



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 21-4
Date: March 4, 2021
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall - ROOM 264

All electronic meetings can be viewed at:

City of Hamilton's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 3935

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| 2.2. 1:20 p.m.FL/A-21:481129 Hwy 5., Flamborough(Ward 13) Agent Zoltan Engineering Owner 1541270 Ontario Inc. | 15 |
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Ancaster(Ward 12) 439
Agent WEBB Planning
Owner 2692544 Ontario Inc.

5. **CLOSED**

6. **ADJOURNMENT**



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: FL/A-21:34

APPLICANTS: Zoltan Engineering on behalf of the owner Mark Elzinga

SUBJECT PROPERTY: Municipal address **1256 6th Con. Rd. W., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: "A1 and P6" (Agriculture and Conservation/Hazard Lands) district

PROPOSAL: To permit the construction of an accessory building with a gross floor area of 147.5 square metres, located on a residential parcel of land, notwithstanding that;

1. A maximum building height of 6.96 metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum building height of 6.0 metres.

NOTE:

1. 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.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FL/A-21: 34
Page 2

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

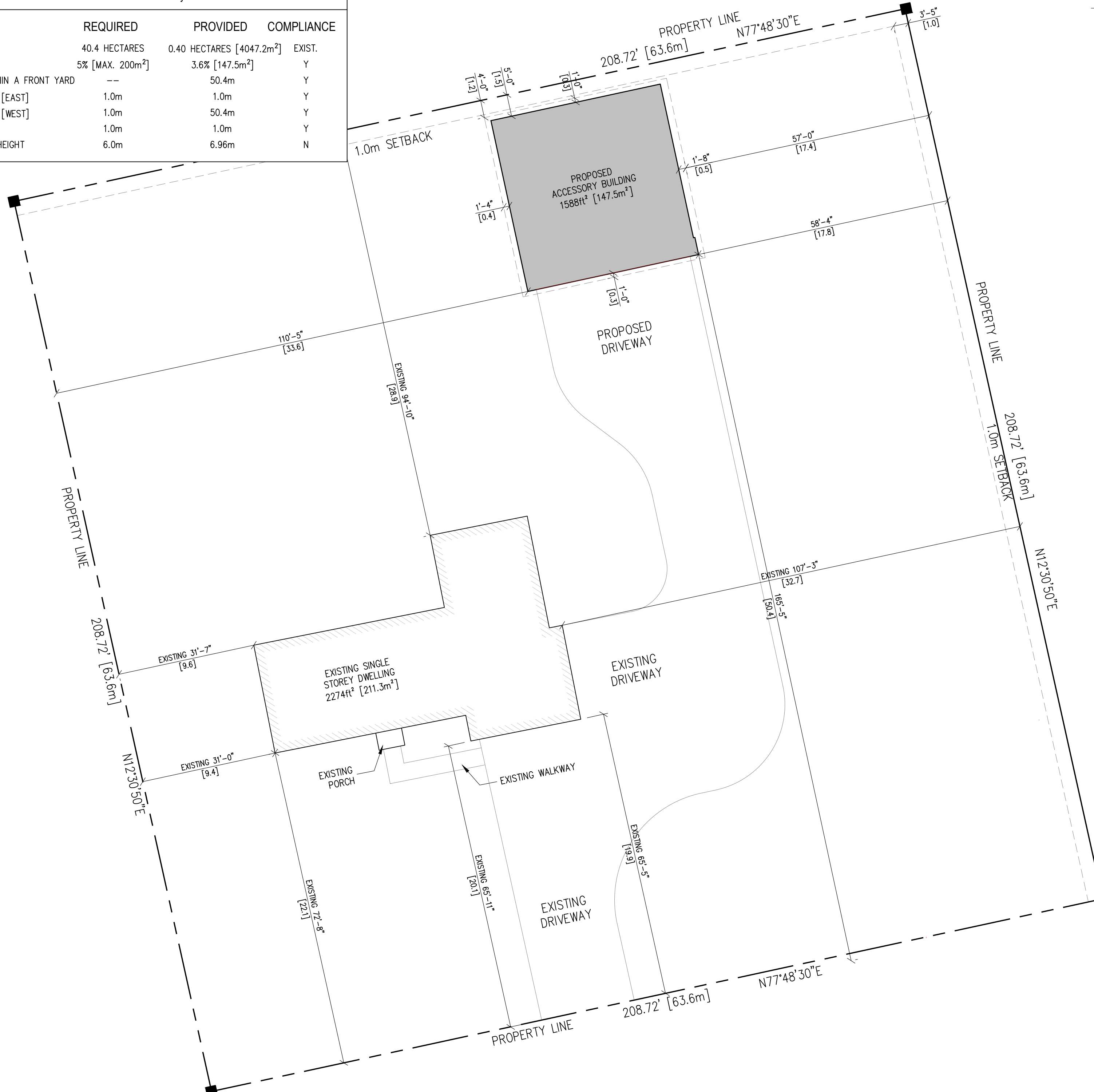
DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

ZONING STATISTICS - 1265 6th CONC. WEST, MILLGROVE, ON
 CONSERVATION/HAZARD LAND RURAL (P6) ZONE
 Accessory Building - In accordance with the requirements of
 Sections 4.8 and 4.8.2 of this By-law.

| ITEM | REQUIRED | PROVIDED | COMPLIANCE |
|-----------------------------------|------------------------------|---------------------------------------|------------|
| LOT AREA | 40.4 HECTARES | 0.40 HECTARES [4047.2m ²] | EXIST. |
| LOT COVERAGE | 5% [MAX. 200m ²] | 3.6% [147.5m ²] | Y |
| NOT PERMITTED WITHIN A FRONT YARD | -- | 50.4m | Y |
| MINIMUM SIDE YARD [EAST] | 1.0m | 1.0m | Y |
| MINIMUM SIDE YARD [WEST] | 1.0m | 50.4m | Y |
| MINIMUM REAR YARD | 1.0m | 1.0m | Y |
| MAXIMUM BUILDING HEIGHT | 6.0m | 6.96m | N |



THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

| REV. | DATE | REMARKS |
|------|---------|-----------------------|
| 1 | 14DEC20 | ISSUED MINOR VARIANCE |
| 0 | 30NOV20 | ISSUED FOR APPROVAL |

ZOLTAN ENGINEERING
 4380 S Service Road, Suite #25
 Burlington, ON L7L 5Y6
 905.331.8307
 www.zoltanengineering.com

PROJECT TITLE
ELZINGA ACCESSORY BUILDING
 1265 6th CONCESSION WEST
 MILLGROVE, ONTARIO

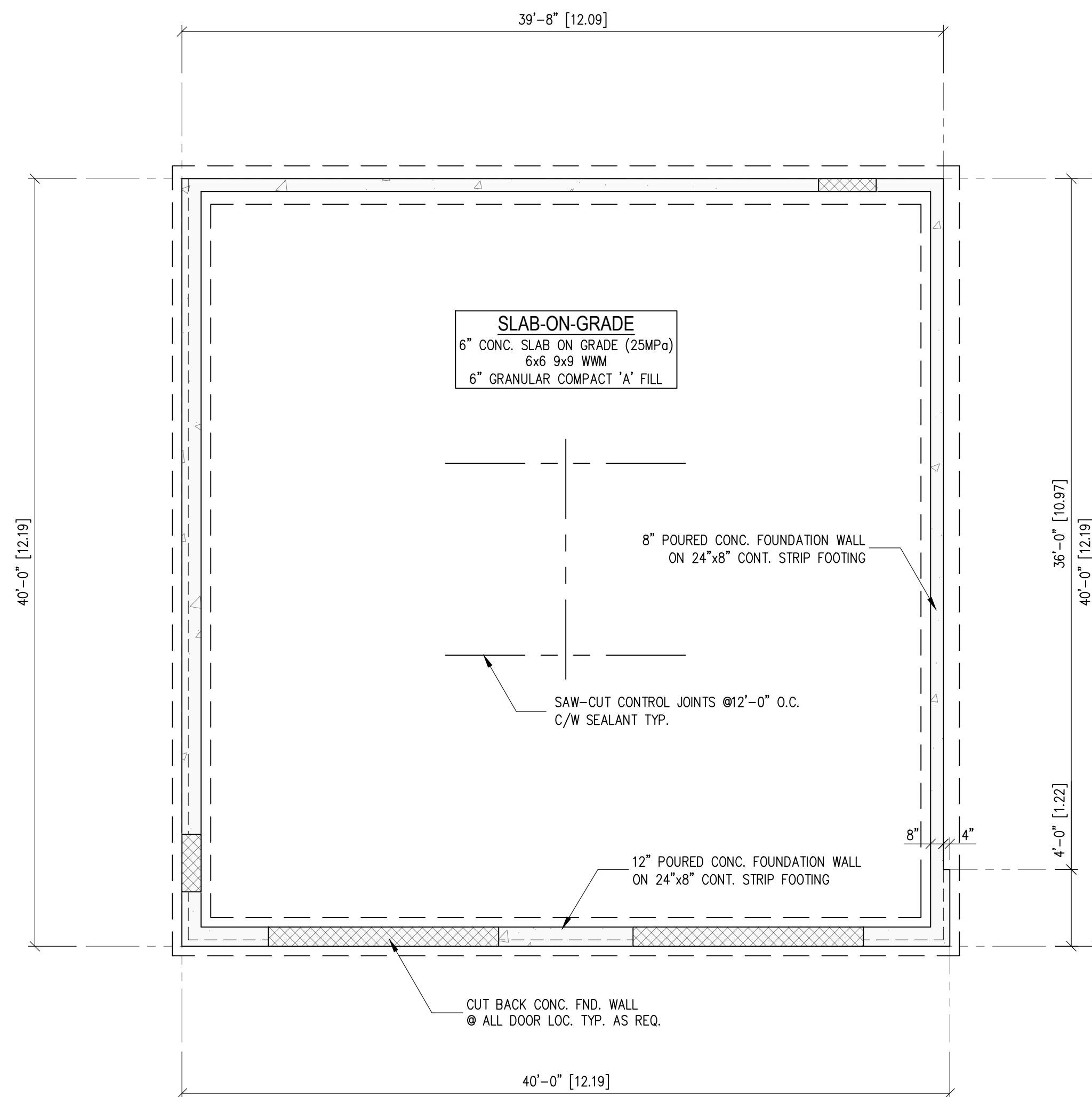
DRAWING TITLE
ARRANGEMENT PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 14DEC20 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

PROJECT No. **20-227** SHEET No. **S1**

PRELIMINARY





THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

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|------|---------|-----------------------|
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ZOLTAN ENGINEERING

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 Burlington, ON L7L 5Y6
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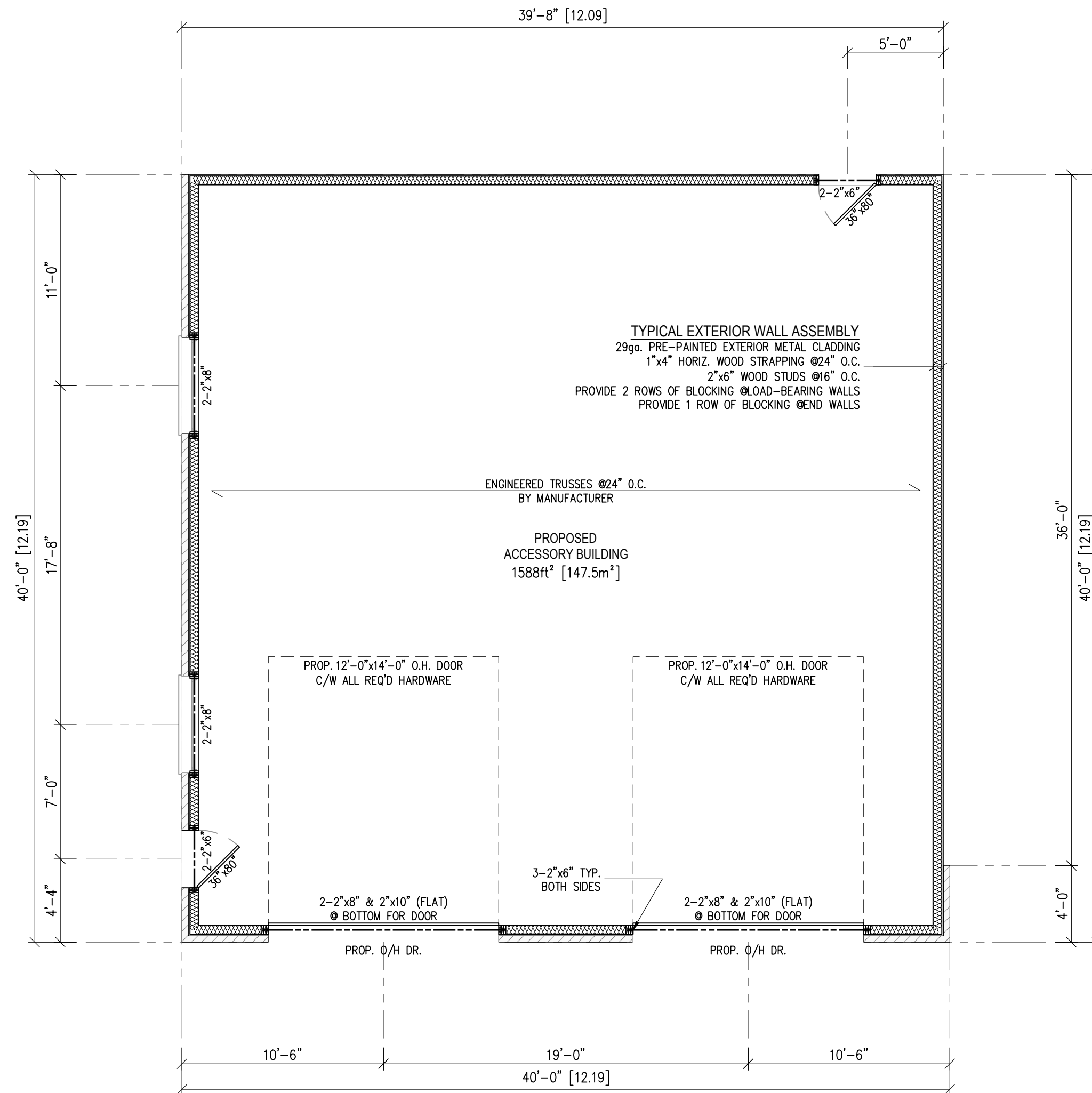
PROJECT TITLE
 ELZINGA ACCESSORY BUILDING
 1265 6th CONCESSION WEST
 MILLGROVE, ONTARIO

DRAWING TITLE
 FOUNDATION PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 14DEC20 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

PRELIMINARY

PROJECT No. 20-227 SHEET No. A1



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| REV. | DATE | REMARKS |
|------|---------|-----------------------|
| 1 | 14DEC20 | ISSUED MINOR VARIANCE |
| 0 | 30NOV20 | ISSUED FOR APPROVAL |

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Burlington, ON L7L 5Y6
905.331.8307
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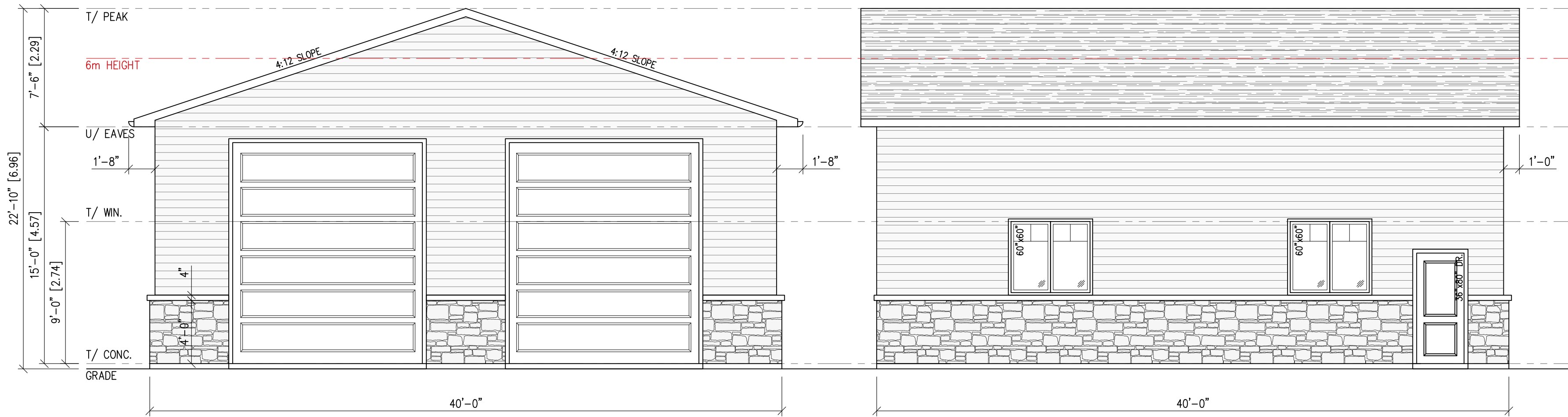
PROJECT TITLE
ELZINGA ACCESSORY BUILDING
1265 6th CONCESSION WEST
MILLGROVE, ONTARIO

DRAWING TITLE
FRAMING PLAN

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| SCALE | AS NOTED |
| DATE | 14DEC20 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

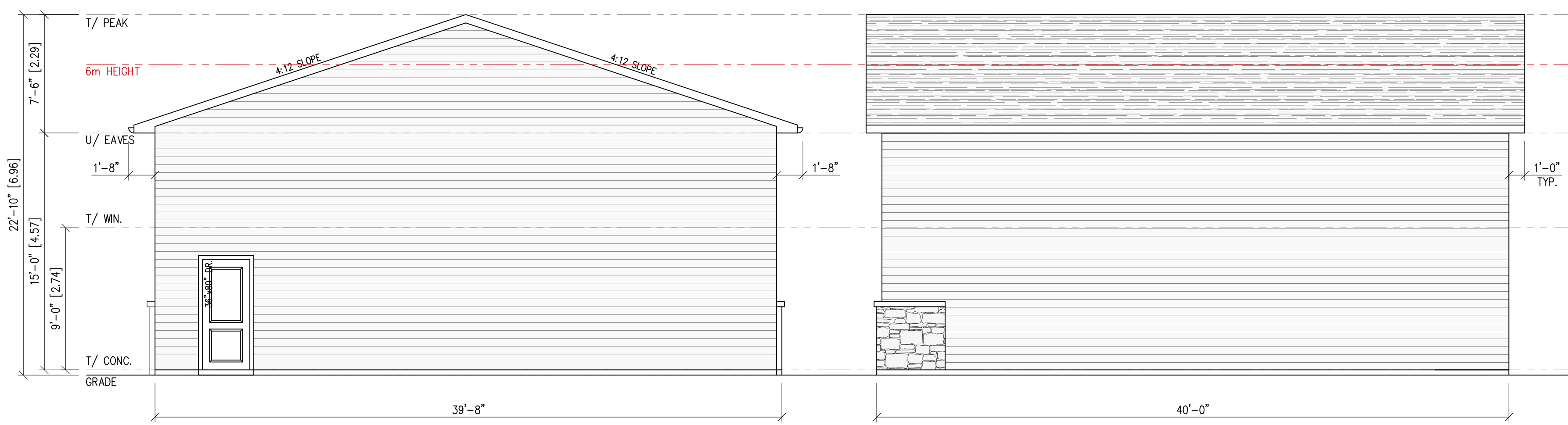
PRELIMINARY

| | |
|---------------|-----------|
| PROJECT No. | SHEET No. |
| 20-227 | A2 |



1 SOUTH ELEVATION
Scale: 3/16"=1'-0"

3 WEST ELEVATION
Scale: 3/16"=1'-0"



2 NORTH ELEVATION
Scale: 3/16"=1'-0"

4 EAST ELEVATION
Scale: 3/16"=1'-0"

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 Burlington, ON L7L 5Y6
 905.331.8307
 www.zoltanengineering.com

PROJECT TITLE
ELZINGA ACCESSORY BUILDING
 1265 6th CONCESSION WEST
 MILLGROVE, ONTARIO

DRAWING TITLE
ELEVATIONS

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 14DEC20 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

PROJECT No. **20-227** SHEET No. **A3**

PRELIMINARY



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Mark Elzinga

2.

3. Name of Agent Zoltan Engineering Inc.

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
 Proposing a maximum building height of 7.0m which is more than allowed
 by the current regulations.
-
-
7. Why it is not possible to comply with the provisions of the By-law?
 Owner would like to build an accessory building and can not meet the
 required maximum height with 14'-0" overhead doors.
-
-
8. Legal description of subject lands (registered plan number and lot number or other
 legal description and where applicable, street and street number):
-
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other
 material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent
 lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on
 the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation
 where cyanide products may have been used as pesticides and/or sewage sludge
 was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the
 fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 7/21
 Date


 Signature Property Owner

Mark Elzinga
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 63.6m
 Depth 63.6m
 Area 4045m2
 Width of street 20m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Existing Residence: GFA = 211.3m2, 1 Storey, Width = 21.4m
Depth = 14.6m Height = 5.5m

Proposed: Accessory Building: GFA = 147.5m2, 1 Storey, Width = 12.2m
Depth = 12.2m Height = 6.96m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Existing Residence
Front - 19.9m, Rear - 28.9m, Right (East) - 32.7m, Left (West) 9.4m

Proposed: Accessory Building:
Front - 150.4m, Rear - 1.5m, Right (East) - 17.8m, Left (West) 33.6m

13. Date of acquisition of subject lands:
1993

14. Date of construction of all buildings and structures on subject lands:
Original Residence 1965, Residential Addition 2002

15. Existing uses of the subject property:
Residential (Single Family)

16. Existing uses of abutting properties:
Residential (Single Family)

17. Length of time the existing uses of the subject property have continued:

18. Municipal services available: (check the appropriate space or spaces)
 Water N/A Connected N/A
 Sanitary Sewer N/A Connected N/A
 Storm Sewers N/A

19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: FL/A-21:48

APPLICANTS: Zoltan Engineering on behalf of the owner 1541270 Ontario Inc.

SUBJECT PROPERTY: Municipal address **1129 Hwy 5, Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 15-173

ZONING: "E2" (Rural Industrial) district

PROPOSAL: To permit the construction of a new 148.0 sq. m. canopy for the existing Motor Vehicle Gas Bar notwithstanding that.

1. The minimum front yard shall be 1.0 metres for the proposed replacement canopy instead of the minimum required 7.5 metre front yard.

NOTES:

1. The E2 (Rural Industrial) Zone permits existing uses which existed at the date of passing of the Zoning By-law.

2. The requested canopy to replace an existing 76 square metre canopy for zoning purposes is treated as a principal structure rather than an accessory structure.

3. The Zoning By-law defines a Motor Vehicle Gas Bar as:

Motor Vehicle Gas Bar shall mean a use on a lot, where fuel or lubricants are offered for sale but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

FL/A-21: 48

Page 2

PUBLIC INPUT

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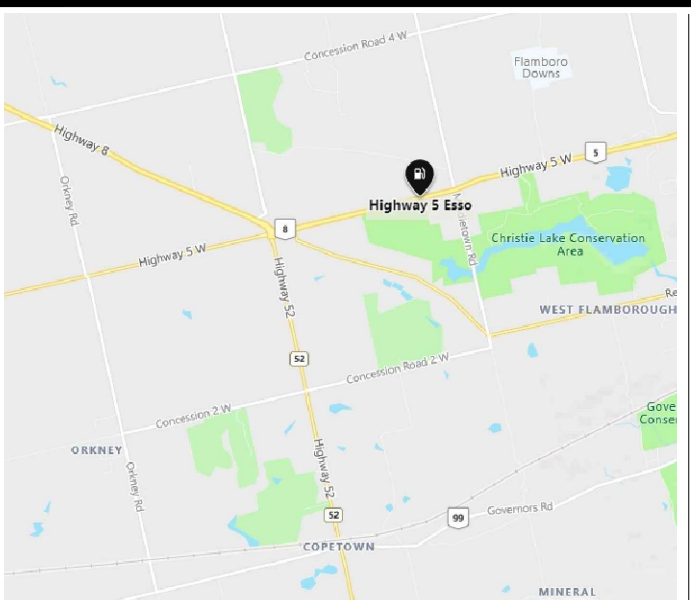
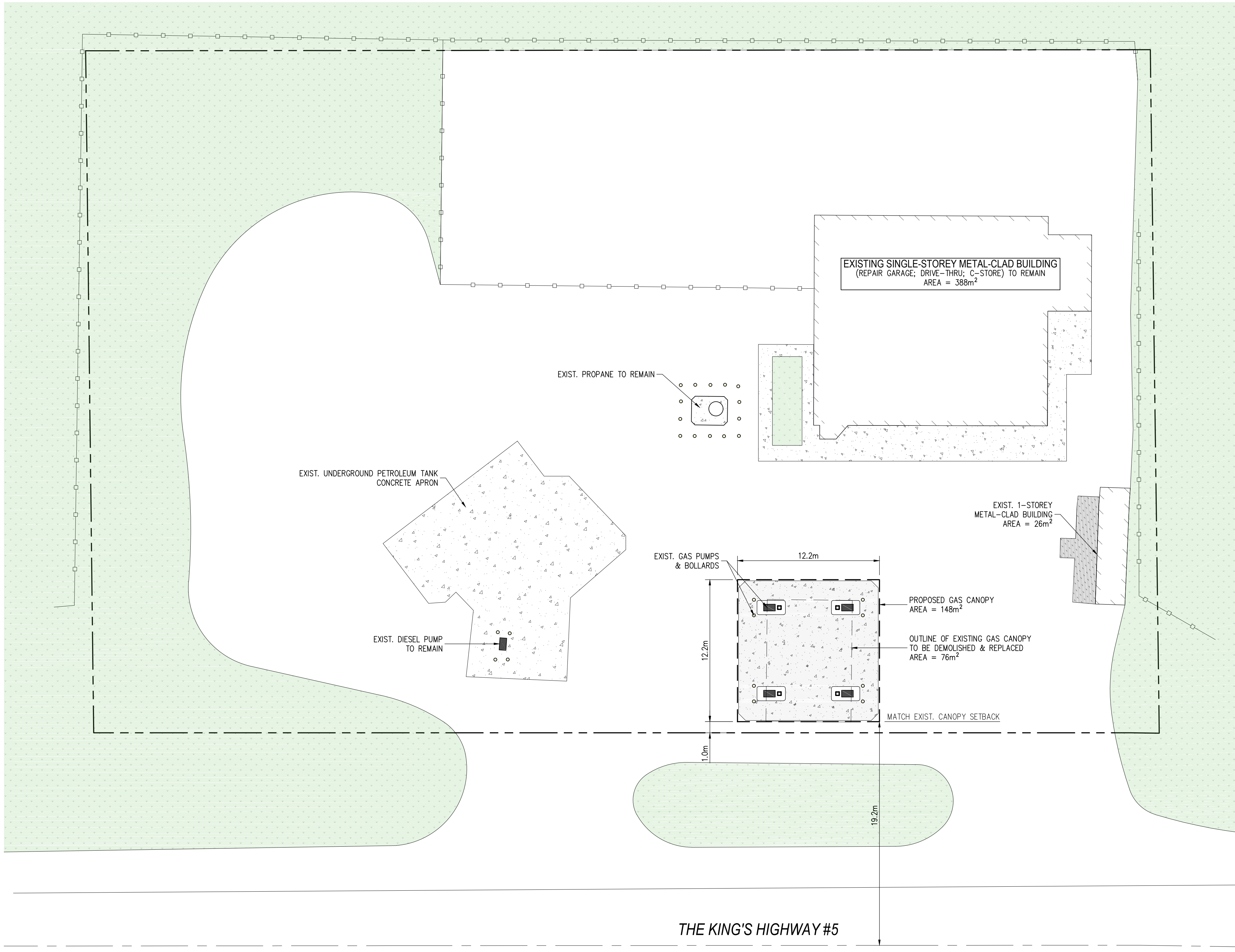
DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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DRAWING LEGEND

| | |
|-----------|--------------------------|
| --- | PROPERTY LINE |
| -GRASSED- | SURFACE COVER (EXISTING) |
| -GRASSED- | SURFACE COVER (PROPOSED) |
| HP ○ | HYDRO POLE / LIGHT POLE |
| FHD ○ | FIRE HYDRANT |
| □ | WOOD FENCE (EXISTING) |
| □ | WOOD FENCE (PROPOSED) |



KEY MAP

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LEGAL DESCRIPTION
 PART 1, PLAT OF PART OF LOT 35, CONCESSION 3 GEOGRAPHIC TOWNSHIP OF BEVERLY IN THE CITY OF HAMILTON

| | | |
|------|---------|-------------------|
| 0 | 02DEC20 | ISSUED FOR PERMIT |
| REV. | DATE | REMARKS |

ZOLTAN ENGINEERING
 25-4380 SOUTH SERVICE ROAD
 BURLINGTON, ON L7L 5Y6
 (905) 331 - 8307
 WWW.ZOLTANENGINEERING.COM

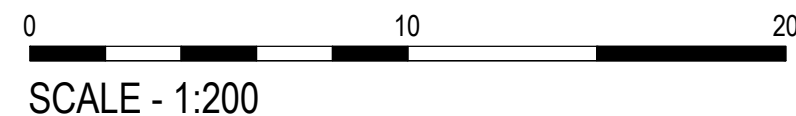
PROJECT TITLE
 GAS CANOPY REPLACEMENT
 1129 HIGHWAY #5
 FLABOROUGH, ONTARIO

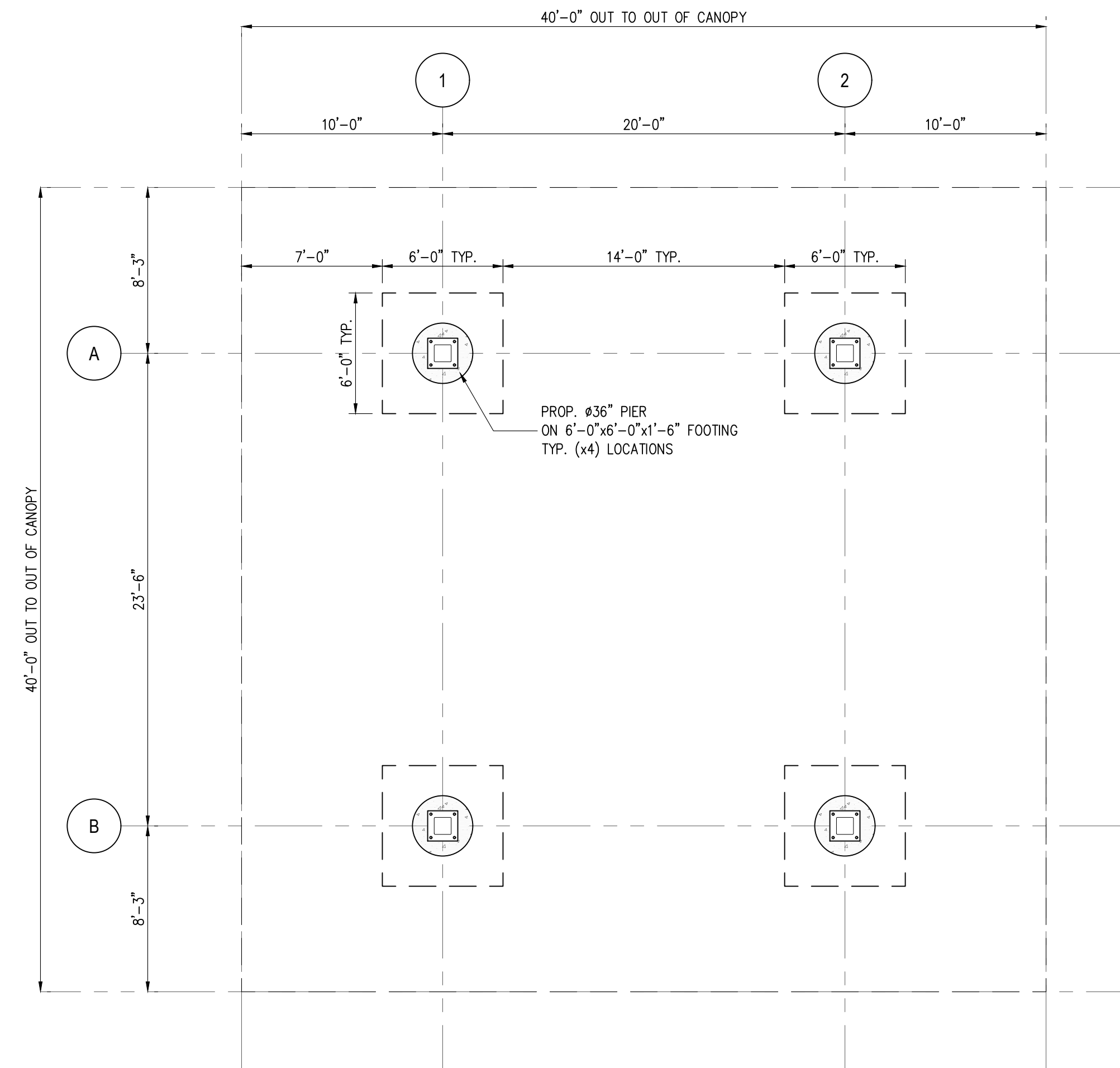
DRAWING TITLE
 ARRANGEMENT PLAN

| | |
|----------|---------|
| SCALE | 1:200 |
| DATE | 02DEC20 |
| DRAWN | EP |
| DESIGNED | ZL |
| CHECKED | ZL |



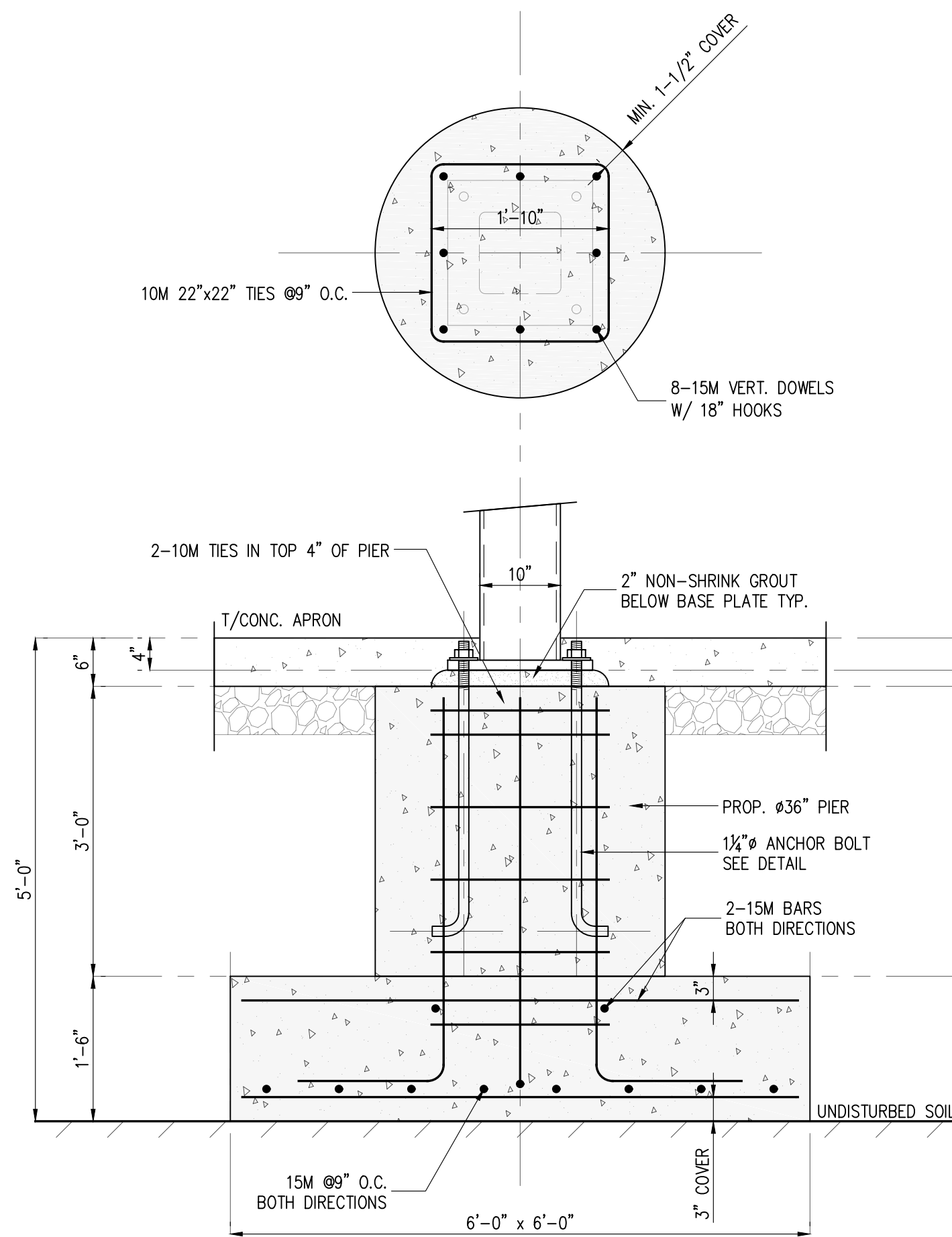
PROJECT NO. 20-247
SHEET NO. AP-1



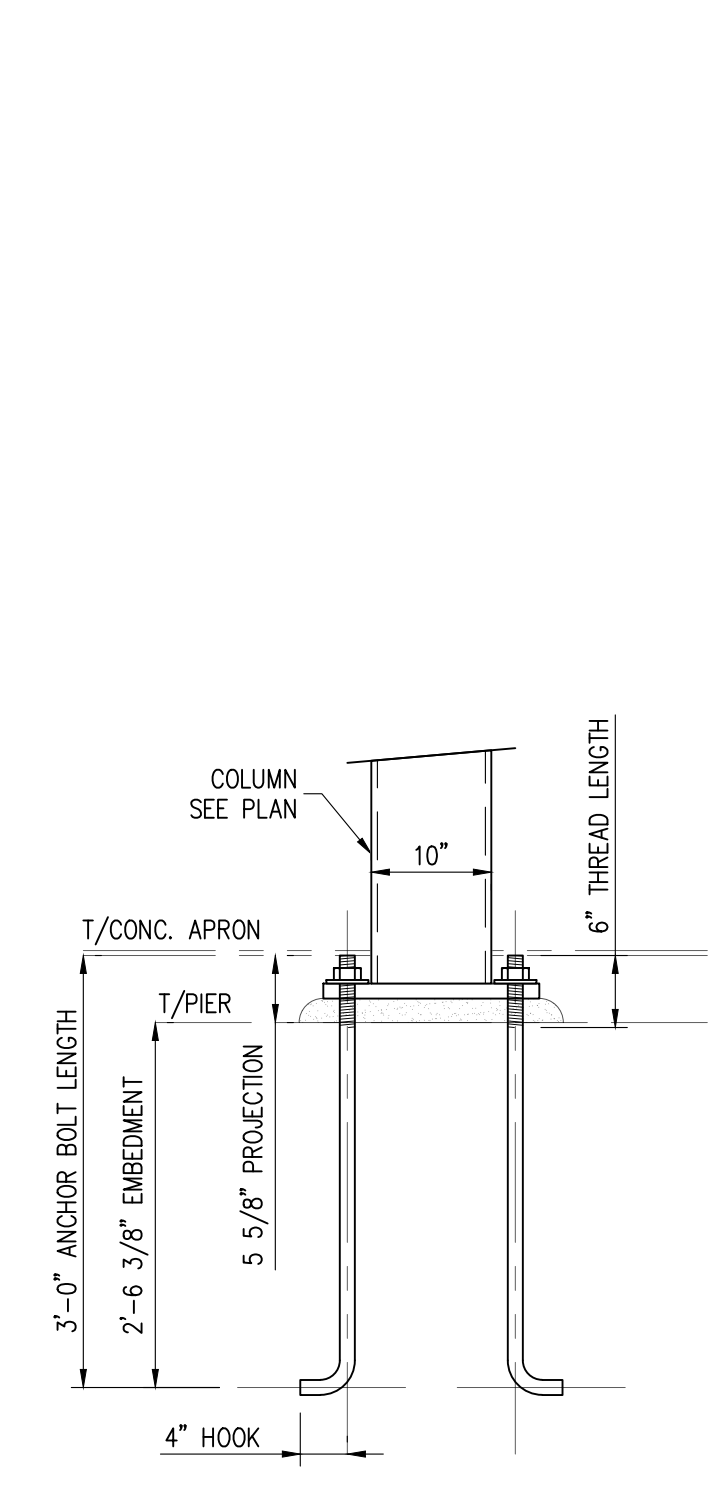


1 FRAMING PLAN
Scale: 3/16"=1'-0"

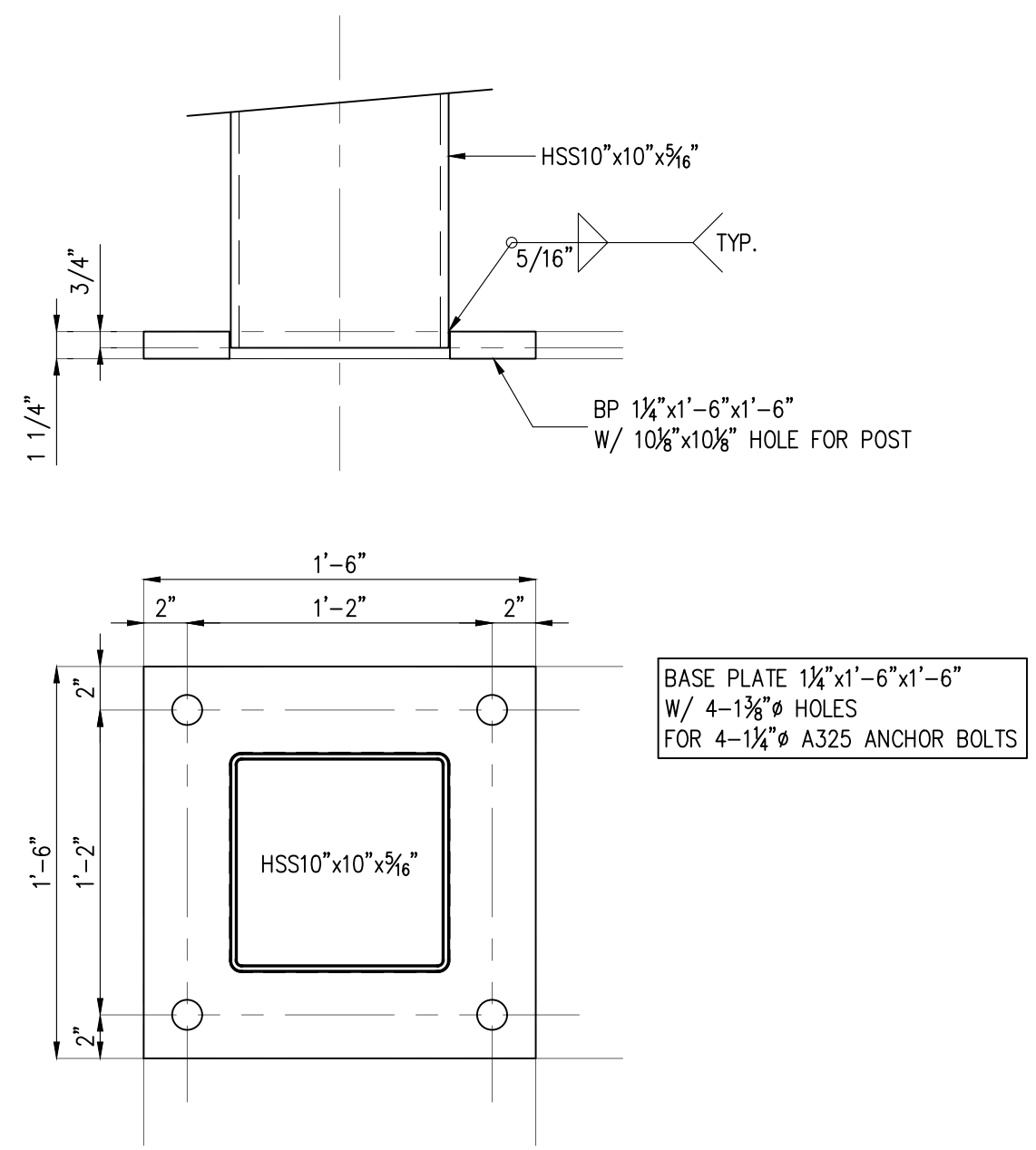
SOIL BEARING CAPACITY NOTE:
ASSUME BEARING CAPACITY OF SOIL 3000 PSF SLS OR 6000 PSF ULS TO BE CONFIRMED BY ENGINEER OR GEOTECHNICAL REPORT PRIOR TO POURING FOOTINGS.



2 FOUNDATION DETAIL
Scale: 3/4"=1'-0"



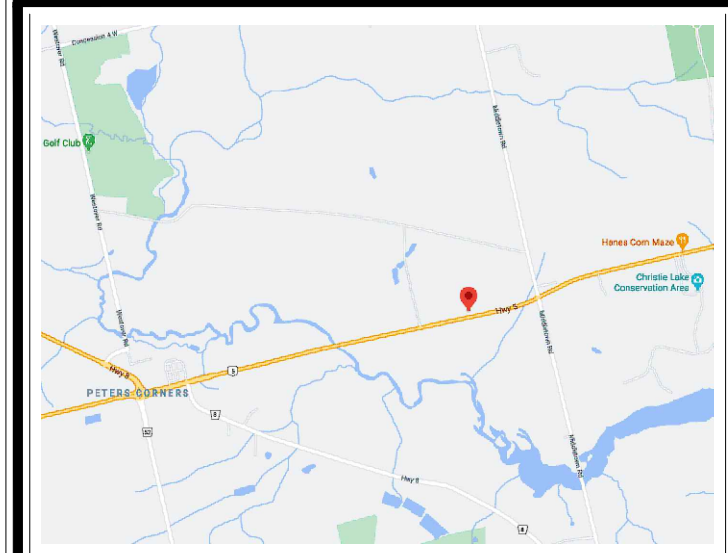
3 ANCHOR BOLT DETAIL
Scale: 3/4"=1'-0"



4 BASE PLATE DETAIL
Scale: 1-1/2"=1'-0"

- CONCRETE**
- ALL CONCRETE WORK TO CONFORM TO CSA STANDARDS A23.1-14, A23.2-14, & A23.3-14
 - CONCRETE FLOOR AND FOUNDATIONS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 25 MPA AT 28 DAYS UNLESS NOTED OTHERWISE ON PLANS.
 - ALL REINFORCING STEEL SHALL CONFORM TO CSA SPECIFICATION G30.18-M92 GRADE 400. FOR CONCRETE PROTECTION TO BARS SEE PLAN.
 - SPACING AND CONCRETE COVER FOR REINFORCING STEEL SHALL CONFORM TO CSA A23.1 & CSA A23.2 UNLESS NOTED OTHERWISE:
 - CONCRETE CAST AGAINST EARTH: 75mm (3")
 - PIERS AND WALL: 40mm (1 1/2")
 - EXPOSED TO DE-ICING CHEMICALS: 60mm (2 1/2")
 - INTERIOR SLABS AND BEAMS: (1 1/2")
 - CONCRETE PROPERTIES:
 - ALL CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 25 MPA MINIMUM UNLESS OTHERWISE SPECIFIED.
 - EXTERIOR CONCRETE SLABS TO BE CLASS C-2 CONCRETE (28 DAY COMPRESSIVE STRENGTH OF 32 MPA) WITH AIR ENTRAINMENT.
 - INTERIOR CONCRETE SLABS SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 25 MPA, 0.55 MAX. WATER-CEMENT RATIO.
 - CONCRETE MIX DESIGN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO USE AT JOB SITE.
 - LAP ALL REINFORCING BARS AT LEAST 20 DIAMETERS OR MINIMUM OF 1'-0" (300 mm) UNLESS NOTED OTHERWISE ON ALL PLANS.
 - SLUMP OF CONCRETE TO BE 75 mm ± 25 mm (3" ± 1") OR AS OTHERWISE SPECIFIED. CONCRETE WITH 110 mm (4 1/2") SLUMP OR MORE IS TO BE REJECTED.
 - INSTALL ANCHOR BOLTS OR MISCELLANEOUS ITEMS SUPPLIED BY OTHERS FOR INSTALLATION IN THE CONCRETE WORK.
 - CONTROL JOINTS: IN CONCRETE SLABS ON GRADE, MAXIMUM SPACING 25'-0" (7500mm) AREAS NOT TO EXCEED 625 FT² IN FOUNDATION WALLS MORE THAN 82' (25M) LONG AT INTERVALS NOT TO EXCEED 49'-9" (15 M).

- FOUNDATIONS**
- ALL FOOTINGS SHALL BE FOUNDED ON NATURALLY CONSOLIDATED UNDISTURBED SOIL CAPABLE OF SUSTAINING A LOAD (SEE PLAN) AT LEAST 2'-6" (750mm) BELOW ORIGINAL (NOT FILL) GRADE.
 - FOOTING ELEVATIONS ARE BASED ON ESTIMATE ONLY, IF UPON EXCAVATING TO THE SPECIFIED ELEVATIONS IT IS FOUND THAT THE ABOVE CONDITIONS ARE NOT MET OR THAT THEY HAVE BEEN MET AT HIGHER ELEVATIONS, THE FOOTING ELEVATION MAY BE ADJUSTED WITH THE ENGINEER'S PERMISSION.
 - MINIMUM DEPTH FOR EXTERIOR FOOTINGS IS 4'-0" (1200mm) BELOW FINISHED GRADE UNLESS NOTED OTHERWISE.
 - CENTRE ALL CAPS AND FOOTINGS UNDER COLUMNS EXCEPT AS NOTED OTHERWISE ON THE PLANS.
 - DURING COLD WEATHER, PROTECT SOIL BENEATH AND ADJACENT TO FOOTINGS FROM FREEZING. DO NOT CAST FOUNDATION ON FROZEN MATERIAL.
 - CONTRACTOR IS RESPONSIBLE FOR MANAGING SURFACE & GROUND WATER DURING CONSTRUCTION AND TO ENSURE FOUNDATIONS ARE CAST ON DRY UNDISTURBED SOIL.
 - UNLESS SPECIFIED BY THE ENGINEER, DO NOT EXCEED A RISE OF 7" IN A RUN OF 10" IN THE LINE OF SLOPE BETWEEN ADJACENT FOOTINGS EXCAVATIONS OR ALONG STEPPED FOOTINGS. USE STEPS NOT EXCEEDING 24" (500mm) IN HEIGHT AND NOT LESS THAN 48" (1200mm) IN LENGTH.
 - WHERE NECESSARY, THE CONTRACTOR SHALL LOWER FOOTINGS TO ACCOMMODATE DRAIN LINES, ETC.
 - DO NOT PLACE BACKFILL AGAINST WALLS RETAINING EARTH (UNLESS DESIGNED FOR CANTILEVER) UNTIL FLOOR CONSTRUCTION AT TOP AND BOTTOM OF THE WALLS IS POURED AND SET.
 - BACKFILLING AGAINST FOUNDATION WALLS TO BE DONE SO THAT THERE IS NEVER MORE THAN 1'-6" (450mm) DIFFERENCE IN LEVEL, ONE SIDE TO THE OTHER, EXCEPT AS NOTED IN PARAGRAPH 9, ABOVE.
 - WHERE SLAB ON GRADE IS USED TO TIE THE TOP OF THE WALL RETAINING EARTH, ADEQUATE SHORING AND BRACING MUST BE PROVIDED WHILE FILL IS BEING PLACED AND COMPACTED, AND MUST BE LEFT IN PLACE UNTIL SLAB IS POURED AND GAINED 75% OF ITS ULTIMATE STRENGTH.



KEY MAP

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

| REV. | DATE | ISSUED FOR APPROVAL | REMARKS |
|------|---------|---------------------|---------|
| 0 | 02DEC20 | | |

ZOLTAN ENGINEERING
25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331-8307
WWW.ZOLTANENGINEERING.COM

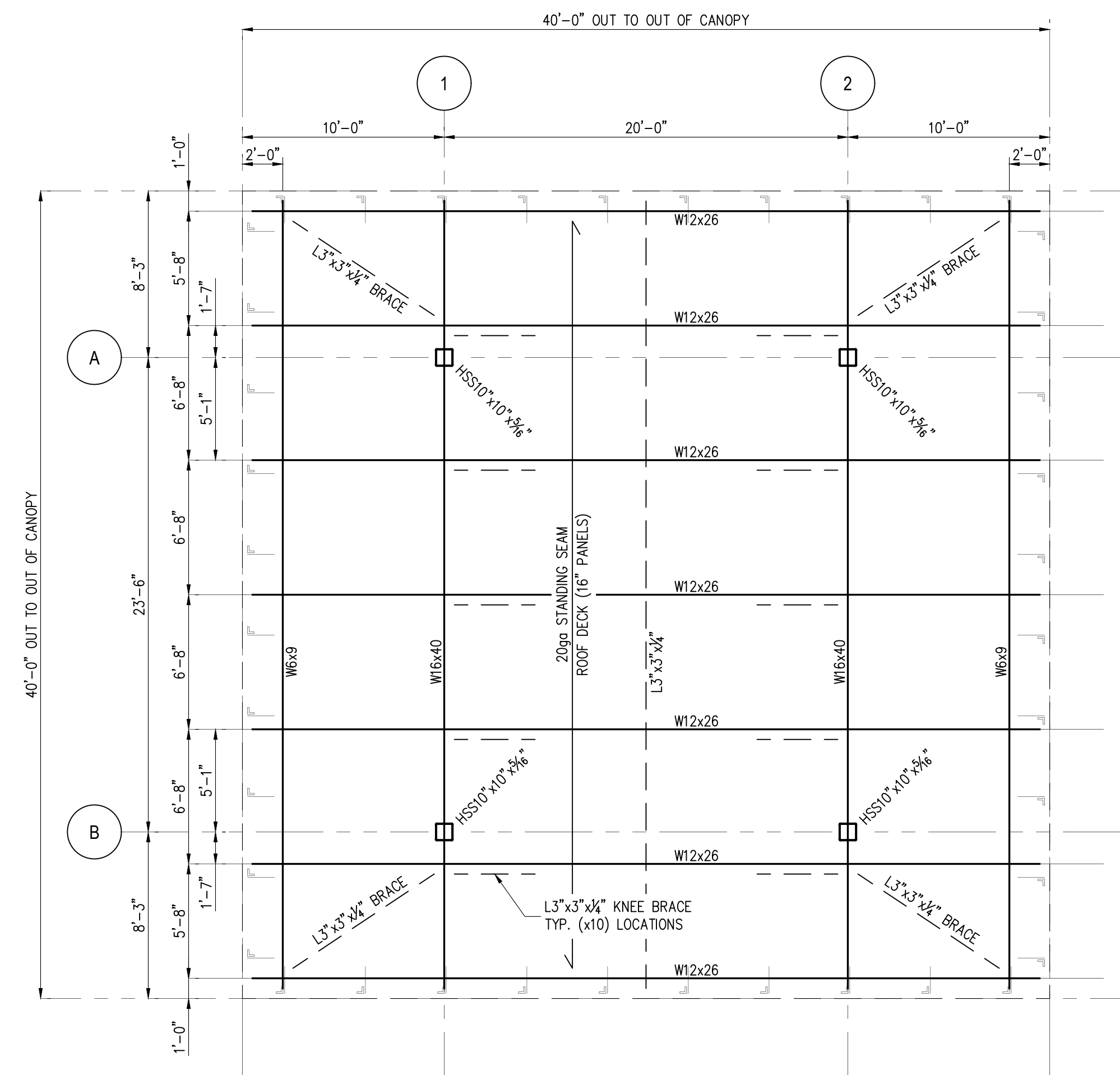
PROJECT TITLE
PROPOSED GAS CANOPY
1129 HIGHWAY #5
HAMILTON, ON.

DRAWING TITLE
**FOUNDATION PLAN
PIER DETAIL
BASE PLATE & ANCHOR BOLT DETAILS**

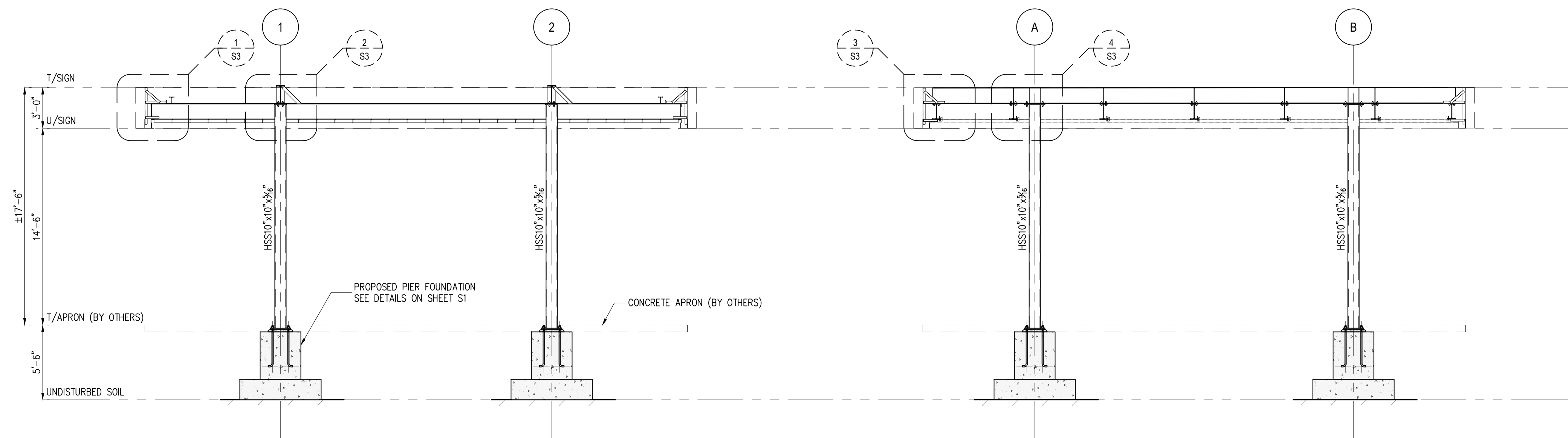
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| DATE | 02DEC20 |
| DRAWN | JA |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO. **20-247** SHEET NO. **S1**



1 FRAMING PLAN
Scale: 3/16"=1'-0"



2 CROSS SECTION @ GRIDLINE A
Scale: 3/16"=1'-0"

3 CROSS SECTION @ GRIDLINE 2
Scale: 3/16"=1'-0"

DESIGN INFORMATION

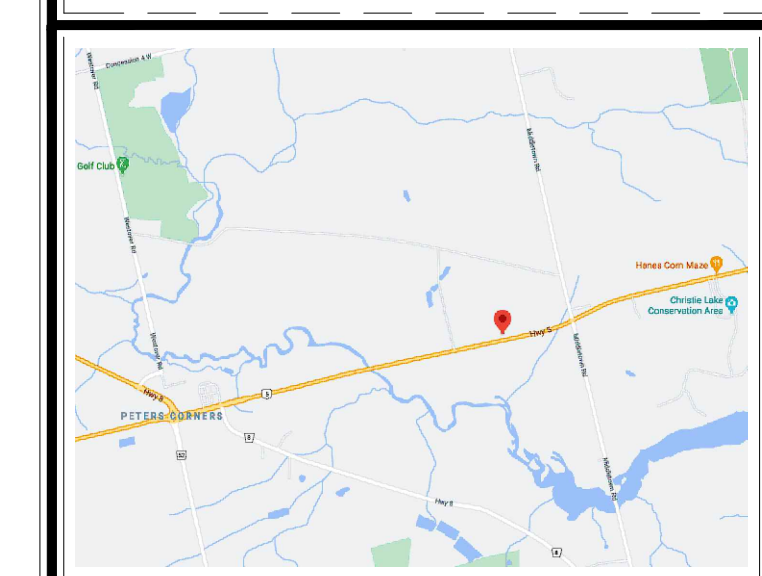
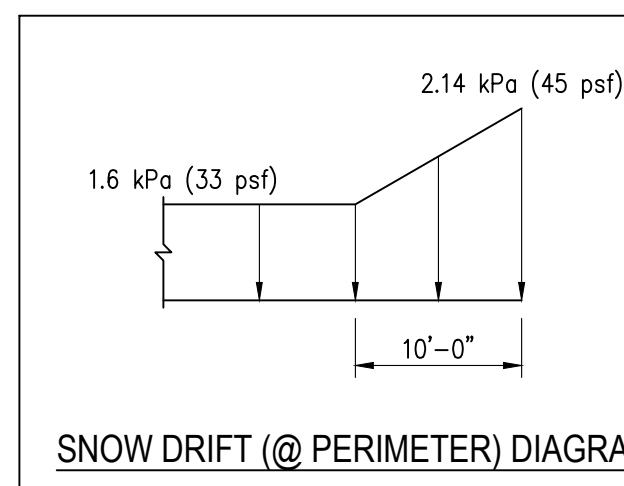
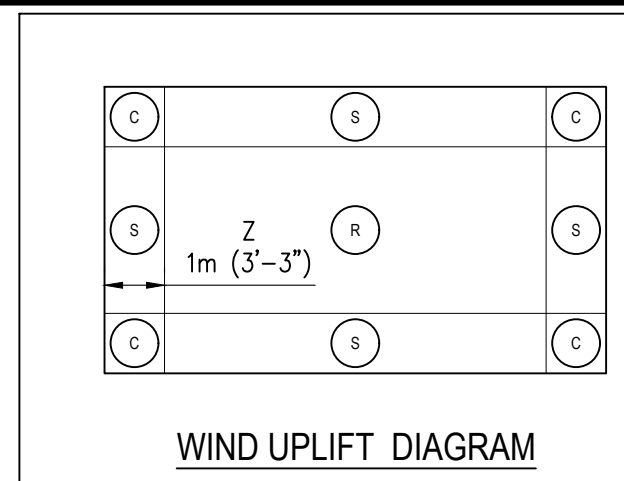
CLIMATIC DATA
 OBC LOCATION: Hamilton (Above Escarpment, West of Airport)
 Ss = 1.5 kPa
 Sr = 0.4 kPa
 q(1/50) = 0.46 kPa
 Importance: Normal

CANOPY ROOF LOADS
 SNOW LOAD = 1.60 kPa 33 psf
 DEAD LOAD = 0.56 kPa 12 psf

SEISMIC DESIGN
 Sa(0.2) = 0.260 Sa(5.0) = 0.007
 Sa(0.5) = 0.128 Sa(10.0) = 0.003
 Sa(1.0) = 0.061 PGA = 0.168
 Sa(2.0) = 0.028

Rd = 1.5 *Conventional Construction
 Ro = 1.3 of Moment Resisting Frames
 Site Class: D

WIND UPLIFT - AREA OF 0m² FOR COMPONENT DESIGN
 CORNER ZONE, C 2.25 kPa 47 psf
 SIDE ZONE, S 1.33 kPa 28 psf
 ROOF ZONE, R 1.33 kPa 28 psf



KEY MAP

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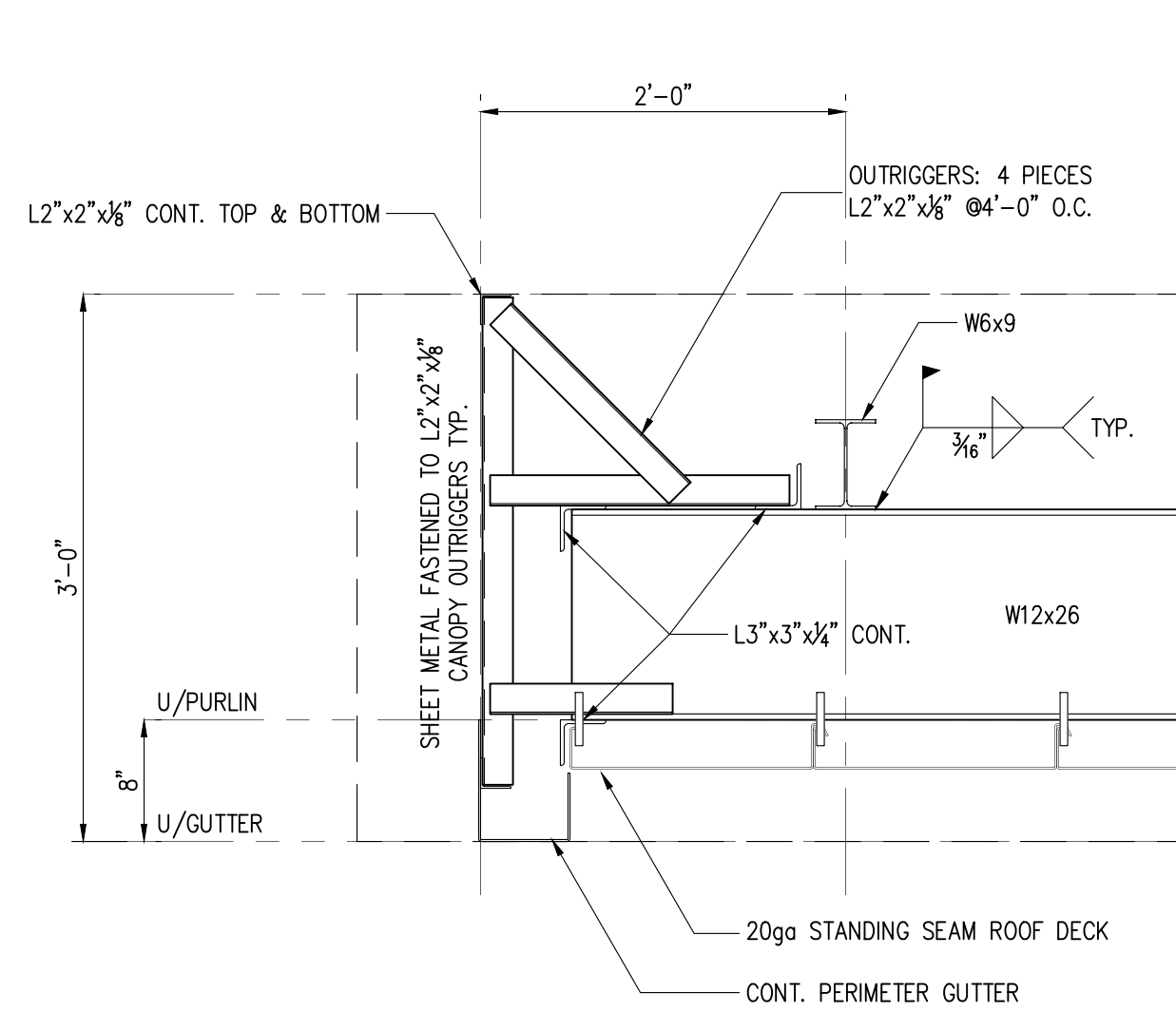
PROJECT TITLE
 PROPOSED GAS CANOPY
 1129 HIGHWAY #5
 HAMILTON, ON.

DRAWING TITLE
 CANOPY FRAMING PLAN
 CROSS SECTION

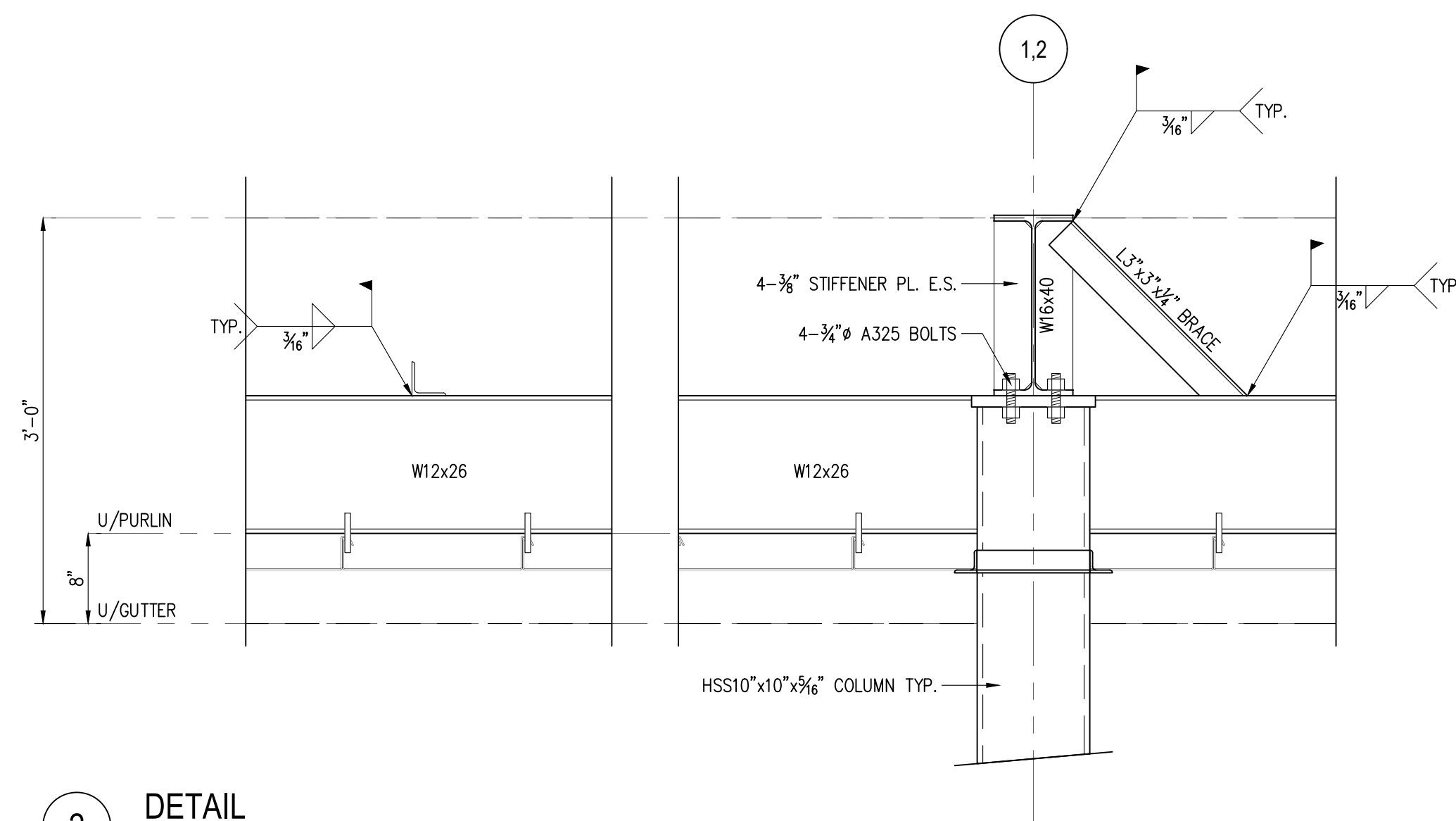
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| SCALE | AS NOTED |
| DATE | 02DEC20 |
| DRAWN | JA |
| DESIGNED | ZL |
| CHECKED | ZL |



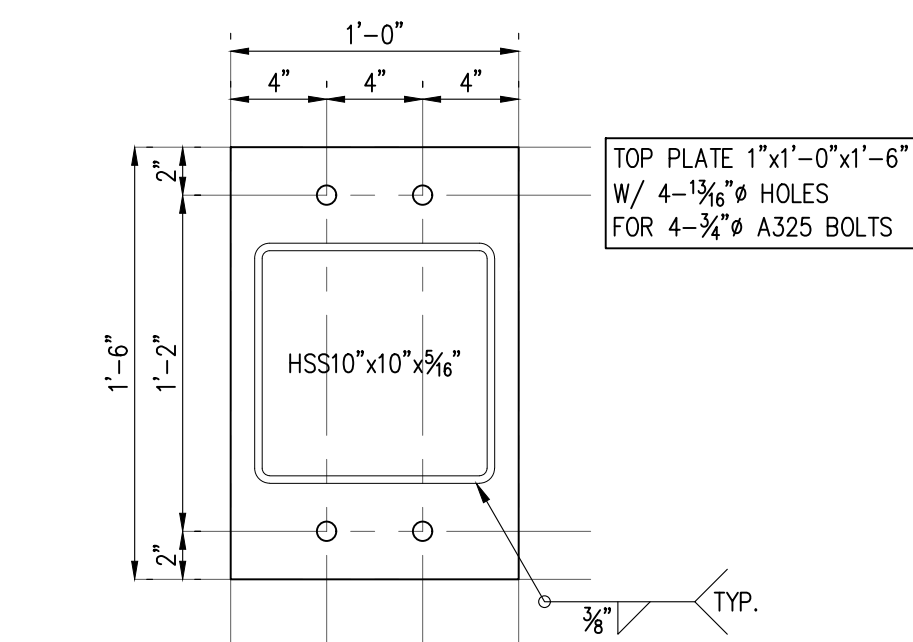
PROJECT NO. 20-247 SHEET NO. S2



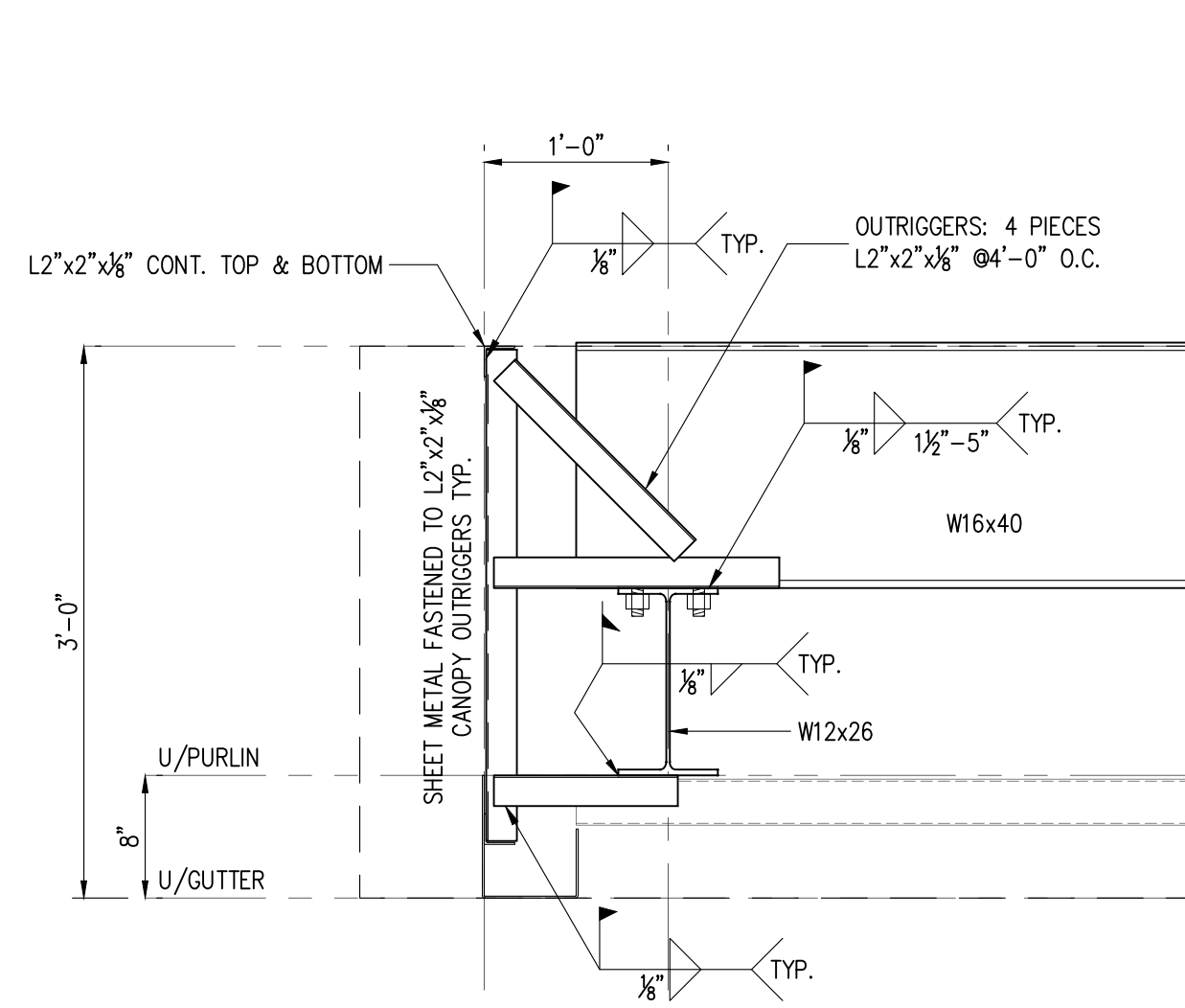
1 DETAIL Scale: 1" = 1'-0"



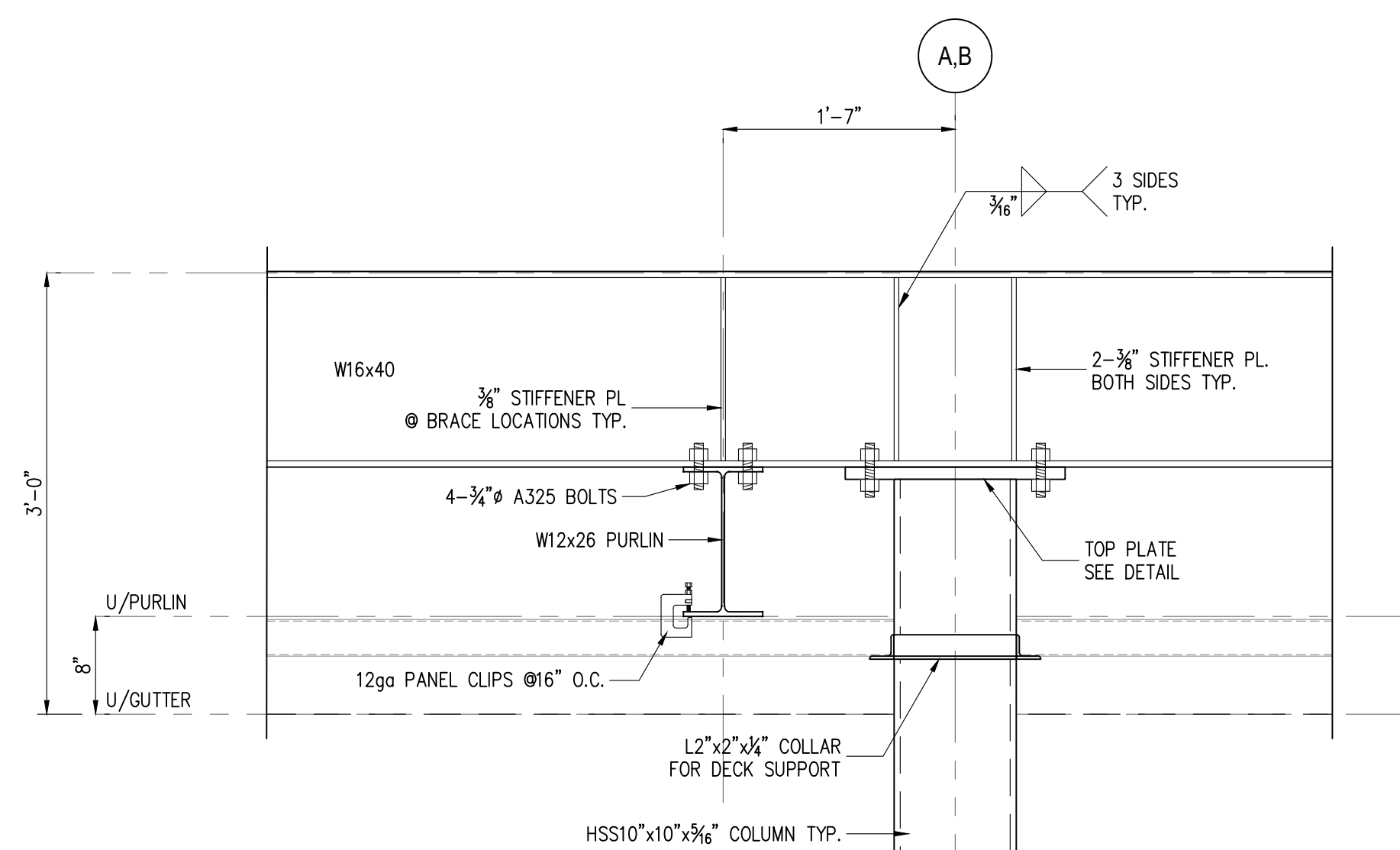
2 DETAIL Scale: 1" = 1'-0"



5 TOP PLATE DETAIL Scale: 1 1/2" = 1'-0"



3 DETAIL Scale: 1" = 1'-0"



4 DETAIL Scale: 1" = 1'-0"

GENERAL

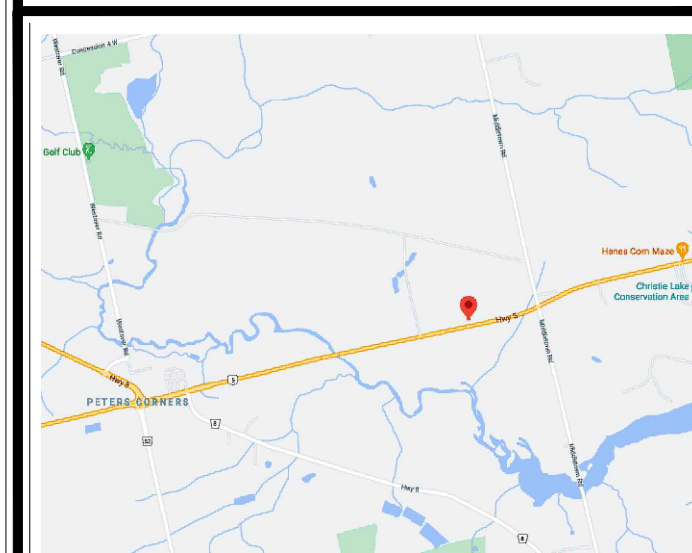
- THE DESIGN AND CONSTRUCTION OF ALL WORK ON THIS PROJECT IS TO CONFORM TO THE ONTARIO BUILDING CODE - 2012 INCLUDING ALL AMENDMENTS, AND THE RELEVANT LISTED CSA STANDARDS INCLUDING THE LATEST REVISIONS.
- READ STRUCTURAL DRAWINGS IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL AND SERVICES DRAWINGS AND OTHER CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONED DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- DO NOT EXCEED DESIGN LIVE LOAD DURING CONSTRUCTION.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS - O.REG. 213/91.
- THE CONTRACTOR SHALL RETAIN AN INDEPENDENT INSPECTION AND TESTING COMPANY TO ENSURE THAT ALL WORK IS DONE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS. TESTING SHALL INCLUDE REINFORCING STEEL PLACEMENT, CONCRETE TESTS, SOIL BEARING AND COMPACTION TESTS, AND STRUCTURAL STEEL.
- IT IS THE RESPONSIBILITY OF BOTH THE OWNER AND THE CONTRACTOR TO NOTIFY THE ENGINEER OF REQUIRED INSPECTION AND TESTING. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A CONSTRUCTION SCHEDULE PRIOR TO STARTING THE WORK. GENERALLY, INSPECTION BY THE ENGINEER WILL BE REQUIRED FOR REBAR PRIOR TO CONCRETE PLACEMENT, FOOTING AND FOUNDATIONS PRIOR TO BACKFILLING, AND ABOVE GRADE FRAMING PRIOR TO INSTALLATION OF INTERIOR FINISHES.
- SITE VISITS AND REVIEWS BY THE DESIGN ENGINEER OR REPRESENTATIVE ARE INTENDED FOR THE PURPOSE OF ASCERTAINING GENERAL CONFORMANCE WITH THE DESIGN CONCEPT. THE SITE REVIEWS DO NOT MEAN THAT THE DESIGN ENGINEER HAS SEEN ALL OF THE CONSTRUCTION OR CONSTRUCTION PROCEDURES.
- REVIEW OF CONSTRUCTION BY THE DESIGN ENGINEER DOES NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY FOR ERRORS AND OMISSIONS AND FOR MEETING ALL THE REQUIREMENTS OF THE CONSTRUCTION AND CONTRACT DOCUMENTS.
- THE CONTRACTOR IS RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE REMOVAL OF FINISHES REQUIRED FOR INSPECTIONS OR TESTING THAT IS COVERED BEFORE INSPECTIONS ARE COMPLETED.
- SUBSTITUTIONS FROM SPECIFIED PRODUCTS AND MATERIALS MUST BE APPROVED BY THE ENGINEER PRIOR TO ORDERING OF MATERIALS. THE CONTRACTOR SHALL REIMBURSE ALL CONSULTANT FOR ADDITIONAL COSTS INCURRED AS A RESULT OF REVIEWING ANY CHANGES MADE TO THE CONTRACT DOCUMENTS.
- IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO DESIGN ALL SHORING AND TEMPORARY BRACING PER O.REG 213/91 AND THE CONTRACTOR SHALL RETAIN AN ENGINEER AS REQUIRED.

STEEL DECK NOTES

- GUTTERS & DOWNSPOUTS ARE DESIGNED BY OTHERS; STRUCTURAL DESIGN ASSUMED NO WATER STORAGE ON CANOPY!
- STANDING SEAM ROOF DECK SHALL BE P16 3"x16"-20ga STEEL PANELS BY METALWORKS OR APPROVED EQUIVALENT.
- STANDING SEAM ROOF DECK SHALL HAVE A MINIMUM OF 3 SPANS AND SHALL BE CONNECTED TO STRUCTURAL STEEL BY 12ga. PANEL CLIPS BY METALWORKS AT 16" O.C.
- MAXIMUM SLS LOAD CAPACITY OF THE 12ga. PANEL CLIP BY METALWORKS IS 1.2 KIP AS PER CERNY & IVEY ENGINEERS INC., ENGINEERING REPORT NO. 23215 - DATED JULY 14, 2003. PROVIDE SUFFICIENT NUMBER OF PANEL CLIPS AS TO NOT EXCEED THE ABOVE LOAD CAPACITY.

STRUCTURAL STEEL

- CONFORM TO THE REQUIREMENTS ON CAN/CSA S16-14.
- GENERAL REQUIREMENTS FOR ROLLED OR WELDED STRUCTURAL QUALITY STEEL / STRUCTURAL QUALITY STEEL:
 - STRUCTURAL WIDE FLANGE AND WELDED WIDE FLANGE SHAPES TO CONFORM TO CAN/CSA-G40.20/G40.21, GRADE 350W.
 - ANGLES, CHANNELS, AND PLATES TO CONFORM TO CAN/CSA-G40.20/G40.21, GRADE 300W.
 - HOLLOW STRUCTURAL SECTIONS TO CONFORM TO CAN/CSA-G40.20/G40.21, GRADE 350W, CLASS H.
 - RODS AND ANCHOR BOLTS TO CONFORM TO G40.21-300W.
 - STRUCTURAL BOLTS AND NUTS TO CONFORM TO ASTM A325M, WASHERS TO CONFORM TO ASTM F436M.
- CISC CANADIAN INSTITUTE OF STEEL CONSTRUCTION HANDBOOK OF STEEL CONSTRUCTION, 11TH EDITION
- CODE OF STANDARD PRACTICE FOR STRUCTURAL STEEL
- W47.1-09 (R2014) CERTIFICATION OF COMPANIES FOR FUSION WELDING OF STEEL
- CSA W59.1-13 WELDED STEEL CONSTRUCTION (METAL ARC WELDING). ELECTRODES TO BE E49XX.



KEY MAP

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| REV. | DATE | REMARKS |
|------|---------|---------------------|
| 0 | 02DEC20 | ISSUED FOR APPROVAL |

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331-8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

PROPOSED GAS CANOPY

1129 HIGHWAY #5
HAMILTON, ON.

DRAWING TITLE

CANOPY FRAMING PLAN
CROSS SECTION

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 02DEC20 |
| DRAWN | JA |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

20-247

SHEET NO.

S3



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|--|---------|--|
| Registered Owners(s) | RAJNEET GILL 1541270 ONTARIO INC. | | |
| Applicant(s)* | THOMAS LUKACS ZOLTAN ENGINEERING INC. | | |
| Agent or Solicitor | | | |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
extension of legal non-conforming use (gas station)
5. Why it is not possible to comply with the provisions of the By-law?
it is an existing gas station
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
1129 HIGHWAY #5, FLAMBOROUGH (HAMILTON)
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use gas station and auto repair garage
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
information provided by owner


8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 21/21
Date


Signature Property Owner

RAJNEET GILL
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|---------------------|
| Frontage | 91.5 m |
| Depth | 58.7 m |
| Area | 5371 m ² |
| Width of street | 7.5 m |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

76 m² gas canopy, 5.5 m height
distance from front is 1 m, rear is 47 m and side 26 m

Proposed

148 m² gas canopy, 5.5 m height
distance from front is 1 m, rear is 45.5 m and side 24 m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

76 m² gas canopy, 5.5 m height
distance from front is 1 m, rear is 47 m and side 26 m

Proposed:

148 m² gas canopy, 5.5 m height
distance from front is 1 m, rear is 45.5 m and side 24 m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
more than 20 years ago

15. Existing uses of the subject property:
Gas station, C-store, auto repair garage
16. Existing uses of abutting properties:
tree nursery
17. Length of time the existing uses of the subject property have continued:
more than 20 years
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: FL/A-21:46

APPLICANTS: Toni Jackson, owner

SUBJECT PROPERTY: Municipal address **16 Orchard Dr., Flamborough**

ZONING BY-LAW: Zoning By-law 90-145-Z and Waterdown Interim Control by-law No. 20-101, as Amended

ZONING: "R1-6" (Urban Residential (Single Detached) Zone)

PROPOSAL: To permit the construction of a single detached dwelling notwithstanding that:

1. A new building shall be permitted to be constructed on lands that are subject to Water Down Interim Control By-law No. 20-101, whereas the By-law states that no buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law.

NOTES

1. Please note that this application is necessary to facilitate Minor Variance Application No. FL/A-20:28 which was previously granted by the Committee.
2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

FL/A-21: 46
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

GENERAL NOTES

- THIS/THESE PLAN(S) IS/ARE NOT TO BE USED FOR CONSTRUCTION UNTIL SEALED BY THE ENGINEER AND INDICATED ISSUED FOR CONSTRUCTION ON THE DRAWING.
- THIS/THESE PLAN(S) IS/ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF BARICH GRENKIE SURVEYING LIMITED.
- INFORMATION REGARDING ANY EXISTING SERVICES AND/OR UTILITIES SHOWN ON THE APPROVED SET OF CONSTRUCTION DRAWINGS ARE FURNISHED AS THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS HE SEES FIT WITH THE UNDERSTANDING THAT THE OWNER AND HIS AGENTS DISCLAIM ALL RESPONSIBILITY FOR ITS ACCURACY AND FOR SUFFICIENCY. THE CONTRACTOR SHALL ASSUME LIABILITY FOR ANY DAMAGE TO EXISTING WORKS.
- SITE PLAN INFORMATION TAKEN FROM SURVEY BY BARICH GRENKIE.
- THIS/THESE PLAN(S) TO BE USED FOR SERVING AND GRADING ONLY, FOR BUILDING LOCATION REFER TO THE SITE PLAN.
- MUNICIPAL APPROVAL OF THESE DRAWINGS IS FOR MATERIAL AND COMPLIANCE WITH CITY/TOWN STANDARDS AND PROVINCIAL SPECIFICATIONS AND STANDARDS ONLY. APPROVAL AND INSPECTION OF THE WORKS BY THE CITY/TOWN STAFF DOES NOT CERTIFY THE LINE AND GRADE OF THE WORKS NOR RELIEVE THE CONTRACTOR OF CERTIFICATION OF ALL WORKS BY THE OWNER'S ENGINEER.
- ALTERNATE MATERIALS MAY BE ACCEPTABLE PROVIDED WRITTEN APPROVAL HAS FIRST BEEN OBTAINED FROM THE CITY OF HAMILTON AND THE ENGINEER.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - SEWER PERMITS
 - APPROACH APPROVAL PERMITS
 - RELOCATION OF SERVICES
 - COMMITTEE OF ADJUSTMENT ENCROACHMENT AGREEMENTS
- PRIOR TO CONSTRUCTION THE CONTRACTOR MUST:
 - CHECK AND VERIFY ALL DIMENSIONS AND EXISTING ELEVATIONS WHICH INCLUDE BUT ARE NOT LIMITED TO THE BENCHMARK ELEVATIONS, EXISTING SERVICE CONNECTIONS, EXISTING INVERTS AND REPORT FINDING IN WRITING TO THE ENGINEER.
 - OBTAIN ALL UTILITY LOCATES AND REQUIRED PERMITS AND LICENSES.
 - VERIFY ALL FINISHED FLOOR ELEVATIONS AND BASEMENT FLOOR ELEVATIONS WHICH MY APPEAR ON THESE PLANS COMPLY WITH THE FINAL ARCHITECTURAL DRAWINGS.
 - CONFIRM ALL DRAWINGS USED FOR CONSTRUCTION ARE OF THE MOST RECENT REVISION.
- THE ENGINEER OF THE PROPOSED CONSTRUCTION SCHEDULE FOR COORDINATION OF NECESSARY INSPECTIONS.
 - CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ENGINEER 48 HOURS PRIOR TO THE COMMENCEMENT OF WORKS TO ARRANGE FOR INSPECTION. THE ENGINEER SHALL DETERMINE THE EXTENT OF INSPECTION AND TESTING REQUIRED FOR CERTIFICATION OF THE UNDERGROUND SERVICE INSTALLATION AS MANDATED BY THE ONTARIO BUILDING CODE DIVISION C, PART 1, SECTION 12.2. GENERAL SERVICE FAILURE TO MAKE SUITABLE ARRANGEMENTS FOR INSPECTION WILL LEAD TO POST CONSTRUCTION TESTING AND INSPECTION AS DETERMINED BY THE ENGINEER. THE COSTS OF WHICH INCLUDING ANY NOTARY IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR. FULL PAYMENT FOR UN-INSPECTED WORKS MAY BE WITHHELD UNTIL THE COMPLETION OF THE POST CONSTRUCTION INSPECTION AND TESTING TO THE SATISFACTION OF THE ENGINEER.
 - INSPECTION BY THE OWNER'S ENGINEER IS FOR CERTIFICATION AND GENERAL CONFORMANCE PURPOSES AND DOES NOT CERTIFY LINE AND GRADE OR IMPLY AN ASSURANCE OF QUALITY CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THE INSTALLATION OF THE WORKS TO PROPER LINE, GRADE AND QUALITY TO CURRENT INDUSTRY STANDARDS.
 - ANY UTILITY RELOCATIONS AND RESTORATIONS DUE TO THE DEVELOPMENT TO BE UNDERTAKEN AT THE EXPENSE OF THE OWNER/DEVELOPER AND SHALL BE COORDINATED BY THE CONTRACTOR.
 - ALL RESTORATIONS AND RECONSTRUCTIONS SHALL BE COMPLETED TO MATCH EXISTING CONDITIONS OR BETTER AND ARE TO BE PERFORMED TO THE SATISFACTION OF THE ENGINEER AND THE CITY/TOWN STANDARDS.
 - SERVICING CONTRACTOR TO MAINTAIN A "CONFINED TRENCH CONDITION" IN ALL SEWER AND WATERMAIN INSTALLATION TRENCHES.
 - THE SITE SERVICING CONTRACTOR SHALL TERMINATE ALL SERVICES 1.0m FROM THE BUILDING FACE.
 - NO BLASTING WILL BE PERMITTED.

SEWERS

- STORM AND SANITARY PRIVATE DRAINS
- CONSTRUCTION OF PRIVATE DRAINS SHALL BE IN ACCORDANCE WITH CITY STANDARDS & SPECIFICATIONS (LATEST EDITION) AND MINISTRY OF ENVIRONMENT (MSE) GUIDELINES (LATEST EDITION)
- PRIVATE DRAINS TO BE 150mm PVC PIPE, CSA B182.1 M-1983, SDR 26 AS PER FORM 500. STORM PIPE SHALL BE WHITE AND SANITARY SHALL BE ANY COLOR OTHER THAN WHITE. WOOD MARKING AT END OF SANITARY PRIVATE DRAIN SHALL BE PAINTED RED.
- COVER AND BEDDING MATERIAL FOR PRIVATE DRAINS SHALL BE GRANULAR "A" INSTALLED AS PER OPSD 802.00 OR 802.01.
- MINIMUM FALL FOR PRIVATE DRAINS TO BE 2.0%.
- TOP OF SANITARY PRIVATE DRAINS AT STREET LINE TO BE 2.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
- TOP OF STORM PRIVATE DRAINS AT STREET LINE TO BE 1.2M (MIN.) BELOW CENTERLINE ROAD ELEVATION AT THAT POINT OR AS DETAIL.
- BUILDING RAINWATER LEADERS SHALL NOT BE CONNECTED TO THE STORM PRIVATE DRAIN BUT SHALL DISCHARGE TO LANDSCAPED SURFACES VIA SPLASH PADS.
- SUMP PUMPS WITH CHECK VALVES SHALL BE INSTALLED IN EACH DWELLING TO PUMP THE BUILDING WEEPING TILES TO THE STORM PRIVATE DRAINS. THE SUMP OUTLET PIPE SHALL EXTEND A MINIMUM OF 150mm ABOVE THE PROPOSED GRADE AT THE DWELLING (BASEMENT CEILING) PRIOR TO DISCHARGING TO THE STORM PRIVATE DRAIN. SEE DETAIL 3.
- IF THE APPLICANT/OWNER INTENDS TO REUSE A PORTION OF A SITE'S EXISTING SEWER SYSTEM, IT IS THEIR RESPONSIBILITY TO ENSURE THAT THE SEWER IS OF ADEQUATE CAPACITY AND IS APPLICABLE BY-LAW REQUIREMENT, AND IS IN GOOD WORKING ORDER. SEWERS TO BE REUSED MUST BE VIDEO INSPECTED, WHILE THE CITY/TOWN SEWER INSPECTOR IS PRESENT. THE APPLICANT/OWNER IS RESPONSIBLE FOR MAKING ALL ARRANGEMENTS WITH THEIR PRIVATE VIDEO INSPECTION CONTRACTOR ALONG WITH PAYMENT OF AN INSPECTION FEE.

COMPACTON REQUIREMENTS
UNLESS OTHERWISE NOTED OR DIRECTED BY THE GEOTECHNICAL CONSULTANT, THE FOLLOWING SHALL APPLY.

- ALL BEDDING AND BACKFILL MATERIAL, ROAD SUB-GRADES AND GENERALLY ALL MATERIAL USED FOR LOT GRADING AND FILL SECTIONS, ETC., SHALL BE COMPACTED TO MIN. 98% S.F.D. ALL MATERIAL SHALL BE PLACED IN LAYERS NOT EXCEEDING 300mm LIFTS.
- ALL GRANULAR ROAD BASE MATERIALS SHALL BE COMPACTED TO 98% S.F.D. SHALL BE ALL SEWERS AND WATERMANS IN FILL SECTIONS, THE COMPACTING SHALL BE CERTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO LAYING OF PIPE.

SILTATION AND EROSION CONTROL

- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
- ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.
- ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE ENGINEER, THE CITY/TOWN AND/OR THE CONSERVATION AUTHORITY.

TEMPORARY TREE PROTECTION FENCING

16 ORCHARD DRIVE, WATERDOWN
 LOT 21
 REGISTERED PLAN 894
 CITY OF HAMILTON
 ZONING: RT-6

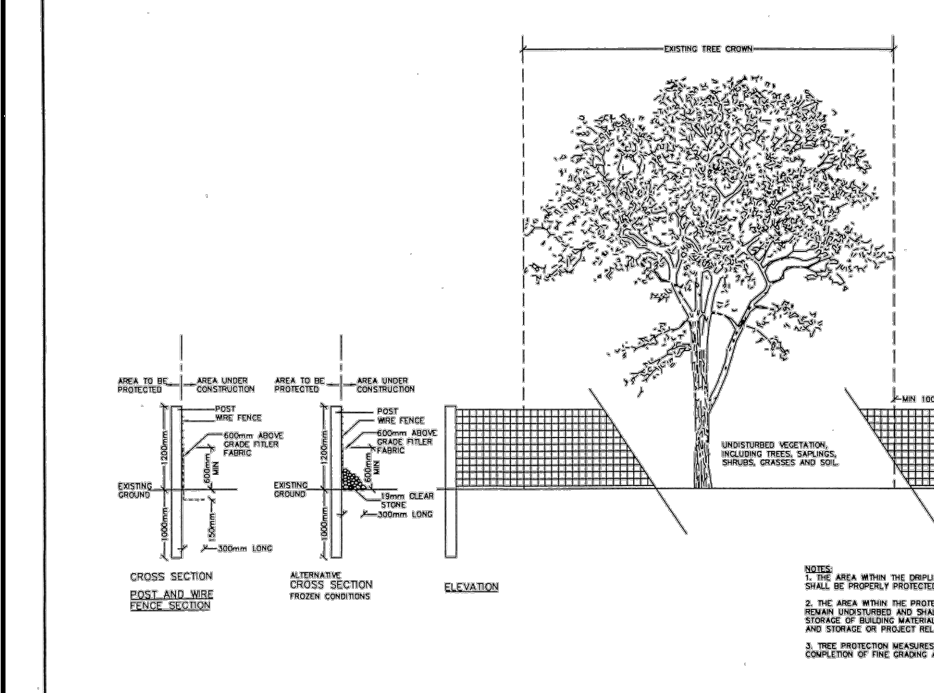
| SITE STATISTICS | BY-LAW | PROPOSED |
|----------------------|---------------------|---------------------------|
| LOT AREA | 1390 m ² | 1321.9m ² (EX) |
| FRONT YARD SETBACK | 7.5 m | 11.39 m |
| REAR YARD SETBACK | 7.5 m | 15.32 m |
| SIDE YARD SETBACK | 3.0 m | 3.08 m |
| HEIGHT (PEAK @ 330°) | 8.2 m | 6.17 m |
| LOT FRONTAGE | 30.0 m | 30.59 m(EXT) |
| LOT COVERAGE | 26% | 25.8% |
| LOT COVERAGE | 26% | 25.8% |

* AS PER MINOR VARIANCE APPLICATION No. FL/A-20-28

AVERAGE GRADE = 229.24+229.24+228.27+227.68+226.55+227.75+228.75+228.16+228.26+228.80 = 228.27

AVERAGE GRADE AS PER ZONING BY-LAW 90-145-Z(HIGHT DEFINITION)

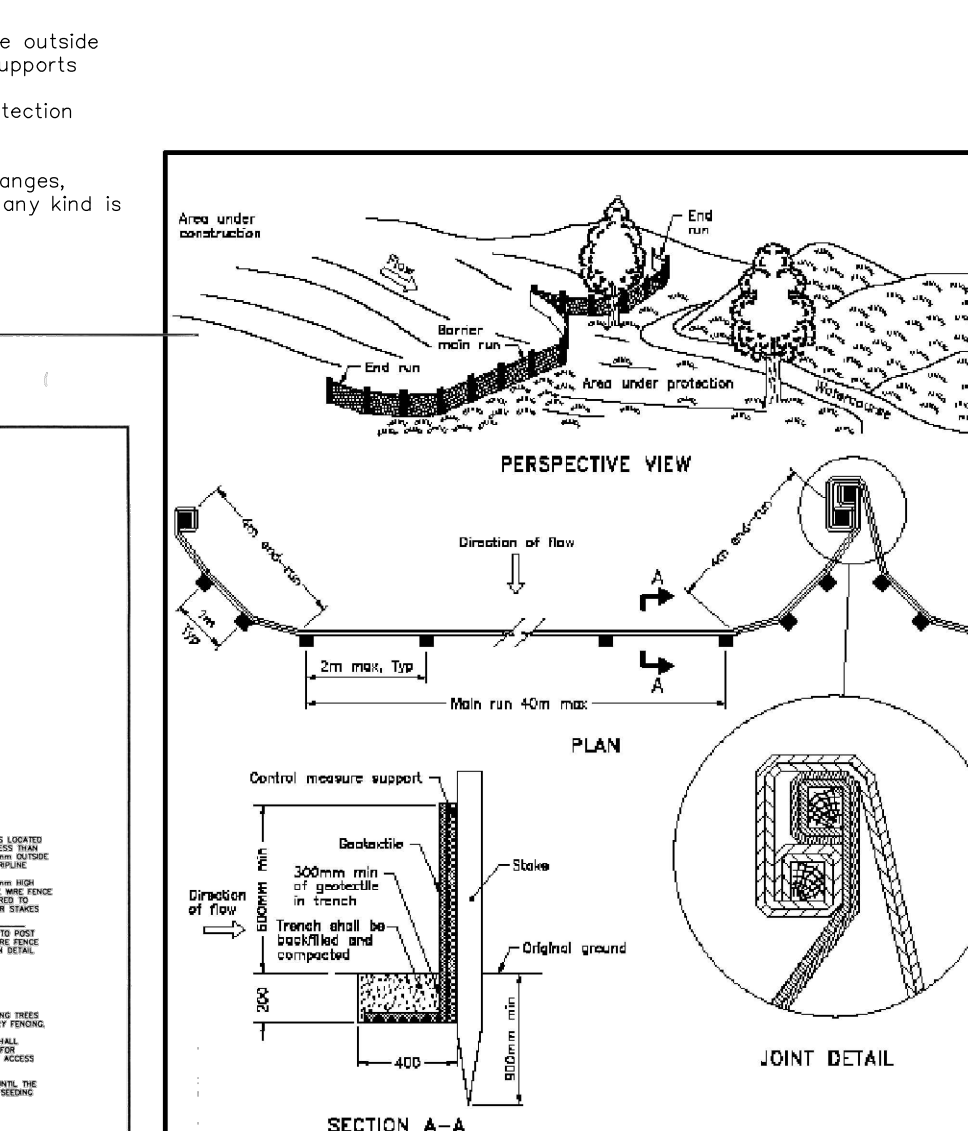
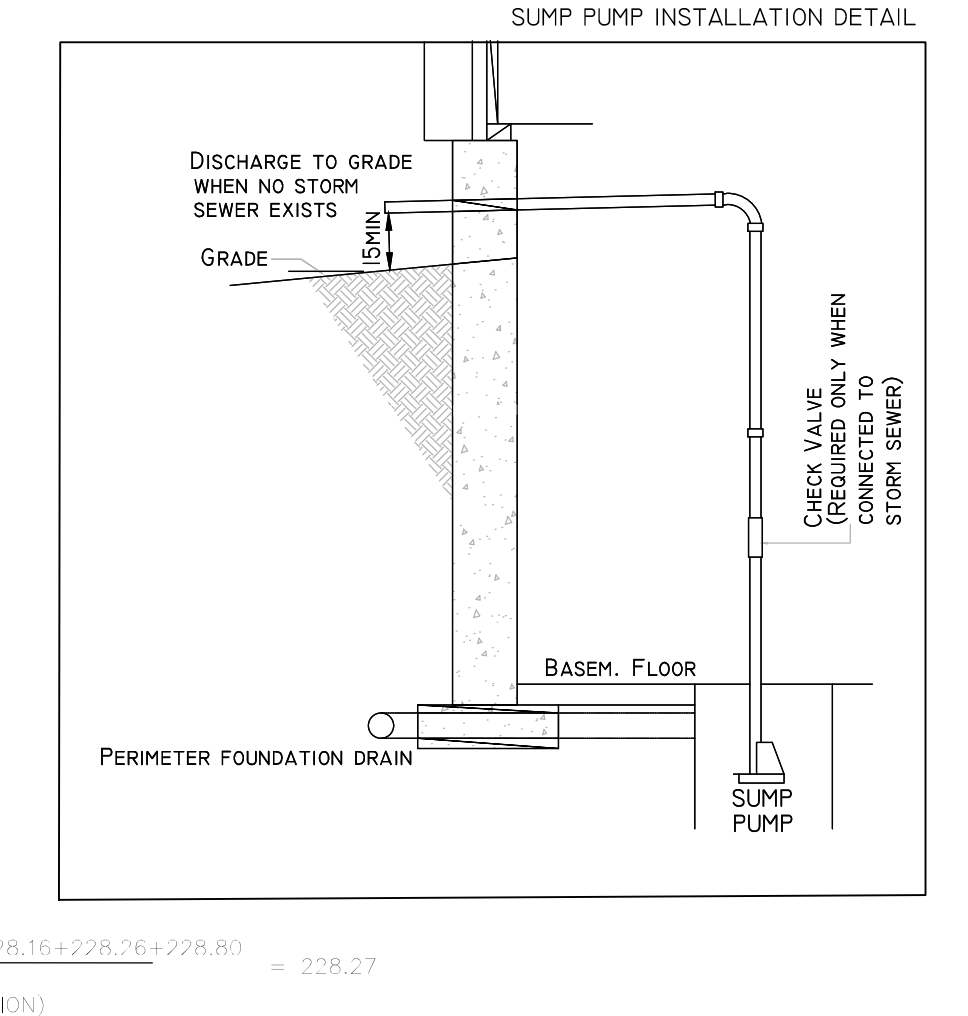
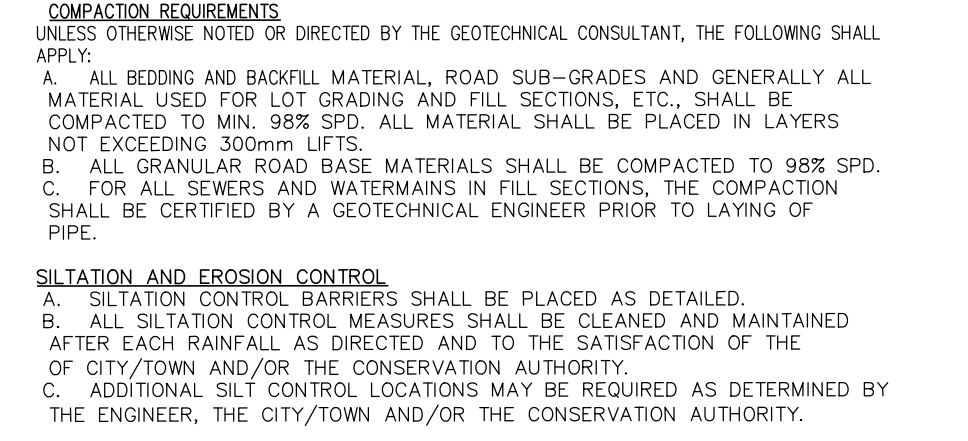
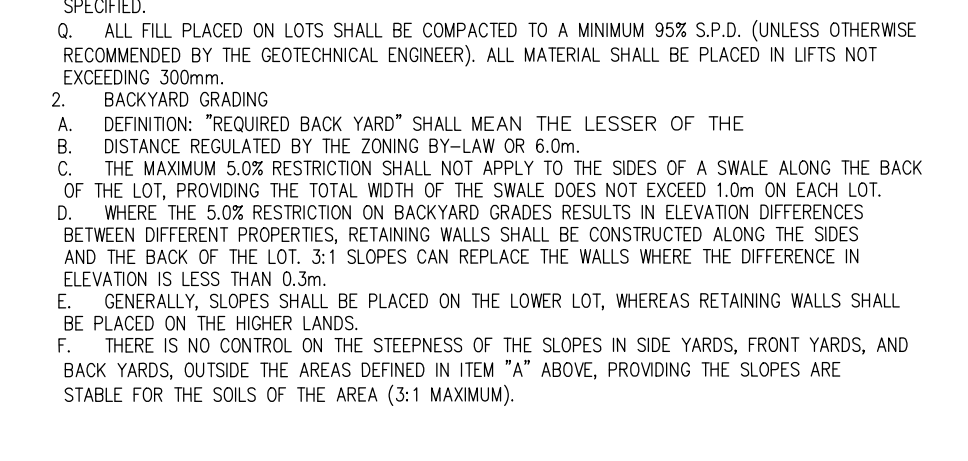
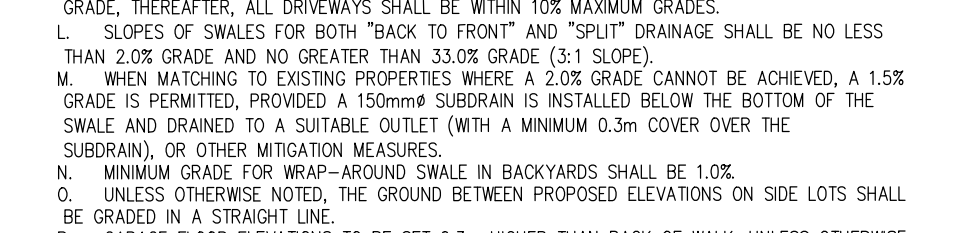
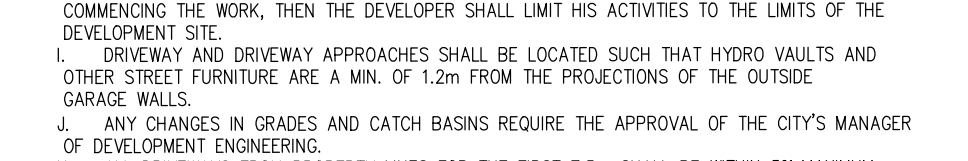
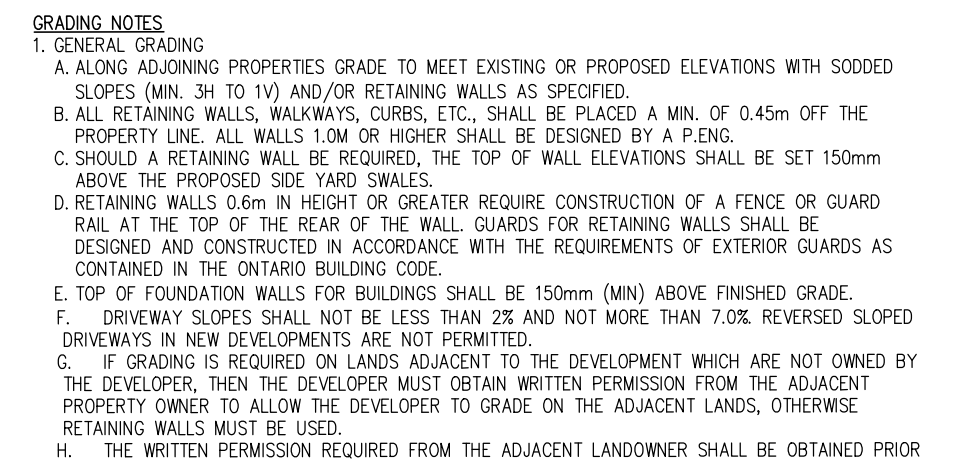
- Tree protection barriers for trees situated on the City road allowance where visibility must be maintained can be 1.2m high and consist of orange plastic web snow fencing on a wood frame of 2" x 4" s, supported on metal "T" bars, 2.0m c/c. Max. where orange plastic web snow fencing creates a restriction to sightlines, page wire fencing shall be used.
- Where some excavate or fill has to be temporarily located near a tree protection barrier plywood must be used to ensure no material enters the Tree Protection Zone.
- All supports and bracing should be outside the Tree Protection Zone. All such supports should minimize damaging roots outside the Tree Protection Barrier.
- No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.



TEMPORARY TREE PROTECTION FENCING
PORT SECTION AND ELEVATION, NTS

SITE PLAN GUIDELINES
October 2003

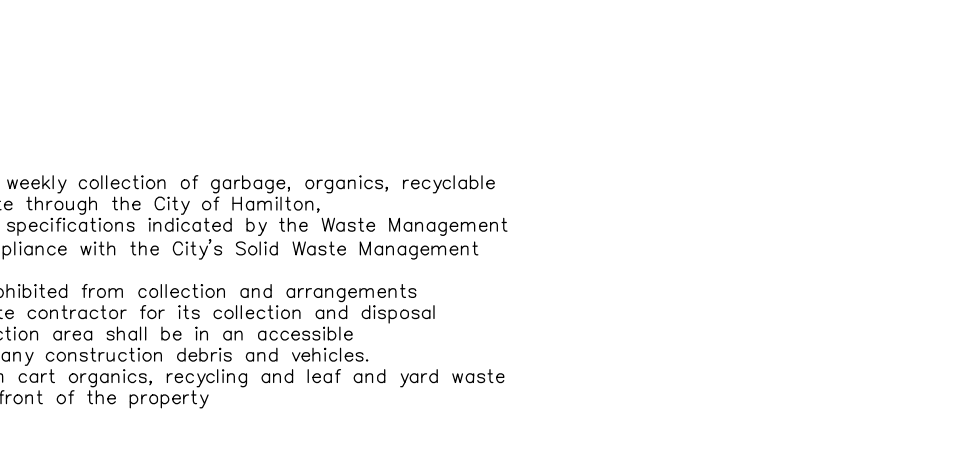
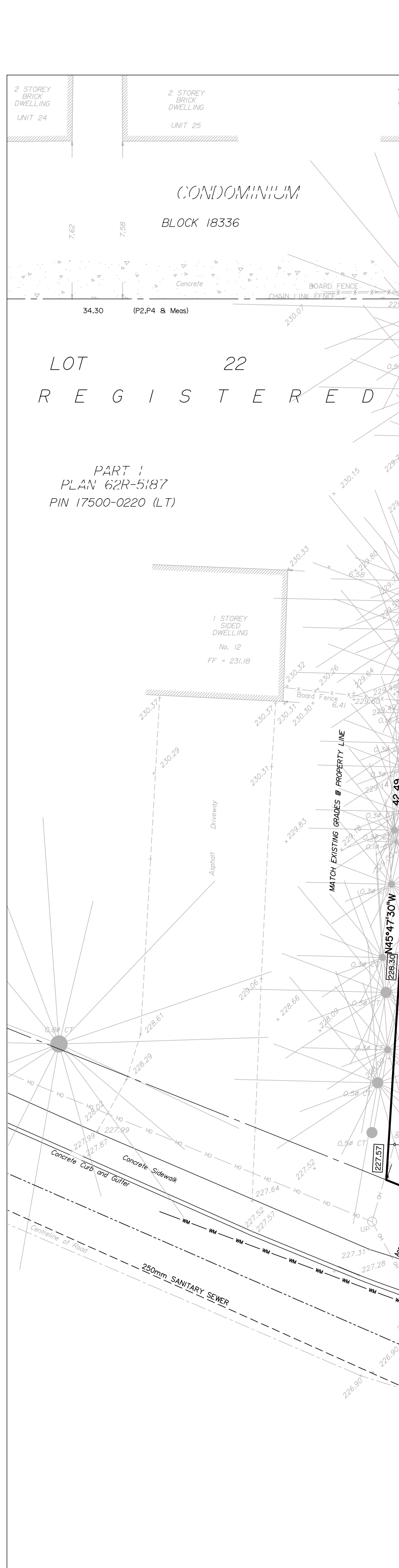
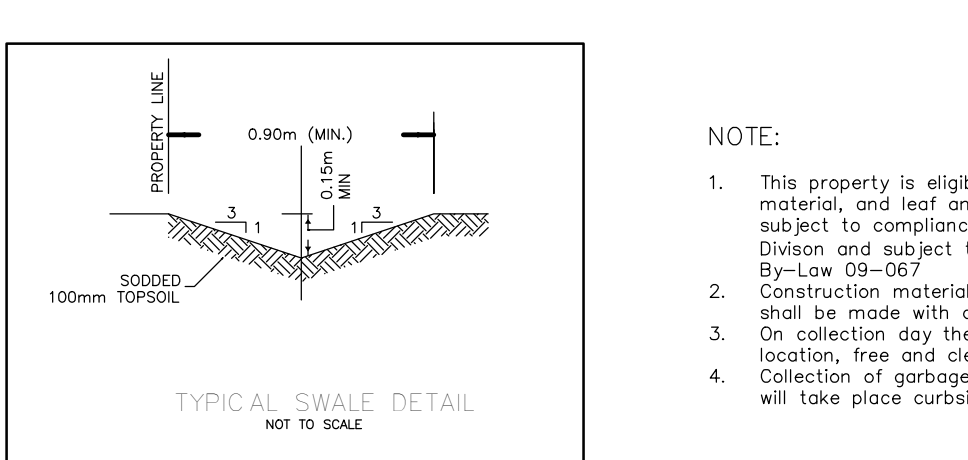
HEAVY-DUTY SILT FENCE BARRIER
OPSD 219.130



HEAVY-DUTY SILT FENCE BARRIER
OPSD 219.130

NOTE: All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING
NOV-2018 (REV. 1)



NOT TO SCALE
ADDRESS: 16 ORCHARD DRIVE, WATERDOWN

SITE & GRADING PLAN OF
LOT 21 REGISTERED PLAN 894
IN THE
CITY OF HAMILTON
SCALE & NOTES

BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2020

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

ELEVATION NOTE
ELEVATIONS ARE REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD-1928:1978) AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 00772020059 HAVING AN ELEVATION OF 224.41 m.

LEGEND

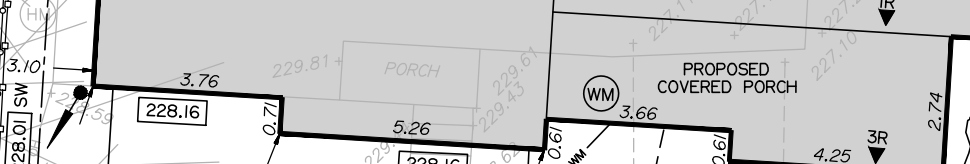
- DENOTES DECAJOURN TREE
- DENOTES CONIFEROUS TREE
- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES SEED LINE
- DENOTES LOT LINE
- DENOTES FENCE LINE
- DENOTES NORTH-EAST-SOUTH-WEST
- DENOTES EXISTING ELEVATION
- DENOTES PROPOSED ELEVATION
- DENOTES PROPOSED TREE PROTECTION
- DENOTES PROPOSED SILT FENCE
- DENOTES DOWN SPOUT WITH SPLASH PAD
- DENOTES SLUMP PUMP
- DENOTES WATER METRE

REVISIONS

| NO. | DATE | BY | REVISIONS |
|-----|------------|-----|-----------------------------------|
| 3 | 11/11/2020 | EWA | REVISED AS PER ARCHITECT |
| 2 | 10/27/2020 | JMH | REVISED AS PER CITY COMMENTS |
| 1 | 07/28/2020 | EWA | REVISED TO SHOW ADDITIONAL GRADES |
| 0 | 01/16/2020 | EWA | ISSUED FOR REVIEW |

DESIGNATION

| DESIGN | EWA | CHK'D | MF | DATE |
|--------|-----|-------|----|-------------------|
| DRAWN | EWA | CHK'D | MF | NOVEMBER 11, 2020 |



APPROVALS

STAMP

Barich Grenkie Surveying Ltd.
297 HWY No. 8 UNIT 104-1 STONEY CREEK, ON
(905) 662-6767

A DIVISION OF GEOMAPLE

DWN BY: MF
CHK BY: EWA
JOB No. 19-2600

CLIENT: **TONI-LYNNE JACKSON**

PROJECT NAME: **SITE GRADING PLAN**
16 ORCHARD DRIVE, WATERDOWN

TITLE: **SITE & GRADING PLAN**

PROJECT No. 19-2600
DRAWING No. 19-2600 SGP



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|--------------------|---------|---------|
| Registered Owners(s) | Toni-Lynne Jackson | | |
| Applicant(s)* | | | Phone: |
| | | | E-mail: |
| Agent or Solicitor | | | Phone: |
| | | | E-mail: |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Exemption from the Interim Control Bylaw No. 20-101 in order to implement the approved decision of my previously approved Minor Variance Application #FL/A-20:28

5. Why it is not possible to comply with the provisions of the By-law?

I had initially applied for my Minor Variance on January 31, 2020 prior to the Interim Control By-law existence and was not informed of the By-law until the day I was to receive my Demolition and Building permits. Please see additional two letters attached to this application.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Lot 21, Registered Plan 894

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

I am very familiar with this property as my family was the original builder and the home has been in the family ever since.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 25, 2021
Date

Signature Property Owner
Toni-Lynne Jackson
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|-----------------------------|
| Frontage | <u>30.59 m</u> |
| Depth | <u>48.42 m</u> |
| Area | <u>1321.9 m²</u> |
| Width of street | <u>20.12 m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

One storey dwelling 2.26m from SW Lot Line, 13.16m from NE Lot Line
11.12m Front Setback, 24.16m Rear Setback
Wood Shed - 5.40 Rear Setback, 2.70m from NE Side Lot Line

Proposed

One Storey Dwelling, 3.08m from SW Side Line, 3.97m from NE Side Line
11.39m Front Setback, 15.32m Rear Setback

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

One storey dwelling 2.26m from SW Lot Line, 13.16m from NE Lot Line
11.12m Front Setback, 24.16m Rear Setback
Wood Shed - 5.40 Rear Setback, 2.70m from NE Side Lot Line

Proposed:

One Storey Dwelling, 3.08m from SW Side Line, 3.97m from NE Side Line
11.39m Front Setback, 15.32m Rear Setback

13. Date of acquisition of subject lands:
Purchased in 2007
-
14. Date of construction of all buildings and structures on subject lands:
1954
-
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Property has always been residential
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected Oct. 5, 2001
Sanitary Sewer _____ Connected Sept. 13, 2008
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
R1-6 Urban Residential (Single Detached)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Interim Control Bylaw No. 20-101, R1-6 Zone Urban Residential (Single Detached)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
I applied for a minor variance one year ago for an increase in the lot coverage from 15% to 26%. My application was sent on Jan. 31, 2020 and my hearing was scheduled for March 19th but City Hall closed on March 18th. My hearing was rescheduled for June 25th at which time it was approved unanimously.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
At the June 25th hearing, I was not informed of the Interim Control Bylaw that was initiated on May 20th and was given permission to proceed with applying for my Demolition and Building permits. I met every task the Building Committee asked of me, including a road cut which was approved by the City's Inspector. ■
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

January 27, 2021

Dear Committee of Adjustments,

Please find attached my Application for a Minor Variance concerning the property at 16 Orchard Drive, Waterdown ON L8B 0G2.

This is my second Application as I applied for a Minor Variance on January 31, 2020. My hearing was scheduled for March 19, 2020 but due to CoVid, my hearing was postponed as the offices at City Hall closed on March 18th, the day before my hearing. I was then rescheduled for a hearing on June 25th and all went well at that meeting and I was unanimously approved for my minor variance and informed that I could proceed to apply for my Demolition and Building permits. I proceeded and completed all the tasks required of me by the Building Division which included a road cut that was approved by the Inspector from the City of Hamilton. I paid all the fees required by the City and along with the fees for road cut and I have paid over \$45,000.00 in preparation to build so far. The day I was to receive my permits, December 1st, I was informed for the first time that I was not allowed to demolish or build due to a Interim Control Bylaw. It was never mentioned either verbally or in the notes from the Committee of Adjustments nor was it mentioned by the Building Division in all the tasks that I had to complete and comply with.

My builder and his employees were set to start the project on December 1st and my house would have been up and enclosed by now. I cannot express how disappointed I was with this news and also that the men have been unemployed due to this mistake. After much discussion and emails with the Building Division, the City of Hamilton's legal department, Councillor Judi Partridge, and my lawyer, it has been recommended that I apply to the Committee of Adjustments to get an exemption from this Bylaw. Despite the problem this has caused, I am grateful for the help from the City to find a resolution so that I can proceed with this project. I am sure the neighbours will agree with the exemption for safety reasons because of the old vacant house and the property being an eyesore due to the excavation for the road cut.

I would like to proceed as soon as possible as I am living in a temporary situation. Also, my builder is not available to start in May as he scheduled for other homes. Since this is my second application to the Committee of Adjustments, I would like to ask that this hearing be scheduled as soon as possible and not wait the maximum of 30 days so that I can proceed and not be delayed any further.

If you have any questions, you can speak with Ed VanderWindt, Steve Robichaud or Patrick MacDonald from the City of Hamilton or Councillor Judi Partridge for further clarification.

I appreciate your assistance with this matter.

Sincerely,


Toni Jackson

Amanda Groves

From: MacDonald, Patrick <Patrick.MacDonald@hamilton.ca>
Sent: January 21, 2021 9:18 AM
To: Amanda Groves
Cc: VanderWindt, Ed
Subject: RE: 16 Orchard Dr. Waterdown

Ms. Groves,

Your client can apply to the Committee of Adjustment for a variance to the ICBL. Staff have advised that the application fee will be waived in the circumstances.

Please note that as the Committee of Adjustment is an arm's length body they retain discretion to grant or refuse the variance. Staff's position on the request will depend on the content as well.

If you have any further questions, please let me know.

Thanks
Patrick

From: Amanda Groves <AGroves@groveslaw.ca>
Sent: Wednesday, January 20, 2021 5:46 PM
To: MacDonald, Patrick <Patrick.MacDonald@hamilton.ca>
Cc: VanderWindt, Ed <Ed.VanderWindt@hamilton.ca>
Subject: RE: 16 Orchard Dr. Waterdown

Hello,

My client and I have a phone call scheduled for tomorrow. Can you kindly advise re below?

Regards,
Amanda L. Groves
agroves@groveslaw.ca

Groves  Law

296 Dundas St. E.
(Rear entrance)
P.O. Box 1319
Waterdown, ON L0R 2H0
Tel: 289-895-8951
Fax: 289-895-7403
www.groveslaw.ca

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Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: FL/A-21:50

APPLICANTS: Charles MacPhail on behalf of the owners C. & C. DeMenna

SUBJECT PROPERTY: Municipal address **207 Main St. N., Flamborough**

ZONING BY-LAW: Zoning By-law 90-145-Z, as Amended

ZONING: "R1" (Urban Residential) district

PROPOSAL: To permit the renovation of the existing single detached dwelling which includes the construction of a new rear yard addition and deck notwithstanding that:

1. The gross floor area of the dwelling shall be increased by 35% whereas the Waterdown Interim Control By-law restricts the expansion of legally existing buildings to a maximum of 10% of the existing gross floor area.

NOTES:

i. The percentage of gross floor area is based on the information provided by the applicant. The gross floor area of the existing building is shown to be 273.5m². As such, the maximum permitted expansion of 10% would allow for an addition being no greater than 27.3m². A total gross floor area of 368.5m² is being proposed.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FL/A-21: 50
Page 2

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

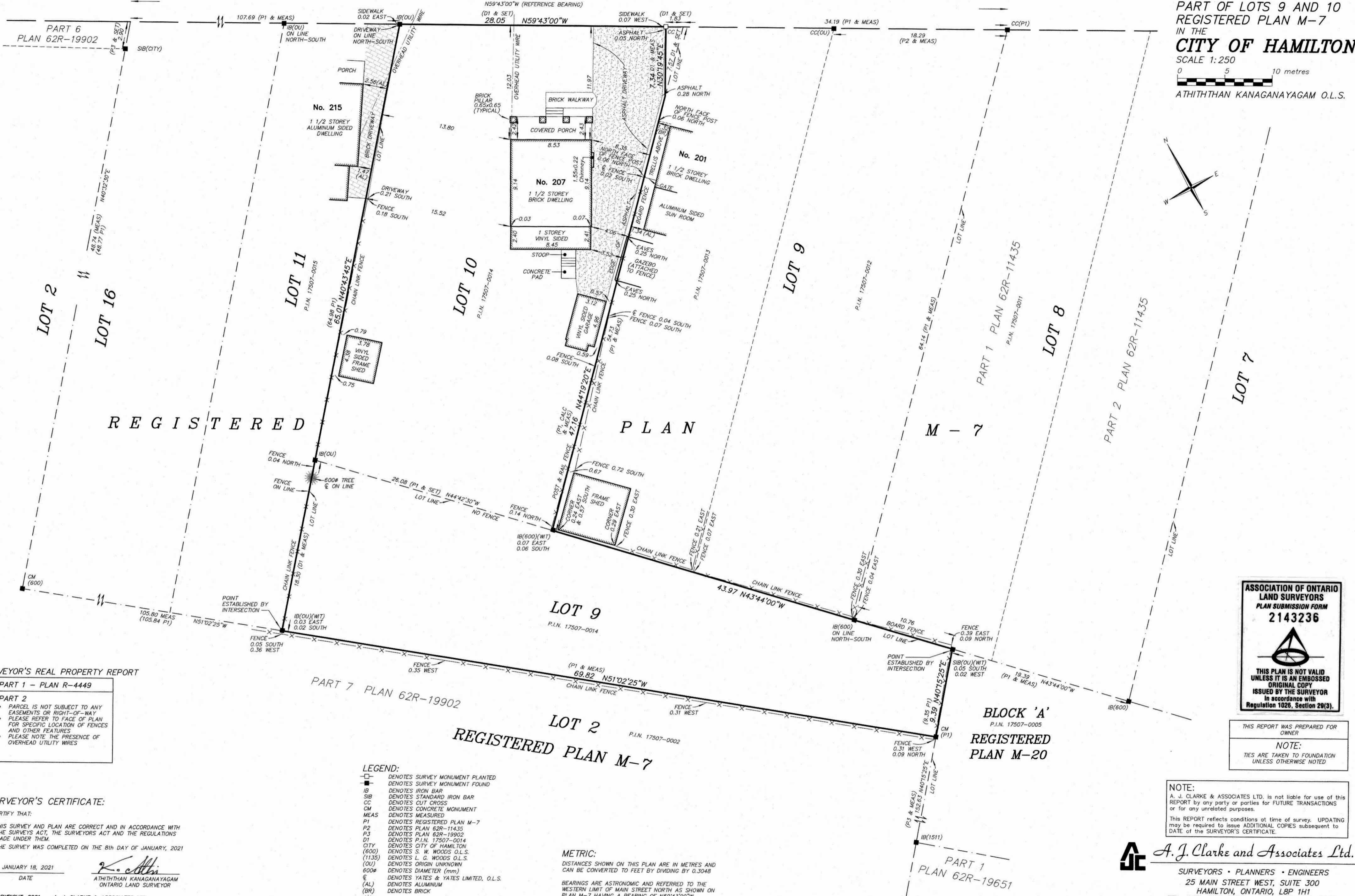
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

MAIN STREET NORTH (BY REGISTERED PLAN M-7)

P.I.N. 17507-0245

SURVEYOR'S REAL PROPERTY REPORT
PART 1
 PLAN OF
PART OF LOTS 9 AND 10
REGISTERED PLAN M-7
 IN THE
CITY OF HAMILTON
 SCALE 1:250
 0 5 10 metres
 ATHITHTHAN KANAGANAYAGAM O.L.S.

R-4449



REGISTERED

PLAN

M-7

LOT 9

P.I.N. 17507-0014

LOT 2

P.I.N. 17507-0002

BLOCK 'A'
 P.I.N. 17507-0005
REGISTERED
PLAN M-20

SURVEYOR'S REAL PROPERTY REPORT

PART 1 - PLAN R-4449
PART 2
 • PARCEL IS NOT SUBJECT TO ANY EASEMENTS OR RIGHT-OF-WAY
 • PLEASE REFER TO FACE OF PLAN FOR SPECIFIC LOCATION OF FENCES AND OTHER FEATURES
 • PLEASE NOTE THE PRESENCE OF OVERHEAD UTILITY WIRES

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF JANUARY, 2021

JANUARY 18, 2021
 DATE

 ATHITHTHAN KANAGANAYAGAM
 ONTARIO LAND SURVEYOR

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 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

LEGEND:

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- MEAS DENOTES MEASURED
- P1 DENOTES REGISTERED PLAN M-7
- P2 DENOTES PLAN 62R-11435
- P3 DENOTES PLAN 62R-19902
- D1 DENOTES P.I.N. 17507-0014
- CITY DENOTES CITY OF HAMILTON
- (600) DENOTES S. W. WOODS O.L.S.
- (1135) DENOTES L. G. WOODS O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- 600φ DENOTES DIAMETER (mm)
- φ DENOTES YATES & YATES LIMITED, O.L.S.
- (AL) DENOTES ALUMINUM
- (BR) DENOTES BRICK
- ☼ DENOTES CONIFEROUS TREE

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN LIMIT OF MAIN STREET NORTH AS SHOWN ON PLAN M-7 HAVING A BEARING OF N59°43'00"W

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2143236

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR
 In accordance with Regulation 1028, Section 29(3).

THIS REPORT WAS PREPARED FOR OWNER
NOTE:
 TIES ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED

NOTE:
 A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.
 This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

PROJECT No 218004R

R-4449

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY



1 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

DRAWING LIST

| | |
|------|----------------------------|
| SF-1 | SITE PLAN |
| 1 | FRONT AND RIGHT ELEVATIONS |
| 2 | REAR AND LEFT ELEVATIONS |
| 3 | BASEMENT FLOOR PLAN |
| 4 | MAIN FLOOR PLAN |
| 5 | SECOND FLOOR PLAN |
| 6 | ROOF PLAN |

LEGEND

- DENOTES EXISTING ASSEMBLY/FRAMING
- TO BE REMOVED
- ▒ EXISTING ASSEMBLY TO REMAIN
- ▒ NEW ASSEMBLY/FRAMING
- · - DENOTES FRM FRAMING ASSEMBLY
- ☉ SMOKE ALARM, SEE CONST. NOTES FOR DETAILS
- ☉ CARBON MONOXIDE ALARM
- ⊗ FLOOR DRAIN
- ⊗ EXHAUST FAN
- ⊗ DOOR # ASSOCIATED SCHEDULE NUMBER
- ⊗ WINDOW # ASSOCIATED SCHEDULE NUMBER

| REV | DESCRIPTION | DATE |
|-----|--------------------------------|-----------|
| A | FOR DISCUSSION | OCT 14/20 |
| B | FOR DISCUSSION | NOV 23/20 |
| C | FOR MINOR VARIANCE APPLICATION | JAN 26/21 |

client: HOME OWNER
 project: 207 MAIN STREET NORTH
 WATERDOWN, ONTARIO
 PROJECT No. 20-140

title: FRONT AND RIGHT ELEVATIONS

| drawn | L.C. | checked | C.M. |
|-----------------|--------------|----------------|----------|
| date | OCTOBER 2020 | scale | AS NOTED |
| revision number | C | drawing number | 1 |

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY



1 REAR ELEVATION
 2 SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
 2 SCALE: 1/4" = 1'-0"

DRAWING LIST

| | |
|------|----------------------------|
| SF-1 | SITE PLAN |
| 1 | FRONT AND RIGHT ELEVATIONS |
| 2 | REAR AND LEFT ELEVATIONS |
| 3 | BASEMENT FLOOR PLAN |
| 4 | MAIN FLOOR PLAN |
| 5 | SECOND FLOOR PLAN |
| 6 | ROOF PLAN |

LEGEND

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- TO BE REMOVED
- ▨ EXISTING ASSEMBLY TO REMAIN
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|-----|--------------------------------|-----------|
| A | FOR DISCUSSION | OCT 14/20 |
| B | FOR DISCUSSION | NOV 23/20 |
| C | FOR MINOR VARIANCE APPLICATION | JAN 26/21 |

client: HOME OWNER
 project: 207 MAIN STREET NORTH
 WATERLOO, ONTARIO
 PROJECT No. 20-140

title: REAR AND LEFT ELEVATIONS

| drawn | L.C. | checked | C.M. |
|-----------------|--------------|----------------|----------|
| date | OCTOBER 2020 | scale | AS NOTED |
| revision number | C | drawing number | 2 |



TRUE



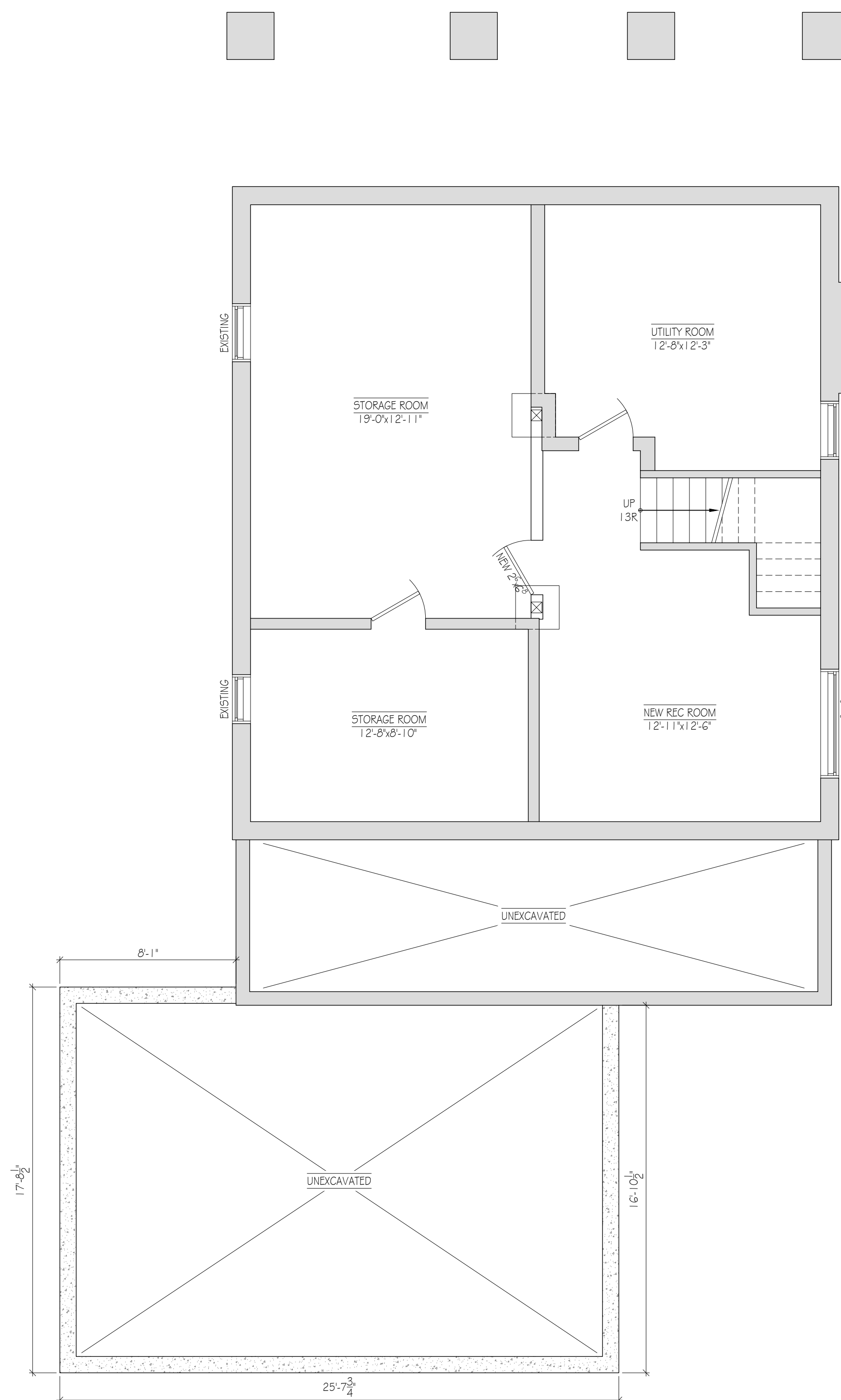
CONSTRUCTION

CHARLES LINSEY & ASSOCIATES LIMITED

37 MAIN STREET SOUTH, WATERDOWN, ON L0R 2H0
 TEL: (905) 548-7607
 INFO@CHARLESLINSEY.COM
 WWW.CHARLESLINSEY.COM

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY



1 BASEMENT FLOOR PLAN
 3 SCALE: 1/4" = 1'-0"

DRAWING LIST

- SF-1 SITE PLAN
- 1 FRONT AND RIGHT ELEVATIONS
- 2 REAR AND LEFT ELEVATIONS
- 3 BASEMENT FLOOR PLAN
- 4 MAIN FLOOR PLAN
- 5 SECOND FLOOR PLAN
- 6 ROOF PLAN

LEGEND

- DENOTES EXISTING ASSEMBLY FRAMING
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- ===== NEW ASSEMBLY FRAMING
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| REV | DESCRIPTION | DATE |
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| A | FOR DISCUSSION | OCT 14/20 |
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| C | FOR MINOR VARIANCE APPLICATION | JAN 26/21 |

client
HOME OWNER

project
**207 MAIN STREET NORTH
 WATERDOWN, ONTARIO**
 PROJECT No. 20-140

title
BASEMENT FLOOR PLAN

| drawn | L.C. | checked | C.M. |
|-----------------|--------------|----------------|----------|
| date | OCTOBER 2020 | scale | AS NOTED |
| revision number | C | drawing number | 3 |



TRUE



CONSTRUCTION

CHARLES LINSEY & ASSOCIATES LIMITED

37 MAIN STREET SOUTH, TEL: (905) 548-7607
 PO BOX 1479, INFO@CHARLESLINSEY.COM
 WATERDOWN, ON L9R 2H0, WWW.CHARLESLINSEY.COM

THIS DRAWING IS NOT TO BE USED AS PART OF A BUILDING PERMIT APPLICATION

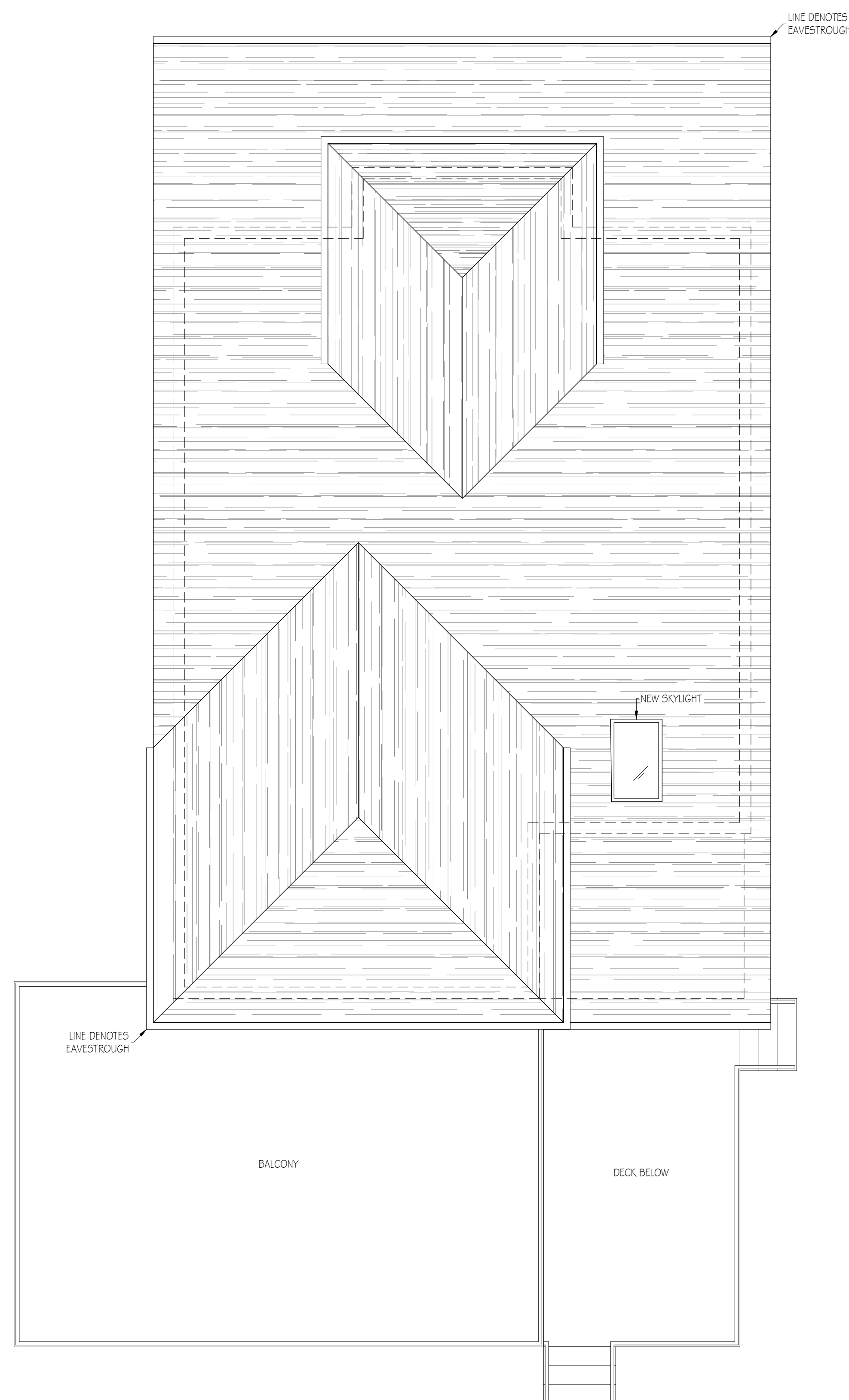
THIS DRAWING IS FOR DISCUSSION PURPOSES ONLY

DRAWING LIST

- SF-1 SITE PLAN
- 1 FRONT AND RIGHT ELEVATIONS
- 2 REAR AND LEFT ELEVATIONS
- 3 BASEMENT FLOOR PLAN
- 4 MAIN FLOOR PLAN
- 5 SECOND FLOOR PLAN
- 6 ROOF PLAN

LEGEND

- DENOTES EXISTING ASSEMBLY FRAMING
- TO BE REMOVED
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- DOOR # ASSOCIATED SCHEDULE NUMBER
- DO1 WINDOW # ASSOCIATED SCHEDULE NUMBER



1 ROOF PLAN
 6 SCALE: 1/4" = 1'-0"

| REV | DESCRIPTION | DATE |
|-----|--------------------------------|-----------|
| A | FOR DISCUSSION | OCT 14/20 |
| B | FOR DISCUSSION | NOV 23/20 |
| C | FOR MINOR VARIANCE APPLICATION | JAN 26/21 |

| | |
|---------|---|
| client | HOME OWNER |
| project | 207 MAIN STREET NORTH WATERDOWN, ONTARIO PROJECT No. 20-140 |

| | |
|-------|-----------|
| title | ROOF PLAN |
|-------|-----------|

| | | | |
|-----------------|--------------|----------------|----------|
| drawn | L.C. | checked | C.M. |
| date | OCTOBER 2020 | scale | AS NOTED |
| revision number | C | drawing number | 6 |



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|---|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ Part of Plots 9 and 10, Registered plan M-7, | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Chris and Cheri DeMenna

2.

3. Name of Agent Charles MacPhail

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Chris and Cheri DeMenna

207 Main Street North, Waterdown Postal Code L0R 2H0

Postal Code _____

6. Nature and extent of relief applied for:
Relief from interim zoning by-law.

7. Why it is not possible to comply with the provisions of the By-law?
The interim zoning by-law for the maximum addition size is too restrictive.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Part of lots 9 and 10, Registered Plan M-7
207 Main Street North, Waterdown

9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
 Agricultural Vacant
 Other _____
- 9.1 If Industrial or Commercial, specify use
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's Knowledge

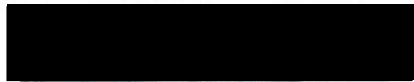
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 29/2021
 Date



Signature Property Owner

Cheri DeMenna

Print Name of Owner

10. Dimensions of lands affected:

Frontage 28.05m (92'-0")
 Depth 65.01m (213'-4")
 Area 2358.5 Meters Squared (25,386.7 Feet Squared)
 Width of street 8.6m (28'-3")

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Ground Floor Area: 97.1 meters squared, Gross Floor Area: 273.5 meters squared
Number of Stories: 1.5, Width: 8.53m, Length: 11.55m, Height: 8.42m

Proposed: Ground Floor Area: 138.0 meters squared, Gross Floor Area: 368.5 meters squared
Number of Stories: 1.5, Width: 10.72m, Length: 16.60m, Height: 8.42m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: 11.97m from Front Lot Line, 13.80m from West Side Lot Line, 3.52m from East Side Lot Line,
43.48m from Rear Lot Line

Proposed: 11.97m from Front Lot Line, 13.68m from West Side Lot Line, 5.08m (House) from East Lot Line
2.27m (Deck) from East Lot Line, 38.1m from Rear Lot Line

13. Date of acquisition of subject lands:
September 30, 2020
14. Date of construction of all buildings and structures on subject lands:
1925
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:
Always
18. Municipal services available: (check the appropriate space or spaces)
Water ✓ Connected ✓
Sanitary Sewer ✓ Connected ✓
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:26

APPLICANTS: Duy Nguyen on behalf of the owner Dave MacLean

SUBJECT PROPERTY: Municipal address **101 King St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-114

ZONING: "D2, H21" (Downtown Mixed Use - Pedestrian Focus) district

PROPOSAL: To permit alterations to an existing three (3) storey building and the construction of a seven (7) storey addition, notwithstanding that:

1. A lot shall be permitted to abut a street for a minimum of 4.20 metres, instead of the requirement that no lot shall have built upon it for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres.
2. No onsite short-term bicycle parking spaces shall be provided, instead of the minimum five (5) short-term bicycle parking spaces required.

NOTE:

1. 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.
2. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
3. These variances are necessary to facilitate Site Plan Application No. SPA-20-013 (20-159161).
4. A demolition permit is required for the demolition of a portion of the existing building.

This application will be heard by the Committee as shown below:

HM/A-21: 26
Page 2

DATE: Thursday, March 4th, 2021
TIME: 1:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

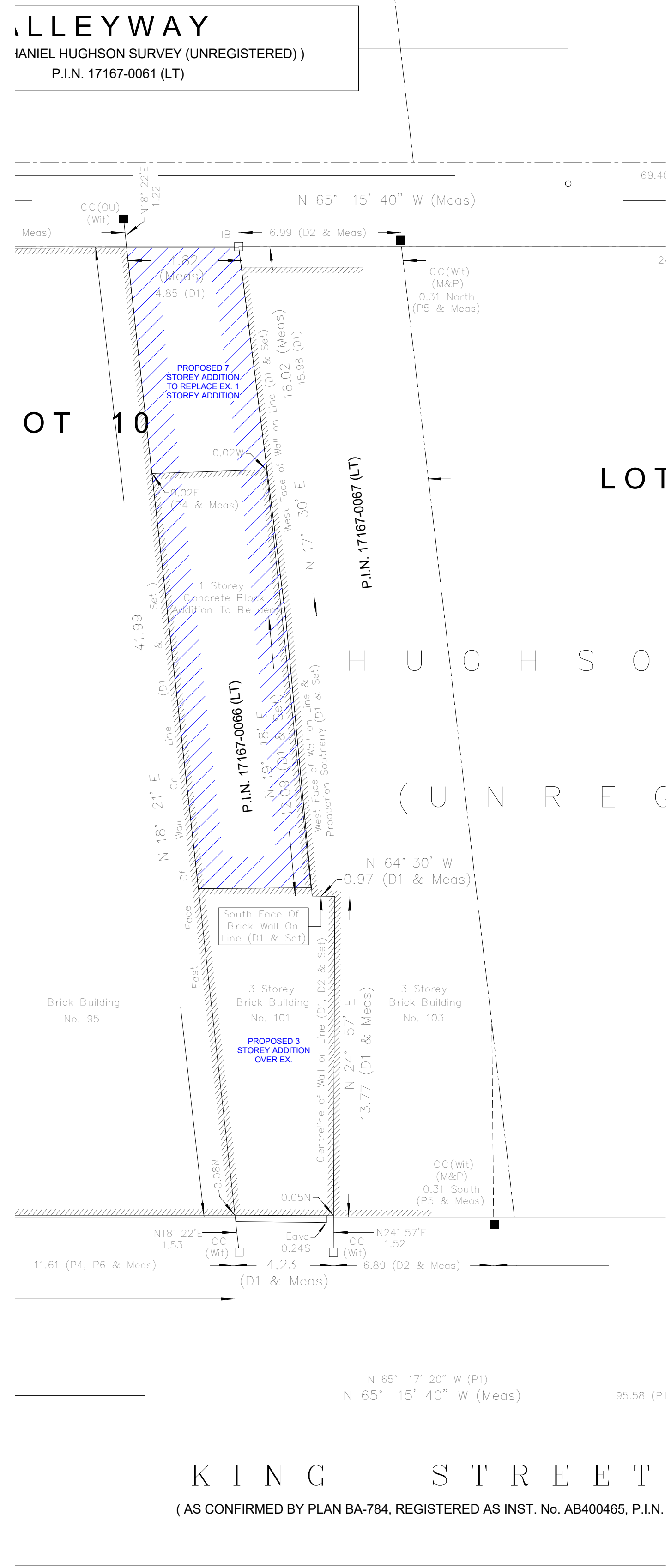
DATED: February 16th 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



2 3D View 1



3 Site Plan 1 : 150

| Area Schedule (UNIT) | |
|----------------------|--------|
| Name | Area |
| 100 Office | 141 SF |
| UNIT 100 | 843 SF |
| UNIT 201 OFFICE | 416 SF |
| UNIT 202 | 709 SF |
| UNIT 301 | 859 SF |
| UNIT 302 | 720 SF |
| UNIT 401 | 715 SF |
| UNIT 402 | 724 SF |
| UNIT 501 | 783 SF |
| UNIT 502 | 721 SF |
| UNIT 601 L1 | 550 SF |
| UNIT 601 L2 | 521 SF |

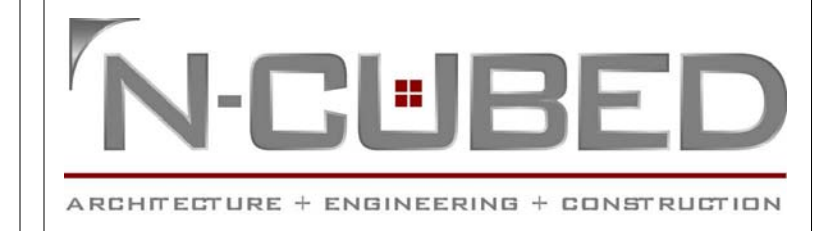
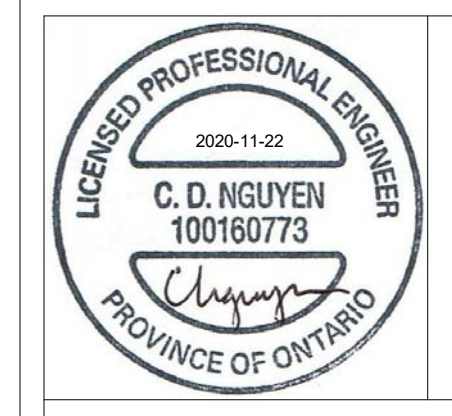
| Area Schedule (GBA) | |
|---------------------|---------|
| Area | Level |
| 2184 SF | Level 0 |
| 2132 SF | Level 1 |
| 2231 SF | Level 2 |
| 2234 SF | Level 3 |
| 2082 SF | Level 4 |
| 2174 SF | Level 5 |
| 2231 SF | Level 6 |
| 1242 SF | Level 7 |

NOTE: GBA - GROSS BUILDING AREA IS MEASURED FROM EXTERIOR WALLS.
UNIT AREA MEASURED TO INTERIOR WALLS

101 King St E, Zoning By-Law 05-200 D2

| | Existing | | Proposed | | | |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-------|-------|
| | SF | SM | SF | SM | | |
| Building Information | | | | | | |
| Lot Area | 2236.64 | 207.79 | NC | NC | | |
| Building | Required | Existing | Existing | Proposed | | |
| Storeys | NA | 3.0 | 3.0 | 7 | | |
| Distances | Required | Existing | Existing | Proposed | | |
| | (ft) | (m) | (ft) | (m) | (ft) | (m) |
| Building Height | 144.36 | 44.00 | NA | NA | 73.46 | 22.39 |
| S - Front Yard Setback L1,L2,L3 | 0.00 | 0.00 | 0.16 | 0.05 | 0.16 | 0.05 |
| S - Front Yard Setback L4,L5 | 6.56 | 2.00 | NA | NA | 6.56 | 2 |
| S - Front Yard Setback L6 | 6.56 | 2.00 | NA | NA | 40.06 | 12.21 |
| N - Rear Yard Setback | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0 |
| East - Side Yard Setback | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0 |
| West - Side Yard Setback | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0 |
| Ground Floor Height | 11.81 | 3.60 | 12.00 | 3.65 | 12.00 | 3.65 |
| Parking | Required | Existing | Existing | Proposed | | |
| Spaces | 0 | 0 | 0 | 0 | | |

| No. | Description | Date |
|-----|----------------------------|------------|
| 1 | Issue For Site Application | 2019-12-23 |
| 2 | DRP Revisions | 2020-11-22 |



807 King St W, Hamilton, ON - 933-626-2333
N-Cubed Services Inc., operating as N-Cubed Designs

DMAC BUILD GROUP
101 King St E

COVER

| Project number | Project Number |
|----------------|----------------|
| Date | Issue Date |
| Drawn by | DDN |
| Checked by | CN |

A0

Scale 1 : 150

Minor Variance - 101 KING ST E February 2021

| Section 4: General Provisions | | | |
|---|--|--|------------------------------|
| <p>Frontage on a Street Section 4.3 a)</p> | <p>No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres. Provided, however, that where a lot is separated from a street by land owned by the City or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may be erected upon such lot if registered rights-of-way giving access to a street have been granted and such access scheme is part of a Development Agreement pursuant to the Planning Act.</p> | <p>The existing lot is indicated as abutting a street for 4.23 metres.</p> | <p>Non-Conforming</p> |



IRREGULAR SHAPE

THE BUILDING HAS AN IRREGULAR SHAPE AND ONCE INSIDE THE FRONT LOT LINE THE WIDTH OF THE BUILDING IS 4.52M AND CONTINUES TO INCREASE TO MAXIMUM WIDTH OF 5.8M.



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Dave MacLean

2. _____

3. Name of Agent Duy Nguyen

FAX NO. _____ E-mail address _____

4. Address _____

Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Don & Maria Ciccarelli

348 Shaver Rd. Jerseyville Ont. Postal Code L0R 1R0

Postal Code _____

6. Nature and extent of relief applied for:
A lot width of 4.26m where 4.5m is required.
To provide no shelter for bicycle parking at grade, where 10 is required.

7. Why it is not possible to comply with the provisions of the By-law?
The lot is an existing condition and cannot be remedied by adjoining neighbours
Given the narrow width of the lot to not to impair bicycle parking to the detriment of
useable space and path to the building.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
101 King St E

9. PREVIOUS USE OF PROPERTY
 Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use
Retail

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

~~Site inspection and real estate records.~~
Phase one environmental site assessment

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 15, 2021
Date


Signature Property Owner

Dave MacLean
Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Refer to submitted survey and site plan

Proposed: Refer to submitted survey and site plan

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Refer to submitted survey and site plan

Proposed: Refer to drawing sheet A0 Siteplan

13. Date of acquisition of subject lands:
September 10, 2018

14. Date of construction of all buildings and structures on subject lands:
1840's, 1960's

15. Existing uses of the subject property: Vacant residential, commercial

16. Existing uses of abutting properties: Residential and entertainment facilities

17. Length of time the existing uses of the subject property have continued:

18. Municipal services available: (check the appropriate space or spaces)

| | |
|--|---|
| Water <input checked="" type="checkbox"/> | Connected <input checked="" type="checkbox"/> |
| Sanitary Sewer <input checked="" type="checkbox"/> | Connected <input checked="" type="checkbox"/> |
| Storm Sewers <input checked="" type="checkbox"/> | |

19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?

| | |
|-----|----|
| Yes | No |
|-----|----|

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

| | |
|-----|----|
| Yes | No |
|-----|----|

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



The full report can be received by contacting Committee of Adjustment Staff at cofa@hamilton.ca

Phase I Environmental Site Assessment 101 King Street East Hamilton, Ontario

Prepared For:
Dmac Build Group Inc.
Attention: David MacLean
Email: 101kingste@gmail.com
Tel: 905-517-9730



Source: AEL Site Visit, 2020

Prepared by:
AEL environment (a division of Aeon Egmond Ltd.)
1705 Argentia Rd, Unit 3,
Mississauga, ON, L5N 3A9
Telephone: (416) 657-2367

July 10, 2020
AEL Project: 11274



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

| | |
|--------------------------|--|
| APPLICATION NO.: | HM/A-20:240 |
| APPLICANTS: | Michael Barton on behalf of the owner 2739534 Ontario Inc. |
| SUBJECT PROPERTY: | Municipal address 111-115 Whitney Ave., City of Hamilton |
| ZONING BY-LAW: | Zoning By-law 6593, as Amended by by-laws 80-274, 95-02, 95-033 and 19-307 |
| ZONING: | "C/S-729, C/S-1335, C/S-1335a and C/S-1788" (Urban Protected Residential and etc.) district |
| PROPOSAL: | To permit construction of a single family dwelling on a lot to be conveyed (111 Whitney Avenue) and to permit construct of a single family dwelling on a lot to be retained (115 Whitney Avenue) pursuant to Consent Application File No. HM/B-19:75 notwithstanding that: |

Required Variances for the lot to be known as 111 Whitney Avenue:

1. A minimum lot area of 253m² shall be provided instead of the minimum required lot area of 275m² as approved by Variance No. 2 of Minor Variance File No. HM/A-19:279 for the lands to be conveyed.
2. A maximum floor area ratio of 1.12 shall be provided for the proposed single family dwelling instead of the maximum floor area ratio of 0.82 as approved by Variance No. 3 of Minor Variance File No. HM/A-19:279 for the lands to be conveyed.
3. A minimum front yard depth of 5.4m shall be permitted instead of the minimum required front yard depth of 6.0m.
4. A minimum of 28% of the front yard shall be used for a landscaped area instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
5. One (1) parking space shall be provided instead of the minimum required 3 parking spaces for the proposed 10 habitable rooms.
6. A minimum parking space length of 5.4m shall be provided instead of the minimum required parking space length of 6.0m.

Required Variances for the lot to be known as 115 Whitney Avenue:

1. A minimum lot width of 8.0m shall be provided instead of the minimum required lot width of 8.9m as approved by Variance No. 1 of Minor Variance File No. HM/A-19:279 for the lands to be retained.

HM/A-20:240

Page 3

2. A minimum lot area of 217m² shall be provided instead of the minimum required lot area of 275m² as approved by Variance No. 2 of Minor Variance File No. HM/A-19:279 for the lands to be retained.
3. A maximum floor area ratio of 1.3 shall be provided for the proposed single family dwelling instead of the maximum floor area ratio of 0.82 as approved by Variance No. 3 of Minor Variance File No. HM/A-19:279 for the lands to be retained.
4. A minimum front yard depth of 5.5m shall be permitted instead of the minimum required front yard depth of 6.0m.
5. A minimum side yard width of 0.9m shall be permitted to the easterly 28.24m side lot line instead of the minimum required side yard width of 1.2m.
6. A minimum side yard width of 0.6m shall be permitted to the westerly 23.67m side lot line and to the 6.55m side lot line at the hypotenuse of the daylight triangle at the corner of Whitney Avenue and Leland Street instead of the minimum required side yard width of 1.2m.
7. Eaves and gutters shall be permitted to project 0.6m into the side yards abutting the westerly 23.67m side lot line and the 6.55m side lot line at the hypotenuse of the daylight triangle at the corner of Whitney Avenue and Leland Street so that the eaves and gutters are 0.0m from the westerly 23.67m side lot line and the 6.55m side lot line at the hypotenuse of the daylight triangle instead of the requirement that eave or gutters may project into the required side yard (being 0.6m pursuant to Variance No. 6) not more than ½ of its required width (being 0.3m).
8. Two (2) parking spaces shall be provided instead of the minimum required 3 parking spaces for the proposed 10 habitable rooms.

NOTE:

- i) The Floor Plans submitted show a total of ten (10) habitable rooms. If greater than 10 habitable rooms are intended, additional variances for the lot to be retained and the lot to be conveyed shall be required as the number of required parking spaces will increase.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:40 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-20: 240
Page 3

MORE INFORMATION

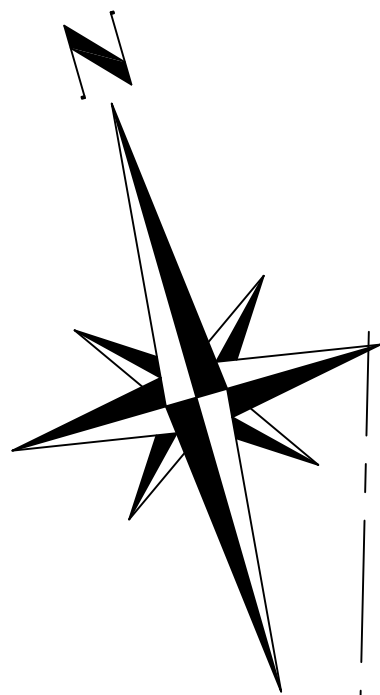
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

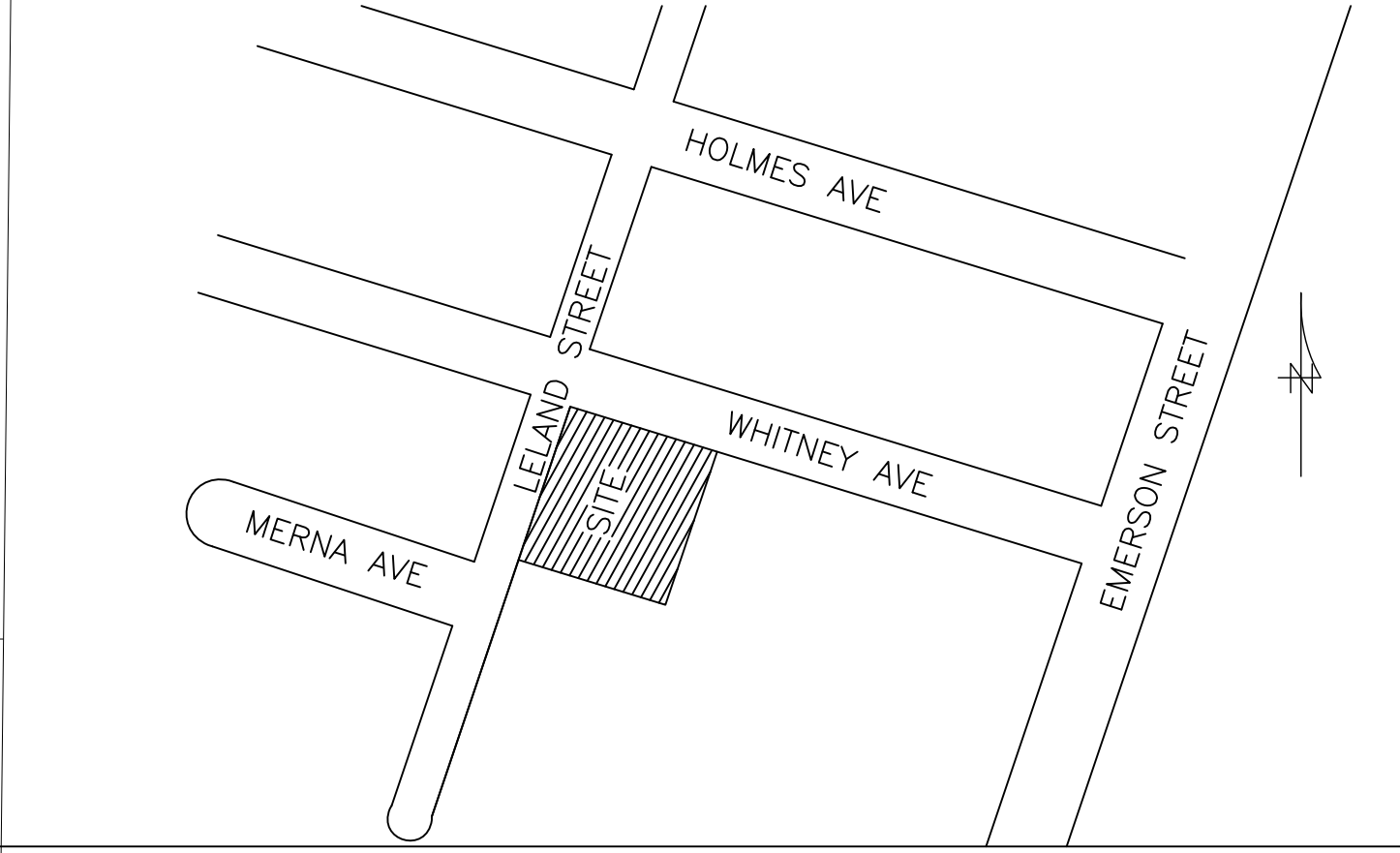
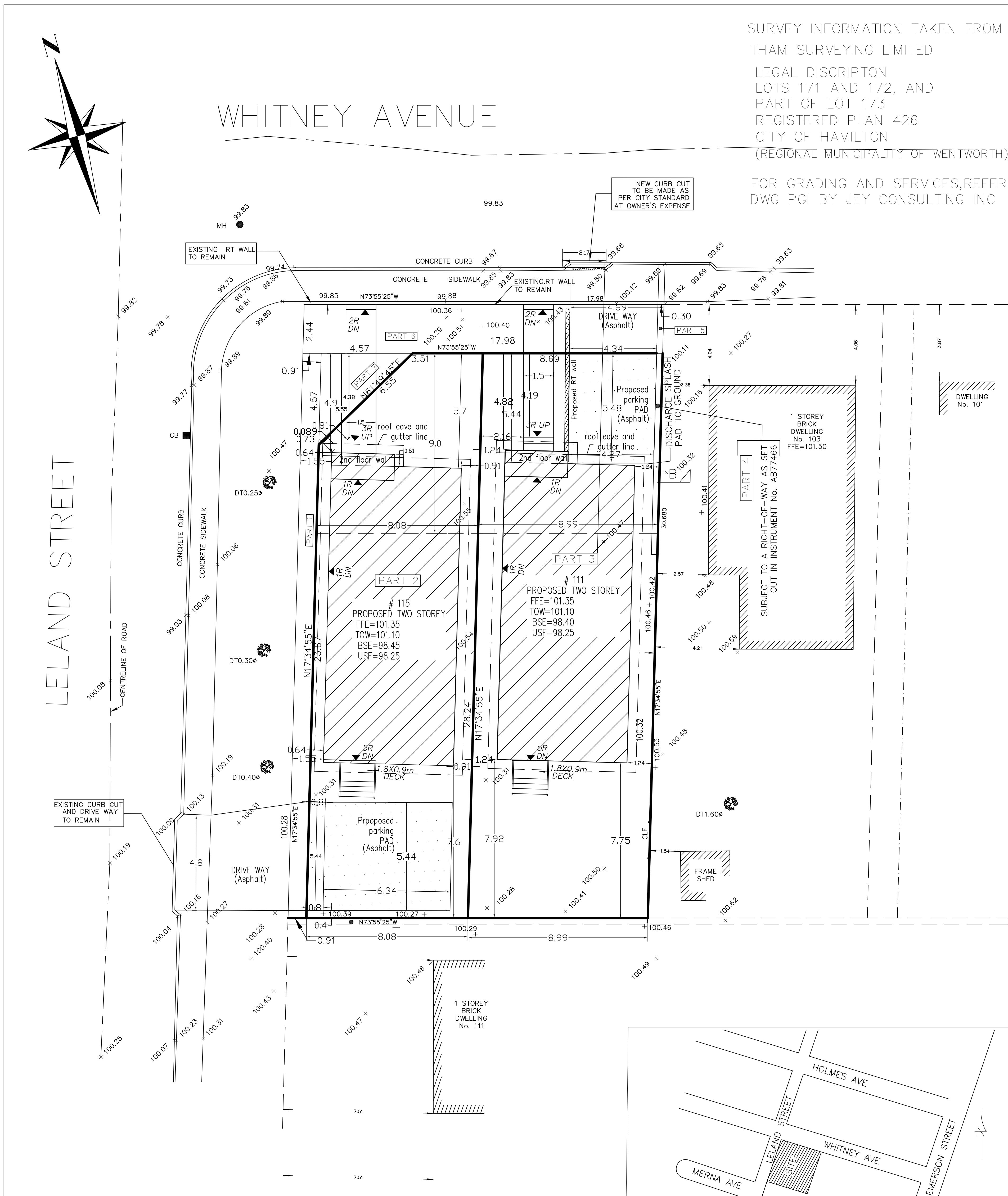


WHITNEY AVENUE

SURVEY INFORMATION TAKEN FROM
 THAM SURVEYING LIMITED
 LEGAL DISCRIPTION
 LOTS 171 AND 172, AND
 PART OF LOT 173
 REGISTERED PLAN 426
 CITY OF HAMILTON
 (REGIONAL MUNICIPALITY OF WENTWORTH)

FOR GRADING AND SERVICES, REFER
 DWG PGI BY JEY CONSULTING INC

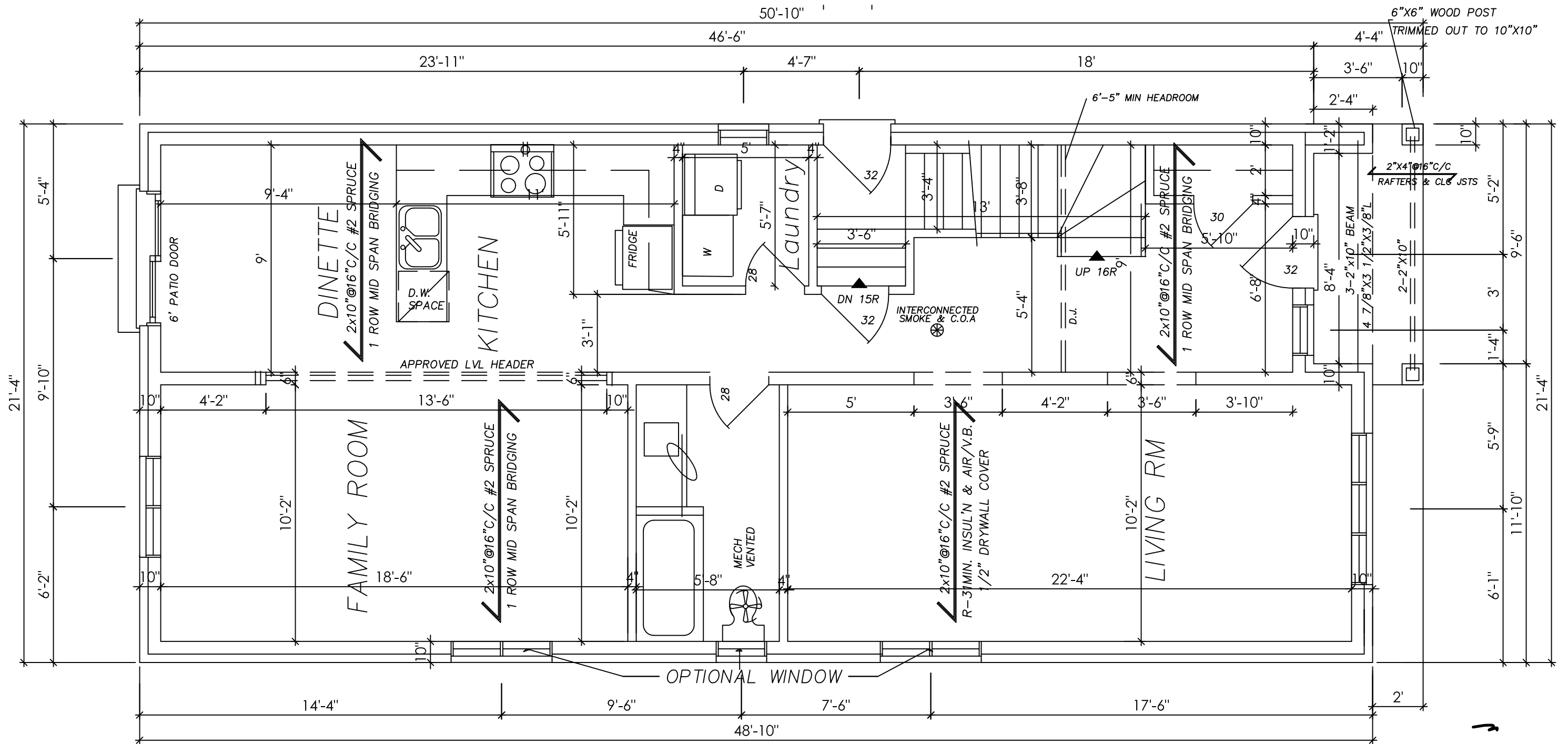
LELAND STREET



| | | |
|--------------|----------------|-----------------------------|
| 4 | | |
| 3 | | |
| 2 | | |
| 1 | Dec. 09,2020 | COFA SUBMISSION TO THE CITY |
| No: | DATE: - | REVISION |
| DRAWN BY: RK | CHECKED BY: KE | DRAWING No: - A.0 |
| SCALE 1:100 | | |

DRAWING TITLE:
PROPOSE SITE PLAN
 PROJECT NAME: 111/115 WHITNEY AVENUE
 CITY OF HAMILTON

KEY PLAN
 (N.T.S)

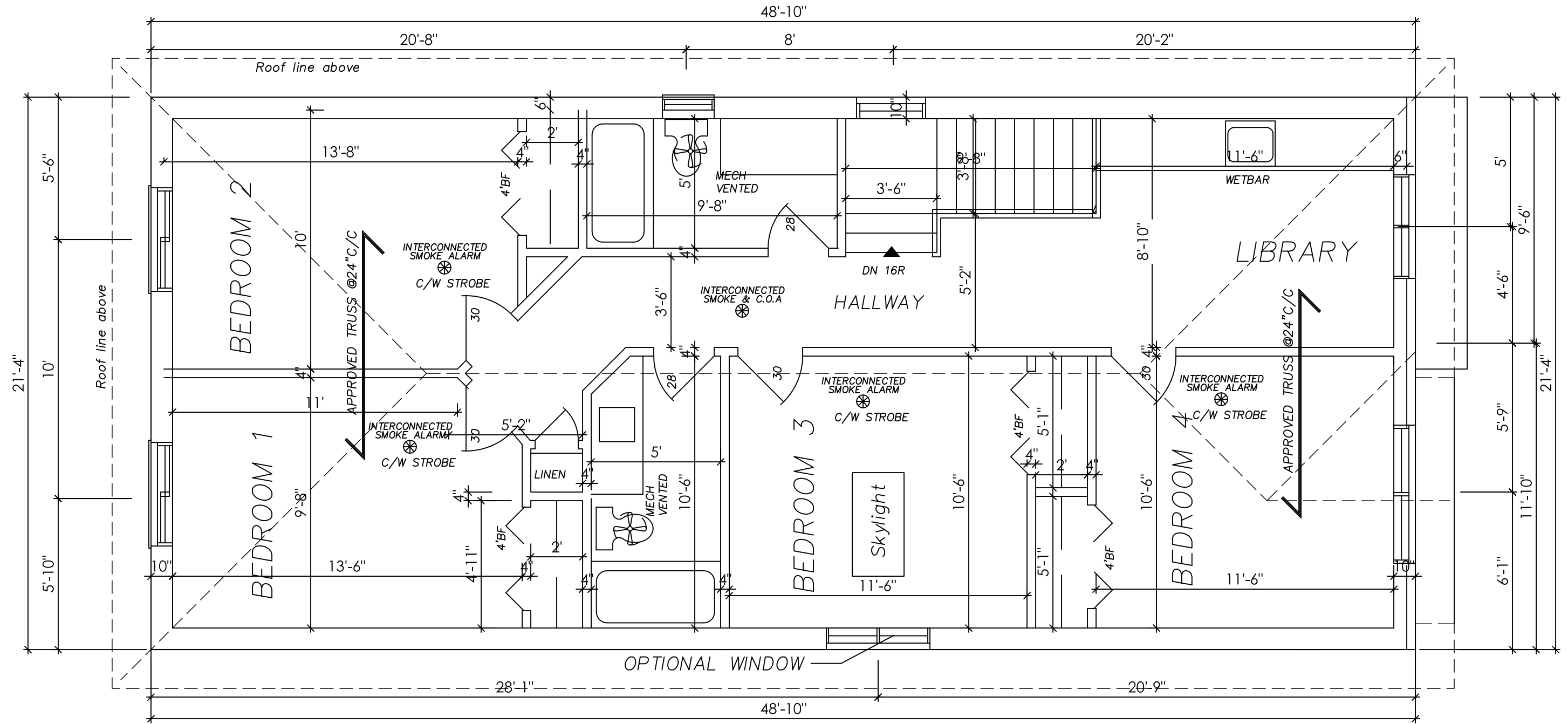


First Floor
 GFA=1020 SQ.FT.(94.76 S.M).

LAUNDRY AREA=31SQ.FT.(2.9S.M).
 POACH AREA=42.8SQ.FT.(3.98S.M).

C O F A

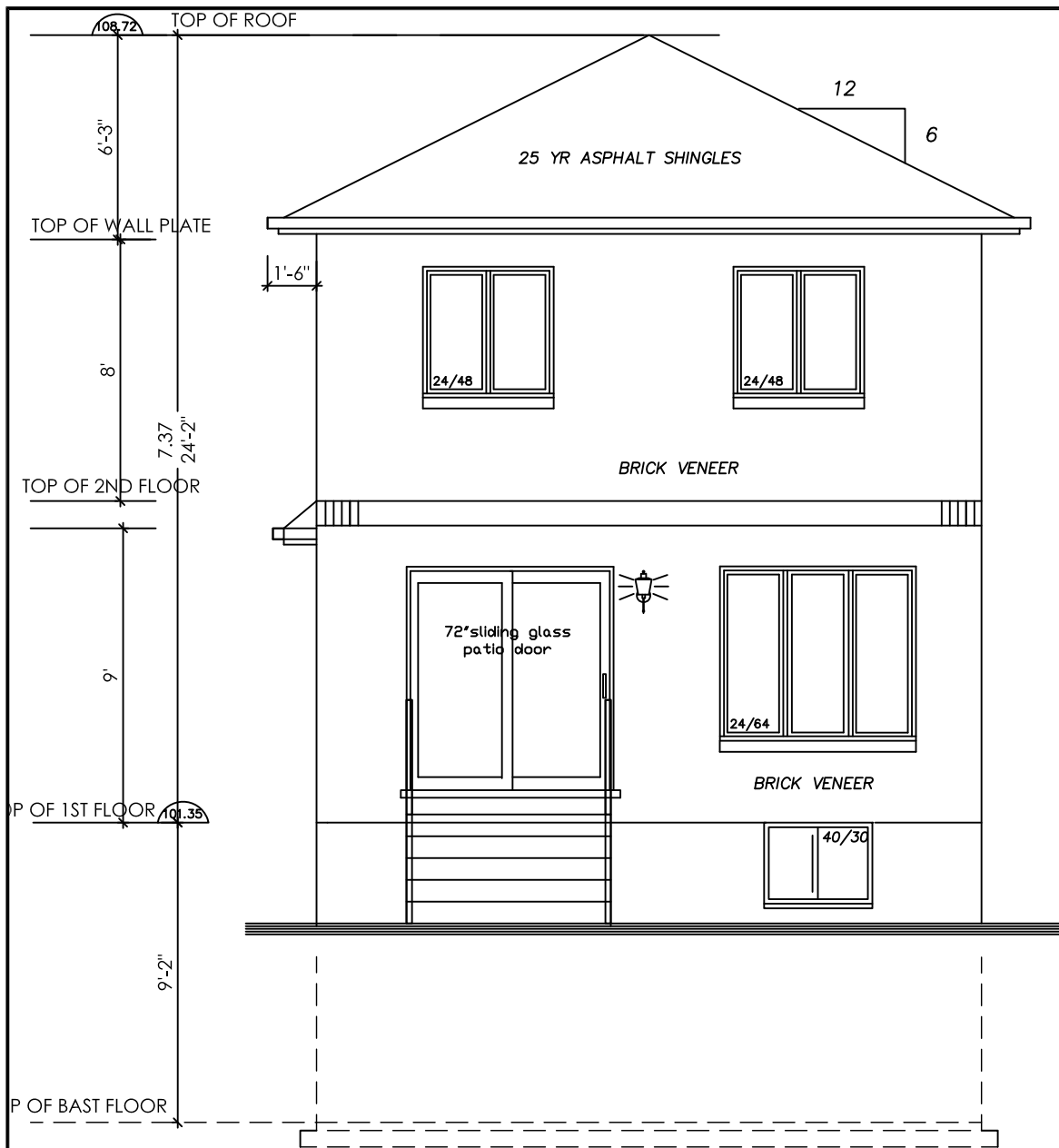
| | | | |
|--|-----------------------|-------------------------|-------------------|
| Title 1 ST FLOOR PLAN | | Tender Date DEC 2020 | Sheet No. A1.0 |
| NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | Project No. 110601 | Scale 1/4" = 1' | Drawn By RK |
| | | Revision Date | Revision No. |



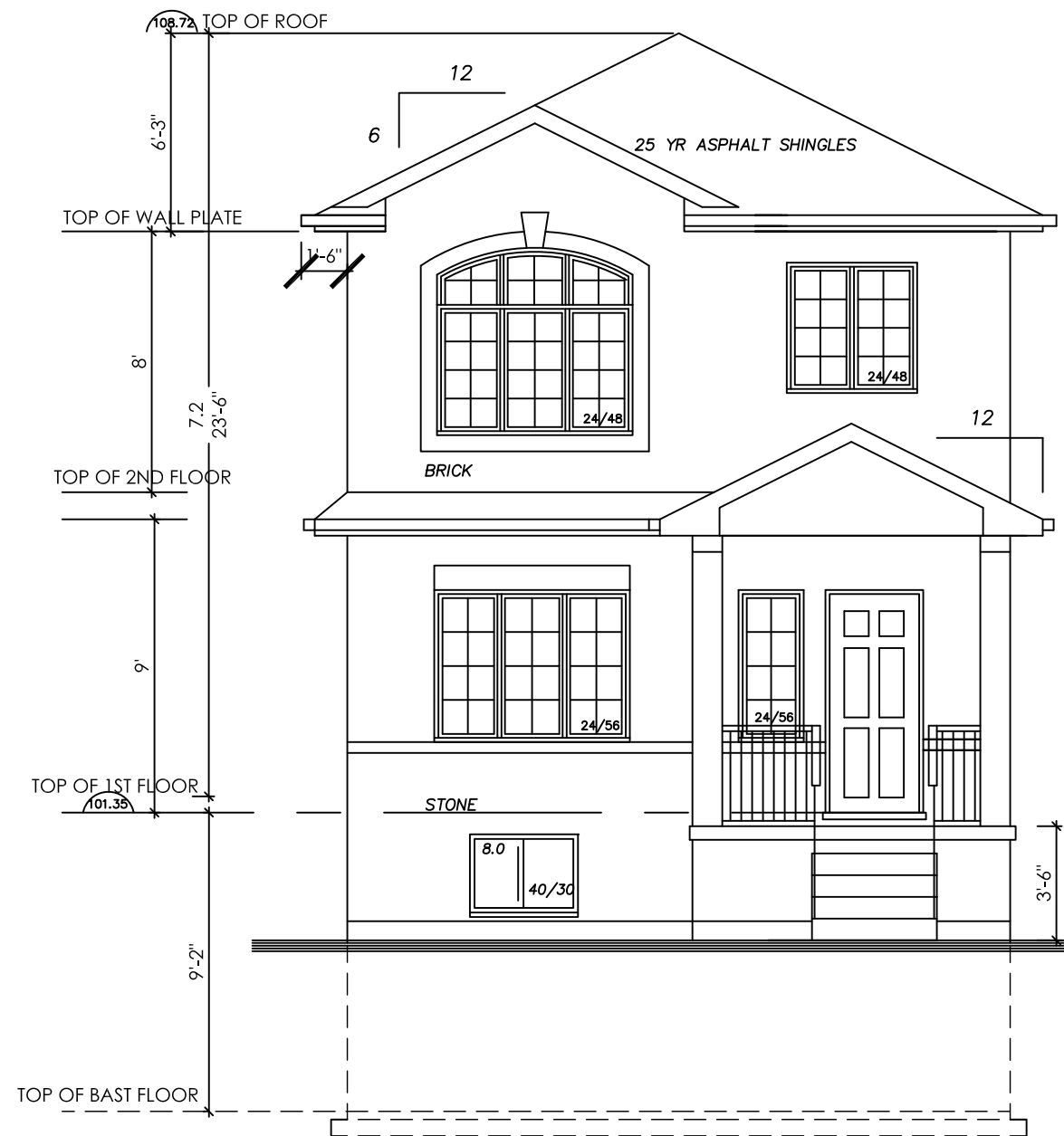
Second Floor
 GFA = 1042 SQ.FT. (96.8 S.M)

COFA

| | | | | | |
|-----------------------|--------------------|--|---------------|--------------------------|-------------------|
| Title 2ND FLOOR | | Title NEW HOUSE AT 111/115 WHITNEY AVE. HAMILTON | | Tender Date DEC. 2020 | Sheet No. A2.0 |
| Project No. 110601 | Scale 1/4" = 1' | Drawn By RK | Revision Date | Revision No. | |



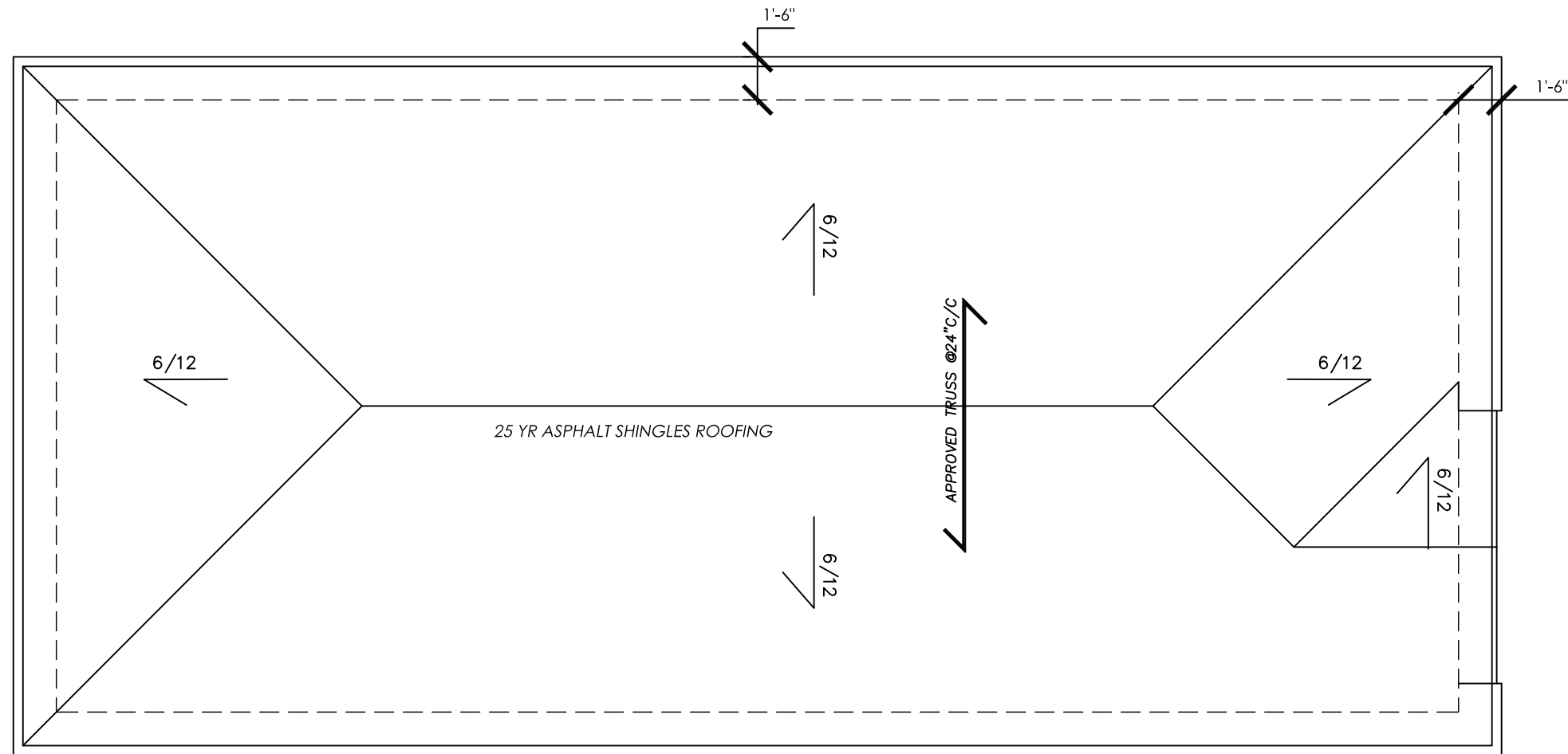
Rear Elevation



Front Elevation

C O F A

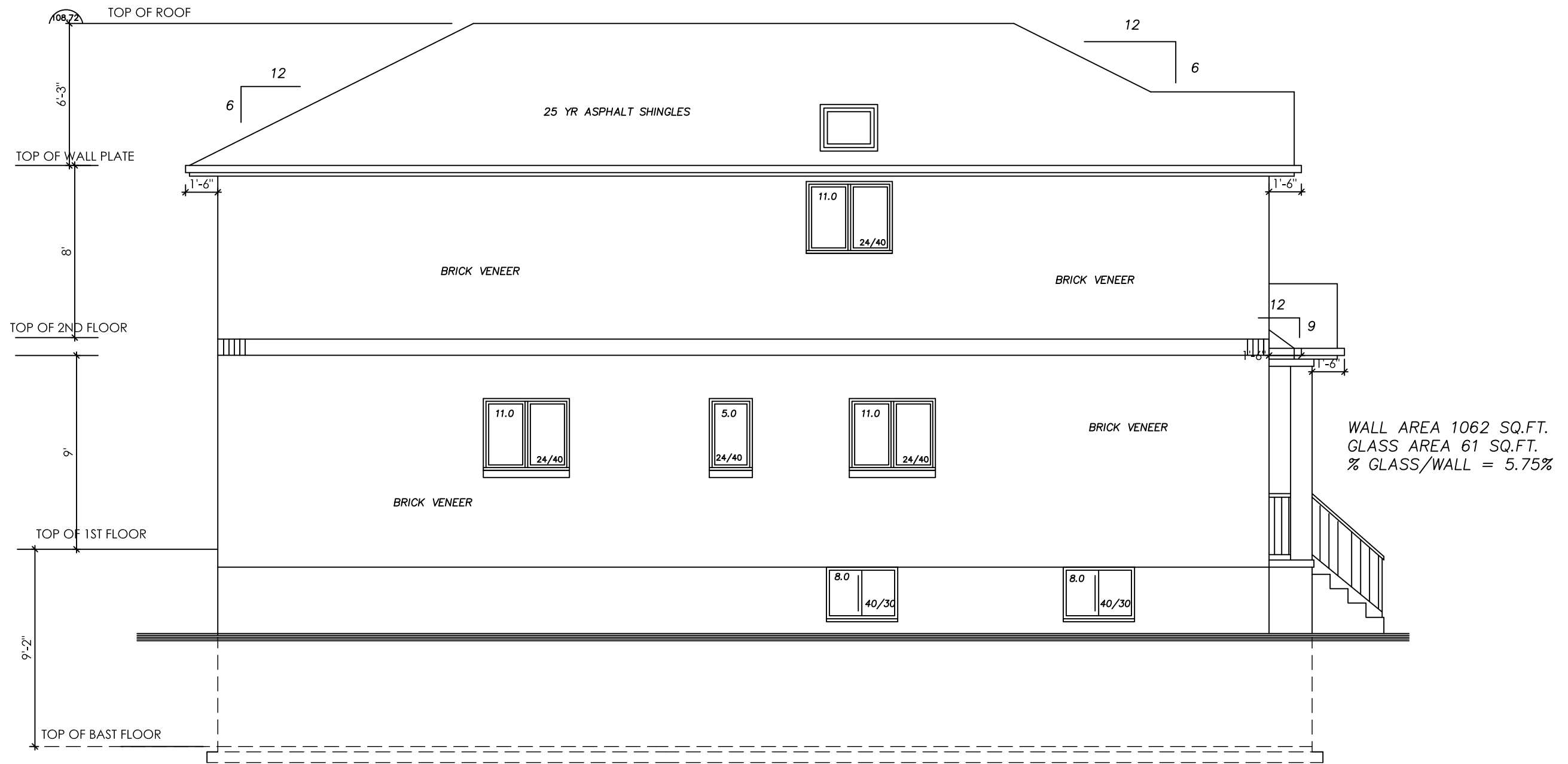
| | | | |
|---|---------------------|-------------------------|-------------------|
| Title FRONT AND REAR ELEVATION | | Tender Date DEC 2020 | Sheet No. A5.0 |
| Project No. 110601 | Scale 3/16" = 1' | Drawn By RK | Revision Date |
| Title NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | | Revision No. | |



Roof PLAN

C OF A

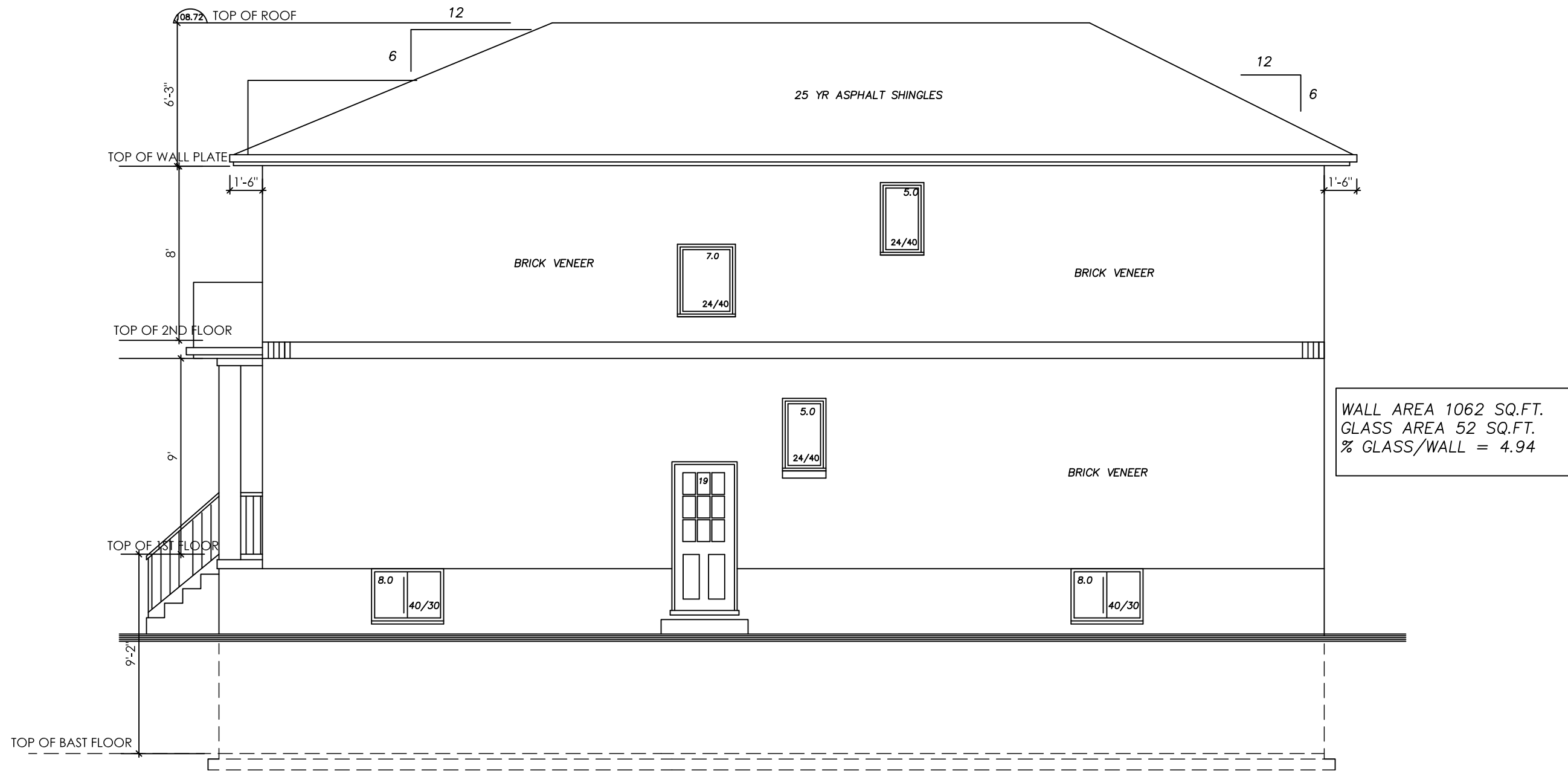
| | | | |
|--|-----------------------|-------------------------|-------------------|
| Title ROOF PLAN | | Tender Date DEC 2020 | Sheet No. A4.0 |
| NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | Project No. 110601 | Scale 3/16" = 1' | Drawn By RK |
| | | Revision Date | Revision No. |



East Side Elevation

C OF A

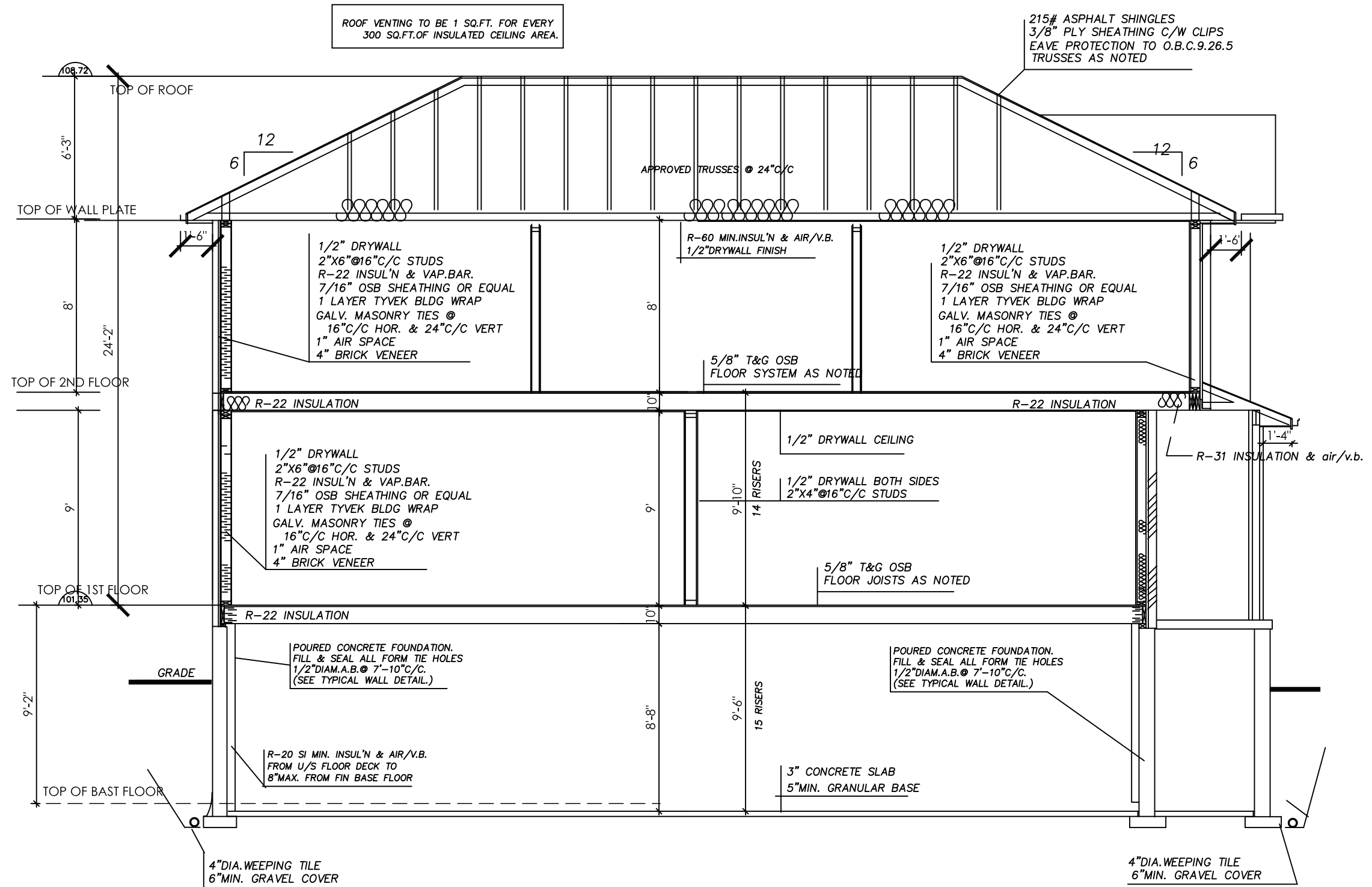
| | | | |
|---|---------------------|-------------------------|-------------------|
| Title EAST SIDE ELEVATION | | Tender Date DEC 2020 | Sheet No. A7.0 |
| Project No. 110601 | Scale 3/16" = 1' | Drawn By RK | Revision No. |
| Title NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | | Revision Date | |



West Side Elevation

C O F A

| | | | |
|--|-----------------------|-------------------------|-------------------|
| Title WEST SIDE ELEVATION | | Tender Date DEC 2020 | Sheet No. A6.0 |
| NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | Project No. 110601 | Scale 3/16" = 1' | Drawn By RK |
| | | Revision Date | Revision No. |



Section

C OF A

| | | | | | |
|--|--|-----------------------|---------------------|-------------------------|-------------------|
| Title SECTION | | Title SECTION | | Tender Date DEC 2020 | Sheet No. A8.0 |
| NEW HOUSE AT 111/115 WHITNEY AVE HAMILTON | | Project No. 110601 | Scale 3/16" = 1' | Drawn By RK | Revision No. |

ZONING INFORMATION
111-115 WHITNEY AVE HAMILTON

| DISCRIPTION | 111 WHITNEY AVE | 115 WHITNEY AVE |
|---|-----------------|-----------------|
| LOT WIDTH | 8.99 M | 8.08 |
| LOT AREA | 253.8 S.M | 217.7 S.M |
| FRONT SETBACK | 5.4M | 5.5M |
| WEST SIDE SETBACK | 1.24M | 0.73M |
| EAST SIDE SETBACK | 1.24M | 0.91M |
| REAR SETBACK | 7.75M | 7.6M |
| EAVE& GUTTER SET- BACK TO SIDE LOTLINE | 0.79M | 0.089M |
| | | |
| FLOOR AREA | | |
| 1ST FLOOR | 91.86 S.M | 91.86 S.M |
| 2ND FLOOR | 96.8 S.M | 96.8 S.M |
| BASEMENT FLOOR | 93.79 S.M | 93.79 S.M |
| TOTAL FLOOR | 282.45S.M | 282.45S.M |
| FLOOR AREA RATIO | 1.12 | 1.3 |
| AVE.GRADE AT CURB | 99.79 | 99.96 |
| BUILDING HEIGHT | 8.93M (108.72) | 8.76M (108.72) |
| PARKING PAD | 4.27M X 5.48M | 6.34M X 5.44M |
| DRIVE WAY | 4.69M | 4.8M(Existing) |
| FRONT LANDSCAPE | 13.7 S.M | 29.63 S.M |
| FRONT YARD | 47.6 S.M | 29.63 S.M |

| | | |
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| 4 | | |
| 3 | | |
| 2 | | |
| 1 | Dec. 09,2020 | COFA SUBMISSION TO THE CITY |
| No: | DATE:- | REVISION |
| DRAWN BY: | RK | CHECKED BY: KE |
| | | DRAWING No:- A.01 |

DRAWING TITLE:
ZONING ONFO

PROJECT NAME: 111/115 WHITNEY AVENUE
CITY OF HAMILTON

ADDRESSING YOUR COMMENTS

General:

Some of the lot line dimensions do not match those shown on the Draft "R" Plan dated July 21, 2020 prepared by Tham Surveying Ltd. Can you advise if there is a revised Draft R-Plan?. If so, this revised Draft Plan shall be submitted. If the "Draft "R" Plan has not been revised, then Site Plan shall be further revised to match the dimensions shown on the Draft "R" Plan dated July 21, 2020. Please advise.

A COPY OF THE REGISTERED PLAN IS ATTACHED

Additionally, the following clarification is required on a revised Site Plan:

1. Show the rear lot line dimensions for both lots.
INDICATED ON THE SITE PLAN
2. Confirm the total lot width for 111 Whitney Ave (it appears that it may be 8.69m + 0.3m for a total of 8.99m; however, this shall be confirmed.
CONFIRMED AS 8.99M
3. Confirm the lot area of both lots. The survey previously submitted shows a different lot area than the lot areas shown on the Zoning Information Sheet. The following lot area information is provided
PREVIOUSLY SUBMITTED SITE PLAN MATCHES WITH REGISTERED PLAN

| | |
|-----------------|--|
| 111 Whitney Ave | 253.8m ² <i>(Shown on the Zoning Information Sheet dated December 9, 2020)</i> |
| | 248.7m ² <i>(Shown as Parts 3 and 4 on the Draft Reference Plan dated July 21, 2020)</i> <u>Determined by:</u> 245.9m ² (Part 3) + 2.8m ² (Part 4) = 248.7m ² as shown on the Draft Reference Plan dated July 21/20 |

| | |
|-----------------|---|
| 115 Whitney Ave | 217.7m ² <i>(Shown on the Zoning Information Sheet dated December 9, 2020)</i> |
| | 210.7m ² <i>(Shown as Part 2 on the Draft Reference Plan dated July 21, 2020)</i> |

4. The Floor Area Ratio shown on the Zoning Information Sheet should be revised if the lot area of both lots is as shown on the Draft "R" Plan dated July 21, 2020 rather than the lot area shown on the Zoning Information Sheet

REMAINS THE SAME

5. Correct the Front Yard setback for both 111 and 115 Whitney Avenue on the Zoning Information Chart as 4.82m is shown; however, the Site Plan shows 5.48m for 111 Whitney Avenue and 5.6m for 115 Whitney Avenue. The front porch is considered a yard encroachment into the front yard.

MAIN WALL IN 2ND FLOOR IS SHOWN AND THE NEW DATA IS IN ZONING LEGEND

6. Show the setback of the front steps on the front porch from the front lot line of 111 Whitney Avenue.

SHOWN IN SITE PLAN

7. Show the setback of the front steps on the front porch from the 3.51m front lot line and from the 6.55m angled side lot of 115 Whitney Ave.

SHOWN IN SITE PLAN

8. Show the setback of the eave and gutter projection on the front porch and the eave and gutter on the dwelling from the 6.55m angled side lot of 115 Whitney Ave.

EAVE LINE IS SHOWN IN DOT-LINE AND THE SET BACH OF 0.089M IS INDICATED ON SITE PLAN

9. Show the step(s) at the west side each dwelling and the show the setback of the step(s) from each westerly side lot line for both 111 and 115 Whitney Avenue.

No need for steps at the side door as the grade level difference is only = 7.5" (1R)

10. Show the parking spaces including each of their widths and length in the parking areas for both 111 and 115 Whitney Avenue. A minimum parking space size of 2.7m wide x 6.0m long is required.

No changes are made and size and location are intended

- It appears that one (1) space can be provided for 111 Whitney Avenue being 4.27m wide x 5.48m long and manoeuvring is intended entirely on the Whitney Avenue road allowance. Please confirm if this is intended.
- It appears that two (2) spaces can be provided for 115 Whitney Avenue with each being 2.72m wide ($5.44\text{m} \div 2 = 2.72\text{m}$) x 6.34m long and manoeuvring is intended entirely on the Leland Street road allowance. Please confirm if this is intended/correct.

11. Revise the Front Elevation on Elevation Plan A5.0 to show the total eave and gutter projection on the front porch.

Total eave and gutter projection from the main wall is 1'-6" throughout the building and are shown in drawings A5.0

Kim Roberts, CPT

Zoning Examiner Hamilton

(905) 546-2424 Ext.2581



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext. 4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 2739534 ONTARIO INC. Telephone No. [redacted]
FAX NO. _____ E-mail address. [redacted]
- Address [redacted] Postal Code [redacted]
- Name of Agent Michael Barton Telephone No. [redacted]
FAX NO. _____ E-mail address. [redacted]
- Address [redacted] Postal Code [redacted]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
NO MORTGAGE ON THE PROPERTY
Postal Code _____
Postal Code _____

6. To permit minimum parking space dimensions less than 2.7 m wide by 6.0 m long
6. Nature and extent of relief applied for:
1. To permit minimum lot width less than 8.99 m (3.42 m proposed)
 2. To permit minimum lot area less than 275 m² (245.9 m² and 210.7 m² proposed)
 3. To permit minimum front yard less than 6 m (4.34 m and 4.3 m proposed)
 4. To permit minimum interior side yard of 0.9 m and exterior side yard of 0.34 m
 5. To permit minimum front yard landscaping area of less than 50% for 111 Whitney
7. Why it is not possible to comply with the provisions of the By-law?
Land dedication required for widening of Whitney Avenue and Leland Street reduces lot area, lot width and front yard setbacks. This also impacts lot coverage, floor area ratio and other regulations.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
Lots 171 and 172 and Part of Lot 173, Registered Plan 426
City of Hamilton
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
- Agricultural Vacant
- Other _____
- 9.1 If Industrial or Commercial, specify use
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Knowledge of historical and previous use of subject property

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

8 July 2020
 Date


 Signature Property Owner

SATHYENDRAN THURAIRAJAH - DIRECTOR, 2739534
 Print Name of Owner ONTARIO INC.

10. Dimensions of lands affected:

Frontage 17.98 m (58 Feet 11.9 Inch)
 Depth 30.68 m (100 Feet 8 inch)
 Area 551.087 sq. m (5937.6 sq. feet)
 Width of street WHITNEY AVENUE: 50 feet, LEYLAND St.: 60 Feet

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Single storey dwelling.
width: 24 Feet, Length: 49 Feet
Floor Area: 900 sq. feet

Proposed: Two 2 storey dwellings
width: 22 Feet, Length: 50 Feet 10 inches
Height: 27 Feet 4 inches
Ground Floor: 1097 sq. feet Gross: 2130 sq. feet

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: FRONT: 10 Feet
Rear: 42 Feet
side (1): 27 Feet side (2): 8 Feet

Proposed: FRONT: 7.5m (24 Feet 6 inch)
Rear : 7.51m (24 Feet 8 inch)
Sides: 1.34m (4 Feet 5 inch)
Between Houses: 1.85 m (6 Feet 1 inch)

13. Date of acquisition of subject lands:
Jan 30, 2020
14. Date of construction of all buildings and structures on subject lands:
Planning to start construction in Early 2021
15. Existing uses of the subject property: Residential
16. Existing uses of abutting properties: Residential
17. Length of time the existing uses of the subject property have continued:
85 Years
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods (Urban Hamilton Official Plan)
Low Density Residential 2 (Ainslie Wood Westdale Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Urban Protected Residential (C/S-1335) By-Law 6593
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
- If the answer is yes, describe briefly.
Consent approval for current lots (File HM/B-19:75)
Minor Variance approval in conjunction with consent (File HM/A-19:279)
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps

Planning Justification Report

Proposed Single Detached Dwellings 111 and 115 Whitney Avenue, Hamilton

September 2020

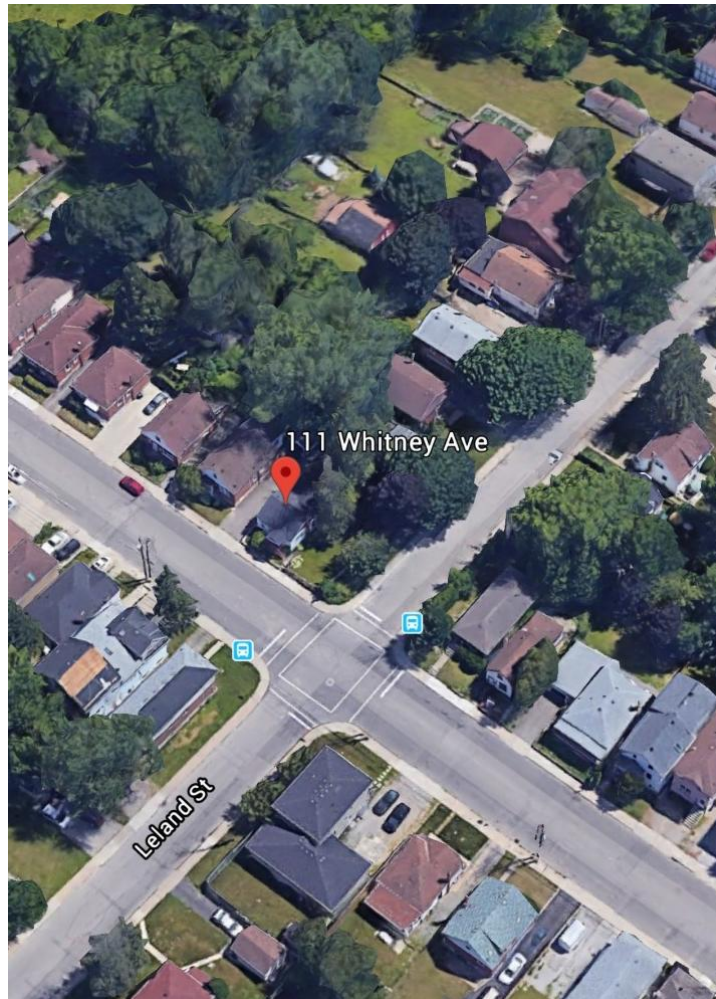


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1. Introduction and Overview

MB1 has been retained by the owners of 111 and 115 Whitney Avenue in Hamilton (the “subject properties”) to provide professional land use planning services in support of the new single detached dwellings proposed for these residential lots. These lots were created through approval of consent application HM/B-19:75 on August 29, 2019. The lots are each 8.99 metres in width and 275 m². Minor variances were granted under application HM/A-19:279 to permit the lot widths and areas, as well as to establish a maximum floor area ratio of 0.82 times the lot area. The owner proposes to construct dwellings that are consistent and compatible with the character and quality of the community. An application for Minor Variance has been submitted seeking relief to the zoning regulations to permit the proposed dwellings. This report outlines the planning rationale for the proposal and how each of the requested minor variances meets the tests set out under the Planning Act.

2. Existing Conditions and Context

2.1 Site Location and Context

The subject properties are located on the southeast corner of the intersection of Whitney Avenue and Leland Street. The site location is illustrated in **Figure 1**. An aerial view of the subject property is provided in **Figure 2**. The survey plan provided in **Figure 3** illustrates that each lot is 8.99 metres wide and 275 m² in area. There is an existing dwelling and two accessory buildings that will be demolished as part of the development.

2.2 Surrounding Uses and Features

The subject properties are surrounded on all sides by low density residential uses. The community lot and built form fabric illustrated in **Figure 4**, in conjunction with the lot analysis provided in **Figure 5**, confirms the following key neighbourhood characteristics:

- Among the smallest lots in the area are those directly across from the subject properties at 116, 106 and 104 Whitney Avenue; the subject properties are wider and larger than each of these existing lots;
- Many of the dwellings immediately adjacent to the subject property and closest to the Whitney/Leland intersection make more intense use of their respective lots than others in the neighbourhood, in terms of floor area ratio, lot coverage, building height and setbacks;
- 121 and 123 Whitney Avenue are located directly across Leland Street and are similar in width and depth to the subject properties;
- The neighbourhood is characterized by variability in lot width, depth and area rather than having a consistent lot pattern;
- The neighbourhood is also characterized by variability in built form type, ranging from bungalows to full two-storey dwellings, including 112 and 116 Whitney Avenue, directly across from the subject property (**Figure 6**) and 122 Whitney on the northwest corner of the intersection (**Figure 7**);

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- Many of the existing lots do not conform to the zoning regulations for minimum lot area (360 m²), minimum lot width (12 metres), maximum floor area ratio (0.45), as well as front, rear and side yard setbacks;
- Front yard setbacks are relatively consistent throughout the area, providing uniform street edge; and
- Many existing dwellings are constructed close to or on the side property lines providing little or no side yard setbacks.

There are also examples in the community of infill residential development on small lots that is compatible with the character of the neighbourhood. Recent examples are the new dwellings constructed one block to the north of the subject properties at 38 and 40 Holmes Avenue. These lots are smaller than the subject properties at less than 8 metres of frontage and approximately 240 m² of area. However, **Figure 8** demonstrates that these dwellings are appropriate and compatible for the community.

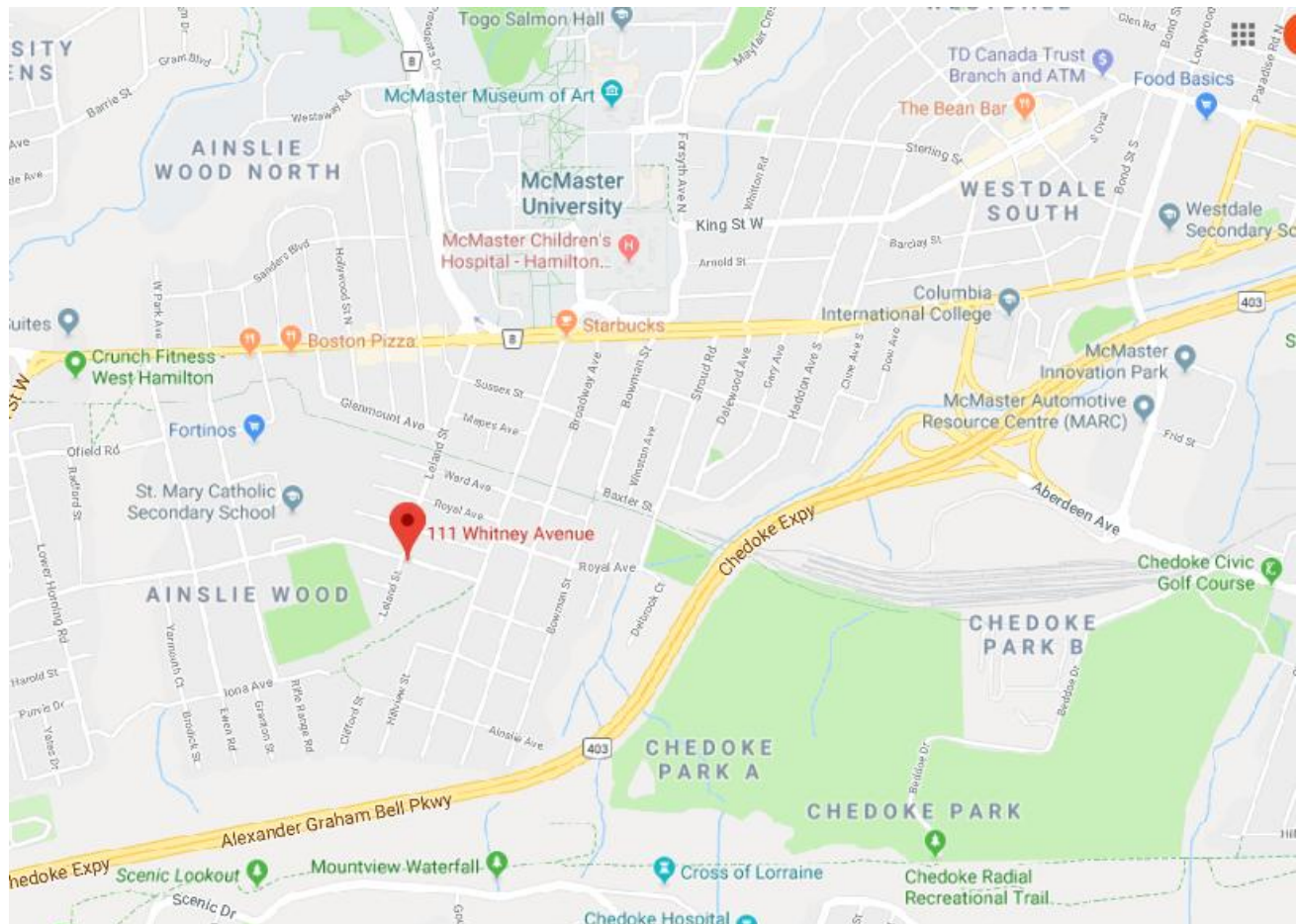


Figure 1 – Site Location

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Figure 2 – Aerial View of Subject Property

MB1 | Urban Planning

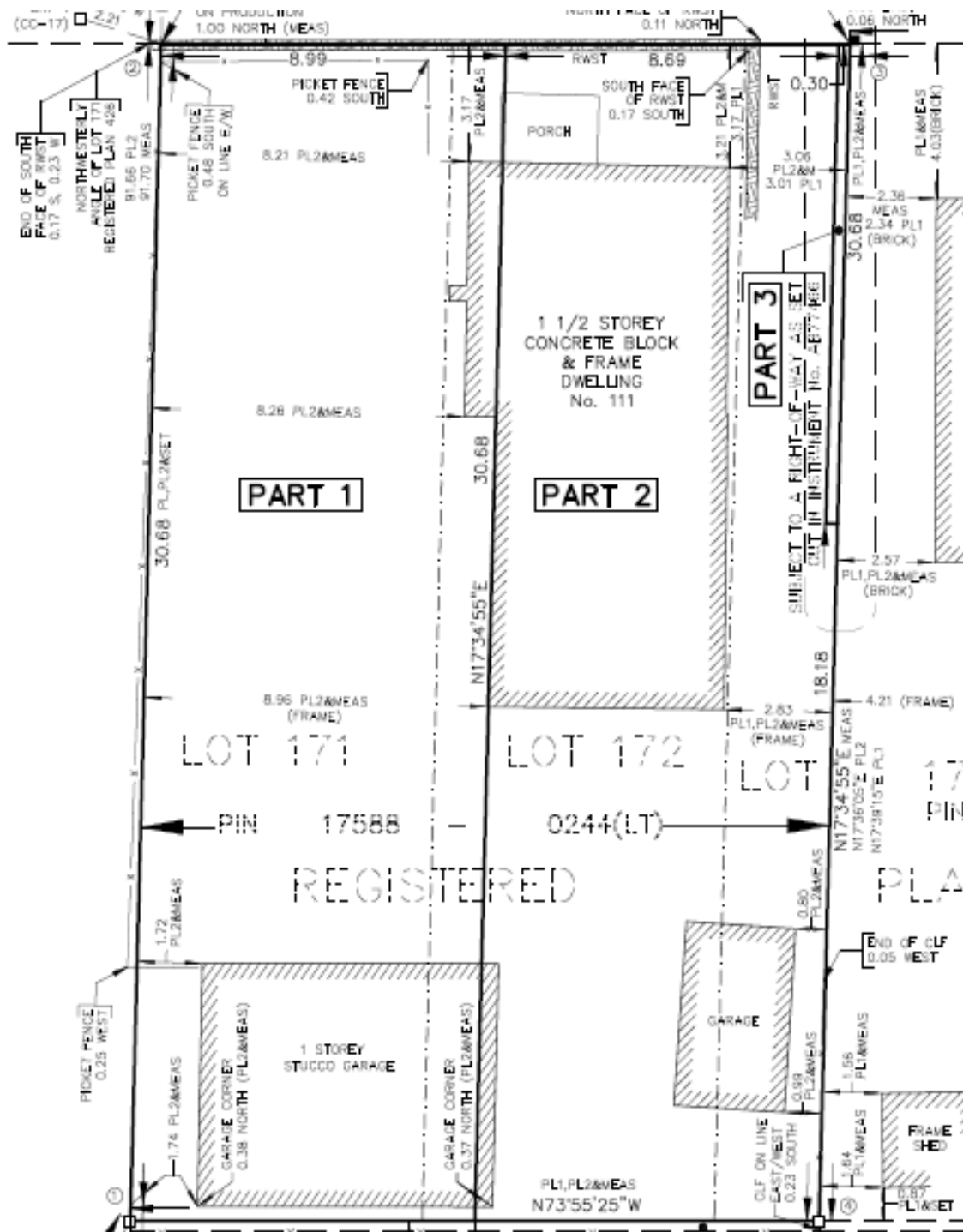


Figure 3 – Existing Lot Configuration

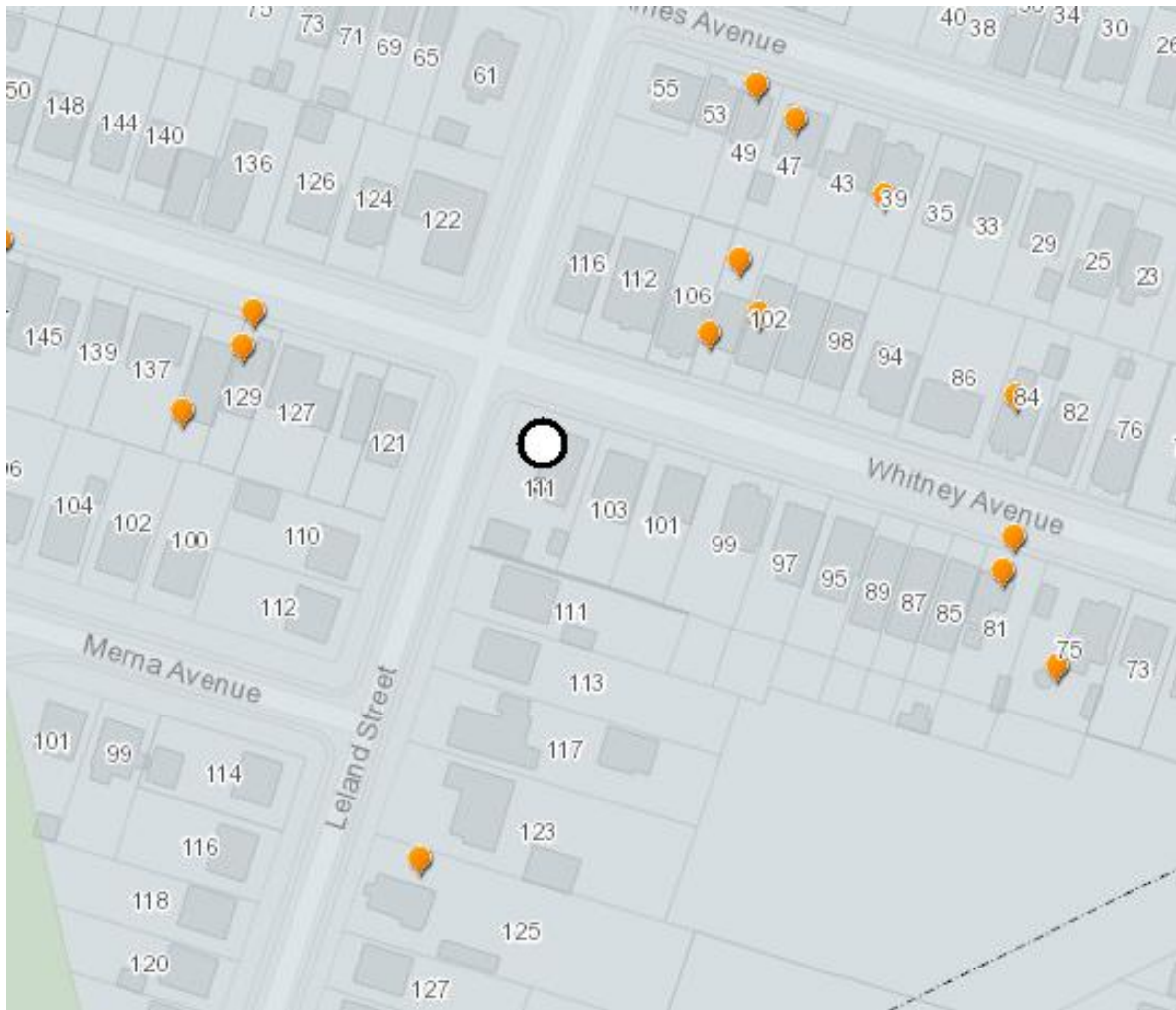


Figure 4 – Community Lot and Building Fabric

Figure 5 – Lot Analysis

| Address | Lot Width (m) | Lot Depth (m) | Lot Area (m ²) | Floor Area Ratio ¹ |
|-----------------|---------------|---------------|----------------------------|-------------------------------|
| 103 Whitney Ave | 11.0 | 30.7 | 337.7 | 0.32 |
| 101 Whitney Ave | 11.7 | 30.7 | 359.2 | 0.22 |
| 116 Whitney Ave | 7.6 | 30.5 | 231.8 | 0.97 |
| 112 Whitney Ave | 13.8 | 30.4 | 419.5 | 0.88 |
| 106 Whitney Ave | 9.1 | 30.4 | 276.6 | 0.36 |
| 104 Whitney Ave | 7.6 | 30.4 | 231.0 | 0.33 |
| 121 Whitney Ave | 9.0 | 30 | 270.0 | 0.35 |
| 122 Whitney Ave | 16.9 | 30.2 | 524 | 0.82 |
| 123 Whitney Ave | 7.8 | 30 | 234.0 | 0.55 |

¹ Calculated based on City of Hamilton mapping of building footprints and number of storeys existing



Figure 6 – Existing Dwellings at 112 and 116 Whitney Avenue



Figure 7 – 122 Whitney Avenue



Figure 8 – New Dwellings Constructed at 38 and 40 Holmes Avenue

2.3 Municipal Services and Infrastructure

The subject properties front onto Whitney Avenue and have access to full municipal services, including water, sanitary and storm sewers. There are existing sidewalks on both sides of Whitney Avenue and Leland Avenue. Regular transit service is available on Leland Avenue with transit stops conveniently located on the northeast and southwest corners of the Whitney/Leland intersection. No municipal investment in infrastructure will be required to service the proposed dwellings.

2.4 Existing Land Use Planning Designations

2.4.1 City of Hamilton Official Plan

As illustrated in the excerpt from Schedule E-1 included in **Figure 9**, the subject property is designated *Neighbourhoods* under the Urban Hamilton Official Plan (UHOP). In addition, Whitney Avenue is designated as a *Collector Road* under Schedule C of UHOP (**Figure 10**).

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Figure 9 – UHOP Land Use Designations (Schedule E-1)

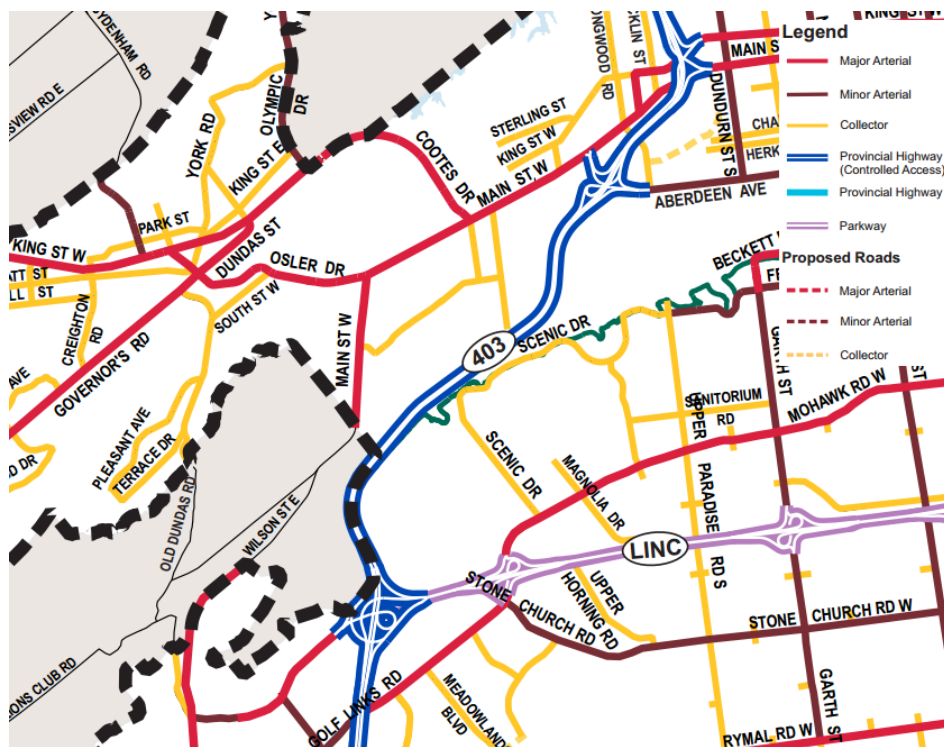


Figure 10 – Functional Road Classifications (Schedule C)

2.4.2 Ainslie Wood Westdale Secondary Plan

The subject property is located in the Ainslie Wood Westdale Secondary Plan area. **Figure 11** confirms that the subject property is designated *Low Density Residential 2* under this Plan.

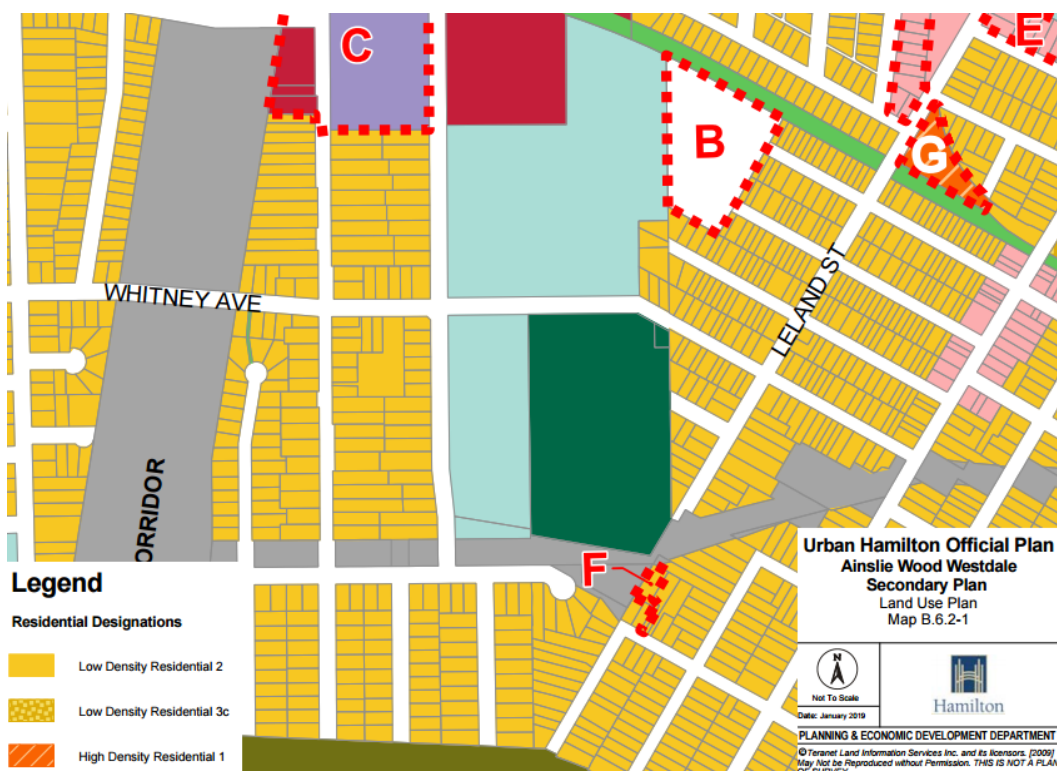


Figure 11 – Secondary Plan Land Use Map

2.4.3 City of Hamilton Zoning By-Law 6593

As illustrated in **Figure 12**, the subject property is designated *Urban Protected Residential (C/S-1335)* under Zoning By-Law 6593. Single detached dwellings and other low density residential uses are permitted under this designation subject to the applicable regulations, including special provision 1335.

As previously noted, minor variances were granted under application HM/A-19:279 to permit lot width of 8.99 metres in width, lot area of 275 m² and to establish a maximum floor area ratio of 0.82 times the lot area.

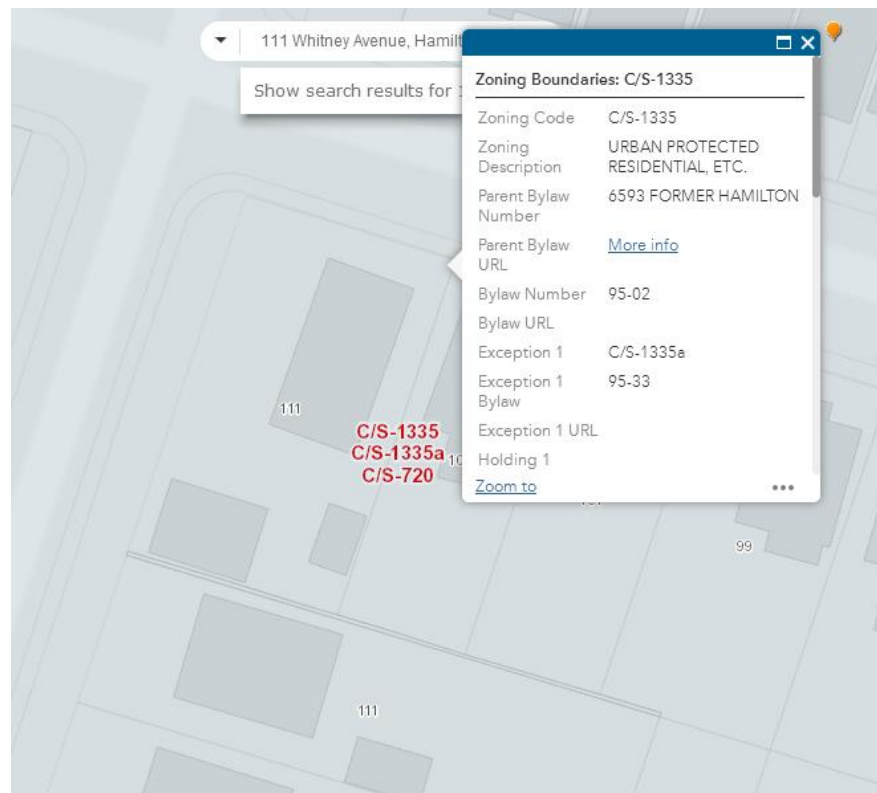


Figure 12 – Existing Zoning Designation on Subject Property

Special provision 1335 implements the following by-laws that also apply to the subject property:

- **No. 80-274:** A By-law changing the zoning designation from “D” to “C” and permitting two and three-family dwellings legally existing at the time of by-law passing;
- **No. 95-02:** A By-Law implementing the following provisions:
 - (a) no building or structure shall exceed 2 storeys and 9.0 metres in height;
 - (b) no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45;
 - (c) gross floor area is the aggregate of the areas of the building or structure, including the basement, but shall not include:
 - an attached garage;
 - a detached garage;
 - the floor area occupied by heating, air conditioning and laundry equipment; and
 - a cellar.
 - (d) any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9.
- **No. 95-033:** A By-law clarifying that a basement or cellar is to be included in the calculation of gross floor area.

2.4.4 Hamilton Conservation Authority Regulated Area

Figure 13 includes an excerpt from Hamilton Conservation Authority's regulatory mapping. This figure illustrates that the subject property is outside of the Regulated Area and has no identified natural features.

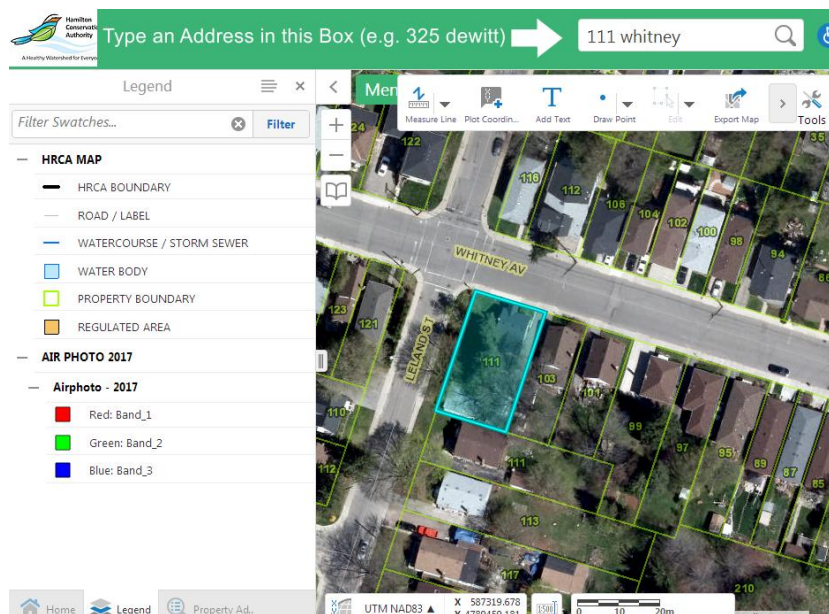
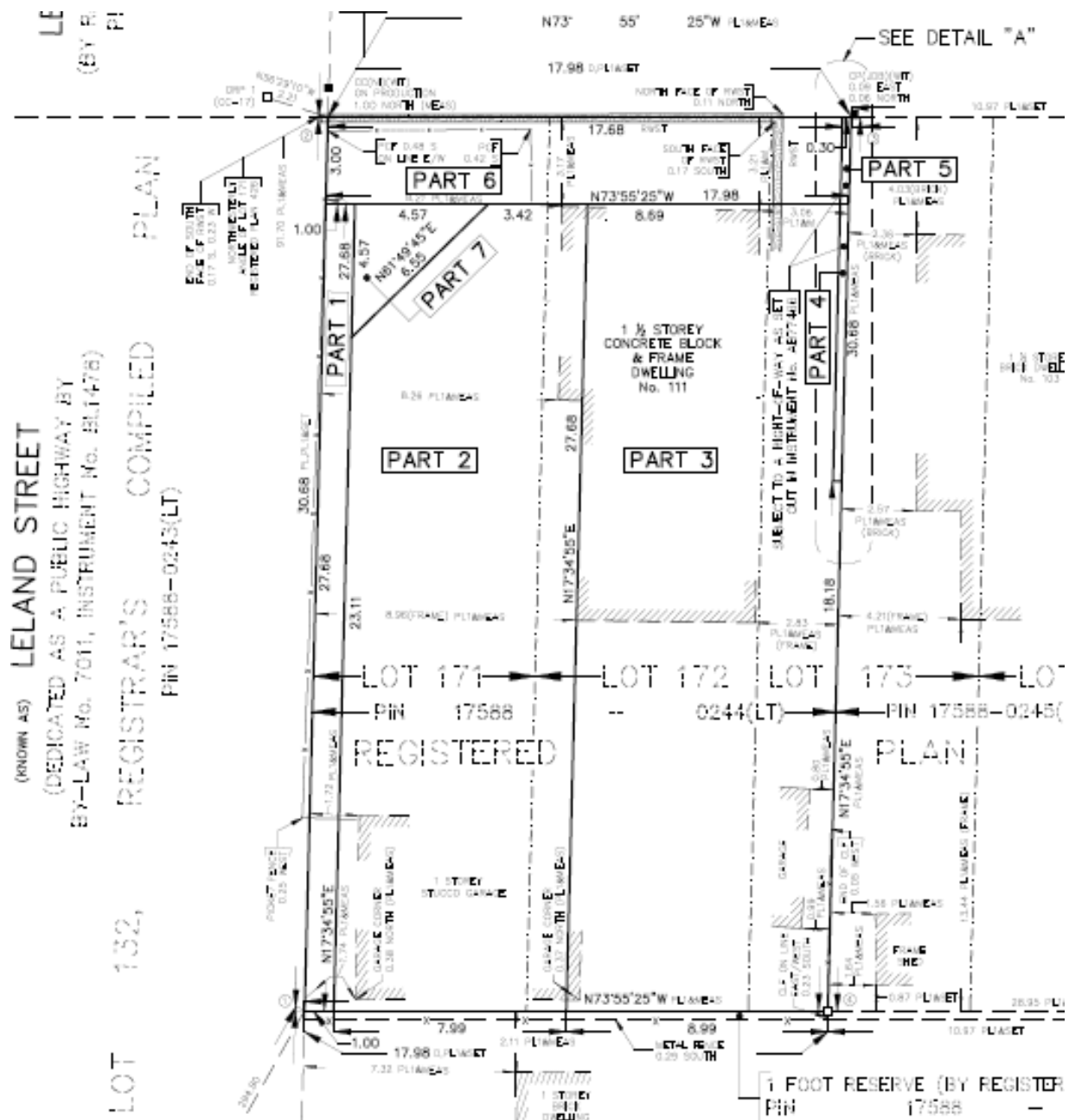


Figure 13 – HCA Regulatory Mapping

3. Previous Committee of Adjustment Applications

As already noted, the subject properties are lots created through approval of the consent application under File HM/B-19:75 on August 29, 2019. Minor Variances were approved under File HM/A-19:279 to permit the lot widths of 8.99 metres and lot areas of 275 m². An additional Minor Variance was granted to permit maximum floor area ratio of 0.82 times the lot area. The Committee approved the consent and minor variance applications as they were deemed to satisfy the applicable tests and would facilitate a lot pattern and built form character that was consistent with the surrounding community. The intent was to design and build single detached dwellings that conformed to all other zoning regulations, including building height and front, side and rear yard setbacks.

As conditions of these approvals, the Owner of the subject properties is required to dedicate land on both Leland Street and Whitney Avenue for widenings required to achieve the ultimate right-of-way under the Official Plan. These land dedications are illustrated as Parts 1, 6 and 7 on the reference plan provided in **Figure 14**. The Owner has agreed to dedicate these lands, but the impact is such that the subject lots are reduced in lot area and lot depth. 115 Whitney Avenue will also have its frontage reduced from 8.99 metres to 3.42 metres. As a result, additional minor variances are being requested to allow the development proposal to proceed.



4. Current Development Proposal

4.1 Proposal Details

The development proposal involves construction of two new two-storey single detached dwellings – one on 111 Whitney Avenue and one on 115 Whitney Avenue. The dwellings will have the following floor areas:

- Ground Floor: 93.2 m² (1,003 ft²)
- Second Floor: 95.2 m² (1,025 m²)
- Total Above Grade: 188.4 m² (2,028 ft²)
- Basement: 87 m² (937 ft²)
- Total Floor Area: 275.4 m² (2,965 ft²)

The dwellings will connect to existing municipal water, sanitary and storm services. The intent is to construct new dwellings that are consistent and compatible with the built form character of the existing community, as well as the purpose and intent of the previous consent and minor variance applications. While the proposal represents residential intensification, and minor variances are required, the intensification will be compatible and respectful of the neighbourhood. The driveway for 115 Whitney Avenue is proposed from Leland Street, in order to maximize the quality of the corner lot and to most effectively balance location of the proposed dwelling and parking area with the daylight triangle.

The required land dedications will reduce the lot area, lot depth and front yard setbacks for both lots. It is very important to note any widening on Whitney Avenue and/or Leland Street will also **increase lot coverage and floor area ratio for all of lots on these streets, and also reduce front yard setbacks and lot areas. Therefore, the subject properties are not the only lots impacted by these land dedication requirements.**

The proposed site plan is provided in **Figure 15**. The proposed building elevations are provided in **Figures 16, 17, 18 and 19**. **Figure 20** includes a table comparing the applicable zoning regulations to the development proposal.

4.2 Land Use Planning Applications

Due to the changes to the subject properties as a result of dedicating the daylight triangle and road widening on Whitney Avenue and Leland Street, an application for Minor Variance has been submitted for the development proposal, including the following requested variances:

- To permit minimum lot width of less than 8.99 metres for 115 Whitney Avenue (8.99 metres is existing but frontage on Whitney Avenue will be reduced to 3.42 metres after dedication of the daylight triangle and widening on Leland Street and Whitney Avenue);

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- To permit minimum lot area of less than 275 m² (subject properties currently comply but land dedication will reduce lot areas to 245.9 m² on 111 Whitney Avenue and 210.7 m² on 115 Whitney Avenue);
- To permit minimum front yard less than 6 metres (subject properties would have front yards of 7.51 metres without required land dedications, but these yards will be reduced to 4.34 metres and 4.30 metres on 111 Whitney Avenue and 115 Whitney Avenue respectively);
- To permit less than 50% of the gross area of the front yard for 111 Whitney Avenue to be used for a landscaped area in order to accommodate the proposed driveway and front walkway (Section 18(14)(i));
- To permit Minimum Side Yard less than 1.2 metres (0.9 metres requested for east side yard at 115 Whitney Avenue and west side yard at 111 Whitney Avenue); and
- To permit Minimum Side Yard less than 1.2 metres (0.34 metres requested for 115 Whitney Avenue to accommodate land dedication for widening on Leland Street); and
- To permit Minimum Parking Space dimensions less than 2.7 metres wide by 6.0 metres long.

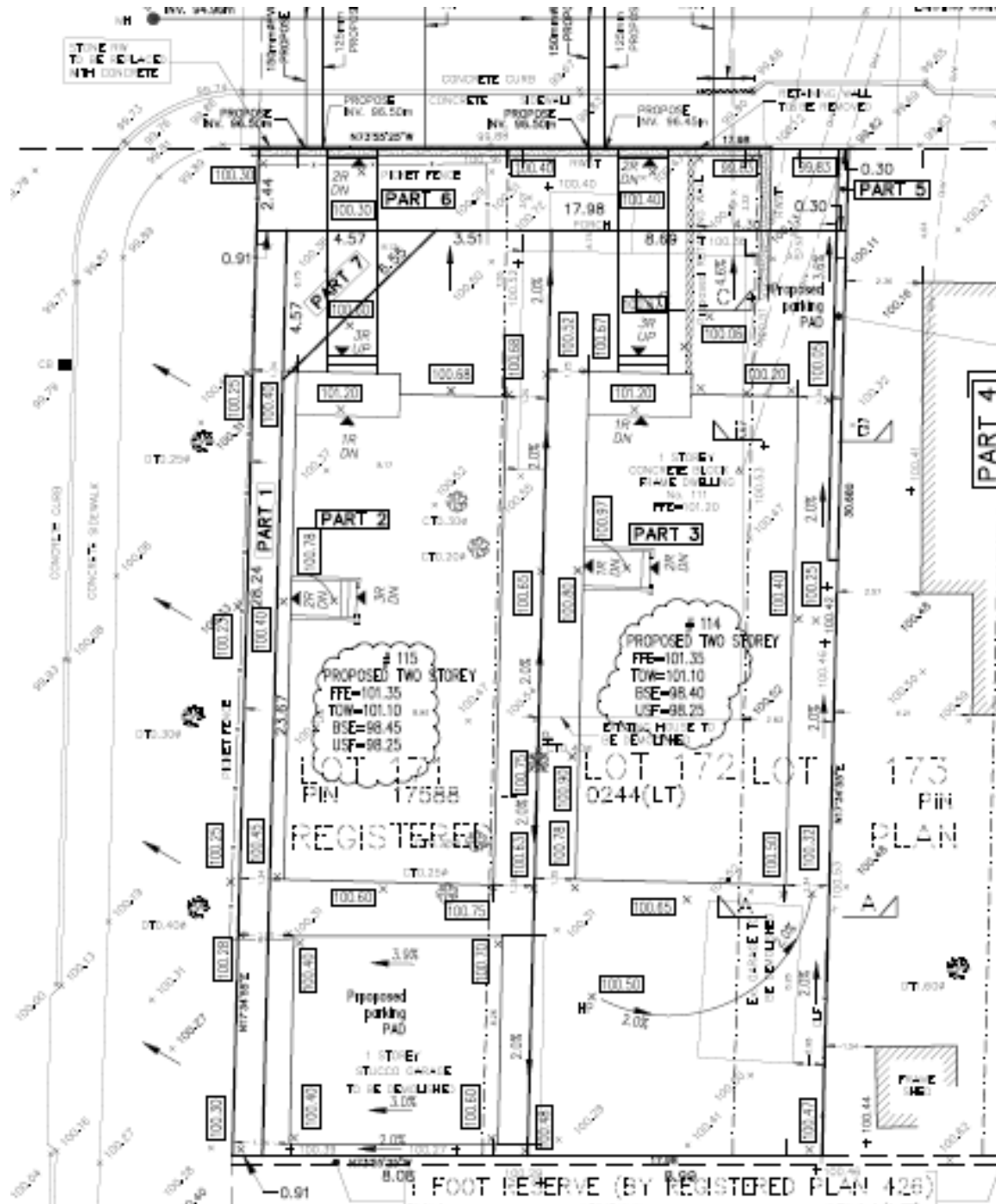


Figure 15 – Proposed Site Plan (and Grading Plan)

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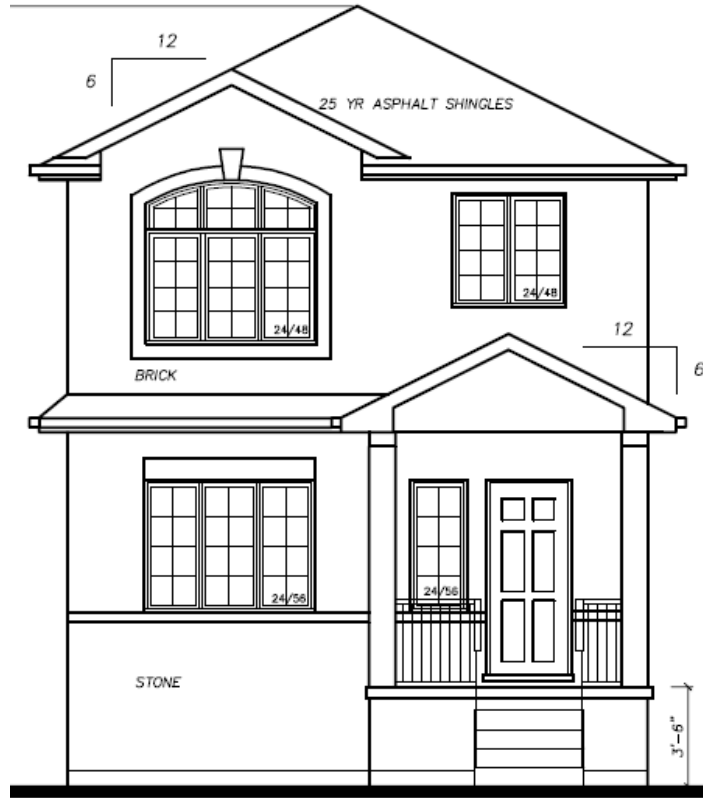


Figure 16 – Proposed Front Elevation

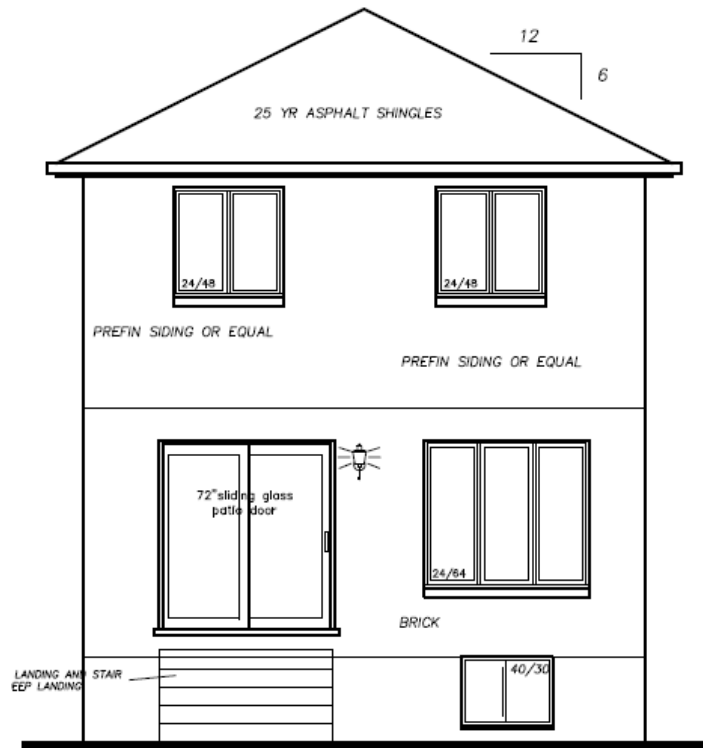


Figure 17 – Proposed Rear Elevation

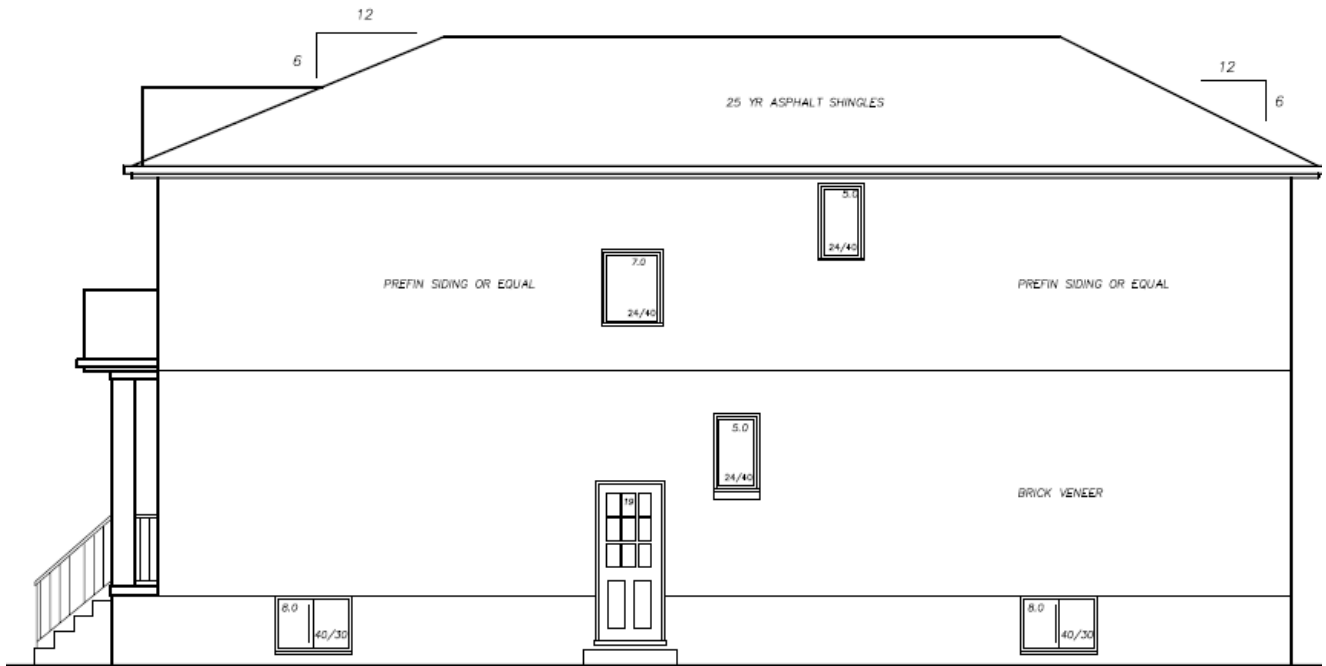


Figure 18 – Proposed Right Side Elevation



Figure 19 – Proposed Left Side Elevation

Figure 20 – Zoning Regulations

| Regulation | Required | 111 Whitney Ave | 115 Whitney Ave |
|--------------------------|-------------------------|---|---|
| Minimum Lot Width | 8.9 m | 8.99 m | 8.99 m (existing) 3.42 m (frontage after widening and daylight triangle) |
| Minimum Lot Area | 275 m ² | 275 m ² (existing) 245.9 m² (after road widening) | 275 m ² (existing) 210.7 m² (after road widening and daylight triangle) |
| Minimum Front Yard | 6 m | 7.51 m 4.34 m (after 3.17 m widening) | 7.51 m 4.30 m (after 3.21 m widening) |
| Minimum Rear Yard | 7.5 m | 7.51 m | 7.51 m |
| Minimum Side Yard | 1.2 m | 1.25 m / 1.34 m | 1.25 m / 1.34 m 1.25 m/0.34 m (after 1 m widening on Leland Street) |
| Maximum Floor Area Ratio | 0.82 times the lot area | Above Grade: 0.69 (0.77 after widening) With Basement: 1.0 (1.2 after widening) | Above Grade: 0.69 (0.89 after widening) With Basement: 1.0 (1.31 after widening) |
| Maximum Building Height | 9 m and 2 storeys | 8.3 m and 2 storeys | 8.3 m and 2 storeys |

5. Land Use Planning Analysis

A detailed Planning Justification Report was prepared as part of the previous consent and minor variance application package and is included in **Appendix A**. The analysis and conclusions included in the previous Planning Justification Report remain valid for the current application as it relates to the policies and objectives of the Provincial Policy Statement, Places to Grow Growth Plan, Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan and Zoning By-Law 6593. The following sections evaluate each of the currently requested minor variances against this policy framework and the Planning Act tests for minor variance applications.

In general, the minor variances are being requested to facilitate construction of single detached dwellings on each of the subject lots that are consistent and compatible with the surrounding neighbourhood within the context of the City of Hamilton requirements for widening on Whitney Avenue and Leland Street, as well as a daylight triangle on the southeast corner of the intersection of these streets. The following points are critical to take into consideration:

- The variances requested for lot width, lot area, front yard setback and side yard setback are all resulting from the land dedication requirements and would not be required if the existing lot dimensions were maintained;

- All lots on Whitney Avenue and Leland Street will experience reductions in lot area, lot depth and front yard setback as a result of future widening of these streets, which will also increase floor area ratio and lot coverage for these properties;
- If the actual road widenings are not completed, the subject properties will effectively function with de facto wider front yard setbacks and greater lot depth and area;
- The proposed parking configurations on the subject lots are a result of the limitations presented by the proposed widening of Whitney Avenue and the daylight triangle;
- The location of the subject properties on the corner of the Whitney/Leland intersections minimizes the number of properties that would be impacted by the proposal and requested variances;
- The proposed dwellings fit in with the character of the built form in the community regardless of the requested minor variances and their deviation from the zoning regulations;
- The existing site statistics for the lots in the surrounding community cannot be used for comparison against the development proposal and requested variances as they do not take into consideration the impacts that the proposed road widenings would have on these lots;
- The proposed dwellings can be constructed on the lots in their existing configuration and dimensions (without land dedication) without requiring any variances for building height, lot coverage or setbacks;
- The proposed dwellings would not exceed the maximum floor area ratio if only the above grade floors were included in the calculation; the additional basement floor area provides more liveable space on the subject property without adversely impacting the quality and character of the neighbourhood, but triggers the requirement for a minor variance to the maximum floor area ratio;
- While more intense than existing, the proposed lots will be consistent and compatible with the existing lot pattern in the community and represent orderly development of the subject lands;
- The intensified land use pattern will support the targets for increased residential density in Neighbourhoods designations; and
- The proposed lots will be for single detached dwellings similar in character to others in the neighbourhood and, consequently, would not result in adverse impacts related to shadow, overlook, noise, lighting, traffic and other nuisances.

5.1 *Minor Variances for Lot Width, Lot Area, Front and Side Yard Setbacks and Front Landscaping Area*

Under existing conditions, the subject lots meet the zoning regulations for minimum lot width and minimum lot area. If the proposed dwellings were constructed on these lots, they would comply with the required minimum front and side yard setbacks. The requested minor variances are triggered by the land dedication required to provide the widenings on Leland Street and Whitney Avenue, in conjunction with the daylight triangle. The widening of Whitney Avenue also makes it more challenging to accommodate a driveway and parking area while also achieving greater than 50% landscaping in the front yard.

It is important to reiterate that all lots in the community that front onto Whitney Avenue and/or Leland Street will experience reductions in lot area, lot depth and front yard setbacks as a result of the proposed widenings. In most of these cases, the minimum regulations would not be achieved on these lots post-widening and the existing conditions would become legal non-conforming. Therefore, the subject lots will conform to the character of the community in terms of these regulations, rather than being outliers.

It is my opinion that the proposed single detached dwellings are appropriate for the subject lots and will conform to the character of the surrounding neighbourhood. The requested variances for lot width, lot area, front and side yards, and front landscaping area are triggered by the land dedication required to widen Leland Street and Whitney Avenue and provide a daylight triangle at the intersection. On this basis, these minor variances:

- Are appropriate and desirable for development and use of the subject lands;
- Are minor in nature;
- Conform to the general purpose and intent of the Urban Hamilton Official Plan; and
- Conform to the general purpose and intent of Zoning By-Law 6593.

5.2 Minor Variance for Maximum Floor Area Ratio

The floor area proposed in the basements of the dwelling units will maximize the efficiency of land use within a structure that conforms to the character of the area, which is consistent with the residential intensification policies of UHOP and the Secondary Plan. The first and second floor will have a combined gross floor area that translates into 0.69 times the lot area prior to land being dedicated to the City of Hamilton, which is significantly below the ratio of 0.82 permitted. Even after the required lands are dedicated, 111 Whitney Avenue will remain at a ratio of 0.77 for the above grade levels. 115 Whitney Avenue will have an above grade ratio of 0.89, exceeding the maximum permitted, as a result of the additional land dedication for the daylight triangle.

The Zoning By-Law requires the floor area in the basement to be included in the floor area ratio calculation. As a result, the ratio would be 1.0 times the lot area prior to land dedication and 1.2 and 1.31 for 111 Whitney Avenue and 115 Whitney Avenue respectively after land dedication. However, the requirement to include the basement in the GFA calculation dates to a By-Law from 1995, which pre-dates the Urban Hamilton Official Plan. Including basement areas in the GFA is not a standard practice in Zoning By-Law 6593 and is not consistent with the City's growth and intensification objectives. This practice restricts the opportunity to accommodate reasonable intensification and land use efficiency within a structure that conforms to the built form character of the area. There are no doubt existing dwellings in the community that use basement areas as functional living space and would be included in a calculation of floor area ratio. In most of these cases, the floor area ratio would exceed the maximum permitted under the Zoning regulations, even as modified by the previous minor variance application. Nevertheless, these dwellings represent the neighbourhood character and would not be considered to result in negative impacts.

5.3 Minor Variances of Parking and Manoeuvrability

The land dedication for road widening and daylight triangle will create challenges for accommodating a typical driveway and parking situation for each single detached dwelling. 111 Whitney Avenue represents a standard front driveway and parking area that has been modified by the widening requirements on Whitney Avenue. 115 Whitney Avenue incorporates a parking area at the rear of the dwelling to not only accommodate the widening of Leland Street and Whitney Avenue, but also the daylight triangle. Other lots on Whitney Avenue and Leland Street will have their front yards impacted by these widenings and experience similar impacts to their driveways and parking configurations. It is my opinion that the proposed parking and manoeuvrability effectively balances development of each lot for a single detached dwelling with the need to provide an appropriate level of parking and accessibility.

6. Conclusions

The development proposal will result in single detached dwellings that fit with the character of community, are compatible with the surrounding residential land uses, and will have no adverse impacts on the neighbourhood. The minor variances have been requested to facilitate this use and built form and also accommodate the land dedication requirements of the City of Hamilton. The proposal and requested variances also do not represent material changes from the previous Committee of Adjustment approvals that would warrant denying the applications now before the Committee. Therefore, it is my opinion that each of the requested minor variances:

- Conforms to the purpose and intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan;
- Conform to the purpose and intent of Zoning By-Law 6593;
- Are minor in nature; and
- Are desirable for the development and use of the subject property.

Regards,



Michael Barton, MCIP, RPP
President
905-599-9973

Planning Justification Report

**Proposed Residential Redevelopment
Applications for Consent and Minor
Variance**

111 Whitney Avenue

Prepared for:

The City of Hamilton

July 2019



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1. Introduction and Overview

MB1 Development Consulting Inc. (“MB1”) has been retained to provide planning and advisory services in support of the proposed severance and residential redevelopment of 111 Whitney Avenue in the City of Hamilton (the “subject property”). The proposal involves severance of the existing lot into two equal lots, to allow for construction of a new two-storey detached dwelling on each lot. The existing one-storey detached dwelling and detached garages on the subject property will be removed as part of the development proposal. This Planning Justification Report has been prepared to outline the rationale for approving the severance within the applicable land use planning context.

The development proposal involves creation of lots more consistent with the existing community character than the existing condition and construction of two new two-storey single detached dwellings that are consistent and compatible with the neighbourhood character. The proposal will also facilitate residential intensification that conforms to the applicable Provincial and municipal land use policies.

2. Development Proposal

2.1 *Conceptual Plan and Proposed Uses*

The proposed severance will divide the subject property into two lots that measure 8.99 metres in width, 30.68 metres in depth and 275.8 m² in area. Minor variances will be required to permit minimum lot width less than 12 metres and minimum lot area less than 360 m². In order to facilitate construction of homes of approximately 225 m² (2,420 ft²), minor variance approval will also be required to permit floor area ratio greater than 0.45. However, house designs have not yet been prepared for the proposed lots. The intent is for construction of the proposed dwelling units to comply with all other zoning regulations, including building height and front, rear and side yard setbacks. The severance reference plan is included in **Figure 1**.

2.2 *Land Use Planning Applications*

The following concurrent applications have been submitted for the subject property:

- Consent to sever the subject property to create one new lot; and
- Minor Variance to permit:
 - Minimum Lot Area of 275.8 m² (360 m² required);

- Minimum Lot Width of 8.99 m (12 m required); and
- Maximum Floor Area Ratio of 0.82 (0.45 required).

2.3 Municipal Infrastructure

The following municipal infrastructure is available to the subject property:

- Water, sanitary sewer and storm sewer;
- Sidewalks on both sides of Leland Street;
- Direct access to Whitney Avenue (collector road); and
- Transit service along Whitney Avenue with a transit stop at the Whitney/Leland intersection.

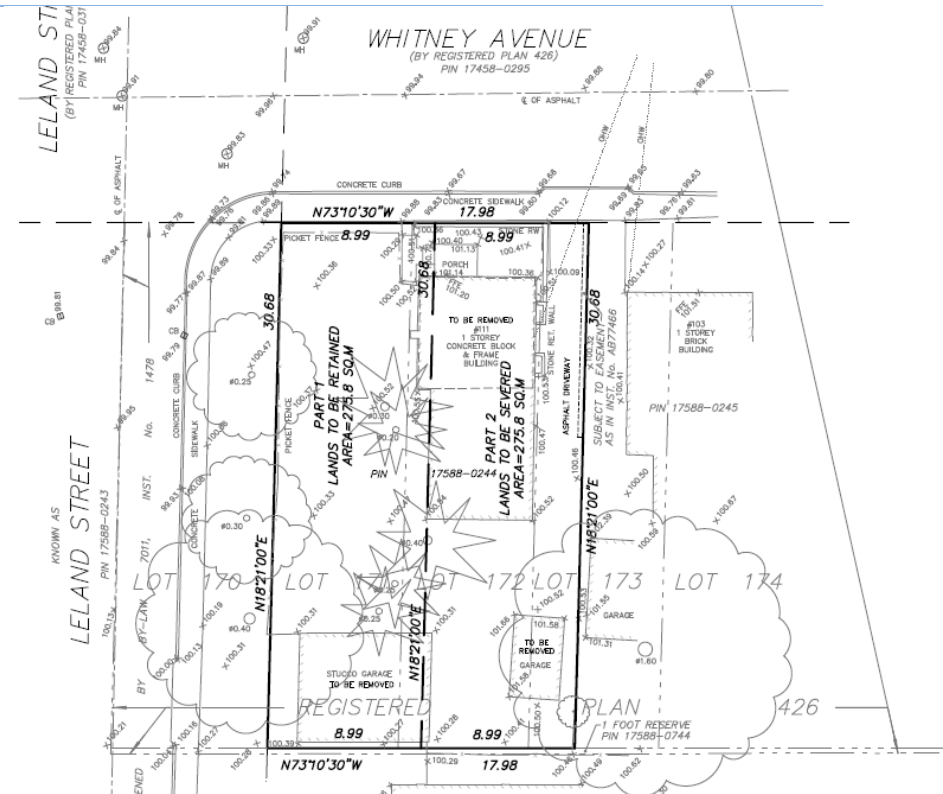


Figure 1 – Proposed Severance Plan

3. Existing Conditions and Site Context

3.1 Site Location and Context

The subject property is located on the southeast corner of the intersection of Whitney Avenue and Leland Street. The site location is illustrated in **Figure 2**. An aerial view of the subject property is provided in **Figure 3**. The survey indicates that the subject property is 17.98 metres in width and 30.68 metres in depth, for a lot area of 551.6 m². The existing building footprint is approximately 107.5 m² (1,157 ft²). The two existing detached garages include an additional 70 m² (753 ft²) of floor area.

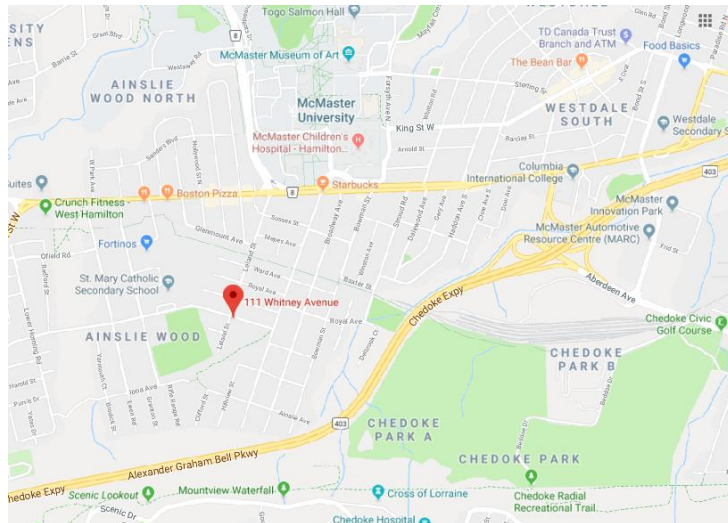


Figure 2 – Site Location

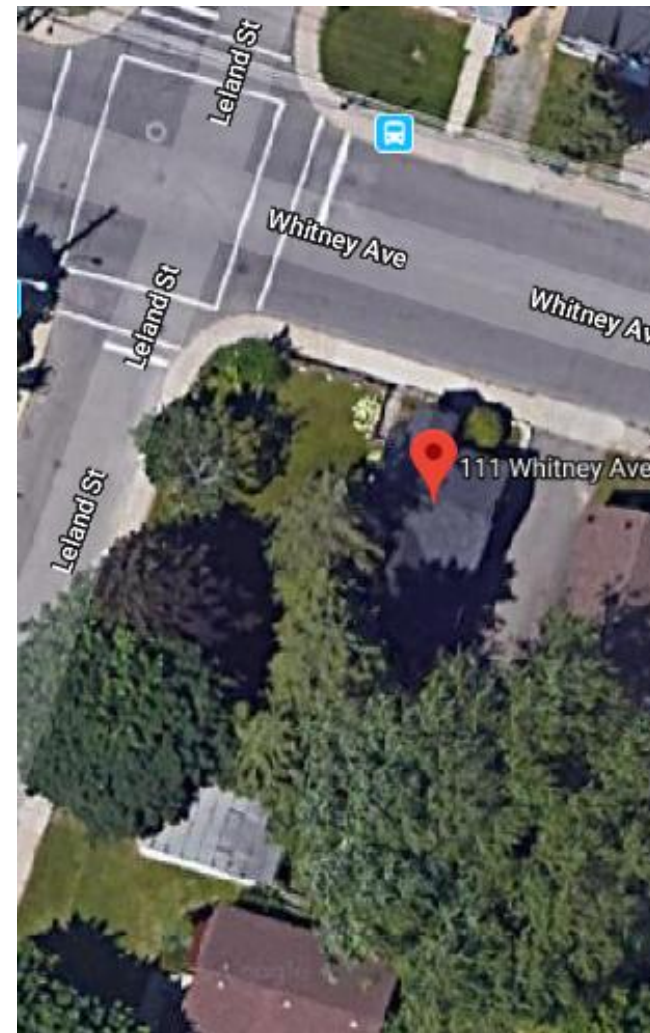
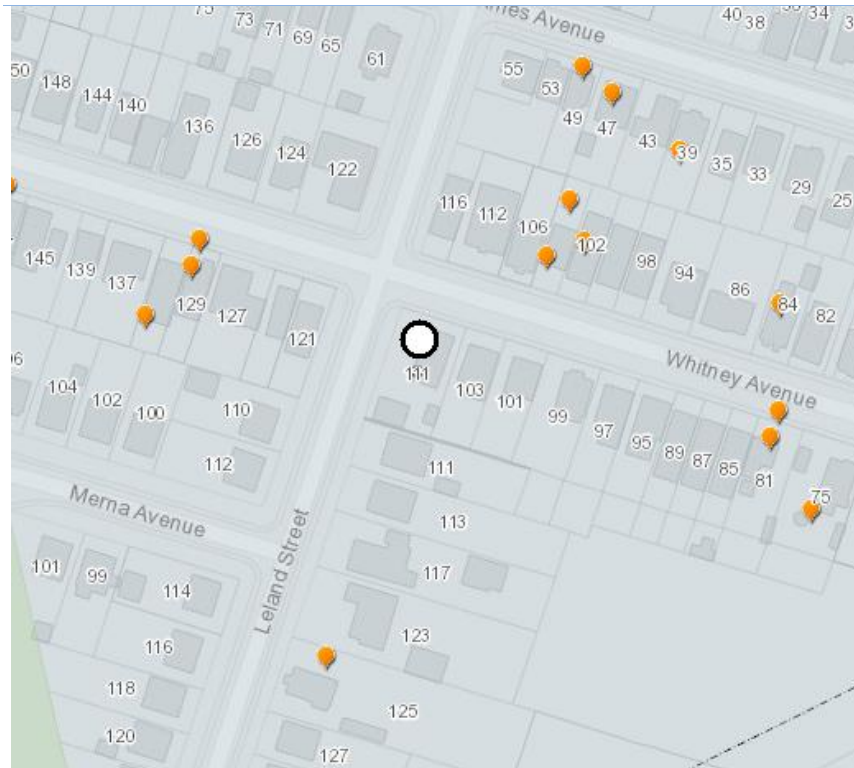


Figure 3 – Aerial View of Subject Property

3.2 Surrounding Land Uses and Features

The subject property is surrounded on all sides by low density residential uses. **Figure 4** illustrates the property fabric and built form in the surrounding community, including the following key characteristics:

- As identified in the lot analysis in **Figure 5**, 111 Whitney Avenue is significantly wider and greater in area than most of the lots in the surrounding area;
- Among the smallest lots in the area are those directly across from the subject property at 116, 106 and 104 Whitney Avenue; the lots proposed to be created through severance would actually be wider and larger than each of these existing lots;
- Many of the dwellings immediately adjacent to the subject property and closest to the Whitney/Leland intersection make more intense use of their respective lots than others in the neighbourhood, in terms of floor area ratio, lot coverage, building height and setbacks;
- 121 and 123 Whitney Avenue are located directly across Leland Street and are similar in width and depth to the lots proposed through the consent application;
- The neighbourhood is characterized by variability in lot width, depth and area rather than having a consistent lot pattern;
- The neighbourhood is also characterized by variability in built form type, ranging from bungalows to full two-storey dwellings, including 112 and 116 Whitney Avenue, directly across from the subject property (**Figure 6**) and 122 Whitney on the northwest corner of the intersection (**Figure 7**);
- Many of the existing lots do not conform to the zoning regulations for minimum lot area (360 m²), minimum lot width (12 metres), maximum floor area ratio (0.45), as well as front, rear and side yard setbacks;
- Front yard setbacks are relatively consistent throughout the area, providing uniform street edge; and
- Many existing dwellings are constructed close to or on the side property lines providing little or no side yard setbacks.


Figure 4 – Community Lot and Building Fabric
Figure 5 – Lot Analysis

| Address | Lot Width (m) | Lot Depth (m) | Lot Area (m ²) | Floor Area Ratio ¹ |
|-----------------------------------|---------------|---------------|----------------------------|-------------------------------|
| 111 Whitney Ave (existing) | 17.98 | 30.68 | 551.6 | 0.32 |
| 103 Whitney Ave | 11.0 | 30.7 | 337.7 | 0.32 |
| 101 Whitney Ave | 11.7 | 30.7 | 359.2 | 0.22 |
| 116 Whitney Ave | 7.6 | 30.5 | 231.8 | 0.97 |
| 112 Whitney Ave | 13.8 | 30.4 | 419.5 | 0.88 |
| 106 Whitney Ave | 9.1 | 30.4 | 276.6 | 0.36 |
| 104 Whitney Ave | 7.6 | 30.4 | 231.0 | 0.33 |
| 121 Whitney Ave | 9.0 | 30 | 270.0 | 0.35 |
| 122 Whitney Ave | 16.9 | 30.2 | 524 | 0.82 |
| 123 Whitney Ave | 7.8 | 30 | 234.0 | 0.55 |

¹ Calculated based on City of Hamilton mapping of building footprints and number of storeys existing



Figure 6 – Existing Dwellings at 112 and 116 Whitney Avenue

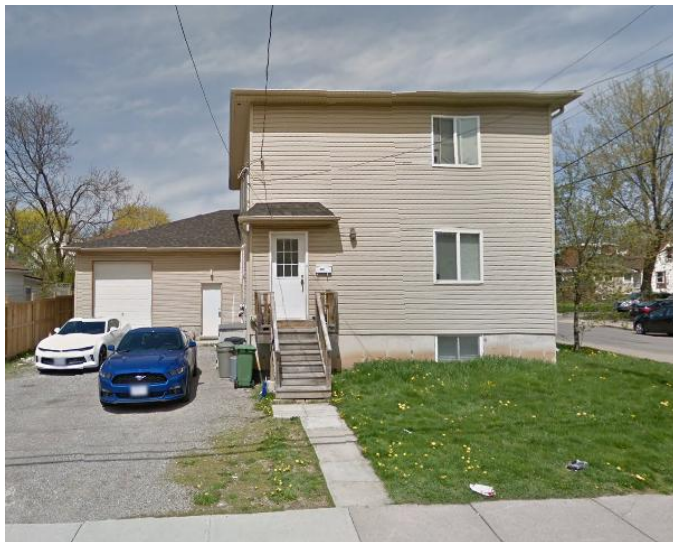


Figure 7 – 122 Whitney Avenue

3.3 Existing Land Use Planning Designations

3.3.1 City of Hamilton Official Plan

As illustrated in the excerpt from Schedule E-1 included in **Figure 8**, the subject property is designated *Neighbourhoods* under the Urban Hamilton Official Plan (UHOP). In addition, Whitney Avenue is designated as a *Collector Road* under Schedule C of UHOP (**Figure 9**).



Figure 8 – UHOP Land Use Designations (Schedule E-1)

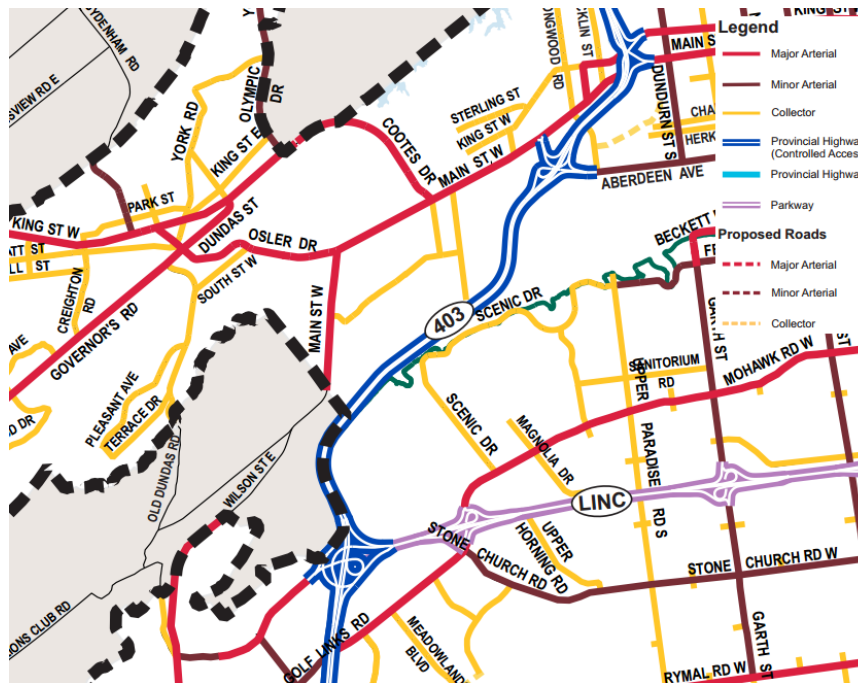


Figure 9 – Functional Road Classifications (Schedule C)

3.3.2 Ainslie Wood Westdale Secondary Plan

The subject property is located in the Ainslie Wood Westdale Secondary Plan area. **Figure 10** confirms that the subject property is designated *Low Density Residential 2* under this Plan.

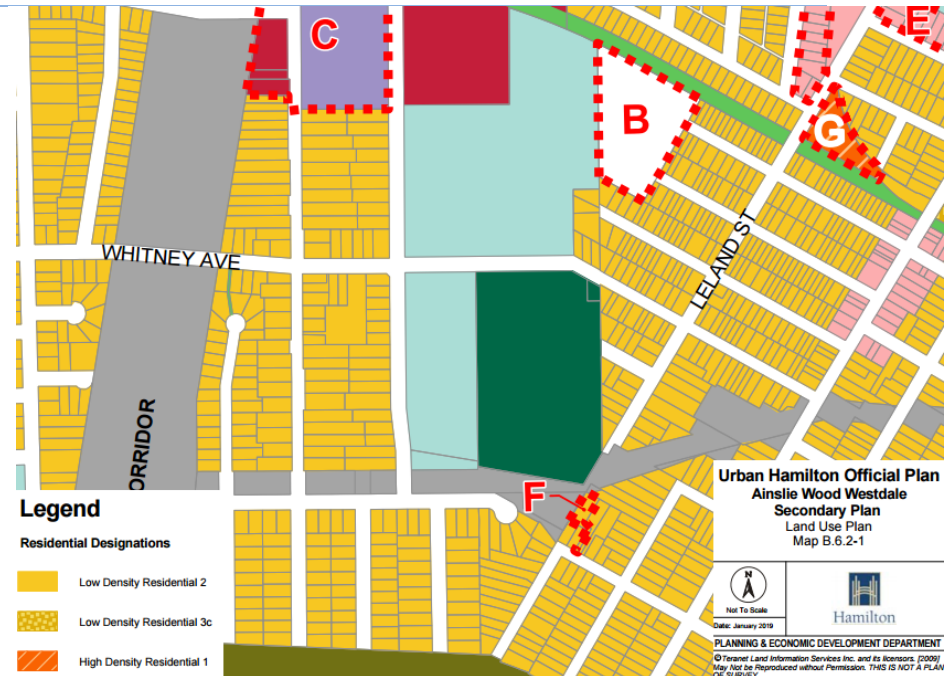


Figure 10 – Secondary Plan Land Use Map

3.3.6 City of Hamilton Zoning By-Law 6593

As illustrated in **Figure 11**, the subject property is designated *Urban Protected Residential (C/S-1335)* under Zoning By-Law 6593. Single detached dwellings and other low density residential uses are permitted under this designation subject to the applicable regulations, including special provision 1335.

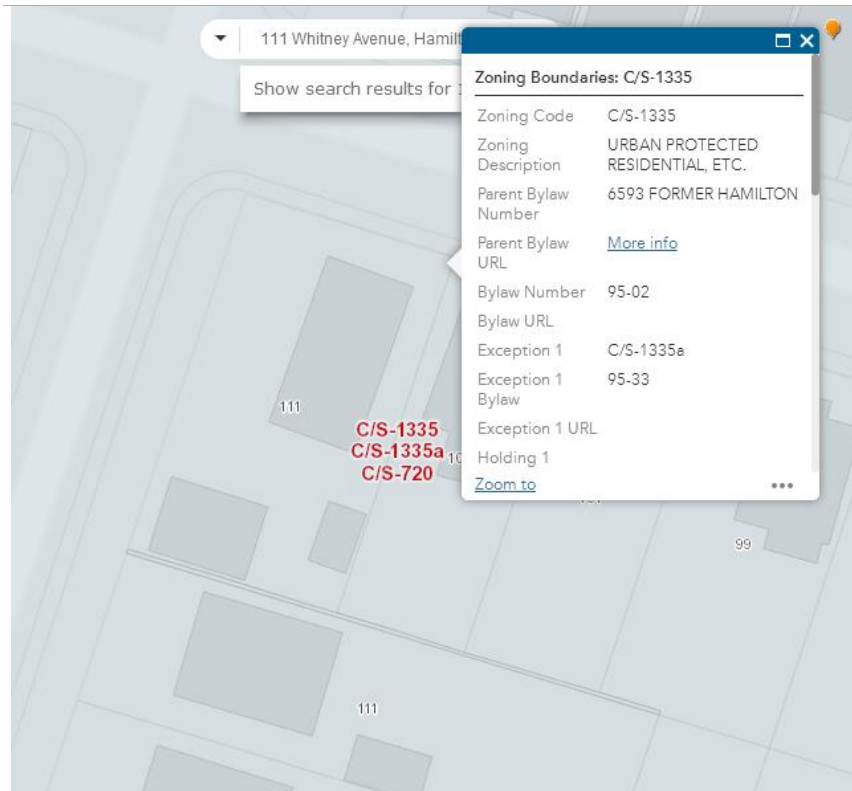


Figure 11 – Existing Zoning Designation on Subject Property

Special provision 1335 implements the following by-laws that also apply to the subject property:

- **No. 80-274:** A By-law changing the zoning designation from “D” to “C” and permitting two and three-family dwellings legally existing at the time of by-law passing;

- **No. 95-02:** A By-Law implementing the following provisions:
 - (a) no building or structure shall exceed 2 storeys and 9.0 metres in height;
 - (b) no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45;
 - (c) gross floor area is the aggregate of the areas of the building or structure, including the basement, but shall not include:
 - an attached garage;
 - a detached garage;
 - the floor area occupied by heating, air conditioning and laundry equipment; and
 - a cellar.
 - (d) any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9.
- **No. 95-033:** A By-law clarifying that a basement or cellar is to be included in the calculation of gross floor area.

3.3.7 Hamilton Conservation Authority Regulated Area

Figure 12 includes an excerpt from Hamilton Conservation Authority's regulatory mapping. This figure illustrates that the subject property is outside of the Regulated Area and has no identified natural features.

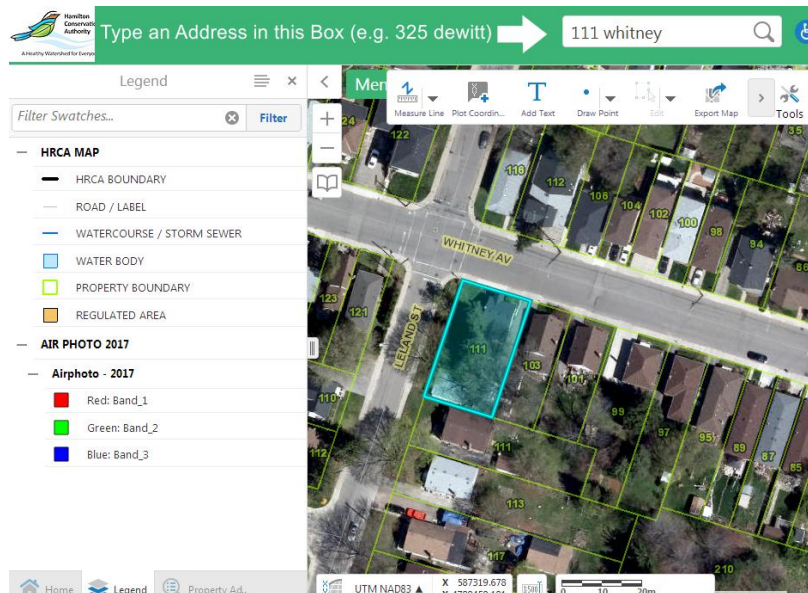


Figure 12 – HCA Regulatory Mapping

4. Land Use Planning Policy Framework

4.1 Ontario Planning Act

4.1.1 Authority to Grant Consents

Section 53(1) of the Planning Act authorizes consents to be granted if it is determined that a plan of subdivision is not required for the proper and orderly development of the municipality. Key to determining whether consent should be granted is section 53(12), which requires the approval authority to have regard to the matters under section 51(24), which are the following:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
 - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision



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- with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
 - g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
 - h) conservation of natural resources and flood control;
 - i) the adequacy of utilities and municipal services;
 - j) the adequacy of school sites;
 - k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
 - l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
 - m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.
- Section 51(24)a) refers to the following matters of Provincial interest that the municipality shall have regard to:
- a) the protection of ecological systems, including natural areas, features and functions;
 - b) the protection of the agricultural resources of the Province;
 - c) the conservation and management of natural resources and the mineral resource base;
 - d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
 - e) the supply, efficient use and conservation of energy and water;
 - f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - g) the minimization of waste;
 - h) the orderly development of safe and healthy communities; (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - j) the adequate provision of a full range of housing, including affordable housing;
 - k) the adequate provision of employment opportunities;
 - l) the protection of the financial and economic well-being of the Province and its municipalities;
 - m) the co-ordination of planning activities of public bodies;
 - n) the resolution of planning conflicts involving public and private interests;
 - o) the protection of public health and safety;
 - p) the appropriate location of growth and development;



- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and
 - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

4.1.2 Authority to Grant Minor Variances

Section 45(1) of the Planning Act authorizes the Committee of Adjustment to grant minor variances on the basis of the following tests being met to the Committee's satisfaction:

- Building or structure or the use thereof is desirable for the appropriate development or use of the land;
- Building or structure maintains the general intent of the Official Plan;
- Building or structure maintains the general intent of the Zoning By-Law; and
- The variances are minor in nature.

4.2 Provincial Policy Statement

Section 3 of the Planning Act requires that municipal decisions affecting planning matters "shall be consistent" with the Provincial Policy Statement (PPS). The Vision for Ontario's Land Use Planning System outlined in Part IV of the PPS includes the following key points:

- Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety; and
- Efficient development patterns optimize the use of land, resources, public investment in infrastructure and public service facilities.

Section 1.0 of Part V of the PPS outlines policies for Building Strong Healthy Communities. In Section 1.1, a number of principles are outlined that sustain healthy, liveable and safe communities, including:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and

- Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.

Section 1.1.2 also mandates that, within settlement areas, sufficient land shall be made available through intensification and redevelopment. Section 1.1.3.5 reiterates that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas. This is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe, which represent the minimum targets. Similarly, Section 1.1.3.6 indicates that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mixed of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.4 relates specifically to Housing, and section 1.4.1 a) indicates that planning authorities shall maintain the ability to accommodate residential growth for a minimum period of 10 years through intensification and redevelopment. Section 1.4.3 suggests that this be done by “directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and project needs”. Similarly, this section promotes “densities for new housing which efficiently use land, resources, infrastructure and public service facilities”.

Section 1.6 emphasizes the importance of efficient and cost effective infrastructure and public service facilities. Specifically, these facilities are to be financially viable over their life cycle and available to meet current and projected needs. Section 1.6.3 suggests that priority be given to development that uses and optimizes existing infrastructure rather than development that requires construction of new facilities.

4.3 Growth Plan for the Greater Golden Horseshoe

The Places to Grow Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) is aimed at growth that sustains the economy, builds strong communities and promotes a healthy environment. The key policy directions that stem from the objective of mitigating the negative effects of growth include the following:

- Directing growth to built-up areas;
- Promoting transit-supportive densities; and
- Conservation of natural systems and agricultural areas.

Among the Guiding Principles for development of land outlined in the Growth Plan are the following:

- Build compact, vibrant and *complete communities*;
- Plan and manage growth to support a strong and competitive economy; and
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The Growth Plan also outlines how and where growth should occur, and indicates that better use of land and infrastructure can be made by directing growth to existing urban areas. The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. Revitalization of urban growth centres is seen to be of paramount importance in accommodating additional people and jobs, as well as providing regional focal points in local communities.

The Growth Plan indicates that population and employment growth will be accommodated in the following ways:

- directing a significant portion of new growth to the *built-up areas* of the community through *intensification*;
- focusing *intensification* in *intensification areas*;
- reducing dependence on the automobile through the development of mixed-use, *transit-supportive*, pedestrian-friendly urban environments;
- providing convenient access to intra- and inter-city transit;
- planning and investing for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting and to increase the *modal share* for transit, walking and cycling; and
- encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

4.4 *Urban Hamilton Official Plan*

4.4.1 Residential Intensification

Section 2.4 of Chapter B outlines principles for “Residential Intensification”. Intensification is seen as “a key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets”. Intensification is also identified as contributing to vibrant neighbourhoods, nodes and corridors and providing a wider range of housing types to meet the housing needs of Hamilton’s current and future population. A key point in this section is the following: “UHOP supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations”. However, it is clearly stated that intensification must be done properly with appropriate consideration for design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage.

Section 2.4.1.2 indicates that the City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E of UHOP. Section 2.4.1.3 c) further points out that 40% of the residential intensification target is anticipated to occur within the “Neighbourhoods” land uses.

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Sections 2.4.1.4 and 2.4.2.2 establish the following criteria for evaluating proposed residential intensification projects:

- the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- the consideration of transitions in height and density to adjacent residential buildings;
- the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- the ability to complement the existing functions of the neighbourhood;
- the conservation of cultural heritage resources; and
- infrastructure and transportation capacity and impacts.

4.4.2 Urban Systems and Designations (Chapter E)

Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.
- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.
- c) Develop compact, mixed use urban environments that support transit and active transportation.
- d) Develop complete communities where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.

- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton’s existing and planned Employment Areas.

Section 2.1 further stresses that Hamilton’s urban structure shall be a node and corridor structure guided by the following general principles:

- a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).
- b) Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods.
- c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.
- d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.
- e) Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.

Section 2.4.11 is important to note as it indicates that Urban Corridors, including Primary Corridors, shall be a focus for intensification through the Neighbourhoods which they traverse. However, as Section 2.4.15 points out, “new development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods”.

Section E3.0 outlines policies for the “Neighbourhoods” designation. The policy goals outlined in Section 3.1 include the following:

- Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution; and
- Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2.4 indicates that “the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential

neighbourhood.” Similarly, Section 3.3.2 stresses that “Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.” Thus, the importance of compatibility and mitigating adverse impacts is critically important.

4.4.3 Division of Land (Chapter F)

Section 1.14 of Chapter F of UHOP provides policies for Division of Land. As outlined in Section 1.14.1, development may require subdivision of existing lots or tracts of land to occur by registered plan of subdivision where:

- a) a new road or an extension to an existing road is required; and
- b) it is deemed in the public interest for the proper and orderly development of lands.

Section 1.14.1.2 indicates that Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;

- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act.

Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and
- f) The lots have frontage on a public road.

4.5 *Ainslie Wood Westdale Secondary Plan*

4.5.1 Objectives

The Ainslie Wood Westdale Secondary Plan is set out in Section 6.2 of Volume 2, Chapter of UHOP. The Secondary Plan “establishes land uses, development standards and provisions regarding cultural heritage, urban design and transportation, to guide the development and/or redevelopment of lands located in the Ainslie Wood Westdale Secondary Plan area”.

The following objectives of the Secondary Plan are provided in Section 6.2.4:

- a) Provide a diversity of suitable housing choice for families, students, seniors and others.
- b) Maintain low density, single detached residential areas, in terms of both appearance and use.
- c) Ensure new infill housing and renovations are compatible with existing development.
- d) Encourage development forms which are compact, to help provide opportunities to relieve pressures for urban expansion, such as higher densities and mixed use along major roads.
- e) Provide employment choices within the area which are compatible with residential uses, allowing residents the option to live and work in close proximity.

- f) Reduce conflicts between adjacent land uses by buffering and distance separation.
- g) Retain all existing open space areas and natural areas, including significant features such as Cootes Paradise.
- h) Provide commercial areas, especially along the King Street historic community core and along portions of other major roads.
- i) Conserve cultural heritage resources, including buildings and areas of historical and architectural significance.
- j) Enhance the design and identity of the Ainslie Wood Westdale area by the addition of design features to accentuate streetscapes and gateways.
- k) Recognize McMaster University and the McMaster University Medical Centre as major community stakeholders, which help to define community identity, and contribute educational and employment opportunities.
- l) Ensure that the transportation system provides for the needs of all citizens, encourages a compact urban form and enables the use of alternative travel modes.
- m) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public/private utilities are provided to adequately service the residents, businesses and institutions of this area.

4.5.2 General Residential Policies

Section 6.2.5.3 includes the General Residential Policies for the Secondary Plan Area:

- a) A range of residential designations is provided to encourage a variety of housing types, forms and sizes. Rental housing is important in providing a range of housing types.
- b) Higher residential densities are directed to major roads, namely arterial and collector roads, to new or redeveloped residential or mixed commercial/residential developments. Population densities should be reflective of average densities for similar higher density residential uses across the City.
- c) Changes to the existing housing stock, such as new infill construction and renovations, shall be comparable to existing housing styles on the same block and street. New construction shall be encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes on the same block and street. The City shall discourage the building-out of rooflines to convert dormers into a full storey. The City shall limit overbuilding on properties, to maintain compatibility within the neighbourhood.
- d) Where there is no consistent style of homes on a street or block to determine the style for infill housing, such infill or renovations shall be encouraged to be compatible with the various housing styles on that street or block, reflecting one style or a suitable combination, rather than being of a height or style not found in the area.
- e) Additional locations suitable for new higher density housing units, including units suitable for student housing, are identified at various locations and densities, to reduce the over-intensification of such housing in some residential areas. Housing forms which shall be encouraged for new rental housing and student units include

mixed use commercial / residential on major roads, low rise apartments, medium rise apartments, and rental rooms in owner-occupied houses.

f) Property standards measures are recognized as important in the preservation of residential character.

g) The heritage character associated with the Ainslie Wood Westdale residential areas shall be preserved and enhanced by a number of means, as outlined in Section B.6.2.12 – Urban Design Policies and B.6.2.13 – Cultural Heritage Policies of this Secondary Plan, including:

- i) retention of buildings and areas which have been designated or listed as having historical or architectural significance; and
- ii) recognition of cultural heritage landscapes. The three Cultural Heritage Landscapes identified on Map B.6.2-2 - Ainslie Wood Westdale Cultural Heritage Landscapes are: 1. The planned suburb of Westdale, commercial core and residential; 2. The Veteran’s Housing Area, a post-war housing area south of Main; and, 3. The Burke Survey, an early 20th century survey.

h) Other complementary uses to be permitted in the Residential designations, in addition to those specified for each density type, shall include home businesses, accessory uses, home day care, small residential care facilities, and small scale local commercial and small community-based places of worship.

4.5.3 Low Density Residential

Section 6.2.5.4 includes the following applicable policies for the Low Density Residential Designation:

- Low Density Residential 2 areas permit single detached dwellings, semidetached dwellings, duplexes, and street townhouses. These uses shall include dwellings with accessory apartments/second dwelling units. Single detached housing shall be the primary form of housing in most of these areas, especially in the interior of neighbourhoods. Existing, legal 3, 4, and 5-plexes shall be recognized as permitted uses.
- Notwithstanding Policy E.3.4.4 of Volume 1, the Low Density Residential 2 densities shall generally be from 10 – 29 units per gross hectare. The area of large lots noted in Policy B.6.2.5.3 d) – General Residential Policies of Volume 2 shall have a lower density.
- Where single detached housing presently exists in the interior of the neighbourhood, the maintenance of such low density housing shall be preferable to new higher density housing forms.

4.6 City of Hamilton Zoning By-Law 6593

As outlined in Section 1.5 of Chapter F of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to “ensure the City’s goals, objectives and policies of this Plan are realized”. This is done through regulations on permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements.

This report previously confirmed that the prevailing zoning on the subject property is *Urban Protected Residential (C/S-1335)* under Zoning By-Law 6593. The zoning regulations are a combination of Zoning By-Law 6593 and By-Laws 95-02 and 95-033, including the following:

- Minimum Lot Width: 12 metres
- Minimum Lot Area: 360 m²
- Maximum Floor Area Ratio: 0.45
- Minimum Front Yard: 6 metres
- Minimum Side Yard: 1.2 metres
- Minimum Rear Yard: 7.5 metres
- Maximum Building Height: 2 storeys, 9.0 metres

The permitted residential uses include the following:

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- A single family dwelling, together with the accommodation of lodgers to the number of not more than three;
- A foster home;
- A residential care facility for the accommodation of not more than 6 residents; and
- Retirement home for the accommodation of not more than six residents.

5. Land Use Planning Analysis

5.1 Ontario Planning Act

5.1.1 Application for Consent

It is my opinion that the requested consent will facilitate proper and orderly development of the subject property. Moreover, the consent application is consistent with the matters outlined in Section 51(24) of the Planning Act, on the basis of the following:

- The consent is not premature in that the application would establish a lot pattern consistent with the surrounding community (in terms of lot width, depth and area) and would make more efficient use of existing municipal services and infrastructure, including transit and sidewalks;
- As outlined in later sections of this report, the consent conforms to the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan;

- The lots will be serviced by a municipal collector road that is fully maintained by the City of Hamilton with transit routes and stops in immediate proximity;
- There are no natural hazards or natural environment or agricultural resources that would be impacted by the proposed consent;
- The proposal will increase the availability of housing in the community in a manner that is consistent and compatible with the existing character; and
- The consent is a reasonable residential intensification in the existing urban area that will make more efficient use of municipal services and infrastructure, including transit and pedestrian facilities.

5.1.2 Application for Minor Variance

The requested minor variances are required to facilitate the consent and to permit construction of a two-storey single detached dwelling consistent in character with other two-storey dwellings in the community. In addition to my opinion that the consent is consistent with the applicable matters under the Planning Act, the following sections of this Land Use Planning Analysis will outline my opinion that the four tests set out in the Planning Act for evaluating applications for Minor Variance are also satisfied through the development proposal.



5.2 Provincial Policy Statement

5.2.1 Application for Consent

It is my opinion that the application for consent is consistent with the applicable provisions of the Provincial Policy Statement on the following basis:

- The proposal provides for accommodation of residential population growth inside the existing urban boundary and built-up area;
- The low density residential lot configuration is compatible and consistent with the character of the adjacent community and represents a reasonable intensification of the subject property;
- The development will make more efficient use of existing serviced land and municipal infrastructure without adverse impacts to the quality of life and built form in the community;
- No public investment is required in municipal services or infrastructure;
- The proposal will contribute to the financial well-being of the City by increasing the property tax levy on the property and generating payment of development charges, planning application fees and building permit fees; and

- The development will assist the City of Hamilton in achieving its goals for growth and intensification under Places to Grow and UHOP.

5.2.2 Application for Minor Variance

Variations for Minimum Lot Width and Minimum Lot Area

The minor variance application includes three requested variances. Two of these variances (minimum lot width and minimum lot area) are required to establish the proposed lot pattern. As indicated in section 5.2.1 of this report, it is my opinion that the proposed lots are consistent with the PPS. On this basis, the minor variances for minimum lot width and minimum lot area are also consistent with the PPS as they will allow for establishment of a lot configuration that is consistent and compatible with the surrounding area while also facilitating more efficient use of the subject property than other existing conditions. The proposed lots will also have direct access to existing municipal services and infrastructure and no upgrades or extensions are required.

Variance for Maximum Floor Area Ratio

The third minor variance is to allow floor area ratio greater than 0.45. This regulation was established in 1995 to protect the character of the neighbourhood and does not reflect the residential intensification policies of the PPS and Urban Hamilton Official Plan. The minor variance to maximum floor area ratio will allow

construction of single detached dwellings that are consistent with adjacent existing two-storey dwellings and compatible with the smaller one and 1.5-storey dwellings in the surrounding area. The proposed dwellings will make more efficient use of the subject property, increase property tax revenue to the City and increase the number of people living in the community without requiring any municipal investment or upgrades/extensions to existing infrastructure. On this basis, it is our opinion that this minor variance is consistent with the applicable PPS policies.

5.3 *Growth Plan for the Greater Golden Horseshoe*

5.3.1 Application for Consent

It is my opinion that the development proposal and application for consent are consistent with the policies of the Growth Plan, on the following basis:

-
- The proposed development represents reasonable and compatible growth within the existing built-up area of Hamilton;
- The proposed lots will make more efficient use of existing residential land through intensified use that is also consistent and compatible with the surrounding area;
- The development will make use of existing municipal infrastructure and not require public investment; and

- The development will aid the City in striving for the population targets set out under Places to Grow and UHOP by bringing more residents to the community.

5.3.2 Application for Minor Variance

Variations for Minimum Lot Width and Minimum Lot Area

The minor variances for minimum lot width and minimum lot area will facilitate the consent application to establish land use and a lot pattern that is consistent with the objectives and policies of the Growth Plan. On this basis, it is my opinion that these minor variances are consistent with the Growth Plan.

Variance for Maximum Floor Area Ratio

The minor variance for maximum floor area ratio has been requested to permit construction of a single detached dwelling that is consistent with a number of existing homes in the community and also compatible with other smaller homes in the area. The requested floor area ratio of 0.82 translates into a two-storey dwelling of 225 m², or just over 2,400 ft². This request will allow for construction of dwellings that are reflective of current market demands but also respectful of the existing character of the neighbourhood. The dwellings represent more intense use of the subject property than existing, but also maintain the existing neighbourhood character and do not require investment in upgrades or extensions to municipal infrastructure. Therefore, it is

my opinion that this minor variance is consistent with the Growth Plan.

5.4 Urban Hamilton Official Plan

5.4.1 Residential Intensification

Consent Application

It is my opinion that the consent application conforms to the UHOP Residential Intensification policies on the following basis:

- The consent will result in one additional single detached dwelling lot in the community and will be similar in width and area to other lots in the area;
- The subject property is located on a collector road as identified on Schedule E and is thus an appropriate location for intensification;
- While more intense than existing, the proposed lots will be consistent and compatible with the existing lot pattern in the community and represent orderly development of the subject lands;
- The intensified land use pattern will support the targets for increased residential density in Neighbourhoods designations;
- The proposed lots will be for single detached dwellings similar in character to others in the neighbourhood and,

consequently, would not result in adverse impacts related to shadow, overlook, noise, lighting, traffic and other nuisances; and

- The subject property is located on the corner of the Whitney/Leland intersection and in close proximity to existing transit service; this location also minimizes the number of existing lots that will be directly affected by the consent.

Variations for Minimum Lot Width and Minimum Lot Area

The requested minor variations for minimum lot width and minimum lot area are required to establish a lot pattern that would conform to the residential intensification policies of UHOP. As a result, it is my opinion that these minor variations also conform to these UHOP policies.

Variance for Maximum Floor Area Ratio

The variance for maximum floor area ratio is required to construct single detached dwellings consistent with the character of existing two-storey dwellings immediately adjacent to the subject property. Maximum floor area ratio regulations are intended to ensure a dwelling is not constructed that is too large for a particular lot size. However, this report has identified that many existing properties significantly exceed the maximum floor area ratio regulations of the Zoning By-Law. Thus, it is more appropriate to consider whether exceeding the maximum floor area ratio would adversely impact

the quality and character of the neighbourhood. Given that the neighbourhood is characterized by bungalows, 1.5-storey and 2-storey dwellings under current conditions, the proposed dwellings would be compatible with existing character of the community. In addition, the following points confirm that the variance for maximum floor ratio conforms to the UHOP residential intensification policies:

- The requested floor area ratio is consistent with other 2-storey dwellings in the neighbourhood;
- Required building height and setbacks will be provided to minimize impacts to adjacent properties and to provide appropriate outdoor amenity spaces;
- The increased floor area ratio would not trigger additional investment in upgrades or extensions of municipal services or infrastructure;
- Given the location of the subject property as a corner lot, a minimal number of lots would be affected by the increased floor area ratio; and
- The additional floor area ratio represents intensification of residential land use on a collector road in a manner that is consistent and compatible with the surrounding community.

5.4.2 Urban Systems and Designations

Consent Application

It is my opinion that the consent application conforms to the applicable Urban Systems and Designations policies of UHOP on the following basis:

- The proposal will increase residential density in the community, which will support intensification objectives as well as objectives for transit and active transportation;
- The proposed lot configuration is consistent with that of the surrounding area;
- The proposal is located on a collector road identified as an appropriate location for residential intensification; and
- The consent will establish a lot pattern and also facilitate construction of single detached dwellings that are consistent and compatible with the existing neighbourhood character.

Variations for Minimum Lot Width and Minimum Lot Area

Granting the requested minor variances for minimum lot width and minimum lot area will permit a lot pattern that is consistent with that of the surrounding area while also facilitating reasonable residential intensification. On this basis, it is my opinion that these



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variances conform to the Urban Systems and Designations policies of UHOP.

Variance for Maximum Floor Area Ratio

The requested minor variance for maximum floor area ratio is intended to allow construction of two two-storey single detached dwellings that are similar in floor area and scale to the existing two-storey dwellings that are immediately adjacent to the subject property. While there are also smaller one and 1.5-storey dwellings in the neighbourhood, this diversity represents the built form character of the community. Given that the proposed dwellings will be adjacent to the Whitney/Leland intersection and immediately adjacent to other two-storey dwellings, the impact of the increased floor area on the subject property on the surrounding land uses will be minimized. The increased floor area represents an increase in land use intensity but not a use that is out of character for the area. On this basis, it is my opinion that the variance for maximum floor area ratio conforms to the Urban Systems and Designations policies of UHOP.

5.4.3 Division of Land

It is my opinion that the consent and minor variance applications conform to the UHOP Division of Land policies on the following basis:

- A plan of subdivision is not required for properly and orderly development of the lands and a new road or extension is not required for the proposal;
- While a plan of subdivision is not required, the proposal still satisfies the criteria of Section 1.14.1.2 in that the applications conform to the applicable policies of UHOP, municipal services and infrastructure are available, no impacts would occur to municipal finances and the section 51(24) requirements of the Planning Act are satisfied;
- The proposed lots conform to the other applicable UHOP policies;
- Minor variances have been requested for the proposed lot width and lot area;
- The proposed lot are consistent with the character of the existing neighbourhood; and
- The lots are serviced and have frontage on a collector road.

5.5 *Ainslie Wood Westdale Secondary Plan*

5.5.1 Objectives

Consent Application

It is my opinion that the consent application for the subject property conforms to the objectives of the Secondary Plan by:

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- Increasing the residential density in the Plan area while maintaining the low density, single detached character;
- Creating lots that are consistent and compatible with the existing lot pattern;
- Providing more compact urban form that supports transit and pedestrian modes of transportation; and
- Creating lots that can be readily connected to available municipal services without requiring any infrastructure upgrades or extensions.

Variations for Minimum Lot Width and Minimum Lot Area

The requested minor variations for minimum lot width and minimum lot area conform to the Secondary Plan in that they will facilitate the creation of lots that increase residential density and intensity but that are also consistent with the lot pattern in the community. These lots will allow construction of enhanced low density residential built form that is consistent and compatible with the existing community.

Variance for Maximum Floor Area Ratio

The requested minor variance for maximum floor area will allow for construction of two single detached dwellings that are consistent with the built form of the adjacent two-storey dwellings and also compatible with the character of the area. The Secondary Plan envisions residential intensification in a manner that is compatible with the surrounding area. The minor variance will permit single

detached dwelling built form in a manner that makes more efficient use of the subject property and will result in incremental property tax increases without requiring municipal investment in infrastructure.

5.5.2 General Residential Policies

Consent Application

The consent application conforms to the General Residential Policies of the Secondary Plan by:

- Facilitating a greater range of low density housing types and sizes in the community;
- Increasing the density of residential development along a *collector* road; and
- Creating lots similar in width and area to the existing lot pattern and that will facilitate construction of two-storey dwellings that are comparable to existing houses on the street.

Variations for Minimum Lot Width and Minimum Lot Area

The requested variations for minimum lot width and minimum lot area facilitate creation of lots that are consistent with the neighbourhood lot pattern. While these variations result in higher density residential use relative to existing conditions, the lots will

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be compatible with the area and facilitate new development that conforms to the General Residential Policies.

Variance for Maximum Floor Area Ratio

The requested variance for maximum floor area ratio will help to achieve a greater variety of housing form and sizes by permitting a greater ratio of floor area to lot area. This will also lead to greater residential density and intensity, which is appropriate given the location of the subject property on a collector road and in close proximity to transit and pedestrian infrastructure. As already noted in this report, the requested floor area ratio of 0.82 is comparable to other two-storey dwellings in the immediate vicinity. The result is that the proposed dwellings would be similar in character to the existing built form in the community. Moreover, since there is a variety of housing forms in the area, rather than one consistent style, the proposed floor area ratio will be compatible with the overall neighbourhood character.

5.5.3 Low Density Residential Policies

Consent Application

It is clear that the Secondary Plan aims to increase intensity and density of low density residential development in the Plan area. The consent application conforms to the Low Density Residential Policies of the Secondary Plan by facilitating single detached residential development in a higher density form that is consistent

and compatible with the existing community in terms of lot area, width and configuration.

Variances for Minimum Lot Width and Minimum Lot Area

The requested variances for minimum lot width and minimum lot area facilitate creation of lots that provide increased residential density but remain consistent and compatible with the neighbourhood lot pattern. Therefore, the objectives of increased density are satisfied while minimizing adverse impacts to the quality and character of the community.

Variance for Maximum Floor Area Ratio

The requested variance for maximum floor area ratio will increase the variety and intensity of residential built form in the community in a manner consistent with existing dwellings in the immediate vicinity. The community is characterized by a range of building types and sizes, and the proposed maximum floor area ratio would represent the high end of the existing range. Moreover, the proposed floor area represents a balance between the single detached character of the community and the Secondary Plan objectives related to higher density uses including semi-detached dwellings, duplexes and townhouses.



5.6 *City of Hamilton Zoning By-Law 6593*

It is my opinion that the prevailing zoning regulations do not effectively implement the policies of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan. The regulations are also not consistent with the policies of the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

Many of the existing lots in the community surrounding the subject property are smaller in width and area than permitted under the regulations. Similarly, a number of existing dwellings immediately adjacent to the subject property exceed the maximum floor area ratio permissions. Thus, the prevailing zoning regulations effectively require new lots to be larger than many existing and new dwellings to be smaller than many of the existing dwellings. This situation is not only counter to the existing character of the community, but also the Provincial, UHOP and Secondary Plan residential intensification policies. As a result, the opportunities for residential intensification promoted under these policy documents are limited.

In other words, the Zoning By-Law is out of touch with the objectives and policies of UHOP and the Secondary Plan as they relate to residential intensification. That being said, the proposal for the subject property seeks to comply with the prevailing zoning regulations where possible, seeking only relief on three regulations. However, it is our opinion that these variances do not result in issues of incompatibility or overdevelopment.

The requested variances for Minimum Lot Width and Minimum Lot Area serve to establish lots that are similar in width and area to many of the lots in the immediate area. The requested variance for Maximum Floor Area Ratio will allow construction of a two-storey dwelling that complies with all other regulations, including building height and front, rear and side yard setbacks.

In granting the consent and minor variance applications, the Committee of Adjustment would effectively be updating the zoning permissions for the subject property in a manner that more effectively implements the UHOP and Secondary Plan. On this basis, the minor variances would conform to the purpose and intent of the Official Plan and Zoning By-Law.

6. Conclusions

6.1 *Application for Consent*

It is my opinion that the consent application should be approved on the following basis:

- The consent is consistent with the matters identified under 53(12) of the Ontario Planning Act as they relate to granting of consents;



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- The consent is consistent with the Provincial policies for residential intensification established in the Provincial Policy Statement and Places to Grow Growth Plan;
- The consent conforms to the policies of the Urban Hamilton Official Plan, including the criteria for Land Division; and
- The consent conforms to the policies of the Ainslie Wood Westdale Secondary Plan.

6.2 *Application for Minor Variance*

6.2.1 Minor Variances for Minimum Lot Width and Minimum Lot Area

It is my opinion that the requested variances for minimum lot width and minimum lot width will facilitate creation of residential lots that are consistent and compatible with the community and represent reasonable residential intensification. Moreover, these variances should be granted on the following basis:

- The variances conform to the general purpose and intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan;
- The variances conform to the general purpose and intent of the City of Hamilton Zoning By-Law 6593;
- The variances are desirable and appropriate for development and use of the subject lands; and
- The variances are minor in nature.

6.2.2 Minor Variance for Maximum Floor Area Ratio

It is my opinion that the requested variance for maximum floor area ratio will allow construction of single detached dwellings that enhance the quality of built form in the community in a manner that is consistent and compatible with the existing dwellings. Moreover, these variances should be granted on the following basis:

- The variance conforms to the general purpose and intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan;
- The variance conforms to the general purpose and intent of the City of Hamilton Zoning By-Law 6593;
- The variance is desirable and appropriate for development and use of the subject lands; and
- The variance is minor in nature.

Regards,

Michael Barton, MCIP, RPP
President

michael@mb1consulting.com
905-599-9973



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:43

APPLICANTS: Jenny Bognar on behalf of the owners J. Joseph & N. Piskuric

SUBJECT PROPERTY: Municipal address **127 Dufferin St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 & 19-307

ZONING: "C/S-1364 & S-1788" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a 2nd storey rear addition and a 1 storey side addition to the existing single-family dwelling notwithstanding that;

1. A maximum gross floor area ratio of 72 % shall be permitted instead of the maximum permitted 45 %; and
2. A minimum side yard width of 1.0 m shall be provided on the easterly side lot line instead of the minimum required side yard width of 1.2 m; and
3. A minimum of one (1) parking space shall be provided on site instead of the minimum required three (3) parking spaces.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-21: 43
Page 2

MORE INFORMATION

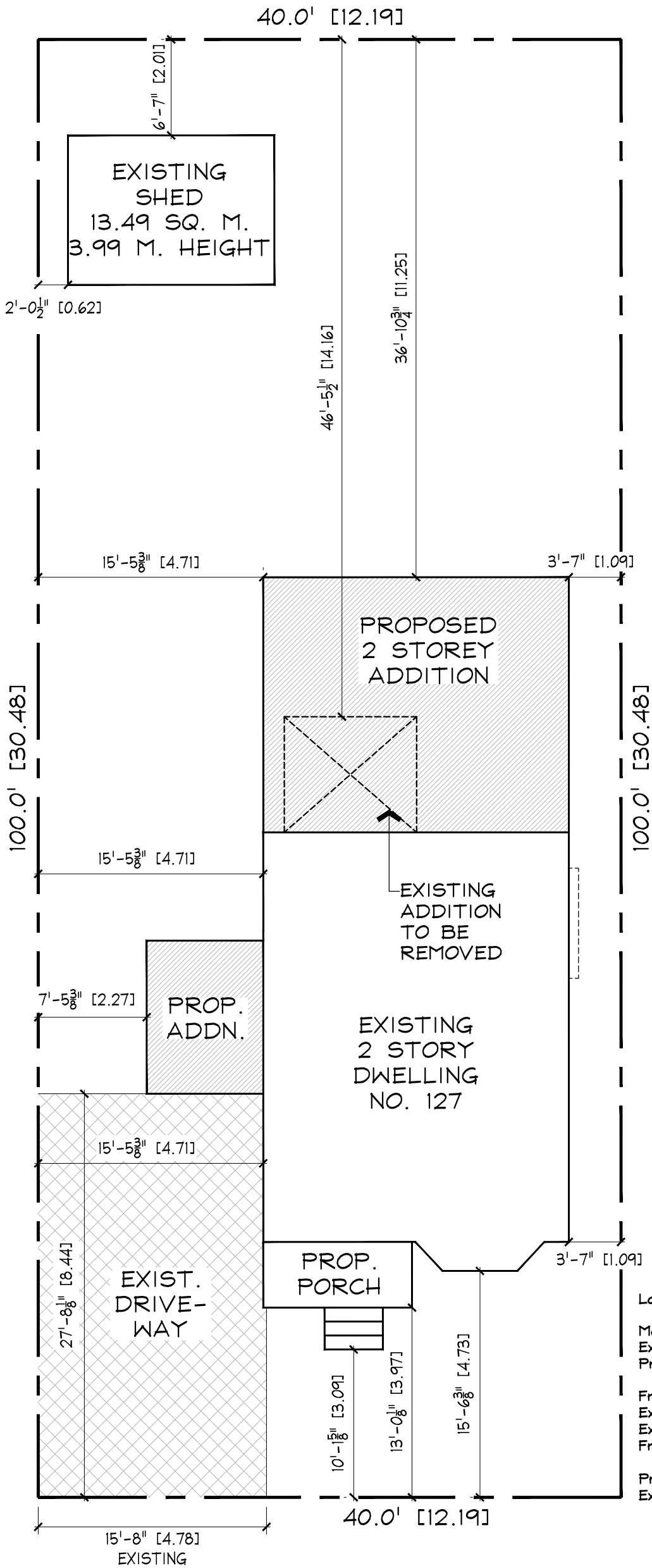
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



100.0' [30.48]

Lot Area = 371.61 sq. m. (4000.00 sq. ft.)
 Max GFA = 45%
 Existing GFA = 156.61 sq. m. = 42.14%
 Proposed GFA = 266.69 sq. m. = 71.77%

Front Yard Area = 57.72 sq. m.
 Existing Driveway in Front Yard = 21.27 sq. m.
 Existing Porch in Front Yard = 2.36 sq. m.
 Front Yard Remaining as Landscaping = 34.09 sq. m. = 59.06%

Proposed Rear/Side Yard Area (Comb.) = 170.01 sq. m.
 Existing Accessory Building Coverage = 13.49 sq. m. = 7.93%

DUFFERIN STREET

SHEET

A1

of 11

SITE PLAN
1:100

| DATE | ISSUE DESCRIPTION |
|----------|---------------------|
| 01.26.21 | ISSUED FOR REVIEW |
| 01.26.21 | ISSUED FOR C.O.P.A. |

ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND ANY FROM THAT INFLUENCED BY THE DRAWINGS. THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED OR SIMILAR CONDITIONS.

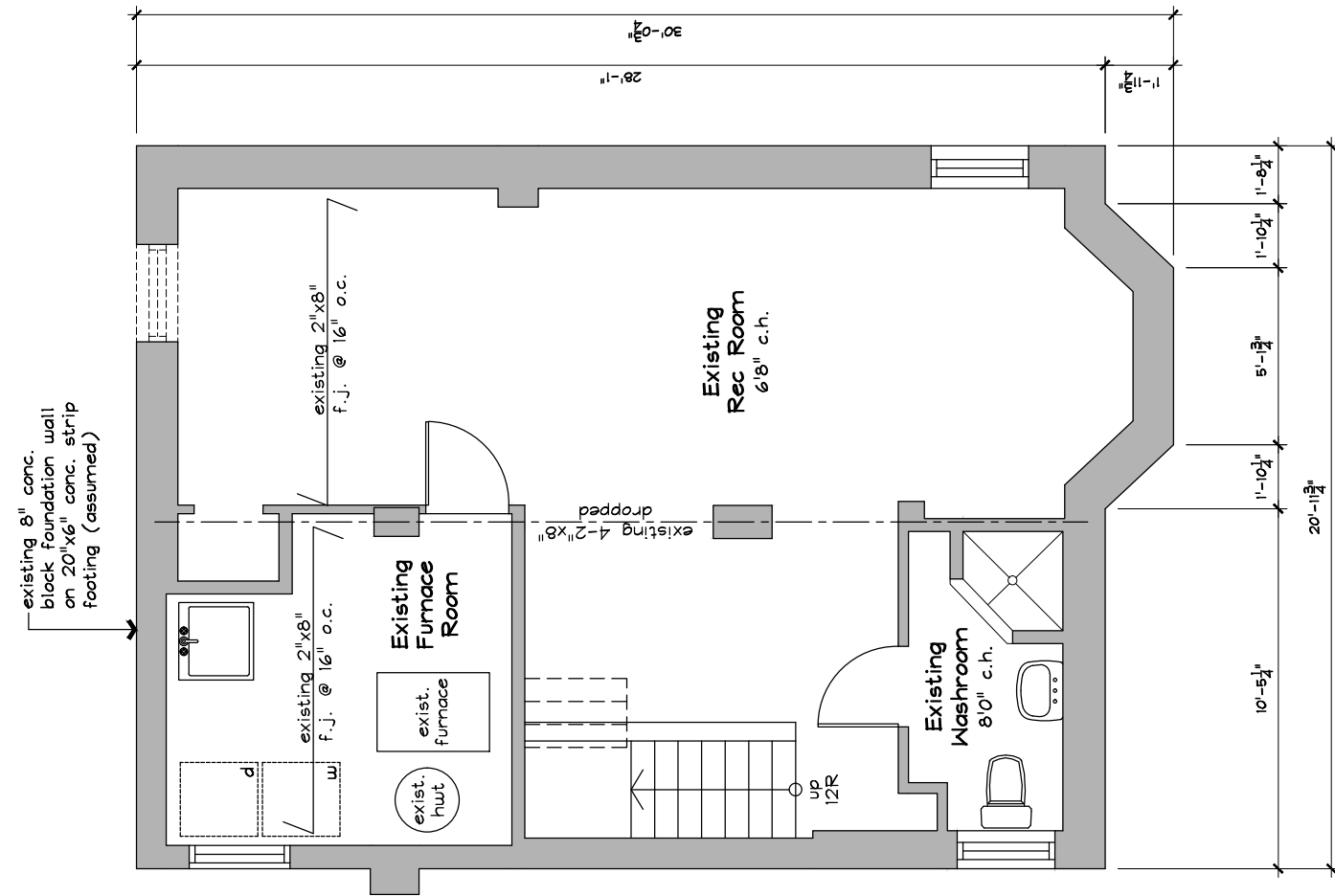
UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DRAWINGS TO PROVIDE FOR THE REMOVAL OF EXISTING STRUCTURES AFFECTED BY THIS CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF SUCH STRUCTURES AND FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AFFECTED BY THIS CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AFFECTED BY THIS CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AFFECTED BY THIS CONSTRUCTION.

01.26.21
Jennifer Bogart
 signature required
 Jennifer Bogart reviews and takes responsibility for the design work described in this document
 firm bcn 103416 ■ individual bcn 33001

drafting + design

193 East 43rd Street
 Hamilton, ON L8T 3C3
 jodraftinganddesign@live.ca
 905.517.6027

THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5



Existing Floor Area = 56.02 sq. m. - 9.44 sq. m. (for furnace/laundry room) = 46.58 sq. m.

THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

drafting + design

- 193 East 43rd Street
- Hamilton, ON L8T 3C3
- jbdraftinganddesign@live.ca
- 905.517.6027

01.26.21 *Jay Bogar* signature required
 Jennifer Bogar reviews and takes responsibility for the design work described in this document
 firm bcin 103416 individual bcin 33001

| DATE | ISSUE DESCRIPTION |
|----------|-------------------|
| 12.22.20 | ISSUED FOR REVIEW |
| 01.26.21 | ISSUED FOR C.O.P. |
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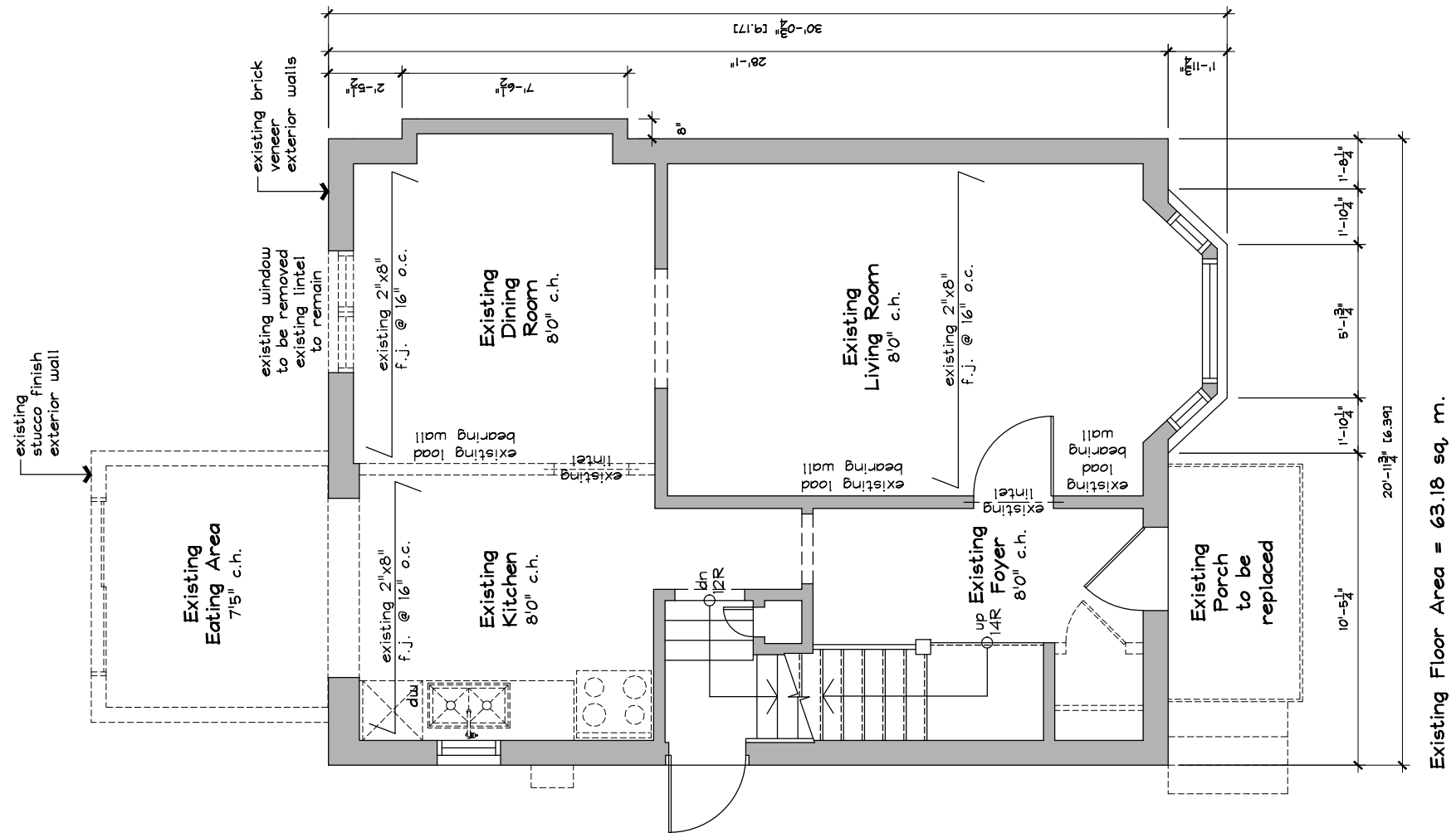
FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JB DRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

EXISTING BASEMENT PLAN
 3/16" = 1'-0"

SHEET **A2** OF 11



Existing Floor Area = 63.18 sq. m.

THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

drafting + design

193 East 43rd Street
 Hamilton, ON L8T 3C3
 jbdraftinganddesign@live.ca
 905.517.6027

01.26.21 *Jay Bogar* signature required
 Jennifer Bognar reviews and takes responsibility for the design work described in this document
 firm bcin 103416 individual bcin 33001

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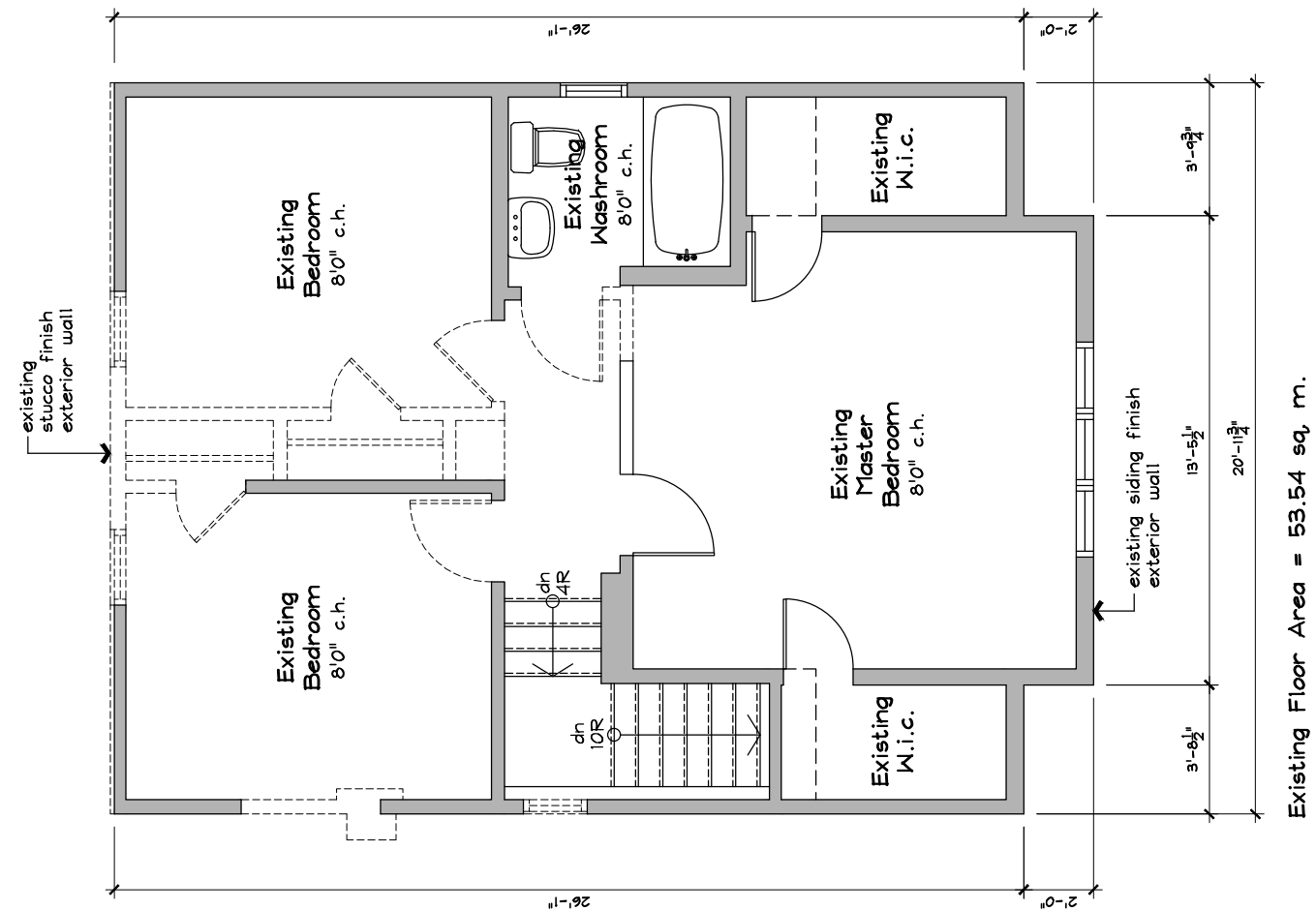
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EXISTING FIRST FLOOR PLAN
 3/16" = 1'-0"

SHEET **A3** OF 11



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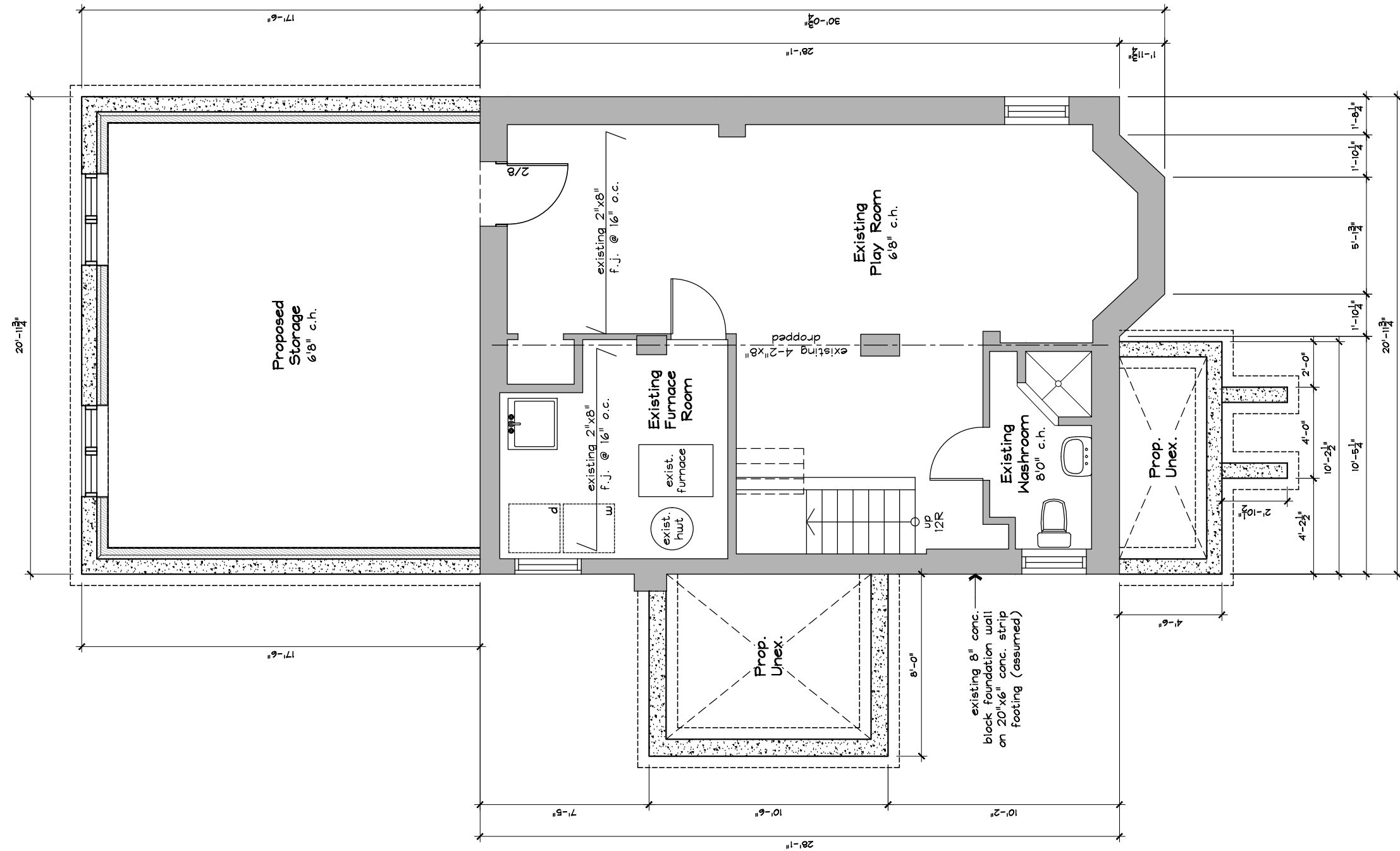
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EXISTING SECOND FLOOR PLAN
 3/16" = 1'-0"



Proposed Floor Area = 90.11 sq. m. - 9.44 sq. m. (for furnace/laundry room) = 80.67 sq. m.

THE JOSEPH RESIDENCE
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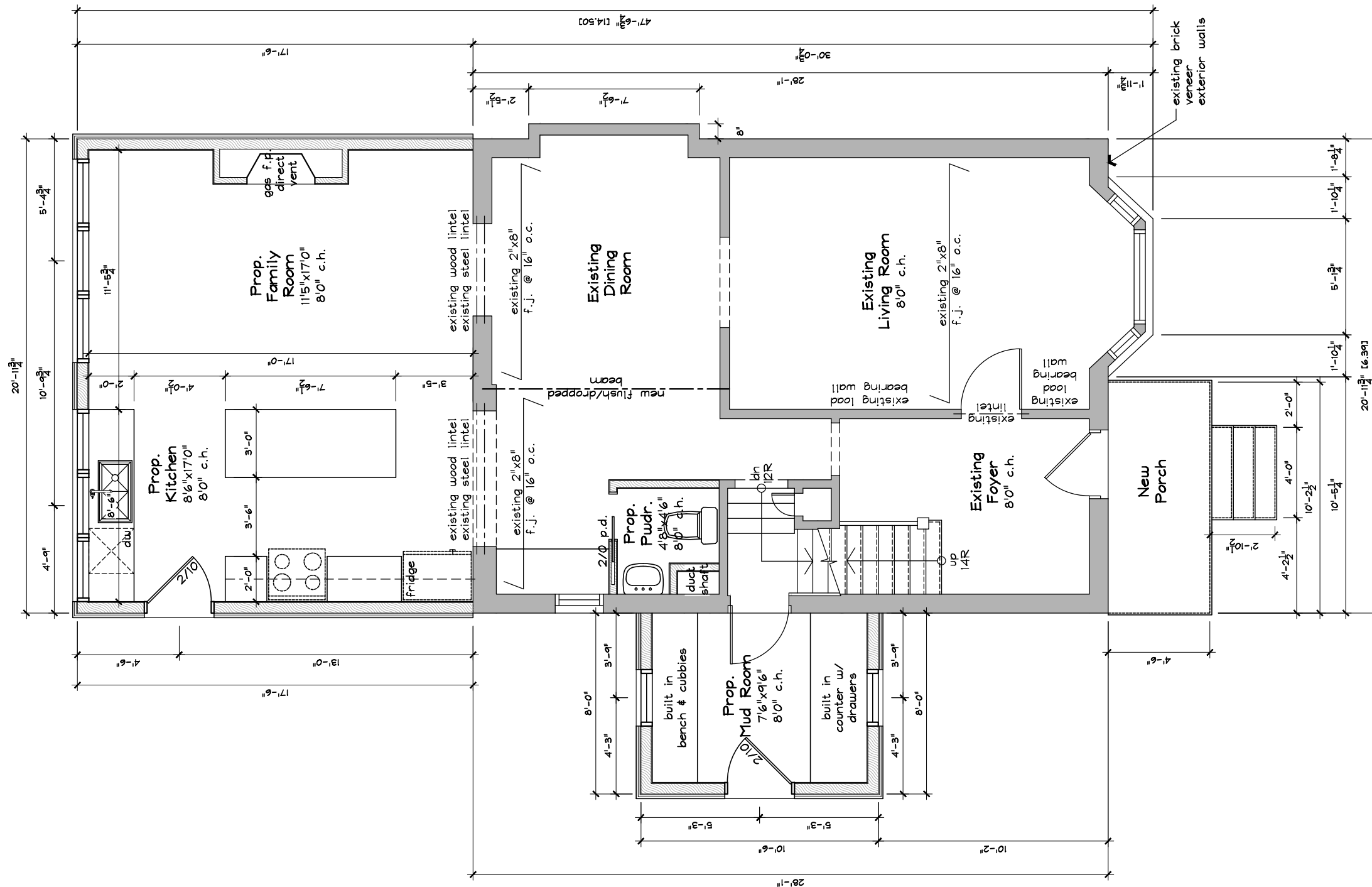
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PROPOSED BASEMENT
 3/16" = 1'-0"

SHEET **A5** OF 11



Proposed Floor Area = 98.38 sq. m.

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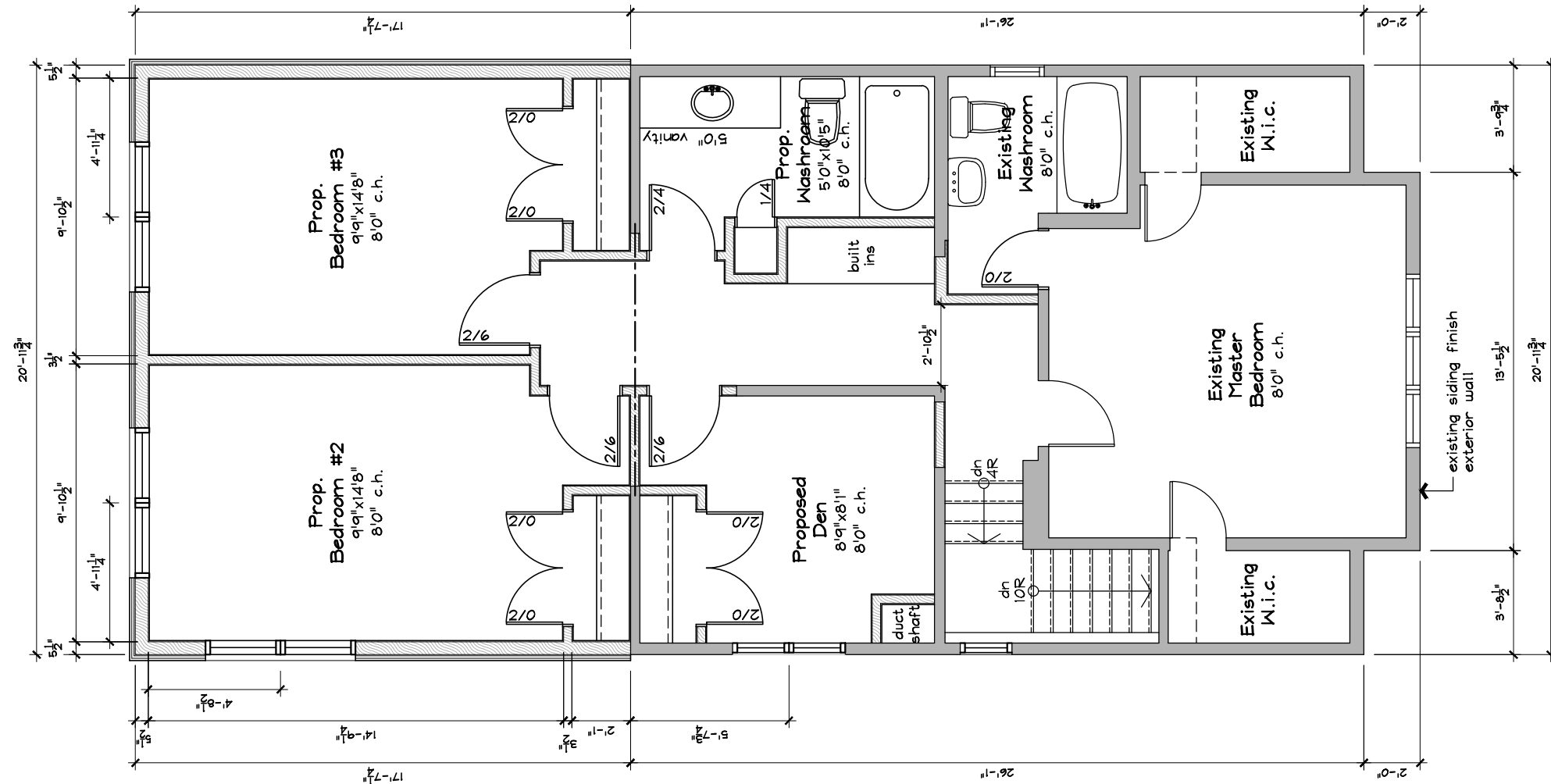
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PROPOSED
 FIRST FLOOR
 3/16" = 1'-0"

SHEET
A6
 OF 11



Proposed Floor Area = 87.64 sq. m.

THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

drafting + design

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- Hamilton, ON L8T 3C3
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PROPOSED SECOND FLOOR
 3/16" = 1'-0"

SHEET **A7** OF 11



THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

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- Hamilton, ON L8T 3C3
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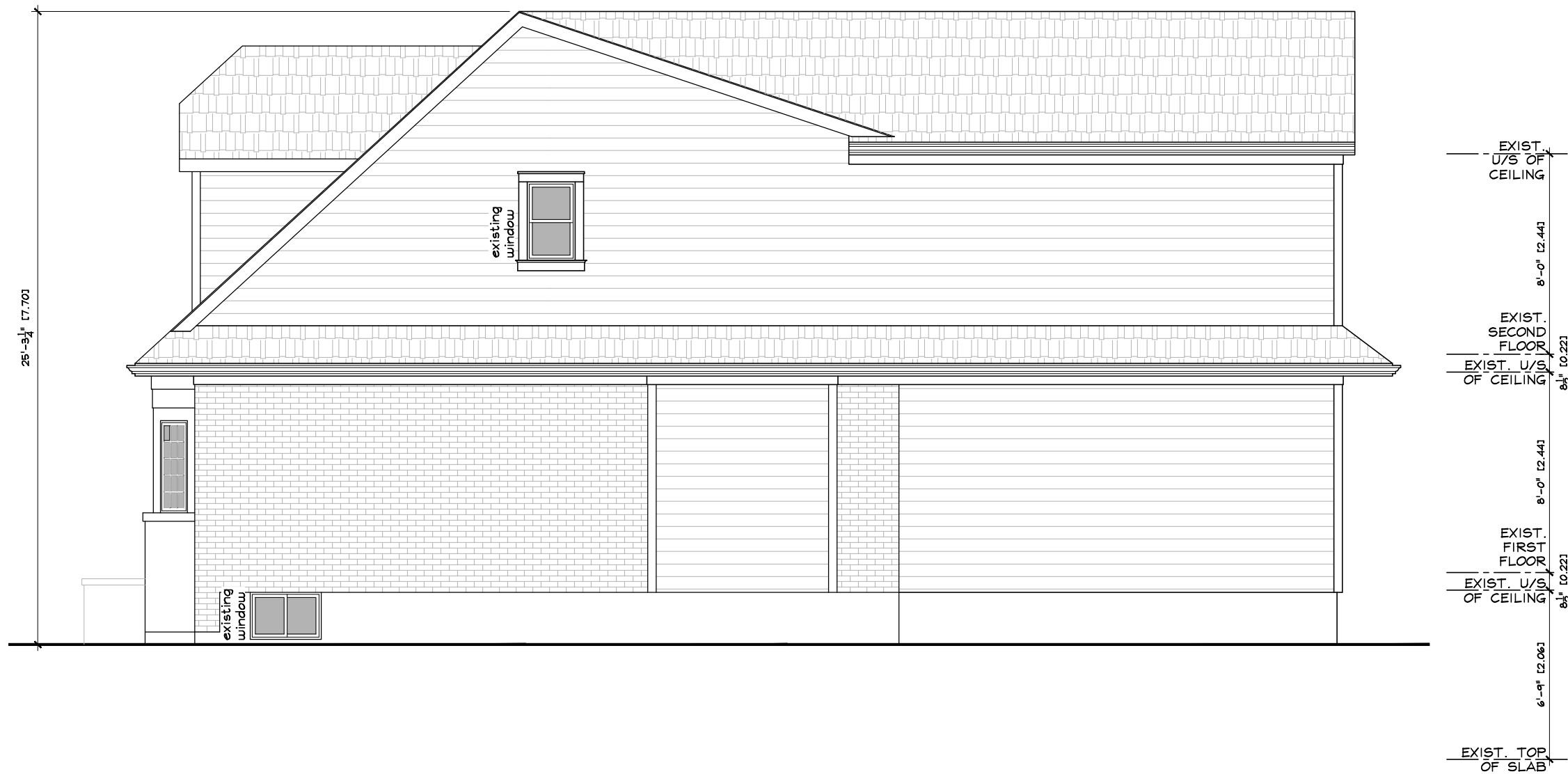
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PROPOSED FRONT ELEVATION
 3/16" = 1'-0"

SHEET **A8** OF 11



EXIST. U/S OF CEILING 8'-0" [2.44]

EXIST. SECOND FLOOR 8'-0" [2.44]

EXIST. U/S OF CEILING 8'-0" [2.44]

EXIST. FIRST FLOOR 8'-0" [2.44]

EXIST. U/S OF CEILING 6'-9" [2.06]

EXIST. TOP OF SLAB

THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

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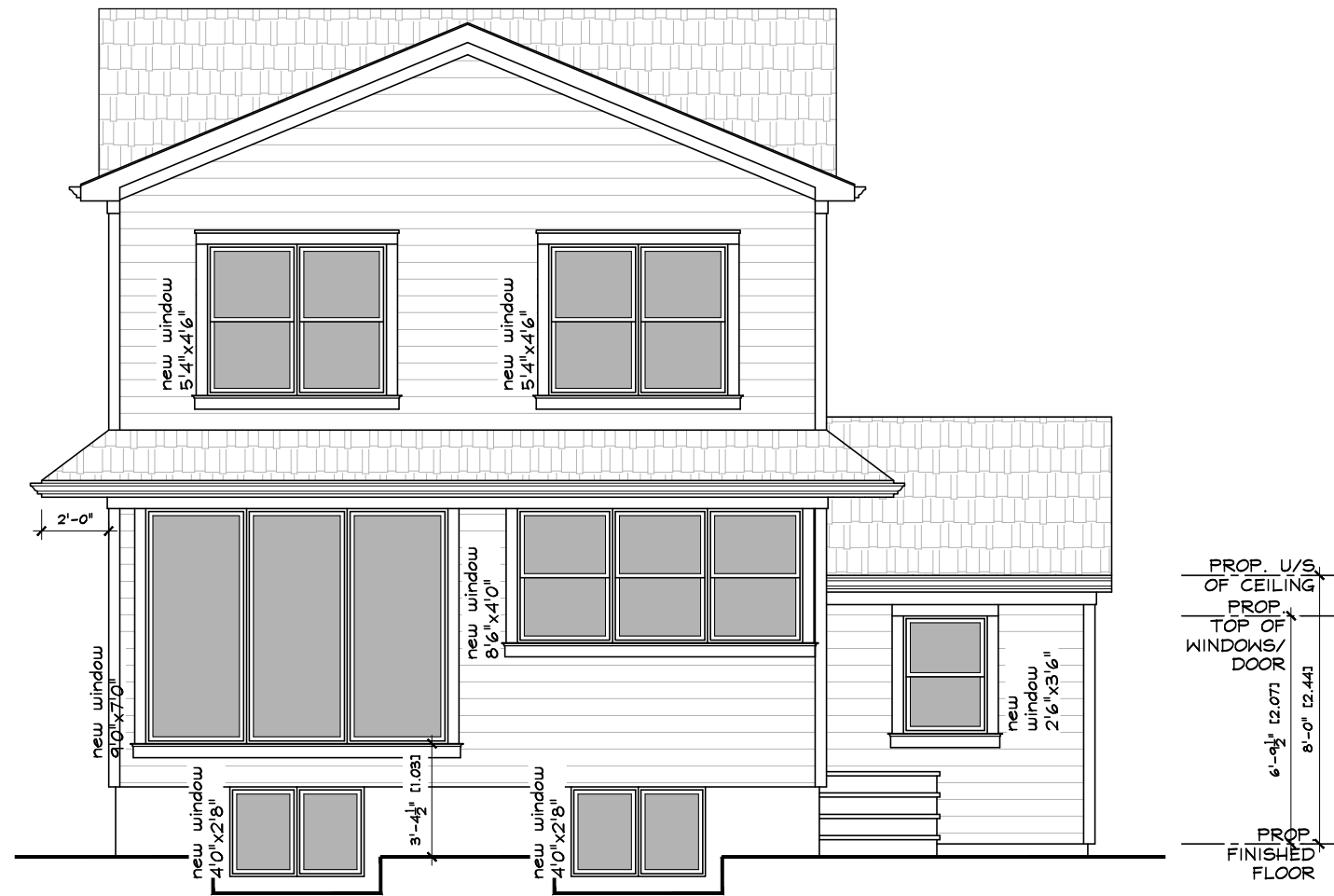
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PROPOSED RIGHT SIDE ELEVATION
 3/16" = 1'-0"

SHEET **A9** OF 11



THE JOSEPH RESIDENCE
 127 DUFFERIN STREET
 HAMILTON, ON
 L8S 3N5

drafting + design

- 193 East 43rd Street
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PROPOSED REAR ELEVATION
 3/16" = 1'-0"

SHEET
A10
 OF 11



THE JOSEPH RESIDENCE
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 HAMILTON, ON
 L8S 3N5

drafting + design
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PROPOSED LEFT SIDE ELEVATION
 3/16" = 1'-0"

SHEET
A11
 OF 11



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|----------------------|-------------------------------|------------|--------------------|
| Registered Owners(s) | Jacob Joseph & Nikol Piskuric | [REDACTED] | Phone: [REDACTED] |
| | | | E-mail: [REDACTED] |
| Applicant(s)* | Jacob Joseph & Nikol Piskuric | [REDACTED] | Phone: [REDACTED] |
| | | | E-mail: [REDACTED] |
| Agent or Solicitor | Jenny Bognar | [REDACTED] | Phone: [REDACTED] |
| | | | E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
None

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
1. To allow only one parking space rather than the 2.5 that are required.
 2. To allow a GFA of 71.77% instead of the required max of 45%.
 3. To allow a right side yard setback of 1.09m. instead of the required 1.2m.
5. Why it is not possible to comply with the provisions of the By-law?
See attached.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
127 Dufferin Street
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Knowledge of area

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

2021-01-22
Date



(Signature Property Owner

JACOB JOSEPH , NIKOL PISKURIC

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|----------------------|
| Frontage | <u>12.19 m.</u> |
| Depth | <u>30.48 m.</u> |
| Area | <u>371.61 sq. m.</u> |
| Width of street | <u>7.31 m.</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Ground floor area = 63.18 sq. m., Gross floor area = 163.30 sq. m., 2 stories, 6.39 m. wide x 9.17 m. length, 7.70 m. high

Proposed

Ground floor area = 98.38 sq. m., Gross floor area = 266.69 sq. m., 2 stories, 6.39 m. wide x 14.50 m. length, 7.70 m. high

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing:

Exist. Front = 4.73 m., Exist. Rear = 14.16m., Exist. Right = 1.09m., Exist. Left = 4.71m.

Proposed:

Exist. Front to remain = 4.73 m., Prop. Rear = 11.25m., Prop. Right = 1.09m., Prop. Left = 2.27m.

13. Date of acquisition of subject lands:
2009-08-27
-
14. Date of construction of all buildings and structures on subject lands:
1950's
-
15. Existing uses of the subject property:
Single family residential
16. Existing uses of abutting properties:
Single family residential
17. Length of time the existing uses of the subject property have continued:
Always
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan/Ainslie Wood Westdale
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C/S-1364
C/S-1788
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Minor Variance Application

Project: 127 Dufferin Street, Hamilton

Reasons for Needing Variances

Variance #1

Variance for a GFA of 71.77% instead of the allowable 45%.

Jacob and Nikol are in need of more space in their house for various reasons. They have two growing children and they are in need of a dedicated work space for their remote jobs. They are also in need for a better functioning kitchen as the existing kitchen is small and cramped and doesn't work for their family anymore. They'd also like to add a mudroom so that they have a more organized space for their kids to come in and leave their belongings.

These above needs combined with a small lot size, brings the GFA higher than what is allowed.

We feel that this design and request is in keeping with the neighborhood character as many of these older homes are being expanded and made larger to keep up with the young families moving into this area.

Variance #2

Variance for 1 legal parking space as opposed to the 2.5 that are required.

The parking situation on this lot is in fact not changing at all. Currently there is only 1 legal parking spot as there is an existing fence where the new mudroom is being proposed.

The proposed use of the dwelling will remain as habitation for one family and the proposed addition will not increase the need for more parking.

We feel this request is minor in nature as we are not making the existing situation worse or taking away an existing spot and feel that is in keeping with majority of the dwellings in this area.

Variance #3

Variance for a right (west) side yard setback of 1.09m. for an addition instead of the required 1.2m.

We are requesting to match the existing right side yard setback of 1.09m.

We feel this is minor in nature as we are not decreasing the side yard setback and the rear yard is still accessible with this width.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:33

APPLICANTS: Jenny Bognar on behalf of the owner Bradley Plant

SUBJECT PROPERTY: Municipal address **11 Alice St., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a 6.71m (22'0") x 10.06m (33'0") second floor addition including a dormer addition, to reduce the size of the existing front portion of the dwelling (labelled front porch) at the first storey and to recognize the location of the existing uncovered rear porch (existing deck) of the existing single family dwelling notwithstanding that:

1. A minimum front yard depth of 0.6m shall be provided instead of the minimum required front yard depth of 6.0m.
2. A minimum northerly side yard width of 0.3m shall be provided instead of the minimum required side yard width of 0.9m.
3. Eaves and gutters shall be permitted to project 0.3m into the northerly side yard so that they may be as close as 0.0m to the northerly side lot line instead of the requirement that an eave or gutter may project into the required side yard (being 0.3m) not more than ½ of its required width (being 0.15m).
4. A minimum southerly side yard width of 0.5m shall be provided instead of the minimum required side yard width of 0.9m.
5. An existing uncovered rear porch (existing rear deck) at the floor level of the first storey shall be distant at least 0.1m from the southerly side lot line and shall be distant at least 0.2m from the northerly side lot line instead of the requirement that an uncovered porch which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard, if distant at least 0.5m from the nearest side lot line.
6. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

NOTE:

- i) The room labelled "front porch" is actually considered part of the principal dwelling as

HM/A-21: 33
Page 2

it is fully enclosed. Further, the 0.6m front yard setback is taken to the existing stairs as they are considered part of the principal portion of the dwelling as there are no yard encroachment regulations for an open stairway into a front yard.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:50 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

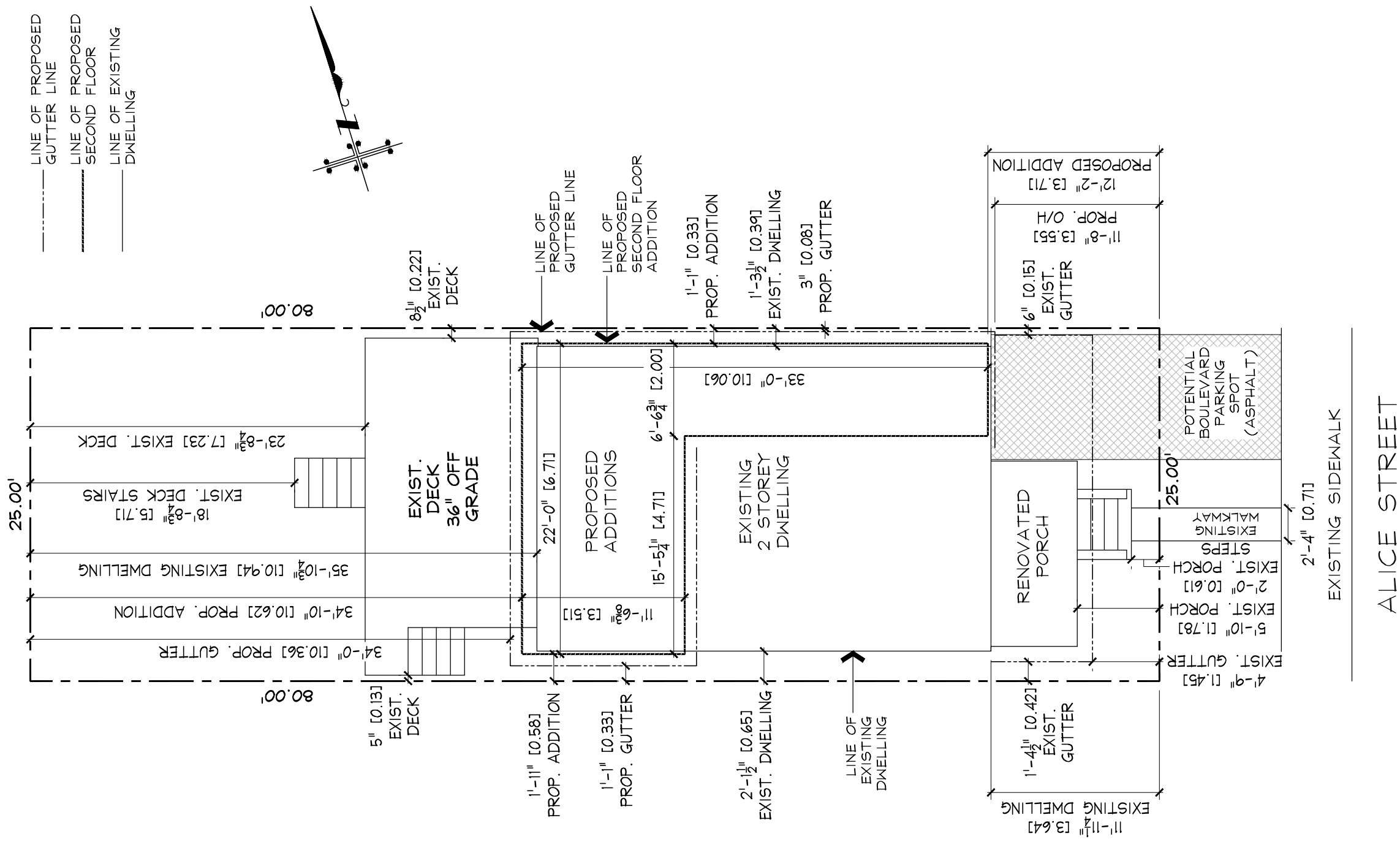
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2

drafting + design
 ■ 193 East 43rd Street ■
 ■ Hamilton, ON ■ L8T 3C3 ■
 ■ jbdraftinganddesign@live.ca ■
 ■ 905.517.6027 ■

01.08.21 *Jug Bogar* signature required
 Jennifer Bognar reviews and takes responsibility for the design work described in this document
 firm bcin 103416 ■ individual bcin 33001

| DATE | ISSUE DESCRIPTION |
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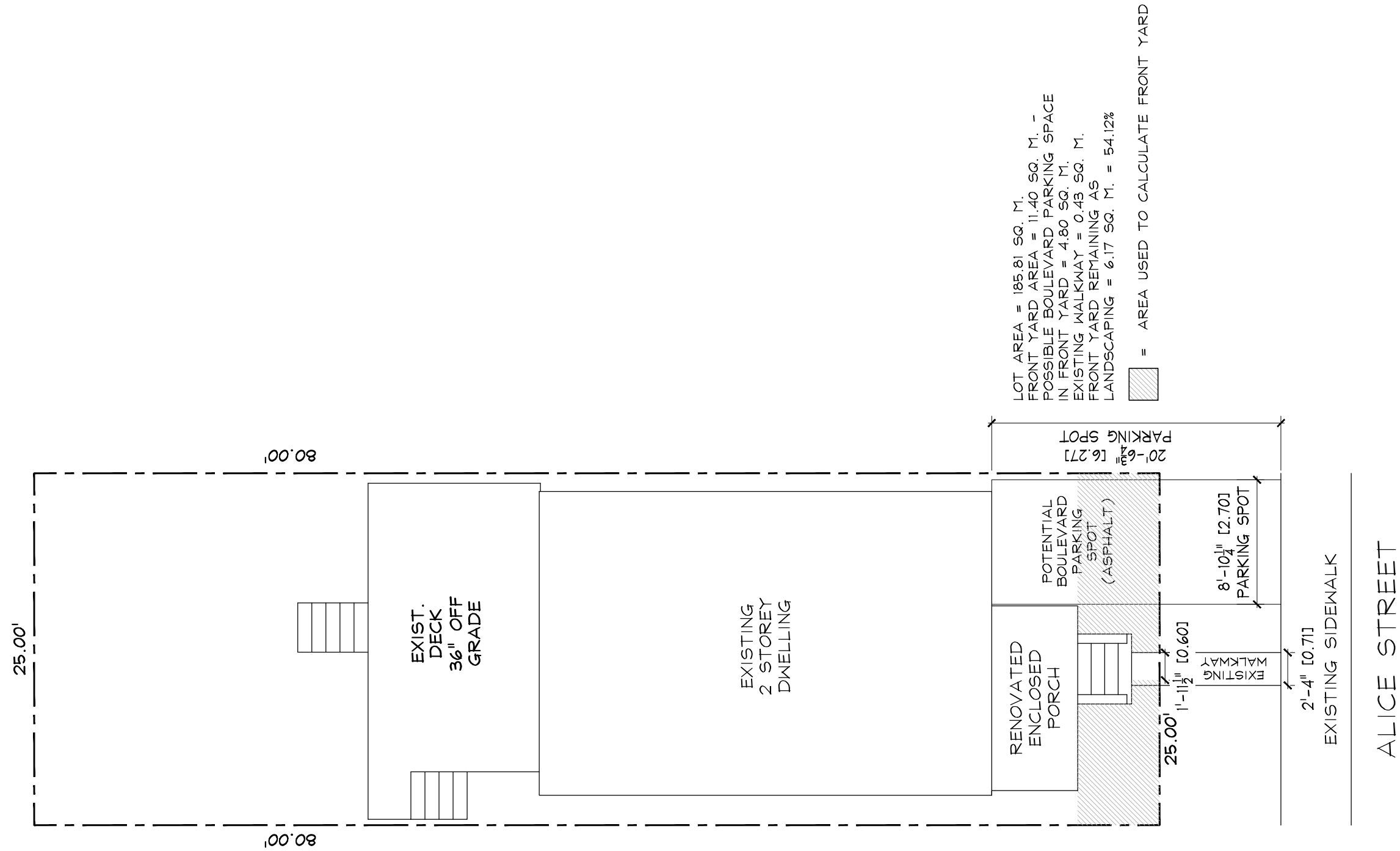
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SITE PLAN SETBACKS
 1:100

SHEET **A1** OF 11



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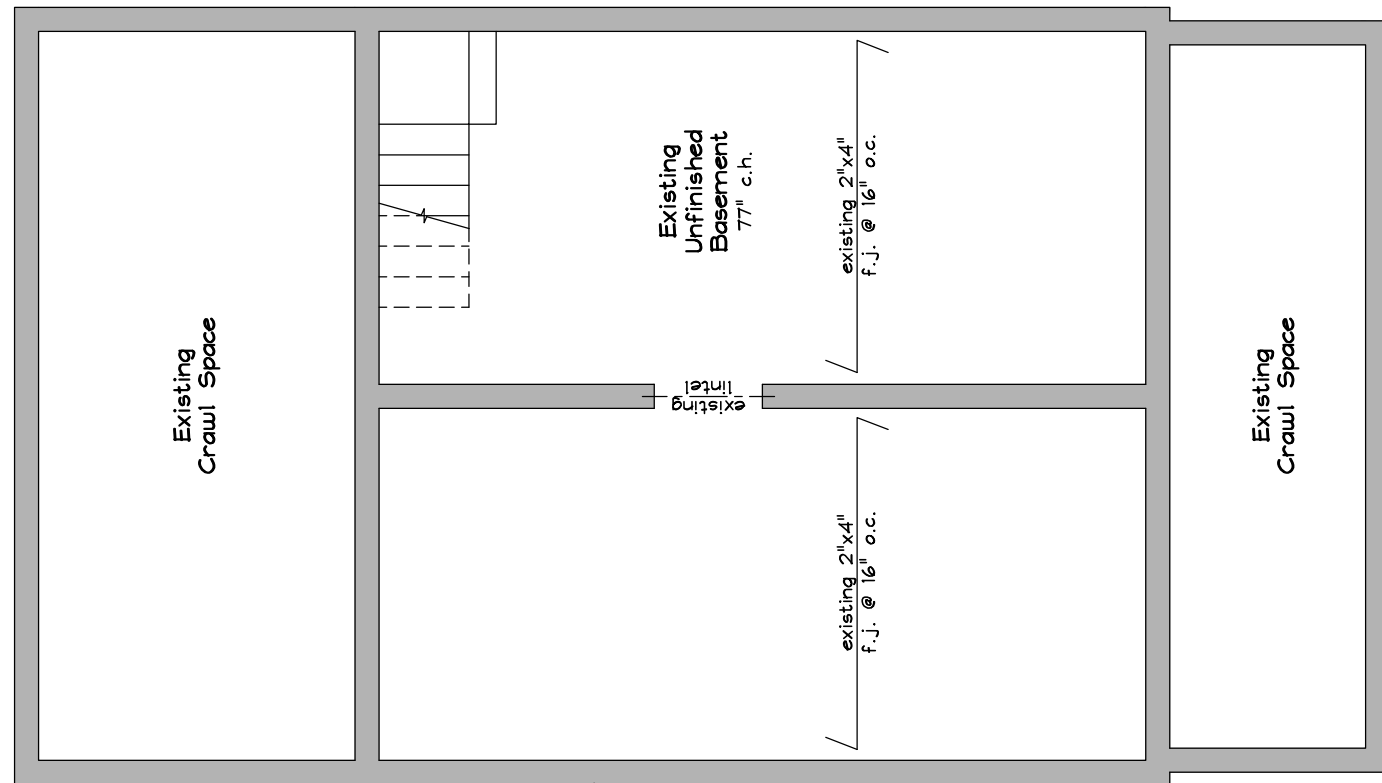
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SITE PLAN
 LANDSCAPING PLAN
 1:100

SHEET
A2
 OF 11

DRAWING LEGEND:

-  = EXISTING
-  = EXISTING TO BE REMOVED
-  = NEW STUD WALLS




THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2



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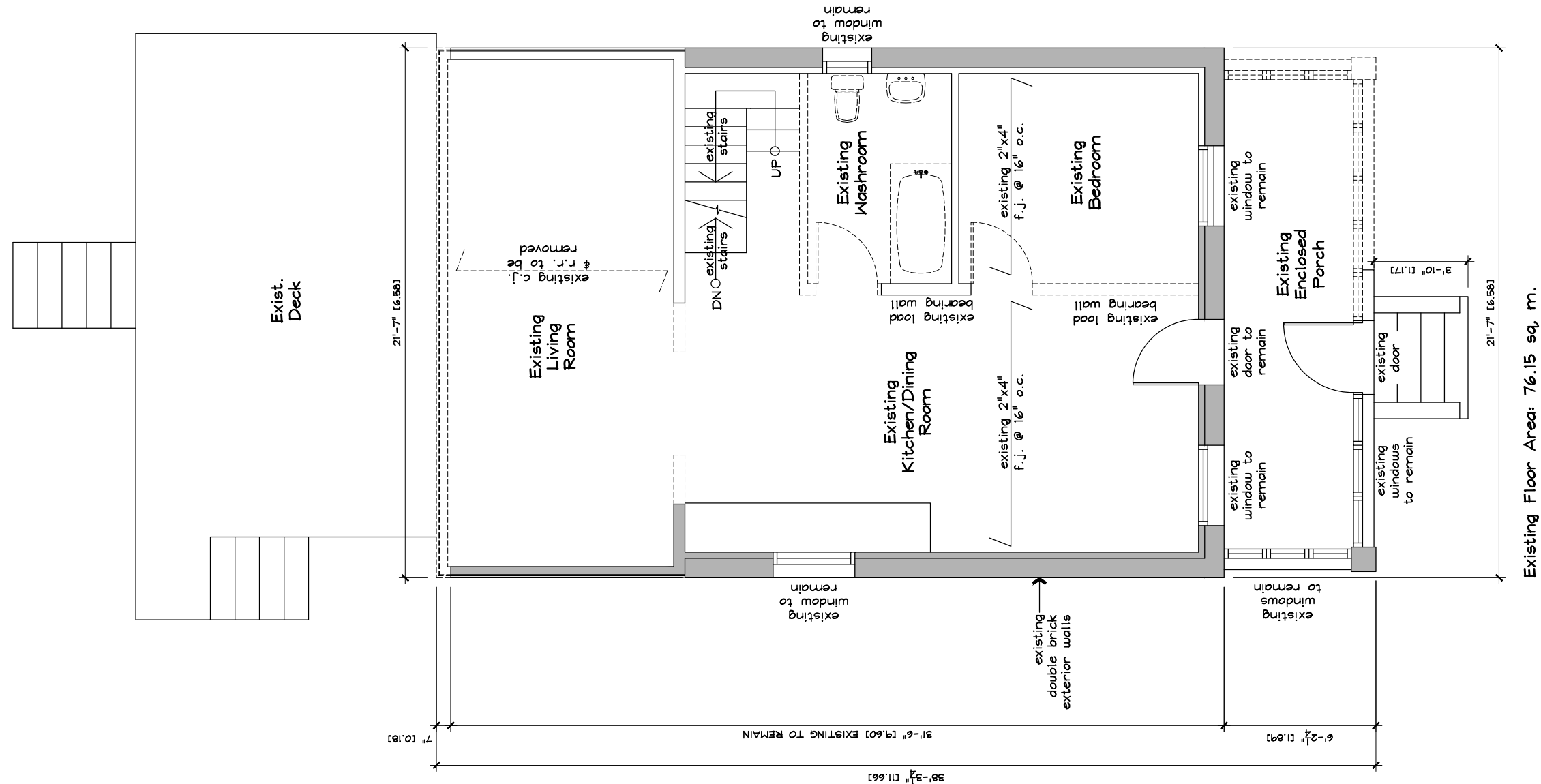
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EXISTING
 BASEMENT PLAN
 3/16" = 1'-0"

SHEET
A3
 OF 11

DRAWING LEGEND:

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-  = EXISTING TO BE REMOVED
-  = NEW STUD WALLS



Existing Floor Area: 76.15 sq. m.

THE PLANT RESIDENCE
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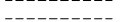

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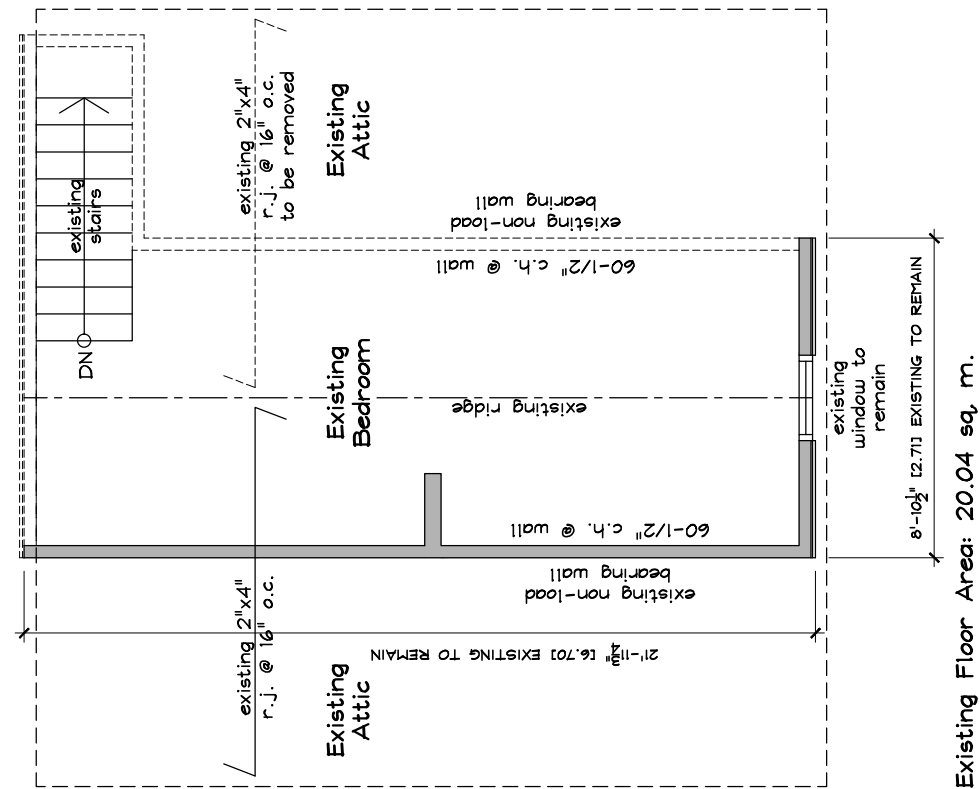
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EXISTING FIRST FLOOR PLAN
 3/16" = 1'-0"

SHEET **A4** OF 11

DRAWING LEGEND:

-  = EXISTING
-  = EXISTING TO BE REMOVED
-  = NEW STUD WALLS



THE PLANT RESIDENCE
 11 ALICE STREET
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 L8H 4R2

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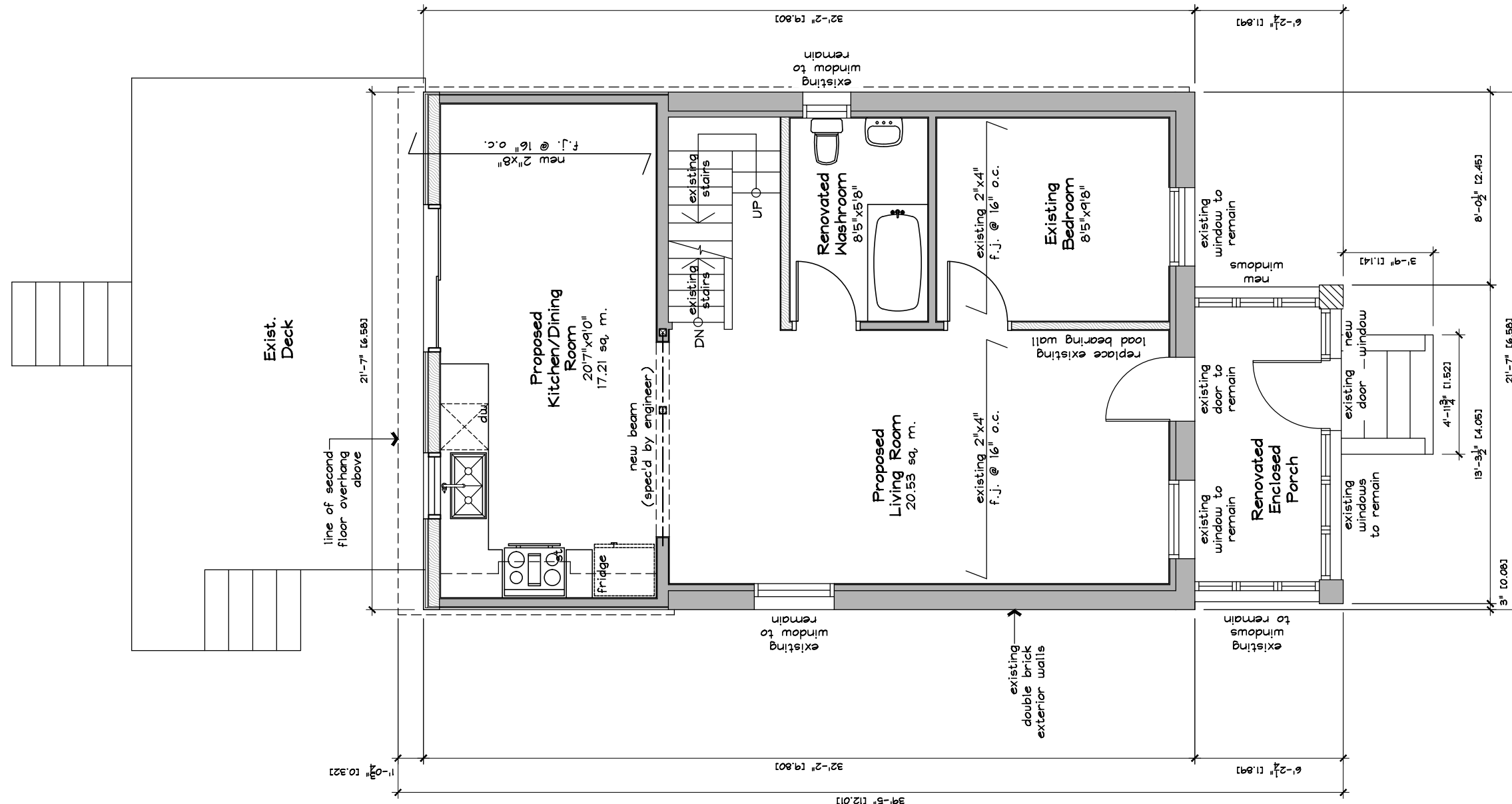
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EXISTING SECOND FLOOR PLAN
 3/16" = 1'-0"

SHEET **A5** OF 11

DRAWING LEGEND:

-  = EXISTING
-  = EXISTING TO BE REMOVED
-  = NEW STUD WALLS



Proposed Floor Area (including enclosed porch): 71.97 sq. m.

THE PLANT RESIDENCE
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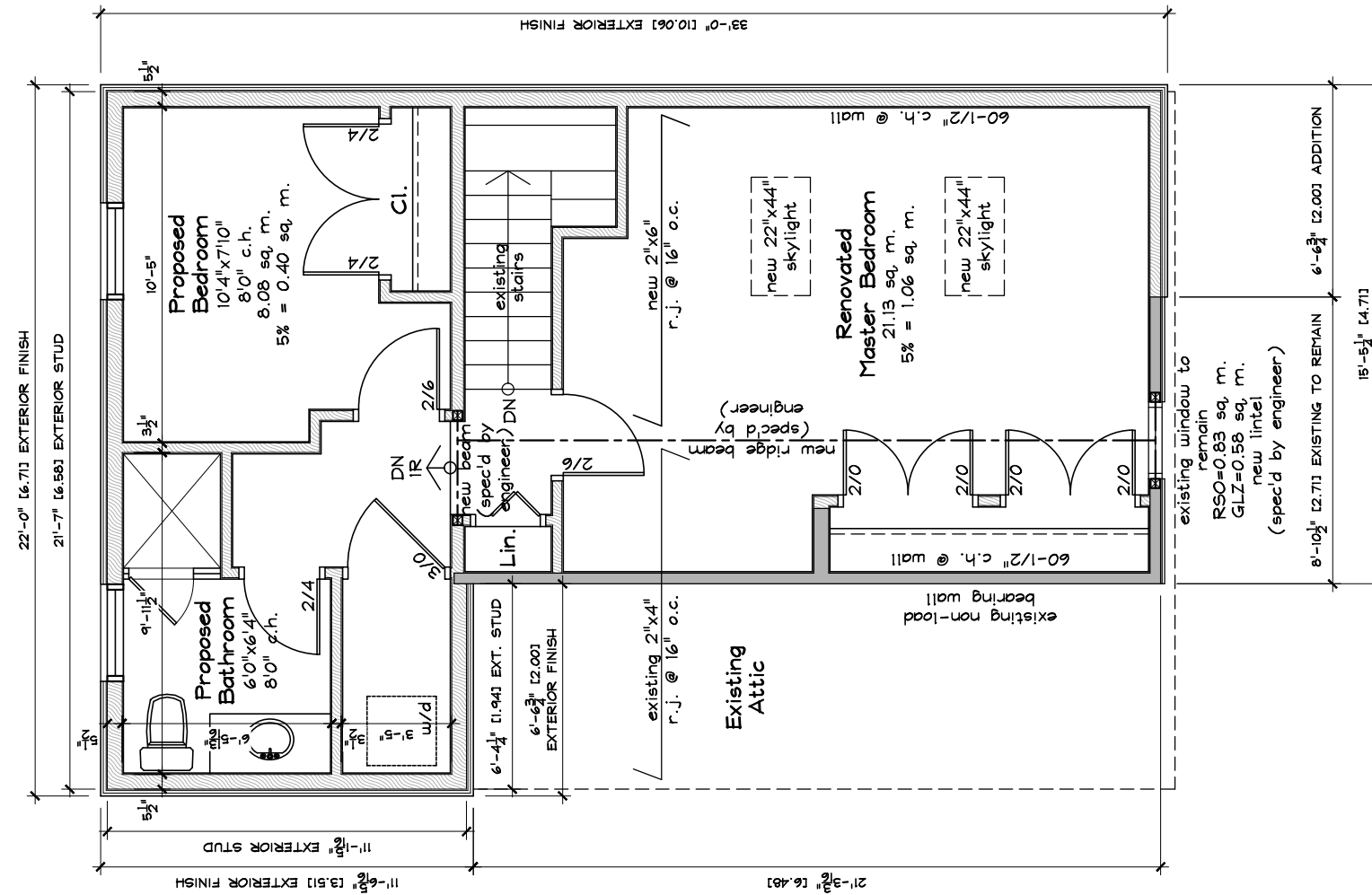
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PROPOSED FIRST FLOOR PLAN
 3/16" = 1'-0"

SHEET **A6** OF 11

DRAWING LEGEND:

- = EXISTING
- = EXISTING TO BE REMOVED
- = NEW STUD WALLS



Proposed Floor Area: 54.29 sq. m.

THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2

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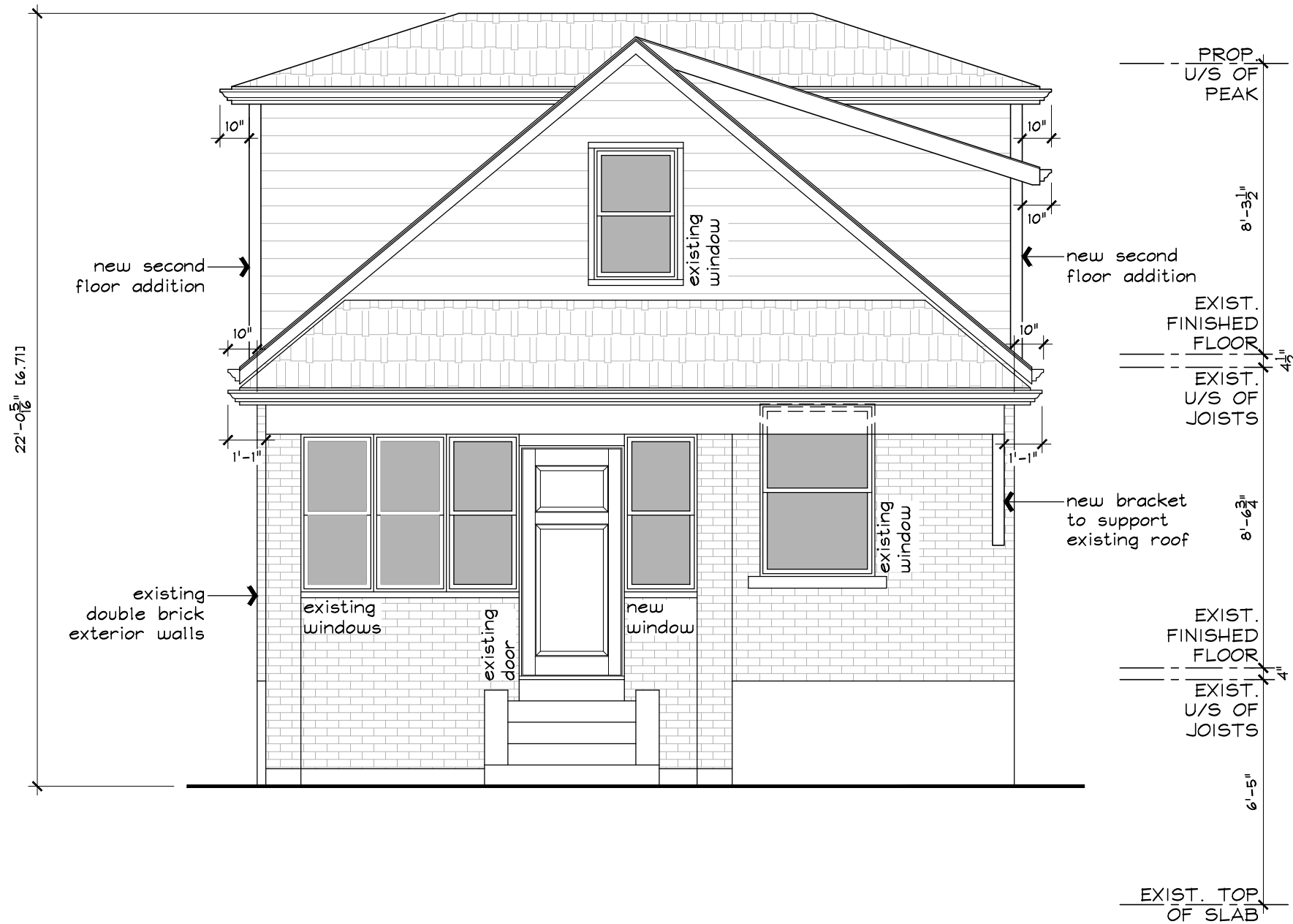
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PROPOSED SECOND FLOOR PLAN
 3/16" = 1'-0"

SHEET **A7** OF 11



THE PLANT RESIDENCE
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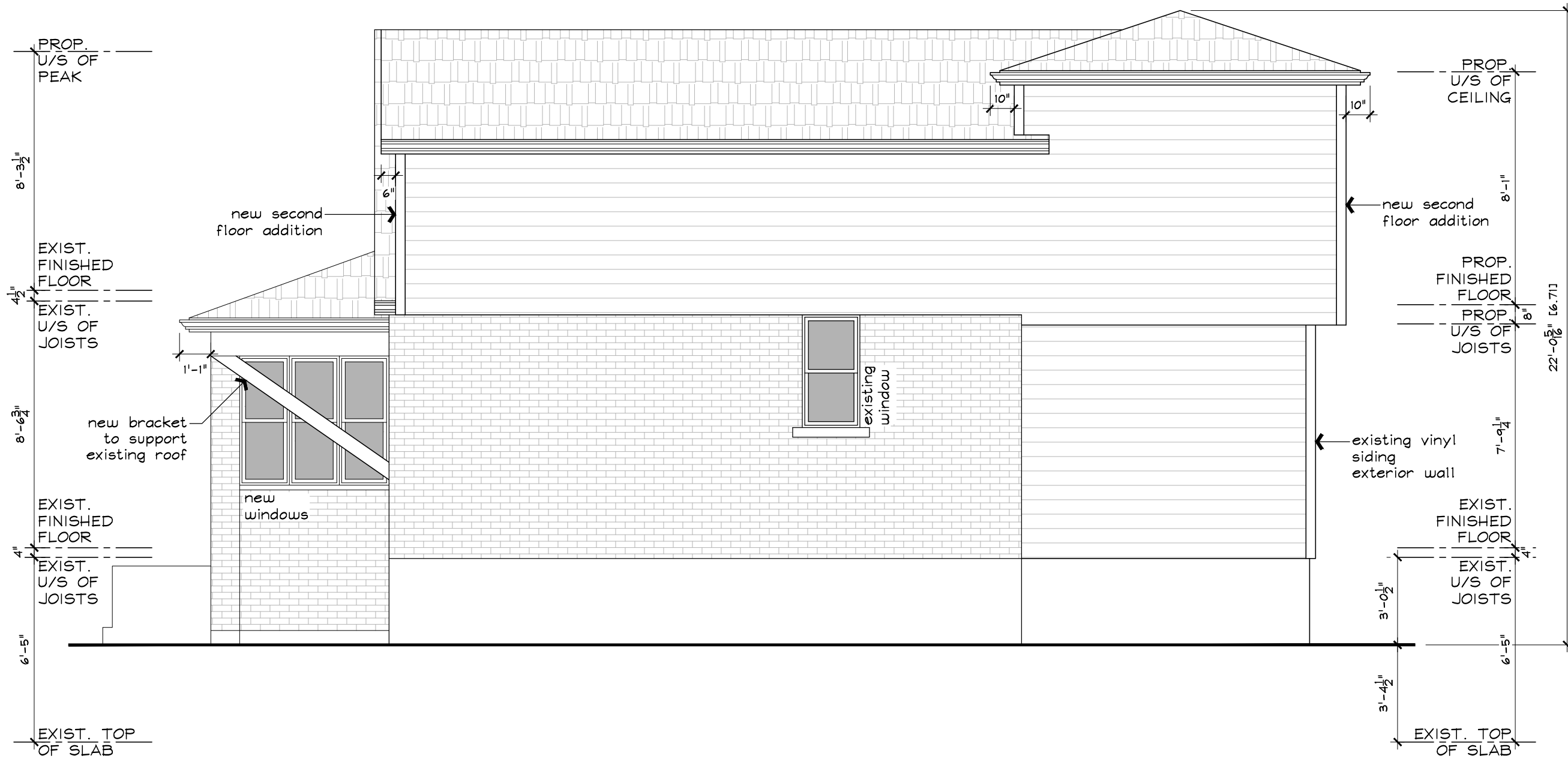
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PROPOSED FRONT ELEVATION
 1/4" = 1'-0"

SHEET **A8** OF 11



THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2

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 ■ Hamilton, ON ■ L8T 3C3 ■
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Jennifer Bogner
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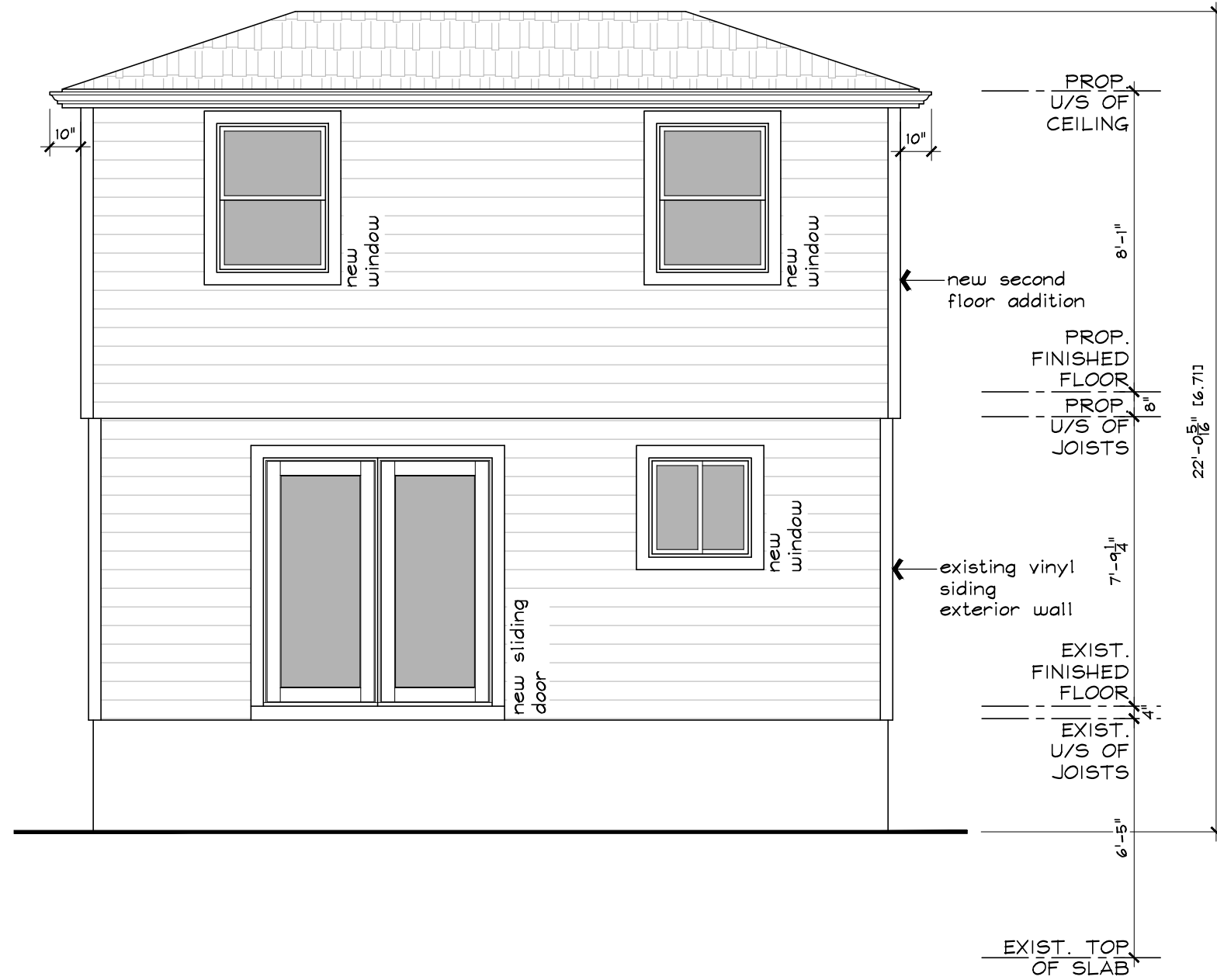
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PROPOSED RIGHT SIDE ELEVATION
 1/4" = 1'-0"

SHEET **A9** OF 11



THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2

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| DATE | ISSUE DESCRIPTION |
|----------|------------------------|
| 01-24-21 | ISSUED FOR REVIEW |
| 01-25-21 | ISSUED FOR C. OF A. |
| 02-08-21 | RE-ISSUED FOR C. OF A. |
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ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

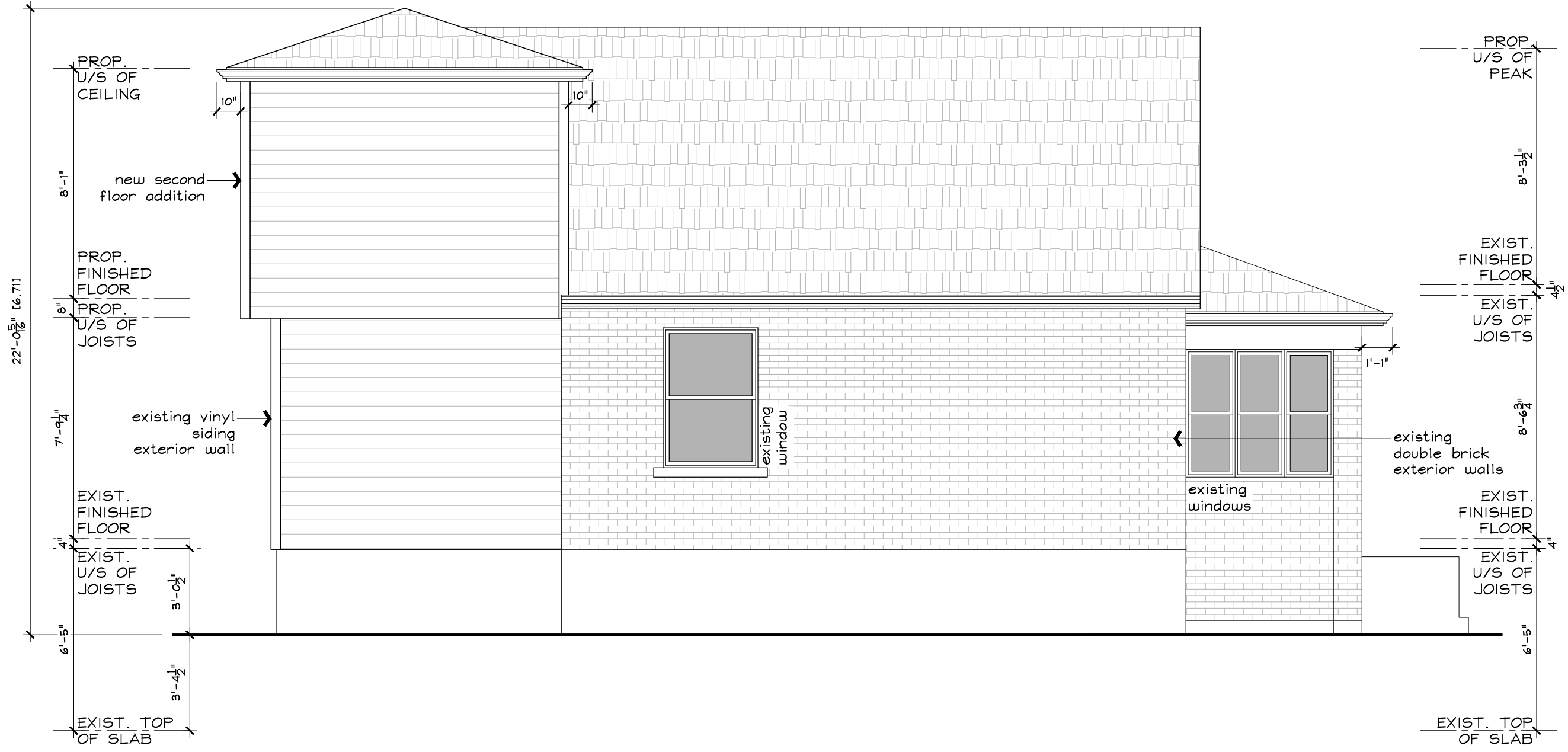
FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.

UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORING, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.

ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JB DRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

PROPOSED REAR ELEVATION
 1/4" = 1'-0"

SHEET **A10** OF 11



THE PLANT RESIDENCE
 11 ALICE STREET
 HAMILTON, ON
 L8H 4R2

drafting + design
 ■ 193 East 43rd Street ■
 ■ Hamilton, ON ■ L8T 3C3 ■
 ■ jbdraftinganddesign@live.ca ■
 ■ 905.517.6027 ■

Jenny Bogar
 01.08.21 signature required
 Jennifer Bogar reviews and takes responsibility for the design work described in this document
 firm bcin 103416 ■ individual bcin 33001

| DATE | ISSUE DESCRIPTION |
|----------|------------------------|
| 01-24-21 | ISSUED FOR REVIEW |
| 01-25-21 | ISSUED FOR C. OF A. |
| 02-08-21 | RE-ISSUED FOR C. OF A. |
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ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED IMMEDIATELY. THE DESIGNER IS NOT LIABLE FOR ANY CHANGES MADE BY THE CONTRACTOR WITHOUT THE DESIGNER'S KNOWLEDGE AND PERMISSION.

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ALL DRAWINGS AND RELATED DOCUMENTS SHALL REMAIN THE PROPERTY AND COPYRIGHT OF JB DRAFTING AND DESIGN. USE LATEST REVISED DRAWINGS. DO NOT SCALE DRAWINGS.

PROPOSED LEFT SIDE ELEVATION
 1/4" = 1'-0"

SHEET
A11
 OF 11



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS |
|-----------------------------|---------------|---------|
| Registered Owners(s) | Bradley Plant | |
| Applicant(s)* | Bradley Plant | |
| Agent or Solicitor | Jenny Bognar | |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

- 1. Variance to provide zero parking spaces instead of the 2 that are required.
- 2. Variance for right side yard setback of ^{0.39m} for second floor addition instead of the required 1.2 m.
- 3. Variance for left side yard setback of ^{0.65m} for second floor addition instead of the required 1.2 m.
- 4. Variance for front yard setback of ^{3.77m} for second floor addition instead of the required 6.0 m.

5. Why it is not possible to comply with the provisions of the By-law?

See attached.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

11 Alice Street, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

History of area

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

January 24, 2021
Date


Signature Property Owner

Bradley Anthony Plant
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|---------------|
| Frontage | 7.62 m. |
| Depth | 24.384 m. |
| Area | 185.81 sq. m. |
| Width of street | 7.30 m. |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Ground Floor Area = 76.16 sq. m., Gross Floor Area = 96.20 sq. m., 1-1/2 stories, 6.58 m. wide, 11.63 m. length, 6.48 m. high

Proposed

Ground Floor Area = 71.97 sq. m., Gross Floor Area = 126.31 sq. m., 2 stories, 6.58 m. wide, 11.95 m. length, 6.48 m. high

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

1.78 m. front yard setback (enclosed porch), 0.39 m. right side yard, 10.94 m. rear yard, 0.65 m. left side yard

Proposed:

3.77m TO NEW ADDITION (FRONT), 0.39m RIGHT SIDE YARD
0.65m LEFT SIDE YARD, 10.68m TO REAR^{OF} ADDITION

13. Date of acquisition of subject lands:
Jan. 18, 2021
14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property:
 Single Family Residential
16. Existing uses of abutting properties:
 Residential
17. Length of time the existing uses of the subject property have continued:
 Always
18. Municipal services available: (check the appropriate space or spaces)
 Water x Connected x
 Sanitary Sewer x Connected x
 Storm Sewers x
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Urban Protected Residential - One And Two Family Dwellings, Etc.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 6593 Former Hamilton - Zone D
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Minor Variance Application

Project: 11 Alice Street, Hamilton

Background on Project

The current homeowner purchased this property as it stands right now and took possession on January 18th, 2021. The additions that are under construction were un-permitted and as such an Order to Comply was issued. It's at this point, the former owner put the house up for sale.

My client has purchased it and is trying to rectify the issues and ensure that all work is made legal so he can continue with the renovations.

There are a number of variances that are needed and are listed below.

Reasons for Needing Variances

Variance #1

Variance to provide zero parking spaces instead of the 2 that are required.

The placement of the existing house makes it impossible to provide a legal parking spot on this property. The hope is to reduce the size of the existing front porch and provide a boulevard parking spot, if allowed by the Parking and Forestry departments.

The proposed use of the dwelling will remain as habitation for one family and the proposed addition will not increase the need for more parking.

We feel this request is minor in nature as we are not making the existing situation worse and feel that is in keeping with majority of the dwellings in this area.

Variance #2

Variance for a right yard setback of 0.39 m. to the addition instead of the required 1.2 m.

We are requesting to match the existing right yard setback of 0.39 m., and it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this is minor in nature as we are not decreasing the existing side yard setback nor imposing any privacy concerns on the neighbors as no windows will be allowed on this side wall.

Variance #3

Variance for a left yard setback of 0.65 m. to the addition instead of the required 1.2 m.

We are requesting to match the existing right yard setback of 0.65 m., and it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this is minor in nature as we are not decreasing the side yard setback and the rear yard is still accessible with this width.

Variance #4

Variance for a front yard setback of 3.77 m. to the addition instead of the required 6.0 m.

We are requesting to match the existing front yard setback of 3.77 m. to the front wall of the existing second floor.

it is desired to build on the existing walls below to ensure there is enough useable area on the second floor and to keep construction costs down.

We feel this request is minor in nature as we are not making the existing situation worse and this setback is in keeping with the majority of the dwellings in this area.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

| | |
|--------------------------|---|
| APPLICATION NO.: | HM/A-21:51 |
| APPLICANTS: | GSP Group c/o B. Khes on behalf of the owners B. Fleming & A. McAllister |
| SUBJECT PROPERTY: | Municipal address 137 Peter St., City of Hamilton |
| ZONING BY-LAW: | Zoning By-law 6593, as Amended by By-law 19-307 |
| ZONING: | "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district |
| PROPOSAL: | To permit the construction of a new three storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that; <ol style="list-style-type: none"> 1. A minimum front yard depth of 1.0m shall be permitted instead of the minimum 6.0m front yard depth required. 2. A minimum side yard width of 1.2m shall be permitted instead of the minimum 2.7m side yard width required. 3. A minimum rear yard depth of 5.5m shall be permitted instead of the minimum 7.5m rear yard depth required. 4. A minimum manoeuvring aisle width of 2.7m shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required. 5. The front yard landscaped area shall be a minimum of 26.0% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area. 6. A minimum lot area of 272.0m² shall be permitted instead of the minimum 540.0m² lot area required for a two-family dwelling. 7. A minimum lot width of 17.4m shall be permitted instead of the minimum 18.0m lot width required for a two-family dwelling. 8. A roofed-over unenclosed porch may be permitted to be located as close as 0.15m from the front lot line instead of the minimum 1.5m setback required. |

Notes: The zoning By-law permits a maximum building height of 14.0m/3 storeys; however, the elevation plans provided do not show the height dimension from grade to the uppermost point of the building; therefore, compliance could not be determined and further variances may be required.

HM/A-21:51
Page 2

The finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.

Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

The elevation plans versus the floor plans and site plan submitted do not match in relation to the rear balcony/deck shown.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 1:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

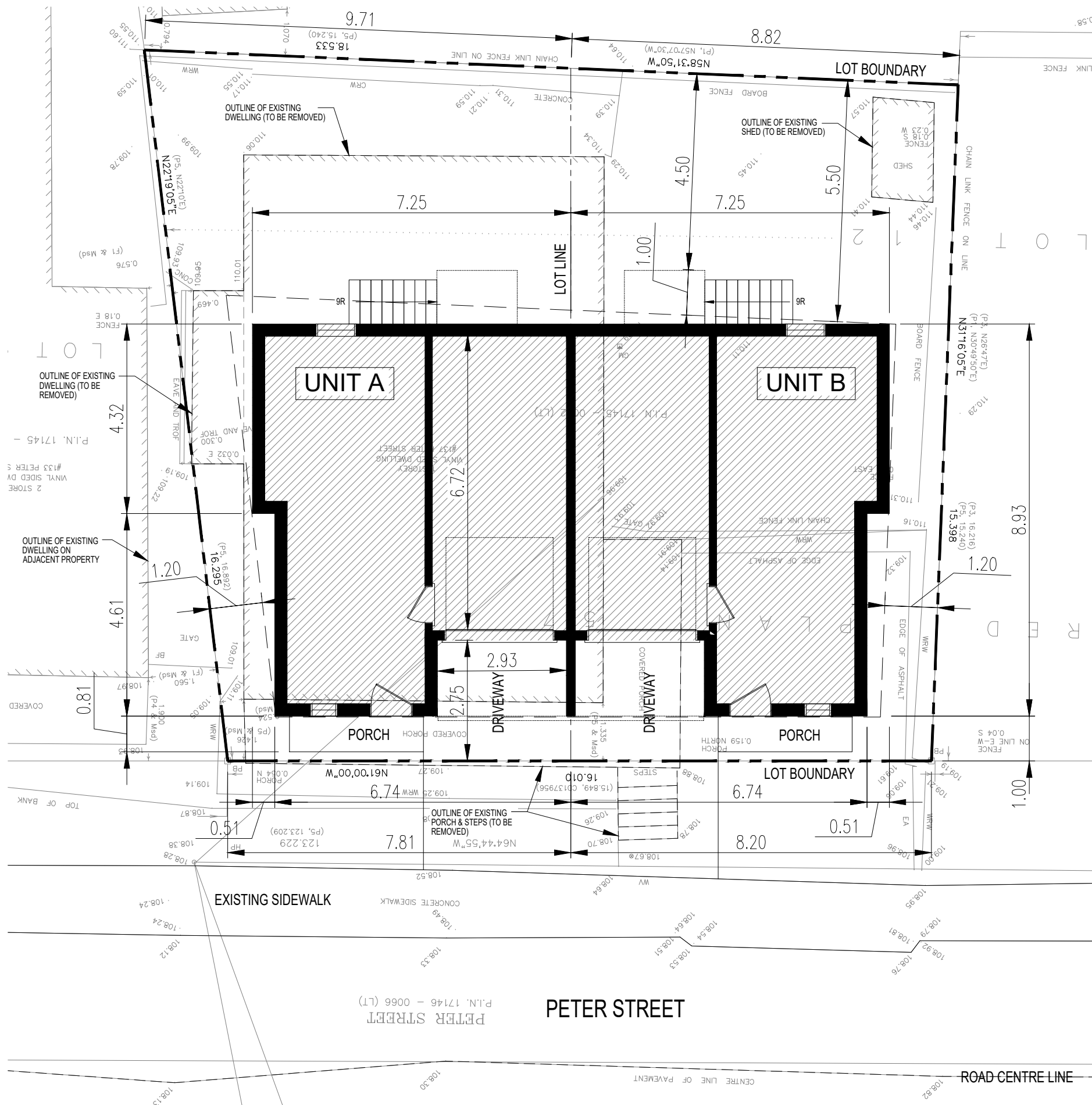
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

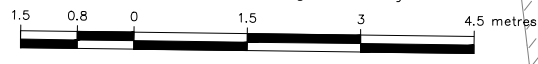
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



TOPOGRAPHIC SURVEY
 OF PART OF
 LOT 12
 REGISTERED PLAN 57
 IN THE
 CITY OF HAMILTON

Prepared by:
 A.T. McLaren Limited
 Legal and Engineering Surveys



| ZONE 'D' (URBAN PROTECTED RESIDENTIAL) | | | |
|--|--------------|--------------|--------------------------------------|
| | REQUIRED | PROPOSED | |
| LOT AREA | 540.00 SQ.M. | 272.24 SQ.M. | |
| LOT AREA (UNIT 'A') | | 139.66 SQ.M. | |
| LOT AREA (UNIT 'B') | | 132.58 SQ.M. | |
| BUILDING FOOTPRINT | | 64.81 SQ.M. | INCLUDING PORCH PER UNIT |
| LOT COVERAGE | | | |
| LOT COVERAGE (UNIT 'A') | | 46.40 % | |
| LOT COVERAGE (UNIT 'B') | | 48.88 % | |
| LOT FRONTAGE | 18.00 M. | 16.01 M. | REQUIRED FOR TWO FAMILY DWELLING |
| LOT FRONTAGE (UNIT 'A') | | 7.81 M. | |
| LOT FRONTAGE (UNIT 'B') | | 8.20 M. | |
| FRONT YARD SETBACK | 0.50 M. | 1.00 M. | PORCH ENCRANCHING TO FRONT YARD |
| REAR YARD SETBACK | 6.00 M. | 5.50 M. | DECK ENCRANCHING 1.0 M. TO REAR YARD |
| SIDE YARD SETBACK | 1.20 M. | 1.20 M. | |

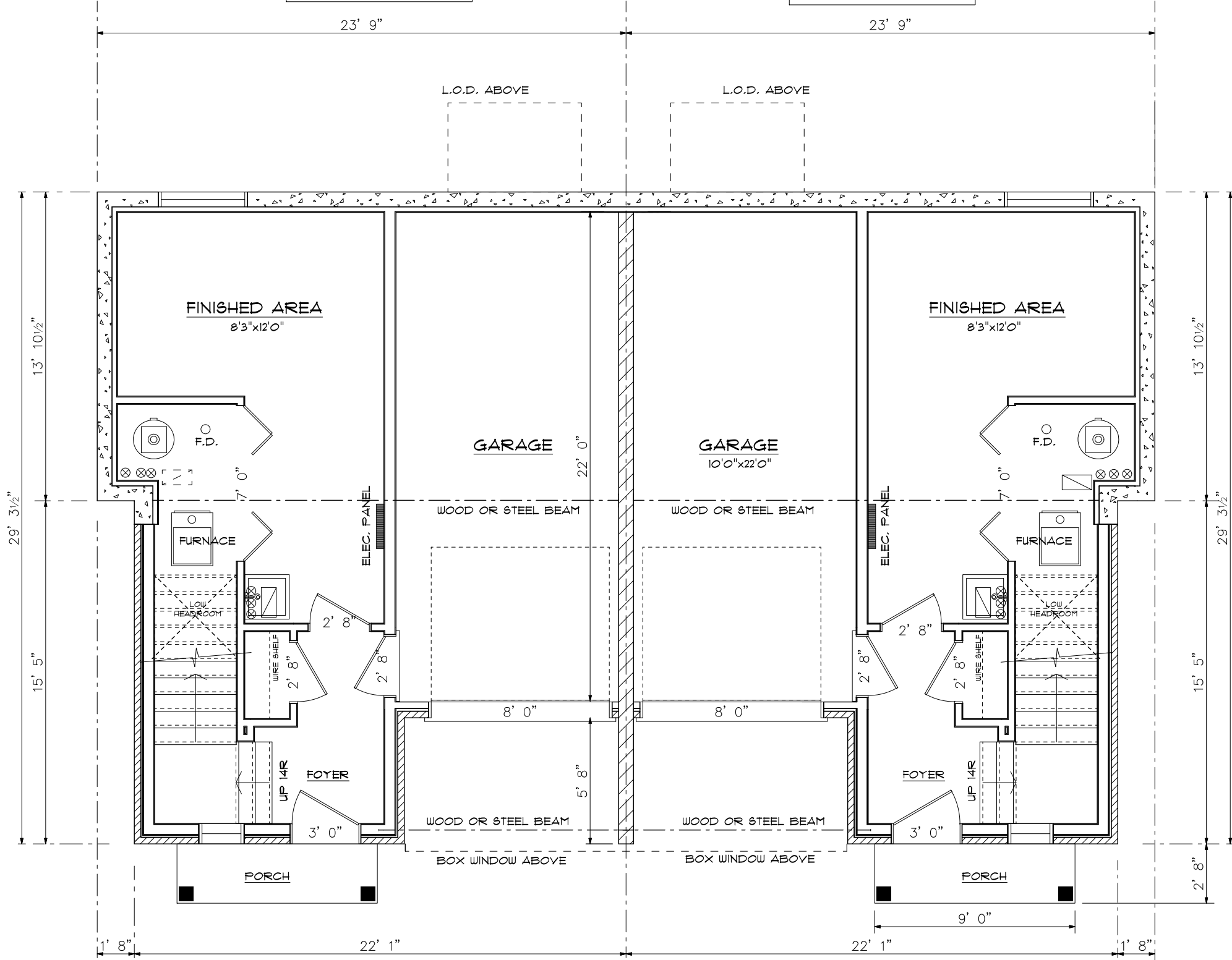
PRELIMINARY SITE PLAN
 QUALITY HOMES
 137 PETER STREET, HAMILTON
 W-2157 (January 29, 2021)



40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com

UNIT A
GF = 370 sq.ft.

UNIT B
GF = 370 sq.ft.



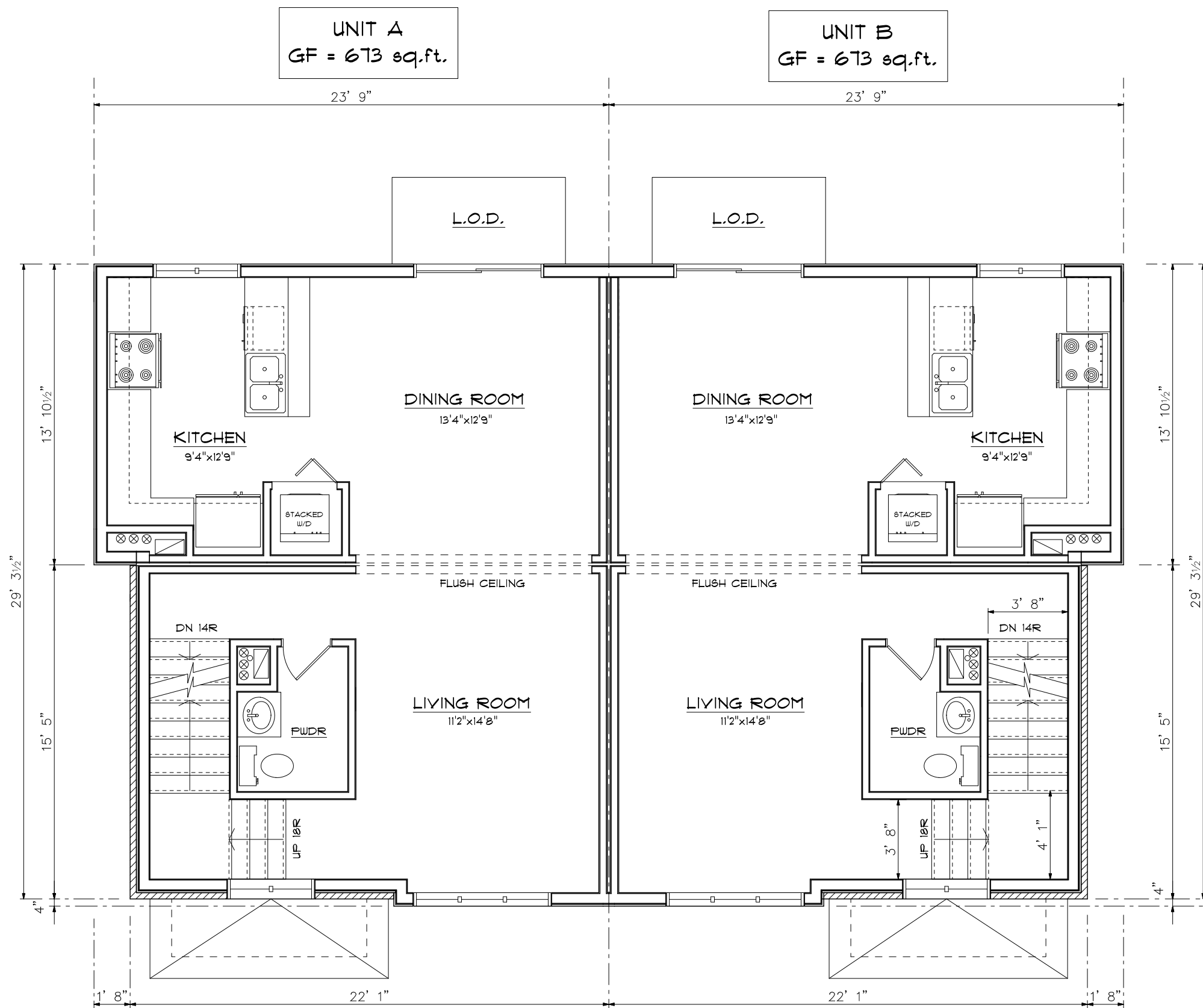
GROUND FLOOR PLAN

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



UNIT A
GF = 673 sq.ft.

UNIT B
GF = 673 sq.ft.

L.O.D.

L.O.D.

DINING ROOM

DINING ROOM

KITCHEN

KITCHEN

STACKED W/D

STACKED W/D

FLUSH CEILING

FLUSH CEILING

DN 14R

DN 14R

PWDR

PWDR

UP 10R

UP 10R

LIVING ROOM

LIVING ROOM

MAIN FLOOR PLAN

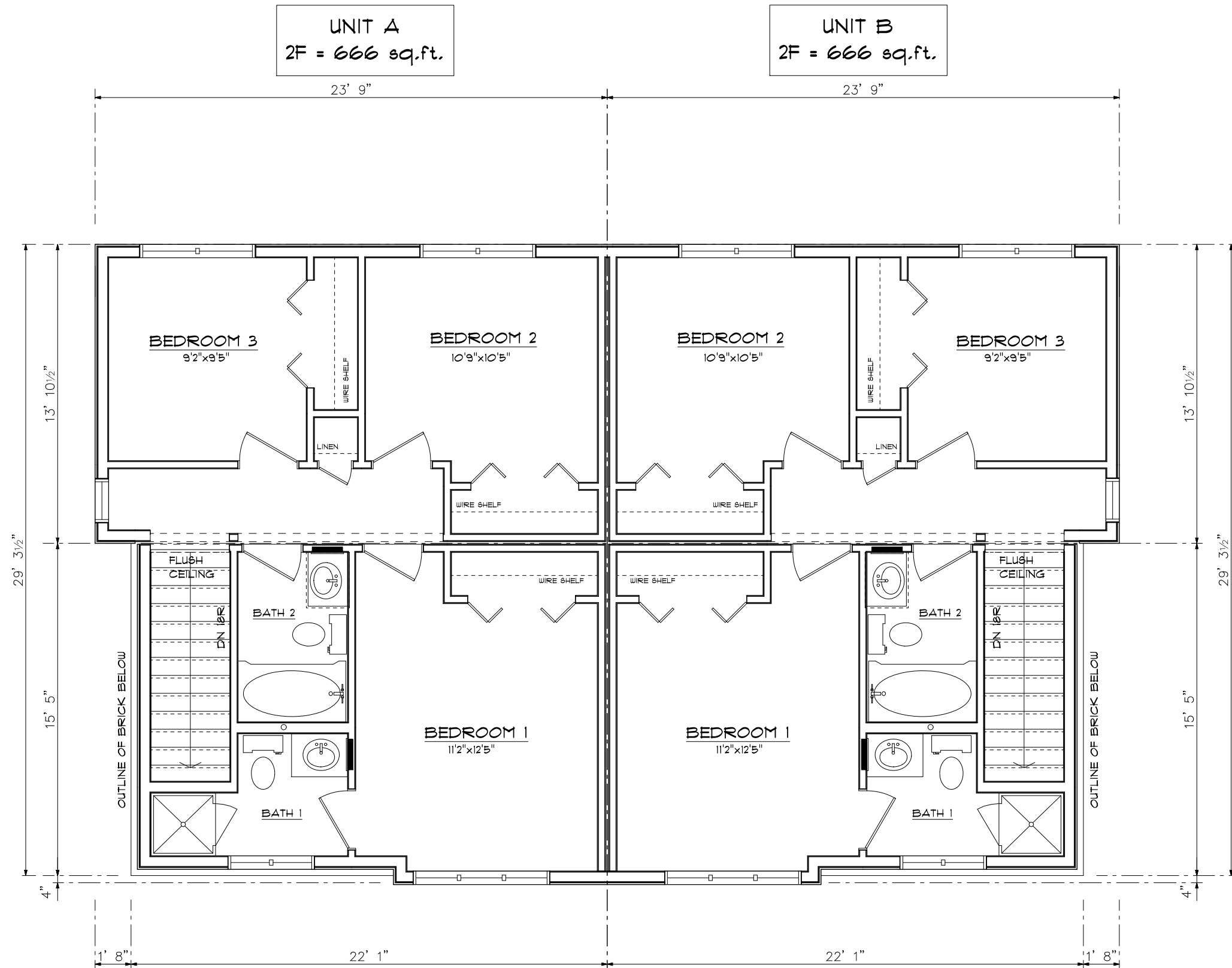
GROSS FLOOR AREA
PER UNIT = 1,709 sq.ft.

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



UNIT A
2F = 666 sq.ft.

UNIT B
2F = 666 sq.ft.

SECOND FLOOR PLAN

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



FRONT ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



REAR ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



SIDE ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|-----------------------------------|---------|---------------|
| Registered Owners(s) | Blair Fleming & Andrew McAllister | | Phone: _____ |
| | | | E-mail: _____ |
| Applicant(s)* | GSP Group Inc. c/o Brenda Khes | | Phone: _____ |
| | | | E-mail: _____ |
| Agent or Solicitor | | | Phone: _____ |
| | | | E-mail: _____ |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

TD Canada Trust
 South Milton, 1040 Kennedy Circle, Milton, ON L9T 0J9

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

1. 5m reduction in the required minimum front yard setback from 6.0m to 1.00m;
2. 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;
3. 2m reduction in the required minimum rear yard setback from 7.5m to 5.50m;
4. 0.6m reduction in the required minimum lot width from 18.0m to 17.40m; and,
5. 268m² reduction in the required minimum lot area from 540m² to 272.00m².
6. 1.35m reduction in the required minimum front yard setback of a covered porch from the front lot line from 1.5m to 0.15m; and,
7. 24% reduction in the required minimum front yard landscaped area from 50% to 26%.

5. Why it is not possible to comply with the provisions of the By-law?

Please refer to Planning Justification Brief.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of Lot 12, Plan 57

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's knowledge of property from sale.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

December 23, 2020

Date



Signature Property Owner

Blair Fleming & Andrew McAllister

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|----------------------------|
| Frontage | <u>±16m</u> |
| Depth | <u>±16.11m (irregular)</u> |
| Area | <u>±274m²</u> |
| Width of street | <u>15m ROW</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

1-storey single detached dwelling, ±130 square metre ground floor area, ±7.9m by ±15m

Proposed

3-Storey semi detached dwelling, ±130 square metre ground floor area, width of 7.25 metres per unit and a height of 12 metres from grade to peak of roof

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front Yard Setback: 1.34 metres (Covered Porch encroaches 0.16m into ROW) Side Yard Setback (West): 7.3 metres
Side Yard Setback (East): 0 metres
Rear Yard Setback: 2.3 metres

Proposed:

Front Yard Setback: 1 metre
Side Yard Setback (West): 1.2 metres
Side Yard Setback (East): 1.2 metres
Rear Yard Setback: 5.5 metres

13. Date of acquisition of subject lands:
October 2015
-
14. Date of construction of all buildings and structures on subject lands:
Late 1800s
-
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
±100 years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods (UHOP), Low Density Residential 3 (Strathcona Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law 6593 - "D" District - Urban Protected Residential - One and Two Family Dwellings
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



SHAPING GREAT COMMUNITIES

January 29, 2021

File No. 20313

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

Dear Ms. Sheffield:

**RE: 137 PETER STREET
 MINOR VARIANCE APPLICATION**

GSP Group is pleased to submit on behalf of the owner, Blair Fleming and Andrew McAllister, an application for minor variance to permit a new semi-detached dwelling on the property. The intent is to apply for consent to sever once the semi-detached dwelling has been constructed. Therefore, Minor Variances have been requested with two future lots in mind. The existing building on the Site will be demolished.

In support of the minor variance applications, the following information is provided:

1. A cheque in the amount of \$3,320.00 representing the City's 2021 application fee for Minor Variance;
2. Two (2) copies of the Minor Variance application form;
3. Two (2) copies of the site plan, floor plans and elevations; and
4. Two (2) copies of a Planning Information Brief in support of the Minor Variance application.

Should you have any question, or require any additional information, please contact me by phone at 905-572-7477x1 or by email at bkhes@gspgroup.ca.

Yours truly,
GSP Group Inc.

A handwritten signature in black ink, appearing to read 'BKhes', is written over a faint, larger version of the signature.

Brenda Khes, MCIP, RPP
 Associate – Senior Planner

cc: Mr. Blair Fleming
 Mr. Andrew McMillan

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

Planning Justification Brief

137 PETER STREET

Application for Minor Variance
City of Hamilton

January 2021

Prepared for:

Blair Fleming & Andrew McAllister
871 Maxted Crescent
Milton ON L9T 4E2

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



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1. Background

1.1 Purpose of Application

This Planning Information Brief has been prepared in support of an application for Minor Variance related to 137 Peter Street (the “Site”) illustrated in **Figure 1**. The owner proposes to construct a semi-detached dwelling on the lot. Due to the lot configuration and the neighbourhood context, variances are required to permit the proposed semi-detached dwelling. The attached Minor Variance Analysis (**Appendix A**) illustrates the configuration of the proposed dwellings in conjunction with the existing and proposed zoning standards discussed in this Brief. An application for severance will follow in the future once the foundations have been poured, and therefore the variances are based on these requirements.

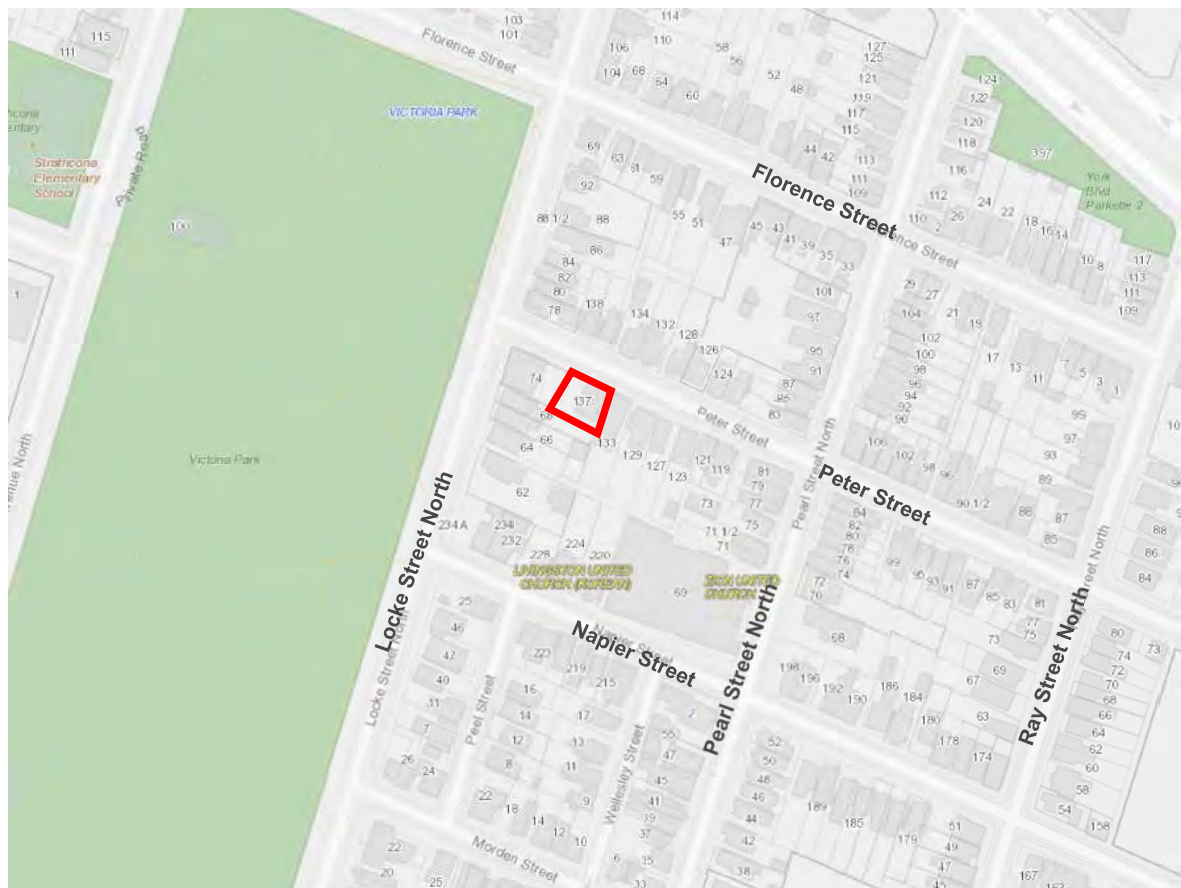


Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

1.2 Site Overview

137 Peter Street is a $\pm 274\text{m}^2$ lot with a frontage of $\pm 16\text{m}$ along Peter Street. The Site is designated 'Neighbourhoods' within the Urban Hamilton Official Plan, and further designated as 'Low Density Residential 3' within the Strathcona Secondary Plan. The property currently contains a one storey single detached dwelling without garage. The survey in **Figure 2** indicated the existing porch and stairs encroaches over the front lot line. The dwelling will be demolished to facilitate the construction of the semi-detached dwelling. Parking is currently provided along the west side of the building in a paved driveway.

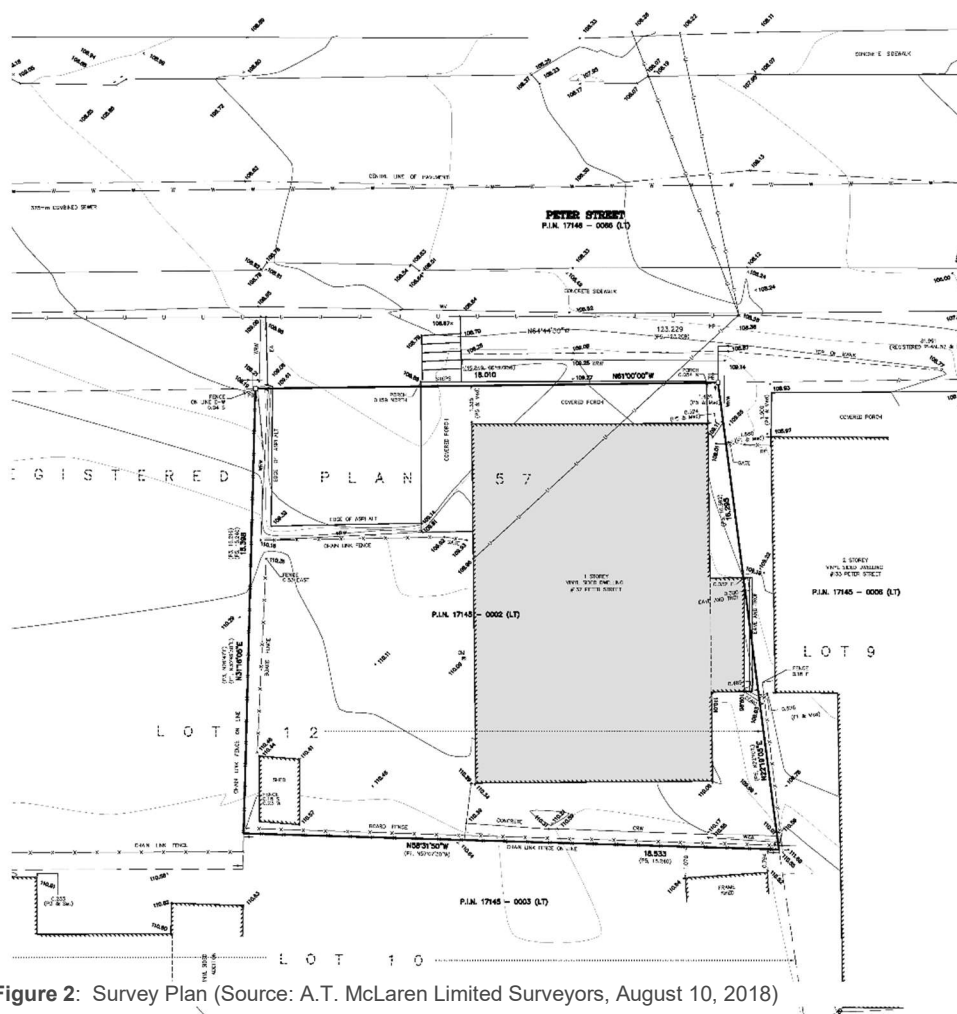


Figure 2: Survey Plan (Source: A.T. McLaren Limited Surveyors, August 10, 2018)

Lands adjacent to the Site include:

- North: Peter Street, Multiple Dwelling, Semi-Detached and Single Detached Dwelling Residential Uses (**Figure 3 – Images 1 & 3**)
- East: Single Detached Dwelling Residential Uses (**Figure 3 – Image 6**)
- South: Single Detached Dwelling Residential Uses (**Figure 3 – Image 4**); and
- West: Multiple Dwelling Residential Uses and Locke Street North (**Figure 3 – Images 2 & 4**).

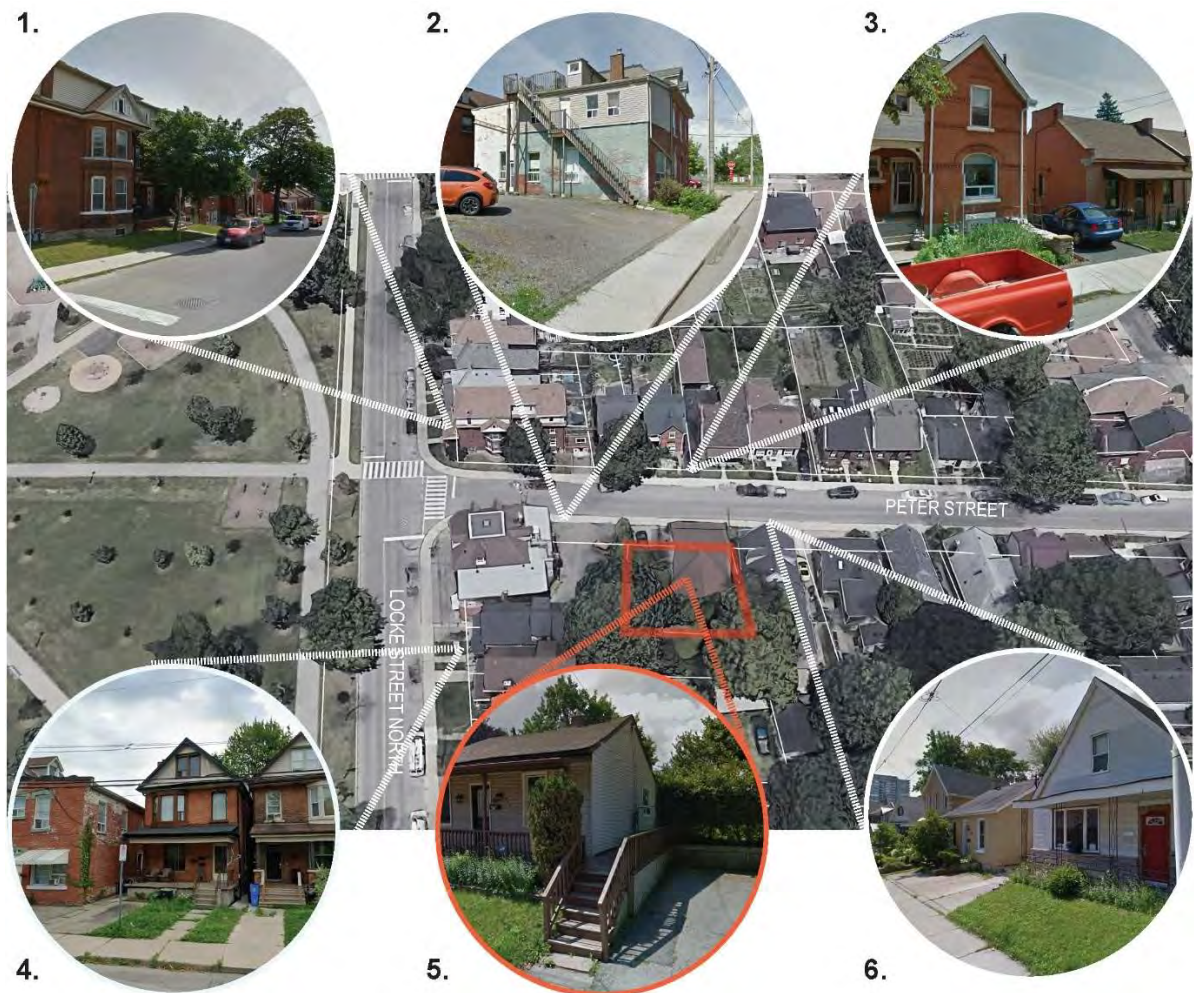


Figure 3: Site Context Map (Source: Google Earth Imagery, 2019 & 2020)

1. View northeast toward existing Multiple Dwelling and Single Detached Dwelling Uses located at 78 Locke Street North and 138 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
2. View southwest toward existing Multiple Dwelling and Accessory Parking Uses located at 74 Locke Street, immediately west of the Site.
3. View north toward existing Single Detached Dwelling and Semi-Detached Dwelling Residential Uses located at 136 and 134 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
4. View east toward existing Single Detached Dwelling and Multiple Dwelling Uses located at 68 and 74 Locke Street North, immediately south and west of the Site.
5. View south toward the existing Single Detached Dwelling on the Site, proposed to be demolished as part of the proposed development to be facilitated through the approval of the herein requested Minor Variances.
6. View south east toward existing Single Detached Dwelling Uses located at 133 and 129 Peter Street, immediately east of the Site.

2. Proposed Development

The Owner proposes to comprehensively redevelop the Site with moderate residential infill for a 3 storey semi-detached dwelling, as illustrated on the attached Site Plan (**Figure 4**). The proposed development also includes a covered porch, enclosed garage with driveway and an outdoor amenity space located in the rear yard for each of two proposed units between the proposed building and the south lot line. All existing buildings on Site are to be demolished.

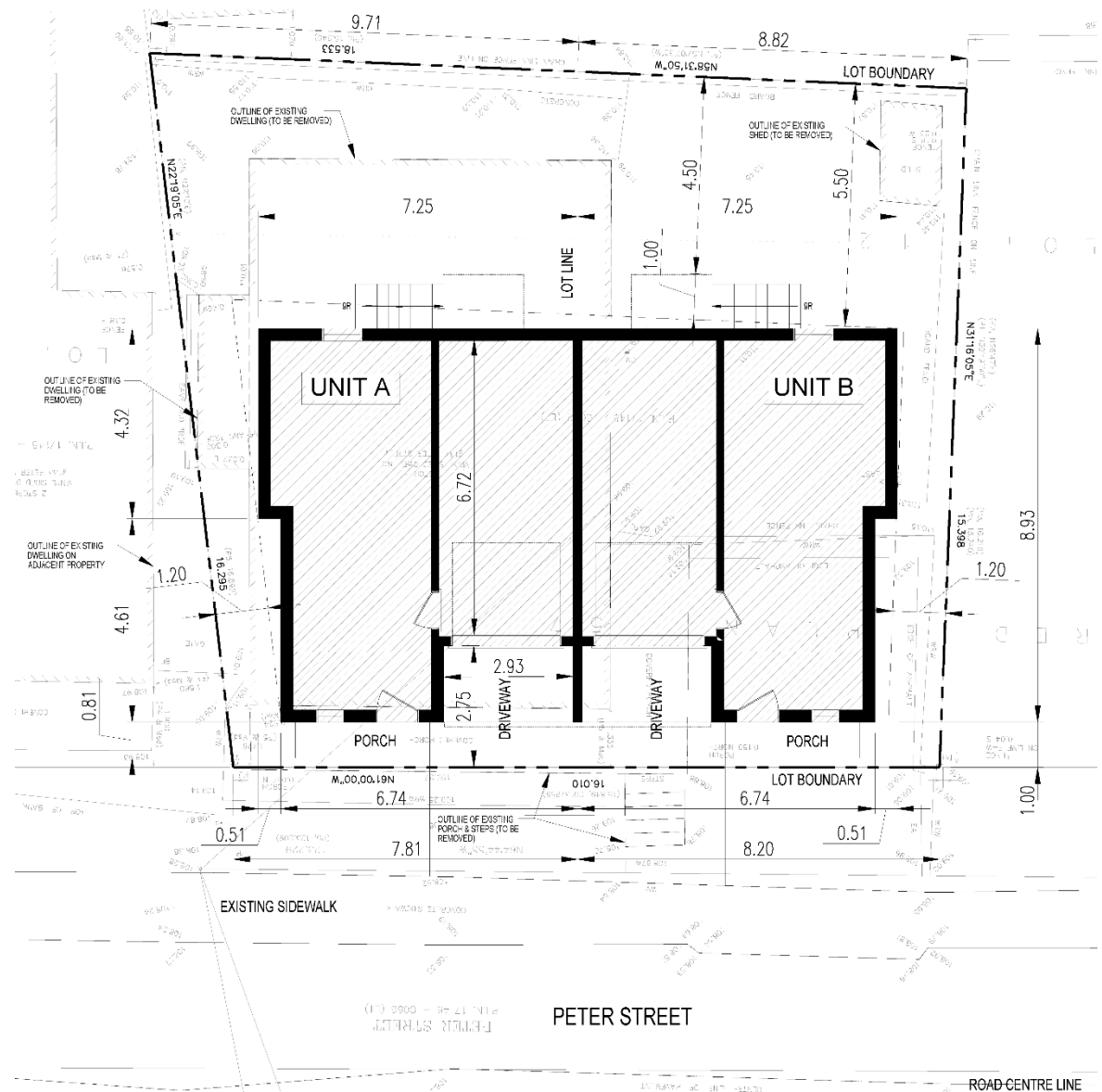


Figure 4: Proposed Site Plan (Source: John G. Williams Limited Architect, January 29, 2021)

3. Requested Minor Variances

The Site is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District in Hamilton Zoning By-law 6593, where semi-detached dwellings are permitted. In order to permit the requested semi-detached dwelling, variances are required to the “D” District zoning regulations as well as the General Regulations of Zoning By-law No. 6593. The table below summarizes the required variances:

| “D” District Regulations | | | | |
|--|---|---------------------|----------------------------|--------------------------|
| Section | Regulation | Required | Provided | Conforms? ✓/✗ |
| 10 (2) | Maximum Height | 3 storeys 14m | 3 storeys 12m | ✓ |
| 10 (3) (i) | Minimum Front Yard Setback | 6m | 1.00m | ✗ |
| 10 (3) (ii) | Minimum Side Yard Setback (buildings greater than 2½ storeys) | 2.7m | East: 1.20m West: 1.20m | ✗ ✗ |
| 10 (3) (iii) | Minimum Rear Yard Setback | 7.5m | 5.50m | ✗ |
| 10 (4) (ii) | Minimum Lot Width (measured 9m back from front lot line) | 18.0m | 17.42m | ✗ |
| 10 (4) (ii) | Minimum Lot Area | 540.0m ² | 272.24m ² | ✗ |
| General Regulations | | | | |
| Section | Regulation | Required | Provided | Conforms? ✓/✗ |
| 18 (3) (vi) (d) | Minimum Setback from Covered Porch to Front Lot Line | 1.5m | 0.15m | ✗ |
| 18 (14) (i) | Minimum Front Yard Landscaped Area (Minimum % of Gross Area of Front Yard) | 50% | 26% | ✗ |
| *Those highlighted in gold require a variance. | | | | |

The following variances are requested to the “D” District Regulations:

- 5m reduction in the required minimum front yard setback from 6.0m to 1.00m;
- 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;
- 2m reduction in the required minimum rear yard setback from 7.5m to 5.50m;
- 0.6m reduction in the required minimum lot width from 18.0m to 17.40m; and,
- 268m² reduction in the required minimum lot area from 540m² to 272.00m².

The following additional variances are required to the general provisions of the Zoning By-law to permit the following:

6. 1.35m reduction in the required minimum front yard setback of a covered porch from the front lot line from 1.5m to 0.15m; and,
7. 24% reduction in the required minimum front yard landscaped area from 50% to 26%.

4. Four Tests of Minor Variance

Section 45(1) of the *Planning Act* states that Committee of Adjustment “may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof” and provided the following four tests are met:

1. Do the Minor Variances maintain the general intent and purpose of the Official Plan;
2. Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;
3. Are the Minor Variances desirable and appropriate for the lands; and
4. Are the requested variances minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

4.1 Do the requested variances maintain the general intent and purpose of the Official Plan?

As noted, the Site is designated “Low Density Residential 3” in the Strathcona Secondary Plan as illustrated in **Figure 5**.



Figure 5: Strathcona Secondary Plan Land Use Plan Map B.6.6-1 (Source: UHOP Volume 2, 2017)

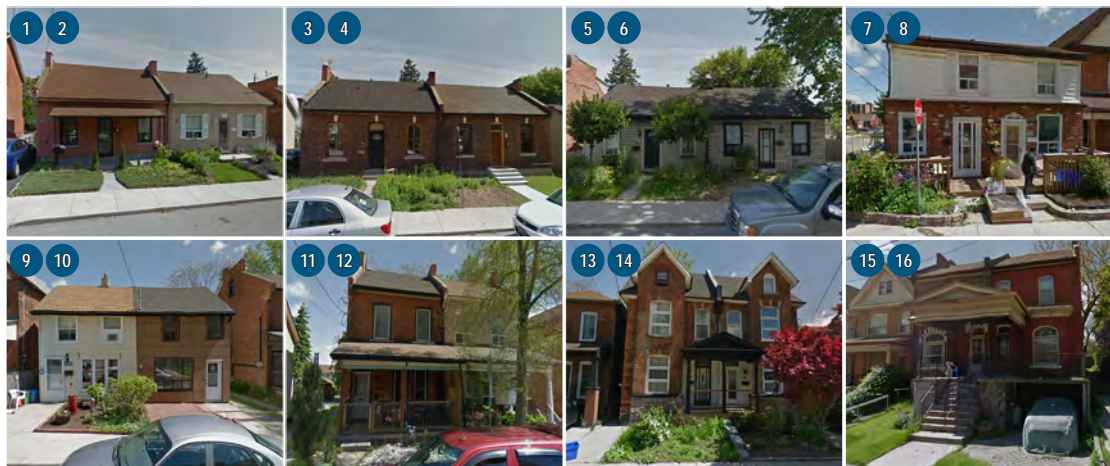
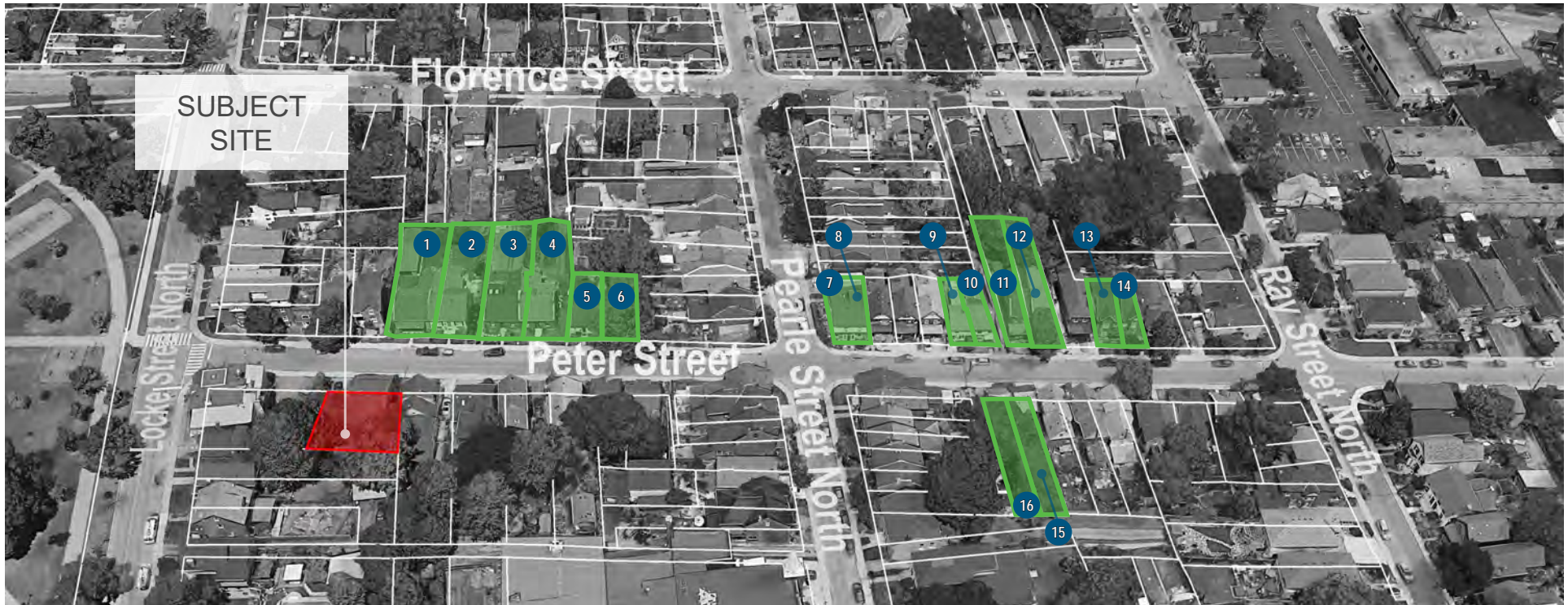
Volume 2 Section B.6.6.5.3 states that in addition to the Low Density Residential policies of the UHOP Volume 1, *“Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, including materials that are compatible with the existing adjacent residential forms”*.

The character of the neighbourhood is one that has evolved over time, and features a variety of housing styles, forms and massing. One style or architectural type is not predominant; rather, a variety of different types create an eclectic neighbourhood. As illustrated on **Figure 7**, from a study area of Locke Street North to Ray Street North, Peter Street has approximately 16 semi-detached units from a total of 35 lots, meaning that 45.7% of the total built form typology is a semi-detached dwelling. Also noted on **Figure 7** is the established lotting pattern within the neighbourhood that has existed for at minimum 100 years, being identified on the 1911 City of Hamilton Fire Insurance Plans as an irregular lotting configuration within the City’s iconic grid street pattern (**Figure 6**).



Figure 6: 1911 City of Hamilton Fire Insurance Plans (Source: McMaster University Library | Historical Portal)

Accordingly, there are many lots in the area that do not comply with zoning standards having been passed by City Council on July 25, 1950, especially with respect to lot frontage, lot area, setbacks and parking. Given that the existing lot at 137 Peter Street has a larger frontage than many of the surrounding lots, it presents an appropriate opportunity for minor infilling and intensification, in a manner that is sympathetic and complementary to the existing character of the neighbourhood.



- Subject Site - 137 Peter Street
- 1 134 Peter Street
- 2 132 Peter Street
- 3 128 Peter Street
- 4 126 Peter Street
- 5 124 Peter Street
- 6 122 Peter Street
- 7 110 Peter Street
- 8 108 Peter Street
- 9 100 Peter Street
- 10 98 Peter Street
- 11 96 Peter Street
- 12 94 Peter Street
- 13 90 1/2 Peter Street
- 14 90 Peter Street
- 15 97 Peter Street*
- 16 99 Peter Street*

**Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Mapper*



Peter Street Built Form Analysis Existing Semi-Detached Building Types

Source: Google Earth 2020

Figure
7

4.1.1 Variance 1: Reduction in 6.0m Front Yard Setback

The proposed front yard setback reduction from 6m to 1m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes in the immediate vicinity, as well as the surrounding area delineated on **Figure 8**. Providing for a reduced setback for the new dwelling results in an infill development is in keeping with UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, which notes:

When considering an application for residential intensification, the following shall be evaluated:

- i) **the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations; and,***
- ii) **the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.***

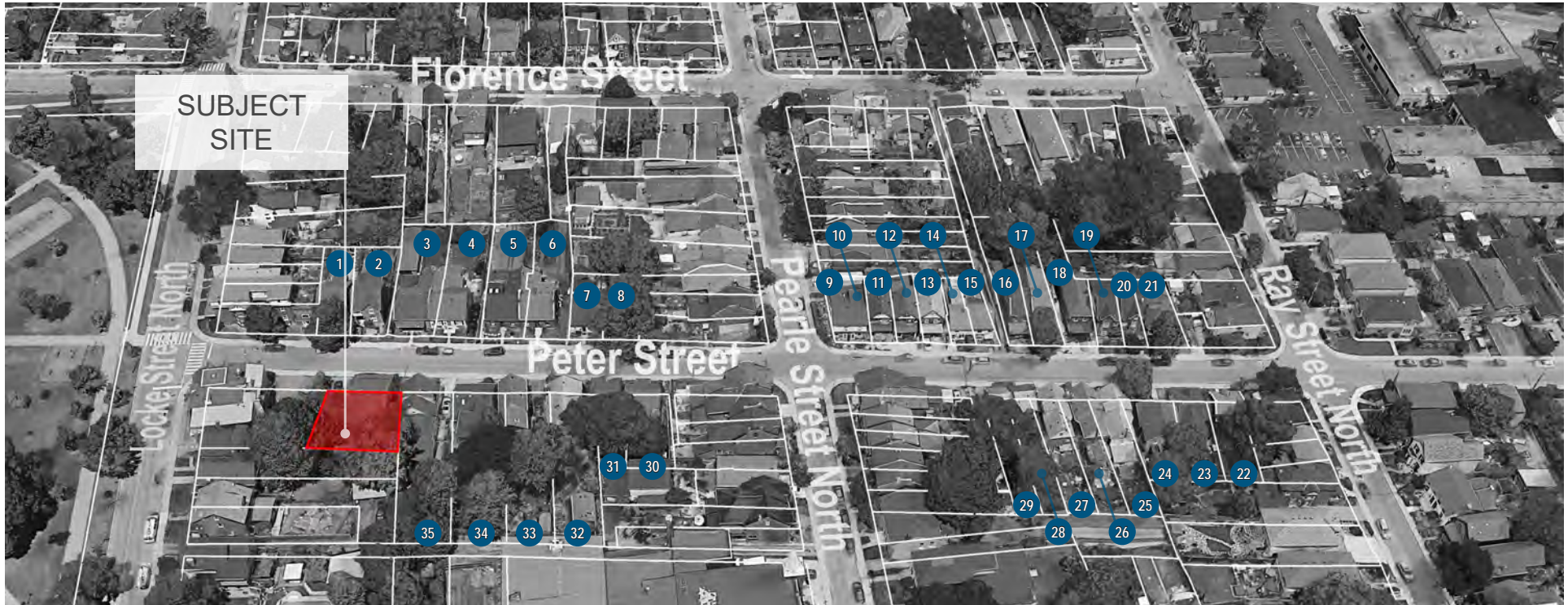
Further, Policy B.6.6.5.3(d) of the Strathcona Secondary Plan, indicates that:

- d) **Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, including materials that are compatible with the existing adjacent residential forms.***

The **Figure 8** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the front yard setback variance, the analysis uncovered the following:

- that the smallest front yard setback is 0m (encroaching 1.36m into existing public right-of-way);
- that the largest front yard setback is 5.69m (non-complying with applicable zoning requirement);
- that 0 lots meet the required 6m front yard setback;
- that 23 lots of 35 lots (approximately 65.7%) have an equal to or less than front yard setback of 1m; and,
- that the average front yard setback is 0.68m.

Therefore, the general intent and purpose of the Official Plan (Strathcona Secondary Plan) will continue to be maintained with the requested reduction in the minimum front yard setback from 6m to 1m for the proposed dwellings, since it is in keeping with the existing setback and streetscape pattern that is established in the neighbourhood.



Analysis Summary:

1. Smallest Front Yard Setback:
0m (encroaches 1.36m into ROW)

2. Largest Front Yard Setback:
5.69m

3. Number of Lots that meet the 6.0m Zoning By-law Setback Requirement:
0 Lots (5.69m is closest)

4. Number of Lots that have an equal to or less than a 1m Front Yard Setback:
23 Lots (of 35 Total along Peter Street / 65.7%)

5. Average Front Yard Setback:
0.68m

| | | |
|---|--|---|
| ■ 1.0m 137 Peter Street | 13 0.0m 102 Peter Street | 26 2.33m 93 Peter Street |
| 1 1.67m 138 Peter Street | 14 0.3m 100 Peter Street ¹ | 27 2.47m 95 Peter Street |
| 2 2.2m 136 Peter Street | 15 0.3m 98 Peter Street ¹ | 28 0.0m 97 Peter Street* ¹ |
| 3 0.0m 134 Peter Street ¹ | 16 0.1m 96 Peter Street ¹ | 29 0.0m 99 Peter Street* ¹ |
| 4 0.3m 132 Peter Street ¹ | 17 0.3m 94 Peter Street ¹ | 30 0.0m 119 Peter Street* |
| 5 1.8m 128 Peter Street ¹ | 18 0.0m 92 Peter Street | 31 0.0m 121 Peter Street* |
| 6 1.8m 126 Peter Street ¹ | 19 0.0m 90 1/2 Peter Street ¹ | 32 0.0m 123 Peter Street |
| 7 1.12m 124 Peter Street ¹ | 20 1.15m 90 Peter Street ¹ | 33 0.93m 127 Peter Street |
| 8 1.12m 122 Peter Street ¹ | 21 1.15m 88 Peter Street | 34 0.88m 129 Peter Street |
| 9 0.0m 110 Peter Street ¹ | 22 0.54m 83 Peter Street | 35 1.9m 133 Peter Street |
| 10 0.0m 108 Peter Street ¹ | 23 0.0m 85 Peter Street* | |
| 11 0.0m 106 Peter Street | 24 5.69m 87 Peter Street | |
| 12 0.0m 104 Peter Street | 25 0.4m 91 Peter Street | |

¹Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Mapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis
Front Yard Setback



Source: Google Earth 2020, Hamilton Imapper 2020

4.1.2 Variance 2: Reduction in 2.7m Side Yard Setback

The requested variance is to allow for a side yard setback of 1.2m on both the west and east sides of the semi-detached dwelling. To the west of the subject property is a parking area for the small apartment building located on the site. By allowing a 1.2m setback on the west side of the site, there will be no impacts on the streetscape, as ample visual and physical separation between buildings is provided to the parking lot combined with the proposed 1.2m setback. For these reasons, the west side yard setback is considered appropriate.

To the east of the property is a two storey single detached dwelling. The current setback of the existing dwelling on the subject site is 0.53m at the front of the dwelling and shrinks to approximately 0m at the rear of the dwelling. The proposed decrease in side yard setback will improve on the existing condition. As seen in **Appendix A**, the proposed east side yard dwelling setback is larger than what currently exists. The smallest setback proposed is at the front of the dwelling, at 1.2m. Due to irregularity of the existing lot's boundaries and the proposed tapering of the east building elevation, the setback increases from the 1.2m point, providing for an ultimate east side yard setback of 1.7m for a large portion of the side elevation.

The proposed side yard setback reduction from 2.7m to 1.2m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes in the immediate vicinity, as well as the surrounding area delineated on **Figure 9**.

The **Figure 9** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the side yard setback variance, the analysis uncovered the following:

- that the smallest side yard setback is 0m;
- that the largest side yard setback is 2.36m;
- that 0 lots meet the required 2.7m side yard setback;
- that 30 lots of 35 lots (approximately 85.7%) have an equal to or less than side yard setback of 1.2m; and,
- that the average front yard setback is 0.48m.

Therefore, the general intent and purpose of the Official Plan (Strathcona Secondary Plan) will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for the proposed dwellings, since it is in keeping with the existing setback and streetscape pattern that is established in the neighbourhood.



Analysis Summary:

- 1. Smallest Side Yard Setback:
0m
- 2. Largest Side Yard Setback:
2.36m
- 3. Number of Lots that meet the 2.7m Zoning By-law Setback Requirement:
0 Lots (2.36m is closest)
- 4. Number of Lots that meet the 1.2m Zoning By-law Setback Requirement for buildings under 2.5 Storeys:
5 Lots (of 35 Total along Peter Street / 14.3%)
- 4. Number of Lots that have an equal to or less than a 1.2m Side Yard Setback:
30 Lots (of 35 Total along Peter Street / 85.7%)
- 5. Average Side Yard Setback:
0.48m

| | | |
|---|--|--|
| ■ 1.2m 137 Peter Street | 13 0.1m 102 Peter Street | 26 0.0m 93 Peter Street |
| 1 0.0m 138 Peter Street | 14 0.0m 100 Peter Street ¹ | 27 0.0m 95 Peter Street |
| 2 0.0m 136 Peter Street | 15 0.0m 98 Peter Street ¹ | 28 0.33m 97 Peter Street* ¹ |
| 3 2.36m 134 Peter Street ¹ | 16 0.78m 96 Peter Street ¹ | 29 0.0m 99 Peter Street* ¹ |
| 4 2.1m 132 Peter Street ¹ | 17 1.27m 94 Peter Street ¹ | 30 0.79m 119 Peter Street* |
| 5 1.75m 128 Peter Street ¹ | 18 1.12m 92 Peter Street | 31 0.2m 121 Peter Street* |
| 6 2.04m 126 Peter Street ¹ | 19 0.3m 90 1/2 Peter Street ¹ | 32 0.0m 123 Peter Street |
| 7 0.7m 124 Peter Street ¹ | 20 0.3m 90 Peter Street ¹ | 33 0.0m 127 Peter Street |
| 8 0.0m 122 Peter Street ¹ | 21 0.0m 88 Peter Street | 34 0.45m 129 Peter Street |
| 9 0.45m 110 Peter Street ¹ | 22 0.2m 83 Peter Street | 35 0.58m 133 Peter Street |
| 10 0.45m 108 Peter Street ¹ | 23 0.0m 85 Peter Street* | |
| 11 0.1m 106 Peter Street | 24 0.0m 87 Peter Street | |
| 12 0.1m 104 Peter Street | 25 0.45m 91 Peter Street | |

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

¹Denotes the location of a Semi-Detached Dwelling Unit



**Peter Street Streetscape Analysis
Side Yard Setback**

Figure **9**

4.1.3 Variance 3: Reduction in 7.5m Rear Yard Setback

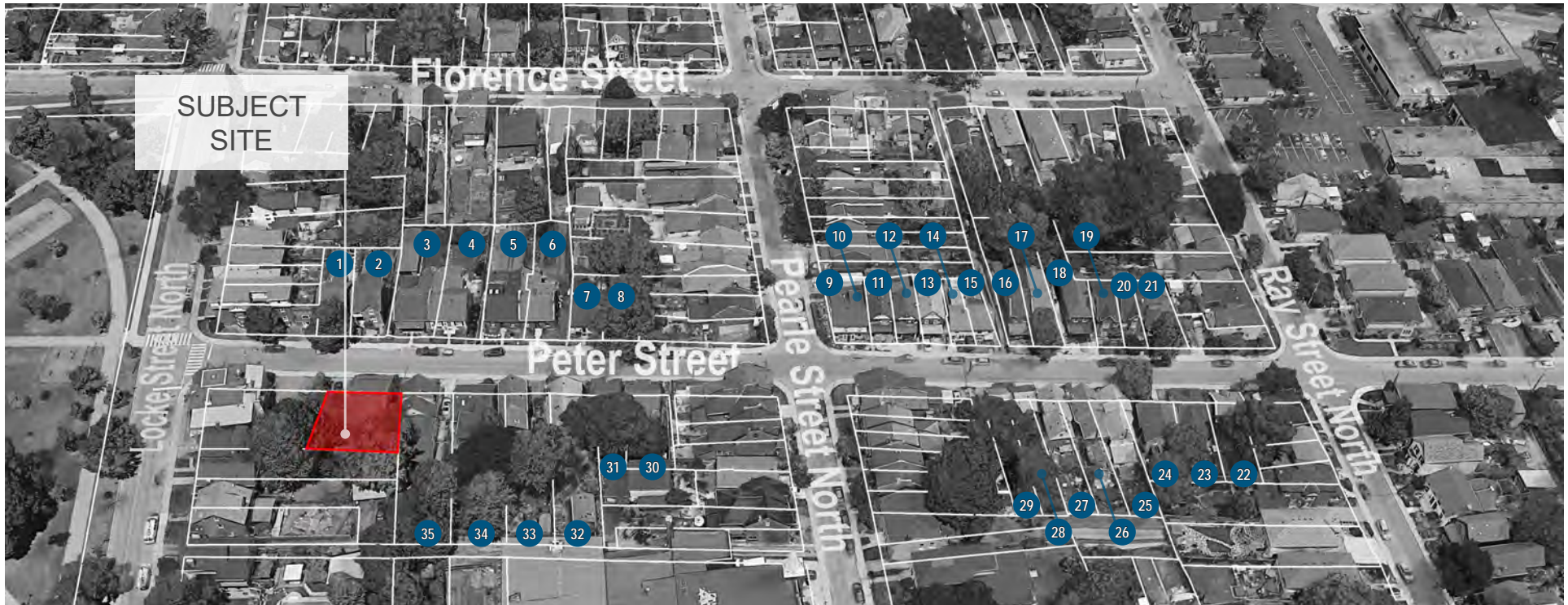
The requested variance is to allow for a rear yard setback of 5.50m on the south side of the semi-detached dwelling. To the south of the subject property and immediately abutting the rear yard is another rear yard for the dwelling at 68 Locke Street North. By allowing a reduced rear yard setback on the Site, the functionality of rear yard amenity in the rear of the proposed dwelling can be facilitated, improving from the existing condition wherein the “rear yard” amenity is presently located in the west side yard adjacent to the existing driveway. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. Presently, the existing condition on the Site of an amenity space not located within the rear yard but the side yard is the only example of this occurrence within the study area delineated in **Figure 10**.

The current rear yard setback of the existing dwelling is 1.98m at the rear of the dwelling. As such, the requested 2m reduction in rear yard setback provides a larger rear yard than what currently exists as illustrated in **Appendix A**. The proposed rear yard setback ranges from 5.5m at the west end of the building to 6.1m at the east end. The proposed rear yard setback reduction from 7.5m to 5.5m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes on similarly sized lots in the immediate vicinity, as well as the surrounding area delineated on **Figure 10**.

The **Figure 10** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the rear yard setback variance, the analysis uncovered the following:

- that the smallest rear yard setback is 2.34m;
- that the largest rear yard setback is 24.4m;
- that 20 lots of 35 lots (approximately 57.1%) meet the required 7.5m rear yard setback;
- that 9 lots of 35 lots (approximately 25.7%) have an equal to or less than rear yard setback of 5.5m; and,
- that the average rear yard setback is 11.29m.

The proposed setback is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the proposed rear yard setback is similar to others in the vicinity and have no impact on the streetscape pattern of Peter Street as the rear is not visible from the street. In addition, currently the westerly side yard of the building functions as the existing dwelling’s “rear yard” amenity space, which is not in keeping with the character of the neighbourhood. The proposed redevelopment will reinforce the neighbourhood character of providing usable rear yard amenity space for single and semi-detached dwellings.



Analysis Summary:

1. Smallest Rear Yard Setback:
2.34m

2. Largest Rear Yard Setback:
24.4m

3. Number of Lots that meet the 7.5m Zoning By-law Setback Requirement:
20 Lots (of 35 Total along Peter Street / 57.1%)

4. Number of Lots that have an equal to or less than a 5.5m Rear Yard Setback:
9 Lots (of 35 Total along Peter Street / 25.7%)

5. Average Rear Yard Setback:
11.29m

| | | |
|---|---|--|
| ■ 5.5m 137 Peter Street | 13 6.0m 102 Peter Street | 26 10.6m 93 Peter Street |
| 1 13.2m 138 Peter Street | 14 5.05m 100 Peter Street ¹ | 27 13.3m 95 Peter Street |
| 2 12.4m 136 Peter Street | 15 4.84m 98 Peter Street ¹ | 28 10.2m 97 Peter Street* ¹ |
| 3 20.7m 134 Peter Street ¹ | 16 19.5m 96 Peter Street ¹ | 29 12.2m 99 Peter Street* ¹ |
| 4 17.4m 132 Peter Street ¹ | 17 19.5m 94 Peter Street ¹ | 30 2.34m 119 Peter Street* |
| 5 20.2m 128 Peter Street ¹ | 18 20.8m 92 Peter Street | 31 6.83m 121 Peter Street* |
| 6 20.6m 126 Peter Street ¹ | 19 3.27m 90 1/2 Peter Street ¹ | 32 24.1m 123 Peter Street |
| 7 5.79m 124 Peter Street ¹ | 20 3.27m 90 Peter Street ¹ | 33 24.4m 127 Peter Street |
| 8 5.67m 122 Peter Street ¹ | 21 4.03m 88 Peter Street | 34 19.4m 129 Peter Street |
| 9 5.85m 110 Peter Street ¹ | 22 8.83m 83 Peter Street | 35 16.8m 133 Peter Street |
| 10 5.85m 108 Peter Street ¹ | 23 8.84m 85 Peter Street* | |
| 11 4.64m 106 Peter Street | 24 2.91m 87 Peter Street | |
| 12 4.74m 104 Peter Street | 25 11.1m 91 Peter Street | |

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Minor Variance Analysis
Rear Yard Setback

Figure
10

4.1.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The variance to allow for a lot width of 17.40m results in a lot width that is in keeping with existing lots in the neighbourhood. The immediate neighbouring houses have lot widths that are also deficient than the prescribed 18m as noted below and through the analysis identified in **Figure 11**. This variance is in keeping with the policies of the Strathcona Secondary Plan noted above, specifically in the manner that minor reduction of width is still able to respect and maintain the established streetscape along Peter Street.

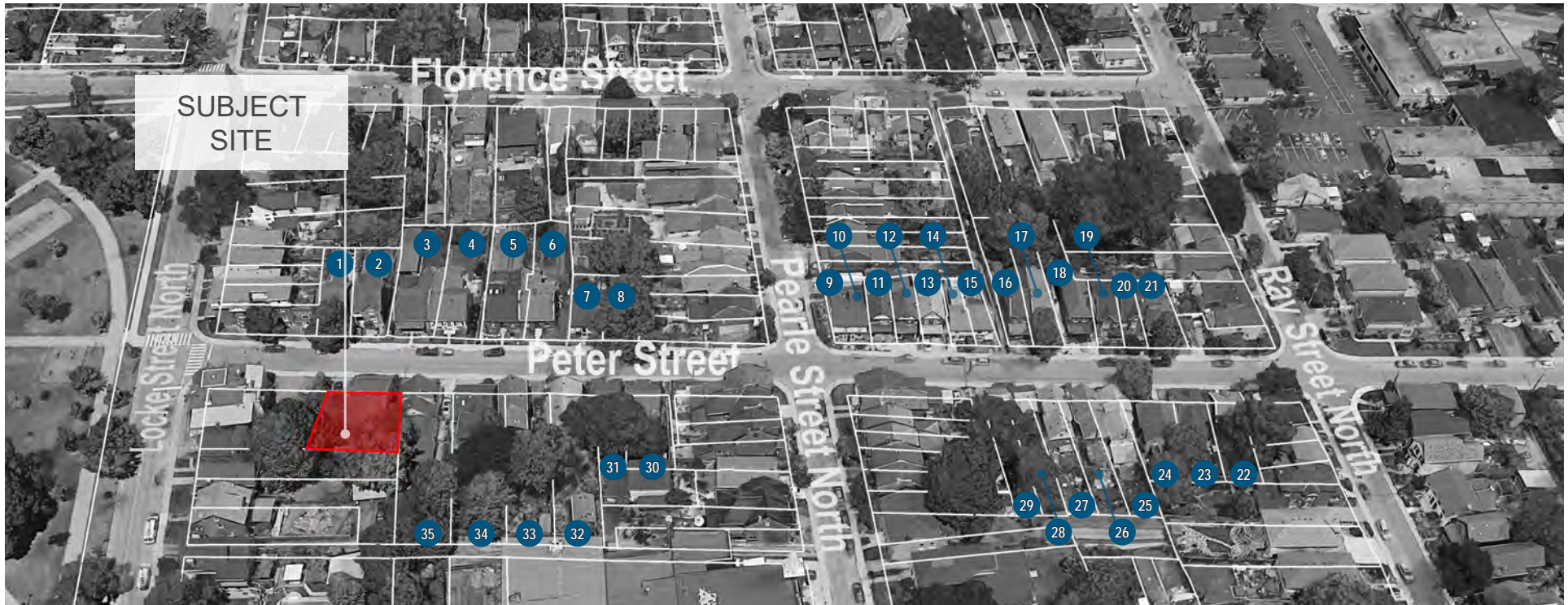
The requested variance is to allow for a 0.6m reduction in the minimum required lot width from 18m to 17.4m. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. Presently, the existing condition of the Site of having a lot width of 17.4m was pre-established with the lot layouts implemented over 100 years ago, as noted previously in **Figure 5**. This condition also pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946.

Within the portion of Peter Street that extends from Locke Street North to Ray Street North, the lots range in width from 5.26m to 11.8m. As illustrated in **Appendix A**, the existing lot width of 17.42m is proposed to be retained with the proposed semi-detached units each having approximately 8.20m and 7.81m front lot lines along Peter Street. Accordingly, this proposed standard recognizes the existing Site geometry and allows for the construction of a permitted semi-detached dwelling use. The proposed lot width reduction from 18.0m to 17.4m for the proposed semi-detached dwelling is consistent with the lot widths of the majority of the surrounding single detached and semi-detached dwellings on lots in the surrounding area as delineated on **Figure 11**.

The **Figure 11** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the lot width variance, the analysis uncovered the following:

- that the smallest semi-detached lot width is 10.52m;
- that the largest semi-detached lot is 20.6m;
- that 2 of the 8 semi-detached lots (approximately 25%) meet the required 18m zoning by-law lot width requirement;
- that 6 of the 8 semi-detached lots (approximately 75%) have an equal to or less than 17.4m lot width; and,
- that the average semi-detached lot width is 14.92m (2 units) and a unit average lot width for single detached and semi-detached dwellings of 7.56m.

Therefore, the proposed lot width is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the lot width is similar to others in the vicinity and will have no impact on the streetscape pattern of Peter Street. The proposed redevelopment will reinforce the neighbourhood character of providing a lot width and unit width that is within a range that presently exists along Peter Street, appropriately matching its context.



Analysis Summary:

1. Smallest Lot Width / Smallest Semi-Detached Lot Width (Both Units):
5.26m / 10.52m

2. Largest Lot Width / Largest Semi-Detached Lot Width (Both Units):
11.8m / 20.6m

3. Number of Semi-Detached Lots that meet the 18m Zoning By-law Lot Width Requirement:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

4. Number of Semi-Detached Lots that have an equal to or less than 17.4m Lot Width:
6 Lots / 12 Units (of 8 Total Lots / 16 Units equal to 75%)

5. Average Lot Width / Average Semi-Detached Lot Width:
7.56m / 14.92m



| | | |
|--|--|--|
| ■ 17.4m 137 Peter Street | 13 6.52m 102 Peter Street | 26 6.48m 93 Peter Street |
| 1 7.55m 138 Peter Street | 14 5.6m 100 Peter Street ¹ | 27 6.57m 95 Peter Street |
| 2 7.55m 136 Peter Street | 15 5.65m 98 Peter Street ¹ | 28 5.26m 97 Peter Street* ¹ |
| 3 10.2m 134 Peter Street ¹ | 16 5.65m 96 Peter Street ¹ | 29 5.26m 99 Peter Street* ¹ |
| 4 10.4m 132 Peter Street ¹ | 17 7.26m 94 Peter Street ¹ | 30 8.91m 119 Peter Street* |
| 5 9.79m 128 Peter Street ¹ | 18 7.45m 92 Peter Street | 31 7.21m 121 Peter Street* |
| 6 10.1m 126 Peter Street ¹ | 19 5.8m 90 1/2 Peter Street ¹ | 32 9.79m 123 Peter Street |
| 7 7.65m 124 Peter Street ¹ | 20 5.8m 90 Peter Street ¹ | 33 9.74m 127 Peter Street |
| 8 8.18m 122 Peter Street ¹ | 21 9.45m 88 Peter Street | 34 11.3m 129 Peter Street |
| 9 8.38m 110 Peter Street ¹ | 22 7.5m 83 Peter Street | 35 11.3m 133 Peter Street |
| 10 8.38m 108 Peter Street ¹ | 23 7.45m 85 Peter Street* | |
| 11 5.8m 106 Peter Street | 24 11.8m 87 Peter Street | |
| 12 5.99m 104 Peter Street | 25 7.21m 91 Peter Street | |

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

¹Denotes the location of a Semi-Detached Dwelling Unit

**Peter Street Streetscape Analysis
 Lot Widths**

**Figure
 11**

4.1.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The requested variance is to allow a 268m² reduction in the minimum lot area from 540m² to 272m² on the lot. The requested minimum lot area recognizes the existing condition of the Site as a 272m² irregular lot that exists as previously noted, pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946 (**Figure 5**).

In accordance with UHOP Volume 2 Policy B.6.6.5.2(i), the requested variance provides for lot sizes that are similar in the area as delineated in **Figure 12** and is in keeping with the established character and pattern of the neighbourhood. In the block that extends from Locke Street North to Ray Street North, the lot areas range from 99.1m² to 359.4m². As illustrated in the Site Plan, the requested minimum lot area is within this range. In this regard, the proposed lot area reflects the character and established development pattern in the area.

The **Figure 12** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the minimum lot area variance, the analysis uncovered the following:

- that the smallest semi-detached lot area is 198.4m²;
- that the largest semi-detached lot is 741.8m²;
- that 2 of the 8 semi-detached lots (approximately 25%) meet the required 540m² zoning by-law lot area requirement;
- that 2 of the 8 semi-detached lots (approximately 25%) have an equal to or less than 272m² lot area; and,
- that the average semi-detached lot area is 427.6m² (2 units) and a unit average lot area for single detached and semi-detached dwellings of 221m².

As noted above, the proposed lot area is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the lot area is similar to others in the vicinity and will have no impact on the streetscape pattern of Peter Street. The proposed redevelopment will reinforce the neighbourhood character of providing a lot area that is within a range that presently exists along Peter Street, appropriately matching its context.

Accordingly, this proposed standard recognizes the existing Site geometry and allows for the construction of a permitted semi-detached dwelling use. The proposed lot area reduction from 540m² to 272m² for the proposed semi-detached dwelling is consistent with the lot areas of the majority of the surrounding single detached and semi-detached dwelling lots in the surrounding area as delineated on **Figure 12**.



Analysis Summary:

1. Smallest Lot Area / Smallest Semi-Detached Lot Area (Both Units):
99.1m² / 198.4m²

2. Largest Lot Area / Largest Semi-Detached Lot Area (Both Units):
432.5m² / 741.8m²

3. Number of Semi-Detached Lots that meet the 540m² Zoning By-law Lot Area Requirement:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

4. Number of Semi-Detached Lots that have an equal to or less than 272m² Lot Area:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

5. Average Lot Area / Average Semi-Detached Lot Area:
221m² / 427.6m²

| | | |
|---|--|---|
| ■ 272.0m² 137 Peter Street | 13 131.2m² 102 Peter Street | 26 196.3m² 93 Peter Street |
| 1 210.7m² 138 Peter Street | 14 99.3m² 100 Peter Street ¹ | 27 197.1m² 95 Peter Street |
| 2 210.0m² 136 Peter Street | 15 99.1m² 98 Peter Street ¹ | 28 162.0m² 97 Peter Street ^{*1} |
| 3 376.1m² 134 Peter Street ¹ | 16 253.8m² 96 Peter Street ¹ | 29 161.4m² 99 Peter Street ^{*1} |
| 4 365.7m² 132 Peter Street ¹ | 17 274.3m² 94 Peter Street ¹ | 30 186.2m² 119 Peter Street [*] |
| 5 358.8m² 128 Peter Street ¹ | 18 291.3m² 92 Peter Street | 31 123.5m² 121 Peter Street [*] |
| 6 359.4m² 126 Peter Street ¹ | 19 117.8m² 90 1/2 Peter Street ¹ | 32 380.3m² 123 Peter Street |
| 7 151.7m² 124 Peter Street ¹ | 20 117.8m² 90 Peter Street ¹ | 33 372.9m² 127 Peter Street |
| 8 155.8m² 122 Peter Street ¹ | 21 169.7m² 88 Peter Street | 34 432.5m² 129 Peter Street |
| 9 183.8m² 110 Peter Street ¹ | 22 167.3m² 83 Peter Street | 35 432.0m² 133 Peter Street |
| 10 183.8m² 108 Peter Street ¹ | 23 166.1m² 85 Peter Street [*] | |
| 11 115.7m² 106 Peter Street | 24 211.9m² 87 Peter Street | |
| 12 115.9m² 104 Peter Street | 25 213.0m² 91 Peter Street | |

**Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper*

¹Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis

Lot Areas

Figure 12

4.1.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The requested variance is to allow a 1.35m reduction in the required minimum setback of a covered porch to the front lot line from 1.5m to 0.15m on the lot. The requested 1.35m reduction is visually deceiving as the required setback is to the *lot line*, which is not visible from the street, versus a visual setback to the sidewalk. In this regard, a greater setback is visually apparent.

The existing covered porch encroaches approximately 0.16m into the public right-of-way with steps extending an additional 1.6m into the municipal right-of-way of the street. The proposed covered porches for each of the semi-detached dwelling units not only provide a pedestrian friendly interface with the streetscape but are setback and also wholly contained on the lot.

As delineated in **Figure 13**, this setback to the front porch is consistent with the existing streetscape pattern. Therefore, the general intent and purpose of the UHOP (Volume 2 Policy B.6.6.5.2(i)) will be maintained with the requested covered front porch setback reduction.



Figure 13: Covered Front Porch Streetscape Analysis (Source: Google Earth Imagery, 2019 & 2020)

4.1.7 Variance 7: Reduction in 50% Front Yard Landscaping

The requested variance is to allow a 24% reduction in the minimum front yard landscaping from 50% to 26% on the lot. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. The requested variance meets this policy of the UHOP based on the ensuing analysis.

The existing condition of the Site includes a front yard landscaping percentage of 3.5%, with the balance of the front yard used with a covered porch and driveway as shown on **Appendix A1**. The proposed variance not only increases this existing percentage significantly, but also provides for parking to be legally facilitated onsite with covered porches adding a design element to the development common on this portion of Peter Street. The character of this part of Peter Street includes single and semi-detached dwellings located in close proximity to the street edge (lesser than the required front yard setback as identified in **Figure 14**), with a number of parking spaces wholly encompassing the front yards, and/or covered porches encroaching within the public right-of-way.

As noted in **Figure 14**, the requested front yard landscaping variance is characteristic of the area and will continue to maintain the intent and purpose of the Official Plan which speaks to maintaining and enhancing streetscape patterns and neighbourhood character (UHOP Volume 2 Policy B.6.6.5.2(i)).

Figure 14: Front Yard Landscaping Analysis
(Source: Google Earth Imagery, 2019 & 2020)



4.2 Do the requested variances maintain the general intent and purpose of the Zoning By-law?

4.2.1 Variance 1: Reduction in 6.0m Front Yard Setback

The purpose of a front yard setback is to provide sufficient distance from the street, and to allow for the provision of landscaping, porches, walkways, and driveways. Reducing this requirement from 6m to 1m still affords sufficient space for driveways, covered porches and landscaped open space to be fully contained on the Site within the front yard and is consistent with neighbouring properties. This reduction allows the front yard setback to match the rhythm and streetscape that has been established along Peter Street as previously identified in **Figure 8**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum front yard setback from 6.0m to 1m.

4.2.2 Variance 2: Reduction in 2.7m Side Yard Setback

The purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling and rear yard amenity areas. Different setback regulations exist to address additional height. In this case, 2.7m side yard setbacks are required for a 3 storey building.



Figure 15: Side Yard Existing Conditions (Source: Google Earth Imagery, 2019 & 2020)

To the west of the property is a parking area associated with a 2.5 storey apartment building on the corner of Locke Street North and Peter Street. The requested reduction in the westerly side yard setback will not negatively impact the use or enjoyment of the residents of the apartment, as these lands are used for parking purposes and will not impede access to their building (Refer to **Image 2** in **Figure 15**).

With respect to the easterly side yard setback, the proposed setback will provide greater separation than what currently exists thereby improving the physical relationship between the two buildings (Refer to **Image 1** in **Figure 15**). The setback between the two dwellings is less than 1m; however, the streetscape is still maintained, and there are no issues in terms of massing. This is due to the streetscape being characterized by a variety of setbacks and building masses as delineated earlier in **Figure 9**. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks. For these reasons, the east and west side yard setbacks are considered appropriate.

4.2.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The purpose of a minimum rear yard setback is to ensure there is adequate separation between buildings and rear lot lines for a rear yard amenity area. The proposed rear yard of 5.50m provides sufficient space to accommodate amenity space for both proposed semi-detached dwelling units. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 1.98m setback. The proposed 5.50m rear yard setback provides an increase of 3.52m of space from the existing condition, allowing the rear yard to be functionally able to accommodate the intended amenity space. The proposed rear yard setback reduction from 7.5m to 5.5m for the proposed semi-detached dwelling is consistent with the setbacks of similar surrounding homes on comparably sized lots in the immediate vicinity, as well as the surrounding area as delineated on **Figure 10**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum rear yard setback from 7.5m to 5.50m.

4.2.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The purpose of a minimum lot width is to ensure that there is sufficient space to accommodate a dwelling, driveway and access space between houses. The proposed lot width of 17.40m provides sufficient space to accommodate both the proposed dwelling units as well as adequate side yard setbacks between adjacent properties. As previously noted, the proposed lot width reduction from 18.0m to 17.4m for the proposed semi-detached dwelling is consistent with the lot widths of the majority of the surrounding single detached and semi-detached dwellings on lots in the surrounding area as delineated on **Figure 11**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum lot width from 18.0m to 17.40m.

4.2.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The purpose of a minimum lot area is to ensure that there is sufficient space to accommodate a dwelling, driveway, and amenity space. The proposed lot area of 272m² for the semi-detached dwelling still affords the parcel with sufficient space to accommodate the two dwelling units, the shared driveway, parking and rear yard amenity space. In addition, the lot size is similar to other lots with semi-detached uses in the immediate vicinity as well as the broader neighbourhood context delineated previously on **Figure 12**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum lot area from 540m² to 272m² to permit the proposed semi-detached dwelling.

4.2.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The purpose of a setback from a covered porch to the front lot line is to ensure that a front yard is not encroached upon in such a way that renders it unusable. In this instance, the proposed setback from the covered porch to the front lot still provides sufficient space for a small amount of landscaping.

As indicated earlier, the existing covered porch encroaches approximately 0.16m into the public right-of-way, this is a condition prevalent along this portion of Peter Street where 5 of the 35 total properties appear to have either a structure or covered porch encroaching within the public right-of-way. These properties are all identified with an Asterix (“*”) in the map legend of **Figures 7, 8, 9, 10, 11 and 12**. The proposed standard will not only improve the existing condition but will also wholly contain the proposed covered porches on the Site and no longer encroach. As previously noted, visually there is a much larger “front yard” between the porch and the sidewalk. In this regard, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum setback for a covered porch to a front lot line of 0.15m.

4.2.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing on site parking as a driveway is required to provide access to the attached garages. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property. Many dwellings in the area, as delineated on **Figure 14**, have front yards that are completely used by porches or paved over for vehicular parking spaces that are inconsistent with the intent of the by-law. As opposed to those examples in the noted area, the requested front yard landscaping variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved. The proposed 26% front yard landscaping is also a 22.5% improvement over the existing percentage of landscaping that is within the front yard, which is 3.5% front yard landscaping as shown on **Appendix A1**.

In this regard, the general intent and purpose of the Zoning By-law will continue to be maintained by allowing for a reduction in the required percentage of landscaped area in the front yard.

4.3 *Are the Minor Variances desirable and appropriate for the lands?*

What is key in the review of this criterion is whether the minor variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

4.3.1 Variance 1: Reduction in 6.0m Front Yard Setback

The variance to allow for reduced front yard setback is in keeping with similar front yard setbacks throughout the neighbourhood and provides for continuity and reinforces the existing streetscape. The reduced front yard setback will improve upon the existing condition, which presently has the existing covered porch encroaching within the public-right-way. The front yard proposed will not only be larger than the one presently existing on the Site, but will also provide for driveways, covered porches and landscaped open space to be fully contained on the Site within the front yard. Therefore, the requested front yard setback reduction from 6m to 1m is considered desirable and appropriate.

4.3.2 Variance 2: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the surrounding context of the Site as delineated on **Figure 9**. The reduced setback is considered appropriate as it

is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street and Peter Street. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between the buildings to the east than what currently exists. Also noted, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east.

Therefore, the requested reduction in the minimum side yard setbacks from 2.7m to 1.2m are considered desirable and appropriate for the lands.

4.3.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The variance to allow for a reduced minimum rear yard setback, which in its current situation is larger than many of the surrounding lots, is to allow for the more efficient use of the property for a semi-detached dwelling. The rear yard setback proposed is similar to many existing smaller lots throughout the neighbourhood. Therefore, the requested 2m rear yard setback reduction from 7.5m to 5.50m is considered desirable and appropriate.

4.3.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The variance to allow for a reduced minimum lot width, which in its current situation is larger than many of the surrounding lots, is to allow for the more efficient use of the property for a semi-detached dwelling. The lot width that is proposed is similar to many existing smaller lots throughout the neighbourhood. Therefore, the requested lot width reduction from 18.0m to 17.40m is considered desirable and appropriate.

4.3.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The Site in its current situation is larger than many of the surrounding lots and those in the neighbourhood. It can be used more efficiently with a new semi-detached dwelling being constructed as a minor form of infilling and intensification that is appropriate for the area. The Site can accommodate a semi-detached dwelling, which maintains the character and form of the neighbourhood. Therefore, the requested lot area reductions from 540m² to 272.20m² is considered desirable and appropriate.

4.3.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The variance is to permit a reduced setback from a covered porch to a front lot line. Allowing for porches to project further into a required yard provides for variation of the streetscape and animation. The setback is similar to many other homes in the surrounding neighbourhood. Therefore, the requested setback reduction from a covered porch to a front lot line of 0.15m is considered desirable and appropriate.

4.3.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing onsite parking as shown on **Appendix A1**. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property. The requested variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved.

Therefore, allowing for 26% of the front yard to be landscaped is considered desirable and appropriate.

4.4 Are the requested variances minor in nature?

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

4.4.1 Variance 1: Reduction in 6.0m Front Yard Setback

The reduced front yard setback still provides for a 1m setback. This setback is consistent with the neighbouring homes and many others in the area. All dwellings, specifically within this block on the south side of Peter Street, have minimal front yard setbacks, and in some cases straddle the front lot line. Therefore, the requested reduction in the minimum front yard setback from 6m to 1m is considered minor in nature.

4.4.2 Variance 2: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the area, not only along Peter Street, but in the greater surrounding area, where the average side yard setback is 0.48m and over 85% of the lots have equal to or less than 1.2m side yard setbacks as noted on **Figure 9**. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street North and Peter Street.

Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists. As noted previously, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east.

Therefore, the requested 1.6m reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks is considered minor in nature.

4.4.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The reduced minimum rear yard setback is sufficient to accommodate an adequate rear yard amenity area for each of the new proposed semi-detached dwelling units. Similar rear yard setbacks also exist in the neighbourhood on other comparatively size parcels. Therefore, the requested 2m reduction in the minimum rear yard setback from 7.5m to 5.50m is considered minor in nature.

4.4.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The reduced minimum lot width for the Site is sufficient to accommodate a semi-detached dwelling, shared driveway access, rear yard accesses and amenity areas. Lots of similar widths also exist in the neighbourhood. Therefore, the requested 0.6m reduction in the minimum lot width from 18.0m to 17.40m is considered minor in nature.

4.4.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The proposed lot area is sufficient to accommodate a semi-detached dwelling, shared driveway access, rear yard accesses and amenity areas. Similarly sized lots are prevalent throughout the neighbourhood as mentioned previously and as follows. The proposed lot area is consistent with similarly sized lots that exist in the area, not only along Peter Street, but in the greater surrounding area, where the smallest semi-detached dwelling lot unit is 198.4m² and only 25% of the semi-detached lots comply with the lot area requirement of the by-law as delineated on **Figure 12**.

As indicated previously, presently, the existing condition of the Site of having a lot area of 272m² was pre-established with the lot layouts implemented over 100 years ago, as noted previously in **Figure 5**. This condition also pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946. The reduced lot area is further considered appropriate as it is recognizing an existing condition to permit a semi-detached dwelling, similar to other 25% of the semi-detached lots on the street which also have an equal to or less than area of 272m².

Therefore, the requested 268m² reduction in the minimum lot area from 540m² to 272m² of both the existing and proposed dwellings is considered minor in nature.

4.4.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The variance to reduce the setback from a covered porch to the front lot line from the required 1.5m to 0.15m is considered minor, due to the setback being consistent with the streetscape, which is defined by small front yards. The existing dwelling and covered porch traverse the front property line correspondingly shown previously in **Figure 13**.

By allowing the porches to be located up to 0.15m from the front lot line, the streetscape can be maintained, while ensuring the dwelling is entirely within the property boundaries.

Therefore, the requested 0.15m setback from the proposed covered porches to the front lot line is considered minor in nature.

4.4.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing onsite parking as shown on **Appendix A1**. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property identified previously in **Figure 14**. Further, the use of the front yard will still be maintained by the inclusion of the front porch. The requested variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved.

Therefore, allowing for a reduction of 24% to permit 26% of the front yard to be landscaped, is considered minor in nature.

5. Summary and Recommendations

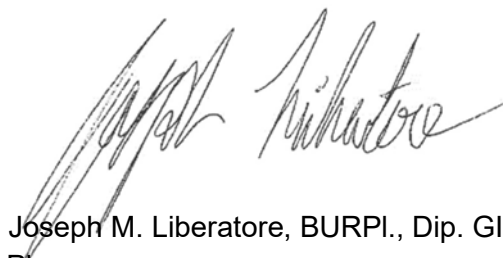
The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law 6593; are desirable and appropriate; and are considered minor in nature.

Respectfully submitted,

GSP Group Inc.

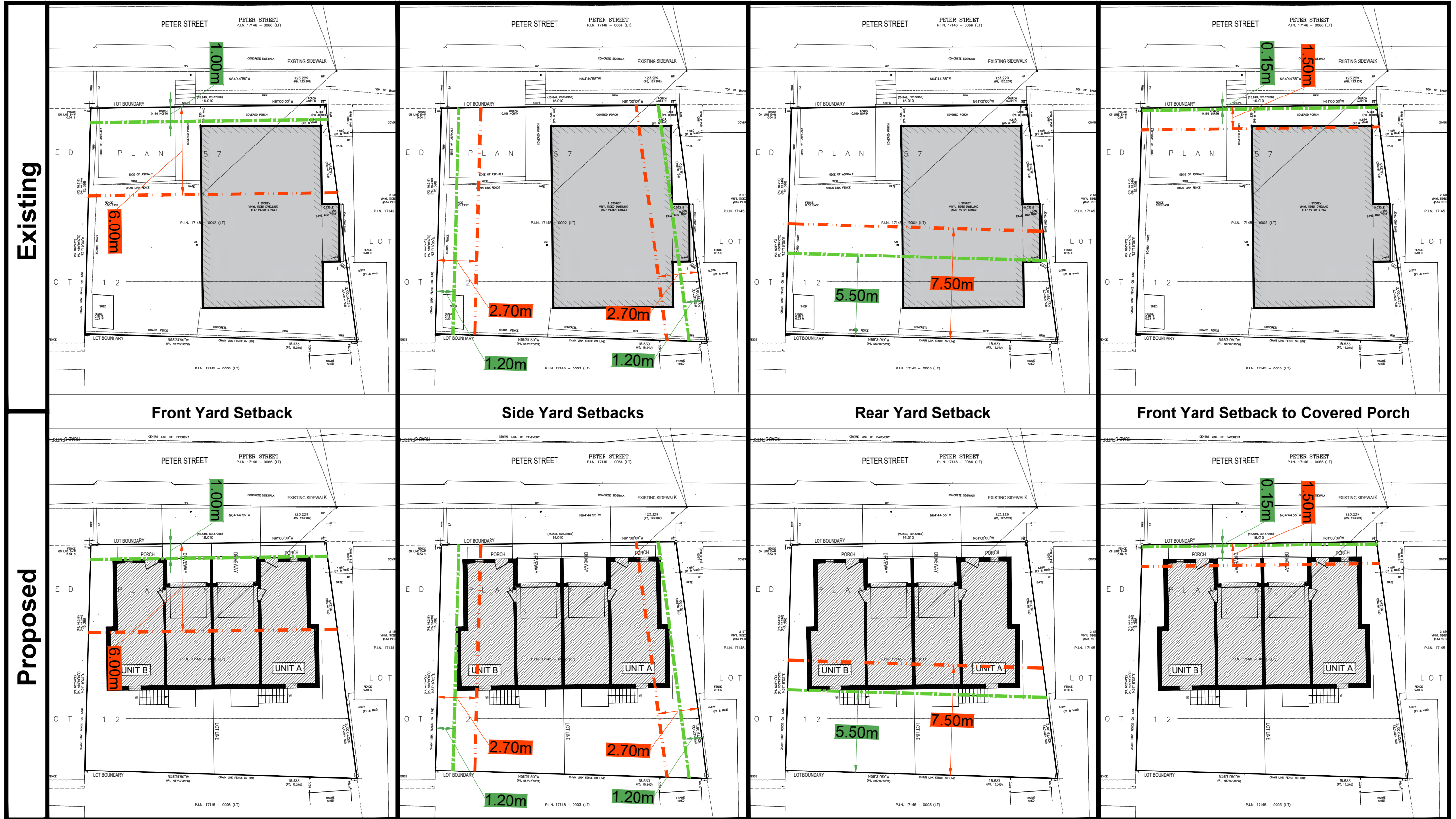


Brenda Khes, MCIP, RPP
Associate - Senior Planner



Joseph M. Liberatore, BURPI., Dip. GIS & Pl.
Planner

P:\20313-Blair Fleming-137 Peter St, Hamilton\documents\PJR Jan 2021.docx



Existing

Proposed

Front Yard Setback

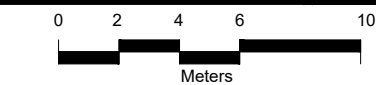
Side Yard Setbacks

Rear Yard Setback

Front Yard Setback to Covered Porch

APPENDIX A
MINOR VARIANCE ANALYSIS
 137 Peter Street, Hamilton, Ontario

- Required Regulation (As per City of Hamilton Zoning By-law 6593)
- Proposed Regulation
- Existing Building Footprint (As per Survey Plan)
- Proposed Building Footprint

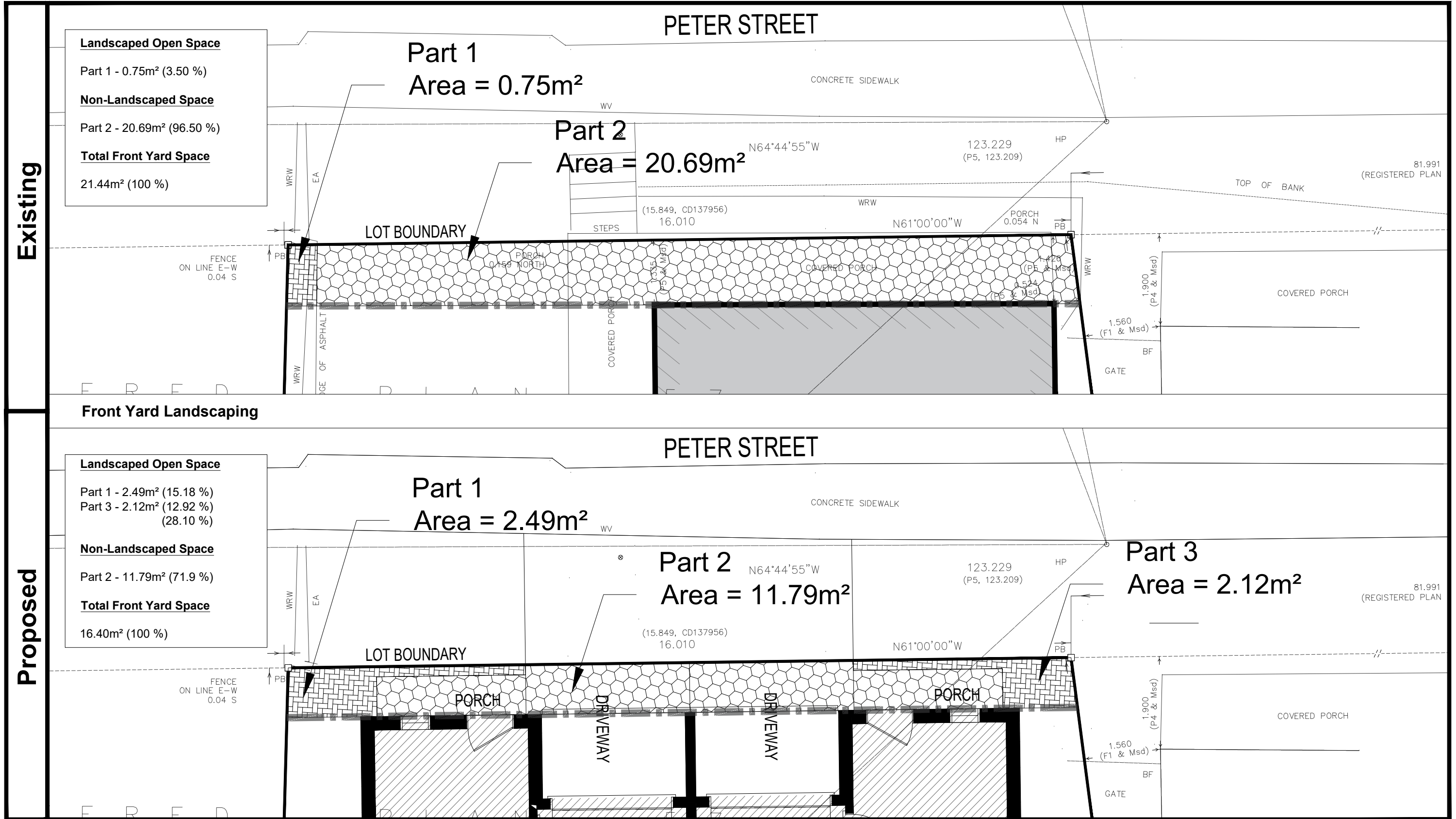


NOTE: This analysis has been prepared based on a Survey Plan undertaken by A.T. McLaren Limited dated August 10, 2018 and a Site Plan prepared by John G. Williams Limited, Architect dated January 29, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:250 | January 29, 2021 | Project No.: 20313 | Drawn By: JML



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





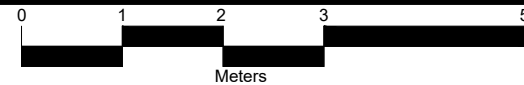
Existing

Proposed

P:\20313-Blair Fleming-137 Peter St, Hamilton\report graphics\rg20313Appendix.dwg

APPENDIX A1
MINOR VARIANCE ANALYSIS
 137 Peter Street, Hamilton, Ontario

-  Limit of Front Yard
(As per City of Hamilton Zoning By-law 6593)
-  Landscaped Open Space
-  Non-Landscaped Space
-  Existing Building Footprint
(As per Survey Plan)
-  Proposed Building Footprint



NOTE: This analysis has been prepared based on a Survey Plan undertaken by A.T. McLaren Limited dated August 10, 2018 and a Site Plan prepared by John G. Williams Limited, Architect dated January 29, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:75 | January 29, 2021 | Project No.: 20313 | Drawn By: JML





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-19:351 (Amended)

APPLICANTS: Mostapha Mohammed on behalf of the owner Erol Najat Agha

SUBJECT PROPERTY: Municipal address **110 Holmes Ave., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 80-274, 95-02, 95-33 and 19-307

ZONING: "C/S-1335, C/S-1335a, C/S-720, C/S-1788" (Urban Protected Residential) district

PROPOSAL: To permit the establishment of ten (10) habitable rooms in a single family dwelling notwithstanding that:

1. No onsite maneuvering shall be provided for two (2) of the three (3) required parking spaces instead of the requirement that maneuvering space shall be provided and maintained only on the lot on which the principle use, building or structure is located.
2. The accessibility to one (1) of the required parking spaces may be obstructed by one (1) of the required parking spaces whereas the by-law requires every parking space to be unobstructed and freely and readily accessibility from within the lot, without moving any vehicle on the lot or encroaching on any designated parking space.
3. Three (3) required parking spaces may be located in the front yard instead of the requirement which only one of the required parking spaces may be located in the front yard.

NOTES:

1. Items identified in Section 18.(3)(vi) Encroachments on Yards such as eave and gutter projections, bay windows, open stairways, porches, and platforms (deck) projections, etc. have not been reviewed for zoning compliance. Details were not provided on submitted plans to confirm compliance; as such, further variances may be required.
2. The revised floor plans provided by the applicant show ten (10) habitable rooms were not drawn by a qualified designer, floor plans submitted were hand-drawn and not to scale. As such, the determination of ten (10) habitable rooms has been established by the applicant and not through a thorough zoning review of detailed floor plans. Should the single family dwelling prove to have greater than ten (10) habitable rooms, further variances will be required.
3. The gross floor area provided by the applicant was not drawn on plans or calculated by a qualified designer. As such, the gross floor ratio factor calculation has been

HM/A-19:351

Page 2

determined based on the applicant's own estimations. Gross floor area for determination of floor area ratio factor shall be calculated as defined; if a ratio greater than 0.45 is provided, further variances will be required.

4. The Front Yard Landscaping calculations provided by the applicant were not drawn on plans or calculated by a qualified designer. As such, the Front Yard Landscaping calculation has been determined based on the applicant's own estimations. The applicant shall provide greater than 50% Front Yard Landscaping or further variances will be required.

5. The rear platform (deck) and hot tub have not been reviewed for zoning compliance. Details were not provided on submitted plans to confirm compliance; as such, further variances may be required at such time that a full review is conducted.

6. The accessory building (shed) in the rear has not been reviewed for zoning compliance. Details were not provided on submitted plans to confirm compliance; as such, further variances may be required at such time that a full review is conducted.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:00 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

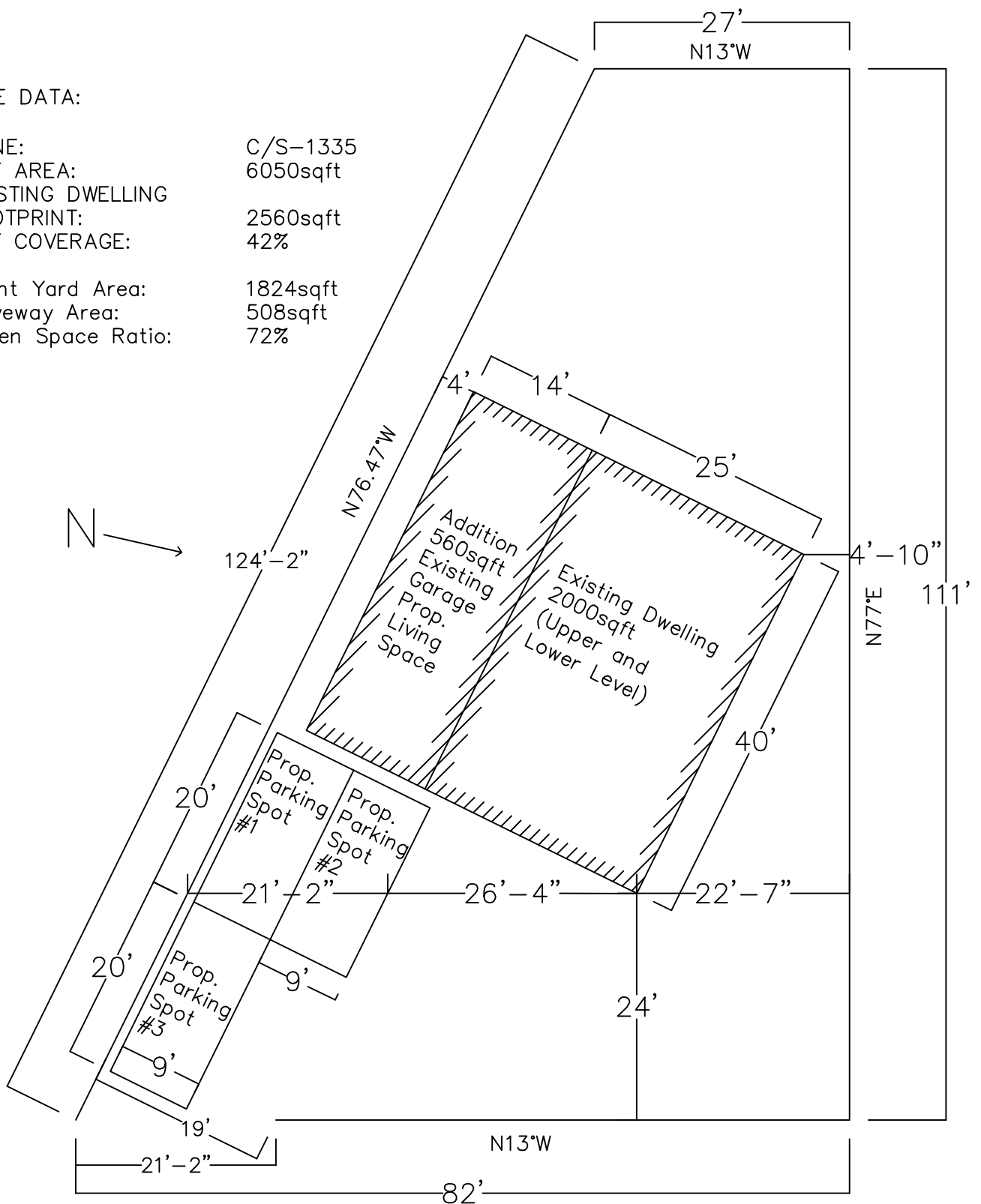
DATED: February 16th, 2021.

Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SITE DATA:

ZONE: C/S-1335
 LOT AREA: 6050sqft
 EXISTING DWELLING FOOTPRINT: 2560sqft
 LOT COVERAGE: 42%
 Front Yard Area: 1824sqft
 Driveway Area: 508sqft
 Green Space Ratio: 72%



Holmes Ave

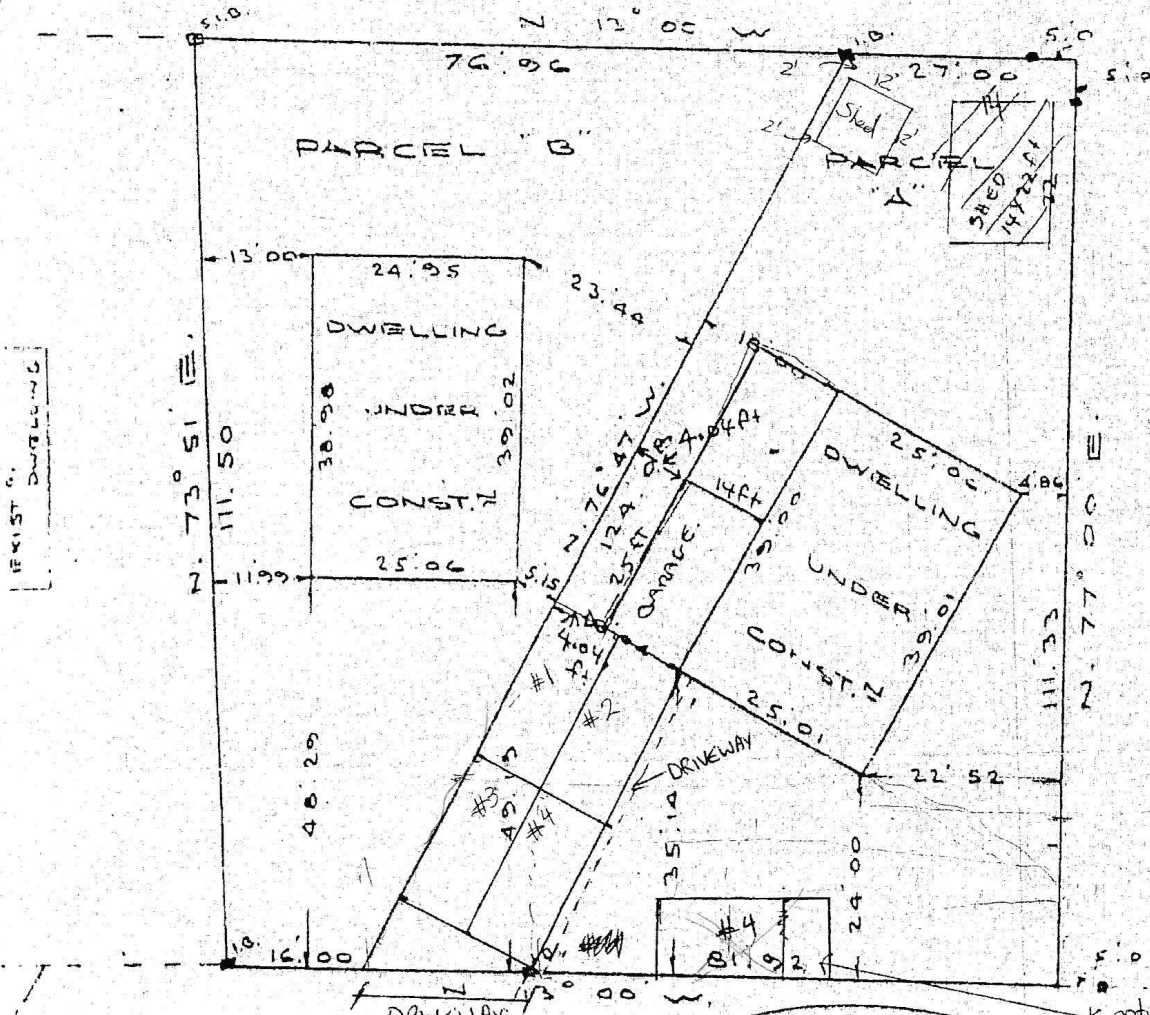
Site Plan

Drawn By: Erol Agha

Note: Dimensions were copied from site plan obtained from city hall.

DONALE ADPIS & WIFE CLOTH LTD?

St. Mary's Catholic Secondary School



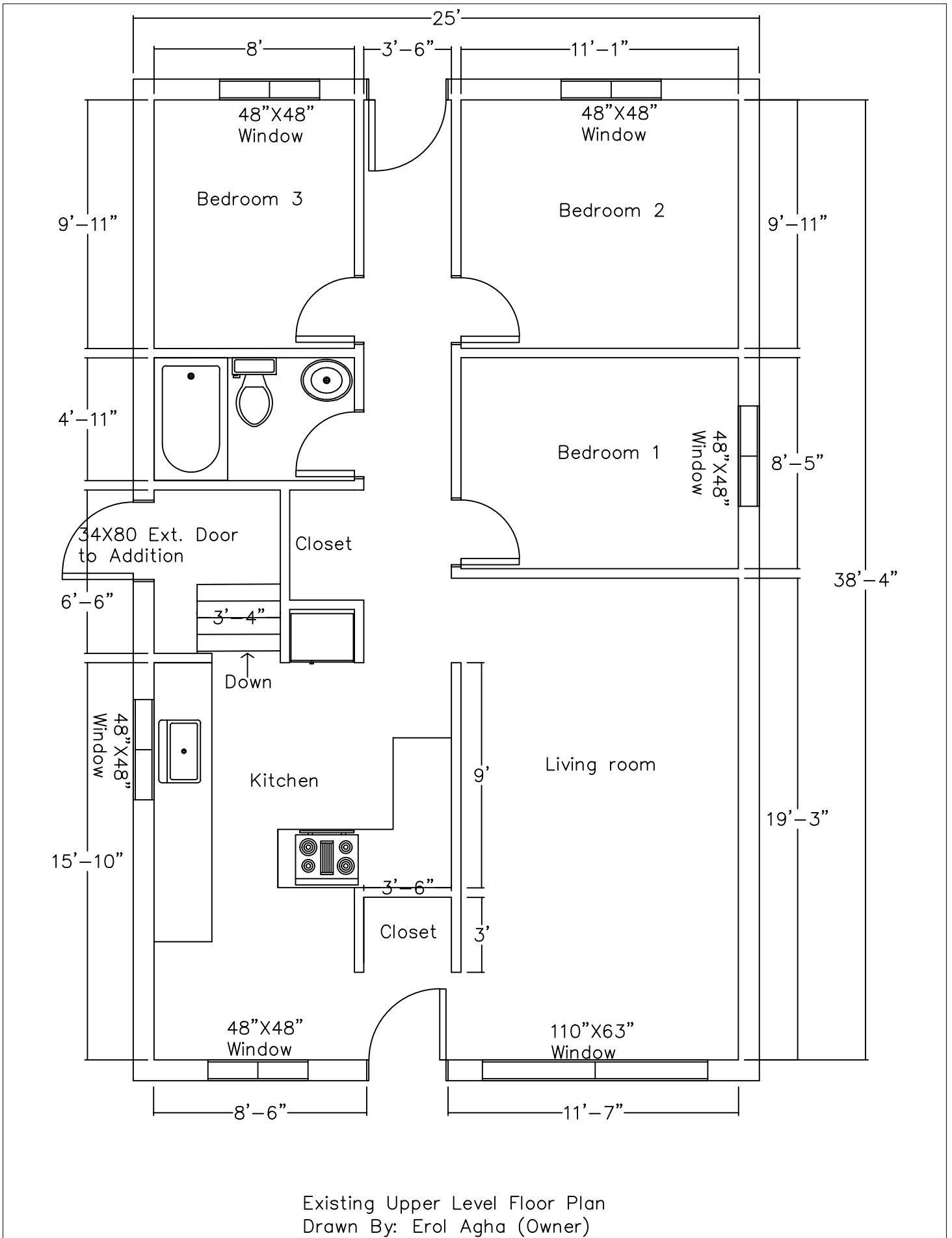
110 Holmes

1993 OCT 18
 Examined by: R. [Signature] Date:
 Zoning Only for Building Commissioner.
 No. 93-R-3310

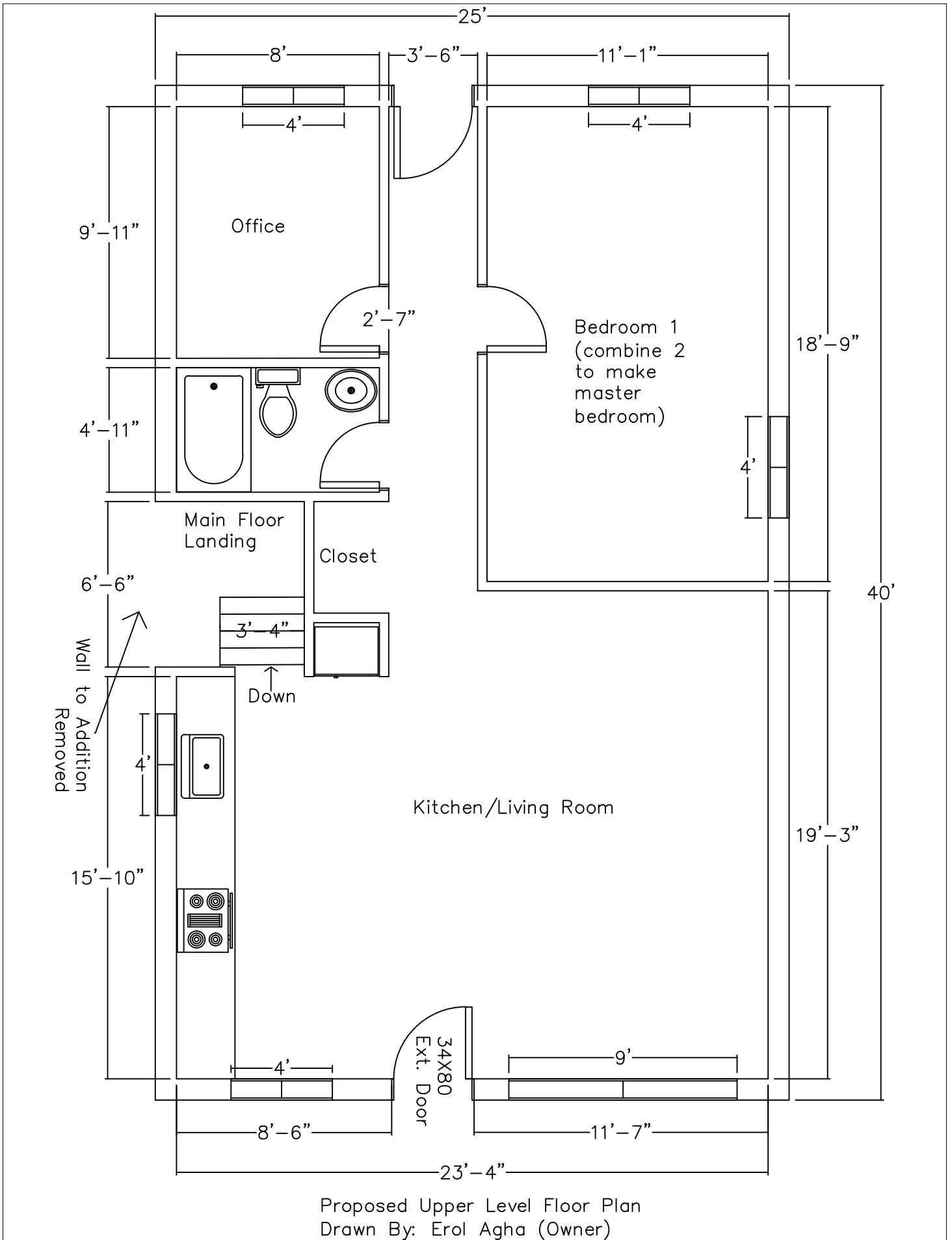
CITY OF HAMILTON
 DEPARTMENT OF BUILDINGS

PLAN
 SHOWING
 DWELLINGS UNDER CONSTRUCTION
 OF
 PARCEL 'B' & PARCEL 'A' IN PART OF
 LOT 56 CON. 1
 IN THE
 TOWNSHIP OF WINCHESTER
 NOW IN THE
 CITY OF HAMILTON
 SCALE: 1"=20'
 SURVEY BY: [Signature] DATE: JAN 3, 1994

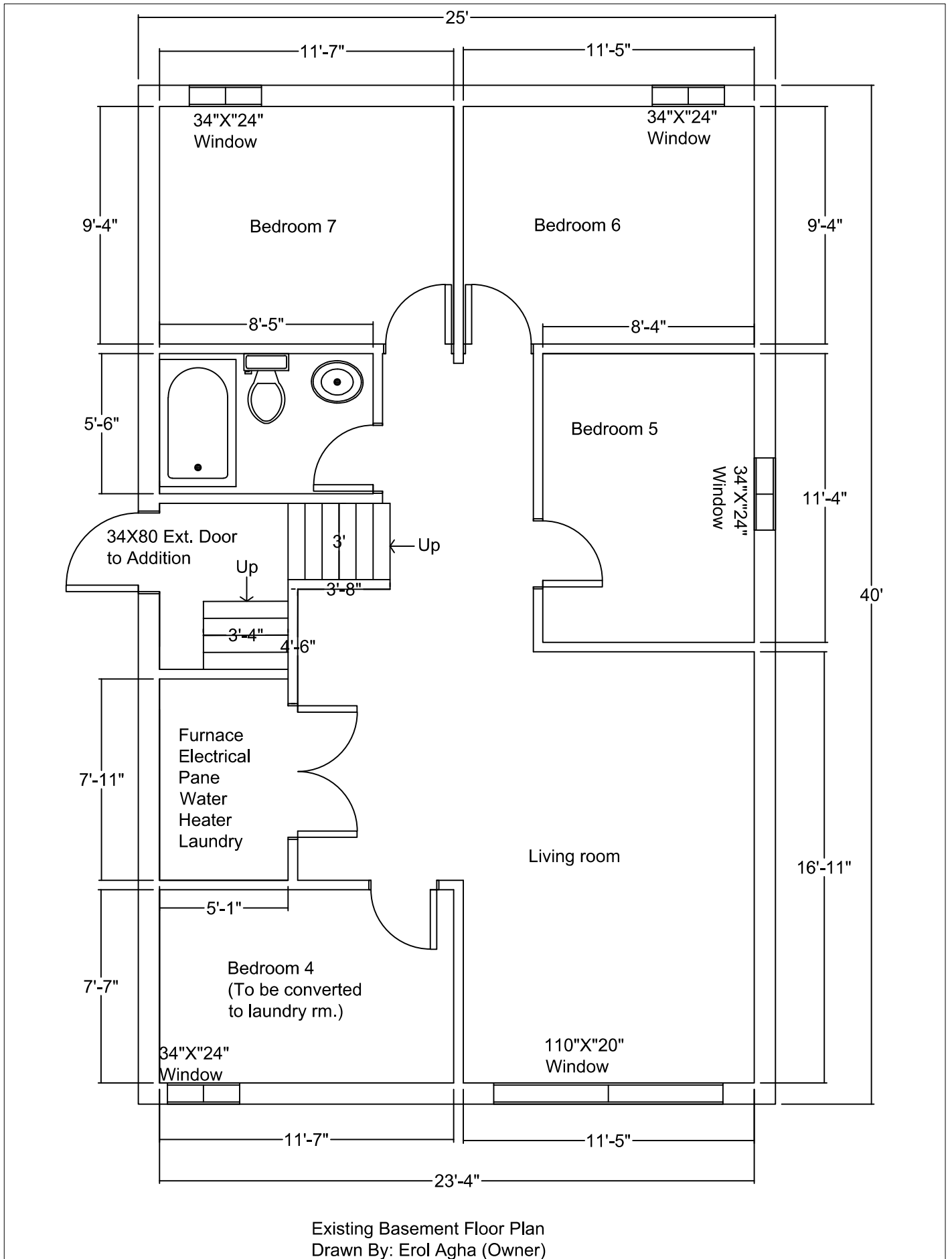
Hm/A
 19:351
 Sketch 1



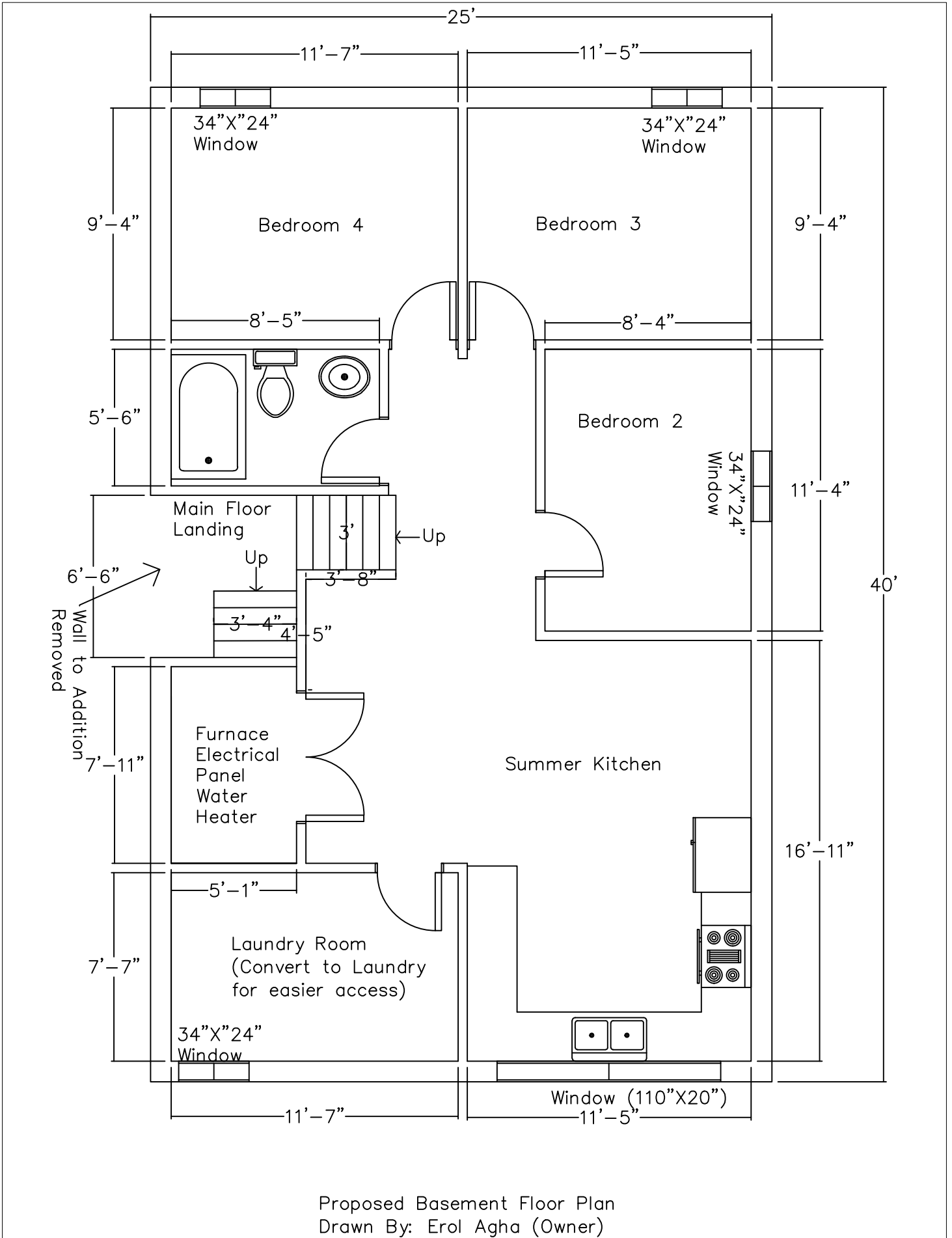
Existing Upper Level Floor Plan
 Drawn By: Erol Agha (Owner)



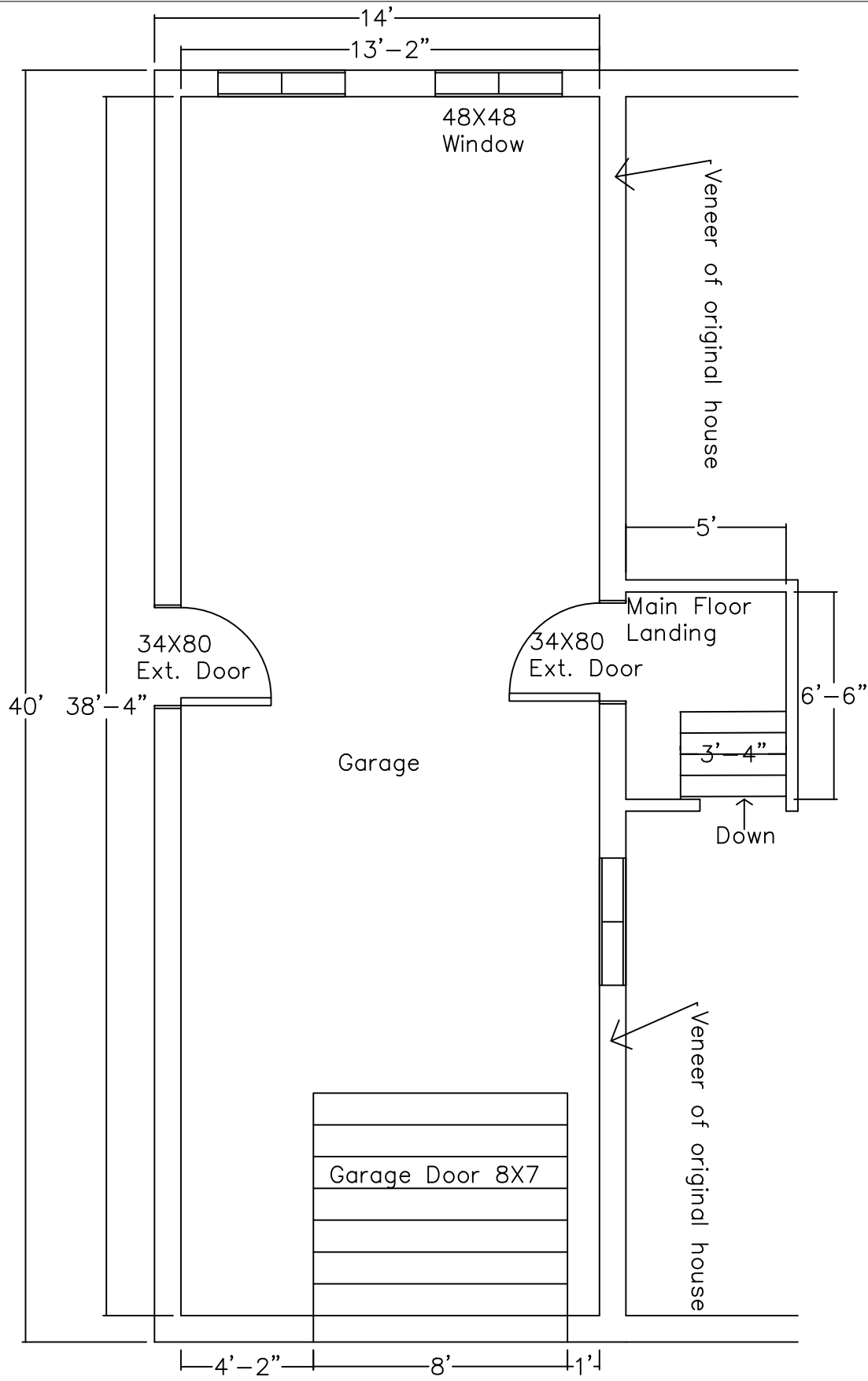
Proposed Upper Level Floor Plan
 Drawn By: Erol Agha (Owner)



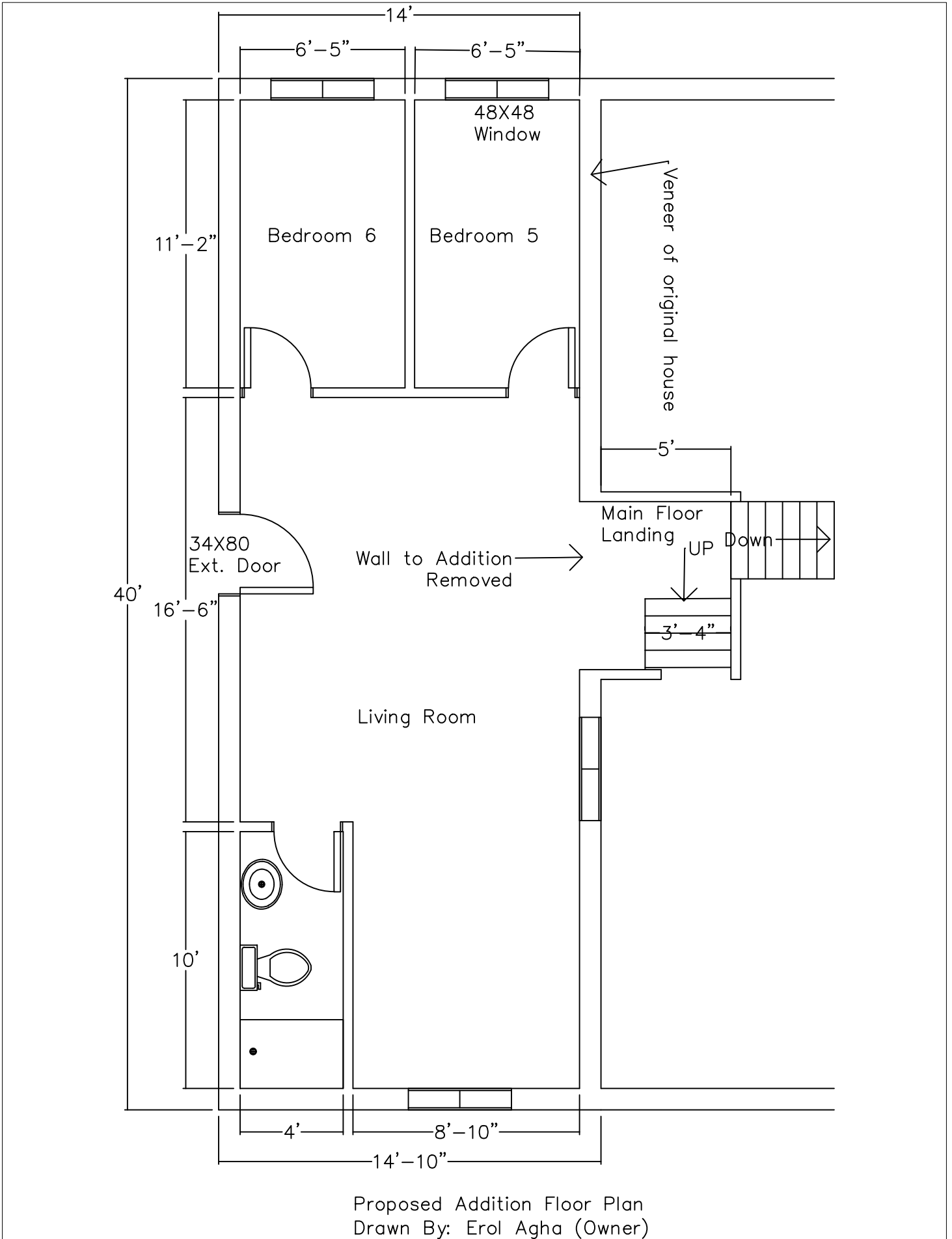
Existing Basement Floor Plan
 Drawn By: Erol Agha (Owner)



Proposed Basement Floor Plan
 Drawn By: Erol Agha (Owner)



Existing Addition Floor Plan
Drawn By: Erol Agha (Owner)



Proposed Addition Floor Plan
Drawn By: Erol Agha (Owner)



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

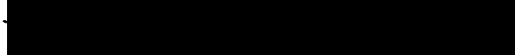
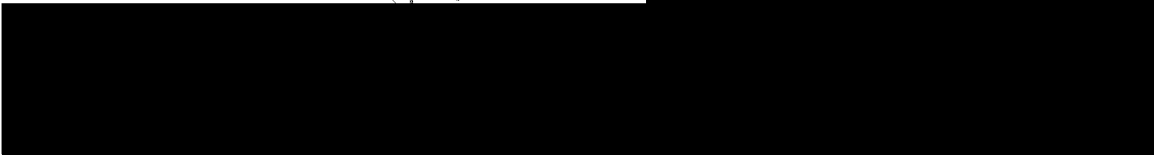
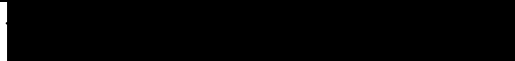

| | |
|------------------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. <u>Hm/A 19-351</u> | DATE APPLICATION RECEIVED <u>Sept. 26/19</u> |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Erol Agha 
- 
- Name of Agent Mostapha Mohammed 
- 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

- Off-site maneuvering for 2 vehicles (#3 & #4)
- Tandem parking for 2 vehicles (#1 & #2)
- Permit 4 parking spaces w in front yard

7. Why it is not possible to comply with the provisions of the By-law?

Property is located at end of cul-de-sac with no parking on the side.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

110 Holmes Ave, Hamilton, ON, L8S 2K9

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ___ No X Unknown ___

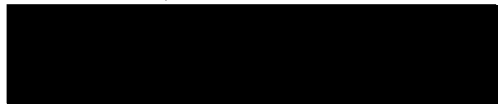
9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
The survey from 1964

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? Yes ___ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Sept 25, 2019
Date


Signature Property Owner
E. Agha Erol Agha
Print Name of Owner

10. Dimensions of lands affected:
Frontage 81.92'
Depth 111.33'
Area 6061'
Width of street 17' driveway access, Street is 32' wide

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing: Dwelling: 39' length, 39' width, height 16' max
1 story, gross floor area 1521 ft sq w/o basement
Shed: 12' x 12' . 11' max height. gross floor area 144 sq ft
975 ft sq.

Proposed: Same as existing

12. Location of all buildings and structures on or proposed for the subject lands;
(Specify distance from side, rear and front lot lines)
Existing: Dwelling: 24' from front, 4.86' from side & 4' from other side
Shed: min 2' from rear & side

Proposed: Same as existing

13. Date of acquisition of subject lands:
July 24, 2015

14. Date of construction of all buildings and structures on subject lands:
Dwelling: 1964 Addition to garage: Jan 2019

15. Existing uses of the subject property: Residential, Single Family Dwelling

16. Existing uses of abutting properties: Residential

17. Length of time the existing uses of the subject property have continued:
50+ years

18. Municipal services available: (check the appropriate space or spaces)

| | |
|--|---|
| Water <input checked="" type="checkbox"/> | Connected <input checked="" type="checkbox"/> |
| Sanitary Sewer <input checked="" type="checkbox"/> | Connected <input checked="" type="checkbox"/> |
| Storm Sewers <input checked="" type="checkbox"/> | |

19. Present Official Plan/Secondary Plan provisions applying to the land:
Residential, S.F.D.
low density residential (Westdale secondary plan)

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
~~only 1 parking space in front yard.~~
~~only 1 tandem parking~~ Urban protected residential

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No

If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:38

APPLICANTS: Paul Mallard on behalf of the owner Saba Estates Holdings

SUBJECT PROPERTY: Municipal address **252 Catharine St. N., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 74-259

ZONING: "J/S-378" (Light and Limited Heavy Industry, etc.) district

PROPOSAL: To permit the conversion of the existing two-storey building to a Multiple Dwelling containing 20 dwelling units while maintaining 137.5 square metres of Retail space on the ground floor level, notwithstanding;

1. A Multiple Dwelling containing 20 dwelling units shall be permitted within the existing building whereas the Zonign By-law does not permit a Multiple Dwelling at this location;

2. A minimum manoeuvring space width of 4.0 metres shall be permitted for the parking spaces located within the parking area abutting Barton Street East instead of providing a minimum manoeuvring space width of 6.0 metres required to be provided abutting upon and accessory to each required parking space;

3. The parking area abutting Barton Street East shall be permitted to be located 0.0 metres from the adjoining residential district to the east instead of providing the minimum required distance of 1.5 metres from the boundary of every parking area containing five (5) or more parking spaces to an adjoining residential district;

4. The parking area abutting Barton Street East shall be permitted to be located 0.0 metres from the street line instead of providing the minimum required distance of 6.0 metres which is equal to the depth of the front yard required to be provided in the adjoining residential district to the east for that portion of the parking area located within 3.0 metres of the adjoining residential district;

5. A landscaped area with a planting strip shall not be provided between the parking area abutting Barton Street East and the boundary of the abutting residential district to the east instead of providing a landscaped area with a planting strip required to be provided between a parking area containing five or more parking spaces and an adjoining residential district;

6. A visual barrier shall not be provided between the parking area abutting Barton Street East and the abutting residential district to the east instead of providing a visual barrier with a minimum height of 1.2 metres and a maximum height of 2.0 metres required to be provided between a parking area containing five or more parking spaces and an adjoining residential district;

HM/A-21:38

Page 2

7. The access driveway providing access to the parking area abutting Barton Street East shall be permitted to be located 0.0 metres to the adjacent residential district to the east instead of providing a minimum of 3.0 metres from the common boundary between an access driveway providing access to a Multiple Dwelling and a residential district which does not permit such use;

NOTES:

1. A minimum of one (1) loading space measuring 3.7 metres in width x 9.0 metres in length x 4.3 metres in height is required to be provided for the proposed Multiple Dwelling. Two (2) loading spaces have been shown to be provided on the site plan, however it is unclear if these loading spaces are to be maintained. A further variance will be required if a minimum of one (1) loading space measuring 3.7 metres in width x 9.0 metres in length x 4.3 metres in height is not provided. Please note; a loading space is not required to be provided for the Retail use as it is proposed to occupy a floor area less than 450.0 square metres.
2. It is unclear if the open stair located at the most easterly portion of the northern building façade is to be replaced. A further variance will be required should the intent be to replace the existing open stair.
3. Details regarding illumination of the parking areas have not been provided. A further variance will be required if compliance with Section 18A(13) of the Zoning By-law cannot be achieved.
4. Amending By-law 74-259 limits the use of this property to industrial or commercial uses existing on the date of the passing of the By-law (October 29th, 1974). Pursuant to Building Division records, the existing permitted use is a retail store with accessory office and storage areas.
5. Minor variance decision HM/A-19:128 was previously approved to facilitate the conversion of the second floor of the existing building to a nine (9) unit Multiple Dwelling while maintaining a Retail use on the ground floor level.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

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MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SURVEYOR'S REAL PROPERTY REPORT PART 1

PLAN OF SURVEY OF LOTS 29 & 30 AND PART OF LOT 28 FRONTING ON THE EAST SIDE OF CATHARINE STREET BETWEEN ROBERT & BARTON STREETS IN THE BLOCK BOUNDED BY CATHARINE, BARTON, MARY & ROBERT STREETS

ACCORDING TO NATHANIEL HUGHSON SURVEY - (UNREGISTERED)

CITY OF HAMILTON

SCALE 1:200



B.J. CLARKE O.L.S.

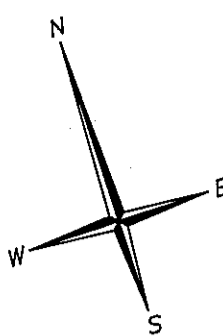
THIS REPORT WAS PREPARED FOR RAYMOND SABA-SABA ESTATES HOLDING

ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM

2003409

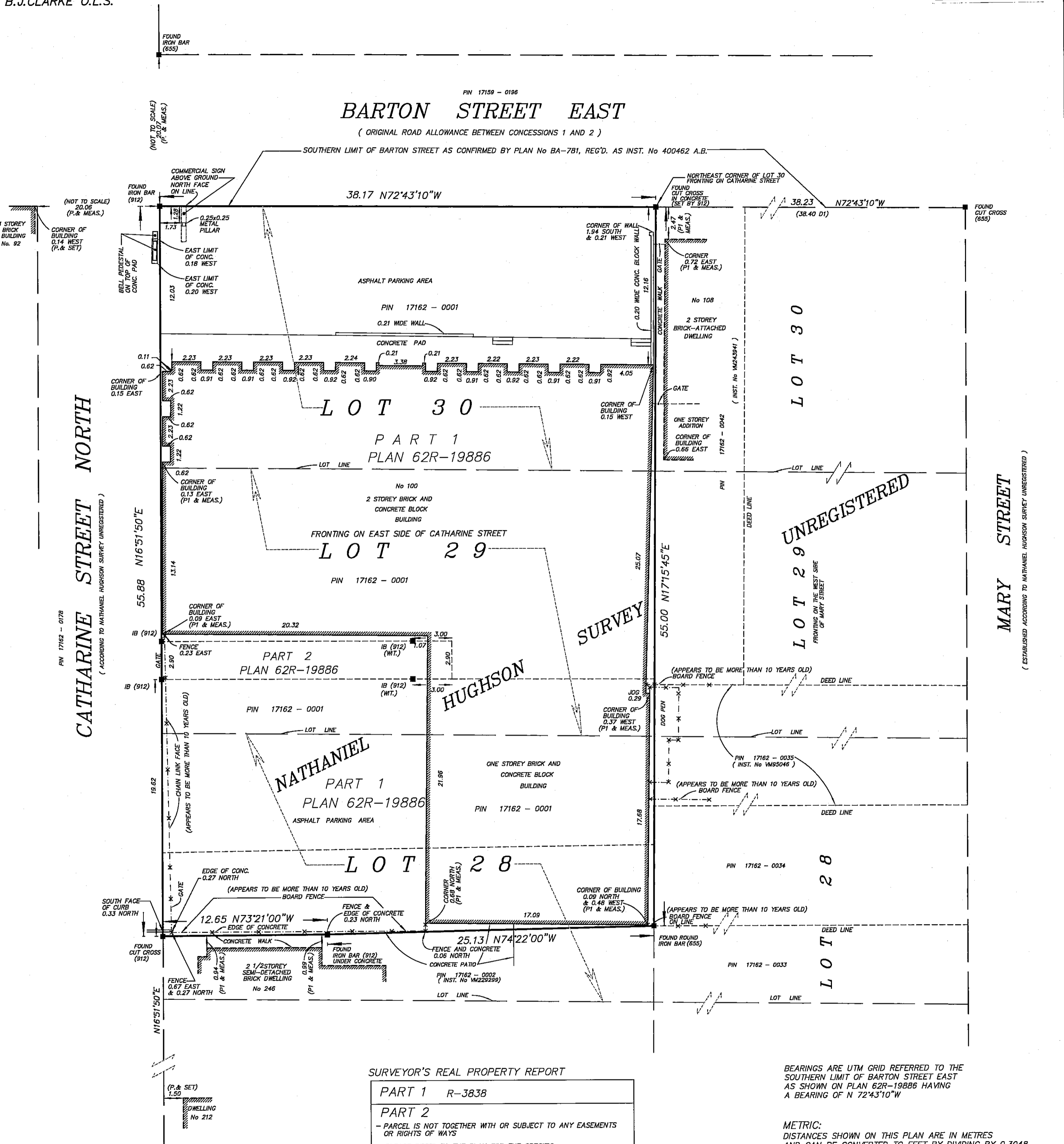


THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).



BARTON STREET EAST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2)



SURVEYOR'S REAL PROPERTY REPORT

PART 1 R-3838

PART 2

- PARCEL IS NOT TOGETHER WITH OR SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAYS
- PLEASE REFER TO THE PLAN FOR THE SPECIFIC LOCATION OF FENCES AND OTHER FEATURES RELATIVE TO THE PROPERTY LIMITS

-NOTE THE EXTENT OF CONCRETE WALK AND PATIO SITUATED NORTH AND TO EAST OF 246 CATHARINE STREET DWELLING THAT IS LOCATED ONTO THE SUBJECT LANDS

BEARINGS ARE UTM GRID REFERRED TO THE SOUTHERN LIMIT OF BARTON STREET EAST AS SHOWN ON PLAN 62R-19886 HAVING A BEARING OF N 72°43'10"W

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

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF JANUARY, 2017

JANUARY 19, 2017

DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

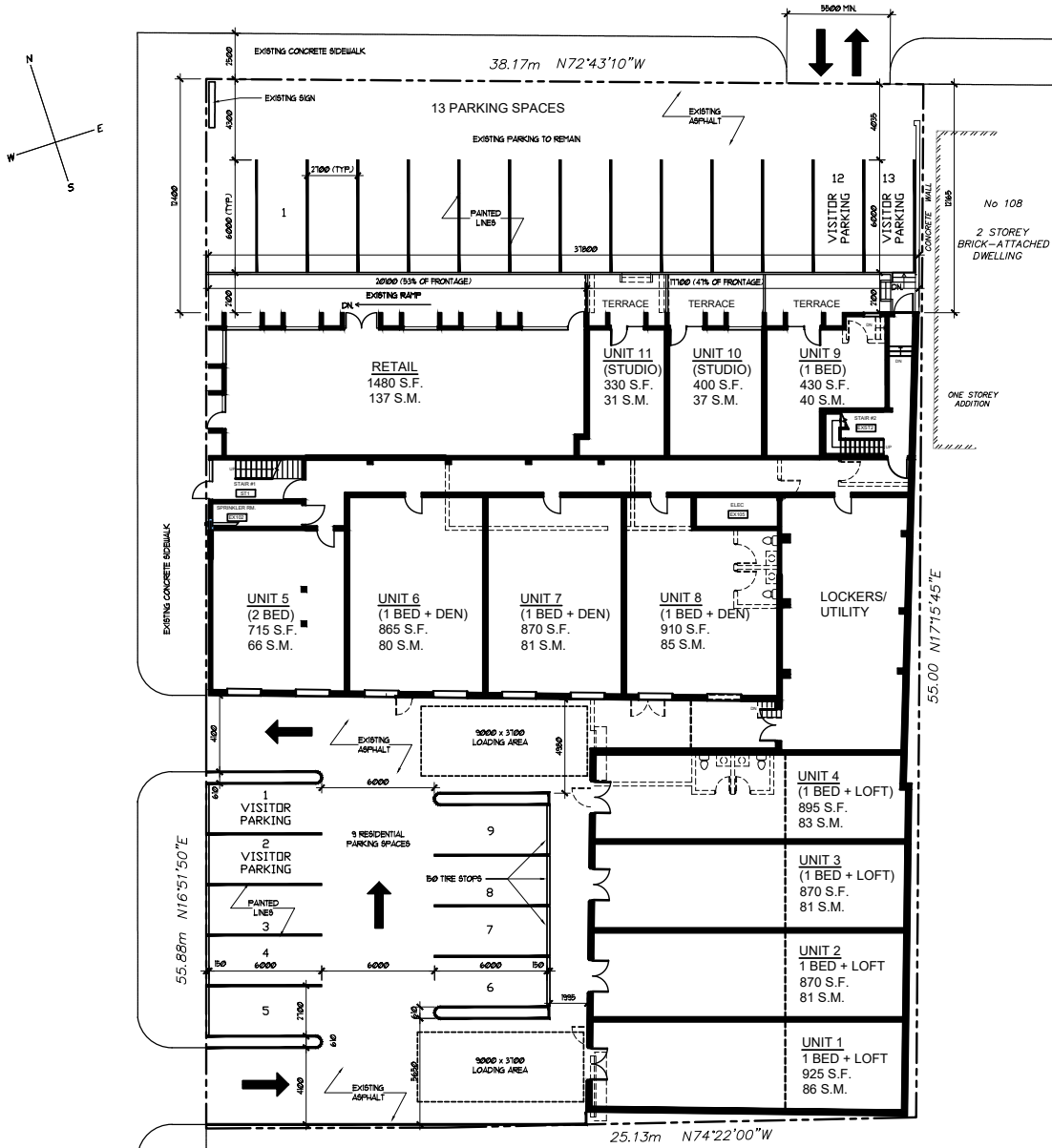
LEGEND:

- IB DENOTES IRON BAR
(655) DENOTES J. T. PETERS O.L.S.
(912) DENOTES A. J. CLARKE O.L.S.
(WIT.) DENOTES WITNESS
(P.) DENOTES BA PLAN No 781
(D1) DENOTES INSTRUMENT No VM243941
(P1) DENOTES PREVIOUS PLAN BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 23, 1976 INDEXED E-3366
(MEAS.) DENOTES MEASURED

A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.
This Report reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

BARTON STREET EAST



FEASIBILITY STUDY
CATHARINE & BARTON
AFFLATUS CONSULTING LTD.

252 CATHARINE ST. N, HAMILTON

SCALE:
1/32" = 1'-0"

DATE:
JAN 11, 2020

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH,
HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209
E: information@lintack.com
www.lintack.com

GROUND FLOOR

JOB No.
20.076

DWG. No.
A1.0

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|--|------------|---|
| Registered Owners(s) | Saba Estates Holding c/o Raymond Saba | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Payam Khazanbaik | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | Paul Mallard | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Ontario Wealth Management Corporation
 2950 Keele St.
 Toronto, ON
 M3M 2H2

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Further Variance to permit the alteration of 1st floor of existing two (2) storey building into eleven (11) multiple dwelling units and to maintain 137.5 sq.m. of retail space.

NOTE: Second (2nd) floor of existing two (2) storey building is to be altered into a nine (9) unit multiple dwelling as per previously approved Variance HM/A-19:128. This would result in a total of twenty (20) units.

5. Why it is not possible to comply with the provisions of the By-law?

The lands are currently under a Site Specific "J/S-378" Zoning which only permits existing commercial or industrial uses or expansion thereof.

* (See attached for more information)

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Lots 29 & 30, Part Lot 28 Nathaniel Hughson Survey
Municipally known as 252 Catharine St. N.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Real McCoy Sports-McCoy's Exercise Equipment/Warehouse-McCoy Machinery and Supply

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner and previous application (HM?A-19:128).

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

January 14, 2021

Date


Signature Property Owner

Raymond Saba

Print Name of Owner

10. Dimensions of lands affected:


| | |
|-----------------|---------------------------------|
| Frontage | <u>55.8m (Catharine St. N.)</u> |
| Depth | <u>38.1m (Barton St. E.)</u> |
| Area | <u>2,100 sq.m.</u> |
| Width of street | <u>Approx. 20m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:

Two (2) storey L-shaped slab on grade building (approx.. 38.1m x 42.7m) with a ground floor area of approx.. 1,110 sq.m.; second (2nd) floor area of approx.. 750 sq.m.; total floor area of approx.. 1,860 sq.m.

Proposed

N/A – proposal is for a further variance to allow the alteration of the first (floor) into eleven (11) multiple dwelling units for a total of twenty (20), and maintain ^{131.5}~~189~~ sq.m. as retail space. 

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front (Catharine St. N.) setback - .08m; Rear setback - .14m; Side (barton St. E.) setback - 12.0m; Side (south) setback - .08m

Proposed:

N/A

13. Date of acquisition of subject lands:
 October 2014
-
14. Date of construction of all buildings and structures on subject lands:
 1960's - 1970's (Barton portion new building in 1980).
-
15. Existing uses of the subject property:
 Retail commercial (Rugs Network) and warehouse.
16. Existing uses of abutting properties:
 N - Res/Comm & Inst; S - Res; E - Res & Inst; West - Comm.
17. Length of time the existing uses of the subject property have continued:
 Approx. 4.0+ years
18. Municipal services available: (check the appropriate space or spaces)
 Water X Connected X
 Sanitary Sewer X Connected X
 Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:
 The subject lands were not included in UHOP as they fell under Non-Decision 113. Proposal implements "Prime Retail" designation in West Harbour (setting Sail) Secondary Plan. (See attachment for more information).
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Site Specific "J/S-378".
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 Previous Minor Variance (HM/A-19:128) approved to permit alteration of second (2nd) floor of existing two (2) storey building into a nine (9) unit multiple dwelling.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
 See attachment.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:35

APPLICANTS: Webb Planning on behalf of the owner 2691597 Ontario Inc.

SUBJECT PROPERTY: Municipal address **11 Robert St., Hamilton**

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

ZONING: "H" (Community Shopping and Commercial) district

PROPOSAL: To permit the redevelopment of the subject lands for a six (6) storey mixed-use building comprised of ground floor commercial and twenty-eight (28) dwelling units on the upper floors as per Site Plan DA-20-099 notwithstanding that;

1. A maximum of twenty-eight (28) dwelling units shall be permitted within a six (6) storey building and where the gross floor area of the residential component exceeds the gross floor area of the commercial component notwithstanding that the zoning by-law permits a maximum one dwelling unit for each 180.0m² of area of the lot upon which the building is situated provided that the building does not exceed two (2) storeys in height and provided further that the gross floor area of the building used for dwelling units does not exceed the gross floor area used for commercial purposes.
2. A maximum building height of six storeys and 20.0m shall be permitted instead of the maximum building height of four storeys and 17.0m permitted.
3. A minimum front yard depth of 2.5m shall be permitted instead of the minimum 6.0m front yard depth required.
4. A maximum building setback of 2.5m shall be permitted from the front lot line for any portion of building below 11.0m in height instead of the maximum 2.0m building setback permitted from a street line.
5. A minimum rear yard depth of 2.6m shall be permitted instead of the minimum 7.5m rear yard depth required.
6. A maximum gross floor area of 4.2 times the area of the lot shall be permitted whereas the zoning By-law states that no building or structure in an "H" District shall have a gross floor area of more than four (4) times the area within the district of the lot on which it is situated.
7. No planting strip shall be provided and maintained along the rear lot line and both the westerly and easterly side lot lines whereas the zoning by-law requires a minimum 1.5m wide planting strip along every side lot line and rear lot line adjoining a residential use.

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Page 2

8. No parking spaces including no visitors parking shall be provided and maintained for the residential component instead of the minimum 28 parking spaces including six (6) visitors parking spaces.

9. No loading space shall be required for the 28 unit multiple dwelling instead of the minimum one (1) loading space required.

Notes: These variances are necessary to facilitate Site Plan Control application DA-20-099.

Based on the plans provided, the applicant is proposing a restaurant on the ground floor commercial space. However, the maximum proposed number of seats was not indicated from which to confirm the total number of parking spaces required. Therefore, further variances are required.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

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- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

UNDERTAKING FILE No. DA-20-099

- RE: 11 ROBERT STREET, CITY OF HAMILTON
1. [WE] _____ THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,
 - a) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
 - b) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED _____;
 - c) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(b) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING(S), INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS; AND,
 - d) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____ THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.
 - e) THAT THE OWNER AGREES PHYSICALLY AFFIX THE MUNICIPAL NUMBER (11) OR FULL ADDRESS (11 ROBERT STREET) TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE STREET.
 - f) THAT THE OWNER AGREES TO CO-ORDINATE UNIT ADDRESS FOR THE MAIN LEVEL COMMERCIAL UNIT WITH STAFF FROM THE GROWTH PLANNING SECTION.
 - g) THE DEVELOPER IS RESPONSIBLE FOR ALL WASTE REMOVAL UP UNTIL THE TIME THAT ANY AVAILABLE MUNICIPAL COLLECTION SERVICES ARE INITIATED.
 - h) PRIOR TO THE START OF SERVICE, THE DEVELOPMENT MUST BE FREE OF CONSTRUCTION DEBRIS AND CONSTRUCTION RELATED ACTIVITIES.
 - i) AS PART OF THE PURCHASE AND SALE AGREEMENT THE DEVELOPER, OWNER, PROPERTY MANAGER OR AGENT FOR THE DEVELOPMENT MUST DISCLOSE IN WRITING TO A PROSPECTIVE BUYER OF A UNIT WITHIN THE DEVELOPMENT THAT THE PROPERTY IS NOT SERVICEABLE FOR MUNICIPAL GARBAGE COLLECTION.
 - j) TO INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:
 - i) THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.
 - ii) THAT THE DEVELOPERS/OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX FACILITY PRIOR TO THE CLOSING OF ANY HOME SALES.
 - iii) TO IMPLEMENT CANADA POST'S MULTIHUNT POLICY, WHICH REQUIRES THAT THE OWNER/DEVELOPER PROVIDE THE CENTRALIZED MAIL FACILITY (LOCK BOX FACILITY) AT THEIR OWN EXPENSE. LESS THAN 100 UNITS WILL REQUIRE FRONT LOADING BOX ASSEMBLY WILL BE IN EFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INDOOR OR SHELTERED PLACE.
 - k) CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES (MHTCI) SHOULD BE NOTIFIED IMMEDIATELY (416-212-8886). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MHTCI AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF GOVERNMENT AND CONSUMER SERVICES (416-212-7499).
 - l) THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY ANY EASEMENT(S) AS DEEMED NECESSARY BY BELL CANADA TO SERVICE THIS NEW DEVELOPMENT. THE OWNER FURTHER AGREES AND ACKNOWLEDGES TO CONVEY SUCH EASEMENTS AT NO COST TO BELL CANADA.
 - m) THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES OR EASEMENTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COSTS.
 - n) THE OWNER IS ADVISED TO CONTACT BELL CANADA AT planninganddevelopment@bell.ca DURING THE DETAILED UTILITY STAGE TO CONFIRM THE PROVISION OF COMMUNICATION/ELECTRICITY INFRASTRUCTURE NEEDED TO SERVICE THE DEVELOPMENT.
 - o) IT SHALL BE NOTED THAT IT IS THE RESPONSIBILITY OF THE OWNER TO PROVIDE ENTRANCE/SERVICE DUCT(S) FROM BELL CANADA'S EXISTING NETWORK INFRASTRUCTURE TO SERVICE THIS DEVELOPMENT. IN THE EVENT THAT NO SUCH NETWORK INFRASTRUCTURE EXISTS, IN ACCORDANCE WITH THE BELL CANADA ACT, THE OWNER MAY BE REQUIRED TO PAY FOR THE EXTENSION OF SUCH NETWORK INFRASTRUCTURE.
 - p) IF THE OWNER ELECTS NOT TO PAY FOR THE ABOVE NOTED CONNECTION, BELL CANADA MAY DECIDE NOT TO PROVIDE SERVICE TO THIS DEVELOPMENT.

DATED THIS _____ DAY OF _____ 20____

WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____ (SEAL)

WITNESS (PRINT) _____ OWNER (PRINT) _____

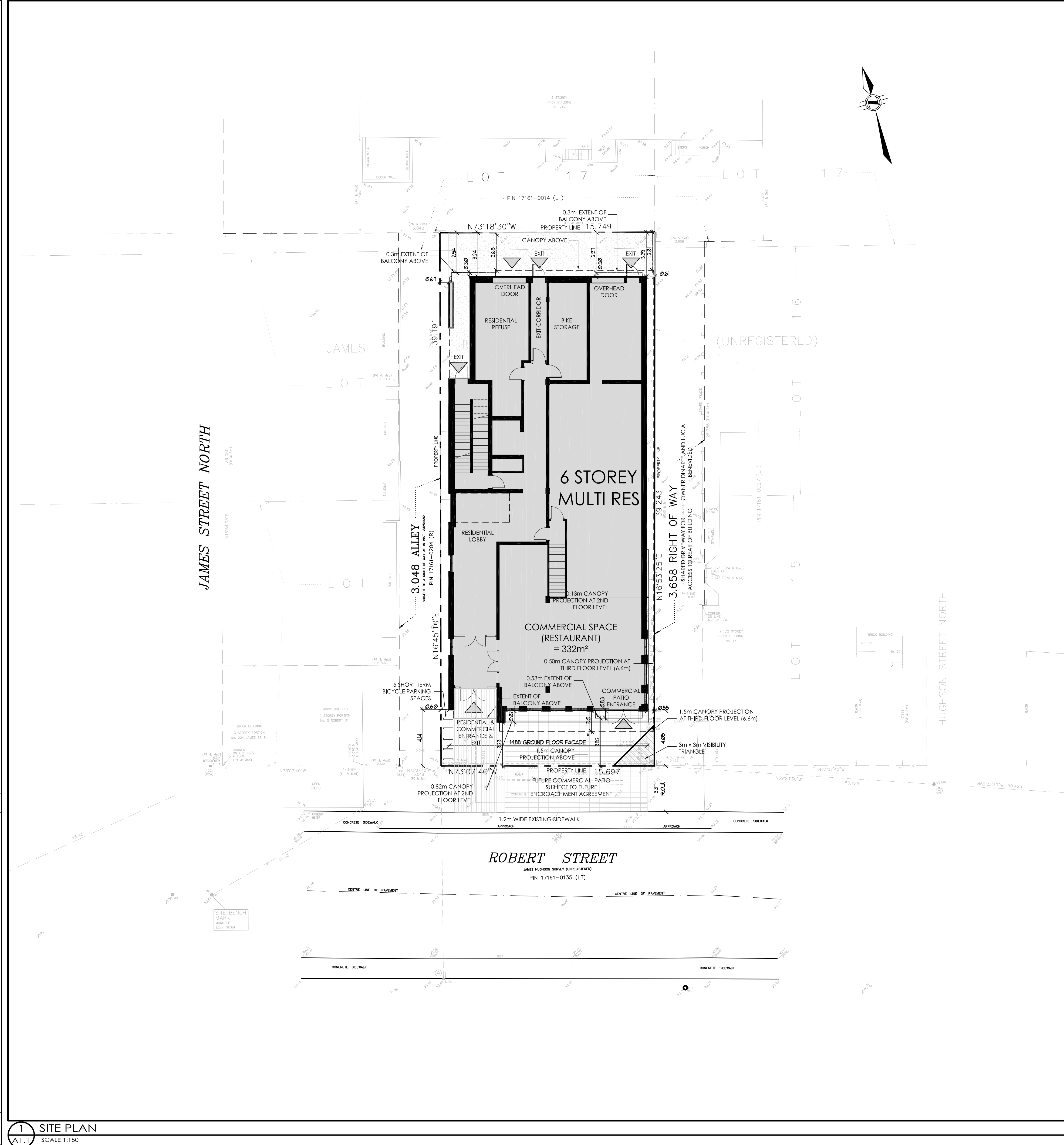
ADDRESS OF WITNESS _____

NOTES ON THE SITE PLAN:

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAYS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMITS
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
 - SEWER AND WATER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS
6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:

"3.0 METRE BY 3.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."
8. ALL SIGNS MUST COMPLY WITH SIGN BY-LAW: No. 10-197
9. ANY LANDSCAPING PROPOSED WITHIN THE MUNICIPAL ROW WILL REQUIRE AN ENCROACHMENT AGREEMENT
10. A MUTUAL ACCESS AGREEMENT SHALL BE IN PLACE FOR THE SUBJECT DEVELOPMENT TO UTILIZE ANY PRIVATE DRIVEWAYS

ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED. TIES ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED



KEYPLAN



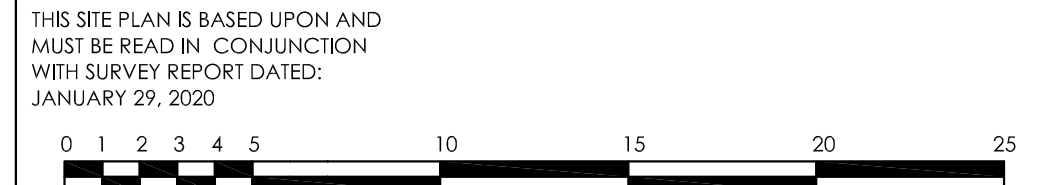
SITE STATISTICS

LEGAL DISCRIPTION

OF PART OF JAMES HUGHSON SURVEY (UNREGISTERED) BOUNDED BY JAMES, BARTON, HUGHSON, & ROBERT STREETS IN THE CITY OF HAMILTON

INFORMATION TAKEN FROM SITE PLAN PREPARED BY SURVEYOR: A.T. McLAREN LIMITED, 69 JOHN STREET SOUTH, SUITE 230 HAMILTON, ONTARIO, L8N 2S9 T: 905-527-8559 F: 905-527-0032

THIS SITE PLAN IS BASED UPON AND MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED: JANUARY 29, 2020



"H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT

| SITE AREA | AREA (Sq.m) |
|-------------------|--------------------|
| SITE AREA | 616.88 |
| BUILDING COVERAGE | 452.19 (73.3%) +/- |
| FLOOR AREA RATIO | 4.14x +/- |
| LOT WIDTH | 15.597m |

| GROSS FLOOR AREA | area breakdown | per floor |
|------------------|----------------|-------------|
| BASEMENT | 220.45 +/- | |
| LEVEL 1 | 428.9 +/- | |
| LEVEL 2 | 417.45 +/- | |
| LEVEL 3-6 | 422.8 | 1,691.2 +/- |

LANDSCAPED AREA 164.69 sq.m (26.7%)
 (SURROUNDING SITE OUTSIDE OF BUILDING FOOTPRINT)

| AMENITY SPACE TOTAL | 340.0 |
|---------------------|--------|
| PRIVATE BALCONIES | 191.25 |

| TOTAL COMMERCIAL UNIT GFA | 260.0 |
|---------------------------|-------|
|---------------------------|-------|

| | | |
|-----------------|--------------|----------------|
| BUILDING HEIGHT | (6 STOREY) | 20.0m |
| FACADE WIDTH | 75% REQUIRED | 92.7% PROVIDED |

| No. OF RESIDENTIAL UNITS | NUMBER OF UNITS <50sm | 15 |
|--------------------------|-----------------------|----|
| | NUMBER OF UNITS >50sm | 12 |
| | NUMBER OF 3 BED UNITS | 1 |

| TOTAL NUMBER OF UNITS | 28 |
|-----------------------|----|
|-----------------------|----|

| | |
|-------------------------|---|
| No. of COMMERCIAL UNITS | 1 |
|-------------------------|---|

| PARKING | RESIDENTIAL <50m2 | SPACES |
|---------|---|---------------------|
| | UNITS 1-12 | 0.0/UNIT = 0 |
| | UNITS 13-15 | 0.3/UNIT = .9 SPACE |
| | ROUND DOWN AS PER 05-200 SECTION 5.6 (b) (iv) | 0 |
| | RESIDENTIAL >50m2 | UNITS 1-12 |
| | | 0.0/UNIT = 0 |
| | RESIDENTIAL >50m2 | UNITS 1 |
| | | 0.0/UNIT = 0 |

| | |
|-------------------------------------|--|
| REQUIRED RESIDENTIAL | 0 |
| PROPOSED RESIDENTIAL | 0 |
| REQUIRED COMMERCIAL SURFACE PARKING | LESS THAN 450m2 WITHIN THE DOWNTOWN DO NOT REQUIRE PARKING |
| TOTAL PROPOSED PARKING | 0 |

| | | |
|----------------------------------|--|----|
| TOTAL SHORT-TERM BICYCLE PARKING | EXCEPT FOR ANY OFFICE, PERSONAL SERVICES, RESTAURANT, OR RETAIL USE LESS THAN 450m2 NO SHORT-TERM BICYCLE PARKING SPACE(S) SHALL BE REQUIRED | 5 |
| TOTAL LONG-TERM BICYCLE PARKING | | 14 |

| YARD SETBACKS:PROPOSED | REQUIRED | PROVIDED |
|--------------------------|----------|----------|
| Min. SIDE YARD (EAST) | 0m | 0.55m |
| Min. REAR YARD (NORTH) | 0m | 2.65m |
| Min. SIDE YARD (WEST) | 0m | 0.60m |
| Min. FRONT YARD (SOUTH) | 2m max. | 4.05m |

LINTACK ARCHITECTS
 INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • E: info@lincorp.com
 www.lincorp.com



FOR SPA

This drawing must not be scaled. General Contractor shall verify all dimensions, details and levels prior to commencement of the work. All errors and omissions are to be reported immediately to the Architect.

| No. | Revisions | Date |
|-----|------------------|--------------|
| 2 | ISSUED FOR SPA | JAN 21, 2021 |
| 1 | REISSUED FOR SPA | |
| 0 | Issue | 03/09 |

Proposed:
 11 ROBERT STREET
 YOKE GROUP
 11 ROBERT STREET
 HAMILTON, ONTARIO

job no. 19.112

dwg. file A0.001

dwn. by CP/SB

scale AS NOTED

date Jan 2021

dwg. title DA-20-099 Site Plan

dwg. A0.01

ARCH D - TITLE BLOCK



1 North Elevation
1:100

2 East Elevation
1:100

MATERIAL LEGEND

| | | | | | |
|-----|---|-----|--|-----|---|
| AL1 | PREFINISHED ALUMINUM CLADDING ALUCOBOND COLOUR: GREYHOUND | BK1 | BRICK TYPE 1 GLENGERY COLOUR: JAMESTOWN ORANGE | GL1 | CURTAIN WALL GLAZING FRAME COLOUR: BLACK |
| MT1 | METAL MECHANICAL SCREEN | BG1 | GLASS BALCONY GUARD | GL2 | STORE FRONT GLAZING FRAME COLOUR: BLACK |
| EF1 | EFS FINISH DRYVIT COLOUR: GLACIER | | | | |
| EF2 | EFS FINISH DRYVIT COLOUR: VERUVIUS | | | | |

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH - HAMILTON, ONTARIO, L8P 3B3
1-705-226-6611 F: 705-226-6611
www.lintack.com



This drawing must not be scale.
General Contractor shall verify all dimensions, datums, and levels prior to commencement of the work.
All errors and omissions are to be reported immediately to the Architect.

| No. | Revisions | Date |
|-----|------------------|-------------|
| 2. | REISSUED FOR SPA | JAN 21 2021 |
| 1. | ISSUED FOR SPA | |
| No. | Issue | Date |

11 ROBERT ST RESIDENCE
YOKE GROUP
11 ROBERT STREET
HAMILTON, ON

job no. 19.112

dwg. file

dwg. by Author

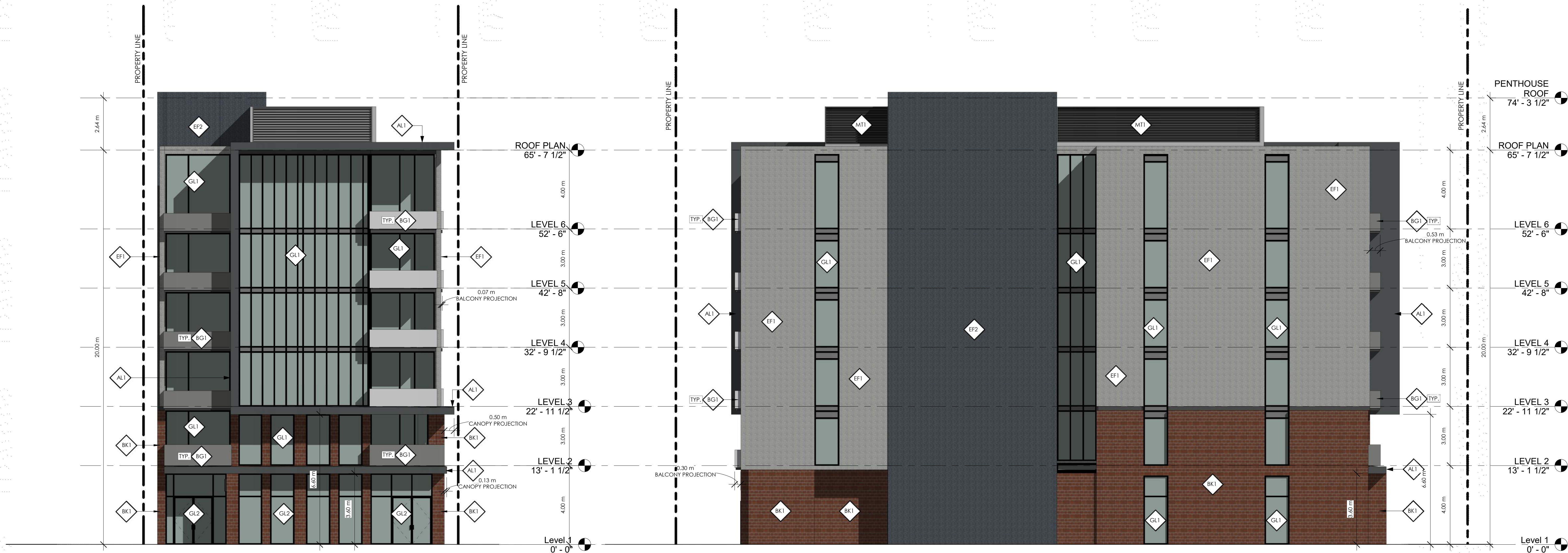
scale As indicated

date DEC. 23, 2020

dwg. title
NORTH & EAST
ELEVATION
DA-20-099

dwg. A0.03

ARCH-D - TILE BLOCK



1 South Elevation
1 : 100

2 West Elevation
1 : 100

MATERIAL LEGEND

| | | |
|---|--|---|
| PREFINISHED ALUMINUM CLADDING ALUCCORND COLOUR: GREYHOUND | BRICK TYPE 1 GLENGERY COLOUR: JAMESTOWN ORANGE | CURTAIN WALL GLAZING FRAME COLOUR: BLACK |
| METAL MECHANICAL SCREEN | GLASS BALCONY GUARD | STORE FRONT GLAZING FRAME COLOUR: BLACK |
| EIFS FINISH DRYVIT COLOUR: GLACIER | | |
| EIFS FINISH DRYVIT COLOUR: VERUVIUS | | |

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FOR SPA
ONTARIO ASSOCIATION OF ARCHITECTS
Richard F. Lintack
LICENCE 4148

This drawing must not be scale.

General Contractor shall verify all dimensions, datums, and levels prior to commencement of the work. All errors and omissions are to be reported immediately to the Architect.

| No. | Revisions | Date |
|-----|----------------|-------------|
| 2. | ISSUED FOR SPA | JAN 21 2021 |
| 1. | ISSUED FOR SPA | |
| No. | Issue | Date |

11 ROBERT ST RESIDENCE
YOKE GROUP
11 ROBERT STREET
HAMILTON, ON

job no. 19.112

dwg. file

dwg. by Author

scale As indicated

date DEC. 23, 2020

dwg. title
SOUTH & WEST
ELEVATIONS
DA-20-099

dwg. A0.04



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---------------------------|---------------|---|
| Registered Owners(s) | 2691597 Ontario Inc. | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Yoke Group | Same as above | Phone: E-mail: |
| Agent or Solicitor | WEBB Planning Consultants | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
Mortgage - BCU Financial, 2280 Bloor Street West, Toronto ON M6S 1N9

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Refer to attached Appendix "A" for complete outline of Variances. Scope includes: Number of dwelling units, gross floor area for dwelling units, building height, reductions to front, rear and side yards, increase floor area ratio, no planting strips to be required, reduce the number of required parking and loading spaces.

5. Why it is not possible to comply with the provisions of the By-law?

Building design implements approved Downtown Secondary Plan and the Downtown Mixed Use designation, City has made a mapping error and did not include property in Zoning By-law 05-200 and Zone as D2 Zone - Downtown Mixed Use Pedestrian Predominant, will be corrected by Housekeeping Amendment, in the interim Variances are required from the current "H" District Zone of former Hamilton ZBL 06593

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of Lots 15, 16 & 17, James Hughson Survey (Unregistered)
11 Robert Street

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Restaurant and ancillary retail

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Record of Site Condition is being prepared to be filed with the Ministry following the removal of underground storage tank and site remediation under the supervision of soils consultant

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

01/26/2021 _____
 Date Signature Property Owner
 Anthony Quattrociocchi
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 15.6 m
 Depth 39.1
 Area 616 sq. metres
 Width of street 20.0 metres

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Existing bld to be demolished

Proposed

6 storey mixed use building, measured height of 20.0 metres. Total ground floor area 452 sq. m, total GFA of 2,554 sq. m. Commercial unit at grade has a total GFA of 260 sq. m, total of 28 dwelling units of various sizes. Setbacks: Front Yard: 4.0m, East Side Yard: 0.5m, West Side Yard: 0.6m, Rear Yard: 3.3m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Existing bld to be demolished

Proposed:

6 storey mixed use building, measured height of 20.0 metres. Total ground floor area 452 sq. m, total GFA of 2,554 sq. m. Commercial unit at grade has a total GFA of 260 sq. m, total of 28 dwelling units of various sizes. Setbacks: Front Yard: 4.0m, East Side Yard: 0.5m, West Side Yard: 0.6m, Rear Yard: 3.3m

13. Date of acquisition of subject lands:
January 2020
-
14. Date of construction of all buildings and structures on subject lands:
Unknown
-
15. Existing uses of the subject property:
 One storey building, former commercial use (retail), presently vacant and pending for demolition
16. Existing uses of abutting properties:
 Mix of commercial, residential and institutional
17. Length of time the existing uses of the subject property have continued:
 Unknown
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>Yes</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>Yes</u> |
| Storm Sewers | <u>Yes</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Downtown Secondary Plan: Downtown Mixed Use with Pedestrian Predominant overlay, permitted building height of 6 storeys
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 Former City of Hamilton Zoning By-law 6593 - "H" District
 Housekeeping Amendment pending to add to By-law 05-200 and Zone as "D2"
 Zone: Downtown Mixed Use, Pedestrian Focus Zone
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
 City has granted Conditional Site Plan Approval for the proposed development, City File No., City File No. DA-20-099
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

APPENDIX "A"

OUTLINE OF PROPOSED VARIANCES

11 Robert Street, City of Hamilton

- 1. To increase the maximum number of dwelling units permitted from three to a total of 28 dwelling units;**
- 2. To allow the gross floor area allocated to the dwelling units to exceed the gross floor area allocated to commercial uses;**
- 3. To increase the maximum building height from four storeys or 17.0 metres to six storeys and 20.0 metres;**
- 4. To reduce the minimum required front yard depth from 6.0 metres to 4.05 metres;**
- 5. To reduce the minimum required rear yard depth from 7.5 metres to 3.3 metres;**
- 6. To increase the maximum permitted floor area ratio from 4.0 times the area of the lot to 4.2 times the area of the lot;**
- 7. To allow no planting strip along the rear lot line, the westerly side lot line and the easterly side lot line;**
- 8. To reduce the number of required parking spaces from 28 parking spaces and 6 visitor parking spaces to no required parking spaces;**
- 9. To reduce the number of required loading spaces from one loading space to no loading spaces.**



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:36

APPLICANTS: Webb Planning on behalf of the owner HWCDSB

SUBJECT PROPERTY: Municipal address **20 East Ave. S., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 16-265

ZONING: "I1 and 292" (Neighbourhood Institutional) district

PROPOSAL: To permit the construction of a new 3 Storey Educational Establishment (St. Patrick Elementary School) notwithstanding that;

1. A maximum building height of 13.7 shall be provided instead of the maximum building height permitted under Subsection 8.1.3.2 b); and;
2. Parking shall be provided within 3.0 m of King Street West street line instead of the regulation in the By-Law, which states that parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 m of a street line; and
3. No planting strip shall be provided abutting King Street West and East Avenue South instead of the requirement in the By-Law, which states that parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall provide a 3.0m wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisles; and
4. A minimum aisle width of 3.0 m shall be provided abutting Victoria Street instead of the minimum required 6.0 m aisle width.

Notes:

These variances are necessary to facilitate Site Plan Application DA-19-071.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21: 36
Page 2

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

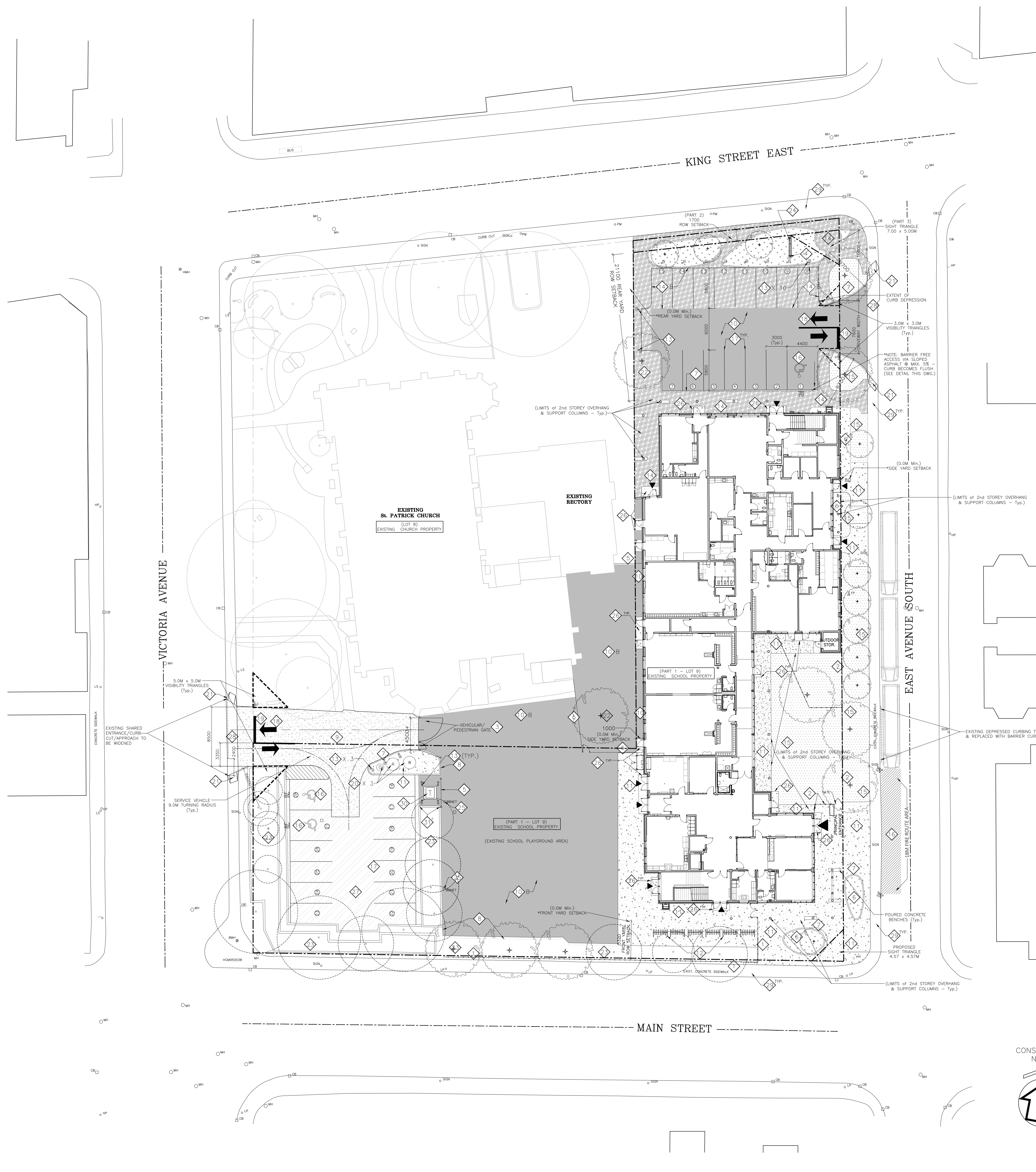
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



- ### CONSTRUCTION NOTES:
- 1.8M HIGH DECORATIVE STEEL WIRE FENCE 2/4 1.2M WIDE x 1.8M HIGH, LOCKABLE, METAL SWING GATES AS NOTED. POWDER COATED FINISH (SEE DETAIL LP-1)
 - 1.2M HIGH DECORATIVE STEEL WIRE FENCE 2/4 ONE 1.2M HIGH x 1.2M WIDE, LOCKABLE METAL SWING GATE. POWDER COATED COLOUR FINISH (SEE DETAIL LP-1)
 - 1.8M HIGH HEAVY DUTY CHAIN LINK FENCING GATE, LOCKABLE x 4.5M WIDE 2/4 GALVANIZED FINISH. NOTE: VEHICULAR/PEDESTRIAN WIDTHS (SEE DETAIL LP-1)
 - 7.62 M HIGH FLAGPOLE - (SEE DETAIL THIS DRAWING)
 - 1.5M HT. HEAVY DUTY CHAIN LINK FENCING & GATES, GALVANIZED - (SEE DETAIL LP-1)
 - PLANTING BED AREAS
 - CONCRETE CURBING - VERTICAL - (SEE DETAIL THIS DWG.)
 - EXISTING CHAIN LINK FENCING
 - HEAVY DUTY VEHICULAR ASPHALT PAVING - (SEE DETAIL THIS DRAWING)
 - LIGHT DUTY ASPHALT PAVING - (SEE DETAIL THIS DRAWING) *NOTE: PLAY AREA SURFACING (10R)
 - CONCRETE PAVING - BROOM FINISH (SEE DETAIL THIS DWG.)
 - BIKE RACKS - (8 UNIT CAPACITY) X 6 (SEE DETAIL LP-1)
 - STANDARD BOLLARD - TYPE 1 - (SEE DETAIL THIS DWG.)
 - DECORATIVE CONCRETE PAVING - (SEE DETAIL THIS DWG.)
 - SODDED AREAS
 - ACCESSIBILITY PARKING AND FIRE ROUTE AREA DELINEATED WITH 100mm WIDE LINES PAINTED YELLOW (SEE DETAIL LP-1)
 - ALL PARKING SPACES TO BE DELINEATED WITH 100mm WIDE PAINTED YELLOW LINES
 - TRAFFIC DIRECTIONAL ARROW DELINEATED YELLOW PAINT
 - STOP LINE DELINEATED WITH 400mm WIDE PAINTED YELLOW LINE WITH 100mm WIDE LANE MARKINGS
 - WEDGE DEEP-COLLECTION WASTE MANAGEMENT SYSTEM. REFER TO DETAIL LP-1
 - CONCRETE CURB RAMP DEPRESSION - TO BE READ IN CONJUNCTION WITH CONSTRUCTION NOTE #7
 - URBAN TREE PLANTING AREA - (REFER TO DETAIL LP-1)
 - EXISTING UNDEGRADED & TREE PLANTING AREAS TO REMAIN. EXISTING TREES TO BE PROTECTED. REFER TO TREE INVENTORY AND PRESERVATION REPORT AS PREPARED BY ARBORWOOD TREE SERVICES
 - SCHOOL SIGN & ELECTRONIC MESSAGE BOARD
 - BASKETBALL NET & POST 2/4 CONC. FOOTING. REFER TO BINDER C.
 - FIRST SLAB, TYP. AT ALL EXTERIOR EXTERNS. REFER TO STRUCTURAL DRAWINGS
 - RESURFACE EXISTING ASPHALT PARKING, MATCH EXIST. GRADES. *SEE ASPHALT DETAIL THIS DRAWING
 - NEW CONCRETE SIDEWALK TO CITY OF HAMILTON STANDARDS
 - ALL EXISTING MUNICIPAL SIDEWALK AND/OR CURB DAMAGED DURING CONSTRUCTION TO BE REPLACED TO CITY OF HAMILTON STANDARDS
 - RAD MOUNTED TRANSFORMER 2/4 CONCRETE VAULT, FOUNDATION & (4) BOLLARDS REFER TO ELECTRICAL DWGS. & COORDINATE WITH DIVISION 1E
 - NEW 1/2" TIMBER RASSED PLANTER RETAINING WALL 2/4 150 x 150 MATERIALS TO RE & EX. EXISTING PLANTER

- ### GENERAL NOTES:
1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OR MUNICIPAL SERVICES FOR THIS PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT.
 2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY OF HAMILTON FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
 3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5M UNLESS OTHERWISE STATED.
 4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE NECESSARY PERMITS & APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - SEWER AND WATER PERMITS
 - ROAD CUT PERMITS
 - RELOCATION OF SERVICES
 - APPROACH APPROVAL PERMITS
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - COMMITTEE OF ADJUSTMENT
 6. ABANDONED ACCESSSES MUST BE REMOVED AND THE CURBS AND BOULEVARD RESTORED WITH 500 AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE GEOMATICS & CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
 7. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:

5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 1.8 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET
 8. PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN BY-LAW No. 10 - 197.
 9. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
 10. THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL RECYCLING AND ORGANICS COLLECTION SUBJECT TO THE SPECIFICATIONS OUTLINED IN THE SERVICE AGREEMENT BETWEEN HWCSB AND THE CITY.
- UNDERTAKING FILE No. DA-19-071
- RE: 20 EAST AVENUE SOUTH, HAMILTON
- (1) I, *Janet W. Ward*, Catholic District School Board, the owner(s) of the land, hereby undertake and agree without reservation,
- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
- (b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act, as shown on this plan and drawing; in accordance with the conditions of approval as set out in the Letter of Approval dated _____
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(a) of the said Act, shown in this plan and drawing, including removal of snow from access ways and drainage, parking and loading areas and walkways and;
- (d) notwithstanding current surface conditions, the property has been determined to be one of archaeological interest. Although no archaeological assessment is required by the City of Hamilton, the proponent is cautioned that during development activities, should they be found human remains be found on the property, the Ontario Ministry of Tourism, Culture and Sport (MTCSS) should be notified immediately (416-314-7433) in the event that human remains are revealed during construction, the proponent should immediately contact MTCSS and the Registrar or Duty Registrar of the Committee to Review the List of the Ministry of Small Business and Customer Services (416-326-8392)
- Dated this _____ day of _____ 20__
- Witness (print) _____ Owner(s) (signature) _____ (seal)
- Witness (print) _____ Owner (print) _____
- Address of Witness _____

GENERAL NOTES:

*REFER TO SURVEY PLAN 62R - 21407 AS PREPARED BY A.T. MULLEN LIMITED - 69 JOHN STREET SOUTH, SUITE 230, HAMILTON, ON - L8N 2B9 (905-527-8559) DATED: JANUARY 24, 2019 AND DEPOSITED FEBRUARY 06, 2020. THIS PLAN TO BE READ IN CONJUNCTION WITH ALL OTHER RELATED ARCHITECTURAL, ENGINEERING AND LANDSCAPE ARCHITECTURAL PLANS, CONSTRUCTION DETAILS, SUPPLEMENTAL INFORMATION AND SPECIFICATIONS.

LOCATION PLAN

LEGEND

- PROPERTY LINE
- EXISTING CHAIN LINK FENCE LINE
- DECORATIVE ARCHITECTURAL WIRE FENCE
- POLE MOUNTED LIGHT FIXTURE
- BUILDING ENTRANCE LOCATION
- PAINTED DIRECTIONAL TRAFFIC ARROW
- PAINTED BARRIER FREE SYMBOL IN YELLOW
- BOLLARD TYPE 1
- EXISTING TREES
- PROPOSED NEW TREE PLANTING
- LIMITS OF 2nd STOREY OVERHANG
- 2nd STOREY SUPPORT COLUMNS
- HEAVY DUTY ASPHALT PAVING
- LIGHT DUTY ASPHALT PAVING
- CONCRETE PAVING
- SODDED AREAS
- ORNAMENTAL GRASS/PERENNIAL PLANTING BEDS
- DECORATIVE CONCRETE PAVING (COLOURED)

SITE PLAN STATISTICS/DEVELOPMENT DETAILS

| ITEM | DETAILS |
|---|--|
| ZONING | I1, 292 (INSTITUTIONAL) AS PER BY-LAW No. 05-200 |
| NET LOT AREA | 4,695.87 SM (square metres) (0.46ha) |
| BUILDING COVERAGE (MAXIMUM) | 1,596 SM = 33.95% |
| BUILDING HEIGHT (MAXIMUM PERMITTED) | 10.5 M |
| (MAX. PROPOSED) | 13.7 M |
| STORIES (MAXIMUM) | 3 |
| GROUND FLOOR AREA | 1,596 SM |
| SECOND FLOOR AREA | 1,811 SM |
| THIRD FLOOR AREA | 1,304 SM |
| MECHANICAL ROOM AREA 50M | |
| TOTAL GROSS FLOOR AREA | 4,711 SM |
| MINIMUM FRONT YARD REQUIRED (0.0M) | PROVIDED (S) = 5.32M |
| MINIMUM SIDE YARDS REQUIRED (0.0M) | PROVIDED (L) = 0.08M |
| MINIMUM REAR YARD REQUIRED (0.0M) | PROVIDED (R) = 1.8M |
| MINIMUM YARD REQUIRED (0.0M) | PROVIDED (N) = 21.1M |
| PARKING SPACES REQUIRED FOR SCHOOL (X 1.25 PER CLASSROOM) | (22) x 1.25 = 28 |
| PARKING SPACES REQUIRED FOR DAYCARE | 0 |
| PARKING SPACES PROVIDED | 28 |
| BARRIER FREE PARKING SPACES REQUIRED (2 / 100 SPACES AT 4.4M W x 5.8M L EACH) | 1 |
| BARRIER FREE PARKING SPACES PROVIDED (4.4M W x 5.8M L EACH) (MINIMUM) | 3 |
| LOADING SPACE REQUIRED and PROVIDED | 0 |
| BIKE PARKING REQUIRED (2 PER CLASSROOM) | 22 x 2 = 44 |
| BIKE PARKING PROVIDED (*Short Term only) | 48 |

- ### TRAFFIC/FIRE ROUTE SIGNAGE
- BB - BARRIER FREE DESIGNATED PARKING SPACE SIGN CITY OF HAMILTON BY-LAW No. 01-220.
- NS - FIRE ROUTE "NO STOPPING" 2/4 DIRECTIONAL ARROW(S) SIGN CITY OF HAMILTON BY-LAW No. 01-217
- S - STOP (R2-1) REGULATORY SIGN 60cm x 60cm
- ALL REGULATORY SIGNS TO CURRENT ONTARIO TRAFFIC MANUAL STANDARDS.
 - ALL SIGNS IN 18 GAUGE GALVANIZED STEEL ON 1/2" CHANNEL GALVANIZED STEEL POSTS.
 - ALL SIGNAGE TO BE INSTALLED/MAINTAINED ON SCHOOL PROPERTY.
 - TRAFFIC SIGNAGE SHALL COMPLY WITH THE STANDARDS AND SPECIFICATIONS of the City of Hamilton SIGN BY-LAW No. 06-243.

| No. | DATE | DESCRIPTION |
|-----|----------|----------------------------------|
| 4. | 18/01/21 | ISSUED/REVISED - 4th SUBMISSION |
| 3. | 21/09/20 | ISSUED/REVISED - 3rd SUBMISSION |
| 2. | 06/02/20 | ISSUED/REVISED - 2nd SUBMISSION |
| 1. | 06/03/19 | ISSUED FOR SITE PLAN APPLICATION |

REVISIONS

Hamilton-Wentworth Catholic District School Board
Believing. Achieving. Serving.

SVEDAS / ARCHITECTS INC.

1034 BURNHAMTHORPE DRIVE, SUITE 101, HAMILTON, ONTARIO L9C 1Y7
TEL: (905) 508-7771 FAX: (905) 508-7772

ST. PATRICK CATHOLIC ELEMENTARY SCHOOL

20 EAST AVENUE SOUTH
HAMILTON ONTARIO

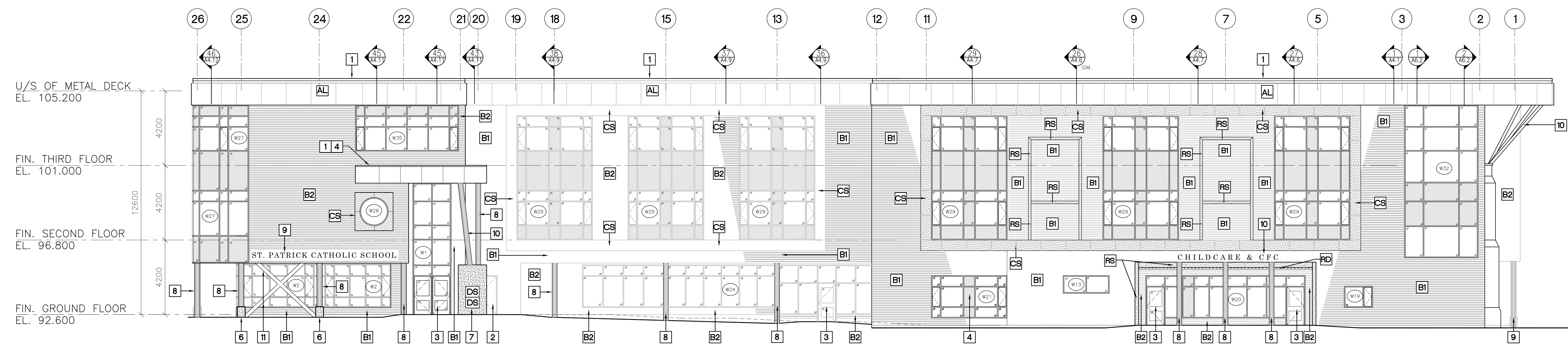
(File No: DA-19-071)

SITE PLAN

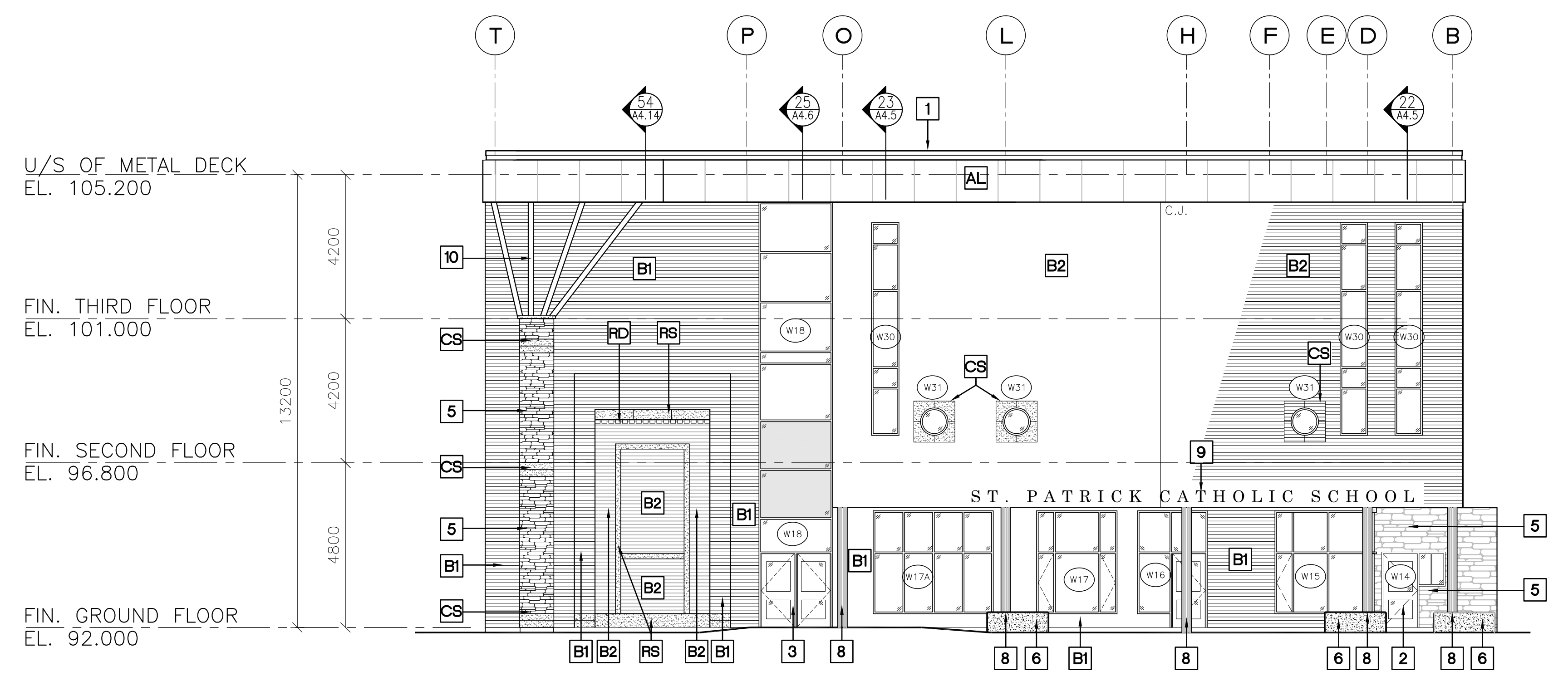
| SCALE | DRAWN | PROJECT No. |
|---------------|---------|-------------|
| 1 : 200 | JdC | 118806 |
| DATE | CHECKED | DRAWING No. |
| MARCH 6, 2019 | AVS | SP.1 |

GENERAL NOTES:

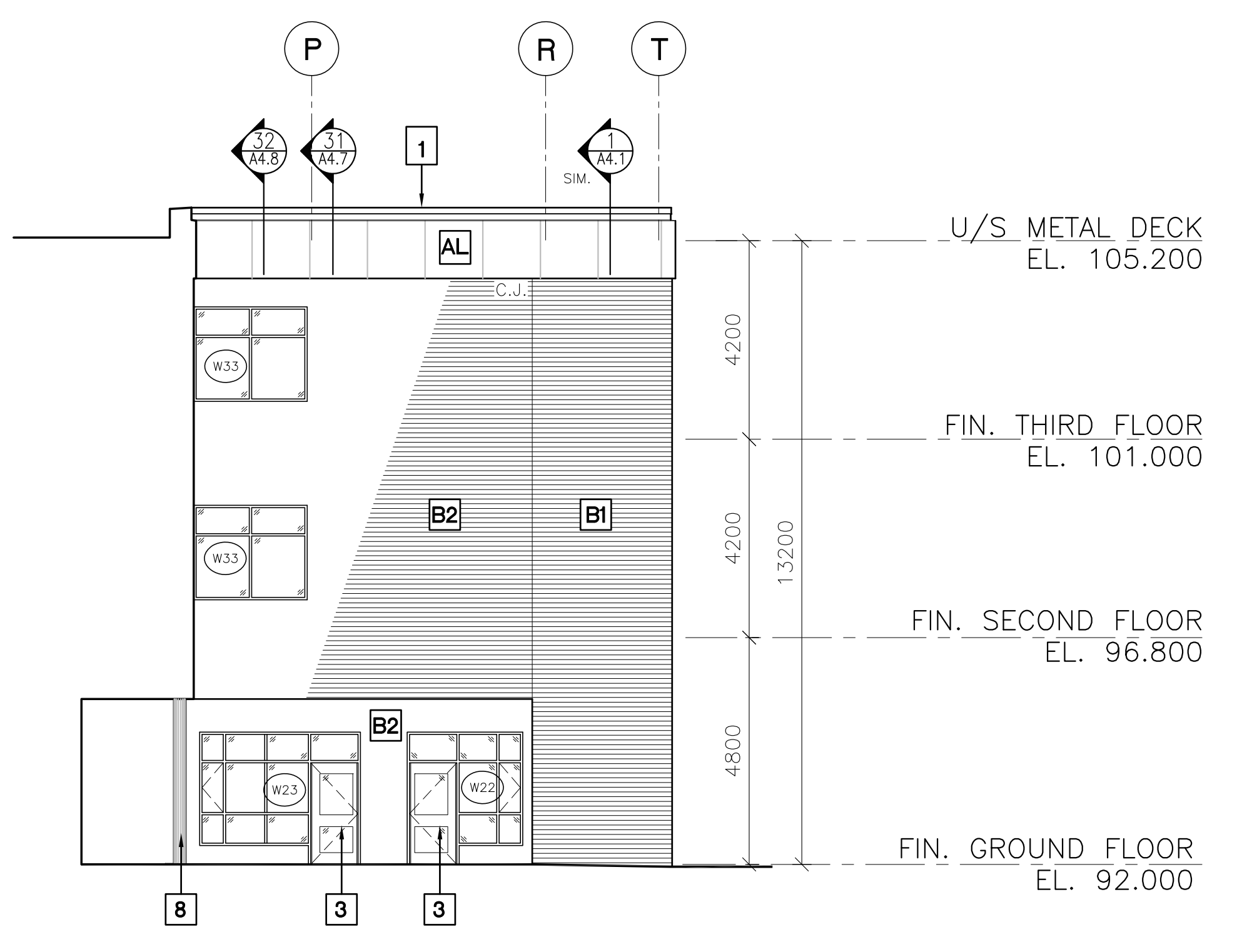
- CONTROL JOINTS IN BRICK VENEER TO BE AT A MAXIMUM 6000 CENTRES. GENERAL CONTRACTOR TO VERIFY FINAL LOCATIONS WITH ARCHITECT.
 - REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR ALL RELATED WORK INCLUDING LOADS AND GRILLES.
 - WALL MOUNTED LIGHT FIXTURES, PROGRAM BELLS, SPEAKERS/HORNS AND ALL OTHER WALL MOUNTED ITEMS SHOWN FOR REFERENCE ONLY. CONSULTANTS TO VERIFY FINAL LOCATIONS AND MOUNTING HEIGHTS.
- LEGEND:
- B1 BR-1: BRICK TYPE 1
 - B2 BR-2: BRICK TYPE 2
 - CS CAST STONE
 - MWP -1 METAL WALL PANELS
 - AL COMPOSITE WALL PANELS
 - RS RECLAIMED STONE
 - RD RECLAIMED DENTILS
 - DS RECLAIMED DATE STONE
 - W WINDOW TYPE
 - 1 PREFINISHED METAL FLASHING
 - 2 HOLLOW METAL DOOR & FRAME/ENTRANCE SCREEN
 - 3 ALUMINUM DOOR & FRAME ENTRANCE SCREEN
 - 4 CANOPY
 - 5 STONE
 - 6 EXPOSED ARCHITECTURAL FINISHED CONCRETE (AFC) COLUMN PIER c/w CHAMFERED EDGES.
 - 7 REINFORCED ARCHITECTURAL FINISHED CONCRETE WALL
 - 8 PAINTED STEEL COLUMN
 - 9 SCHOOL SIGNAGE
 - 10 PAINTED HSS ROOF SUPPORTS
 - 11 PAINTED HSS CROSS BRACING
 - 12 GAS METER ENCLOSURE
 - C.J. CONTROL JOINT
- NOTE: REFER TO ARCHITECTURAL SPECIFICATIONS FOR DESCRIPTION OF MATERIALS



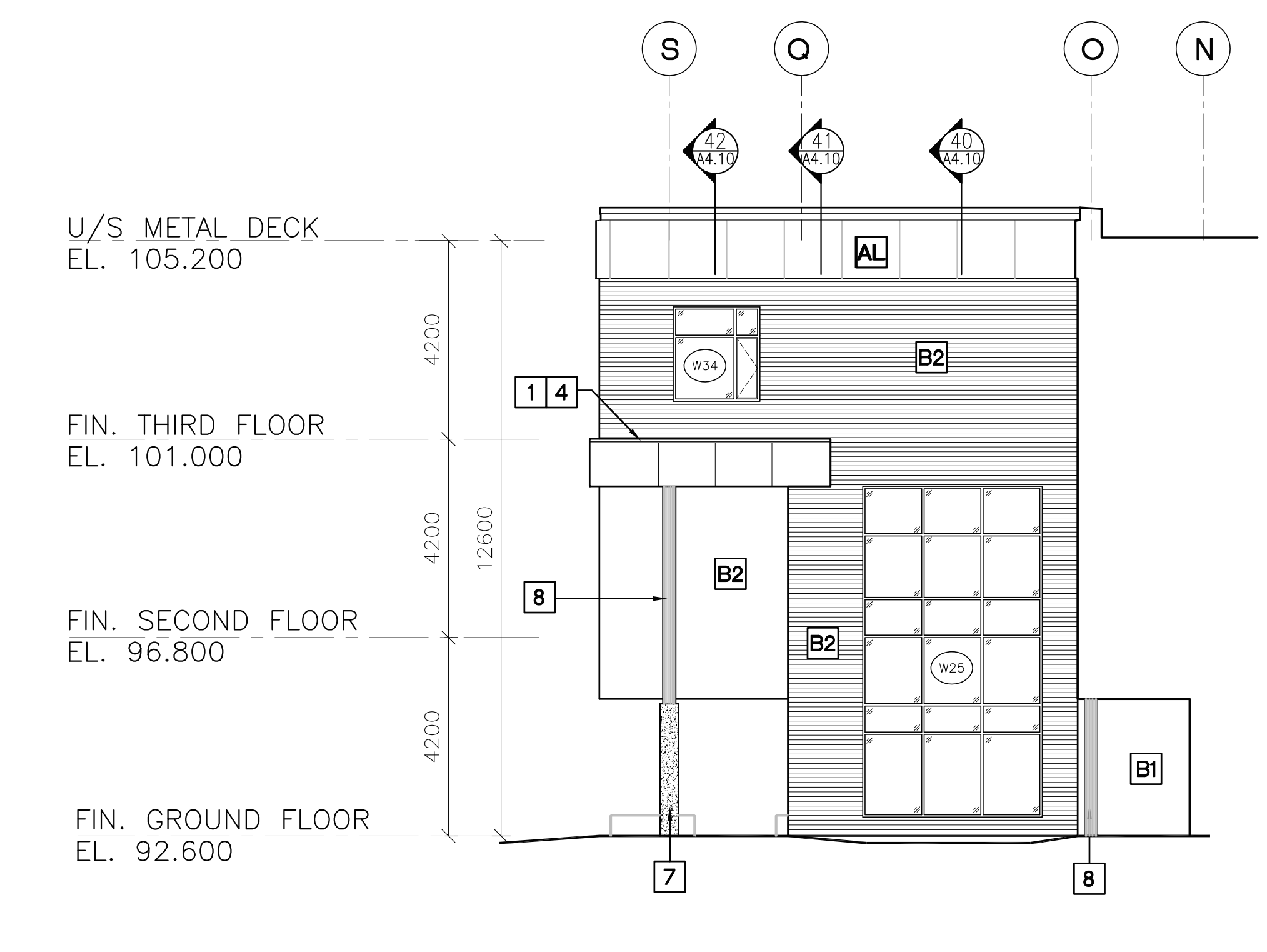
EAST ELEVATION



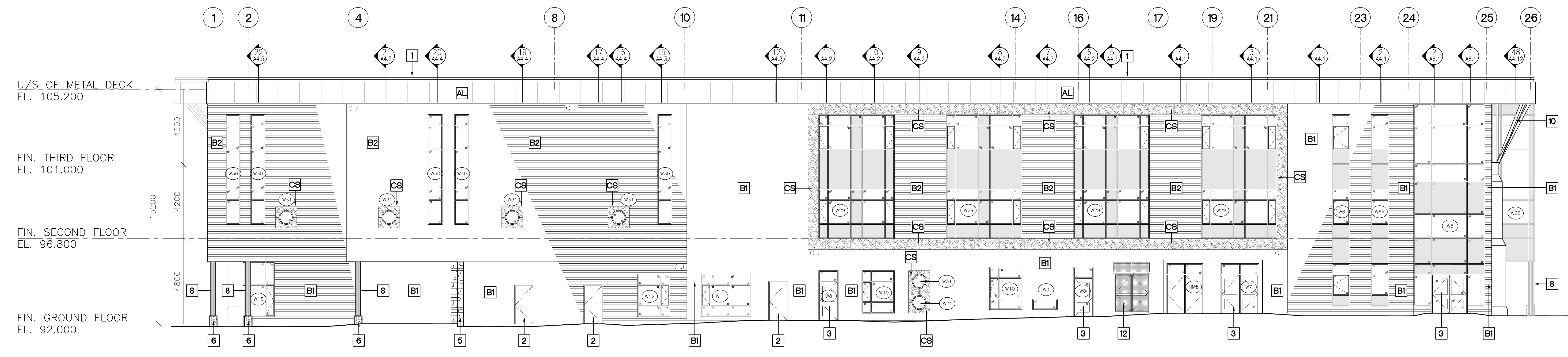
NORTH ELEVATION



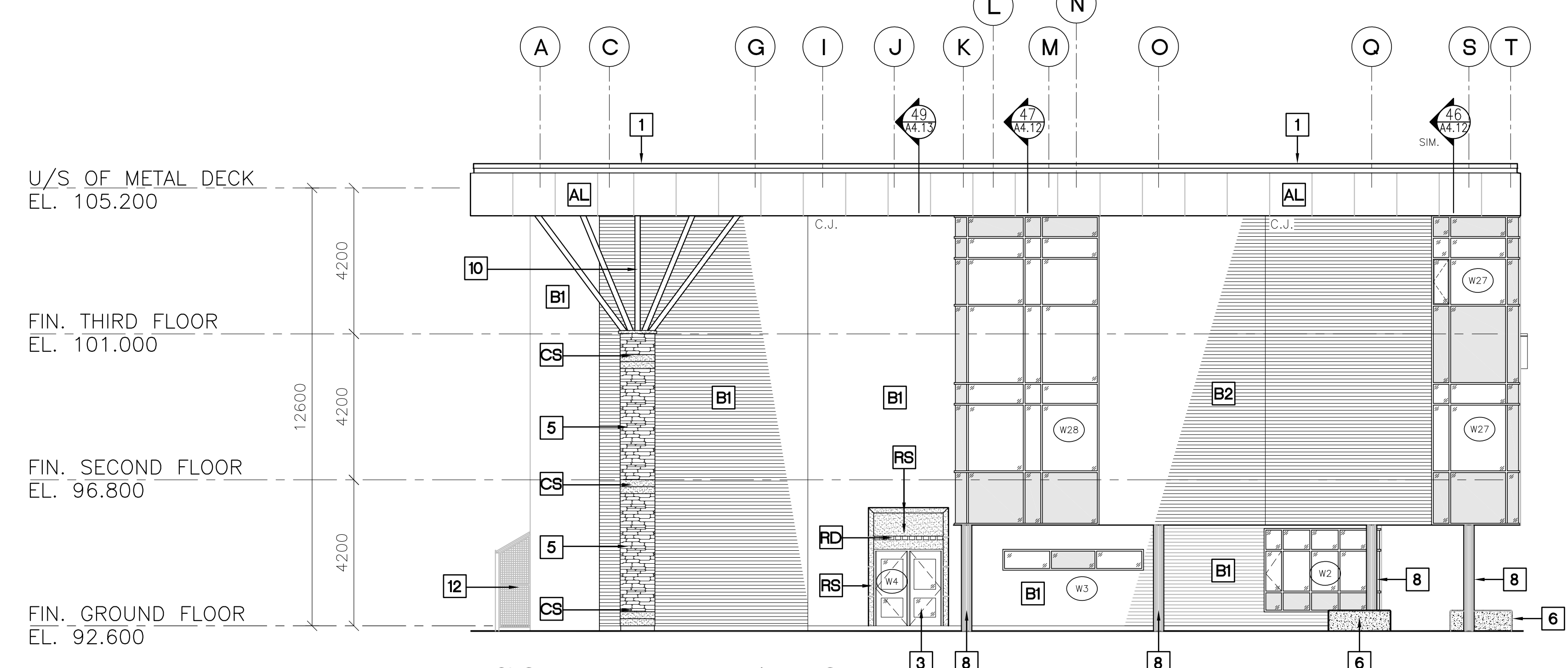
PART NORTH ELEVATION



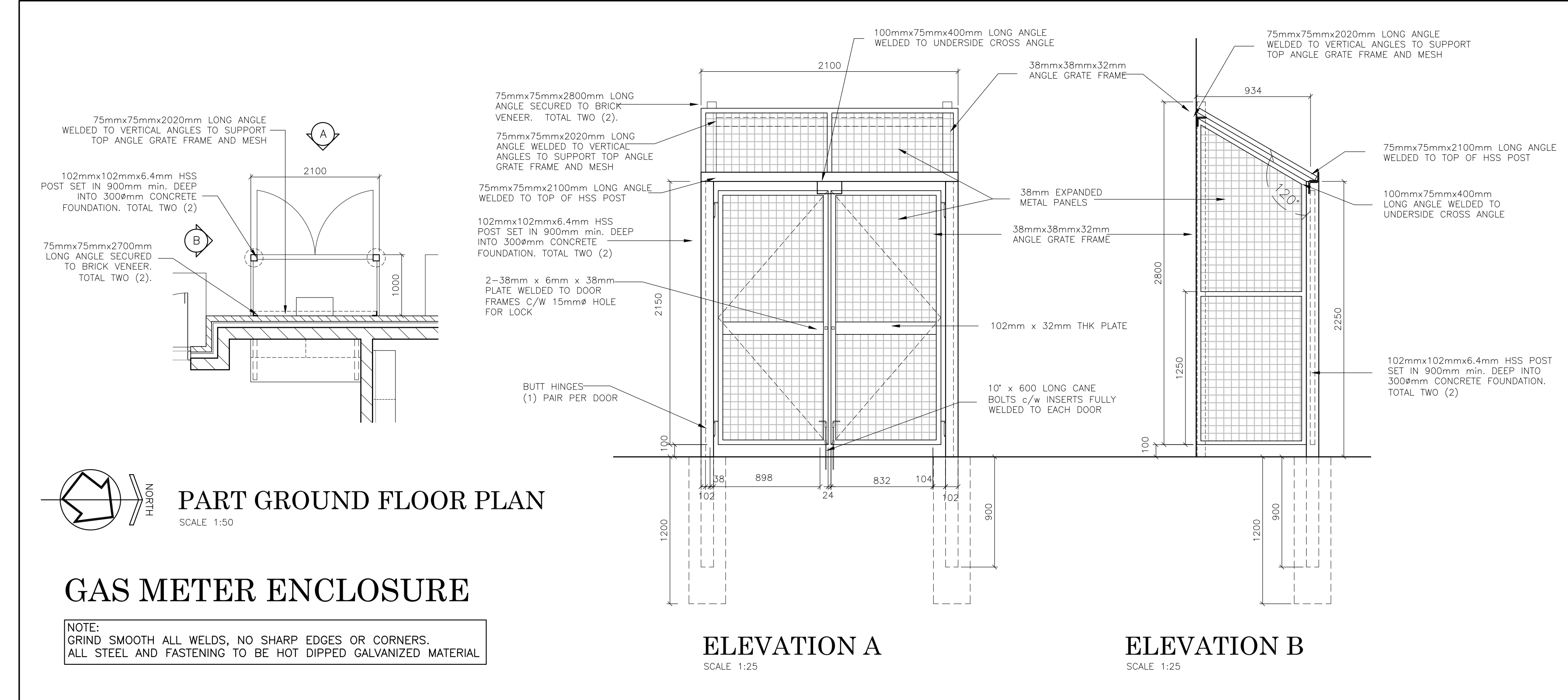
PART SOUTH ELEVATION



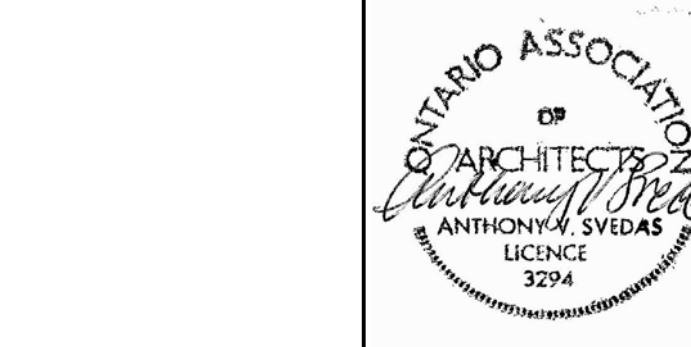
WEST ELEVATION



SOUTH ELEVATION



| No. | DATE | DESCRIPTION |
|-----|------------|-------------------|
| 1. | 12/01/2020 | ISSUED FOR TENDER |



Hamilton-Wentworth
Catholic District School Board
Believing. Achieving. Serving.

SVEDAS / ARCHITECTS INC.

1040 BIRCHMOUNT DRIVE, SUITE 100, MISSISSAUGA, ONTARIO L4Y 1T7
TEL: (905) 308-7771 FAX: (905) 308-7773

ST. PATRICK CATHOLIC
ELEMENTARY SCHOOL

20 EAST AVENUE SOUTH
HAMILTON ONTARIO

BUILDING ELEVATIONS

| SCALE | DRAWN | PROJECT No. |
|--------------|---------|-------------|
| 1:100 | LMR | 118806 |
| DATE | CHECKED | DRAWING No. |
| DEC. 1, 2020 | AVS | A3.1 |



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---|---------------|---|
| Registered Owners(s) | Hamilton Wentworth Catholic District School Board | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Hamilton Wentworth Catholic District School Board | Same as above | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | WEBB Planning Consultants | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

To permit a building height of 13.7 metres;
 To permit parking within 3.0 metres of King Street West street line and to permit no planting strip between parking spaces and the King Street West street line;
 To permit a minimum drive aisle width of less than 6.0 metres for the two way traffic entrance from Victoria Street, access is shared with neighbour

5. Why it is not possible to comply with the provisions of the By-law?

Proposal is to demolish an existing 3 storey elementary school and replace with a new 3 storey school, site area is constrained necessitating relief from setbacks and planning strips, site access from Victoria Street is shared with the abutting owner - St. Patrick Roman Catholic Church

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

20 East Avenue South
 Lot 9, Registrars Compiled Plan 1484
 Parts 1, 4, 5 & 6 of Reference Plan 62R-21407

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other Institutional - Catholic Elementary School

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Site inspection, discussion with owner

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan. 19, 2021

Date

Signature Property Owner

Paola Pace Gubekjian / Patrick J. Daly

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|--|
| Frontage | King Street - 29.7 m |
| Depth | 99.6 m (irregular) |
| Area | 0.45 ha |
| Width of street | East Ave.: 20.1, Main: 20.2 King: 20.3, Victoria: 24.4 |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Existing building is to be demolished

Proposed

Ground Floor Area: 1,596 SM, Total GFA: 4,711 SM, Height: 3 storeys and 13.7m, Dimensions of 73 x 28 m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Existing building is to be demolished

13. Date of acquisition of subject lands:
unknown - in excess of 50 years
-
14. Date of construction of all buildings and structures on subject lands:
Unknown
-
15. Existing uses of the subject property:
Existing Catholic Elementary School to be demolished and replaced with new school
16. Existing uses of abutting properties:
St. Patrick Roman Catholic Church, mix of commercial uses
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
UHOP Schedule E-1: Mixed Use Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law 05-200, Zone I1, 292, Neighbourhood Institutional
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
Refer to Cover Letter for additional information in support of the proposal
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



January 22, 2021

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance – Hamilton Wentworth Catholic District School Board
20 East Avenue Street, City of Hamilton

WEBB Planning Consultants are retained by the Hamilton Wentworth Catholic District School Board (HWCDSD) to co-ordinate the municipal planning approvals required to facilitate the redevelopment of the St. Patrick Catholic Elementary School located at 20 East Avenue Street, City of Hamilton.

As illustrated by the accompanying plans, the HWCDSD are proposing to demolish the existing 3 storey St. Patrick Elementary School and construct a new 3 storey building that will accommodate a replacement school, child care centre, community family centre, community outreach kitchen, outdoor play grounds and on-site parking.

The City is presently finalizing the processing of the application for Site Plan Approval, City File No. DA-19-071. Through the review of the Site Plan, it has been confirmed that Variances are required from the current Regulations of the "I1" – Neighbourhood Institutional Zone and the Parking Regulations of Zoning By-law 05-200.

The required Variances are summarized as follows:

Whereas the "I1" permits a maximum building Height of 10.5 metres, the proposed building has a maximum height of 13.7 metres. While the building has the same height of 3 storeys compared to the existing building, the floor-to-floor measured heights are increased necessitating an increase in the measured height.

The additional Variances are required to regularize two existing conditions on the property – the surface parking located abutting King Street and the shared site access from Victoria Street.

Parking spaces are currently located immediately abutting King Street at the north east corner of the site. The spaces are being relocated to provide separation from the street edge but as a consequence of providing a road widening the parking spaces will be less

Attn.: Ms. Jamila Sheffield
Re: Application for MV, 20 East Avenue South

January 22, 2021
Page 2

than 3.0 metres from the street line and the requirement for a 3.0 metre wide planting strip cannot be achieved. The Variance seeks relief from Regulations 5.1(v)(a) and 5.1(v)(b) to permit parking within 3.0 metres of the street line and a planting strip having a width of less than 3.0 metres.

The existing driveway connection on Victoria Street is presently shared with the abutting St. Patrick Roman Catholic Church. While the total width of the driveway (8.5 metres) exceeds the required width for a two way drive aisle, the driveway is generally centered on the property line with only 3.3 metres located on the property of the HWCDSB. Out of an abundance of caution to recognize the existing condition, the Variance seeks to acknowledge that an aisle width of 3.3 metres is provided on the subject property notwithstanding the requirement for an aisle width of 6.0 metres.

It is our opinion that the proposed Variances are appropriate for the proposed development of the lands. The Variances have been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply. The Variances for relief of the parking location, buffer strip and site access essentially recognize existing conditions and in our opinion are technical in nature and regularize existing development.

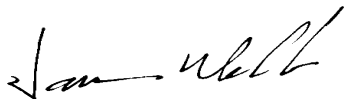
In keeping with the City's requirements, the application for Minor Variance is supported by the following materials and this cover letter:

- Application for Minor Variance;
- Application Fee of \$3,320.00 payable to the City of Hamilton;
- Site Plan and Elevations, prepared by Svedas Architects Inc.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: HWCDSB
SVEDAS Architects Inc.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:32

APPLICANTS: Steven Foster, owner

SUBJECT PROPERTY: Municipal address **100 Dunsmure Rd., Hamilton**

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

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two-family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law, notwithstanding,

1. A minimum lot area of 121 square metres shall be permitted instead of providing the minimum required lot area of 270 square metres; and,
2. No on-site parking shall be provided instead of providing a minimum of two (2) parking spaces required to be provided for a two-family dwelling.

NOTES:

1. The minimum lot area of 121 square metres has been obtained from GISNet.
2. A further variance will be required if a minimum floor area of 65 square metres is not contained within each dwelling unit.
3. The applicant shall ensure the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.
4. A further variance may be required should alterations to the external appearance and character of the existing dwelling be proposed.
5. A further variance may be required if a minimum of 50% of the gross area of the front yard is not provided as landscaped area calculated in accordance with Section 18(14) of the Zoning By-law.
6. A parking space that is not entirely contained within the property boundary cannot be considered a required parking space for the purpose of applying the Zoning By-law. The driveway area shown to be located at the front of the dwelling does not appear to be able to accommodate a parking space as required by 18A (Parking and Loading Requirements) of the Zoning By-law. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Dunsmure Road road allowance.

HM/A-21: 32
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

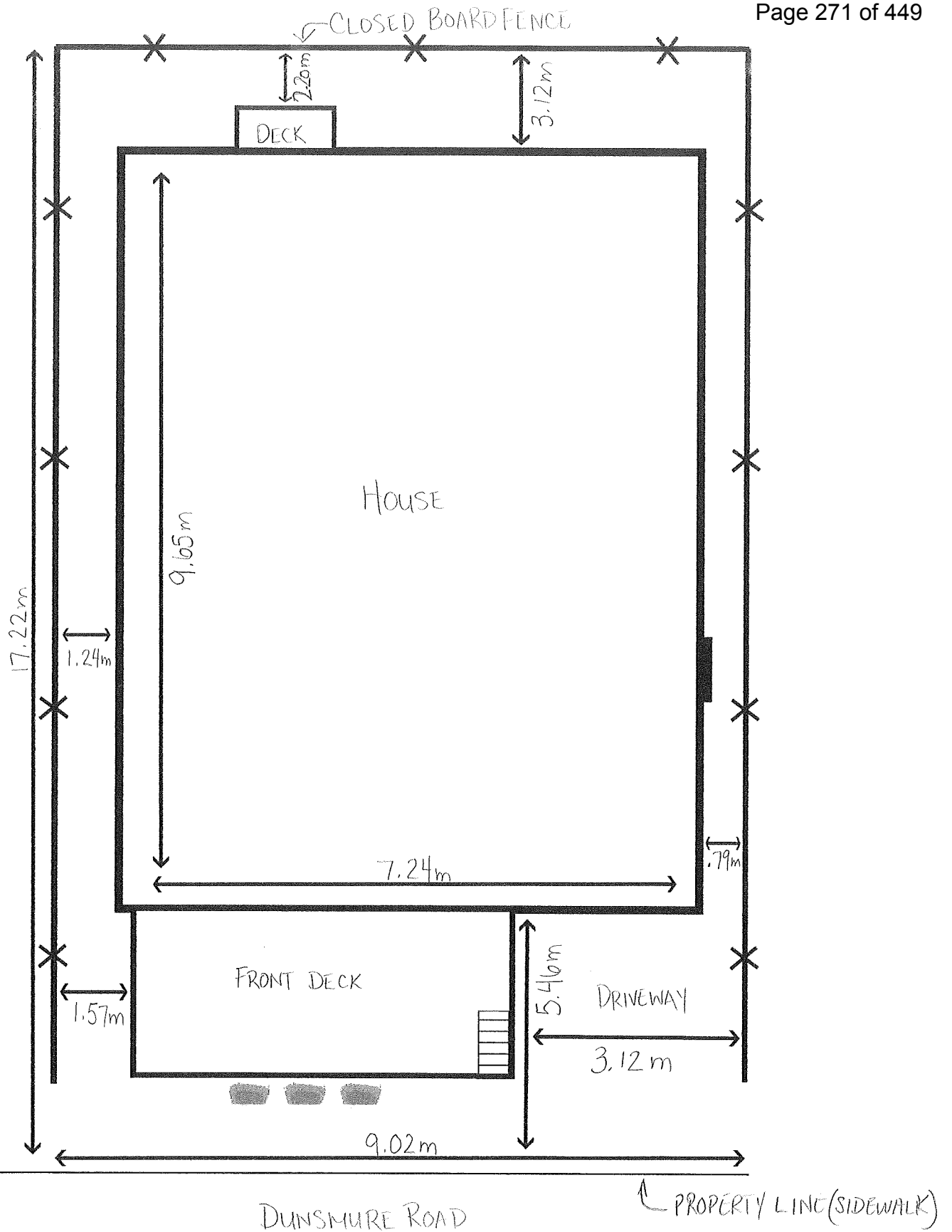
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

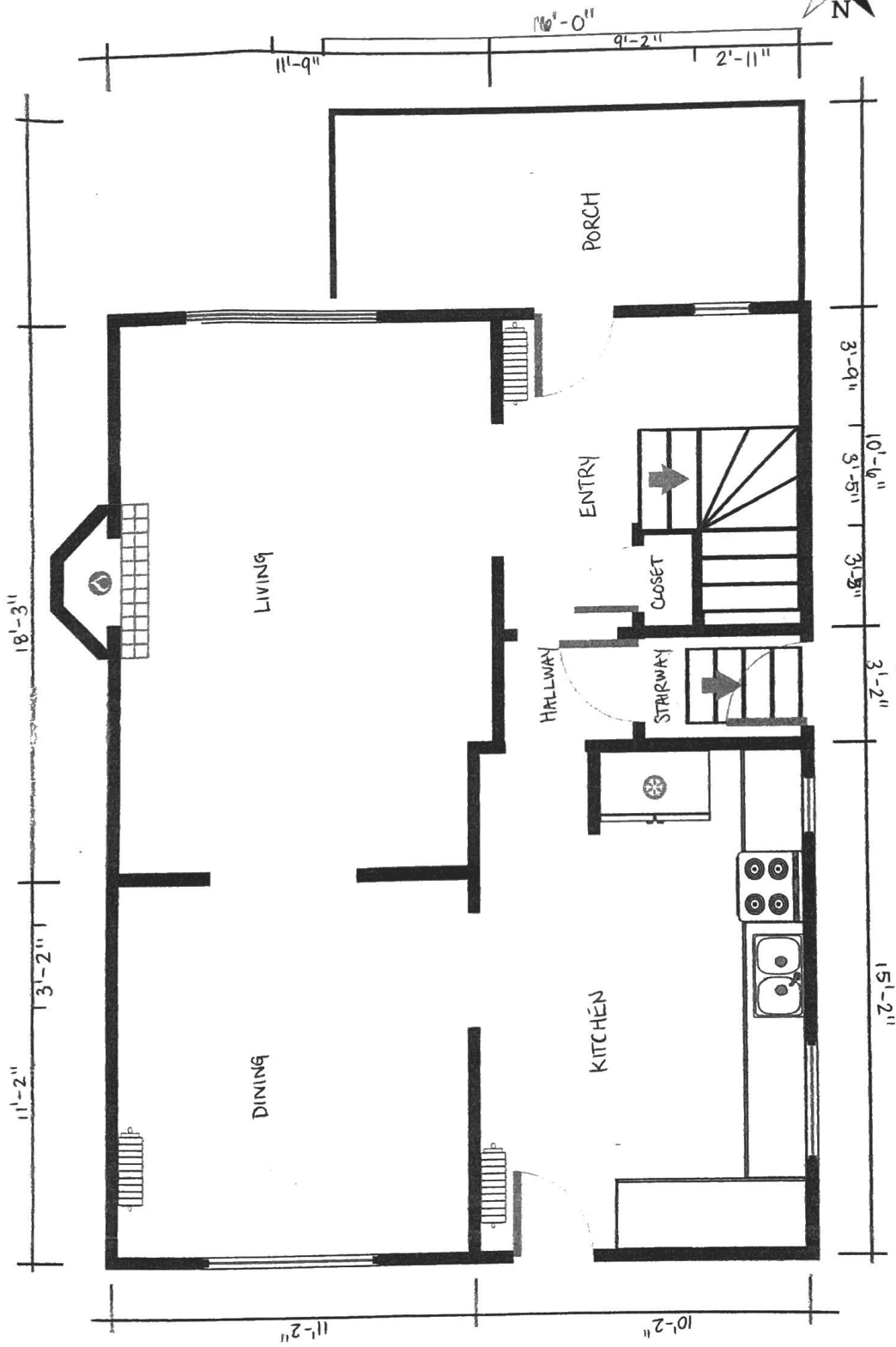
DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

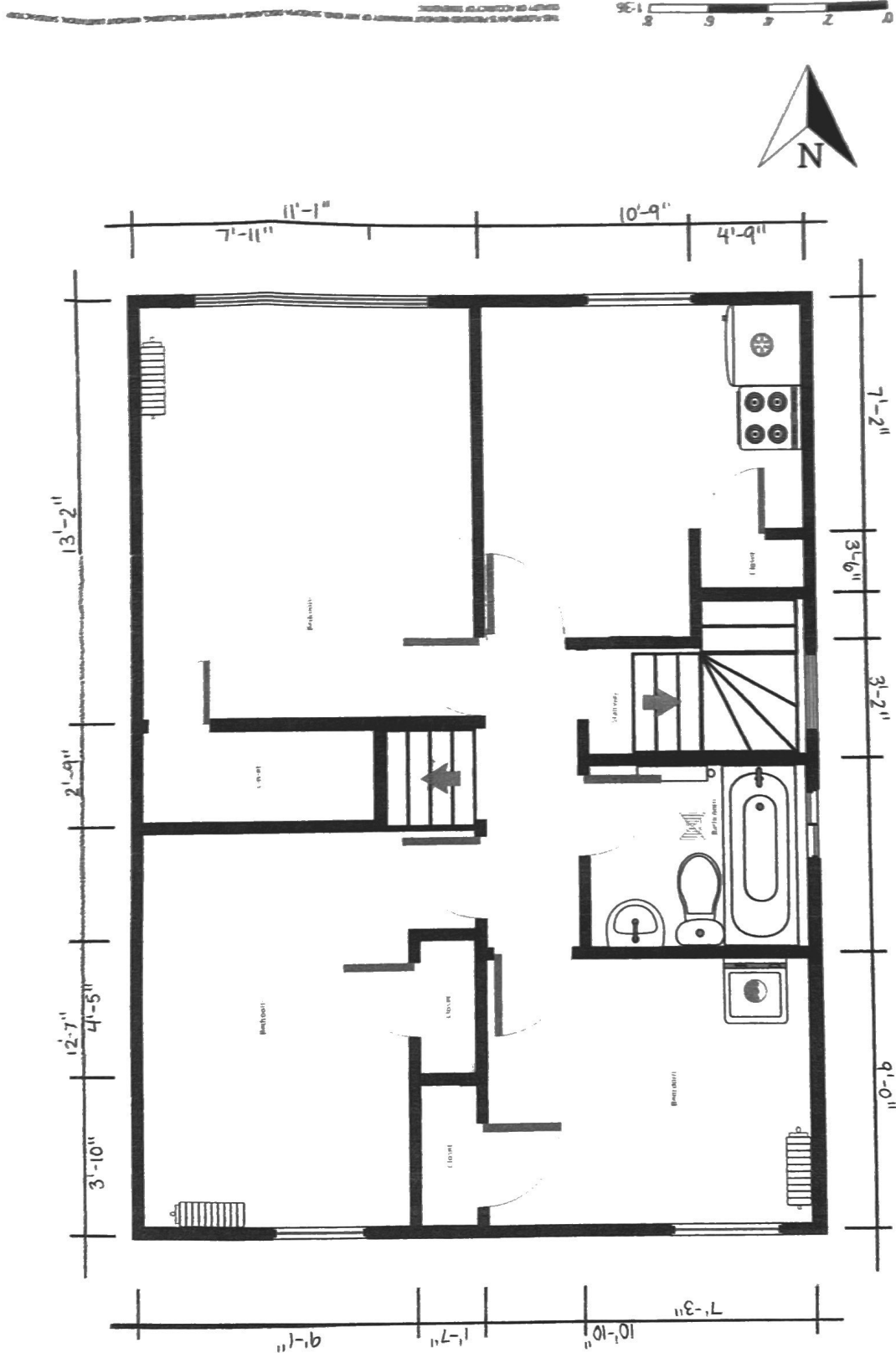
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



THIS FLOOR PLAN IS PROVIDED WITH THE UNDERSTANDING THAT THE ARCHITECT MAKES NO WARRANTY, REPRESENTATION, OR OPINION AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



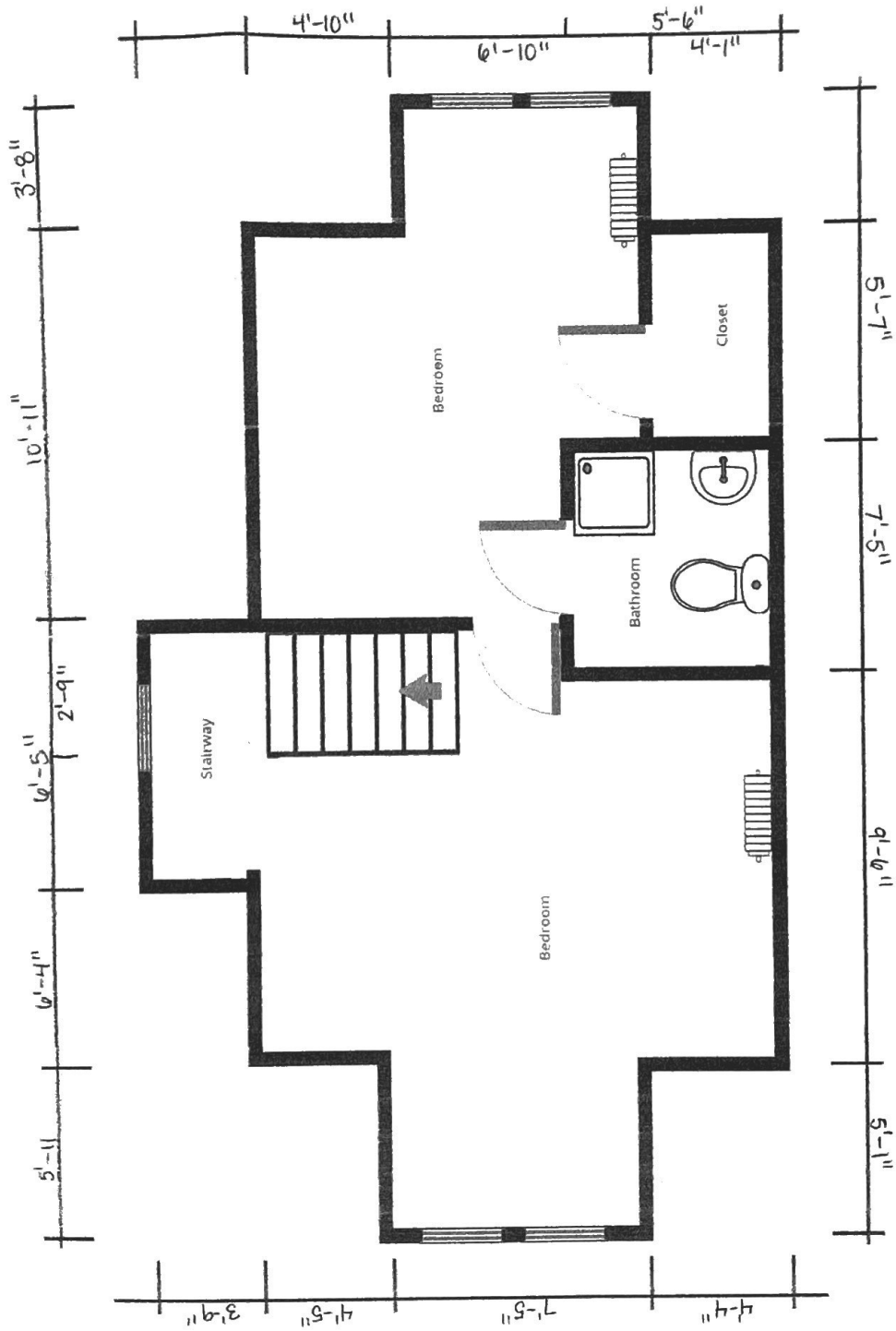
MAIN FLOOR (EXISTING)



SECOND FLOOR (EXISTING)

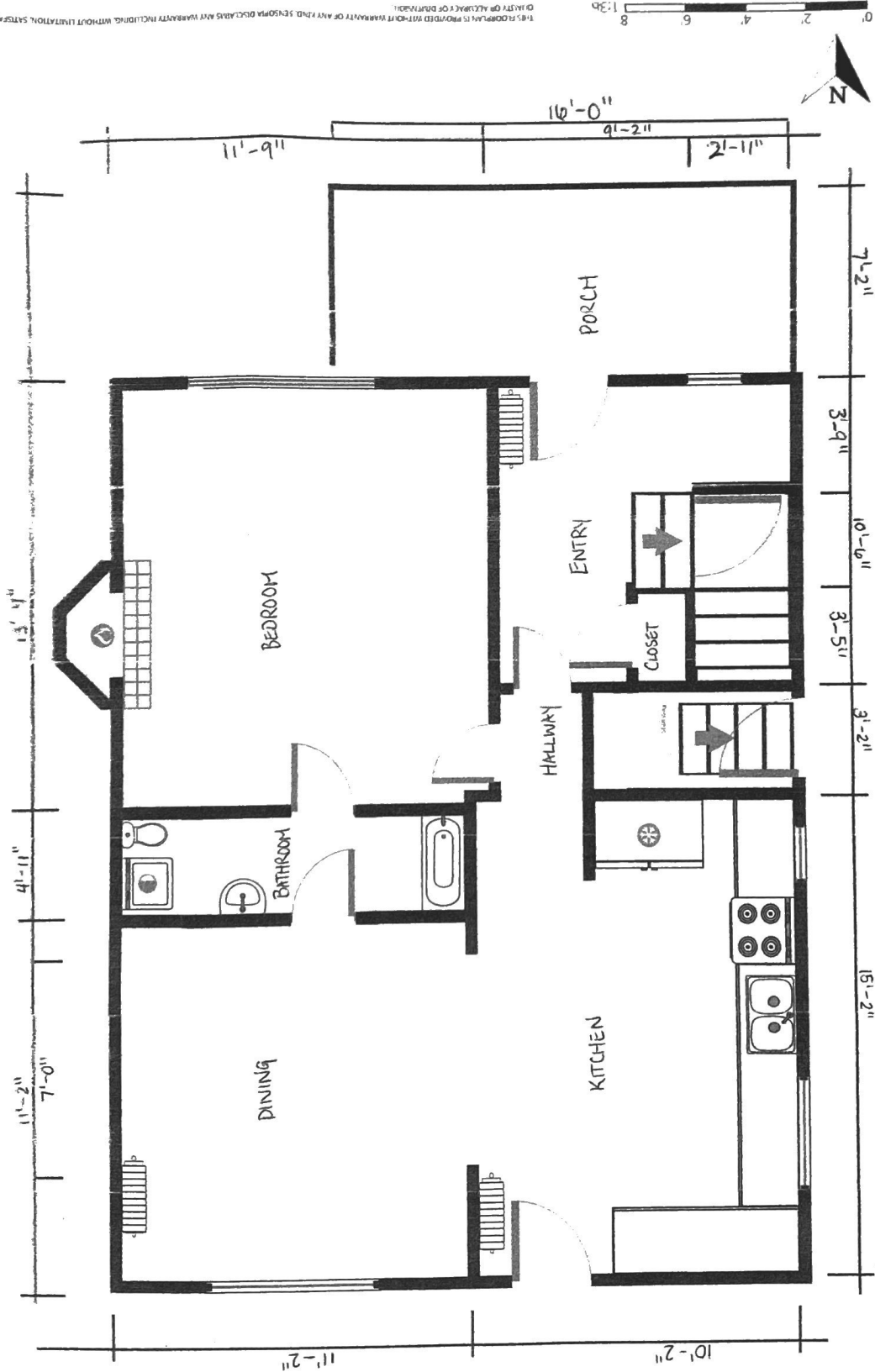


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THIRD FLOOR (EXISTING)

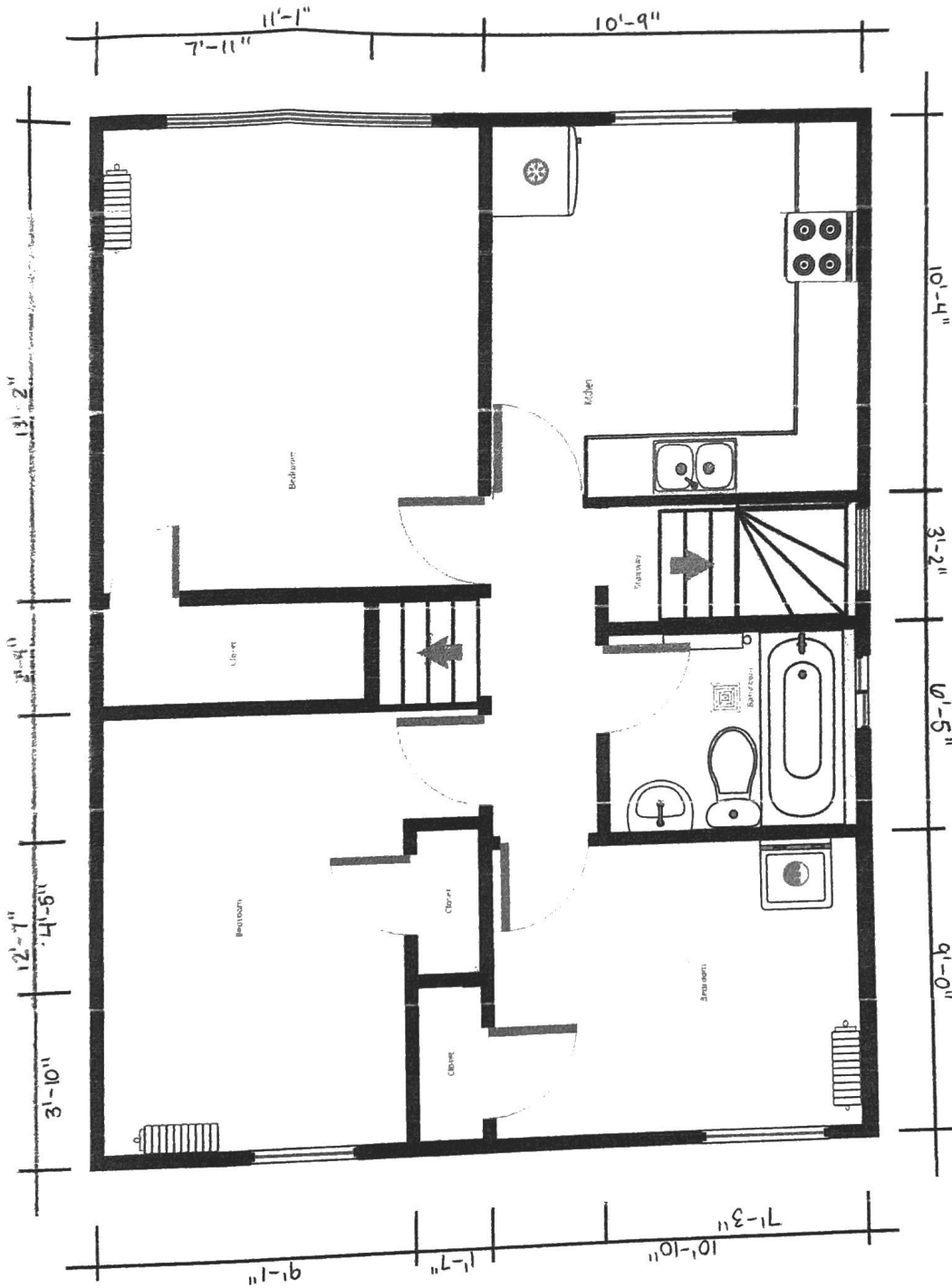
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MAIN FLOOR (PROPOSED)

- PLAN
- BATHROOM ADDITION
 - DINING ROOM WALL ENLARGEMENT
 - BASEMENT ENTRANCE CLOSURE
 - ENTRANCE TO SECOND FLOOR

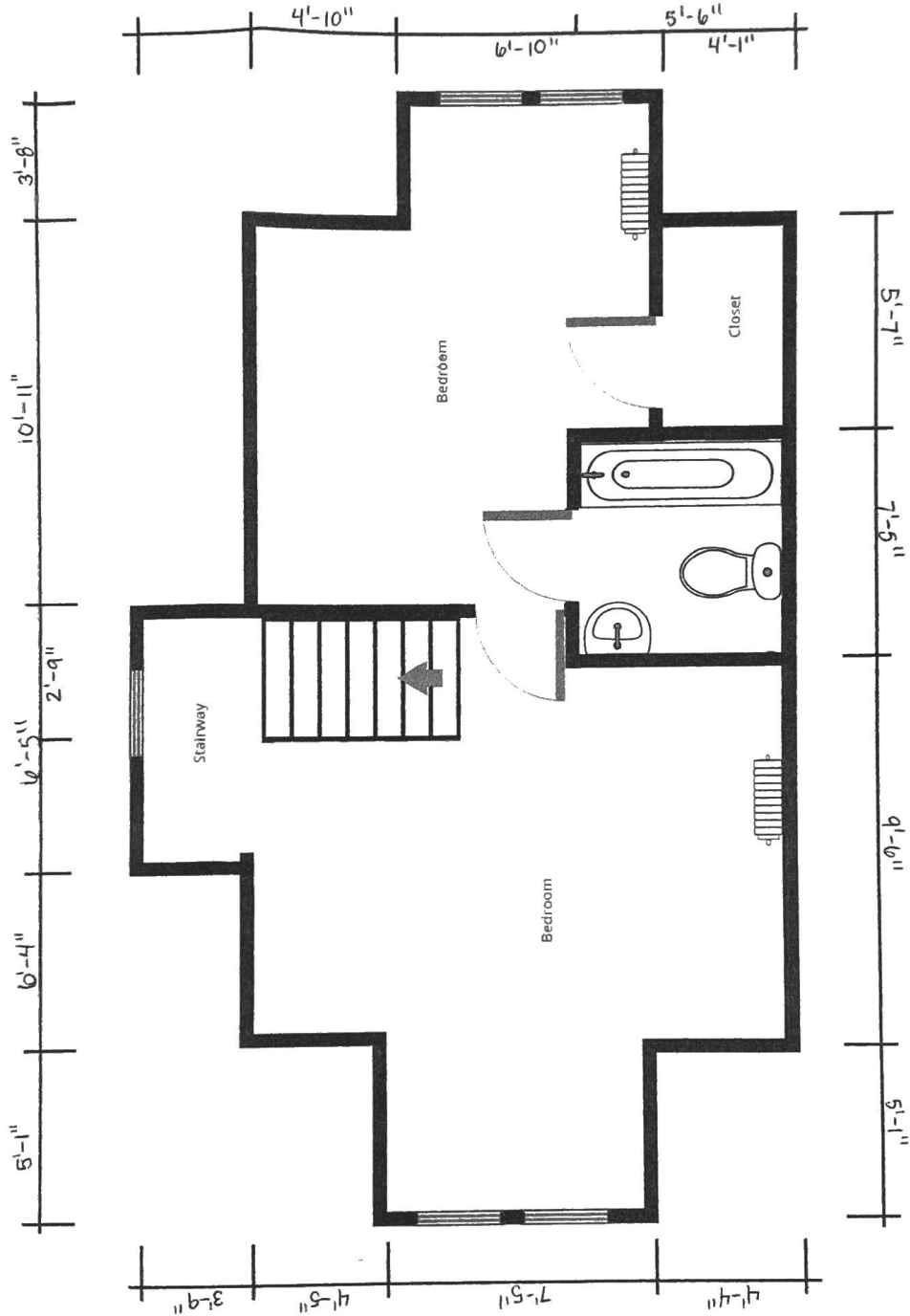
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SECOND FLOOR (PROPOSED)

PLAN
KITCHEN PLUMBING

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THIRD FLOOR (PROPOSED)

PLAN
BATH ROOM SINK RELOCATION



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

Planning and Economic Development Department
 Planning Division

Phone (905) 546-2424 ext.4221
 Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
 RETURN TO THE CITY OF HAMILTON PLANNING
 DEPARTMENT.**

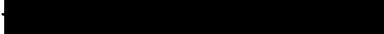
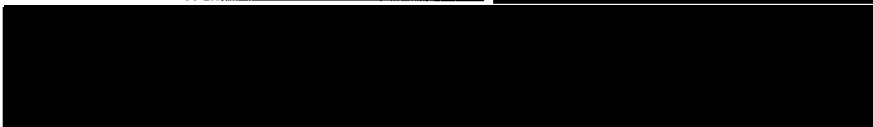
| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
 COMMITTEE OF ADJUSTMENT
 HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Steven Foster 
- 
- Name of Agent N/A Telephone No. N/A
 FAX NO. _____ E-mail address. _____
- Address _____
 _____ Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Todd Karges - 16 Woodside Dr., Hamilton, ON
 _____ Postal Code L8T 1C3

 _____ Postal Code _____

6. Nature and extent of relief applied for:
Applying for a parking variance for the single family home that I have
applied to have converted into a duplex

7. Why it is not possible to comply with the provisions of the By-law?
My single family home has 13 rooms and one parking spot. According
to the by-law, more than one parking spot is needed for a duplex.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
100 Dunsmure Rd., Hamilton
Part Lot 63, Plan 304

9. PREVIOUS USE OF PROPERTY
 Residential Industrial _____ Commercial _____
 Agricultural _____ Vacant _____
 Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Property and neighborhood are residential zone C. Property is also approx.
100 years old with no zoning interruption

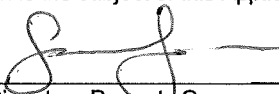
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 12, 2021
Date


Signature Property Owner

Steven Foster
Print Name of Owner

10. Dimensions of lands affected:

Frontage 33ft
Depth 56ft
Area 1848 sqft
Width of street 2 lane residential with curbside parking

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Detached residential structure
2.5 Floors, 12 rooms, 2000 sqft

Proposed: Detached residential structure
2.5 Floors, 13 rooms, 2000 sqft

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Side: 4ft from main house
Rear: 10ft from main house
Front: 18ft from main house

Proposed: - same as existing -

13. Date of acquisition of subject lands:
October 11, 2019
14. Date of construction of all buildings and structures on subject lands:
November 4, 2019 - February 4, 2020
15. Existing uses of the subject property: Single detached dwelling
16. Existing uses of abutting properties: Single detached dwelling
17. Length of time the existing uses of the subject property have continued:
130 years
18. Municipal services available: (check the appropriate space or spaces)
Water ✓ Connected ✓
Sanitary Sewer ✓ Connected ✓
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighborhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Residential Zone C
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:41

APPLICANTS: Sherri Crawford on behalf of the owner Garth Brown

SUBJECT PROPERTY: Municipal address **77 West Ave. N., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "D5" (Downtown Residential) district

PROPOSAL: To permit the establishment of a lodging house for a maximum of six (6) persons within the existing building, notwithstanding that;

1. A minimum building height of approximately 6.4m shall be permitted to be maintained for the exiting building instead of the minimum 7.5m building height required.
2. A minimum lot width of 8.0m shall be permitted instead of the minimum 12.0m lot width required for a lodging house.
3. A minimum lot area of 290.0m² shall be permitted instead of the minimum 300.0m² lot area required for a lodging house.
4. No onsite manoeuvring shall be permitted for the two parking spaces provided at the rear of the lot instead of the minimum 6.0m wide manoeuvring aisle width required.
5. A minimum parking space length of 5.7m shall be permitted instead of the minimum 5.8m parking space size required.
6. No barrier free parking space shall be permitted instead of the minimum one barrier free parking space required.
7. No planting strip shall be required along the street line instead of the minimum 3.0m wide planting strip required.

Notes: The Zoning By-law requires that all parking spaces shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel and shall be maintained in a dust free condition. Insufficient details were provided from which to determine compliance.

Please note that if additional residents are proposed within the basement level, additional parking shall be required.

This application will be heard by the Committee as shown below:

HM/A-21: 41
Page 2

DATE: Thursday, March 4th, 2021
TIME: 2:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

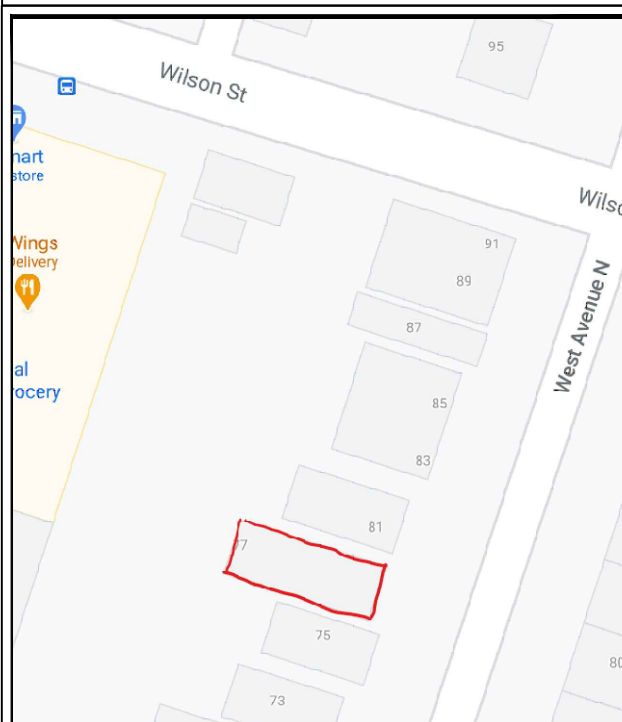
DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

WEST AVENUE LODGING HOME

77 WEST AVE. N.
HAMILTON, ON.



1 LOCATION MAP
SCALE: N.T.S

SITE DETAILS

| DESCRIPTION | BY-LAW | SITE (EXISTING) |
|-----------------|---|---------------------------------------|
| ZONING | DISTRICT D5- DOWNTOWN RESIDENTIAL | |
| BUILDING AREA | | 78.7 S.M. |
| LOT AREA | 300 S.M. | 300 S.M. |
| LOT WIDTH | 12 M | 8.08 M (EXISTING) |
| SIDE YARD | 0.9 M one side 1.2 M other 7.5M max. | 0.63 M one side 1.3 M other side |
| FRONT YARD | 4.5M | 2.25 M |
| REAR YARD | 7.5M | 18.6 M |
| BUILDING HEIGHT | 7.5M | 6.4 M +/- |
| DRIVEWAY | ONE 6.0M WIDTH MAX. | ONE (REAR) |
| PARKING | 2 SPACES/ 1 for each 3 persons | 2 SPACES |
| # OF LODGERS | | 6 |

| Ontario Building Code Data Matrix Part 11 – Renovation of Existing Building | | Building Code Reference |
|--|--|--|
| 11.1 Existing Building classification: | Describe Existing Use: Single Family Dwelling Unit Construction Index: 2 Hazard Index: 3 Importance Category: Not Applicable (no change of major occupancy) | 11.2.1 T 11.2.1.1A T 11.2.1.1B to N 4.2.1.(3) & 5.2.2.1.(2) |
| 11.2 Alteration to Existing Building is: | Basic Renovation Extensive Renovation | 11.3.3.1 11.3.3.2 |
| 11.3 Reduction in Performance Level: | Structural: No Yes By Increase in occupant load: No Yes By change of major occupancy: No Yes Plumbing: No Yes Sewage-system: No Yes Extension of Building: No Yes | 11.4.2.1 11.4.2.2 11.4.2.3 11.4.2.4 11.4.2.5 11.4.2.6 |
| 11.4 Compensating Construction: | Structural: No Yes (explain) | 11.4.3 |
| | Increase in occupant load: No Yes (explain) Adding bedrooms in basement | 11.4.3.3 |
| | Change of major occupancy: No Yes (explain) | 11.4.3.4 |
| | Plumbing: No Yes (explain) | 11.4.3.5 |
| | Sewage system: No Yes (explain) | 11.4.3.6 |
| 11.5 Compliance Alternatives Proposed: | No Yes (give number(s)) C107, C147 | 11.5.1 |

2 PART 11 OBC MATRIX SCALE: N.T.S

SCOPE OF WORK LEGEND

| SYMBOL | DESCRIPTION |
|---------------------|-----------------------------|
| [Empty Box] | SCOPE OF WORK |
| [Hatched Box] | NOT INCLUDED IN CONTRACT |
| [Cross-hatched Box] | OTHER TENANT |
| [Circle with X] | LOCATION OF EXIT |
| [Arrow] | LOCATION OF MEANS OF EGRESS |

DRAWING LIST

| NO. | TITLE |
|--------|---------------------------------|
| ID0.01 | COVER PAGE, KEY PLAN |
| ID1.01 | EXISTING BASEMENT PLAN |
| ID1.02 | EXISTING GROUND FLOOR PLAN |
| ID1.03 | EXISTING SECOND FLOOR PLAN |
| ID1.04 | PROPOSED GROUND FLOOR PLAN |
| ID1.05 | BASEMENT REFLECTED CEILING PLAN |
| ID3.01 | CROSS SECTION |

| Item | Ontario Building Code Data Matrix Part 9 | Building Code Reference |
|------|---|-------------------------|
| 1 | Project Type: Description: <input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Renovation <input checked="" type="checkbox"/> Change of Use Conversion of single family house to lodging home | [A] 1.1.2. |
| 2 | Major Occupancy Classification(s): Occupancy Type: Group C Description of Use: Lodging Home | 9.10.2. |
| 3 | Superimposed Major Occupancies: Description: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A | 9.10.2.3 |
| 4 | Building Area (m ²): Existing: 78.7 s.m. New: n/a s.m. Total: 78.7 s.m. | [A] 1.4.1.2. |
| 5 | Gross Area (m ²): Description: Ground Floor: 78.7, 2nd Floor: 78.7, 3rd Floor: n/a Total: 157.4 | [A] 1.4.1.2. |
| 6 | Mezzanine Area (m ²): Description: n/a Total: n/a | 9.10.4.1. |
| 7 | Building Height: 2 Storeys above grade, 1 Storeys below grade 6.54/- m Above grade | [A] 1.4.1.2. & 9.10.4. |
| 8 | Number of streets fire fighter: 1+ Alley Streets <input type="checkbox"/> Part 11 H.I. Credit | 9.10.20. |
| 9 | Sprinkler System: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Required Proposed: <input type="checkbox"/> entire building, <input type="checkbox"/> selected compartments, <input type="checkbox"/> selected floor areas, <input type="checkbox"/> basement, <input type="checkbox"/> in lieu of roof rating | 9.10.8.2.-4. |
| 10 | Fire Alarm System: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Required Proposed: <input type="checkbox"/> Single stage, <input type="checkbox"/> Two stage, <input type="checkbox"/> Not applicable | 9.10.18. |
| 11 | Water Service/Supply is Adequate: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes | |
| 12 | Construction Type: <input checked="" type="checkbox"/> Combustible permitted <input type="checkbox"/> Non-combustible required Actual: <input checked="" type="checkbox"/> Heavy Timber <input type="checkbox"/> No <input type="checkbox"/> Yes | 9.10.6., 3.2.2. |
| 13 | Post-disaster Building: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | [A] 1.1.2.2.(2) |
| 14 | Occupant Load: Basement: 2 persons, Ground Floor: 0 persons, 2nd Floor: 4 persons, 3rd Floor: n/a | 3.1.17 |
| 15 | Barrier-free Design: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Explanation: Existing Condition | 9.5.2 |
| 16 | Hazardous Substances: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Part 11 Compliance | 9.10.1.3 |
| 17 | Required Fire Resistance Ratings: Horizontal Assembly: 30 mins, Over bent. Floors: 30 mins, Mezzanine: 0, Roof: 0 | 9.10.8 |
| 18 | Spatial Separation: North, East, South, West | 9.10.14., 9.10.15. |
| 19 | Plumbing Fixture Requirements: Ratio: Male/Female = 50:50 Except as noted otherwise | 9.31., 3.7.4. |

3 PART 9 OBC MATRIX SCALE: N.T.S

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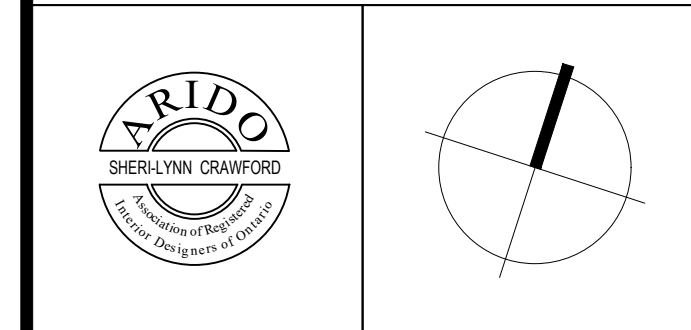
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 2006 Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.1 of the 2012 Ontario Building Code

SHERI CRAWFORD *Sheri Crawford* 23263
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.11 of the 2012 Ontario Building Code

X-DESIGN INC. 29386
FIRM NAME BCIN



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| 1 | DEC 17, 2020 | SC | ISSUE FOR PERMIT |

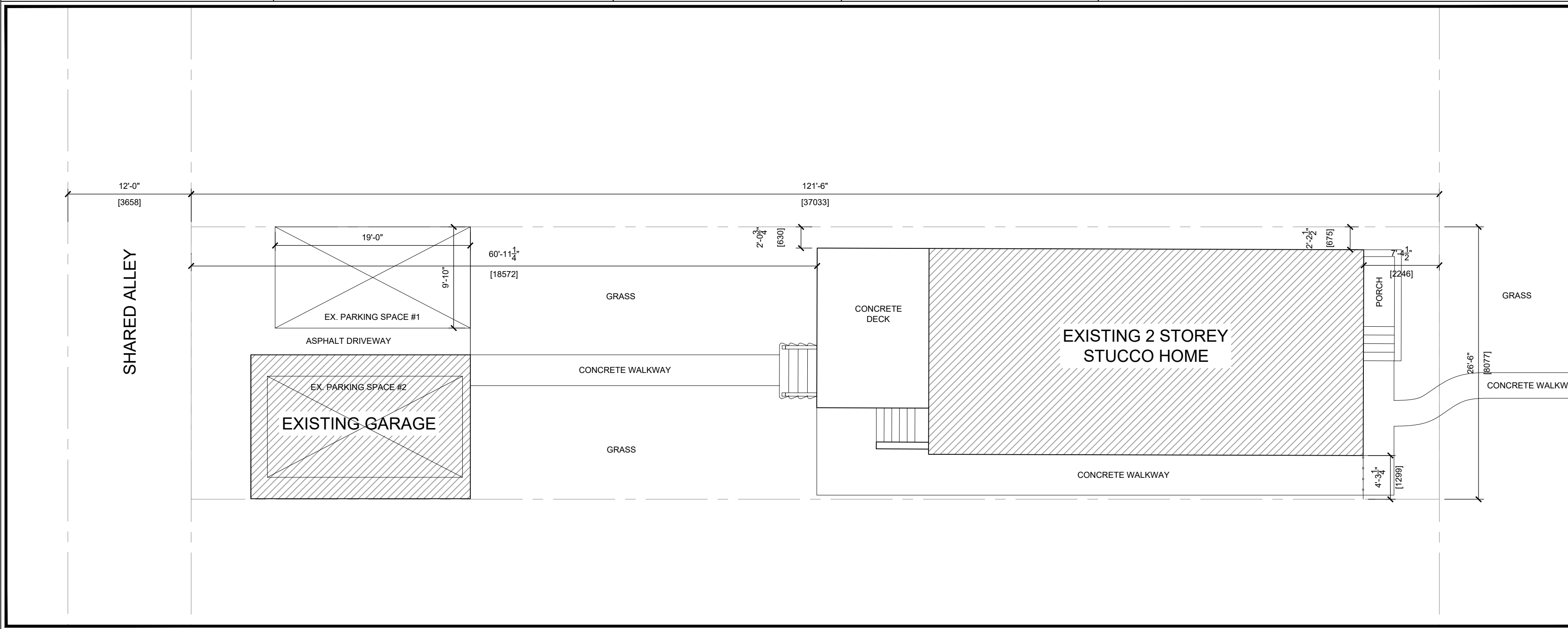
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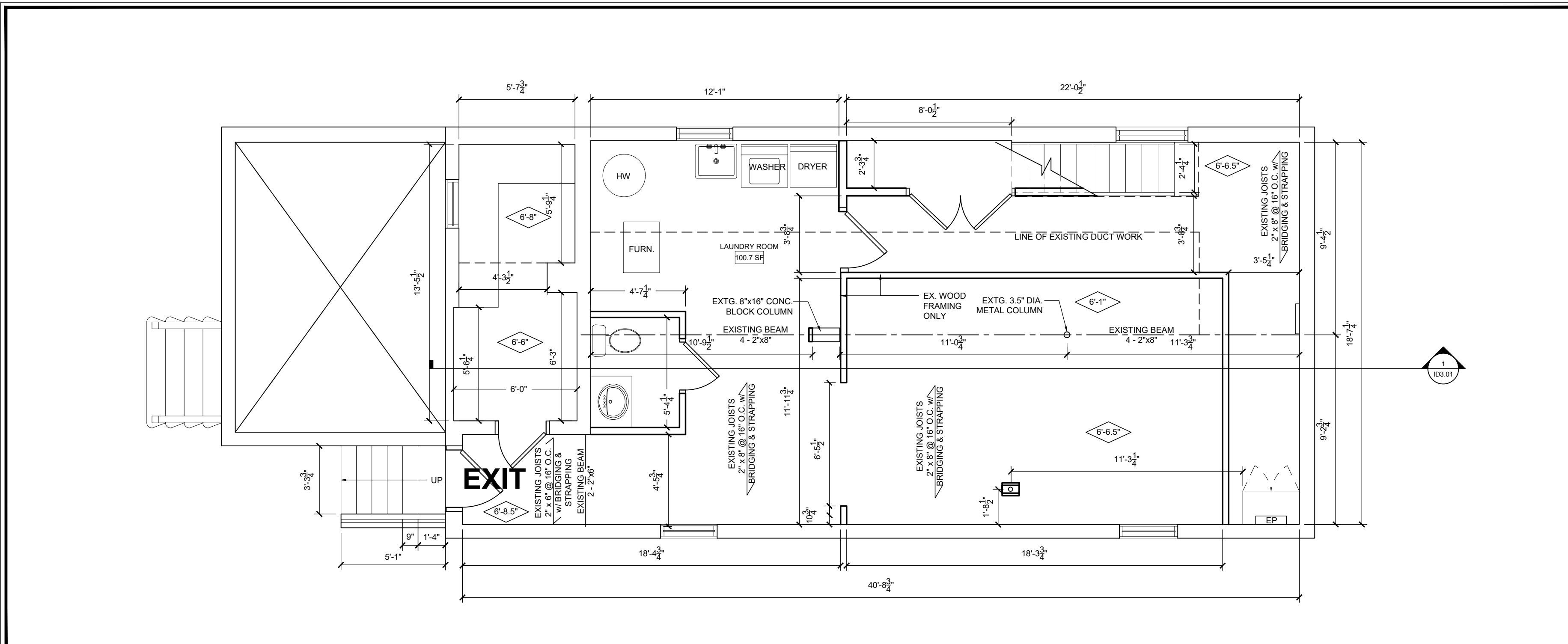
PROJECT
LODGING HOME
77 WEST AVE. N.
HAMILTON, ON.

DRAWING
COVER SHEET

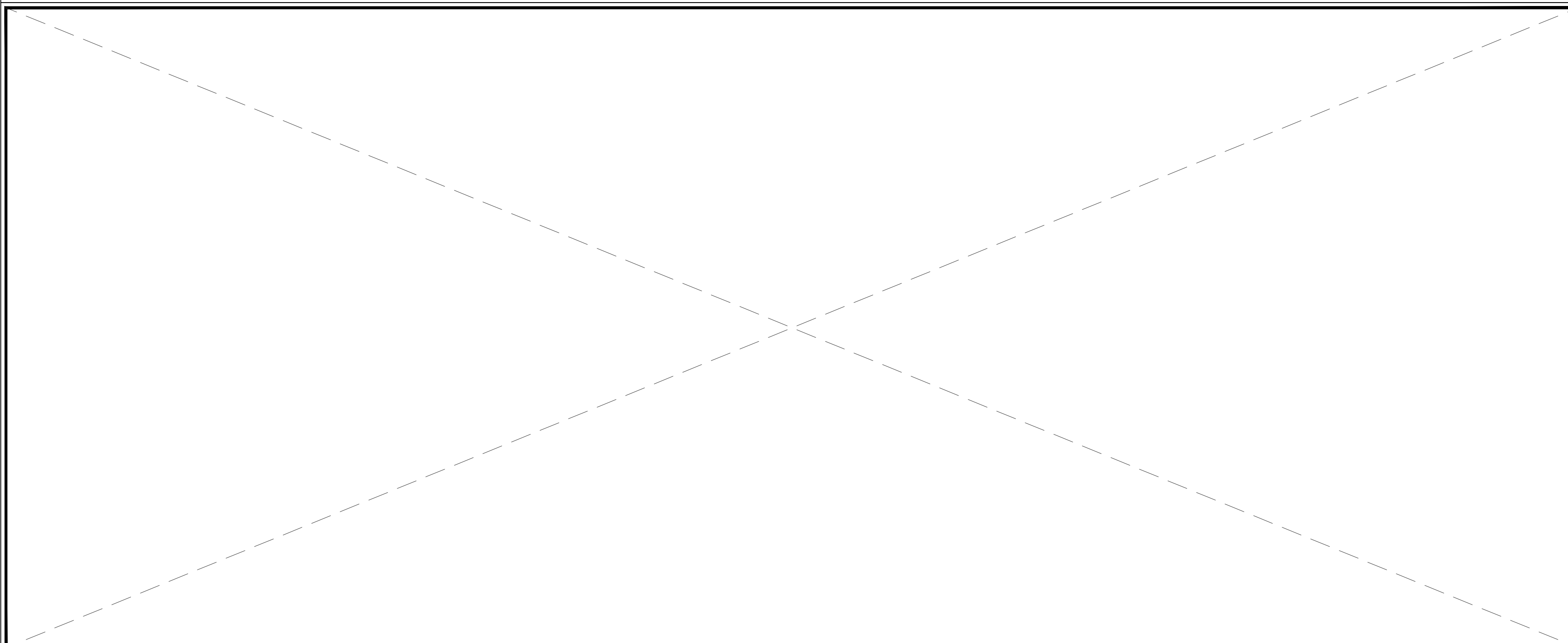
| SCALE | DATE |
|----------|------------|
| AS NOTED | 12/01/2020 |
| DRAWN | CHECKED |
| SC | SC |
| PROJ# | SHEET# |
| 20-221 | ID0.01 |



3 SITE PLAN
SCALE: 1/8"=1'-0"



1 EXISTING BASEMENT PLAN
SCALE: 1/4"=1'-0"



NOT USED

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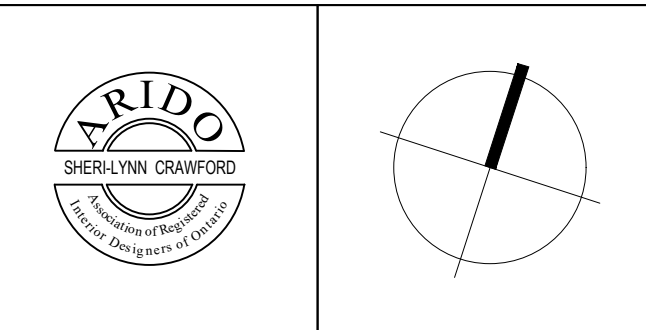
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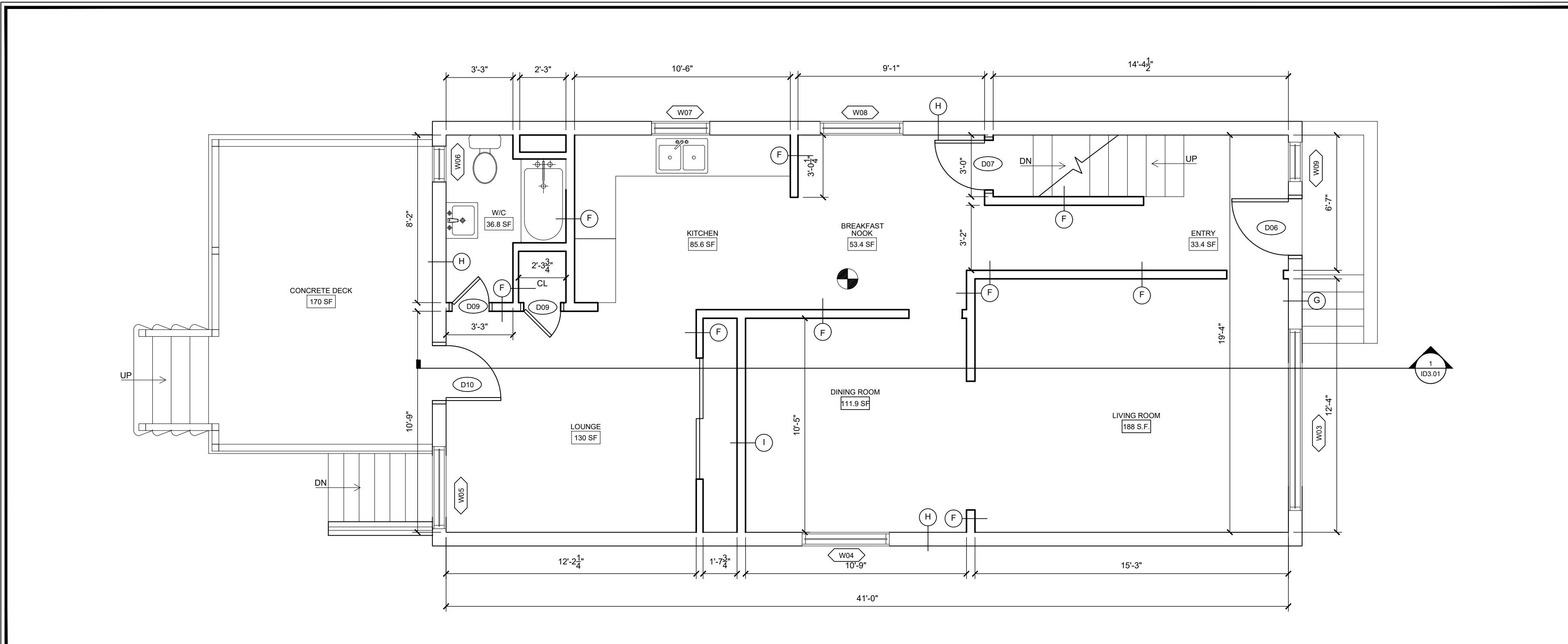
PROJECT

LODGING HOME
77 WEST AVE. NORTH.
HAMILTON, ON.

DRAWING

EXISTING BASEMENT PLAN

| | |
|--------------------------|---------------------------|
| SCALE AS NOTED | DATE 12/01/2020 |
| DRAWN SC | CHECKED SC |
| PROJ# 20-221 | SHEET# ID1.01 |



1 EXISTING GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

| DOOR SCHEDULE | | | | | | | | |
|---------------------------|------|-------------------------|----------|-------|--------|----------------|-------|-------------------------|
| COMMON SPACES AND UTILITY | | | | | | | | |
| CODE | TYPE | DOOR SIZE (W x H x T) | MATERIAL | FRAME | F.R.R. | HARDWARE | GLASS | REMARKS |
| D01 | D | 5'-0" X 6'-8" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR DOUBLE |
| D02 | B | 2'-10" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D03 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D04 | B | 2'-4" X 6'-6" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D05 | A | 2'-10" X 6'-6" X 1-5/8" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D06 | B | 2'-10" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | NO | EXIST. EXTERIOR |
| D07 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D08 | C | 5'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR SLIDING |
| D09 | B | 1'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D10 | B | 2'-8" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D11 | B | 1'-2" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D12 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | EXIST. INTERIOR |
| D13 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D14 | B | 2'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D15 | B | 2'-6" X 6'-6" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D16 | C | 5'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D17 | C | 6'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D18 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D19 | C | 5'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |

| WINDOW SCHEDULE | | | | |
|-----------------|------|---------------------|----------|----------|
| CODE | TYPE | WINDOW SIZE (W x H) | MATERIAL | REMARKS |
| W03 | EX. | 106" X 57" | VINYL | EXISTING |
| W04 | EX. | 51" X 56" | VINYL | EXISTING |
| W05 | EX. | 48" X 48" | VINYL | EXISTING |
| W06 | EX. | 21" X 14" | VINYL | EXISTING |
| W07 | EX. | 34" X 31" | VINYL | EXISTING |
| W08 | EX. | 48" X 44" | VINYL | EXISTING |
| W09 | EX. | 23" X 15" | VINYL | EXISTING |

| WINDOW SQ.FT. % | | | |
|--------------------------------------|----------|------------------|--------|
| GROUND LEVEL | | | |
| ROOM | OBC REQ. | OBC REQ. PART II | ACTUAL |
| LIVING ROOM | 10% | 5% | 22.28% |
| DINING ROOM | 10% | 5% | 17.69% |
| BREAKFAST NOOK & KITCHEN COMBINATION | 10% | 5% | 15.75% |
| LOUNGE | 10% | 5% | 12.22% |

| LIFE SAFETY LEGEND | |
|--------------------|-----------------------------|
| SYMBOL | DESCRIPTION |
| | CEILING MOUNTED SMOKE ALARM |

| PARTITION LEGEND | | | |
|------------------|---|--------|---|
| SYMBOL | DESCRIPTION | SYMBOL | DESCRIPTION |
| | EXISTING PARTITIONS TO REMAIN | | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION |
| | NEW PARTITIONS | | EXISTING INTERIOR PARTITION (F.R.R.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) - 2"X4" WOOD STUDS @ 16" O.C. (10MINS.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) |
| | EXISTING FOUNDATION WALL, NEW GWB ON INTERIOR SIDE - EXISTING 8" CONCRETE BLOCK - NEW 1-5/8" X 3-5/8" WOOD STUDS @ 16" O.C. - NEW SPRAY FOAM INSULATION (R20CI MIN.) - NEW 6 MIL. VAPOUR BARRIER - NEW 1/2" GYPSUM BOARD INTERIOR SIDE | | EXISTING EXTERIOR CONCRETE STUCCO WALL - INTERIOR GYPSUM PLASTER - 2"X4" WOOD STUDS @ 16" O.C. - INSULATION - SHEATHING - CONCRETE STUCCO COATING |
| | EXISTING BLOCK/GYPSUM WALL - 8" CONCRETE BLOCK - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. ONE SIDE - 1/2" GYPSUM BOARD ONE SIDE | | EXISTING EXTERIOR BRICK WALL - INTERIOR GYPSUM OR PLASTER - 2"X4" WOOD STUDS @ 16" O.C. - BATT INSULATION - SHEATHING - 4" BRICK |
| | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION | | DENOTES ROOM NUMBER |
| | | | DENOTES DOOR NUMBER |

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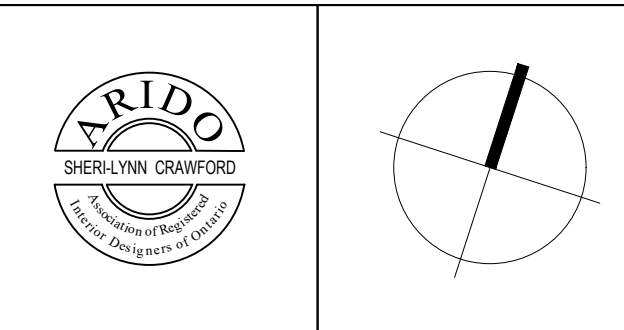
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QUALIFICATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.1 of the 2012 Ontario Building Code

SHERI CRAWFORD
NAME SIGNATURE BCIN 23263

REGISTRATION INFORMATION
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X-DESIGN INC.
FIRM NAME 29386 BCIN



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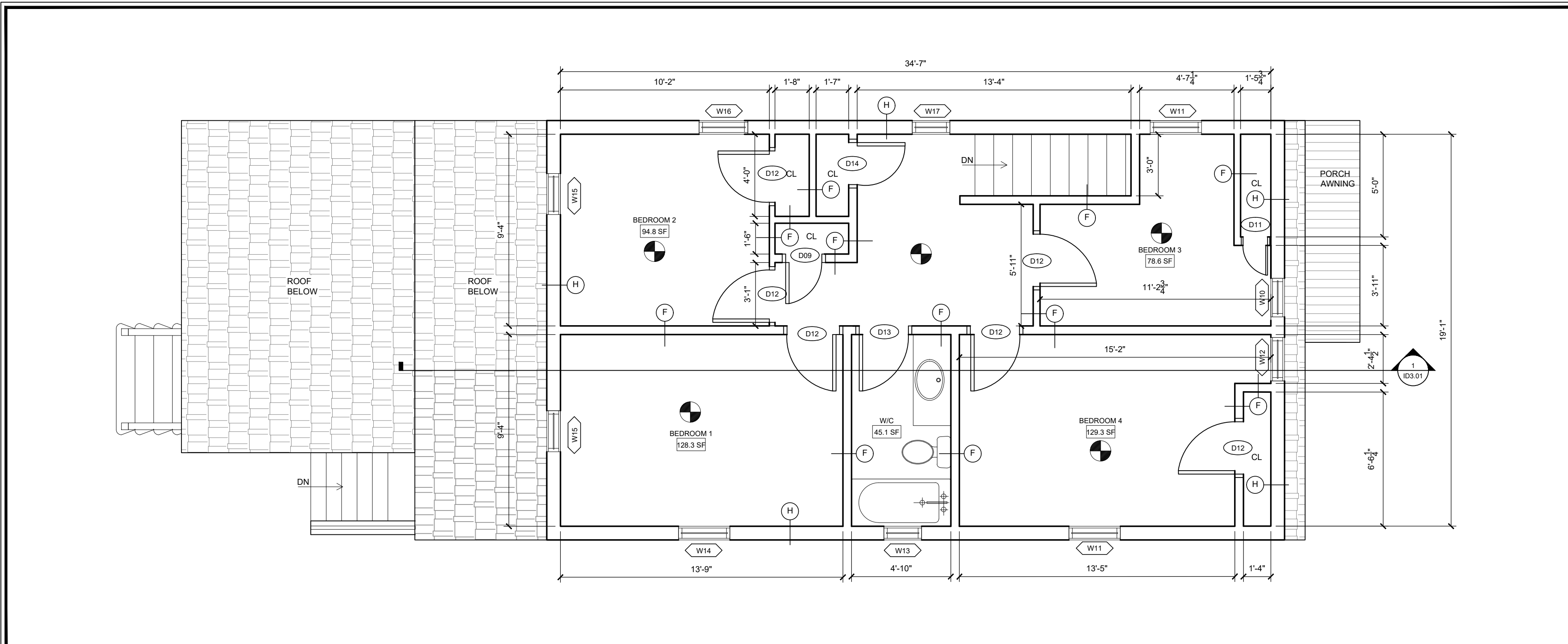
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PROJECT
LODGING HOME
77 WEST AVE. NORTH.
HAMILTON, ON.

DRAWING
EXISTING GROUND FLOOR PLAN

| | |
|--------------------------|---------------------------|
| SCALE AS NOTED | DATE 12/01/2020 |
| DRAWN SC | CHECKED SC |
| PROJ# 20-221 | SHEET# ID1.02 |



1 EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

| DOOR SCHEDULE | | | | | | | | |
|---------------------------|------|-------------------------|----------|-------|--------|----------------|-------|-------------------------|
| COMMON SPACES AND UTILITY | | | | | | | | |
| CODE | TYPE | DOOR SIZE (W x H x T) | MATERIAL | FRAME | F.R.R. | HARDWARE | GLASS | REMARKS |
| D01 | D | 5'-0" X 6'-8" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR DOUBLE |
| D02 | B | 2'-10" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D03 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D04 | B | 2'-4" X 6'-6" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D05 | A | 2'-10" X 6'-6" X 1-5/8" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D06 | B | 2'-10" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | NO | EXIST. EXTERIOR |
| D07 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D08 | C | 5'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR SLIDING |
| D09 | B | 1'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D10 | B | 2'-8" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D11 | B | 1'-2" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D12 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | EXIST. INTERIOR |
| D13 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D14 | B | 2'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D15 | B | 2'-6" X 6'-6" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D16 | C | 5'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D17 | C | 6'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D18 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D19 | C | 5'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |

| WINDOW SCHEDULE | | | | | |
|-----------------|------|---------------------|----------|----------|----------|
| CODE | TYPE | WINDOW SIZE (W x H) | AREA | MATERIAL | REMARKS |
| W10 | EX. | 22" X 44" | 6.7 S.F. | VINYL | EXISTING |
| W11 | EX. | 30" X 44" | 9.2 S.F. | VINYL | EXISTING |
| W12 | EX. | 24" X 44" | 7.3 S.F. | VINYL | EXISTING |
| W13 | EX. | 22" X 16" | 2.4 S.F. | VINYL | EXISTING |
| W14 | EX. | 30" X 43" | 9 S.F. | VINYL | EXISTING |
| W15 | EX. | 24" X 43" | 7.2 S.F. | VINYL | EXISTING |
| W16 | EX. | 28" X 43" | 8.4 S.F. | VINYL | EXISTING |
| W17 | EX. | 22" X 43" | 6.6 S.F. | VINYL | EXISTING |

| WINDOW SQ.FT. % | | | |
|-----------------|----------|------------------|--------|
| GROUND LEVEL | | | |
| ROOM | OBC REQ. | OBC REQ. PART II | ACTUAL |
| BEDROOM #1 | 5% | 2.5% | 12.54% |
| BEDROOM #2 | 5% | 2.5% | 16.35% |
| BEDROOM #3 | 5% | 2.5% | 20.10% |
| BEDROOM #4 | 5% | 2.5% | 7.03% |

| LIFE SAFETY LEGEND | |
|--------------------|-----------------------------|
| SYMBOL | DESCRIPTION |
| | CEILING MOUNTED SMOKE ALARM |

| PARTITION LEGEND | | | |
|------------------|--|--------|--|
| SYMBOL | DESCRIPTION | SYMBOL | DESCRIPTION |
| | EXISTING PARTITIONS TO REMAIN | | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION |
| | NEW PARTITIONS | | EXISTING INTERIOR PARTITION (F.R.R.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) - 2"X4" WOOD STUDS @ 16" O.C. (10MINS.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) |
| | EXISTING FOUNDATION WALL, NEW GWB ON INTERIOR SIDE - EXISTING 8" CONCRETE BLOCK - NEW 1-5/8" X 3-5/8" WOOD STUDS @ 16 O.C. - NEW SPRAY FOAM INSULATION (R20CI MIN.) - NEW 6 MIL. VAPOUR BARRIER - NEW 1/2" GYPSUM BOARD INTERIOR SIDE | | EXISTING EXTERIOR CONCRETE STUCCO WALL - INTERIOR GYPSUM PLASTER - 2"X4" WOOD STUDS @ 16" O.C. - INSULATION - SHEATHING - CONCRETE STUCCO COATING |
| | EXISTING BLOCK/GYPSUM WALL - 8" CONCRETE BLOCK - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. ONE SIDE - 1/2" GYPSUM BOARD ONE SIDE | | EXISTING EXTERIOR BRICK WALL - INTERIOR GYPSUM OR PLASTER - 2"X4" WOOD STUDS @ 16" O.C. - BATT INSULATION - SHEATHING - 4" BRICK |
| | EXISTING CONCRETE BLOCK WITH STRAPPING - EXISTING 8" CONCRETE BLOCK - EXISTING 1"X2" STRAPPING - RIGID INSULATION - NEW 6 MIL VAPOUR BARRIER - NEW 1/2" GYPSUM BOARD | | NEW 45 MIN. STC 53 (MIN.) INTERIOR PARTITION (SB-3 W4B) - 1 LAYER OF 1/2" TYPE X GYPSUM BOARD - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - ROCK OR SLAG INSULATION - RESILIENT CHANNELS @ 24" O.C. - 2 LAYERS 1/2" TYPE X GYPSUM BOARD |
| | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION | | XXXX DENOTES ROOM NUMBER |
| | | | XXX DENOTES DOOR NUMBER |

DO NOT SCALE THIS DRAWING.
CONTRACTOR TO CHECK AND VERIFY DIMENSIONS ON SITE, AND REPORT DISCREPANCIES TO X-DESIGN INC. BEFORE PROCEEDING WITH THE WORK.
DRAWINGS ARE THE PROPERTY OF X-DESIGN INC. AND MAY NOT BE REPRODUCED WITHOUT THE PERMISSION OF THE DESIGNERS.

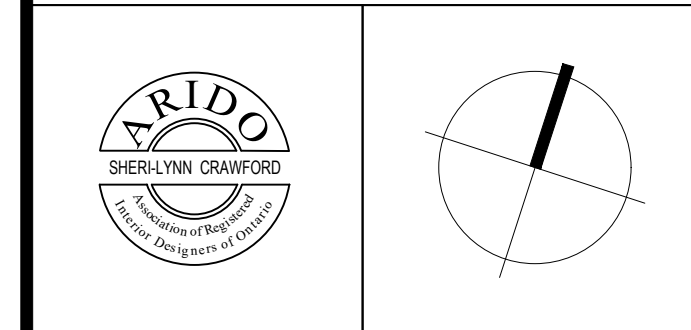
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 2006 Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.1 of the 2012 Ontario Building Code

SHERI CRAWFORD
NAME SIGNATURE BCIN 23263

REGISTRATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.11 of the 2012 Ontario Building Code

X-DESIGN INC.
FIRM NAME BCIN 28386



| REVISION RECORD | | | |
|-----------------|--------------|----|------------------|
| NO. | DATE | BY | DESCRIPTION |
| 1 | DEC 17, 2020 | SC | ISSUE FOR PERMIT |

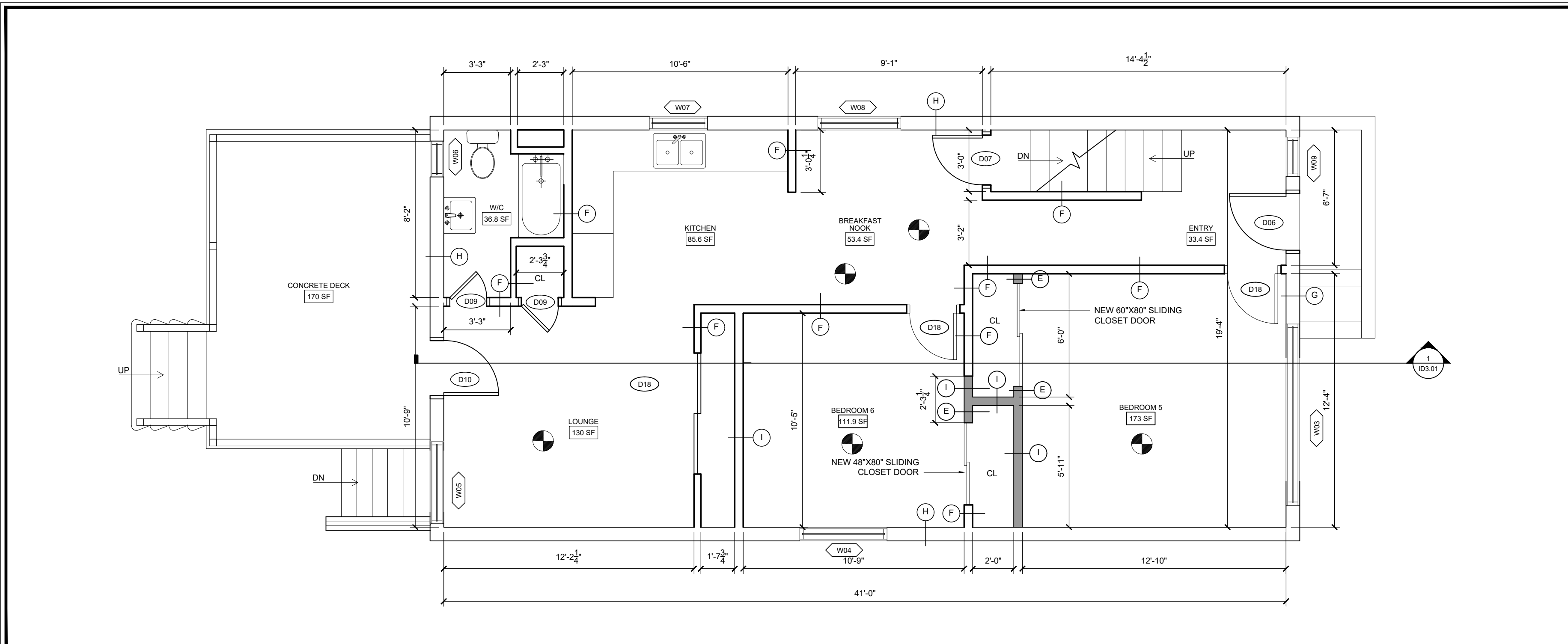
xdesign

1135 DUNDAS ST. EAST, SUITE 200 TORONTO, ON. M4M 1R9
TEL: 416-462-3084 FAX: 416-462-0526
www.xdesigninc.com

PROJECT
LODGING HOME
77 WEST AVE. NORTH.
HAMILTON, ON.

DRAWING
EXISTING SECOND FLOOR PLAN

| | |
|--------------------------|---------------------------|
| SCALE AS NOTED | DATE 12/01/2020 |
| DRAWN SC | CHECKED SC |
| PROJ# 20-221 | SHEET# ID1.03 |



1 PROPOSED GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

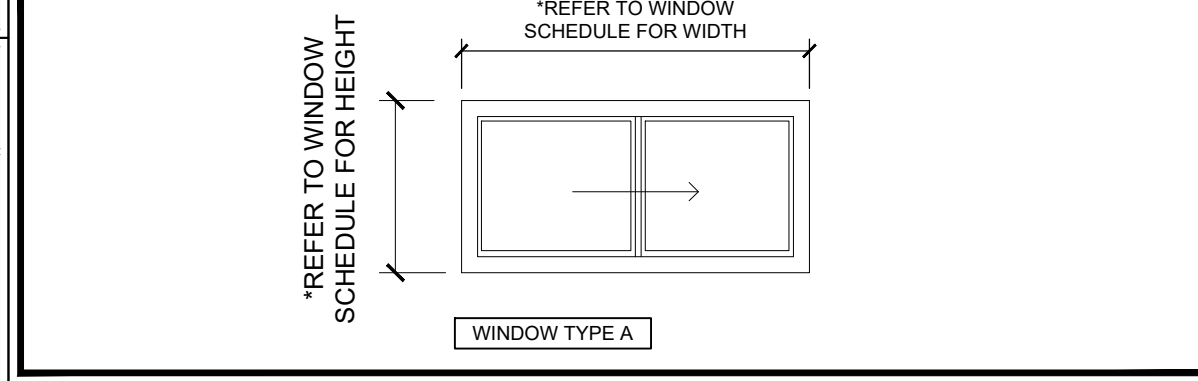
| CODE | TYPE | WINDOW SIZE (W x H) | AREA | MATERIAL | REMARKS |
|------|------|---------------------|-----------|----------|----------|
| W03 | A | 106" X 57" | 42 S.F. | VINYL | EXISTING |
| W04 | A | 51" X 56" | 19.8 S.F. | VINYL | EXISTING |

| ROOM | OBC REQ. | OBC REQ. PART II | ACTUAL |
|------------|----------|------------------|--------|
| BEDROOM #5 | 5% | 2.5% | 18% |
| BEDROOM #6 | 5% | 2.5% | 24% |

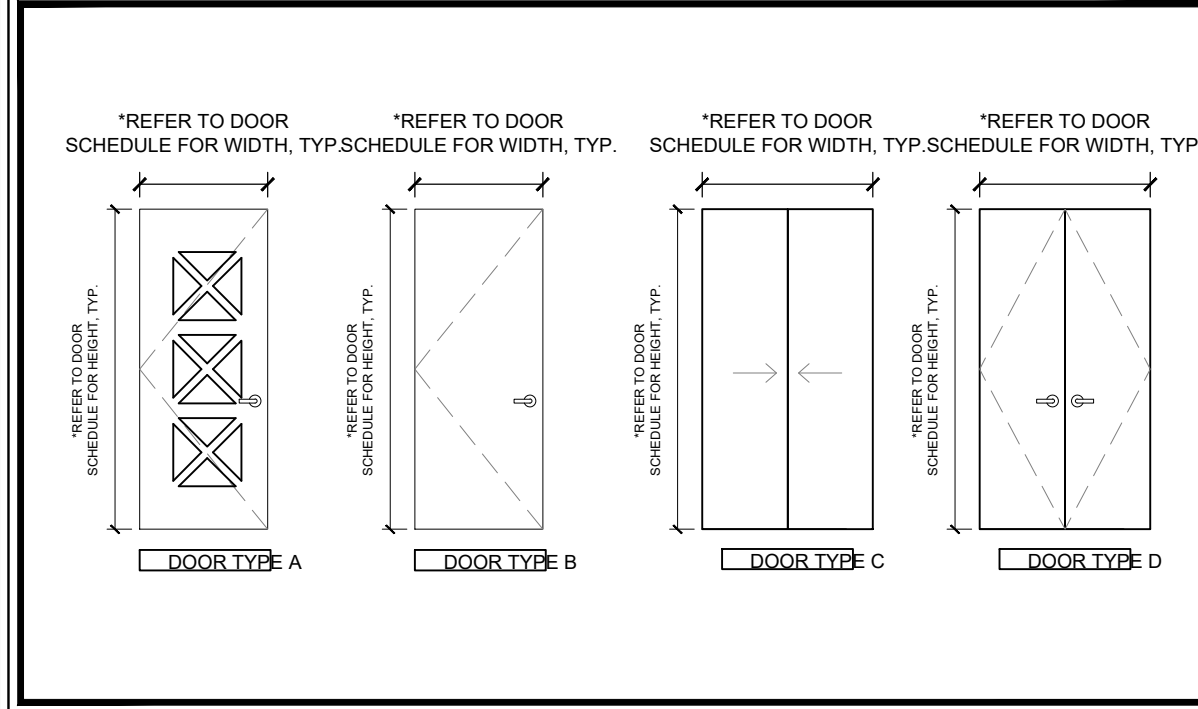
| SYMBOL | DESCRIPTION |
|--------|-----------------------------|
| | CEILING MOUNTED SMOKE ALARM |

| CODE | TYPE | DOOR SIZE (W x H x T) | MATERIAL | FRAME | F.R.R. | HARDWARE | GLASS | REMARKS |
|------|------|-------------------------|----------|-------|--------|----------------|-------|-------------------------|
| D01 | D | 5'-0" X 6'-8" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR DOUBLE |
| D02 | B | 2'-10" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D03 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D04 | B | 2'-4" X 6'-6" X 1-5/8" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D05 | A | 2'-10" X 6'-6" X 1-5/8" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D06 | B | 2'-10" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | NO | EXIST. EXTERIOR |
| D07 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D08 | C | 5'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR SLIDING |
| D09 | B | 1'-8" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D10 | B | 2'-8" X 6'-8" X 1-3/4" | H-M | WD | - | KEYED ENTRANCE | YES | EXIST. EXTERIOR |
| D11 | B | 1'-2" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D12 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | EXIST. INTERIOR |
| D13 | B | 2'-6" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D14 | B | 2'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | EXIST. INTERIOR |
| D15 | B | 2'-6" X 6'-6" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D16 | C | 5'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D17 | C | 6'-0" X 6'-4" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |
| D18 | B | 2'-4" X 6'-8" X 1-3/4" | WD | WD | 20 MIN | LOCKSET | NO | NEW INTERIOR |
| D19 | C | 5'-0" X 6'-8" X 1-3/4" | WD | WD | - | PASSAGE | NO | NEW INTERIOR SLIDING |

| SYMBOL | DESCRIPTION | SYMBOL | DESCRIPTION |
|--------|---|--------|--|
| | EXISTING PARTITIONS TO REMAIN | | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION |
| | NEW PARTITIONS | | EXISTING INTERIOR PARTITION (F.R.R.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) - 2"X4" WOOD STUDS @ 16" O.C. (10MINS.) - GYPSUM PLASTER AND WOOD LATH (35 MIN.) |
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| | EXISTING CONCRETE BLOCK WITH STRAPPING - EXISTING 8" CONCRETE BLOCK - EXISTING 1"X2" STRAPPING - RIGID INSULATION - NEW 6 MIL VAPOUR BARRIER - NEW 1/2" GYPSUM BOARD | | NEW 45 MIN. I STC 53 (MIN.) INTERIOR PARTITION (SB-3 W4B) - 1 LAYER OF 1/2" TYPE X GYPSUM BOARD - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - ROCK OR SLAG INSULATION - RESILIENT CHANNELS @ 24" O.C. - 2 LAYERS 1/2" TYPE X GYPSUM BOARD |
| | NEW INTERIOR PARTITION - 1/2" GYPSUM BOARD ON EACH SIDE - 1-5/8"X3-5/8" WOOD STUDS @ 16" O.C. - BATT INSULATION | | DENOTES ROOM NUMBER |
| | | | DENOTES DOOR NUMBER |



2 WINDOW STYLES
SCALE: 1/2"=1'-0"



3 DOOR STYLES
SCALE: 3/8"=1'-0"

DO NOT SCALE THIS DRAWING.
CONTRACTOR TO CHECK AND VERIFY DIMENSIONS ON SITE, AND REPORT DISCREPANCIES TO X-DESIGN INC. BEFORE PROCEEDING WITH THE WORK.
DRAWINGS ARE THE PROPERTY OF X-DESIGN INC. AND MAY NOT BE REPRODUCED WITHOUT THE PERMISSION OF THE DESIGNERS.

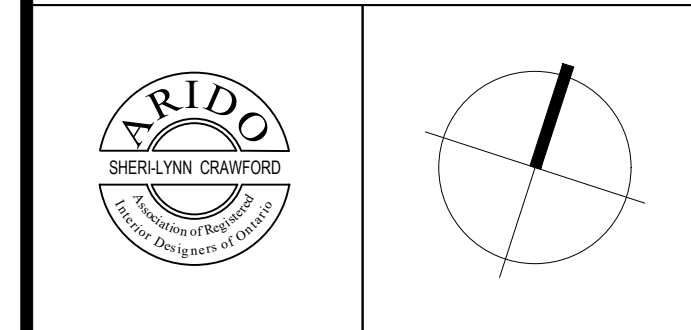
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 2006 Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.1 of the 2012 Ontario Building Code

SHERI CRAWFORD
NAME SIGNATURE 23263 BCIN

REGISTRATION INFORMATION
Required unless design is exempt under Div.C 3.2.4.11 of the 2012 Ontario Building Code

X-DESIGN INC.
FIRM NAME 29386 BCIN



| NO. | DATE | BY | DESCRIPTION |
|-----|--------------|----|-----------------|
| 1 | JAN 22, 2021 | SC | AS PER COMMENTS |

| REVISION RECORD | | | |
|-----------------|--------------|----|------------------------|
| NO. | DATE | BY | DESCRIPTION |
| 2 | JAN 22, 2021 | SC | FOR C OF A APPLICATION |
| 1 | DEC 17, 2020 | SC | ISSUE FOR PERMIT |

xdesign

1135 DUNDAS ST. EAST, SUITE 200 TORONTO, ON. M4M 1R9
TEL: 416-462-3084 FAX: 416-462-0526
www.xdesigninc.com

PROJECT
LODGING HOME
77 WEST AVE. NORTH.
HAMILTON, ON.

| DRAWING | | SCALE | DATE |
|-------------------------------|----------------------|-----------------|-------------------|
| PROPOSED BASEMENT PLAN | | AS NOTED | 12/01/2020 |
| DRAWN SC | CHECKED SC | SHEET# | |
| PROJ# 20-221 | ID1.04 | | |



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---------------------------------|---------|---|
| Registered Owners(s) | | | Phone: _____ E-mail: _____ |
| Applicant(s)* | Sheri Crawford X-Design Inc. | | Phone: _____ E-mail: _____ |
| Agent or Solicitor | Sheri Crawford X-Design Inc. | | Phone: _____ E-mail: _____ |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Reduction of required lot width from 12m to 8.08m and a reduced lot area from 300 s.m to 290 s.m.

5. Why it is not possible to comply with the provisions of the By-law?

We are proposing a change of use from a single family dwelling to a lodging home and the existing conditions do not comply.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Plan No. 223 (1975 survey), 77 West Avenue North, City of Hamilton.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

The existing use and survey plan demonstrate that this land has been residential for the duration of it's development.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

January 19, 2021

Date



Signature Property Owner

Garth Brown / Lynette Brown

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|-----------------|
| Frontage | <u>8.077m</u> |
| Depth | <u>37.033m</u> |
| Area | <u>290 s.m.</u> |
| Width of street | <u>9m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Ground floor area = 78.7s.m., Gross Floor Area = 157.4 s.m., 2 storeys above grade, 6.5m +/- in building height, 5.66m width, 12.41m length.

Proposed

No changes to existing conditions.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front yard: 2.25m,
Side Yard: 0.63 M one side | 1.3 M other side,
Rear Yard: 18.6 M

Proposed:

No changes to existing conditions.

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
1975

15. Existing uses of the subject property:
Single family dwelling
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Approximately 45 years
18. Municipal services available: (check the appropriate space or spaces)
Water X _____ Connected X _____
Sanitary Sewer X _____ Connected X _____
Storm Sewers X _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
05-200 (D5 District)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:49

APPLICANTS: Robert Cove on behalf of the owner Firas Alkhalil

SUBJECT PROPERTY: Municipal address **825 Cannon St. E., Hamilton**

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

ZONING: "C" (Urban Protected Residential) district

PROPOSAL: To permit the construction of a roofed-over unenclosed porch in the front yard of the existing single family dwelling notwithstanding that:

1. The roofed-over unenclosed front porch shall be permitted to project a maximum of 4.8m into the required front yard and provide a minimum setback of 1.2m from the front lot line instead of the maximum 3.0m projection permitted and minimum 1.5m setback required from the front lot line.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment

HM/A-21: 49

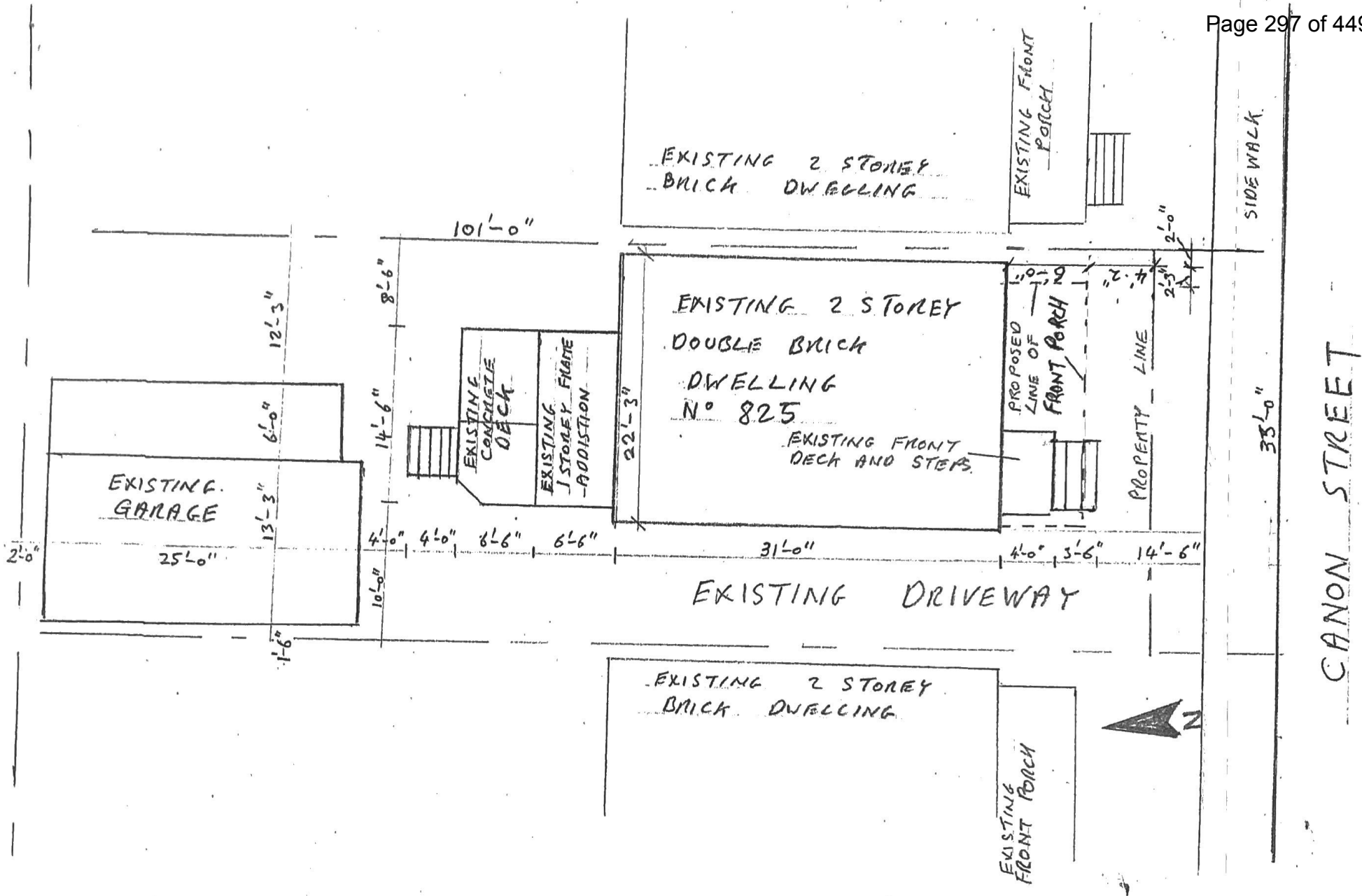
Page 2

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



AIKHAII RESIDENCE
 825 CANON STREET, E.
 HAMILTON ON L8L 2H3

PROPOSED
 FRONT PORCH

| | |
|--------------|-------|
| DATE | DWG # |
| JAN 11/21 | 1 |
| SCALE | QTY |
| 3/32 = 1'-0" | 2 |



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Firas Alkhalil Telephone No. [REDACTED]
FAX NO. _____ E-mail address [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]
- Name of Agent ROBERT COVE Telephone No. [REDACTED]
FAX NO. _____ E-mail address [REDACTED]
- Address [REDACTED] Postal Code [REDACTED]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
TO REDUCE THE EXISTING 3M BY-LAW TO 1.2 M
FOR A ROOFED OVER FRONT PORCH
-
7. Why it is not possible to comply with the provisions of the By-law?
THE PROPERTY LINE IS 10'-2" FROM THE FRONT
OF THE HOUSE AND THE PROPOSED FRONT PORCH
EXTENDS 6'-0" FROM THE FRONT OF THE HOUSE
LEAVING ONLY 4'-2" TO THE PROPERTY LINE
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
PLAN 477 LOT 98 PART LOT 99
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown

- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown
- 9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
LOCAL NEIGHBOURS AND FRIENDS
-
- 9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan, 18, 2021
 Date


 Signature Property Owner
Firas Alkhalil
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 35'-00"
 Depth 101'-0"
 Area 3,535^{sq}FT
 Width of street 50'-0" INCLUDING SIDE WALKS
11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: GROUND FLOOR AREA 791.75^{sq}FT
GROSS FLOOR AREA 791.75^{sq}FT
2 STOREY BRICK DWELLING WIDTH 22'-6" LENGTH 31'-0" FT
1 SINGLE STOREY GARAGE IN BACK GARDEN 332^{sq}FT
1 SINGLE STOREY SHED IN BACK GARDEN 130^{sq}FT
 Proposed:
1 SINGLE STOREY ROOFED OVER FRONT PORCH 114^{sq}FT
12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
 Existing: 2 STOREY BRICK DWELLING, WEST SIDE 14'-3"
EAST SIDE 2'-0" SOUTH SIDE 13'-4" NORTH SIDE 56'-8"
SINGLE STOREY GARAGE AND SHED IN BACK GARDEN
WEST SIDE 1'-6" EAST SIDE 12'-3" SOUTH SIDE 65'-6" NORTH SIDE 2'-0"

Proposed: _____
1 SINGLE STORY ROOFED OVER FRONT PORCH
WEST SIDE 14'-3" EAST SIDE 4'-3" NORTH SIDE 87'-8"
SOUTH SIDE 7'-4"

13. Date of acquisition of subject lands: _____

14. Date of construction of all buildings and structures on subject lands:
90-100 YEARS

15. Existing uses of the subject property: RESIDENTIAL

16. Existing uses of abutting properties: RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:
90-100 YEARS

18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected ✓
 Sanitary Sewer ✓ Connected ✓
 Storm Sewers _____

19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOOD

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
URBAN PROTECTION RESIDENTIAL
SEE DISTRICT.

21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the Planning Act?
 Yes No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:39

APPLICANTS: V. Mohammad on behalf of the owners S. 7 S. Bagla

SUBJECT PROPERTY: Municipal address **27 Sycamore St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 83-66

ZONING: "C" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two family dwelling, notwithstanding that:

1. No onsite manoeuvring shall be provided for the two (2) required parking spaces, instead of the requirement that a manoeuvring space shall be provided and maintained abutting and accessory to each required parking space on the lot and whereas the Zoning By-law only permits off-site manoeuvring for one (1) of the two (2) required parking spaces;
2. No onsite manoeuvring shall be provided for the two (2) required parking spaces instead of the requirement that a manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located; and,
3. The accessibility to one (1) of the required parking spaces may be obstructed by another vehicle whereas the By-law requires every parking space to be unobstructed and readily accessible from within the lot, without moving any vehicle on the lot.

NOTE:

1. A building permit is required for the conversion of the existing single family dwelling into a two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:45 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21: 39
Page 2

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

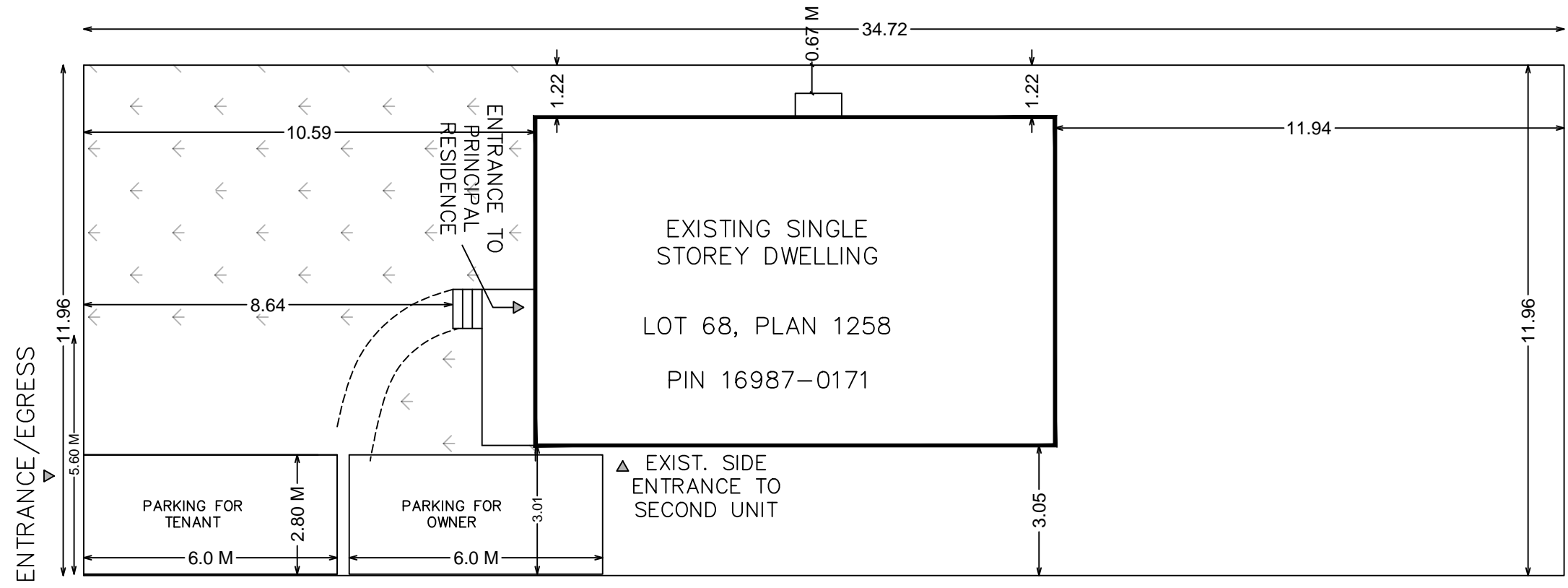
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



AREA STATISTICS

GROSS FLOOR AREA CALCULATIONS

- A. PRINCIPAL RESIDENCE
EXISTING GROUND FLOOR GFA = 83.97 m²
- B. BASEMENT
PROPOSED BASEMENT APARTMENT GFA = 83.92 m²
ENTRANCE / EGRESS
▲

SCOPE OF WORK

- ① LEGALIZATION OF BASEMENT AS SECOND DWELLING UNIT
- ② PROP. ONE NEW WINDOWS

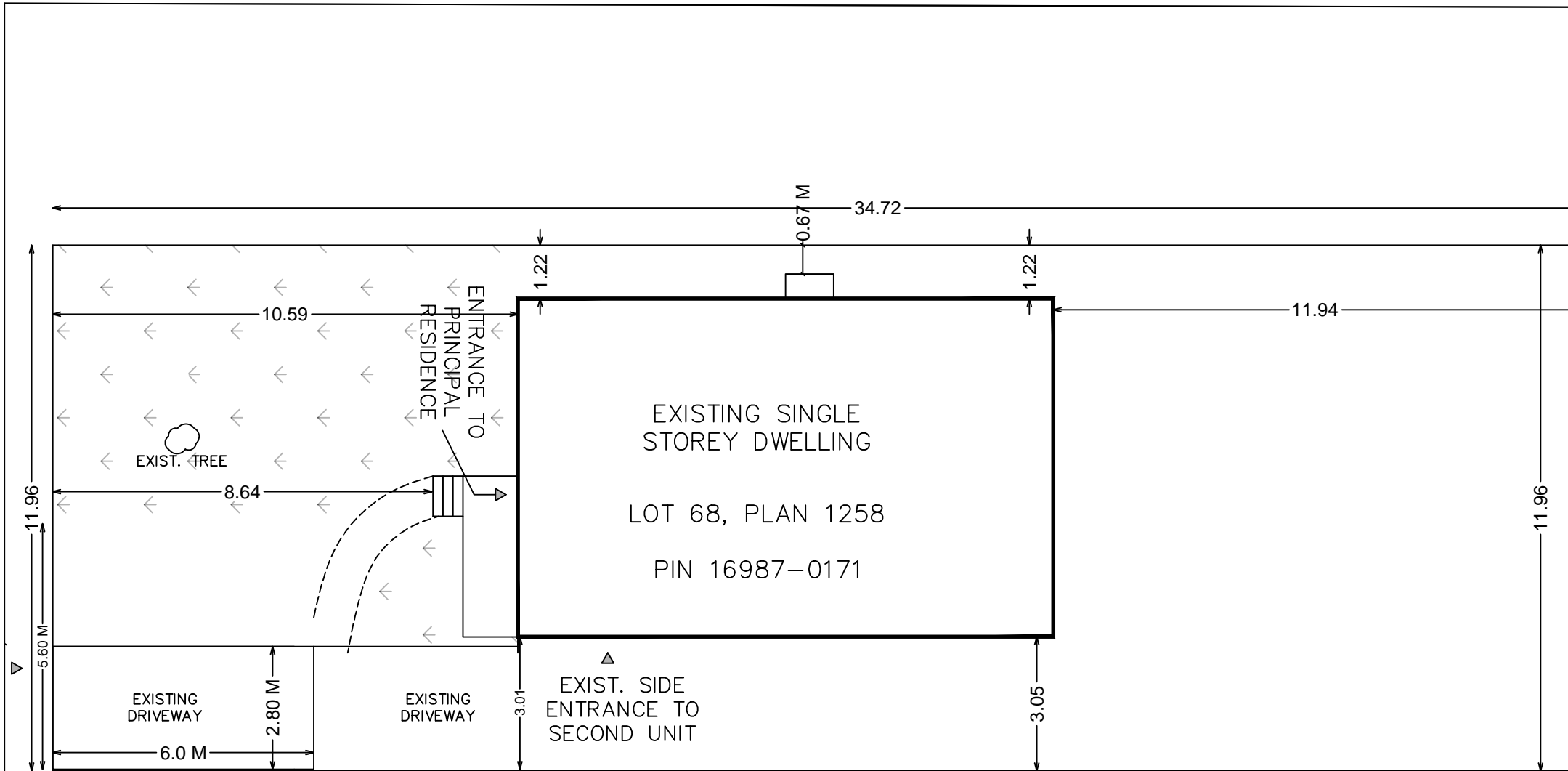
| NO. | DESCRIPTION | DATE |
|-----|---------------------|----------------|
| 1 | REVISION | JAN/ 27 / 2021 |
| 0 | FOR BUILDING PERMIT | |

ENGINEER:
 **Mechways Inc.**
 2751 THAMESGATE DR.
 MISSISSAUGA, ON.
 TEL: 905-678-7778
 mechways@gmail.com

PROJECT:
 27, SYCAMORE STREET,
 HAMILTON, ON

TITLE:
PROP.SITE PLAN

| | |
|----------------------|---------------|
| CHECKED: MS | DRAWING: |
| DRAWN: MA | SP1.02 |
| SCALE: 3/32"=1' | |
| DATE: JAN/ 27 / 2021 | |



AREA STATISTICS

GROSS FLOOR AREA CALCULATIONS

- A. PRINCIPAL RESIDENCE
EXISTING GROUND FLOOR GFA = 83.97 m²
- B. BASEMENT
PROPOSED BASEMENT APARTMENT GFA = 83.92 m²
ENTRANCE / EGRESS



SCOPE OF WORK

- ① LEGALIZATION OF BASEMENT AS SECOND DWELLING UNIT
- ② PROP. ONE NEW WINDOWS

| NO. | DESCRIPTION | DATE |
|-----|---------------------|----------------|
| 1 | REVISION | JAN/ 27 / 2021 |
| 0 | FOR BUILDING PERMIT | |

ENGINEER:
 **Mechways Inc.**
 2751 THAMESGATE DR.
 MISSISSAUGA, ON.
 TEL: 905-678-7778
 mechways@gmail.com

PROJECT:
 27, SYCAMORE STREET,
 HAMILTON, ON

TITLE:
EXIST.SITE PLAN

| | |
|----------------------|---------------|
| CHECKED: MS | DRAWING: |
| DRAWN: MA | SP1.01 |
| SCALE: 1:125 | |
| DATE: JAN/ 27 / 2021 | |



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|----------------------|-------------------------------|------------|---|
| Registered Owners(s) | SIDDARTH BAGLA SEEMA BAGLA | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | VALIUDDIN MOHAMMED | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | | | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SIDDARTH BAGLA
 SEEMA BAGLA

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

For proposed Second Dwelling in basement, one more car parking is necessary. Front yard has enough space for 2nd car parking by the side of existing parking. But City inspector objected stating that existing tree roots will be damaged. Hence, we are proposing car parking one behind the other, as a special case we request to agree for

5. Why it is not possible to comply with the provisions of the By-law? minor variance - parking - one car behind other.

For second dwelling, one more parking is essential; as per city inspector, it is not possible due to the roots of tree which are above the ground.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

27 SYCAMORE ST, HAMILTON, ON L8T 3N6

PLAN 1258 LOT 68

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use No

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes No Unknown


8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Information provided by the owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 27, 2021
Date


Signature Property Owner

SIDDARTH BAGILA / SEEMA BAGILA
Print Name of Owner

10. Dimensions of lands affected:

Frontage 11.96 m
Depth 34.72 m
Area 415.36 m
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Dwelling
Length - 12.46 m Ground Floor Area - 83.97 m
Width - 7.83 m Gross Floor Area - 83.97 m
Height - 3.53 m Number of Storeys - 1

Proposed

Same as existing

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing: Front yard - 10.59 m Right side yard - 3.01 m.
Rear yard - 11.94 m
Left side yard - 1.22 m

Proposed:

Same as existing

13. Date of acquisition of subject lands:
Nov 2020
14. Date of construction of all buildings and structures on subject lands:
1967
15. Existing uses of the subject property:
Residential [Single Dwelling unit]
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Since 1967
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
No.
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

Attached.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:44

APPLICANTS: Lee Paule on behalf of the owner David Kuhn

SUBJECT PROPERTY: Municipal address **162 Fernwood Cres., City of Hamilton**

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

ZONING: "C" (Urban Protected Residential and etc.) district

PROPOSAL: To permit the conversion of an existing single family dwelling to contain a two (2) dwelling units and to recognize the location of an existing accessory building (shed) notwithstanding that:

1. One parking space shall be provided instead of the minimum two (2) parking spaces.
2. The existing shed shall be permitted to be located within the required southerly side yard and shall be 0.0m from the southerly side lot line instead of the requirement that no accessory building shall be erected in a required side yard (being 1.2m).

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:50 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-21: 44
Page 2

MORE INFORMATION

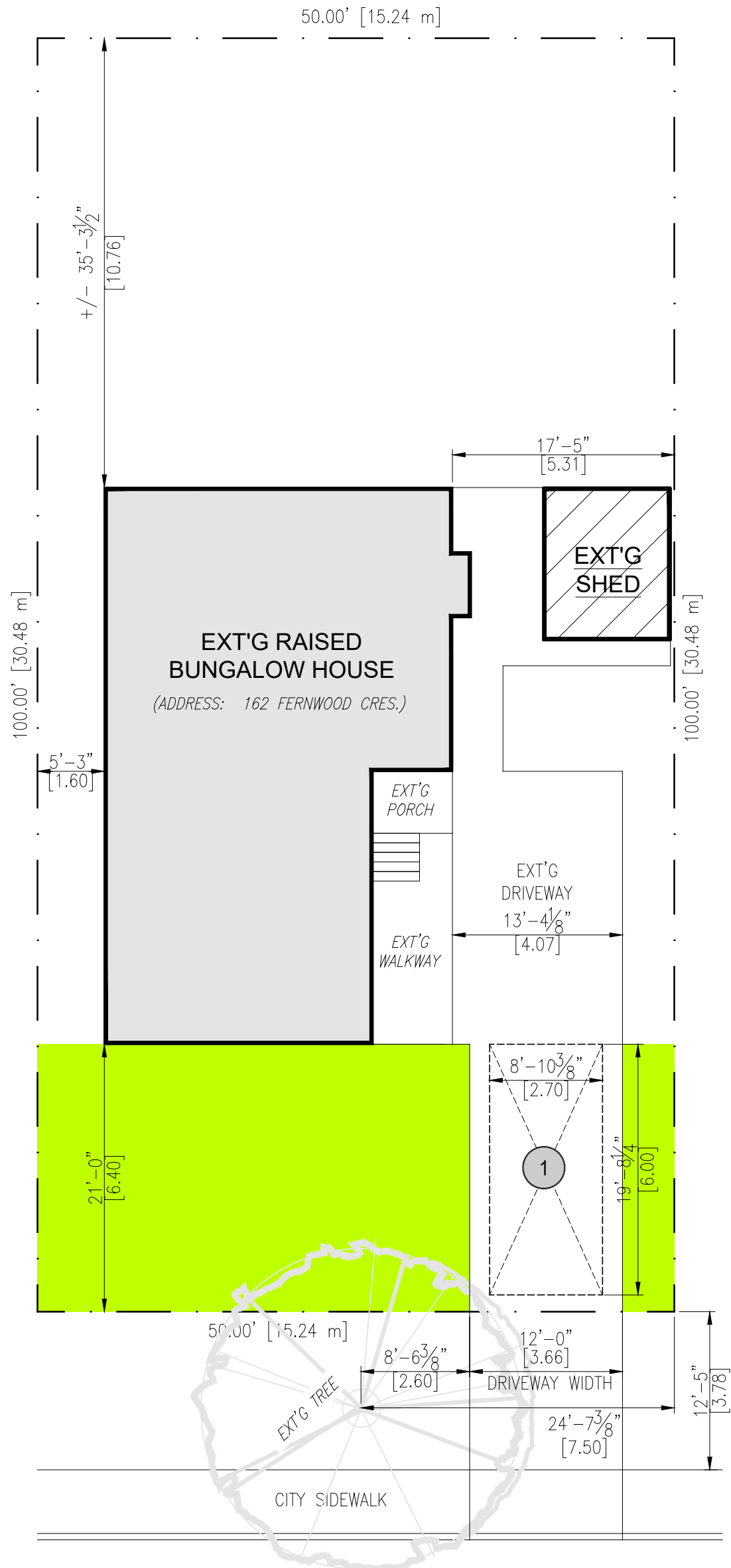
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



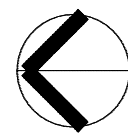
FERNWOOD CRES.

**FRONT YARD LANDSCAPE
AREA REQUIREMENTS:**

GROSS FRONT YARD AREA = 1050.00 ft² (97.55 m²)
 AREA OF WALKWAY & DRIVEWAYS = 252.00 ft² (23.41 m²), 24.0%
 FRONT YARD LANDSCAPE AREA = 670.56 ft² (74.14 m²), 76.0%

 FRONTYARD LANDSCAPE AREA

1 SITE PLAN
 A1 1" = 10'-0"



The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein.

HOUSING PROJECT No. 39
FENNEL GARDENS ADDITION SURVEY
 Reg. Plan No. 1077
HAMILTON, ONTARIO
 Scale: 1" = 30'-0"

Grisenthwaite Construction Co. Ltd.
 Building Contractors
 637 Parkdale Ave. N.
 Hamilton, Ont.

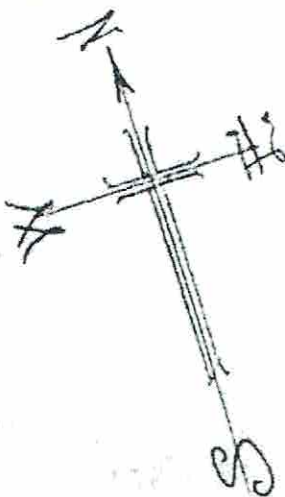
NOTES

Finished grade to be 7" above crown of roadway taken at the centre line of each lot.

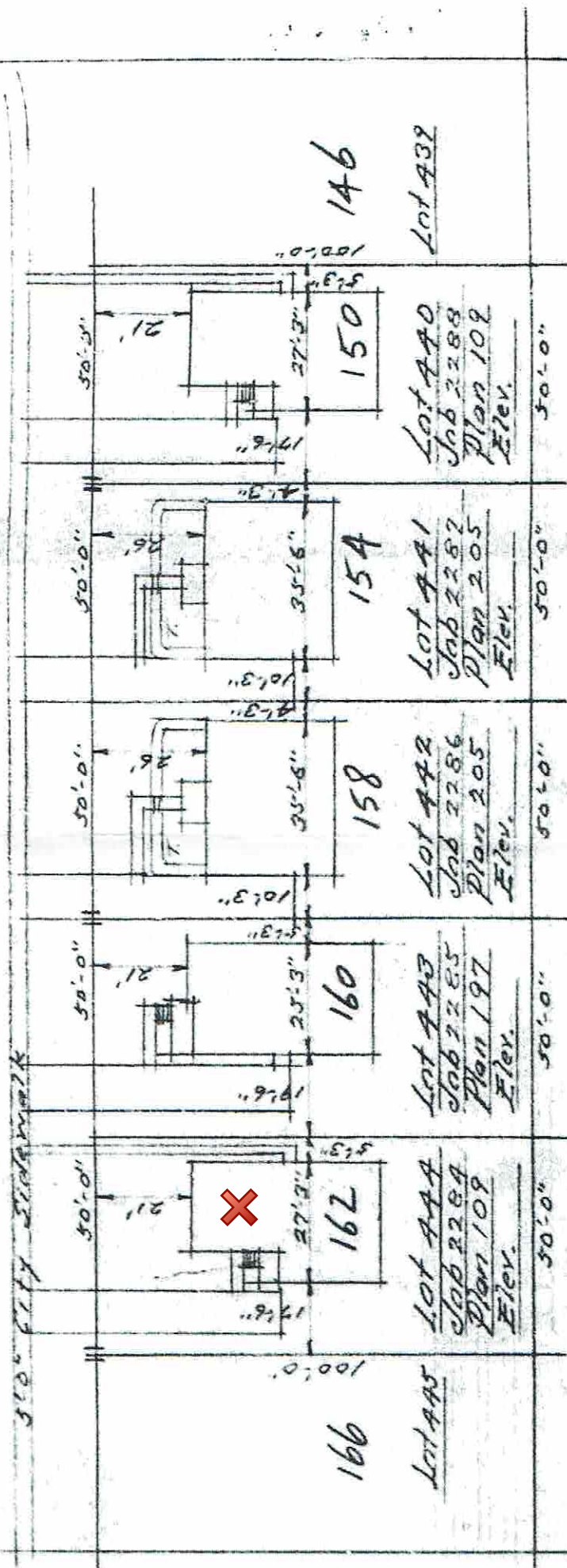
Front entrance sidewalks 3'-0" wide.

Side or rear entrance walks 2'-0" wide.

Driveways 10' wide, crushed stone surface.



FERNWOOD (16° 39' E) CRESCENT.



June 14th 1959



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee Section 45 of the *Planning Act*, R.S.O. 1990, Ch application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|----------------------|------------|---------|---------|
| Registered Owners(s) | DAVID KUHN | | |
| Applicant(s)* | LEE PAULE | | |
| Agent or Solicitor | | | Phone: |
| | | | E-mail: |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

TO ALLOW ONE PARKING SPACE ON THE SUBJECT PROPERTY WHICH IS A PROPOSED 2 FAMILY DWELLING.

5. Why it is not possible to comply with the provisions of the By-law?

URBAN FOREST HEALTH TECHICIAN WILL NOT ALLOW DRIVEWAY WIDENING TO THE WIDTH REQUIRED FOR 2 CAR PARKING DUE TO CLOSE PROXIMITY TO EXISTING CITY OWNED TREE.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

162 FERNWOOD CRES.

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

HOMEOWNER IS A LONG TIME RESIDENCE IN HAMILTON AND IT IS BASE ON THEIR ASSUMPTION.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021-01-08
Date

David Kuhn
Signature Property Owner

DAVID KUHN
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|-------------------|
| Frontage | <u>50'-0"</u> |
| Depth | <u>100'-0"</u> |
| Area | <u>5000 SQFT</u> |
| Width of street | <u>+/- 20'-0"</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

1 STOREY SINGLE FAMILY RAISED BRICK BUNGALOW
G.F.A. = 1068.18 SQFT
WIDTH = 27'-5", LENGTH = 43'-9", HEIGHT = 17'-5"
NORTH SETBACK = 5'-3", SOUTH = 17'-6", WEST = 21'-0", EAST = 35'-2"

Proposed

2 FAMILY DWELLING
UNIT #1 G.F.A. = 1066.39 SQFT (99.07 SQM)
UNIT #2 G.F.A. = 700.0 SQFT (65.0 SQM)

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

1 STOREY SINGLE FAMILY RAISED BRICK BUNGALOW
G.F.A. = 1068.18 SQFT
WIDTH = 27'-5", LENGTH = 43'-9", HEIGHT = 17'-5"
NORTH SETBACK = 5'-3", SOUTH = 17'-6", WEST = 21'-0", EAST = 35'-2"

Proposed:

2 FAMILY DWELLING
UNIT #1 G.F.A. = 1066.39 SQFT (99.07 SQM)
UNIT #2 G.F.A. = 700.0 SQFT (65.0 SQM)

13. Date of acquisition of subject lands:
UNKNOWN
-
14. Date of construction of all buildings and structures on subject lands:
UNKNOWN
-
15. Existing uses of the subject property:
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties:
SINGLE FAMILY DWELLING
17. Length of time the existing uses of the subject property have continued:
UNKNOWN
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>X</u> | Connected | <u>X</u> |
| Sanitary Sewer | <u>X</u> | Connected | <u>X</u> |
| Storm Sewers | <u>X</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:30

APPLICANTS: Property Pathways on behalf of the owner 2726300 Ontario Inc.

SUBJECT PROPERTY: Municipal address **54 West 4th St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "C and C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two-family dwelling under Section 19 (Residential Conversion Requirements) of the Zoning By-law, notwithstanding,

1. One (1) parking space shall be provided instead of providing a minimum of two (2) parking spaces required to be provided for a two-family dwelling; and,
2. A parking space size measuring 2.7 metres in width by 5.7 metres in length shall be provided instead of providing the minimum required parking space size of 2.7 metres in width by 6.0 metres in length.

NOTES:

1. A further variance will be required the installation of the new window exceeds the maximum permitted under the Ontario Building Code.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 2:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

HM/A-21: 30
Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

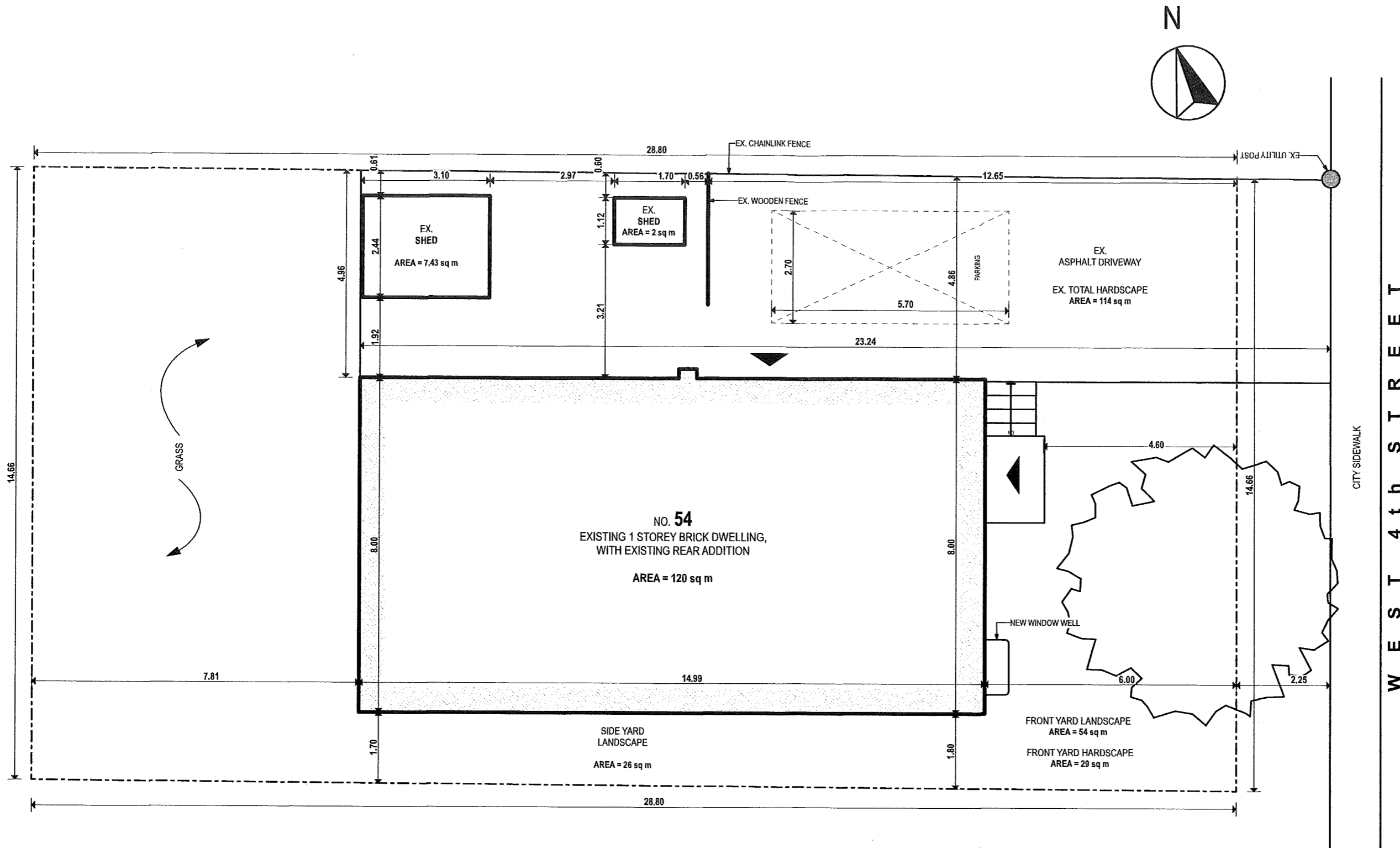
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



| SITE STATISTICS | |
|------------------------------------|------------------|
| ADDRESS: 54 West 4th Street, | |
| MUNICIPALITY: Hamilton, | |
| POSTAL CODE: L9C 3M4 | |
| ZONE: C/S-1788 | |
| BYLAW: 19-307 | |
| MIN. LOT AREA: 372.36 sq m | |
| MIN. LOT WIDTH (m): 14.66 m | |
| MIN. LOT DEPTH (m): 28.80 m | |
| MAX. LOT COVERAGE: NO CHANGE | |
| ACTUAL LOT COVERAGE: NO CHANGE | |
| MAX BUILDING HEIGHT (m): NO CHANGE | |
| SETBACKS (m): | |
| FRONT: | NO CHANGE |
| REAR: | NO CHANGE |
| SIDES: | NO CHANGE |
| PARKING: | 2 PARKING SPACES |
| ACCESSORY BUILDINGS: | 2 SHED |

1 Site Plan
SCALE: 1:100

| | | | | | |
|--|--|---|---------------------------------|--|---|
| <p>1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before ordering or installing construction materials or making any material changes to the work involving such discrepancies, errors or omissions. Should the Contractor fail to observe these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.</p> <p>2. Read all drawings in conjunction with the General Notes and Specifications.</p> <p>3. Drawings are not to be scaled.</p> | <p>PROPERTY PATHWAYS OUR PATH, YOUR WAY</p> <p>Designer: Ronald De Coteau Phone: (647) 870-1701 Email: assistant@propertypathwayz.com Website: propertypathwayz.com</p> | <p>The undersigned has reviewed and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.</p> <p>QUALIFICATION INFORMATION</p> <p>Required unless design is exempt under 2.17.5.1. of the Ontario Building Code</p> | | <p>Site Plan</p> | |
| | | <p>RONALD DE COTEAU</p> | <p>38419</p> | <p>address: 54 West 4th Street, Hamilton, ON L9C 3M4</p> | <p>project no: 2020-THBD-29</p> |
| | | <p>NAME</p> | <p>SIGNATURE</p> | <p>date: 2021-01-05</p> | <p>project status: Permit Application</p> |
| <p>01 ISSUED FOR PERMIT</p> | <p>14Dec2020</p> | <p>drawn by: R. Wilson</p> | <p>checked by: R. De Coteau</p> | <p>scale: 1:100</p> | <p>SP1.01</p> |



Hamilton

Planning and Economic Development Department
Planning Division

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 2726300 Ont. Inc.

2.

3. Name of Agent Property Pathways Inc.

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A - no mortgage Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
To permit the reduction in the parking requirement as per Section 18A
from two (2) parking space to one (1) parking space to facilitate the
conversion of a single family dwelling into a two unit dwelling
as per section 19 of the former City of Hamilton zoning bylaw No. 6593
7. Why it is not possible to comply with the provisions of the By-law?
The existing frontyard depth is approximately 6.0 m. This is further reduced to
approximately 4.0m where the driveway could be extended/widened to
to accommodate a parking spot compliant with Section 18A. Further the existing
tree canopy eliminate boulevard parking permission as an alternative.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
54 West 4th Street, Hamilton, L9C 3M4
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Previous use of subject property aided in the determination of the answers

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application by reason of its approval to this Application.

Dec. 28/20
Date


Signature Property Owner

2726300 Ont. Inc.
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|---|
| Frontage | <u>15.0m</u> |
| Depth | <u>29.0m</u> |
| Area | <u>440 sq m</u> |
| Width of street | <u>8.2m (to be confirm by public works)</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Ground Floor Area = 120 SQ M (1291 sq ft)
Gross Floor Area = 240 SQ M (basement + main floor areas combined)
Property Width = 14.66 M Property Length = 28.80 M
Property Height = 5.69 M (18'-8") [top of Roof Ridge] Number of Storeys 1

Proposed: Ground Floor Area = 120 SQ M (1291 sq ft)
Gross Floor Area = 240 SQ M (basement + main floor areas combined)
Property Width = 14.66 M Property Length = 28.80 M Number of Stories 1
Property Height = 5.69 M (18'-8") [top of Roof Ridge]

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: Side Yard Setback (N) 4.96m
Side Yard Setback (S) 1.70m
Rear Setback (W) 7.81m

Front Setback (E) 6.0m

Proposed: Same as existing
 Same as existing
 Same as existing
 Same as existing

- 13. Date of acquisition of subject lands:
Nov 2020
- 14. Date of construction of all buildings and structures on subject lands:
1950's
- 15. Existing uses of the subject property: Residential
- 16. Existing uses of abutting properties: Residential
- 17. Length of time the existing uses of the subject property have continued:
Since date built
- 18. Municipal services available: (check the appropriate space or spaces)
 Water Connected _____
 Sanitary Sewer Connected _____
 Storm Sewers _____
- 19. Present Official Plan/Secondary Plan provisions applying to the land:
not applicable
- 20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
6593 Former Hamilton, C/S-1788
- 21. Has the owner previously applied for relief in respect of the subject property?
 Yes _____ No
 If the answer is yes, describe briefly.

- 22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes _____ No
- 23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:45

APPLICANTS: Prem Tewari on behalf of the owner Peter Junor

SUBJECT PROPERTY: Municipal address **1388 Upper Wellington St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "AA" and "C/S-1788" (Agricultural District and Urban Protected Residential) district

PROPOSAL: To permit the construction of a roofed-over unenclosed porch (roofed-over deck) at the rear of the existing single family dwelling, notwithstanding,

1. A minimum side yard width of 3.0 metres shall be provided instead of providing the minimum required side yard width of 4.5 metres.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 3:00 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment

HM/A-21: 45

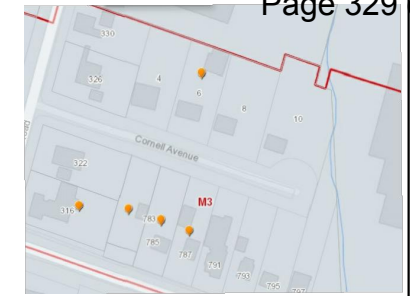
Page 2

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

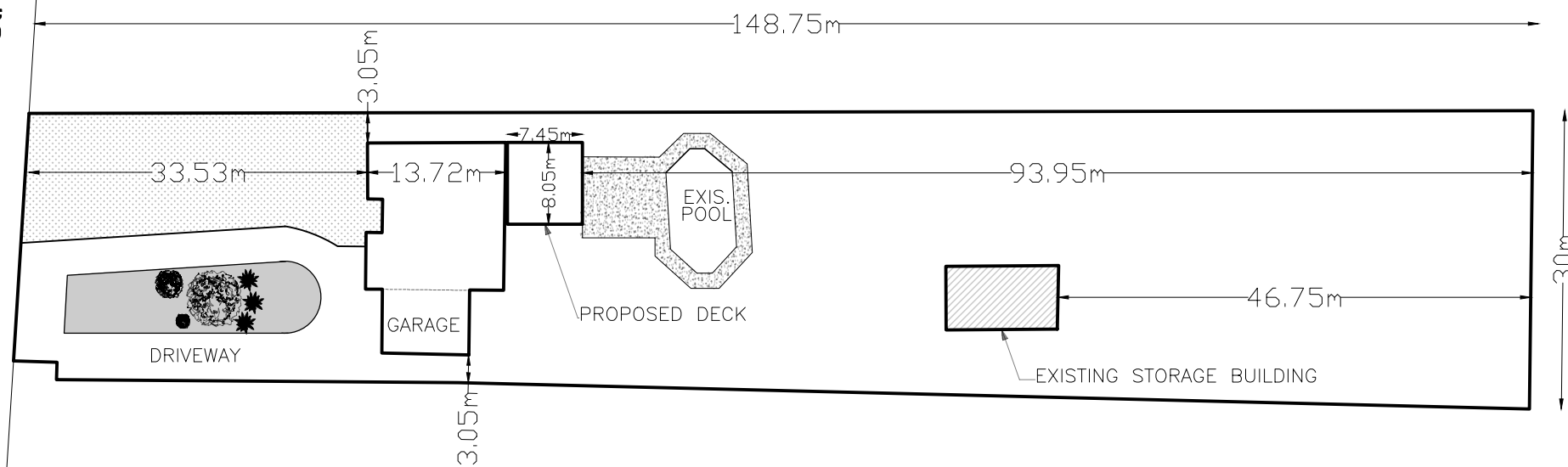
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



KEY PLAN

UPPER WELLINGTON St.



| No. | Date | By | Revisions | |
|--------|------|-------|-----------|------|
| Design | P.T. | Chk'd | P.T. | Date |
| Drawn | P.T. | Chk'd | P.T. | Date |

Scale: 1:200m H.R.

References:

Field Notes:

Manager of Development Services:

Bell Hydro
 Gas Cable
 Traf. Water

REGIONAL
 DESIGN OF SANITARY & WATER SERVICES
 APPROVED SUBJECT TO DETAIL CONSTRUCTION
 CONFORMING TO CITY OF HAMILTON STANDARDS
 & SPECIFICATIONS & LOCATION APPROVAL.

Stamp:

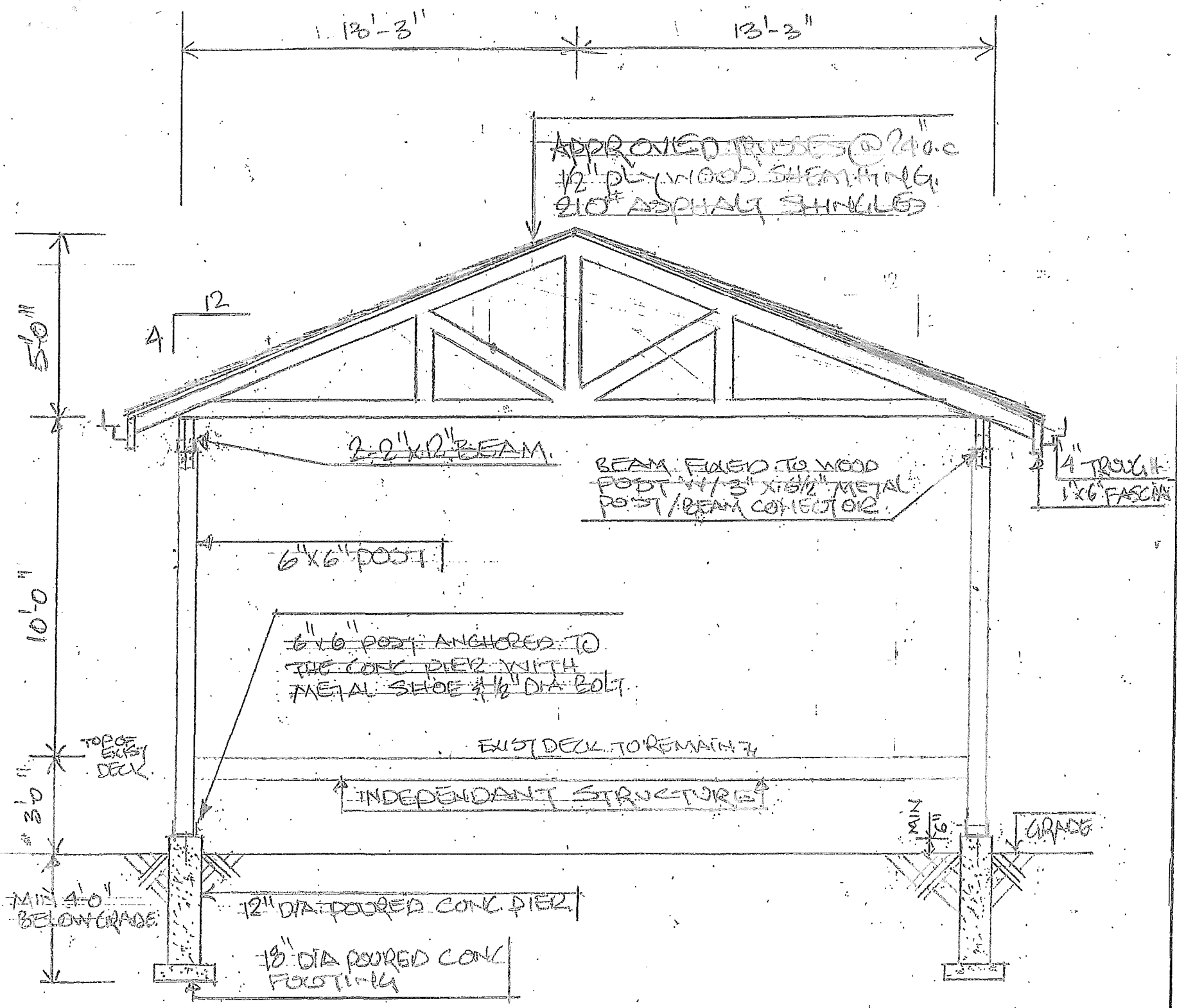
Planning & Economic Development

IDM (2005) CONSULTANTS INC.
 5325 HARVESTER ROAD
 BURLINGTON, ONTARIO
 N7R 4L7
 TEL. 905-928-2542

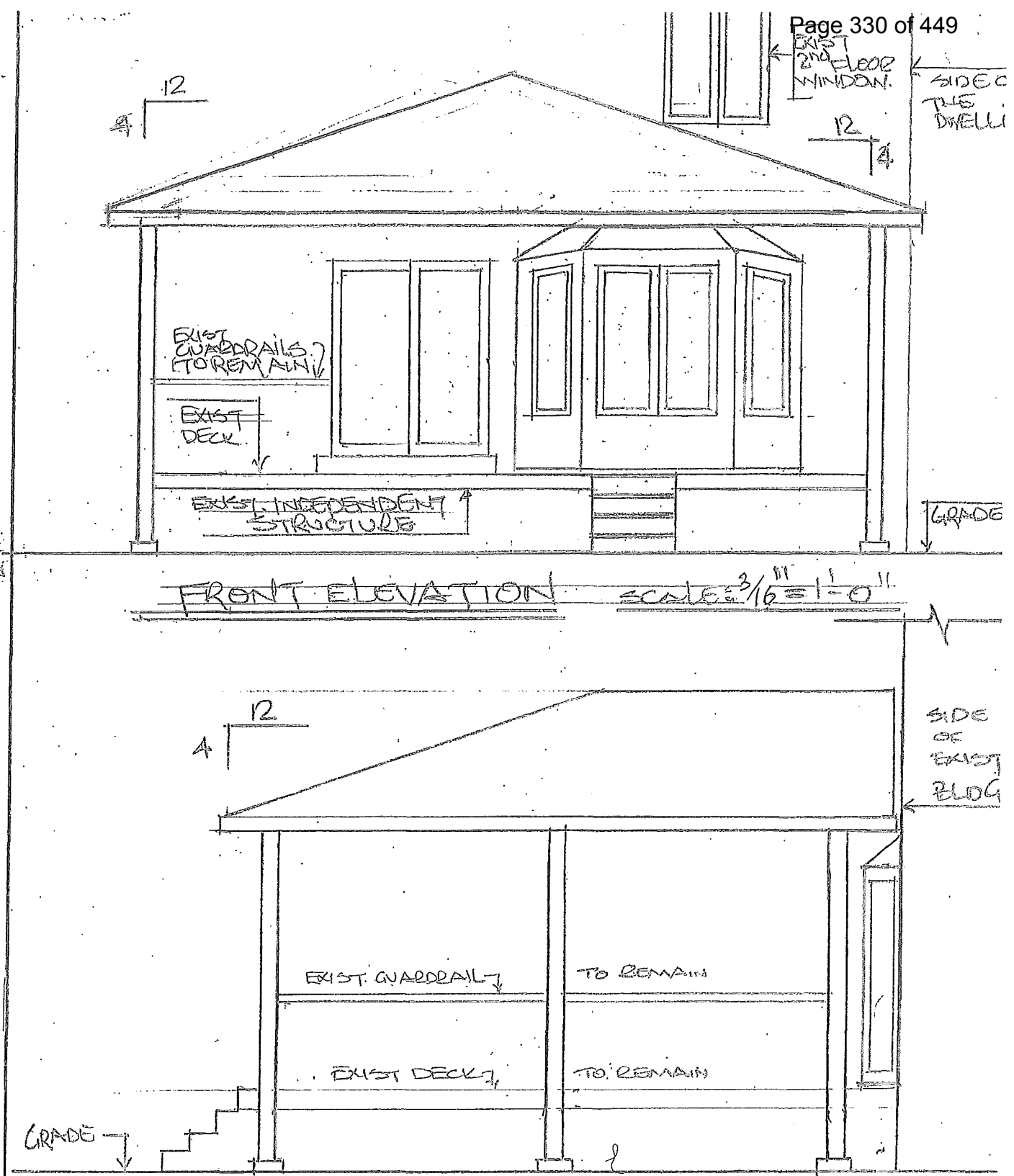
Municipality
 1388 UPPER WELLINGTON St.
 CITY OF HAMILTON

Title
 SITE PLAN

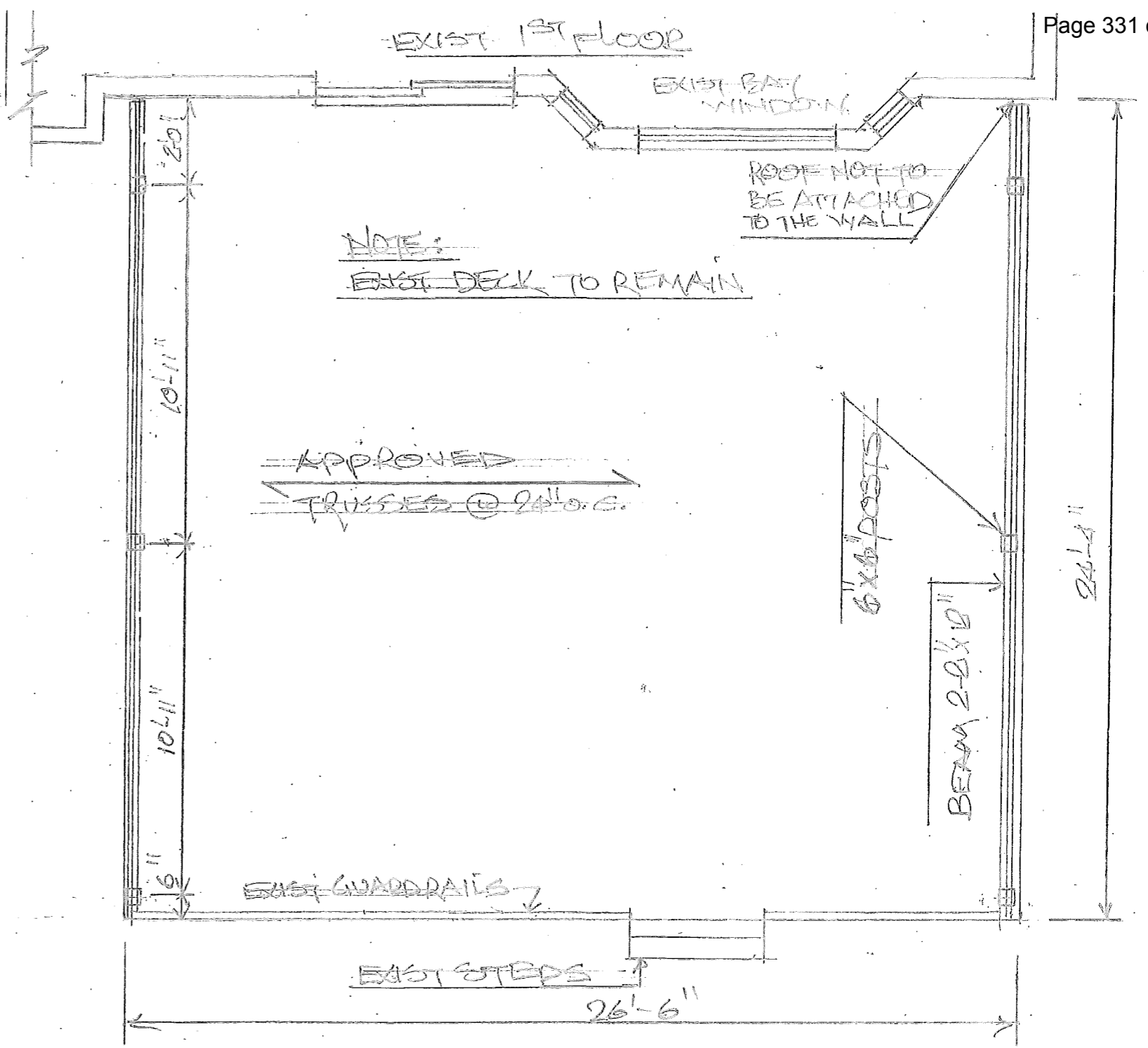
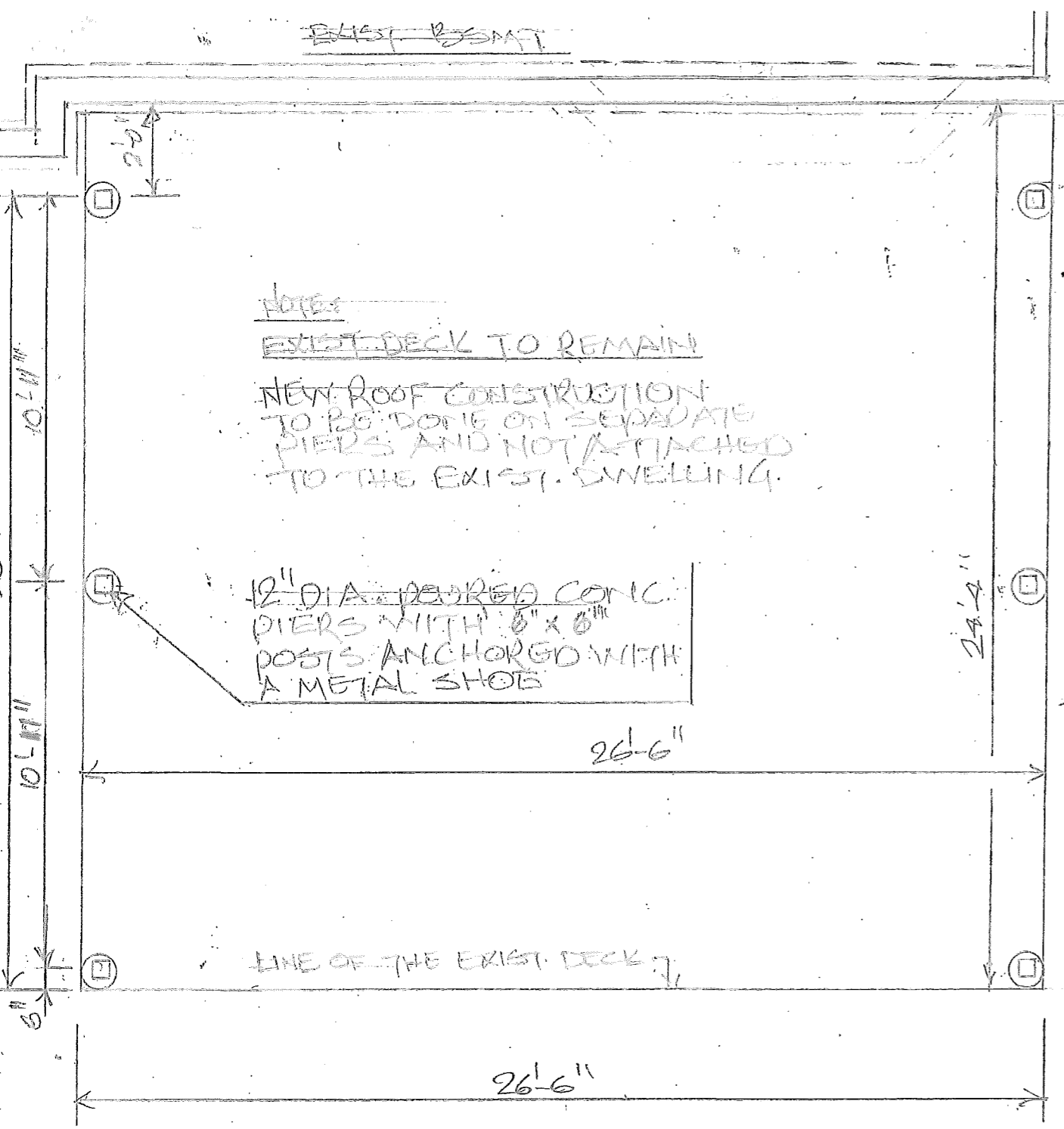
| | |
|-----------------------|-----------------|
| Municipal Drawing No. | SCALE 1 : 25 |
| Regional Drawing No. | |
| Project No. | |
| SHEET 1 OF 1 | |



CROSS SECTION
SCALE: 1/4" = 1'-0"



N. GRUEVSKI BCIN: 35137
1388 UPPER WELLINGTON ST HAMILTON
SCALE: AS NOTED DRAWN BY: N.G.
DATE: July 2020 DRAWING 1 OF 2



NOTE:
 THE ROOF OVER EXISTING DECK IS TO BE CONSTRUCTED ON INDEPENDANT 12" DIA POURED CONC PIERS AND 6" x 6" POSTS ANCHORED TO THE PIERS WITH METAL SHOES

N. G. VESECI
 BIN: 35137
 1388 UPPER WELLINGTON ST - HAMILTON.
 SCALE: AS NOTED DRAWN BY: N.G.
 DATE: JULY 2020.



Hamilton

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|----------------------|---------------|------------|---|
| Registered Owners(s) | Peter Jurok | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Prem TEWARI | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | Same as above | | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Side Yard set back from 14 ft to 10 ft
5. Why it is not possible to comply with the provisions of the By-law?
The existing house is built 10 ft from the property line and the proposed deck will be built in line with the outside of the house
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
PT LT 13, CON 7 BARTON , PART 1, 2 & 4 , 62R7330
1388 Upper Wellington St
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Local Knowledge

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date

Signature Property Owner

Peter Junor

Print Name of Owner

10. Dimensions of lands affected:

Frontage

98 ft

Depth

498 ft

Area

48,804 sq ft (1.04 Acres)

Width of street

66 ft

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Main House: Floor Area = 3600 sq ft; Two stories; L = 46 ft; Width= 39 ft; Ht = 18 ft

Steel Shed at the rear: 20 ft x 20 ft x10 ft high

Proposed

Proposed Shed: 24 ft long x 24 ft wide x 18 ft high

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front Yard Set back = 110 ft;

Side Yard Setback = 10 ft on both sides

Rear Yard Setback = 331 ft

Proposed:

Rear Yard set back = 307 ft

South Setback = 10 ft

North Setback = 23 ft

Front set back = 110 ft

13. Date of acquisition of subject lands:
April 2020
14. Date of construction of all buildings and structures on subject lands:
30 years old
15. Existing uses of the subject property:
Single Family Residential
16. Existing uses of abutting properties:
Single family homes
17. Length of time the existing uses of the subject property have continued:
App. 30 years
18. Municipal services available: (check the appropriate space or spaces)
Water YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
Single Family Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: SC/A-21:47

APPLICANTS: Urban Solutions c/o M. Johnston on behalf of the owner
 1201068 Ontario Ltd.

SUBJECT PROPERTY: Municipal address **901, 911, 925, 967 Arvin Ave.,
 Stoney Creek**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 18-266

ZONING: "M2" (General Industrial) district

PROPOSAL: To permit building additions comprising 14,712 square metres of gross floor area for warehousing and 1,670 square metres of gross floor area for manufacturing and offices for a manufacturing operation (Janco Steel), notwithstanding that:

1. A 3.0m wide landscaped area shall be provided for 71 metres of the frontage along the proposed parking area of the existing and proposed manufacturing building (Plant No. 2) instead of a 6.0m wide landscaped area that includes a 3.0m wide planting strip to be provided and maintained between the said parking space, aisle, or driveway and a street, except for points of ingress and egress.

NOTES:

1. The variance is written as requested by the applicant. The lands are subject to Site Plan Application SPA-20-112 which is under review and received conditional approval on January 21, 2021.

2. The Zoning By-law defines Planting strip as:

Planting Strip shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.

3. The Zoning By-law defines Landscaped Area as:

Landscaped Area shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space;

HM/A-21:47

Page 2

c) Is used for the purpose of landscaping; and,

d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 3:05 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

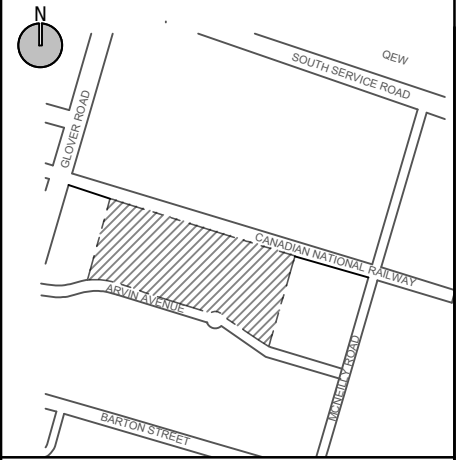
Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

| DEVELOPMENT STATISTICS | | |
|---|-------------------------|-------------------------|
| ZONING: General Business Park (M2) Zone | | |
| PROPOSED USE: Industrial Warehouse Addition on 901 & 911 Arvin Avenue | | |
| ITEM | REQUIRED | PROPOSED |
| Min. Lot Area | 4,000.0 m ² | 98,604.9 m ² |
| Max GFA for Industrial Admin. Office | 10,000.0 m ² | 1,759.2 m ² |
| Landscape Area | | |
| Abutting a street | 3.0 m | 3.0 m |
| Abutting a street and where a parking space is located in a yard | 6.0 m | 3.0 m |
| Parking | 88 | 220 |
| Accessible Parking | 5 | 5 |
| ITEM | EXISTING | PROPOSED |
| GFA | 22,873.4 m ² | 36,837.3 m ² |
| Lot Coverage | 22% | 36% |

VARIANCE TO ZONING BY-LAW NO. 05-200 GENERAL BUSINESS PARK (M2) ZONE

VARIANCE # 1: A 3.0 m LANDSCAPE AREA BE PROVIDED FOR 71 m OF FRONTAGE LOCATED ALONG THE PROPOSED PARKING AREA OF THE EXISTING AND PROPOSED MANUFACTURING BUILDING (Plant No. 2) WHEREAS A 6.0 m LANDSCAPE AREA IS REQUIRED.



KEY MAP - N.T.S.

SCALE: 1:1,500

LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDINGS
- EXISTING BUILDINGS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:

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

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON

DRAWN BY: A. BARNETT DATE: JANUARY 18, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

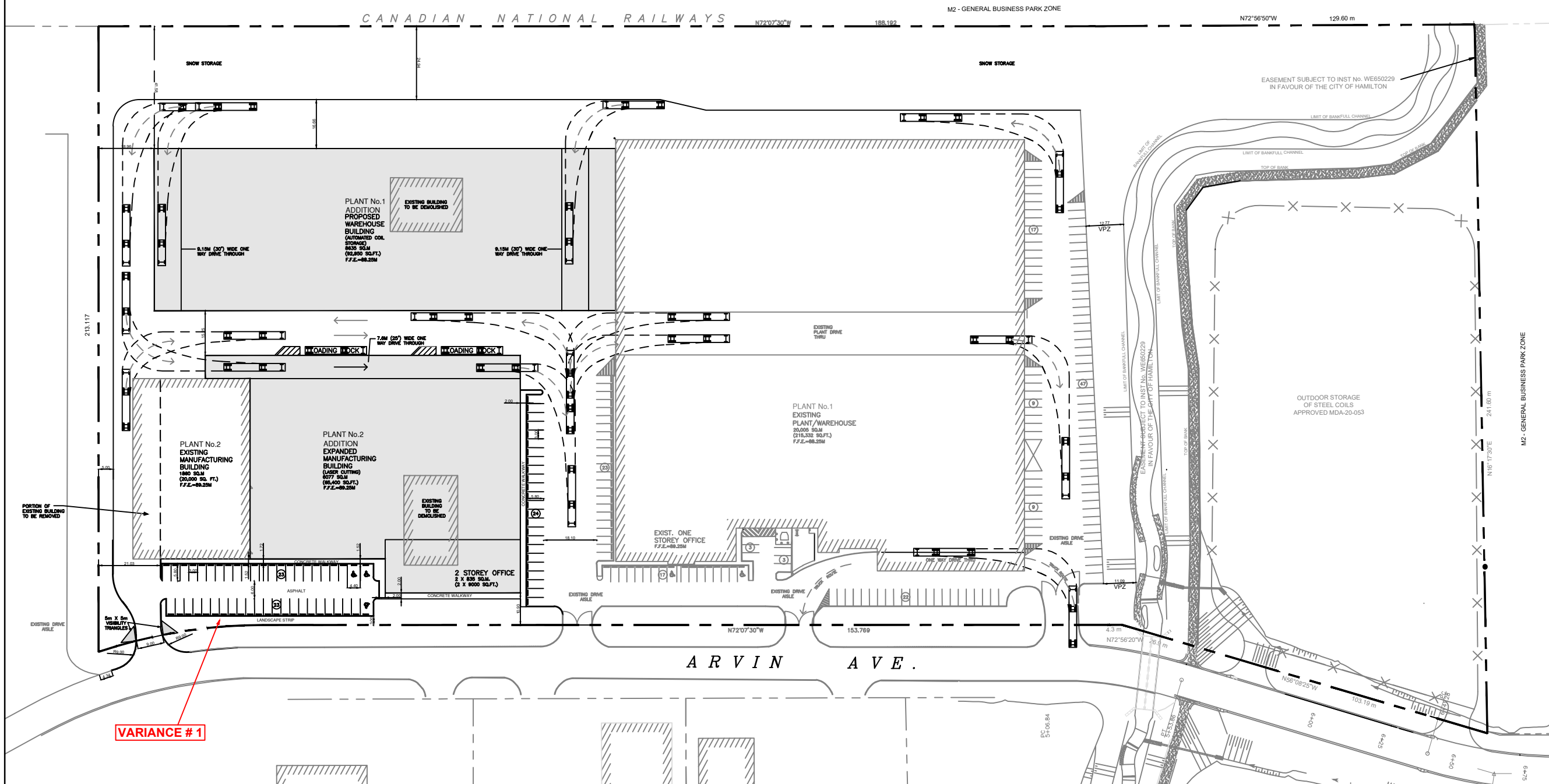
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
901, 911, 925 & 967 Arvin Ave.
CITY OF HAMILTON

CLIENT:
Janco Steel Ltd.

TITLE:
COMMITTEE OF ADJUSTMENT SKETCH

U/S FILE NUMBER: 307-18 SHEET NUMBER: 1



VARIANCE # 1



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---|------------|---|
| Registered Owners(s) | 1201068 Ontario Ltd. | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Janco Steel c/o Al Schutten | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Please see cover letter.
5. Why it is not possible to comply with the provisions of the By-law?
Please see cover letter.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
62M-640, Lots 3,4,5&6, R-Plan No. 62R-17861, 62R-19402 Parts 1,2,3&4
7. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 8.1 If Industrial or Commercial, specify use Steel processing
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Discussion with owner.


8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

JAN 15, 2021
Date


Signature Property Owner
1201068 Ontario Ltd.
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|--|
| Frontage | <u>480m along 901, 911, 925 & 967 Arvin Avenue</u> |
| Depth | <u>203.9m</u> |
| Area | <u>98,604.9sq m</u> |
| Width of street | <u>Collector Road +/- 26m ROW</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:
Please see Sketch

Proposed
Please see Sketch

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
Please see Sketch

Proposed:
Please see Sketch

13. Date of acquisition of subject lands:
1999
-
14. Date of construction of all buildings and structures on subject lands:
Various buildings on several addresses. Dates unknown.
-
15. Existing uses of the subject property:
Steel processing
16. Existing uses of abutting properties:
Steel manufacturing
17. Length of time the existing uses of the subject property have continued:
20 + years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Employment Areas" & "Business Park" (UHOP).
Not located within a Secondary Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
697 Arvin Ave. subject to Exception 405 & Holding 26. MDA-20-053 is approved and ZAH-20-023 Holding Removal B-law is being brought forward to Council.
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
Please see cover letter and accompanying Sketch.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



January 21, 2021

307-18

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 901, 911, 925 & 967 Arvin Avenue, Hamilton
Minor Variance Application
(SPA-20-053)**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for 1201068 Ontario Ltd., c/o Janco Steel Ltd., owner of the lands known municipally as 901, 911, 925 & 967 Arvin Avenue, in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf.

The subject lands are located in Stoney Creek and span four contiguous parcels of land in the General Business Park (M2) Zone in the City of Hamilton Zoning By-law No. 05-200. The lands municipally addressed 967 Arvin Avenue are additionally subject to a Holding provision and Site-Specific Exception No. 405. A development application for this address (MDA-20-053) was approved on January 7, 2021 and Staff are working to bring the Holding Removal By-law forward to Council. This application was to accommodate the open storage of steel coils as an accessory use to the balance of the operation on the subject lands.

Site Plan Control application SPA-20-112 was deemed complete on October 21, 2020. The lands are proposed to be developed with 14,712 square metres of new warehouse space and 1,670 square metres of new office space. A portion of the existing building located at 901 Arvin Avenue will be demolished, and both buildings located at 911 Arvin Avenue will be demolished. This application received conditional SPA approval on January 21, 2021.

As noted in Special Condition No. 2, this Minor Variance application is required to facilitate the proposed industrial expansion of steel processing activities. The requested variance will bring the Site Plan into conformity with the site-specific zoning applicable to the subject lands.

This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Business Park (M2) Zone as follows:

- *“That a 3.0 m Landscape Area be provided for 71 metres of frontage located along the proposed parking area of the existing and proposed manufacturing building (Plant No. 2) whereas a 6.0 m Landscape Area is required.”*

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variance has been provided below in accordance with Section 45 of the *Planning Act*:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

As identified on Schedule E – Urban Structures, the subject property is designated Employment Areas, and on Schedule E-1 – Urban Land Use Designations, the subject property is designated Business Park in the Urban Hamilton Official Plan. As outlined in Section E.2.7 of the UHOP, Employment Areas are the primary employment generators in the City and shall be retained (E.2.7.4). Furthermore, Section E.5.4.3 notes that the current use is permitted within lands designated Employment Area – Business Park, and Section E.5.4.7 directs that new development and redevelopment of existing sites shall contribute to a quality image in those areas adjacent to public roads.

The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The requested variance will facilitate the Site Plan, which represents a permitted use, and the proposed industrial expansion is in keeping with the existing and planned land uses in the surrounding area. Therefore, the requested variance meets the general purpose and intent of the Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject properties are located in the “General Business Park” (M2) Zone, with 967 Arvin Avenue furthermore subject to Exception 405 and Holding 26, in Zoning By-law No. 05-200.

The By-law provision regarding Landscape Area is intended to ensure there is a sufficient buffer between the property line and parking spaces in this case. The requested reduction applies only to the far south western portion of the property for a short row of parking spaces. A 3 metre Landscape Area will be provided, inclusive of adequate buffering plantings, along with wrought iron fencing across the frontage of the entirety of the subject lands to the satisfaction of the City. This landscaped buffer planting and fencing is secured through the concurrent process.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature and necessary to facilitate Site Plan approval. The intent of this application is to request a reduction to a small section of Landscape Area, and will allow a permitted use. Given that all other regulations of the By-law remain, the request is generally consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will facilitate Site Plan approval, which will result in a form of development that is in keeping with the character of the surrounding area, and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 05-200. Therefore, the application is desirable and appropriate for the development of the lands.


As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- Two (2) copies of the completed Minor Variance application form;
- Two (2) copies of the Minor Variance Sketch completed by UrbanSolutions;
- One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton; and
- One (1) cheque in the amount of \$505.00 made payable to the Hamilton Conservation Authority.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Ava Barnett, BA (Hons)
Planning Technician

cc: Mr. Carl Evink and Mr. Kevin Bos, Janco Steel Ltd.
Cllr. Maria Pearson



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:40

APPLICANTS: Urban Solutions c/o M. Johnston

SUBJECT PROPERTY: Municipal address **75 Wendover Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 69-213 & 19-307

ZONING: "E-2/S-110 and S-1788" (Multiple Dwellings) district

PROPOSAL: To permit the existing multiple dwelling to contain a total of one-hundred and fifty (150) dwelling units notwithstanding that;

1. A maximum of one-hundred and fifty (150) dwelling units shall be permitted instead of the maximum one hundred and forty-eight (148) dwelling permitted pursuant to schedule A, Block 9 of site specific S-110.
2. A minimum of one-hundred and eighty-four (184) parking spaces shall be permitted to be provided and maintained instead of the minimum one-hundred and eighty-eight (188) parking spaces required.
3. A minimum of one (1) loading space shall be permitted to be provided and maintained with a minimum size of 9.0m x 3.7m x 4.3m whereas the zoning By-law requires a minimum of two (2) loading spaces; one with a size of 9.0m x 3.7m x 4.3m and one with a minimum size of 18m x 3.7m x 4.3m.

Notes: Insufficient details were provided to confirm that 184 parking spaces are maintained on site. 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., as such, further variances may be required.

The zoning By-law requires that a minimum of 38 parking spaces are exclusively designated for visitors parking. Insufficient details were provided from which to determine compliance; as such, further variances may be required.

The applicant requested a variance to permit dwelling units on the ground floor; however, this variance is not required as the zoning By-law does not have a provision to restrict the location of dwelling units.

This application will be heard by the Committee as shown below:

HM/A-21: 40
Page 2

DATE: Thursday, March 4th, 2021
TIME: 3:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

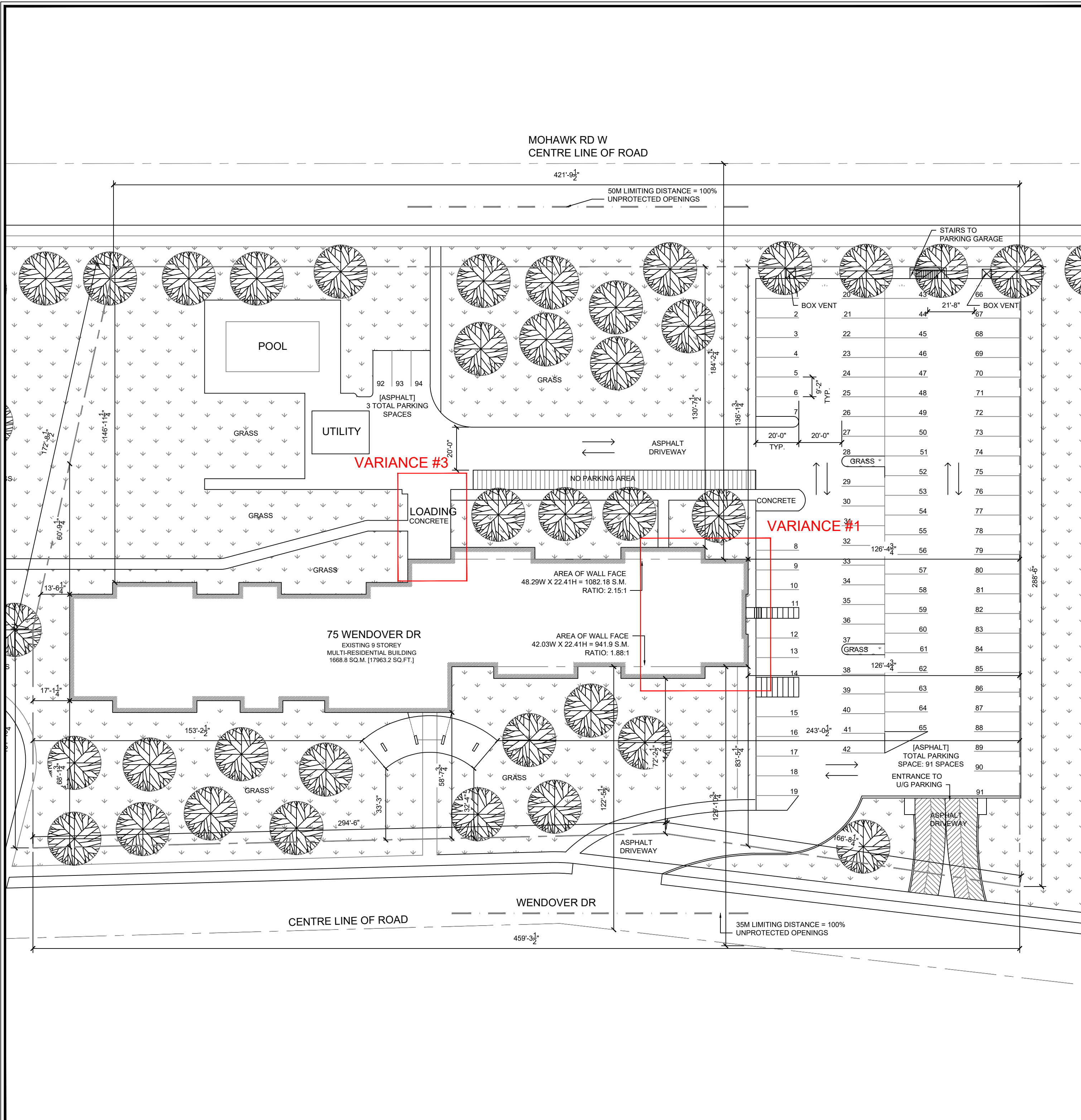
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

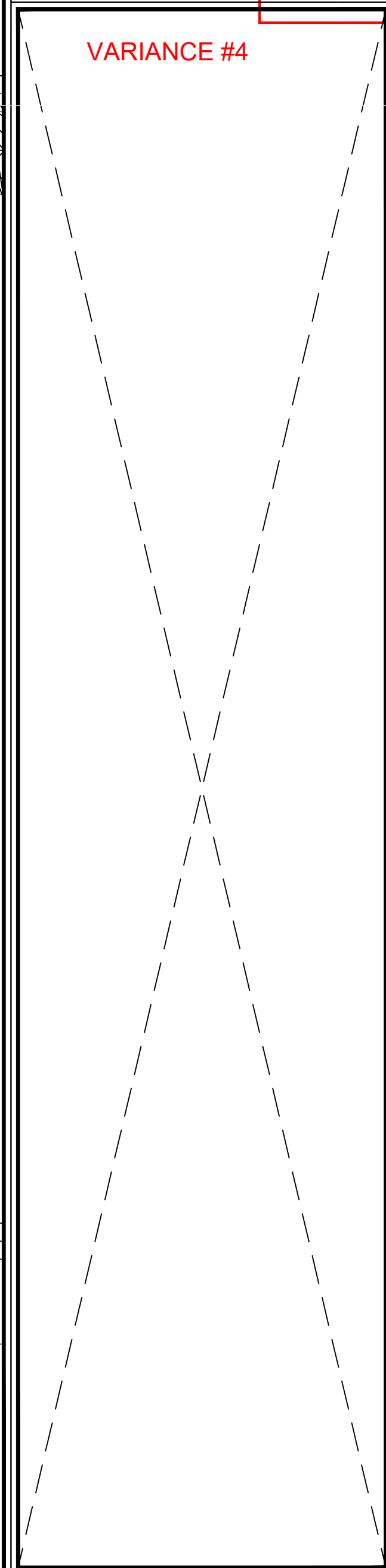
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



SITE DETAILS VARIANCE #2

| ITEM | BY-LAW | SITE |
|--------------|--|--|
| ZONING | E/S-556 E/S-1788 | |
| BLDG. AREA | | 12,213 S.M. |
| BLDG. HEIGHT | 11 M | 9 STOREYS |
| # OF SUITES | | 148 EXISTING 150 NEW |
| PARKING | 1.25 SPACES PER UNIT / 150 X 1.25 = 187.5 (188) SPACES | 90 UNDERGROUND 94 ABOVE GROUND = 184 SPACES |



DO NOT SCALE THIS DRAWING.
 CONTRACTOR TO CHECK AND VERIFY DIMENSIONS ON SITE, AND REPORT DISCREPANCIES TO X-DESIGN INC. BEFORE PROCEEDING WITH THE WORK.
 DRAWINGS ARE THE PROPERTY OF X-DESIGN INC. AND MAY NOT BE REPRODUCED WITHOUT THE PERMISSION OF THE DESIGNERS.

| NO. | DATE | BY | DESCRIPTION |
|-----------------|-------------|----|-------------------|
| REVISION RECORD | | | |
| 1 | 01-OCT-2020 | MB | ISSUED FOR PERMIT |

| NO. | DATE | BY | DESCRIPTION |
|--------------|------|----|-------------|
| ISSUE RECORD | | | |

xdesign
 1135 DUNDAS ST. EAST, SUITE 200 TORONTO, ON. M4M 1R9
 TEL: 416-462-3084 FAX: 416-462-0526
 mail@xdesigninc.com www.xdesigninc.com

PROJECT
EFFORT TRUST
75 WENDOVER DRIVE,
HAMILTON, ON

DRAWING
SITE PLAN

| | |
|--------------------------|---------------------------|
| SCALE AS NOTED | DATE 06/11/2019 |
| DRAWN JB | CHECKED SC |
| PROJ# 19-091 | SHEET# ID1.01 |

1 SITE PLAN
 SCALE: 1/32"=1'-0"

NOT USED



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---|---------|-----------------------|
| Registered Owners(s) | Greti Development Co. Limited c/o David Horwood, A.S.O | | Phone: [REDACTED] |
| | | | E-mail: [REDACTED] |
| Applicant(s)* | Same as Owner | | Phone: |
| | | | E-mail: |
| Agent or Solicitor | UrbanSolutions Planning & Land Development Consultants Inc. | | Phone: [REDACTED] |
| | | | E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 None.

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Please refer to cover letter for details.

5. Why it is not possible to comply with the provisions of the By-law?

Please refer to cover letter for details.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

75 Wendover Drive, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 21, 2021
Date

for



Greti Development Co. Limited c/o David Horwood, A.S.O

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|--|
| Frontage | <u>+/- 141.2 metres</u> |
| Depth | <u>+/- 88.2 metres</u> |
| Area | <u>+/- 11, 404.3 square metres (0.11 ha)</u> |
| Width of street | <u>+/- 20.2 metres (Wendover Drive)</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Existing 9 storey multiple residential building approx. 1,668.8 square metres GFA. The existing dwelling contains 148 suites.

Proposed

Proposed to remain the same with the addition of 2 suites on the ground floor bringing the total number of suites to 150.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Please see attached Site drawing for details.

Proposed:

Please see attached Site drawing for details.

13. Date of acquisition of subject lands:
 Unknown
-
14. Date of construction of all buildings and structures on subject lands:
 Approx. 1970
-
15. Existing uses of the subject property:
 Residential
16. Existing uses of abutting properties:
 Residential & Institutional
17. Length of time the existing uses of the subject property have continued:
 Unknown
18. Municipal services available: (check the appropriate space or spaces)
- | | | |
|----------------------|-----------------|---|
| Water _____ | Connected _____ | ✓ |
| Sanitary Sewer _____ | Connected _____ | ✓ |
| Storm Sewers _____ | | ✓ |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 "E-2/S-110" Multiple Dwellings & "E-2/S-1788" Multiple Dwellings in the Former City of Hamilton Zonign By-law No. 6593
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
 N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
 N/A
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



January 21, 2021

385-21

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 75 Wendover Drive, City of Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Greti Development Co. Limited c/o David Horwood of Effort Trust, the registered owner of the lands municipally known as 75 Wendover Drive, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance Application to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Multiple Dwellings) "E-2/S-110" and "E-2/S-1788" District of the former City of Hamilton Zoning By-law No. 6593. The subject lands are currently developed with a nine (9) storey multiple residential building with approximately 1,668.8 square metres of ground floor area. The building was first approved and built with 148 suites. The purpose of the Minor Variance application is to permit two (2) additional suites located on the ground floor of the existing multiple dwelling. These two (2) units were previously commercial units and are now proposed to be retrofitted to become residential units. A Building Permit application has been submitted to the City of Hamilton and is ongoing being coordinated by X Design Inc. (20 186583 000 00 R3) to obtain a building permit for the additional 2 proposed units.

The Minor Variance application is required as the site specific 110 (S-110) notwithstanding the E-2 District entirely, the lands shall only be used in accordance with the approved Site Plan as Schedule B9. The approved Site Plan permits a maximum of 148 units and does not permit living units on the first floor. The proposed minor variance will provide a total of 150 units with 2 units on the ground floor. The required variances are listed below:

- Variance No. 1: To permit living units on the ground floor.
- Variance No. 2: To permit a total of 150 residential units on the subject lands.
- Variance No. 3: To permit one (1) loading space with the dimensions of 3.7 metres wide by 9.0 metres in length.
- Variance No. 4: To permit 184 residential parking spaces to provide a parking ratio of 1.20 spaces per unit.

Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. As noted earlier, there is no proposed development to the exterior of the site and the site is proposed to operate in the same function as it has since approximately 1970. The site has continued to operate with one (1) loading space as it has since the commencement and is proposed to remain the same. With no development occurring the proposed variances will not impact the surrounding neighbourhood. The addition of two (2) suites on the ground floor is minor in nature and is desirable as additional housing will be provided in this community. Residential dwelling units is a permitted use in the Urban Hamilton Official Plan Neighbourhoods designation and is in keeping with the permitted uses of the E-2/S-110" and "E-2/S-1788" Multiple Dwellings District of the Former City of Hamilton Zoning By-law No. 6593. As such, the proposed variances satisfy the four test contained Section 45(1) of the Planning Act and represent good land use planning.

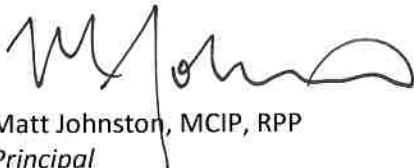
In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Site Plan prepared by X Design Inc.; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance application.

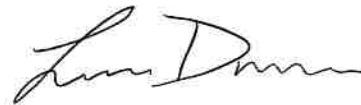
We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, BA
Planning Technician

cc: Mr. David Horwood, Greti Development Co. Limited c/o Effort Trust (Via email)
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (Via email)
Councillor Terry Whitehead, Ward 14 (Via email)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:05

SUBJECT PROPERTY: 1313 Baseline Rd., Stoney Creek

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICANT(S): A.J. Clarke & Associates c/o M. Weekes on behalf of the owner Malatesta Brothers Construction

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain 2 parcels of land for residential purposes.

Severed lands: Part 2 on sketch
 13.72m[±] x 38.10m[±] and an area of 522.47m^{2±}

Retained lands: Part 1 on sketch
 13.72m[±] x 38.10m[±] and an area of 522.47m^{2±}

Retained lands: Parts 3-5 on sketch
 38.10m[±] x 30.47m[±] and an area of 1,136.23m^{2±}

This application will be heard in conjunction with Severance Application SC/B-21:06

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 4th , 2021
TIME: 3:15 p.m.
PLACE: Via video link or call in (see attached sheet for details)

To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

SC/B-21:05
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

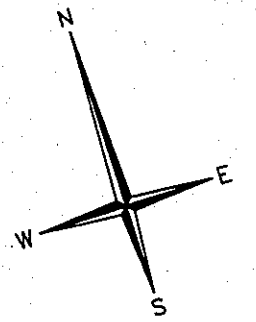
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SKETCH OF
PART OF LOT 28, REGISTERED PLAN No. 310
CITY OF HAMILTON

SCALE 1:300
0 5 10metres

G.G. ALDWORTH O.L.S.

NOTE
PROPERTY DIMENSIONS COMPILED FROM PREVIOUS SURVEYS
ON FILE IN THIS OFFICE AND ARE NOT BASED ON A CURRENT SURVEY.



E-18206

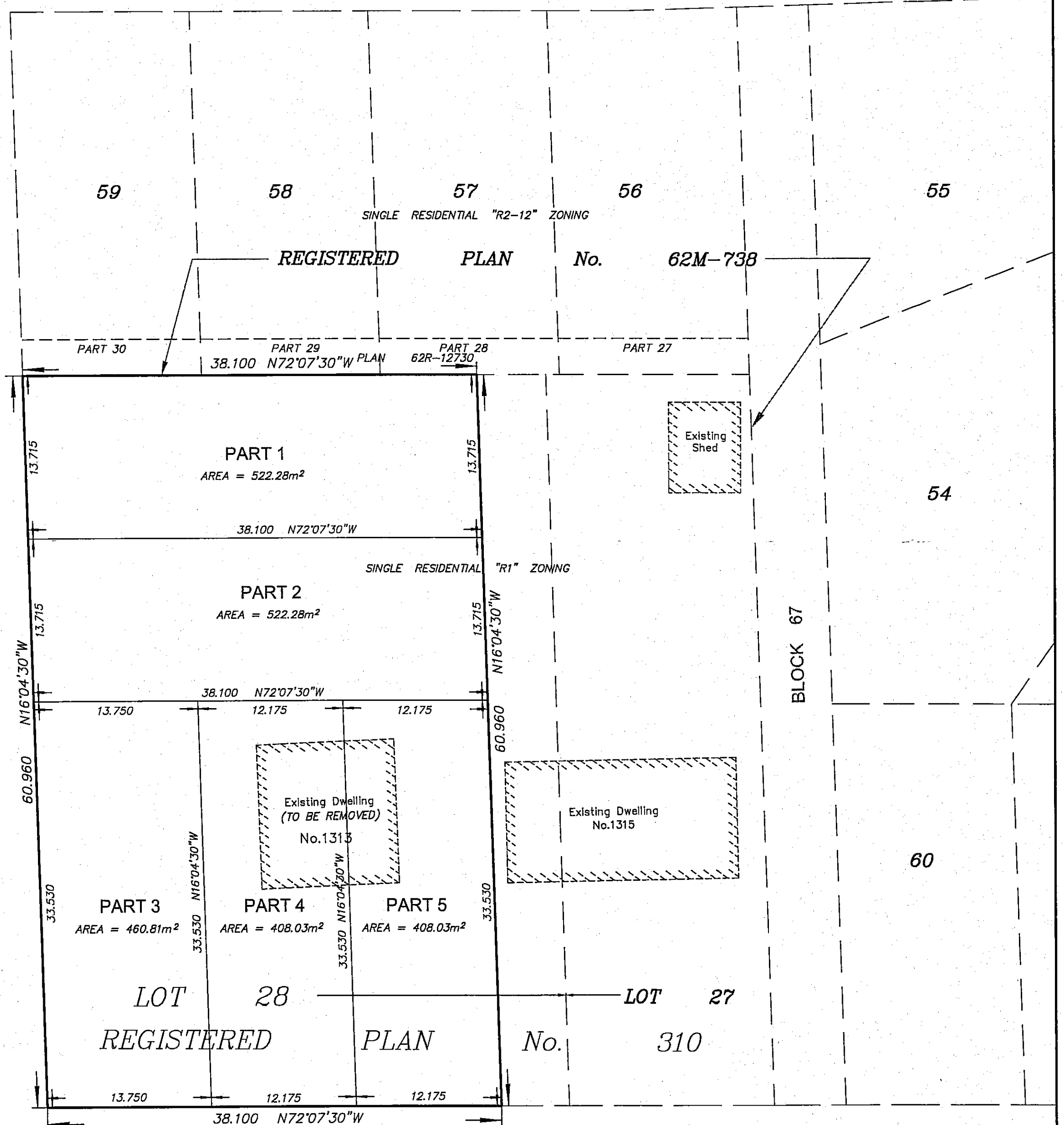
RICHMOND CRESCENT

EAST STREET

BLOCK 67

BASE LINE ROAD

(ORIGINAL ROAD ALLOWANCE BETWEEN BROKEN FRONT CONCESSION AND CONCESSION 1)



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

G.G. Aldworth
G.G. ALDWORTH, O.L.S.

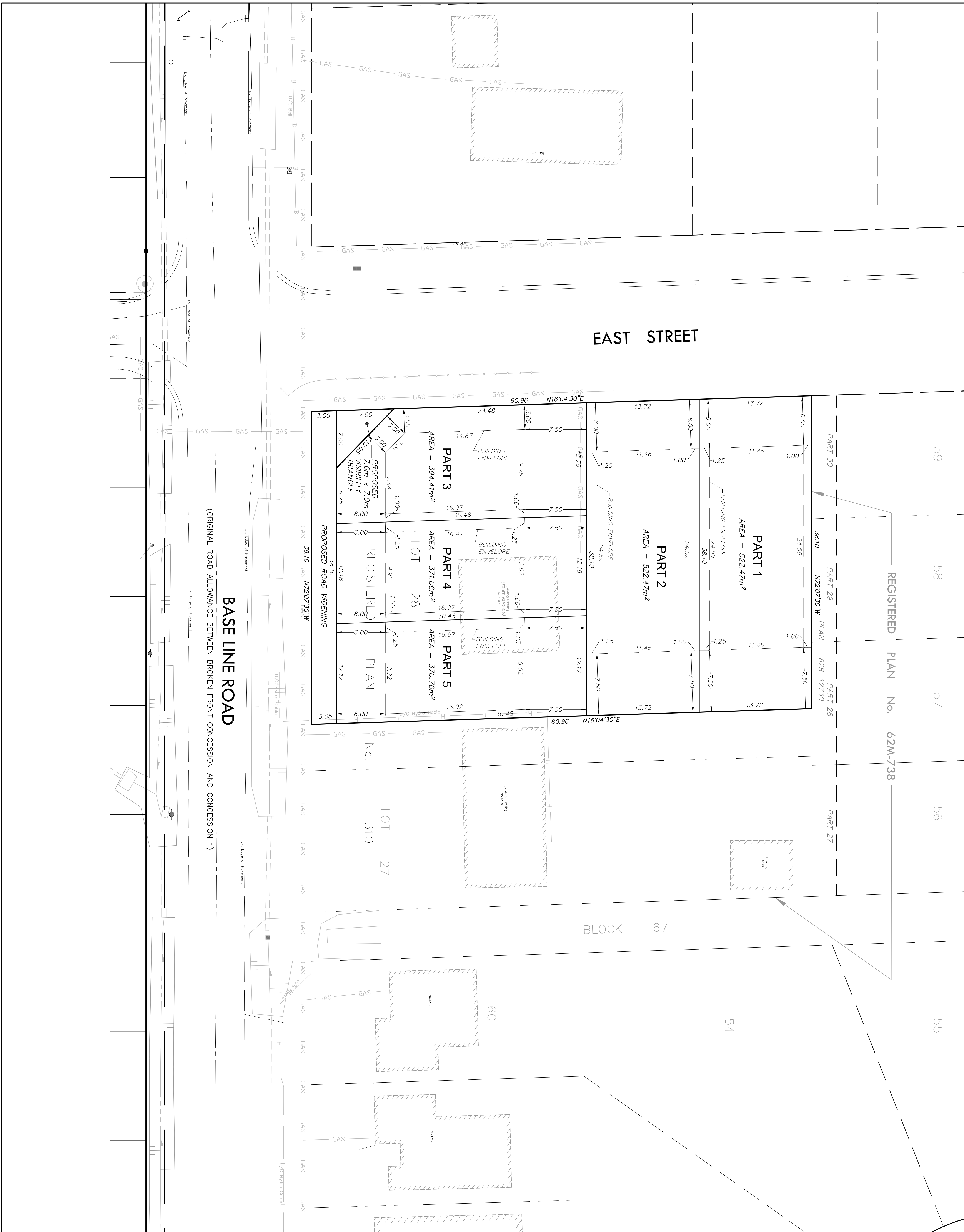
NOV. 25, 2014
DATE



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

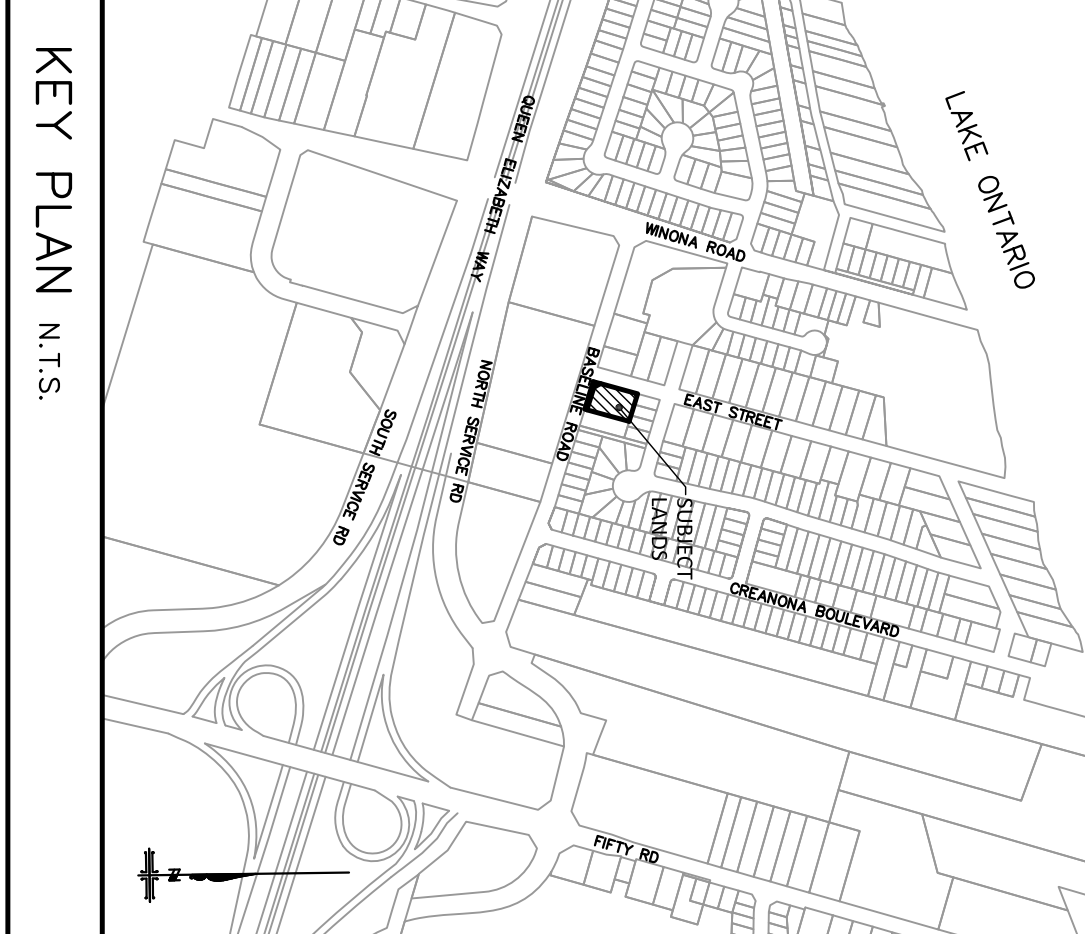
E-18206



(ORIGINAL ROAD ALLOWANCE BETWEEN BROKEN FRONT CONGRESSION AND CONGRESSION 1)

BASE LINE ROAD

EAST STREET



KEY PLAN N.T.S.

GENERAL NOTES

- TENDERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
- ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
- CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMANS, CABLE TV, HYDRO AND TELEPHONE DUCIS, ETC., AT START OF CONSTRUCTION.

REVISIONS

| No. | Revision | By | Date |
|-----|----------|----|------|
| | | | |
| | | | |
| | | | |
| | | | |

PROJECT OWNER:
MALATESTA BROTHERS
CONSTRUCTION COMPANY LTD.

ENGINEER:

MUNICIPALITY:
CITY OF HAMILTON

PROJECT NAME:
1313 BASE LINE ROAD

AP A.J. Clarke and Associates Ltd.
SUPERVISORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 1H1
Tel: 905 525-5976 Fax: 905 525-2289
email: ajc@ajclarke.com

TITLE:
CONCEPT LOTTING PLAN

| SCALE: | DATE: |
|----------|---------------|
| 1:200 | NOVEMBER 2015 |
| DESIGN: | DRAWN: |
| J.C. | L.H. |
| DWG: | SHT: |
| K-14-029 | |

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

| | | | |
|----------------------------|-----------------------------------|-----------------|-----------|
| Date Application Received: | Date Application Deemed Complete: | Submission No.: | File No.: |
|----------------------------|-----------------------------------|-----------------|-----------|

1 APPLICANT INFORMATION

| 1.1, 1.2 | NAME | ADDRESS | |
|-----------------------------|--|------------|---------------------------------|
| Registered Owners(s) | Malatesta Brothers Construction c/o Gino Malatesta | [REDACTED] | E-mail: [REDACTED] |
| Applicant(s)* | | | Phone: E-mail: |
| Agent or Solicitor | A.J. Clarke & Associates Ltd. c/o Miles Weekes | [REDACTED] | [REDACTED] |

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

| | | | |
|--|---------------------|--------------------|---------------------|
| 2.1 Area Municipality Stoney Creek | Lot | Concession | Former Township |
| Registered Plan N°. 310 | Lot(s) 28 | Reference Plan N°. | Part(s) |
| Municipal Address 1313 Baseline Road | | | Assessment Roll N°. |

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10): creation of a new lotOther: a charge

- addition to a lot
- an easement

- a lease
- a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
 - creation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
 - addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 2 on Severance Sketch

| | | |
|---------------------------|------------------------|---|
| Frontage (m) +-13.72 m | Depth (m) +-38.10 m | Area (m ² or ha) +-522.47 sq. m |
|---------------------------|------------------------|---|

Existing Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify)
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be severed:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify)
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: Existing single-detached dwelling (to be demolished)

Proposed: Single-detached dwelling

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify)

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify)

4.2 Description of land intended to be **Retained**: Parts 1, 3, 4, & 5 on Severance Sketch

| | | |
|---|--|--|
| Frontage (m) Part 1 = +-13.72 m Parts 3-5 = +-38.10 m | Depth (m) Part 1 = +-38.10 m Parts 3-5 = +-30.47 m | Area (m ² or ha) Part 1 = +-522.47 sq. m Parts 3-5 = +-1,136.23 sq. m |
|---|--|--|

Existing Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify)
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) | | |

Building(s) or Structure(s):

Existing: Existing single-detached dwelling (to be demolished)

Proposed: Single-detached dwelling(s)

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) |

4.3 Other Services: (check if the service is available)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> garbage collection |
|---|---|--|--|

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable) Low Density Residential 2b (Urban Lakeshore Area Secondary Plan)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources. The proposed development is within the maximum permitted density per net hectare under the Secondary Plan.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Single Residential "R3-44" Zone, Modified (By-law 20-235)

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|--|--------------------------|---|
| An agricultural operation, including livestock facility or stockyard | <input type="checkbox"/> | |
| A land fill | <input type="checkbox"/> | |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | |
| A provincially significant wetland | <input type="checkbox"/> | |

| | | |
|--|--------------------------|--|
| A provincially significant wetland within 120 metres | <input type="checkbox"/> | |
| A flood plain | <input type="checkbox"/> | |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | |
| An active railway line | <input type="checkbox"/> | |
| A municipal or federal airport | <input type="checkbox"/> | |

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Owner knowledge and historical context.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

The subject application is consistent with Sections 53 & 54 of the Planning Act.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The subject application is located within the Built-up Area of the Growth Plan. Residential intensification is supported within these areas.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

See above - Growth Plan.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

N/A

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

N/A

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

Since 2009

8.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

N/A

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and if known, specify file number and status of the application(s).

File number ZAC-16-016

Status Approved (final and binding per By-law 20-235)

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- Agricultural
- Rural
- Specialty Crop
- Mineral Aggregate Resource Extraction
- Open Space
- Utilities
- Rural Settlement Area (specify)

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
 - Agricultural Related Severance or Lot Addition
 - Rural Resource-based Commercial Severance or Lot Addition
 - Rural Institutional Severance or Lot Addition
 - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
 - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

| | |
|----------------------------------|--|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from in Section 4.1) |
|----------------------------------|--|

Existing Land Use:

Proposed Land Use:

b) Lands to be Retained:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use:

Proposed Land Use:

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street)

(Municipality)

(Postal Code)

b) Description abutting farm:

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s):

Proposed Land Use(s):

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use:

Proposed Land Use:

d) Description of surplus dwelling lands proposed to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back:

e) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

 Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use:

Proposed Land Use:

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street)

(Municipality)

(Postal Code)

b) Description of non-abutting farm

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s):

Proposed Land Use(s):

c) Description of surplus dwelling lands intended to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back:

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

- f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

This application is together with a second severance application which (if approved) will facilitate the subject application described herein. The first severance application would have the effect of severing Part 2 from the retained lands (Parts 1, 3, 4, & 5).

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 30th / 2021
Date


Signature of Owner

*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

February 1, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

**Re: 1313 Baseline Road
Consent Application #1 of 2**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Malatesta Brothers Construction for the purposes of submitting the enclosed application for Consent to sever the subject lands, municipally known as 1313 Baseline Road. Please note that the enclosed submission consists of the first of two severance applications for the same lands. The subject application is intended to sever Part 2 (as per the concurrently submitted Lotting Plan). Parts 1 & 3-5 make up the retained lands.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Consent Application Form;
- 2) One (1) cheque in the amount of \$2,860 made payable to the City of Hamilton in payment of the requisite application fee;
- 3) One (1) digital copy of the Plan of Survey E-18206, prepared by A.J. Clarke & Associates Ltd., dated Nov 25, 2014;
- 4) One (1) digital copy of the Conceptual Lotting Plan, prepared by A.J. Clarke & Associates Ltd., dated November, 2015;

I trust that you will find the enclosed satisfactory for your purposes. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Miles Weekes, MCIP, RPP

A. J. Clarke and Associates Ltd.

Encl.

Cc: Malatesta Brothers Construction (via e-mail)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:06

SUBJECT PROPERTY: 1313 Baseline Rd., Stoney Creek

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICANT(S): A.J. Clarke & Associates c/o M. Weekes on behalf of the owner Malatesta Brothers Construction

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and retain two parcels of land for residential purposes.

Severed lands:

12.18m[±] x 30.47m[±] and an area of 371.06m^{2±}

Retained lands: Part 3 on sketch

13.75m[±] x 30.47m[±] and an area of 394.41m^{2±}

Retained lands: Part 5 on sketch

12.17m[±] x 30.47m[±] and an area of 370.76m^{2±}

This application will be heard in conjunction with Severance Application SC/B-21:05

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 4th , 2021

TIME: 3:15 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

SC/B-21:06
PAGE 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

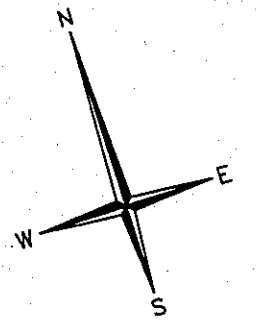
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

SKETCH OF
PART OF LOT 28, REGISTERED PLAN No. 310
CITY OF HAMILTON

SCALE 1:300
0 5 10metres

G.G. ALDWORTH O.L.S.

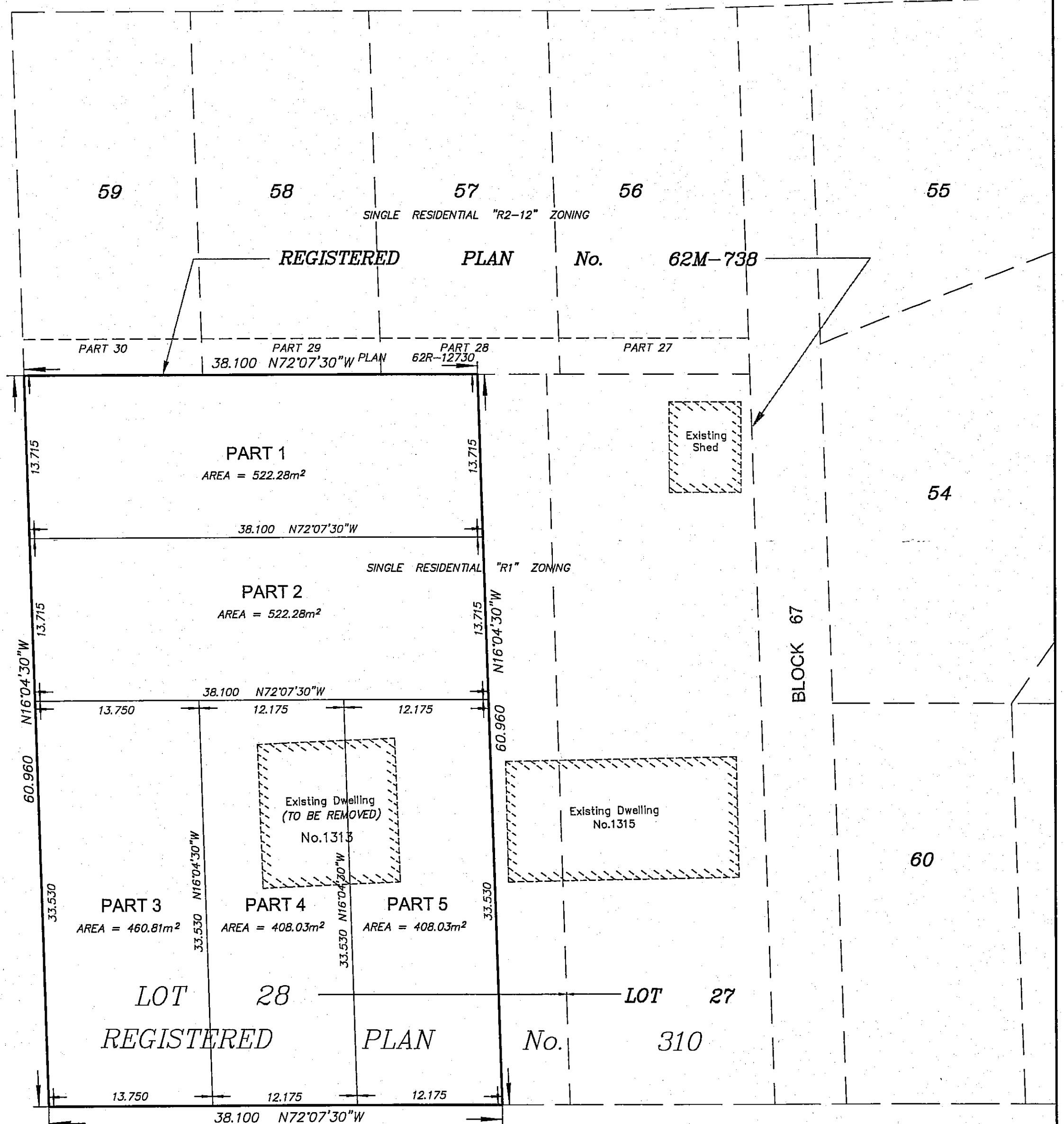
NOTE
PROPERTY DIMENSIONS COMPILED FROM PREVIOUS SURVEYS
ON FILE IN THIS OFFICE AND ARE NOT BASED ON A CURRENT SURVEY.



E-18206

RICHMOND CRESCENT

EAST STREET



BASE LINE ROAD

(ORIGINAL ROAD ALLOWANCE BETWEEN BROKEN FRONT CONCESSION AND CONCESSION 1)

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

G.G. Aldworth
G.G. ALDWORTH, O.L.S.

NOV. 25, 2014
DATE



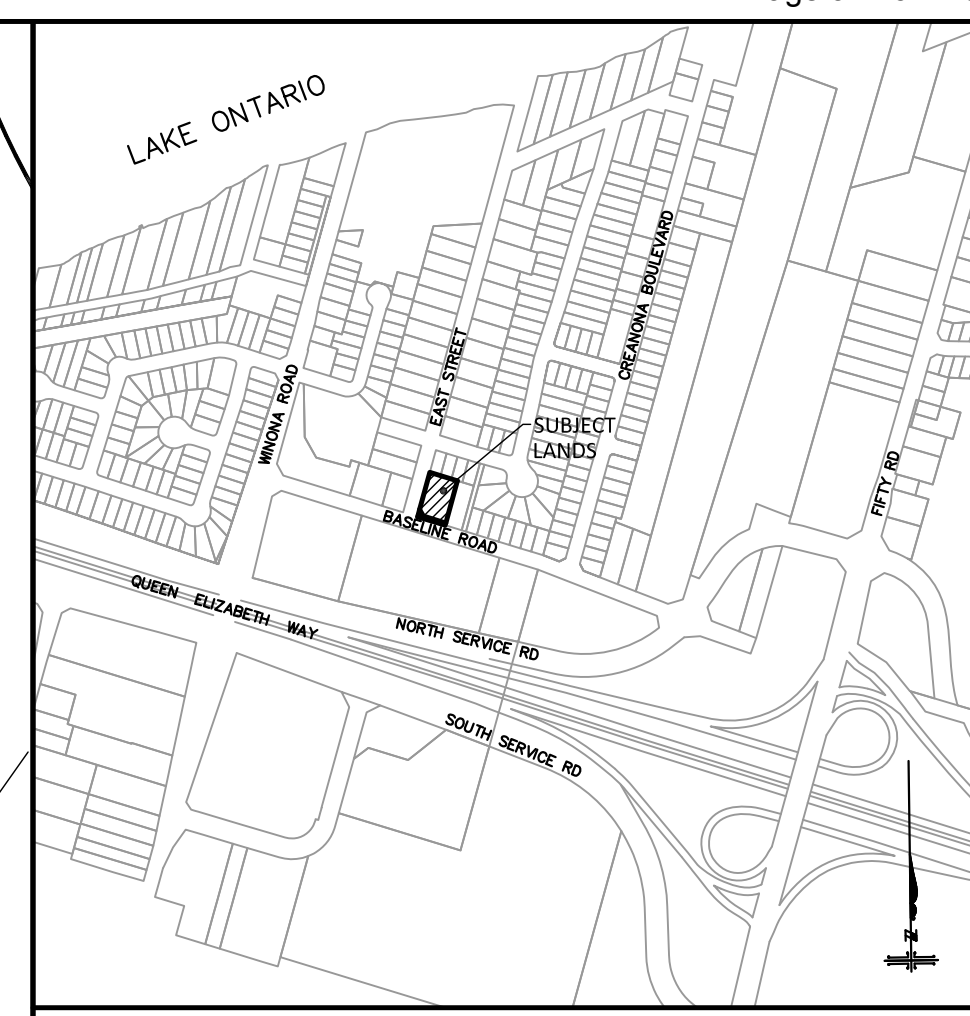
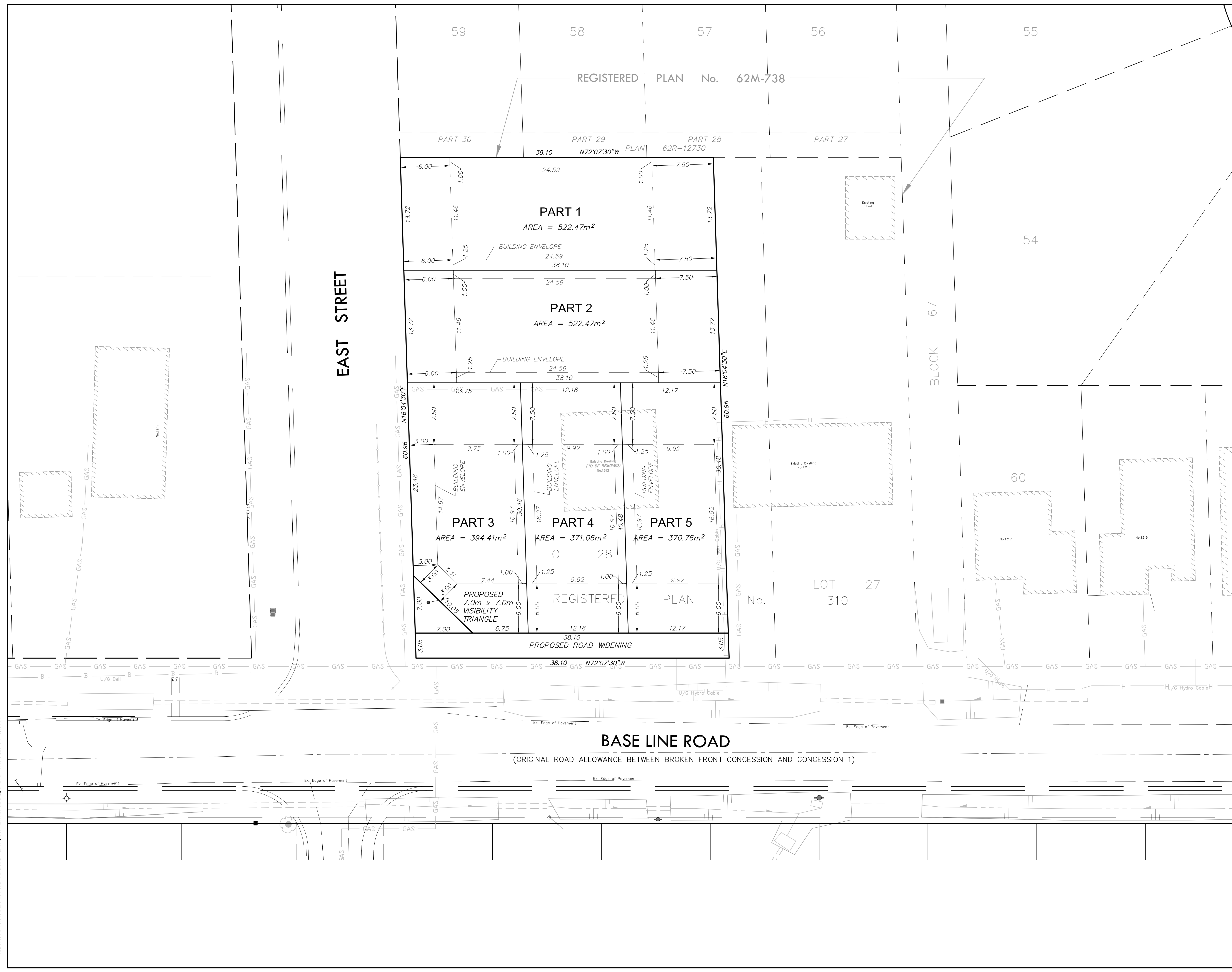
A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

E-18206

1313 BASE LINE ROAD

1313 BASE LINE ROAD
H:\Jobs\A-1313 Base Line Road - Malatesta\Planning\CURRENT\BASE.dwg, SKETCH 1, 13/01/2016 1:18:19 PM



KEY PLAN N.T.S.

| No. | Revision | By | Date |
|-----------|----------|----|------|
| REVISIONS | | | |
| | | | |
| | | | |
| | | | |

- GENERAL NOTES**
- TENDERERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
 - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
 - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMANS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.

ENGINEER

PROJECT OWNER:
MALATESTA BROTHERS
CONSTRUCTION COMPANY LTD.

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:
CITY OF HAMILTON

PROJECT NAME:
1313 BASE LINE ROAD

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 1H1
Tel: 905 528-8761 Fax: 905 528-2289
email: ajc@ajclarke.com

TITLE:
CONCEPT LOTTING PLAN

| | |
|----------------------|----------------------------|
| SCALE: 1:200 | DATE: NOVEMBER 2015 |
| DESIGN: J.C. | DRAWN: L.H. |
| DWG: K-14-029 | SHT: |

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

| | | | |
|----------------------------|-----------------------------------|-----------------|-----------|
| Date Application Received: | Date Application Deemed Complete: | Submission No.: | File No.: |
|----------------------------|-----------------------------------|-----------------|-----------|

1 APPLICANT INFORMATION

| 1.1, 1.2 | NAME | ADDRESS | |
|-----------------------------|--|------------|-----------------------------|
| Registered Owners(s) | Malatesta Brothers Construction c/o Gino Malatesta | [REDACTED] | Phone: [REDACTED] |
| | | | E-mail: |
| Applicant(s)* | | | Phone: |
| | | | E-mail: |
| Agent or Solicitor | A.J. Clarke & Associates Ltd. c/o Miles Weekes | [REDACTED] | Phone: [REDACTED] |
| | | | [REDACTED] |

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

| | | | |
|--|---------------------|--------------------|---------------------|
| 2.1 Area Municipality Stoney Creek | Lot | Concession | Former Township |
| Registered Plan N°. 310 | Lot(s) 28 | Reference Plan N°. | Part(s) |
| Municipal Address 1313 Baseline Road | | | Assessment Roll N°. |

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

Other: a charge

- addition to a lot
 an easement

- a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- creation of a new lot
 creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
 addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 4 on Severance Sketch

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|--------------|-----------|-----------------------------|
| +12.18 m | +30.47 m | +371.06 sq. m |

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify)
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify)
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Building(s) or Structure(s):

Existing: Existing single-detached dwelling (to be demolished)

Proposed: Single-detached dwelling

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify)

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify)

4.2 Description of land intended to be **Retained**: Parts 3 & 5 on Severance Sketch

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|--|--|--|
| Part 3 = +13.75 m Part 5 = +12.17 m | Part 3 = +30.47 m Part 5 = +30.47 m | Part 3 = +394.41 sq. m Part 5 = +370.76 sq. m |

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify)
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify)
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: Existing single-detached dwelling (to be demolished)

Proposed: Single-detached dwelling(s)

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify)

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify)

4.3 Other Services: (check if the service is available)

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable) Low Density Residential 2b (Urban Lakeshore Area Secondary Plan)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources. The proposed development is within the maximum permitted density per net hectare under the Secondary Plan.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Single Residential "R3-44" Zone, Modified (By-law 20-235)

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|---|--------------------------|---|
| An agricultural operation, including livestock facility or stockyard | <input type="checkbox"/> | |
| A land fill | <input type="checkbox"/> | |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | |
| A provincially significant wetland | <input type="checkbox"/> | |

| | | |
|--|--------------------------|--|
| A provincially significant wetland within 120 metres | <input type="checkbox"/> | |
| A flood plain | <input type="checkbox"/> | |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | |
| An active railway line | <input type="checkbox"/> | |
| A municipal or federal airport | <input type="checkbox"/> | |

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Owner knowledge and historical context.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

The subject application is consistent with Sections 53 & 54 of the Planning Act.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The subject application is located within the Built-up Area of the Growth Plan. Residential intensification is supported within these areas.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

See above - Growth Plan.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- Yes No
 (Provide Explanation)

N/A

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

- Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

N/A

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of

the transferee and the land use.

N/A

8.4 How long has the applicant owned the subject land?

Since 2009

8.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

N/A

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and if known, specify file number and status of the application(s).

File number ZAC-16-016

Status Approved (final and binding per By-law 20-235)

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- Agricultural
- Rural
- Specialty Crop
- Mineral Aggregate Resource Extraction
- Open Space
- Utilities
- Rural Settlement Area (specify)

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 **Type of Application** (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
 - Agricultural Related Severance or Lot Addition
 - Rural Resource-based Commercial Severance or Lot Addition
 - Rural Institutional Severance or Lot Addition
 - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
 - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

| | |
|----------------------------------|--|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from in Section 4.1) |
|----------------------------------|--|

Existing Land Use:

Proposed Land Use:

b) Lands to be Retained:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use:

Proposed Land Use:

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street)

(Municipality)

(Postal Code)

b) Description abutting farm:

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s):

Proposed Land Use(s):

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use:

Proposed Land Use:

d) Description of surplus dwelling lands proposed to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back:

e) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

 Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use:

Proposed Land Use:

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street)

(Municipality)

(Postal Code)

b) Description of non-abutting farm

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s):

Proposed Land Use(s):

c) Description of surplus dwelling lands intended to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back:

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.2) | Area (m ² or ha): (from Section 4.2) |
|----------------------------------|---|

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

This application is together with a second severance application which (if approved) will facilitate the subject application described herein. The first severance application would have the effect of severing Part 2 from the retained lands (Parts 1, 3, 4, & 5).

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 19/2021
Date


Signature of Owner



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

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

February 1, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

**Re: 1313 Baseline Road
Consent Application #2 of 2**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Malatesta Brothers Construction for the purposes of submitting the enclosed application for Consent to sever the subject lands, municipally known as 1313 Baseline Road. Please note that the enclosed submission consists of the first of two severance applications for the same lands. The subject application is intended to sever Part 4 (as per the concurrently submitted Lotting Plan). Parts 3 & 5 comprise the retained lands.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Consent Application Form;
- 2) One (1) cheque in the amount of \$2,860 made payable to the City of Hamilton in payment of the requisite application fee;
- 3) One (1) digital copy of the Plan of Survey E-18206, prepared by A.J. Clarke & Associates Ltd., dated Nov 25, 2014;
- 4) One (1) digital copy of the Conceptual Lotting Plan, prepared by A.J. Clarke & Associates Ltd., dated November, 2015;

I trust that you will find the enclosed satisfactory for your purposes. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Miles Weekes, MCIP, RPP

A. J. Clarke and Associates Ltd.

Encl.

Cc: Malatesta Brothers Construction (via e-mail)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: AN/A-21:42

APPLICANTS: Zoltan Engineering on behalf of the owner George Varga

SUBJECT PROPERTY: Municipal address **193 Colleen Cres., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended

ZONING: "ER' (Existing Residential) district

PROPOSAL: To permit the construction of a new 5.0m² addition and a new 53.4m² attached garage in the front yard of the existing detached dwelling notwithstanding that:

1. A front yard setback of 18.7m shall be provided instead of the maximum permitted front yard setback of 15.8m.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 3:25 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

AN/A-21: 42

Page 2

- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

DESIGN INFORMATION

Hamilton
 Ss = 1.5kPa
 Sr = 0.4kPa
 q(1/50) = 0.46kPa
 SL = 1.23kPa

 DL = 0.96kPa (20psf) - roof
 DL = 0.72kPa (15psf) - floors
 LL = 1.9kPa (40psf)

Energy Efficiency
 OBC 2012 - SB-12, Table 3.1.1.11
 HDD18 = 3460 (Zone 1)

PROJECT SCOPE

1. Remove existing roof and frame new roof to upgrade the exterior elevations.
2. New garage addition.
3. Renovate existing main floor.

ZONING STATISTICS - 193 COLLEEN CRESCENT, ANCASTER, ON.

| EXISTING RESIDENTIAL "ER" ZONE (ANCASTER ZONING BY-LAW 87-57) | | | |
|---|---|-------------|----------------|
| | REQUIRED | PROPOSED | CONFORMS (Y/N) |
| LOT AREA | 695 sq./m | 1,316 sq./m | Y |
| LOT FRONTAGE | 18m | 25.72m | Y |
| LOT DEPTH | Varies | 61m | Y |
| LOT COVERAGE | 35% max. | 20% | Y |
| FRONT YARD SETBACK | WITHIN 20% OF AVERAGE FRONT SETBACK OF 2 ADJACENT DWELLINGS (10.5m-15.8m) | 18.7m | N |
| SIDE YARD SETBACK | 10% OF THE LOT FRONTAGE TO A MAXIMUM SETBACK OF 5.0m FOR AN INTERIOR SIDE YARD (2.572m) | 2.61m | Y |
| REAR YARD SETBACK | 40 PERCENT OF THE LOT DEPTH FOR LOTS WITH A DEPTH GREATER THAN 50m (24.4m) | 28.0m | Y |
| MAXIMUM HEIGHT | 7.5m (ONE STOREY) | 7.1m | Y |
| ATTACHED GARAGE PROJECTION | Max. 2.0m BEYOND FRONT FACADE | 1.8m | Y |

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| REV. | DATE | REMARKS |
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| 7 | 11JAN21 | REVISED PER COMMENTS |
| 6 | 03DEC20 | REVISED LOT PLAN |
| 5 | 16NOV20 | REVISED LOT PLAN |

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
 BURLINGTON, ON L7L 5Y6
 (905) 331 - 8307
 WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

LOT PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

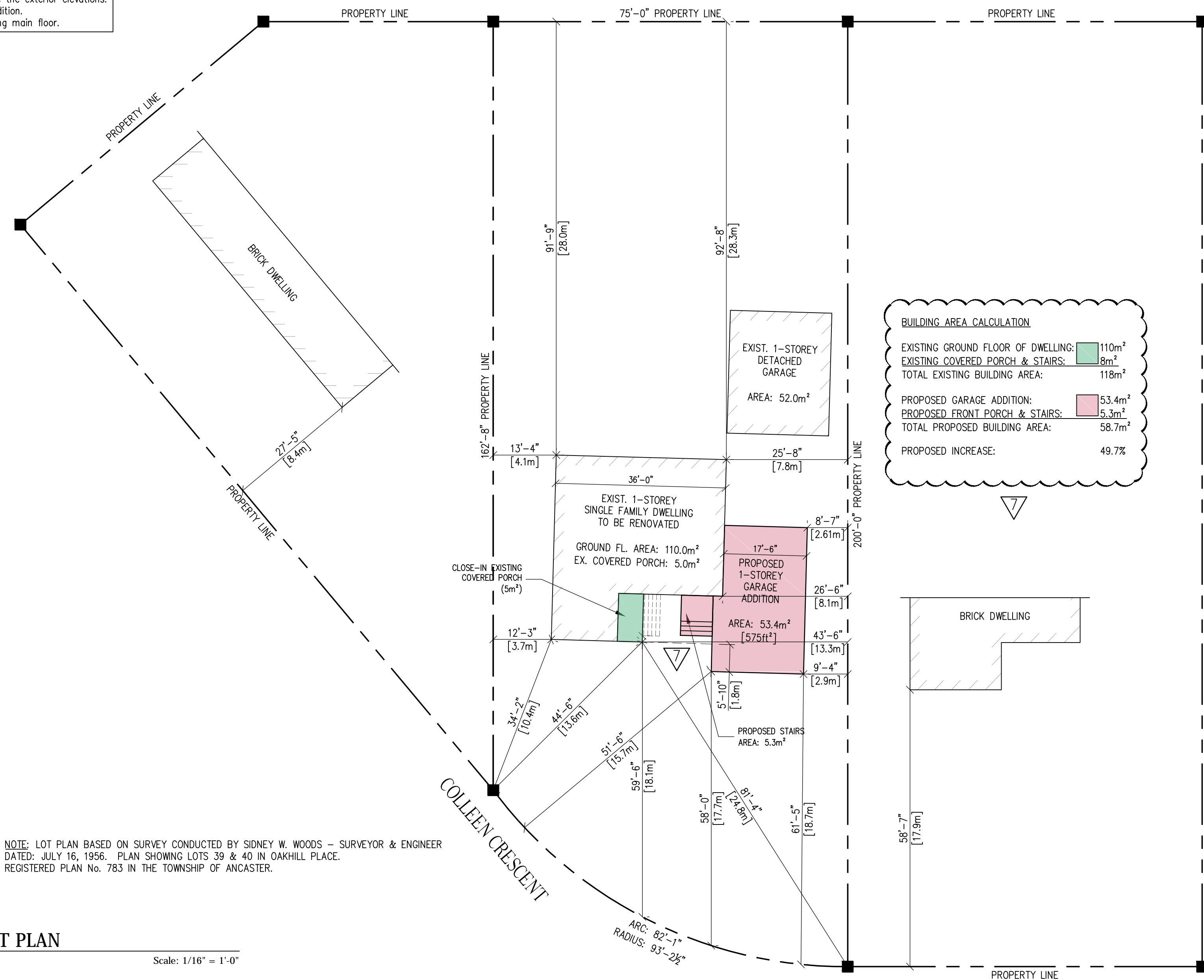


PROJECT NO.

19-290

SHEET NO.

A1.01



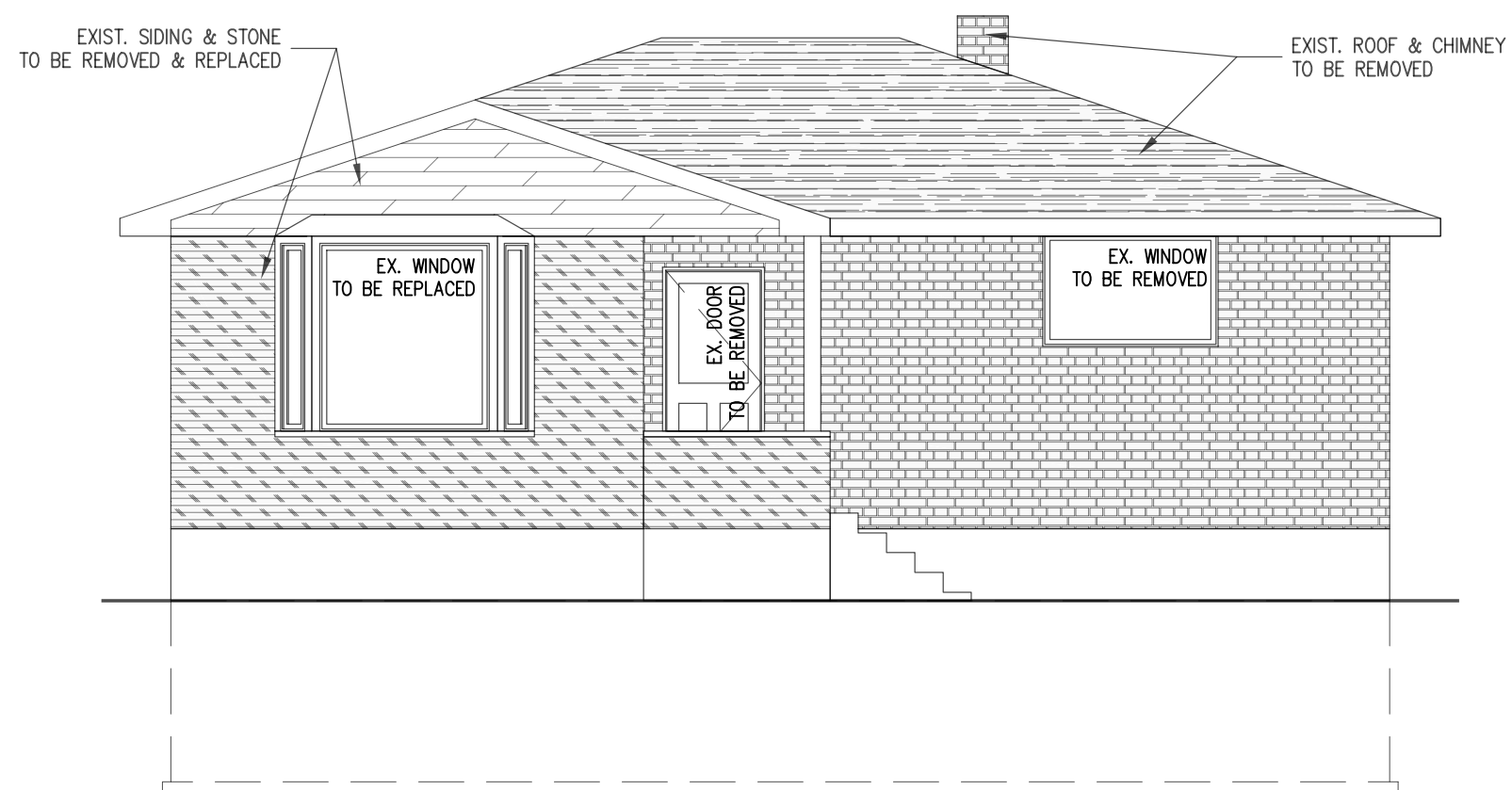
BUILDING AREA CALCULATION

EXISTING GROUND FLOOR OF DWELLING: 110m²
 EXISTING COVERED PORCH & STAIRS: 8m²
 TOTAL EXISTING BUILDING AREA: 118m²

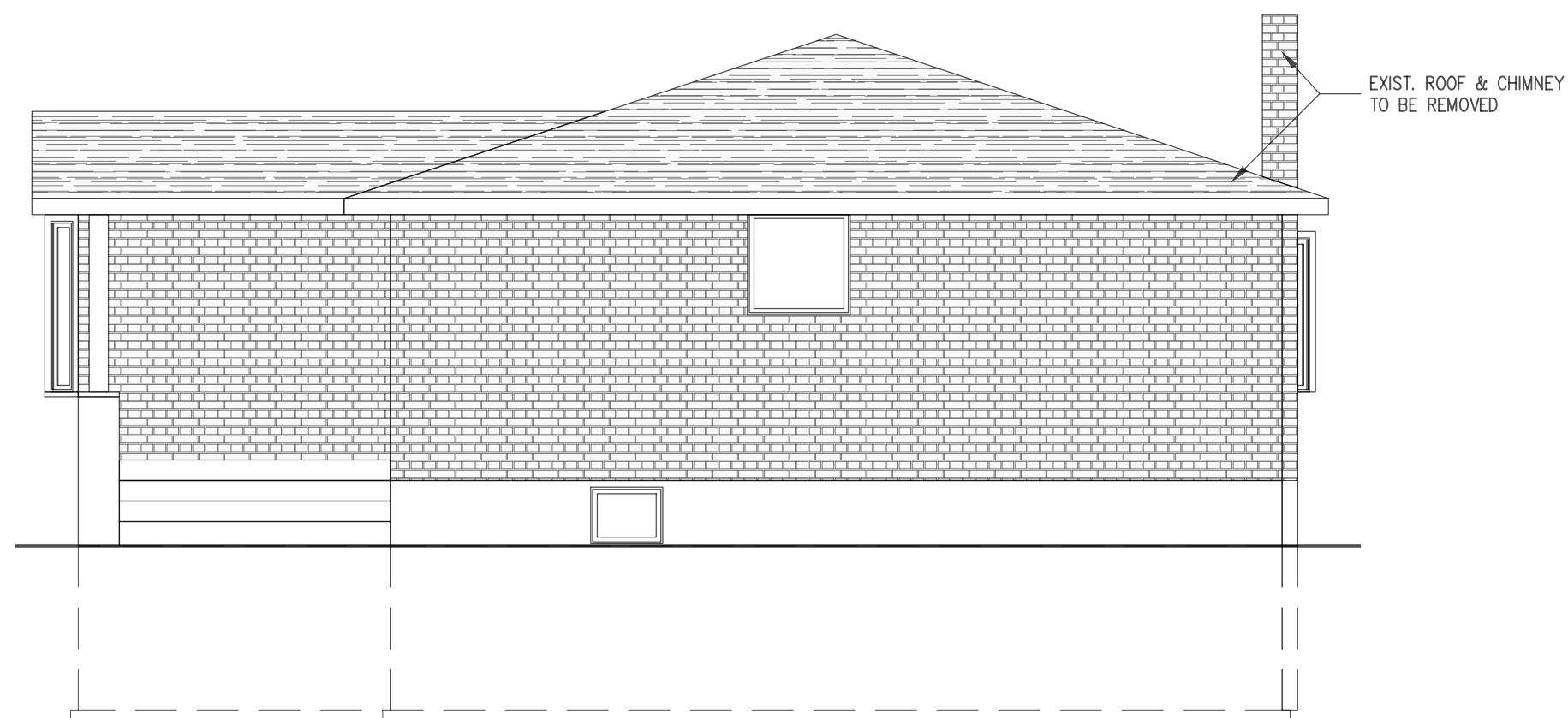
PROPOSED GARAGE ADDITION: 53.4m²
 PROPOSED FRONT PORCH & STAIRS: 5.3m²
 TOTAL PROPOSED BUILDING AREA: 58.7m²

PROPOSED INCREASE: 49.7%

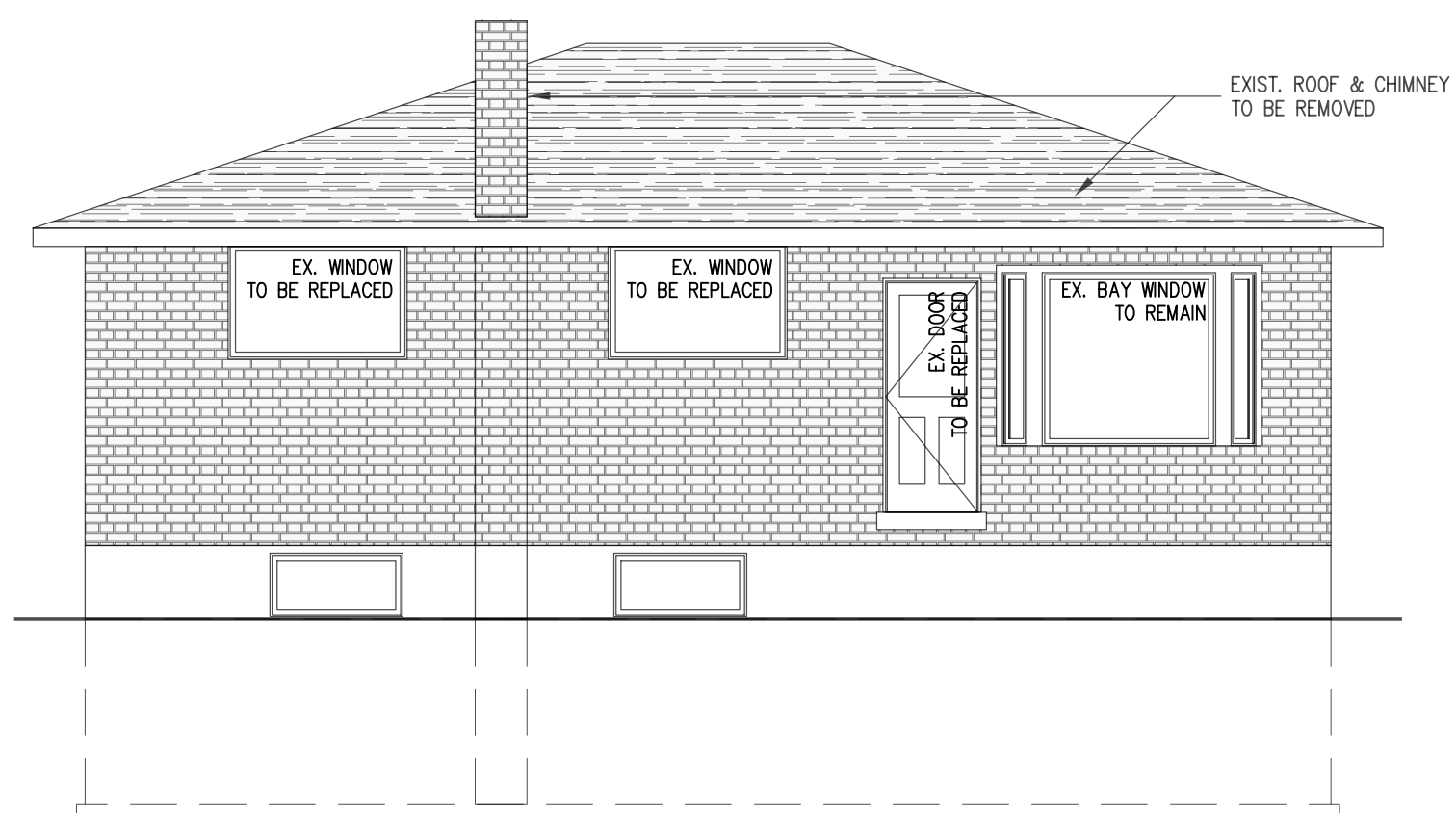
NOTE: LOT PLAN BASED ON SURVEY CONDUCTED BY SIDNEY W. WOODS - SURVEYOR & ENGINEER DATED: JULY 16, 1956. PLAN SHOWING LOTS 39 & 40 IN OAKHILL PLACE. REGISTERED PLAN No. 783 IN THE TOWNSHIP OF ANCASTER.



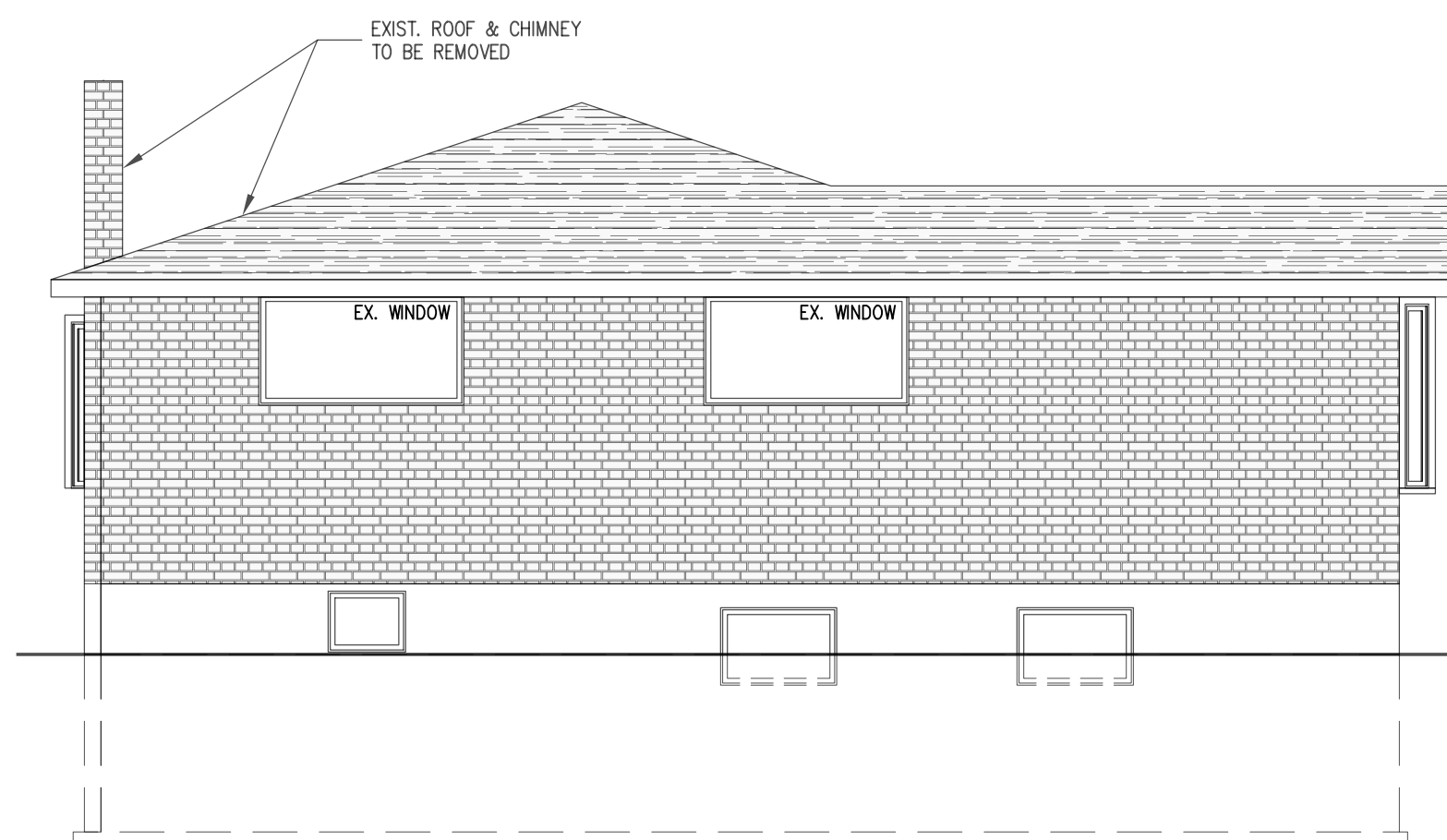
1 EX. FRONT ELEVATION
Scale: 3/16" = 1'-0"



2 EX. SIDE ELEVATION
Scale: 3/16" = 1'-0"



3 EX. REAR ELEVATION
Scale: 3/16" = 1'-0"



4 EX. SIDE ELEVATION
Scale: 3/16" = 1'-0"

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PROJECT TITLE
**VARGA RESIDENCE
ADDITION & RENOVATION**
**193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2**

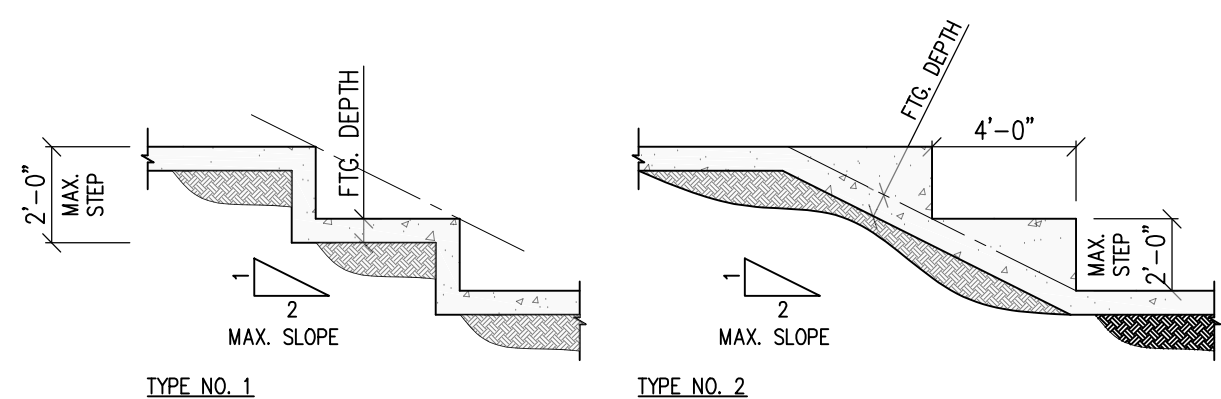
DRAWING TITLE
EXISTING ELEVATIONS

| | |
|----------|----------|
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| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |

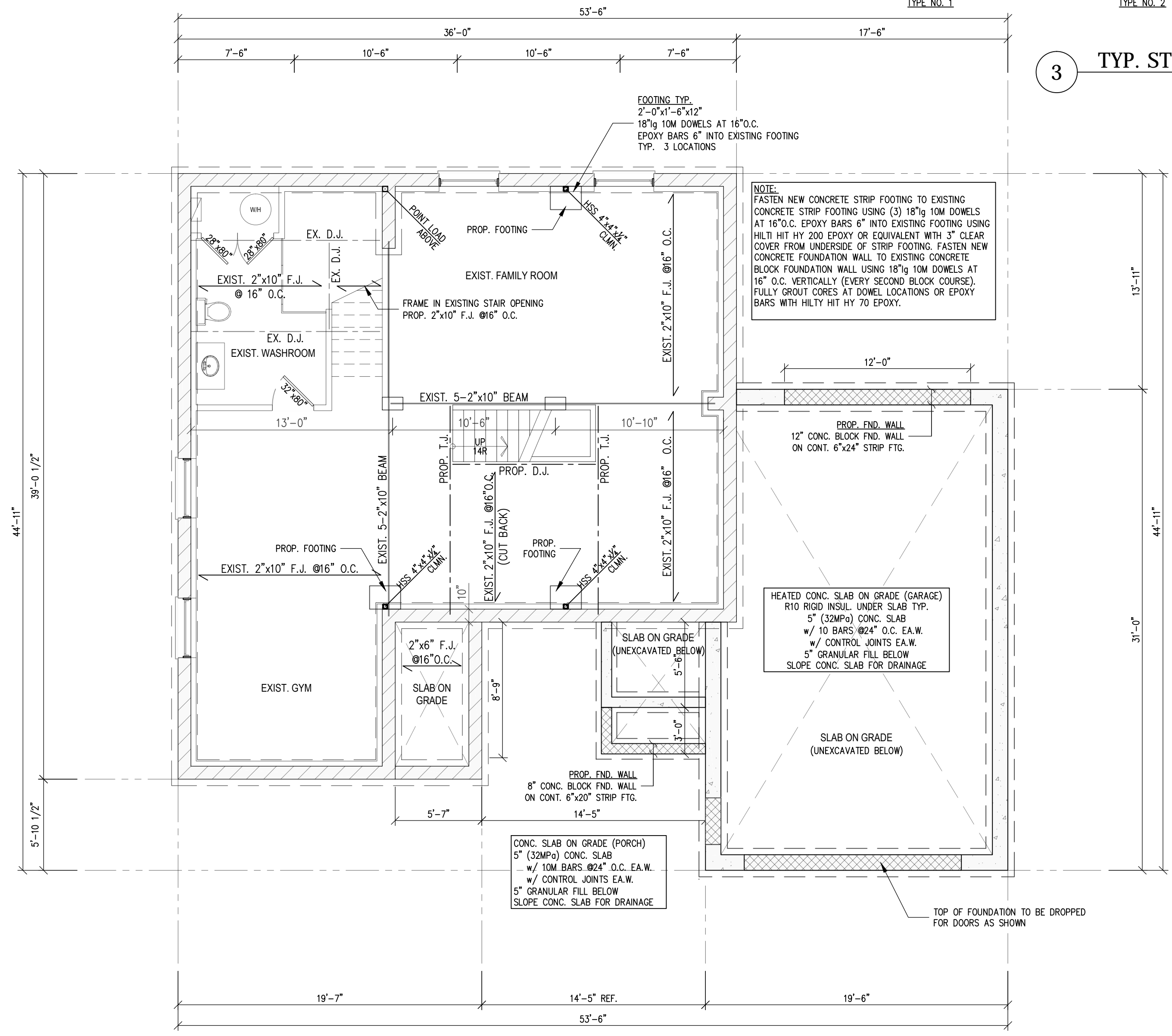


| | |
|---------------|--------------|
| PROJECT NO. | SHEET NO. |
| 19-290 | A1.02 |

NOTE:
CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF THE FOUR (4) PROPOSED STEEL COLUMNS TO CONFIRM THE BASEMENT BEARING CONDITION RELATIVE TO THE FOUNDATION WALL.
NOTIFY ZOLTAN ENGINEERING IF LOCATION DIFFERS THAN SHOWN.



3 TYP. STEPPED FOOTING N.T.S.



NOTE:
FASTEN NEW CONCRETE STRIP FOOTING TO EXISTING CONCRETE STRIP FOOTING USING (3) 18# 10M DOWELS AT 16" O.C. EPOXY BARS 6" INTO EXISTING FOOTING USING HILTI HIT HY 200 EPOXY OR EQUIVALENT WITH 3" CLEAR COVER FROM UNDERSIDE OF STRIP FOOTING. FASTEN NEW CONCRETE FOUNDATION WALL TO EXISTING CONCRETE BLOCK FOUNDATION WALL USING 18# 10M DOWELS AT 16" O.C. VERTICALLY (EVERY SECOND BLOCK COURSE). FULLY GROUT CORES AT DOWEL LOCATIONS OR EPOXY BARS WITH HILTI HIT HY 70 EPOXY.

CONC. SLAB ON GRADE (PORCH)
5" (32MPa) CONC. SLAB
w/ 10M BARS @ 24" O.C. EA.W.
w/ CONTROL JOINTS EA.W.
5" GRANULAR FILL BELOW
SLOPE CONC. SLAB FOR DRAINAGE

HEATED CONC. SLAB ON GRADE (GARAGE)
R10 RIGID INSUL. UNDER SLAB TYP.
5" (32MPa) CONC. SLAB
w/ 10 BARS @ 24" O.C. EA.W.
w/ CONTROL JOINTS EA.W.
5" GRANULAR FILL BELOW
SLOPE CONC. SLAB FOR DRAINAGE

1 PROP. FOUNDATION PLAN Scale: 3/16" = 1'-0"

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PROJECT TITLE
**VARGA RESIDENCE
ADDITION & RENOVATION**
193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2

DRAWING TITLE
PROP. FOUNDATION PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO. 19-290 SHEET NO. A1.06

GUARDS - O.B.C. 9.8.8.

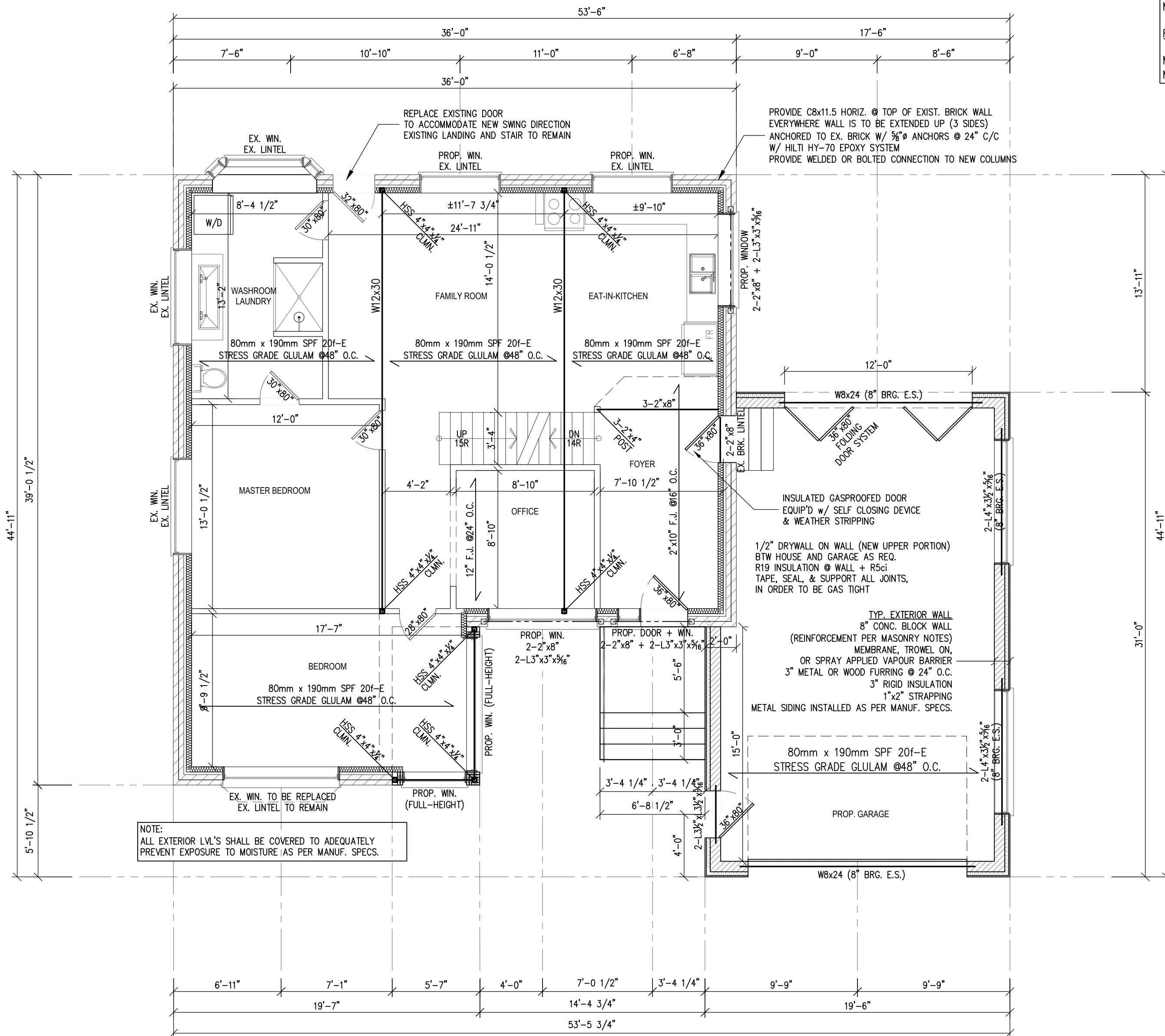
INTERIOR GUARDS: 3'-0" MIN.
 EXTERIOR GUARDS: 3'-6" MIN.
 FINISHED RAILING PICKETS SPACED
 MAXIMUM 4" BETWEEN PICKETS
 NO MEMBER OR ATTACHMENT BTW 4" &
 3'-0" HIGH SHALL FACILITATE CLIMBING.

**ALL STAIRS/EXTERIOR STAIRS
 -OBC. 9.8.-**

MAX RISE -7 7/8"
 MIN. RUN -8 1/4"
 MIN. TREAD -9 1/4"
 MAX. NOSING -1"
 MIN. HEADROOM -6'-5"
 RAIL @ LANDING -2'-11"
 RAIL @ STAIR -2'-8"
 MIN STAIR WIDTH -2'-10"

FOR CURVED STAIRS

MIN AVG. RUN -6"
 MIN. RUN -8"



NOTE:
 ALL EXTERIOR LVL'S SHALL BE COVERED TO ADEQUATELY
 PREVENT EXPOSURE TO MOISTURE (AS PER MANUF. SPECS.)

1 PROP. GROUND FLOOR PLAN
 Scale: 3/16" = 1'-0"

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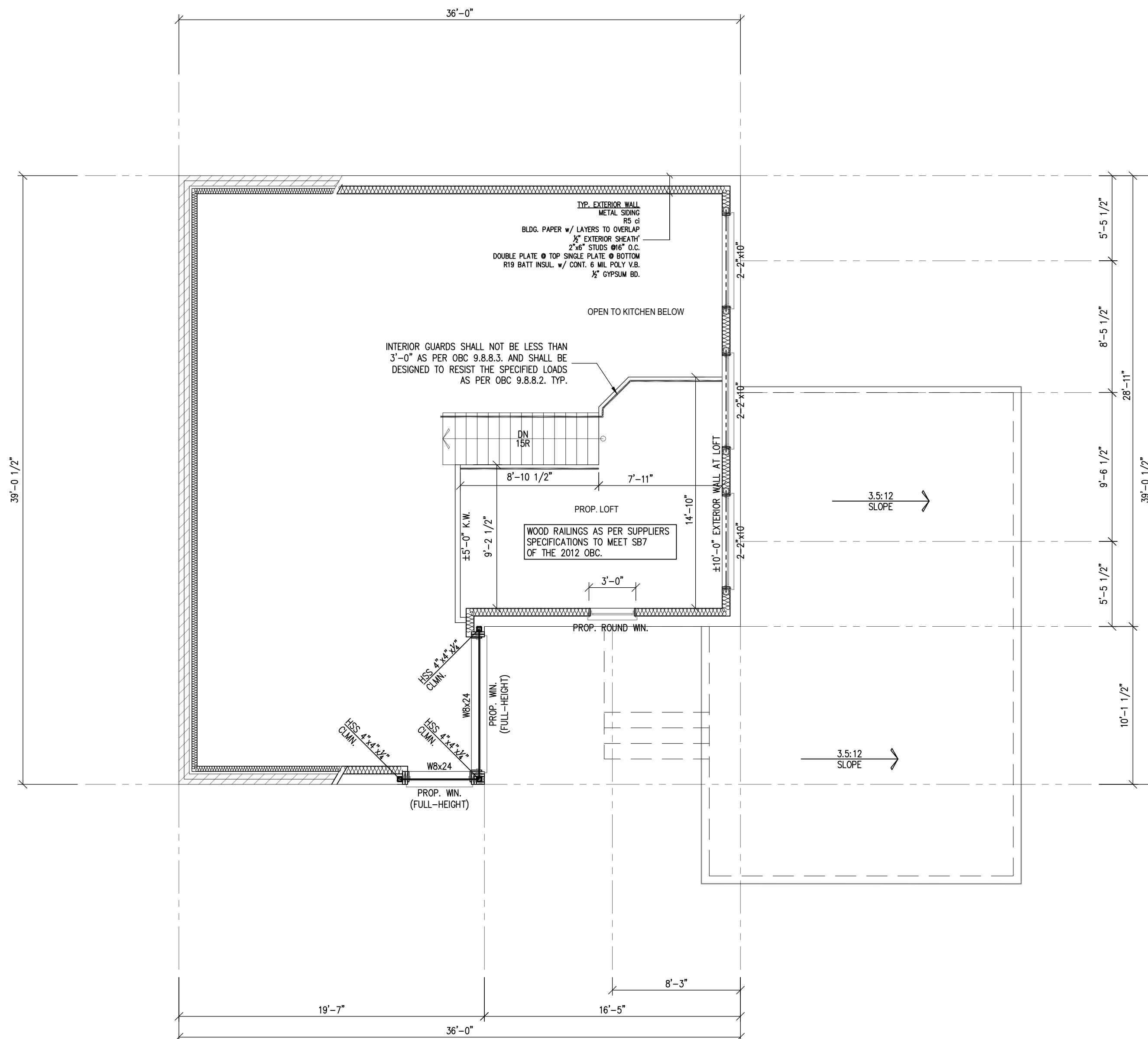
PROJECT TITLE
**VARGA RESIDENCE
 ADDITION & RENOVATION**
 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE
PROP. GROUND FLOOR PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
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PROJECT NO. 19-290
 SHEET NO. A1.07



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

PROP. LOFT PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

19-290

SHEET NO.

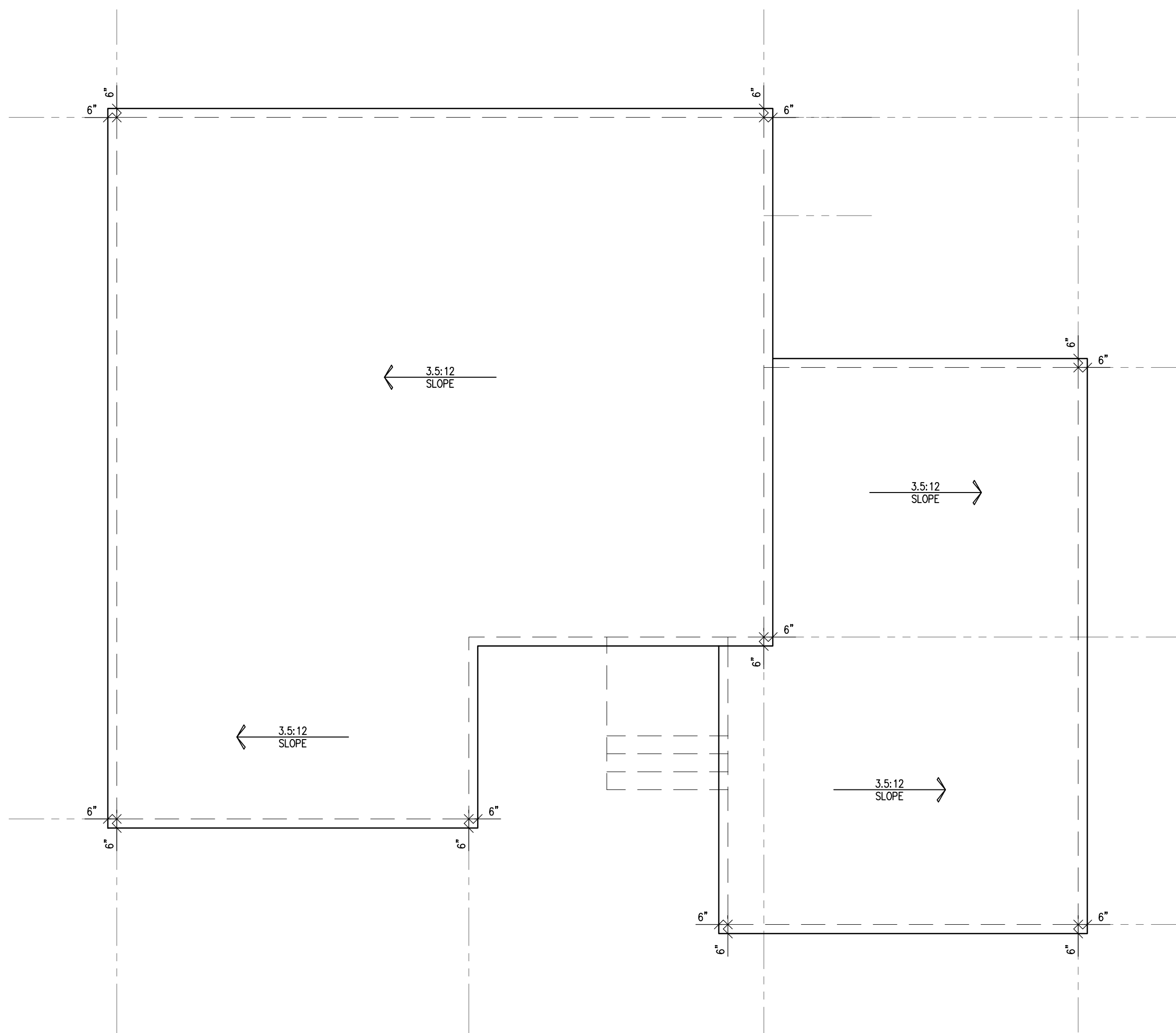
A1.08

1 PROP. LOFT PLAN

Scale: 3/16" = 1'-0"

7

- PROP. ROOF CONSTRUCTION**
- STANDING SEAM ROOF INSTALLED AS PER MANUF. SPECS.
 - ROOF FRAMING AS PER PLAN
 - APPROVED EAVES PROTECTION TO EXTEND MIN. 3'-0" UP ROOF SURFACE TO LINE NOT LESS THAN 12" BEYOND INNER FACE OF EXTERIOR WALL.
 - PREFINISHED ALUMINUM R.W.L. & GUTTERS ON ALUMINUM FASCIA & SOFFIT.



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

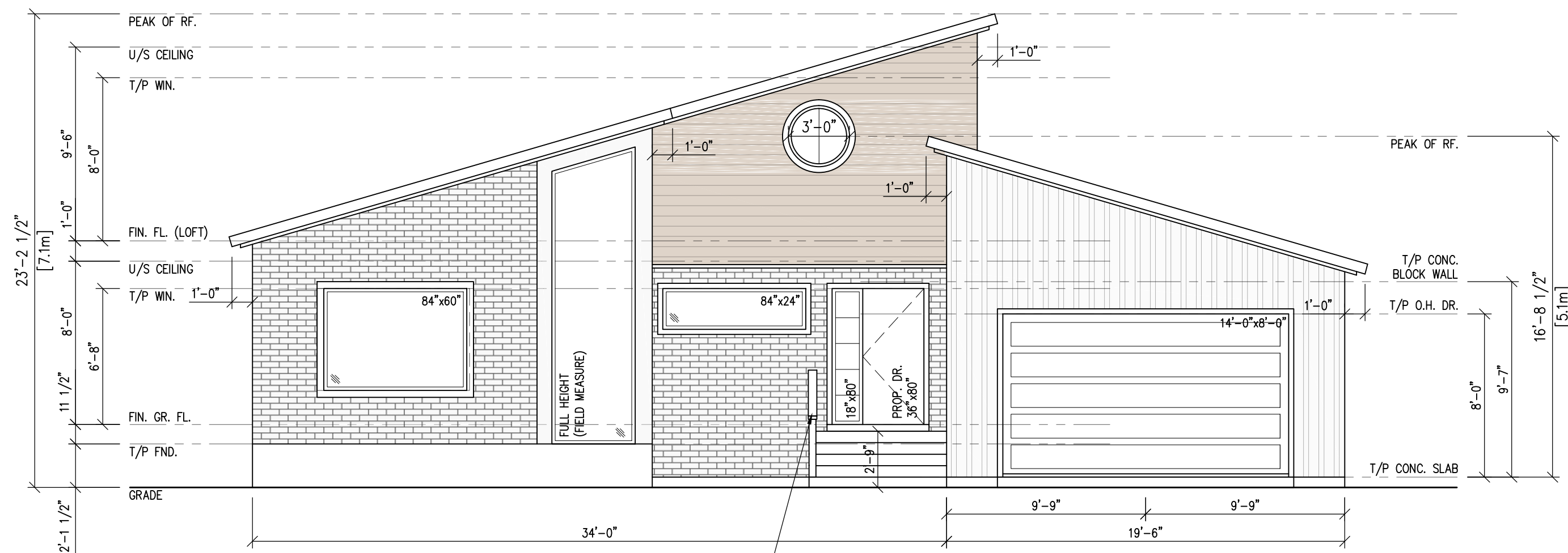
PROP. ROOF PLAN

| | |
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| DESIGNED | ZL |
| CHECKED | ZL |



| | |
|-------------|-----------|
| PROJECT NO. | SHEET NO. |
| 19-290 | A1.09 |

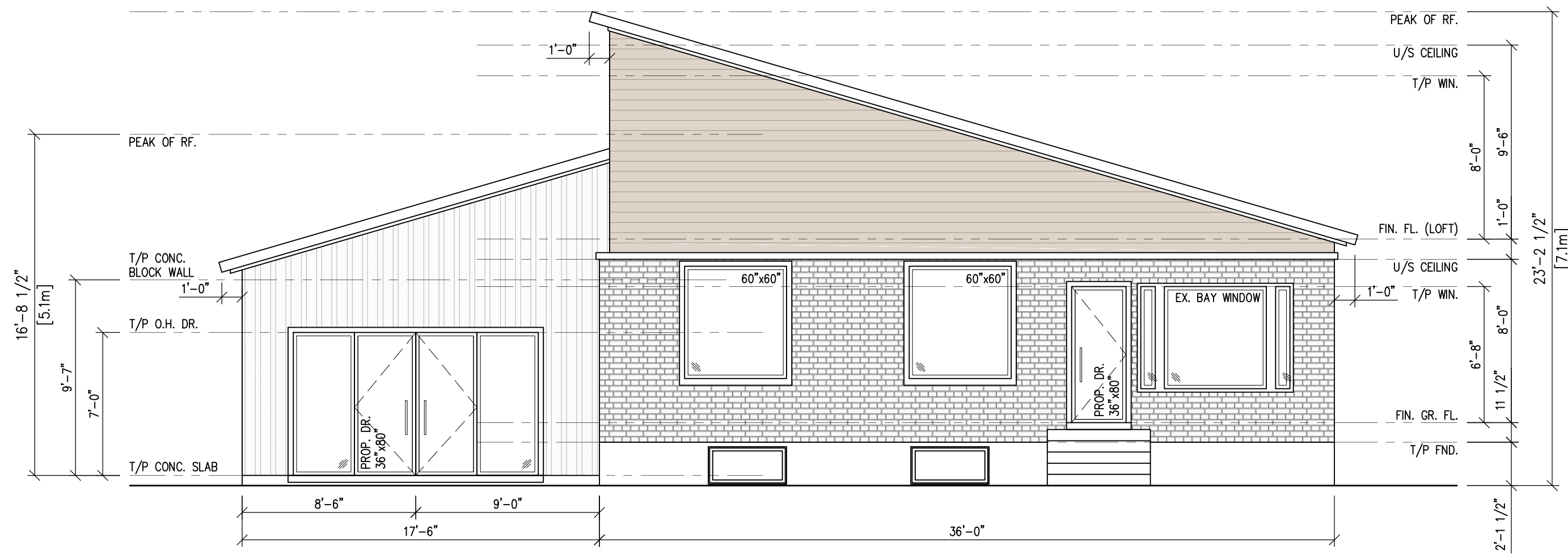
1 PROP. ROOF PLAN
 Scale: 3/16" = 1'-0"



EXTERIOR WOOD GUARDS SHALL NOT BE LESS THAN 3'-0" AS PER OBC 9.8.8.3. AND SHALL BE DESIGNED TO RESIST THE SPECIFIED LOADS AS PER OBC 9.8.8.2. TYP.

WOOD RAILINGS AS PER SUPPLIERS SPECIFICATIONS TO MEET SB7 OF THE 2012 OBC.

1 FRONT ELEVATION
Scale: 3/16" = 1'-0"



2 REAR ELEVATION
Scale: 3/16" = 1'-0"

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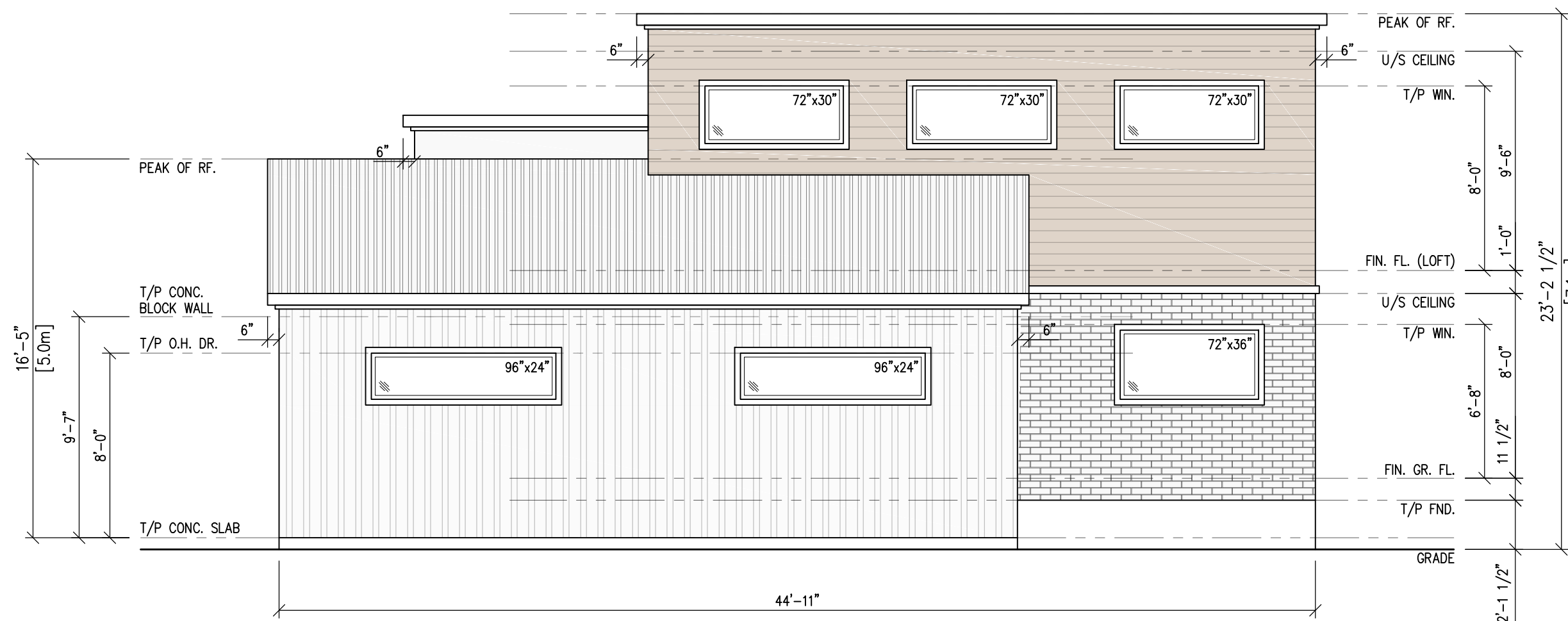
PROJECT TITLE
**VARGA RESIDENCE
ADDITION & RENOVATION**
**193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2**

DRAWING TITLE
**FRONT & REAR
ELEVATIONS**

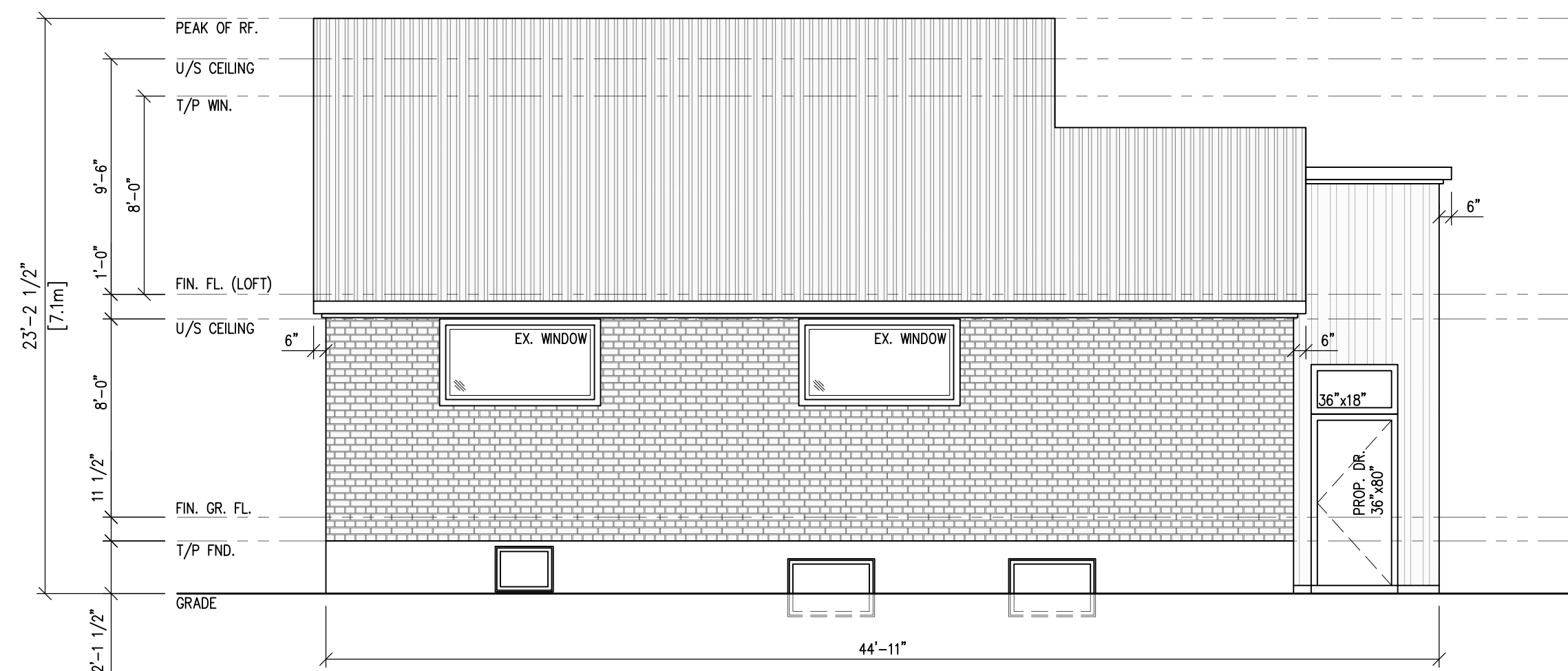
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| CHECKED | ZL |



PROJECT NO. **19-290** SHEET NO. **A1.10**



1 SIDE ELEVATION
Scale: 3/16" = 1'-0"



2 SIDE ELEVATION
Scale: 3/16" = 1'-0"

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ADDITION & RENOVATION**
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DRAWING TITLE
SIDE ELEVATIONS

| | |
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PROJECT NO. 19-290
SHEET NO. A1.11

DESIGN INFORMATION

Hamilton
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 q(1/50) = 0.46kPa
 SL = 1.23kPa

DL = 0.96kPa (20psf) - roof
 DL = 0.72kPa (15psf) - floors
 LL = 1.9kPa (40psf)

Energy Efficiency
 OBC 2012 - SB-12, Table 3.1.1.11
 HDD18 = 3460 (Zone 1)

PROJECT SCOPE

1. Remove existing roof and frame new roof to upgrade the exterior elevations.
2. New garage addition.
3. Renovate existing main floor.

| ZONING STATISTICS - 193 COLLEEN CRESCENT, ANCASTER, ON. | | | |
|---|---|-------------|----------------|
| EXISTING RESIDENTIAL "ER" ZONE (ANCASTER ZONING BY-LAW 87-57) | | | |
| | REQUIRED | PROPOSED | CONFORMS (Y/N) |
| LOT AREA | 695 sq./m | 1,316 sq./m | Y |
| LOT FRONTAGE | 18m | 25.72m | Y |
| LOT DEPTH | Varies | 61m | Y |
| LOT COVERAGE | 35% max. | 20% | Y |
| FRONT YARD SETBACK | WITHIN 20% OF AVERAGE FRONT SETBACK OF 2 ADJACENT DWELLINGS (10.5m-15.8m) | 18.7m | N |
| SIDE YARD SETBACK | 10% OF THE LOT FRONTAGE TO A MAXIMUM SETBACK OF 5.0m FOR AN INTERIOR SIDE YARD (2.572m) | 2.61m | Y |
| REAR YARD SETBACK | 40 PERCENT OF THE LOT DEPTH FOR LOTS WITH A DEPTH GREATER THAN 50m (24.4m) | 28.0m | Y |
| MAXIMUM HEIGHT | 7.5m (ONE STOREY) | 7.1m | Y |
| ATTACHED GARAGE PROJECTION | Max. 2.0m BEYOND FRONT FACADE | 1.8m | Y |

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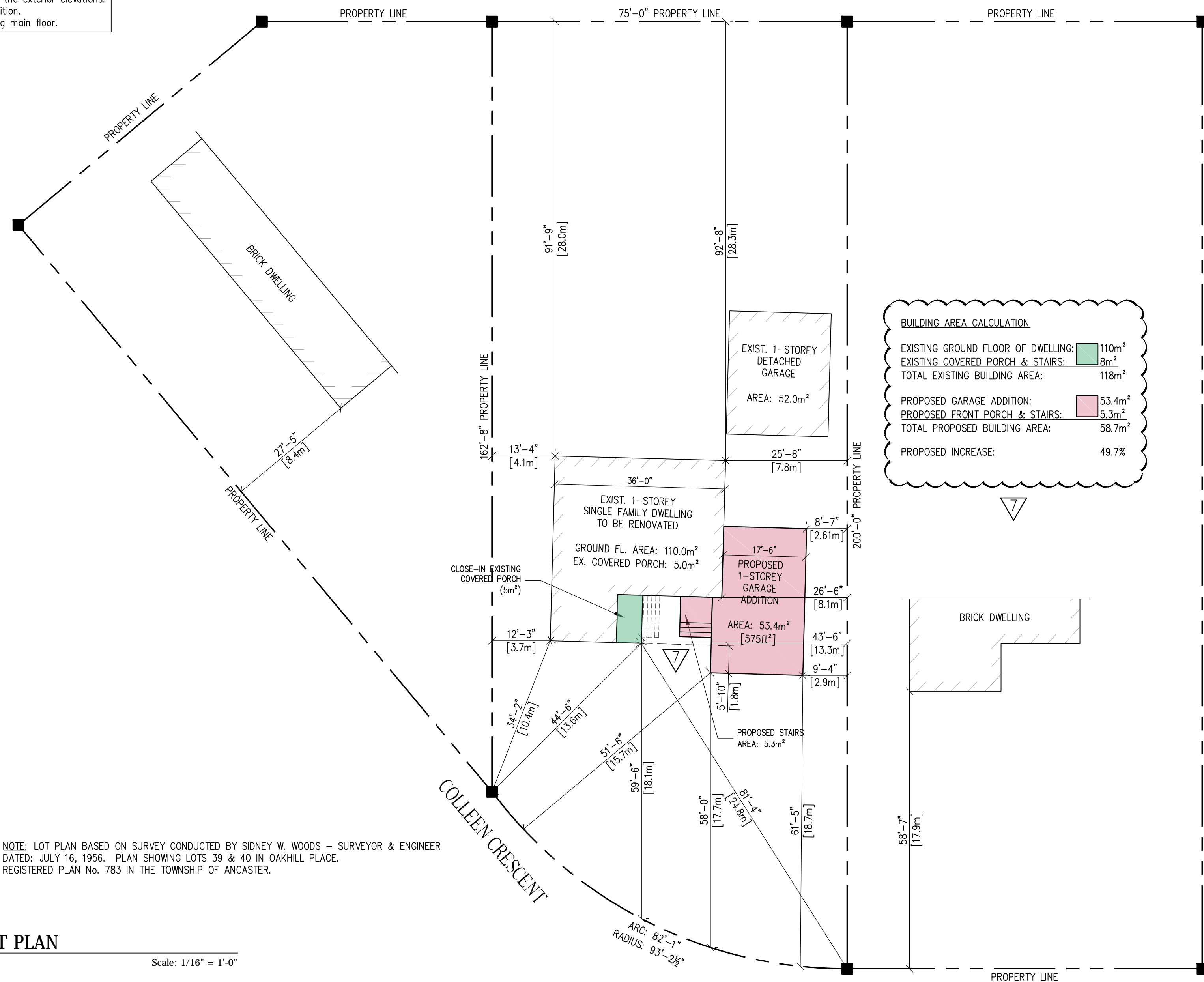
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| DESIGNED | ZL |
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PROJECT NO. 19-290

SHEET NO. A1.01



BUILDING AREA CALCULATION

EXISTING GROUND FLOOR OF DWELLING: 110m²
 EXISTING COVERED PORCH & STAIRS: 8m²
 TOTAL EXISTING BUILDING AREA: 118m²

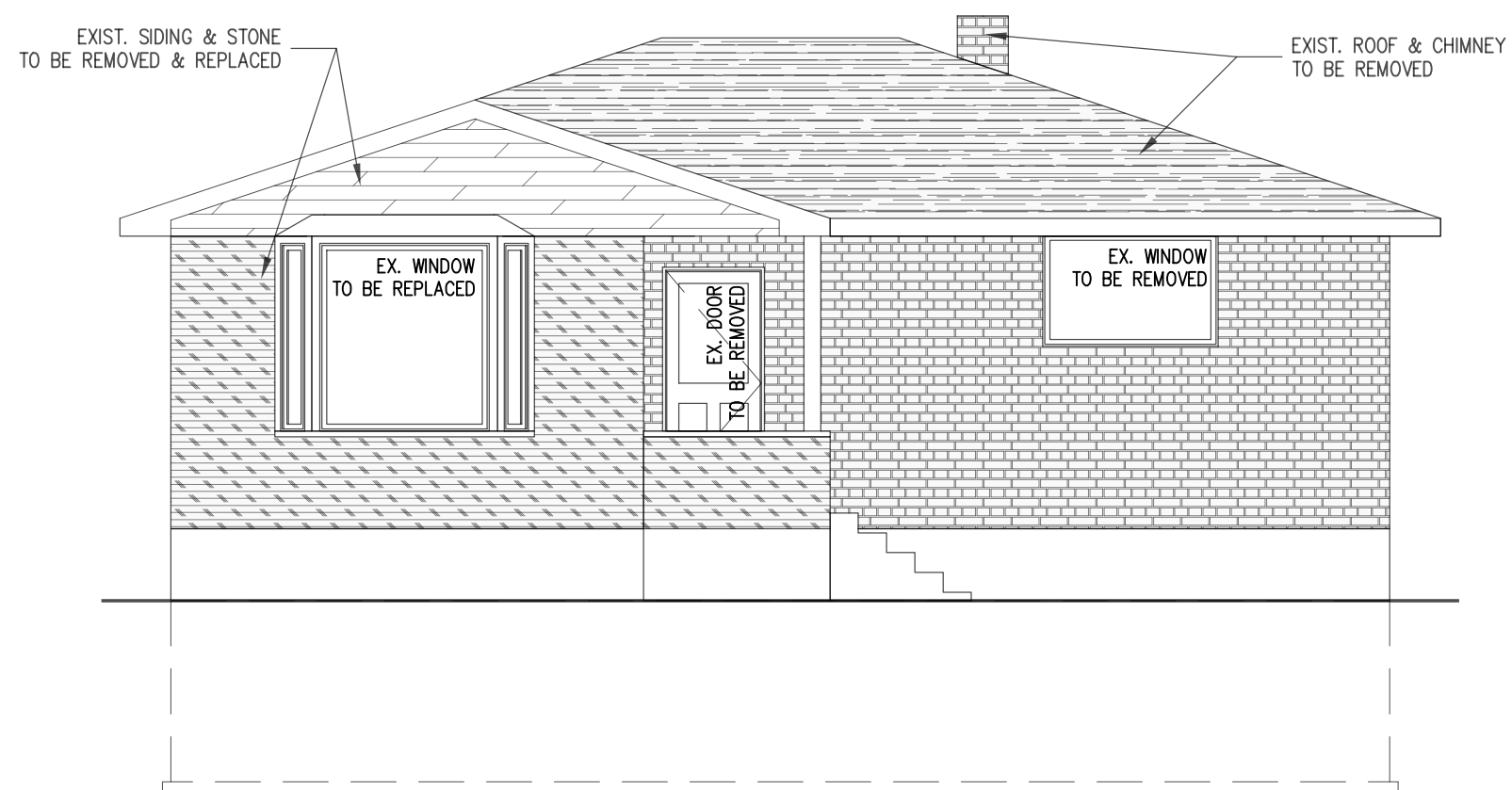
PROPOSED GARAGE ADDITION: 53.4m²
 PROPOSED FRONT PORCH & STAIRS: 5.3m²
 TOTAL PROPOSED BUILDING AREA: 58.7m²

PROPOSED INCREASE: 49.7%

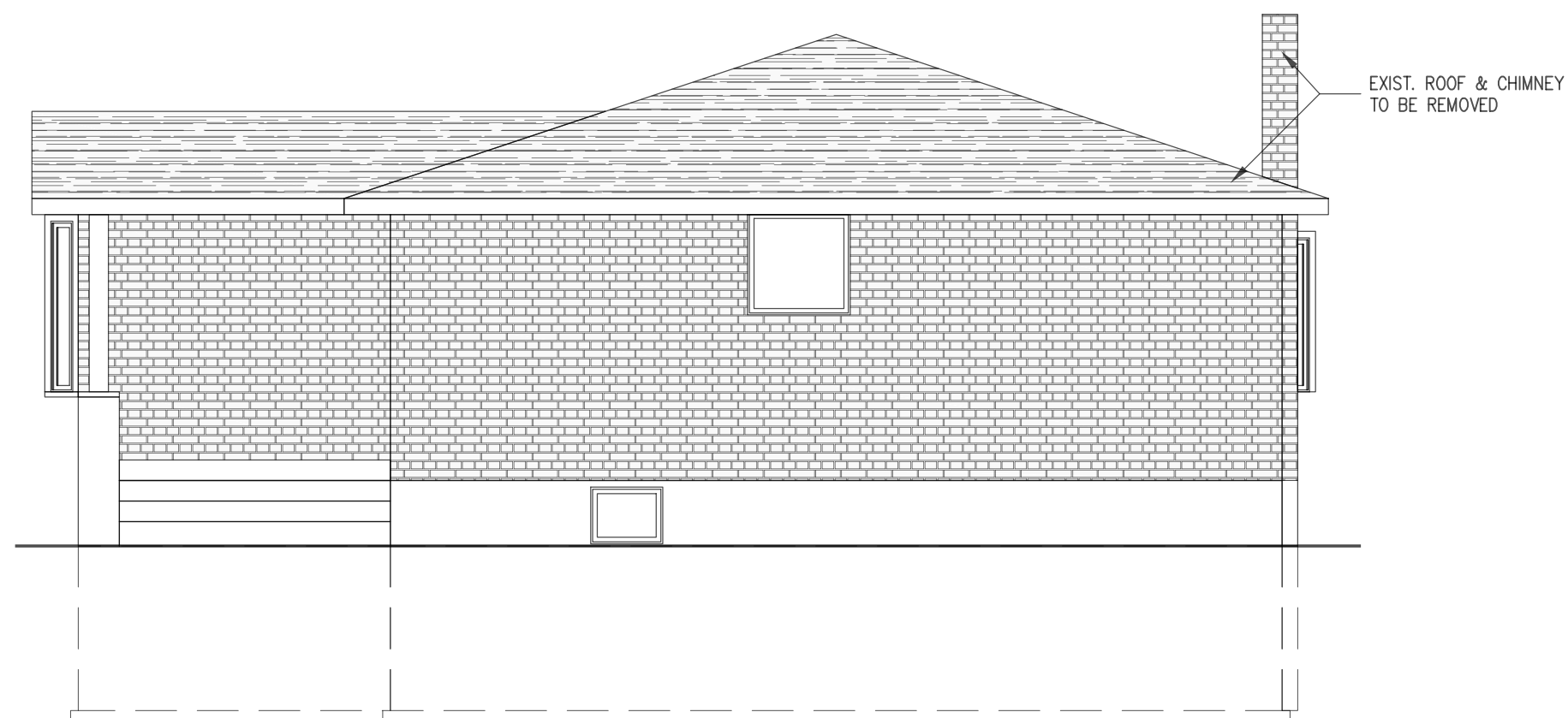
NOTE: LOT PLAN BASED ON SURVEY CONDUCTED BY SIDNEY W. WOODS - SURVEYOR & ENGINEER DATED: JULY 16, 1956. PLAN SHOWING LOTS 39 & 40 IN OAKHILL PLACE. REGISTERED PLAN No. 783 IN THE TOWNSHIP OF ANCASTER.

1 LOT PLAN

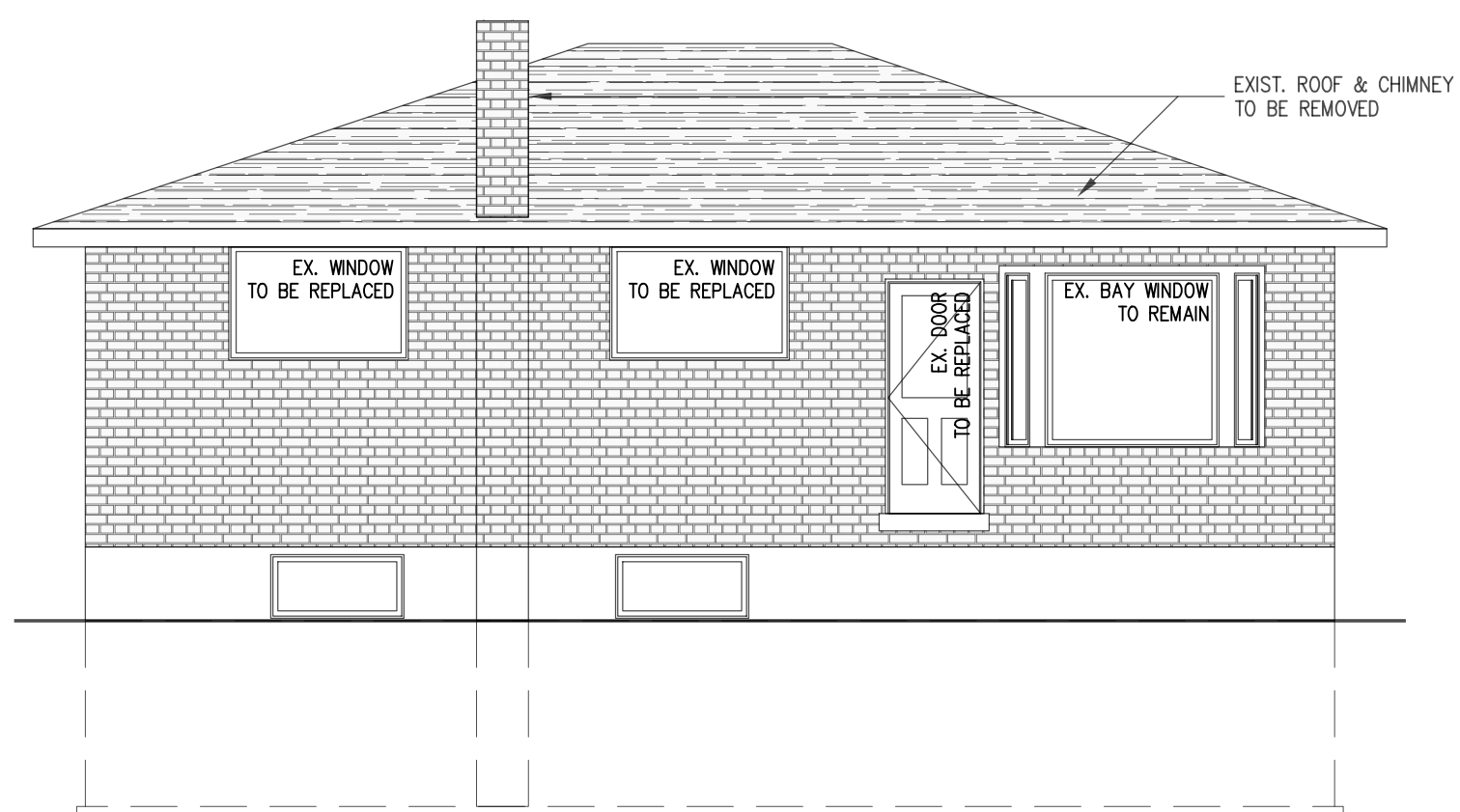
Scale: 1/16" = 1'-0"



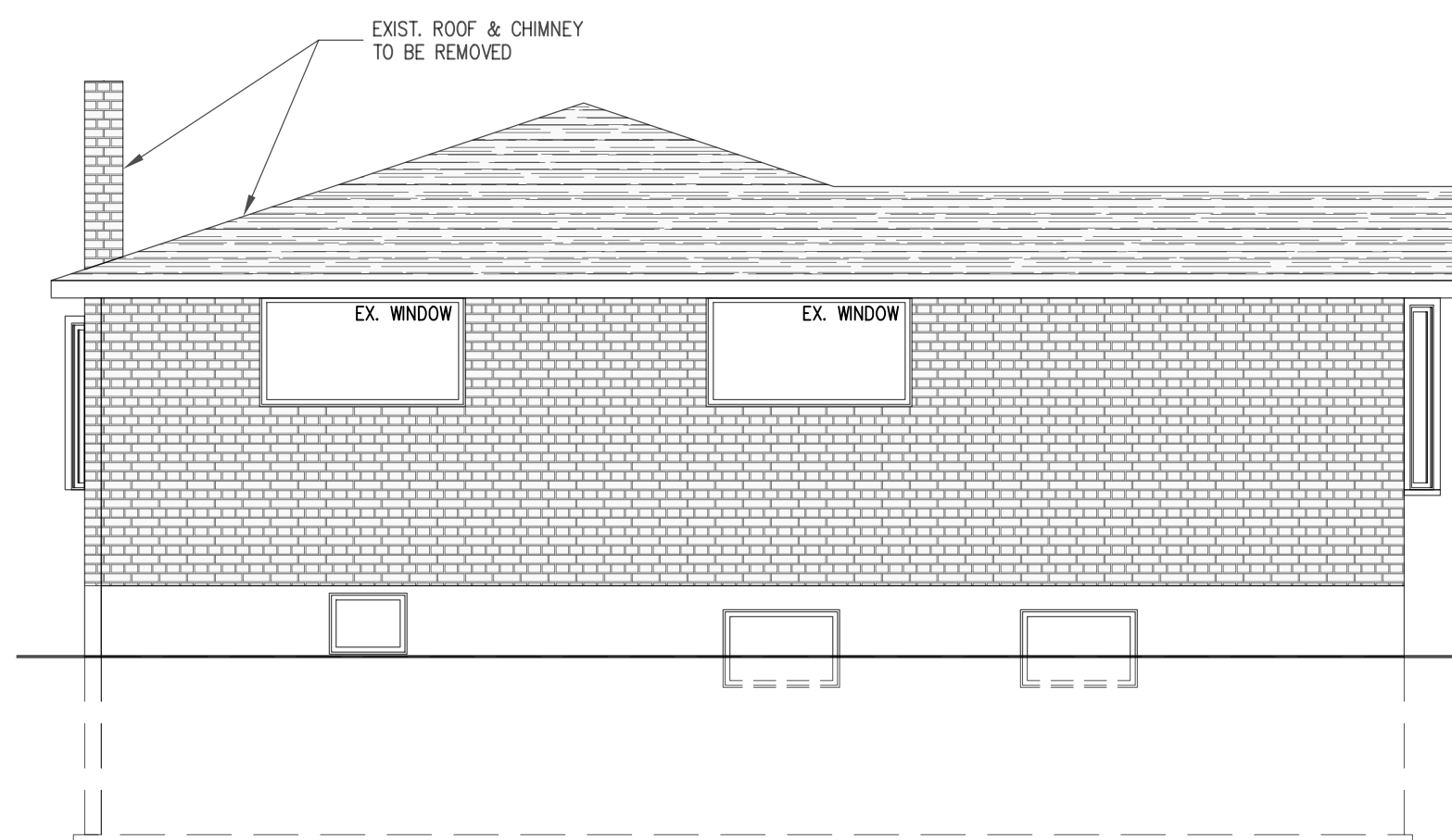
1 EX. FRONT ELEVATION
Scale: 3/16" = 1'-0"



2 EX. SIDE ELEVATION
Scale: 3/16" = 1'-0"



3 EX. REAR ELEVATION
Scale: 3/16" = 1'-0"



4 EX. SIDE ELEVATION
Scale: 3/16" = 1'-0"

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| 7 | 11JAN21 | REVISED PER COMMENTS |
| 6 | 03DEC20 | REVISED LOT PLAN |
| 5 | 16NOV20 | REVISED LOT PLAN |

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

VARGA RESIDENCE
ADDITION & RENOVATION

193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2

DRAWING TITLE

EXISTING ELEVATIONS

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



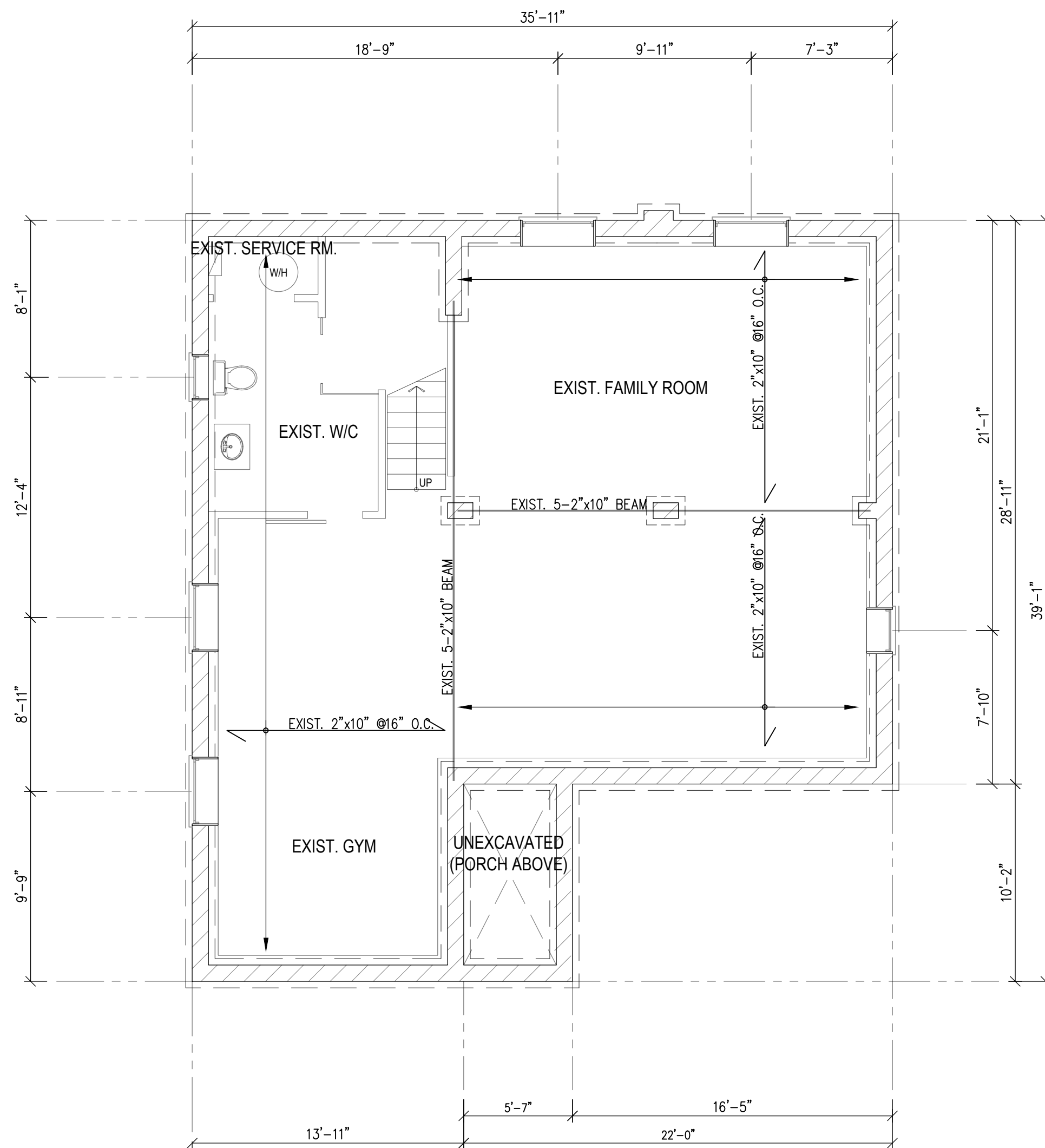
PROJECT NO.

19-290

SHEET NO.

A1.02

7



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION
 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

EXISTING BASEMENT PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

19-290

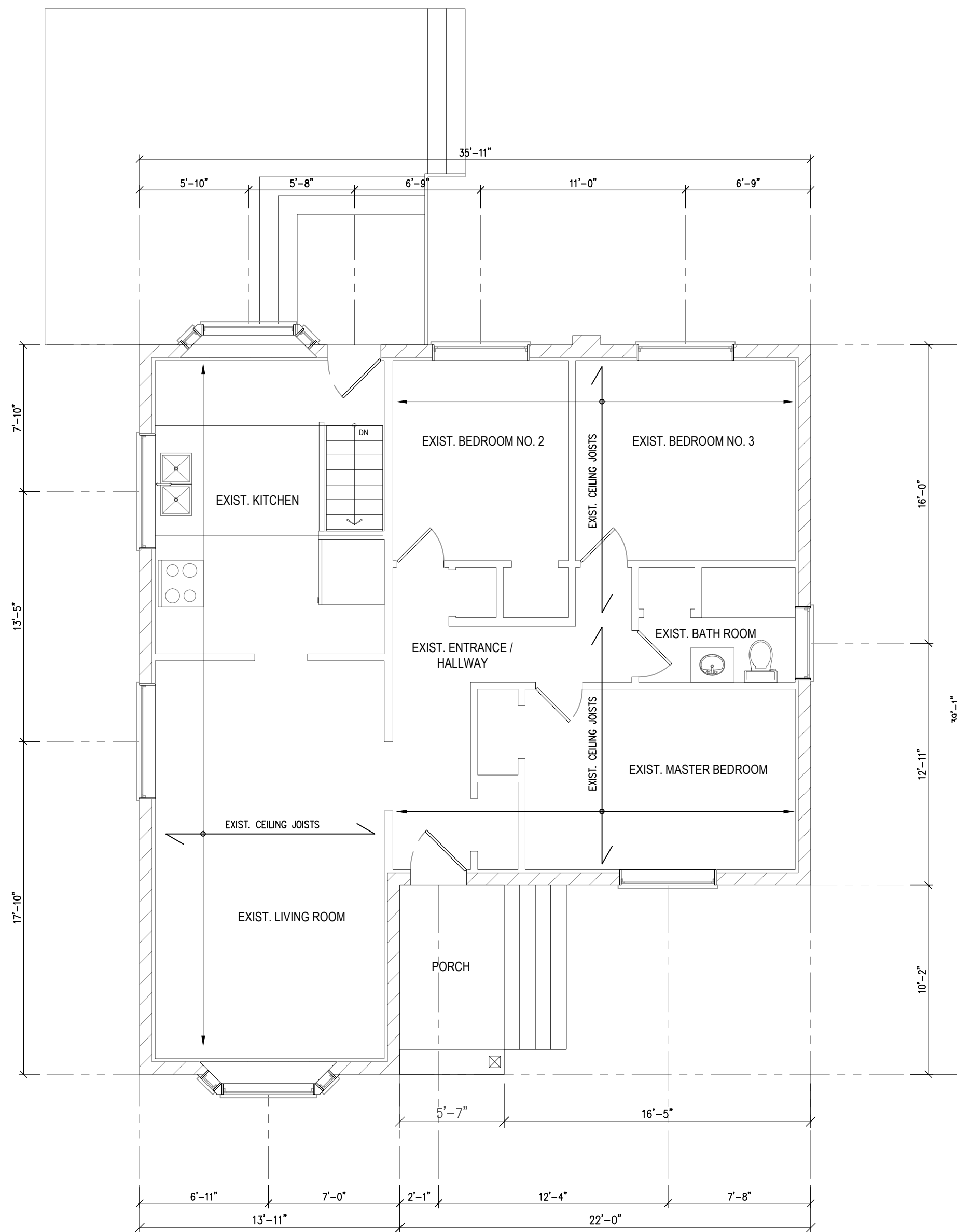
SHEET NO.

A1.03

1 EX. BASEMENT PLAN

Scale: 3/16" = 1'-0"

7



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

EXISTING GROUND FLOOR PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

19-290

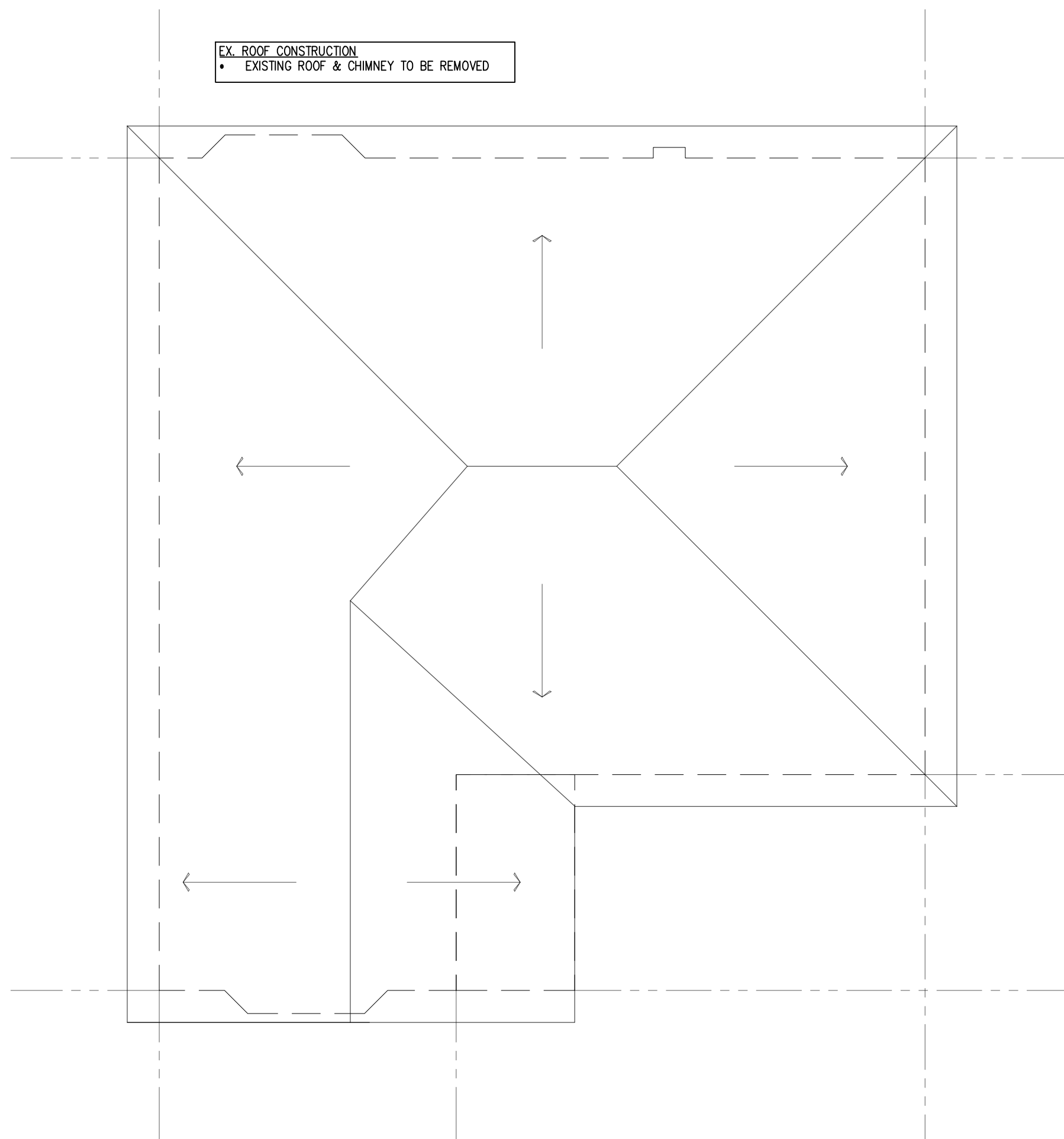
SHEET NO.

A1.04

1 EX. GROUND FLOOR PLAN

Scale: 3/16" = 1'-0"

7



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PROJECT TITLE
**VARGA RESIDENCE
 ADDITION & RENOVATION**
 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE
EXISTING ROOF PLAN

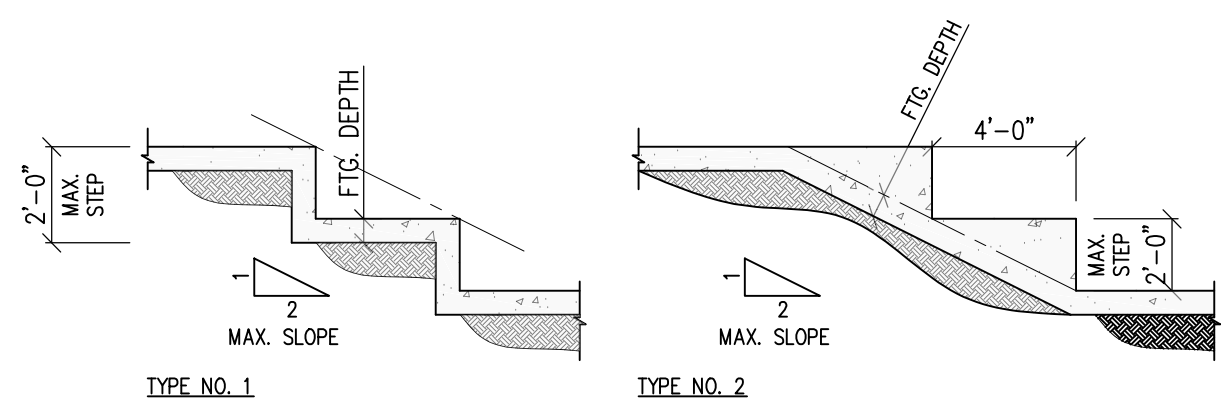
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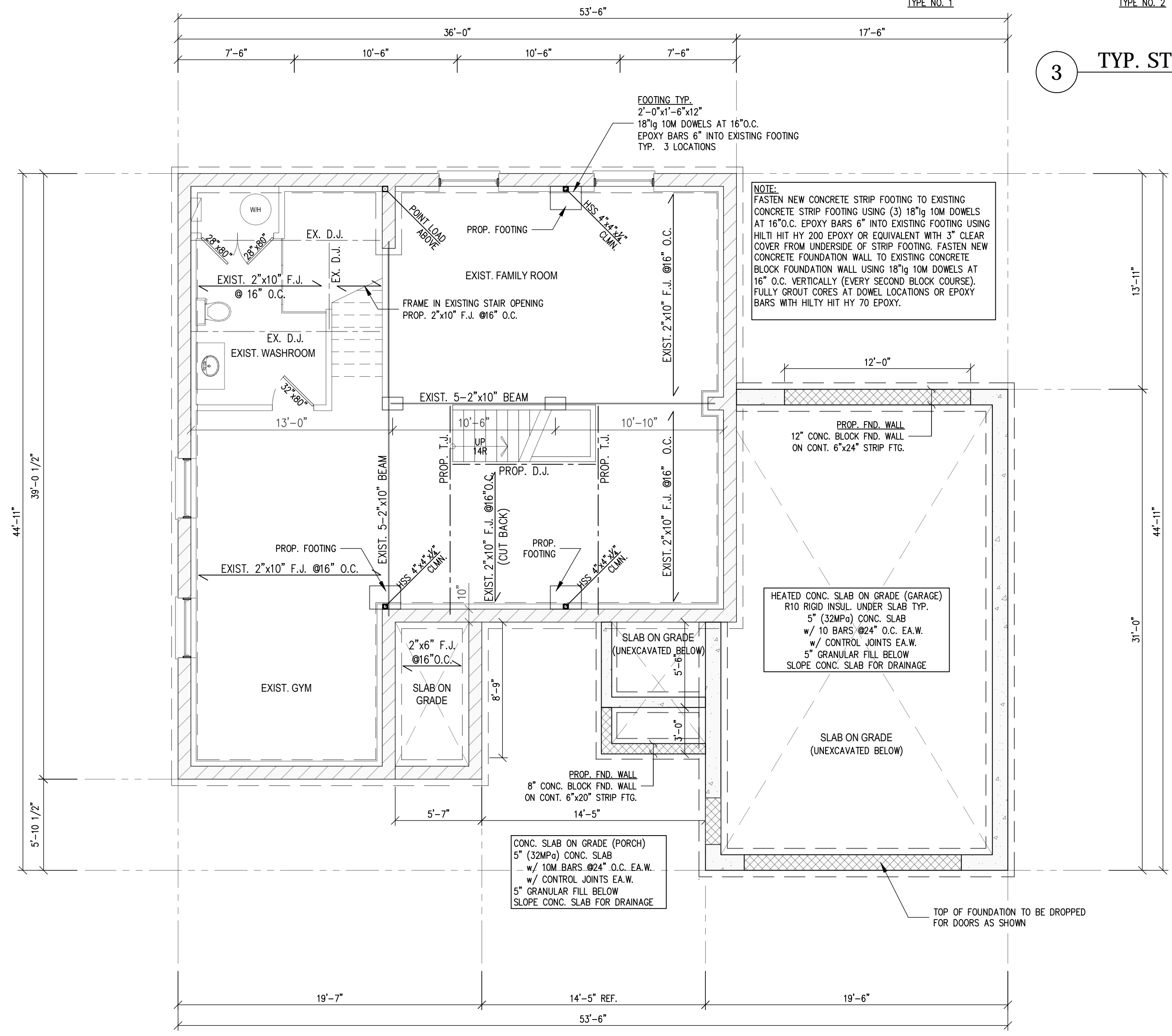
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| PROJECT NO. | SHEET NO. |
| 19-290 | A1.05 |

1 EX. ROOF PLAN
 Scale: 3/16" = 1'-0"

NOTE:
CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF THE FOUR (4) PROPOSED STEEL COLUMNS TO CONFIRM THE BASEMENT BEARING CONDITION RELATIVE TO THE FOUNDATION WALL.
NOTIFY ZOLTAN ENGINEERING IF LOCATION DIFFERS THAN SHOWN.



3 TYP. STEPPED FOOTING
N.T.S.



NOTE:
FASTEN NEW CONCRETE STRIP FOOTING TO EXISTING CONCRETE STRIP FOOTING USING (3) 18# 10M DOWELS AT 16" O.C. EPOXY BARS 6" INTO EXISTING FOOTING USING HILTI HIT HY 200 EPOXY OR EQUIVALENT WITH 3" CLEAR COVER FROM UNDERSIDE OF STRIP FOOTING. FASTEN NEW CONCRETE FOUNDATION WALL TO EXISTING CONCRETE BLOCK FOUNDATION WALL USING 18# 10M DOWELS AT 16" O.C. VERTICALLY (EVERY SECOND BLOCK COURSE). FULLY GROUT CORES AT DOWEL LOCATIONS OR EPOXY BARS WITH HILTI HIT HY 70 EPOXY.

CONC. SLAB ON GRADE (PORCH)
5" (32MPa) CONC. SLAB
w/ 10M BARS @ 24" O.C. EA.W.
w/ CONTROL JOINTS EA.W.
5" GRANULAR FILL BELOW
SLOPE CONC. SLAB FOR DRAINAGE

HEATED CONC. SLAB ON GRADE (GARAGE)
R10 RIGID INSUL. UNDER SLAB TYP.
5" (32MPa) CONC. SLAB
w/ 10 BARS @ 24" O.C. EA.W.
w/ CONTROL JOINTS EA.W.
5" GRANULAR FILL BELOW
SLOPE CONC. SLAB FOR DRAINAGE

1 PROP. FOUNDATION PLAN
Scale: 3/16" = 1'-0"

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PROJECT TITLE
**VARGA RESIDENCE
ADDITION & RENOVATION**
193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2

DRAWING TITLE
PROP. FOUNDATION PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO. 19-290
SHEET NO. A1.06

GUARDS - O.B.C. 9.8.8.

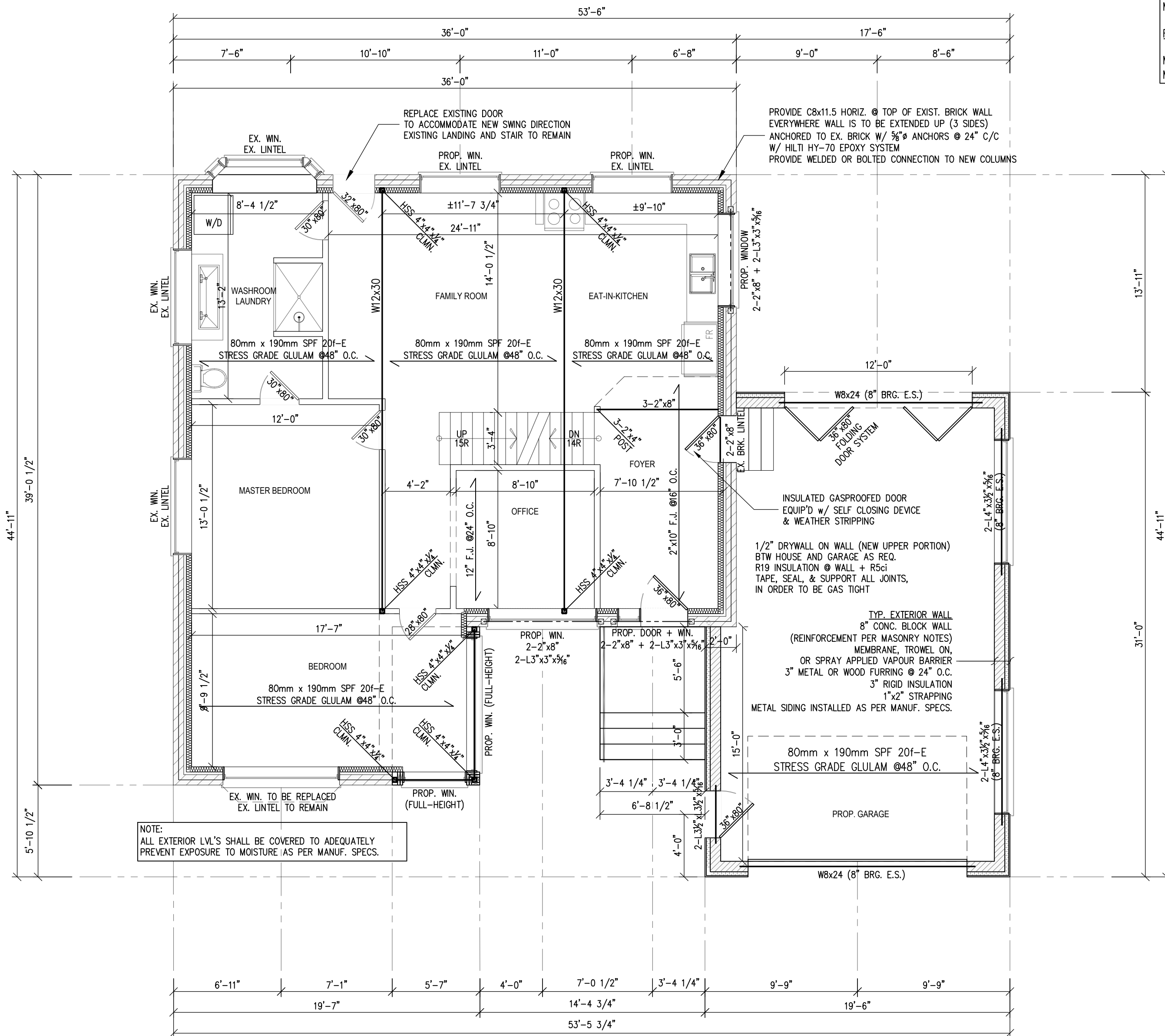
INTERIOR GUARDS: 3'-0" MIN.
 EXTERIOR GUARDS: 3'-6" MIN.
 FINISHED RAILING PICKETS SPACED
 MAXIMUM 4" BETWEEN PICKETS
 NO MEMBER OR ATTACHMENT BTW 4" &
 3'-0" HIGH SHALL FACILITATE CLIMBING.

**ALL STAIRS/EXTERIOR STAIRS
 -OBC. 9.8.-**

MAX RISE -7 7/8"
 MIN. RUN -8 1/4"
 MIN. TREAD -9 1/4"
 MAX. NOSING -1"
 MIN. HEADROOM -6'-5"
 RAIL @ LANDING -2'-11"
 RAIL @ STAIR -2'-8"
 MIN STAIR WIDTH -2'-10"

FOR CURVED STAIRS

MIN AVG. RUN -6"
 MIN. RUN -8"



NOTE:
 ALL EXTERIOR LVL'S SHALL BE COVERED TO ADEQUATELY
 PREVENT EXPOSURE TO MOISTURE AS PER MANUF. SPECS.

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 ADDITION & RENOVATION**
 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

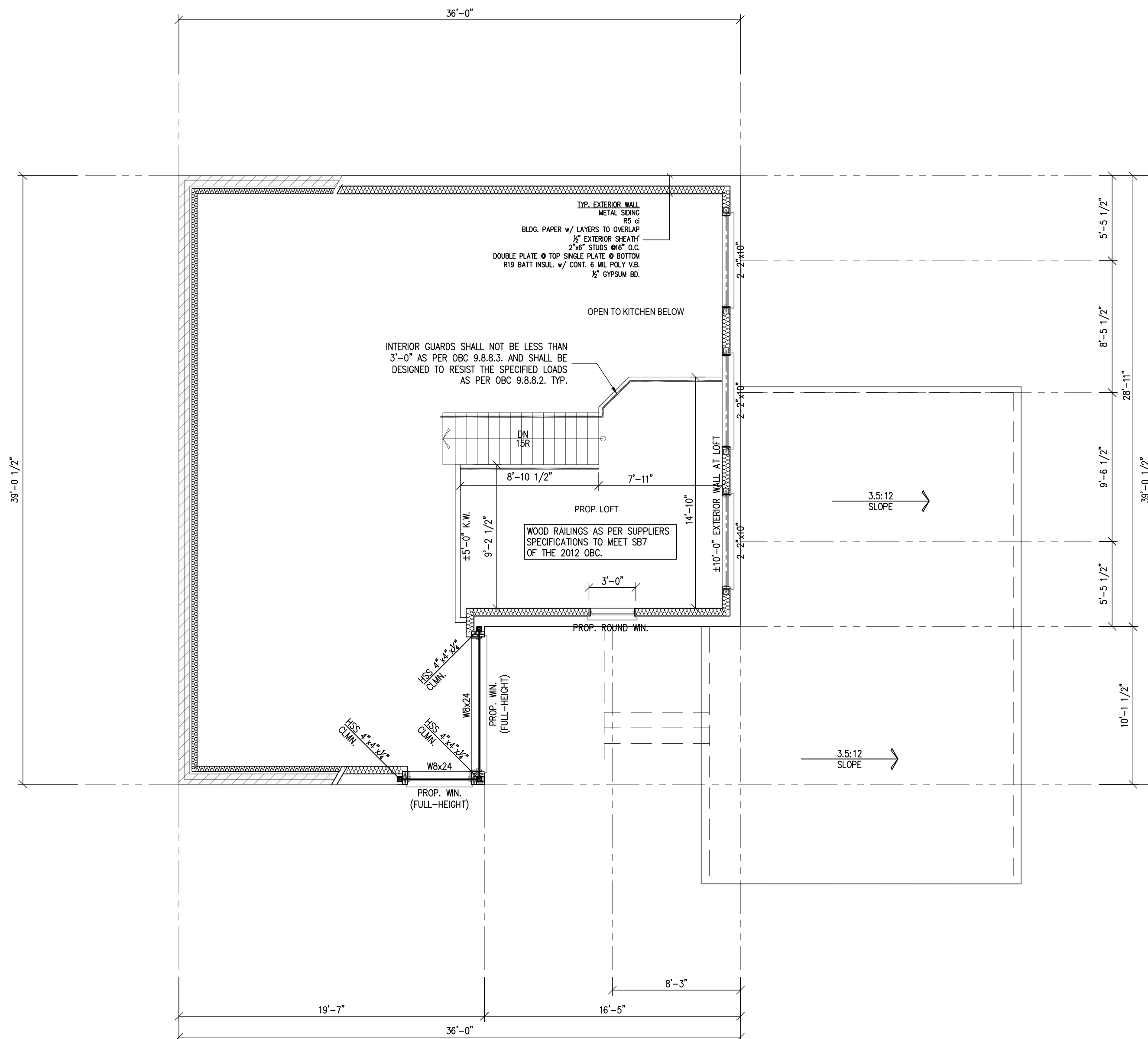
DRAWING TITLE
PROP. GROUND FLOOR PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO. 19-290
 SHEET NO. A1.07

1 PROP. GROUND FLOOR PLAN
 Scale: 3/16" = 1'-0"



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

PROP. LOFT PLAN

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

19-290

SHEET NO.

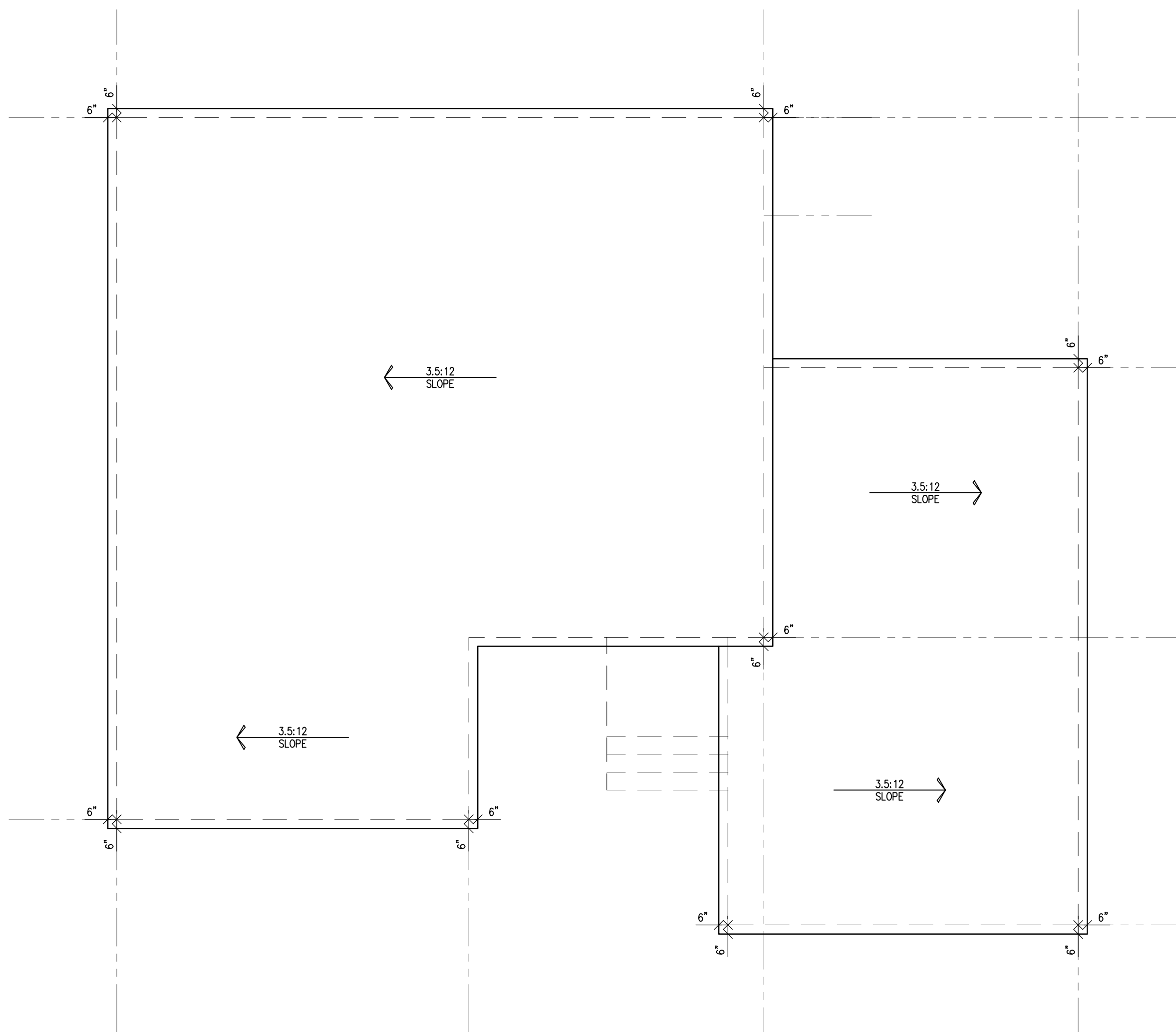
A1.08

1 PROP. LOFT PLAN

Scale: 3/16" = 1'-0"

7

- PROP. ROOF CONSTRUCTION**
- STANDING SEAM ROOF INSTALLED AS PER MANUF. SPECS.
 - ROOF FRAMING AS PER PLAN
 - APPROVED EAVES PROTECTION TO EXTEND MIN. 3'-0" UP ROOF SURFACE TO LINE NOT LESS THAN 12" BEYOND INNER FACE OF EXTERIOR WALL.
 - PREFINISHED ALUMINUM R.W.L. & GUTTERS ON ALUMINUM FASCIA & SOFFIT.



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PROJECT TITLE

VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

PROP. ROOF PLAN

| | |
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| CHECKED | ZL |



PROJECT NO.

19-290

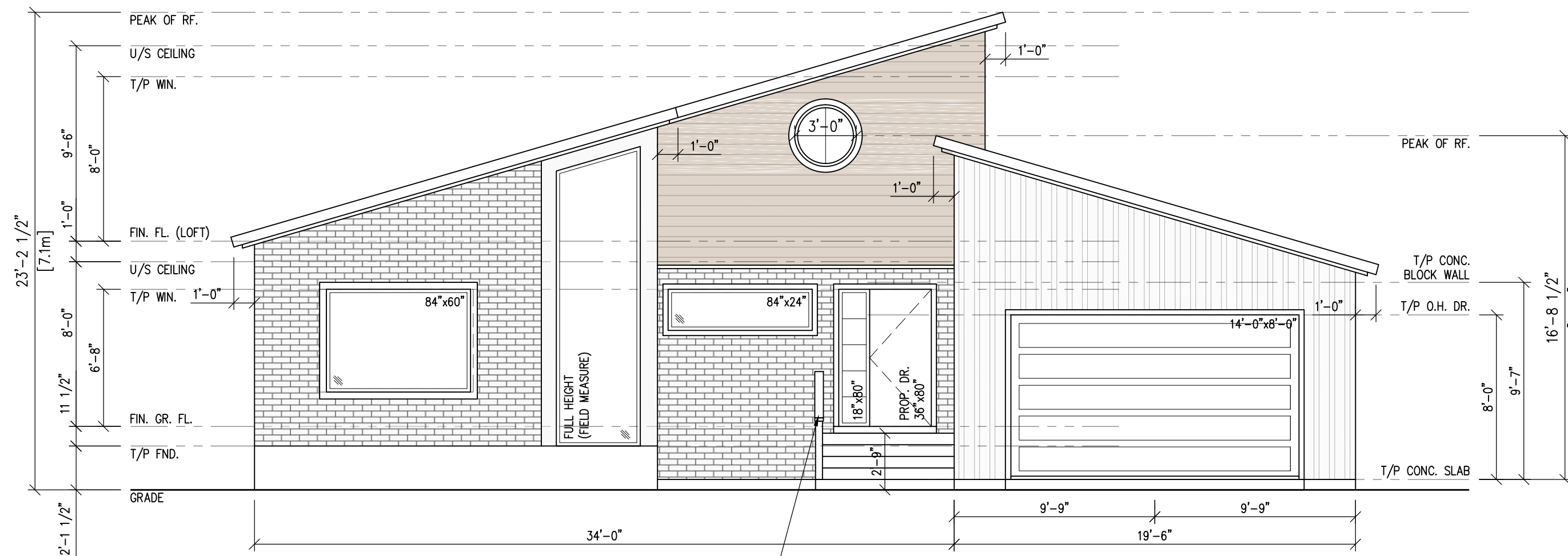
SHEET NO.

A1.09

1 PROP. ROOF PLAN

Scale: 3/16" = 1'-0"

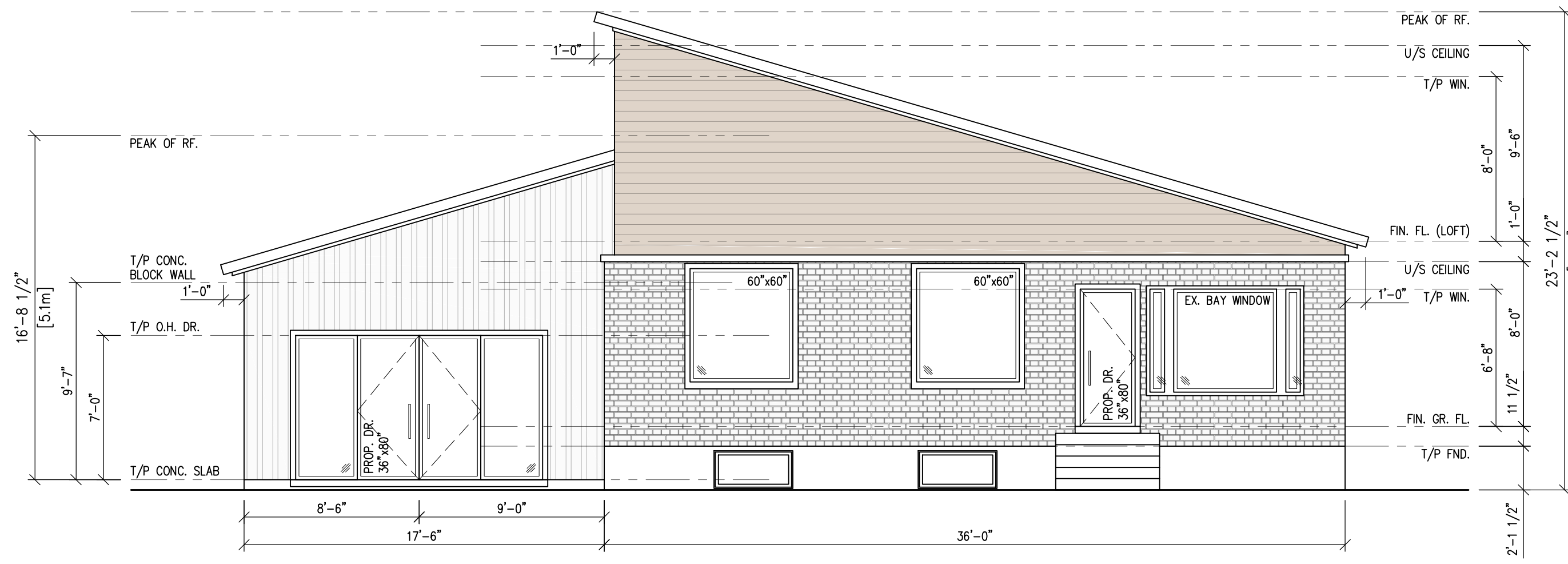
7



EXTERIOR WOOD GUARDS SHALL NOT BE LESS THAN 3'-0" AS PER OBC 9.8.8.3. AND SHALL BE DESIGNED TO RESIST THE SPECIFIED LOADS AS PER OBC 9.8.8.2. TYP.

WOOD RAILINGS AS PER SUPPLIERS SPECIFICATIONS TO MEET SB7 OF THE 2012 OBC.

1 FRONT ELEVATION
Scale: 3/16" = 1'-0"



2 REAR ELEVATION
Scale: 3/16" = 1'-0"

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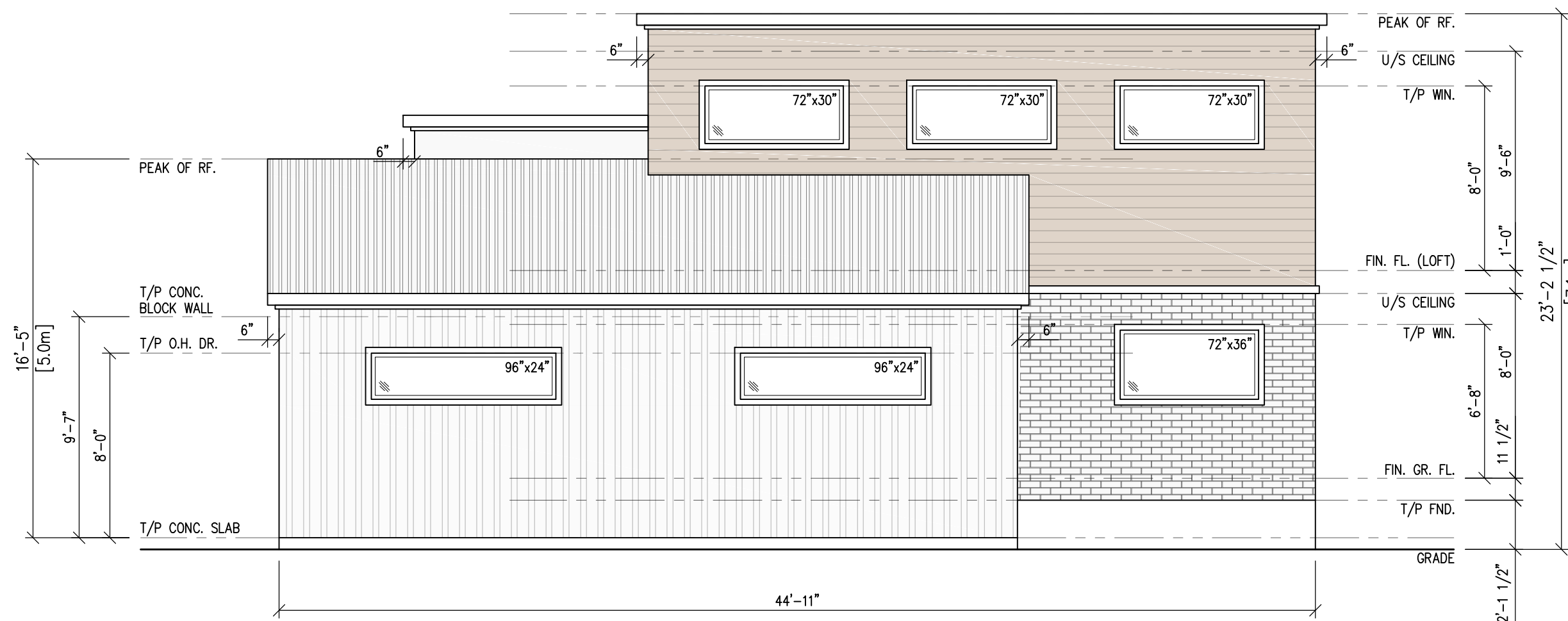
PROJECT TITLE
**VARGA RESIDENCE
 ADDITION & RENOVATION**
 193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE
**FRONT & REAR
 ELEVATIONS**

| | |
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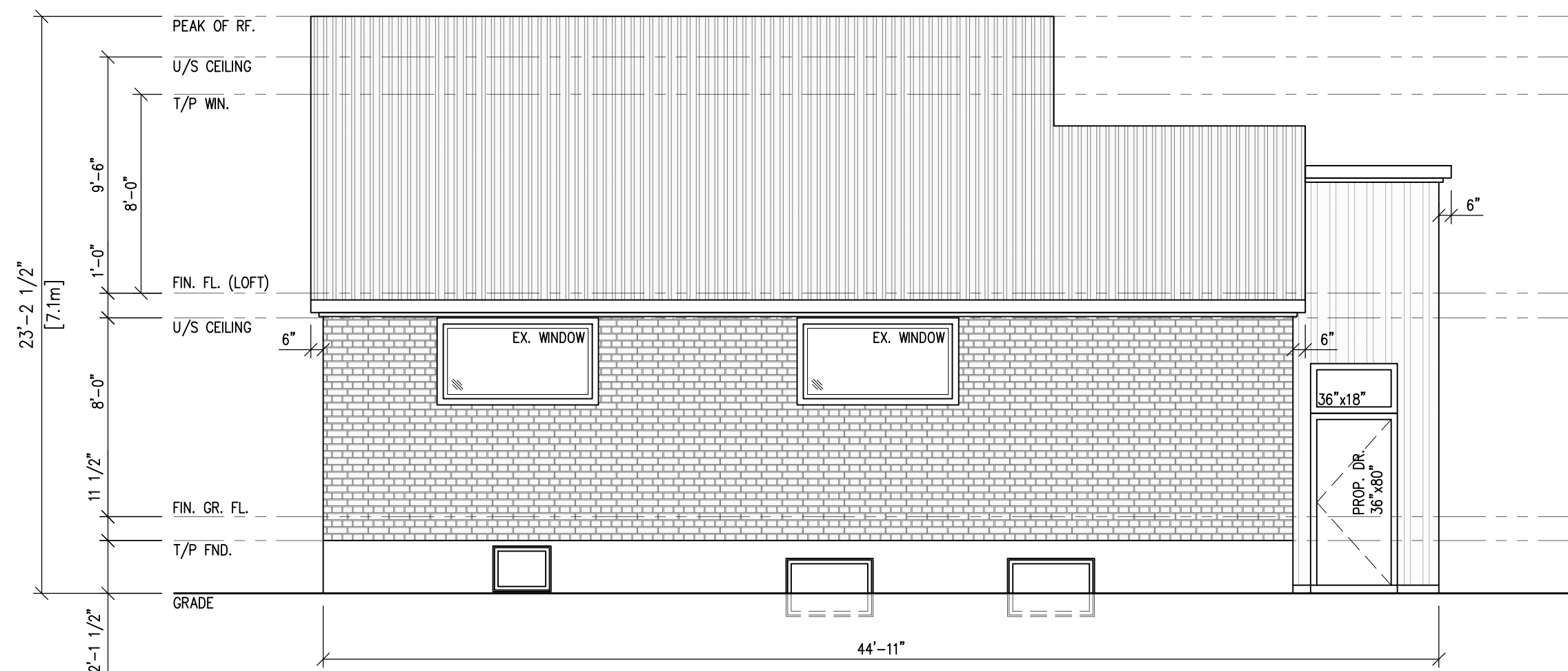


PROJECT NO. **19-290** SHEET NO. **A1.10**



1 SIDE ELEVATION

Scale: 3/16" = 1'-0"



2 SIDE ELEVATION

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VARGA RESIDENCE
 ADDITION & RENOVATION

193 COLLEEN CRESCENT
 ANCASTER, ON, L9G 1J2

DRAWING TITLE

SIDE ELEVATIONS

| | |
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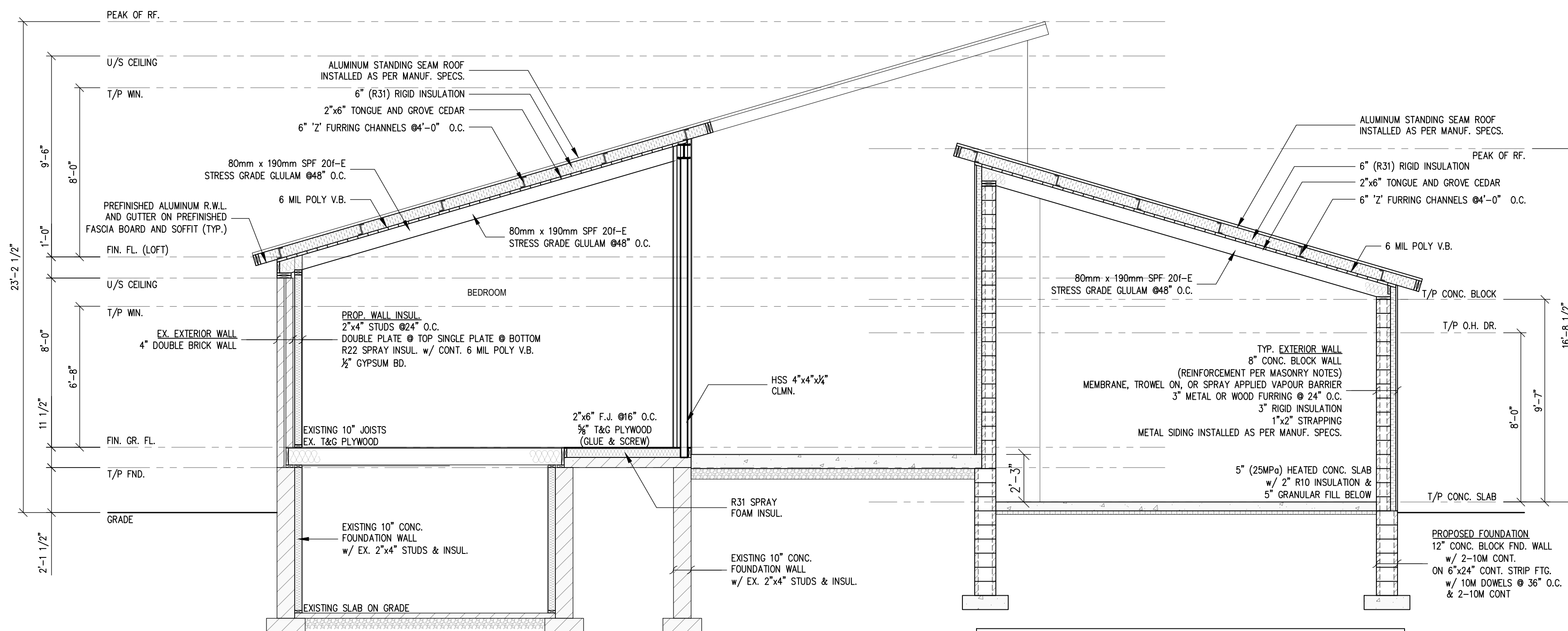


PROJECT NO.

19-290

SHEET NO.

A1.11



1 SECTION THROUGH PORCH
Scale: 1/4" = 1'-0"

NOTE:
FASTEN NEW CONCRETE STRIP FOOTING TO EXISTING CONCRETE STRIP FOOTING USING (3) 18"lg 10M DOWELS AT 16"O.C. EPOXY BARS 6" INTO EXISTING FOOTING USING HILTI HIT HY 200 EPOXY OR EQUIVALENT WITH 3" CLEAR COVER FROM UNDERSIDE OF STRIP FOOTING. FASTEN NEW CONCRETE FOUNDATION WALL TO EXISTING CONCRETE BLOCK FOUNDATION WALL USING 18"lg 10M DOWELS AT 16" O.C. VERTICALLY (EVERY SECOND BLOCK COURSE). FULLY GROUT CORES AT DOWEL LOCATIONS OR EPOXY BARS WITH HILTI HIT HY 70 EPOXY.

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ADDITION & RENOVATION**

193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2

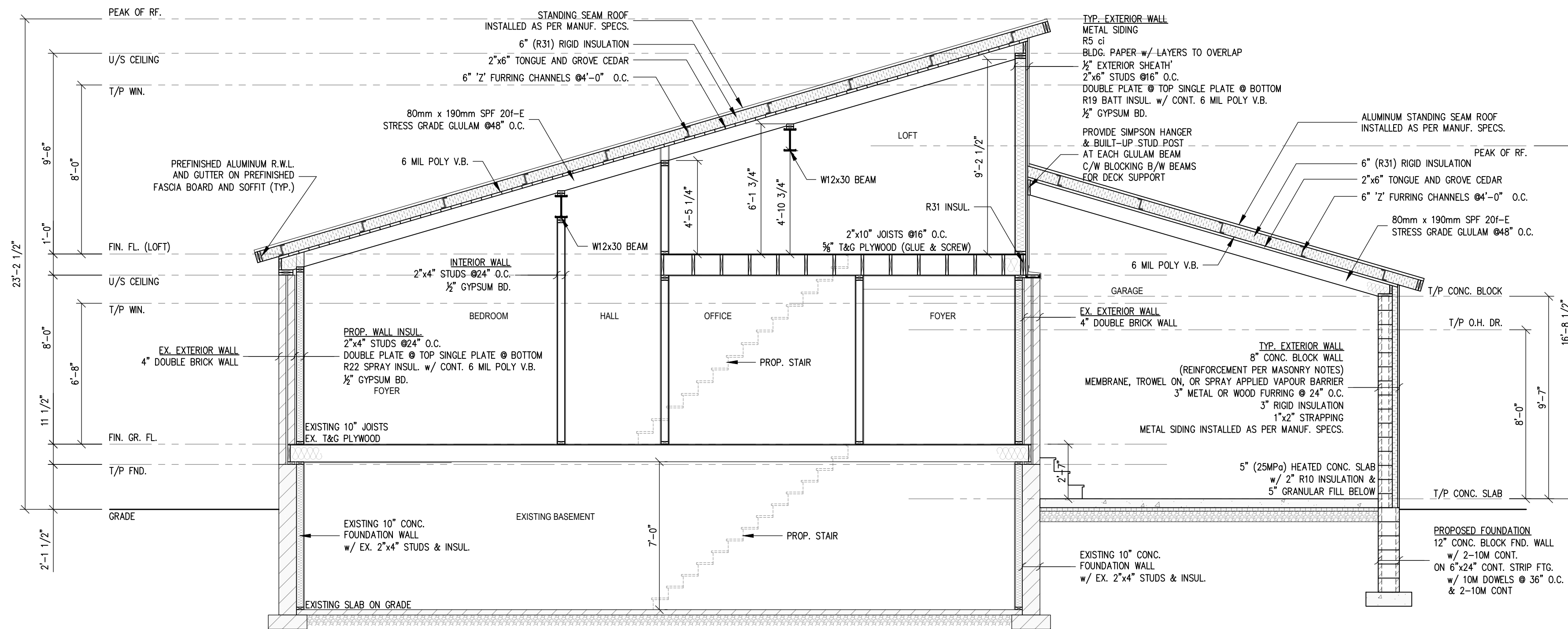
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SECTION

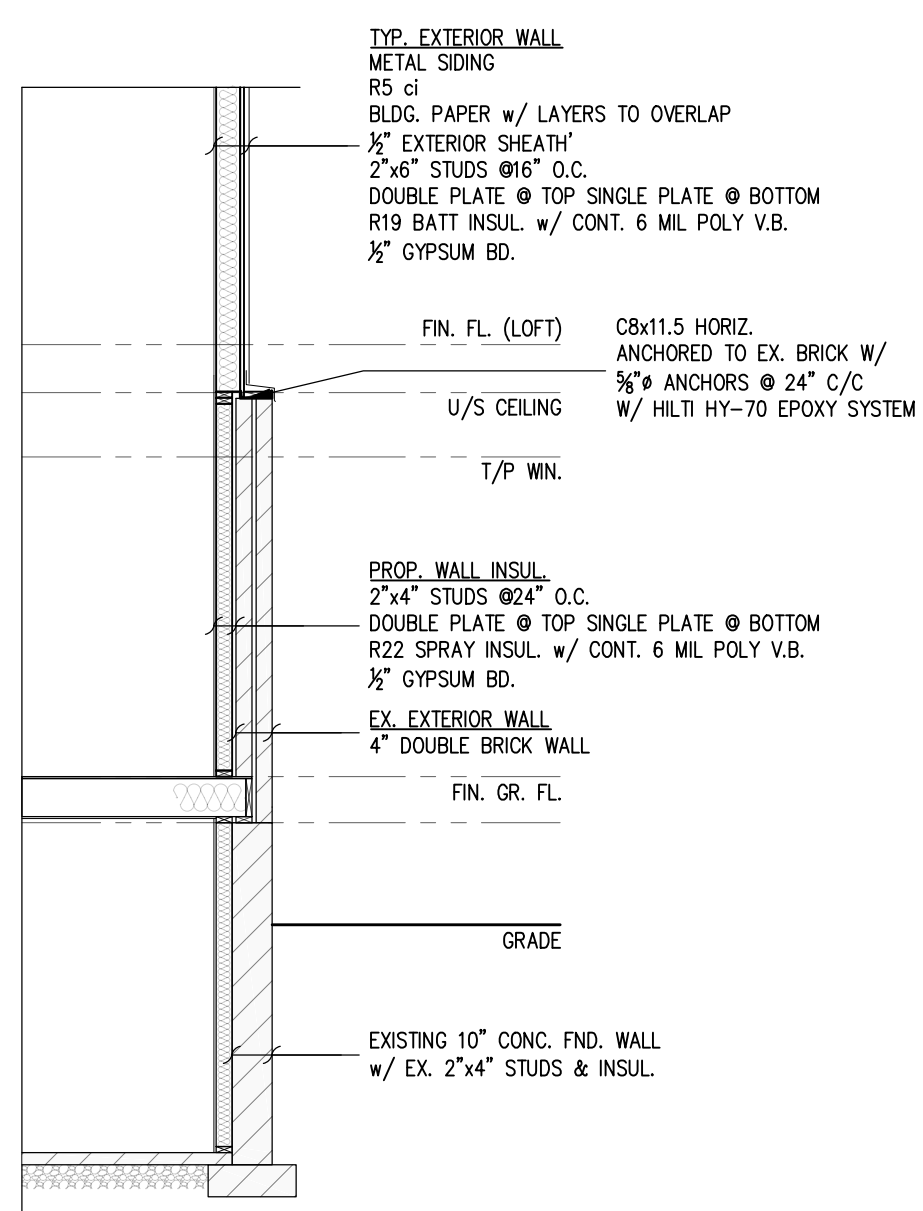
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| CHECKED | ZL |



PROJECT NO. 19-290
SHEET NO. A1.12 7



1 SECTION THROUGH LOFT
Scale: 1/4" = 1'-0"



2 SECTION
Scale: 1/4" = 1'-0"

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY ERRORS AND OMISSIONS TO THE ENGINEER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED AS "ISSUED FOR CONSTRUCTION", CERTIFIED AND DATED.

| REV. | DATE | REMARKS |
|------|---------|----------------------|
| 7 | 11JAN21 | REVISED PER COMMENTS |
| 6 | 03DEC20 | REVISED LOT PLAN |
| 5 | 16NOV20 | REVISED LOT PLAN |

ZOLTAN ENGINEERING

25-4380 SOUTH SERVICE ROAD
BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE
**VARGA RESIDENCE
ADDITION & RENOVATION**
**193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2**

DRAWING TITLE
SECTIONS

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO. 19-290
SHEET NO. A1.13

GENERAL

- THE DESIGN AND CONSTRUCTION OF ALL WORK ON THIS PROJECT IS TO CONFORM TO THE ONTARIO BUILDING CODE – 2012 INCLUDING ALL AMENDMENTS, AND THE RELEVANT LISTED CSA STANDARDS INCLUDING THE LATEST REVISIONS.
- READ STRUCTURAL DRAWINGS IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL AND SERVICES DRAWINGS AND OTHER CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONED DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- DO NOT EXCEED DESIGN LIVE LOAD DURING CONSTRUCTION.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS – O.REG. 213/91.
- SITE VISITS AND REVIEWS BY THE DESIGN ENGINEER OR REPRESENTATIVE ARE INTENDED FOR THE PURPOSE OF ASCERTAINING GENERAL CONFORMANCE WITH THE DESIGN CONCEPT. THE SITE REVIEWS DO NOT MEAN THAT THE DESIGN ENGINEER HAS SEEN ALL OF THE CONSTRUCTION OR CONSTRUCTION PROCEDURES.
- REVIEW OF CONSTRUCTION BY THE DESIGN ENGINEER DOES NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY FOR ERRORS AND OMISSIONS AND FOR MEETING ALL THE REQUIREMENTS OF THE CONSTRUCTION AND CONTRACT DOCUMENTS.
- THE CONTRACTOR IS RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE REMOVAL OF FINISHES REQUIRED FOR INSPECTIONS OR TESTING THAT IS COVERED BEFORE INSPECTIONS ARE COMPLETED.
- SUBSTITUTIONS FROM SPECIFIED PRODUCTS AND MATERIALS MUST BE APPROVED BY THE ENGINEER PRIOR TO ORDERING OF MATERIALS. THE CONTRACTOR SHALL REIMBURSE ALL CONSULTANT FOR ADDITIONAL COSTS INCURRED AS A RESULT OF REVIEWING ANY CHANGES MADE TO THE CONTRACT DOCUMENTS.
- IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO DESIGN ALL SHORING AND TEMPORARY BRACING PER O.REG 213/91 AND THE CONTRACTOR SHALL RETAIN AN ENGINEER AS REQUIRED.

FOUNDATIONS

- ALL FOOTINGS SHALL BE FOUNDED ON NATURALLY CONSOLIDATED UNDISTURBED SOIL CAPABLE OF SUSTAINING A LOAD (SEE PLAN) AT LEAST 2'-6" (750 MM) BELOW ORIGINAL (NOT FILL) GRADE.
- FOOTING ELEVATIONS ARE BASED ON ESTIMATE ONLY, IF UPON EXCAVATING TO THE SPECIFIED ELEVATIONS IT IS FOUND THAT THE ABOVE CONDITIONS ARE NOT MET OR THAT THEY HAVE BEEN MET AT HIGHER ELEVATIONS, THE FOOTING ELEVATION MAY BE ADJUSTED WITH THE ENGINEER'S PERMISSION.
- MINIMUM DEPTH FOR EXTERIOR FOOTINGS IS 4'-0" (1200 MM) BELOW FINISHED GRADE.
- CENTER ALL CAPS AND FOOTINGS UNDER COLUMNS EXCEPT AS NOTED OTHERWISE ON THE PLANS.
- DURING COLD WEATHER, PROTECT SOIL BENEATH AND ADJACENT TO FOOTINGS FROM FREEZING.
- UNLESS SPECIFIED BY THE ENGINEER, DO NOT EXCEED A RISE OF 7" IN A RUN OF 10" IN THE LINE OF SLOPE BETWEEN ADJACENT FOOTINGS EXCAVATIONS OR ALONG STEPPED FOOTINGS. USE STEPS NOT EXCEEDING 500MM (24") IN HEIGHT AND NOT LESS THAN 1200 MM (48") IN LENGTH.
- WHERE NECESSARY, THE CONTRACTOR SHALL LOWER FOOTINGS TO ACCOMMODATE DRAIN LINES, ETC.
- DO NOT PLACE BACKFILL AGAINST WALLS RETAINING EARTH (UNLESS DESIGNED FOR CANTILEVER) UNTIL FLOOR CONSTRUCTION AT TOP AND BOTTOM OF THE WALLS IS POURED AND SET.
- BACKFILLING AGAINST FOUNDATION WALLS TO BE DONE SO THAT THERE IS NEVER MORE THAN 1'-6" (450 MM) DIFFERENCE IN LEVEL, ONE SIDE TO THE OTHER, EXCEPT AS NOTED IN PARAGRAPH 8, ABOVE.
- WHERE SLAB ON GRADE IS USED TO TIE THE TOP OF THE WALL RETAINING EARTH, ADEQUATE SHORING AND BRACING MUST BE PROVIDED WHILE FILL IS BEING PLACED AND COMPACTED, AND MUST BE LEFT IN PLACE UNTIL SLAB IS POURED AND GAINED 75% OF ITS ULTIMATE STRENGTH.
- ANCHOR ALL CONCRETE BLOCK FOUNDATION WALLS TO CONCRETE PIERS WITH 2-10M X 4'-0" (1200MM) EVERY SECOND BLOCK COURSE. CAVITIES WITH BARS FILLED SOLID WITH GROUT.
- ALL WALL FOOTING 4" (100MM) PROJECTION AND 8" (200MM) DEPTH UNLESS NOTED OTHERWISE ON PLANS.

CLADDING

- ALL APPLICATIONS OF CLADDING SHALL CONFORM TO SECTION 9.27 OF THE ONTARIO BUILDING CODE (2012).
- INSTALLATION OF CLADDING SHALL CONFORM TO THE MANUFACTURERS SPECIFICATIONS. THESE INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:
 - SEALING
 - FASTENING
 - AIR GAPS
 - OVERLAPS
 - PENETRATIONS

CONCRETE

- ALL CONCRETE WORK TO CONFORM TO CSA STANDARDS A23.1-14, A23.2-14, & A23.3-14
- CONCRETE FLOOR AND FOUNDATIONS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 25 MPA AT 28 DAYS UNLESS NOTED OTHERWISE ON PLANS.
- ALL REINFORCING STEEL SHALL CONFORM TO CSA SPECIFICATION G30.18-M92 GRADE 400. FOR CONCRETE PROTECTION TO BARS SEE PLAN.
- SPACING AND CONCRETE COVER FOR REINFORCING STEEL SHALL CONFORM TO CSA A23.1 & CSA A23.2 UNLESS NOTED OTHERWISE:
 - CONCRETE CAST AGAINST EARTH: 75MM (3")
 - PIERS AND WALL: 40MM (1½")
 - EXPOSED TO DE-ICING CHEMICALS: 60MM (2½")
 - INTERIOR SLABS AND BEAMS: (1½")
- CONCRETE PROPERTIES:
 - ALL CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 25 MPA MINIMUM UNLESS OTHERWISE SPECIFIED.
 - EXTERIOR CONCRETE SLABS TO BE CLASS C-2 CONCRETE (28 DAY COMPRESSIVE STRENGTH OF 32 MPA) WITH AIR ENTRAINMENT.
 - INTERIOR CONCRETE SLABS SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 25 MPA, 0.55 MAX. WATER-CEMENT RATIO.
 - CONCRETE MIX DESIGN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO USE AT JOB SITE.
- LAP ALL REINFORCING BARS AT LEAST 20 DIAMETERS OR MINIMUM OF 1'-0" (300 MM) UNLESS NOTED OTHERWISE ON ALL PLANS.
- SLUMP OF CONCRETE TO BE 75 MM ± 25 MM (3" ± 1") OR AS OTHERWISE SPECIFIED. CONCRETE WITH 110 MM (4½") SLUMP OR MORE IS TO BE REJECTED.
- ALL OPENINGS IN CONCRETE SLAB OR WALLS SHALL BE TRIMMED WITH 2-15 BARS; HEAD, JAMBS, AND SILL. ALSO SEE DETAILS.
- ALL PRECAST CONCRETE SLAB DESIGN, FABRICATION AND ERECTION TO BE IN ACCORDANCE WITH CSA A23.4-16.
- INSTALL ANCHOR BOLTS OR MISCELLANEOUS ITEMS SUPPLIED BY OTHERS FOR INSTALLATION IN THE CONCRETE WORK.
- CONTROL JOINTS: IN CONCRETE SLABS ON GRADE, MAXIMUM SPACING 25'-0" (7500MM) AREAS NOT TO EXCEED 625 FT² IN FOUNDATION WALLS MORE THAN 82' (25M) LONG AT INTERVALS NOT TO EXCEED 49'-9" (15 M).

TIMBER

- ALL WOOD MATERIALS, FABRICATION, BRACING, AND ERECTION PROCEDURES TO BE IN ACCORDANCE WITH CSA 086-14. ALL TIMBER GRADING TO BE IN ACCORDANCE WITH NLGA.
- ALL TIMBER FOR RAFTERS, LINTELS, AND BEAMS TO BE SPF #2 UNLESS NOTED ON PLAN.
- ALL TIMBER SHALL CONFORM TO RECOGNIZE NOMINAL SIZES SHOWN ON PLAN AND STRESS RATINGS FOR APPROPRIATE SPECIES. NO TIMBER SHALL BE USED THAT DOES NOT CONFORM TO DIMENSIONS AND SPECIES.
- MINIMUM NUMBER OF FASTENERS PER OBC 9.23.3.4
- THE USE OF AIR NAILS ARE ACCEPTABLE TO SUBSTITUTING 2-3" COMMON WIRE NAILS WITH 3-3"x120 PROSTRIP TYPE AIR NAILS
- ALL JOIST HANGERS TO BE HUS BY SIMPSON STRONG TIE OR APPROVED EQUIVALENT. USE HOT-DIPPED GALVANIZED FINISH STEEL FOR EXTERIOR WORK.
- SHEATHING
 - ROOF SHEATHING: ½" PLYWOOD
 - EXTERIOR WALLS: ½" EXTERIOR TYPE PLYWOOD
- ALL SHEATHING SHALL BE FASTENED TO THE STUD FRAMING WITH MINIMUM 3" COMMON NAILS AT 12" O.C. IN THE FIELD, AND AT 6" O.C. AT SUPPORTED EDGES. REFER TO PLANS FOR ALL ADDITIONAL SHEAR WALL/DIAPHRAGM BLOCKING AND NAILING.
- BOLTS AND THREADED RODS TO BE A307 OR 300W GRADE
- ALL WOOD TO BE PRESSURE TREATED MATERIAL PER CAN/CSA-080 "WOOD PRESERVATION" INCLUDING BUT NOT LIMITED TO THE FOLLOWING LOCATIONS:
 - INSTALLED EXTERIOR TO BUILDING
 - INCORPORATED WITH ROOFING SYSTEMS
 - INSTALLED AT EXTERIOR IN CONTACT WITH ROOFING SYSTEM
 - INSTALLED IN CONTACT WITH CONCRETE AND MASONRY.

STRUCTURAL STEEL

- CONFORM TO THE REQUIREMENTS ON CAN/CSA S16-14.
- G40.20-04 / G40.21-04 (R2009) GENERAL REQUIREMENTS FOR ROLLED OR WELDED STRUCTURAL QUALITY STEEL / STRUCTURAL QUALITY STEEL
- CISC CANADIAN INSTITUTE OF STEEL CONSTRUCTION HANDBOOK OF STEEL CONSTRUCTION, 11TH EDITION
- CODE OF STANDARD PRACTICE FOR STRUCTURAL STEEL
- W47.1-09 (R2014) CERTIFICATION OF COMPANIES FOR FUSION WELDING OF STEEL
- CSA W59.1-13 WELDED STEEL CONSTRUCTION (METAL ARC WELDING). ELECTRODES TO BE E49XX.

SLAB ON GRADE

- PRIOR TO CONSTRUCTION OF A SLAB-ON-GRADE, ALL TOPSOIL SOFT OR OTHERWISE COMPRESSIBLE MATERIAL MUST BE REMOVED FROM THE GROUND SURFACE. THE SLAB MUST BE CONSTRUCTED ON A MINIMUM THICKNESS OF 6 INCHES OF GRANULAR 'A' OR CRUSHED STONE FILL (¾" MAX). THE GRANULAR BASE MUST BE COMPACTED TO AT LEAST 95% OF ITS MAXIMUM STANDARD PROCTOR DRY DENSITY TO PROVIDE A UNIFORM SUPPORT FOR THE SLAB.
- IF THERE IS EXISTING SILTY CLAY SUBSOIL, IT IS NOT CONSIDERED SUITABLE FOR RE-USE AS BACKFILL FOR INTERIOR FOOTING EXCAVATIONS, AND IT IS RECOMMENDED THAT APPROVED GRANULAR PIT-RUN MATERIAL BE USED FOR THIS PURPOSE. INTERIOR FOOTING BACKFILL MUST ALSO BE COMPACTED TO 95% OF ITS MAXIMUM STANDARD PROCTOR DRY DENSITY TO RECLUDE DIFFERENTIAL SETTLEMENT BELOW THE FLOOR SLABS.
- PLACE SLAB ON GRADE MATERIAL CAPABLE OF SUSTAINING 500 PSF (24KN/M²) WITHOUT SETTLEMENT RELATIVE TO THE BUILDING FOOTINGS.

MASONRY

- CONCRETE BLOCK: TYPE N/15/A/M WITH NOMINAL FACE DIMENSIONS 400MM X 200MM CONFORMING TO CSA SERIES-04 UNLESS NOTED OTHERWISE. ALL MASONRY CONSTRUCTION SHALL CONFORM TO CSA STANDARD A179-04, A370-04, & A371-04
- MORTAR: TYPE S TO CSA A179-04, FULL BLOCK BED.
- REINFORCING STEEL: GRADE 400 TO CSA-G30.18-M92.
- GROUT: F'c = 2000 PSI (15 MPA), MAX SLUMP 7" (175MM), ¾" (10MM) AGGREGATE TYPE S MORTAR AT 7" (175MM) SLUMP.
- HORIZONTAL REINFORCEMENT: TRUSS TYPE WITH 4MM (8 GA.) SIDE WIRES. PROVIDE AT EVERY SECOND COURSE & COURSE AT TOP AND BOTTOM OF OPENINGS. USE "CORNER-LOK" AT ALL WALL INTERSECTIONS.

VERTICAL REINFORCEMENT: 1-20M @ 4'-0" (1200MM) O.C. MAX INTO GROUTED CORES, U.N.O. PROVIDE VERTICAL REINFORCEMENT AT ALL CORNERS, WALL ENDS AND SIDES OF ALL OPENINGS, AND AT ALL BEAM AND LINTEL BEARING ENDS.

LAP 15M - 24" (600MM), 20M - 32" (800MM). PROVIDE FERRO SHEAR TIES @ EXTERIOR BRICK VENEER WALLS WHERE SHOWN ON PLANS WITH SPACING'S AS SHOWN ON PLANS.
- INTERLOCK ALTERNATE BLOCKS AT CORNERS AND WALL SECTIONS OR PLACE 1½"x¼"x24" (38X6X610MM) DOUBLE HOOK GALVANIZED STEEL TIES AT 16" (400MM) O.C. VERTICALLY.
- LINTELS (UNLESS NOTED OTHERWISE U.N.O) MINIMUM BEARING LENGTH 300MM.
 - 2 COURSES WITH BLACK VOIDS FILLED SOLID BY CONCRETE GROUT.
 - SEE PLANS, CO-ORDINATE WITH HVAC DRAWINGS AND USE MIN. AT ALL WALL OPENINGS.
- VEENER TIES AT 32" (800MM) O.C. AT EVERY SECOND COURSE AND BE HOT DIP GALVANIZED.
- PROVIDE KEYED CONTROL JOINTS TO MATCH CONTROL JOINTS IN CONCRETE FOUNDATION WALLS OR AS INDICATED ON ARCHITECTURAL DRAWINGS. MAXIMUM SPACING 23'-0" (7M) O.C. RUN ALL REINFORCING THROUGH JOINT. CAULK VERTICAL EXTERIOR JOINT, FULL HEIGHT FOR BRICK, STONE AND BLOCK.
- PROVIDE STEEL STRAP PLATE 1½"x¼"x20" WITH 2" HOOKS @ 16" C/C WHERE MASONRY BUTTS AGAINST CONCRETE OR STRUCTURAL STEEL.
- PROVIDE KNOCK-OUT TYPE BOND BEAMS AT LOCATIONS SHOWN ON DRAWINGS, REINFORCE 1-20M REINFORCING BAR, UNLESS DETAILED OTHERWISE. CONCRETE GROUT THE FULL DEPTH OF BOND COURSES.
- CONTINUE BOND BEAM REINFORCING THROUGH CONTROL JOINTS AND AROUND CORNERS.
- CONTINUE ALL VERTICAL REINFORCING THROUGH BOND BEAMS, LINTELS, ETC. TO WITHIN 2" (50 MM) FROM THE TOP OF WALL.
- PROVIDE CONTINUOUS L3"x3"x¼" (L76X76X6.4) TO U/S OF DECK AT TOP OF PARTITION WALLS.
- UNLESS OTHERWISE NOTED, MINIMUM BEARING PLATE FOR BEAMS 10X5.5X9MM AND 2-15M WELDED RODS 400X50MM HOOK TO BLOCK VOIDS.
- CELLS TO BE REINFORCED SHALL BE KEPT CLEAN OF MORTAR.
- PROVIDE REINFORCING DOWELS INTO FOUNDATIONS (WHERE INDICATED) TO MATCH VERTICAL REINFORCING IN BLOCK WALLS.
 - LAPS:
 - 12" - WIRE REINFORCING
 - 24" - 10M
 - 30" - 15M
 - 35" - 20M
 - 44" - 25M
- FILL CELLS CONTAINING VERTICAL REINFORCING AND BOLTS WITH CONCRETE GROUT USING ¾" AGGREGATE AND PROVIDE A 10" SLUMP, VIBRATE OR PUDDLE TO FILL CELLS COMPLETELY. FILL CELLS IN 5'-0" LIFTS.
- REINFORCE LINTEL BLOCKS WITH 2-15M BARS U.N.O. AND FILL WITH GROUT.

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

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| REV. | DATE | REMARKS |
|------|---------|----------------------|
| 7 | 11JAN21 | REVISED PER COMMENTS |
| 6 | 03DEC20 | REVISED LOT PLAN |
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ENGINEERING

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BURLINGTON, ON L7L 5Y6
(905) 331 - 8307
WWW.ZOLTANENGINEERING.COM

PROJECT TITLE

VARGA RESIDENCE
ADDITION & RENOVATION

193 COLLEEN CRESCENT
ANCASTER, ON, L9G 1J2

DRAWING TITLE**NOTES**

| | |
|----------|----------|
| SCALE | AS NOTED |
| DATE | 11JAN21 |
| DRAWN | TV |
| DESIGNED | ZL |
| CHECKED | ZL |



PROJECT NO.

19-290

SHEET NO.

A1.14



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS |
|-----------------------------|---|---------|
| Registered Owners(s) | GEORGE VARGA | |
| Applicant(s)* | THOMAS LUKACS ZOLTAN ENGINEERING INC. | |
| Agent or Solicitor | Gerrit Vander Meulen ZOLTAN ENGINEERING INC. | |

Note: Unless otherwise requested all communications will be sent to the agent, if any. Please mail the sign directly to the owner for them to post. Please direct all email communication to gerrit@zoltanengineering.com

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Garage addition to existing building does not meet maximum setback of 15.8m.
Proposed maximum setback is 18.7m.

5. Why it is not possible to comply with the provisions of the By-law?

Different by-law requirements conflicting each other. Our proposed front yard setback is 18.7m, 2.9m over this requirement. If garage was extended by the 2.9m in order to meet this requirement, then we are conflicting another requirement: "attached garage projection max. 2.0m beyond front facade" which is currently taken into consideration (1.8m).

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

193 COLLEEN CRESCENT, ANCASTER, ON, L9G 1J2

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Information provided by owner

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2021 Jan 22
Date

George Varga
Signature Property Owner

GEORGE VARGA
Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|----------------|
| Frontage | <u>25.72 m</u> |
| Depth | <u>61m</u> |
| Area | <u>1316 m2</u> |
| Width of street | <u>6 m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Dwelling: 10.4m to front, 3.7m and 7.8m to side, 28m to rear.

Detached Garage: 34.4m to front, 1m and 15.1m to side, 18.6m to rear.

Proposed

Dwelling with attached garage: 18.7m to front (garage), 2.6m to side (garage), and 32.6m to rear (garage)

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Dwelling: 10.4m to front, 3.7m and 7.8m to side, 28m to rear.

Detached Garage: 34.4m to front, 1m and 15.1m to side, 18.6m to rear.

Proposed:

Dwelling with attached garage: 18.7m to front (garage), 2.6m to side (garage), and 32.6m to rear (garage)

13. Date of acquisition of subject lands:
2002 Dec 14
-
14. Date of construction of all buildings and structures on subject lands:
1956
-
15. Existing uses of the subject property:
Residential dwelling
16. Existing uses of abutting properties:
Residential dwellings
17. Length of time the existing uses of the subject property have continued:
Since construction of the house.
18. Municipal services available: (check the appropriate space or spaces)
Water Yes _____ Connected _____
Sanitary Sewer Yes _____ Connected _____
Storm Sewers Yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
Minor variance required as part of building permit application
#20-168415-000-00-R9
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: AN/A-21:59

APPLICANTS: MHBC Planning (G. Tchisler) on behalf of the owner LIV Developments Ltd. (A. Mulder)

SUBJECT PROPERTY: Municipal address **515 Garner Rd. W., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57 & 05-200, as Amended by By-law 18-051

ZONING: "RM2-690 and P5, 670" (Residential Multiple (87-57) and Conservation/Hazard Lands (05-200) district

PROPOSAL: To permit the existing 45 unit block townhouse development to be maintained on the subject lands, notwithstanding that;

1. A minimum 2.3m front yard with no minimum setback to the centreline of the Garner Road West street shall be permitted instead of the minimum required 7.5m front yard plus a minimum setback of 18.0m from the centreline of Garner Road West.

Notes: The variance is required to facilitate Standard Condominium 25CDM-2018-15.

The lands are subject to site plan DA-18-047.

The applicant shall ensure that the maximum 13.0m height is maintained; otherwise, further variances shall be required.

The applicant shall ensure that the minimum floor elevations for each of the private garages maintains a minimum 30.0cm above the centre line of the street adjacent to the garages; otherwise, further variances shall be required.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 3:30 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

AN/A-21:59

Page 2

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

PART 1 OF 4 PARTS
SHEET 1 OF 1 SHEETS

WENTWORTH STANDARD CONDOMINIUM PLAN No.

LEVEL 1
UNITS 1 TO 45, INCLUSIVE
REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62) AT O'CLOCK ON THE DAY OF

REPRESENTATIVE FOR LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE CONDOMINIUM ACT, R.S.O. 1998, c.19, AND SECTION 51 OF THE PLANNING ACT, R.S.O., 1990, c.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.
2. THE SURVEY WAS COMPLETED ON THE 11TH DAY OF AUGUST, 2020
3. THE DIAGRAMS OF THE UNITS SHOWN ON THIS PLAN ARE SUBSTANTIALLY ACCURATE.

AUGUST 11, 2020
DATE S.DAN McLAREN - Ontario Land Surveyor

DECLARATION REGISTERED AS No.

APPROVAL CERTIFICATE
PARTS 1 AND 2 ARE APPROVED AND PARTS 3 AND 4 ARE EXEMPTED UNDER SECTION 9 OF THE CONDOMINIUM ACT, R.S.O. 1998, c.19, AND SECTION 51 OF THE PLANNING ACT, R.S.O., 1990, c.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS DAY OF , 2020
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

SCHEDULE OF APPURTENANT AND SERVIENT INTERESTS (UNDER CLAUSES 8(1)(g) AND (h) OF THE CONDOMINIUM ACT 1998.)

| SUBJECT TO (SERVIENT INTERESTS) | PART | PLAN | DESCRIBED IN | NOTES |
|---------------------------------------|--------|-----------|------------------------|-------|
| | PART 1 | 62R-21127 | WE1387552 WE1409342 | N/A |
| TOGETHER WITH (APPURTENANT INTERESTS) | N/A | N/A | N/A | N/A |

THIS PLAN COMPRISES ALL OF PIN 17332 - (LT)

INDEX OF PARTS

| PART | SHEET(S) | DESCRIPTION |
|------|----------|--|
| 1 | 1 | PLAN OF SURVEY OF THE CONDOMINIUM PROPERTY, THE ILLUSTRATION OF THE SERVIENT INTERESTS AND THE DESIGNATION OF UNITS ON LEVEL 1 |
| 2 | NIL | PLAN OF SURVEY OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS |
| 3 | - | ARCHITECTURAL PLANS |
| 4 | - | STRUCTURAL PLANS |

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

PLAN OF SURVEY
PLAN OF PART OF
LOT 37 AND 38
CONCESSION 3
IN THE GEOGRAPHIC
TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON
SCALE 1: 300 METRIC
S.D. McLAREN, O.L.S. - 2020

UNIT BOUNDARY DEFINITIONS
THE MONUMENTS DEFINING THE EXTENT AND LOCATIONS OF THE UNITS ARE MORE PARTICULARLY DESCRIBED IN SCHEDULE 10 OF THE DECLARATION.

AREAS NOT DESIGNATED AS UNITS ARE COMMON ELEMENTS
UNITS 1 TO 45 ARE FOR RESIDENTIAL PURPOSES

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999679943

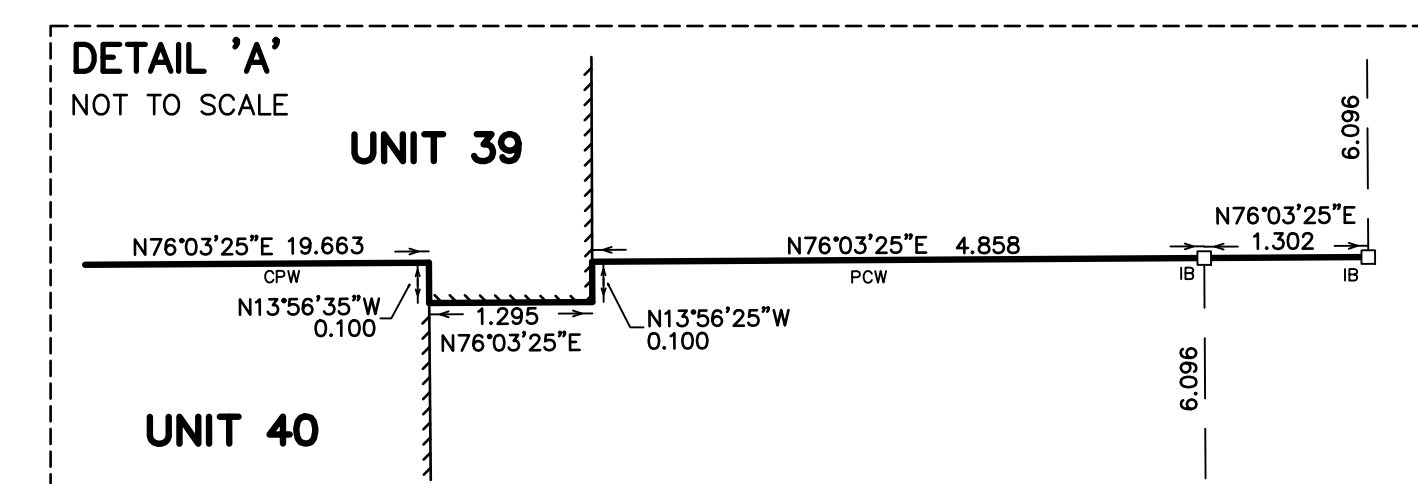
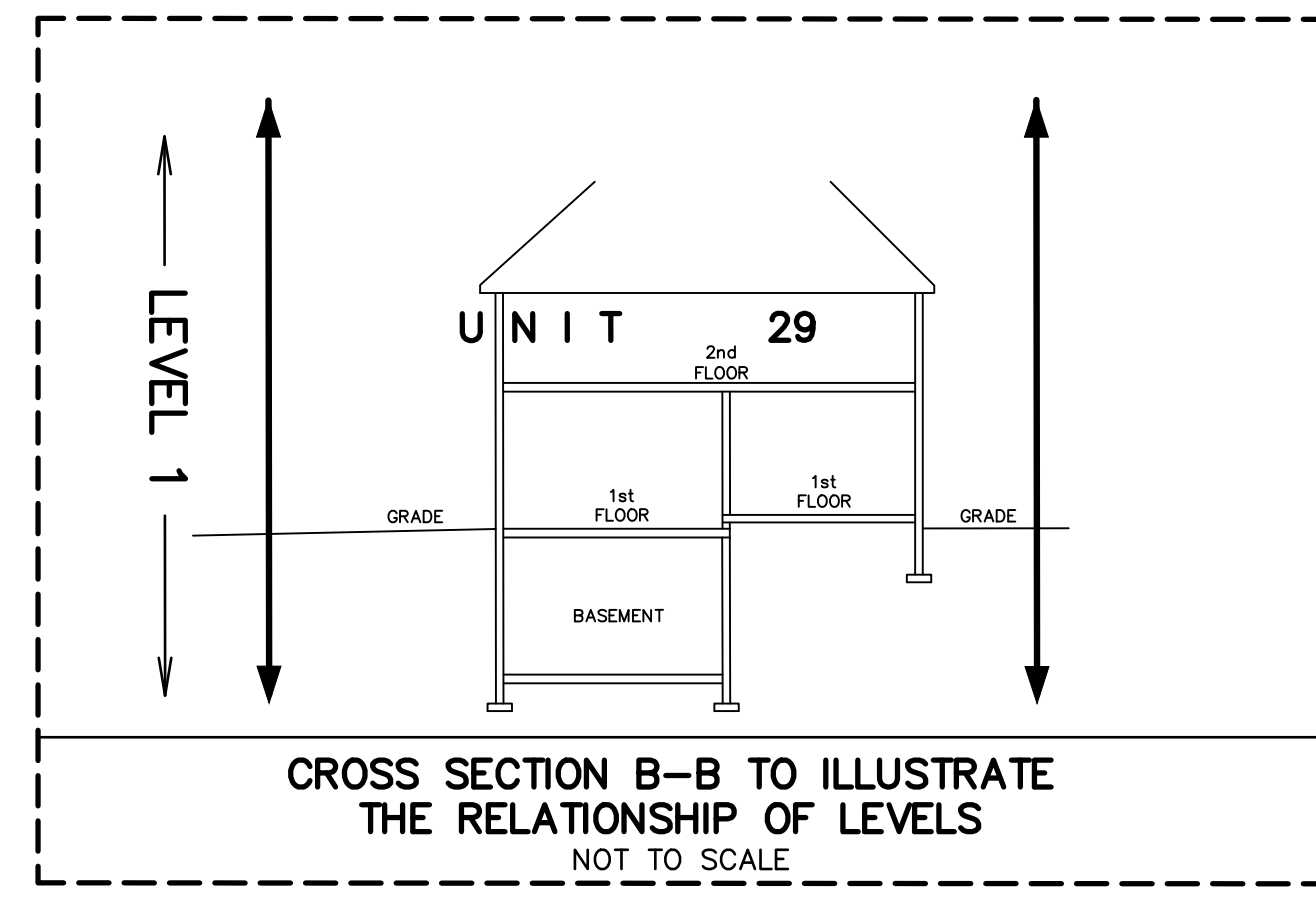
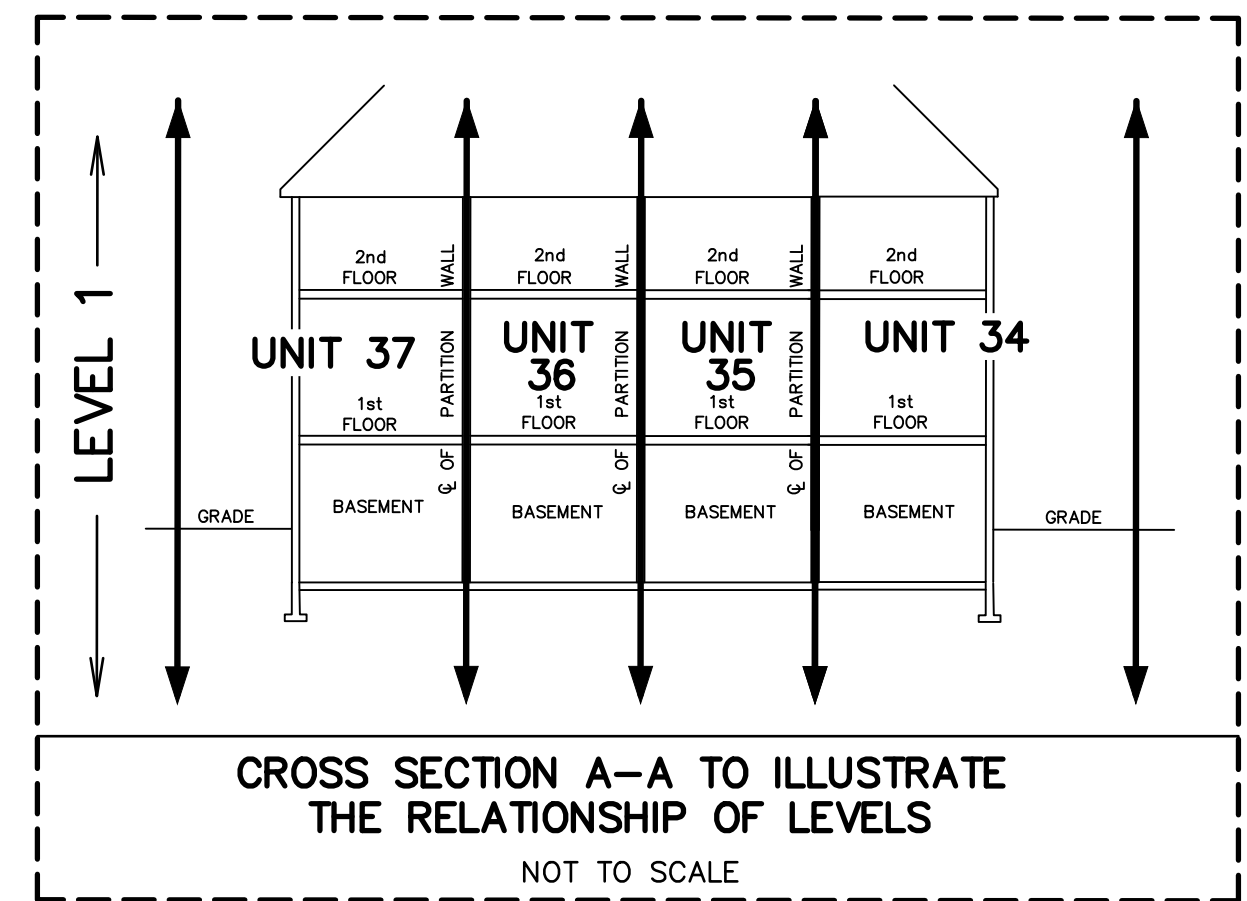
INTEGRATION DATA

| POINT ID | SOURCING | ESTIMATED |
|----------|-------------|------------|
| CPW @ | 4783329.254 | 580931.050 |
| CPW @ | 4783334.218 | 580914.894 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND:

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IRON BAR
- STANDARD IRON BAR
- SHORT STANDARD IRON BAR
- A.T. McLAREN, O.L.S.
- J.D. PETERS, O.L.S.
- A.L. CLARKE, O.L.S.
- J.E. PETERS, O.L.S.
- ORIGIN UNKNOWN
- MEASURED
- PLAN 62R-21127
- PRODUCTION OF CENTRELINE OF WALL
- PRODUCTION OF CENTRELINE OF WALL



GARNER ROAD WEST
FORMERLY THE KING'S HIGHWAY No. 53
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 4)
P.I.N. 17416-0027(LT)

Proposed front yard variance

CERTIFICATE OF DECLARANT

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.
DECLARANT: LIV DEVELOPMENTS LTD.

DATED AT HAMILTON

THIS 11th DAY OF AUGUST, 2020

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032
Drawn: LC Checked: 05/05/2020 Scale: 1:200 Dwg No: 26431-FC

I HAVE THE AUTHORITY TO BIND THE CORPORATION



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS |
|-----------------------------|--|---------|
| Registered Owners(s) | LIV Developments Ltd. c/o Andrew Mulder | |
| Applicant(s)* | LIV Developments Ltd. c/o Andrew Mulder | |
| Agent or Solicitor | MHBC Planning Ltd. c/o Gerry Tchisler | |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

To permit a minimum front yard of 2.3 m whereas the By-law requires 7.5 m plus any applicable distance as specified in Schedule "C" of the By-law.

5. Why it is not possible to comply with the provisions of the By-law?

Refer to attached cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Parts of Lots 37 & 38, Concession 3, Ancaster; designated Parts 1, 3, 5 and 6 on Plan 62R-21127 and Part 1 on Plan 62R-21488; City of Hamilton.
515 Garner Road West

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use _____

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown Per approved site plan application DA-18-047

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's knowledge of land.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

FEB 2, 2021

Date

Signature Property Owner

LN DEVELOPMENTS LTD.

ANDREW MULDER

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|-----------------------------|
| Frontage | <u>+/- 137.1 m</u> |
| Depth | <u>+/- 137 m (varies)</u> |
| Area | <u>+/- 1.3 ha</u> |
| Width of street | <u>+/- 30-36 m (varies)</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

Height - 2 storeys

Yards (approx - refer to condo plan): Front - 3.7 m, Westerly side (@ unit 1) - 6.68 m, Easterly side (@unit 33) - 11m, Rear (@unit 16) - 6.072 m

6,870m² - GFA

Proposed

N/A - structures already built

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Height - 2 storeys

Yards (approx - refer to condo plan): Front - 3.7 m, Westerly side (@ unit 1) - 6.68 m, Easterly side (@unit 33) - 11m, Rear (@unit 16) - 6.072 m

Proposed:

N/A - structures already built

13. Date of acquisition of subject lands:
2018
-
14. Date of construction of all buildings and structures on subject lands:
2020
-
15. Existing uses of the subject property:
Residential townhouses development (under construction)
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Since 2020
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>Yes</u> | Connected | <u>Yes</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>Yes</u> |
| Storm Sewers | <u>No</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods (Urban Hamilton Official Plan - Volume 1)
Low Density Residential 3a (Shaver Neighbourhood Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
RM2-690 (Ancaster Zoning By-law No. 87-57)
P5-670 (Hamilton Zoning By-law No. 05-200)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
- If the answer is yes, describe briefly.
- Originally, it was interpreted that the front yard was to be measured from the condo road to the front of each townhouse unit. On this basis, a condition was imposed on the site plan application requiring a front yard setback reduction to 5.85 m which was applied for by the owner and approved by the Committee.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
After construction of the townhouses and upon approval of the Plan of Condominium application, staff determined that the front lot line is the Garner Road lot line based on the Standard Condominium tenure of the townhouses. A new variance is thus required to recognize the now built structures.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

February 3, 2021

Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
5th floor, 71 Main Street West
Hamilton, ON L8P 4Y5

**RE: APPLICATION FOR MINOR VARIANCE
515 GARNER ROAD WEST, HAMILTON (ANCASTER)
OUR FILE: 15226L**

On behalf of our client, LIV Developments Ltd. ("LIV"), we are pleased to submit this Minor Variance application for the property municipally addressed as 515 Garner Road West (the "site"). In support of this application, please find enclosed the following:

- Minor Variance Application Form.
- Draft Wentworth Standard Condominium Plan.

The application fee is being paid via credit card.

OVERVIEW:

LIV is in the process of finishing construction of a 45 unit townhouse development with a total of 90 occupant parking spaces (2 spaces per unit) and 24 visitor parking spaces (0.53 spaces per unit). The proposed units are contained within 7 townhouse blocks with a maximum height of 13 m. The site has undergone a site specific rezoning through Zoning By-law Amendment application ZAC-16-017, which was approved by Council on February 28, 2018 and became final and binding on April 3, 2018. The Zoning By-law Amendment applied site specific zoning provisions to the site in order to implement the proposal. However, the front yard setback provision of the parent by-law was not modified through the Zoning By-law Amendment. As such, a Minor Variance application was approved later in 2018 to reduce the front yard setback from 7.5 m to 5.85 m, measured from the condominium road to the front of the townhouse units (application AN/A-18:247). Since then, the project received Site Plan Approval (DA-18-047), building permits and Draft Approval of a Plan of Condominium (25CDM-201815).

Subsequently, based on the Standard Condominium tenure of the proposed townhouses, staff have determined that the front lot line is no longer the condominium road but rather the lot line abutting Garner Road. Based on this re-definition of the lot lines and yards within the development, another Minor Variance application is required to provide relief from the front yard setback requirements of the by-law except now with the consideration of the Garner Road lot line as the front lot line. It should be noted that the site-specific zoning for the site already permits a 2.5 m setback from Garner Road, except that it is referred to as a side yard in the by-law as opposed to a front yard. Building permits were issued and the townhouses were constructed on this basis, though ultimately further from the Garner Road lot line, at 3.67 m, than the minimum 2.5 m permitted.

REQUESTED VARIANCES:

The portion of the site that contains the townhouses is zoned Residential Multiple "RM2-690" Zone, Modified in Ancaster Zoning By-law 87-57 while the associated stormwater management pond is zoned Conservation / Hazard Land (P5, 670) Zone, Modified in Hamilton Zoning By-law 05-200. The following technical variance is required to recognize the existing setback from Garner Road as a front yard setback instead of a side yard setback and recognize the location of an unenclosed porch:

To permit a front yard setback of 2.3 m for the portion of the lands zoned RM2-690 whereas the by-law requires a front yard setback of 7.5 m.

MINOR VARIANCE TESTS:

We believe that the relief requested above from the provisions of by-law 87-57 meets the four tests set out under Section 45(1) of the *Planning Act* as follows:

1. *The variance maintains the general intent and purpose of the Official Plan*

The site is designated Neighbourhoods on Schedule E-1 of the Urban Hamilton Official Plan (UHOP) and Low Density Residential 3a on Map B.2.2-1: Land Use Plan of the Shaver Neighbourhood Secondary Plan (SP). Areas designated Neighbourhoods are intended to function as complete communities and include a full range of dwelling types and densities (E.3.2.1). At a density of approximately 35 units per hectare, the proposal is considered to be Low Density Residential in the UHOP (E.3.4.4.). The UHOP contains a number of design criteria which includes discouraging direct unit access to arterial roads (E.3.4.6a) and encouraging a mix of residential development types and sizes which are to be implemented through the zoning by-law (E.3.4.6c). The SP permits the proposed block townhouses at a maximum density of 50 dwelling units per hectare and at a maximum height of 3 storeys (B.2.2.1.2a) and B.2.2.1.3d)).

The proposed development form is consistent with the permitted uses, height and densities stipulated in the UHOP and SP as well as the City's design criteria which was reviewed in detail and approved through the previous Zoning By-law Amendment and Site Plan Control applications. The individual townhouse units will be accessed by way of an internal condominium road with no direct unit vehicular access to Garner Road West (an arterial road).

The site specific zoning by-law already permits a 2.5 m yard abutting Garner Road but refers to it as a side yard, not a front yard, based on the original interpretation that the condominium road is considered a public road for the purposes of zoning review. The reduced front yard setback is appropriate as it provides for a pedestrian friendly streetscape along Garner Road by enclosing the street and providing an attractive front porch.

Therefore, it is our opinion that the proposed variance meets the intent of the Official Plan.

2. *The variance maintains the general intent and purpose of the Zoning By-law*

The site has recently undergone a site specific rezoning and is currently zoned Residential Multiple "RM2-690" Zone, Modified in Ancaster Zoning By-law 87-57. As noted above, the site specific zoning deems the condominium road a public street for the purposes of applying zoning regulations. However, given the Standard Condominium tenure of the development, staff have determined that the Garner Road lot line is in fact a front yard, not a side yard. As such, a technical variance is required to consider the existing yard to Garner Road as a front yard rather than a side yard and recognize the location of an unenclosed porch.

The intent of the zoning by-law with respect to front yard regulations is to ensure a consistent streetscape and, where vehicular access is present, to ensure enough space for vehicle parking, maneuverability and sight lines at the front of the property. The existing 2.5 m yard abutting Garner Road was assessed and approved from a streetscape and access perspective through the Zoning By-law Amendment process. As such, the proposed variance to permit a 2.3 m front yard setback is consistent with the intent of the Zoning By-law as it permits the same nearly the same yard dimensions but under a different name ("front" yard instead of "side" yard).

Therefore, it is our opinion that the proposed variance meets the intent Zoning By-law.

3. *That the requested variance is desirable for the appropriate development or use of the land.*

The proposed variance allows for the registration of a Plan of Standard Condominium for a nearly constructed 45-unit townhouse development. Access to the development will be through a single condominium road from which each unit will gain access to Garner Road West. The proposed yard allows for the efficient use of space within the development while providing for a pedestrian friendly streetscape, including a porch condition.

Therefore, it is our opinion that the proposed variance is desirable for the appropriate development of the land.

4. *That the requested variance is minor in nature*

The proposed variance is required due to a change in the interpretation of where the front lot line is located and the as built condition of an unenclosed porch. A yard of 2.5 m along Garner Road is already permitted but referred to in the Zoning By-law as "side" yard, not a "front" yard. The variance is not the result of a change

in plans from what was reviewed through the previous Zoning By-law Amendment and Site Plan Control processes and reflects the existing as-built conditions.

Therefore, it is our opinion that the proposed variance is minor in nature.

As such, it is our opinion that the proposed variance meets the four tests set out under Section 45(1) of the *Planning Act*.

If you require further information please do not hesitate to contact us. We look forward to this matter being scheduled at your earliest convenience.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'Gerry Tchisler', written in a cursive style.

Gerry Tchisler, M.Pl., MCIP, RPP
Associate



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.: HM/A-21:54

APPLICANTS: T. Johns Consulting c/o K. Gillis on behalf of the owner
 Chedoke Redevelopment Corp.

SUBJECT PROPERTY: Municipal address **533 Sanitorium Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 07-101

ZONING: "I3" (Major Institutional) district

PROPOSAL: To permit the development of two hundred and eleven (211) street townhouse dwellings, notwithstanding that:

1. A minimum front yard of 3.0 metres shall be permitted, instead of the minimum front yard of 4.5 metres required.

NOTE:

1. Minor variance application File No. HM/A-18:408 was previously granted by the Committee of Adjustment.
2. This variance is necessary to facilitate Site Plan Application No. DA-17-170.
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.
4. A building permit is required for the construction of the proposed street townhouse dwellings.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 4th, 2021
TIME: 3:35 p.m.
PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at
www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-21:54
Page 2

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

PLAN OF SUBDIVISION OF
 ALL OF LOTS 315 TO 330 (ALL INCLUSIVE) AND
 PART OF LOTS 237, 239-245, 312-314, 331-334 (ALL INCLUSIVE)
 AND PART OF MILLER AVENUE AND DUNLOP AVENUE
 MILLER AVENUE CLOSED BY JUDGE'S ORDERS REGISTERED AS INSTRUMENT No.HL311482, AB115955 AND AN26674
 HENDRY AVENUE AND DUNLOP AVENUE CLOSED BY JUDGE'S ORDER REGISTERED AS INSTRUMENT No.AB115955
 REGISTERED PLAN No.575
 AND
 PART OF LOT 57-CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF ANCASTER
CITY OF HAMILTON
 SCALE 1:750
 0 10 20 30 40 metres
 B.J. CLARKE O.L.S.

Hamilton Health Sciences Chedoke Site - Phase 1

PLAN 62M-1191
 I CERTIFY THAT THIS PLAN IS REGISTERED
 IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES
 DIVISION OF WENTWORTH (62) AT 11:44 O'CLOCK ON THE
 29th DAY OF May, 2012 AND ENTERED IN THE
 REGISTER FOR PIN 17036-0652, 17036-0640
 17036-0651
 AND REQUIRED CONSENTS ARE REGISTERED
 AS PLAN DOCUMENT No. WE899905
PETER W. GAIGAL
 REPRESENTATIVE FOR
 LAND REGISTRAR

APPROVED UNDER SECTION 51 OF THE PLANNING ACT
 R.S.O.1990, c.P.13 AS AMENDED, BY THE GENERAL MANAGER
 OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 OF THE CITY OF HAMILTON UNDER THE AUTHORITY
 OF BY-LAW 07-323
 THIS 8th DAY OF MAY, 2012
John P. Pappalardo
 GENERAL MANAGER
 PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

CHEDOKE HEALTH FOUNDATION - OWNER
 PART OF BLOCK 1, PART OF CHEDMAC
 DRIVE AND ALL OF BLOCK 2
 17036-0640
 17036-0652

ST. PETER'S CARE CENTRES - OWNER
 PART OF BLOCK 1 AND
 PART OF CHEDMAC DRIVE
 PART OF P.N.
 17036-0651

THIS PLAN COMPRISES PART OF PIN 17036-0652, PART OF
 PIN 17036-0640 AND PART OF PIN 17036-0651
 PART OF BLOCK 1-SUBJECT TO EASEMENTS AS IN WE25523 &
 WM118134 AND SUBJECT TO RIGHT OF WAY AS IN WE71660
 PART OF CHEDMAC DRIVE-SUBJECT TO EASEMENTS AS IN
 WE25523, WM118134 AND SUBJECT TO RIGHT OF WAY
 AS IN WE71660

A UTM GRID BEARING WAS DERIVED FROM OBSERVED REFERENCE
 POINTS (Q) AND (R) BY THE NETWORK (RTN) OBSERVATIONS
 UTM ZONE 17, (81 DEGREES LONGITUDE) NAD83 CSRS (1997.0)
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999699

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 CSRS (1997.0)
 COORDINATES: URBAN ACCURACY PER SEC. 14 (2) OF O.R.E.G. 216/10

| POINT ID | NORTHING | EASTING |
|----------|-------------|------------|
| (Q) | 4788131.905 | 587749.580 |
| (R) | 4787934.587 | 587797.847 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
 RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
 FOR BEARING COMPARISON A ROTATION OF 0°42'55" COUNTER-CLOCKWISE
 WAS APPLIED TO PLANS 62R-18008, 62R-18103,
 62R-19216 AND 62R-19217 TO CONVERT TO GRID.

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

- LEGEND:**
- SIGN THIS \square DENOTES A SURVEY MONUMENT PLANTED
 - SIGN THIS \blacksquare DENOTES A SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SB DENOTES STANDARD IRON BAR
 - SSB DENOTES SHORT STANDARD IRON BAR
 - HEX DENOTES HEXAG. IRON BAR
 - CC DENOTES CUT JOIST
 - (WT) DENOTES WITNESS
 - (HAM) DENOTES CITY OF HAMILTON
 - (655) DENOTES ST. PETER'S O.L.S.
 - (912) DENOTES A. J. CLARKE O.L.S.
 - N.T. DENOTES NOT TANGENTIAL
 - P1 DENOTES PLAN 62R-18013
 - P3 DENOTES PLAN 62R-12060
 - P8 DENOTES PLAN ATTACHED TO BY-LAW No.66-244
 REGISTERED AS INSTRUMENT No.25862A-B.
 - P10 DENOTES PLAN 62M-846

NOTE
 IB'S AND SSB'S ALONG SANATORIUM ROAD
 PLANTED DUE TO PRESENCE OF UNDERGROUND UTILITIES

OWNER'S CERTIFICATE:
 THIS IS TO CERTIFY THAT:
 1. PART OF BLOCK 1, PART OF STREET, NAMELY CHEDMAC DRIVE,
 STREET WIDENING, NAMELY BLOCK 2 HAVE BEEN
 LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
 2. THE SAID STREET AND STREET WIDENING ARE HEREBY
 DEDICATED TO CITY OF HAMILTON, AS PUBLIC HIGHWAYS.
 DATED THE 7th DAY OF NOVEMBER, 2012

CHEDOKE HEALTH FOUNDATION
Colin G. Lazier
 COLIN G. LAZIER - PRESIDENT
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

St. Peter's Care Centres
Sandra R. Stephenson
 SANDRA R. STEPHENSON - DIRECTOR
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

OWNER'S CERTIFICATE:
 THIS IS TO CERTIFY THAT:
 1. PART OF BLOCK 1, AND PART OF STREET, NAMELY CHEDMAC DRIVE,
 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
 2. THE SAID STREET IS HEREBY DEDICATED TO
 CITY OF HAMILTON AS PUBLIC HIGHWAY.
 DATED THE 7th DAY OF NOVEMBER, 2012

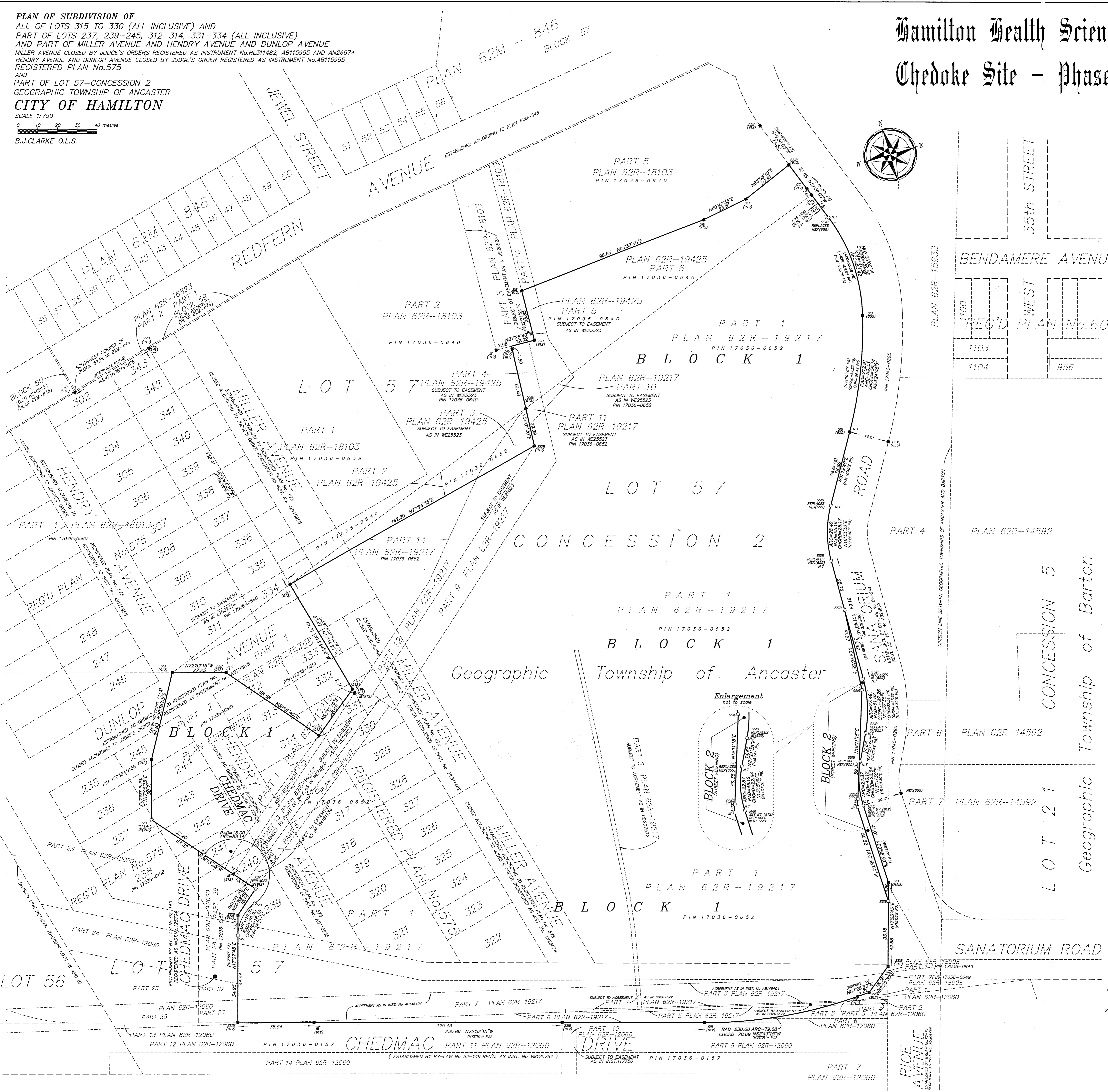
ST. PETER'S CARE CENTRES
Terry Finch
 TERRY FINCH - PRESIDENT
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

Karen Pow
 KAREN POW - ADMINISTRATOR
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
 SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
 AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF NOVEMBER, 2012.

NOVEMBER 7, 2012
 DATE
B. J. Clarke
 B. J. CLARKE
 ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: a.j.clarke@ajclarke.com



CHEDOKE HEIGHTS

UNDERTAKING

RE: 533-555 Sanatorium Road, Hamilton File No. DA-17-170

We, **Chedoke Redevelopment Corp.**, the owner(s) of the land, hereby undertake and agree without reservation,

- (a) to comply with all the content of this plan and drawing and not to vary therefrom;
- (b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated September 17, 2018;
- (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
- (d) in the event that the Owner does not comply with the plan dated November 19, 2020 and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan, the owner agrees that the City may enter the land and so the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.
- (e) the fence located at Block 12, and Blocks 25-29, which will be over the easements, will be removed and replaced at the expense of the condominium corporation in the event that the City needs access to the easement lands for maintenance purpose.
- (f) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - (i) that the home/business mail delivery will be from a designated Centralized Mail Box
 - (ii) that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (g) the owner further agrees to:
 - (i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision
 - (ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - (iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan or subdivision.
 - (iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - (v) Maps are also to be prominently displayed in the sales office(s) showing specified Centralized Mail Facility locations.
- (h) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with common lobby, common indoor or sheltered space.

- (i) Warning Clauses
The following warning clauses shall be included within all offers and agreements of the purchase and sale or lease:
 - (i) Units 2-4, 129-151, 153-161, 163-165, 209 to 210
Purchasers/Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria.
 - (ii) Units 1, 152, 162 and 211
Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.
 - (iii) Units 1-4, 129-165, 209 to 211
This dwelling unit has been fitted with forced air heating system and ducting etc, will be allowed to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of Environment, Conservation and Parks.
 - (iv) All Units
Purchasers/Tenants are advised that due to the proximity of the adjacent industrial, commercial and institutional facilities, noise from these facilities may at times be audible.
- (j) Clause regarding inspection of building plans for compliance with Noise Study:
 - (i) Prior to the issuance of building permits for this development, it is recommended that the City of Hamilton's Building Department or a Professional Engineer qualified to perform acoustical engineer services in the Province of Ontario shall review the floor plans and elevations for all units to ensure that glazing constructions and rooftop acoustical barriers as recommended have been incorporated.
 - (ii) Prior to the issuance of occupancy permits for the development, the City of Hamilton's Building Department Inspector or a Professional Engineer qualified to provide acoustical engineer services in the Province of Ontario shall certify that the sound control measures have been properly installed and constructed.

Dated this 19th day of October, 2020

Witness (signature) *James Warren*
James Warren
Witness (print)

Owner (signature) *Brandon Campbell*
Brandon Campbell
Owner (print)

78 Lakeshore road, St. Catharines, ON
Address of Witness



SITE STATISTICS:

TOTAL SITE AREA: 7.28ha (18.00 ac)
SOUTHAM SITE AREA: 0.44ha (1.09ac)
DENSITY (UNITS PER HECTARE): 29.4

UNIT COUNT

BUNGALOW TOWNHOME: 73
2-STORY TOWNHOME: 78
3-STORY TOWNHOME: 60
TOTAL: 211

PARKING

RESIDENT: 211
VISITOR: 57
TOTAL: 268

PARKING (SOUTHAM SITE): 44

GENERAL NOTES:

- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Main driveway dimensions at the property line boundaries are plus or minus 7.5m unless otherwise stated.
- All driveways from property lines for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
 - Building permit
 - Sewer and water permits
 - Road cut permits
 - Relocation of services
 - Approach approval permits
 - Encroachment Agreements (if required)
 - Committee of Adjustment
- Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
- 5.0 metre by 5.0 metre visibility triangles, in which the maximum height of any object or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.
- All signs must comply with Sign By-law 10-197.

DESIGN NOTES

- All driveways, parking areas and roads are to be paved with asphalt.
- Townhome driveways are a minimum of 2.7m wide. The maximum driveway width is 65% of the lot width.
- The parking space within the private garages is a maximum of 3.0m by 6.0m. Any space beyond is for storage or access purposes.

FIRE ROUTE NOTES

- The Fire Route path of travel calculations are in accordance with O.B.C. Regulations 3.2.5.5,
 - a. No main entrance is more than 90m from a fire hydrant.
 - b. Principal entrances are between 3. and 15m from Fire Access.
 - c. Fire Route width is 6m
 - d. Fire Route radius is 12m
 - e. Fire Route height clearance is 15m
- Fire Route Signs are to be fastened to all proposed street light poles in accordance with City of Hamilton Standards and O.B.C. regulations. Placement is between 15m and 45m o/c as required.

BICYCLE PARKING NOTES

- Long-term bicycle parking required for the existing Southam building provided within the building.
- Bicycle parking required for residential is provided within each townhome unit's attached garage.

FENCING NOTES

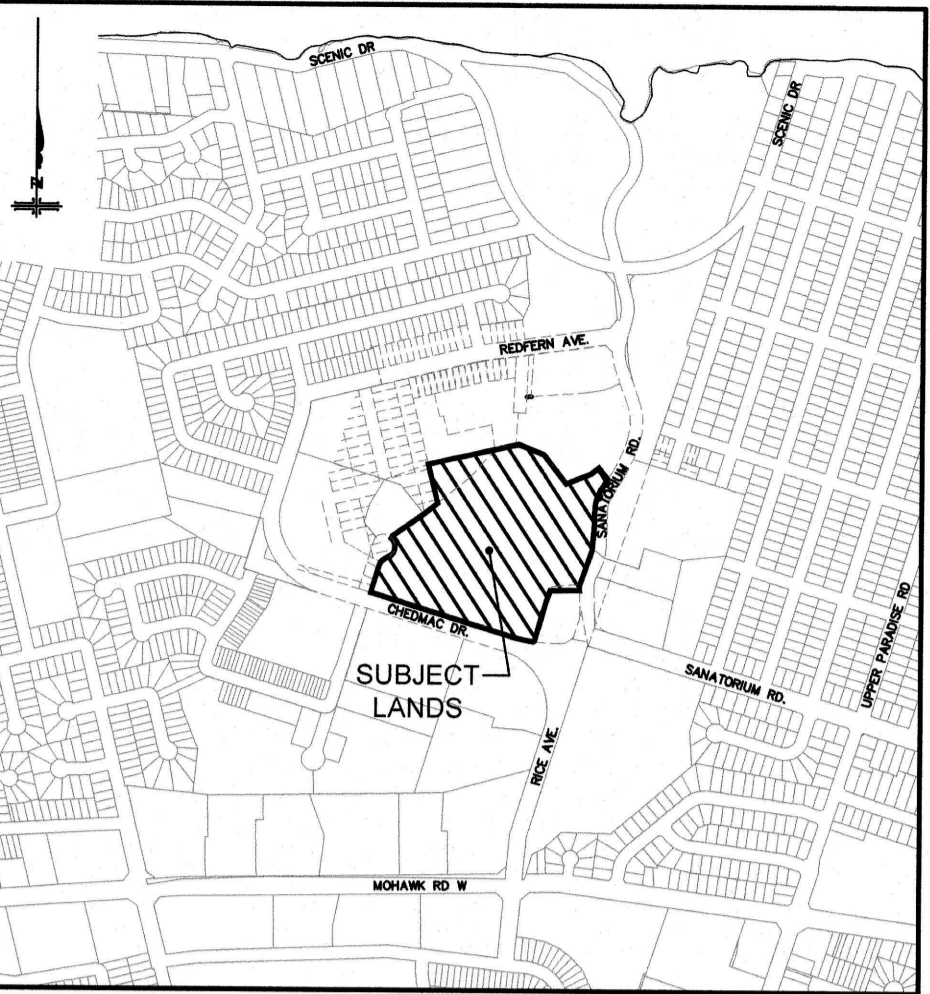
- The fence located at Block 12, and Blocks 25-29, which will be over the easements, will be removed and replaced at the expense of the condominium corporation in the event that the City needs access to the easement lands for maintenance purpose.

ARCHAEOLOGY NOTES

- Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

| DEVELOPMENT STATISTICS | | November 17, 2020 | |
|------------------------|-----------------------------------|-------------------|-------------------|
| Municipal Address | 533-555 Sanatorium Road, Hamilton | | |
| Legal Description | Lot 57 Concession 2 | | |
| Lot Area | 7.28ha (18.00ac) | | |
| ZONING REGULATION | Major Institutional 'I3' Zone | Proposed | Compliance Yes/No |

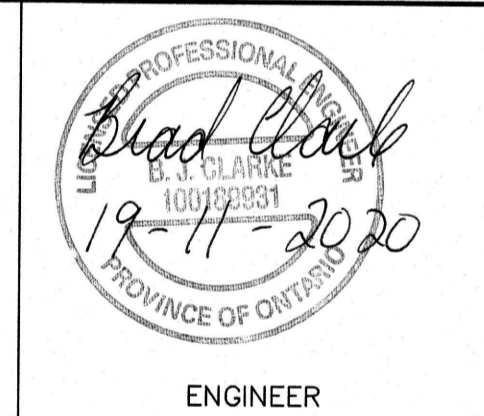
| STREET TOWNHOUSE DWELLING | Proposed | Compliance Yes/No |
|--|---|---|
| Lot Area (min.) | 165m ² /dwelling unit 195m ² /corner lot | Block 18-31 21m ² /unit, 34m ² /corner lot Yes |
| Unit Width (min.) | 6.0m | Blocks 1-4, 8, 32-41 10m ² /unit, Blocks 1 and 2 Only 203m ² /corner lot Yes |
| Front Yard (min.) | 4.5 m, except 5.8 m attached garage | Blocks 5-7, 9-15 3-Storey, 135m ² /unit, 165m ² /corner unit Yes |
| Side Yard (min.) | 1.2 m, 0.0 m for a common wall | Blocks 1-4, 8, 32-41; 6-5m Blocks 5-7, 9-15; 6.0m Yes |
| Frontage Yard (min.) | 3.0 m | 4.8 m, 5.8 m to attached garage Yes |
| Rear Yard (min.) | 7.0 m | 1.5 m, 0.0 m to a common wall Yes |
| Building Height (max.) | 10.5 m | 6.0 m (Blocks 1 and 2 only) Yes |
| Enroachment (max.) | 1.5m | Blocks 1-4, 8, 16-41; 10.5m Blocks 5-7, 9-15; 11.4m Yes |
| PARKING (STREET TOWNHOUSE DWELLING) | 1 spaces per unit = 211 spaces | 1 spaces per unit = 211 spaces 57 visitor spaces Yes |
| Street Townhouse | 1 space per unit = 211 spaces | 57 visitor spaces Yes |
| Parking Stall Size | Width: 3.0 m Length: 5.8 m | 3.0 m 6.0 m Yes |
| Parking Location | Medical Clinic: 3.0 m from street line Street Townhouse: 5.8m from street line | 3.0 m 5.8 m (spaces are in private garages) Yes |
| Townhouse Driveway | Minimum 2.7m wide | Minimum 2.7m wide Yes |
| BARRIER FREE PARKING (STREET TOWNHOUSE DWELLING) | Street Townhouse: 100+ req. spaces, min. 2 spaces + 1 space per 100 = 3 spaces | 4 spaces Yes |
| Barrier Free Parking | Width: 4.4 m Stall Size: Length: 5.8 m | 4.4 m 5.8 m Yes |
| SOUTHAM SITE - NOW UNDER SEPARATE PLANNING APPROVAL PROCESS | Side Yard (min.) | 6.0m to a Residential Zone Not adjacent to Residential Zone, 7.17m to lot line Yes |
| Rear Yard (min.) | 6.0m to a Residential Zone | Not adjacent to Residential Zone, 3.49m to lot line Yes |
| Building Height | 18.0m | 0.5m Yes |
| PARKING (SOUTHAM SITE) - NOW UNDER SEPARATE PLANNING APPROVAL PROCESS | Medical Clinic: 1 space per 16 m ² of GFA (1,147 m ² /16m ² = 72 spaces) | 44 spaces Yes (dependent on units) |
| Parking Stall Size | Width: 3.0 m Length: 5.8 m | 3.0 m 6.0 m Yes |
| Parking Location | Street Townhouse: 5.8m from street line | 5.8 m (spaces are in private garages) Yes |
| BARRIER FREE PARKING (SOUTHAM SITE) - NOW UNDER SEPARATE PLANNING APPROVAL PROCESS | Medical Clinic: 50-100 req. spaces, min. 2 space | 3 spaces Yes |
| Barrier Free Parking | Width: 4.4 m Stall Size: Length: 5.8 m | 4.4 m 5.8 m Yes |



KEYPLAN N.T.S.

| No. | Revision | Date | By |
|-----|---|----------|----|
| 13. | Revised as per City comments | 18/11/20 | BC |
| 12. | Revised zoning chart for variance approval | 05/10/20 | BC |
| 11. | Added a Fencing Note | 21/09/20 | BC |
| 10. | Added a deck to Unit 117. | 26/02/20 | BC |
| 9. | Revision to driveway widths. | 01/10/19 | AS |
| 8. | Second Submission | 31/07/19 | AS |
| 7. | Revision to location of Block 8; revision to curb location at Block 8 & Block 32; bicycle parking note added. | 27/06/19 | AS |
| 6. | Revisions to driveway widths; bicycle parking added. | 27/06/19 | AS |
| 5. | Revised as per calculated plan | 10/06/19 | AS |
| 4. | Final Revision | 07/09/18 | BC |
| 3. | Revised | 07/08/18 | AS |
| 2. | Revised | 26/06/18 | AS |
| 1. | Revised as per City comments | 12/04/18 | AS |

- ### GENERAL NOTES
- TENDERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
 - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
 - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.



PROJECT OWNER:
CHEDOKE REDEVELOPMENT CORPORATION

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:
CITY OF HAMILTON

PROJECT NAME:
**CHEDOKE HEIGHTS
(533 SANATORIUM ROAD)**

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 1H1
Tel: 905 528-8761 Fax: 905 528-2289
email: ajc@ajclarke.com

TITLE:
SITE PLAN

SCALE: 1:750 DATE: JULY 2017

DESIGN: DRAWN: L.H. / L.W.

DWG: 168364 SH: SP



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

| | |
|-----------------------------|--|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. _____ | DATE APPLICATION RECEIVED _____ |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | ADDRESS | |
|-----------------------------|---|------------|---|
| Registered Owners(s) | Chedoke Redevelopment Corporation c/o Brandon Campbell | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Applicant(s)* | Chedoke Redevelopment Corporation c/o Brandon Campbell | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |
| Agent or Solicitor | T. Johns Consulting Group Ltd. c/o Katelyn Gillis | [REDACTED] | Phone: [REDACTED] E-mail: [REDACTED] |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
 VTB - Bay Area Health Trust

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Technical variances due to a change in zoning interpretation since the Conditional Approval to permit the proposed front yard setback for the curved portion of a front lot line.

5. Why it is not possible to comply with the provisions of the By-law?

Technical variance due to a change in zoning interpretation since the Conditional Approval was received to permit the proposed front yard setback for the curved portion of a front lot line.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Block 1 of Plan 62M-1191
20 Southridge Court and 533 Sanatorium Road

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

✓Other Institutional

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Hazardous Material Survey.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No Refer to DA-17-170 file.

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb. 4, 2021

Date

Signature Property Owner

Chedoke Redevelopment Corporation c/o

Brandon Campbell

Print Name of Owner

10. Dimensions of lands affected:

| | |
|-----------------|--------------------------|
| Frontage | <u>98.86 m</u> |
| Depth | <u>270.69 m</u> |
| Area | <u>0.46 ha (1.14 ac)</u> |
| Width of street | <u>20.12 m</u> |

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

No buildings are existing on the subject lands - all buildings demolished per applicable permits.

Proposed

Refer to File DA-17-170 or Site Plan attached.

Bungalow Townhouses: 1.5 storeys, dimensions vary on type.

2 Storey Townhouses: 6.5 m x 10.5 m x 8.4 m

3 Storey Townhouses: 6.0 m x 11.6 m x 11.2 m

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: All buildings on the subject lands have been demolished. Note that "Southam" is now on a separate parcel and is to be maintained. Southam is subject to ZAC-20-009.

Proposed: Varied. Refer to Site Plan attached.

13. Date of acquisition of subject lands:
June 1, 2017
-
14. Date of construction of all buildings and structures on subject lands:
1920s-1950s
-
15. Existing uses of the subject property:
Institutional
16. Existing uses of abutting properties:
Institutional and Residential
17. Length of time the existing uses of the subject property have continued:
Buildings have been vacant since 2017.
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan - Institutional
Chedmac Secondary Plan - Institutional
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law No. 05-200 - Major Institutional (I3) Zone
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
If the answer is yes, describe briefly.
To permit the construction of 211 townhouse units located on a private condominium road (HM.A.18.408).
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

February 5, 2021

VIA ELECTRONIC SUBMISSION

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

ATTENTION: Ms. Jamila Sheffield, Secretary Treasurer - Committee of Adjustment

Dear Ms. Sheffield:

**RE: 20 Southridge Court and 533 Sanatorium Road, Hamilton
Minor Variance Application**

T. Johns Consulting Group Ltd., has been retained by the Owner of the above-noted lands, and is submitting a Minor Variance application to facilitate the development of 211 street townhouses within a common element condominium on their behalf.

The subject lands are designated 'Institutional' in the Urban Hamilton Official Plan, and zoned 'Major Institutional (I3)' in the City of Hamilton Zoning By-law 05-200. The proposed redevelopment consisting of 211 street townhouses in a condominium corporation is permitted per the Urban Hamilton Official Plan and Zoning By-law No. 05-200.

The proposed development is subject to Site Plan Control application DA-17-170 which was conditionally approved on September 17th, 2018. The proposed development is subject to Draft Plan of Condominium and Part Lot Control applications 25CDM-20-013 and 25CDM-20-014.

A technical minor variance is required to facilitate Final Site Plan approval. The variance requests relief from Zoning By-law No. 05-200 Section 8.3.2.3.c.i to permit a minimum 3.0m front yard setback from the curved portion of the front lot line to the dwelling, instead of 4.5m. The variance is technical in nature and in response to changes in zoning interpretation since Conditional Approval was received. For further detail and discussion, please refer to Appendix "A": Planning Rationale and the Conditionally Approved Site Plan.

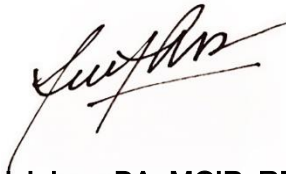
Please note that due to the nature of the application, the fee has been waived per Planning c/o Ms. Anita Fabac, Manager of Development Planning, Heritage and Urban Design. T. Johns respectfully requests that the attached Minor Variance application is scheduled for the March 4, 2021 Committee of Adjustment hearing.

In support of the application, please find enclosed:

- Minor Variance Application without signatures;
- Minor Variance Application with signatures;
- Survey Plan;
- Conditionally Approved Site Plan;
- Appendix "A": Planning Rationale

We trust that this package is complete. Should you require any additional information, please do not hesitate to contact Katelyn Gillis at (905) 574-1993 ext. 207.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Terri Johns, BA, MCIP, RPP
President



Katelyn Gillis, BA
Planner

Cc: Chedoke Redevelopment Corporation c/o Mr. Brandon Campbell
Dev't Planning, Heritage and Urban Design c/o Ms. Anita Fabac
Dev't Planning, Heritage and Urban Design - Suburban c/o Ms. Yvette Rybensky

Appendix “A”: Planning Rationale

February 5, 2021

T. Johns Consulting Group Ltd. has prepared this Planning Rationale Report in support of the accompanying Minor Variance application for 20 Southridge Court and 533 Sanatorium Road, Hamilton (“subject lands”) which is subject to Conditionally Approved Site Plan Control application DA-17-170 and Draft Plan of Condominium applications 25CDM-20-013 and 25CDM-20-014 and Part Lot Control application which were deemed complete November 12, 2020.

A previous Minor Variance application HM/A-18:408 was approved February 7, 2019 for the purposes of facilitating the same development of 211 street townhouses. Please note that there have been no changes to the Site Plan since the previous variances were approved.

Nature and extent of relief applied for:

One (1) Minor Variance is being sought from the Major Institutional (I3) Zone of the City of Hamilton Zoning By-law No. 05-200 to facilitate the construction of 211 Street Townhouses within a new common element condominium corporation on the lands municipally referred to as 20 Southridge Court and 533 Sanatorium Road in Hamilton.

The following variance is requested:

VARIANCE 1. Notwithstanding Section 8.3.2.3.(c)(i), the required Minimum Front Yard shall be 3.0 metres from the curved portion of the front lot line to the dwelling.

PLANNING RATIONALE

Why is it not possible to comply with the provision of the By-law?

The requested reduction is for technical reasons and applies to corner units to accommodate the curved portion of the front lot line which provides the required radius for the private street network. Previous interpretations considered the curved portion of the lot line as part of the “side lot line”. The required minimum side yard setback is 3.0 metres and therefore, the site plan conformed to the minimum side yard setback.

However, the current interpretation has changed in that the curved portions are included as part of the front lot lines in Zoning By-law No. 05-200. The proposed 3.0 metre setback does not conform to the required 4.5 metre setback to a dwelling. The corner Street Townhouses provide a minimum of 4.5 metres to the dwelling from the straight portion of the front lot line and conform to the required front yard setback to an attached garage. The front yard of each corner unit accommodates required front yard landscape requirements and driveway length. However, as the

lot line curves, the setback is reduced to a minimum of 3.0m to the dwelling. Please refer to the Site Plan submitted as part of the complete Minor Variance application.

Accommodating the 4.5m front yard setback from a curve would result in the loss of units which are all sold and subject to executed Purchase of Sale Agreements between the applicant and purchasers.

1. Conformity to the Intent of the Urban Hamilton Official Plan

The Urban Hamilton Official Plan (“UHOP”) Volume 1, Schedule E-1 designates the subject lands Institutional. Institutional Policy E.6.2.6 of the UHOP permits low density residential uses where institutional uses cease without an amendment to the UHOP. As such, the proposed residential use of street townhouses fronting a private street, when in a registered plan of condominium, is permitted. Note that complete Draft Plan of Condominium applications are currently being processed by the City of Hamilton and are scheduled for a decision by City Council on March 31, 2021. The development has been sold based on the units and all common elements (i.e., roads, recreation) being within a Common Element Condominium.

The proposed variance will accommodate a permitted use on urban lands deemed surplus to an institutional use. The variance will allow for a net increase of residential dwellings in the City of Hamilton with a compact form and high-quality urban design.

The proposed variance for a front yard setback reduction from a curve to a Street Townhouse dwelling from 4.5m to 3.0m conforms to the intent of the UHOP.

2. Conformity to the Intent of the Zoning By-law

Zoning By-law No. 05-200’s Major Institutional (I3) Zone permits Street Townhouse dwellings. The ultimate tenure of Common Element Condominium will deem the private driveway a “street” and therefore, the proposed Street Townhouses within a common element condominium are permitted. The intent of the 4.5 metre front yard setback to the dwelling is to implement building articulation with a strong street presence with a dwelling wall projecting in front of the garage. The space between the dwelling wall and front lot line is intended to accommodate features such as porches and landscaping.

The proposed corner Street Townhouse units provide a building typology that articulates the front façade of the dwelling from the garage and is provided with a front yard that accommodates a front porch and landscaping. The proposed variance maintains the intent of the Zoning By-law.


3. Is the Variance Minor?

The requested variance to reduce the minimum front yard setback from a curved lot line to a dwelling from 4.5m to 3.0m is minor. The variance will not change the intent or function of the built form as permitted in the UHOP and as implemented in the Zoning By-law.

4. Is the Variance Desirable for the development of the property?

The request is desirable as it will facilitate infill residential redevelopment of lands within Hamilton's urban boundary. The overall site design maintains the cultural heritage landscape of Sanatorium Road and will contribute to Hamilton's progress of providing more homes to accommodate the Province's growth.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.


Terri Johns, BA, MCIP, RPP
President


Katelyn Gillis, BA
Planner



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:89

SUBJECT PROPERTY: 15 Church St., Ancaster

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICANT(S): Owner: 2692544 Ontario Inc.
Agent: James Webb

PURPOSE OF APPLICATION: To create a new lot for residential purposes and to retain lands for residential purposes. To facilitate the creation of 6 freehold townhouse dwellings.

To be heard in conjunction with AN/B-20:90 and AN/B-20:91.

Severed lands (Part 2):
6.56m[±] x 25.15m[±] and an area of 165m^{2±}

Retained lands (Part 1, 3, 4, 5,6):
43.75m[±] x 25.15m[±] and an area of 1101m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 4th, 2021

TIME: 3:40 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

AN/B-20:89
PAGE 2

MORE INFORMATION

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- Visit www.hamilton.ca/committeeofadjustment
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- Visit the Committee of Adjustment office in person at Hamilton City Hall, 71 Main Street West, 5th Floor

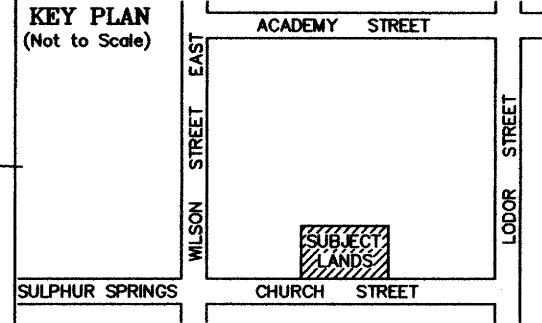
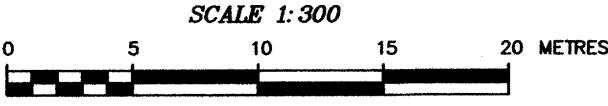
DATED: February 16th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

LAND DIVISION SKETCH
(15 CHURCH STREET)
PART OF LOT 45
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON

PART 1 PLAN 62R-2564
P.I.N. 17443-0021 (LT)



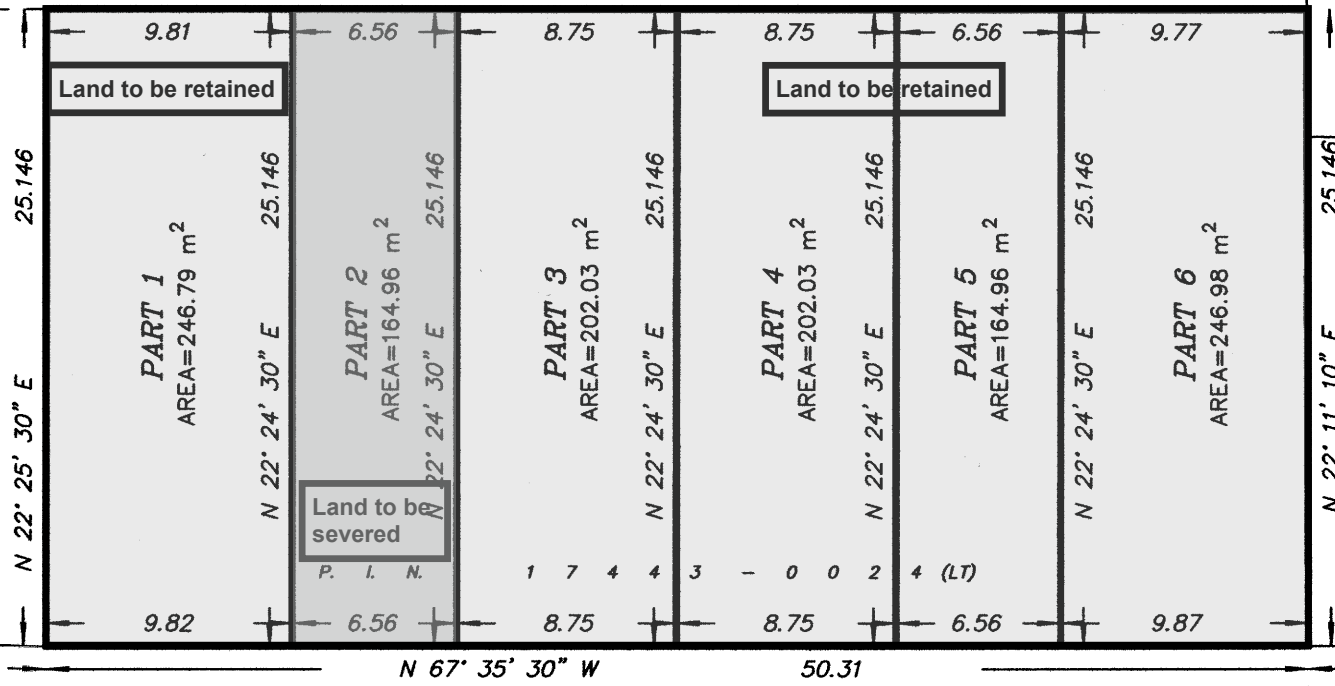
C O N C E S S I O N 2
N 67° 35' 30" W 50.20

WILSON STREET EAST



P.I.N. 17443-0022 (LT)

PART 1
PLAN 62R-7666



PART 1
PLAN 62R-4242
P.I.N. 17443-0025 (LT)

LOT 5

REGISTERED

LOT 4
P.I.N. 17443-0027 (LT)

PLAN 344

LODOR STREET

CHURCH STREET

(12.19 m. WIDE, BY REGISTERED PLAN 344, P.I.N. 17443-0023 (LT))



Hamilton

COMMITTEE OF ADJUSTMENT

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To be heard on conjunction with AN/B-20:89 and AN/B-20:91.

Severed lands (Part 4):
8.75m[±] x 25.14m[±] and an area of 220.10m²±

Retained lands (Part 3, 5, 6):
25.18m[±] x 25.14m[±] and an area of 633.20m²±

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DATED: February 16th, 2021

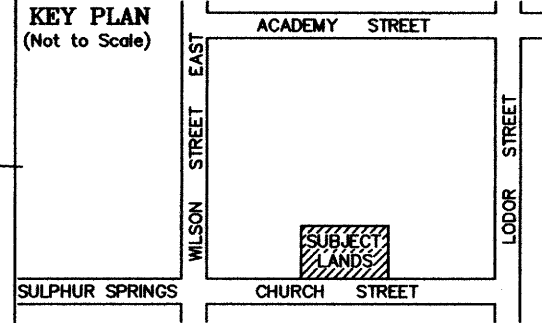
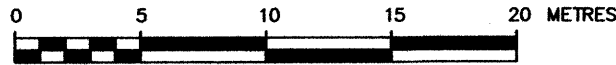
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(15 CHURCH STREET)
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(GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON

PART 1 PLAN 62R-2564
P.I.N. 17443-0021 (LT)

SCALE 1:300



C O N C E S S I O N 2

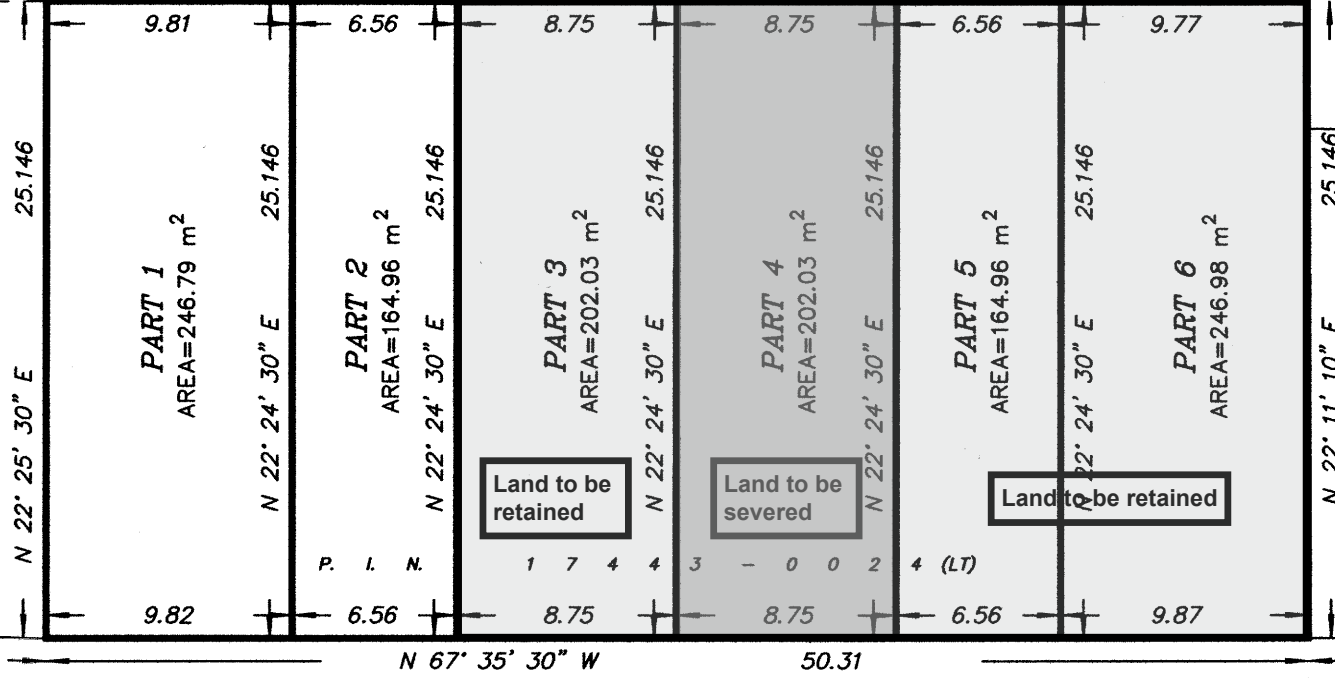
N 67° 35' 30" W 50.20

WILSON STREET EAST



P.I.N. 17443-0022 (LT)

PART 1
PLAN 62R-7666



Land to be retained

Land to be severed

Land to be retained

P. I. N. 1 7 4 4 3 - 0 0 2 1 (LT)

N 22° 11' 10" E 25.146

PART 1
PLAN 62R-4242
P.I.N. 17443-0025 (LT)

LOT 5

LOT 4
P.I.N. 17443-0027 (LT)

REGISTERED

PLAN 344

LODOR STREET

CHURCH STREET

(12.19 m. WIDE, BY REGISTERED PLAN 344, P.I.N. 17443-0023 (LT))



Hamilton

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Application for Consent/Land Severance

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Severed lands (Part 6):
 9.87m[±] x 25.14m[±] and an area of 249m² ±

Retained lands (Part 5):
 6.56m[±] x 25.14m[±] and an area of 165m² ±

The Committee of Adjustment will hear this application on:

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AN/B-20:91
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L O T 4 5

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SCALE 1:300



C O N C E S S I O N 2

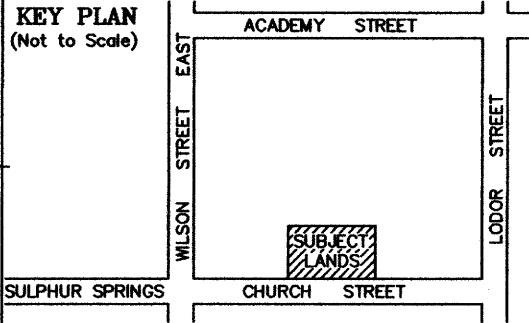
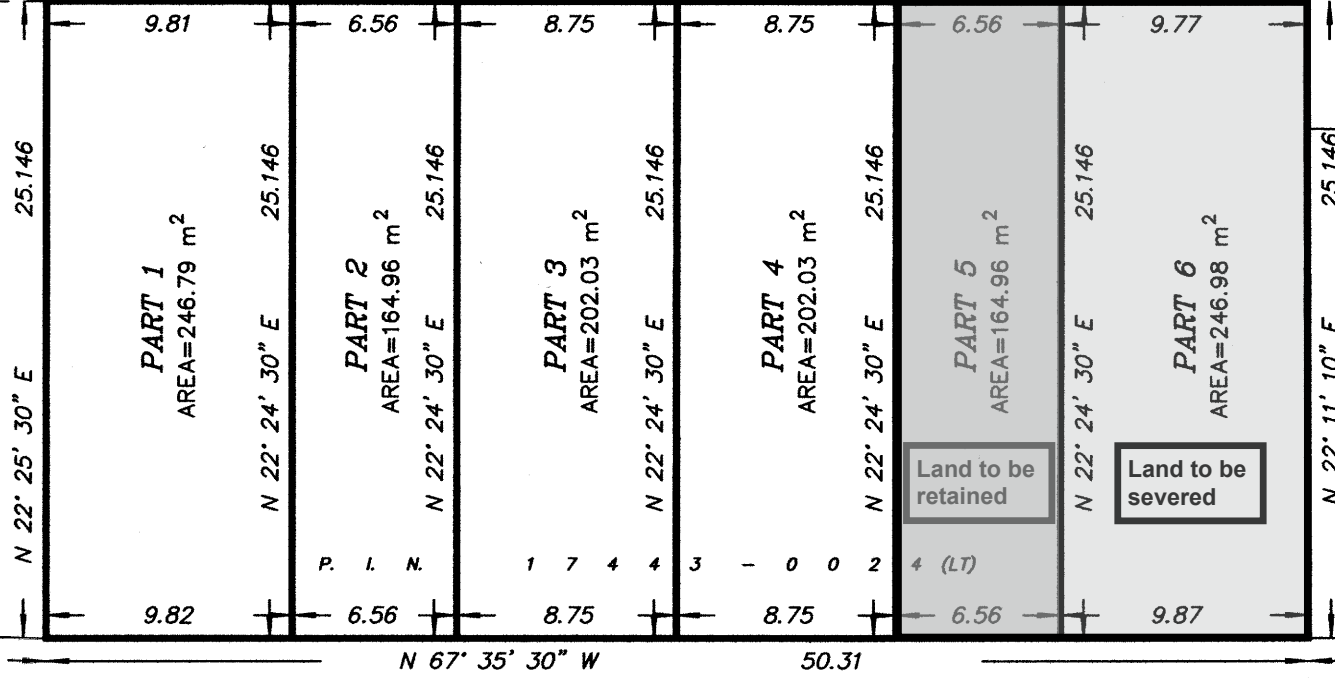
N 67° 35' 30" W 50.20

WILSON STREET EAST



P.I.N. 17443-0022 (LT)

PART 1
PLAN 62R-7666



LOT 4
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PLAN 344

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PLAN 62R-4242
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