building setback to not be required from the Mud Street West street line, the Upper Centennial Parkway street line and the street line at the hypotenuse of the daylight triangle at the corner of Mud Street West and Upper Centennial Parkway instead of the maximum building setback of 6.0m.

The proposed variance facilitates the construction of buildings “CRU1, CRU2, and CRU3” which is located on portion of the site, fronting Upper Centennial Parkway. Staff are satisfied that the subject property is large enough to accommodate the proposed commercial shopping centre and that the request for no maximum front yard setback is to facilitate the internal circulation of the site and to create a presence at this corner. Therefore, the variance is minor and appropriate for the development of the subject property. Staff support variance 1.

In addition, the applicant is seeking a variance for a maximum building setback to not be required from the Mud Street West street line. The proposed variance facilitates the construction of buildings “CRU1 and CRU2” which are situated along the Mud Street West

street line. Staff are satisfied the proposed variance will have no impact on the adjacent properties and future properties. Therefore, the variance is minor. Accordingly, Staff support variance 2.

Variance 3

For variance 3, the applicant is seeking a variance for a landscape/planting strip having a minimum width of 1.2m to be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except for points of ingress and egress, instead of the requirement that a landscape strip having a minimum width of 3.0 shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.

The intent of the By-law is to provide an adequate buffer between land uses and to allow for plantings to have adequate room to grow and ensure the sustainability of the plantings. The reduction is required to accommodate a 1.2 m landscape/planting strip for the drive-through area which abuts the Neighbourhood Development “ND” and Residential “R1” Zones at the north western corner of the property. Staff note that an existing landfill operation is located to the west of the property and does not require a landscape/planting strip. Through review of the site plan application, it was determined that a 1.2 m landscape/planting strip would be provided for the area abutting the Extractive Industrial “ME-1” Zone to the west of the property and a 1.8 m landscape/planting strip would be provided for the area abutting the Residential “R1” and Neighbourhood Development “ND” Zones at the north western portion of the property. As such staff are supportive of the reduction. Therefore, based on the above, the variance meets the intent of the Official Plan and Zoning By-law. The variance is minor and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variances 4, 5

For variance 4, the applicant is seeking a variance for a planting strip having a minimum width of 1.2m to be provided adjacent to the northerly rear lot line abutting a Residential “R1” Zone, except for points of ingress and egress, instead of the requirement that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained

For variance 5, the applicant is seeking a variance for a minimum 1.2m planting strip to be provided along the north rear lot line abutting a Residential “R1” Zone, except for points of ingress and egress, instead of the requirement that for a Motor Vehicle Gas Bar, a minimum 3.0m planting strip shall be required abutting a Residential Zone or Institutional zone lot line, except for points of ingress and egress.

Staff do not support a minimum planting strip of 1.2m along north rear lot line abutting the Residential “R1” Zone and Neighbourhood Development “ND” Zone. In discussions with the applicant and Urban Design staff, it was determined that the area to the north, abutting

the Residential “R1” Zone and Neighbourhood Development “ND” Zone would have a minimum landscape/planting strip of 1.8m. A 1.8 m landscape/planting strip will provide sufficient room to accommodate the required landscaping and create a natural visual barrier abutting the residential zone. Therefore, staff recommend that the applicant amend variances 4 and 5 to provide a 1.8m landscape/planting strip along the north rear lot line.

Staff are satisfied that variances 4 and 5 can be supported and that the proposed variance will provide a natural buffer between the subject lands and the northern property line. Therefore, the proposed variances meet the general intent and purpose of the UHOP, and Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. Staff support variance 4 and 5.

Variances 6, 7

For variance 6, the applicant is seeking a variance for no visual barrier to be required along the entire northerly rear lot line abutting the Residential “R1” zone instead of the requirement that a visual barrier shall be required along any lot line abutting a Residential Zone or Institutional Zone property line in accordance with the requirements of Section 4.19 of Hamilton Zoning By-law No. 05-200.

For variance 7, the applicant is seeking a variance for no visual barrier to be required along the entire northerly rear lot line abutting the Residential “R1” zone instead of the requirement where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (SI) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of Hamilton Zoning By-law No. 05-200.

The general intent and purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood and provide a buffer between the subject lands and adjacent land uses.

In conversation with the applicant, the northern portion of the lot abutting the Residential “R1” Zone, will include tree plantings, landscaping and a 1.2m high chain link fence which will create a buffer between the abutting Residential land use to the north.

As such, staff are satisfied that the trees, landscaping and 1.2 m high chain link fence will provide a sufficient visual barrier for the northern lot line abutting the Residential “R1” and Neighbourhood Development “ND” Zones. Therefore, the proposed variances meet the general intent and purpose of the UHOP, and Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. Staff support variance 6 and 7.

Variance 8

The applicant is seeking a variance for a loading space to not be required to be screened from view by a visual barrier instead of the requirement that a loading space shall be screened from view by a Visual Barrier in accordance with Section 4.19 of Hamilton Zoning By-law No. 05- 200.

A loading space is proposed for buildings CRU4 and CRU5. Staff note that the loading space is partially screened from Upper Centennial Parkway by building CRU2. Due to the size and configuration of the property, providing a visual barrier for the loading space is not feasible. The site plan application will require enhanced plantings along Upper Centennial Parkway and Mud Street West. Staff believe that these plantings will be sufficient to screen the loading space from the public view. Therefore, staff support variance 8.

Variance 9

The applicant is seeking a variance for no maximum gross floor area to be provided for accessory Retail uses to a Motor Vehicle Gas Bar instead of the maximum permitted gross floor area of 175m² for accessory Retail uses to a Motor Vehicle Gas Bar.

Staff note that the Motor Vehicle Gas Bar, which includes a Retail component, is one building which is identified as CRU4/5. For that reason, staff cannot determine which component of the building will be used for Retail and which component of the building will be used for a Motor Vehicle Gas Bar. As such, the by-law regulation cannot be accurately applied in this case and as a result staff are in support of the variance. 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 10

The applicant is seeking a variance for no short term bicycle parking spaces to be provided for the Car Wash building and Buildings CRU 3 (285 Upper Centennial Pkwy) and CRU 8 (263 Upper Centennial Pkwy) and a minimum five (5) short term bicycle parking spaces shall be provided for each of Buildings CRU 1 (267 Upper Centennial Pkwy), CRU 4/5 (293 Upper Centennial Pkwy) and CRU 6 (277 Upper Centennial Pkwy) instead of the short term bicycle parking spaces as required by the bicycle parking regulations of Section 5.7 c) of Hamilton Zoning By-law No. 05-200.

Staff are aware that no short-term bicycle parking spaces are required for Buildings CRU 2 and CRU 7 as they are intended to contain Restaurants and have a gross floor area less than 450m². However, this is a large commercial development, which can accommodate five additional bicycle parking spaces. Although the bicycle parking spaces are required for the car wash, they not are exclusive to this use. Anyone visiting the site can take advantage of these spaces. Bicycle parking spaces encourage individuals to

use alternative modes of transportation, help curb green house gas emissions and promote a healthier lifestyle. As the applicant has already demonstrated that the five bicycle parking spaces can be accommodated on site, staff are not supportive of removing the requirement of the short-term bicycle parking spaces for the carwash.

Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support variance 12.

Variance 11

The applicant is seeking a variance for the drive-through facility stacking lanes for CRU 4/5 (293 Upper Centennial Pkwy) to be permitted to be located between the streets and the building instead of the requirement that no drive-through facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the drive-through facility and a street.

Buildings CRU4 and CRU5 have a proposed drive-through facility which is partially visible from Upper Centennial Parkway. The drive-through stacking lane is visually screened by the proposed landscape/planting strips along the north rear lot line and Buildings CRU 3,4,5 and 6. However, a portion of the stacking lane is visible from Upper Centennial Parkway, as Building CRU3 does not extend far enough south to screen the stacking lane from the street. Due to the size and configuration of the property it is not possible to screen the stacking lane from all vantage points. There will be enhanced plantings along Upper Centennial Parkway, which will further screen the stacking lane from the street and public view. Therefore, as it is not possible to fully screen the drive-through stacking, it is already partially screened by surrounding buildings and plantings, and the site plan will provide enhanced plantings to further screen the stacking lane, staff are supportive of the variance.

Variance 12

The applicant is seeking a variance for a minimum 1.2m planting strip to be provided along the north rear lot line abutting the “R1” zone, except for points of ingress and egress, instead of the requirement where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line a minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use.

Staff do not support a minimum planting strip of 1.2m along the northern property line. In discussions with the applicant and Urban Design staff, it was determined that the area to the north, abutting Residential “R1” Zone and the Neighbourhood Development “ND” Zone would have a minimum landscaping/planting strip of 1.8m. This will, provide sufficient growing space for the plants and create a natural visual barrier abutting the residential zone. Therefore, staff recommend that the applicant amend variance 12 to provide a 1.8m landscape/planting strip along the north rear lot line.

Staff are satisfied that variance 12 can be supported and that the proposed variance will provide a natural buffer between the subject lands and the northern property line. Therefore, the proposed variances meet the general intent and purpose of the UHOP, and Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. Staff support variance 12.

Variance 13

The applicant is seeking a variance for no visual barrier to be required along the entire northerly rear lot line abutting the Residential “R1” zone instead of the requirement that where a landscaped area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line, in addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.

In conversation with the applicant, the northern portion of the lot abutting the Residential (R1) Zone, will include tree plantings, landscaping and a 1.2m high chain link fence which will create a buffer between the abutting Residential land use to the north.

As such, staff are satisfied that the trees, landscaping and 1.2 m high chain link fence will provide a sufficient visual barrier for the northern lot line abutting the Residential “R1” and Neighbourhood Development “ND” Zones. Therefore, the proposed variances meet the general intent and purpose of the UHOP, and Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands. Staff support Variance 13.

Variance 14

The applicant is seeking a variance for outdoor commercial patios for CRU 2 (279 Upper Centennial Pkwy) and CRU 7 (Upper Centennial Pkwy) to be permitted in all yards instead of the requirement where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.

Staff are satisfied that the proposed patios are screened by the proposed buildings, away from the line of sight of the abutting Residential Zone. As such, staff are satisfied that the current configuration and location of the proposed patios is appropriate and desirable for the use of the subject lands. Therefore, the variance is minor and appropriate for the development of the subject property. Staff support this variance.

Recommendation

Staff recommends that variances 1,2,3,6,7,8,9,11,13,14 be approved, as the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the

Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and are desirable for the appropriate use of the property.

Staff recommend that variance 5, 10, 12 be denied, as the variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan and the Hamilton Zoning By-law No. 05-200. The variances are not minor in nature and are not desirable for the development of the lands.

Building Division:

1. The variances are necessary to facilitate Site Plan Application DA-19-101, currently under review for a commercial shopping centre. The site plan received conditional approval on February 26, 2020 to allow for the concurrent review of the site plan and building permit.
2. The variances are necessary to facilitate Site Plan Application DA-19-101, currently under review for a commercial shopping centre. The site plan received conditional approval on February 26, 2020 to allow for the concurrent review of the site plan and building permit.
3. Exception 315 to the C7 Zone provides for a number of additional commercial uses which include retail, personal services, offices, financial establishment and medical clinic.
4. It is noted that no short-term bicycle parking spaces are required for Buildings CRU-2 (279 Upper Centennial Parkway) and CRU-7 (275 Upper Centennial Parkway) as they are intended to contain restaurants and have a gross floor area less than 450 square metres.
5. Order 20-174548 was issued on July 18, 2020 by Municipal Law Enforcement for a ground sign that was erected without a permit. The Order is currently under investigation by MLE. Please contact the Municipal Law Enforcement Section of the Licensing and By-law Services Division at (905) 546-2424 extension 2782 for further information.
6. Building permits are required for the construction of the proposed commercial shopping centre development.
7. Exception 315 for the C7 Zone contains a holding provision (H83) which is subject to the following:

“There is adequate water and sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate connections available for water and sanitary sewer, including the construction of a local sanitary sewer to the subject property to the satisfaction of the Senior Director of Growth Management.”

The removal of the holding provision is subject to a zoning by-law amendment and is co-ordinated by the Development Planning Section.

8. Be advised that Ontario Building Code regulations may require specific setback and construction types
9. Variances have been written as requested by the applicant to address Site Plan Application DA-19-101 respecting the landscaping strip, planting strip, drive-thru stacking lane, outdoor commercial patios and visual barriers. Additional variances were also identified through this review and have been included as per the Notice.

Development Engineering:

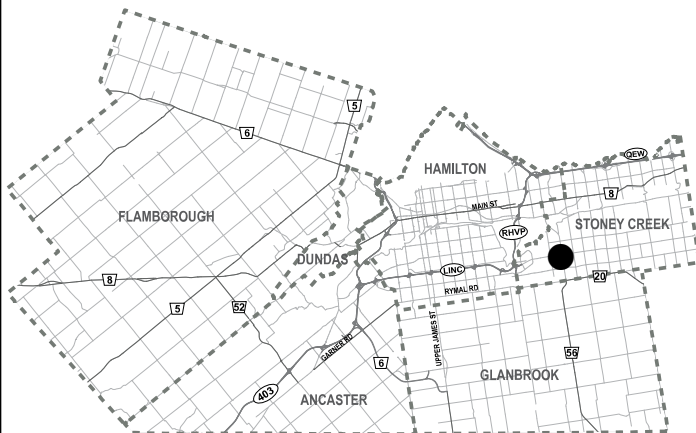
No Comment

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning does not support variance 10. Transportation Planning does not support any reductions in short-term bicycle parking spaces from the Hamilton Zoning By-law No. 05-200, as short-term bicycle parking promotes sustainable modes of transportation potentially reducing the vehicular impact of the proposed site.
2. Transportation Planning does not support variance 11. Transportation Planning does not object to the drive-through facility stacking lanes for CRU4/5 being permitted to be located between the 'streets and the building'. Transportation Planning only requires that adequate separation be provided between the drive through and that the site accommodates the minimum 12 vehicle stacking restaurant drive through requirement from the order board as per Zoning By-law No. 05-200, 4.25 Drive Through Regulations.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



267 Upper Centennial Parkway,
Stoney Creek (Ward 9)

File Name/Number:

SC/A-20-91

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:130 (381 Mud St. E., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new Single Detached Dwelling and 12.192m (40') x 18.288m (60') one (1) storey accessory building which includes a 4.572m (15') x 18.288m (60') roofed-over porch (covered patio).

Rural Hamilton Official Plan:

The property is within the "Tapleystown Rural Settlement Area" and is designated as "Settlement Residential" in Volume 2: Map 19 Tapleystown Rural Settlement Area Plan. Section A.1.3 of Volume 2 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 easterly side yard of 1.2m for the proposed single detached dwelling instead of the minimum 3.0m required by the S1 Zone.

The intent of the side yard setback is to allow for adequate access and drainage into the rear yard. In this instance, the intent is met as there is adequate access to the rear. With regards to drainage, staff defer to Development Engineering Approvals. It is further noted that the adjacent property to the east contains a cemetery, further reducing any potential impact of the reduced side yard setback. The intent of the RHOP and Zoning By-law are maintained as the setback allows for adequate access into the rear yard and will not negatively impact adjacent uses. The variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to permit a maximum parking space size to not be required instead of the existing regulation requiring a maximum parking space size of 3.0m wide x 6.0m long.

Staff recommend that this variance be deleted as there is ample space on the proposed driveway to accommodate for parking spaces that meet the By-law.

Variance 3

The applicant is seeking a variance to permit a maximum accessory building lot coverage of 223m² instead of the maximum lot coverage of 97m² for all accessory buildings required by the S1 Zone. This increase in lot coverage is needed to enable the construction of the proposed accessory building (garage/storage shed) which is approximately 223m² in size.

Zoning By-law 05-200 requires that all buildings accessory to a residential use, within the Settlement Residential (S1) Zone, shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97 square metres.

In evaluating the appropriateness of a large accessory structure, the use of the accessory structures must remain subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of gross floor area dedicated to the accessory structure (223m²) being bigger than the area of the single detached dwelling (214m²), the proposed accessory structure becomes larger than the principle use of the property and as such no longer meets the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 4

The applicant is seeking a variance to permit maximum accessory building height of 7.8m to be permitted and a maximum height of 5.5m to be permitted to the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses for the proposed accessory building instead of the requirement that buildings accessory to a residential use shall have a maximum building height of 5.0 metres and the maximum height of the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be 3.0 metres.

The intent of the By-law is for accessory structures to be subordinate to the primary use of the property. The applicant submitted information indicating that the height was required to accommodate a second storey loft. Staff are concerned that the height is not in keeping with the intent of the Zoning By-law as it would result in an accessory structure approximately as tall as the single detached dwelling on the site. Therefore, staff have not been given any justification for the additional 2.3m requested and are of the opinion that the height should be lowered to decrease impact on neighbouring properties and provide for a height that is more compatible with the single detached dwelling and character of the neighbourhood. The intent of the RHOP and Zoning By-law are not maintained in this instance and the variance is not minor in nature or appropriate for the development of the subject property. Staff do not support the variance.

Recommendation

Staff recommends that variance 1 is approved, that variance 2 is deleted, as the variances maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and are desirable for the appropriate use of the property.

Staff recommend that variances 3 and 4 be denied, as the variance does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variances are not minor in nature and are not desirable for the appropriate development of the lands.

Building Division:

1. The comments of July 23, 2020 prepared by Maria Romano shall be replaced in their entirety by the following comments.
2. Please be advised that not all of the submitted Plans were attached to the Notice for Minor Variance File No. SC/A-20:130 (381 Mud St E, Stoney Creek), specifically:
 - Drawing A2 – Foundation Plan First Floor Plan (Dwelling)
 - Drawing A3 – Sections Roof Plan Details Notes (Dwelling)
 - Drawing S1 – Title (Pat Caterini Storage Building)
 - Drawing S2 – Elevations (Storage Building)
 - Drawing S3 – Foundation Plan (Storage Building)
 - Drawing S4 – Floor Plan (Storage Building)
 - Drawing S5 – Sections & Details (Storage Building)
3. Pursuant to Variance # 3 above, the roofed-over porch (covered patio) attached to the 40' x 60' accessory building is not included in the lot coverage determination.
4. Pursuant to Variance # 3 above, the Agent has indicated that the existing dwelling, existing detached garage and existing two sheds are intended to be demolished once the proposed single detached dwelling and 40' x 60' detached garage are constructed. If the existing detached garage and existing two sheds are not demolished, a further variance shall be required as the total lot coverage for all accessory buildings will exceed 223m².
5. The Agent has indicated that the existing driveway is to be removed with demolition of the existing dwelling, existing detached garage and existing two sheds. If this driveway is not removed, a further variance shall be necessary in order to allow two (2) driveways as a maximum of one (1) driveway is permitted.

6. The Agent has indicated that the proposed accessory building will be used for residential purposes only. The accessory building shall not be used for commercial or industrial uses or for human habitation.
7. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority for further information.
8. 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.
9. Be advised that Ontario Building Code regulations may require specific setback and construction types.
10. A building permit is required for construction of the proposed single detached dwelling and accessory building and a demolition permit is required for demolition of the existing single detached dwelling, existing garage and existing two sheds.

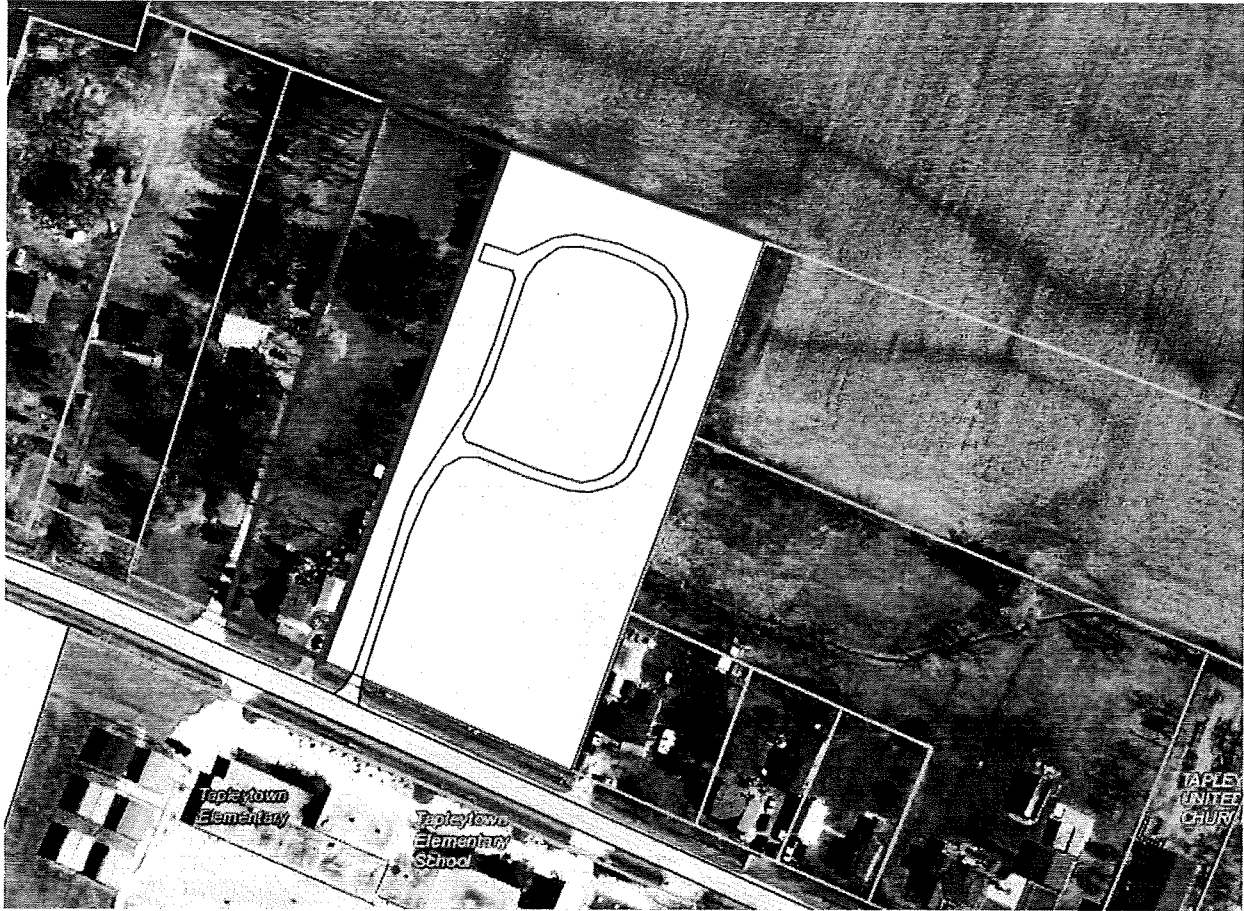
Development Engineering:

No Comment

See attached for additional comments.

Real Estate Comments – CoA August 6, 2020

381 Mud Street E, Stoney Creek (Ward 9)



Applicants Proposal: To permit the construction of a new single detached dwelling and a one storey accessory building.

Variances for Property:

- **Easterly Side Yard:** A side yard of 1.2m shall be provided instead of the required 3m
- **Parking Spaces:** A max parking space shall not be required instead of the max size of 3m x 6m
- **Accessory Building Lot Coverage:** An accessory building of 223m² shall be permitted instead of the maximum lot coverage of 97m²
- **Accessory Building Height:** An accessory building height of 7.8m shall be permitted instead of the maximum 5.5m

Impacts: The proposed dwelling may limit the future use of the adjacent city owned property and planning/growth of the cemetery.

Recommendations: The reduction in easterly side yard setback is **not** supported by Real Estate. We ask that a limiting distance agreement be undertaken with the City should this application be approved.

July 28, 2020

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

Attention: Morgan Evans

File# SC/A-20:130

Re: 381 Mud St E

In response to your correspondence dated July 22, 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.

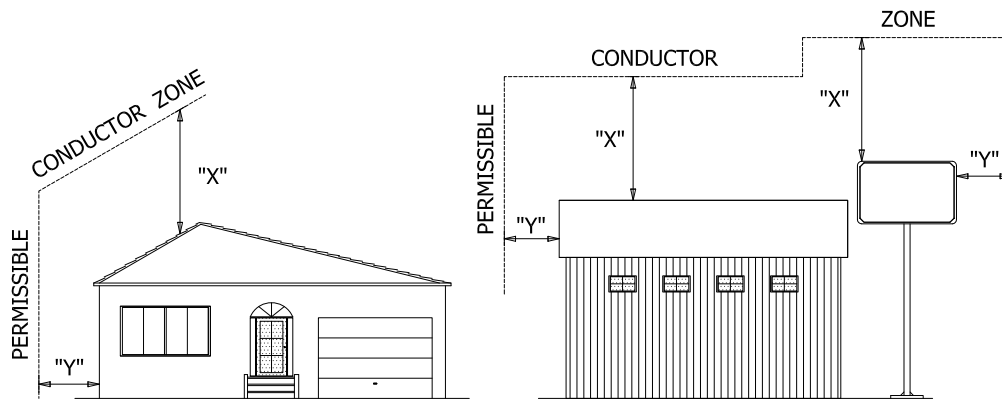
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 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)

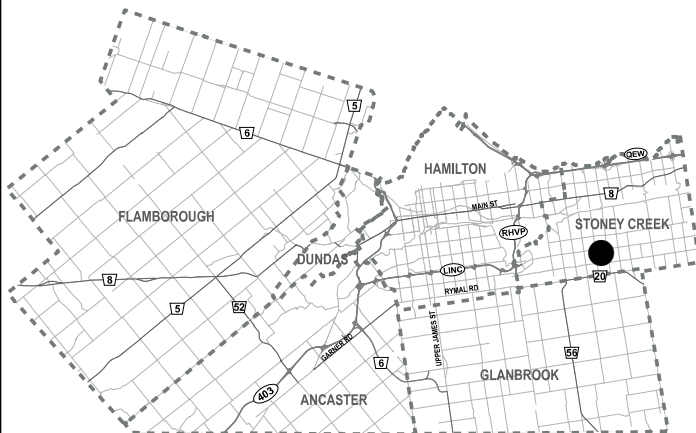
* - INCLUDES MULTI-GROUNDED NEUTRALS

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.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



381 Mud Street East,
Stoney Creek (Ward 9)

File Name/Number:

SC/A-20:130

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:115 (210 Bond St. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the reconstruction of the existing “three seasons room” at the rear of the existing single detached dwelling, notwithstanding the following variances.

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, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

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 a) i) 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 “D” (Urban Protected Residential, One and Two Family Dwellings, Etc.) District, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a maximum floor area ratio of 0.67, permitting a maximum gross floor area of 216.90 square metres, notwithstanding the maximum permitted floor area ratio of 0.45, allowing a maximum gross floor area of 140.68 square metres. The general intent of the Urban Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan is to maintain the existing character of the neighbourhood and limit overbuilding on properties. The general intent of the Zoning By-law is to maintain the established residential character and to prevent overdevelopment of the site.

The variance is recognizing an existing condition which has remained on the subject property since 2008, according to the cover letter submitted by the applicant. Staff is of the opinion the rear addition does not alter the established character of the area as it is not visible from Bold Street North and the building footprint is consistent with the surrounding properties. As such, the proposed rear addition maintains the general intent of the Secondary Plan and the Zoning By-law.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary Plan, and Zoning By-law is 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 two parking spaces to be provided on site, notwithstanding the minimum three parking spaces required to be provided for a single detached dwelling containing nine habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

The submitted floor plans indicate that the proposed use of the dwelling will remain for the habitation of one family. As such, Staff is satisfied the parking needs of the existing single detached dwelling will not increase as a result of the proposed rear addition. Staff are satisfied that the proposed two parking spaces will satisfy the parking needs of the single detached dwelling.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Ainslie Wood Westdale Secondary Plan, and Zoning By-law is 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 maintain the general intent and purpose of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan and the 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.

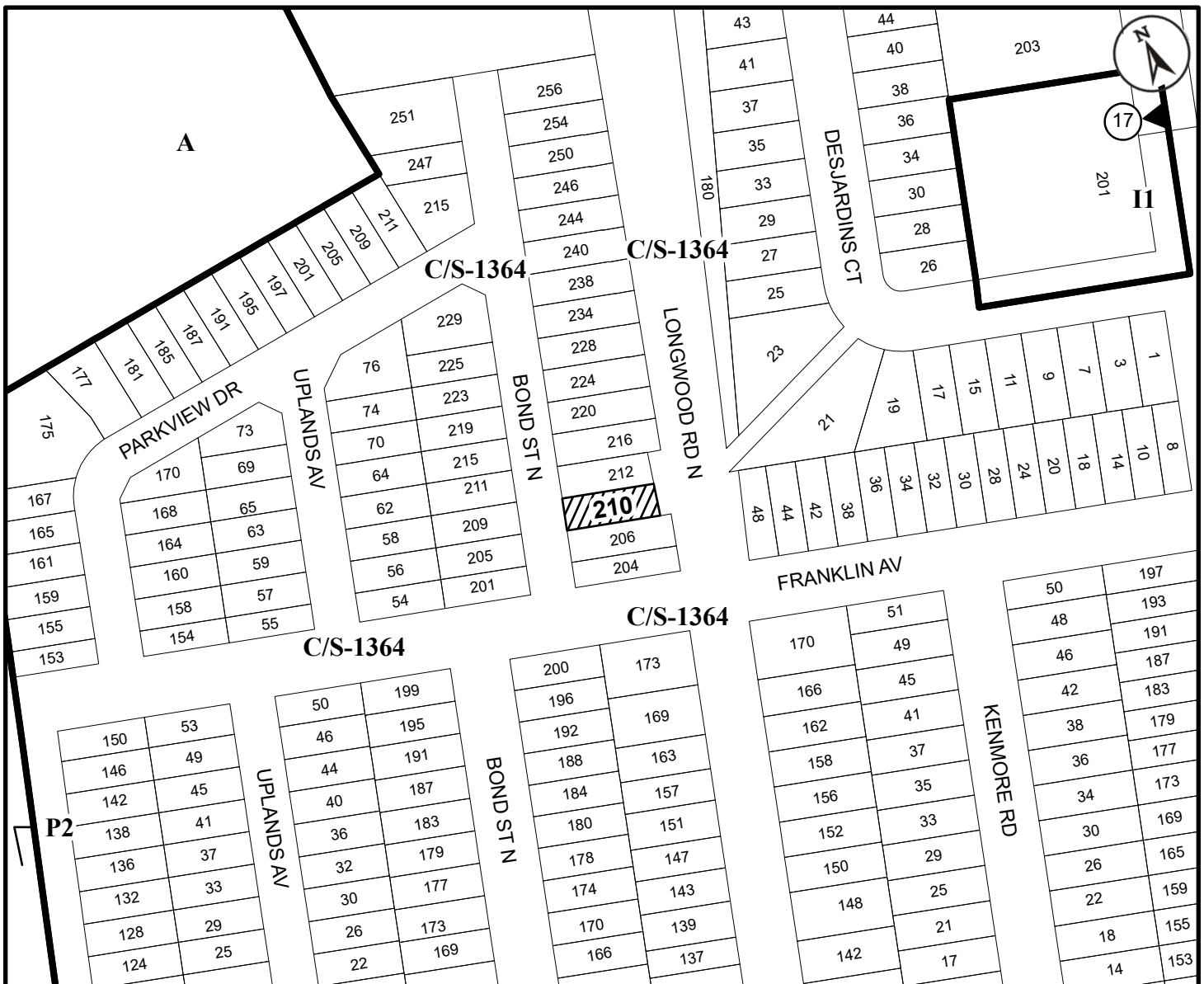
Building Division:

1. A lot area of 323.74 square metres (0.08 acres), obtained from GISNet, has been used to calculate the proposed floor area ratio.
2. By-law 96-125 allows for the floor occupied by heating and laundry equipment to be deducted from the total gross floor area of the dwelling for the purpose of determining the maximum permitted gross floor area. Details regarding the total area deducted for the area occupied by heating and air conditioning equipment and laundry facilities have not been provided. Pursuant to Zoning Policy ZON-006, a maximum of 15.8 square metres may be deducted for the area occupied by heating and air conditioning equipment and laundry facilities. A further variance will be required if the total area deducted for heating and air conditioning equipment and laundry facilities exceeds 15.8 square metres.
3. A further variance will be required if any portion of the dwelling provides a ceiling height in excess of 4.6 metres.

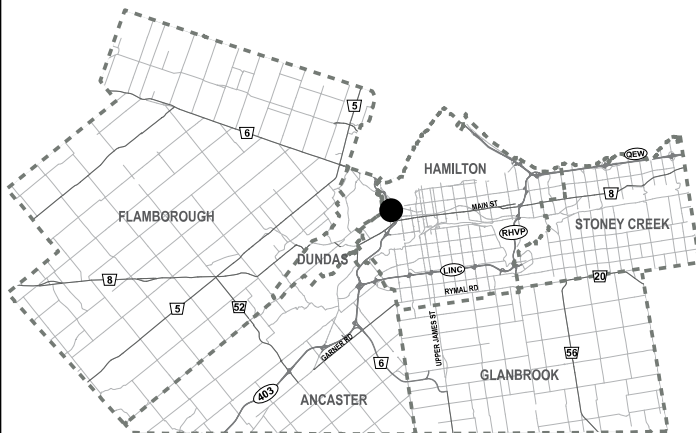
4. A further variance will be required if the eave and gutter for the proposed addition encroaches greater than 0.45 metres into the required northerly side yard.
5. Minor variance application HM/A-19:153 previously approved a reduced northerly side yard width to facilitate the proposed reconstruction of the existing sunroom.
6. Construction of the proposed addition is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
7. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 metres in width.

Development Engineering:

Provided the existing drainage pattern is maintained, the Development Approvals Section has no concerns with the Minor Variances as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



210 Bond Street North, Hamilton
(Ward 1)

File Name/Number:

HM/A-20-115

Date:

July 28, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:122 (69 Melbourne St., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

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

1. That the applicant submits Elevation drawings labelling all materials and colours of the proposed second storey addition and the proposed accessory building to the satisfaction of the Manager of Development Planning, Heritage and Design.

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).”

HM/A-20:122 (69 Melbourne St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a two storey single detached dwelling and accessory structure (detached garage), to replace an existing one storey single detached dwelling, notwithstanding the following variances.

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, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Archaeology:

The subject property meets two (2) 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) 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 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 per the caution note below.

Cultural Heritage:

The subject property is located within the Kirkendall North neighbourhood, an established Historic Neighbourhood as described in UHOP Volume 1 section 3.4.

As set out in UHOP Policy 3.4.3.6, new construction and development within established historical neighbourhoods is to be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff generally have no concerns with the proposed second storey addition, however, request that the applicant use façade materials sympathetic to the character of the

surrounding area, such as brick cladding and that the massing and roof profile are consistent with the neighbouring homes within the established historical neighbourhood.

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 detached dwelling and accessory building.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 4.12 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The front yard depths range from approximately 0.0 metres to 5.5 metres along this portion of Melbourne Street. The existing single detached dwelling maintains a front yard depth of approximately 3.6 metres while the proposed single detached dwelling will maintain a front yard depth of 4.12 metres as a result of not replacing a portion of the existing dwelling to square off the front façade. The variance maintains the general intent of the Zoning By-law as the proposed front yard depth of 4.12 metres is consistent with the residential streetscape and is similar in depth to the existing dwelling. The variance is considered minor in nature and desirable for the development of the site as no negative impact is anticipated to 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.

Variance 2

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.91 metres, notwithstanding the minimum required easterly side yard width of ten percent of the width of the lot (1.16 metres), but no less than 0.9 metres. The general intent of the Zoning By-law is to allow adequate space for access 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 drainage concerns to Development Engineering Approvals.

The applicant is proposing to maintain the easterly side yard of the existing single detached dwelling. The general intent of the Zoning By-law is being maintained as the existing side yard width is consistent with the residential character of the surrounding area. The variance is considered minor in nature and desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area as a result of continuing the existing easterly side yard width.

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.

Variance 3

The applicant is requesting a variance to allow a maximum height of 8.0 metres for an accessory building, notwithstanding the maximum permitted height of 4.0 metres for an accessory building. The general intent of the Zoning By-law is to maintain the established residential character of the area, to avoid any impact on the enjoyment and privacy of the adjacent properties, and to ensure the use and scale of the accessory building remain secondary to the primary use on the property.

The requested variance allows sufficient height to accommodate a second storey within the proposed detached garage (accessory building). Based on the submitted Site Plan it appears the second storey is intended to be used for human habitation which is not permitted within an accessory building in accordance with the Zoning By-law. The variance is not maintaining the general intent of the Zoning By-law as the detached garage does not reflect an appropriate scale for an accessory building. Staff is of the opinion the proposed garage can comply with the requirements of the Zoning By-law and therefore Staff recommend the applicant reduce the height of the proposed accessory building to conform with Zoning By-law No. 6593.

Staff acknowledge the subject property is located adjacent to a laneway. As such, if the applicant would like to pursue utilizing the proposed accessory structure for human habitation, Staff recommend the applicant revise the proposal to comply with the requirements found under By-law 18-299 respecting secondary units which was approved by Council on September 26, 2018. Staff note the maximum permitted height for a secondary unit is 6.0 metres and Elevation drawings will be necessary.

Based on the foregoing, while the general intent of the Urban Hamilton Official Plan is being maintained, the general intent of the 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 and 2 maintain the general intent and purpose of the Urban Hamilton Official Plan and the 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.

Variances 3 does not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. The variance is not considered to be minor in nature nor desirable for the development.

In conclusion, Staff recommends that Variance 1 and 2 be approved and Variance 3 be denied.

CONDITIONS: (If Approved)

2. That the applicant submit Elevation drawings labelling all materials and colours of the proposed second storey addition and the proposed accessory building to the satisfaction of the Manager of Development Planning, Heritage and Design.

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. A building permit is required for the construction of the proposed single-family dwelling.
2. The zoning By-law requires parking at a rate of 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room. No floor plans were provided to confirm the total number of parking spaces proposed; as such, further variances may be required.
3. No elevation drawings or floor plans were included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.
4. With respect to Variance No. 2, as the subject lot is a lot of record as defined, a variance is required to Section 18(3)(v) as opposed to Section 10(3)(ii) as requested by the Applicant.

Development Engineering:

Provided the existing drainage pattern is maintained, the Development Approvals Section has no concerns with the Minor Variances as proposed.

See attached for additional comments.

July 28, 2020

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

Attention: Morgan Evans

File# HM/A-20:122

Re: 69 Melbourne St

In response to your correspondence dated July 22, 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

69 Melbourne Street, Hamilton (Ward 1)



Applicants Proposal: To permit the construction of a two-storey single family dwelling and an accessory structure.

Variances for Property:

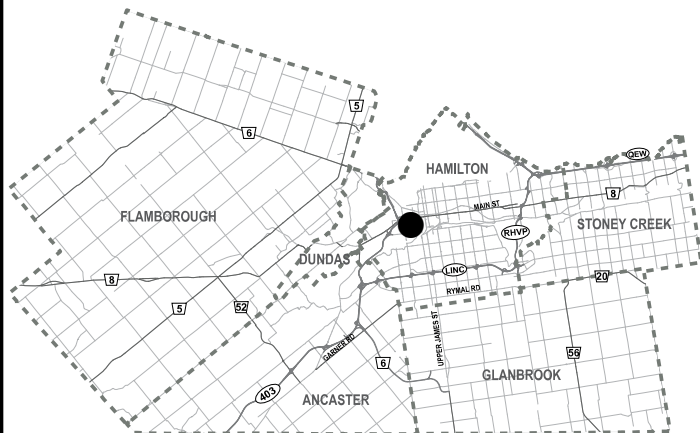
- **Front Yard:** A front yard depth of 4.12m instead of the required 6m
- **Easterly Side Yard:** An easterly side yard of 0.91m shall be provided instead of the required 1.16m
- **Accessory Structure Height:** An accessory structure shall be permitted to be 8m in height instead of the maximum 4m height

Impacts: The proposed variances do not have an impact on the rear city-owned alleyway.

Recommendations: There are no objections to this application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



69 Melbourne Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20-122

Date:

July 28, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:124 (801 King St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a seven storey multiple dwelling containing a total of 100 dwelling units, in accordance with Site Plan Amendment application SPA-20-003 which received Conditional Approval on May 22, 2020, notwithstanding the following variances.

The subject property previously received site plan approval for a multiple dwelling containing 63 dwelling units, in accordance with Site Plan Control application DA-09-122, which received Conditional Approval on April 30, 2010 and has since lapsed. Minor Variance application HM/A-09:233 was approved by the Committee of Adjustment on July 15, 2010 to facilitate DA-09-122.

The proposed number of units has increased as a result of interior changes to the floor plans to better reflect the target tenant demographic. Staff acknowledge there is no significant change proposed to the previously approved building footprint and building height.

Urban Hamilton Official Plan

The property is identified as “Primary Corridor” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.6.5 f), E.4.6.7, E.4.6.8 and E.4.6.10 amongst others, are applicable and permit multiple dwellings.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “High Density Residential 1” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 b) and B.6.2.5.5 b) and c) amongst others, are applicable and permit multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E-H/S-1446” (Multiple Dwellings, Lodges, Clubs Etc.) District, Modified, which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 5.3 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The subject property is a through lot therefore the lot lines adjacent to both King Street West and Carling Street are considered the front lot line. A front yard depth of 6.0 metres is required from the Carling Street front lot line in accordance with amending by-law 00-097.

The variance is to further reduce the permitted front yard depth. The variance maintained the general intent of the Zoning By-law as the proposed front yard setback is consistent with the adjacent buildings and will maintain the established streetscape. The variance is necessary to accommodate the required road widening dedication on King Street West which was not contemplated in the original Site Plan application DA-09-122. The variance is considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands.

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.

Variance 2

The applicant is requesting a variance to allow a minimum rear yard depth of 6.1 metres, notwithstanding the minimum required rear yard depth of 9.2 metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, to accommodate the necessary amenity area to satisfy the needs of the proposed multiple dwelling building, and to avoid any impact on the adjacent properties. Staff defers any grading or drainage concerns to Development Engineering Approvals.

In accordance with Section 11(3)(iii)(b) of the Zoning By-law, the minimum calculated rear yard dependant on the height and width of the building. An additional 3.0 metres is required as a result of having balconies and windows to a habitable room overlooking the rear yard.

The rear yard is adjacent to Carling Street road allowance providing approximately 20.0 metres of buffer between the rear property line and the adjacent single detached dwellings. Additionally, as discussed above, the proposed rear yard depth will maintain the established streetscape. The variance is considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands.

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.

Variance 3

The applicant is requesting a variance to allow a maximum gross floor area of 11,014 square metres to be provided, notwithstanding the maximum gross floor area of 7735.0 square metres as permitted by previous Committee of Adjustment decision HM/A-09:233.

The general intent of the Urban Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan is to maintain the existing character of the neighbourhood and limit

overbuilding on properties. The general intent of the Zoning By-law is to maintain the established character of the area and to prevent overdevelopment of the site.

Site Plan Amendment application proposes to add an additional 37 units to the previously approved multiple dwelling, in accordance with DA-09-122. The increase in the number of units is a result of interior changes to the floor plans to better reflect the target tenant demographic. Staff acknowledge there is no significant change proposed to the previously approved building footprint or building height.

Staff are of the opinion the proposed multiple dwelling can accommodate the additional units and acknowledge the parking needs of the multiple dwelling are satisfied, as discussed below.

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.

Variance 4 and 5

The applicant is requesting a variance to allow a minimum of 56 parking spaces to be provided on site to allow a minimum of 11 parking spaces to be provided exclusively for visitors, notwithstanding the minimum 102 parking spaces required for the 100 dwelling units and the minimum required 20 visitor parking spaces required. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

The subject property is serviced by HSR bus route Nos. 1, 5, 6, 10 and 51 and is in close proximity to a number of amenities, including: Westdale Secondary School, Cathedral Park, McMaster University and various commercial uses along King Street West.

A Parking Needs Analysis report was prepared by paradigm Transportation Solutions Limited dated June 2020 was submitted by the applicant. The report indicates the proposed parking supply is sufficient for the development based on proximity to amenities, as identified above, and the proposed transportation demand management measures being proposed.

The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit, active transportation and other transportation demand management measures.

Based on the foregoing, the general intent of the Urban Hamilton 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 6

The applicant is requesting a variance to allow the 1.5 metre wide planting strip along the easterly side lot line to be permitted to be obstructed by an existing retaining wall and the required 1.5 metre wide planting strip along the westerly side lot line to be obstructed by

a visual barrier/fence, notwithstanding the Zoning By-law does not permit a required planting strip to be obstructed by a retaining wall or a visual barrier.

The general intent of the Zoning By-law is to provide a consistent streetscape to provide an area devoted solely to landscaping, and the adjacent properties and to avoid any impact on the enjoyment and privacy of the adjacent properties

The retaining wall within the easterly side yard and the visual barrier/fence along the westerly side lot line are existing conditions. The variances maintain the general intent of the Zoning By-law as no negative impact is anticipated on the adjacent properties as a result of maintaining the existing conditions. In addition, Staff acknowledge the proposed obstructions will not significantly reduce the amount of landscaped area being provided. The variance is considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands.

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.

Variance 7

The applicant is requesting a variance to allow a transformer to be located a minimum distance of 0.4 metres from the Carling Street front lot line, notwithstanding the minimum required 3.0 metre setback from the front lot line. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The Zoning By-law allows a transformer to be located within the front yard, however it must be setback 3.0 metres from the street line, whereas a transformer with a side or rear yard can be located 0.6 metres from the respective lot line.

The subject property is a through lot and the yard adjacent to Carling Street functions as both a front yard and rear yard. The variance is maintaining the general intent of the Zoning By-law as the transformer is screened with landscaping and will have minimal visibility from Carling Street. Staff acknowledge there no other appropriate location on site to locate the transformer. The variance is considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands.

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.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan and the 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.

Building Division:

1. A building permit is required for the construction of the proposed multiple dwelling.
2. Variance #1 shall be amended by replacing the number "5.5" with the number "5.3" so that it reads as follows:
A minimum front yard depth of 5.3m shall be permitted from the Carling Street front lot line instead of the minimum 6.0m front yard depth required.
3. Variance #7 shall be amended by replacing the number "0.6" with the number "0.4" so that it reads as follows:
A transformer shall be permitted to be located a minimum distance of 0.6m from the Carlin Street front lot line instead of the minimum required 3.0m setback from a front lot line.
4. These variances are necessary to facilitate Site Plan Application SPA-20-003.
5. Previous Committee Decision HM/A-09:233, permitted a minimum of fifty-five (55) parking spaces (including ten (10) parking spaces which were exclusively devoted for visitor parking) for the original proposal consisting of 63 dwelling units. The proposed increase in the number of dwelling units to a total of one hundred (100) units, requires an additional 47 parking spaces for a total of 102 spaces to be provided on site.
6. The applicant requested a variance to permit the parking area to be located as close as 3.1m from the Carling street front lot line; however, the requested variance is not required as previous Committee Decision HM/A-09:233, permitted the surface parking area to be located as close as 1.5m from the Carling Street lot line.
7. No elevation plans were provided to determine compliance respecting the maximum permitted 28.5m height and nine (9) storeys. In addition, previous submitted elevation plans showed proposed balconies and canopy encroachments which are not shown on the site plan drawing. Therefore, further variances may be required.
8. No landscaped plan was provided to confirm that the required planting strip as defined is provided along the required easterly and westerly sides. As such, further variances may be required.
9. Details respecting the required visual barriers were not clearly shown on the submitted plan. In addition, a chain link fence does not meet the requirement for a visual barrier. Therefore, further variances may be required.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic)

Transportation Planning does not support any variances for a reduction of building setbacks from King Street West. Transportation Planning requires a 3.0 metre right-of-way widening along the south side of King Street West (north side of the property) as per Transportation Planning comments submitted under application SPA-20-003, dated February 3, 2020. Any proposed variance shall be considered following the right-of-way dedication required along King Street West. Additionally, all Transportation Planning comments sent through SPA-20-003 are still required.

See attached for additional comments.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of Adjustment](#)
Subject: COA - MTO comments
Date: July 27, 2020 10:02:37 AM

To whom it may concern:

I have reviewed the latest Committee of Adjustment and identified the properties located within Ministry's permit control. Please see the list below.

73 Pinelands Ave.

111 Teal Ave.

3659 Upper James St.

36 Old Guelph Rd.

801 King St. W.

352 Beach Blvd.

6 Roselawn Ave.

801 King St. W.

46 Roselawn Ave.

The residential properties will require a Ministry's BLU (Building and Land Use) permit. Commercial properties will require a full submission reviewed and approved before the proponent may apply for a permit. Typically MTO requires a Site Plan, drainage, traffic, and electrical materials.

Regards,
Alexandra Boucetta
Corridor Management Officer - Hamilton

July 28, 2020

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

Attention: Morgan Evans

File# HM/A-20:124

Re: 801 King St W

In response to your correspondence dated July 22, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

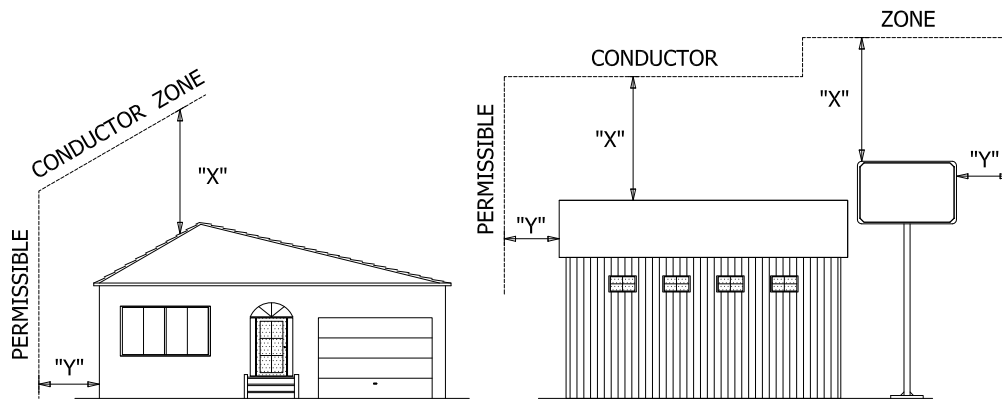
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system 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)

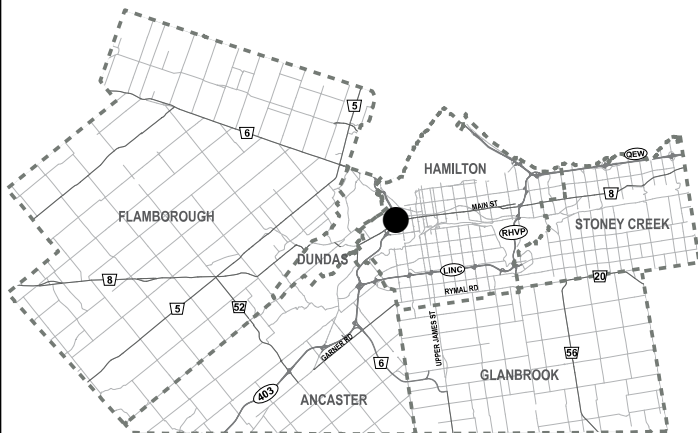
* - INCLUDES MULTI-GROUNDED NEUTRALS

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.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



801 King Street West, Hamilton
(Ward 1)

File Name/Number:

HM/A-20-124

Date:

July 28, 2020

Technician:

XX

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:120 (54 Robins Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a full second storey addition to the existing one and a half storey single detached dwelling, notwithstanding the following variances.

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, and E.3.4.3 amongst others, are applicable and permits single detached dwellings.

Cultural Heritage:

The subject property is located within the Crown Point East neighbourhood, an established Historic Neighbourhood as described in UHOP Volume 1 section 3.4.

As set out in UHOP Policy 3.4.3.6, new construction and development within established historical neighbourhoods is to be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, such as building setbacks, massing, and materials.

Staff are satisfied that the proposed second storey addition is consistent with the established built character of the historical neighbourhood given the proposed front gable roof profile and use of siding cladding. 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” (Urban Protected Residential, One and Two Family Dwellings, Etc.) District, which permits single family dwellings.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 3.1 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The front yard depths range from approximately 0.0 metres to 5.5 metres along this portion of Robins Avenue. The variance recognizes an existing condition and maintains the general intent of the Zoning By-law as the proposed front yard depth of 3.1 metres is consistent with the residential streetscape. The variance is considered minor in nature

and desirable for the development of the site as no negative impact is anticipated to 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.

Variance 2 and 3

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.3 metres and a minimum southerly side yard width of 1.0 metres, notwithstanding the minimum required side yard width of 1.2 metres. The general intent of the Zoning By-law is to allow adequate space for access 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 drainage concerns to Development Engineering Approvals.

The variances recognize existing conditions that will remain unchanged as a result of the second storey addition. The general intent of the Zoning By-law is being maintained as the existing setbacks are consistent with the residential character of the surrounding area. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated to 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 variances are desirable for the development and minor in nature; therefore, staff support the variances.

Variance 4

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the northerly side lot line for the proposed second storey addition, notwithstanding the maximum permitted encroachment of one half the width of the required side yard. The general intent of the Zoning By-law is to provide a consistent streetscape and maintain the character of the existing neighbourhood.

The proposed northerly side yard width is 0.3 metres, therefore if Variance 2 is approved, the maximum permitted encroachment for an eave or gutter would be 0.15 metres. The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the single detached dwelling. In addition, the proposed encroachment is in keeping with the established streetscape.

Staff note while no elevations drawings of the existing one storey single detached dwelling were submitted, it appears the variance recognizes an existing condition.

Staff do not anticipate any negative impact on the subject property or the surrounding area as a result of the proposed projection of the eaves and gutters into the northerly side yard.

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.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the 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.

Building Division:

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

Development Engineering:

Provided the existing drainage patterns are maintained, then Development Engineering Approvals has no concerns with the Minor Variance Application as proposed.

See attached for additional comments.

July 28, 2020

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

Attention: Morgan Evans

File# HM/A-20:120

Re: 54 Robins Ave

In response to your correspondence dated July 22, 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.
- Existing overhead secondary service is in conflict with proposed second storey addition. Contact ICI department for service options.

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.

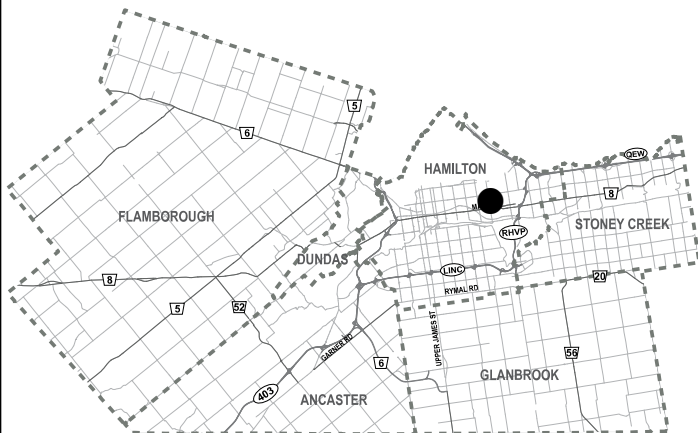
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



54 Robins Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-20-120

Date:

July 28, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:462 (2782 Barton St. E., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

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

1. That all the requested variances be tied to the permitted maximum density of 411 units per hectare (244 units). An Official Plan Amendment application and Zoning By-law Amendment will therefore be required for any further increase in density.

HM/A-19:462 (2782 Barton St. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 15 storey mixed use building containing commercial uses on the ground floor and 244 dwelling units on the upper floors to facilitate Site Plan Control application DA-20-026, notwithstanding the following variances.

Urban Hamilton Official Plan Amendment application UHOPA-17-021 to create Site Specific Policy UHN-23 to permit an increase in density from 200.0 units per hectare to 379.0 units per hectare (211 units) was approved by Council on February 28, 2018, in accordance with By-law No. 18-048 (OPA No. 95). To further modify Site Specific Policy UHN-23, Urban Hamilton Official Plan Amendment application UHOPA-19-01 to permit an increase in density from 379.0 units per hectare (211 units) to 441 units per hectare (244 units) was passed by Council on September 25, 2019, in accordance with By-law No. 19-232 (OPA No. 126).

Zoning By-law Amendment application ZAC-17-050 for a change in zoning from the “E-2/S-306” and “E-2/S-306a” (Multiple Dwellings) District, Modified to the “E-3/S-1756” (High Density Multiple Dwellings) District to permit a multiple dwelling with a maximum building height of 41.0 metres and 13 storeys was approved by Council on February 28, 2018, in accordance with By-law No. 18-049. To further modify the “E-3/S-1756” (High Density Multiple Dwellings) District to permit a maximum building height of 41.5 metres and 13 storeys was passed by Council on September 25, 2019, in accordance with By-law No. 19-234.

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 B.2.4.1.4, B.2.4.2.2, B.3.3.1.8, B.3.3.3.2, B.3.3.3.3, E.2.6.7, E.3.1.4, E.3.1.5, E.3.2.3, E.3.2.4, E.2.7 a) and e), E.3.6.2, E.3.6.3, E.3.6.6 b), E.3.6.7 b), d), and f) amongst others, are applicable and permit multiple dwellings with local commercial uses on the ground floor.

Archaeology / Cultural Heritage:

Staff have provided comments on the proposal through DA-20-026 and have no further comments on this Minor Variance application.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, which permits a multiple dwelling with commercial uses on the ground floor.

Variance 1 and 2

The applicant is requesting a variance to allow a building height of 50.0 metres and 15 storeys to be provided and to allow a maximum floor area ratio of 3.3 to be provided, notwithstanding the maximum permitted building height of 41.5 metres and 13 storeys and the maximum permitted floor area ratio of 3.15.

The general intent of the Urban Hamilton Official Plan (UHOP) is to accommodate residential intensification which is compatible with the surrounding area in terms of scale, built form and character, and to provide an appropriate distance separation. The general intent of the Zoning By-law is to maintain a consistent streetscape, prevent overdevelopment of the site, and minimize any impact on the neighbouring properties. Building height, within the parent by-law, is determined based on the distance between the building and adjacent residential districts in order to provide an appropriate distance separation.

Transition in Scale:

A building with a height exceeding 44.0 metres is considered a tall building in accordance with Hamilton's Tall Building Guidelines. While the Tall Building Guidelines apply to the Downtown Hamilton Secondary Plan area, they are based on best practices and are informative not determinative. It is best practices for a tall building to be comprised of a building base, a building tower and a tower top to accommodate the necessary stepbacks for an appropriate transition in scale and to minimize the impact on the public realm and the adjacent properties.

The Urban Design policies for Built Form contained in Section B.3.3.3 of the UHOP indicates that new development shall be designed to minimize the impact on neighbouring buildings and public spaces by creating transitions in scale (Policy B.3.3.2(a)) and encourages the use of design techniques such as building stepbacks to create a comfortable pedestrian environment (Policy B.3.3.3.5(e)).

Section E.3.6.7(b) of the UHOP states that where the appropriate separation distance between a high profile multiple dwelling and low profile residential uses cannot be accommodated, transitional features such as effective screening and/or design features should be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential.

To further support this policy, Hamilton's City Wide Corridor Planning Principles and Design Guidelines aide in determining an appropriate transition in scale would be. Transition in scale can be measured by respecting the 45-degree angular plane as demonstrated in Section 4.3.1 and 4.3.2 of Hamilton's City Wide Corridor Planning Principles and Design Guidelines. Staff acknowledge the guidelines do not apply in this scenario as Barton Street is not identified as a Corridor. The Guidelines provide criteria to help evaluate whether the proposed increase in height is appropriate in this context and are treated as informative not determinative.

The design of the proposed building, in accordance with the submitted Elevation drawings, has a building articulation intended for a mid rise building while having a scale

representative of a tall building. The Elevation drawings show minimal stepbacks or transitional features and do not accommodate a 45-degree angular plane measured as described in the City Wide Corridor Planning Principles and Design Guidelines. As such, Staff is of the opinion an appropriate transition in scale is not being provided related to the increase in height and the proposal does not conform to Section E.3.6.7 (b) of the UHOP.

Compatibility:

Section B.2.4.2.2 of the UHOP contains considerations for residential intensification including but not limited to, compatibility with adjacent land uses, the relationship of the proposed building and nearby buildings in terms of height, massing and scale, and transitions in height and density.

While the proposed building is a similar height to the adjacent multiple dwelling to the west, the overall scale of the proposed building is not consistent with the surrounding area. Staff are of the opinion the cumulative impact of the increased height and proposed façade length, in addition to providing minimal stepbacks or transitional features will result in a building that is not compatible with the surrounding area.

As such, Staff are of the opinion the proposal does not respect the residential intensification policies within the UHOP.

The proposal does not maintain the general intent of the UHOP or the Zoning by-law as the proposed building does maintain an appropriate scale, built form or necessary transition in scale.

Recommendation:

Staff recommend the applicant utilize stepbacks on the South Elevation to accommodate a 45-degree angular plane and achieve an appropriate transition in scale. Staff is of the opinion allowing an increase in the permitted floor area ratio from 3.15 to 3.30 would discourage the use of stepbacks and therefore does maintain the general intent of the UHOP or the Zoning By-law.

Staff are of the opinion and increase in building height of 8.5 metres is not considered minor in nature, especially given the increase in height will result in a building height that is representative of a tall building. In addition, Staff note a revised Shadow Study and Wind Study should be submitted to properly evaluate the cumulative impact of the proposed increase in height.

Should the application be approved, it should be noted that no increase in unit count is permitted as a result of the additional height and floor area ratio. The density limit established through in OPA No. 126 (By-law 19-232) must be respected regardless of what height permissions are granted.

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

Variance 3

The applicant is requesting a variance to allow no visual barrier to be provided along the southerly and westerly property lines, notwithstanding the Zoning By-law requires a visual barrier to be provided along the boundary of a lot abutting the residential district. The general intent of the Zoning by-law is to avoid any impact on the enjoyment and privacy of the adjacent properties and to provide a consistent streetscape.

The variance does not maintain the general intent of the Zoning By-law as Staff is of the opinion a visual barrier can be provided between the required parking area and abutting residential districts to minimize any impact on the abutting uses permitted in the "DE" District. Staff recommend the applicant revise the submitted Site Plan to include a visual barrier between 1.2 metres and 2.0 metres in height along the northerly side lot line where it abuts a residential district.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the intent of the 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.

Variance 4 and 5

The applicant is requesting a variance to allow one loading space to be provided on site and to allow a loading space size of 13.0 metres by 4.0 metres to be provided, notwithstanding the minimum required two loading spaces and the minimum required loading space size of 13.0 metres by 6.0 metres. The general intent of the Zoning By-law is to ensure the loading needs of the tenants are being satisfied.

Amending By-law No. 18-049, in accordance with ZAC-17-050, allowed for the provision of one loading space measuring 18.0 metres by 6.0 metres, whereas two loading spaces measuring 9.0 metres by 3.7 metres were required under the parent Zoning By-law No. 6593. Amending By-law No. 19-234, in accordance with ZAC-19-001 further amended the loading space size to measure 13.0 metres by 6.0 metres.

As a result of the increase in the proposed number of units, in accordance with UHOPA-19-01, Amending By-law No. 19-234 should have further addressed the number of loading spaces. While the provision for one loading space was not included in Amending By-law No. 19-234, staff acknowledge only one loading space is shown on the Ground Floor Plan attached as Appendix "E" to PED19170 for UHOPA-19-01 and ZAC-19-001. As such, the provision of one loading space for proposed mixed use building will remain.

The submitted Site Plan, in accordance with DA-20-026, demonstrates the proposed loading space size is sufficient to accommodate a variety of vehicles. Additionally, Staff acknowledge the loading space size requirements of the parent Zoning By-law are being accommodated.

The variances maintain the intent of the Zoning By-law as Staff are satisfied the needs of the tenants of the mixed use building will be satisfied.

Based on the foregoing, the general intent of the Urban Hamilton 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.

Recommendation:

Based on the preceding information, Variance 4 and 5 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 4 and 5 are considered to be minor in nature and desirable for the appropriate use of the property.

Variance 1, 2 and 3 do not maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 1, 2 and 3 are not considered minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variance 4 and 5 be approved and Variance 1, 2 and 3 be denied.

CONDITIONS: (If Approved)

1. That all the requested variances be tied to the permitted maximum density of 411 units per hectare (244 units). An Official Plan Amendment application and Zoning By-law Amendment will therefore be required for any further increase in density.

Building Division:

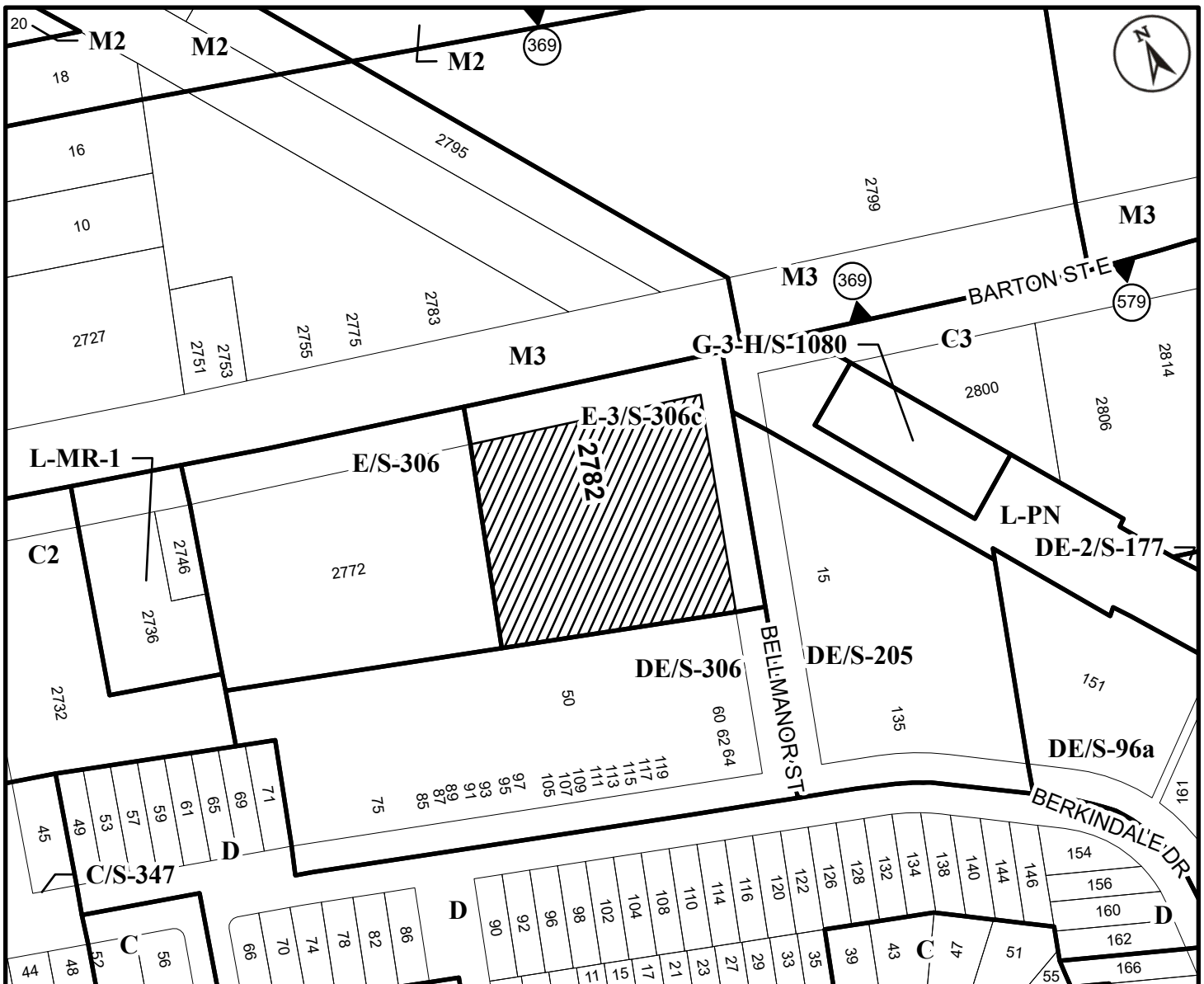
1. These variances are necessary to facilitate Site Plan Control Application DA-20-026.
2. A variance was requested to permit a reduced westerly side yard however it does not appear that this variance is required. The westerly side yard setback conforms as shown on the submitted site plan.
3. This property abuts a residential district to the west and south. Be advised that a landscaped area with planting strip are required to be provided between the parking area and the abutting residential district. Insufficient information has been provided to determine zoning compliance.
4. A building permit is required in the normal manner for the construction of the proposed development.

Development Engineering:

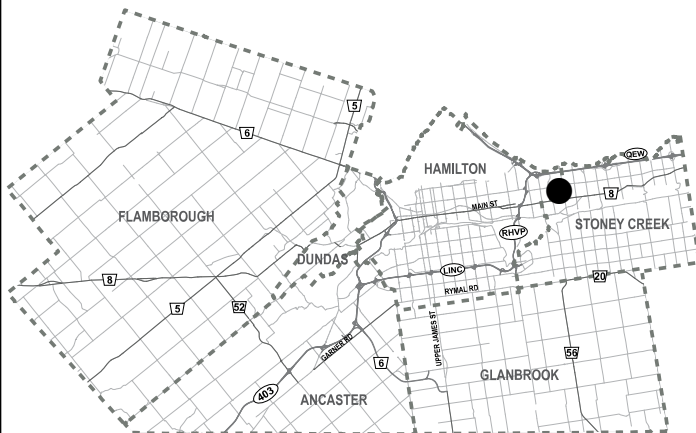
No Comment

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objections to the requested variances. All comments sent through DA-20-026 are still required.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2782 Barton Street East, Hamilton
(Ward 5)

File Name/Number:

HM/A-19:462

Date:

July 28, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:33 (225 Sherman Ave. S., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall demonstrate how the vehicles are to access the rear lands of 227 Sherman Avenue through a certified vehicle turning template and appropriate headlight projection screening from vehicles parking would also be required, all to the satisfaction of the Manager of Development Engineering Approvals.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

HM/B-20:33 (225 Sherman Ave., S. Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the creation of an easement for access purposes. The easement lands will provide access between 227 Sherman Avenue South and the existing alleyway, with an area of 88.0 square metres. The retained lands will contain the existing single detached dwelling on the subject property with a lot area of 362.0 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 a severance for residential purposes.

The proposed easement will provide access between 227 Sherman Avenue South and the existing alleyway at the rear of the subject property. The affected lots, 225 and 227 Sherman Avenue South are fully serviced by municipal water and wastewater systems and have frontage onto Sherman Avenue South. The proposal will not result in any change to the established lot pattern and the residential character of the neighbourhood. As such the intent of the Urban Hamilton Official Plan is being maintained.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, which permits a single detached 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.

Building Division:

This Division has no concerns with the proposed application.

Development Engineering:

Development Engineering Approvals does **not** support the proposed Consent Application from a vehicle access perspective. There appears to be inadequate space to access the rear lands of 227 Sherman Avenue through the rear lands of 225 Sherman Avenue. If a vehicle is parked at 225 Sherman Avenue, it will block vehicle access to 227 Sherman Avenue. The applicant shall demonstrate how the vehicles are

to access the rear lands of 227 Sherman Avenue through a certified vehicle turning template and appropriate headlight projection screening from vehicles parking would also be required, all to the satisfaction of the Manager of Development Engineering Approvals.

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objections the creation of an easement for access.

See attached for additional comments.

From: [Brian McLoughlin](#)
To: [Committee of Adjustment](#)
Cc: [building](#); esa.cambridge@electricalsafety.ca; esa.cambridge@electricalsafety.on.ca; capgggonzo@hotmail.ca
Subject: FW: 225 Sherman Ave. S.
Date: August 4, 2020 8:19:53 AM
Attachments: [hamilton-zoning-by-law-6593-june13-2019.pdf](#)
[Screenshot_2020-07-25 Interactive Zoning Mapping City of Hamilton, Ontario, Canada.png](#)
[img20200728_19534350.pdf](#)

To whom it may concern. I want to inform the committee that I am in complete agreement with Peter's comments and concerns.

I would like to further emphasize the thought of agreeing to an easement on properties that do not meet the current city standards. The request is being made on properties that are 4 unit buildings and do not meet city by laws. They should be returned to code not granted extra privilege/advantage.

Brian McLoughlin

82 Blake Street.

From: peter Gonzalez
Sent: August 3, 2020 8:54 AM
To: cofa@hamilton.ca <cofa@hamilton.ca>
Cc: building@hamilton.ca <building@hamilton.ca>; nrinder.nann@hamilton.ca <nrinder.nann@hamilton.ca>; esa.cambridge@electricalsafety.on.ca <esa.cambridge@electricalsafety.on.ca>
Subject: 225 Sherman Ave. S.

TO WHOME IT MAY CONCERN

REGARDING APPLICATION HM/B-20:33
225 SHERMAN AVE. S. HAMILTON

Increasing traffic flow in this alleyway is a bad idea, this is an accident waiting to happen. There are 2 houses with side doors that open directly on to the narrow alley, one of these is the entrance to a daycare, young children who don't always stop and look before running out. There is already a problem with vehicles traveling way too fast in this alleyway. Are these illegal multi-unit building insured? According to the Insurance Bureau of Canada, failing to disclose your additional units may also void your home insurance policy in case of fire or other insurable situation.

I would like to know why the city would entertain an application for such a request, this is obviously to allow parking for two illegally converted 4-unit buildings (225 and 227 Sherman Ave.) .

This is zoning code D Urban Protected Residential- one- and two-family homes, the only thing the city should be doing is issuing an order to convert the homes back to single family or making them get the required permits for a two-family conversion.

I have lived in this area for 18 years and every time another home is cutup into multiple units there is an increase in crime and drug use in the area, if you need proof contact the police department and ask about 109 Blake St. whenever it's occupied the police are there on a regular basis, sometimes multiple times a day.

How did Hydro Safety Authority allow 4 hydro meters on these houses zoned for only one or two family?

Please refer to Hamilton zoning by-law section 10, D-District. Also, section 19 residential conversion requirements.

These are not the only homes cut up into multiple units in this area the list goes on and on.

20 Blake street 3 hydro meters

30 Blake street 3 hydro meters 3rd floor deck supported by what looks like 2x4

32 Blake street 4 hydro meters

36 Maplewood 4 units

67 Blake street 6- or 7-units actual number unknown

92 Blake street 3 units

109 Blake street 5 unit

104 Blake street multiple units' number unknown

Peter Gonzalez

90 Blake St.

Confidentiality notice: This message (including all attachments) is for the sole use of the intended recipient(s) and contains confidential and privileged information of Maple Lodge Farms Ltd. Any unauthorized review, use, disclosure, copying, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Avis de confidentialité: Ce message (y compris toutes les pièces jointes) est à l'usage exclusif du (des) destinataire (s) prévu (s) et contient des informations confidentielles et privilégiées de Maple Lodge Farms Ltd. Toute révision, utilisation, divulgation, copie ou distribution non autorisée est strictement interdite. Si vous n'êtes pas le destinataire prévu, veuillez contacter l'expéditeur par courrier électronique et détruire toutes les copies du message original.

CUMBERLAND AVENUE

REGISTERED

DLAN

305

REGISTRAR'S

COMPILED

PLAN

INSTRUMENT.

NO. 241191 C.D. 50

26.0' ALLEY & See P

LOT 27 RIGHT-OF-WAY
TOGETHER WITH RIGHT OF WAY OVER
INST. NO. 454013 C.D.

1495

BLAKE STREET

62R11669

HM/R.20



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: July 29, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 225 Sherman Avenue South, Hamilton
File: HM/B-20:23

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 6, 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

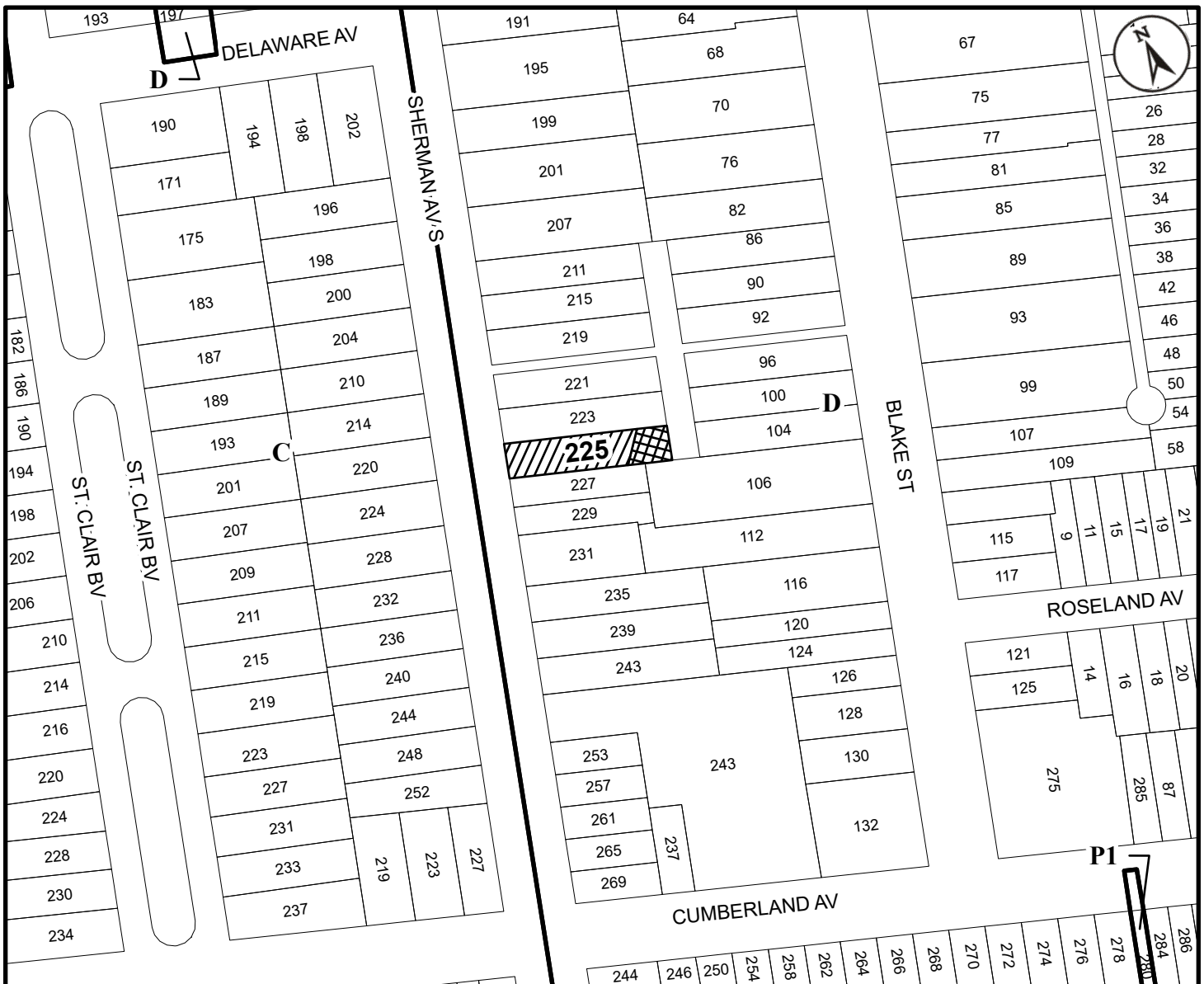
- There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.
- No Landscape Plan required.

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.

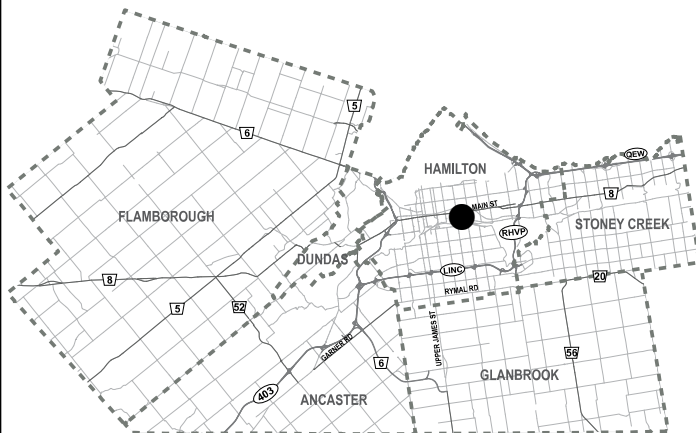
Regards,

A handwritten signature in cursive script, appearing to read "Shannon Clarke".

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

225 Sherman Avenue South, Hamilton
(Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:33

Date:

July 29, 2020

Technician:

XX

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:117 (302 Cumberland Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing 875.0 square metre warehouse building to a multiple dwelling containing a maximum of eight residential units, in accordance with DA-20-016 which received Conditional Approval on May 20, 2020, notwithstanding the following variances.

While Staff acknowledge the notice indicates the multiple dwelling will contain a maximum of ten residential units, the agent, Urban Solutions, has confirmed only eight dwelling units are being proposed.

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, and E.3.4.3 amongst others, are applicable and permit single multiple dwellings.

Archaeology / Cultural Heritage:

Staff have provided comments on the subject proposal as part of Site Plan Control application DA-20-016 and have no concerns with the subject Minor Variance application.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “DE-H/S-1472” (Low Density Multiple Dwellings) District, which permits multiple dwellings.

Variance 1

The applicant is requesting a variance to allow a maximum of ten unit multiple dwelling to be permitted, notwithstanding the maximum permitted eight Class A dwelling units within the building existing at the time of the passing of By-law 02-267. The general intent of the Zoning By-law is to avoid overdevelopment of the site.

The applicant is proposing a total of eight dwelling units as indicated in the submitted cover letter dated June 4, 2020 and confirmed on July 29, 2020. As such, Variance 1 is not required.

Variance 2

The applicant is requesting a variance to allow a minimum lot width of 3.5 metres, notwithstanding the minimum required lot width of 27.0 metres. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the established streetscape will remain unchanged as a result of converting the existing warehouse building to a multiple dwelling. The variance is considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands or surrounding area as a result of the maintaining the existing conditions.

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

Variance 3 and 4

The applicant is requesting a variance to allow a minimum of ten parking spaces to be provided on site and to allow a no visitor parking spaces to be provided on site, notwithstanding the minimum required 13 parking spaces and the minimum required three visitor parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are satisfied.

The variances were identified based on allowing a maximum of ten dwelling units, however the applicant is proposing a total of eight dwelling units as indicated in the submitted cover letter dated June 4, 2020 and confirmed on July 29, 2020. As such, Variance 3 and 4 are not required.

Variance 5

The applicant is requesting a variance to allow a minimum parking space length of 5.8 metres, notwithstanding the minimum required parking space length of 6.0 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The variance recognizes an existing condition. Significant alternations to the existing layout of the site would be necessary to accommodate the required parking space length of 5.8 metres which would cause the applicant undue hardship.

The parking areas has operated for some time with no known issues. In addition, Staff acknowledge the required 6.0 metre manoeuvring aisle is being provided adjacent to each parking space allowing a variety of vehicles to manoeuvre to and egress from the parking spaces. The variances are considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands as a result of the maintaining the existing conditions.

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

Variance 6 and 7

The applicant is requesting a variance to allow a parking area boundary containing five or more parking spaces to be located 0.0 metres from the adjoining residential district to the west and the north and to allow no planting strip to be provided between the boundary of the parking area and the residential district to the north and the west, notwithstanding the minimum required distance separation of 1.0 metres between a parking area containing five or more parking spaces and an adjoining residential district, the minimum required 1.5 metre wide planting strip between a boundary of the parking area containing five or more parking spaces and the residential district.

The general intent of the Zoning By-law is to provide a consistent streetscape and to provide an appropriate distance separation between the adjacent residential districts to avoid any impact on the enjoyment and privacy of the adjacent residential properties.

The variances recognize existing conditions that will remain unchanged as a result of converting the existing warehouse building to a multiple dwelling. Significant alternations to the existing layout of the site would be necessary to accommodate the required distance separation and planting strips which would cause the applicant undue hardship. Staff acknowledge the parking areas has operated for some time with no known issues. The variances are considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands or surrounding area as a result of the maintaining the existing conditions.

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

Variance 8

The applicant is requesting a variance to allow no visual barrier to be provided along the boundary of the lot abutting residential district to the north and west, notwithstanding the minimum required visual barrier along the boundary of the residential district of not less than 1.2 metres in height and not greater than 2.0 metres in height.

The applicant has confirmed that the required visual barrier will be provided on the northerly and westerly side lot lines. As such, Variance 8 is no required at this time.

Variance 9

The applicant is requesting a variance to allow a minimum lot width of 3.5 metres and to allow a minimum driveway access width of 3.0 metres to be maintained, notwithstanding the minimum required lot width of 27.0 metres and the minimum required mutual access driveway width of 5.5 metres. The general intent of the Zoning By-law is to maintain a consistent streetscape and to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

The variance recognizes the existing driveway width used to access the existing parking area. Staff acknowledge the required 6.0 metre manoeuvring aisle is being provided adjacent to each parking space allowing the vehicles to turn around prior to utilizing the driveway access to exit the subject property. Based on the submitted plans, Staff are satisfied there is sufficient space on site for vehicles to safely manoeuvre to and from the required parking spaces.

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.

Variance 10

The applicant is requesting a variance to a minimum landscaped area of 100.0 square metres to be provided on site, notwithstanding the minimum required landscaped area of 232.0 square metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, to accommodate the necessary amenity area to satisfy the needs of the proposed multiple dwelling building, and to provide a consistent residential streetscape. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The existing conditions on site maintain a minimum of 150.0 square metres of landscaped area. The agent requested the variance be revised to further reduce the amount of landscaped area on site, allowing a minimum of 100.0 square metres. The letter dated July 29, 2020, submitted by the agent, indicates the further reduction in landscaped area is a result of following direction from an Environmental Risk Assessment completed by WSP Global and discussions with the Ministry of Environment. Staff acknowledge the ability to provide additional landscaped area is limited by the existing conditions on site. The variance is considered minor in nature and desirable for the development 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 and Zoning By-law is maintained, the variance is desirable for the development and considered minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, Variances 2, 5, 6, 7, and 9 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. Variances 2, 5, 6, 7, and 9 are considered minor in nature and desirable for the appropriate use of the property.

Variances 1, 3, 4, and 8 are no longer necessary to implement the proposal.

In conclusion, Staff recommends Variance 2, 5, 6, 7, and 9 be approved.

Building Division:

1. The notice should be altered to delete the preamble and replace it with the following:

To permit the existing 875 m² building to be converted to a multiple dwelling containing a maximum eight (8) residential units notwithstanding that;

2. The notice should be altered to delete variances # 1, 3, 4 and 8 as requested by the applicant as the number of dwelling units proposed will be reduced to 8; therefore, variances 1, 3 & 4 will not be required, and as for variance # 8 the applicant has confirmed that the required visual barrier will be provided on the northerly and westerly side lot lines abutting the residential district; therefore, variance # 8 will not be necessary at this time.

3. The notice should be altered to delete the number 3.5 m from variance # 9 and replace it with 3.0 m. The variance should read as follows:

A minimum of 3.0 m access driveway width shall be provided whereas the By-Law requires a mutual access driveway having a width of at least 5.5 m; and

4. The notice should be altered to delete the number 150.0 m² from variance # 10 and replace it with 100.0 m². the variance should read as follows:

A minimum landscaped area of 100.0 m² shall be provided on site instead of the minimum required 232.0 m² (per Site Specific By-Law 02-267).

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

Development Engineering:

We recommend variance number 9 to be **tabled**, until the applicant demonstrates adequate space for vehicles entering and exiting the lot simultaneously as the existing access driveway width appears to be too narrow at 3.5m and a singular small vehicle is approximately 2m wide. For the information of the applicant, regarding variance number 6; appropriate headlight projection screening shall be provided for the cars parking in the lot as there are residential lots adjacent to the subject lands, in accordance with City Standards and can be dealt with under the active Site Plan Application known as **DA-20-016**.

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objections to the requested variances. All comments sent through DA-20-016 are still required.

See attached for additional comments.

From: [Laura Drennan](#)
To: [Sheffield, Jamila](#)
Cc: [Matt Johnston](#); [Charles Wah](#); [Fabac, Anita](#); [McKie, Shannon](#); [Evans, Morgan](#)
Subject: (338-19) 302 Cumberland Minor Variance application HM/A-19:117
Date: July 29, 2020 12:08:56 PM
Attachments: [image001.png](#)
[338-19 - Notice Re. Modification to Variance - 2020-07-29.pdf](#)
[338-19 - Minor Variance Sketch - 2020-07-29.pdf](#)

Good morning Jamila,

I hope all is well with you, I wanted to advise you that we will be requesting modifications to Minor Variance application submitted for the lands known as 302 Cumberland Avenue (HM/A-19:117). Please find attached a cover letter and revised sketch showing a proposed modification to two variances that we will be requesting during the August 6th, 2020 Committee of Adjustment Hearing. In addition there are numerous variances that were detailed on the Statutory Notice of Public Hearing that were not requested in the initial Minor Variance submission and are not required. Please review the attached materials for details of these requested modifications and do not hesitate to call with any questions.

Thank you,

Laura

Laura Drennan, BA

Planning Technician

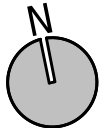
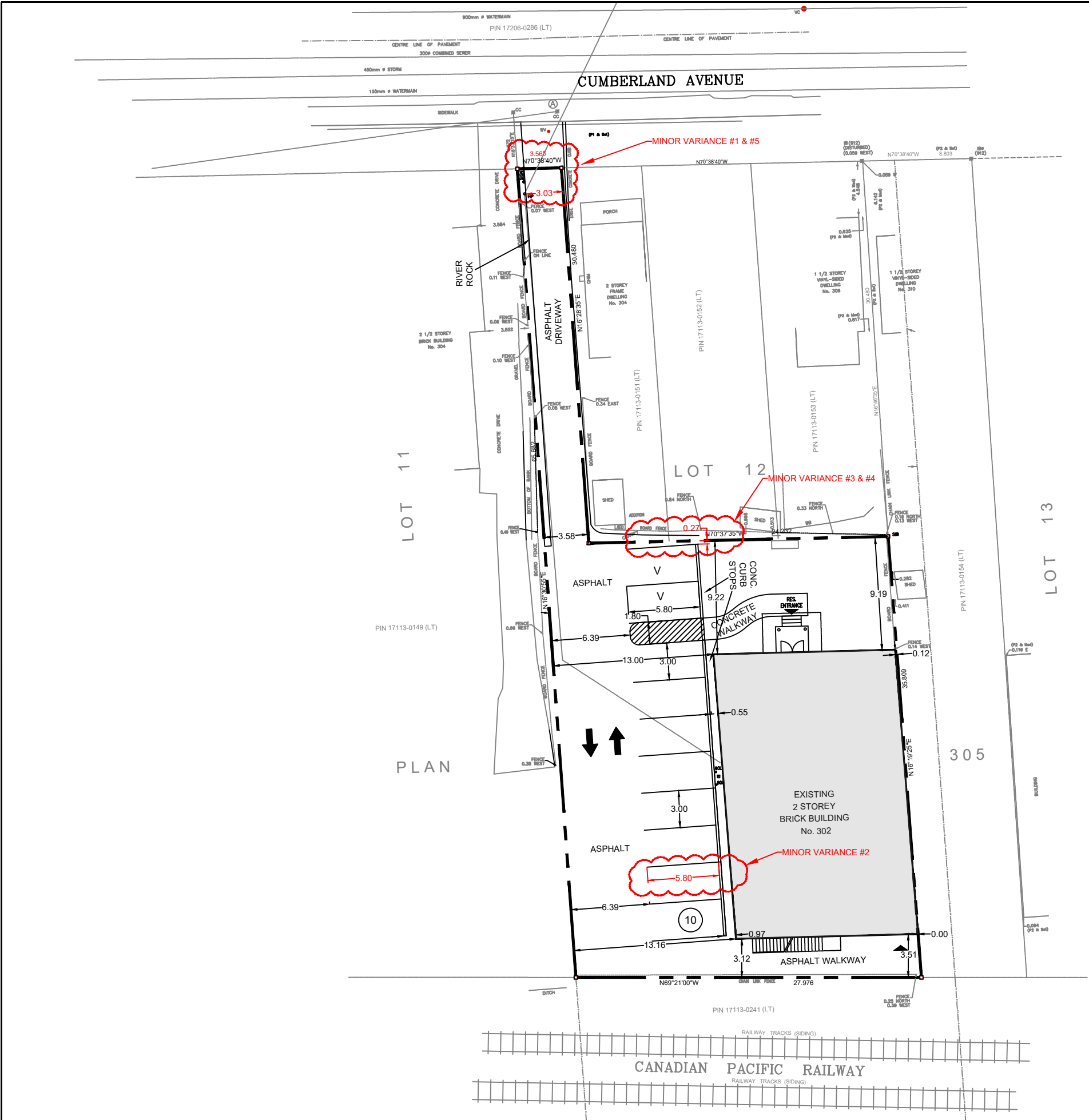


T (905) 546-1087 | C (647) 229-6355

E ldrennan@urbansolutions.info

3 Studebaker Place, Unit 1, Hamilton, ON L8L 0C8

This email may contain confidential and/or privileged information. If you are not the intended recipient (or have received this email in error) please notify the sender immediately and destroy this email. Any unauthorized copying, disclosure, or distribution of the material in this email is strictly forbidden.



Development Statistics		
Item	Required	Proposed
Max. No. of Residential Units	8 units	8 units
Permitted Use	Multiple Dwelling	Multiple Dwelling
Max. Height	11.0 m	8.2 m
Min. Drive Aisle width	5.5 m	3.56 m
Min. Front Yard	6.0 m	N/A (LNC)
Min. Side Yard	3.0 m	0.0 m (LNC)
Min. Rear Yard	7.5 m	3.12 m (LNC)
Min. Lot Width	27.0 m	3.56 m
Min. Parking adjacent to Residential Zone	1.0 m	0.27 m
Min. Landscaped Area	232 m ²	100.00 m ²
Min. Planting Strip	1.0 m	0.0 m
Parking		
Min. Residential Spaces	1.25 spaces/ unit = 10 spaces	10 spaces (Inc. Visitor Parking)
Min. Visitor Spaces	0.25/ unit = 2 spaces	2 spaces
Parking Space Size	3.0 m X 6.0 m	2.7 m X 5.7 m
Short Term Bicycle Parking	N/A	0 spaces

REQUIRED VARIANCES:

VARIANCE NO. 1: A MINIMUM LOT WIDTH OF 3.5 METRES SHALL BE MAINTAINED WHEREAS THE BY-LAW REQUIRES A MINIMUM OF 27.0 METRE LOT WIDTH TO BE PROVIDED;

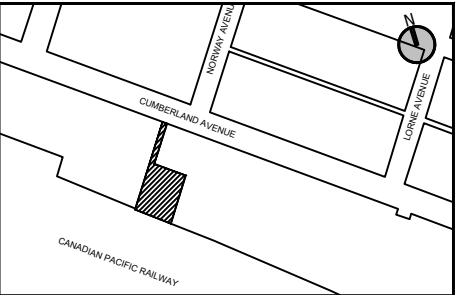
VARIANCE NO. 2: A MINIMUM PARKING SPACE LENGTH OF 5.8 METRES SHALL BE PROVIDED INSTEAD OF THE MINIMUM REQUIRED 6.0 METRES PARKING SPACE LENGTH;

VARIANCE NO. 3: TO PERMIT A PARKING AREA BOUNDARY CONTAINING FIVE (5) OR MORE PARKING SPACES TO BE LOCATED 0.0 METRES FROM THE ADJOINING RESIDENTIAL DISTRICT TO THE WEST AND NORTH INSTEAD OF THE MINIMUM REQUIRED 1.0 METRES;

VARIANCE NO. 4: NO PLANTING STRIP SHALL BE PROVIDED BETWEEN THE BOUNDARY OF THE PARKING AREA AND THE RESIDENTIAL DISTRICT TO THE NORTH AND THE WEST INSTEAD OF THE MINIMUM REQUIRED AREA LANDSCAPED WITH A 1.5 METRE PLANTING STRIP BETWEEN THE BOUNDARY OF THE PARKING AREA AND THE RESIDENTIAL DISTRICT;

VARIANCE NO. 5: A MINIMUM OF 3.0 METRES ACCESS DRIVEWAY WIDTH SHALL BE MAINTAINED WHEREAS THE BY-LAW REQUIRES A MUTUAL ACCESS DRIVEWAY HAVING A WIDTH OF AT LEAST 5.5 METRES;

VARIANCE NO. 6: A MINIMUM LANDSCAPED AREA OF 100 M² SHALL BE PROVIDED ON SITE INSTEAD OF THE MINIMUM REQUIRED 232.0 M² (PER SITE SPECIFIC BY-LAW 02-267).



KEY MAP - N.T.S.

**PART OF LOT 5 CONCESSION 1
GEOGRAPHIC TOWNSHIP OF
GLANFORD
IN THE CITY OF HAMILTON**

SCALE 1:350 METRES

LEGEND:

- SUBJECT LANDS
- EXISTING PROPERTY LINES
- PROPOSED BUILDING
- EXISTING BUILDINGS
- PROPOSED ENTRANCE
- EXISTING FENCE

DESIGN BY: Lintack Architects
DRAWN BY: L. Dreiman

CHECKED BY: M. Johnston
DATE: July 28, 2020

NOT FOR CONSTRUCTION

PREPARED BY:

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 Studebaker Place, Unit 1
Hamilton, ON L8L 0C8
905-546-1087 - UrbanSolutions.info

PROJECT:

**MINOR VARIANCE
SKETCH**

CLIENT:

**302 CUMBERLAND AVENUE
City of Hamilton**

U/S FILE NUMBER: 338-19
SHEET NUMBER: 1



July 29, 2020

338-19

Via Email

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 302 Cumberland Ave, Hamilton
Minor Variance Application
HM/A-19:117**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Gateway Solutions Group Inc. c/o Charles Wah (Owner) and submitted the subject Minor Variance application on June 3, 2020 regarding the above address. We received the Notice of Public Hearing for this Minor Variance application on July 27, 2020. The notice includes variances not requested in our initial submission or required as per the enclosed Minor Variance Sketch.

As only 8 units are proposed, the purpose of this letter is to confirm Variance Nos. 1, 3, 4 & 8 of the Statutory Notice of Public Hearing are not required nor were they requested in our original submission and we will not be seeking approval by the Committee of Adjustment.

We wish to advise that we will be requesting a modification to Variance No. 9 of the Notice by changing the minimum driveway access width identified in the submission from 3.565 metres to 2.7 metres. This is requested due to recognizing the existing conditions to capture a pinch point of the hydro pole existing on site. As such Variance No. 9 shall read:

- A minimum of 3.0 metres access driveway width shall be maintained whereas the By-Law requires a mutual access driveway having a width of at least 5.5 metres.

In addition, we are proposing a modification to Variance No. 10 of the Notice from 150.0 m² to 100.0 m². This is because an Environmental Risk Assessment has been completed by WSP Global and through ongoing discussions with the Ministry of Environment it has been determined that a portion of the side and rear of the subject lands is to be hard capped. As a result, a portion of the subject lands will no longer be able to be used as landscaped area. We will be requesting a modification to Variance No. 6 (as described below) by changing the minimum landscaped area identified in the notice from 150.0 squared metres to 100 squared metres. As such Variance No. 10 shall read:

- A minimum landscaped area of 100 m² shall be provided on site instead of the minimum required 232.0 m² (per Site Specific By-law 02-267).

We will be making this request on August 6, 2020 at the Committee of Adjustment hearing.

The revised list of required Variances as well as requested modifications are listed below.

- Variance No. 1: A minimum lot width of 3.5 metres shall be maintained whereas the By-law requires a minimum of 27.0 metre lot width to be provided;
- Variance No. 2: A minimum parking space length of 5.8 metres shall be provided instead of the minimum required 6.0 metres parking space length;
- Variance No. 3: To permit a parking area boundary containing five (5) or more parking spaces to be located 0.0 metres from the adjoining residential district to the west and north instead of the minimum required 1.0 metres;
- Variance No. 4: No planting strip shall be provided between the boundary of the parking area and the residential district to the north and the west instead of the minimum required area landscaped with a 1.5 metre planting strip between the boundary of the parking area and the residential district;
- Variance No. 5: A minimum of 3.0 metres access driveway width shall be maintained whereas the By-Law requires a mutual access driveway having a width of at least 5.5 metres;
- Variance No. 6: A minimum landscaped area of 100 m² shall be provided on site instead of the minimum required 232.0 m² (per Site Specific By-law 02-267).

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

cc: Mr. Charles Wah, Gateway Solutions Group
Anita Fabac, Manager of Development Planning, Heritage & Design, City of Hamilton
Shannon McKie, Senior Project Manager, City of Hamilton

From: [Brian Mildren](#)
To: [Committee of Adjustment](#)
Cc: [Brian Mildren](#)
Subject: Application # HM/A-20: 117 302 Cumberland Ave. Hamilton
Date: July 29, 2020 2:40:03 PM

I am an owner of a property within 60 meters of the above subject property.

I support the Application for Minor Variance for the following reasons:

1. The variances are minor
2. Hamilton needs more residential units
3. The development of this building would be good for the area.
4. The current use for this building is currently not being fully realized.

Thank you

Brian Mildren
318 Cumberland Ave.
Hamilton, On
L8M 2A1

905 962 2284

Sheffield, Jamila

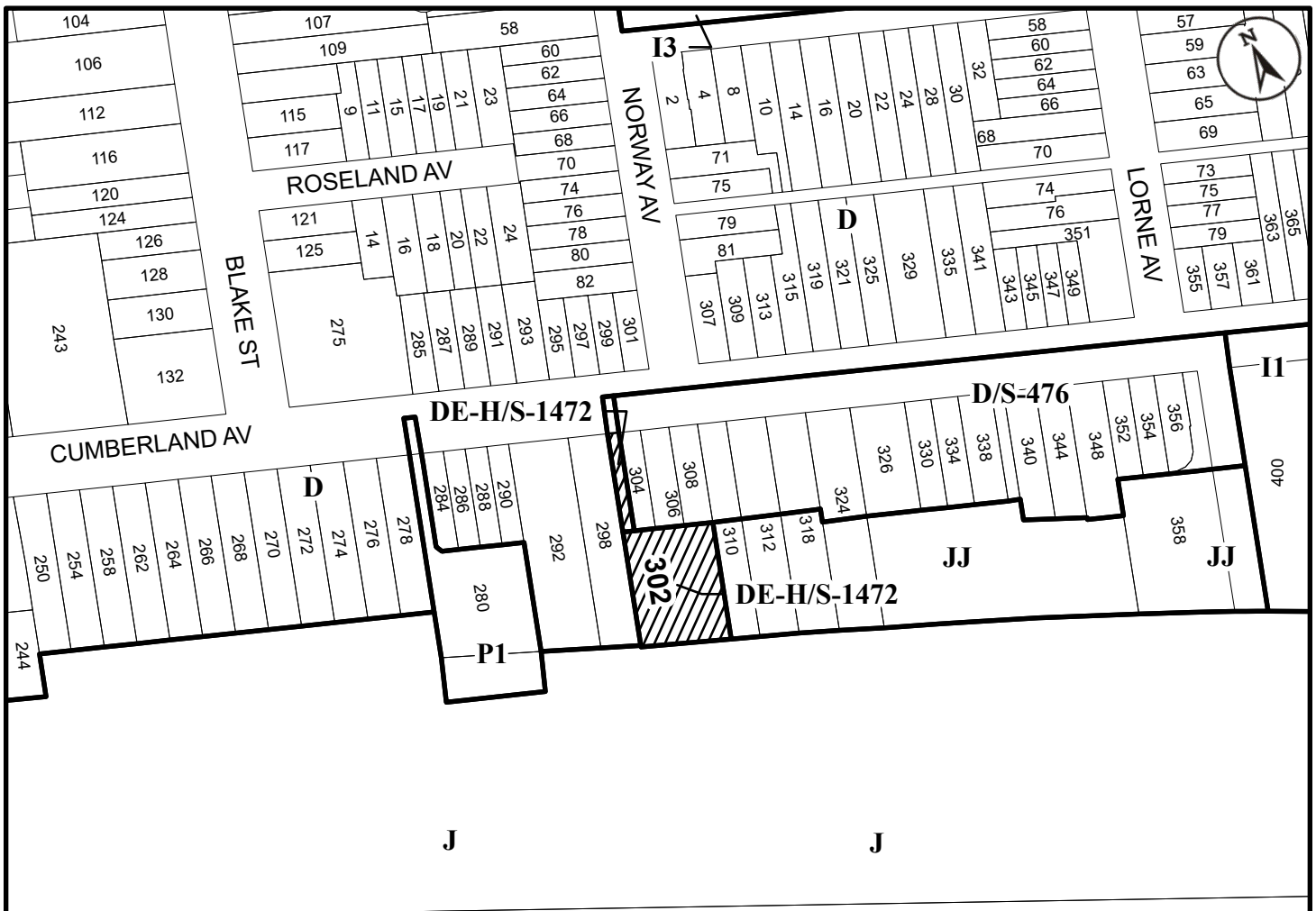
From: Joseph Gurr <joseph_gurr@hotmail.com>
Sent: August 3, 2020 4:17 PM
To: Committee of Adjustment
Subject: HM/A-20:117

To whom it may concern,

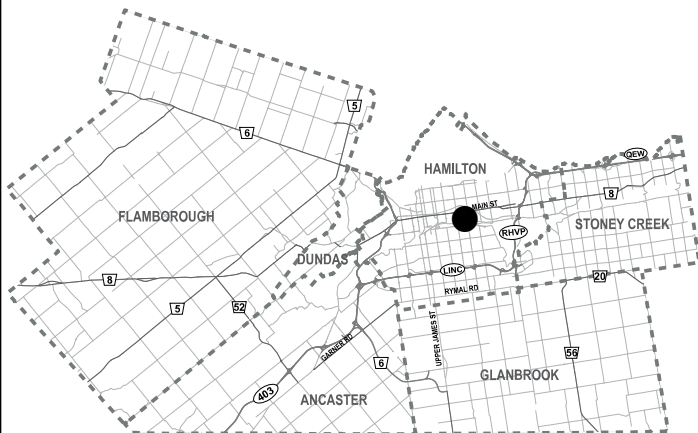
As a home owner bordering the address listed in the notice of hearing, I have concerns about the proposed zoning amendments. Upon purchasing my home 4 years ago, I was advised the building in question was zoned for commercial purposes and not for residential. This was a key factor in making the purchase. As these changes could have detrimental implications to the value and privacy of my home and my neighbors' homes, I must formally submit my disapproval in writing. Placing a 10 unit dwelling in the back and side yards of these neighboring small homes could bring with it many seen and unforeseen issues. Noise and safety to name a few. Street parking that is already scarce will also be negatively impacted by the proposed amendments. Item 6 is also concerning as a lack of visual barriers will mean these dwellings could potentially have visual access into our yards and homes. Would that leave the onus neighbors to provide fencing for a multiple unit condo building? I would implore the committee to thoroughly view and analyze this request through the eyes of concerned neighbors, property owners, and tax payers before making any decision. As It's difficult for the layman to understand the technical drawings and the vision and implications of the proposed amendments, I hope the committee will strongly consider the impacts that we may consequentially overlook. When making these types of decisions, I trust the committee is charged with considering the best interests of the neighboring community. I am only asking you do just that.

Thank you.

Sent from my iPhone



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



302 Cumberland Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:11

Date:

July 29, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:123 (11 Fairleigh Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain two dwelling units in accordance with Section 19(1) of Zoning By-law No. 6593, notwithstanding the following variances.

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 B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential, One and Two Family Dwellings, Etc.) District, which permits the conversion of a single family dwelling to contain two units in accordance with Section 19(1).

Variance 1

The applicant is requesting a variance to allow a minimum lot area of 240.0 square metres, notwithstanding the minimum required lot area of 270.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants for a dwelling with two units.

The proposed lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient amenity area is being provided between the front porch and the rear yard to satisfy the needs of the tenants and the minimum required two parking spaces is being provided on site. The variance is desirable for the development of the site and considered minor in nature.

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.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the 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.

Building Division:

1. Please be advised that the external appearance and character of a converted dwelling is required to be maintained and preserved. Further variances may be required if changes are proposed to the exterior of the existing building. Insufficient information has been provided to determine compliance at this time.
2. The applicant shall ensure that no more than two dwelling units are proposed.
3. A building permit is required in the normal manner to convert the existing building to contain two (2) dwelling units.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

11 Fairleigh Avenue N., Hamilton (Ward 3)



Applicants Proposal: To permit the conversion of the existing single family dwelling to contain two dwelling units.

Variances for Property:

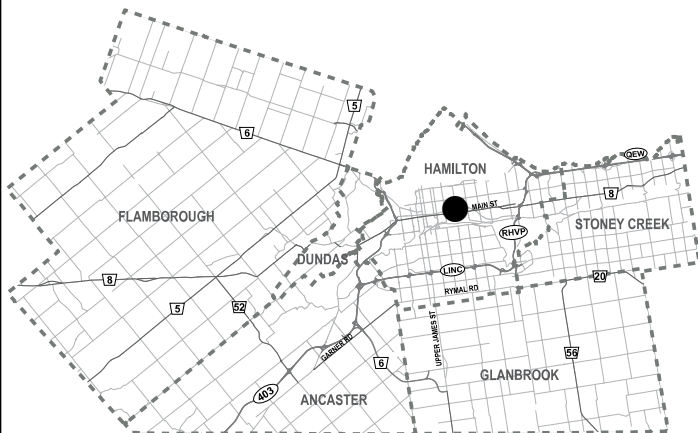
- **Lot Area:** A lot area of 240m² shall be provided instead of the required minimum 270m²

Impacts: There are no expected impacts on the City-owned alleyway as a result of this application.

Recommendations: There is no objection to the proposed variances.



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



11 Fairleigh Avenue North, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:123

Date:

July 29, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:34 (860 Queenston Rd., Stoney Creek)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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 pdf 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 retained, including the location of any existing structure(s), parking and landscaping etc., 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 – Building Engineering Section).
4. The applicant must enter into and register on title of the lands, a Consent Agreement, 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 as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
5. That the owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
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 fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

August 6th, 2020

The lands to be retained (Part 1) will remain as 860 Queenston Road, Hamilton (Stoney Creek).
The lands to be conveyed (Part 2) will be assigned the address of 870 Queenston Road,
Hamilton (Stoney Creek).

SC/B-20:34 (860 Queenston Rd., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing two storey commercial building. The severed lands will have a lot area of 9,753.0 square metres and the retained lands will have a lot area of 2,672.0 square metres. The proposed conveyance of land is required to facilitate Site Plan Control application DA-18-075 which received Conditional Approval on July 25, 2018.

Urban Hamilton Official Plan

The property is identified as “Sub Regional Service Node” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.6.5, E.4.6.7, E.4.6.10 and F.1.14.3.1 amongst others, are applicable and permit commercial buildings and multiple dwellings, and a severance for residential purposes.

The proposed severance will allow for separate ownership and facilitate the construction of the proposed multiple dwelling building in accordance with DA-18-075. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Queenston Road. While the severed and retained lot will have an irregular shape, Staff acknowledge the irregular lot pattern is an existing condition. The proposal is consistent with the established lot pattern and the character of the neighbourhood. As such the intent of the Urban Hamilton Official Plan is being maintained.

Centennial Neighbourhood Secondary Plan

The subject lands are designated “High Density Residential 1” and “Mixed Use – Medium Density” on Map B.6.7-1 and within Site Specific Policy Area J on Map B.6.7-4 within the Centennial Neighbourhood Secondary Plan. Policies B.6.7.6.7, B.6.7.7.3 and B.6.7.18.10 amongst others, are applicable and permit commercial buildings and multiple dwellings.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned “GC-32” (General Commercial) District and “RM5-11” (Multiple Residential) District, which permits commercial uses and apartment dwellings, respectively.

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.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel 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 the relevant fees.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.

CONDITIONAL UPON:

1. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping etc., 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. 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 – Building Engineering Section).

Growth Management:

The lands to be retained (Part 1) will remain as 860 Queenston Road, Hamilton (Stoney Creek).

The lands to be conveyed (Part 2) will be assigned the address of 870 Queenston Road, Hamilton (Stoney Creek).

Development Engineering:

Information:

1. There is an existing municipal easement located at the southern portion of the subject lands for a 675mm diameter storm sewer and a 250mm diameter sanitary sewer. The appropriate setbacks from the easement shall be considered by the owner / applicant for the proposed development of the severed lands.

2. The lands are regulated by the Conservation Authority and the owner / applicant shall obtain the required permits / approval as required.
3. The **municipal infrastructure** the fronts the subject property on Queenston Road are described below:

Queenston Road

- 375mmø & 300mmø Sanitary Sewer
- 250mmø Watermain
- 1050mmø Storm Sewer

4. Road Improvements

A right-of-way widening is **not** applicable to the subject lands as the existing right-of-way width is already at the described width of Schedule C-2 of the Urban Official Plan.

Recommendations:

The applicant must enter into and register on title of the lands, a Consent Agreement, 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 as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objections to the land severance application. We defer to any additional right-of-way requirements, through the Transit office. All comments through DA-18-075 are still required.

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: July 29, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 860 Queenston Road, Stoney Creek
File: SC/B-20:34

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 6, 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

An assessment of the information provided shows that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

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.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$273.26 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

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

SUMMARY

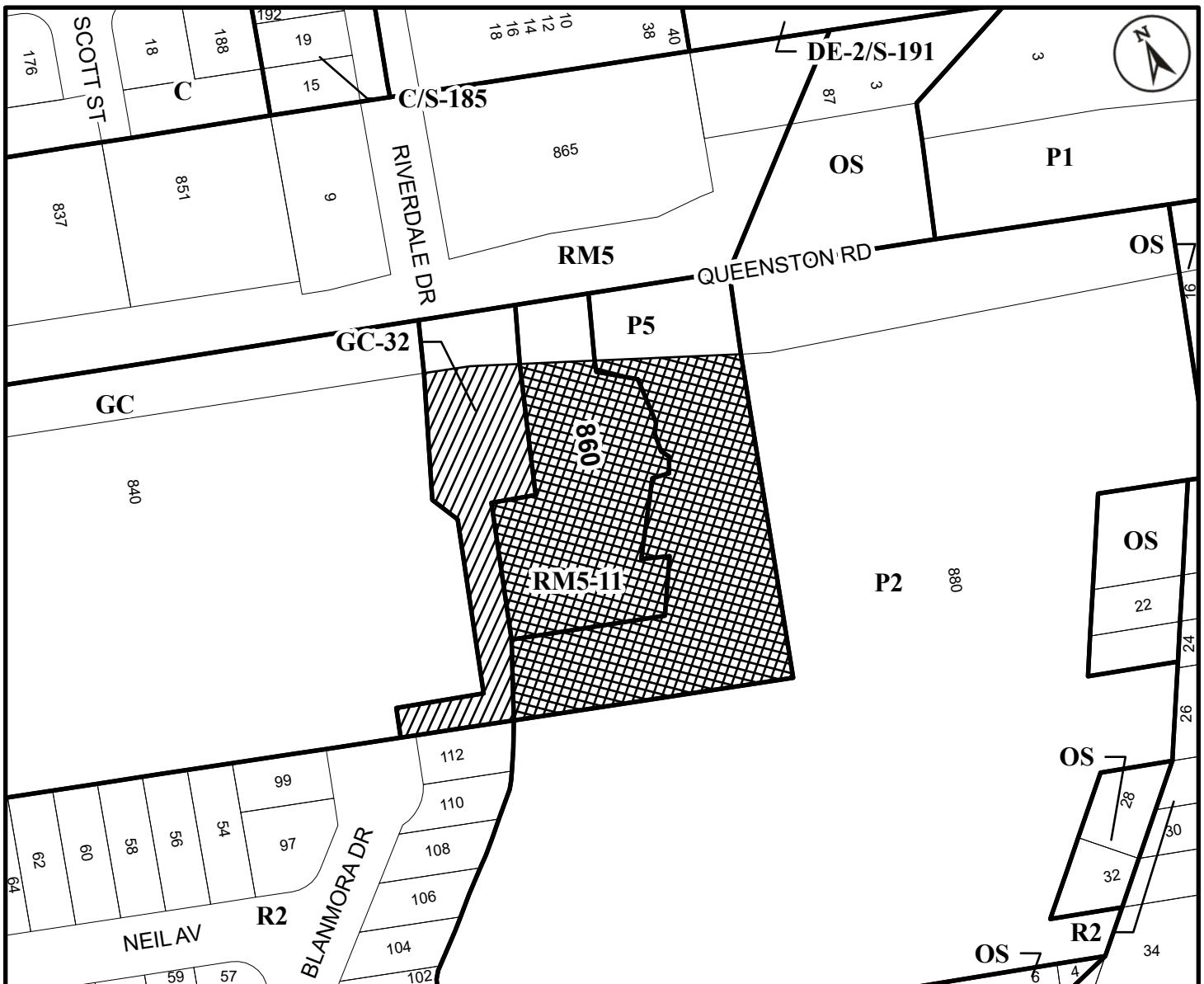
- There are municipal tree assets on site; therefore a Tree Management Plan is required.
- No Landscape plan required
- **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

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.

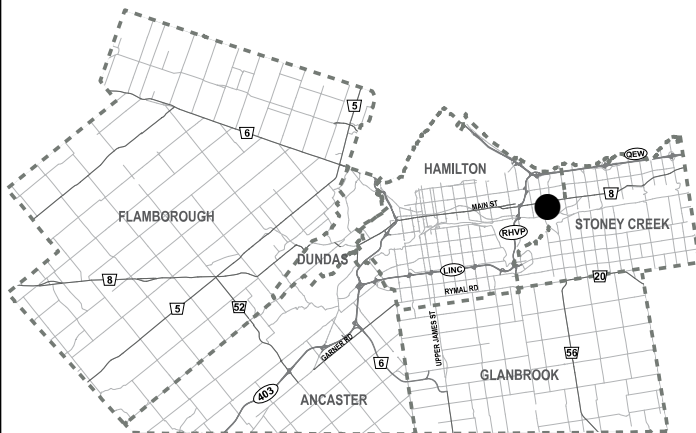
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is fluid and cursive, with the first name "Shannon" and last name "Clarke" clearly distinguishable.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

860 Queenston Road, Stoney Creek
(Ward 5)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:34

Date:

July 29, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:119 (352 Beach Blvd., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new single detached dwelling, in accordance with Site Plan Control application DAB-20-068, notwithstanding some variances.

Minor variance application HM/A-20:119 is premature given DAB-20-068 has not yet received Conditional Approval. Staff requests the application be tabled until Conditional Approval has been received and therefore Staff will not be providing comments at this time.

Archaeology / Cultural Heritage:

Staff have provided comments on the subject proposal as part of Site Plan Control application DAB-20-068 and have no additional concerns with the subject Minor Variance application.

Recommendation:

Based on the preceding information, Staff recommends that the application be tabled.

Building Division:

1. A building permit is required for the construction of the proposed single detached dwelling.
2. The lands are subject to Site Plan Control DAB-20-068; however, this application is currently under review. Please note, further variances may be required at such time that a full zoning review is conducted on the proposal.
3. The applicant requested a variance to Hamilton Zoning By-law 6593; however, these lands are now under Hamilton Zoning By-law 05-200 and the requested variance is no longer applicable.
4. The Zoning By-law requires a minimum side yard of 1.5m. The north side yard dimension has not been measured to the nearest part of the building. Therefore, further variances may be required.
5. Where the driveway is provided in the front yard all other portions of the front yard shall be landscaped area. Insufficient details were provided from which to determine compliance; as such, further variances may be required.
6. The applicant shall ensure that the parking spaces and the driveways are maintained with a stable surface such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition; otherwise, further variances will be required.

Development Engineering:

Development Engineering has no comments on the minor variance as proposed.
All engineering related issues will be dealt with under site plan application, DAB-20-068.

See attached for additional comments.

JULY 22 2020

RUSSELL JAKALI
324 BEACH BLVD.,
HAMILTON ON
L8H 6W2
PH # 365 888 4965

DEAR SIR

I WOULD LIKE TO PUT MY SUPPORT
THIS MINOR VARIANCE FOR THE
PROPERTY AT 352 BEACH BLVD.,
IT NOWAY EFFECTS ME OR ANYONE
ELSE, THE PROPOSED HOUSE WOULD
BE A FINE ASSET TO THE BEACH
STRIP.

YOURS SINCERLY

Russell Jakali

July 28, 2020

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

Attention: Morgan Evans

File# HM/A-20:119

Re: 352 Beach Blvd

In response to your correspondence dated July 22, 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.

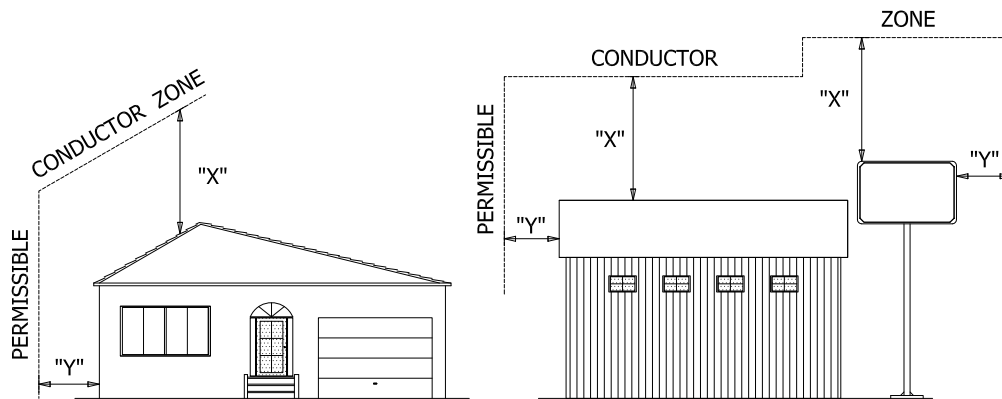
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 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



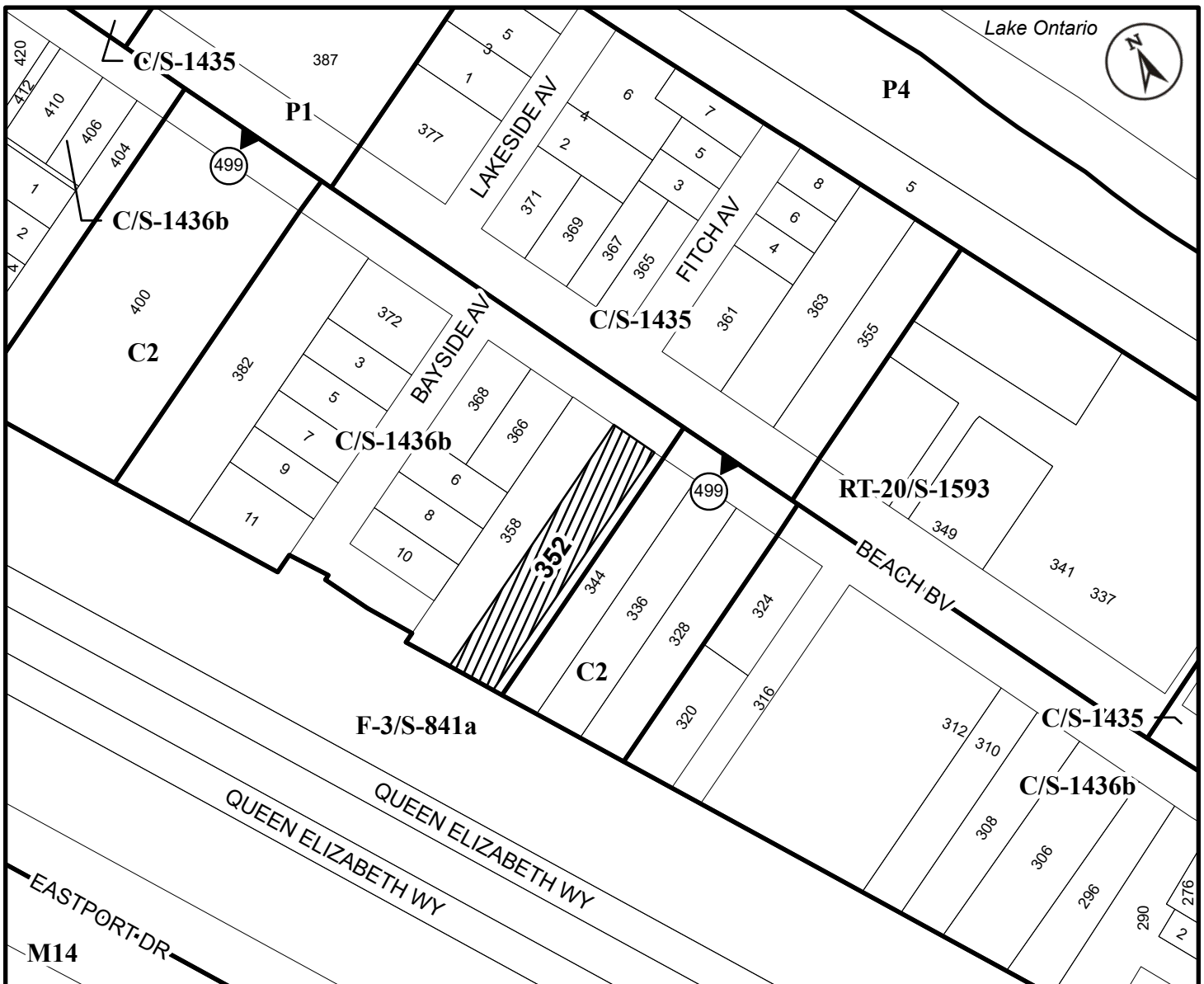
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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)

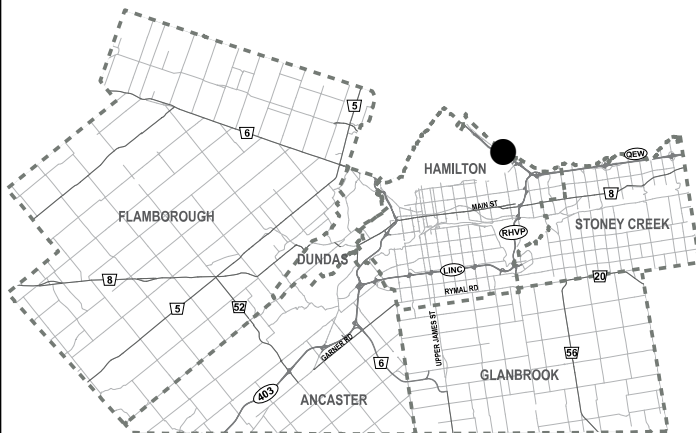
* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

- THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
- THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
- THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



352 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/A-20:119

Date:

July 29, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:116 (988 Concession S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an accessory building in the rear yard notwithstanding that the accessory building shall be permitted a height of 5.4 metres whereas the by-law requires no accessory building to exceed 4.0 metres.

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 City of Hamilton Zoning By-law No. 6593

The subject property is zoned “B” Suburban Agriculture and Residential District, to which the use complies.

Variance

The applicant is seeking a variance to permit the construction of an accessory building in the rear yard at a proposed height of 5.4 metres whereas the by-law requires no accessory building to exceed 4.0 metres. The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties.

Staff are concerned that the 5.4 m height of the accessory structure is excessive. Staff request that the proponent comply with the height requirement of 4.0 m to ensure the accessory structure maintains the perception that is secondary to the primary structure on the property. The proposed structure is not compatible with the surrounding neighbourhood and as such, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former City of Hamilton Zoning By-law No. 6593. The variance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

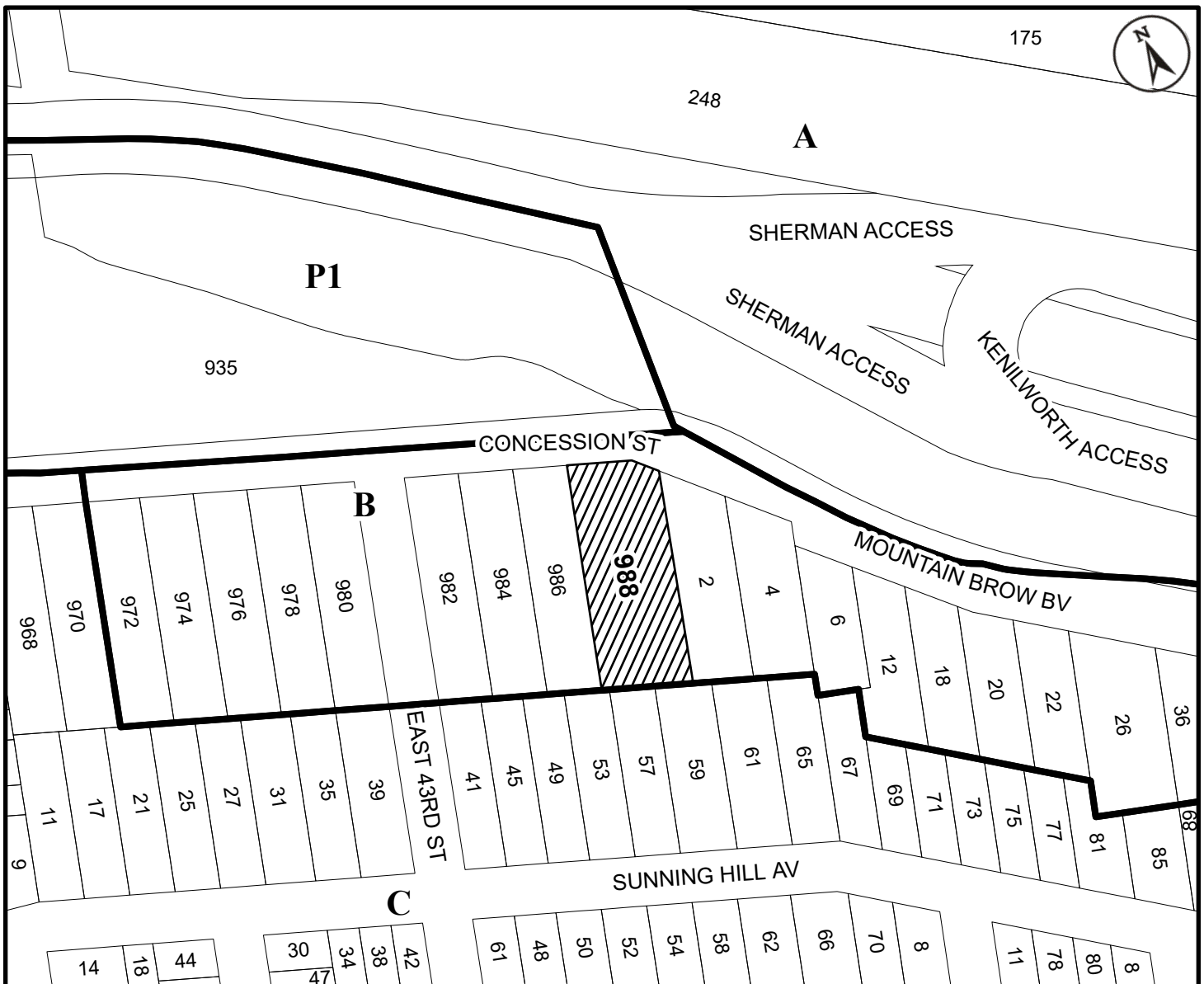
Building Division:

1. Variances have been written exactly as requested by the applicant. A scaled and dimensioned site plan with grading details, elevation drawings, and details of the parking area has not been provided. Therefore, a full zoning review could not be conducted. The applicant shall ensure that the height of the accessory building has been measured from grade as defined in Section 2, and parking is in compliance with Section 18A. Otherwise additional variances may be required.
2. A building permit is required in the normal manner for the construction of the proposed accessory building.

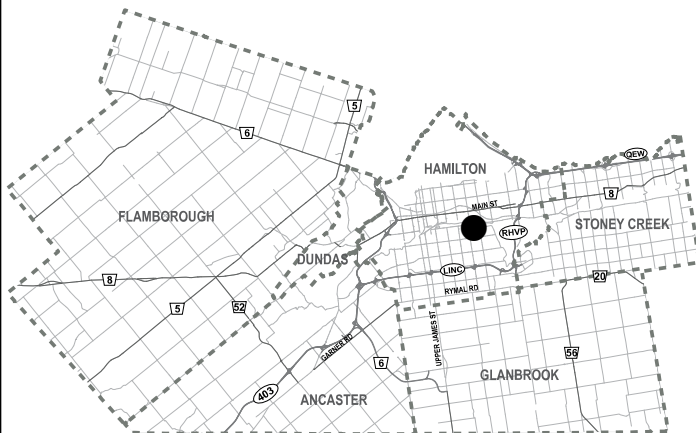
Development Engineering:

Provided the existing drainage patterns have been maintained, then Development Engineering Approvals have no concerns with the Minor Variance Application as proposed.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



988 Concession Street, Hamilton
(Ward 6)

File Name/Number:

HM/A-20:116

Date:

July 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:35 (386 East 25th St., Hamilton)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall receive final and binding approval of minor variance application File No. HM/A-20:126.
3. The owner shall demolish all or an appropriate portion of the dwelling straddling the proposed property 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.
4. The owner shall demolish the three (3) sheds on the lands to be retained and the lands to be conveyed 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 three (3) to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
5. The applicant must enter into and register on title of the lands, a Consent Agreement, 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 as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
6. That the owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section
7. 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 fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

386A and 386B East 25th Street will not be recognized by the City of Hamilton as valid addresses.

The following addresses have been assigned following proper addressing protocol as laid out in the Council approved addressing guidelines.

The lands to be retained (A) will remain as 386 East 25th Street, Hamilton (Hamilton).
The lands to be conveyed (B) will be assigned the address of 388 East 25th Street, Hamilton (Hamilton).

HM/B-20:35 (386 East 25th St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling and accessory structures will be demolished to facilitate this application.

Urban Hamilton Official Plan

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

“E.3.2.3 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;
- b) open space and parks;
- c) local community facilities/services; and,
- d) local commercial uses.

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;

- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Former City of Hamilton Zoning By-law No. 6593

Severed Lands B and Retained Lands A are zoned “C” (Urban Protected Residential, Etc.) District to which the proposed residential use complies. The required lot size of each lot within the “C” District is 360.0 m² and the minimum lot width is 12.0 m. The applicant has submitted an application for a minor variance under HM/A-20:126 to permit reduced lot frontage and area.

Analysis

As per the Urban Hamilton Official Plan, F.1.14.3.1 the proposed residential lots do not reflect the general scale and character of the established development pattern within the immediate area. Based on the configuration of the existing residential lots abutting the subject lands, the frontage, side yards, and lot area is consistent and within the by-law regulations whereas the proposal deviates from the regulations and proposes a significant reduction of lots. In addition, the proposed severance does not fit into the existing character of the neighbourhood and as such, staff are recommend denial of the application as it is not in keeping with the general purpose and intent of the Urban Hamilton Official Plan as well as the Former City of Hamilton Zoning By-law No. 6593. Accordingly, staff do not support the consent application.

Recommendation

Based on the preceding information, the requested consent application does not maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former City of Hamilton Zoning By-law No. 6593. The severance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

1. Minor Variance File No. HM/A-20:126 is necessary in order to facilitate this Consent Application. HM/A-20:35. These applications are being heard concurrently.
2. A variance is required to permit the accessory structures to remain on the conveyed/retained lands when no main use/building has been established.
3. 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.
4. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
5. 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:

1. The owner shall receive final and binding approval of minor variance application File No. HM/A-20:126.
2. The owner shall demolish all or an appropriate portion of the dwelling straddling the proposed property 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. The owner shall demolish the three (3) sheds on the lands to be retained and the lands to be conveyed 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 three (3) to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Growth Management:

386A and 386B East 25th Street will not be recognized by the City of Hamilton as valid addresses.

The following addresses have been assigned following proper addressing protocol as laid out in the Council approved addressing guidelines.

The lands to be retained (A) will remain as 386 East 25th Street, Hamilton (Hamilton).

The lands to be conveyed (B) will be assigned the address of 388 East 25th Street, Hamilton (Hamilton).

Development Engineering:

Information:

1) The **municipal infrastructure** the fronts the subject property on East 25th Street are described below:

East 25th Street

- 300mmØ Combined Sanitary and Storm Sewer
- 150mmØ Watermain

2) Road Improvements

A right-of-way widening is **not** applicable to the subject lands as the existing right-of-way width is already at the described width of the Urban Official Plan.

Recommendations:

The applicant must enter into and register on title of the lands, a Consent Agreement, 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 as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).

Transportation Planning & Parking Division (Traffic)

1. Transportation Planning has no objection to the land severance application.

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: July 30, 2020

To: Jamila Sheffield, Committee of Adjustments Secretary/Treasurer
Development Planning Heritage and Design
City Hall – 71 Main St. W. – 5th Floor

From: Shannon Clarke, Urban Forest Health Technician

Subject: 386 East 25th Street, Hamilton
File: HM/B-20:35

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 6, 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

An assessment of the information provided shows that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

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.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$273.26 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

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; therefore a Tree Management Plan is required.
- No Landscape plan required
- **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

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 cursive script, reading "Shannon Clarke".

Shannon Clarke
Urban Forest Health Tech

From: [Mary Dorin](#)
To: [Committee of Adjustment](#)
Subject: Notice of public hearing: Application # HM/B20:35 and # HM/A-20:126
Date: August 3, 2020 7:59:54 PM

Re:
Application Numbers
HM/A-20:126
HM/B-20:35

As the owner of lot 382 East 25 st. Located directly adjacent to 386 East 25 St. I am writing to express my opposition to this proposal. I have concerns on several fronts.

First this proposal will significantly impact the quality of life I currently enjoy on my property at 382 East 25. I purchased this property due to the fact that the back yard is open, has mature trees with wildlife, and there is significant space between my home and the neighbouring home. This proposal will bring the residence right up to the property line and infringe on the privacy of my yard. Additionally the size of the building proposed will block out the natural landscape with a 22 foot wall and we will lose trees in the process. The light in my yard will be significantly affected as the height of this structure will block the sunlight. I have attached a current photo of the area in question.



Secondly, I have consulted with my real estate agent and he has advised me that a proposal such as this will have significant impact on the resale value of my home should it pass. A possibility of up to 10% at least. This is significant. As a single woman in today's housing market this is extremely distressing. Moving will not be an option. Over the last six years I have worked extremely hard to renovate and make my property a lovely home. I spend so much time in my back yard. It is distressing to know that my hard work and hard earned dollars will have gone to waste.

Third, I have spoken with several neighbours also opposed to this proposal. Nobody wants to see this happen. The existing structure is affordable rental housing. It is in very good condition and there is no reason to demolish it. There is currently a young couple with a three year old Daughter renting who had planned to live there for many years as she is enrolled in a neighbourhood school. This family will be evicted so that the owner can have a double rental. They are extremely distressed by this proposal. As they should be but have no say as renters. They have expressed their wish to either stay renting or purchase the home.

Fourth, the amount of concessions being requested is absurd. Why even have bylaws if we will allow them to be overruled so one person can profit while others will suffer. This is unacceptable. The living space proposed for these apartments is very small. Should this pass I expect this will be suitable for students. I am expecting a lot of sleepless nights and noise. If the owners wish a double unit I propose they purchase an already existing structure with a basement. There are many houses in the area like this that could be renovated and would not disturb anyone.

Lastly, I cannot imagine what it will be like to have to live through the demolition and rebuild. This will be months and months of disruption to my life. Just this proposal is causing me a huge amount of stress and has had an effect on my health already. There will be constant building noise, dust, and workers surrounding my home for a very long period of time. I will lose my peace and privacy.

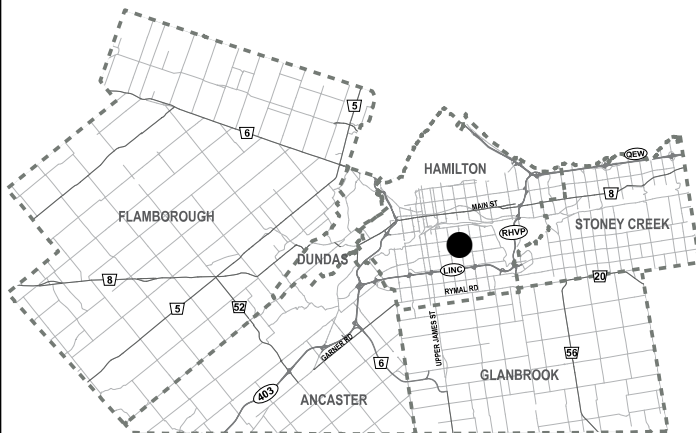
I appreciate being given the opportunity to express my concerns. I hope the committee will consider this as if they were living next to this property. This is a lovely family neighbourhood and we want to see it stay this way.

Sincerely,
Mary Dorin

[Sent from Yahoo Mail for iPhone](#)



Site Location



City of Hamilton

Committee of Adjustment

Subject Property

386 East 25th Street, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:35

Date:

July 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:126 (386 East 25th St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application to permit a lot to be retained to contain a single detached dwelling and to permit a lot to be conveyed to contain a 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, E.3.4.3, E.3.4.6 c) amongst others, are applicable and permit a single detached dwelling.

Former City of Hamilton Zoning By-law No. 6593

The subject property is zoned “C” Urban Protected Residential, Etc. Zone to which the use complies.

Variance 1

The applicant is seeking a variance to permit a minimum lot width of 9.5 m to be provided instead of the minimum required lot width of 12.0 m.

Staff also note that the lot frontage reduction is not minor and that the two proposed lots are not compatible with the neighbourhood. When compared to the abutting properties, staff note that the lot widths vary consistently from 12.0 m. Therefore, the intent of the Urban Hamilton Official Plan and Zoning By-law is not maintained in this instance as the lots are not compatible with the neighbourhood. The variance is not minor and appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 2

The applicant is seeking a variance to permit a minimum lot area of 350 m² to be provided instead of the minimum required lot area of 360 m². 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 residential lot.

The abutting properties have a significantly greater lot area ranging from 400 m² to as large as 600 m², as such staff are concerned that the proposed reduction in the minimum lot area will have a negative impact on the neighbouring properties as it will deviate from the existing character and streetscape of the neighbourhood. Therefore, the intent of the

Urban Hamilton Official Plan and Zoning By-law is not maintained in this instance as the proposed lots are not compatible with the neighbourhood. The variance is not minor and appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 3

The applicant is seeking a variance to permit a minimum side yard width of 0.9 m to be provided on one side and a minimum side yard of 1.2 m to be provided on the other side instead of the minimum required side yard of 1.2 m. The intent of the side yard setbacks is to allow for adequate access and drainage into the rear yard.

In this instance, the proposed reduction in the minimum side yard setback is significantly reduced to 0.9 m, 1.1m under the bylaw requirement for a minimum side yard setback. With regards to drainage, staff defer to Development Engineering Approvals. Staff are concerned that the proposed reduction in the minimum side yard setback is not in keeping with the character and streetscape of the abutting properties which consistently have side yard setbacks greater than the minimum requirement of 1.2 m. Therefore, the intent of the Urban Hamilton Official Plan and Zoning By-law is not maintained as the setbacks are not compatible with the neighbourhood character and do not provide an adequate access into the rear yard. The variance is not minor and appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 4

The applicant is seeking a variance to permit a 0.0 m aisle width manoeuvring space to be provided instead of the minimum require 6.0 m aisle width manoeuvring space.

Staff note the use of the subject lands is a single detached dwelling located on a local road which sees minimal traffic and that the variance is an existing condition on affecting the subject lands. It is common for single detached dwellings to have a driveway without a manoeuvring area on site. Also, there is ~10m of length from the property line to the curb line that can aid with the additional maneuvering. 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

Variance 5

The applicant is seeking a variance to permit the required two parking spaces to be provided within the required front yard instead of the requirement that no part of a required parking space for a single detached dwelling shall be located in a required front yard.

The neighbourhood is comprised of single detached dwellings with cars that are parked close to the fronting street on driveways extending from private garages within the front yards. As such, the existing character of the neighbourhood will be maintained because

the proposal to permit a parking space to be in the required front yard is similar to the location of adjacent existing driveways along the street. Staff note that the additional parking space in the front yard can be appropriately accommodated while maintaining a minimum of 50% landscaped area and keeping the parking area to below 50% of the total area of the front yard. Therefore, the intent of the Urban Hamilton Official Plan and Zoning By-law is maintained in this instance as the lots are compatible with the neighbourhood. The variance 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 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.

Staff recommends that variances 4 and 5 be approved, as the variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and are desirable for the appropriate use of the property.

Staff recommend that variance 1, 2, and 3 be denied, as the variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former City of Hamilton Zoning By-law No. 6593. The variances are not minor in nature and are not desirable for the development of the lands.

Building Division:

1. The following Drawings/Plans were submitted with the Minor Variance Application but were not attached to the Notice for both 386A and 386B East 25th Street, specifically:

For 386A East 25th Street

- Drawing A-1.1 (Basement Floor Plan) for both 386A and 386B East 25th Street
- Drawing A-1.2 (Ground Floor Plan) for both 386A and 386B East 25th Street
- Drawing A-1.3 (Roof Floor Plan) for both 386A and 386B East 25th Street
- Drawing A-2.1 (Front Elevation) for both 386A and 386B East 25th Street
- Drawing A-2.2 (Rear Elevation) for both 386A and 386B East 25th Street
- Drawing A-2.3 (South Side Elevation) for both 386A and 386B East 25th Street

For 386B East 25th Street

- Drawing A-1.1 (Basement Floor Plan) for both 386A and 386B East 25th Street
- Drawing A-1.2 (Ground Floor Plan) for both 386A and 386B East 25th Street
- Drawing A-1.3 (Roof Floor Plan) for both 386A and 386B East 25th Street

- Drawing A-2.1 (Front Elevation) for both 386A and 386B East 25th Street
 - Drawing A-2.2 (Rear Elevation) for both 386A and 386B East 25th Street
 - Drawing A-2.3 (North Side Elevation) for both 386A and 386B East 25th Street
 - Drawing A-2.4 (South Side Elevation) for both 386A and 386B East 25th Street
2. This variance is necessary to facilitate Consent File No. HM/B-20:35.
 3. The variances are intended for each of the lots to be retained and conveyed.
 4. The existing dwelling and three (3) existing sheds are intended to be demolished. Demolition permits are required for the demolition of the existing single detached dwelling and sheds.
 5. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.
 6. A building permit is required for construction of each of the proposed single family dwelling.

Development Engineering:

Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

From: [Mary Dorin](#)
To: [Committee of Adjustment](#)
Subject: Notice of public hearing: Application # HM/B20:35 and # HM/A-20:126
Date: August 3, 2020 7:59:54 PM

Re:
Application Numbers
HM/A-20:126
HM/B-20:35

As the owner of lot 382 East 25 st. Located directly adjacent to 386 East 25 St. I am writing to express my opposition to this proposal. I have concerns on several fronts.

First this proposal will significantly impact the quality of life I currently enjoy on my property at 382 East 25. I purchased this property due to the fact that the back yard is open, has mature trees with wildlife, and there is significant space between my home and the neighbouring home. This proposal will bring the residence right up to the property line and infringe on the privacy of my yard. Additionally the size of the building proposed will block out the natural landscape with a 22 foot wall and we will lose trees in the process. The light in my yard will be significantly affected as the height of this structure will block the sunlight. I have attached a current photo of the area in question.



Secondly, I have consulted with my real estate agent and he has advised me that a proposal such as this will have significant impact on the resale value of my home should it pass. A possibility of up to 10% at least. This is significant. As a single woman in today's housing market this is extremely distressing. Moving will not be an option. Over the last six years I have worked extremely hard to renovate and make my property a lovely home. I spend so much time in my back yard. It is distressing to know that my hard work and hard earned dollars will have gone to waste.

Third, I have spoken with several neighbours also opposed to this proposal. Nobody wants to see this happen. The existing structure is affordable rental housing. It is in very good condition and there is no reason to demolish it. There is currently a young couple with a three year old Daughter renting who had planned to live there for many years as she is enrolled in a neighbourhood school. This family will be evicted so that the owner can have a double rental. They are extremely distressed by this proposal. As they should be but have no say as renters. They have expressed their wish to either stay renting or purchase the home.

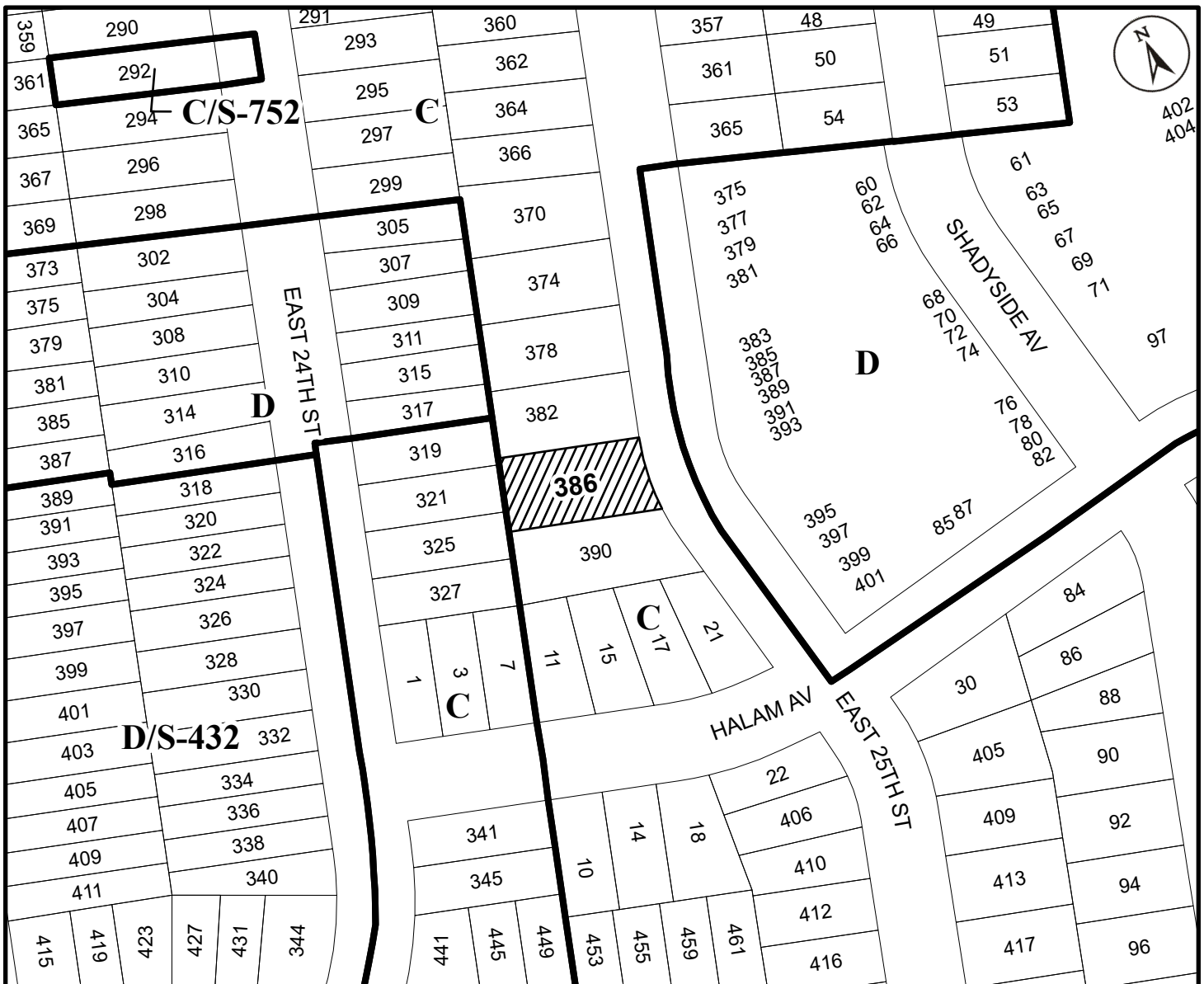
Fourth, the amount of concessions being requested is absurd. Why even have bylaws if we will allow them to be overruled so one person can profit while others will suffer. This is unacceptable. The living space proposed for these apartments is very small. Should this pass I expect this will be suitable for students. I am expecting a lot of sleepless nights and noise. If the owners wish a double unit I propose they purchase an already existing structure with a basement. There are many houses in the area like this that could be renovated and would not disturb anyone.

Lastly, I cannot imagine what it will be like to have to live through the demolition and rebuild. This will be months and months of disruption to my life. Just this proposal is causing me a huge amount of stress and has had an effect on my health already. There will be constant building noise, dust, and workers surrounding my home for a very long period of time. I will lose my peace and privacy.

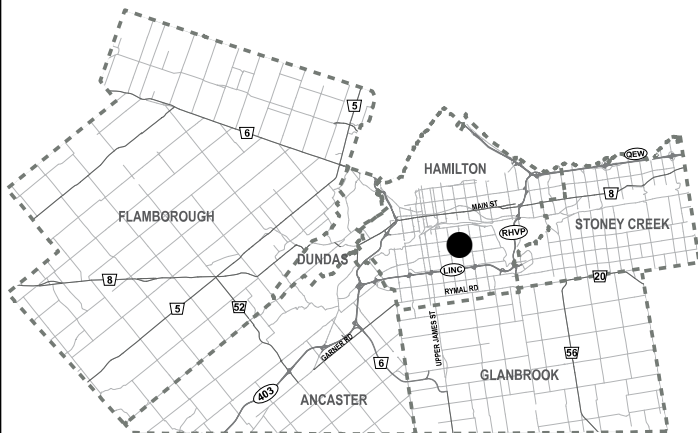
I appreciate being given the opportunity to express my concerns. I hope the committee will consider this as if they were living next to this property. This is a lovely family neighbourhood and we want to see it stay this way.

Sincerely,
Mary Dorin

[Sent from Yahoo Mail for iPhone](#)



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



386 East 25th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:126

Date:

July 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:128 (73 Salem Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application to permit the conversion of the existing single detached dwelling to a two unit dwelling under Section 19 (residential Conversion Requirements) of the Zoning By-law.

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 City of Hamilton Zoning By-law No. 6593

The subject property is zoned “C” (Urban Protected Residential, Etc.) District to which the use complies.

Variance 1

The applicant is seeking a variance to permit a minimum floor area of 62 m² shall be provided for the proposed dwelling unit instead of the minimum area of 65 m² required to be contains within each dwelling unit.

The submitted floor plan indicates that proposed additional unit is contained within the basement level with a total floor area of 62 m² (668 ft²). Based on the submitted floor plans, Staff is satisfied sufficient floor area will be provided for living accommodation purposes, including a kitchen, living room, bathroom, bedroom and living space. 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 appropriate use of the site and considered minor in nature; therefore, staff support the variance.

Variance 2

The applicant is seeking a variance to permit a minimum parking space size measuring 2.7 m in width by 5.1 m in length to be provided instead of the minimum required parking space size of 2.7 m in width by 6.0 metres in length.

The parking spaces have been 2.7 m x 5.1 m before the proposal was made and as such the variance is recognizing an existing condition on the subject property. Therefore, the variance is minor in nature and appropriate for the development of the subject property

as the parking spaces have operated without issue. Accordingly, staff support the variance.

Variance 3

The applicant is seeking a variance to permit that no manoeuvring space is provided for the most southerly parking space instead of providing an unobstructed manoeuvring space with a minimum width of 6.0 m required to be provided abutting upon and accessory to each required parking space.

Staff note the use of the subject lands include a single detached dwelling with an accessory apartment which is situated on a local road that sees minimal traffic. As such, it is common for single detached dwellings to have a driveway without a manoeuvring area on site. However, staff note that the driveway is an existing condition, is large enough to accommodate the proposal and has enough space between the full length of the driveway and the property line which can aid with additional maneuvering. 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 as well as the 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.

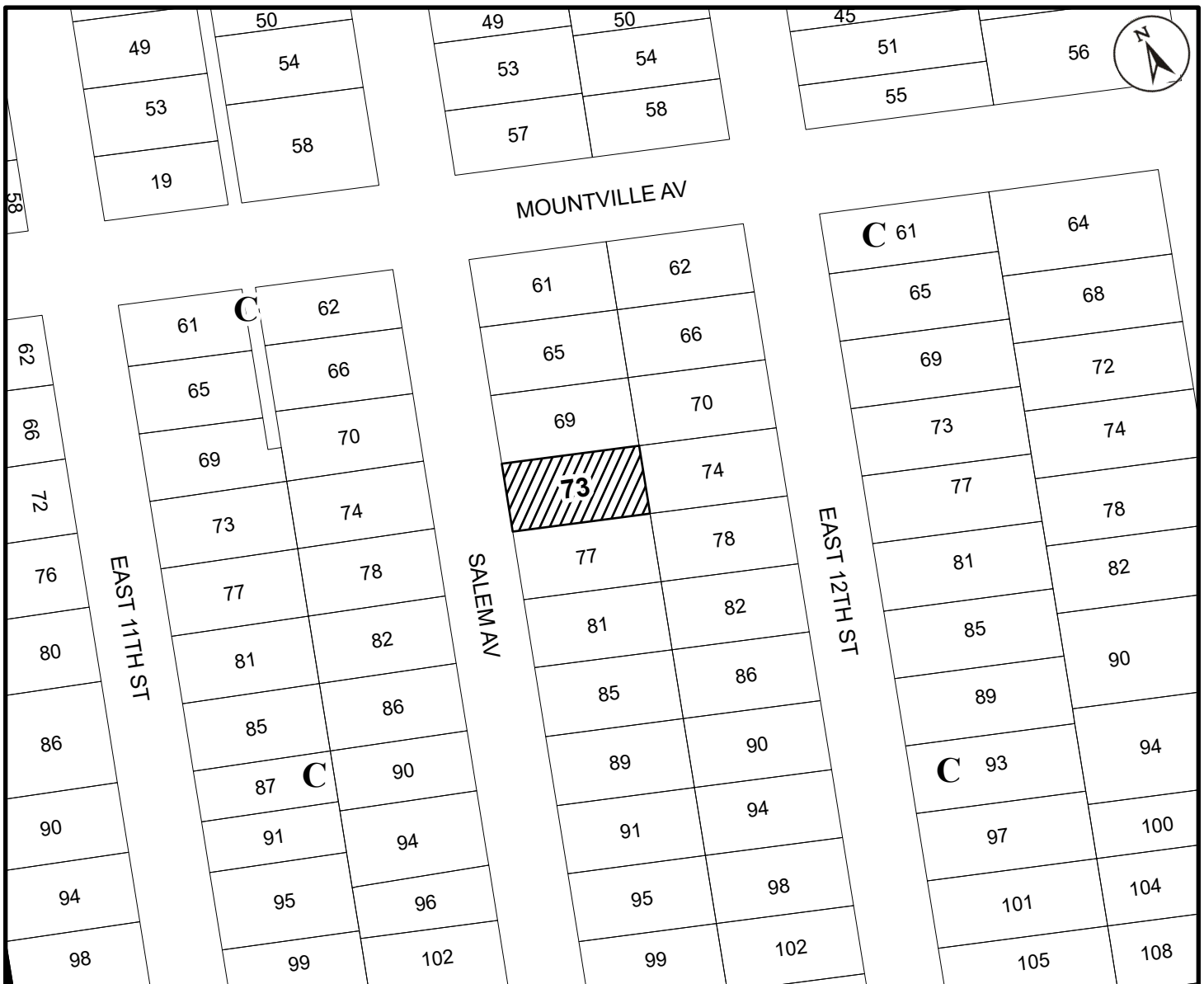
Building Division:

1. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
2. It is noted that the two proposed parking spaces at the rear of the property are situated in the location of the existing garage. Please note that a demolition permit is required for the removal of the existing garage; however, the Building Division has no record of an application for a demolition permit to remove the existing garage.
3. A further variance will be required if gravel or similar surface or other suitable paving is not provided for every parking space and access driveway.
4. Conversion of the existing dwelling to a two (2) family dwelling is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may required specific setbacks and construction types.

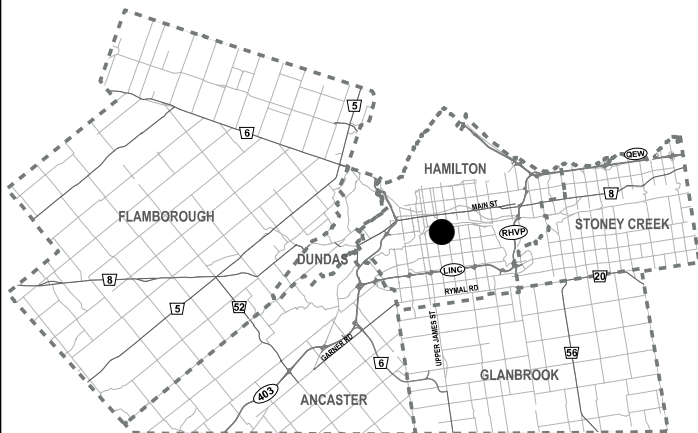
5. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



73 Salem Avenue, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:128

Date:

July 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:127 (20 Sauvignon Cres., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the creation of a lot for the future establishment of a single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” within Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP) to which the use complies.

The subject lands are designated as “Low Density Residential 2” within the Fruitland-Winona Secondary Plan: Land Use Plan Map B.7.4-1. to which the use complies.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned “R2-61” Single Residential – Two Zone to which the use complies.

Variance 1

The applicant is seeking a variance to permit a minimum lot frontage of 12.0 m to be provided instead of the minimum required lot frontage of 15.0 m. The intent of the variance is to facilitate a future Part Lot Control application that would subdivide Block 1 into five lots.

The existing subdivision located to the west of the subject lands has single detached dwelling with lots that have a frontage ranging from 12 m. Since the frontage widths of the five proposed lots are similar in width to others within the nearby area, staff are satisfied that the proposed variance will have no impact on the existing character and streetscape of the settlement area. Therefore, the variance is minor in nature and appropriate for the development of the subject property as the parking spaces have operated without issue. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan as well as the Stoney Creek Zoning By-law No.3692-92. 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. Drawings submitted have not been dimensioned noting the 7.5m setback from the parallel of the chord of the lot frontage. Should the lot frontage be measured at a distance of less than 7.5m; further variances may be required.

Lot - Frontage as defined:

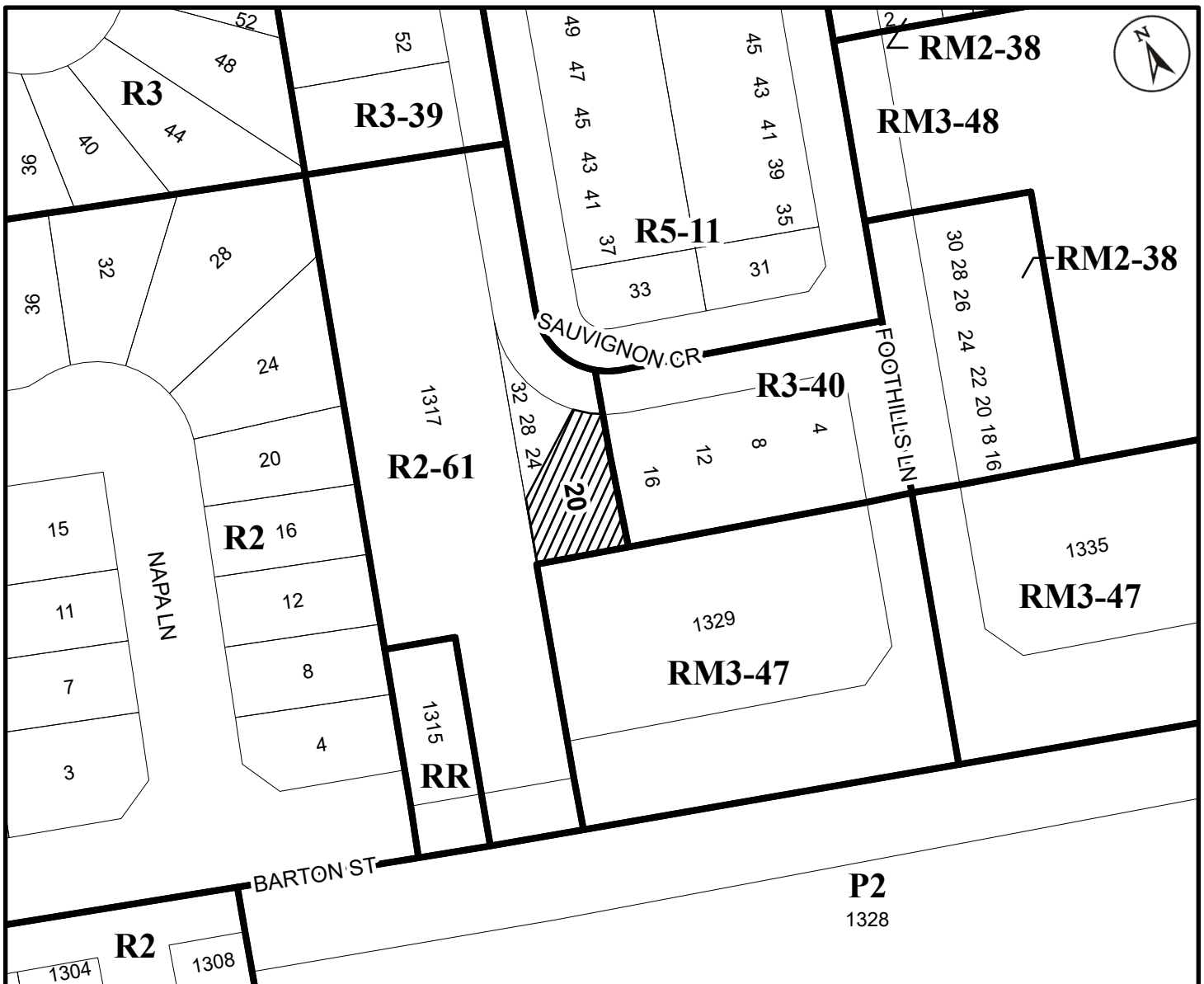
Means the horizontal distance between the side lot lines which distance is to be measured along the continuous front lot line to determine the lot frontage but if the front lot line is not continuous then the lot frontage is to be determined by measuring the distance along the longest front lot line, but:

(b) Where the front lot line is not a straight line and the side lot lines are not parallel, the lot frontage is to be determined by measuring the distance of the line drawn 7.5 metres back and parallel to the chord of the lot frontage and for the purposes of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line;

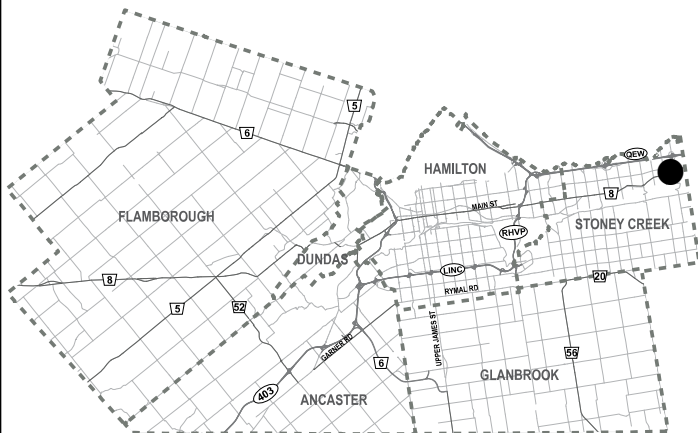
2. Variances have been written as requested by the applicant, which are based on lot area and lot frontage only. Insufficient details (i.e. no building envelope, building plans, elevations or parking details etc.) were provided. Therefore, compliance with Section 6.3 of Stoney Creek Zoning By-law 3692-92 shall be determined at building permit stage, and further variances may be required.
3. Construction of the proposed dwelling is subject to the issuance of a building permit from the Building Division. Please be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

Development Engineering has no comments on the minor variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



20 Sauvignon Crescent,
Stoney Creek (Ward 10)

File Name/Number:

SC/A-20:127

Date:

July 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:36 (46 Roselawn Ave., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. 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).
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. 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).
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. 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 fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

AN/B-20:36 (46 Roselawn Ave., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes. The severed lands will contain the existing single detached dwelling known municipally as 46 Roselawn Avenue and will have a lot area of 801.2 square metres, measuring 22.86 metres by 35.02 metres. The retained lands the existing single detached dwelling known municipally as 40 Roselawn Avenue and will have a lot area of 801.2 square metres, measuring 22.86 metres by 35.02 metres. These properties inadvertently merged on title.

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 support the severance of the lands to maintain the residential use.

The proposal is for the severance of a parcel of land containing two single detached dwellings. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Roselawn Avenue. 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.

Garner Neighbourhood Secondary Plan

The subject lands are designated “Low Density Residential (Existing)” within the Centennial Neighbourhood Secondary Plan. Policy B.2.3.1.3 a) amongst others, is applicable and permit single detached dwellings.

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

The subject lands are zoned “ER” (Existing Residential) District which permits single detached dwellings.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan, Garner Neighbourhood Secondary Plan and former Town of Ancaster Zoning By-law No. 87-57. In conclusion, Staff recommends that the application be approved.

Building Division:

1. Be advised that By-law 18-105 was passed on April 25, 2018 which changed the “ER” zoning regulations under Ancaster Zoning By-law 87-57. Amending By-law 18-105 is in force and effect except for the following tables/sections still under appeal, specifically: Table 10.3.4 (Front Yard Setback), Table 10.3.5 (Side Yard Setback); Table 10.3.7 (Maximum Height) and Section 10.3.1. As such, the proposed development is reviewed the new “ER” zone regulations except for those regulations still under appeal where both the existing and proposed Zoning By-law regulations are reviewed with the more restrictive regulation being applied. An exception is building permits, which are reviewed under the former existing zoning until such time that By-law 18-105 comes into force. If By-law 18-105 becomes final, the zoning under this By-law will be applicable.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. Variances for minimum side yard width and rear yard depth for the existing shed located on Part 2 and abutting the newly created lot line, will be required for zoning compliance of the lands to be conveyed/retained.

CONDITIONAL UPON:

1. 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. The owner shall receive final approval of any necessary 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 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).

Development Engineering:

According to our GIS records, the subject section of Roselawn 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 Roselawn Avenue is $\pm 20.2\text{m}$. 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:

Roselawn Avenue

- 200mm \varnothing Sanitary Sewer
- 150mm \varnothing Watermain

Recommendations:

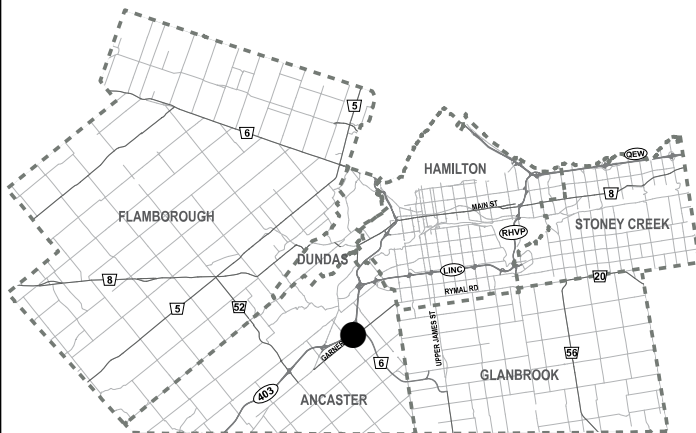
1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed 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 land severance application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

46 Roselawn Avenue, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:36

Date:

July 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:37 (657 Mohawk Rd., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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 pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall receive final and binding approval of minor variance application AN/A-20:131
3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property 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.
4. Approximately, 5.0 metres are to be dedicated to the right-of-way on Mohawk Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Mohawk Road (Hwy 403 to McNiven Road) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
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, urbanization, 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 by deed, sufficient land adjacent in order to establish the property line 15.24m from the original centreline of Mohawk Road.

7. The owner shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
9. The owner submits to the Committee of Adjustment office an administration fee, of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

The lands to be retained will be assigned the address of 653 Mohawk Road, Hamilton (Ancaster).

The lands to be conveyed will remain as 657 Mohawk Road, Hamilton (Ancaster).

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).”

AN/B-20:37 (657 Mohawk Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a parcel to create a total of two lots for residential purposes, notwithstanding the following variance. The severed lands will have a lot area of 954.9 square metres, measuring 15.24 metres by 60.87 metres, and the retained lands will have a lot area of 772.8 square metres, measuring 15.24 metres by 51.02 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.

The proposal is for the severance of the existing irregular shaped lot into two individual lots for residential purposes. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Mohawk Road. 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 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) In an area of sandy soil in areas of clay or stone; 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 consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the caution note below.

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

The subject lands are zoned “ER” (Existing Residential) District which permits single detached dwellings.

Variance 1

The applicant is requesting a variance to allow a minimum lot frontage of 15.24 metres to be provided, notwithstanding the minimum required lot frontage of 18.0 metres. The general intent of the Urban Hamilton Official Plan is to ensure the established low density residential character of the neighbourhood is maintained. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling.

This portion of Mohawk Road is characterized by modest single detached dwellings with large front yard setbacks and minimal side yard setbacks. The surrounding lot pattern contains a variety of lot areas and lot widths, with lot widths ranging from approximately 13.0 metres to 35.0 metres.

Staff is of the opinion the proposed severance is consistent with the established lot pattern and the residential character of the neighbourhood. While Staff acknowledge no plans have been submitted for the proposed residential development, Staff are of the opinion a single detached dwelling consistent with the character of the area can be accommodated on site. Staff note the proposed residential development will be subject to Site Plan Control upon approval of this severance.

Recommendation

Based on the preceding information, the requested severance and variance maintains the general intent and purpose of the Urban Hamilton Official Plan and former Town of Ancaster Zoning By-law No. 87-57. In conclusion, Staff recommends that the application be approved.

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).”

Building Division:

1. Please note this application is to be heard in conjunction with minor variance application AN/A-20:131, to permit a minimum lot frontage of 15.24 metres instead of the minimum required lot frontage of 18.0 metres, for both the portion of the lands to be retained and the portion of the lands to be severed.
2. The applicant should obtain an appropriate municipal address for the proposed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
3. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
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. Variances for lot frontage will be required for zoning compliance of both the lands to be conveyed/retained.

CONDITIONAL UPON:

1. The owner shall receive final and binding approval of minor variance application AN/A-20:131
2. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property 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.

Growth Management:

The lands to be retained will be assigned the address of 653 Mohawk Road, Hamilton (Ancaster).

The lands to be conveyed will remain as 657 Mohawk Road, Hamilton (Ancaster).

Development Engineering:

According to our GIS records, the subject section of Mohawk Road 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 is ±23.7m. Therefore, a road

allowance widening dedication of $\pm 3.39\text{m}$ (15.24m from centreline of roadway) will be required.

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:

Mohawk Road West

1. 250mm \varnothing Sanitary Sewer
2. 200mm \varnothing 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, urbanization, 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 by deed, sufficient land adjacent in order to establish the property line 15.24m from the original centreline of Mohawk Road.

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

- a. Approximately, 5.0 metres are to be dedicated to the right-of-way on Mohawk Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Mohawk Road (Hwy 403 to McNiven Road) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.



Hamilton

Public Works Department, Environmental Services Division
Forestry and Horticulture Section
77 James Street North, Suite 400
Hamilton, Ontario L8R 2K3
905-546-1312
UrbanForest@Hamilton.ca

Date: July 29, 2020

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

From: Sam Brush, Urban Forest Health Technician

Subject: 657 Mohawk Road, Ancaster
File: AN/B-20:37

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 6th, 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

An assessment of the information provided shows that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

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.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$273.26 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.

ANCASTER HERITAGE TREES

This property is within the Town of Ancaster, covered by the Ancaster Tree By-law which was not repealed when **The City of Hamilton Tree By-law 15-125** was enacted on May 13, 2015. The Forestry & Horticulture Section will request that a permit application be submitted for the removal of Private Heritage diameter trees {=>46 cm d.b.h.} which are located farther than 7.5 meters from the outer edge of an occupied structure.

All Private tree removals should be disclosed to the City of Hamilton's Forestry Conservation By-Law Officer, who can be contacted at mletrees@hamilton.ca. The outcome should then be reported back to Forestry and Horticulture.

LANDSCAPE PLAN

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

SUMMARY OF FORESTRY CONDITIONS

- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- A permit will be issued upon approval of the **Tree Management Plan** and applicable fees.

If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,


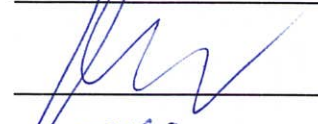


A handwritten signature in black ink, appearing to read 'Sam Brush', is written above the printed name.

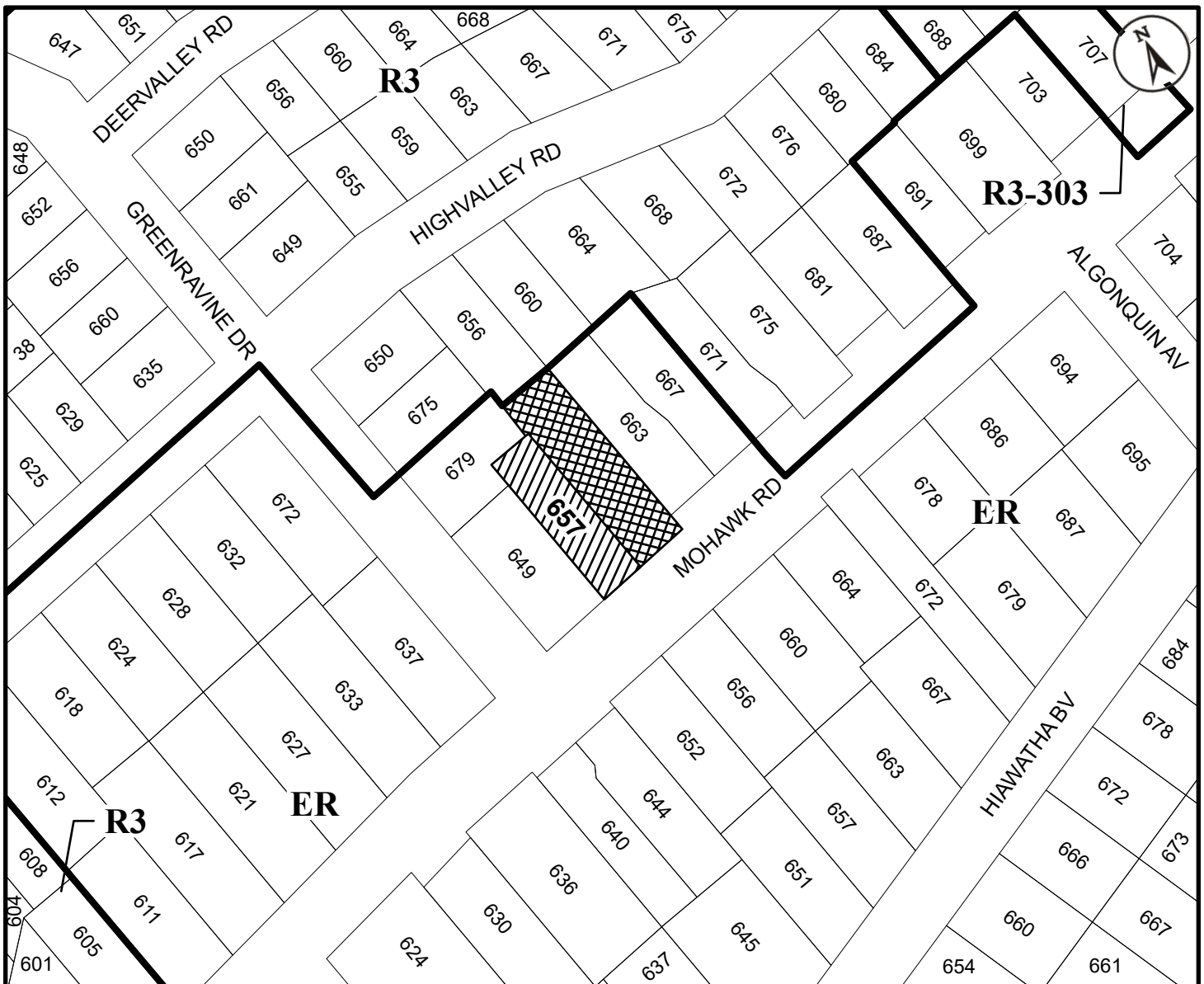
Sam Brush
Urban Forest Health Technician

From Residents

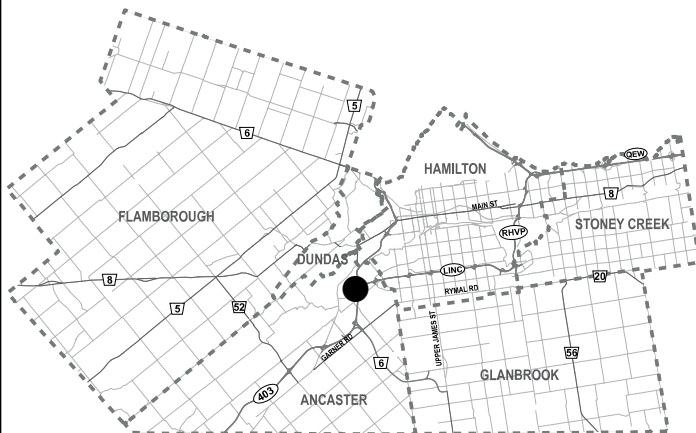
Ref: **OBJECTION ON APPLICATION NO. AN/B-20:37 & AN/A 20:131**

- Please refer to the above applications. We as resident of the area have great concerns about the severance and creation of two smaller Lots on the subject Land.
- The creation of two Lots does not meet the minimum LOT FRONTAGE requirement of the ER ZONING. NINE (9) Feet is NOT a minor variance.
- By creation smaller Lots will definitely greatly affect the value of our houses.
- The Mohawk Road is very busy and always blocked in rush hours. Creating extra exit on Mohawk Road will have more problems.
- With a reduced lot frontage this could create a lot grading and drainage issues.
- By granting the severance, the City will set a dangerous precedence for future sub standard lots in the area.

	Name	Address	Signature
1.	LEP CASSIDY	650 HighValley Rd. Anc.	
2.	W. EAGLES	649 HighValley Rd. Anc.	Mr Eagles
3.	R. MacLean	650 Highvalley Rd. Anc	R MacLean
4.	Darlene Eagles	649 HighValley Rd. Anc.	Darlene Eagles
5.	JIM McNAUGHTON	656 DEER VALLEY RD. ANC.	Jim McNaughton
6.	LIZA McNAUGHTON	656 Deervalley Rd Anc	Liza McNaughton
7.	Riley MacLean	650 Highvalley Rd Anc	Riley MacLean
8.	Birutė Viskelis-Cassidy	650 High valley Rd.	Birutė Viskelis-Cassidy
9.	Pierre & Martine MAILLET	679 GREEN RAVINE DRIVE	
10.	NADIM MIRZA	652 GREEN RAVINE DR.	
11.	SADDIQUE KHAN	656 HIGHVALLEY RD	Saddique
12.	NURON KARA	605 Highvalley Rd	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

657 Mohawk Road, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:37

Date:

July 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:131 (657 Mohawk Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a parcel to create a total of two lots for residential purposes, notwithstanding the following variance. The severed lands will have a lot area of 954.9 square metres, measuring 15.24 metres by 60.87 metres, and the retained lands will have a lot area of 772.8 square metres, measuring 15.24 metres by 51.02 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.

The proposal is for the severance of the existing irregular shaped lot into two individual lots for residential purposes. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Mohawk Road. 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 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. In an area of sandy soil in areas of clay or stone; 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 consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as per the caution note below.

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

The subject lands are zoned “ER” (Existing Residential) District which permits single detached dwellings.

Variance 1

The applicant is requesting a variance to allow a minimum lot frontage of 15.24 metres to be provided, notwithstanding the minimum required lot frontage of 18.0 metres. The general intent of the Urban Hamilton Official Plan is to ensure the established low density residential character of the neighbourhood is maintained. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling.

This portion of Mohawk Road is characterized by modest single detached dwellings with large front yard setbacks and minimal side yard setbacks. The surrounding lot pattern contains a variety of lot areas and lot widths, with lot widths ranging from approximately 13.0 metres to 35.0 metres.

Staff is of the opinion the proposed severance is consistent with the established lot pattern and the residential character of the neighbourhood. While Staff acknowledge no plans have been submitted for the proposed residential development, Staff are of the opinion a single detached dwelling consistent with the character of the area can be accommodated on site. Staff note the proposed residential development will be subject to Site Plan Control upon approval of this severance.

Recommendation

Based on the preceding information, the requested severance and variance maintains the general intent and purpose of the Urban Hamilton Official Plan and former Town of Ancaster Zoning By-law No. 87-57. In conclusion, Staff recommends that the application be approved.

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).”

Building Division:

1. This application is to be heard in conjunction with Severance Application AN/B-20:37.
2. The lands are located within an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control. For further information, please contact the Development Planning Division at (905) 5462424 extension 1355 or email pd.generalinquiry@hamilton.ca.
3. Any future development or redevelopments is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:


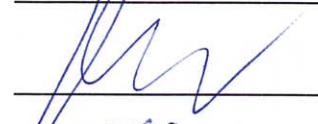


No Comment

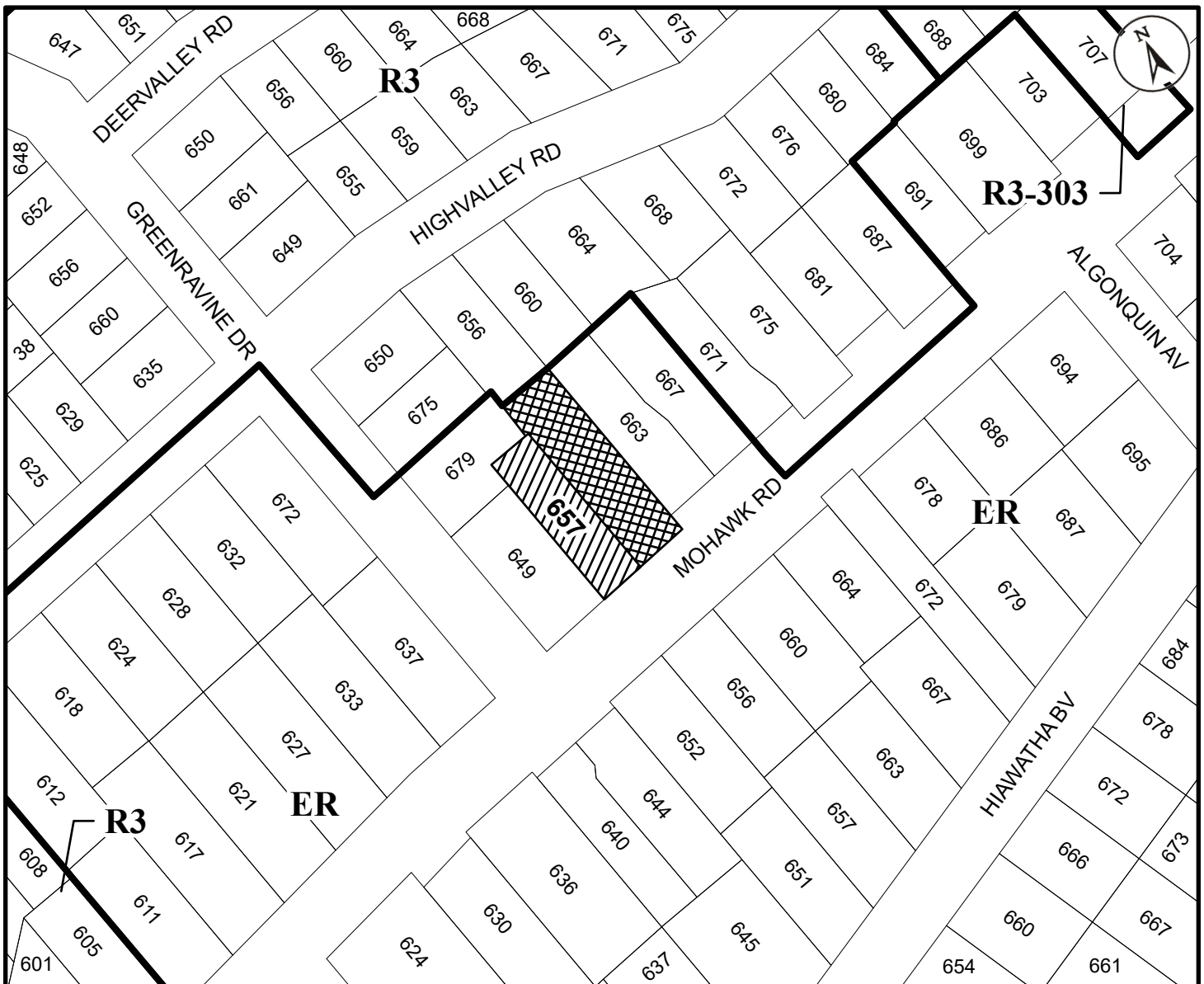
See attached for additional comments.

From Residents

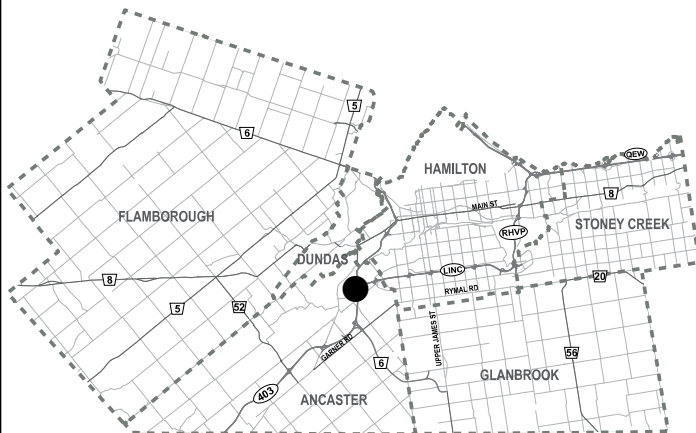
Ref: **OBJECTION ON APPLICATION NO. AN/B-20:37 & AN/A 20:131**

- Please refer to the above applications. We as resident of the area have great concerns about the severance and creation of two smaller Lots on the subject Land.
- The creation of two Lots does not meet the minimum LOT FRONTAGE requirement of the ER ZONING. NINE (9) Feet is NOT a minor variance.
- By creation smaller Lots will definitely greatly affect the value of our houses.
- The Mohawk Road is very busy and always blocked in rush hours. Creating extra exit on Mohawk Road will have more problems.
- With a reduced lot frontage this could create a lot grading and drainage issues.
- By granting the severance, the City will set a dangerous precedence for future sub standard lots in the area.

	Name	Address	Signature
1.	LEP CASSIDY	650 HighValley Rd. Anc.	
2.	W. EAGLES	649 HighValley Rd. Anc.	Mr Eagles
3.	R. MacLean	650 Highvalley Rd. Anc	R MacLean
4.	Darlene Eagles	649 HighValley Rd. Anc.	Darlene Eagles
5.	JIM McNAUGHTON	656 DEER VALLEY RD. ANC.	Jim McNaughton
6.	LIZA McNAUGHTON	656 Deervalley Rd Anc	Liza McNaughton
7.	Riley MacLean	650 Highvalley Rd Anc	Riley MacLean
8.	Birutė Viskelis-Cassidy	650 High valley Rd.	Birutė Viskelis-Cassidy
9.	Pierre & Martine MAILLET	679 GREEN RAVINE DRIVE	
10.	NADIM MIRZA	652 GREEN RAVINE DR.	
11.	SADDIQUE KHAN	656 HIGHVALLEY RD	Saddique
12.	NURON KARA	605 Highvalley Rd	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

657 Mohawk Road, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/A-20:131

Date:

July 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:67 (53 Bittern St., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of two, one storey, multi-tenant industrial buildings approximately 2,874.0 square metres and 1,599.0 square metres, respectively in order to facilitate Site Plan File No. DA-20-044, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Employment Areas” in Schedule E– Urban Structure and is designated “Business Park” in Schedule E-1 – Urban Land Use Designations. Policies E.5.4.1 and E.5.4.3 amongst others, are applicable and permit a variety of industrial uses.

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

The subject lands are zoned General Business Park (M2, 678) Zone, Modified, which permits a variety of industrial uses.

Variance 1 - 3

The applicant is requesting a variance to allow a minimum parking space width of 2.6 metres, to allow a minimum of two barrier free parking spaces to be provided on site and to allow a minimum barrier free parking space width of 3.5 metres, notwithstanding the minimum required parking space width of 3.0 metres, the minimum required three barrier free parking spaces and the minimum required barrier free parking space width of 4.4 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes and to ensure the parking needs of the development are satisfied.

Staff is of the opinion there is sufficient space on site to accommodate the required parking space width of 2.6 metres and 4.4 metres for barrier free parking spaces, and to accommodate the minimum required three barrier free parking spaces on site. The submitted Site Plan, in accordance with DA-20-044, contains 100 parking spaces whereas 89 parking spaces are required. As such, providing the required parking space width and required number of barrier free parking spaces will not result in the loss of required parking spaces. Staff recommend the applicant revise the submitted Site Plan to comply with the requirements of Zoning by-law 05-200.

Based on the foregoing, while the general intent of the Urban Hamilton Official Plan is being maintained, the general intent of the Zoning By-law is not being maintained. The variances are not desirable for the appropriate use of the site nor minor in nature; therefore, staff do not support the variances.

Recommendation:

Based on the preceding information, while the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan, the variances do not maintain the general intent of and the City of Hamilton Zoning By-law No. 05-200. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

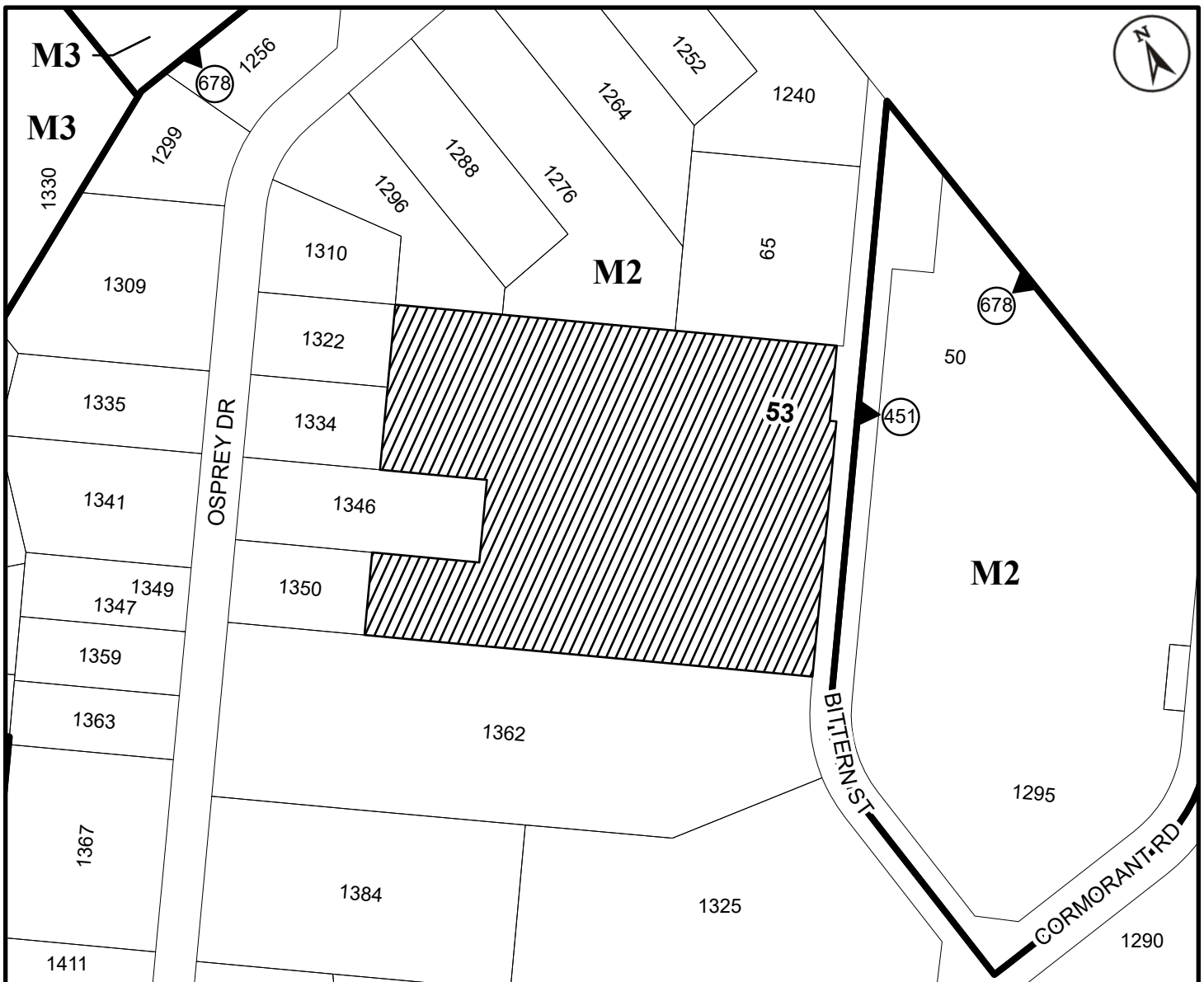
1. These variances are necessary to facilitate Site Plan Control application DA-20-044.
2. Please be advised that the proposed variance for side yard is not required as the "M2" zone only refers to a minimum yard abutting a street; therefore, the requested variance is not necessary.
3. In addition to the above requested variance for reduced number of parking spaces is not necessary as the required number of parking spaces were calculated under Planned Business Centre (1 space for each 50.0 m² of gross floor area). Based on the total GFA of 4,473.0 m² ÷ 50.0 m² of GFA = 89.46 = 89 spaces being required and 100 spaces have been provided; therefore, variance for reduced number of parking spaces is not required.
4. Variances have been written based on the information provided on the site plan.
5. A building permit is required for the construction of the proposed multi-tenant industrial buildings.
6. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

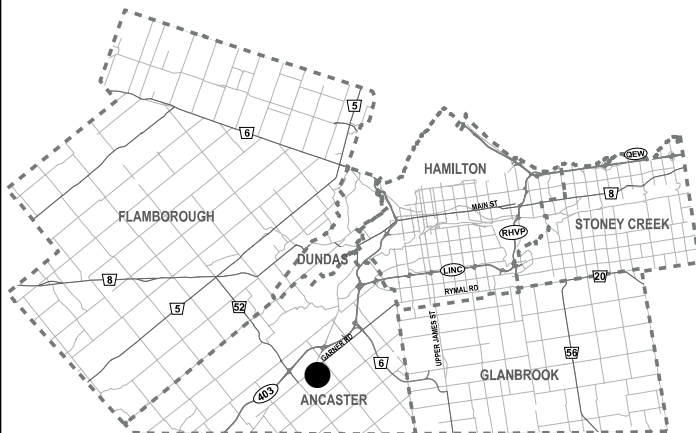
No comment. All issues pertaining to grading/drainage will be dealt with under the application DA-20-044 to the satisfaction of the Manager of Engineering Approvals.

Transportation Planning & Parking Division (Traffic)

Transportation Planning has no objections to the requested variances. All comments sent through DA-20-044 are still required.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



53 Bittern Street, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:67

Date:

July 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT