

FL/A-20:186 (460 Con. 10 Rd. E., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory building comprising 146 square metres located on a residential parcel of land.

Rural Hamilton Official Plan

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

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

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

Variance 1

The applicant is seeking a variance for accessory buildings to be permitted to be located within the front yard instead of the requirement no accessory buildings or structures shall be located within a front yard.

The proposed variance facilitates the addition of an accessory building within the front yard and avoids locating the building within natural heritage features in the rear on the portion of property that is zoned P8. Also, locating the proposed accessory structure to the rear of the property is not possible due to the existing septic bed. Therefore, no negative impacts to the liveability of the adjacent lands will occur. Permitting the accessory building in the front is in keeping with the placement of accessory buildings on nearby properties. Staff are satisfied the proposed variance will have no impact on the existing character and streetscape of the area.

Variance 2

The applicant is seeking a variance for a maximum gross floor area of 221 square metres and a maximum building height of 7.0 metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 square metres and a maximum building height of 6.0 metres.

Staff note that the total area of 221 square metres for the accessory structure is appropriate for the scale, use, and configuration of the existing lot. The lot is

approximately 0.5 ha in size and the accessory garage is subordinate to the single detached dwelling. The intent of this provision is to keep accessory structures subordinate to the single detached dwelling. In this case, the accessory structure is subordinate to the single detached dwelling. The height of the structure does not have an impact on the neighbouring properties and is compatible with the surrounding neighbourhood. Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. Therefore, the variance is minor in nature. Accordingly, staff support this variance.

Recommendation

Based on the preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan as well as 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:

1. Please be advised that a portion of this property is under Conservation Management. Please contact Halton Conservation at 905-336-1158 for further information.
2. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
3. Building Permit No. 20-182363, to build an accessory building (garage) on the north east corner of the property, remains not finalized.
4. Construction of the proposed accessory building 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.

Development Engineering:

Development Engineering has no comments regarding the Minor Variance Application as proposed, provided the existing drainage patterns are maintained.

See attached for additional comments.

October 16, 2020

Jamila Sheffield, City of Hamilton Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

BY EMAIL

To Jamila Sheffield:

Re: Application for Minor Variance
File Number: FL/A-20:186
460 Concession 10 Rd. E., Hamilton
Ancona – Applicant

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Agreement (MOA, 2013) with the City of Hamilton; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06. The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances
River and Stream Valley Hazards (flooding/erosion) &/or allowances
Wetlands &/or Other Areas*
Hazardous Lands (Unstable Soil/Unstable Bedrock)
CH Permit Requirements

Applicable

☐
☒
☒
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One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒

CA/MOA

Sub-watershed Planning/Master Drainage Planning
Significant Habitat of Endangered & Threatened Species
Significant Wildlife Habitat
Areas of Natural & Scientific Interest
Fish & Fish Habitat
Sensitive Surface Water Features
Sensitive Groundwater Features

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Other Comments (as a Public Body)

Niagara Escarpment Plan
Watershed Plan
Greenbelt Plan
Source Protection Plan
Hamilton Harbour Remedial Action Plan

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Proposal

The purpose of the above-noted Minor Variance Application is to permit the construction of an accessory building comprising 146 square metres located on a residential parcel of land, notwithstanding that:

1. Accessory buildings shall be permitted to be located within the front yard instead of the requirement no accessory buildings or structures shall be located within a front yard.
2. A maximum gross floor area of 221 square metres and a maximum building height of 7.0 metres shall be permitted for all building's accessory to the single detached dwelling instead of the requirement that all buildings accessory to a single detached dwelling shall not exceed a maximum gross floor area of 200 square metres and a maximum building height of 6.9 metres.

Ontario Regulation 162/06

Pursuant to *Ontario Regulation 162/06*, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is traversed by a tributary of Bronte Creek and contains the flooding and erosion hazards associated with that watercourse. The property also contains the North Progreston Swamp Provincially Significant Wetland (PSW) Complex. CH regulates a distance of 15 metres from the greater of the limit of the flooding or erosion hazard and 120 metres from the limit of the PSW for this particular site. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

Proposed Development

Upon receipt of the application, staff contacted the landowner to discuss the proposed works to ensure the detached accessory structure has the potential to meet CH Policy. In order for CH to approve the accessory structure at the size proposed, it will need to be located outside of the floodplain and associated 15 metre regulatory allowance. Staff can confirm that this distance can be achieved by maintaining a minimum 8.3 metre setback from the eastern edge of the driveway. An updated drawing was received from the owner (attached). A review of this drawing confirms that the proposed accessory structure will be outside of the floodplain and associated 15 metre regulatory allowance, but within 30 – 120 metres from the PSW. As such, the proposal meets CH Policy 3.38.4 and staff have no objection to the approval of this application.

CH Permit Requirements

As the proposed accessory structure will be located within 30 – 120 metres of a PSW, the applicant will need to apply for and obtain a Letter of Permission from CH, prior to development.

One Window Delegated Authority under PPS **Natural Hazards (Sections 3.1.1-3.1.7 inclusive)**

Staff are able to confirm that the development meets the Natural Hazards policies of the PPS, as the proposed works will be located outside of the flooding hazards.

Summary/Conclusion

Based on the above, staff has no objection to the approval of the above-noted Minor Variance Application, subject to the following condition:

1. The applicant applies for and obtains a Letter of Permission from CH, prior to development.

We trust the above is of assistance. If you have any further questions, please contact the undersigned at opanczyk@hrca.on.ca.

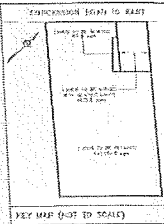
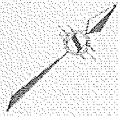
Sincerely,



Ola Panczyk
Planning and Regulations Analyst
OP/

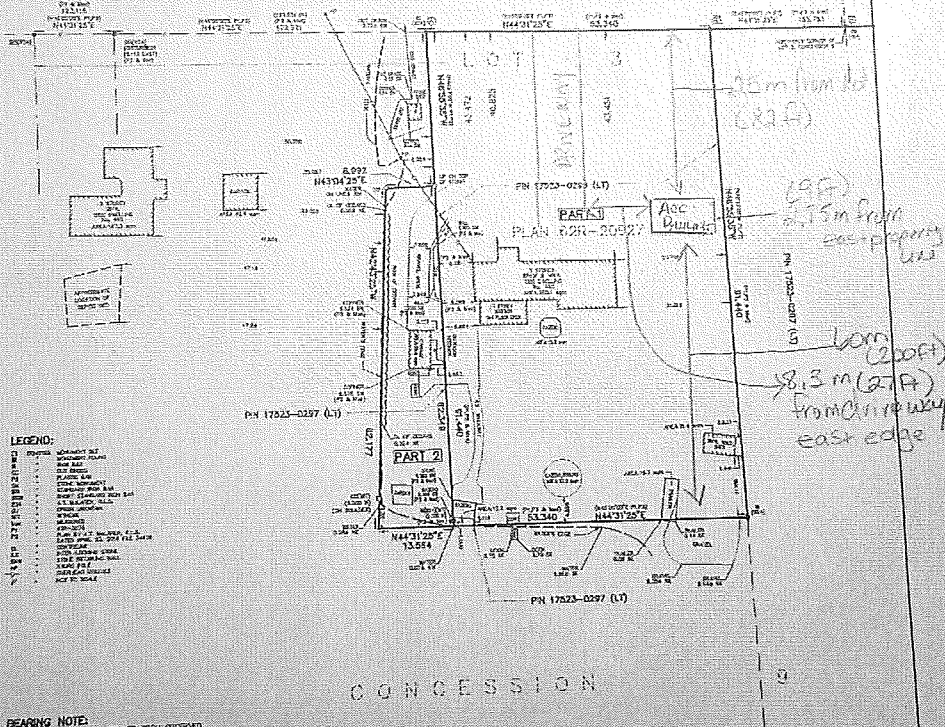


PLAN OF SURVEY
 OF PART OF
 LOT 3
 CONCESSION 9
 TOWNSHIP OF EAST FLAMBOURGH
 IN THE
 CITY OF HAMILTON
 SCALE 1:400 METRIC
 S.D. McLEAREN, O.L.S. - 2010



CONCESSION ROAD 10 EAST

ORIGINAL ROAD ALLOCATED BETWEEN CONCESSION 9 AND 10
 PIN 17524 - 0257 (L.V.)



LEGEND:

- 1. Easement
- 2. Boundary
- 3. Road
- 4. Right of Way
- 5. Easement
- 6. Easement
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BEARING NOTE:

BEARINGS ARE GIVEN, DERIVED FROM OBSERVED
 INTERSECTION OF LINES A AND B BY REAL-TIME DISTANCE
 OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (1990)

NOTE:

DISTANCES ARE GIVEN AND CAN BE CONVERTED TO METERS BY
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999998

INTERSECTION DATA

POINT ID	POINT NAME	COORDINATES
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METRIC NOTE

DISTANCES AND COORDINATES
 GIVEN ON THIS PLAN ARE IN
 METERS AND CAN BE
 CONVERTED TO FEET
 BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

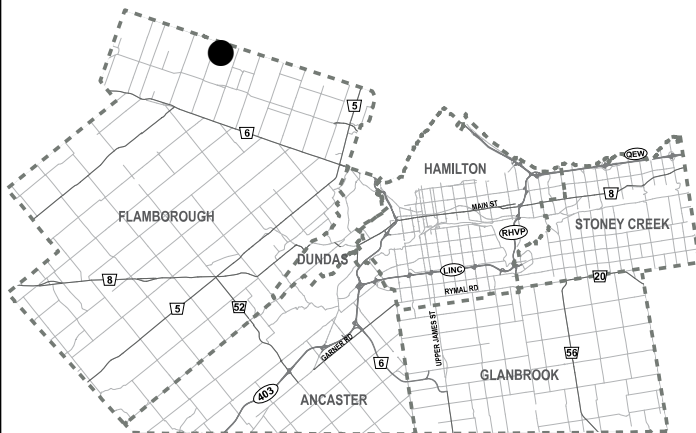
I, the undersigned, being a duly qualified Surveyor under the
 Survey Act, R.S.O. 1990, c. S. 1, do hereby certify that the
 foregoing is a true and correct copy of the original
 survey plan as filed in my office.

SUBJECT: 17, 2010
 DATE: 17, 2010
 S. D. McLEAREN, O.L.S.

ALL RIGHTS RESERVED
 A.T. McLaren Limited
 1000 SHEPPARD AVENUE EAST
 SUITE 100
 SCARBOROUGH, ONTARIO M1S 1B7
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 E-MAIL: info@atmclaren.com



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



460 Concession 10 Road East,
Flamborough (Ward 15)

File Name/Number:

FL/A-20:186

Date:

October 7, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:188 (14 Braeheid Ave., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a proposed inground swimming pool and a shed to be located in the rear yard of the existing single-family dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Residential uses are permitted in the above designation and therefore comply with the UHOP.

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

The subject property is zoned “R4” (Single Detached Residential) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance for a minimum of 1.0m setback to be provided for the inground pool on the northerly side lot line abutting the property at 16 Braeheid Avenue.

Staff note that the zoning by-law regulation for inground swimming pools requires that they are setback 1.8 metres from the side lot line. As such, staff note that the current proposal is seeking a side yard setback relief of 0.8 metres in order to facilitate the construction of the inground swimming pool. The intent of the side yard provisions is to allow for adequate side yards for drainage and access to the rear of the subject property. The general built form of the surrounding neighbourhood have narrower side yard setbacks between dwellings. The intent of the RHOP and Zoning By-law are maintained as an adequate yard will be maintained that can allow for access. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Variance 2 and 3

The applicant is seeking a variance for a minimum of 0.4m setback to be provided on the easterly rear lot line abutting the property at 75 Royaledge Way. The applicant is also seeking a variance for a minimum of 0.4m setback to be provided on the southerly side lot line abutting the property at 12 Braeheid Avenue

The proposed variances are intended to enable the construction of a accessory structure (shed). Staff note that similar setbacks have been established for other rear yard and

side yard accessory structures in the immediate area. With regard to drainage, staff defer to Development Engineering Approvals. The intent of the RHOP and Zoning By-law are maintained as the setback is compatible with the neighbourhood character. The variances are minor in nature and appropriate for the development of the subject property as the configuration, form and mass of the proposed shed is compatible with the character of the neighbourhood. Accordingly, staff support the variances.

Recommendation

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

Building Division:

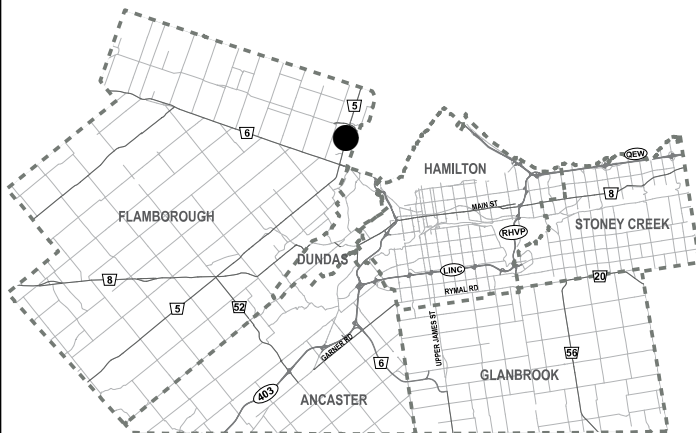
Subject to the issuance of a building permit in the normal manner.

Development Engineering:

Due to the footprint of the proposed structures, Development Engineering Approvals requires a grading plan that demonstrates compliance with the City's Lot Grading Policy. The proponent also must ensure that stormwater run-off from the subject lands must be self-contained and not negatively impact the neighbouring lands. As such, we recommend the Minor Variance Application be tabled.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



14 Braeheid Avenue, Flamborough
(Ward 15)

File Name/Number:

FL/A-20:188

Date:

October 7, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:189 (3549 Power Line Rd. W., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the expansion of an existing accessory building comprising 43 square metres of gross floor area located on a residential parcel of land.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations.

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

The subject property is zoned “A1” (Agricultural) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance for a maximum gross floor area of 321m² to be permitted for all building's accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m².

The Zoning By-law states that all buildings accessory to a Single Detached Dwelling shall not exceed a total maximum gross floor area of 200 m². The subject lands have a total of 5 accessory structures that equal to approximately 321 m² of gross floor area. In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of GFA and lot coverage dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structures become larger than the principle use of the property and as such no longer meet the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

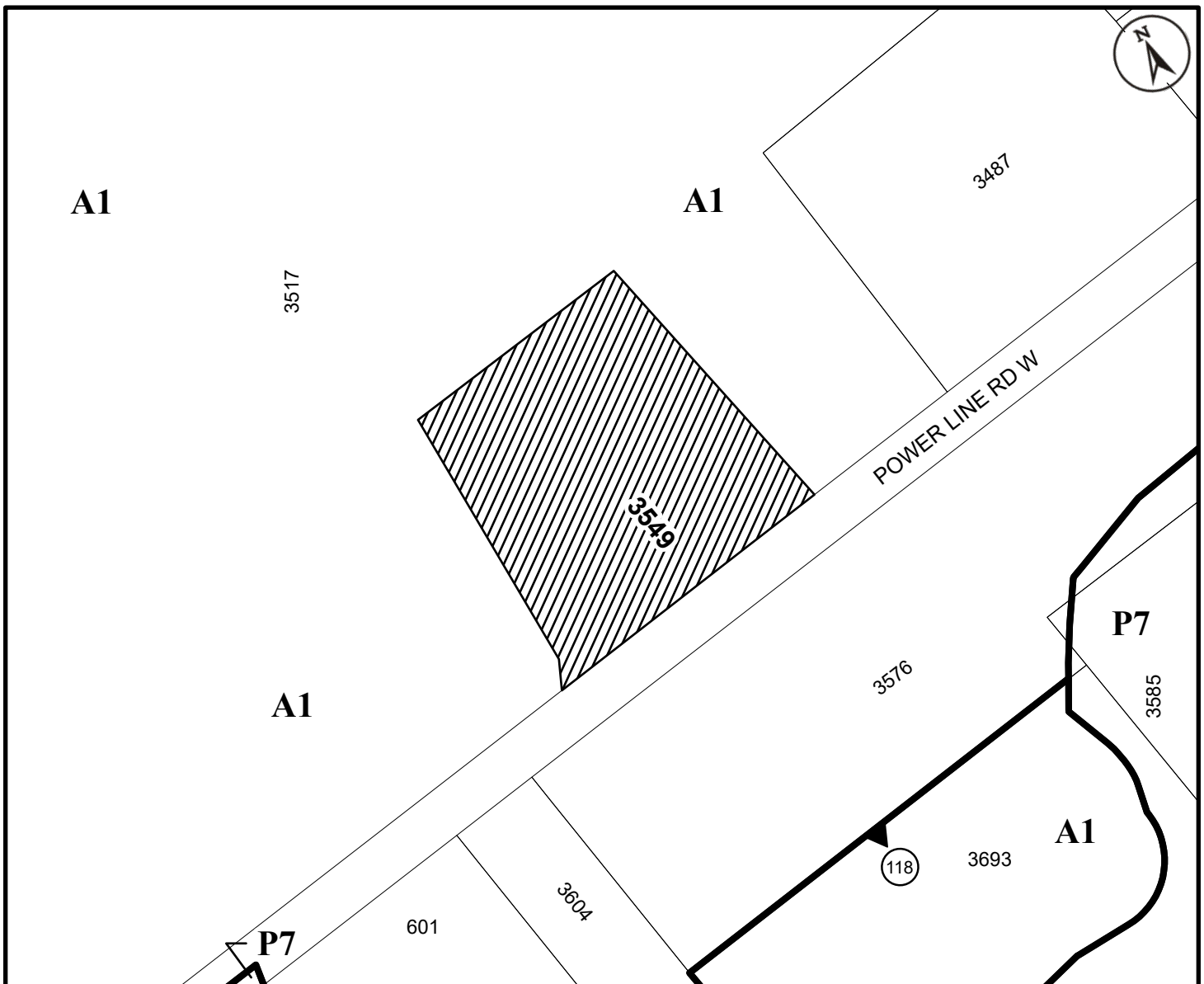
Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law. The variance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

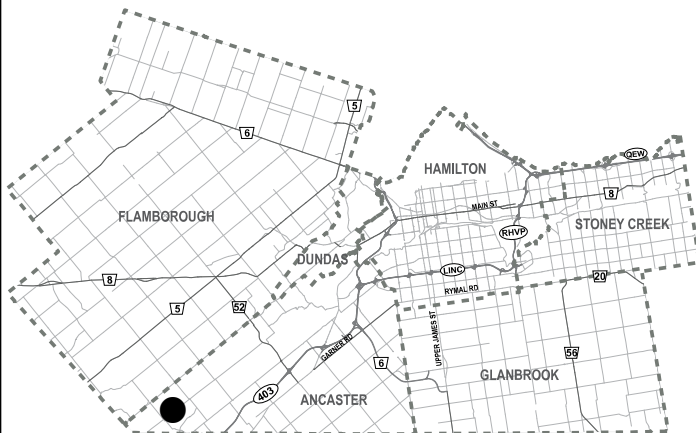
1. This application is subsequent to variance application No. AN/A-19:325 granted by the Committee at a previous hearing.
2. The building that is the subject of the variance is referred to as a “barn” in the Application but is regarded as an accessory building because the property is used for residential purposes.
3. The portion of the property abutting the southerly side of the accessory building is regulated by the Grand River Conservation Authority, and is within the A1 Zone.
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.

Development Engineering:

For the information of the Committee, if the existing drainage pattern is maintained, we have no issues with this application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3549 Powerline Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:189

Date:

October 7, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:191 (205 Sunny Ridge Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory building in the rear yard of the existing single detached dwelling.

Rural Hamilton Official Plan:

The property is within the “Jerseyville Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 3 Jerseyville Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Variance 1

The applicant is seeking a variance for a maximum lot coverage of 384.5 square metres to be permitted instead of the maximum permitted lot coverage of 97 square metres for all accessory structures located within the rear yard.

Staff note that the increase in lot coverage is not minor as it will facilitate the proposed accessory structure which is excessive when considering the proposed ground floor area. The proposed structure is not compatible with the surrounding neighbourhood and is not subordinate to the single detached dwelling. In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of proposed GFA dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structures become larger than the principle use of the property and as such no longer meet the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 2

The applicant is seeking a variance for a maximum building height of 5.5 metres shall be permitted instead of the maximum permitted building height of 5.0 metres for an accessory structure.

The intent of this provision is to keep accessory structures subordinate to the single detached dwelling. In this case, the accessory structure is subordinate to the single detached dwelling when considering the proposed height. The height of the structure does not have an impact on the neighbouring properties and is compatible with the surrounding neighbourhood. 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 the maximum height to the underside of the fascia, eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be permitted to exceed 3.0 metres instead of the maximum permitted height of 3.0 metres to the underside of the fascia, eaves, overhang or the lower ends of the roof joists, rafters or trusses.

The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties. The height of the structure is compatible with the neighbourhood as it is subordinate to the single detached dwelling. The variance maintains the general intent of the RHOP and Zoning By-law as the height of the accessory structure is subordinate to the single detached dwellings in the neighbourhood. The variance is minor in nature and appropriate for the development of the subject lands as there are no perceived impacts on the neighbouring properties. Staff support the variance.

Recommendation

Staff recommend that variance 1 be denied, as the variance do not maintain the general intent and purpose of the Urban Hamilton Official Plan and the Hamilton Zoning By-law No. 05-200. The variance is not minor in nature and is not desirable for the development of the lands.

Staff recommends that variances 2 and 3 be approved, as the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and are desirable for the appropriate use of the property.

Building Division:

1. Construction of the proposed accessory building is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The submitted building elevations do not illustrate the proposed building height in accordance with the definition of “*Building Height*” and “*Grade*” as defined within the Zoning By-law. A further variance will be required of the requested building height

has not been provided in accordance with “*Building Height*” and “*Grade*” as defined within the Zoning By-law.

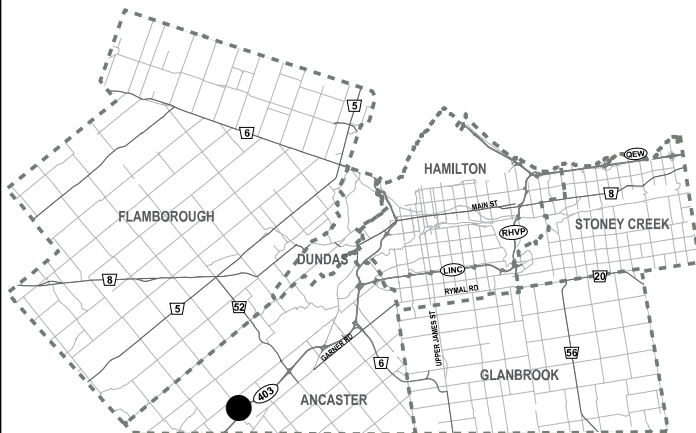
3. A further variance will be required is the eave and gutter project greater than 0.6 metres into the required 3.0 metre northerly side yard.
4. Details regarding the existing accessory building have not been provided. It is noted a portion of the existing accessory structure is to be demolished, however the specific area to be demolished has not been identified. Additionally, it is unclear if a portion of the existing accessory structure is to be demolished prior to the construction of the proposed accessory structure; as such, the variance is written to include lot coverage for all accessory structures as shown on the submitted site plan.

Development Engineering:

For the information of the Committee, if the existing drainage pattern is maintained, we have no issues with this application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



205 Sunny Ridge Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:191

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-20:61 (5020 Tyneside Rd., 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.
2. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
3. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
4. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design
5. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
7. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking 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).
8. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the

lands to be severed and/or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination

9. The Owner / Applicant shall dedicate sufficient lands along the frontage of the subject site to the Municipal Right-of-Way of Miles Road in order to establish the propertyline 18.288m from the original centreline of this roadway, in accordance with the Rural Official Plan requirements. An **R-Plan and Land Transfer Deed** shall be submitted as proof of land transfer, all **to the satisfaction of the Manager of Development Engineering Approvals**.
10. The Owner / Applicant shall provide a **Well Inspection**: If the existing well is to be used for the proposed severance, please submit the Water Well Record to Source Protection Planning. If a well record cannot be located or the well is more than 10 years old, its condition should be tested and inspected by a licensed water well contractor. If any repairs or rehabilitation is required by the water well contractor as a result of this inspection, the applicant shall demonstrate that the improvements have been implemented. This inspection shall also include a 1 hour pumping test to verify that the well can support the proposed demands from the new dwelling. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licensed-well-contractors> . The Well Inspection shall be **to the satisfaction of the Director of Hamilton Water**.
11. The Owner / Applicant shall provide a **Raw water quality analysis**: If the existing well is to be used for the proposed severance, the well should be sampled and analyzed for at minimum general chemistry, major ions, nutrients, and metals, as well as E. coli and total coliforms. Find licensed laboratories here: <https://www.ontario.ca/page/list-licensed-laboratories> . Often licensed water well contractors are able to obtain samples on the owner's behalf, as long as they are obtained with pumping at least 3 well volumes before obtaining a raw water sample. Otherwise it will need to be obtained by a qualified professional (P.Eng, P.Geo). The Raw Water Quality analysis shall be **to the satisfaction of the Director of Hamilton Water**.
12. The Owner / Applicant shall provide a **Reserve area leaching bed on site plan**: A revised site plan shall be submitted to include a reserve area leaching bed. This is simply a duplication of the existing leaching bed area placed elsewhere on the property to demonstrate the applicant has sufficient land in case it needs to be relocated in the future. This is a Rural Hamilton Official Plan requirement. The Reserve area leaching bed on a site plan shall be **to the satisfaction of the Director of Hamilton Water**.
13. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

14. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

GL/B-20:61 (5020 Tyneside Rd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a parcel of land containing an existing dwelling and two agricultural barns and to retain a parcel of vacant land for agricultural purposes.

Severed lands:

15m± x 234m± and an area of 3.71ha±

Retained lands:

646m± x 1,000m± and an area of 63.29ha±

Rural Hamilton Official Plan:

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

“F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- b) Severances that create a new lot(s) may be permitted for only the following purposes:
 - i) Agricultural uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;

- ii) Agricultural-related uses in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;
 - iii) Severance of a surplus farm dwelling made surplus as a result of a farm consolidation in accordance with Policies F.1.14.2.1 and F.1.14.2.8;
 - iv) Severances within designated Rural Settlement Areas in accordance with Policy F.1.14.2.1 c), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;
 - v) Acquiring land for infrastructure, petroleum resource extraction, and mineral aggregate resource extraction purposes in accordance with Policy F.1.14.2.1 g);
 - vi) Facilitating conveyances of land to a public body or approved private land trust in accordance with Policy F.1.14.2.1 h);
 - vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;
- c) All proposed severances that create a new lot shall:
- i) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - ii) be compatible with and not hinder surrounding agricultural operations;
 - iii) conform to the Zoning By-law;
 - iv) only be permitted when both severed and retained lots have frontage on a public road; and,

- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
 - i) The farm consolidation shall have been completed prior to the time of application.
 - ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
 - iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
 - iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;

- v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1) not impair agricultural operations on the retained land; and
 - 2) generally not exceed a depth of 122 metres (400 feet);**
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purpose
- viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.”

Analysis

The subject lands have frontage only on Miles Road, staff note that the owner has legal access to Tyneside Road which was established by an agreement with the neighbouring 6229 Chippewa Road East.

As such, staff are not in support of the subject severance as it would create a landlocked parcel which is not fronting onto a Right of Way, but instead has legal access which is owned by the abutting property (6229 Chippewa Road East), staff note that legal access does not constitute frontage. Therefore, staff cannot support this proposal as it is not compliant with the Rural Hamilton Official Plan, Chapter F – Implementation, which states:

- “1.14.2.1 c) All proposed severances that create a new lot shall:
- iv) only be permitted when both severed and retained lots have frontage on a public road.”

In addition, the Rural Hamilton Official Plan policies state that the shape and dimensions of the surplus farm dwelling shall generally not exceed a depth of 122 metres, the proposed surplus lot has a proposed depth of approximately 290 metres which does not conform with the aforementioned Rural Hamilton Official Plan policy. Therefore, the

proposed severance does not meet the intent of the Rural Hamilton Official Plan. Accordingly, staff do not support the severance.

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone. The proposed severance is within the A1 and P7 Zone.

Natural Heritage

Natural Heritage has reviewed this proposal to sever an existing home from a farm parcel. The property contains Core Areas (Significant Woodland, Provincially Significant Wetland, Environmentally Significant Area and stream) shown on Schedule B of the Rural Hamilton Official Plan. The property is also within the Greenbelt Plan Natural Heritage System and portions are regulated by the Niagara Peninsula Conservation Authority.

The proposed severance will separate an existing residence from an existing agricultural parcel. Both the retained and severed parcels would have Core Areas on them. The existing uses will continue. However, because the Core Areas will now be on two lots, there will be increased fragmentation of Core Areas in the Greenbelt Natural Heritage System. However, the policy related to this refers to severances to a public body for conservation, (F.1.14.2.1 h ii), and not for agricultural purposes.

Therefore, Natural Heritage is satisfied that the proposed severance will not negatively impact the Core Areas.

Recommendation

Based on the preceding information, the severance application does not meet the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law since the applicant is proposing to sever a residential use within the Agricultural designation within the RHOP. The severance is not minor in nature and is not desirable for the appropriate development of the lands. Staff recommend that the severance be **denied**.

CONDITION:

Should the Committee approve the application, staff require the following conditions be added to the application:

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.

2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department.
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, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. The lands to be conveyed are intended to be used for residential purposes (single detached dwelling), which is permitted. All other existing structures situated on the conveyed lands are said to be intended as being accessory structures to the residential use. As such, these accessory buildings are required to be reviewed against the requirements of Section 4.8.2 of Hamilton Zoning By-law 05-200, which do not appear to comply. As such variances to permit the existing size and height of these structures will be required.
6. The lands to be conveyed does not have frontage along a public street. As such, a legally established right of way shall be property registered on title to provide access to the property.
7. A variance to permit a lot having no frontage along a public street (conveyed lands) will be required for zoning compliance.

CONDITIONAL UPON:

1. The owner shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final and binding approval of minor variance application GL/A-20:199.
3. The owner shall submit survey evidence that the lands to be conveyed and retained, including any existing structure(s), and parking conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and/or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

Growth Management:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **5020 Tyneside Road (Glanbrook)** and the lands to be retained will be assigned the address of **5015 Miles Road (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

Source Water Protection:

To the satisfaction of Building Division, the applicant shall confirm that the proposed severance conforms with minimum clearance distances set out in Part 8 of the Ontario Building Code with respect to the applicant's septic system.

Development Engineering:

Information:

Right-of-Way Improvements

- 1) According to our GIS records, the subject parcel fronts onto Miles Road and does **not** front onto Tyneside Road, however, there is a private driveway that intersects through the adjacent property known as 6229 Chippewa Road East to Tyneside Road. There is a deeded right of way access to Tyneside Road.

A right-of-way widening is applicable to the subject property on Miles Road as per the Rural Official Plan, Chapter C – City Wide Systems and Designations, Section 4.5.2 b) and is described below:

Existing Right-of-Way Width

- Tyneside Road – **12.2m**
- Miles Road – **20.3m**

Future Right-of-Way Width

- Tyneside Road – **26.213m – PARCEL DOES NOT FRONT ONTO TYNESIDE, THEREFORE, LAND DEDICATION NOT APPLICABLE**
- Miles Road – **36.576m - LAND DEDICATION IS APPLICABLE**

Daylighting Triangle Requirements

Not applicable

Recommendations:

- 1) The Owner / Applicant shall dedicate sufficient lands along the frontage of the subject site to the Municipal Right-of-Way of Miles Road in order to establish the propertyline 18.288m from the original centreline of this roadway, in accordance with the Rural Official Plan requirements. An **R-Plan and Land Transfer Deed** shall be submitted as proof of land transfer, all **to the satisfaction of the Manager of Development Engineering Approvals**.
- 2) The Owner / Applicant shall provide a **Well Inspection**: If the existing well is to be used for the proposed severance, please submit the Water Well Record to Source Protection Planning. If a well record cannot be located or the well is more than 10 years old, its condition should be tested and inspected by a licensed water well contractor. If any repairs or rehabilitation is required by the water well contractor as a result of this inspection, the applicant shall demonstrate that the improvements have been implemented. This inspection shall also include a 1 hour pumping test to verify that the well can support the proposed demands from the new dwelling. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licenced-well-contractors> . The Well Inspection shall be **to the satisfaction of the Director of Hamilton Water**.

- 3) The Owner / Applicant shall provide a **Raw water quality analysis**: If the existing well is to be used for the proposed severance, the well should be sampled and analyzed for at minimum general chemistry, major ions, nutrients, and metals, as well as E. coli and total coliforms. Find licensed laboratories here: <https://www.ontario.ca/page/list-licensed-laboratories> . Often licensed water well contractors are able to obtain samples on the owner's behalf, as long as they are obtained with pumping at least 3 well volumes before obtaining a raw water sample. Otherwise it will need to be obtained by a qualified professional (P.Eng, P.Geo). The Raw Water Quality analysis shall be **to the satisfaction of the Director of Hamilton Water**.
- 4) The Owner / Applicant shall provide a **Reserve area leaching bed on site plan**: A revised site plan shall be submitted to include a reserve area leaching bed. This is simply a duplication of the existing leaching bed area placed elsewhere on the property to demonstrate the applicant has sufficient land in case it needs to be relocated in the future. This is a Rural Hamilton Official Plan requirement. The Reserve area leaching bed on a site plan shall be **to the satisfaction of the Director of Hamilton Water**.

Transportation Planning & Parking Division (Traffic):

Per FC-20-055, the subject property does not have frontage along Tyneside Road, however it does along Miles Road. As per the Council Approved Rural Official Plan: Chapter C- City Wide Systems and Designations, 4.5 Road Network, 4.5.2 Collector Roads (Miles Road) are to be 36.0 metres. Notwithstanding that an 8.0 metre right-of-way dedication would typically be required, and without setting precedent, the need for a right-of-way dedication will be waived.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: October 16, 2020

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 5020 Tyneside Road, Glanbrook
File: GL/B-20:61

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 22, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape Plan required.

Forestry has no concerns.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

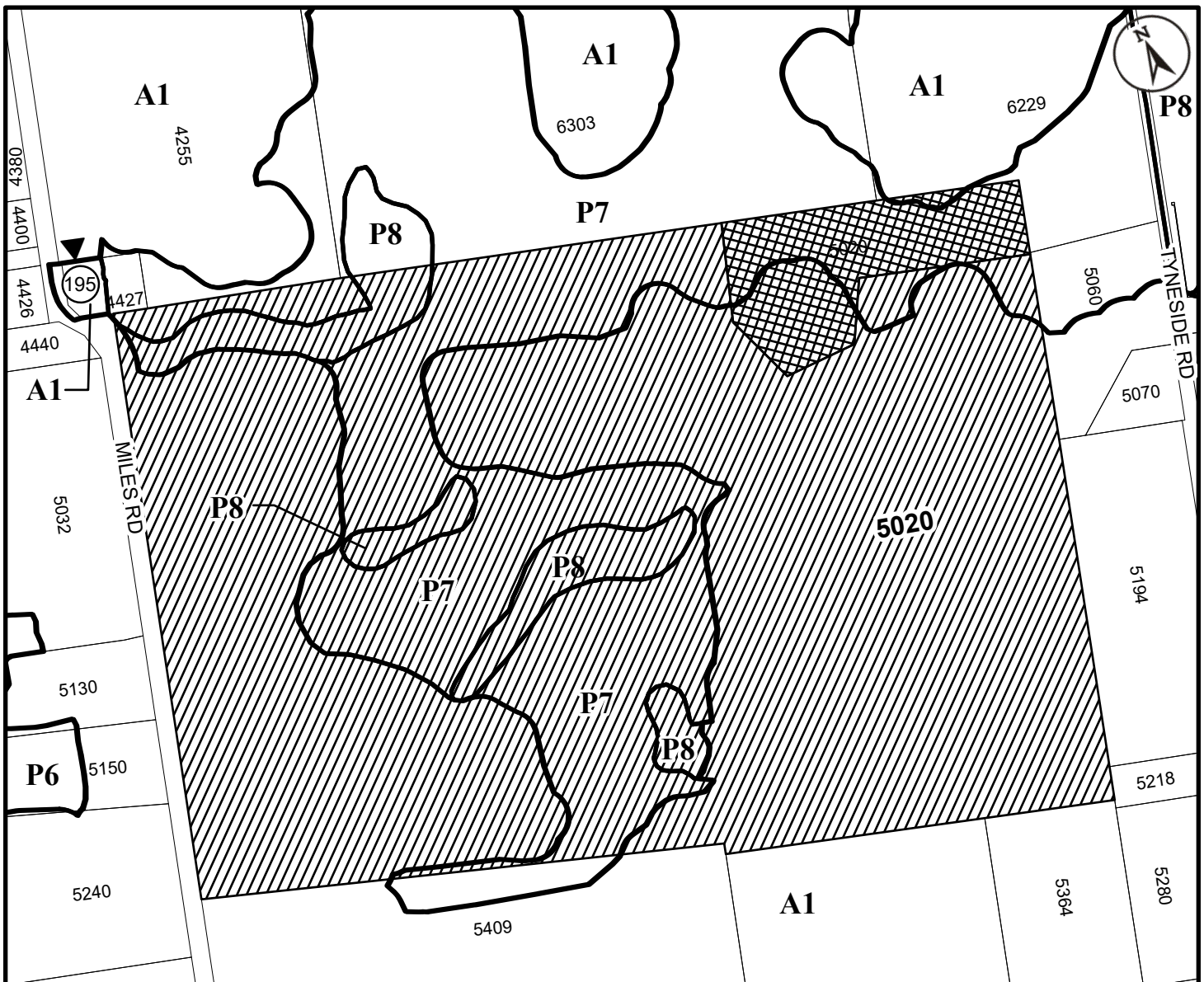
- There are no Municipal Tree Assets located on site; therefore Tree Management will not be required.
- No Landscape Plan required.

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

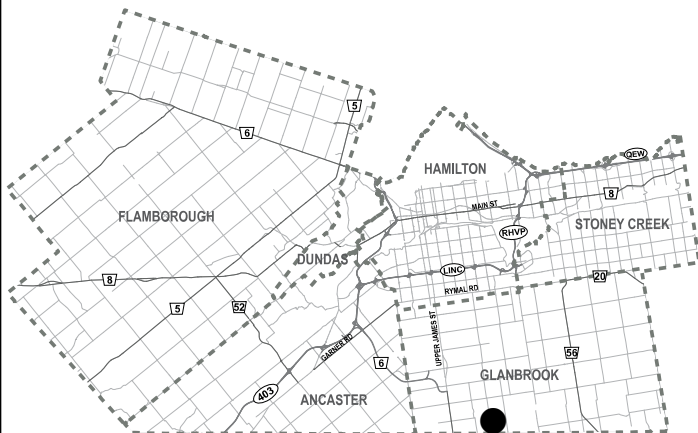
Regards,

A handwritten signature in black ink, appearing to read "Shannon Clarke". The signature is written in a cursive, flowing style.

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

5020 Tyneside Road, Glanbrook (Ward 11)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-20-61

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:199 (5020 Tyneside Rd., 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 approve the application, an approval should be subject to the following condition(s):

1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

GL/A-29:199 (5020 Tyneside Rd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of land containing an existing single detached dwelling in accordance with GL/B:20-61.

Rural Hamilton Official Plan:

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

“F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- c) All proposed severances that create a new lot shall:
 - vi) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - vii) be compatible with and not hinder surrounding agricultural operations;
 - viii) conform to the Zoning By-law;
 - ix) only be permitted when both severed and retained lots have frontage on a public road; and,**

F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:

- ix) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purpose
- x) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.”

Hamilton Zoning By-law No. 05-200:

The subject lands are zoned A1 (Agriculture) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone.

Variance 1 and 2

The applicant is seeking a variance for a lot width of 0.0m to be provided (on the lands to be severed) instead of the minimum required lot width of 30.0m. The applicant is also seeking a variance for no lot frontage to be provided (on the lands to be severed) whereas the by-law requires a lot to abut a street for a minimum of 4.5m.

Staff cannot support this variance as it is not in keeping with the Rural Hamilton Official Plan policies which state that all proposed severances (GL/B:20-61) that create new lots shall only be permitted when both severed and retained lots have frontage on a public road, as per RHOP, Chapter F, 1.14.2.1.c.iv). Staff are aware that the subject lands do have legal access to Tyneside Road, however the legal access which was established between the owner of the subject lands and the neighbor does not constitute frontage and for that reason staff cannot support this variance as it is not in compliance with Rural Hamilton Official Plan policies. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 3

The applicant is seeking a variance for a total floor area of 850m² shall be provided for all accessory buildings (on the lands to be severed) instead of the maximum floor area of 200.0m² permitted for all structure's accessory to a residential use.

The Zoning By-law states that all buildings accessory to a Single Detached Dwelling shall not exceed a total maximum gross floor area of 200 m². The subject lands have a total gross floor area of approximately 850 m². In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the

amount of GFA and lot coverage dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structures become larger than the principle use of the property and as such no longer meet the definition of being subordinate to the primary use.

In addition to the associated surplus farm severance (GL/B:20:61), Rural Hamilton Official Plan Policies state that a surplus dwelling lot shall not include barn or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, as per F.1.14.2.8.xv). In addition, where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn, as per F.1.14.2.8.xvi).

Therefore, staff have determined that the proposed variance does not comply with the Zoning By-law nor the Rural Hamilton Official Plan Policies, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Variance 4

The applicant is seeking a variance for a height of 6.7m to provided for accessory buildings instead of the maximum building height of 6.0m permitted for structures accessory to a residential use.

Staff cannot support the subject variance related to the accessory building since the existing barn is considered within this application as an accessory structure to the residential dwelling. As such, staff note that the Rural Hamilton Official Plan policies indicate that a surplus dwelling lot shall not include barn or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, as per F.1.14.2.8.xv). In addition, where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn, as per F.1.14.2.8.xvi). Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law. The variances are not considered to be minor in nature and are not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

CONDITION:

Should the Committee approve the application, staff require the following conditions be added to the application:

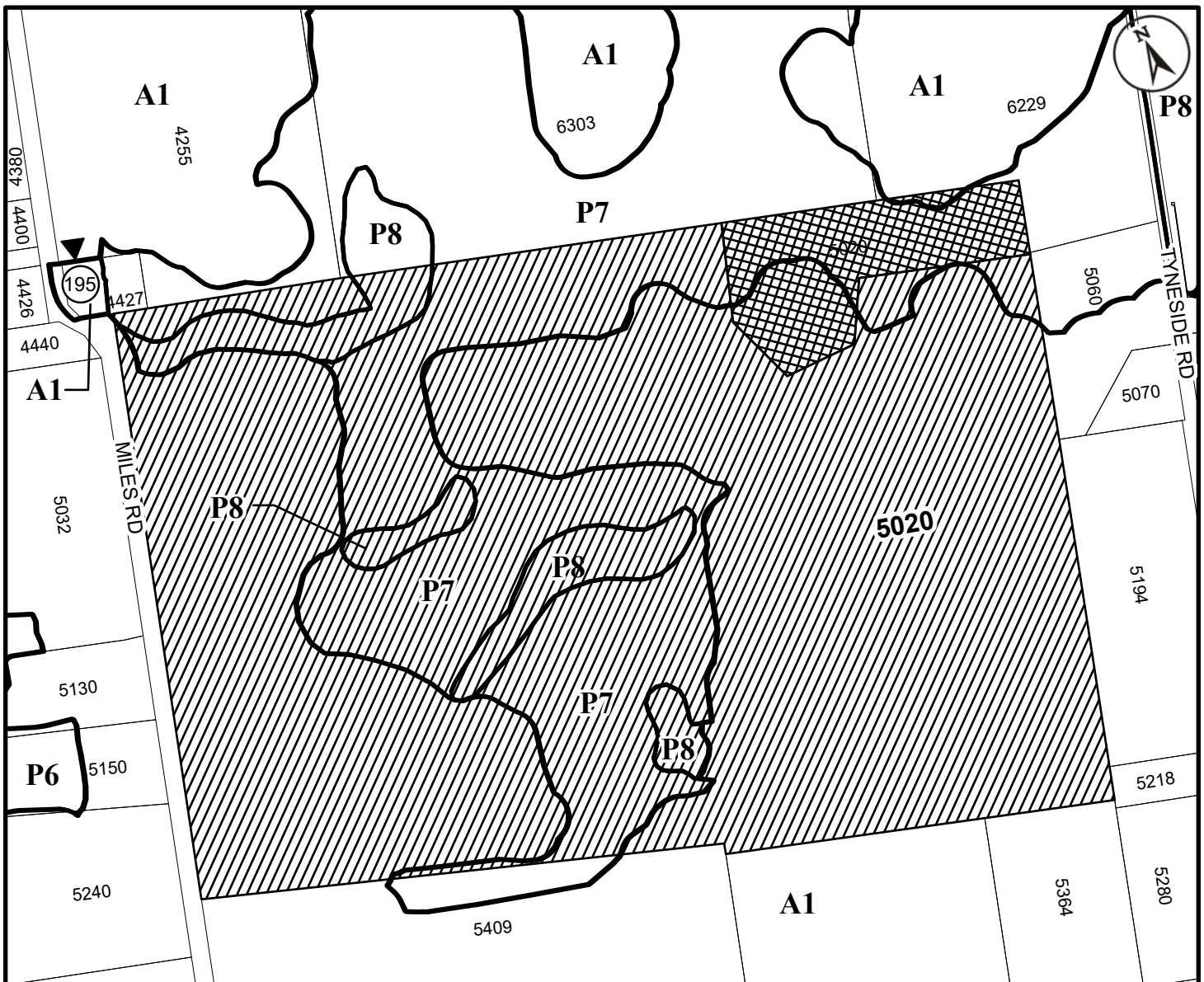
1. The owner shall demolish the existing barn (accessory structure) on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

Building Division:

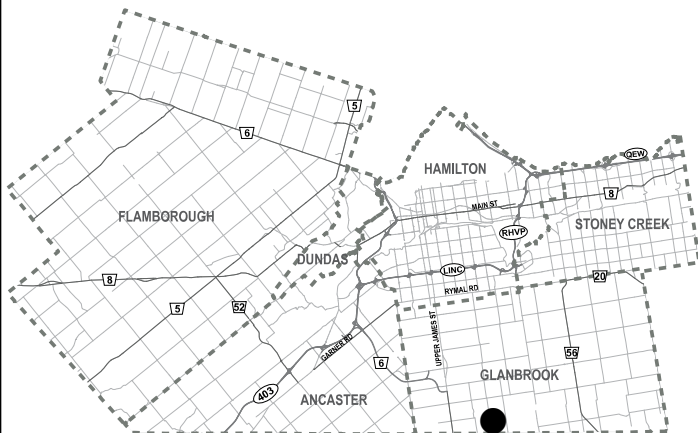
1. These variances are necessary to facilitate consent application GL/B-20:61.
2. A single detached dwelling requires a minimum of one (1) parking space to be provided on site. Such parking shall be provided in accordance with Section 5 of Hamilton Zoning By-law 05-200. Insufficient information has been provided in order to determine zoning compliance. As such, further variances may be required.
3. Details respecting the accessory buildings have not been provided on the submitted plans. As such, variances #3 and #4 have been written as requested by the applicant.
4. Be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority for further information.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

5020 Tyneside Road, Glanbrook (Ward 11)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-20-61

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:183 (601 Green Mountain Rd. E., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory building with a gross floor area of 406m², located on a residential parcel of land.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Specialty Crop” in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

- C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: (OPA (R)-5)
- a) Except as permitted in Sections D.2.1.1.4 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;”

The subject lands are located within the Specialty Crop and a single detached dwelling is a permitted use.

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

The subject property is zoned “A1” (Agricultural) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to allow for a maximum gross floor area of 406m² to be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m².

Staff note that the increase in maximum gross floor area is not minor as it will facilitate the proposed accessory structure which is excessive when considering the proposed ground floor area of 406m². The proposed structure is not compatible with the surrounding neighbourhood and is not subordinate to the single detached dwelling. In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of proposed GFA dedicated to the accessory

structures being bigger than the area of the single detached dwelling, the proposed structure becomes larger than the principle use of the property and as such no longer meet the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law. The variance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

Building Division:

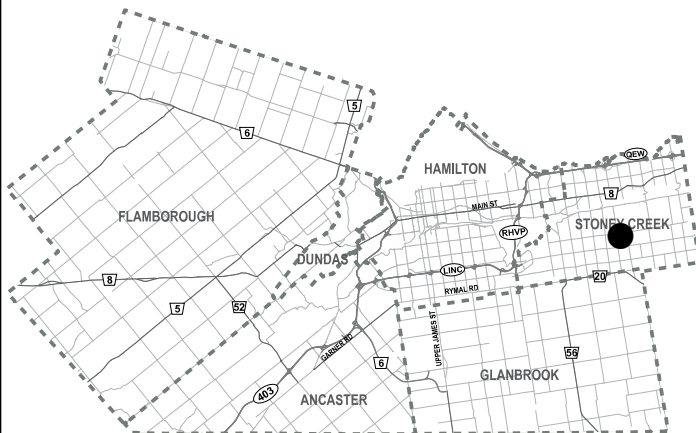
1. A detailed site plan or updated elevation drawings reflecting the current proposal as described in an email dated September 14th, 2020, provided by the applicant, were not included as part of this application. Further variances may be required if compliance with Hamilton Zoning By-law 05-200 is not possible.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-648-4622 for further information.
3. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
4. Construction of the proposed accessory building 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.
5. A demolition permit may be required for the demolition of any existing accessory structures that are to be removed.

Development Engineering:

For the information of the Committee, if the existing drainage pattern is maintained, we have no issues with this application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



601 Green Mountain Road East,
Stoney Creek (Ward 3)

File Name/Number:

SC/A-20-183

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:134 (174 Montrose Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 2.13 metre by 3.56 metre westerly dormer addition, the conversion of the existing single detached dwelling to contain a total of two dwelling units, and to recognize the location of an existing 5.48 metre by 7.31 metre accessory building (existing garage) notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow the minimum floor area of the proposed dwelling unit in the basement of the existing single detached dwelling to be 56.0 square metres, notwithstanding the minimum required floor area of 65.0 square metre for each dwelling unit. The intent of the Zoning By-law is to ensure dwelling units provide adequate floor area for living accommodation purposes.

Based on the submitted floor plans, Staff is satisfied sufficient floor area will be provided for living accommodation purposes, including a kitchen, living room, bathroom, bedroom and living space. The variance is therefore maintaining the general intent of the Zoning By-law.

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

Variance 2

The applicant is requesting a variance to allow the existing dwelling to be altered, notwithstanding the Zoning By-law requires the external appearance and character of a converted building to be preserved. The intent of the Zoning By-law is to maintain the

established residential character of the surrounding neighbourhood and to avoid any impact on the enjoyment and privacy of the adjacent properties.

This portion of Montrose Avenue is characterized by one to one and a half storey dwellings with pitched roofs. The alterations to the existing dwelling being proposed include a new westerly dormer addition, the removal of the existing door on the easterly façade and the installation of a new side door and walkout, and new window on the easterly façade. Staff are satisfied the alterations are minor in nature and will not adversely impact the style of the dwelling or the character of the area.

The variance is maintaining the general intent of the Zoning By-law as Staff are satisfied the proposed alterations will not significantly alter the design and style of the existing dwelling. The proposed alterations are minor in size and will not adversely impact the residential streetscape. In addition, Staff do not anticipate any impact on the enjoyment or privacy of the adjacent properties as a result of the proposed exterior alterations.

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 no onsite manoeuvring space for the two required parking spaces to be provided, notwithstanding the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and the Zoning By-law only permits off-site manoeuvring for one parking space. The general intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit.

The proposed parking spaces are located in the rear yard and have direct access onto Malta Drive. The intent of the Zoning By-law is being maintained as the applicant is not proposing to establish tandem parking which would cause jockeying of vehicles on Malta Drive. The independent spaces will allow residents to access their own parking spaces without impacting other tenants.

Based on the submitted Site Plan, there is approximately 4.0 metres of on site manoeuvring space adjacent to each parking space. In addition, there is approximately 4.5 metres of City Boulevard between the easterly property line and Malta Drive which functions as additional manoeuvring space for the proposed parking spaces. Staff is satisfied between the on site manoeuvring space and the Malta Drive road allowance, there is sufficient space to aide the moving of a vehicle to and from the site, with adequate visibility. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

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

Variance 4

The applicant is requesting a variance to allow a minimum front yard depth of 5.9 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The intent of the Zoning By-law is to maintain the consistent streetscape.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the existing front yard depth is consistent with the surrounding properties. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 5

The applicant is requesting a variance to allow a minimum easterly side yard width of 4.2 metres to recognize the location of the existing accessory building, notwithstanding the minimum required side yard width of 6.0 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the existing location of the accessory building is consistent with the surrounding properties. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 6

As per the Building Division comments dated October 15, 2020, an additional variance is necessary to recognize the existing westerly side yard setback.

The applicant is requesting a variance to allow a minimum westerly side yard width of 1.1 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 an existing condition. The variance maintains the general intent of the Zoning By-law as the existing westerly side yard width is consistent with the established residential streetscape. The variance is considered minor in nature and is

desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Recommendation:

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

Building Division:

1. Please be advised that an additional variance is necessary to recognize the existing westerly side yard setback. As such, the following variance shall be added:

"A minimum westerly side yard width of 1.1m shall be permitted instead of the minimum required westerly side yard width of 1.2m".

2. The Plot Plan Drawing No. A101 attached to the Notice is incorrect as it is not the most recently submitted Plot Plan (dated 25-Sep-20 10:13:25AM). Further, there are two (2) separate sets of Drawings: 1-3 (Floor Plans/Window Charts); 2-3 (Sections Details/Notes) and 3-3 (Section and Elevations) and the correct version is noted as "For Permit Building dated 25-Sep-20" found under the "Revision Schedule". Be advised that Drawings 1-2, 2-3 and 3-3 dated "For Permit Building 9/3/20" should not be used. As such, the revised correct Plans shall be attached to the Notice which can be found as an "Attachment" the City of Hamilton's Amanda Folder Number 20-172248 dated October 1, 2020.
3. Be advised that Variance No. 4 is intended to recognize the location of the existing building which appears to be a result due to an error in construction.
4. Be advised that the location of basement walkout does not constitute an encroachment into a required yard provided the foundation wall does not project not more than 150 mm above the adjacent grade, with or without a guard. The plans submitted show the foundation wall projecting 150mm above adjacent grade which conforms to a building policy. Be advised that if this wall projects more than 150mm above adjacent grade, a further variance shall be required for a non-complying westerly side yard width.
5. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.

6. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.
7. A building permit is required for construction of the dormer, and basement walkout and for the conversion of the single family dwelling to contain two (2) dwelling units.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

Transportation Planning does not support variance 3, to allow for manoeuvring in the road allowance. All properties must allow for vehicles to enter in a forward manner, turn around and exit in a forward manner.

See attached for additional comments

From: [Anna Dee](#)
To: [Committee of Adjustment](#)
Subject: Re: File HM/A-20:134
Date: October 19, 2020 7:20:33 PM

Hello,

Please find below my comments in regards to File HM/A-20:143 - hearing date set for October 22.

Please confirm receipt of this email and if anything further is needed.

Thank You,

Anna

On Aug 26, 2020, at 5:41 PM, Anna Dee <annadeecarlo@gmail.com> wrote:

Please find below my comments in regards to Application File HM/A-20:134

This application is premature given that 2 further variances might be required.

All variances should come to the committee at once. This one should be remanded so that all of them can be heard at once.

How are they dealing with the lack of onsite manoeuvring, beside asking for a variance?

I am concerned that street will become parking for the vehicle.

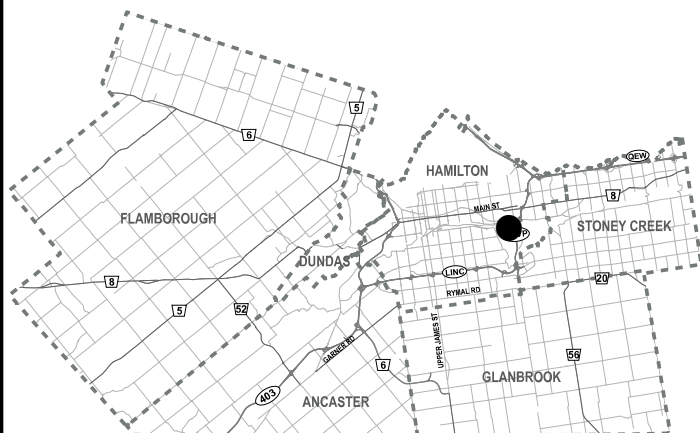
This sets a bad precedent .

I will be in attendance tomorrow as well.

Thank You



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



175 Montrose Avenue, Hamilton
(Ward 4)

File Name/Number:

HM/A-20:134

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-19:190 (45 Martimas 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):

1. That the applicant submits Elevation Drawings of the front (easterly) façade to the satisfaction of the Manager of Development Planning, Heritage and Design

HM/A-19:190 (45 Martimas Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain a total of two dwelling units in accordance with Section 19, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings) 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 262.0 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 lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge sufficient amenity area is being provided in the rear yard to satisfy the needs of the tenants. While the minimum required two parking spaces is shown on the submitted Site Plan, the proposed parking space width of 2.44 metres is not sufficient in size to accommodate a variety of vehicles and therefore cannot be supported by Staff. As such, Staff is not satisfied the necessary parking spaces can be accommodated on site.

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 appropriate use of the site nor considered minor in nature; therefore, staff do not support the variance.

Variance 2

The applicant is requesting a variance to allow the front façade of the existing dwelling to be altered to remove the existing garage door, notwithstanding the Zoning By-law

requires the external appearance and character of a converted building to be preserved. The intent of the Zoning By-law is to maintain the established residential character of the surrounding neighbourhood and to avoid any impact on the enjoyment and privacy of the adjacent properties.

This portion of Martimas Avenue is characterized by one to one and a half storey dwellings with a variety of styles. The existing single detached dwelling on the subject property and the adjacent dwelling to the north located at 47 Martimas Avenue are the only dwellings in the surrounding area with attached garages on the front façade.

The applicant is proposing to remove the existing garage to be used as habitable space for 'Apartment 2' as shown on the submitted floor plans. Staff are of the opinion removing the existing garage door will not significantly alter the design of the existing dwelling and will contribute to a consistent streetscape. While Staff do not have any concerns with the removal of the existing garage, Staff request the applicant submit elevations of the front (easterly) façade to properly evaluate the impact on the streetscape as a condition of approval.

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 with a condition.

Variance 3 and 4

The applicant is requesting a variance to allow two parking spaces, occupying a maximum of 86.0% of the gross area of the front yard to be permitted to be located within the required front yard and to allow a minimum of 14.0% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law permits one parking space occupying a maximum of 50.0% of the gross area of the front yard to be located within the required front yard and requires a minimum of 50.0% of the gross area of the front yard to be provided as landscaped area. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The variance recognizes an existing condition that will remain unchanged as a result of the proposed Section 19 conversion. While the proportion of the front yard allocated to parking is not in keeping with established streetscape, Staff acknowledge the variance recognizes a condition that has existed for a significant amount of time and would result in unnecessary hardship on the applicant to conform with the requirements of the Zoning By-law.

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

Variance 5

The applicant is requesting a variance to allow no onsite manoeuvring space for the two required parking spaces to be provided, notwithstanding the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each

required parking space on the lot and the Zoning By-law only permits off-site manoeuvring for one parking space. The general intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit.

The proposed parking spaces are located in the front yard and have direct access onto Martimas Avenue. The intent of the Zoning By-law is being maintained as the applicant is not proposing to establish tandem parking which would cause jockeying of vehicles on Martimas Avenue. The independent spaces will allow residents to access their own parking spaces without impacting other tenants.

Staff acknowledge there is approximately 4.5 metres of City Boulevard between the front property line and Martimas Avenue which functions as manoeuvring space for the proposed parking spaces. While Staff is satisfied the Martimas Avenue road allowance provides sufficient space to aide the moving of a vehicle to and from the site, Staff acknowledge the parking space width of 2.44 metres being proposed is not sufficient in size to accommodate a variety of vehicles and cannot be supported by staff.

Staff note the Zoning By-law permits off site manoeuvring space for one parking space. The variance is therefore required to facilitate the two required parking spaces on the subject property, whereas Staff are of the opinion the existing driveway is not sufficient in size to accommodate two parking spaces. As such Staff are of the opinion the variance does not maintain the general intent of the Zoning By-law. The variance is not desirable for the development nor minor in nature.

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 appropriate use of the site nor considered minor in nature; therefore, staff do not support the variance.

Variance 6

The applicant is requesting a variance to allow a minimum parking space size of 2.4 metres in width by 6.0 metres in length notwithstanding the minimum required parking space size of 2.7 metres in width by 6.0 metres in length. The general intent of the Zoning By-law to is to allow adequate space to accommodate a variety of vehicles.

The existing driveway on the subject property is 4.88 metres wide and the applicant is proposing to establish two parking spaces each with a width of 2.44 metres. Staff are of the opinion a parking space width of 2.44 metres does not provide sufficient space to safely accommodate a variety of vehicles and therefore the existing driveway is not sufficient in size to accommodate the two required parking spaces.

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

Recommendation:

Based on the preceding information, Variances 2, 3 and 4 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variances 2, 3 and 4 are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 1, 5 and 6 maintain the general intent and purpose of the Urban Hamilton Official Plan, the variances do not maintain the general intent of former City of Hamilton Zoning By-law No. 6593. Variances 1, 5 and 6 are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variances 2, 3 and 4 be approved and Variances 1, 5 and 6 be denied.

CONDITIONS: (If Approved)

1. That the applicant submits Elevation Drawings of the front (easterly) façade to the satisfaction of the Manager of Development Planning, Heritage and Design

Building Division:

1. Conversion of the existing single family dwelling to a two family dwelling is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. A further variance will be provided if a minimum access driveway width of 2.8 metres is not provided.
3. A further variance will be required if gravel or similar surface or other suitable paving is not provided for the parking area and access driveway.
4. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
5. The variances requested for a reduced lot width and reduced side yard width are not required as this is a Lot of Record and conditions are existing.
6. The agent for the applicant has advised that a minimum parking space size length of 6.0 metres shall be provided notwithstanding the revised site plan shows a minimum parking space length of 5.99 metres.

Development Engineering:

No Comment

See attached for additional comments.

From: [MCCREADIE Mike -RG&PWRMRKT](#)
To: [Evans, Morgan](#)
Subject: FILE NUMBER HM/A-19:190 45 Martimas Ave. Hamilton Ontario
Date: October 15, 2020 2:04:15 PM

File#HM/A-19:190

45 Martimas Ave, City of Hamilton

The landlord Reno Aquino owner of this subject property attempted this same list minor variances in July 2019, I attend this hearing to voice my disapproval of the list of variances. The committee of adjustments was unanimous in its decision and **denied any** of these variances. The recommendation was as follows: Staff recommends the proposed variances be denied, as the variances do not meet the general intent and purpose of the UHOP and Zoning By-Law, and are not minor in nature and are not desirable and appropriate for the use of land

Upon denial of the June 13 2019 application Reno Aquino listed this residential property for sale . Listings in this area traditional sell within 1 month, this particular property did not sell and was on the market for 3 months. The adjacent house to the subject property 47 Martimas sold within 1 month this year, one can only guess that the interior condition/tenants of 45 Martimas was a contributing factor in the inability to sell this house in Hamilton's hot real estate market. The subject property is presently being used as a non conforming duplex/rental property in contravention of Zoning By-law 16-208200 . Complaints over the years have been made to the Municipal Law enforcement Section of the Licensing and By-Law Services Division, and no action to date has been taken .

What has changed from denial in July 2019 to the committee even entertaining the same variances?. My question to you is has there been changes to zoning bylaw 6593 in the past year that could possibly render a approval of any of these six variances the owner is once again attempting to be awarded?

This public hearing for Oct 22 by the Committee of Adjustments should not have been granted at a 2nd attempt for 6 variances plus future variances on a subject property that struggles to meet the basic requirements to even be considered a potential duplex such as ... lot area/parking capabilities/ off site maneuvering/ front yard green space/building code. And has once been denied

With a proposal of 14% front yard green space (min 50% required) and converting a existing below grade garage with access by a sloped driveway into a dwelling unit the potential for flooding alone will be increased, not to mention the intended use was indoor parking for one car, and the building code height clearances to convert a below grade garage to a dwelling unit will be unattainable.

I look forward again at my opportunity to voice my disapproval to this wish list of once denied variances via Webex

Thank You Malcolm McCreadie & Mike McCreadie

905-357-0322 x 3660

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From: [MCCREADIE Mike -RG&PWRMRKT](#)
To: [Committee of Adjustment](#)
Cc: [Lloyd Ripani](#); fiona.mccreadie@boehringer-ingenheim.com; mccreadie4@sympatico.ca
Subject: FW: Application #HM/A-19:190
Date: October 15, 2020 10:50:54 AM

File#HM/A-19:190

45 Martimas Ave, City of Hamilton

The landlord Reno Aquino owner of this subject property attempted this same list minor variances in July 2019, I attend this hearing to voice my disapproval of the list of variances. The committee of adjustments was unanimous in its decision and **denied any** of these variances. The recommendation was as follows: Staff recommends the proposed variances be denied, as the variances do not meet the general intent and purpose of the UHOP and Zoning By-Law, and are not minor in nature and are not desirable and appropriate for the use of land

Upon denial of the June 13 2019 application Reno Aquino listed this residential property for sale . Listings in this area traditional sell within 1 month, this particular property did not sell and was on the market for 3 months. The adjacent house to the subject property 47 Martimas sold within 1 month this year, one can only guess that the interior condition/tenants of 45 Martimas was a contributing factor in the inability to sell this house in Hamilton's hot real estate market. The subject property is presently being used as a non conforming duplex/rental property in contravention of Zoning By-law 16-208200 . Complaints over the years have been made to the Municipal Law enforcement Section of the Licensing and By-Law Services Division, and no action to date has been taken .

What has changed from denial in July 2019 to the committee even entertaining the same variances?. My question to you is has there been changes to zoning bylaw 6593 in the past year that could possibly render a approval of any of these six variances the owner is once again attempting to be awarded?

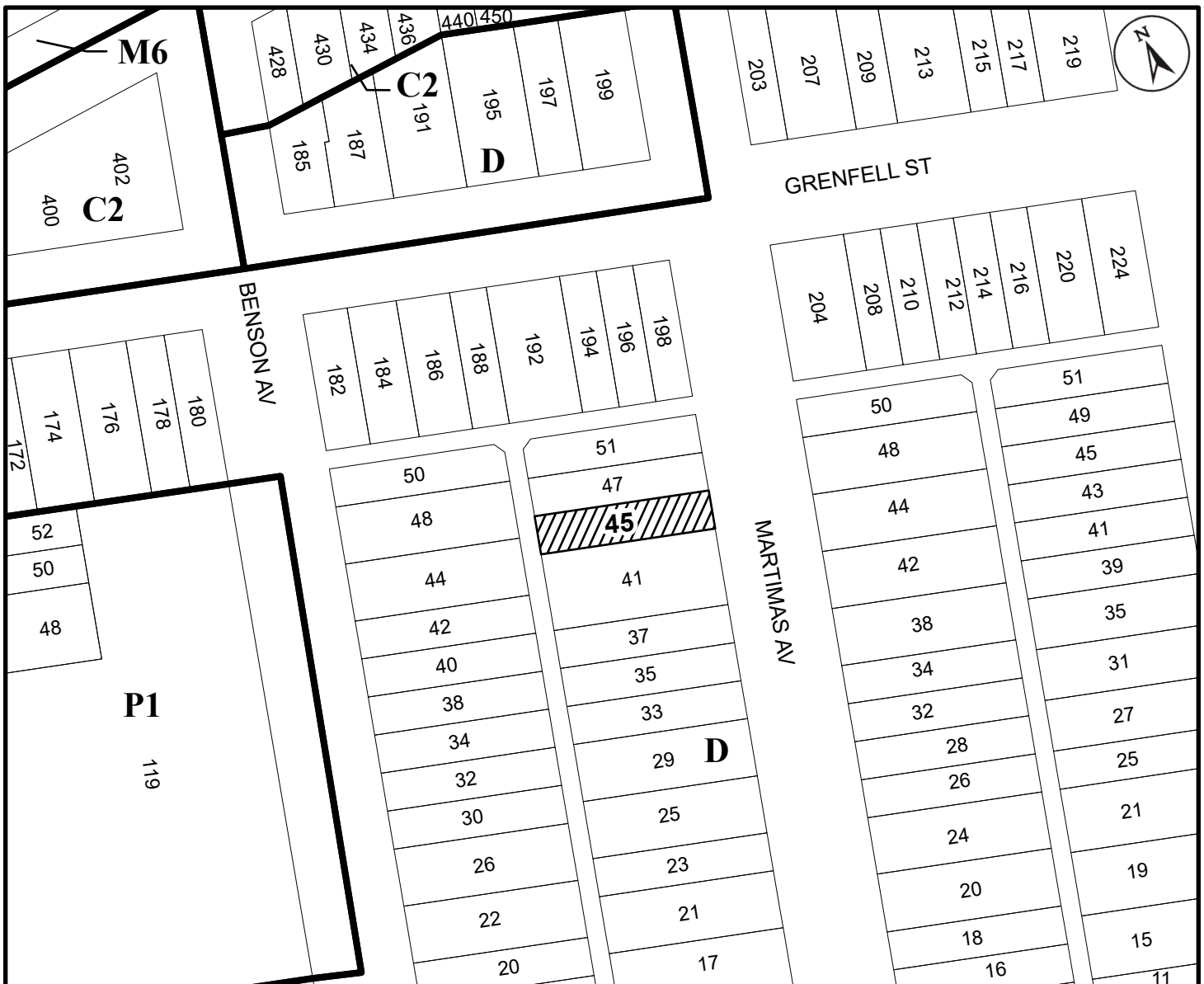
This public hearing for Oct 22 by the Committee of Adjustments should not have been granted at a 2nd attempt for 6 variances plus future variances on a subject property that struggles to meet the basic requirements to even be considered a potential duplex such as ... lot area/parking capabilities/ off site maneuvering/ front yard green space/building code. And has once been denied

With a proposal of 14% front yard green space (min 50% required) and converting a existing below grade garage with access by a sloped driveway into a dwelling unit the potential for flooding alone will be increased, not to mention the intended use was indoor parking for one car, and the building code height clearances to convert a below grade garage to a dwelling unit will be unattainable.

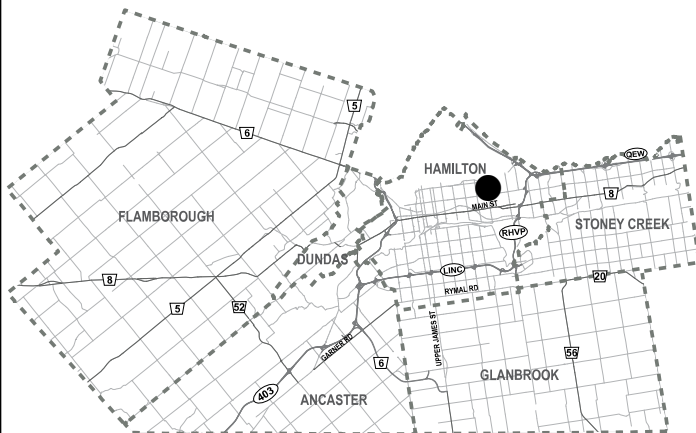
I look forward again at my opportunity to voice my disapproval to this wish list of once denied variances via Webex

Thank You Malcolm McCreadie

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● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



45 Martimas Avenue, Hamilton
(Ward 4)

File Name/Number:

HM/A-19:190

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:140 (102 & 104 Wellington St. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Minor Variance application HM/A-20:140 was tabled by the Committee of Adjustment on August 27, 2020. The applicant has since provided a revised Site Plan drawing to address Staff's concerns.

The purpose of this application is to permit the conversion of the existing semi detached dwelling to a multiple dwelling containing eight dwelling units, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as "Downtown Urban Growth Centre" in Schedule E– Urban Structure and is designated "Downtown Mixed Use Area" in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.4 e), and E.4.49 amongst others, are applicable and permit multiple dwellings.

Downtown Hamilton Secondary Plan

The subject lands are designated "Downtown Residential" within the Downtown Hamilton Secondary Plan. Policy B.6.1.5.1a), amongst others, is applicable and permits multiple dwellings.

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

The subject lands are zoned Downtown Multiple Residential (D5, H21) Zone, which permits multiple dwellings.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 254.0 square metres and a minimum lot width of 11.8 metres, notwithstanding the minimum required lot area of 300.0 square metres and the minimum required lot width of 12.0 metres. The general intent of the Zoning By-law is to provide a consistent streetscape, and to allow sufficient space to accommodate a multiple dwelling with the necessary landscaped area, amenity area and parking to satisfy the needs of the tenants.

The proposed lot width and lot area are consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. The variance is maintaining the general intent of the Zoning By-law as sufficient landscaped and amenity area is being provided to meet the needs of the tenants of a multiple dwelling with eight units, as discussed below. However, Staff acknowledge the proposed projection of the balcony and exterior stairway which reduces the useable amenity area in rear yard is not supported by Staff, as discussed below.

In addition, Staff acknowledge no parking spaces will be provided on site, however, the subject property is located within the Downtown and no parking is required for a total of eight units. The variances are desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan, and Zoning By-law is 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 a minimum rear yard of 7.0 metres, notwithstanding the minimum required rear yard of 7.5 metres. The intent of the Zoning By-law is to allow adequate space for grading and drainage, to accommodate the necessary amenity area to satisfy the needs of the tenants of the multiple dwelling, and to avoid any impact on the enjoyment and privacy of the adjacent property. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition that will remain unchanged as a result of converting the existing semi-detached dwelling to a multiple dwelling containing eight units. The variance is maintaining the intent of the Zoning By-law as Staff is satisfied the proposed minimum rear yard depth of 7.0 metres is sufficient to provide the necessary amenity area for the proposed multiple dwelling. In addition, Staff acknowledge the subject property is in close proximity to JC Beemer Park and Tweedmuir Park which the tenants of the proposed multiple dwelling can utilize as additional amenity area.

The proposed exterior staircase will encroach 3.1 metres into the required rear yard, however Staff acknowledge this encroachment is required to conform with the requirements of the Ontario Building Code. Staff is satisfied the remaining area in the rear yard and the public parks in the vicinity will satisfy the needs of the tenants for amenity area.

The proposed reduction in rear yard depth is minor and will not make a significant difference to the privacy of the adjacent properties. The variance is desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

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

Variance 4

The applicant is requesting a variance to allow a balcony and exterior stair case at the rear of the building to encroach 3.1 metres into the required rear yard, notwithstanding the maximum permitted encroachment of 1.5 metres into a required rear yard for an exterior staircase. The general intent of the Zoning By-law is to allow adequate area for

grading and drainage, to accommodate the necessary amenity area for the needs of the tenants and to avoid any impact on the enjoyment and privacy of the adjacent properties Staff defer any grading and drainage concerns to Development Engineering Approvals.

The proposed balcony and exterior staircase are proposed to project 3.1 metres into the required rear yard. While Staff acknowledge this will reduce the amount of amenity provided for a multiple dwelling, Staff is satisfied sufficient amenity area is being provided to satisfy the needs of the tenants.

The applicant has amended the proposed exterior staircase to remove the previously proposed balcony. The proposed exterior staircase will provide the necessary access to the proposed new dwelling units. Staff is satisfied the exterior staircase will not be used as amenity area and therefore do not anticipate any adverse impacts on the privacy and enjoyment of the adjacent properties.

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

Recommendation:

Based on the preceding information, Variances 1, 2 and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan and the City of Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and desirable for the development. In conclusion, Staff recommends that the application be approved.

Building Division:

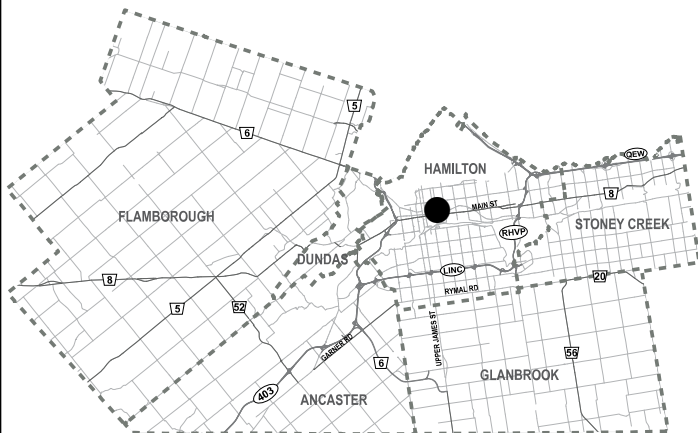
1. Conversion of the existing building to a Multiple Dwelling is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. Mapping system GISNet shows 102 Wellington St N and 104 Wellington St N to be two separate parcels of land. The applicant shall ensure that the lots are merged in title or registered under identical ownership to allow for consolidated lot development to facilitate the proposed conversion.
3. A further variance will be required if a minimum of 10% of the lot area is not provided as a landscaped area.
4. The variance requested for a further encroachment of an exterior stair case and balcony at the rear of the building is dependent upon approval of the requested variance for a reduced rear yard.

Development Engineering:

Provided existing drainage patterns are maintained, Development Engineering Approvals have no comments on the Minor Variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



102 & 104 Wellington Street North,
Hamilton (Ward 3)

File Name/Number:

HM/A-20:140

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:195 (333 East Ave. N., 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 variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3 and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District, Modified, which permits a dwelling containing two units in accordance with Section 19(1).

Variance 1

The applicant is requesting a variance to allow the minimum floor area of Unit ‘1’ to be 61.0 square metres, notwithstanding the minimum required floor area of 65.0 square metre for each dwelling unit. The intent of the Zoning By-law is to ensure dwelling units provide adequate floor area for living accommodation purposes.

Based on the submitted floor plans, Staff is satisfied sufficient floor area will be provided for living accommodation purposes, including a kitchen, living room, bathroom, bedroom and living space. As such, the variance is maintaining the general intent of the Zoning By-law.

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

Variance 2

The applicant is requesting a variance to allow a minimum lot area of 265.0 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 area is 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 yard 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.

Variance 3 and 4

The applicant is requesting a variance to allow no onsite manoeuvring space to be provided for the two required parking spaces and to allow the manoeuvring space for both of the required parking spaces to be provided off-site, notwithstanding the Zoning By-law requires manoeuvring space be provided and maintained abutting and accessory to each required parking space on the lot. The general intent of the Zoning By-law is to provide independent parking spaces for each dwelling unit.

The proposed parking spaces are located in the rear yard and have direct access onto the adjacent laneway. The intent of the Zoning By-law is being maintained as the applicant is not proposing to establish tandem parking which would cause jockeying of vehicles in the laneway. The independent spaces will allow residents to access their own parking spaces without impacting other tenants.

Based on the submitted site plan drawing, there is 2.47 metres of space adjacent to the proposed parking spaces which can function as manoeuvring space for said parking spaces. In addition, the adjacent laneway at the rear of the subject property is approximately 3.7 metres in width.

Staff is satisfied the 3.7 metre wide laneway and the 2.47 metres of manoeuvring space provides sufficient space to aide the moving of a vehicle to and from the site, with adequate visibility. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variances are desirable for the appropriate use of the site and minor in nature; therefore, staff support the variance.

Recommendation:

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

Building Division:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. Building Permit No. 20-184378, submitted on September 21, 2020, to complete interior alterations to an existing single family dwelling, and to remove an old rear addition, remains not finalized.
3. Order to Comply 19-120079, dated April 03, 2019, is outstanding.

Development Engineering:

Provided existing drainage patterns are maintained with the rear addition, Development Engineering Approvals have no comments on the Minor Variance as proposed.

See attached for additional comments.

In regards to the proposed minor variance of 333 East Ave. N, from a single family dwelling to a two family dwelling. When I first moved to East Ave. N, 333 East Ave. N was occupied by a single family. My hope is that the Committee Of Adjustment will keep 333 East Ave. N as a single family home. In my opinion, 333 East Ave. N is too small a home to be turned into a two family dwelling.

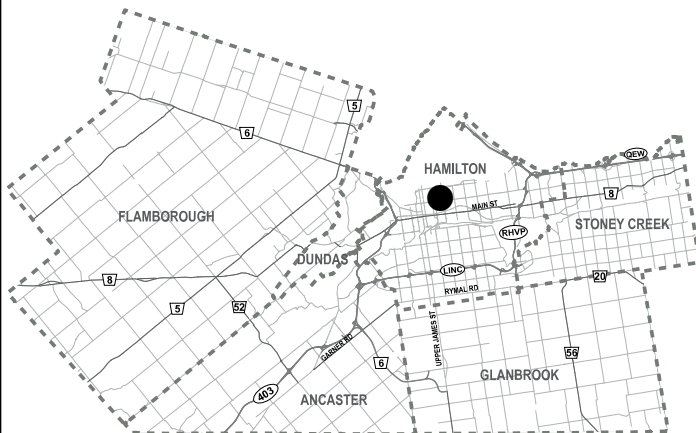
The residential neighborhoods east of the downtown have had many single family homes turned into two family dwellings. In my opinion, these minor variances have had negative variances on the community cohesion of the residential neighborhoods east of the downtown. These investment properties tend not to be well maintained, putting a damper on neighborhood morale.

326 East Ave N
L8L 535

RECEIVED
OCT 20 2020
COM OF ADJUSTMT



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



333 East Avenue North, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:195

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-20:196 (129 Sherman Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain a total of two dwelling units in accordance with Section 19, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum lot area of 183.0 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, with access from an existing alleyway, to satisfy the parking needs of a dwelling with two units. In addition, Staff is satisfied that sufficient landscaped and amenity area is being provided between the existing front porch, existing rear deck and existing rear balcony, 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.

Variance 2 and 3

The applicant is requesting a variance to allow an open stairway / fire escape to project a maximum of 4.5 metres into the required rear yard and be located as close as 3.0 metres to the rear lot line, and to allow an open stairway / fire escape to project a maximum of 0.6 metres into the required side yard and be as close as 0.6 metres to the

northerly side lot line notwithstanding the maximum permitted projection of 1.0 metres into a required rear yard and the maximum projection of 0.4 metres into a required side yard. The general intent of the Zoning By-law is to avoid any impact on the enjoyment and privacy of the adjacent properties and to maintain a consistent streetscape.

The proposed open stairway / fire escape is necessary to provide the required access to 'Unit 2'. The open stairway / fire escape is proposed to be positioned perpendicular to existing dwelling. There is no alternative location in the rear yard for the proposed open stairway / fire escape due to the location of the existing rear deck and balcony, and parking spaces.

For the purposes of Variance 3, the minimum required side yard width is 1.2 metres, while the existing dwelling maintains a side yard width less than 0.5 metres. The proposed open stairway / fire escape does not project past the north side of the existing dwelling and is therefore not visible from Sherman Avenue North.

The variances are maintaining the Staff do not anticipate any adverse impacts on the privacy and enjoyment of the adjacent properties as a result of the proposed open stairway / fire escape. The variances are desirable for the development of the site and minor in nature as negative impacts are anticipated for the surrounding area.

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

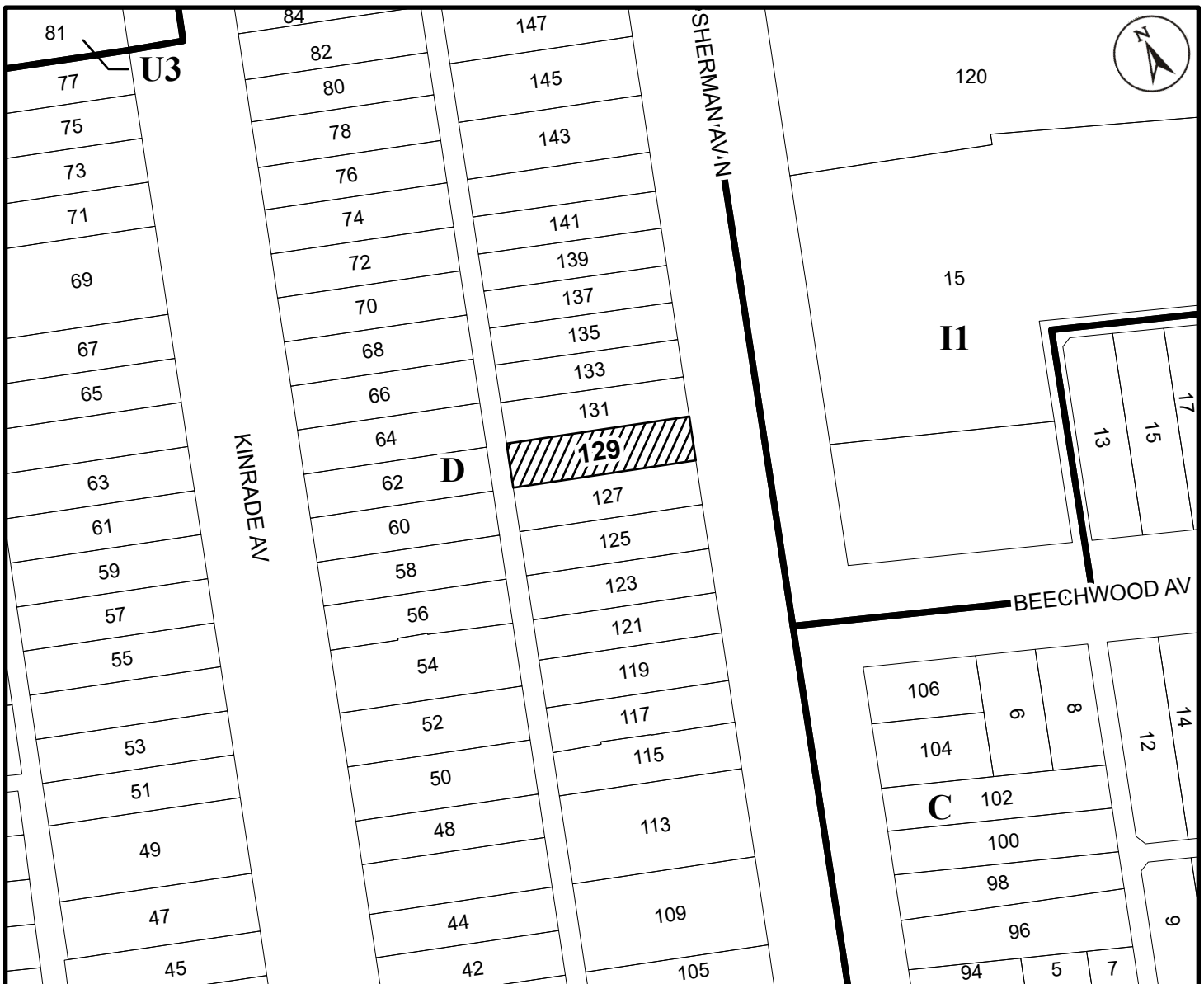
1. Please be advised that the floor area for each proposed dwelling unit is required to be at least 65.0m². There is insufficient information provided in order to confirm the floor area of each unit. As such, further variances will be required if either dwelling unit is less than 65.0m².
2. For purposes of variances #2 and #3, please note that the current zoning designation requires a minimum Rear Yard depth of 7.5m and a minimum Side Yard width of 1.2m.
3. Please be advised that the exterior appearance and character of the dwelling is required to be preserved for converted dwellings, with the exception of exterior stairway and exits. Further variances may be required if additional alterations are

intended to the exterior of the existing building.

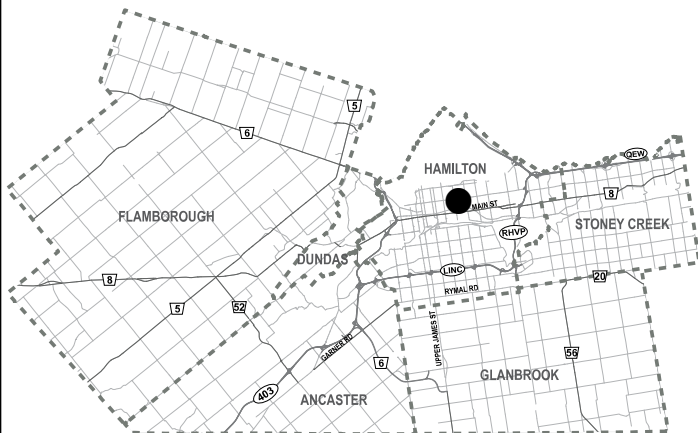
4. A building permit is required in the normal manner to convert the existing building to contain two dwelling units. Please be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Provided existing drainage patterns are maintained, Development Engineering Approvals have no comments on the Minor Variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



129 Sherman Avenue North,
Hamilton (Ward 3)

File Name/Number:

HM/A-20:196

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:187 (77 Tom St., Hamilton)

Consolidation Report

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

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

1. That the owner enters into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:187 (77 Tom St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the reconstruction of a 2.44 metre by 3.05 metre roofed-over unenclosed one storey front porch with stairs at the first storey of an 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.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” within the Strathcona Secondary Plan. Policy B.6.6.5.3 amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings) District, Modified, which permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow the roofed-over unenclosed porch, including the eaves and gutters and stairs, to project entirely into the required front yard and be located 0.0 metres from the front lot line, notwithstanding the maximum permitted projection of 3.0 metres and the minimum required setback of 1.5 metres from the front lot line. The intent of the Zoning By-law is to provide an appropriate distance separation from the porch and the street, and to provide a consistent residential streetscape.

The front façade of the existing dwelling is located approximately 1.0 metre from the front lot line. An existing roofed over, unenclosed front porch is located between the front façade and the sidewalk partially within the road allowance of Tom Street. The applicant is proposing to replace the existing steps to the existing front porch which will be located within the Tom Street road allowance.

There is no predominant architectural style along this portion of Tom Street, however numerous dwellings maintain a roofed-over unenclosed front porch. The variance is

maintaining the general intent of the Zoning By-law as Staff is satisfied the proposed front porch is in keeping with the residential streetscape.

As the proposed stairs will be located within the Tom Street road allowance, the applicant will be required to enter into an Encroachment Agreement with the City of Hamilton as a condition of approval. There is a mature tree located in the road allowance. Staff defer any concerns regarding the tree to Urban Forestry.

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, on condition.

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 variances be approved.

CONDITIONS: (If Approved)

1. That the owner enters into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

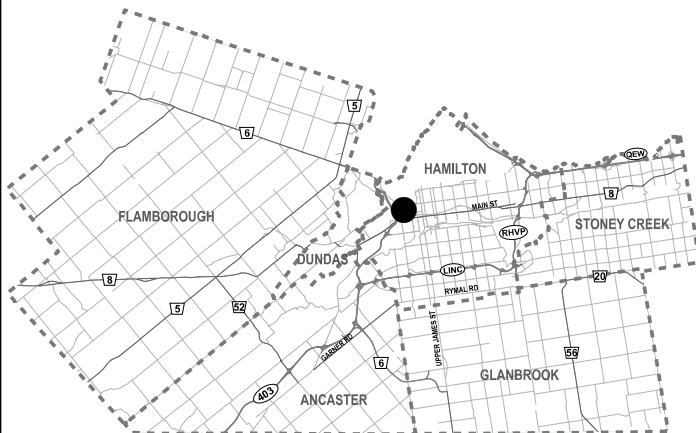
1. The Site Plan attached to the Notice is not the most recently revised Site Plan which was submitted to the Committee of Adjustment in an email of September 30, 2020 from the writer of these comments (Kim Roberts).
2. An Encroachment Agreement with the Public Works Department may be required for the front porch shown to encroach onto the Tom Street road allowance.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and will regulate the type of construction permitted as the limiting distance is less than 0.6m.
4. A building permit is required for construction of the proposed porch.

Development Engineering:

No comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



77 Tom Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:187

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:58 (133-135 Markland St. Hamilton)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The Owner of 133 and 135 Markland Street register an easement on title for rear access to 135 Markland Street.
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. 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).
5. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s) including accessory buildings, yard encroachments including but not limited to eaves and gutters, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
7. That the Owner provide separate independent water services to both the severed and retained parcels, or proof of existing separate independent water services, to the satisfaction of the City's Manager of Development Approvals.

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

HM/B-20:58 (133 - 135 Markland St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of one half of a semi detached dwelling containing two dwelling units, known as 133 Markland Street, and to retain one half of a semi detached dwelling containing two dwelling units, known as 135 Markland Street. The severed lands will have a lot area of 233.0 square metres and a lot width of 7.3 metres and the retained lands will have a lot area of 253.0 square metres and a lot width of 7.9 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3 and E.3.4.3 amongst others, are applicable and permits semi detached dwellings and multiple dwellings existing prior to the passing of the Zoning By-law

The proposed severance will allow each half of the existing semi detached dwelling, containing four units and therefore considered a multiple dwelling, to be on located a separate lots with separate ownership. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Markland Street. The proposal is consistent with the established lot pattern and residential character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Staff acknowledge the applicant’s request for an access easement over the identified portion of lands on 133 Markland Street to allow pedestrian access to the rear basement door at 135 Markland Street. The proposed access easement will need to be registered on title.

Cultural Heritage:

The subject property is included as a non-designated property on the Municipal Heritage Register of Properties of Cultural Heritage Value or Interest.

The subject property is also located in the Durand Established Historical Neighbourhood. The proposed conveyance will not adversely impact on the heritage attributes of the property. Heritage staff have no further comments on this application.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, which permits a multiple dwellings existing prior to the passing of the Zoning By-law.

Recommendation:

Based on the preceding information, the requested severance maintains the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 6593. In conclusion, Staff recommends that the application be approved.

CONDITIONS: (If Approved)

1. The Owner of 133 and 135 Markland Street register an easement on title for rear access to 135 Markland Street.

Building Division:

1. The description of the uses on the Purpose of Application on the Notice of Public Hearing for the lands to be retained and conveyed is incorrect. Once each half of the existing multiple dwelling containing four (4) dwelling units is severed each of the lots to be conveyed and retained will contain a two (2) family dwelling. A two family dwelling is permitted within the “D” district.
2. Be advised that the building is not considered a semi-detached dwelling as this type of use contains only one dwelling unit in each half pursuant to the definition contained in Hamilton Zoning By-law No. 6593.
3. While not noted on the Purpose of Application, it appears that the applicant is proposing an easement/right-of-way at the rear of the lands to be conveyed (133 Markland Street). It is unclear what the easement/rights-of-way are intended for. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and if eaves, gutters and/or footing encroach onto the lands to be conveyed/retained.
4. Be advised that is unclear if the eaves, gutters and/or footings for each building are intended to encroach onto the abutting lot (133 Markland Street abutting onto 135 Markland Street and vice versa). If so, a variance to Section 6(3a) and (3b) shall be required as this section only allows eaves, gutters and footings for a single family dwelling to encroach onto an abutting lot a distance not greater than 0.4 metres subject to:
 - an encroachment agreement between the owners of the abutting land; and
 - a maintenance easement entered into between the parties,
 - properly registered on the title of each of the abutting lots.

5. While not shown on the Site Plan submitted, according to the City of Hamilton's GIS air photo of the property it appears that an accessory building may be located in the rear yard which appears may be located on the lands to be conveyed (133 Markland St). Details have not been provided to determine zoning compliance.
6. The Site Plan submitted is not a survey, is not entirely legible and does not show the building outlines; therefore, this Division cannot confirm zoning compliance.
7. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
8. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
9. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase will include residential zoned properties.
10. Please visit <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residential-zones> or email residentialzoning@hamilton.ca for further information.
11. While not all variances can be identified due to lack of information on the Site Plan submitted, variances for lot width, lot area, side yard widths and no on-site parking will be required for zoning compliance of the lands to be conveyed and retained.

CONDITIONAL UPON:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s) including accessory buildings, yard encroachments including but not limited to eaves and gutters, parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

4. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

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

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

Markland Street

- 300mm \varnothing Combined Sewer
- 750mm \varnothing Storm Relief Sewer
- 100mm \varnothing Watermain
- 300mm \varnothing Watermain
- 1050mm \varnothing Concrete Transmission Watermain (service connections not permitted)

In accordance with City of Hamilton By-law R84-026 Section 18. 10), where a parcel of land is divided by any means other than the Condominiums Act, each parcel of land shall have a separate water service connection. Therefore, the proponent will be required to provide separate independent water services to both the severed and retained parcels or provide proof of existing separate independent water services to the severed and retained parcels.

According to City of Hamilton By-law 06-026 Section 5. 11); where a lot is used for other than industrial or commercial purposes the existing sewer lateral servicing any building may be used for more than one lot if the building was constructed prior to the year 1975 and the main sewer to which the building is connected was constructed prior to the year 1975. Based on City of Hamilton drawing 74-S-524, the 300mm \varnothing (15") combined sewer on Markland Street is shown as an existing sewer main. The drawing is dated October 25, 1974. Therefore, we can confirm that the sewer main was constructed prior to the year 1975. Based on visual inspection and the location of the existing dwelling at 133-135 Markland Street, it can be clearly seen that the dwelling was constructed prior to 1975. Therefore, we can allow a single shared sewer lateral to be present without the need for a Joint Service Agreement after the lot has been severed.

Recommendation:

1. That the Owner provide separate independent water services to both the severed and retained parcels, or proof of existing separate independent water services, to the satisfaction of the City's Manager of Development Approvals.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application

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: October 16, 2020

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

From: Sam Brush – Urban Forestry Health Technician

Subject: 133-135 Markland St, Hamilton
File: HM/B-20:58

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 22, 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.

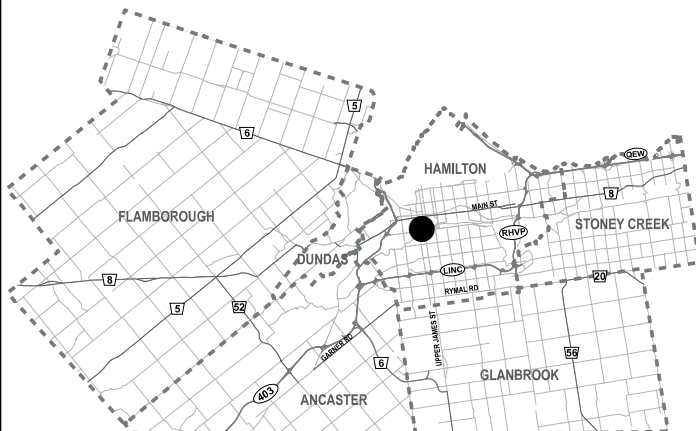
Regards,

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

Sam Brush
Urban Forest Health Technician



Site Location



City of Hamilton

Committee of Adjustment

Subject Property

133-135 Markland Street, Hamilton (Ward 2)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:58

Date:

October 13, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-19:94 (205 West 32nd St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a 1.97m (6'5½") x 3.49m (11'53/8") one storey front addition together with a 3.19m (10'5½") x 7.92m (25'11¾") L-shaped roofed-over unenclosed one storey front porch at the first storey onto an existing single family dwelling.

Urban Hamilton Official Plan

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

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

Based on the above, the proposal is in conformity with the Urban Hamilton Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential, etc. "C", to which a single-family dwelling is a permitted use.

Variance 1

The applicant is seeking a variance to permit a minimum front yard depth of 4.1m to be provided instead of the minimum required front yard depth of 6.0m.

Staff note that the applicant has reduced the request for relief from the By-law from the original proposal of 2.7m to the current front yard depth of 4.1m. As such, staff are satisfied that the revised front yard setback of the proposed dwelling maintains a consistent streetscape in the context of the other dwellings that front onto West 32nd Street. The neighbourhood character is maintained, and staff are of the opinion that the proposed addition maintains the intent of the Zoning By-law and that the variance will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff support the variance.

Variance 2

The applicant is seeking a variance to permit a minimum southerly side yard width of 0.5m to be provided instead of the minimum required side yard width of 1.2m.

Staff note that the existing southerly side yard setback is 0.5m, at the closest point between the existing carport and the southerly lot line, which is a pre-existing condition that is triggered as a technicality due to the proposal to construct a one storey front addition together with a roofed-over unenclosed one storey front porch. Staff note that the building envelope will not encroach further into the southerly side yard than what is currently (0.5m). In staff's opinion, the proposed addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff support the variance.

Recommendation

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the 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. Staff recommends that the application be approved.

Building Division:

1. The zoning should be corrected to the "C/S-1788" district. Further, reference to Amending By-law No. 19-307 should be added.
2. Variance No. 2 is intended to recognize the southerly side yard setback to the existing attached carport. For your information, the southerly side yard setback to the proposed one storey foyer addition and roofed-over one-storey porch at the first storey (being 4.07m) conforms to the existing side yard width regulation of 1.2m.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. A building permit is required for the construction of the proposed addition and porch.

Development Engineering:

The Minor Variance for a southerly side yard width of 0.50m does not meet the minimum 0.9m required width to construct a drainage swale. However, because the Minor Variance is to recognize the existing setback to the existing attached carport, and the proposed addition and porch conform to the minimum 1.2m side yard setback per the zoning by-law, we have no issues with the Minor Variances as proposed provided that the existing drainage pattern is maintained.

See attached for additional comments

October 18, 2020

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

To Whom it May Concern,

I am writing you this letter out of concern for the proposal of the addition to 205 West 32nd Street. My name is Valerie Korytko, my husband and I purchased our home 55 years ago on West 32nd Street, we bought it in the interest of growing my family in a quiet neighbourhood amongst schools and churches. We had our own children who have grown and now have young families of their own. We have a blended family in our household of many generations, they deserve a safe place to play and grow as my children did before them.

Alongside having dogs of our own, our street; more specifically our block is filled with families with various pets. With having large construction trucks frequently on our street imposes a major safety concern. Not only can it be deadly to our pets, it puts the many children at risk who attend school just meters away. As the proposal states, our neighbourhood is a protected urban area, we are tight community of generations who have enjoyed the safety of our neighbourhood. With having an influx of traffic also increases the risks of property damage among the surrounding area. Many of the residents of West 32nd take great pride in their properties and have spent countless dollars and time creating our established neighbourhood.

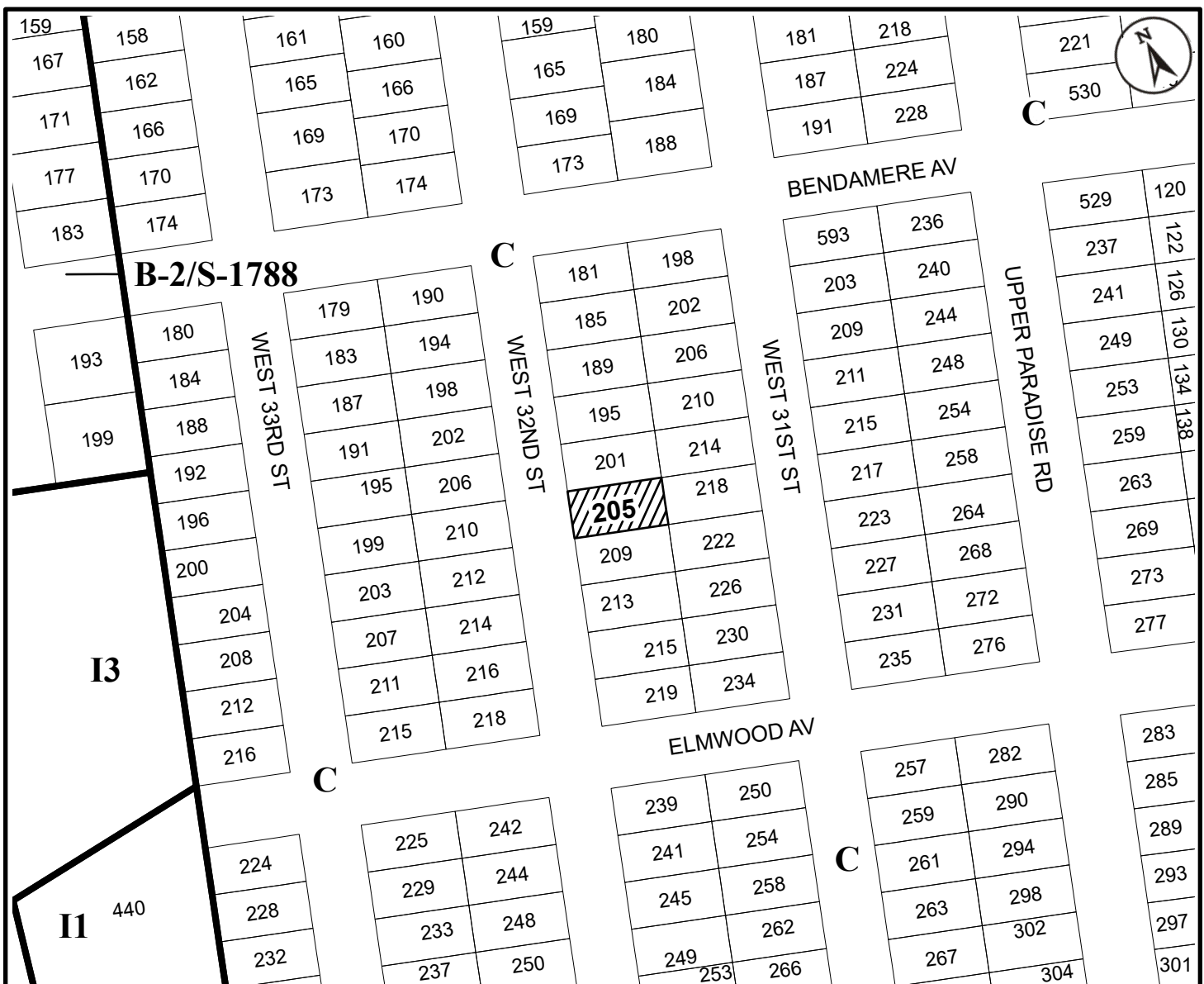
Having a large front extension on the residence of 205 West 32nd street will destroy the fine links of the street. Not only will approving this proposal damage this view, however it will decrease the overall property values of those surrounding it. The people of our community chose to purchase in this area to obtain the ideal quiet, family friendly neighbourhood. This is not the appropriate place to build a business; this will severely affect the overall safety of our community with increased traffic, large vehicles, and unwanted noise. There are several other more purposeful areas of business to be found, an Urban Protected Residential area like ours is not the appropriate place for this.

I hope I have impacted your decision on the matter of the extension to 205 West 32nd street. Our biggest concern is the lack of safety that this build will have on our community. I do not condone this proposal and I hope you can understand the major affects that approving this will have on our community.

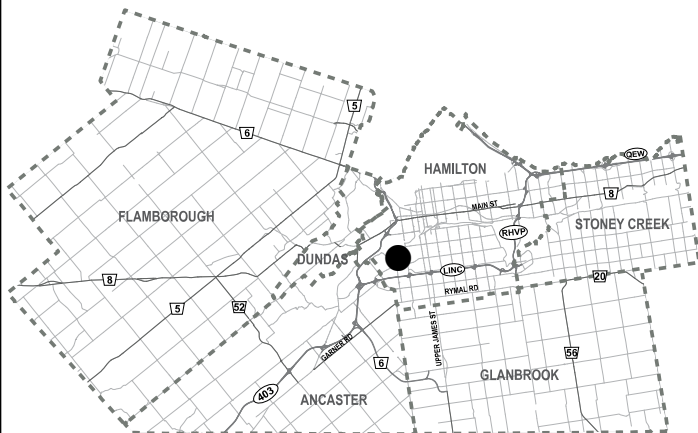
Thank you,

A handwritten signature in black ink that reads "Valerie J. Korytko". The signature is written in a cursive, flowing style.

Valerie Korytko + the Korytko Family.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



205 West 32nd Street, Hamilton
(Ward 14)

File Name/Number:

HM/A-19:94

Date:

October 8, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:177 (11 Fisher Cres., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain a total of two (2) dwelling units, notwithstanding that a variance is required to permit a minimum of one (1) parking space instead of the minimum required two (2) parking spaces.

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 “C/S-1788” District (Urban Protected Residential, Etc.), which permits single detached dwellings. Notwithstanding the existing zoning, the proposed development is defined as a Residential Conversion and as such, the provisions of Section 19 “Residential Conversion Requirements” are applicable. The proposed conversion from a single unit dwelling to a two-unit dwelling is permitted within the zoning, subject to the provisions of 19(1).

Variance 1

A minimum of one (1) parking space is proposed, whereas a minimum of two (2) parking spaces are required by the Zoning By-law. The intent of the zoning requirement is to provide one parking space on-site for each dwelling unit in order to minimize overflow into on-street parking.

The subject lands are located in close proximity to existing HSR transit routes along Garth Street. Further, there are no parking restrictions on Fisher Crescent. Staff is of the opinion that the overflow of one parking space into the on-street parking will not exhaust the capacity. It is desirable to provide a range of dwelling types, and to encourage appropriate residential intensification within the built-up area. Based on the foregoing, staff is of the opinion that the variance meets the intent of the Official Plan and Zoning By-law, is desirable, and hence minor in nature. Staff **supports** the variance.

Recommendation:

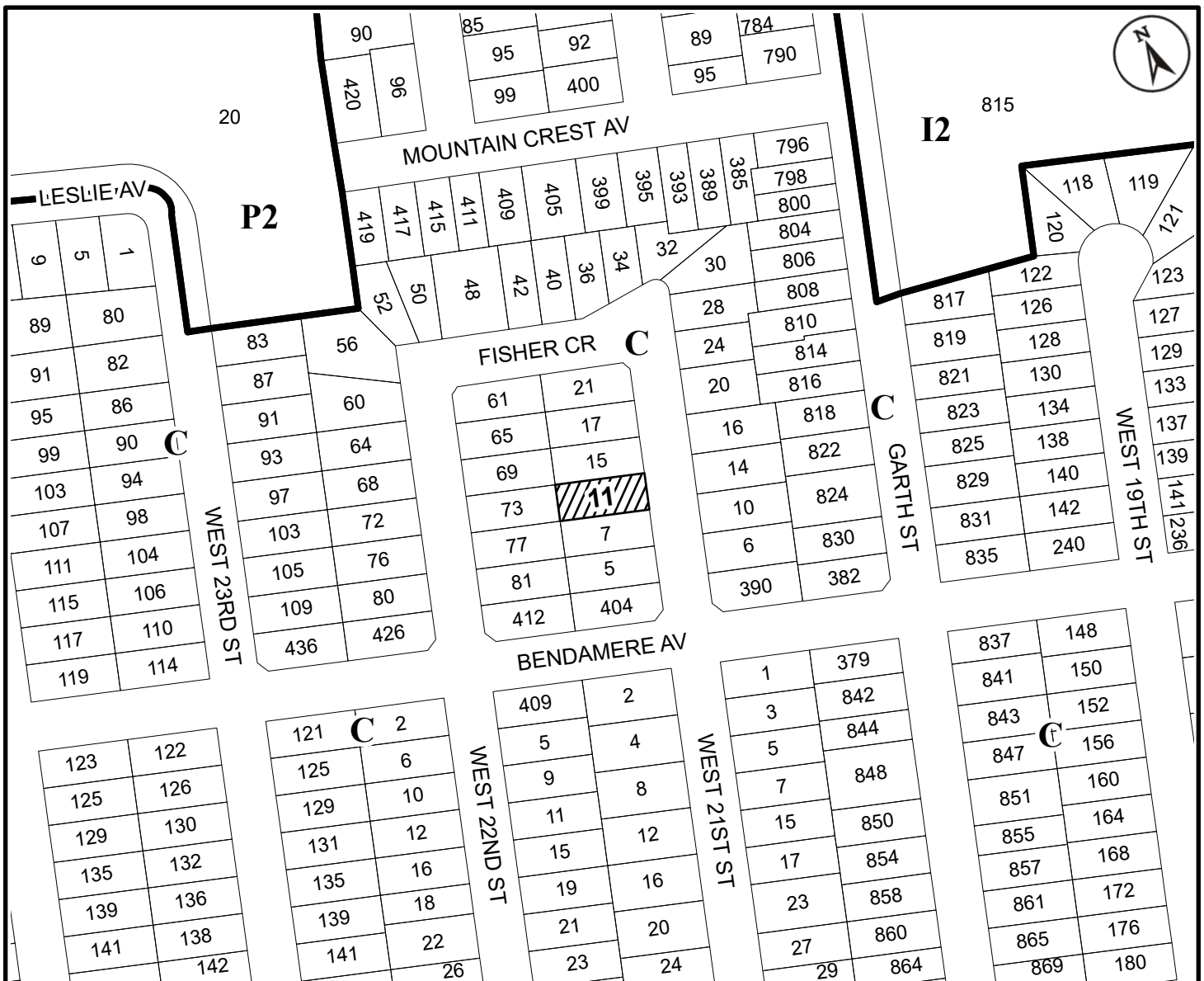
Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff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

Building Division:

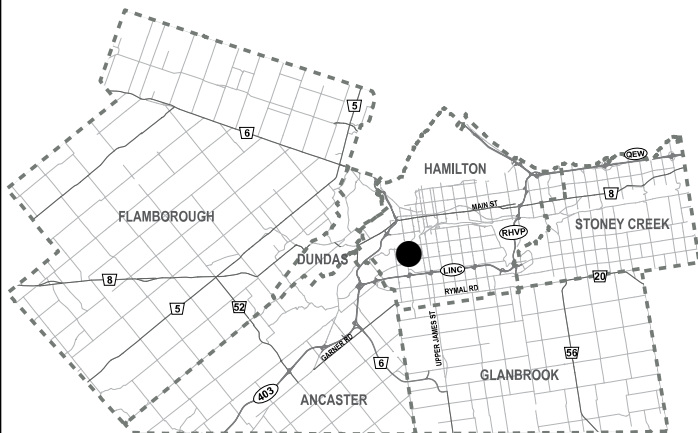
1. A building permit is required for the conversion of the proposed two (2) dwelling units.
2. The applicant requested a variance to permit no onsite manoeuvring; however, the variance is not required as manoeuvring is permitted off-site for one (1) parking space.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



11 Fisher Crescent, Hamilton
(Ward 14)

File Name/Number:

HM/A-20:177

Date:

October 8, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:185 (33 Enmore Ave., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a 4.06 square metre addition, along with an unenclosed porch, to the existing single detached dwelling in the front yard, notwithstanding that a variance is required to permit the proposed 4.7 metre front yard setback.

Urban Hamilton Official Plan

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

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

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

Variance 1

A minimum front yard setback of 4.7 m is proposed to the addition, whereas a minimum of 5.0 m is required by the Zoning By-law. The intent of the provision is to maintain a desirable streetscape with adequate space for landscaping and access requirements. The proposed setback to facilitate this 4.06 sq. m addition is compatible with the streetscape and adequate landscaping and vehicular access will be maintained. Based on the foregoing, staff is of the opinion that the variance meets the intent of the Official Plan and Zoning By-law, is desirable, and hence minor in nature. Staff **supports** the variance.

Recommendation:

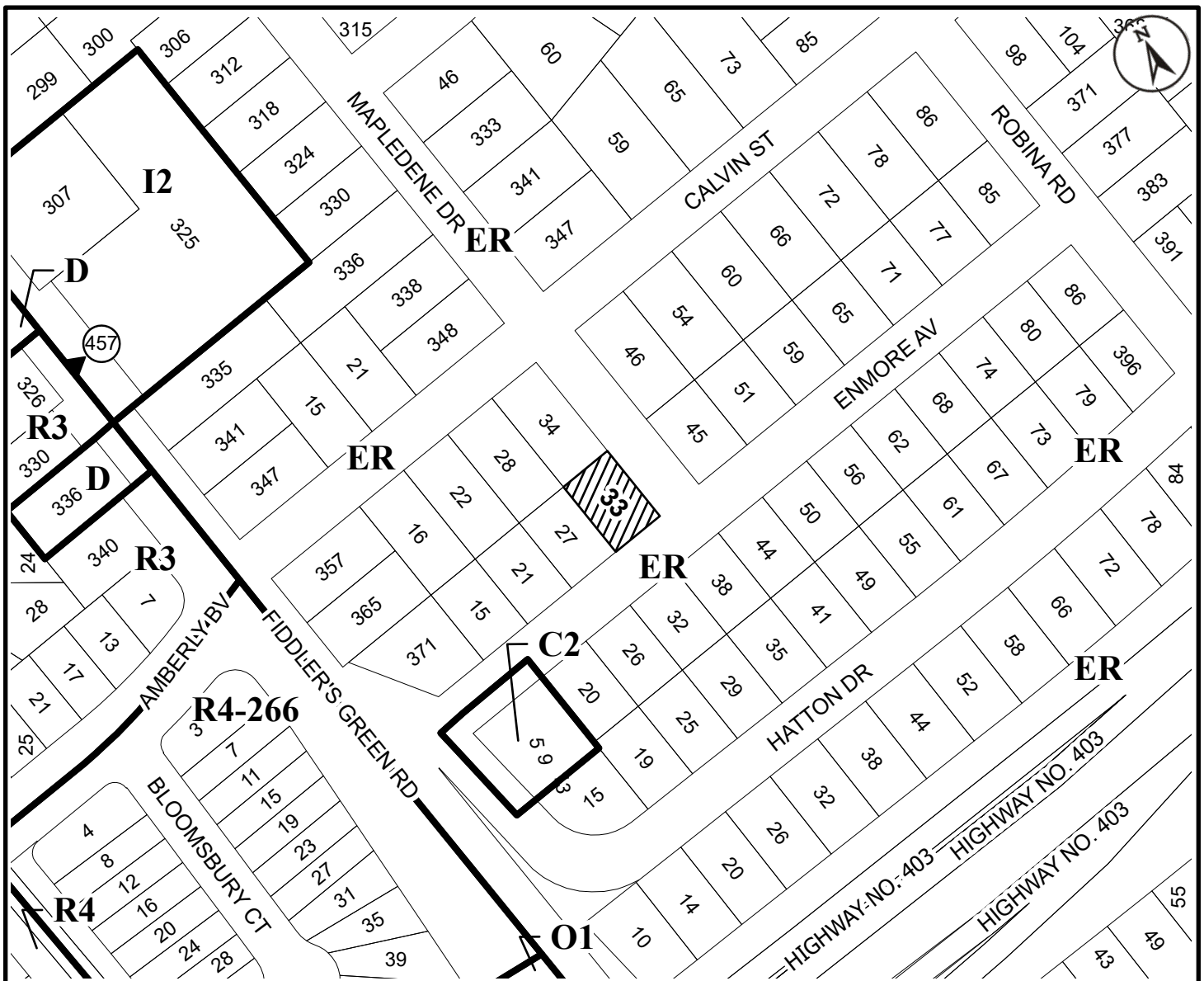
Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff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

Building Division:

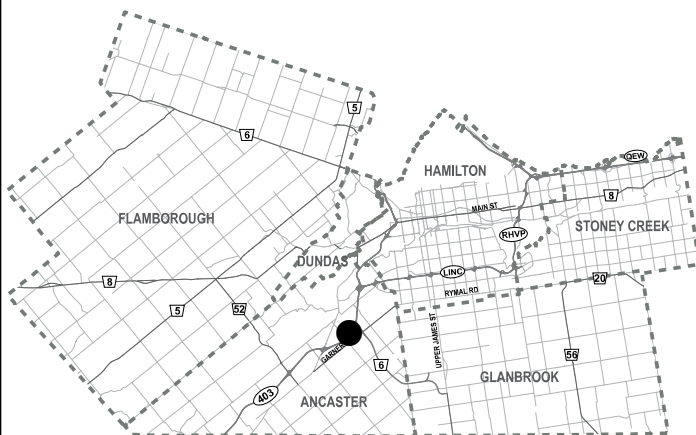
The construction of the proposed addition & porch are subject to the issuance of a building permit in the normal manner.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



33 Enmore Avenue, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:185

Date:

October 9, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:190 (156 Bookjans Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new 3.5m² (1.4m x 2.5m) accessory building in the westerly side yard of 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. The lands are also designated as “Low Density Residential 1a” in the Shaver Secondary Plan. The following policies, amongst others, apply:

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

The subject lands are within the “R4-648” (Residential) District, to which the use complies.

Variance 1

The applicant is seeking a variance to permit a side yard setback of 0.6m to be provided instead of the minimum required 1.2m side yard setback.

The intent of the side yard provisions is to allow for adequate side yards for drainage and access to the rear of the subject property. The general built form of the surrounding neighbourhood has narrow side yard setbacks between dwellings. Staff note that the proposed accessory building (tool shed) is within the southerly side yard, it will be of a small scale, 3.5m² in area and about 2.5m in height. The applicant has indicated that the existing landscaping plans do not allow adequate space in the rear yard and placement of an accessory building in the east and west corners of the rear lot would impede water drainage to the swales surrounding the property. Staff defers any drainage concerns to Development Engineering.

Planning staff note that the intent of the Urban Hamilton Official Plan and Zoning By-law are maintained as adequate side yards will be maintained that can allow for access. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Town of Ancaster Zoning By-law

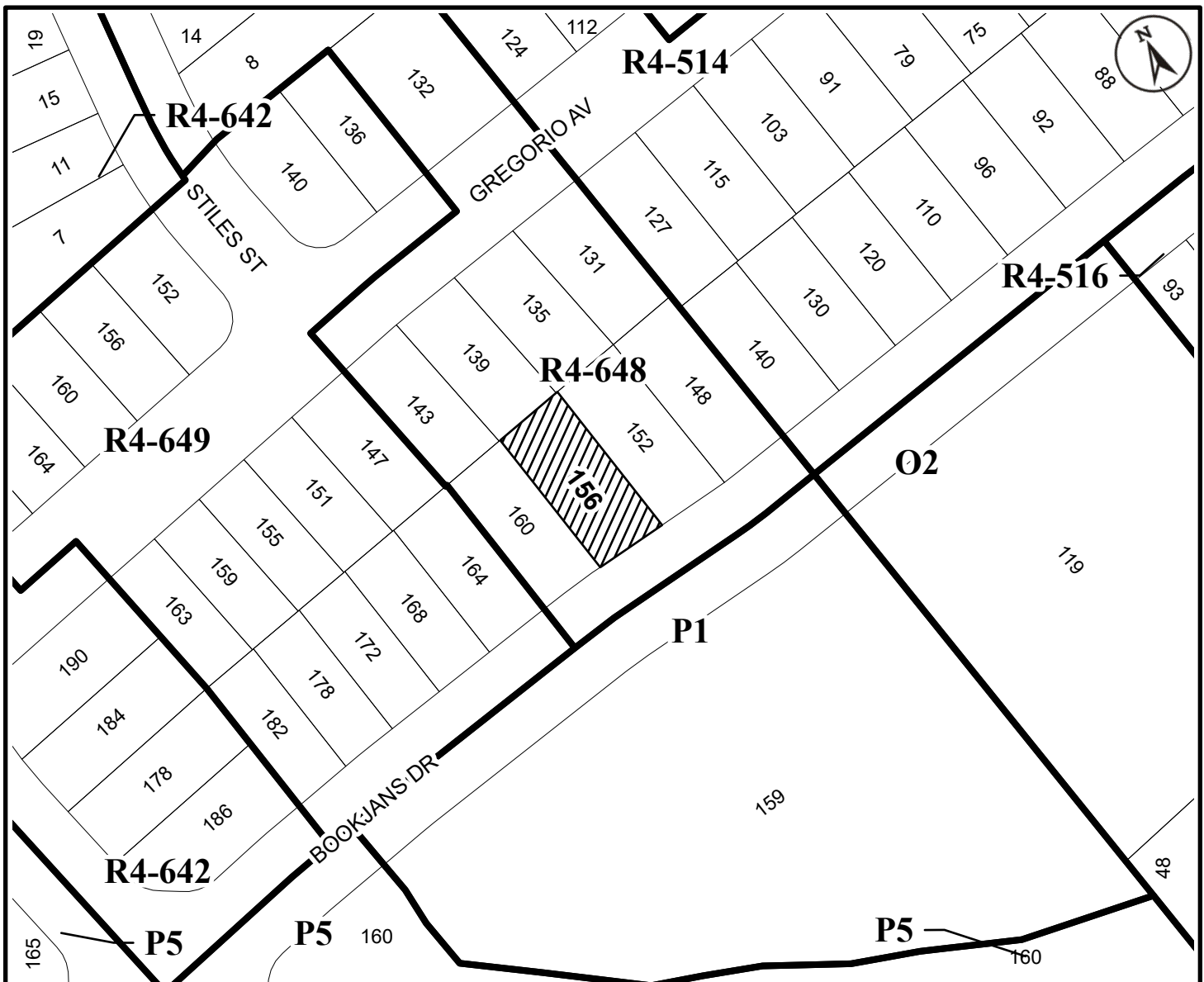
No. 87-57. The variance is considered to be minor in nature and desirable for the appropriate use of the property. Staff recommends that the application be approved.

Building Division:

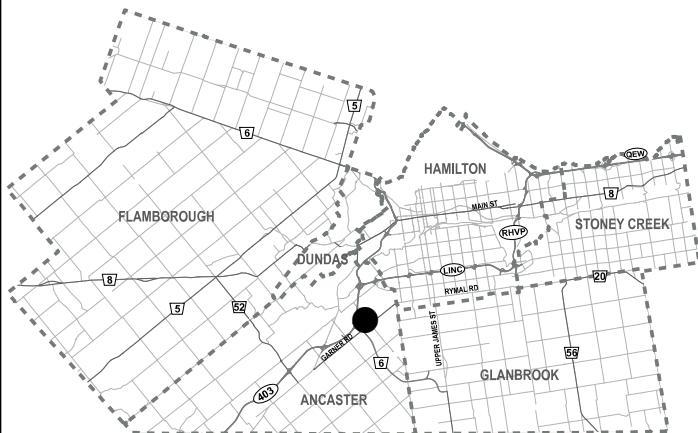
Please be advised that a maximum building height of 4.5m is permitted for accessory buildings. Additionally, any eaves and gutters associated with the proposed accessory building may project a maximum of 30cm into the required side yard setback. Insufficient information has been provided in order to determine zoning compliance. Further variances may be required if compliance with these provisions cannot be achieved.

Development Engineering:

Provided existing drainage patterns are maintained, Development Engineering Approvals have no comments on the Minor Variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



156 Bookjans Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:190

Date:

October 13, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:155 (148 John Frederick Dr., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a retaining wall and swimming pool as accessory to the existing semi-detached dwelling, notwithstanding that a variance is required to permit the proposed location in the front yard.

As noted in comments from the Building Division – Zoning Section, a further variance is required to permit the proposed reduced minimum setback of the structures from the abutting lands zoned Conservation / Hazard Land (P5) Zone.

History

Minor Variance application AN/A-20:155 was tabled by the Committee at the hearing on September 10, 2020, to address staff's concerns. Staff recommended that the application be denied because the proposal did not maintain the streetscape and did not provide adequate separation from the P5 Zone to ensure that there were no negative impacts. The proposed accessory structure is removed from the revised application. There are no other changes proposed.

Urban Hamilton Official Plan

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

The subject lands are within the Garner Neighbourhood Secondary Plan and are designated "Institutional, Public Elementary School" on Land Use Plan Map B.2.3-1 (UHOP – Volume 2). Staff notes that initially these lands were intended for a Public Elementary School, however, the Hamilton-Wentworth District School Board declared the lands surplus for a Public Elementary School. Where institutional uses cease on lands designated Institutional, low density residential uses are permitted in accordance with applicable policies without an amendment to the UHOP (E.6.2.6 – Volume 1). Semi detached dwellings are considered low density residential in accordance with policy E.3.4.3 of Volume 1. Based on the foregoing, staff is of the opinion that the proposal meets the intent of the UHOP.

Natural Heritage

The subject lands are adjacent to a Core Area, being a stream with mostly low-growing vegetation and some existing trees. New development and site alteration shall not be permitted on adjacent lands to natural heritage features unless the ecological function of

the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions (C.2.5.5). There is concern that the pool enclosure fence and/or excavation for the swimming pool and surrounding patio may impact the roots of vegetation growing along the stream which could lead to sediment or erosion issues.

The subject lands are regulated by the Hamilton Conservation Authority. The HCA issued a Letter of Permission for the installation of an in-ground pool and construction of a retaining wall on July 30, 2020, stating that the pool and retaining wall will be located outside of the flood and erosion hazards associated with the watercourse.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Neighbourhood Institutional (I1) Zone, which permits semi detached dwellings, subject to the applicable provisions. The subject lands abut a Conservation / Hazard Land (P5) Zone along the rear and northerly side lot lines.

Variance 1

The outdoor swimming pool is proposed to be located in the required front yard at a distance of 1.2 m from the front lot line and 1.0 m from the northerly side lot line, whereas an outdoor swimming pool is permitted in any yard except the required front yard and must be a minimum distance of 1.25 metres from any lot line.

The intent of the provisions is to maintain a desirable streetscape and to ensure adequate space is provided for landscaping, drainage, and sightlines. Staff defers to Development Engineering Approvals for all drainage concerns.

Although it may be suitable to provide private outdoor amenity space in the side yard for the subject lands due to the irregular shape of the lot, staff is of the opinion that providing private outdoor amenity space in the front yard by way of the outdoor swimming pool and pool enclosure fence along the front lot line does not maintain the existing pattern of amenity space or a desirable streetscape. Further, the fence would interrupt driver sight lines as vehicles are manoeuvring in and out of the driveway. Based on the foregoing, although the intent of the Official Plan is maintained, staff is of the opinion that the variance is not desirable or minor and does not maintain the intent of the Zoning By-law. Accordingly, staff **does not** support the variance.

Variance 2

The outdoor swimming pool is proposed at a minimum distance of 0.6 m from the P5 Zone boundary and the pre-fabricated concrete retaining wall is proposed at a minimum distance of 0.0 m from the P5 Zone boundary, whereas a minimum setback of 7.5 m is required by the Zoning By-law. The intent of the provision is to ensure public safety and that there are no negative impacts on natural heritage features.

Staff is of the opinion that the proposed minimum setbacks from the P5 Zone of 0.6 m for the swimming pool and accessory building and 0.0 m for the retaining wall do not provide enough separation to ensure that there is no negative impact to the roots of vegetation growing along the stream. These negative impacts would not be considered desirable or minor.

Based on the foregoing, although the variance maintains the intent of the Official Plan, the variance does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature. 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. Having regard for the matters under subsection 45(1) of the Planning Act, staff recommends that the variances, as outlined in the Notice of Hearing for Variance 1, and as outlined in comments from the Building Division – Zoning Section for Variance 2, be **denied**.

Building Division:

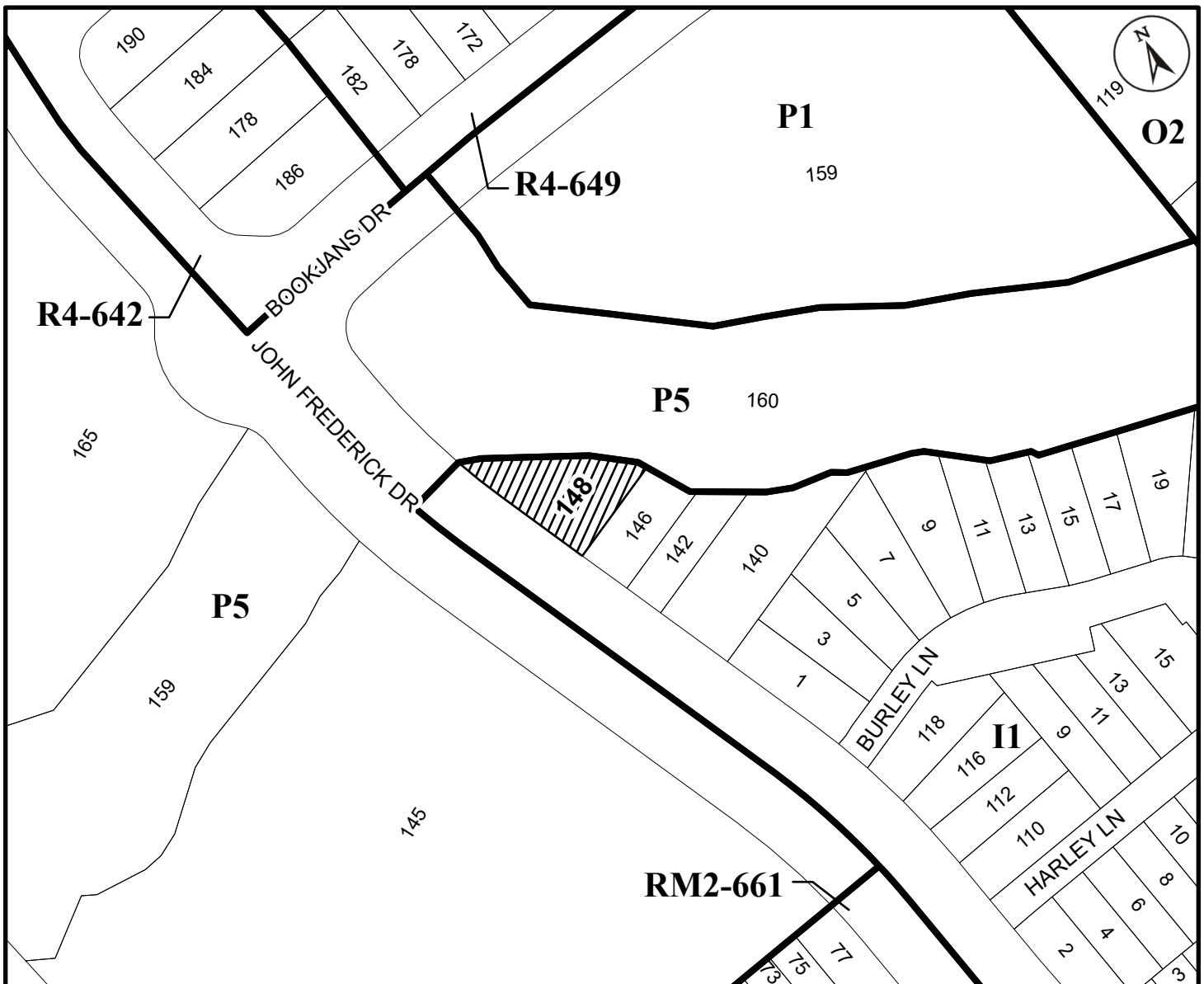
1. The Notice shall be amended by adding the additional variance:

The proposed swimming pool shall be permitted to be located as close as 1.0m from the P5 zone boundary and the pre-fabricated concrete retaining wall shall be permitted to be located as close as 0.0m from the P5 zone boundary whereas all buildings or structures shall be setback a minimum of 7.5m from the P5 zone boundary.

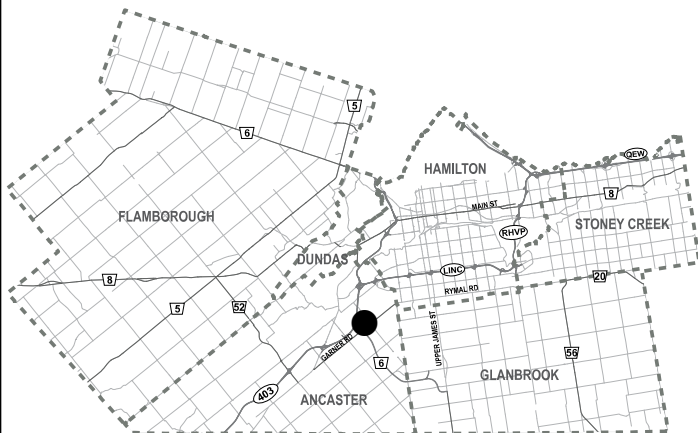
2. A building permit is required for the construction of the proposed swimming pool.
3. Please be advised that a portion of the property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



148 John Frederick Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:155

Date:

September 1, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-20:60 (110 Aeropark Blvd. 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.
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

GL/B-20:60 (110 Aeropark Blvd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of these applications is to create a parcel to be leased for a period greater than 21 years. The proposal will facilitate a proposed warehouse, 80,081 square metres in size per Site Plan Control Application SPA-20-060 which has received Conditional Approval.

Application HM/B-20:13 proposes to sever a parcel irregular in shape, ± 378 metre by ± 200 metre parcel of land, shown as Parts 1 – 5, 7 to 10, 12, 13, 15, 16, and 18 to 23, inclusive, having an area of ± 22.7 hectare, and to retain an irregular shaped parcel of land, ± 119.15 metre by ± 91.59 m, shown as Parts 6, 11, 14, and 17 inclusive, having an area of ± 1.23 hectares.

Urban Hamilton Official Plan

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

The lands are also designated “Airport Prestige Business” on Map B.8-1 – Airport Employment Growth District Secondary Plan Land Use Plan. Policy B.8.4.5 of the AEGD Secondary Plan applies to the subject lands which permit warehouses.

Consent applications within Employment designations shall comply with Policy F.1.14.3.5 (Volume 1). Staff are of the opinion that the proposed long term lease complies with the UHOP, including the AEGD Secondary Plan. The proposal conforms to the Hamilton Zoning By-law No. 05-200 in that adequate lot frontage and lot area is provided for both lands to be leased and lands to be retained. There are existing municipal services available for both parcels of land and direct frontage on a public road is provided for both parcels.

Hamilton Zoning By-law No. 05-200

The lands are zoned Airport Prestige Business (M11) Zone and a portion of the lands are zoned Airport Prestige Business (M11, 37) Zone, which permit a warehouse.

Recommendation:

Based on the proceeding information, the proposal maintains the genera intent and purpose of the Official Plan and AEGD Secondary Plan. Staff are **supportive** of the proposed long term lease.

Building Division:

This Division has no concerns with the proposed application.

Development Engineering:

No Comment

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the application to create a lease for more than 21 years.

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: October 16, 2020

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

From: Sam Brush – Urban Forestry Health Technician

Subject: 110 Aeropark Blvd., Glanbrook
File: GL/B-20:60

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 22, 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

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

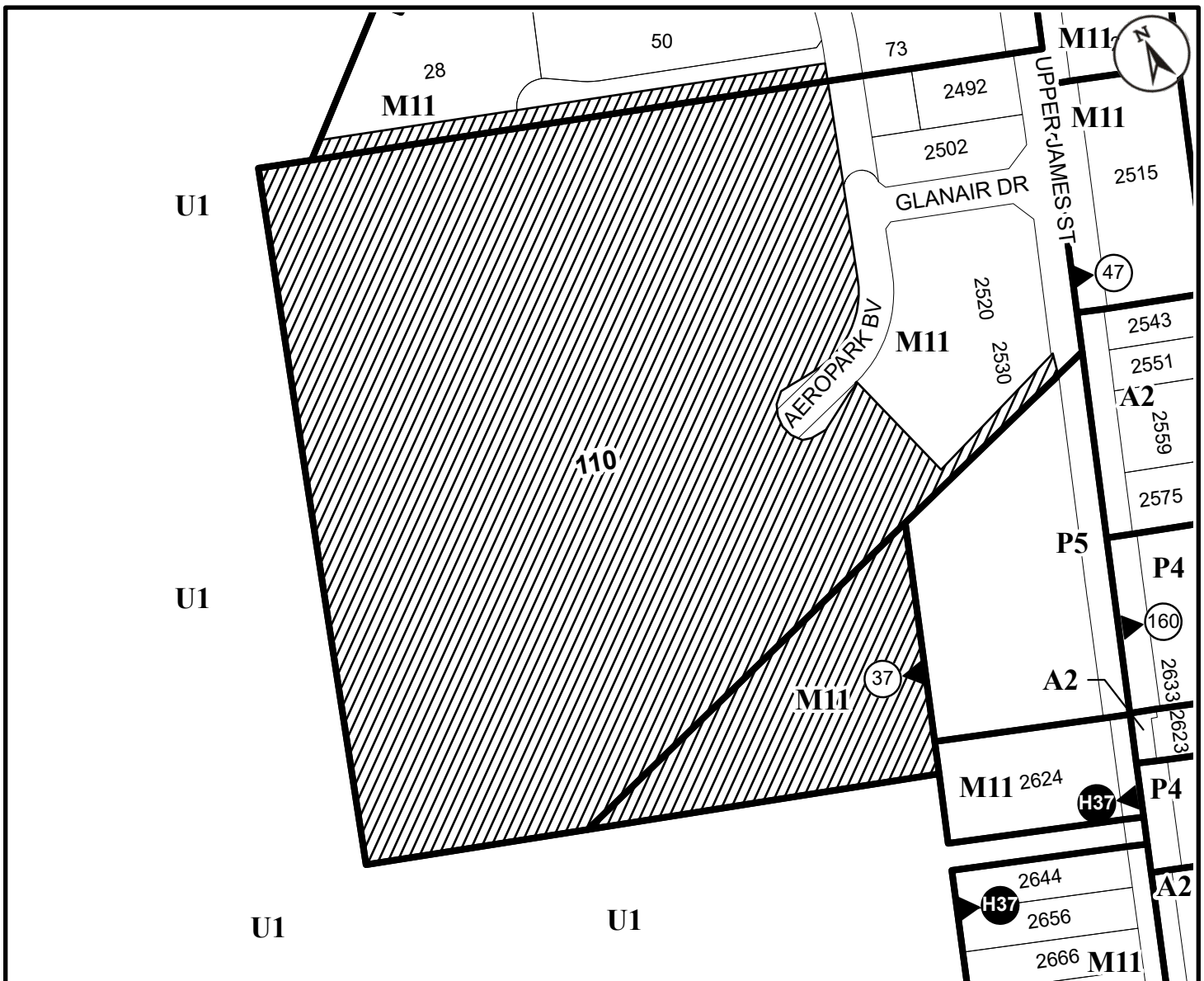
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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.

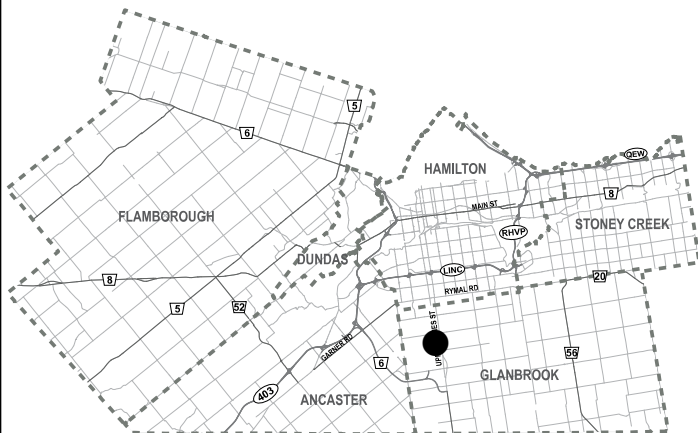
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



110 Aeropark Boulevard, Glanbrook
(Ward 11)

File Name/Number:

GL/B-20:60

Date:

October 13, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:198 (4, 8, 12, 16 Sauvignon Cres., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the creation of two lots and to facilitate the construction of a single detached dwelling on each lot for the properties to be known as 8 & 16 Sauvignon Crescent, notwithstanding the following variances:

1. A minimum lot area of 330 square metres shall be provided for an interior lot instead of the minimum required lot area of 370 square metres for an interior lot;
2. A minimum lot area of 375 square metres shall be provided for a corner lot instead of the minimum required lot area of 425 square metres for a corner lot;
3. A minimum side yard of 0.8 metres shall be provided instead of the minimum required side yard of 1.25 metres or 1.0 metre to an attached garage or attached carport;
4. A maximum lot coverage of 45% shall be provided instead of the maximum permitted lot coverage of 40%; and,
5. A minimum rear yard of 6.0 metres shall be provided instead of the minimum required rear yard of 7.0 metres.

The application is requested to facilitate Part Lot Control application PLC-20-008.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Fruitland – Winona Secondary Plan and are designated “Low Density Residential 2” on Land Use Plan Map B.7.4-1 (UHOP – Volume 2). Policy E.3.4.3 of the “Neighbourhoods” designation 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 Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential “R3-40” Zone which permits single detached dwellings, subject to the applicable provisions.

Staff Assessment

The lands are subject to Part Lot Control application PLC-20-008, through which the creation of 7 lots for single detached dwellings is proposed. The proposed lots 4, 8, 12 and 16 Sauvignon Cres. are zoned “R3-40”. The subject lands, being the proposed 8 and

16 Sauvignon Cres., are not corner lots (designated as Parts 2 and 4 respectively on the submitted reference plan 62R-21489).

A site plan for 8 Sauvignon Cres. was not submitted. As a result, it is unclear which variances are proposed for this lot. Variance 2 for relief from the minimum lot area requirement for a corner lot and Variance 3 for relief from the minimum side yard setback are not shown on the submitted site plan for 16 Sauvignon Cres. In the opinion of staff, the necessary review materials for the requested variances have not been provided. Based on the foregoing, staff is of the opinion that the application be **tabled**, until such time as a drawing to show the proposed variances for each lot has been provided.

Recommendation:

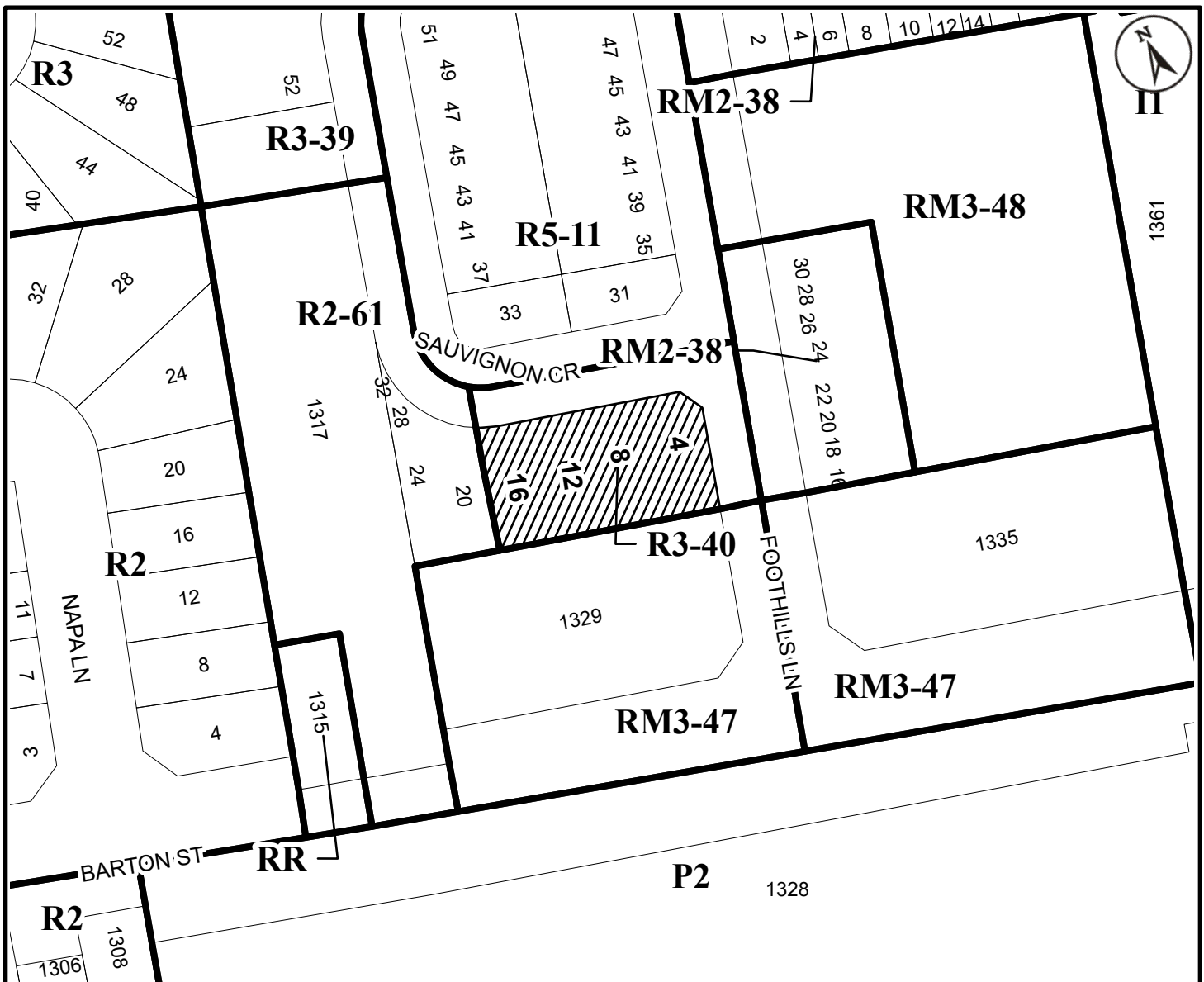
Staff recommends that the application be **tabled** until such time as drawings are submitted to show the location of each of the proposed variances.

Building Division:

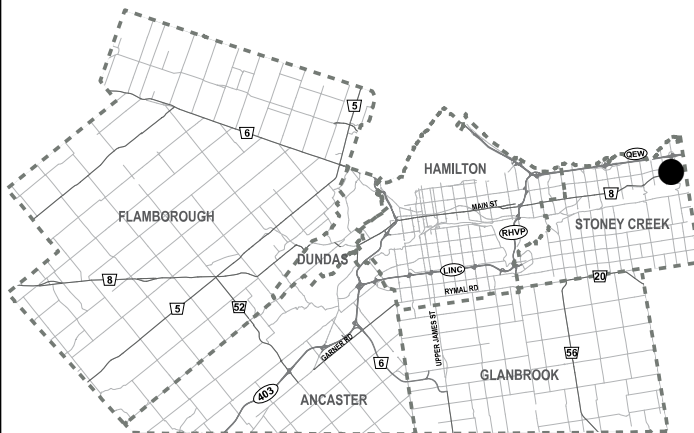
1. Construction of the proposed development is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The variances have been written as requested by the applicant; it does not appear future lots to be known as 8 and 16 Sauvignon Crescent are to be corner lots as defined within the Zoning By-law and a minimum side yard of 0.8 metres has not been illustrated on the submitted site plan.
3. A further variance if a minimum lot frontage of 12 metres for an interior lot and 13.75 metres for a corner lot, as defined within the Zoning By-law, is not provided.
4. A further variance will be required if a minimum of two (2) parking spaces are not provided for each single detached dwelling. Please note; a minimum parking space size of 2.75 metres in width and 5.8 metres in length is required to be provided except for a parking space contained within a private residential garage is required to provide an unobstructed area measuring 3.0 metres in width and 6.0 metres in length.
5. A further variance will be required if the eaves and gutters project greater than 0.5 metres into any required yard.
6. A further variance will be required if a canopy, unenclosed porch or deck, including steps, project greater than 1.5 metres into a required front yard or 4.0 metres into a required rear yard.
7. The requested variance for a reduced lot width is required to facilitate Part Lot Control application PLC-20-008.

Development Engineering:

For the information of the Committee, Variance #3 for a 0.8m sideyard setback and a 1.0m sideyard setback to the attached garage or carport is in conflict with the City's design requirement for a 1.2m sideyard setback at the garage side of dwelling and a 2.0m clearance between the dwellings when back to front lot drainage pattern is approved by the City. Therefore, the Development Engineering staff recommends that Variance #3 **be denied.**



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



4, 8, 12 & 16 Sauvignon Crescent,
Stoney Creek (Ward 10)

File Name/Number:

SC/A-20:198

Date:

October 15, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:192 (612 Upper James St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of an existing commercial building from a restaurant to a Medical Clinic on the ground floor comprising of 148 square metres of gross floor area and two apartment dwellings on the second floor, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Primary Corridor” in Schedule E– Urban Structure and is designated “Mixed Use - Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.2.4.6 and E.4.6.5 a) amongst others, are applicable and permit medical clinics.

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

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone which permits a Medical Clinic.

Variance 1 and 6

The applicant is requesting a variance to allow six parking spaces to be provided on site for the proposed Medical Clinic and to allow no barrier free parking spaces to be provided on site, notwithstanding the minimum required nine parking spaces for a Medical Clinic and the minimum required one barrier free parking space. The general intent of the Zoning By-law is to ensure the parking needs of the Medical Clinic are being satisfied.

The applicant is establishing a new use on the subject property, being a Medical Clinic. A Medical Clinic has more restrictive parking requirements than the existing use on the subject property, given the nature of the use. Therefore, the existing deficiencies must be addressed in order to establish the use.

The variance is not maintaining the general intent of the Zoning By-law as Staff is not satisfied the parking needs of the Medical Clinic are being met. Staff recommend the applicant reduce the size of the Medical Clinic to comply with the requirements of the Zoning By-law.

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

Variances 2 and 3

The applicant is requesting a variance to allow parking spaces to be located 2.75 metres from a street line on Upper James Street and Genesee Street and to allow a no planting strip to be required between the street line and parking spaces on Upper James Street and Genesee Street, notwithstanding the minimum required distance of 3.0 metres and the minimum required 3.0 metre wide planting strip. The general intent of the Zoning By-law is to maintain a consistent streetscape and ensure all vehicles can safely manoeuvre to and egress from the parking spaces.

Staff defer to Transportation Planning for any safety concerns with vehicles manoeuvring in and egressing from the parking spaces located 2.75 metres from the street lines.

The variances recognize an existing condition. The variances maintain the general intent of the Zoning By-law as staff is satisfied the location of the parking space and the provision of no landscape strip is consistent with the established streetscape. The variances are considered minor in nature and are desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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 appropriate use of the site and considered minor in nature; therefore, staff support the variances.

Variance 4

The applicant is requesting a variance to permit the minimum length of a tandem parking space to be 5.1 metres, notwithstanding the minimum required length of 6.7 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

The variance is not maintaining the general intent of the Zoning By-law as Staff are of the opinion a parking space length of 5.1 metres does not provide sufficient space to safely accommodate a variety of vehicles. Staff recommend the applicant revise the proposed parking layout to accommodate the required parking space length.

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

Variance 5

The applicant is requesting a variance to permit parking spaces angled 35 degrees to have a minimum size of 2.7 metres in width by 3.6 metres in length, notwithstanding the minimum required size for a parking space angled at 35 degrees is 3.0 metres in width and 5.8 metres in length. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

The variance is not maintaining the general intent of the Zoning By-law as Staff are of the opinion a parking space size of 2.7 metres by 3.6 metres does not provide sufficient space

to safely accommodate a variety of vehicles given the average length of a vehicle is at least 4.0 metres in length. Staff recommend the applicant revise the proposed parking layout to accommodate the required parking space size.

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

Variance 7

The applicant is requesting a variance to allow no short term bicycle parking to be required, notwithstanding the minimum required 5 short term bicycle parking spaces. The general intent of the Zoning By-law is to accommodate a variety of transportation options and to promote the use of active transportation.

The provision of no short term bicycle parking on site recognizes an existing condition on the subject property. The minimum requirement for bicycle parking is the same for all commercial uses permitted within the Commercial and Mixed Use zone and therefore is not required as a result of the change in use.

Based on the submitted Site Plan, Staff acknowledge the existing site layout does not allow for sufficient space to accommodate short term bicycle parking. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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.

Zoning By-law 05-200 (Pre-Amending By-law 17-240)

Variance 8

The applicant is requesting a variance to allow parking spaces which are angled to have a minimum length of 3.6 metres, notwithstanding the Zoning By-law requires a minimum length of 5.5 metres.

The variance is not maintaining the general intent of the Zoning By-law as Staff are of the opinion a parking space length of 3.6 metres does not provide sufficient space to safely accommodate a variety of vehicles given the majority of vehicles have a length of at least 4.0 metres. Staff recommend the applicant revise the proposed parking layout to accommodate the required parking space size.

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

Recommendation:

Based on the preceding information, Variances 2, 3 and 7 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 2, 3 and 7 are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 1, 4, 5, 6 and 8 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the City of Hamilton Zoning By-law No. 05-200. Variances 1, 4, 5, 6 and 8 are not considered to be minor in nature nor desirable for the appropriate use of the property.

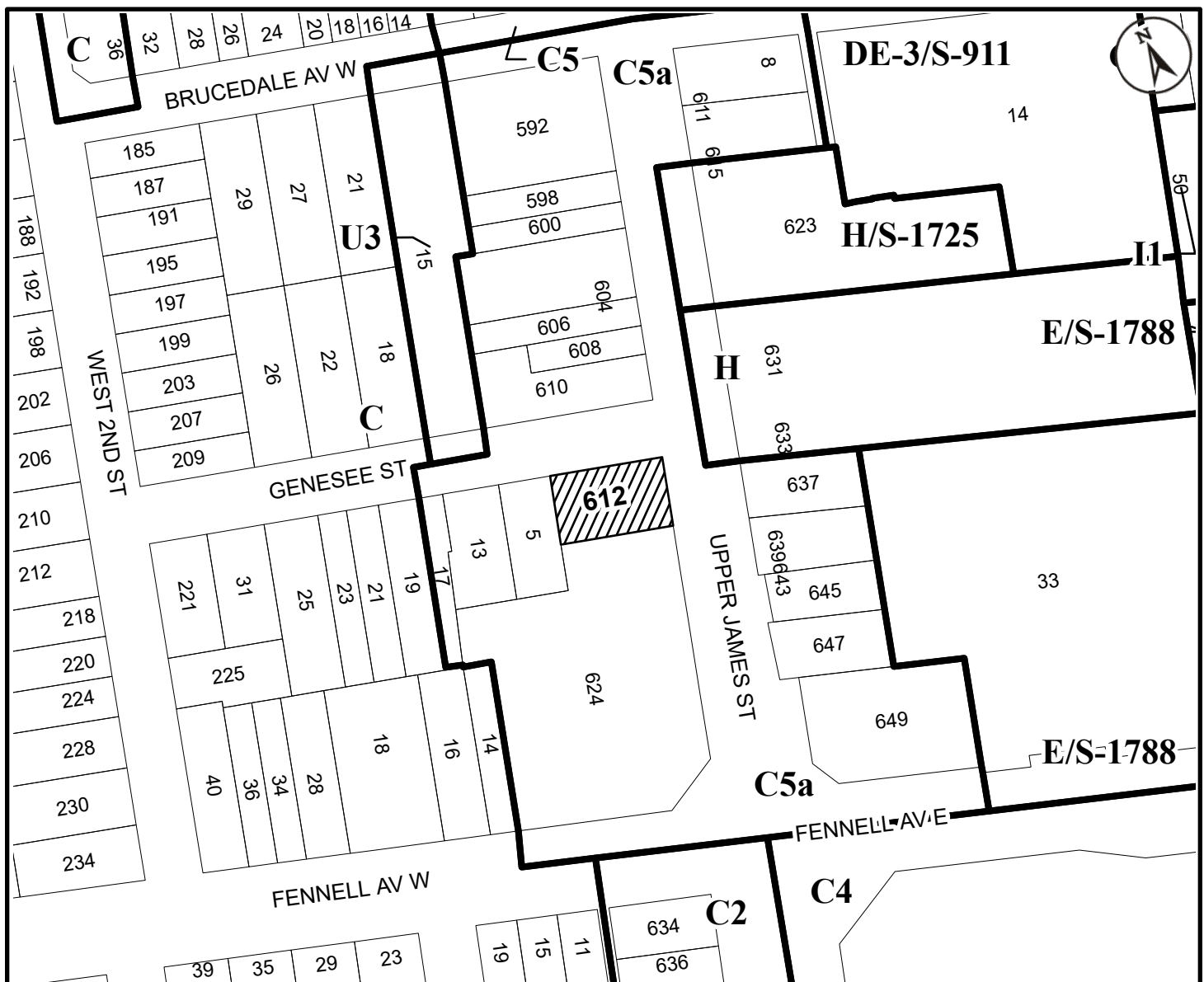
In conclusion, Staff recommends that Variance 2, 3 and 7 be approved and Variances 1, 4, 5, 6 and 8 be denied.

Building Division:

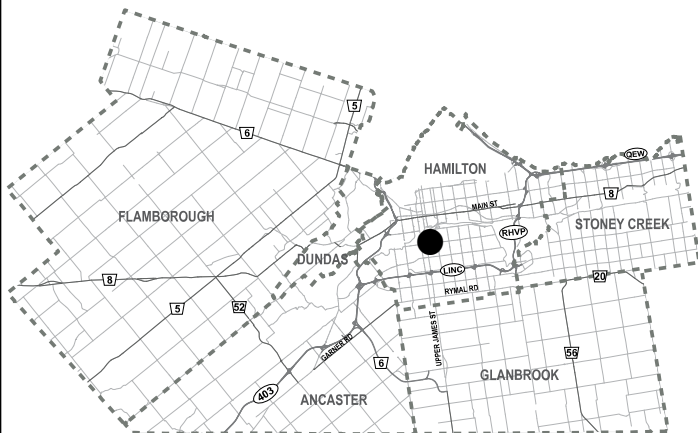
1. Variance #1 was written by the applicant. Additional variances are applicable to parking and were identified through the review of the application.
2. By-Law 17-240 (Create New Commercial and Mixed Uses and Utility Zones for the City of Hamilton) was passed November 8, 2017, which also made changes to Section 5 (parking Regulations) of Hamilton 05-200 Zoning By-Law. The more restrictive zoning regulations have been noted by an asterisk in variance 5.
3. The C5a Zone permits dwelling units to be developed in conjunction with a commercial use. The two proposed dwelling units are greater in area than 50 square metres and require one parking space in the C5a Zone.
4. The submitted site plan does not show the distance of parking spaces to the street lines, the dimensions of parking spaces, and the aisle widths. Accordingly, additional information for these requirements has been provided by the applicant.
5. The subject property is identified in the City of Hamilton's Inventory of Heritage Buildings.
6. Concerning Variance #5, the Zoning By-law provides minimum aisle width requirements for angled parking spaces in Section 5.1(i). This does not cover 35 degree angled parking spaces. However, If the angle is 30 degrees, the minimum aisle width shall be 3.7m and for 45 degree spaces, the minimum aisle width shall be 4.5m.
7. Building Permit 20-166097, issued on June 1, 2020 for interior alterations to permit a dental office remains not finalized.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



612 Upper James Street,
Hamilton (Ward 8)

File Name/Number:

HM/A-20:192

Date:

October 15, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:194 (684 Upper James St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of the existing single detached dwelling to a commercial use (Personal Service) on the Main and Second floor, along with one dwelling unit in the basement, notwithstanding the following variances.

Minor Variance application HM/A-09:74 was approved by the Committee of Adjustment on April 16, 2009 to allow the conversion of a single detached dwelling to a permitted commercial use (Personal Service) and one dwelling unit, with variances for the required landscaped areas, planting strips, and parking requirements. According to the Building Division's records, no building permit has been issued to implement the Committee of Adjustment's decision.

Urban Hamilton Official Plan

The property is identified as "Primary Corridor" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.2.4.6, E.3.2.3 a) and d), and E.3.8.2 a) amongst others, are applicable and permit residential dwelling units and local commercial uses, including a personal service.

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

The subject lands are zoned Neighbourhood Commercial (C2) Zone which permits a dwelling unit in conjunction with a commercial use and Personal Services.

Variance 1

The applicant is requesting a variance to allow a dwelling unit with a floor area of 84.0 square metres to be located in the basement of the existing building, notwithstanding the By-law states under Section 10.2.1.1 ii) that a Dwelling Unit in conjunction with a commercial use shall only be permitted above the ground floor and shall not occupy more than 50% of the total gross floor area of all the buildings within the lot. The general intent of the Zoning By-law is to maintain a commercial, pedestrian focused streetscape.

The subject property contains a single detached dwelling that has been converted into a Personal Service use. The variance is maintaining the general intent of the Official Plan and the Zoning By-law as the ground floor of the existing building will be used for a commercial use, thus contributing to the commercial streetscape intended along Upper James Street, which is identified as a Primary Corridor. The variance is desirable for the development and minor in nature as the commercial streetscape will not be altered as the residential dwelling unit will not be located on the ground floor.

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

Recommendation:

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

Building Division:

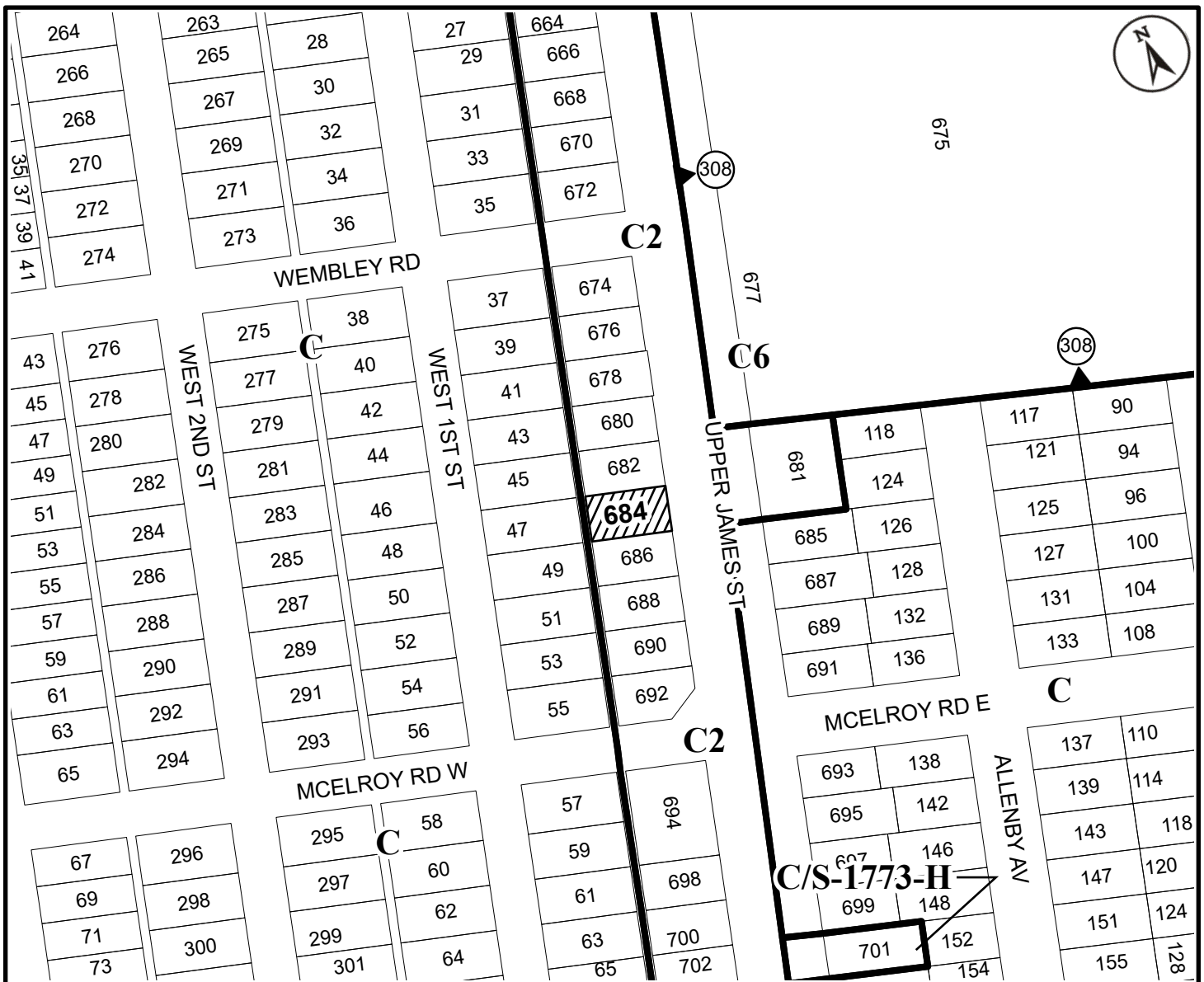
1. The notice should be altered to delete entirely variance # 1 and replace it with the following:

A dwelling unit having 84.0 m² of floor area shall be located in the basement whereas the By-Law states under Section 10.2.1.1 ii) 1. That notwithstanding Section 10.2.1, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50 % of the total gross floor area of all the buildings within the lot.

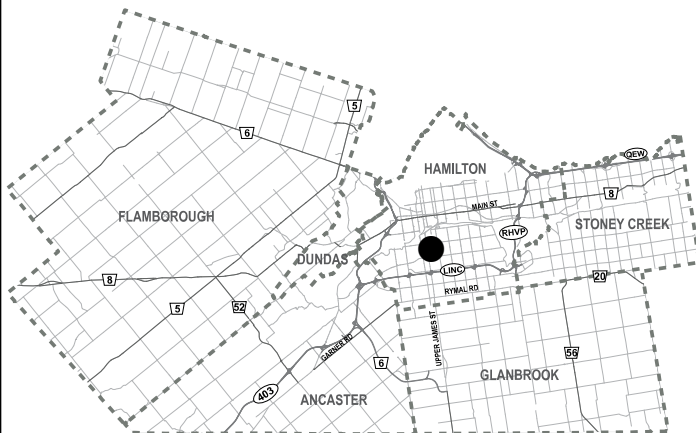
2. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



684 Upper James Street,
Hamilton (Ward 8)

File Name/Number:

HM/A-20:194

Date:

October 15, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:197 (600 Upper Kenilworth Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain a total of two (2) dwelling units, notwithstanding that variances are required to permit two (2) parking spaces in the front yard and to provide 22% landscaping in the front yard, and to permit no manoeuvring space for the parking spaces.

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 “C” District (Urban Protected Residential, Etc.), which permits single detached dwellings. Notwithstanding the existing zoning, the proposed development is defined as a Residential Conversion and as such, the provisions of Section 19 “Residential Conversion Requirements” are applicable. The proposed conversion from a single unit dwelling to a two-unit dwelling is permitted within the zoning, subject to the provisions of 19(1).

Variance 1

Two parking spaces are proposed to be located in the front yard and the front yard shall consist of a minimum of 22% landscaped area, whereas only one parking space is permitted in the front yard and a minimum landscaped area of 50% of the front yard is required by the Zoning By-law. The intent is to ensure adequate drainage and that parking areas do not overwhelm the streetscape. Staff defers to Development Engineering Approvals for all drainage concerns.

There are no changes proposed to the parking area and so staff is of the opinion that approval of the variance will not have a negative impact on the streetscape. The proposed landscaping is contiguous with the landscaping of the abutting daylighting triangle and provides visual relief of the paved areas. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and it is desirable and minor in nature. Staff **supports** the variance.

Variance 2

No onsite manoeuvring space is proposed for the parking spaces, whereas a minimum width of 6.0 m for manoeuvring is required to be provided for one of the two parking spaces. This represents the existing condition as no changes are proposed to the parking area. The intent of on-site manoeuvring space is to allow for manoeuvring and positioning of the vehicle prior to the vehicle entering the street. There is an approximate width of 8.5 m from the property line to the travelled portion of Upper Kenilworth Avenue Street that can aid in vehicular manoeuvring. As a result, staff is of the opinion that safe ingress and egress can be provided. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, is desirable, and minor in nature. Staff **supports** the variance.

Recommendation:

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

Building Division:

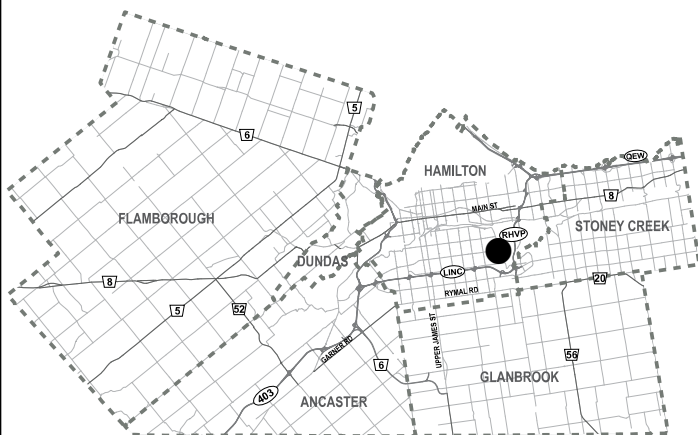
1. The variances are written as requested by the applicant.
2. The property is a corner lot. The frontage of the property is recognized as being along Upper Kenilworth Avenue and the flankage side is along Mohawk Road. The property frontage is reduced by the dedication requirements for a 12m x 12m daylight triangle which has been provided at the intersection.
3. The variances are written as requested by the applicant.
4. A building permit is required for the creation of an accessory dwelling unit within the existing single detached dwelling. Building Permit 20-161845 to allow for the conversion of the existing single family dwelling to create a second dwelling unit is currently under review.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. Building Permit records indicate that the current dwelling was established on the property in 1973.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



600 Upper Kenilworth Avenue,
Hamilton (Ward 6)

File Name/Number:

HM/A-20:197

Date:

October 15, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT