

**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, B.3.3.3.5, E.2.6.7, E.3.1.4, E.3.1.5, E.3.2.3, E.3.2.4, E.3.2.7 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.

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.3.3.3.2(a)) and encourages the use of design techniques such as building setbacks to create a comfortable pedestrian environment (Policy B.3.3.3.5(e)).

In addition, 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.

The submitted Building Section drawing shows a 45 degree angular plane measured from the rear property line at a height of 11.0 metres. Staff is satisfied this represents an adequate distance separation from the adjacent residential district to the rear of the subject property, creating an appropriate transition in scale.

The applicant has provided Staff with renderings of the proposed building which better depicts the massing and articulation of the building, demonstrating the breaks in the front façade. The rhythm of the front façade is a design technique used by the applicant to create the illusion of an intervening building which gives the perception of a smaller scale building. In addition, the applicant has intentionally used a light blue colour scheme to

allow the building to blend with the skyline, reducing the impact of the mass on the pedestrian realm.

The proposed building is a similar height to the adjacent multiple dwelling to the west, and Staff is satisfied based on the submitted renderings that the overall scale of the proposed building is compatible with the surrounding area.

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.

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 considered minor in nature; therefore, staff 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 3 does 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 3 is not considered minor in nature nor desirable for the appropriate use of the property.

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

**COMMENTS PREVIOUSLY SUBMITTED**

**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.

**See attached for additional comments.**

**DN/A-20:162 (7 Wilmar Crt., Dundas)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to permit the construction of an accessory building (private garage) for the existing single detached dwelling.

**Urban Hamilton Official Plan**

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

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

The subject lands are zoned "R2" (Single Detached Residential) in the Town of Dundas Zoning By-law No. 3581-86, to which the use complies.

**Variance 1**

The applicant is seeking a variance for a minimum 0.7m setback to be permitted from the rear lot line instead of the minimum 2.0m setback required from the rear lot line, and;

Staff note that the rear lot line setback of 0.7m will facilitate the re-construction of the detached garage which is consistent with the allocation of accessory structures within neighbouring lots. Staff confirm that many abutting properties have accessory structures located along the rear lot line and side lot lines. As such, staff note that the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

**Variance 2**

The applicant is seeking a variance for a minimum 0.7m setback to be permitted from the southerly side lot line instead of the minimum 2.0m setback required from the side lot line.

Staff note that the existing southerly side lot line setback of 0.7m is a pre-existing condition that is triggered because of the proposed re-construction of the detached garage which will be moved back towards the rear lot line. As such, staff note that the

variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

### Recommendation

Staff recommends that the variances be approved, as the variances maintain the general intent and purpose of the Rural 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.

### **Building Division:**

1. A building permit is required for the construction of the proposed accessory building.
2. A maximum height of 4.0m is permitted for an accessory structure. No elevation plans were provided to confirm compliance; as such, further variances may be required.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. Building Permit #19-125432, issued on October 3, 2019, to construct a 2.97m<sup>2</sup> concrete porch and stair on the front of the single family dwelling. To construct a 44.7m<sup>2</sup> addition for the single family dwelling as well as alterations to the exterior of the single family dwelling to construct a 17.1m<sup>2</sup> deck in the rear yard, remains not finalized.
5. Building Permit #19-131758, issued on June 26, 2019, to demolish a 22.9m<sup>2</sup> detached wood framed garage, remains not finalized.

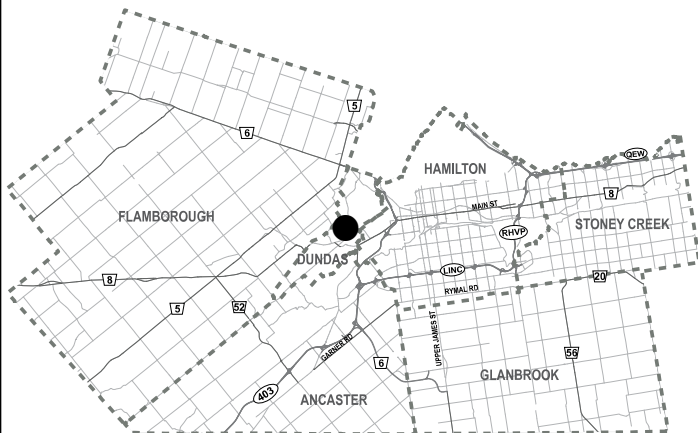
### **Development Engineering:**

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.**



# ● Site Location



**City of Hamilton**

## **Committee of Adjustment**

### **Subject Property**



7 Wilmar Court, Dundas  
(Ward 13)

**File Name/Number:**

DN/A-20:162

**Date:**

September 9, 2020

**Technician:**

VS

Map Not To Scale

**Appendix "A"**



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**FL/A-20:164 (298 Dundas St. E., Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to establish the use of a Medical Clinic in the existing building.

**Urban Hamilton Official Plan**

The subject lands are designated "Mixed Use – Medium Density" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.4.6.5, amongst others, is applicable and allows for medical clinics and offices.

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

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, to which the use complies.

**Variance 1**

The applicant is seeking a variance for two (2) parking spaces to be provided whereas the by-law requires parking to be provided at a rate of at least one (1) space for each 16.0m<sup>2</sup> of gross floor area for a Medical Clinic use.

Staff are aware that the Ground Floor Area of the entire building is 313.5m<sup>2</sup>, in addition the applicant has confirmed that the proposed use of the building is for a single practitioner (psychologist) who will only accommodate one patient at a time, limiting the amount of on-site parking required. In addition, staff note that the driveway is large enough to accommodate at least 2 vehicles, with one of them being parked in tandem with 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.

**Variance 2**

The applicant is seeking a variance for no barrier free parking to be provided instead of the one (1) required barrier free parking space. The intent of this provision is to meet AODA standards for businesses.

Staff note that the proposed use of the building is for a single practitioner (psychologist) who will only accommodate one patient at a time, limiting the amount of on-site parking required. In addition, staff note that the driveway is large and wide enough to

accommodate a vehicle and meet AODA standards. The driveway itself is tapered and 4.36m wide at the narrowest point while it tapers wider towards the end of the driveway providing a sufficient amount of space to meet AODA standards. In addition, the driveway 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.

### Variance 3

The applicant is seeking a variance for tandem parking spaces to be provided whereas the by-law requires each parking space to have adequate and unobstructed access from the street.

Staff note that the applicant has confirmed that only one patient at a time can be treated and that appointments are staggered to allow enough time for a patient to leave before the next patient arrives. In addition, the medical clinic will have only one medical practitioner who will be able to regulate the number of patients they are seeing at any given time. As such, the intent is that if the practitioner uses one parking space for their use and provides the tandem parking space for patients, no issue would arise as no patent parking space will be obstructed. Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

### Recommendation

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

### **Building Division:**

- i. The total gross floor area of the proposed Medical Clinic has not been provided. As such, the minimum number of parking spaces that would be required under the current provision cannot be determined.
- ii. The proposed parking spaces have not been illustrated on the submitted site plan. As such, variances have been written as requested by the applicant.
- iii. Please be advised that a variance to permit a gravel parking area instead of a hard-surface such as asphalt or concrete was requested. However, pursuant to Subsection 5.2(e)(i)&(ii) and Section 2 (Definition – Parking Lot); a parking area

containing less than four (4) parking spaces is permitted to be comprised of gravel. Therefore, this variance has not been included.

- iv. Please be advised that no parking spaces are permitted within 3.0m of a street line pursuant to Subsection 5.1(a)(v). Insufficient information has been provided to confirm the exact location of each parking space within the parking area. As such, further variances may be required. Furthermore, each parking space is required to be at least 3.0m wide and 5.8m in length.
- v. A building permit is required in the normal manner to establish the use of a medical clinic at this location.

**Development Engineering:**

No comments.

**Growth Planning**

**Transportation Planning**

- 1. Transportation Planning cannot support the variances for this application. Dundas Street East is a Major Arterial and allowing these variances will force drivers to reverse onto the roadway, which is a major safety issue. Vehicles must enter the site in a forward manner, turn around on private property and exit in a forward manner.
- 2. Tandem parking can potentially lead to internal conflicts and accessibility issues on this site. We note there is potential on street parking and a free carpark in the area. These are available for people attending the medical clinic.
- 3. Transportation Planning could only support the tandem parking if this was restricted to staff usage only. We recommend that drivers back into the tandem parking spaces, in order to exit in a forward manner.

**See attached for additional comments.**



**From:** [Don Husack](#)  
**To:** [Committee of Adjustment](#)  
**Subject:** FL/A-20:164  
**Date:** September 10, 2020 9:56:41 AM

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Donald Husack of Basingstoke Enterprises Limited Owner of 297 Dundas Street.

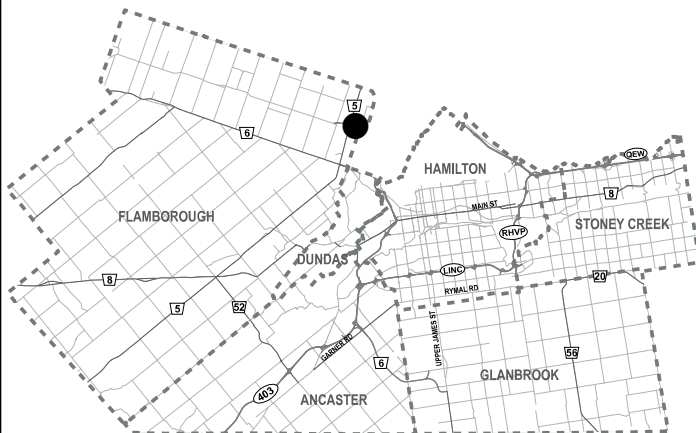
We oppose the above noted variance on the grounds that the applicant have given no statistics on how big the medical clinic is going to be, so impossible to calculate the minimum parking spaces required, or even where the parking spaces are going to be on the site. The applicant has not provided the minimum amount of information required to properly inform the public or even to have it considered by this Committee.

Thanks

Donald Husack



● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



298 Dundas Street East,  
Flamborough (Ward 15)

File Name/Number:

FL/A-20:164

Date:

September 9, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/B-20:47 (20 Ainslie Ave., 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. The owner shall submit survey evidence that the lands to be severed and the lands to be retained 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).
6. The owner shall receive final and binding approval of minor variance application HM/A-20:159.
7. 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), all to the satisfaction of the Manager Engineering Approvals Section.

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).”

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of **22 Ainslie Avenue, Hamilton**, and the lands to be conveyed will retain the address of **20 Ainslie Avenue, Hamilton**.

**HM/B-20:47 (20 Ainslie Ave., Hamilton)**

**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 retain a parcel of land for residential purposes. The existing residence will be removed to facilitate this application. The severed and retained lands will have a lot area of 306.0 square metres and a lot width of 8.38 metres, 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 F.1.14.3.1, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposal is for the severance of a parcel of land into two individual lots for residential purposes. The severed lot and retained lot are fully serviced by municipal water and wastewater systems, and front onto Ainslie Avenue.

**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) In the vicinity of distinctive or unusual landforms; and,
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

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

**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) and d), B.6.2.5.4 a) i) and ii) and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335”, “C/S-1335a”, “C/S-1788” (Urban Protected Residential) District, which permits a single family dwelling.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 8.3 metres and a minimum lot area of 300.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 360.0 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. The general intent of the Zoning By-law is to maintain a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking.

The existing lots along this portion of Ainslie Avenue and the surrounding area have lot widths ranging from approximately 12.0 metres to 25.0 metres and lot areas ranging from approximately 400.0 square metres to 615.0 square metres. The proposed severance will create two lots that do not reflect the general scale and character of the established development pattern. While the proposed single detached dwellings are maintaining the required setbacks in accordance with the Zoning By-law, Staff is of the opinion the proposed lot size does not allow sufficient space to accommodate a single detached dwelling which is in keeping with the character of the area in terms of lot coverage, height, and massing.

Section B.6.2.5.4 a) ii) indicates the intended density for properties located within the Low Density Residential 2 designation of the Ainslie Wood Westdale Secondary Plan is between 10 - 29 units per gross hectare. Staff acknowledge the proposed lot creation will allow for a density of approximately 33 units per gross hectare which exceeds the intended density range for this area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary 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 a maximum floor area ratio of 0.65, notwithstanding the maximum permitted floor area ratio of 0.45. 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.

This portion of Ainslie Avenue and the surrounding area is characterized by primarily one storey single detached dwellings and a range of housing forms. Based on the submitted elevation drawings, Staff are not satisfied the proposed single detached dwellings reflect a suitable combination of the housing styles on the street and does not provide infill housing that is compatible with the surrounding area.

The proposed single detached dwellings will have a gross floor area of 194.14 square metres (1,512.0 square feet). While the proposed single detached dwellings will maintain a gross floor area similar to that of other single detached dwelling in the area, Staff note the majority of surrounding single detached dwellings are one storey and located on larger lots. The variance is not maintaining the general intent of the Zoning By-law as Staff is of the opinion the proposed single detached dwellings are not in keeping with the character of the area and the proposal constitutes an over development of the site.

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

Recommendation:

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. 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 applications be denied.

NOTE:

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel to be severed 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. Variances for lot width, lot area, and maximum gross floor area will be required for zoning compliance of the lands to be conveyed and retained as per application HM/A-20:159.

**CONDITIONS:**

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).

The owner shall submit survey evidence that the lands to be severed and the lands to be retained 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).

The owner shall receive final and binding approval of minor variance application HM/A-20:159.

**Development Engineering:**

**Information:**

1. There is an existing 150mmØ watermain and 450mmØ combined sewer fronting the site on Ainslie Avenue.
2. According to our records, the subject section of Ainslie Avenue is classified as a local roadway with an ultimate right-of-way width of 20.117m in accordance with the Urban Hamilton Official Plan (UHOP). The current right of waywidth of the subject section of Ainslee Avenue is ±18.3m. Since the currently existing ROW is consistent with the ROW with the existing residential area, Development Engineering will not require a road widening dedication. Final road widening dedications to be determined by Transportation Planning. If a road widening is deemed to be required, all dedications are to be determined by an Ontario Land Surveyor at the owner's cost.

**Recommendation:**

1. 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), all to the satisfaction of the Manager Engineering Approvals Section.

### **Growth Planning**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will be assigned the address of **22 Ainslie Avenue, Hamilton**, and the lands to be conveyed will retain the address of **20 Ainslie Avenue, Hamilton**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

### **Transportation Planning**

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning will waive the required right-of-way dedication.

**See attached for additional comments.**



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

# Hamilton

Forestry & Horticulture Section  
Environmental Services Division  
Public Works Department

**Date:** September 10, 2020

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

**From:** Sam Brush – Urban Forestry Health Technician

**Subject:** 20 Ainslie Ave., Hamilton  
File: HM/B-20:47

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## PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, September 17, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

## SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

## TREE MANAGEMENT

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

## LANDSCAPE PLAN

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

## SUMMARY

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

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

Regards,

A handwritten signature in black ink, appearing to read 'Sam Brush', with a stylized flourish at the end.

Sam Brush  
Urban Forest Health Technician

September 11, 2020

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

**Attention: Morgan Evans**

File# HM/A-20:159

Re: 20 Ainsle Ave

In response to your correspondence dated September 2, 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](http://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.
- 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.

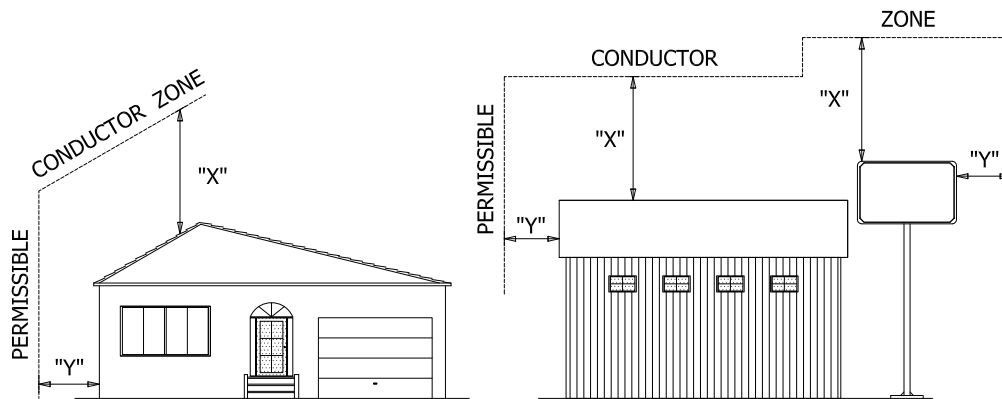
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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.

**From:** [R.J Collura](#)  
**To:** [Committee of Adjustment](#)  
**Subject:** HM/B-20:47 & HM/A-20:159 - Hearing Sep 17th 1:25pm  
**Date:** September 12, 2020 12:52:42 PM

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My understanding from your Notice is that I can watch the meeting without registering. Is that correct?

I also have question about all the 100+ numbers that are found all over the plots. Can you please tell me what they refer to?

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My comments:

This is to voice some of my concerns regarding the application:

1: No: 18 is stated as one storey on the plot. No. 18 is 1 ½ stories, with a window upstairs that would look out to a brick wall.

2: On No. 18 plot – porch is listed as covered – my understanding of “covered porch” would mean that it had a roof of some sort – it does not.

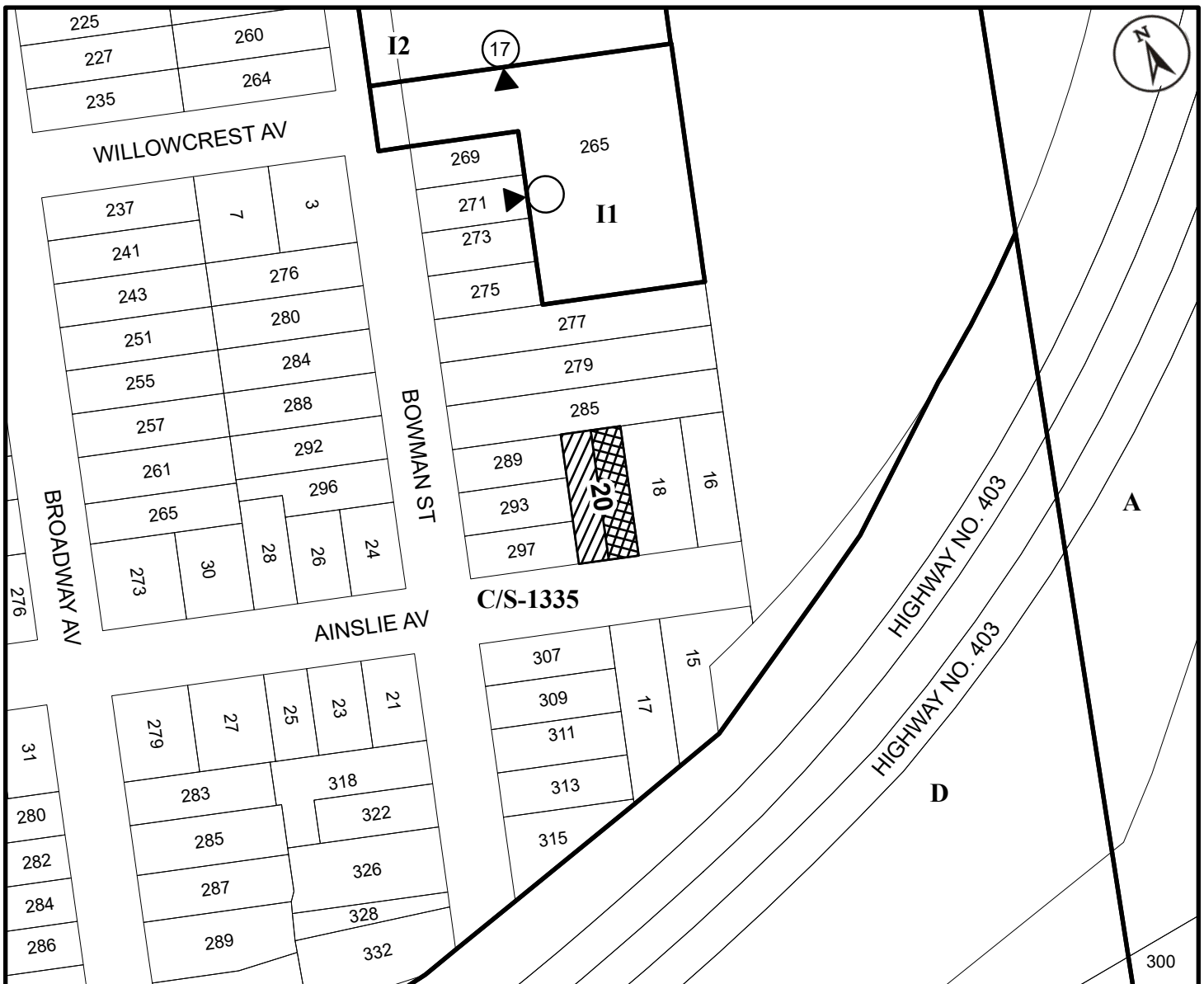
3. On the original version of what actually there – Cedar hedge etc. are all drawn in. In the version of what is envisioned for the new buildings – all that is mentioned is "cedar hedge", no drawings of said hedge and from my estimation there would not be any room for a hedge at the side of the new house.

4. One nice Japanese Maple tree would be cut down, along with presumably most or all of the cedars at the side of the house.

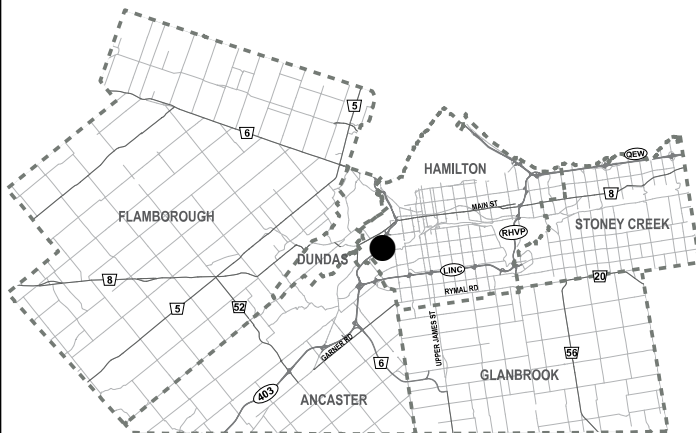
5. On the application is mentioned “family home” however as a large percentage of our neighbourhood is currently student rentals, and No: 20 is currently being rented out, I have my doubts about the “family” connotation.

R. J. Collura (Mrs.)

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## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property

20 Ainslie Avenue, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:47

Date:

September 9, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**HM/A-20:159 (20 Ainslie Ave., 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):

**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-20:159 (20 Ainslie Ave., Hamilton)**

**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 retain a parcel of land for residential purposes. The existing residence will be removed to facilitate this application. The severed and retained lands will have a lot area of 306.0 square metres and a lot width of 8.38 metres, 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 F.1.14.3.1, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposal is for the severance of a parcel of land into two individual lots for residential purposes. The severed lot and retained lot are fully serviced by municipal water and wastewater systems, and front onto Ainslie Avenue.

**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:

- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) 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.

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

**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) and d), B.6.2.5.4 a) i) and ii) and B.6.2.13.1 b) amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335”, “C/S-1335a”, “C/S-1788” (Urban Protected Residential) District, which permits a single family dwelling.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 8.3 metres and a minimum lot area of 300.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 360.0 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. The general intent of the Zoning By-law is to maintain a consistent residential streetscape, and to allow sufficient space to accommodate a single detached dwelling with the necessary landscaped areas, amenity area, and parking.

The existing lots along this portion of Ainslie Avenue and the surrounding area have lot widths ranging from approximately 12.0 metres to 25.0 metres and lot areas ranging from approximately 400.0 square metres to 615.0 square metres. The proposed severance will create two lots that do not reflect the general scale and character of the established development pattern. While the proposed single detached dwellings are maintaining the required setbacks in accordance with the Zoning By-law, Staff is of the opinion the proposed lot size does not allow sufficient space to accommodate a single detached dwelling which is in keeping with the character of the area in terms of lot coverage, height, and massing.

Section B.6.2.5.4 a) ii) indicates the intended density for properties located within the Low Density Residential 2 designation of the Ainslie Wood Westdale Secondary Plan is between 10 - 29 units per gross hectare. Staff acknowledge the proposed lot creation will allow for a density of approximately 33 units per gross hectare which exceeds the intended density range for this area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary 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 a maximum floor area ratio of 0.65, notwithstanding the maximum permitted floor area ratio of 0.45. 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.

This portion of Ainslie Avenue and the surrounding area is characterized by primarily one storey single detached dwellings and a range of housing forms. Based on the submitted elevation drawings, Staff are not satisfied the proposed single detached dwellings reflect a suitable combination of the housing styles on the street and does not provide infill housing that is compatible with the surrounding area.

The proposed single detached dwellings will have a gross floor area of 194.14 square metres (1,512.0 square feet). While the proposed single detached dwellings will maintain a gross floor area similar to that of other single detached dwelling in the area, Staff note the majority of surrounding single detached dwellings are one storey and located on larger lots. The variance is not maintaining the general intent of the Zoning By-law as Staff is of the opinion the proposed single detached dwellings are not in keeping with the character of the area and the proposal constitutes an over development of the site.

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

Recommendation:

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. 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 applications be denied.

NOTE:

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

Building Division:

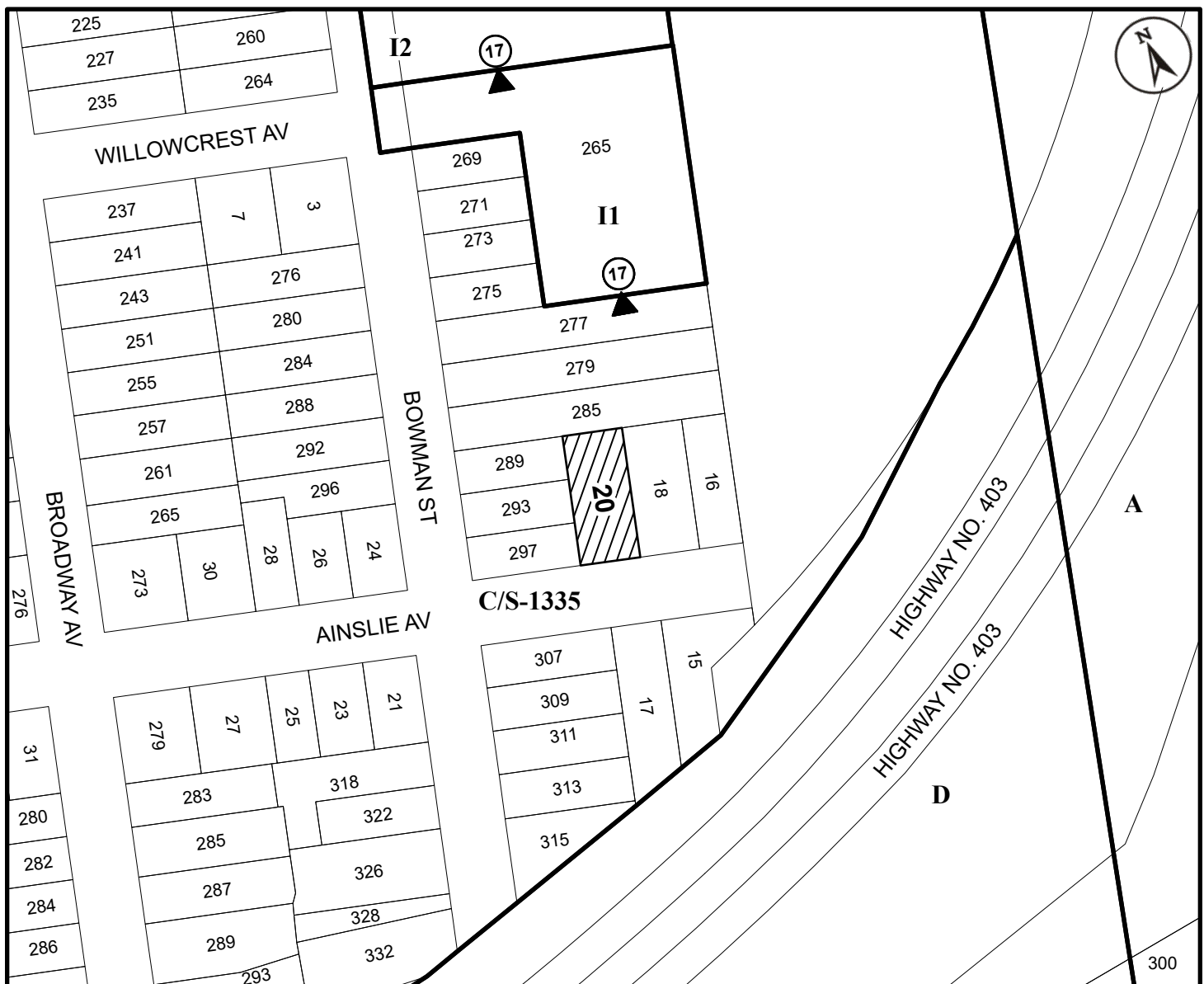
1. The owner shall ensure building height is provided from grade as defined. A maximum building height of 9.0 metres and two-storeys is permitted, should the proposed single family dwelling exceed the maximum building height permitted, further variances shall be required.

2. Variance for maximum gross floor area has been written as requested by the owner. Should the maximum gross floor area exceed a ratio factor of 0.65, further variances will be required.
3. The owner shall ensure a minimum of 50% front yard landscaping is provided for each single family dwelling. Planning Rationale prepared by T. Johns Consulting Group states “the proposed lot area can accommodate... a minimum of 50.0% landscaping”. Site plan submitted has not provided front yard landscaping details from which to confirm zoning compliance. As such, further variances will be required should the requirements under Section 18(14) not be met.
4. The owner shall ensure the garage floor level of the attached garage be a minimum of 0.3 metres above grade for each single family dwelling. The site plan submitted has not provided details of the parking from which to confirm zoning compliance. As such, further variances will be required should the requirements under Section 18A(7b) not be met.
5. Building permits are required for the construction of the new single family dwelling on the parcel to be severed and on the parcel to be retained.
6. A demolition permit is required for the removal of the existing single family dwelling on the parcel to be severed.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. The variance is necessary to facilitate Consent Application HM/B-20:47 to be heard concurrently with the application for Minor Variances.

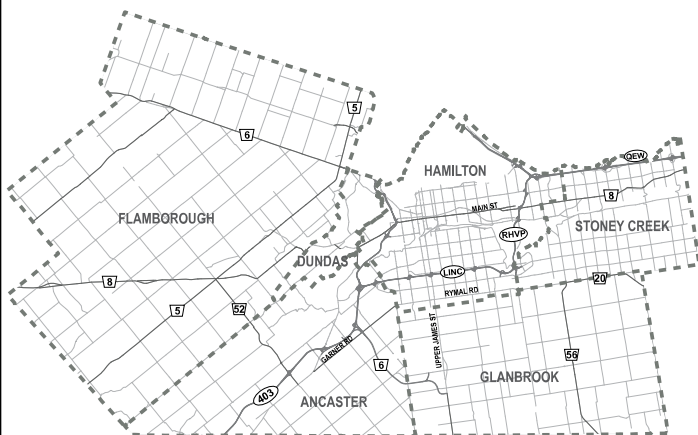
**Development Engineering:**

No comments.

**See attached for additional comments.**



## ● Site Location



# City of Hamilton

## Committee of Adjustment

## Subject Property

 20 Ainslie Avenue, Hamilton (Ward 1)

File Name/Number:

HM/A-20:159

Date:

September 9, 2020

**Technician:**

NB

Map Not To Scale

## Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/A-20:163 (970 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):

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-20:163 (970 Barton St. E., Hamilton)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Urban**

The purpose of this application is to permit the construction of a motor vehicle gas bar, on the subject property which contains an existing car dealership and repair garage which will remain. The proposal is in accordance with Site Plan Amendment application SPA-19-158 which received conditional approval on March 5, 2020, notwithstanding the following variances.

**Urban Hamilton Official Plan**

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.6.5 and E.4.6.6 amongst others, are applicable and permit gas bars.

**Archaeology:**

The subject property meets 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 areas of pioneer EuroCanadian settlement; 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 approved, the proponent must be advised by the Committee of Adjustment as per the caution note below.

**Hamilton Zoning By-law No. 05-200 and No. 6593**

The subject lands are zoned Mixed Use Medium Density (C5, 300, H80) Zone and “K” (Heavy Industry Etc.) District, which permit a motor vehicle gas bar.

Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from “K” (Heavy Industry Etc.) under Hamilton Zoning By-law No. 6593 to Mixed Use – Medium Density (C5, 300, H80) Zone under Hamilton Zoning By-law No. 05-200. Additionally, By-law No. 17-240 changed the parking requirements for certain commercial and residential uses

Portions of By-law No. 17-240 remain under appeal to the Local Appeal Planning Tribunal (LPAT) and therefore are not yet final. As such, the proposed development is



reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are under appeal, both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied.

An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force and effect. As such, the proposed development requires variances to former City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200.

Variance to former City of Hamilton Zoning By-law No. 6593:

The applicant is requesting a variance to allow a six parking spaces to be provided on site, notwithstanding the minimum required 13 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being satisfied. The proposed parking layout, in accordance with Site Plan Amendment application SPA-19-158, received conditional approval on March 5, 2020. The applicant has made modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of three parking spaces on the subject property.

Staff acknowledge that the requirements of Council approved Commercial and Mixed Use Zones (By-law 17-240) would require eight parking spaces for a motor vehicle gas bar with an area of 171.0 square metres and the existing motor vehicle dealership of 243.0 square metres. Staff are of the opinion that the proposed reduction in parking is more in line with the approved regulations, as discussed below, and will provide enough parking for the proposed motor vehicle gas bar.

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

The applicant is requesting a variance to allow a six parking spaces to be provided on site, notwithstanding the minimum required eight parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being satisfied. The proposed parking layout containing nine parking spaces, in accordance with Site Plan Amendment application SPA-19-158, received conditional approval on March 5, 2020. The applicant has made modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of three parking spaces on the subject property.

Staff acknowledge there is no alternative location on the subject property to provide additional parking spaces. Staff is of the opinion the parking needs for the motor vehicle gas bar are being satisfied.

The subject property will contain five bicycle parking spaces and is serviced by HSR bus route No. 2. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan 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, the former City of Hamilton Zoning By-law No. 6593 and the City of Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

**NOTE:**

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

**Building Division:**

1. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from “K” (Heavy Industry Etc.) under Hamilton Zoning By-law No. 6593 to C5, E300, H80 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its

entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.

2. Please be advised that a 'H80' holding provision is currently assigned to this property. The Holding contains specific conditions required to be satisfied prior to any development on this site.
3. The use and operation of a public garage use is subject to the issuance and maintenance of a municipal licence from the Licencing Section of the Licencing and By-law Services Division.
4. A building permit is required in the normal manner for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. Order to Comply No. 20-181288 dated August 27<sup>th</sup>, 2020, is outstanding.
6. These variances are necessary to facilitate Site Plan Application No. SPA-19-158.

**Development Engineering:**

For the information of the Committee, all grading and servicing concerns will be dealt with through development application SPA-19-158. No further comments.

**See attached for additional comments.**

September 11, 2020

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

**Attention: Morgan Evans**

File# HM/A-20:163

Re: 970 Barton St E

In response to your correspondence dated September 2, 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](http://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:

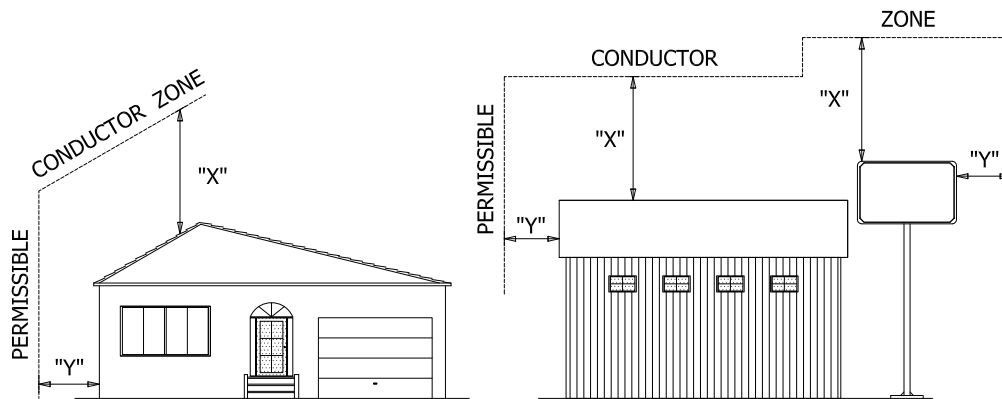
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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)

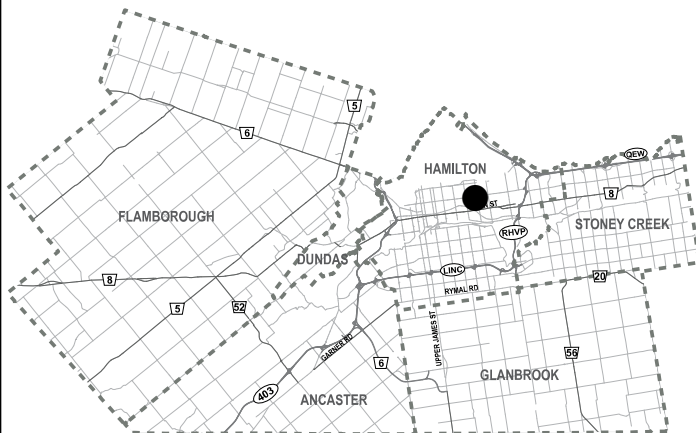
\* - INCLUDES MULTI-GROUNDED NEUTRALS

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



970 Barton Street East, Hamilton  
(Ward 3)

### File Name/Number:

HM/A-20:163

### Date:

September 8, 2020

### Technician:

NB

Map Not To Scale

### Appendix "A"



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/A-20:165 (31 Hilda Ave., 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):

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-20:165 (31 Hilda Ave., Hamilton)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Urban**

The purpose of this application is to permit the construction of a two storey rear addition to 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.

**Archaeology:**

The subject property meets 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 areas of pioneer EuroCanadian settlement; 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 approved, the proponent must be advised by the Committee of Adjustment as per the caution note below.

**Former [City of Hamilton Zoning By-law No. 6593](#)**

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

**Variance 1**

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.6 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to maintain the consistent streetscape, to allow adequate space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes the existing side yard width of the single detached dwelling. The proposed addition is located at the rear of the existing single detached dwelling and

is not visible from Hilda Avenue. As such, Staff do not anticipate any impact the established residential streetscape.

The applicant is proposing to construct the rear addition maintaining the existing northerly side yard width of 0.6 metres. The submitted elevation drawings show no windows on the side elevations. As such, Staff is satisfied there will be no negative impact on privacy or enjoyment of the adjacent properties. In addition, Staff acknowledge the proposed rear addition maintains the minimum required rear yard depth of 7.5 metres.

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 2

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the required northerly side yard, notwithstanding the Zoning By-law permits eaves and gutter to project into a required yard no more than one half its required width, being 0.3, in this case. The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

Based on the submitted elevation and section drawings, the applicant is proposing to allow the eaves and gutters to encroach approximately 0.33 metres (13.0 inches) into the northerly and southerly side yard. Staff recommend the requested variance be amended to allow the eaves and gutters to encroach 0.35 metres into the required northerly side yard.

While no elevation drawing of the front façade were submitted, it appears the variance recognizes the existing eave and gutter projection of the existing single detached dwelling that will be continued onto the proposed addition. Staff also note the proposed addition is located at the rear of the existing single detached dwelling and is not visible from Hilda Avenue. As such, Staff do not anticipate any negative impact on the subject property or surrounding streetscape.

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.

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, as amended.

### Variance 3

The applicant is requesting a variance to allow no parking spaces to be provided for a single detached dwelling containing 9 habitable rooms, notwithstanding the minimum required three parking spaces. The intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are being satisfied.

The submitted floor plans indicate that the use of the dwelling is 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 two storey rear addition. Staff are satisfied the provision of no on-site parking will continue to satisfy the parking needs of the single detached dwelling.

The subject property is located approximately 100 metres south of King Street East which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes 1 and 10 and is in close proximity to a Sobi bike share hub and a number of amenities, including: Gage Park, a number of schools and Places of Worship and various commercial uses along Main Street East and King Street East. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation. Based on the foregoing, the general intent of the Urban Hamilton Official Plan 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 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 variances be approved.

### NOTE:

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”

**Building Division:**

1. Parking at a rate of 2 spaces, plus an additional 0.5 spaces for each habitable room in excess of eight (8) habitable rooms is required to be provided for a single family dwelling. Based on the submitted floor plans, nine (9) habitable rooms, including “foundation” level, are proposed for the single family dwelling.
2. Construction of the proposed addition is subject to the issuance of a building permit from the Building Division. Be advised Ontario Building Code regulations may require specific setbacks and construction types.
3. 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:**

The existing dwelling is already located 0.68m from the northerly property line (according to the survey by J.D. Barnes Ltd. – December 31, 1986) and being that the addition follows the projection of the existing dwelling’s northerly wall, we have no concerns with the Minor Variances as proposed, provided that the existing drainage pattern is maintained.

**See attached for additional comments.**

**From:** [Marcon](#)  
**To:** [Jamilia, Jamila](#)  
**Subject:** [Paul: Neighbours' Letter](#)  
**Date:** August 27, 2020 11:22:43 AM  
**Attachments:** [20190826073675000benedict08.png](#)

---

Good morning Jamila.

Please see attached letter from the home owner at 31 Hilda Ave with signatures from neighbours who are in favour of the proposed addition.

Regards

Mark Deboer  
Marcon Construction Ltd.  
905 332 9834

Sent from my iPad

Begin forwarded message:

**From:** "Michael Mileski" <[mileski.mike@gmail.com](mailto:mileski.mike@gmail.com)>  
**Date:** August 26, 2020 at 7:12:11 PM EDT  
**To:** "Marcon" <[marconconstruction1@gmail.com](mailto:marconconstruction1@gmail.com)>  
**Subject:** Neighbours' Letter

Hi Mark,

Please find attached a scan of our letter, signed by six neighbours, (the two to our left and right, plus two others for good measure) as well as Heather and I.

Normally there won't be this long a turnaround time between your requests and us coming through; we just had a heck of a time tracking down our neighbours (due to summer schedules, vacations, etc.) :)

Thanks for your message today re: the zoning hearing date. I've marked Thursday September 17th on my calendar!



Michael Mileski, pastor  
**BENEDICTION CHURCH**  
[www.benediction.church](http://www.benediction.church)  
#HamOnt

Michael and Heather Mileski  
31 Hilda Avenue,  
Hamilton ON L8M 3E7  
T: (905) 923-0068  
E. [mileski.mike@gmail.com](mailto:mileski.mike@gmail.com)

August 18, 2020

Dear City of Hamilton,

We, the property owners of 31 Hilda Avenue, have consulted with our neighbours regarding our planned home renovation project with Marcon Construction Ltd. Our neighbours have graciously agreed to support the project. Their names, addresses, and signatures are below:

KRISTA NAUMAN  
Name (first, last)

39 HILDA AVE.  
Street Address (e.g., #31 Hilda)

Krista Nauman  
Signature

Kimberly Amis  
Name (first, last)

25 Hilda Avenue  
Street Address (e.g., #31 Hilda)

Kimberly Amis  
Signature

[Signature]  
Name (first, last)

32 HILDA  
Street Address (e.g., #31 Hilda)

Giofani  
Signature

Sam Francisci  
Name (first, last)

27 Hilda Ave.  
Street Address (e.g., #31 Hilda)

Samuel F.  
Signature

Sharon Kelly  
Name (first, last)

33 Hilda Ave.  
Street Address (e.g., #31 Hilda)

Sharon Kelly  
Signature

Virginia Balson  
Name (first, last)

26 Hilda Ave  
Street Address (e.g., #31 Hilda)

[Signature]  
Signature

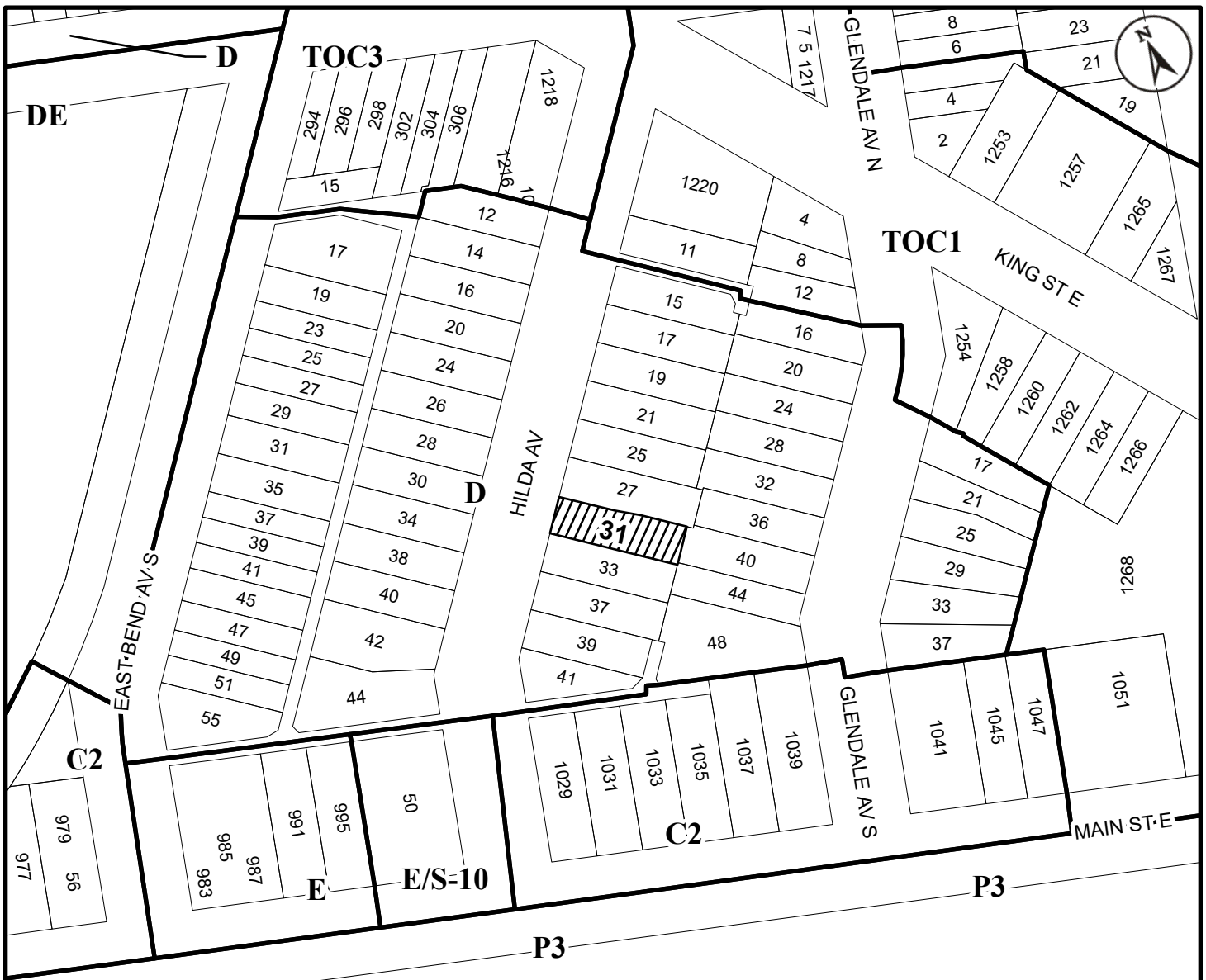
Thank you for your time and attention.

Sincerely,

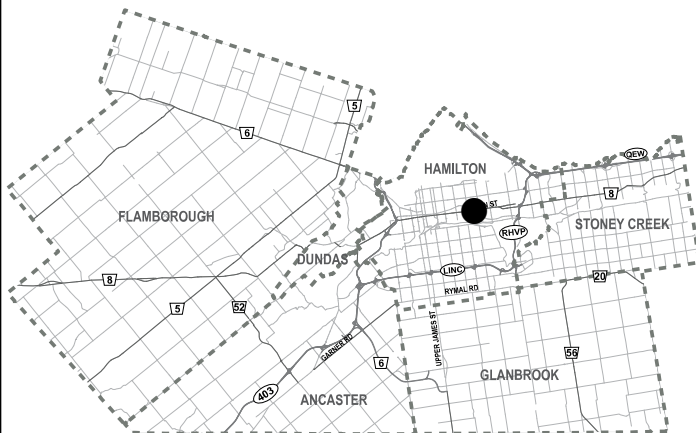
[Signature]

[Signature]

M Mileski and H Mileski, property owners of 31 Hilda Avenue, Hamilton.



# ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



31 Hilda Avenue, Hamilton  
(Ward 3)

### File Name/Number:

HM/A-20:165

### Date:

September 9, 2020

### Technician:

NB

Map Not To Scale

### Appendix "A"



Hamilton

**HM/A-20:166 (56 Stirton St., Hamilton)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Urban**

The purpose of this application is to permit the conversion of a single detached dwelling to contain two dwelling units in accordance with Section 19(1) notwithstanding the following variance.

**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 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) District, which permits a dwelling containing two units in accordance with Section 19(1).

**Variance 1**

The applicant is requesting a variance to allow a minimum lot area of 205.0 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 sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking.

The proposed lot width and lot area are consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. The proponent has provided the required parking within the rear yard to satisfy the parking needs of a dwelling with two units. In addition, Staff is satisfied sufficient landscaped and amenity area is being provided between the front porch, rear deck and the remainder of the rear yard to satisfy the needs of the tenants.

Based on the foregoing, the variance maintains the general intent of the Urban Hamilton Official Plan and Zoning By-law, the variance is minor in nature and desirable for the appropriate use of the site; therefore, 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 and the former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

**Building Division:**

1. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
2. Be advised that Ontario Building Code regulations may require specific setback and construction types.
3. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and will regulate the type of construction permitted as the limiting distance is less than 0.6m.
4. A building permit is required for conversion of the single family dwelling to contain two (2) dwelling units.

**Development Engineering:**

No comments.

**See attached for additional comments.**

## Real Estate Comments – CoA September 17, 2020

56 Stirton Street, Hamilton (Ward 3)



**Applicants Proposal:** To permit the conversion of a single family dwelling containing two dwelling unit, providing 205m<sup>2</sup> instead of the required 270m<sup>2</sup>.

### **Variances for Property:**

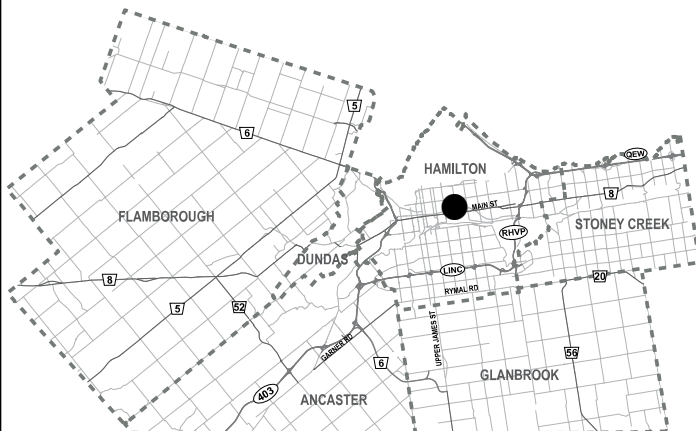
- **XX:** n/a

**Impact:** There are no expected impacts resulting from this application,

**Recommendations:** Real Estate has no objection to this application.



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



56 Stirton Street, Hamilton  
(Ward 3)

### File Name/Number:

HM/A-20-166

### Date:

September 9, 2020

### Technician:

NB

Map Not To Scale

### Appendix "A"



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/A-20:138 (20 Reid Ave. N., Hamilton)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Urban**

The purpose of this application is to permit the construction of 76 townhouse dwellings and 88 back to back townhouse dwellings accessed from either a municipal road or private condominium road, in accordance with Site Plan Control application DA-20-056, 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, E.3.4.3 and E.3.5.2 amongst others, are applicable and permit townhouse dwellings and multiple dwellings (back to back townhouses).

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

The subject lands are zoned Downtown Multiple Residential (D6, 696) Zone, which permits townhouse dwellings and multiple dwellings (back to back townhouses).

**Variance 1**

The applicant is requesting a variance to allow a minimum rear yard of 1.2 metres to be permitted for “Block 2”, notwithstanding the minimum required rear yard of 1.5 metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, to avoid any impact on the enjoyment and privacy of the adjacent properties, and to accommodate the necessary amenity area to satisfy the needs of a townhouse dwelling. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The proposed rear yard setback of 1.2 metres functions as the flankage side yard for the end townhouse dwelling units of Building I, J, K and L as shown on the submitted Site Plan. The identified buildings will be located adjacent to a sidewalk and the visitor parking area for the proposed development, in accordance with Site Plan Control application DA-20-056. As such, the proposed variance will not result in any negative impact to a neighbouring property. In addition, Staff is satisfied the necessary amenity area to accommodate the needs of the townhouse dwelling unit is being maintained.

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 considered minor in nature; therefore, staff support the variance.

## Variance 2

The applicant is requesting a variance to allow a minimum setback of 2.75 metres to a condominium road to be permitted for “Block 4” and Block “4a”, notwithstanding the minimum setback of 4.5 metres required for “Block 4” and “Block 4a”. The general intent of the Zoning By-law is to allow adequate space for access and grading, to avoid any impact on the enjoyment and privacy of the adjacent properties and to ensure visibility along the condominium road remains unobstructed. Staff defers any grading concerns to Development Engineering Approvals and any visibility concerns to Transportation Planning.

The variance is to allow the proposed distance separation of 2.75 metres between the proposed condominium road and one of the end back-to-back townhouse dwelling unit within Building ‘P’. The distance separation functions as the flankage side yard for the identified unit. The proposed condominium road is curved resulting in an irregular shaped property containing Building ‘P’. Staff is satisfied the distance separation between the condominium road and the identified back-to-back townhouse dwelling unit is sufficient and will not result in any negative impact on the unit or adjacent properties. Staff defer to Transportation Planning for any impact on the visibility along the condominium road.

In addition, Staff acknowledge the proposed separation distance is consistent with Site Plan Control application DA-20-056.

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

The applicant is requesting a variance to allow a minimum flankage yard of 2.65 metres to be permitted for “Block 4” and Block “4a”, notwithstanding the minimum setback of 4.5 metres required for “Block 4” and “Block 4a”. The general intent of the Zoning By-law is to allow adequate space for access and grading, to avoid any impact on the enjoyment and privacy of the adjacent properties and to maintain a consistent streetscape. Staff defers any grading concerns to Development Engineering Approvals.

Building ‘O’ is contained within an irregular property as a result of the daylighting triangle dedication at the corner of Reid Avenue South and Street ‘A’. Staff is satisfied the proposed location of Building ‘O’ will maintain a consistent street line along Reid Avenue South and will not result in any negative impact on the back-to-back street townhouse unit located at the end of Building ‘O’ adjacent to Reid Street South.

In addition, Staff acknowledge the proposed flankage yard of 2.65 metres is consistent with Site Plan Control application DA-20-056.

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 4

The applicant is requesting a variance to allow a minimum of two barrier free parking spaces to be provided, notwithstanding the minimum required four barrier free parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the site are being satisfied and to ensure the proposed development is accessible to all.

The two barrier free parking spaces being proposed are contained within the visitor parking area for the proposed development. Visitor parking is required at ratio of 0.25 spaces per unit for the back-to-back townhouses, thus requiring a total of 22 visitor parking spaces for the proposed development. The submitted site plan shows a total of 24 visitor parking spaces; therefore, Staff is of the opinion there is sufficient space on site to accommodate the required barrier free parking spaces without losing a required visitor parking space.

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 considered minor in nature; therefore, staff do not support the variance.

#### Recommendation:

Based on the preceding information, Variance 1, 2, and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200. Variance 1, 2, and 3 are considered to be minor in nature and desirable for the appropriate use of the property.

While Variance 4 maintains the general intent and purpose of the Urban Hamilton Official Plan, Variance 4 does not maintain the general intent of City of Hamilton Zoning By-law No. 05-200. Variance 4 is not considered to be minor in nature nor desirable for the appropriate use of the property.

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

#### Building Division:

1. Construction of the proposed development 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.
2. No elevation drawings were included as part of this application.

3. Specific details have not been provided regarding proposed yard encroachments. Further variances may be required if compliance with Section 4.6 and E696(b)(B)(1) & (2) cannot be achieved.
4. Specific details have not been provided regarding proposed mechanical and unitary equipment. Further variances may be required if compliance with Section 4.9(a) & (b) cannot be achieved.
5. Specific details have not been provided regarding a proposed Architectural Wall or Feature within the required planting strip adjacent to the visitor parking area abutting the Reid Avenue South street line on "Block 4a". Further variances may be required if compliance with E696(g)(v)(l)(3) cannot be achieved.
6. The requested variances are necessary to facilitate Site Plan Application File No. DA-20-056

**Development Engineering:**

No comments on the proposed variance requests.

Development Approvals reviewed and provided comments, which included conditions of site plan approval, for concurrent site plan application DA-20-056 for the Development Review Team meeting held on May 6, 2020.

**See attached for additional comments.**

September 11, 2020

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

**Attention: Morgan Evans**

File# HM/A-20:138

Re: 20 Reid Ave N

In response to your correspondence dated September 2, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 416-819-4975.
- 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.



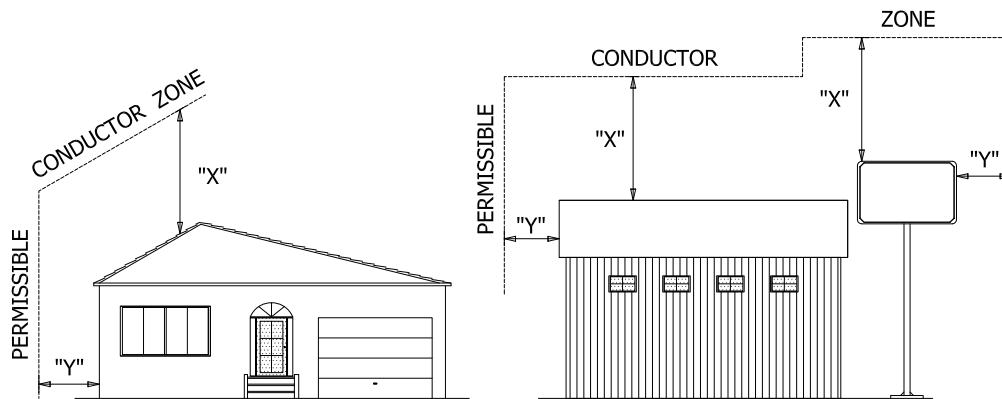
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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:

- 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.

**From:** [Taylor, Elaine](#)  
**To:** [Committee of Adjustment](#)  
**Cc:** [Taylor, Elaine](#)  
**Subject:** Roxborough Park Inc Public Hearing D6, E696--HM/A-20:138  
**Date:** September 14, 2020 10:21:51 AM

---

Hi

I would like make objection to the amendments being requested by this proposal for Roxborough Park Inc Municipal address 20 Reid Ave N Hamilton  
Would also like access to the webex meeting

Proposal 1 through 4

Why at the last hour are they allowed to make these changes  
Strongly object to the proposal of being allowed only 2 parking spot instead of the required 4  
You adding 164 units each family now depending on the age of kids has a minimum of 2 vehicles  
where are there guest going to park except on the street and in the neighbor hood which not only  
causing increase traffic but also hazard to traffic with extra car parking in the neighbor hood

All this developer wants to do is be able to put in the maximum number of units in a small a space as possible they won't be around 5 years later dealing with the traffic and parking issue cause by this change of amount of parking spaces .

This whole change with the townhouses and double townhouses constant change for this development to get the most amount of units in a small amount of space

Let alone lies that were told to this community when Rox park school was originally torn down they said the development would blend into the area,  
NO front lawn now no backyard and no parking spaces show that they just want brick and mortar properties and this would not blend in with the area and cause traffic and parking issue

In this notice the developer has not submitted reasons for these exceptions Why ?

Shouldn't they have to submit drawing regarding the development and proposed changes and the reason for these changes? The minimums and max regulation are set by the bylaws for a reason why are they allowed to get an exemption at the last hour. This Development has been going on for years and now when buildings are finally being knocked down they submit another change which would also affect surrounding neighborhood especially the parking in the area the developer does not want to give residence in the new development.

This area will also be affected by the development of 3 apartment building on the next block, the future development how much traffic congestion and parking issue do they want to develop in this area which was quiet . The only access to Queenston road and the read hill is down Reid ave 164 units in this area and then the same developer is also building the apartment building in the future how much space do they want so they make the most money ?

No one in City Hall seem to listen to the people that live here. City hall and in particular City counselor Sam Merulla who never showed up to any School meetings at Rox Park school or Town hall meeting at the Retirement home at 40 Reid Ave, He only showed up to the the Knight of Columbus hall meeting with the developer

I still question how legal this was when a City councilor is on the board of which closes a school and on the City housing board that decides on this development and knock down town houses is not a conflict of interest.

And now again this developer is asking for changes no city surveyors were ever in this area there no marking on the ground of Reid Ave to Ayr no surveyor sticks etc

So why with out plans and explanation are these changes allowed

Changes on the following

1. A minimum of rear yard of 1.20 meter shall be permitted for Block 2 instead of the minimum 1.5 meters required for Block 2
2. A minimum setback of 2.75 meters to a condominium road shall be permitted for Block 4 and Block 4a, instead of the minimum setback for 4.5 meters required for Block 4 and Block 4a ( Why is this change allowed isn't this requirement for safety regarding Fire Truck access and also police and emergency vehicles ?) Shortening a road access what is there justification)
3. A minimum flankage yard of 2.65 meters shall be permitted for Block 4 and Block 4a instead of the minimum 4.5 meters required for block 4 and block 4a ( They promises green space in this location sound like no backyards and no front yards )
4. Two (2) barrier free parking spaces shall be provided instead of the minimum four(4) barrier free parking spaces  
( This would cause parking issues in the surrounding area, they not only are trying to squeeze as much housing in a small area they would causing traffic and parking issue to the surrounding neighborhood ) what is there justification for asking for this change but to get more free space to build more units ?

Math equation is this space times the amount of units add up to more units they can build in the small space they have, and the only people who benefit is the developer as they build them and get out and don't have to deal with the traffic and parking issues after, current surrounding resident have to .

Would like to also join the webex meeting

Elaine Taylor

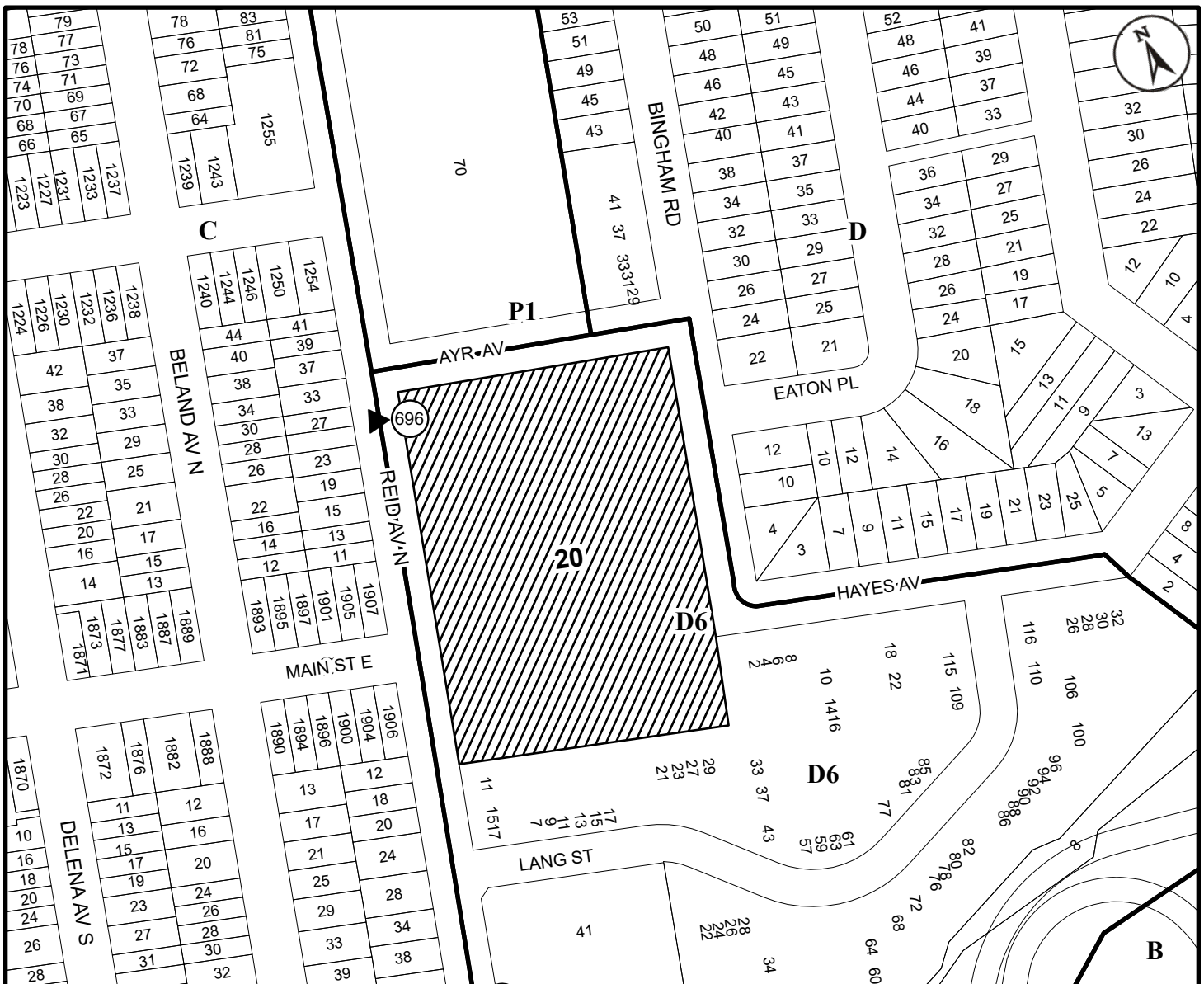
Email address [elaine.taylor@dell.com](mailto:elaine.taylor@dell.com)

Contact number 905-545-9363

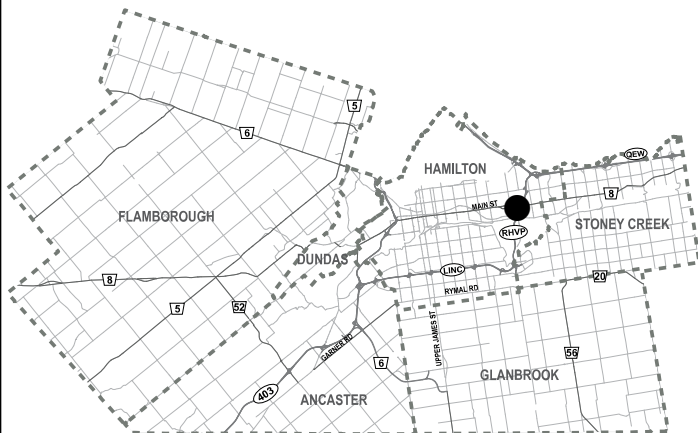
Public Hearing application No HM/A-20:138

Roxborough Park Inc

Thank you



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



20 Reid Avenue North, Hamilton  
(Ward 4)

### File Name/Number:

HM/A-20-138

### Date:

September 9, 2020

### Technician:

NB

Map Not To Scale

**Appendix "A"**



**Hamilton**

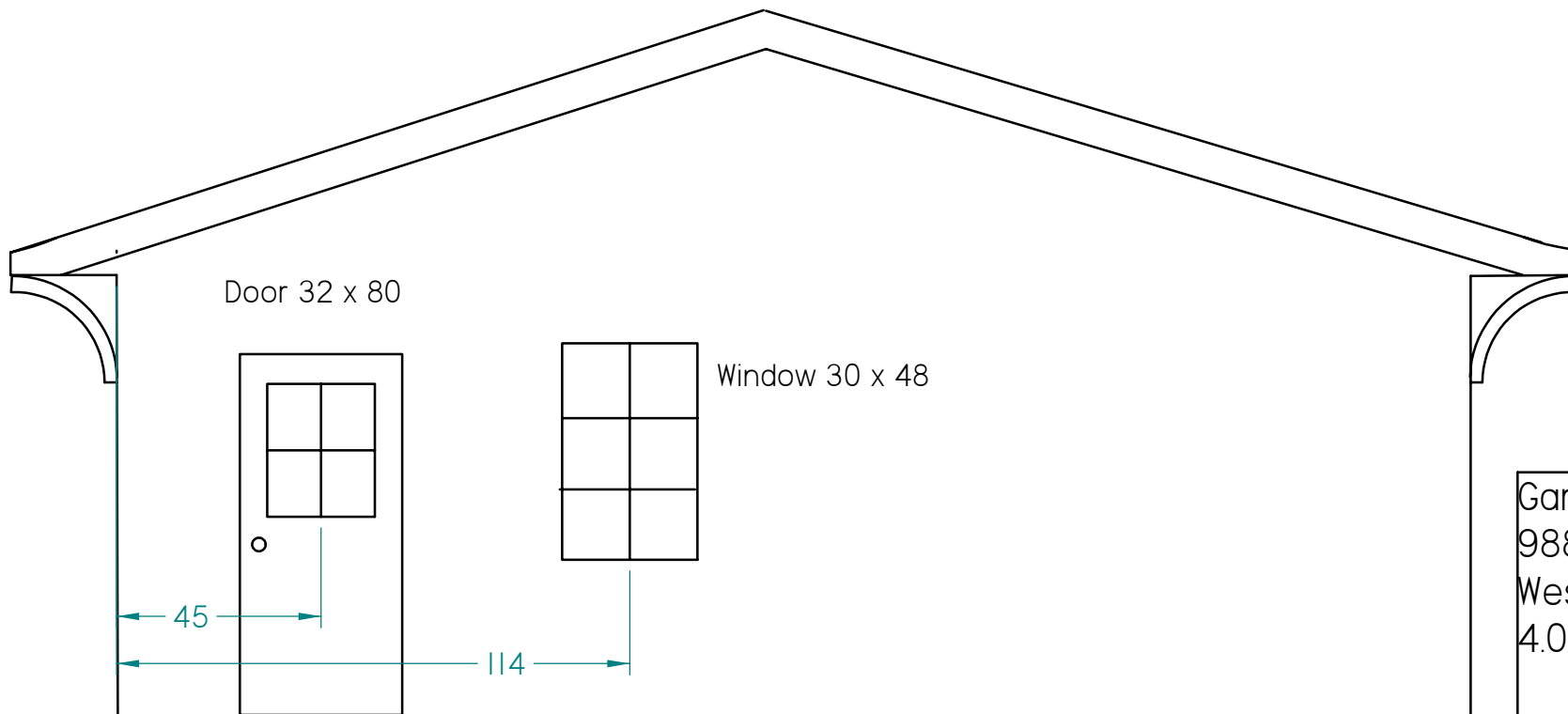
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**September 17<sup>th</sup>, 2020**

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

**Comments Previously Submitted  
(See August 6, 2020)**

# GARAGE WITH 4/12 ROOF PITCH - HEIGHT 4.0m

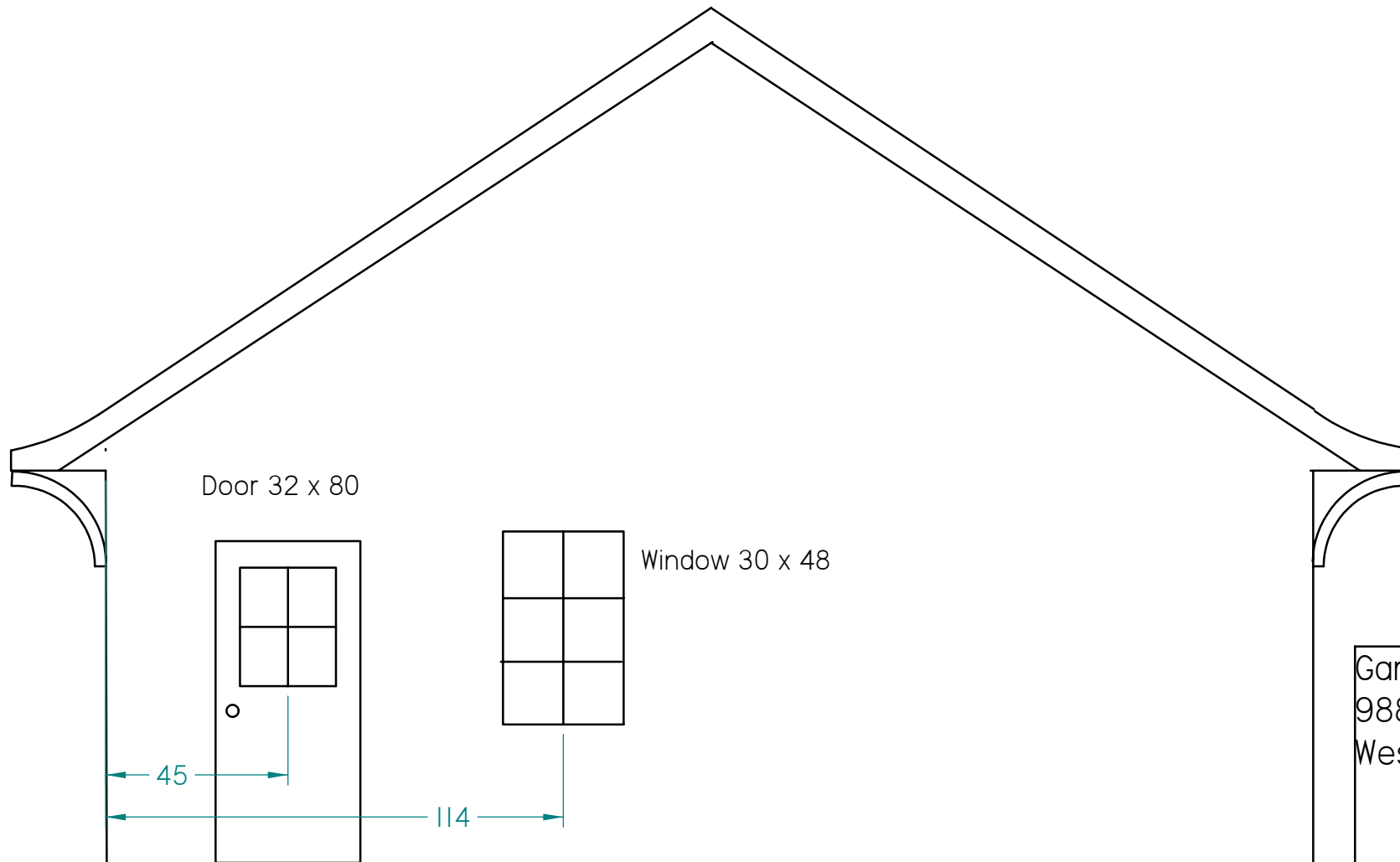


Garage  
988 Concession St  
West Elevation  
4.0 m Roof Height

Dim in inches



GARAGE WITH 8/12 ROOF PITCH - HEIGHT 5.4m



Garage  
988 Concession St  
West Elevation

Dim in inches













**GL/B-20:55 (3055 Homestead Dr., Glanbrook)**

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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. 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).
5. 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).
6. 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).
7. That the Owner dedicate to the City of Hamilton by deed, sufficient land for road widening purpose in order to establish property line 43 feet (13.106m) from the original centreline of Homestead Drive to the satisfaction of the Manager of the Engineering Approvals Section.



8. 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, urbanization, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time), all to the satisfaction of the Manager of the Engineering Approvals Section.

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 Government and Consumer Services (416-212-7499).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **3055 Homestead Drive, Hamilton (Glanbrook)**, and the lands to be conveyed will be assigned the address of **3051 Homestead Drive Hamilton, (Glanbrook)**.

**GL/B-20:55 (3055 Homestead Dr., Glanbrook)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Suburban**

The purpose of this application is to permit the conveyance of a  $\pm 20.89$  m by  $\pm 37.90$  m parcel of land having an area of  $\pm 817$  sq. m for commercial purposes and to retain a  $\pm 28.60$  m by  $\pm 38.6$  m parcel of land having an area of  $\pm 1,132.74$  sq. m containing an existing building containing a post office, pharmacy, and medical clinic.

**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “District Commercial” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Mount Hope Secondary Plan and are designated “District Commercial” on Land Use Plan Map B.5.4-1 (UHOP – Volume 2).

Consents for new lots for commercial uses within the designation must meet the conditions of Policy F.1.14.3.4. Both the severed and retained lots must conform to the Zoning By-law or receive approval of a minor variance. The retained lot is developed with one building containing a post office, pharmacy, and medical clinic. The lot proposed to be severed contains a paved area that appears to be used for parking for the existing uses on the retained lands. It is unclear whether all required parking can be accommodated on the retained lands. A side yard setback of 0.406 m is proposed abutting the severed lot, whereas a minimum of 1.5 m is required by the Zoning By-law. Based on the foregoing, staff is of the opinion that the proposed consent does not conform to Policy F.1.14.3.4 (b). Staff is of the opinion that the application is **premature** until such time as a Minor Variance application to facilitate the consent is received and reviewed by staff.

**Cultural Heritage**  
**Archaeology**

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

- 1) Within 250 metres of known archaeological sites;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

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

apply to the subject application. If this consent is approved, the proponent must be advised by the Committee of Adjustment of the note following the recommendation.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned District Commercial (C6) Zone which permits a variety of commercial uses, subject to the applicable provisions. The proposed use of the severed lands was not provided.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is of the opinion that the proposed consent does not conform to Official Plan Policy F.1.14.3.4 (b). Staff recommends that the requested consent be **tabled** until such time as a Minor Variance application to facilitate the consent is received and reviewed by staff.

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 Government and Consumer Services (416-212-7499).

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. The applicant may wish to ensure that the proposed uses for the lands to be conveyed are permitted.
5. Variances for side yard setback, parking etc., will be required for zoning compliance of the lands to be retained.



**CONDITIONAL UPON:**

6. 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).
7. 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).
8. 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).

**Development Engineering:**

Information:

1. The municipal infrastructure the fronts the subject property on Homestead Drive is described below:  
Homestead Drive
  - 675mmø Sanitary Sewer
  - 400mmø Watermain
  - 300mmø Storm Sewer
2. Road Widening  
A right-of-way widening is applicable to the subject lands. The existing right-of-way width is approximately 20.4m whereas the described width per Schedule C-2 of the Urban Official Plan is 26.213m. 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.

Recommendations:

1. That the Owner dedicate to the City of Hamilton by deed, sufficient land for road widening purpose in order to establish property line 43 feet (13.106m) from the original centreline of Homestead Drive to the satisfaction of the Manager of the Engineering Approvals Section.
2. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, urbanization, stormwater

management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time), all to the satisfaction of the Manager of the Engineering Approvals Section.

### **Growth Planning**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **3055 Homestead Drive, Hamilton (Glanbrook)**, and the lands to be conveyed will be assigned the address of **3051 Homestead Drive Hamilton, (Glanbrook)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

### **Transportation Planning**

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning will waive the required right-of-way dedication, as the building will not be demolished. This requirement will be for any future development on the lands.

**See attached for additional comments.**



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

# Hamilton

Forestry & Horticulture Section  
Environmental Services Division  
Public Works Department

**Date:** September 8, 2020

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

**From:** Sam Brush – Urban Forestry Health Technician

**Subject:** 3055 Homestead Dr., Glanbrook  
File: GL/B-20:55

---

## PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, September 17, 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 adjacent park land that would be impacted by development of the above noted lands. It is determined that a tree management plan shall be required through future site plan application. Therefore, no Tree Management Plan is required at this time.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

## TREE MANAGEMENT

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

## LANDSCAPE PLAN

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

## SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

Regards,

A handwritten signature in black ink, appearing to read 'Sam Brush', with a stylized flourish at the end.

Sam Brush  
Urban Forest Health Technician

## Real Estate Comments – CoA September 17, 2020

3055 Homestead Drive, Glanbrook (Ward 11)



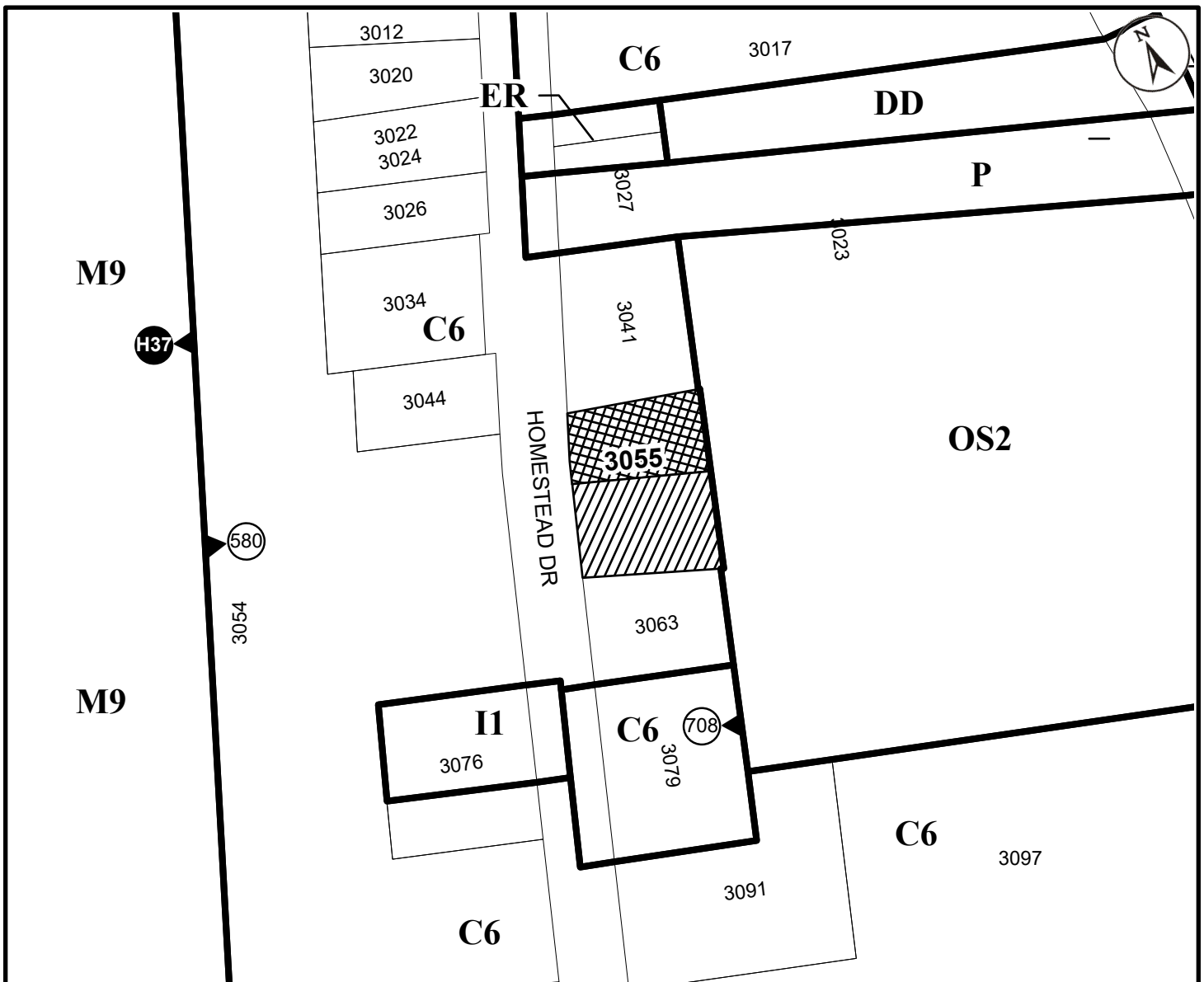
**Applicants Proposal:** To permit the conveyance of a parcel of land approximately 817m<sup>2</sup> in size.

### **Variances for Property:**

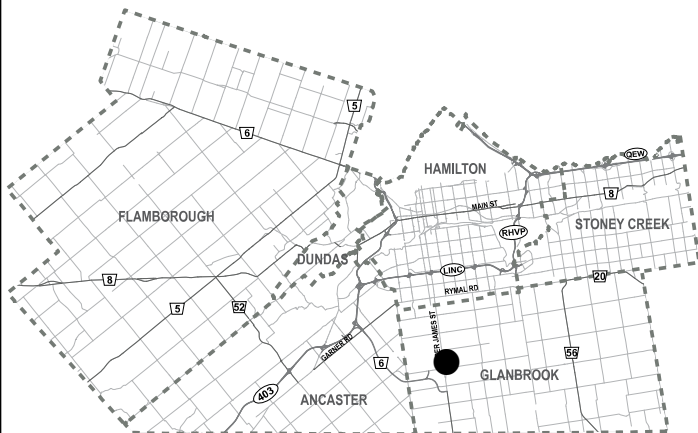
- **XX:** n/a

**Impacts:** There are no expected impacts resulting from this application.

**Recommendations:** Real Estate has no objection to this application.



# ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



3055 Homestead Drive, Glanbrook  
(Ward 11)

File Name/Number:

GL/B-20:55

Date:

September 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**HM/A-20:161 (667 Upper Sherman Ave., Hamilton)**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Suburban**

The purpose of this application is to permit the construction of a 42.5 sq. m attached garage addition in the northerly side yard of the existing single detached dwelling notwithstanding that variances are required to permit the proposed reduced side yard width and eaves and gutters projection.

**Urban Hamilton Official Plan**

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

**Former [City of Hamilton Zoning By-law No. 6593](#)**

The subject lands are zoned Urban Protected Residential “C” District, to which the use complies, subject to the applicable provisions.

The proposed addition would replace the existing attached garage which provides a similar side yard setback to that of the proposed addition. The gross floor area of the proposed addition appears to be approximately double that of the existing attached garage.

**Variance 1**

A minimum northerly side yard width of 0.45 m is proposed, whereas a minimum side yard width of 1.2 m is required. The intent of the side yard setback is to provide adequate space for access, maintenance, and drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns. It is the opinion of staff that the proposed reduced setback does not allow for adequate space for maintenance. While the variance maintains the intent of the Official Plan, it does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature in staff’s opinion. Accordingly, staff **does not** support the variance.

**Variance 2**

The eave/gutter of the addition is proposed to encroach into the entire 0.45 m width of the northerly side yard, whereas the maximum permitted encroachment is half of the required side yard or 1.0 m, whichever is lesser. The intent of the provision is to permit

some encroachment of architectural features to allow the structure to be constructed to the building envelope, while at the same time ensuring some separation between structures on abutting properties in order to minimize conflicts. It is the opinion of staff that an encroachment into the entire width of the side yard for an eave/gutter is not desirable. There is no opportunity for maintenance, and any overflow from the eaves/gutter would discharge onto the abutting property to the north. While the variance maintains the intent of the Official Plan, it does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature in staff's opinion. Accordingly, staff **does not** support the variance.

Recommendation:

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

Building Division:

- i. A minimum front yard depth of 6.0m is required to be provided. The submitted site plan illustrates the proposed addition as being 31' (9.4m) from the front lot line, however it is unclear if this distance has been measured accurately to the actual property line. Please be advised that further variances may be required if the proposed addition is located less than 6.0m from the front property line.
- ii. A building permit is required in the normal manner for the construction of the proposed addition. Please be advised that Ontario Building Code regulations may require specific setback and construction types.
- iii. Order to Comply #20-172907 (construction without permit) dated July 9, 2020 remains outstanding.

Development Engineering:

The proposed minimum side yard setback of 0.45m does not allow for the minimum 0.90m width required to construct a drainage swale. Therefore we recommend that the Minor Variance be denied.

**See attached for additional comments.**



September 11, 2020

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

**Attention: Morgan Evans**

File# HM/A-20:161

Re: 667 Upper Sherman Ave

In response to your correspondence dated September 2, 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:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing overhead secondary service and meter location is in conflict with proposed garage addition. Contact our IC department to review service relocation 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

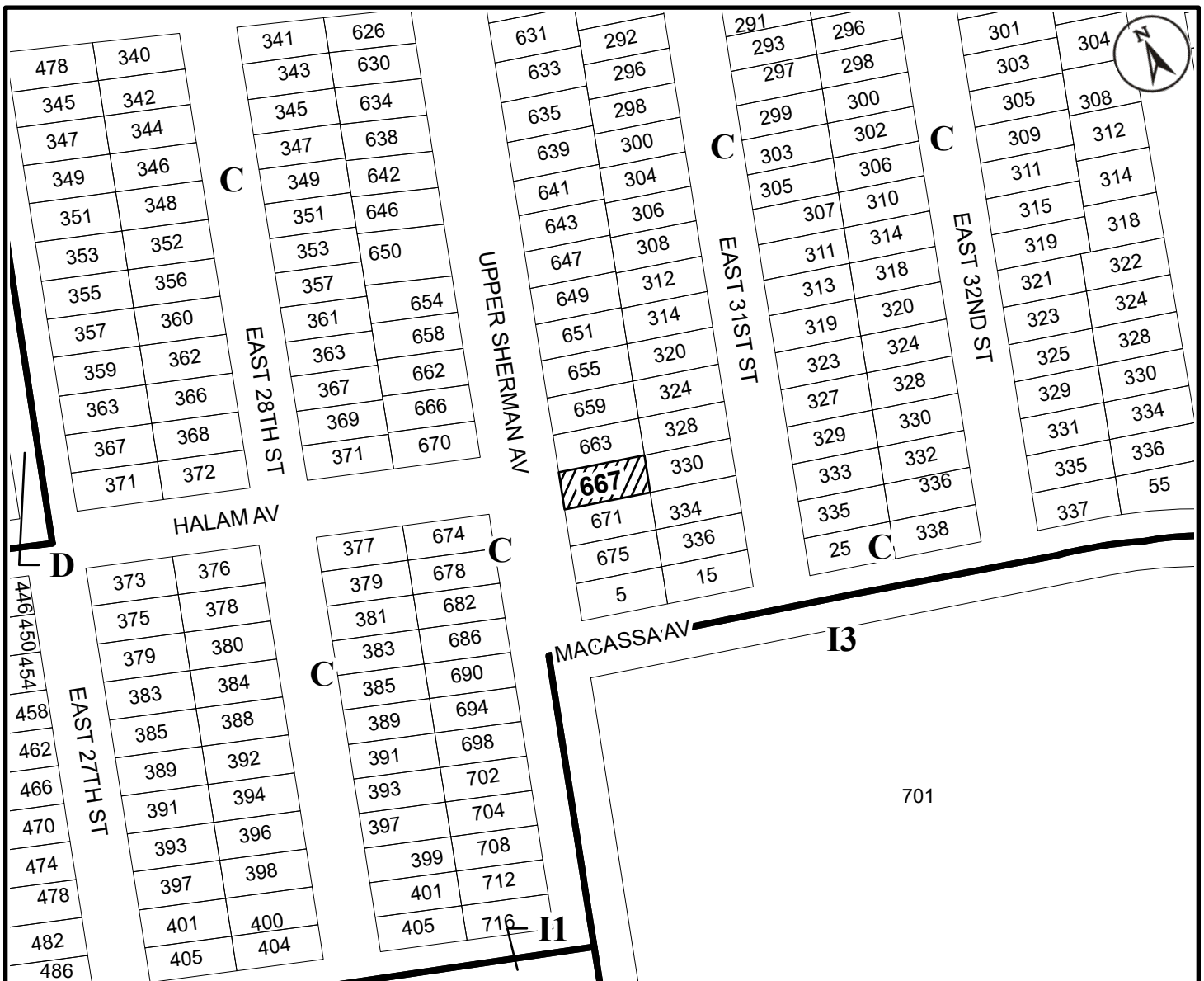
- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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.

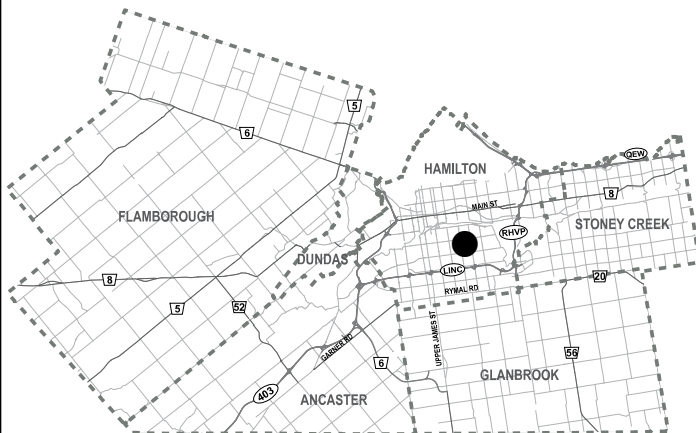
Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



667 Upper Sherman Avenue,  
Hamilton (Ward 7)

File Name/Number:

HM/A-20:161

Date:

September 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**AN/A-20:69 (722 Shaver Rd., Ancaster)**

**TABLED**