

HM/A-21:07 – 109 East 11th 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):

HM/A-21:07 – 109 East 11th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain two (2) dwelling units, 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). 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” District (Urban Protected Residential, Etc.). 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

Although the proposed dwelling unit is 50.0 square metres whereas the Zoning By-law requires 65 square metres, a kitchen, bathroom, bedroom and living room are provided, as well as an outdoor amenity area. The Ontario Building Code provides minimum room size requirements which is assessed through the Building Permit process. Staff **supports** the variance as the intent of the Official Plan and the Zoning By-law are maintained, it is desirable, and minor in nature.

Variance 2

Variance 2 for a reduction in the minimum parking space size was not requested by the applicant, nor does it appear to be required based on the dimensions of the detached garage and the driveway. As a result, staff recommends that the variance be **withdrawn**.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that Variance 1 maintains the purpose and intent of the Official Plan and the Zoning By-law. Variance 1 is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **approved**; and that **Variance 2 be withdrawn** because it is not required and not requested.

Building Division:

1. The notice should be amended by adding the following variance.

“The manoeuvring space and accessibility to the parking space located within the detached garage may be obstructed by another vehicle whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space.”
2. Section 19(1)(iii) of Hamilton Zoning By-law 6593 requires that the external appearance and character of the dwelling be maintained and preserved (with the exception of exterior exits). Please be advised that further variances may be required if further changes are intended to the exterior of the existing building.
3. A building permit is required in the normal manner to convert the existing building to contain two dwelling units.

Development Engineering:

No comments.

See attached for additional comments.

Hansra, Aman

From: Gary Nicholls <gnicholls1@bell.net>
Sent: Friday, February 12, 2021 3:02 PM
To: Committee of Adjustment; Pauls, Esther
Cc: Gary Nicholls
Subject: Regarding Application # HM/A-21:07

Application # HM/A-21:07

Subject property: 109 East 11th St , Hamilton.

We would like to reply to this application and the reasons that we find it unacceptable to make a zoned single family dwelling into a duplex. We have lived here since 1972 and are three houses from the subject property. Our living room has a very good view that looks down East 11th. The area remained the same for many years but lately have seen the character of the neighbourhood changing along with the number of cars parked on the street increasing significantly.

There are a number of single family dwellings being used as two dwelling units. The majority of these houses are in the area of 800 square feet located on East 11th between Inverness Ave. East and Mountville Ave. The number of vehicles parked on the street has increased accordingly with the increase of people living on East 11th in these units.

One of the proposed changes is to have minimum parking space required inside the garage, reduced by a sizable amount (32%) . We then have the possibility of an additional two more cars parking on East 11th street since it will be a duplex.

The floor area of one unit is proposed to be reduced from the minimum of 65 m2 to 50 m2. This is approximately a 22% decrease in floor area.

If one or both of these proposals are allowed a precedent is set for other variances -- it opens the door for changing single family dwellings into duplexes by not meeting established standards.

Regarding safety -- having worked on the Hamilton Fire Department as a career and now retired, navigating this side street at times would be very difficult with the size of the fire apparatus and with the amount of vehicles parked on both sides of the street.

For your consideration,

Brigitte & Gary Nicholls,

238 Inverness Ave. East

(905) 389-5287

Hansra, Aman

From: Ronald French <ronaldfrench@sympatico.ca>
Sent: Friday, February 12, 2021 3:04 PM
To: Committee of Adjustment
Cc: Pauls, Esther
Subject: Fwd: Application No: HM/A - 21:07

Begin forwarded message:

From: Ronald French <ronaldfrench@sympatico.ca>
Date: February 12, 2021 at 1:25:24 PM EST

Subject: Application No: HM/A - 21:07

With this letter we are voicing our objection to the application for a minor variance at 109 East 11th St. Our concern and reason for the objection is the impact of addition street parking will have on this neighbourhood. This variance is is called minor but additional parking on this street is is anything but minor. We see in the plans that the lower dwelling has designated parking in the garage . Realistically that means that the cars in the upper dwelling will park on the street. It is our feeling that more cars parked on East 11th St will have an adverse effect on this neighbourhood. We already deal with overflow parking of cars that pick up food at the local take out restaurant. We've experienced issues with snow clearing, the garbage truck not able to get down the street and we are concerned about accessibility of fire vehicles because of parked cars.

In conclusion, we feel that the parking needed for the proposed two family dwelling will adversely affect this single family residential neighbourhood.

Yours respectfully,
Ron& Heather French,
110 East 11th St.
905 389 0935

Hansra, Aman

From: CHARLES MATTHEWS <cmatthews18@cogeco.ca>
Sent: Monday, February 15, 2021 6:22 PM
To: Committee of Adjustment
Cc: ester.pauls@hamilton.ca
Subject: Application no.:HM/A-21-07

With response to this notification along with variances I object. I am of understanding the current neighborhood and East 11th Street are zoned as single family residences. If the variances are allowed this will set a precedent for the neighborhood not to mention future and current multi-family residences being allowed. As residents are aware of illegal and not code duplexes on the street have not been investigated.

As to the proposal no 1 with regards to the decreasing the standards square footage this should not be allowed. This could allow every house in the neighborhood to apply for a permit to convert their house into multi-family.

As to the proposal no 2 regarding parking for the basement tenant in the garage with size of parking spot. This appears to very cumbersome as the driveway is only single width. This would mean they would have to get the upstairs tenant to move all vehicles out of the driveway with departures and arrivals. This is not practical and cannot be expected to practical.

Parking in the neighborhood is at full capacity with little no visitor parking with the current residents and of the restaurant China Kiki. As they do not have any on site parking all deliveries and pickups take place on the two streets of Inverness and East 11th. Along with parking is the issue snow plowing and garbage removal and fire truck access.

Please contact me at your earliest convenience.

Yours Respectfully

C Matthews

113 East 11th St

905 383 3303

COMMITTEE OF ADJUSTMENT

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

11 February 2021

Re: Application No. HM/A-21:07

APPLICANTS: Gillian Francis

SUBJECT PROPERTY: Municipal address 109 East 11th St., Hamilton

ZONING BY-LAW: Zoning By-law 6593, As Amended

ZONING: “C” (Urban Protected Residential) district

Proposal: To permit the conversion of the existing Single Family Dwelling to contain two (2) dwelling units

Dear Committee,

I am writing to oppose the application for the property at 109 East 11th St. We do not consider that the variances requested are “minor” in nature, nor do they respect the intent of the zoning by-law.

The applicants are seeking a 26% (65.0m² to 50.0m²) reduction in the minimum square feet required for the minimum floor area required for a basement dwelling, as well as 38% (2.7m x 6.0m to 2.5m x 4.4m) reduction required for the parking space in the garage. The increase in non-permeable space is very concerning. These variances are required in order to abide to the City of Hamilton zoning requirements

The proposed parking for the 2nd dwelling in the basement is shown to be occupied by the garage, however the driveway is only a single drive and we cannot see how the basement dwelling occupant is going to park there as they would need to disturb the upstairs tenant to move their vehicle, also we are aware that the upstairs tenant is using the garage as they have their motorcycle parked inside and we believe it will be another car or two more cars on the street.

We are concerned about the parking on the street. We are concerned for the safety of emergency vehicles, garbage trucks and snow removal vehicles having room to move through the street. There was an incident this winter with a snow removal vehicle honking their horn very loudly for someone to move their vehicle. We already deal with an overflow parking of cars that pick up food from the restaurant (China Kiki),

We are also concerned about the character of the street, we take pride in our street and are concerned that people that are buying up properties as an investment property and they are mostly concerned with their investment and do not live in the city of Hamilton and instead of having a single family dwelling that they purchase to live in, they are turning them into 2 unit dwellings and not moving into the house. Property values are likely to go down in the area if 2 unit dwellings are allowed. Two dwelling units are inconsistent with the neighborhoods developed in this area

If one or both of these variances are allowed it will set a precedence to allow other single family dwellings to change into duplexes by not meeting the established City of Hamilton standards.

I urge you to disapprove the proposed conversion of the existing single family dwelling to contain two dwelling units as respected with our recent meetings and discussions with our neighbors.

Thank you for your continued service and support of our communities.

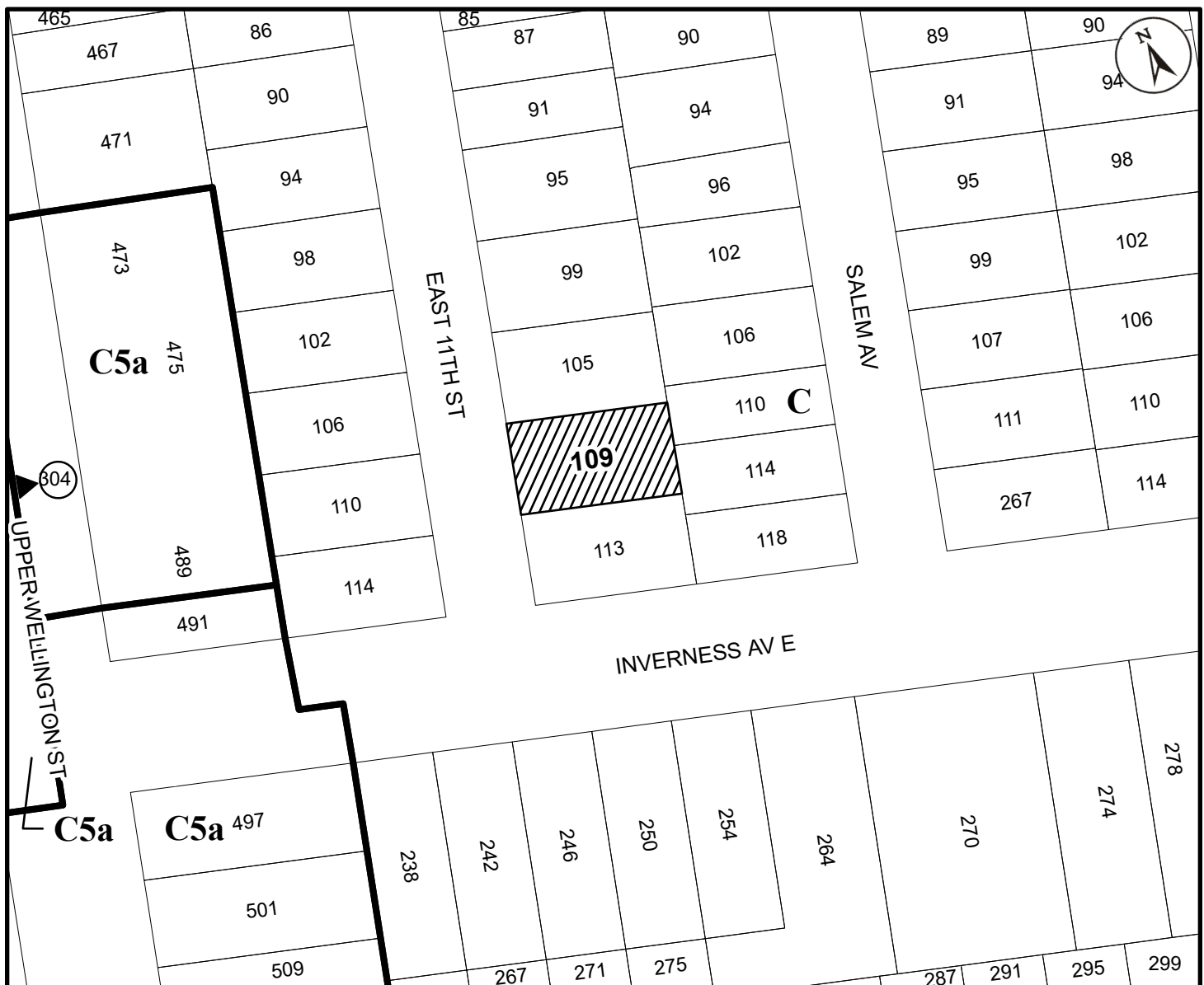
Respectively,

Mrs. Lori Parkin
105 East 11th St.
905-746-1937

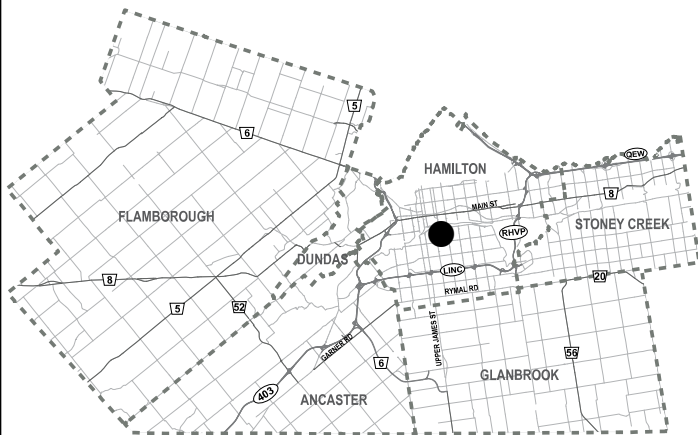
Hansra, Aman

From: Ank Cowan <ankandbill@gmail.com>
Sent: February 16, 2021 10:37 AM
To: Committee of Adjustment
Subject: Re-HM/A-21:07

Re.109 East 11 STREET. Ham
Application for 2 dwelling Unit
Parking will be an issue ,especially in the winter
William and Ank Cowan, 246 Inverness ave E.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



109 East 11th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-21:07

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:28 – 293 Upper Wentworth St., Hamilton

Consolidation Report

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

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

HM/A-21:28 – 293 Upper Wentworth St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the number of dwelling units within an existing five (5) storey multiple dwelling to be increased from 42 dwelling units to 43 dwelling units, notwithstanding a variance is required to permit the proposed minimum number of parking spaces.

The existing building was constructed in the 1960s and was approved for a total of 42 units at the time; however, there are currently a total of 43 units in the existing building and 40 parking spaces on site.

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 on the periphery of the neighbourhood in proximity to arterial roads, where multiple dwellings are permitted in accordance with Policy E.3.5.2 at a density range between 60 and 100 units per hectare (E.3.5.7). The proposal to increase the number of dwelling units to 43 does not conform to the permitted density range.

The existing 42-unit building pre-dates the UHOP and has been established for a considerable number of years. The multiple dwelling land use conforms to the UHOP, is compatible with the surroundings and does not constitute a danger to the surrounding uses. The intent of the “Neighbourhoods” designation is to respect the character of existing neighbourhoods while allowing their ongoing evolution (E.3.1.4). Based on the foregoing, staff is of the opinion that the proposal maintains the intent of the UHOP.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E” Districts (Multiple Dwellings, Lodges, Clubs, Etc.) which permits a multiple dwelling, subject to the applicable provisions.

Variance 1

There are 40 parking spaces proposed to serve the 43 dwelling units, whereas 54 dwelling unit parking spaces are required by the Zoning By-law. The intent of the provision is to provide adequate off-street parking to meet the parking needs of the use on the lot in order to minimize overflow to on-street parking.

The applicant has submitted a Parking Study prepared by Paradigm Transportation Solutions Ltd., dated November 2020, in support of the proposal. The study shows that the site's estimated parking demand ranges from 25 to 40 parking spaces, depending on the methodology used (excluding parking requirements of various Zoning By-laws). Aside from the Zoning By-law No. 6593 requirement, the highest parking demand is 40 parking spaces based on Existing Market Demand (Table 4.3). The study notes that proximity to HSR Transit routes and the walkability of the site both work to lower the parking demand. A total of 40 parking spaces are proposed, which meets the parking demand of 40 parking spaces. As a result, staff is of the opinion that the intent of the Zoning By-law is maintained.

Based on the foregoing, staff **supports** the variance because it maintains the intent of the Official Plan and Zoning By-law, 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 variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

1. The notice should be altered to include the following variances:

No visitors parking shall be provided on site instead of the provision in the By-Law which states that 0.25 of a space per Class A dwelling unit which would require a minimum of 11 visitor's parking spaces for a 43-unit multiple dwelling; and

No loading space shall be required to be provided on site instead of the minimum required 1 loading space having a minimum of 18.0 m in length x 3.7 m in width x 4.3 m in height for a multiple dwelling which comprises of 43 dwelling units.

2. The notice should be altered to include in the notes the following:

Variance # 1 has been written as requested by the applicant.

Development Engineering:

Development Engineering Approvals has no comments regarding the minor variance application as proposed.

See attached for additional comments.

Hansra, Aman

From: John Sicoli <john.sicoli@hotmail.com>
Sent: Monday, February 15, 2021 5:18 PM
To: Committee of Adjustment
Subject: Public comments regarding Application No: HM/A-21:28

Committee Of Adjustment:

We have lived at 294 Upper Wentworth across the street from the apartment building for over 40 years. During that time on street parking has always been an issue and challenge for several reasons as follows;

There is insufficient parking for the apartment residents and their visitors.

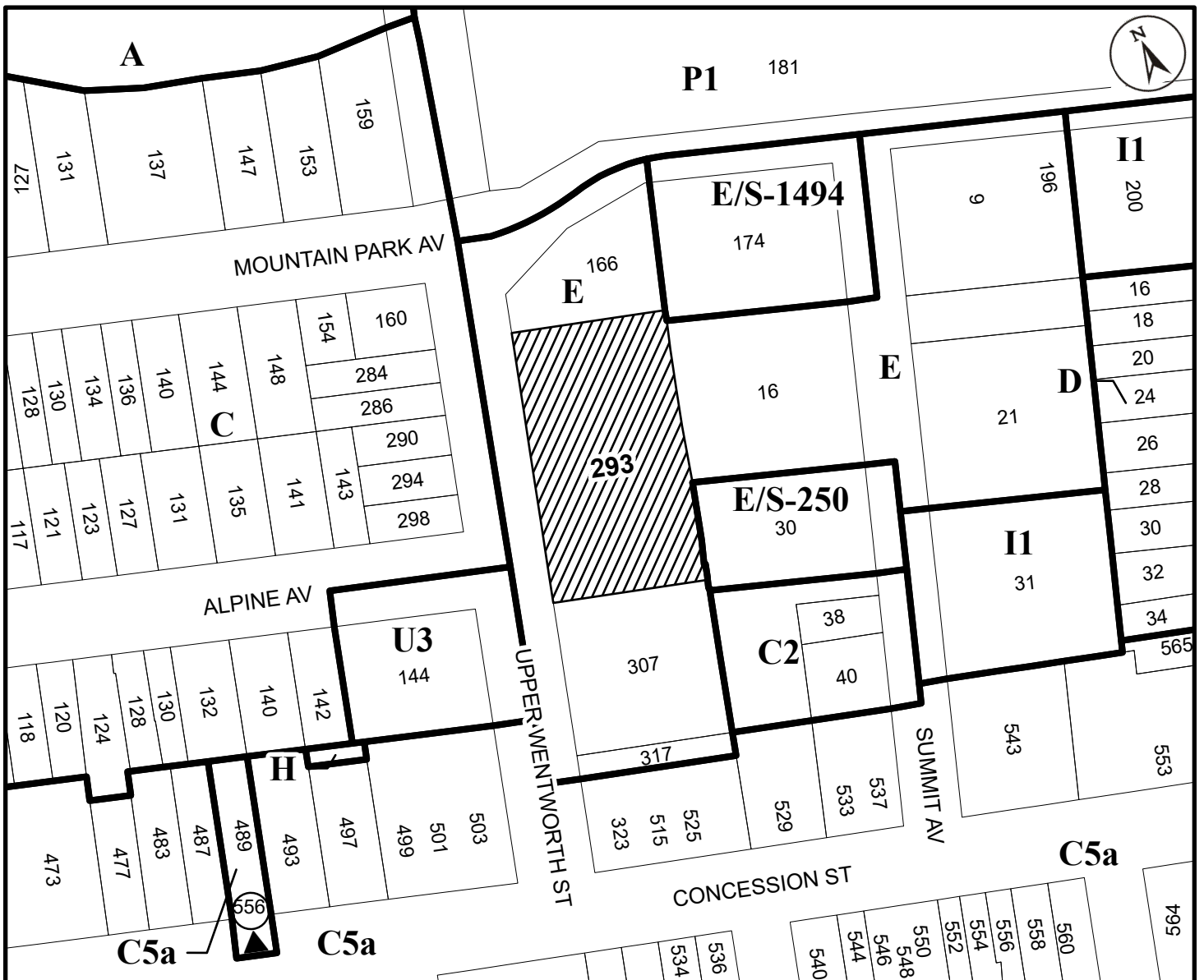
Of the homes on this part of Upper Wentworth only two homes have driveways and we share one mutual drive way with our neighbor and have one parking spot only each.

Juravinski Hospital workers park in every available spot in all surrounding neighborhoods.

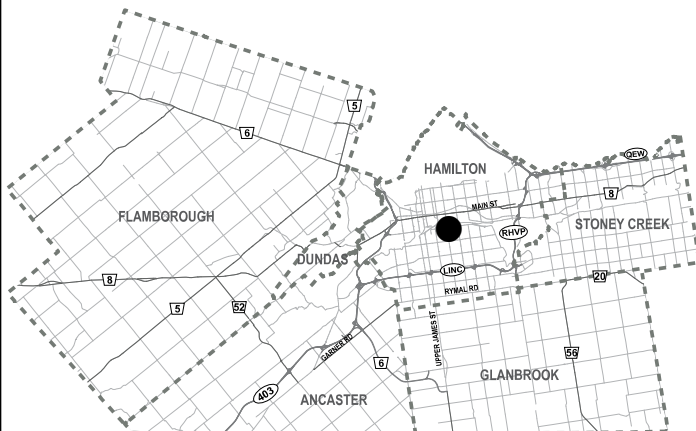
In the future there is already planned condo development on Mountain Park Ave and more to come possibly on the corner of Alpine and Upper Wentworth.

While I do not understand why this variance was allowed to exist, I reject the status quo for fear of further future parking issues.

John & Elaine Sicoli
294 Upper Wentworth St.
Hamilton, On L9A 4T3
905-383-0554



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



293 Upper Wentworth Street,
Hamilton (Ward 7)

File Name/Number:

HM/A-21:28

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:03 – 264 Rymal 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 approve the application, an approval should be subject to the following condition(s):

That the proponent shall carry out an archaeological assessment of the severed portion 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).

HM/A-21:03 – 264 Rymal Rd. W., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

Applications **HM/B-21:02** and **HM/A-21:03** are to be heard concurrently. The purpose of these applications is to facilitate the consolidation of the severed lands (491.53 m²) with block 38 of the existing Plan of Subdivision known as 'Parkview Estates'. The remnant parcel (1400.00 m²) will be retained for the continued use of the existing single detached dwelling (See Table 1).

Table 1

Lands	Variance #	Zoning Provision	Required	Proposed
Retained Lands (1400.00 m²)	1	Minimum lot width	60 metres	30 metres
	2	Minimum lot area	12000.00 m ²	1400.00 m ²
	3	Minimum side yard	4.5 metres	3.0 metres
Severed Lands (491.53 m²)	4	Maximum building height	11.0 metres	12.5 metres
	5	Minimum front yard	12.0 metres	4.5 metres to the unit
				6.0 metres to the garage
	6	Minimum side yard	4.5 metres	1.0 metres
	7	Minimum rear yard	10.5 metres	7.0 metres
	8	Minimum lot width	60 metres	9.7 metres
	9	Minimum Lot area	12000 m ²	291 m ²
	10	Maximum encroachment of Porch	Permits an encroachment of 3.0 metres and no closer than 1.5 metres	2.0 metres

	11	Minimum gross area of front yard to be landscaped	50%	35%
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History

In December of 2008 the lands to the north of the subject property (310-328 Rymal Road) were considered and approved for a concurrent Draft Plan of Subdivision and Zoning By-law Amendment. This facilitated the development of the lands for 44 lotless blocks, creating a residential subdivision that provides a range of densities and dwelling types in the form of townhouses, semi-detached dwellings, and single detached dwellings. For the development to proceed, Blocks 1-11 (Appendix A) required amendments to City of Hamilton Zoning By-law No. 6593 for a number of site-specific requirements, predominantly performance standards.

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 identified as ‘Single and Double’ on the Sheldon Neighbourhood Plan (Map 7605).

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 (with a block of townhouses to the west) on regular lots with frontages similar to the subject lands. The retained parcel with the existing single detached dwelling will come into closer conformity with the existing parcel fabric of the neighbourhood, if the severance is approved. However, the applicant has failed to demonstrate how the proposed consolidation will integrate with the existing approved Plan of Subdivision, as the severed lands were never considered with the original 2008 Draft Plan of Subdivision Approval.

The applicant notes in their analysis that the approved Draft Plan of Subdivision, “had always envisioned that the lands severed would be added to Block 38”. Further, the applicant suggests that because an Agreement of Purchase and Sale has been completed; that the addition of the purchased lands can allow for the orderly development of the approved Draft Plan of Subdivision. Staff is of the opinion that the purchasing of additional lands does not follow that they will add or facilitate to the orderly and appropriate development of said lands. Staff have reviewed the existing approved Plan

of Subdivision and accompanying report (PED09005) which shows no indication that the subject lands at some future point in time were to be added to the approved subdivision.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). As previously noted, staff is of the opinion that the proposed severances fail to show how the consolidation of the severed lands with the existing approved Plan of Subdivision will consider the design and compatibility with the development of a future phase of the subdivision. The subject lands were never considered or contemplated with the original draft approval and the applicant has not provided an adequate rationale to demonstrate that this proposal provides for orderly and comprehensive development.

Notwithstanding the foregoing, staff note that policy F.1.14.3.1 c) (Volume 1) states that both the retained and severed parcels must be in conformity with the Zoning By-law or a minor variance be approved. The applicant notes in their planning analysis that the “minor variances for the Severed lot allow for the future Part Lot Control to proceed in keeping with (Small Lot Single Family Dwelling) “R4/S-1301a” District of Block 38. In the section below staff articulate how the proposed minor variances do not meet the four (4) tests of Section 45(1) of the *Planning Act* as the subject lands are classified as Agricultural District “AA” and do not permit the intensity of the residential use which the applicant indicates is permissible in zone “R4/S-1301a”.

Cultural Heritage

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 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; and,
- 3) Along historic transportation routes.

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

subject application. If this consent to sever application is granted, staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the severed portion 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).”

Hamilton Zoning By-law No. 6593

The subject lands are zoned Agricultural District “AA”. This zone allows for single family dwellings amongst other agricultural uses.

The applicant is proposing several site-specific amendments for the severed lands that will allow their future development to align with the “R4/S-1301a” zone. Staff is not satisfied that the proposed variances pass the four tests as they are being used to amend the by-law instead of seeking relief from the by-law. Staff note that in 2008 when the applicant applied to amend the Zoning By-law; that they amended several blocks that were classified as Agricultural District “AA” to “R4/S-1301a” and “RT-20/S-1301a” respectively. This is because the “AA” zone did not (and does not) support the intensity of development proposed. Table 2 compares the requested variances for the current application (**HM/A-21:03**) with the approved amended provisions of the by-law (**By-law No. 09-023**).

Table 2

Lands	Variance #	Zoning Provision	AA Zone Current Zoning	R4/S-1301a approved zoning for subdivision	Proposed Variances for current application
Retained Lands	1	Minimum lot width	60 metres	N/A	30 metres

(1400.00 m ²)	2	Minimum lot area	12000.00 m ²	N/A	1400.00 m ²
	3	Minimum side yard	4.5 metres	N/A	3.0 metres
Severed Lands (491.53 m ²)	4	Maximum building height	11.0 metres	12.5 metres	12.5 metres
	5	Minimum front yard	12.0 metres	4.5 metres to the unit	4.5 metres to the unit
				6.0 metres to the garage	6.0 metres to the garage
	6	Minimum side yard	4.5 metres	1.0 metres	1.0 metres
	7	Minimum rear yard	10.5 metres	7.0 metres	7.0 metres
	8	Minimum lot width	60 metres	9.7 metres	9.7 metres
	9	Minimum Lot area	12000 m ²	291 m ²	291 m ²
	10	Maximum encroachment of Porch Section 18 subsection 3) vi Permits an encroachment of 3.0 metres and no closer than 1.5 metres	N/A	2.0 metres	2.0 metres
	11	Minimum gross area of front yard to be landscaped Section 18 subsection 14	50%	35%	35%

Section 45(1) of the *Planning Act* states that for the Committee to approve a minor variance, the intent of the Zoning By-law must be maintained. By-law No. 09-023 has already amended City of Hamilton Zoning By-law No. 6593 from "AA" to "4/S-1301a" to allow for the intensity of use as well as the variances associated with site-specific

performance standards that have been fully evaluated as part of a comprehensive Plan of Subdivision. The applicant is proposing to apply the same zoning and the same development standards to a property that is not zoned appropriately and has not been evaluated as part of a comprehensive process. Staff cannot support the proposed variances as they clearly do not meet the intent of the Zoning By-law. Further, the applicant in their planning justification does not illustrate why a Zoning By-law Amendment was appropriate for the previous development, but a minor variance requesting the same permissions save and except rezoning the parent by-law from “AA” to “R-4” or “RT” is now appropriate.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is of the opinion that the proposed lots of Application **HM/B-21:02** are not suitable for the use of the land and that the proposed consent does not conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notice of Hearing, be **Denied**.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff is of the opinion that Minor Variance Application **HM/A-21:03** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, nor desirable for the appropriate use of the land. Staff recommends that the proposed variances, as outlined in the Notice of Hearing, be **Denied**.

CONDITIONS: (If Approved)

- 1) That the proponent shall carry out an archaeological assessment of the severed portion 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).

Building Division:

1. Details regarding the existing conditions of the lands to be retained or the proposed development for the lands to be conveyed have not been provided; as such, the variances have been written exactly as requested by the applicant. Further variances may be required at such time the retained lands and the conveyed lands are reviewed for zoning compliance.

2. Pursuant to Section 3(9) of the Zoning By-law, where a building or structure is to be constructed on a lot in two zones, and the use is permitted in each of the zones, the lot shall comply with the least stringent lot width and lot area requirements. However, the variances have been written as requested by the applicant, to seek relief from the most stringent lot width and lot area requirements.

3. The applicant shall clarify the intent of the variance requested to permit a porch to encroach 2.0 metres into a required front yard. A roofed-over unenclosed porch is permitted to encroach 3.0 metres into a required front yard while maintaining a minimum distance of 1.5 metres to the front lot line and an uncovered porch is permitted to encroach into a required front yard while maintaining a minimum distance of 1.5 metres to the front lot line.

4. A further variance will be required should the intent be to maintain any accessory structures existing on the lands to be conveyed.

5. This application is to be heard in conjunction with land severance application HM/B-21:02.

Development Engineering:

No comments.

See attached for additional comments.

Jan 2, 2021

My name is Agnes Slawek Harrison, I reside at 72 Stone Church West, the townhouse complex directly across from the other side of Stone Church Str. of the designated property. The proposed building would be right across from me, easily visible from both my backyard and house windows.

I am writing to express our opposition to the proposed and development of the property at the corner of Stone Church and West 5th.

Having only recently moved to the neighbourhood exactly year ago, my husband and I were attracted by the quiet, established, family-centric neighbourhood, the privacy of the natural surroundings of the big park and the pond, and quiet neighbourhood.

There are very few areas in the City which can boast both excellent walkability and access to all amenities and peaceful natural surroundings. We intend to live here for many years, raising our children, and enjoying all that this area has to offer.

Receiving word of the proposed build was troubling, to say the least. And the more I learned about it, the more I felt that this project is not suitable for surrounding area. The design would be more of a fit for busy streets in the city center.

One of my biggest concerns is the proposed height of the building itself. A 9-storey building would loom over the tree line, creating issues of shadowing on the adjacent properties, and interference with privacy and therefore enjoyment of the resident's private yards. A 9-storey building would completely dominate the otherwise small, single-family homes around it. This building does not fit at all with these lovely little homes and townhouses. Generally, high density development should be restricted to major arterial streets and areas of downtown Hamilton. It accommodates relatively high traffic volume, I would not call it a major arterial street. Nor would the proposed project be integrated or compatible with the surrounding homes within the area.

Apart of shadowing impacts this building will be much taller than nearby buildings, and this building would definitely be seen over the tree tops. I can attest to the fact that, when I look out my back windows on either lower or upper floor, or simply stand anywhere in my yard, I can clearly see the lot at the other side of Stone Church. The quality of our life will drastically drop down and our privacy will no longer be respected.

A building of this size would absolutely be seen clearly, and any residents living in the upper floors would be able to see just as clearly into my private residence and yard. We are concern about noise that not only of the building proces that will probably last for years but also about new people that will now be our close neighbours.

The other important area of concern for me is environmental. Will work lights used during construction and the interior and exterior lighting of the finished project increase light pollution in this area? What about hundreds of new cars that now will park by the new building, what about air pollution and the noise? Suddenly nice and quiet neighbourhood will be ruined. How is it going to effect our sewage and water? What assurances are in place that this would not disturb peaceful nature of the neighbourhood at night?

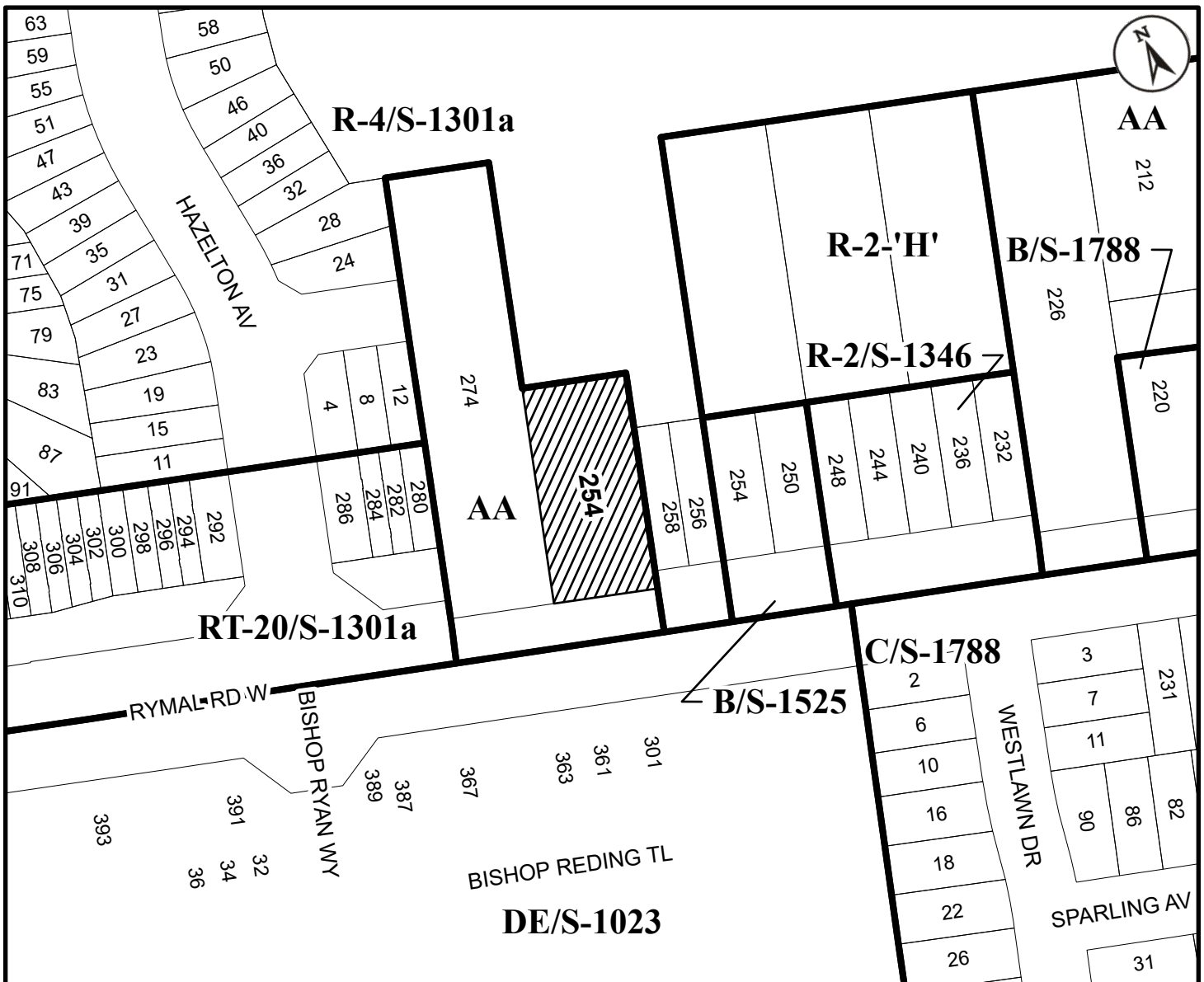
I am disappointed that green spaces are not given more of a precedent in our city, and while I can agree that we do need housing, I stress the importance of recognizing and utilizing the green spaces we have left.

While I can very much appreciate that this type of development contributes to a thriving future for our city, I would ask for the following considerations:

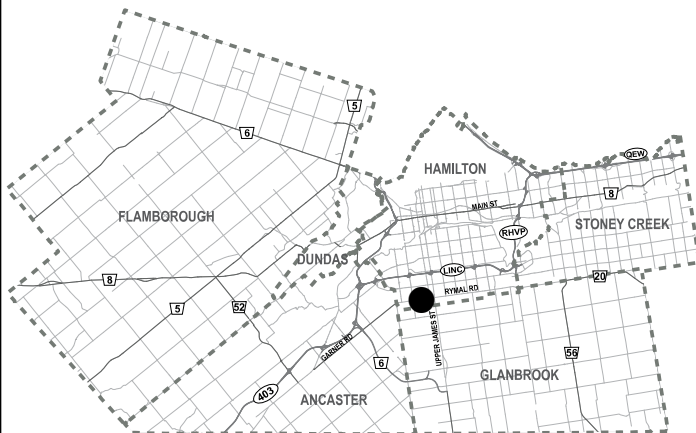
1. Choosing more suitable area for that kind of building like downtown or main and busy Hamilton streets
2. Restricting the height of the building to something more reasonably in line with the surrounding neighbourhood, perhaps 5 or 6 stories.
3. Working to better integrate the design of the building to the rest of the nearby housing, and general aesthetic of the neighbourhood.
4. That no approval is granted until developers are able to show that environmental impacts will be at a minimum, and that all long-term impacts have also been considered and precautions put in place.

Respectfully submitted,

Agnes Slawek Harrison
and Jason R.P. Harrison



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



264 Rymal Road West, Hamilton
(Ward 8)

File Name/Number:

HM/A-21:03

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:02 – 264 Rymal 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. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall demolish all accessory structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the existing accessory structures to remain where no principal use is existing (Building Division – Zoning Section). Such demolition may be subject to a demolition permit issued from the Building Division.
6. The owner shall submit survey evidence that the lands to be retained and the lands to be conveyed, including the location of all existing buildings, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively 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).

7. That the proponent shall carry out an archaeological assessment of the severed portion 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).
8. That, Owner transfer sufficient land to the City of Hamilton, by deed, to establish the widened limit of Rymal Road West at 60 feet from the centre line of the original road allowance at their cost and to the satisfaction of the Manager Engineering Approval Section.
9. Approximately, 5.0 metres are to be dedicated to the right-of-way on Rymal Road West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road (Glancaster Road to Upper Centennial Parkway) is to be 36.576 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).

HM/B-21:02 – 264 Rymal Rd. W., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

Applications **HM/B-21:02** and **HM/A-21:03** are to be heard concurrently. The purpose of these applications is to facilitate the consolidation of the severed lands (491.53 m²) with block 38 of the existing Plan of Subdivision known as 'Parkview Estates'. The remnant parcel (1400.00 m²) will be retained for the continued use of the existing single detached dwelling (See Table 1).

Table 3

Lands	Variance #	Zoning Provision	Required	Proposed
Retained Lands (1400.00 m²)	1	Minimum lot width	60 metres	30 metres
	2	Minimum lot area	12000.00 m ²	1400.00 m ²
	3	Minimum side yard	4.5 metres	3.0 metres
Severed Lands (491.53 m²)	4	Maximum building height	11.0 metres	12.5 metres
	5	Minimum front yard	12.0 metres	4.5 metres to the unit
				6.0 metres to the garage
	6	Minimum side yard	4.5 metres	1.0 metres
	7	Minimum rear yard	10.5 metres	7.0 metres
	8	Minimum lot width	60 metres	9.7 metres
	9	Minimum Lot area	12000 m ²	291 m ²
	10	Maximum encroachment of Porch	Permits an encroachment of 3.0 metres and no closer than 1.5 metres	2.0 metres

	11	Minimum gross area of front yard to be landscaped	50%	35%
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History

In December of 2008 the lands to the north of the subject property (310-328 Rymal Road) were considered and approved for a concurrent Draft Plan of Subdivision and Zoning By-law Amendment. This facilitated the development of the lands for 44 lotless blocks, creating a residential subdivision that provides a range of densities and dwelling types in the form of townhouses, semi-detached dwellings, and single detached dwellings. For the development to proceed, Blocks 1-11 (Appendix A) required amendments to City of Hamilton Zoning By-law No. 6593 for a number of site-specific requirements, predominantly performance standards.

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 identified as ‘Single and Double’ on the Sheldon Neighbourhood Plan (Map 7605).

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 (with a block of townhouses to the west) on regular lots with frontages similar to the subject lands. The retained parcel with the existing single detached dwelling will come into closer conformity with the existing parcel fabric of the neighbourhood, if the severance is approved. However, the applicant has failed to demonstrate how the proposed consolidation will integrate with the existing approved Plan of Subdivision, as the severed lands were never considered with the original 2008 Draft Plan of Subdivision Approval.

The applicant notes in their analysis that the approved Draft Plan of Subdivision, “had always envisioned that the lands severed would be added to Block 38”. Further, the applicant suggests that because an Agreement of Purchase and Sale has been completed; that the addition of the purchased lands can allow for the orderly development of the approved Draft Plan of Subdivision. Staff is of the opinion that the purchasing of additional lands does not follow that they will add or facilitate to the orderly and appropriate development of said lands. Staff have reviewed the existing approved Plan

of Subdivision and accompanying report (PED09005) which shows no indication that the subject lands at some future point in time were to be added to the approved subdivision.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (Volume 1). As previously noted, staff is of the opinion that the proposed severances fail to show how the consolidation of the severed lands with the existing approved Plan of Subdivision will consider the design and compatibility with the development of a future phase of the subdivision. The subject lands were never considered or contemplated with the original draft approval and the applicant has not provided an adequate rationale to demonstrate that this proposal provides for orderly and comprehensive development.

Notwithstanding the foregoing, staff note that policy F.1.14.3.1 c) (Volume 1) states that both the retained and severed parcels must be in conformity with the Zoning By-law or a minor variance be approved. The applicant notes in their planning analysis that the “minor variances for the Severed lot allow for the future Part Lot Control to proceed in keeping with (Small Lot Single Family Dwelling) “R4/S-1301a” District of Block 38. In the section below staff articulate how the proposed minor variances do not meet the four (4) tests of Section 45(1) of the *Planning Act* as the subject lands are classified as Agricultural District “AA” and do not permit the intensity of the residential use which the applicant indicates is permissible in zone “R4/S-1301a”.

Cultural Heritage

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 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; and,
- 3) Along historic transportation routes.

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

subject application. If this consent to sever application is granted, staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the severed portion 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).”

Hamilton Zoning By-law No. 6593

The subject lands are zoned Agricultural District “AA”. This zone allows for single family dwellings amongst other agricultural uses.

The applicant is proposing several site-specific amendments for the severed lands that will allow their future development to align with the “R4/S-1301a” zone. Staff is not satisfied that the proposed variances pass the four tests as they are being used to amend the by-law instead of seeking relief from the by-law. Staff note that in 2008 when the applicant applied to amend the Zoning By-law; that they amended several blocks that were classified as Agricultural District “AA” to “R4/S-1301a” and “RT-20/S-1301a” respectively. This is because the “AA” zone did not (and does not) support the intensity of development proposed. Table 2 compares the requested variances for the current application (**HM/A-21:03**) with the approved amended provisions of the by-law (**By-law No. 09-023**).

Table 4

Lands	Variance #	Zoning Provision	AA Zone Current Zoning	R4/S-1301a approved zoning for subdivision	Proposed Variances for current application
Retained Lands	1	Minimum lot width	60 metres	N/A	30 metres

(1400.00 m ²)	2	Minimum lot area	12000.00 m ²	N/A	1400.00 m ²
	3	Minimum side yard	4.5 metres	N/A	3.0 metres
Severed Lands (491.53 m ²)	4	Maximum building height	11.0 metres	12.5 metres	12.5 metres
	5	Minimum front yard	12.0 metres	4.5 metres to the unit	4.5 metres to the unit
				6.0 metres to the garage	6.0 metres to the garage
	6	Minimum side yard	4.5 metres	1.0 metres	1.0 metres
	7	Minimum rear yard	10.5 metres	7.0 metres	7.0 metres
	8	Minimum lot width	60 metres	9.7 metres	9.7 metres
	9	Minimum Lot area	12000 m ²	291 m ²	291 m ²
	10	Maximum encroachment of Porch Section 18 subsection 3) vi Permits an encroachment of 3.0 metres and no closer than 1.5 metres	N/A	2.0 metres	2.0 metres
	11	Minimum gross area of front yard to be landscaped Section 18 subsection 14	50%	35%	35%

Section 45(1) of the *Planning Act* states that for the Committee to approve a minor variance, the intent of the Zoning By-law must be maintained. By-law No. 09-023 has already amended City of Hamilton Zoning By-law No. 6593 from "AA" to "4/S-1301a" to allow for the intensity of use as well as the variances associated with site-specific

performance standards that have been fully evaluated as part of a comprehensive Plan of Subdivision. The applicant is proposing to apply the same zoning and the same development standards to a property that is not zoned appropriately and has not been evaluated as part of a comprehensive process. Staff cannot support the proposed variances as they clearly do not meet the intent of the Zoning By-law. Further, the applicant in their planning justification does not illustrate why a Zoning By-law Amendment was appropriate for the previous development, but a minor variance requesting the same permissions save and except rezoning the parent by-law from “AA” to “R-4” or “RT” is now appropriate.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is of the opinion that the proposed lots of Application **HM/B-21:02** are not suitable for the use of the land and that the proposed consent does not conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notice of Hearing, be **Denied**.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff is of the opinion that Minor Variance Application **HM/A-21:03** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, nor desirable for the appropriate use of the land. Staff recommends that the proposed variances, as outlined in the Notice of Hearing, be **Denied**.

CONDITIONS: (If Approved)

1. That the proponent shall carry out an archaeological assessment of the severed portion 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).

Building Division:

1. Demolition of all accessory structures existing on the lands to be conveyed shall be a condition of consent. Such demolition if subject to the issuance of a demolition permit from the Building Division. A further variance will be required should the intent be to maintain any accessory structures on the lands to be conveyed.

2. Details regarding the existing conditions of the lands to be retained have not been provided. In order to clear conditions, the applicant will be required to make application a Zonign Compliance Review and pay the relevant fees.
3. On order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
4. The lands to be conveyed shall be merged in title with the lands to which they are to be added (Draft Plan of Subdivision 25T-200721, Block 38).

CONDITIONS:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall demolish all accessory structures located on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or alternatively receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the existing accessory structures to remain where no principal use is existing (Building Division – Zonign Section). Such demolition may be subject to a demolition permit issued from the Building Division.
3. The owner shall submit survey evidence that the lands to be retained and the lands to be conveyed, including the location of all existing buildings, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively 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).

Development Engineering:

Information:

According to our GIS records, the subject section of Rymal Road West is classified as a major arterial roadway with an ultimate road allowance right-of-way width of 36.576m by Schedule C-2 of the Urban Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Rymal Road West is $\pm 30.9\text{m}$. Therefore, as a condition of severance the owner is required to dedicate to the City of Hamilton suficient lands to establish the south property line 60 feet away from the original centreline of the street.

Recommendation:

1. That, Owner transfer sufficient land to the City of Hamilton, by deed, to establish the widened limit of Rymal Road West at 60 feet from the centre line of the original road allowance at their cost and to the satisfaction of the Manager Engineering Approval Section.

Transportation Planning:

1. Transportation Planning has no objections to the land severance application, provided the following conditions are met:
 - a) Approximately, 5.0 metres are to be dedicated to the right-of-way on Rymal Road West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road (Glancaster Road to Upper Centennial Parkway) is to be 36.576 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).

Should you require any further information, please let this office know at tplanning@hamilton.ca.

Growth Planning:

No comments.

Source Protection Planning:

No comments.

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: February 10, 2021

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: 264 Rymal Rd. W., Hamilton
File: HM/B-21:02

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, February 18, 2021, 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'.

Sam Brush
Urban Forest Health Technician

Jan 2, 2021

My name is Agnes Slawek Harrison, I reside at 72 Stone Church West, the townhouse complex directly across from the other side of Stone Church Str. of the designated property. The proposed building would be right across from me, easily visible from both my backyard and house windows.

I am writing to express our opposition to the proposed and development of the property at the corner of Stone Church and West 5th.

Having only recently moved to the neighbourhood exactly year ago, my husband and I were attracted by the quiet, established, family-centric neighbourhood, the privacy of the natural surroundings of the big park and the pond, and quiet neighbourhood.

There are very few areas in the City which can boast both excellent walkability and access to all amenities and peaceful natural surroundings. We intend to live here for many years, raising our children, and enjoying all that this area has to offer.

Receiving word of the proposed build was troubling, to say the least. And the more I learned about it, the more I felt that this project is not suitable for surrounding area. The design would be more of a fit for busy streets in the city center.

One of my biggest concerns is the proposed height of the building itself. A 9-storey building would loom over the tree line, creating issues of shadowing on the adjacent properties, and interference with privacy and therefore enjoyment of the resident's private yards. A 9-storey building would completely dominate the otherwise small, single-family homes around it. This building does not fit at all with these lovely little homes and townhouses. Generally, high density development should be restricted to major arterial streets and areas of downtown Hamilton. It accommodates relatively high traffic volume, I would not call it a major arterial street. Nor would the proposed project be integrated or compatible with the surrounding homes within the area.

Apart of shadowing impacts this building will be much taller than nearby buildings, and this building would definitely be seen over the tree tops. I can attest to the fact that, when I look out my back windows on either lower or upper floor, or simply stand anywhere in my yard, I can clearly see the lot at the other side of Stone Church. The quality of our life will drastically drop down and our privacy will no longer be respected.

A building of this size would absolutely be seen clearly, and any residents living in the upper floors would be able to see just as clearly into my private residence and yard. We are concern about noise that not only of the building proces that will probably last for years but also about new people that will now be our close neighbours.

The other important area of concern for me is environmental. Will work lights used during construction and the interior and exterior lighting of the finished project increase light pollution in this area? What about hundreds of new cars that now will park by the new building, what about air pollution and the noise? Suddenly nice and quiet neighbourhood will be ruined. How is it going to effect our sewage and water? What assurances are in place that this would not disturb peaceful nature of the neighbourhood at night?

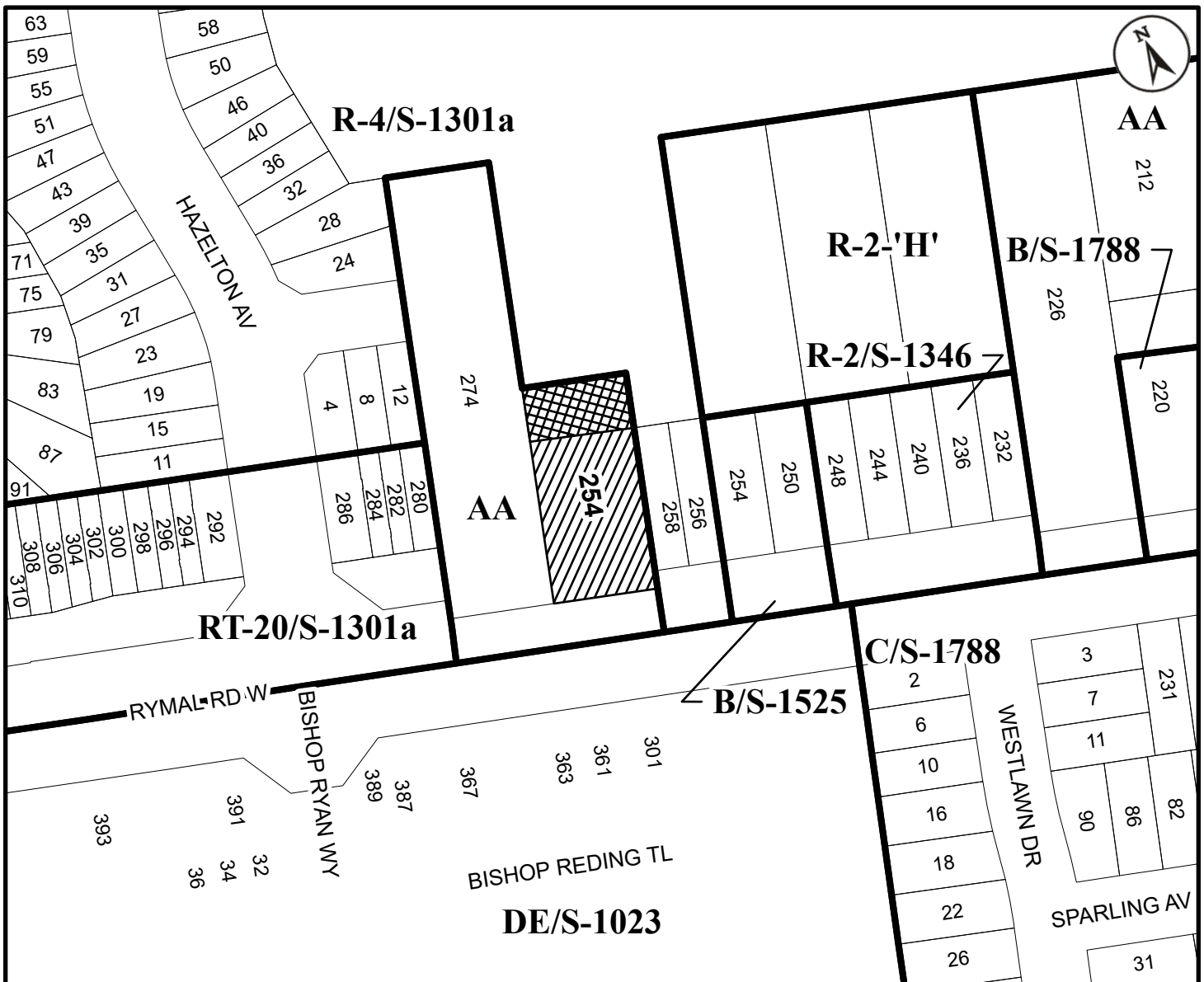
I am disappointed that green spaces are not given more of a precedent in our city, and while I can agree that we do need housing, I stress the importance of recognizing and utilizing the green spaces we have left.

While I can very much appreciate that this type of development contributes to a thriving future for our city, I would ask for the following considerations:

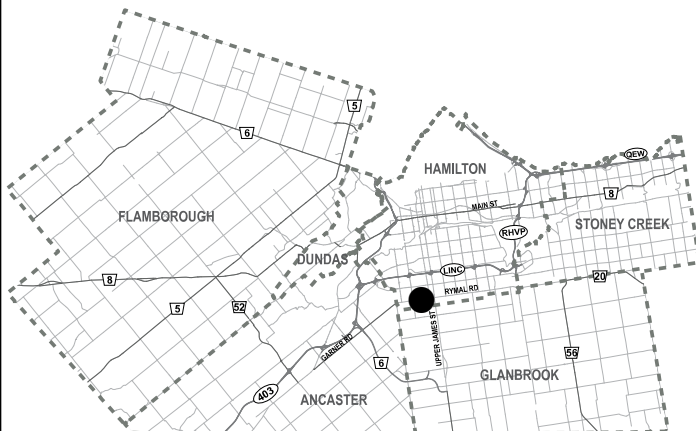
1. Choosing more suitable area for that kind of building like downtown or main and busy Hamilton streets
2. Restricting the height of the building to something more reasonably in line with the surrounding neighbourhood, perhaps 5 or 6 stories.
3. Working to better integrate the design of the building to the rest of the nearby housing, and general aesthetic of the neighbourhood.
4. That no approval is granted until developers are able to show that environmental impacts will be at a minimum, and that all long-term impacts have also been considered and precautions put in place.

Respectfully submitted,

Agnes Slawek Harrison
and Jason R.P. Harrison



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

264 Rymal Road West, Hamilton (Ward 8)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-21:03

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:10 – 14 Eric Burke Crt., 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):

HM/A-21:10 – 14 Eric Burke Crt., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the existing attached accessory building to the existing single detached dwelling, notwithstanding the variances below:

1. A minimum southerly side yard width of 0.2 m shall be permitted instead of the minimum 1.2 m side yard width required; and
2. To allow the attached accessory building to be located within a required 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 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.

Variance 1

Zoning By-law 6593 establishes a minimum 1.2 metre setback from the dwelling to an interior side lot line. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties, to support on-site drainage and access to rear yards.

The applicant is requesting a reduction of the required minimum side yard from 1.2 metres to 0.2 metres for an attached accessory structure to a principal building (which was constructed without a permit). Staff is satisfied that the existing attached accessory building will not hinder access to the rear yard, nor the maintenance of the single detached dwelling, as the western interior side yard of the subject lands meets the required setback of 1.20 metres. Further, staff note that the proposed reduction shall **only** be for the length of the attached accessory structure which is 3.35 metres (see provided sketch). The

remainder of the yard must continue to meet the required setback allowing for access to maintain the subject lands. Should the applicant in the future seek additional encroachments into the required side yard, a further variance will need to be granted by the Committee of Adjustment giving relief from the provision.

Staff is satisfied that the intent of the Zoning By-law is being maintained as the proposed attached accessory structure will not hinder access to the rear yard nor the ability to maintain the existing single detached dwelling. Staff, however, must defer to Development Engineering Approvals (DEA) for any concerns regarding drainage. Should Development Engineering have concerns regarding drainage, Planning's recommendation would then align with DEA's recommendation.

Variance 2

Zoning By-law 6593 establishes no accessory building shall be located within a required side yard. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties, to support on-site drainage, and access to rear yards. Further, it is intended to prevent cavernous development between residential properties, ensuring a consistent neighbourhood character and streetscape.

Staff is satisfied, as indicated previously, that the proposed development does not hinder access for maintenance of the existing dwelling. Nor will it hinder access to the adjacent lands as there is an existing fence and gate located between the existing shed and the eastern neighbouring property. Staff also notes from their site visit conducted on Friday February 5, 2021, that the structure is less than the first storey in height and is setback significantly from the front façade of the dwelling; thus maintaining the streetscape. Further, as the structure is less than a storey and attached to the existing dwelling, staff feel that a cavernous built form is not being proposed.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the proposed reduction of the minimum required side yard for an attached accessory building to a principal building will not hinder access or maintenance of the existing single detached dwelling. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law are maintained, that the variance is desirable for the appropriate development of the land and is minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **Approved**.

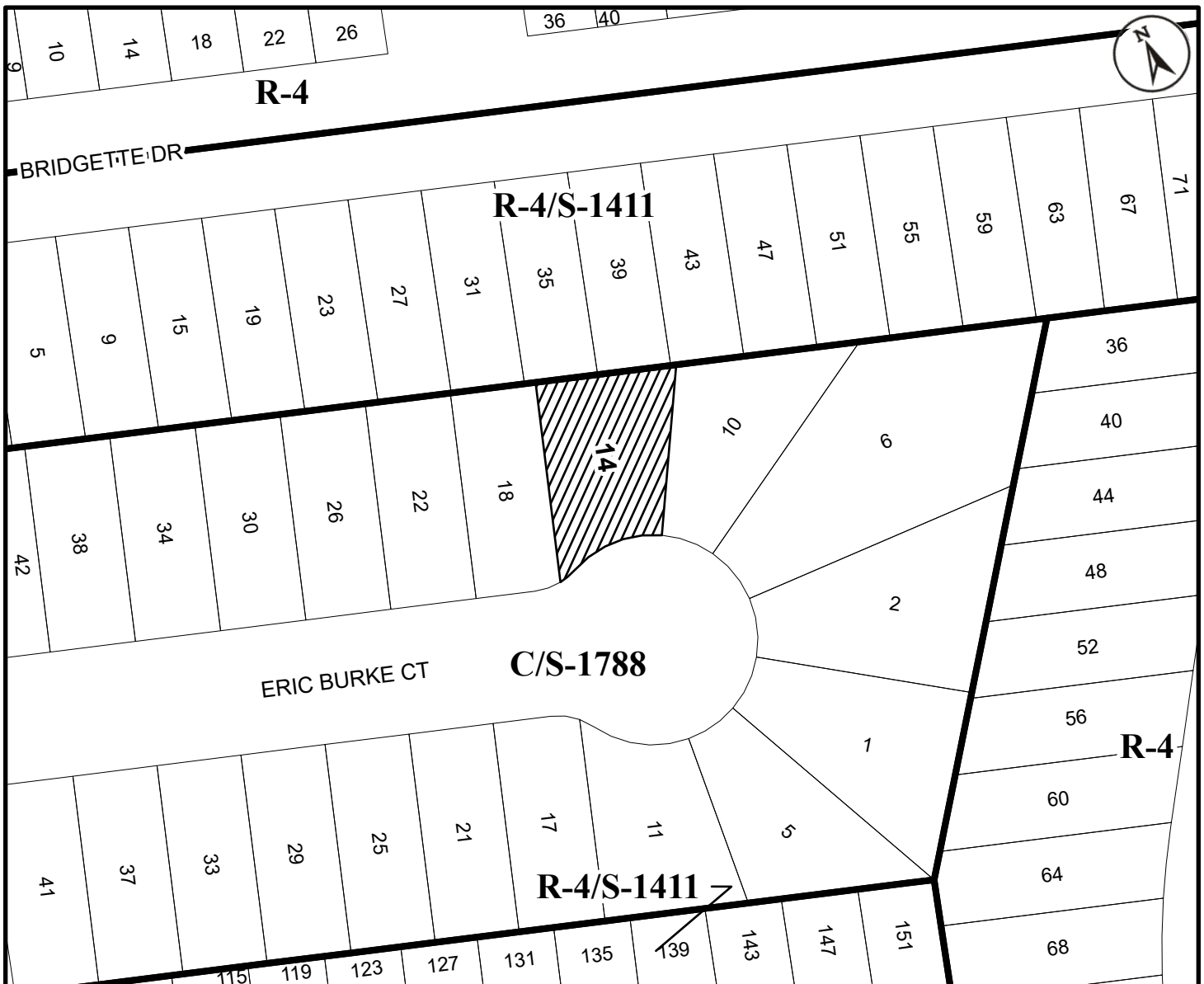
Building Division:

1. A further variance will be required if all accessory buildings occupy greater than thirty percent of the required rear yard and side yard combined.
2. Construction of the proposed accessory building is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

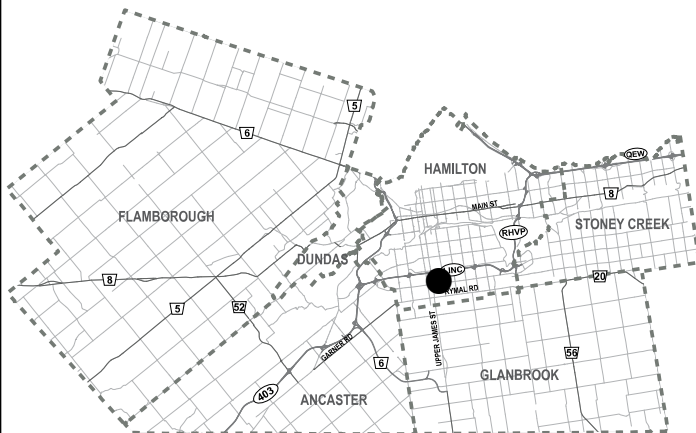
Development Engineering:

The proposed 0.2m sideyard setback does not provide sufficient width to accommodate a sideyard swale (min. 0.45m required for common swale). The location of the proposed shed will act as an obstruction to drainage therefore we recommend that the Minor Variance be denied.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



14 Eric Burke Court, Hamilton
(Ward 8)

File Name/Number:

HM/A-20:10

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

February 18th, 2020

HM/A-21:30 – 54 West 4th St., Hamilton

Consolidation Report

Tabled Until March 4th, 2020 Committee of Adjustment Meeting.

SC/A-21:23 – 1365 Baseline Rd., Stoney Creek

Consolidation Report

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

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

SC/A-21:23 – 1365 Baseline Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The subject property is currently in the process of securing a Site Plan Control Agreement with the City of Hamilton. This, in order to facilitate the construction of a three storey, mixed use building comprised of 1,621 m² of commercial on the ground floor and forty-eight (48) residential units above, notwithstanding the following variances:

- 1) An increase in the total gross floor area of the building for dwelling units in conjunction with commercial uses from 50% to 76%; and
- 2) That no principal entrance shall be required to be provided within the ground floor façade that is setback to a street.

History

Prior to the consideration of the current minor variance application, the subject lands went through an Official Plan Amendment/Zoning By-Law Amendment process which was passed and came into effect on March 28th, 2012. The proposal then received Final Approval for Site Plan Amendment application SPA-16-128, although building permits were not issued within 1 year of conditional approval. A subsequent application, SPA-18-184 also received Final Approval for the same proposal which has since lapsed. The proposal further received Conditional Approval on November 4, 2020 through Site Plan Amendment application SPA-20-73. Since the Zoning By-law Amendment approval by City Council on March 28th, 2012, the lands have been rezoned from the Mixed Use Commercial “MUC-6” Zone, Modified to the Community Commercial (C3, 334, 579) Zone, Modified, through the City’s comprehensive Commercial Mixed-Use Zones By-law under Zoning By-law No. 05-200, per By-law No. 17-240. Further modifications to the Community Commercial (C3, 334, 579) Zone are requested to implement the original site design as previously approved through Site Plan Amendment applications SPA-16-128 and SPA-18-184.

Urban Hamilton Official Plan

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

Commercial in the Urban Lakeshore Area Secondary Plan (Map B.7.3-1). Policy B.7.3.2.1 applies, amongst others, and permits local commercial uses.

Hamilton Zoning By-Law 05-200

The subject lands are zoned Community Commercial (C3,334,579) Zone. This zone allows for dwelling units to be used in connection with a commercial use.

Variance 1

Hamilton Zoning By-law No. 05-200 establishes that Dwelling Unit(s) in conjunction with a commercial use shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot and shall only be permitted above the ground floor except for access, accessory office and utility areas. The intent of this provision is to ensure that the residential use is secondary and subordinate to the principal commercial use, while safeguarding that an appropriate scale and design will be maintained.

Staff is satisfied that the increase from 50% of the total gross floor area to 76% of the total gross floor area for dwelling units will not adversely impact the proposed commercial uses. As the proposed built form is that of a multi-storey building that contains local commercial uses on the ground floor and residential units above which aligns precisely with policy E.3.8.4.d) (Volume 1) of the UHOP. Staff is satisfied with moderate increase in floor area for the dwelling units because from a street perspective, the interaction will be with the proposed commercial uses thus meeting the intent that the residential component will be secondary. Staff **Supports** the variance as requested.

Variance 2

Hamilton Zoning By-law No. 05-200 establishes that a minimum of one principal entrance be provided within the ground floor façade, that is set back closest to a street. The intent of this provision is to implement the policies of the UHOP that seek to maintain adequate street presence and direct pedestrian connections for local commercial uses.

The applicant proposes that no principal entrance shall be required to be provided within the ground floor façade that is setback to a street. Staff are of the opinion that this does not meet the intent of both Hamilton Zoning By-Law No. 05-200 nor the UHOP. The Official Plan states that new local commercial development shall provide a principal entrance facing a collector/arterial road E.3.8.14.b) (Volume 1). The intent of this policy and thus the enacting provision of the Zoning By-law ensures that a “strip commercial” development does not occur. In the context of the subject lands, by having one principal

focal point that interacts with the existing northwest residential neighbourhood and draws the eye to a prominent and distinct entrance with the individual entrances being subordinate, meets the aim of this policy. Staff recommends that the variance as requested be **Denied**.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the proposed increase in the maximum allowable gross floor area for dwelling units will have no adverse affect on the surrounding lands. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, that variance 1 is desirable for the appropriate development of the land and are minor in nature. Staff recommends that the requested variance 1, as outlined in the Notice of Hearing, be **Approved**.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is not satisfied that the removal of the requirement to have a principal entrance provided within the ground floor façade that is setback to a street is appropriate. Staff is also not satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law are maintained, that the variance 2 is not desirable for the appropriate development of the land and is not minor in nature. Staff recommends that the requested variance 2, as outlined in the Notice of Hearing, be **Denied**.

Building Division:

1. A building permit is required for the construction of the proposed three storey mixed use building.
2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation authority at 905-525-2181 for further information.
3. The variances are required to facilitate Site Plan Control application SPA-20-073.
4. The zoning By-law requires a minimum of four (4) barrier free parking spaces. Please note that only three (3) barrier free parking spaces are shown; however, the site has sufficient surplus parking in order to accommodate the minimum required four (4) barrier free spaces. Further variances will be required if the minimum four (4) barrier free parking spaces are not provided.

5. The zoning By-law permits a maximum height of 11.5m. The elevation plans provided do not show the height dimension from grade as defined; therefore, further variances may be required.
6. The zoning By-law requires a minimum landscaped area of 30.0% of the lot area to be provided and maintained. In addition, a minimum landscaped area or landscaped parking islands with a minimum combined area of 10.0% of the area of the parking lot and associated access driveway and manoeuvring shall be provided and maintained. Insufficient details were provided to confirm compliance respecting these requirements. Please note that the required planting strips and landscaped areas for the overall site are separate and shall not form part of the required landscaping calculation for landscaped areas requirement of the parking lot.

Development Engineering:

Development Engineering has no comments on the minor variance as proposed. All engineering related comments shall be provided under Site Plan Application, SPA-20-073.

See attached for additional comments.

PUBLIC INPUT

Application No ; SC/A-21;23

Subject Property ; 1365 Baseline Road, Stoney Creek

To -COMMITTEE OF ADJUSTMENT

We are the homeowners of other side of the street from this property. We oppose the construction of three storey building that is being proposed.

The proposed building with three storey mixed use would mean sacrificing privacy of our households.

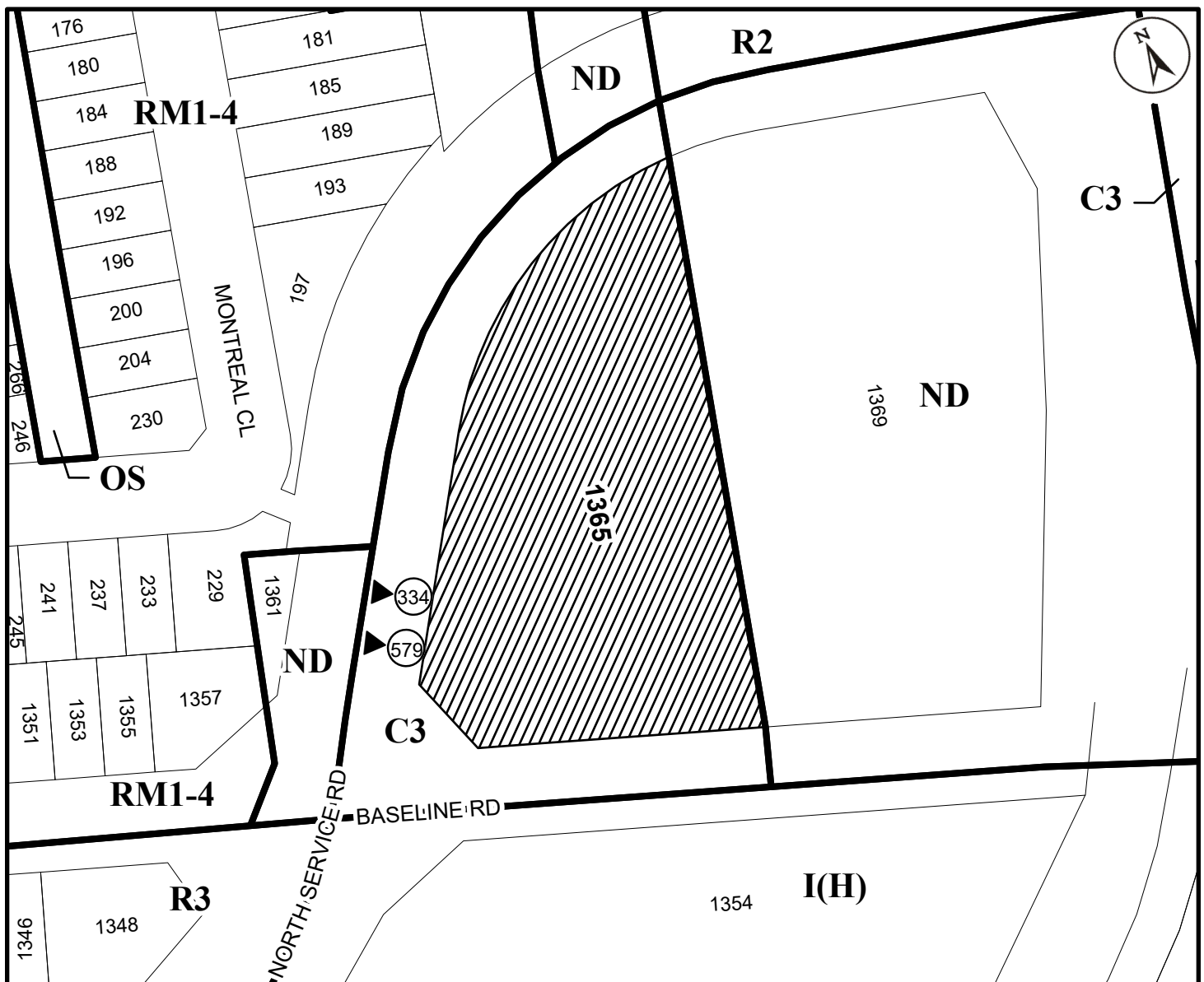
Having a mixed- use building overlooking our backyards would mean that we have strangers looking over our backyards. This will ruin the entire fabric of the close knit and friendly neighborhood we have.

We had a strong objection when a hotel was proposed on this property years ago.

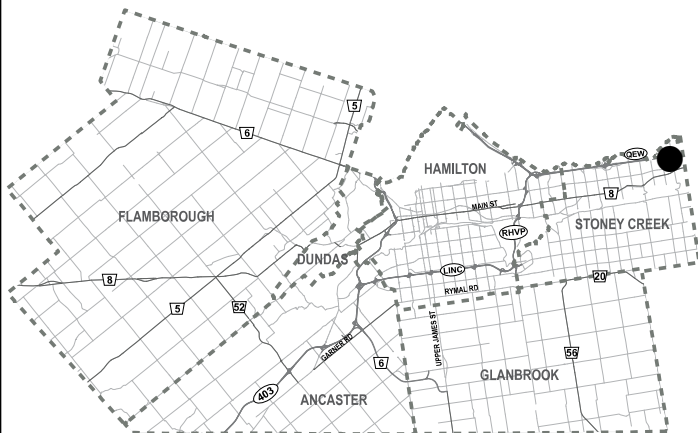
Then later owner did change the plan to main floor commercial units and 2nd floor offices etc. That was totally fine with us.

Thanks

<u>Home Owner's name</u>	<u>Address</u>	<u>Phone #</u>
ANIL MOHAN	189 Montreal cr	905 320 8292
Kevin Wicken	185 Montroy C.R	289 983 5369
JOHN PIETES	197 MONTREAL CIR	905-902-1556 905-512-5528.
Tom Mantopoulos	53 Monza Dr.	
SUNNY DE GUHA	49 MONZA DR.	905 320 7347
JOHN De LUCA	35 MONZA DR	905 531 5454



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1365 Baseline Road, Stoney Creek
(Ward 10)

File Name/Number:

SC/A-21:23

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-21:31 - 600 North Service Rd., Stoney Creek

Consolidation Report

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

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

SC/A-21:31 – 600 North Service Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a six (6) storey, 140-unit multiple dwelling notwithstanding that:

1. No planting strip shall be provided on the westerly and southerly lot lines abutting the Residential “RM3-64” Zone; whereas the By-Law states that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide planting strip shall be provided and maintained; and,
2. No visual barrier shall be provided on the westerly and southerly lot lines abutting the Residential “RM3-64” Zone; whereas the By-Law states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law; and,
3. No visual screen shall be provided for the rooftop mechanical equipment whereas the By – Law states under Subsection 10.5.3 g) i) that a rooftop mechanical equipment shall be located and/or screened from view of any abutting street.

Urban Hamilton Official Plan

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

Official Plan Amendment No. 103 applied the Urban Site Specific Policy “USCC-1” to the subject lands, which prohibits drive-through facilities on the subject lands. (Policies 1.0 and 1.0 (a) of USCC-1, Chapter C, Volume 3).

Policy E.4.6.5 applies, amongst others, and permits a multiple dwelling. As such, staff is of the opinion that the proposal maintains the intent of the Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density (C5, 682) Zone, which permits multiple dwellings, subject to the applicable provisions.

Variances 1 & 2

Parking areas must be located in a side yard or rear yard in the C5 Zone. A minimum 1.5-metre-wide planting strip is required where a property lot line abuts a property lot line within a Residential Zone. A visual barrier is required to be provided between a Residential Zone and any parking area containing five or more parking spaces. The intent of the provisions is to screen vehicular activity from adjacent residential uses.

A Planting strip provides opportunity for screening in conjunction with allowing some visibility of the parking area and improved aesthetics, in contrast with a visual barrier. While the screening provided by a visual barrier is desirable adjacent to interior lot lines, it is not desirable next to public streets in terms of aesthetics or real and perceived safety. A common element private condominium road is proposed on the abutting lands adjacent to the westerly and southerly lot lines. Staff is of the opinion that the proposed private road functions similarly to a public road and as a result, it is desirable to provide some visibility of the parking area from the private road to improve real and perceived safety. Based on the foregoing, staff **supports Variance 2** because the intent of the Official Plan and Zoning By-law are maintained, it is desirable, and minor in nature.

However, low-profile residential uses front on the private road and therefore the parking area should be screened from view with plantings for improved aesthetics. Accordingly, staff **does not support Variance 1** because, although the intent of the Official Plan is maintained, the intent of the Zoning By-law is not maintained, and it is not desirable or minor in nature.

Variance 3

Rooftop mechanical equipment shall be located and/or screened from view of any abutting street. The intent is to ensure the equipment is not visible from the pedestrian realm, in a similar way that the intent of the visual barrier is to screen without any visibility as noted above. Staff appreciates that the applicant has made efforts to minimize the visual impact by lowering the height of some equipment and painting taller equipment; however, screening is needed so that the shorter and painted equipment is not visible. Based on the foregoing, staff **does not support Variance 3** because, although the intent

of the Official Plan is maintained, the intent of the Zoning By-law is not maintained, and it is not desirable or minor in nature.

Staff further notes that a rooftop patio is proposed, and that the aesthetics of this outdoor amenity space would benefit from the required screening.

Staff further notes that, in accordance with noise attenuation requirements of Site Plan Control application DA-19-053 communicated to the applicant in May 2020, the proposed HVAC equipment requires a 2.6 m tall noise barrier of solid construction surrounding three out of four sides.

Recommendation:

Although Variances 1 and 3 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, Variances 1 and 3 are not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that **Variances 1 and 3**, as outlined in the Notice of Hearing, be **denied**; and,

That **Variance 2 be approved** because the purpose and intent of the Official Plan and the Zoning By-law is maintained, and it is desirable and minor in nature.

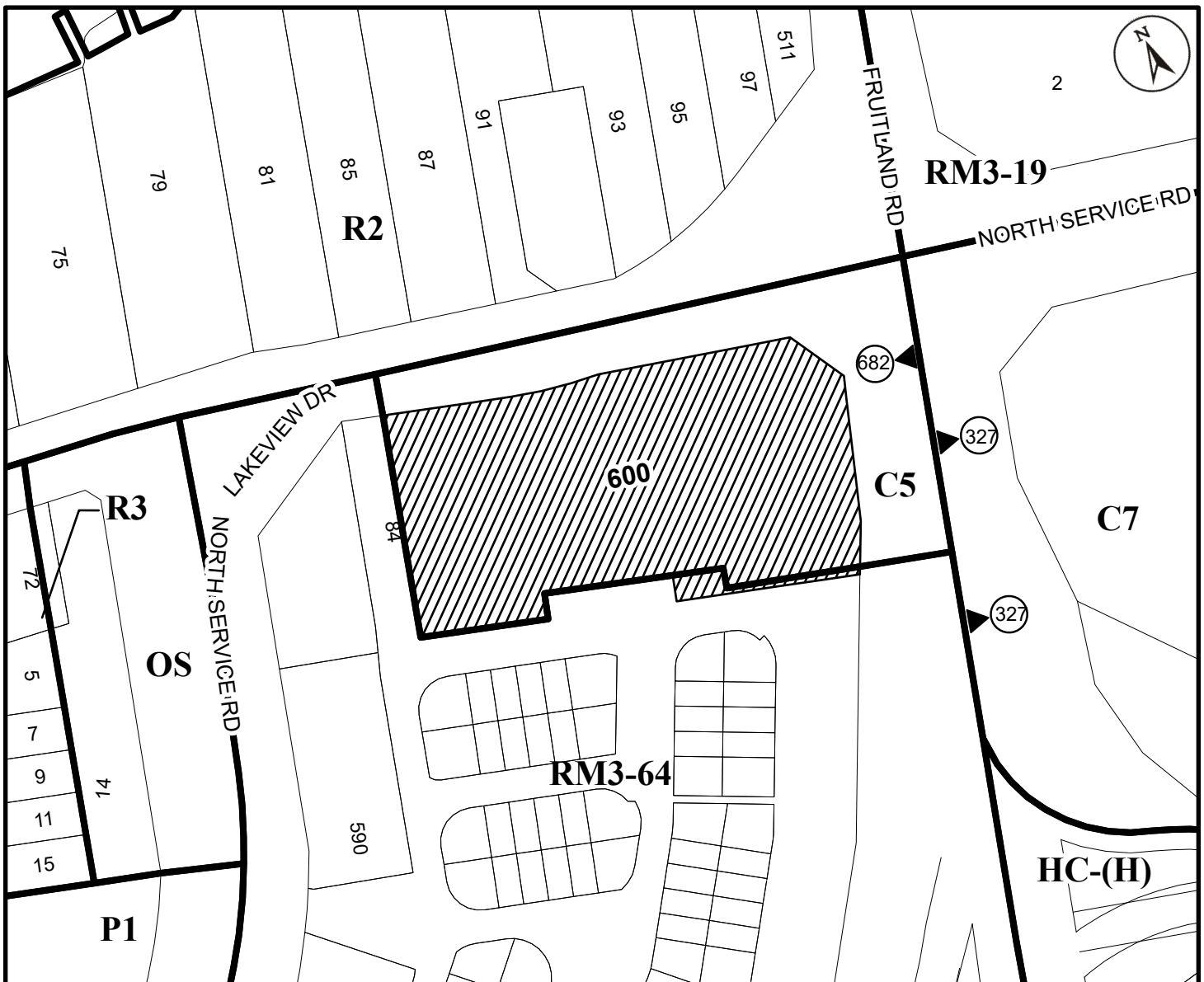
Building Division:

1. Building Permit # 20-153405 issued on November 13, 2020, (To construct a 6-storey, 10,552.26 m² (GFA) residential building with 1-storey, 4,685.86 m² below grade parking structure) remains not finalized.

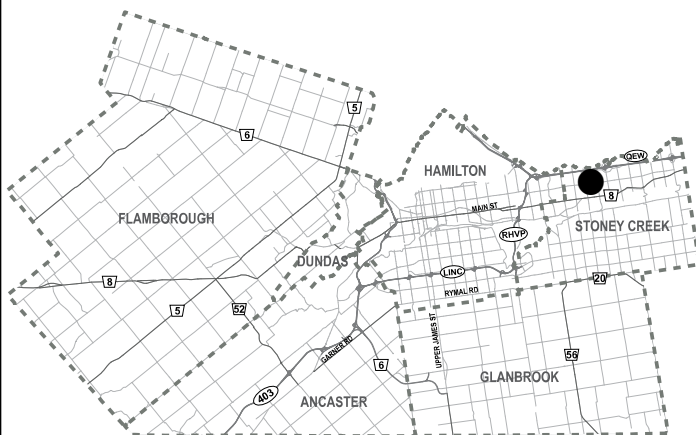
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



600 North Service Road,
Stoney Creek (Ward 10)

File Name/Number:

SC/A-21:31

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:107 – 205 Thames Way, Glanbrook

Consolidation Report

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

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

Amended

GL/A-20:107 – 205 Thames Way, Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate a block townhouse development consisting of 57 townhouse units, 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). Policy E.3.4.3 applies, amongst others, and permits townhouse dwellings.

Mount Hope Secondary Plan

The subject lands are within the Mount Hope Secondary Plan and are designated “Low Density Residential 2c” on Land Use Plan Map B.5.4-1 (UHOP – Volume 2). Townhouse dwellings are permitted at a density range from 26 to 40 units per hectare (B.5.4.2.2 (b)). The proposed density of 45 units per hectare exceeds the maximum permitted by the Secondary Plan. As a result, staff is of the opinion that the proposal does not maintain the intent of the Secondary Plan policies. A successful Urban Hamilton Official Plan Amendment application is required to facilitate the proposed density.

It should be noted that no application for a site plan has been made for these lands to evaluate whether the variances being sought are comprehensive. The requirements of development will be identified through review and approval of a future Site Plan Control application which process is characterized by modifications to the site design in order to satisfy the requirements of development. While the variances were identified by staff through a Building Division Zoning Review of the proposed site plan, the requirements of development have not yet been identified and therefore the relevancy and comprehensiveness of these variances is unclear at this time. In addition, the design should be evaluated in the context of the Mount Hope Secondary Plan through an Official Plan Amendment application.

Former Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Residential Multiple – Holding (H-RM3-147) Modified, which permits townhouse dwellings, subject to the applicable provisions. The lands are currently being used as an interim stormwater management facility that services the surrounding lands. The removal of the Holding provision shall require the provision of adequate stormwater management facilities elsewhere to service the subject lands and the surrounding lands.

Variance 1

A maximum density of 45 units per hectare is proposed, whereas a maximum density of 35 units per hectare is permitted by the Zoning By-law. The intent of the provision is to prevent overdevelopment. Based on the lot area, a density of 35 units per hectare is achieved with the provision of 44 townhouse units, whereas 57 units are proposed. Staff is of the opinion that the proposed density does not maintain the intent of the Zoning By-law, and that it is not desirable for compatibility and hence not minor in nature. As noted previously, the proposed density does not maintain the intent of the Official Plan. Based on the foregoing, staff **does not** support the variance.

In the opinion of staff, an Official Plan Amendment and Zoning By-law Amendment applications are the appropriate mechanisms to facilitate the proposed density.

Variances 2 to 7

Staff is of the opinion that the remainder of the variances proposed are necessitated by the proposed density, such as variances to reduce all required yard setbacks, separation distances, amenity areas and landscaped areas. Because a Zoning By-law Amendment application is necessary to facilitate the density proposed through Variance 1, staff is of the opinion that the development standards should be reviewed through the Zoning By-law Amendment application. Staff is of the opinion that the proposed variances do not maintain the intent of the Zoning By-law, and that they are not desirable for compatibility and hence not minor in nature. Based on the foregoing, staff **does not** support the variances.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is not satisfied that Variance 1 maintains the purpose and intent of the Official Plan and the Zoning By-law. In the opinion of staff, Variance 1 is not desirable for the appropriate

development of the land, nor minor in nature. Staff recommends that **Variance 1**, as outlined in the Notice of Hearing, be **denied**; and,

Although Variances 2 to 7 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, Variances 2 to 7 are not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that **Variances 2 to 7**, as outlined in the Notice of Hearing, be **denied**.

Building Division:

1. The variances have been written as requested by the applicant and were determined through an Applicable Law Review for Zoning Compliance that was submitted on April 8, 2020 for the proposed block townhouse development. The site plan has been revised for the current variance application.
2. A formal site plan application is required but has not been submitted at this time for this proposal.
3. The subject property is zoned H-RM3-147 under Zoning By-law 464. The Holding provision H is required to remain in effect until satisfactory storm water management facilities have been provided for the servicing of the property.
4. As a future site plan application is required for the proposal, certain requirements such as garage elevations, lighting for the parking areas and landscaping, amongst others, will be examined at the site plan review stage.
5. Updated Variance #7 refers to the requirement for a common amenity area for the proposed townhouse project.
6. Building permits are required for the construction of the proposed townhouse development.
7. Be advised that the Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

The proposed maximum density of 45 units per hectare instead of the required 35 units per hectare may result in a greater discharge of sanitary flows from the site than the existing sanitary sewer's capacity allows. In absence of the hydraulic computation

February 18th, 2020

prepared by a qualified professional to demonstrate that the existing sanitary system downstream of the subject lands has sufficient capacity to support the proposed intensification our office recommends that the application **be tabled**.

See attached for additional comments.

GL/A 20:107 - 205 Thames Way, Glanbrook



Applicants Proposal: To permit the development of a block townhouse development consisting of 57 townhouse units, notwithstanding that:

Variances for Property:

1. The maximum density shall be 45 units per hectare instead of the required 35 units per hectare.
2. The minimum front yard shall be 3.0 metres instead of the minimum required 9.0 metres.
3. The minimum easterly and westerly side yards shall be 6.0 metres instead of the minimum required 7.5 metres.
4. The minimum rear yard shall be 6.0 metres instead of the minimum required 7.5 metres.
5. The minimum separation distance between 2 exterior walls which contain windows to a habitable rooms shall be 12.0 metres instead of the minimum required 15.0 metres.
6. To require no minimum amenity area per dwelling unit instead of the required minimum 5.0 square metres per dwelling unit.
7. To permit the minimum landscaped area to be 35% of the lot area instead of the required minimum 50% landscaped area.

Adjacent City Owned Property: 185 Thames Way- Park

Real Estate Recommendations: No Concerns

Date: February 11, 2021

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

Re: GL/A-20:107 – Access to Adjacent Lands

MBTW-WAI is the Planning and Urban Design consultant for Cachet Developments' Mount Hope Subdivision and have concerns with the application at 205 Thames Way in Glanbrook (No. GL/A-20:107) consisting of 58 townhouse units. Located directly west and adjacent to this proposed development within the approved Mount Hope Subdivision (Formerly Mountaingate & Lancaster Heights) is a future residential block (Block 368). This block is bounded by a Storm Water Management pond to the North, Highway No.6 to the west, and White Church Road West to the south. The purpose of our letter is to bring to your attention that this block would require access through the proposed Thames Way development. Without this access, the block will become landlocked.

Cachet Developments is supportive of the development of 205 Thames Way so long as an appropriate resolution is reached that works for both landowners and from a land-use perspective. Cachet has been in contact the landowners of 205 Thames Way to facilitate a resolution including providing a preliminary concept plan that incorporates the future residential block into their development. At this time a resolution has not been reached. Additionally, an application for rezoning of the future residential block was made in December 2020. We are currently awaiting the formal consultation meeting to be scheduled.

For your convenience we have included a snapshot below of the locations of the Future Residential Block 368 as well the boundary of 205 Thames Way.



We appreciate your review of this matter and would be happy to discuss any further details, as necessary.

Regards,



Michael C. Hannay MCIP RPP | Principal, MBTW|WAI

Hansra, Aman

From: Dan Ridgeway <dan.r@mbtw.com>
Sent: Thursday, February 11, 2021 1:43 PM
To: Committee of Adjustment
Cc: Michael Hannay; Andrew Eldebs
Subject: GL/A-20:107 - February 18, 2021 CofA Meeting
Attachments: 2021-02-11_FutureResLetter.pdf

Good Afternoon,

We are the consultant planners and urban designers for Cachet's Mount Hope subdivision. We have prepared and attached a letter in regards to access concerns through the proposed development considered within application **GL/A-20:107 (205 Thames Way, Glanbrook)** located directly adjacent to a future residential block within the Mount Hope subdivision.

We would also like to register to attend and speak at the committee of the adjustment meeting on February 18, 2021.

File Number: GL/A-20:107 – 205 Thames Way
Date: February 18, 2021
Speaker Name: Michael Hannay
Company: The MBTW Group – Representing Cachet Developments
Address: 255 Wicksteed Avenue, Unit 1A, Toronto, ON, M4H 1G8
Connection: Video
Email Address: m.hannay@mbtw.com

Additional participant to join with the above speaker:

Name: Dan Ridgeway
Company: The MBTW Group – Representing Cachet Developments
Address: 255 Wicksteed Avenue, Unit 1A, Toronto, ON, M4H 1G8
Connection: Video
Email Address: dan.r@mbtw.com

Regards,
Dan

The MBTW Group
Dan Ridgeway BAA (ILPT)
Associate - Planning & Urban Design
dan.r@mbtw.com

MBTW || WAI
255 Wicksteed Ave., Unit 1A
Toronto, ON, Canada M4H 1G8
T 416.449.7767 x 255
F 416.449.1803
www.mbtw-wai.com

landscape architecture | urban design | design guidance | architecture | golf design | leisure design



The MBTW Group and WAI Architects have taken diligent steps to do our part in protecting the health and wellbeing of our staff, clients, industry colleagues and the community at large. We are committed to providing a high level of service to you throughout this challenging time and are striving to minimize any disruptions. All our staff continue to be available by phone, email, or through online meeting platforms. Please reach out to us if you have any questions about your project. We appreciate your patience and understanding during this unexpected and unprecedented situation. We truly hope everyone is well and we look forward to continuing to work together.

Email Disclaimer: The attached file(s) are supplied as a matter of courtesy and are in no way to be taken as equivalent to, associated with or in replacement of copies of the officially signed and sealed documents. The data is provided "as is" without warranty of any kind either expressed or implied. Should you have trouble accessing these files please do not hesitate to contact us.

Hansra, Aman

From: Lindsay Davidson <lijdavidson@gmail.com>
Sent: Monday, February 15, 2021 7:29 AM
To: Committee of Adjustment
Cc: Johnson, Brenda
Subject: 205 Thames Way

I oppose the new development of 57 townhouses at 205 Thames Way. Thames was is already packed with parking vehicles and can't not handle any more congestion.

Instead of development think about health of the community and plant more trees develop more trails for people to have a mental escape.

Thames way is inundated with vehicles parked on both sides of the street every day and is already not safe to allow children to walk around on the sidewalks without being supervised, playing on the Thames actual street isn't even near a possibility. The chance of a child being hit by a vehicle on this already busy street is high, don't make it worse.

Lindsay Davidson

Hansra, Aman

From: Nicole & Naael Khoshaba <nksqrd@gmail.com>
Sent: Monday, February 15, 2021 6:09 AM
To: Committee of Adjustment
Subject: Minor variances 205 Thames Way Glanbrook

Hello,

I am writing to voice my concerns regarding the letter I received about the minor variances relating to 205 Thames Way.

I would just like it to be known that I do not agree with any homes being put on the property let alone putting a larger number of homes on the property than what it is already allotted to have. How will the city deal with this in terms of waste management, waste water management, water delivery and other such amenities. This will cause a burden on the system and potentially negatively affect existing customers.

Secondly, if there will not be enough visitor parking for even 1 car per unit this is going to pose a major safety hazard for my child who utilizes the park across the street. With that many cars on the road it is going to create blind spots for him crossing independently as well as increase the potential of him being struck by a vehicle. The street is already busy enough without the added traffic of a new development across the road.

Snow removal on this end of the street is again, already an issue with us often being forgotten about for weeks after a snow event. How will the city mitigate that with many cars parked along the road and people trying to back out of their existing driveways.

While this is not a minor variance request, I would also just like to add that I am not pleased with the driveway into the development being right across from my home. My bedroom windows are on the front of my house and I can only imagine the nightmare I'm going to have of car headlights shining into my bedroom on a daily basis, not to mention the constant safety hazard I will have backing out of my driveway for work in the morning. Mount Hope is very much a commuter community. Mornings [between 6am and 9am](#) are an extremely busy time on our streets with people setting off to work and school buses coming to pick up children. If there is even 1 car parked on the road this already makes manoeuvring out of my driveway a tight squeeze let alone now having to see if people are flying out of the new development and onto the road as well.

Thirdly, how does the city plan to deal with the fish that are in the existing pond on this site? Daily I see migrating birds and Great Blue Herons fishing in that pond. I have also witnessed people fishing there and pulling catfish, carp and bass out of the pond. A local feral cat population hunts mice in the surrounding areas and keeps the pests down. What does the city plan for these defenceless animals who reside in this area?

I really hope the city has a close look at this and does not approve these minor variances as there will be a lot of unhappy citizens in Mount Hope who we all know pay enough property taxes that their voices should count for something.

Sincerely,
Nicole Khoshaba
A concerned Mount Hope citizen.

Hansra, Aman

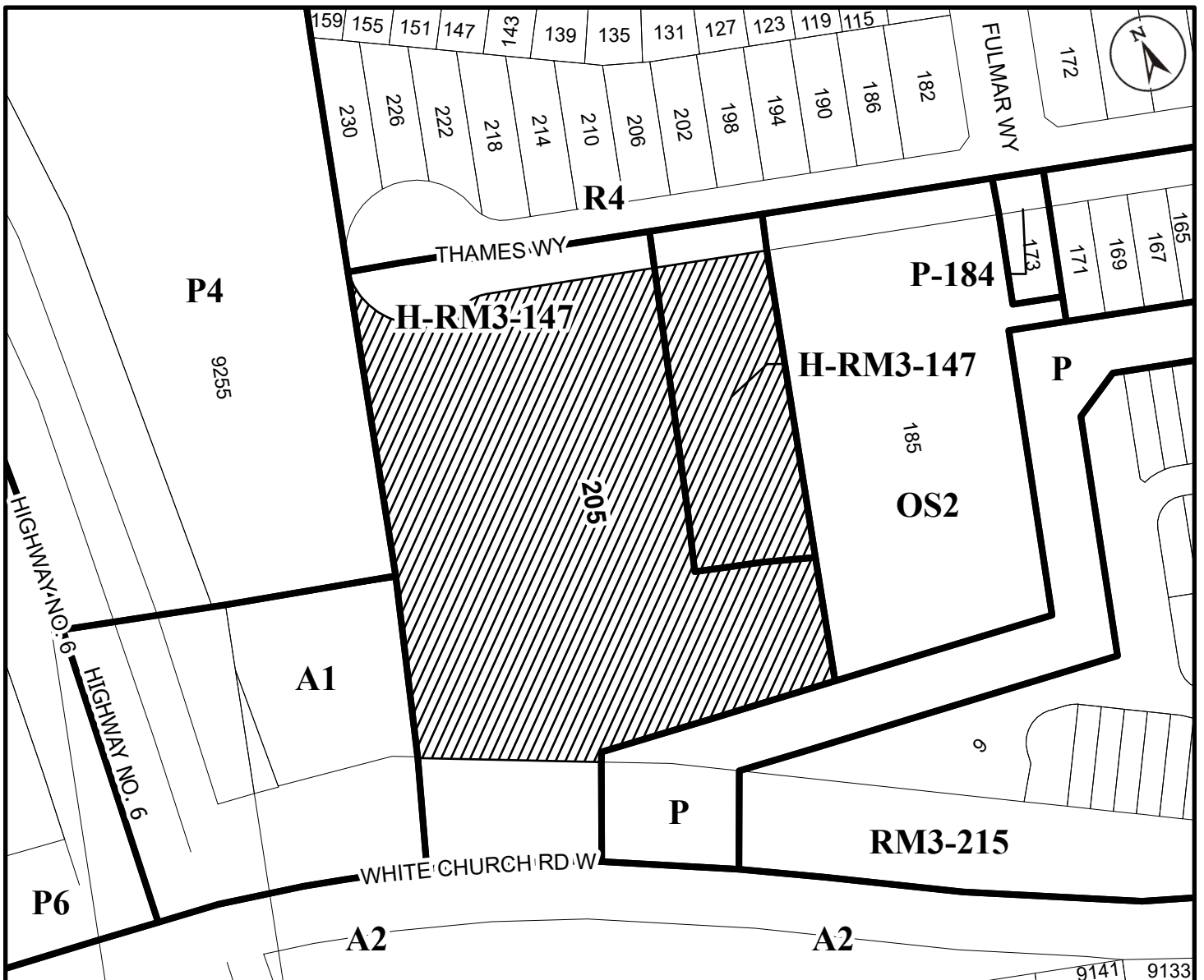
From: Phillip Buskey <PBuskey64@outlook.com>
Sent: Monday, February 15, 2021 10:12 AM
To: Committee of Adjustment
Cc: Johnson, Brenda
Subject: Application # GL/A-20:107

To whom it may concern,

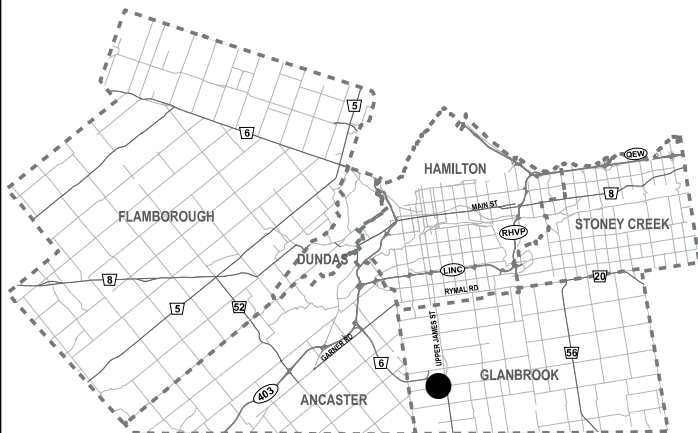
I am a local resident around the area of this building application. As this application has already been decline once by my knowledge. I am in favour of it being decline once again, as the number of dwellings that are being presented is too great. This will cause many issues as over populated street parking, more local unwanted traffic as well as harmful environmental concerns. Once again as a voice from many in this community that we are against this development coming in and being passed.

Thanks concerned community members.

Get [Outlook for iOS](#)



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



205 Thames Way, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:107

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-21:13 – 110 Curran 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 approve the application, an approval should be subject to the following condition(s):

AN/A-21:13 – 110 Curran Rd., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a rear deck including a portion of which is roofed above the first story of a single detached dwelling notwithstanding the following variances;

- 1) The maximum area for a deck be 59 m² instead of the required maximum 40 m²; and
- 2) The minimum setback from a deck to the rear lot line be 4.4 metres instead of the required minimum of 6.0 metres.

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). Single detached dwellings are permitted within the designation (Volume 1 – E.3.4.3).

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

The subject lands are zoned Residential “R4-612” Zone, which permits single detached dwellings, and structures accessory thereto, in accordance with the applicable provisions.

Variance 1

Zoning By-law 87-57 establishes a minimum 6.0 metre setback to a rear lot line for a deck that is over 1.2 metres in height. The intent of the provision for a minimum rear yard setback is to avoid any visual impact on the adjacent properties and to allow for adequate access, maintenance, drainage and amenity space along the rear yard. Staff defers to Development Engineering for all drainage concerns.

The applicant is requesting a reduction of the required minimum from 6.0 metres to 4.4 meters. In staff’s opinion the proposed rear yard setback of 4.40 metres is adequate for access and maintenance purposes. In terms of outdoor amenity space, the proposed deck effectively doubles the amenity area due to the deck being situated above the first storey, the space below could serve as a covered patio. The covered deck has a proposed

height of 3.048 metres, which staff is satisfied that there will no negative visual impacts on adjacent lots as those properties have existing decks with similar heights to that of the proposed (as per site visit February 5th, 2021). Further, the proposed rear yard reduction to 4.4 m will not adversely impact the adjacent rear lands as they are used for parks and open space. In the opinion of staff, the variance meets the intent of the Zoning By-law. Staff **Supports** the variance.

Variance 2

Zoning By-law 87-57 establishes a maximum area of 40 m² for a deck that is over 1.2 metres high. The intent of this provision is to ensure that adequate drainage can be accommodated as a deck is not subject to the lot coverage provisions of this by-law.

The applicant is proposing to increase the maximum area for a deck to 59 m². Staff is of the opinion that the increase from 40 m² to 59 m² should not have any adverse impact to the adjacent lands. Staff notes that on their site visit, examples of decks of similar size can be seen throughout the neighbourhood. As noted previously, staff defer to Development Engineering concerning drainage. If Development Engineering finds this increase in deck area antithetical with acceptable functional drainage standards, Development Planning Staff would defer their support to these concerns. Staff **Supports** the variance subject to Development Engineering's concerns.

Recommendation:

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

Building Division:

1. The variances are written as requested by the applicant.
2. It was determined that an additional variance is required as follows:

"The minimum rear yard shall be 6.0 metres instead of the minimum required 7.5 metres."

This variance is required because 19.89m² portion of the rear deck that is proposed to be roofed over is determined to be part of the dwelling and would have a reduced

rear yard. Under the definition of “deck” provided below, a deck may be roofed over with a trellis or trellis-like structure only. Therefore, the proposed roof feature is not a trellis and does not fall under the definition of deck.

3. The property is zoned Site-Specific Residential (R4-612) Zone in Ancaster Zoning By-law 87-57. Site-Specific 612 was approved under amending by-law 11-014 and includes a special provision to permit the front yard to be 4.5 metres and 6.0 metres to an attached garage.
4. The proposed feature is recognized as a deck. The Ancaster Zoning By-law provides the following definition for deck:

***Deck** means a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at the platform perimeter to the floor of the platform. Decks may be free-standing or attached to a dwelling and are intended for use as an outdoor living area. Decks may be roofed over with a trellis or trellis-like structure only, screened-in and enclosed by a hand rail not exceeding a height of 122 cm above the platform floor, otherwise a deck shall not be enclosed. Any and all stairs, as measured to the exterior parameters of the framing structure, shall be considered to constitute part of the deck with respect to all relevant setbacks and lot coverage regulations. Any decking less than 60 cm in height shall not be considered to be a deck for the purpose of this by-law, but rather, shall be considered as landscaping material only.*

In addition, the Ancaster Zoning By-law does not define the term “balcony”. However, for interpretation purposes, a balcony would not have stairs or support columns as part of its structure.

5. The lot coverage requirements of the Zoning By-law for residential dwellings do not apply to unenclosed decks and their associated stairs. In addition, a roofed over deck is not counted as lot coverage as it does not meet the definition of Building. Therefore lot coverage is not affected for the proposed deck and roof construction.
6. Building Permit 20-177351 was issued for a 39m² rear deck on October 8, 2020.
7. A building permit is required for the new construction of the rear deck and stairs and for the proposed roof over the deck.
8. Be advised that the Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.

Hansra, Aman

From: Mike Stone
Sent: February 16, 2021 9:22 AM
To: Costa, Samantha
Cc: Elizabeth Reimer; Val Pazzi
Subject: RE: February 18th Agenda - 110 Curran Rd., AN/A-21:13

Good morning Samantha,

In reviewing the application for 110 Curran Rd, AN/A-21:13, I can advise we do not have any concerns and will not be providing formal written comments. We issued an approval for the deck in September 2020 as it is located within the HCA regulated area. The deck design submitted with the minor variance application is different and slightly larger than what we approved in September, but we continue to have no concerns and will file a copy of the current design.

We will advise the applicant/agent that no fee payment for the minor variance application is required.

I have reviewed the balance of the CoA agenda for February 18 and can confirm we do not have an interest in any of the other applications scheduled.

Kind regards,
Mike

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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From: Costa, Samantha <Samantha.Costa@hamilton.ca>
Sent: Tuesday, February 2, 2021 11:46 AM
To: Mike Stone <Mike.Stone@conservationhamilton.ca>
Subject: February 18th Agenda

Good Afternoon,

Please be advised the agenda for February 18th 2021 hearing date is now on our website.
See link below

<https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment>

**** Please be advised final comments are due by noon, February 12th, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.**



The application in which are within your regulated area is:

AN/A-21:13 110 Curran Rd.

Applicants have all been advised to call in and pay for their review fees directly to you. If they fail to do so prior to the date your comments are due, there are a few options. You can either recommend tabling in your comments, or you can ask for it to be added as a condition of approval.

Thanks,

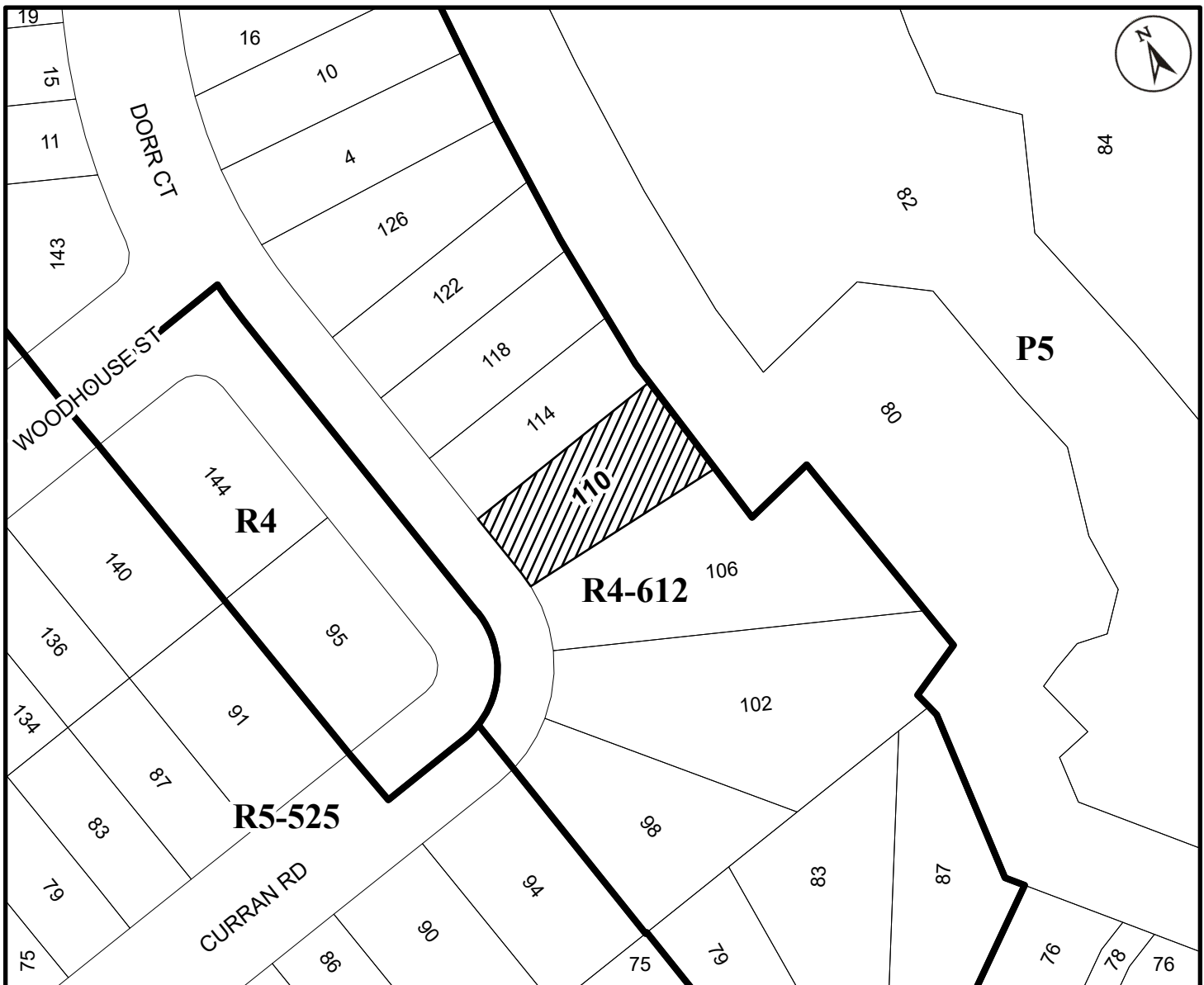
Samantha Costa

Development Clerk - Committee of Adjustment
Planning and Economic Development
City Hall – 5th Floor
905-546-2424 ext. 4221
samantha.costa@hamilton.ca

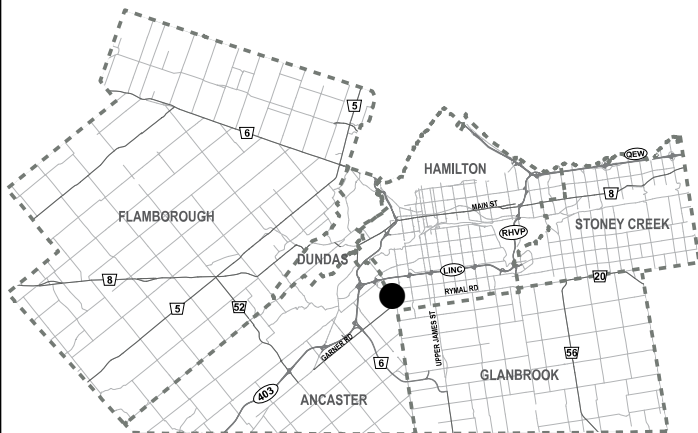


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www.hamilton.ca/coronavirus.

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● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



110 Curran Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-21:13

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-21:25 – 43 Dymont Crt., 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 approve the application, an approval should be subject to the following condition(s):

AN/A-21:25 – 43 Dymont Crt., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the location of an existing accessory structure (shed), notwithstanding the following variances:

- 1) To reduce the required setback to any lot line for an accessory building from 0.75 metres to 0.20 meters; and
- 2) To allow an accessory building to be permitted within the required 1.2 metre 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). Single detached dwellings are permitted within this designation (Volume 1 – E.3.4.3). Further, the lands are designated Low Density Residential 1a in the Garner Neighbourhood Secondary Plan (Map B.2.3-1). Policy B.2.3.1.3.b) applies, amongst others, and permits single detached dwellings.

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

The subject lands are zoned Residential “R4-643”, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Variance 1

Zoning By-law 87-57 establishes a minimum 0.75 metre setback from an accessory building to any lot line. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties, to support on-site drainage, access to rear yards, and to mitigate any privacy/overlook impacts on adjacent lands.

The applicant is requesting a reduction of the required minimum side yard from 0.75 metres to 0.2 metres for a proposed accessory building. Staff is satisfied that the shed will not hinder access to the rear yard, nor the maintenance of the shed itself. As the lot is an irregular pie shape, the side yard setback from the dwelling increases as it moves

away from the frontage, thus leaving room for access and maintenance. Further, staff is satisfied that there is no privacy or over look concerns with the western adjacent property where the reduction is being requested. This, owing to an existing 1.83 metre board on board fence between the rear yards; with the height of the shed being 3.35 metres tall, there is no concern with overlook.

Staff is satisfied that the intent of the Zoning By-law is being maintained as the proposed accessory building will not hinder access to the rear yard, the ability to maintain the shed, and will have no adverse impacts on the adjacent lands. Staff is **supportive** of the variance as requested.

Variance 2

Zoning By-law 87-57 establishes a minimum required side yard of 1.2 from the principal building to an interior side lot line, where no accessory structures shall be located. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties, to support on-site drainage, access to rear yards, and to mitigate any privacy/overlook impacts on adjacent lands. Further, it is intended to prevent cavernous development between residential properties, ensuring consistent neighbourhood character and streetscape.

The applicant is requesting that the existing shed be located in the required 1.2 metre side yard. Staff is satisfied that the proposed shed will not hinder access to the rear yard, nor the maintenance of the subject property. As noted, the lot is an irregular pie shape, with the side yard setback from the dwelling increasing as it moves away from the frontage, thus leaving room for access and maintenance. Further, because of this irregular lot pattern, staff is satisfied that the shed being within the required side yard will not create an overall built form that will overwhelm the streetscape, nor will it create a cavernous type development between the subject and neighbouring property. Development Planning staff defer to Development Engineering Approvals (DEA) for any concerns regarding drainage and should Development Engineering have concerns with drainage, Planning's recommendation would then align with DEA's recommendation accordingly.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the proposed variances for the accessory building will not hinder access or maintenance to the rear yard and structures, nor will it adversely impact the adjacent lands. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official

Plan and Zoning By-law are maintained, that the variances are desirable for the appropriate development of the land and are minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **Approved**.

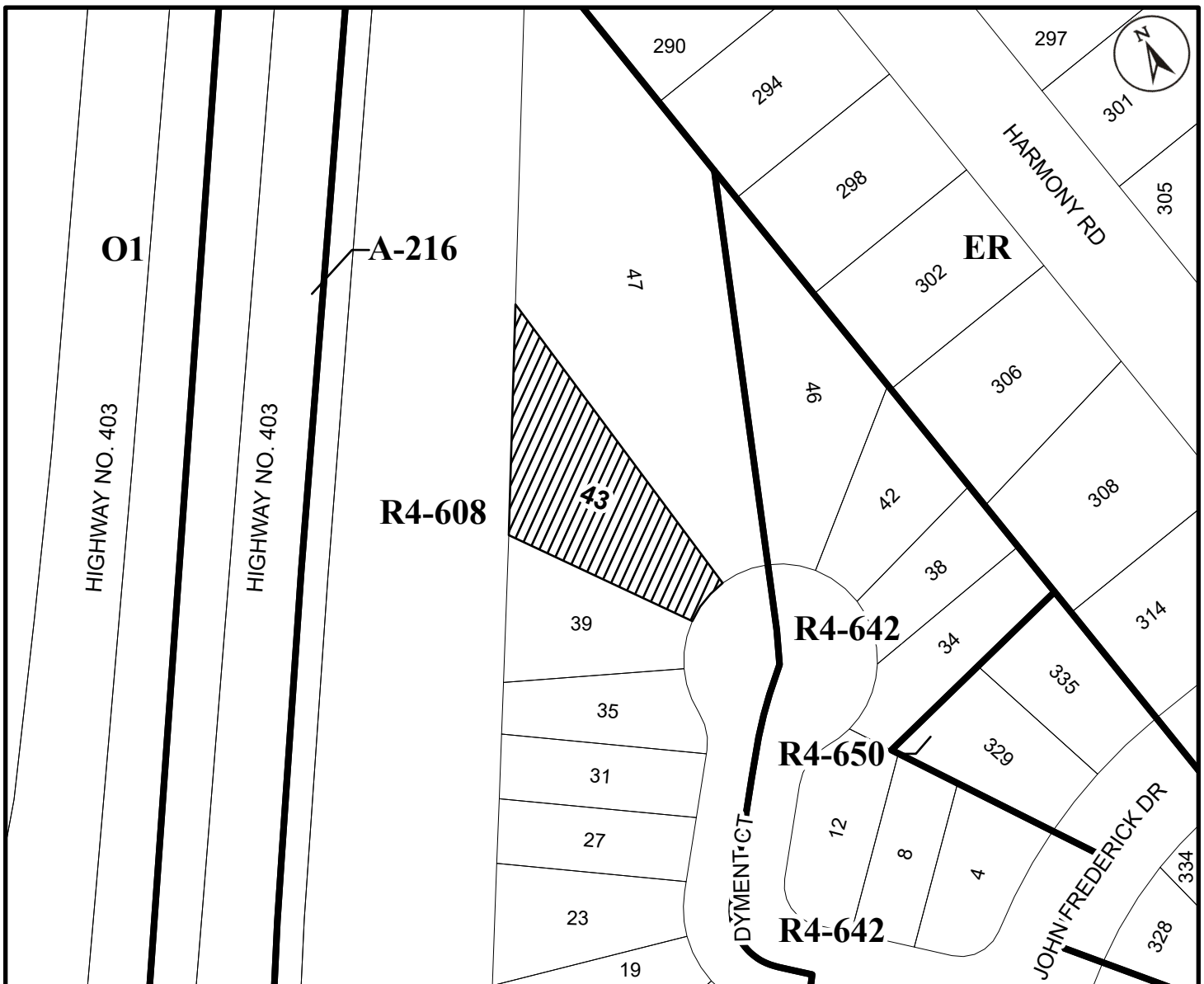
Building Division:

1. A building permit is required for the construction of the proposed structure (shed).
2. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m. The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 0.6m.

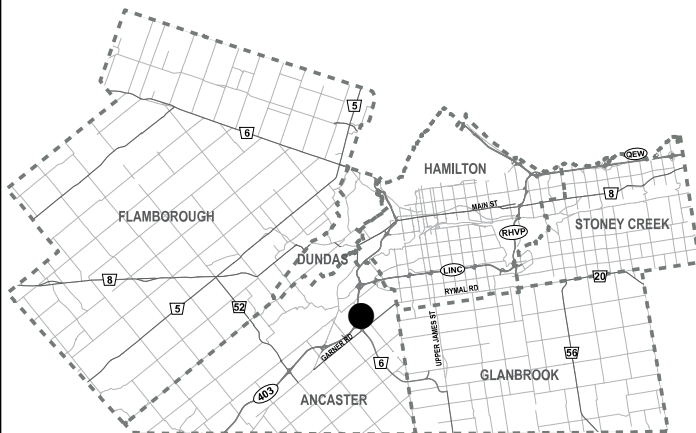
Development Engineering:

The proposed 0.2m sideyard setback does not provide sufficient width to accommodate a sideyard swale (min. 0.45m required for common swale). The location of the proposed shed will act as an obstruction to drainage therefore we recommend that the Minor Variance be **denied**.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



43 Dymment Court, Ancaster
(Ward 12)

File Name/Number:

AN/A-21:25

Date:

February 11, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

AN/A-21:29 – 261 Robina 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 approve the application, an approval should be subject to the following condition(s):

AN/A-21:29 – 261 Robina Rd., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a rear covered porch onto the existing single detached dwelling, notwithstanding the following variances:

- 1) To reduce the required minimum side yard of 2.59 metres (10% of the lot frontage) to 2.5 metres (9.65% of the lot frontage);
- 2) To increase maximum encroachment of eaves and gutters into the required northerly side yard from 0.60 metres to 0.70 metres (within 1.8 metres of the northerly side lot line); and
- 3) A reduction of the required rear yard from 13.14 metres (which is 30% of the lot depth) to 11.3 metres (25.8% of the lot depth)

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). Single detached dwellings are permitted within this designation (Volume 1 – E.3.4.3).

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

The subject lands are zoned Existing Residential “ER”, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Variance 1

Zoning By-law 87-57 establishes a minimum side yard for the Existing Residential Zone based on the lot frontage. If the lot frontage is greater than 23 metres then 10% of the frontage shall be the required side yard, in this instance (25.908 metres *0.1) 2.59 metres. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties, to support on-site drainage, access to rear yards, and

to mitigate any privacy/overlook impacts on adjacent lands. Staff defer to Development Engineering for any drainage concerns.

The applicant is requesting a reduction of the required minimum side yard from 2.59 metres to 2.52 metres for a proposed covered porch. Staff has confidence that the proposed porch will not hinder access to the rear yard nor maintenance of the existing dwelling. Further, Staff is satisfied that the intent of the Zoning By-law is being maintained as the proposed covered porch will not adversely impact the privacy and enjoyment of the northerly lands as the proposed covered porch is a continuation of the existing dwelling and will not further encroach into the side yard than the existing dwelling. Staff is **supportive** of the variance as requested.

Variance 2

Zoning By-law 87-57 establishes a maximum 0.60 metre encroachment of eaves and gutters for an accessory structure into a required setback. The provision is intended to ensure sufficient space is maintained for building maintenance and so that stormwater runoff from the roofline is wholly contained within the boundaries of a lot.

The applicant is proposing to increase the maximum encroachment of the eaves and gutters into a required yard from 0.6 metres to 0.70 metres (within 1.8 metres of the lot line). Staff is of the opinion that the increase of this encroachment will still leave sufficient room for lot and building maintenance. However, staff defer to Development Engineering Approvals (DEA) for any concerns regarding grading and drainage. Should Development Engineering have concerns regarding grading and drainage as it pertains to the proposed variance, Planning's recommendation would then align with DEA's recommendation accordingly.

Variance 3

Zoning By-law 87-57 establishes a minimum required rear yard for the Existing Residential Zone based on the lot depth. If the lot depth is greater than 40 metres but less than 45 metres in depth then 30% of the depth shall be the required rear yard, in this instance (43.796 metres * 0.30) 13.14 metres. The intent of this provision is to avoid any visual impact on the adjacent properties and to allow for adequate access, maintenance, drainage, and amenity space. Staff defers to Development Engineering for all grading and drainage concerns.

The applicant is requesting a reduction in the required rear yard from 13.14 metres to 11.3 metres. Upon a site inspection conducted on February 8th, 2021, staff note that there

is sufficient amenity space (over 20 metres) from the proposed porch to the rear lot line. In terms of privacy and overlook impacts, the subject lands back onto the Hamilton Golf and Country Club and have a substantial treeline between the subject lands and the adjacent property. As such, staff does not perceive any negative visual impacts on adjacent lots due to the proposed reduced setback of 11.3 metres. In the opinion of staff, the variance meets the intent of Zoning By-law, is desirable and minor in nature. Staff **Supports** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the proposed variances for the covered porch will not hinder access or maintenance to the rear yard and structures there within, nor will it adversely impact the adjacent lands. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law are maintained, that the variances are desirable for the appropriate development of the land and are minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **Approved**.

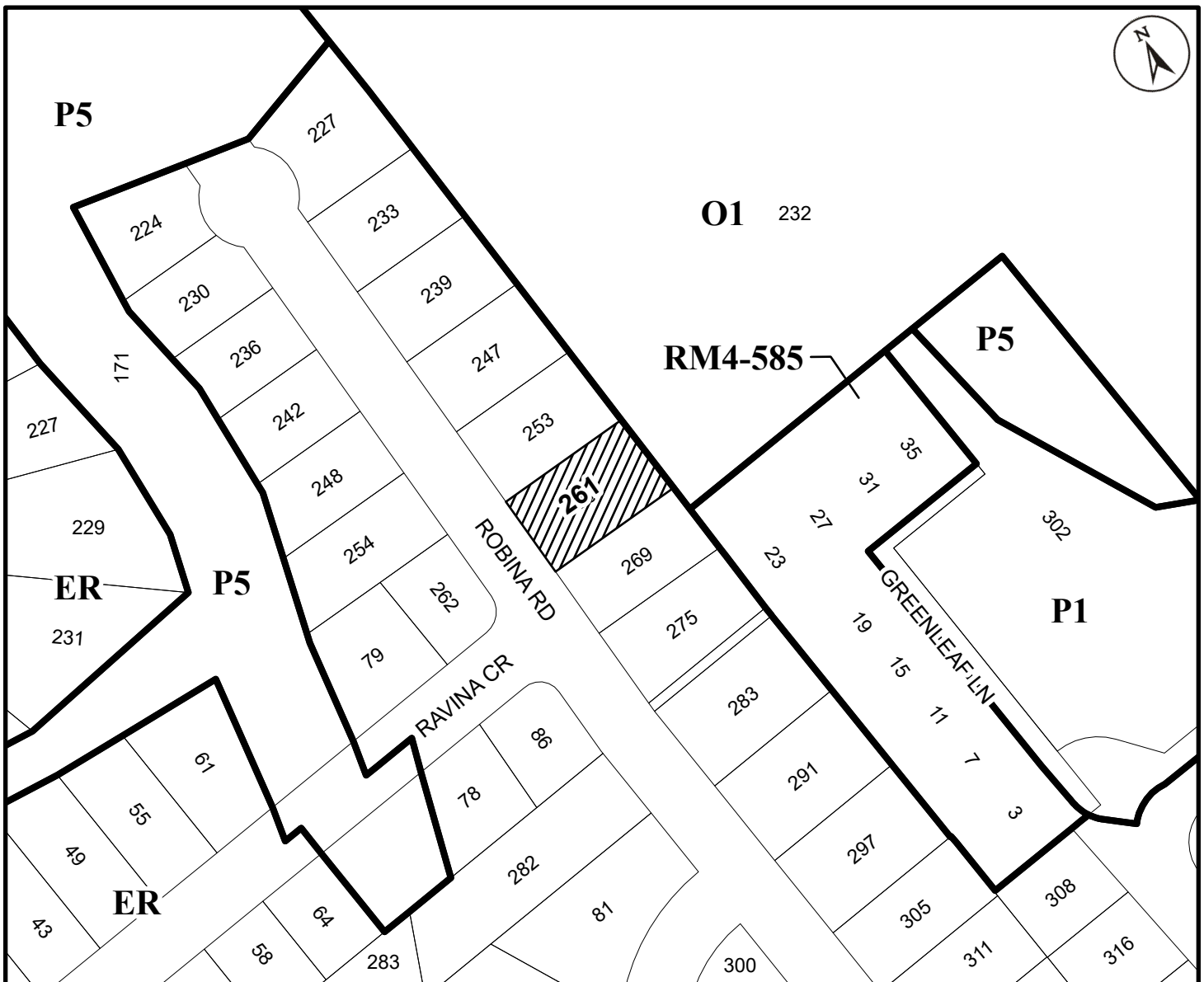
Building Division:

1. Drawing No. 1 (Rear Elevations); Drawing No. 5 (Roof Plan) and Drawing No. 6 (Section Plan) were not attached to the Notice.
2. The lands are subject to Site Plan Control.
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 proposed rear covered porch.

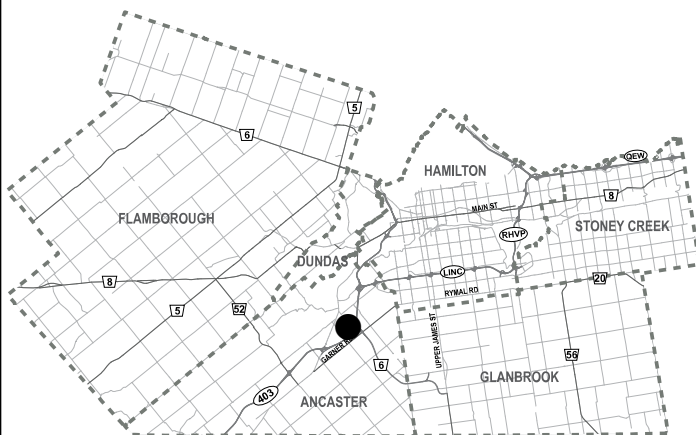
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



261 Robina Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-21:29

Date:

February 12, 2021

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-20:225 – 2035 Fletcher Rd., Glanbrook

Consolidation Report

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

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

GL/A-20:225 – 2035 Fletcher Rd., Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of an accessory building comprising 238 square metres located on a residential parcel of land.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agricultural” in Schedule D – Rural Land Use Designations to which the use complies. The following policy applies:

- C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met:
- 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;

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

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

Cultural Heritage

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

- 1) Within 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;
- 2) In areas of pioneer EuroCanadian settlement;
- 3) Along historic transportation routes; and,
- 4) Within a property designated under the *Ontario Heritage Act*.

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

subject application. If this consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

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

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

Variance 1

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

The proposed variance facilitates the construction of an accessory structure to the side but within the front yard. Staff recognize that the lot has a wider frontage than the depth and for that reason it is difficult for the applicant to comply with the subject provision without negatively impacting the existing amenities and septic system. Therefore, locating the garage in the front is in keeping with the placement of garages on sine nearby properties. 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.

Variance 2

The applicant is seeking a variance for a maximum gross floor area of 238 square metres and a maximum building height of 7.0 metres to be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to

a Single Detached Dwelling shall not exceed a maximum gross floor area of 200 square metres and a maximum building height of 6.0 metres.

Staff note that the applicant had reduced the proposed gross floor area of the accessory structure to a maximum of 238 square metres. As such, the proposed area for the accessory garage is appropriate for the scale, use, and configuration of the subject lands. Staff note that the existing single detached dwelling is approximately 10 metres in height, and for that reason staff are supportive of the proposed height of 7 metres for the accessory structure as it will be subordinate to the single detached dwelling. The lot is approximately 0.66 ha in size and the accessory structure is subordinate to the proposed single detached dwelling, in terms of both GFA and height. 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 variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved**.

Building Division:

1. This is a corner lot as defined in Hamilton Zoning By-law No. 05-200. Note that with reference to a corner lot, the front lot line shall mean the shorter of the lot lines abutting the streets. Therefore the lot line abutting Guyatt Road is deemed the front lot line, and the proposed accessory structure/building is located within the front yard, requiring a variance to Section 4.8.2(a) of Hamilton Zoning By-law No. 05-200.
2. The zoning by-law permits a maximum height of 6.0 metres for an accessory building/structure. No elevation drawings were included as part of this application. The applicant shall ensure that the height of the building has been measured from grade as defined in the zoning By-law; otherwise, additional variances may be required.
3. Human habitation is prohibited within the accessory building. Any proposed storage shall be incidental and associated only with the existing single detached dwelling. Any use or storage not associated with the principle use is not permitted.

4. Construction of the proposed accessory building is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types

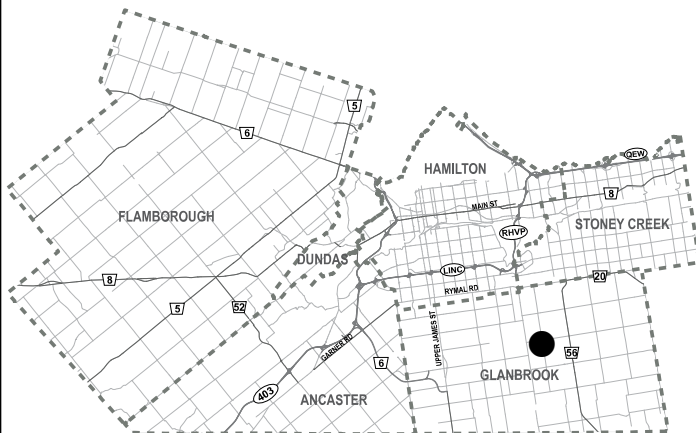
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1481 Fletcher Road, Glanbrook
(Ward 11)

File Name/Number:

GL/A-20:225

Date:

February 4, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/A-21:24 – 1481 Fletcher Rd., Glanbrook

Consolidation Report

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

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

GL/A-21:24 – 1481 Fletcher Rd., Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the expansion of an existing single detached dwelling building comprising a 96.63 square metre addition for an attached garage.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agricultural” in Schedule D – Rural Land Use Designations to which the use complies. The following policy applies:

- C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met:
- 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;

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 the minimum southerly side yard to be 1.4 metres instead of the minimum required 3.0 metre side yard.

The intent of the side yard provisions is to allow for adequate side yards for drainage and access to the rear of the subject property. The general built form of the surrounding neighbourhood varies from narrower side yard setbacks between dwellings to wider setbacks. The applicant has proposed to construct an expansion to the existing single detached dwelling as well as the attached garage to coincide with the existing driveway on the property and to avoid removal of existing trees. The intent of the RHOP and Zoning By-law are maintained as an adequate yard will be maintained that can allow for access. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Staff do, however, defer to Development Engineering regarding drainage. 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 variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved**.

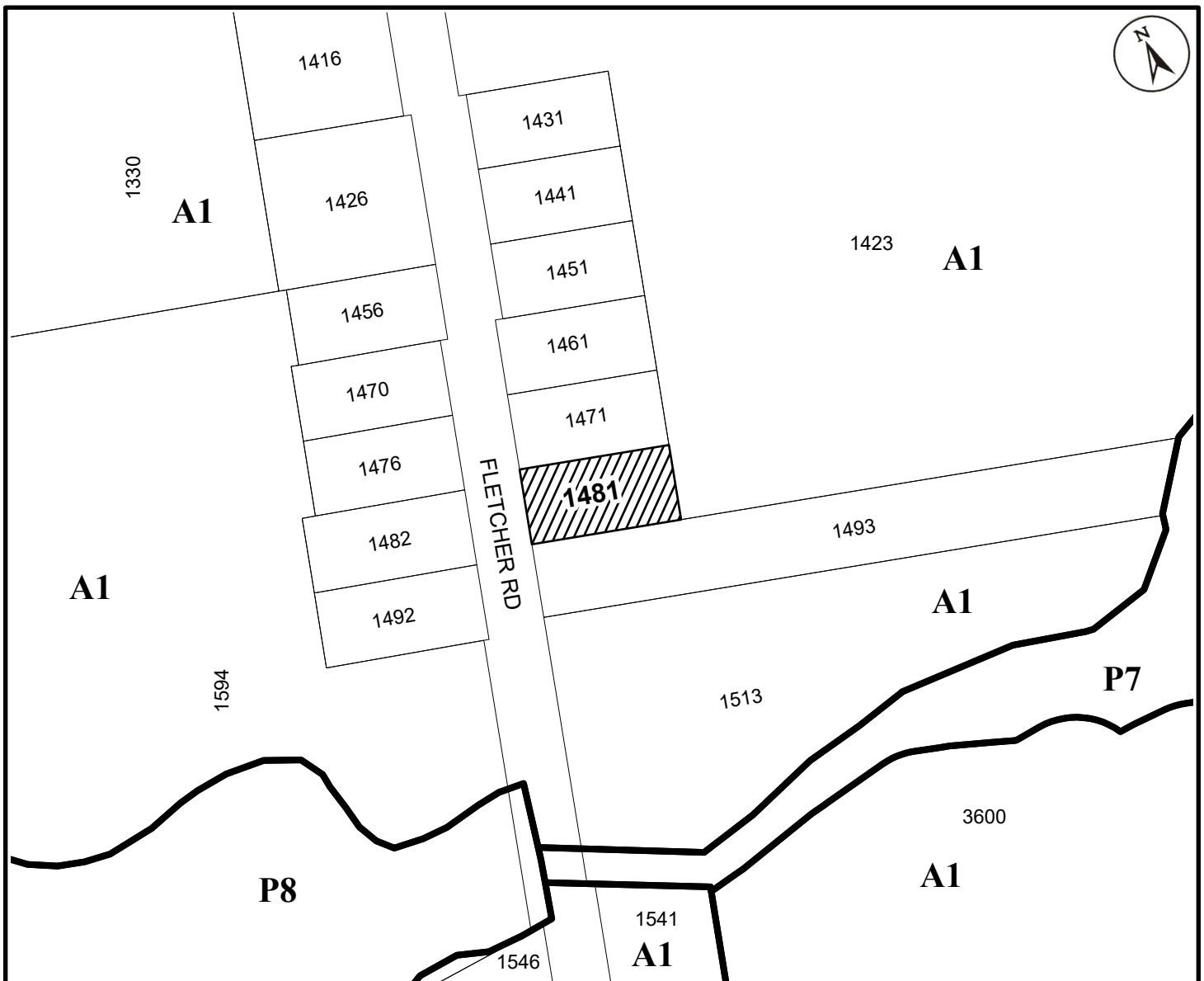
Building Division:

1. The application is written as requested by the applicant.
2. The lot area for the property is recognized as legal non-complying as it predated the creation of the A1 Zone under Zoning By-law 05-200.
3. A building permit is required for the construction of the proposed attached garage addition.
4. Be advised that the Ontario Building Code regulations may require specific setback and construction types.

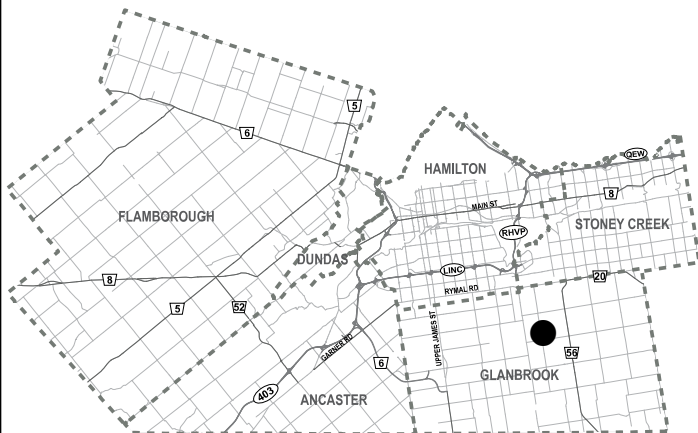
Development Engineering:

Provided the original overall drainage pattern of the subject site is maintained and the neighboring properties are not adversely impacted, then Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1481 Fletcher Road, Glanbrook
(Ward 11)

File Name/Number:

GL/A-21:24

Date:

February 4, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:14 – 1256 Old Hwy 8, 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:14 – 1256 Old Hwy 8, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the expansion of the existing legally established non-conforming three (3) family dwelling through the construction of a new 53.1m² accessory building (shed) in the rear yard.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Settlement Commercial” on Map 14: Sheffield Rural Settlement Area Plan. Amongst others, Policy F.1.12.1 applies, which speaks to the expansion of non-complying uses. The single detached dwelling is an existing non-complying use that is expanding by constructing a ±53.1m² garage. As such, the intent of the RHOP is maintained.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Commercial (S2) Zone. The single detached dwelling is an existing legal non-conforming use and is allowed to expand.

Variance 1

The applicant is seeking a variance for a side yard setback of 0.6m to be provided instead of the minimum required side yard setback of 3.0m for accessory structures.

The applicant is looking to demolish several accessory structures which are generally located on the same footprint as the proposed accessory building (shed). As such, staff note that this is a pre-existing condition which is triggered because of the proposal to construct a new accessory structure. The intent of the RHOP and Zoning By-law are maintained as an adequate yard will be maintained that can allow for access. Therefore, the variance is minor in nature and appropriate for the development of the subject property. Staff do, however, defer to Development Engineering regarding drainage. **Staff support** the variance.

Variance 2

The applicant is seeking a variance for a height of 3.1m to be provided from grade to the underside of the fascia eaves, overhang, or the lower ends of the roof joists, rafters or trusses instead of the maximum permitted height of 3.0m.

The intent of this provision is to keep accessory structures subordinate to the dwelling and to reduce the impacts on neighbouring properties. The height of the structure is compatible with the neighbourhood as it is subordinate to the single detached dwelling.

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

Recommendation

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**.

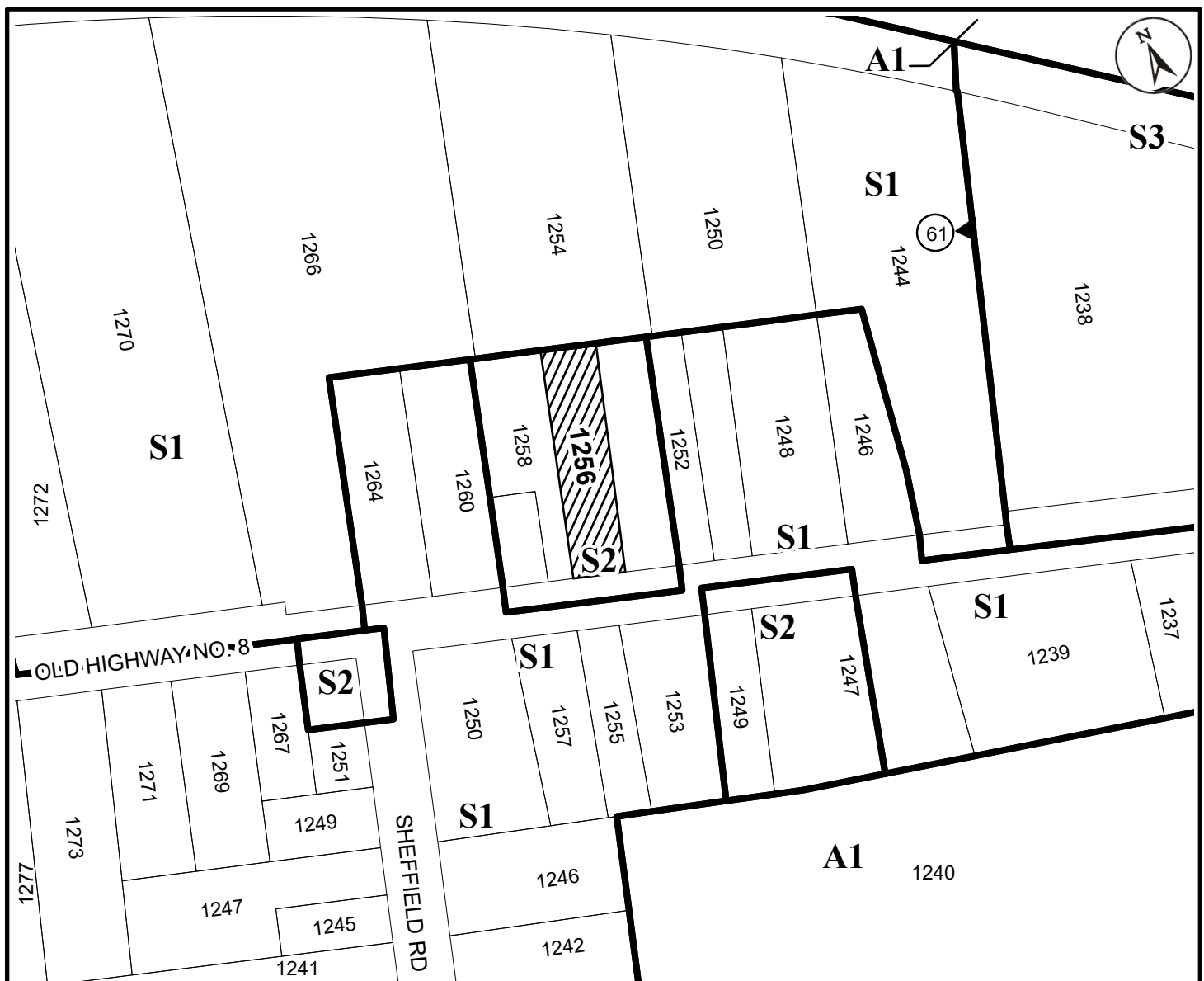
Building Division:

1. A building permit is required in the normal manner for the construction of the proposed accessory structure. Be advised that Ontario Building Code regulations may require specific setback and construction types.

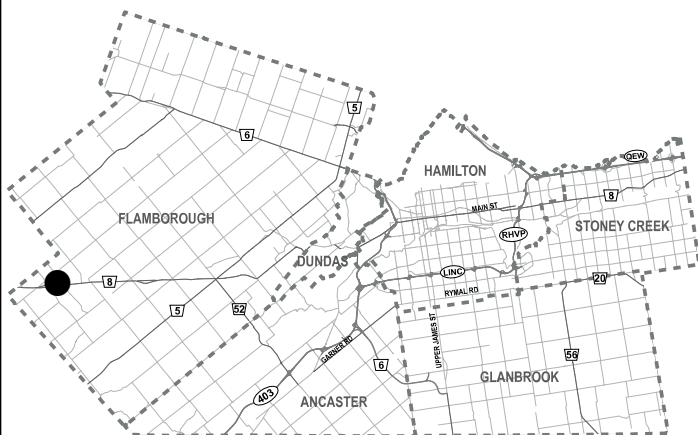
Development Engineering:

Provided the original overall drainage pattern of the subject site is maintained and the neighboring properties are not adversely impacted, then Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1256 Old Highway 8, Flamborough
(Ward 12)

File Name/Number:

FL/A-21:14

Date:

February 10, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:08 – 960 Garden Ln, 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:08 – 960 Garden Ln, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a front yard foyer addition and a 2nd storey addition above the garage of the existing single detached dwelling.

Rural Hamilton Official Plan:

The property is within the “Flamborough Centre Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 6 Flamborough Centre Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Variance 1

The applicant is seeking a variance for a minimum of 7.0 m setback to be provided to the proposed front foyer addition instead of the minimum required front yard setback of 7.5 m.

The proposed variance facilitates the construction of a front yard foyer addition to the existing single-detached dwelling. Staff are satisfied that the subject property is large enough to accommodate the proposed front foyer addition and that the 0.5m front yard is a minor reduction given that the majority of the setback along that frontage is over 30m wide. Also, the proposed front foyer addition is within an area where the distance from the house is closest to the property line, which is a pre-existing condition, and which is a common occurrence among other lots where the building envelope is closer to the front lot line. In addition, there is also a 7m City boulevard between the front property line and the road allowance which provides for a deeper setback for the proposed front foyer addition. 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. **Staff support** this variance.

Variance 2

The applicant is seeking a variance for a minimum of 0.9 m side yard setback to be provided on the southerly side lot line instead of the minimum required 3.0 m.

Staff note that the proposed variance facilitates the construction of the 2nd storey addition over the existing attached garage. Staff note that the current side yard setback is a pre-existing condition and that this variance is triggered as a technicality due to the proposal to construct the 2nd storey addition. In staff's opinion, the proposed 2nd storey 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. **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. A building permit is required for the construction of the proposed additions.

Development Engineering:

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

See attached for additional comments.

February 5, 2021

Jamila Sheffield, Secretary-Treasurer
Committee of Adjustment, City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

BY EMAIL

Dear Jamila Sheffield,

Re: Minor Variance Application
File Number: FL/A-21:08
960 Garden Lane, Flamborough
Harsevoort – Applicant; Ainsley – Owner

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

Applicable

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

☐
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One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒

CA/MOU

Impacts on Lakes and Rivers
Wildlife Habitat
Endangered & Threatened Species
Fish Habitat
Stormwater Management (as per Schedule I)
Sub-watershed Planning/Master Drainage Planning

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Other Comments (as a Public Body)

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

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*Other areas are areas where development could interfere with the hydrologic function of a wetland, including areas within 120 m of all provincially significant wetlands and wetlands greater than or equal to 2 ha in size, and areas within 30 m of wetlands less than 2 ha in size.

Proposal

To permit the construction of a front yard foyer addition and a 2nd storey addition above the garage of the existing single detached dwelling notwithstanding that;

1. A minimum of 7.0 m setback shall be provided to the proposed front foyer addition instead of the minimum required front yard setback of 7.5 m; and
2. A minimum of 0.9 m side yard setback shall be provided on the southerly side lot line instead of the minimum required 3.0 m.

Ontario Regulation 162/06

Pursuant to *Ontario Regulation 162/06*, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is adjacent to a tributary of Grindstone Creek and contains the flooding hazard associated with this watercourse. The property is also adjacent to a wetland greater than 2 hectares in size. CH regulates a distance of 15 metres from the limit of the flooding hazard and 120 metres from the limit of a wetland greater than 2 hectares in size for this particular site. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

Proposed Development

It is staff's understanding that the applicant is seeking variances to allow for a front yard and 2nd storey addition to be constructed with reduced minimum setback requirements. In order to determine whether the proposed development can be supported by CH Policy and/or any restrictions/requirements, the floodplain and associated regulatory allowance will need to be accurately delineated on a topographic survey by the applicant's Ontario Land Surveyor (OLS). CH staff will provide the flood elevations for the subject property. Once the topographic survey is complete, CH staff will be able to determine the applicable CH policy and whether the proposed works are deemed feasible from a regulatory perspective.

CH Permit Requirements

CH staff cannot confirm permit requirements until a topographic survey delineating the floodplain on the subject property has been submitted to CH for review. Please note that CH staff cannot support new development within the regulated area unless it complies with CH guidelines and policies.

One Window Delegated Authority under PPS

At this time, staff are unable to confirm if the proposed development meets the PPS until a topographic survey delineating the floodplain is submitted for review.

Summary

Based on the above, staff recommend deferral of the above noted Minor Variance Application until the applicant has submitted a topographic survey delineating the floodplain.

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

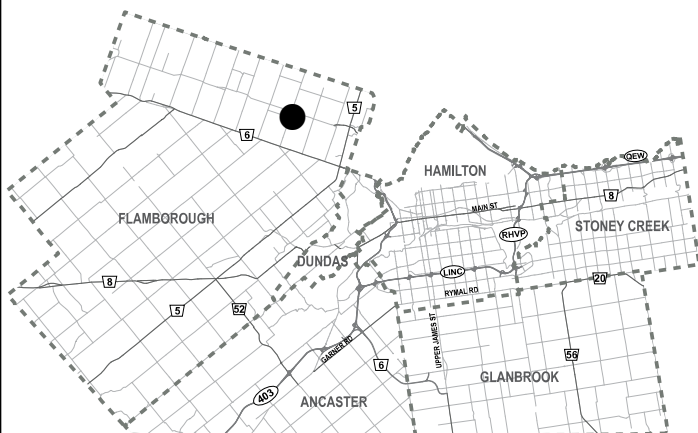
Sincerely,

Amanda Roger
Planning & Regulations Analyst
905.336.1158 ext. 2287
aroger@hrca.on.ca

AR/



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



960 Garden Lane, Flamborough
(Ward 15)

File Name/Number:

FL/A-21:08

Date:

February 10, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:15 – 252 6th Conc. Rd. 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:15 – 252 6th Conc. Rd. W., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a new 1½ single detached dwelling and a proposed 1 storey accessory building.

Rural Hamilton Official Plan:

The property is within the “Flamborough Centre Rural Settlement Area” and is designated as “Settlement Residential” in Volume 2: Map 6 Flamborough Centre Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Variance 1

The applicant is seeking a variance for a maximum gross floor area of 279 m² shall be provided instead of the maximum permitted 97.0 m²

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

In evaluating the appropriateness of a large accessory structure, the use of the accessory structures must remain subordinate to the primary use, in this case being the single detached dwelling. Accordingly, due to the amount of gross floor area dedicated to the accessory structure (279m²) being approximately as big as the proposed single detached dwelling (281m² gross floor area) the proposed accessory structure becomes as large as the principle use of the property and as such no longer meets the definition of being subordinate to the primary use. Therefore, the variance is not minor in nature and is not appropriate for the development of the subject property. **Staff do not support** the variance.

Variance 2

The applicant is seeking a variance for a maximum 6.0 m building height to be provided instead of the regulation in the By-Law which states that buildings accessory to a residential use shall have a maximum building height of 5.0 m.

The intent of this provision is to keep accessory structures subordinate to the single detached dwelling. In this case, the accessory structure is subordinate to the single detached dwelling when considering the proposed height (accessory structure is proposed at 6m while the proposed single detached dwelling will be ~7.3m). The height of the structure does not have an impact on the neighbouring properties and is compatible with the surrounding neighbourhood. Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support** the variance.

Variance 3

The applicant is seeking a variance for a maximum 3.7 m height to the underside roof overhang to be provided instead of the maximum permitted 3.0 m.

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

Variance 4

The applicant is seeking a variance for a minimum rear yard setback of 3.0 m to be provided instead of the minimum required 7.5 m.

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 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.

Recommendation

Staff recommend that variance 1 be **denied**, as the variance does not maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is not minor in nature and is not desirable for the appropriate development of the lands.

Staff recommend that variances 2, 3 and 4 be **approved**, as the variance do maintain the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variances are minor in nature and are desirable for the appropriate development of the lands.

Building Division:

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

A maximum gross floor area of 279 m² shall be provided for the proposed accessory building instead of the maximum permitted 97.0 m²; and

2. The notice should be altered to delete variance # 2 entirely and replace it with the following:

A maximum of 6.0 m in height shall be provided for the proposed accessory building instead of the regulation in the By-Law which states that buildings accessory to a residential use shall have a maximum building height of 5.0 m; and

3. The notice should be altered to delete variance # 3 entirely and replace it with the following:

A maximum of 3.7 m height to the underside roof overhang shall be provided for the proposed accessory building instead of the maximum permitted 3.0 m; and

4. The notice should be altered to delete variance # 4 entirely and replace it with the following:

A minimum rear yard setback of 3.0 m shall be provided for the proposed accessory building instead of the minimum required setback of 7.5 m.

5. Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton at 905-336-1158 for further information.

6. A building permit is required for the construction of the proposed 1½ storey single detached dwelling and proposed 1 storey detached accessory building.

Development Engineering:

Provided the original overall drainage pattern of the subject site is maintained and the neighboring properties are not adversely impacted, then Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

February 5, 2021

Jamila Sheffield, Secretary-Treasurer
Committee of Adjustment, City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

BY EMAIL

Dear Jamila Sheffield,

Re: Minor Variance Application
File Number: FL/A-21:15
252 6th Concession Rd. E., Flamborough
Webster – Applicant; Kovaltchouk & Courvoisier – Owners

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

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

Applicable

☐
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One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒

CA/MOU

Impacts on Lakes and Rivers
Wildlife Habitat
Endangered & Threatened Species
Fish Habitat
Stormwater Management (as per Schedule I)
Sub-watershed Planning/Master Drainage Planning

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Other Comments (as a Public Body)

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

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*Other areas are areas where development could interfere with the hydrologic function of a wetland, including areas within 120 m of all provincially significant wetlands and wetlands greater than or equal to 2 ha in size, and areas within 30 m of wetlands less than 2 ha in size.

Proposal

To permit construction of a new 1½ single detached dwelling and a proposed 1 storey accessory building notwithstanding that;

1. A maximum gross floor area of 279 m² shall be provided instead of the maximum permitted 97.0 m²; and
2. A maximum 6.0 m building height shall be provided instead of the regulation in the By- Law which states that buildings accessory to a residential use shall have a maximum building height of 5.0 m; and
3. A maximum 3.7 m height to the underside roof overhang shall be provided instead of the maximum permitted 3.0 m; and
4. A minimum rear yard setback of 3.0 m shall be provided instead of the minimum required 7.5 m.

Ontario Regulation 162/06

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

Proposed Development

It is staff's understanding that the applicant is seeking variances to allow for the construction of a new 1½ storey single detached dwelling and an accessory building that exceeds the maximum gross floor area, building height, and the height to the underside of the roof overhang, as well as the minimum rear yard setback. Based on a review of the drawings submitted with this application and CH's Approximate Regulation Limit (ARL) mapping, the proposed new 1½ single detached dwelling and 1 storey accessory building will be located outside of CH's regulated area. As such, CH has no objection to the required variances and proposed development.

CH Permit Requirement

In advance of this Minor Variance Application, staff had been working with the applicant to ensure that the proposed development complies with the relevant policies pursuant to *Ontario Regulation 162/06*. The development proposed as part of this Minor Variance Application is associated with CH Permit No. 7659 (CH File A/20/H/66) issued on December 3, 2020. In addition to the proposed development discussed in this application, CH Permit No. 7659 approved a new septic system and driveway located within CH's regulated area, as well as an inground pool. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

One Window Delegated Authority under PPS

Staff are able to confirm that the development meets the Natural Hazards policies of the PPS.

Summary

Based on the above, staff have no objection to the approval of the above noted Minor Variance Application. The development proposed in this application is associated with CH Permit No. 7659 issued on December 3, 2020. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

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

Sincerely,

Amanda Roger
Planning & Regulations Analyst
905.336.1158 ext. 2287
aroger@hrca.on.ca

AR/

Henk van Halen
&
Christine van Halen-Faber
255 Concession 6 E
Millgrove ON L8B 1M1

To: Committee of Adjustment
Notice of Public Hearing
Application No.: FL/A-21:15

February 16, 2021

To Whom It May Concern:

Thank you for the opportunity to provide written input into the application for a minor variance proposed for 252 6th Concession East (not West as stated on the application document).

We raise the following concerns:

1. The gross floor area (proposed: 279 m²) in our view is a significant adjustment from the 97.0 m². We do not consider this to be a minor variance.
We request that the gross floor area be adjusted.
2. The proposed use of the accessory building is not specified in the application. The design indicating three large bays with oversized doors and two bays with regular doors makes us wonder regarding the proposed and future use, given the zoning.
3. Given the three variances proposed (i.e., gross floor area; additional height of accessory building; additional height to the underside roof overhang) and the available space between the accessory building and the proposed pool makes us wonder why the rear setback adjustment to less than double the minimum required 7.5 m is necessary.

In short, we request that the City of Hamilton consider seriously our concerns. Let's keep the green space and rural elements of Flamborough intact by maintaining the regulations that are in place.

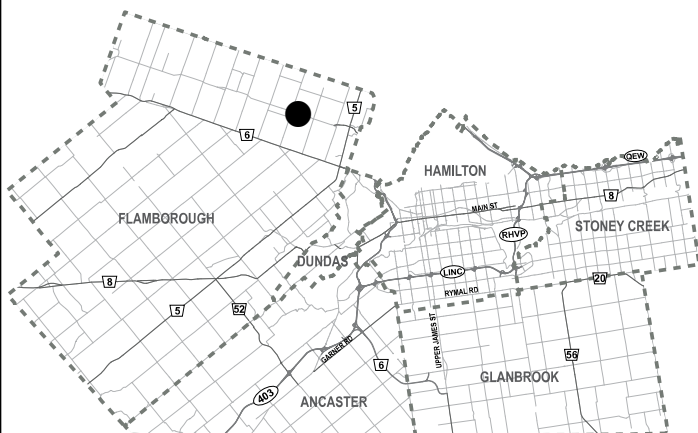
Respectfully submitted,


Henk van Halen


Christine van Halen-Faber



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



252 6th Concession Road East,
Flamborough (Ward 15)

File Name/Number:

FL/A-21:15

Date:

February 10, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:16 – 984 Garden Ln, 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:16 – 984 Garden Ln, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit construction of a 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) together with a 2.44m (8'0") x 6.1m (20'0") covered porch which is accessory to the existing single detached dwelling.

Rural Hamilton Official Plan:

The property is within the "Flamborough Centre Rural Settlement Area" and is designated as "Settlement Residential" in Volume 2: Map 6 Flamborough Centre Rural Settlement Area Plan. Policy A.2.3 to A.2.3.4 amongst others, is applicable and permits a single detached dwelling.

Hamilton Zoning By-law 05-200:

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

Variance 1

The applicant is seeking a variance for a maximum coverage of 155m² to be provided for all accessory buildings instead of the requirement that all buildings accessory to a residential use shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97m².

The proposed area for the accessory garage is appropriate for the scale, use, and configuration of the subject lands. The lot is approximately 0.80 ha in size and the accessory structure is subordinate to the existing single detached dwelling (accessory structure is proposed at 155m² while the existing single detached dwelling is ~211m²). Staff are satisfied the proposed variance will have no impact on the neighbouring properties, nor reduce the liveability of the property. 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 variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved**.

Building Division:

1. An interpretation has been made that the 2.44m (8'0") x 6.1m (20'0") covered porch which is attached to the 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) is considered part of the accessory building lot coverage. As such, this accessory building has a coverage of 48.31m² rather than 35.0m² as indicated on the Minor Variance Application. Additionally, based on a 2011 building permit for the Accessory Building (Detached Garage) # 1, its coverage is 65.5m² (25'2" x 28'0").
2. The proposed accessory building (detached shop) shall only be accessory to the single detached dwelling and shall not be used for human habitation, commercial or industrial uses.
3. Please be advised that a portion of this property is under Conservation Management. Please contact the Halton Conservation Authority for further information.
4. The lands are subject to Site Plan Control.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. Building Permit # 20-180954, issued on January 3, 2021, (To construct a 79m² second storey addition to the single family dwelling) remains not finalized.
7. Building Permit # 20-187765, issued on January 3, 2021, (To install a new inground filter bed sewage system to serve a single family dwelling) remains not finalized.
8. A building permit is required for the construction of the proposed accessory building.

Development Engineering:

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

See attached for additional comments

February 5, 2021

Jamila Sheffield, Secretary-Treasurer
Committee of Adjustment, City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

BY EMAIL

Dear Jamila Sheffield,

Re: Minor Variance Application
File Number: FL/A-21:16
984 Garden Lane, Flamborough
Webster – Applicant; Ince – Owner

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

Applicable

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

☐
☒
☒
☐
☒

One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒

CA/MOU

Impacts on Lakes and Rivers
Wildlife Habitat
Endangered & Threatened Species
Fish Habitat
Stormwater Management (as per Schedule I)
Sub-watershed Planning/Master Drainage Planning

☐
☐
☐
☐
☐
☐

Other Comments (as a Public Body)

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

☐
☐
☐
☐
☐

*Other areas are areas where development could interfere with the hydrologic function of a wetland, including areas within 120 m of all provincially significant wetlands and wetlands greater than or equal to 2 ha in size, and areas within 30 m of wetlands less than 2 ha in size.

Proposal

To permit construction of a 5.49m (18'0") x 6.1m (20'0") accessory building (proposed shop) together with a 2.44m (8'0") x 6.1m (20'0") covered porch which is accessory to the existing single detached dwelling notwithstanding that:

1. A maximum coverage of 155m² shall be provided for all accessory buildings instead of the requirement that all buildings accessory to a residential use shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97m².

Ontario Regulation 162/06

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

Proposed Development

It is staff's understanding that the applicant is seeking variances to allow for the construction of an accessory building with an attached covered porch that exceeds the maximum permitted lot coverage. Based on a review of the drawing submitted with this application and CH's Approximate Regulation Limit (ARL) mapping, the proposed accessory building and attached covered porch will maintain the minimum 30 metre setback from the limit of the PSW. As such, staff have no objection to the required variances as the proposed development complies with section 2.39.4 of the above noted policy document.

CH Permit Requirements

In advance of this Minor Variance Application, staff had been working with the applicant to ensure that the proposed development complies with the relevant policies pursuant to *Ontario Regulation 162/06*. The development proposed as part of this Minor Variance Application is associated with CH's Letter of Permission (CH File A/20/H/49) issued on September 11, 2020. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

One Window Delegated Authority under PPS

Staff are able to confirm that the development meets the Natural Hazards policies of the PPS.

Summary

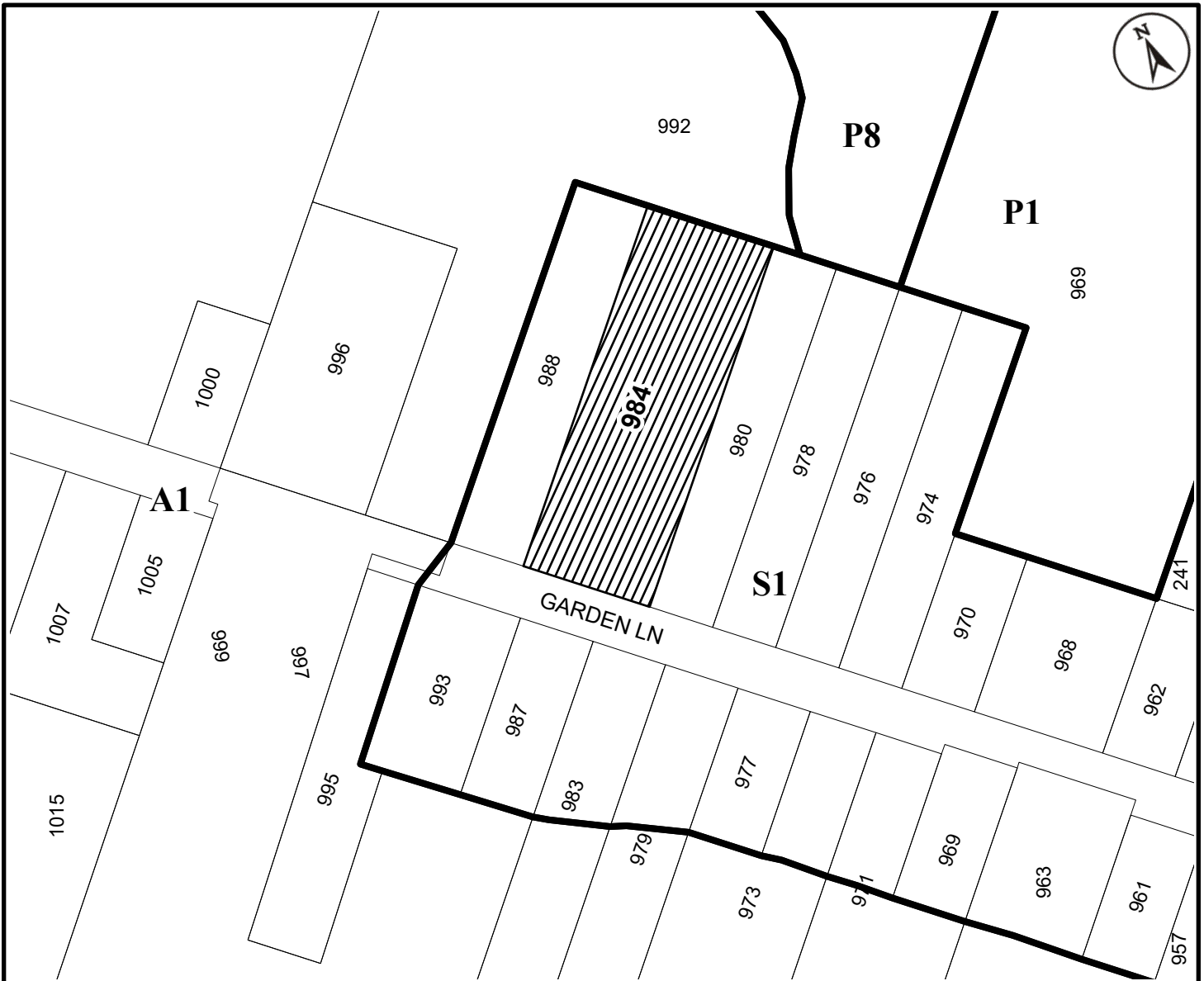
Based on the above, staff have no objection to the approval of the above noted Minor Variance Application. The development proposed in this application is associated with CH's Letter of Permission (CH File A/20/H/49) issued on September 11, 2020. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

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

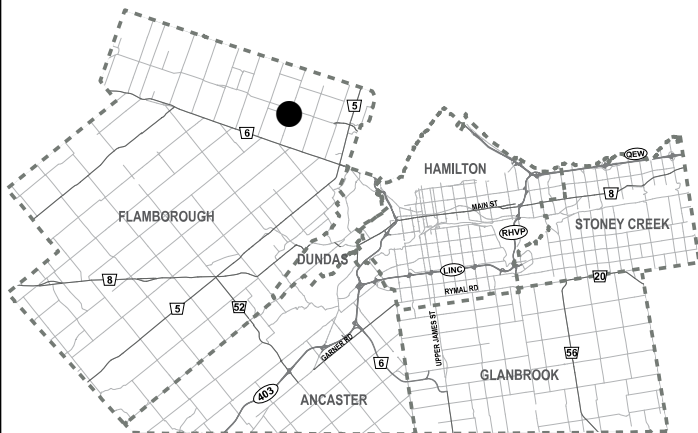
Sincerely,

Amanda Roger
Planning & Regulations Analyst
905.336.1158 ext. 2287
aroger@hrca.on.ca

AR/



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



984 Garden Lane, Flamborough
(Ward 15)

File Name/Number:

FL/A-21:16

Date:

February 10, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:17 – 401 Carlisle Rd., 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:17 – 401 Carlisle Rd., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a one-storey addition, including an attached garage, to the existing single detached dwelling.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Settlement Residential” on Map: 4 Carlisle Rural Settlement Area. Amongst others, Policy A.1.3.1 applies and permits single detached dwellings and accessory structures.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Residential (S1) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance for a minimum front yard of 4.4 metres to be provided instead of the minimum required front yard of 7.5 metres.

The proposed variance facilitates the construction of a one-storey addition, including an attached garage, within the front yard. Staff recognize that the lot has a woodlot to the south-west and for that reason it is difficult for the applicant to comply with the subject provision without negatively impacting the existing natural features and wood lot. Staff are satisfied that the proposed location, which is already cleared and paved over, is appropriate for the proposed development and also, the existing City boulevard provides ~9m of space between the lot line and the right of way. Therefore, locating the addition and attached garage in the front is in keeping with the placement of garages of nearby properties. 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 variance maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application **be approved**.

Building Division:

1. A further variance will be required if the eave and gutter encroach greater than 0.6 metres, to a maximum of half the distance of a required yard.
2. Construction of the proposed addition is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

Development Engineering:

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

See attached for additional comments.

From: [Erik Chwalek](#)
To: [Committee of Adjustment](#)
Subject: 401 Carlisle Road, Carlisle ON
Date: January 21, 2021 11:29:16 AM

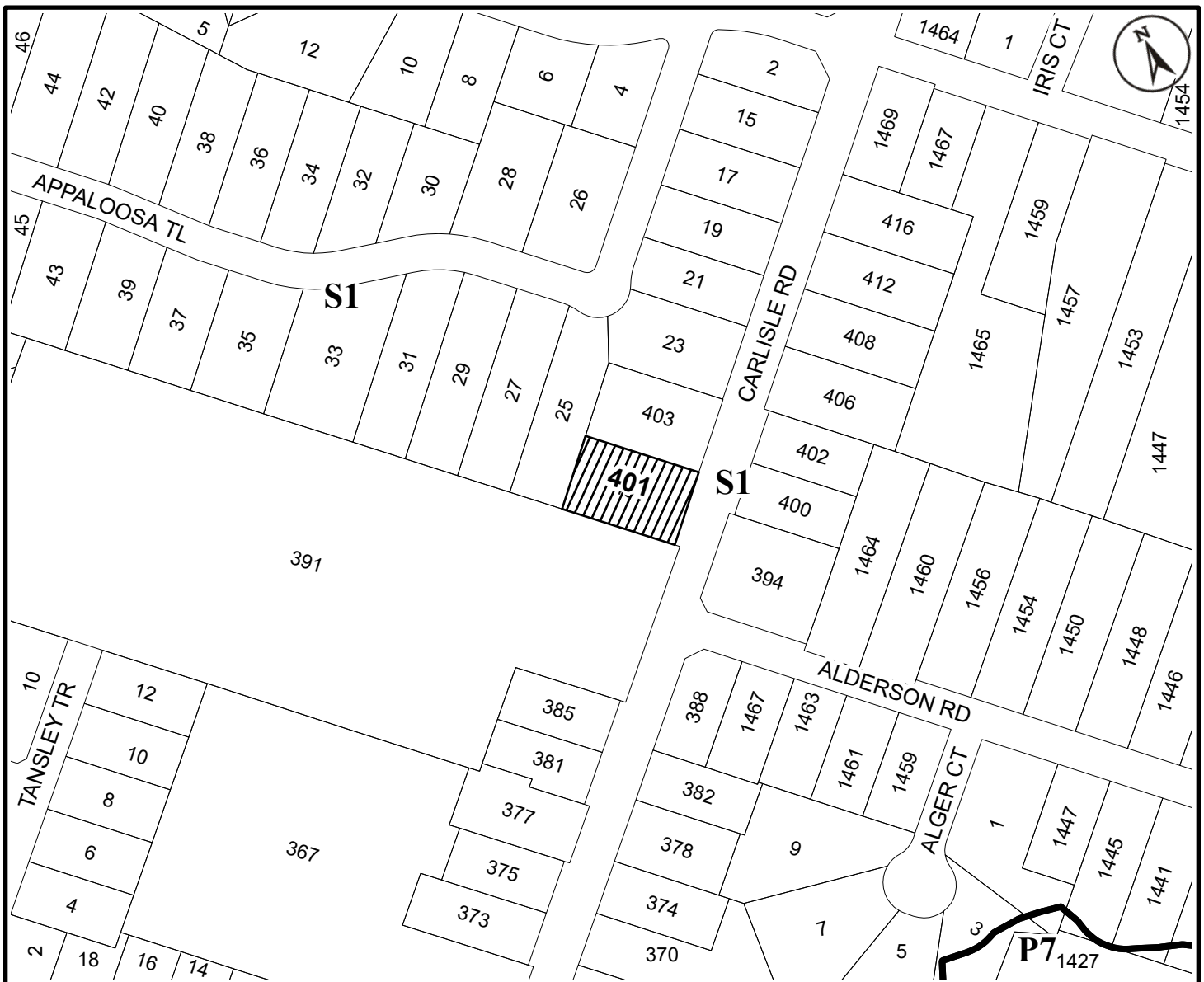
Date: 21/01/2021

Secretary-Treasurer
CITY OF HAMILTON, COMMITTEE OF ADJUSTMENT
71 Main Street West, 5th Floor
HAMILTON, ONTARIO

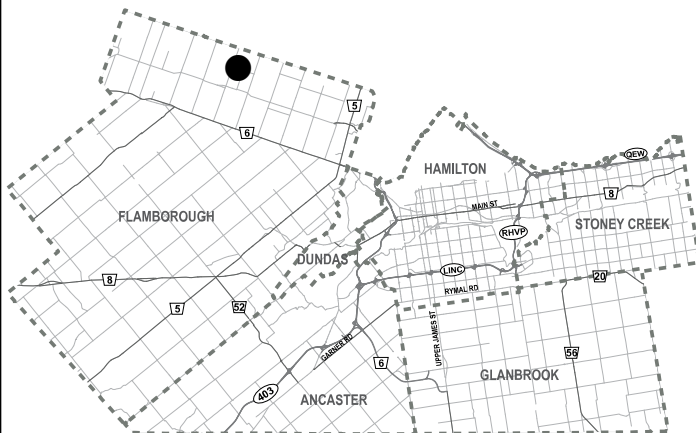
Issue: Application for minor variance
Re: 401 Carlisle Road, Carlisle ON

Having reviewed the proposed addition to the residence at 401 Carlisle Road and the resulting proposed minor variance application, in our opinion the proposal is in keeping with the character of the neighbourhood and we support the proposed minor variance application.

Sincerely,
Marta & Ireneusz Chwalek
403 Carlisle Road, Carlisle ON



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



401 Carlisle Road, Flamborough
(Ward 15)

File Name/Number:

FL/A-21:17

Date:

February 11, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-21:27 – 952 Millgrove Side Rd., 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 approve the application, an approval should be subject to the following condition(s):

FL/A-21:27 – 952 Millgrove Side Rd., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The purpose of this application is to permit the construction of a second storey addition to the existing Single Detached Dwelling, the construction of the new front porch and rear deck, and construction of an Accessory Building (shed) in the rear yard.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Settlement Residential” on Map: 11 Millgrove Rural Settlement Area. Amongst others, Policy A.1.3.1 applies and permits single detached dwellings and accessory structures.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Residential (S1) Zone, to which the use complies.

Variance 1

The applicant is seeking a variance to permit for no frontage along a street whereas the by-law requires each lot to have frontage of at least 4.5m along a street.

Staff note that the subject lands front onto a private road and therefore the variance is written as a technicality since the regulations of the by-law state that frontage is recognized only when fronting along a municipal right of way. Staff note that the current frontage, along the private road, is approximately ~28m which exceeds the minimum by-law regulation which states that lots are to have a frontage of at least 4.5m along a municipal right of way. Therefore, 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.

Variance 2

The applicant is seeking a variance to permit for a minimum side yard of 1.2m to be provided instead of the minimum side yard setback of 3.0m required for accessory buildings having a gross floor area greater than 18.0m².

The intent of the side yard provisions is to allow for wide enough side yards for drainage and for access to the rear. Staff recognize that the subject lands are large (0.2 ha), and wide (frontage of ~28m), allowing for adequate drainage and access to the rear of the property. Staff note that the proposed shed will be approximately 3m in height and it will

be screened by an existing row of trees. As such, staff do not foresee any issues with locating the shed within 1.2m of the side yard since there will be adequate screening and since the abutting land use is a large agricultural lot. Therefore, the intent of the RHOP and Zoning By-law are maintained as an adequate yard will be maintained which will allow for access. Staff note that the variance is desirable for the development and minor in nature as no negative impacts to adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support** the variance.

Recommendation

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**.

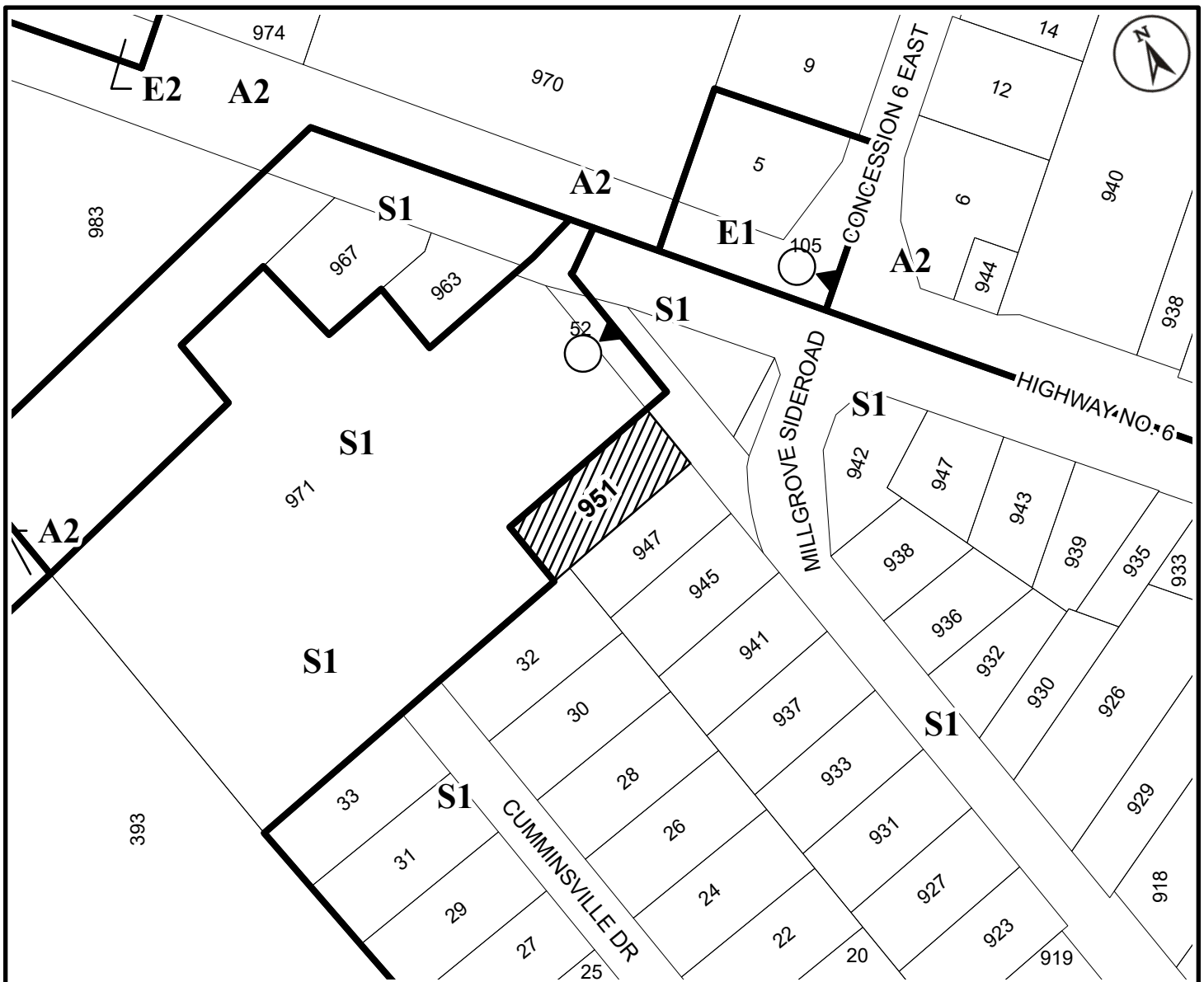
Building Division:

1. A building permit is required in the normal manner for the proposed construction. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. Parking details have not been provided to determine zoning compliance. Further variances may be required if compliance with these provisions cannot be complied with.

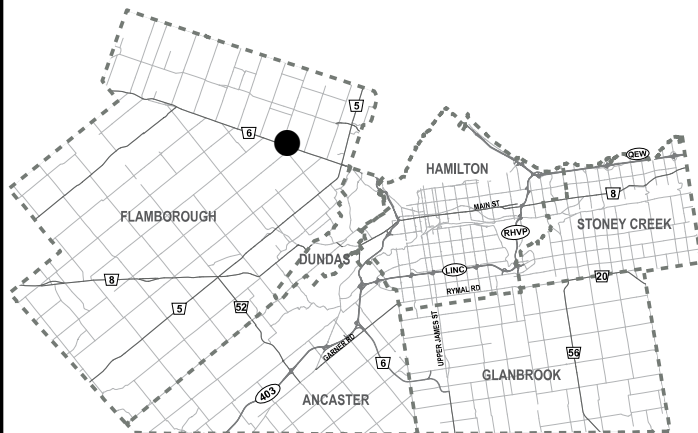
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



951 Millgrove Side Road,
Flamboyance (Ward 15)

File Name/Number:

FL/A-21:27

Date:

February 11, 2021

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-20:280 – 48 Lamoreaux St., Hamilton

Consolidation Report

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

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

1. That the owner / applicant revise the submitted site plan to remove the parking space shown on the driveway access and include a note that the driveway be used exclusively for manoeuvring space.

HM/A-20:280 – 48 Lamoreaux St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a 1.5 storey detached accessory structure to be located at the rear of 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 and accessory structures ancillary to the primary use.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” on Map B.6.6-1 and located within the MacNab Survey Cultural Heritage Landscape on Appendix B within the Strathcona Secondary Plan. Policies B.6.6.4.1 c) – e) and B.6.6.5.3 d), are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a maximum height of 6.6 metres for an accessory building, notwithstanding the maximum permitted height of 4.0 metres. The general intent of the Zoning By-law is to avoid any impact on the enjoyment and privacy of the adjacent properties, and to ensure the use and scale of the accessory building remain ancillary to the primary use on the property.

The requested variance allows sufficient height to accommodate a second storey within the proposed detached garage (accessory building). The variance is not maintaining the general intent of the Zoning By-law as the detached garage does not reflect an appropriate scale for an accessory building. Staff is of the opinion the proposed garage can comply with the requirements of the Zoning By-law and therefore Staff recommend the applicant reduce the height of the proposed accessory building to conform with Zoning By-law No. 6593.

Additionally, the submitted elevations show large windows above the ground floor which have anticipated privacy concerns for the neighbouring properties.

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

Variance 2

The applicant is requesting a variance to allow a minimum 4.2 metre width manoeuvring space aisle of to be provided on site for the two parking spaces to be locate within the detached garage, notwithstanding the required 6.0 metre wide manoeuvring space aisle. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the proposed parking spaces.

The subject parking spaces will be located within the proposed detached garage. The detached garage appears to be oriented towards the easterly side lot line with the adjacent driveway access providing 4.2 metres of manoeuvring space for the parking spaces. Staff are concerned the proposed garage will obstruct the visibility for vehicles utilizing the driveway access to manoeuvre in and out of the parking spaces and onto to the adjacent alleyway. Staff is not satisfied the proposed driveway access provides sufficient space to safely aide the moving of a vehicle to and from the site, with adequate visibility. The variance is not desirable for the development nor minor in nature as it is anticipated the variance will pose a safety concern on the adjacent alleyway.

In addition, while the manoeuvring area is labelled as a driveway access on the submitted site plan, it also appears to show an additional parking space. This would obstruct the access for the parking spaces within the garage and would cause jockeying of vehicles within the alleyway which is not supported by Staff. Should Variance 2 be approved, the proposed driveway shall be used exclusively as manoeuvring space and the additional parking space shall be removed from the submitted site plan as a condition of approval.

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

Recommendation:

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan, the Strathcona Secondary Plan or the former City of Hamilton Zoning By-law No. 6593. The variances are not considered

to be minor in nature nor desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be denied.

CONDITIONS: (If Approved)

1. That the owner / applicant revise the submitted site plan to remove the parking space shown on the driveway access and include a note that the driveway be used exclusively for manoeuvring space.

Building Division:

1. A building permit is required for the construction of the proposed detached garage.

Development Engineering:

No comments.

See attached for additional comments.

HM/A-20:280 - 48 Lamoreaux St, Hamilton



Applicants Proposal: To permit the construction of a 1.5 storey detached accessory structure to be located at the back of the existing single-family dwelling notwithstanding that;

Variances for Property:

1. A maximum height of 6.6 m shall be provided instead of the regulation in the By-Law which states that no accessory building shall exceed 4.0 m in height; and
2. A minimum of 4.2 m manoeuvring space aisle width shall be provided for the 2 parking spaces to be located within the proposed detached garage instead of the minimum required 6.0 m manoeuvring space aisle width.

Adjacent City Owned Property: Laneway - PIN 171470189

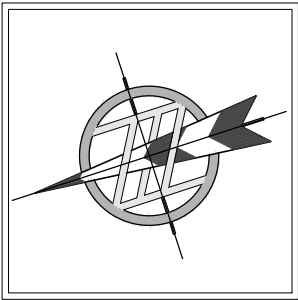
Real Estate Recommendations: No Concerns

LANEWAY



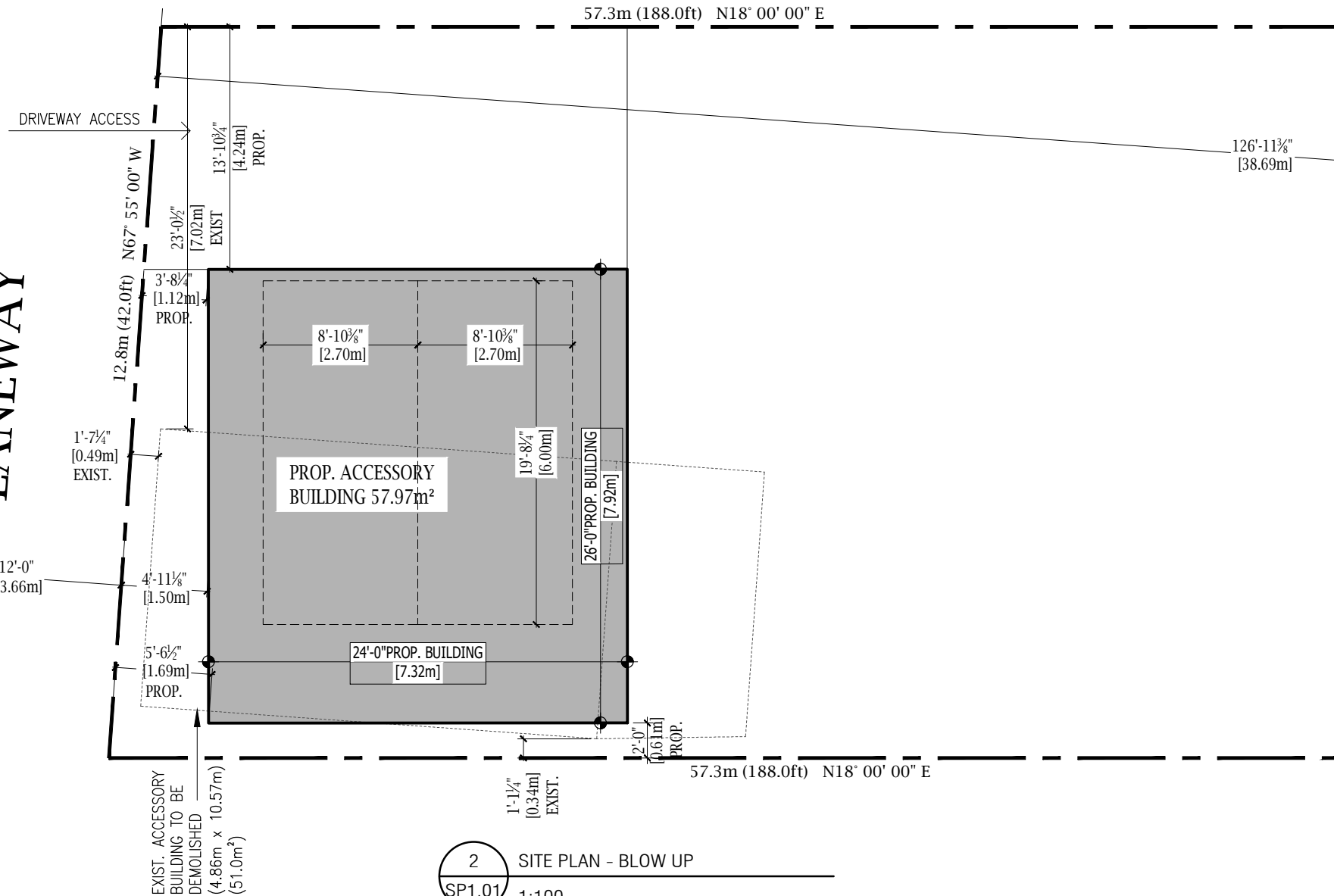
LAMOREAUX STREET

2 SITE PLAN
SP1.01 1:200



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the designer prior to proceeding with any of the work.

LANEWAY



2 SITE PLAN - BLOW UP
SP1.01 1:100

SITE PLAN LEGEND:	
	PROPERTY LINE
	BUILDING ENVELOPE
	EXISTING TO BE REMOVED
	PROPOSED SOLID HOARDING
	PROPOSED FRAMED HOARDING
	NEW WATER LINE
	NEW SANITARY LINE
	NEW NATURAL GAS LINE
	NEW BURIED HYDRO VAULT
	NEW SUMP LINE TO GRADE
	CONSTRUCTION ACCESS
	EXISTING GRADE
	PROPOSED FINISHED GRADE
	MAIN ENTRY, FRONT DOOR
	SECONDARY ENTRANCE
	EXISTING BUILDING TO REMAIN
	PROPOSED NEW CONSTRUCTION
	PROPOSED NEW DRIVEWAY
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	RAIN WATER LEADERS

3	12.01.20	ISSUED FOR COA
2	11.02.20	ISSUED FOR PRICING
1	10.01.20	ISSUED FOR PRELIM DESIGNS
REF.	DATE:	DESCRIPTION:

MY HOUSE
DESIGNS

RESIDENTIAL
DESIGN AND
DRAFTING SERVICES

CHRISTINE BROWN
Architectural Technologist
905.802.5272
444 UPPER GAGE AVE.
HAMILTON, ON L8V 4H9
cbrown@friendlycadmonkey.com

CLIENT:
PARKER RESIDENCE

ADDRESS: 48 LAMOREAUX STREET
CITY: HAMILTON, ONTARIO, L8R 1V1
DRAWING TITLE:
SITE PLAN

DRAWN: CB	SCALE:
DATE: Dec. 3, 20	AS NOTED
JOB NO.:	SHEET:
20-145	SP1.01

Ministry of Municipal
Affairs and Housing

QUALIFICATION INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONT. BUILDING CODE TO BE A DESIGNER.
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

CHRISTINE BROWN BCIN 37240

MY HOUSE DESIGNS BCIN 113120

Hansra, Aman

From: Rita B <rmb65@live.ca>
Sent: Friday, February 12, 2021 1:09 PM
To: Committee of Adjustment
Subject: application # HM/A-20:280

Hello,

I have received the proposal for 48 Lamoreaux st.
My name is Rita Berzaitis & I live at 56 Lamoreaux.
I live beside the alley that grants access to the back properties of the residents of Dundurn st as well as Lamoreaux.
I have lived here for 22 years & have no issue with people improving their property but i do have a major issue with
all the contractors/service ppl/ construction equipment etc that use this alley. These vehicles/equipment have come close to scraping the side of my house,
have destroyed my side green isle that runs between my parking & the alley. They have taken or broken ,countless driveway markers , moved rocks from my rock garden,& have even left deep tire treads on my front lawn. I have never complained about this issue till now due to my last incident where a contractor working on another house had promised to fix the damage over a year ago & failed to do so. I am fed up.
I don't want to have to go through this anymore with contractors etc having no respect for my property. The alley is not that wide yet time & time again people attempt to back into this alley using my side to turn in, using a pole to raise my tv cable & other wires & I have even seen them get stuck.
What can be proposed to avoid this ?

Sincerely,
Rita Berzaitis

February 7, 2021

Vilma Rossi
44 Lamoreaux Street
Hamilton, Ontario
L8R 1V1
vilmarossi@icloud.com

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

Attention: Committee of Adjustment

Dear Committee Members:

Re: HM/A 20:280, Minor Variance, accessory structure, back of existing single-family home

I am writing to indicate my support of the changes that Elizabeth Parker and Christopher Flora would like to make to the back structure of their home located at 48 Lamoreaux Street, Hamilton, Ontario. I am one of their immediate neighbours. My home is located right next door at 44 Lamoreaux Street, Hamilton, Ontario.

Elizabeth and Christopher have made me aware of their anticipated changes and I am also in receipt of the Notice of Public Hearing sent by the Committee of Adjustment.

Please do not hesitate to contact me if you have any questions/concerns.

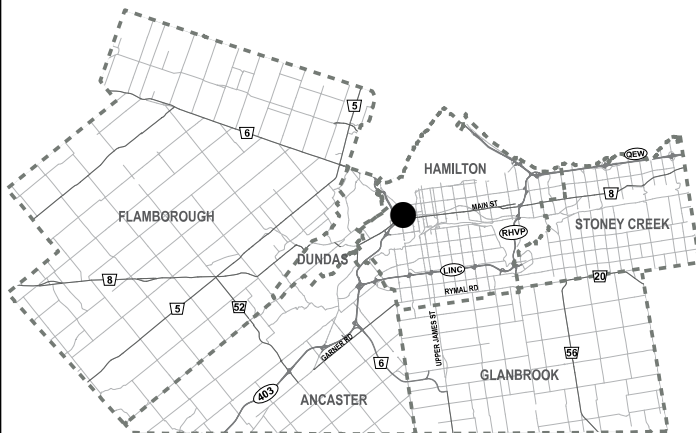
Kind regards,

Vilma Rossi

Vilma Rossi



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



48 Lamoreaux Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-20:280

Date:

February 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:11 – 369 Charlton Ave. 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 approve the application, an approval should be subject to the following condition(s):

1. That approval of Variance 3 be tied to the submitted elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the owner enter into an Encroachment Agreement with the adjacent property owner(s) should the eaves and gutters encroach onto the adjacent properties to the satisfaction of the Manger of Development Planning, Heritage and Design.

HM/A-21:11 – 369 Charlton Ave. W., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a second storey addition to the existing single detached dwelling located on a residential parcel of land, 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 – One and Two Family Dwellings) District, Modified, which permits single family dwellings.

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 2.85 metres, notwithstanding the minimum required front yard depth of 6.0 metres. The intent of the Zoning By-law is to maintain the consistent streetscape.

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

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

Variance 2 and 3

The applicant is requesting a variance to allow a minimum side yard width of 0.29 metres and to allow the eaves and gutters to encroach the entire width of the required westerly side yard width and be located as close as 0.0 metres from the westerly lot line, notwithstanding the minimum required side yard width of 1.2 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.

Variance 2 recognizes an existing condition. The general intent of the Zoning By-law is being maintained as the existing westerly side yard width is consistent with the established residential streetscape. Variance 3 recognizes the projection of the eaves and gutters on the existing one storey single detached dwelling and is consistent with the surrounding dwellings. The submitted elevation drawings do not include the measurement of the proposed projection of the eaves and gutters and therefore Staff recommend Variance 3 be tied to the submitted elevation drawings as a condition of approval.

Staff note the approval of Variance 2 and 3 does not grant the applicant access onto any neighbouring property without the necessary permissions.

The variances are considered minor in nature and is desirable for the development of the site as no negative impact is anticipated on the subject lands or surrounding area from the continuation of the existing condition.

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

Recommendation:

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

CONDITIONS: (If Approved)

1. That approval of Variance 3 be tied to the submitted elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.
2. That the owner enter into an Encroachment Agreement with the adjacent property owner(s) should the eaves and gutters encroach onto the adjacent properties to the satisfaction of the Manger of Development Planning, Heritage and Design.

Building Division:

1. 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.
2. 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.
3. 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:

The proposed addition is vertical only and the proposed westerly sideyard setback of 0.29m is for the location of the existing building footprint, therefore we have no comments on the Minor Variances as proposed.

See attached for additional comments.

HM/A-21:11- 369 Charlton Ave W, Hamilton



Applicants Proposal: To permit the development of a two (2) storey addition to an existing single detached dwelling located on a residential parcel of land, notwithstanding that:

Variances for Property:

1. A minimum front yard depth of 2.85 metres shall be provided, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum westerly side yard of 0.29 metres shall be provided, instead of the minimum required side yard of 1.20 metres.
3. An eave/gutter shall be permitted to project a maximum of 1.2 m into the required westerly side yard and may be as close as 0 m to the westerly lot line instead of the maximum 0.6 m projection permitted.

Adjacent City Owned Property: Alleyway – 171380286

Real Estate Recommendations: No Concerns

February 9, 2021

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

Attention: Samantha Costa

File# HM/A-21:11

Re: 369 Charlton Ave W

In response to your correspondence dated February 2, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

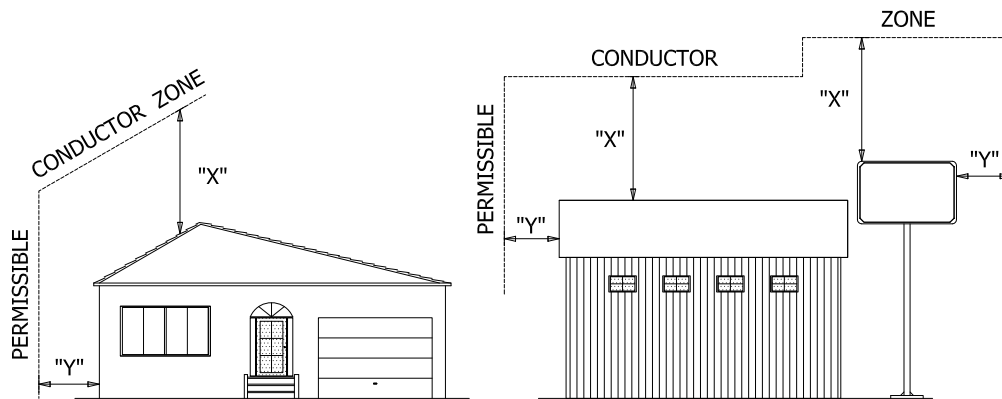
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

Tara McAuley and Jeff Templeton
371 Charlton Ave West, Hamilton, ON L8P 2E6
mcauley.tara@gmail.com 671pgt@gmail.com

February 15, 2021

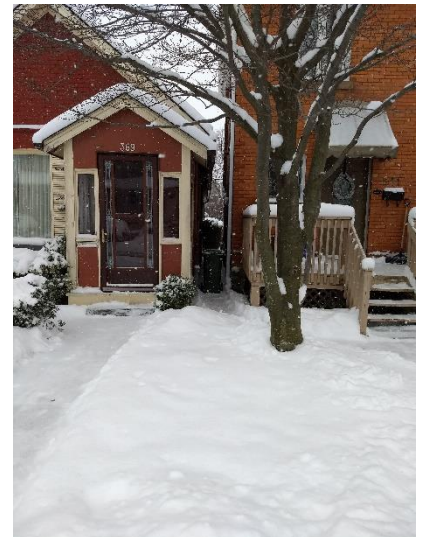
Committee of Adjustment
City Hall, 5th floor, 71 Main Street W, Hamilton ON L8P 4Y5

Re: Application HM/A-21:11 369 Charlton Ave W.

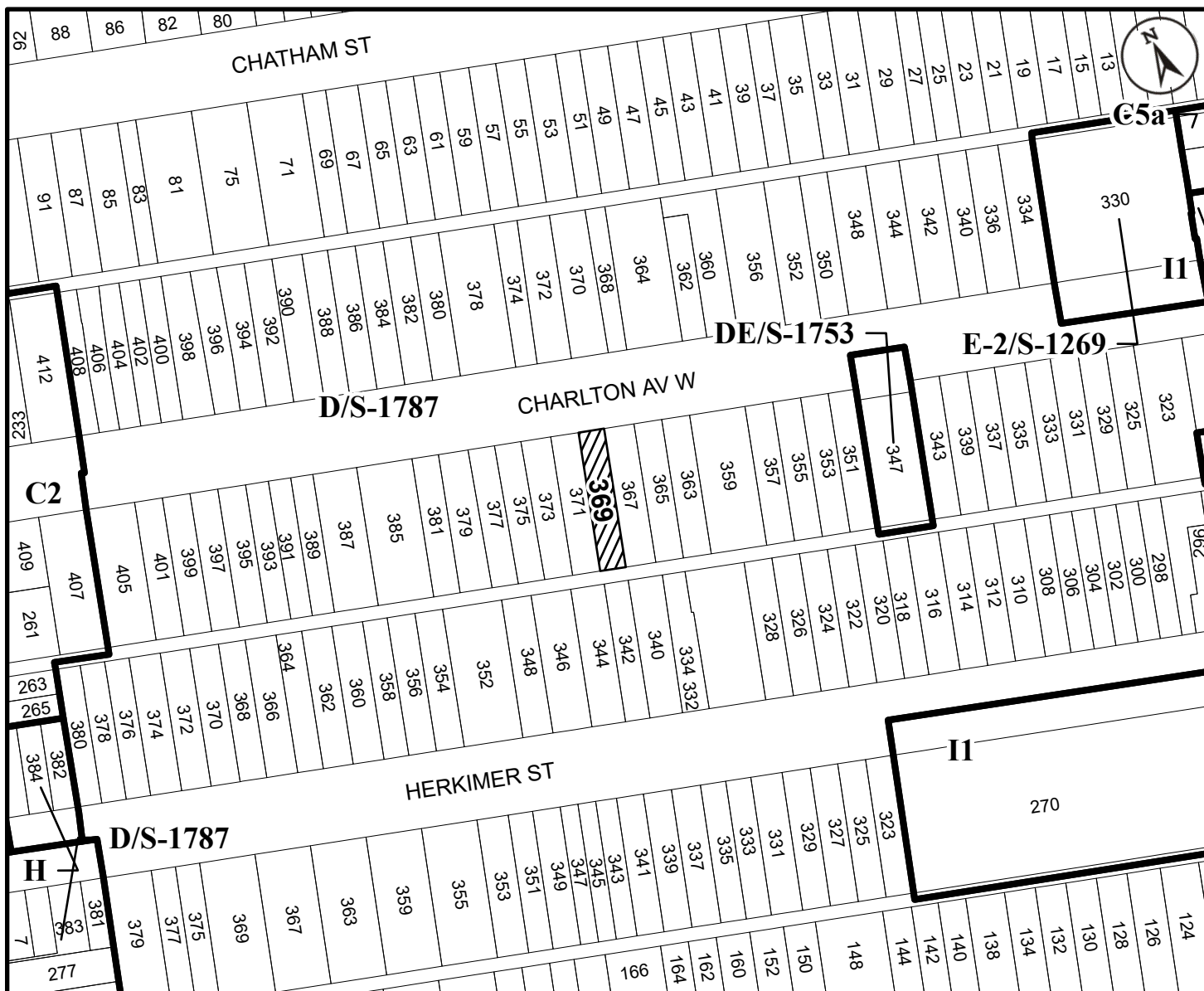
Dear Committee,

Thank you for providing us with information regarding the minor variance application at 369 Charlton Ave W. Our home, located at 371 Charlton Ave W., is to the immediate west. We understand that the minor variance application pertains to maintaining the existing footprint of 369 rather than expanding outward into the front/rear lots and/or side lots. We are supportive of the proposed renovation and have only a few concerns, which we have mentioned to Stephanie Dollak (owner) and note below:

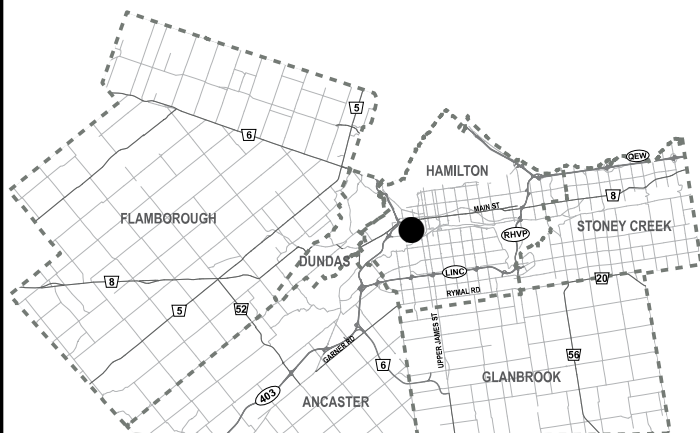
1. Tree protection. There is a mature tri-colour beech on our front property close to the property line, which we would like to ensure is protected during the demolition/construction process.
2. Reciprocal property access. Given the exceptionally narrow space between 371 and 369, the proposed 2-storey addition will result in limited space between our respective eaves/gutters. This, in turn, will have implications for future maintenance and/or repairs at both properties. For example, maintenance of the easterly gutters at 371 would likely require roof access to 369 and vice versa. We have had this experience with our extant westerly neighbours at 373 and they, in turn, have had this experience with their westerly neighbours at 375 – all homes with exceptionally narrow side lots.
3. Side lot access. Related to the above, our rear and front yards are connected via the narrow space between 371 and 369. There is a similar arrangement at neighbouring houses on our street with narrow side lots (i.e., one side lot is used by one neighbour for through-access). Presently there is just enough width between 371 and 369 to move waste bins and yard tools between our rear and front yards. Although the proposed renovation does not entail expansion into the side lot, we request that this space continue to be accessible after the renovation work is complete.



Sincerely,
Tara McAuley and Jeff Templeton



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



369 Charlton Avenue West, Hamilton
(Ward 1)

File Name/Number:

HM/A-21:11

Date:

February 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-21:03 – 27 Hollywood St. N., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall 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.
5. The owner shall demolish the two sheds on the lands to be conveyed (shown as Part 2) to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the two sheds to remain when no principal use is existing and also to permit the easterly shed to be distant at least 0.3m to the northerly side lot line of the lands to be conveyed (Part 2) instead of being distant as least 0.45m to a side lot line (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
6. The owner shall apply for and receive any required building permits and/or demolition permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
7. The applicant must enter into and register on title of the lands, **a Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on

the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time) to the satisfaction of Development Engineering.

8. 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.

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 (Part 1) will be assigned the address of 25 Hollywood Street North (Hamilton), and the lands to be conveyed (Part 2) will remain as 27 Hollywood Street North (Hamilton).

Note: 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

HM/B-21:03 – 27 Hollywood St. N., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the creation of two residential lots by demolishing the existing single detached dwelling and constructing a new single detached dwelling on the severed and retained lands. The severed and retained lands will each have a lot area of 371.6 square metres and a lot width of 12.19 metres.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

The proposed severance will allow for the creation of two lots for residential purposes. The severed and retained lot are fully serviced by municipal water and wastewater systems and have frontage onto Hollywood Street North. The proposal is consistent with the general scale and character and the lots will be similar in lot frontage and lot area to the surrounding uses. As such, the general intent of the Urban Hamilton Official Plan is being maintained.

Ainslie Wood Westdale Secondary Plan

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

Cultural Heritage:

The existing dwelling appears to have been constructed circa 1945 and is not included on the heritage inventory nor within a Cultural Heritage Landscape. Staff have not identified concerns with its removal to facilitate the proposal to sever the lot.

Former City of Hamilton Zoning By-law No. 6593

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

No site plan or elevation drawings have been submitted to demonstrate the proposed single detached dwellings are in conformity with the requirements of the Zoning By-law.

However, the minimum required lot area and lot width is being maintained for the severed and retained lands and Staff is satisfied the proposed lots are sufficient in size to accommodate single detached dwellings that are compatible with the established streetscape.

Recommendation:

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

Building Division:

1. The existing single family dwelling straddling the new side lot line is intended to be demolished per Question 11 of the Consent Application in order to permit construction of a single family dwelling on each of the lots to be Retained and Conveyed.
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. Be advised that if the two (2) sheds are not demolished at the same time as the dwelling, a variance will be required to permit the accessory structures (2 sheds) to remain on the conveyed lands when no main use/building has been established
Additionally, if the sheds are not demolished, a variance shall be required to permit the easterly shed to be distant at least 0.3m to the northerly side lot line of the lands to be conveyed (Part 2) instead of being distant as least 0.45m to a side lot line.
4. 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.

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 demolish the two sheds on the lands to be conveyed (shown as Part 2) to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the two sheds to remain when no principal use is existing and also to permit the easterly shed to be distant at least 0.3m to the northerly side lot line of the lands to be conveyed

(Part 2) instead of being distant as least 0.45m to a side lot line (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

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

Development Engineering:

Information:

1. There is a 300mmØ combined sewer and a 150mmØ watermain that current fronts the subject property.
2. According to our records, the subject section of Hollywood Street North is classified by the Urban Hamilton Official Plan as a Local Roadway with an ultimate road allowance right-of-way width of 20.117m.. The current right-of-way width of the subject section of Hollywood Street North is ±20.1m. Therefore, no road widening dedications shall be required from Development Engineering Approvals. Final road widening dedications to be determined by Transportation Planning at their discretion.

Recommendation:

1. The applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).

Transportation Planning:

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

Should you require any further information, please let this office know at tplanning@hamilton.ca.

Growth Planning

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 1) will be

assigned the address of **25 Hollywood Street North (Hamilton)**, and the lands to be conveyed (Part 2) will remain as **27 Hollywood Street North (Hamilton)**.

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

Source Protection Planning:

No comments.

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: February 8, 2021

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: 27 Hollywood St. N., Hamilton
File: HM/B-21:03

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, February 18, 2021, 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 or trees that may become city assets through right of way widening. 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 \$278.80 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'.

Sam Brush
Urban Forest Health Technician

HM/B-21:03 - 27 Holleywood Street N, Hamilton



Applicants Proposal: To permit the creation of a new lot to facilitate the proposed use of a single family dwelling.

Variances for Property:

Severed lands: $12.19 \text{ m} \pm \times 30.48 \text{ m} \pm$ and an area of $371.6 \text{ m}^2 \pm$

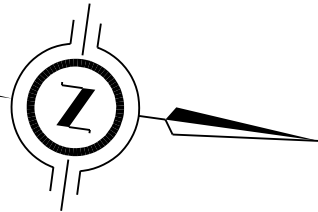
Retained lands: $12.19 \text{ m} \pm \times 30.48 \text{ m} \pm$ and an area of $371.6 \text{ m}^2 \pm$

Adjacent City Owned Property: Alleyway - 174740420

Real Estate Recommendations: No Concerns

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

27 HOLLYWOOD STREET NORTH
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200



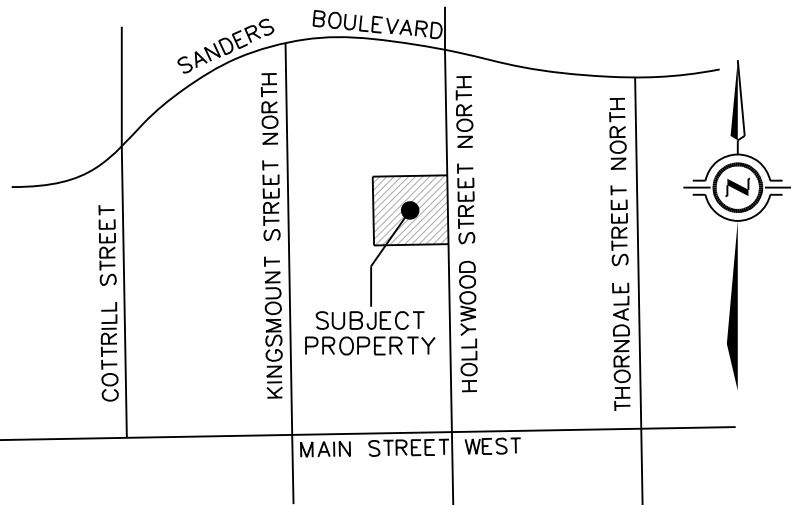
J.D. BARNES LIMITED

© COPYRIGHT 2020

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



CITY OF HAMILTON

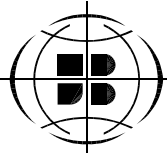
LEGAL DESCRIPTION

LOTS 414, 415 AND PART OF LOT 413, REGISTERED PLAN 647.

BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED FEBRUARY 25, 2020. THIS IS NOT A PLAN OF SURVEY.

DATE

DASHA PAGE
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

DR	DRAWN
AJGH	CHECKED
02/03/2020	DATED:
20-16-021-00	Ref. No.

G:\2020\20-16-021\00\Drawing\20-16-021-00(LDC).dgn 3/6/2020 PLOTTED















Hansra, Aman

From: morgandog24@aol.com
Sent: Friday, February 12, 2021 11:28 AM
To: Committee of Adjustment
Subject: re: Application for Consent/Land Severance application number: HM/B-21:03

To the Committee of Adjustment:

I am opposed to a severance at 27 Hollywood St. N., Hamilton, ON to permit construction of another “family dwelling” for the following reasons:

1. This part of the City currently has the highest density of any student-housing area in Canada.
2. Hollywood St. N. last I checked is 100% student-occupied. A new dwelling will surely be occupied by more students, not a family.

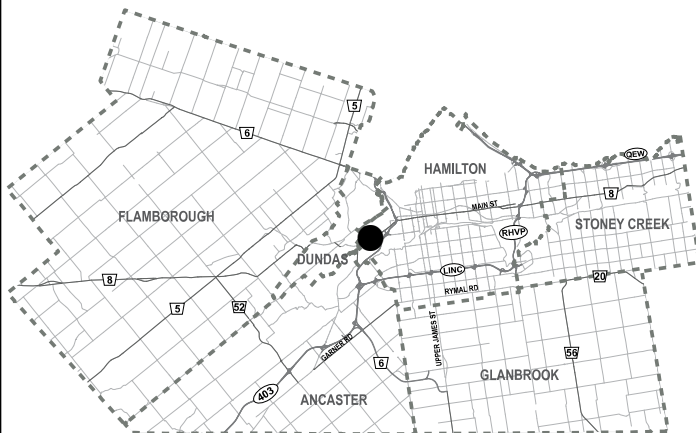
Respectfully submitted,

T. Armstrong

55 Kingsmount St. N



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

27 Hollywood Street North, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-21:03

Date:

February 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:05 – 299-307 John St. & 97 Joseph's Dr., 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):

HM/A-21:05 – 299-307 John St. & 97 Joseph’s Dr., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the use of a temporary public parking lot, consisting of +/- 100 parking spaces, to continue to operate for an additional three years within the parking lot associated with the existing retirement home and multiple dwelling on the same lot, notwithstanding the following variances.

Minor Variance application HM/A-17:246 was previously approved to permit the establishment of a temporary public parking lot for a period of a maximum of three years, which became final and binding on May 3, 2018 and therefore the approval will lapse on May 3, 2021.

Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications UHOPA-18-004 and ZAC-18-009 to permit a mixed use development consisting of 1,476.4 square metres of ground floor commercial and 923 dwelling units within three towers on the subject lands and are currently under review by planning staff.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies F.1.11.1, E.3.2.3, E.3.2.7 b) and E.3.8.18 amongst others, are applicable and discourage parking lots along a public street.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E-3/S-1512” (High Density Multiple Dwellings) District, Modified, which does not permit public parking lots.

Variance 1 and 2

The applicant is requesting a variance to allow the use of a public parking lot to be permitted and to allow a minimum of +/- 30 parking spaces to be devoted to the existing retirement home and multiple dwelling, notwithstanding a public parking lot is not permitted at this location and the Zoning By-law requires a minimum of 44 parking spaces to be provided for the existing uses. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is being satisfied and to reduce the amount of surface parking in this area.

A public parking lot was established on the subject property as a temporary use as per the Committee of Adjustment's decision dated April 12, 2018 for Minor Variance application HM/A-17:246. In accordance with Staff's recommendation for HM/A-17:246, the appropriate mechanism for continuing the use of the public parking lot is a Temporary Use By-law.

The Building Division's records indicate the existing use of the subject property is a multiple dwelling containing a total of 30 dwelling units and a legally established non-conforming retirement home for the accommodation of 60 residents.

The applicant has not submitted a parking study or the current parking utilization rates to demonstrate there is a surplus of parking for the existing uses on site. The parking needs of the existing use on site must be satisfied prior to allocating parking spaces on the subject property to paid public parking. Staff acknowledge the subject property is located in close proximity to Downtown Hamilton and well connected to existing public transportation services where a reduction in parking may be appropriate. However, the applicant has not demonstrated the existing uses are operating with a surplus of parking and Variance 2 would facilitate the use of a public parking lot which is not maintaining the general intent of the Zoning By-law.

Based on the foregoing, the variance does not maintain the general intent of the Urban Hamilton Official Plan or Zoning By-law No. 6593, the variances are not minor in nature nor desirable for the appropriate use of the site; therefore, staff do not support the variances.

Recommendation:

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

Building Division:

1. Minor variance HM/A-17:246 was previously approved to permit the establishment of a temporary public parking lot for a period of a maximum of three (3) years, which became final and binding on May 03, 2018.

2. Building Divisions records indicate the existing use of this property is a multiple dwelling containing a total of 30 dwelling units and a legally established non-conforming retirement home for the accommodation of 60 residents.

3. A detailed dimensioned layout of the parking areas, including parking spaces, manoeuvring areas, access driveways and landscaping has not been provided. Further variances may be required is compliance with Section 18A (Parking and Loading Requirements) and Section 13C (Public Parking Lots) cannot be provided.

4. The lands are subject to Site Plan Control.

5. The use and operation of a Public Parking Lot business is subject to the issuance and maintenance of a municipal license from the Licensing Section of the Licensing and By-law Services Division.

Development Engineering:

Being that the parking lot is already existing, we have no comments on the Minor Variances as proposed.

See attached for additional comments.

HM/A-21:05 - 299-307 John St & 97 Josephs Drive



Applicants Proposal: To permit the use of a temporary public parking lot, consisting of +/-100 parking spaces, to continue to operate for an additional three (3) years within the parking lot associated with the existing retirement home and multiple dwelling on the same lot, notwithstanding,

Variances for Property:

1. The use of a public parking lot shall be permitted whereas a public parking lot is not permitted at this location, and
2. A minimum of +/- 30 parking spaces shall be devoted to the existing uses of a retirement home and multiple dwelling instead of providing a minimum of 44 parking spaces required to be provided for the existing uses.

Adjacent City Owned Property: 90 Charlton Ave E, Wolverton Park

Real Estate Recommendations: No Concerns

From: [Farr, Jason](#)
To: [Sheffield, Jamila](#)
Subject: Re: February 4, 2021 Committee of Adjustment Hearing
Date: February 10, 2021 11:37:47 AM

Jamila, I believe I shared that I was supportive of Item 4 in the urban section, [HM/A-21:05 299-307 John St & 97 Josephs Dr.\(Ward 2\)](#)

Please share this with the COA.

Thanks.

Jay

Sent from my iPhone

On Feb 3, 2021, at 12:44 PM, Sheffield, Jamila <Jamila.Sheffield@hamilton.ca> wrote:

Good Afternoon,

Please note the comments have been posted on the Committee's webpage.

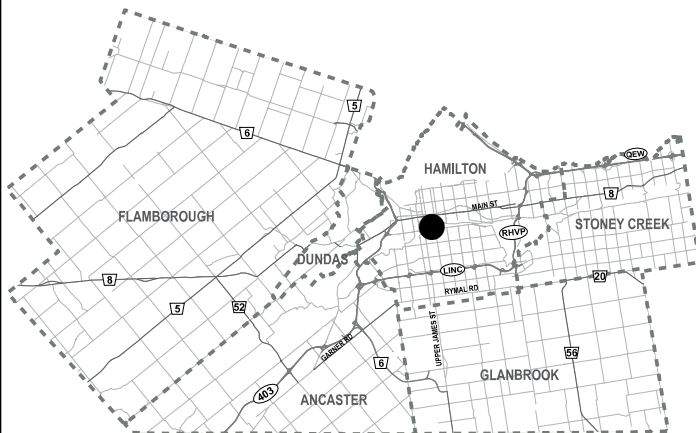
<https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment>

Regards,

Jamila



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



299-307 John Street South and
97 Josephs Drive, Hamilton
(Ward 2)

File Name/Number:

HM/A-20:05

Date:

February 8, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

February 18th, 2020

HM/A-21:26 – 101 King St. E., Hamilton

Consolidation Report

Tabled Until March 4th, 2020 Committee of Adjustment Meeting.

HM/A-21:01 – 164 Rosslyn Ave. S., Hamilton

Consolidation Report

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

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

HM/A-21:01 – 164 Rosslyn Ave. S., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the expansion of a legally established non-conforming three family dwelling by the construction of a 7.925 metre by 8.839 metre accessory building (detached garage) together with a 1.829 metre by 4.877 metre attached covered porch, 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.3.5.2 amongst others, are applicable and permit multiple dwellings and accessory structures ancillary to the primary use.

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 the existing three family dwelling in accordance with HM/A-18:134.

Variance 1

The applicant is requesting a variance to allow the use of a three family dwelling, notwithstanding the use is not permitted in the current zoning district. The general intent of the Zoning By-law is to maintain the existing character and streetscape of the neighbourhood and ensure all development is an appropriate scale for the neighbourhood and property.

The Committee of Adjustment approved Minor Variance application HM/A-18:134 to permit the conversion of the previous legally established non-conforming use of a five unit multiple dwelling into a three family dwelling on July 5, 2018.

The proposal to construct an accessory building and an attached covered porch are considered expansions to the existing legally established non-conforming use and therefore require approval from the Committee of Adjustment in accordance with Section 45 (2) of the *Planning Act*.

The variance recognizes the existing use on the subject property and is consistent with the 2018 decision for HM/A-18:234.

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

Variance 2 and 3

The applicant is requesting a variance to allow a minimum side yard depth of 2.4 metres to be provided to the proposed accessory building (detached garage) and to allow a manoeuvring space of 2.4 metres to be provided onsite for each of the two provided parking spaces located in the accessory building (detached garage), notwithstanding the minimum required side yard of 2.7 metres and the minimum required onsite manoeuvring space of 6.0 metres. The general intent of the Zoning By-law is to maintain a consistent streetscape and to ensure all vehicles can safely manoeuvre to and from the proposed parking spaces, with unobstructed access.

The subject property is considered a corner lot with the proposed accessory building located within the rear yard and visible from Sherbrooke Street. The adjacent property to the rear, known as 169 Kensington Avenue South, contains a single car detached garage within the rear yard, adjacent to the proposed accessory building and built right up to the easterly property line. Variance 2 is maintaining the general intent of the Zoning By-law as it will allow the proposed accessory building to be more consistent with established streetscape. In addition, there is approximately 3.7 metres of City-owned Boulevard within the Sherbrooke Street road allowance which provides additional distance separation between the accessory building and the street.

The proposed driveway will be located in the rear yard with direct access onto Sherbrooke Street. The intent of the Zoning By-law is being maintained as the Sherbrooke road allowance, including the 3.7 metre wide Boulevard, 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 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.

Recommendation:

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

Building Division:

1. Variance No. 2 shall be revised to add the word “southerly” before the word “minimum” and after the words “side yard” in the first line so that the variance shall now read:

“A minimum southerly side yard depth of 2.4m shall be provided to the proposed accessory building (detached garage) instead of the minimum required side yard of 2.7m.”

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

Development Engineering:

Provided the existing drainage patterns are maintained and roof downspouts are directed away from the neighboring lands, then Development Engineering Approvals has no comments regarding the minor variances as proposed.

See attached for additional comments.

Charles MacPhail

From: Graham Day <grahamday91@gmail.com>
Sent: Tuesday, November 24, 2020 4:05 PM
To: Charles MacPhail
Subject: Fwd: Zoning Inquiry - 164 Rosslyn Avenue South

Graham Day

[Graham Alexander | Architecture](#)
905.864.5305

----- Forwarded message -----

From: Thompson, Katelyn <Katelyn.Thompson@hamilton.ca>
Date: Wed, Jun 10, 2020 at 12:08 PM
Subject: RE: Zoning Inquiry - 164 Rosslyn Avenue South
To: grahamday91@gmail.com <grahamday91@gmail.com>

Hi there,

The required Zoning for an accessory structure at 164 Rosslyn Ave S

Setbacks – 0.45m (18”) from property lines except along the side that faces Sherbrooke St you will need to be a minimum 1.2m (4’) from that property line.

Height – 4m (13’1”) max

Lot Coverage (max size) – 93 square metre (1001 sqft)

Have a great day!

For further questions or concerns please do not hesitate to contact our general phone line at 905-546-2720 or via email at building@hamilton.ca

Building Divison

Planning and Economic Development Department

City of Hamilton

www.hamilton.ca

building@hamilton.ca



From: building <building@hamilton.ca>

Sent: June 10, 2020 9:37 AM

To: Thompson, Katelyn <Katelyn.Thompson@hamilton.ca>

Subject: FW: Zoning Inquiry - 164 Rosslyn Avenue South

This gentleman originally emailed on May 22 and it was forwarded to Mike Allen.

Barbara Lavadinho

Building Division Assistant

Building Division

71 Main Street West

4th Floor

Hamilton ON L8P 4Y5

Phone: 905-546-2424, ext. 7777

Fax: 905-546-3934

Email: building@hamilton.ca

Thank you for your email. Due to concerns related to COVID-19, the City has put in place precautions to protect both the public and staff while providing some continuity of service. City offices are closed to the public, while City services remain in operation, but at a reduced service level. Your email is important to us and we will endeavour to respond as soon as possible.

Also note that while we are trying to maintain time frames for Building Permit applications and dealing with responding information, we may not always achieve these goals.



"This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provision of the Municipal Freedom of Information & Protection of Privacy Act and/or is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by telephone, fax or e-mail and permanently delete the original transmission, including any attachments, without making a copy."

From: Graham Day <grahamday91@gmail.com>
Sent: June 10, 2020 8:00 AM
To: building <building@hamilton.ca>
Subject: Re: Zoning Inquiry - 164 Rosslyn Avenue South

Good morning,

Just following up on this request.

Thank you,

—

Graham Day

[GrahamAlexander](#)

[905.864.5305](#)

On Tue, Jun 2, 2020 at 9:34 AM Graham Day <grahamday91@gmail.com> wrote:

Good morning,

Hoping to obtain some zoning requirements for an accessory building (garage) for this area.

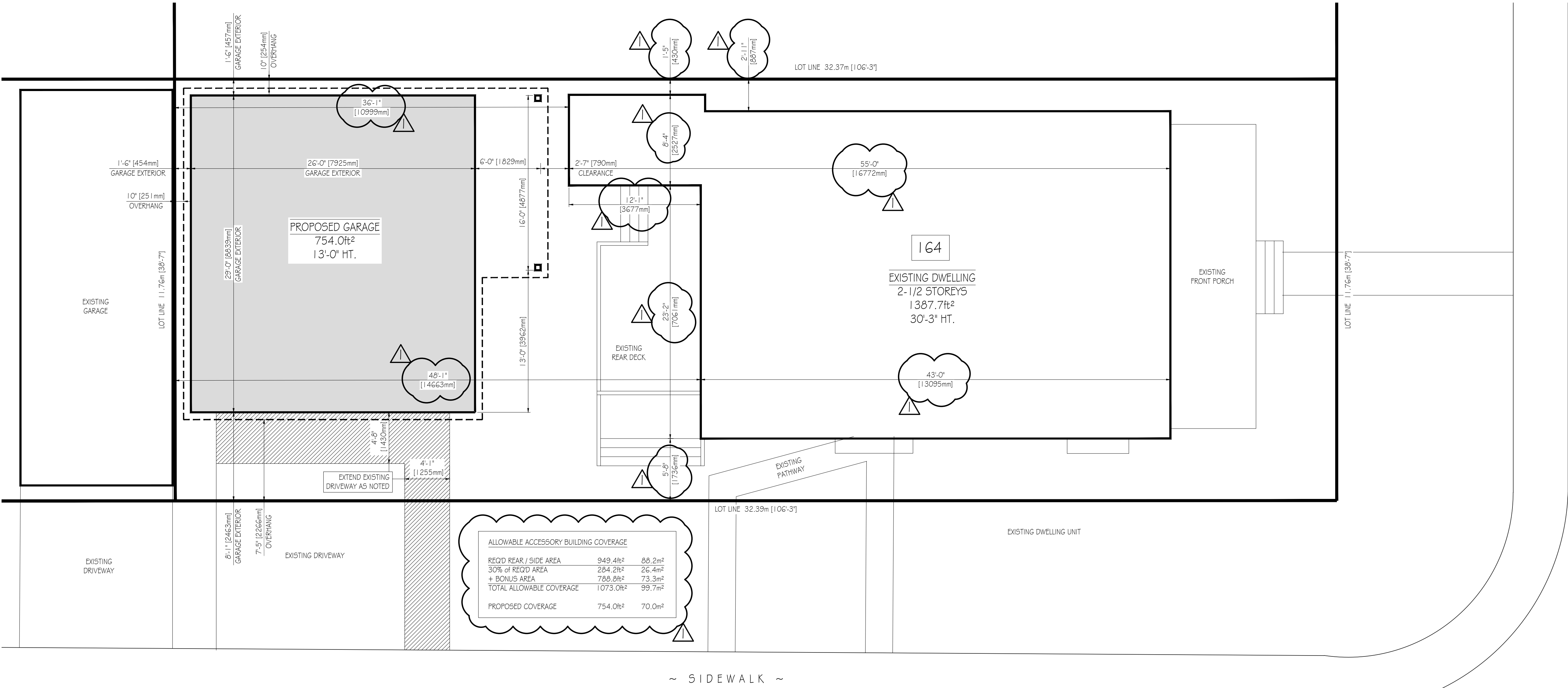
Setbacks, height, max areas, etc.

Thank you,

—

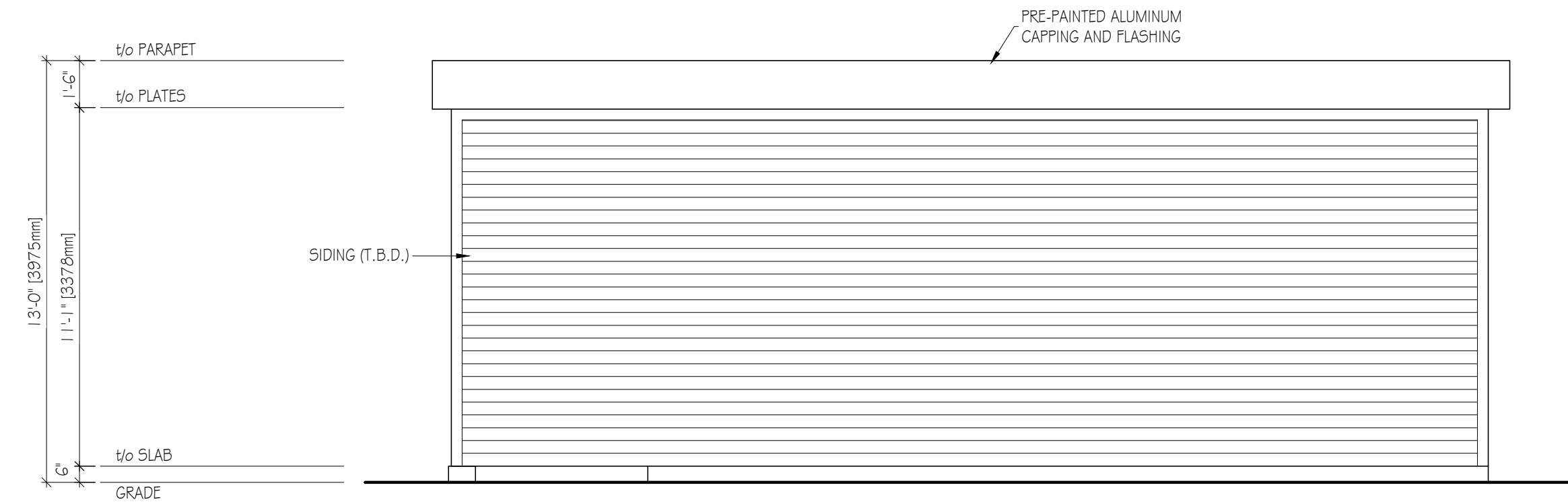
Graham Day

[905.864.5305](#)

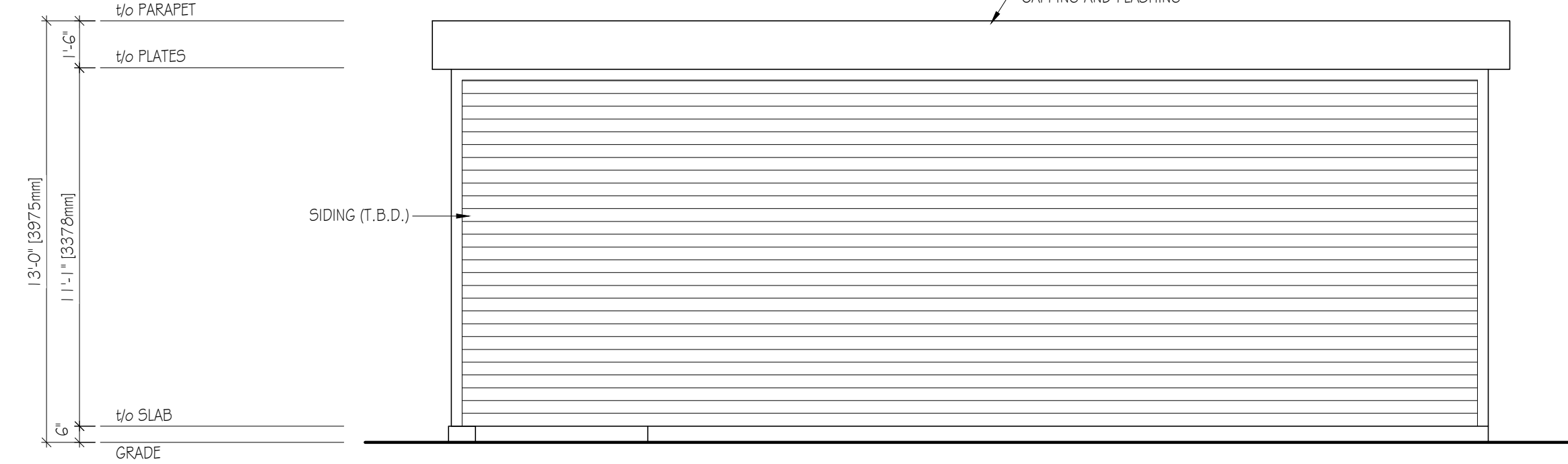


1 SITE PLAN
SCALE: 3/16" = 1'

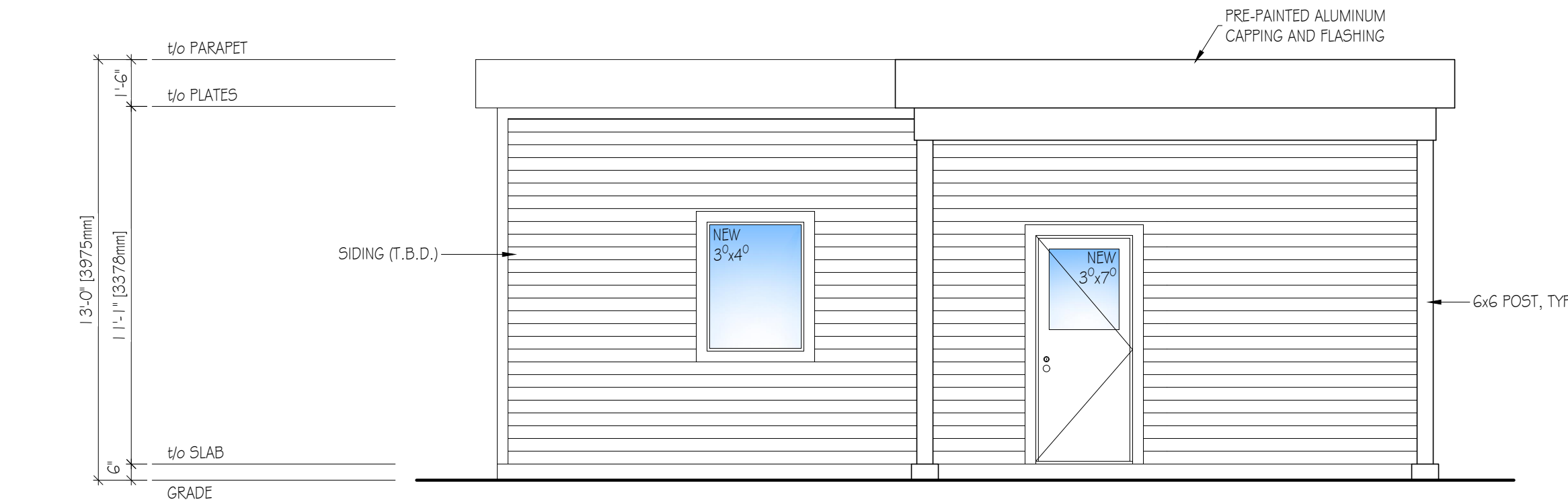
2 FRONT (SOUTH) ELEVATION
SCALE: 1/4" = 1'



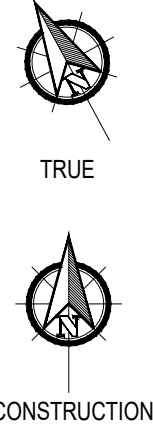
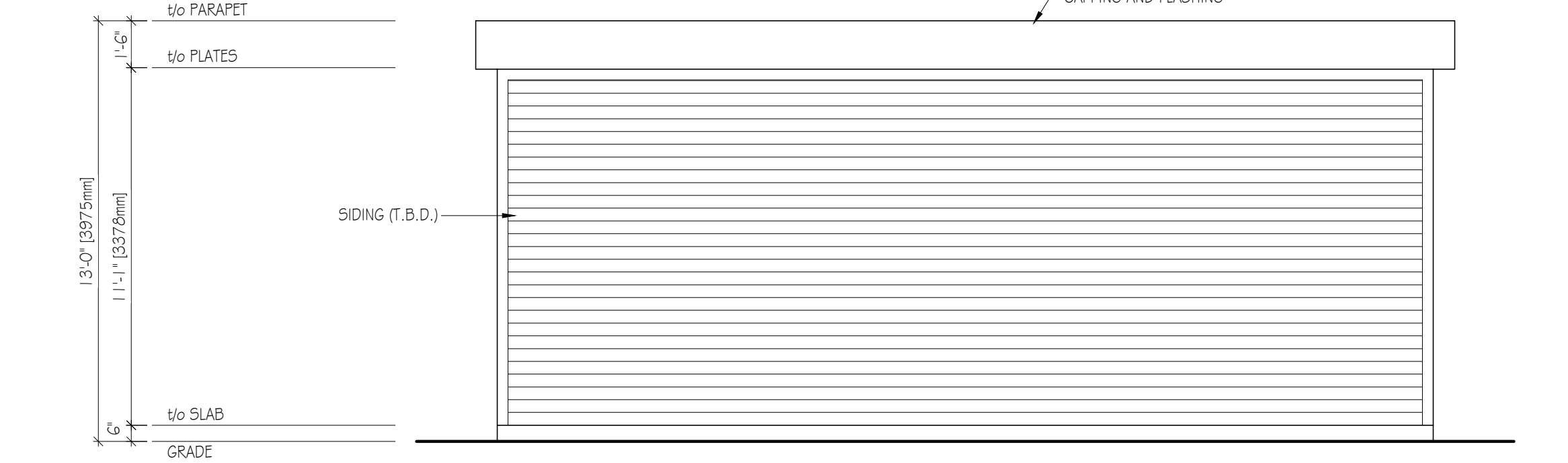
4 SIDE (WEST) ELEVATION
SCALE: 1/4" = 1'



3 SIDE (EAST) ELEVATION
SCALE: 1/4" = 1'



5 REAR (NORTH) ELEVATION
SCALE: 1/4" = 1'



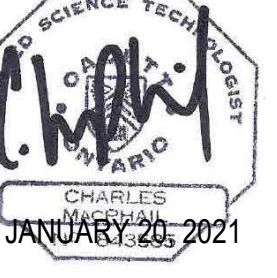
ROSSLYN AVENUE S

CHARLES LINSEY

& ASSOCIATES LIMITED

37 MAIN STREET SOUTH, TEL: (905) 548-7607
PO BOX 1479 INFO@CHARLESLINSEY.COM
WATERDOWN, ON LOR 2H0 WWW.CHARLESLINSEY.COM

Note: The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on this document.



CHARLES MacPHAIL
CHARLES LINSEY & ASSOCIATES LIMITED
BCIN# 25723
BCIN# 41983

REV	DESCRIPTION	DATE
0	FOR BUILDING PERMIT APPLICATION	OCT 23/20
1	REVISED AS PER ZONING COMMENTS	JAN 20/21

client
HOME OWNER

project
164 ROSSLYN AVENUE SOUTH
HAMILTON, ONTARIO
PROJECT No: 17-134

title
SITE PLAN & ELEVATIONS

drawn	C.M.	checked	C.M.
date	OCTOBER 2020	scale	AS NOTED
revision number	1	drawing number	A1

Hansra, Aman

From: Barb Mack <mack_barb@hotmail.com>
Sent: Wednesday, February 10, 2021 10:20 AM
To: Committee of Adjustment
Subject: 164 Rosslyn Avenue South Hamilton

Sent from my Galaxy

The variances indicated on the plans do not interfere with the functionality of the neighbourhood. I think a building permit should definitely be issued.

The Bosanacs (owners of this property) have done a beautiful job restoring this home. I'm sure the detached building (garage) will follow that example.

The measurements don't seem to infringe on the neighbour's properties. So I don't foresee any future problems with this project.

In conclusion, I have no concerns with the current or future proposals for this property. When weather allows, work should definitely continue.

Yours sincerely,
Barb Mack (a neighbour)

Hansra, Aman

From: Lisa <lvandervelde1@cogeco.ca>
Sent: Friday, February 12, 2021 9:59 AM
To: Committee of Adjustment
Subject: Minor variance

Good morning

I am responding to minor variance application # HM/A-21:01 Location 164 Rosslyn Ave S Hamilton, Ontario My address is 153 Rosslyn Ave S Hamilton, Ontario I do not object to the proposal in question.

Please feel free to contact me with any questions.

Thank you

Lisa Vandervelde

Sent from my iPad

Hansra, Aman

From: Jeff Neven <j_neven@hotmail.com>
Sent: February 16, 2021 11:59 AM
To: Committee of Adjustment
Subject: HM/A-21:01

Dear Committee of Adjustments

We own and reside at 160 Rosslyn Ave. S., Hamilton, the house adjacent to the applicant property at 164 Rosslyn Ave. S.

On July 5, 2018, the applicant came to committee of adjustments with a request to build a garage. At that time, I spoke in favour of the minor variance required for the house and opposed to the garage. In that hearing, the applicant dropped the request for variances.

Regarding this most recent request for variances:

Manoeuvring: The lack of yard depth and manoeuvring space is due to size and lot coverage of the garage, extended roof and covered two storey porch on house. The garage with it's extended roof covers nearly the entire backyard.

Size: The garage and extended porch will effectively create a 13 foot wall, only 10 inches out along the entire property line. I have been very clear with the applicant that I purchased my home for the view of the Niagara Escarpment. His building to the absolute maximum eliminates our view and creates shadows across almost all of our yard.

Lot Coverage: The lot is now nearly covered by structures, with little green space remaining. Area under the permanent covered roofs and covered porches at front and rear should not be considered green space when calculating lot coverage.

Detached: From a fire separation perspective, this garage is under one foot from the house. The reduction in required setbacks is due to fire code. Being so close to the existing house, this garage should be considered attached not detached. The Fire Chief should be consulted on this application before proceeding.

Tree: The applicant went ahead and installed the foundations for this garage before this application for minor variance. When he did so, he dug down 6 feet at the property line. In doing so, he severed many of the main roots of our large established cherry tree that sits just inside our property. I'm quite certain that this action will kill a beautiful large flowering tree that we have enjoyed.

For these reasons I am opposed to the request for minor variance.

Sincerely,
Jeff and Maria Neven
j_neven@hotmail.com
905-544-8680



NRINDER NANN

CITY COUNCILLOR | WARD 3

APPLICATION NO.: HM/A-21:01

SUBJECT PROPERTY: Municipal address 164 Rosslyn Ave. S., Hamilton

ZONING BY-LAW: Zoning By-law 6593, as Amended ZONING: "D"

Committee of Adjustment (COA) meeting Thursday Feb. 18, 2021

Regarding the application for a minor variance on the file at 164 Rosslyn Avenue South

To Whom it may Concern,

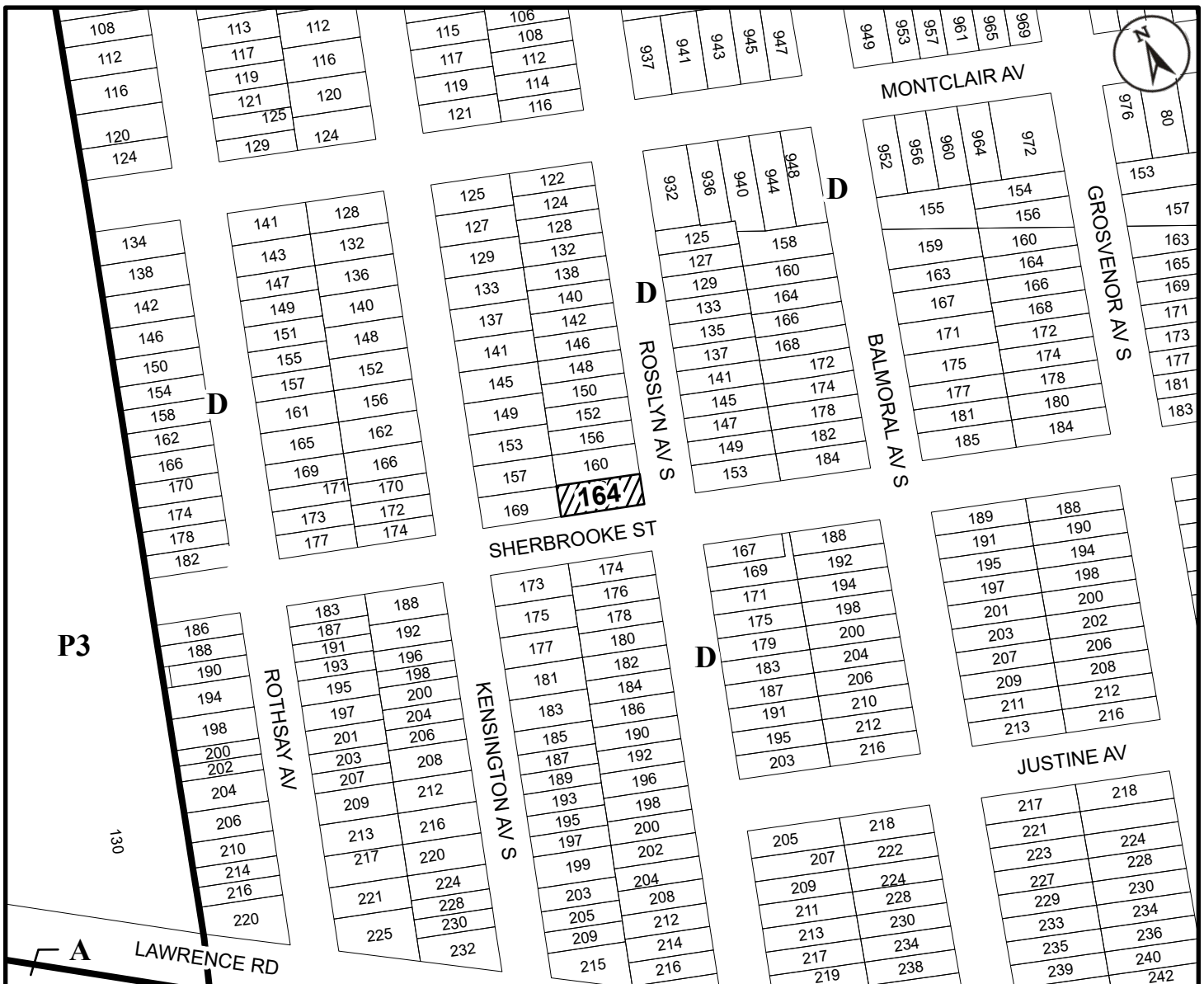
The owners of 164 Rosslyn Avenue South, Peggy and John Bosanac have put much care and attention into restoring the property from a derelict building into a beautiful legal, non-conforming triplex. In doing so, they are providing a safe home for more community members. They are neighbours who care about the wellbeing of their community and are proud to call one of the units their home.

I support their minor variance request to continue building a two-vehicle garage on this site to provide secure parking on their property.

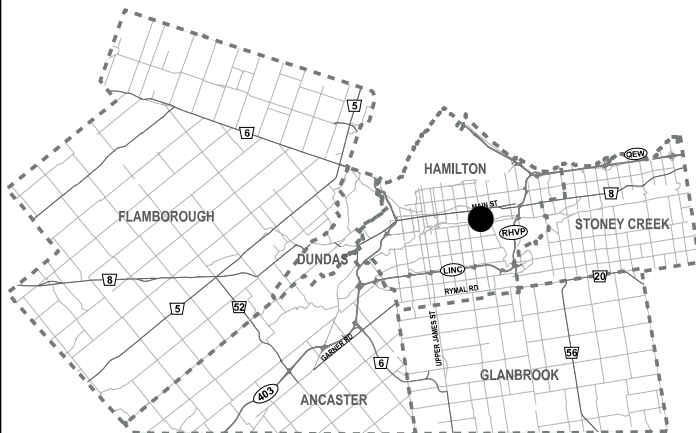
Yours in Community,

A handwritten signature in black ink, appearing to read "Nrinder Nann", followed by a horizontal line.

Nrinder Nann
Ward 3 City Councillor



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



164 Rosslyn Avenue South, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:01

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:04 – 201 Burris 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 elevation drawings to the satisfaction of the Manager of Development Planning, Heritage and Design.

HM/A-21:04 – 201 Burris St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit alterations to the upper storey of the existing single detached dwelling located on a residential parcel of land, 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 “C” (Urban Protected Residential) District, which permits a single family dwelling.

Variance 1 and 2

The applicant is requesting a variance to allow a maximum building height of three storeys (9.8 metres) and a minimum northerly side yard width of 1.1 metres to be provided, notwithstanding the maximum permitted height of 11.0 metres or two and a half storeys and the minimum required side yard width of 2.7 metres. 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 applicant is proposing to continue the existing northerly side yard width of 1.1 metres above the existing second storey to facilitate access to the third floor and will not result in the full build out of the roofline.

This portion of Burris Street is characterized by two and two and a half storey dwellings with peaked roofs. The proposed dormer addition on the northerly side of the roof is recessed from the front façade of the dwelling and is sympathetic to the existing roofline. Staff is satisfied the proposed addition is compatible with established residential streetscape and will not impact the character of the area.

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

Recommendation:

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

CONDITIONS: (If Approved)

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

Building Division:

1. Please note that Section 18(2)(i) of Hamilton Zoning By-law No. 6593 states the following:

“A single family dwelling in any district in which the height of a building is limited to not more than two and a half storeys, may be increased in height to not more than three storeys, provided that each side yard is increased in width by at least 1.5 metres (4.92 feet), and each rear yard in depth by at least 3.0 metres (9.84 feet) beyond the ordinary requirements for the district”.

As the height of the dwelling will be increased to three (3) storeys, the variance to section 9(3)(ii) shall be altered as follows:

“a minimum northerly side yard of 1.1 metres shall be provided, and a minimum southerly side yard of 1.19 metres shall be provided, instead of the minimum 2.7 metre side yard required where the height of a single family dwelling is increased to not more than three (3) storeys”.

2. As a result of the increase to the minimum required side yard(s), a variance will also be required to Section 18(3)(vi)(b), respecting the encroachment of the eaves/gutters into the minimum required side yard(s). Therefore, the variances shall be altered to include the following:

“An eave/gutter shall be permitted to project a maximum of 2.01 metres into the required northerly side yard and may be as close as 0.69 metres to the northerly lot line, and a maximum of 1.69 metres into the required southerly side yard and may be as close as 1.01 metres to the southerly lot line,

instead of the maximum permitted projection of one half the width of the side yard or 1.0 metres, whichever is lesser.

3. The proposed alterations/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 Engineering Approvals has no comments regarding the minor variance application as proposed.

See attached for additional comments.

HM/A-21:04 - 201 Burris Street



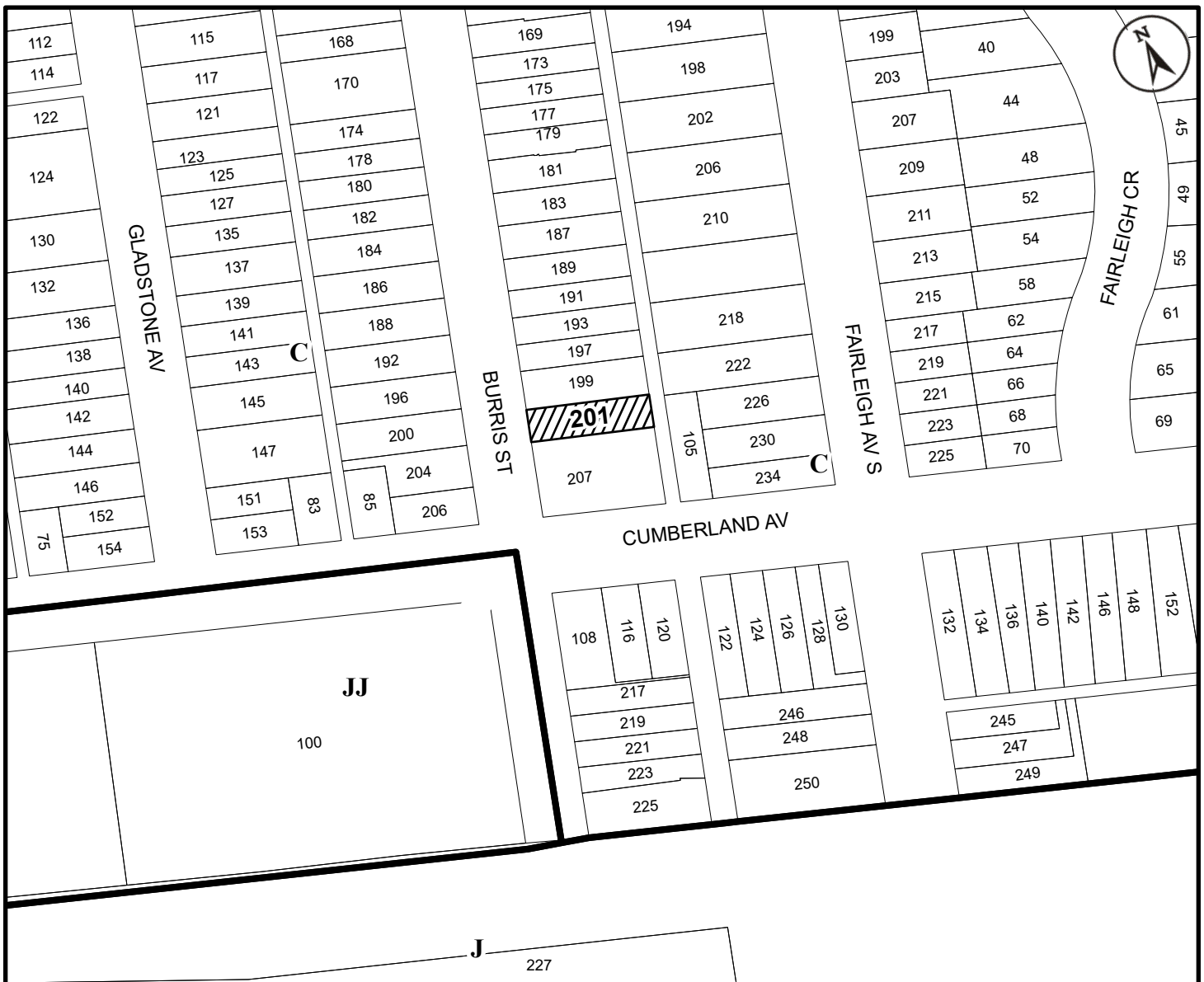
Applicants Proposal: To permit alterations to the upper-storey of an existing single detached dwelling located on a residential parcel of land, notwithstanding that:

Variances for Property:

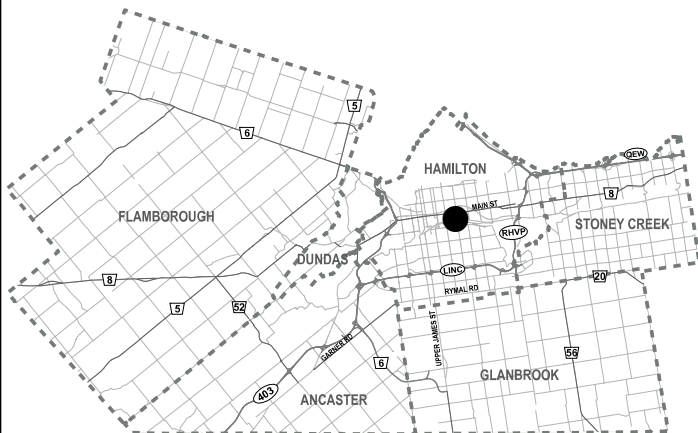
1. A maximum building height of three (3) storeys shall be provided, instead of the requirement that in a “C” District, no building shall exceed two and a half storeys in height.
2. A minimum northerly side yard width of 1.1 metres shall be provided, instead of the minimum required northerly side yard width of 1.2 metres.

Adjacent City Owned Property: Alleyway - 172050486

Real Estate Recommendations: No Concerns



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



201 Burris Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-21-04

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:06 – 86 Case 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):

HM/A-21:06 – 86 Case 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 E.3.2.3 and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum front yard depth of 2.5 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, 3 and 4

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.4 metres, a minimum westerly side yard width of 0.4 metres and to allow the eaves and gutters to encroach the entire width of the required easterly and westerly side yard, 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 (being 0.2 metres) 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.

The applicant is proposing to continue the existing easterly and westerly side width of 0.4 metres above the existing second storey to facilitate a third storey addition. The Zoning by-law requires a side yard width of 2.7 metres above the height of two and a half storeys to limit the full build out of a third storey that is not consistent with the character of the area. This portion of Case Street is characterized by one to two and a half storey dwellings with peaked roofs. The proposed dormer additions will result in the building out of the roofline, creating the appearance of a flat roof which is not consistent with the character of the area or the established residential streetscape. Staff recommend the applicant revised the proposed design to be more sympathetic to the established streetscape.

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

Recommendation:

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

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

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

NOTE:

The approval of Variance 2, 3 and 4 does not grant the applicant access onto any neighbouring property without the necessary permissions.

Building Division:

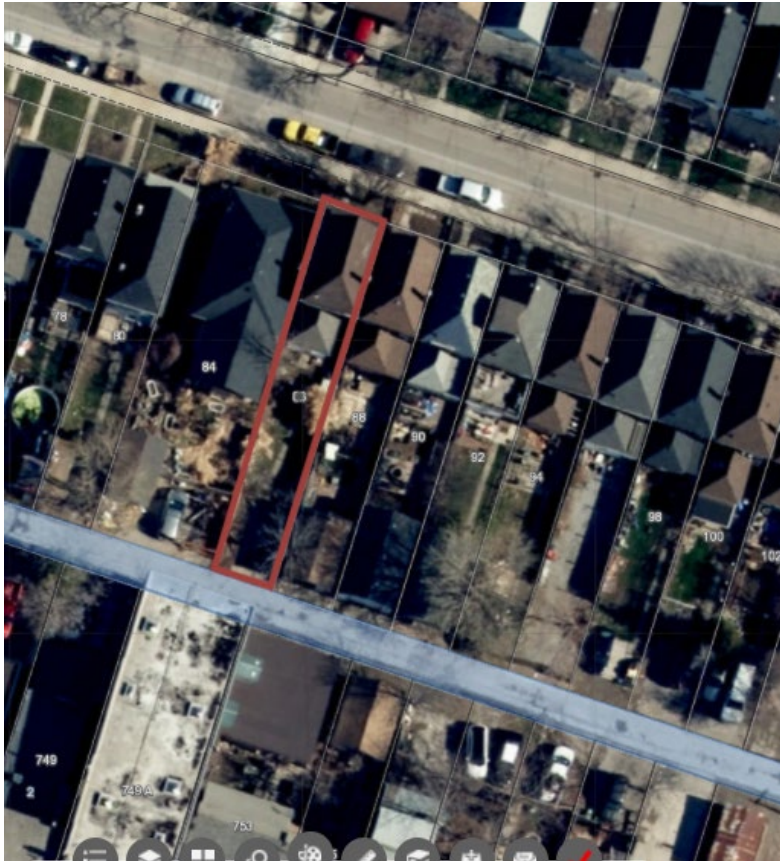
1. Building Permit 20-185907, issued September 29, 2020 to permit a third storey 23.7m² addition to the single family dwelling and for alterations to the interior of the dwelling to construct new staircase from the second floor to the third floor, remains not finalized and under review.
2. Be advised that the 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 1.2 in width. Furthermore, the OBC will regulate the type of construction as the limiting distance is less than 0.6m.
4. The variances are written as requested by the applicant for the front yard and side yards. Additional variances have been identified through the review to address eave encroachments.
5. The existing single detached dwelling was constructed in 1915 based on Building Division records. The dwelling is legal non-complying with respect to the minimum lot area, minimum lot width, and minimum front and side yards.
6. Parking spaces have not been identified on the submitted site plan. The applicant has advised that two (2) parking spaces are provided in the rear yard which are accessible to the adjacent alley.
7. The applicant has advised that there will be eight (8) habitable rooms within the expanded dwelling which requires two (2) parking spaces under the Zoning By-law. Therefore, no additional parking spaces are required.

Development Engineering:

Development Engineering Approvals has no comments regarding the minor variance application as proposed.

See attached for additional comments.

HM/A-21:06 - 86 Case Street



Applicants Proposal: To permit dormer additions to an existing 2.5 storey single family dwelling to create a three storey dwelling , notwithstanding that:

Variances for Property:

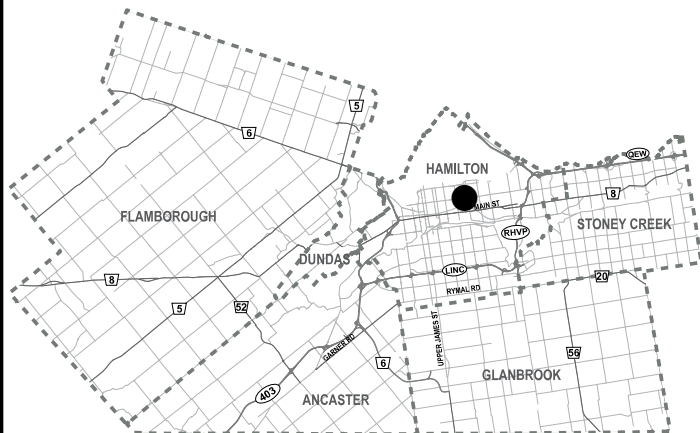
1. The minimum front yard shall be 2.5m instead of the required 6.0m.
2. The minimum easterly side yard shall be 0.4 metres instead of the required 2.7 metres. for a building which is above 2.5 storeys.in height.
3. The minimum westerly side yard shall be 0.4 metres instead of the required 2.7 metres. for a building which is above 2.5 storeys.in height.
4. Eaves and gutters may project into the required easterly and westerly side yards for the entire yard width instead of a maximum projection of not more than ½ of its required width or 0.2 metres.

Adjacent City Owned Property: Alleyway - 172170351

Real Estate Recommendations: No Concerns



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



86 Case Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:06

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:12 – 15 Cedar Ave., Hamilton

Consolidation Report

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

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

HM/A-21:12 – 15 Cedar Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum of one parking space to be provided, notwithstanding the minimum required two parking spaces. The general intent of the Zoning By-law is to ensure the parking needs of the tenants is 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.

The subject property is located approximately 300.0 metres south of Main Street East which is part of the HSR BLAST network, intended for higher order transit. The subject property is serviced by HSR bus routes Nos. 1, 5 and 10 and is near a number of amenities, including: Gage Park, Notre Dame Catholic Elementary school, St. Peter’s Hospital, a number of Places of Worship and various commercial uses along Main Street East. The general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit and active transportation.

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

Variance 2

The applicant is requesting a variance to allow a minimum parking space length of 5.5 metres notwithstanding the minimum required parking space length of 6.0 metres. The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles.

The applicant is proposing to locate the proposed parking space within the existing driveway. Staff is satisfied the existing driveway, which measures approximately 8.0 metres in length, is sufficient to accommodate a variety of vehicle sizes. Staff notes approximately 2.5 metres of the driveway is located within the Cedar Avenue road allowance. The variance is maintaining the general intent of the Zoning By-law as Staff is satisfied the proposed parking space length of 5.5 metres is sufficient to accommodate a variety of vehicles entirely on the subject property without utilizing the portion of the driveway within the road allowance as parking. The 2.5 metres of driveway within the road allowance will aid in providing the necessary manoeuvring space for the parking spaces on the existing driveway to supplement the reduction in parking space length. As such, no Boulevard Parking Agreement is necessary.

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 a minimum of 15% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law requires a minimum of 50% of the gross area of the front yard to be provided as landscaped area. The general intent of the Zoning By-law is to maintain a consistent streetscape.

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

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

Recommendation:

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

Building Division:

1. A building permit is required for the conversion of the proposed two (2) family dwelling.
2. Our records indicate that previous Committee decision HM/A-11:237 approved variances to the existing single-family dwelling.

Development Engineering:

Development Engineering Approvals has no comments regarding the minor variance application as proposed.

See attached for additional comments.

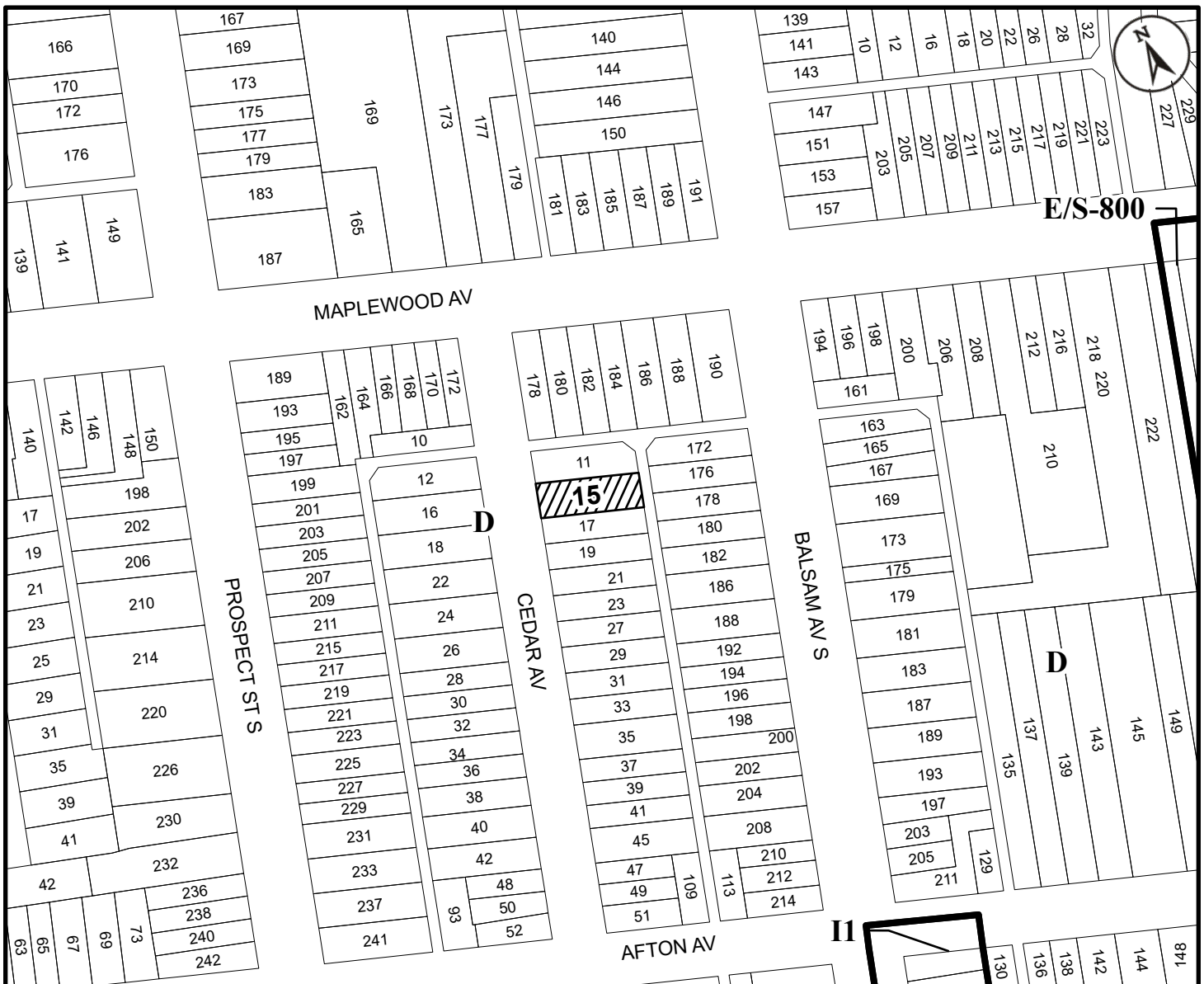


Variances for Property:

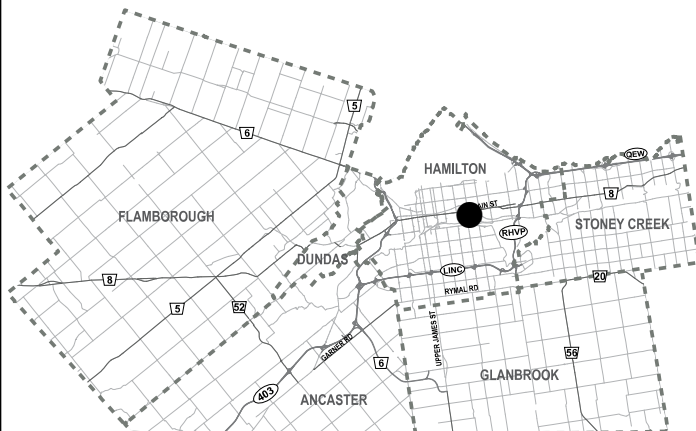
1. A minimum of one (1) parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
2. A minimum parking space length of 5.5m shall be provided instead of the minimum required parking space length of 6.0m as previously approved by Committee.
3. A minimum front yard landscaped area of 15% shall be permitted instead of the minimum required front yard landscaped area of 50%.

Real Estate Recommendations: No Concerns

9



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



15 Cedar Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:12

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:20 – 101 Leeming St., Hamilton

Consolidation Report

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

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

1. That the owner replace the existing paved driveway in the side and rear yard with landscaped area to the satisfaction on the Manager of Development Planning, Heritage and Design.

HM/A-21:20 – 101 Leeming St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

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

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1 and 2

The applicant is requesting a variance to allow a minimum lot area of 222.0 square metres and to allow a minimum of 2.2 metres access width to be maintained, notwithstanding the minimum required lot area of 270.0 square metres and the minimum required access driveway having a width of 2.8 metres. The general intent of the Zoning By-law is to provide a consistent residential streetscape, to allow sufficient space to accommodate a dwelling with two units with the necessary landscaped areas, amenity area and parking to satisfy the needs of the tenants, and to ensure there is sufficient space for a variety of vehicles to safely access the required parking spaces.

The lot area is consistent with the surrounding properties and maintains the existing lot pattern of the neighbourhood. The proponent has provided the required parking within the rear yard to satisfy the parking needs of a dwelling with two units. However, the parking spaces are proposed to replace the majority of the remaining landscaped area within the rear yard resulting in limited permeable area and outdoor amenity area on site. As such, Staff is not satisfied the property is sufficient in size to satisfy the needs of a dwelling with two units, as currently proposed.

Variance 2 recognizes the existing driveway width shown on the submitted site plan. Staff are not satisfied the driveway is sufficient in width for a vehicle to access to the proposed parking spaces without utilizing the adjacent laneway. Given the adjacent laneway can provide the necessary access to and can aid in providing the necessary manoeuvring space for parking spaces in the rear yard, Staff is of the opinion the existing driveway is not necessary and the submitted site plan should be revised to remove reference to a driveway.

The removal of the existing driveway would provide opportunities for additional landscaped area on site. Staff would be satisfied with amount of landscaped area and amenity area on site should the applicant replace the existing paved driveway area in the side and rear yard with landscaped area as a condition of approval.

Based on the foregoing, Variance 1 maintains the general intent of the Urban Hamilton Official Plan or Zoning By-law, Variance 1 is minor in nature and desirable for the appropriate use of the site; therefore, staff support the variance, on condition.

Variance 2 does not maintain the general intent of the Urban Hamilton Official Plan or Zoning By-law, Variance 2 is not minor in nature nor desirable for the appropriate use of the site; therefore, staff do not support the variance.

Variance 3

The applicant is requesting a variance to allow a minimum of 41% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law requires a minimum of 50% of the gross area of the front yard to be provided as landscaped area. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The variance recognizes an existing condition that will remain unchanged as a result of the proposed Section 19 conversion. The variance is maintaining the general intent of the Zoning By-law as the existing proportion of landscaped area in the front yard is consistent with the established streetscape. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Recommendation:

Based on the preceding information, Variances 1 and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law

No. 6593. Variances 1 and 3 are considered to be minor in nature and desirable for the appropriate use of the property, on condition.

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

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

CONDITIONS: (If Approved)

2. That the owner replace the existing paved driveway in the side and rear yard with landscaped area to the satisfaction on the Manager of Development Planning, Heritage and Design.

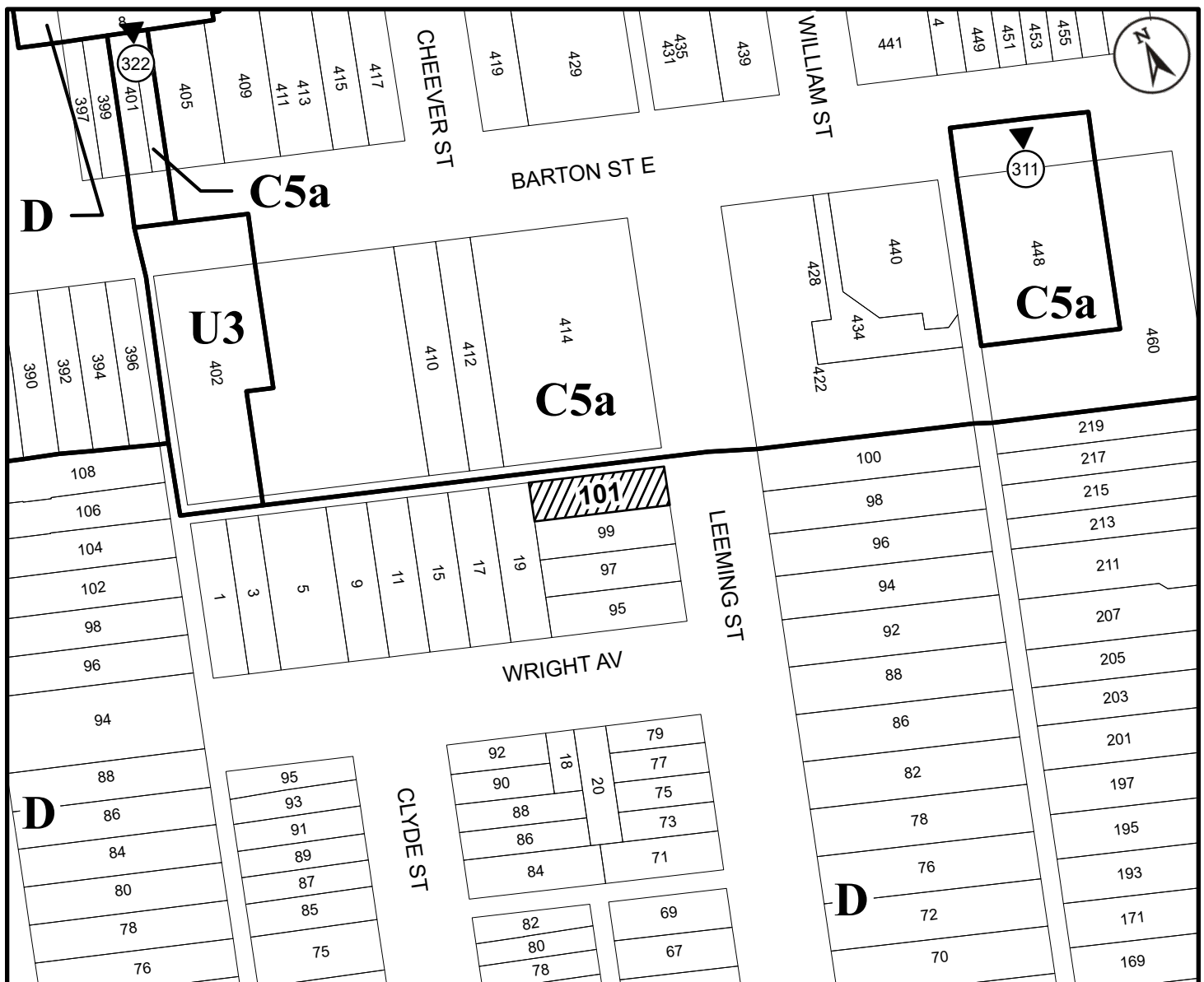
Building Division:

1. A variance has been requested to permit a reduced manoeuvring space for each of the two (2) proposed parking spaces. However, the manoeuvring space for parking spaces located in the rear yard may be provided on a public laneway and a variance is not required.
2. A building permit is required in the normal manner to convert this building to contain two (2) dwelling units.

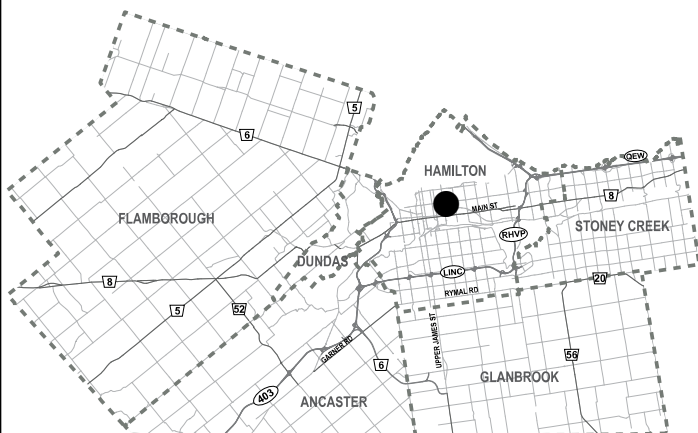
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



101 Leeming Street, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:20

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:19 – 62 Erie Ave., Hamilton

Consolidation Report

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

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

HM/A-21:19 – 62 Erie Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conversion of the existing 2.5 storey single detached dwelling to contain two dwelling units in accordance with Section 19(1) notwithstanding the following variances.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

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

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.

While the subject property is serviced by a number of HSR bus routes and is in close proximity to some amenities, Staff is not satisfied the provision of no parking on the subject property will satisfy the parking needs of a dwelling with two units 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 2

The applicant is requesting a variance to allow an open stairway to be permitted to project 0.9 metres into the northerly side yard notwithstanding the maximum permitted projection of 0.4 metres for an open stairway into a required side yard. The general intent of the Zoning By-law is to allow adequate area for grading and drainage, to accommodate the necessary amenity area for the needs of the tenants and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defer any grading and drainage concerns to Development Engineering Approvals.

The proposed open stairway is necessary to provide the required access to 'Unit 2'. The open stairway is proposed to be positioned perpendicular to existing dwelling and located behind the existing structure. The open stairway will not be visible from Erie Avenue and therefore Staff is satisfied the established residential character will not be altered. There are limited alternative locations feasible for the proposed open stairway and Staff are of the opinion the proposed location is desirable for the development of the site.

The sole purpose of the open stairway is providing access to the second unit. The variances are maintaining the general intent of the Zoning By-law as Staff do not anticipate any adverse impacts on the privacy and enjoyment of the adjacent properties as a result of the proposed open stairway. The variances are desirable for the development of the site and minor in nature as negative impacts are anticipated for the surrounding area.

Based on the foregoing, the 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 a minimum of 23% of the gross area of the front yard to be provided as landscaped area, notwithstanding the Zoning By-law requires a minimum of 50% of the gross area of the front yard to be provided as landscaped area. The general intent of the Zoning By-law is to maintain a consistent streetscape.

The variance recognizes an existing condition that will remain unchanged as a result of the proposed Section 19 conversion. The variance is maintaining the general intent of the Zoning By-law as the existing proportion of landscaped area in the front yard is consistent with the established streetscape. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Recommendation:

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

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 the application be denied.

Building Division:

1. The variances are written generally as requested by the applicant. However, due to the depth of the driveway/parking space, which is less than 3.0m, it was determined that the driveway was insufficient for parking and that no parking spaces can be provided. In addition, it was determined that a variance for the proposed open stairway would be required for encroachment into the side yard and also a variance for the minimum front yard landscaped area.
2. Building Permit #20-199034 for alterations to convert the single family dwelling to a two (2) unit dwelling which includes rear egress stairs and alterations to the second floor/attic stairs per the OBC, was issued December 16, 2020 and remains under review and not finalized.
3. Be advised that the 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 1.2 in width. Furthermore, the OBC will regulate the type of construction as the limiting distance for the northerly side yard is less than 0.6m.

Development Engineering:

The projection of the open stairway into the northerly sideyard does not extend any further than the building itself (existing building is setback only 0.21m in the northerly sideyard per the submitted site plan). Therefore, we have no comments.

See attached for additional comments.

Hello

Hm/A -21:19

Feb 8/21

Approximately 4-6 weeks ago I sent a letter to by-law about 2-3 cars on Erie Ave that haven't moved in several months. I understand that because of the pandemic this particular by-law is not being enforced. At the north end of Erie there is a large apt. Bldg. There are also several duplexes of which I have no extra parking. They park on the street. Some people from the apt park on the street. It is a little unfair that a few people don't have to take part in the daily parking lottery simply because they don't move their car. My neighbour generally has 3 cars on the street. He is one man. There is a slight extenuating circumstance, (death of his father) but he can still move the cars. I doubt if they will even start.

So this end of the street has tight parking.

62 Erie as a single family dwelling has 1-3 cars (depending on family). Add another family with 1-2 cars. We're already tight and my neighbour likes 6 ft between his vehicles. Maybe we can all get smart cars.

I have no doubt that this duplex request

will go through but you should be aware
the neighbour hood is quite dense already.

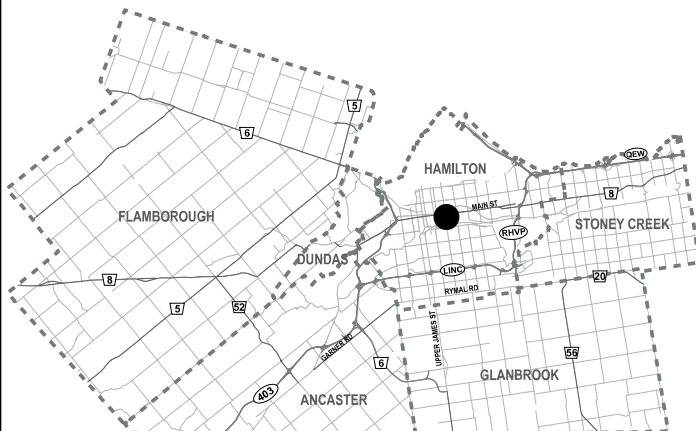
Sincerely

Rosie Lych
41 Erie Ave
L8N 2W5

P.S. I don't even own a car.




● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

 62 Erie Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:19

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:21 – 103 Grant Ave., Hamilton

Consolidation Report

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

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

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

HM/A-21:21 – 103 Grant Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a third storey dormer addition along with a stair alteration on the northerly side lot line of the existing two family 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.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit duplex dwellings.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum northerly side yard width of 0.0 metres, notwithstanding the minimum required side yard width of 2.7 metres. 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 applicant is proposing to continue the existing northerly side yard width of 0.4 metres above the existing second storey to facilitate access to the third floor and will not result in the full build out of the third storey. This portion of Grant Avenue is characterized by two and a half storey dwellings with peaked roofs. The proposed dormer addition on the northerly side of the roof is setback significantly from the front façade of the dwelling and will have limited visibility from Grant Avenue. Staff are satisfied the proposed dormer addition is an appropriate scale and will not impact the established residential streetscape.

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

Variance 2

The applicant is requesting a variance to allow a minimum southerly side yard width of 0.9 metres, notwithstanding the minimum required side yard width of 2.7 metres. 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 variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the existing southerly side yard width is consistent with the surrounding properties. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Variance 3

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

The subject property is recognized as a legally established non conforming two family dwelling. The submitted floor plans indicate that the proposed use of the dwelling will remain as two units with the only proposed change being the access to the existing attic. While the provision of no parking spaces for a dwelling with two units is not consistent with the minimum parking requirements for the community and geographic area, it represents an existing condition that will remain unchanged as a result of the proposed dormer addition.

In addition, Staff note there are no opportunities on the subject property to establish a parking space in conformity with the Zoning By-law. The variance is considered minor in nature and is desirable for the development of the site as no negative impact is anticipated to the subject lands or surrounding area from the continuation of the existing condition.

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

Recommendation:

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

CONDITIONS: (If Approved)

NOTE:

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

Building Division:

1. Be advised that Ontario Building Code regulations may require specific setback and construction types.
2. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width. [For any reduction on yards less than 4' (1.2m).]
3. A building permit is required for the construction of the proposed dormer addition.

Development Engineering:

Being that the existing dwelling has a northerly sideyard setback of only 0.06m, we have no issue with the Minor Variances as proposed.

See attached for additional comments.

Hansra, Aman

From: Ian Kimbley Personal <ian@kimbley.ca>
Sent: February 16, 2021 11:10 AM
To: Committee of Adjustment
Cc: ana@anleita.com
Subject: Variance Application: HM-A/21:21 - 103 Grant Avenue, Hamilton
Attachments: 101 - 111 Grant Ave.jpg; parking1.jpg; parking2.jpg; parking3.jpg; parking4.jpg

To the Committee of Adjustment,

We are the owners of 104 Grant Avenue. On the basis of fire safety, lack of parking spots, inadequate structural engineering and being generally inappropriate due to the small size of the suite we oppose this renovation.

There isn't a secondary egress on the third floor for in case of fire. There aren't any fire suppression systems in this design for either floor. The drawing lacks any permanent HVAC systems in the drawings for the second or third floor.

The homes on the east side of Grant avenue from 101 to 111 are identical. None of them have been renovated in this way by adding a dormer to the third floor. There aren't any suggestions in this site plan that an engineering analysis has been done to verify that the framing of the house can handle the load of a tenant and occupants on the third floor. These houses were built 100 years ago. There has never been a third floor suite built into one of these homes that have the same architecture (from 101 to 111 Grant). See attached photo labelled 101 - 111 Grant Ave.jpg.

There is no guarantee that this won't become a separate unit from the unit on the second floor. The drawing of the proposed attic renovation is in fact called second unit. 101 -111 are smaller homes then the normal size on Grant Avenue and won't accommodate an apartment on the third floor.

The goal of this renovation is to increase the occupancy and appeal of this building to renters and the landlord. This is problematic because of the parking variance which allows for zero parking spots instead of the required two. Available parking on Grant and surrounding areas is at an all time low. Residents and visitors to the apartment proposed in this variance application will try to park on the street, at which time there won't be any available spots. In turn, they will park on the side of the street that is opposite bylaw signed parking, even though it is against the bylaw and they risk being fined.

When cars park on the wrong side of the road (opposing signed by-law) they block essential service vehicles; fire trucks or city service trucks are not able to drive down Grant Avenue if there are cars parked illegally on the wrong side of the road. See attached photograph

(parking3 and parking4) of a car parked illegally during a recent snow storm. This car could have blocked a plow or a firetruck if they were trying to pass through, it sat there for at least two hours, this can be seen in the build of the snow in the two photos. In the past I have witnessed a fire truck attempting to pass while a car was parked illegally and the fire truck could not pass and had to wait for the driver to come out and move the car. This is our primary concern about adding occupancy to any building on Grant.

The proposed apartment doesn't meet the bylaw requirement for minimum lot size. The minimum lot size in the bylaw is 270 square meters, the lot at 103 is 174 square meters. If that third floor ever becomes an apartment it wouldn't meet the minimum dwelling size in the bylaw, which is 65 square meters the proposed suite is only 30.65 square meters (approximately 330 square feet).

Attachments explanation:

101 - 111 Grant Ave.jpg - aerial view of houses on Grant Avenue parking1.jpg - car parked illegally during storm due to lack of street parking parking2.jpg - two cars parked illegally during storm due to lack of street parking parking3.jpg - same car (from parking1.jpg) after two hours from opposite direction showing another car trying to pass.
parking4.jpg - same car from parking1.jpg, after two hours

All of the parking photos were taken within a two hour time frame on February 13, 2021.

Ian Kimbley & Ana leitao
104 Grant Avenue, Hamilton
905-529-0324

99

101

103

105

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111

115 A

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Grant Ave









From: Annusch Strobl <str.annusch@gmail.com>
Sent: Friday, February 12, 2021 5:34 PM
To: Committee of Adjustment
Cc: Nann, Nrinder
Subject: Application HM/-21:21 103 Grant Ave

Please disregard my earlier email that was accidentally sent. This is my correct submission.

As an assessed property owner within 60 meters of 103 Grant Ave. that has lived in the same dwelling at 118 Grant Ave. since 1970, I have several comments on the proposed 3rd storey dormer addition, including:

1. Approval has a high probability of leading to a third unit at this dwelling

While this application for a dormer appears to be an addition to a two-family rental dwelling, what assurances do neighbors have that in a few years the 3rd floor won't be converted to a 3rd apartment? Currently, the drawing on the page titled "Prop Attic Floor Plan" doesn't show a kitchenette in the Living Room, but given the plumbing to the bathroom that is shown, it would not be too difficult to add one. Interestingly, both the "Prop Second floor Plan" and the "Prop Attic Floor Plan" pages of the Site Plan show a Living Room. Does anyone really believe that this would be rented as 2-storey apartment with 2 living rooms?

The City does not appear to have the resources to ensure compliance with minor variance approvals and conformity with the Urban Protected Residential One and Two Family Zoning of District D, nor the conversion of single dwellings to multi-unit apartments by landlords who don't seek minor variances. For example, the dwelling, 116 Grant Ave., immediately north of my house is a 4-unit apartment. The previous owner converted 116 Grant Ave to 4 units by building out both attic and basement units without applying for a minor variance nor conforming to fire code regulations requiring two exits in the basement apartment. When I called to complain about this to the City several years ago, I never received a reply. Now this dwelling is owned by a new landowner, also a non-resident.

I offer this example, to highlight that the City does not have resources to ensure compliance of non-resident landlords with the current Zoning designation who seek to maximize rental income from converted single unit dwellings. This lack of oversight leads to several issues for resident home owners on Grant Ave., including limited on-street parking.

2. Pressure on already too limited on-street parking

There are not enough on-street parking spots on Grant Ave. to accommodate each of the 60 dwellings between Stinson and Main to have even one, on-street parking spot each.

Over my 50 years living at 118 Grant Ave., I have witnessed the insidious, ad hoc conversion of single family dwellings to multiple units either through minor variance applications or more commonly through undeclared multi-unit apartment conversions. The cumulative effects of such conversions has compounded the parking issue on this street as most tenants have at least one vehicle and most rental units do not have on-site parking. For example, the dwelling at 103 Grant Ave. with its current 2 rental units has no on-street parking; the dwelling at 116 Grant Ave. has 1 on-site parking spot for the 4 units. Even if landowners of multi-unit dwellings put in one one-site parking spot in the front yard, this exacerbates the on-street parking situation as the on-street space taken up by the on-site parking spot's sidewalk ramp is now eliminated.

The City is currently asking Grant Avenue residents (from Main St. to Stinson St.) to provide input on a proposed change to on-street parking to require parking permits. The City claims that implementing parking permits would reduce or eliminate overflow parking from nearby businesses and apartment buildings. The "On Street Parking Regulation Survey" suggests that "Residents of one, two or three family dwellings in the area may apply for a permit to exempt each of their vehicles from the signed parking time limit." How will this alleviate the current parking shortage situation on Grant Ave.? There are evenings when cars are parked on both sides of the street--a situation that would create a safety hazard in case of a fire or other emergency. Without limiting the number of parking permits issued to the number of spots that can be accommodated on the street, and strictly enforcing compliance to ensure parked cars display valid parking permits, this measure will not solve the parking issue.

I feel the City should first understand the proportion of dwellings that are rental units and the number of cars owned by tenants. Based on my survey of mail boxes, of the 60 dwellings on Grant Ave. (from Stinson St. to Main St.) 27 are Single-Family, 18 are Two-Family, 8 are Triplexes, 5 are 4-Unit Dwellings, 1 is a 5-Unit Dwelling, and one is a licensed retirement home. Does this distribution comply with the City's Zoning of Urban Protected Residential One and Two Family? Currently, less than half the dwellings on Grant Ave. are single-family and 14 have more than Two Families.

Should there perhaps be a limit to how much single family conversion is allowed to occur in District D? Should non-resident landlords, including the applicant, a non-resident who owns 4 dwellings on Grant Ave. not be required to invest in better solutions to on-site parking? By mixing up the Site Plans for this Notice of Public Hearing, the City has highlighted just how common multi-unit conversions are in this neighborhood.

3. Mix up of Site Plans with very similar plans for a 3rd storey dormer addition at 62 Erie Ave.

In supplying me with the Notice of Public Hearing about this Minor Variance, the City made 2 errors:

- i) First sending a notice for a Thursday, February 21st, 2021 hearing date with the site plan for 103 Grant Ave.
- ii) Then subsequently sending a Corrected notice for 103 Grant Ave. for Thursday, February 18, 2021, but attaching very similar site plans, drawn by the same Marvel Engineering firm for a 3rd storey dormer addition at 62 Erie Ave. I am guessing this dwelling is also owned by John Kemp?

Without this mix-up by City staffers, we would not have learned of this second application two streets away. It begs the question of how much of this type of dormer construction is being approved ad hoc one minor variance at a time in an area Zoned as Urban Protected Residential One and Two Family? I have counted at least a dozen such dormers in my walks around Grant, Ontario and Erie streets. Does the City understand how much of this type of infill is occurring in D District? Has the City studied how much additional pressure the associated higher population density puts on City services in this area? And, will the City be prepared to provide additional services as a result of the higher population density? For example, the majority of the multi-unit dwellings owned by non-resident landlords do not shovel their sidewalks after snow falls. Perhaps the City would consider providing snow shoveling services?

Before the City approves further ad hoc minor variance requests that have a high likelihood of increasing current One or Two Family dwellings to Triplexes and even 4-Unit dwellings, it should undertake a comprehensive study to understand the cumulative impacts of such conversions and associated higher population density on the built infrastructure (e.g., water, sewer, transportation, garbage and recycling, etc.) as well as provision of other city services (e.g., schools, health care, social services).

Respectfully,

Anna Strobl
118 Grant Ave.,
Hamilton, Ontario L8N 2X7

From: [Greg Reader](#)
To: [Committee of Adjustment](#)
Subject: Minor Variance Application No HM/A-21:21
Date: February 14, 2021 1:35:20 PM
Attachments: [Parking on Grant.HEIC](#)

Please register me to offer oral comments regarding the Application for Minor Variance No HM/A-21:21 during the Committee of Adjustment Hearing on Thursday Feb 18. I'm also providing the following written comments.

My name is Greg Reader. My wife (Helen) and I own 101 Grant Ave which is next door to the property in question, 103 Grant Ave.

I support improvements being made to 103 Grant Ave. However, as noted in the application for minor variance, 103 Grant Ave is already a two-family dwelling with no parking provided, and no room on the property for parking to be provided. If the intent of the dormer construction on the third floor is to add another residence and turn the property into a three-family dwelling, then Helen and I oppose the granting of the variance.

The reason for our opposition is the issue of parking. There already is not enough space on Grant Ave for the existing residences. Even if there were only one vehicle per structure, there would not be enough space, and many structures have 2 to 3 vehicles. This has resulted in a situation in which residents often have to find parking on other streets, and many nights there are vehicles parked illegally, even on the other side of the street, in order to accommodate demand (see attached photo from last week, taken looking south from the entrance to the alley just north of the Grant/Delaware corner). Needless to say, illegally parked vehicles, especially those parked on the wrong side of the street, are a serious safety issue, because the street is too narrow for emergency vehicles to get through if cars are parked on both sides. A few years ago a house fire caused exponentially more damage than would have been the case if the fire truck had not been delayed by a vehicle parked on the no-parking side of the street.

Every time a variance is approved that allows for an additional unit to be occupied with no provision of parking, the situation is exacerbated. The same is true when variances are approved for driveways to be added, because every time a driveway is constructed, 1 to 3 street parking spaces are lost, and often the new driveway is too small for most vehicles and residents end up parking on the street anyway.

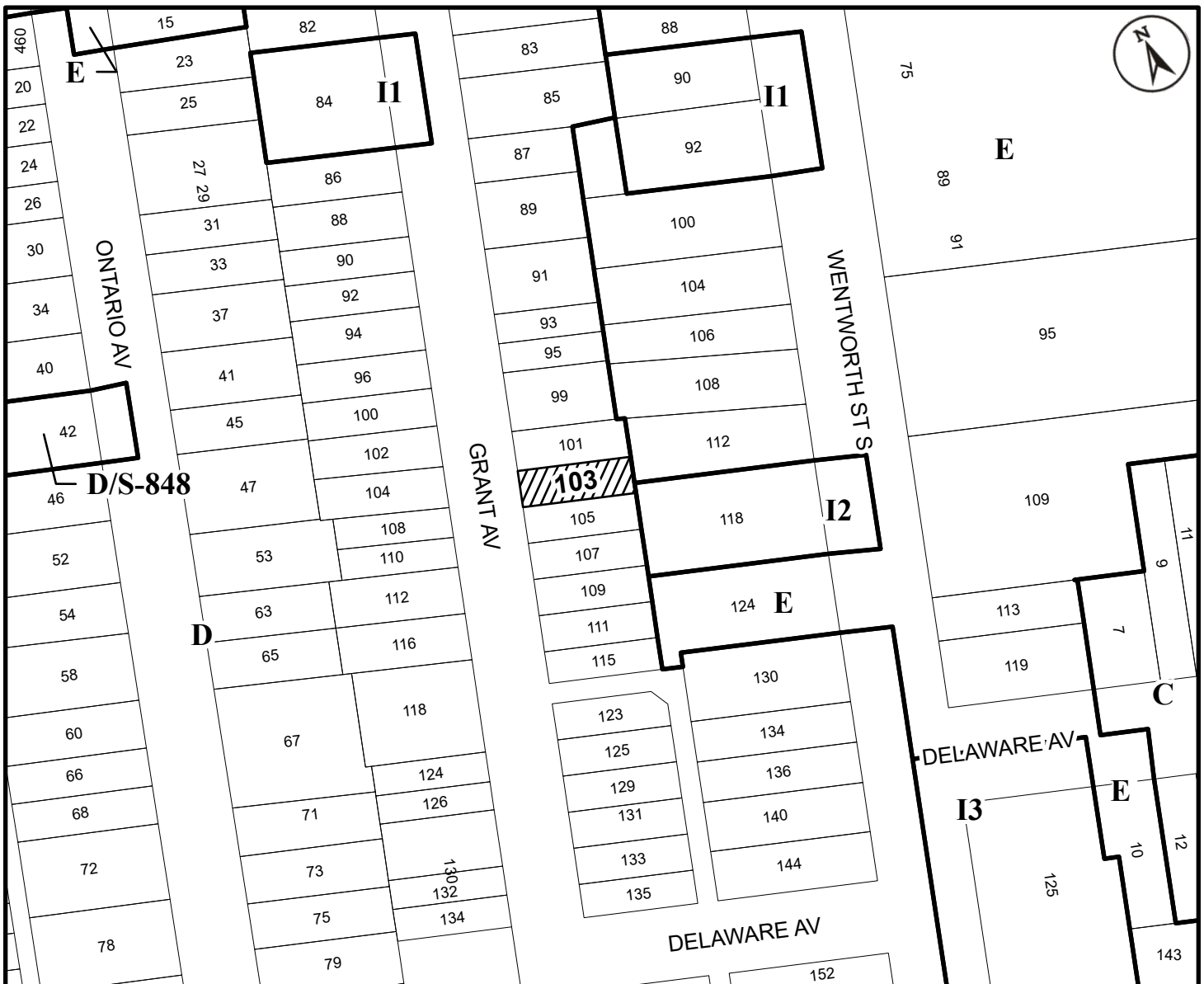
A petition has been circulated for 2 hr parking with permits available for purchase that would allow residents to park longer. We have signed the petition, even though it is deeply frustrating to have to pay for parking with no guarantee that we would be able find a parking space within blocks of our home. The situation is becoming untenable.

For these reasons Helen and I are opposed to the addition of any further residence units on Grant Ave until the parking issue is rectified.

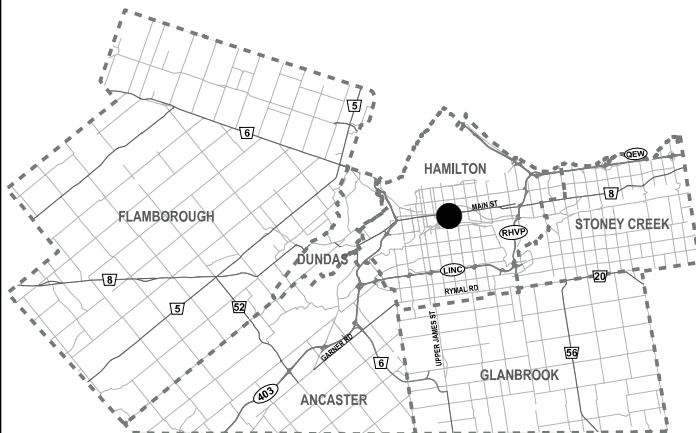
Thank you,

--

Greg Reader
101 Grant Ave
905 745 2101



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



103 Grant Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-21:21

Date:

February 9, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

February 18th, 2020

HM/A-21:22 – 111 Grant Ave., Hamilton

Consolidation Report

Tabled Until Further Notice.

HM/A-21:18 – 285 Melvin Ave., Hamilton

Consolidation Report

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

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

HM/A-21:18 – 285 Melvin Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to establish one additional basement dwelling unit within the existing multiple dwelling to permit a total of sixty nine dwelling units, 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.3.6.2, are applicable and permit multiple dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “E” (Multiple Dwellings, Lodges, Clubs and Etc.) District, which permits multiple dwellings.

Variance 1 and 2

The applicant is requesting a variance to allow 72 parking spaces to be provided and maintained on site and to allow no visitor parking to be provided on site, notwithstanding the minimum required 87 parking spaces and the minimum required 18 parking spaces required to be designated exclusively for visitor parking. The general intent of the Zoning By-law is to ensure the parking needs of the multiple dwelling are being satisfied.

The applicant is proposing to add one dwelling unit within the basement of the existing multiple dwelling. The proposed parking ratio of approximately 1.05 spaces per unit is an existing condition for the existing 68 dwelling units within multiple dwelling which has operated with no known issues and is consistent with future policy direction.

Additionally, the subject property is serviced by HSR bus routes Nos. 2 and 11 and is near a number of amenities, including: Hillcrest Park, Hillcrest Elementary school, a number of Places of Worship and various commercial uses along Barton Street East and Parkdale Avenue North.

The general intent of the Zoning By-law is being maintained as the proposed basement unit will not result in a significant change to the existing parking ratio and the reduction in parking can be supplemented by utilizing public transit and active transportation.

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 3, 4, 5 and 6

The applicant is requesting a variance to allow a minimum parking space size of 2.6 metres by 5.6 metres, to allow the existing parking spaces to be maintained as close as 0.0 metres from the adjoining residential boundaries, to allow no planting strip to be maintained between the existing surface parking spaces and the adjoining residential boundaries, and to allow no loading space to be provided on site. The variances are being requested notwithstanding the minimum required parking space size of 2.7 metres by 6.0 metres, the minimum required 1.5 metre setback and 1.5 metre wide planting strip between the boundary of the parking and the adjacent residential district, and the minimum required one loading space.

The general intent of the Zoning By-law is to allow adequate space to accommodate a variety of vehicles, to provide an appropriate distance separation between the adjacent residential districts, to avoid any impact on the enjoyment and privacy of the adjacent residential properties, to provide a consistent streetscape, and to ensure the loading needs of the development are satisfied.

The variances recognize existing conditions that will remain unchanged as a result of the proposed increase in the number of dwelling units. Significant alterations to the existing layout of the site would be required to meet the requirements of the Zoning By-law which would cause the applicant undue hardship. The existing parking area has operated for some time with no known issues. The variances are considered minor in nature and desirable for the development as no negative impact is anticipated for the subject lands or surrounding area as a result of the maintaining the existing conditions.

Based on the foregoing, the 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.

Recommendation:

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

Building Division:

1. A building permit is required for the establishment of the additional dwelling unit as our records indicate that the recognized use is a sixty-eight (68) unit multiple dwelling.
2. The zoning By-law requires a minimum 5.5m wide mutual access driveway or separate ingress/egress driveway, each having a minimum width of at least 3.0m where there are more than five (5) parking spaces. Insufficient details were provided from which to determine compliance; as such, further variances may be required.
3. Insufficient details were provided from which to confirm that 72 parking spaces are maintained on site. In addition, no parking layout was provided for the parking spaces located within the building from which to confirm compliance including parking space sizes, manoeuvring, access driveways etc.

Development Engineering:

There is an active Site Plan Application known as DA-19-073 where the detailed engineering requirements are being handled, therefore, Development Engineering Approvals has no comments regarding the minor variance application as proposed.

See attached for additional comments.

Hansra, Aman

From: Steven Cedrone <steven@cedrone.com>
Sent: Thursday, February 4, 2021 9:32 PM
To: Committee of Adjustment
Subject: Feedback in advance of hearing -HM/A-21:18

Hello,

I wish to submit comments with regards to the public notice for application# HM/A-21:18 - 285 Melvin Ave. Hamilton to change/reduce their parking spaces.

I want to formally object to the proposed application mentioned above because we have a continued parking problem on Bernard street that we frequently have to call By-law to come enforce. Tenants and their guests of the apartment building on Melvin ave constantly abuse the permitted parking on our street and make it very difficult for our own guests to have anywhere to park.

They use our side streets as additional parking to the buildings overnight every night as well as during the day, frequently for more than the allowed 12 hours at a time. While I'm all for sharing our streets as a community this is clearly abuse on their part and the tenants/guests know it.

Allowing less parking at these buildings will encourage more people to abuse the rules on our side street and will further reduce the amount of available parking for our own guests. It's already an increasing challenge to find a place to park as it is because parking is only permitted on one side of our street at a time (alternated throughout the year).

Please do not allow this application to pass.

Thank you,

Steven Cedrone
Property Owner
54 Bernard Street
Hamilton, ON L8H 6C7
(905) 923-3033

Hansra, Aman

From: Daniel Matos <dan.matos@gmail.com>
Sent: Friday, February 5, 2021 12:11 PM
To: Committee of Adjustment
Subject: HM/A-21:18 -285 Melvin Ave

Hello,

I wish to submit comments with regards to the public notice for application# HM/A-21:18 - 285 Melvin Ave. Hamilton to change/reduce their parking spaces.

I want to formally object to the proposed application mentioned above because we have a continued parking problem on Bernard street that we frequently have to call By-law to come enforce. Tenants and their guests of the apartment building on Melvin ave constantly abuse the permitted parking on our street and make it very difficult for our own guests to have anywhere to park.

They use our side streets as additional parking to the buildings overnight every night as well as during the day, frequently for more than the allowed 12 hours at a time. While I'm all for sharing our streets as a community this is clearly abuse on their part and the tenants/guests know it.

Allowing less parking at these buildings will encourage more people to abuse the rules on our side street and will further reduce the amount of available parking for our own guests. It's already an increasing challenge to find a place to park as it is because parking is only permitted on one side of our street at a time (alternated throughout the year).

Please do not allow this application to pass.

Thank you,

Daniel Matos
Property Owner
52 Bernard Street
Hamilton, ON L8H 6C7
(905) 730-3247

Hansra, Aman

From: Merulla, Sam
Sent: Friday, February 5, 2021 2:27 PM
To: Sheffield, Jamila
Cc: Merulla, Sam; Piedimonte, Diane; McIlveen, Amanda
Subject: FW: Minor Variance - HM/A-21:18 - 285 Melvin Ave

For your attention.

From: Steven Cedrone <steven@cedrone.com>
Date: February 5, 2021 at 2:14:42 PM EST
To: "Merulla, Sam" <Sam.Merulla@hamilton.ca>
Subject: Minor Variance - HM/A-21:18 - 285 Melvin Ave

Hi Sam,

I got a notice regarding an application for 285 Melvin Ave wanting to apply for a variance that would allow them to reduce their parking spaces by 33 spots between tenant and visitor spots so they can make additions to the building.

I wanted to voice concern over this given the current parking situation on the side streets that come off Melvin such as ours (Bernard Street) which are already problematic and require frequent calls to bylaw to enforce the rules.

We currently have a huge problem due to our 12 hour parking allowance, with tenants and their visitors frequently using our streets as additional parking everyday and night and for much longer than the 12 hour time limit. While I'm all for sharing this community parking with others and for progress in our neighbourhoods, this in particular makes it super difficult for our own visitors to find places to park on our streets.

I feel that reducing the parking by a further 33 spots at this building which is directly at the end of Bernard Street will just exacerbate the parking situation that we already encounter and I would like to offer a solutions

Here are the options I propose:

- 1) Make 12 hour parking available on Melvin Ave given the recent changes made to Melvin Ave that would allow for this (It was recently changed from 2 lanes to 1 with a bike lane with ample extra room to accomodate parking. Signage would be needed)
- 2) Change the parking time limits on the side streets from 12 hours to 3 hours. This would cause the parking spaces to turn over more frequently and make parking more available to the residents of the buildings and the residents who live on the side streets.
- 3) Finally, if #1 or #2 is not possible then I'd like to see the application for variance proposed by 285 Melvin Ave. to be denied based on the information provided above.

If you could forward along this information to the appropriate department I would appreciate it.

Thank you,

Steven Cedrone
54 Bernard Street
Hamilton, ON L8H 6C7
(905) 923-3033

①

WE ALREADY HAVE FOR YEARS! PROBLEMS
PARKING, DENSITY, OVERFLOW PARKING, FROM
APT. BLDGS. ALONG MELVIN AVE, FROM PARKDALE
DOWN TO WOODWARD AVE, OUR RESIDENTIAL STREETS
GLASSCO, ADAIR, BERNARD, BLAIR, AIRIDRE, ALSO THE
STREET THAT RUNS FROM MARTHA ST TO MELVIN,
BESIDE ST. HELEN'S SCHOOL McLAREN ST.

WE NOW EXPERIENCE PROBLEMS WITH TRAFFIC,
SPEEDING, SHOWING COMPLETE DISREGARD FOR
OUR CHILDREN; OUR GRANDCHILDREN, SENIORS WHO
LIVE ON OUR STREETS - RESIDENTS.

THERE IS A HUGE CONSTRUCTION TAKING PLACE
RIGHT NOW FOR, FOR I BELIEVE (APPROX. 80 UNITS (HOMES))
THIS ADDS TO MORE CARS - THIS IS TAKING PLACE
IN OUR BACKYARD AT ST NICHOLAS. RIGHT NOW!

MELVIN AVE IS TWO LANES, BIKE LANES
MAKE ROOM FOR CARS TO PARK ON MELVIN
IN FRONT OF THEIR APARTMENTS WHERE
HUNDREDS OF PEOPLE LIVE AND THEIR VEHICLES.

PLEASE SHOW RESPECT, REGARD FOR US,
PUT THOUGHT AND PLANNING, IN PERSPECTIVE
FEASIBLE PLANNING, FOR ALL CONCERNED IN
THIS VERY IMPORTANT ENDEVOUR!

49 BERNARD ST
HAMILTON, ONTARIO
L8H-4C8

FEBRUARY 6 2021

Frank Curto. Sr.

Mrs. Christine Curto

(2)

ANY APARTMENT BUILDING,
SHOULD PROVIDE THEY'RE OWN
VISITING, PARKING, SPACES
THAT'S A NO BRAINER

Hansra, Aman

From: Adam McCron <adam.mccron@gmail.com>
Sent: February 6, 2021 1:26 PM
To: Committee of Adjustment
Subject: Feedback For Application HM/A-21:18

Hello,

I am writing in response to the proposed application marked HM/A-21:18. As I understand it, the application is requesting the amount of required parking spaces (both tenant and visitor) at 285 Melvin Avenue to be reduced/eliminated.

This application will greatly affect the parking situation on Bernard Street and Blair Avenue. This could possibly increase the amount of vehicles parking on Airdrie Avenue and Adair Avenue as well.

Visitors and tenants currently park on adjacent streets at all times of the day/night. I can only imagine that the reduction of parking spaces at 285 Melvin Avenue will double or triple the amount of vehicles parking on these streets. It is already difficult to find parking on my street (Bernard) (as parking is only allowed on one side of the street depending on the date/month).

I recommend that this proposal be rejected given how it will affect the congestion of parked vehicles on neighbourhood streets.

If, however, this application is approved, I recommend the following:

- change the current parking bylaw which allows vehicles to park for 12 hours at a time to 3 hours at a time - it will allow for parking spaces to be more readily available and to prevent overnight parking.

Thank you for your time,

Adam McCron
Property Owner
905-334-9870

From: [Harvey Velix](#)
To: [Committee of Adjustment](#)
Subject: Re: 285 melvin
Date: February 8, 2021 8:16:43 PM
Attachments: [image001.png](#)

358 talbot st

From: Committee of Adjustment <CofA@hamilton.ca>
Sent: February 8, 2021 11:05 AM
To: Harvey Velix <hvelix@hotmail.com>
Subject: RE: 285 melvin

Hello Harvey,

Please provide your property address for our comments record.

Thank you,

Aman Hansra

Planning Technician II - Committee of Adjustment
Planning and Economic Development

Hamilton City Hall – 5th Floor

905-546-2424 ext. 3935

aman.hansra@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

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From: Harvey Velix <hvelix@hotmail.com>
Sent: February 6, 2021 9:20 PM
To: Committee of Adjustment <CofA@hamilton.ca>
Subject: 285 melvin

This parking change is not a Minor Variance it affects so much in the neighborhood this should not be allowed

Hansra, Aman

From: Marg Guzzo <margguzzo@hotmail.com>
Sent: Wednesday, February 10, 2021 6:38 PM
To: Committee of Adjustment
Subject: 285 Melvin Ave

I live at 285 Melvin Ave and I dont know what this landlord is trying to pull on the city because we do not have visitors parking here, the old landlord Mr Keen took the visitors parking away and said only people that live in the building could have a spot. The superintendent put letters in our mail slots not that long ago saying that there is no visitors parking it is for tenants only. This landlord is trying to pull the wool over some ones eyes. They have tried to increase rents illegally, they are trying to renovict 60 units and now this. There is no 18 visitors parking spots here. There is NO VISITORS PARKING AT ALL.

Thank you

Margaret Guzzo
285 Melvin Ave. # 104
289 808 7842

Hansra, Aman

From: Marg Guzzo <margguzzo@hotmail.com>
Sent: Thursday, February 11, 2021 4:08 PM
To: Committee of Adjustment
Subject: 285 Melvin Ave.
Attachments: no visitor parking 001.jpg

I am attaching a letter that was put in all the tenants mail slots and proof there is no visitors parking. There have been other letters that say the same thing. If you could advise me where to send this to so this land lord can not lie and pull the wool over the cities eyes about the parking in this building.

Thank You

Margaret Guzzo
285 Melvin Ave. # 1o4
289 808 7842

285 Melvin Apts. Ltd.
Jacobus Wubbolt
Superintendent
285 Melvin Ave.
Hamilton, ON.
L8H 2K4
905 921 8746

Attention All Tenants
RE: PARKING

This issue has been brought to my attention several times and it seems that some people do not get it. Some tenants seem to think that we allow visitors to park anywhere in our parking lot. We do not have visitors parking anywhere in our lot and the only time that a visitor can park in the back is if the tenant and only the tenant gives permission for their own space.

Next issue is the frequent complaints I get when somebody (Tenants) think they can park anywhere they want. There is a reason why we designate spots. It is so that you can have a place to park your vehicle. I must have received at least 5 complaints a month and I always know who it is and I am getting just as upset as the person who puts in the complaints. I have seen people put up notes on the persons' vehicle yet the person still parks in someone else's spot. I am taking steps to see what can be done about this including having By-Law issue tickets and or have the parking removed from these people who are doing this.

Please I ask politely to be more mind set in not taking someone else's spot who pays just like you do. If you have a problem with your assigned spot come to me and I will see if there is another one available.

Thank You

Your Cooperation in this matter is vital

Jack

905 921 8746

Hansra, Aman

From: Marg Guzzo <margguzzo@hotmail.com>
Sent: Monday, February 15, 2021 5:45 PM
To: Committee of Adjustment
Subject: 285 Melvin Ave.

I live at 285 Melvin Ave. and this landlord has been building the apartment in the basement since the summer without permission and when they dug a hole and cut a window in the side of the building. they cut peoples cable wires and just taped them and buried them again. They were doing this work while the city was shut down due to covid and it was hard for us tenants to get the city to come and see what was happening. The parking lot is full of pot holes and cars are already being hit by other car doors opening because they are already so close together. People that use wheelchairs and canes open thier doors even wider than normal, so if the spaces are made smaller, we will be in trouble. The parking lot is never sanded or salted in the winter and it is like a skating rink so if the spots are made smaller there will be a greater risk of sliding into another car. I would hope that instead of handing out permits that will cause new problems, that the city come and correct the already existing problems.

Thank you

Margaret Guzzo
104-285 Melvin Ave.
289 808-7842

February 3, 2021

Mr. Rahul Brahmabhatt

285 Melvin Avenue
2929 Bathurst Street
Suite 102, Toronto,
Ontario

RE: Parking Study for property located at 285 Melvin Avenue, Hamilton

Dear Mr. Brahmabhatt,

As discussed a study was performed on the usage of the on-grade parking lot located at 285 Melvin Avenue, Hamilton, Ontario. This study was performed to identify the daily usage of the parking lot. The current parking lot alignment provides spaces for 63 cars to be parked at any one time.

A car parking count was performed at 3 separate times a day for a one week period from Thursday, January 21, 2021 to Wednesday, January 27, 2021. The results of the counts are shown in the table below.

Date	Number of Cars		
	9:00 AM	1:00 PM	7:00 PM
21-Jan-21	20	14	29
22-Jan-21	17	14	22
23-Jan-21	27	20	28
24-Jan-21	27	22	30
25-Jan-21	28	14	30
26-Jan-21	19	12	29
27-Jan-21	18	14	28
28-Jan-21	18	12	29

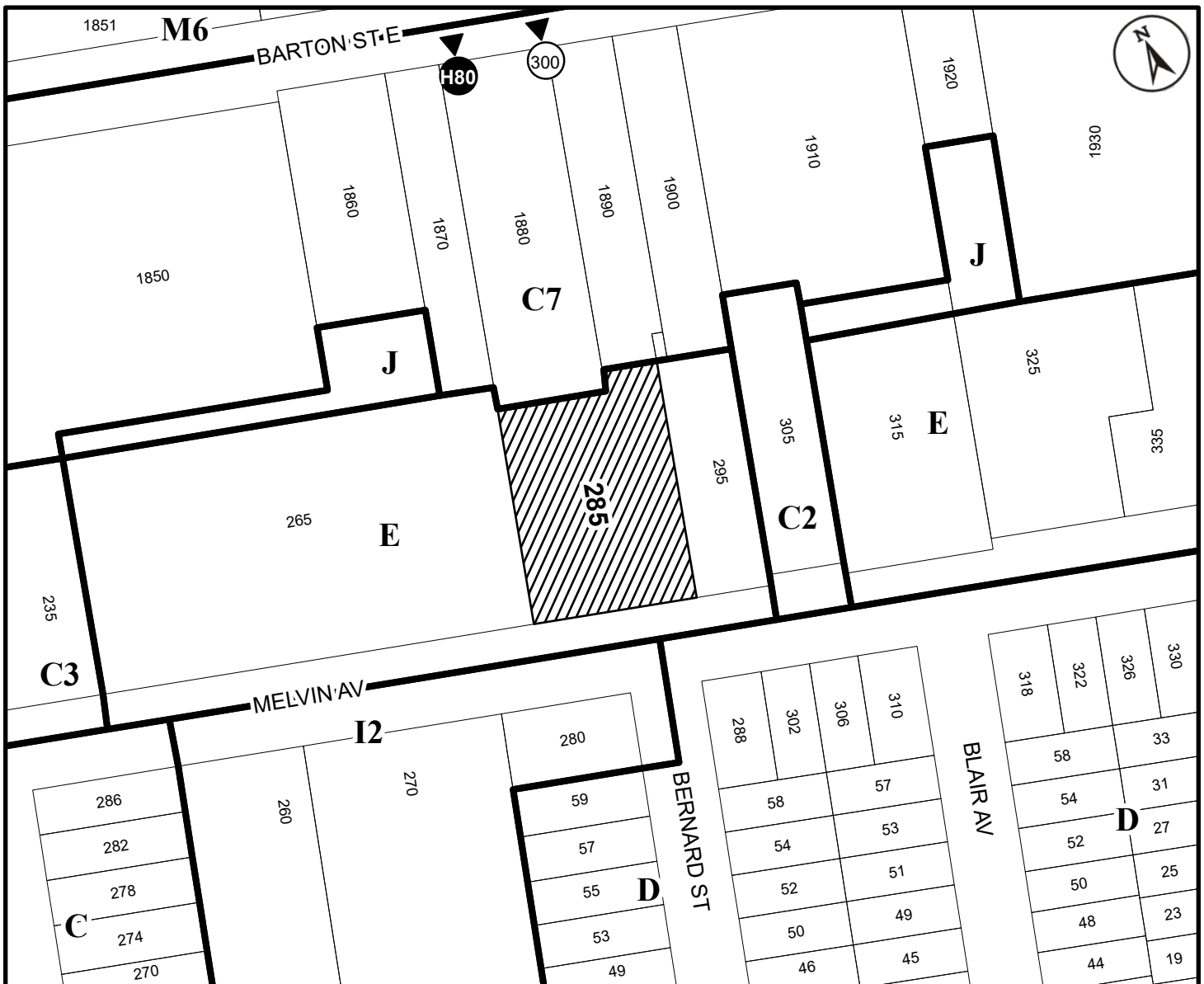
The maximum number of cars parked at any one time was 30 vehicles. The usage of the parking lot was found to be less than 50% throughout the study period.

We trust that this is satisfactory for your needs and if any questions arise please do not hesitate to call.

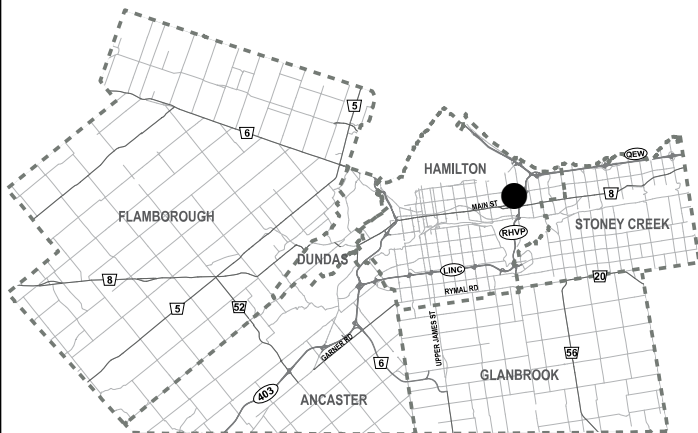
Yours truly,

A handwritten signature in black ink, appearing to read 'Mark Krantzberg', with a large, sweeping flourish at the end.

Mark Krantzberg, P.Eng.



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



285 Melvin Avenue, Hamilton
(Ward 4)

File Name/Number:

HM/A-21:18

Date:

February 10, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT