

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

Consolidation Report

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

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

1. That approval of Variance 1 be tied to the submitted Site Plan and Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

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 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 family dwelling.

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 and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The existing single detached dwelling maintains a minimum front yard depth of approximately 5.0 metres with an existing unenclosed front porch and stairway which encroaches 2.86 metres into the required front yard. The applicant is proposing to construct a two storey addition and new stairway to the front of the existing single detached dwelling, replacing the existing unenclosed front porch and stairway.

This portion of Osborne Street maintains somewhat uniform front yard depths ranging from approximately 3.8 metres to 6.1 metres. While the variance would allow for a front yard depth smaller than the dwellings in the surrounding area, Staff acknowledge the building footprint of the proposed front addition is minor in size. The variances are maintaining the general intent of the Zoning By-law as the proposed addition will not significantly alter the design and style of the

existing single detached dwelling or the established residential streetscape, based on the submitted Elevation drawings.

Additionally, the proposal will only result in minor changes to the existing landscaped area in the front yard because the footprint of the front addition is mostly limited to the extent of the existing front porch and stairway. The variance is desirable for the development of the site and is considered minor in nature.

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

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 the second storey addition maintaining the existing southerly side yard width of 0.3 metres and the existing northerly side yard width of 0.75 metres. The submitted Elevation drawings shows one window on the southerly façade and no windows on the northerly façade. In addition, there is a 3.0 metre wide alleyway adjacent to the southerly side lot line allowing for further separation between the proposed addition and adjacent property directly south. Staff is satisfied there will be no adverse impacts on the privacy or enjoyment of the adjacent properties. In addition, Staff acknowledge the proposed rear addition maintains the minimum required rear yard depth of 7.5 metres.

Staff note the approval of Variance 1 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

Variance 3

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.

Based on the submitted Elevation drawings, the variance appears to recognize the existing projection of the eaves and gutters of the existing one storey single detached dwelling. The variance is maintaining the general intent of the Zoning By-law as staff do not anticipate any negative impact on the subject property or the surrounding area as a result of maintaining the existing projection into the existing side yards.

The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the single detached dwelling.

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

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 obtaining 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, 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 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.

CONDITIONS: (If Approved)

1. That approval of Variance 1 be tied to the submitted Site Plan and Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. Pursuant to Variance # 2, 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 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.
2. 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.
3. 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.
4. A building permit is required for construction of the proposed addition and front porch.

Development Engineering:

The southerly side yard of the subject site abuts a City owned alleyway; therefore, Development Engineering Approvals has no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

November 27, 2020

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

Attention: Samantha Costa

File# HM/A-20:201

Re: 313 Osbourne St

In response to your correspondence dated November 17, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

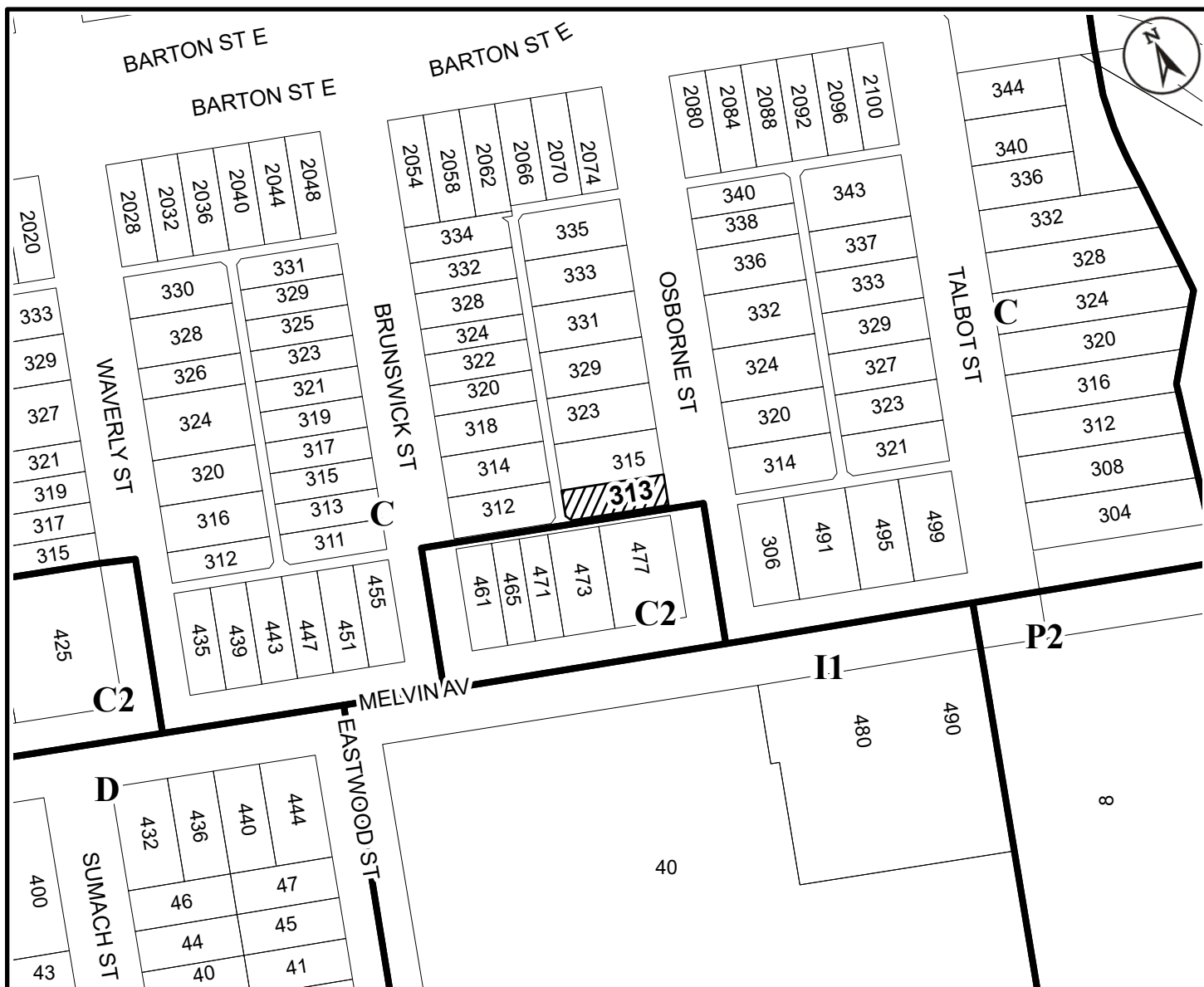
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section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

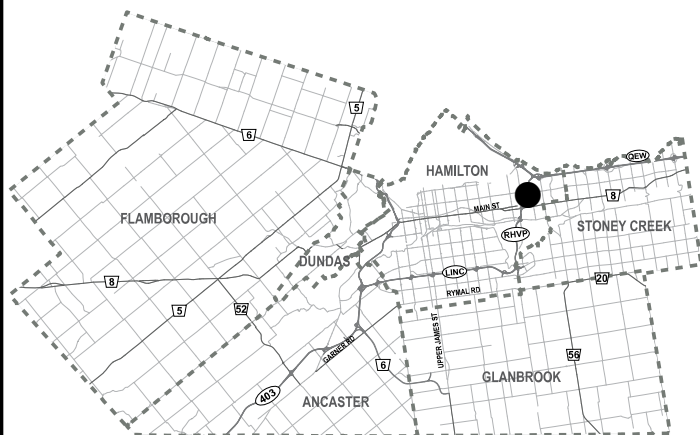
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● 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

HM/A-20:244 (209 Manning Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of a single detached dwelling to create a second dwelling unit under Section 19 of the Zoning By-law, notwithstanding that variances are required to permit a minimum of one (1) parking space and to recognize the existing minimum easterly side yard.

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 duplex dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

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

The subject lands are located in close proximity to existing HSR transit routes along Upper James Street and Upper Wellington Street. Further, there are no parking restrictions on Manning Ave or the adjacent local streets such as Greeningdon Dr and June St. Staff is of the opinion that the overflow of one parking space into the on-street parking will not exhaust the capacity. It is desirable to provide a range of dwelling types, and to encourage appropriate residential intensification within the built-up area. Based on the foregoing, staff is of the opinion that the variance meets the intent of the Official Plan and Zoning By-law, is desirable, and hence minor in nature. Staff **supports** the variance.

Variance 2

A minimum easterly side yard of 0.8 m is proposed, whereas a minimum of 1.2 m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns. The reduced minimum side yard is a continuation of an existing situation. No changes are proposed that further reduce the side yard setback. Staff is of the opinion that compatibility, access and maintenance will continue in much the same way as it has with no negative impacts anticipated. Staff **supports** the variance as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Recommendation:

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

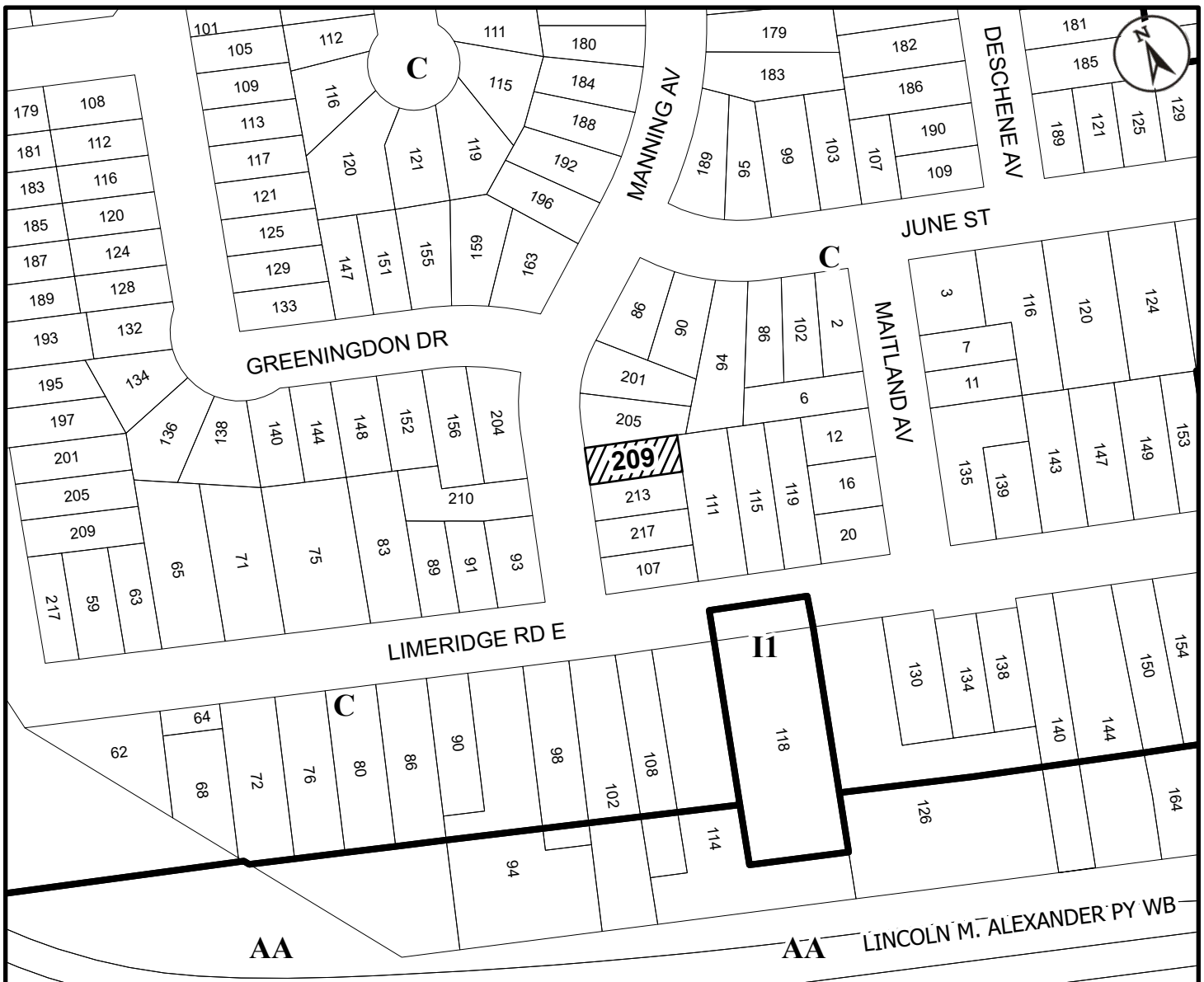
Building Division:

1. The variances are written as requested by the applicant except that a further variance was noted for the easterly side yard to recognize an existing built form situation which does not conform to the C District.
2. The wording of Variance #1 should be altered to replace the wording “easterly side yard” with the revised wording “southerly side yard”.
3. The C/S-1788 District Zoning applicable to the subject property was created under Amending By-law 19-307. This By-law provides further changes to Section 19 for the creation of second dwelling units by reducing the required minimum lot area and removing the requirement for the minimum area of dwelling units.
4. A building permit is required for the alteration of the existing single family dwelling to create the second dwelling unit.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width.

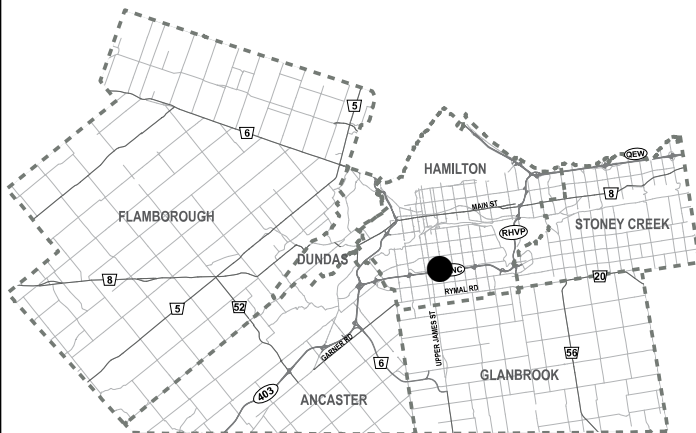
The O.B.C. will regulate the type of construction permitted as the limiting distance for the southerly side yard is 0.9m and less than 1.2m for new unprotected openings.

Development Engineering:

Being that the 0.80m easterly side yard setback is due to the location of the existing building, we have no issues with the Minor Variance as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



209 Manning Avenue, Hamilton
(Ward 7)

File Name/Number:

HM/A-20-244

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:246 (220 East 8th St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new second storey addition to the existing single detached dwelling, notwithstanding the variances below:

1. A minimum front yard depth of 4.7 m shall be permitted instead of the minimum 6.0 m front yard setback required;
2. A minimum southerly side yard width of 0.3 m shall be permitted instead of the minimum 0.9 m side yard width required;
3. No onsite parking spaces shall be permitted instead of the minimum two (2) parking spaces required; and,
4. An eave or gutter shall be permitted to encroach into the entire southerly side yard and therefore may be as close as 0.0 m to the southerly side lot line whereas the zoning By-law permits an eave or gutter to encroach a maximum ½ of the side yard or 1.0 m whichever is the lesser.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1788” District (Urban Protected Residential, Etc.), which permits single detached dwellings, subject to the applicable provisions.

The variances are requested in order to accommodate a second storey above the existing one and a half storey single detached dwelling. The second storey is not proposed to project beyond the existing dwelling. The existing maximum height of the dwelling is not proposed to increase as a result of the construction.

Variance 1

A front yard depth of 4.7 m is proposed, whereas a minimum of 6.0 m is required by the Zoning By-law. The intent is to maintain the streetscape and provide adequate space in the front yard for parking, landscaping and drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

The reduced minimum front yard is a continuation of an existing situation and therefore has no effect on the provision of landscaping or parking and has little effect on the streetscape. As a result, staff is of the opinion that the intent of the Zoning By-law is maintained. It is desirable to permit additions that are contextually compatible to allow the ongoing evolution of the neighbourhood. Staff considers the variance minor as no negative impacts are anticipated. Based on the foregoing, staff **supports** the variance as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Variance 2

A minimum southerly side yard of 0.3 m is proposed, whereas a minimum of 0.9 m is required by the Zoning By-law. The intent of the provision is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

The reduced minimum side yard is a continuation of an existing situation. No changes are proposed that further reduce the side yard width. Staff is of the opinion that access and maintenance will continue in much the same way as it has with no negative impacts anticipated. Staff does not anticipate any negative impacts to compatibility as there is no overlook into the outdoor private amenity area of the abutting lot to the south nor is there any fenestration proposed on the south façade. Based on the foregoing, staff **supports** the variance as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Variance 3

No onsite parking spaces are proposed, whereas a minimum of two (2) parking spaces are required by the Zoning By-law. The intent of the zoning requirement is to accommodate parking needs on the lot in order to minimize overflow into on-street parking. The variance is a continuation of an existing condition. The structure continues to contain one dwelling unit. Staff is of the opinion that the proposed addition does not further exacerbate the existing parking conditions and that parking will continue in much the same way as it has with no negative impacts anticipated. Further, the subject lands are in close proximity to existing HSR transit routes along Upper Wellington St, Inverness Ave E, and Fennell Ave E, and there are no parking restrictions on East 8th Ave in the vicinity. Based on the foregoing, staff **supports** the variance as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Variance 4

An eave or gutter is proposed to encroach into the entire 0.3 m wide southerly side yard to be as close as 0.0 m from the southerly side lot line, whereas the Zoning By-law permits the eave or gutter to encroach a maximum of half of the side yard width, being 0.15 m. The intent of the provision is to provide some separation between structures on abutting properties in order to minimize conflicts.

The eaves and gutters of the second storey addition are no closer to the southerly side lot line than those of the existing dwelling. The addition does not increase the length of the south façade nor increase the area of the roof. As a result, staff is of the opinion that the variance does not further exacerbate the existing condition. While the encroachment would be undesirable if it exacerbated the existing condition by substantially increasing the south façade length or water runoff from a roof with an increased area, staff is of the opinion that it is desirable to allow the ongoing evolution of the neighbourhood when there are no adverse impacts anticipated. Based on the foregoing, staff **supports** the variance as the intent of the Official Plan and Zoning By-law is maintained, it is desirable, and minor in nature.

Recommendation:

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

Building Division:

1. A building permit is required for the construction of the proposed second storey addition.
2. Be advised that Ontario Building Code regulations may require specific setback and construction types.
3. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width. The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 0.6m.
4. 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 is encroaching onto and the subject lot.

Development Engineering:

Being that the proposed addition is vertical only and will have no impact on the existing footprint of the building; and the 0.30m southerly sideyard setback is due to the location of the existing building, we have no issues with the Minor Variances as proposed.

See additional comments attached

From: [Deborah Bentley](#)
To: [Committee of Adjustment](#); [Mignano, Martha](#)
Subject: Comments-Written Submission
Date: December 1, 2020 10:11:19 AM

Application No. HM/A-20:246

Applicants: Graham Day on behalf of the owner Michael Warzocha

Subject Property: 220 East 8th Street

I am Deborah Bentley

I am the owner of 222 East 8th Street

I believe it might impact my resale value if I decide to move.

The space between the houses is already tight and my gas meter is there and so is his. If the new addition is any closer they won't be room for workers or anyone to get in between to work.

I won't get any sunlight.

If I wanted to build myself this would limit my possibilities.

There is a possibility of rain overflow going on my roof which could ruin it.

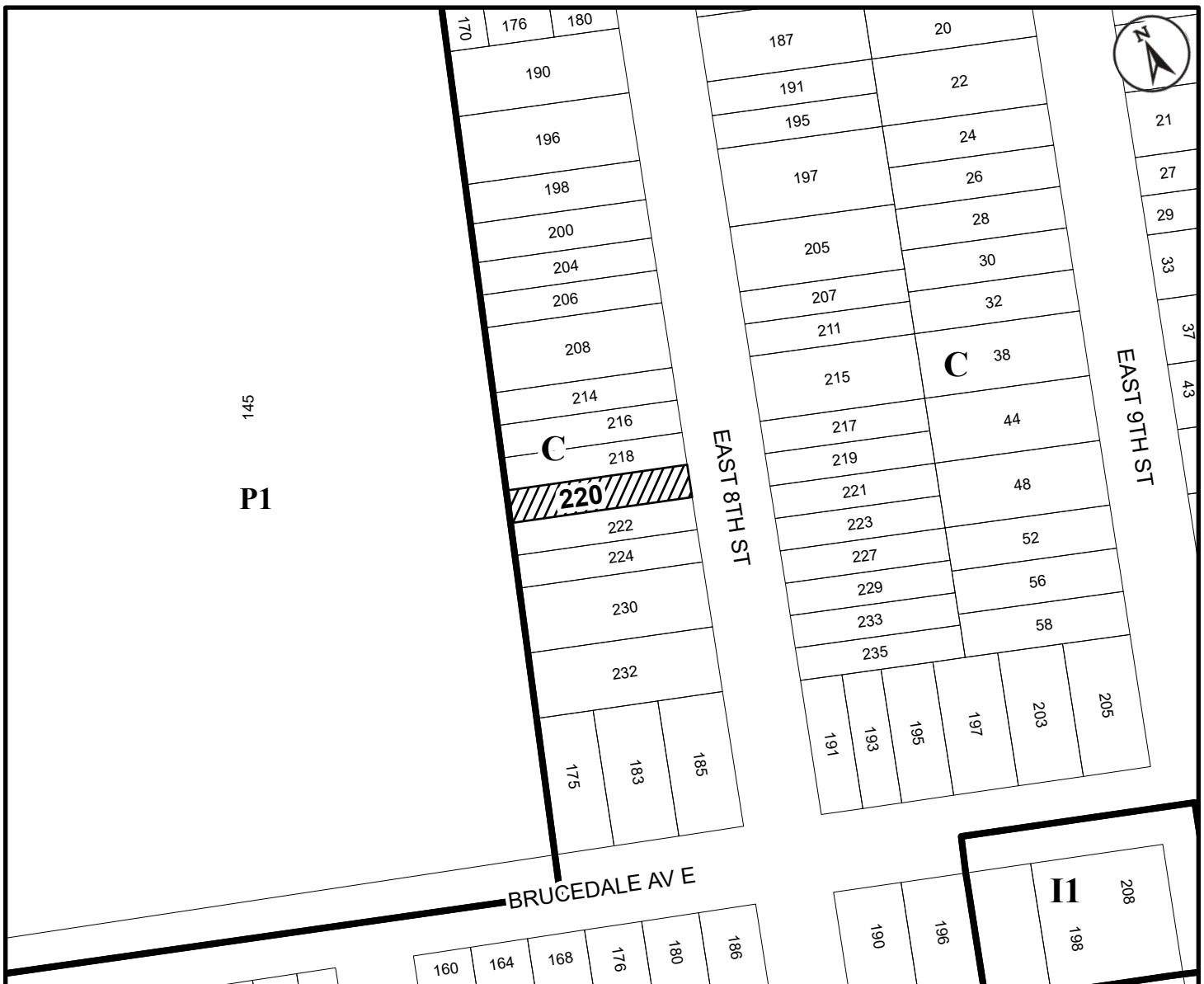
More important is the snow load falling from his side onto my roof is a big issue and could cause the lot of damage to my roof.

The parking is already an issue on my street. So them not having a driveway means more cars on the road. Not ideal.

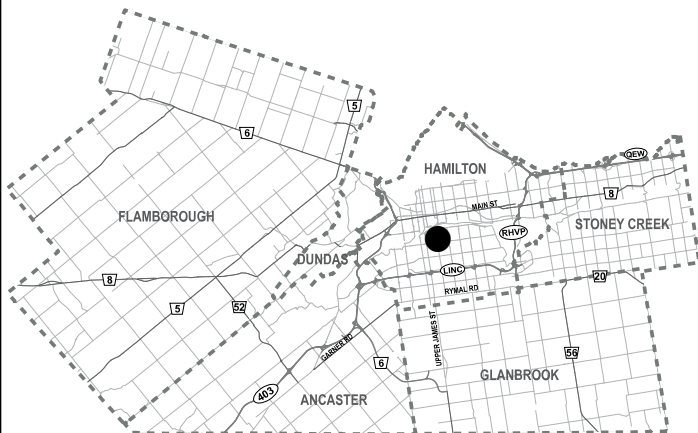
This is my written submission that I have concerns with.

Thank you,

Deborah Bentley



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



220 East 8th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-20:246

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-20:79 (199½ Stonechurch Rd. W., 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 Ontario *Planning Act*, R.S.O. 1990, 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 Part 1 on Reference Plan 62R-20835 and become one parcel of land.
3. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
4. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.

HM/B-20:79 (199½ Stonechurch Rd. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a ±0.76 metre by ±43.09 metre parcel of land with an area of ±32.75 square metres for the purpose of assembling it with the abutting property to the west, municipally known as 199 Stone Church Rd W, in order to facilitate a boundary adjustment between the two lots.

History

Consent Application HM/B-17:47 to create two lots for the purpose of constructing one single detached dwelling on each lot was approved by the Committee of Adjustment at the hearing on July 13, 2017, and final and binding on August 10, 2017. The land division sketch that accompanied the application did not accurately reflect the subject lands: a 1.52 m strip of the subject lands abutting the westerly side lot line was not included as part of the subject lands. As a result, the intent to divide the subject lands in half to create two equally-sized lots was not met because the westerly lot was created with a width of 13.96 m, being 1.52 m wider than the easterly lot of 12.44 m width.

Consent Application HM/B-20:79 proposes to adjust the lot boundary such that each of the two lots created through HM/B-17:47 will have a width of 13.2 m.

Urban Hamilton Official Plan

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

The proposed consent will facilitate a minor lot adjustment which is permitted provided there is no increased fragmentation of a *core area* and the adjustment does not conflict with the intent of the policies of the UHOP (Volume 1-F.1.14.3.6). The subject lands are not within a core area. Both of the adjusted lots would conform to the minimum lot width and lot area requirements of the Zoning By-law. As a result, staff is of the opinion that the proposed adjustment is consistent with the above-noted policy and that the proposed consent conforms to the Official Plan. Further, the proposed adjustment would result in two lots of appropriate dimensions suitable for the use proposed. Based on the foregoing, staff **supports** the proposed consent.

Former City of Hamilton Zoning By-law No. 6593

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

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*, R.S.O. 1990, 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 Ontario *Planning Act*, R.S.O. 1990, 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 Part 1 on Reference Plan 62R-20835 and become one parcel of land.

Building Division:

1. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
2. The proposed easement for access and maintenance purposes has not been identified on the on the Plan submitted. Legally established rights of ways shall be properly registered on title to provide access and maintenance between properties (lands to be conveyed and retained).

Development Engineering:

Information:

According to our GIS records, the subject section of Stone Church Road West is classified as a minor arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Stone Church Road West is ±28.4m with additional width to be taken from the north side only. Therefore, a road allowance widening dedication will not be required.

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

Stone Church Road West

- 250mmø Sanitary Sewer
- 450mmø Sanitary Sewer
- 1500mmø Storm Sewer
- 1650mmø Storm Sewer
- 400mmø Concrete Watermain
- 750mmø Concrete Transmission Watermain (service connections not permitted)
- 1050mmø Concrete Transmission Watermain (service connections not permitted)

To our understanding, the proposed severance is for land assembly purposes only and does not involve the construction of any new dwellings/buildings, therefore we have no comments or requirements.

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



Hamilton

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

Date: November 23, 2020

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

From: Sam Brush, Urban Forest Health Technician

Subject: 199 ½ Stonechurch Rd. W., Hamilton
File: HM/B-20:79

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

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

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

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

TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

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

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

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

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

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

LANDSCAPE PLAN

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

SUMMARY OF FORESTRY CONDITIONS

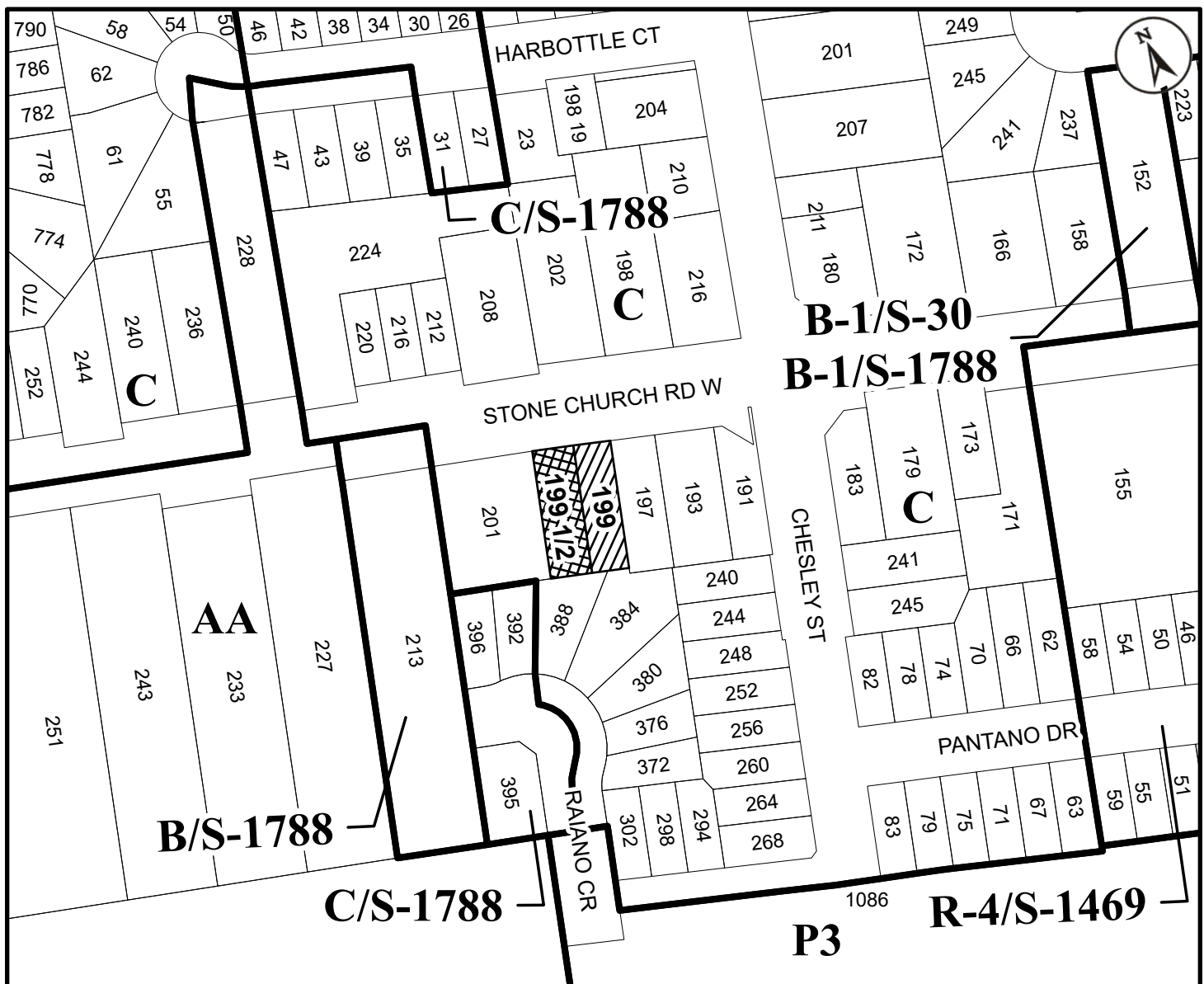
- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- A permit will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

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

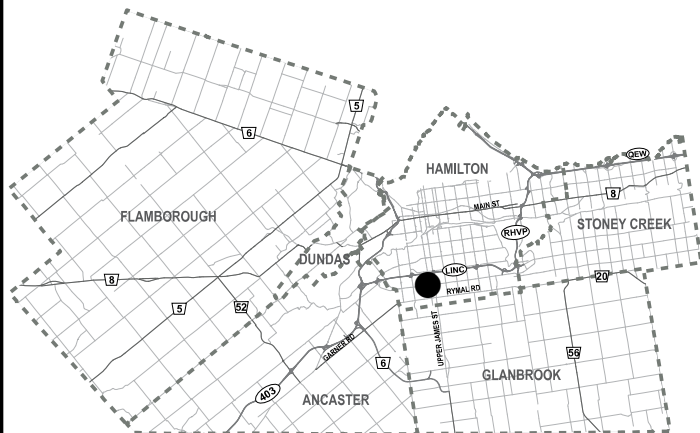
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

199 and 199 1/2 Stone Church Road West,
Hamilton (Ward 8)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-20:79

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:74 (185 Federal St., Stoney Creek)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, 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 grading plan); cash payment requirements for items such as trees, inspection of grading 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 and any damage during construction (unknown costs at this time).
3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.

Notes:

1. Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as **185 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **185 ½ Federal Street (Stoney Creek)**.
2. We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road
3. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

SC/B-20:74 (185 Federal St., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate the severance of an existing lot into two lots for a proposed semi-detached dwelling. Both the severed and retained lots are proposed to provide a frontage of ± 7.6 metres, a depth of ± 45.7 metres, and a lot area of ± 348 square metres.

History

Minor Variance Application SC/A-18:72 was approved by the Committee of Adjustment at the hearing on April 26, 2018. The applicant requested variances to reduce the minimum lot frontage for an undivided semi-detached lot from 18 metres to 15.2 metres, and to reduce the minimum lot frontage for a divided semi-detached lot from 9 metres to 7.6 metres. This variance application was given final and binding approval on May 17, 2018.

Consent Application SC/B-18:82 was approved by the Committee of Adjustment at the hearing on October 18, 2018, and final and binding on November 15, 2018. The applicant failed to fulfill all conditions of consent within the one-year time frame and as such, the application is deemed to be refused (lapsed).

Development Planning staff was supportive of both of the above applications. Consent Application SC/B-20:74 is not changed from SC/B-18:82 and implements the minor variances granted through Minor Variance Application SC/A-18:72.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure, and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are designated Low Density Residential 2b in the Western Development Area Secondary Plan (Map B.7.1-1). Policy B.7.1.1.2 applies, amongst others, and permits the proposed semi-detached dwellings at the proposed density.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings on regular lots with frontages similar to the subject lands. The proposed semi-detached dwellings will be of similar scale to the detached dwellings in the area and on lots of similar shape and size. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The streetscape will be maintained with the proposed semi-detached dwellings having a scale similar to that of the nearby residences. The proposed lots will integrate well with the lot pattern of the neighbourhood. The proposed lots are of adequate size and can support amenity space for the intended use.

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

considers the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape.

Based on the foregoing, Staff is satisfied that the proposal is consistent with the UHOP policies for residential intensification of Volume 1-Section B, the UHOP policies for lot creation of Volume 1-Section F, and the Western Development Area Secondary Plan policies of Volume 2-Section B.7.1.

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

The subject lands are zoned Residential "R6". The existing zoning permits semi-detached dwellings, subject to the zoning provisions. The Zoning By-law requires that a minimum lot frontage of 18 metres is provided for an undivided semi-detached lot, and that a minimum of 9 metres is provided for a divided semi-detached lot. The applicant has received final and binding approval of application SC/A-18:72 permitting the proposed reduced frontages.

Recommendation:

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

NOTE:

The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.

3. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
2. The owner shall submit survey evidence that the [input either lands to be severed and/or the lands to be retained], including the location of any existing structure(s), parking and landscaping [include any other regulations which may be applicable for determining zoning compliance], 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:

The applicant entered into a Consent Agreement with the City of Hamilton and paid the required fees in 2019, which was approved by Development Approvals.

This property was subject to a site servicing permit, and the fees were paid by the applicant.

The applicant is required to enter into and register on title an updated Consent Agreement with the City of Hamilton and shall provide updated grading and servicing plans for final approval.

Recommendations:

The owner must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, 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 grading plan); cash payment requirements for items such as trees, inspection of grading 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 and any damage during construction (unknown costs at this time).

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application.

See attached for additional comments.

From: [Mark McGee](#)
To: [Committee of Adjustment](#)
Cc: [Maureen Toth](#)
Subject: Application #SC/B-20:74, SC/B-20:75 - 185 & 187 Federal Street, Stoney Creek
Date: November 25, 2020 8:23:50 PM

We are writing to express our opposition to the application for Consent/Land Severance for the properties located at 185 & 187 Federal Street, Stoney Creek which is located just to the south of our back yard at 30 Blenheim Drive, Stoney Creek.

Back in March 2020, construction/demolition has briefly started before the forced shutdown due to the Covid-19 pandemic. We had a conversation with the workers at the time who had asked us about trees that were located on the other side of our south backyard fence and we had requested that they not be cut down as they were important for the privacy of our yard. We were opposed to the construction of multiple story housing units that were proposed on the land at 185 & 187 Federal Street. The workers had advised that they would not cut down the trees but we noticed later when we returned home that the trees that were located on our property but the other side of the fence were in fact cut down.

The properties have been an extreme eyesore over the summer months with very long weeds 5-6 feet high and once the weather turned cooler, the vacant properties have become home to numerous skunk nests.

We accept that the homes on these properties are in an extreme state of disrepair and should likely be torn down and be re-built but we would much prefer that they remain as single family homes on the same properties.

We would hope that our request will be taken seriously by the Committee of Adjustment as concerned property owners directly adjacent to the proposed land severance.

Best regards,

Mark McGee & Maureen Toth - homeowners
30 Blenheim Drive



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: November 23, 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: 185 Federal Street, Stoney Creek
File: SC/B-20:74

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3, 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

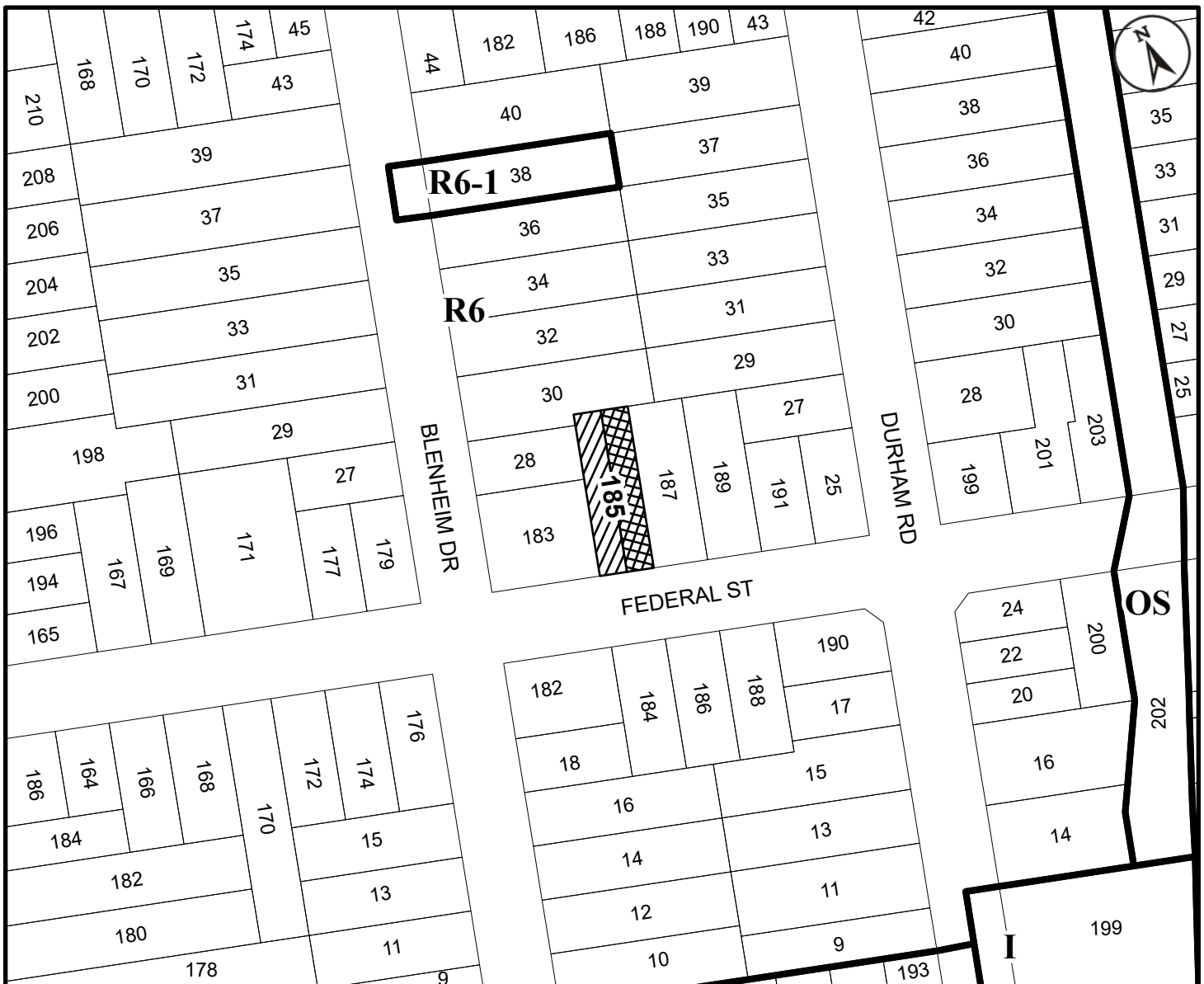
- There are no Municipal Tree Assets located on site; therefore Tree Management will not be required.
- No Landscape Plan required.

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.

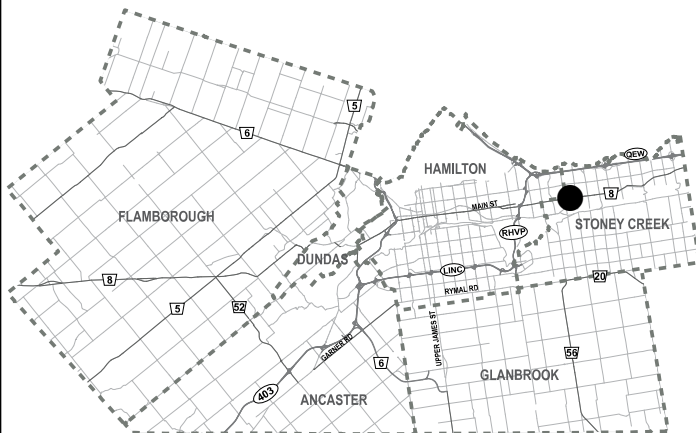
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

185 Federal Street, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:74

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:75 (187 Federal St., Stoney Creek)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, 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 grading plan); cash payment requirements for items such as trees, inspection of grading 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 and any damage during construction (unknown costs at this time).
3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
5. 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.

Notes:

1. Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will remain as **187 Federal Street (Stoney Creek)**, and the lands to be conveyed (Part 2) will be assigned the address of **187 ½ Federal Street (Stoney Creek)**.

2. We ask that the following be noted to the applicant:

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

3. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

SC/B-20:75 (187 Federal St., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate the severance of an existing lot into two lots for a proposed semi-detached dwelling. Both the severed and retained lots are proposed to provide a frontage of ± 7.6 metres, a depth of ± 45.7 metres, and a lot area of ± 348 square metres.

History

Minor Variance Application SC/A-18:228 was approved by the Committee of Adjustment at the hearing on October 18, 2018. The applicant requested variances to reduce the minimum lot frontage for an undivided semi-detached lot from 18 metres to 15.2 metres, and to reduce the minimum lot frontage for a divided semi-detached lot from 9 metres to 7.6 metres. This variance application was given final and binding approval on November 8, 2018.

Consent Application SC/B-18:83 was approved by the Committee of Adjustment at the hearing on October 18, 2018, and final and binding on November 15, 2018. The applicant failed to fulfill all conditions of consent within the one-year time frame and as such, the application is deemed to be refused (lapsed).

Development Planning staff was supportive of both of the above applications. Consent Application SC/B-20:75 is not changed from SC/B-18:83 and implements the minor variances granted through Minor Variance Application SC/A-18:228.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure, and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are designated Low Density Residential 2b in the Western Development Area Secondary Plan (Map B.7.1-1). Policy B.7.1.1.2 applies, amongst others, and permits the proposed semi-detached dwellings at the proposed density.

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings on regular lots with frontages similar to the subject lands. The proposed semi-detached dwellings will be of similar scale to the detached dwellings in the area and on lots of similar shape and size. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The streetscape will be maintained with the proposed semi-detached dwellings having a scale similar

to that of the nearby residences. The proposed lots will integrate well with the lot pattern of the neighbourhood. The proposed lots are of adequate size and can support amenity space for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). Staff is of the opinion that the proposed severance considers the design and compatibility with the existing neighbourhood. The proposed lots reflect the general scale of the established development pattern in the surrounding area, and the consents will allow for further residential intensification that is in keeping with the established streetscape.

Based on the foregoing, Staff is satisfied that the proposal is consistent with the UHOP policies for residential intensification of Volume 1-Section B, the UHOP policies for lot creation of Volume 1-Section F, and the Western Development Area Secondary Plan policies of Volume 2-Section B.7.1.

Former [City of Stoney Creek Zoning By-law No. 3692-92](#)

The subject lands are zoned Residential “R6”. The existing zoning permits semi-detached dwellings, subject to the zoning provisions. The Zoning By-law requires that a minimum lot frontage of 18 metres is provided for an undivided semi-detached lot, and that a minimum of 9 metres is provided for a divided semi-detached lot. The applicant has received final and binding approval of application SC/A-18:228 permitting the proposed reduced frontages.

Recommendation:

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

NOTE:

The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. The “R6” zoning district permits only limited residential uses. The applicant may wish to ensure that the proposed uses for the lands to be conveyed/retained are permitted.

CONDITIONAL UPON:

1. 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:

The applicant entered into a Consent Agreement with the City of Hamilton and paid the required fees in 2019, which was approved by Development Approvals.

This property was subject to a site servicing permit, and the fees were paid by the applicant.

The applicant is required to enter into and register on title an updated Consent Agreement with the City of Hamilton and shall provide updated grading and servicing plans for final approval.

Recommendations:

The owner must enter into and the City of Hamilton register on title, an updated Consent Agreement and pay the revision fee (2020) subject to change in 2021, 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 grading plan); cash payment requirements for items such as trees, inspection of grading 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 and any damage during construction (unknown costs at this time).

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application.

See attached for additional comments.

From: [Mark McGee](#)
To: [Committee of Adjustment](#)
Cc: [Maureen Toth](#)
Subject: Application #SC/B-20:74, SC/B-20:75 - 185 & 187 Federal Street, Stoney Creek
Date: November 25, 2020 8:23:50 PM

We are writing to express our opposition to the application for Consent/Land Severance for the properties located at 185 & 187 Federal Street, Stoney Creek which is located just to the south of our back yard at 30 Blenheim Drive, Stoney Creek.

Back in March 2020, construction/demolition has briefly started before the forced shutdown due to the Covid-19 pandemic. We had a conversation with the workers at the time who had asked us about trees that were located on the other side of our south backyard fence and we had requested that they not be cut down as they were important for the privacy of our yard. We were opposed to the construction of multiple story housing units that were proposed on the land at 185 & 187 Federal Street. The workers had advised that they would not cut down the trees but we noticed later when we returned home that the trees that were located on our property but the other side of the fence were in fact cut down.

The properties have been an extreme eyesore over the summer months with very long weeds 5-6 feet high and once the weather turned cooler, the vacant properties have become home to numerous skunk nests.

We accept that the homes on these properties are in an extreme state of disrepair and should likely be torn down and be re-built but we would much prefer that they remain as single family homes on the same properties.

We would hope that our request will be taken seriously by the Committee of Adjustment as concerned property owners directly adjacent to the proposed land severance.

Best regards,

Mark McGee & Maureen Toth - homeowners
30 Blenheim Drive



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: November 23, 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: 187 Federal Street, Stoney Creek
File: SC/B-20:75

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3, 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.

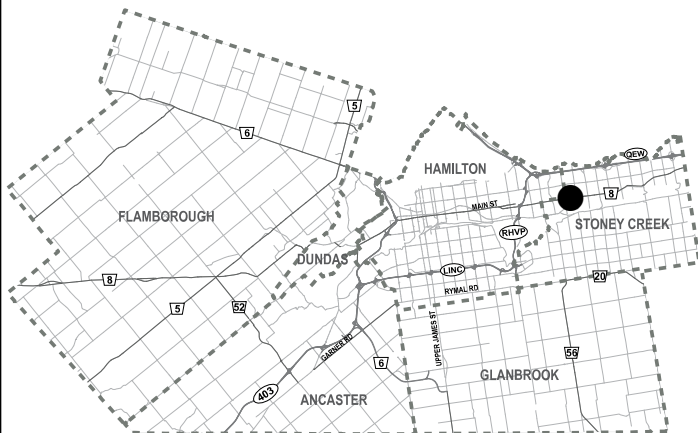
Regards,

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

Shannon Clarke
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

187 Federal Street, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-20:75

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:231 (869 Barton St., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a 33.363 metre by 38.800 metre westerly canopy addition and to permit the establishment of parking lots on the subject lands, notwithstanding the following required variances:

1. No landscaped area shall be provided along the Barton Street street line, a minimum 2.0 m wide planting strip shall be provided between the parking spaces, aisles or driveway and the Barton Street street line at the east side of the access driveway except where the planting strip tapers down to 0.0 m wide at the curved portion of the ingress/egress driveway and a minimum 3.0 m wide planting strip shall be provided between the parking spaces, aisles or driveway and the Barton Street street line at the west side of the access driveway except where the planting strip tapers down to 0.0 m wide at the curved portion of the ingress/egress driveway instead of the requirement that a minimum 6.0 metre wide landscaped area shall be provided and maintained abutting a street, except for points of ingress and egress, and in addition within the 6.0 metre landscaped area, a minimum 3.0 metre wide planting strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress;
2. Parking spaces and aisles giving direct access to parking spaces at the east side of the access driveway shall be a minimum of 2.0 m from the Barton Street street line instead of the requirement that parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line;
3. A minimum 2.0 m wide planting strip shall be provided between the parking spaces and aisles giving direct access to parking spaces and the Barton Street street line at the east side of the access driveway except where the planting strip tapers down to 0.0 m wide at the curved portion of the ingress/egress driveway and a minimum 3.0 m wide planting strip shall be provided between the parking spaces and aisles giving direct access to parking spaces and the Barton Street street line at the west side of the access driveway except where the planting strip tapers down to 0.0 m wide at the curved portion of the ingress/egress driveway instead of the requirement a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and the said parking spaces or aisle giving direct access to abutting parking spaces; and,
4. A maximum parking space size shall not be required instead of the existing regulation requiring a maximum parking space size of 3.0 m wide x 6.0 m long.

The variances are requested to facilitate Site Plan Control Application DA-20-072. Lands known municipally as 859 Barton St, 869 Barton St, and 842 Arvin Ave are proposed to be consolidated for the purposes of the development proposed through DA-20-074.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule “E” – Urban Structure and designated “Business Parks” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The proposed warehouse use is permitted within the designation, subject to the applicable policies (Volume 1-E.5.4.3).

Development and redevelopment of lands designated “Business Parks” shall contribute to a quality image for the business park by incorporating landscaping designs in areas adjacent to and visible from the public street, and by complementing the landscape qualities of adjacent sites (E.5.4.7 (a)). The proposed redevelopment has incorporated a robust planting strip of trees and shrubbery. Additionally, street trees will be required in the public right-of-way adjacent to the front lot line as a condition of Site Plan Control Application DA-20-072. Adjacent sites provide some landscaping along the street line, mostly in the form of a sodded area, and there are no planting strips currently provided between the existing front yard parking areas and the street line.

Sites shall be designed so that loading areas and larger parking areas can be located at the sides or rear of buildings (E.5.4.7 (b)). The building is existing and is situated towards the front of the lot. The larger parking area is proposed at the side of the building and the loading area is proposed at the rear. Based on the foregoing, it is the opinion of staff that the proposal is consistent with the policies of the UHOP.

Staff notes that a portion of the lands fall within the regulated area of the Hamilton Conservation Authority. As a result, staff recommends that the Hamilton Conservation Authority be contacted to determine if they have any requirements.

Hamilton Zoning By-law No. 05-200

The subject lands are split-zoned, with 859 and 869 Barton St being zoned Prestige Business Park “M3” Zone and 842 Arvin Ave being zoned General Business Park “M2” Zone.

Variances 1 and 3

The intent of these provisions is to maintain or improve the streetscape by screening the uses of the industrial zone and the parking areas to improve the aesthetics from the public realm, and to provide a physical separation between manoeuvring vehicles and the pedestrian activity along the public right-of-way.

Through approval of Minor Variance Application SC/A-18:422, the minimum required landscaped area width and planting strip width at the east side of the access driveway was reduced and is not proposed to be reduced further through this application. The existing

condition is proposed to continue. As a result, staff is of the opinion that approval of the variances as they pertain to the east side of the access driveway on Barton St will not affect the streetscape.

The proposal to match, along the west side of the access driveway, the parking area setback, planting strip width and landscaped area width variances previously approved for the east side of the access driveway and noted above maintains the intent of the UHOP by incorporating plantings along the street and complimenting the landscaping of adjacent sites. The proposed planting strip along with the future street trees will provide a visual barrier between the parking area and the public realm as well as improving the esthetics of the streetscape, thus maintaining the intent of the Zoning By-law. Based on the foregoing, staff **supports** the variances because they maintain the intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the lands, and hence minor in nature.

Variance 2

This variance was granted through approval of Minor Variance Application SC/A-18:422 with no further reductions proposed through this application. The existing building is oriented at a slight angle to the street and is set back 15.4 metres on the westerly side and 16.6 metres on the easterly side. A width of 13.3 metres is required to provide a walkway, the length of one parking space, and an aisle for vehicular access and manoeuvring. The single-loaded parking area in front of the existing building would be approximately 2.0 metres from the street directly east of the access driveway and approximately 3.1 metres on the easterly side. Staff is of the opinion that the variance allows for adequate physical separation and therefore meets the intent of the zoning. Based on the foregoing, staff **supports** the variance because it maintains the intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the lands, and hence minor in nature.

Variance 4

This variance is requested to support the proposed warehouse use by providing parking space dimensions to accommodate the size of vehicles used for the distribution function of the use. Since the intent of the provision is to ensure that parking areas are appropriately sized, staff is of the opinion that the variance meets the intent of the Zoning By-law. It is desirable to permit parking space dimensions appropriate for the use. Based on the foregoing, staff **supports** the variance because it maintains the intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the lands, and hence minor in nature.

Recommendation:

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

Building Division:

1. The variances are necessary to facilitate Site Plan Control File No. DA-20-072.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority for further information.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. A building permit is required for construction of the canopy and renovations to the existing building.

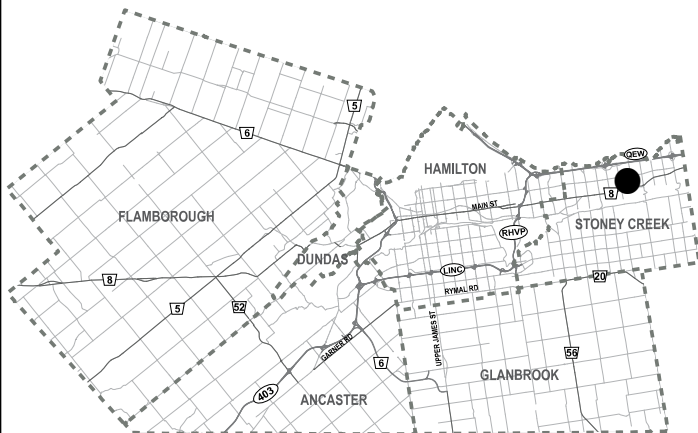
Development Engineering:

Development Approvals has no comments on the Minor Variance as proposed.

All engineering comments will be provided under Site Plan Application, DA-20-072.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



859-869 Barton Street and
842-850 Arvin Avenue,
Stoney Creek(Ward 11)

File Name/Number:

SC/A-20:231

Date:

November 20, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-20:78 (32 Trillium Ave., Stoney Creek)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. Approximately 3.0 metres are to be dedicated to the right-of-way on North Service Road, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (North Service Road) are to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
4. That, pursuant to subsection 50(12) of the Ontario *Planning Act*, R.S.O. 1990, 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 lands municipally known as 1097 North Service Rd and become one parcel of land.
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

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.

SC/B-20:78 (32 Trillium Ave., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conveyance of a ± 6.10 metre by ± 60.74 metre parcel of land with an area of ± 370.510 square metres for the purpose of assembling it with the abutting property to the west, municipally known as 1097 North Service Rd, in order to facilitate a boundary adjustment between the two lots. A ± 19.68 metre by ± 45.72 metre parcel of land with an area of ± 899.77 square metres is proposed to be retained for continued residential use. Staff notes that the ± 399.77 area of the retained lands on the Notice of Hearing appears to be a typographical error.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Urban Lakeshore Area Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.7.3-1 (UHOP – Volume 2).

The proposed consent will facilitate a minor lot adjustment which is permitted provided there is no increased fragmentation of a *core area* and the adjustment does not conflict with the intent of the policies of the UHOP (Volume 1-F.1.14.3.6). The subject lands are not within a core area. Both of the adjusted lots would conform to the minimum lot width and lot area requirements of the Zoning By-law. As a result, staff is of the opinion that the proposed adjustment is consistent with the above-noted policy and that the proposed consent conforms to the Official Plan. Based on the foregoing, staff **supports** the proposed consent.

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

The subject lands are zoned Rural Residential “RR” Zone, which permits single detached dwellings, subject to the applicable provisions. The minimum required lot frontage is 15 m. Staff understands that Development Engineering Approvals is recommending a condition for a road widening land dedication for the severed lands along the westerly edge of Trillium Ave. Subsequent to the road widening, and prior to the consent being finalized, the retained lands would conform to the minimum required lot frontage.

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*, R.S.O. 1990, 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 Ontario *Planning Act*, R.S.O. 1990, 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 lands municipally known as 1097 North Service Rd and become one parcel of land.

Building Division:

1. No dimensions for the existing Single Detached Dwelling or the existing accessory structure ("Frame Shed") as indicated on "Schedule B", on the lands that are to be conveyed have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
3. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
4. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.
5. Please note this application is to be heard in conjunction with Variance Application SC/A-20:248.

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

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

Development Engineering:

Information:

There is an existing City easement over the strip of land to be transferred to 1097 North Service Road. This easement is for a municipal watermain and sanitary sewer that cannot be obstructed.

Transportation Planning & Parking Division (Traffic):

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

Approximately 3.0 metres are to be dedicated to the right-of-way on North Service Road, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (North Service Road) are to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.



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: November 23, 2020

To: 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: 32 Trillium Avenue, Stoney Creek
File: SC/B-20:78

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3rd, 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

From: [Stone, Mike](#)
To: [Committee of Adjustment](#); [Costa, Samantha](#)
Cc: [Denise Colalillo](#)
Subject: 32 Trillium Ave. - Minor Variance SC/A-20:248 & Consent SC/B-20:78 Applications
Date: November 24, 2020 12:27:38 PM

Good afternoon,

In reviewing the December 3, 2020 Committee of Adjustment agenda HCA notes there are applications for minor variance and consent for 32 Trillium Ave. In reviewing the applications for the relief being sought from minimum front and east yard setbacks, and for the consent lot line adjustment, HCA does not have any concerns or objections to the applications.

Notwithstanding this, for the Committee's information it is noted the subject property is regulated by HCA given the potential for flooding and erosion hazards associated with Lake Ontario, and a permit will be required for any future development on the property. While the applicant has consulted with HCA on proposed development plans, a permit application for development has not been submitted as of yet and HCA has not reviewed the technical assessment work completed in support of the proposed development at this time, including the development setback lines illustrated on the variance/consent application sketches. This would be reviewed at the time of permit application submission.

As part of any development on the property, HCA requires that access be available from the road to and along the shoreline. Any further reduction of the west side yard would not be supported, and HCA has advised the applicant that a further consent application may be required to establish a shared access easement between 32 Trillium and 1097 North Service Rd. in order to allow for any (re)development of the property.

Please feel free to contact the undersigned if clarification regarding these comments is required.

Kind regards,

**Mike Stone MA, MCIP, RPP | Manager, Watershed Planning Services | Hamilton
Conservation Authority**

838 Mineral Springs Road, P.O. Box 81067, Ancaster (Hamilton), Ontario L9G 4X1

T: 905.525.2181 ext. 133 | E: mike.stone@conservationhamilton.ca | W:

www.conservationhamilton.ca

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SC/A-20:248 (32 Trillium Ave., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the development of a two-storey addition to an existing single detached dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Urban Lakeshore Area Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.7.3-1 (UHOP – Volume 2). Policy B.7.3.1.3 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 Stoney Creek Zoning By-law No. 3692-92

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

Variances 1, 4, 5 & 6

A front yard setback of 0.46 m is proposed, whereas the Zoning By-law requires a minimum 7.5 m front yard setback (Variance 1). Variance 4 to permit an eave/gutter to be 0.0 m from the front lot line, Variance 5 to permit a 0.46 m front yard setback for an unenclosed porch/balcony, and Variance 6 to permit a 0.46 m wide access driveway whereas a minimum of 6.0 m is required, are necessary to facilitate the proposed front yard setback.

The intent of the front yard setback requirement is to aid in creating and maintaining a consistent streetscape by having dwellings set back a similar and compatible distance from the street and to ensure adequate space for landscaping, drainage, and parking. Staff defers to Development Engineering Approvals with regards to all drainage concerns. While the proposed reduced front yard setback of 0.46 m for the addition is consistent with the existing one storey dwelling, the design does not integrate compatibly with the surrounding area in that it overwhelms the streetscape with the garage façade along the street and the second storey. Based on the foregoing, the variances do not maintain the intent of the Zoning By-law and they are not desirable or minor in nature. Staff **does not** support the variances.

Variances 2 & 3

A minimum easterly side yard of 0.60 m is proposed, whereas a minimum of 1.25 m is required by the Zoning By-law (Variance 2). The eaves/gutters are proposed to project into the easterly

side yard to be as close as 0.0 m from the easterly lot line, whereas a maximum projection of 0.5 m is permitted by the Zoning By-law (Variance 3). The intent of the provisions is to provide adequate space for access and maintenance, compatibility with abutting land uses, and to accommodate drainage. Staff defers to Development Engineering Approvals with regards to all drainage concerns.

The existing single detached dwelling on the subject lands is one storey, as is the dwelling abutting to the east. Staff has concerns about compatibility with the abutting lot to the east with the addition of a second storey, including the proposed porch and balcony at the rear, in terms of privacy where the proposed addition and balcony overlook the private amenity area of the abutting lot to the east. As a result, staff is of the opinion that the variances do not maintain the intent of the Zoning By-law. Based on the foregoing, the variances do not maintain the intent of the Zoning By-law and they are not desirable or minor in nature. Staff **does not** support the variances.

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. Please note this application is to be heard in conjunction with Consent/Land Severance Application SC/B-20:78.
2. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.
3. The variances shall be altered to include a variance to the definition of "Parking Space", and shall read as follows:

"To allow access to the two (2) proposed parking spaces located within the proposed attached garage to be partially provided by means of the abutting property, whereas a Parking Space, as defined in Stoney Creek Zoning By-law No. 3692-92 requires adequate access to permit ingress and egress of a motor vehicle from the street".
4. Detailed elevation drawings were not included as part of this application to confirm the height of the proposed building addition. Please note that as per Section 5.4.3(f), the maximum permitted building height is 11.0 metres. Further variances may be required if compliance with Section 5.4.3(f) is not possible.
5. Specific details regarding lot coverage were not included as part of this application. Please note that as per Section 5.4.3(c) of Stoney Creek Zoning By-law No. 3692-92, the

maximum permitted lot coverage is 40 percent. Additional variances may be required if compliance with Section 5.4.3(c) is not possible.

6. A detailed site plan indicating the specific projection of the proposed eaves/gutters was not included as part of this application. The variances to Section 4.19.1(b) pertaining to the projection of the eaves/gutters into the required side and front yards, was written as requested by the applicant.
7. Note that as per Section 4.13.2(a) of Stoney Creek Zoning By-law No. 3692-92, notwithstanding any other yard provisions of this By-law, a minimum yard of 7.5 metres for all single detached dwellings, semi-detached dwellings or duplexes, from the top of the bank of the Lake Ontario shoreline shall be provided where lakeshore protection works have been installed in accordance with the requirements of the Province of Ontario. In no case shall shoreline protection works be constructed to an elevation of less than 78 metres Geodetic Survey of Canada unless otherwise agreed to by the Ministry of Natural Resources of the Province of Ontario, the Hamilton Region Conservation Authority and the City of Stoney Creek.
8. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-4622 prior to any development.
9. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

Development Approvals has no comments on the Minor Variance as proposed.

See attached for additional comments.

From: [Stone, Mike](#)
To: [Committee of Adjustment](#); [Costa, Samantha](#)
Cc: [Denise Colalillo](#)
Subject: 32 Trillium Ave. - Minor Variance SC/A-20:248 & Consent SC/B-20:78 Applications
Date: November 24, 2020 12:27:38 PM

Good afternoon,

In reviewing the December 3, 2020 Committee of Adjustment agenda HCA notes there are applications for minor variance and consent for 32 Trillium Ave. In reviewing the applications for the relief being sought from minimum front and east yard setbacks, and for the consent lot line adjustment, HCA does not have any concerns or objections to the applications.

Notwithstanding this, for the Committee's information it is noted the subject property is regulated by HCA given the potential for flooding and erosion hazards associated with Lake Ontario, and a permit will be required for any future development on the property. While the applicant has consulted with HCA on proposed development plans, a permit application for development has not been submitted as of yet and HCA has not reviewed the technical assessment work completed in support of the proposed development at this time, including the development setback lines illustrated on the variance/consent application sketches. This would be reviewed at the time of permit application submission.

As part of any development on the property, HCA requires that access be available from the road to and along the shoreline. Any further reduction of the west side yard would not be supported, and HCA has advised the applicant that a further consent application may be required to establish a shared access easement between 32 Trillium and 1097 North Service Rd. in order to allow for any (re)development of the property.

Please feel free to contact the undersigned if clarification regarding these comments is required.

Kind regards,

**Mike Stone MA, MCIP, RPP | Manager, Watershed Planning Services | Hamilton
Conservation Authority**

838 Mineral Springs Road, P.O. Box 81067, Ancaster (Hamilton), Ontario L9G 4X1

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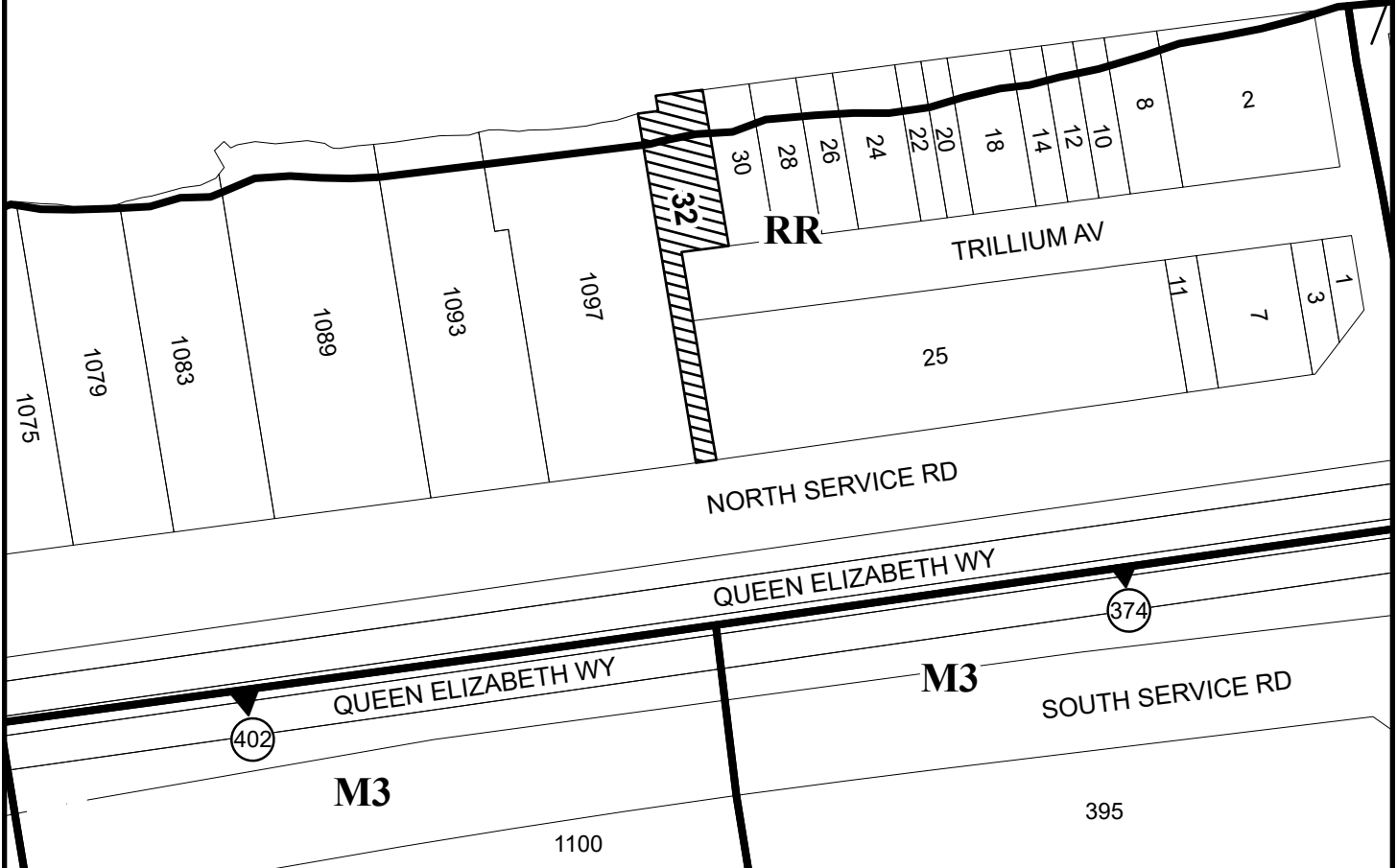
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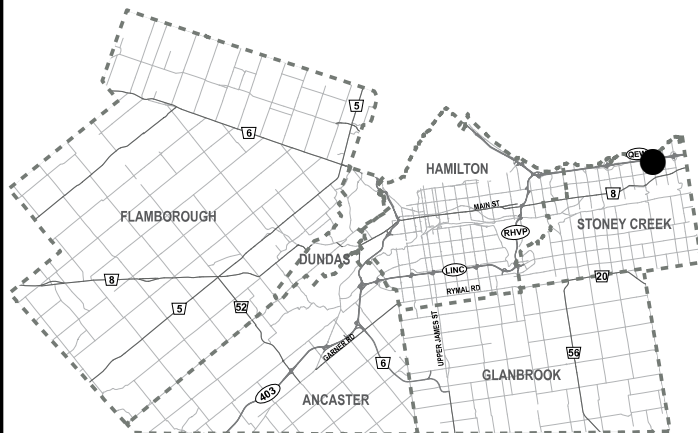


Lake Ontario

OS



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



32 Trillium Avenue, Stoney Creek
(Ward 11)

File Name/Number:

SC/A-20:248

Date:

November 23, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-20:245 (69-105 Beasley Grove, Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of street townhouses on lots/units to be known municipally as 69 to 105 Beasley Grove, notwithstanding that a variance is required to permit the proposed minimum lot depth of 28.6 metres.

The variance is necessary to facilitate Part Lot Control Application PLC-20-004.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Meadowlands IV Secondary Plan and are designated “Low Density Residential 3b” on Land Use Plan Map B.2.6-1 (UHOP – Volume 2). Policy B.2.6.1.4 (b) applies, amongst others, and permits the proposed town house dwellings at the proposed density. 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 Residential Multiple “RM2-669” Zone, which permits street townhouse dwellings, subject to the applicable provisions.

Variance 1

A minimum lot depth of 28.6 m is proposed, whereas a minimum lot depth of 29.0 m is required by the Zoning By-law. The intent of the provision is to maintain a consistent lot depth and avoid a wide and shallow lot pattern.

When the Plan of Subdivision was draft approved and Zoning By-law Amendment No. 16-068 became final and binding and zoned the property “RM2-669”, the lot depth (block depth) conformed to the minimum required; however, the depth was reduced prior to the plan of subdivision being registered in order to accommodate a rear yard access requirement for the abutting block to the south.

Approval of the variance would maintain a consistent lot depth and avoid a wide and shallow lot pattern, thus maintaining the intent of the Zoning By-law. The proposed reduction is desirable as the intent of policies are maintained and no negative impacts are anticipated. Based on the foregoing, the variance maintains the intent of the Official Plan and Zoning By-law, and is desirable and minor in nature. Accordingly, 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:

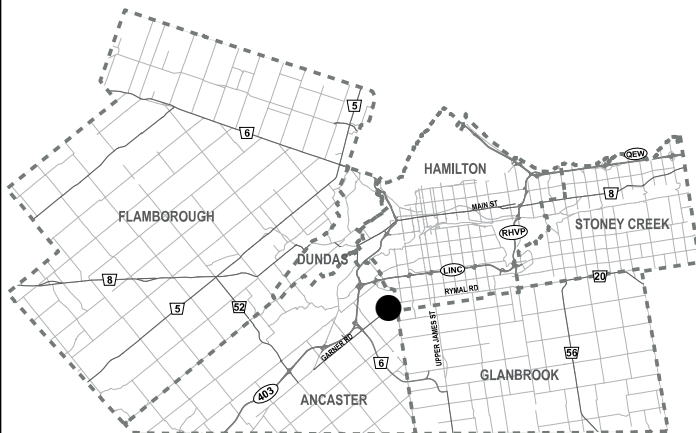
1. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority for further information.
2. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits 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
3. Building permits are required for the construction of the proposed street townhouse dwellings.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



69-105 Beasley Grove, Ancaster
(Ward 12)

File Name/Number:

AN/A-20:245

Date:

November 23, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-20:238 (217 Mill St. N., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the development of a two-storey addition to an existing single detached dwelling comprising 44.76 square metres of gross floor area, and a covered porch at the rear of the dwelling located on a residential parcel of land.

Urban Hamilton Official Plan

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

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

The subject property is zoned “R1-2” (Urban Residential (Single Detached)) District, to which the use complies.

Cultural Heritage

The property located at 217 Mill Street N, Flamborough, is included in the City's Inventory of Buildings of Architectural and/or Historical Interest and is located directly adjacent to the Mill Street Heritage Conservation District (HCD).

The applicant proposed to add an addition to the rear of the building. Although not within the HCD and not requiring a Heritage Permit, Staff have reviewed the proposed addition against the HCD Plan to ensure that the proposed addition would not have any negative impacts on the adjacent district. The proposed placement of the addition is consistent with the guidance outlined within the HCD Plan.

Notwithstanding that the subject property is included in the City's Inventory of Buildings of Architectural and/or Historical Interest, staff are of the opinion that the heritage attributes of the heritage property will be conserved. Staff have no further comments on the application as circulated.

Variance 1

The applicant is seeking a variance for a minimum of 0.63 metres north-easterly interior side yard to be permitted instead of the minimum required 1.2 metres setback.

Staff note that the existing north-easterly interior setback is 0.63m which is a pre-existing condition that is triggered as a technicality due to the proposal to construct a two-storey addition

along the existing two storey portion of the existing single detached dwelling. In staff's opinion, the proposed addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff **support** the variance.

Variance 2

The applicant is seeking a variance for an eave/gutter to be permitted to project a maximum of 1.18 m into the required north-easterly interior side yard and may be as close as 0.02 m to the north-easterly lot line instead of the maximum 0.65 m projection permitted.

Staff note that the projection of eaves and gutters are a pre-existing condition which is triggered as a technicality due to the proposal to construct a two-storey addition along the existing two storey portion of the existing single detached dwelling. Staff note that the proposed dormer, as well as the eaves and gutters, will not encroach further into the north-easterly side yard than what is currently an existing occurrence. In staff's opinion, the proposed addition maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, staff **support** the variance.

Recommendation

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

Building Division:

1. A building permit is required for the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

Development Engineering:

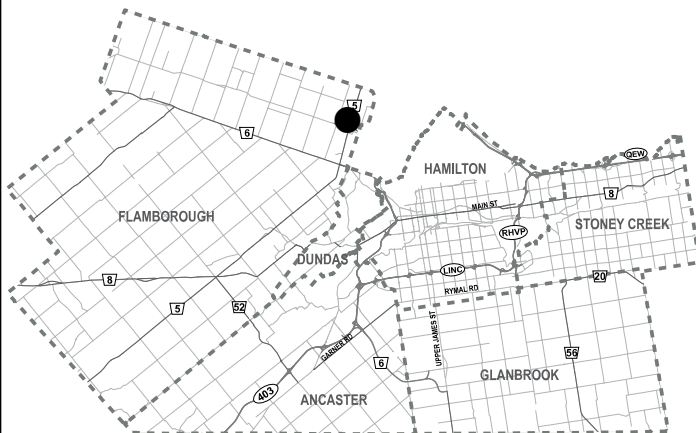
Recommendation:

The proposed 0.63m north-easterly sideyard setback for the proposed deck and addition does not allow for the minimum width of 0.90m needed to construct a drainage swale. Therefore, we recommend that the Minor Variance #1 be **denied**.

If approval is granted, Development Engineering will require a grading plan that shows the proposed drainage due to the proposed addition and deck. The grading plan should indicate that no stormwater runoff will be draining onto the adjacent properties and that the runoff from the rear addition and deck will drain towards the rear (northerly), to the satisfaction of Manager of Development Approvals.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



217 Mill Street North, FLamborough
(Ward 15)

File Name/Number:

FL/A-20:238

Date:

November 24, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:158 (102 King St. W., Stoney Creek

Consolidation Report

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

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

“Condition: That the proponent shall carry out an archaeological assessment of the property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (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).”

SC/A-20:158 (102 King St. W., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new two storey, mixed use building on the proposed property identified as Property 'A', a new one storey addition to the existing commercial building on the property identified as Property 'B', and to create a shared parking area throughout the development in accordance with Site Plan Control application DA-18-085 which received Conditional Approval on March 7, 2019, notwithstanding the variances discussed below. Staff note Minor Variance application SC/A-20:158 was tabled by the Committee of Adjustment on September 10, 2020.

Severance applications SC/B-18:157 and SC/B-18:158 were approved by the Committee of Adjustment on February 21, 2019 to divide the subject property into three separate properties shown as Property A, Property B, and Property C on the submitted Site Plan. Minor Variance application SC/A-19:197 was approved by the Committee of Adjustment on June 27, 2019 for the variances needed to facilitate the severance applications. At that time, the applicant acknowledged the variances required to facilitate Site Plan Control application DA-18-085 would be addressed at a later hearing.

Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of the subject property from "GC-32" under Stoney Creek Zoning By-law No. 3692-92 to Community Commercial (C3) Zone under Hamilton Zoning By-law No. 05-200. Additionally, By-law No. 17-240 changed the parking requirements for certain commercial and residential uses.

Portions of By-law No. 17-240 remain under appeal and therefore are not yet final and binding. In this case, the former zoning provisions shall apply until such time that the appealed sections become final and binding. In some instances (such as parking), the former provisions of Hamilton Zoning By-law 05-200 remain in effect, whereas in any case where there was no such requirement contained in Zoning By-law No. 05-200 prior to By-law No.17-240 being passed, the requirements of the former Stoney Creek Zoning By-law No. 3692-92 remain in effect. As such, the proposed development requires variances to former Stoney Creek Zoning By-law No. 3692-92 and Zoning By-law No. 05-200.

Please note each property has been reviewed against the applicable Zoning By-laws separately whereas Site Plan Control application DA-18-085 encompasses all three properties.

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. In addition, Staff

acknowledge Centennial Parkway is identified as a “Secondary Corridor” in Schedule E- Urban Structure. Policies E.3.2.3 d), E.3.8.2 a) and b), E.3.8.3, E.3.8.4, E.3.8.8 a), E.3.8.9, and E.3.8.14 amongst others, are applicable and permit local commercial uses.

Archaeology:

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential and is located in close proximity to the Battlefield Park archaeological site:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is granted, staff require that the Committee of Adjustment attach the condition for an archaeological assessment to the application. Staff acknowledge while an archaeological assessment was not a condition included in the Conditional Approval letter dated March 7, 2019, it has since been identified as a requirement.

Old Town Secondary Plan

The subject lands are designated “Local Commercial” within the Old Town Secondary Plan. Policy B.7.2.4.1, amongst others, are applicable and permit local commercial uses.

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

The subject lands are zoned Community Commercial (C3) Zone, which permits local commercial uses including a Medical Clinic, Motor Vehicle Gas Bar and Service Station, Office, Retail use, and Dwelling units in conjunction with a commercial use.

Property ‘A’

Variance to former Stoney Creek Zoning By-law No. 3692-92:

Variance 1

The applicant is requesting a variance to allow a minimum front yard setback of 4.3 metres, notwithstanding the minimum required front yard setback of 9.0 metres. The intent of the Zoning By-law is to provide a consistent streetscape and allow sufficient space in the front yard to accommodate the necessary landscaped area.

The existing streetscape along this portion of King Street West maintains a wide range of front yard depths, approximately between 0.0 metres and 13.0 metres. Staff acknowledge the proposed front yard setback of 4.3 metres conforms with future policy direction to allow for a pedestrian oriented streetscape with building built closer to the street line. The variance is maintaining the intent of the Zoning By-law as the proposed front yard depth of 4.3 metres is more consistent with the streetscape being established along this portion of King Street West, in particular the variance is consistent with the recent development located at 120 King Street West. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variances to City of Hamilton Zoning By-law No. 05-200 (Prior to By-law 17-240):

Variance 1 and 2

The applicant is requesting a variance to allow no parking spaces to be provided for an Office use being less than 450.0 square metres and to allow no parking spaces to be provided for a Personal Service use being less than 450.0 square metres, notwithstanding the By-law requires parking to be provided at a rate of one space for every 30.0 square metres of gross floor area being six spaces for the Office and the By-law requires parking to be provided at a rate of one space for every 16.0 square metres of gross floor area being 12 spaces for the Personal Service. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address staff redlines which resulted in the loss of a total of one parking space between the three properties.

The variances to allow no parking spaces to be provided for the proposed Office and, Personal Service use, all being less than 450.0 square metres, is consistent with the Council approved direction through the Commercial and Mixed Use Zones (Amending By-law No. 17-240).

Staff acknowledge the proposed reciprocal parking agreement, located between the three properties, contains 21 parking spaces which allows for some flexibility in the minimum parking requirements for each property. Staff are of the opinion the parking needs of the restaurant use are being satisfied as the customers can utilize the parking contained within the reciprocal parking agreement as shown on the submitted Site Plan.

In addition, Staff acknowledge the proposed Office, Personal Service and Retail use are local commercial uses which are intended to serve the needs of the local community. The subject property is located along the HSR BLAST network intended for higher order transit and is serviced by HSR bus route nos. 5, 44 and 58. The subject property will contain six bicycle parking spaces and is near residential uses. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by the local residents utilizing public transit and active transportation.

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

Variance 3

The applicant is requesting a variance to allow a maximum gross floor area for an individual commercial establishment (Medical Clinic) to be 794.0 square metres, notwithstanding the maximum permitted gross floor area of 500.0 square metres for an individual commercial establishment. The general intent of the Zoning By-law is to ensure the proposed commercial uses are a scale which adequately serves the local residential community.

The applicant is proposing to allow an individual commercial establishment (Medical Clinic) to have a gross floor area of 794.0 square metres which is approximately 80 % of the total commercial gross floor area within Building 1. Section 7.2.4.1 b) of the Old Town Secondary Plan states the maximum gross floor area of any individual commercial establishment shall be 500.0 square metres, as such the variance is not maintaining the intent of the Urban Hamilton Official Plan. The variance is not maintaining the general intent of the Zoning By-law it would result less opportunity to provide a variety of local commercial uses within the mixed use building to better serve the local community.

The applicant has indicated the proposed Medical Clinic will be split into two separate units, each limited to a maximum gross floor area of 500.0 square metres. Variance 3 would therefore no longer necessary.

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 4

The applicant is requesting a variance to allow a maximum of six parking spaces to be 2.6 metres in width and 5.8 metres in length and dedicated as being for small vehicles, notwithstanding the By-law requires a minimum parking space size of 3.0 metres in width by 5.8 metres in length. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The submitted Site Plan indicates that a reciprocal access agreement and parking easement is being proposed for the benefit of the three properties. The proposed parking agreement conforms with Section 5.1.a).iii) of the Zoning By-law provided the owners of both lots enter into an agreement with the City to be registered against the title. There are a total of 85 parking spaces being proposed between the three properties for the subject development. As such, six parking spaces represents approximately seven percent of the total number of parking spaces contained throughout the three properties.

Providing parking spaces with a width of 2.6 metres for less than 10% of the total number of required parking spaces is consistent with future policy direction (Amending By-law No. 17-240), provided the parking spaces are clearly identified as being reserved for small cars only. The variance is maintaining the general intent of the Zoning By-law as the proposed parking layout, in accordance with DA-18-085, can accommodate a variety of vehicle sizes. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

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

Recommendation – Property ‘A’

Variance to former Stoney Creek Zoning By-law No. 3692-92:

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 Stoney Creek Zoning By-law No. 3692-92. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

Variances to Hamilton Zoning By-law No. 05-200 (Prior to By-law 17-240):

Based on the preceding information, Variances 1, 2, and 4 maintain the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. Variances 1, 2, and 4 are considered to be minor in nature and desirable for the appropriate use of the property.

Variance 3 does not maintain the general intent and purpose of the Urban Hamilton Official Plan or the City of Hamilton Zoning By-law No. 05-200. Variances 3 is not considered to be minor in nature nor desirable for the appropriate use of the property.

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

Property 'B'

Variances to Hamilton Zoning by-law (Prior to By-law 17-240):

Variance 1 and 2

The applicant is requesting a variance to allow no parking spaces to be provided for a Retail use being less than 450.0 square metres and to allow a parking rate of one parking space for every 9.0 square metres of gross floor area being 11 parking spaces for a Restaurant use to be provided, notwithstanding the By-law requires parking to be provided at a rate of one space for every 20.0 square metres of gross floor area being 5 parking spaces (Retail use) and the By-law requires parking to be provided at a rate of one space for every 8.0 square metres of gross floor area being 13 parking spaces (Restaurant). The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of a total of one parking space between the three properties.

The variances to allow no parking spaces to be provided for the proposed Retail use and 11 parking spaces for the proposed Restaurant use is consistent with the Council approved Commercial and Mixed Use Zones (Amending By-law No. 17-240). Staff acknowledge, future regulation requires 13 parking spaces for a Restaurant use with a gross floor area of 104.0 square metres, however, Staff are of the opinion the parking needs of the Restaurant use are being satisfied.

As discussed below, the reciprocal parking agreement, public transportation services and active transportation can be utilized to supplement any deficiencies in parking for the proposed retail and restaurant use.

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

Variance 3

The applicant is requesting a variance to allow two parking spaces to be provided for the existing Motor Vehicle Service Station (Lube Shop), notwithstanding the minimum required 12 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of a total of one parking space between the three properties.

The submitted Site Plan shows two parking spaces dedicated to the existing Motor Vehicle Service Station (Lube Shop) on Property 'B'. While the applicant is proposing a reduction in the number of required parking spaces, Staff acknowledge the proposed reciprocal parking agreement, located between the three properties, contains 21 parking spaces which allows for some flexibility in the minimum parking requirements for each property. Staff are of the opinion the parking needs of the Motor Vehicle Service Station (Lube Shop) are being satisfied as the customers can utilize the parking contained within the reciprocal parking agreement as shown on the submitted Site Plan.

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

Variances to Hamilton Zoning By-law No. 05-200:

Variance 1

The applicant is requesting a variance to allow a parking rate of one parking space for every 9.0 square metres of gross floor area being 11 parking spaces for a Restaurant use to be provided, notwithstanding the minimum required parking rate of one space from every 8.0 square metres of gross floor area being 13 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of a total of one parking space between the three properties.

The submitted Site Plan shows 11 parking spaces dedicated to the proposed restaurant use on Property 'B'. While the applicant is proposing a minor reduction in the number of required parking spaces, Staff acknowledge the proposed reciprocal parking agreement, located between the three properties, contains 21 parking spaces which allows for some flexibility in the minimum parking requirements for each property. Staff are of the opinion the parking needs of the restaurant use are being satisfied as the customers can utilize the parking contained within the reciprocal parking agreement as shown on the submitted Site Plan.

In addition, Staff acknowledge the Restaurant is a local commercial use which is intended to serve the needs of the local community. The subject property is located along the HSR BLAST network intended for higher order transit and is serviced by HSR bus route nos. 5, 44 and 58. The subject property will contain six bicycle parking spaces and is in close proximity to numerous residential uses. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by the local residents utilizing public transit and active transportation.

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

Variance 2

The applicant is requesting a variance to allow two parking spaces to be provided for the existing Motor Vehicle Service Station (Lube Shop), notwithstanding the minimum required 12 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of a total of one parking space between the three properties.

The submitted Site Plan shows two parking spaces dedicated to the existing Motor Vehicle Service Station (Lube Shop) on Property 'B'. While the applicant is proposing a reduction in the number of required parking spaces, Staff acknowledge the proposed reciprocal parking agreement, located between the three properties, contains 21 parking spaces which allows for some flexibility in the minimum parking requirements for each property. Staff are of the opinion the parking needs of the Motor Vehicle Service Station (Lube Shop) are being satisfied as the customers can utilize the parking contained within the reciprocal parking agreement as shown on the submitted Site Plan.

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

Recommendation – Property ‘B’

Variances to Hamilton Zoning By-law No. 05-200 (Prior to By-law 17-240):

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

Variances to Hamilton Zoning By-law No. 05-200:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200, as amended. 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.

Property ‘C’

Variances to Hamilton Zoning By-law No. 05-200:

Variance 1

The applicant is requesting a variance to allow a parking rate of one parking space for every 11.0 square metres of gross floor area being 21 parking spaces for a Restaurant use to be provided, notwithstanding the minimum required parking rate of one space from every 8.0 square metres of gross floor area being 29 parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, received Conditional Approval on March 7, 2019. The applicant has made minor modifications to the conditionally approval site plan to address Staff redlines which resulted in the loss of a total of one parking space between the three properties.

The submitted Site Plan shows 21 parking spaces are dedicated to the proposed restaurant use on Property ‘C’. While the applicant is proposing a reduction in the number of required parking spaces, Staff acknowledge the proposed reciprocal parking agreement, located between the three properties, contains 21 parking spaces which allows for some flexibility in the minimum parking requirements for each property. Staff are of the opinion the parking needs of the restaurant use are being satisfied as the customers can utilize the parking contained within the reciprocal parking agreement as shown on the submitted Site Plan.

In addition, Staff acknowledge the Restaurant is a local commercial use which is intended to serve the needs of the local community. The subject property is located along the HSR BLAST network intended for higher order transit and is serviced by HSR bus route nos. 5, 44 and 58. The subject property will contain six bicycle parking spaces and is in close proximity to numerous residential uses. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by the local residents utilizing public transit and active transportation.

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

Recommendation – Property ‘C’

Variances to Hamilton Zoning By-law No. 05-200:

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 application be approved.

Properties ‘A’, ‘B’, and ‘C’

Variance 1

The applicant is requesting a variance that for the purposes of this development, the external boundaries of the properties shown as “A”, “B” and “C” on the Site Plan (DA-18-085) dated July 7, 2020, shall be deemed to be the lot lines for the purpose of providing the required parking for the proposed Medical Clinic on property “A”, manoeuvring space aisle width for all the parking on site and access driveways providing means of ingress and egress to all required parking on site and shall be the boundaries and not the individual property boundaries of Property “A”, “B” and “C” created by land severance application SC/B-18:157. The general intent of the Zoning By-law is to ensure adequate parking and manoeuvring space is provided on each property, independent of the adjacent properties. Staff defers any traffic concerns to Transportation Planning.

The submitted Site Plan indicates a reciprocal access agreement and parking easement is being proposed for the benefit of the three properties. The proposed parking agreement conforms with Section 5.1.a).iii) of the Zoning By-law provided the owners of both all the lots enter into an agreement with the City to be registered against the title.

The proposed parking layout, in accordance with Site Plan Control application DA-18-085, which includes the reciprocal agreement, received Conditional Approval on March 7, 2019. The shared parking and associated driveway aisles will allow for more efficient site circulation and will reduce

the number of driveway accesses onto King Street West and Centennial Parkway, creating a more pedestrian friendly environment. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

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

Recommendation – Property ‘A’, ‘B’ and ‘C’

Variances to Hamilton Zoning By-law No. 05-200:

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

CONDITIONS: (If Approved)

“**Condition:** That the proponent shall carry out an archaeological assessment of the property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

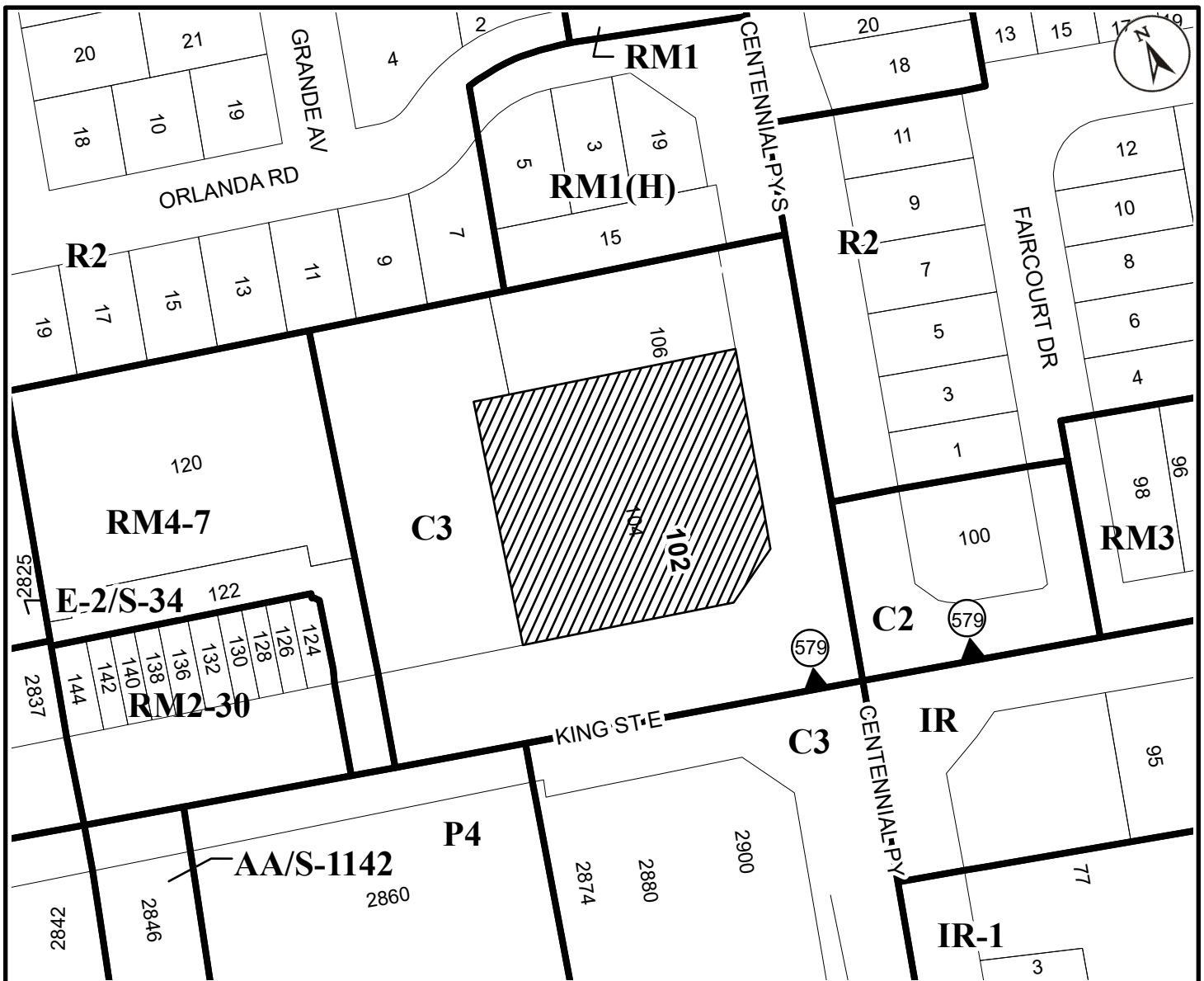
Building Division:

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

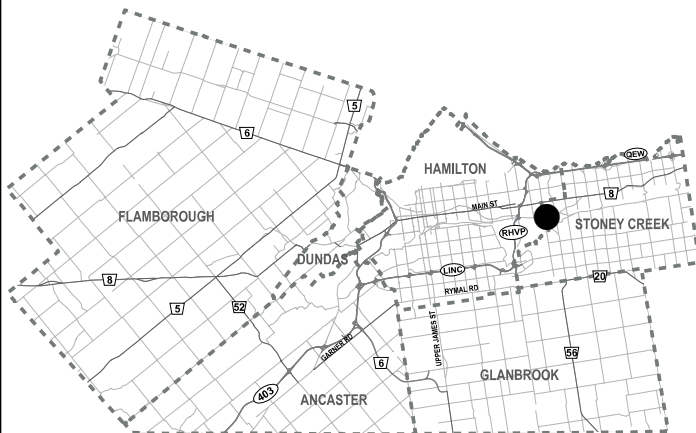
Development Engineering:

Development Approvals has no comments on the Minor Variance as proposed.

All engineering comments will be provided under Site Plan Application, DA-18-085.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



102 King Street West, Stoney Creek
(Ward 13)

File Name/Number:

SC/A-20:158

Date:

November 24, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-20:232 (10 Central Park Ave., Dundas)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new uncovered porch with steps for the existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as Neighbourhoods in Schedule E-1 – Urban Land Use Designations. Policy E.3.4 amongst others, are applicable and permit a single detached dwelling.

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

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

Variance 1

The applicant is seeking a variance for an uncovered porch to be permitted to be located as close 1.8m from the nearest street line instead of the minimum 4.0m setback from the nearest street line.

Staff acknowledge that the existing porch and stairs which are currently existing are being modernized. The porch and stairs are needed to enter the dwelling due to the raised front door. Staff believes that the By-law is being maintained as the decreased setback from the street line is still providing a residential streetscape and is a continuation of an existing condition that has not caused any known negative impact to date. Staff notes that there is approximately 4.0 metres between the lot line and sidewalk, which will help the visibility of any vehicle exiting the subject lands. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area. Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support** the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former Town of Dundas Zoning By-law No. 3581-86. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved.**

Building Division:

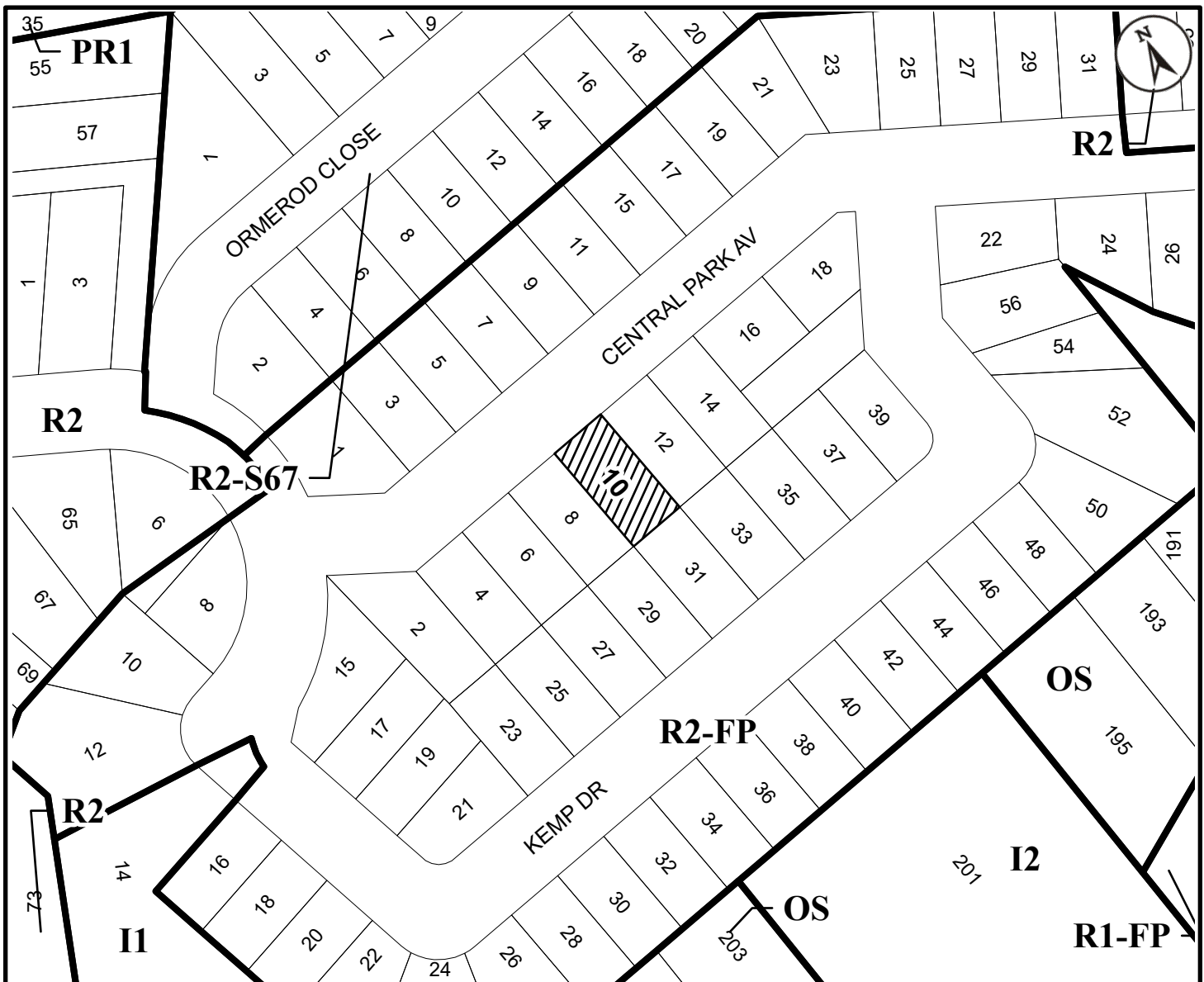
1. The Notice shall be amended by adding the words “and stairs” after the word “porch” and the word “required” after the word “minimum” so that it read as follows:

The uncovered porch and stairs shall be permitted to be located as close as 1.8m from the nearest street line instead of the minimum required 4.0m setback from the nearest street line.

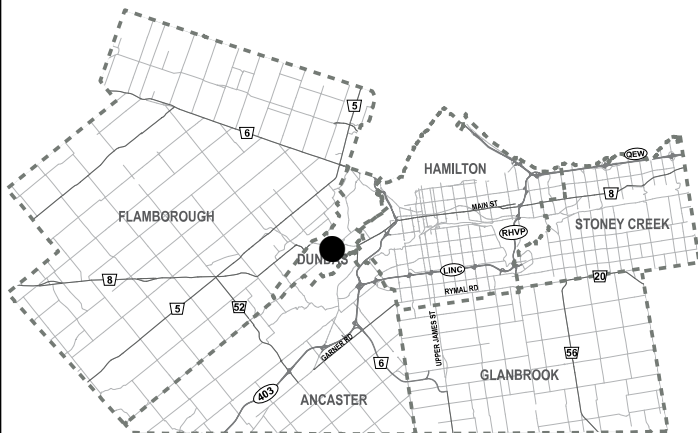
2. A building permit is required for the construction of the proposed uncovered porch.
3. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.
4. The applicant shall ensure that the front yard shall have a minimum of 50.0% as landscaped area; otherwise, further variances shall be required.
5. Order to Comply #19-133014, dated July 4, 2019, remains outstanding.
6. No survey submitted showing actual conditions.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



10 Central Park Avenue, Dundas
(Ward 13)

File Name/Number:

DN/A-20:232

Date:

November 24, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-20:76 (205 Sunnyridge Rd., Ancaster)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The owner shall comply with Ontario Building Code requirements regarding the spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence that the lands to be retained, including the location of all existing structures, conforms to the requirements of the Zoning By-law upon demolition of a portion of the existing accessory building or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence from a BCIN qualified designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. Approximately, 3.0 metre are to be dedicated to the right-of-way on Sunnyridge Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Sunnyridge Road (Jerseyville Road to Wilson Street) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
7. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

8. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
9. To the satisfaction of Director, Hamilton Water, the applicant shall complete a Hydrogeological Study that demonstrates that the impacts related to the development's private water and wastewater servicing are sustainable. The report shall follow the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services and be conducted by a qualified professional (P.Eng, P.Geo).
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.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **205 Sunnyridge Road (Ancaster)**, and the lands to be conveyed will be assigned the address of **193 Sunnyridge Road (Ancaster)**.

We ask that the following be noted to the applicant:

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

AN/B-20:76 (205 Sunnyridge Rd., Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a vacant parcel of land for residential purposes and to retain a parcel of land containing an existing single detached dwelling (dwelling to remain).

Severed lands:

30m± x 213.5m± and an area of 0.79 ha±

Retained lands:

30.9m± x 144.1m± and an area of 0.4 ha±

Greenbelt Plan

The subject property is located within the Jerseyville (Rural Settlement Areas) designation of the Greenbelt Plan. The Greenbelt Plan states that, “Hamlets, as identified in municipal official plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the external connections policies of section 3.2.5. This Plan permits infill and *intensification* of Hamlets subject to appropriate water and sewage services.”

It is staff’s understanding that the proposed severance conforms to the Greenbelt Plan.

Rural Hamilton Official Plan:

The property is within the “Jerseyville Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 3 Jerseyville Rural Settlement Area Plan. The following policies, amongst others, are applicable:

F.1.14.2.1 b) Severances that create a new lot(s) may be permitted for only the following purposes:

- iv) severances within designated Rural Settlement Areas in Accordance with Policies F.1.14.2.1 c), d), and e), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services.

The following policies also apply for lot creation within designated Rural Settlement Areas:

F.1.14.2.4 Within designated Rural Settlement Areas, all proposed severances that create a new lot and proposed lot additions shall:

- a) comply with the policies of this Plan including a rural settlement area plan where one exists;
- b) be compatible with and not hinder surrounding agricultural operations;
- c) conform to the Zoning By-law;
- d) be permitted only when both severed and retained lots have frontage on a public road;
- e) meet Minimum Distance Separation requirements; and,
- f) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

The subject lands are designated “Settlement Residential” within the Jerseyville Rural Settlement Area. Please note the following policies from “Volume 2, Chapter A, Rural Settlement Areas”:

“1.2 *General Policies*

- 1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:
 - a) Within the Rural Settlement Areas, development shall be a height, density, area and nature to be compatible with the existing built environment;
- 1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character.
- 3.1.4.2 Lots created by severance may hook into the communal water system; alternatively, said lot(s) may be served by an individual well, subject to approval by the City and the Province.”

The overall intent of the application is to allow for the severance of the existing dwelling from a 1.19 ha residential parcel for the future development of the subject lands. Based on the preceding information, the severance maintains the intent of the Rural Hamilton Official Plan as well as with respect to Section C.5 regarding source water protection. Staff note that both lots conform to the Zoning By-law.

Hamilton Zoning By-law 05-200:

The subject property is zoned Settlement Residential “S1” Zone, in the City of Hamilton Zoning By-law No. 05-200. A single detached dwelling is a permitted use within the S-1 zone and the intent of both the retained and conveyed lots will be for the occupation of a detached dwelling.

Both the retained and conveyed lands exceed and maintain the minimum lot area requirement of the S1 zone. The retained lot is 0.4 hectares and the severed lot is proposed to be 0.79 hectares, and the minimum lot size required for a single detached dwelling is 0.4 ha. Furthermore, the minimum lot width of 30.0 metres for a detached dwelling is maintained for both the retained and severed lands and the retained lands is proposed to have a lot width of 30.96m and the severed lands is proposed to have a lot width of 30.0m. Based on the above, the proposed severance is consistent with the City of Hamilton Zoning By-law.

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)."

Recommendation

Based on the above, the proposed severed and retained lands maintain the general intent and purpose of the Rural Hamilton Official Plan and comply with the City of Hamilton Zoning By-law 05-200. In conclusion, Staff recommends that the application be approved.

Building Division:

1. A variance is required to permit the existing accessory building to occupy greater than the maximum permitted lot coverage of 97 square metres of the yard in which the accessory building is located for the lands to be retained.
2. It is noted that a portion of the existing accessory structure is to be demolished. Be advised; such demolition may be subject to a demolition permit issued from the Building Division.
3. The applicant should obtain an appropriate municipal address for the proposed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the owner will be required to make application for Ontario Building Code compliance and pay the relevant fees.
5. In order to clear conditions, the owner will be required to make application for a Zoning Compliance Review and pay the relevant fees.
6. The owner, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lots lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

CONDITIONS:

1. The owner shall comply with Ontario Building Code requirements regarding the spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence that the lands to be retained, including the location of all existing structures, conforms to the requirements of the Zoning By-law upon demolition of a portion of the existing accessory building or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN qualified designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the

clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

Development Engineering:

1. The current road allowance right-of-way width of the subject section of Sunnyridge Road is ± 20.1 m. Sunnyridge Road is not identified in Schedule C-1 future right of way dedication of the current Rural Official Plan.
2. According to our GIS records, there are no municipal services that front the subject property and the existing property operates on private well and septic services. Therefore, the proponent shall submit a Hydrogeologic Study prepared by a qualified professional to demonstrate severed portion of the property is adequate to support the future dwelling.

Recommendations:

1. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
2. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Source Water Protection:

See attached

Transportation Planning & Parking Division (Traffic):

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

Approximately, 3.0 metre are to be dedicated to the right-of-way on Sunnyridge Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Sunnyridge Road (Jerseyville Road to Wilson Street) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: November 26, 2020

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

From: Sam Brush – Urban Forestry Health Technician

Subject: 205 Sunnyridge Rd., Ancaster
File: AN/B-20:76

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3, 2020 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

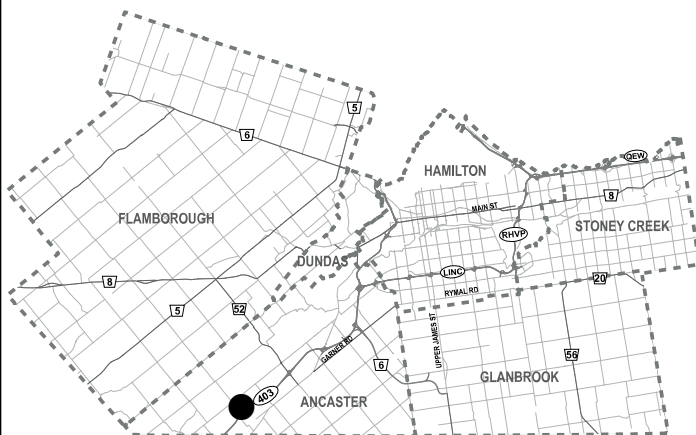
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

205 Sunnyridge Road, Ancaster (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-20:76

Date:

November 26, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:73 (2390 Hwy 5 W., Flamborough)

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering 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.

FL/B-20:73 (2390 Hwy 5 W., Flamborough)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the conveyance of a vacant parcel of to be added onto the property known as 2408 Hwy 5 W. as shown on the attached sketch.

Severed lands:

60.9m± x 106.9m± and an area of 0.6 ha±

Retained lands:

347.5m± x 159.9m± and an area of 4.7 ha±

Greenbelt Plan

The Greenbelt Plan designates the subject property as “Protected Countryside”. In regard to the proposed farm consolidation severance the following policies, amongst others, are applicable:

- 4.6 For lands falling within the Protected Countryside, the following policies shall apply:
1. Lot creation is discouraged and may only be permitted for:
 - a) Outside prime agricultural areas, including specialty crop areas, the range of uses permitted by the policies of this Plan;
 - b) Within prime agricultural areas, including specialty crop areas:
 - i. Agricultural uses, where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares (or 40 acres) within specialty crop areas and 40 hectares (or 100 acres) within prime agricultural areas; and
 - ii. Agriculture-related uses, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
 - c) Acquiring land for infrastructure purposes, subject to the infrastructure policies of section 4.2;
 - d) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas;

- e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; and
- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
 - ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

Rural Hamilton Official Plan:

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

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

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

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

Analysis

Staff note that the Rural Hamilton Official Plan does not permit severances for residential purposes, in an effort to conserve agricultural land and stop the fragmentation of larger agricultural parcels. This is also supported by the Greenbelt Plan, which does not allow severances of agricultural lands for non-agricultural purposes.

The only severances permitted in the rural area are for agriculture, properties located in a Rural Settlement Area and for a surplus farm dwelling, where a dwelling is made surplus as a result of a farm consolidation. The minimum lot size required for newly created agricultural lots and retained agricultural lots in the Agricultural designation is 40.4 hectares (100 acres).

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

Hamilton Zoning By-law No. 05-200:

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

The subject proposal does not conform to the policies of the City of Hamilton Zoning By-law No.05-200. The minimum lot area for an Agriculture (A1) Zone is 40.4 ha, the retained lands are proposed at 4.7 ha while the severed lands are proposed at 0.6 ha. As such, the proposed severance is not minor in nature and is not desirable for the appropriate development of the lands. Accordingly, staff **do not support** the severance.

Recommendation

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

CONDITION:

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

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

Building Division:

1. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
2. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
3. A minimum lot area of 40.4ha is required for an agricultural use situated within an A1 zone. As such, a variance for a reduced lot area will be required for zoning compliance on the lands to be retained.

CONDITIONAL UPON:

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 submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

Development Engineering:

According to our GIS records, there are no existing municipal services that front the property.

To our understanding, the proposed severance is for land assembly purposes only and does not involve the construction of any new dwellings/buildings, therefore we have no comments or requirements.

Source Water Protection:

See attached

Transportation Planning & Parking Division (Traffic):

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: November 26, 2020

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

From: Sam Brush – Urban Forestry Health Technician

Subject: 2390 Hwy 5 W., Flamborough
File: FL/B-20:73

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 3, 2020, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

Regards,

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

Sam Brush
Urban Forest Health Technician



PLAN REVIEW REPORT: City of Hamilton
Jamila Sheffield, Secretary Treasurer

DATE: November 27th, 2020

YOUR FILE: FL/B-20:73

RE: **Application for Consent/Land Severance**
2390 Hwy 5 W., Flamborough Ward, City of Hamilton

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the proposed severed and retained parcel contain a portion of slope hazard.

The lands where the severed parcel is to be merged contain in addition to the above noted slope hazard also contain an allowance to a wetland.

2. Legislative/Policy Requirements and Implications:

The features on the property are identified as natural hazard and natural heritage features by the Provincial Policy Statement (PPS, 2020). The application for severance is proposed to be merged with the lands to the west (2408 Highway 5 West). No new lot is proposed to be created and the proposed retained lands have sufficient area to locate a house/dwelling. Therefore the GRCA staff does not anticipate a negative impact on the above-noted feature as a result of this application.

Any future development or site alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. Additional Information/Suggestions provided in an advisory capacity:

Please be advised that the applicant will be invoiced the GRCA review and comment fee of \$420 for the minor severance application.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2237.

Yours truly,



Nathan Garland
Resource Planner
Grand River Conservation Authority

Encl.

****These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc: Andy and Jenny Jonkman – 580 Sheffield Road, Troy, ON L0R 2B0 (email)
Ian Jonkman (via email)



Grand River Conservation Authority

Date: Nov 20, 2020

Author: ah

FLB-20-73 - 2390 Highway 5
West

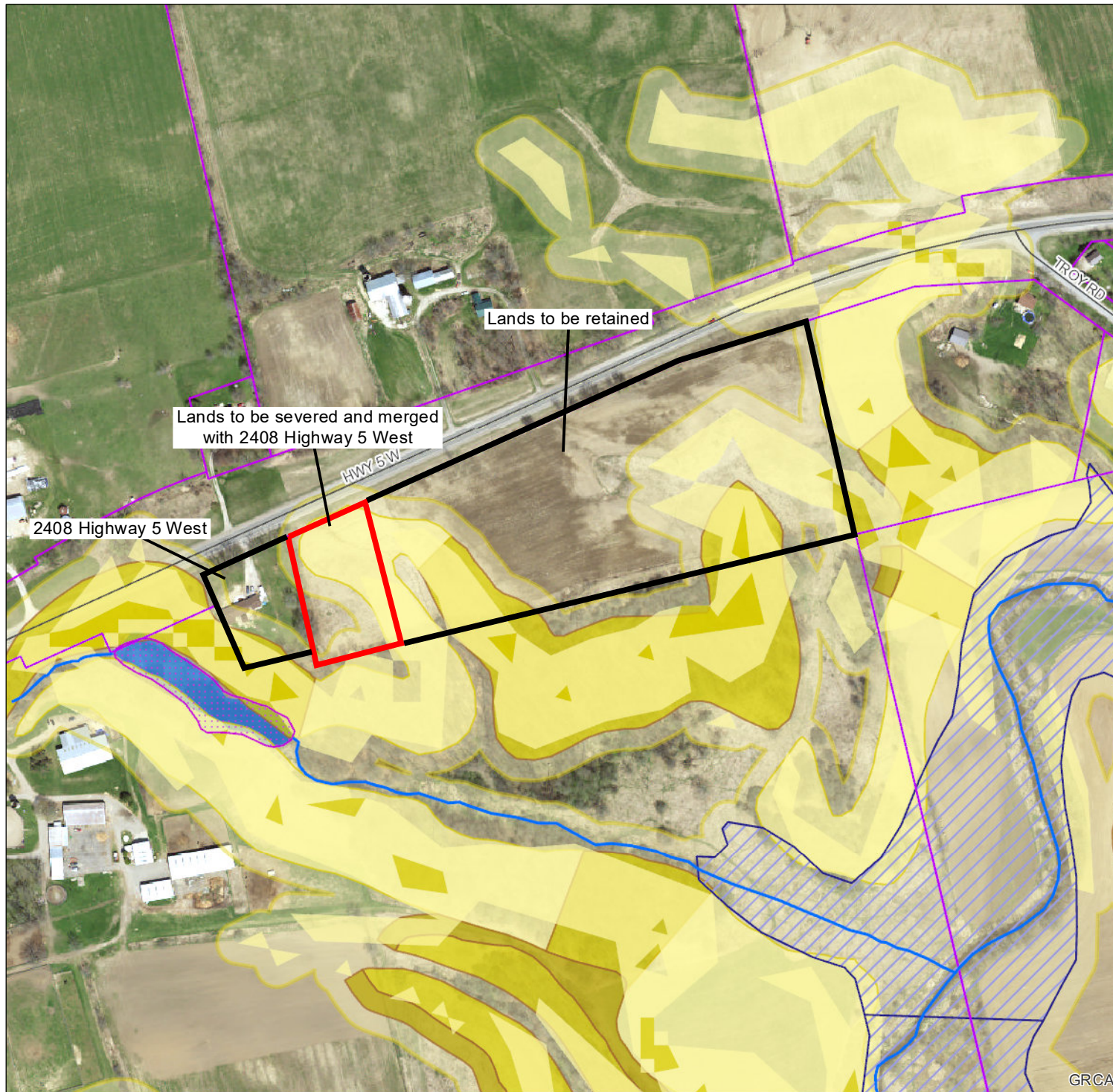
Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2020.
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

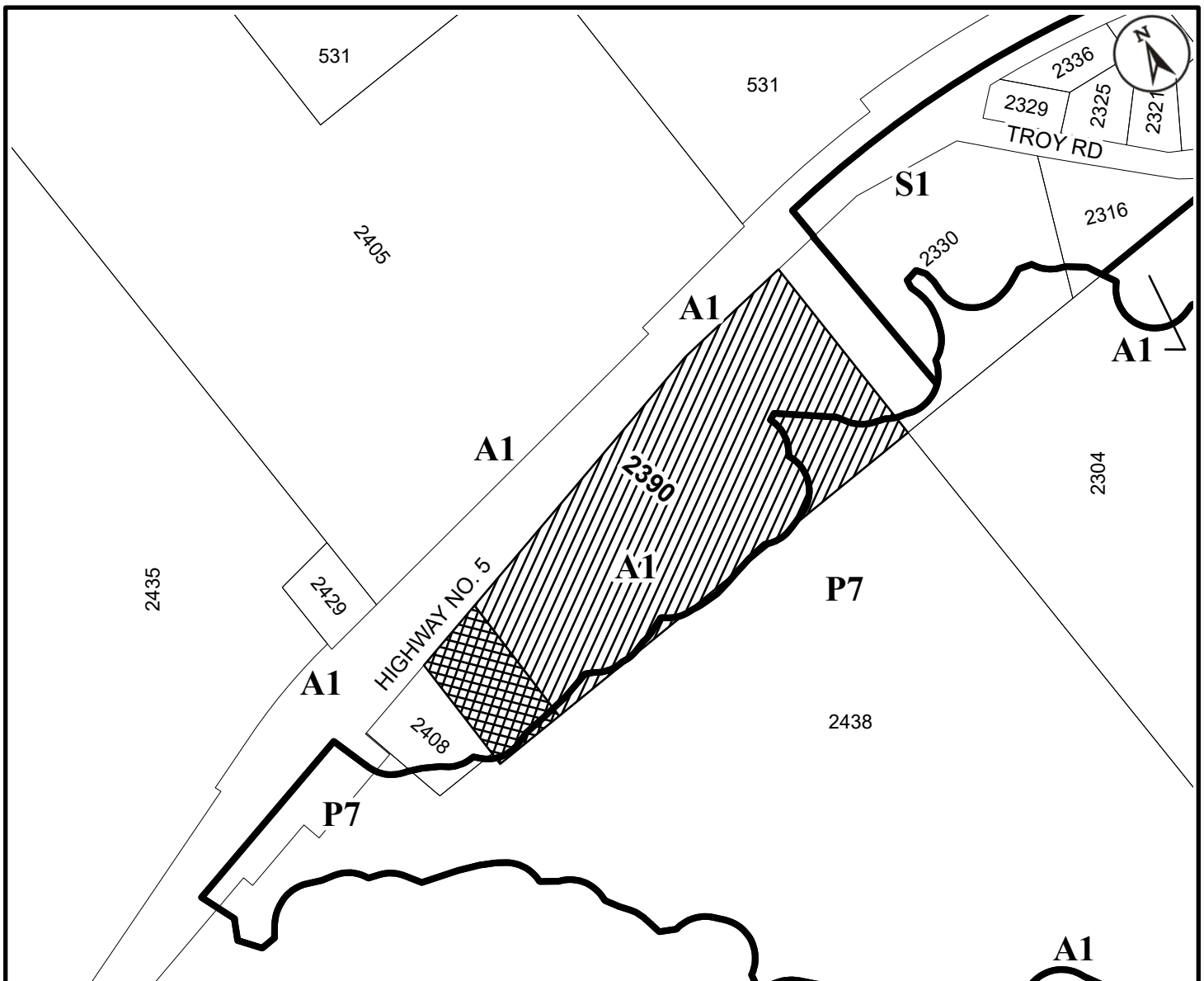
0 20 40 80 120 Metres
NAD 1983 UTM Zone 17N Scale: 4,095



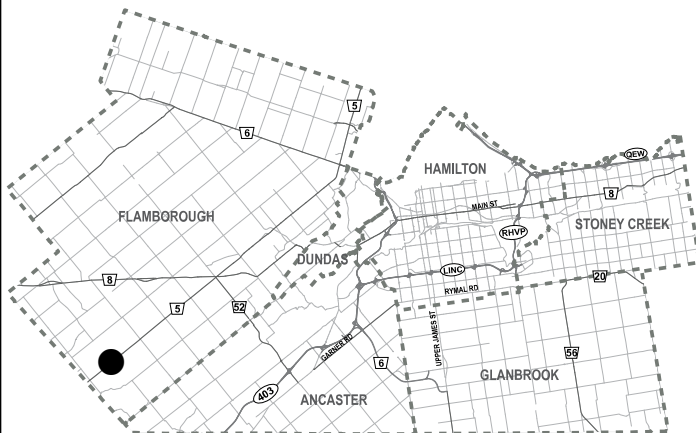
Map Centre (UTM NAD83 z17): 565,494.07 4,789,917.80

This map is not to be used for navigation | 2015 Ortho (ON) | 2019 Ortho (KWCG)

GRCA



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

2390 Highway 5 West, Flamborough (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:73

Date:

November 26, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new Single Detached Dwelling and a 9.144m (30'0") x 15.24m (50'0") one (1) storey accessory building which includes a 4.572m (15'0") x 15.24m (50'0") roofed-over porch (covered patio).

Rural Hamilton Official Plan:

The property is within the "Tapleystown Rural Settlement Area" and is designated as "Settlement Residential" in Volume 2: Map 19 Tapleystown Rural Settlement Area Plan. Section A.1.3 of Volume 2 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Archeology

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

Variance 1

The applicant is seeking a variance for a minimum easterly side yard of 1.2m to be provided for the proposed single detached dwelling instead of the minimum required side yard of 3.0m.

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

Variance 2

The applicant is seeking a variance for a maximum parking space size to not be required instead of the existing regulation requiring a maximum parking space size of 3.0m wide x 6.0m long. Staff recommend that this variance be deleted as there is ample space on the proposed driveway to accommodate for parking spaces that meet the By-law.

Variance 3

The applicant is seeking a variance for a maximum accessory building lot coverage of 140m² shall be permitted for all accessory buildings instead of the maximum lot coverage of 97m² for all accessory buildings.

Staff note that applicant had reduced the proposed gross floor area of the accessory structure to a maximum of 140m². As such, the proposed area for the accessory garage is appropriate for the scale, use, and configuration of the subject lands. The lot is approximately 0.45 ha in size and the accessory structure is subordinate to the proposed single detached dwelling. Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. Therefore, the variance is minor in nature. Accordingly, staff support this variance.

Variance 4

The applicant is seeking a variance for a maximum accessory building height of 7.2m to be permitted and a maximum height of 5.8m to be permitted to the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses for the proposed accessory building instead of the requirement that buildings accessory to a residential use shall have a maximum building height of 5.0 metres and the maximum height of the underside of any fascia eaves, overhang or the lower ends of the roof joists, rafters or trusses shall be 3.0 metres.

The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties. With regards to being subordinate, staff note that the proposed single detached dwelling is one storey (approximately 7m) in height and the proposed accessory structure is also one storey in height with a peaked roof. Height is calculated to the peak of the accessory structure. The applicant has advised that the purpose of the height is to accommodate for the truss and to accommodate lifts for the vehicles that will be stored on the property. The height of the structure is compatible with the neighbourhood as it is subordinate to the single detached dwelling. The variance maintains the general intent of the RHOP and Zoning By-law, the variance is minor in nature and appropriate for the development of the subject lands as there are no perceived impacts on the neighbouring properties. Staff support the variance.

Recommendation:

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

Building Division:

1. Please be advised that not all of the submitted Plans were attached to the Notice for Minor Variance File No. SC/A-20:130 (381 Mud St E, Stoney Creek), specifically:
 - Drawing A1 – Elevations (Dwelling), Revision 1 dated 02.20.20
 - Drawing A2 – Foundation Plan First Floor Plan (Dwelling), Revision 1 dated 02.20.20
 - Drawing A3 – Sections Roof Plan Details Notes (Dwelling), Revision 1 dated 02.20.20
2. Pursuant to Variance # 3 above, the 4.572m (15'0") x 15.24m (50'0") roofed-over porch (covered patio) attached to the 9.144m (30') x 15.24m (50') accessory building is not included and not required to be included in the lot coverage determination.
3. Pursuant to Variance # 3 above, the Agent has indicated that the existing dwelling, existing detached garage and existing two sheds are intended to be demolished once the proposed single detached dwelling and 9.144m (30') x 15.24m (50') detached garage are constructed. If the existing detached garage and existing two sheds are not demolished, a further variance shall be required as the total lot coverage for all accessory buildings will exceed 140m².
4. The Agent has indicated that the existing driveway is to be removed with demolition of the existing dwelling, existing detached garage and existing two sheds. If this driveway is not removed, a further variance shall be necessary in order to allow two (2) driveways as a maximum of one (1) driveway is permitted.
5. The Agent has indicated that the proposed accessory building will be used for residential and personal use only. The accessory building shall not be used for commercial or industrial uses or for human habitation.
6. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority for further information.
7. 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.
8. Be advised that Ontario Building Code regulations may require specific setback and construction types.

9. A building permit is required for construction of the proposed single detached dwelling and accessory building.

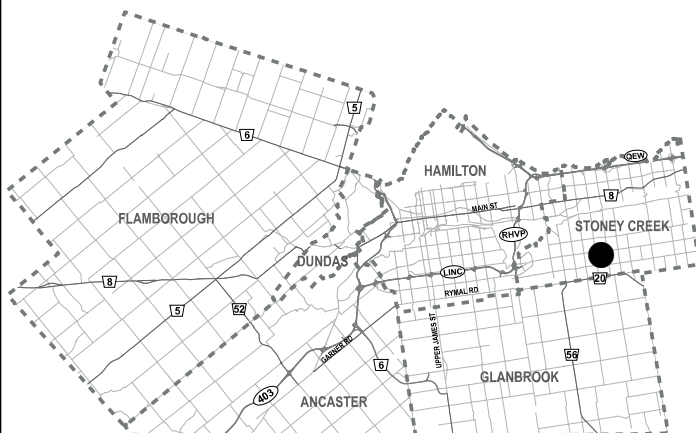
Demolition permits are required for demolition of the existing single detached dwelling, existing garage and existing two sheds.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



381 Mud Street East,
Stoney Creek (Ward 9)

File Name/Number:

SC/A-20:130

Date:

July 29, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory building with a gross floor area of 297m², located on a residential parcel of land.

Rural Hamilton Official Plan

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

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

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

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

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

Variance 1

The applicant is seeking a variance for a maximum gross floor area of 297m² shall be permitted for all building's accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum gross floor area of 200m².

Staff note that the increase in maximum gross floor area is not minor as it will facilitate the proposed accessory structure which is excessive when considering the proposed ground floor area of 297m². The proposed structure is not compatible with the surrounding neighbourhood and is not subordinate to the single detached dwelling. In regard to evaluating the appropriateness of a large accessory structure the use of the accessory structures must be subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of proposed GFA dedicated to the accessory structures being bigger than the area of the single detached dwelling, the proposed structure becomes larger than the principle

use of the property and as such no longer meet the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. Accordingly, staff do not support the variance.

Recommendation

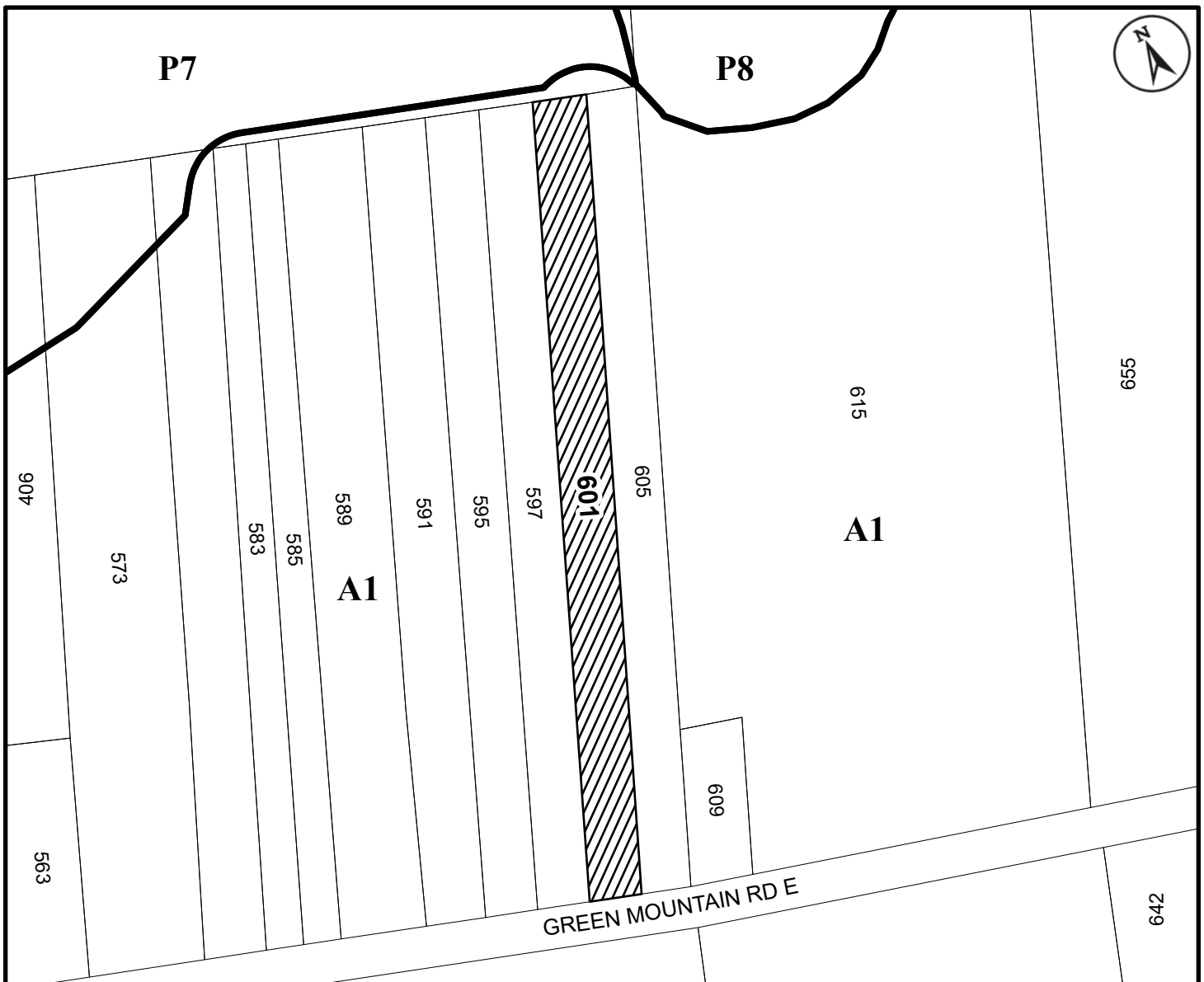
Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law. The variance is not considered to be minor in nature and is not desirable for the appropriate use of the property. In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

Building Division:

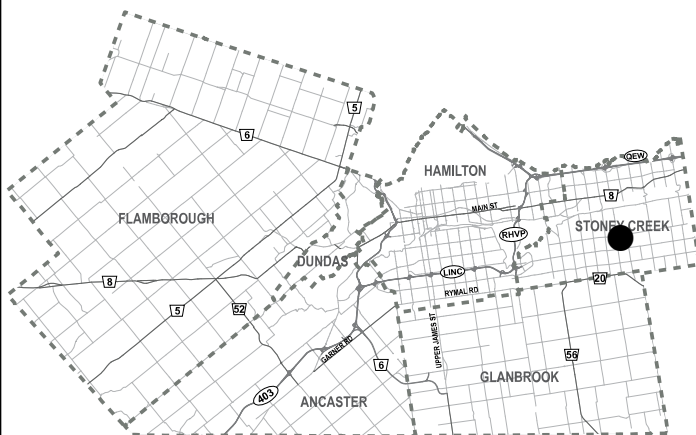
1. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-648-4622 for further information.
2. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control.
3. Construction of the proposed accessory building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. A demolition permit may be required for the demolition of any existing accessory structures that are to be removed.

Development Engineering:

If the existing drainage pattern is maintained, we have no issues with this application.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



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

File Name/Number:

SC/A-20-183

Date:

October 8, 2020

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-20:236 (67-113 Picardy Dr., Stoney Creek)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of 12 new semi-detached dwellings on Blocks 37-48 respectively for a total of 24 dwelling units.

Urban Hamilton Official Plan

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

Stoney Creek Zoning By-law No. 3692-92

The lands are zoned Multiple Residential “R5-10” Zone under Stoney Creek Zoning By-law No. 3692-92. Semi-detached dwellings are permitted under the “R5-10” Zone.

Variance 1

The applicant is seeking a variance for a minimum rear yard of 6.0m to be permitted instead of the minimum 7.5m rear yard required.

The variance maintains the general intent and purpose of the Official Plan as the proposed is permitted and the reduced rear yard setback will not impact the existing characteristics of the built neighbourhood. The variance maintains the general intent and purpose of the By-law since the reduction will not impact the privacy or amenity area for the backyard and will not create adverse impacts for the drainage. Staff is of the opinion that the variance is minor since the proposed deck will continue to provide additional amenity space. However, Staff defer to Development Engineering regarding the drainage. Based on the foregoing, the variance deemed to be appropriate for the development and use of the lands. Accordingly, **staff support** the variance.

Variance 2

The applicant is seeking a variance for a maximum 50.0% lot coverage to be permitted instead of the maximum 40.0% lot coverage permitted.

The variance maintains the general intent and purpose of the Official Plan, since the proposed development with an increase in coverage is part of a comprehensive, planned development that maintains the streetscape character of the area and provides a variety of dwelling types, heights and forms. The variance is maintaining the general intent and purpose of the Zoning

By-law since the increase in lot coverage will not impact the ability to provide landscaping, amenity area, parking, or drainage as part of a comprehensive development. However, Staff defer comments with regard to drainage to Development Engineering. Staff is of the opinion that the variance is minor since the increase in lot coverage will not adversely impact the adjacent lands respecting the residential uses or their ability to redevelop in the future. Based on the foregoing, the variance to increase the lot coverage is deemed to be appropriate for the development of the lands. Accordingly, **staff support** the variance.

Recommendation

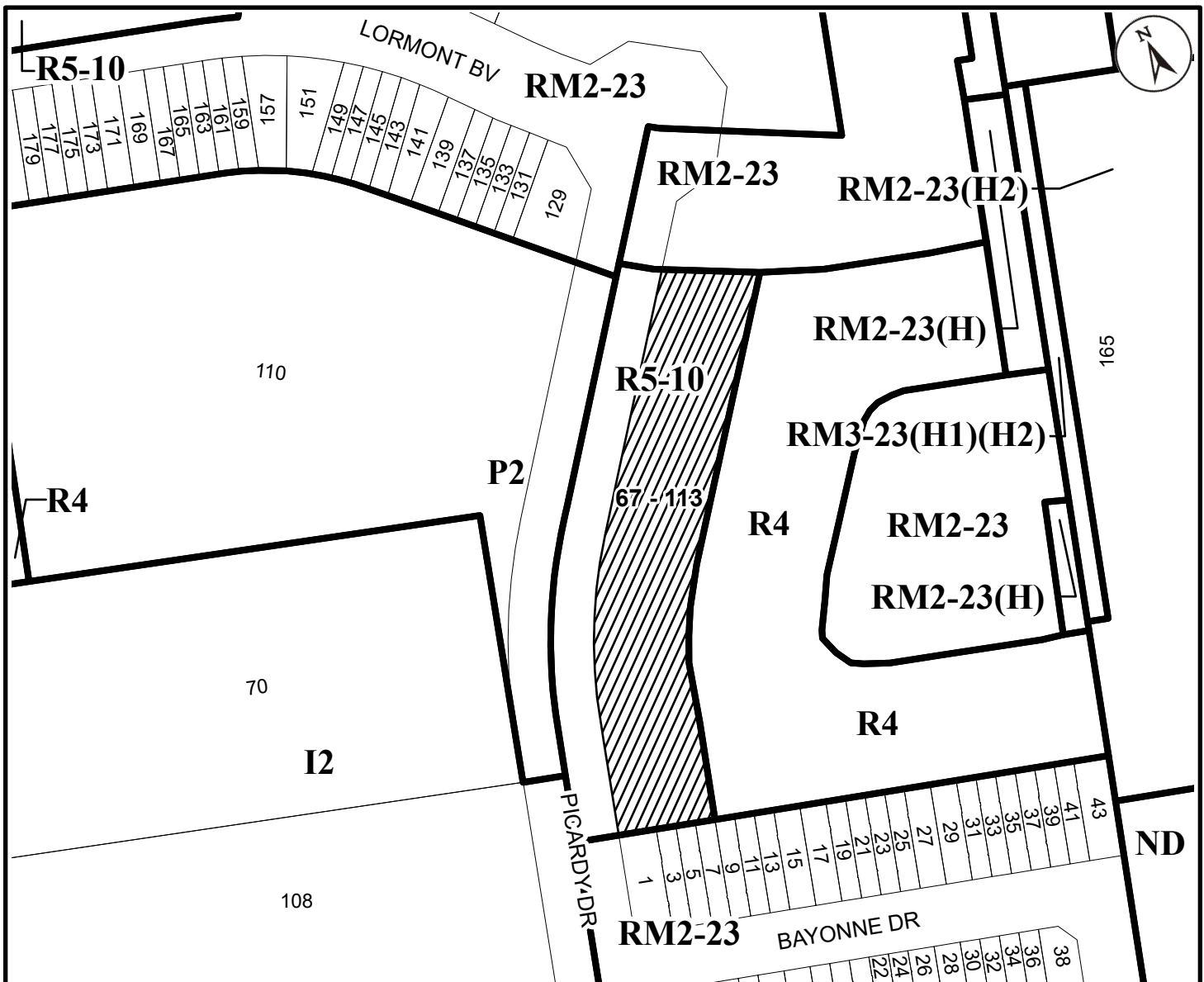
Based on the preceding information, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the applicable Zoning By-law. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends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

Building Division:

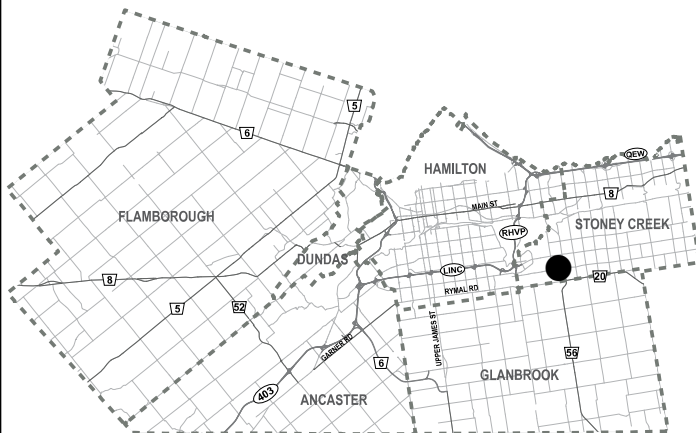
1. The construction of the proposed semis is subject to the issuance of building permits in the normal manner from the Building Division.
2. The zoning By-law requires a minimum lot area of 600.0m² for an interior lot and minimum lot area of 650.0m² for a corner lot on an undivided semi-detached lot. Furthermore, the zoning By-law requires a minimum lot frontage of 18.0m for an interior lot and a minimum lot frontage of 19.5m for a corner lot on an undivided semi-detached lot. It is unclear if the lands are intended to be further divided prior to the construction of the proposed dwellings. It should be noted that subject lands do not meet the minimum requirements for lot area and lot frontage for an undivided lot.
3. The lands are subject to site plan control.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



67 - 113 Picardy Drive, Stoney Creek
(Ward 9)

File Name/Number:

SC/A-20:236

Date:

November 26, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

HM/A-20:77 (125 Mount Albion Rd., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the expansion of the legal non-conforming use of an existing six unit multiple dwelling. The expansion will consist of an addition to build out the third storey, increasing the Gross Floor Area from 643.1 square metres to 736.72 square metres, notwithstanding the following variances, notwithstanding the following variances.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, Etc.) District, which does not permit new multiple dwellings. The existing six unit multiple dwelling is recognized as a legal non-conforming use.

Variance 1 and 2

The applicant is requesting variances to allow the northerly parking area to be located 1.5 metres from the common boundary between the multiple dwelling and the “C” District and the southerly parking area to be located 0.0 metres from the common boundary between the multiple dwelling and the “C” District, notwithstanding the minimum 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.

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

The variances recognize existing conditions that will remain unchanged as a result of the proposed expansion to the existing building. While the applicant is proposing to increase the Gross Floor Area of the existing two and a half storey multiple dwelling by building out the third storey, the number of dwelling units within the multiple dwelling, being six, will remain.

To locate the northerly and southerly parking area a minimum of 3.0 metres from the common boundary between the subject property and the “C” District would require significant alterations to the existing layout of the site which would cause the applicant undue hardship. The variances

are considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands or surrounding area as a result of the maintaining the existing conditions.

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

Variance 3

The applicant is requesting a variance to allow three storeys to be permitted, notwithstanding the maximum permitted height of two and a half storeys. The general intent of the Zoning By-law is to maintain the existing character of the area and maintain a consistent streetscape.

This portion of Mount Albion Road consists primarily of one to one and a half storey single detached dwellings with peaked roofs. The existing multiple dwelling building is two and a half storeys with a building height of 9.78 metres. The building height will remain unchanged as a result of the proposed alternations, with the exception of the proposed mechanical penthouse and clerestorey (ventilator / skylight) which does not contribute to the maximum building height as per the definition within the Zoning By-law.

The existing multiple dwelling building on the subject property is larger in scale and intensity than the surrounding residential properties. However, the architectural style of the existing multiple dwelling maintains the look and feel of a low density residential use. Based on the submitted Elevations, staff are satisfied the proposed alterations will not significantly alter the design and style of the existing multiple dwelling. The proposed alterations are minor in size and do not detract from the low density residential streetscape. In addition, staff do not anticipate any impact on the enjoyment or privacy of the adjacent properties as a result of the proposed exterior alterations.

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

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the 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.

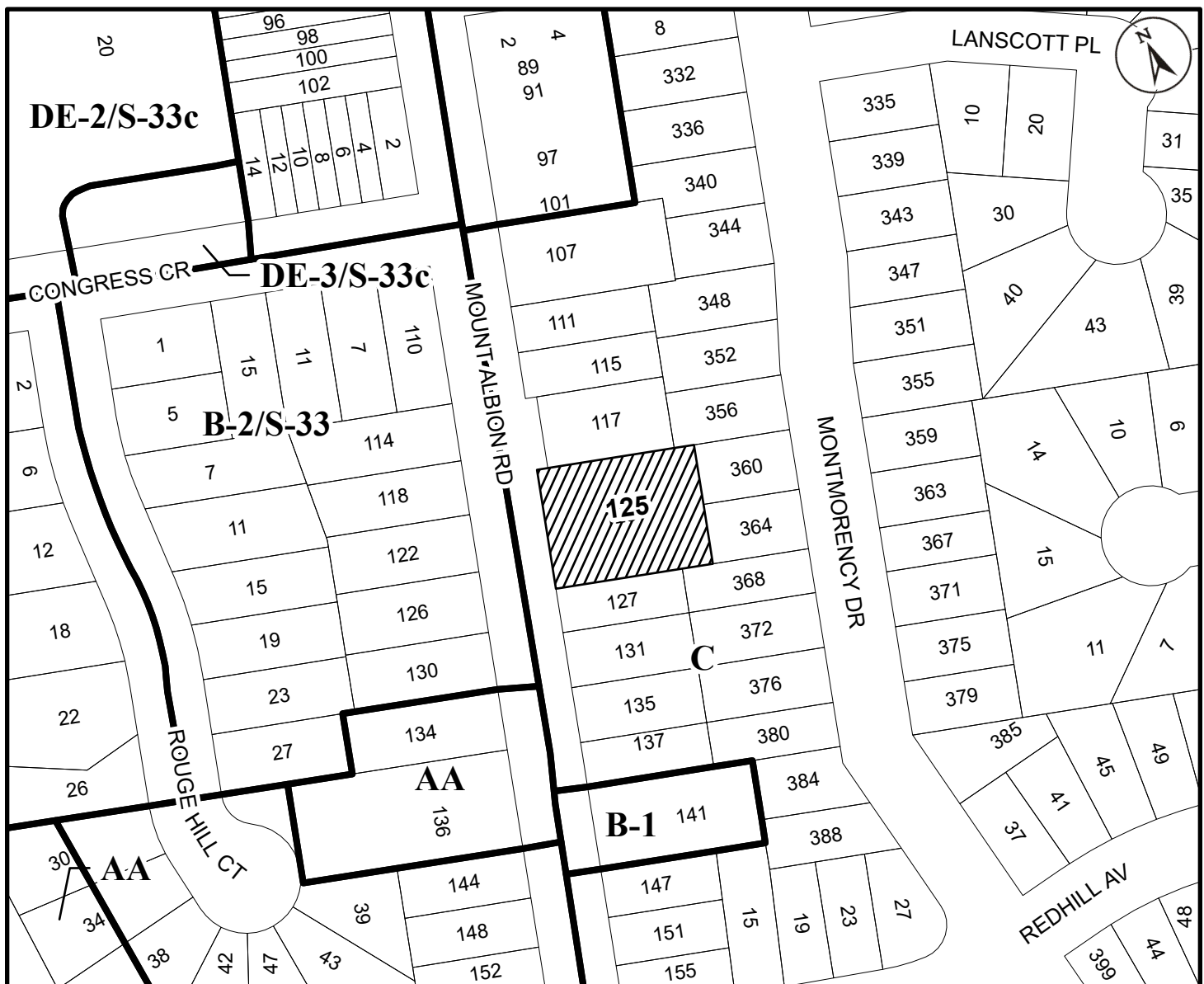
Building Division:

1. The applicant has advised that a 1.5m planting strip will be provided for the northerly parking area as per Section 18(25) of the Zoning By-law for a parking area containing more than 5 parking spaces and for a parking area containing a loading space.
2. The existing building is recognized as a legally existing non-conforming six (6) unit Multiple Dwelling.
3. Illumination of the parking area shall be provided in accordance with Section 18A.(13); "Illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from, (a) any adjacent use; (b) any highway."
4. Two visitors parking spaces are required for the Legal Non-Conforming 6-unit Multiple Dwelling. Visitor parking spaces shall be provided in accordance with Section 18A.(16); "Each required visitor parking space shall, (a) be maintained for the exclusive use of visitors; and (b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and (c) be maintained readily accessible to visitors and free and clear of all obstructions."
5. Manoeuvring space shall be provided in accordance with Section 18A.(22); "All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces."
6. The loading space shall be provided in accordance with Section 18A.(32); "Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."
7. The loading space shall be provided in accordance with Section 18A.(33); "Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway."
8. The parking area provided along the northerly side lot line shall be provided in accordance with Section 18A.(24)(b)(iii)(iv); "Markings on the surface of the parking area delineating the separate parking spaces; and bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area."
9. The variance for building height is to address additional floorspace that is proposed between existing dormers that would create a third storey, whereas the C District is limited to buildings up to a maximum building height of 2-1/2 storeys.

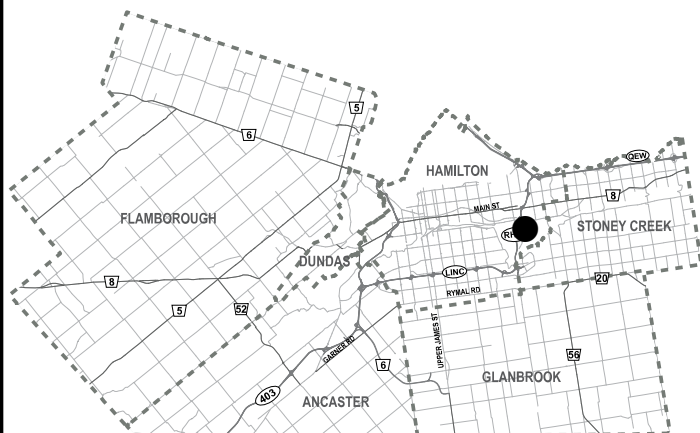
10. A building permit is required for the proposed renovation of the multiple dwelling to provide for additional floorspace.
11. This property is situated adjacent to 117 Mount Albion Road which is listed in the City of Hamilton's Inventory of Buildings of Architectural and Historical Interest as a property of cultural heritage value or interest. For further information Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning.
12. Be advised that Ontario Building Code regulations may require specific setback and construction types.
13. Order to Comply 17-124351, dated September 5, 2017 for interior alterations without a valid building permit, is outstanding and remains under review.

Development Engineering:

For the information of the applicant, appropriate screening measure should be provided for headlight projection to the neighbouring dwellings from the vehicles parking on the subject lands.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



125 Mount Albion Road, Hamilton
(Ward 5)

File Name/Number:

HM/A-20:77

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:233 (11 Gage Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C” (Urban Protected Residential) 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 a minimum lot area of 232.8 square metres, notwithstanding the minimum required lot area of 270.0 square metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, and to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area, and parking.

The proposed lot area is consistent with the surrounding properties and will maintain the existing lot pattern of the neighbourhood. Staff is satisfied sufficient landscaped and amenity area is being provided between the rear yard, the existing rear decks and the existing front porch to satisfy the needs of the tenants.

Staff acknowledge there is an existing driveway at the front of the subject property, however based on the submitted Site Plan, there is insufficient space on the driveway to contain a parking space in conformity with the Zoning By-law that would be sufficient in size to accommodate variety of vehicles.

Staff is not satisfied the provision of no parking on the subject property will satisfy the parking needs of a dwelling with two units. As such, the reduced lot area does not maintain the general intent of the Zoning By-law as the subject property is not sufficient in size to satisfy the needs of a dwelling with two units.

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.

Variance 2

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

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.

While the subject property is serviced by a number of HSR bus routes and is in close proximity to some amenities, Staff are of the opinion the provision of no parking spaces for a dwelling with two units is not sufficient and does not reflect the minimum parking requirements for the community and geographic area.

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.

Variance 3

The applicant is requesting a variance to allow the minimum floor area of the basement unit to be 57.0 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 4

The applicant is requesting a variance to allow the existing balcony to encroach a maximum distance of 4.0 metres into the required 7.5 metre rear yard, notwithstanding the maximum encroachment of 1.0 metre. The general intent of the Zoning By-law is to avoid any impact on the enjoyment and privacy of the adjacent properties.

The balcony (second storey deck) is sufficient in size to be used as amenity area and is raised approximately 3.5 metres above grade. Staff acknowledge the balcony has existed on the subject property for some time and recognize it would cause the applicant undue hardship to conform with the requirements of the Zoning By-law.

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

Recommendation:

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

Variances 1 and 2 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 1 and 2 are not considered to be minor in nature nor desirable for the appropriate use of the property.

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

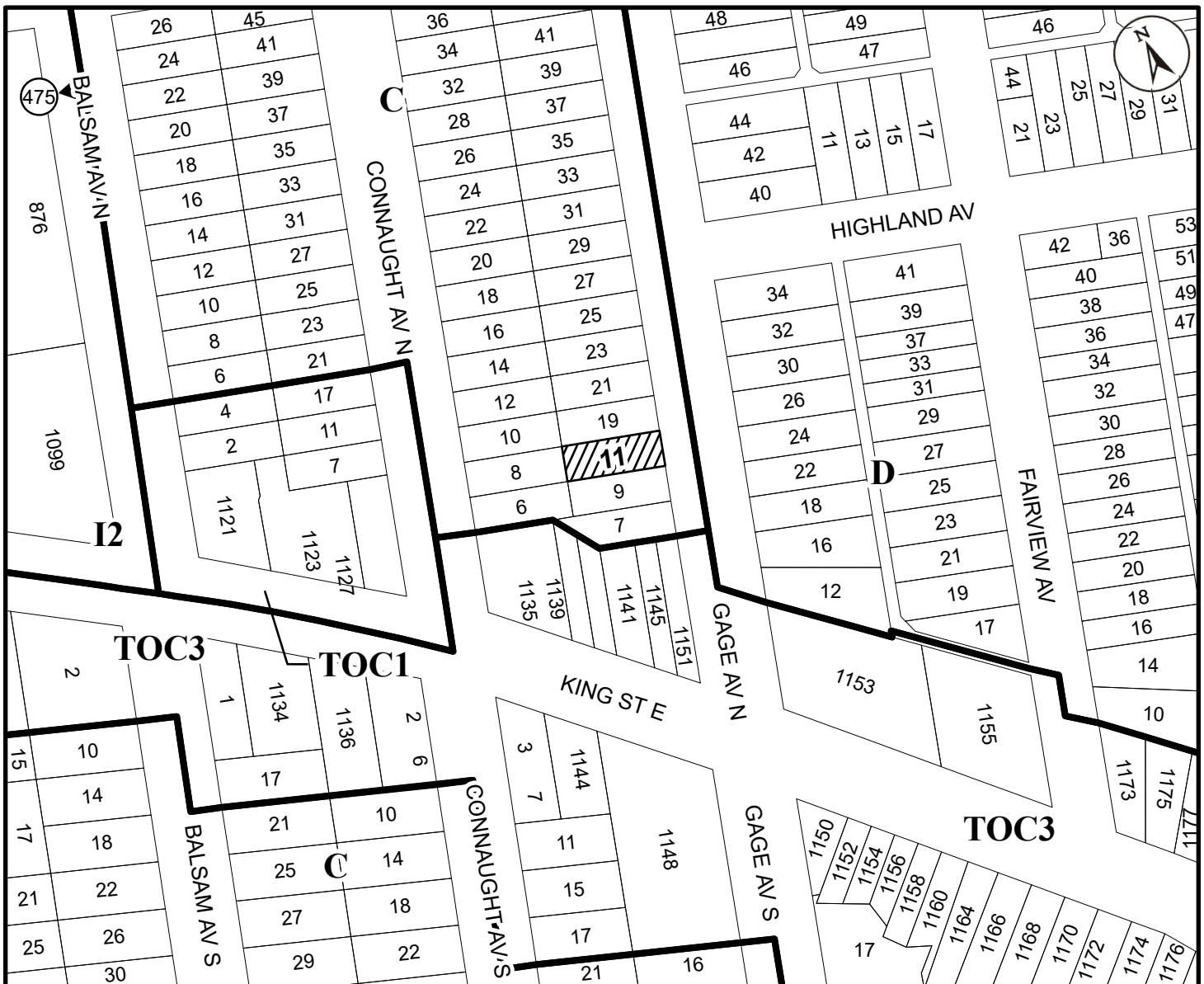
Building Division:

1. The variances are written as requested by the applicant. Additional variances were identified through the review to address the minimum lot area and the existing balcony projection.
2. The dwelling was constructed in 1920 and is considered to be legally established non-complying in the C District with respect to minimum lot area, lot width, front yard, the northerly side yard and the rear yard.
3. With respect to Variance #4, it appears that the existing second floor balcony was constructed by a previous owner without the required permits between 2010 and 2015. Consultation with the Building Division is recommended to determine if a building permit is required.
4. A revised site plan has been submitted for this application, which appears to be correct in terms of setbacks (yards) and projections.

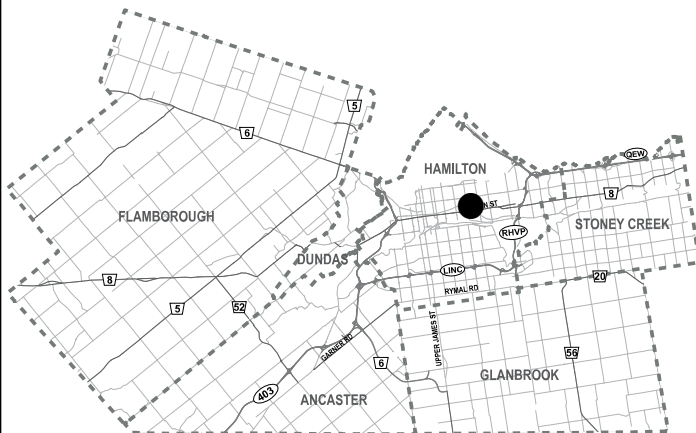
5. A building permit is required for the alteration of the single family dwelling to create a second dwelling unit.
6. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for a driveway parking space that encroaches within the Gage Street North road allowance.
8. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.

Development Engineering:

Provided the existing drainage patterns are maintained and the neighbouring properties are not adversely impacted, then Development Engineering Approvals has no comments regarding the Minor Variance Application as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



11 Gage Avenue North, Hamilton
(Ward 3)

File Name/Number:

HM/A-20:233

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:235 (1 Jarvis St., Hamilton)

Consolidation Report

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

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

1. That approval of Variance 1, 2 and 3 be tied to the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design

HM/A-20:235 (1 Jarvis St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 14 storey mixed use building containing 354 dwelling units, 259.5 square metres of ground floor commercial uses, and a three level parking facility contained within the building, notwithstanding the following variances. The proposal is in accordance with Site Plan Control application DA-20-035 which received Conditional Approval on July 30, 2020 for a total of 377 dwelling units and 314.0 square metres of commercial space.

Urban Hamilton Official Plan

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

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use” within the Downtown Hamilton Secondary Plan. Policies B.6.1.6.1 amongst others, are applicable and permits mixed use buildings with ground floor commercial and dwelling units on the upper floors.

Cultural Heritage and Archaeology:

Staff have submitted comments to the Site Plan Control application DA-20-035 and have no further comments on the subject Minor Variance application.

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

The subject lands are zoned Downtown Central Business District (D1) Zone, which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum setback of 2.5 metres to be permitted from the building base façade height of 16.0 metres, notwithstanding the minimum required 3.0 metre setback from the building base façade height of 16.0 metres. The general intent of the Zoning By-law is to minimize any impact on the public realm and to maintain a consistent streetscape.

The subject property is a through lot, being an interior lot having frontage on two streets, Ferguson Avenue North and Jarvis Street. Staff acknowledge there are differences in grade between the two lot lines which results in the front portion of the proposed building, adjacent to Jarvis Street, to be slightly taller as related to grade.

The proposed stepback of 2.5 metres from the building base façade above 16.0 metres, will differentiate the building base from the rest of the building. Staff is satisfied the variance is maintaining the general intent of the Zoning By-law as the proposed reduction is minor in nature and will not significantly impact the perception of the building from the public realm.

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

Variance 2 and 3

The applicant is requesting a variance to allow a maximum building height of 44.5 metres to be permitted and to allow the requirements of Section 6.0 c) iii) of the Zoning By-law, which requires additional stepbacks for any portion of a building exceeding 44.0 metres, to not apply, notwithstanding the maximum building height of 44.0 metres and notwithstanding the proposed multiple dwelling is 44.5 metres. The general intent of the Zoning By-law is to maintain an appropriate distance separation between buildings and minimize any impact on the neighbouring properties or the public realm.

The subject property is a through lot, being an interior lot having frontage on two streets, Ferguson Avenue North and Jarvis Street. Staff acknowledge there are differences in grade between the two lot lines which results in the front portion of the proposed building, as shown on the submitted Elevations, to be 0.5 metres above the maximum building height of 44.0 metres.

A building with a height exceeding 44.0 metres is considered a tall building in accordance with Hamilton's Tall Building Guidelines. It is best practices for a tall building to be comprised of a building base, a building tower and a tower top to accommodate the necessary stepbacks for an appropriate transition in scale and to minimize the impact on the public realm and the adjacent properties.

The proposed increase in height for the subject development will not result in a significant change to how the building is perceived from the public realm. The proposed building will maintain the look and feel of a 14 storey building and therefore Staff are satisfied the required stepbacks related to a tall building are not necessary in this case.

The variances are maintaining the general intent of the Zoning By-law as Staff is satisfied the proposed increase in height will not significantly alter the perception of the building from the public realm and acknowledge the increase is minor in nature due to the change in grade.

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

Variance 4

The applicant is requesting a variance to allow the mechanical and unitary equipment (hydro transformer), which is not screened from view, shall be permitted to be located 2.5 metres from the Jarvis Street lot line, notwithstanding the minimum required setback of 3.0 metres from a street to mechanical and unitary equipment which is screened from the street by an enclosure or landscaping. The general intent of the Zoning By-law is to screen mechanical equipment from the view of pedestrians and the public realm and to maintain a consistent streetscape.

The variance does not maintain the general intent of the Zoning By-law as Staff is of the opinion the proposed rooftop mechanical and unitary equipment can be screened from view. Staff recommend the applicant revise the submitted Site Plan and Elevations to demonstrate the rooftop mechanical and unitary equipment has been screened from view.

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

Variance 5

The applicant is requesting a variance to allow a minimum parking space size of 2.6 metres in width by 5.5 metres in length to be permitted for parking spaces designated to “compact” vehicles and a minimum parking space size of 2.8 metres in width by 5.8 metres in length to be permitted for all other parking spaces, except barrier free parking spaces, notwithstanding the minimum required parking space size of 3.0 metres in width by 5.8 metres in length. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

The parking statistics included on the submitted Site Plan indicate a total of 156 parking spaces will be provided for the subject development and 12 of those parking spaces will be considered “compact”.

Providing parking spaces, measuring 2.6 metres in width and 5.5 metres in length, for less than 10% of the total number of required parking spaces is consistent with future policy direction (Amending By-law No. 17-240), provided the parking spaces are clearly identified as being

reserved for small cars only. The variance is maintaining the general intent of the Zoning By-law as the proposed parking layout, in accordance with DA-18-085, can accommodate a variety of vehicle sizes. The variances are considered minor in nature and desirable for the development of the site as no negative impact is anticipated for the subject lands or surrounding area.

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

Recommendation:

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

CONDITIONS: (If Approved)

That approval of Variance 1, 2 and 3 be tied to the submitted Elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design

Building Division:

1. These variances are necessary to facilities site plan application DA-20-035. The applicant shall ensure compliance with all other zoning requirements outline in Building Division comments dated October 15, 2020.
2. Pursuant to Schedule "F" – Special Figure 15 of the Zoning By-law, a building base façade height of 16.0 metres is required for the building façade facing Ferguson Avenue North and Jarvis Street.
3. Variance 4 should be deleted and replaced with the following:

"Mechanical and unitary equipment (hydro transformer) shall not be required to be screened from the street instead of screening mechanical and unitary equipment from the street by an enclosure or landscaping; and,"
4. Construction of the proposed development is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
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. Please contact a Cultural Heritage Planner for further information.

Development Engineering:

No Comment

See attached for additional comments.

From: [Mary Aduckiewicz](#)
To: [Committee of Adjustment](#)
Cc: [Farr, Jason](#)
Subject: minor variance for application # hm/a-20:235 (1 jarvis street)
Date: November 21, 2020 4:05:03 PM

to the committee of adjustments -

we @ dinninger's do not have any objection to the requested minor variances for this property

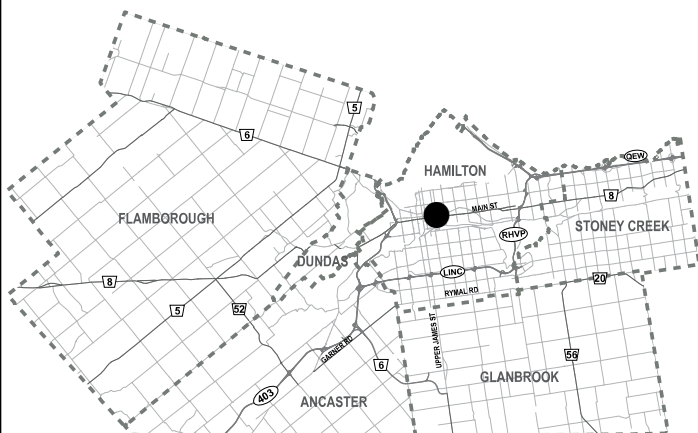
please send us a copy of the committee's decision from the upcoming thursday december 3rd meeting

thnx mary a-z

Mary S Aduckiewicz FCPA, FCA, MBA
Chief Executive Officer
R Denninger Limited



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1 Jarvis Street, Hamilton
(Ward 2)

File Name/Number:

HM/A-20:235

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:237 (191 King St. W. & 22 Bay St. S., Hamilton)

Consolidation Report

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

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

1. That the applicant demonstrates the subject lands known as 191 King Street West and 22 Bay Street South have been merged on title or are under identical ownership to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:237 (191 King St. W. & 22 Bay St. S., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 30 storey tower above a 2 to 9 podium multiple dwelling with accessory McMaster University Graduate Student Residence and the future development of 22 Bay Street South, in accordance with Site Plan Control application DA-20-058, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.4 a) and e), E.4.4.7, E.4.4.9, E.4.4.10 and E.4.4.11, amongst others, are applicable and permit multiple dwellings with ground floor commercial. Urban Design policies B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, B.3.3.3.4 and B.3.3.3.5, amongst others, apply and require that buildings be appropriately massed, minimize impacts of shadow and wind conditions and ensure adequate sun access.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use – Pedestrian Focus” on Map B.6.1-1 – Land Use Plan and identified as “High-rise 2” on Map B.6.1-2 – Maximum Building Heights within the Downtown Hamilton Secondary Plan. Policies B.6.1.4.12 e), B.6.1.4.15, B.6.1.1.4.18, B.6.1.1.4.19, B.6.1.1.4.20, B.6.1.1.4.21, B.6.1.1.4.22, B.6.1.1.4.23, B.6.1.4.26, B.6.1.4.33, B.6.1.4.34, B.6.1.4.38 and B.6.1.6.2 amongst others, are applicable and permit multiple dwellings with ground floor commercial to a maximum height of 30 storeys.

Cultural Heritage and Archaeology:

Staff have submitted comments to the Site Plan Control application DA-20-058 and have no further comments on the subject Minor Variance application.

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

The subject lands are zoned Downtown Prime Retail Streets (D2) Zone, which permits a multiple dwelling with ground floor commercial.

Variance 1

The applicant is requesting a variance that notwithstanding the definition of “Lot” in Section 3 and the consolidated lot regulation in 4.16 a), the lands located at 191 King Street West and 22 Bay Street South will be deemed a lot and the internal lot lines shall not be construed to be lot

lines for the purpose of any zoning regulations provided that all applicable regulations of the Zoning By-law 05-200 to the consolidated lot development and its external lot lines are compiled with. The general intent of the Zoning By-law is to allow for lots that are separate properties for leasing purposes to be reviewed as one lot comprehensively.

The subject properties known as 191 King Street West and 22 Bay Street South are not merged on title and are not under identical ownership. The applicant is requesting the subject properties be reviewed comprehensively as one lot while there is no guarantee the subject properties will become one lot. Staff are of the opinion the consolidated development of 22 Bay Street South is premature until such time as the properties have merged on title or are under identical ownership.

Based on the foregoing, the variance does not maintain the general intent of the Zoning By-law, the variance is not minor in nature and is not 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 a 9.1 metre building setback from a street line to be permitted, notwithstanding the Zoning By-law requires that a building setback from a street line be a maximum of 2.0 metres for any portion of a building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access. The general intent of the Zoning By-law is to maintain a consistent streetscape and create a pedestrian oriented environment.

The setback from the ground floor building façade along King Street West gradually increases towards Bay Street South, maintaining a 0.0 metre setback adjacent to 193 King Street West and a 9.1 metre setback at the corner of King Street West and Bay Street South. Staff acknowledge the gradual setback allows a pedestrian courtyard, contributing to a pedestrian oriented environment, without impacting the ability to maintain a consistent streetscape should the adjacent property at the corner of King Street West and Caroline Street South be developed in the future.

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

Variance 3

The applicant is requesting a variance to allow no principle entrance to be provided within the ground floor building façade setback the least distance from a street, whereas a minimum of one principle entrance shall be provided within the ground floor building façade setback the least

distance from a street is required. The general intent of the Zoning By-law is to create a pedestrian oriented environment.

The principle entrance for the proposed development is being provided along Bay Street South whereas the ground floor building façade that is setback the least distance from a street is along King Street West. Staff is satisfied that providing the primary entrance with direct access from Bay Street South near the intersection of Bay Street South and King Street West will contribute to a pedestrian oriented environment.

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

Variance 4 and 5

The applicant is requesting a variance to allow a minimum 9.0 metre setback from the side yard lot line to be permitted from the south tower along the side yard abutting 10 George Street and to allow a 20.0 metre tower separation distance to be provided between the towers on the subject site. The Zoning By-law requires a minimum 12.5 metre setback for any portion of the building exceeding 44.0 metres in height from all side and rear lot lines and a minimum 25.0 metre setback between portions of buildings exceeding 44.0 metres in height on the same property. The general intent of the Zoning By-law is to maintain an appropriate distance separation between towers to minimize impacts of shadow and wind conditions, minimize any privacy impacts and ensure adequate sun access can be accommodated. In addition, the tower setback requirement from adjacent lot lines provides for transition in scale to adjacent buildings, including cultural heritage resources.

A building with a height exceeding 44.0 metres is considered a tall building in accordance with the Downtown Hamilton Tall Buildings Guidelines. In accordance with Section B.6.1.4.19 of the Downtown Hamilton Secondary Plan, the Downtown Hamilton Tall Buildings Guidelines shall be used to evaluate tall building development proposals. Section 4.3.2 g. of the Downtown Hamilton Tall Buildings Guidelines states that towers should be separated by at least 25.0 metres with a minimum 12.5 metres setback from the side and rear property lines to allow for adequate light, views and privacy. Staff note that the north tower provides an 848.5 square metre tower floorplate size which exceeds the guideline of 750 square metres from the Downtown Hamilton Tall Building Guidelines, contributing to the reduced tower separation between the two towers on site. In addition, the north tower provides greater than the required 3.0 metre setback from the north property line, further reducing tower separation to the tower to the south. Staff are not satisfied that the proposed 9.0 metre setback for the south tower to the west property line provides for adequate transition in scale to the existing four storey building at 10 George Street, which is included in the City's Register of Properties of Cultural Heritage Value or Interest.

In order to limit the cumulative effect of multiple towers within one development, the minimum required setback of 12.5 metres from the side and rear property lines and the minimum required distance separation between towers should be provided. Staff are of the opinion that the design should align with the Downtown Hamilton Tall Buildings Guidelines to address the intent of the Zoning By-law and Downtown Hamilton Secondary Plan.

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

Variance 6

The applicant is requesting a variance to allow a minimum 3.575 metre ground floor storey height and a 2.8 metre third storey height be permitted, notwithstanding the ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height and that the second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height. The general intent of the Zoning By-law is to maintain a consistent streetwall and maintain the established character of the area.

The ground related podium of the proposed building is consistent with the established character of the King Street West streetscape formed by the existing heritage buildings on the north side of King Street West. Staff are satisfied that the proposed ground floor and third storey height will allow for a podium maintaining a comfortable pedestrian scale in accordance with Section B.6.1.4.18 d) and B.6.1.4.23 a) i) of the Downtown Hamilton Secondary Plan and acknowledge the variances are minor in nature.

Based on the foregoing, the variance maintains the general intent of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary 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 7

The applicant is requesting a variance to allow the minimum clearance be 50 millimetres where a column is located abutting or within any parking space within an above ground or underground parking structure, notwithstanding the Zoning By-law requires that where a wall, column, or any other obstruction is located abutting or within any parking structure, the minimum width of a parking space shall be increased by 0.3 metres. The general intent of the Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access and manoeuvre within the required parking spaces.

Based on the submitted underground parking floor plans, there are a number of parking spaces with 0.3 metre wide columns located adjacent to the front of the parking spaces. Staff is satisfied

the column will not impact a vehicle's ability to manoeuvre to and egress from the parking space, with adequate visibility. In addition, the columns will not result in the requirement for additional space to accommodate the swing radius of vehicle doors. Staff note it appears the applicant has provided 0.3 metres of distance separation between any parking space adjacent to a wall.

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

Recommendation:

Based on the preceding information, Variances 2, 3, 6 and 7 maintain the general intent and purpose of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200. Variances 2, 3, 6 and 7 are considered to be minor in nature and desirable for the appropriate use of the property.

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

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

CONDITIONS: (If Approved)

1. That the applicant demonstrates the subject lands known as 191 King Street West and 22 Bay Street South have been merged on title or are under identical ownership to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

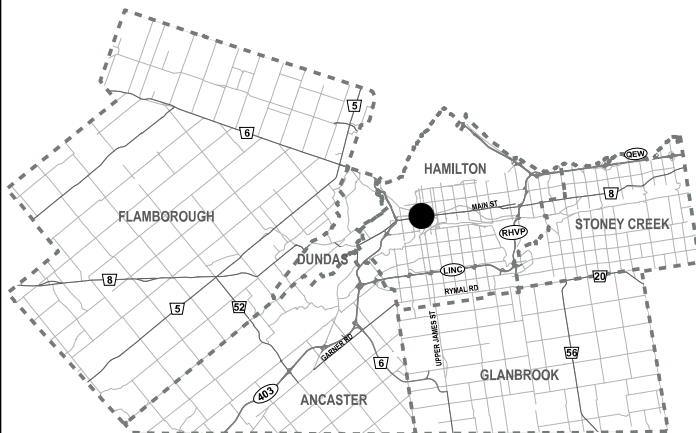
A building permit is required for the construction of the proposed development.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



191 King Street West &
22 Bay Street South (Ward 2)

File Name/Number:

HM/A-20:237

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:243 (14-18 Augusta St., Hamilton)

Consolidation Report

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

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

1. That the applicant includes a warning clause for any future lease, sale or rental agreement to caution the tenants the required parking spaces are a reduced size to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:243 (14-18 Augusta St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a six storey building consisting of ground floor commercial uses with 40 residential dwelling units on the upper floor levels, together with an underground parking facility containing 13 parking spaces, notwithstanding the following variances. The proposal is in accordance with Site Plan Control application DA-20-084 which received Conditional Approval on November 25, 2020.

Urban Hamilton Official Plan

The property is identified as “Urban Growth Centre” in Schedule E– Urban Structure and is designated “Downtown Mixed Use Area” in Schedule E-1 – Urban Land Use Designations. Policies E.4.4.4 amongst others, are applicable and permit mixed use buildings containing ground floor commercial and residential dwelling units on the upper floors.

Downtown Hamilton Secondary Plan

The subject lands are designated “Downtown Mixed Use – Pedestrian Focus” within the Downtown Hamilton Secondary Plan. Policies B.6.1.6.1 and B.6.1.6.2 amongst others, are applicable and permit mixed use buildings containing ground floor commercial and residential dwelling units on the upper floors.

Cultural Heritage and Archaeology:

Staff have submitted comments to the Site Plan Control application DA-20-084 and have no further comments on the subject Minor Variance application.

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

The subject lands are zoned Downtown Prime Retail Streets (D2) Zone, which permits mixed use buildings containing ground floor commercial uses with residential dwelling units located above the ground floor.

Variance 1 and 2

The applicant is requesting a variance to allow a minimum parking space size of 2.6 metres in width by 5.5 metres in length to be permitted and to allow a minimum barrier free parking space size of 4.4 metres in width by 5.5 metres in length to be permitted, notwithstanding the minimum required parking space size of 3.0 metres in width by 5.8 metres in length and the minimum required barrier free parking space size of 4.4 metres in width by 5.8 metres in length. The

general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicle sizes.

Staff note the proposed parking layout is in accordance with Site Plan Control application DA-20-084 which received Conditional Approval on November 25, 2020.

Staff recognize the minimum required parking space size cannot be provided without reducing the required manoeuvring aisle width or removing one side of the proposed parking area, given the constraints of the subject property. While Staff is satisfied the proposed parking space size is sufficient for a variety of vehicles to enter and egress from the parking spaces, Staff acknowledge the proposed parking space size may not be able to accommodate all vehicles. As such, Staff recommend a warning clause be added to any future lease, sale or rental agreements to caution the tenants the required parking spaces are a reduced size.

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

Variance 3

The applicant is requesting a variance to allow a minimum aisle width of 3.6 metres to be permitted for the ramp accessing the underground parking facility, notwithstanding the minimum required aisle width of 6.0 metres required to be provided for two-way vehicular traffic. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the parking spaces.

Staff note the proposed parking layout is in accordance with Site Plan Control application DA-20-084 which received Conditional Approval on November 25, 2020.

Given the constraints of the subject property and the proposed parking area, Staff recognize the minimum required driveway width of 6.0 metres cannot be accommodated. Staff note Transportation Planning provided comments dated September 28, 2020 for Site Plan Control application DA-20-084. The comments indicate the proposed internal driveway width would be permitted, subject to conditions to address any safety concerns.

Staff is satisfied the driveway width sufficient for two-way access provided the applicant clears each condition to the satisfaction of the Manager of Transportation Planning through the Site Plan Control process. Staff acknowledge the proposed parking area has a limited number of parking spaces thus minimizing the impact of the reduced driveway width. The variance is desirable for the development of the site and is minor in nature as no negative impact is anticipated to the subject lands or surrounding area.

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

Variance 4

The applicant is requesting a variance to allow a minimum of 13 parking spaces to be provided on site, notwithstanding the minimum required 14 parking spaces required for a multiple dwelling consisting of 40 dwelling units. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being satisfied.

Staff note the proposed development is in accordance with Site Plan Control application DA-20-084 which received Conditional Approval on November 25, 2020.

The applicant has provided parking for the proposed development by establishing one level of underground parking on the subject property. Due to the constraints of the subject property, staff acknowledge additional parking spaces cannot be accommodated on site without adding a second level of underground parking. Staff are satisfied the proposed reduction of one parking space is minor in nature and the parking needs of the tenants will be satisfied by the proposed 13 parking spaces.

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

Recommendation:

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

CONDITIONS: (If Approved)

2. That the applicant includes a warning clause for any future lease, sale or rental agreement to caution the tenants the required parking spaces are a reduced size to the satisfaction of the Manager of Development Planning, Heritage and Design.

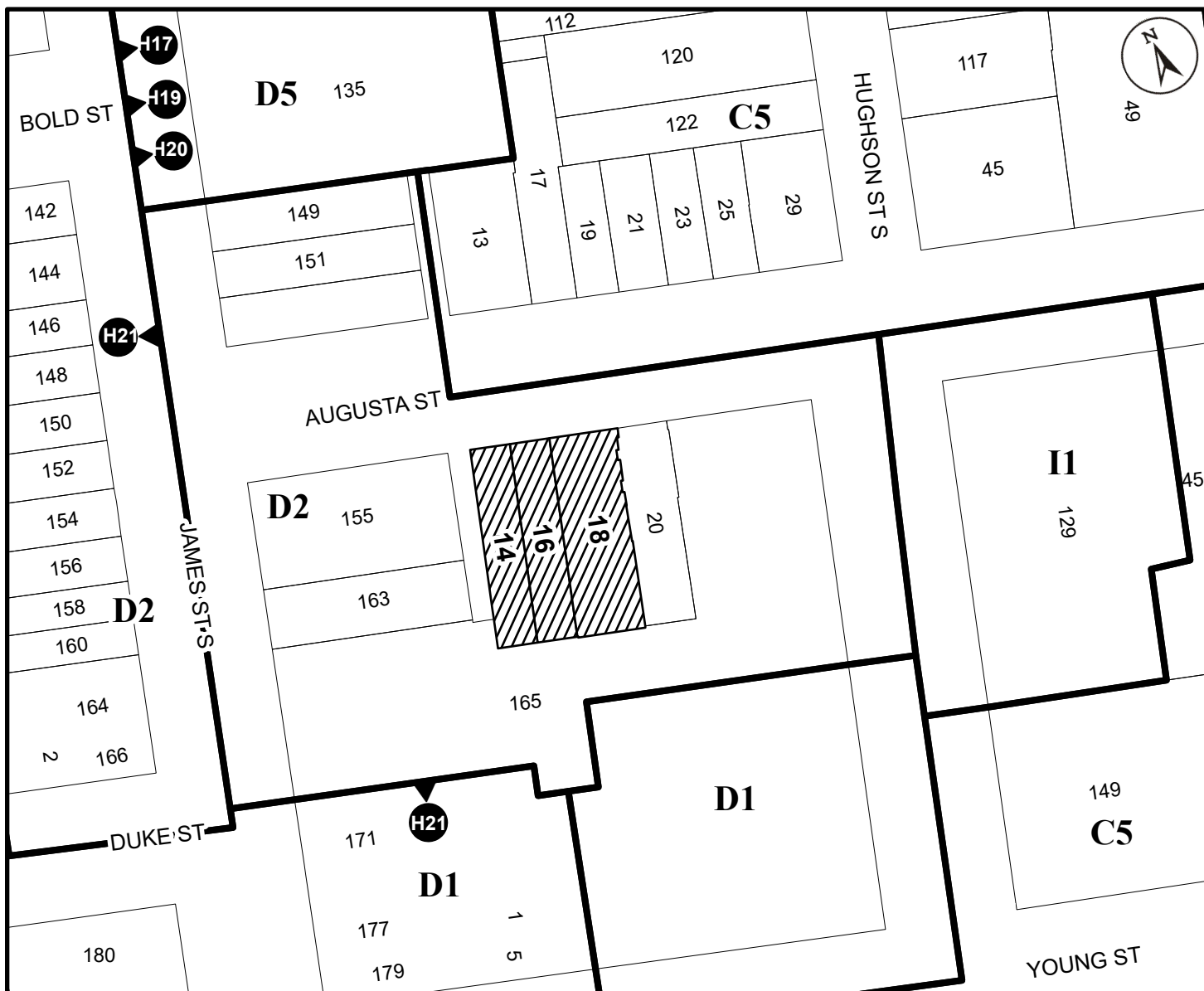
Building Division:

1. These variances are necessary to facilities site plan application DA-20-084. The applicant shall ensure compliance with all other zoning requirements outline in Building Division comments dated August 26, 2020.

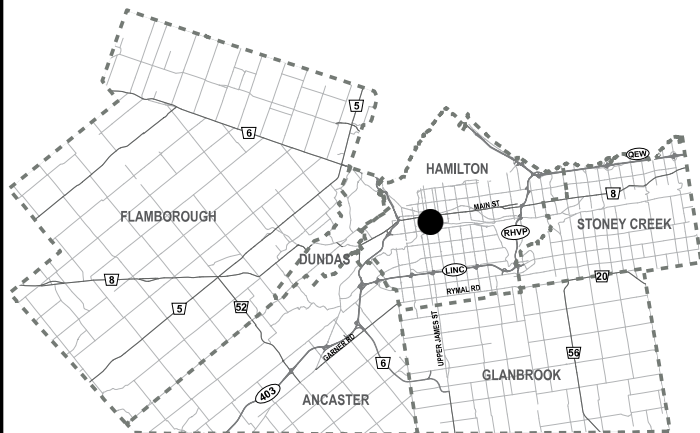
2. Details have not been provided to determine zoning compliance with Sections 6.2.3 a) i), 6.2.3 a) iii), and 6.2.3 c) ii). A further variance will be required if a minimum façade width equal to at least 75% of the lot width setback not more than 2.0 metres from the front lot line is not provided.
3. Construction of the proposed development is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



14-18 Augusta Street, Hamilton
(Ward 2)

File Name/Number:

HM/A-20:243

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

December 3rd, 2020

HM/B-20:77 (200 Macaulay St. E., Hamilton)

**THE OWNER HAS REQUESTED THIS APPLICATION TO BE TABLED UNTIL
FURTHER NOTICE**

HM/A-20:247 (195 Ferguson Ave. N., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the creation of twelve additional dwelling units in an existing sixty unit multiple dwelling, which is part of a non-profit housing development that also includes 20 street townhouse dwelling units and eight block townhouse dwelling units, notwithstanding the following variances.

Urban Hamilton Official Plan

The subject property is located within the West Harbour (Setting Sail) Secondary Plan Area which is subject to Local Planning Appeal Tribunal Non-Decision No. 113. The Regional Official Plan is referred to in evaluating this application.

Hamilton – Wentworth Regional Official Plan

The subject property is designated “Central Policy Area on Schedule A of the Hamilton – Wentworth Regional Official Plan. Policies A.2.1.2 and A.2.8.1 ii), amongst others, are applicable and permit townhouses and apartments.

West Harbour Setting Sail Secondary Plan

The subject property is designated “Medium Density Residential 2” on Schedule M-2: General Land Use and is identified as “Ferguson Wellington Corridor” on Schedule M-1: Planning Area and Sub-Areas. Policy A.6.3.3.1.14 amongst others, is applicable and permits multiple dwellings and street townhouses.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E/S-1297c” (Multiple Dwellings, Lodges, Clubs and Etc.) District, Modified, which permits a multiple dwelling and street townhouses existing on the date of passing of this By-law.

Variance 1 and 2

The applicant is requesting a variance to allow 64 parking spaces to be provided for the expanded multiple dwelling and 90 parking spaces for the overall housing development, and to allow a minimum of 14 visitor parking spaces to be provided, notwithstanding the minimum required 72 parking spaces for the expanded multiple dwelling and 104 parking spaces for the

overall housing development, and the minimum required 18 visitor parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants are being satisfied.

The subject property is located in close proximity to Downtown Hamilton. The subject property is serviced by HSR bus routes Nos. 2 and 3 and is near a number of amenities, including: Beasley Park, Dr. J. Edgar Davey Elementary school, Hamilton General Hospital, and various commercial uses along Cannon Street East and Barton Street East. In addition, there are two Sobi Bike Share Hubs located within 250 metres of the subject property. 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.

Staff note the proposed parking reduction does not deviate significantly from the requirements of the Zoning By-law and based on the proportion of one bedroom apartments, the proposed parking ratio appears to be consistent with future policy direction.

Staff acknowledge no change to the existing gross floor area is being proposed and there is no available space on site to accommodate additional parking spaces to conform with the requirements of the Zoning By-law without causing the applicant undue hardship.

Based on the foregoing, the general intent of the Official Plan, the West Harbour (Setting Sail) Secondary Plan, and Zoning By-law is being maintained, the variances are desirable for the development and considered minor in nature; therefore, staff support the variances.

Recommendation:

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

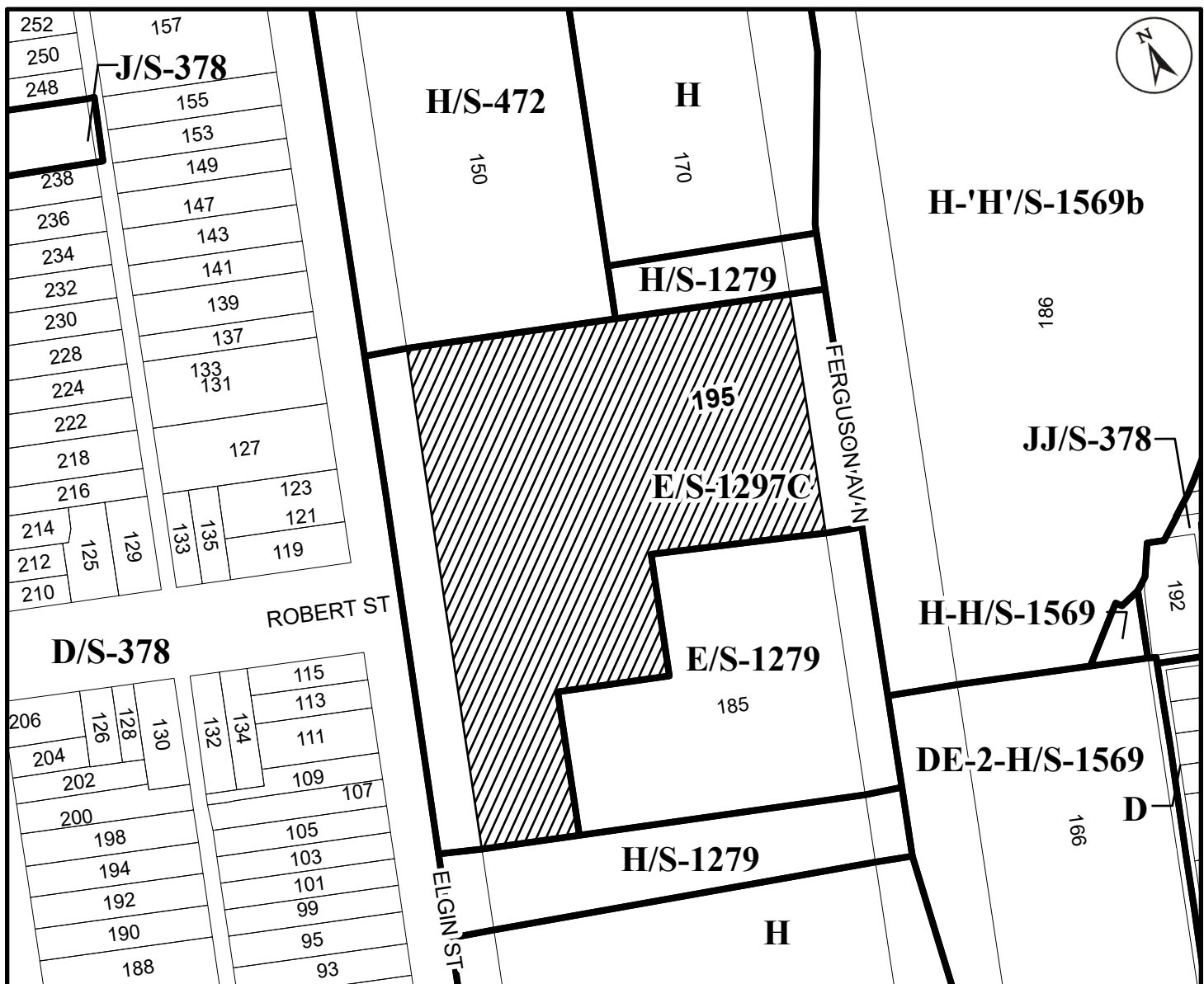
Building Division:

1. The requirements for a 1.5m wide planting strip and a visual barrier between 1.2m-2.0m in height shall be provided in accordance with Section 18A(11) and ((12) for the parking area boundary containing six (6) which adjoins a residential district.
2. The variances are written as requested by the applicant. The applicant has identified that an additional dwelling unit is being requested which changes the total number of new dwelling units within the multiple dwelling to twelve (12) from eleven (11).
3. The proposal was reviewed initially as Formal Consultation application FC-19-098 which was circulated August 29, 2019 by Development Planning.

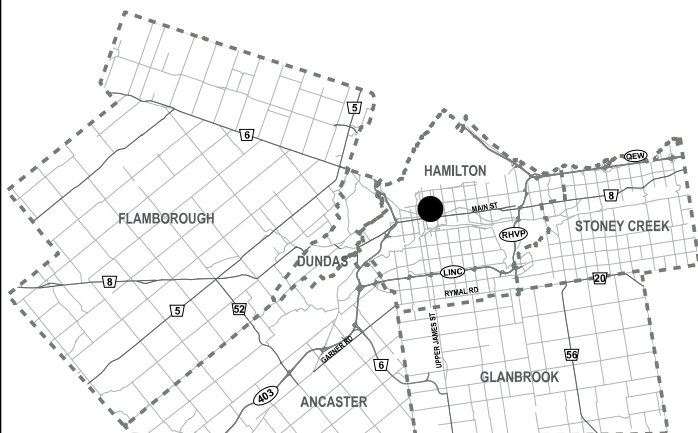
4. The property was approved under Site Plan applications DA-93-13 and DA-94-29. Although an approved copy of these site plans could not be located, it appears (based on aerial views) that the current site plan is generally consistent with the previous site plans.
5. Site Specific E/S-1297C was approved by Ontario Municipal Board Decision 1205 on July 27, 2001 to permit a drop in centre to be developed (for up to 745 square metres of gross floor area) within the multiple dwelling at 195 Ferguson Avenue North.
6. Committee of Adjustment application HM/A-94:157 was approved to permit a portion of the required visitors parking for the multiple dwelling located at 195 Ferguson Ave North to be located in the underground parking area rather than accessible within an at-grade parking area.
7. Committee of Adjustment application HM/A-05:203, was approved to permit the parking associated with 195 Ferguson Avenue North to be reduced to 64 parking spaces from 71 parking spaces to allow a storage area to be provided in the basement parking area.
8. A building permit is required for the renovation of the existing multiple dwelling to create the additional dwelling units.
9. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No Comment



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



195 Ferguson Avenue North,
Hamilton (Ward 2)

File Name/Number:

HM/A-20:247

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:234 (18 Morden St., Hamilton)

Consolidation Report

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

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

1. That the applicant obtains a Boulevard Parking Agreement to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-20:234 (18 Morden St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.4.2.1 (h), E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” within the Strathcona Secondary Plan. Policies B.6.6.4.1 c) – e), B.6.6.5.2 a), h, i) and B.6.6.5.3 c) and d), B.6.6.11.1(i) and B.6.6.11.1(d) amongst others, are applicable and permit single detached dwellings limited to a height of 2.5 storeys.

Cultural Heritage:

The subject property comprises a single detached dwelling built circa 1900 and is located within the Arnold’s Survey Cultural Heritage Landscape (CHL) and within the Strathcona *Established Historical Neighbourhood*.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

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

Urban Official Plan Policy:

Accordingly, the following policy of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

Secondary Plan Policy:

The subject property is also located within the Strathcona Secondary Plan area. Accordingly, the following section of the Strathcona Secondary Plan, UHOP Volume 2, applies:

B.6.6.11.1(i) “The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, this secondary plan and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials; and,

B.6.6.11.1(d) The City shall encourage the use of contemporary architectural styles, built forms and materials which respect the heritage context.”

In consideration of the above noted policies, staff are of the opinion that the proposed third storey addition could be better integrated into the existing dwelling through the use of different cladding materials that are more compatible with the traditional materials of the surrounding established historical neighbourhood and red brick façade of the subject dwelling. This may include board and batten or wood siding rather than vinyl. Additionally, effort should be made to preserve the distinctive decorative brickwork and flat arches above the second storey windows.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 1.8 metres to be provided, notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to maintain the consistent streetscape.

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

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

Variance 2 and 8

The applicant is requesting a variance to allow a minimum side yard width of 0.0 metres to be provided on the easterly side lot line and to allow the eaves and gutters to encroach the entire width of the required easterly side lot line for the proposed new third storey addition, notwithstanding the minimum required side yard width of 2.7 metres and that the Zoning By-law permits eaves and gutter to project into a required yard no more than one half its required width or 1.0 metres, whichever is the lesser. The general 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.

Section 6.6.5.3 c) of the Strathcona Secondary Plan limits the maximum building height of all uses permitted within the Low Density Residential 3 Designation to 2.5 storeys. As such, the proposed third storey addition does not maintain the intent of the Strathcona Secondary Plan and cannot be supported by Staff.

The applicant is proposing to continue the existing easterly side width of 0.0 metres above the existing second storey to facilitate the full build out of a third storey which does not maintain the intent of the Strathcona Secondary Plan.

This portion of Morden Street is characterized by one to two storey dwellings. The variances are not maintaining the general intent of the Strathcona Secondary Plan or the Zoning By-law as Staff is not satisfied the proposed third storey addition will maintain the established residential streetscape.

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

Variance 3

The applicant is requesting a variance to allow a minimum rear yard depth of 4.3 metres to be maintained, notwithstanding the minimum required rear yard depth of 10.5 metres. The general intent of the Zoning By-law is to allow adequate space for grading and drainage, to accommodate the necessary amenity area to satisfy the needs of the tenants of the single detached dwelling, and to avoid any impact on the enjoyment and privacy of the adjacent property. Staff defers any grading or drainage concerns to Development Engineering Approvals.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as Staff is satisfied there is sufficient amenity area on site between the rear yard and westerly side yard which functions as a rear yard. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 4

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

Section 6.6.5.3 c) of the Strathcona Secondary Plan limits the maximum building height of all uses permitted within the Low Density Residential 3 Designation to 2.5 storeys. As such, the proposed third storey addition does not maintain the intent of the Strathcona Secondary Plan and cannot be supported by Staff.

Based on the submitted floor plans, the existing two storey dwelling does not exceed eight habitable rooms. The variance is required as the third storey addition will result in a ninth habitable room. The proposed two parking spaces located on the existing driveway is sufficient to bring the parking for the existing single detached dwelling into conformity with the Zoning By-law.

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

Variance 5

The applicant is requesting a variance to allow a minimum parking space size of 2.6 metres in width by 4.7 metres in length to be provided, notwithstanding the minimum required parking space size of 2.7 metres in width by 6.0 metres in length. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

Staff is satisfied the existing driveway, which measures approximately 9.5 metres in length and 5.3 metres in width, is sufficient in size to contain two parking spaces which accommodate a variety of vehicle sizes. There are no opportunities to expand the existing driveway to accommodate parking space widths of 2.7 metres, however Staff acknowledge the variance does not deviate significantly from the requirement of the Zoning By-law. Staff notes

approximately 4.9 metres of the length of the driveway is within the Morden Street road allowance. Staff are not satisfied that the remaining 4.7 metres is a sufficient length to accommodate a variety of vehicles without utilizing the portion of the driveway which is located within the Morden Street 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 4.7 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 general intent of the Urban Hamilton Official Plan, Strathcona Secondary 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, on condition.

Variance 6 and 7

The applicant is requesting a variance to allow two parking spaces to be provided in the required front yard and to allow no manoeuvring space to be provided on site, notwithstanding the requirement in the Zoning By-law which states that only one of the required parking spaces may be located in the front yard and the requirement in the Zoning By-law which states that parking spaces, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located. The general intent of the Zoning By-law is to maintain the consistent streetscape and to ensure all vehicles can safely manoeuvre to and from the parking spaces.

The variance is recognizing an existing condition. The existing driveway, which is sufficient in size to accommodate two parking spaces, is located in the front yard and has direct access onto Morden Street. The applicant is not proposing any changes to the existing driveway and therefore Staff is satisfied the provision of two parking spaces in the front yard will not impact the established streetscape. In addition, the intent of the Zoning By-law is being maintained as the road provides sufficient space to aide the moving of a vehicle to and from the site, with adequate visibility. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

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

Recommendation:

Based on the preceding information, Variances 1, 3, 5, 6 and 7 maintains the general intent and purpose of the Urban Hamilton Official Plan, the Strathcona Secondary Plan and the former City

of Hamilton Zoning By-law No. 6593. Variances 1, 3, 5, 6 and 7 are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 2, 4 and 8 do not maintain the general intent and purpose of the Urban Hamilton Official Plan, the Strathcona Secondary Plan nor the former City of Hamilton Zoning By-law No. 6593. Variances 2, 4 and 8 are not considered to be minor in nature nor desirable for the appropriate use of the property.

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

CONDITIONS: (If Approved)

1. That the applicant obtains a Boulevard Parking Agreement to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

1. The notice should be amended to delete the number 1.8 m from variance # 1 and replace it with 0.9 m. The variance should read as follows: A minimum front yard depth of 0.9 m shall be provided instead of the minimum required 6.0 m; and

The notice should be amended to include a variance. The variance should read as follows:

2. Eaves and gutters shall be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 1.5 m into a required front yard while providing a minimum distance of 1.5 m to the front lot line.
3. The notice should be amended to delete variance # 8 entirely, as variance # 2 is requesting a 0.0 m easterly side yard setback; therefore, if variance # 2 is approved then the minor variance for yard encroachments would not be necessary.
4. A building permit is required for the construction of the proposed third story addition to the existing single-family dwelling.

Development Engineering:

Being that the proposed addition is vertical only and will have no impact on the existing footprint of the building; and the 0.0m easterly sideyard setback is due to the location of the existing building, we have no issues with the Minor Variances as proposed.

From: [Andrew Leyzack](#)
To: [Committee of Adjustment](#)
Cc: [karen](#)
Subject: HM/A-20:234 18 Morden Street
Date: December 1, 2020 11:53:03 AM

Dear COFA staff,

As an owner of a property located within 60 metres of 18 Morden Street, I would like to offer the following comments in regards to file HM/A-20:234:

I am a commissioned Canada Lands Surveyor and understand the benefits of effective land use planning and as such would like the city to enforce current zoning for this neighbourhood- Urban Protected Residential- One and Two Family Dwellings.

The proposed requested exceptions suggest that the owner is seeking to exceed the zoning limitation beyond two family usage.

The neighbouring properties are single storey cottages whereby proposed physical changes to the existing property and property line setbacks at 18 Morden would, from my perspective:

- create additional shadow on neighbouring structures;
- encroach aesthetically on the look and feel of this neighbourhood; and
- prompt further undesired densification of the neighbourhood.

I have witnessed the latter effect in another, similarly zoned municipality whereby a neighbourhood of one storey bungalows had, over time, transformed into two (2) plus storey dwellings with near zero distance, property line setbacks.

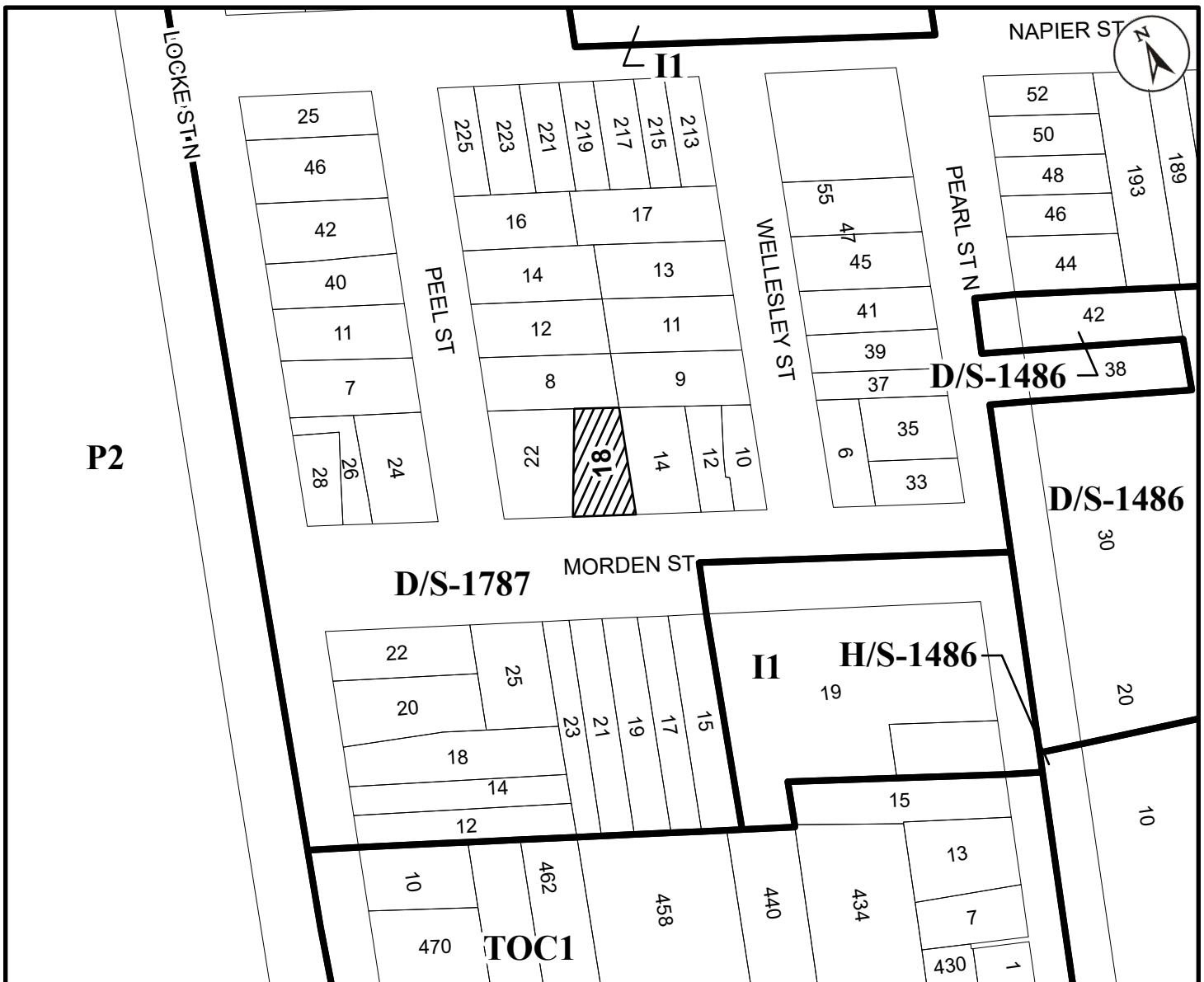
I believe the city's current limitations on minimum set-backs to be appropriate for this community and therefore oppose the requested variances to further reduce the setbacks.

Further, the combination of requests for increased height and reduction of setback constitute an inappropriate and excessive use of space which does not respect the plan for this neighbourhood.

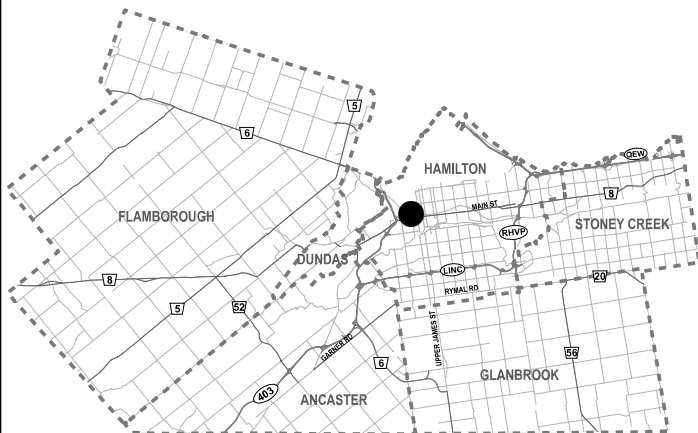
Regards,
Andrew Leyzack
20 Locke Street North
Hamilton, ON
L8R 3A3
905 630 2165

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Andrew Leyzack



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



18 Morden Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:234

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

HM/A-20:239 (215 George 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-20:239 (215 George St., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a two storey rear addition, the replacement of the existing roof with the construction of a new roof, roof shingles, fascia, eaves and soffits and the construction of a roofed over unenclosed patio at the rear of the existing single detached dwelling, notwithstanding the following variances.

Urban Hamilton Official Plan

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

Strathcona Secondary Plan

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

Archaeology:

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

- 0) Within 250 metres of known archaeological sites;
- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement;
- 3) Along historic transportation routes; and

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

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1 and 3

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.9 metres and a minimum side yard width of 1.1 metres to be provided for the proposed roofed-over unenclosed patio at the rear, notwithstanding the minimum required 1.2 metre side yard width. The general 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 proposed rear addition and patio are in line with the easterly façade of the existing dwelling, maintaining a slightly larger easterly side yard width because the existing dwelling is situated on a minor angle. The proposed addition and patio are located at the rear of the existing single detached dwelling and is not visible from George Street. As such, Staff do not anticipate any impact the established residential streetscape.

The submitted elevations show no windows are proposed along the easterly façade and a privacy wall is proposed on the easterly side of the proposed rear patio. As such, staff is satisfied there will be no negative impact on privacy or enjoyment of the adjacent properties.

Staff note the approval of Variance 1 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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

Variance 2

The applicant is requesting a variance to allow the eaves and gutters to encroach the entire width of the required easterly 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 variance recognizes the existing projection of the eaves and gutters of the existing single detached dwelling. The variance is maintaining the general intent of the Zoning By-law as Staff do not anticipate any negative impact on the subject property or the surrounding area as a result of maintaining the existing projection into the southerly side yard.

The variance maintains the general intent of the Zoning By-law as the proposed projection does not deviate significantly from the requirement in the Zoning By-law and will not make a significant difference to the design and character of the single detached dwelling.

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

The Building Division has noted the following additional variances are necessary to implement the proposal:

Additional Variances

The applicant is requesting a variance to permit the replacement of the existing roof to provide a minimum 0.4 metre front yard depth, to permit the replacement of the existing roof to provide a minimum 0.5 metre easterly side yard and to allow the eaves and gutters to encroach the entire depth of the front yard and be 0.0 metres from the front lot line, notwithstanding the minimum required front yard depth of 6.0 metres, the minimum required 1.2 metre side yard width and the maximum permitted encroachment of 1.5 metres into a required front yard while providing a minimum distance of 1.5 metres to the front lot line. 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 variances are required as a result of the proposed alterations to the existing roof including the removal of the existing dormer. The variance is maintaining the general intent of the Zoning By-law as Staff are satisfied the proposed alterations will not significantly alter the design and style of the existing dwelling. In addition, Staff do not anticipate any impact on the enjoyment or privacy of the adjacent properties as a result of the proposed exterior alterations.

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

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.

NOTE:

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

Building Division:

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

To permit the construction of a 2-storey rear addition, the replacement of the existing roof with the construction of a new roof, roof shingles, fascia, eaves and soffits and the

construction of a roofed over unenclosed patio at the rear of the existing single-family dwelling notwithstanding that;

2. The notice should be altered to include the following additional variances. The variances should read as follows:

To permit the replacement of the existing roof to provide a minimum 0.4 m front yard depth instead of the minimum required 6.0 m front yard depth; and

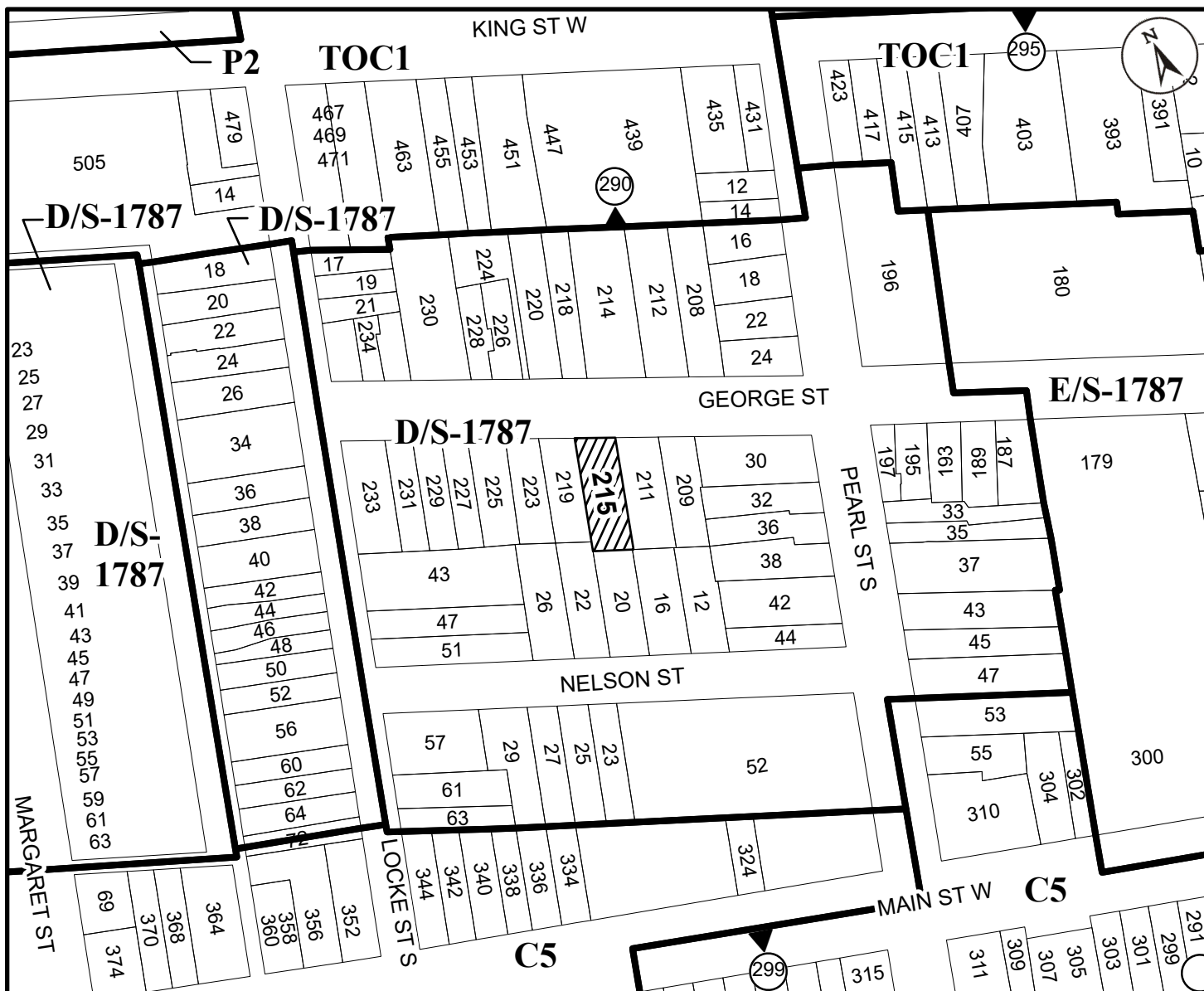
To permit the replacement of the existing roof to provide a minimum 0.5 m easterly side yard width instead of the minimum required 1.2 m side yard width; and

3. Eaves and gutters shall be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 1.5 m into a required front yard while providing a minimum distance of 1.5 m to the front lot line; and
4. The notice should be altered to delete variance # 2 entirely and replace it with the following. The variance should read as follows:
5. Eaves and gutters shall be permitted to encroach the entire width of the easterly side lot line instead of the maximum permitted encroachment of one half the width of the required side yard or 1.0 m whichever is the lesser; and
6. The notice should be altered to include in the Notes the following:

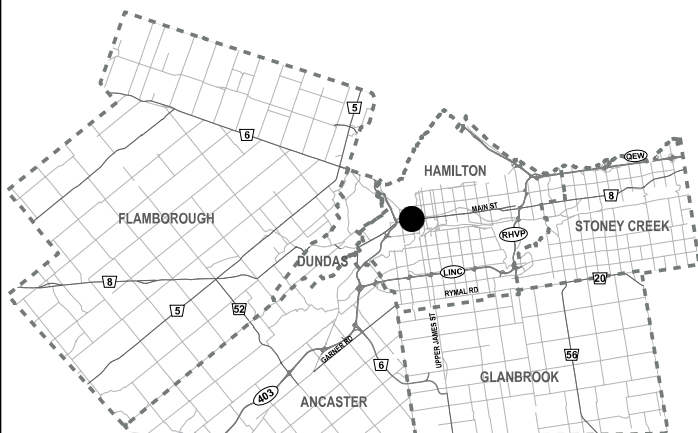
Details regarding the eave and gutter encroachment have not been provided. As such, the variances have been requested to encroach the entire depth or width of the minimum required yard.
7. A building permit is required for the construction of the proposed addition and the renovation of the existing building.

Development Engineering:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



215 Hamilton Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20-239

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:241 (132 Stanley Ave., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum westerly side yard width of 0.3 metres, notwithstanding the minimum required 0.9 metre side yard width. 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 westerly side yard width of the single detached dwelling. The proposed addition is located at the rear of the existing single detached dwelling and is not visible from Stanley Avenue. As such, Staff do not anticipate any impact the established residential streetscape.

The applicant is proposing to construct the rear addition maintaining the existing westerly side yard width of 0.3 metres. The submitted floor plans demonstrate no windows are proposed along the side facades. As such, staff is satisfied there will be no negative impact on privacy or enjoyment of the adjacent properties. In addition, Staff acknowledge the proposed rear addition maintains the minimum required rear yard depth of 7.5 metres.

Staff note the approval of Variance 1 does not grant the applicant access onto any neighbouring property without the necessary permissions.

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 no parking to be provided on site, notwithstanding the minimum required three parking spaces required. The general intent of the Zoning By-law is to ensure the parking needs of the single detached dwelling is being satisfied.

The submitted floor plans indicate that the proposed use of the dwelling will remain for the habitation of one family. As such, Staff is satisfied the parking needs of the existing single detached dwelling will not increase as a result of the proposed one storey rear addition. Staff are satisfied that the provision of no parking will continue to satisfy the parking needs of the single detached dwelling.

Staff acknowledge the dwellings along this portion of Stanley Avenue, including the subject property, have front yard depths of less than 2.5 metres, while there is approximately 4.7 metres of Boulevard between the front property lines and the sidewalk. There is an existing driveway at the front of the subject property, the majority of which is located within the Boulevard and therefore the driveway is not recognized as a parking space on the subject property. The existing driveway can function as one parking space for the existing dwelling, subject to entering into a Boulevard Parking Agreement with the City.

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

Recommendation:

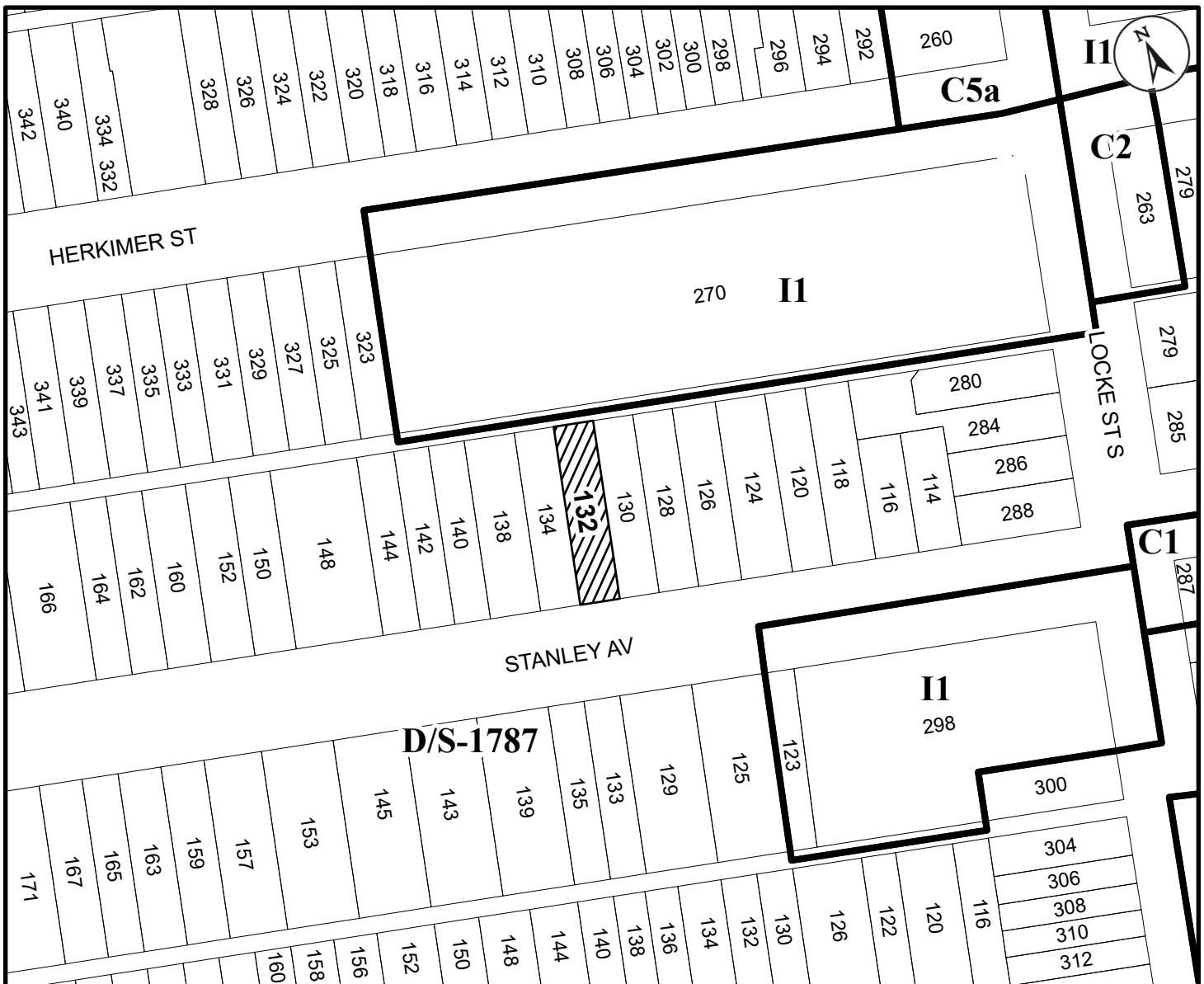
Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion,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

Building Division:

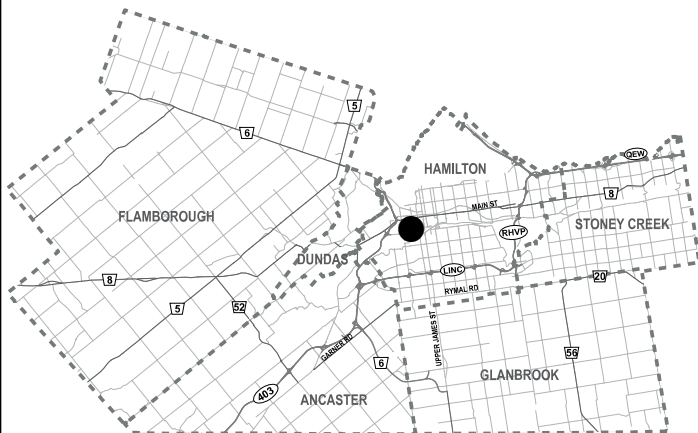
1. A building permit is required for the construction of the proposed rear addition.
2. Building Permit #20-189813, issued on November 6, 2020, for alterations to the interior of the single family dwelling to include underpinning the foundation walls lower basement floor and interior waterproofing, remains not finalized.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width. The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 0.6m.

Development Engineering:

Since the proposed addition follows the projection of the exterior walls of the existing dwelling, and provided that the existing drainage pattern is maintained, the Development Approvals section has no issues with the Minor Variances as proposed.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



132 Stanley Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:241

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:242 (415 Main St. W., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a multiple dwelling in accordance with Site Plan Control application DA-20-059, notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as “Primary Corridor” in Schedule E– Urban Structure and is designated “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies E.2.4.10, E.2.4.14, E.2.4.16, E.4.6.5 a) and f), E.4.6.7, E.4.6.8, E.4.6.24 amongst others, are applicable and permit multiple dwellings. Urban Design policies including amongst others, B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, B.3.3.3.4 and B.3.3.3.5 apply and require that buildings be appropriately massed, provide appropriate transition to neighbouring buildings, minimize shadows and ensure adequate privacy.

Strathcona Secondary Plan

The subject lands are designated “Mixed Use – Medium Density” special policy area B within the Strathcona Secondary Plan. Policies B.6.6.4.1, B.6.6.6.1, B.6.6.10.1 and B.6.6.15.2 and d) amongst others, are applicable and permit multiple dwellings. Policy B.6.6.10.1 requires all development proposals to demonstrate compatibility with the Hamilton’s City Wide Corridor Planning Principles and Design Guidelines.

City Wide Corridor Planning Principles and Design Guidelines

Hamilton’s City Wide Corridor Planning Principles and Design Guidelines aide in implementing the applicable Urban Design policies and demonstrate an appropriate transition in scale. Sections 4.2, 4.3.1, 4.3.2, 4.5, 4.8, 4.9 and 4.12, amongst others apply to the proposed development.

City of Hamilton Zoning By-law No. 6593 and 05-200

The subject lands are zoned “H” (Community Shopping and Commercial Etc.) District, under Zoning By-law No. 6593 and zoned Mixed Use Medium Density (C5, E298) Zone under Zoning By-law No. 05-200 which permits a multiple dwelling.

Variances to Hamilton Zoning By-law No. 6593

Variance 1

The applicant is requesting a variance to allow a maximum building height of 25.35 metres to be permitted, notwithstanding the maximum permitted building height of 17.0 metres. The general intent of the Zoning By-law is to maintain a consistent streetscape, prevent over overdevelopment of the site, and minimize any impact on the neighbouring properties. Building

height, within the parent by-law (6593), is determined based on the distance between the building and adjacent residential districts in order to provide an appropriate distance separation.

Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from “H” (Community Shopping and Commercial) under Hamilton Zoning By-law No. 6593 to C5, E298 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. As such, a variance for the maximum building height is required to the requirements of both Zoning By-laws.

As further discussed below, while there are constraints on the subject property, particularly the lot depth, staff are of the opinion the applicant can make further attempts to create an appropriate transition and minimize any privacy and overlook concerns. Staff acknowledge the development of this site will set precedent for other lots of a similar depth along Main Street West. The proposed development does not achieve a transition in scale that is consistent with the City’s Corridor Planning Principles and Design Guidelines and based on limited stepbacks to the rear façade, staff are not satisfied the intent of the Zoning By-law is being maintained in this context for a rear to rear interface.

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

Variances to Hamilton Zoning By-law No. 05-200

Variance 1 and 2

The applicant is requesting a variance to allow a finished floor elevation of any dwelling unit to be 0.0 metres above grade and to allow a minimum 2.0 metre setback to a street line for a building with residential units on the ground floor facing a street to be permitted, notwithstanding the minimum required finished floor elevation of 0.9 metres above grade and the minimum required 3.0 metre setback. The intent of the Zoning By-law is to maintain a consistent streetscape, to create an environment that is oriented and accessible to pedestrians, and to limit pedestrian access within the building to the main entrance.

The applicant is proposing seven dwelling units on the ground floor with a finished floor level at grade. Five of the dwelling units on the ground floor front onto Main Street West with patios along the front property line. The patios are screened by planters, as shown on the submitted elevation drawings, and pedestrian connections between the subject building and the sidewalk are limited to the main entrance and other communal amenities. The proposed variances maintain the general intent of the Zoning By-law as staff is satisfied the proposed development will maintain a consistent streetscape and will contribute to a pedestrian oriented environment. Staff do not anticipate any adverse impacts on the privacy or enjoyment of the ground floor dwelling units as the applicant has demonstrated privacy screening.

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

Variance 3 and 9

The applicant is requesting a variance to allow a maximum building height of 25.35 metres to be permitted notwithstanding the maximum permitted building height of 22.0 metres.

The Building Division comments have noted an additional variance related to height will be required. As such the applicant is also requesting a variance to allow a minimum rear yard of 8.7 metres to be permitted for any portion of the building having a building height above 12.2 metres to a maximum building height of 25.35 metres.

The general intent of the Urban Hamilton Official Plan and the Strathcona Secondary Plan is to accommodate residential intensification which is compatible with the surrounding area in terms of scale, built form and character, and to provide an appropriate distance separation and transition in scale to adjacent uses. The general intent of the Zoning By-law is to maintain a consistent streetscape, prevent over overdevelopment of the site, and minimize any impact on the neighbouring properties.

The Urban Design policies for Built Form contained in Section B.3.3 of the UHOP and Section B.6.6.10.1 of the Strathcona Secondary Plan indicates new development shall be designed to minimize any impact on neighbouring buildings and public spaces by creating an appropriate transition in scale.

In accordance with Section B.6.6.10.1 e) of the Strathcona Secondary Plan, all development proposals shall demonstrate compatibility with the Hamilton's City Wide Corridor Planning Principles and Design Guidelines. An appropriate transition in scale should be measured by respecting the 45-degree angular plane as demonstrated in Section 4.3.1 and 4.3.2 of Hamilton's City Wide Corridor Planning Principles and Design Guidelines.

Section 10.5.3 d) iii) of the Zoning By-law requires incremental setbacks on any façade adjacent to a residential zone to help achieve an appropriate transition in scale between the proposed development and adjacent low profile residential uses.

While there are constraints on the subject property, particularly the lot depth, staff are of the opinion the applicant can make further attempts to create an appropriate transition and minimize any privacy and overlook concerns. Staff acknowledge the development of this site will set precedent for other lots of a similar depth along Main Street West. The proposed development does not achieve a transition in scale that is consistent with the City's Corridor Planning Principles and Design Guidelines and based on limited setbacks to the rear façade, staff are not satisfied the intent of the Zoning By-law is being maintained in this context for a rear to rear interface.

In addition, the proposed height of the building exceeds the 45 degree angular plane to 80% of the ultimate right of way width. A Sun Shadow Study should be submitted so that Staff can properly assess the impact on the public realm and determine whether providing the 45 degree angular plane to 80% of the existing right of way width would be appropriate in this context.

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

Variance 4

The applicant is requesting a variance to allow the minimum width of a parking space to be increased by 0.0 metres where a wall, column or any other obstruction is located abutting or within any parking space, within an above ground or underground parking structure, notwithstanding the requirement that the minimum required width of a parking space be increased of 0.3 metres. The general intent of the Zoning By-law is to ensure there is sufficient space for a variety of vehicles to safely access and manoeuvre within the required parking spaces.

Based on the submitted underground parking plan, there are a number of parking spaces with 0.39 metre wide columns located adjacent to the front of the parking spaces. Staff is satisfied the column will not impact a vehicle's ability to manoeuvre to and egress from the parking space, with adequate visibility. In addition, the columns will not result in the requirement for additional space to accommodate the swing radius of vehicle doors. Staff note the applicant has provided 0.3 metres of distance separation between any parking space adjacent to a wall.

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 5 - 8

The applicant is requesting a variance to allow 40 parking spaces to be provided on site and to allow two barrier free parking spaces to be provided on site, notwithstanding the minimum required 76 parking spaces and the minimum required four barrier free parking spaces. The general intent of Zoning By-law is to ensure the parking needs of the tenants of the multiple dwelling are being satisfied.

Staff is not satisfied that the proposed reduction in parking will satisfy the parking needs of the tenants. While the subject property is located along Main Street West which is intended for higher order transit, staff do not feel the applicant has demonstrated the reduction in parking is sufficient to satisfy the needs of the tenants.

Staff is of the opinion the subject development, as proposed, represents an overdevelopment of the site due to concerns related to transition in scale. In order to address those concerns, a reduction to the number of dwelling units being proposed may be necessary which would impact the number of required parking spaces.

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

Recommendation – Variances to Hamilton Zoning By-law No. 6593:

Based on the preceding information, Variance 1 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 1 is not considered to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that Variances 1, be denied.

Recommendation – Variances to Hamilton Zoning By-law No. 05-200:

Based on the preceding information, Variance 1, 2 and 4 maintain the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. Variances 1, 2 and 4 are considered to be minor in nature and desirable for the appropriate use of the property.

Variances 3, 5, 6, 7, 8 and 9 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the City of Hamilton Zoning By-law No. 05-200. Variances 3, 4, 5, 6, 7, 8 and 9 are not considered to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that Variances 1, 2 and 4 be approved, and Variances 3, 5, 6, 7, 8 and 9 be denied.

Building Division:

1. The variances should be altered to include a variance to Section 10.5.3(d)(iii) of Hamilton Zoning By-law No. 05-200, which shall read as follows:

“A minimum rear yard of 8.7m shall be permitted for any portion of the building having a building height above 12.2m to a maximum building height of 25.35m 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 and whereas the maximum permitted height is 22.0m”.

2. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from “H” (Community Shopping and Commercial) under Hamilton Zoning By-law No. 6593 to C5, E298 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable

3. The plans provided show a 1.8m high fence along the southerly lot line. However, no details have been provided to confirm that the fence will satisfy the requirement for a visual barrier. It should be noted that a chain link fence is not considered a visual barrier. Additional variances may be required if compliance with Section 4.19 is not possible.

Development Engineering:

No Comment

See attached for additional comments.

From: drfrydman@gmail.com
To: [Committee of Adjustment](#)
Subject: Property 415 Main Street West - Application No.: HM/A-20:242
Date: November 26, 2020 3:57:23 PM

Hello,

Re: Application No.: HM/A-20:242

I am the property owner of 405 Main Street West and 404 Jackson Street.

It has come to my attention that the property at 415 Main Street West has applied for a Minor Variance.

I have a concern that the proposed new structure will obstruct a billboard sign I have on my property. This sign has existed on this property for well over 14 years and is a vital source of income.

It is understood that there is a virtual meeting on December 3rd and I may not be able to attend as I do have a conflict.

Please advise.

Thank You,

Larry Frydman
Jondar Investments Inc.
416-783-4390
drfrydman@gmail.com



Virus-free. www.avg.com

From: [Andrew Joseph Yip](#)
To: [Committee of Adjustment](#)
Subject: Objection to Variance Application No. HM/A-20:242
Date: November 25, 2020 7:47:02 PM

Dear Committee,

With respect to the application of Martin Quarcoopome regarding 415 Main Street West, I object to sections 5 and 6 of the application for variance under By-Law 05-200. We live on a crowded street, where myself and my neighbours struggle to find parking due to already limited spaces. If Jackson St. W. cannot accommodate parking with the existing residents, it will be impossible to accommodate the overflow of a large residential building with too few parking spaces allocated.

We request that this application for the minor variance be denied, with the owner then required to adjust his building plans to accommodate the appropriate number of parking spots per residential unit. The effect of allowing the variance will be incredibly detrimental to the residents of the nearby streets and cause daily stress and anxiety for the benefit of a developer.

We trust that the concerns of myself and my neighbours will be carefully considered,

Andrew Y.

From: [Stephanie Lapointe](#)
To: [Committee of Adjustment](#)
Subject: HM/A-20:242 - Concerns
Date: November 24, 2020 12:03:50 AM

Hello,

I recently received the letter regarding the public hearing notice regarding the application for minor variance for 415 Main Street West.

I have no objections to a new building being constructed, and would in fact support densification opposed to the site sitting vacant and under utilized. I am extremely concerned about a few of the requests.

Item 1 - Building Height

By-laws 6593 and 05-200 both detail lower building height limits. A building of the proposed height adjacent a two storey residential zone and single story commercial buildings is setting a precedent for future development; visually overbearing and would obstruct sight lines.

Item 2 - Parking

- At 111 units less than half would have access to parking
- weekends and holidays already have a significant impact to parking on adjacent streets. Visitors and residents will seek alternate solutions which will have a strenuous impact on side streets and the Dundurn Plaza.
- parking spots with obstructions should not be granted a variance as the spots will be less desirable and put strain on the already reduced number of spaces
- reduction in accessible spaces is not very considerate of the population that would require these spaces and does not comply with the AODA

These variations serve one purpose and that is to maximize profits of the developer at the expense of the local community. Proceed with development but enforce adherence to by-laws it is that simple.

Please extend the webex meeting invite to me and my family so we can attend the hearing.

Thank you
Stephanie

From: [Fleur](#)
To: [Committee of Adjustment](#)
Subject: Re; 415 Main St , Hamilton
Date: November 25, 2020 7:15:57 PM

Good evening,

With regards to the minor variance request for 415 Main St, we would like to protest the variances requested. We live on Jackson St W and parking is already a huge issue on our street and if you allow this development to have any less than 76 parking spaces this will cause even more congestion and frustration for the neighbouring community. Allowing this variance would show a complete lack of forward planning by the city with respect to the number of parking spots required.

I hope that in allowing this building to go ahead that hydro and infrastructure improvements will also be undertaken to ensure the aging infrastructure in our neighbourhood can handle this new development.

Thank you,
Fleur McGeoch
(905) 920-3858

Addressed to the Committee of Adjustment

City of Hamilton

Re: Minor Variance application number HM/A-20:242

Subject Property: 415 Main St. W., Hamilton, ON

As per the process of the Committee of Adjustment, the owners of 414 Jackson St. W wish to register the following concerns with the application for variances moved forward by 415 Main St. W Inc (represented by Martin Quarcoopome of Weston Consulting). While the owners of 414 Jackson W wish to express their openness to development, the size of the above proposed structure would be non-characteristic for the area and would very likely have the following impact:

- Construction of a building of the proposed height in question immediately behind 414 Jackson St. W (10' from property line according to Weston Consulting) will result in loss of usability of both the backyard and back interior of the home. This is due to the large windows of the home being arrayed in a view to the north. All of the homes constructed within this row home setup would face a similar issue.
- Construction of a building of that height would negatively impact the market value of the property located at 414 Jackson St. W.
- The current plan for construction at 415 Main St. W would place a large number of windows within parallel sight line of those of the abutting homes along Jackson St. W. As well, balconies constructed as part of these units would have an overhead view directly in the yard and homes of Jackson St. W. Moreover, due to the proposed structure and the need to ensure privacy (by installing window coverings), access to natural light at 414 Jackson St. W would be greatly impacted by a structure of that height. The owners of the above property also note that despite engineering considerations allowing for recessed construction to the south of the proposed building, the impact of this large structure will still be largely invasive.
- Extended periods of construction (18 to 24 months, as per the projections of Weston Consulting in their meeting with the local community) would result in a large amount of disruption. While development on the property is completely understood by the owners of 414 Jackson St. W, construction of a structure of that height will escalate the severity of disruption and prolong the period of construction.
- The owners of 414 Jackson St. W also indicate that there does not appear to be a coherent plan to mitigate disruption to the homes and residents surrounding 415 Main St. W. When asked about this detail, the response of Weston Consulting was that a plan would need to be developed.
- When asked about excavation, Weston Consulting indicated that they are allowed to excavate on their own property, which the owners of 414 Jackson St. W fully acknowledge. Excavation for parking directly below the building proposed will result in increased risk of damage to the abutting properties. No apparent plan to mitigate structural impact to the abutting properties appears to be developed.

- The parking spaces allotted for the proposed structure, for which a variance is being requested to lower the total number of available parking spots, will likely result in overflow of parking volume on Jackson St. W. This is due to Jackson St. W being the closest open parking zone that does not require transit across a large thoroughway.
- When asked about compensation for extended periods of construction, the placement of an invasively large structure immediately behind, and loss of property value due to proximity to this large building, Weston Consulting did not indicate that there was a plan to compensate the residents of Jackson St. W. Plans were indicated around the planting of large trees along the 415 Main St. W fence line abutting the Jackson St. W properties. It is also noted that this may not be possible due to the standing utility poles and cabling that exists along the fence lines of the properties along Jackson St. W. There appears to be no consideration for potential interruption of utilities to the properties affected by potential construction.
- Resultant costs and impacts to the owners of properties on Jackson St. W in attempting to mitigate the negative effects of construction do not appear to have been considered. The owners of 414 Jackson St. W wish to express their feelings that much consideration has been placed into building the market value for 415 Main St. W, which they feel is absolutely comprehensible. In the same light, Weston Consulting indicates that "this is the way development is occurring along major arteries" and are giving the impression that Jackson St. W residents are expected to "take one for the team" in the name of development.
- Should variances be granted and construction plans approved, the owners of 414 Jackson St. W are asserting that they be made whole for the net effect experienced.

The owners of 414 Jackson St. W would like to forward their gratitude for hearing their concerns.

Signed on this, the 30th day of November of the year 2020.



Ashlee Melissa DeWitt



Matthew Jacob Bury

Re: Notice of Public Hearing, Minor Variance Application Number HM/A-20:242

Dear Members of Committee of Adjustment,

I am a resident and home owner who lives at 410 Jackson St. W., one of several properties that backs on to the property at 415 Main St. W.

I have recently come to learn of the proposed development of 415 Main St. W. I have multiple objections and concerns related to the plans to build a 7-storey condominium building on the property, which I feel is incongruent with the surrounding neighborhood.

Firstly, the proposed building would represent a significant change within the existing mature residential neighborhood. In fact, the building would be the tallest structure within approximately 2/3km distance (650m) in any direction. The closest building exceeding the proposed height of the new development is the Jackson Villa apartments, which are 11 stories tall and are closely situated to multiple other high-rise buildings including Hazelview Condominiums and the Village Hill Vanier Tower Apartments, among others.

The next closest structure of similar height is the 101 Locke St. building, which is 6 storeys in height and is located just over a 1/4km away (255 m). 101 Locke also benefits from being located beside rather than behind their immediate neighbors, which reduced the visual impact to the 2 homes immediately adjacent.

The proposed height and orientation of the south facing residential units within the proposed development will make it such that somewhere around 50 units will have direct sightlines down into my back yard. This will interfere with the current level of privacy in our rear yard and dramatically reduce our overall enjoyment of the space.

Additionally, the location of the proposed new condo building with it's south facing units will negatively impact the property value, affecting the future sale price of my home. Many people do not wish to live at the foot of a 25+ metre building, which I can well understand, as I personally would not have chosen to buy my home the proposed building be in place 13 years ago when I bought my home.

I participated in a Public Information meeting hosted by the development company on November 23, 2020 and was not satisfied with the responses to the concerns I addressed.

As it relates to the requested minor variances (which I do not find to be minor) for the proposed project at 415 Main St. W., I have the following objections:

- Overall Height of the Building
 - The variance related to the Building Height which is 25.35m is not an insignificant difference from the maximum of 17m in zoning by-law 6593. In

fact, it is 50% taller than the stated maximum. At this height, the proposed building would dominate everything in the surrounding area and be impossible to avoid.

- Even looking at permitted height under zoning 05-200, this building exceeds the maximum height by 3.35m or 15%. This is not insignificant.
- The building plans shared by the developer and by the city also refer to the building as a “6-storey condominium,” but this is not accurate. The building plans show 7 storeys of residential units including Floors 1, Mezzanine, 2, 3, 4, 5 and 6, plus amenity space and mechanical area on a floor above this.
- Setback from Street
 - The proposed setback from the street of just 2 metres instead of the minimum of 3 metres will congest views and take away from pedestrian space along Main St. W. This offers no benefit to those living in the neighborhood and benefits only the developer by increasing the size/number of units for sale.
- Parking Spaces
 - The total of 40 parking spaces in the building plan, down significantly from the required 76 spaces, are insufficient for a building of this size.
 - The low volume of spaces will result in building residents and guests attempting to park on Jackson St. W. and Poulette St. as these are the nearest locations with street parking. This will negatively impact those living in the area who rely on street parking. While my property had a driveway, guests and clients visiting my property often use street parking.

I also have the following objections and concerns unrelated to the requested variances:

- Proximity of building to shared property line
 - The building plans call for just a 3 metre distance between the rear of the building and my rear property line. This distance is insufficient given the overall size and height of the building. From the back of my home, the building will occupy my entire field of view to both sides as well as upwards.
 - I also have a mature tree at the rear of my property whose root system is likely to be damaged, and may need to be removed at significant cost to me.
- Dividing Fence and Landscaping
 - During the November 23 Public Information Meeting, the developer indicated that the fence dividing the property from those on Jackson St. W. would be replaced and trees would be planted to increase privacy. This would have zero effect on privacy as the trees and fence will not block views into my yard from the top 5 floors of the building in any meaningful way.
- Project Timeline
 - The developer indicated that the project would take 18-24 months or perhaps more to complete. This would impose significant disruption to those living in the area because of construction (including, noise, vibration etc.) This is long time to be live directly behind a major construction site.

In conclusion, I have a number of valid objections concerns related to this project and the variances being sought, that have not been addressed by the developer. In my opinion, the size of the property at 415 Main St. W. is wholly insufficient for a building of this footprint and overall size.

Thanks you in advance for your thoughtful consideration of my arguments.

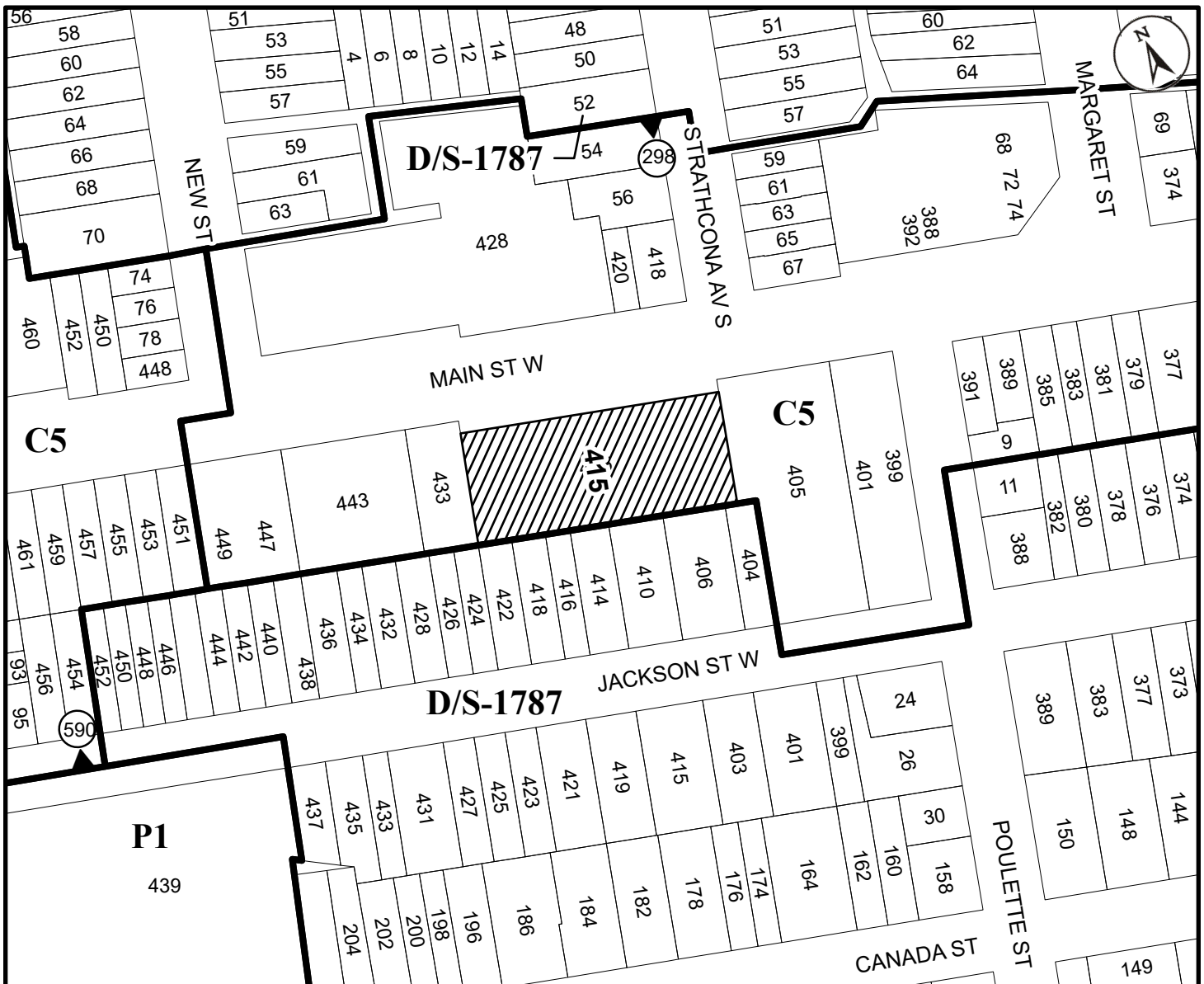
Sincerely,

Robin Jeanveau

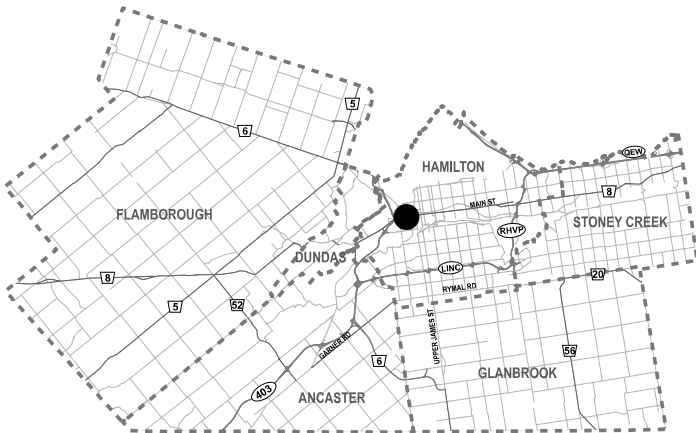
410 Jackson St. W., Hamilton ON, L8P 1N4

905-541-2172

robin@redbreastdigital.ca



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



415 Main Street West, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:242

Date:

November 23, 2020

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT