

HM/A-20:218 (6-14 Acorn St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a multiple dwelling containing a total of sixty dwelling units in accordance with Site Plan application DA-20-007 which received Conditional Approval on January 30, 2020, notwithstanding the following variance. Minor Variance application HM/A-20:51 was previously approved by the Committee of Adjustment on March 5, 2020 however, the following variance was not a part of that decision.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Mixed Use - Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.4.2.4, E.4.6.4, E.4.6.7, E.4.6.8 amongst others, are applicable and permit multiple dwellings.

Cultural Heritage and Archaeology:

Staff have provided comments as part of Site Plan application DA-20-007 and have no further comments to provide regarding the proposed minor variance.

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

The subject lands are zoned Transit Oriented Corridor - Mixed Use Medium Density (TOC1) Zone, which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum easterly yard of 20.6 metres to be permitted for any portion of the building having a building height above 24.1 metres to a maximum building height of 26.0 metres, notwithstanding the Zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0 metres in height. The intent of the Zoning By-law is to provide a consistent streetscape and to provide an appropriate transition to adjacent properties.

The proposed multiple dwelling, in accordance with Site Plan Control application DA-20-007, received Conditional Approval on January 30, 2020. The applicant has made minor modifications to the conditionally approved plans including an increase in height of approximately 0.2 metres and a reduction in the easterly side yard width of approximately 0.2 metres. The increase in height will not result in the proposed multiple dwelling exceeding the maximum building height of 26.0 metres, permitted in accordance with HM/A-20:51 which was approved by the Committee of Adjustment on March 5, 2020.

Staff acknowledge the building footprint and building height of the proposed multiple dwelling does not deviate significantly from the conditionally approved plans. Staff do not anticipate any significant impact on the privacy or enjoyment of the adjacent property, known as 20 Acorn Street, as a result of the proposed reduction in the required easterly side yard.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the 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 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:

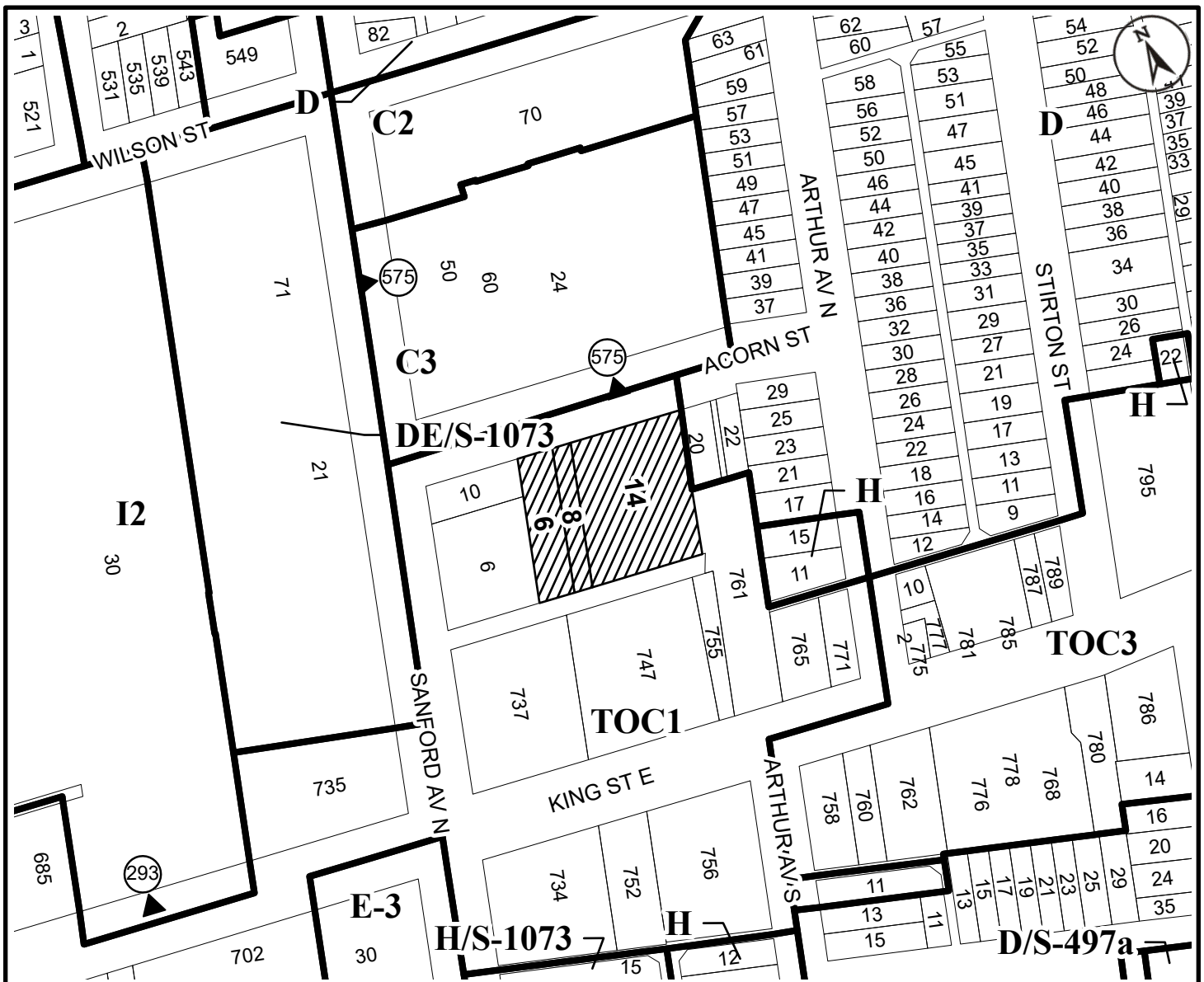
1. The Notice shall be amended by replacing the number “20.6” with the number “20.0m” as well as replacing the number “24.1” with the number “23.5” so that it reads as follows:

A minimum easterly yard of 20.0m shall be permitted for any portion of the building having a building height above 23.5m to a maximum of building height of 26.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height.

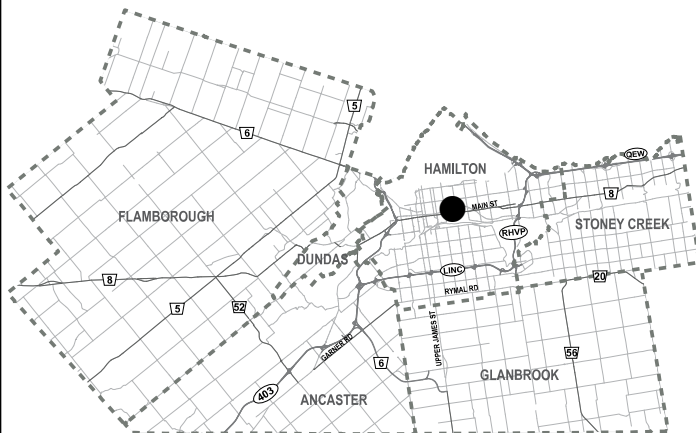
2. A variance to the easterly yard from the residential zone is required as the maximum height and the minimum yard requirement are interdependent in the TOC1 zone.
3. The lands are subject to Site Plan Control DA-20-007.
4. Committee previously approved an easterly side yard of 20.6m. The additional reduction request will further reduce the required side yard by 0.6m.
5. A building permit is required for the construction of the proposed multiple dwelling.

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



6 - 14 Acorn Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:218

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:200 (123 Stanley Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land containing an existing duplex dwelling (to remain) and to retain a parcel of land containing a church (to remain). The severed lands will have a lot area of 305.0 square metres and a lot width of 8.14 metres and the retained lands will have a lot area of 2036.0 square metres and a lot width of 26.8 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3 and E.3.8.2 amongst others, are applicable and permit duplex dwellings and places of worship.

The proposed severance will allow the existing dwelling and the existing place of worship to be on located separate lots with separate ownership. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Stanley Avenue and Locke Street South. The proposal is consistent with the established lot pattern and character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Cultural Heritage:

The existing Stanley Avenue Baptist Church on the lands to be retained is included on the municipal heritage inventory as a non-designated property. The duplex dwelling at 123 Stanley Avenue is not currently included on the municipal heritage inventory. Staff are of the opinion that the proposal will not have an adverse impact on the heritage attributes of the building and have no concerns with the proposal.

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

The subject lands are zoned Neighbourhood Institutional (I1) Zone, which permits a duplex dwelling and Place of Worship.

Lands to be Severed (Duplex Dwelling):

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 8.0 metres and a minimum lot area of 305.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 330.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow

adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants of the duplex dwelling.

The proposed lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge no change to the existing conditions on site is being proposed as a result of the proposed lot creation.

Based on the submitted survey plan, it appears there is sufficient space in the rear yard to accommodate the necessary amenity area to satisfy the needs of the tenants. However, Staff note no site plan drawing of the severed lands was submitted to show the amount of landscaped area and amenity area or the location of the required parking spaces.

While it appears there is sufficient space at the rear of the property to accommodate the minimum required two parking spaces for a duplex dwelling, Note 1 of the Building Division's notice indicates the location / arrangement of the parking spaces, if proposed at the rear of the property, may result in additional variances.

Staff request the applicant submit a site plan drawing of the severed lands demonstrating the location of the proposed parking spaces. Staff recommend the variance application be tabled until a site plan drawing is submitted to ensure until the required two parking spaces, one for each Class A dwelling unit, can be accommodated on the subject property in conformity with the Zoning By-law.

Based on the foregoing, Staff recommend the variance be tabled.

Recommendation:

Staff recommends that the application be **tabled** until such time as the site plan drawing is submitted to show the location of the proposed parking spaces.

Building Division:

1. Two (2) parking spaces for the parcel to be severed containing the duplex have been shown on an updated site plan and are to be located along the rear lot line accessible from the laneway in a 90 degree arrangement to the laneway. Accordingly, the following variance shall be included to address the requirement for off-site manoeuvring:

"Manoeuvring for the required parking spaces for a duplex shall be permitted to occur within the laneway whereas ingress and egress of vehicles to a street or laneway shall be provided in a forward motion only."

2. With respect to the proposed parking arrangement, it is noted that the maximum 50% width requirement for driveways relative to the width of a lot for a duplex, does not apply to driveways and parking spaces that are situated adjacent to a laneway.
3. The variances are written as requested by the applicant.

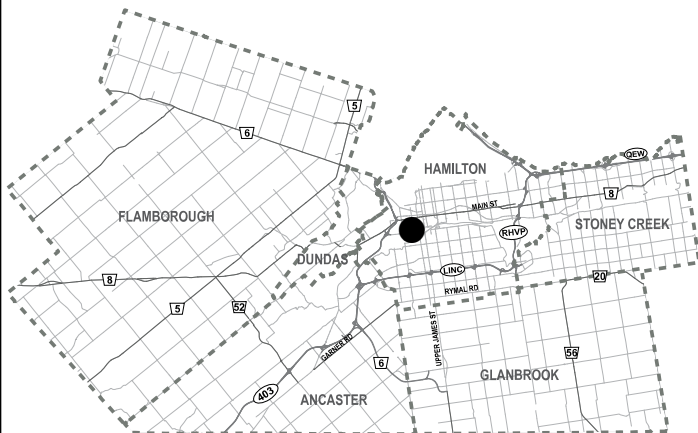
4. With regards to the retained parcel containing the Place of Worship, it was determined that Section 5.6d) of the Zoning By-law, which pertains to the provision of parking which existed on the effective date of the By-law would be applicable to this use. As the gross floor area for the of the Place of Worship would be maintained and the proposed severance would not remove any of the existing parking, no additional parking spaces would be required.
5. An eave/gutter may project not more than 0.6 metres into the required easterly side yard of the severed parcel for the duplex dwelling, or to a maximum of half the distance of the required yard, whichever is the lesser. Insufficient details were provided to confirm compliance; as such, additional variances may be required.
6. Site Plan Approval would not apply to the Place of Worship for the proposed severance but would apply in the event of any future building additions.
7. The variances are necessary to facilitate Consent Application HM/B-20:62 which is being reviewed concurrently.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



123 Stanley Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:200

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:62 – 123 Stanley Ave., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
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 receive final and binding approval of minor variance application HM/A-20:
4. The owner shall submit survey evidence that the lands to be severed including the location of any access, parking spaces and manoeuvring space, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. That the Owner confirm in writing if the retained lands containing the Place of Worship building is using the municipal address of either 115 Stanley Avenue, or 298 Locke Street South, as described throughout the submitted materials for this application, to the satisfaction of the Senior Director of Growth Management.
6. That the Owner physically affix the determined municipal number or full addresses of the church to either the building or on a sign in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. In addition, the Owner shall provide photos that clearly displays the determined municipal number or full address affixed to the building or on a sign, all to the satisfaction of the Senior Director of Growth Management.
7. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

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-20:62 (123 Stanley Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land containing an existing duplex dwelling (to remain) and to retain a parcel of land containing a church (to remain). The severed lands will have a lot area of 305.0 square metres and a lot width of 8.14 metres and the retained lands will have a lot area of 2036.0 square metres and a lot width of 26.8 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3 and E.3.8.2 amongst others, are applicable and permit duplex dwellings and places of worship.

The proposed severance will allow the existing dwelling and the existing place of worship to be on located separate lots with separate ownership. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Stanley Avenue and Locke Street South. The proposal is consistent with the established lot pattern and character of the neighbourhood. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Cultural Heritage:

The existing Stanley Avenue Baptist Church on the lands to be retained is included on the municipal heritage inventory as a non-designated property. The duplex dwelling at 123 Stanley Avenue is not currently included on the municipal heritage inventory. Staff are of the opinion that the proposal will not have an adverse impact on the heritage attributes of the building and have no concerns with the proposal.

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

The subject lands are zoned Neighbourhood Institutional (I1) Zone, which permits a duplex dwelling and Place of Worship.

Lands to be Severed (Duplex Dwelling):

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot width of 8.0 metres and a minimum lot area of 305.0 square metres, notwithstanding the minimum required lot width of 12.0 metres and the minimum required lot area of 330.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow

adequate area to accommodate the necessary landscaped area, amenity area, and parking to satisfy the needs of the tenants of the duplex dwelling.

The proposed lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. Staff acknowledge no change to the existing conditions on site is being proposed as a result of the proposed lot creation.

Based on the submitted survey plan, it appears there is sufficient space in the rear yard to accommodate the necessary amenity area to satisfy the needs of the tenants. However, Staff note no site plan drawing of the severed lands was submitted to show the amount of landscaped area and amenity area or the location of the required parking spaces.

While it appears there is sufficient space at the rear of the property to accommodate the minimum required two parking spaces for a duplex dwelling, Note 1 of the Building Division's notice indicates the location / arrangement of the parking spaces, if proposed at the rear of the property, may result in additional variances.

Staff request the applicant submit a site plan drawing of the severed lands demonstrating the location of the proposed parking spaces. Staff recommend the variance application be tabled until a site plan drawing is submitted to ensure until the required two parking spaces, one for each Class A dwelling unit, can be accommodated on the subject property in conformity with the Zoning By-law.

Based on the foregoing, Staff recommend the variance be tabled.

Recommendation:

Staff recommends that the application be **tabled** until such time as the site plan drawing is submitted to show the location of the proposed parking spaces.

Building Division:

1. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
2. A revised plan to show parking spaces for the parcel to be severed (duplex) has been submitted. A variance is required to permit manoeuvring within the laneway and is identified in the Building Comments.

CONDITIONS:

1. 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).
2. The owner shall receive final and binding approval of minor variance application HM/A-20:200.

3. The owner shall submit survey evidence that the lands to be severed including the location of any access and parking spaces conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

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

According to our GIS records, the subject section of Locke Street South is classified as a collector roadway with an ultimate road allowance right-of-way width of 26.213m by the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Locke Street is ± 18.2 m. Therefore, a widening dedication to the City of ± 4 m will be required.

The proponent is required to dedicate a daylighting triangle of 9.14m x 9.14m from the widened limits of Locke Street South and Stanley Avenue.

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

Locke Street South

- 900mmx1350mm Combined Sewer
- 750mm \varnothing Watermain
- 150mm \varnothing PVC Watermain

Stanley Avenue

- 375mm \varnothing Combined Sewer
- 150mm \varnothing Watermain

The proponent will be required to provide proof of separate independent sewer and water services to both the severed and retained parcels.

Recommendation:

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

2. That the Owner dedicate to the City of Hamilton by deed, sufficient land in order to establish the property line 13.107m from the original centreline of Locke Street South, to the satisfaction of the City's Manager of Development Approvals.
3. That the Owner dedicate to the City of Hamilton by deed, a sufficiently sized daylighting triangle from the widened limits of Locke Street South and Stanley Avenue, to the satisfaction of the City's Manager of Development Approvals.

Growth Management:

Notes:

With regards to recent discussions between Growth Planning Section and the Owner of the Place of Worship building, an Official Address Notification letter (dated May 7, 2020) was sent from our office noting that the address of 115 Stanley Avenue was confirmed and will be used onward, and that 298 Locke Street South is now retired. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **123 Stanley Avenue, Units 1 & 2 (Hamilton)** and the lands to be retained will be determined through the conditions listed in the decision.

We ask that the following Conditions be included for approval of the application:

1. That the Owner confirm in writing if the retained lands containing the Place of Worship building is using the municipal address of either 115 Stanley Avenue, or 298 Locke Street South, as described throughout the submitted materials for this application, to the satisfaction of the Senior Director of Growth Management.
2. That the Owner physically affix the determined municipal number or full addresses of the church to either the building or on a sign in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. In addition, the Owner shall provide photos that clearly displays the determined municipal number or full address affixed to the building or on a sign, all to the satisfaction of the Senior Director of Growth Management.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application. Without setting precedent, Transportation Planning waives the daylighting triangle and right-of-way requirement for this property. These will be required should the site be re-developed in the future.

HM/A-20:201 (313 Osbourne St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 7.98 metre by 10.06 metre second storey addition, a 1.80 metre by 3.35 metre two storey addition on the area formerly occupied by an unenclosed deck and to construct a roofed over unenclosed one storey front porch at the first storey onto the existing single detached dwelling.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential) District, which permits a single detached dwellings.

Variance 1 and 4

The applicant is requesting a variance to allow a minimum front yard depth of 3.2 metres to be permitted and to allow a minimum of 45.0% of the gross area of the front yard to be provided as landscaped area, notwithstanding the minimum required front yard depth of 6.0 metres and that the Zoning By-law 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 applicant is proposing to construct a two storey addition to the front of the existing single detached dwelling. The existing dwelling maintains a minimum front yard depth of approximately 5.0 metres. The requested variances are necessary as a result of the proposed addition in the front yard.

No elevation drawing of the proposed front addition have been submitted, and therefore Staff cannot properly evaluate the impact the addition will have on the established streetscape.

Based on the foregoing, Staff recommend the variances be tabled until elevation drawings are submitted of the proposed addition.

Variance 2

The applicant is requesting a variance to allow a minimum southerly side yard width of 0.3 metres and a minimum northerly side yard width of 0.75 metres to be permitted,

notwithstanding the minimum required side yard width of 0.914 metres. The general intent of the Zoning By-law is to provide a consistent streetscape, to avoid any impact on the enjoyment and privacy of the adjacent properties, and to allow sufficient space for access and drainage. Staff defers any drainage concerns to Development Engineering Approvals.

The applicant is proposing to construct a second storey addition to the existing single detached dwelling. While proposed northerly and southerly side yard width of 0.3 metres and 0.75 metres, recognizes the existing conditions related to the existing one storey single detached dwelling; Staff note no elevation drawings of the proposed additions have been submitted and therefore Staff cannot properly evaluate the impact the addition will have on the established streetscape.

Based on the foregoing, Staff recommend the variances be tabled until elevation drawings are submitted of the proposed addition.

Variance 3

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the required 0.3 metre wide southerly side yard and encroach 0.4 metres into the required 0.75 metre northerly side yard notwithstanding the Zoning By-law permits eaves and gutter to project into a required yard no more than one half its required width. The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

The applicant is proposing to construct a second storey addition to the existing single detached dwelling. No elevation drawings of the proposed additions have been submitted and therefore Staff cannot properly evaluate the projection of the eaves and gutters and the overall impact the addition will have on the established streetscape.

Based on the foregoing, Staff recommend the variances be tabled until elevation drawings are submitted of the proposed addition.

Variance 5

The applicant is requesting a variance to allow one parking space to be provided on site, notwithstanding the minimum three parking spaces required for a single detached dwelling containing ten habitable rooms. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling are satisfied.

The submitted floor plans indicate that the proposed use of the dwelling will remain for the habitation of one family. Staff is satisfied the proposed one parking space will satisfy the parking needs of the single detached dwelling. In addition, Staff acknowledge there is an existing driveway located partially in the front yard and partially in the Osborne Street road allowance. The reduction in parking can be further supplemented by utilizing the existing driveway in the front yard, subject to receiving a Boulevard Parking Agreement.

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

Variance 6

The applicant is requesting a variance to allow a minimum access driveway width of 2.7 metres to be provided, notwithstanding the minimum required access driveway of 2.8 metres. The general intent of Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

The variance recognizes the existing driveway width used to access the parking space located in the garage at the rear of the subject property. Staff is satisfied the existing driveway provides sufficient space for vehicles to access the existing parking space within the garage.

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

Recommendation:

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

Staff recommends that Variances 1, 2, 3 and 4 be tabled until such time as elevation drawings of the proposed additions are submitted.

In conclusion, Staff recommends that the application be tabled.

Building Division:

1. Two (2) Site Plans are attached to the Notice; however, only the Site Plan (Revision 2 dated October 14, 2020) shown as "Amended Oct. 14/20" is the correct Site Plan. As such, the other Site Plan should be removed from the Notice.
2. Pursuant to Variance # 2 above, as this is a lot of record Section 18(3)(v) "Abatement of Yards for a Lot of Record" of Hamilton Zoning By-law No. 6593 allows a single family dwelling to be erected upon it provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres. As such, based on a lot width of 9.144m, a minimum side yard of 0.914m is required.
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. Building Permit # 15-107231, issued on April 2, 2015, (To install a "Mainline Fullport Backwater Valve" in an existing Single Family Dwelling) remains not finalized.
5. A building permit is required for construction of the proposed addition and front porch.

Development Engineering:

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

See attached for additional comments.

October 27, 2020

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

Attention: Scott Baldry

File# HM/A-20:201

Re: 313 Osbourne St

In response to your correspondence dated October 23, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Proposed second story addition in conflict with existing overhead secondary service. Contact our ICI department for service location options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

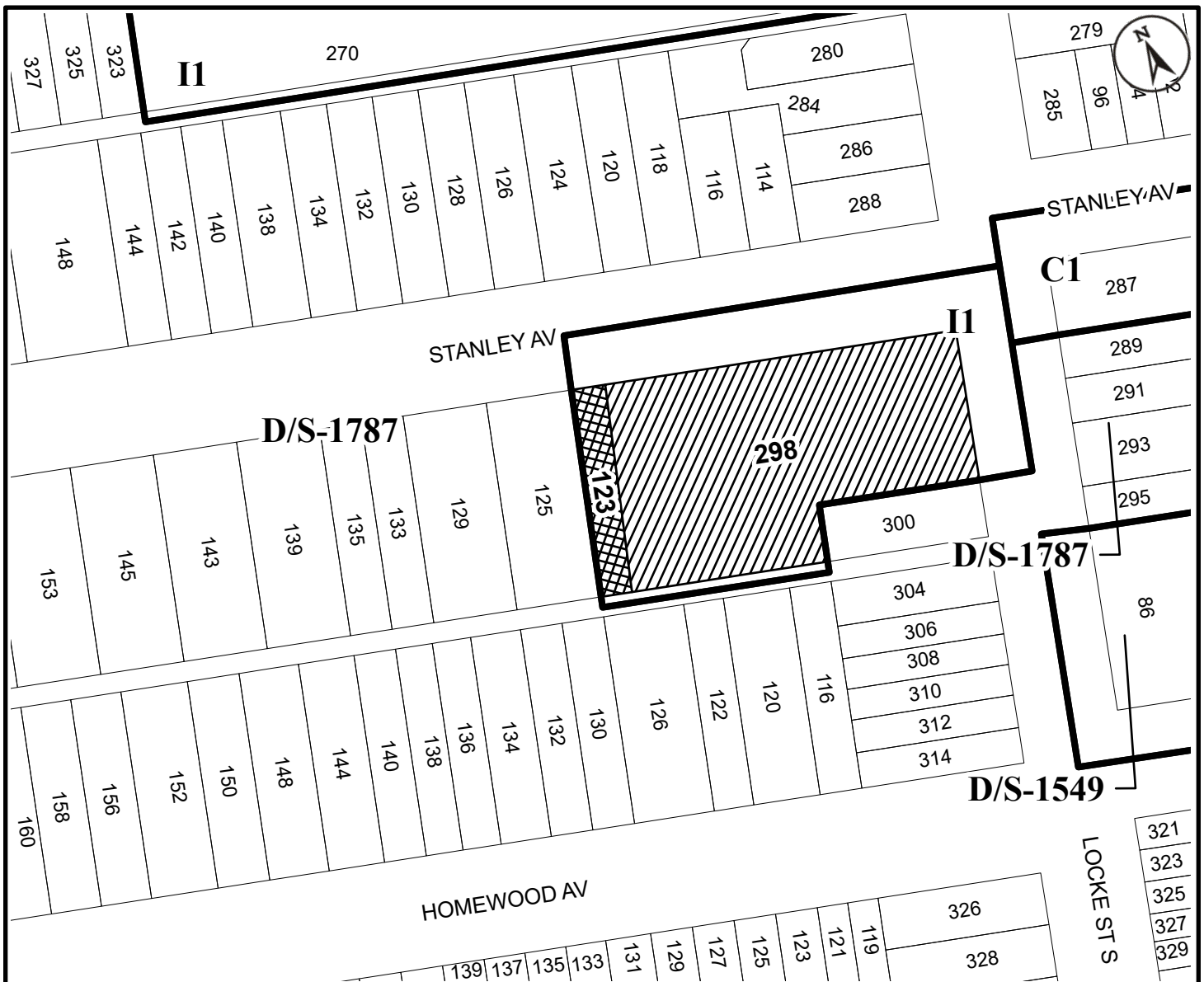
Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

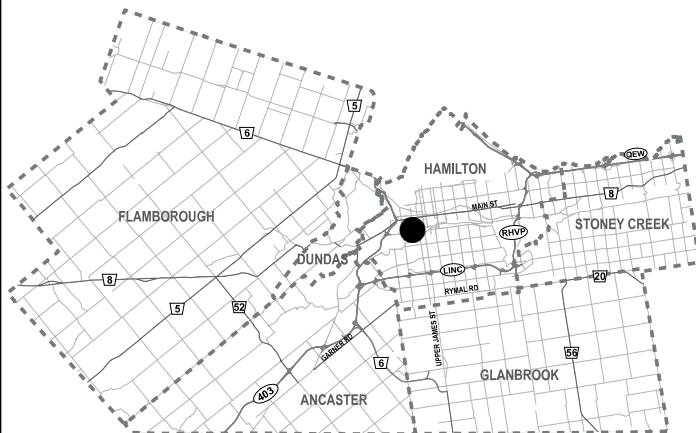
From: [Douglas Ecker \[Staff\]](#)
To: [Committee of Adjustment](#)
Date: October 29, 2020 8:13:44 AM

my wife and i, as residents /home owners of 315 osborne street have no problems with the minor variance, providing all materials and machines remain on their side , all noise by laws and times are followed,. no restricion of access to road and property, any damage that occurs to our property ,we request a prompt and appropriate response and repair or replace damage

This e-mail and any attachments are the property of the Halton District School Board and are intended only for the use of the addressee(s) and may contain information that is privileged and/or confidential and/or protected under the Education Act, the Municipal Freedom of Information and Protection of Privacy Act and/or the Personal Health Information Protection Act. Unauthorized review, distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient please notify the sender, delete this message and do not print, copy, distribute or disclose it further.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

123 Stanley Avenue, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:62

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:202 – 154 Ward 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. The applicant obtains a Boulevard Parking Agreement to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:202 (154 Ward Ave. 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 and the conversion of single detached dwellings to include an second unit.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” within the Ainslie Wood Westdale Secondary Plan. Policies B.6.2.5.3 c), B.6.2.5.4 a) i) and B.6.2.13.1 b), amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335, C/S-1335a, C/S-720 and C/S-1788” (Urban Protected Residential, etc.) 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 one parking space to be provided on site, notwithstanding the minimum required two parking spaces, one per each Class A dwelling unit. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being met.

The discussion paper entitled Creating a House and Home dated September 2020, attached as Appendix “A” to Staff Report PED20093: Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock recommends that parking requirements for Second Dwelling units be reviewed based on the community and geographic area, recognizing that alternative modes of transportation can service the needs of the tenants in certain locations.

The subject property is located approximately 450 metres south of Main Street West which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes Nos. 1, 5 ,10 and 51 and is near a number of amenities, including: Alexander Park, St. Mary Catholic Elementary school, Canadian Martyrs Elementary school, McMaster University and various commercial uses along

Main Street West. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

Based on the foregoing, the 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

The applicant is requesting a variance to allow a minimum parking space length of 4.8 metres, notwithstanding the minimum required parking space length of 6.0 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The applicant is proposing to locate the proposed parking space within the existing driveway. While Staff is satisfied the existing driveway, which measures approximately 6.3 metres in length, is sufficient to accommodate a variety of vehicle sizes. Staff notes approximately 1.5 metres of the length of the driveway is within the Ward Avenue road allowance. Staff are not satisfied that the remaining 4.8 metres can accommodate a variety of vehicles without utilizing the portion of the driveway which is located within the Ward Avenue road allowance. In order to utilize this portion of the driveway for parking, the applicant must obtain a Boulevard Parking Agreement.

Subject to the applicant obtaining a Boulevard Parking Agreement, Staff is satisfied the proposed parking space length of 4.8 metres will be sufficient to accommodate a variety of vehicles as additional length can be supplemented with the Boulevard Parking Agreement.

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, on condition.

Variance 3

The applicant is requesting a variance to allow no landscaped area to be provided within the front yard, notwithstanding the Zoning By-law 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.

Based on the submitted site plan, the applicant is not proposing any reduction to the amount of landscaping existing in the front yard; however, the applicant has not provided a calculation of the percent of the front yard that is currently allocated to landscaped area. The variance to allow no landscaped area to be provided in the front yard would allow the applicant to remove all the landscape area that currently exists in the front yard which does not maintain a consistent streetscape. Staff recommend the application demonstrate what percent of the front yard will be allocated to landscaped area and amend the requested variance accordingly.

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

Recommendation:

Based on the preceding information, Variances 1 and 2 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variances 1 and 2 are considered to be minor in nature and desirable for the appropriate use of the property.

Variance 3, as requested, does not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. Variance 3, as requested, is not considered to be minor in nature nor desirable for the appropriate use of the property.

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

CONDITIONS: (If Approved)

1. The applicant obtains a Boulevard Parking Agreement to supplement the proposed parking space length to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The notice should be altered to delete variance # 3 entirely and replace it with the following: A minimum of 40 % front yard landscaped area shall be provided instead of the minimum required 50 % front yard landscaped area required to be provided.
2. ORDER TO COMPLY 16-208407 is still outstanding. Please contact the Building Construction section of the Building Division at (905) 546-2424 extension 7777 for further information.
3. Subject to the issuance of a building permit to establish the use.

Development Engineering:

No Comment

From: [Charles Graci](#)
To: [Committee of Adjustment](#)
Subject: Re: 154 ward ave
Date: November 3, 2020 11:54:28 AM

Hello:

Hope you are well. i am sending several photographs for comparison in relation to parking space size and parking space quantity. Also, front yard landscaping can be compared.

Thank you,

Charles Graci

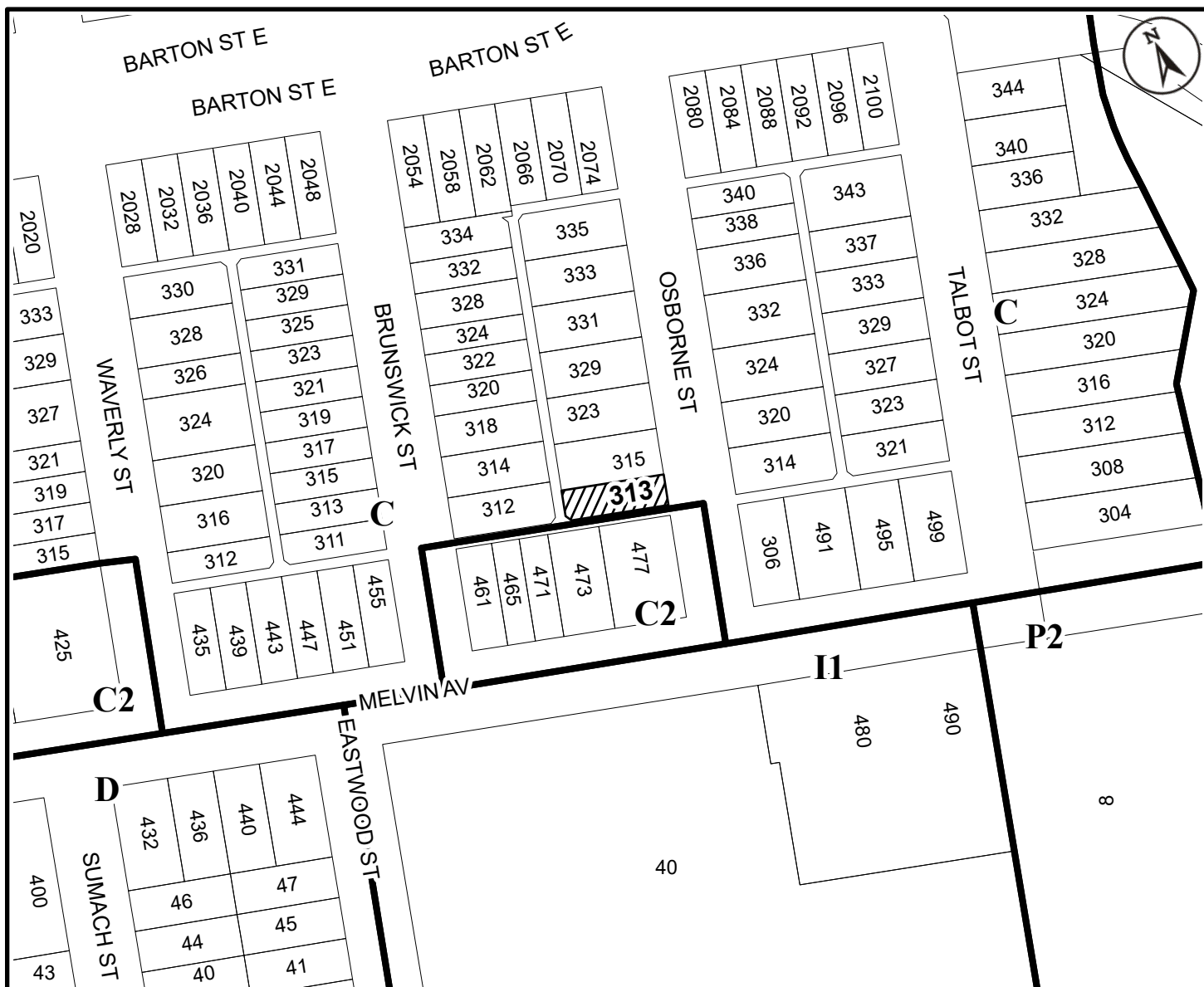
From: Committee of Adjustment <CofA@hamilton.ca>
Sent: Tuesday, November 3, 2020 8:44 AM
To: Charles Graci <charles_graci@outlook.com>
Subject: RE: 154 ward ave

Hi Charles,

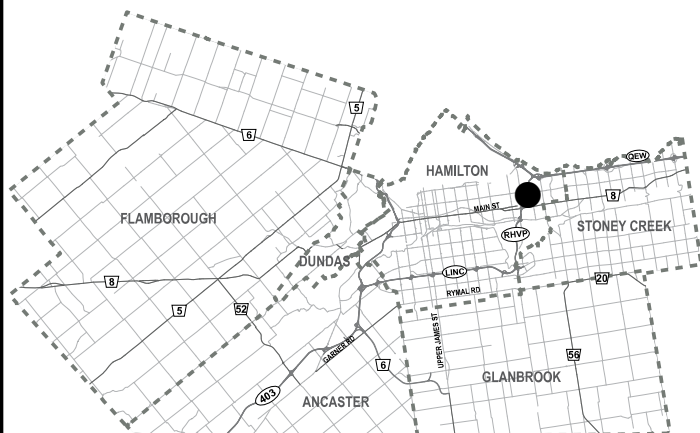
What exactly are you sending here. I only received a picture no explanation

From: Charles Graci <charles_graci@outlook.com>
Sent: November 3, 2020 11:23 AM
To: Committee of Adjustment <CofA@hamilton.ca>
Subject: 154 ward ave





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



313 Osborne Street, Hamilton
(Ward 4)

File Name/Number:

HM/A-20:201

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:203 (3 Avalon Ave., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of an unenclosed porch in the side yard on a residential parcel, notwithstanding the following variance.

Urban Hamilton Official Plan

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

Old Town Planning District Secondary Plan

The subject lands are designated “Low Density Residential 2a” within the Old Town Secondary Plan. Policy B.7.2.2.2 amongst others, are applicable and permit single detached dwellings.

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

The subject lands are zoned Single Residential “R2” Zone, which permits a single detached dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum side yard of 1.80 metres to be provided to the proposed unenclosed porch, notwithstanding the minimum required side yard abutting the flankage lot line of 3.0 metres. 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 subject property is located at the corner of Avalon Avenue and Second Street North. In accordance with Stoney Creek Zoning By-law No. 3692-92, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line. Therefore, the Avalon Avenue property line is considered the front lot line and the proposed porch will be located in the required side yard of the subject property.

Staff acknowledge that while Avalon Avenue is the front lot line, the Second Street North functions as the front yard for the subject lands and the proposed development will function as a front porch.

Staff acknowledge there is approximately 7.0 metres of City boulevard between the side property line and Second Street North. Staff is satisfied the side yard setback of 1.8 metres and the 7.0 metres of City Boulevard will allow for an appropriate distance separation between the porch and the street. This portion of Second Street North is

characterized by one to one and a half storey single detached dwelling many of which maintain a front porch. Staff is satisfied the proposed porch will not detract from the established the residential streetscape. The variance is minor in nature and desirable for the development of the site.

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

Recommendation:

Based on the preceding information, the requested 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.

Building Division:

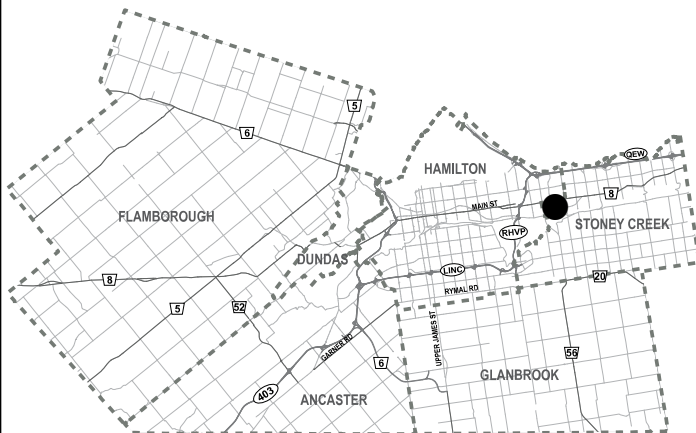
1. A building permit is required for the construction of the proposed unenclosed porch. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. Note that as per Stoney Creek Zoning By-law No. 3692-92, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lone line (lot line abutting Second Street North) and the longer lot line that abuts a street shall be deemed to be the side lot line (lot line abutting Avalon Avenue).
3. Note that as per Section 4.19.1(d) of Stoney Creek Zoning By-law 3692-92, an unenclosed porch/deck is not permitted to encroach into any required side yard; therefore, the variance required is to the principal side yard setback established by Section 6.3.3(d)(3).

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3 Avalon Avenue, Stoney Creek
(Ward 5)

File Name/Number:

SC/A-20:203

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:214 (725 Britannia Ave., 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 the basement unit to be 50.0 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 and 3

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 submitted Site Plan shows a total of three parking spaces, two of which are proposed to be provided in tandem. The two parking spaces in tandem will be located on the existing driveway in the front and side yard of the subject property, and the third parking space will be located on the proposed extension to the driveway located in the front yard.

Two of the proposed parking spaces will have direct, unobstructed access onto Britannia Avenue. Staff are satisfied the road provides sufficient space to aide the moving of a vehicle to and from the site, with adequate visibility. Therefore, this would fulfill the minimum requirement for providing one independent parking spaces for each Class A dwelling unit.

Staff note, however, the proposed extension to the driveway can not be supported, as discussed below, and there is no alternative location to provide a second parking space with direct access onto Britannia Avenue. The provision of tandem parking to exclusively serve the two dwelling units does not respect the intent of the Zoning By-law as it would result in jockeying of vehicles within the road allowance of Britannia Avenue.

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 appropriate use of the site nor minor in nature; therefore, staff do not support the variances in combination with Variance 4.

Variance 4

The applicant is requesting a variance to allow the required two parking spaces to be located within the front yard, notwithstanding the Zoning By-law requires that parking for only one of the dwelling units may be located with the required front yard. The general intent of the Zoning By-law is to maintain a consistent residential streetscape.

This portion of Britannia Avenue is characterized by one storey single detached dwelling that maintain large, fully landscaped front yards with narrow driveways to one side of the dwelling. The applicant is proposing to extend the existing driveway and establish a parking space in front of the dwelling on the subject property. Staff are of the opinion the variance to allow a second parking space in the front yard is not in keeping with the character of the area or the established streetscape on this portion of 725 Britannia Avenue.

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

Recommendation:

Based on the preceding information, Variance 1 maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 1 is considered to be minor in nature and desirable for the appropriate use of the property.

Variances 2, 3 and 4 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. Variances 2, 3 and 4 are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be denied.

Building Division:

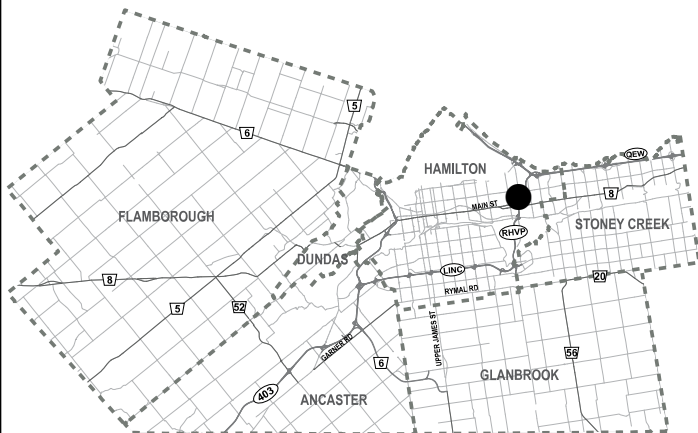
Subject to the issuance of a building permit in the normal manner.

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



725 Britannia Avenue, Hamilton
(Ward 4)

File Name/Number:

HM/A-20-214

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:211 (886-894 King St. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing two storey building to a multiple dwelling containing 11 dwelling units, 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.4.2.4, E.4.6.4, E.4.6.7, E.4.6.8 amongst others, are applicable and permit multiple dwellings.

Cultural Heritage:

The existing building on the subject property is included on the municipal heritage inventory as a non-designated property. Staff are of the opinion that the proposal will not have an adverse impact on the heritage attributes of the building and have no concerns with the proposal from a cultural heritage perspective.

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

The subject lands are zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow the finished floor elevation of any dwelling unit to be less than the minimum 0.9 metres above grade and to allow no minimum setback to a street line be required for residential dwelling units on the ground floor level, notwithstanding the requirement that the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade and the minimum required setback of 3.0 metres to a street line for all residential dwelling units on the ground floor level. The intent of the Zoning By-law is to maintain a consistent streetscape and to create an environment that is oriented and accessible to pedestrians, particularly along main streets.

King Street East is identified as a Primary Corridor on Schedule E- Urban Structure of the Urban Hamilton Official Plan and is characterized by a variety of commercial, residential and mixed use buildings with little to no setback from the front property line.

The existing two storey building on the subject property contains five commercial units on the ground floor and six residential dwelling units on the second floor. The applicant is proposing to convert the existing commercial units on the ground floor into residential dwelling units for a total of 11 dwelling units. No elevation drawings have been submitted,

however the applicant has confirmed that no exterior modifications are being proposed to the existing building.

The variances are maintaining the general intent of the Zoning By-law as Staff do not anticipate any impact to the established streetscape as a result of maintaining the existing conditions on site.

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

Recommendation:

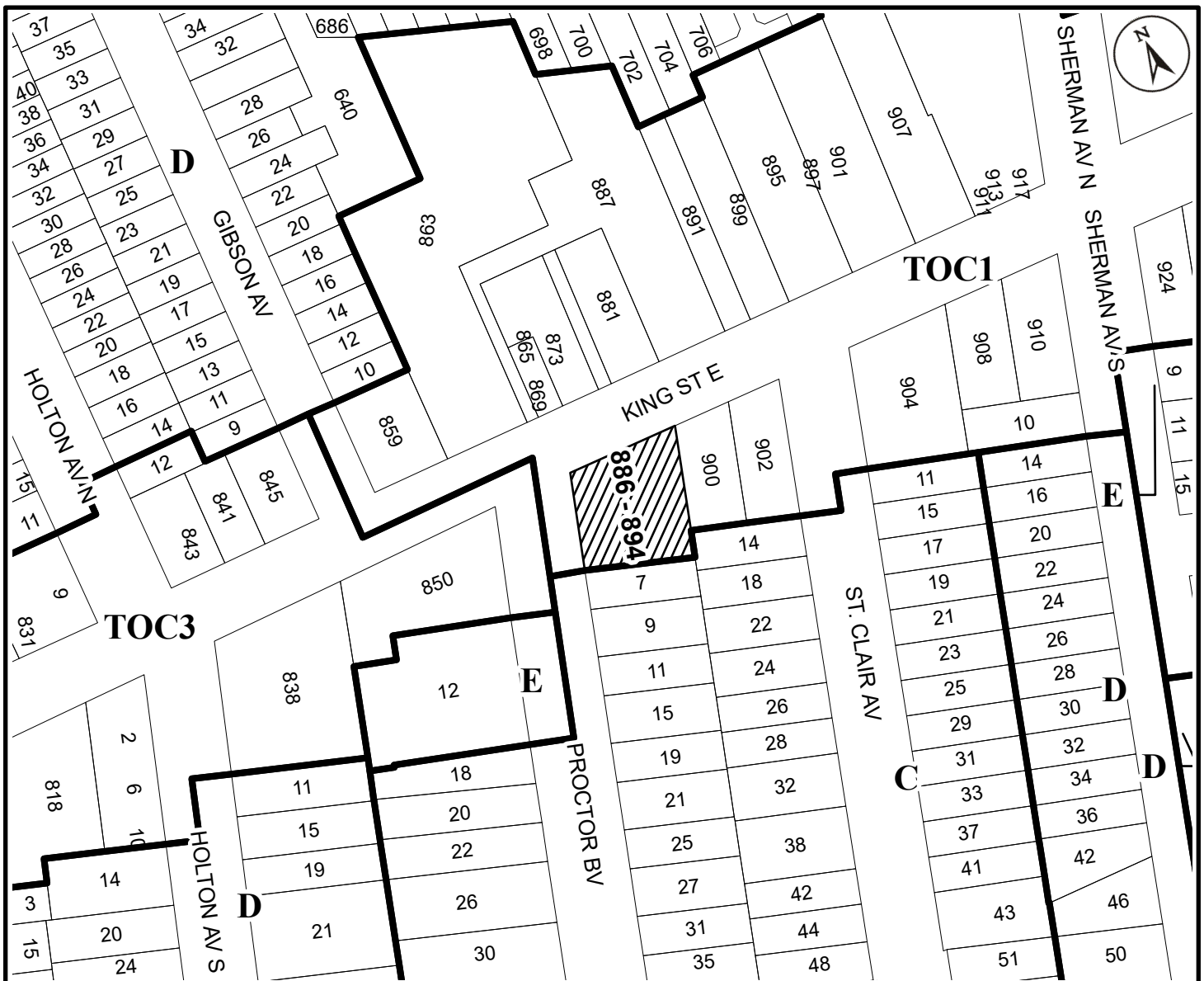
Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In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

Building Division:

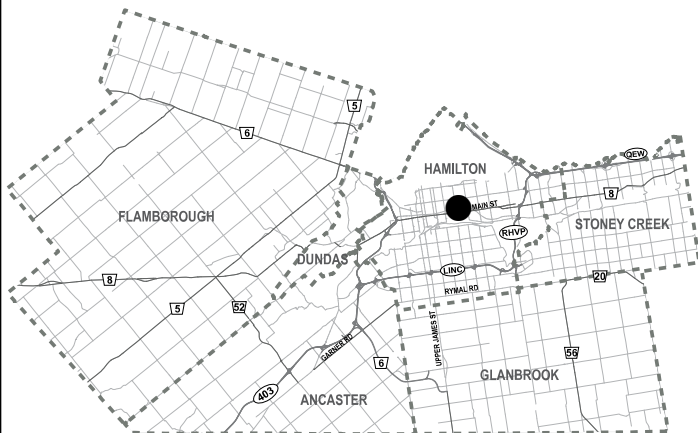
1. A further variance will be required if the minimum required amenity area for a Multiple Dwelling in accordance with Section 11.1.3 h) of the Zoning By-law is not provided.
2. A further variance may be required if a Visual Barrier in accordance with Section 4.19 of the Zoning By-law is not provided along the southerly lot line and a portion of the easterly lot line abutting a Residential Zone.
3. A further variance may be required if the number of parking spaces which existed on the date of the passing of the By-law (October 12, 2016) are no longer provided and maintained.
4. Conversion of the existing building to a Multiple Dwelling containing 11 dwelling units is subject to the issuance of a building permit from the Building Division. Be advised that the Ontario Building Code may require specific setbacks and construction types.
5. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest.
6. The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division.
7. Building permit 20-180876 issued October 19, 2020 for alterations to preform demolition of all interior finishes on the ground floor of the existing mixed-use building remains not final.

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



886 - 894 King Street East, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:211

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:210 (13 Gibson Ave., 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, 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 157.0 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 between the rear yard and deck, and the front porch to satisfy the needs of the tenants.

The submitted Site Plan shows two parking spaces located partially within the front yard and partially within the Gibson Avenue road allowance. As further discussed below, Staff is not supportive of the location of the proposed parking spaces and the subsequent reduction in the amount of landscaped area in the front yard. As such, Staff is not satisfied the subject property is sufficient in size to accommodate the necessary parking spaces or landscaped area for a dwelling converted to contain two units.

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

Variance 2

The applicant is requesting a variance to allow no parking spaces to be provided on site, notwithstanding the minimum required two parking spaces, one per each Class A dwelling unit. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being met.

The submitted Site Plan shows two parking spaces located partially within the front yard and partially within the Gibson Avenue road allowance. Correspondence from the Parking Division dated September 24, 2020 and included in the Agenda Package, indicates the applicant has requested a Boulevard Parking Agreement for the proposed parking spaces.

As further discussed below, Staff is not supportive of the location of the proposed parking spaces and the subsequent reduction in the amount of landscaped area in the front yard. Staff recommend the applicant reconsider the number of parking spaces proposed within the front yard and City Boulevard.

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

Variance 3

The applicant is requesting a variance to allow a minimum of 24.0% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law 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 and to ensure sufficient permeable surface is being provided on site. Staff defer any drainage concerns to Development Engineering.

While Staff acknowledge a number of the properties in the surrounding area, along Gibson Avenue, have paved the majority of the required front yard; no variances have been received to implement the reduction in the landscaped area within the front yard and therefore should not set a precedent for other properties in the area.

The proposed reduction in landscaped area will facilitate a second parking space in the front yard. The proposed widening of the driveway access will remove an on street parking space thus making the proposed second parking space redundant.

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

Variance 4

The applicant is requesting a variance to allow a minimum driveway width of 2.7 metres, notwithstanding the minimum required driveway width of 2.8 metres. The general intent of Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

Staff is satisfied the proposed driveway width of 2.7 metres is sufficient for vehicles to manoeuvre to and from the proposed parking space which has direct, unobstructed access to Gibson Avenue. However, the proposed driveway width will facilitate a second parking space in the front yard which cannot be supported by Staff as discussed above.

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

Recommendation:

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that the variances be denied.

Building Division:

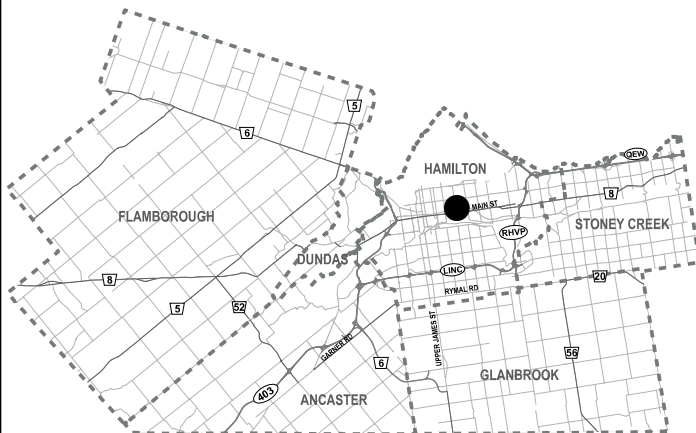
1. The requested variances are written as requested by the applicant.
2. The applicant is proposing to establish parking spaces through a Boulevard Parking Agreement with the City (currently under review) as the parking spaces provided on the site plan are undersized. The parking space within the driveway is 5.01 metres in length and the parking space in the front yard is 3.05m in length. As part of the landscaped area of the front yard is being removed, this deficiency is to be addressed through Variance #3.
3. A building permit is required for the creation of the proposed second dwelling unit.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units. (A portion of Unit 1 would include the basement).

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



13 Gibson Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:210

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:212 (40 Harvey St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, which permits 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 263.0 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. Staff is satisfied sufficient landscaped and amenity area is being provided between the rear yard, existing rear porch, and existing front porch, to satisfy the needs of the tenants. 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,

While the minimum required two parking spaces is shown on the submitted Site Plan, the amount of manoeuvring space adjacent to the parking spaces is not sufficient to safely aid the moving of a vehicle to and from the site, with adequate visibility. 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 no manoeuvring to be provided for the two required parking spaces, notwithstanding the Zoning By-law requires a minimum manoeuvring aisle width of 6.0 metres abutting and accessory to each required parking space provided and maintained 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, unobstructed access onto the adjacent laneway, allowing for independent spaces which the residents can access without impacting other tenants.

One of the proposed parking spaces will be located in the existing garage and the other parking space will be located adjacent to the existing garage. Based on the submitted site plan drawing, there is approximately 1.0 metre of space adjacent to the proposed parking spaces which can function as manoeuvring space for the proposed parking spaces. In addition, the adjacent laneway at the rear of the subject property is approximately 3.8 metres in width.

While Staff acknowledge the location of the garage and amount of manoeuvring space adjacent to the garage is an existing condition, Staff are concerned the garage will obstruct the visibility for vehicles manoeuvring out of the proposed parking space adjacent to the garage. Staff is not satisfied the 1.0 metre of manoeuvring space between the parking spaces and the rear property line provides sufficient space to safely aide the moving of a vehicle to and from the site, with adequate visibility. The variance is not desirable for the development nor minor in nature as the it is anticipated the variance will pose a safety concern on the adjacent alleyway.

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, While Variance 1 maintains the general intent and purpose of the Urban Hamilton Official Plan, the variances do not maintain the general intent of the former City of Hamilton Zoning By-law No. 6593. The variances are not considered to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that the variances be denied.

Building Division:

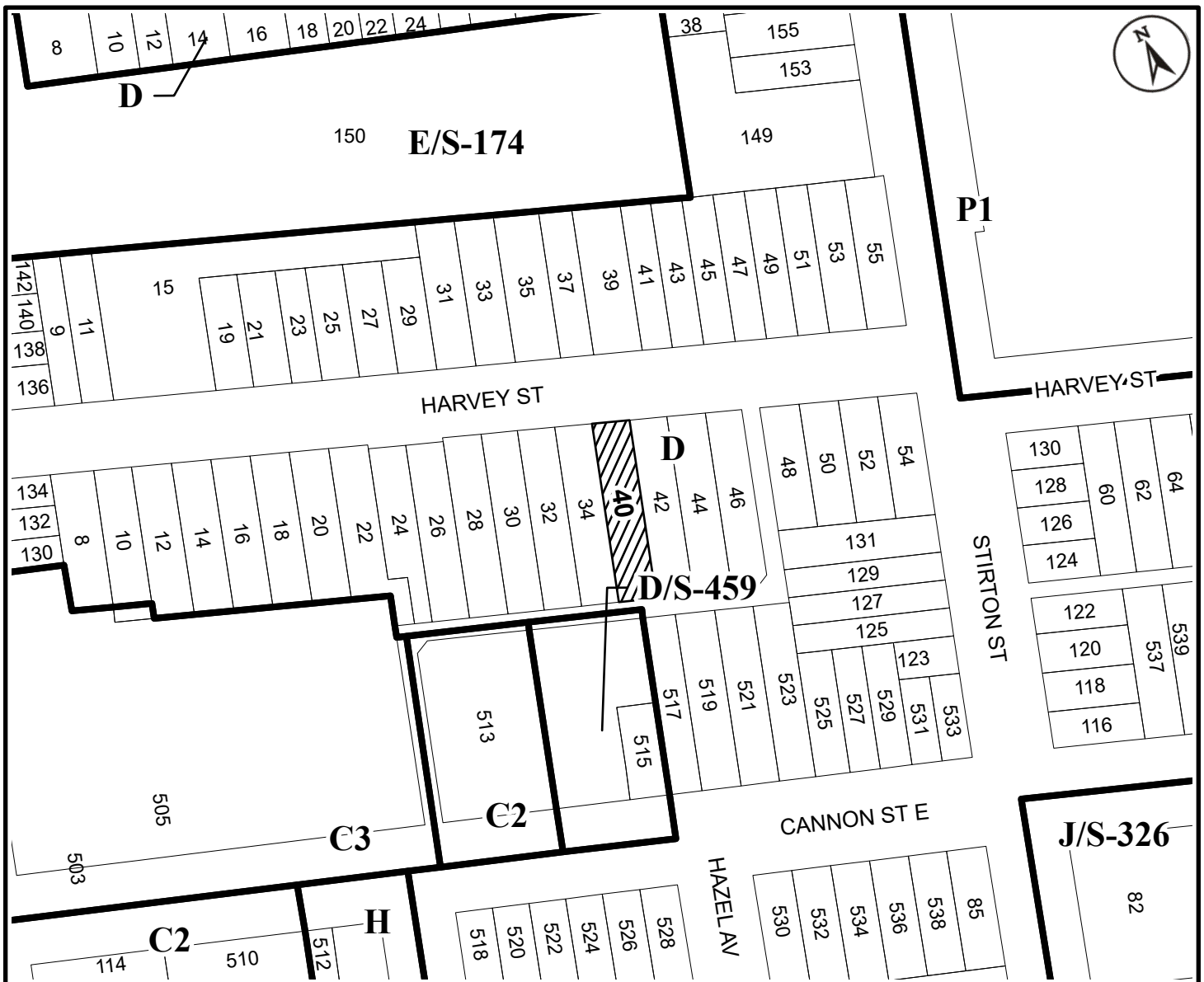
1. The variance is written as requested by the applicant.
2. The applicant is proposing parking in the rear yard that is abutting a laneway and is based on the provision of one parking space per unit. For single family dwellings and two family dwellings, where rear yard parking is permitted off of an alleyway, the required manoeuvring space for a maximum of two (2) parking spaces is permitted to be on the alleyway instead of in the rear yard.

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

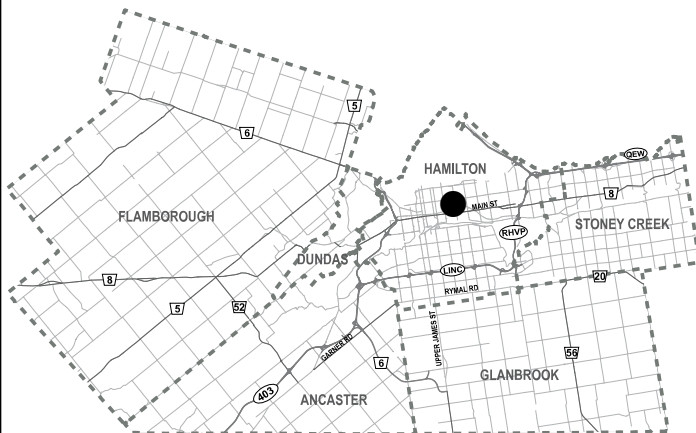
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



40 Harvey Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:212

Date:

October 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:205 (19 Father Csilla Terrance, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – (Suburban)

The purpose of this application is to permit the modification of a townhouse dwelling end unit at the southeast corner of the dwelling along the end wall to accommodate a 4.16 square metre addition for an elevator shaft required for mobility/accessibility purposes, notwithstanding a variance is required to permit the proposed distance between two exterior walls containing no windows.

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 townhouse dwellings. 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 “DE/S-1223” District (Multiple Dwellings) which permits townhouse dwellings, subject to the applicable provisions.

Variance 1

A minimum 3.7 m distance is proposed between two exterior walls containing no windows, whereas a 4.5 m minimum distance is required by the Zoning By-law. The intent is to provide adequate separation for access and maintenance. The distance between the two walls is currently 5.66 m. Approval of the variance would permit the distance to be reduced to 3.7 m for the 2 m by 2 m elevator shaft only. Staff is of the opinion that adequate access and maintenance is provided. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Staff notes that the subject lands are under condominium ownership. As a result, staff recommends that the Condominium description be amended.

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. The requested variances is written as requested by the applicant.
2. The variance noted is to modify a provision contained within Site-Specific 1023 for the DE District created under Amending By-law 87-186, as amended by the Ontario Municipal Board for the distance between two exterior end walls where there are no windows.
3. Building Permit # 20-174397, issued on July 17, 2020 to permit the proposed elevator shaft addition on two floors remains under review and not finalized.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Provided that the existing drainage pattern is maintained, the Development Approvals Section has no issues with the Minor Variance as proposed.

See attached for additional comments.

October 27, 2020

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

Attention: Scott Baldry

File# HM/A-20:205

Re: 19 Father Csilla Terrace

In response to your correspondence dated October 23, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Proposed excavation for elevator addition in close proximity to existing underground secondary service location, Ontario One Call for locates required.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)

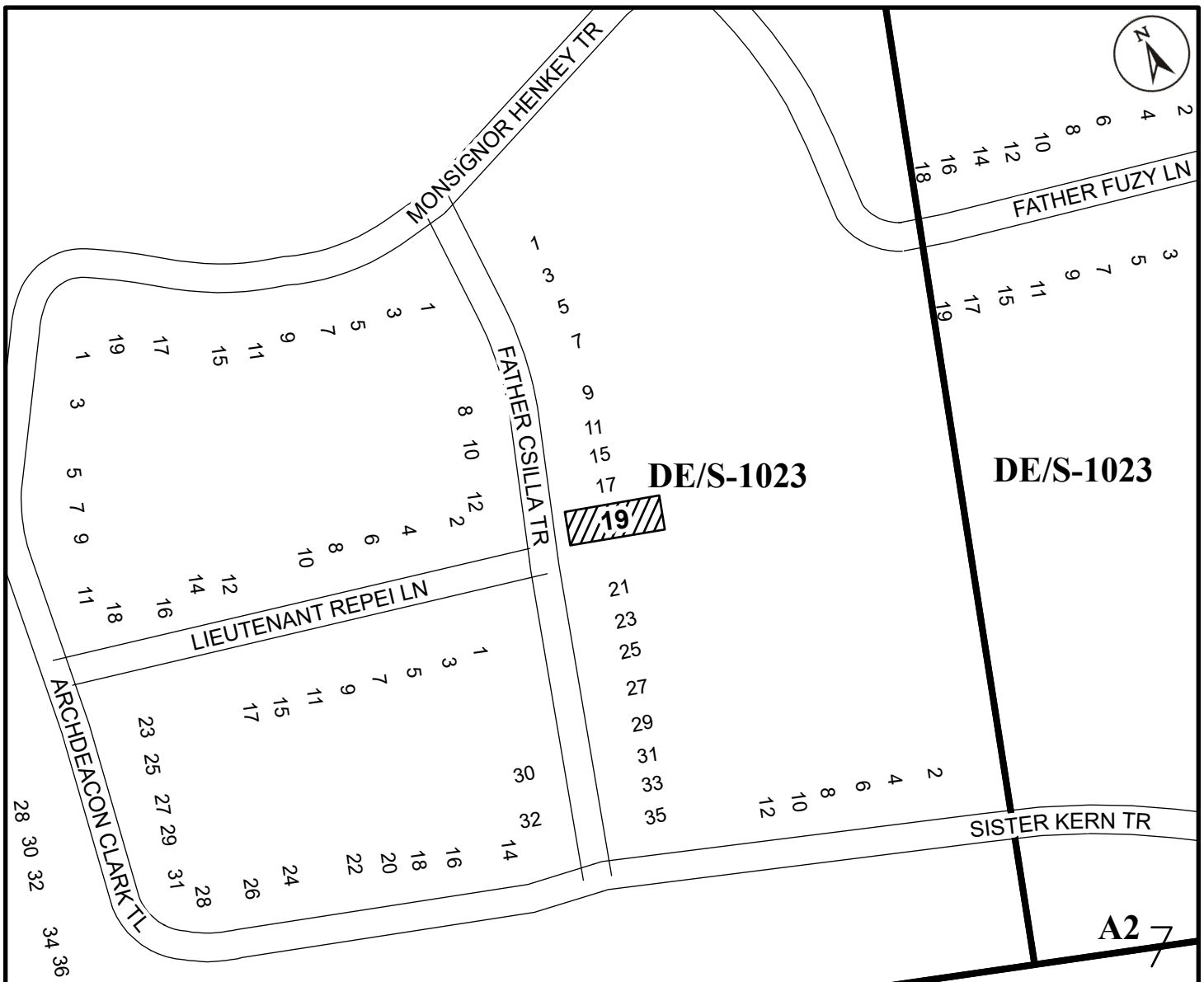
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

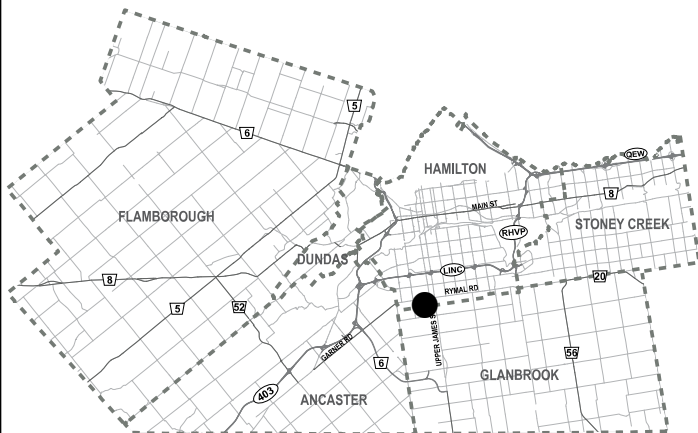
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



19 Father Csilla Terrance, Hamilton
(Ward 8)

File Name/Number:

HM/A-20:205

Date:

October 29, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:207 (238 East 11th St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a roofed-over unenclosed porch addition, including stairs, roof, eaves and gutter, to the easterly side of the existing single detached dwelling, notwithstanding that a variance is required to permit the proposed reduced minimum easterly side yard width.

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, subject to the applicable provisions.

The subject lands are located at the southwest corner of Brucedale Ave E and East 11th Street. The Building Division has determined that the lot line abutting Brucedale Ave E is deemed the front lot line, and therefore the lot line abutting East 11th Street is deemed to be a side lot line. The roofed-over unenclosed porch addition is proposed in the yard abutting East 11th Street, being the easterly side yard.

The Minor Variance sketch shows the stairs of the proposed porch addition encroaching 4 ft 7 in (±1.4 m) onto the public right-of-way to be as close as 11 ft 2 in (±3.5 m) from the City Sidewalk. Staff notes that approval of this variance would permit the addition to be as close as 0.0 m from the lot line but would not permit the addition to encroach onto the public right-of-way. Staff recommends that the applicant explore options to re-design the addition to be entirely on private property.

Variance 1

A minimum easterly side yard width of 0.0 m is proposed, whereas a minimum of 1.2 m is required by the Zoning By-law. Although the yard is deemed a side yard, the architectural front façade of the dwelling faces East 11th Street and provides access to the dwelling, whereas there are no doors along the north façade facing Brucedale Ave E. The existing dwelling is set back approximately 5 ft 10 in (±1.78 m) from the East 11th St lot line. As this easterly side yard functions as a front yard, staff has reviewed the proposal

against the general intent of a front yard setback which is to aid in creating and maintaining a consistent streetscape, and to ensure adequate space for requirements such as landscaping and parking.

Based on the approved drawing for building permit 11-113304, the proposed porch addition is located no closer to the easterly lot line than the deck that is shown in the drawing and has less floor area than the deck. The porch addition does not negatively affect the provision of landscaping or parking. It is desirable to provide shelter at entrances. Further, staff notes that the existing setback of ± 1.78 m to the dwelling and the 1.2 m minimum yard requirement leave a depth of ± 0.58 m making it difficult to provide access to the above-grade door that both conforms to the zoning and meets Ontario Building Code requirements for landings. As a result, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

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

Building Division:

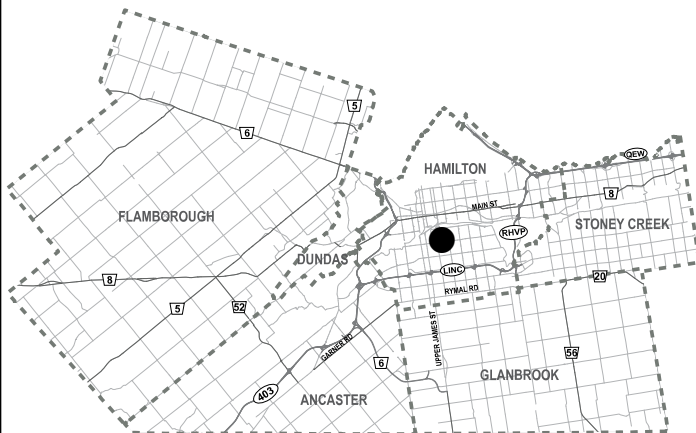
1. Pursuant to building permit 11-113304 issued August 12, 2011 for the construction of an accessory structure in the rear yard, the lot line abutting Brucedale Avenue East is deemed to be the front lot line. As such, the lot line abutting East 11th Street is deemed to be a side lot line.
2. As a roofed-over unenclosed porch is not permitted to encroach into a minimum required side yard; therefore, the proposed construction is deemed to be an addition to the existing single family dwelling and principal building setbacks have been applied.
3. A building permit is required for the construction of the proposed addition. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. An encroachment agreement with the Public Works Department may be required for any portion of the proposed structure which projects onto the road allowance.

Development Engineering:

Since the side yard sheet flows to East 11th Street, we have no objection to the Minor Variance as proposed, provided that the existing drainage pattern is maintained. Please note that any encroachment of the porch, stairs, etc. onto the municipal right-of-way will be subject to approval of an Encroachment Agreement with the City.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



238 East 11th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:207

Date:

October 26, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:209 (223 Wilson St. E., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the development of a new 398.44 square metre one storey office building notwithstanding that variances related to the westerly side yard, building and façade height, and the provision of parking are required to facilitate the proposal.

The variances are requested to facilitate Site Plan Control Application DA-20-024, which was granted conditional approval on April 3, 2020.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and within a “Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Ancaster Wilson Street Secondary Plan and are identified within a “Community Node” and within the “Village Core” Character Area on Appendix A and designated “Mixed Use – Medium Density” on Land Use Plan Map B.2.8-1 (UHOP – Volume 2). Policy E.4.6.5 (UHOP – Volume 1) permits the proposed office use. As a result, staff is of the opinion that the proposal maintains the intent of the Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus, Exception 570 (C5a, 570), which permits offices, subject to the applicable provisions.

Variance 1

A 2.7 m minimum westerly side yard is proposed, whereas a minimum of 7.5 m is required by the Zoning By-law. The intent of the provisions is to provide adequate space for access, maintenance, drainage, and compatibility between abutting uses. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

Staff is satisfied adequate space is provided for access and maintenance. However, in the opinion of staff, the proposed 2.7 m setback does not provide the physical separation to maintain compatibility between the proposed commercial use and the residential use on the abutting lot. Further, staff notes that there is an existing 3.0 m wide access easement along the westerly lot line. Based on the foregoing, while the variance maintains the intent of the Official Plan, the variance is not desirable or minor and does not maintain the intent of the Zoning By-law. Staff **does not** support the variance.

Variances 2 & 3

A minimum façade height of 4.7 m is proposed for the portion of the building along the street line, whereas a minimum of 7.5 m is required by the Zoning By-law (Variance 2). A maximum first storey height of 4.9 m is proposed, whereas a maximum of 4.5 m is permitted by the Zoning By-law (Variance 3). The intent of the provisions is to maintain a cohesive streetscape and the neighbourhood character.

Although a one-storey building is proposed, the maximum building height approaches 9 m which is consistent with the streetscape and in keeping with the neighbourhood character. The variances are consistent with the Conditionally Approved Elevations which were reviewed by Urban Design and Cultural Heritage staff through Site Plan Control Application DA-20-024 and there are no further concerns regarding the proposed façade height and first storey height from an urban design or cultural heritage perspective. Based on the foregoing, staff is of the opinion that the variances maintain the intent of the Official Plan and Zoning By-law, and that they are desirable and minor in nature. Staff **supports** the variances.

Variances 4 & 5

Three (3) tandem parking spaces are proposed, whereas tandem parking is not permitted by the Zoning By-law (Variance 4) and the Zoning By-law requires that all 90-degree parking spaces provide a minimum 6.0 m width for manoeuvring (Variance 5). The intent of the provisions is to ensure the functionality of parking spaces. In the opinion of staff, tandem parking for commercial uses causes practical difficulties without a parking attendant or valet service and therefore the proposed variance does not meet the intent of the Zoning By-law. Further, the parking area layout leaves little room for vehicular manoeuvring whereas some additional manoeuvring space is desirable when the vehicle in the obstructed parking space is leaving and the vehicle that was blocking them in is staying. Based on the foregoing, while the variances maintain the intent of the Official Plan, the variances are not desirable or minor and do not maintain the intent of the Zoning By-law. Staff **does not** support the variances.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that **Variances 2 and 3** maintain the purpose and intent of the Official Plan and the Zoning By-law. Variances 2 and 3 are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that Variances 2 and 3, as outlined in the Notice of Hearing, be **approved**; and,

That **Variances 1, 4, and 5**, as outlined in the Notice of Hearing, be **denied**, as they do not maintain the intent of the Zoning By-law, are not desirable for the appropriate development of the land, nor minor in nature.

Building Division:

1. The notice should be altered to delete in variance # 3, the number “4.9 m” and replace it with the number “9.0 m”. The variance should read as follows: A maximum building height of 9.0 m shall be provided for the first storey whereas the ByLaw states that the first storey shall have a minimum height of 3.6 m and a maximum height of 4.5 m; and
2. The notice should be altered to include in the notes the following:

Variances have been written as requested by the applicant.
3. Building Permit # 20-166033, issued on June 15, 2020, (to demolish a 44.0 m² accessory structure in the rear yard of the single-family dwelling) remains not finalized.
4. A building permit is required for the construction of the proposed development.

Development Engineering:

For the information of the Committee, all issues pertaining to the grading/drainage and servicing of this property shall be dealt with under development application DA-20-024 to the satisfaction of the Manager of Engineering Approvals.

See attached for additional comments.



October 28, 2020

288-18

Via Email

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

RE: 223 Wilson Street East, Hamilton
Minor Variance Application
AN/A-20:209

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of T. Valery Construction Ltd. and submitted the subject Minor Variance application on October 1, 2020 regarding the above address. The initial cover letter for the Minor Variance application includes variances that were requested however were not included in the Notice of Minor Variance Hearing. This includes requested Variance which reads:

- To permit 0 short -term bicycle parking spaces whereas 5 short-term parking spaces are required.

This variance was requested in accordance with the City of Hamilton By-law No. 17-240 to amend By-law 05-200 relating to the commercial and mixed-use zones in the City of Hamilton. Although this By-law is not Final and Binding, we wish to keep this variance included to ensure conformity once By-law No. 17-240 is in effect.

Through discussions with Maria Romano on October 22, 2020 it has been determined that although the proposed building appears to be 2 storeys there is only 1 floor in keeping with Urban Design Guidelines and therefore Variance No. 3 shall be revised to read:

- A maximum building height of 9.0 metres shall be provided for the first storey whereas the By-law states that the first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.

The Notice of Public Hearing included a note suggesting a Minor Variance may be required in regard to achieving 60% glazing on the facades. We have reviewed this in detail and hereby request this additional variance which shall read:

- To permit 20% of the area of the ground floor façade facing the street shall be composed of doors and windows.

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

- Variance No. 1: A minimum westerly side yard of 2.7 metres shall be provided instead of the minimum required 7.5 metre side yard abutting a residential or institutional zone of lot containing a residential use;
- Variance No. 2: A minimum façade height of 4.7 metres shall be provided whereas a minimum of 7.5 metres façade height for any portion of a building along a street line is required;
- Variance No. 3: A maximum building height of 9.0 metres shall be provided for the first storey whereas the By-law states that the first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres;
- Variance No. 4: Tandem parking shall be permitted to be provided on site whereas all required parking shall be provided with adequate means of ingress to and from the street or laneway without the necessity of moving another motor vehicle;
- Variance No. 5: To permit tandem parking whereas all required parking shall have a minimum manoeuvring space aisle width of 6.0 metres for a parking space designed at a 90-degree angle;
- Variance No. 6: To permit 0 short-term bicycle parking spaces; and,
- Variance No. 7: To permit 20% of the area of the ground floor façade facing the street shall be composed of doors and windows.

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

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, BA
Planning Technician

cc: Messrs. Ted and Paul Valeri, Valery Homes (via email)
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (via email)

October 27, 2020

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

Attention: Scott Baldry

File# AN/A-20:209

Re: 223 Wilson St E

In response to your correspondence dated October 23, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

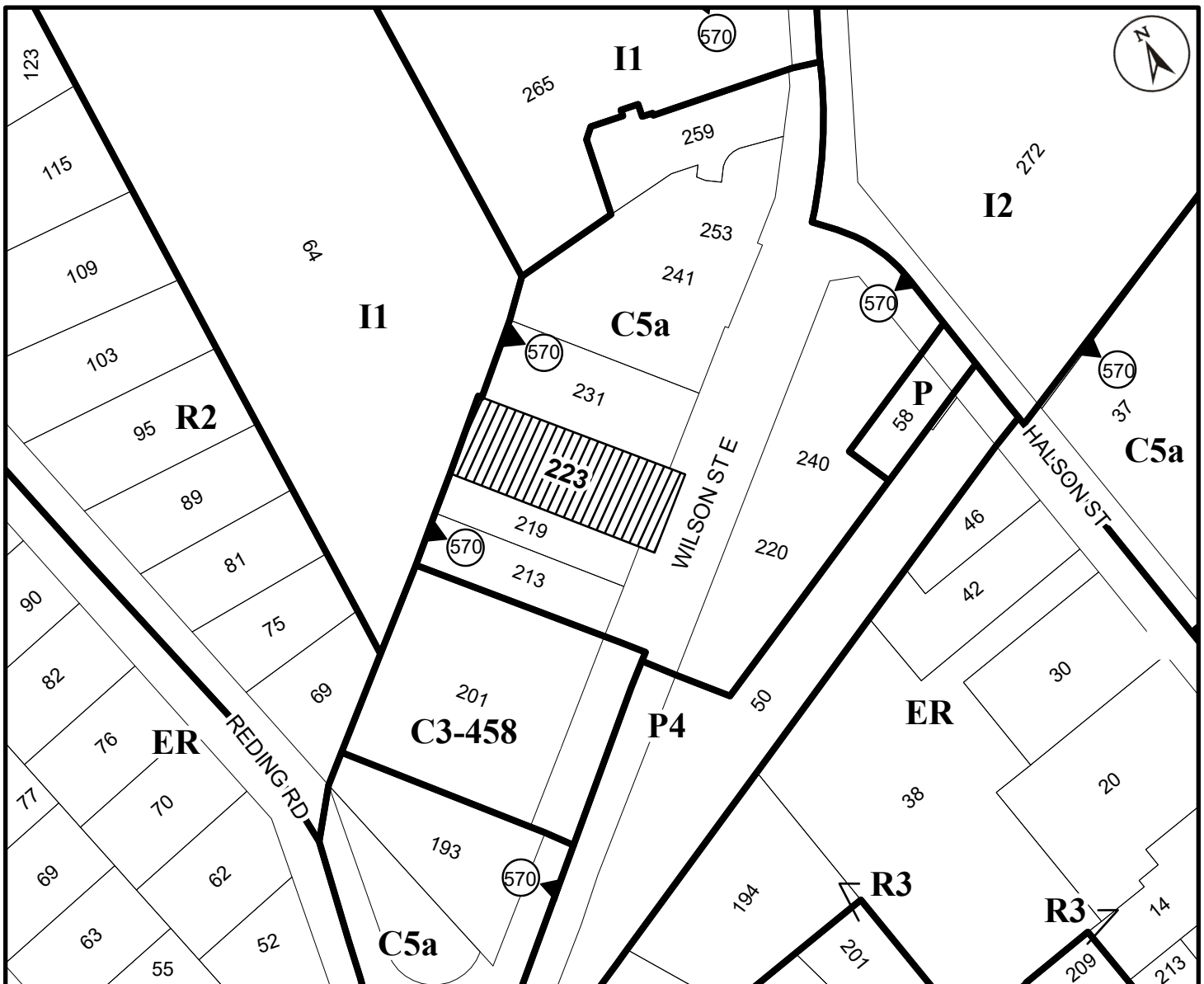
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

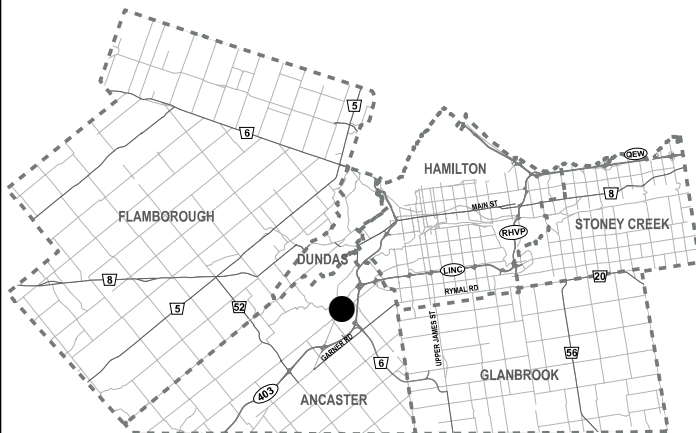
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



223 Wilson Street East, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:209

Date:

October 26, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:24 – 1342 Stone Church Rd. E., Hamilton)

Consolidation Report

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

Should the Committee 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. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the abutting parcel to the north, municipally known as 1320 Stone Church Rd E, and become one parcel of land.
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division - Building Engineering Section).
4. The owner shall provide confirmation of the existing uses on the lands to be retained in order to determine zoning compliance with the permitted uses of the M3 zone or alternatively apply for and receive final approval of a Zoning By-law Amendment 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 retained, including the location of any existing structures, parking, landscaping, outdoor areas used for storage, display and/or training, 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 pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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

HM/B-20:24 (1342 Stone Church Rd. E., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of an irregular parcel of land having an area of ± 1.5 acres, and to retain a ± 93.034 m by ± 252 m parcel of land having an area of ± 5.5 acres. The severed lands are proposed to be assembled with the property municipally known as 1320 Stone Church Road East.

History

Consent Application HM/B-20:24 was heard by the Committee of Adjustment on July 16, 2020. Staff recommended the application be tabled until dimensioned drawings describing the proposed severance are submitted and site plan control matters are addressed. A dimensioned drawing was submitted and an exemption from Site Plan Control was granted on September 14, 2020.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule “E” – Urban Structure and designated “Business Park” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.5.4.3 applies, amongst others, and permits uses which primarily support industry, such as the existing industrial office and training buildings.

The UHOP permits minor lot adjustments provided there is no increased fragmentation of a core area and the adjustment does not conflict with the intent of UHOP policies (F.1.14.3.6). The subject lands are not within a core area and staff is of the opinion that the proposal does not conflict with the intent of UHOP policies. As a result, staff is of the opinion that the consent conforms to the UHOP.

The entirety of both the severed and retained lands, and the lands municipally known as 1320 Stone Church Rd E, are regulated by the Hamilton Conservation Authority (HCA). The HCA provided correspondence dated July 13, 2020, indicating that they have no objections to the proposed consent.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Prestige Business Park (M3) Zone which permits a variety of employment uses, subject to the applicable provisions. The proposed use of the severed lands was not provided.

Recommendation:

Staff is satisfied that the proposed consent conforms to the Official Plan, and that the minor lot adjustment is suitable. Having regard for the matters under subsection 50(12) of the Planning Act, Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be approved subject to the condition outlined below.

CONDITION: (If Approved)

1. That, pursuant to subsection 50(12) of the Planning Act, it is hereby stipulated that subsection 50(3) or subsection 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that the severed lands, as outlined in the Notice of Hearing, will merge with the abutting parcel to the north, municipally known as 1320 Stone Church Rd E, and become one parcel of land.

Building Division:

1. The site plan submitted with this application is illegible. The applicant shall submit a survey clearly delineating the lands to be conveyed and the lands to be retained, the location of all existing buildings, all existing parking areas, landscaped areas and any other outdoors areas which may be used for storage or training facilities.
2. The applicant shall provide confirmation of the existing uses on the lands to be retained, including the specific use of each individual building together with the gross floor area of each existing building.
3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fee.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
5. The lands to be conveyed shall be merged in title with the lands to which they area to be added.
6. The lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.

CONDITIONS:

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 - Building Engineering Section).

2. The owner shall provide confirmation of the existing uses on the lands to be retained in order to determine zoning compliance with the permitted uses of the M3 zone or alternatively apply for and receive final approval of a Zoning By-law Amendment 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 retained, including the location of any existing structures, parking, landscaping, outdoor areas used for storage, display and/or training, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

The severed lands do not have any proposed work identified and is not considered to be development. Therefore, Development Engineering Approvals do not have any comments regarding the Severance Application as proposed. For the information of the Owner / Applicant, if in the future there are proposed sewers, watermains, structures and grading alterations it would be subject to review and permits by the City.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application. The site plan with the application shows an existing shared driveway access. Confirmation of a legal agreement/easement is required to ensure continued shared use if/when either property is under new ownership/management.

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 27, 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: 1342 Stone Church Road East, Hamilton
File: HM/B-20:24

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, November 5, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape Plan required.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

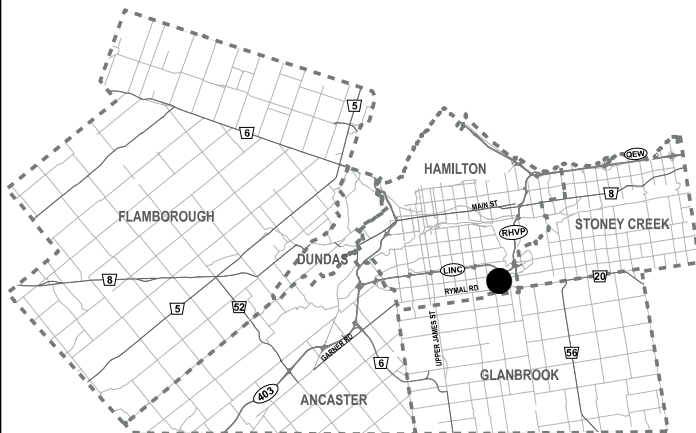
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

1342 Stone Church Road East, Hamilton
(Ward 6)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:24

Date:

October 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:63 – 832 Upper Wentworth 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. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change
3. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal sanitary sewer, watermain and road construction on Fieldway Drive that was completed as part of the Fieldway Drive subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canada Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "C5" Mixed Use Medium Density Zone or alternatively apply for and receive final approval of a Zoning Bylaw Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

6. A successful application for a rezoning is a course of action you might take to permit the intended use. For further information, please contact the Development Planning Division at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.
7. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
8. That the Owner remove or modify the lamppost sign currently displaying 832 located at the adjoining corner of properties 836 & 840 Upper Wentworth Street, as the sign creates an out of order sequence for municipal numbers, to the satisfaction of the Senior Director of Growth Planning.
9. That the Owner agrees to provide photos to the Growth Planning Section that clearly indicates that the sign has been removed or modified to 836 or 840, to the satisfaction of the Senior Director of Growth Planning.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
11. 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-20:63 (832 Upper Wentworth St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a ± 18.29 metre by ± 66.58 metre parcel of land having an area of $\pm 1,217.75$ square metres for commercial purposes, and to retain a ± 18.29 metre by ± 66.58 metre parcel of land having an area of $\pm 1,217.75$ square metres for commercial purposes.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and within a “Sub Regional Service Node” on Schedule “E” – Urban Structure and designated “Mixed Use Medium Density” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.4.6.5 applies, amongst others, and permits a range of commercial uses intended to serve the surrounding community and immediate area, including retail stores, medical clinics and personal services, as well as permitting a variety of other uses such as multiple dwellings and institutional uses.

The severed and retained lands merged on title when they were brought under identical ownership. The lands continue to function independently. The proposal would re-establish the former lot line. The severed lands contain an existing commercial building which is currently vacant. The retained lands contain an existing Audiologist office. There are no changes proposed to either the severed or retained lands through this Consent application.

Consents for new lot creation for both the severed and retained lands for commercial uses in the Commercial and Mixed Use designation are permitted when they meet the conditions of Policy F.1.14.3.4. The lots comply with UHOP policies, conform to the Zoning By-law, have full municipal services and frontage on a public road. Based on the foregoing, the consent meets the conditions for lot creation. Staff is of the opinion that the proposed consent conforms to the UHOP. As a result, staff **supports** the proposed consent.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a) which permits a range of commercial uses, subject to the applicable provisions. There is no minimum required lot width, lot area, or interior side yard setback.

Recommendation:

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

Building Division:

1. Be advised that By-law Amendments have been passed by City Council to amend various sections of Hamilton Zoning By-law No. 05-200 including adding or amending commercial zones and adding or altering regulations. Specifically, By-law No. 17-240, (Commercial and Mixed Use Zones) is now final and binding as of November 8, 2018. However, certain sections of the Section 5 Parking Requirements of By-law No. 17-240 are still under appeal. At present, all proposed development is reviewed under the current Zoning By-law, with the exception of parking regulations, which are reviewed under the former Zoning By-law until such time that the Parking Regulations are finalized and approved at the Local Planning Appeal Tribunal (LPAT).
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. A successful application for a rezoning is a course of action you might take to permit the intended use. For further information, please contact the Development Planning Division at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.

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 applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the “C5” Mixed Use Medium Density Zone or alternatively apply for and receive final approval of a Zoning Bylaw Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

3. A successful application for a rezoning is a course of action you might take to permit the intended use. For further information, please contact the Development Planning Division at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.
4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

According to our GIS records, the subject section of Upper Wentworth Street is classified as a minor arterial roadway with an ultimate road allowance right-of-way width of 36.576m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Upper Wentworth Street is ±36.6m. Therefore, a widening dedication will not be required.

According to our GIS records, the subject section of Fieldway Drive 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 Fieldway Drive is ±20.1m. Therefore, a widening dedication will not be required.

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

Upper Wentworth Street

- 250mmø Sanitary Sewer
- 450mmø Storm Sewer
- 400mmø Concrete Watermain

Fieldway Drive

- 250mmø Sanitary Sewer
- 525mmø Storm Sewer
- 150mmø Watermain

The proponent will be required to provide separate independent sewer and water services to both the severed and retained parcels.

The proponent will be required to make a cash payment to the City representing the cost recoveries for sewermain, watermain and road construction on Fieldway Drive.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change
2. That the Owner provide a cash payment to the City representing the **cost recoveries** associated with the municipal sanitary sewer, watermain and road construction on Fieldway Drive that was completed as part of the Fieldway Drive subdivision. The cost shall be determined based on the frontage of the subject lands and the cost of construction of these works updated by the Canadata Construction Cost Index, as applicable, at the time of final application approval. All to the satisfaction of the City's Manager of Development Approvals.

Growth Management:

There is a lamppost sign currently displaying 832 located at the adjoining corner of properties 836 & 840 Upper Wentworth Street. This sign creates an out of order sequence for municipal addresses and should be either removed or modified to numbers 836 or 840.

Notes:

CoA staff has confirmed via the applicant, that the application includes 3 adjacent addresses, that have been merged being 832, 836 and 840 Upper Wentworth Street.

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **832 Upper Wentworth Street, (Hamilton)**, the lands to be retained will remain as **836 Upper Wentworth Street, (Hamilton)**, and the additional lands of the Owner will remain as **840 Upper Wentworth Street, (Hamilton)**.

We ask that the following Conditions be included for approval of the application:

1. That the Owner remove or modify the lamppost sign currently displaying 832 located at the adjoining corner of properties 836 & 840 Upper Wentworth Street, as the sign creates an out of order sequence for municipal numbers, to the satisfaction of the Senior Director of Growth Planning.

2. That the Owner agrees to provide photos to the Growth Planning Section that clearly indicates that the sign has been removed or modified to 836 or 840, to the satisfaction of the Senior Director of Growth Planning.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: October 30, 2020

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

From: Shannon Clarke, Urban Forest Health Technician

Subject: 832 Upper Wentworth Street, Hamilton
File: HM/B-20:63

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, November 5, 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.

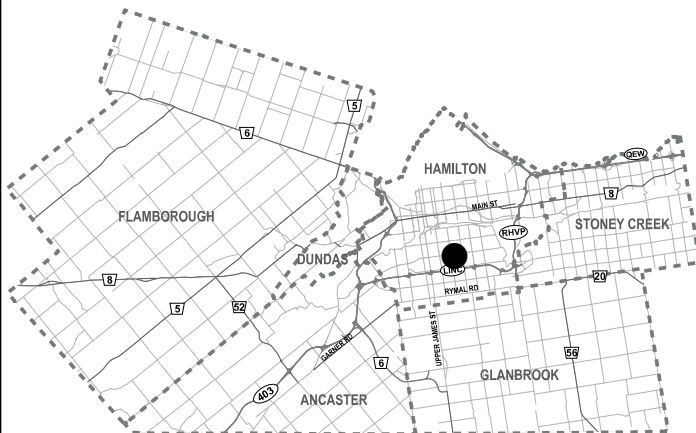
Regards,

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

123 Double Block Address, Hamilton (Ward X)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:63

Date:

October 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:156 (27 Blake 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:

NOTE:

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

HM/A-20:156 (27 Blake St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a two storey rear addition to the existing single detached dwelling notwithstanding the following variances. HM/A-20:156 was tabled by the Committee of Adjustment on September 10, 2020. The applicant has submitted revised plans since the application was tabled.

Staff acknowledge the existing and proposed basement floor plan shows a kitchen, which, pursuant to the definition of “Dwelling Unit” as defined in the Zoning By-Law, indicates a secondary unit could be contained within the dwelling. The conversion of a single detached dwelling to contain a maximum of two units is permitted on the subject property, however, Staff note this application has been reviewed on the basis that the subject property contains a single detached dwelling.

Urban Hamilton Official Plan

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

Archaeology:

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

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

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

Cultural Heritage:

The subject property is adjacent to 7 Blake Street, a property included on the Municipal Inventory of Property of Heritage Value or Interest and known as the Adelaide Hoodless residence. Staff have an interest in ensuring the proposed two-storey addition at the subject property does not have an adverse impact on the heritage inventoried dwelling.

While the proposed addition is situated near to the rear of the heritage inventoried property, the addition is not expected to obscure the heritage dwelling and should not have create an adverse impact. Staff have no further comments on this application from a cultural heritage perspective.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 1.2 metres. The intent of the Zoning By-law is to maintain the consistent streetscape, to allow adequate space for access and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The variance recognizes the existing side yard width of the single detached dwelling. The applicant is proposing to construct the rear addition maintaining the existing northerly side yard width of 0.9 metres. In addition, Staff acknowledge the proposed addition maintains the minimum required rear yard depth of 7.5 metres. The intent of the Zoning By-law is being maintained as Staff do not anticipate any negative impact on the existing residential streetscape or the surrounding properties as a result of continuing the existing side yard width for the proposed rear addition.

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

Variance 2

The applicant is requesting a variance to allow two parking spaces and a portion of the third parking space to be located in the front yard, notwithstanding the Zoning By-law requires that for the purposes of a single detached dwelling only one of the required parking spaces may be located in the front yard. The general intent of the Zoning By-law is to maintain the consistent streetscape.

This portion of Blake Street is characterized by single detached dwellings with either one parking space or no parking on site. The majority of the driveways along this portion of Blake Street are provided along the side of the single detached dwellings, allowing for large sections of landscaped area in the front yard.

The variances will result in the loss of existing landscaped area in the front yard to allow for a second parking space with direct access onto Blake Street. The existing landscaped area, which the applicant proposes to remove, currently provides a buffer between the existing paved area, adjacent to the access driveway, and the streetscape. The variance is not maintaining the general intent of the Zoning By-law as the provision of a second

parking space in the front yard and the associated driveway access is not consistent with the character of the area and will not maintain a consistent streetscape.

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 development nor considered minor in nature; therefore, staff do not support the variance.

Variance 3 and 4

The applicant is requesting a variance to permit two parking spaces located on the driveway to be obstructed by a third parking space and to allow no manoeuvring space to be provided for the required parking spaces, notwithstanding the Zoning By-law requires that sufficient space in addition to required parking space shall be provided and maintained on the same lot on which the parking space is located. This is to be done in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without the need to move any parked vehicle on the lot or encroach on any of the existing designated parking or loading spaces. The Zoning By-law also states that only one of the required parking spaces for a single detached dwelling may have off site manoeuvring. The general intent of the Zoning By-law is to ensure that all vehicles can safely manoeuvre to and from the parking spaces while maintaining the existing character and streetscape of the neighbourhood.

The existing driveway on the subject property is long and narrow resulting in all of the proposed parking spaces being in tandem. Tandem parking with no manoeuvring space will cause jockeying of vehicles within the Blake Street road allowance. Staff are concerned the number of vehicles using Blake Street to manoeuvre to and from the subject property as a result of providing no manoeuvring aisle on site will pose a safety risk to other vehicles in the area.

Staff acknowledge the applicant has reduced the number of bedrooms from seven to four as per the revised floor plans submitted. Floor plans of the existing single detached dwelling were included in the original submission and indicate the provision of four bedrooms is an existing condition.

Staff is of the opinion there is only sufficient space to accommodate two parking spaces on site. Staff therefore recommend the applicant revise the submitted site plan to show two parking spaces on the existing driveway, in conformity with the requirements of the Zoning By-law.

Staff is satisfied based on the revised floor plans that the proposed use of the dwelling will remain for the habitation of one family and therefore would be supportive of a variance to allow a minimum of two parking spaces to be provided notwithstanding the minimum required four parking spaces.

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

Recommendation:

Based on the preceding information, Variance 1 maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 1 is considered to be minor in nature and desirable for the appropriate use of the property.

Variances 2, 3 and 4, as requested, do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the former City of Hamilton Zoning By-law No. 6593. Variances 2, 3 and 4 are not considered minor in nature nor desirable for the appropriate use of the property.

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

NOTE:

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

Building Division:

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

Development Engineering:

Development Engineering Approvals recommends the Minor Variance Application be **tabled** until the Owner / Applicant provides a certified grading plan that demonstrates how the stormwater run-off will be conveyed in a manner that is self contained and does not negatively impact the neighboring lands. The plans must be in accordance with our Lot Grading Policy and to the satisfaction of the Manager of Development Engineering Approvals.

See attached for additional comments.

Thursday October 29, 2020

Committee of Adjustment,

I hope this letter finds you all well as we adjust to the new norm that 2020 has brought into our lives.

I am writing you to shed some light on our variance application for 27 Blake Street.

We moved into our home at 27 Blake Street 5 years ago this month and have loved our home and our neighborhood here. Our 4 children (ages 10, 7, 5, 2) attend the local elementary school and daycare a block from our home, this was a key reason in moving to this home. They also attend sporting activities at Gage Park in the summertime and we enjoy many walks to and from the many parks as well.

When we bought this home we were excited to know that we had a finished basement and living area that could one day be utilized for my parents to live in, my mother suffers from Multiple sclerosis and my father from a multitude of health symptoms. We have done some renovations to the home since we've purchased it, all new windows and front door, a new kitchen, new electrical wiring and panel, attic renovation and most recently replaced a rotted deck and a severely tilting chimney. All together we've invested into a property that we feel is a "forever" home for our family.

With our children growing up and our desire to provide them autonomy in their home and the opportunity for personal growth combined with the need for office space due to the impact from covid-19 and the need to work from home; We initially provided plans that we hoped would be approved by COFA that would allow this. When concerns were raised we tabled the discussion and went back to review our plans. We whittled them down and cut out a big chunk of our initial plan to still provide space for our family in our home, but also to be respectful of concerns that had been voiced.

We went door to door and spoke with our neighbors of whom all were supportive of our addition and only one had a concern. One of the main concerns was regarding street parking, which we ourselves don't use as we have ample parking for our home. Our neighbor believed that we should lobby on his behalf for additional street parking and only then would he support our variance application. We have contacted multiple-parking authorities at the City of Hamilton and have indeed begun the lengthy procedure to pursue dual sided parking on our street. The parking authorities have advised me that they would notify Jamila Sheffield (Secretary-Treasurer of the Committee of Adjustment) of the current process and our involvement.

We feel that we've done everything that we can to support this variance application and hope that you will also support us providing space to allow for our family to grow and flourish.

Thank you for your time,

Brandy Rennick

Home Owner
27 Blake Street
Hamilton Ontario

From: [Maria McCarthy](#)
To: [Committee of Adjustment](#)
Subject: Notice of Public Hearing: Minor Variance HM/A-20:156
Date: November 2, 2020 11:31:09 AM

Hello,

We would like to submit our comments for the Minor Variance application for HM/A-20:156 located at 27 Blake Street Hamilton, Ontario.

We are assessed owners to two properties that are within 60 meters of 27 Blake.

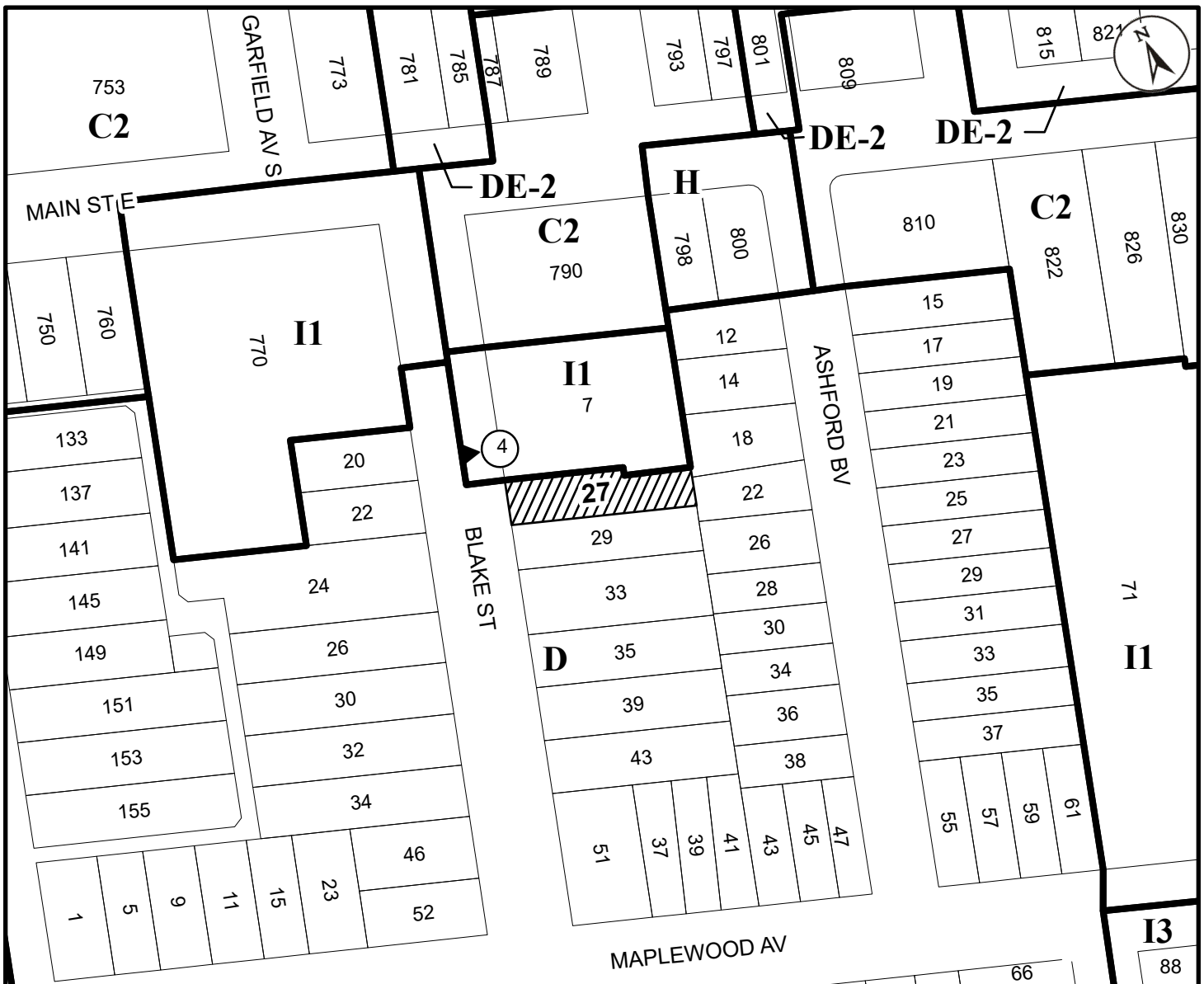
We are the owners of 22 and 39 Blake Street respectively. We have owned 22 Blake, (which is directly opposite of 27), since 1955 and still own it. We currently reside at 39 Blake, (which is 4 doors south of 27), and have owned this property since 1980. We maintain both properties as well as an elderly neighbours property. We welcome positive changes and upgrades to the residences on Blake and fully endorse the changes that 27 has proposed. According to the plans provided, I see that this is being done tastefully and look forward to seeing the finished results.

I was born on this street and remember the original owners of all of these homes. 27 Blake was owned by Sophie and Irving Eber for many decades. Across the street, (20 Blake), used to be the only piano school in Ontario for piano examinations called the Bedford Studios. The large home right next to 27, used to be the Institute for the Blind in the 1950's. I even remember the original décor of the interior of 27 Blake!

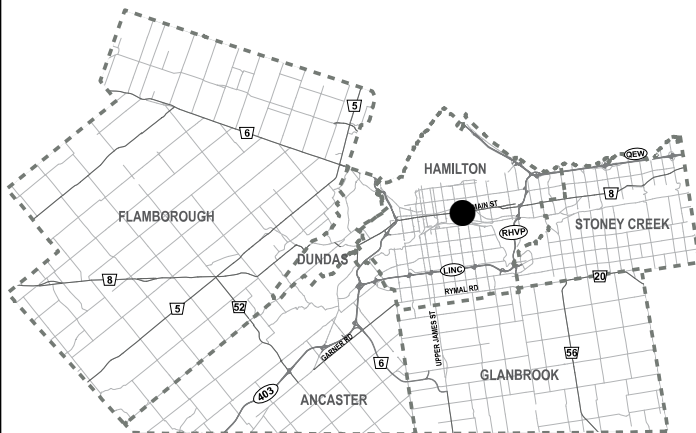
Please respond to this email so that I know that it has been received prior to the deadline. I am also available to speak to anyone if needed.

Regards,

Maria Rikic-McCarthy and Alan K McCarthy



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



27 Blake Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:156

Date:

October 26, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

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

History

Minor Variance Application HM/A-20:161 was tabled by the Committee of Adjustment at the hearing on September 17, 2020. The applicant has provided additional information regarding the garage addition. The proposal has not changed.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

The addition replaces the former attached garage which provided a similar side yard setback. The gross floor area of the addition appears to be approximately double that of the former attached garage.

Variance 1

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

Variance 2

The eave/gutter of the addition is proposed to encroach into the entire 0.45 m width of the northerly side yard, whereas the maximum permitted encroachment is half of the required side yard or 1.0 m, whichever is lesser. The intent of the provision is to permit some encroachment of architectural features to allow the structure to be constructed to the building envelope, while at the same time ensuring some separation between structures on abutting properties in order to minimize conflicts. It is the opinion of staff that an encroachment into the entire width of the side yard for an eave/gutter is not desirable. There is no opportunity for maintenance, and any overflow from the eaves/gutter would discharge onto the abutting property to the north. While the variance maintains the intent of the Official Plan, it does not maintain the intent of the Zoning By-law, and it is not desirable or minor in nature in staff's opinion. Accordingly, staff **does not** support the variance.

Recommendation:

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

Building Division:

1. The Notice shall be amended by deleting "42.5m" so that it reads as follows:

So as to permit the construction of an attached garage addition in the northerly side yard of the existing single-family dwelling notwithstanding that;

2. Variance #1, shall be amended by adding the words "minimum northerly" and replacing the number "0.45" with the number "0.4" so that it reads as follows:

A minimum northerly side yard width of 0.4m shall be provided instead of the minimum required 1.2m side yard width.

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

6. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave/gutter is encroaching onto and the subject lot.

Development Engineering:

Development Engineering Approvals recommends the Minor Variance Application to be **denied**. As per our Development Engineering Guidelines, we require a 1.2m set back on the garage side of the lot.

See attached for additional comments.

Steven DiGiandomenico
667 Upper Sherman Avenue
Hamilton, Ontario
L8V 3M4
905-928-3228
domenicos.flooring@outlook.com

October 2, 2020

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

To Whom It May Concern:

RE: Application Number: HM/A-20:161
Applicant(s): Steven DiGiandomenico
Subject Property: Municipal Address: 667 Upper Sherman Avenue, Hamilton
Zoning By-Law: Zoning By-law 6593, as Amended
Zoning: C (Urban Protected Residential) District

Further to the Notice of Public Hearing – Minor Variance, I would like to address the concerns raised regarding the side yard width, the eaves, and gutters as well as the minimum front yard depth concerns.

When I purchased my home 10 years ago, a garage was then attached however it was very poorly built including a roll up garage door that had been installed by cutting out some of the rafters. I feared that the structure might be a hazard due to the poor construction. I removed the roll up door and closed in the front and installed a man door so that the space would be safely useable. It wasn't the most attractive looking thing but at least I didn't worry if my son went into the space to retrieve his bike.

Fast forward to this year and we decided to renovate the unsightly structure into a proper, safe and usable garage with a properly installed roll up door. Regarding the concerns about the distance to the neighbour's property, I did not extend the structure out further than what it already was. I brought it forward by 16 feet and it does not extend past the front of my house. It sits a foot back from the line of the front of the house. I properly installed a new roll up door and had carriage lights installed on either side for a very nice facelift to the property.

Regarding the concerns about the eaves and gutters, these were never properly installed on the original structure, so the drainage is significantly better than what is was. Now, when it rains, the water drains off appropriately away from both my home and my neighbours' home, down my driveway.

I have attached letters from neighbours including the neighbour directly beside me that shares the property line of the garage, all stating what an improvement the new garage is to not only my property but to the overall look of the neighbourhood as well.

I respectfully request that the minor variance be granted and allow for the structure to remain. I thank you in advance for your time and consideration on this matter.

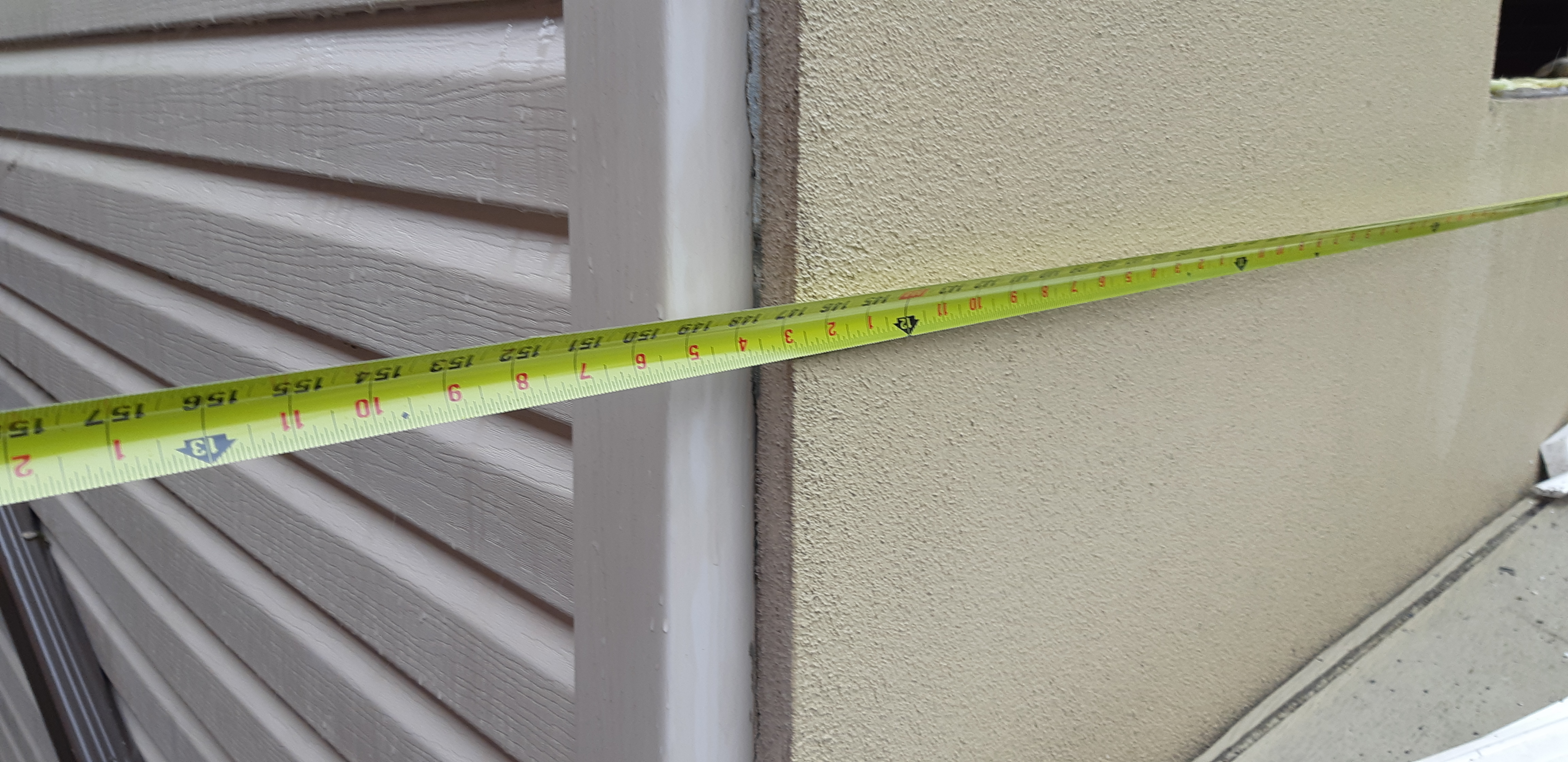
Yours truly,

Steven DiGiandomenico















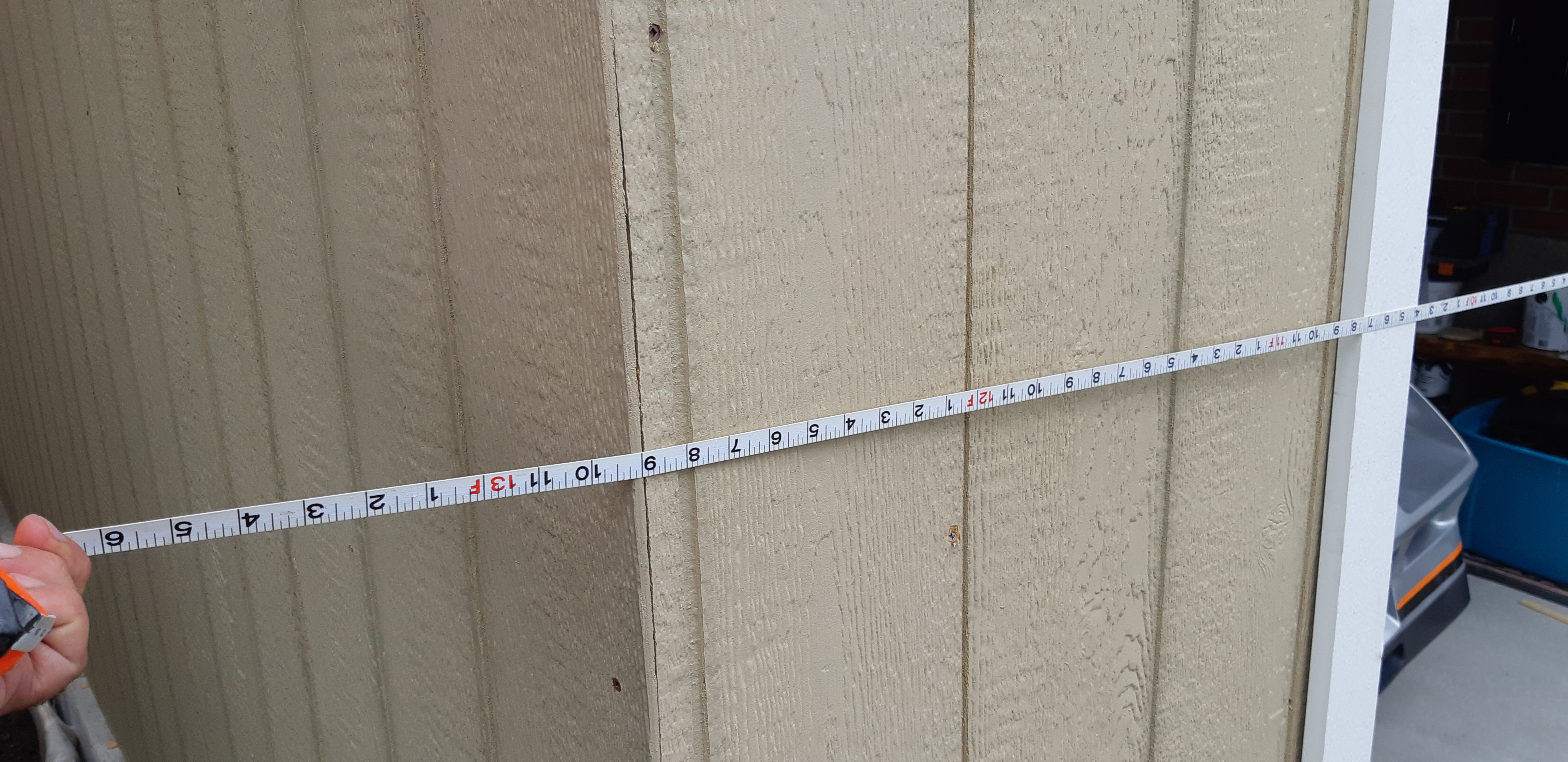




















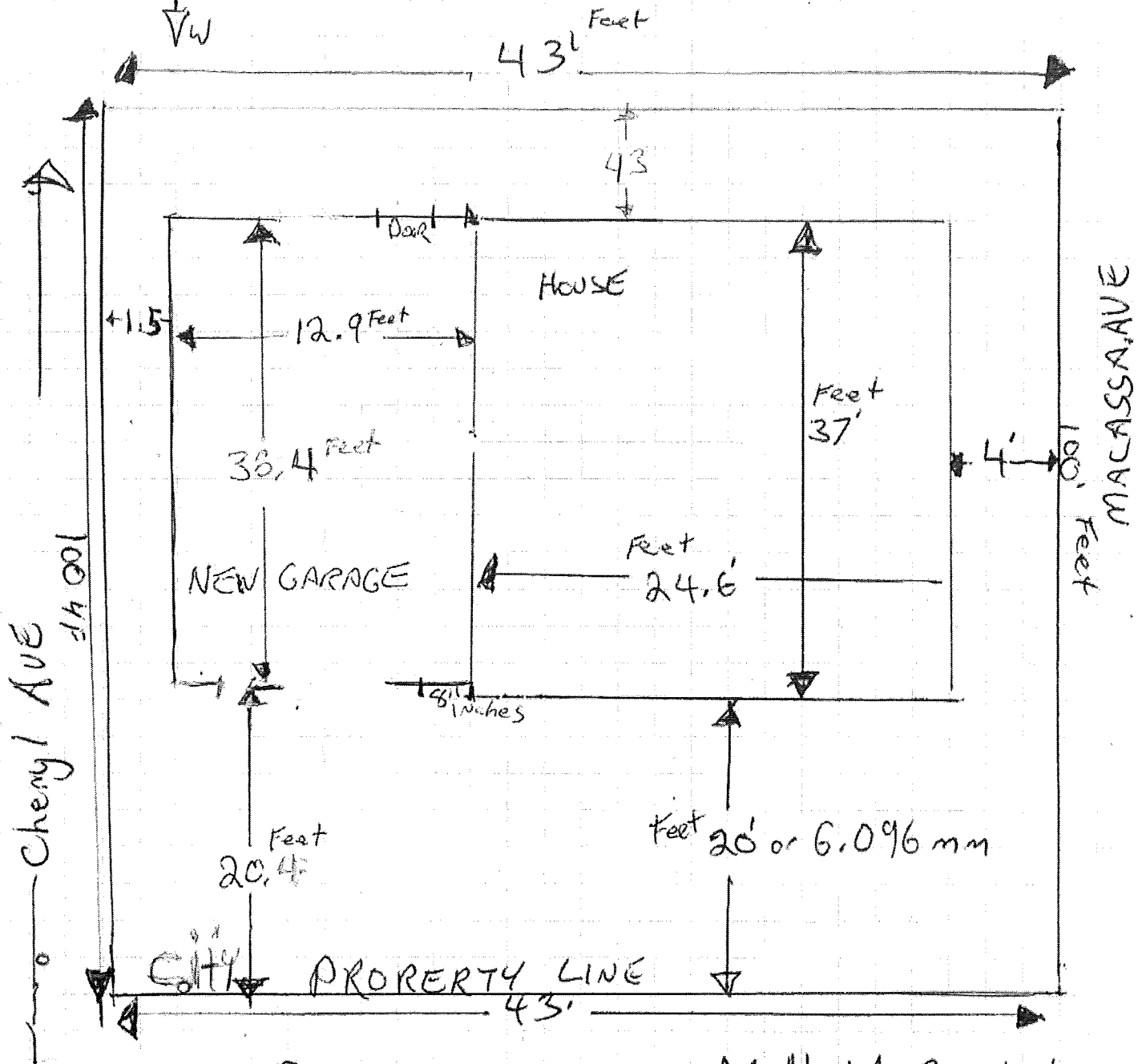
667

APPLICATION FOR VARIANCE FROM
THE ZONING BY-LAW
CITY OF VANCOUVER
The undersigned hereby certifies that the above information is true and correct to the best of their knowledge and belief and that they are the owner of the property described herein.



New GARAGE measurement IN Feet

Lot 43 x 100 Feet

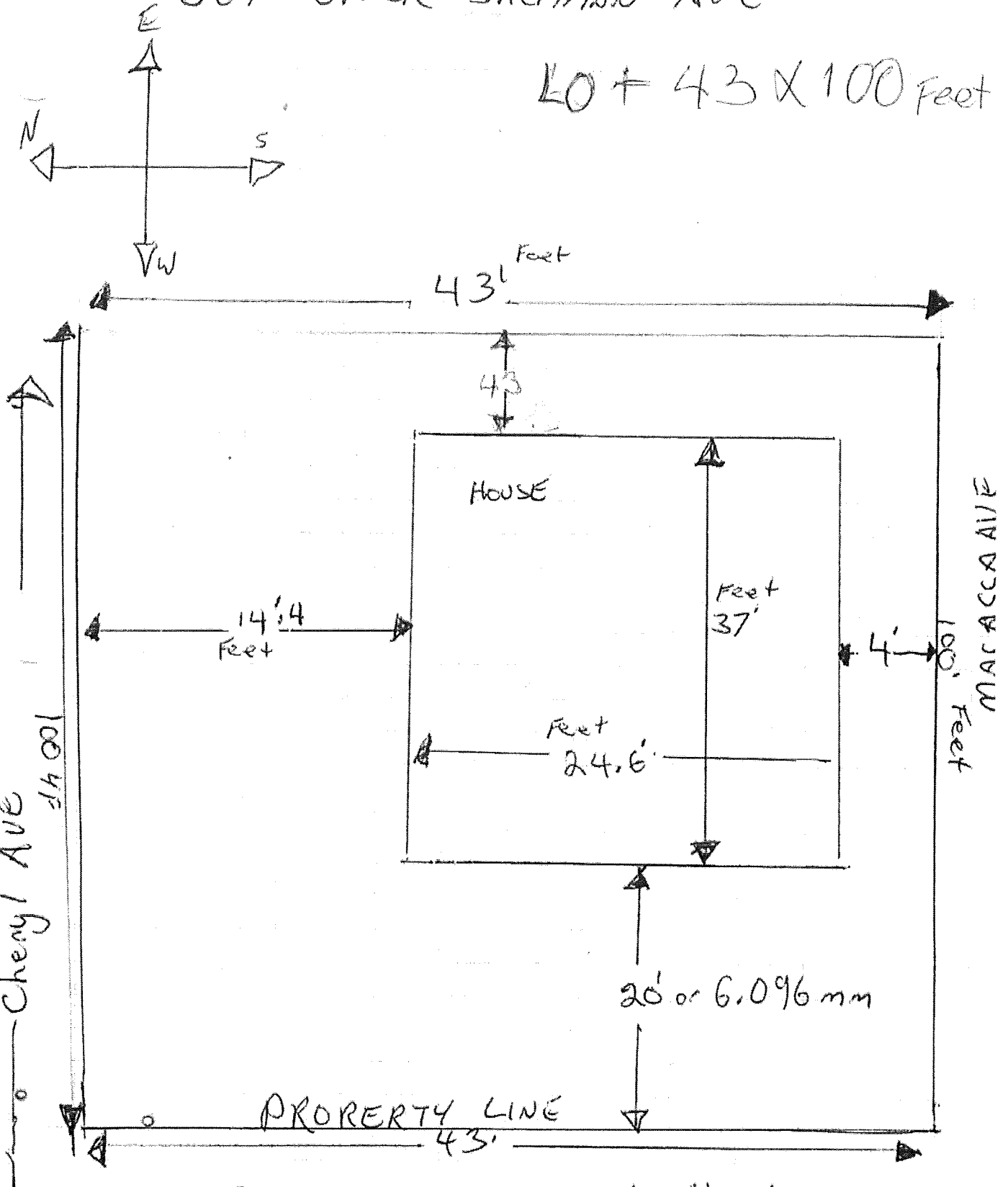


REFERTO FILE: MH/A-20:161

UPPER Sherman AVE

667 UPPER Sherman AVE

LO + 43 X 100 Feet



REFERTO FILE: MH/A-20:161

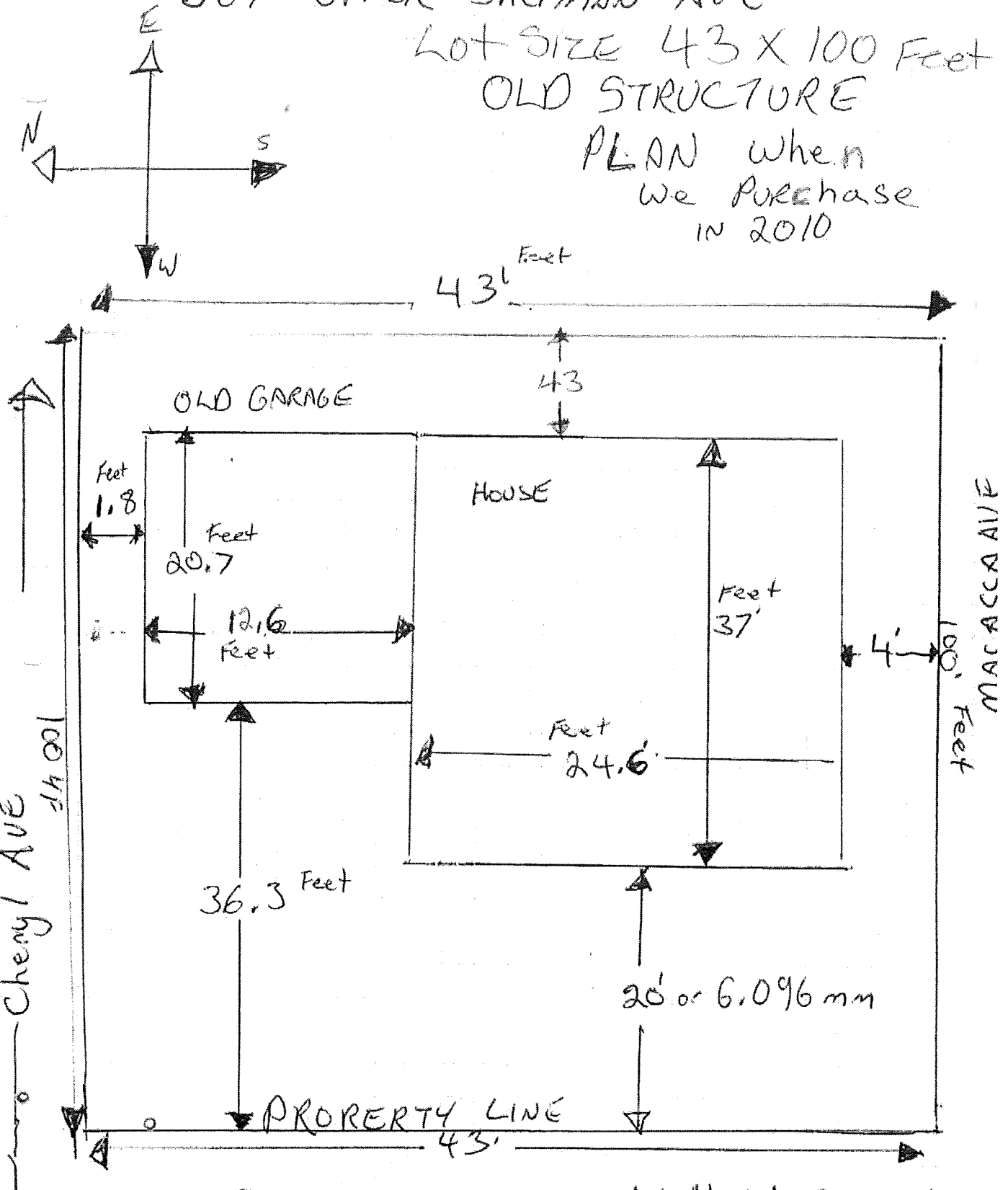
UPPER Sherman AVE

667 UPPER Sherman AVE

Lot size 43 X 100 Feet

OLD STRUCTURE

PLAN when
we purchase
in 2010



REFERTO FILE: MH/A-20:161

UPPER Sherman AVE

City of Hamilton
ref File # HM/A - 20-161

October 5/20.

To Whom it May Concern
re: Property of Steve Domenicos located at
667 Upper Sherman Ave.

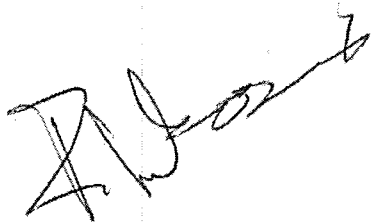
This letter is in regards to the new garage
our neighbour, Steve recently erected.
We live two doors down at 659 Upper Sherman
Ave. and feel that the new garage, only
beautifies the homeowners property, thus the
surrounding neighbours homes which in turn
may add to the value to these other properties
likely increasing their homes value.

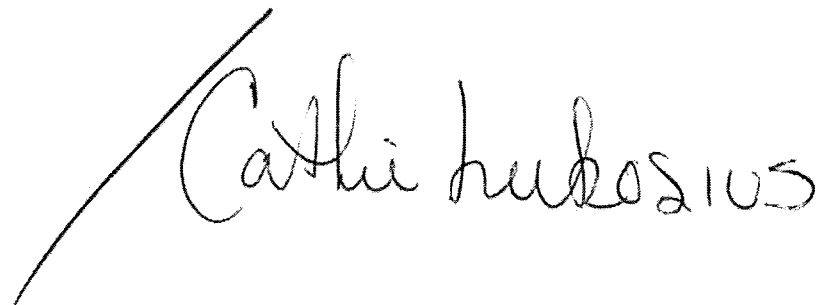
The erection of this garage is immaculate and
a welcome renovation to the street.

We are confused as to why a property owners
home renovation should be an issue to any
other neighbour when it solely enhances the
presentation of a property.

If you wish to speak to us further for our
opinion on this matter please contact us at
Richard or Cathie Lukosius 905-389-1645

Thank you and have a nice day





663 Upper Sherman Avenue
Hamilton, ON L8V 3M4
905-912-1689

September 22 2020

RE: Committee of Adjustment Hearing : **HM/A-20:161** (667 Upper Sherman, Hamilton ON)

City of Hamilton
Committee of Adjustment

To whom it may concern,

I am writing to you concerning the variance order for 667 Upper Sherman Avenue in Hamilton. Mr. DiGiandomenico erected a new garage on his property during this past Spring. I am writing in support of his efforts.

The pre-existing garage was in bad need of repair and perhaps even unsafe. It had also become very unattractive especially the side facing my property. According to Variance 1 the concerns are for maintenance, drainage and access space between 667 and 663 Upper Sherman. The old structure measured 3.81, the new structure measures 3.86 m in width. The difference of 0.05 m does not affect the maintenance or access between properties. [Mr. DiGiandomenico and I measured the new structure together as well as the yard width.] The yard access between properties is 1.447 meters giving adequate space for maintenance and access.

As for Variance 2 concerns, there is better drainage now between properties than there was before. The new eave and downspout drain to the front of 667 as well as the new concrete driveway allows for natural drainage. The eave does not discharge toward 663 property.

I believe that the new structure is now more esthetically pleasing and enhances the neighbourhood. The front of the new structure is aligned to the front of the house creating a unified appearance. Upon measuring it is 7.1 meter from the front line of the property. I would assume that the improvements would only add to the value of the property and the beautification of the neighbourhood.

I have been a neighbour of 667 Upper Sherman Avenue for at least 9 years now. I appreciated Mr. DiGiandomenico's courtesy in consulting neighbours before erecting his new garage and making sure that it does not create cause for conflict.

Yours truly,

Francine Regaudie-McIsaac

From: [Francine Regaudie-McIsaac](#)
To: [Committee of Adjustment](#)
Cc: domenicosrusticcreations@gmail.com
Subject: Committee of Adjustment Hearing HM/A-20:161 (667 Upper Sherman Ave., Hamilton ON)
Date: September 22, 2020 10:51:41 PM
Attachments: [Committee of Adjustment Hearing \(667 Upper Sherman Ave. Hamilton ON\).docx](#)

To whom it may concern,

The attached letter is submitted on behalf of the owner of 667 Upper Sherman Avenue, Hamilton ON for the Hearing HM/A-20:161.

Yours truly,
Francine Regaudie-McIsaac
(resident of 663 Upper Sherman Avenue, Hamilton ON)

October 06, 2020

To whom it may concern;

Regarding: HM/A20:161

Steve Digiandomenico

667 upper Sherman ave

Hamilton Ontario l8v 3m4

I would like to advise counsel of what an amazing job was completed at the above mentioned property. It has really brightened the appeal of Upper Sherman. It is quite an improvement over the replaced structure and definitely shows the dedication homeowners have for their property and city appeal.

Thanks,

Nik Delsordo

377 East 28th St

905-961-5798

8/10/2020

Dear Sir / Madam

Application # HM/A-20:161

We the owner of # 671 upper sherman Ave.

Clifford and Judy Rampersad, have no
objection to the attached garage of

Steven D. Giandomenico of 667 Upper Sherman
to his property.

Yours truly
Clifford
Rampersad.

September 30th, 2020

From:

Ronald Brown
655 Upper Sherman Ave
Hamilton, ON. L8V 3M4

Regarding File: HM/A-20:161

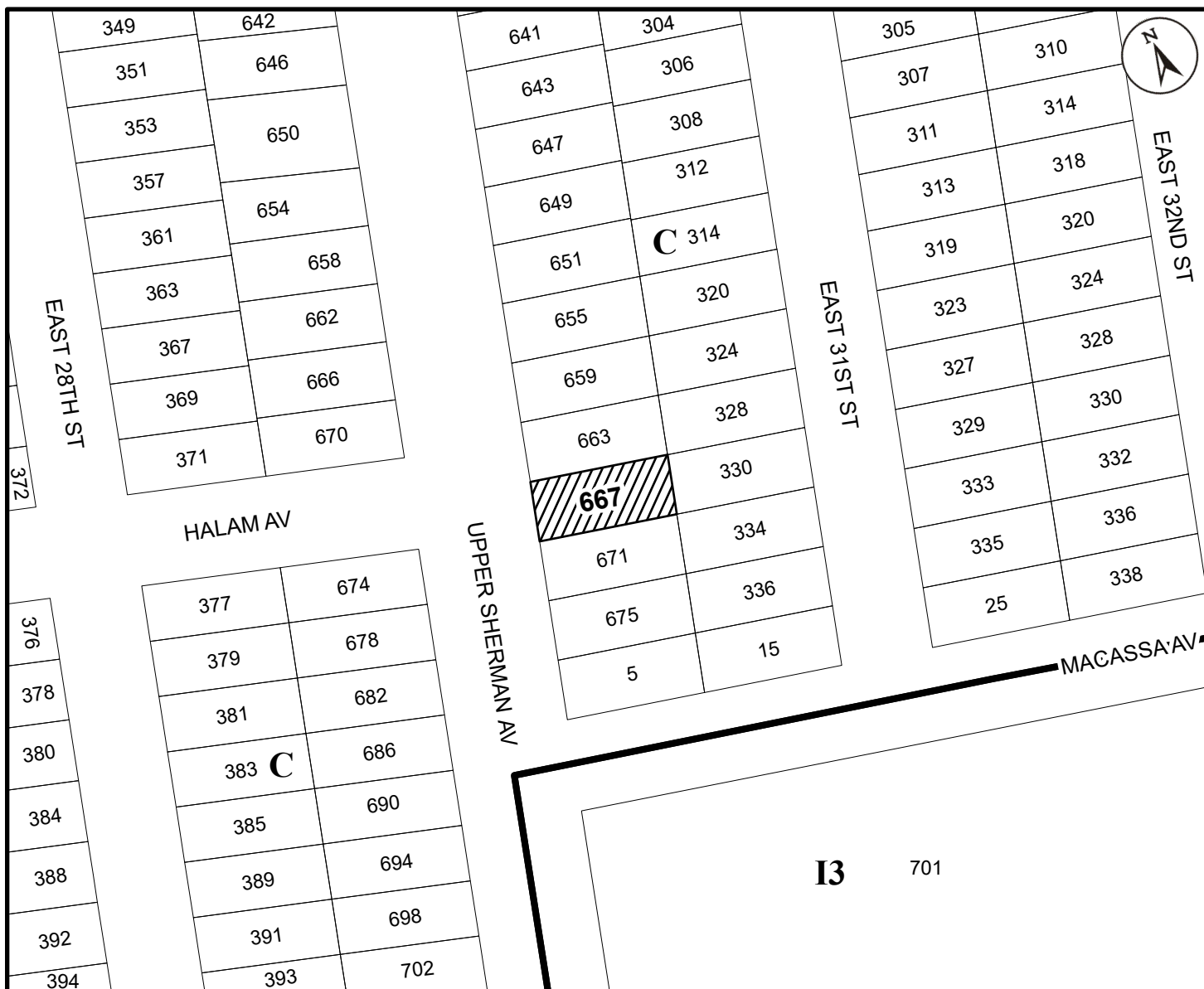
The rebuilding of the garage at 667 Upper Sherman Ave.

The property has been enhanced by the replacement of the old structure which was in need of repair. The new structure and replaced driveway, has made the property more attractive and increased its value which reflects on the surrounding neighborhood and nearby property values. The property at 661 Upper Sherman was recently sold within 5 days of being listed at \$50,000.00 over asking price. As a resident of Upper Sherman for almost 60 years I am pleased to see people take pride in the upkeep of their homes.

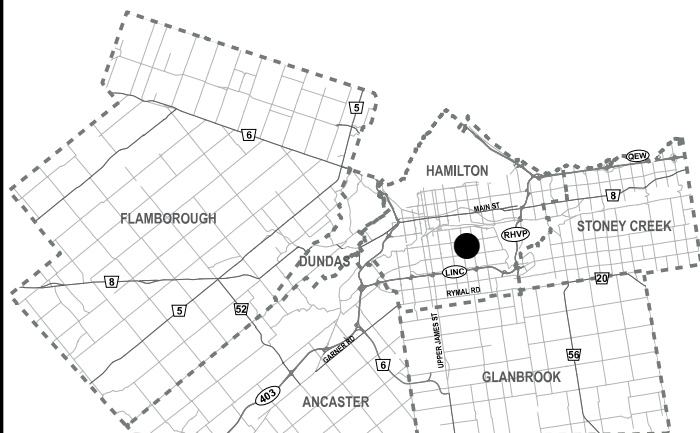
Sincerely,



Ronald D Brown
(905)385-0921



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



667 Upper Sherman Avenue,
Hamilton (Ward 7)

File Name/Number:

HM/A-20:161

Date:

October 26, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

AN/A-20:206 – 93 Judith Cres. Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

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

The variances are requested to facilitate Site Plan Control Application DAER-20-061.

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 12.1 m minimum front yard setback is proposed, whereas a minimum of 13.5 m is required by the Zoning By-law. The intent of the provision is to aid in maintaining a consistent streetscape, and to ensure adequate space for requirements such as landscaping and parking. In staff’s opinion the proposed minor reduction will maintain the streetscape and allow for adequate landscaping and parking. The proposed front yard setback is greater than that of the existing dwelling. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Variances 2 & 4

A 2.9 m minimum side yard setback is proposed, whereas a minimum of 3.05 m is required by the Zoning By-law (Variance 2). Eaves and gutters are proposed to project 0.9 m into the minimum side yard, whereas a maximum projection of 0.6 m is permitted by the Zoning By-law (Variance 4). The intent of the provisions is to provide adequate space for access, maintenance, drainage, and compatibility between abutting uses. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

Staff notes that the variances are required in the easterly side yard at two pinch points while much of the easterly side yard conforms. The attached garage to the dwelling on the abutting lot to the west is set back 10.73 m from the side lot line. In the opinion of staff, the proposed reduction of the side yard by 15 cm and the proposed eaves encroachment would provide adequate space for access, maintenance, and compatibility. Based on the foregoing, staff is of the opinion that the variances maintain the intent of the Official Plan and Zoning By-law, and that they are desirable and minor in nature. Staff **supports** the variances.

Variance 3

A maximum building height of 9.8 m is proposed for a two-storey dwelling, whereas a maximum building height of 9.5 m is permitted for a two-storey dwelling by the Zoning By-law. The intent of the provision is to ensure compatibility within the neighbourhood and to aid in maintaining a consistent streetscape.

Due to the zoning definition of height and the grade of the subject lands, the front façade of the dwelling reaches a height of approximately 9.44 m, maintaining the height in the Zoning By-law. Due to the way grade is established the additional height permissions is required towards to the rear of the site. As a result, the proposed height is compatible and maintains the streetscape. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Variance 5

Two 3.0 m by 5.8 m parking spaces are proposed within the attached garage, and two stairs are proposed to encroach 0.5 m into the length of one of the parking spaces, whereas the Zoning By-law requires a minimum size of 3.5 m by 6.0 m for parking spaces within garages and permits a maximum of one stair to project not more than 0.3 m into the required length. The intent of the provision is to ensure adequate parking space size is provided for the enclosed parking spaces because they are encumbered by the walls.

The proposed projection of 0.5 m would leave one parking space with a functional length of 5.3 m. Staff is of the opinion that the proposed width of 3.0 m within the garage and the encroachment into the length is not adequate to provide space around the vehicles for two parking spaces. Based on the foregoing, while the variance maintains the intent of the Official Plan, the variance is not desirable or minor and does not maintain the intent of the Zoning By-law. Staff **does not** support the variance.

Staff notes that a 5.8 m parking space length for one parking space within the garage could be supported.

Variance 6

The manoeuvring space and accessibility to one parking space within the garage is proposed to be obstructed by another vehicle in order to allow tandem parking, whereas the Zoning By-law requires all parking facilities to have unobstructed access from the street. The intent of the Zoning By-law is to ensure that the parking spaces provided are functional. Staff is of the opinion that tandem parking appurtenant to a single detached dwelling is functional. Based on the foregoing, staff is of the opinion that the variance maintains the intent of the Official Plan and Zoning By-law, and that it is desirable and minor in nature. Staff **supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that Variances 1 to 4 and Variance 6 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 Variances 1 to 4 and Variance 6, as outlined in the Notice of Hearing, be **approved**; and,

Staff cannot support Variance 5 as outlined in the Notice of Hearing; however, staff could support a 5.8 m parking space length for one parking space within the garage.

Building Division:

1. The variances are necessary to facilitate Site Plan File No. DAER-20-061.
2. Pursuant to Variance No. 3 above, the applicant originally requested a variance in order to allow a maximum building height of 9.65m. Be advised that the “average grade” (being 239.12m) shown on the Site Data indicated on the Site Plan (Rev # 9 dated Oct 13/20) is different from “grade” (being 239.16m) shown on the Elevation Plans A5 (Rev # 3), A6 (Rev # 5), A7 (Rev # 5) and A8 (Rev # 5). Based on the “grades” shown on the Average Grade Diagram on the Site Plan, the “grade” of the dwelling is 239.02m. As a roof elevation of 248.77m is shown on the Elevation Plans, the building height is actually 9.75m (Determined by: 248.77m [grade at the roof] – 239.02m [grade] = 9.75m).
3. Pursuant to Variance No. 4 above, the applicant originally requested a variance to permit eaves and gutters to project a maximum of 80 centimetres (0.8 metres) into any minimum side yard. Based on setbacks shown on the Site Plan, the eaves and gutters actually project 0.9m into the easterly side yard (Determined by: 2.94m [east side yard setback] – 2.04m [eave and gutter setback from the east side lot line] = 0.90m [eave and gutter projection]).
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

5. The existing single detached dwelling is intended to be demolished. A demolition permit is required for the demolition of this dwelling.
6. A building permit is required for construction of the proposed single detached dwelling, accessory building and inground swimming pool.

Development Engineering:

For the information of the Committee, all issues pertaining to the grading/drainage and servicing of this property shall be dealt with under development application DAER-20-061 to the satisfaction of the Manager of Engineering Approvals.

See attached for additional comments.

October 27, 2020

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

Attention: Scott Baldry

File# AN/A-20:206

Re: 93 Judith Cres

In response to your correspondence dated October 23, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

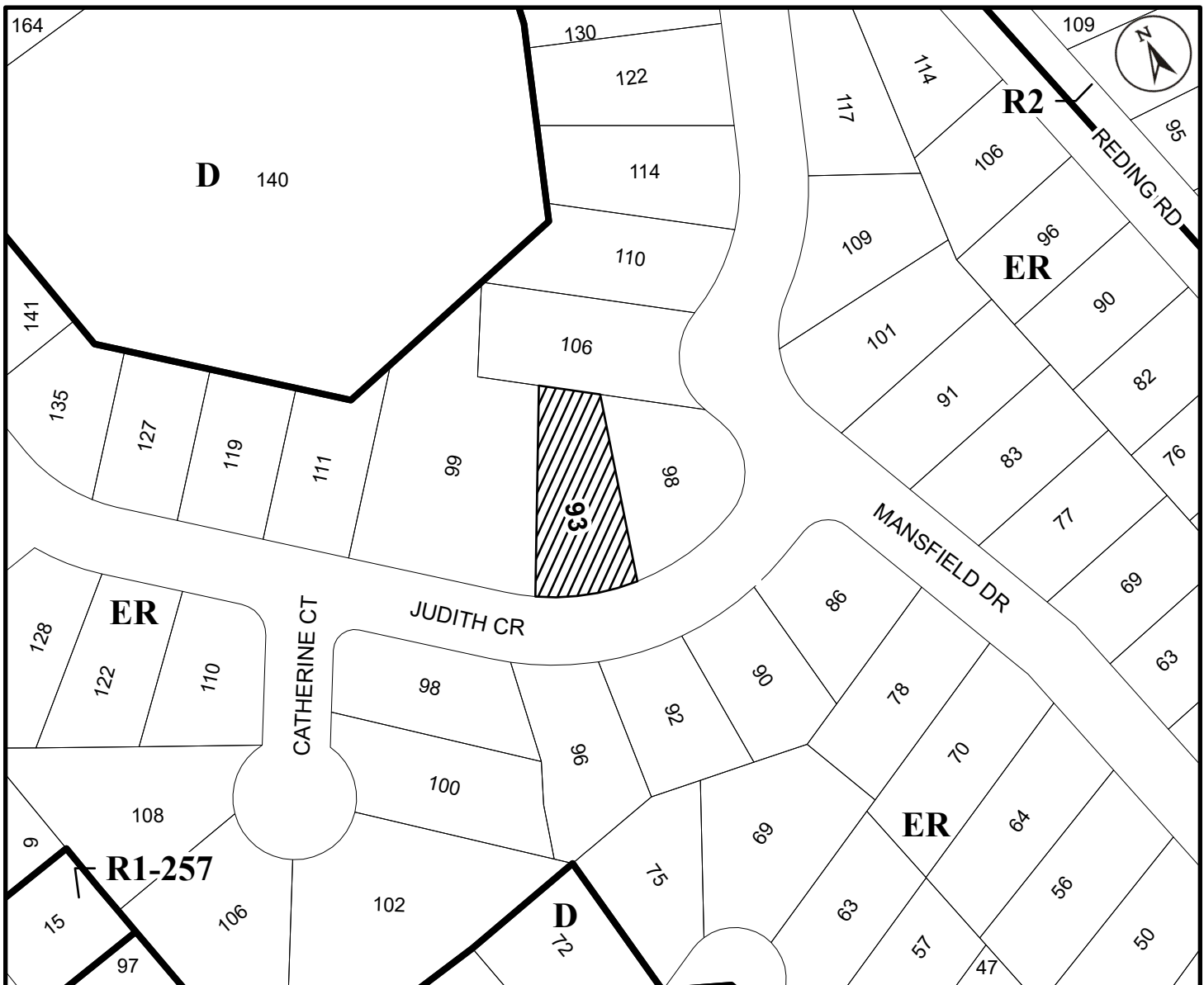
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

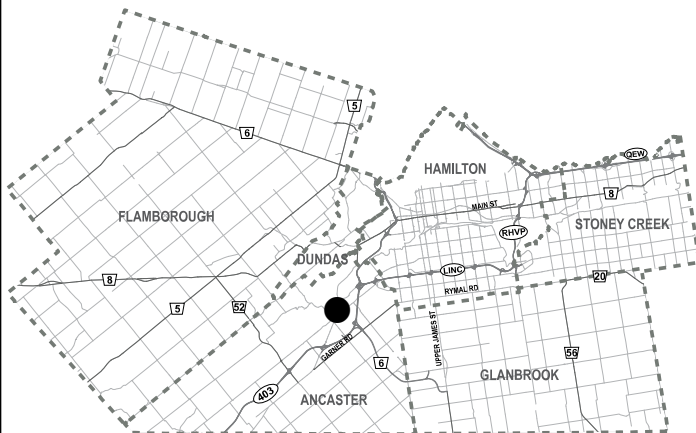
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



93 Judith Crescent, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:206

Date:

October 26, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:99 (2064-2080 Rymal Rd. E., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit a maximum seating capacity of 120 seats for a fast food and standard restaurant on site, notwithstanding a maximum seating capacity of 30 seats for a fast food and standard restaurants is required. In addition, the applicant proposes to reduce the minimum required parking on site. The subject lands are subject to Site Plan Amendment Application SPA-19-085 which received Final Approval, for the construction of a motor vehicle service station, car washing establishment, a multi-tenant commercial building, and a total of 119 parking spaces on site. A portion of the site is currently under construction. No changes to the approved site plan are proposed at this time.

Previous Applications

Applications UHOPA-15-026 and ZAC-15-056 were approved by City Council on August 12, 2016 to permit the development described above. The previous designation in the Rymal Road Secondary Plan included a site-specific policy that permitted a maximum seating capacity of 30 seats for fast food and standard restaurants. This maximum limit was carried from the Official Plan designation to the Zoning By-law and is still in force and effect.

Urban Hamilton Official Plan

The subject lands are identified as “Secondary Corridor” 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 also designated “Local Commercial, Site Specific Policy – Area A” in the Rymal Road Secondary Plan.

Local Commercial designations and Secondary Corridors are intended to support local daily needs of the surrounding lands and to provide connections between community nodes, by supporting drive by traffic.

Glanbrook Zoning By-law No. 464

The subject lands are zoned General Commercial “C3-301” Zone, Modified which permits a variety of commercial uses, including fast food and standard restaurants having a maximum capacity of 30 seats and a minimum parking requirement of 1 space for every 24 square metres of gross commercial floor area.

Variance 1

The applicant proposes to permit a maximum capacity of 120 seats for fast food and standard restaurants, whereas a maximum capacity of 30 seats is required. The proposal meets the intent of the Official Plan by providing uses that support the daily and weekly needs of the surrounding neighbourhood and passing traffic. The proposal does not meet the intent of the Zoning By-law since it is in direct contravention of the approved site-specific Zoning By-law requirement pertaining to this property, which was presented and approved at Planning Committee on August 9, 2016 as part of a comprehensive evaluation in a report and recommendation (PED16156). The report indicated that restaurants were to be limited in size to maintain the intent of the Local Commercial designation of the Rymal Road Secondary Plan and this maximum capacity was better reflected as a regulation within the Zoning By-law instead of the Secondary Plan. The proposal is not minor in nature since the variance represents a significant increase of permitted restaurant sizes. Based on the foregoing, the variance is not minor in nature and staff **do not** support the variance.

Variance 2

The applicant proposes a minimum parking ratio of 1 space for every 32 square metres, whereas a minimum parking requirement of 1 space for every 24 square metres is required. The variance is proposed to support the increased capacity of a restaurant in Variance 1. No comprehensive review in support of this variance has been provided. Therefore, staff **do not** support Variance 1.

Recommendation

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

Building Division:

1. The applicant has advised no modifications are proposed to final approved site plan SPA-19-085, which was approved to permit the development consisting an oil and lube service station, a manual motor vehicle washing establishment, an automatic motor vehicle washing establishment, and a multi-tenant commercial building.
2. A building permit from the Building Division is required for any tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings. Be advised that the Ontario Building Code may require specific setbacks and construction types.

3. A portion of the lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.

Development Engineering:

No Comment



Councillor Brad Clark
Ward 9, Upper Stoney Creek
City Hall, 2nd floor
71 Main Street West
Hamilton, ON L8P 4Y5
Phone: 905-546-2703
Fax: 905-546-2535

Hamilton

October 26, 2020

Jamilia Sheffield, Secretary Treasurer
Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Chairman Mark Dudzic & Members of the Committee of Adjustment,

**Re: Minor Variance Application No. GL/A-20:99
2064-2080 Rymal Road East, Glanbrook (Ward 9)**

I am writing in support of Minor Variance Application No. GL/A-20:99 for 2064-2080 Rymal Road East, which will facilitate the development of a restaurant use for more than 30 persons. Mr. Longo and his family are a local business owner that has operated at this site for over 25 years. Their recent reinvestment in the redevelopment of the site will enable them to continue to provide a local family business in the community.

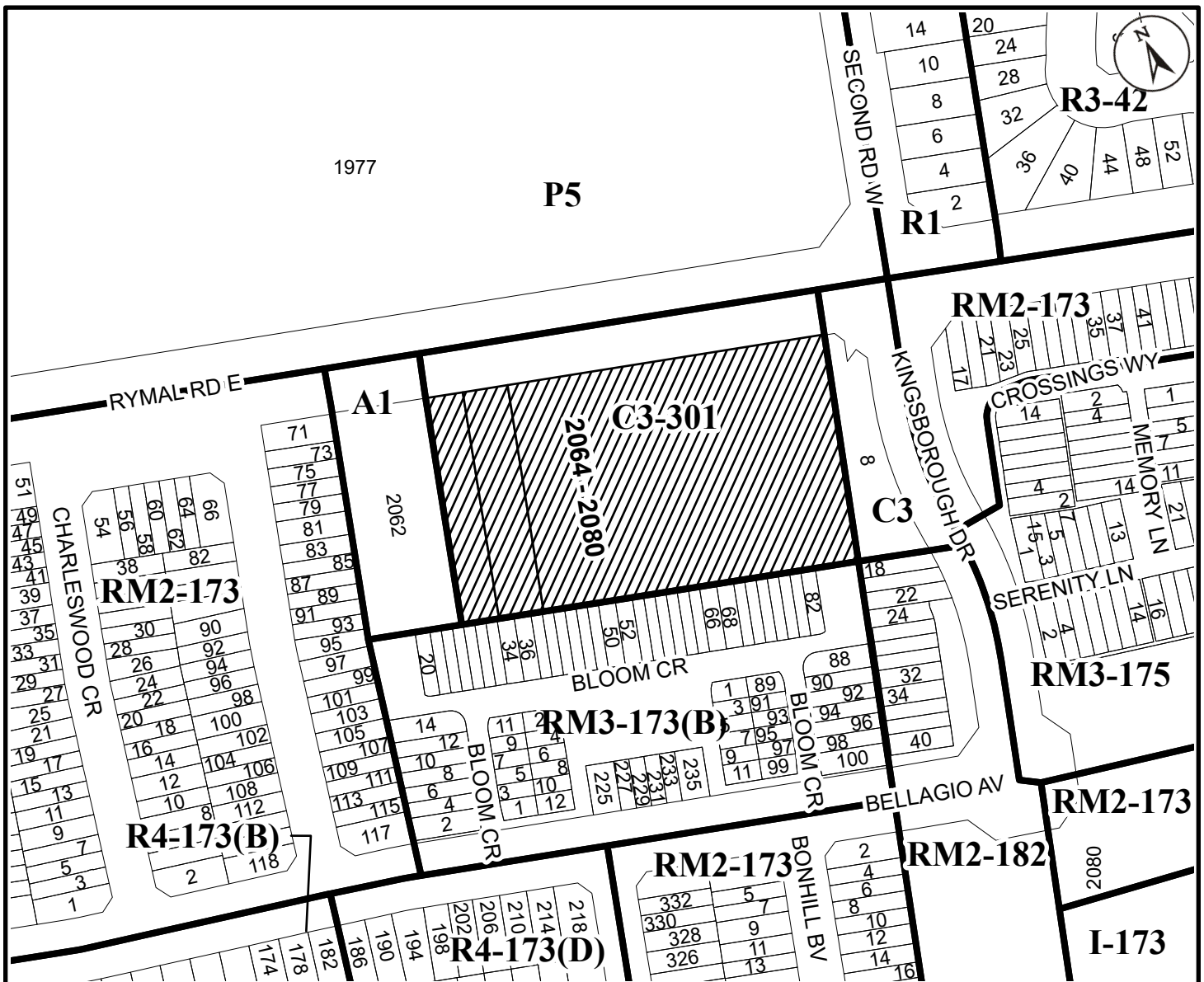
The minor variance application is to permit a larger restaurant use, which is similar to other existing restaurant uses nearby along Rymal Road. Mr. Longo and his family are proud Hamiltonians that are reinvesting in our community, by modernize and providing new commercial amenities for this community.

For these foregoing reasons and more, I would like to state my full support for this minor variance application.

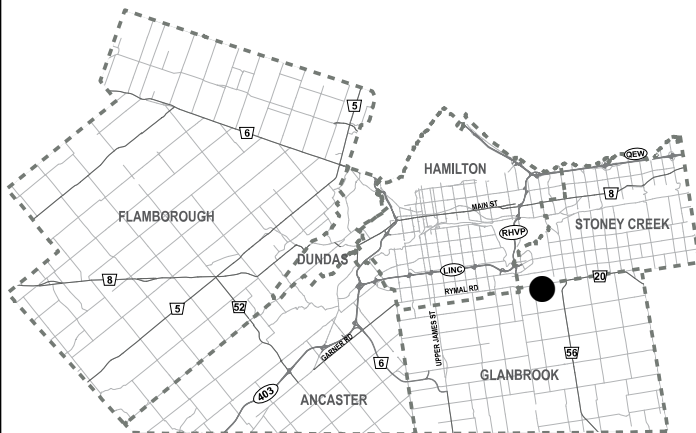
Thank you,

Brad Clark
Councillor, Ward 9
Upper Stoney Creek

Hard copy signed



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2064 - 2080 Rymal Road East,
Hamilton (Ward 9)

File Name/Number:

GL/A-20:99

Date:

July 16, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:208 (100 Binhaven Blvd., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit a patio deck in the rear yard for an existing inground swimming pool for a single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) designates the property as “Low Density Residential 2e” on Map B.5.1-1 – Binbrook Village Secondary Plan. The following policies, amongst others, are applicable:

- “B.5.1.4.5 b) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2e on Map B.5.1-1 – Binbrook Village – Land Use Plan:
- i) The permitted uses shall consist primarily of single detached dwellings. Semi-detached dwellings, duplexes and cluster homes may also be permitted.
 - ii) The density shall not exceed 30 units per net hectare.”

The applicant is proposing to construct a patio deck for an existing on-ground swimming pool in the rear yard of the subject property. The use of a single detached dwelling is permitted in this case. As such, the intent of the UHOP is maintained in this instance.

Former Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned “R4-218” Residential 4 Zone, which permits the use.

Variance 1 & 2

The applicant is seeking a variance for a patio deck to be permitted to be 0m from the northerly and southerly interior side lot lines instead of the required 1.0 metre setback from interior side lot lines. In addition, the applicant is also seeking a variance for a patio deck to be permitted to be 0m from the rear lot line instead of the required 3.0 metre setback.

Staff note that the variances will facilitate the proposed deck along with on-ground pool within the rear yard of the subject lands. Staff acknowledge that the general intent of the By-law is maintained as the proposed encroachment will not extend into the neighbouring property. Staff recognize the variances are desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Staff however defer to Development Engineering Approvals with regards to drainage. The

variances meet the intent of the UHOP and Zoning By-law as it represents an existing condition on the subject property. The variances are therefore minor in nature and appropriate for the development of the subject property. Accordingly, staff **support** the variances.

Recommendation

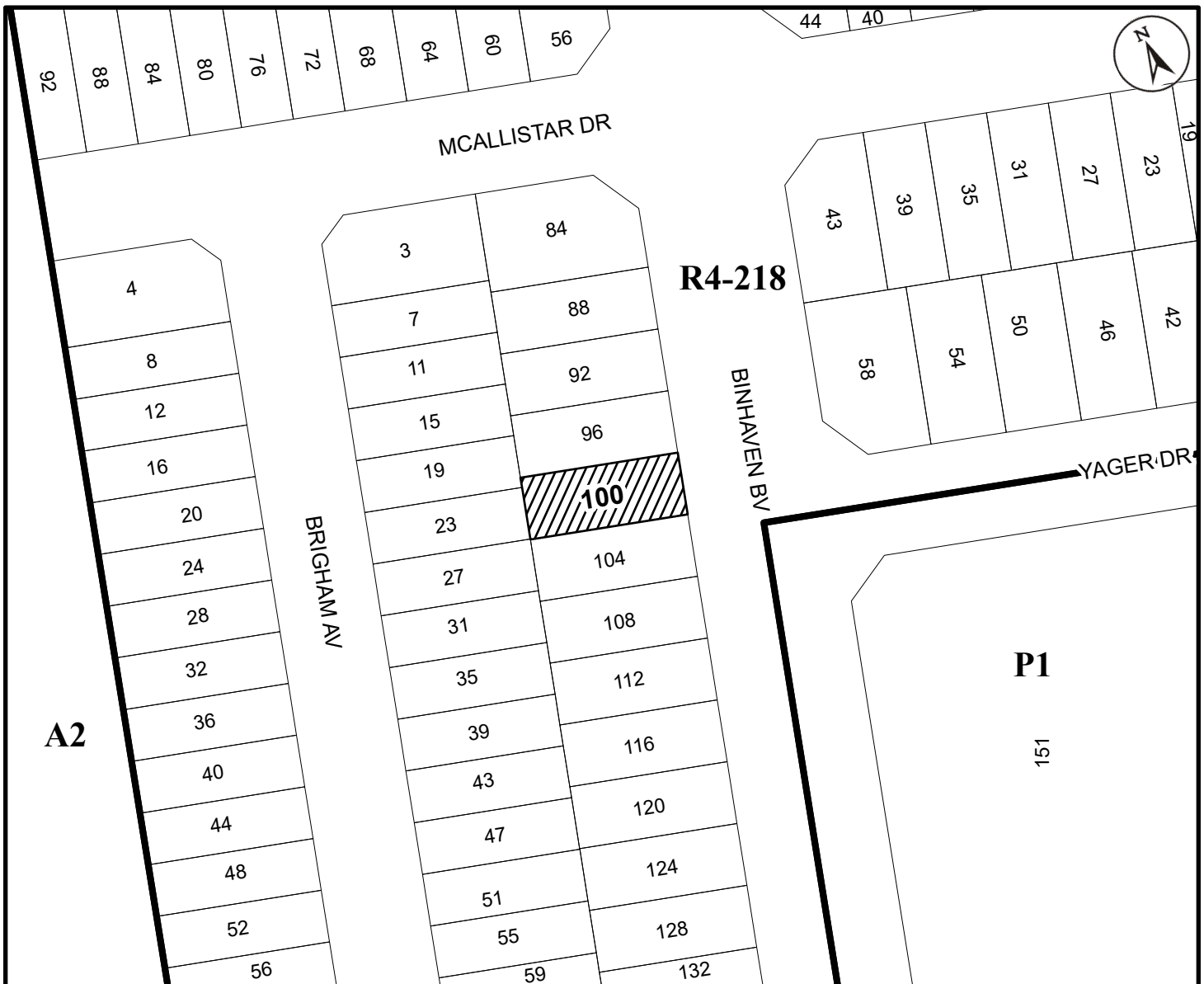
Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan as well as the Former Town of Flamborough Zoning By-law No.90-145-Z. The variances are considered to be minor in nature and desirable for the appropriate use of the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

Building Division:

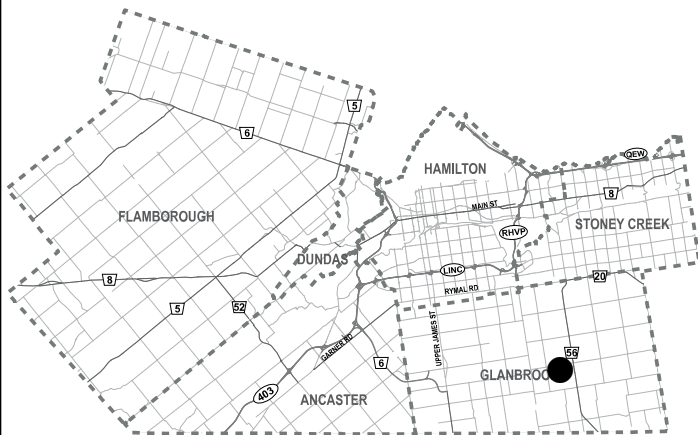
1. Glanbrook Zoning By-law No. 464 defines patio deck as *"a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade."*
2. The R4-218 Exception Zone was created under Amending By-law 07-169. The existing single detached dwelling was constructed in 2014.
3. Glanbrook Zoning By-law No. 464 defines lot coverage as *"the percentage of the lot covered by all buildings, but shall not include swimming pools and patio decks."* It is further noted that there is no lot coverage requirement for the R4-218 Exception Zone.
4. The variance is written as requested by the applicant.
5. The applicant has confirmed that the proposed patio deck is located along the side and rear lot lines but is not attached to the existing fence. An updated drawing was also submitted by the applicant to clarify the setbacks and property lines for the proposed patio deck.
6. A building permit is required for the construction of the proposed patio deck.

Development Engineering:

The patio decking around the periphery of the outdoor pool will extend to the rear and side yard limits of the property but will not be connected the house or touch any of the existing fences. The posts supporting the deck are shown 0.9m from the edge of the pool. As long as the existing rear yard drainage pattern is maintained in accordance with the approved subdivision engineering drawings and plot plan submitted for building permit issuance we have no further concerns.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



100 Binhaven Boulevard,
Glanbrook (Ward 11)

File Name/Number:

GL/A-20:208

Date:

October 27, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:66 (3659 Upper James St., Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

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

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). Amongst others, the policies listed under E.3.4.3 permit a single detached dwelling as well as accessory buildings.

Generally, accessory structures should be accessory to the primary use, in this case being the single detached dwelling. Staff are concerned that the accessory structure is not subordinate to the primary use as it is two storeys tall and is proposed to contain a sink and bathroom on the ground floor. Staff would not support the application should the accessory structure be used as a second dwelling unit.

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

The subject property is zoned Rural “A2” Zone to which the use complies.

Archeology:

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy

Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Variance 1

The applicant is seeking a variance for a maximum lot coverage of 8.8% to be permitted for all accessory buildings prior to the demolition of the “existing metal clad buildings to be demolished” and a maximum lot coverage of 5.7% shall be permitted for all accessory buildings upon demolition of the “existing metal clad buildings to be demolished”, instead of the maximum permitted lot coverage of 5% of the total lot area for all accessory buildings.

Subject to the demolition of the existing accessory structures, staff note that the increase in lot coverage of 5.7% is minor. The footprint of the proposed structure is compatible and complimentary to the surrounding neighbourhood and is comparable in the size and scale of the various accessory structures in the neighbourhood. The variance meets the intent of the UHOP and Zoning By-law as it represents an existing condition on the subject property. The variance is therefore minor in nature and appropriate for the development of the subject property. Accordingly, staff **support** the variance.

Variance 2

The applicant is seeking a variance for a maximum gross floor area 420 square metres to be permitted for all accessory buildings prior to the demolition of the “existing metal clad buildings to be demolished” and a gross floor area of 304 square metres to be permitted for all accessory buildings upon demolition of the “existing metal clad buildings to be demolished”, instead of the maximum permitted gross floor area of 200.0 square metres for all accessory buildings.

The Zoning By-law states that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 m². Staff acknowledge that the applicant will remove three existing accessory structures reducing the total accessory structure gross floor area to 304 square metres. 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 gross floor area 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 3

The applicant is seeking a variance for a maximum building height of 7.7 metres to be permitted instead of the maximum permitted height of 6.0 metres for an accessory building.

The applicant has submitted revised drawings which indicated a reduction in height for the accessory structure, from 9 metres to approximately 7.7 metres in height. In evaluating the proposed height of 7.7 metres for the accessory structure, staff note that with regards to the location, the height can be justified by both the size of the lot and the lack of sensitive uses adjacent to the structure. Therefore, the variance meets the intent of the Zoning By-law, the variance is minor in nature and is appropriate for the development of the subject property. Accordingly, staff **support** the variance that the maximum height of the accessory structure (detached garage) is 7.7 metres in height.

Recommendation

Staff recommends that variances 1 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.

Staff recommend that variance 2 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.

Building Division:

1. The agent for the applicant has advised that the “existing metal cladding buildings to be demolished”, noted to provide a total area of 116.20 square metres, may not be demolished prior to the construction of the proposed accessory building. As such, the variances have been requested to reflect site conditions pre-demolition and post-demolition of such accessory buildings.
2. A building permit is required for the construction of the proposed accessory structure. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
3. A demolition permit(s) may be required for the demolition of the existing accessory buildings noted to be demolished.
4. The requested variances have been written for the use of an accessory building which is accessory to the existing single detached dwelling only. *Accessory, as defined in the Zoning By-law, shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate*

and exclusively devoted to the main use or main building situated on the same lot. Please be advised, should the intent be to utilize the proposed building for a use other than a building accessory to the existing single detached dwelling further approval will be required.

5. The applicant shall ensure the proposed building height has been provided in accordance with the definition of “*Building Height*” and “*Grade*” as defined within the Zoning By-law.
6. A further variance will be required if the eave and gutter of the proposed accessory building encroach greater than 0.6 metres into the required 1.0 metre northerly side yard setback.
7. The lot area of 3804 square metres obtained from GISNet has been used to determine the proposed lot coverage.
8. Demolition permit 19-141833 issued November 26, 2019 to demolish 116.2 square metres of storage sheds (3) in the rear yard of the single family dwelling remains not final.

Development Engineering:

No Comment

Source Water Protection:

This C of A identification code (GL/B-20:66) is incorrectly presented in the committee agenda on the City’s website, as this is a minor variance application and not a consent application. The code is correctly presented in the actual application PDF. No comments.

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 27, 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: 3659 Upper James Street, Glanbrook
File: GL/A-20:66

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, November 5, 2020 regarding the above subject area under discussion, the Forestry and Horticulture Section has reviewed the submission associated with the Application for Minor Variance 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.

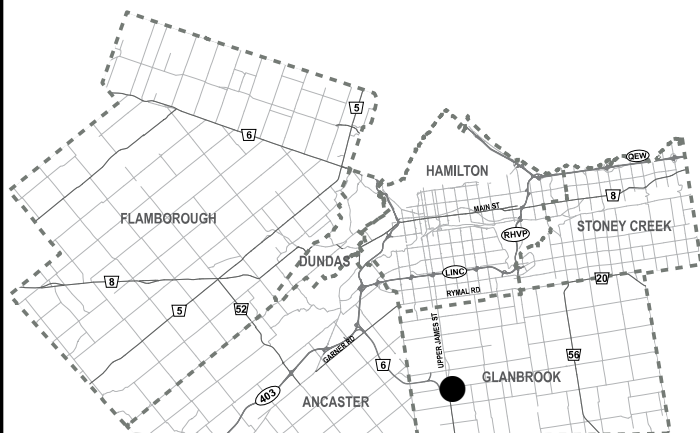
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3659 Upper James Street, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:66

Date:

October 28, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:213 (24 Thorpe St., Dundas

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new southerly addition and carport to the existing legally established non-conforming single detached dwelling.

Urban Hamilton Official Plan

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

- “F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.
- F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:
- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
 - b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
 - c) the use is in compliance with appropriate provincial and municipal regulations.”

Staff note that the existing single detached dwelling is recognized as a permitted use in the Zoning By-law so long as the use continues to exist on the subject lands. Though it is the intent that the use cease over time, staff are of the opinion that the proposed carport addition will not entrench the use of the single detached dwelling on the subject lands and that many of the variances relate to existing conditions affecting the subject property. The intent of the UHOP is maintained in this instance.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use – Medium Density (C5, 581) Zone.

Variance 1

The applicant is seeking a variance for the carport and the new southerly addition to further reduce the existing 7.8m southerly side yard to 3.6m whereas the zoning By-law requires that the existing side yard are maintained for the addition.

The proposed variances are intended to enable the construction of a new carport within the southerly side yard. Staff note that similar setbacks have been established for other side yard setbacks in the immediate area. With regard to drainage, staff defer to Development Engineering Approvals. The intent of the RHOP and Zoning By-law are maintained as the setback is compatible with the neighbourhood character and achieves access into the rear yard. The variance is therefore minor in nature and appropriate for the development of the subject property. Accordingly, staff **support** the variance.

Variance 2

The applicant is seeking a variance for the parking space to be located a minimum setback of 1.3m from the street line instead of the minimum 5.8m setback required from a street line.

The proposed variance is a minor reduction in the minimum driveway requirement. Staff are satisfied the proposed variance will have no impact on the neighbouring properties and will be minor enough to have no negative impact on vehicles parking in that space. There are no further impacts to the neighbouring properties and the variance maintains the general intent of the UHOP and Zoning By-law. The variance is therefore minor in nature and appropriate for the development of the property. Accordingly, staff **support** the variance.

Variance 3

The applicant is seeking a variance for no onsite manoeuvring to be provided instead of the minimum 6.0m aisle width required for 90-degree parking.

Staff note the use of the subject lands is a single detached dwelling and that the variance is an existing condition affecting the subject lands. It is common for single detached dwellings to have a driveway without a manoeuvring area on site. Also, there is ~5m of length from the property line to the curb line that can aid with the additional maneuvering. Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff **support** the variance.

Recommendation

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

appropriate use of the property. In conclusion, Staff recommends that the application be **approved**.

Building Division:

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

The minimum width of the ground floor façade facing the front lot line shall be 48% of the measurement of the front lot line whereas the zoning By-law states that the minimum ground floor façade facing the front lot line shall be greater than or equal to 75.0% of the measurement of the front lot line.

The principal entrance shall be permitted within the ground floor façade that is furthest to the street whereas the zoning By-law requires that one principal entrance is provided within the ground floor façade that is setback closest to a street.

A minimum southerly interior side yard of 3.6m shall be permitted instead of the minimum 7.5m side yard required for a lot abutting a residential use.

The porch shall be permitted to be located as close as 0.0m from the front lot line whereas the By-law permits an encroachment into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.

An eave, through and other similar architectural features may be permitted as close as 0.0m to the front lot line and to the northerly side lot line whereas the By-law permits a maximum encroachment of 0.6m into a required yard to a maximum of half the distance of the required yard whichever is the lesser.

Former Dundas Zoning By-law 3581-86

A minimum 1.39m front yard shall be permitted instead of the minimum 6.0m front yard required.

2. A building permit is required for the proposed addition and carport.
3. The 3.6m southerly side yard shown on the plans cannot be recognized as the "existing side yard" as this yard was lost by discontinuance. The setback to the original dwelling is not shown; however, it appears to be approximately 7.8m. The applicant shall confirm that the setback of 7.8m to the original dwelling is correct.
4. The Notice shall be amended by replacing the Note: "*The applicant requested a variance to permit a reduced front yard and southerly side yards; however, these yards are deemed to comply pursuant to the vacuum clause 4.12; as such, a variance is not required.*" And replacing with the following:

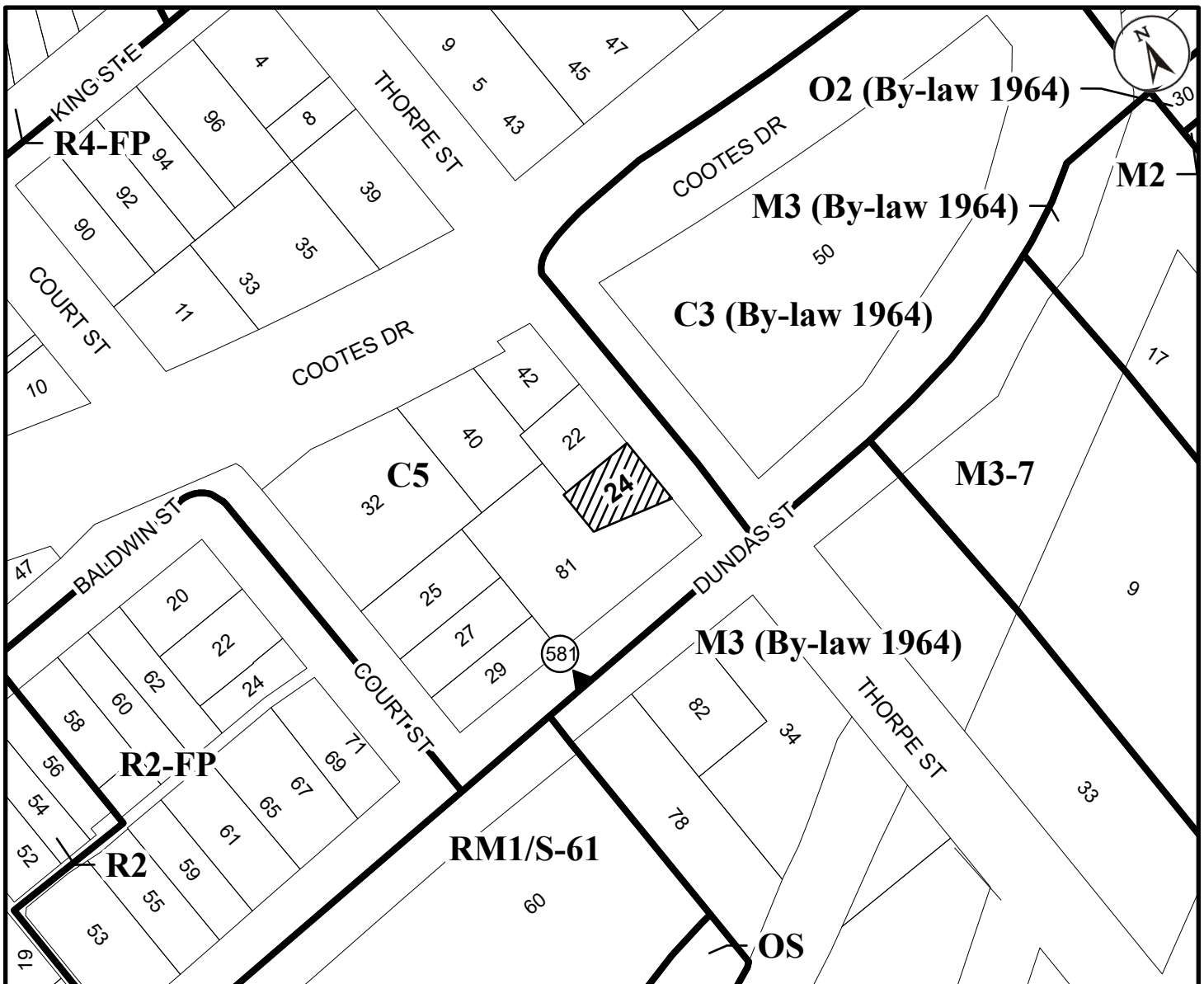
The applicant requested a variance to permit a reduced front yard; however, this yard is deemed to comply pursuant to the Hamilton Zoning By-law 05-200, vacuum clause 4.12; as such, a variance is not required.
5. The construction of a deck, porches, hot tubs and accessory buildings does not constitute an expansion of a legally established non-conforming use provided that

all other applicable zoning standards are met. The covered hot tub, rear deck, shed and front porch conform as shown.

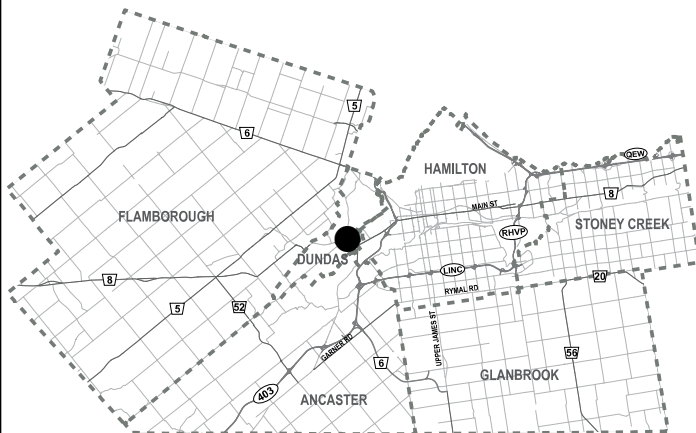
6. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.
7. An Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the building is encroaching onto and the subject lot.
8. An Encroachment Agreement with the Public Works Department may be required for the front porch shown to encroach on the Road Allowance. For further information, please contact encroachment@hamilton.ca.
9. The applicant shall ensure that the rear shed does not exceed the maximum permitted height of 5.0m as well as the maximum 3.0m height of the underside of any fascia eaves, overhang or the lower ends of the roof joist, rafters or trusses; otherwise, further variances will be required.
10. The applicant shall ensure that the minimum parking space size required in the Hamilton zoning By-law 05-200 is provided; otherwise, further variances shall be required.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



24 Thorpe Street, Dundas
(Ward 13)

File Name/Number:

DN/A-20:213

Date:

October 27, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT