



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 22-14
Date: July 28, 2022
Time: 1:00 p.m.
Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
71 Main Street West

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

Pages

1. PREVIOUSLY TABLED

1.1. 1:10 p.m. AN/A-22:18064 Lovers Lane, Ancaster (Ward 12)

Agent N. Miskovic
Owner M. Kancko

*See July 14th 2022

2. SUBURBAN

2.1. 1:15 p.m. Re-circulation SC/A-22:59 11 Kilbourn Ave., Stoney Creek (Ward 10)

Agent A.J. Clarke – S. Fraser
Owner Hillwood Homes

5

2.2. 1:20 p.m. SC/A-22:216417 Hwy 8, Stoney Creek (Ward 10)

Agent A.J. Clarke – R. Ferrari
Owner Q24 Holdings Inc.

19

2.3. 1:35 p.m. AN/A-22:214371 Klein Circle, Ancaster (Ward 12)

Agent Stoney Brook – T. Bruccuillieri
Owner 1639142 Ontario Inc.

43

- 2.4. 1:40 p.m. AN/A-22:21866 Bridgeport Cres., Ancaster (Ward 12) 55
Agent G. Kimmins
Owners S. & J. Lee
- 2.5. 1:50 p.m. SC/B-22:669 Upper Centennial Pkwy., Stoney Creek (Ward 9) 79
Agent Bousfield Inc. c/o D. Falletta
Owner EM Two Properties Inc. c/o Oren Aronowicz
- 2.6. 1:55 p.m. HM/A-22:12324 San Felice Lane, Hamilton (Ward 8) 99
Agent S. Tarika
Owner H. Al Saigh
- 2.7. 2:05 p.m HM/B-21:79727 Rymal Rd. E., Hamilton (Ward 6) 111
Agent GSP Group – J. Liberatore
Owner M. Khera
- 3. URBAN**
- 3.1. 2:10 p.m. HM/A-22:213137 Peter St., Hamilton (Ward 1) 175
Agent GSP Group – J. Liberatore
Owners B. Fleming & A. McAllister
- 3.2. B R E A K
- 3.3. 2:25 p.m. Re-circulation SC/A-22:7691 Centennial Pkwy S., Stoney Creek (Ward 5) 217
Owner M. DelSordo
- 3.4. 2:30 p.m. HM/A-22:21983 Julian Ave., Hamilton (Ward 4) 231
Owner Ralph Bakker
- 3.5. 2:35 p.m. HM/B-22:63243 Glennie Ave., Hamilton (Ward 4) 245
Agent R & R Designs – N. Viridi
Owner Dao Nguyen
- 3.6. 2:40 p.m. HM/B-22:65169 MacAulay St. E., Hamilton (Ward 2) 261
Agent R & R Designs – N. Viridi
Owner N. Star Investments Inc.

- 3.7. 2:45 p.m. HM/B-22:6490 Sherman Ave. N., Hamilton (Ward 3) 279
Agent A. Thabet
Owners M. & W. Curlew
- 3.8. 2:50 p.m. Re-circulation HM/B-22:27341 Barton St. E., Hamilton(Ward 3) 289
Agent Michael Barton
Owner Malleum Core Partners
- 3.9. 2:50 p.m. Re-circulation HM/A-22:116341 Barton St. E., Hamilton(Ward 3) 303
Agent Michael Barton
Owner Malleum Core Partners
- 3.10. 2:55 p.m. HM/A-22:18810 Lady Court, Hamilton (Ward 5) 347
Agent Gregory Spurek
Owner G. & S. Dhindsa
- 3.11. 3:00 p.m. HM/A-22:99578 Catharine St. N., Hamilton (Ward 2) 357
Agent M. Sabelli
Owner J. Schoenhardt
- 3.12. 3:05 p.m. HM/A-22:203405 Main St. W., Hamilton (Ward 1) 365
Owner 3HProperties
- 3.13. 3:10 p.m. HM/A-22:20595 Chedoke Ave., Hamilton (Ward 1) 445
Agent Team Shane – L. Sayegh
Owners J. Hunter & B. Connolly
- 3.14. 3:15 p.m. HM/A-22:209360 Herkimer St., Hamilton (Ward 1) 471
Agent T. Johns – K. Gillis
Owners T. Stevenson & E. Raben
- 3.15. B R E A K
- 3.16. 3:30 p.m. HM/A-22:20750 Young St., Hamilton (Ward 2) 497
Agent WEBB Planning – J. Webb

4. RURAL

- 4.1. 3:35 p.m. DN/A-22:20125 Alma St., Dundas (Ward 13) 521
Agent WEBB Planning
Owner HWCDSB
- 4.2. 3:40 p.m. FL/A-22:217619 Centre Rd., Flamborough (Ward 15) 533
Agent WEBB Planning Consultants
Owner Parkside Hills Inc.
- 4.3. 3:45 p.m. SC/B-22:6228 Second Rd. W., Stoney Creek (Ward 9) 545
Agent A.J. Clarke – S. Fraser
Owner MJ Drywall & Stucco
- 4.4. 3:50 p.m. DN/A-22:21015 McKay Rd., Dundas (Ward 13) 561
Owner G. Landon & L. Florek
- 4.5. 3:55 p.m. DN/A-22:21122 McKay Rd., Dundas (Ward 13) 583
Owner T. Sway & L. Jacques

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

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-22:59	SUBJECT PROPERTY:	11 KILBOURN AVENUE, STONEY CREEK
ZONE:	"R2" (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner - Hillwood Homes
Agent - A.J. Clarke – S. Fraser

The following variances are requested:

1. A minimum lot frontage of 13.65 metres shall be provided for both the portion of the lands to be severed (Part 1) and the portion of the lands to be retained (Part 2), instead of the minimum required lot frontage of 15 metres.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Severance Application SC/B-21:112:

Notes:

1. Specific details regarding the proposed development of the portion of the lands to be conveyed (Part 1) and the portion of the lands to be retained (Part 2) were not included as part of this application; therefore, this Division cannot confirm zoning compliance.
2. Please note that the submitted survey indicates a minimum lot frontage of 13.72 metres for the portion of the lands to be severed (Part 1) and a minimum lot frontage of 13.71 metres for the portion of the lands to be retained (Part 2). The variance requested to permit a minimum lot frontage of 13.65 metres for both the portion of the lands to be severed (Part 1) and for the portion of the lands to be retained (Part 2) has been written as requested by the applicant.
3. This application is required to facilitate Consent Application No. SC/B-21:112.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

SC/A-22:59

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

DATE:	Thursday, July 28, 2022
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

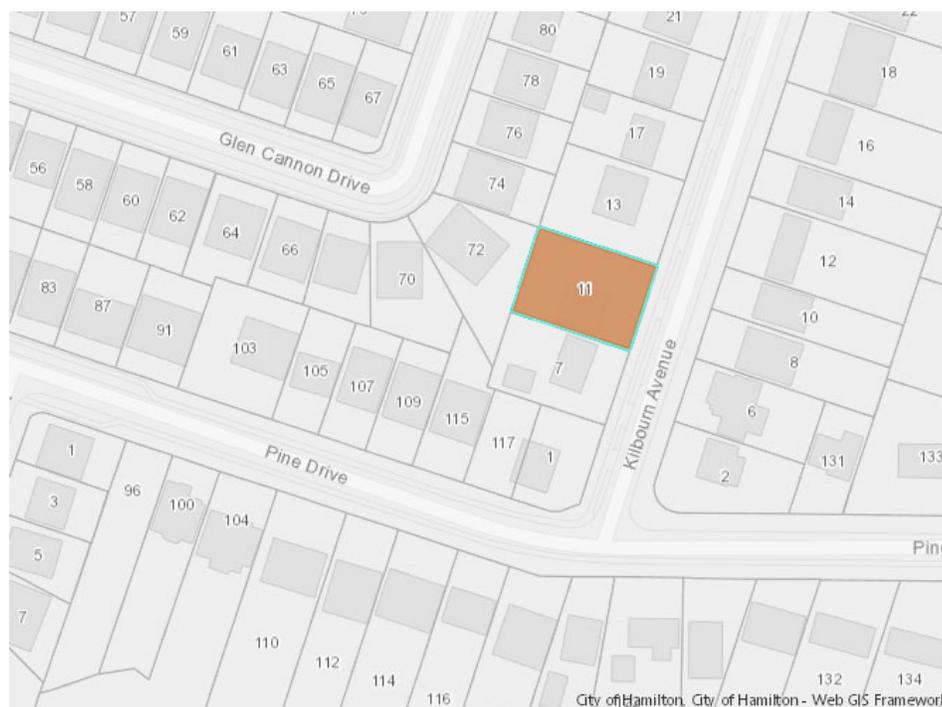
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



SC/A-22:59

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

Severance Application Authorization – 11 Kilbourn Avenue, Hamilton

We, Valerio Casciani and Wendy Casciani, are the owners of the lands municipally known as 11 Kilbourn Avenue, in the City of Hamilton.

We hereby authorize **A.J. Clarke & Associates Ltd. and Hillwood Homes Inc.** to submit a Severance Application to the City of Hamilton for the lands municipally known as 11 Kilbourn Avenue.

November 9, 2021

Date

November 9, 2021

Date

Val Casciani

Signature of Owner

Wendy Casciani

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 14, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 11 Kilbourn Avenue – Minor Variance Application Submission

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 11 Kilbourn Avenue for the purposes of submitting the enclosed Minor Variance Application Submission. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,465.00 representing the required application fee;
- One (1) electronic copy of the Authorization Letter;
- One (1) electronic copy of the Survey;
- One (1) electronic copy of the Severance Sketch;

The subject land is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2b” on Map B.7.1-1 of the Western Development Secondary Plan and is zoned “R2 – Single Residential – Two” Zone in the City of Stoney Creek Zoning By-law 3692-92. The subject lands are currently occupied by a single detached dwelling.

A Minor Variance has been required as a condition of severance approval (SC/B-21:112) in order to permit the proposed development. A Minor Variance is required to facilitate a reduction to the minimum frontage requirement as per the “R2” Zone in Zoning By-law 3692-92 from 15 meters to 13.65 meters. In total, a reduction of -1.35 metres is required.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment Hearing Date. If you have any questions or require additional information, please do not hesitate to contact this office.



City of Hamilton Attn: Jamila Sheffield
Re: 11 Kilbourn Avenue, City of Stoney Creek
Minor Variance Application Submission

February 14, 2022

Page 2 of 2

Yours truly,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser', with a large, stylized flourish at the end.

Stephen Fraser B.A. (Hons), MCIP, RPP
Principal Planner
A.J. Clarke and Associates Ltd.

Copy: Hillwood Homes
c/o Peter Elia
416-418-0531



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

The City of Hamilton
Planning and Economic Development Department
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

June 9, 2022

Sent via email to: cofa@hamilton.ca

Attn: Jamila Sheffield, Secretary-Treasurer

**Re: Minor Variance Application (File: SC/A-22:59)
11 Kilbourn Avenue, Hamilton, Ontario**

Dear Jamila:

Further to our recent email correspondence and as required, please consider this letter as our request to bring the above-noted application back to the Committee of Adjustment. Please be advised that our client and our office has shared the preliminary engineering design required for the consent agreement on the corresponding severance approval (File: SC/B-21:112) with Ms. Lyon and her lawyer, Mr. Brian Duxbury. While the engineering design and the consent agreement still requires finalization and approval by city staff, Ms. Lyon and Mr. Duxbury have agreed to our client bringing the minor variance back to the Committee of Adjustment for consideration and approval. The reason being, is the boundary matter has been resolved by the surveyors retained by Ms. Lyon and our client. There are no changes to the application as tabled and please note the approval of this minor variance is a condition of consent approval.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP
Principal, Planner
A. J. Clarke and Associates Ltd.

Copy: Peter Elia (email)
info@hillwoodhomes.ca

Brian Duxbury and Anita Lyon (email)
brian@duxburylaw.ca and saltfleet1973@gmail.com

SKETCH PREPARED FOR BUILDING PERMIT APPLICATION

FOR: HILLWOOD HOMES
11 KILBOURNE AVE.
CITY OF STONEY CREEK

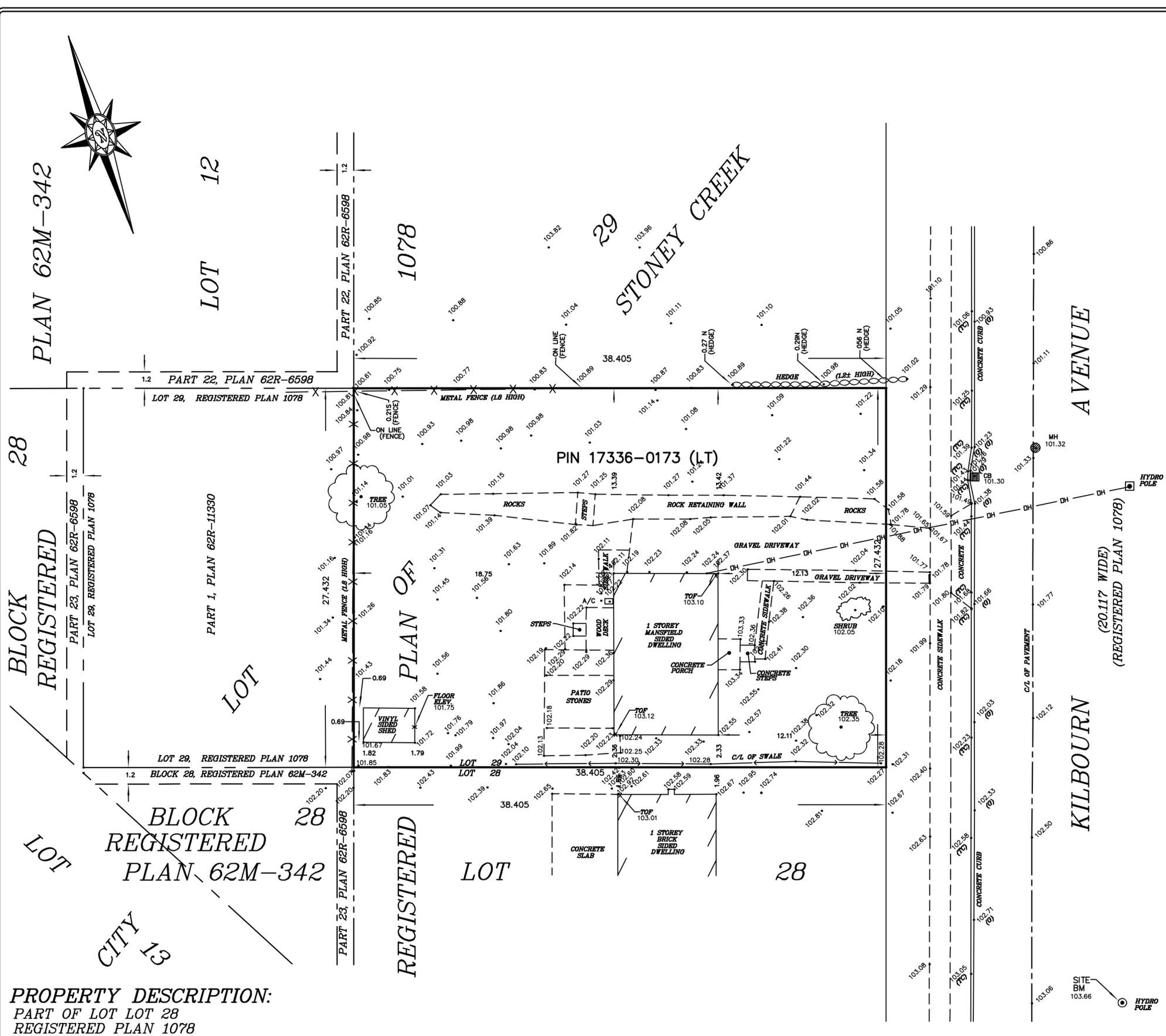
PIN 17226-0173 (LT)
SCALE: 1 : 200

JEWITT AND DIXON LTD.

SITE B.M.#1
SPIKE IN WEST FACE
OF WOOD HYDRO POLE
ELEV = 103.66
(GEODETIC)

LEGEND

BELL BOX	SHOWN	BBX	□
BENCH MARK	SHOWN	BM	⊙
CATCH BASIN	SHOWN	CB	■
TOP OF FOUNDATION	SHOWN	TOF	—
OVERHEAD HYDRO LINE	SHOWN	O/H	—
WATER VALVE	SHOWN	WV	⊕
HYDRO POLE	SHOWN	HP	⊕
GAS METER	SHOWN	GM	⊕
MANHOLE	SHOWN	MH	⊕
GUTTER	SHOWN	G	—
TOP OF CURB	SHOWN	TC	—



- NOTES**
- (1) - A SURVEY OF THE SUBJECT PROPERTY HAS NOT BEEN MADE AVAILABLE
 - (2) - PROPOSED BUILDING POSITIONED BY CALCULATIONS, NOT BY ACTUAL SURVEY
 - (3) - PROPOSED FINAL GRADES ARE SHOWN AND ARE IN METERS
 - (4) - T.F.W. DENOTES TOP OF FOUNDATION WALL
 - (5) - U.S.F. DENOTES UNDERSIDE OF FOOTING
 - (6) - F.F. DENOTES FINISHED FLOOR
 - (7) - SITE BENCHMARK HAVING A GEODETIC ELEVATION OF 1 meters
 - (8) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ELEVATION OF THE UPPER LIMIT OF THE GROUND WATER TABLE, SOIL BEARING CAPACITY AND THE ELEVATION OF THE UNDER SIDE OF FOOTING PRIOR TO EXCAVATION.
 - (9) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE BENCH MARK PRIOR TO EXCAVATION
 - (10) - ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC DATUM, CGVD 1928 VERTICAL DATUM
 - (11) - THIS SKETCH WAS COMPLETED FROM FIELD WORK COMPLETED ON THE

PROPERTY DESCRIPTION:
PART OF LOT LOT 28
REGISTERED PLAN 1078
CITY OF STONEY CREEK
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
CAUTION
THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES
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JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
R.R.1, SIMCOE, ONTARIO, N3Y 4J9
(51 PARK ROAD)
PHONE: (519) 426-0842
E-mail: surveyors@amtelecom.net

F.W.	-	J.H.
BOOK	-	LL
CALC.	-	J.L.M.
PLAN	-	J.L.M.
CHECK	-	K.H.

CLIENT-HILLWOOD HOMES
PROJECT No. -21-3201
21-3201-GP



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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
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:

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.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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**):

Part Lot 29, PI 1078, Except Pt 1, Reg Plan 62R11330
11 Kilbourn Avenue, Stoney Creek, City of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other N/A

- 8.1 If Industrial or Commercial, specify use N/A
- 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 8.1 to 8.10 above?

Online mapping and property owner information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

February 14, 2022
Date

DocuSigned by:
Wendy Casciani
Signature Property Owner(s)

Wendy Casciani & Valerio Casciani
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage Part 1 (13.72m), Part 2 (13.71m)
Depth Part 1 (38.41m), Part 2 (38.41m)
Area Part 1 (526.76 sq m), Part 2 (526.76 sq 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:
One single detached dwelling.

Proposed
One single detached dwelling per lot.

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 single detached dwelling.

Proposed:
One single detached dwelling per lot.

- 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, duplex, retail, factory etc.):
Single family.

- 16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family.

- 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 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 2b" Western Dev. SP

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"R2 - Single Residential - Two" City of Stoney Creek Zoning By-law 3692-92.

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No

If yes, please provide the file number:
N/A

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)
SC/B-21:112

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

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-22:216	SUBJECT PROPERTY:	417 HWY 8, STONEY CREEK
ZONE:	"C2 and 673" (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended 18-087

APPLICANTS: Agent A.J. Clarke & Associates – R. Ferrari
Owner Q24 Holdings Inc.

The following variances are requested:

1. The amenity area associated with the dwelling units shall be permitted on the ground floor whereas the zoning By-law only permits the access, accessory office and utility area of the associated with residential use to be located on the ground floor.
2. Dwelling units shall be permitted to occupy 74.2% of the gross floor area of the building instead of the maximum 50.0% permitted.
3. No planting strip shall be provided along the southerly lot line abutting the Residential zone instead of the minimum 1.5m wide planting strip required.
4. A minimum of forty-five (45) parking spaces shall be permitted for the entire site instead of the minimum fifty-nine (59) parking spaces required.

PURPOSE & EFFECT: To facilitate the construction of a four (4) storey mixed use building consisting of twenty-seven (27) dwelling units and commercial ground floor.

Notes:

Variances have been written exactly as requested by the applicant. Please note, that this property is subject to Site Plan Control SPA-22-029; to date, a recirculation of the revised plan has not been submitted and a full zoning review has not been conducted for the new proposal. Further variances may be required at such time that a full zoning review is conducted on the new proposal.

SC/A-22:216

The elevation height dimension has not been provided from grade as defined. The applicant shall ensure that the maximum permitted height is not exceeded; otherwise, further variances shall be required.

The applicant shall ensure that the required visual barriers are provided as required under Section 4.19 of the Zoning By-law; otherwise, further variances may be required.

A 3.0m wide planting strip is required between the parking spaces and a street line. The submitted plan only shows a “landscaped” area. The applicant shall ensure that the required planting strip is provided and maintained; otherwise, further variance shall be required.

The proposed commercial use has not been clearly identified. Please be advised that if the commercial use is considered “Other Commercial uses not listed above” under Table C of Section 5.7, this site will require a minimum of ten (10) short-term bicycle parking spaces. Currently, only five (5) short-term bicycle parking spaces are shown.

The applicant shall ensure that compliance is achieved with any proposed encroachments, mechanical equipment, garbage enclosure etc., as per the Hamilton Zoning By-law 05-200.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	1:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or

SC/A-22:216

attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



STATISTICS		
SITE		
LOT AREA	3,688m ²	39,700 ft ²
LOT FRONTAGE	61.05 m	200'-3"
LANDSCAPED AREA	TBD	TBD
BUILDING - 4 STOREYS		
COVERAGE	816 m ²	8,784 ft ²
GFA - BUILDING	3,000.0 m ²	32,292 ft ²
GFA - COMMERCIAL	597.9 m ²	6,436 ft ²
GFA - RESIDENTIAL	2,225.4 m ²	23,954 ft ²
TOTAL UNITS		27
	1 BEDROOM	9
	2 BEDROOM	9
	2 BEDROOM + DEN	9
TOTAL PARKING PROVIDED		46
	SURFACE	46

PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3

STONEY CREEK, ON

This drawing must not be scaled.
 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.

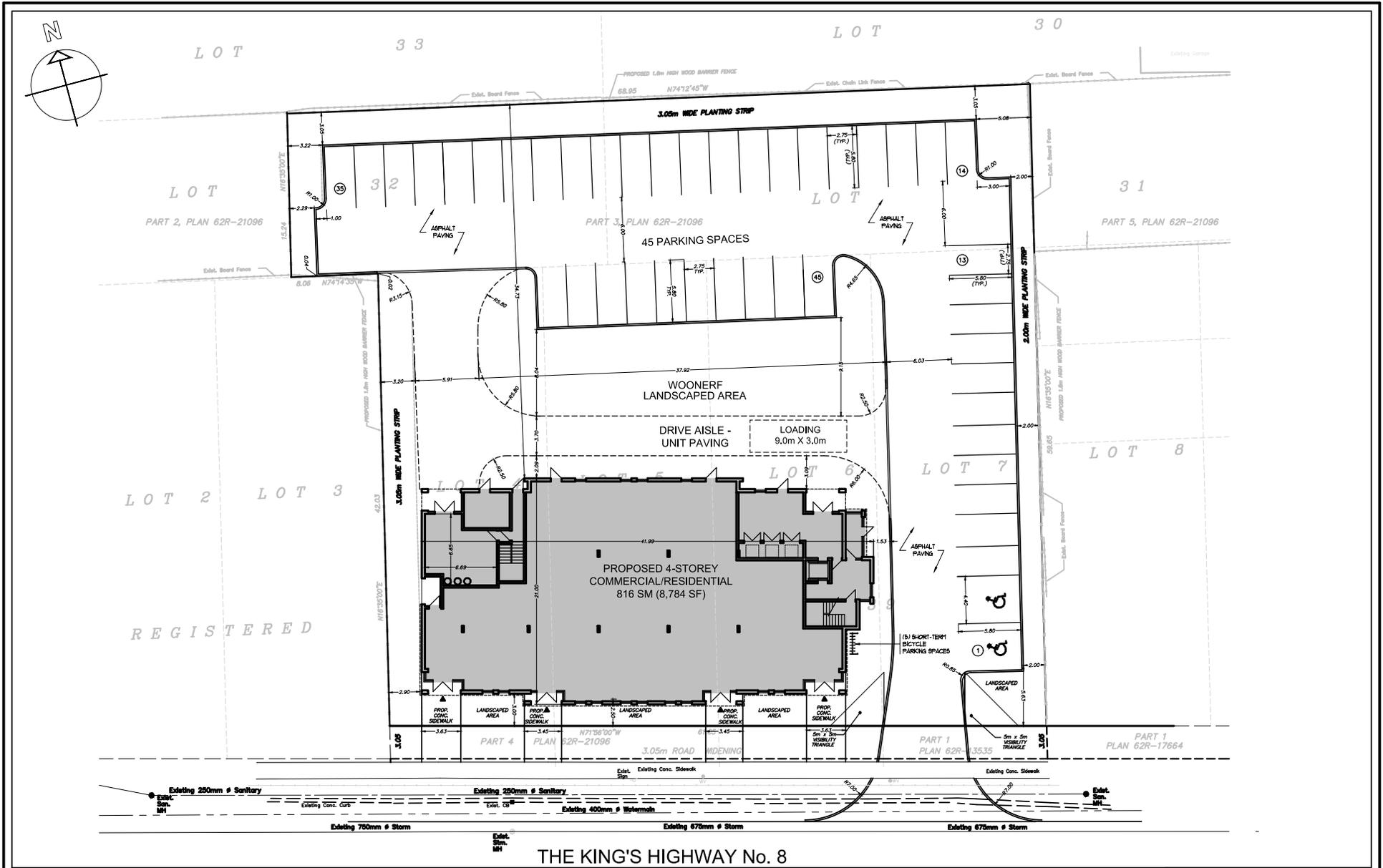
LINTACK ARCHITECTS
 INCORPORATED
 244 JAMES STREET SOUTH,
 HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209
 E: information@lintack.com
 www.lintack.com

COVER/STATS

job no.
22.029

dwg. no.

AO SITE
LAI OPTION 3_2022.06.15



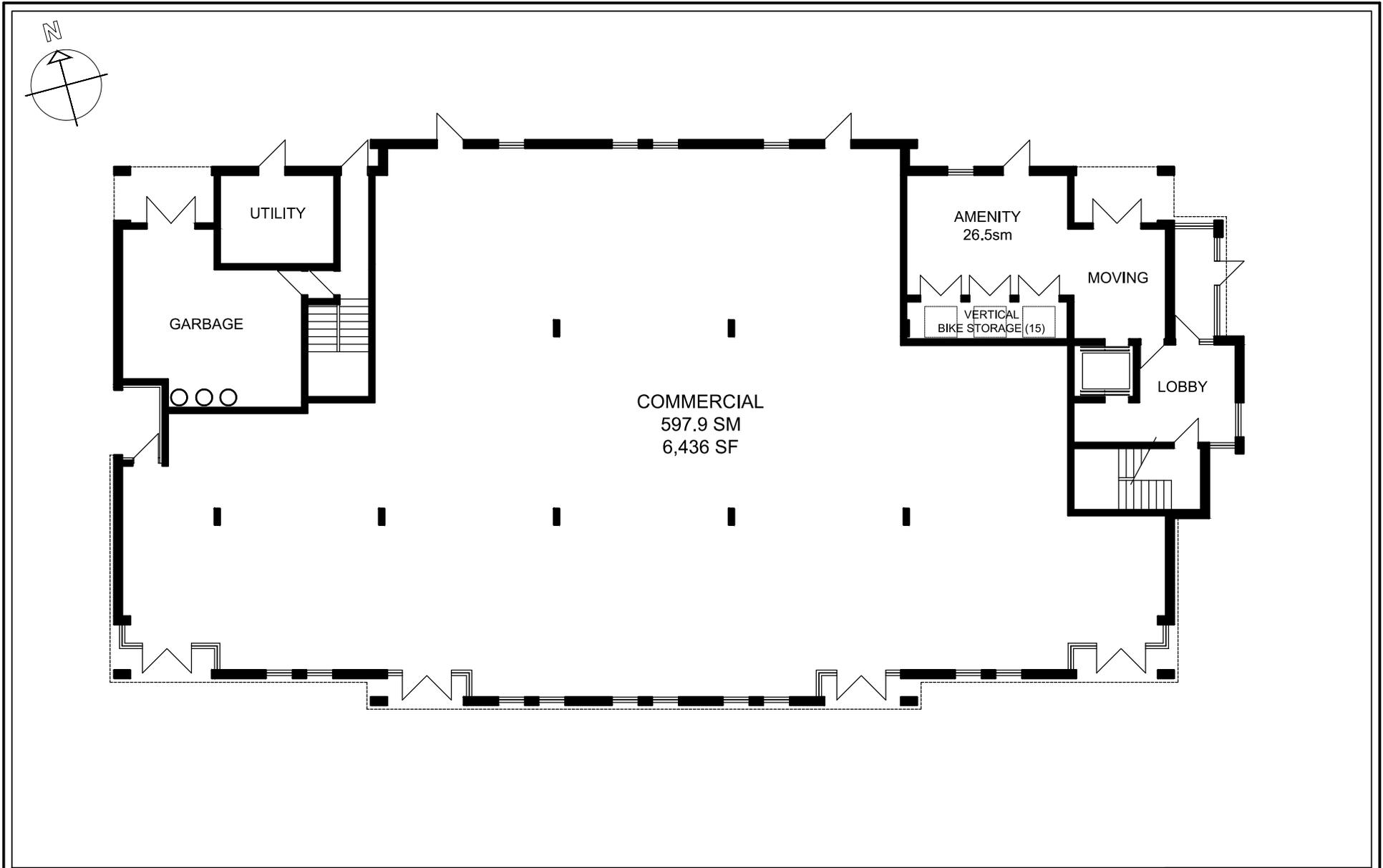
PROPOSED MIXED USE DEVELOPMENT
**HWY 8 & MILLEN MIXED USE
 OPTION 3**
 STONEY CREEK, ON

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SITE	
job no. 22.029	dwg. no. A0

A1 GND
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

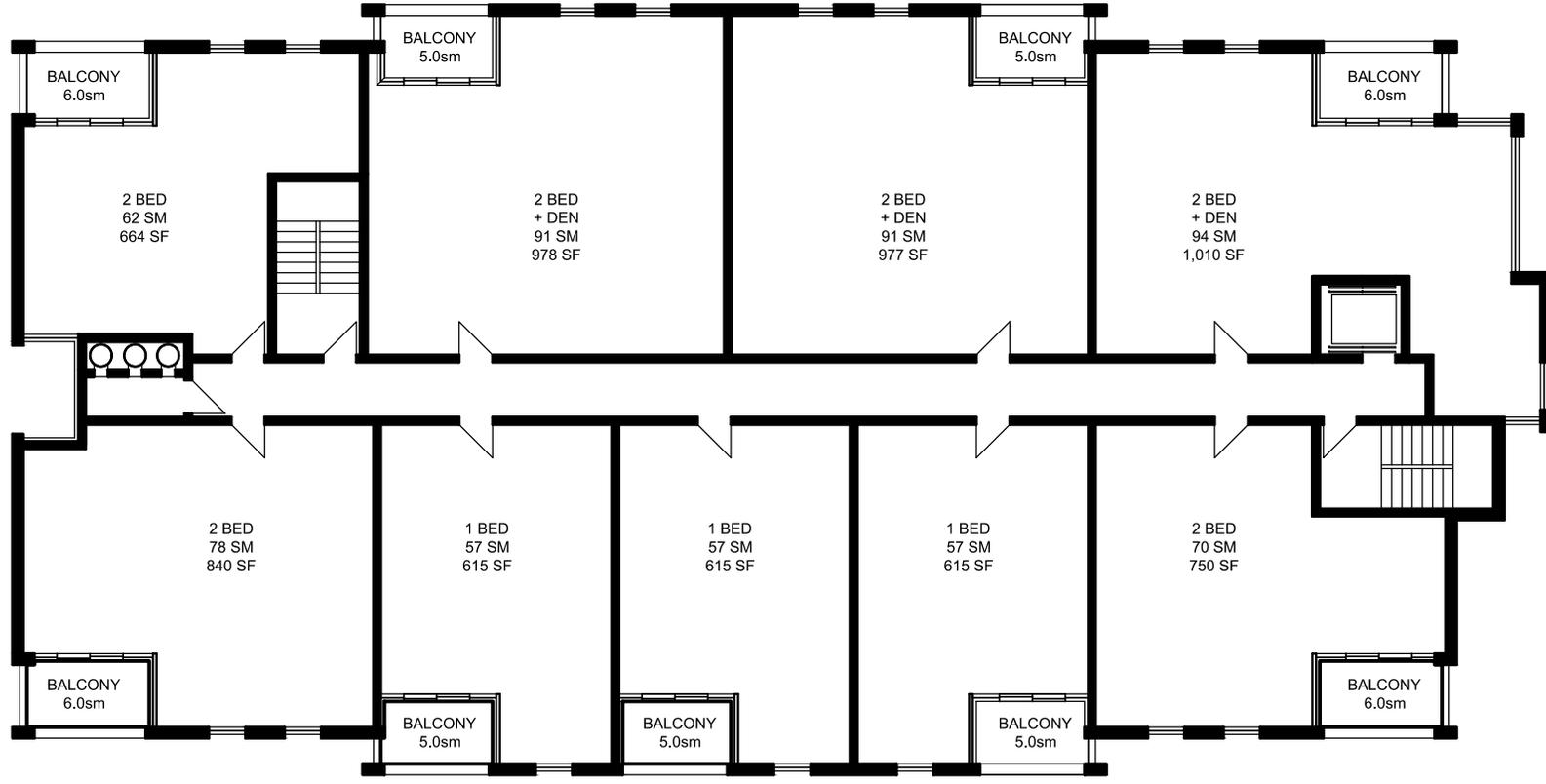
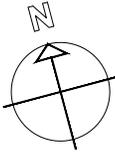
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GROUND

job no. 22.029	dwg. no. A1
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A2 2ND & 3RD
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

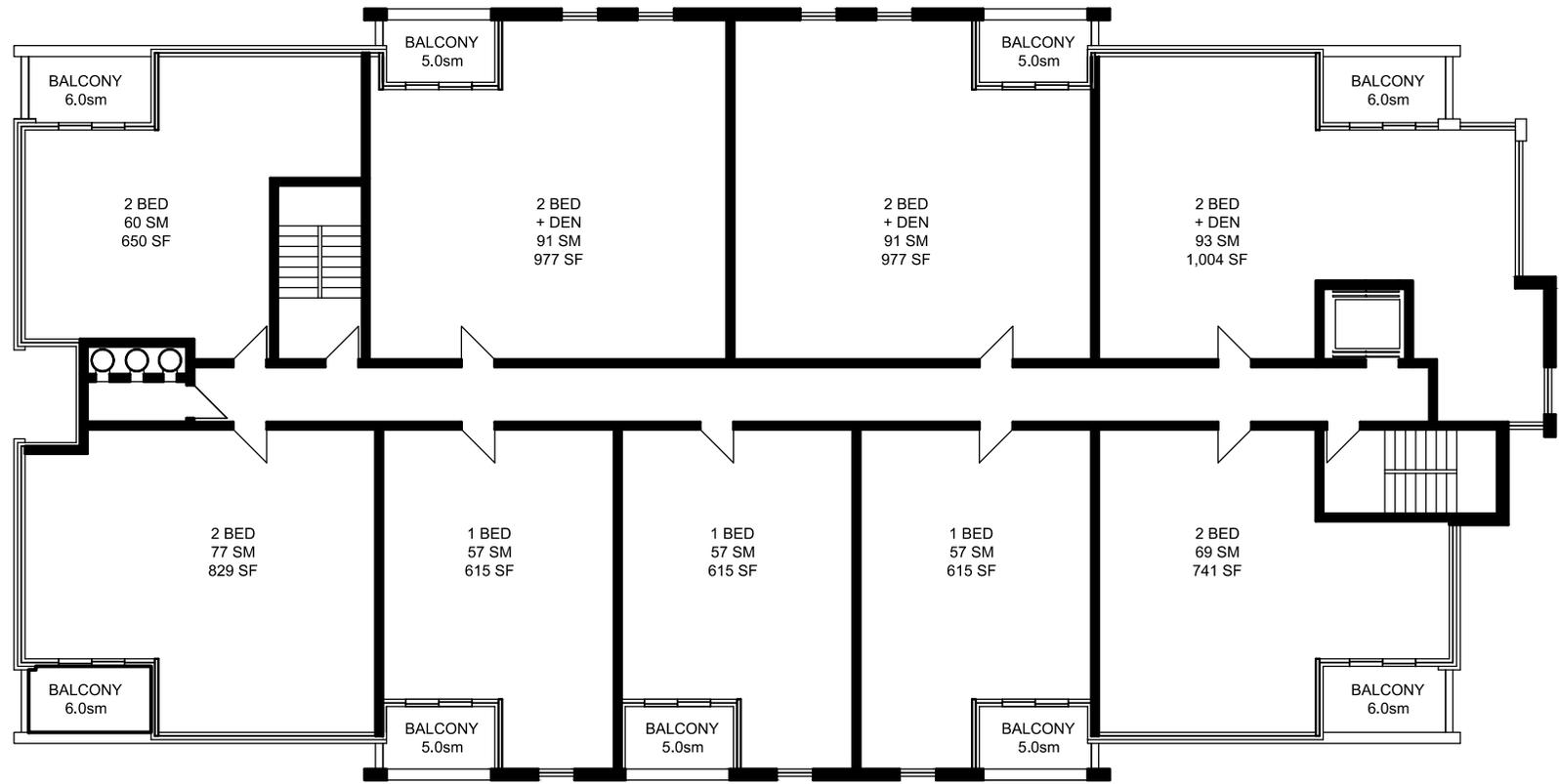
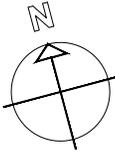
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SECOND & THIRD

job no. 22.029	dwg. no. A2
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A3 4TH
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

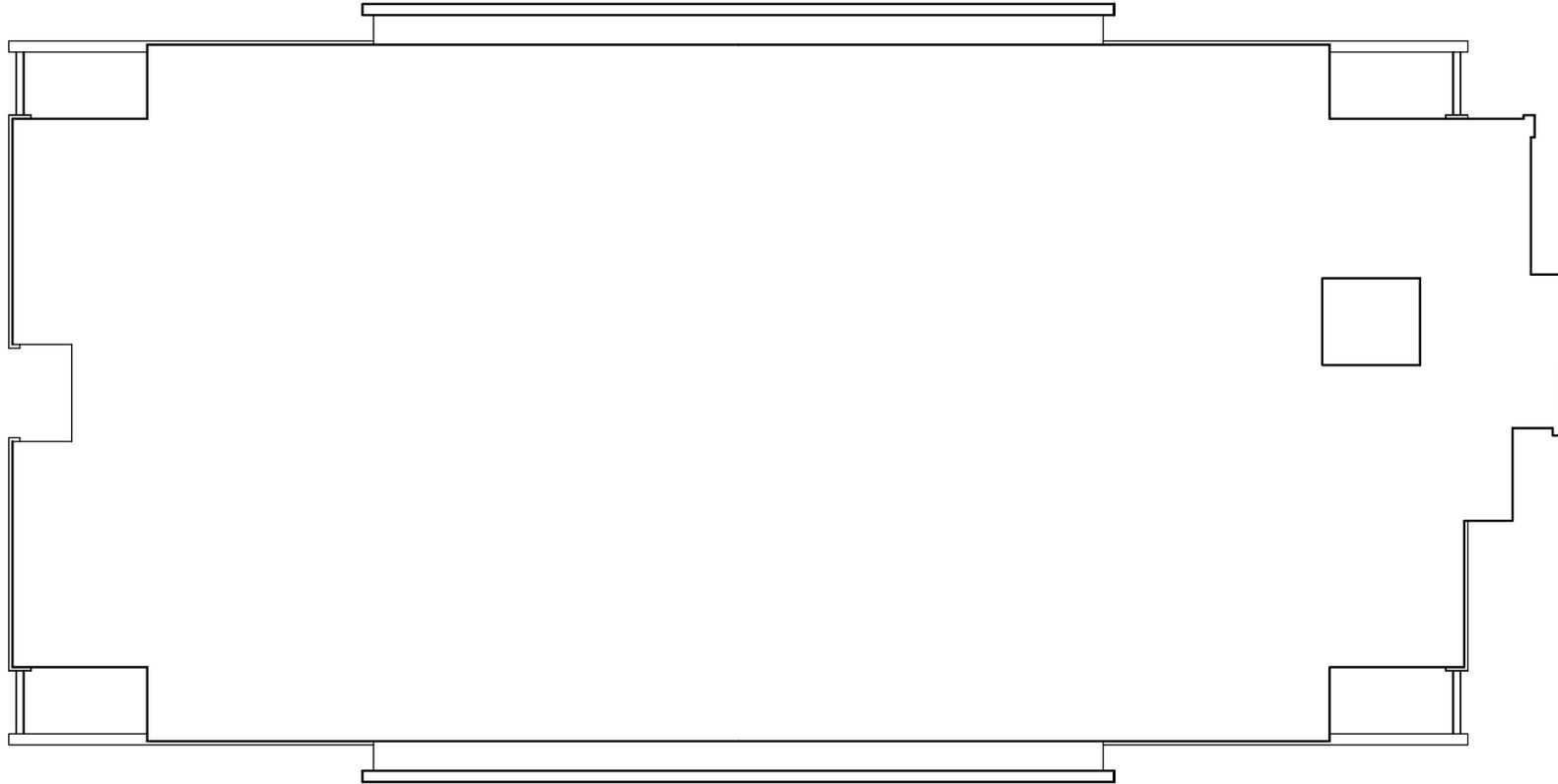
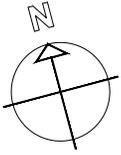
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FOURTH

job no. 22.029	dwg. no. A3
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A4 ROOF
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
OPTION 3

STONEY CREEK, ON

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ROOF	
job no. 22.029	dwg. no. A4

A5 ELEVATIONS
LAI OPTION 3_2022.06.15



SOUTH



NORTH

PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
OPTION 3

STONEY CREEK, ON

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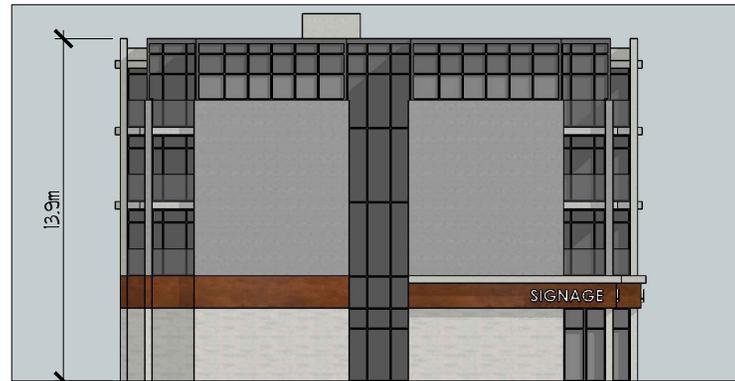
ELEVATIONS

job no.
22.029

dwg. no.
A5



EAST



WEST

MAXIMUM GLAZING OF FACADE:

TOTAL GLAZING: 109.5 sm
 TOTAL TRANSPARENT VISION GLASS: 20.4 sm

PERCENTAGE OF TRANSPARENT VISION GLASS: 18.6%

PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3

STONEY CREEK, ON

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ELEVATIONS

job no.
 22.029

dwg. no.
 A6



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

June 15, 2022

City of Hamilton
Planning and Economic Development
City Hall 5th Floor
71 Main St W, Hamilton, ON L8P 4Y5

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 417 Highway No. 8 – Minor Variance Submission

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by QZ4 Holdings Inc., owners of the property municipally known as 417 Highway No. 8 for the purposes of submitting the enclosed Minor Variance Application. The following materials have been submitted in support of the application.

- One (1) digital copy of the signed and executed Minor Variance Application;
- One (1) cheque in the amount of \$3,465.00 representing the required application fee for the Minor Variance Application;
- One (1) digital copy of the Architectural Package, dated June 15th, 2022, prepared by Lintack Architects Inc.

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and are zoned Local Commercial (C2, 673) Zone in City of Hamilton Zoning By-law No. 05-200.

The lands were originally subject to Official Plan and Rezoning Applications to change the designation and zoning of the subject lands to a site-specific commercial designation “GC-57” in By-Law Amendment 18-086) in the former Town of Stoney Creek Zoning By-law. Since that time, the new Commercial and Mixed Use Zones came into force and effect for the subject lands which carried over the specific provisions of the previous Stoney Creek By-law, so as to not interfere with the ongoing development.

In 2019, a Site Plan Application was approved, (File DA-19-067). The extent of the approval was to construct a 3-storey commercial office building on the subject property while retaining an existing restaurant building on the subject lands.

Since that time, the owners of the subject lands have expressed interest in abandoning their site plan approval in favour of a new development scheme.

Now proposed, is a 4-storey mixed use development with commercial on the ground floor and 3 floors of residential above. In total, 27 new residential units are proposed. The aforementioned restaurant building will be demolished in favour of the development. In total, 45 parking spaces are in the rear and side yards to provide support for the development.



Minor Variances

After completing review of the Hamilton Zoning Bylaw 05-200 and Site Specific C2-673 zoning bylaws, several variances will be required to facilitate the proposed development.

1) 10.2.1.1(ii) – Restriction of Residential Uses within a Building

As per subsection 1(ii) of the C2 Neighbourhood Commercial zone, a maximum of 50% of the total ground floor area shall be used for residential purposes and is described as follows:

ii) Restriction of Residential Uses within a Building

1. Notwithstanding Section 10.2.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. (By-law No. 21-189, October 13, 2021)

Proposed is a variance to allow a higher ratio of dwelling units to commercial uses than currently permitted within the City of Hamilton Zoning By-law 05-200. The increase would see 74% of the gross floor area set for residential use, whereas a maximum of 50% is permitted.

It is our opinion that a minor variance to permit the proposed 74% residential use within the building is appropriate and meets the Four Tests under Section 45(1) of the *Planning Act*. This is discussed in greater detail below.

2) By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

As per subsection 3.a.iv) of By-Law Amendment 18-087, the subject lands will require a total of 59 parking spaces. The by-law is described as follows:

- | | | |
|-----|-----------------------------|---|
| iv) | Minimum Parking Requirement | 59 parking spaces shall be provided and maintained for the entire site. |
|-----|-----------------------------|---|

This by-law amendment was written prior to the new Commercial and Mixed Use Zones coming into force and included parking requirements for an on-site restaurant. The restaurant has since closed operations and will be demolished. Further, the new proposal does not include a restaurant use on site. It is of our opinion that a minor variance to permit a reduction in the required parking spaces, to the proposed 45 spaces, is appropriate and meets the Four Tests under Section 45(1) of the *Planning Act*. This will be discussed in greater detail below.

Four Tests

As per Section 45(1) of the Planning Act (1990), the Committee of Adjustment has the power to authorize "... a minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof...".

Accordingly, the Committee of Adjustment has the power to approve variances to the permitted uses from the existing provisions of the Zoning By-law. Any minor variance must demonstrate, in the opinion of the Committee, that the proposed variance meets the four (4) tests outlined under the Planning Act, which are as follows:



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- 1) Is it minor in nature?
- 2) Is it desirable for the appropriate development or use of the land?
- 3) Does it maintain the general intent/purpose of the Official Plan?
- 4) Does it maintain the general intent/purpose of the Zoning By-law?

Our office has taken care to prepare responses to each of the four tests for all afore-mentioned variances.

VARIANCE #1: Restriction of Residential Uses within a Building

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan.

Proposed, is a 4-storey building with the ground floor set for commercial use and the top three floors planned for 27 new residential units. The variance sought is to increase the permitted residential use within a building from 50% to 74%. This is to allow for a structure that is under the permitted height while making more efficient use of lands by promoting the desired residential intensification along a Secondary Corridor, being Highway No. 8. The subject lands are designated as “Neighbourhoods” as per *Schedule E-1 Urban Land Use Designations* in the Urban Hamilton Official Plan (UHOP) and are further designated “Local Commercial” as per Map B7.1-1, *Western Development Area, Secondary Plan, Land Use Plan*. The site is also subject to Site Specific Policy – Area C (OPA 99), which allows for the maximum gross floor area for any grouping of local commercial uses to be 1,800 square metres.

Chapter A.1.4 sets forth the Principles of the Official Plan. The proposed development follows every applicable principle:

- The compact form contributes to healthy urban communities that provide opportunities to live, work, play, and learn;
- By utilizing underdeveloped lands it prevents the need to develop greenfield sites, thereby helping preserve environmental systems;
- The site is accessible by automobile, public transit (a bus stop is located within several metres of the property parcel), and pedestrian access;
- Promotes the growing, strong, prosperous and diverse economy of the area and financial stability to surrounding commercial uses, and;
- It is a strategic and wise use of existing infrastructure services and existing built forms.

Chapter B.2.4 sets policies regarding residential intensification, and states:

“Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.”



Residential intensification is encouraged in the entire built-up area, with the primary intensification areas being Nodes and Urban Corridors. The inclusion of the apartment dwellings creates a wider range of available housing in the area. Residential intensification in “Neighbourhoods” has been planned to accommodate 40% of the residential intensification target and Urban Corridors are planned to accommodate another 40%.

Chapter B.3.2 sets policies regarding Housing and the goals of the Official Plan related to such matters. The proposed development complies with the goals set in 3.2.1 of Chapter B by providing a range of housing types and densities to help foster a more complete community while increasing the stock of more available housing in an area dominated by more expensive, single-detached dwellings. It should be noted that generally the development is providing a greater number of 2-bedroom units to support housing for larger families, for instance.

Chapter E.2 sets forth policy regarding the Urban Structure. Since the subject lands are located on an urban corridor, as per *Schedule E – Urban Structure*, the proposed development complies with each principle stated in E.2.1. Further, E.2.4 sets policies for Urban Corridors. Corridors are considered a separate structural element from the Neighbourhoods but function as an integral part of the surrounding Neighbourhood and shall be the location for a range of higher density land uses including mixed uses where feasible. Secondary Corridors shall serve to link nodes and employment areas or primary corridors. Regarding scale, 2.4.10 states that Secondary Corridors shall generally accommodate retail and mixed-use forms in small clusters with medium density housing located between the clusters. The proposed structure incorporates both while making efficient use of land. 2.4.12 states that, while Secondary Corridors are currently characterized by single use buildings, it is the intent of the Official Plan to evolve these corridors to an increasing proportion of multi-storey, mixed use buildings. While the proposed building is higher than the neighbouring single detached dwellings to the west, it still complies with 2.4.16 in that the building and its location have been designed to minimize effects of shadowing and overview. No variances are being sought to increase the maximum permitted height on site.

Chapter E.3.8 of Volume 1 of the Official Plan sets policy related to “Local Commercial” designations. The proposed structure complies with the permitted uses set in 3.8.2 as it contains commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood while simultaneously including residential use. 3.8.4 sets policy regarding the scale of development. 3.8.4d) permits multiple storey buildings with the local commercial uses on the ground floor and residential units above, precisely what the proposed building will feature. The development also contains less than the 10,000 square metre maximum commercial space permitted. This section of policy also regards design in the development of local commercial. The proposed development will front and have access to a major arterial (Highway 8) and provide safe and convenient access for pedestrians and cyclists of the surrounding neighbourhood while improving the streetscape. Windows, signage, and access will be to the arterial road with minimal setback. Parking has been set to the rear and side yards with enough buffer space between the parking facilities and the neighbouring residential land uses.

The height and massing are also compatible within the Highway 8 streetscape. While the subject lands are designated as “Neighbourhoods”, it should be noted that the site is only approximately 70



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metres from a “District Commercial” area designation. This “District Commercial” designation allows for a height of 14 metres (equivalent to four storeys).

The Official Plan permits Mixed Uses in Local Commercial Designations. The City of Hamilton has promoted and desires the generation of residential intensification along Secondary Corridors and evolve these corridors moving into the future into increasing proportion of multi-storey, mixed use buildings. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

The required variance to City of Hamilton Zoning By-law No. 05-200 is intended to facilitate a desirable built form which is compatible with the existing and future neighbourhood. The development will require a minor variance from bylaw 10.2.1.1.ii) – Restricted Uses which is described as follows:

“1. Notwithstanding Section 10.2.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. (By-law No. 21-189, October 13, 2021)”

The intent of this provision is to permit small scale, local commercial uses to be supported by residential uses above. This is a typical condition found within low density, small scale neighbourhoods, where it is desirable for low scale mixed uses to be located. However, subject lands are not located within the interior of a neighbourhood. These lands are located along a Secondary Corridor which contains several existing commercial and higher density residential uses. As such, it is desirable to maintain a ratio of three storeys of residential to one storey of commercial uses given the surrounding commercial and residential context. It is extremely common across the City of Hamilton to see one storey of commercial uses arranged with multiple storeys of residential above. In light of the surrounding context, a relief from this provision is appropriate and does not undermine the overall intent of the By-law.

3. Is the proposed variance appropriate for the development of the subject lands?

As noted above, the variance is intended to facilitate a desirable built form along a Secondary Corridor Arterial Road. As noted above, the proposed variances are consistent with the Urban Hamilton Official Plan and Western Development Secondary Plan. Moving forward, the City has made it clear in its intention to develop urban corridors using mixed use, multi-storey developments that link the cities nodes, employment areas or primary corridors. The variances are therefore appropriate for the development of the subject lands.



4. Are the proposed variances minor in nature?

The proposed variance will have no perceived impacts on the subject lands or the surrounding neighbourhood. The proposed four (4) storey building is permitted. The question that remains is what percentage of the permitted four storeys should be comprised of residential uses?

A second storey commercial use rather than residential is not appropriate in this context given the number of commercial uses which are featured along Highway No. 8. Further, the inclusion of more residential space will support this commercial corridor by introducing a greater population to the neighbourhood.

There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

VARIANCE #2: By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?

Proposed, is a 4-storey building with the ground floor set for commercial use and the top three floors planned for 27 residential units; 45 parking spaces have been provided to serve the site. The variance being sought would be to reduce the parking spaces from the required 59 to the 45 proposed.

Chapter B.3.3.1 describes Urban Design Goals. Applicable to the proposed development are:

- 3.3.1.2 Provide and create quality spaces in all public and private development.
- 3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- 3.3.1.4 Create communities that are transit-supportive and promote active transportation.

The proposed development will create a quality space along the streetscape that is safe, accessible, connected, and easy to navigate, and transit supportive. By including bicycle parking, both short and long-term, and supplying sufficient parking the site will allow access for all transportation.

Chapter C.4.2.1 describes policy relating to transportation demand management measures and states in subsection b) that measures may include “supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate.” Chapter C also includes the *Parking and Loading* subsection of the 4.5 *Roads Network* section. Here, 4.4.15 states:

“Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.”



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Chapter E.2.4.17 also states “reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98).” A bus transit stop exists within several metres of the subject site.

The purpose and intent of the Official Plan’s policies regarding parking requirements are to ensure adequate parking for each associated use while also restricting the antiquated seas of asphalt parking that are prevalent in many Urban Corridors. The parking supplied by the proposed development provides sufficient space for residents, visitors and commercial customers. Further, this parking rate reflects the previous approvals in that a separate restaurant building was also proposed for the site, to which the additional parking would have needed to be accounted for.

It is of our planning opinion that the proposed variance to reduce the required parking from 59 spaces to the proposed 45 maintains the intent and purpose of the Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200? By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

The variance sought is reduce the required parking set in force by Bylaw Amendment 18-087 Section 3.a.iv) from the 59 required spaces to the 45 spaces proposed. Since the passing of this amendment, an updated Zoning Bylaw (No. 05-200) has come into effect for Commercial and Mixed-Use Zones. Further, this amendment required a significantly higher number of spaces due to a restaurant on site that has since closed; the proposed development contains no such commercial use.

Hamilton Zoning Bylaw No. 05-200, Section 10.2 has superseded the bylaw in which this amendment was originally made (Stoney Creek Zoning Bylaw No. 6593). As per Section 5 of Bylaw No. 05-200, the minimum required parking for residential use would be 20 spaces and the maximum allowable spaces for the residential use proposed on site would be 33. The maximum spaces required using the most restrictive, permitted, commercial use (Financial Establishment) is 19. Therefore, using the now-in-effect zoning bylaws affecting parking requirements the maximum allowable spaces would be 52 spaces.

The bylaw amendment passed in 2018 is outdated and set for a different commercial use than that currently proposed and is now setting a parking requirement that goes against the current zoning bylaw. It is our planning opinion that the requested minor variance maintains the intent and purpose of the City of Hamilton Zoning Bylaw No. 05-200.

3. Is the proposed variance appropriate for the development of the subject lands?

The reduced variance will reduce the amount of asphalt parking space necessary to facilitate the 18-087 amendment required 59 parking spaces. This will assist in creating wider landscaping buffers and a proposed woonerf-inspired space in the rear of the site. This in turn will provide sufficient parking while reducing the urban heat island effect created by swaths of paved space. The required 59 spaces as per zoning bylaw amendment 18-087 now exceeds the necessary number of stalls for the uses that it was intended to serve. The proposed 45 spaces are more in line with the now-



enforced 05-200 Zoning Bylaw. The variance is therefore appropriate and desired for the development of the subject lands.

4. Are the proposed variances minor in nature?

Due to the above noted policies and zoning bylaw requirements, the variance request to reduce the requirements of the site put in place by Zoning Bylaw Amendment 18-087 should be considered minor. The proposed development provides more than the minimum space required while not over-developing the site with asphalt to accommodate unnecessary parking. While the 22% reduction may sound considerable – the parking requirements now promoted by the Official Plan and enforced by the Zoning Bylaw would see this requirement as needless overdevelopment. Finally, measures such as on-site bicycle parking for both long- and short-term storage will be provided to assist in easing the number of on-site spaces being required.

It is of our planning opinion that the variance requested is minor in nature.

Conclusion

In accordance with the above criteria, variances to permit a higher percentage of residential use on site and a reduction in required parking will be required to facilitate the proposed development. The development conforms with the City of Hamilton Official Plan and Western Development Area Secondary Plan, and aside from the two variances requested, complies with the enforced Zoning Bylaw.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Yours truly,

Ryan Ferrari, BURPL, CPT
Planner

A. J. Clarke and Associates Ltd.

Copy: QZ4 Holdings Inc.
Fiddlers Green P.O Box 81068, Ancaster ON



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	MAILING ADDRESS
Registered Owners(s)	QZ4 Holdings Inc.	[REDACTED]
Applicant(s)*	(same as owner)	
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari	

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:

Unknown

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:

Minor variance for reduction in parking; residential v commercial ratio.
Please see Attached Cover Letter for full details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See 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**):

Part Lots 4, 5, 6, 7, 31 & 32 Plan 639 Part 3 62r21096 City Of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Restaurant, now Hair Salon

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 8.1 to 8.10 above?

Online mapping and property owner information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

6/10/2022
Date

DocuSigned by:
Dr. Sami Alwaleed
8009FC95A8A74F3
Signature Property Owner(s)
QZ4 Holdings Inc.
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	+/- 61.05 m
Depth	+/- 59.65
Area	+/- 3,688 sq m
Width of street	+/- 34 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:
One-storey, commercial building (hair salon). Approx. 16 m length, 9 m width, 144 sq m GFA.

Proposed
Four-storey (13.9 m) mixed use development with commercial at grade and residential above. 42 m in width, +/- 21 m in depth. 816 sq m in ground floor area. Total GFA of 32,292 sq m across four storeys.

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 commercial building. Approximately 3 m front yard depth, 4.5 m east side yard, 40 m rear yard.

Proposed:
Four storey mixed use development with commercial at grade and residential above. 2.5 m front yard, ~35.24 m rear yard, 2.91 west side yard.

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, duplex, retail, factory etc.):
Commercial, C2, Exception 673 Zoning
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family dwellings (north and west), commercial (south and east)
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 (UHOP)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Local Commercial (C2, 673)
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
ZAC-17-028
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Please see cover letter for more 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

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-22:214	SUBJECT PROPERTY:	371 KLEIN CIRCLE, ANCASTER
ZONE:	"R4" (Residential 4)	ZONING BY-LAW:	Zoning By-law 87-57, as Amended 07-329

APPLICANTS: Agent Stoney Brook – T. Bruccuilieri
Owner 1639142 Ontario Inc.

The following variances are requested:

1. A maximum height of 11.03 m shall be provided instead of the minimum required 10.5 m rear yard setback

PURPOSE & EFFECT: So as to permit an increase to the maximum height of the principle dwelling

Notes:

1. Elevation drawings submitted do not indicate height of building determined by "Grade" as defined in Ancaster Zoning By-Law 87-57. Should the average level of the ground adjoining the building, calculated along the perimeter of all exterior walls, measured at a vertical distance to the uppermost point of the building not be equal to or less than 11.03 metres, additional variances may be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

AN/A-22:214

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

DATE:	Thursday, July 28, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

AN/A-22:214



DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

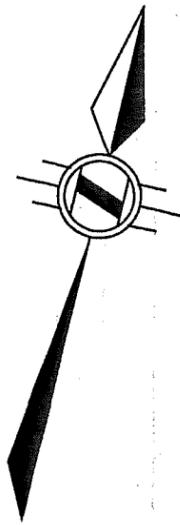
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SITE AND GRADING PLAN
OF
LOT 33
PLAN 62M-1260
IN THE
CITY OF HAMILTON

SCALE: 1:200 metres

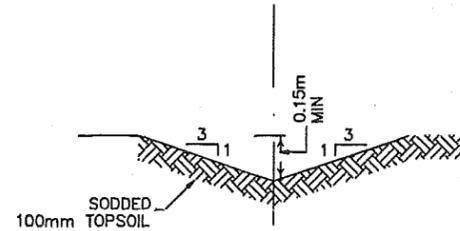


S.D. McLAREN, O.L.S. - 2021



LOT 49
 PART 1, PLAN 62R-7596

TYPICAL SWALE SECTION
(NOT TO SCALE)



NOTES:

BUILDER TO VERIFY ELEVATION OF SERVICE CONNECTIONS PRIOR TO BASEMENT EXCAVATION TO CONFIRM THAT SUFFICIENT FALL IS PROVIDED FOR GRAVITY SERVICES.

U/S FOOTINGS TO BE MINIMUM OF 1.2m BELOW FINISHED GRADE.

ALL DWELLINGS TO BE EQUIPPED WITH SUMP PUMPS.

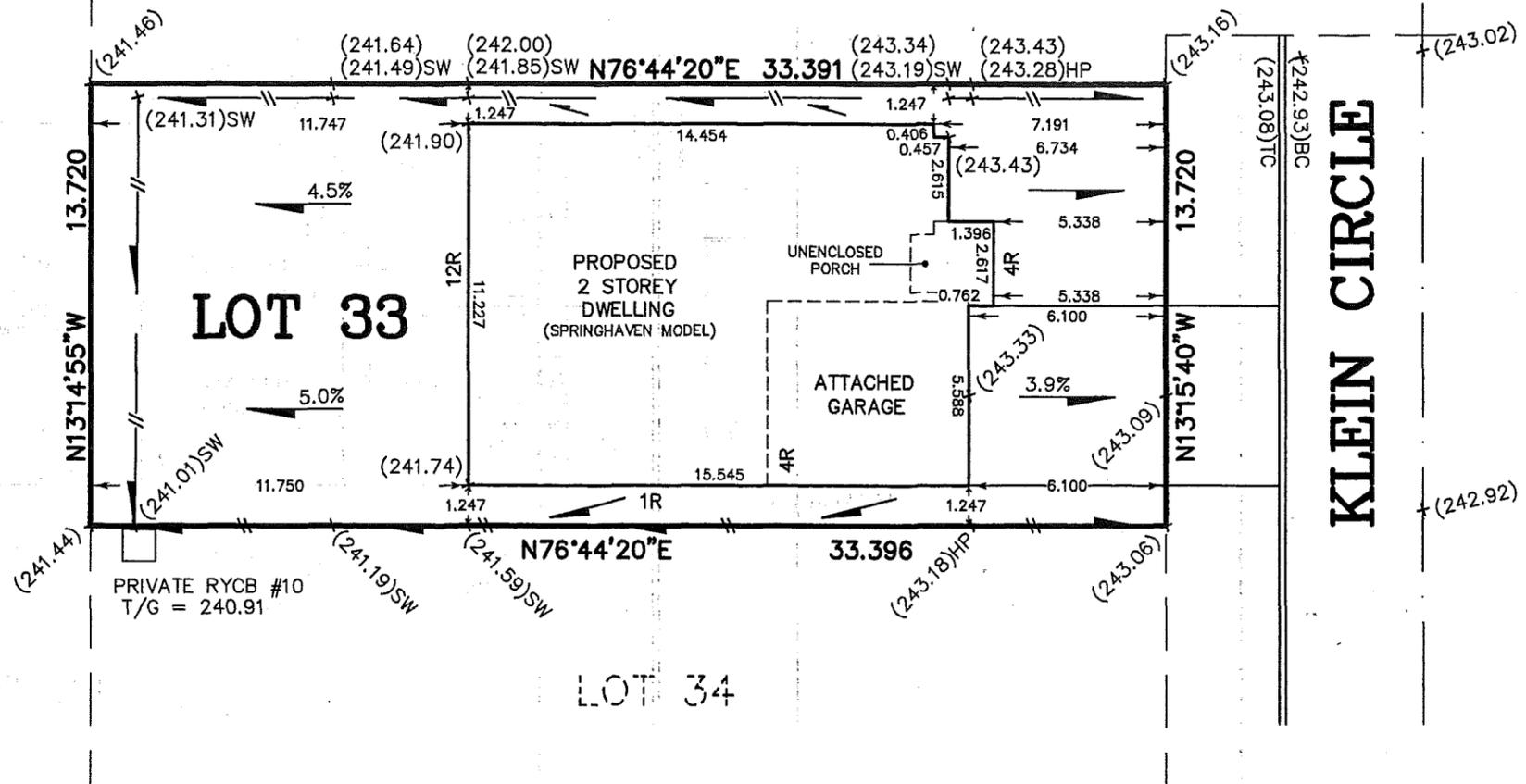
BENCHMARK NOTE:

BENCHMARK 07720020095

ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND ARE DERIVED FROM CITY OF HAMILTON BENCHMARK No. 07720020095. LOCATION: ROUND IRON BAR WITH BRASS CAP, 0.10m BELOW GRADE, 12m NORTH OF CENTRELINE OF STONEHENGE DRIVE, 17m EAST OF CENTRELINE OF THOROUGHbred DRIVE, 1m NORTH OF CENTRELINE OF SIDEWALK.

ELEVATION - 236.961 METRES (CGVD 28)

PART 3, PLAN 62R-18664



LEGEND:

- 000.00 DENOTES EXISTING ELEVATION
- (000.00) " PROPOSED ELEVATION
- " DIRECTION OF FLOW
- // " PROPOSED SWALE
- SD " PROPOSED SWALE WITH SUBDRAIN
- R " RISER
- * " REVISED DIMENSION
- (S) " SUMP PUMP

PROPOSED HOUSE ELEVATIONS:

- GARAGE FLOOR = 243.33
- TOP OF FOUNDATION = 243.93
- FIRST FLOOR = 244.23
- BASEMENT FLOOR = 241.33 MIN.
- U/S OF FOOTING = 241.10
- LOT AREA = 460.1m²
- LOT COVERAGE = 30.9%

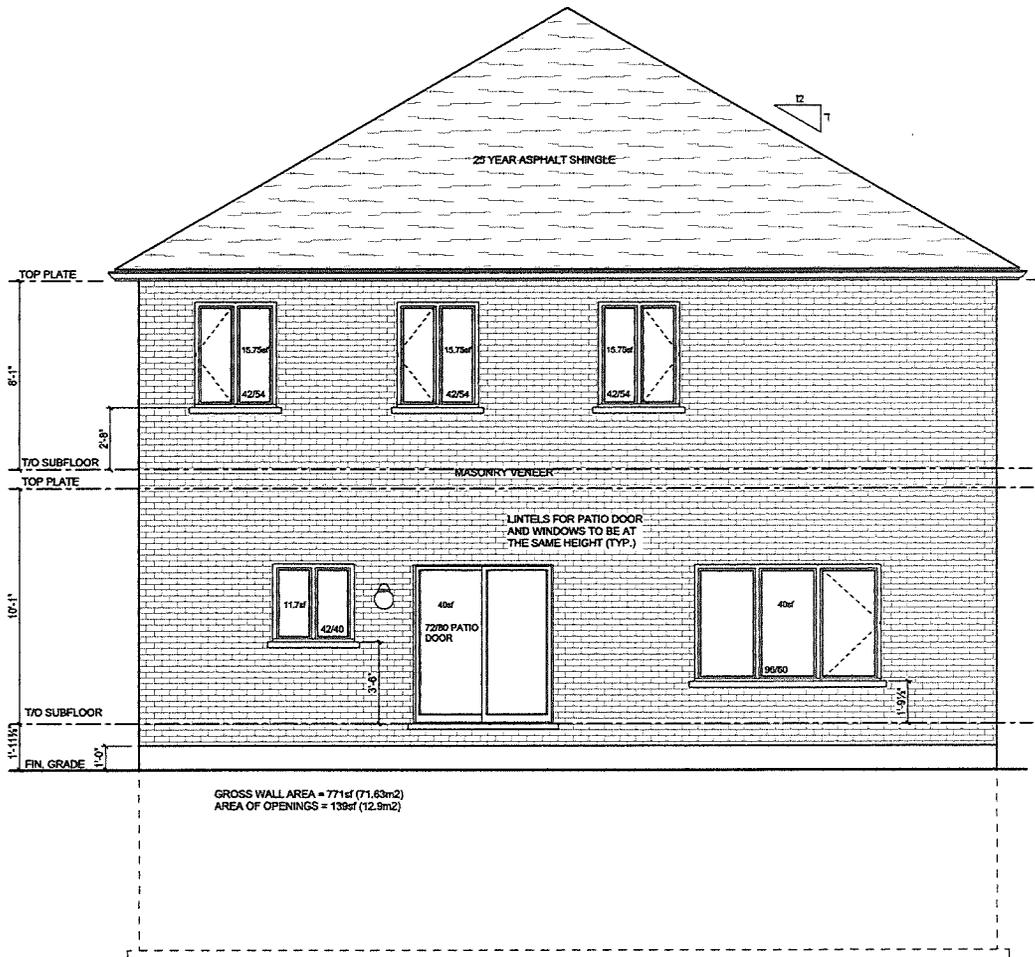
METRIC NOTE

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

DATE MAY 31, 2021.	S.D. McLAREN, O.L.S.	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 KB	Checked SDM	Scale 1:200 Dwg.No. 36133-33

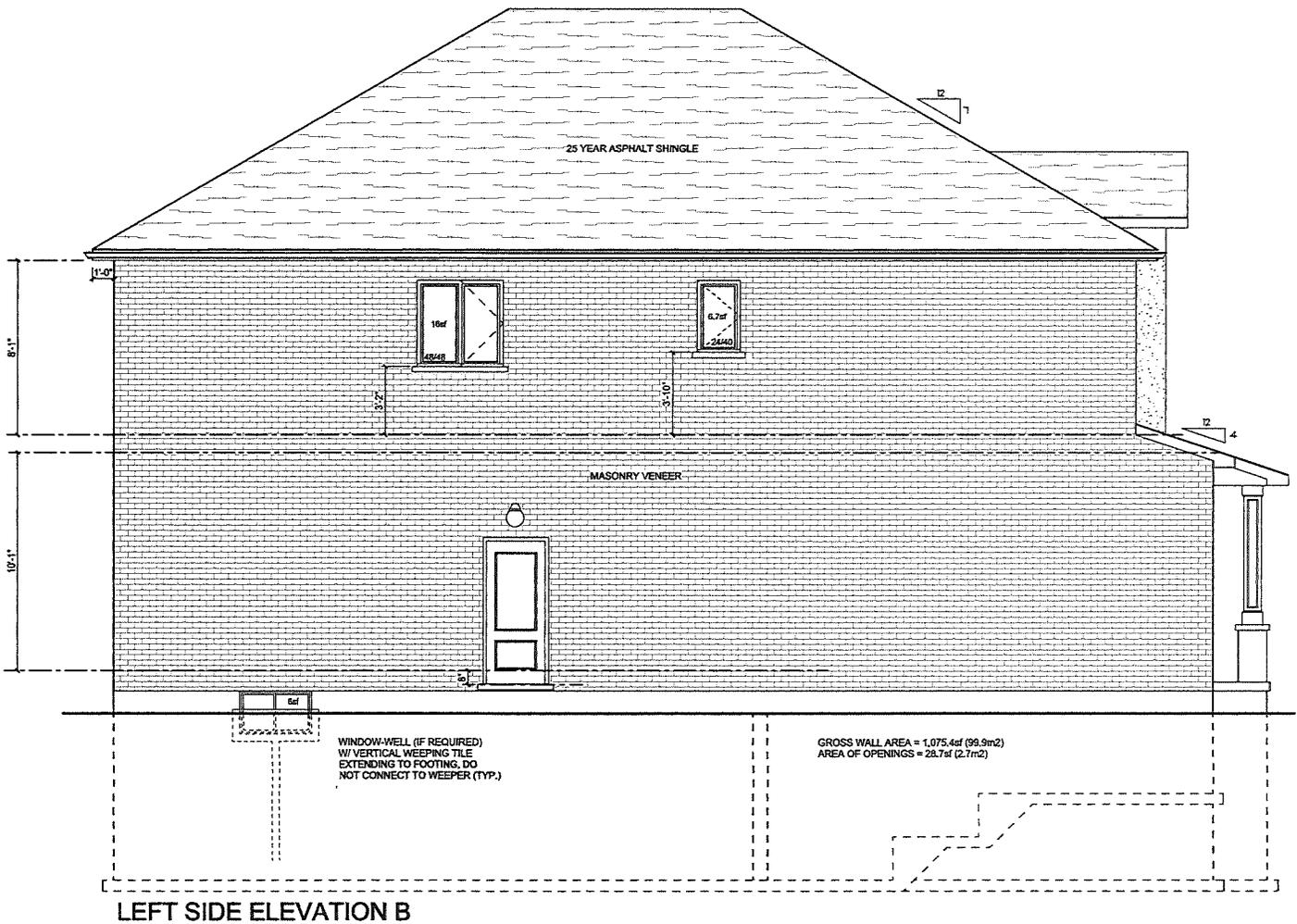
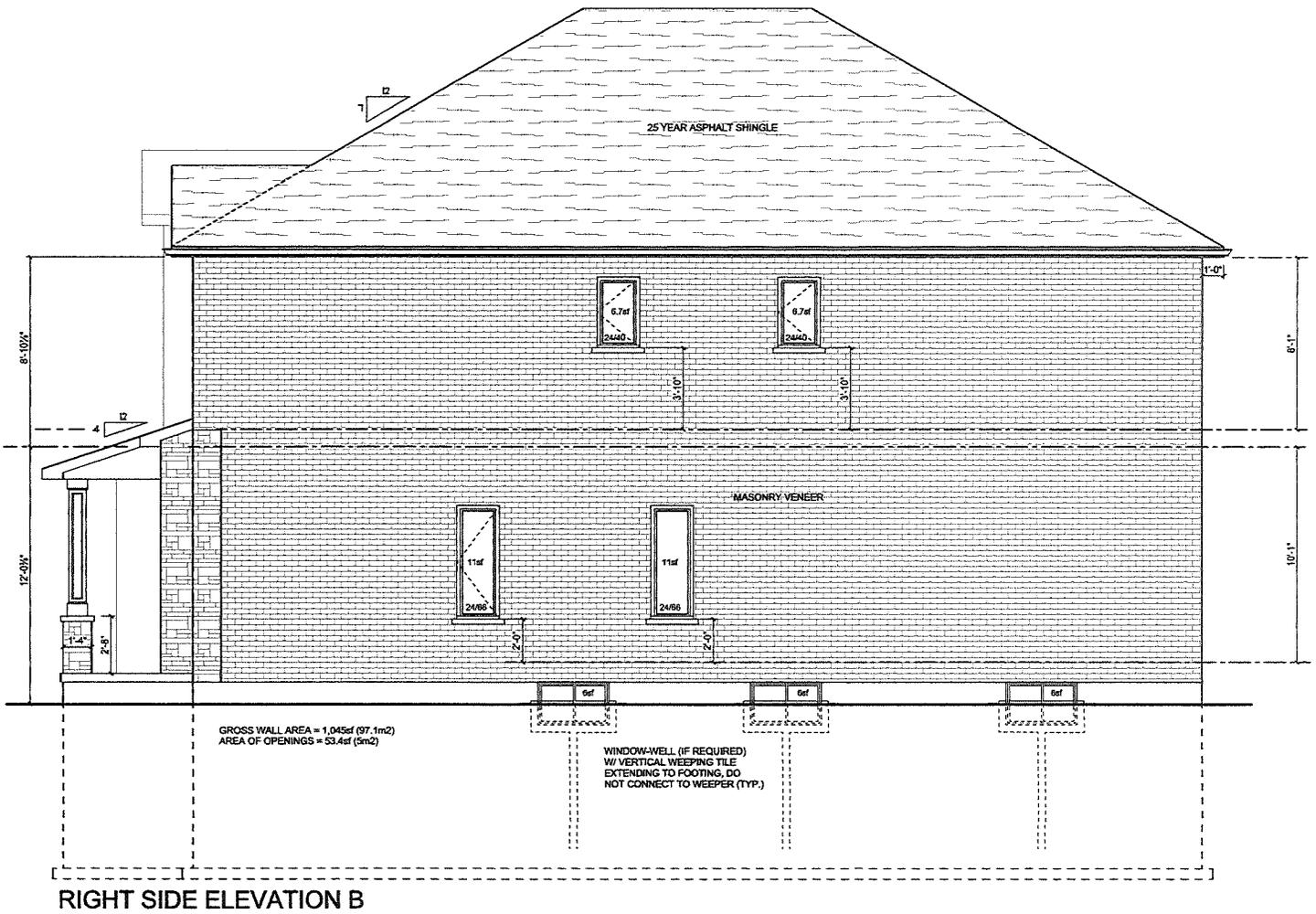


FRONT (EAST) ELEVATION



REAR (WEST) ELEVATION

STONE BROOK DESIGN-BUILD LTD. (905) 648-7900 www.stoneybrookhomes.com BCIN # 31911	Spoke Homes (SPRINGHAVEN MODEL 4 BDRM, ELEV. B)	DRAWN BY: AB BCIN # 28218	CHECKED BY: AB BCIN # 28218	
	PROJECT TITLE SINGLE FAMILY RESIDENCE 371 KLEIN CIRCLE (LOT 33) ANCASTER, ON.	ISSUE DATE: JUNE 14, 2022	SCALE: 1/8"=1'-0"	
	SHEET TITLE ELEVATIONS	PROJECT No.: 10503	PAGE No.: A1.0	



<p>STONEY BROOK DESIGN-BUILD LTD.</p> <p>(905) 648-7900 www.stoneybrookhomes.com BCIN # 31911</p>	<p>Spoke Homes (SPRINGHAVEN MODEL 4 BDRM, ELEV. B)</p>	<p>DRAWN BY: AB BCIN # 28218</p>	<p>CHECKED BY: AB BCIN # 28218</p>	
	<p>PROJECT TITLE SINGLE FAMILY RESIDENCE 371 KLEIN CIRCLE (LOT 33) ANCASTER, ON.</p>	<p>ISSUE DATE: JUNE 14, 2022</p>	<p>SCALE: 1/8"=1'-0"</p>	
	<p>SHEET TITLE ELEVATIONS</p>	<p>PROJECT No: 10503</p>	<p>PAGE No: A2.0</p>	



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	MAILING ADDRESS
Registered Owners(s)	1639142 Ontario Inc.	
Applicant(s)*	Stoney Brook Design Build Limited	
Agent or Solicitor	Tony Bruculier	

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:
Applying for relief from the maximum height requirement of 10.50m to allow a height of 11.03m.

Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
Existing grading slopes downhill from east to west (front to rear) of the property.
Average height at the front of the dwelling (east elevation) is 10.25m. The dwelling has already been constructed.

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**):
371 Klein Circle, Lot 33, Plan 62M-1260

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 8.1 to 8.10 above?
 Information obtained by Property Owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 16, 2022 Date

[Signature] Signature Property Owner(s)

1639142 Ontario Inc.
 (Antony J Di Silvestro, President)

10. Dimensions of lands affected:

Frontage 13.72m
 Depth 33.391m to 33.396m
 Area 460.1m²
 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:
 Ground floor area=142.17m² (incl. garage and porch), gross floor area=289.58m²,
 2 storeys, width=11.227m, depth=15.85m, height (average)=11.03m

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:
 Please refer to attached plot plan.

Proposed:
 Please refer to attached plot plan.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:218	SUBJECT PROPERTY:	66 BRIDGEPORT CRESCENT, ANCASTER
ZONE:	"R4" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owners S. & J. Lee
Agent G. Kimmins

The following variances are requested:

1. A rear yard setback of 6.0m shall be provided instead of the minimum required 7.5 metre rear yard setback.

PURPOSE & EFFECT: To permit the construction of a rear yard one storey addition to the existing single detached dwelling.

Notes: N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	1:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/A-22:218

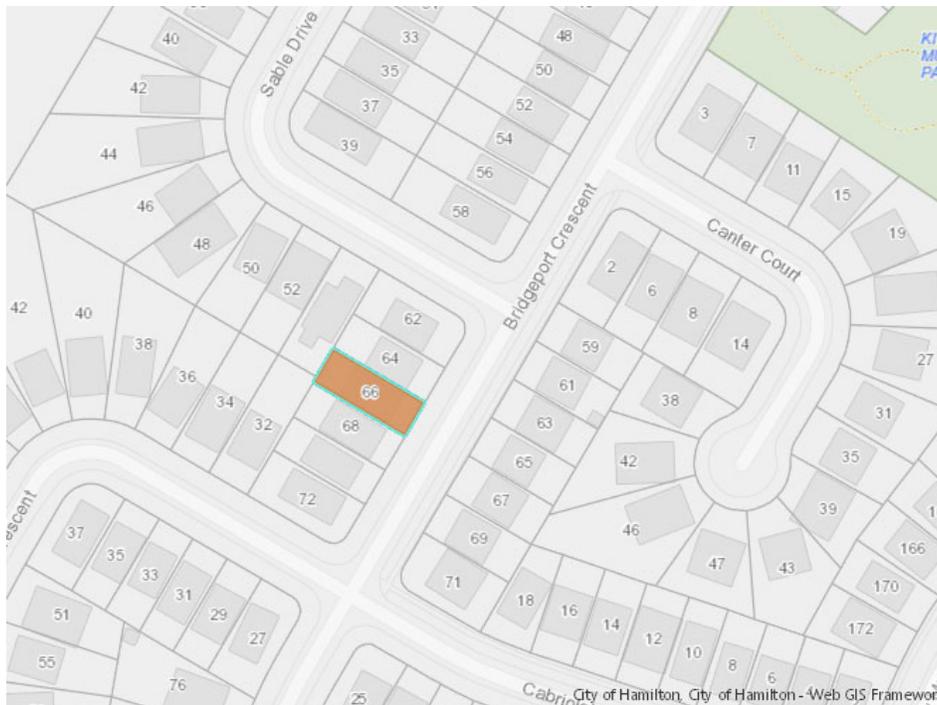
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

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1. Virtual Oral Submissions

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A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON

ISSUED FOR MINOR VARIANCE



VICINITY MAP



SHEET INDEX

- ARCHITECTURAL:**
- A-100 TITLE SHEET, OBC MATRIX
 - A-101 SITE PLAN AND PROJECT STATISTICS
 - A-201 EXISTING BASEMENT PLAN
 - A-202 EXISTING GROUND FLOOR PLAN
 - A-203 EXISTING SECOND FLOOR PLAN
 - A-204 ROOF PLAN
 - A-301 EXISTING NORTH ELEVATION
 - A-302 EXISTING WEST ELEVATION
 - A-303 EXISTING EAST ELEVATION
 - A-304 EXISTING BUILDING SECTION
 - A-401 PROPOSED GROUND FLOOR PLAN
 - A-402 PROPOSED SECOND FLOOR PLAN
 - A-501 PROPOSED NORTH ELEVATION
 - A-502 PROPOSED WEST ELEVATION
 - A-503 PROPOSED EAST ELEVATION
 - A-504 PROPOSED BUILDING SECTION

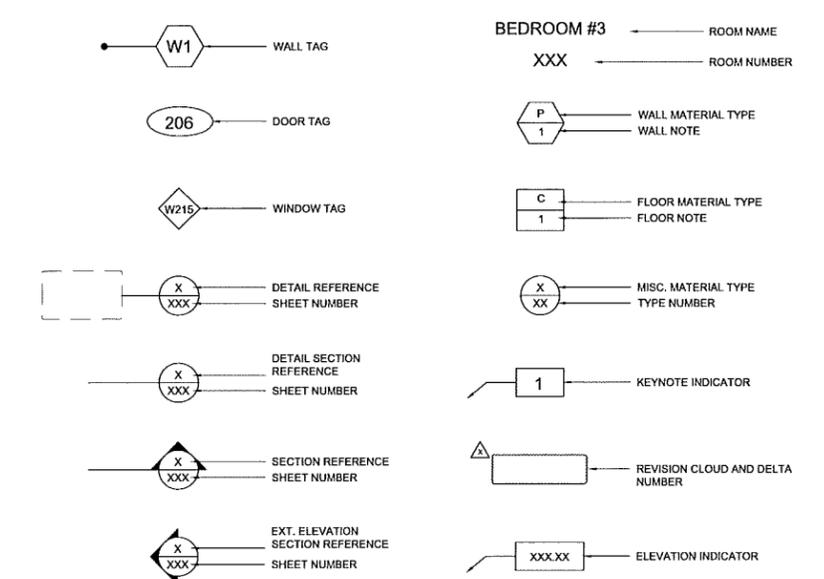
STRUCTURAL:

HVAC AND PLUMBING:

ABBREVIATIONS

# & (E) @ - ∅ ∩	FOUND or NUMBER AND EXISTING AT DIAMETER OR ROUND DIAMETER CENTERLINE ANGLE	DWG. DWR. E. E.J. E.P. E.W.P.	DRAWING DRAWER EAST EXPANSION JOINT ELECTRIC PANEL BOARD ELECTRIC WATER COOLER EACH ELEVATION ELECTRICAL) ELEVATOR EMERGENCY ENCLOSED or ENCLOSURE EQUIPMENT EXPANSION EXPOSED EXISTING EXTERIOR FIRE ALARM FLAT BAR FLOOR DRAIN FIRE EXTINGUISHER FIRE EXTINGUISHER FIRE EXTINGUISHER FIRE HOSE CABINET FACE OF CONCRETE FACE OF FINISH FACE OF MULLION FACE OF SHEATHING FIREPROOF FULL SIZE FOUNDATION FINISH(ED) FLASHING FLUORESCENT FOOT OF FEET FOOTING FURRING FUTURE GRAB BAR GAUGE GALVANIZED GLASS GROUND GRADE GYPSUM HOSE BIBB HOLLOW CORE HOLLOW METAL HARDWOOD HARDWARE HORIZONTAL HOUR HEIGHT INSIDE DIMENSION INSULATION or INSULATED INTERIOR JANITOR JOINT KNOCK-OUT KITCHEN LABORATORY LAMINATE(D) LAVATORY LOCKER LIGHT MEDICINE CABINET MASONRY CABINET MAXIMUM MECHANICAL MEMBRANE METAL MANUFACTURER MANHOLE MINIMUM MIRROR MISCELLANEOUS MOUNTED MULLION NORTH NOT IN CONTRACT NOT TO SCALE NUMBER EACH OVERALL ON CENTER OUTSIDE DIAMETER OBS. OWNER FURNISHED /CONTR. INSTALLED OWNER FURNISHED /OWNER INSTALLED OPENING OPPOSITE PRECAST PANEL JOINT PLASTIC LAMINATE PAPER TOWEL DISPENSER PAPER TOWEL or RECEPTACLE PLATE PLASTER PLYWOOD PLYWOOD PAIR POINT PARTITION QUARRY TILE RISER ROOF DRAIN ROUGH OPENING RAIN WATER LEADER RADIUS REFERENCE REFRIGERATOR REINFORCED REINFORCE(D) REQUIRED RESILIENT RESISTER ROOM REDWOOD SOUTH SOLID CORE SEAT COVER DISPENSER SCAP DISPENSER SANITARY NAPKIN DISPENSER SANITARY NAPKIN RECEPTACLE STAINLESS STEEL SERVICE SINK SCHEDULE SECTION SHELF SHOWER SHEET SIMILAR SPECIFIED or SPECIFICATION SQUARE STA. STATION STEEL STORAGE STRUCTURE or STRUCTURAL SUSPENDED SYMMETRICAL TONGUE AND GROOVE TREAD TOWEL BAR TOP OF CURB TOP OF CONCRETE TOP OF MULLION TOP OF PANEL T.O.R. T.O.REC. T.O.W. T.P. T.P.D. T.V. T.V. TEL. TER. THK. TYP. U.O.N. UNLESS OTHERWISE NOTED UNFINISHED URINAL W. WEST WATER CLOSET W/ WITH W/O WITHOUT WD. WOOD WP. WATERPROOF W/SCOT WAINSCOT WT. WEIGHT
-----------------	---	-------------------------------	---

SYMBOLS



OBC MATRIX

Firm Name: Kimmins Architects Certificate of Practice Number 6157		Address: 377 Ridelle Avenue, Suite 1514, Toronto, Ontario, M6B 1K2	
The Certificate of Practice Number of the holder is the holder's BCEN.		Name of Project: SUNROOM ADDITION	
Location: 66 BRIDGEPORT CRESCENT HAMILTON, ON L9K 1K9		The architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCEN.	
Item	Ontario Building Code Data Matrix Parts 3 & 9	OBC Reference	
1	Project Description: Interior alterations to an existing retail unit <input type="checkbox"/> New <input type="checkbox"/> PART 11 <input type="checkbox"/> PART 3 <input checked="" type="checkbox"/> PART 9 <input type="checkbox"/> Change of Use <input type="checkbox"/> Addition <input type="checkbox"/> Alteration	11.1 to 11.4	2.1.1 9.10.1.3
2	Major Occupancy(s) C	3.1.2.1(1)	9.10.2
3	Building Area (m2) Existing 104.38 New 22.44 Total 126.82	1.1.3.2	1.1.3.2
4	Gross Area (m2) Existing 145.3 New 22.44 Total 167.74	1.1.3.2	1.1.3.2
5	Number of Storeys Above Grade 1 Below Grade 1	3.2.1.1 & 1.1.3.2	2.1.3.2
6	Number of Streets/Fire Fighter Access 1	3.2.2.10 & 3.2.5.	9.10.19
7	Building Classification 3.2.2.47	3.2.2.20-83	9.10.4
8	Sprinkler System Proposed: <input type="checkbox"/> entire building <input type="checkbox"/> basement only <input type="checkbox"/> in lieu of roof rating <input type="checkbox"/> not required	3.2.2.20-83 3.2.1.5 3.2.2.17	9.10.8
9	Standpipe required <input type="checkbox"/> Yes <input type="checkbox"/> No	3.2.9	N/A
10	Fire Alarm required: <input type="checkbox"/> Yes <input type="checkbox"/> No	3.2.4	9.10.17.2
11	Water Service/Supply is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7	N/A
12	High Building <input type="checkbox"/> Yes <input type="checkbox"/> No	3.2.6	N/A
13	Permitted Construction Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input type="checkbox"/> Both <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible <input type="checkbox"/> Both	3.2.2.20-83	9.10.6
14	Mezzanine(s) Area m2 N/A	3.1.1.(3)-(8)	9.10.4.1
15	Occupant load based on Basement: Occupancy C Load 0 persons 1st Floor: Occupancy C Load 6 persons 2nd Floor: Occupancy C Load 6 persons 3rd Floor: Occupancy C Load 6 persons	3.1.16	9.9.1.3
16	Barrier-free Design <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain)	3.8	9.5.2
17	Hazardous Substances <input type="checkbox"/> Yes <input type="checkbox"/> No	3.3.1.2. & 3.3.1.19	9.10.1.3(4)
18	Required Fire Resistance Rating (FRR) Horizontal Assemblies Listed design No. or Description (SG-2) FRR of Supporting Members Listed design No. or Description (SG-2)	3.2.2.20-83 & 3.2.1.4	9.10.8 9.10.9
19	Spatial Separation-Construction of Exterior Walls: Wall Area of EBF (m2) L.D. (m) L/H or H/L Permitted Max % of Openings Permitted % of Openings FRR (Hours) Listed Design or Description Comb. Const. Comb. Nonc Cladding Non-Comb Const.	3.2.3	9.10.14
20	Other - Describe		

ARCHITECT

KIMMINS ARCHITECTS	
377 Ridelle Ave. Suite 1514 Toronto, ON, M6B 1K2	Gregory Kimmins Tel. 647-448-3728
ARCHITECT'S CONSULTANTS	
STRUCTURAL ENGINEER:	
MECHANICAL ENGINEER:	
PLUMBING ENGINEER:	
CIVIL ENGINEER:	
LANDSCAPE ARCHITECT:	

377 Ridelle Ave. Suite 1514 Toronto, Ontario M6B 1K2
Tel. 1 - 647 - 448 - 3728 gr.kimmins@gmail.com

ASSOCIATION OF ARCHITECTS OF ONTARIO

THE CONTRACTOR SHALL CHECK AND SIGN THIS DOCUMENT AND RETURN IT TO THE ARCHITECT WITH THE PROPOSED CHANGES TO THE ARCHITECT'S DRAWINGS AND THE ARCHITECT'S SIGNATURE AND SEAL. THIS DOCUMENT IS NOT VALID FOR CONSTRUCTION UNLESS IT IS SIGNED BY THE ARCHITECT.

SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON, L9K 1K4

TITLE SHEET, OBC MATRIX

NO. 1 ISSUED FOR MINOR VARIANCE

DATE: 2022.05.06

SCALE: AS INDICATED

PROJECT NO.: 22107

SHEET NO.: **A-100**

Kimmins Architects
 377 Ridelle Ave. Suite 1514, Toronto, Ontario M6B 1K2
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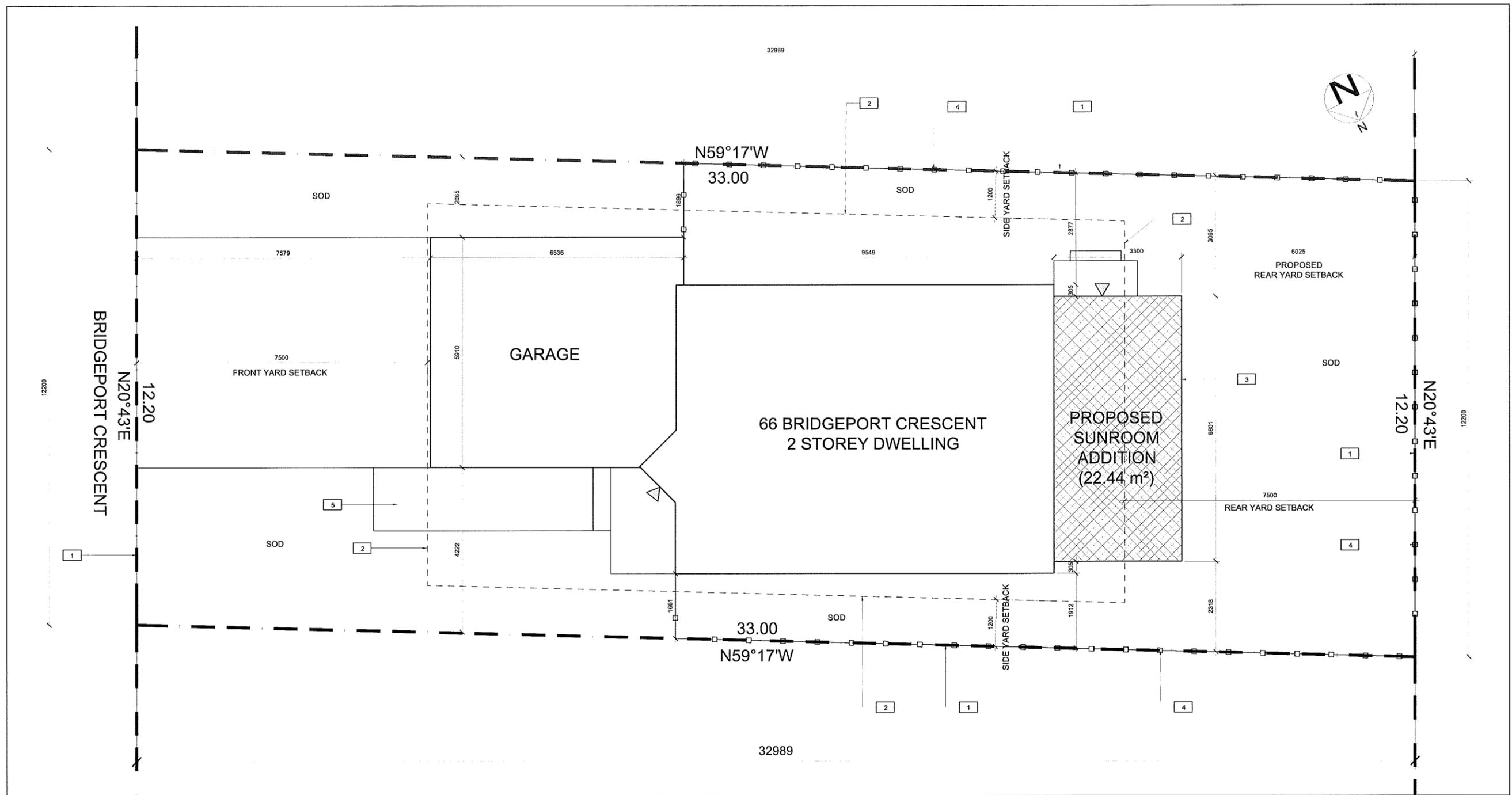


PROJECT TITLE
 SUNROOM ADDITION
 66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE AND PROJECT STATISTICS	
NO.	DESCRIPTION
1	ISSUED FOR VARIANCE
DATE	2022.06.08
SCALE	AS NOTED
PROJECT NO.	22107

SHEET NO.
A-101



1 SITE PLAN
 A-101 SCALE: 1/4"=1'-0"

PROJECT STATISTICS:

ADDRESS:	66 BRIDGEPORT CRESCENT HAMILTON, ONTARIO L9K 1K4	
ZONING:	R4	
LOT AREA:	402.47 m ²	
FLOOR AREA:	EXISTING / PROPOSED	REMARKS
BASEMENT	77.99 m ²	EXISTING
GROUND FLOOR	73.11 m ²	EXISTING
SECOND FLOOR	72.19 m ²	EXISTING
GARAGE	31.27 m ²	EXISTING
SUNROOM	22.44 m ²	PROPOSED
BUILDING AREA:	126.82 m ²	
GROSS FLOOR:	167.74 m ²	

ZONING:

	REQUIRED	PROPOSED	REMARKS
MIN. LOT FRONTAGE:	12 m	12.2 m	
MIN. LOT AREA:	400 m ²	402.47 m ²	
SETBACKS:			
MIN. REQUIRED FRONT YARD	7.5 m	7.579 m	
MIN. REQUIRED REAR YARD	7.5 m	6.25 m	
MIN. REQUIRED SIDE YARD	1.2 m	1.896 m	
MIN. REQUIRED SIDE YARD	1.2 m	1.661 m	
MAXIMUM HEIGHT:	10.5 m	7.95 m	
LOT COVERAGE:	35% MAX.	31.5%	
PARKING SPACE:	2 SPACES	2 SPACES	

GENERAL NOTES:

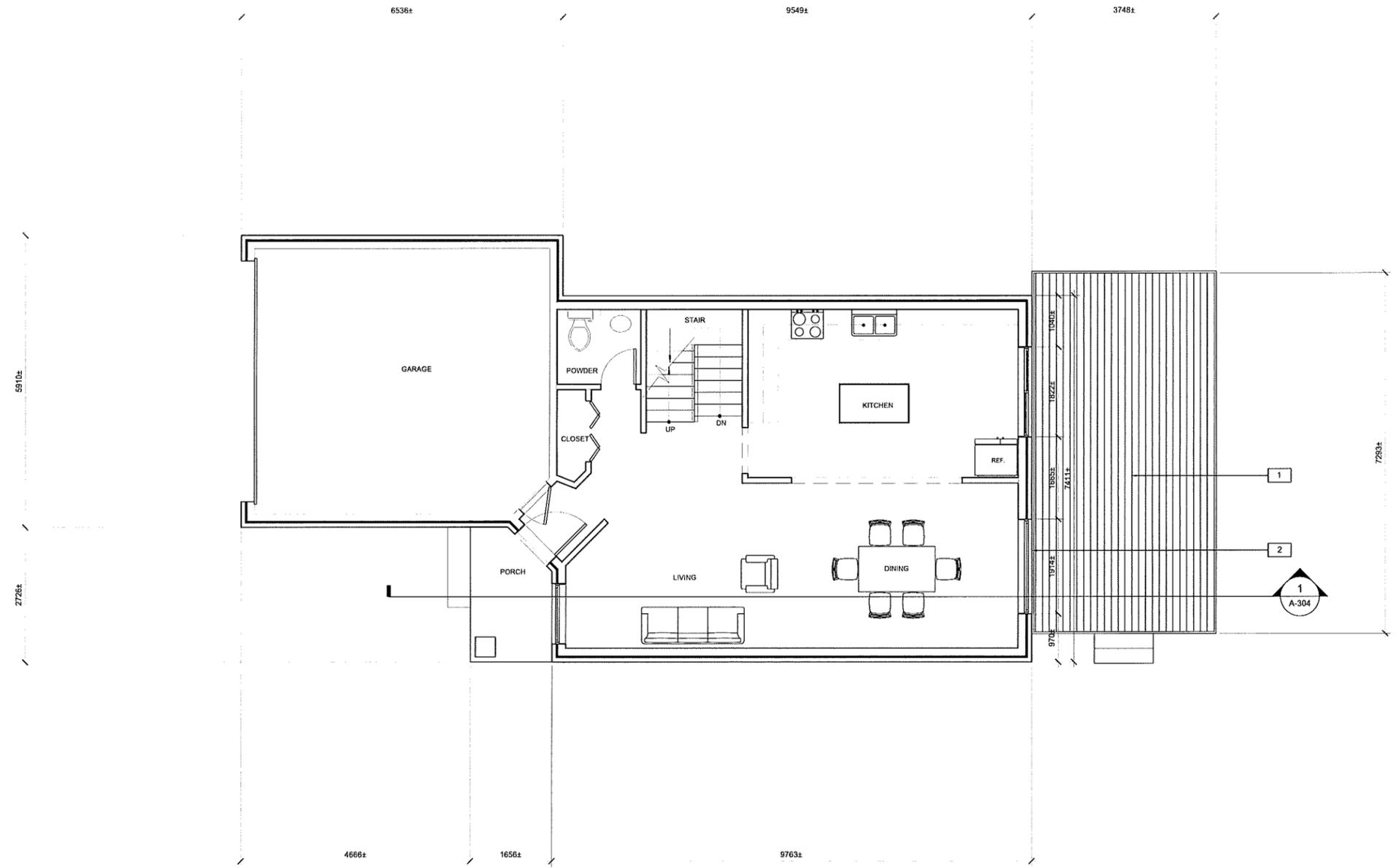
- 1 PROPERTY LINE
- 2 BUILDING SETBACK LINE
- 3 PROPOSED BUILDING OUTLINE
- 4 EXISTING PICKET FENCE
- 5 EXISTING CONC. PAVING

LEGEND:

- PROPERTY LINE
- BUILDING SETBACK LINE
- PROPOSED SUNROOM
- EXISTING BUILDING
- BUILDING ENTRANCE
- EXISTING ASPHALT PAVEMENT

NOTES:

- 1 REMOVE EXISTING GROUND DECK
- 2 REMOVE AND RELOCATE EXISTING WINDOW



1 EXISTING GROUND FLOOR PLAN
A-202 SCALE: 1/4"=1'-0"

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Tel. 1-647-448-3726 gr.kimmins@gmail.com



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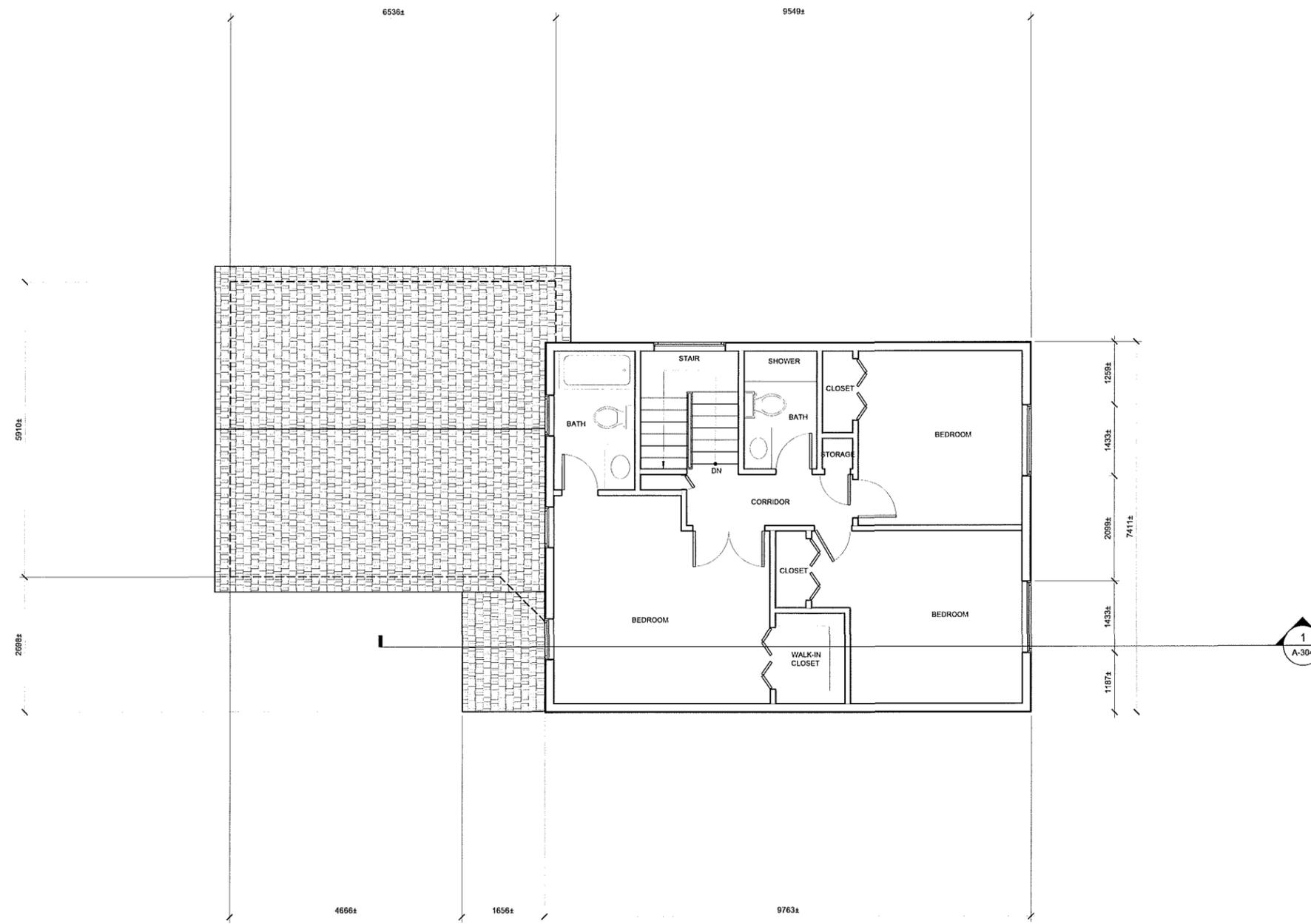
PROJECT TITLE
SUNROOM ADDITION
68 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE	DATE
EXISTING GROUND FLOOR PLAN	2022-06-17
ISSUED FOR MINOR VARIANCE	
1	
2	
3	
4	

PAPER:	G/K
DRAWN BY:	S.K.
DATE:	2022.06.06
SCALE:	AS NOTED
PROJECT NO.:	22107

SHEET NO.
A-202



1
A-203
EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

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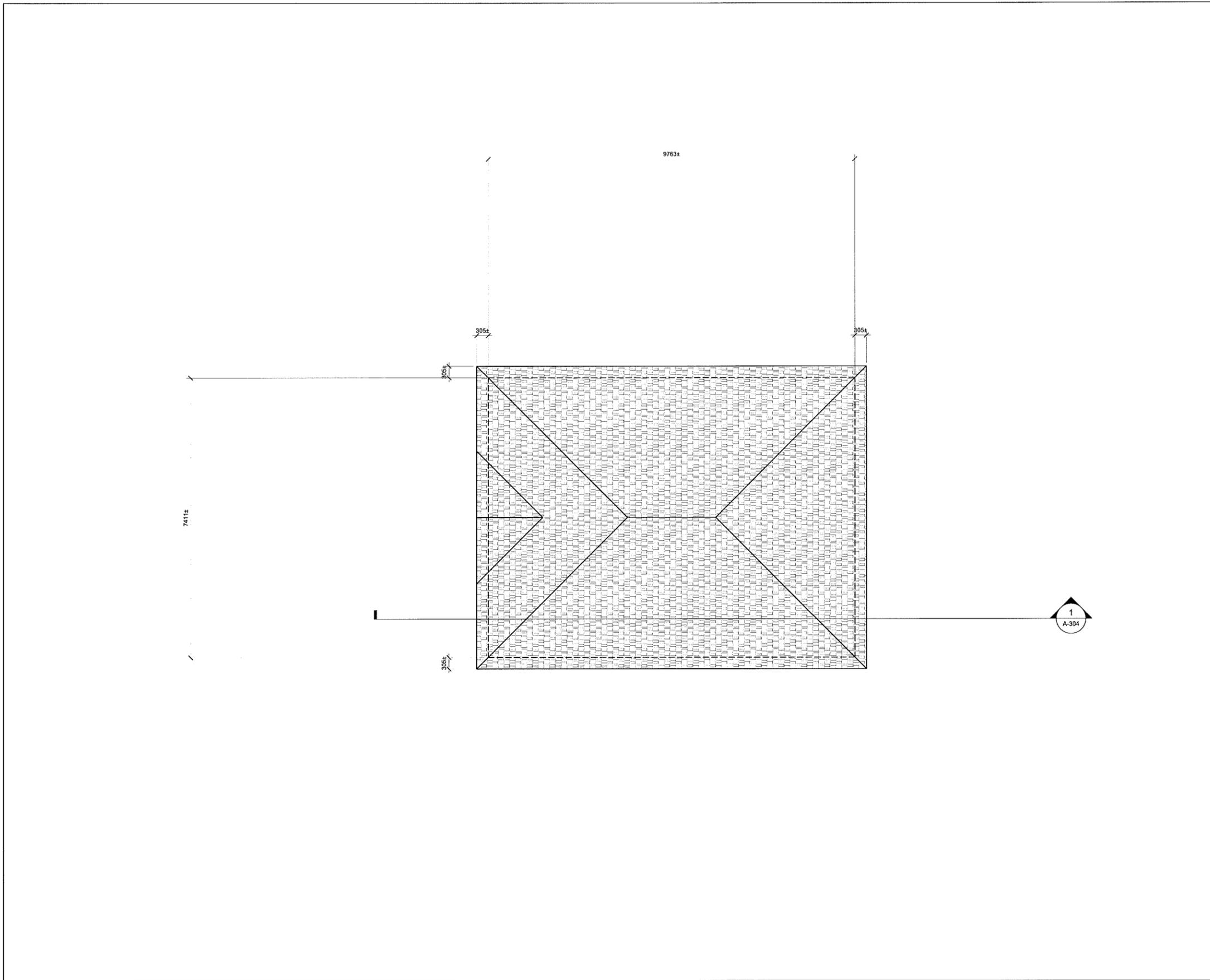
PROJECT TITLE
SUNROOM ADDITION
66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE	DATE
EXISTING SECOND FLOOR PLAN	2022-06-17
DESCRIPTION	
NO.	

PAPER:	D K
DRAWN BY:	S K
DATE:	2022-06-06
SCALE:	AS NOTED
PROJECT NO.:	2210F

SHEET NO.
A-203



1
A-204
EXISTING ROOF PLAN
SCALE: 1/4"=1'-0"

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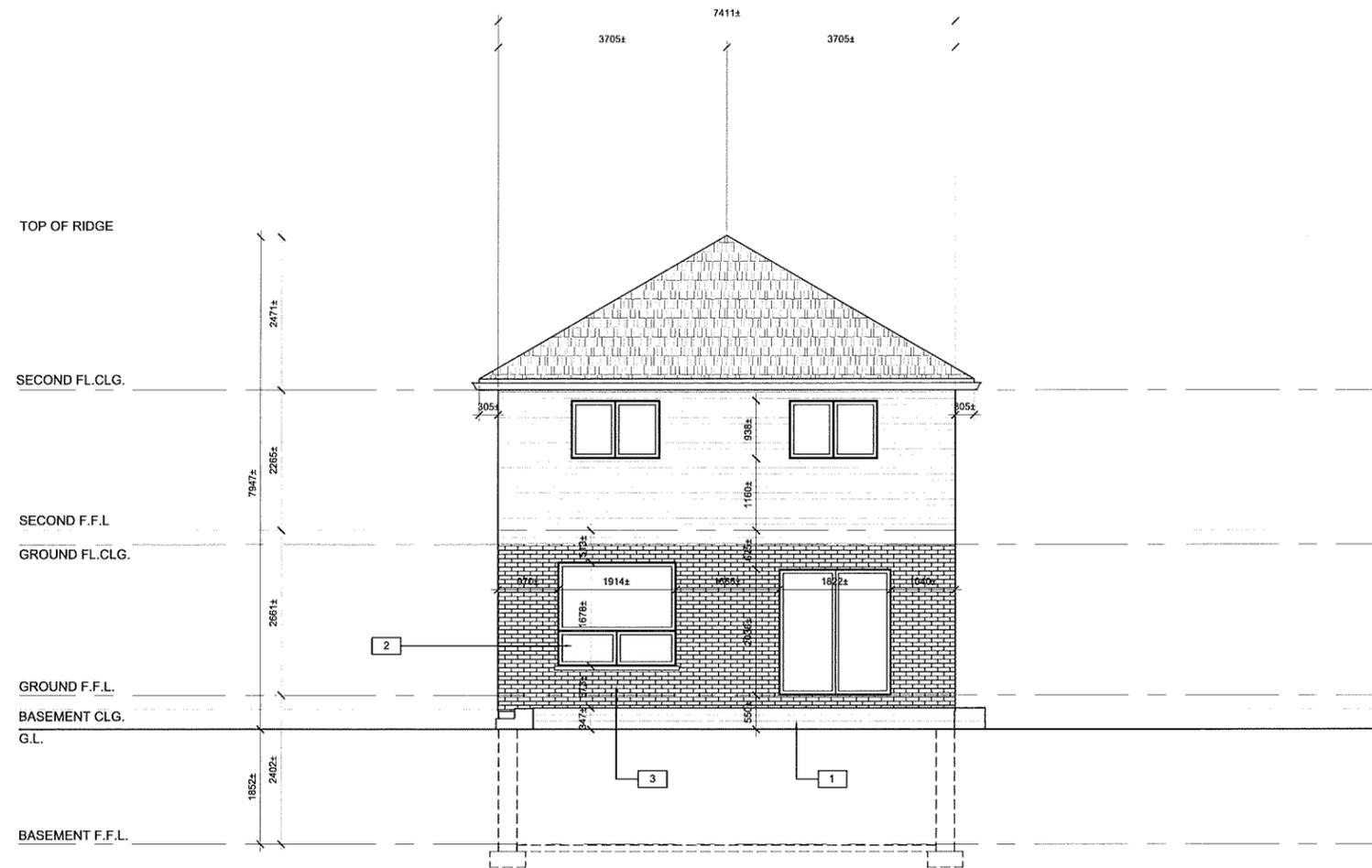
SUNROOM ADDITION
66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE	DATE
EXISTING ROOF PLAN	
1. ISSUED FOR VARIANCE	2022-06-17

PAPER:	GK
DRAWN BY:	SK
DATE:	2022.06.06
SCALE:	AS NOTED
PROJECT NO.:	22107

SHEET NO:
A-204



1 EXISTING NORTH ELEVATION
 A-301 SCALE: 1/4"=1'-0"

- NOTES:
- 1** REMOVE EXISTING GROUND DECK
 - 2** REMOVE AND RELOCATE EXISTING WINDOW
 - 3** REMOVE EXISTING BRICK VENEER WALL

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 3777 Ridelle Ave, Suite 1514, Toronto, Ontario M6B 1K2
 Tel: 1 - 647 - 446 - 3728, gr.kimmins@gmail.com



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ORIENTATION

PROJECT TITLE
SUNROOM ADDITION

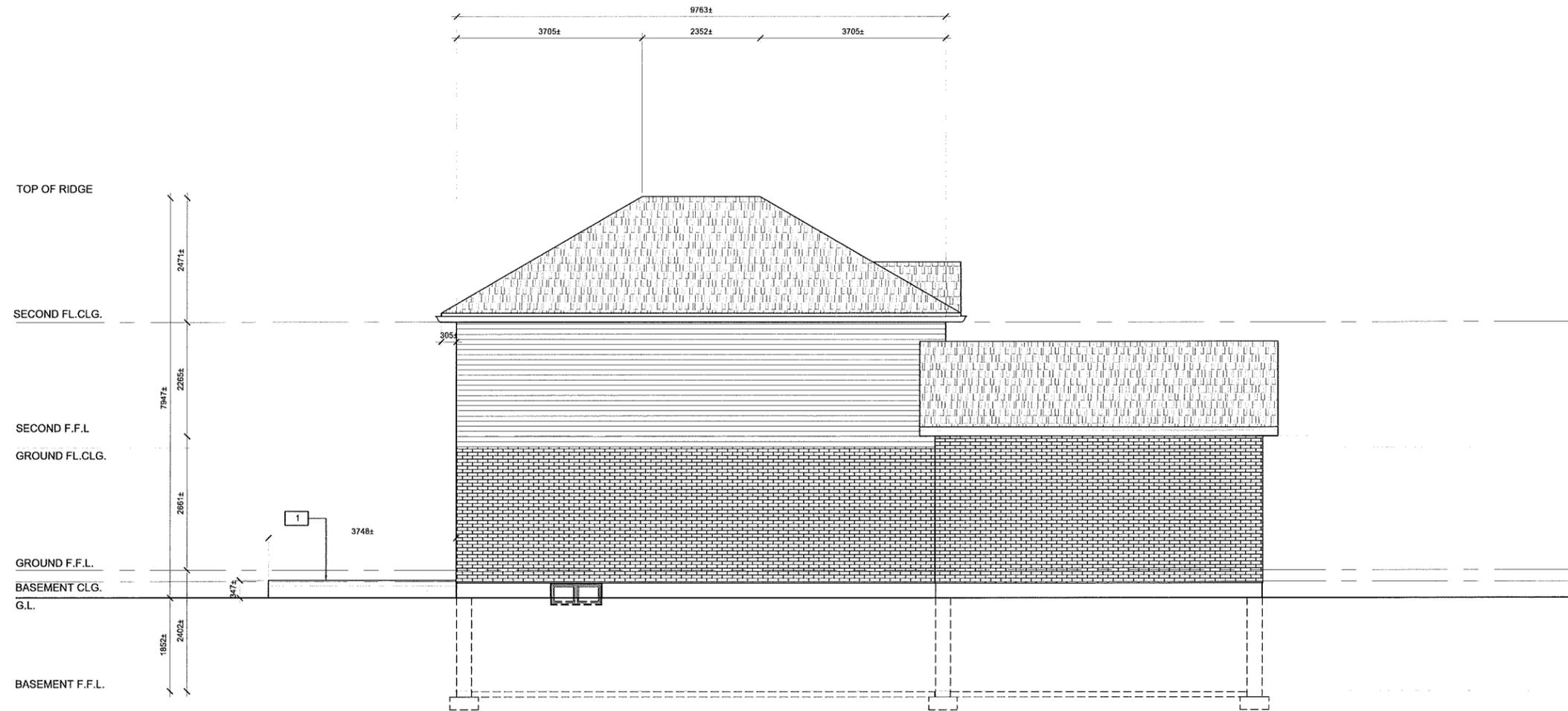
66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE		DATE
EXISTING NORTH ELEVATION		2022.06.17
NO.	DESCRIPTION	DATE
1	ISSUED FOR VARIANCE	2022.06.17

PAPM	GK
DRAWN BY:	S.K.
DATE:	2022.06.06
SCALE:	AS NOTED
PROJECT NO.:	22107

SHEET NO.
A-301



1 EXISTING WEST ELEVATION
 A-302 SCALE: 1/4"=1'-0"

- NOTES:
- 1** REMOVE EXISTING GROUND DECK

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PROJECT TITLE
SUNROOM ADDITION
 66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE	DATE
EXISTING WEST ELEVATION	2022-06-17
1. ISSUED FOR VENDOR VARIANCE	
2.	
3.	
4.	

PAPR:	GK
DRAWN BY:	SK
DATE:	2022-06-06
SCALE:	AS NOTED
PROJECT NO.:	22107

SHEET NO.
A-302



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ORIGINATOR

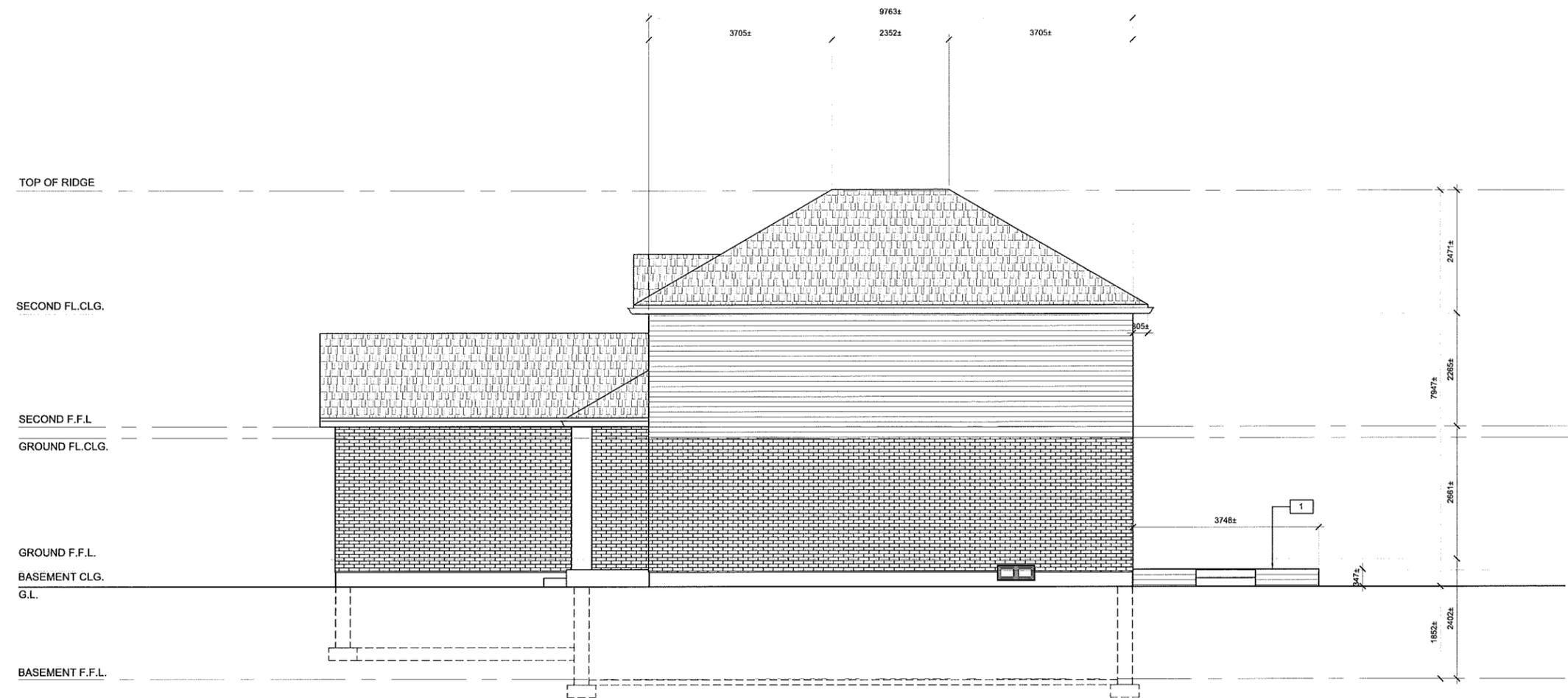
PROJECT TITLE
SUNROOM ADDITION
 86 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

REV	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE
1	ISSUED FOR VARIANCE	2022-06-17
2		
3		
4		

PAPM	GK
DRAWN BY:	SK
DATE:	2022-06-06
SCALE:	AS NOTED
PROJECT NO.:	22107

SHEET NO.
A-303

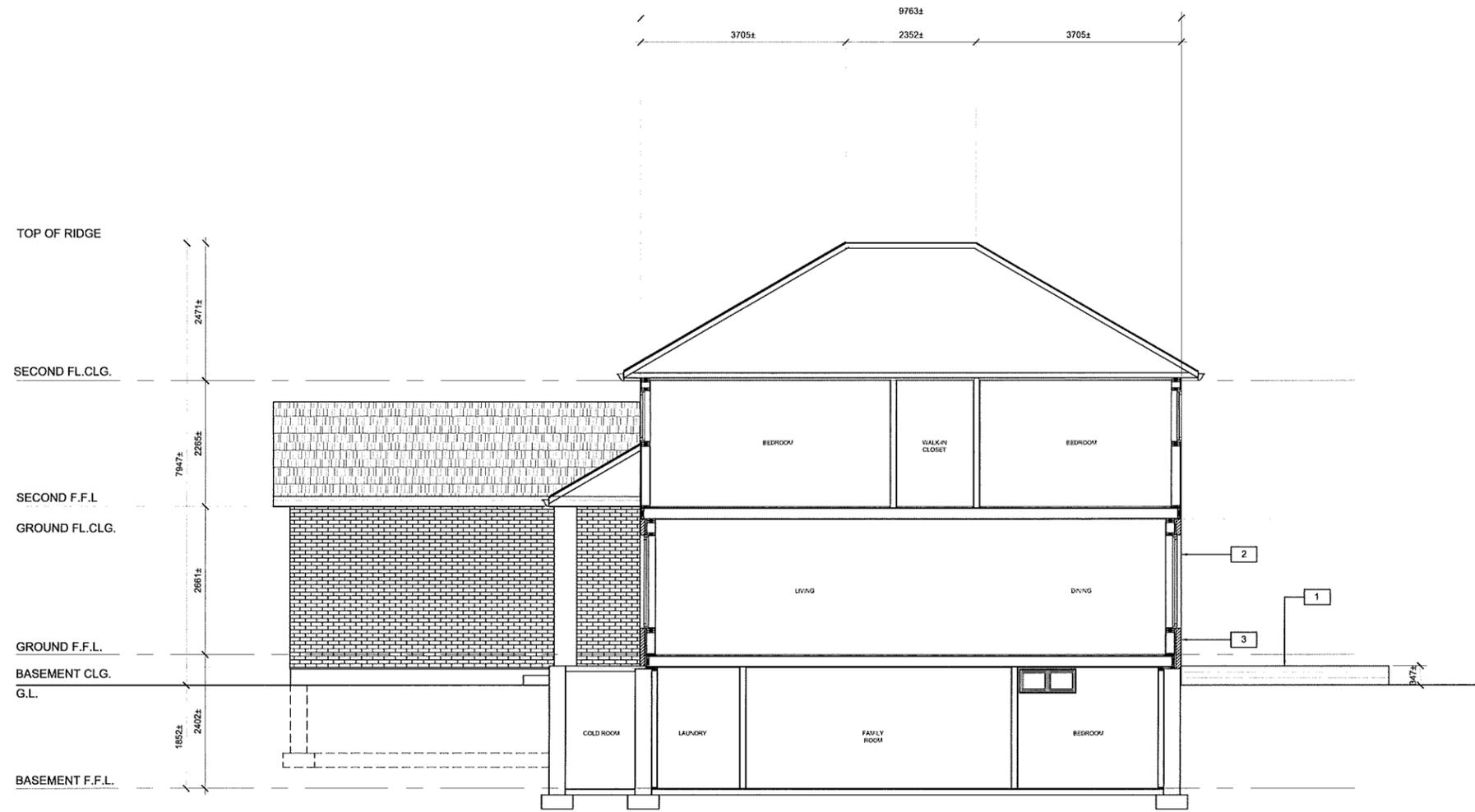


1 EXISTING EAST ELEVATION
 A-303 SCALE: 1/4"=1'-0"

- NOTES:
- 1** REMOVE EXISTING GROUND DECK

NOTES:

- 1 REMOVE EXISTING GROUND DECK
- 2 REMOVE AND RELOCATE EXISTING WINDOW
- 3 REMOVE EXISTING BRICK VENEER WALL



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ORIENTATION

PROJECT TITLE
SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

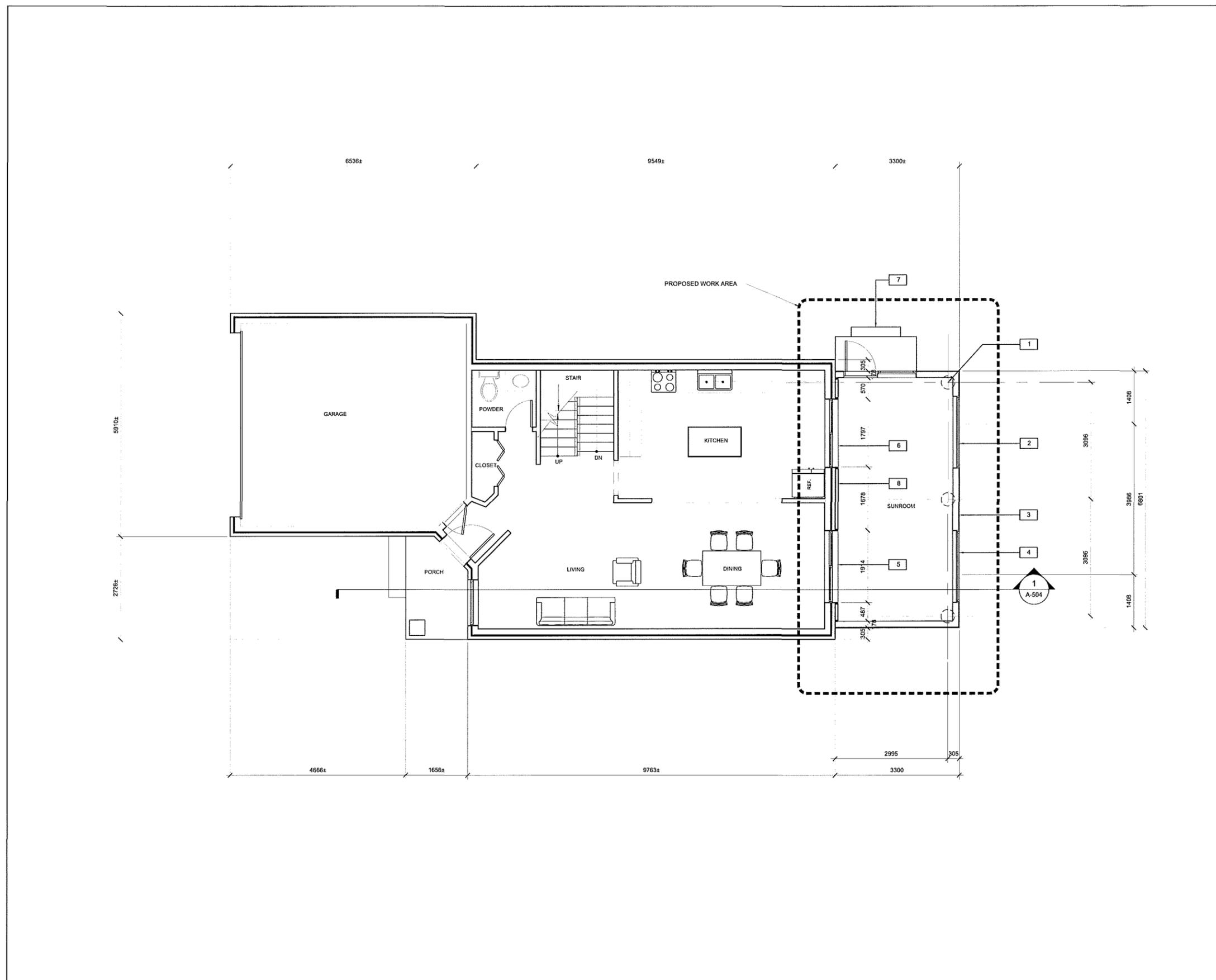
NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE
1	ISSUED FOR MINOR VARIANCE	2022-06-17
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PAP: M	G: K
DRAWN BY: S: K	
DATE: 2022-06-06	
SCALE: AS NOTED	
PROJECT NO.: 22107	

SHEET NO.:
A-304

1 **EXISTING BUILDING SECTION**
 SCALE: 1/4"=1'-0"



- NOTES:
- 1 12" CONC. PIER MIN. 4" BELOW GRADE ON UNDISTURBED SOIL
 - 2 NEW WINDOW
 - 3 VINYL SIDING ON 1/2" PLYWOOD SHEATHING VAPOR BARRIER 2X6 @ 16" O.C. WBATT INSULATION AND 1/2" GYP. BD.
 - 4 RELOCATED WINDOW
 - 5 NEW SLIDING DOOR
 - 6 EXISTING SLIDING DOOR TO REMAIN
 - 7 PRECAST CONC. STEP
 - 8 2X3 @ 16" O.C. AND 1/2" GYP. BD.

1 PROPOSED GROUND FLOOR PLAN
A-401 SCALE: 1/4"=1'-0"

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KWS

ASSOCIATION OF ARCHITECTS
Professional Corporation
Gregory J. Lawrence
1997

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ORIENTATION

PROJECT TITLE
SUNROOM ADDITION
66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

DESCRIPTION

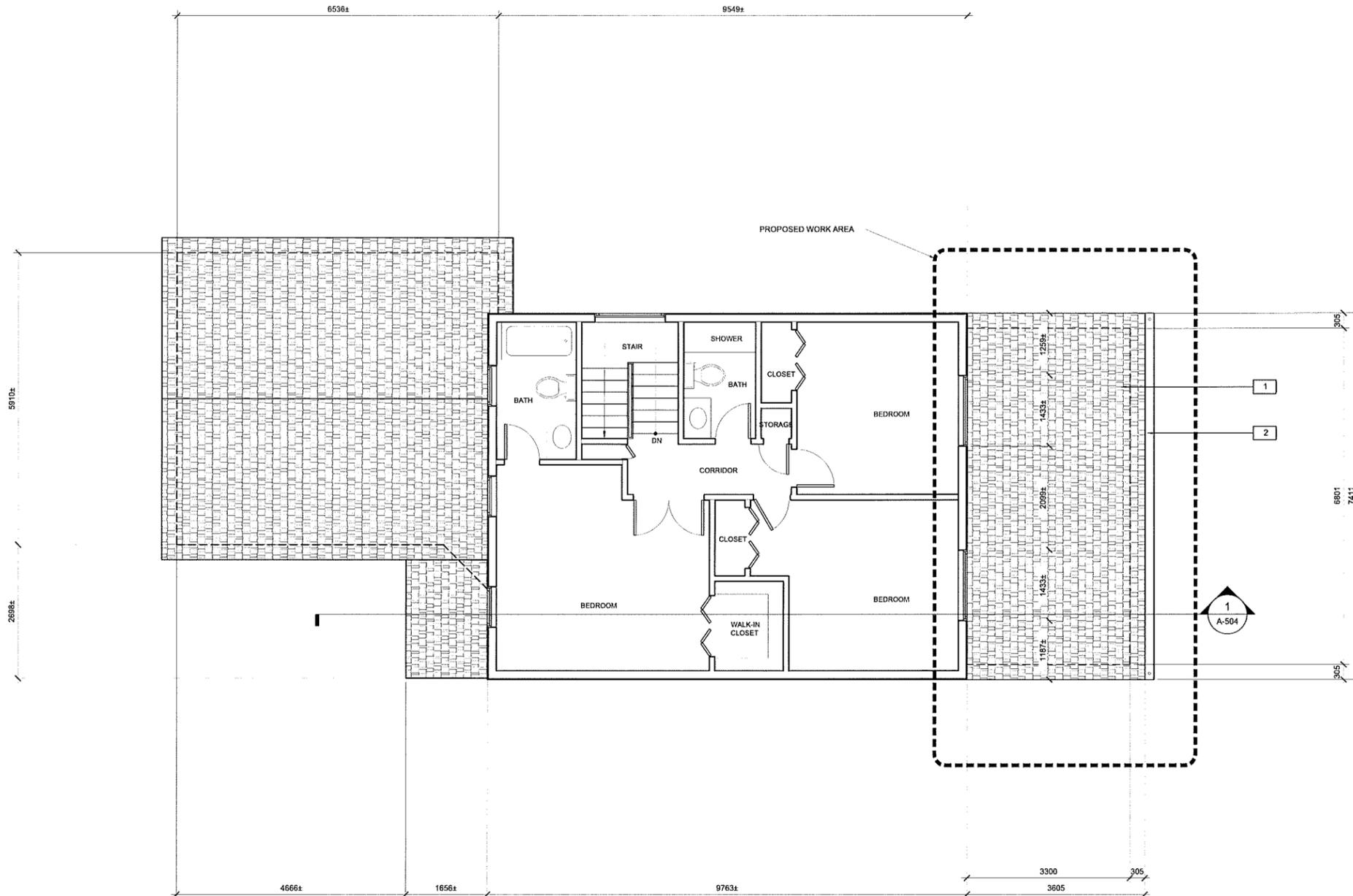
SHEET TITLE
PROPOSED GROUND FLOOR PLAN
DESCRIPTION
ISSUED FOR VARIANCE
NO. 1
DATE
2022.06.17

PAPM G.K.
DRAWN BY: S.K.
DATE: 2022.06.06
SCALE: AS NOTED
PROJECT NO.: 22107

SHEET NO.
A-401

NOTES:

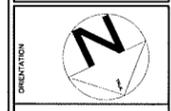
- 1 ASPHALT SHINGLE
- 2 4" GUTTER AND R.W.L.



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PROJECT TITLE
SUNROOM ADDITION
 66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

DESCRIPTION	DATE

SHEET TITLE	DATE
PROPOSED SECOND FLOOR PLAN	2022.06.06
NO.	
1. ISSUED FOR MARKETING	
2.	
3.	
4.	

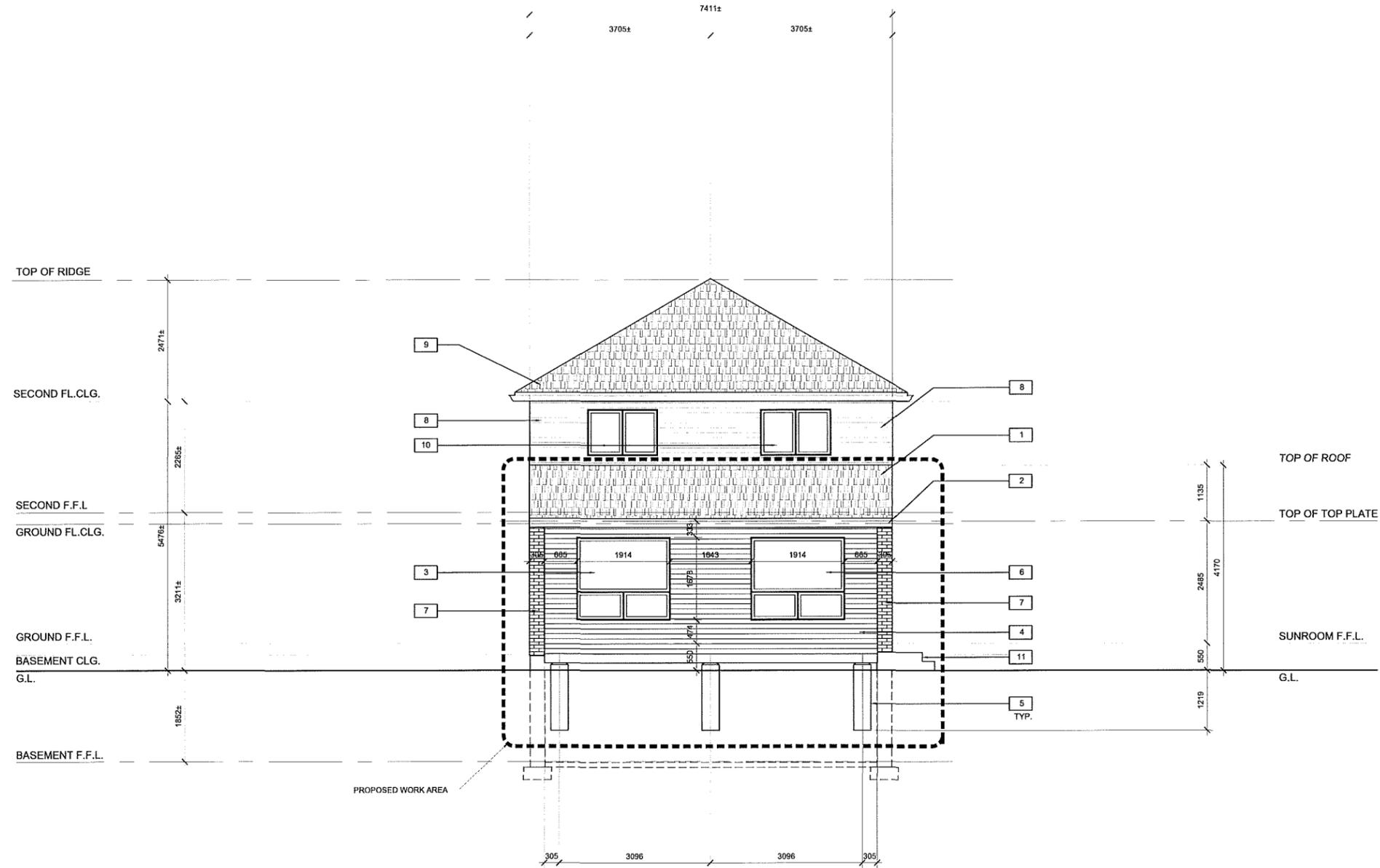
PAPRI	GK
DRAWN BY	SK
DATE	2022.06.06
SCALE	AS NOTED
PROJECT NO.	22107

SHEET NO.
A-402

1 PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"

NOTES:

- 1 ASPHALT SHINGLE
- 2 4" GUTTER AND R.W.L.
- 3 RELOCATED WINDOW
- 4 VINYL SIDING TO MATCH EXISTING
- 5 12Ø CONC. PIER MIN. 4" BELOW GRADE ON UNDISTURBED SOIL
- 6 NEW WINDOW
- 7 EXISTING BRICK CLADDING
- 8 EXISTING ASPHALT SHINGLE
- 9 EXISTING VINYL SIDING
- 10 EXISTING WINDOW
- 11 PRECAST CONC. STEP



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ORIENTATION

PROJECT TITLE

SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON. L9K 1K4

NO.	DESCRIPTION	DATE

SHEET TITLE

PROPOSED NORTH ELEVATION

NO. 1 ISSUED FOR MINOR VARIANCE

DATE 2022-06-17

PAP/PA	G/K
DRAWN BY	S/K
DATE	2022.06.08
SCALE	AS NOTED
PROJECT NO.	22107

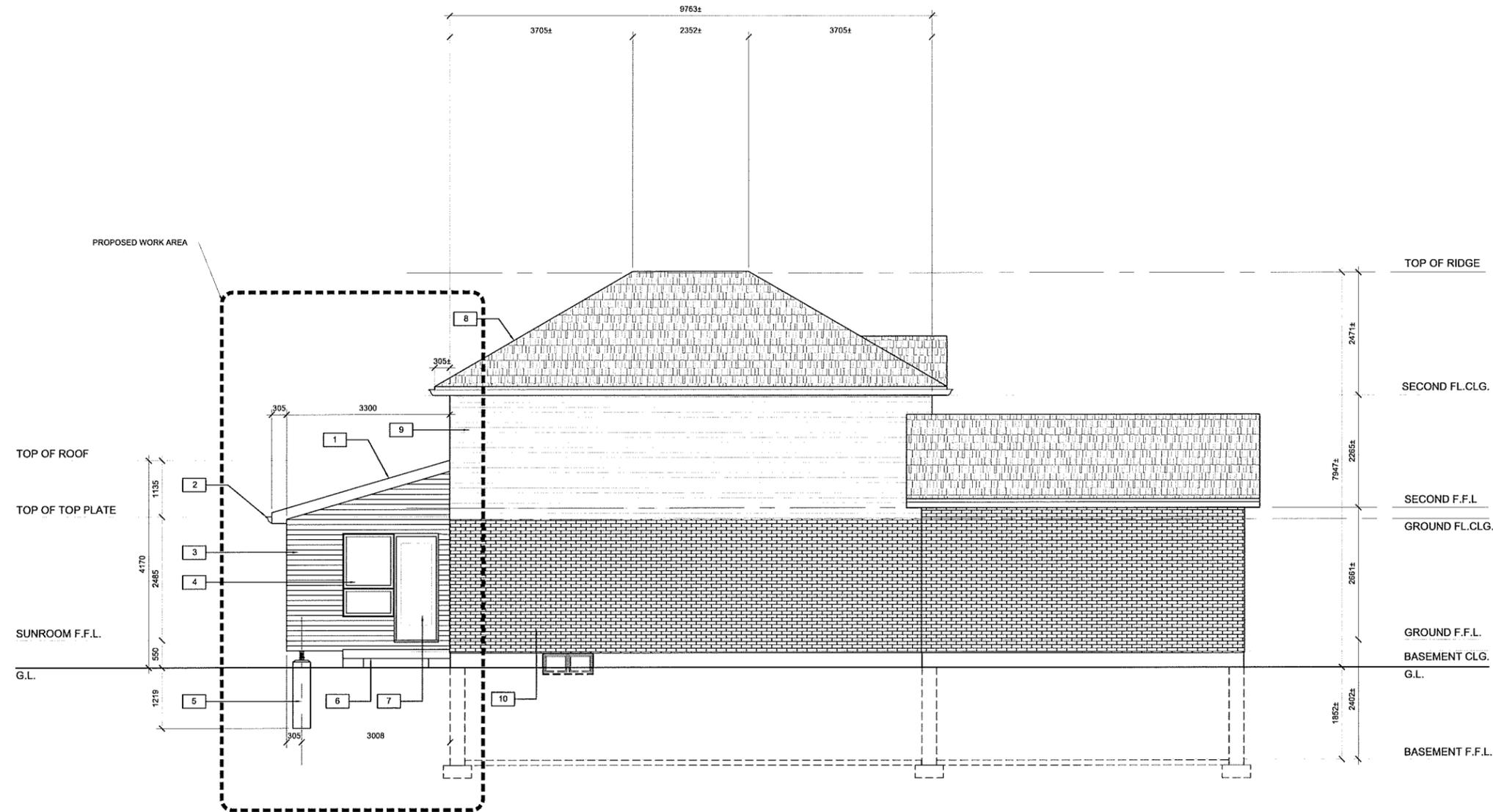
SHEET NO.

A-501

1
A-501
PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'-0"

NOTES:

- 1 ASPHALT SHINGLE
- 2 4" GUTTER AND R.W.L.
- 3 VINYL SIDING TO MATCH EXISTING
- 4 NEW WINDOW
- 5 12Ø CONC. PIER MIN. 4" BELOW GRADE ON UNDISTURBED SOIL
- 6 PRECAST CONC. STEP
- 7 NEW DOOR
- 8 EXISTING VINYL SIDING
- 9 EXISTING ASPHALT SHINGLE
- 10 EXISTING BRICK CLADDING



Kimmins Architects
 377 Ridelle Ave. Suite 1514, Toronto, Ontario M6S 1K2
 Tel. 1-847-448-3728 gr.kimmins@gmail.com



THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS TO THE ARCHITECT'S CHANGES TO THE ARCHITECT'S RELATED DOCUMENTS ARE THE ARCHITECT'S AND MAY NOT BE PERMITTED. DIMENSIONS SHALL NOT BE CHANGED WITHOUT THE ARCHITECT'S WRITTEN PERMISSION. DIMENSIONS SHALL NOT BE CHANGED WITHOUT THE ARCHITECT'S WRITTEN PERMISSION. DIMENSIONS SHALL NOT BE CHANGED WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

ORIENTATION

PROJECT TITLE

SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON. L8K 1K4

DESCRIPTION	DATE

SHEET TITLE	DESCRIPTION	DATE
PROPOSED WEST ELEVATION		
1	ISSUED FOR MINOR VARIANCE	2022-08-17
2		
3		
4		

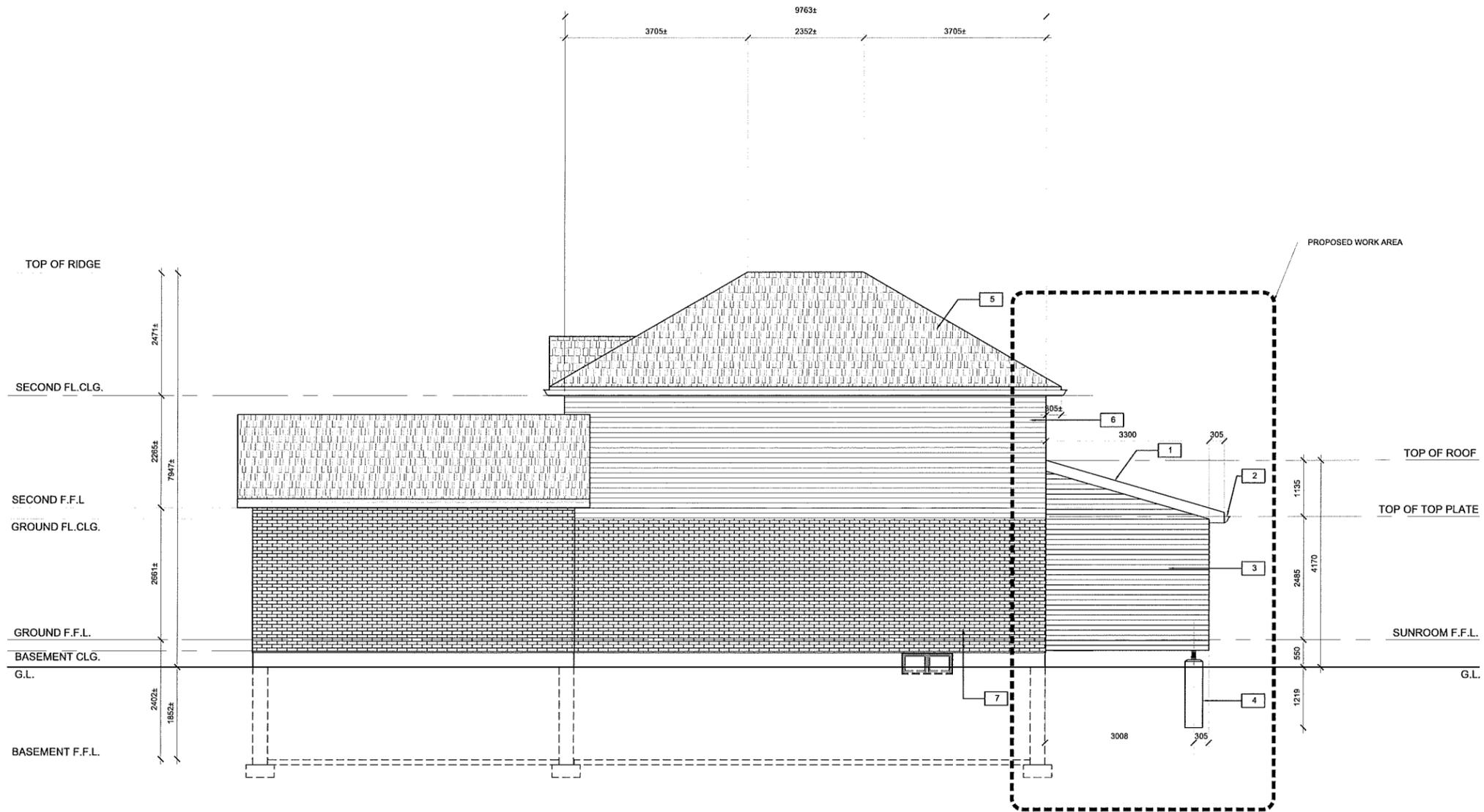
PAPER:	G.K.
DRAWN BY:	S.K.
DATE:	2022-08-08
SCALE:	AS NOTED
PROJECT NO.:	29107

SHEET NO:
A-502

1 **PROPOSED WEST ELEVATION**
 SCALE: 1/4"=1'-0"

NOTES:

- 1 ASPHALT SHINGLE
- 2 4" GUTTER AND R.W.L.
- 3 VINYL SIDING TO MATCH EXISTING
- 4 12Ø CONC. PIER MIN. 4" BELOW GRADE ON UNDISTURBED SOIL
- 5 EXISTING ASPHALT SHINGLE
- 6 EXISTING VINYL SIDING
- 7 EXISTING BRICK CLADDING



THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS TO THE ARCHITECT'S RELATED DOCUMENTS ARE THE ARCHITECT'S RESPONSIBILITY AND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE DRAWING SHALL NOT BE USED FOR ANY OTHER PURPOSES UNLESS ISSUED FOR THE ARCHITECT AND SIGNED BY THE ARCHITECT.

PROJECT TITLE
SUNROOM ADDITION

66 BRIDGEPORT CRESCENT HAMILTON, ON. L8K 1K4

NO.	DESCRIPTION	DATE
1	ISSUED FOR WORK VARIANCE	2022-08-17
2		
3		
4		

PAPM	G.K.
DRAWN BY	S.K.
DATE	2022-06-06
SCALE	AS NOTED
PROJECT NO.	22107

SHEET NO.
A-503

1 PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"



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	MAILING ADDRESS	
Registered Owners(s)	Sangkwun Lee Jeongjoo Lee		
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor	Gregory Kimmins		

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:

Sangkwun Lee 66 Bridgeport Cres. L9K 1K4 Ancaster, ON
--

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:

Addition a useful and moderate sized sunroom to the existing dwelling unit. Addition must encroach into the required minimum rear yard setback.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

7.5m of rear yard setback is required. The proposed the rear yard set back is 6.025m.

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**):

PCL PLAN-1, SEC 62M785 ; LT 3, PL 62M785 ; ANCASTER CITY OF HAMILTON
66 BRIDGEPORT CRESCENT
ANCASTER

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 8.1 to 8.10 above?

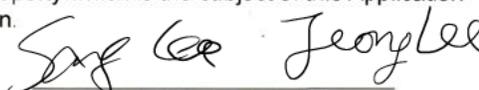
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

JUNE 14, 2022
Date


Signature Property Owner(s)

Sangkwun Lee/Jeongjoo Lee
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>12.2</u>
Depth	<u>33.0</u>
Area	<u>402.47</u>
Width of street	<u>20</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: 73.11 sq.m,
Gross floor area: 145.3 sq.m, 2 storey detached house,
Width:7.411m, Length:16.085m, Height:7.947m

Proposed

Sunroom floor area: 22.44 sq.m, One storey,
Width: 3.3m, Length: 6.801m, Height: 4.17m

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: 7.579m
Side yard: 1.896m and 1.661m
Rear yard: 9.325m

Proposed:

Front yard: 7.579m
Side yard: 1.896m and 1.661m
Rear yard: 6.025m



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:66	SUBJECT PROPERTY:	9 UPPER CENTENNIAL PARKWAY, STONEY CREEK
-------------------------	-------------------	--------------------------	--

APPLICANTS: Agent Bousfield Inc. c/o D. Falletta
Owner EM Two Properties Inc. c/o Oren Aronowicz

PURPOSE & EFFECT: To permit the establishment of a Long-Term Lease in excess of 21 years (McDonald's Restaurants of Canada Ltd.)

	Frontage	Depth	Area
LEASED LANDS:	38 m [±]	44 m [±]	1,340 m ^{2±}
RETAINED LANDS:	135-179 m [±]	96-133 m [±]	22,290 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

SC/B-22:66

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

SC/B-22:66

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

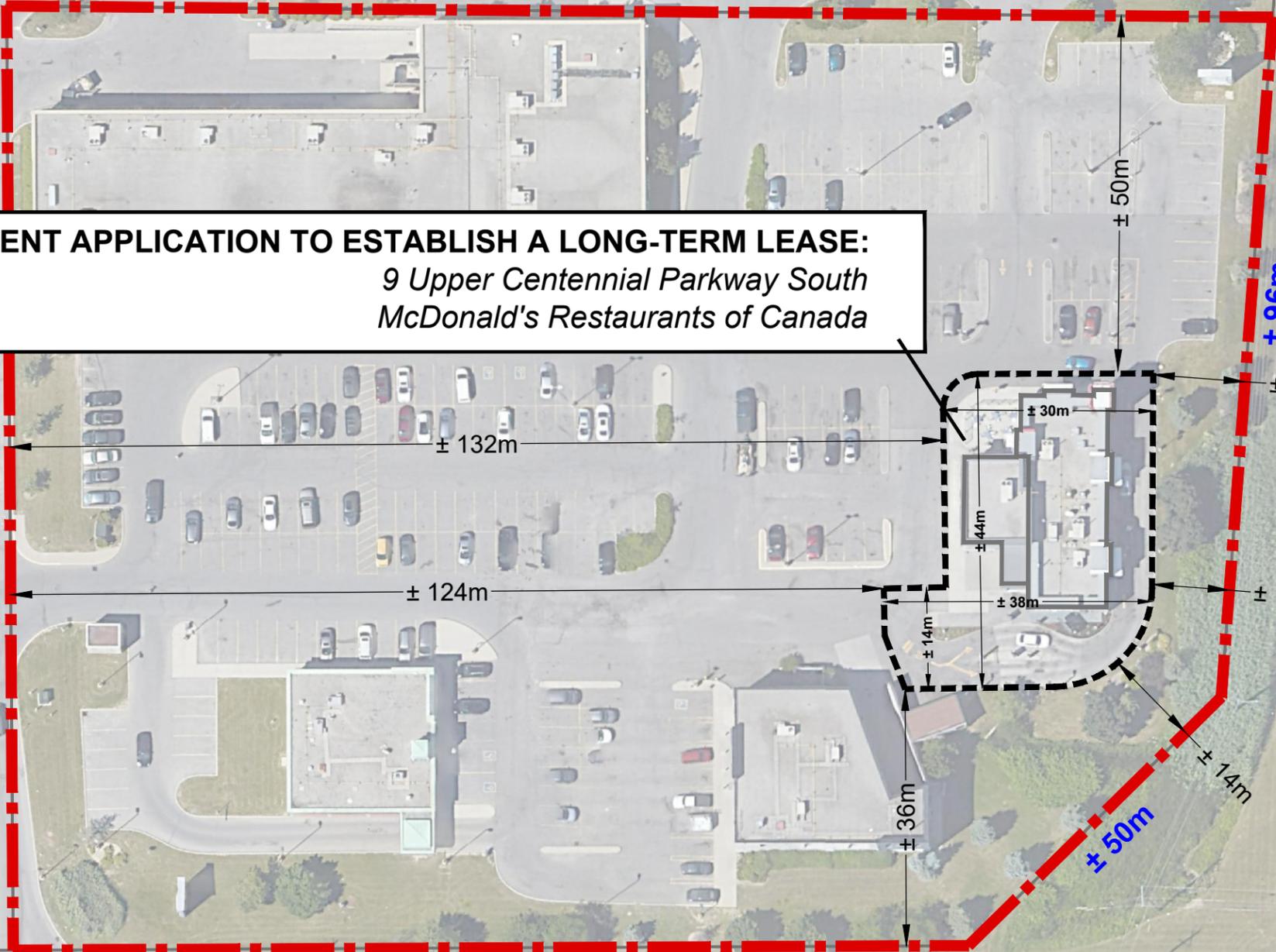
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

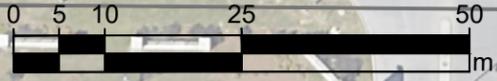
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

CONSENT APPLICATION TO ESTABLISH A LONG-TERM LEASE:
9 Upper Centennial Parkway South
McDonald's Restaurants of Canada



UPPER CENTENNIAL PARKWAY

RYMAL ROAD EAST



LEGAL DESCRIPTION:
PART OF LOT 25, CON 8, SALTFLEET, CITY OF HAMILTON

 **SUBJECT LANDS**



SURVEYOR'S REAL PROPERTY REPORT
 PART 1
PLAN OF SURVEY OF PART OF
LOT 25
CONCESSION 8
 (GEOGRAPHIC TOWNSHIP OF SALTFLEET)
 IN THE
CITY OF HAMILTON

SCALE: 1:500
 0 5 10 20 30 50 Meters

EDWARD J. GRENKIE
 ONTARIO LAND SURVEYOR
 © COPYRIGHT 2012

LEGEND

- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- CP NAIL WITH WASHER
- OU DENOTES ORIGIN UNKNOWN
- (P) DENOTES PLAN 62R-14684
- (P1) DENOTES PLAN BY BENNETT YOUNG LTD. DATED JANUARY 12, 2006
- (S12) DENOTES A.J. CLARKE & ASSOCIATES
- (HR) DENOTES HOLSTEAD & REDMOND LTD.
- (1487) DENOTES ASHENHURST NOUNWENS LTD.
- (MTO) DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
- LS DENOTES LIGHT STANDARD
- CT DENOTES CONIFEROUS TREE

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF RYMAL ROAD EAST AS SHOWN ON PLAN 62R-14684 HAVING A BEARING OF N73°41'40"W.

METRIC

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

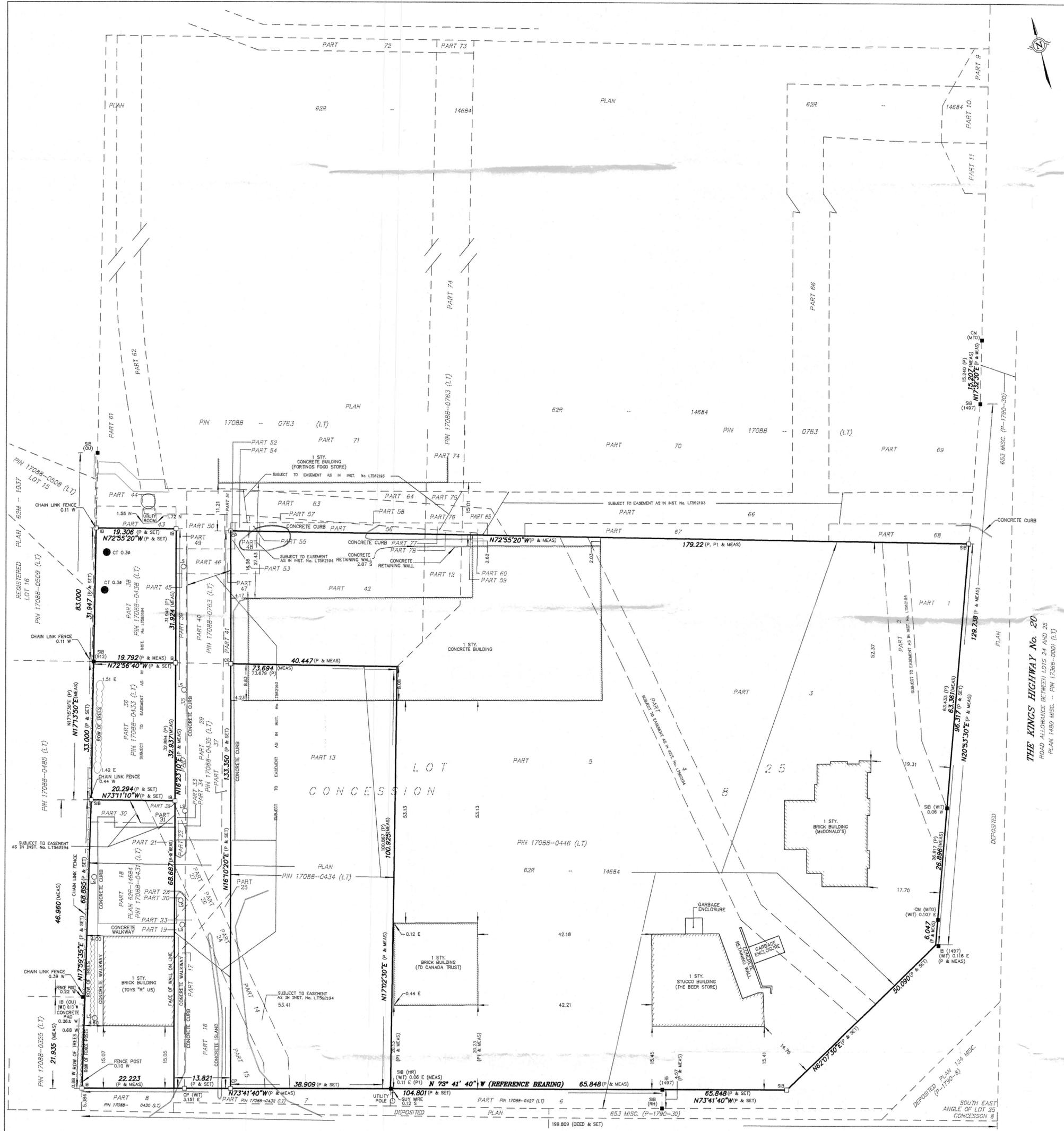
PART 2

DESCRIPTION SUMMARY - LANDS DESCRIBED IN P.I.N. 17088-0431 (L.T.), P.I.N. 17088-0433 (L.T.), P.I.N. 17088-0434 (L.T.), P.I.N. 17088-0438 (L.T.) AND P.I.N. 17088-0446 (L.T.) THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED JANUARY 3, 2011

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1825078



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 28(3).



THE KINGS HIGHWAY No. 20
 ROAD ALLOWANCE BETWEEN LOTS 24 AND 26
 PLAN 1480 MISC. - PIN 17366-0001 (L.T.)

RYMAL ROAD EAST
 (ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF SALTFLEET & BINBROOK)

BY BY-LAW No. R99-056, INST. No. LT566230
 FORMERLY THE KING'S HIGHWAY No. 53
 BY O.C. #2531/64
 DEPOSITED PLAN 1475 MISCL. (P-3400-13)
 PIN 17088-0400 (L.T.)

PIN 17376-0112 (L.T.)

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 JANUARY 3, 2012.

DATE: JANUARY 3, 2012

Edward J. Grenkie
 EDWARD J. GRENKIE
 ONTARIO LAND SURVEYOR

Barich Grenkie
 Surveying Ltd.
 26 - 428 MILLIKEN RD. - STONEY CREEK, ON
 (905) 882-4767



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 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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	EmTwo Properties Inc., c/o Oren Aronowicz		
Applicant(s)**	Registered Owner		
Agent or Solicitor	Bousfields Inc., c/o David Falletta		

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

**** Owner's authorisation required if the applicant is not the owner or purchaser.**

1.3 All correspondence should be sent to Purchaser Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot 25	Concession 8	Former Township Saltfleet
Registered Plan N°. 62R-14684	Lot(s)	Reference Plan N°.	Part(s) 1, 2, 3, and 4
Municipal Address 9 Upper Centennial Parkway South	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:

See Appendix A attached.

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):

- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input checked="" type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

McDonald's Restaurants of Canada Ltd.

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 (lease, easement, charge etc.):

N/A - no frontage

Frontage (m)	Width (m)	Depth (m)	Area (m ² or ha)
38		44	1,340 m2

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input checked="" 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) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input checked="" 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: 1 storey commercial building

Proposed: 1 storey commercial building

Existing structures to be removed: n/a

Type of access: (check appropriate box) n/a - Access provided through existing parking lot, per existing lease terms.

- | | |
|--|--|
| <input checked="" type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input 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)

- 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 (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
135 - 179	96 - 133	22,290

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) n/a - establishing a lease boundary for an existing commercial use
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Proposed Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) n/a - establishing a lease boundary for an existing commercial use
- Industrial
 Agricultural-Related
- Commercial
 Vacant

Building(s) or Structure(s):

Existing: Restaurant

Proposed: Restaurant

Existing structures to be removed: n/a

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
 (Rymal Road & Upper Centennial Parkway)
- 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): Mixed Use - Medium Density

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

There are no proposed changes to the existing built form or established lot lines - only a boundary delineation to be used congruently with a lease.

- 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? Mixed Use Medium Density
- 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"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use Restaurant
- 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 information, existing permitted uses granted by the City.
- 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 N/A 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

Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- 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

n/a - no new uses, buildings, or lot boundaries are proposed. Proposal delineates a lease boundary only.
- 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 - not in the Greenbelt Plan area.

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.

Unknown _____

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 n/a

8.4 How long has the applicant owned the subject land?

9 years (since February 29, 2012) 9 years (since February 29 2012)

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.

n/a

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.

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 n/a Status n/a

10 RURAL APPLICATIONS N/A

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.

n/a

12 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.

May 30, 2022

Date

Raphael Aronowicz

Signature of Owner

Digitally signed by Raphael Aronowicz
Date: 2022.05.30 12:38:28 -04'00'

Project No. 22157

June 3, 2022

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

Dear Jamila,

***Re: Consent Application to establish a long-term lease
9 Upper Centennial Parkway South, Stoney Creek, ON***

We are the planning consultants for EmTwo Properties Inc. (the “Applicant”), who have entered into a long-term lease agreement with McDonald’s Restaurants of Canada Ltd. (the “Tenant”), the tenants of the retail establishment located at 9 Upper Centennial Parkway South (the “subject site”). The subject site is located on the northwest corner of Upper Centennial Parkway and Rymal Road East.

The Subject Site

The subject site is currently occupied by a McDonald’s restaurant and has an approximate site area of approximately 22,359.6 square metres and approximate frontages of 135.9 metres along Rymal Road East and 96 metres along Upper Centennial Parkway. The existing single storey McDonald’s restaurant building has a commercial gross floor area of approximately 509 square metres.

Purpose of the Application

As the lease between the Applicant and the Tenant contemplates the granting the use of and right in land for a period exceeding twenty-one years, Section 50(3) of the Planning Act, R.S.O. 1990, c. P.13 requires the Applicant/owner to obtain consent from the Corporation of the City of Hamilton. Accordingly, the purpose and intent of the subject application is to allow the Applicant and Tenant to enter into a long-term lease that began November 26, 2001. The long-term lease originally had an expiry date of November 25, 2021 but was extended by 5 years to November 25, 2026. McDonalds has 3 additional 5-year periods to extend the Term, giving a total of all remaining possible Extension Periods of 15 years and a total lease term of 40 years.

Policy and Regulatory Test

The subject site is identified as a *Community Node* and *Secondary Corridors* in the City of Urban Hamilton Official Plan Urban Structure Map - Schedule E. The Urban Land Use Map (Schedule E-1) and Weston Mountain Area Secondary Plan Land Use Map (Map B.7.6-1) shows the subject site as being within a *Mixed Use – Medium Density*. The Official Plan provides that *Mixed Use – Medium Density* will be comprised predominantly of a mix of commercial, residential, institutional, and public service uses (Sections 3.2.2 and 7.1.2). Accordingly, as the proposed application seeks to establish a long-term lease over the subject lands for an existing restaurant building, the proposal conforms to the Official Plan, since the existing restaurant use is permitted.

The subject site is zoned *Mixed Use Medium Density (“C5”)* zone in Zoning By-law 05-200 (as amended by Zoning By-law 17-240). The C5 zone permits the existing restaurant and provides applicable performance standards. As the subject proposal seeks to establish a long-term lease over the subject site for the existing restaurant and its parking area, the proposal complies with the Zoning By-law. In this regard, the use, size, shape and location of the existing building complies with the applicable zoning regulations.

Section 51 (24) of the Planning Act requires that 13 criteria (a-m) are to be addressed when considering a draft plan of subdivision, part lot control, or consents. Accordingly the following is a summary of these criteria and how the proposal has adequately considered each:

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Response: As the subject proposal seeks to establish a long-term lease over the subject site for the existing restaurant and its parking area, which conforms to the Official Plan and complies with the Zoning By-law both of which are consistent with and conform to provincial policy.

(b) whether the proposed subdivision is premature or in the public interest;

Response: The effect of the subject proposal is to modify the tenure and establish a long-term lease for an existing use, which is not premature and is in the public interest as it will enable a permitted use to be maintained for a long term.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Response: The subject proposal conforms to the official plan and no changes to the subject site's functional boundaries are proposed. Accordingly, the proposal will not impact the adjacent plans of subdivision.

(d) the suitability of the land for the purposes for which it is to be subdivided;

Response: The subject proposal maintains the existing use that is permitted by the Official Plan and Zoning By-law. The subject site is suitable for the proposed lease.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Response: N/A - Affordable housing units are not proposed.

(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 with the established highway system in the vicinity and the adequacy of them;

Response: There are no new public streets or highways are proposed, the subject proposal has adequately addressed criteria 51 (24)(e).

(f) the dimensions and shapes of the proposed lots;

Response: The dimension and shape of the proposed consent area is appropriate and includes the existing commercial building and its parking area, including the drive-thru.

(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;

Response: The subject proposal seeks to establish a long-term lease on a portion of the subject site and introduces no new restrictions to the already development site. The purpose is to facilitate a land use that is permitted by the Official Plan and Zoning By-law and complements how it currently functions with the surrounding context and adjoining lands.

(h) conservation of natural resources and flood control;

Response: The subject proposal is not in a protected area and does not overlap any natural resources, or buffers thereto, as per the Urban Hamilton Official Plan, Schedule B-4: Key Natural Heritage Feature and Key and Key Hydrologic Feature Wetlands.

(i) the adequacy of utilities and municipal services;

Response: The subject proposal is an existing building, connected to existing utilities and municipal services, no additional or new impacts to utilities and municipal services is expected.

(j) the adequacy of school sites;

Response: Dwelling units are not proposed, as such there will be no impact to the existing school capacity in the surrounding area.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Response: No land is to be conveyed or dedicated for public purposes as a result of the subject proposal.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Response: The subject proposal is an existing building, connected to existing utilities and municipal services, no additional impacts are anticipated to the available supply, means of supplying, and efficient use of energy

(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. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Response: As noted earlier, the purpose of the application is to permit a lease greater than 21 years. The existing development was subject to site plan control, where matters related to the development were reviewed in detail and addressed.

The application supports the continued use of the existing building as a commercial restaurant establishment, the McDonald's restaurant. The application maintains the existing and emerging built form character along Rymal Road East and Upper Centennial Parkway South, with no changes proposed to the pedestrian realm, vehicular access or parking. Based on the foregoing, it is our conclusion, from a land use planning perspective, that the proposed consent application appropriately responds to Section 50(3) of the Planning Act and should be approved on this basis.

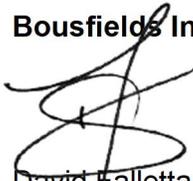
In support of this application, please find enclosed the following:

- A digital copy of the completed and signed application form;
- A digital copy of the Land Survey;
- A digital copy of the Concept Site Plan; and
- A cheque in the amount of \$2,985 made payable to The City of Hamilton – Committee of Adjustment.

Should you require any additional information or clarification, please do not hesitate to contact me (ext. 401) or Liam Crawford (ext. 229) of our office at (416) 947-9744.

Yours truly,

Bousfields Inc.



David Falletta MCIP, RPP

LC/df:jobs

cc. Client



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:123	SUBJECT PROPERTY:	24 SAN FELICE LANE, HAMILTON
ZONE:	“R-4” (Small Lot Single Family Detached)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 22-137

APPLICANTS: Agent S. Tarika
Owner H. Al Saigh

The following variances are requested:

1. A minimum of 24% of the gross area 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.

PURPOSE & EFFECT: So as to establish a Secondary Dwelling Unit within an existing Single Family Dwelling.

Notes:

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	1:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/A-22:123

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

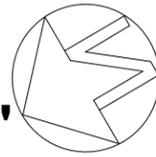
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

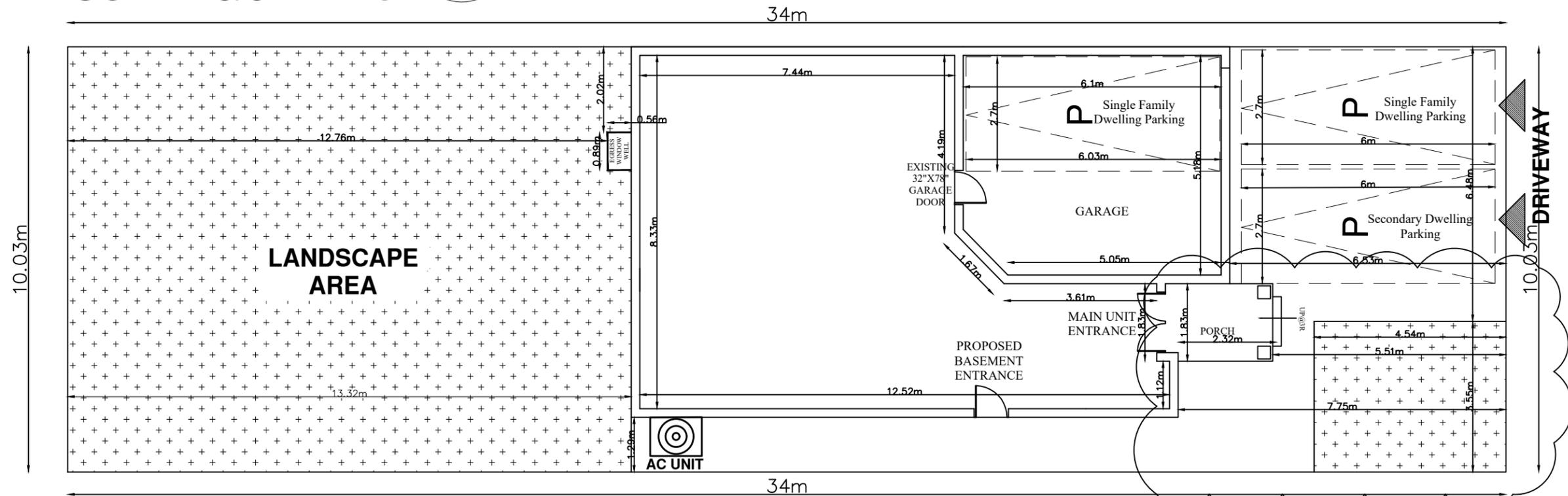
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SITE PLAN

SCALE 3/32"=1'-0"



24 SAN FELICE LN



LOT AREA= 3669.68 SQFT/341.04 SQM
 LOT COVERAGE= 1333.70 SQMT/ 123.94SQM (36%)
 FRONT YARD AREA= 719.20 SQFT/ 66.84 SQM
 FRONT LANDSCAPE AREA= 173.43 SQFT/ 16.11SQM (24.10%)

REQUIRED LANDSCAPE - 50%
 PROPOSED LANDSCAPE - 24.10%

GENERAL NOTES

DO NOT SCALE DRAWINGS
 PROPERTY RIGHTS RETAINED BY:
 BG CONSTRUCTION DESIGN
 ANY REPRODUCTION IN WHOLE OR IN PART
 UNDER THE RULES AND BY-LAWS OF THE
 CORPORATION IS STRICTLY FORBIDDEN.
 ANY REPRODUCTIONS MUST BE
 AUTHORIZED BY
 ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

PROPOSAL TO CONSTRUCT
 SECONDARY UNIT

THE UNDERSIGNED HAS REVIEWED AND
 TAKES RESPONSIBILITY FOR THIS DESIGN,
 AND HAS THE QUALIFICATIONS AND
 MEETS THE REQUIREMENTS SET OUT
 IN THE ONTARIO BUILDING CODE
 TO BE A DESIGNER.

QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT
 UNDER DIV. C-3.2.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
 NAME SIGNATURE BCN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

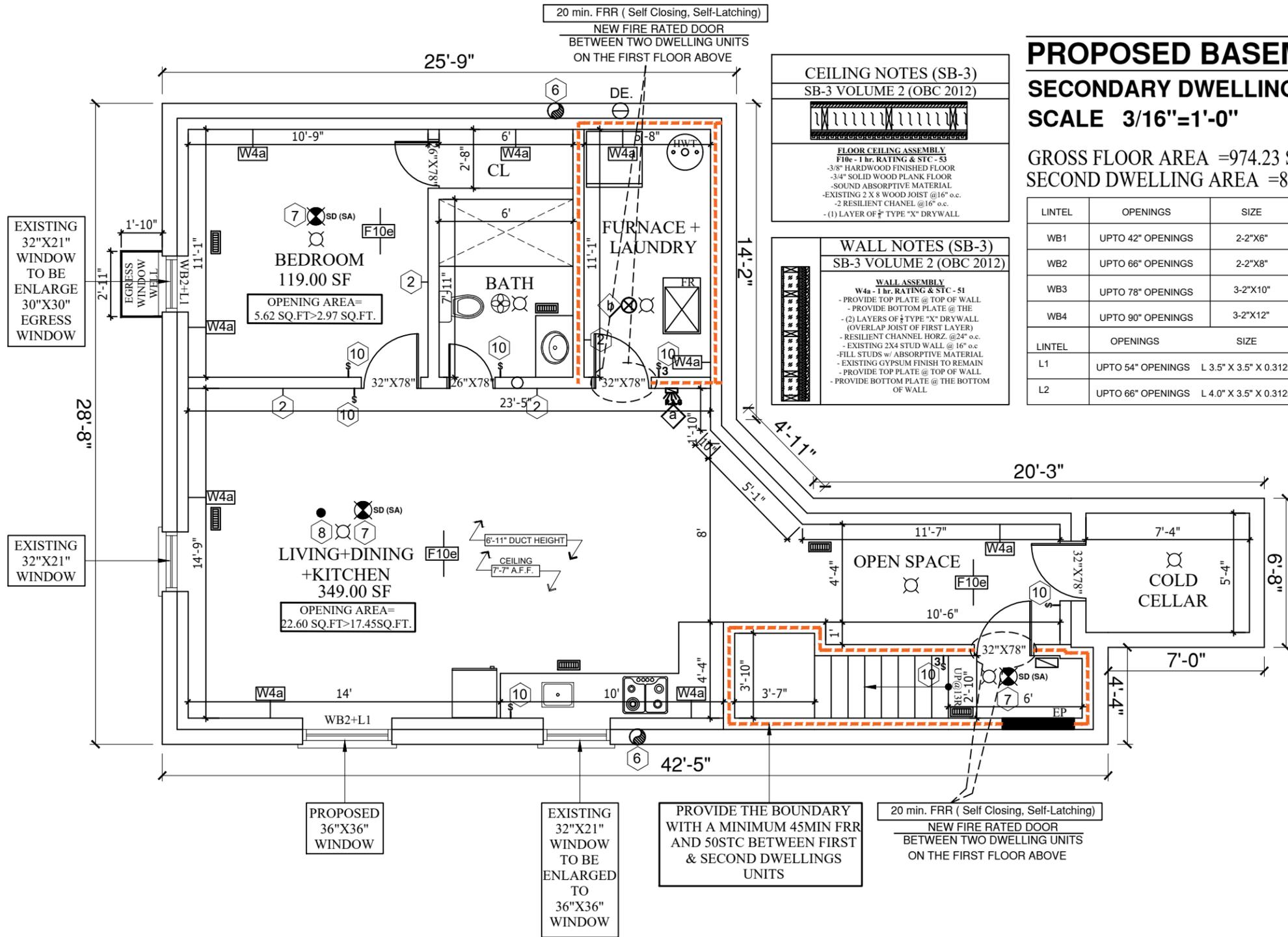
SITE PLAN

CITY : HAMILTON

24 SAN FELICE LANE

EXISTING DWELLING

PROJECT	SHEET
JAN 2022	A1
SCALE 1/8"=1'-0"	



CEILING NOTES (SB-3)
SB-3 VOLUME 2 (OBC 2012)

FLOOR CEILING ASSEMBLY
F10e - 1 hr. RATING & STC - 53
- 3/8" HARDWOOD FINISHED FLOOR
- 3/4" SOLID WOOD PLANK FLOOR
- SOUND ABSORPTIVE MATERIAL
- EXISTING 2 X 8 WOOD JOIST @16" o.c.
- 2 RESILIENT CHANNEL @16" o.c.
- (1) LAYER OF 5/8" TYPE "X" DRYWALL

WALL NOTES (SB-3)
SB-3 VOLUME 2 (OBC 2012)

WALL ASSEMBLY
W4a - 1 hr. RATING & STC - 51
- PROVIDE TOP PLATE @ TOP OF WALL
- PROVIDE BOTTOM PLATE @ THE
- (2) LAYERS OF 5/8" TYPE "X" DRYWALL (OVERLAP JOIST OF FIRST LAYER)
- RESILIENT CHANNEL HORZ. @24" o.c.
- EXISTING 2X4 STUD WALL @16" o.c.
- FILL STUDS w/ ABSORPTIVE MATERIAL
- EXISTING GYPSUM FINISH TO REMAIN
- PROVIDE TOP PLATE @ TOP OF WALL
- PROVIDE BOTTOM PLATE @ THE BOTTOM OF WALL

PROPOSED BASEMENT SECONDARY DWELLING UNIT
SCALE 3/16"=1'-0"

GROSS FLOOR AREA =974.23 SFT /90.50 SM
SECOND DWELLING AREA =809.89 SFT /75.26 SM

LINTEL	OPENINGS	SIZE
WB1	UPTO 42" OPENINGS	2-2"X6"
WB2	UPTO 66" OPENINGS	2-2"X8"
WB3	UPTO 78" OPENINGS	3-2"X10"
WB4	UPTO 90" OPENINGS	3-2"X12"
LINTEL	OPENINGS	SIZE
L1	UPTO 54" OPENINGS	L 3.5" X 3.5" X 0.3125"
L2	UPTO 66" OPENINGS	L 4.0" X 3.5" X 0.3125"

GENERAL NOTES

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ANY REPRODUCTIONS MUST BE
AUTHORIZED BY
ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

PROPOSAL TO CONSTRUCT SECONDARY UNIT

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C-3.2.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
NAME SIGNATURE BCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

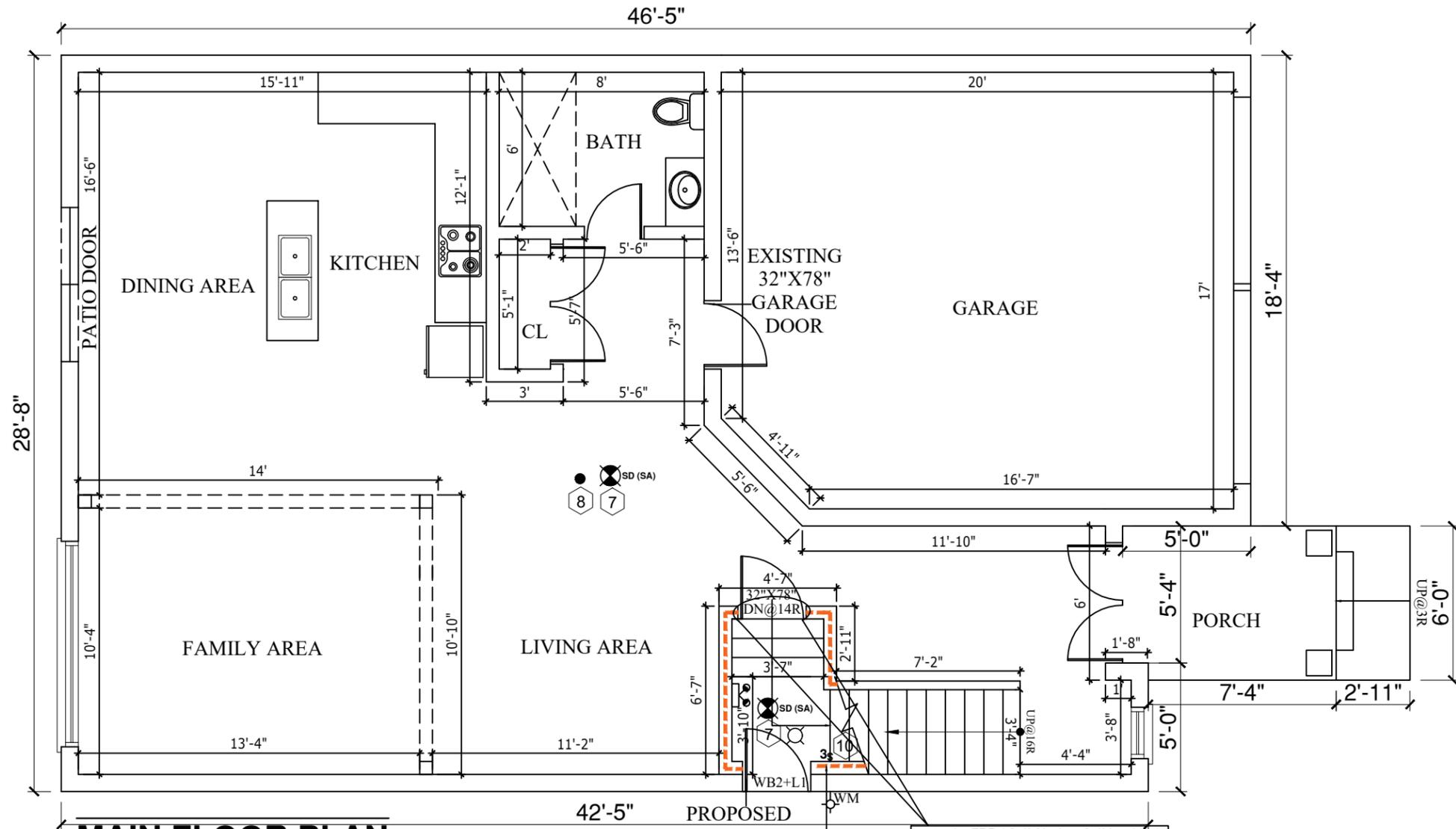
BASEMENT PLAN

CITY : HAMILTON

24 SAN FELICE LANE

EXISTING DWELLING

PROJECT	SHEET
JAN 2022	A2
SCALE 3/16"=1'-0"	



MAIN FLOOR PLAN

SCALE 3/16"=1'-0"
 SINGLE FAMILY DWELLING
 GROSS FLOOR AREA =921.57 SFT /85.61 SM

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SCOPE OF WORK

**PROPOSAL TO CONSTRUCT
 SECONDARY UNIT**

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 AND HAS THE QUALIFICATIONS AND
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QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT
 UNDER DIV. C-3.2.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
 NAME SIGNATURE BCN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

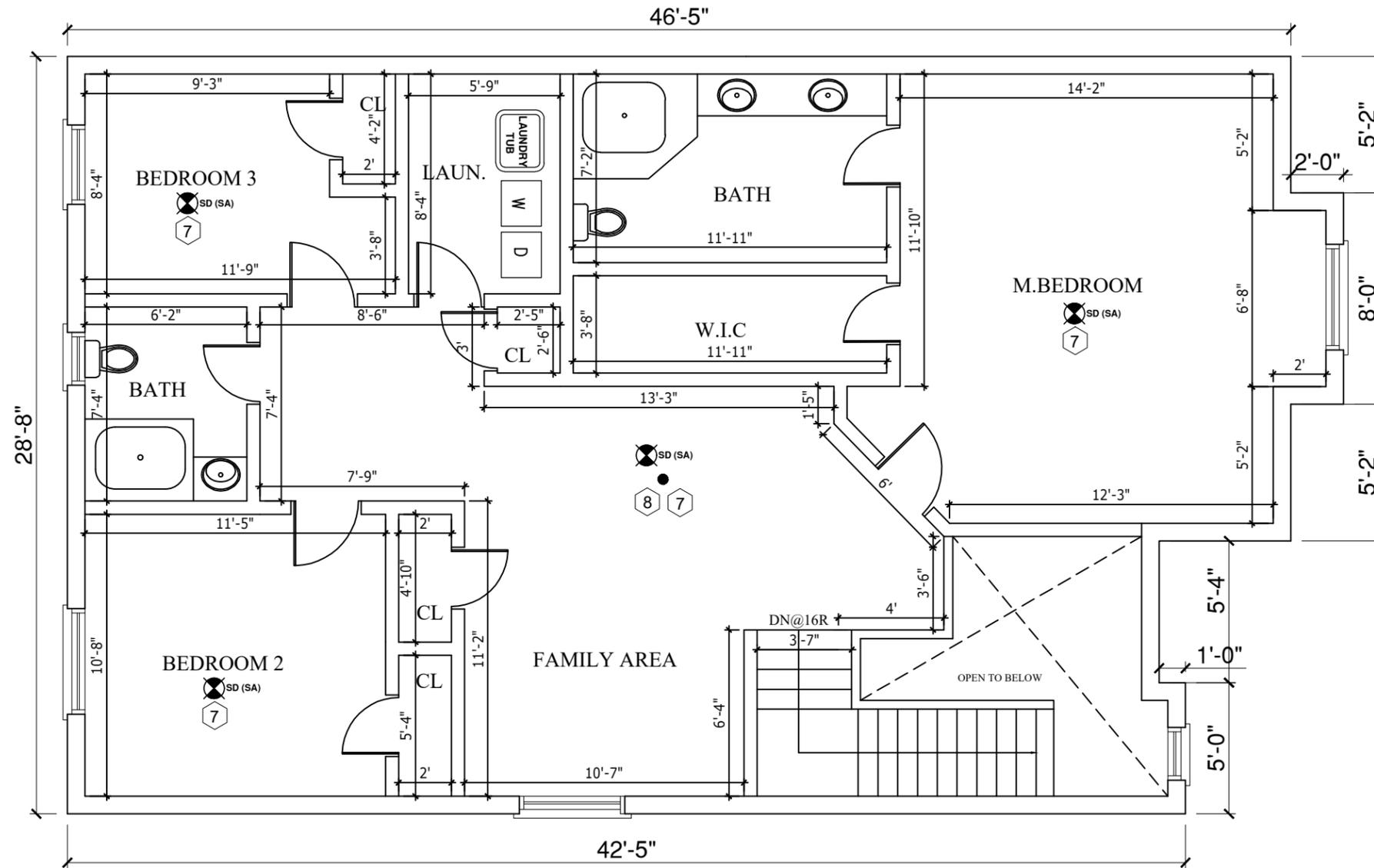
MAIN FLOOR PLAN

CITY : HAMILTON

24 SAN FELICE LANE

EXISTING DWELLING

PROJECT	SHEET
JAN 2022	A3
SCALE 3/16"=1'-0"	



SECOND FLOOR PLAN

SCALE 3/16"=1'-0"

SINGLE FAMILY DWELLING

GROSS FLOOR AREA =1300.01 SFT / 120.77 SM

GENERAL NOTES

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SCOPE OF WORK

PROPOSAL TO CONSTRUCT
 SECONDARY UNIT

THE UNDERSIGNED HAS REVIEWED AND
 TAKES RESPONSIBILITY FOR THIS DESIGN,
 AND HAS THE QUALIFICATIONS AND
 MEETS THE REQUIREMENTS SET OUT
 IN THE ONTARIO BUILDING CODE
 TO BE A DESIGNER.

QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT
 UNDER DIV. C.3.2.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
 NAME SIGNATURE BCN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

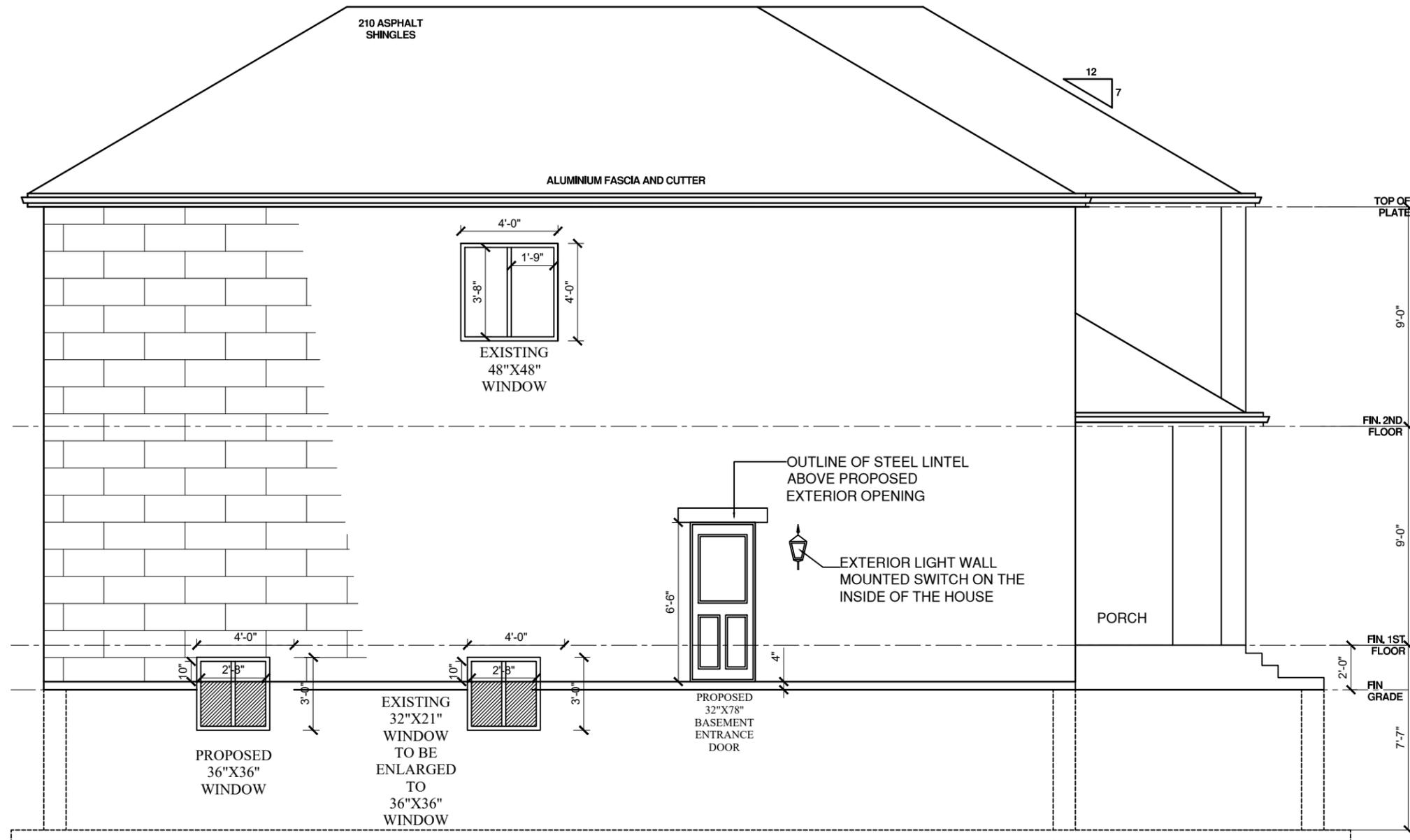
SECOND FLOOR PLAN

CITY : HAMILTON

24 SAN FELICE LANE

EXISTING DWELLING

PROJECT	SHEET
JAN 2022	A4
SCALE 3/16"=1'-0"	



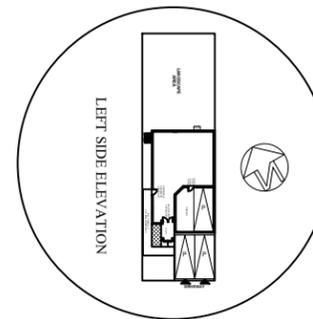
**ALLOWABLE UNPROTECTED OPENINGS
(EXPOSED BUILDING)**

LIMITING DISTANCE	4.23 FT(1.28M)
MAX PERCENTAGE	7.23 %
TOTAL WALL AREA	826.14 SF (76.75 SM)
ALLOWABLE OPENINGS	59.72 SF (5.54 SM)
ACTUAL OPENINGS	16.90 SF (1.57 SM) (2.04) %

**LEFT SIDE ELEVATION
SCALE 3/16"=1'-0"**

LEFT SIDE ELEVATION 'B'

KEY PLAN



GENERAL NOTES

DO NOT SCALE DRAWINGS
PROPERTY RIGHTS RETAINED BY:
BG CONSTRUCTION DESIGN
ANY REPRODUCTION IN WHOLE OR IN PART
UNDER THE RULES AND BY-LAWS OF THE
CORPORATION IS STRICTLY FORBIDDEN.
ANY REPRODUCTIONS MUST BE
AUTHORIZED BY
ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

**PROPOSAL TO CONSTRUCT
SECONDARY UNIT**

THE UNDERSIGNED HAS REVIEWED AND
TAKES RESPONSIBILITY FOR THIS DESIGN,
AND HAS THE QUALIFICATIONS AND
MEETS THE REQUIREMENTS SET OUT
IN THE ONTARIO BUILDING CODE
TO BE A DESIGNER.

QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT
UNDER DIV. C-3.25.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
NAME SIGNATURE BCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

LEFT SIDE ELEVATION

CITY : HAMILTON

24 SAN FELICE LANE

EXISTING DWELLING

PROJECT	SHEET
JAN 2022	A6
SCALE 3/16"=1'-0"	



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	MAILING ADDRESS
Registered Owners(s)	[REDACTED]	
Applicant(s)*		
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:

Front Yard landscape Requirement Required- 50% Proposed - 45%

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

We want to build a legal secondary dwelling unit for rental purpose which will help us in managing mortgage for our property. The property requires 50% of landscape in to comply zoning regulations of the area. As per site condition and parking layout design we are getting 44% soft landscape area. We would like to ask for minor variance for the site condition.

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**):

24 San Felice Lane, Hamilton, ON L9B 0B5

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant Other

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 8.1 to 8.10 above?

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

2022/04/05
Date

H. Al-Saigh, Khalida Mustafa
Signature Property Owner(s)

Khalida Mustafa, Hisham al saigh
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>32.90'</u>
Depth	<u>111.55'</u>
Area	<u>3669.99SQFT</u>
Width of street	<u>27ft</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:
Gross floor area= 3,195.8 sqft
Number of stories=2
width=28'8"
length=46'5"

Proposed
Gross floor area= 3,195.8 sqft
Number of stories=2
width=28'8"
length=46'5"

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 setback=4.08'
Front setback=18'9"
Rear setback=43.07'

Proposed:
Side setback=4.08'
Front setback=18'9"
Rear setback=43.07'

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
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 Connected
 Sanitary Sewer Connected
 Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
City of Hamilton Zoning 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.
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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance
CORRECTED NOTICE

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/B-21:79	SUBJECT PROPERTY:	727 RYMAL ROAD E, HAMILTON
-------------------------	-------------------	--------------------------	-----------------------------------

APPLICANTS: Agent GSP Group – J. Liberatore
Owner M. Khera

PURPOSE & EFFECT: To permit the conveyance of a parcel of land for residential purposes and to retain two parcels of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	12.00 m [±]	27.42 m [±]	374.92 m ^{2±}
RETAINED LANDS:	12.57 m [±]	27.42 m [±]	364.95 m ^{2±}
RETAINED LANDS:	54.40 m [±]	27.34 m [±]	1,356.09 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:05 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-21:79

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

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, calling in, or by attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.

HM/B-21:79

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

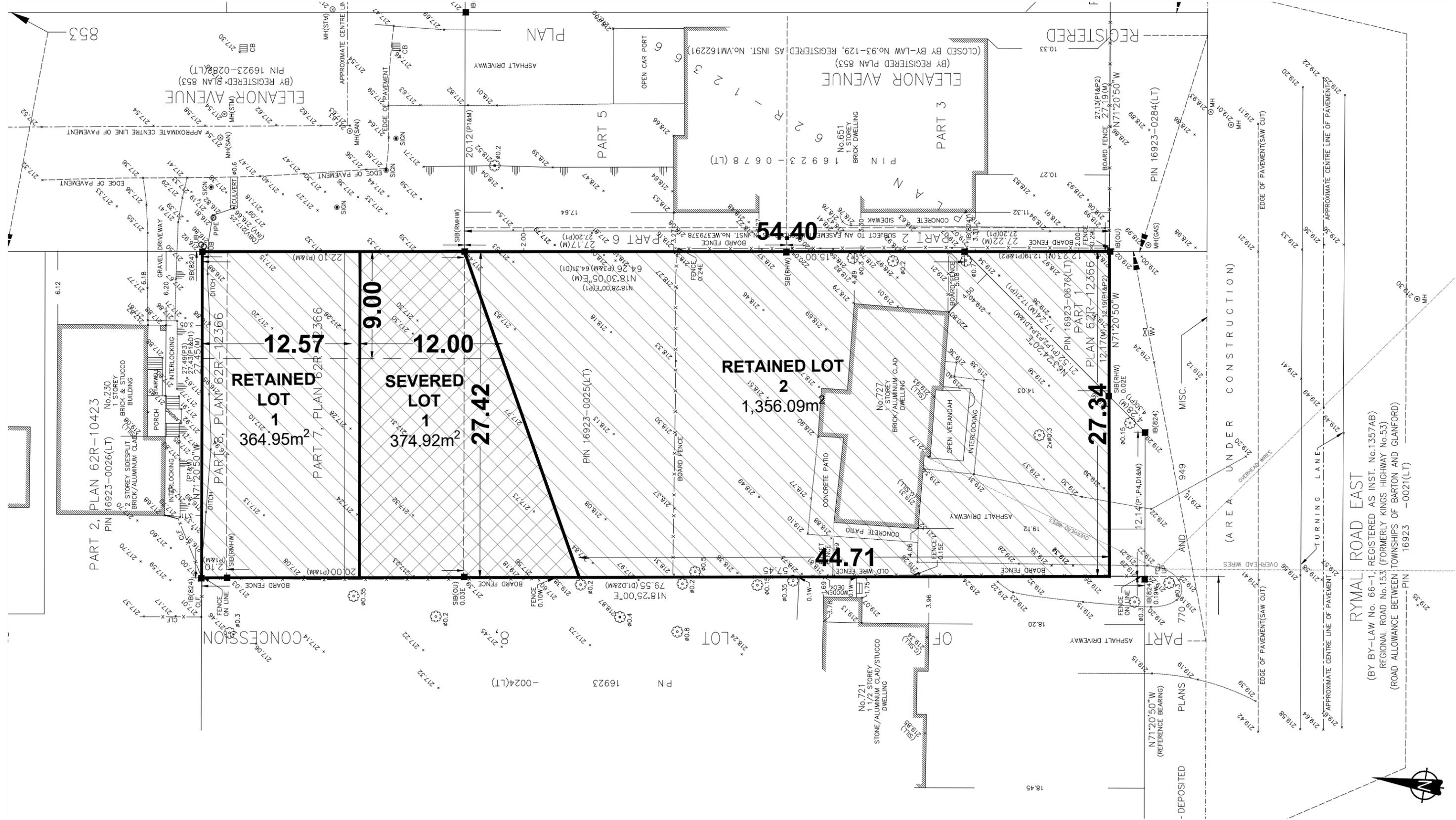
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

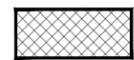
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

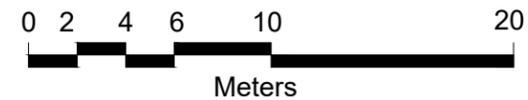
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



CONSENT SKETCH

727 RYMAL ROAD EAST, HAMILTON

-  LANDS TO BE SEVERED
-  LANDS TO BE RETAINED



NOTE: This sketch has been prepared based on a Survey Plan prepared by Vladimir Dosen Surveying dated October 13, 2020. All measurements in METRIC, unless otherwise noted.

Scale 1:300 | October 18, 2021 | Project No.: 21161 | Drawn By: JML





SHAPING GREAT COMMUNITIES

June 2, 2022

File No. 21161

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

Dear Ms. Sheffield:

**RE: 727 RYMAL ROAD EAST, HAMILTON
 CONSENT APPLICATION – HM/B-21:79**

GSP Group is pleased to resubmit on behalf of the owner, a request to re-add the Tabled updated application for Consent for the creation of 3 lots through a severance to allow the future construction of two (2) new single detached dwelling units on the property currently municipally known as 727 Rymal Road East.

This request provided herein is in response to the approved motion to table the application at the March 3, 2022 Committee of Adjustment Meeting. At that Meeting, an updated application for Consent was considered, which was revised in consideration of several concerns that were raised in comments previously provided by both the public and City staff at the October 7, 2021 Committee of Adjustment Meeting.

For reference, a copy of the Cover Letter Planning Brief from the Revised January 27, 2022 submission has been provided, attached as **APPENDIX A**. In addition, attached to this Letter in **APPENDIX B** is a copy of the Comments Extract from the March 3, 2022 Committee of Adjustment Meeting that include the departmental, agency and public comments received as part of the initial submission.

Provided in the following section of this Brief is discussion on the manner that these concerns were reviewed and addressed/responded to from the revised January 27, 2022 submission of Consent application HM/B-21:79 that was considered by Committee at the March 3, 2022 Meeting.

ELEANOR NEIGHBOURHOOD PLAN

Eaglewood Drive Road Extension

As noted in the Staff and Public Comments, the Eleanor Neighbourhood Plan had indicated a future right-of-way through the Site that was intended to be an extension of Eaglewood Drive to connect into the Losani Homes Sherman Oaks subdivision to the northwest and also a road connection to Upper Sherman Avenue through the commercial plaza site at 695 and 675 Rymal Road East.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

As at the time of the initial submission the status of the road extension was unknown, review of adjacent applications that have either been approved or are in the process of gaining approval was undertaken and the findings provided to both Planning Staff and Growth Management Staff to receive direction on the status of the conceptual road extension. This is depicted on the Composite Plan, attached to this Brief as **APPENDIX C** which shows the road extensions contemplated in the Eleanor Neighbourhood Plan overlaid with:

- Files **DA-10-079, SPA-14-118 and HM/B-09:32** at 695 & 675 Rymal Rd E: Approved and constructed commercial development at the intersection of Upper Sherman Avenue and Rymal Road East, which overlaps with one of the road extensions historically contemplated in the Eleanor Neighbourhood Plan.
- Files **UHOPA-21-012 & ZAC-21-026** at 705 & 713 Rymal Rd E: in process medium density residential development for 41 block townhouse units, which overlaps with a significant portion of the Eaglewood Drive road extension contemplated in the Eleanor Neighbourhood Plan.
- File **25T-201105** – Sherman Oaks Subdivision: Approved residential subdivision with a reserve block that was initially intended to be a future road extension contemplated in the Eleanor Neighbourhood Plan and is now under review with Draft approved Consent Applications (HM/B-21:09 and HM/B-21:10) to facilitate future single family homes.

Following discussion and review, it was confirmed by the City's Growth Management Section per correspondence (attached hereto as **APPENDIX D**) dated January 25, 2022 that the Eaglewood Drive extension will not move forward and that a revision to the Eleanor Neighbourhood Plan happen after the lotting is finalized.

CONTEXTUAL APPLICATION HISTORY

It should be noted that the Committee of Adjustment has approved, both in the past and recently, Consent Applications **HM/B-09:32, HM/B-21:09** and **HM/B-21:10**, all of which compromise the completion of the Eleanor Extension as initially contemplated in the 1973 Eleanor Neighbourhood Plan. While HM/B-21:09 and HM/B-21:10 are being handled internally within the City's Planning and Economic Development Department through an update with Growth Management staff as it relates to the original Sherman Oaks Subdivision, **HM/B-09:32 was approved by Committee in 2009.**

Committee's 2009 Decision of Consent application HM/B-09:32 for approval (attached as **APPENDIX E**) removed the requirement for the development to reserve and convey lands to the City to account for the road extensions noted in the Neighbourhood Plan, despite the request from City staff that it be added as conditions (attached as **APPENDIX F**). As an alternative, the conditions were added as notes to be captured through future planning applications on the Site (attached as **APPENDIX G**).

Following the Final Approval of the Consent, the Planning and Economic Development Department has also issued Site Plan approval and building permits for files DA-10-079 and SPA-14-118, which facilitated the creation of the multi-tenanted commercial development to the west of the Site. This development has resulted in the road extension being blocked, by approving and constructed a building within the proposed extension in the Eleanor Neighbourhood Plan with no road conveyances having been provided.

As a result of decisions made in the past by both the City and Committee of Adjustment, the road (if constructed), would essentially become a dead-end road with a turn-around bulb. It is anticipated that this would likely have significant impact on the developability of several properties in the area including the subject lands, the Townhouse lands (705 & 713 Rymal Road East) and even the neighbouring lands at 230 Eleanor Avenue.

URBAN HAMILTON OFFICIAL PLAN CONFORMITY

Furthermore, implementation of the road extension from Neighbourhood Plan in accordance with the previous Section of this Letter would not conform to the Urban Hamilton Official Plan (UHOP), specifically as it relates to **Volume 1, Chapter C Policy 4.5.2. f) vii**, which states:

“Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:

- 1. where the topography, natural features, wetlands, watercourses, existing development, etc. prevent the construction of a through street;*
- 2. where the road extension would have to cross a railway right-of-way or any other utility corridor;*
- 3. where it has been determined by the City that public street connectivity is not essential to the street circulation network or the underground services and utility grid network of the adjacent area; or,*
- 4. where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.”*

Per **UHOP Policy C.4.5.2 f) vii) 1.**, the road extension (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is proposed in a location that appears to be relatively flat with no natural features as identified in the UHOP or wetlands as identified by Hamilton Conservation Authority regulatory mapping. The only hindrance is existing development (i.e. the multi-tenanted commercial development) which was approved by both the Committee of Adjustment and City of Hamilton Planning and Economic Development Department after the establishment of the Eleanor Neighbourhood Plan.

Per **UHOP Policy C.4.5.2 f) vii) 2.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is proposed in a location that does not cross a railway right-of-way any other utility grid network of the adjacent area.

Per **UHOP Policy C.4.5.2 f) vii) 3.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) has been identified as unnecessary by the City of Hamilton Planning and Economic Development Department in consideration of the approved, constructed and proposed developments in the impacted area.

Per **UHOP Policy C.4.5.2 f) vii) 4.**, the road (as contemplated in the Neighbourhood Plan and blocked by existing development, resulting in a cul-de-sac) is not part of a local road network that is arranged for direct and contiguous pedestrian and cycling connects. This is further demonstrated through the rural road cross section that exists currently along Eleanor Avenue, which does not include any sidewalks that can provide a direct and contiguous pedestrian connection.

On the basis of the rationale provided herein in support of the Updated Consent application, the following information has been provided:

1. One (1) copy of the updated Consent Sketch (January 27, 2022 Submission Version).

Should you have any question, or require any additional information, please contact me by phone at 226-243-7433 or by email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.



Joseph M. Liberatore,
CNU-A, BURPI., Dip. GIS & PI.
Planner

cc. *Client*
Melanie Pham, Senior Planner – City of Hamilton

Appendices: APPENDIX A – Revised January 27, 2022 Submission Cover Letter Planning Brief
APPENDIX B – March 3, 2022 Committee of Adjustment Meeting Comments Extract
APPENDIX C – Composite Plan
APPENDIX D – January 25, 2022 Growth Management Correspondence
APPENDIX E – HM/B-09:32 – Committee Approved Consent Decision
APPENDIX F – HM/B-09:32 – Committee of Adjustment Meeting Minutes
APPENDIX G – HM/B-09:32 – Committee of Adjustment Consolidated Comments Report



SHAPING GREAT COMMUNITIES

January 27, 2022

File No. 21161

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

Dear Ms. Sheffield:

**RE: 727 RYMAL ROAD EAST, HAMILTON
CONSENT APPLICATION – HM/B-21:79**

GSP Group is pleased to resubmit on behalf of the owner, an updated application for Consent for the creation of 3 lots through a severance to allow the future construction 2 new single detached dwelling units on the property currently municipally known as 727 Rymal Road East.

The resubmission provided herein is in response to several concerns that were raised in comments provided by both the public and City staff at the October 7, 2021 Committee of Adjustment Meeting. Accordingly, the revisions to the design include:

- the realignment of the proposed lot line between Retained Lot 1 and Severed Lot 1; and,
- the shifting of the proposed lot line between Severed Lot 1 and Retained Lot 2.

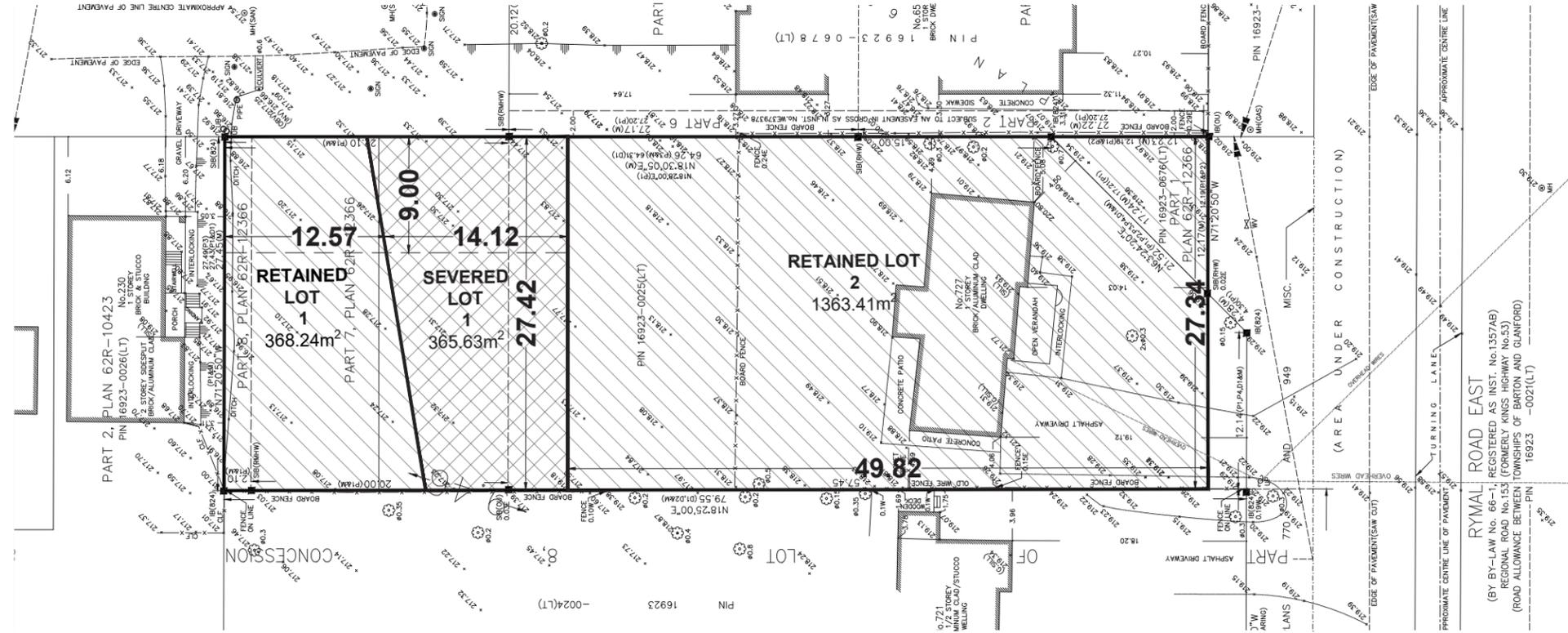
The above noted changes, illustrated on **Figure 1**, have been incorporated with a collaborative effort from the project team in tandem with City of Hamilton Planning Staff to ensure concerns noted in the comments have been addressed. The concerns generally were with regard to:

1. Streetscape compatibility with the proposed lots in contrast to the surrounding lot pattern of the neighbourhood;
2. The alignment of the side lot line with the front lot line on Severed Lot 1; and,
3. The status of the Eaglewood Drive Extension initially contemplated in the Eleanor Neighbourhood Plan.

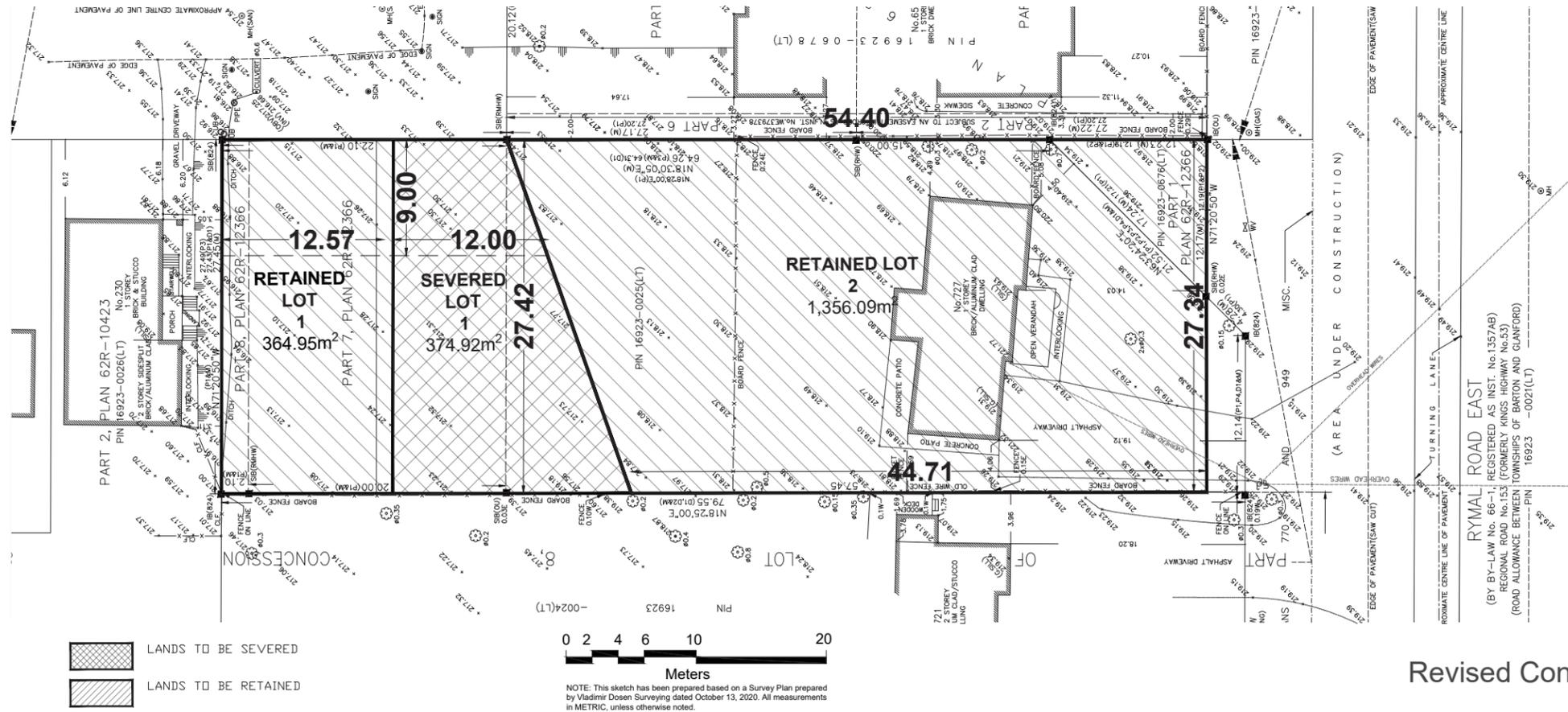
Attached to this Letter in **Appendix A** is a copy of the Comments Extract from the October 7, 2021 Committee of Adjustment Meeting that include the departmental, agency and public comments received as part of the initial submission. Provided in the following section of this Brief is discussion on the manner that these concerns were reviewed and addressed/responded to with this revised submission of Consent application HM/B-21:79.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

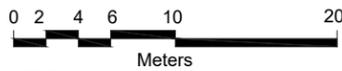
Original Submission



Revised Submission



 LANDS TO BE SEVERED
 LANDS TO BE RETAINED



NOTE: This sketch has been prepared based on a Survey Plan prepared by Vladimir Dosen Surveying dated October 13, 2020. All measurements in METRIC, unless otherwise noted.

Revised Consent Sketch

Figure 1

Revised Lotting

The Site is currently zoned “C” (Urban Protected Residential, Etc.) District in Hamilton Zoning By-law 6593, where single family dwellings are permitted. No modifications to the Zoning By-law are required in order to permit the requested consent for the 3 buildable lots to construct 2 new single family dwellings. The table below summarizes the required lot size requirements in contrast to the initial proposed Consent Sketch and the revised proposed Consent Sketch submitted herein:

“C” District Regulations					
Lot	Regulation	Required	Initial Design	Revised Design	Conforms? ✓/✗
<i>Retained Lot 1</i>	Minimum Lot Width (measured 9m back from front lot line)	12.0m	12.57m	12.57m	✓
	Minimum Lot Area	360.0m ²	368.24m ²	364.95m ²	✓
<i>Retained Lot 2</i>	Minimum Lot Width (measured 9m back from front lot line)	12.0m	27.34m	27.34m	✓
	Minimum Lot Area	360.0m ²	1,363.41m ²	1,356.09m ²	✓
<i>Severed Lot 1</i>	Minimum Lot Width (measured 9m back from front lot line)	12.0m	14.12m	12.00m	✓
	Minimum Lot Area	360.0m ²	365.63m ²	374.92m ²	✓

Streetscape Compatibility

With respect to Streetscape concerns, a detailed analysis was undertaken to identify a lotting configuration that could enable a building envelope (the portion of a lot that can facilitate a new building within the applicable setbacks) which matches the existing streetscape. The analysis incorporated detailed mapping from the Consent Sketch with relevant setbacks from the C District zone. These setbacks were applied to a conceptual massing of a single family home in accordance with the by-law requirements in a 3D Model to identify the proper alignment with other buildings along the Eaglewood Drive and Eleanor Avenue streetscapes.

This analysis was conducted from multiple perspectives, including a Neighbourhood View (**Figure 2**), an Eaglewood Drive View (**Figure 3**) and an Eleanor Avenue View (**Figure 4**). Each of these respective Views was then depicted further by 4 snapshots, as follows:

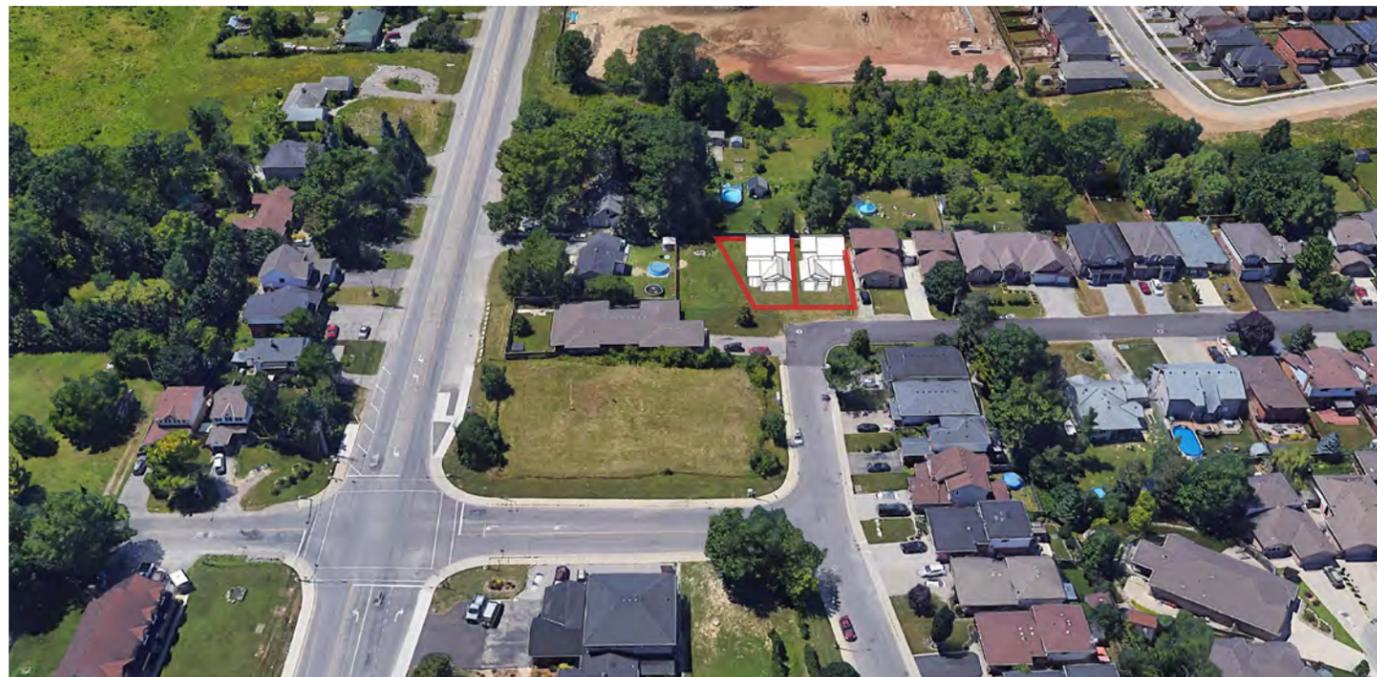
1. Existing View: The Site as it presently exists today.
2. Conceptual View with Lot Lines: The Site as it presently exists today with the proposed future lot lines shown.
3. Conceptual View with Lot Lines & Builds: The Site conceptually developed with the proposed future lot lines and conceptual preliminary building massings shown.
4. Post Construction View: The Site with only the conceptual preliminary building massings shown.



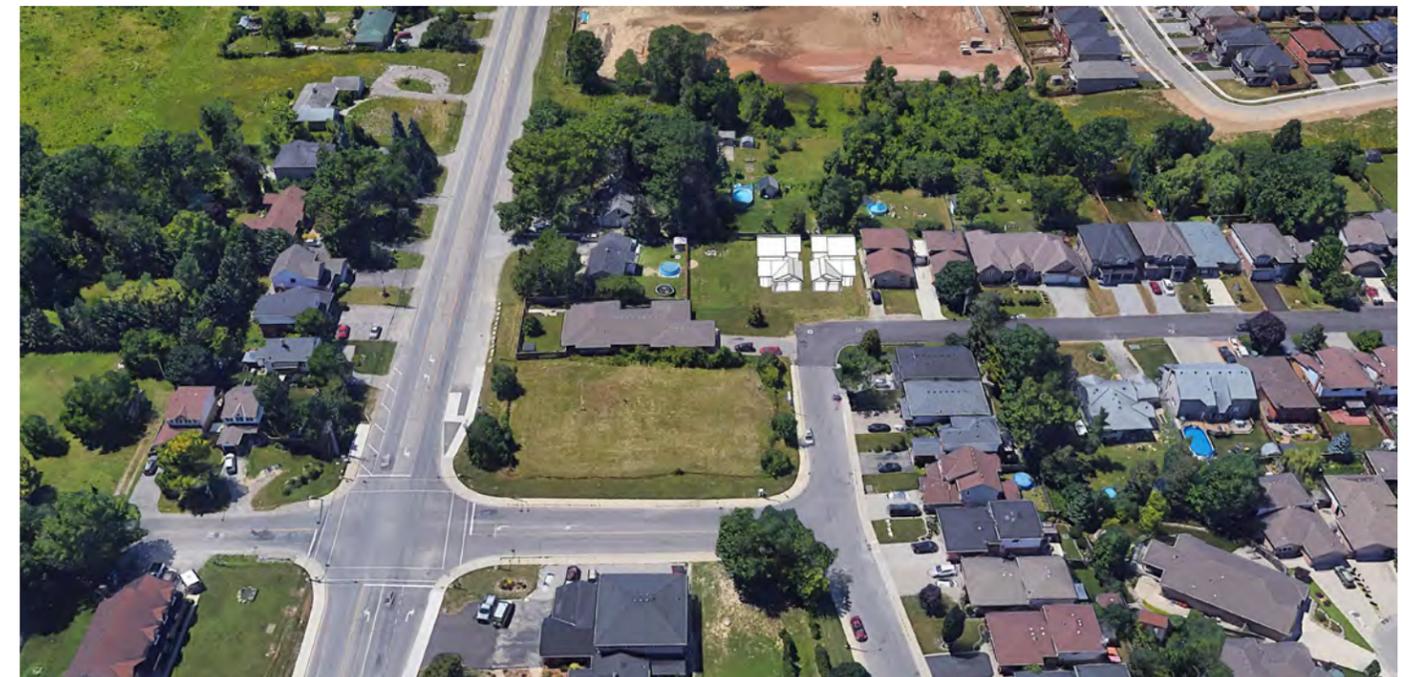
EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW



Streetscape Analysis - Neighbourhood View
*Massings illustrated are conceptual for demonstrative purposes only

Figure
2



EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW



Streetscape Analysis - Eaglewood View
 *Massings illustrated are conceptual for demonstrative purposes only

Figure
3



EXISTING VIEW



CONCEPTUAL VIEW WITH LOT LINES



CONCEPTUAL VIEW WITH LOT LINES & BUILDINGS



POST CONSTRUCTION VIEW



Streetscape Analysis - Eleanor View
*Massings illustrated are conceptual for demonstrative purposes only

Figure
4

The findings of the analysis identified that despite an angled lot line between Severed Lot 1 and Retained Lot 2, the lotting configuration can allow for dwellings to be constructed in a manner that is compatible with the existing streetscape and match the existing C District zone, similarly to many surrounding dwellings along Eleanor Avenue. Additionally, the updated lot configuration also continues a lotting pattern that is established within the surrounding area and further shown north of the Site along the west side of Eleanor Avenue.

Severed Lot 1 Street Interface

With respect to the interface that Severed Lot 1 had previously been shown, a 4m portion of the front yard had been located immediately adjacent to the front yard of the adjacent property at 651 Eaglewood Drive. This lotting circumstance was concerning as it was noted to have created an inconsistent streetscape per comments received from City Staff; as such, the interface of this lot has been revised in collaboration with Planning Staff from ongoing discussions to no longer interface 651 Eaglewood Drive. **Figure 1** identifies the new lot line as angled from the southeast corner of Severed Lot 1 toward the southwest corner of Severed Lot 1.

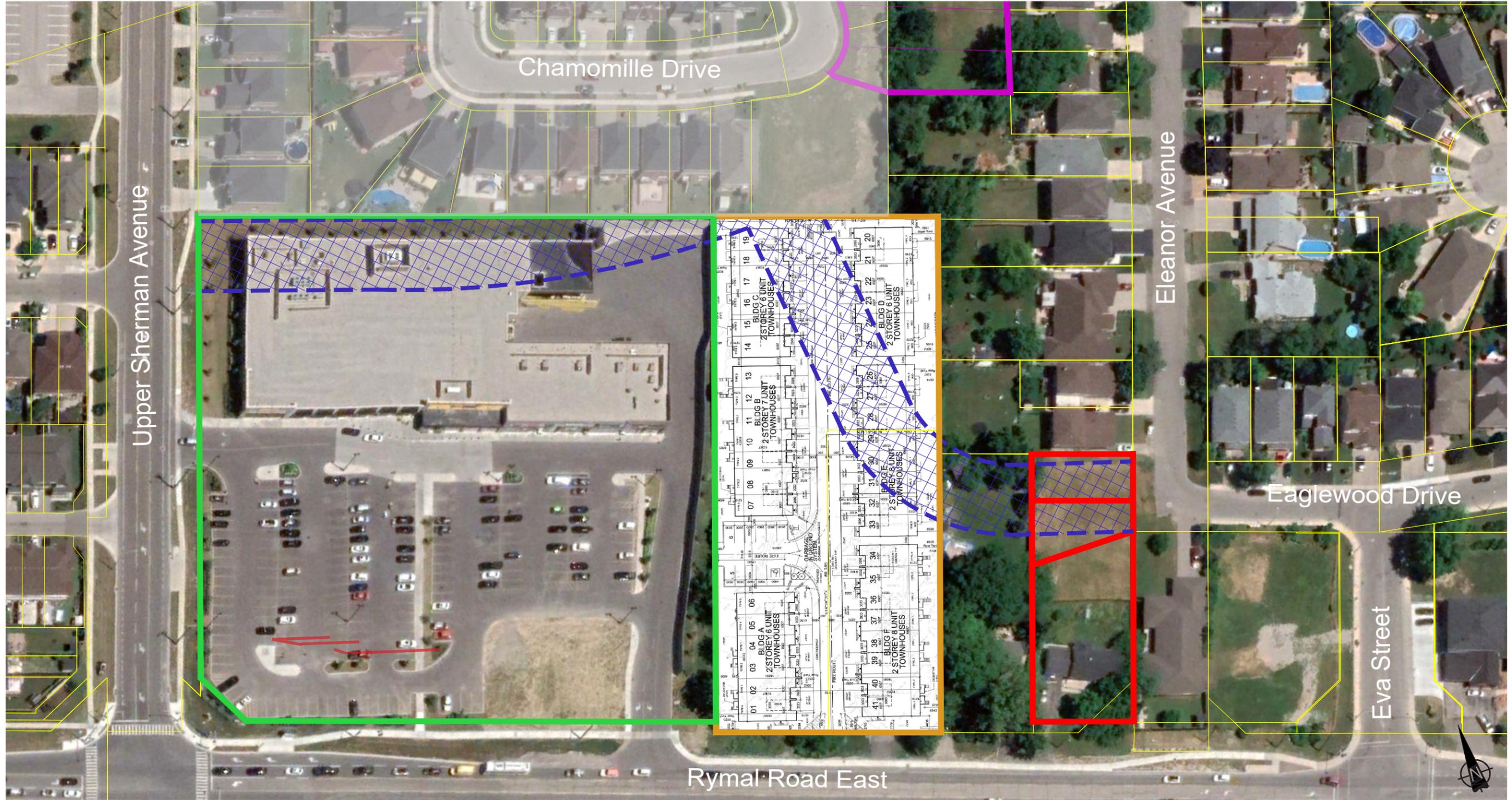
Eaglewood Drive Road Extension

As noted in the Staff and Public Comments, the Eleanor Neighbourhood Plan had indicated a future right-of-way through the Site that was intended to be an extension of Eaglewood Drive to connect into the Losani Homes Sherman Oaks subdivision to the northwest and also a road connection to Upper Sherman Avenue through the commercial plaza site at 695 and 675 Rymal Road East.

As at the time of the initial submission the status of the road extension was unknown, review of adjacent applications that have either been approved or are in the process of gaining approval was undertaken and the findings provided to both Planning Staff and Growth Management Staff to receive direction on the status of the conceptual road extension. This is depicted on the Composite Plan, attached to this Brief as **Figure 5** which shows the road extensions contemplated in the Eleanor Neighbourhood Plan overlaid with:

- Files **DA-10-079 & SPA-14-118** at 695 & 675 Rymal Rd E: Approved and constructed commercial development at the intersection of Upper Sherman Avenue and Rymal Road East, which overlaps with one of the road extensions historically contemplated in the Eleanor Neighbourhood Plan.
- Files **UHOPA-21-012 & ZAC-21-026** at 705 & 713 Rymal Rd E: in process medium density residential development for 41 block townhouse units, which overlaps with a significant portion of the Eaglewood Drive road extension contemplated in the Eleanor Neighbourhood Plan.
- File **25T-201105** – Sherman Oaks Subdivision: Approved residential subdivision with a reserve block that was initially intended to be a future road extension contemplated in the Eleanor Neighbourhood Plan and is now under review with Draft approved Consent Applications (HM/B-21:09 and HM/B-21:10) to facilitate future single family homes.

Following discussion and review, it was confirmed by the City's Growth Management Section per correspondence dated January 25, 2022 that the Eaglewood Drive extension will not move forward and that a revision to the Eleanor Neighbourhood Plan happen after the lotting is finalized.



P:\21161-Manpreet Khera-727 Rymal Road East, Hamilton\drawings\Area Development Context Plan.dwg

COMPOSITE PLAN

727 RYMAL ROAD EAST, HAMILTON



- HM/B-21:79 - 727 Rymal Rd E
Consent Application (in process)

 UHOPA-21-012 & ZAC-21-026
705 & 713 Rymal Rd E
Official Plan and Zoning By-law
Amendments (in process)
- DA-10-079 & SPA-14-118
695 & 675 Rymal Rd E
Site Plan Application (Approved)

 HM/B-21:09 & HM/B-21-10
Losani Homes - Sherman Oaks
Consent Application (Conditionally
Approved)
- 25T-201105 - Sherman Oaks Subdivision
Plan of Subdivision (Approved)

 Road Extensions extracted from
Eleanor Neighbourhood Plan

Figure
5

In support of the Updated Consent application , the following information is provided:

1. A cheque in the amount of \$200.00 representing the City's 2022 recirculation fee for Consent;
2. One (1) copy of the updated Consent Sketch.

Should you have any question, or require any additional information, please contact me by phone at 226-243-7433 or by email at jjliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.



Joseph M. Liberatore, B.U.R.Pl., Dip. GIS & Pl.

Planner

cc. Client

October 7th, 2021

HM/B-21:79 – 727 Rymal Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. That the proponent shall carry out an archaeological assessment of that portion of the property subject to soil disturbance arising from this application, including new structures, foundation, driveways, any associated landscape alterations or soil disturbance through staging, stockpiling and temporary access, in addition to any areas impacted by the installation of services, such as water and wastewater, electricity, pipelines, easements and ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries."
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during

October 7th, 2021

construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

5. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the 'New Roads Servicing Rate" at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
7. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
8. The existing right-of-way along Rymal Road East is 30.48 metres. Approximately 3.0 metres are to be dedicated to Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, Rymal Road (Major Arterial Road) is to be 36.576 metres.

A survey conducted by an Ontario land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening

As per Formal Consultation comments, Transportation Planning will not support any new accesses onto Rymal Road East. Access to severed portions of this lot shall only be permitted onto either Eleanor Avenue or Eaglewood Drive.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)**, the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)**, and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

October 7th, 2021

HM/B-21:79 – 727 Rymal Rd. E., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of application **HM/B-21:79** is to sever a portion of the subject lands which fronts onto Rymal Road East. The applicant proposes to retain the existing single detached dwelling (“Retained Lot 2” on submitted survey sketch) and sever “Severed Lot 1” to create a new building lot for the purpose of constructing a single detached dwelling. If approved “Retained Lot 2” will be created by way of natural severance due to the creation of the severed lands. In total, two new lots will be created for the construction of two new single detached dwellings. See Table 1 below.

Table 2

Application: HM/B-21:79	Retained Lot #1	Severed Lot#1	Retained Lot #2
Zoning Classification Zoning By- law No. 6593	Urban Protected Residential “C” District	Urban Protected Residential “C” District	Urban Protected Residential “C” District
Proposed Area:	±368.24 m ²	±365.63 m ²	±1363.41 m ²
Proposed Frontage:	±12.57 metres	±14.12 metres	27.34 metres

Urban Hamilton
Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and

designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as ‘Single and Double’ on the Eleanor Neighbourhood Plan (Map 7505).

The proposal is defined as ‘Residential Intensification’ and must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). The creation of two irregular lots fronting onto Eleanor Avenue does not meet the intent of the UHOP as the proposed lots do not respect nor maintain or enhance the streetscape and are not consistent with the established lot pattern of the neighbourhood. The applicant has failed to demonstrate how the proposed future single detached dwelling for “Severed Lot #1”

October 7th, 2021

will integrate with the existing streetscape and the lands known municipally as 651 Eaglewood Drive. The proposed “Severed Lot #1” though meeting the minimum frontage requirement of 12 metres, only has 10 metres of frontage that interacts with the Eleanor Avenue right-of-way, the other 4 metres is directly abutting the front yard of 651 Eaglewood Drive.

The Eleanor Neighbourhood Plan indicates a future right-of-way which cuts through the subject lands, 721 Rymal Road East, 713 Rymal Road East, and 705 Rymal Road East. This proposal does not take this proposed right-of-way into consideration. See Image 1.

Image 1



Lot creation for ‘Residential Intensification’ in the “Neighbourhoods” designation is permitted if the lots meet the criteria of F.1.14.3.1 (UHOP Volume 1). Staff cannot support the proposed severance as it does not reflect the general scale and character of the established development pattern nor does it comply with the existing Neighbourhood Plan. In addition, this proposal does not represent timely and orderly development as it may compromise the future development of the surrounding vacant lands. It is staff’s opinion that the proposed severance is premature.

October 7th, 2021

Cultural Heritage

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is not satisfied that the proposed lots are suitable for the proposed use, that they represent proper and orderly development of the land, nor do they conform to the Official Plan. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **Denied**.

If the Committee considers approval of this application, staff recommends the following condition of approval:

Condition:

That the proponent shall carry out an archaeological assessment of that portion of the property subject to soil disturbance arising from this application, including new structures, foundation, driveways, any associated landscape alterations or soil disturbance through staging, stockpiling and temporary access, in addition to any areas impacted by the installation of services, such as water and wastewater, electricity, pipelines, easements and ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the

October 7th, 2021

City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.”

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
3. The three (3) proposed lots comply with the minimum lot area and lot frontage requirements of the Zoning By-law. Severed Lot 1 and Retained Lot 1 identify lot configurations only at this time. Therefore, compliance with the “C” District provisions is required for new development.

Conditions:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)**, the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)**, and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

Development Engineering:

INFORMATION:

- 1) Based on the *Eleanor Neighborhood Plan*, it appears as if Eaglewood Drive is intended to extend through the subject lands, specifically through **Retained Lot 1 and Severed Lot 1** which creates a **conflict with the proposal**. If the road extension is required, then the applicant / owner will be **required to dedicate the lands for future road purposes**. We defer to the City Planning Department for the future road network requirements.
- 2) Municipal Infrastructure

The municipal services which surround the subject property are as described:

October 7th, 2021

Rymal Road East

- 3) 600mmø Storm Sewer @ 0.6%
- 4) 750mmø Concrete and 400mmø Ductile Watermain
- 5) 250mmø Sanitary Sewer 2.4%

Eleanor Avenue

- 6) 200mmø Ductile Watermain
- 7) 600mmø Storm Sewer at 0.4%
- 8) 250mmø Sanitary Sewer @ 0.4%

9) Road Improvements:

A right-of-way widening is applicable to the subject property on **Rymal Road East** as per the *Urban Official Plan, Schedule C-2, Future Right-of-Way Dedications* and is described below:

Existing Right-of-Way Width

- 10) Rymal Road East – **30.5m**
- 11) Eleanor Avenue – **20.1m**

Future Right-of-Way Width

- 12) Rymal Road East – **36.576m (LAND DEDICATION IS REQUIRED)**
- 13) Eleanor Avenue – **20.1m (NO LAND DEDICATION)**

The proponent will be required to submit a deposited **R-Plan** and **Land Transfer Deed** in accordance with the City of Hamilton Road Widening Procedural Guide at the Site Plan Control application stage. **Please note that final road widening dimensions are to be determined by Transportation Planning.**

- 14) Currently, Eleanor Avenue is a urban street with a rural cross section adjacent to the subject lands.

RECOMMENDATIONS:

We recommend **denial** of the application based on the *Eleanor Neighborhood Plan*. It appears as if Eaglewood Drive is intended to extend through the subject lands, specifically through **Retained Lot 1 and Severed Lot 1** which creates a **conflict with the proposal**. We defer to the City Planning Department for the future road network requirements. However, if it is determined that the future road networks shown on the Eleanor Neighborhood Plan are not required and do not impact the proposal, then the Owner / Applicant shall submit the following, however, not limited to:

1. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City

October 7th, 2021

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

2. That the owner provides a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the ‘New Roads Servicing Rate’ at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:
 - a. The existing right-of-way along Rymal Road East is 30.48 metres. Approximately 3.0 metres are to be dedicated to Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, Rymal Road (Major Arterial Road) is to be 36.576 metres.

A survey conducted by an Ontario land Surveyor and at the Applicant’s expense will determine the ultimate dimensions for the right-of-way widening

- b. As per Formal Consultation comments, Transportation Planning will not support any new accesses onto Rymal Road East. Access to severed portions of this lot shall only be permitted onto either Eleanor Avenue or Eaglewood Drive.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: September 29, 2021

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 727 Rymal Road East, Hamilton
 File: HM/B-21:79

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 7th, 2021 regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive style with a large initial 'S'.

Stephen Clark
Urban Forest Health Technician

Culic Family, Owners
230 Eleanor Ave,
Hamilton, Ontario, L8W 1C8

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

Oct 4, 2021

Re: Application: HM/B-21:79

We are the owners of 230 Eleanor Ave, the property directly adjacent to the proposed new lots in question (Retained lot 1 and Severed lot 1). We object to this application for the following reasons:

1) Re: Urban Hamilton Official Plan

This application does not comply with the existing Eleanor Neighbourhood Plan (see Figure 1 & Figure 2) as it would block the future extension of Eaglewood Drive:

-The Eleanor Neighbourhood Plan shows a planned future extension of Eaglewood Drive towards Upper Sherman Ave (extending west, crossing Eleanor Ave adjacent to our property at 230 Eleanor Ave) thereby making the corridor of vacant lands behind Eleanor Ave available for future residential development (see Figure 3 & 4) We were approached by the City of Hamilton several years ago with the Eaglewood Drive Extension Plan and we support it.

2) Re: Provincial Policy Statement 2020 and Growth Plan for the Greater Hamilton Horseshoe 2020

This application effectively decreases residential development potential:

As per the Planning Justification Brief for Application HM/B-21:79, re: Severed Lot 1 and Retained Lot 1: “these two new lots are intended to be used for future single detached dwellings that will have direct access onto Eleanor Drive (sic)”“for the construction (sic) 2 new single detached dwellings”

-This plan would block the Eaglewood Drive extension entry point

-The two proposed single detached dwellings would effectively eliminate the possibility of the redevelopment of the vacant lands behind Eleanor Ave for future **multiple single detached dwellings** (see Figure 4)

-This contradicts the goals & intent of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 (ie. to increase residential development & intensification); Blocking the development of multiple future dwellings (at the expense of adding only 2 single detached dwellings) would result in a net decrease for residential development potential.

The goals of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 are best served by adhering to the Eleanor Neighbourhood Plan to extend Eaglewood Drive westward toward Upper Sherman Ave, thereby making the vacant lands behind Eleanor Ave available for residential intensification (an area of suitable space for multiple single detached dwellings as illustrated in Figure 4)

Adhering to the extension of Eaglewood Drive as shown in the Eleanor Neighbourhood Plan & the subsequent residential development that would result, would be in the best interest of all the involved parties: the neighbourhood, the land owners and the City of Hamilton.

In Summary:

For the above mentioned reasons, this land severance application is not desirable. It would have a major negative impact on the future redevelopment opportunities of the surrounding area & neighbourhood.

We strongly support the Eleanor Neighbourhood Plan to extend Eaglewood Drive westward & adjacent to our property at 230 Eleanor Ave (as presented to us by the City of Hamilton)

We strongly object to Application HM/B-21:79 and we would officially appeal any decisions that are contrary to or negatively impact the future extension of Eaglewood Drive, as was established by the City of Hamilton (and presented to us by the City of Hamilton) several years ago.

Sincerely,

Nikola and Anda Culic (owners)
Sava Culic

Figure 1: Eleanor Neighbourhood Plan (Source: City of Hamilton)

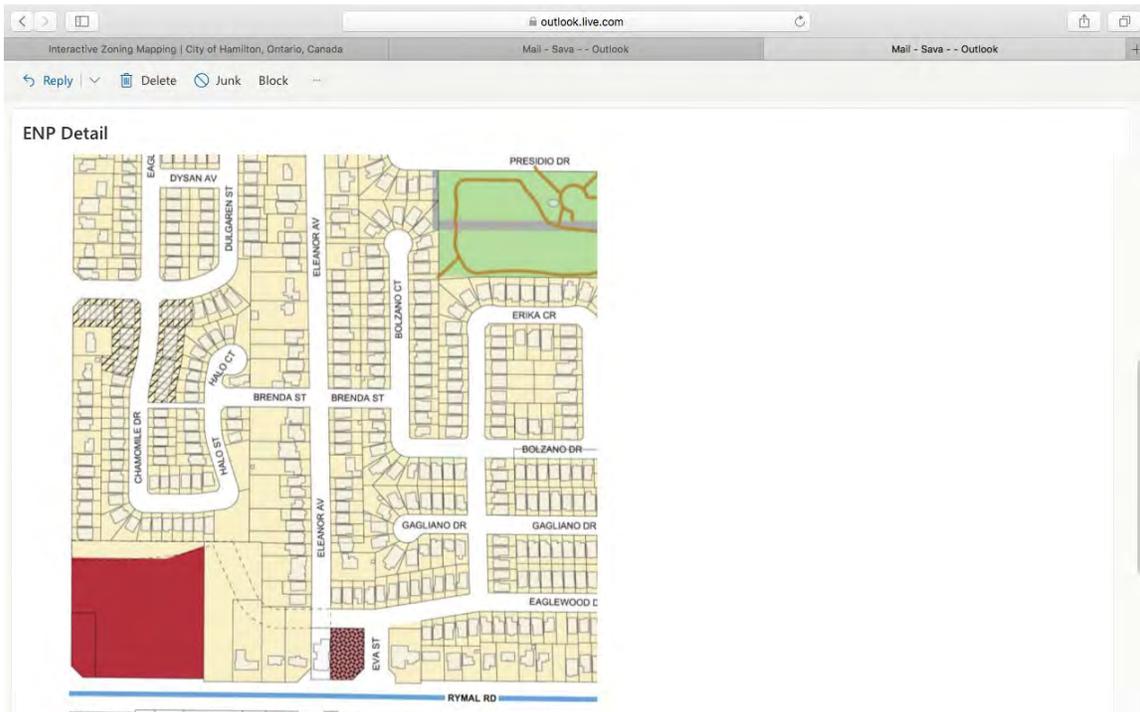
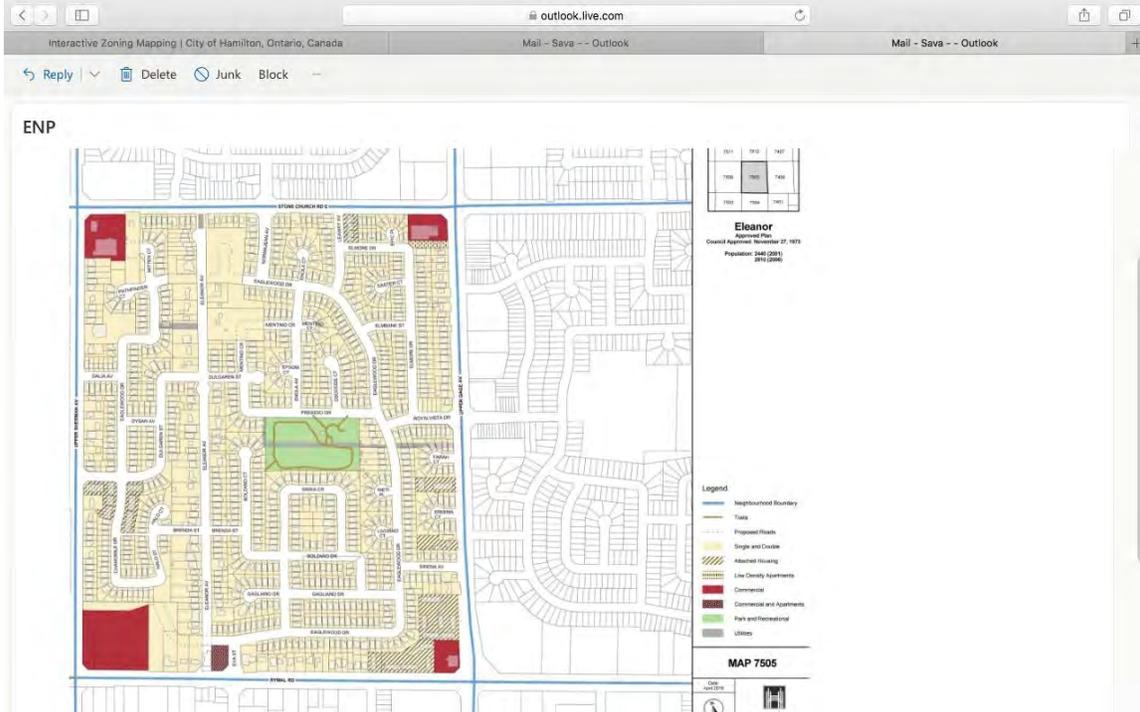


Figure 3: Eaglewood Drive, Current (Source: Google Maps)

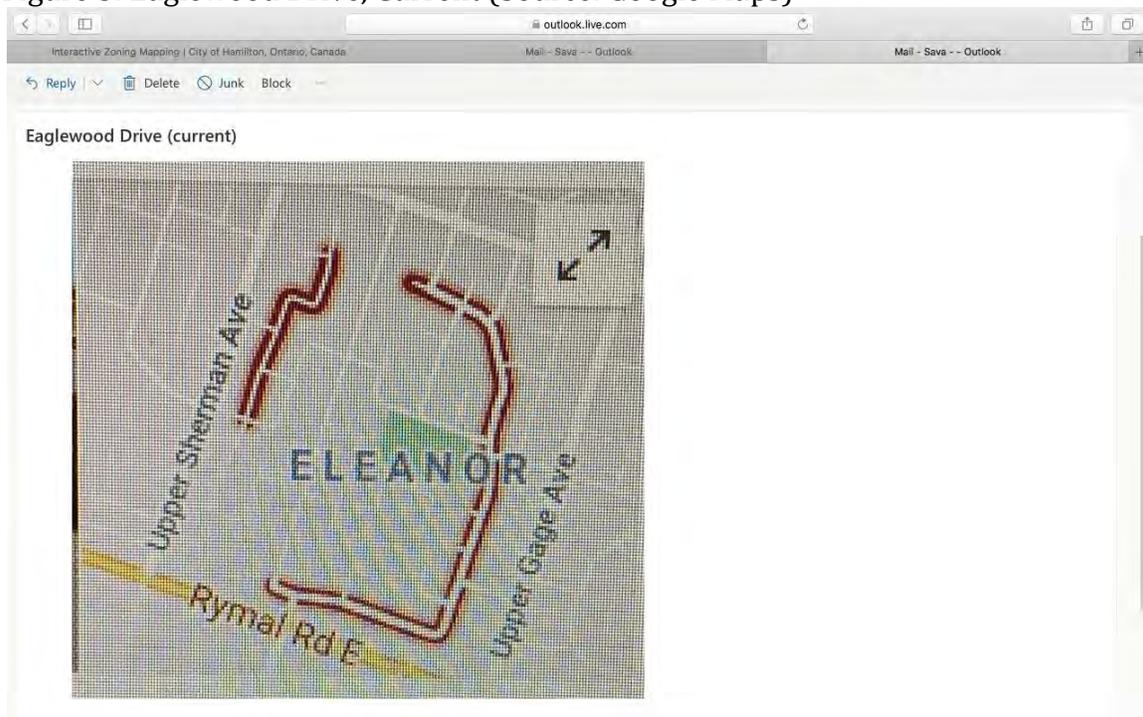
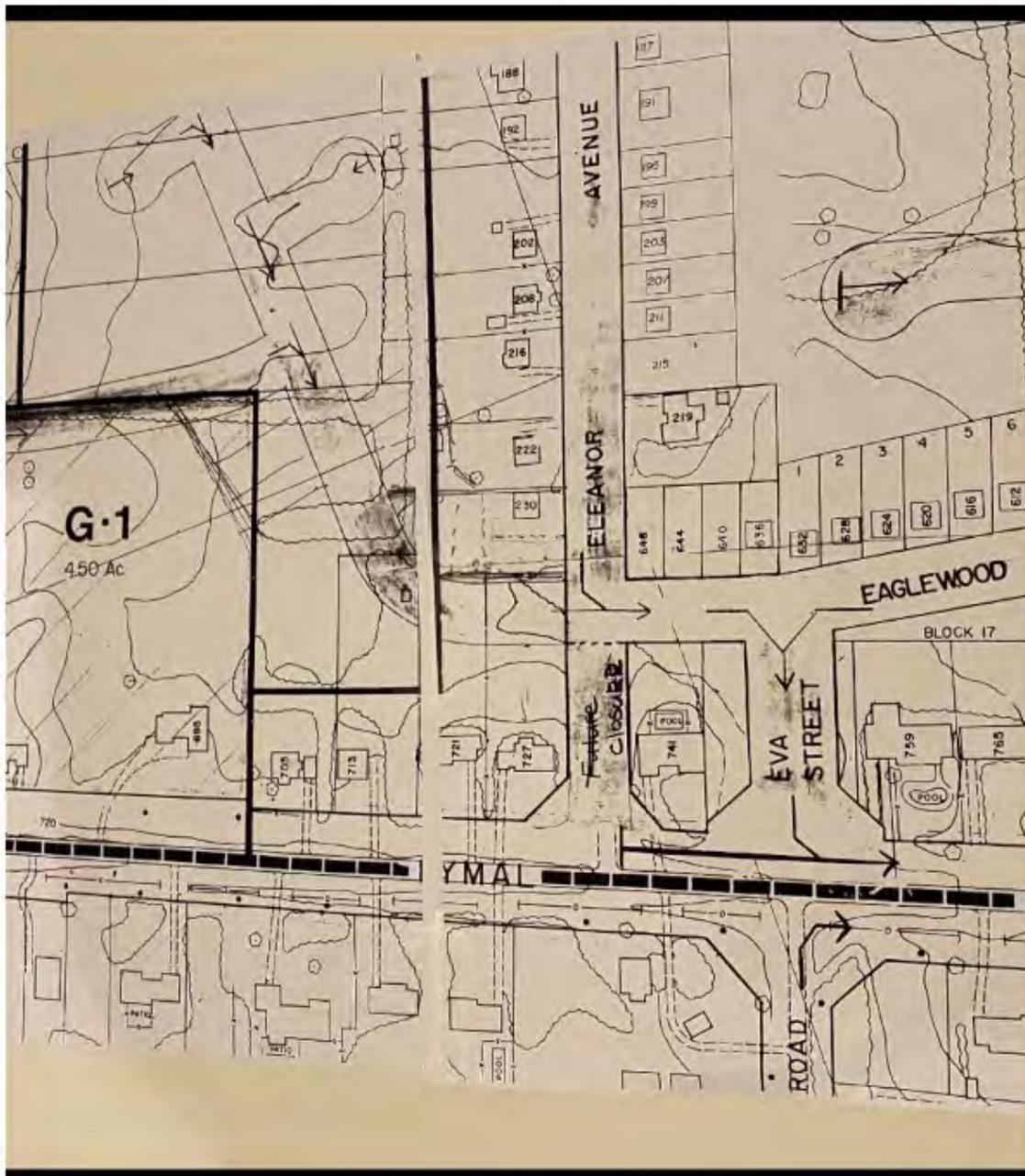
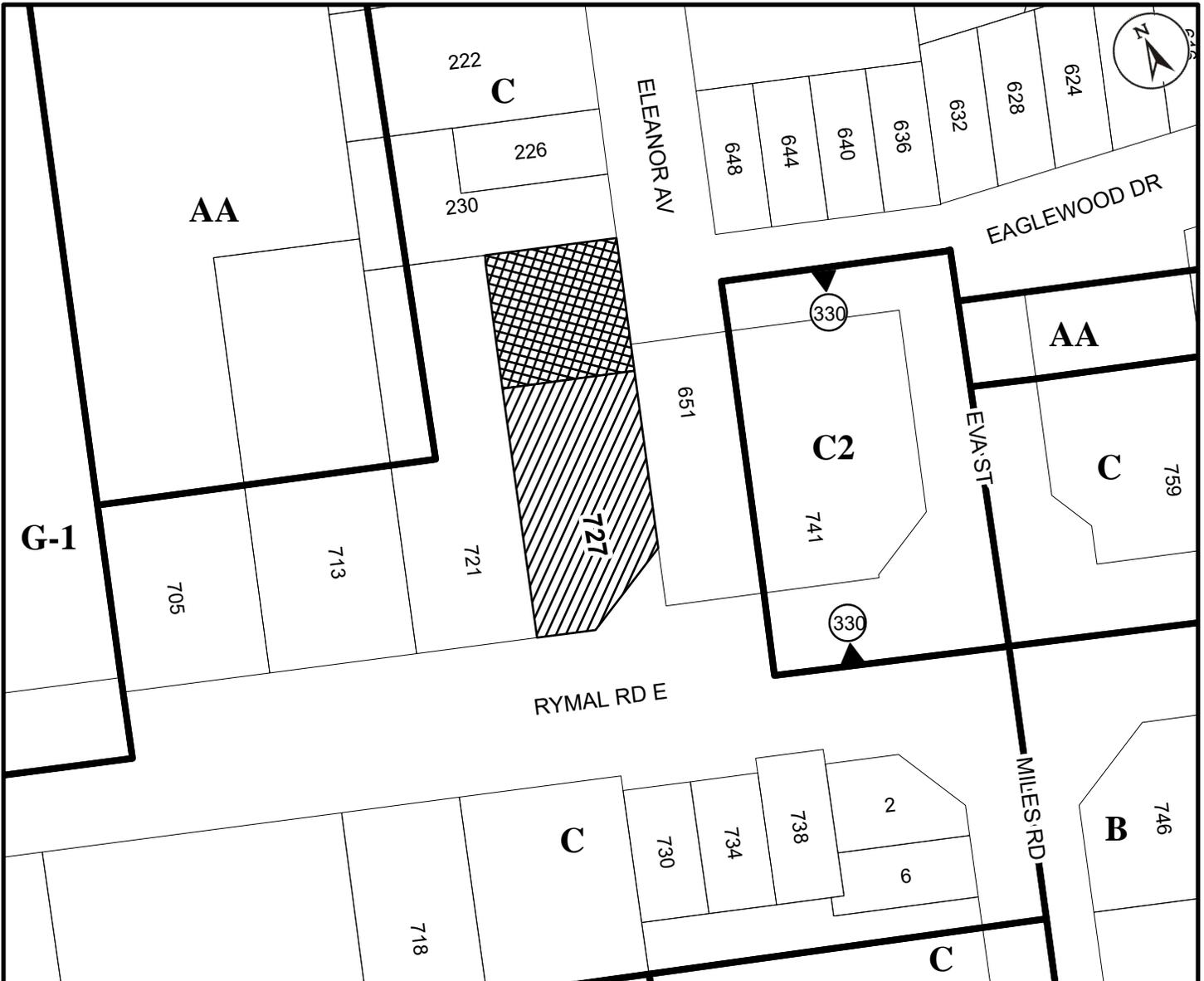
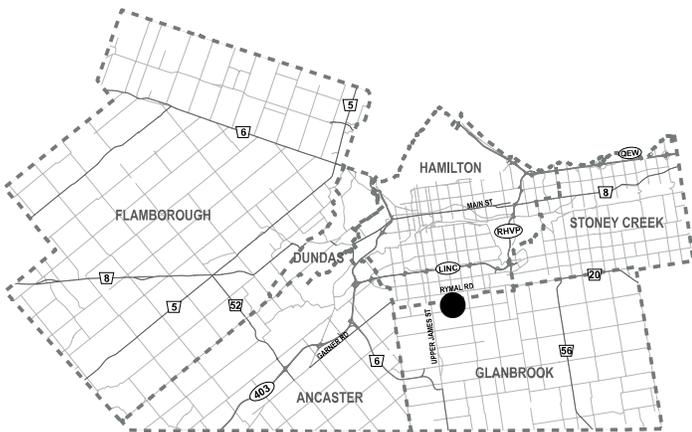


Figure 4: Eaglewood Drive, Future Development Map (Source: City of Hamilton)





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

727 Rymal Road East, Hamilton (Ward 8)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
HM/B-21:79

Date:
September 23, 2021

Technician:
VS

Map Not To Scale

Appendix "A"



Hamilton

APPENDIX B**March 3rd, 2022****HM/B-21:79 – 727 Rymal Rd. E., Hamilton**

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The existing right-of-way at the subject property is approximately 30 metres. Approximately 3 metres are to be dedicated to the right-of-way on Rymal Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road East is to be 36.576 metres from Glancaster Road to Upper Centennial Parkway to the satisfaction of Transportation Planning (tplanning@hamilton.ca).
 - i. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
5. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section)
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the lot width, lot area, location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or

March 3rd, 2022

alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section)

8. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.
9. That the Owner/Applicant submits a cash payment for the future urbanization of the street based on the City's "New Roads Servicing Rates" at the time of payment, all to the satisfaction of the Manager of Development Engineering Approvals.
10. That the proponent shall carry out an Archaeological Assessment for the severed portion of the property (Severed Lot 1 and Retained Lot 1). The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)** and the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)** and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

We ask that the following be noted to the applicants:

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

March 3rd, 2022

HM/B-21:79 – 727 Rymal Rd. E., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of application **HM/B-21:79** is to sever a portion of the subject lands which fronts onto Rymal Road East. The applicant proposes to retain the existing single detached dwelling (“Retained Lot 2” on the submitted survey sketch) and sever “Severed Lot 1” to create a new building lot for the purpose of constructing a single detached dwelling. If approved, “Retained Lot 2”, will be created by way of a natural severance. In total, two new lots will be created for the construction of two new single detached dwellings. See Table 1 below.

Table 2

Background

Application: HM/B-21:79	Retained Lot #1	Severed Lot#1	Retained Lot #2
Zoning Classification Zoning By-law No. 6593	Urban Protected Residential “C” District	Urban Protected Residential “C” District	Urban Protected Residential “C” District
Proposed Area:	±368.24 m ²	±365.63 m ²	±1363.41 m ²
Proposed Frontage:	±12.57 metres	±14.12 metres	27.34 metres

The application was originally scheduled to be considered by the Committee of Adjustment on October 21st was tabled due to Staff’s recommendation that the severances were pre-mature. The proposal did not take the future right-of-way indicated in the Eleanor Neighbourhood Plan into consideration. Staff had noted that the future right of way is no longer is being proposed.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Further, the lands are identified as ‘Single and Double’ on the Eleanor Neighbourhood Plan (Map 7505).

March 3rd, 2022

The proposal is defined as ‘Residential Intensification’ and must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). The creation of two irregular lots fronting onto Eleanor Avenue meets the intent of the UHOP as the proposed lots maintains and enhances the streetscape and are consistent with the established lot pattern of the neighbourhood, specifically, 204 & 226 Eleanor Drive and 636 to 648 Eaglewood Drive. The proposed “Severed Lot #1” and “Retained Lot #1” also meet the minimum frontage requirement of 12 metres.

Lot creation for ‘Residential Intensification’ in the “Neighbourhoods” designation is permitted if the lots meet the criteria of F.1.14.3.1 (UHOP Volume 1). Staff supports the proposed severance as it reflects the general scale and character of the established development pattern and complies with the existing Neighbourhood Plan. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a building footprint for the intended use.

Cultural Heritage

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

March 3rd, 2022

Recommendation

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for the use, the proper and orderly development of the land, and conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **Approved** subject to the condition outlined below:

Condition:

That the proponent shall carry out an Archaeological Assessment for the severed portion of the property (Severed Lot 1 and Retained Lot 1). The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries.

Zoning:

1. The Consent Sketch submitted shows Retained Lot 1 having a lot area of 364.95m²; however, based on the lot dimensions shown being 12.57m x 27.42m, the lot area of the Retained Lot 1 appears to be 344.67m² which does not conform to the minimum required lot area of 360m². As such, the lot area of Retained Lot 1 shall be re-confirmed.
2. A variance for lot area will be required for zoning compliance of the lands to be retained (Lot 1) if the lot area is less than 360m².
3. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section)

March 3rd, 2022

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

Development Engineering:

Information:

The municipal services which surround the subject property are as described:

Rymal Road East

- 600mmø Storm Sewer @ 0.6%
- 750mmø Concrete and 400mmø Ductile Watermain
- 250mmø Sanitary Sewer 2.4%

Eleanor Avenue

- 200mmø Ductile Watermain
- 600mmø Storm Sewer at 0.4%
- 250mmø Sanitary Sewer @ 0.4%

Development Engineering Approvals defers to Transportation Planning and Planning for any required land dedications (daylighting triangles and ROW widenings) and or future road extensions, all in accordance with the Urban Official Plan and neighbourhood plans.

Currently, Eleanor Avenue has a rural cross section adjacent to the subject lands. Therefore, the owner will be required to submit a cash payment to the City for the future urbanization of the street based on the City's "New Roads Servicing Rates" at the time of payment.

Required Condition:

1. The Owner / Applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include:

March 3rd, 2022

lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

2. That the Owner/Applicant submits a cash payment for the future urbanization of the street based on the City's "New Roads Servicing Rates" at the time of payment, all to the satisfaction of the Manager of Development Engineering Approvals.

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Retained Lot 2) will remain as **727 Rymal Road East (Hamilton)** and the lands to be retained (Retained Lot 1) will be assigned the address of **234 Eleanor Avenue (Hamilton)** and the lands to be conveyed (Severed Lot 1) will be assigned the address of **238 Eleanor Avenue (Hamilton)**.

We ask that the following be noted to the applicants:

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

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:
 - a. The existing right-of-way at the subject property is approximately 30 metres. Approximately 3 metres are to be dedicated to the right-of-way on Rymal Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road East is to be 36.576 metres from Glancaster Road to Upper Centennial Parkway.
 - i. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
 Environmental Services Division
 Public Works Department

Date: February 24, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 727 Rymal Road East, Hamilton
 File # HM/B-21:79

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, March 3rd, 2022, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

Culic Family, Owners
230 Eleanor Ave,
Hamilton, Ontario, L8W 1C8

25 February 2022

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

**Re: Application: HM/B-21:79
(Hearing Date: 03 March 2022)**

We are the owners of 230 Eleanor Ave, the property directly adjacent to the proposed new lots in question (Retained lot 1 and Severed lot 1).

We object to this application for the following reasons:

1) This application does not comply with the existing Eleanor Neighbourhood Plan (see Figure 1 & Figure 2) as it would block the future plans for extension of Eaglewood Drive.

-The Eleanor Neighbourhood Plan shows a planned future extension of Eaglewood Drive towards Upper Sherman Ave (extending west, crossing Eleanor Ave adjacent to our property at 230 Eleanor Ave)

-This extension would make the corridor of vacant lands behind Eleanor Ave available for future residential development (see Figure 3 & 4). This land is already zoned to permit single detached dwellings.

We were approached by the City of Hamilton several years ago with the Eaglewood Drive Extension Plan and we support it.

2) This application effectively decreases residential development potential:

-This plan would block the Eaglewood Drive extension entry point

-Two proposed single detached dwellings (Retained lot 1 and Severed lot 1) would effectively eliminate the possibility of the redevelopment of the vacant lands behind Eleanor Ave for future multiple single detached dwellings (see Figure 4)

-This contradicts the goals & intent of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 (ie. to increase residential development & intensification)

Blocking the development of multiple future dwellings (at the expense of adding only 2 single detached dwellings) would result in a net decrease for residential development potential.

The goals of the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2020 are best served by adhering to the current Eleanor Neighbourhood Plan.

Adhering to the extension of Eaglewood Drive as shown in the Eleanor Neighbourhood Plan (& the subsequent residential development that would result) would be in the best interest of all the involved parties: the neighbourhood, the land owners and the City of Hamilton.

In Summary:

This land severance application is not desirable.

It would have a major negative impact on the future redevelopment opportunities of the surrounding area & neighbourhood.

We strongly support the Eleanor Neighbourhood Plan to extend Eaglewood Drive westward & adjacent to our property at 230 Eleanor Ave (as presented to us by the City of Hamilton).

We strongly object to Application HM/B-21:79 and would officially appeal any decisions that are contrary to or negatively impact the future extension of Eaglewood Drive.

Sincerely,

Nikola and Anda Culic (owners)

Sava Culic

Figure 1: Eleanor Neighbourhood Plan (Source: City of Hamilton)

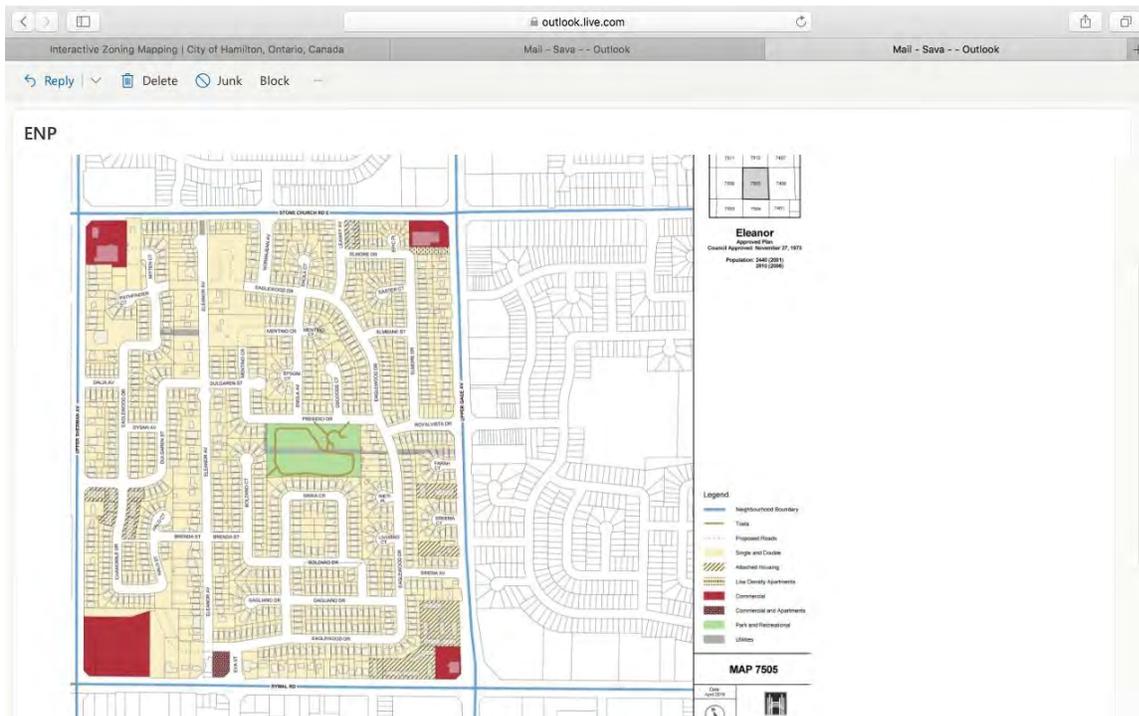


Figure 2: Detail - Eleanor Neighbourhood Plan (showing Future Eaglewood Dr extension, south end of Eleanor Ave)

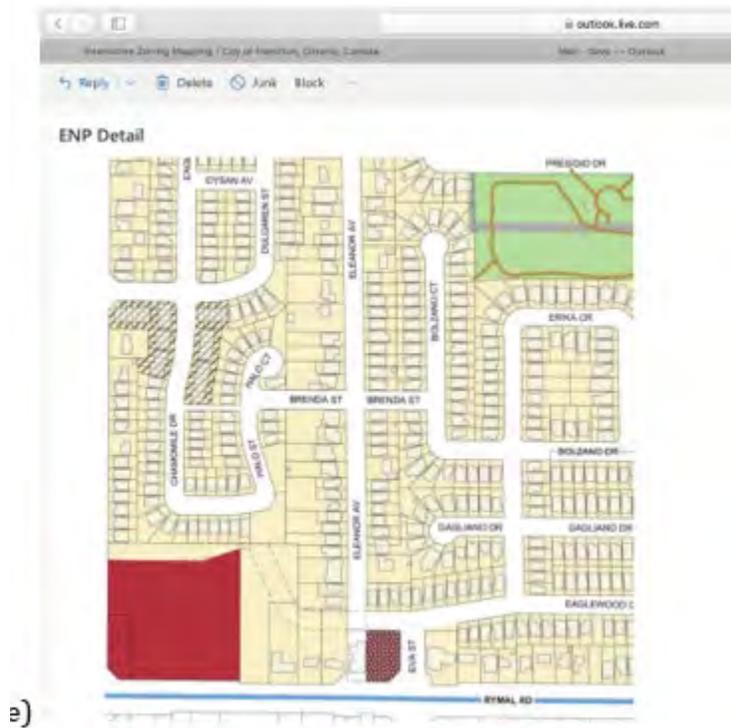


Figure 3: Eaglewood Drive, Current (Source: Google Maps)

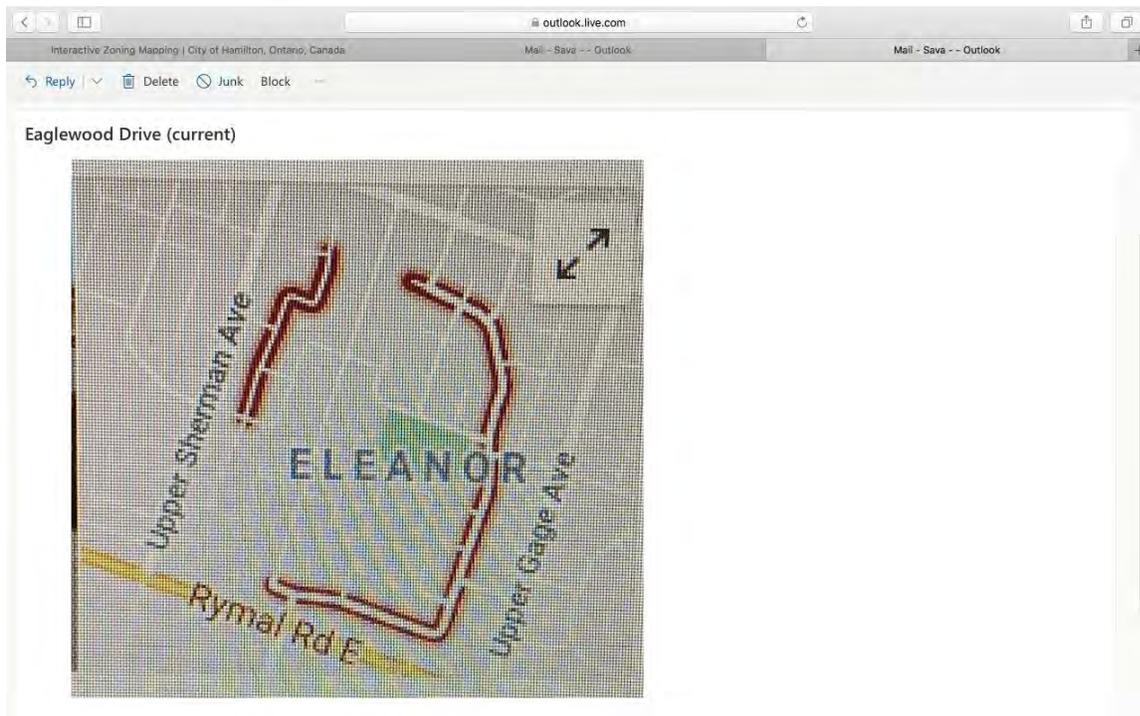
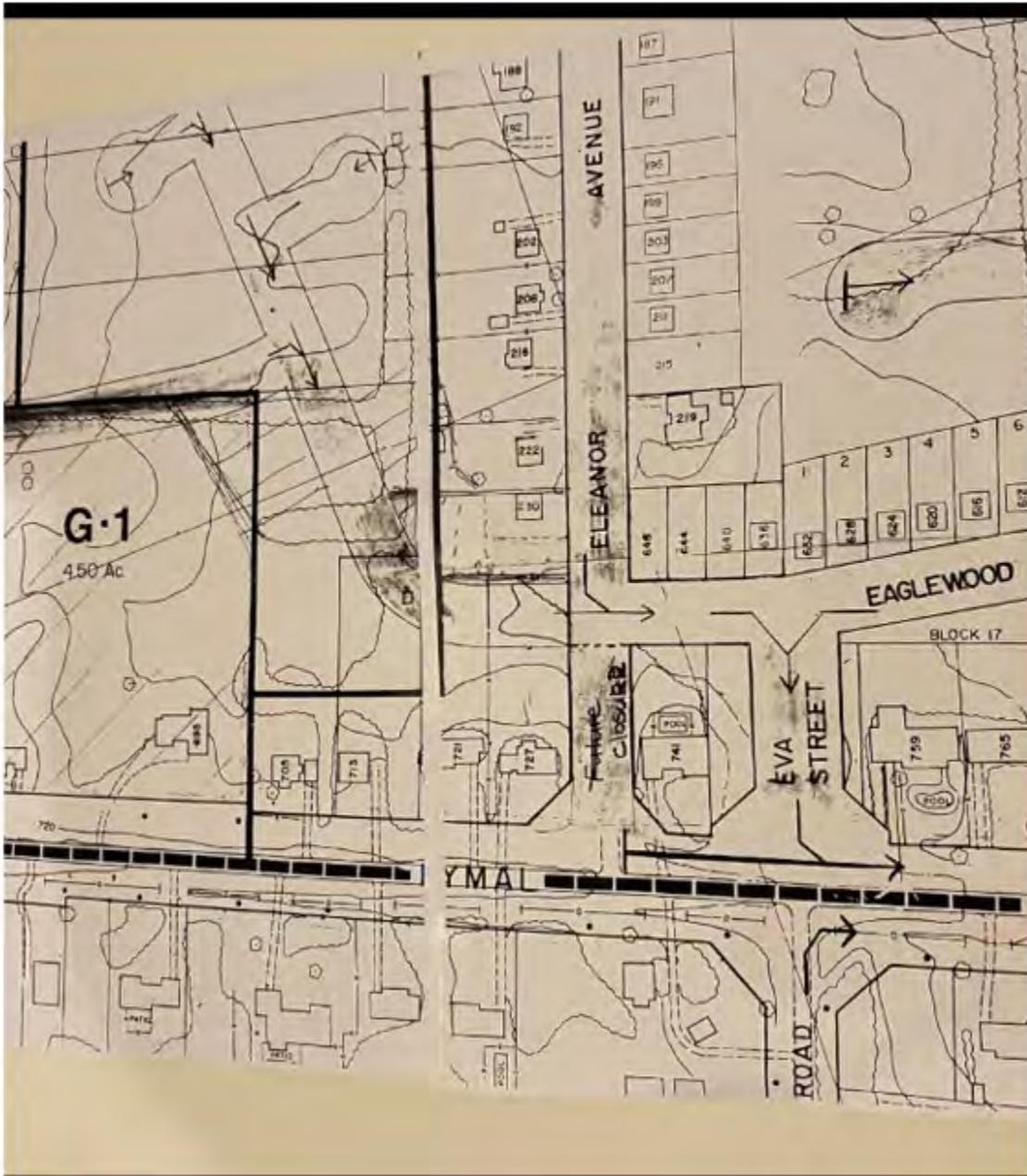
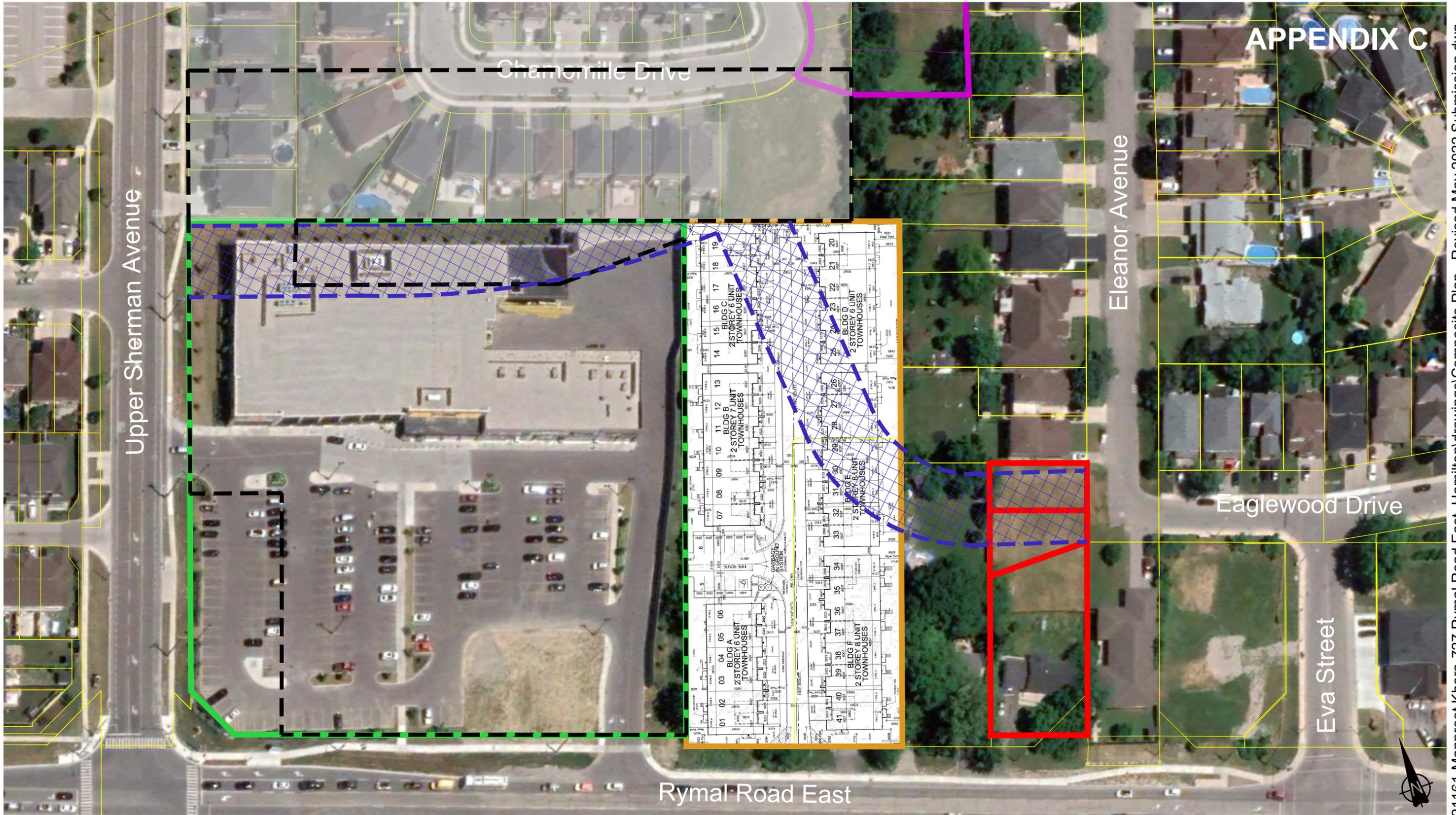


Figure 4: Eaglewood Drive, Future Development Map (Source: City of Hamilton)



APPENDIX C



COMPOSITE PLAN
727 RYMAL ROAD EAST,
HAMILTON MAY 2022

- HM/B-21:79 - 727 Rymal Rd E
Consent Application (in process)
- UHOPA-21-012 & ZAC-21-026
705 & 713 Rymal Rd E
Official Plan and Zoning By-law
Amendments (in process)
- DA-10-079 & SPA-14-118
695 & 675 Rymal Rd E
Site Plan Application (Approved)
- HM/B-21:09 & HM/B-21-10
Losani Homes - Sherman Oaks
Consent Application (Conditionally
Approved)
- HM/B-09:32
1605 Upper Sherman Ave,
695 & 675 Rymal Rd E
Consent Application (Final Approval)
- 25T-201105 - Sherman Oaks Subdivision
Plan of Subdivision (Approved)
- Road Extensions extracted from
Eleanor Neighbourhood Plan



P:\21161-Manpreet Kherra-727 Rymal Road East, Hamilton\drawings\Composite Plan - Revised May 2022 Submission.dwg

Joseph Liberatore

From: Chan, Alvin <Alvin.Chan@hamilton.ca>
Sent: January 25, 2022 8:13 AM
To: Crooks, Tage; Joseph Liberatore
Subject: RE: 727 Rymal Rd E - Consent Application

It has yet to receive approval but based on comments received, yes eaglewood will no longer punch through. This is tentative until the lotting is finalized and revision approved.

From: Crooks, Tage <Tage.Crooks@hamilton.ca>
Sent: January 25, 2022 7:39 AM
To: Joseph Liberatore <jliberatore@gspgroup.ca>
Cc: Chan, Alvin <Alvin.Chan@hamilton.ca>
Subject: RE: 727 Rymal Rd E - Consent Application

Good morning Joseph,

I have copied Alvin on this email to speak to the Eaglewood extension. Alvin when we spoke last I believe you had indicated that we are recommending the cancelation of this Eaglewood Drive extension?

Sincerely, Tage Crooks

From: Joseph Liberatore <jliberatore@gspgroup.ca>
Sent: Monday, January 24, 2022 2:46 PM
To: Crooks, Tage <Tage.Crooks@hamilton.ca>
Subject: RE: 727 Rymal Rd E - Consent Application

Hi Tage,

As discussed during our call last week, confirmation from Growth Management regarding the status of the Eaglewood Extension was to be provided. Could you please send this over?

Thank you,

Joseph M. Liberatore
CNU-A, BURPI., Dip. GIS & Pl.
Planner
office: 905.572.7477
direct: 226.243.7433
email: jliberatore@gspgroup.ca



162 Locke Street South
Suite 200
Hamilton, ON L8P 4A9

www.gspgroup.ca

This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying or forwarding it to anyone.

GSP Group and Hilton Landmark offices are currently closed. All staff are working remotely. You may contact me directly at 226.243.7433.



Committee of Adjustment
Hamilton City Centre
4th floor, Suite 400, 77 James St. N.
Hamilton, ON L8R 2K3
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-09:32
SUBMISSION NO. B-32/09

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal numbers 1605 Upper Sherman Avenue and 675 - 695 Rymal Road East, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owner Paletta International Corporation, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land measuring 42.16m± (138.33'±) x 186.8m± (613'±) for residential purposes, and to retain a vacant parcel of land, being irregular in shape, and having a frontage of 114.07m± (374.25'±), and an area of 16,562m²± (4.1 acres±) for commercial (retail and commercial buildings) purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

OK 1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

*Not required
See email
from S. Baldry* 2. The owner shall receive final approval of an application for minor variance for the lands zoned "AA", to the satisfaction of the Planning and Economic Development Department, Development Planning (West) Division.

NOT REQUIRED 3. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 30th day of April, 2009.

M. Dudzic, Chairman

C. Lewis

D. Smith

L. Tew

L. Gaddy

D. Serwatak

D. Drury

V. Abraham

M. Switzer

HM/B-09:32
 Decision
 Page 2

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 7th, 2009.
 HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 7th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 27th, 2009.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTES:

1. The owner/applicant is advised that any future Planning Act applications for both the lands to be conveyed and the lands to be retained, may require the investigation and mitigation of noise impacts.
2. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as 1605 Upper Sherman Avenue and that the lands to be retained will remain as 675-695 Rymal Road East.
3. The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

 Should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).
4. Prior to development of the subject lands, the owner shall dedicate sufficient land to the City of Hamilton to establish the future road pattern, as shown on the Eleanor Neighbourhood Approved Plan, and enter into a Subdivision Agreement to the satisfaction of the Director Development Engineering to provide for future construction of the road and servicing of the lands.

APPENDIX F

April 30th, 2009

HM/B-09:32

Paletta International Corporation
1605 Upper Sherman Ave. & 675-695 Rymal Rd. E., Hamilton

Appearances were:

Dave Pitblado, Applicant. Interested parties were: Gerald Otter, 199 Eleanor Avenue, Hamilton, ON L8W 1C7; Mark Tipney, 705 Rymal Road East, Hamilton, ON L8W 1B5; Owner/Occupant, 196 Eleanor Ave., Hamilton, ON L8W 1C8.

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, C. Lewis, D. Drury, D. Serwatak, L. Gaddy, D. Smith, M. Switzer, L. Tew.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

D. Pitblado

- reviewed the application as submitted
- stated that he has read the comments and has no objection to the conditions however he would ask that conditions #2, #3 and #4 be moved to be included under the "note" section
- he thinks it's premature to have to do an archaeological assessment, rezoning and road widening at this time
- the approved Eleanor Neighbourhood Plan is basically used as a guide only; there will be further work involved which would be a more appropriate time to deal with the conditions

D. Barnett
(staff)

- the re-zoning is a must at this time; you cannot put it off to a later date because it would create an illegal lot

D. Pitblado

- questioned what they would re-zone it too?

D. Barnett
(staff)

- probably a "C" district

D. Pitblado

- the long term plan and ultimate development could be 5 – 20 years
- the severance is more to delineate the residential from the commercial
- they are fully complying with the intended zoning

HM/B-09:32

Page 2

- if we have to do it now we have to do it
 - we're just a small piece of the puzzle
 - it would make more sense for the City to rezone it thru the new zoning by-law
- D. Barnett
(staff)
- there is no problem with splitting the residential from the commercial but in order to do that you either have to put it on hold until the City rezones it or it has to be rezoned now
 - the City may or may not do it within the year
 - it needs to be appropriately rezoned to recognize the reduced frontage
- C. Lewis
(Committee Member)
- questioned who owns #1615 and where is the access?
- D. Pitblado
- stated that it was previously owned by the City but was recently purchased by Paletta
 - we gave the City some land and they gave us this piece
- G. Otter
- stated that he was here to protect the integrity of the neighbourhood
- M. Tipney
- stated that he has a plan from 1973 and nothing has happened yet
 - it's been 36 years and nothing has happened and nothing will happen
 - there is no sewer on Sherman or on Eleanor half way up
- V. Abraham
(Committee Member)
- condition #3 should be changed from a rezoning to a minor variance for the "AA" zoned lands
- D. Drury
(Committee Member)
- stated that this is a fairly substantial corner of the City that is gathering garbage and weeds
 - he's astounded to hear Paletta International saying development could be 10-20 years from now
 - he doesn't want to see or facilitate this land remaining vacant for 10-20 years
- D. Pitblado
- the intent is to sever the residential from the commercial in order to develop the land as quickly as possible
 - if we could sell it tomorrow we certainly would; he can't guarantee how quickly this will happen

HM/B-09:32
Page 3

- we have access off of Rymal for the commercial piece
 - we are trying to create it so we can develop it as soon as possible
- Owner
(196 Eleanor Ave.)
- wants to know exactly what area he is talking about
- D. Pitblado
- what we are proposing as commercial is already zoned commercial

In answer to questions from the Committee Mr. Barnett stated as follows:

- D. Barnett
(staff)
- he can't speak to the removal of conditions #2 and #4
- V. Abraham
(Committee Member)
- he would recommend changing condition #3 to receiving minor variance approval for the lands zoned "AA"
 - he is not comfortable with removing conditions #2 and #4
- D. Pitblado
- he does not object to dedicating the internal roads but wants to dedicate them at the appropriate time
- D. Barnett
(staff)
- if the road dedications are only for internal roads then he doesn't see a problem changing that condition to a "note"
- D. Pitblado
- in order to develop and adhere to the Eleanor Plan there is a lot of work that needs to be done
 - it's premature to do the archaeological assessment and internal road dedications at this time

Following discussion it was moved by Mr. Abraham and seconded by Mr. Drury that the consent requested be **APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

HM/B-09:32
Page 4

3. The Committee considers the proposal to be in keeping with development in the area.

The application shall be subject to the conditions as noted in the summary comment of the Planning and Economic Development Department with the exception of condition #3 which will be changed to approval of a minor variance application and conditions 2 & 4 being changed to a "note".

CARRIED.

APPENDIX G

April 30th, 2009

**CONSOLIDATION REPORT
SEVERANCES**

The attached comments have been reviewed with regard to Committee of Adjustment Severance File HM/B-09:32 (1605 Upper Sherman Ave. & 675-695 Rymal Road East, Hamilton) and the following is submitted:

Should the Committee grant the severance, an approval should be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. The owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

3. The owner shall receive rezoning approval to the satisfaction of the Manager of Development Planning.
4. The owner shall dedicate sufficient land to the City of Hamilton to establish the future road pattern, as shown on the Eleanor Neighbourhood Approved Plan, and enter into a Subdivision Agreement to the satisfaction of the Director Development Engineering to provide for future construction of the road and servicing of the lands.
5. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. The owner/applicant is advised that any future Planning Act applications for both the lands to be conveyed and the lands to be retained, may require the investigation and mitigation of noise impacts.
2. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as 1605 Upper Sherman Avenue and that the lands to be retained will remain as 675-695 Rymal Road East.

April 30th, 2009

HM/B-09:32 (1605 Upper Sherman Ave. & 675-695 Rymal Road East, Hamilton)PLANNING and ECONOMIC DEVELOPMENT DEPARTMENTDevelopment Planning – West:

The applicant is proposing to sever the subject property in order to divide the commercial zoned lands from the residential zoned lands on the subject property.

Provincial Policy Statements

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas 1.1.3.1.

However, However, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, **noise** and other contaminants, and minimize risk to public health and safety. Staff note that the lands to be conveyed are intended for residential purposes and are located adjacent to **Upper Sherman Avenue** and are within approximately 150m of **Rymal Road East**. In addition, Staff note that the lands to be retained are intended for commercial purposes and are in close proximity to existing residences. As such, any future Planning Act applications for both the conveyed and retained lands may require the investigation and mitigation of noise impacts and the owner/applicant should be advised of note # 1 stated below.

In addition, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff note that the subject lands are located within an area of archaeological potential.

Hamilton-Wentworth Official Plan

The subject property is designated as "**Urban Area**" within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, Policy B-9.2 states that the City shall consider the protection and preservation of Regionally significant historical and cultural resources, including recognized

HM/B-09:32

Page 2

archaeological sites, in the review of proposals for development and redevelopment. Where possible these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, the subject lands are located within an area of archaeological potential.

The subject property meets three (3) of the 11 criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

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

City of Hamilton Official Plan

The subject property is designated "Commercial" and "Residential" in the City of Hamilton Official Plan. Policy 2.1.1 states, "The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

Policy 2.2.1 states, "The primary uses permitted in areas exceeding 0.4 hectare designated on Schedule "A" as Commercial will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices, and hotels, convention and entertainment facilities."

As the proposed severance is to separate the Commercial designated lands from the Residential designated lands the proposal conforms to the policies of the City of Hamilton Official Plan.

City of Hamilton Zoning By-law

The subject property is zoned Designated Shopping Centre "G-1", Urban Protected Residential "C", and Agricultural "AA" Districts in the City of Hamilton Zoning By-law. To which the proposed uses comply.

The Designated Shopping Centre "G-1" District requires a minimum lot area of 4,000 sq. m. to which the proposed use complies. The lands to be severed are split zoned with the front of the property being zoned Urban Protected Residential "C" District, while the bulk of the rear of the property is zoned Agricultural "AA" District in the City of Hamilton

HM/B-09:32

Page 3

Zoning By-law. The Urban Protected Residential "C" District require a minimum lot area of 360 sq. m. and a minimum lot frontage of 12m to which the lands to be severed would comply. The Agricultural "AA" District requires a minimum lot area of 12,000 sq. m. and a minimum lot frontage of 60m to which the subject property would not comply. Therefore the applicant would be required to rezone the rear of the lands to be severed as a condition of severance approval.

Recommendation:

Therefore, staff recommends that the proposed severance be **Approved**, subject to the following conditions:

Conditions:

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

Should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

2. That the owner receive rezoning approval to the satisfaction of the Manager of Development Planning.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. The owner/applicant is advised that any future Planning Act applications for both the lands to be conveyed and the lands to be retained, may require the investigation and mitigation of noise impacts.
2. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will remain as 1605 Upper Sherman Avenue and that the lands to be retained will remain as 675-695 Rymal Road East.

HM/B-09:32

Page 4

Building Services Division:

This application will permit the severance of a portion of this property to create a new lot for future residential development while retaining a lot for future commercial development.

Any new construction will be subject to the issuance of a building permit in the normal manner.

Our Division has no concerns with this application.

Development Engineering – East:

Public watermains are available on Rymal Road East and Upper Sherman Avenue fronting the severed and retained lands. Separate storm and sanitary sewers front the retained lands on Rymal Road East, however, sewers are **not** available on Upper Sherman Avenue fronting the severed lands which are considered un-developable at this time. For the information of the Owner, a servicing study will be required as a condition of future development approval for the retained lands.

The approved plan for Eleanor Neighbourhood indicates a proposed road pattern running east-west and north-south across the subject lands. Therefore as a condition of approval the Owner will be required to dedicate sufficient land to the City of Hamilton to establish the future road pattern as shown on the Eleanor Neighbourhood approved plan and enter into a Subdivision Agreement to the satisfaction of the Director Development Engineering to provide for future construction of the road and servicing of the lands.

The existing and designated road allowance width of the subject sections of Rymal Road East and Upper Sherman Avenue are 36.58 m and 30.48 m, respectively. As such no additional road allowance widenings are required.

Should this application be approved we recommend that it be subject to the following condition.

1. That the Owner dedicate sufficient land to the City of Hamilton to establish the future road pattern, as shown on the Eleanor Neighbourhood Approved Plan, and enter into a Subdivision Agreement to the satisfaction of the Director Development Engineering to provide for future construction of the road and servicing of the lands.

Hamilton Municipal Parking System (Parking Services):

No concerns.

HM/B-09:32

Page 5

PUBLIC WORKS DEPARTMENT**Traffic, Engineering and Operations Division:**

For the information of the owner/applicant, a separate access is required for each of the severed lands and the retained lands. Any new or change in access requires an Access Permit. Details on the permit and construction of the access for the residential property can be obtained through the offices of the Municipal Parking Systems at Extension 4578. Traffic Engineering will provide additional details on the Access Permit for the commercial access at the site plan stage.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance
CORRECTED NOTICE

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-22:213	SUBJECT PROPERTY:	137 PETER STREET, HAMILTON
ZONE:	"D/S-1787" (Urban Protected Residential – 1 & 2 Family Dwellings etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 19-307

APPLICANTS: Agent GSP Group – J. Liberatore
Owners B. Fleming & A. McAllister

The following variances are requested:

1. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum 2.7 metre side yard width required.

PURPOSE & EFFECT: To permit the construction of a three (3) storey semi-detached dwelling

Notes:

1. Please note that this application is subsequent to Minor Variance Application No. HM/A-21:51, applicable to the proposed development, which was granted by the Committee on August 12, 2021, and became final and binding on September 2, 2021.
2. 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.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

HM/A-22:213

DATE:	Thursday, July 28, 2022
TIME:	2:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

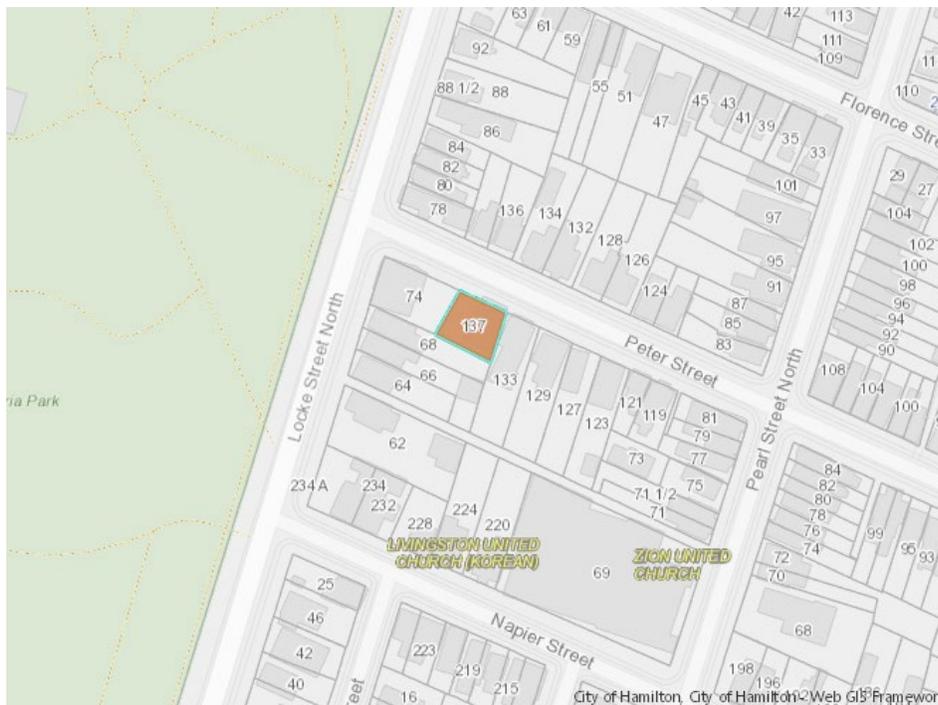
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 Subject Lands

HM/A-22:213

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

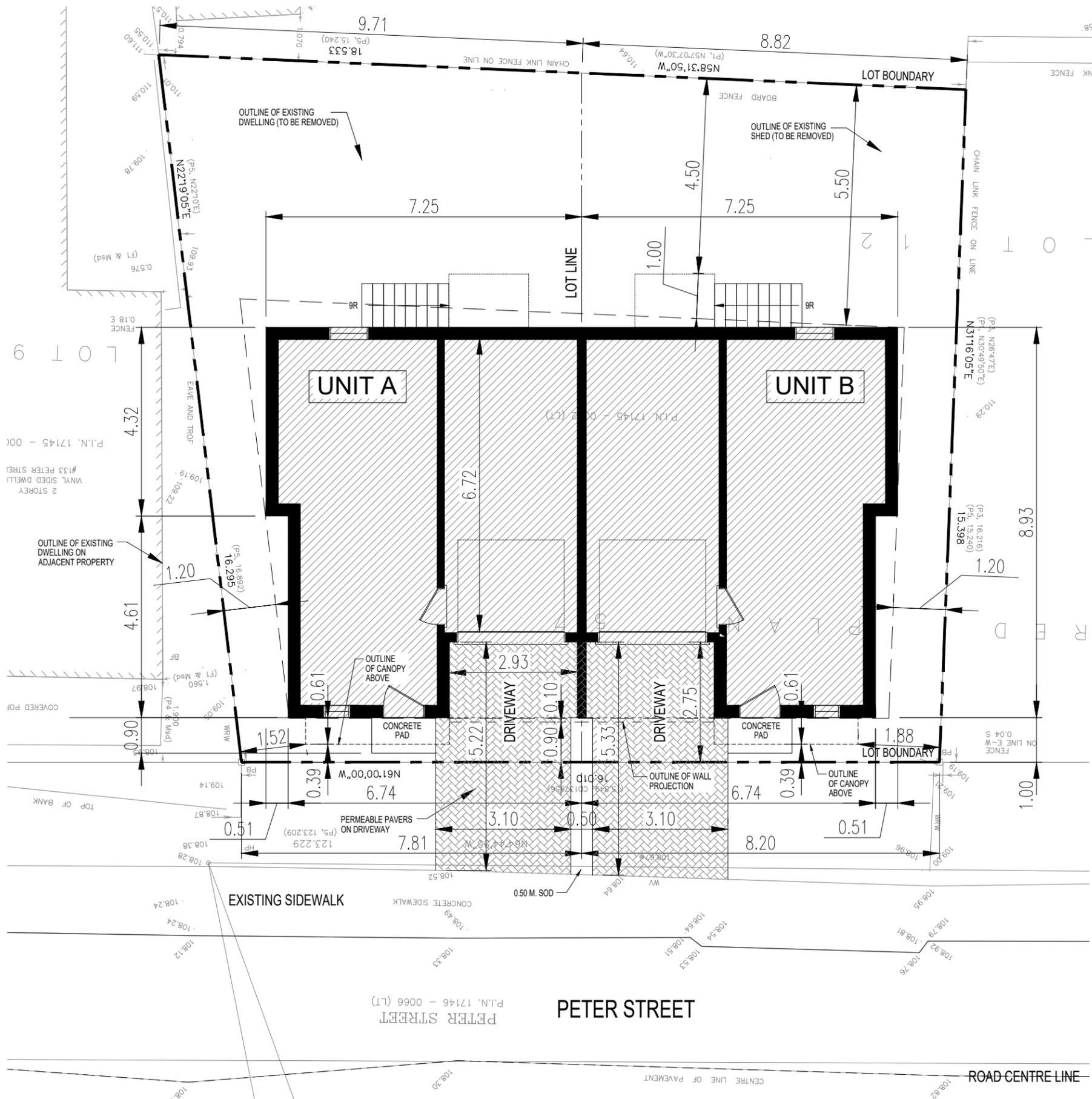
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



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	6.00 M.	1.00 M.	FRONT CANOPY ENCROACHING 0.61 M. INTO FRONT YARD; WALL PROJECTION ENCROACHING 0.10 M. INTO FRONT YARD
REAR YARD SETBACK	7.50 M.	5.50 M.	DECK ENCROACHING 1.0 M. TO REAR YARD
SIDE YARD SETBACK	1.20 M.	1.20 M.	

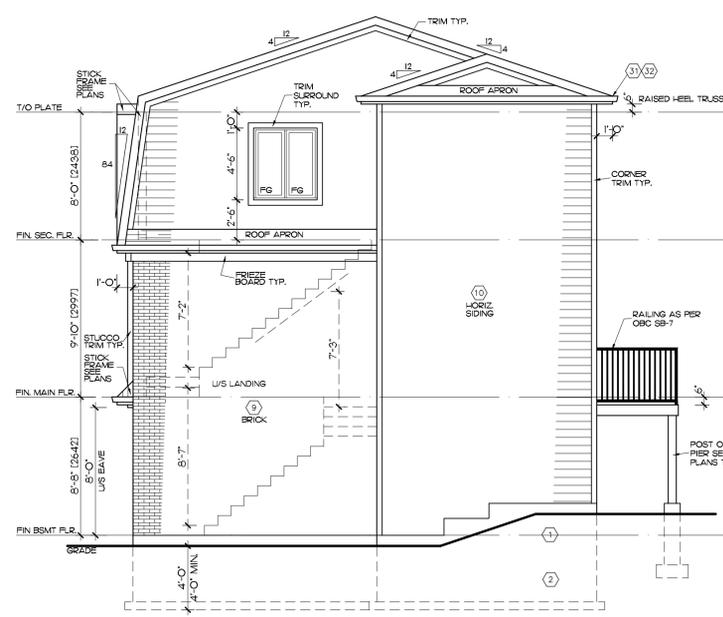
PRELIMINARY SITE PLAN
 PROPOSED SEMI-DETACHED DWELLING
 137 PETER STREET, HAMILTON
 W-2157 (JULY 9, 2021)



40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com

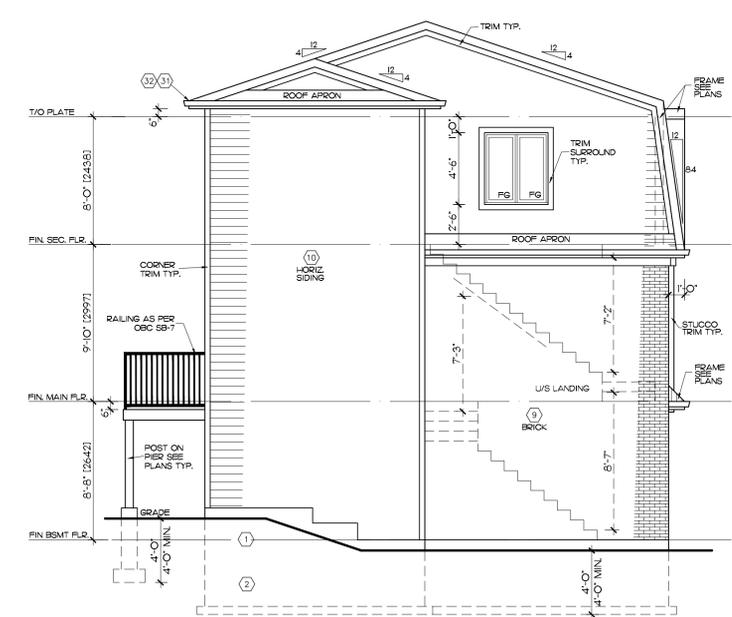


FRONT ELEVATION



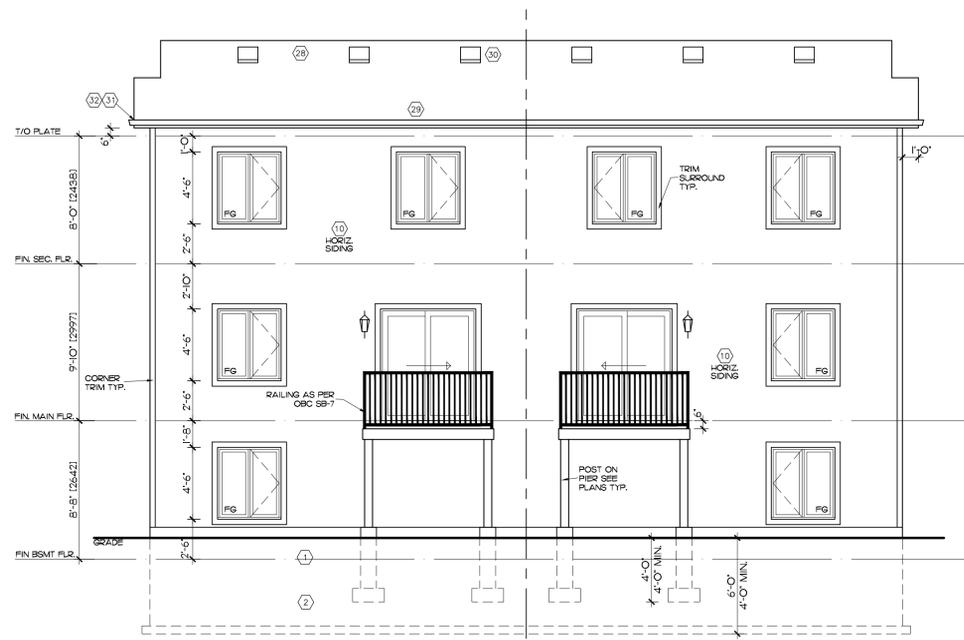
RIGHT ELEVATION

WALL AREA - 779 SF
ALLOWABLE OPENING - 471 + 543 SF
STANDARD PROPOSED OPENING - 116 SF

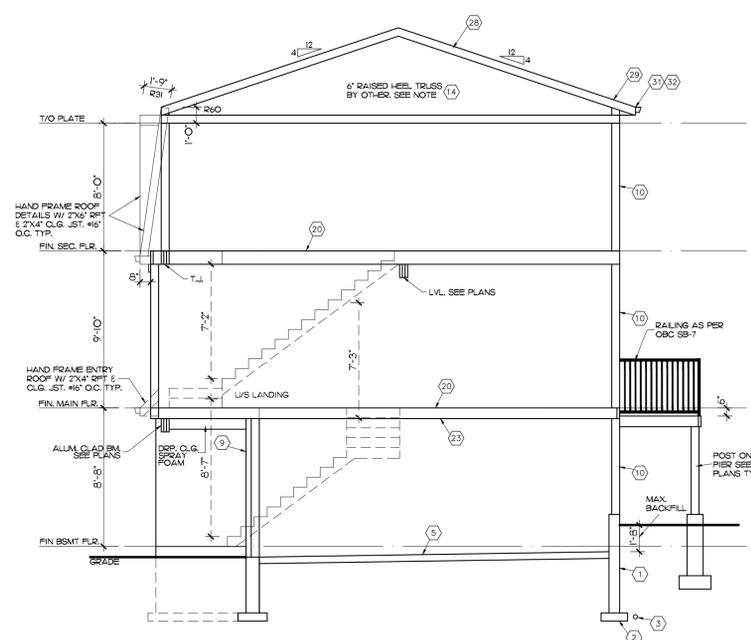


LEFT ELEVATION

WALL AREA - 779 SF
ALLOWABLE OPENING - 471 + 543 SF
STANDARD PROPOSED OPENING - 116 SF



REAR ELEVATION



BUILDING SECTION

I, JEFF JANSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C. QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042
DATE: FEB 24/22 SIGNATURE:



70 Main Street N., P.O. Box 38
Campbellville, ON, L0P 1B0
PH. 905-854-9696
FAX 905-854-9559
Call 905-815-3438
EMAIL: jeffjansendesign@gmail.com

TYPE : H-068
SEMI
PROJECT :
137 PETER ST
LOCATION :
HAMILTON

OWNERS INFORMATION :
ANDREW & BLAIR
137 PETER STREET
HAMILTON, ON

FLOOR PLANS
& CONSTRUCTION NOTES

SCALE 3/16"=1'-0"	DATE FEB 24/22	PROJECT NO. 2021-068
DRAWN BY SM	CHECKED BY LH	DRAWING NO. A2
FILE NAME		
REVISIONS		



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	MAILING ADDRESS	
Registered Owners(s)	Blair Fleming & Andrew McAllister		
Applicant(s)*	GSP Group Inc. c/o Joseph M. Liberatore		
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 side yard setback from 2.7m to 1.2m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Refer to Cover Letter Planning 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 8.1 to 8.10 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 8.2 to 8.10, 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.

2022-06-14 | 10:45 PM EDT

Date

DocuSigned by: Blair Fleming
DocuSigned by: Blair Fleming
Signature Property Owner(s)

Blair Fleming & Andrew McAllister

Print Name of Owner(s)

10. Dimensions of lands affected: ±16m

Frontage _____
Depth ±16.11m (irregular) _____
Area ±274m² _____
Width of street 15m ROW _____

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 dwelling, ±130m² ground floor area, ±7.9m by ±15m

Proposed

3-storey two family dwelling, ±130m² ground floor area, width of 7.25m per unit

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

Existing:

FYS: 1.34m (covered porch encroaches 0.16m into ROW)
SYS (west): 7.3m
SYS (east): 0m
RYS: 2.3m

Proposed:

FYS: 1m
SYS (west): 1.2m
SYS (east): 1.2m
RYS: 5.5m

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 (single family, duplex, retail, factory etc.):
Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
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? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
HM/A-21:51
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
N/A Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Previous approved Minor Variances attached as part of new application.
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.

Planning Justification Brief

137 PETER STREET

Application for Minor Variance
City of Hamilton

June 2022

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



Table of Contents

1.	Background	2
1.1	Purpose of Application	2
1.2	Site Overview	3
2.	Proposed Development	5
3.	Requested Minor Variance	6
4.	Four Tests of Minor Variance	7
4.1	<i>Does the requested variance maintain the general intent and purpose of the Official Plan?</i>	7
4.1.1	Variance: Reduction in 2.7m Side Yard Setback.....	10
4.2	<i>Does the requested variance maintain the general intent and purpose of the Zoning By-law?</i>	12
4.2.1	Variance: Reduction in 2.7m Side Yard Setback.....	12
4.3	<i>Is the Minor Variance desirable and appropriate for the lands?</i>	13
4.3.1	Variance: Reduction in 2.7m Side Yard Setback.....	13
4.4	<i>Is the requested variance minor in nature?</i>	13
4.4.1	Variance: Reduction in 2.7m Side Yard Setback.....	14
5.	Summary and Recommendations	14

List of Figures

Figure 1:	Site Location.....	2
Figure 2:	Survey Plan	3
Figure 3:	Site Context Map	4
Figure 4:	Proposed Site Plan.....	5
Figure 5:	Strathcona Secondary Plan – <i>Land Use Plan Map B.6.6-1</i> Excerpt	7
Figure 6:	City of Hamilton 1911 Fire Insurance Plans	8
Figure 7:	Peter Street Built Form Analysis – Existing Semi-Detached Building Types.....	9
Figure 8:	Peter Street Streetscape Analysis – Side Yard Setback.....	11
Figure 9:	Side Yard Existing Conditions	12
Appendix A		15
Appendix B		16

1. Background

1.1 Purpose of Application

This Planning Information Brief has been prepared in support of an application for an additional 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, as approved in Minor Variance Application HM/A-21:51 and pursuant to active Building Permit #22 119120 00.

As part of the Building Permit review, a new interpretation by the City was made that identified the proposed building as a 3-storey building, versus the 2.5-storey building that was interpreted previously by the City in July 2021, prior to the above-noted Minor Variance application being approved by the Committee of Adjustment in August 2021.

This new interpretation, with respect to height, impacts the relevant side yard setback requirements in the applicable City Zoning By-law 6593, wherein 1.2m was previously required and 2.7m is now required. The application of the new side yard setback standard has resulted in the necessity for this additional Minor Variance. The attached Minor Variance Analysis (**Appendix A**) illustrates the configuration of the proposed dwellings in conjunction with the existing and proposed zoning standard discussed in this Brief. The previous Minor Variance application, comments and Committee Decision have been included for reference hereto as **Appendix B**.

The purpose of this Minor Variance is technical in nature. No changes proposed differ from the height, location or massing of the building from the design that Committee had approved in August 2021. It should further be noted that Committee’s approval was based on City Staff’s recommendation for approval, reflective of the Site Layout and massing of the proposed semi-detached dwelling.

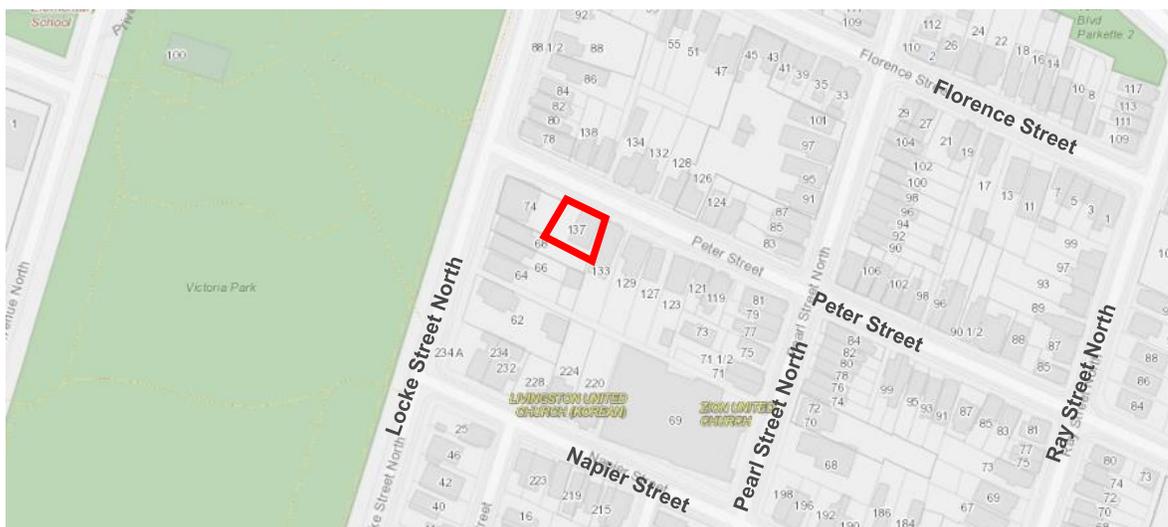


Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

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.

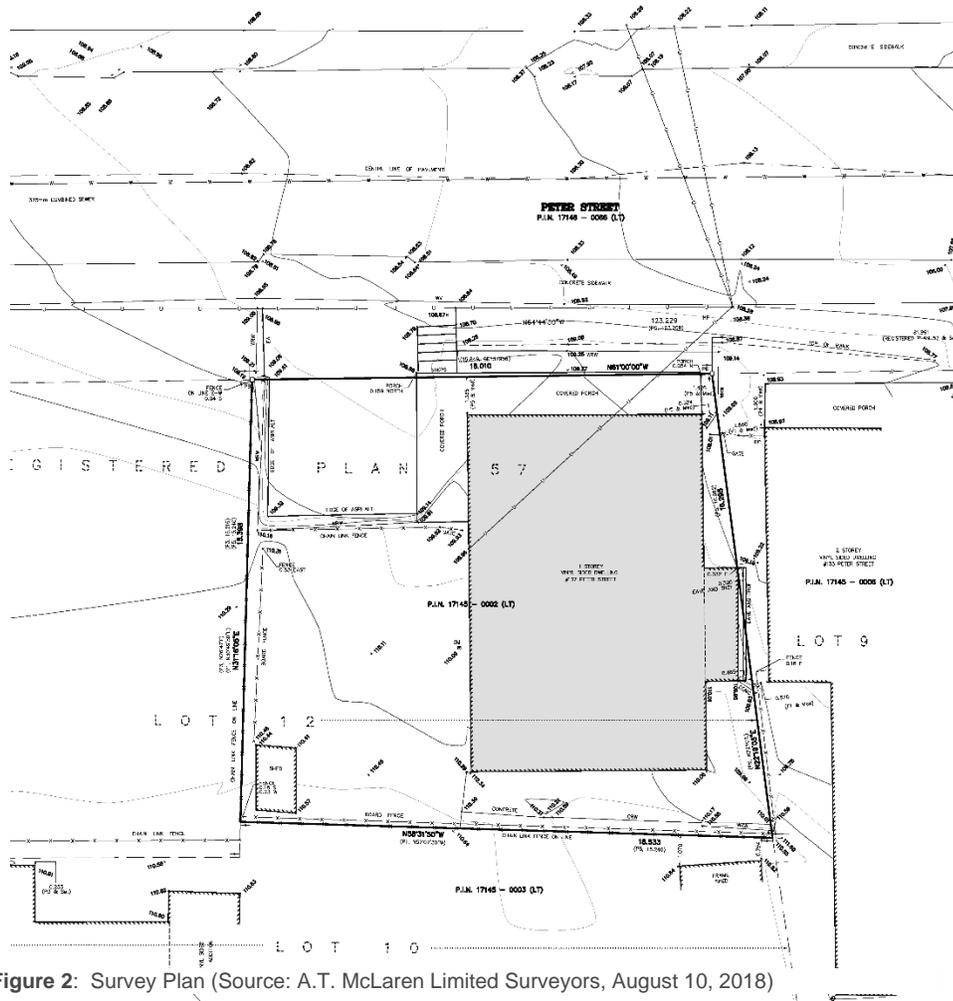


Figure 2: Survey Plan (Source: A.T. McLaren Limited Surveyors, August 10, 2018)

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**).

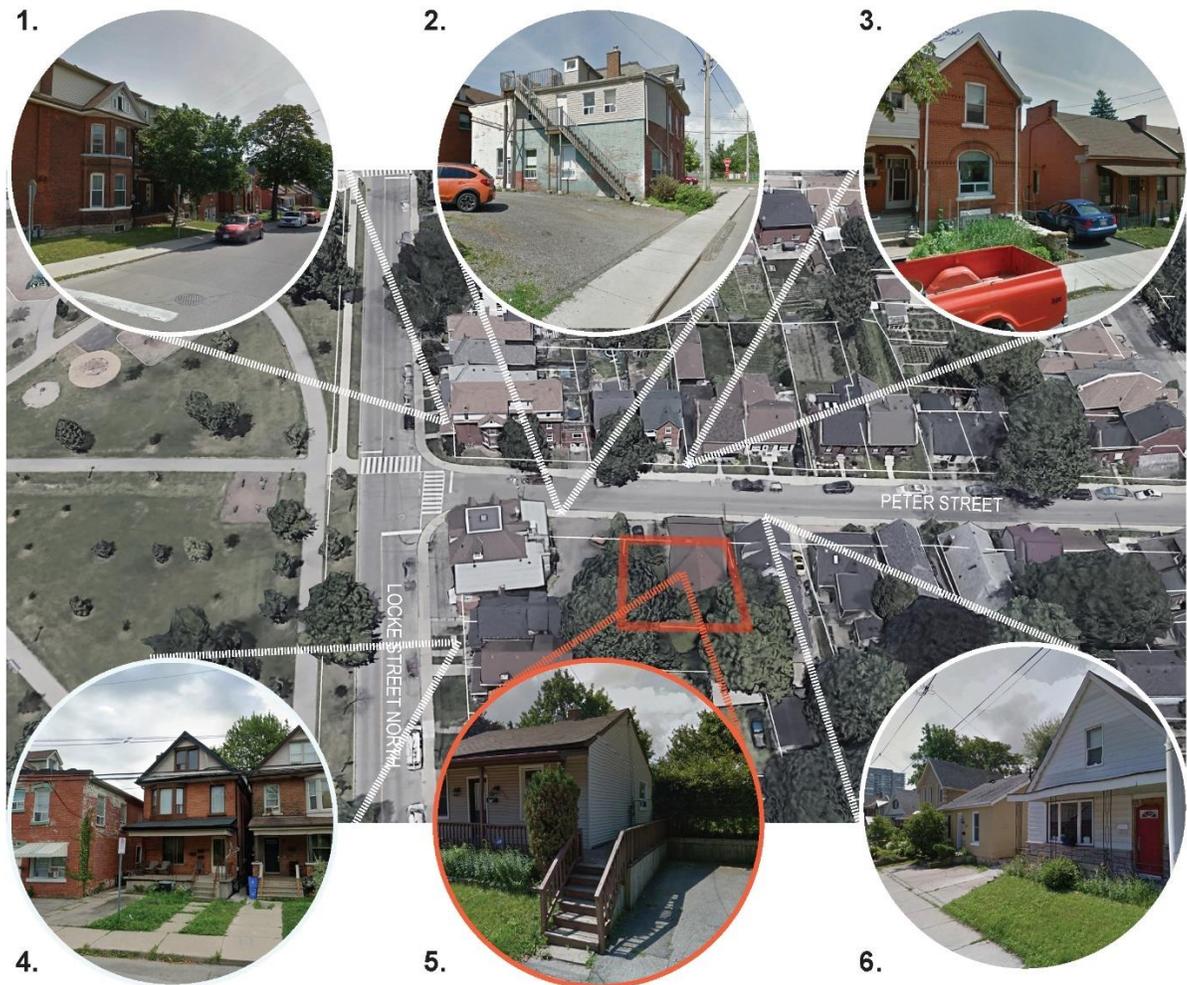


Figure 3: Site Context Map (Source: Google Earth Imagery, 2019 & 2020)

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 southeast toward existing Single Detached Dwelling Uses located at 133 and 129 Peter Street, immediately east of the Site.

3. Requested Minor Variance

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 10.1m	✓
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) (b)	Minimum Setback from Canopy to Front Lot Line	1.5m	0.35m	✓
18 (14) (i)	Minimum Front Yard Landscaped Area (Minimum % of Gross Area of Front Yard)	50%	26%	✓
*Those highlighted in gold were approved as variance pursuant to HM/A-21:51				

The following variance is requested to the “D” District Regulations:

- 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;

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. Does the requested Minor Variance maintain the general intent and purpose of the Official Plan;
2. Does the requested Minor Variance maintain the general intent and purpose of the Zoning By-law;
3. Is the requested Minor Variance desirable and appropriate for the lands; and
4. Is the requested Variance minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

4.1 *Does the requested variance 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)

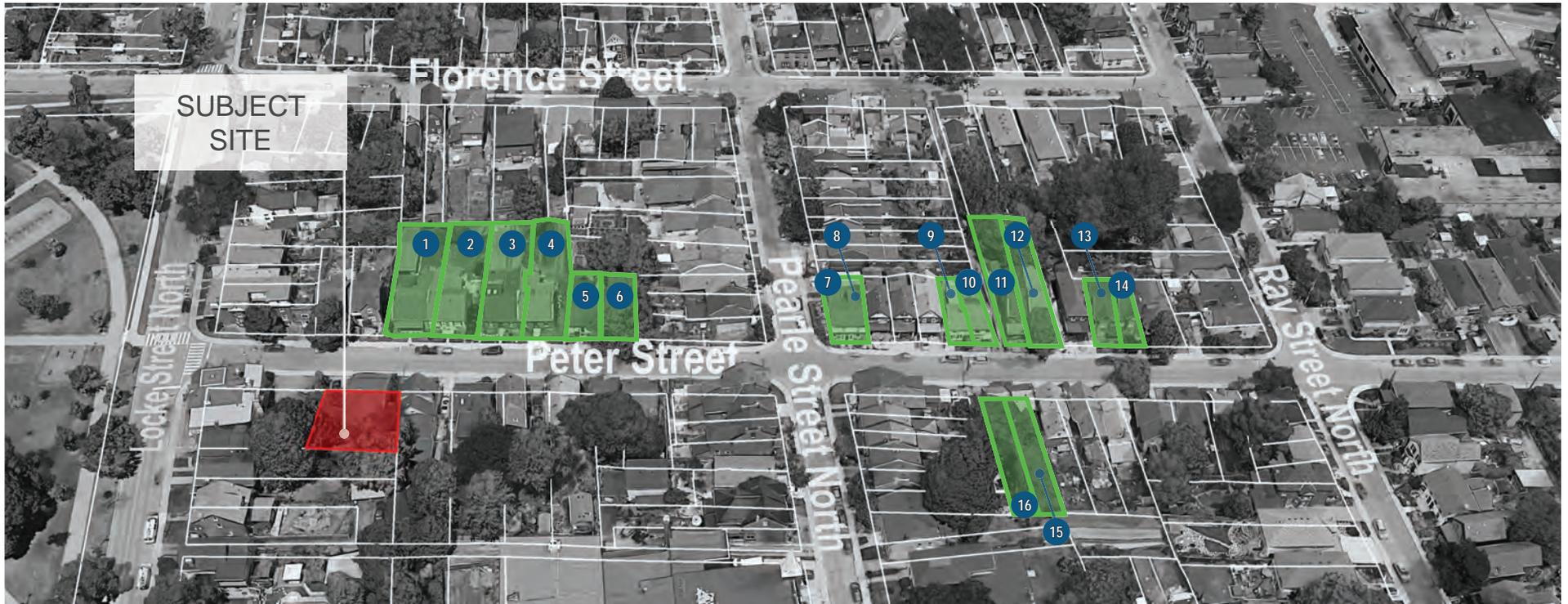
Volume 2 Section B.6.6.5.3 states that in addition to the Low Density Residential policies of the UHOP Volume 1, “*Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and 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*



4.1.1 Variance: 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 8**.

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 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 side 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



4.2 Does the requested variance maintain the general intent and purpose of the Zoning By-law?

4.2.1 Variance: 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.

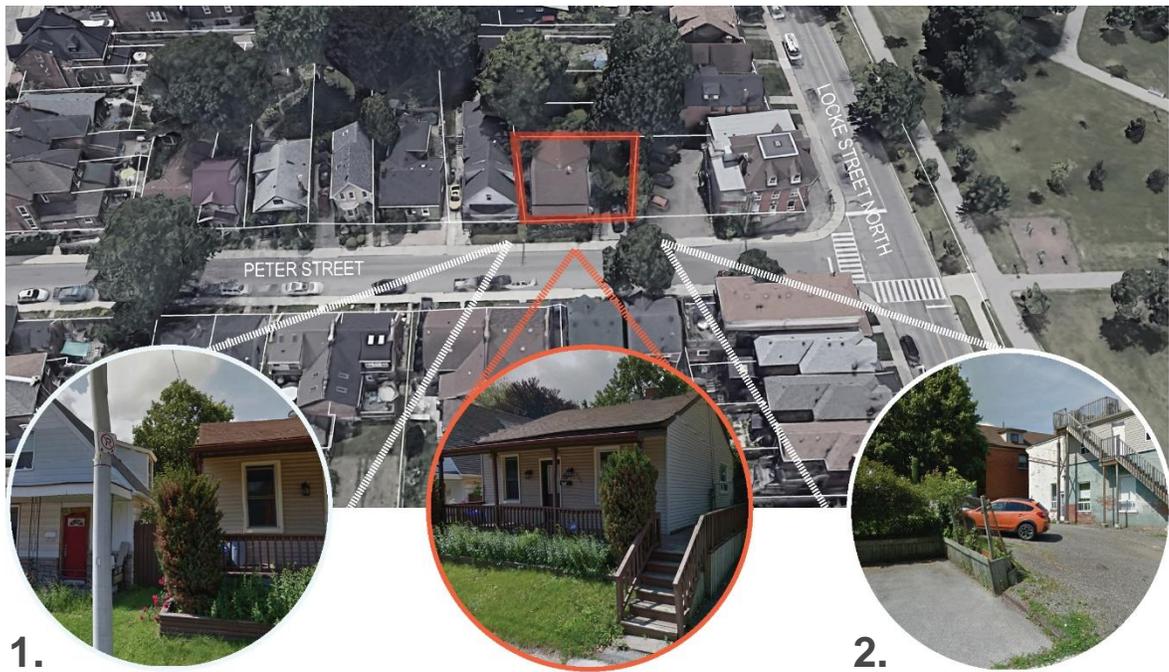


Figure 9: Side Yard Existing Conditions (Source: Google Earth Imagery, 2019 & 2020)

To the west of the property is a parking area associated with a 3 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 9**).

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 9**). 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 8**.

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.

4.3 *Is the Minor Variance 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: 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 8**. 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.

4.4 *Is the requested variance 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: 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 8**. 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.

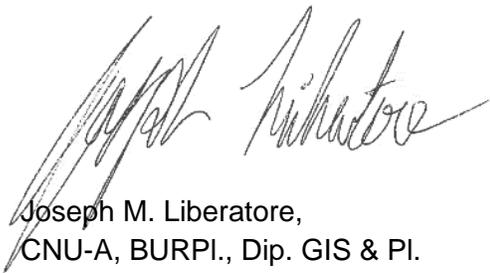
Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists. As noted previously, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east. Therefore, the requested 1.5m 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.

5. Summary and Recommendations

The requested variance represents good land use planning as it satisfies the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variance will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law 6593; is desirable and appropriate; and is considered minor in nature.

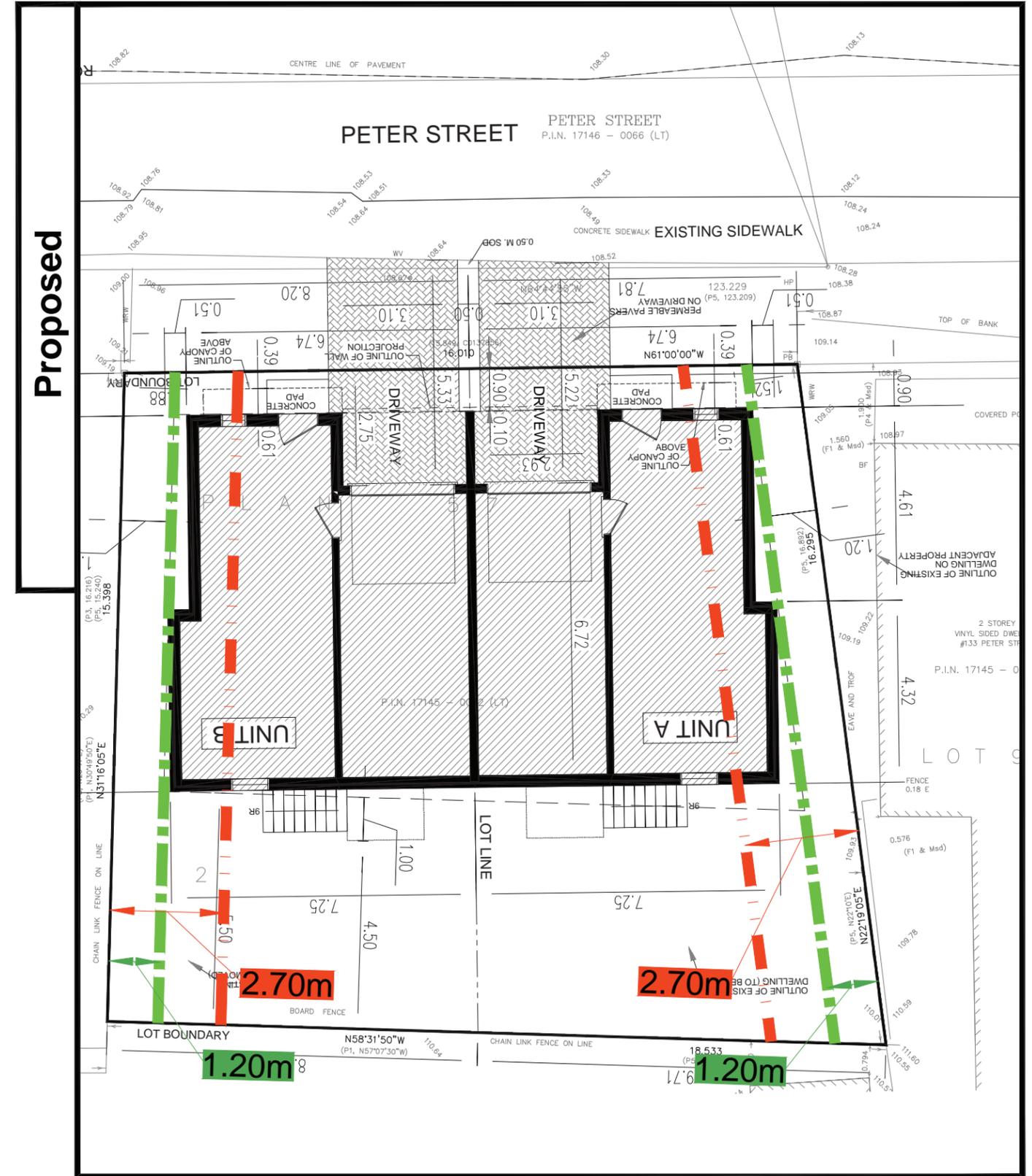
Respectfully submitted,

GSP Group Inc.



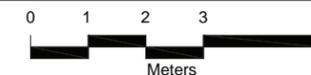
Joseph M. Liberatore,
CNU-A, BURPI., Dip. GIS & PI.
Planner

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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 July 6, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:125 | June 10, 2022 | Project No.: 20313 | Drawn By: JML





Hamilton

APPENDIX B

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: Agent GSP Group
Owner Canadian Grand Developments

SUBJECT PROPERTY: Municipal address **137 Peter St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new two and a half storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0 metre shall be permitted instead of the minimum 6.0 metre front yard depth required.
2. A minimum rear yard depth of 5.5 metre shall be permitted instead of the minimum 7.5m rear yard depth required.
3. A minimum manoeuvring aisle width of 2.7 metre shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
4. The front yard landscaped area shall be a minimum of 46.9% 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.
5. A minimum lot area of 272.0 square metres shall be permitted instead of the minimum 540.0 square metres lot area required for a two-family dwelling.
6. A minimum lot width of 17.4 metres shall be permitted instead of the minimum 18.0 metres lot width required for a two-family dwelling.
7. A canopy may be permitted to be located as close as 0.39 metres from the street line instead of the minimum 1.5 metres setback required.

NOTE:

1. 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.

HM/A-21: 51
Page 2

2. 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.

3. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres, and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2 above, regarding a reduction of the minimum required rear yard to 5.5 metres, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

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

DATE: Thursday, August 12th, 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.

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: July 27th, 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.

August 12th, 2021

HM/A-21:51 – 137 Peter St., Hamilton
Amended

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new two and a half storey semi-detached dwelling on the subject lands and the future separation of the dwelling, notwithstanding the following variances. This application was previously heard at the March 4th, 2021 Committee meeting in which staff did not support the application. The current proposal has the following revisions:

- Reduction in height from 3 storeys to 2.5 storeys;
- Increased front yard landscaping from 26% to 46.9%; and,
- Redesigning the front façade of the proposed units to an architectural style similar to the other dwellings.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 and E.3.4.5 amongst others, are applicable and permit semi-detached dwellings.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” on Map B.6.6-1 and located within the Arnolds Survey Cultural Heritage Landscape on Appendix “B” – Cultural Heritage Resources within the Strathcona Secondary Plan. Policies B.6.6.4.1 c) – e), B.6.6.5.2 and B.6.6.5.3 b) - d), are applicable and permit semi-detached dwellings.

Archaeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is granted, the City does not require an archaeological

August 12th, 2021

assessment, but Staff recommend the proponent be advised in writing by the Committee of Adjustment as follows:

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

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

Cultural Heritage

The subject property contains a circa 1880 dwelling located within the Strathcona Established Historic Neighbourhood and the Arnold’s Survey Inventoried Cultural Heritage Landscape.

The subject property is additionally located adjacent to 69 Pearl Street North, Zion United Church, a circa 1874 Place of Worship designated under Part IV of the Ontario Heritage Act and a “protected heritage property” under the Provincial Policy Statement. Accordingly, Section 2.6.3 of the Provincial Policy Statement applies as follows:

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

The proponent proposes to construct a new two and a half storey semi-detached two-family dwelling.

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

August 12th, 2021

B.3.4.1.3 “Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.” and,

B.3.4.2.1(g) “Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.”

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

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

3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

Notwithstanding that the adjacent property is designated under Part IV of the *Ontario Heritage Act*, Staff have reviewed the application and are of the opinion that **if compatible materials are used in the construction**, the heritage attributes of the protected heritage property will be conserved. Staff recommend that compatible materials be used in the construction of the proposed dwelling in order to minimize any potential negative heritage impacts on the adjacent Designated property, or on the Established Historic Neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a front yard depth of 1.0 metres notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to maintain the consistent streetscape.

The established residential streetscape on this portion of Peter Street maintains a consistent front yard depth with the majority being less than 1.0 metre. The variance maintains the general intent of the Zoning By-law as the proposed front yard depth of 1.0 metres is more consistent with the surrounding properties than the Zoning By-law requirement. The variance is considered minor in nature and is desirable for the

August 12th, 2021

development of the site as no negative impact is anticipated to the subject lands or surrounding area.

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

Variance 2, 5 and 6

The applicant is requesting a variance to allow a minimum rear yard depth of 5.5 metres, to allow a minimum lot area of 272.0 square metres and a lot width of 17.4 metres to be provided, notwithstanding the minimum required rear yard depth of 7.5 metres, the minimum required lot area of 540.0 square metres and the minimum required lot width of 18.0 metres for a semi detached dwelling. The general intent of the Zoning By-law is to provide a consistent residential streetscape, to allow sufficient space to accommodate a semi-detached dwelling with the necessary landscaped areas, amenity area and parking to satisfy the needs of the tenants, to allow adequate area for grading and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff differ grading and drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variances maintain the general intent of the By-law as sufficient lot widths and area are being provided to allow for the necessary landscaped areas and amenity space to satisfy the needs of the tenants. Staff are of the opinion that the variances are minor in nature and desirable for the development as no negative impacts are anticipated.

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

Variance 3, 4 and 7

The applicant is requesting a variance to allow a minimum manoeuvring aisle width of 2.7 metres, to allow the front yard landscaped area to be a minimum of 46.9% of the gross area of the front yard and to allow a roofed over unenclosed porch to be located as close as 0.39 metres from the front lot line notwithstanding the minimum required 6.0 metre wide manoeuvring aisle width, the minimum required 50% of the gross area of the front yard to be provided as landscaped area and the minimum required 1.5 metre setback. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the proposed parking spaces, to maintain a consistent streetscape and to allow sufficient space in the front yard to accommodate the necessary landscaped area.

Staff are of the opinion that the variances maintain the general intent of the By-law as the vehicle maneuvering aisle width of 2.7 metres will provide sufficient space for the vehicle to maneuver. Staff note that there is an additional approximate 3.4 metres from the front lot line to the edge of the side walk to aide in the maneuvering of the vehicle. Staff are of the opinion that the proposed 46.9 % of landscaped area is also maintaining the general intent of the By-law as sufficient landscaped area is being provided for a low-density

August 12th, 2021

residential character area. Furthermore, staff are of the opinion that the variance to allow for a roofed over unenclosed porch to be located as close as 0.39 metres from the lot line is maintaining the general intent of the By-law as it is still providing a consistent residential streetscape. Staff are of the opinion that the variances are minor in nature and desirable for the development as no negative impacts are anticipated for the subject site or surrounding area.

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

Recommendation:

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

In conclusion, Staff recommends that the application be **approved.**

NOTE:

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

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

August 12th, 2021

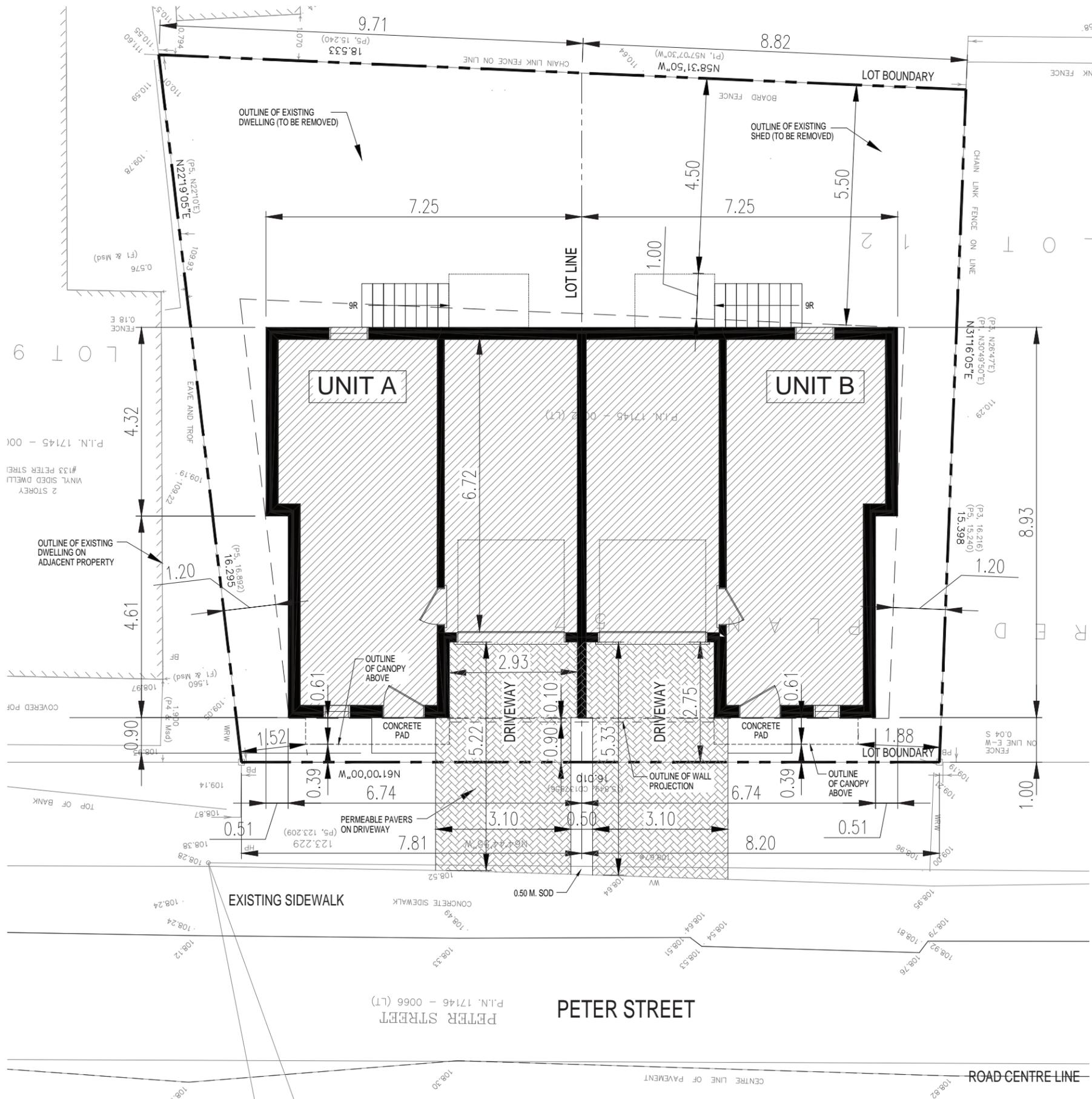
Building Division:

1. The proposed development 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. 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.
3. 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.
4. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2, regarding a reduction of the minimum required rear yard to 5.5 metres, be approved, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

Development Engineering:

The proposed rear yard setback is a significant improvement from the existing condition. Therefore, our office has no issue with this proposal.

See attached for additional comments.



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

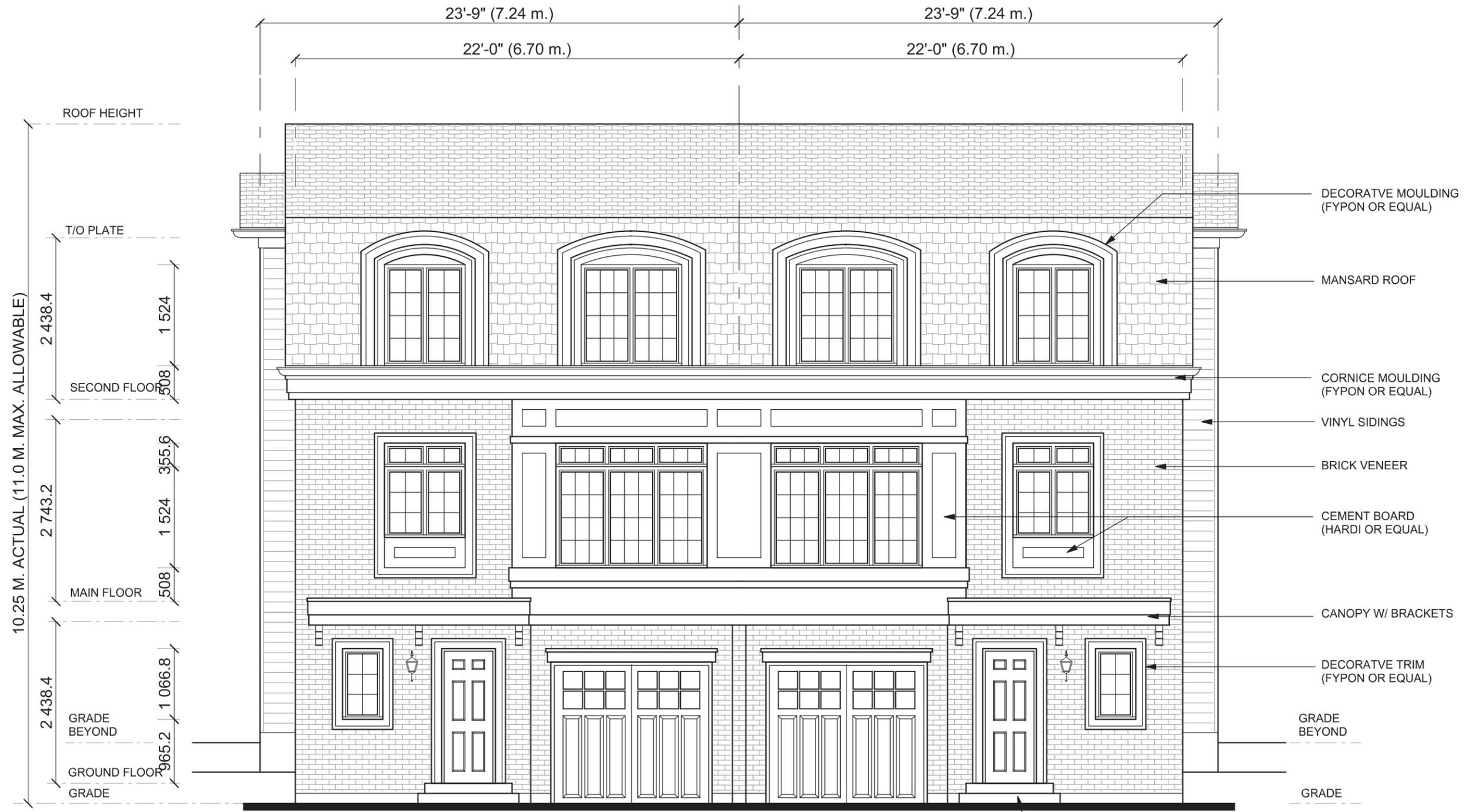


ZONE 'D' (URBAN PROTECTED RESIDENTIAL)			
	REQUIRED	PROPOSED	
LOT AREA	540.00 SQ.M.	272.24 SQ.M.	
LOT AREA (UNIT 'A')		139.66 SQ.M.	
LOT AREA (UNIT 'B')		132.58 SQ.M.	
BUILDING FOOTPRINT		64.81 SQ.M.	INCLUDING PORCH PER UNIT
LOT COVERAGE			
LOT COVERAGE (UNIT 'A')		46.40 %	
LOT COVERAGE (UNIT 'B')		48.88 %	
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	6.00 M.	1.00 M.	FRONT CANOPY ENCROACHING 0.61 M. INTO FRONT YARD; WALL PROJECTION ENCROACHING 0.10 M. INTO FRONT YARD
REAR YARD SETBACK	7.50 M.	5.50 M.	DECK ENCROACHING 1.0 M. TO REAR YARD
SIDE YARD SETBACK	1.20 M.	1.20 M.	

PRELIMINARY SITE PLAN
 PROPOSED SEMI-DETACHED DWELLING
 137 PETER STREET, HAMILTON
 W-2157 (JULY 9, 2021)



40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com



FRONT ELEVATION

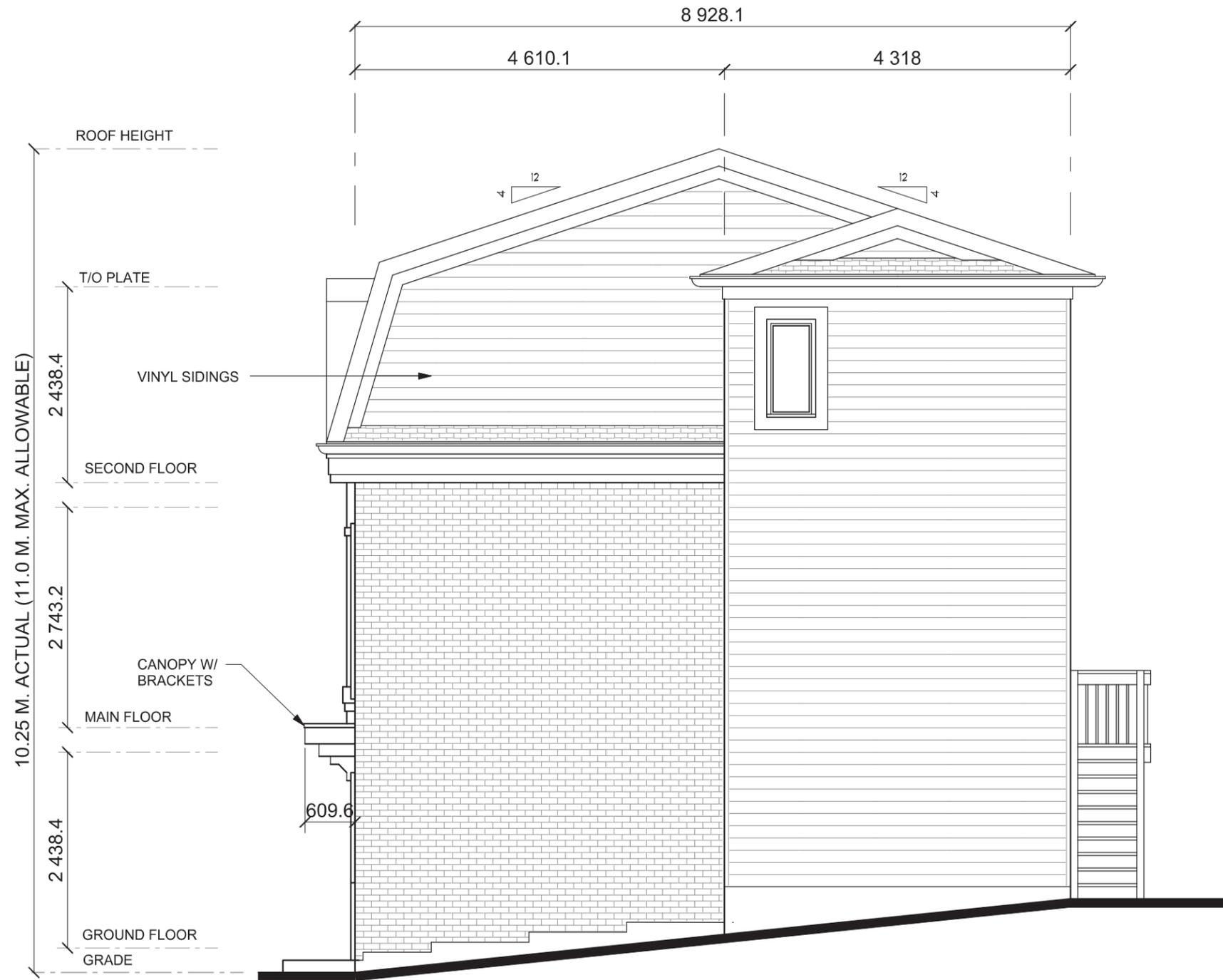
PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
 137 PETER ST, HAMILTON, ON
 W-2157 (JULY 6, 2021)



JOHN G. WILLIAMS LIMITED
 ARCHITECT

40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com



SIDE ELEVATION

PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
137 PETER ST, HAMILTON, ON
WW-2157 (JULY 6, 2021)



JOHN G. WILLIAMS LIMITED
ARCHITECT

40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
905-780-0500 info@williamsarch.com williamsarch.com



REAR ELEVATION

PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
137 PETER ST, HAMILTON, ON
W-2157 (JULY 6, 2021)

 **JOHN G. WILLIAMS LIMITED**
ARCHITECT

40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
905-780-0500 info@williamsarch.com williamsarch.com



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424
 ext. 4221, 3935
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:51
SUBMISSION NO. A-51/21

APPLICATION NO.: HM/A-21:51

APPLICANTS: Agent GSP Group
 Owners B. Fleming & A. McAllister

SUBJECT PROPERTY: Municipal address **137 Peter St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new two and a half storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0 metre shall be permitted instead of the minimum 6.0 metre front yard depth required.
2. A minimum rear yard depth of 5.5 metre shall be permitted instead of the minimum 7.5m rear yard depth required.
3. A minimum manoeuvring aisle width of 2.7 metre shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
4. The front yard landscaped area shall be a minimum of 46.9% 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.
5. A minimum lot area of 272.0 square metres shall be permitted instead of the minimum 540.0 square metres lot area required for a two-family dwelling.
6. A minimum lot width of 17.4 metres shall be permitted instead of the minimum 18.0 metres lot width required for a two-family dwelling.
7. A canopy may be permitted to be located as close as 0.39 metres from the street line instead of the minimum 1.5 metres setback required.

NOTE:

1. 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.
2. 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.

HM/A-21: 51
Page 2

3. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres, and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2 above, regarding a reduction of the minimum required rear yard to 5.5 metres, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 12th day of August, 2021.

D. Smith (Chairman)

D. Serwatak

L. Gaddy

M. Dudzic

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 1, 2021**.

NOTE: This decision is not final and binding unless otherwise noted.

HM/A-21:51
Page 3

NOTE:

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

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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

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-22:76	SUBJECT PROPERTY:	91 CENTENNIAL PARKWAY S, STONE CREEK
ZONE:	"RM1" (Residential Multiple One)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner M. DelSordo

The following variances are requested:

1. The total lot coverage for accessory buildings shall be 10.6% of the lot area instead of the maximum lot coverage of 10% permitted for all accessory buildings on the lot.

PURPOSE & EFFECT: To permit the construction of a new accessory building in the rear yard.

Notes:

- i. Eaves and gutters associated with the proposed accessory building shall be at least 0.25m from a property line.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/A-22:76

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

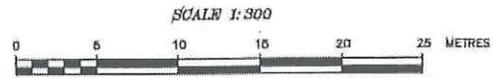
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

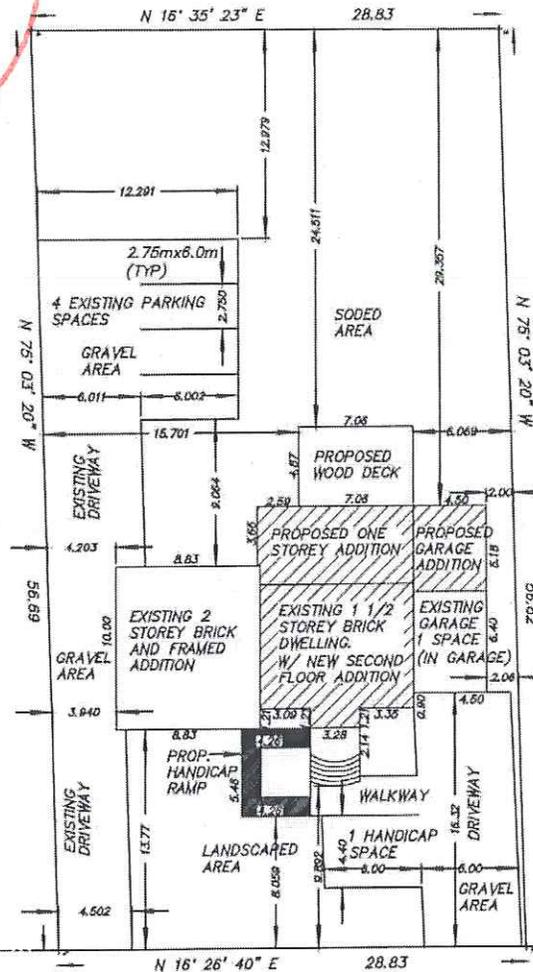
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



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



CENTENNIAL PARKWAY N.

PROPOSED FOUR PLEX: RM 1 ZONING

1. MIN LOT AREA REQUIRED 650 SQ.M. PROVIDED 1632.58 SQ.M.
2. MIN LOT FRONTAGE 20M PROVIDED 28.83M
3. MIN FRONT YARD 7.5M PROVIDED 13.77M
4. MIN SIDE YARD AT GARAGE 2.0M PROVIDED 2.0M
5. MIN REAR YARD 7.5M PROVIDED 24.51M
6. MAX BLDG HT. 11M PROVIDED 9M
7. MAX LOT COVERAGE 40% PERMITTED 653.03 SQ.M PROVIDED 297.59 SQ.M.
8. MIN NUMBER OF PARKING SPACES 2 PER UNIT PROVIDED 6 TOTAL WITH 1 HANDICAP

6.1.B - PARKING RESTRICTIONS IN RESIDENTIAL ZONES:

(E) ONE-WAY DRIVEWAY OF AT LEAST 4.5M IN WIDTH REQUIRED. PROVIDED 3.94M - SUBJECT TO VARIANCE REQUIREMENTS.

NOTE:

SURVEY INFO TAKEN FROM ORIGINAL COMPLETED BY SIDNEY W. WOODS INC. SEPT 24, 1985. CITY OF STONEY CREEK (HAMILTON) ONT.

PROPOSED SITE PLAN		1&2 STOREY ADDITION		CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND CHECK ALL JOB CONDITIONS BEFORE PROCEEDING WITH THE WORK.	
		91 Centennial Prkwy Hamilton, Ont..		SCALE: 1:300	
				DATE: OCT 3, 2011	PROJECT No: DELSORB3160311
					PL1

June 15, 2022

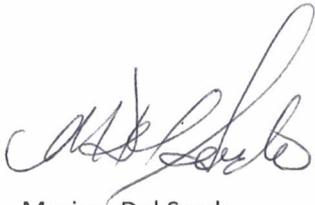
Marina Del Sordo
91 Centennial Parkway South
Stoney Creek, On. L8G 2C7
905-512-3723

Attention: Committee of Adjustments

Re: Minor Variance for garage at 91 Centennial Parkway South

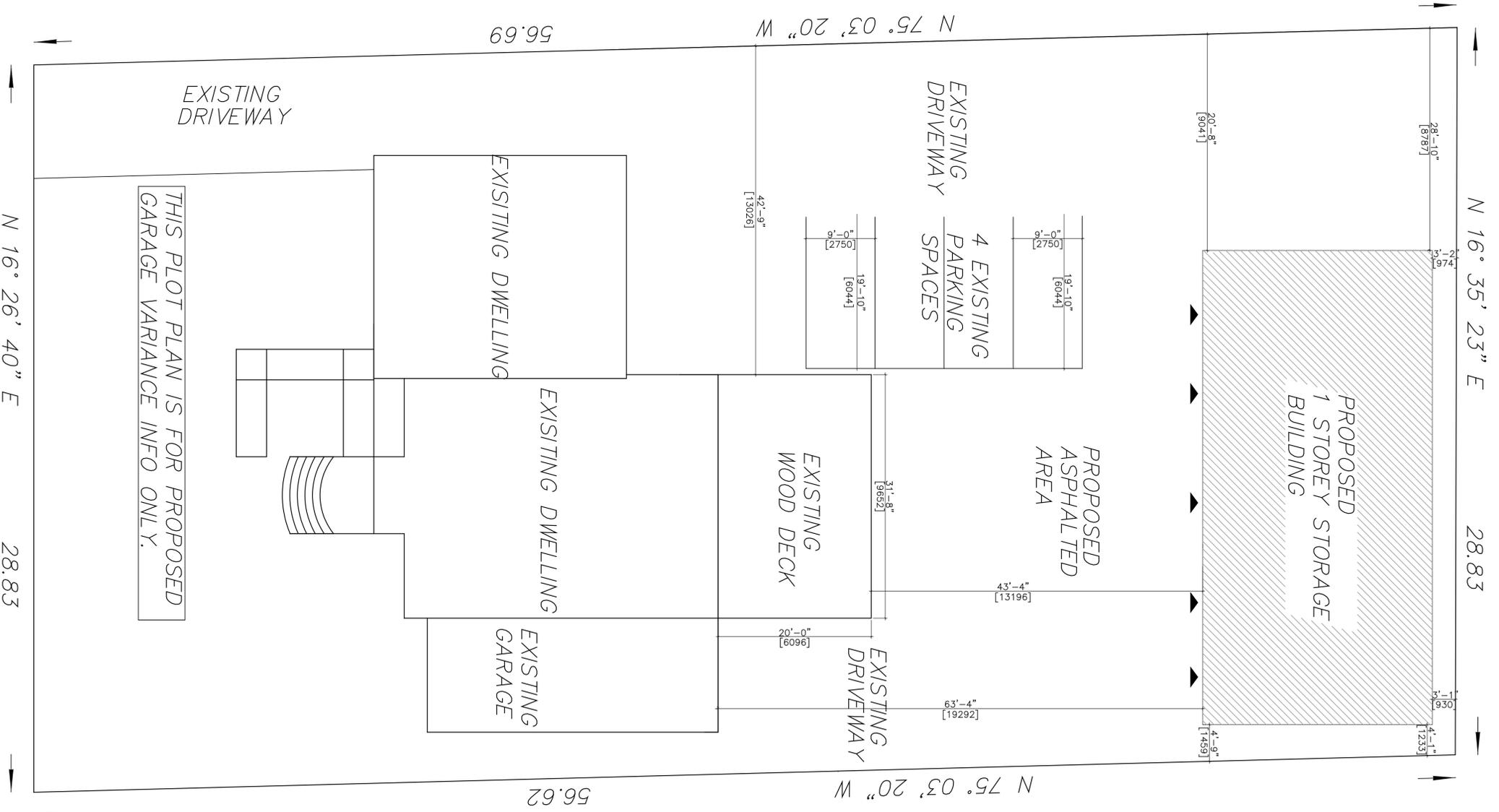
Please find attached the revised plans showing the reduction of the roof peak to 14'8" and the area reduced to 1,800 sq f (30' x 60')

If you require further information, please let me know, thanks Marina

A handwritten signature in black ink, appearing to read 'Marina Del Sordo', written in a cursive style.

Marina Del Sordo

DO NOT SCALE DRAWINGS



THIS PLOT PLAN IS FOR PROPOSED GARAGE VARIANCE INFO ONLY.

PLOT PLAN CENTENNIAL PARKWAY N.

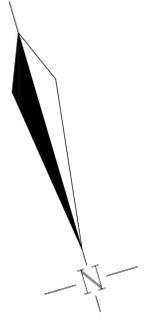
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.
 QUALIFICATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code
 Name: MAURO FORNATO
 Signature: *[Signature]*
 Date: 06.13.22
 REGISTRATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code
 Name: UNIQUE DESIGNS INC
 BICN: 31090
 Job Number: 011022
 Drawn By: Scale: 1/8" = 1'-0"
A0

M. DELSORDO RESIDENCE
91 CENTENNIAL PKWY S.
HAMILTON, ONT.

UNIQUE DESIGNS INC.
 STORAGE BUILDING PLOT PLAN

SITE STATISTICS

EXISTING LOT AREA: 17571.54 SQ FT
 EXISTING BLDGS: 2943.98 SQ FT
 MAX PERMITTED BLDG HT: 4.5M = 14'-8"
 ACCESSORY BLDG: MAX PERMITTED 10% LOT AREA = 1757.15 SQ FT
 PROPOSED ACCESSORY BLDG: 1850 SQ FT
 VARIANCE REQUIRED
 LOT AREA (MAX BLDG 1757.15 SQ FT)



NOTE: PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

NOTE: PLANTING SHALL BE OBTAINED ON TO ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

NOTE: PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

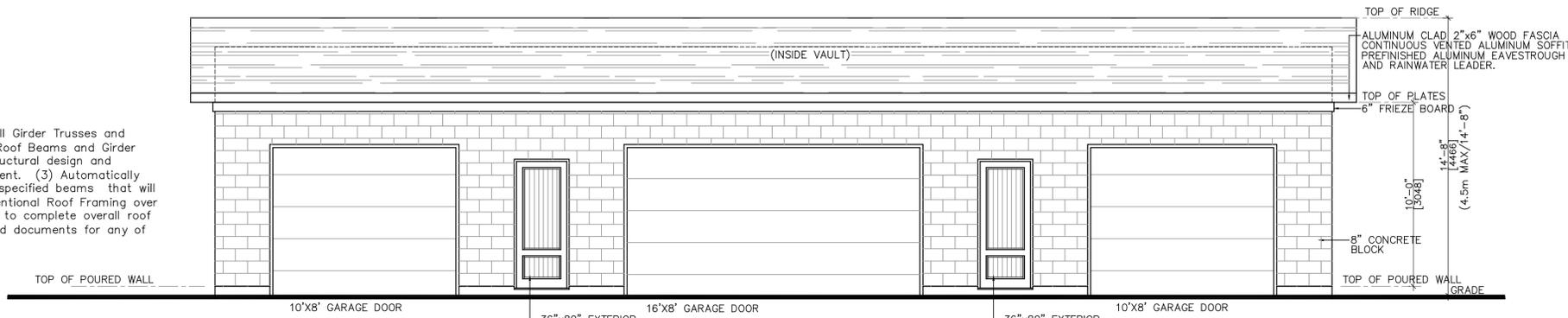
No.	DATE	DESCRIPTION
1.	01.31.22	ISSUED FOR PERMIT
2.	03.04.22	RE-ISSUED FOR PERMIT
3.		
4.		
5.		
6.		
7.		
8.		

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND COST BEFORE ANY CONSTRUCTION TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.

NOTE:

Note to Truss Manufacture.
 . The Truss Manufacture will; (1) Design and specify all Girder Trusses and Beams that only carry roof loads. (2) Ensure that all Roof Beams and Girder Trusses have been designed around the Architectural structural design and therefore have full bearing to the footings in the basement. (3) Automatically upgrade and provide calculations for any Architecturally specified beams that will carry roof point loads. (4) Design and specify all Conventional Roof Framing over and between manufactured roof trusses systems needed to complete overall roof shape. (5) Provide the Local Municipality with Engineered documents for any of the above mentioned items if required.

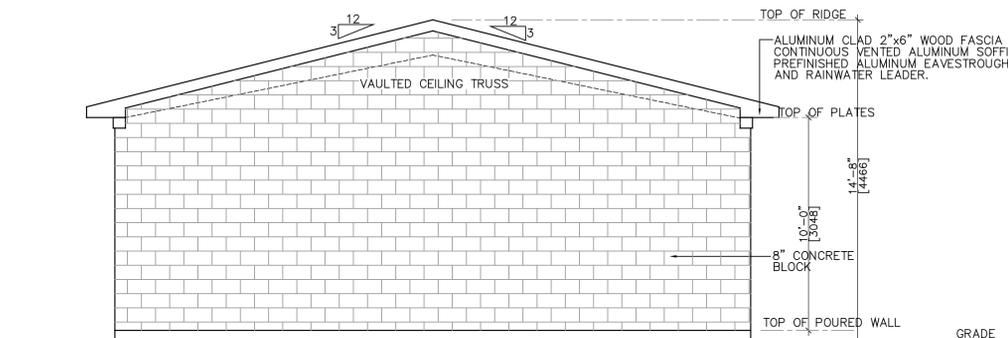


FRONT ELEVATION

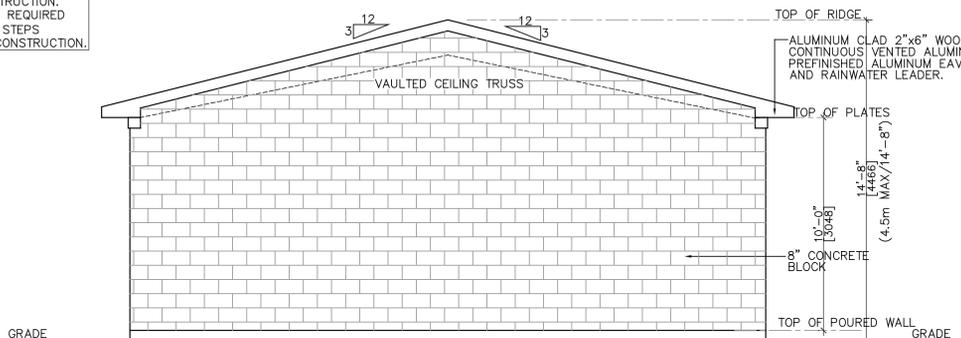
IT SHALL BE THE RESPONSIBILITY OF THE BUILDER TO HAVE ALL GRADES AND SERVICES CHECKED AND VERIFIED GRADING AND SERVICES ENGINEERED PROPOSED GRADE LINE AS INDICATED ARE FOR REFERENCE ONLY AND DO NOT NECESSARILY DEPICT FINISHED GRADING CONDITIONS

ALL OVERHANGS 16" UNLESS NOTED OTHERWISE

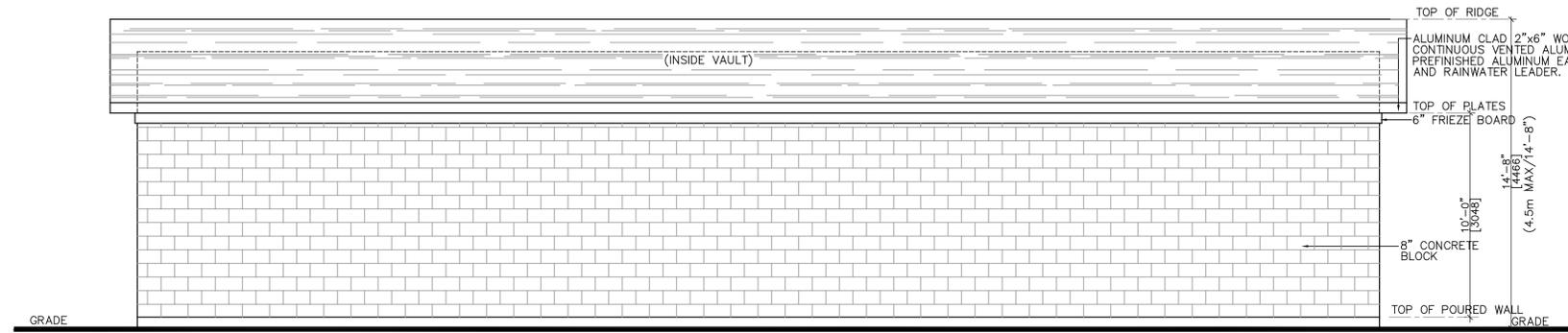
NOTE: VERIFY ALL GRADE AND FLOOR HEIGHTS PRIOR TO CONSTRUCTION. MAKE ANY ADJUSTMENTS REQUIRED TO NUMBER OF RISERS/ STEPS PRIOR TO COMMENCING CONSTRUCTION.



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

SITE STATISTICS

EXISTING LOT AREA: 17571.54 SQ FT
 EXISTING BLDG: 2843.98 SQ FT
 MAX PERMITTED BLDG HT: 4.5M = 14'-8"
 ACCESSORY BLDG: MAX PERMITTED 10% LOT AREA
 10% = 1757.15 SQ FT
 PROPOSED BLDG: 1850 SQ FT
 VARIANCE REQUIRED
 ***LOT AREA (MAX 1757.15 SQ FT)

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code

MAURO FORTUNATO 15084
 Name Signature BGIN

REGISTRATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code

UNIQUE DESIGNS INC. 31090
 Firm Name BGIN

DO NOT SCALE DRAWINGS

No.	DATE	DESCRIPTION
1.	01.28.22	ISSUED FOR PERMIT
2.	06.13.22	ISSUED FOR PERMIT
3.		
4.		
5.		
6.		
7.		
8.		

UNIQUE DESIGNS INC.



ELEVATIONS

STORAGE BUILDING

M. DELSORDO RESIDENCE

91 CENTENNIAL PKWY S.
 HAMILTON, ONT.

Drawn By	Scale
Date:	1/4"=1'-0"
01.28.22	
Job Number	A1
011022	

GENERAL NOTES

ALL CONSTRUCTION TO MEET OR EXCEED ONTARIO BUILDING CODE LATEST ADDITION (2012)

SITE VERIFY WHEN ADDING ON TO OR REMOVING FROM AN EXISTING BUILDING THAT ALL EXISTING OR NEW STRUCTURAL COMPONENTS ARE CAPABLE OF WITHSTANDING THE STRUCTURAL LOADS IMPOSED, AND REPORT ANY DISCREPANCIES AND/OR DEFICIENCIES TO THE DESIGNER.

ENSURE THAT ALL CONSTRUCTION, MATERIALS, METHODS OF INSTALLATION, AND BRACING COMPLY WITH REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION. MAKE GOOD ALL DISTURBED OR DAMAGED DURING CONSTRUCTION WHETHER SHOWN ON THE DRAWINGS OR NOT. REPORT ANY UNEXPECTED DEVIATIONS FROM THE APPROVED DRAWINGS OR SPECIFICATIONS TO THE DESIGNER PRIOR TO MAKING ANY CHANGES. PROVIDE CUTTING, PATCHING AND REMEDIAL WORK IN ORDER TO ENSURE PARTS OF THE WORK COME TOGETHER PROPERLY. TEMPORARY BRACING TO BE USED WHEREVER NECESSARY TO WITHSTAND ALL LOADS DURING ERECTION AND SUBSEQUANT CONSTRUCTION.

CONCRETE FOOTINGS, FOUNDATION WALLS & SLABS

CONCRETE FOOTINGS TO REST ON UNDISTURBED SOIL CAPABLE OF SUSSTAINING A LOAD OF 2000 LBS. PER SQUARE FOOT MINIMUM 4'-0" BELOW GRADE. FOOTINGS TO CONFORM TO O.B.C. SECTION 9.15.

STEPPED FOOTINGS MAX. 2'-0" HORIZONTAL AND VERTICAL STEP 2/3 HORIZONTAL STEP TO MAX. 5'-0".

FOUNDATION WALLS TO BE MIN. 10" THICK UNLESS OTHERWISE NOTED.

ALL FOUNDATION WALLS TO EXTEND MIN. 6" ABOVE GRADE.

HABITABLE ROOMS ON CONCRETE SLABS TO BE DAMPROOFED WITH 6 MIL POLY VAPOUR BARRIER.

STEEL COLUMNS

STEEL COLUMN PLATES TO BE ANCHORED TO FOOTING WITH MIN. TWO 1/2" DIA. BOLTS MIN. 4" INTO FOOTING. STEEL COLUMN PLATES TO BE CONNECTED TO STEEL BEAMS WITH MIN. TWO 1/2" DIA. BOLTS, OR WELD PLATES TO BEAM FLANGES. STEEL COLUMNS TO BE MINIMUM 3 1/2" OUTSIDE DIAMETER AND 3/16" WALL THICKNESS. STEEL COLUMNS SHALL BE TREATED WITH AT LEAST ONE COAT RUST INHIBITIVE PAINT.

WOOD FRAMING

ALL FRAMMING LUMBER TO O.B.C. STANDARDS. ALL FRAMMING LUMBER INDICATED ON DRAWINGS TO BE S.P.F. No.2 UNLESS OTHERWISE SPECIFIED. BEAMS TO HAVE MIN. BEARING OF 3 1/2". LATERAL SUPPORT - WALLS SUPPORTING JOISTS, ANCHOR SILL PLATE WITH 1/2" DIA. ANCHOR BOLTS MAX. 7'-10" O.C. EMBEDDED 4" INTO MASONRY OR ANCHORED EVERY 4TH JOIST NOT RESTING ON A PLATE WITH 3/16"x 1 1/2" STEEL JOIST ANCHORS. LATERAL SUPPORT - WALLS PARALLEL TO JOISTS, BEND 3/16"x1 1/2" STEEL STRAP 3" INTO MASONRY AND FIX TO 3 PARALLEL JOISTS OR FIX SILL PLATE TO 3 RIGIDLY CONNECTED FLOOR JOISTS AT 7'-10" MAX. ALL JOISTS TO HAVE BRIDGING OVER INTERIOR BEARING WALLS AND BEAMS. MIN. SILL PLATE 2"x6". SILL PLATES ANCHORS TO BE MIN. 1/2" DIA. BOLTS EMBEDDED 4" INTO FOUNDATION WALLS. SPACE FLOOR JOISTS AT 12" O.C. FOR CANTILEVERS. MIN. 1 1/2" END BEARING REQUIRED FOR FLOOR JOISTS, CEILING JOISTS, ROOF JOISTS AND RAFTERS.

PROVIDE METAL JOIST HANGERS FOR SUPPORT OF JOISTS FRAMING INTO SIDES OF WOOD BEAMS, HEADER AND TRIMMER JOISTS WHEN REQUIRED.

PRE-MANUFACTURED WOOD FRAMING

- ALL FRAMING MATERIALS AND METHODS FOR PRE-MANUFACTURED WOOD CONSTRUCTION (WOOD "I" FLOOR JOISTS) ARE TO BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- PRE-MANUFACTURED WOOD SUPPLIER SHALL SUBMIT SHOP DRAWINGS SHOWING LOCATION, LOADING, ALLOWABLE AND ACTUAL DESIGN STRESSES, DEFLECTION LIMITATIONS, TEMPORARY AND PERMANENT BRACINGS, CONNECTION AND BEARING DETAILS AND SHALL BEAR THE SEAL OF A PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO.
- SHOP DRWINGS ARE TO BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

GLUE LAMINATED WOOD BEAMS

- ALL FRAMING MATERIALS AND METHODS FOR GLUE LAMINATED WOOD BEAMS TO BE INSTALLED AS PER MANUFACTURERS DETAILS AND SPECIFICATIONS.
- ALL BEAM TO BEAM, AND BEAM TO COLUMN CONNECTIONS SHALL BE MIN. 1/4" METAL PLATE CONNECTIONS C/W MIN. 2 - 5/8" DIA. THROUGH BOLTS AT EACH MEMBER BEING CONNECTED.
- ALL EXPOSED CONNECTIONS INCLUDING BOLTS MUST BE COATED TO RESIST CORROSION.
- SUBSTITUTION OF BEAMS FOR DIFFERENT SIZES OR MATERIALS MUST BE APPROVED BY THE DESIGNER PRIOR TO INSTALLATION.
- BEAM SUPPLIER SHALL SUBMIT SHOP DRAWINGS AND ENGINEERING CALCULATIONS FOR BEAMS SHOWN ON DRAWINGS OR FOR SUBSTITUTIONS BEING PROPOSED AND SHALL BEAR THE SEAL OF PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO. SHOP DRAWING MUST BE SUBMITTED TO THE DESIGNER FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

MASONRY VENEER WALLS

- MIN. 3 5/8" THICKNESS UP TO 24'-0" MAX. HEIGHT.
- MASONRY TIES TO BE GALVANIZED, CORROSION RESISTANT CORRUGATED 22ga., 7/8" WIDE SPACED 16" O.C. HORIZONTALLY, AND 24" O.C. VERTICALLY NAILED TO STUDS THROUGH THE SHEATHING.
- PROVIDE 1" AIR SPACE BETWEEN VENEER AND WALL SHEATHING.
- MAX. CORBEL OVER FOUNDATION WALL 1/2".

ROOF CONSTRUCTION

- ALL ROOF TRUSSES MUST BE DESIGNED AND FABRICATED IN ACCORDANCE WITH O.B.C./ N.B.C. PART 4.
- TRUSS SUPPLIER SHALL SUPPLY ALL NECESSARY PLANS INCLUDING PLACING DRAWING SHOWING LOCATION, LOADING, ALLOWABLE STRESSES, TEMPORARY AND PERMANENT BRACINGS AND SHALL BEAR THE SEAL OF PROFESSIONAL ENGINEER LICENCED AND INSURED TO PRACTICE IN THE PROVINCE OF ONTARIO. TRUSS DRAWINGS MUST BE SUBMITTED TO THE DESIGNER & THE CHIEF BUILDING OFFICIAL FOR APPROVAL AND TO VERIFY ALL BEAM AND LINTEL SIZES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- HIP AND VALLEY RAFTERS TO BE 2" DEEPER THAN COMMON RAFTERS.
- ROOF EDGE SUPPORTS TO BE MIN. 2"x2" BLOCKING.
- PROVIDE 1"x4" CONTINUOUS TRUSS BRIDGING AT 7'-0" O.C. MAXIMUM.
- PROVIDE 2"x4" WALL TIES ACROSS JOINTS OR BOTTOM TRUSS CORDS AT MIN. 4'-0" O.C. FOR ROOF SLOPES 4/12 OR GREATER.

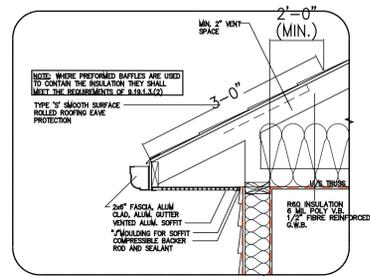
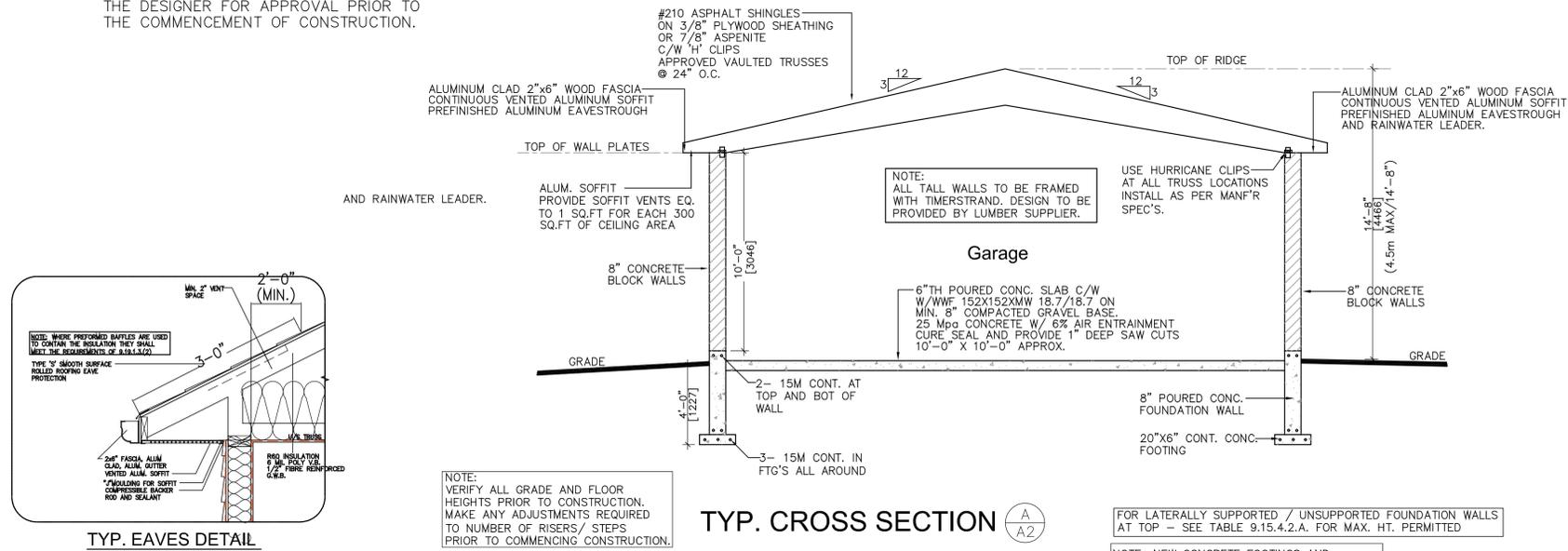
FLASHING

- FLASHING IS REQUIRED UNDER ALL JOINTED SILLS AND OVERHEADS OF WINDOWS AND DOORS IN EXTERIOR WALLS IF DISTANCE BELOW EAVE IS MORE THAN 1/4 OF THE ROOF OVERHANG.
- CHIMNEY FLASHING IS REQUIRED AT INTERSECTION WITH ROOF. FLASH OVER A CHIMNEY SADDLE WHEN WIDTH OF CHIMNEY EXCEEDS 1'-6".
- FLASHING REQUIRED AT INTERSECTION OF ROOFS AND WALL, VALLEYS, AND OVER PARAPET WALLS.
- FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING TO BE 20ga. GALV. METAL AND TO EXTEND 3" VERTICALLY & HORIZONTALLY.

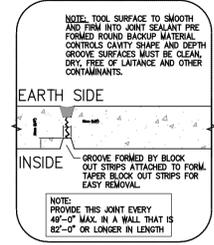
HEATING

- HEATING DESIGN HAS BEEN LOCATED AS A SUGGESTED GUIDE ONLY. INSTALLATION AND DESIGN IS TO BE AS PER THE ONTARIO BUILDING CODE, PART 6. HEATING PLANS AND HEAT LOSS/HEAT GAIN CALCULATIONS ARE TO BE SUBMITTED TO THE LOCAL BUILDING OFFICIAL AND THE DESIGNER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

9.19.1.2. Vent Requirements
 (1) Except as provided in Sentence (2), the unobstructed vent area shall be not less than 1/300 of the insulated ceiling area.
 (2) Where the roof slope is less than 1 in 6 or in roofs that are constructed with roof joists, the unobstructed vent area shall be not less than 1/150 of the insulated ceiling area.



TYP. EAVES DETAIL (SEE SECTION FOR ROOF TRUSS TYPE)



TYP. CONTROL JOINT DETAIL

CLEAR SPAN	STEEL LINTEL SCHEDULE	
	BRICK	STONE
2'-6"	L 3"x3"x1/4"	L 4"x3"x1/4"
3'-11"	L 3 1/2"x3 1/2"x1/4"	L 5"x3 1/2"x5/16"
4'-11"	L 3 1/2"x3 1/2"x5/16"	L 5"x3 1/2"x5/16"
5'-11"	L 4"x3 1/2"x5/16"	L 5"x5"x5/16"
6'-11"	L 5"x3 1/2"x5/16"	L 5"x5"x5/16"
7'-10"	L 5"x3 1/2"x5/16"	L 5"x5"x5/16"
8'-10"	L 5"x3 1/2"x3/8"	L 5"x5"x3/8"
9'-10"	L 6"x4"x3/8"	L 5"x5"x1/2"

STEEL LINTELS SHOWN IN ABOVE CHART SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" LENGTH OF BEARING AT END SUPPORTS.

NOTE: ALL OVERHANGS 16" UNLESS NOTED OTHERWISE

Note to Truss Manufacture.
 The Truss Manufacture will: (1) Design and specify all Girder Trusses and Beams that only carry roof loads. (2) Ensure that all Roof Beams and Girder Trusses have been designed around the Architectural structural design and therefore have full bearing to the footings in the basement. (3) Automatically upgrade and provide calculations for any Architecturally specified beams that will carry roof point loads. (4) Design and specify all Conventional Roof Framing over and between manufactured roof trusses systems needed to complete overall roof shape. (5) Provide the Local Municipality with Engineered documents for any of the above mentioned items if required.

TYP. CROSS SECTION A-A

FOR LATERALLY SUPPORTED / UNSUPPORTED FOUNDATION WALLS AT TOP - SEE TABLE 9.15.4.2.A. FOR MAX. HT. PERMITTED

NOTE: NEW CONCRETE FOOTINGS AND FOUNDATION WALL SOIL BEARING CAPACITY IS ASSUMED AT 75 Kpa OR GREATER.

No.	DATE	DESCRIPTION
1.	01.28.22	ISSUED FOR PERMIT
2.	06.13.22	ISSUED FOR PERMIT
3.		
4.		
5.		
6.		
7.		
8.		

UNIQUE DESIGNS INC.

FIRST FLOOR PLAN

STORAGE BUILDING

M. DELSORDO RESIDENCE

91 CENTENNIAL PKWY S. HAMILTON, ONT.

Drawn By	Scale
Date:	1/4"=1'-0"
Job Number	A3
011022	

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.5.1 of the Building Code

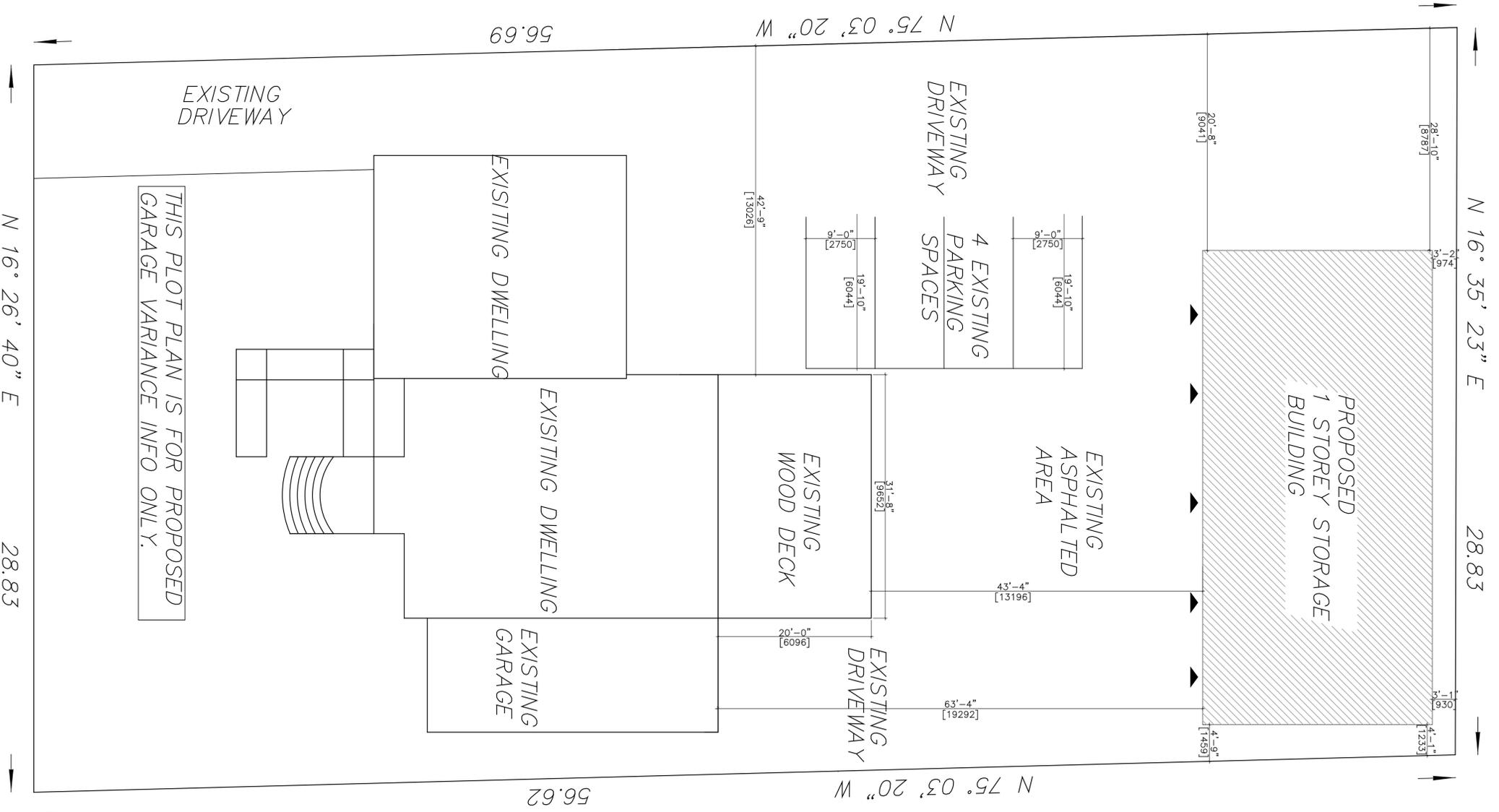
MAURO FORTUNATO
 Name Signature 15084 BGN

REGISTRATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code

UNIQUE DESIGNS INC. 31090 BGN

DO NOT SCALE DRAWINGS

DO NOT SCALE DRAWINGS

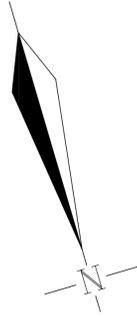


THIS PLOT PLAN IS FOR PROPOSED GARAGE VARIANCE INFO ONLY.

PLOT PLAN CENTENNIAL PARKWAY N.

SITE STATISTICS

EXISTING LOT AREA: 17571.54 SQ FT
EXISTING BLDGS: 2843.98 SQ FT
MAX PERMITTED BLDG HT: 4.5M = 14'-8"
ACCESSORY BLDG: MAX PERMITTED 10% LOT AREA = 1757.15 SQ FT
PROPOSED ACCESSORY BLDG: 1850 SQ FT
VARIANCE REQUIRED
***LOT AREA (MAX BLDG 1757.15 SQ FT)



NOTE: PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

NOTE: PROPOSED RAIN WATER LEADERS TO DISCHARGE ANY RAIN WATER ON PROPERTY OR ADJACENT PROPERTIES OR WALKWAYS OR DRIVEWAYS.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 The Building Code is exempt under Div.C, Article 3.2.5.1 of the Building Code

Name: MAURO FORNATO
 Signature: *[Signature]*
 15084 B.C.N.

REGISTRATION INFORMATION
 Required unless design is exempt under Div.C, Article 3.2.4.1 of the Building Code

UNIQUE DESIGNS INC
 31090 B.C.N.

Job Number: 06.13.22
 Date: 06.13.22
 Drawn By: Scale: 1/8" = 1'-0"

M. DELSORDO RESIDENCE
 91 CENTENNIAL PKWY S.
 HAMILTON, ONT.

UNIQUE DESIGNS INC.
 STORAGE BUILDING
 PLOT PLAN

No.	DATE	DESCRIPTION
1.	01.31.22	ISSUED FOR PERMIT
2.	03.04.22	RE-ISSUED FOR PERMIT
3.		
4.		
5.		
6.		
7.		
8.		

THESE DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND COST BEFORE ANY CONSTRUCTION TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

THE USE OF THIS DRAWING OR PART THEREOF WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER.



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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
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:
 TD Canada Trust, \$300,000 line of credit

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:
variance for height to build a 4 car garage with a motor home garage.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

*Height restrictions to 15'
and 1 require 17'*

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**):
91 Centennial Parkway South, Stoney Creek, On. L8G 2C7

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other *existing triplex adding garage*

to vacant land at the rear of the property

8.1 If Industrial or Commercial, specify use *N/A*

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 8.1 to 8.10 above?
 spoke with city hall back in 2011 and 2012 when i purchased the property

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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 15, 2022
 Date

[Signature]
 Signature, Property Owner(s)

Marina DeSordo
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 95'
 Depth 189'
 Area under 1/2 acre
 Width of street 40'

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: vacant land see sketch attached for proposed garage/storage shed.

Proposed

4 car garage - 30' deep and 69' wide - vaulted ceiling, 1 story 18' high, attached motor home garage is 20' wide and 40' deep - 1 story 24' high - flat ceiling

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

Existing: vacant land see sketch attached.

Proposed:

3' on both sides and rear of new garage

13. Date of acquisition of subject lands:
August 27, 2011
14. Date of construction of all buildings and structures on subject lands:
original house built in 1945, in 1975 Ted Pauls purchased the lands and converted
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
triplex
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
retirement home on the southside, St David's school in the rear and residential ar
17. Length of time the existing uses of the subject property have continued:
converted to triplex in 1975
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:
 City of Stoney Creek
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 height restrictions
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
 If yes, please provide the file number:
 Application No SC/A-11:286
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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

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-22:219	SUBJECT PROPERTY:	83 JULIAN AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential – Single Family Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner – Ralph Bakker

The following variances are requested:

1. The porch shall be permitted to project into the entirety of the front yard and provide a minimum setback of 0.0 metres from the front lot line instead of the maximum 3.0 metre projection permitted and minimum 1.5 metre setback required from the front lot line.

PURPOSE & EFFECT: So as to permit the location of the roofed over unenclosed front porch and provide a 0.0 m setback from the front lot line instead of the minimum required 3.0 m and 1.5 m from the street line:

Notes:

- i. The variance request does not specify exact setbacks of the proposed porch and staircase to the property line. As such, the variance provided is based on a review of all materials provided.
- ii. The provided sketch of the front porch and staircase does not match the survey as submitted with the Minor Variance application. Setbacks have been determined from a combination of measurements taken from both the submitted Sketch and Property Survey.
- iii. Insufficient information has been provided to determine Front Yard Landscaping. Should the porch and staircase exceed the required minimum Front Yard Landscaping of 50%, additional variances may be required.

HM/A-22:219

iv. The materials submitted do not clearly indicate eaves projections from the front porch. Should any eaves project farther than the footprint of the porch as indicated in the drawing, additional variances may be required.

v. An encroachment agreement with the Roads Department may be required for any portion of the porch, including eaves and gutters, which may encroach beyond the property line.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:219



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

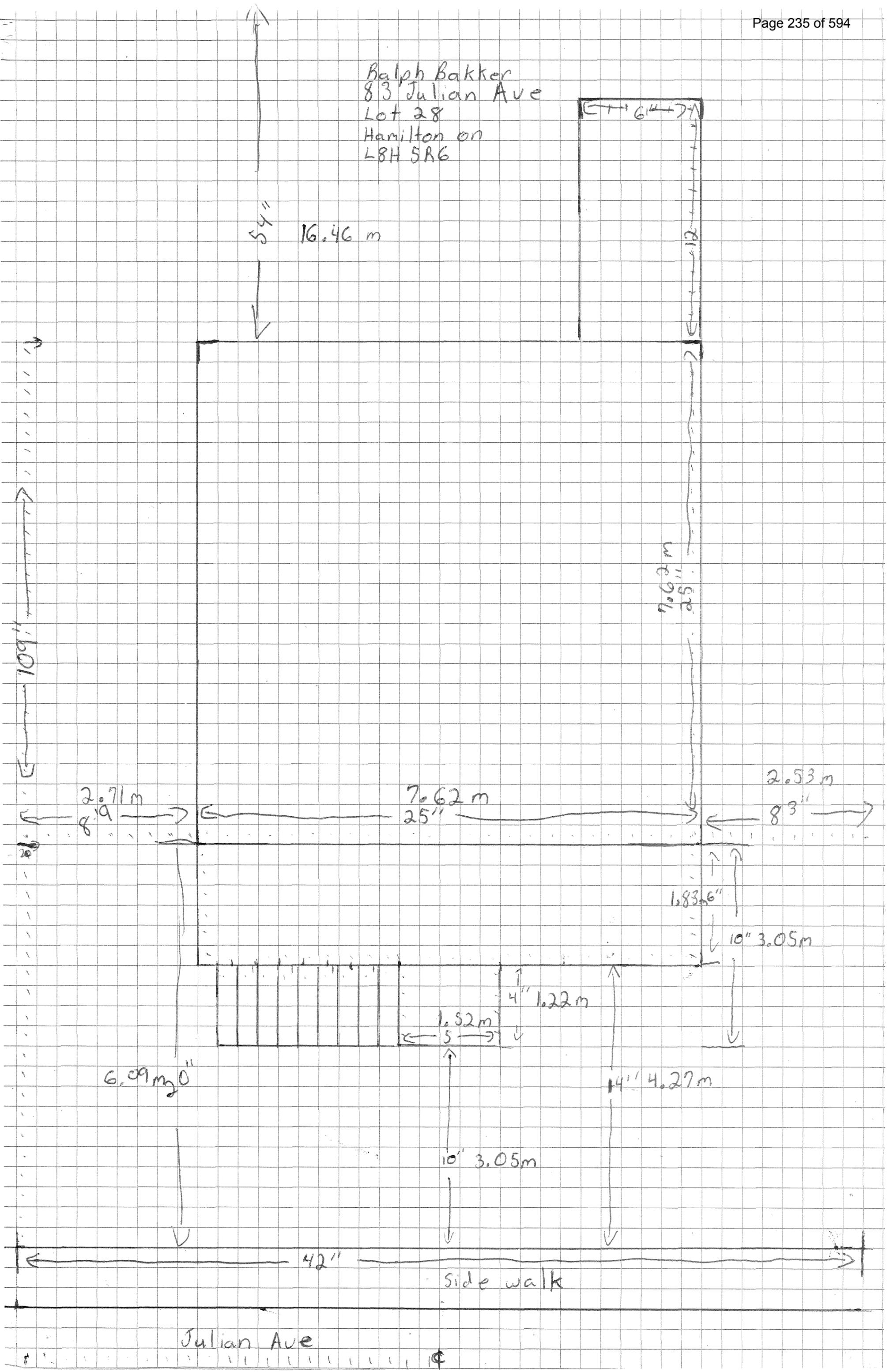
2. In person Oral Submissions

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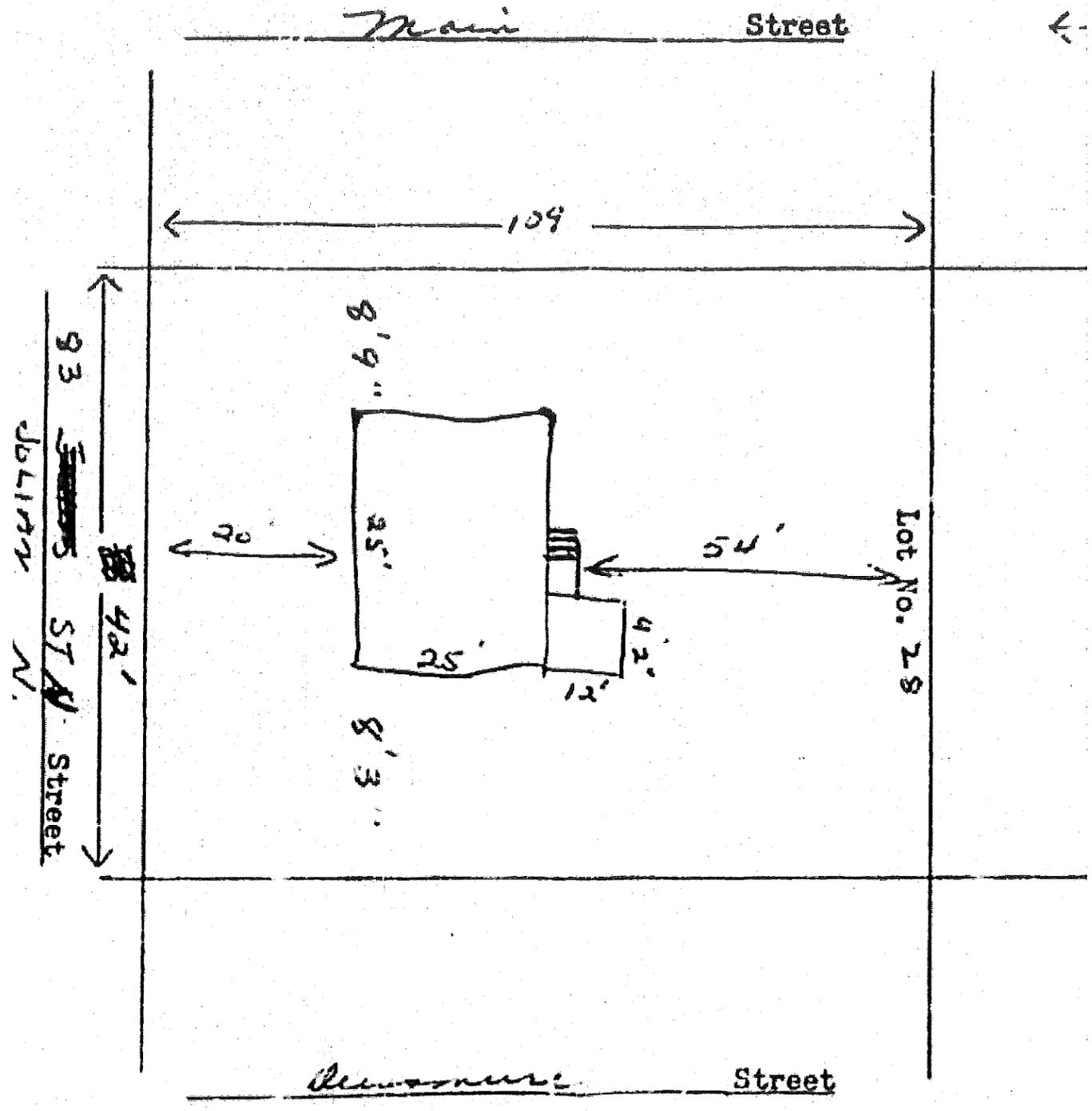
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

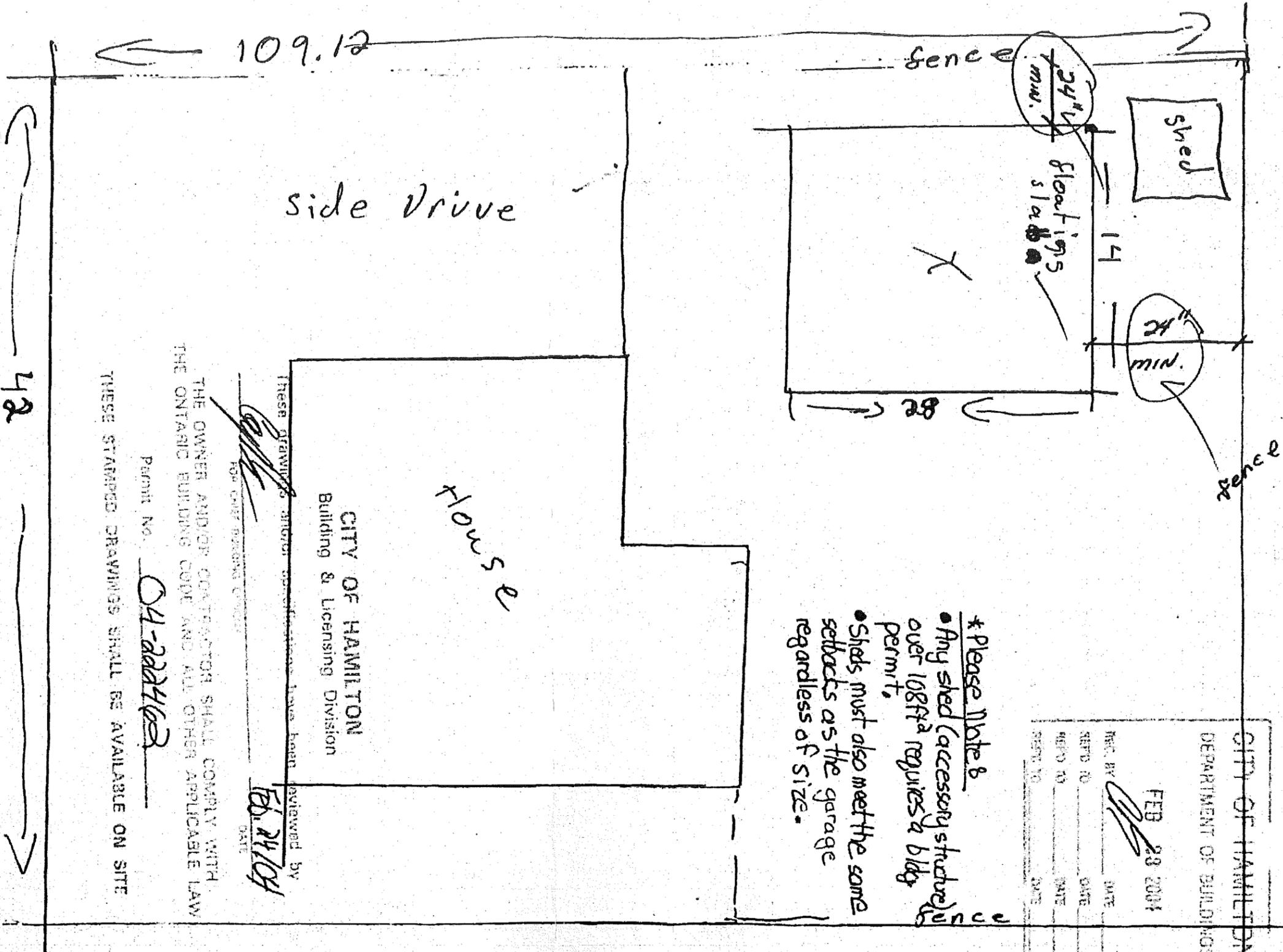
Ralph Bakker
83 Julian Ave
Lot 28
Hamilton on
L8H 5R6



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.



83 Julian Ave Ham Ont



CITY OF HAMILTON
DEPARTMENT OF BUILDINGS

REC. BY: [Signature]
DATE: FEB 23 2004

SECTD. NO.	DATE
REFD. TO	DATE
REFD. TO	DATE

- *Please Note:
- Any shed (accessory structure) over 108ft² requires a bldg permit.
 - Sheds must also meet the same setbacks as the garage regardless of size.

CITY OF HAMILTON
Building & Licensing Division

These drawings and/or specifications have been reviewed by
[Signature]
FOR OUR RECORD ONLY
DATE: FEB. 24/04

THE OWNER AND/OR CONTRACTOR SHALL COMPLY WITH THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE LAW

Permit No. 04-222402
THESE STAMPED DRAWINGS SHALL BE AVAILABLE ON SITE

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.



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	MAILING ADDRESS	
Registered Owners(s)	Ralph Bakker	[REDACTED]	
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:

First Ontario Credit Union LTD
 970 South Service RD STE 301
 Stoney Creek ON L8E 6A2

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:

Staircase may be too close to city line

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

The staircase was too steep for my wife which has a disability with her knee making it hard to do stairs, and to add a ramp to help her

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**):

83 Julian Ave Plan No. 534
Lot No. 28

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 8.1 to 8.10 above?

The house has been standing since the 1950

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

2022/05/03
 Date

Ralph Bakker
 Signature Property Owner(s)

Ralph Bakker
 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	42'	12.8016 m
Depth	109'	33.2232 m
Area	4578'	425.3101 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: _

House area 692'sqft	210.922 m	1 story
width 25' 7.62 m	width 5.6'	1.71 m
length 25' 7.62 m	length 12'	3.66 m

Proposed

porch 25x6	length 25'	7.62 m
stairs 4x5	width 6'	1.82 m
	length 4'	1.22 m
	width 5'	1.52 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:

lot 109' x 42'	Back 54'	16.46 m
33.22 m x 12.80	front 20'	6.10 m
	side L 8.9'	2.71 m
	side R 8.3'	2.53 m

Proposed:

Back 54'	16.46 m	Side L 8.9"	2.71 m
front 10'	3.05 m x	Side R 8.3"	2.53 m

13. Date of acquisition of subject lands:
1999
14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
1950
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family
17. Length of time the existing uses of the subject property have continued:
1950
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:
C
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
 If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:63	SUBJECT PROPERTY:	243 GLENNIE AVENUE, HAMILTON
-------------------------	-------------------	--------------------------	---------------------------------

APPLICANTS: Agent R. & R. Designs - N. Viridi
Owner Dao Nguyen

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes. The existing dwelling on the property will be demolished.

	Frontage	Depth	Area
SEVERED LANDS:	5.59 m [±]	32.31 m [±]	180.607 m ^{2±}
RETAINED LANDS:	5.59 m [±]	32.31 m [±]	180.607 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-22:63

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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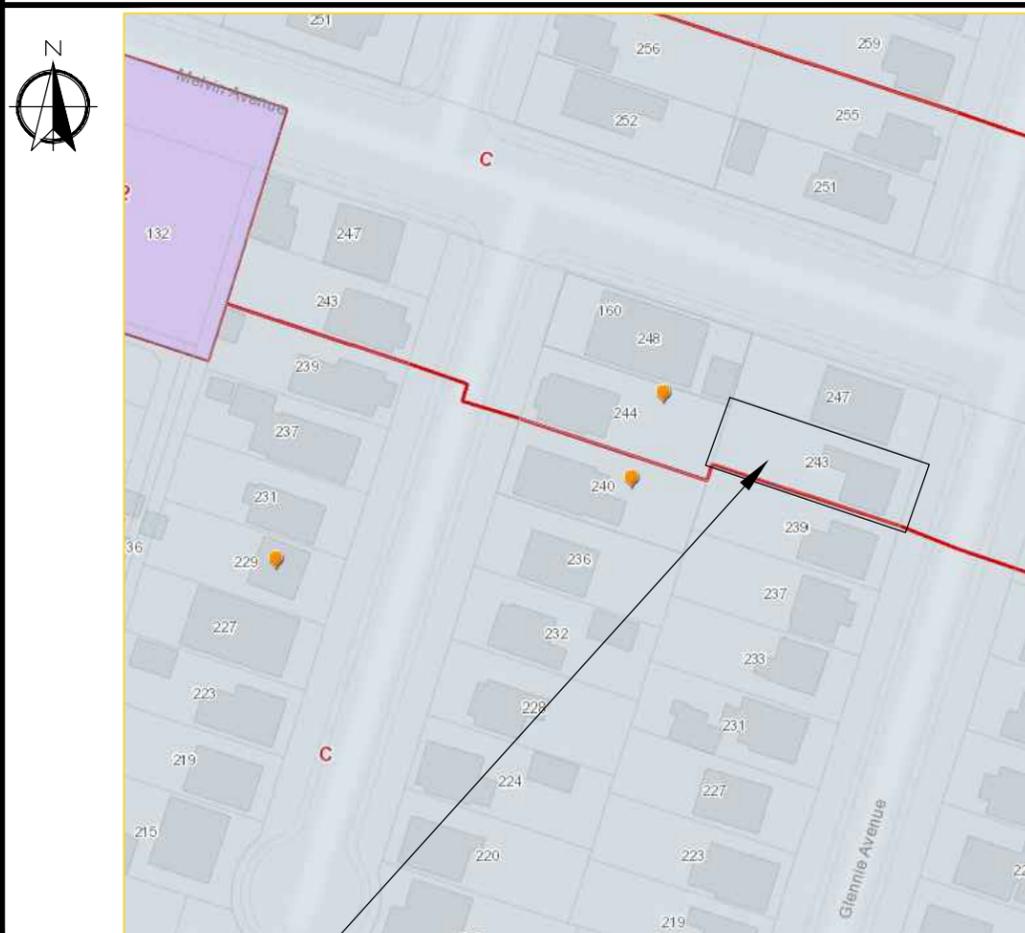
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SEVERANCE 243 GLENNIE AVENUE, HAMILTON, ON L8H 5W3



EXISTING FRONT STREET VIEW



AREA OF WORK

KEY MAP



ARCHITECTURAL

CONSULTANTS

SCOPE OF WORK:
1. LOT SEVERANCE.

SCOPE OF WORK

TITLE/SITE	REVISIONS
ARCHITECTURAL	
A0.01 COVER PAGE	
SP1.01 EXISTING SITE PLAN	
SP1.02 PROPOSED SITEPLAN	

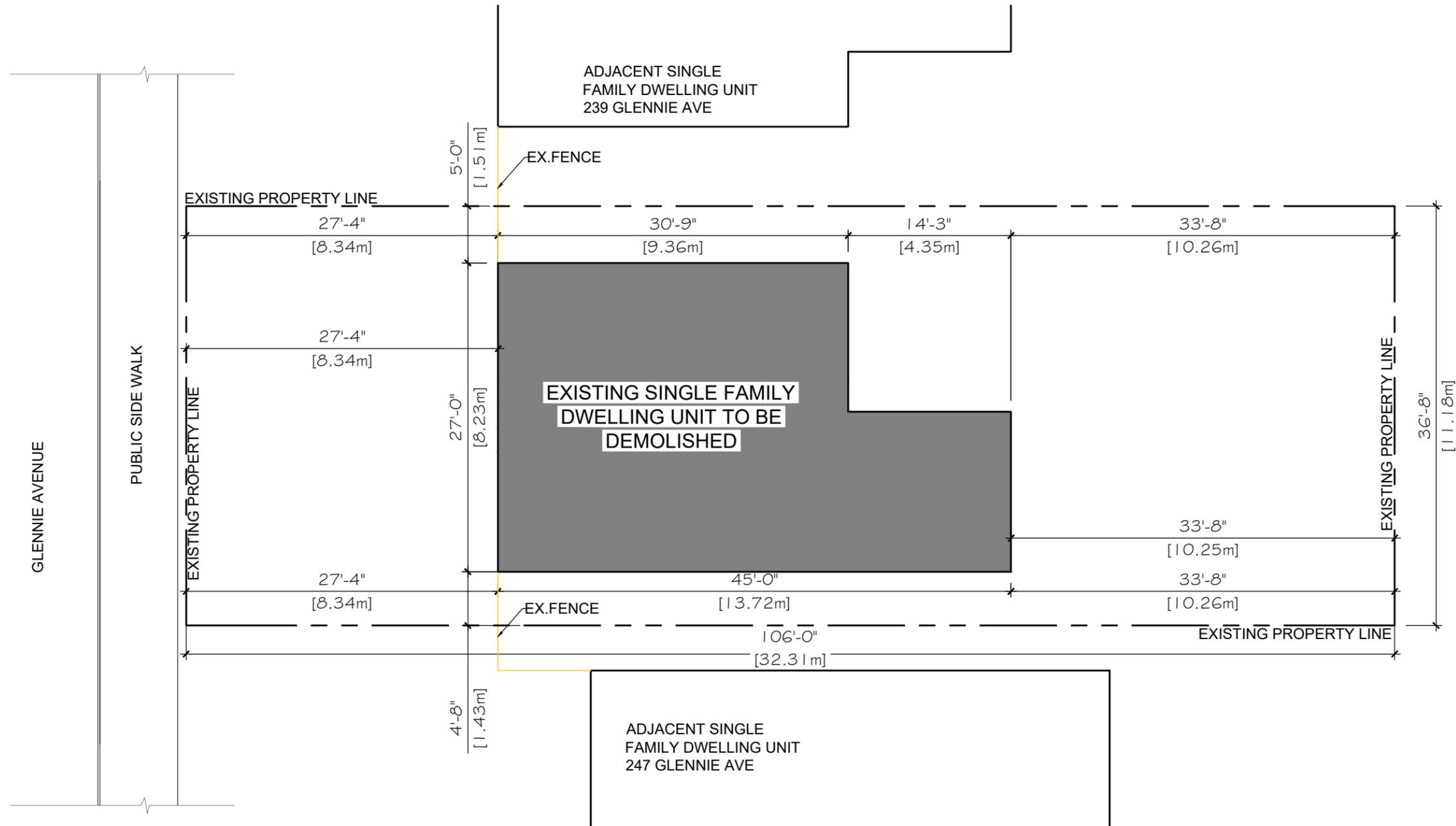
SHEET INDEX



R&R Designs Inc.
92 Stapleton Ave, Hamilton, ON, L8H 3N6
(905) 547 8668
Richie Khanna | richie@r-designs.net
www.r-rdesigns.net

NO.	DATE	DESCRIPTION	BY
1	2022-05-18	ISSUE FOR SEVERANCE	O.H

PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3	
SCALE	AS NOTED	
DATE	2022-04-07	
PAGE TITLE	COVER PAGE	
PROJECT NO. RR16	DRAWING NO. A0.01	
DRAWN BY OH		
REVIEWED BY RK		



1 EXISTING SITE PLAN
Scale: 3/32"=1'-0"

SITE STATISTICS	
SITE AREA	0.09 Acre (364.2 Sq.m) (EXISTING)
FRONTAGE	36'-8" (11.18 m) (EXISTING)
DEPTH	106'-0" (32.31 m) (EXISTING)
ZONING CODE	C, URBAN PROTECTED RESIDENTIAL ETC.
WARD	4.0
PARENT BY-LAW	6593 FORMER HAMILTON

EXISTING BUILDING STATISTICS	
FRONT SETBACK	± 27'-4" (8.34 m)
REAR SETBACK	± 33'-8" (10.25 m)
NORTH SIDE SETBACK	± 4'-9" (1.45 m)
SOUTH SIDE SETBACK	± 4'-11" (1.51 m)
WIDTH	± 27'-0" (8.23 m)
DEPTH	± 45'-0" (13.72 m)
# OF STOREY	1.0

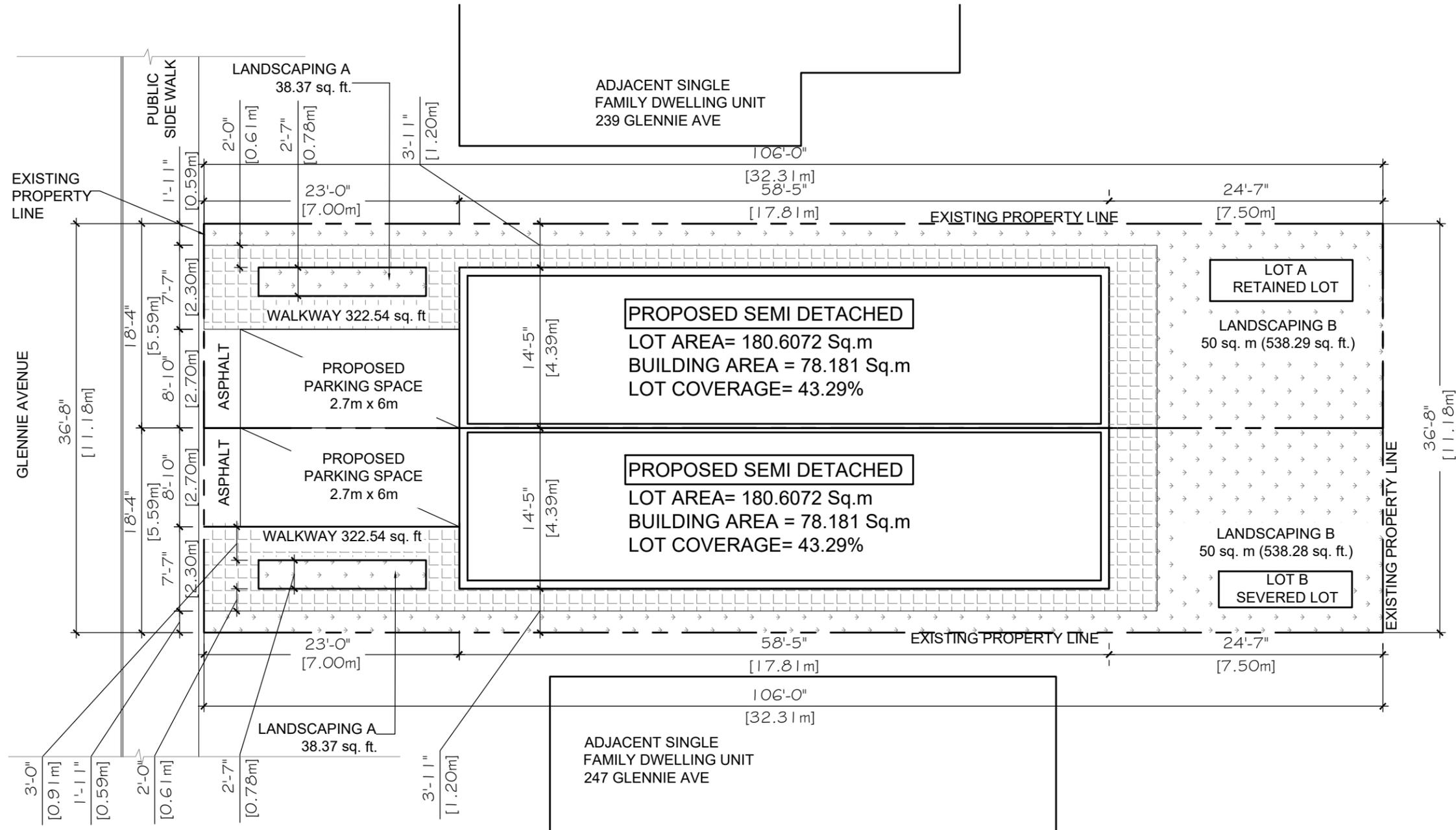
Another project by



R&R Designs Inc.
92 Stapleton Ave, Hamilton, ON, L8H 3N6
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Richie Khanna | richie@r-rdesigns.net
www.r-rdesigns.net

NO.	DATE	DESCRIPTION	BY
1	2022-05-18	ISSUE FOR SEVERANCE	O.H

REVISIONS	
PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3
SCALE	AS NOTED
DATE	2022-04-07
PAGE TITLE	EXISTING SITE PLAN
PROJECT NO. RR16	DRAWING NO. SP1.01
DRAWN BY OH	
REVIEWED BY RK	



2 PROPOSED SITE PLAN
Scale: 3/32"=1'-0"

	LOT A (Retained)	LOT B (Severed)
WARD	HAMILTON 4	HAMILTON 4
ZONING CODE	C, URBAN PROTECTED RESIDENTIAL ETC.	C, URBAN PROTECTED RESIDENTIAL ETC.
PARENT BY-LAW	6593 FORMER HAMILTON	6593 FORMER HAMILTON
BY-LAW #	84-46	84-46
EXCEPTION 1 BY-LAW	88-86	88-86
LOT AREA	180.6072 sq. m (1944.0400 sq. ft.)	180.6072 sq. m (1944.0400 sq. ft.)
FRONTAGE	5.59 m (18'-4")	5.59 m (18'-4")
DEPTH	32.31 m (106'-0")	32.31 m (106'-0")
PROPOSED # OF STORIES	2	2

	LOT A (Retained)		LOT B (Severed)	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT SETBACK	6 m	7.0 m	6 m	7.0 m
REAR SETBACK	7.5 m	7.5 m	7.5 m	7.5 m
NORTH SIDE SETBACK	0.0 m	0.0 m	1.2 m	1.2 m
SOUTH SIDE SETBACK	1.2 m	1.2 m	0.0 m	0.0 m

PROPOSED AREA CALCULATIONS PER LOT		
	AREA IN SQ. FT.	PERCENTAGE
PROPERTY AREA	1944.0400	100
BUILDING AREA	841.5350	43.2900
WALK WAY AREA	322.5400	16.5900
ASPHALT PARKING	203.3056	10.4600
LANDSCAPING	A	38.37
	B	538.28
TOTAL	576.66	29.6600

Another project by



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Richie Khanna | richie@r-designs.net
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NO.	DATE	DESCRIPTION	BY
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REVISIONS

PROJECT ADDRESS	243 GLENNIE AVENUE HAMILTON, ON L8H 5W3
SCALE	AS NOTED
DATE	2022-04-07
PAGE TITLE	PROPOSED SITE PLAN
PROJECT NO. RR16	DRAWING NO. SP1.02
DRAWN BY OH	 N
REVIEWED BY RK	



Hamilton

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)			
Applicant(s)**			
Agent or Solicitor			Phone:
			E-mail:

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

**** Owner's authorisation required if the applicant is not the owner or purchaser.**

1.3 All correspondence should be sent to Purchaser Applicant Owner Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality HAMILTON ZONE C	Lot 20	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 243 GLENNIE AVENUE, HAMILTON, L8H 5W3			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):

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m) 5.59	Depth (m) 32.31m	Area (m ² or ha) 180.6072 Sq.m
----------------------	---------------------	--

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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: 1 STOREY DETACHED SINGLE FAMILY HOUSE

Proposed: LOT B, 2 STOREYS SEMI
DETACHED

Existing structures to be removed: YES , EXISTING HOUSE WILL BE DEMOLISHED

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)

- 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 (remainder)**:

Frontage (m) 5.59	Depth (m) 32.31	Area (m ² or ha) 180.6072 Sq.m
----------------------	--------------------	--

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. **(O. Reg. 786/21)**

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: 1 STOREY DETACHED SINGLE FAMILY HOUSE

Proposed: LOT A, 2 STOREYS SEMI DETACHED

Existing structures to be removed: YES, EXISTING HOUSE WILL BE DEMOLISHED

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): _____

Urban Hamilton Official Plan designation (if applicable): _____

Please provide an explanation of how the application conforms with a City of Hamilton Official 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? ZONE C

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"/>	N.A
A land fill	<input type="checkbox"/>	N.A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N.A
A provincially significant wetland	<input type="checkbox"/>	N.A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N.A
A flood plain	<input type="checkbox"/>	N.A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N.A
An active railway line	<input type="checkbox"/>	N.A
A municipal or federal airport	<input type="checkbox"/>	N.A

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 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?

CLIENT CONSULTATION
- 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
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- 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
- 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)
- 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)
- 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)

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.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

NOT APPLICABLE

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.

8.4 How long has the applicant owned the subject land?

2017 - 5 years

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.

472 Dundurn St South
 41 Nightingale St

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.

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 _____ Status _____

10 RURAL APPLICATIONS N/A

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.

Not applicable

12 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.

2022-04-13

Date



Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:65	SUBJECT PROPERTY:	169 MACAULAY STREET E, HAMILTON
-------------------------	-------------------	--------------------------	------------------------------------

APPLICANTS: Agent R. & R. Designs – N. Viridi
Owner N. Star Investments Inc.

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes. The existing dwelling will be demolished.

	Frontage	Depth	Area
SEVERED LANDS:	7.20 m [±]	45.40 m [±]	327.074 m ^{2±}
RETAINED LANDS:	7.20 m [±]	45.41 m [±]	327.111 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-22:65

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

HM/B-22:65

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

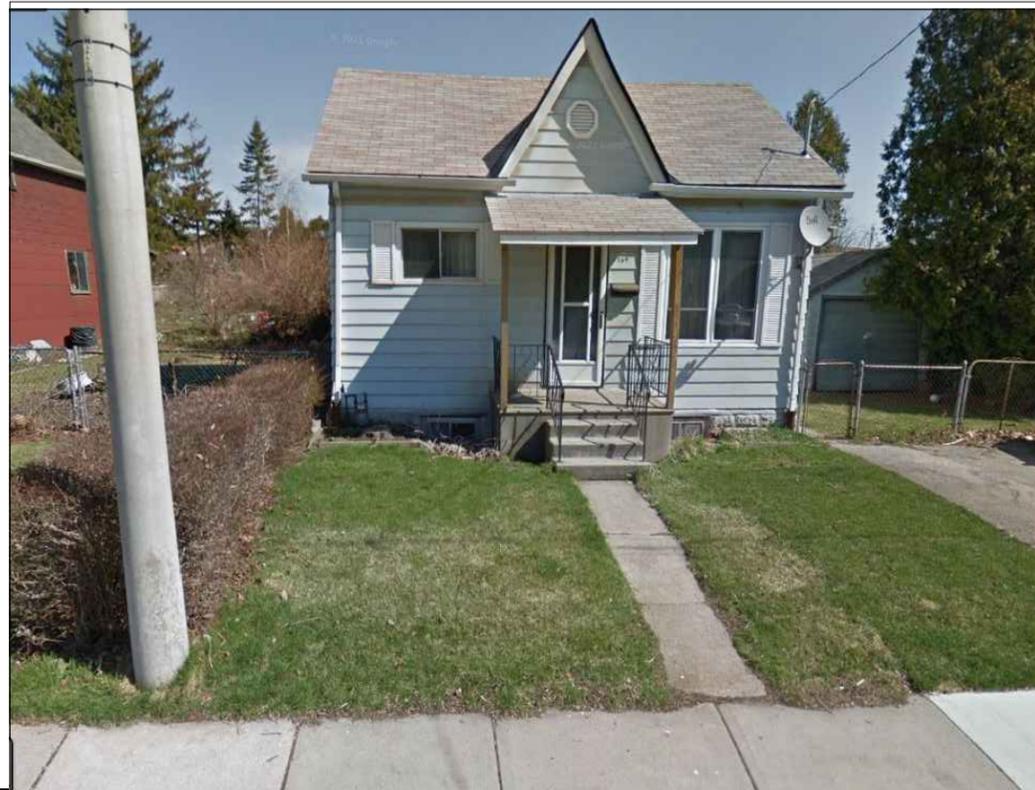
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

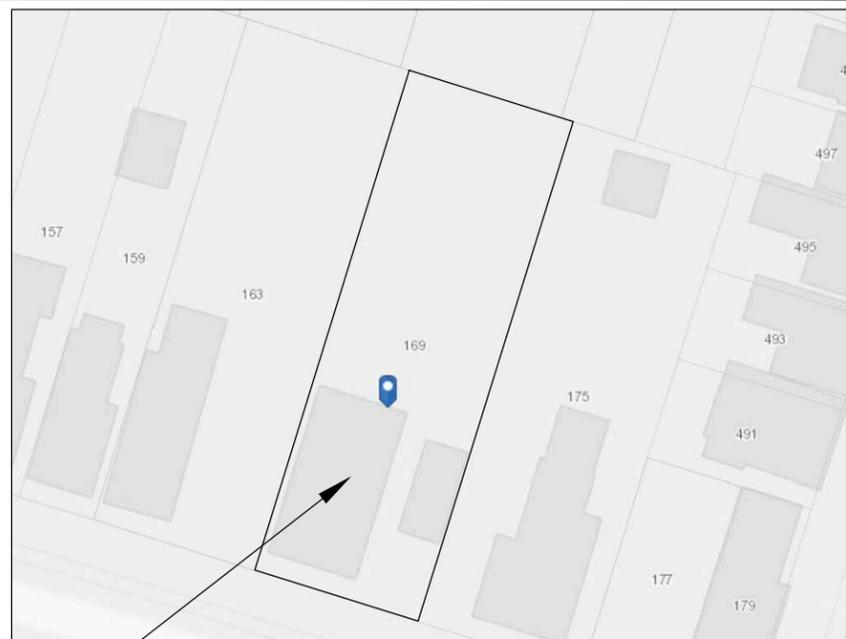
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

**LOT SEVERANCE
 169 MACAULAY ST E,
 HAMILTON, ON L8L 3X5.**



EXISTING BUILDING IMAGE



AREA OF WORK

KEY MAP

SCOPE OF WORK:
 1. LOT SEVERANCE

SCOPE OF WORK

TITLE/SITE	REVISIONS				
ARCHITECTURAL					
A0.01 COVER PAGE					
A0.02 GENERAL NOTES					
SP.01 EXISTING SITE PLAN					
SP.02 PROPOSED SITE PLAN					

SHEET INDEX

- CONTRACTOR SHALL CHECK DIMENSIONS AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- DO NOT SCALE DRAWINGS.
- THE DESIGN AND DRAWINGS WERE DEVELOPED FOR A SPECIFIC PURPOSE AND MAY NOT BE ALTERED, ISSUED, OR REPRODUCED FOR ANY OTHER PURPOSE.

ARCHITECT
ENGINEER

R&R DESIGNS INC.



92 STAPLETON AVE
 HAMILTON, ON L8H 3N6
 Tel: 905.547-8668
 RICHIE@R-RDESIGNS.NET
 WWW.R-RDESIGNS.NET

REVISIONS

NO.	DESCRIPTION	DATE
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PROJECT #. RR27

DRAWN BY: **A.D**
 REVIEWED BY: **R.K**
 DATE: **2022-06-07**

PROJECT NAME

ADDRESS:
 169 MACAULAY ST E,
 HAMILTON, ON L8L 3X5.

SHEET NAME

COVER PAGE



SHEET NO.

A0.01

GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DESIGN DRAWINGS AS THEY APPLY FOR EACH TRADE AS APPLICABLE TO THE PROJECT.
2. INSPECT INTERIOR AND EXTERIOR WALLS. REPLACE ANY DAMAGED SUBSTRATE WALLS ETC. INSPECT WINDOWS & WALLS BELOW WINDOWS FOR EVIDENCE OF MOISTURE DAMAGE & IMPROPERLY INSTALLED FLASHING. VERIFY WITH OWNER.
3. ALL BEAMS WITH POINT LOADS TO BE SIZED BY PROFESSIONAL ENGINEER.
4. PROVIDE ENGINEERED LINTELS FOR ALL OPENINGS SUPPORTING TRUSSES SPANNING MORE THAN 4 FEET.
5. ALL LEVEL BEAMS @ HEADERS TO BE PRE-ENGINEERED BY LVL SUPPLIER.
6. ANY PORTION OF CONCRETE WALL THAT IS Laterally UNSUPPORTED FOR 48" OR MORE IN LENGTH, MUST BE ENGINEERED.
7. ENERGY REQUIREMENTS AS PER SB-12 OF THE O.B.C.
8. MILLWORK SUB-CONTRACTOR OR GENERAL CONTRACTOR SHALL VERIFY ON SITE ALL DIMENSIONS THAT ARE NECESSARY FOR THE CONSTRUCTION & INSTALLATION OF FURNITURE, MILLWORK AND EQUIPMENT.
9. ALL SUB FLOORS SCREWED & GLUED TO FLOOR JOISTS.
10. ALL PERIMETER WALLS TO BE STRIPED FROM THE INSIDE, CLEANED, ALL MOLD TO BE REMOVED AND DAMAGED AREAS TO BE REPAIRED AND PREPARED TO RECEIVE NEW FINISH. (UNLESS NOTED OTHERWISE).
11. ALL SWITCHES AND OUTLETS TO BE INSTALLED AS

PER PART 9.34.2 OF THE O.B.C.

12. PLUMBING NOTE: PRESSURE BALANCED OR THERMOSTATICALLY CONTROLLED MIXING VALVES FOR SHOWER UNITS. PRESSURE BALANCED OR THERMOSTATICALLY CONTROLLED MIXING VALVES FOR ALL FAUCETS OR WATER HEATER SOURCE.
13. CONTRACTOR TO VERIFY ALL EXISTING GRADES AND ALL FINISHED GRADES ON SITE.
14. ALL DIMENSIONS ARE TO INTERIOR WALL FACE. ONLY NEW INTERIOR PARTITION DIMENSIONS SHOWN ON PROPOSED DRAWING. EXTERIOR WALL AND EXISTING INTERIOR WALL DIMENSIONS SHALL BE VERIFIED ON SITE.
15. FOR INTERIOR FINISHES, VERIFY WITH OWNER.
16. IF THERE IS NO SPECIFIED, EXISTING ITEMS TO REMAIN, REPAIR IF IT IS REQUIRED.

FIRE PROTECTION:

1. INTERCONNECTED CARBON MONOXIDE DETECTOR SHALL BE INSTALLED IN THE BASEMENT IN A RETURN DUCT THAT WILL SHUT OFF THE FURNACE FAN IN THE EVENT OF A FIRE. CARBON MONOXIDE DETECTORS REQUIRED FOR ALL FUEL APPLIANCES (O.B.C. 9.33.4.2).
2. INSTALL SMOKE ALARMS IN EACH SLEEPING ROOM ON EVERY FLOOR AS PER 9.10.19.3.(1) (B).
3. SMOKE ALARMS SHALL BE WIRED SO THAT WHEN THE ALARM SOUNDS, ALL ALARMS SOUND. SMOKE ALARMS SHOULD CONFORM TO SECTION 9.10.19.6. (SILENCING).
4. ALL SMOKE ALARMS TO BE INTERCONNECTED AS PER 9.10.19.5. ALL SMOKE ALARMS TO HAVE VISUAL SIGNAL DEVICE IN ADDITION TO AN AUDIBLE SIGNAL DEVICE.

FIRE SEPARATION NOTES:

1. EXISTING FIRE SEPARATIONS TO BE MAINTAINED.
2. DAMAGED AREAS SHALL BE CORRECTED BY THE G.C. ANY PENETRATIONS SHALL BE SEALED TO ENSURE NO COMPROMISE OF FIRE RATINGS.
3. EVERY DOOR IN A FIRE SEPARATION SHALL HAVE A SELF-CLOSING DEVICE AS PER 9.10.12.10. (1).

WASHROOMS:

1. WATERPROOF WALLBOARD REQUIRED AS TILE BASE AROUND TUBS AND SHOWERS.
2. USE MOISTURE RESISTANT DRYWALL IN WET AREAS.

STAIRS:

1. ALL HANDRAILS AND GUARDS TO BE INSTALLED AS PER SB-1 OF THE O.B.C.

1. CONTRACTOR SHALL CHECK DIMENSIONS AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 2. DO NOT SCALE DRAWINGS.
 3. THE DESIGN AND DRAWINGS WERE DEVELOPED FOR A SPECIFIC PURPOSE AND MAY NOT BE ALTERED, ISSUED, OR REPRODUCED FOR ANY OTHER PURPOSE.

ARCHITECT
ENGINEER

R&R DESIGNS INC.



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 HAMILTON, ON L8H 3N6
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REVISIONS		
NO.	DESCRIPTION	DATE
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PROJECT #. RR27

DRAWN BY: A.D
 REVIEWED BY: R.K
 DATE: 2022-06-07

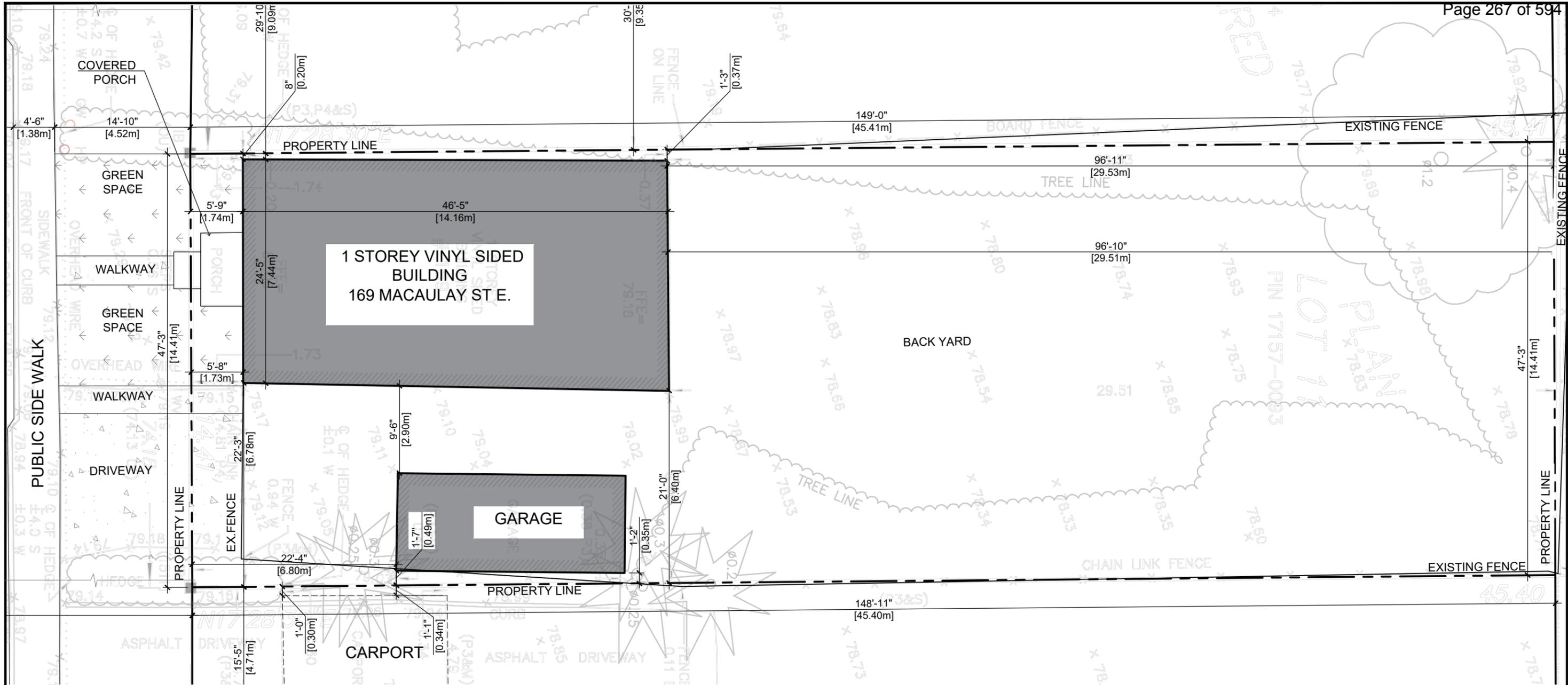
PROJECT NAME

ADDRESS:
 169 MACAULAY ST E,
 HAMILTON, ON L8L 3X5.

SHEET NAME

GENERAL NOTES

SHEET NO. **A0.02**



1 EXISTING SITE PLAN
Scale: 3/32"=1'-0"

SITE STATISTICS	
LOT AREA	0.17 Acre
FRONTAGE	47'-3" (14.41m)
DEPTH	149'-0" (45.41 m)
ZONE CODE	D
PARENT BY-LAW	6593 FORMER HAMILTON
ZONING DESCRIPTION	URBAN PROTECTED RESIDENTIAL - ONE & TWO FAMILY DWELLINGS.

EXISTING BUILDING STATISTICS	
FRONT SETBACK	± 5'-8" (1.73 m)
REAR SETBACK	± 96'-10" (29.51 m)
NORTH SIDE SETBACK	± 1'-3" (0.37 m)
SOUTH SIDE SETBACK	± 21'-0" (6.40 m)
WIDTH	± 24'-5" (7.44 m)
DEPTH	± 46'-5" (14.16 m)
# OF STOREY	1.0

- CONTRACTOR SHALL CHECK DIMENSIONS AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
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ARCHITECT
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R&R DESIGNS INC.

Another project by



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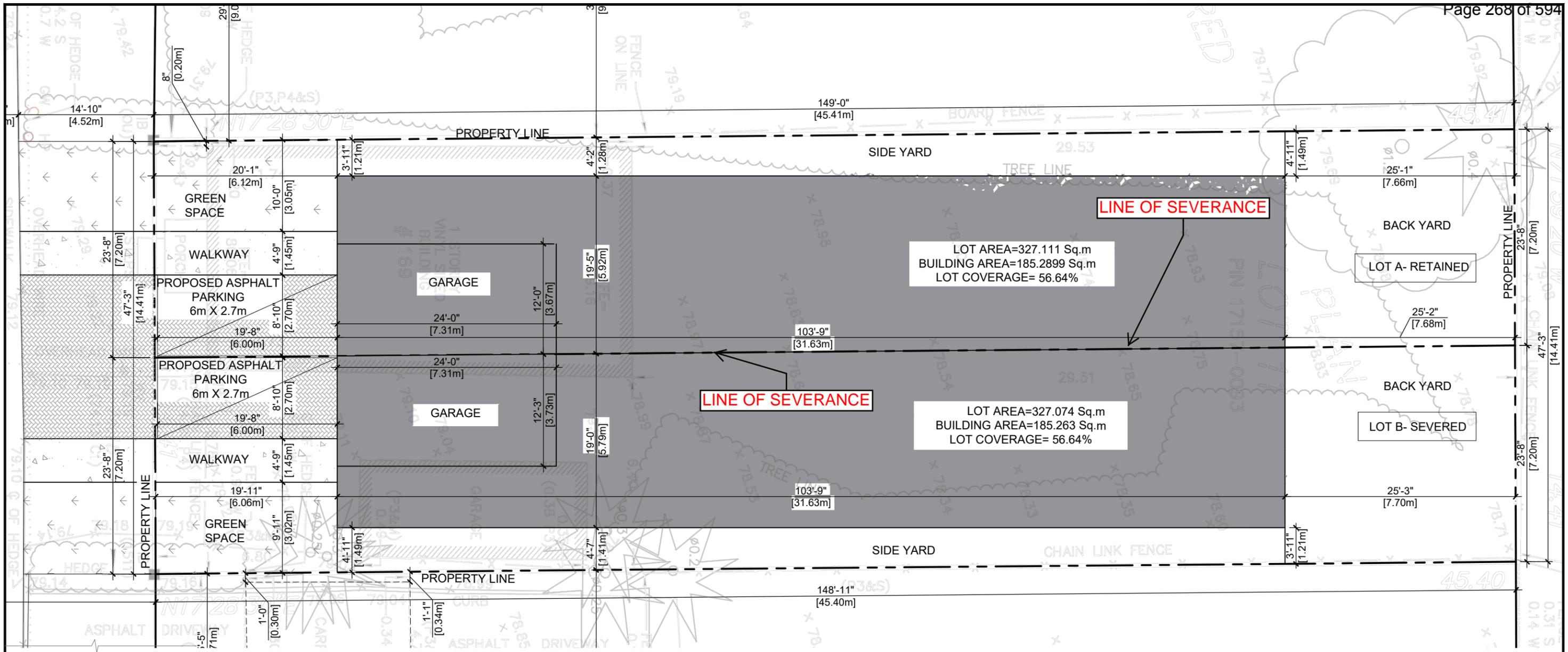
ADDRESS:
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SHEET NAME

EXISTING SITE PLAN



SHEET NO. **SP.01**



1 PROPOSED SITE PLAN
Scale: 3/32"=1'-0"

	LOT A (Retained)	LOT B (Severed)
ZONING CODE	D	D
LOT AREA	327.111 Sq.m (3520.9948 sq.ft)	327.074 Sq.m (3520.5936 sq.ft)
FRONTAGE	7.20 m (23'-8")	7.20 m (23'-8")
DEPTH	45.41 m (149'-0")	45.40 m (148'-11")
PROPOSED # OF STORIES	2	2

	LOT A (Retained)		LOT B (Severed)	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT SETBACK	6 m	6.12 m	6 m	6.06 m
REAR SETBACK	7.5 m	7.66 m	7.5 m	7.70 m
WEST SIDE SETBACK	1.2 m	1.49 m	0.0 m	0.0 m
EAST SIDE SETBACK	0.0 m	0.0 m	1.2 m	1.49 m

	SQ. M.	PERCENTAGE
FRONT YARD	44.0220	100.0000
GREEN SPACE	18.5155	42.0597
DRIVEWAY	16.6279	37.7718
WALKWAY	8.8783	20.1679
TOTAL		±100

	SQ. M.	PERCENTAGE
FRONT YARD	43.7970	100.0000
GREEN SPACE	18.3860	41.9800
DRIVEWAY	16.5893	37.8777
WALKWAY	8.8224	20.1439
TOTAL		±100

ONLY MINIMUM SETBACKS WILL BE RETAINED DURING FINAL PERMIT DRAWING SUBMISSION

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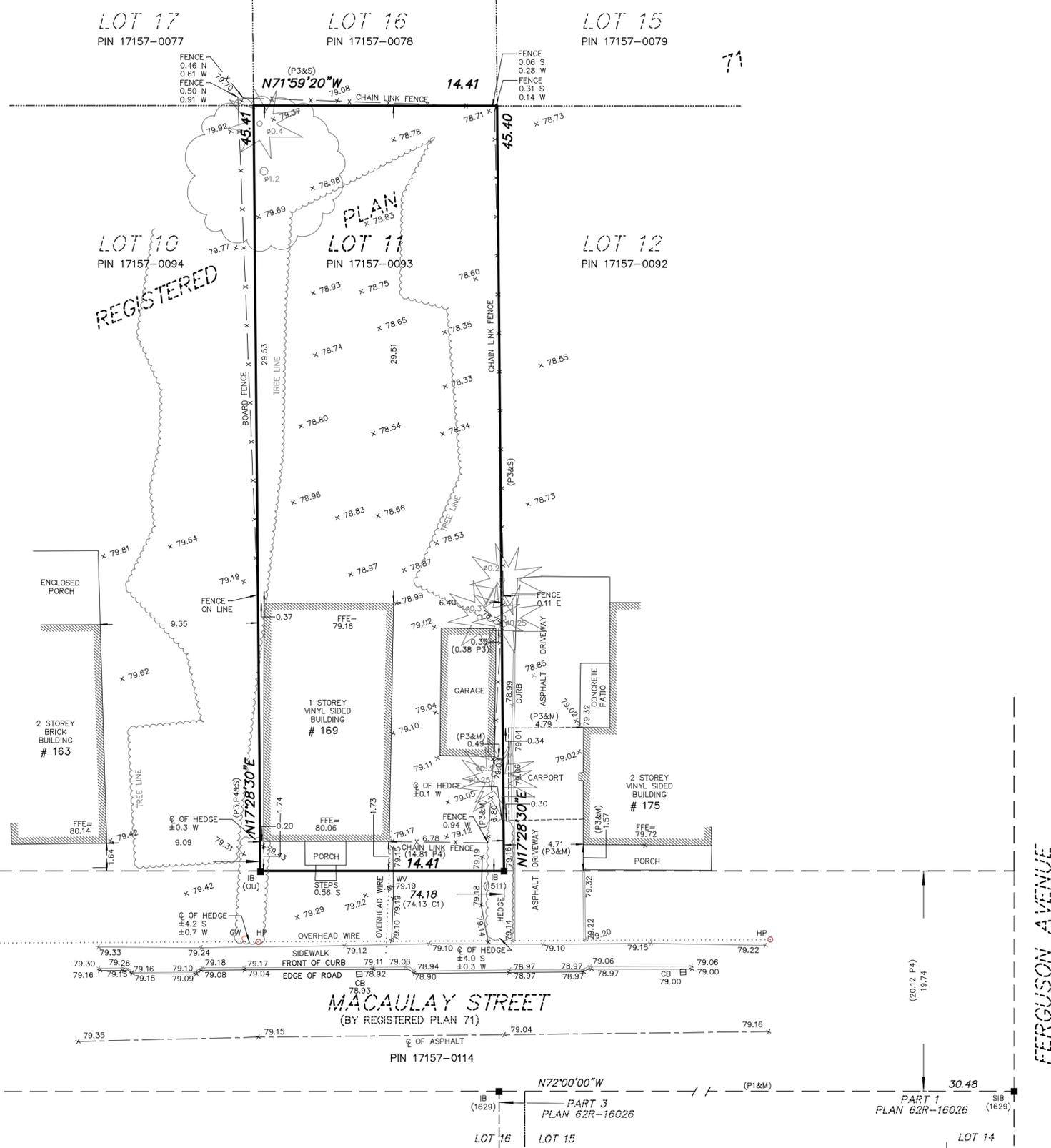
SHEET NAME

PROPOSED SITE PLAN

SHEET NO. **SP.02**



PLAN BEING PART 1
MUST BE READ IN CONJUNCTION WITH
SURVEY REPORT BEING PART 2



SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY WITH TOPOGRAPHIC FEATURES OF
LOT 11
REGISTERED PLAN 71
BEING IN THE
CITY OF HAMILTON

SCALE 1 : 200
0 5 10 20 metres

MackKAY, MacKAY & PETERS LIMITED – ONTARIO LAND SURVEYORS
© 2019

KNOWN AS MUNICIPAL No. 169 MACAULAY STREET EAST
REPORT SUMMARY BEING PART 2 (to be read in conjunction with Part 1)

LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING
BOUNDARIES, EASEMENTS AND RIGHT OF WAYS – DATE SEPTEMBER 9, 2019.
REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
NONE

ADDITIONAL REMARKS:
REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES AND UTILITIES.

Note :
MackKAY, MacKAY & PETERS LIMITED grants DISABATINO CONSTRUCTION MANAGEMENT INC. [“The Client(s)”] their solicitor
and other related parties permission to use “Original Copies” of the Surveyor’s Real Property Report in
transactions involving “The Client(s)”.

“METRIC” DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Benchmark Note:
CITY OF HAMILTON BENCHMARK No. 0011965U666 ELEVATION = 85.483 METRES
(CGVD 1928:1978 READJUSTMENT)

HAMILTON WENTWORTH CITY OF HAMILTON BENCHMARK, HOUSE No. 529 JAMES STREET NORTH,
AT NORTHWEST CORNER OF INTERSECTION OF MACAULEY STREET, PLATE IN SOUTH BRICK WALL,
1.82 METRES FROM SOUTHWEST CORNER.

- Legend :**
- DENOTES A SURVEY MONUMENT FOUND
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - ⊕ DENOTES CENTRE LINE
 - CB DENOTES CATCH BASIN
 - HP DENOTES HYDRO POLE
 - GW DENOTES GUY WIRE
 - ⊙ DENOTES ROUND
 - PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 - (OU) DENOTES ORIGIN UNKNOWN
 - P1 DENOTES PLAN UNKNOWN
 - P2 DENOTES PLAN 62R-20193
 - P3 DENOTES PLAN BY GUIDO CONSOLI SURVEYING
DATED FEBRUARY 23, 1988
 - P4 DENOTES REGISTERED PLAN 71
 - P5 DENOTES PLAN 62R-14573
 - C1 DENOTES CALCULATED FROM P3 AND P5

BUILDING TIES ARE TO FOUNDATIONS, UNLESS OTHERWISE NOTED.

Bearing Reference :
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF
MACAULAY STREET AS SHOWN ON PLAN 62R-20193,
HAVING A BEARING OF N72°00'00"W.

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 LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF OCTOBER 2019.

NOVEMBER 1, 2019
DATE
ROR C. MAYO
ONTARIO LAND SURVEYOR
FOR MACKAY, MACKAY & PETERS LIMITED

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2102774

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

CAD FILE: E:\62 Hamilton-Wentworth\Registered Plans\RP0071\LOT 11\19-236\19.236-dwg

MMP
MackKAY, MacKAY & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1906

3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
halton@mmplimited.com
mmpsurveyors.ca
mmplocators.ca

DRAWN BY:	A.S.
PARTY CHIEF:	H.T.
CHECKED BY:	<i>[Signature]</i>
PROJECT NO.:	19-236



Hamilton

Committee of AdjustmentCity Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	N. STAR INVESTMENTS INC.		
Applicant(s)**	NAV VIRDI R&R DESIGNS		E-mail:
Agent or Solicitor			Phone:
			E-mail:

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.3 All correspondence should be sent to Purchaser Applicant Owner Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality HAMILTON, ZONE D	Lot	Concession	Former Township
Registered Plan N°. 71	Lot(s) 11	Reference Plan N°.	Part(s)
Municipal Address 169 MACAULAY STREET E, HAMILTON, L8L 3X5			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):

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
7.20	45.40	327.074 Sq.m

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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: 1 STOREY, VINYL SIDED, DETACHED SINGLE FAMILY DWELLING (To be Demolished)

Proposed: LOT B, 2 STOREYS, SEMI DETACHED.

Existing structures to be removed: YES, EXISTING HOUSE WILL BE DEMOLISHED

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)

- 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 (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
7.20	45.41	327.111 Sq.m

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. **(O. Reg. 786/21)**

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: 1 STOREY, VINYL SIDED, DETACHED SINGLE FAMILY DWELLING. (To be Demolished)

Proposed: LOT A, 2 STOREYS, SEMI DETACHED.

Existing structures to be removed: YES, EXISTING HOUSE WILL BE DEMOLISHED

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): _____

Urban Hamilton Official Plan designation (if applicable): _____

Please provide an explanation of how the application conforms with a City of Hamilton Official 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? ZONE D

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"/>	N.A
A land fill	<input type="checkbox"/>	N.A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N.A
A provincially significant wetland	<input type="checkbox"/>	N.A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N.A
A flood plain	<input type="checkbox"/>	N.A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N.A
An active railway line	<input type="checkbox"/>	N.A
A municipal or federal airport	<input type="checkbox"/>	N.A

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

6.1 If Industrial or Commercial, specify use _____

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?

CLIENT CONSULTATION
- 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
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- 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
- 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)
- 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)
- 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)

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.

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

NOT APPLICABLE

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.

8.4 How long has the applicant owned the subject land?

less than 3 months

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.

Additional land owned by the applicant is located on 323 Locke street south.

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.

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 _____ Status _____

10 RURAL APPLICATIONS N/A

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> 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) N/A

- 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.

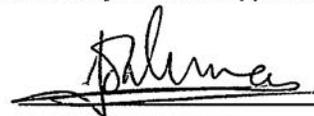
Single family dwelling located on 323 Locke st south

12 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.

June 8, 2022

 Date



Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:64	SUBJECT PROPERTY:	90 SHERMAN AVENUE N, HAMILTON
-------------------------	-------------------	--------------------------	----------------------------------

APPLICANTS: Agent T. Thabet
Owners M. & W. Curlew

PURPOSE & EFFECT: These properties were merged on title and the owner is seeking to sever the properties into separate parcels of land. Both homes will remain, and no changes are being proposed.

	Frontage	Depth	Area
SEVERED LANDS:	13.75 m [±]	6.55 m [±]	95.98 m ^{2±}
RETAINED LANDS:	19.85 m [±]	6.55 m [±]	130.15 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/B-22:64

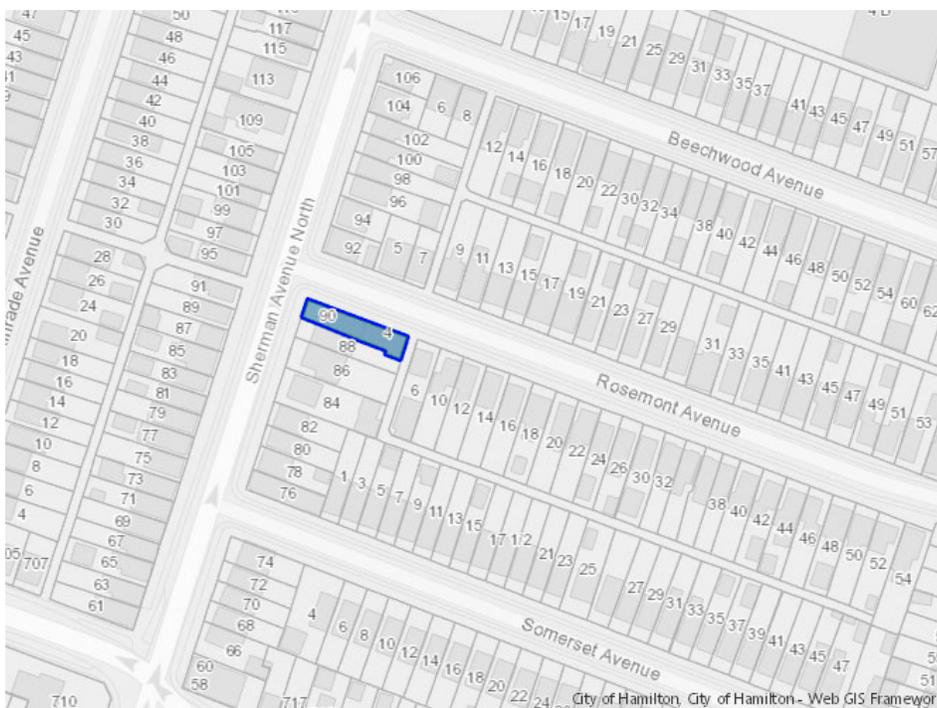
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.

HM/B-22:64

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

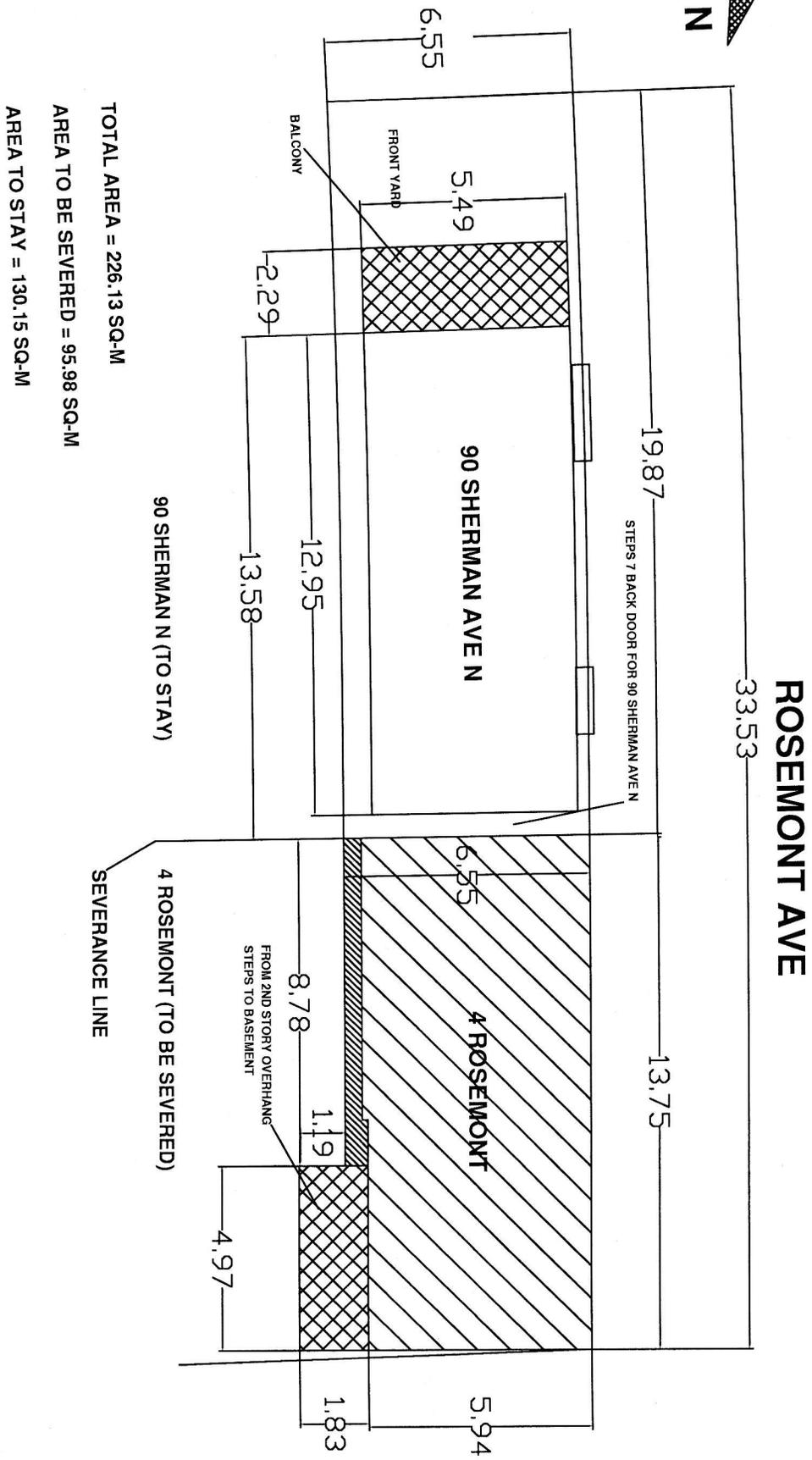
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SHERMAN AVE N



TOTAL AREA = 226.13 SQ-M

AREA TO BE SEVERED = 95.98 SQ-M

AREA TO STAY = 130.15 SQ-M

SKETCH FOR SEVERANCE APPLICATION FOR 4 ROSEMONT AVE



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 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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Margaret A Curlew & William Roy Curlew		
Applicant(s)**	Margaret A Curlew & William Roy Curlew		
Agent or Solicitor	Akil Thabet, PhD, P.Eng		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.3 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
HAMILTON CITY	PLAN 375 PT LOT 3		
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address	Assessment Roll N°.		
90 Sherman Ave, N, Hamilton and 4 Rosemont Ave, Hamilton	25 18 030 265 02900 0000		

Before, it was 2518030266050500000

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):

- | | |
|---|---|
| <input checked="" type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input checked="" type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed): N/A

- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Margaret A Curlew/William Roy Curlew and Rywak Properties

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 (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
6.29 13.75	49.23 6.55	227.13 95.98

Existing Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|---|---|-------------------------------------|
| <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: Single family house on 90 Sherman Ave N; Single family house with 3 units on 4 Rosemont Ave
 Sever these two properties. 90 Sherman should on one deed registered to Margaret & William Curlew
 Proposed: 4 Rosemont on a separate deed registered under our corporation - Rywak

Existing structures to be removed: Both structures will remain. We just need them severed on the deed and title

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)

- 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 (remainder):

Frontage (m)	Depth (m)	Area (m ² or ha)
28.79 19.85	25.37 6.55	874.2 130.15

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

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: 90 Sherman Ave N and 4 Rosemont Ave are currently two separate houses registered in our names

Proposed: We are requesting that each property be on a separate deed and 4 Rosemont under our coporation to prevent another title merge

Existing structures to be removed: Both houses will remain. We just want them on separate deeds

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): _____

Urban Hamilton Official Plan designation (if applicable) Residential

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Hello, As per the Certificate of Zoning, 90 Sherman Ave N is a single family detached home. 4 Rosemont Ave is a single family with 3 self-contained units. These are two separate houses that were merged on title at some point. We are not changing the zoning. We are just requesting that 90 Sherman Ave N be on one deed/title with me and my husband; and 4 Rosemont Ave on another deed/title registered under a coporation.

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? Zoning is C, Urban Protected Residential Etc.

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"/>	no
A land fill	<input type="checkbox"/>	no
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	no
A provincially significant wetland	<input type="checkbox"/>	no
A provincially significant wetland within 120 metres	<input type="checkbox"/>	no
A flood plain	<input type="checkbox"/>	no
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	no
An active railway line	<input type="checkbox"/>	no
A municipal or federal airport	<input type="checkbox"/>	no

*Complete MDS Data Sheet if applicable

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:27	SUBJECT PROPERTY:	341 BARTON STREET E, HAMILTON
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APPLICANTS: Owner Malleum Core Partners
Agent Michael Barton

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a residential dwelling and the retained lands will contain the existing dwelling which is intended to be retained for commercial and residential use.

	Frontage	Depth	Area
SEVERED LANDS:	9.44 m [±]	18.6 m [±]	0.0175 ha [±]
RETAINED LANDS:	27.94 m [±]	33.3 m [±]	0.09 ha [±]

Associated Planning Act File(s): HM/A-22:116

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

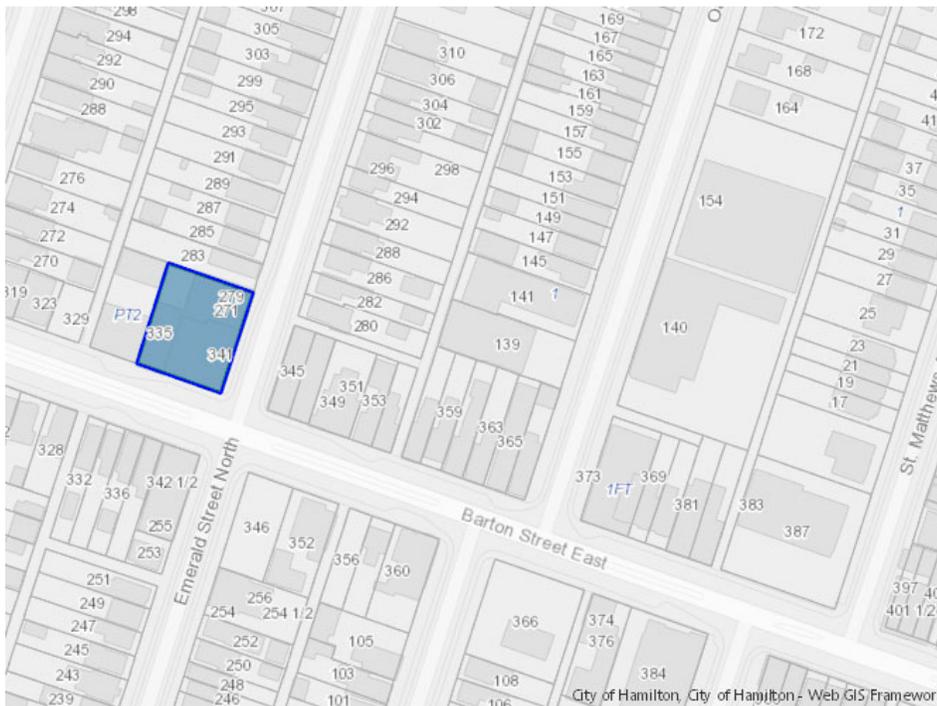
HM/B-22:27

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions..

HM/B-22:27

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

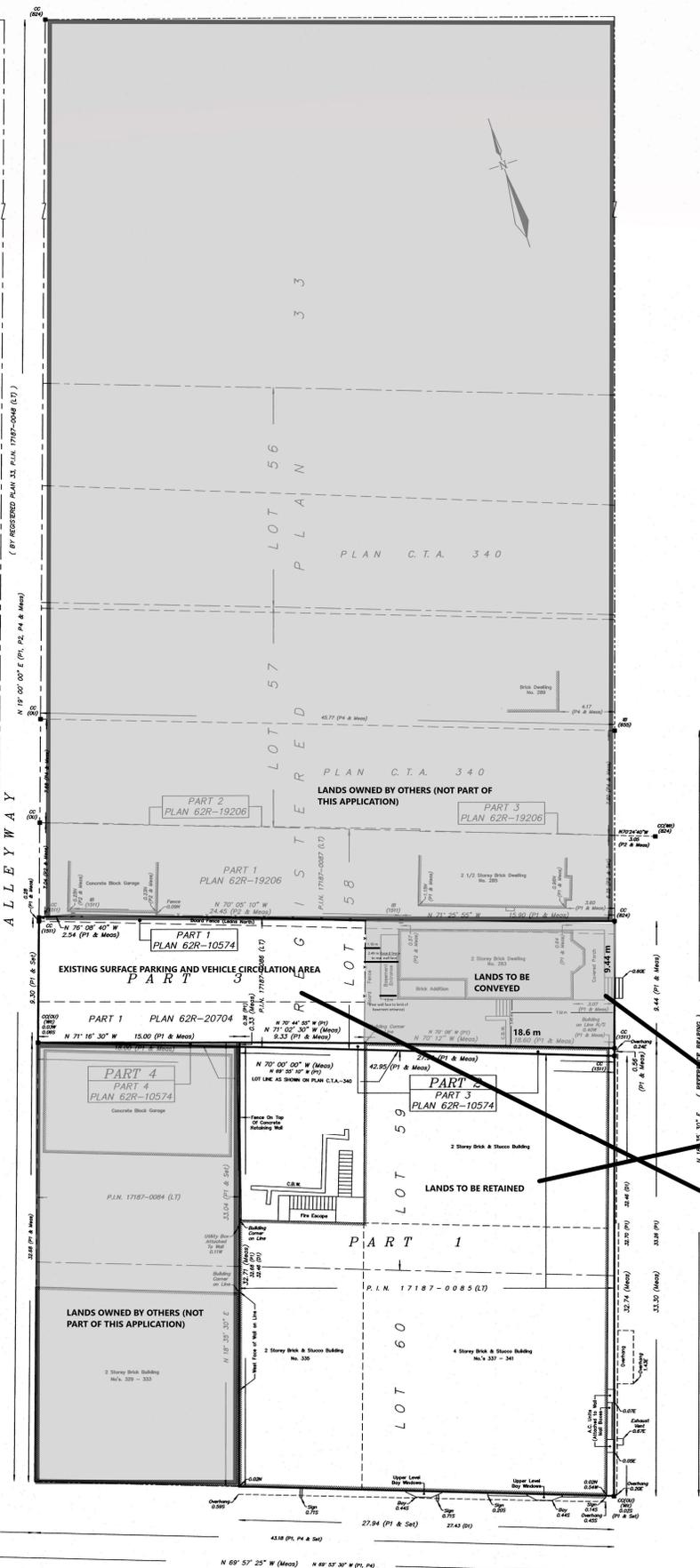
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

BIRGE STREET



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

DATE: _____

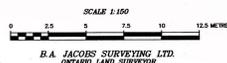
REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TITLES DIVISION OF WESTERN (No. 652)

BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE		
PART	LOT	PLAN
1	PART OF LOTS 58 & 60	REGISTERED PLAN 33
2	PART OF LOT 58	REGISTERED PLAN 33
3	PART OF LOT 58	REGISTERED PLAN 33
4	PART OF LOT 58	REGISTERED PLAN 33

PARTS 2, 3 & 4: COMPRISE ALL OF PLAN 17187-0086 (L1).

PLAN OF SURVEY OF
PART OF LOTS 58, 59 & 60
REGISTERED PLAN 33
CITY OF HAMILTON



BEARING NOTE:
BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EMERALD STREET NORTH AS SHOWN PLAN 62R-10574 HAVING A BEARING OF N 18° 35' 30" E.

LEGEND AND NOTES:

- DENOTES SURVEY MONUMENT FOUND
- TS DENOTES SURVEY MONUMENT PLANTED
- SBP DENOTES STANDARD IRON BAR
- IP DENOTES IRON BAR
- CC DENOTES CUT CROSS
- CO DENOTES CROWN UNBURN
- WT DENOTES WITNESS
- P1 DENOTES PLAN 62R-10574
- P2 DENOTES PLAN 62R-19206
- P3 DENOTES PLAN 62R-20704
- P4 DENOTES PLAN C.T.A. - 340
- P5 DENOTES PLAN BY THIS OFFICE (FILE: 00-172)
- GI DENOTES INSTRUMENT NO. CDR6191
- GS DENOTES J.T. PETERS O.L.S.
- GS4 DENOTES A.T. MALAREN O.L.S.
- GS10 DENOTES G.V. SOROKI O.L.S.
- C.B.M. DENOTES CONCRETE BLOCK WALL

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. BEARINGS ARE ASTROMERIC AND CAN BE CONVERTED TO GRID BY ROTATING COUNTER CLOCKWISE BY DISTANCES ARE GRID AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF

SPECIFIED CONTROL POINTS (SCP), UTM ZONE 17, NAEDS (ORIGINAL), COORDINATES TO URBAN ACCURACY FEET SEC. 14 (2) OF OREG. 216/10

POINT ID	NORTHING	EASTING

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

NOTES:

1. Lands to be conveyed include lot currently occupied by single detached dwelling (283 Emerald Street North) and existing driveway. This parcel has 9.44 m of frontage on Emerald Street North and depth of 18.6 metres.
2. Lands to be retained include the non-shaded area that include the existing mixed use building on the northwest corner of Barton Street East and Emerald Street North, as well as the parking area accessed from the rear laneway.
3. The existing surface parking area is located on the land to be retained at the rear (west) of the lands to be conveyed. Adequate width and depth is provided to accommodate multiple parked vehicles for the existing mixed use building.

SURVEYOR'S CERTIFICATE

1. CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON _____

DRAFT

DATE: _____
BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
150 JACKSON STREET EAST, SUITE 100
HAMILTON, ONTARIO (L8N 1J2)
PHONE: 905-521-1535 info@bajacobs.com

PLAN No. 2241-R

BARTON STREET EAST
(ROAD ALLOWANCE BETWEEN CONVESSIONS 1 AND 2, PLAN 17187-0002 (L1))

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)		
Applicant(s)*		
Agent or Solicitor		

* 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	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			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:

3.3 If a lot addition, identify the lands to which the parcel will be added:

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

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: _____

Proposed: _____

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:

Frontage (m)	Depth (m)	Area (m ² or ha)
--------------	-----------	-----------------------------

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 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: _____

Proposed: _____

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 type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|--|
| <input 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 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 type="checkbox"/> electricity | <input type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input 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): _____

Urban Hamilton Official Plan designation (if applicable): _____

Please provide an explanation of how the application conforms with a City of Hamilton Official 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? _____

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 _____
- 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?

- 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

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

- 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

- 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)

- 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)

- 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)

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.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 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.

8.4 How long has the applicant owned the subject land?

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.

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 _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> 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)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| <input type="checkbox"/> 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.

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.

Date

TPearson

Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:116	SUBJECT PROPERTY:	341 BARTON STREET E, HAMILTON
ZONE:	“D” and “C5A” (Urban protected Residential One and Two Family Dwellings and Mixed Use Density – Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593 City of Hamilton 05-200, as Amended 17-240

APPLICANTS: Owner Malleum Core Partners
Agent Michael Barton

The following variances are requested:

Lands to be Conveyed (Hamilton Zoning By-Law No. 6593):

1. A minimum front yard depth of 3.0 m shall be maintained instead of the minimum required front yard depth of 6.0m; and
2. A minimum northerly side yard width of 0.5 m shall be maintained instead of the minimum required side yard width of 1.2m; and
3. A minimum rear yard depth of 1.1 m shall be provided from the newly created lot line to the basement entrance instead of the minimum required rear yard depth of 7.5 m; and
4. A minimum lot width of 9.4 m shall be maintained instead of the minimum required lot width of 12.0 m; and
5. A minimum lot area of 175.0 sq. m. shall be provided instead of the minimum required lot area of 360.0 sq. m; and
6. A roofed over unenclosed front porch including stairs shall be permitted to encroach the entire depth of the front yard and be 0.0 m from the front lot line instead of the maximum permitted encroachment of 3.0 m into a required front yard while providing a minimum distance of 1.5 m from the front lot line; and

HM/A-22:116

7. A minimum of one parking space shall be provided on site instead of the minimum required 2 parking spaces.
8. No manoeuvring space shall be provided on site instead of the minimum required 6.0 m.

Lands to be Retained (Hamilton zoning By-Law No. 05-200):

9. Zero setback shall be maintained on the northerly lot line where the new lot line is to be created abutting 283 Emerald Street North for the existing mixed use building located on the lands known as 341 Barton Street East whereas the By-Law requires a minimum side yard setback of 7.5 m abutting a residential or institutional zone or lot containing a residential use; and
10. No planting strip shall be provided where a property lot line abuts a property lot line within a Residential Zone instead of the minimum required 1.5 m wide planting strip.
11. No visual barrier shall be provided abutting a property lot line within a Residential Zone instead of the requirement in the By-Law which states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, downtown (D5) Zone or Downtown (D6) Zone property line in Accordance with the requirements of Section 4.19 of this By-Law.

Lands to be Retained (Hamilton Zoning By-Law No. 6593):

12. No parking shall be required to be provided for the existing mixed-use building on the lands Zoned "D" Urban Protected Residential One- and Two-Family Dwellings notwithstanding that the use is not permitted.

PURPOSE & EFFECT: To permit the creation of two parcels of land through land severance application HM/B-22:27 notwithstanding that;

Notes:

These variances are necessary to facilitate land severance application HM/B-22: 27.

Variances for 283 Emerald Street North have been written as requested by the applicant.

Please note that the requested variances for the existing building known as 341 Barton Street East are not required for the building abutting a street as the "C5a" Zone Regulations state that a maximum building setback from a Street Line is 3.0 m for the first storey; however, an interior side yard setback variance is required for the mixed use building on the northerly lot line where the new lot line is to be created abutting 283 Emerald Street North.

Please note that the applicant has requested a variance to permit zero parking on the portion of the lands zoned "D" and shown as Part 3 noted as existing surface parking and vehicle circulation area. Should the area be used for parking further zoning review/variances will be required.

An Encroachment Agreement with the Public Works Department may be required for the existing overhangs, exhaust vent, existing air conditioning units, sign encroachment, building overhangs, existing

HM/A-22:116

bay windows, and steps all shown to encroach on the Road Allowance. For further information, please contact encroachment@hamilton.ca.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:116



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



**Planning Justification Report
341 Barton Street East & 283 Emerald Street North**

Prepared for:

**The City of Hamilton
October 2021**

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Table of Contents

1.	Introduction and Overview	3
1.1	<i>Qualifications and Expertise</i>	3
1.2	<i>Retainer</i>	3
1.3	<i>Background</i>	3
1.4	<i>Summary of Land Use Planning Opinion</i>	3
1.5	<i>Recommendations</i>	4
2.	Existing Conditions and Context	4
2.1	<i>Site Location and Existing Conditions</i>	4
2.2	<i>Surrounding Uses and Built Form</i>	8
2.3	<i>Existing Land Use Designations</i>	10
3.	Development Proposal	12
3.1	<i>Proposal Details</i>	12
3.2	<i>Land Use Planning Applications</i>	14
4.	Land Use Planning Analysis	15
5.	Conclusions and Recommendations	31

1. Introduction and Overview

1.1 Qualifications and Expertise

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

1.2 Retainer

I have been retained by the Owner of 341 Barton Street East and 283 Emerald Street North in Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of a proposed consent to sever the existing single detached dwelling at 283 Emerald Street North (the “conveyed lands”) from 341 Barton Street East and the balance of the Subject Property (the “retained lands”).

1.3 Background

The Subject Property includes a single detached dwelling (283 Emerald Street North) and multi-storey mixed use building (341 Barton Street East) that are situated on properties that have merged on title. The proposal includes consent to sever the single detached dwelling and existing driveway from the balance of the Subject Property through creation of a new lot. The conveyed lands will include only the single detached dwelling and the residential lot while the retained lands will include the mixed use building and surface parking area. No changes are proposed to the built form or land use character of these lands. In addition to the consent, a minor variance application has been submitted to reflect the existing built form conditions on the severed and retained lands.

1.4 Summary of Land Use Planning Opinion

It is my opinion that the proposed consent application will result in a land use pattern and built form that is appropriate and compatible with surrounding community, and:

- Satisfies the criteria under section 51(24) of the Planning Act;

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- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

It is also my opinion that the requested minor variances:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to the Growth Plan;
- Maintain the general purpose and intent of Urban Hamilton Official Plan;
- Maintain the general purpose and intent of Zoning By-Law 05-200;
- Are minor in nature; and
- Are desirable for the appropriate development and use of the Subject Property.

1.5 Recommendations

Based on my land use planning analysis and opinion outlined in this Planning Justification Report, it is my recommendation that that the City of Hamilton approve the requested consent and minor variance applications for the Subject Property.

2. Existing Conditions and Context

2.1 Site Location and Existing Conditions

The Subject Property is located on the northwest corner of the intersection of Barton Street East and Emerald Street North as illustrated in **Figure 1**. **Figure 2** includes an excerpt from the existing property survey for the Subject Property that illustrates the existing property limits and structures. The Subject Property is currently occupied by the following:

- A 2-storey single detached dwelling known municipally as 283 Emerald Street North, which includes parking in the existing driveway to the south of the dwelling;
- A multi-storey mixed use building known municipally as 341 Barton Street North that includes ground floor retail with above grade residential uses;
- A surface parking lot located west (to the rear) of these existing structures.

The only available parking for the single detached dwelling is located in the driveway at the front and side of the dwelling. The surface parking area is available only to the mixed use building and is accessed via a laneway that connects to Barton Street East, just west of Emerald Street North.

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These addresses have merged on title to form the Subject Property. **Figure 3** provides an aerial view of the subject property and surrounding area. **Figure 4** and **Figure 5** include street views of the existing mixed use building and single detached dwelling.

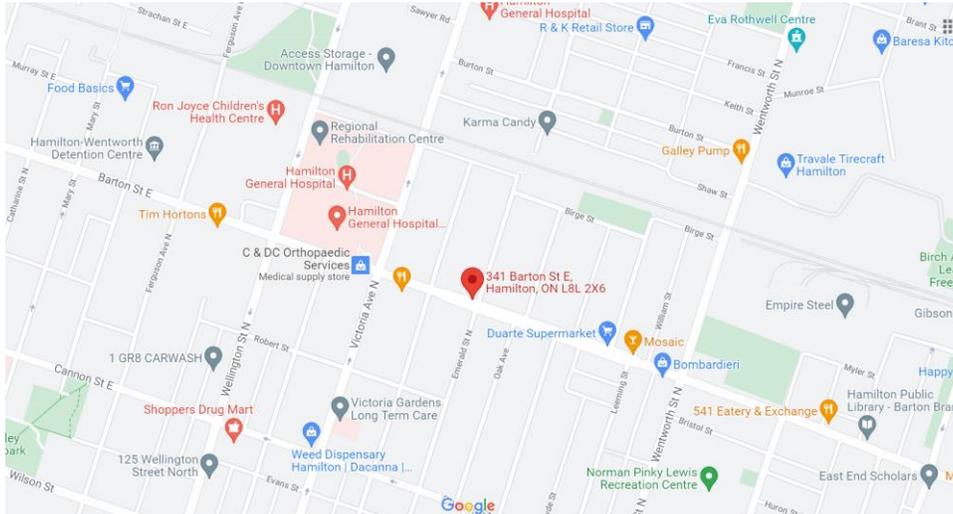


Figure 1 – Site Location

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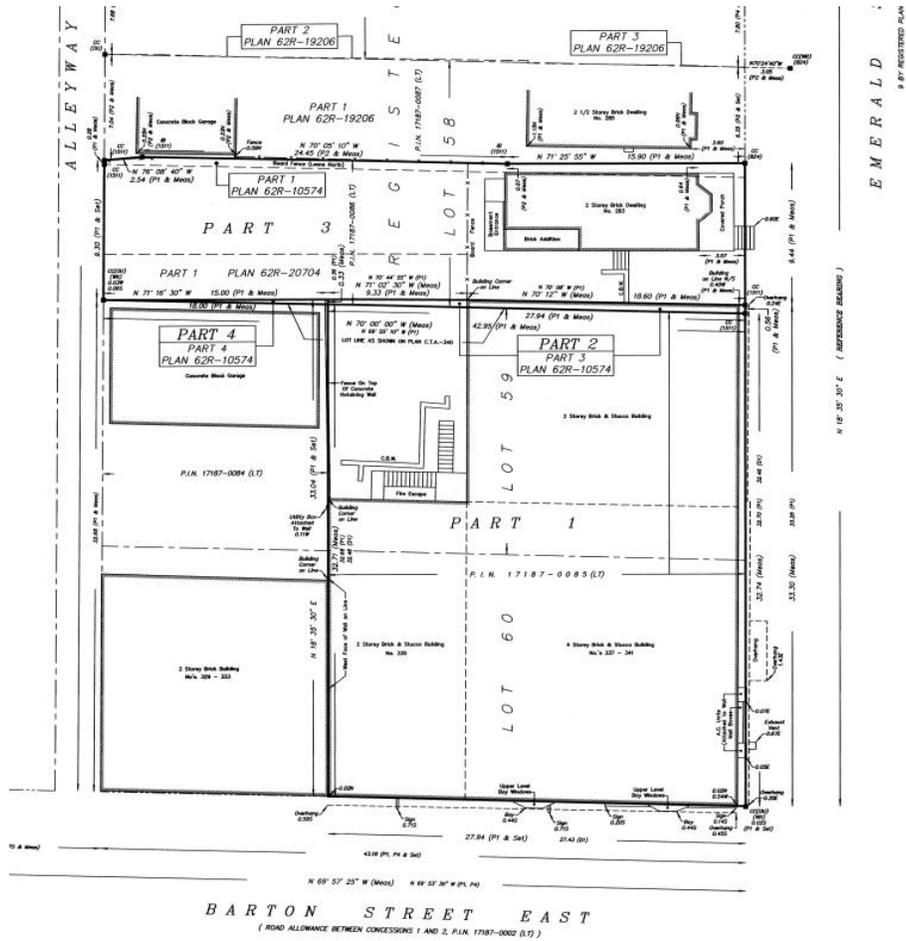


Figure 2 – Existing Property Survey

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Figure 3 – Aerial View of Subject Property and Surrounding Uses



Figure 4 – Mixed Use Building at Northwest Corner of Barton/Emerald

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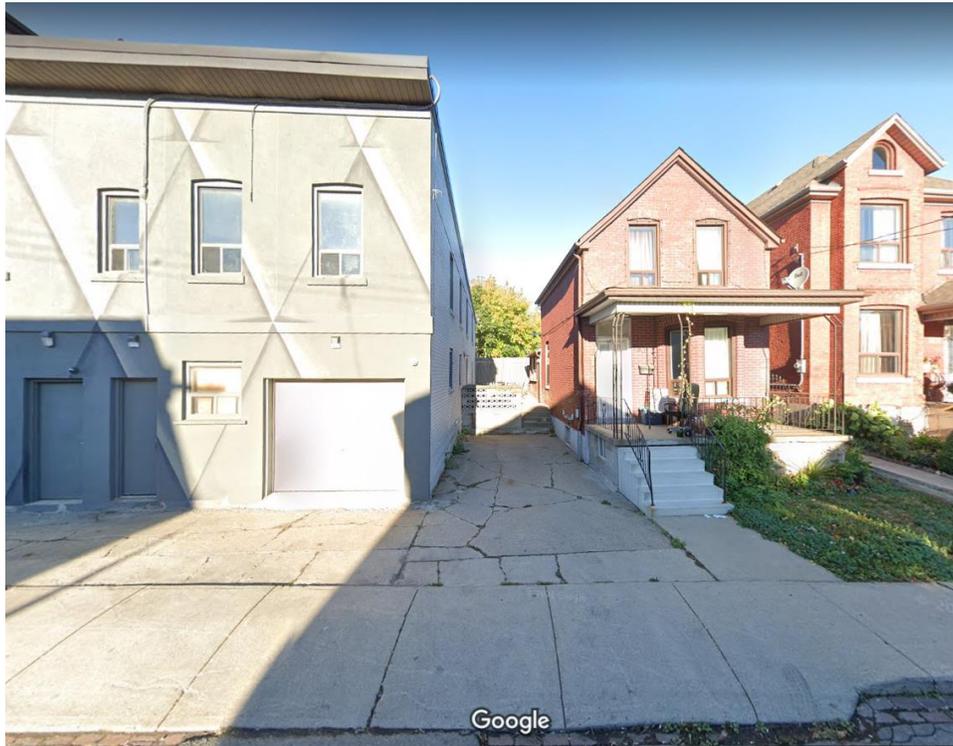


Figure 5 – Mixed Use Building and Detached Dwelling at 283 Emerald Street North

2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: Single detached dwellings on Emerald Street North (**Figure 6**);
- To the south: Mixed use building on the southwest corner of Barton/Emerald intersection (**Figure 7**);
- To the east: Mixed use building on northeast corner of Barton/Emerald intersection (**Figure 8**); and
- To the west: Mixed use building and laneway (**Figure 9**).

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Figure 6 – Single Detached Dwellings to North of Subject Property



Figure 7 – Mixed Use Building to South of Subject Property

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Figure 8 – Mixed Use Building to East of Subject Property

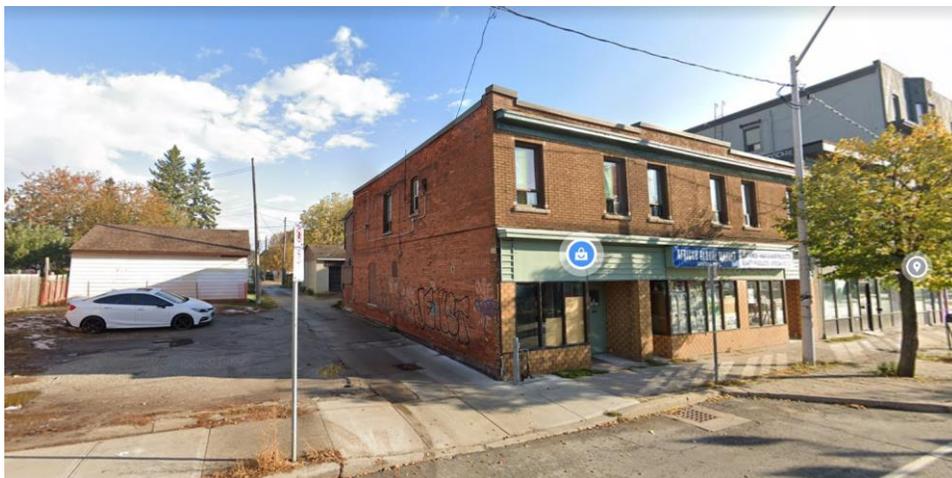


Figure 9 – Mixed Use Building and Laneway to West of Subject Property

2.3 Existing Land Use Designations

2.3.1 Urban Hamilton Official Plan

Figure 10 includes an excerpt from Urban Hamilton Official Plan Schedule E-1 and indicates that the portion of the Subject Property occupied by the mixed use building is designated “Mixed Use – Medium Density” while the single detached dwelling is designated “Neighbourhoods”. Schedule E of the Official Plan designates the Subject Property a part of the “Neighbourhoods” structural element.

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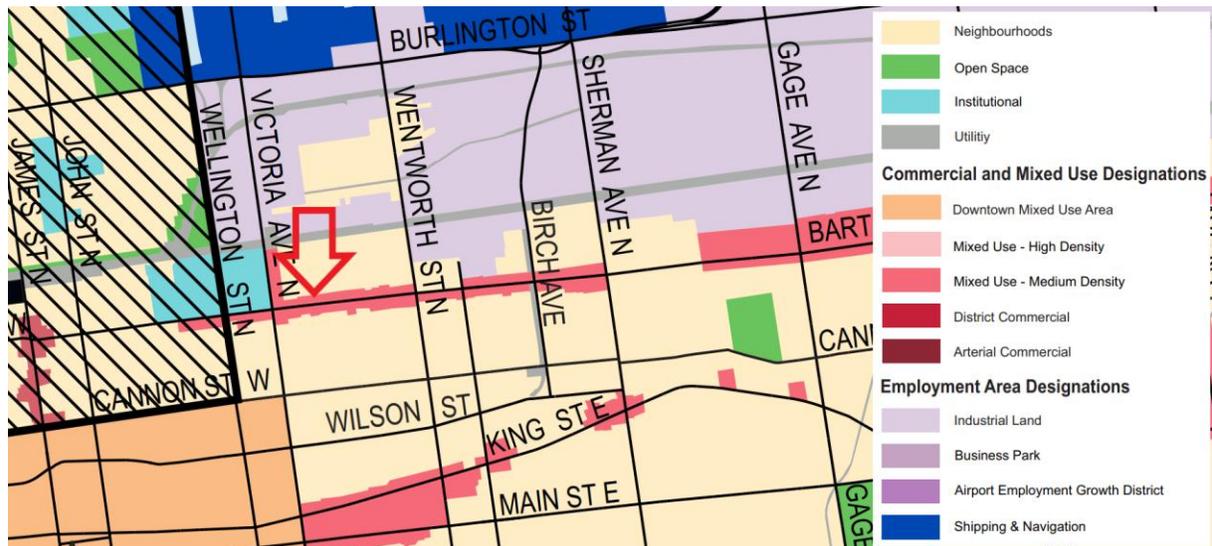


Figure 10 – Excerpt from Schedule E-1 of the Urban Hamilton Official Plan

2.3.2 City of Hamilton Zoning By-Law 05-200

As illustrated in **Figure 11**, the mixed use building and portion of the surface parking area on Subject Property is zoned “Mixed Use Medium Density - Pedestrian Focus (C5a)” under Zoning By-Law 05-200. The single detached dwelling at 283 Emerald Street North is zoned “Urban Protected Residential - One And Two Family Dwellings, Etc. (D)” under former City of Hamilton Zoning By-Law 6593.

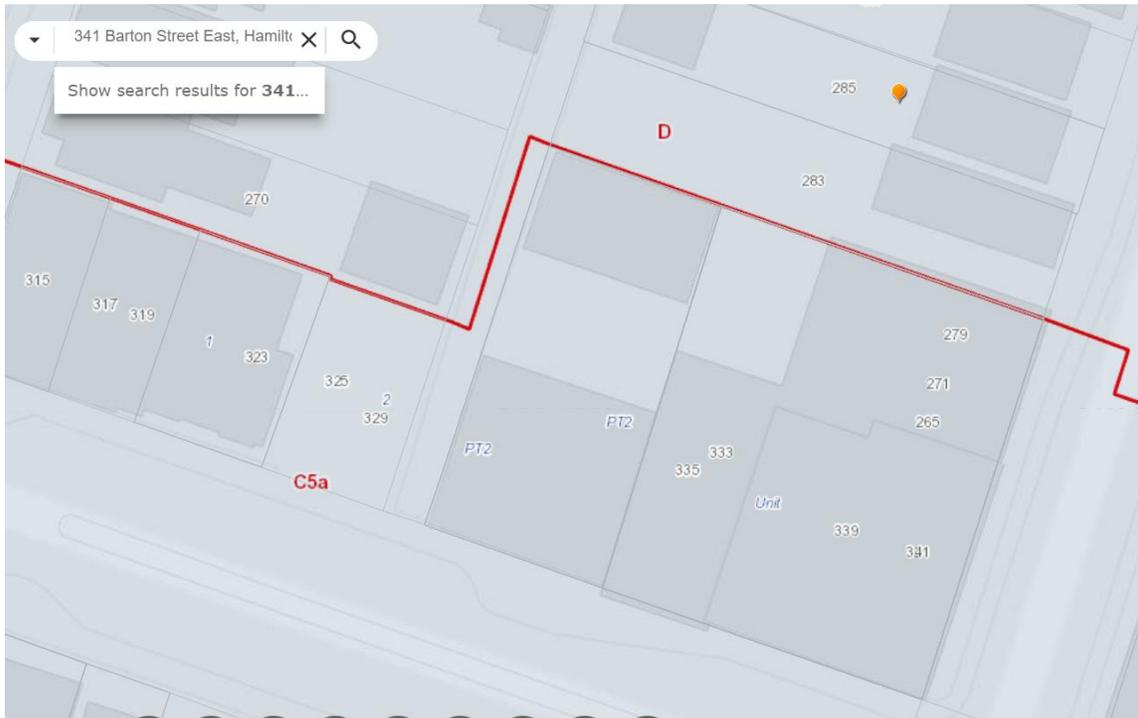


Figure 11 – Zoning By-Law Designation on Subject Property

3. Development Proposal

3.1 Proposal Details

The proposal for the Subject Property involves an application to sever the lot containing the existing single detached dwelling and driveway from the balance of the property, as illustrated in the excerpt from the severance reference plan in **Figure 12**. The intent is that the north limit of the mixed use building will form a new property line shared with the single detached dwelling with no building encroachment. There will be no change to the existing structures or uses on the conveyed or retained lands. This proposal will allow the dwelling to function independently on the conveyed lands as part of the adjacent residential neighbourhood. The existing surface parking area to the west of the single detached dwelling (which is currently inaccessible from 283 Emerald Street North) and the parking area located to the northwest of the mixed use building will remain with the retained lands for use by the mixed use building. This will maximize the surface parking available for the mixed use building, while also keeping in mind the pedestrian focus of the current zoning.

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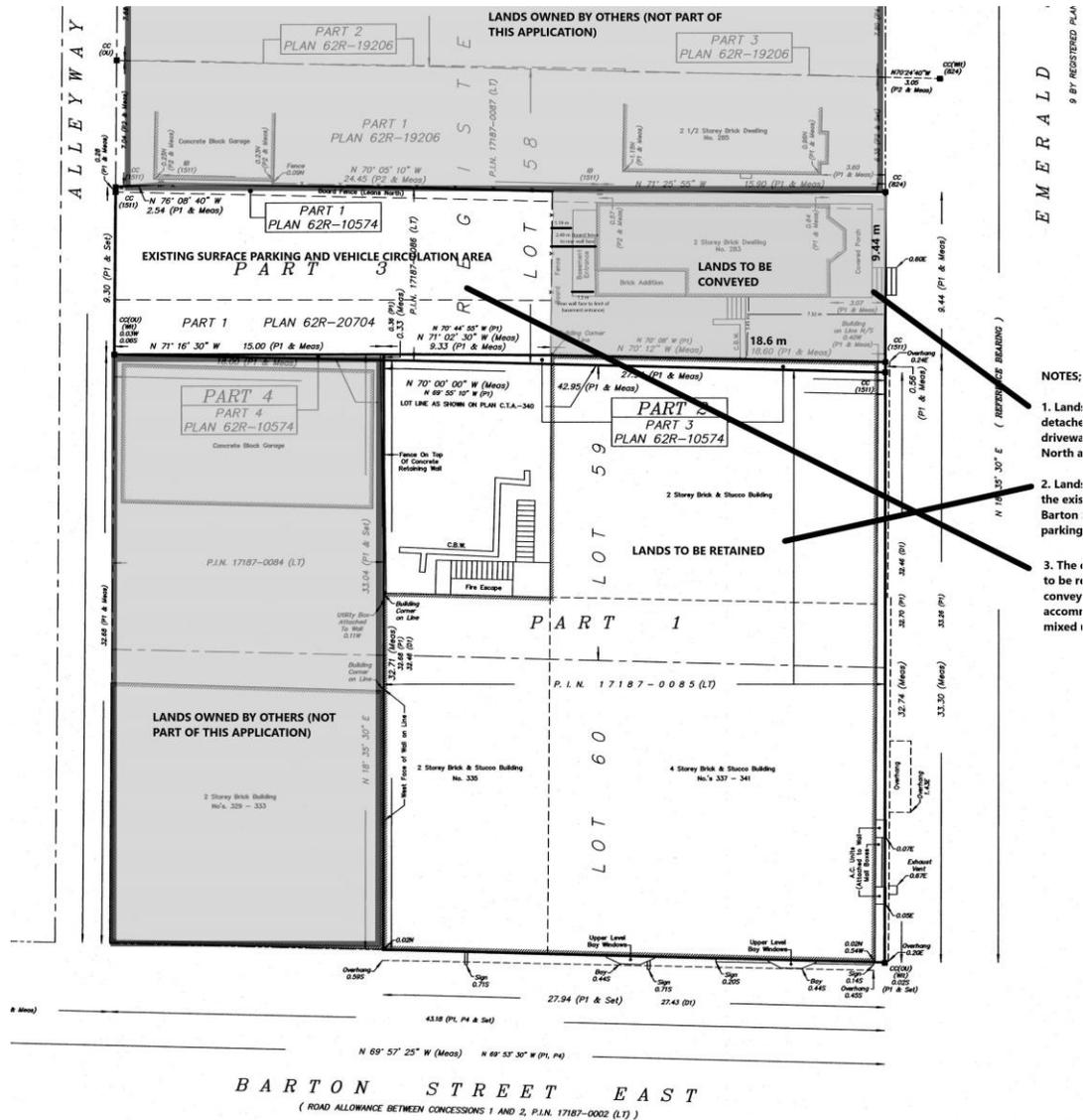


Figure 12 – Proposed Severance Reference Plan

The following are key considerations to keep in mind in evaluating the proposal and Committee of Adjustment applications:

- The Subject Property represents a merger under the Planning Act of previously separately registered properties; the proposed consent will establish separate parcels for the single detached dwelling and mixed use building and allow for separate ownership and use of these structures and properties;
- The conveyed lands and single detached dwelling will be appropriately integrated into the “D” zoning under By-Law 6593 of the surrounding residential area with the mixed use building and surface parking area functioning within the C5a zoning;

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- The two structures on the property are legally recognized with separate addresses and separate MPAC assessments and tax roll numbers, but have merged under the Planning Act;
- The consent application is also required to legally recognize the mixed use building and existing rear surface parking area as forming one property (retained lands), with the single detached dwelling, driveway and lot area east of the existing board fence to the rear of the dwelling forming a separate property (conveyed lands);
- The existing structures on both the conveyed and retained lands will be maintained in their current form, and these structures existed at the time the properties merged; and
- There is existing transit service and stops, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that will facilitate transit and active modes of transportation.

3.2 Land Use Planning Applications

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate parcels for the detached dwelling at 283 Emerald Street North and the mixed use building and surface parking area on the balance of the property. No changes are proposed on either the severed or retained lands and the requested minor variances are required to reflect existing built form conditions. The following minor variances are requested to facilitate the proposed consent and maintain the existing built form conditions:

Conveyed lands

- To permit a minimum front yard setback (Emerald Street North) of 3.07 metres (existing condition);
- To permit a minimum interior side yard setback of 0.57 metres (existing condition);
- To permit minimum rear yard setback of less than 7.5 metres (existing condition – 2.49 metres from board fence on proposed property line to rear wall face of existing dwelling; 1.19 metres from board fence to basement entrance; basement entrance projects 1.3 metres from rear wall face);
- To permit minimum lot width of 9.44 metres;
- To permit minimum lot area of 175 m²;
- To permit covered porch encroachment of 2.67 metres into existing front yard setback of 3.07 metres;
- To permit encroachment of porch stairs onto Emerald Street North of 0.60 metres (existing condition);
- To permit 1 parking space (existing space of 3.45 m by 7.32 m) while 2 spaces per single detached dwelling unit are required (existing condition); and
- To permit the required parking space to be located 0 metres from the street line.

Retained lands (C5a zoning)

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- To permit zero parking spaces to reflect the existing surface parking supply as the maximum required parking (NOTE: parking spaces are not currently striped but the main portion of the parking area is 24.33 metres deep and 9.3 metres wide, which can accommodate four vehicle stalls of 5.8 metres deep organized in a parallel configuration);
- To permit a minimum front yard setback (Barton Street) of 0 metres (existing condition);
- To permit minimum interior side yard setback of 0 metres (existing condition);
- To permit a minimum exterior side yard setback (Emerald Street North) of 0 metres (existing condition);
- To permit a minimum rear yard setback of 0 metres (existing condition);
- To permit existing building overhangs to encroach Emerald Street North by up to 1.43 metres (existing condition);
- To permit existing exhaust vent to encroach Emerald Street North by 0.67 metres (existing condition);
- To permit existing air conditioning units to encroach into the exterior side yard 0.05 metres from the property line (Emerald Street North);
- To permit existing sign encroachments on Barton Street of up to 0.71 metres (existing condition);
- To permit existing building overhangs to encroach Barton Street by up to 0.59 metres (existing condition);
- To permit existing bay windows to encroach Barton Street by up to 0.44 metres (existing condition); and
- To permit a minimum planting strip of 0 metres where a property lot line abuts a property lot line within a Residential Zone.

4. Land Use Planning Analysis

4.1 Provincial Policy Context

4.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

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It is my opinion that the development proposal and Committee of Adjustment applications are consistent with the applicable policies of PPS 2020. The following policy matrix summarizes the policies of PPS 2020 that are applicable to this application and my land use planning analysis.

Policy Analysis Matrix – PPS 2020

Policy Section	Policy Analysis
<p>Part V: Policies</p> <p>1.0 Building Strong Healthy Communities</p> <p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>	<ul style="list-style-type: none"> • The development proposal will maintain the single detached dwelling unit and second floor dwelling units in the mixed use building while separating these uses onto separate parcels; • The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community; • The proposal will provide opportunities for separate owners to undertake enhancement of the existing uses and increase their positive contribution and support to the community; • The maintenance of the existing residential units on separate properties with the addition of no new on-site parking spaces represents efficient land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.
<p>1.1.3 Settlement Areas</p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The</p>	<ul style="list-style-type: none"> • The Subject Property is located within the existing Urban Area is located within the "Mixed Use – Medium Density" designation under the Urban Hamilton Official Plan; the Subject Property is also located within the "Neighbourhoods" community structure;

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<p>vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.</p> <p>Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p> <p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p>1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<ul style="list-style-type: none"> • The proposal will make more efficient use of an existing property located on a primary corridor and in a pedestrian-focus zone; • The proposed severance in conjunction with maintaining the existing parking supply on the conveyed and retained lands will facilitate the objectives of “Transit-Supportive” development and “Active Transportation” as defined in Section 6.0; • The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and lack of on-site parking.
<p>1.3 Employment</p> <p>1.3.1 Planning authorities shall promote economic development and competitiveness by:</p>	<ul style="list-style-type: none"> • The proposal will maintain the existing ground floor commercial area on the retained lands; • The existing structures on the conveyed and retained lands cover a significant portion of these lands and represent compact and transit-supportive built form

MB1 | Urban Planning

<p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>	<p>that will support the pedestrian focus for this area;</p> <ul style="list-style-type: none"> • The proposal will separate the detached dwelling from the mixed use building but maintain the mix of uses in the community; • The conveyed and retained lands will utilize existing services and infrastructure; • The proposed severance will not adversely impact the parking supply available to the conveyed and retained lands relative to existing conditions.
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p>	<ul style="list-style-type: none"> • The proposal will maintain range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation; • The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and • The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.

MB1 | Urban Planning

<p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) 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 projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p>f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	
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It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal represents efficient and compact use of land and available municipal services in an existing mixed use community that abuts a low density residential community;
- The proposal will maintain the number and range of dwelling types available in the community, along with commercial floor area that is available for immediate employment use;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area, including setbacks and lack of on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and use of existing on-site parking opportunities.

4.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the

MB1 | Urban Planning

exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The following policy matrix provides an overview of the relevant policies of the Growth Plan.

Policy Matrix – A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

Policy Section	Policy Analysis
<p>Section 1.2.1 Guiding Principles</p> <ul style="list-style-type: none"> • Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. • Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. • Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households. • Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions. 	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will intensify land use while maintaining the existing residential density and commercial floor area, which will ensure compatibility of land use in the established urban area and mixed use neighbourhood; • The proposal seeks to maintain existing built form character with minimal building setbacks and no on-site parking as opposed to providing new surface parking and open space characteristics; • There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal; • The proposal supports the concept of “complete communities” per the following definition from Section 6.0: <p>Complete Communities: Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p>2.2 Policies for Where and How to Grow</p> <p>2.2.1 Managing Growth</p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities; <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; 	<ul style="list-style-type: none"> • The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors; • The development proposal will connect to and make efficient use of existing municipal services; • The proposal will facilitate “compact built form” per the following definition: <p>Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable</p>

MB1 | Urban Planning

<p>ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities;</p> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; e) development will be generally directed away from hazardous lands; and f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) expand convenient access to:</p> <p>i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and iv. healthy, local, and affordable food options, including through urban agriculture;</p> <p>e) provide for a more compact built form and a vibrant public realm, including public open spaces; f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and g) integrate green infrastructure and appropriate low impact development.</p>	<p>neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <p>i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable</p>	<ul style="list-style-type: none"> • The development proposal will maintain the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character. • The proposed severance will allow for separate ownership and operation of the detached dwelling and mixed use building, and encourage enhancement of these uses.

MB1 | Urban Planning

housing to meet projected needs of current and future residents; and ii. establishing targets for affordable ownership housing and rental housing;	
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It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

- The proposal will maintain the population density and residential intensity of the Subject Property in a manner that is compatible with the land use and built form character of the surrounding community;
- The proposal supports the concept of “complete communities” by maintaining the number of residents living on the Subject Property and in the neighbourhood in a manner that encourages use of transit and active modes of transportation, which is particularly important given the pedestrian-focus for this area;
- The existing structures are connected to existing municipal services with available allocation rather than requiring extension or upgrades of services or infrastructure; and
- The proposal will facilitate compact built form that is transit-supportive and a hallmark of complete communities.

4.2 *Municipal Policy Context*

4.2.1 Urban Hamilton Official Plan

The following policy matrix summarizes the relevant policies of the Urban Hamilton Official Plan.

Policy Matrix – Urban Hamilton Official Plan

Policy Section	Policy Analysis
<p>2.4 Residential Intensification</p> <p>2.4.1 General Residential Intensification Policies</p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p>	<ul style="list-style-type: none"> • The number of dwelling units and residential density across the Subject Property will not change under the proposal. The conveyed and retained lands will have different residential density than the Subject Property under current conditions, but there will be no change in the built form character relative to existing conditions. • The built form on the conveyed and retained lands will be more compact in the sense that new setbacks are being created. However, the existing character of the built form will be maintained. • There is currently limited on-site parking available for the detached dwelling and mixed use building. Therefore, the proposal maintains this existing condition, which supports transit and active modes of transportation while also relying on existing on-street and off-street parking opportunities in the

MB1 | Urban Planning

<p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p> <p>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</p> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <p>a) a balanced evaluation of the criteria in b) through g), as follows;</p> <p>b) 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;</p> <p>c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;</p> <p>d) 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;</p> <p>e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;</p> <p>f) infrastructure and transportation capacity; and,</p> <p>g) the ability of the development to comply with all applicable policies.</p>	<p>surrounding community.</p> <ul style="list-style-type: none"> • There will be no net increase in parking demand or requirements associated with the proposal relative to the residential units under existing conditions. • The Subject Property is located on in an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking. • The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.
<p>Urban Systems and Designations (Chapter E)</p> <p>Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:</p> <p>a) Designate land uses to facilitate the development of a node and corridor based urban structure.</p> <p>b) Support and facilitate development and investment that contributes to the development of the overall urban structure.</p> <p>c) Develop compact, mixed use urban environments that support transit and active transportation.</p> <p>d) Develop complete communities where people can live, work, learn, and play.</p> <p>e) Plan and designate lands for a range of housing types and densities, taking into account affordable</p>	<ul style="list-style-type: none"> • The proposal supports compact built form in a manner that is consistent and compatible with the existing land use and built form character of the community. • The compact built form character and lack of on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible. • The existing residential units and commercial floor area will be maintained in their current form for continued use.

MB1 | Urban Planning

<p>housing needs.</p> <p>f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.</p> <p>g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.</p> <p>h) Recognize that Hamilton's neighbourhoods are stable, not static.</p> <p>i) Protect and enhance a system of linked natural areas.</p> <p>j) Protect Hamilton's existing and planned Employment Areas.</p> <p>Section 2.1 further stresses that Hamilton's urban structure shall be a node and corridor structure guided by the following general principles:</p> <p>a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).</p> <p>b) Nodes and corridors provide focal points of activity for Hamilton's local communities and neighbourhoods.</p> <p>c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.</p> <p>d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.</p> <p>e) Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p>3.3 Urban Design Policies</p> <p>3.3.1 Urban Design Goals</p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and</p>	<ul style="list-style-type: none"> • The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership. • The existing structures will cover significant portions of both the conveyed and retained lands, providing limited on-site parking, which will encourage use of transit and active modes of transportation. • The proposal will support the existing transit, cycling and pedestrian infrastructure directly adjacent to the Subject Property, as well as existing on-street and off-street parking facilities. • Separating the existing detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs.

MB1 | Urban Planning

promote active transportation.

3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes

3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.

3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.

3.3.1.9 Encourage innovative community design and technologies.

3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.

3.3.2 General Policies and Principles

This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.

3.3.2.1 The physical design of a site shall:

- a) relate to its role in the overall urban structure of the City;
- b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,
- c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.

3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;

- The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances.
- The proposal is appropriate in the context of the Subject Property in a pedestrian-focus area transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation.
- The reduced setbacks and encroachments facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.

MB1 | Urban Planning

- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

MB1 | Urban Planning

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active transportation;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and passive recreation uses; (OPA 142)
- c) encouraging development of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
- d) reducing air, noise, and water pollution through the following:
 - i) facilitating and promoting the use of active transportation modes through building and site design;
 - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
 - iii) using appropriate pavement treatments;

MB1 | Urban Planning

<p>iv) promoting energy efficient design of sites and buildings; and, v) promoting innovative construction materials and techniques.</p> <p>3.3.3 Built Form</p> <p>3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.</p> <p>3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <ul style="list-style-type: none"> a) creating transitions in scale to neighbouring buildings; b) ensuring adequate privacy and sunlight to neighbouring properties; and, c) minimizing the impacts of shadows and wind conditions. <p>3.3.3.3 New development shall be massed to respect existing and planned street proportions.</p> <p>3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.</p> <p>3.3.3.5 Built form shall create comfortable pedestrian environments by:</p> <ul style="list-style-type: none"> a) locating principal façades and primary building entrances parallel to and as close to the street as possible; b) including ample glazing on ground floors to create visibility to and from the public sidewalk; c) including a quality landscape edge along frontages where buildings are set back from the street; d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and, <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> • The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community. • The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers. • The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades. • The conveyed and retained lands will both have frontage on public roads.

MB1 | Urban Planning

<p>established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</p> <p>e) The lots are fully serviced by municipal water and wastewater systems; and</p> <p>f) The lots have frontage on a public road.</p>	
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It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

- There will be no change in built form and land use character on the Subject Property and the proposed lot configuration is consistent and compatible with the built form character of the surrounding community;
- The proposal represents compact form and efficient land use that is appropriate for the location in immediate proximity to transit, cycling and pedestrian infrastructure;
- The Subject Property has limited on-site parking under existing conditions and this condition will be maintained, which supports the existing built form character and objectives for land use that supports transit and active modes of transportation;
- Separation of the detached dwelling and mixed use building will provide opportunity for separate ownership, redevelopment and use under current and future conditions in a manner that is compatible with the character of the area; and
- In general, the proposal conforms to the policies specifically identified in this section, including urban design and division of land.

4.2.2 City of Hamilton Zoning By-Law 05-200

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.

The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking, building setback and other regulations, these minor variances reflect existing built form conditions and will establish compact, efficient and transit-supportive built form. Given that the minor variances will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

MB1 | Urban Planning

4.2.3 Authority to Grant Consents (Ontario Planning Act)

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 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;

MB1 | Urban Planning

- 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.

It is my opinion that the proposed consent satisfies these matters on the following basis:

- The proposal conforms to the applicable policies of the Urban Hamilton Official Plan;
- The Subject Property is suitable for the proposed uses as the uses are existing and there will be no changes to the existing land use or built form character;
- The size and configuration of the proposed lots are consistent with the neighbourhood character and will allow the existing structures and used to be maintained on both the conveyed and retained lands;
- Existing municipal services are available and connected to the conveyed and retained lands;
- The conveyed and retained lands have direct access to a public road that also includes transit, pedestrian and cycling infrastructure;
- The existing dwelling units and commercial floor area will be maintained; and

MB1 | Urban Planning

- There are no natural heritage features on or adjacent to the Subject Property that will be adversely impacted.

5. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that:

- The development proposal and Committee of Adjustment applications are consistent with PPS 2020 and conform to the applicable policies of the Growth Plan for the Greater Golden Horseshoe;
- The proposed consent conforms to the applicable policies of the Urban Hamilton Official Plan and satisfies the specific land division policies;
- The requested minor variances maintain the general purpose and intent of the Urban Hamilton Official Plan and Zoning By-Law 05-200; and
- The requested minor variances are minor in nature and desirable for the appropriate development and use of the Subject Property.

On this basis, it is my recommendation that the applications for consent and minor variance be approved.

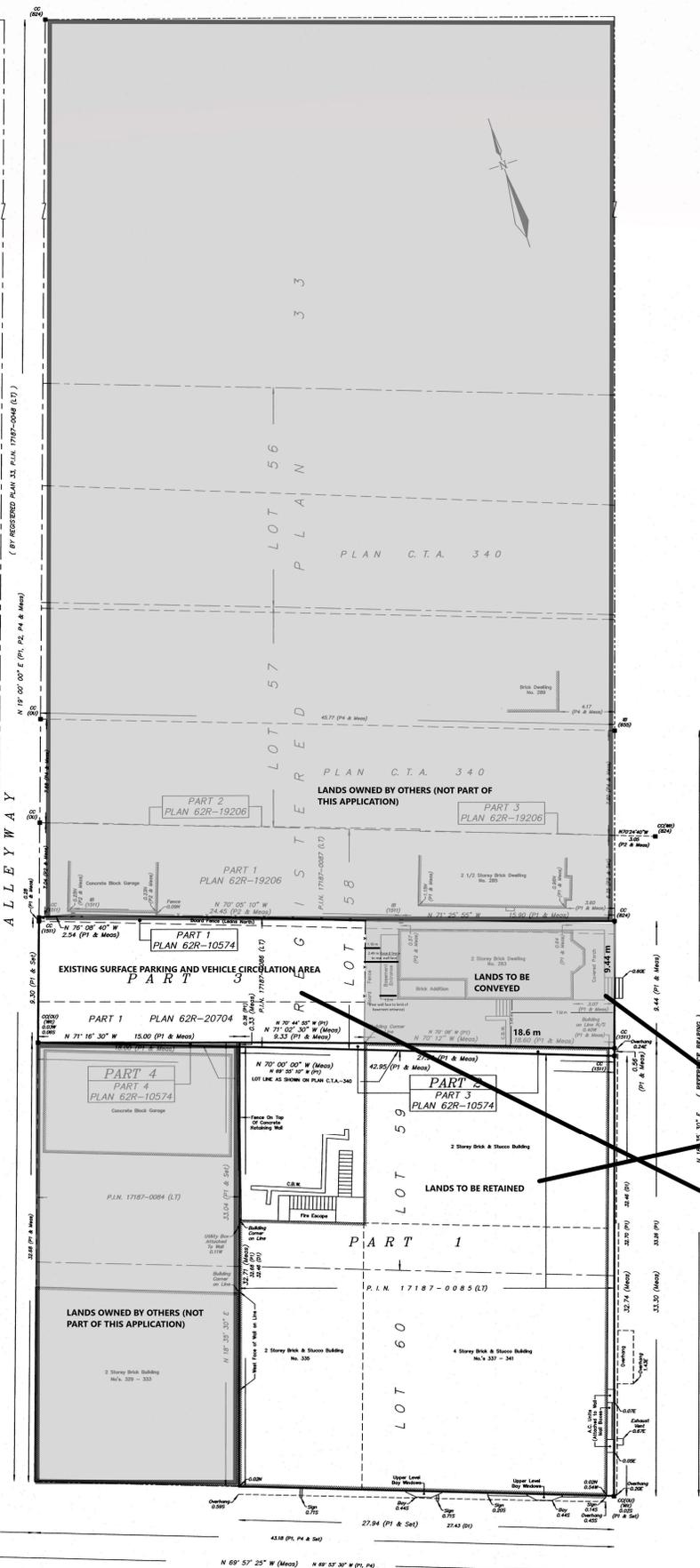
Regards,



Michael Barton, MCIP, RPP
President

MB1 Urban Planning Services
MB1 Development Consulting Inc.

BIRGE STREET



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

DATE: _____

REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND DIVISION OF WESTERN (No. 652)

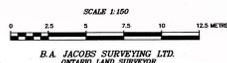
BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE

PART	LOT	PLAN	P.L.N.
1	PART OF LOTS 58 & 60	REGISTERED PLAN 33	ALL OF P.L.N. 17187-0085 (L1)
2	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0085 (L1)
3	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0085 (L1)
4	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0085 (L1)

PARTS 2, 3 & 4 COMPRISE ALL OF P.L.N. 17187-0085 (L1).

PLAN OF SURVEY OF
PART OF LOTS 58, 59 & 60
REGISTERED PLAN 33
CITY OF HAMILTON



BEARING NOTE:
BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EMERALD STREET NORTH AS SHOWN PLAN 62R-10574 HAVING A BEARING OF N 18° 35' 30" E.

LEGEND AND NOTES:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SSB DENOTES STANDARD IRON BAR
- SB DENOTES IRON BAR
- OC DENOTES CUT CROSS
- CO DENOTES CROWN UNBURN
- WT DENOTES WITNESS
- P1 DENOTES PLAN 62R-10574
- P2 DENOTES PLAN 62R-19206
- P3 DENOTES PLAN 62R-20704
- P4 DENOTES PLAN C.T.A. - 340
- P5 DENOTES PLAN BY THIS OFFICE (FILE: 00-172)
- SI DENOTES INSTRUMENT NO. CDR6191
- SSS DENOTES J.T. PETERS O.L.S.
- SS4 DENOTES A.T. MALAREN O.L.S.
- SS10 DENOTES G.V. SOROKI G.L.S.
- C.B.M. DENOTES CONCRETE BLOCK WALL

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. BEARINGS ARE ASTROMERIC AND CAN BE CONVERTED TO GRID BY ROTATING COUNTER CLOCKWISE BY DISTANCES ARE GRID AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF

SPECIFIED CONTROL POINTS (SCP), UTM ZONE 17, NAD83 (ORIGINAL), COORDINATES TO URBAN ACCURACY FEET SEC. 14 (2) OF OREG. 219/70

POINT ID	NORTHING	EASTING

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

NOTES:

1. Lands to be conveyed include lot currently occupied by single detached dwelling (283 Emerald Street North) and existing driveway. This parcel has 9.44 m of frontage on Emerald Street North and depth of 18.6 metres.
2. Lands to be retained include the non-shaded area that include the existing mixed use building on the northwest corner of Barton Street East and Emerald Street North, as well as the parking area accessed from the rear laneway.
3. The existing surface parking area is located on the land to be retained at the rear (west) of the lands to be conveyed. Adequate width and depth is provided to accommodate multiple parked vehicles for the existing mixed use building.

SURVEYOR'S CERTIFICATE

1. CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON

DRAFT

DATE _____
BRYAN JACOBS
ONTARIO LAND SURVEYOR



B.A. JACOBS SURVEYING LTD.
150 JACKSON STREET EAST, SUITE 100
HAMILTON, ONTARIO (L8N 1J2)
PHONE: 905-521-1535 info@bajacobs.com

BIRGE STREET

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 62R-

RECEIVED AND DEPOSITED

DATE: _____

DATE: _____

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62).

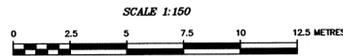
BRYAN JACOBS
ONTARIO LAND SURVEYOR

SCHEDULE

PART	LOT	REGISTERED PLAN	P.L.N.
1	PART OF LOTS 59 & 60	REGISTERED PLAN 33	ALL OF P.L.N. 17187-0085 (LT)
2	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)
3	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)
4	PART OF LOT 58	REGISTERED PLAN 33	PART OF P.L.N. 17187-0086 (LT)

PARTS 2, 3 & 4: COMPRISE ALL OF P.L.N. 17187-0086 (LT).

PLAN OF SURVEY OF
PART OF LOTS 58, 59 & 60
REGISTERED PLAN 33
CITY OF HAMILTON



B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EMERALD STREET NORTH AS SHOWN PLAN 62R-10574 HAVING A BEARING OF N 18° 35' 30" E.

LEGEND AND NOTES:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- P1 DENOTES PLAN 62R-10574
- P2 DENOTES PLAN 62R-19206
- P3 DENOTES PLAN 62R-20704
- P4 DENOTES PLAN C.T.A. - 340
- P5 DENOTES PLAN BY THIS OFFICE (FILE: 90-172)
- D1 DENOTES INSTRUMENT No. CD196191
- (655) DENOTES J.T. PETERS O.L.S.
- (824) DENOTES A.T. McLAREN O.L.S.
- (1511) DENOTES G.V. CONSOLI O.L.S.
- C.B.W. DENOTES CONCRETE BLOCK WALL

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

BEARINGS ARE ASTRONOMIC AND CAN BE CONVERTED TO GRID BY ROTATING COUNTER CLOCKWISE BY _____

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF _____

SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL), COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10.

POINT ID	NORTHING	EASTING

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON _____

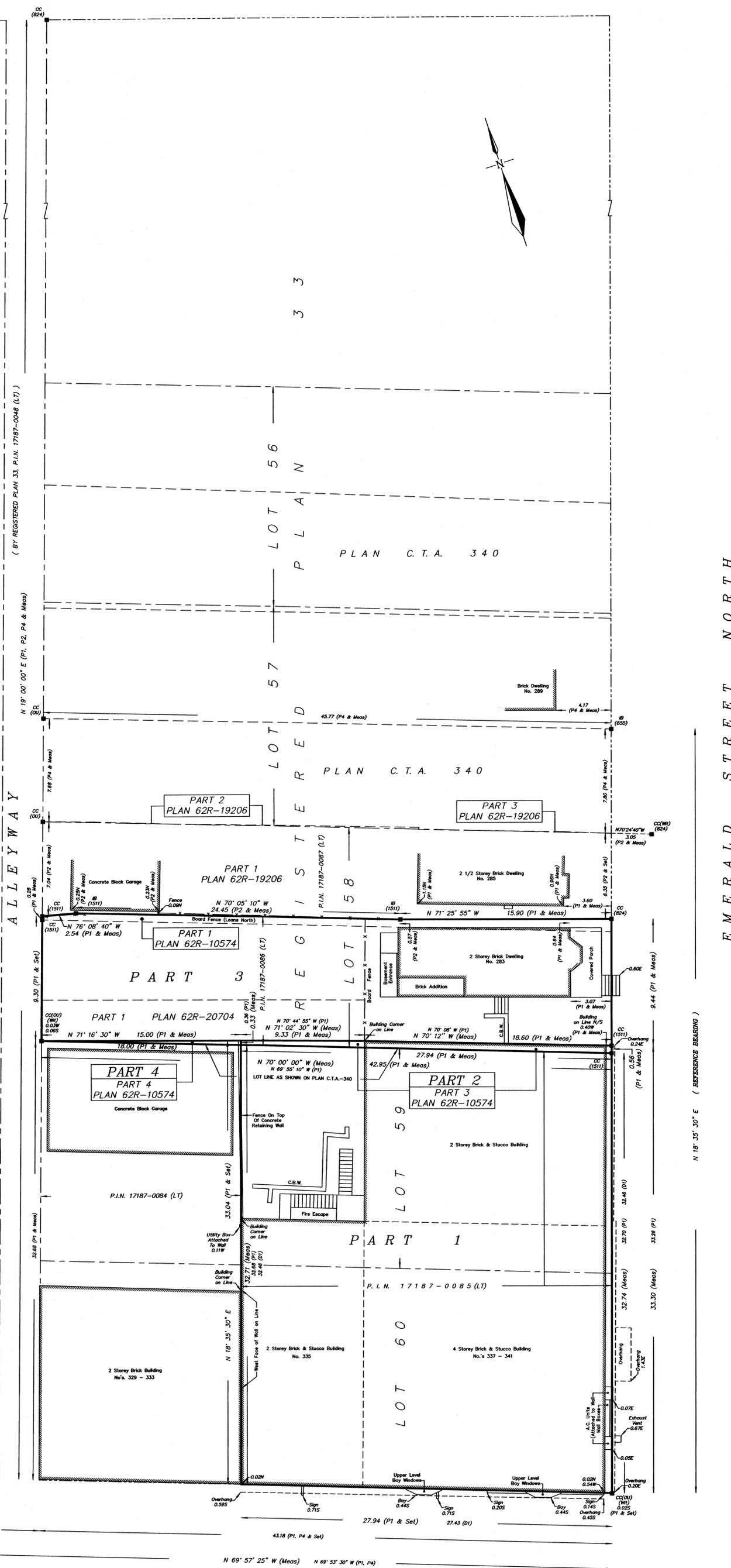
DRAFT

DATE: _____
BRYAN JACOBS
ONTARIO LAND SURVEYOR



B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8M 1L2)
PHONE 905-521-1535 bjacobs@rogers.com

JOB No. 21811-R



BARTON STREET EAST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2, P.L.N. 17187-0002 (LT))

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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
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:

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

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**):

7. PREVIOUS USE OF PROPERTY

Residential	Industrial	Commercial
Agricultural	Vacant	Other

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 8.1 to 8.10 above?

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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
Date

TPearson

Signature Property Owner(s)
MALLEUM CORE PARTNERS I LP & MALLEUM CORE PARTNERS I GP
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Print Name of Owner(s)

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: _

Proposed

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

Existing:

Proposed:

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
17. Length of time the existing uses of the subject property have continued:
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

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-22:188	SUBJECT PROPERTY:	10 LADY COURT, HAMILTON
ZONE:	"DE-2/S-22" (Multiple Dwellings)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 109-23

APPLICANTS: Agent Gregory Spurek
Owner G. & S. Dhindsa

The following variances are requested:

1. A minimum front yard depth of 4.6m shall be permitted instead of the minimum required front yard of 6.0m.
2. A minimum westerly side yard width of 0.7m shall be permitted instead of the minimum required side yard width of 1.2m.
3. A minimum of 21% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials 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.
4. One (1) parking space shall be permitted instead of the minimum required five (5) parking spaces.
5. The manoeuvring space for the required parking space shall have a minimum width of 4.6m and may be provided partially off-site instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

PURPOSE & EFFECT: Construct a 47.6m² second (2nd) storey northerly addition at the front of an existing single family dwelling

HM/A-22:188

Notes:

- i. Pursuant to Variance # 4 above, based on the plans submitted, the single family dwelling will contain a total of thirteen (13) habitable rooms once the addition is constructed which requires a total of five (5) parking spaces. When the dwelling was originally constructed, one (1) parking space was required. The parking space is located in the attached garage. Be advised that as a setback of 4.9m is provided from the garage door to the front lot line, a parking space in the driveway would have a length of 4.9m which would not be considered a “parking space” as a minimum parking space length of 6.0m is required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	2:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.

HM/A-22:188



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

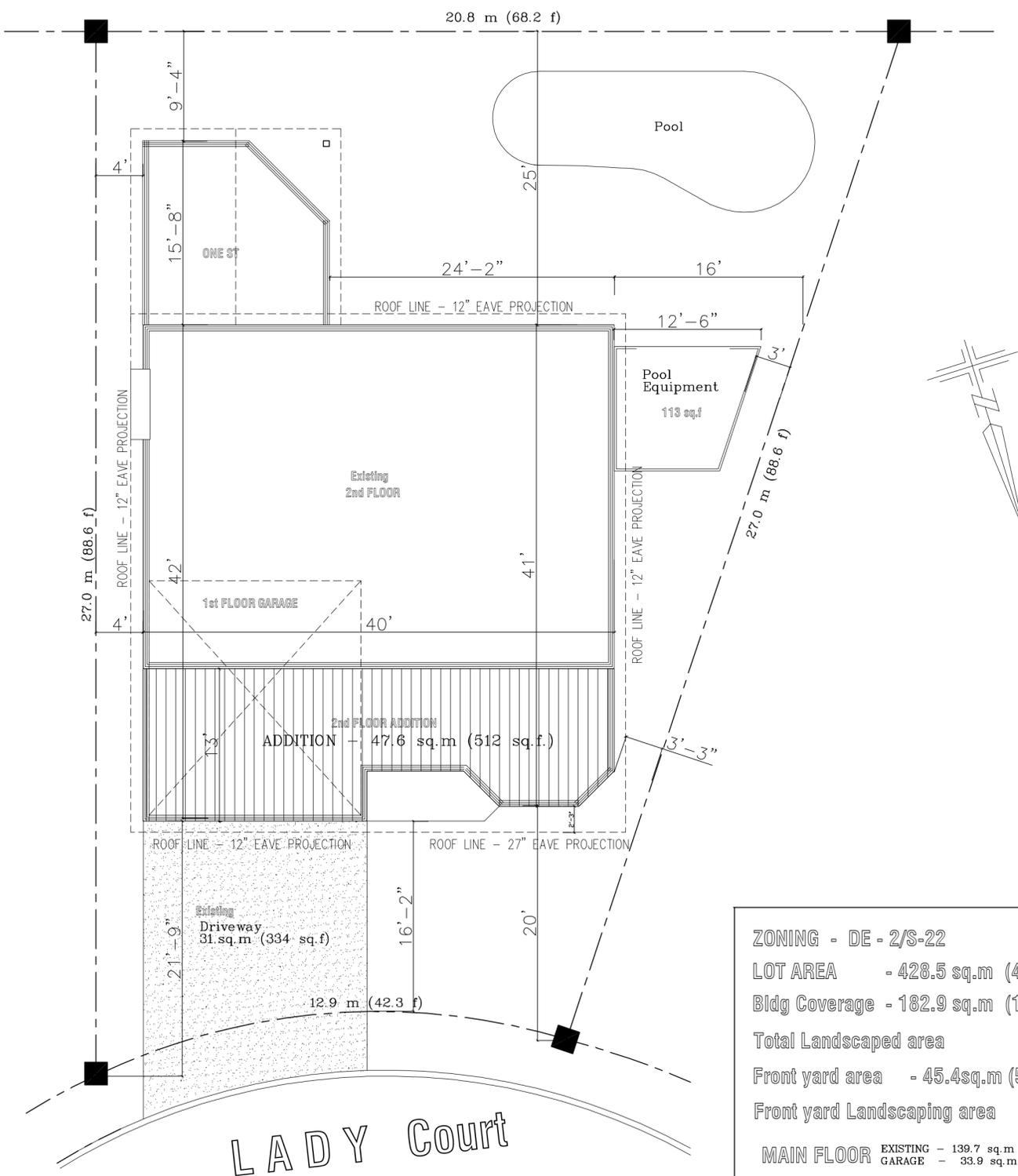
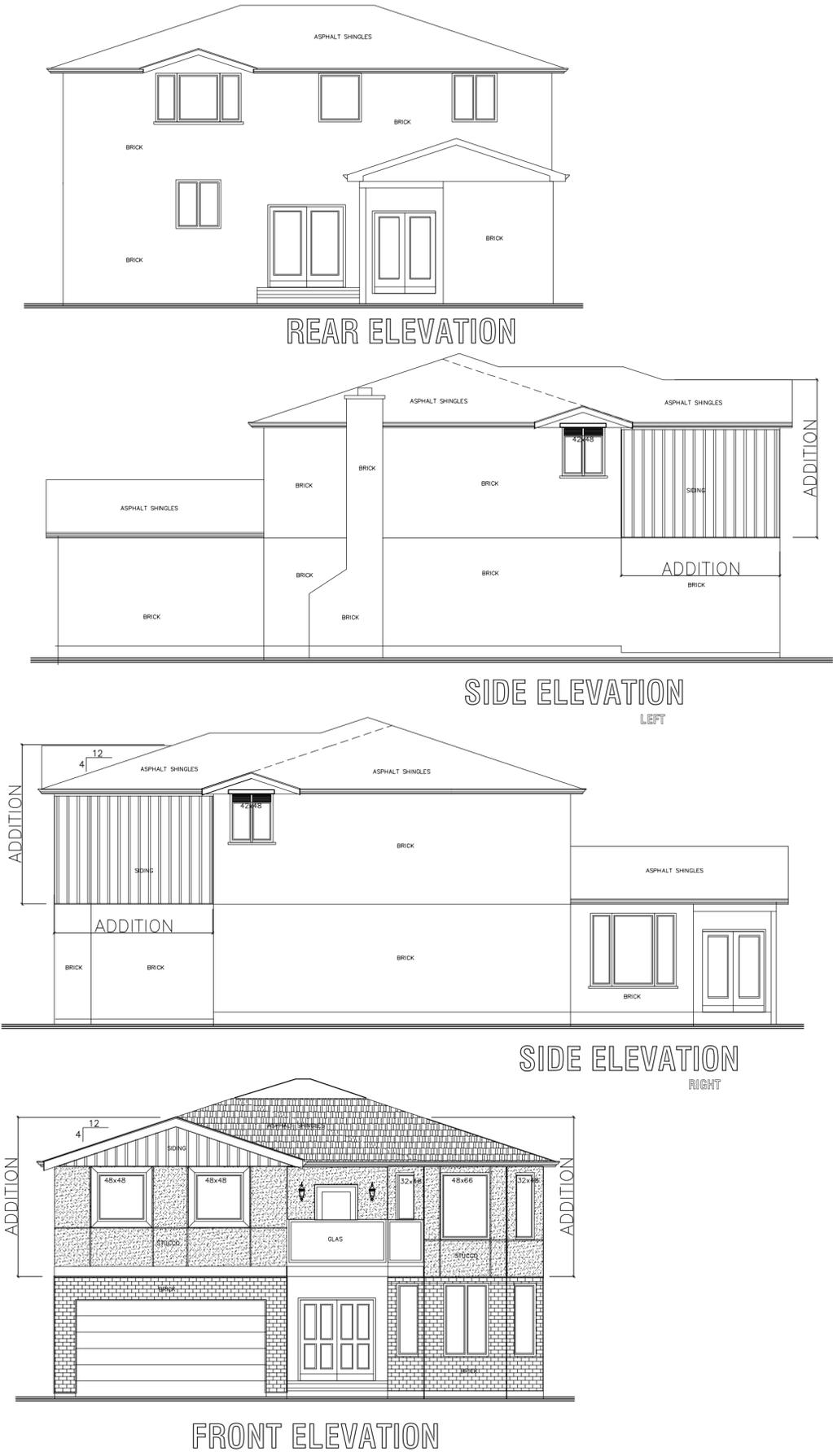
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



ZONING - DE - 2/S-22

LOT AREA - 428.5 sq.m (4612sq.f)

Bldg Coverage - 182.9 sq.m (1969sq.f)

Total Landscaped area - 42.7%

Front yard area - 45.4sq.m (500 sq.f)

Front yard Landscaping area - 21%

MAIN FLOOR EXISTING - 139.7 sq.m (1504 sq.f.)
GARAGE - 33.9 sq.m (365 sq.f.)

2nd FLOOR ADDITION - 47.6 sq.m (512 sq.f.)
EXISTING - 104.9 sq.m (1130 sq.f.)

FLOOR AREA ADDITION - 47.6 sq.m (512 sq.f.)
EXISTING - 244.7 sq.m (2634 sq.f.)
TOTAL - 292.3 sq.m (3146 sq.f.)

July, 05 2022 Minor Variance review COMMENTS

REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK.
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THIS DRAWING IS NOT TO BE SCALED.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 3.2.4 CS - 2012 O.B.C. to be a designer.

QUALIFICATION INFORMATION
Gregory Spurek
NAME SIGNATURE BCIN 29295

REGISTRATION INFORMATION
ARCHGATE
FIRM NAME BCIN 32929



NO	DATE	DESCRIPTIONS
3.	June, 25 2022	Minor Variance review COMMENTS
2.	May, 25 2022	Minor Variance APPLICATION
1.	April 25, 2022	BUILDING PERMIT APPLICATION REVIEW LETTER - Jan. 05, 2022

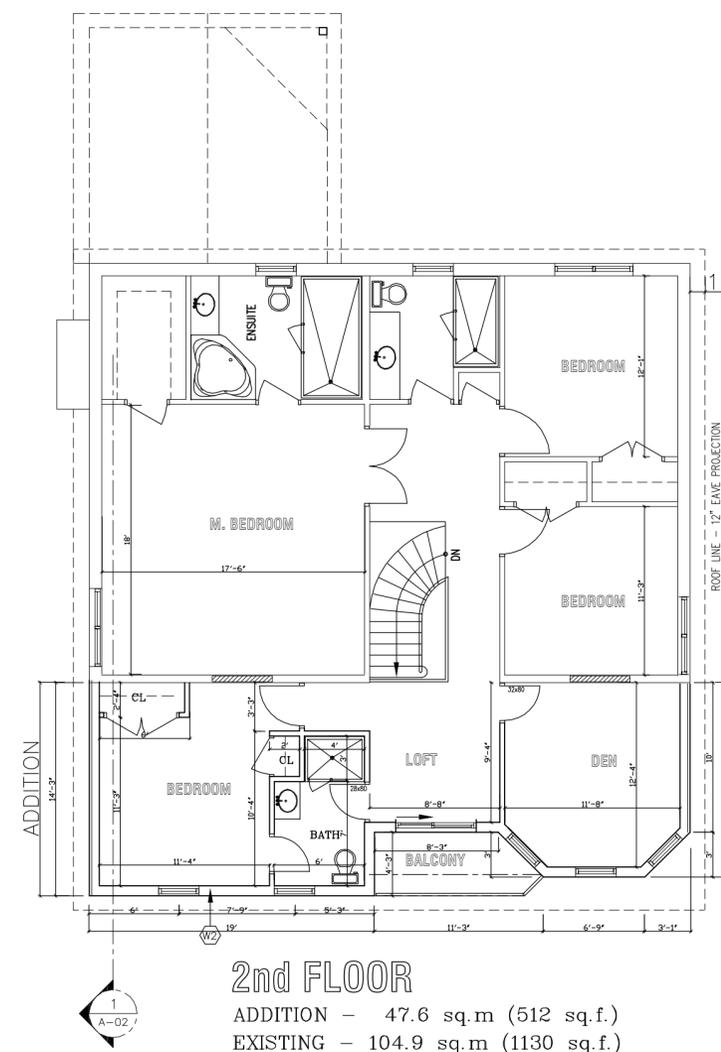
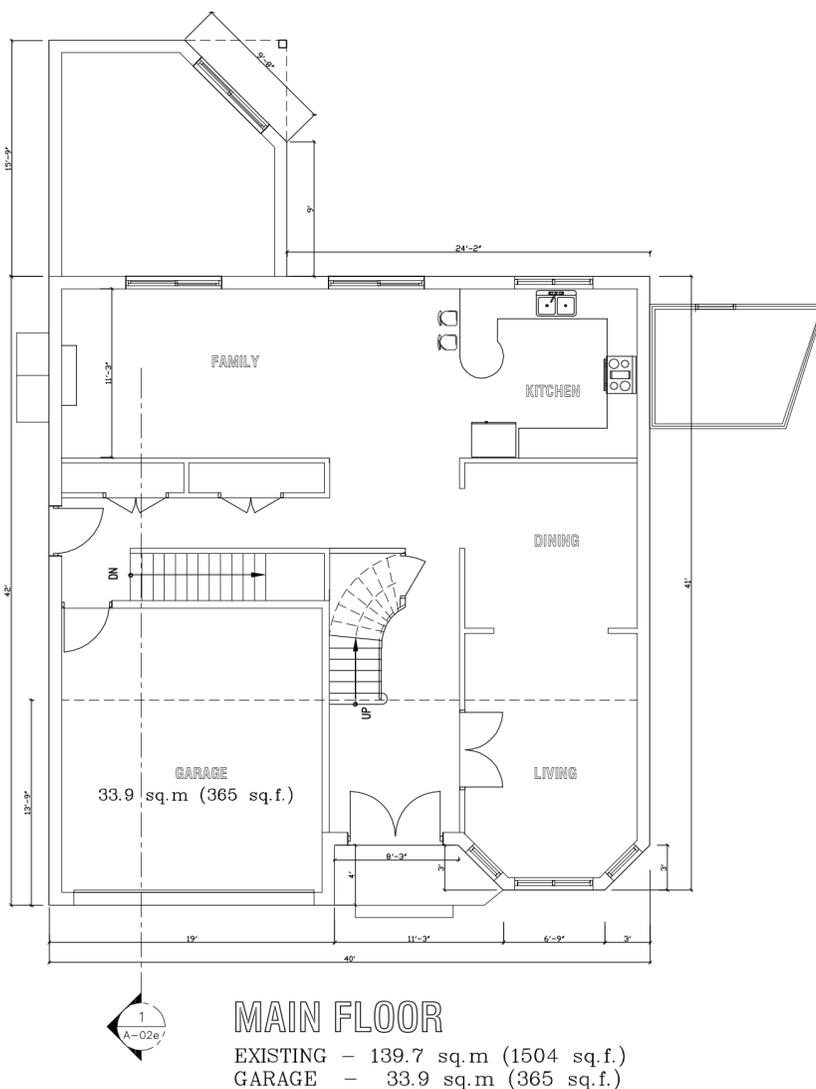
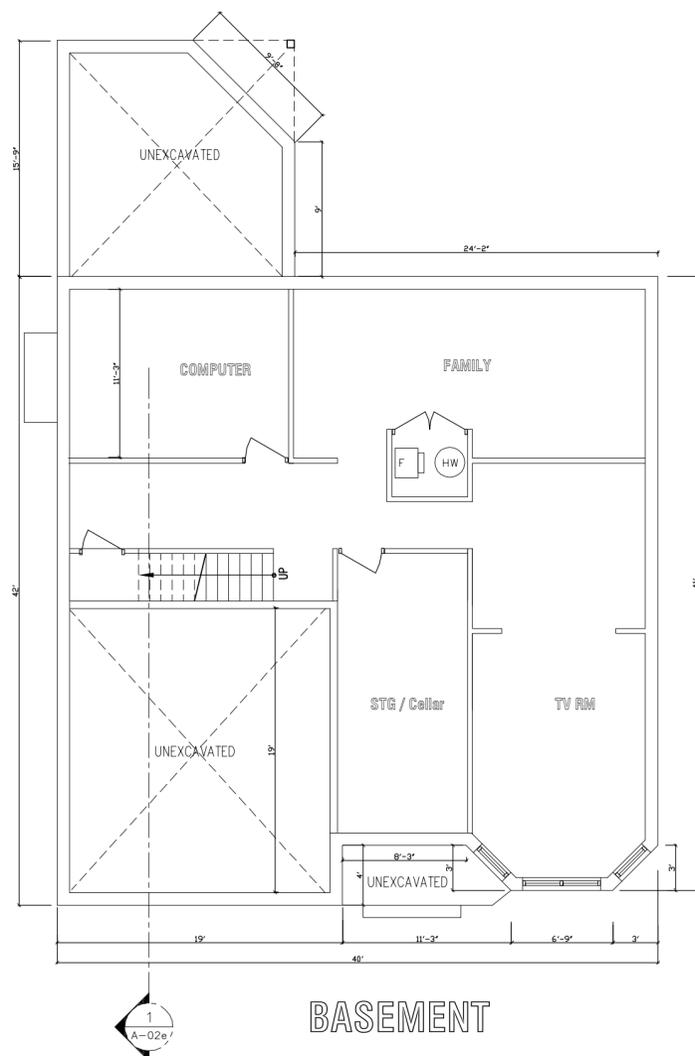
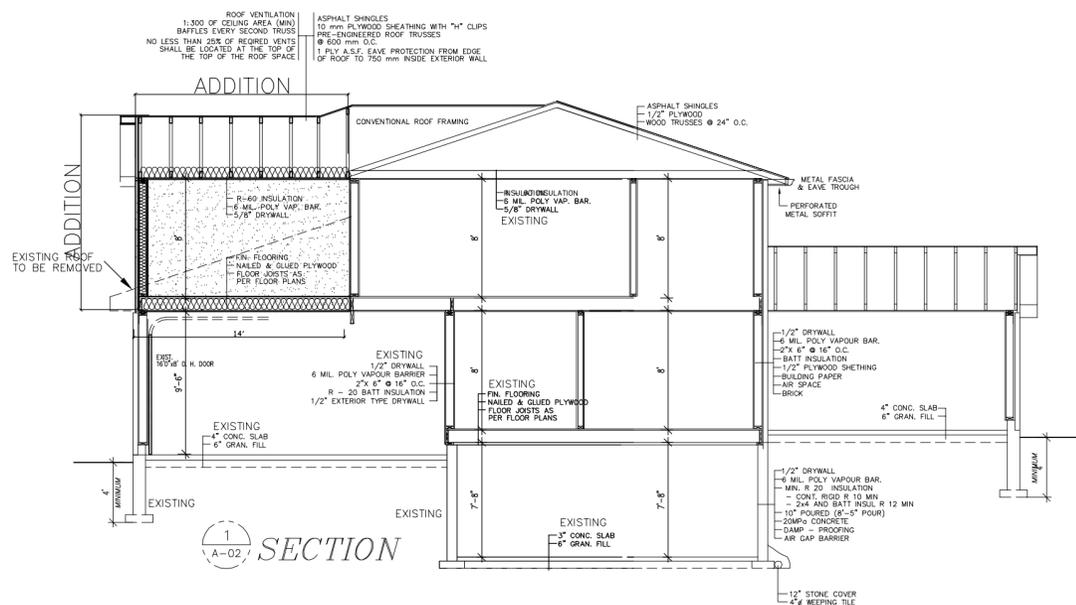
REVISIONS

PROJECT:
**ADDITION
Renovation**
10 Lady Crt
Hamilton

DATE: December, 2021
DESIGN: G.S.
DRAFTING: G.S.
ISSUED:
ACAD: Gregory
SCALE: 1/8" = 1'-0"

DRAWING:
-
-
Site Plan, Elevation

DRAWING No.
A-01



July, 05 2022 Minor Variance review COMMENTS

REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK.
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THIS DRAWING IS NOT TO BE SCALED.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the 3.2.4 CS - 2012 O.B.C. to be a designer.
QUALIFICATION INFORMATION
Gregory Spurek 29295
NAME SIGNATURE BCIN
REGISTRATION INFORMATION
ARCHGATE 32929
FIRM NAME BCIN



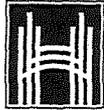
NO	DATE	DESCRIPTIONS
3.	June, 25 2022	Minor Variance review COMMENTS
2.	May, 25 2022	Minor Variance APPLICATION
1.	April 25, 2022	REVIEW LETTER -Jan. 05, 2022
REVISIONS		

PROJECT:
ADDITION Renovation
10 Lady Crt
Hamilton

DATE: December, 2021
DESIGN: G.S.
DRAFTING: G.S.
ISSUED:
ACAD: Gregory
SCALE: 1/8" = 1'-0"

DRAWING:
-
-
Plans

DRAWING No.
A-01a



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	MAILING ADDRESS
Registered Owners(s)	G...	...
Applicant(s)*	G...	...
Agent or Solicitor	G...	...

Send Sign →

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:

PROPOSED 2nd FLOOR ADDITION TO PERMIT CLOSER TO THE PROPERTY LINE THAN PERMITTED. PERMIT FOR 2 PARKING SPACES

- Second Dwelling Unit Reconstruction of Existing Dwelling

THAN PERMITE

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

EXISTING FRONT YARD - 3.5 m

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**):

10 LADY COURT HAMILTON, ONT,

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 8.1 to 8.10 above?

ZONING MAP
DE - 2/5 - 22

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

25 MAY 22
Date


Signature Property Owner(s)
Gurpreet K Dhindsa / Sathnam S Dhindsa
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.9 m
Depth 27.0 m
Area 440.7 sq. m
Width of street COURT

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:

FLOOR AREA 244.7 m², 2st, 40' x 41'
26' H

Proposed

FLOOR AREA 292.3 2st. 40' x 41'
26' H

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 3.5m SIDES .09m REAR 7.5m

Proposed:

AS EXISTING



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:99	SUBJECT PROPERTY:	578 CATHARINE STREET N, HAMILTON
ZONE:	"D" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner J. Schoenhardt
Agent M. Sabelli

The following variances are requested:

1. A front yard depth of 3.0m shall be provided instead of the minimum required front yard depth of 6.0m.
2. No parking spaces shall be provided on-site instead of the minimum required two (2) parking spaces.

PURPOSE & EFFECT: So as to permit the construction of a new two (2) storey Single Family Dwelling notwithstanding that:

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

HM/A-22:99

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

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Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

BROCK STREET

(BY NATHANIEL HUGHSON SURVEY-UNREGISTERED, P.I.N. 17155-0237 (LT))

PLAN SHOWING PROPOSED DWELLING PART OF LOT 47 NATHANIEL HUGHSON SURVEY (UNREGISTERED)

(EAST SIDE OF CATHARINE STREET,
IN THE BLOCK BOUNDED BY CATHARINE,
BROCK, MARY AND BURLINGTON STREETS)

CITY OF HAMILTON

SCALE 1:150



B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

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

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
NORTHERLY LIMIT OF BURLINGTON STREET AS SHOWN ON
MUNICIPAL SURVEY PLAN No. 690, CONFIRMED OCTOBER 15, 1914,
HAVING A BEARING OF N 73° 03' 16" E.

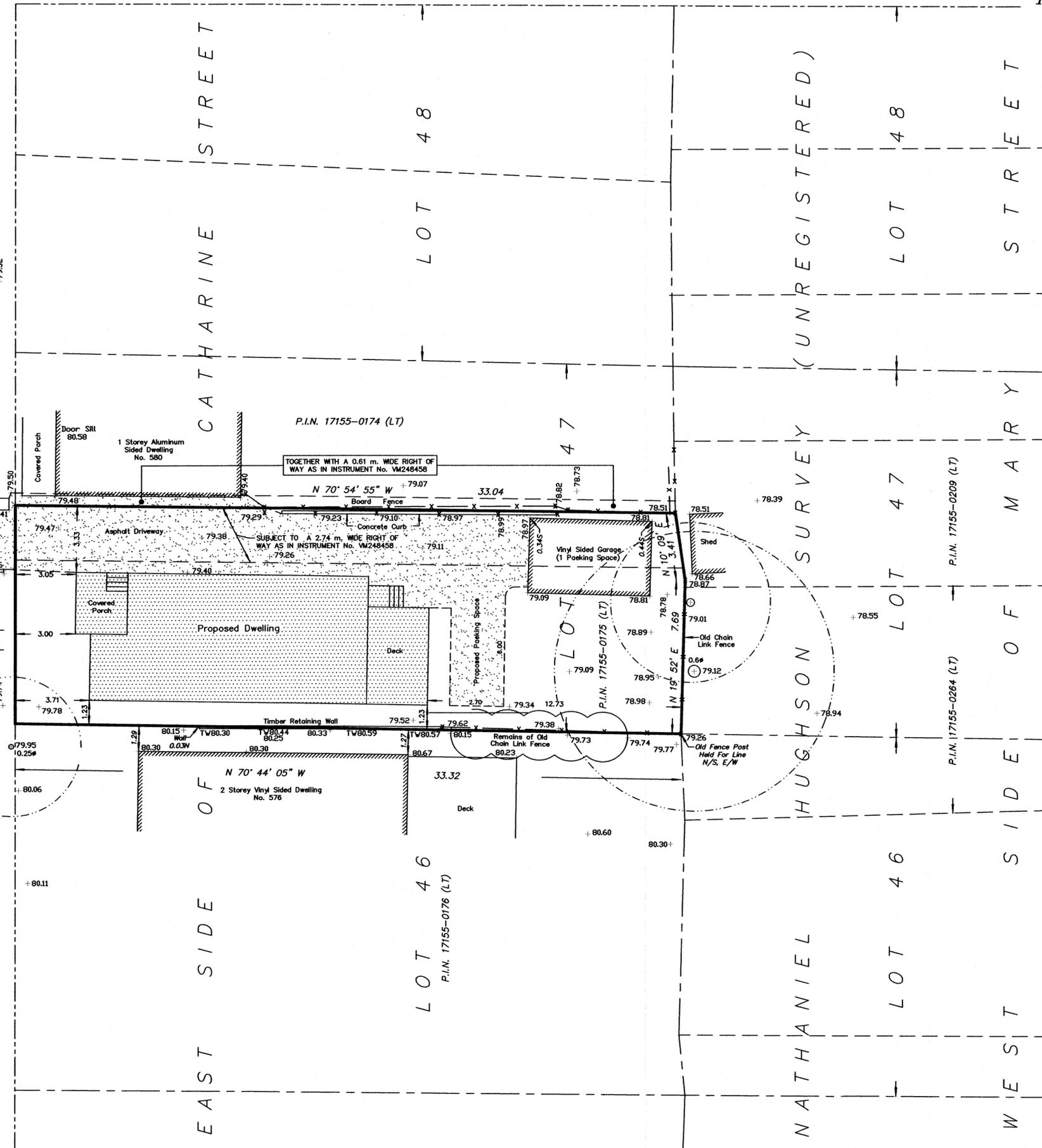
ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO CITY OF
HAMILTON BENCH MARK INDEXED AS No. 3-03.
LOCATION: HOUSE No. 488 MARY STREET AT NORTHEAST CORNER
OF MACAULAY STREET, No. 178.
ELEVATION = 84.501 m.

LEGEND:
T.C. DENOTES TOP OF CURB
T.W. DENOTES TOP OF WALL
U.P. DENOTES UTILITY POLE
W.V. DENOTES WATER VALVE
0.3Ø DENOTES DIAMETER OF TREE

CATHARINE STREET NORTH
(BY NATHANIEL HUGHSON SURVEY-UNREGISTERED, P.I.N. 17155-0245 (LT))

+79.07
+79.27
+79.35
+79.38
+79.46

78.95
79.08
79.15
79.32
79.30
79.41
79.47
79.56
79.58
79.62
79.74
79.78
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B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (LBN 1L3)
PHONE 905-521-1535 bajacobs@rogers.com

© - COPYRIGHT JOB No. 21s15-P

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.

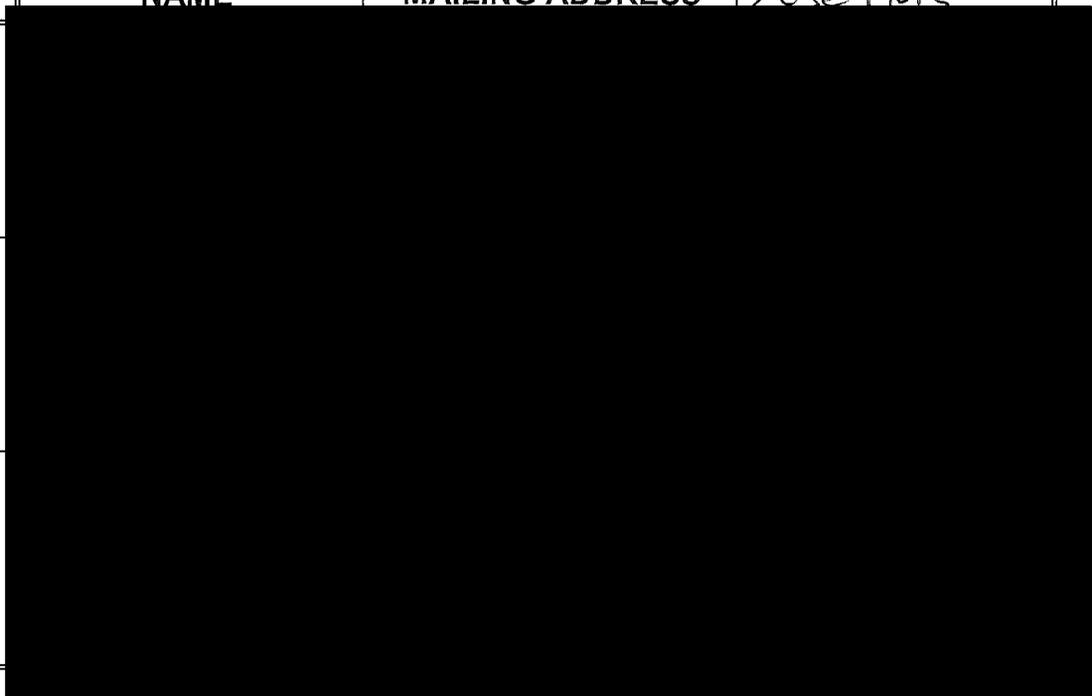
1, 2

NAME	MAILING ADDRESS	use this
------	-----------------	----------

Registered Owners(s)

Applicant(s)*

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:

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:

FRONT YARD PROVIDED - 3.0M REQUIRED - 6.0M
LOT WIDTH PROVIDED - 10.95M REQUIRED - 12.0M

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

LOT IS EXISTING.
FRONT YARD SETBACK VARIANCE TO KEEP UNIFORM
FRONTAGE WITH EXISTING ADJACENT DWELLINGS

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**):

578 CATHERINE STREET NORTH
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 any other...

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 8.1 to 8.10 above?

PREVIOUS OWNER

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

March 16/22
Date


Signature Property Owner(s)

James Schoenhardt / Jeffery Schoenhardt
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 10.95 m
 Depth 33.04 m
 Area 361.79 m
 Width of street 20.12 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:

1 STOREY BRICK DWELLING TO BE DEMOLISHED.

Proposed

TWO STOREY 172M² DWELLING.
 MAIN FLOOR- 84.5M², SECOND FLOOR-87.5M²
 LENGTH- 14.63m, WIDTH- 6.4m HEIGHT- 8.69m

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

Existing:

TO BE DEMOLISHED.

13. Date of acquisition of subject lands:
July 9 2012

14. Date of construction of all buildings and structures on subject lands:
MORE THAN 50 YEARS

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE-FAMILY

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE-FAMILY

17. Length of time the existing uses of the subject property have continued:
MORE THAN 50 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:
RESIDENTIAL

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" DISTRICT (URBAN PROTECTED RESIDENTIAL)

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No

If yes, please provide the file number:

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:203	SUBJECT PROPERTY:	405 MAIN STREET W, HAMILTON
ZONE:	“C5, E298” and “D” (Mixed Use Medium Density and Urban Protected Residential – 1 & 2 Family Dwellings, etc.)	ZONING BY-LAW:	Zoning By-law 05-200 & 6593, as Amended 17-240

APPLICANTS: Owner 3H Properties 405 Main Street W. No. 1 General Partnership Inc.

The following variances are requested:

1. A finished floor elevation of 0.0 metres above grade shall be permitted for any dwelling unit, instead of the requirement that the finished floor elevation of any dwelling shall be a minimum of 0.9 metres above grade.
2. The portion of the building providing an access driveway to a garage shall be permitted to be setback 32.0 metres from a street line, instead of the maximum 6.0 metres permitted.
3. A minimum rear yard of 4.0 metres shall be permitted instead of the minimum required rear of 7.5 metres.
4. A minimum façade height of 6.70 metres shall be permitted, instead of the minimum required façade height of 7.5 metres for any portion of a building along a street line.
5. A minimum westerly side yard of 10.88 metres shall be permitted for the portion of the building above 14.48 metres, instead of the requirement that any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum 7.5 metre side yard requirement when abutting a Residential Zone (i.e. a “D” District pursuant to Hamilton Zoning By-law No. 6593) to a maximum of 22.0 metres.
6. A principal entrance shall be permitted to be located within the ground floor façade that is recessed in the building and is not set back closest to the street, instead of the requirement that a minimum

HM/A-22:203

of one (1) principle entrance shall be provided within the ground floor façade that is set back closest to a street.

7. A loading door shall be permitted to be located in a yard abutting a street and not be screened from view by a visual barrier, instead of the requirement that a loading door and associated loading facilities shall not be permitted in any yard abutting a street, except where screened from view by a visual barrier.
8. A minimum of nineteen (19) parking spaces shall be provided, instead the minimum twenty-seven (27) parking spaces required.
9. A transformer associated with a Multiple Dwelling shall be permitted to be located in a “D” District pursuant to Hamilton Zoning By-law No. 6593, which does not permit the use of a Multiple Dwelling.

PURPOSE & EFFECT: To facilitate the construction of a seven (7) storey multiple dwelling consisting of 96 dwelling units.

Notes:

1. The proposed development 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. The requested variances are required to facilitate Site Plan Application No. DA-22-051. Please note that a full zoning compliance review has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:05 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca

HM/A-22:203

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 **Subject Lands**

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

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

Telephone (905) 546-2424, ext. 4221, 3935

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A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

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NO.	ISSUANCE	DATE
1	ISSUED FOR DRP	2021/09/24
2	ISSUED FOR COORDINATION	2021/11/18
3	ISSUED FOR SPA	2021/11/20
4	RE-ISSUED FOR SPA	2022/04/11
5	ISSUED FOR MINOR VARIANCE APPLICATION	2022/06/03

PROFESSIONAL STAMP:



CONSULTANTS

- STRUCTURAL**
Kalos Engineering Inc.
300 York Boulevard
Hamilton, ON L8R 3K6
(905) 333 9119
- MECHANICAL & ELECTRICAL**
CK Engineering
3390 South Service Road, Suite 302
Burlington, ON L7N 3J5
(905) 631 1115
- LANDSCAPE**
adesso design inc.
218 Locke St S, 2nd floor
Hamilton, ON L8P 4B4
(905) 526 8876
- CIVIL**
S. Lewellyn & Associates Limited
3228 S Service Rd
Burlington, ON L7N 3H8
(905) 631 6978
- ENERGY**
ZON Engineering Inc.
360 Woodloch Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

SITE PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08

SITE INFORMATION	
Municipal Address:	405 Main Street West, Hamilton ON, L8P 1K5 404 Jackson Street West, Hamilton ON, L8P 1N4
Property Description:	Lots 10, 18, 19 & part of Lot 11 registered plan 244 in the city of Hamilton
Zoning Classification:	[405] C5 Mixed Use Medium Density [404] D/S-1787 Urban protected Residential - One and Two Family Dwellings
Lot Area:	[405] 1,451m ² 15,618sf [404] 232m ² 2,497sf Total = 1,683m ² 18,115sf
Lot Coverage:	[405] 58% [404] 0% Total = 58%
Landscape Area:	[405] 412m ² 4,435sf [404] 232m ² 2,497sf Total = 644m ² 6,932sf

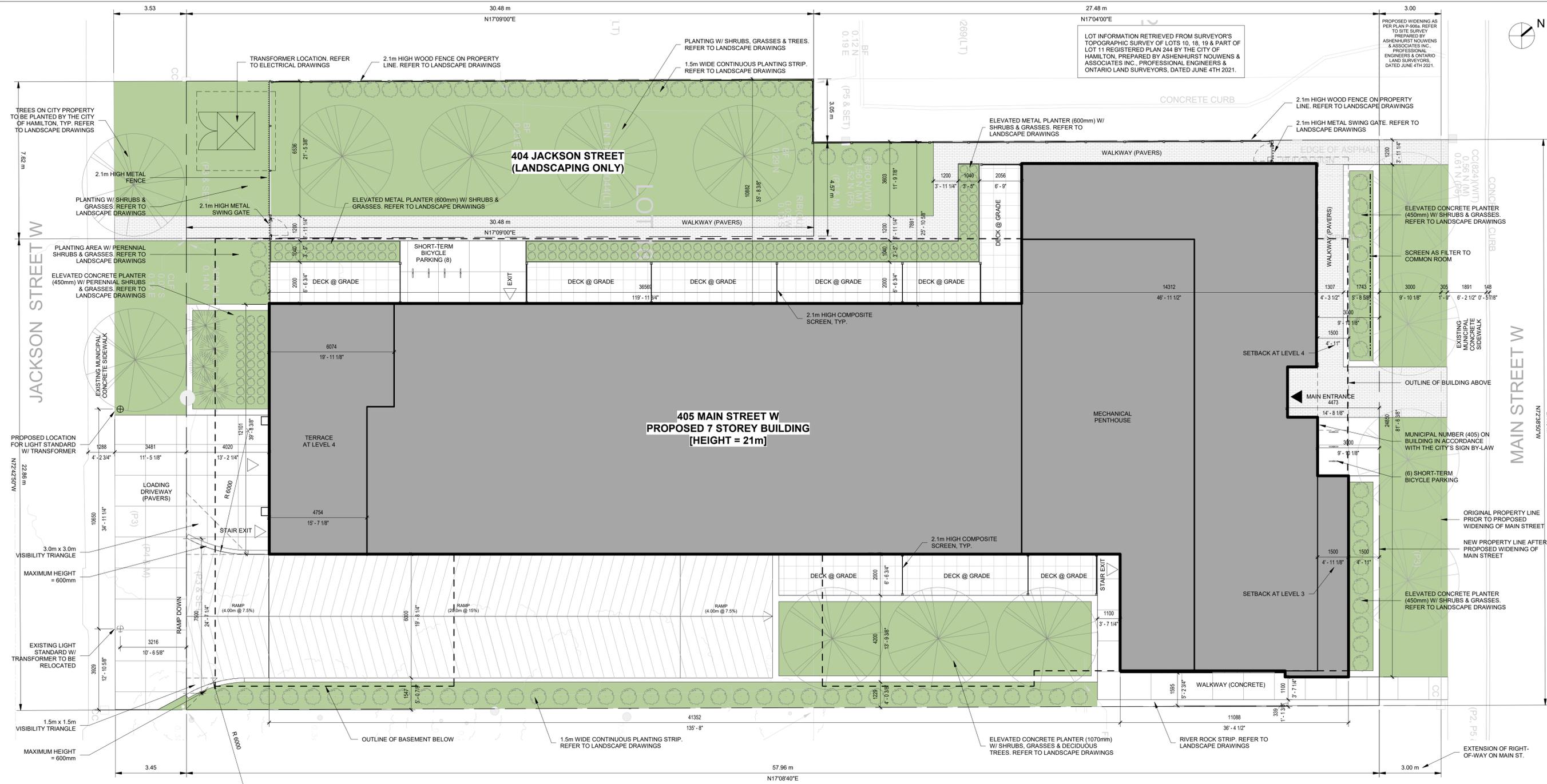
BUILDING GROSS FLOOR AREA		
FLOOR	AREA (m ²)	AREA (sf)
Ground floor	750m ²	8,070sf
Level 2	760m ²	8,182sf
Level 3	740m ²	8,026sf
Level 4	654m ²	7,042sf
Level 5	665m ²	7,154sf
Level 6	665m ²	7,154sf
Level 7	665m ²	7,154sf
TOTAL	4,905m²	52,782sf
Underground parking	1,066m ²	11,470sf

UNIT INFORMATION				
Unit Count:	96 units	Units > 50m ² : 7	Units < 50m ² : 89	
	Studio (market)	1 Bedroom (deep affordable)	1 Bedroom (market)	2 Bedroom (market)
Ground floor	1	8	1	0
Level 2	1	6	6	2
Level 3	1	6	6	2
Level 4	1	8	3	2
Level 5	1	7	4	2
Level 6	1	7	4	2
Level 7	1	7	4	2
TOTAL	7 (7%)	49 (51%)	28 (29%)	12 (13%)

PARKING CALCULATIONS	
Required parking:	Units < 50m ² : 89 x 0.3 = 26.7 = 26 Units > 50m ² : 7 x 0.7 = 4.9 = 4 TOTAL = 30 parking spaces
Allowed reductions:	Replace 10% of parking spaces with bicycle parking (5 bicycle spaces per parking spot) = 30 x 10% = 3 spaces Required Parking Reduced: 30 - 3 = 27 parking spaces
Small car spaces:	Up to 10% of parking spaces can be reduced in size to accommodate small cars (2.6m x 5.5m) = 27 x 10% = 2.7 = 2 parking spaces
Parking provided:	19 parking spaces (of which, 2 are small car spaces) Deficiency: 27 - 19 = 8 parking spaces

BICYCLE PARKING CALCULATIONS	
Required parking:	Short-term: 5 spaces Long-term: 0 spaces TOTAL = 5 bicycle parking spaces
Parking provided:	Short-term: 6 spaces (at grade on Main St W) + 8 spaces (at grade on Jackson Street) = 14 spaces Long-term: 40 + 15 (required for parking spaces reduction)

AMENITIES CALCULATIONS		
Required Amenity spaces:	Units < 50m ² = 89 x 4 = 356m ² [3,832sf] Units > 50m ² = 7 x 6 = 42m ² [452sf] TOTAL = 398m ² [4,284sf]	
	Indoor Amenities	Outdoor Amenities
Ground floor	125m ² [1,345sf]	499m ² [5,371sf]
Level 2	0	7.5m ² [81sf]
Level 3	0	17.5m ² [188sf]
Level 4	0	87.5m ² [941sf]
Level 5	0	8m ² [86sf]
Level 6	0	8m ² [86sf]
Level 7	0	8m ² [86sf]
TOTAL	125m² [1,345sf]	635.5m² [6,840sf]
		760.5m² [8,185sf]



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PROFESSIONAL STAMP:



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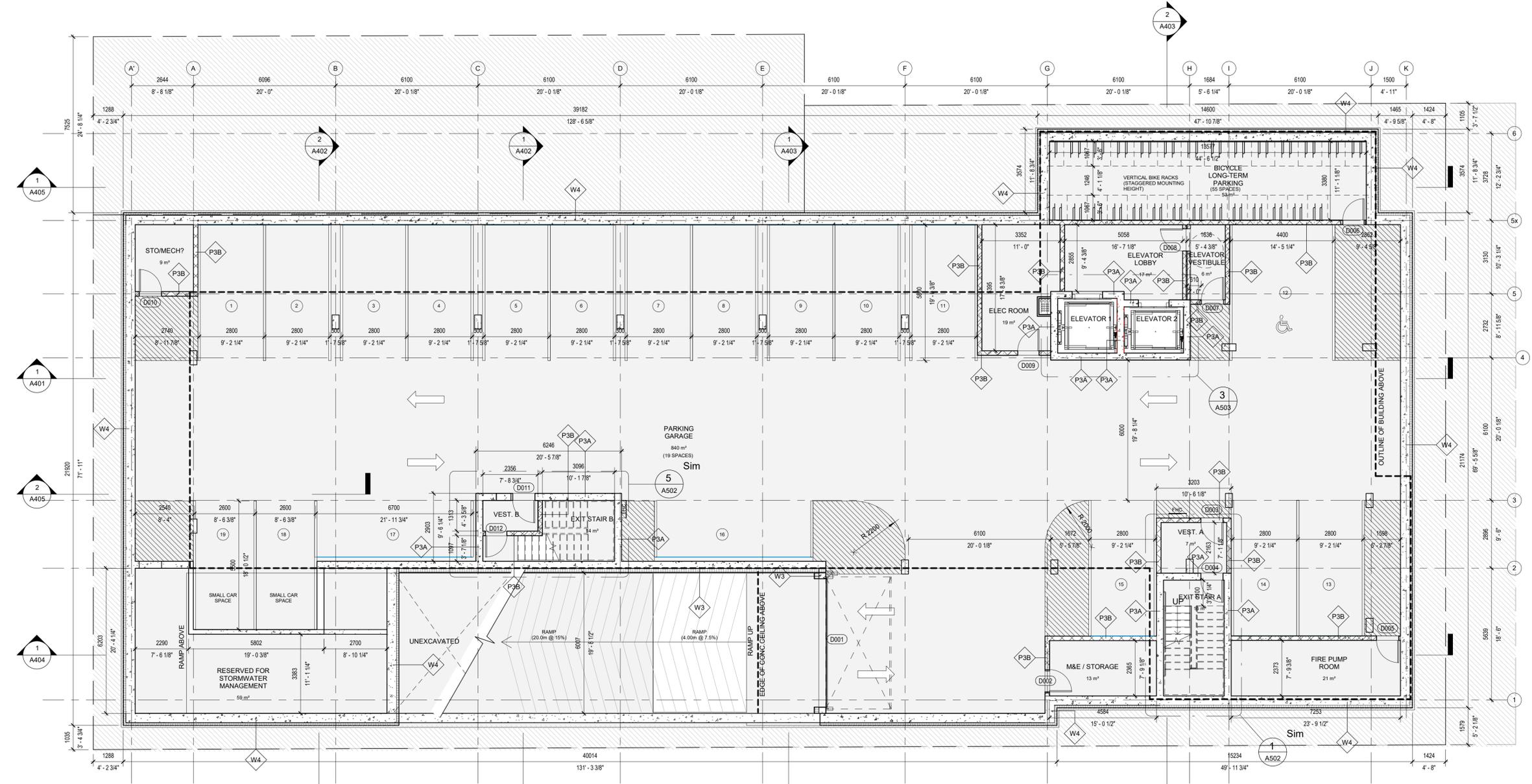
ENERGY
ZON Engineering Inc.
360 Woodloch Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
BASEMENT PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

- FOR PARTITION TYPES AND DIMENSIONS INSIDE THE UNITS, REFER TO TYPOLOGIES CONSTRUCTION PLANS.
- THIS PLAN ONLY PROVIDES OVERALL DIMENSIONS OF INTERIOR PARTITIONS. FOR FURTHER DETAILS REFER TO DETAIL PLANS OF EACH NOTED AREA.

CONSTRUCTION NOTES

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- Stud gauge and spacing provided only as a guideline. Final sizes and spacing determined by stud wall engineer. If revision to gauge and spacing is required, G.C. to include in cost.
- Provide acoustical seal, adequate metal gauge and other provisions as per specifications, ULC and applicable standards.
- All exposed steel to be hot dipped galvanized.
- All exposed gypsum board corner conditions to have corner bead (tp.).
- Provide layer of continuous building paper dampproofing course to u/s of all interior metal stud partitions and exterior structural stud walls (tp.).
- Seal around all mechanical penetrations with fire stop material.
- For all fire rated walls, enclosures, shaft walls, and ceilings provide complete top-bottom, full height fire stop and smoke seal. Provide access to fire damper where required.
- Provide fire retardant blocking in partitions for strong fastening of all wall hung millwork, shelving, equipment, fixtures, washroom accessories, etc., unless stated otherwise. Mounting heights to be confirmed with consultant where not indicated on drawings.
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- Junction boxes, electrical outlet covers with tile insert to match pattern. Refer to mechanical and electrical drawing. All electrical outlets to be placed in the center of floor tiles. Coordinate also with electrical drawings (tp.). All floor junction boxes to have tile inserts to match adjacent floor pattern.
- Coordinate location of mechanical and electrical panels with architectural drawings. Provide sufficient backer boards and blocking for panels.

LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
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- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

BASEMENT AREAS

Name	Area	
	SQ. M.	SF
BICYCLE LONG-TERM PARKING	53 m ²	566 SF
ELEC ROOM	19 m ²	203 SF
ELEVATOR 1	7 m ²	81 SF
ELEVATOR 2	6 m ²	70 SF
ELEVATOR LOBBY	17 m ²	186 SF
ELEVATOR VESTIBULE	6 m ²	67 SF
EXIT STAIR A	16 m ²	167 SF
EXIT STAIR B	14 m ²	148 SF
FIRE PUMP ROOM	21 m ²	225 SF
M&E / STORAGE	13 m ²	141 SF
PARKING GARAGE	840 m ²	9038 SF
RESERVED FOR STORMWATER MANAGEMENT	59 m ²	633 SF
STO/MECH?	9 m ²	99 SF
VEST. A	7 m ²	78 SF
VEST. B	4 m ²	44 SF
TOTAL	1091 m²	11745 SF

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PROFESSIONAL STAMP:



CONSULTANTS

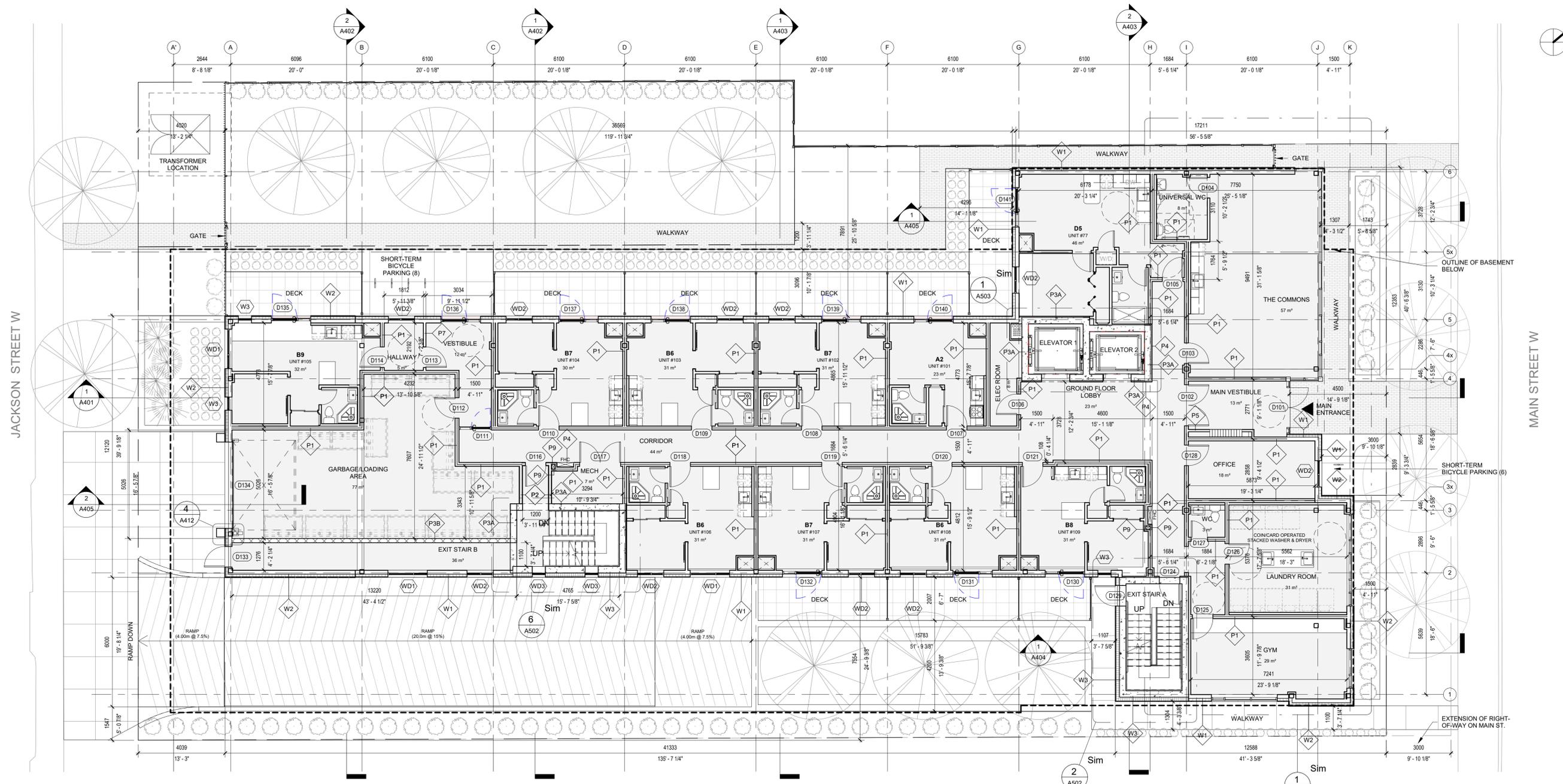
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PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
GROUND FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

- FOR PARTITION TYPES AND DIMENSIONS INSIDE THE UNITS, REFER TO TYPOLOGIES CONSTRUCTION PLANS.
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- All exposed steel to be hot dipped galvanized.
- All exposed gypsum board corner conditions to have corner bead (typ.).
- Provide layer of continuous building paper dampproofing course to u/s of all interior metal stud partitions and exterior structural stud walls (typ.).
- Seal around all mechanical penetrations with fire stop material.
- For all fire rated walls, enclosures, shaft walls, and ceilings provide complete top-bottom, full height fire stop and smoke seal. Provide access to fire damper where required.
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LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
- PARTITION TYPE (REFER TO PARTITION SCHEDULE)
- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

GROUND FLOOR AREAS		
Name	SQ. M.	SF
AMENITIES		
GYM	29 m ²	314 SF
LAUNDRY ROOM	31 m ²	332 SF
THE COMMONS	57 m ²	610 SF
	117 m ²	1256 SF
BOH		
ELEC ROOM	8 m ²	86 SF
GARBAGE/LOADING AREA	77 m ²	825 SF
MECH	7 m ²	71 SF
OFFICE	18 m ²	190 SF
UNIVERSAL WC	8 m ²	91 SF
WC	3 m ²	36 SF
	121 m ²	1298 SF
CIRCULATION		
CORRIDOR	44 m ²	473 SF
CORRIDOR	23 m ²	245 SF
ELEVATOR 1	7 m ²	81 SF

GROUND FLOOR AREAS		
Name	SQ. M.	SF
ELEVATOR 2	6 m ²	70 SF
EXIT STAIR A	16 m ²	173 SF
EXIT STAIR B	36 m ²	383 SF
GROUND FLOOR LOBBY	23 m ²	247 SF
HALLWAY	5 m ²	52 SF
MAIN VESTIBULE	13 m ²	141 SF
VESTIBULE	12 m ²	129 SF
	185 m ²	1993 SF
RESIDENTIAL (DEEP AFFORDABLE)		
1BR UNIT (DEEP AFFORDABLE)	31 m ²	331 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	331 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	330 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	328 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	328 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	328 SF
1BR UNIT (DEEP AFFORDABLE)	32 m ²	343 SF
1BR UNIT (DEEP AFFORDABLE)	30 m ²	321 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	336 SF
	246 m ²	2649 SF

GROUND FLOOR AREAS		
Name	SQ. M.	SF
RESIDENTIAL (MARKET)		
STUDIO UNIT	23 m ²	252 SF
	23 m ²	252 SF
RESIDENTIAL (MARKET/ACCESSIBLE)		
1BR UNIT	46 m ²	498 SF
	46 m ²	498 SF
	738 m ²	7946 SF

EXTERIOR AMENITY SPACES (405 LOT ONLY)

- DECKS = 102.5m² [1,103sf]
- LANDSCAPE AREA (MINUS PLANTING STRIP) = 287.5m² [3,088sf]

TOTAL = 390m² [4,197sf]

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Table with columns: NO., DATE, ISSUANCE, NO. 1, 2, 3. Includes dates like 2021/09/24 and 2022/06/03.

PROFESSIONAL STAMP:



CONSULTANTS

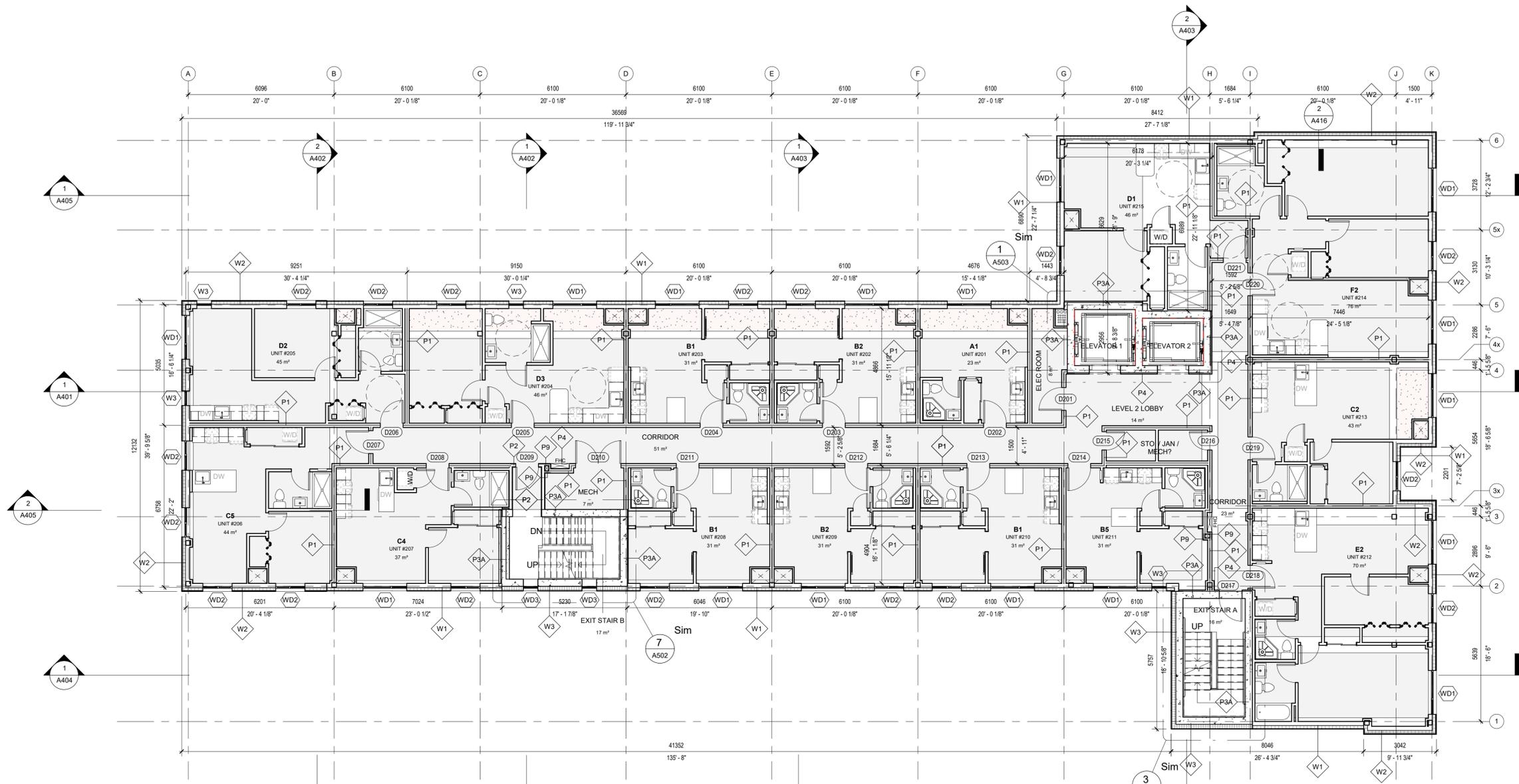
- STRUCTURAL: Kalos Engineering Inc.
MECHANICAL & ELECTRICAL: CK Engineering
LANDSCAPE: adesso design inc.
CIVIL: S. Lewellyn & Associates Limited
ENERGY: ZON Engineering Inc.



PROJECT ADDRESS: 405 MAIN STREET WEST, HAMILTON ON

DRAWING TITLE: LEVEL 2 FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES
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CONSTRUCTION NOTES

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2. Stud gauge and spacing provided only as a guideline.
3. Provide acoustical seal, adequate metal gauge and other provisions as per specifications, ULC and applicable standards.
4. All exposed steel to be hot dipped galvanized.
5. All exposed gypsum board corner conditions to have corner bead (typ.).
6. Provide layer of continuous building paper dampproofing course to u/s of all interior metal stud partitions and exterior structural stud walls (typ.).
7. Seal around all mechanical penetrations with fire stop material.
8. For all fire rated walls, enclosures, shaft walls, and ceilings provide complete top-bottom, full height fire stop and smoke seal.

- 9. Provide fire retardant blocking in partitions for strong fastening of all wall hung millwork, shelving, equipment, fixtures, washroom accessories, etc., unless stated otherwise.
10. Provide adequate blocking for all signage installations.
11. All mechanical, electrical, structural and architectural components must be coordinated by the contractor.
12. Junction boxes, electrical outlet covers with tile insert to match pattern.
13. Coordinate location of mechanical and electrical panels with architectural drawings.

LEGEND

- NEW WALL/PARTITION
NEW BUILDING/MILLWORK ELEMENT
PARTITION TYPE (REFER TO PARTITION SCHEDULE)
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WINDOW TYPE (REFER TO WINDOW SCHEDULE)
WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
ELEVATION REFERENCE
DETAIL REFERENCE

LEVEL 2 FLOOR AREAS

Table with columns: NAME, AREA (SQ. M., SF), TYPOLOGY. Includes BOH, ELEC ROOM, MECH, STO. / JAN / MECH?, CIRCULATION, RESIDENTIAL (DEEP AFFORDABLE).

LEVEL 2 FLOOR AREAS

Table with columns: NAME, AREA (SQ. M., SF), TYPOLOGY. Includes 1BR UNIT (DEEP AFFORDABLE), RESIDENTIAL (MARKET), RESIDENTIAL (MARKET/ACCESSIBLE).

EXTERIOR AMENITY SPACES

- BALCONIES = 7.5m² [81sf]

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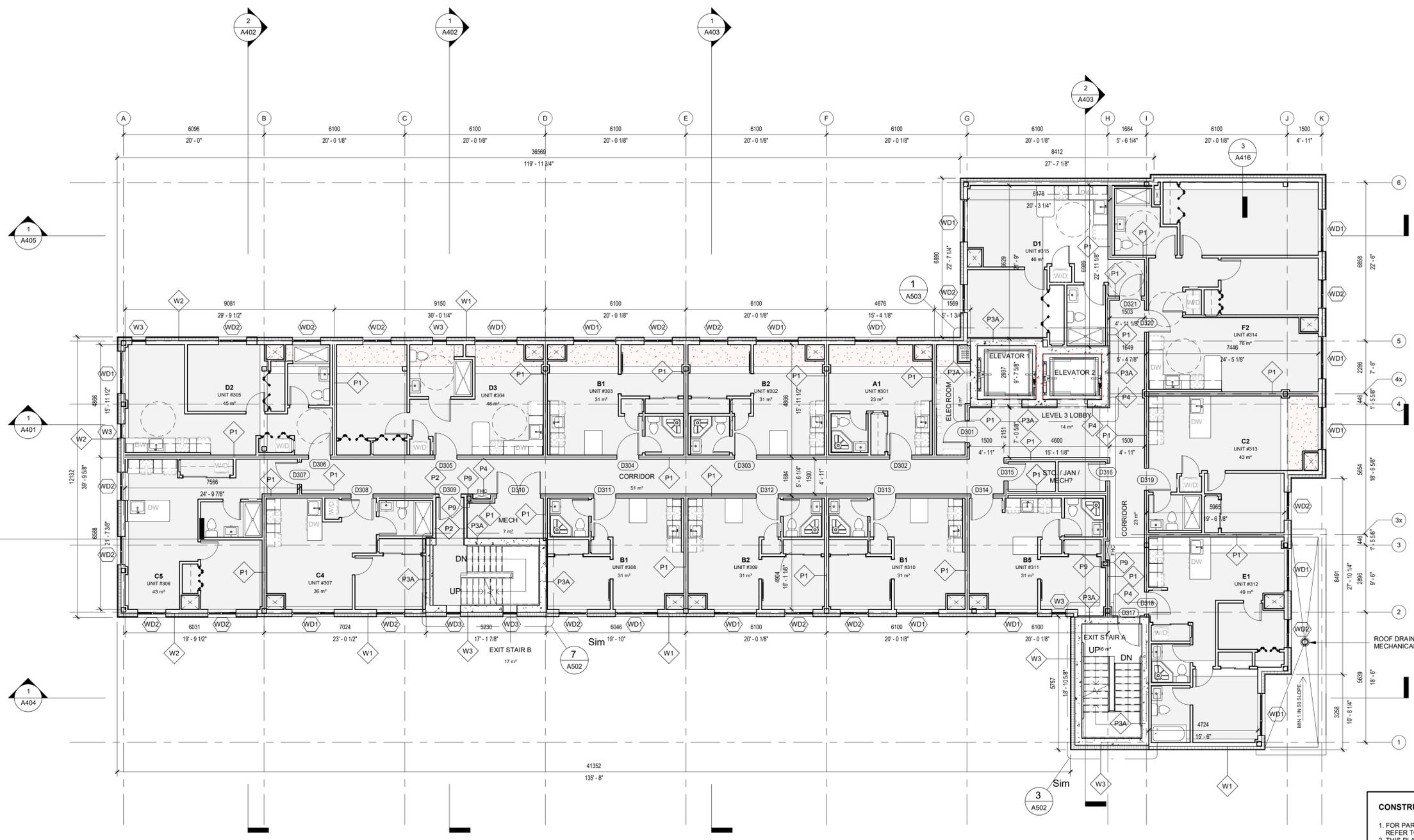
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PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
LEVEL 3 FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



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- NEW WALL/PARTITION
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- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

LEVEL 3 FLOOR AREAS

Name	Area	
	SQ. M.	SF
BOH	8 m ²	86 SF
ELEC ROOM	7 m ²	71 SF
MECH	7 m ²	71 SF
STO. / JAN / MECH?	6 m ²	68 SF
	21 m ²	225 SF
CIRCULATION		
CORRIDOR	51 m ²	554 SF
CORRIDOR	23 m ²	246 SF
ELEVATOR 1	7 m ²	81 SF
ELEVATOR 2	6 m ²	70 SF
EXIT STAIR A	16 m ²	173 SF
EXIT STAIR B	17 m ²	188 SF
LEVEL 3 LOBBY	14 m ²	148 SF
	136 m ²	1459 SF
RESIDENTIAL (DEEP AFFORDABLE)		
1BR UNIT (DEEP AFFORDABLE)	31 m ²	337 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF

LEVEL 3 FLOOR AREAS

Name	Area	
	SQ. M.	SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	330 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF
	185 m ²	1989 SF
RESIDENTIAL (MARKET)		
1BR UNIT	43 m ²	458 SF
1BR UNIT	36 m ²	391 SF
1BR UNIT	43 m ²	466 SF
2BR UNIT	49 m ²	530 SF
STUDIO UNIT	23 m ²	253 SF
	195 m ²	2097 SF
RESIDENTIAL (MARKET/ACCESSIBLE)		
1BR UNIT	46 m ²	499 SF
1BR UNIT	46 m ²	495 SF
1BR UNIT	45 m ²	489 SF
2BR UNIT	76 m ²	815 SF
	213 m ²	2298 SF
	750 m ²	8068 SF

EXTERIOR AMENITY SPACES

- MAIN STREET TERRACE = 13.5m² [145sf]
- BALCONY = 4m² [43sf]

TOTAL = 17.5m² [188sf]

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1	ISSUED FOR DRP	2021/09/24
2	ISSUED FOR COORDINATION	2021/11/18
3	ISSUED FOR MINOR VARIANCE APPLICATION	2022/06/03

PROFESSIONAL STAMP:



CONSULTANTS

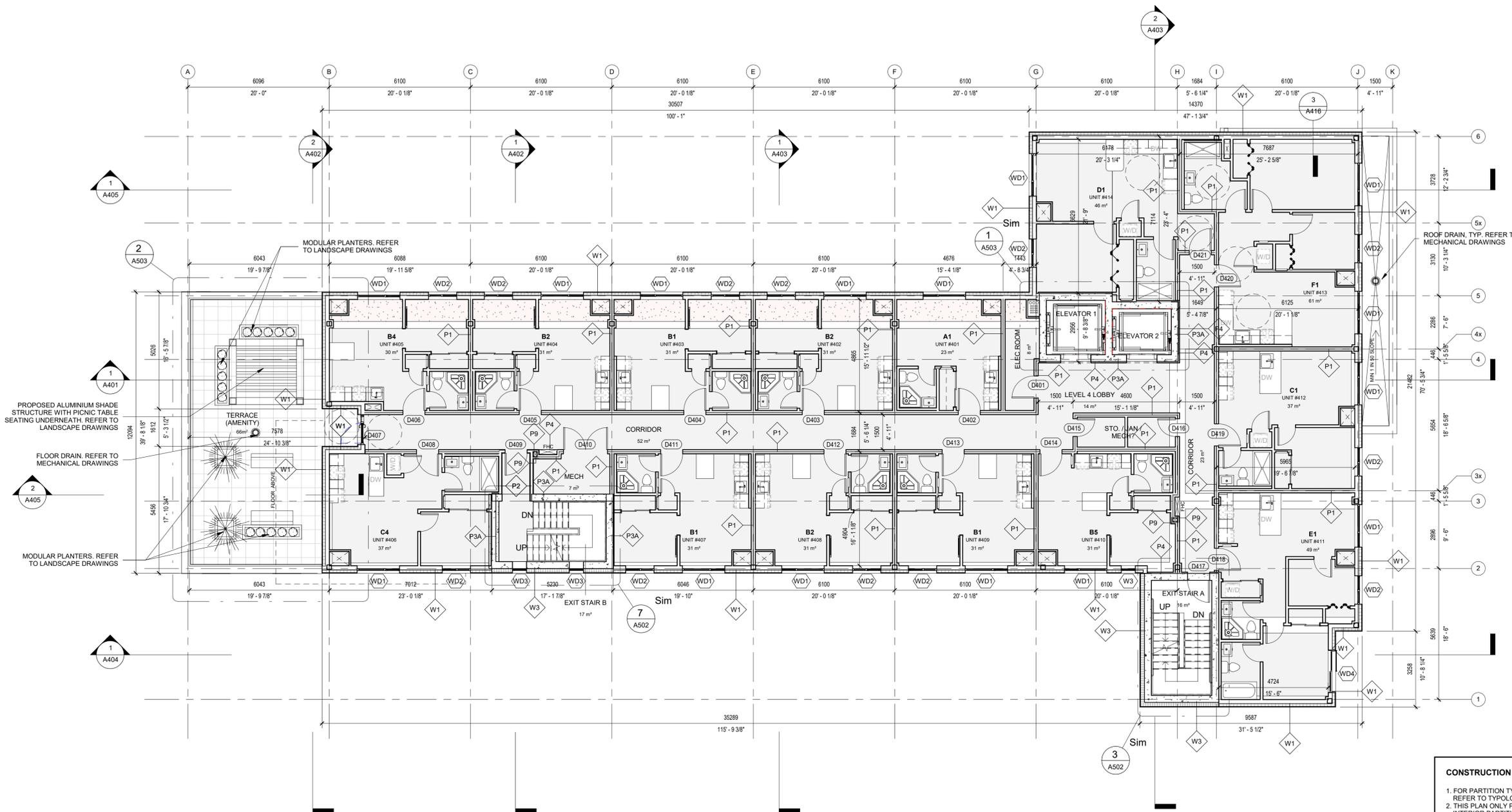
- STRUCTURAL**
Kalos Engineering Inc.
300 York Boulevard
Hamilton, ON L8R 3K6
(905) 333 9119
- MECHANICAL & ELECTRICAL**
CK Engineering
3390 South Service Road, Suite 302
Burlington, ON L7N 3J5
(905) 631 1115
- LANDSCAPE**
adesso design inc.
218 Locke St S, 2nd floor
Hamilton, ON L8P 4B4
(905) 526 8876
- CIVIL**
S. Lewellyn & Associates Limited
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(905) 631 6978
- ENERGY**
ZON Engineering Inc.
360 Woodloch Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
LEVEL 4 FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

- FOR PARTITION TYPES AND DIMENSIONS INSIDE THE UNITS, REFER TO TYPOLOGIES CONSTRUCTION PLANS.
- THIS PLAN ONLY PROVIDES OVERALL DIMENSIONS OF INTERIOR PARTITIONS. FOR FURTHER DETAILS REFER TO DETAIL PLANS OF EACH NOTED AREA.

CONSTRUCTION NOTES

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- Stud gauge and spacing provided only as a guideline. Final sizes and spacing determined by stud wall engineer. If revision to gauge and spacing is required, G.C. to include in cost.
- Provide acoustical seal, adequate metal gauge and other provisions as per specifications, ULC and applicable standards.
- All exposed steel to be hot dipped galvanized.
- All exposed gypsum board corner conditions to have corner bead (typ.).
- Provide layer of continuous building paper dampproofing course to u/s of all interior metal stud partitions and exterior structural stud walls (typ.).
- Seal around all mechanical penetrations with fire stop material.
- For all fire rated walls, enclosures, shaft walls, and ceilings provide complete top-bottom, full height fire stop and smoke seal. Provide access to fire damper where required.
- Provide fire retardant blocking in partitions for strong fastening of all wall hung millwork, shelving, equipment, fixtures, washroom accessories, etc., unless stated otherwise. Mounting heights to be confirmed with consultant where not indicated on drawings.
- Provide adequate blocking for all signage installations.
- All mechanical, electrical, structural and architectural components must be coordinated by the contractor. Contractor must notify architect if any interferences exist prior to installation of components.
- Junction boxes, electrical outlet covers with tile insert to match pattern. Refer to mechanical and electrical drawing. All electrical outlets to be placed in the center of floor tiles. Coordinate also with electrical drawings (typ.). All floor junction boxes to have tile inserts to match adjacent floor pattern.
- Coordinate location of mechanical and electrical panels with architectural drawings. Provide sufficient backer boards and blocking for panels.

LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
- PARTITION TYPE (REFER TO PARTITION SCHEDULE)
- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

LEVEL 4 FLOOR AREAS

Name	Area	
	SQ. M.	SF
BOH		
ELEC ROOM	8 m²	86 SF
MECH	7 m²	71 SF
STO. / JAN / MECH?	6 m²	70 SF
	21 m²	226 SF
CIRCULATION		
CORRIDOR	52 m²	556 SF
CORRIDOR	23 m²	246 SF
ELEVATOR 1	7 m²	81 SF
ELEVATOR 2	6 m²	70 SF
EXIT STAIR A	16 m²	173 SF
EXIT STAIR B	17 m²	186 SF
LEVEL 4 LOBBY	14 m²	147 SF
RESIDENTIAL (DEEP AFFORDABLE)		
1BR UNIT (DEEP AFFORDABLE)	31 m²	337 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	332 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	332 SF

LEVEL 4 FLOOR AREAS

Name	Area	
	SQ. M.	SF
RESIDENTIAL (MARKET)		
1BR UNIT (DEEP AFFORDABLE)	31 m²	330 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	329 SF
1BR UNIT (DEEP AFFORDABLE)	30 m²	327 SF
	246 m²	2645 SF
RESIDENTIAL (MARKET/ACCESSIBLE)		
1BR UNIT	46 m²	499 SF
2BR UNIT	61 m²	655 SF
	107 m²	1154 SF
	656 m²	7064 SF

EXTERIOR AMENITY SPACES

- JACKSON STREET TERRACE = 66m² [710sf]
- MAIN STREET TERRACES = 17.5m² [188sf]
- BALCONY = 4m² [43sf]

TOTAL = 87.5m² [941sf]

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NO.	ISSUANCE	DATE
1	ISSUED FOR DRP	2021/09/24
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PROFESSIONAL STAMP:



CONSULTANTS

STRUCTURAL

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ENERGY

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360 Woolwich Street
Guelph, ON N1H 3W6
1-888-338-6363

PROJECT:



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
LEVEL 5 FLOOR PLAN

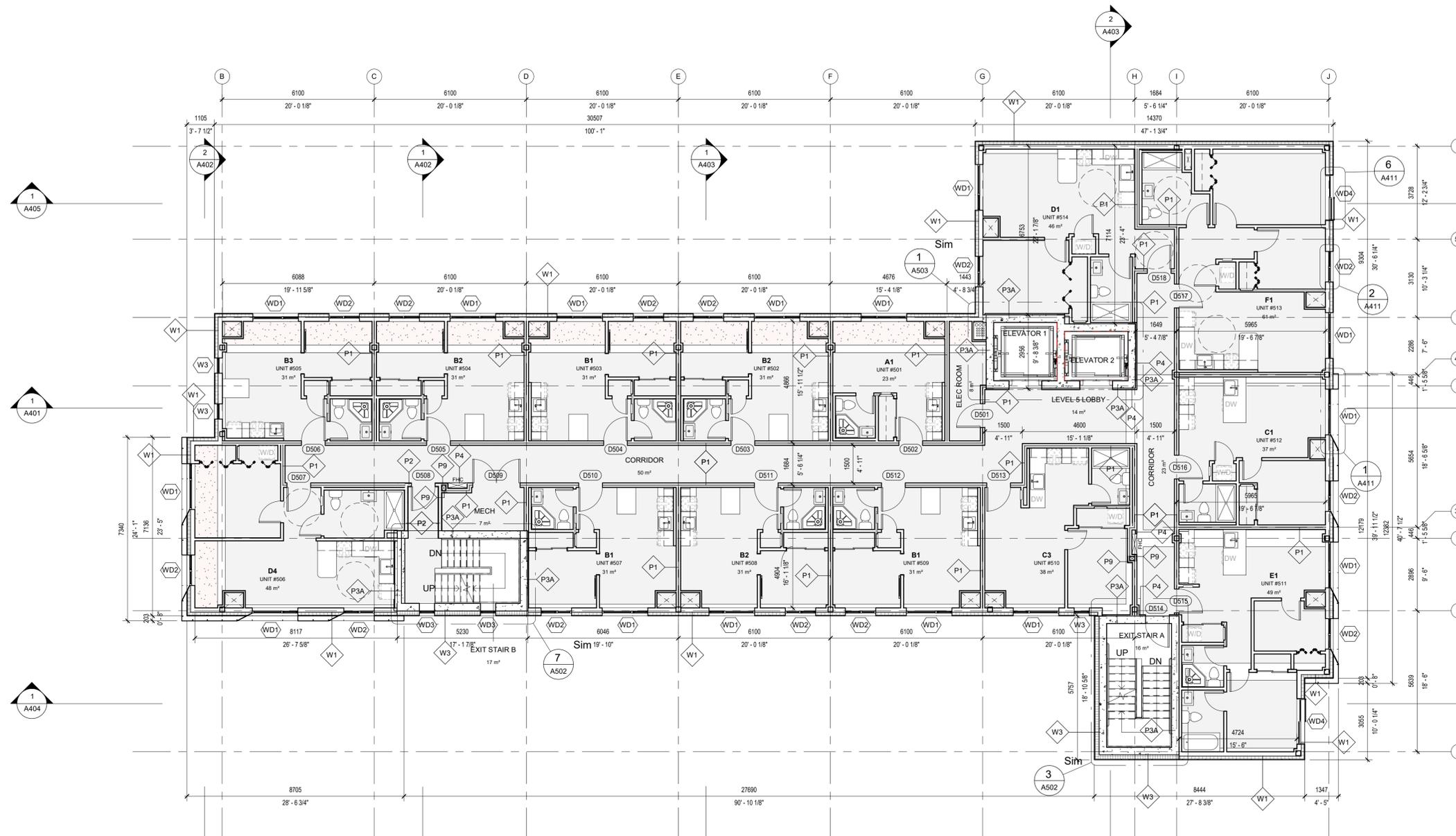
DATE: August 20, 2021

SCALE: 1 : 100

DRAWN BY: SJ

CHECKED BY: JP

PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

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LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
- PARTITION TYPE (REFER TO PARTITION SCHEDULE)
- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

LEVEL 5 FLOOR AREAS

Name	Area	
	SQ. M.	SF
BOH		
ELEC ROOM	8 m ²	86 SF
MECH	7 m ²	71 SF
	15 m ²	156 SF
CIRCULATION		
CORRIDOR	50 m ²	538 SF
CORRIDOR	23 m ²	244 SF
ELEVATOR 1	7 m ²	61 SF
ELEVATOR 2	6 m ²	70 SF
EXIT STAIR A	16 m ²	173 SF
EXIT STAIR B	17 m ²	188 SF
LEVEL 5 LOBBY	14 m ²	148 SF
	134 m ²	1442 SF
RESIDENTIAL (DEEP AFFORDABLE)		
1BR UNIT	46 m ²	499 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	331 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF

LEVEL 5 FLOOR AREAS

Name	Area	
	SQ. M.	SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	330 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF
	215 m ²	2313 SF
RESIDENTIAL (MARKET)		
1BR UNIT	37 m ²	402 SF
1BR UNIT	36 m ²	406 SF
2BR UNIT	49 m ²	530 SF
STUDIO UNIT	23 m ²	253 SF
	148 m ²	1591 SF
RESIDENTIAL (MARKET/ACCESSIBLE)		
1BR UNIT	46 m ²	499 SF
1BR UNIT	46 m ²	517 SF
2BR UNIT	61 m ²	655 SF
	155 m ²	1671 SF
	666 m ²	7174 SF

EXTERIOR AMENITY SPACES

- BALCONIES = 8m² [86sf]

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NO.	ISSUANCE	DATE
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PROFESSIONAL STAMP:



CONSULTANTS

STRUCTURAL
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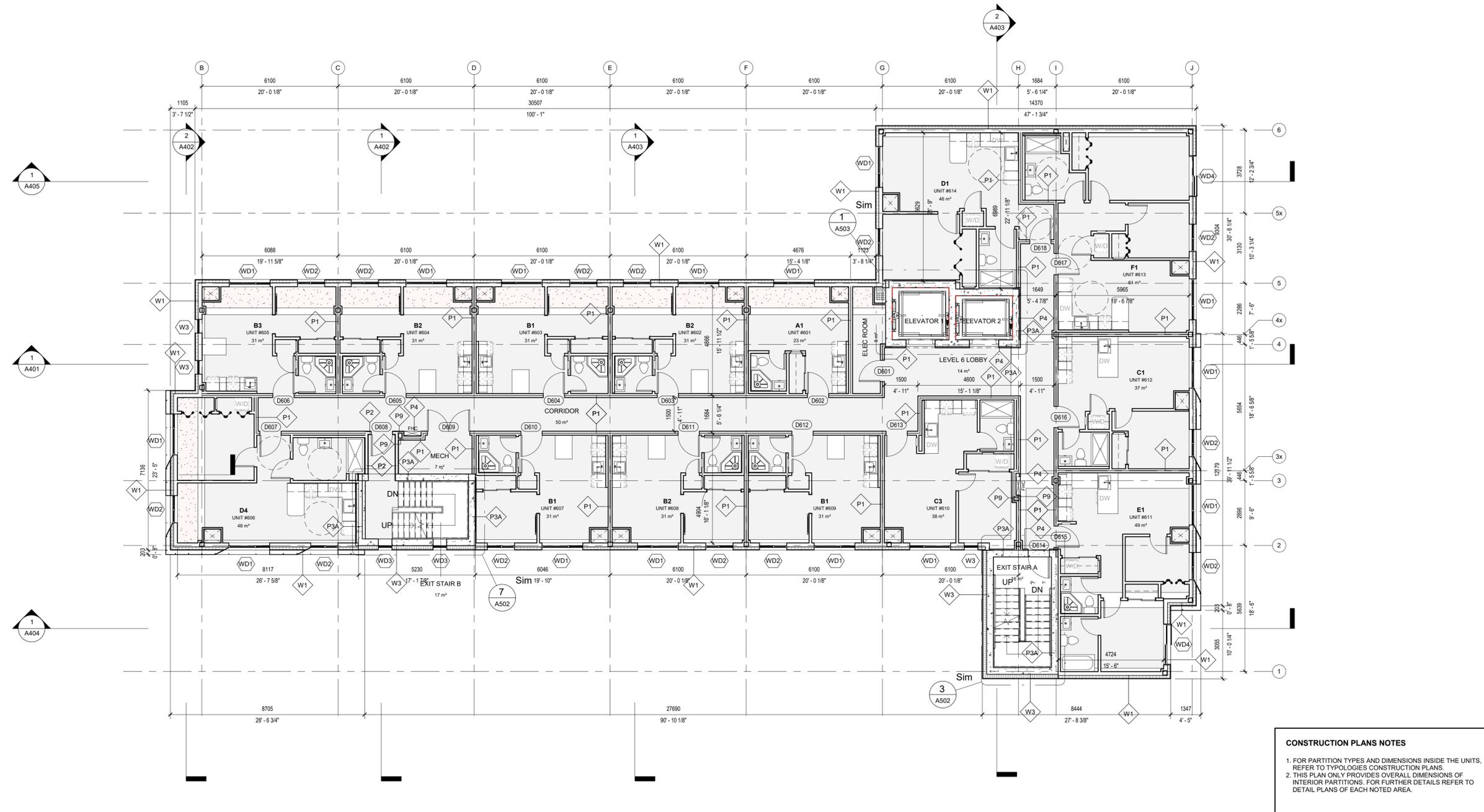
ENERGY
ZON Engineering Inc.
360 Woodloch Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
LEVEL 6 FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

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 - Coordinate location of mechanical and electrical panels with architectural drawings. Provide sufficient backer boards and blocking for panels.

LEGEND

	NEW WALL/PARTITION		WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
	NEW BUILDING/MILLWORK ELEMENT		ELEVATION REFERENCE
	PARTITION TYPE (REFER TO PARTITION SCHEDULE)		DETAIL REFERENCE
	DOOR TYPE (REFER TO DOOR SCHEDULE)		
	WINDOW TYPE (REFER TO WINDOW SCHEDULE)		
	WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)		

LEVEL 6 FLOOR AREAS

Name	Area	SQ. M.	SF
BOH			
ELEC ROOM	9 m ²	96 SF	
MECH	7 m ²	71 SF	
	15 m ²	157 SF	
CIRCULATION			
CORRIDOR	50 m ²	538 SF	
CORRIDOR	23 m ²	244 SF	
ELEVATOR 1	7 m ²	61 SF	
ELEVATOR 2	6 m ²	70 SF	
EXIT STAIR A	16 m ²	173 SF	
EXIT STAIR B	17 m ²	188 SF	
LEVEL 6 LOBBY	14 m ²	148 SF	
	134 m ²	1442 SF	
RESIDENTIAL (DEEP AFFORDABLE)			
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF	
1BR UNIT (DEEP AFFORDABLE)	31 m ²	331 SF	
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF	

LEVEL 6 FLOOR AREAS

Name	Area	SQ. M.	SF
RESIDENTIAL (MARKET)			
1BR UNIT (DEEP AFFORDABLE)	31 m ²	332 SF	
1BR UNIT (DEEP AFFORDABLE)	31 m ²	330 SF	
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF	
1BR UNIT (DEEP AFFORDABLE)	31 m ²	329 SF	
STUDIO UNIT	23 m ²	253 SF	
	147 m ²	1583 SF	
RESIDENTIAL (MARKET/ACCESSIBLE)			
1BR UNIT	46 m ²	499 SF	
1BR UNIT	48 m ²	517 SF	
2BR UNIT	61 m ²	655 SF	
	155 m ²	1672 SF	
	666 m ²	7167 SF	

EXTERIOR AMENITY SPACES
• BALCONIES = 8m² [86sf]

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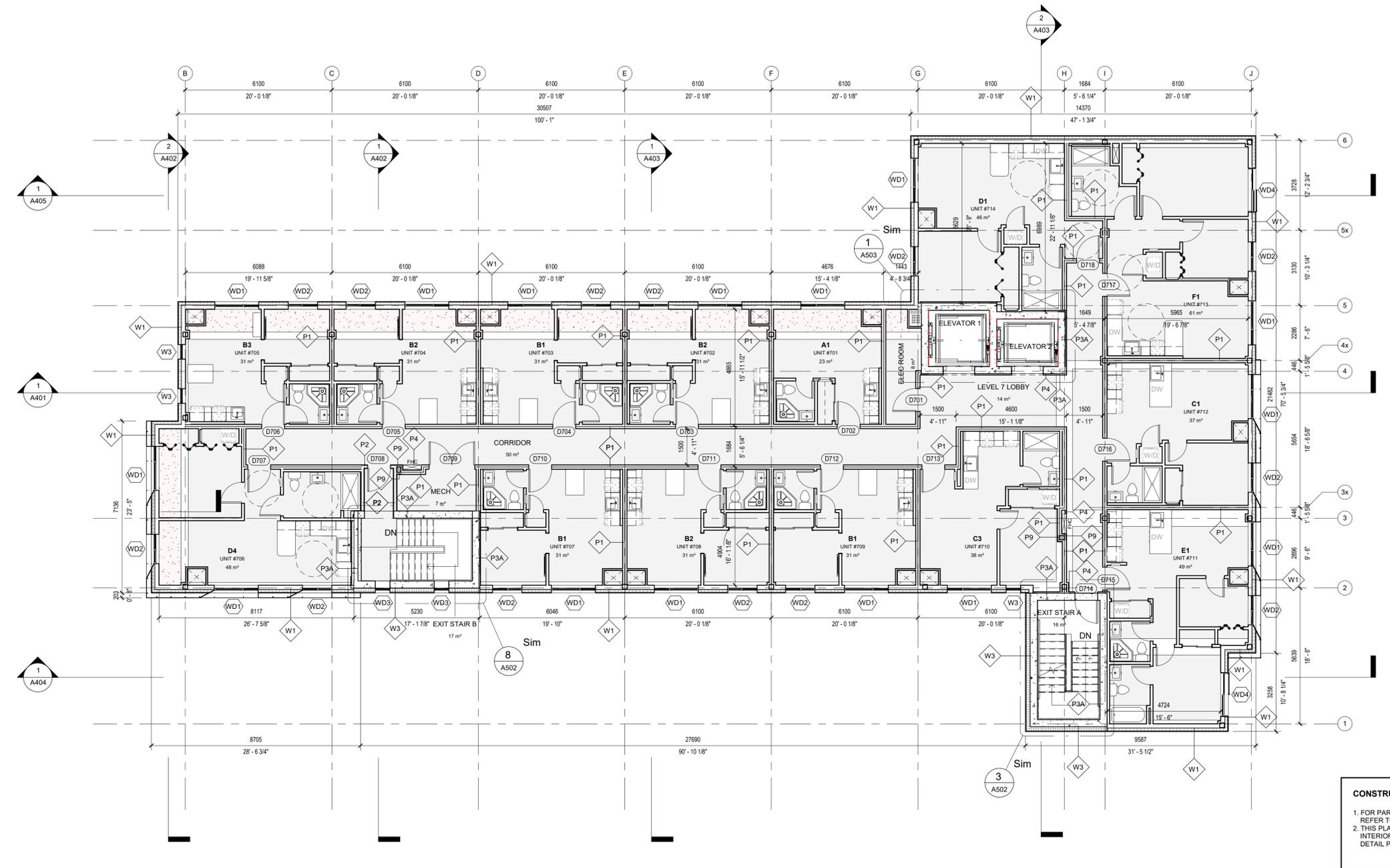
ENERGY
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PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
LEVEL 7 FLOOR PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



CONSTRUCTION PLANS NOTES

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LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
- PARTITION TYPE (REFER TO PARTITION SCHEDULE)
- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
- DETAIL REFERENCE

LEVEL 7 FLOOR AREAS

Name	SQ. M.	SF
BOH		
ELEC ROOM	8 m²	86 SF
MECH	7 m²	71 SF
	15 m²	157 SF
CIRCULATION		
CORRIDOR	50 m²	538 SF
CORRIDOR	23 m²	244 SF
ELEVATOR 1	7 m²	61 SF
ELEVATOR 2	6 m²	70 SF
EXIT STAIR A	16 m²	173 SF
EXIT STAIR B	17 m²	188 SF
LEVEL 6 LOBBY	14 m²	148 SF
	134 m²	1442 SF
RESIDENTIAL (DEEP AFFORDABLE)		
1BR UNIT	31 m²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	331 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	332 SF

LEVEL 7 FLOOR AREAS

Name	SQ. M.	SF
RESIDENTIAL (MARKET)		
1BR UNIT	31 m²	332 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	330 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	329 SF
1BR UNIT (DEEP AFFORDABLE)	31 m²	329 SF
STUDIO UNIT	23 m²	253 SF
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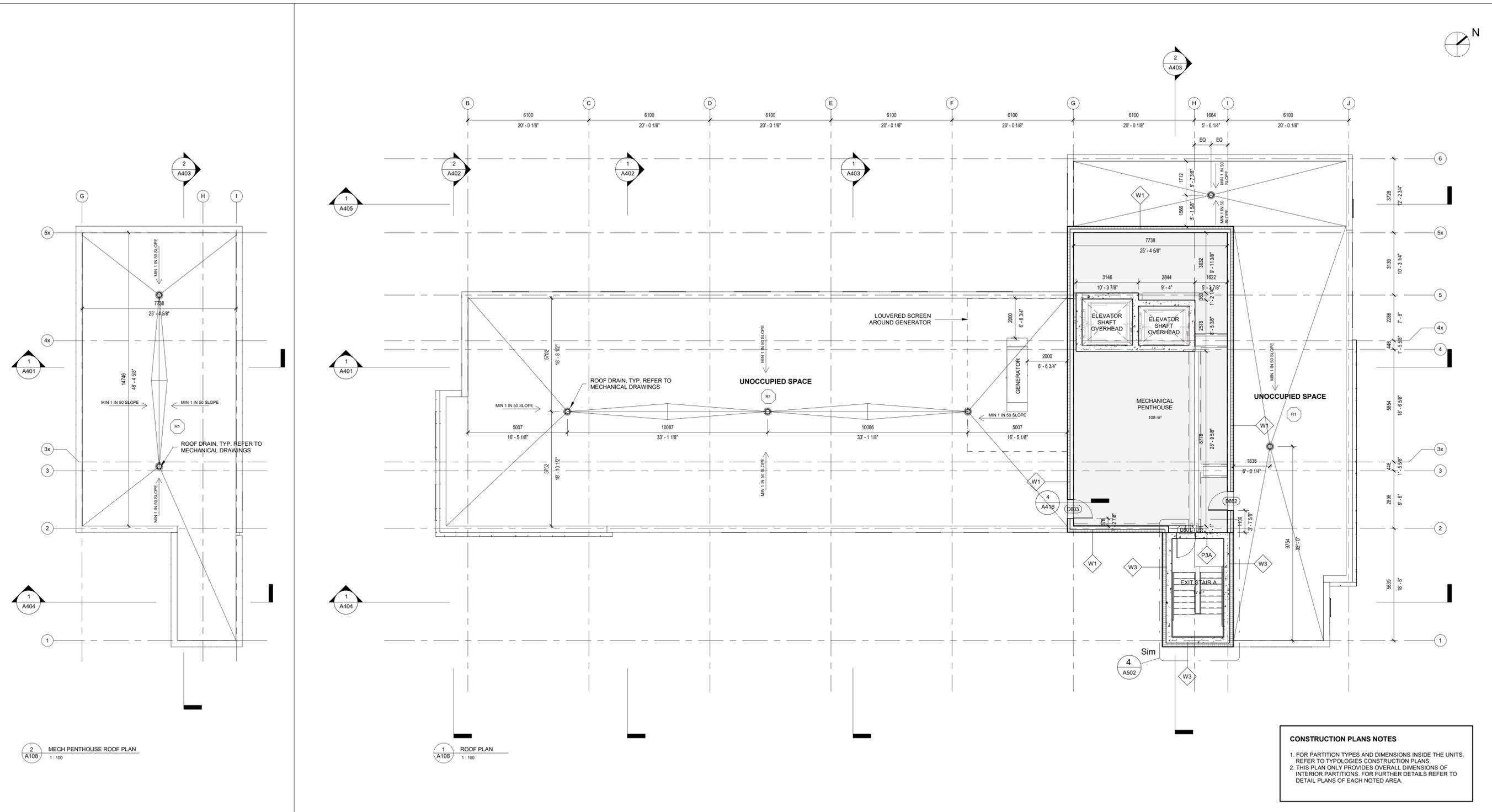
PROJECT:

3H PROPERTIES
GROUP INC.

PROJECT ADDRESS:
**405 MAIN STREET WEST,
HAMILTON ON**

DRAWING TITLE:
ROOF PLAN

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



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2 MECH PENTHOUSE ROOF PLAN
A108 1:100

1 ROOF PLAN
A108 1:100

CONSTRUCTION NOTES

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LEGEND

- NEW WALL/PARTITION
- NEW BUILDING/MILLWORK ELEMENT
- PARTITION TYPE (REFER TO PARTITION SCHEDULE)
- DOOR TYPE (REFER TO DOOR SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- WALL/FLOOR FINISH (REFER TO FINISHES SCHEDULE)
- WASHROOM ACCESSORY (REFER TO ACCESSORIES SCHEDULE)
- ELEVATION REFERENCE
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FINISHES KEY LEGEND

- BRK BRICK VENEER
- CP1 CEMENT PANEL (LIGHT GREY)
- CP2 CEMENT PANEL (MEDIUM GREY)
- CP3 CEMENT PANEL (DARK GREY)
- CP4 CEMENT PANEL (WOOD LOOK)
- CP5 CEMENT PANEL (GREEN)
- CP6 CEMENT PANEL (TEAL)
- CP7 CEMENT PANEL (BLUE)
- GLZ GLAZING
- MT1 PREFIN. METAL PANEL (DARK GREY)
- SP1 SPANDREL PANEL (BLACK)
- SP2 SPANDREL PANEL (TEAL)
- SP3 SPANDREL PANEL (GREEN)
- SP4 SPANDREL PANEL (BLUE)



NO.	ISSUANCE	DATE
1	ISSUED FOR DRP	2021/09/24
2	ISSUED FOR COORDINATION	2021/11/18
3	ISSUED FOR SPA	2021/12/07
4	RE-ISSUED FOR SPA	2022/04/11
5	RE-ISSUED FOR SPA	2022/05/11
6	ISSUED FOR MINOR VARIANCE APPLICATION	2022/06/03

PROFESSIONAL STAMP:



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(905) 333 9119
- MECHANICAL & ELECTRICAL**
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- LANDSCAPE**
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(905) 631 6978
- ENERGY**
ZON Engineering Inc.
360 Woolwich Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
**MAIN STREET
WEST ELEVATION**

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED.

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PROFESSIONAL STAMP:



CONSULTANTS

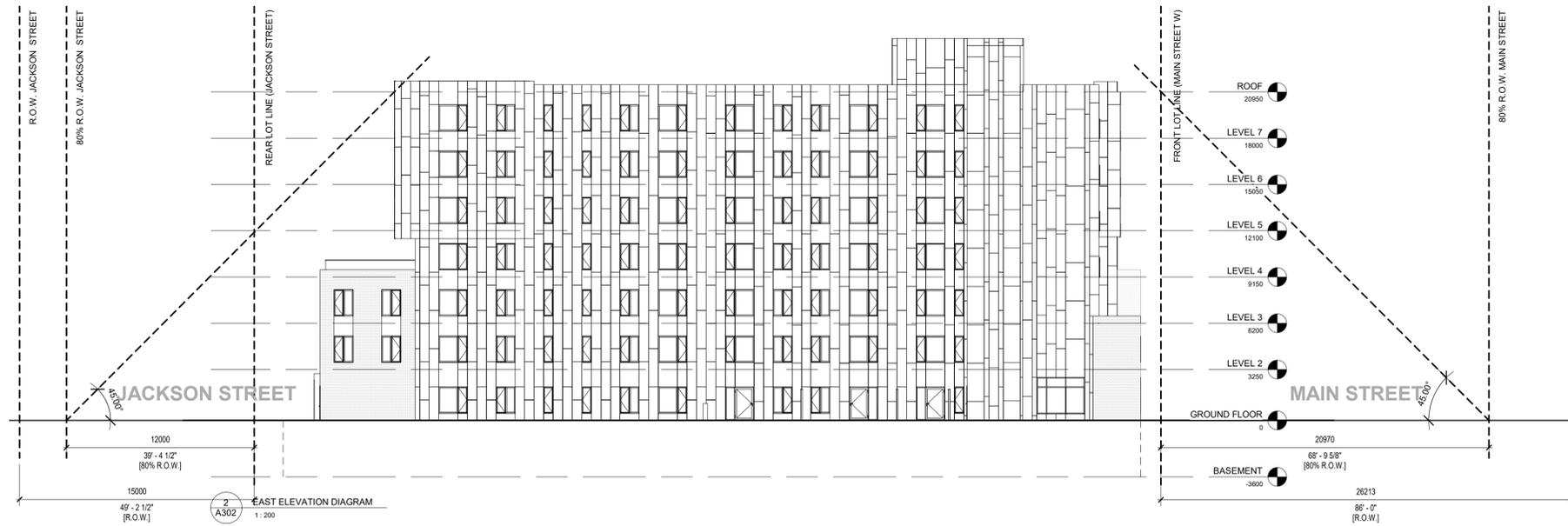
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PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
EAST ELEVATION

DATE: August 20, 2021
SCALE: As indicated
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08



FINISHES KEY LEGEND

- BRK BRICK VENEER
- CP1 CEMENT PANEL (LIGHT GREY)
- CP2 CEMENT PANEL (MEDIUM GREY)
- CP3 CEMENT PANEL (DARK GREY)
- CP4 CEMENT PANEL (WOOD LOOK)
- CP5 CEMENT PANEL (GREEN)
- CP6 CEMENT PANEL (TEAL)
- CP7 CEMENT PANEL (BLUE)
- GLZ GLAZING
- MT1 PREFIN. METAL PANEL (DARK GREY)
- SP1 SPANDREL PANEL (BLACK)
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- SP3 SPANDREL PANEL (GREEN)
- SP4 SPANDREL PANEL (BLUE)



1 EAST ELEVATION SPA
A302 1:100

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FINISHES KEY LEGEND

- (BRK) BRICK VENEER
- (CP1) CEMENT PANEL (LIGHT GREY)
- (CP2) CEMENT PANEL (MEDIUM GREY)
- (CP3) CEMENT PANEL (DARK GREY)
- (CP4) CEMENT PANEL (WOOD LOOK)
- (CP5) CEMENT PANEL (GREEN)
- (CP6) CEMENT PANEL (TEAL)
- (CP7) CEMENT PANEL (BLUE)
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6	ISSUED FOR MINOR VARIANCE APPLICATION	2022/06/03

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- ENERGY**
ZON Engineering Inc.
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PROJECT:

**3H PROPERTIES
GROUP INC.**

PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
**JACKSON STREET
ELEVATION**

DATE: August 20, 2021
SCALE: 1 : 100
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08

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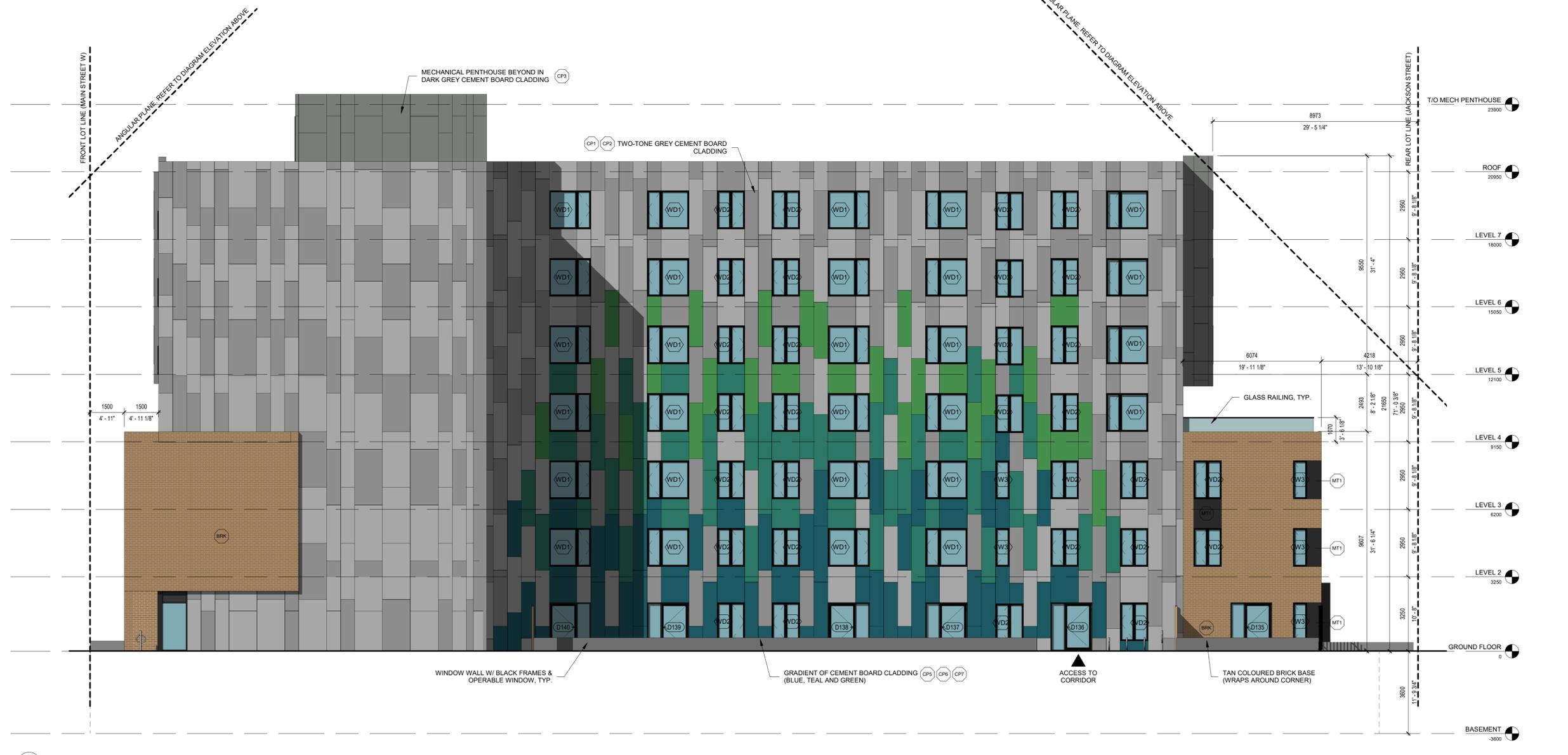
ENERGY
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360 Woolwich Street
Guelph, ON N1H 3W6
1-888-338-6363



PROJECT ADDRESS:
405 MAIN STREET WEST,
HAMILTON ON

DRAWING TITLE:
WEST ELEVATION

DATE: August 20, 2021
SCALE: As indicated
DRAWN BY: SJ
CHECKED BY: JP
PROJECT NO.: 21-08





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	MAILING ADDRESS	
Registered Owners(s)	3H Properties 405 Main Street W No. 1 General Partnership Inc.		
Applicant(s)*	Alfredo Hermano		
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:

TSX Trust Company
401 – 10 King Street East, Toronto, ON, M5C 1C3

Anthony Adrien
100 Sheppard Ave E, Suite 300, North York, ON, M2N 6Z1

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 sheet on Page 7-8

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Refer to attached sheet on Page 7-8

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 10, 18, 19 & part of Lot 11 registered plan 244 in the city of Hamilton
405 Main Street West, Hamilton ON, L8P 1K5 &
404 Jackson Street West, Hamilton ON, L8P 1N4

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

- 8.1 If Industrial or Commercial, specify use Restaurant

- 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 8.1 to 8.10 above?

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 8, 2022

Date



Signature Property Owner(s)

Alfredo Hermano

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	405 Main St = 57.96m / 404 Jackson St = 7.62m
Depth	405 Main St = 27.43m / 404 Jackson St = 30.48m
Area	405 Main St = 1,451m ² / 404 Jackson St = 232m ²
Width of street	405 Main St = 26.213m / 404 Jackson St = 15m

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:

405 Main St: Wimpey's restaurant. 1 storey with 310m² GFA. Length = 17.88m / Width = 19.07m
 404 Jackson St: 1 storey dwelling with 76.79m² GFA. Length = 12.93m / Width = 6.66m

Proposed

7 storey residential building with 4,905m² GFA. Length = 52.44m / Width = 24.85m / Height = 21m. Ground floor area = 750m²

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

Existing:

405 Main St: North (Main St) = 0m / East = 0m / West (Jackson St) = 43.06m / West = 8.51m
 404 Jackson St: North = 16.1m / East = 0.4m / West (Jackson St) = 0.26m / West = 0.44m

Proposed:

North (Main St) = 1.5 & 3m / East = 1.44m & 7.5m / West (Jackson St) = 4.02m / West = 1.2m & 7.891m
 Note: no construction proposed for 404 Jackson St lot

13. Date of acquisition of subject lands:
November 19, 2021
-
14. Date of construction of all buildings and structures on subject lands:
Unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
405 Main St: Restaurant (commercial) / 404 Jackson St: residential
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial (Main St) and residential (Jackson St)
-
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 Yes Connected _____
Sanitary Sewer Yes Connected _____
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:

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

C5, E298 pursuant to Zoning By-law No. 05-200
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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.



405 Main Street West Hamilton, Ontario Parking Study

Paradigm Transportation Solutions Limited

June 2022
220278



Project Summary



Project Number
220278

405 Main Street West, Hamilton, Ontario Parking Study

Date: June 2022
Version 1.0.0

Client
3H Properties Group Inc.

Client Contact
Kathleen Cruz

Consultant Project Team
Stew Elkins, B.E.S.
Adam J. Makarewicz, CET, MITE

Disclaimer

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Paradigm Transportation Solutions Limited

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Executive Summary

Content

3H Properties Group Inc. retained Paradigm Transportation Solutions Limited (Paradigm) to conduct this Parking Study Report for residential development. The subject site is municipally known as 405 Main Street West in Hamilton. It is located on the south side of Main Street West and west of Poulette Street.

The purpose of the study is to assess the adequacy of the proposed parking supply. A plan to ensure that the parking is accommodated and managed consistently with the development's needs will be provided.

Findings

The concept plan for the development entails demolishing the existing building and constructing a new seven-storey building for 96 residential units. Of the 96 units proposed, 49 will be provided as affordable housing units, whereas the remaining 47 units will be geared towards the typical market. In terms of the dwellings, 89 units will be less than 50 square metres, while the remaining seven units will have a size greater than 50 square metres.

A total of 19 parking spaces are proposed (of which two are small car spaces) within an underground parking garage that will be accessed through Jackson Street West. The parking supply equates to a combined rate of 0.20 spaces per unit.

Local Context

The Site's location provides a robust pedestrian-oriented environment and connects to various critical destinations within Hamilton. The site vicinity is served by a combination of road types (major-arterial and collector) that provide for a robust active transportation and transit network.

The level of transit accessibility in the area offers good non-automobile travel opportunities and reduces the need to use a car to access the Site. In addition to local transit services, higher-order transit is also expected to be available through the future LRT along King Street East, providing excellent non-automobile travel opportunities.

A review of the travel characteristics of trips made to/from the area during the weekday periods indicates close to 30% of trips are made by transit.



As a critical transportation objective in intensification, areas are to transform the primary travel mode into sustainable options (walking, cycling and transit); the provision of the LRT is expected to transform the area further to be less reliant on automobile use through a shift in the mode of travel. Transit trips will likely increase through these improvements, above the current 30% observed. A stop for the rapid transit line is proposed at King Street East and Dundurn Street South, a 7-minute walk from the Site (260 metres).

Zoning

Zoning bylaw (ZBL 05-200) stipulates that units less than 50 square metres in size require a parking rate of 0.30 space per unit, while units that are greater than 50 square metres require a parking rate of 0.70 space per unit, equating to a supply of 30 spaces based on the proposed 96 units.

However, one of the issues in benchmarking this development with Zoning By-law 05-200 is no specific rates for affordable housing are stipulated; instead, the development falls into a general multiple dwelling development. As such, the parking rate applied to the proposed development's affordable housing units is not an adequate portrayal of the development's needs in terms of parking.

Since housing and transportation are households' two most significant expenditures, tents of the affordable housing units are not likely to own a vehicle. Instead, residents will use active transportation and transit modes since their income will typically only cover housing and essential goods and services. Potential solutions need to be considered and implemented to help approve these types of developments; given the positive impact these developments have regarding housing options for residents of low-income levels.

Parking Demand

A review of actual parking demands likely to be generated by the proposed development has been considered to assess, independent and separate from a review of the Zoning By-Law requirements.

Numerous industry associations and institutions are dedicated to surveying and reviewing parking requirements related to various land uses. These associations, such as the Institute of Transportation Engineers (ITE), collect, review, and disseminate parking demand, supply, and appropriate design standards. Paradigm applied regression equations and methodology to the affordable housing units published by ITE. Results of the regression analysis indicate a parking supply of 0.18 spaces per bedroom (i.e., nine parking spaces) would



be generated by the 49 affordable housing units. In addition, proxy surveys completed with the GTHA at affordable housing developments further identified an average parking demand of 0.12 spaces per bedroom was observed.

In terms of typical market-driven units, Paradigm surveyed parking demand at a relatively new multi-family residential development located at 20-22 George Street in the City of Hamilton. The residential parking demand at 20-22 George Street was measured on three separate days in May 2022. The parking demand at 20-22 George Street reflects a peak parking demand of 0.29 spaces per unit.

Based on the parking demand surveys, the peak parking demand for the project is calculated as 22 spaces. Although a parking shortfall of approximately three spaces could occur, providing additional parking is not recommended; instead, supporting the reduction through a Transportation Demand Management (TDM) program is recommended.

Transportation Demand Management (TDM)

Transportation Demand Management (TDM) aims to reduce the development's overall traffic and parking impacts by implementing strategies to affect the demand side of the transportation equation. Parking supply can be controversial, and some industry and municipal representatives may resist lowering parking supplies for various reasons. Municipal staff need to understand the benefits of effective parking supply management and its relationship with TDM and recognize that TDM is a policy initiative outlined in the City's Transportation Master Plan.

As the City of Hamilton does not have a comprehensive checklist developed, the City of Kitchener's checklists relied on. The following measures are proposed that have been considered that will further reduce the sites parking demand:

- ▶ Bicycle parking (0.57 spaces per unit)
- ▶ Unbundled Parking
- ▶ Sustainable Transportation Information Package
- ▶ Limited on-site parking
- ▶ Starter Presto Pass (\$30 per unit)

Through these measures, a potential reduction of four spaces is further realized. Applying the parking credit to the parking demand calculated supports the proposed parking supply of 0.20 spaces per unit.



Visitor Demand

The current parking requirements for residential parking in the Zoning By-law do not require any spaces designated for visitors. By limiting parking to residents only, the development provides a further incentive to change and shape the travel choices of visitors to the development, mainly since the cost of parking will be a factor in an individual's transportation decision¹.

If visitors cannot use sustainable mode choices, on-street parking is well provided for the area that can support visitor demand. It is acknowledged that most of the local street is heavily utilized during the evening hours when visitor demand is at its highest.

However, there is a surplus of metered spaces along the boundary roadways (Main Street West and Locke Street) within a 300-metre walking distance of the development, where usage is reduced during the evening hours. As a result, the metered spaces lend themselves to an informal shared parking arrangement.

Compact Spaces

Two of the 19 spaces will be compact spaces measuring 2.6 metres wide with a length of 5.5 metres, consistent with the stall requirements noted within Zoning By-law 05-200 for a compact parking stall. Comparing how a compact stall size measures up to adjacent municipalities, the City of Hamilton's compact parking stall size is very similar to a typical parking spaces size within the City of Toronto (2.6 metres wide with a length of 5.6 metres). Even though it is a smaller footprint than what a typical space requires, it is still expected to accommodate a significant number of vehicle types.

Additionally, the Site can only offer 17 typical parking spaces if the two compact spaces are not provided. However, by permitting the two compact parking stalls on the Site, the development can reduce the overall footprint of the parking lot (i.e., less pavement required for compact spaces) and support the use of compact vehicles that are typically more energy-efficient than larger vehicles.

¹ The Dimensions of Parking 5th Edition, Urban Land Institute, 2010



Policy Framework

The City of Hamilton's strategic vision is about creating a vibrant, healthy, and sustainable city where people of all ages and abilities can enjoy a good quality of life. The Urban Hamilton Official Plan (UHOP) emphasizes the importance of fundamental rights, including embracing sustainability and creating a vision for complete compact communities served by streets made for walking, cycling, and an attractive transit system. This vision is supported by policies to reduce auto dependence and limit the amount of land occupied by automobile parking. The transportation policies are deliberately interspersed with the land-use policies to emphasize the importance of considering both areas to achieve the overall vision of a compact, whole, sustainable community.

The intent is to reprioritize mobility to balance the transportation system. A more sustainable city requires an integrated transportation system that supports a compact urban form. Bringing jobs, housing services, and amenities closer encourages non-automobile modes of travel, providing more choices to Hamilton residents.

Communities with a range of housing choices that meet the full range of their housing needs - including the needs of low- and moderate-income citizens - are generally more liveable, more economically competitive, and resilient and are one of the City's objectives strategic Plan.

Housing Affordability

Access to safe, affordable, and adequate housing touches almost every aspect of a community's well-being and affects its members. Communities with a range of housing choices that meet the full range of their housing needs – including the needs of low and moderate-income citizens – are generally more liveable, economically competitive and resilient. Ending chronic homelessness within Hamilton is one of the City's 2018 to 2022 Term of Council Priorities objectives².

The Province of Ontario 2021 appointed a Housing Affordability Task Force to provide the government with recommendations on additional measures to address market housing supply and affordability. The report was published and identified one of the barriers to implementing affordable housing (such as this project) is the requirement for costly parking stalls even though development may not require them. By-laws and guidelines that preserve "neighbourhood character" often

² Term of Council Priorities 2018 to 2022, June 2021.



prevent smart growth and innovative development. The people suffering are primarily young, visible minorities, and marginalized. It is the perfect example of a policy that appears neutral on its surface but is discriminatory in its application³.

Market-Driven

It is also essential to ensure that the parking supply provided is supportable from a residential sales perspective (that there is a market for the units sold without parking over the long term) and from a commercial leasing/business operations perspective. A parking rate contributing to a poor leasing/sales outcome does not produce a viable development for the long-term condition.

The rates proposed herein have been vetted by the Applicant's leasing and sales advisors, and from a business perspective, the proposed parking supply is considered viable. The parking supply is in-line with TDM measures factored into the ITE and local parking demand data at similar sites. A substantial element of the "market" is anticipated from the Project and future intensification surrounding the Project.

Conclusions

A parking supply of 0.20 spaces per unit is supportable based on a review of local parking demand data and secondary source data and a robust Transportation Demand Management (TDM) program. Further, a reduced parking supply that will meet the expected demand has regard to matters of Provincial interest; they are consistent with the Provincial Policy Statement. They conform with the Growth Plan and the City of Hamilton Official Plan and Transportation Master Plan provisions.

As stated, and recognized by the city, a key transportation objective in intensification areas is to transform the primary travel mode into sustainable options (walking, cycling and transit); the provision of the LRT will provide an incentive for a reduced parking demand through a shift in the mode of travel. Although the Site does not fall directly within the prescribed Transit-Oriented Corridor Zone, the magnitude of rapid transit's pedestrian accessibility isn't limited to the corridor in which the LRT is provided. Instead, it extends well beyond the corridor represented by a "walkshed" with a circle radius of 800 metres surrounding the rapid transit stop⁴.

³ <https://www.moreneighbours.ca/>

⁴ Advancing Transit Priorities: Frequent Rapid Transit Network Prioritization, February 2020, Metrolinx



As stated previously, a future LRT stop will be within a 510-metre walk of the Site. As the transit corridor zone identifies reduced parking requirements given expected travel pattern changes, there should be some flexibility in accommodating reduced parking requirements for the Site given the proximity to the LRT and within the prescribed walkshed.

The higher service frequency, lower travel times and longer span of service are likely to attract existing riders who may presently drive and are expected to result in newcomers to the area deferring automobile purchases. Consequently, future parking demand is expected to be lower than present when this service is operational. This provides further merit and support for a reduced parking supply as keeping consistent with the status quo for the area will likely necessitate achieving these goals

As much as we read about housing affordability being a challenge in cities worldwide, the depth of the challenge has become more significant in our community. Minimum parking requirements for each new unit are an outdated municipal requirement that increases the cost of housing and are increasingly less relevant with public transit improvements and rideshare services. Minimum parking requirements add as much as \$165,000 to the price of a new housing unit, even as demand for parking spaces is falling.

If the City wishes to implement affordable housing options, the city needs to recognize that minimum parking requirements present a significant barrier to these goals. Parking should not be viewed as only an amenity required to support our cities and our ability to drive; instead, it must be considered a significant economic investment that carries outcomes that shape our cities and regions. It must be recognized that parking has high costs, heavily subsidizes the choice to drive, and hampers the ability to promote sustainable and affordable developments.

The ability for residents to avoid the cost of parking by choosing a house without parking is limited by the existence of minimum parking requirements that represent a barrier in accommodating these types of affordable housing projects.



Recommendations

- ▶ As the parking demand will meet the proposed supply, the proposed Zoning Bylaw variance be approved to allow the Site to develop as planned with a parking rate of 0.20 spaces per unit, subject to the following TDM measures (at a minimum) being implemented:
 - Transportation Information Package
 - Unbundled Parking
 - Presto Pass (\$35 preloaded passes)
 - Long-term bicycle parking (0.57 spaces per unit)
 - Short-term bicycle parking (0.14 spaces per unit)



Contents

1	Introduction	1
1.1	Overview	1
1.2	Purpose and Scope	1
2	Area Description	3
2.1	Road Network	3
2.2	Transit Service.....	4
2.2.1	Hamilton Transit	4
2.2.2	Future Rapid Transit Corridor.....	6
2.3	Bike Share.....	8
2.4	Car Share	10
2.5	Neighbourhood Multi-Modal Assessment.....	12
2.5.1	Walkability	12
2.5.2	Transit	12
2.5.3	Cycling.....	12
2.5.4	Area Travel Characteristics	13
2.5.5	Summary	14
3	Development Description	15
3.1	Development Description	15
3.2	Compact Car Space	15
4	Parking Methodology.....	17
4.1	Zoning Requirements.....	17
4.1.1	Zoning By-law 05-200	17
4.2	Parking Demand	18
4.2.1	Parking Utilization Surveys (Market Units)	18
4.2.2	Secondary Source (Affordable Housing)	19
4.2.3	Visitor Base	21
4.2.4	Projected Parking Demand.....	22
4.3	Transportation Planning Context.....	23
4.3.1	Metrolinx 2041 Transportation Plan.....	23
4.3.2	Transportation Master Plan	24
4.3.3	Transportation Demand Management (TDM).....	24
4.3.4	Provincial Policy Framework	25
4.3.5	Ontario's Five-Year Action Plan	26
4.4.1	Hamilton Climate Emergency	27
4.4.2	Ontario Housing Affordability Task Force	28
5	Transportation Demand Management.....	29
5.1	Parking Supply Influence.....	29
5.2	Proposed Strategies	31
5.2.1	Transportation Information	31



5.2.2	Parking Supply	31
5.2.3	Unbundled Parking	31
5.2.4	Presto Pass	32
5.2.5	Bicycle Parking	32
5.3	TDM In Development Approvals	33
5.3.1	Parking Supply Credit.....	33
5.3.2	TDM Checklist.....	33
5.4	Maintain Sales/Lease Viability.....	34
6	Conclusions and Recommendations	35
6.1	Conclusions.....	35
6.2	Recommendations	36

Appendices

Appendix A	TTS Data
Appendix B	Proxy Survey Data
Appendix C	TDM Worksheet

Figures

Figure 1.1:	Development Location	2
Figure 2.1:	Existing Transit Network.....	5
Figure 2.2:	Hamilton LRT Project	7
Figure 2.3:	Bike Share Stations	9
Figure 2.4:	Car Share Locations.....	11
Figure 3.1:	Concept Site Plan	16

Tables

Table 2.1	Apartment Modal Split.....	13
Table 4.1	Zoning ByLaw Requirements (TOC)	17
Table 4.2:	Utilization Summary	18
Table 4.3	Affordable Housing Utilization Summary	19
Table 4.4	ITE Parking – Regression Analysis.....	20
Table 4.4	Projected Base Parking Demand.....	22



1 Introduction

1.1 Overview

3H Properties Group Inc. retained Paradigm Transportation Solutions Limited (Paradigm) to conduct this Parking Study Report for residential rental development.

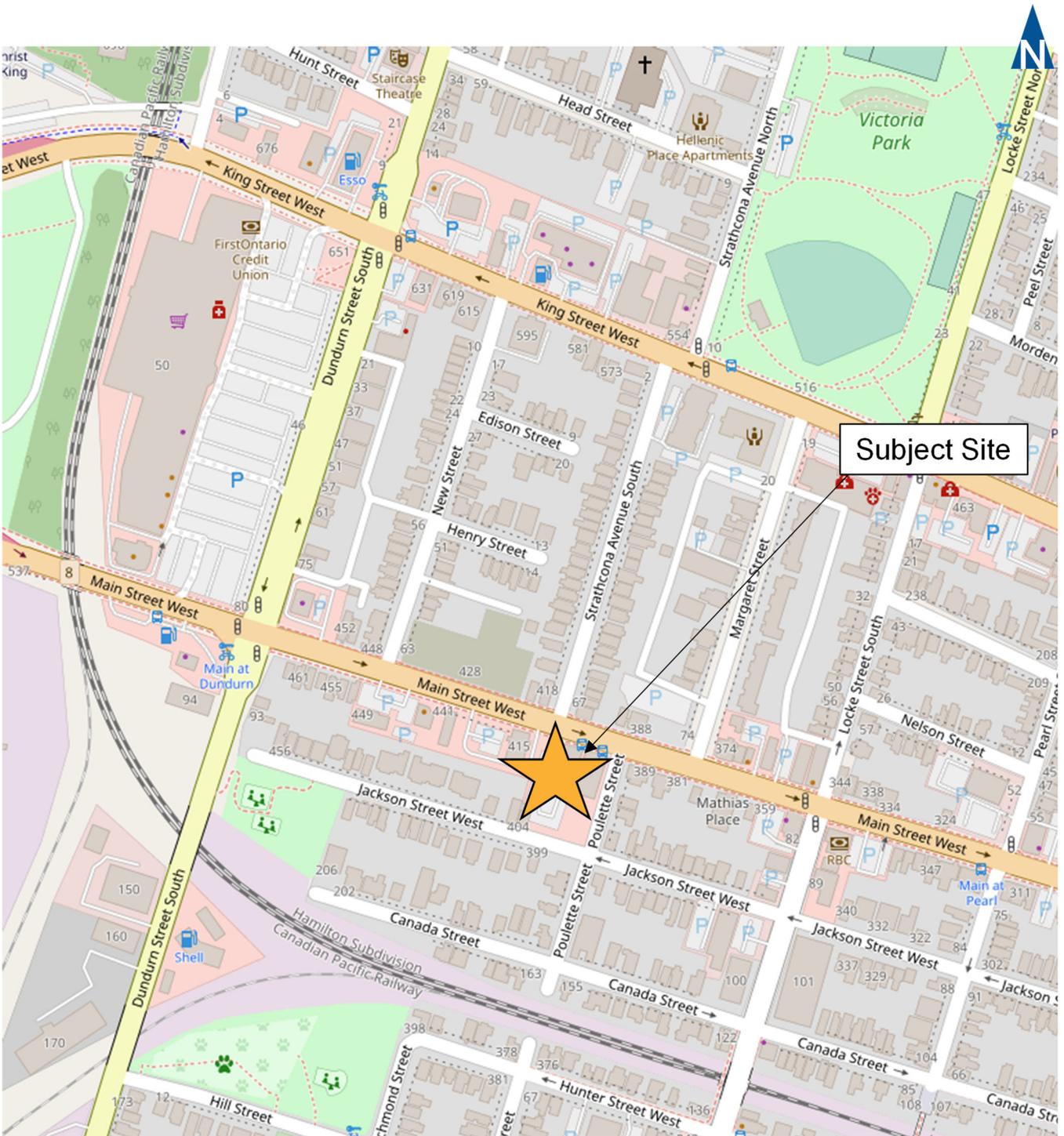
The subject site is municipally known as 405 Main Street West in Hamilton. It is located on the south side of Main Street West and west of Poulette Street.

Figure 1.1 details the location of the subject development.

1.2 Purpose and Scope

The purpose of the parking component is to assess the adequacy of the proposed parking supply. A plan to ensure that the parking is accommodated and managed consistently with the development's needs will be provided.





NTS
Source: Open Street Maps



Development Location

2 Area Description

This section of the report provides an overview of the conditions and components of the study area.

2.1 Road Network

The main roadways near the subject site include Main Street West, Poulette Street and Jackson Street West. The characteristics of these roadways are as follows:

- ▶ **Main Street West** is an east-west major-arterial⁵ roadway that operates under the jurisdiction of the City of Hamilton. The study area has an urban cross-section with one-way operation in the eastbound direction, sidewalks are on both sides of the road, and metered parking is on the north. The maximum speed limit is 50 kilometres per hour.
- ▶ **Poulette Street** is a north-south local roadway that operates under the jurisdiction of the City of Hamilton. The maximum speed limit is 40 kilometres per hour. The study area has an urban cross-section with two-way operation, sidewalks are provided on both sides, and on-street parking is limited to one side of the roadway following a bi-monthly schedule.
- ▶ **Jackson Street West** is an east-west collector that operates under the jurisdiction of the City of Hamilton. The maximum speed limit is 40 kilometres per hour. The study area has an urban cross-section with a one-way operation in the westbound direction east of Poulette Street and a two-way operation for the west section. Sidewalks are provided on both sides, and on-street parking is limited to the south side of the road. Timed parking restrictions are in effect for the section west of Poulette Street, where one hour of parking is permitted between 8 AM – 6 PM Monday to Friday.

⁵ Urban Hamilton Official Plan, Schedule C: Functional Road Classification, February 2021.



2.2 Transit Service

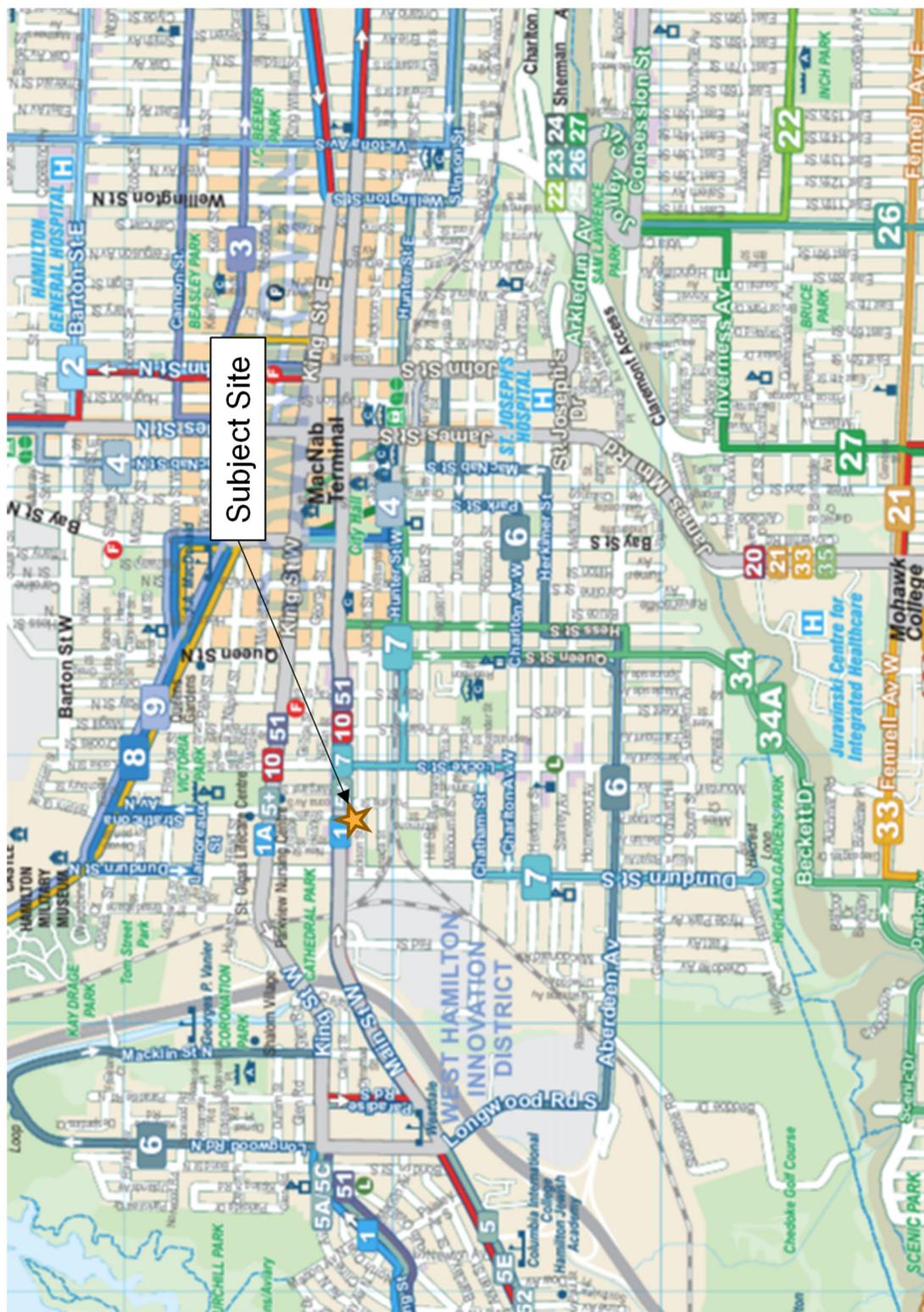
2.2.1 Hamilton Transit

Hamilton Street Railway (HSR) is the public transit operator for Hamilton and operates several routes within the study area. Currently, HSR operates two routes adjacent to the Site:

- ▶ **Route 1 (King)** provides service seven days a week in lower Hamilton from Hamilton GO to Eastgate Square in the east. Route 1 operates with approximately six- to eight-minute headways during weekday peak hours and headways of up to 20 minutes during other service hours.
- ▶ **Route 5 (Delaware)** provides service seven days a week in east-west lower Hamilton, including Dundas, Ancaster and Stoney Creek. Route 5 operates with approximately 12-minute headways during weekday peak hours and headways up to 30 minutes during other service hours.
- ▶ **Route 7 (Locke)** provides service seven days a week in both the east-west and north-south routes servicing the south-west end of the city from then downtown. Route 7 operates with approximately 20-minute headways during weekday peak hours and headways of up to 60 minutes during other service hours.
- ▶ **Route 10 (B Line Express)** provides weekday and Saturday service from University Plaza in the west end to Eastgate Square in the east end. Route 10 operates with approximately seven- to eight-minute headways during weekday peak hours and headways of up to 20 minutes during other service hours. Service is not provided on Sundays.
- ▶ **Route 51 (University)** provides weekday and Saturday service in an east-west direction between downtown and west Hamilton along Main Street West and King Street West. It services Hamilton GO Centre, Jackson Square and McMaster University. Route 51 is currently on hiatus until September 2022.

Figure 2.1 illustrates the existing transit network. The nearest stop for Route 1 and 5 is located at Main Street West and Poulette Street, adjacent to the Site. The closest stop for Route 7 is at Main Street West and Locke Street (170 metres to the east), and the nearest stop for Route 10 is at Main Street West and Dundurn (260 metres).





Subject Site



Existing Transit Network

Figure 2.1

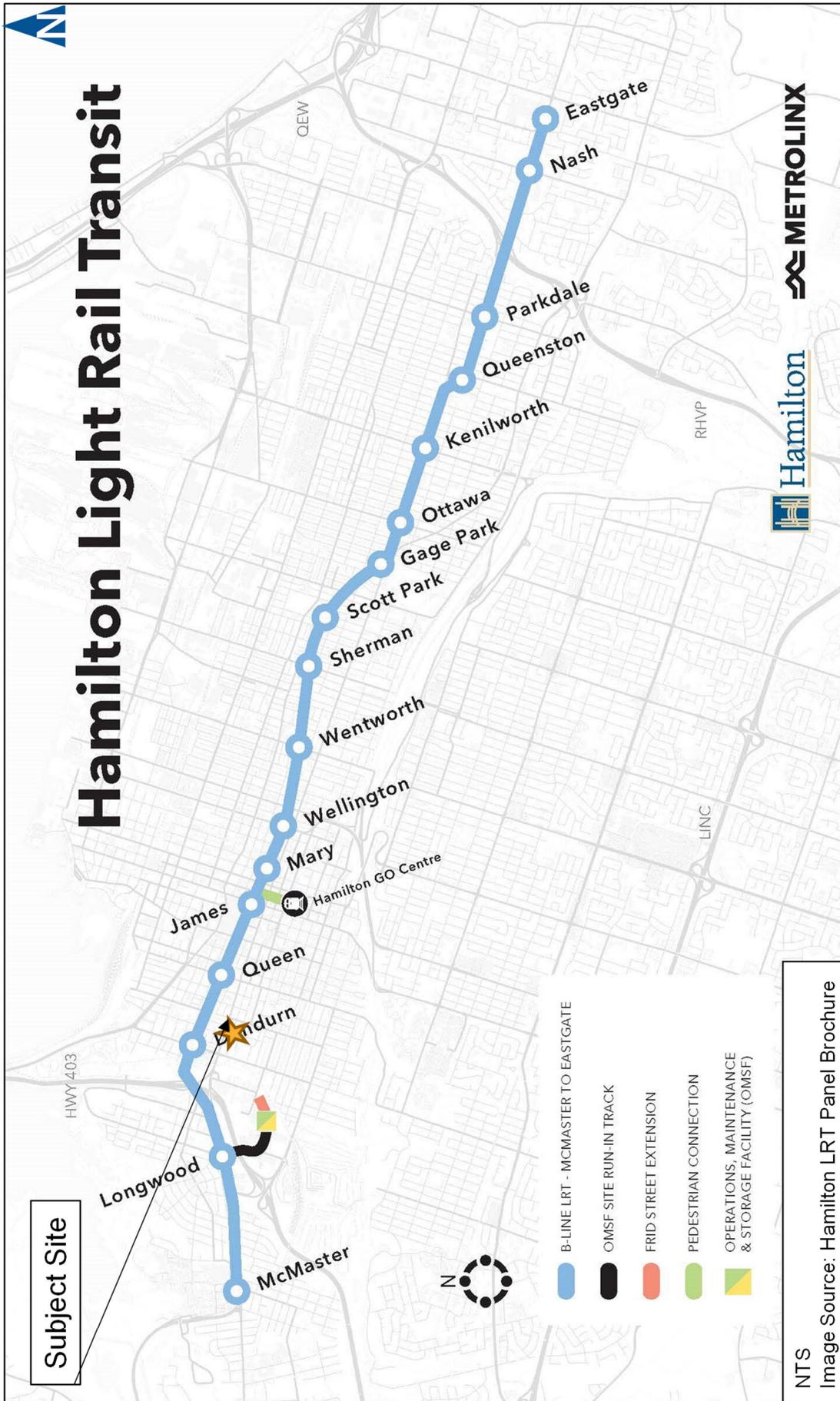
2.2.2 Future Rapid Transit Corridor

Future transit plans for the city include the proposed Hamilton Light Rail Transit (LRT) project. The 14-kilometre route will connect McMaster University in the west end to Eastgate Square in the east, traversing King Street East in the vicinity of the subject site. The nearest stop will be approximately 510 metres northwest of the subject site at King Street East and Dundurn Street South.

The proposed LRT line will likely link to GO Transit, VIA Rail services and walking and cycling trails to help provide sustainable transportation choices to residents of Hamilton. **Figure 2.2** illustrates the proposed LRT in relation to the proposed development.

It is noted that Hamilton City Council ratified a memorandum of understanding on September 15, 2021, for the LRT project. Early works construction on the project is expected to begin in early 2022.





**Hamilton
LRT Project**

Figure 2.2

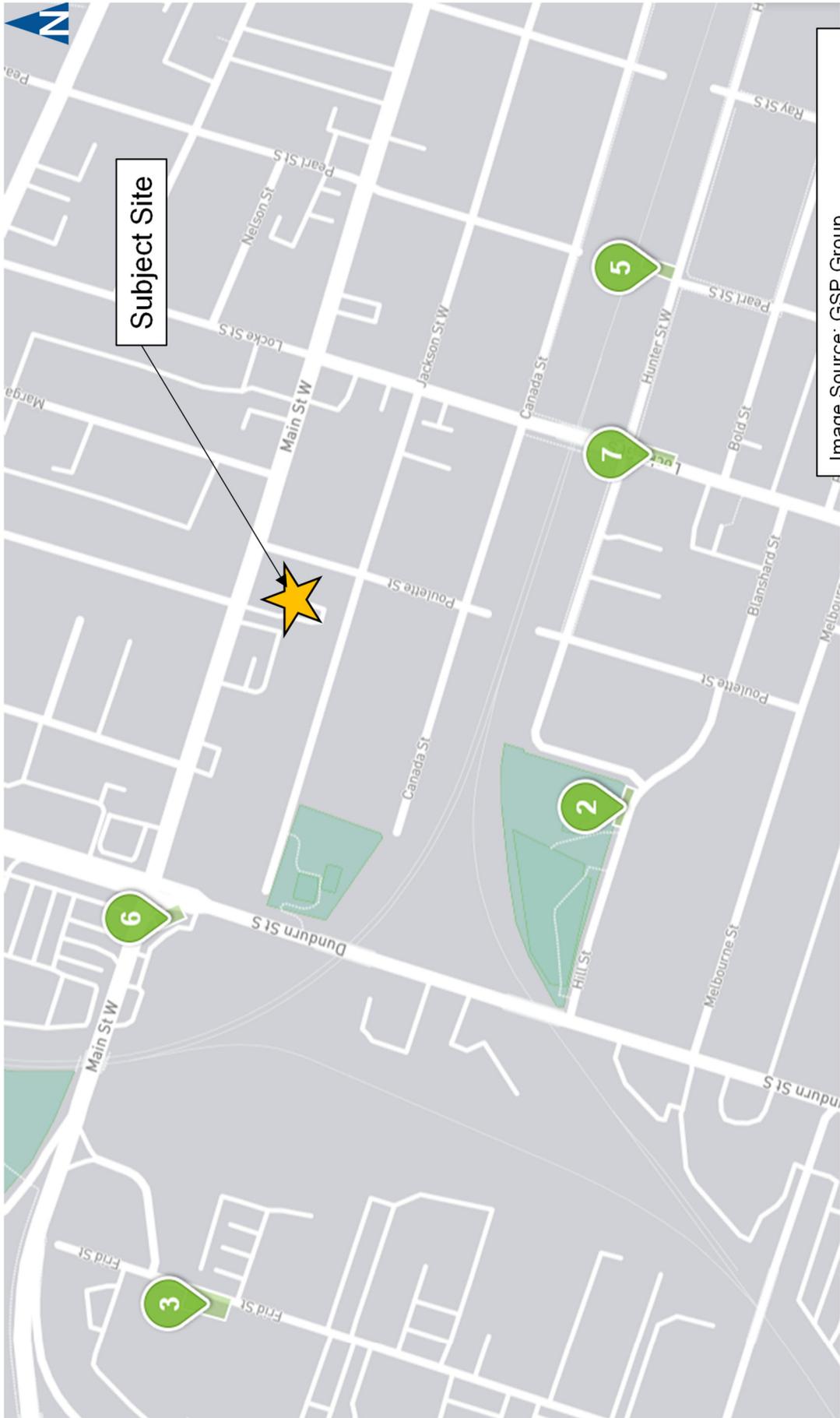
2.3 Bike Share

The City of Hamilton, in partnership with Social Bicycles (SOBI), has implemented a bike-share program. The bike-share program provides bicycles at several locations across the Downtown area for use by members of the program on a short-term rental basis. The nearest SOBI location is approximately 260 metres west of the subject site (a two-minute walk) at Main Street West and Dundurn Street South.

Members can pick up and drop off bicycles at different bike share stations, providing convenient and ready access to an increasingly well-used non-automotive travel mode. The availability of bicycle use by residents of the building on a short-term rental basis supports the viability of bicycle travel as a convenient alternate travel mode option for people living within the proposed building and general area.

Figure 2.3 illustrates the bike share locations near the development.





2.4 Car Share

Car sharing refers to automobile rental services that substitute for private vehicle ownership. It makes occasional vehicle use affordable while providing an incentive to minimize driving and rely on alternative travel options as much as possible.

Where car-sharing services are available, some households reduce their vehicle ownership, shifting from two to one vehicle or from one to zero. Residents of the building could use walking, transit, or cycling as their primary mode of travel and use the car-share as a secondary mode of travel. Lower automobile ownership rates and parking requirements can be obtained by providing this alternative.

There are currently two car share providers in the City of Hamilton (Communauto⁶ and ZipCar⁷).

Communauto has three vehicles/spaces within 800 metres of the subject site or a ten-minute walk. The nearest space is approximately 550 metres from the subject site or a seven-minute walk.

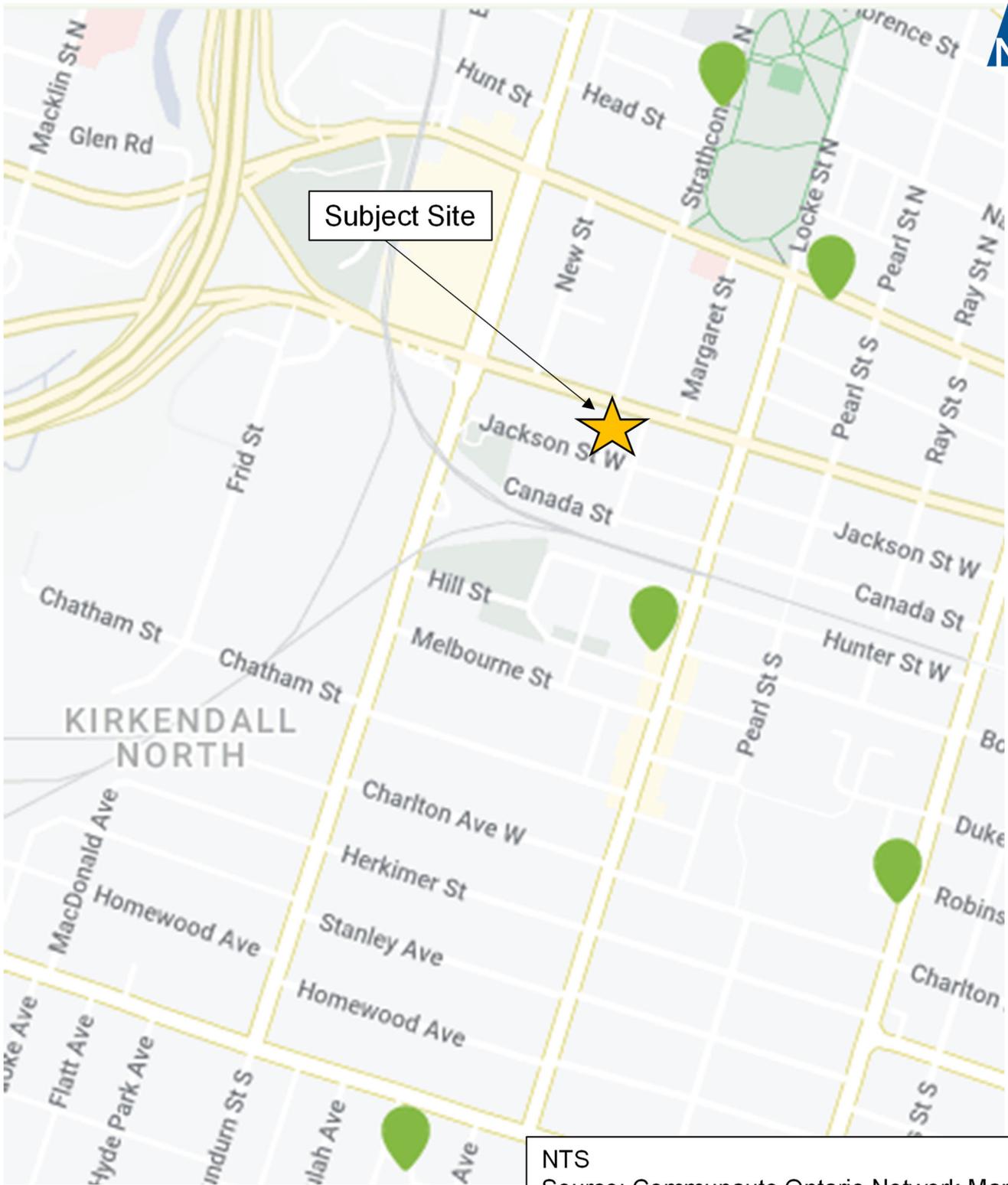
The availability of car-share spaces near the subject site allows residents of the development and surrounding community who usually would not need a vehicle for their daily activities to be comfortable deciding not to own a vehicle.

Figure 2.4 illustrates the Communauto car share locations near the development.

⁶ <https://ontario.communauto.com/>

⁷ <https://www.zipcar.com/en-ca>





Carshare Locations

2.5 Neighbourhood Multi-Modal Assessment

Sustainability is a principle that cuts across all developments as it is ingrained in developing a balanced multimodal transportation system and is supported by Hamilton. Hamilton is committed to building and maintaining a community that meets today's needs while providing a high quality of life.

Analytical tools allow communities, transit agencies, developers, and employers to measure the environmental impact of neighbourhoods' transportation and land-use choices.

2.5.1 Walkability



Walk Score is a well-known (but proprietary) measure of walkability – it aggregates several data sources to provide a proxy measure of the quality of the pedestrian environment. It is utilized to gauge the walkability and destination density of each neighbourhood.

405 Main Street West has a Walk Score of 85 and is considered a "Very Walkable" location, meaning most errands can be accomplished on foot⁸.

2.5.2 Transit



Transit Score is a measure of transit accessibility. It aggregates information regarding transit frequency, the density of stops and routes, and mode of service. It is used to gauge the transit accessibility of each neighbourhood.

405 Main Street West has a Transit Score of 70 and is considered "Excellent Transit," which means transit is convenient for most trips.

2.5.3 Cycling



Bike Score is a measure of the area's ability to accommodate cyclists. A Bike Score is calculated for a given location by measuring bike infrastructure (lanes, trails, etc.), hills, destinations and road connectivity, and the number of bike commuters.

405 Main Street West has a Bike Score of 86 and is considered "Very Bikeable," which means biking is convenient for most trips.

⁸ <https://www.walkscore.com/score/405-main-st-w-hamilton-on-canada>



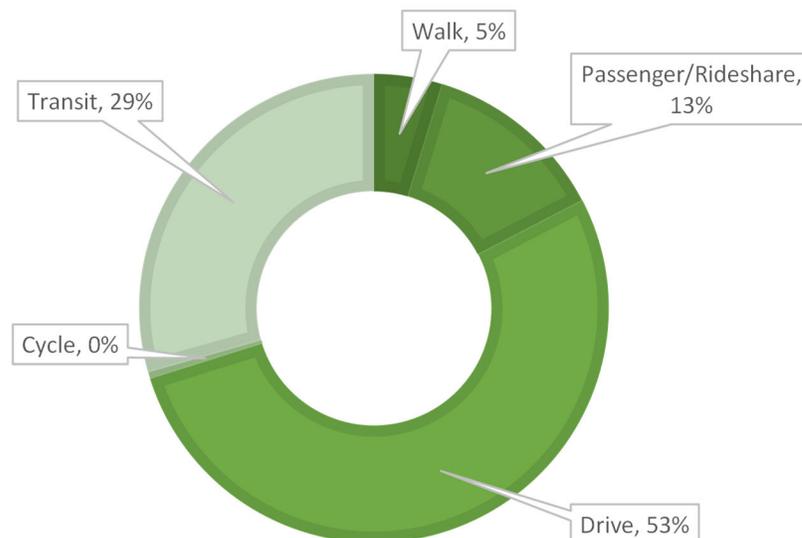
2.5.4 Area Travel Characteristics

The Site is located within central Hamilton, an established area of the city. Its location along several transit routes and within walking distance of a future higher order transit service (LRT) provides a high level of transit accessibility. The transit accessibility and proximity of amenities afforded to the area offer various non-automobile transportation options for area residents, employees, and visitors.

The 2016 Transportation Tomorrow Survey (TTS) data provides information about the origin and destination patterns and travel mode choices for trips made in Southwestern Ontario.

A review of the TTS travel characteristics of trips made to/from the area (TTS Zone 5192, 5200) during the weekday periods is provided in **Table 1**. Notably, close to 30% of trips are made by transit. **Appendix A** contains the TTS data.

TABLE 2.1 APARTMENT MODAL SPLIT



2.5.5 Summary

The Site's location provides a robust pedestrian-oriented environment and connects to various critical destinations within Hamilton. The site vicinity is served by a combination of road types (major-arterial and locals) that provide for an established pedestrian sidewalk network.

The level of transit accessibility provided in the area offers excellent non-automobile travel opportunities and reduces the need to use a car to access the Site. In addition to local transit services, higher-order transit is also expected to be available through the future LRT along King Street East, providing improved access to transit opportunities.

As a critical transportation objective in intensification, areas are to transform the primary travel mode into sustainable options (walking, cycling and transit); the provision of the LRT is expected to transform the area further to be less reliant on automobile use through a shift in the mode of travel.



3 Development Description

3.1 Development Description

The concept plan for the development entails demolishing the existing building and constructing a new seven-storey building for 96 residential units. Of the 96 units proposed, 49 will be provided as affordable housing units, whereas the remaining 47 units will be geared towards the typical market. In terms of the dwellings, 89 units will be less than 50 square metres, while the remaining seven units will have a size greater than 50 square metres.

A total of 19 parking spaces are proposed (of which two are small car spaces) within an underground parking garage that will be accessed through Jackson Street West. The parking supply equates to a combined rate of 0.20 spaces per unit.

Figure 3.1 illustrates the concept site plan.

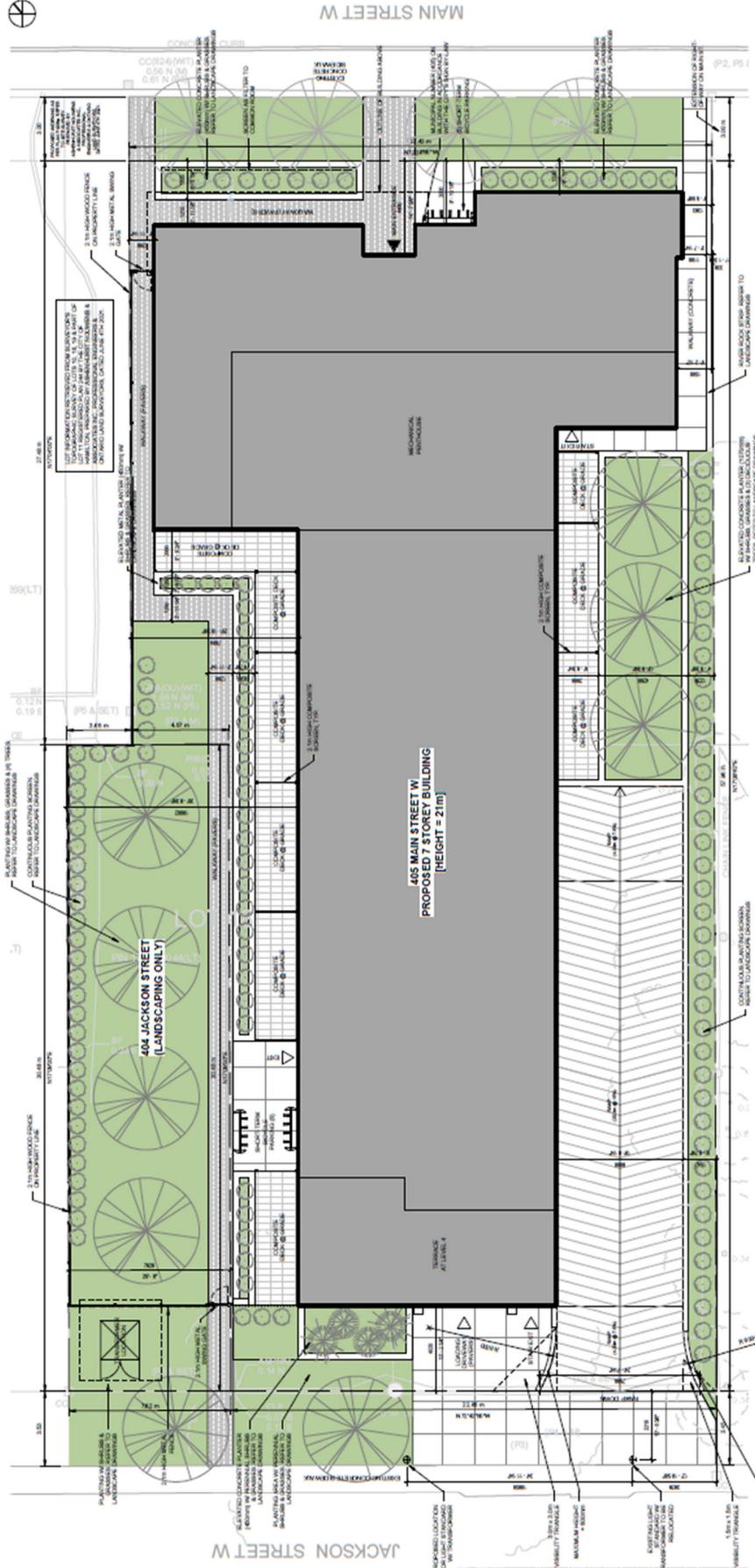
3.2 Compact Car Space

The City of Hamilton supports allocating compact car parking spaces as part of the Zoning By-Law 05-200. The bylaw states that the portion of a parking lot dedicated to compact parking spaces is 10% of the required supply, subject to a minimum of 10 or more spaces required on a site. The widths of these spaces shall be 2.6 metres wide with a length of 5.5 metres.

Comparing how a compact stall size measures up to adjacent municipalities, the City of Hamilton's compact parking stall size is very similar to a typical parking spaces size within the City of Toronto (2.6 metres wide with a length of 5.6 metres). Even though it is a smaller footprint than what a typical space requires, it is still expected to accommodate a significant number of vehicle types.

Additionally, the Site can only offer 17 typical parking spaces if the two compact spaces are not provided. However, by permitting the two compact parking stalls on the Site, the development can reduce the overall footprint of the parking lot (i.e., less pavement required for compact spaces) and support the use of compact vehicles that are typically more energy-efficient than larger vehicles.





Concept Plan

Figure 3.1



4 Parking Methodology

As with any equilibrium system, a minimum of two components are required to be in balance and reach the equilibrium point. With parking systems, this involves the balance of parking supply and demand. Achieving an appropriate supply level is equally important as demand. The ubiquitous oversupply of cheap and accessible parking has long contributed significantly to single-occupant vehicle (SOV) travel growth.

There is a strong focus on the pedestrian environment and an emphasis on active transportation in the Official Plan. As the development proposal focuses on accommodating a suitable pedestrian environment that would encourage active transit based on the de-emphasis on parking, the use of blanketly applying the Zoning By-law across the development does not reflect these goals.

4.1 Zoning Requirements

The current parking requirements for this development are governed by the City of Hamilton Zoning By-law requirements. It is recognized that the actual demand for parking spaces may vary from Development to Development

4.1.1 Zoning By-law 05-200

The Site is located within the City's C5 zoning district, subject to the parking regulations contained within Zoning By-law 05-200. **Table 4.1** summarizes the parking standard calculations for the proposed redevelopment plans. As indicated, 30 parking spaces are required under the current in-force By-law for the Site.

TABLE 4.1 ZONING BYLAW REQUIREMENTS (TOC)

Use	Units	Parking Rate ¹	Spaces Required
Residential	89	0.3 per unit if less than 50m ²	26
Residential	7	0.7 per unit if greater than 50m ²	4
Total	96		30

By-law No. 05-200



4.2 Parking Demand

A review of actual parking demands likely to be generated by the proposed development has been considered to assess, independent and separate from a review of the Zoning By-Law requirements.

The "real" demands established for each land use are based upon a review of parking demand technical resources and information collected by Paradigm and others at comparable land uses. The specified demands consider several influencing factors, including market demands and interaction effects between uses.

4.2.1 Parking Utilization Surveys (Market Units)

Paradigm surveyed parking demands for a relatively new development in the City of Hamilton, approximately 1.5 kilometres east of the proposed development. The Site is at 20-22 George Street and contains 230 residential units. Fixed transit routes service the Site, mainly through the same routes that service 405 Main Street West.

The residential parking demand at 20-22 George Street was measured from 7:00 PM to Midnight on Thursday, May 5, 2022, Friday, May 6, 2022, and Saturday, May 7, 2022. **Table 4.2** summarizes the parking utilization rates for 20-22 George Street over the three days of data collection. The data is reflective of a peak parking demand of 0.29 spaces per unit. **Appendix B** contains the parking data.

TABLE 4.2: UTILIZATION SUMMARY

Date	Residential
Thursday, 5 May 2022	0.26
Friday, 6 May 2022	0.29
Saturday, May 7, 2022	0.26
Peak Demand (rate per unit)	0.29



4.2.2 Secondary Source (Affordable Housing)

Paradigm reviewed a number of parking surveys completed at affordable housing developments. Granted, some of the surveys are not located within Hamilton, but they provide further data at the parking requirements at these types of development.

Each of these sites involves higher-density development being embedded within predominantly low-density neighbourhoods. This is similar in nature to the subject site which will be increase-density development embedded into a predominantly low-density neighbourhood concentrated by good transit usage. **Table 4.3** outlines the parking demand at affordable housing developments with the Greater Toronto Hamilton Area (GTHA).

Overall the proxy sites reviewed in the relevant areas reveal a parking demand rate on average of 0.12 spaces per bedroom.

TABLE 4.3 AFFORDABLE HOUSING UTILIZATION SUMMARY

Address	Municipality	Units	Bedrooms	Parking Supply	Date	Peak Parking Demand	Effective Parking Rate per Bedroom	Unutilized Spaces
50 Station Street	Ajax	50	84	21	Wed, April. 30, 2014	12	0.14	-9
147 Mary Street	Hamilton	30	30	10	Tues, March 26, 2022	5	0.09	-5
					Wed., March 27, 2022	5	0.07	-5
160 Ontario Street	St. Catharines	9	9	5	April 2015	0	0.00	-5
					April 2015	1	0.11	-4
178 King Street	Welland	28	28	24	April 2015	7	0.25	-17
					April 2015	5	0.18	-19



To provide further confidence in the proxy data observed, a review of the Institute of Transportation Engineers (ITE) Parking Generation has been reviewed.

Numerous industry associations and institutions are dedicated to surveying and reviewing parking requirements related to various land uses. These associations, such as ITE, collect, review, and disseminate parking demand, supply, and appropriate design standards. This data helps establish a typical range of requirements. The latest ITE parking generation manual is the 5th edition.⁹ and is a comparative to determine baseline assumptions.

The following ITE Land Use Code (LUC) was reviewed:

- ▶ LUC 223 (Affordable Housing) includes all multi-family housing rented below-market to households with at least one employed member. Living in affordable housing can depend on limited household income and resident age.

Paradigm applied regression equations and methodology published by ITE for the proposed Site. Results of the regression analysis indicate a parking supply of 9 spaces would be generated by the affordable housing development using 49 bedrooms and a dense multi-urban environment. **Table 4.4** outlines the regression equation.

TABLE 4.4 ITE PARKING – REGRESSION ANALYSIS

Use	Bedrooms	Fitted Curve Equation	Spaces Required
Affordable Housing	49	$P = 0.33(x) - 7.02$	9

⁹ ITE Parking Generation 5th Edition, Washington DC, 2019.



4.2.3 Visitor Base

The current parking requirements for residential parking in the Zoning By-law do not require any spaces designated for visitors. By limiting parking to residents only, the development provides a further incentive to change and shape the travel choices of visitors to the development, mainly since the cost of parking will be a factor in an individual's transportation decision¹⁰.

If visitors cannot use sustainable mode choices, on-street parking is well provided for the area that can support visitor demand. It is acknowledged that most of the local street is heavily utilized during the evening hours when visitor demand is at its highest.

However, there is a surplus of metered spaces along the boundary roadways (Main Street West and Locke Street) within a 300-metre walking distance of the development, where usage is reduced during the evening hours. As a result, the metered spaces lend themselves to an informal shared parking arrangement.

The concept of shared and managed parking reflects the variations in usage levels of different land uses by the time of day, day of the week and seasonal factors to derive efficiencies in overall parking supply requirements through a permissive shared pool of parking that support the range of planned uses at different times.

Each land use does not need its dedicated parking supply, yet that is precisely what standard analysis and Zoning indicate is needed. In reality, throughout the day, different uses have different peak demands: for example, commercial and retail services will primarily be driven by peak parking during typical business hours, likely until 5 PM, while visitors of a residential building will have a high demand only after 7 PM as outlined by inputs collected by the Urban Land Institute (ULI)¹¹.

¹⁰ The Dimensions of Parking 5th Edition, Urban Land Institute, 2010

¹¹ Shared Parking 2nd Edition, Urban Land Institute, 2005



4.2.4 Projected Parking Demand

The base parking demand ratios represent how many spaces should be supplied for each use. A summary of the base peak parking demands for each component used contemplated within the development is provided in **Table 4.4**. The following summarizes the parking demand rates used:

- ▶ Market geared units are reflected by a peak parking demand of 0.29 spaces per unit consistent with the proxy survey.
- ▶ Affordable Housing units are reflected by the ITE regression analysis summary that stipulates a ratio of 0.18 spaces per bedroom.

The peak parking demand for the whole project is projected as 22 spaces. Although a parking shortfall of approximately three spaces could occur, providing additional parking is not recommended; instead, supporting the reduction through a Transportation Demand Management (TDM) program is recommended.

The provision of providing reduced parking in support of promoting non-automotive uses consists of several policies developed at both the provincial level and local municipal level. The procedures related to reducing vehicle parking are provided in the following Chapter.

TABLE 4.4 PROJECTED BASE PARKING DEMAND

Use	Units	Spaces Required
Market Units	47	13
Affordable Housing	49	9
Total	96	22



4.3 Transportation Planning Context

The transportation context includes direction provided by recently completed and ongoing planning initiatives to transform the site area. Overall, the initiatives described in the following sections seek to improve the public realm and non-auto modes of travel while appropriately accommodating intensification and new development.

4.3.1 Metrolinx 2041 Transportation Plan

Metrolinx launched the 2041 Transportation Plan in 2018, including the regional transportation plan for the Greater Toronto and Hamilton Area (GTHA). This Plan provides even more people with access to fast, frequent and reliable transit and makes it easier for travellers to use transit or travel by bike or foot. While Metrolinx authored this Plan, it was developed closely through a comprehensive public engagement strategy with over 30 GTHA municipalities (including Hamilton) to create an integrated multimodal regional transportation plan.

The Plan's primary objectives include, but are not limited to:

- ▶ Designing communities, transit stations and Mobility Hubs to support transit use and active transportation;
- ▶ Using parking demand strategies to encourage car-sharing and other modes besides the car;
- ▶ Addressing the beginning and end of a traveller's journey—the first- and last mile;
- ▶ Optimizing the use of roads and highways to support transit and goods movement; and
- ▶ Embedding design excellence, sustainability and universal access in transit planning.

As part of the 2041 Transportation Plan, the role of parking management in land use planning in that current Zoning By-laws was not doing enough to curb future developments' dependency on vehicle travel. The 2041 Transportation Plan presents an opportunity to make parking management a priority. Parking policies should coordinate off-street parking supply with transit expansion and support other alternatives to driving. As a result, a comprehensive approach to applying best practices in parking management is even more necessary today, given that on-demand services and autonomous vehicles are likely to change the demand for off-street parking.



As part of the Metrolinx 2041 Transportation Plan, parking management for the Site will positively impact and optimize the development to take full advantage of the evolving transportation context of the area such that transit will become more accessible to area employees and visitors with the provision of the LRT.

4.3.2 Transportation Master Plan

The City's recent update to the Transportation Master Plan (TMP) in 2018 contemplated a new vision for a balanced transportation system that supports economic growth and health and safety communities.

As for parking, transportation and land use patterns coupled with effective parking management strategies can support modal choice and active modes of travel, transit-oriented development, and economic growth.

As Hamilton shifts towards a balanced approach to transportation, best practices focus on setting maximum parking standards instead of minimum parking standards to ensure parking supply is balanced with mode share targets and urban design objectives.

The Site will positively impact and optimize the development to take full advantage of the evolving transportation context of the area. Transit will become more accessible to area residents with the provision of the LRT. The Site will continue to support the strategies laid out in the TMP as the parking management strategy will contribute to a balanced transportation network.

4.3.3 Transportation Demand Management (TDM)

The City of Hamilton, in 2015, drafted the Transportation Demand Management (TDM) for Development policy that actively engages the development community to integrate Travel Demand Management (TDM) in all current and future development applications.

TDM strategies that modify travel behaviour are essential to lessening the demand for parking. In addition to Citywide initiatives to invest in transit and active transportation, reducing drive-alone trips and the following programs can support a reduced parking supply:

- ▶ Carpooling permit program and carpool matching system (current Smart Commute Program);
- ▶ Increasing car-share spaces;
- ▶ Promoting one-way car share and developing strategies around on-street parking usage of car-share vehicles;



- ▶ Increasing the number of secure bike storage lockers by reviewing underutilized space in current parking facilities;
- ▶ Increasing parking supply in areas that easily connect to rideshare or walkable paths;
- ▶ Developing a curb-side management strategy which will assist both rideshare services and Autonomous Vehicle Technology (AVT); and,
- ▶ Supporting bike share by adding revenue streams to provide funding.

The development actively engages and incorporates TDM to influence travel behaviour for residents and visitors by including on-site visitor parking and limited on-site parking. As TDM is closely linked with reducing vehicle trips, an added benefit is the reduction and need for on-site parking. The development also includes five short-term bicycle parking spaces near the entrance of the building and ten long-term bicycle parking spaces on the basement floor.

4.3.4 Provincial Policy Framework

The Growth Plan for the Greater Golden Horseshoe (Ministry of Infrastructure, 2020) Provincial Policy Statement (MMAH, 2020) all directly call for a shift away from automobile travel and towards more sustainable forms of transportation, including transit and active transportation:

- ▶ The Growth Plan outlines that growth in population and employment will be accommodated by reducing dependence on automobiles through the support and development of mixed-use, transit-supportive, pedestrian-friendly urban environments (Ministry of Infrastructure, 2020 – Section 4.2.10);
- ▶ The Provincial Policy Statement (PPS) states that land-use patterns should "minimize the length and number of vehicle trips, and support current and future use of transit and active transportation" (MMAH, 2020 – Section 1.6.7.4);



4.3.5 Ontario's Five-Year Action Plan

Ontario's Five-Year Climate Change Action Plan was announced in June 2016 (herein referred to as "the Plan"). The Plan emphasizes the importance of addressing climate change at the municipal level. Some of the critical transportation and land-use planning actions outlined in the Plan are as follows:

- ▶ **Support cycling and walking:** Commuter cycling networks will be established across Ontario, targeting routes with high-commuting volumes, such as between residential communities, major transit stations and employment areas. There will be more cycling facilities in urban areas, including grade-separated routes and cycling signals. More bicycle parking will be at transit stations and provincially owned, publicly accessible facilities. Ontario will revise provincial road and highway standards to require commuter cycling infrastructure to be considered for all road and highway construction projects where it is safe and feasible. Ontario will do the same for major transit corridors.
- ▶ **Reduce single-passenger vehicle trips:** Ontario will grant municipalities and large private employers to implement Transportation Demand Management (TDM) Plans. The plans will help increase walking, cycling, carpooling, telecommuting and flex-work schedules, reducing fossil fuel consumption, traffic congestion and transportation emissions.
- ▶ **Eliminate minimum parking requirements:** Minimum parking requirements for municipal zoning bylaws will be eliminated over the next five years, especially in transit corridors and other high-density, highly walkable communities. Minimum parking requirements are a barrier to creating complete, compact, mixed-use communities. Instead, bylaws encourage bike lanes, larger sidewalks, and enhanced tree canopies.

Eliminating minimum parking requirements is not new in North America. Residential developments with lower parking requirements are being promoted, approved, and developed in Vaughan, Toronto, Calgary, Vancouver and other cities. This shift away from providing excess residential parking highlights a changing perspective. The subject site's reduced minimum parking supply requirement would conform with Ontario's current Climate Action Plan.



4.4.1 Hamilton Climate Emergency

Hamilton's City Council has recognized the impacts of climate change in Hamilton "not only cause millions of dollars of infrastructure damage, but damages homes, businesses, and puts people at increased risk to their health and safety." The council unanimously passed a motion to declare a climate emergency on March 27, 2019, and directed staff to form a Corporate Climate Change Task Force (CCCTF). The CCCTF aims to support a culture shift, ensuring that a climate change lens is incorporated into routine work across all City departments.

Of importance are the goals of the Community Energy Plan¹². Specifically, the City will work toward being a net carbon-neutral community by 2050, with an interim target of reducing emissions by 50% by 2030. However, to meet the 2050 goal, the City will need to offset carbon dioxide emissions by purchasing carbon offsets or further reducing emissions.

As the climate emergency declaration is a Council priority, the importance of supporting a low carbon redevelopment project focusing on reduced vehicle trips is apparent. Meaningful change is required as soon as possible to meet the City's emissions target. If Hamilton's current emissions patterns do not decrease, the City will emit 9.6 MtCO₂e by 2050, a 10% increase in GHG.

While single-occupant vehicle trips are commonly targeted in transport policies, they are only a consequence of the spatial layout and densities of the accompanying land uses. Therefore, there is merit in targeting the underlying cause of these carbon emissions rather than solely focusing on policies to reduce private vehicle use.

Parking management has an important role to play in reducing carbon emissions¹³. In this respect, car parking is the "glue" between these facets of the land use and transport environment. In addition, car parking is a critical factor that can be targeted relatively quickly by planners and their municipal plans.

The transportation sector is responsible for 23% of Canada's GHG emissions¹⁴ and offers tremendous opportunities for significant emissions reduction. Municipalities in Canada are lagging behind other

¹² Sustainability Solutions Group and what If? Technologies, City of Hamilton Community Energy Plan, 30 November 2020.

¹³ Parking as a tool to reduce carbon emissions, McCormick Rankin Cagney Pty Ltd, 2009

¹⁴ Reducing GHG Emissions in Canada's Transportation Sector, Clean Energy Canada, June 2016.



countries in supporting zero-emission vehicles and other sustainable transportation policies. Cities need to drive a transition towards zero and low-emissions transportation modes, increase cleaner fuels, expand public transit ridership, and encourage denser, mixed-use communities to meet the City's emissions target.

Significant encouragement is needed to reduce greenhouse gas emissions related to the transportation sector to shift travel modes from single-occupant vehicles towards public transit, auto-share and active transportation.

4.4.2 Ontario Housing Affordability Task Force

The Province of Ontario in 2021 appointed a Housing Affordability Task Force to provide the government with recommendations on additional measures to address market housing supply and affordability.

In 2022, the report was published and sets out recommendations that would set a bold goal and clear direction for the province, increase density, remove exclusionary rules that prevent housing growth, prevent abuse of the appeals process, and make sure municipalities are treated as partners in this process by incentivizing success.

Of these recommendations, the report identified that municipalities require numerous studies and set rules for adding housing, many of which go well beyond the requirements of the provincial Planning Act. While some of this guidance has value for urban design, some rules are arbitrary and not supported by evidence, such as the requirement for costly parking stalls even though development may not require them.

By-laws and guidelines that preserve "neighbourhood character" often prevent smart growth and innovative development. The people suffering are primarily young, visible minorities, and marginalized. It is the perfect example of a policy that appears neutral on its surface but is discriminatory in its application¹⁵.

Minimum parking requirements for each new unit are outdated municipal requirements that increase the cost of housing and are increasingly less relevant with public transit and rideshare services. Minimum parking requirements add as much as \$165,000 to the price of a new housing unit.

¹⁵ <https://www.moreneighbours.ca/>



5 Transportation Demand Management

Based on best practices and policy objectives, there is merit for a further reduction through a Transportation Demand Management (TDM) program.

A Transportation Demand Management (TDM) plan aims to reduce the development's overall traffic and parking impacts by implementing strategies to affect the demand side of the transportation equation. TDM strategies include incentives and disincentives that increase people's likelihood of changing travel behaviour. Strategies include financial incentives, time incentives, new or enhanced commuter services, information dissemination, and alternative marketing services.

The TDM plan has been formulated to extend reasonable and practical strategies that encourage residents and visitors to take alternative modes of transportation. The strategies identified are expected to improve transportation access and connectivity within the development and reset of the study area.

5.1 Parking Supply Influence

The parking supply is one of the most critical measures to shift demand from vehicles to sustainable travel modes. Recent research indicates that an area with more parking influences a higher demand for more automobile use.

- ▶ A New York City study of three boroughs showed a clear relationship between guaranteed vehicular parking at home and a greater tendency to use the automobile for trips to and from work, even when both work and home are well served by transit. The study infers that driving to other non-work activities is likely higher for households with guaranteed vehicular parking¹⁶.
- ▶ A study of households within a two-mile radius of ten rail stations in New Jersey concluded that those developments would not reduce automobile use if development near transit stations had a high parking supply. The parking supply can

¹⁶ Rachel Weinberger, Death by a thousand curb-cuts: Evidence on the effect of minimum parking requirements on the choice to drive. Transport Policy, 20, March 2012.



undermine the incentive to use transit that proximity to transit provides¹⁷.

- ▶ A study of nine cities across the United States examined whether citywide changes in vehicular parking cause automobile use to increase or whether minimum parking requirements are an appropriate response to the already rising automobile use. The study concluded that: "parking provision in cities is a likely cause of increased driving among residents and employees in those places."¹⁸

As stated, and recognized by the city, a key transportation objective in intensification areas is to transform the primary travel mode into sustainable options (walking, cycling and transit); the provision of the LRT will provide an incentive for a reduced parking demand through a shift in the mode of travel. Albeit, the Site does not fall directly within the prescribed Transit-Oriented Corridor Zone; however, the magnitude of rapid transit's pedestrian accessibility isn't limited to the corridor in which the LRT is provided. Instead, it extends well beyond the corridor represented by a "walkshed" with a circle radius of 800 metres surrounding the rapid transit stop¹⁹.

As stated previously, a future LRT stop will be within a 510-metre walk of the Site. As the transit corridor zone identifies reduced parking requirements given expected travel pattern changes, there should be some flexibility in accommodating reduced parking requirements for the Site given the proximity to the LRT and within the prescribed walkshed.

The higher service frequency, lower travel times and longer span of service are likely to attract existing riders who may presently drive and are expected to result in newcomers to the area deferring automobile purchases. Consequently, future parking demand is expected to be lower than present when this service is operational. This provides further merit and support for a reduced parking supply as keeping consistent with the status quo for the area will likely necessitate achieving these goals

¹⁷ Daniel Chatman, Does Transit-Oriented Development Need the Transit? Access, Fall 2015.

¹⁸ Chris McCahill, et al., Effects of Parking Provision on Automobile Use in Cities: Inferring Causality, Transportation Research Board, November 13, 2015.

¹⁹ Advancing Transit Priorities: Frequent Rapid Transit Network Prioritization, February 2020, Metrolinx



5.2 Proposed Strategies

The development will implement the proposed strategies identified herein to reduce the number of auto-trips made to/from the Development:

5.2.1 Transportation Information

The Applicant will develop marketing/informational materials as part of their initial scope of work. Information on transportation options and links to the appropriate website should be conveyed to all prospective residents as a component of a resident welcome packet.

Available information should include schedules for local and regional transit services, bicycle and trail networks and the location of retail and recreational establishments.

5.2.2 Parking Supply

Finding the right balance needed to support the City's goals is critical, mainly since parking is an expensive resource. Sufficient automobile parking is necessary for the development to be successful. However, too much parking can encourage traffic congestion, limit the ability to meet trip reduction goals, increase project costs, and impact site design and aesthetics.

As the development promotes using other modes of transportation through limited on-site parking to meet the projected demand, the development plays a significant role in setting an example for residents and visitors to consider non-automotive travel.

5.2.3 Unbundled Parking

Implementing a paid-parking operation is one of the most effective TDM strategies for encouraging alternative travel habits. Occupants are not forced to pay for parking they do not need and allow consumers to adjust their parking supply to reflect their needs. To further encourage residents of the apartment building to utilize sustainable travel modes, the development will enable residents to opt out of purchasing their parking space, providing a discount on the purchase price.

The development will consider the use of unbundled parking. This is an essential factor as residents are notified at the project's onset that parking is proposed to be provided as an additional cost instead of the price to rent a unit. If residents are significantly considering changing



their travel behaviour, the cost of renting a parking space could be a contributing factor to this change.

5.2.4 Presto Pass

Discounted transit passes for first-time purchases during the first year of occupancy will be included as a marketing item. The Applicant will provide Preloaded Presto Cards (\$30) with the purchase of an individual residential unit to promote transit use.

5.2.5 Bicycle Parking

By providing residents with a location to park their bicycles, residents and visitors are encouraged to use alternative modes of travel over automobiles. The Applicant will provide 68 bicycle parking spaces on-site (55 Long-Term and 13 Short-Term). Long-term bicycle parking should ideally be provided in a secure indoor location that is accessible to only residents.



5.3 TDM In Development Approvals

Parking supply can be controversial, and some industry and municipal representatives may resist lowering parking supplies for various reasons. Municipal staff need to understand the benefits of effective parking supply management and its relationship with TDM and recognize that TDM is a policy initiative outlined in the City's Transportation Master Plan.

Municipal staff should regularly review the parking requirements in their Zoning By-Law to ensure they are not excessive compared to findings of current technical research and what other municipalities are doing. Opportunities for reducing parking supply requirements in the Zoning By-Law should be explored and implemented to complement the TDM initiatives being promoted by a development.

5.3.1 Parking Supply Credit

Some municipalities have created TDM checklists to assess new projects for sustainable development practices. The fact that minimum parking requirements are stipulated in antiquated Zoning Bylaw requirements means that a developer can provide more parking if desired. Requiring a minimum amount of parking is generally not considered supportive of TDM initiatives if it risks the provision of an over-supply of parking.

The emphasis should be on minimizing the over-supply of parking by using the lowest reasonable requirement for the area in contrast to the usual approach of requiring extra parking just in case there is not enough.

5.3.2 TDM Checklist

As outlined in **subsection 4.2.3**, the parking study has indicated that a peak parking demand of 22 spaces could be generated. To further promote sustainable modes of travel, a TDM plan is recommended for the development and should reference the above for consideration.

As the City of Hamilton does not have a comprehensive checklist developed, the City of Kitchener's checklists relied on. The following measures are proposed that have been considered that will further reduce the sites parking demand:

- ▶ Provision of 0.57 bicycle spaces per unit (2 parking space credit)



- ▶ The building owner will charge parking as a separate cost to occupants (2 parking space credit)

Appendix C contains the City of Kitchener's TDM checklist, indicating a potential reduction of four spaces, supporting the proposed residential parking supply of 0.20 spaces per unit.

5.4 Maintain Sales/Lease Viability

Reducing parking rates is an essential measure in trying to reduce the reliance upon the private automobile and to reduce the unnecessary infrastructure that the development must:

- ▶ Build upfront and reflect in both the cost to purchasers and the impact on the environment (the initial carbon footprint of an extensive development is substantial), and,
- ▶ Maintain on an ongoing basis for the life cycle of the building (which includes maintenance, repair, and high municipal taxes) as well as the lasting environmental impacts of a larger parking garage.

It is also essential to ensure that the parking supply provided is supportable from a residential sales perspective (that there is a market for the units sold without parking over the long term) and from a commercial leasing/business operations perspective. A parking rate contributing to a poor leasing/sales outcome does not produce a viable development for the long-term condition.

The rates proposed herein have been vetted by the Applicant's leasing and sales advisors, and from a business perspective, the proposed parking supply is considered viable. The parking supply is in-line with TDM measures factored into the ITE and local parking demand data at similar sites. A substantial element of the "market" is anticipated from the Project and future intensification surrounding the Project.



6 Conclusions and Recommendations

6.1 Conclusions

A parking supply of 0.20 spaces per unit is supportable based on a review of local parking demand data and secondary source data and a robust Transportation Demand Management (TDM) program. Further, a reduced parking supply that will meet the expected demand has regard to matters of Provincial interest; they are consistent with the Provincial Policy Statement. They conform with the Growth Plan and the City of Hamilton Official Plan and Transportation Master Plan provisions.

As stated, and recognized by the city, a key transportation objective in intensification areas is to transform the primary travel mode into sustainable options (walking, cycling and transit); the provision of the LRT will provide an incentive for a reduced parking demand through a shift in the mode of travel. Although the Site does not fall directly within the prescribed Transit-Oriented Corridor Zone, the magnitude of rapid transit's pedestrian accessibility isn't limited to the corridor in which the LRT is provided. Instead, it extends well beyond the corridor represented by a "walkshed" with a circle radius of 800 metres surrounding the rapid transit stop²⁰.

As stated previously, a future LRT stop will be within a 510-metre walk of the Site. As the transit corridor zone identifies reduced parking requirements given expected travel pattern changes, there should be some flexibility in accommodating reduced parking requirements for the Site given the proximity to the LRT and within the prescribed walkshed.

The higher service frequency, lower travel times and longer span of service are likely to attract existing riders who may presently drive and are expected to result in newcomers to the area deferring automobile purchases. Consequently, future parking demand is expected to be lower than present when this service is operational. This provides further merit and support for a reduced parking supply as keeping consistent with the status quo for the area will likely necessitate achieving these goals

As much as we read about housing affordability being a challenge in cities worldwide, the depth of the challenge has become more significant in our community. Minimum parking requirements for each

²⁰ Advancing Transit Priorities: Frequent Rapid Transit Network Prioritization, February 2020, Metrolinx



new unit are an outdated municipal requirement that increases the cost of housing and are increasingly less relevant with public transit improvements and rideshare services. Minimum parking requirements add as much as \$165,000 to the price of a new housing unit, even as demand for parking spaces is falling.

If the City wishes to implement affordable housing options, the city needs to recognize that minimum parking requirements present a significant barrier to these goals. Parking should not be viewed as only an amenity required to support our cities and our ability to drive; instead, it must be considered a significant economic investment that carries outcomes that shape our cities and regions. It must be recognized that parking has high costs, heavily subsidizes the choice to drive, and hampers the ability to promote sustainable and affordable developments.

The ability for residents to avoid the cost of parking by choosing a house without parking is limited by the existence of minimum parking requirements that represent a barrier in accommodating these types of affordable housing projects.

6.2 Recommendations

- ▶ As the parking demand will meet the proposed supply, the proposed Zoning Bylaw variance be approved to allow the Site to develop as planned with a parking rate of 0.20 spaces per unit, subject to the following TDM measures (at a minimum) being implemented:
 - Transportation Information Package
 - Unbundled Parking
 - Presto Pass (\$35 preloaded passes)
 - Long-term bicycle parking (0.57 spaces per unit)
 - Short-term bicycle parking (0.14 spaces per unit)



Appendix A

TTS Data



Wed Jun 08 2022 22:35:31 GMT-0400 (Eastern Daylight Time) - Run Time: 2088ms

Cross Tabulation Query Form - Trip - 2016 v1.1

Row: Primary travel mode of trip - mode_prime

Column: Type of dwelling unit - dwell_type

Filters:

2006 GTA zone of household - gta06_hhld In 5192, 5200

Trip 2016

Table:

	House	Apartment	Townhouse	
Transit excluding GO rail	158	1963	28.24%	23
Cycle	198	33	0.47%	71
Auto driver	2914	3612	51.96%	350
GO rail only	51	56	0.81%	0
Joint GO rail and local transit	23	23	0.33%	0
Motorcycle	0	57	0.82%	0
Auto passenger	409	847	12.18%	0
Taxi passenger	22	0	0.00%	0
Paid rideshare	0	33	0.47%	0
Walk	609	328	4.72%	23
		6952		
Walk	5%			
Passenger/Rideshare	13%			
Drive	53%			
Cycle	0%			
Transit	29%			
	100.00%			

Appendix B

Proxy Survey Data



20-22 George Street (230 Units)

Time Ending	Thursday May 5 2022		Friday May 6 2022		Saturday May 7 2022	
7:00 PM	20	0.09	15	0.07	15	0.07
7:15 PM	23	0.10	10	0.04	20	0.09
7:30 PM	30	0.13	9	0.04	33	0.14
7:45 PM	32	0.14	9	0.04	30	0.13
8:00 PM	32	0.14	35	0.15	30	0.13
8:15 PM	33	0.14	40	0.17	28	0.12
8:30 PM	34	0.15	46	0.20	34	0.15
8:45 PM	37	0.16	47	0.20	33	0.14
9:00 PM	38	0.17	48	0.21	32	0.14
9:15 PM	40	0.17	50	0.22	41	0.18
9:30 PM	44	0.19	55	0.24	50	0.22
9:45 PM	48	0.21	56	0.24	48	0.21
10:00 PM	50	0.22	59	0.26	47	0.20
10:15 PM	50	0.22	61	0.27	52	0.23
10:30 PM	53	0.23	62	0.27	52	0.23
10:45 PM	53	0.23	62	0.27	52	0.23
11:00 PM	55	0.24	64	0.28	59	0.26
11:15 PM	59	0.26	65	0.28	59	0.26
11:30 PM	60	0.26	65	0.28	60	0.26
11:45 PM	60	0.26	67	0.29	60	0.26
12:00 AM	60	0.26	67	0.29	55	0.24

Time	Number of Vehicles Parked		Half Hour Notes
	Visitor	Tenant	
8:00 AM - 8:30 AM	3	5	
8:30 AM - 9:00 AM	3	5	
9:00 AM - 9:30 AM	4	5	
9:30 AM - 10:00 AM	2	4	
10:00 AM - 10:30 AM	4	5	
10:30 AM - 11:00 AM	8	4	
11:00 AM - 11:30 AM	8	3	
11:30 AM - 12:00 PM	5	4	
12:00 PM - 12:30 PM	4	4	
12:30 PM - 1:00 PM	5	4	
1:00 PM - 1:30 PM	3	4	
1:30 PM - 2:00 PM	2	4	
2:00 PM - 2:30 PM	1	4	
2:30 PM - 3:00 PM	2	4	
3:00 PM - 3:30 PM	2	4	
3:30 PM - 4:00 PM	2	2	
4:00 PM - 4:30 PM	4	4	
4:30 PM - 5:00 PM	4	4	
5:00 PM - 5:30 PM	3	6	
5:30 PM - 6:00 PM	3	6	
6:00 PM - 6:30 PM	4	6	

Location:

Date:

Surveyor:

Weather:

Overall Notes:

50 Station Street, Ajax

April 30th 2014

AG

Fair

Project: 220030
 Location: 147 Mary Street - Hamilton

	Tuesday March 26th 2022 Number of Cars in Lot	Wednesday March 27th 2022 Number of Cars in Lot
7:00	2	1
7:15	2	1
7:30	1	1
7:45	1	1
8:00	1	1
8:15	1	2
8:30	1	1
8:45	1	1
9:00	3	1
9:15	3	2
9:30	4	3
9:45	4	3
10:00	3	3
10:15	3	3
10:30	3	3
10:45	3	2
11:00	4	2
11:15	4	3
11:30	5	3
11:45	5	3
12:00	5	3
12:15	4	3
12:30	4	3
12:45	5	4
13:00	5	3
13:15	5	3
13:30	5	4
13:45	5	4
14:00	5	3
14:15	5	4
14:30	5	5
14:45	5	2
15:00	5	3
15:15	5	3
15:30	5	3
15:45	4	2
16:00	4	2
16:15	4	3
16:30	5	4
16:45	4	3
17:00	5	1
17:15	2	0
17:30	2	0
17:45	2	0
18:00	2	0
18:15	2	0
18:30	2	0
18:45	2	1
19:00	1	1
19:15	1	1
19:30	1	1
19:45	1	1
20:00	1	1
20:15	1	1
20:30	1	1
20:45	1	1
21:00	1	1
21:15	1	1
21:30	1	1
21:45	1	1
22:00	1	1
22:15	1	1
22:30	1	1
22:45	1	1
23:00	1	1
23:15	1	2
23:30	1	2
23:45	1	1
	5	5

TABLE 3.3 OBSERVED UTILIZATION SURVEY

Time	St. Catharines			Welland			
	Day 1	Day 2	Average	Day 1	Day 2	Average	
PM	6:00	0	0	0	7	5	6
	6:10	0	0	0	6	5	6
	6:20	0	0	0	5	5	5
	6:30	0	0	0	5	4	5
	6:40	0	0	0	5	4	5
	6:50	0	0	0	6	5	6
	7:00	0	0	0	6	5	6
	7:10	0	0	0	5	5	5
	7:20	0	0	0	5	5	5
	7:30	0	0	0	5	5	5
	7:40	0	0	0	6	5	6
	7:50	0	1	1	6	5	6
	8:00	0	1	1	6	5	6
	8:10	0	1	1	5	5	5
	8:20	0	1	1	6	5	6
	8:30	0	1	1	5	5	5
	8:40	0	1	1	5	5	5
	8:50	0	1	1	5	5	5
	9:00	0	1	1	5	5	5
	9:10	0	1	1	5	5	5
	9:20	0	1	1	5	5	5
	9:30	0	1	1	5	5	5
	9:40	0	1	1	5	5	5
	9:50	0	1	1	5	5	5
10:00	0	1	1	5	5	5	
10:10	0	1	1	5	5	5	
10:20	0	1	1	5	5	5	
10:30	0	1	1	5	5	5	
10:40	0	1	1	5	5	5	
10:50	0	1	1	5	5	5	
11:00	0	1	1	5	5	5	
11:10	0	1	1	5	5	5	
11:20	0	1	1	5	5	5	
11:30	0	1	1	5	5	5	
11:40	0	1	1	5	5	5	
11:50	0	1	1	5	5	5	
12:00	0	1	1	5	5	5	
Max	0	1	1	7	5	6	
Units	9			28			
Rate / Unit	0.00	0.11	0.06	0.25	0.18	0.21	

The observed utilization of parking at the two proxy sites suggest that the 160 Ontario Street site in St. Catharines had a peak daily parking demand of



Appendix C

TDM Worksheet





PARTS TDM: City of Kitchener TDM Checklist

OPTIONAL TDM MEASURES								
Certain TDM measures are required by the Zoning By-Law. Exceeding these minimum requirements is optional and can lead to parking reductions based on the discretion of the City of Kitchener. To complete this form, please fill out the yellow boxes in the table below with details about your development proposal. Please refer to the Urban Design Manual for feature design standards.								
Measure	Features	Parking Reduction Available	To a Maximum Reduction of		Developer Proposes Provision of		Maximum Reduction Allowable	Bonusing Points (TBD)
			Amount	Unit	Amount	Unit		
B1	Provision of indoor secure bicycle parking spaces beyond the minimum amount required by the Zoning By-law.	1 car space reduction per 5 bicycle spaces beyond minimum Zoning By-law requirement.	10%	of total parking required	55	Bicycle Spaces beyond minimum required	2	
B2	Non-residential uses: provision of shower and change facilities at an amount of not less than 13sqm in equal proportion of male and female facilities (Note: maximum reduction amount calculated based on required bicycle parking).	2 car space reduction for each additional shower facility provided at (13sqm).	2	parking space(s)	0	sqm of shower / change facilities	0	
B3*	Non-residential (office) uses: Provision of 1 car share vehicle and dedicated parking space in a priority location that is publicly accessible for a development with at least 25 required parking spaces, and 1 additional car share vehicle and dedicated parking space for every 50 additional required parking spaces. (Note: maximum reduction amount calculated based on required parking).	4 car space reduction for each car share vehicle and dedicated parking space provided	0	parking space(s)	0	Non-residential car share vehicle(s) and Space(s)	0	
	Residential uses: Provision of 1 car share vehicle and dedicated parking space in a priority location that is publicly accessible unless it is a private shared vehicle for every 75 dwelling units. (Note: maximum reduction amount calculated based on required parking).	4 car space reduction for each car share vehicle and dedicated parking space provided	0	parking space(s)	0	Residential car share vehicle(s) and Space(s)	0	
B4	Non-residential uses: Provision of ride share parking spaces in a priority location.	3 car space reduction for each ride share space provided	5%	of total parking required	0	Priority Car Pool Spaces	0	
B5	Provision of active uses at-grade along street frontages.	1% car space reduction	1%	of total parking required	<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B6*	The building owner/occupant will provide fully subsidized transit passes for all occupants for a period of two years.	10% car space reduction	10%	of total parking required	<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B7	Building owner/occupant agrees to charge for parking as a separate cost to occupants.	10% car space reduction	10%	of total parking required	<input checked="" type="checkbox"/> Yes	Check "Yes" (left) if you will provide	2	
B8*	Employment Uses: Building owner/occupant agrees to join Travelwise (TMA) that provides ride matching services for car/vanpooling and emergency ride home options.	10% car space reduction	10%	of total parking required	<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B9	Enhanced bus shelters with seating are provided at the transit stop immediately adjacent to the development in consultation with the City of Kitchener and the Region of Waterloo.	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B10	Provide television monitors in visible and accessible locations on site and in adjacent transit stops to allow to City of Kitchener and the Region of Waterloo to display information regarding public transportation.	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B11	Provision of bicycle self-service station equipped with tools necessary to perform basic repairs and maintenance	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B12	25% to 49% of required parking is located underground or in a structure	Not Applicable for parking reduction	Can only be applied to bonusing consideration Select only one option (right)		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
	50% - 74% of required parking is located underground or in a structure				<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
	A minimum of 75% of required parking is located underground or in a structure				<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B13	Non-residential use: Implements paid parking system, where price is set greater than the cost of a monthly transit pass, on all or part of the site (e.g. parking permits, paid parking near main entrances, enabled by gate and transponder access, or Pay & Display stations).	1% car space reduction for every 10% of parking spaces under a paid parking system	10%	of total parking required	0%	% of total parking spaces under paid parking system	0	

* If you have selected Measures B3, B6 or B8 for a parking reduction, you must demonstrate to the satisfaction of the Director of Transportation Services that you will be able to achieve the proposed TDM measure, including any ongoing programming or management that may be required for program success.

TABLE C POTENTIAL PARKING REDUCTION SUMMARY		
Displayed below are the potential reductions to required parking spaces available based on the amounts entered into Table A and Table B above.		
Original # Parking Spaces Required:	22	0
Shared Parking Reduction ^P :	0	0
Parking Reduction for TDM Measures B1-B12:	4	0
Total Parking Reduction:	4	0
Resultant Parking Requirement:	18	0
PERCENT REDUCTION	18	#DIV/0!

^P Note: If applicable, Parking Reductions for Plaza / Mixed-Use are noted in brown

TABLE D BONUSING POINT SCORE SUMMARY *	
If you achieved a Bonusing Points score greater than X, you may be eligible for bonusing. Please contact City of Kitchener staff for more details.	
Total Bonusing Points Achieved	0
Eligible for Bonusing Consideration?	No

*Approach to bonusing to be determined by City staff

NEXT STEPS

Thank you for completing the TDM Checklist. Please select whether you would like to apply for a potential parking reduction at the bottom of this page. Refer to the TDM Report Reference Guide for submission requirements to City of Kitchener Staff. If you would like to achieve a greater parking reduction than may be considered through the TDM Checklist, you may develop a TDM Plan as set out in the TDM Report Reference Guide.

Select an Option

Yes

Would you like to apply Table C rates for a parking reduction?
If you selected No, please submit your completed Checklist to City staff for review.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:205	SUBJECT PROPERTY:	95 CHEDOKE AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended Click or tap here to enter text.

APPLICANTS: Owners J. Hunter & B. Connolly
Agent Team Shane – L. Sayegh

The following variances are requested:

1. A northly side yard width of 0.4m shall be provided instead of the minimum required 1.2m side yard width.
2. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.

PURPOSE & EFFECT: To permit the construction of a two-storey addition in the rear yard of the existing single-family dwelling.

Notes:

- i. Please be advised the variance to permit a reduced side yard width of 0.4 metres has been written as requested by the applicant based on the drawings provided the proposed addition is 0.7 metres from the northly side lot line.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

HM/A-22:205

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

DATE:	Thursday, July 28, 2022
TIME:	3:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



HM/A-22:205

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

RENOVATION TO: HUNTER

95 CHEDOKE AVENUE Hamilton ON L8P 4P2

GENERAL NOTES

- O.B.C. TO BE UNDERSTOOD AS ONTARIO BUILDING CODE 2012 LATEST EDITION AND AMENDMENTS.
- ALL STAGES OF CONSTRUCTION SHALL CONFORM WITH O.B.C.
- DO NOT SCALE DRAWINGS.
- CONTRACTOR TO REVIEW AND VERIFY ALL DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO DESIGNER.
- ALL WALL & CEILINGS BETWEEN DWELLING UNIT AND GARAGE ARE TO BE GAS PROOFED AND INSULATED TO ENERGY EFFICIENCY SUMMARY.
- SEE ELEVATIONS AND FLOOR PLANS FOR WALL AND CEILING HEIGHTS. ANY DISCREPANCIES TO BE REPORTED TO DESIGNER.
- WOOD IN CONTACT WITH CONCRETE OR MASONRY TO BE SEPARATED WITH MINIMUM 2 MIL POLY UNLESS OTHERWISE NOTED ON DRAWINGS.
- UNDERCUT ALL DOORS TO ROOMS WITHOUT RETURN AIR INLETS.
- SMOKE AND CO DETECTORS TO BE LOCATED AT EACH LEVEL. SMOKE ALARMS LOCATED IN EACH BEDROOM AND ARE TO BE INTERCONNECTED.
- ALL LIGHTING AND ELECTRICAL AS PER O.B.C. 9.3.4.
- PROVIDE SUMP PIT AND SEALED PIT COVER FOR DRAINAGE AS PER O.B.C. 9.14.
- ATTIC ACCESS TO BE INSULATED MIN. R20 AND WEATHER STRIPPED.
- WHERE CERAMIC FLOORING IS INSTALLED THE SUB-FLOOR SHALL BE REINFORCED AS PER O.B.C. 9.30.6.3.
- HVAC DRAWINGS TO BE DESIGNED BY OTHERS AS PER O.B.C. DRAWINGS TO BE PROVIDED TO TBOUMA DESIGN AND DRAFTING PRIOR TO FINALIZED WORKING DRAWINGS. DRAWINGS NOT FOR APPROVAL, JUST TO BE PROPERLY INCORPORATED INTO PLANS AND ON RECORD.
- HRY / ERY TO BE BALANCE POST CONSTRUCTION.
- PROVIDE MIN. 6" HEADROOM BELOW ALL BEAMS & DUCTWORK.
- ALL EXHAUST FANS TO BE VENTED TO EXTERIOR.
- VENTED RANGE HOODS TO BE VENTED TO EXTERIOR WITH NON-COMBUSTIBLE DUCTING.

MASONRY

- ALL FLASHING TO CONFORM TO O.B.C. 9.20.13.
- ALL BRICK OR STONE SILLS TO BE FLASHED IN ACCORDANCE WITH THE O.B.C.
- ALL STEEL LINTELS FOR MASONRY TO HAVE MINIMUM 6" BEARING EACH END AND SUPPORTED BACK TO FOUNDATION.

DESIGNER

- REGISTRATION: NAME OF REGISTRATION FIRM TBOUMA DESIGN INC. REGISTRATION NUMBER ASSIGNED BY DIRECTOR 104857
- CONTRACTOR IS TO OBTAIN QUALIFIED DESIGNERS FOR ALL ENGINEERED STRUCTURAL MEMBERS AND SYSTEMS WHERE INDICATED DESIGNED BY OTHERS ON DRAWINGS
- DESIGNER ASSUMES NO RESPONSIBILITY FOR FAILURE OF THE CONTRACTOR OR SUB-CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THESE DRAWINGS
- SINGLE PAGES OF THESE DRAWINGS NOT TO BE READ INDEPENDENTLY OF ALL PAGES OF THE WHOLE DRAWING SET.
- CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THE WORKING DRAWING SET. ANY DISCREPANCIES ARE TO BE REPORTED TO THE DESIGNER PRIOR TO COMMENCEMENT OF WORK.
- ANY MODIFICATIONS TO THE DESIGN SHALL NOT BE MADE WITHOUT AGREEMENT BETWEEN DESIGNER AND CONTRACTOR. DOCUMENTATION SHALL BE THE ONLY FORM OF ACCEPTANCE.
- WHEN DRAWINGS ARE TO BE MODIFIED OR CHANGES ARE TO BE MADE THE BUILDING DEPARTMENT WILL BE NOTIFIED FOR PURPOSE OF REVIEW PRIOR TO CONSTRUCTION.
- UNDER NO CIRCUMSTANCE SHALL THE CONTRACTOR OR SUB-CONTRACTOR PROCEED IF THERE IS ANY UNCERTAINTY. DESIGNER SHALL BE CONTACTED.
- THE DRAWINGS THAT ARE APPROVED AND STAMPED BY THE BUILDING DEPARTMENT ARE TO BE THE ONLY TRUE DRAWINGS AND ARE TO BE ACCESSIBLE TO ALL CONTRACTORS AND SUB-CONTRACTORS AT ALL TIMES WITH IN THE JOB SITE TILL ALL WORK IS COMPLETED.

STAIRS

- ALL STAIR COMPONENTS TO CONFORM TO O.B.C. STANDARDS.
- STAIRS:
 - MAX RISE = 7 7/8"
 - MIN RISE = 4 7/8"
 - MIN RUN = 8 1/4"
 - MIN TREAD = 9 1/4"
 - MIN NOSING = 1"
 - MIN HEADROOM = 6'-5"
 - MIN WIDTH = 2'-10"
 - UNIFORM RISE / RUN

HANDBAILS

- MIN HEIGHT = 34"
- MAX HEIGHT = 38"

GUARDS

- MIN HEIGHT = 36"
- 4" MAXIMUM OPENINGS
- NON-Climbable

EXTERIOR GUARDS:

- 2'-0" TO 5'-11" ABOVE FINISHED GRADE
- MINIMUM HEIGHT = 36"
- OVER 5'-11" ABOVE GRADE
- MINIMUM HEIGHT = 42"

ALL GUARDS TO BE CONSTRUCTED TO O.B.C. 9.8.8

DOORS AND WINDOWS

- ALL EXTERIOR DOORS TO BE METAL INSULATED OR WOOD WITH STORM DOOR WITH WEATHER STRIPPING
- DOOR BETWEEN GARAGE AND DWELLING TO BE WEATHER STRIPPED AND GAS TIGHT EXTERIOR TYPE DOOR WITH SELF CLOSING DEVICE.
- DOOR AT COLD STORAGE TO BE EXTERIOR TYPE DOOR.
- ALL WINDOWS AND DOORS AS PER ENERGY EFFICIENCY DESIGN SUMMARY OR ATTACHED BOP BY OTHERS.
- ALL EXTERIOR DOORS AND WINDOWS TO COMPLY WITH FORCED ENTRY REQUIREMENTS. O.B.C. 9.7.5.2 AND 9.7.6.
- FLOOR LEVELS CONTAINING BEDROOMS TO HAVE ONE OPERABLE WINDOW WITH A MINIMUM UNOBSTRUCTED OPEN AREA OF 3.8 SQ. FT. WITH NO DIMENSION LESS THAN 15".
- MAIN ENTRANCE DOORS TO HAVE DOOR VIEWER UNLESS TRANSPARENT GLAZING IS PROVIDED IN DOOR OR A SIDELIGHT.
- UNDERCUT ALL DOORS TO ROOMS WITHOUT RETURN AIR INLET.
- WINDOW VALUES REFER TO FLOOR PLAN EFFICIENCY SUMMARY

STRUCTURAL

- ALL LUMBER TO COMPLY WITH O.B.C SPECIFICATIONS AND STANDARDS.
- ALL STRUCTURAL LUMBER TO BE OF SPRUCE #2 OR BETTER.
- ALL PRE-ENGINEERED FLOOR AND ROOF TRUSS DESIGN AND LAYOUT TO BE DESIGNED BY OTHERS AND CONFORM TO O.B.C SPECIFICATIONS. ALL DRAWINGS TO BE PROVIDED TO TBOUMA DESIGN AND DRAFTING. NOT FOR APPROVAL JUST TO BE PROPERLY INCORPORATED INTO PLANS AND ON RECORD.
- AS NOTED ON DRAWINGS STUDS TO BE USED AS BEARING POINTS WHERE IT IS APPLICABLE.
- ALL BEAMS TO HAVE MINIMUM 3 1/2" BEARING AT BOTH ENDS BEARING TO BE CONTINUOUS TO FOUNDATION
- DOUBLE JOISTS AROUND STAIRWELL UNLESS OTHER WISE NOTED BY PRE-ENGINEERED FLOOR DESIGNER

FOUNDATION

- CONTRACTOR TO VERIFY SOIL CONDITIONS PRIOR TO PLACING OF FOOTINGS. ANY ABNORMALITIES TO BE REPORTED TO DESIGNER
- STEP FOOTINGS TO BE DESIGNED AS PER O.B.C. 9.15.3.9
 - MAX RISE SHALL NOT EXCEED 23 5/8"
 - MIN RUN SHALL NOT BE LESS THAN 23 5/8"
- ALL FOOTINGS TO BEAR ON FIRM UNDISTURBED SOIL MIN. 4" BELOW FINISHED GRADE AND MIN. BEARING CAPACITY OF 75 KPa
- WALL HEIGHTS AND THICKNESS TO CONFORM TO O.B.C. 9.15.4.



CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
5		
6		
7		
8		
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10		

DRAWING:
**TITLE SHEET / GENERAL
INFO**

PROJECT:

HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: A0.01
	PROJECT NO: ---	

SITE PLAN LEGEND

- EXISTING DWELLING
- NEW ADDITIONS
- COVERED PORCHES
- DECK / PATIO
- LANDSCAPE AREA
- HARDSCAPE AREA
- DRIVEWAY
- MUNICIPAL SETBACKS
- PROPERTY LINE
- EXISTING TO BE REMOVED
- HOUSE FOOTPRINT

SITE INFORMATION

Address: 95 CHEDOKE AVENUE
 Postal Code: L8P 4P2
 Municipality: HAMILTON
 Bylaw #: ---
 Zoning Code: C
 Site Specific Bylaw: ---
 Minor Variance #: ---

LOT INFO

	Allowable	Existing	Proposed
LOT AREA (m ²)	360	408	SAME
LOT FRONTAGE	12	12.19	SAME
LOT WIDTH (m)	n/a	12.19	SAME
LOT DEPTH (m)	n/a	33.53	SAME

HOUSE INFO

	Allowable	Existing	Proposed
GROSS FLOOR AREA (m ²)	n/a	228.6m ²	296.91m ²
Gross floor area calculations			
Basement area		816sf / 75.8m ²	1078sf / 100.24m ²
Main floor area		844sf / 87.7m ²	1388sf / 126.16m ²
Second floor area		707sf / 65.1m ²	788sf / 73.0m ²
		2463sf / 228.6m ²	3164sf / 296.91m ²

GROUND FLOOR AREA (m²)

	Allowable	Existing	Proposed
GROUND FLOOR AREA (m ²)	n/a	87.7	126.16
COVERAGE (%)	n/a	26.6%	31%

FLOOR AREA RATIO (%)

	Allowable	Existing	Proposed
FLOOR AREA RATIO (%)	n/a	56%	72.69%

SETBACKS

	Allowable	Existing	Proposed
FRONT (m)	0	4.9	0
REAR (m)	7.5	16.7	n/a
RIGHT (m)	1.2	2.36	0.6 Variance
LEFT (m)	1.2	0.34	0.6 Variance
CORNER (m)	4.5	n/a	n/a

ENCROACHMENTS

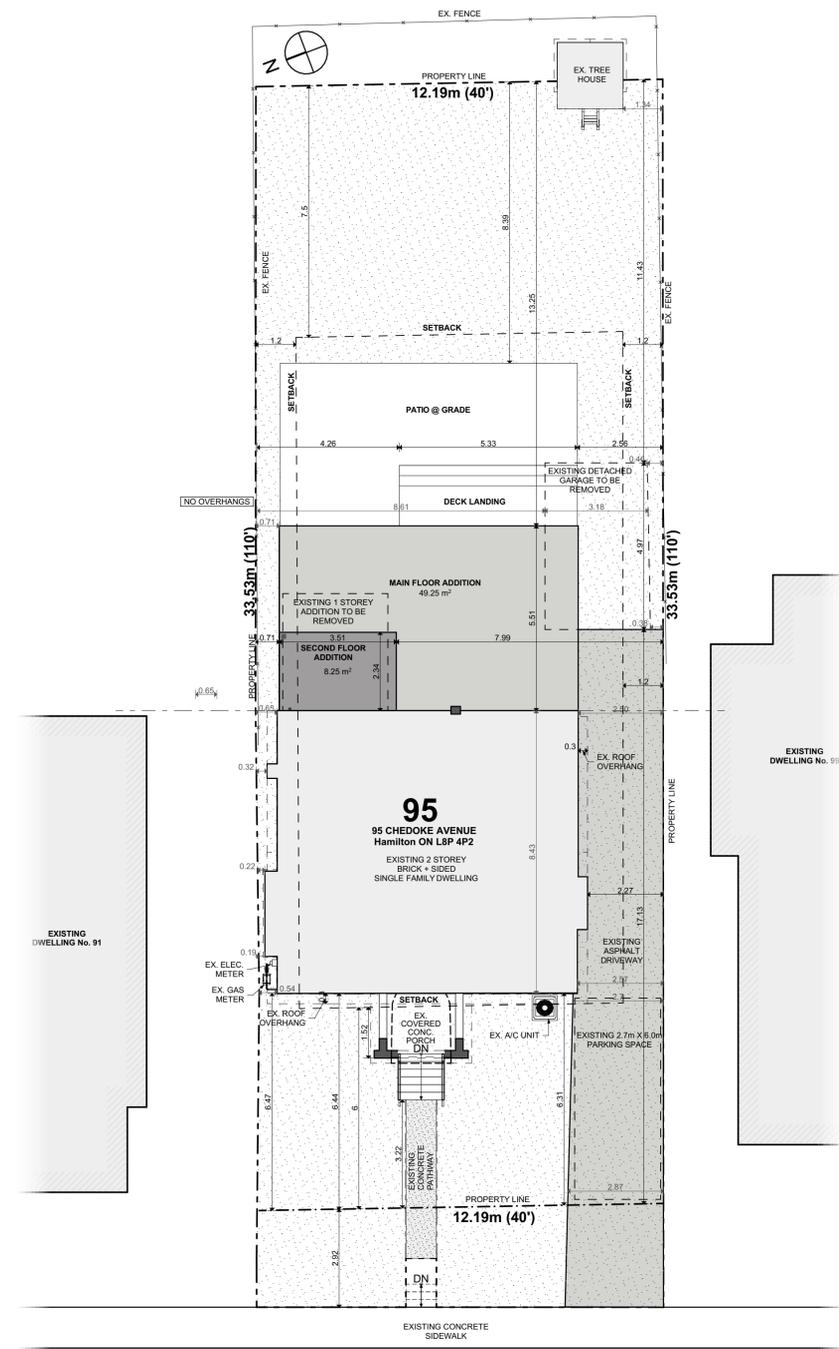
	Allowable	Existing	Proposed
ROOF PROJECTION (m)	1.5	0.5	0
ARCHITECTURAL FEATURES (m)	n/a	n/a	n/a
BAY WINDOW (m)	1	n/a	n/a
PORCH - COVERED (m)	3	3	SAME
PORCH - OPEN (m)	0.5	n/a	n/a
DECK (m)	n/a	n/a	n/a

ACCESSORY BUILDINGS

	Allowable	Existing	Proposed
SIZE (m ²)	n/a	21m ²	n/a
HEIGHT (m)	4	2.4	n/a
SIDE/REAR SETBACK (m)	0.45	0.15/12.81	n/a
COVERAGE (%)	n/a	5.1%	n/a
MAX # OF STRUCTURES	n/a	n/a	n/a

ZONING + PERMIT APPROVALS

	Required?
MINOR VARIANCE (Refer to above)	YES
CONSERVATION AUTHORITY	NO
NIAGARA ESCARPMENT CONTROL	NO
MINISTRY OF TRANSPORTATION ONTARIO	NO
SITE PLAN CONTROL / EXEMPTION	NO
ENVIRONMENTAL SITE ASSESSMENT	NO
GREENBELT PROTECTED COUNTRYSIDE HERITAGE	NO
PARKWAY BELT	NO
FEDERAL AIRPORT AUTHORITY	NO
SEPTIC	NO
SURVEY REQ'D?	NO



CHEDOKE AVENUE

1 SITE PLAN
 SCALE: 1:100

CONTRACTOR

790 SHAVER RD. ANCASTER
 L9G 3K9 ON

NOT FOR CONSTRUCTION

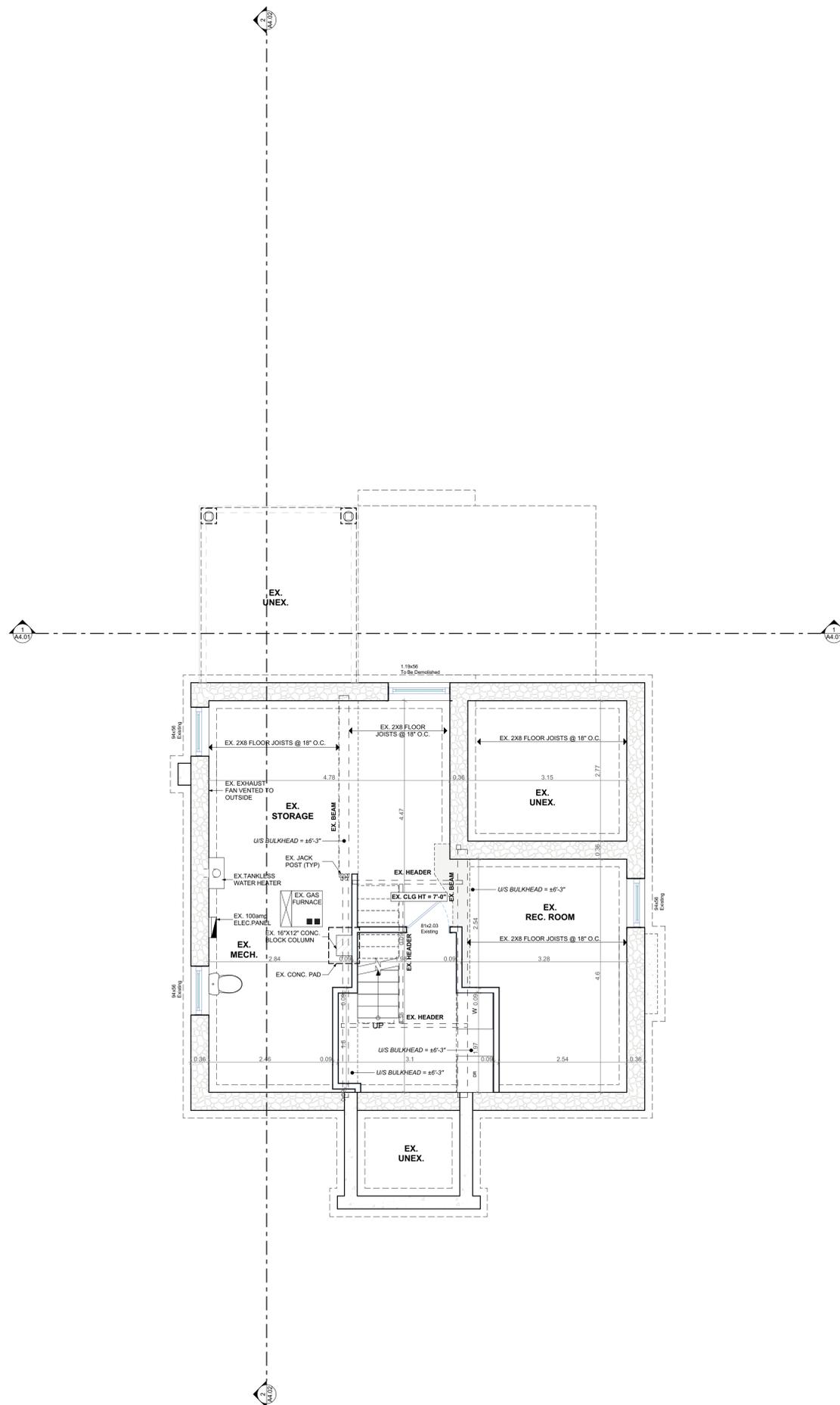
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2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
5		
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DRAWING:
SITE PLAN

PROJECT:
HUNTER

PROJECT ADDRESS:
 95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: SP0.01
	PROJECT NO: ---	



1 EXISTING BASEMENT PLAN

SCALE: 1:50

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

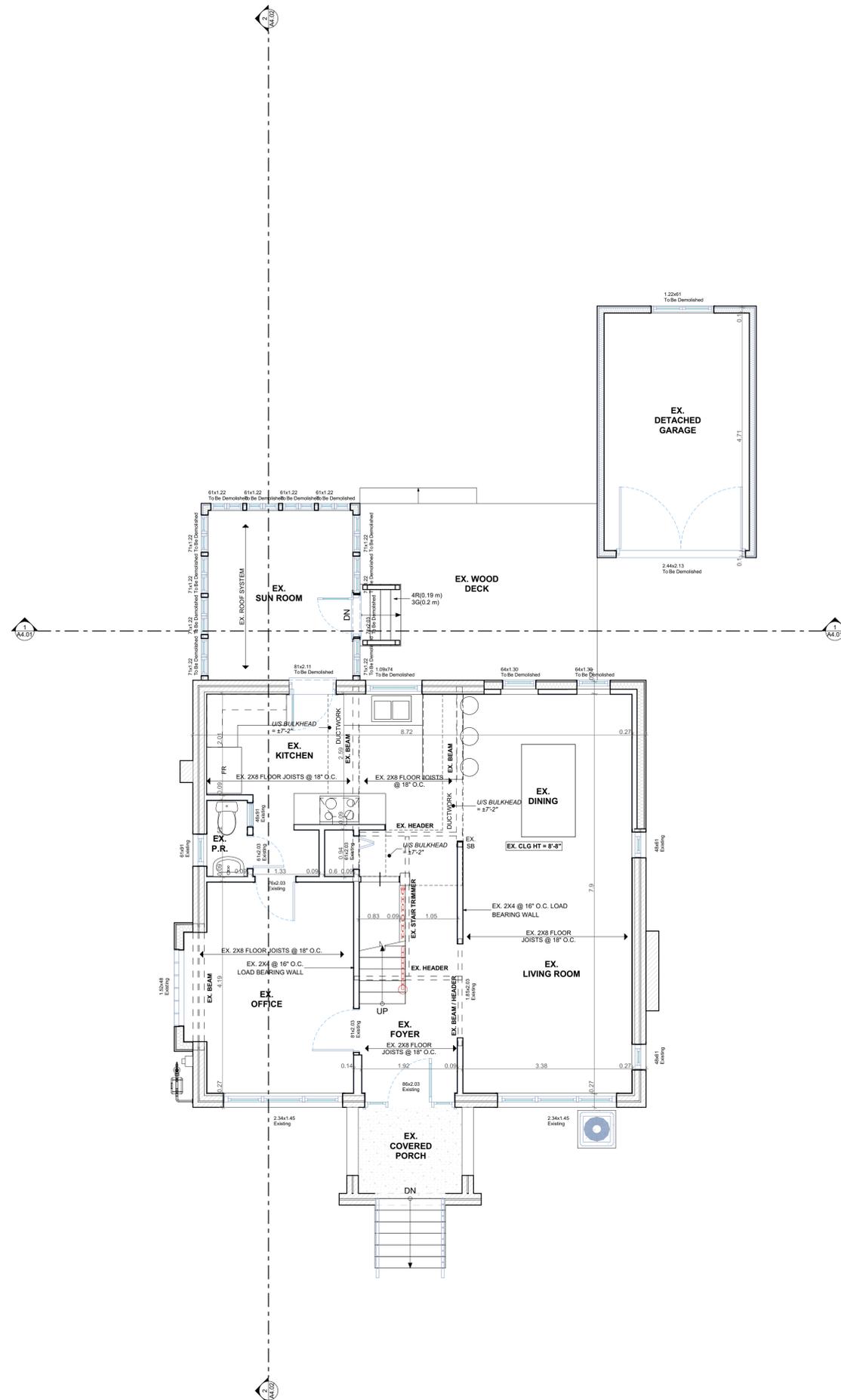
NO.	REVISION	DATE
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2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
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DRAWING:
EXISTING BASEMENT PLAN

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	DRAWING NO: A1.01
SCALE: AS NOTED	PROJECT NO: ---



1 EXISTING MAIN FLOOR PLAN
SCALE: 1/50

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

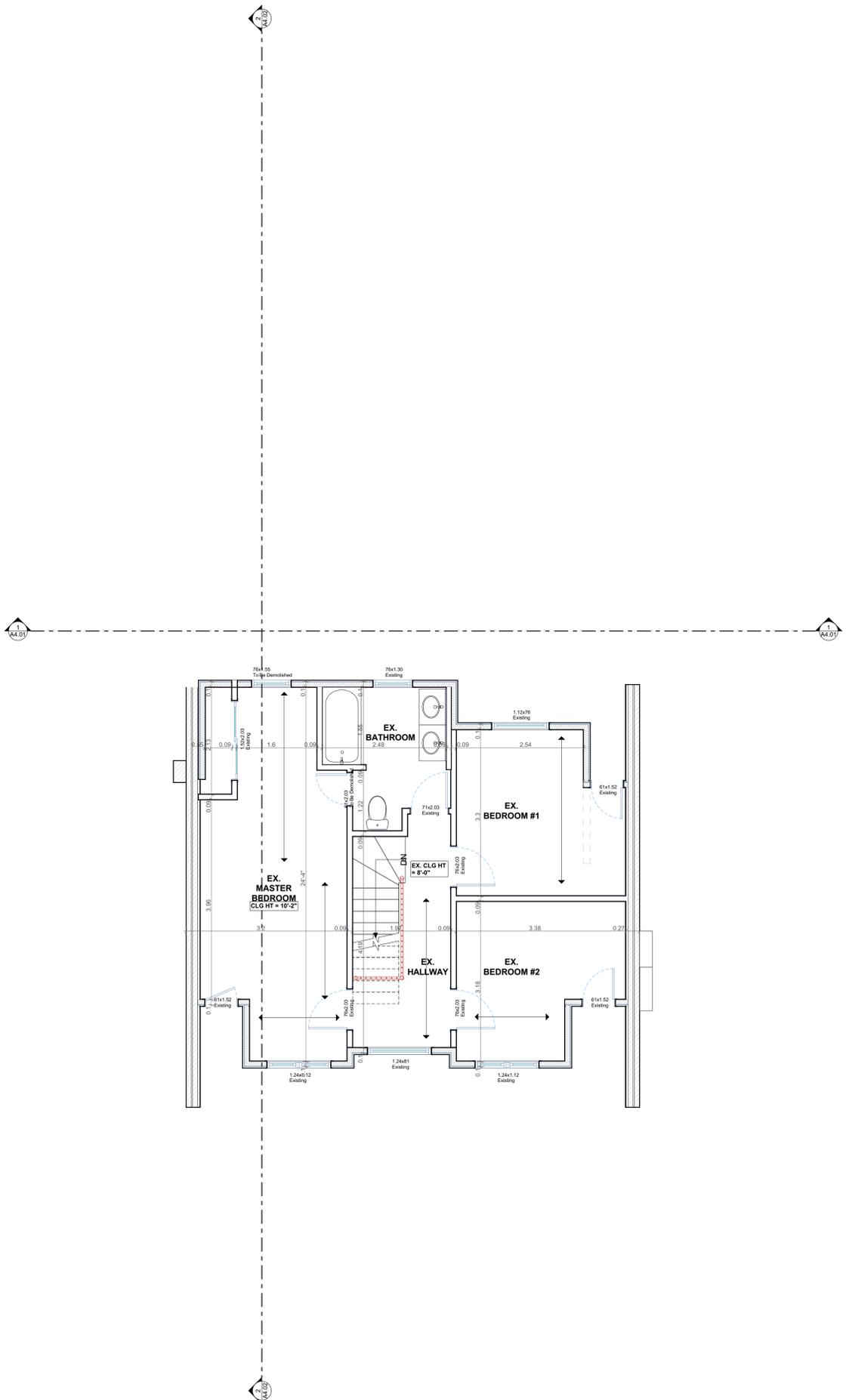
NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
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3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
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DRAWING:
EXISTING MAIN FLOOR PLAN

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	DRAWING NO: A1.02
SCALE: AS NOTED	PROJECT NO: ---



1 EXISTING SECOND FLOOR PLAN
SCALE: 1:50



CONTRACTOR
790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
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DRAWING:
EXISTING SECOND FLOOR PLAN

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022

SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A1.03

Printed: 6/9/2022 @ 11:54 AM

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE

GENERAL NOTES:
 DESIGN AND LAYOUT OF ALL PRE-ENGINEERED STRUCTURAL MEMBERS FROM ROOF TRUSS SUPPLIER TO BE SUPPLIED BY MANUFACTURER PRIOR TO CONSTRUCTION
 SOLID BLOCKING TO BEARING BELOW TO BE PROVIDED AT ALL GIRDER TRUSS AND BEAM LOCATIONS (MIN. WIDTH EQUAL TO WIDTH OF BEARING POINT OVER) VERIFY WITH TRUSS DRAWINGS
 TRUSS MEMBERS SHALL NEVER BE NOTCHED, DRILLED OR CUT UNLESS NOTCHING OR DRILLING HAS BEEN ACCOURTED FOR IN THE DESIGN OF THE TRUSS
 WHEN RENOVATING INSULATION TO BE EQUAL TO OR GREATER THAN EXISTING
 BEAM BEARING = MIN. 3-1/2"
 LINTEL BEARING = MIN. 1-1/2"
 RAFTER BEARING = MIN. 1-1/2"
 JOISTS BEARING = MIN. 1-1/2"
 CONTRACTOR TO CHECK AND VERIFY ALL SPECIFICATIONS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO DESIGNER (519) 339-1493
 PROVIDE TEMPORARY BRACING/SHORING FOR ALL EXISTING FLOOR JOISTS & WALLS DURING CONSTRUCTION & INSTALLATION OF NEW BEAMS & FLOOR JOISTS AS REQ. (TYP.)

NOTE ABOUT MATCHING INSULATION IN OLDER HOMES

THE ENERGY EFFICIENCY OF EXISTING BUILDINGS SHALL COMPLY WITH PART 11 OF DIVISION B OF THE BUILDING CODE FOR RENOVATION, SB-12, 1.1.1.1. ENERGY EFFICIENCY
 CONSTRUCTION MAY BE CARRIED OUT TO MAINTAIN THE EXISTING PERFORMANCE LEVEL OF ALL OR PART OF AN EXISTING BUILDING, BY THE REUSE, RELOCATION OR EXTENSION OF THE SAME OR SIMILAR MATERIALS OR COMPONENTS, TO RETAIN THE EXISTING CHARACTER, STRUCTURAL UNIQUENESS, HERITAGE VALUE, OR AESTHETIC APPEARANCE OF ALL OR PART OF THE BUILDING, IF THE CONSTRUCTION WILL NOT ADVERSELY AFFECT THE EARLY WARNING AND EVACUATION SYSTEMS, FIRE SEPARATIONS OR THE STRUCTURAL ADEQUACY OR WILL NOT CREATE AN UNHEALTHY ENVIRONMENT IN THE BUILDING. 11.3.3.1. BASIC RENOVATION (SEE APPENDIX A)
 WHERE THE FRAMING SYSTEMS ARE BEING ALTERED TO MATCH EXISTING FRAMING, LESSER AMOUNTS AND EXTENT OF INSULATION AND VAPOR BARRIER IS ACCEPTABLE. PART 11 COMPLIANCE ALTERNATIVE, TABLE 11.5.1.1.C. (CONT'D), C199 - 12.2.1.1. (3)

SMOKE ALARMS

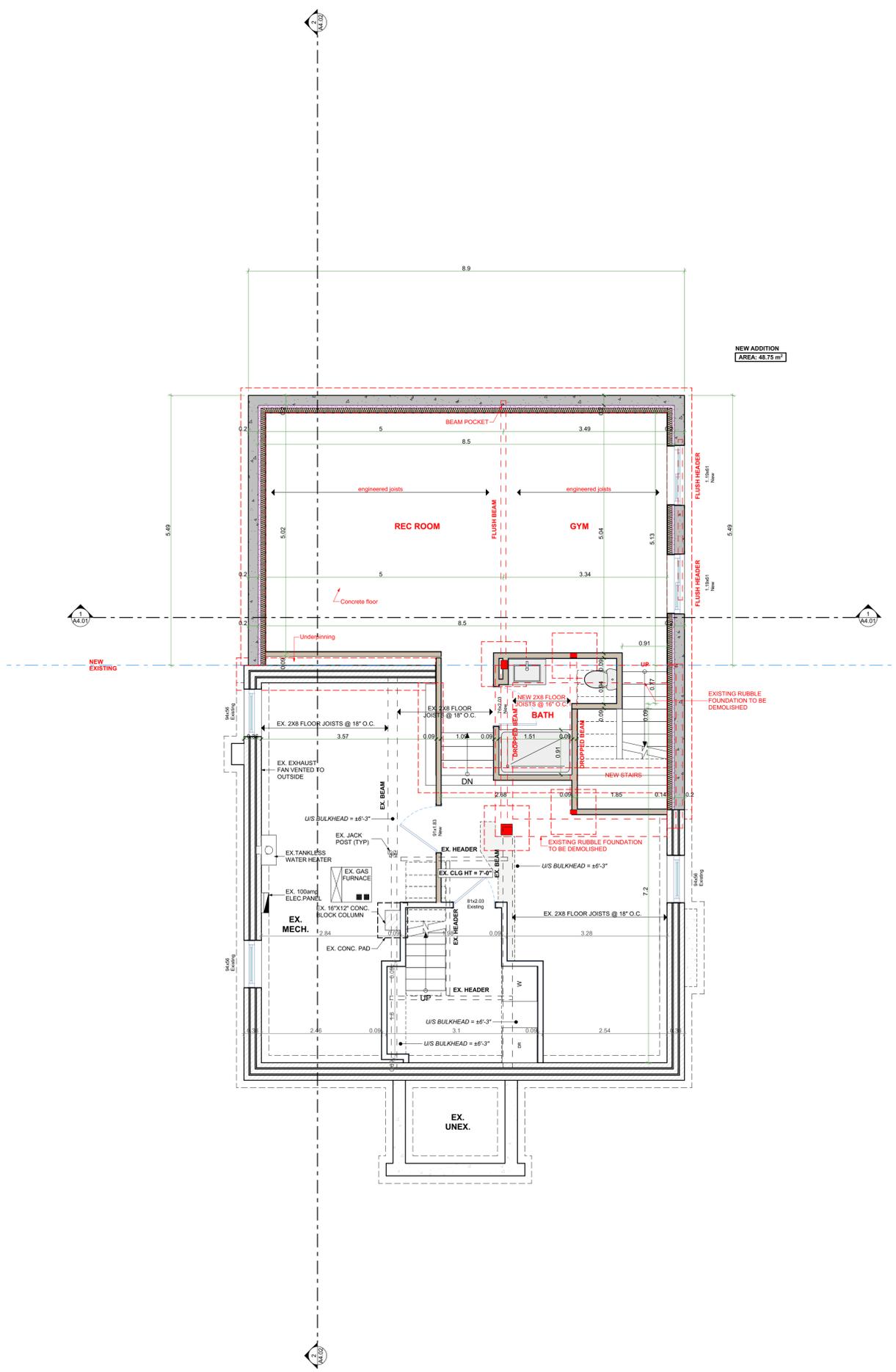
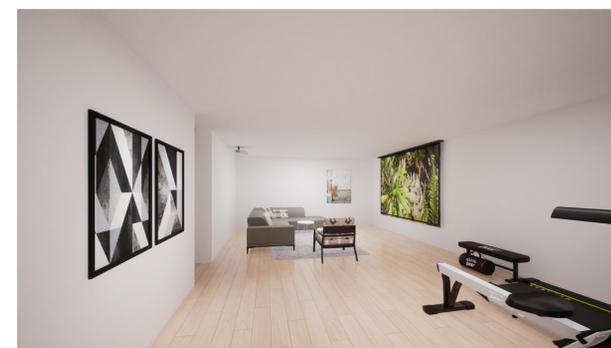
9.10.19
 (1) Within dwelling units sufficient smoke alarms conforming to CANULS-531 shall be installed so that:
 (a) There is at least one smoke alarm on each storey, including basements, and
 (b) On any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed.
 (i) in each sleeping room, and
 (ii) in a location between the sleeping rooms and remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 (2) Smoke alarms shall have a visual signalling component conforming to the requirements in 18.5.3. of NFPA 72. The visual signalling component need not be integrated with the smoke alarm provided it is interconnected to it.
 Interconnect smoke alarms to be permanently connected and have a battery backup as per OBC 9.10.19.4

TABLE 3.1.1.21. (IP) Thermal Performance Requirements for Additions to Existing Buildings

ZONE 1	
CEILING WITH ATTIC SPACE	R60
CEILING WITHOUT ATTIC SPACE	R31
EXPOSED FLOOR	R19
WALLS ABOVE GRADE	R19 + R5 c.l.
BASEMENT WALLS	R20 c.l. or R12 + R10 c.l.
BELOW GRADE SLAB	R5
EDGE OF BELOW GRADE SLAB	R10
HEATED SLAB	R10
WINDOWS AND SLIDING GLASS DOORS	0.25U
ENERGY RATING	25

ELECTRICAL FACILITIES SHALL BE PROVIDED AS PER ONTARIO BUILDING CODE 2012 AS PER 9.34

Beam Schedule		
Size + Type	Length	General Description
DROPPED BEAM	124.00"	
DROPPED BEAM	116.50"	
DROPPED BEAM	121.50"	
DROPPED BEAM	128.50"	
FLUSH BEAM	210.78"	
FLUSH STEEL BEAM	211.50"	
FLUSH STEEL BEAM	133.25"	
FLUSH STEEL BEAM	144.25"	
FLUSH WOOD BEAM	81.25"	
FLUSH WOOD BEAM	198.87"	



CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
5		
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DRAWING: PROPOSED BASEMENT PLAN

PROJECT: HUNTER
PROJECT ADDRESS: 95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: A1.04
	PROJECT NO: ---	

1 PROPOSED BASEMENT PLAN
SCALE: 1:50

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE

GENERAL NOTES:
 DESIGN AND LAYOUT OF ALL PRE-ENGINEERED STRUCTURAL MEMBERS FROM ROOF TRUSS SUPPLIER TO BE SUPPLIED BY MANUFACTURER PRIOR TO CONSTRUCTION
 SOLID BLOCKING TO BEARING BELOW TO BE PROVIDED AT ALL GIRDER TRUSS AND BEAM LOCATIONS (MIN. WIDTH EQUAL TO WIDTH OF BEARING POINT OVER) VERIFY WITH TRUSS DRAWINGS
 TRUSS MEMBERS SHALL NEVER BE NOTCHED, DRILLED OR CUT UNLESS NOTCHING OR DRILLING HAS BEEN ACCORDED FOR IN THE DESIGN OF THE TRUSS
 WHEN RENOVATING INSULATION TO BE EQUAL TO OR GREATER THAN EXISTING
 BEAM BEARING = MIN. 3-1/2"
 LINTEL BEARING = MIN. 1-1/2"
 RAFTER BEARING = MIN. 1-1/2"
 JOISTS BEARING = MIN. 1-1/2"
 CONTRACTOR TO CHECK AND VERIFY ALL SPECIFICATIONS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO DESIGNER (519) 339-1493
 PROVIDE TEMPORARY BRACING/SHORING FOR ALL EXISTING FLOOR JOISTS & WALLS DURING CONSTRUCTION & INSTALLATION OF NEW BEAMS & FLOOR JOISTS AS REQ. (TYP.)

NOTE ABOUT MATCHING INSULATION IN OLDER HOMES

THE ENERGY EFFICIENCY OF EXISTING BUILDINGS SHALL COMPLY WITH PART 11 OF DIVISION B OF THE BUILDING CODE FOR RENOVATION, SB-12, 1.1.1.1. ENERGY EFFICIENCY
 CONSTRUCTION MAY BE CARRIED OUT TO MAINTAIN THE EXISTING PERFORMANCE LEVEL OF ALL OR PART OF AN EXISTING BUILDING, BY THE REUSE, RELOCATION OR EXTENSION OF THE SAME OR SIMILAR MATERIALS OR COMPONENTS, TO RETAIN THE EXISTING CHARACTER, STRUCTURAL UNIQUENESS, HERITAGE VALUE, OR AESTHETIC APPEARANCE OF ALL OR PART OF THE BUILDING, IF THE CONSTRUCTION WILL NOT ADVERSELY AFFECT THE EARLY WARNING AND EVACUATION SYSTEMS, FIRE SEPARATIONS OR THE STRUCTURAL ADEQUACY OR WILL NOT CREATE AN UNHEALTHY ENVIRONMENT IN THE BUILDING. 11.3.3.1. BASIC RENOVATION (SEE APPENDIX A)
 WHERE THE FRAMING SYSTEMS ARE BEING ALTERED TO MATCH EXISTING FRAMING, LESSER AMOUNTS AND EXTENT OF INSULATION AND VAPOR BARRIER IS ACCEPTABLE. PART 11 COMPLIANCE ALTERNATIVE, TABLE 11.5.1.1.C. (CONT'D), C199 - 12.2.1.1. (3)

SMOKE ALARMS

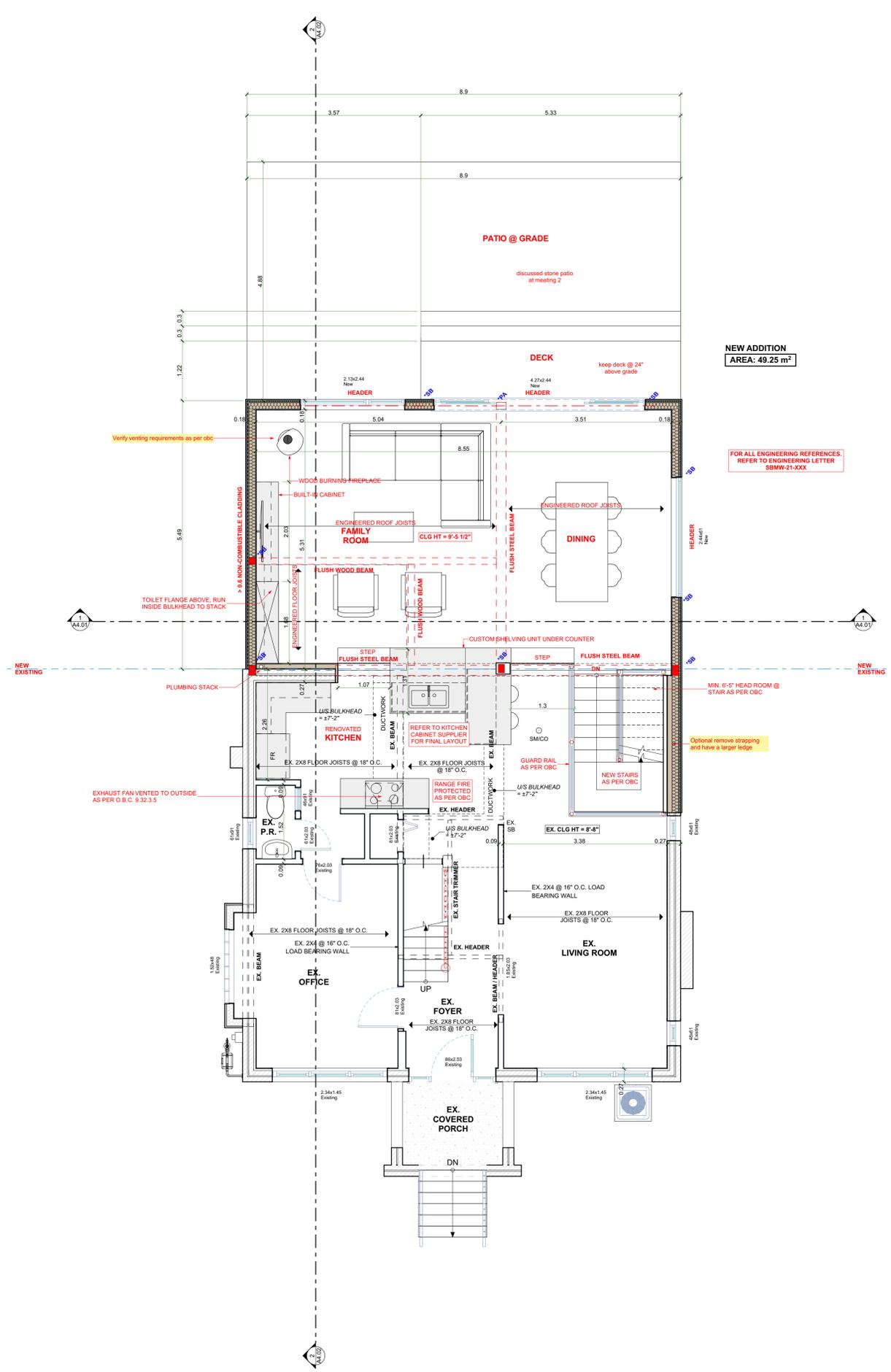
9.10.19
 (1) Within dwelling units sufficient smoke alarms conforming to CANULS-531 shall be installed so that:
 (a) There is at least one smoke alarm on each storey, including basements, and
 (b) On any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed:
 (i) in each sleeping room, and
 (ii) in a location between the sleeping rooms and remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 (2) Smoke alarms shall have a visual signalling component conforming to the requirements in 18.5.3. of NFPA 72. The visual signalling component need not be integrated with the smoke alarm provided it is interconnected to it.
 Interconnect smoke alarms to be permanently connected and have a battery backup as per OBC 9.10.19.4

TABLE 3.1.1.21. (IP)

Thermal Performance Requirements for Additions to Existing Buildings
 ZONE 1

CEILING WITH ATTIC SPACE	R60
CEILING WITHOUT ATTIC SPACE	R31
EXPOSED FLOOR	R19 + RS c.l.
WALLS ABOVE GRADE	R19 + RS c.l.
BASEMENT WALLS	R20 c.l. or R12 + R10 c.l.
BELOW GRADE SLAB	R5
EDGE OF BELOW GRADE SLAB	R10
HEATED SLAB	R20U
WINDOWS AND SLIDING GLASS DOORS	25
ENERGY RATING	25

ELECTRICAL FACILITIES SHALL BE PROVIDED AS PER ONTARIO BUILDING CODE 2012 AS PER 9.34



Beam Schedule		
Size + Type	Length	General Description
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CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
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4	ISSUED FOR VARIANCE	2022.05.31
5		
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DRAWING:
PROPOSED MAIN FLOOR PLAN

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	DRAWING NO: A1.05
SCALE: AS NOTED	PROJECT NO: ---

1 PROPOSED MAIN FLOOR PLAN
SCALE: 1:50

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE

GENERAL NOTES:
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 (ii) in a location between the sleeping rooms and remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
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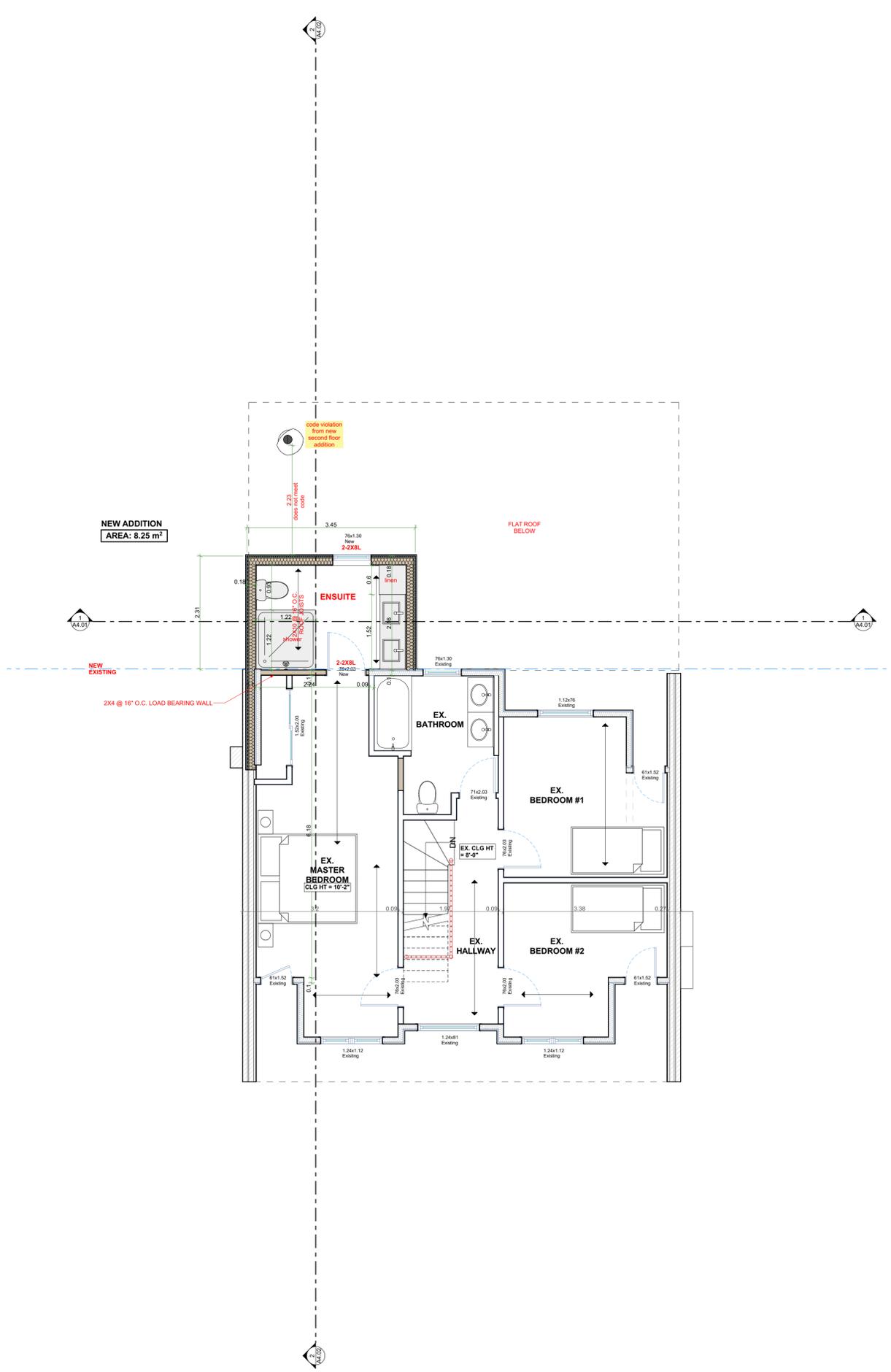
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Size + Type	Length	General Description
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CONTRACTOR

790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

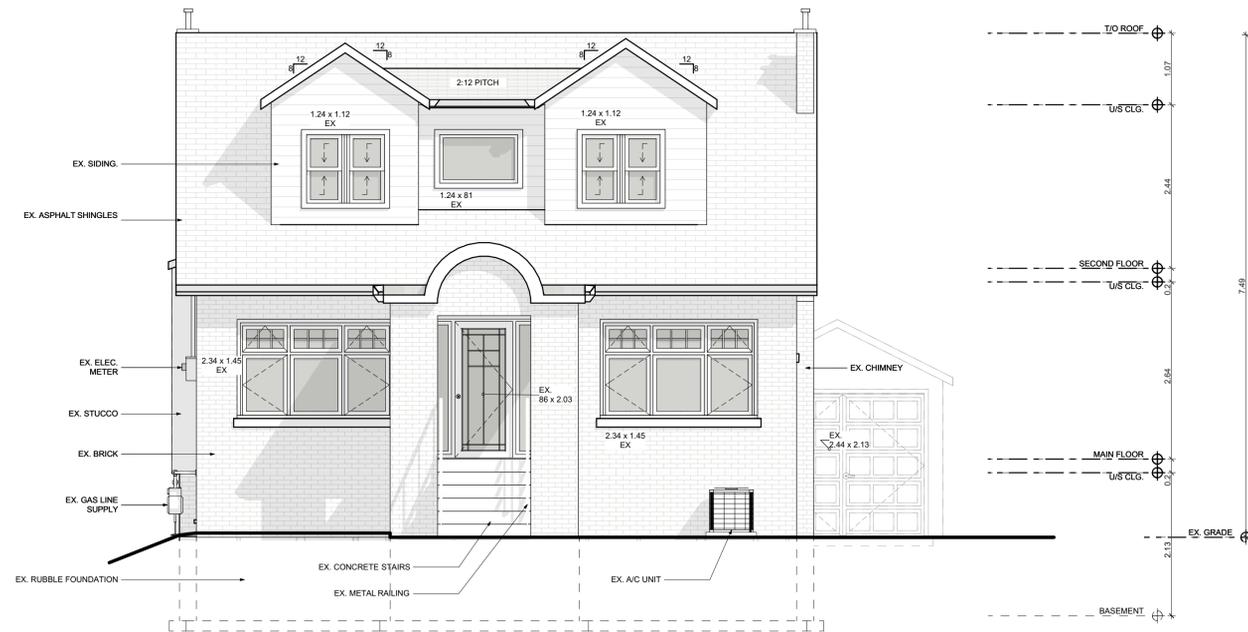
NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
2	DESIGN 2.0	2022.03.22
3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
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DRAWING:
PROPOSED SECOND FLOOR PLAN

PROJECT:
HUNTER
 PROJECT ADDRESS:
 95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: A1.06
	PROJECT NO: ---	

1 PROPOSED SECOND FLOOR PLAN
 SCALE: 1:50



1 EXISTING FRONT ELEVATION
SCALE: 1:50



CONTRACTOR
790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
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DRAWING:
**EXISTING FRONT
ELEVATION**

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

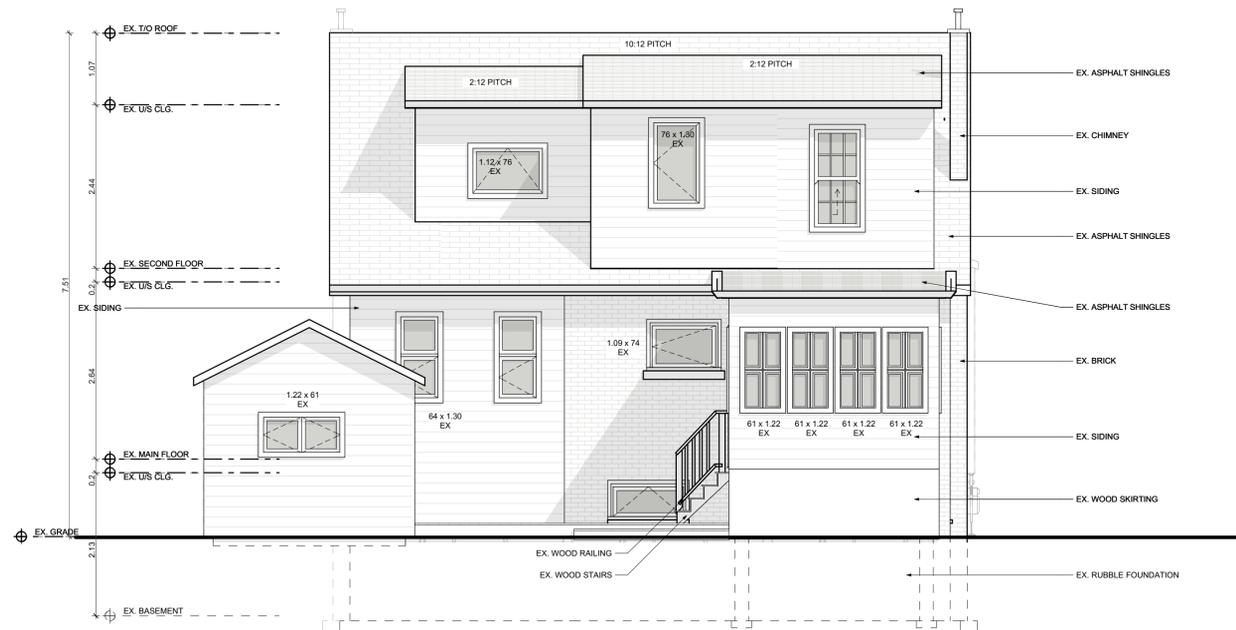
DATE: 6/9/2022

SCALE:
AS NOTED

PROJECT NO:

DRAWING NO:
A2.01

Printed: 6/9/2022 @ 11:54 AM



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
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4	ISSUED FOR VARIANCE	2022.05.31
5		
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DRAWING:
EXISTING REAR ELEVATION

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022

SCALE:
AS NOTED

PROJECT NO:

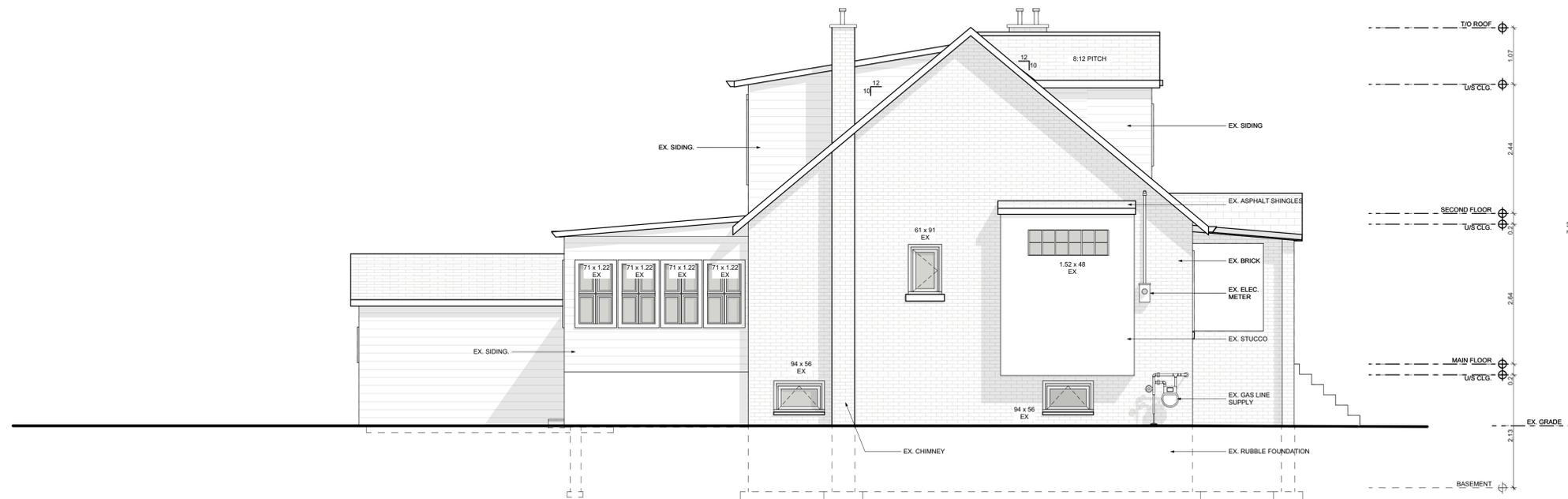
DRAWING NO:
A2.02

Printed: 6/9/2022 @ 11:54 AM

1

EXISTING REAR ELEVATION

SCALE: 1:50



1 EXISTING LEFT ELEVATION

SCALE: 1:50



CONTRACTOR
790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
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3	DESIGN 3.0	2022.04.29
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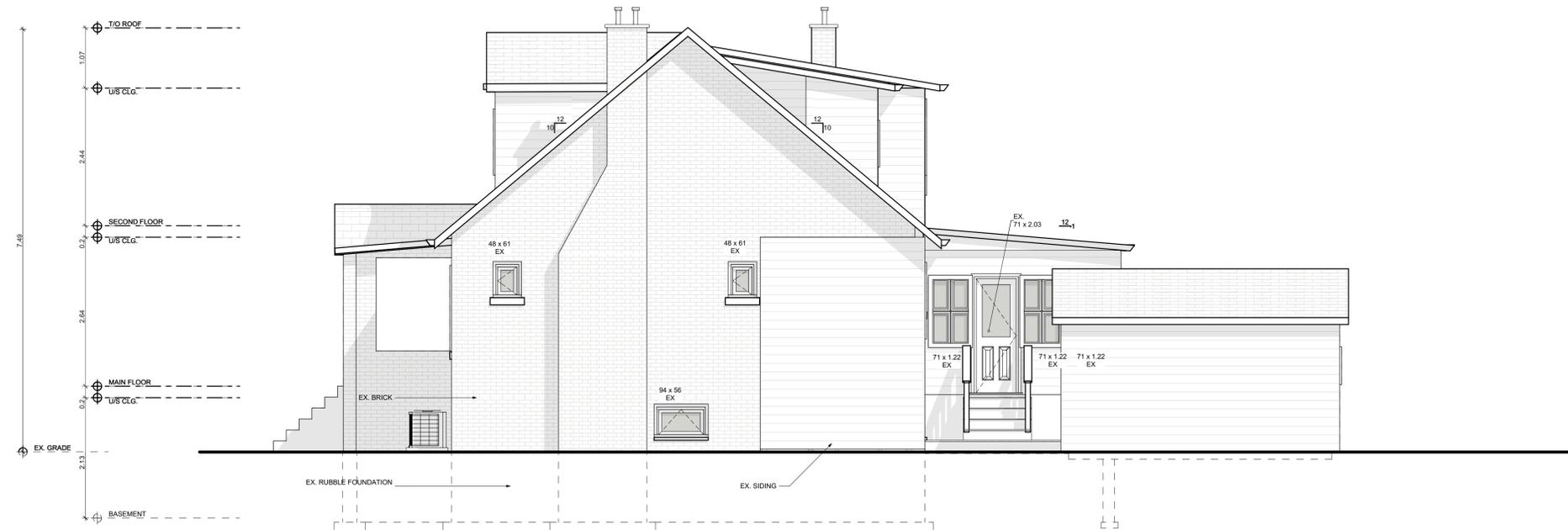
DRAWING:
EXISTING LEFT ELEVATION

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	DRAWING NO: A2.03
SCALE: AS NOTED	PROJECT NO: ---

Printed: 6/9/2022 @ 11:54 AM



1 EXISTING RIGHT ELEVATION
SCALE: 1:50

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	DESIGN 1.0	2022.02.22
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3	DESIGN 3.0	2022.04.29
4	ISSUED FOR VARIANCE	2022.05.31
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DRAWING:
EXISTING RIGHT ELEVATION

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: A2.04
	PROJECT NO: ---	



1 PROPOSED FRONT ELEVATION
SCALE: 1:50

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

NOT FOR CONSTRUCTION

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1	DESIGN 1.0	2022.02.22
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DRAWING:
PROPOSED FRONT ELEVATION

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P 4P2

DATE: 6/9/2022	DRAWING NO: A2.05
SCALE: AS NOTED	PROJECT NO: ---



1 PROPOSED REAR ELEVATION
SCALE: 1:50

CONTRACTOR



790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

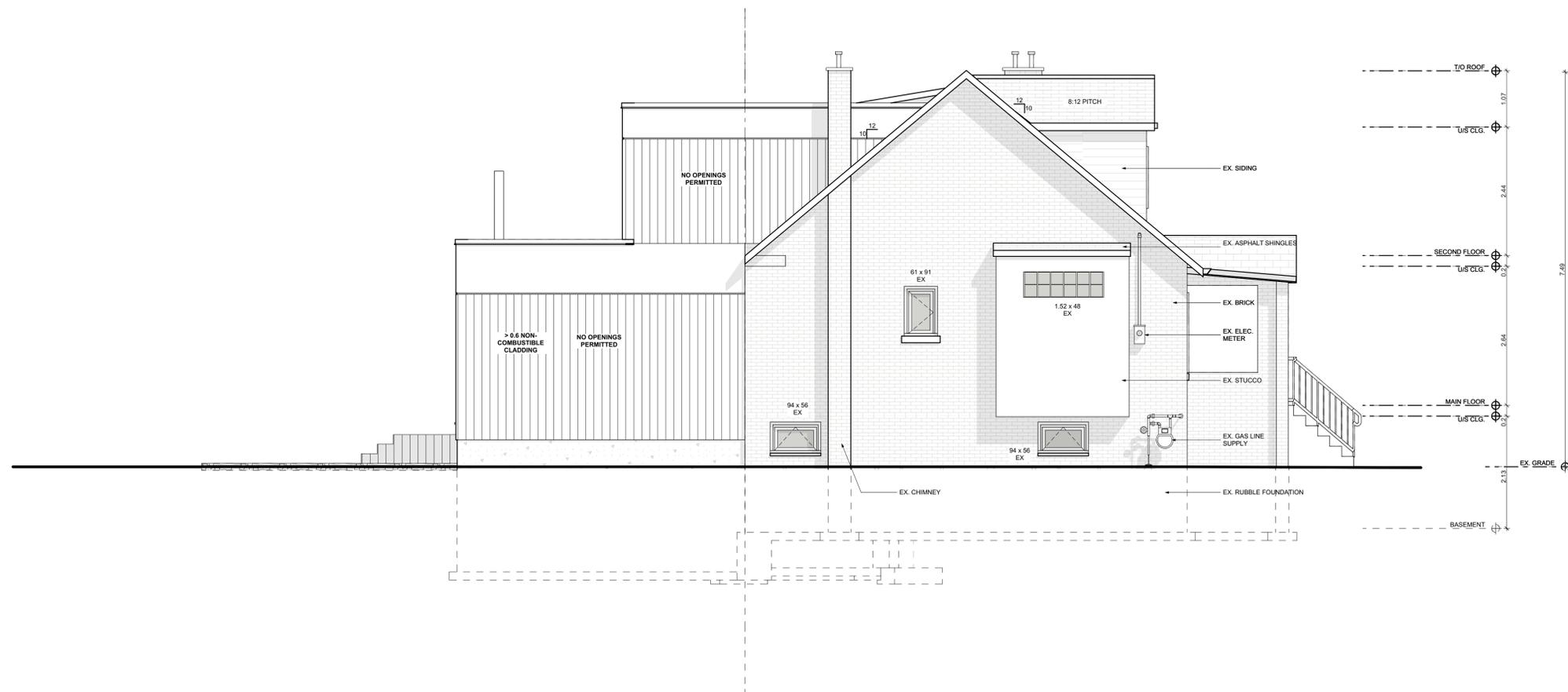
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DRAWING:
**PROPOSED REAR
ELEVATION**

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	DRAWING NO: A2.06
SCALE: AS NOTED	PROJECT NO: ---



1 PROPOSED LEFT ELEVATION
SCALE: 1:50



CONTRACTOR
790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

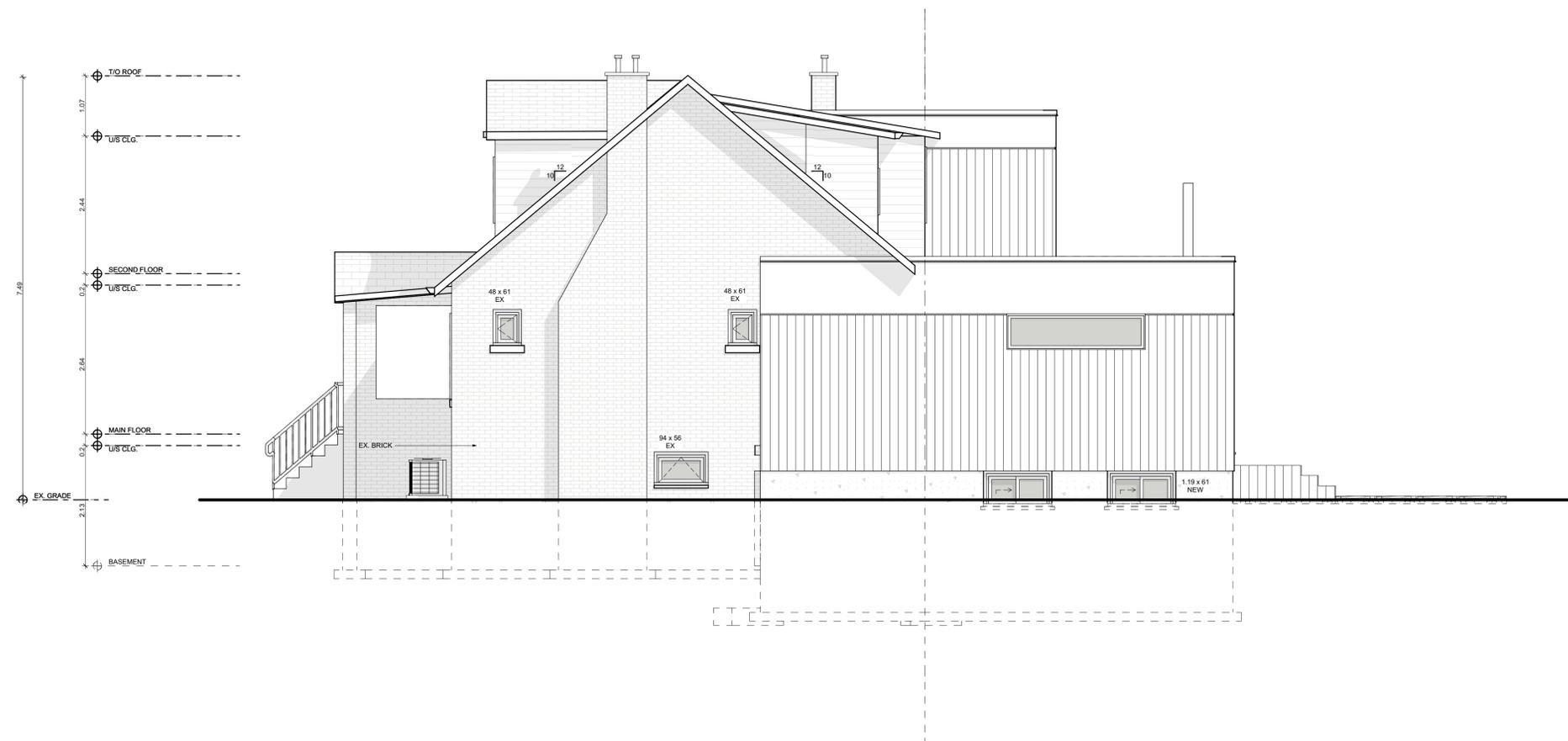
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DRAWING:
**PROPOSED LEFT
ELEVATION**

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	DRAWING NO: A2.07
SCALE: AS NOTED	PROJECT NO: ---



1 PROPOSED RIGHT ELEVATION
SCALE: 1:50



CONTRACTOR
790 SHAVER RD. ANCASTER
L9G 3K9 ON

**NOT FOR
CONSTRUCTION**

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1	DESIGN 1.0	2022.02.22
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5		
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DRAWING:
**PROPOSED RIGHT
ELEVATION**

PROJECT:
HUNTER

PROJECT ADDRESS:
95 CHEDOKE AVENUE Hamilton ON L8P
4P2

DATE: 6/9/2022	SCALE: AS NOTED	DRAWING NO: A2.08
	PROJECT NO: ---	



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	MAILING ADDRESS
Registered Owners(s)	James Hunter & Barbara Connolly	
Applicant(s)*	Louie Sayegh (TEAM SHANE)	
Agent or Solicitor	Louie Sayegh (TEAM SHANE)	

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 Hamilton Cline 938 King Street West, ON L8S1K8

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 permit a left side yard side setback of 0.4m instead of the required side yard setback of 1.2m
2. Reduce required parking spaces from (2) to (1).

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

1. The proposed addition is within the required setback. The new proposed wall does not project past the existing building wall.
2. There is only space for (1) parking spot

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**):

95 Chedoke Avenue.
L8P 4P2
Lot # 166, Plot # 403

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other N/A

8.1 If Industrial or Commercial, specify use N/A

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 8.1 to 8.10 above?

Previous uses of the subjected property.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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 (N/A)

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.

6/2/2022 6/2/2022
Date

DocuSigned by: [Signature] DocuSigned by: Barbara Connolly
Signature Property Owner(s)
James Hunter Barbara Connolly
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 12.19
Depth 33.53
Area 408
Width of street 7.6

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: See site plan

Proposed: See 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: See site plan

Proposed: See site plan

13. Date of acquisition of subject lands:
2012
-
14. Date of construction of all buildings and structures on subject lands:
1920's
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family
-
17. Length of time the existing uses of the subject property have continued:
Since built
-
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:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Bylaw #6593, Zone C
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
N/A
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:209	SUBJECT PROPERTY:	360 HERKIMER STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One and Two Family Dwellings etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 19-307

APPLICANTS: Agent T. Johns – K. Gillis
Owners T. Stevenson & E. Raben

The following variances are requested:

1. A minimum front yard depth of 3.50 metres shall be provided, instead of the minimum required front yard depth of 6.0 metres.
2. A minimum easterly side yard width of 0.0 metres and a minimum westerly side yard width of 0.8 metres shall be provided, instead of the minimum required side yard width of 0.9 metres.
3. A roofed-over but otherwise unenclosed one-storey porch at the first storey level, including stairs, shall be permitted to be located a distance of 1.0 metres from the front lot line, instead of the minimum 1.5 metre setback required.

PURPOSE & EFFECT: So as to permit the development of a second-storey addition and a roofed-over unenclosed porch to the existing single detached dwelling located on a residential parcel of land.

Notes:

1. The proposed alterations are subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. Please note that should the variance to Section 10(3)(ii) to permit an easterly side yard of 0.0 metres be approved, as per Section 18(3)(vi)(b), the eaves/gutters shall be permitted to project right to the easterly lot line. Should the variance to Section 10(3)(ii) be approved to permit a

HM/A-22:209

westerly side yard of 0.8 metres, as per Section 18(3)(vi)(b), eaves/gutters shall be permitted to project not more than 0.4 metres into the new westerly side. The applicant confirmed via email on June 27, 2022, that the eaves/gutters will not extend past the easterly side lot line and will project a maximum of 0.15 metres into the westerly side yard. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

3. Please note that the subject lot is a Lot of Record, as defined. Note that in the case of a lot of record without sufficient width, depth or area to meet the requirements of this By-Law, a single family dwelling may nevertheless be erected upon it, provided that each side yard has a width of at least ten per cent of the width of the lot, but in no case less than 0.9 metres. Therefore, a variance Section 10(4)(ii) and the lot area and width are not required, and the minimum required side yard is 0.9 metres, as opposed to the 1.2 metres indicated.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.

HM/A-22:209



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

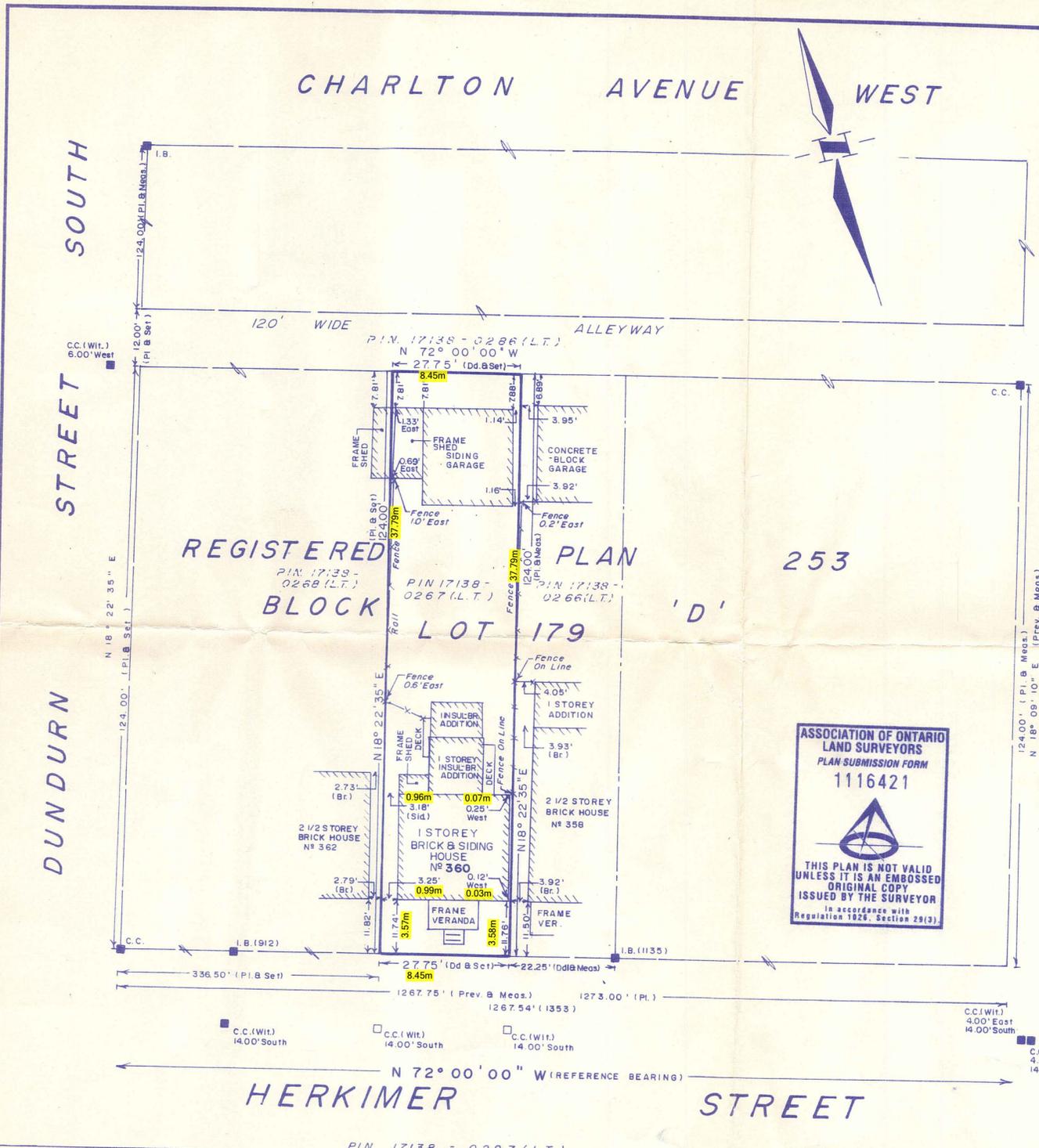
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SURVEYOR'S REAL PROPERTY REPORT
 PART I
 PLAN OF
 PART OF LOT 179
 BLOCK 'D'
 REGISTERED PLAN 253
 (J.C. MACKLIN SURVEY)
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF
 HAMILTON - WENTWORTH
 SCALE: 1" = 20'

CONSOLI & JACOBS SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 1997

BEARING NOTE:
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO
 THE NORTHERLY LIMIT OF HERKIMER STREET
 AS SHOWN ON REGISTERED PLAN 253, HAVING A
 BEARING OF N 72° 00' 00" W.

LEGEND:

SURVEY MONUMENT FOUND	□
SURVEY MONUMENT PLANTED	○
STANDARD IRON BAR	—
IRON BAR	—
CUT CROSS	—
WITNESS	—
REGISTERED PLAN 253	—
INST. N° 1935 24C.D.	—
INST. N° 2308 71H.L.	—
A.J. CLARKE, O.L.S.	—
G.E. GIDDY, O.L.S.	—
L.G. WOODS, O.L.S.	—

THIS REPORT WAS PREPARED FOR PLATT
 AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY
 FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
 WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE
 REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED MAY 8, 1997.
 DATE: MAY 13, 1997.
 G. V. CONSOLI
 ONTARIO LAND SURVEYOR



PART 2
 THIS PLAN MUST BE READ IN
 CONJUNCTION WITH SURVEY REPORT
 DATED: MAY 13, 1997.

© COPYRIGHT

CONSOLI & JACOBS
 SURVEYING LTD
 131 JOHN ST. S., HAMILTON SUITE 101
 TEL. (905) 521-1535 FAX. 521-0089 (L8N 2C3)

MEMBER

DRAWN BY: JF
 CHECKED BY: G.V.C.

JOB No: 97-090



FRONT 3D



REAR 3D

**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

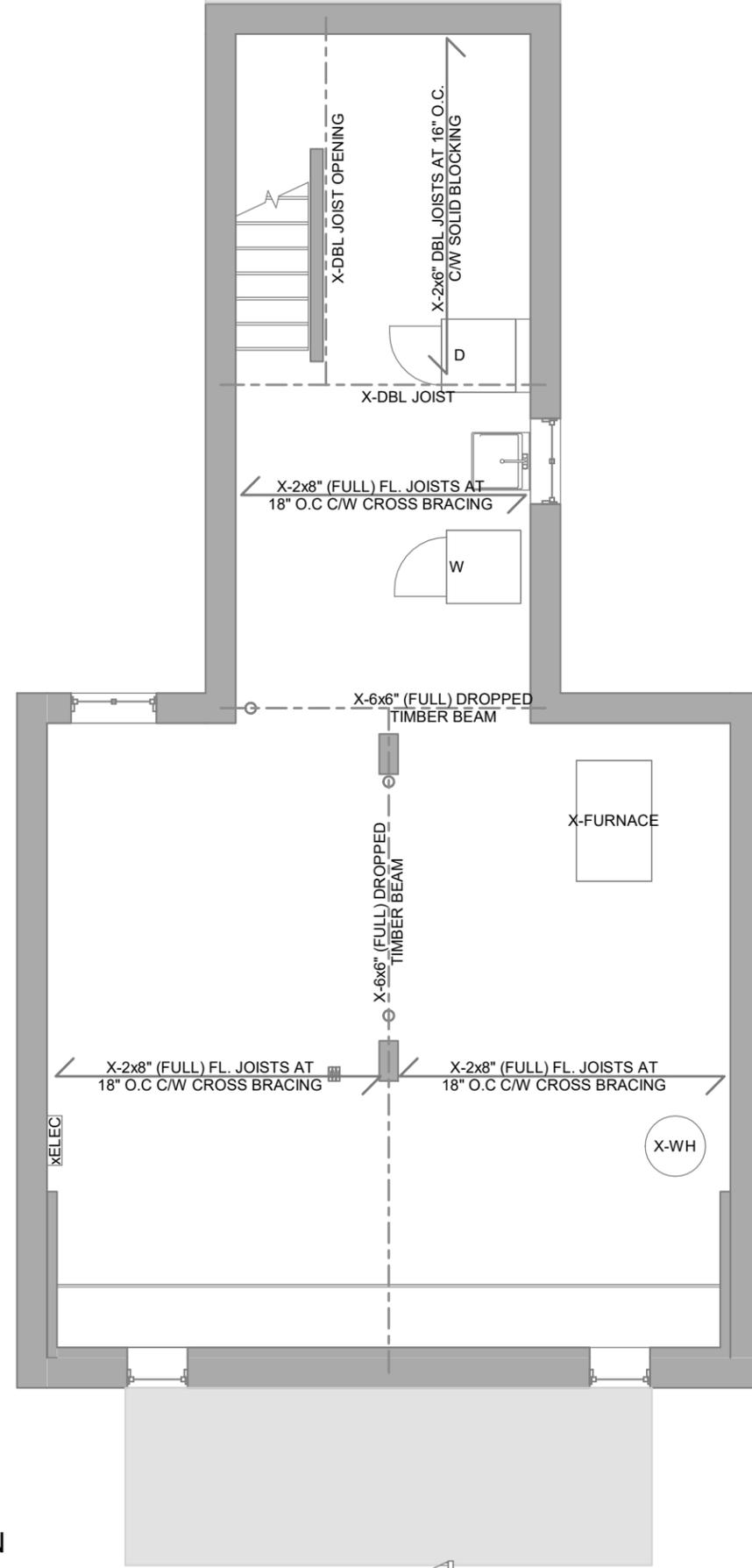
Revisions

Scale

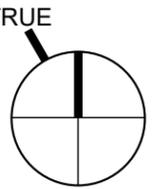
COVER & 3D VIEWS

A0.00

Sheet No. ©2021



① LVL0 DEMO PLAN
3/16" = 1'-0"



**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

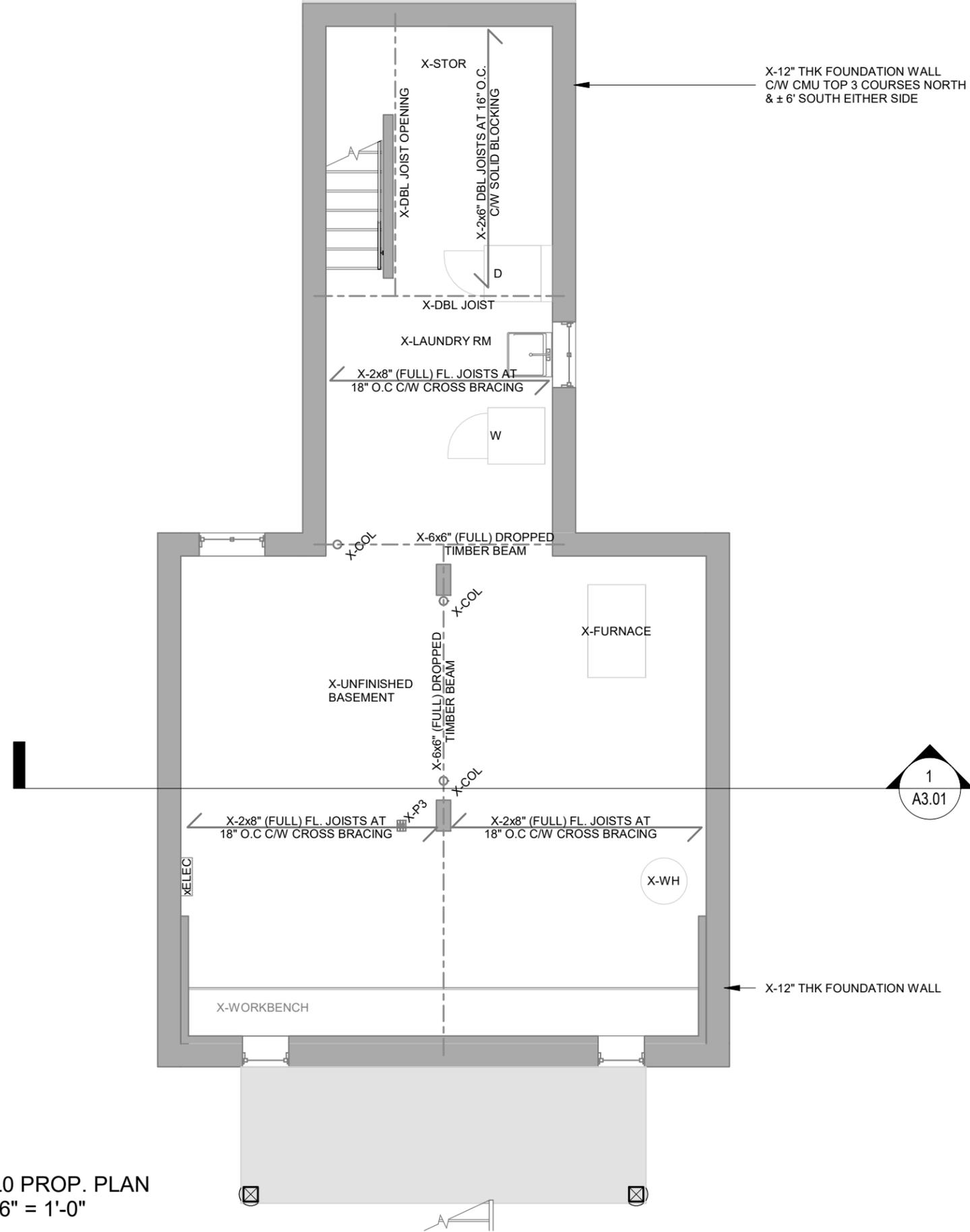
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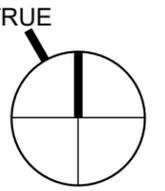
DEMO BASEMENT

A1.02

Sheet No. ©2021



① LVL0 PROP. PLAN
3/16" = 1'-0"



**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

Revisions

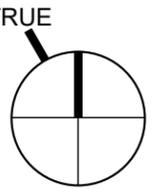
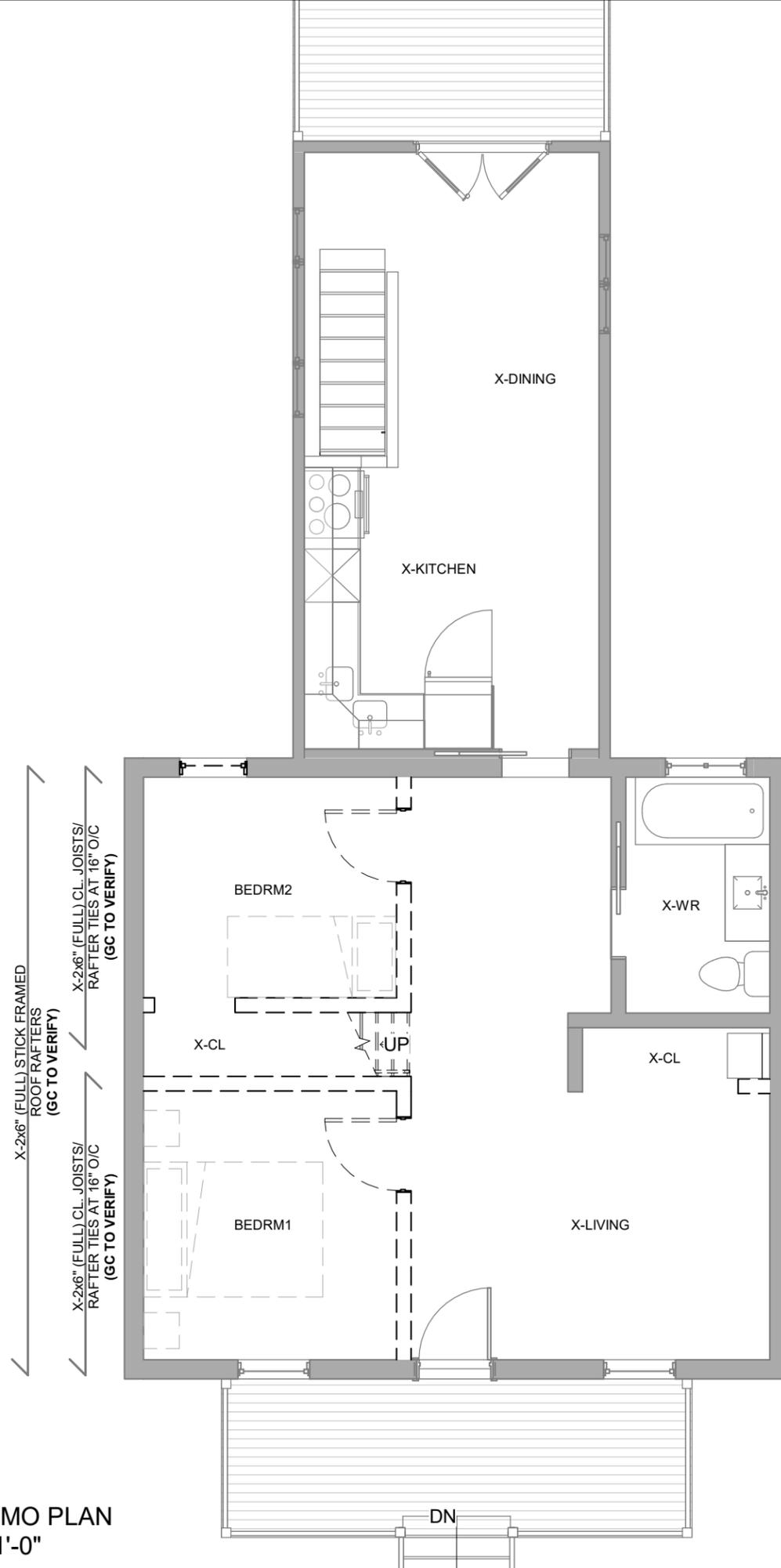
Scale 3/16" = 1'-0"

**PROPOSED
BASEMENT**

A1.03

Sheet No. ©2021

① LVL1 DEMO PLAN
3/16" = 1'-0"



**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

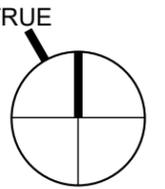
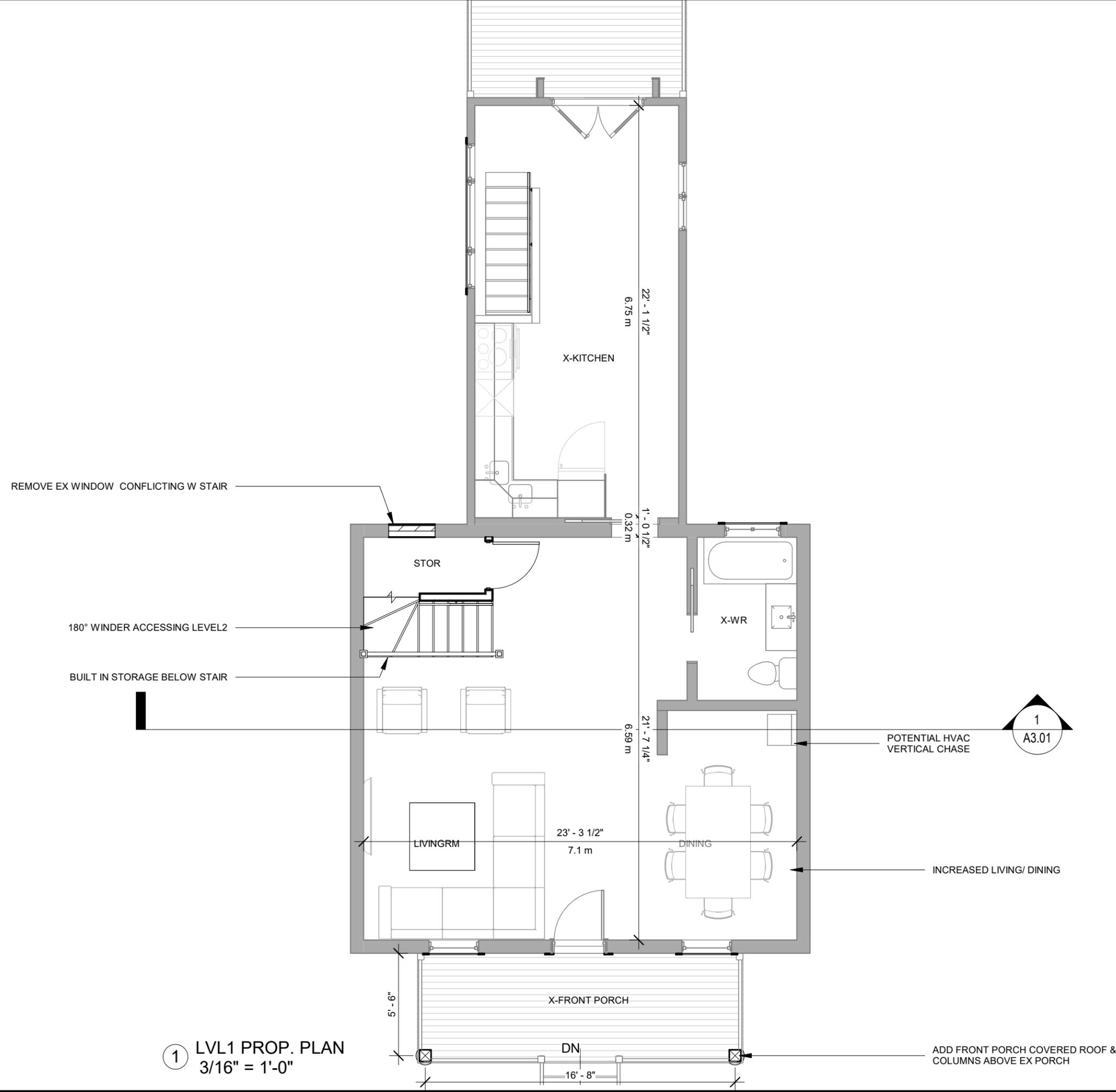
Revisions

Scale 3/16" = 1'-0"

DEMO LVL1

A1.04

Sheet No. ©2021



**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

Revisions

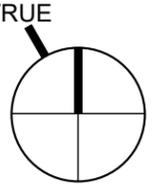
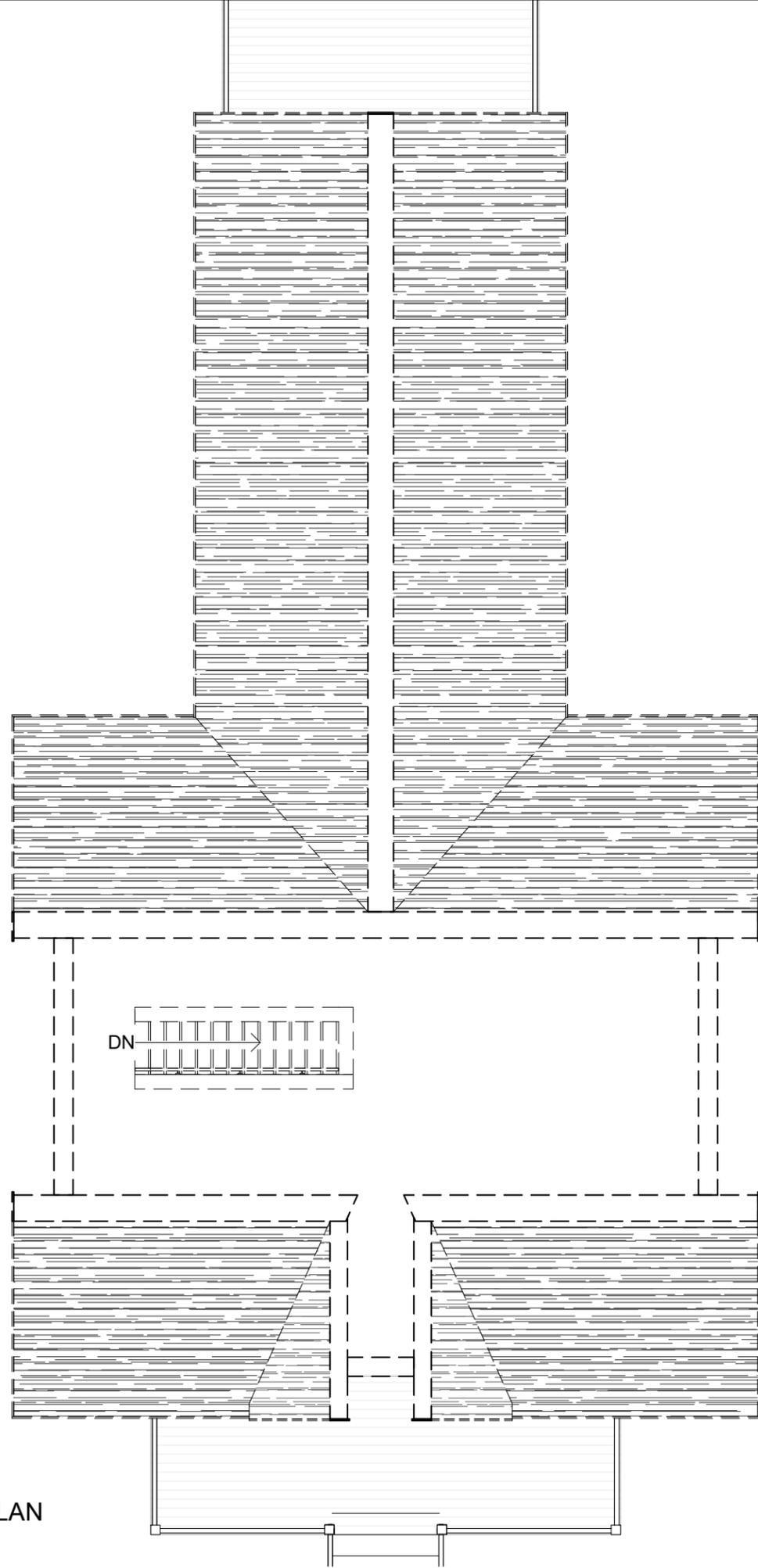
Scale 3/16" = 1'-0"

PROPOSED LVL1

A1.05

Sheet No. ©2021

① LVL1 PROP. PLAN
3/16" = 1'-0"



① LVL2 DEMO PLAN
3/16" = 1'-0"

**PARK
EIGHT**
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

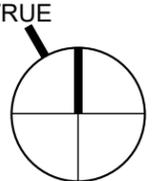
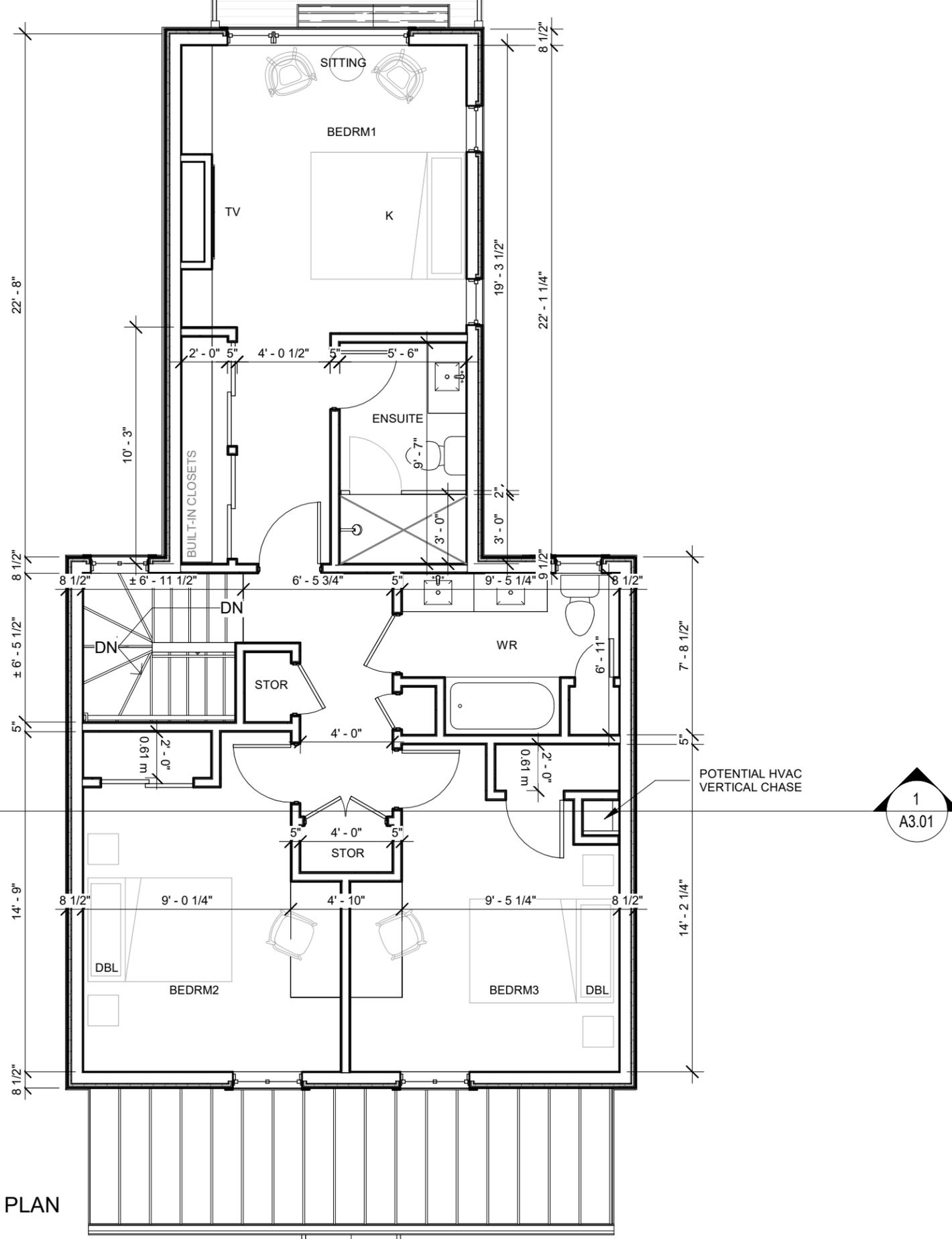
Project No. 22026
Revisions

Scale 3/16" = 1'-0"

DEMO LVL2

A1.6

Sheet No. ©2021



PARK EIGHT
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026
Revisions

Scale 3/16" = 1'-0"

PROPOSED LVL2

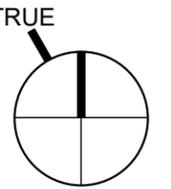
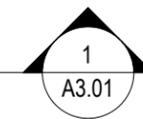
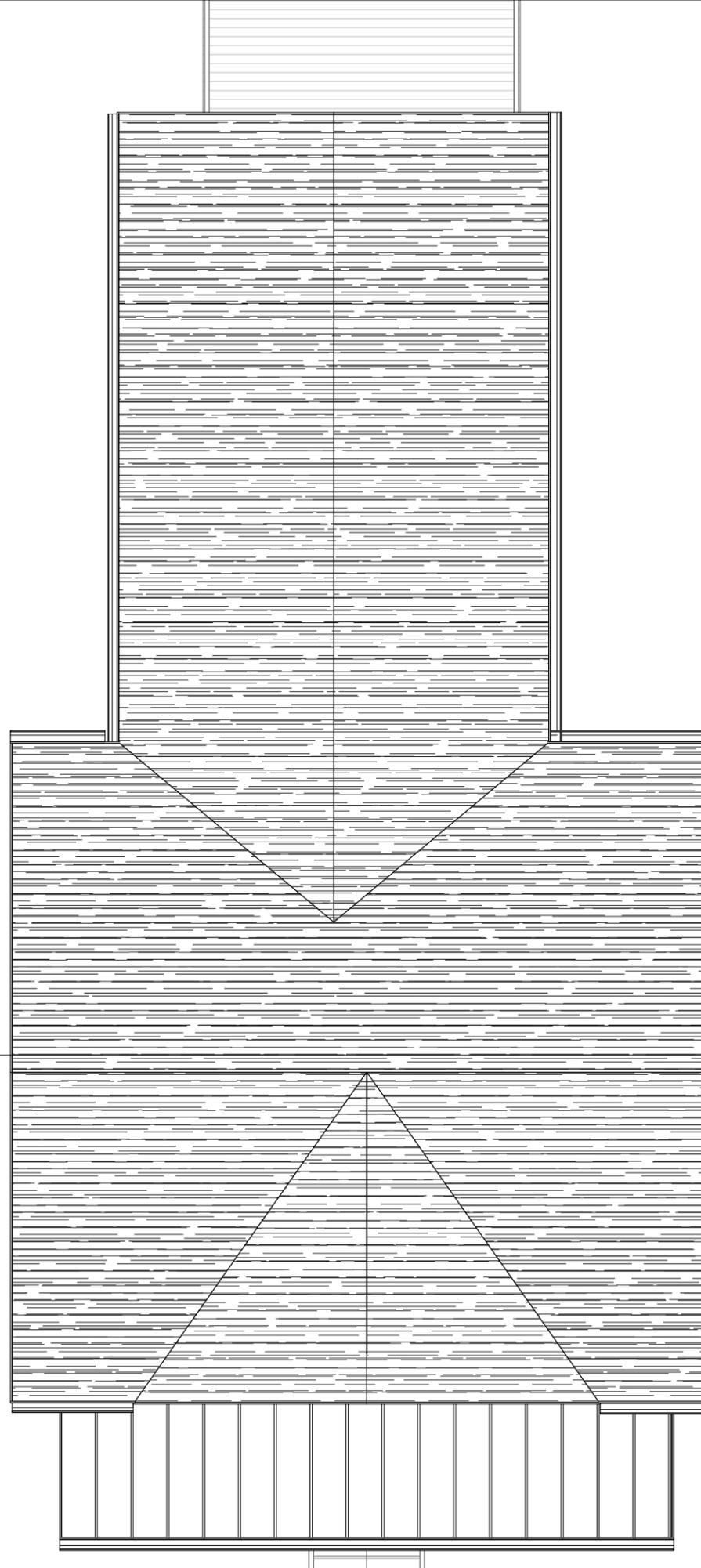
A1.7

Sheet No. ©2021

① LVL2 PROP. PLAN
3/16" = 1'-0"



① T/O ROOF
3/16" = 1'-0"



PARK
EIGHT
ENG // ARCH

**ADDITION & INTR.
RENOVATION**
360 HERKIMER STREET HAMILTON

Project No. 22026

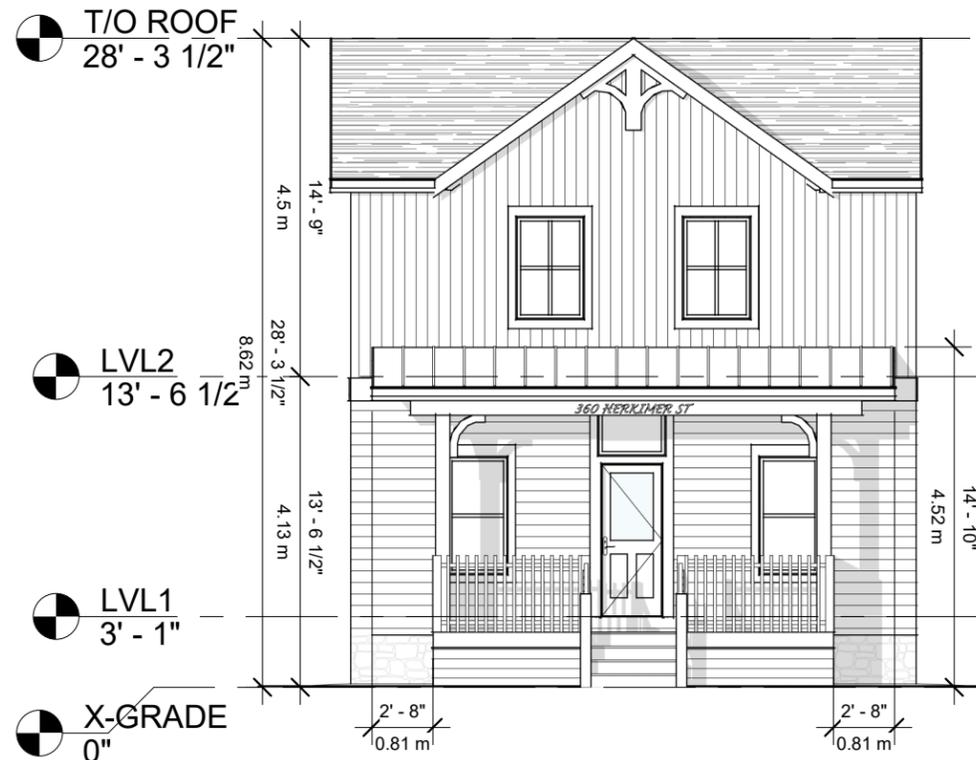
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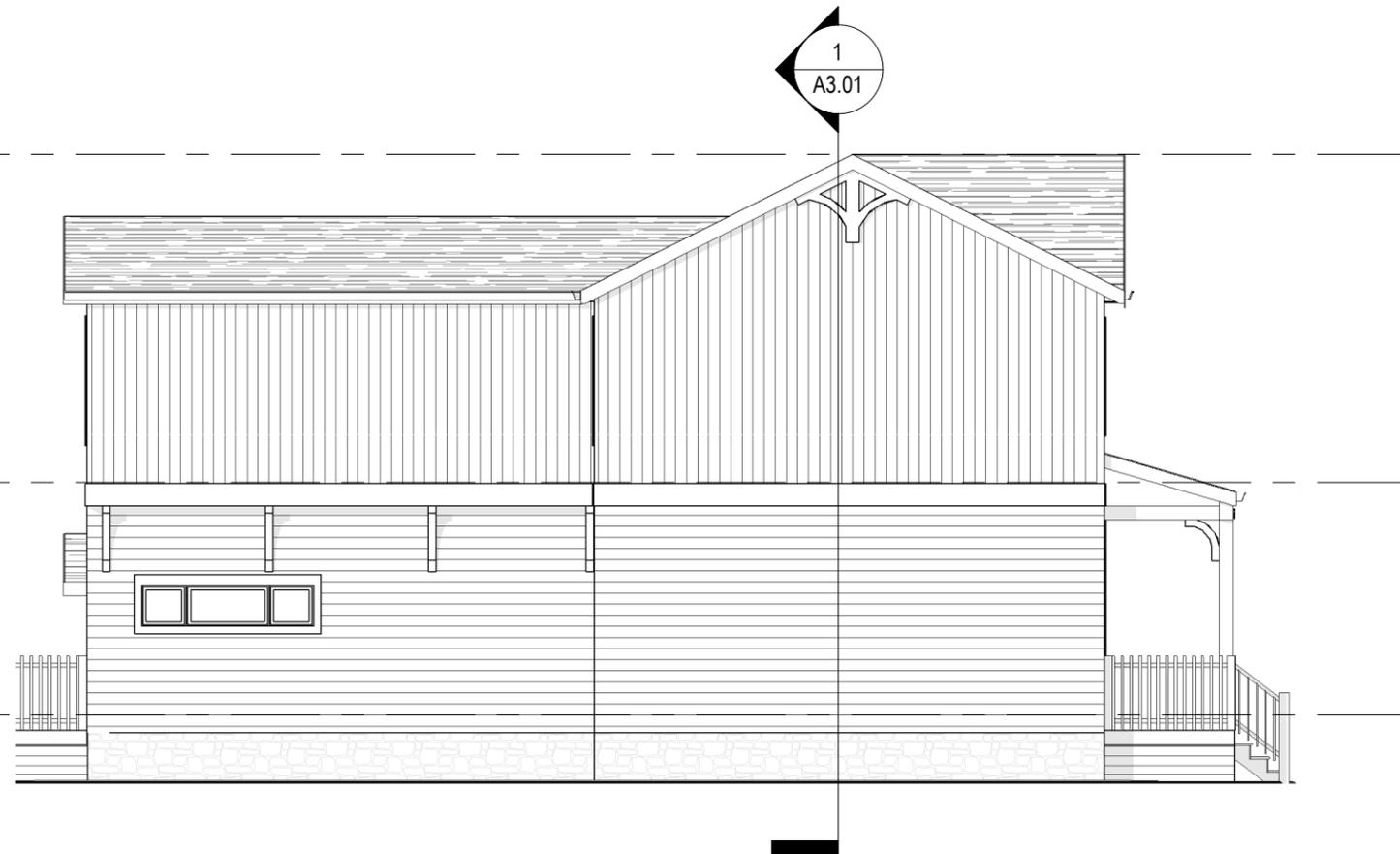
PROPOSED ROOF

A1.8

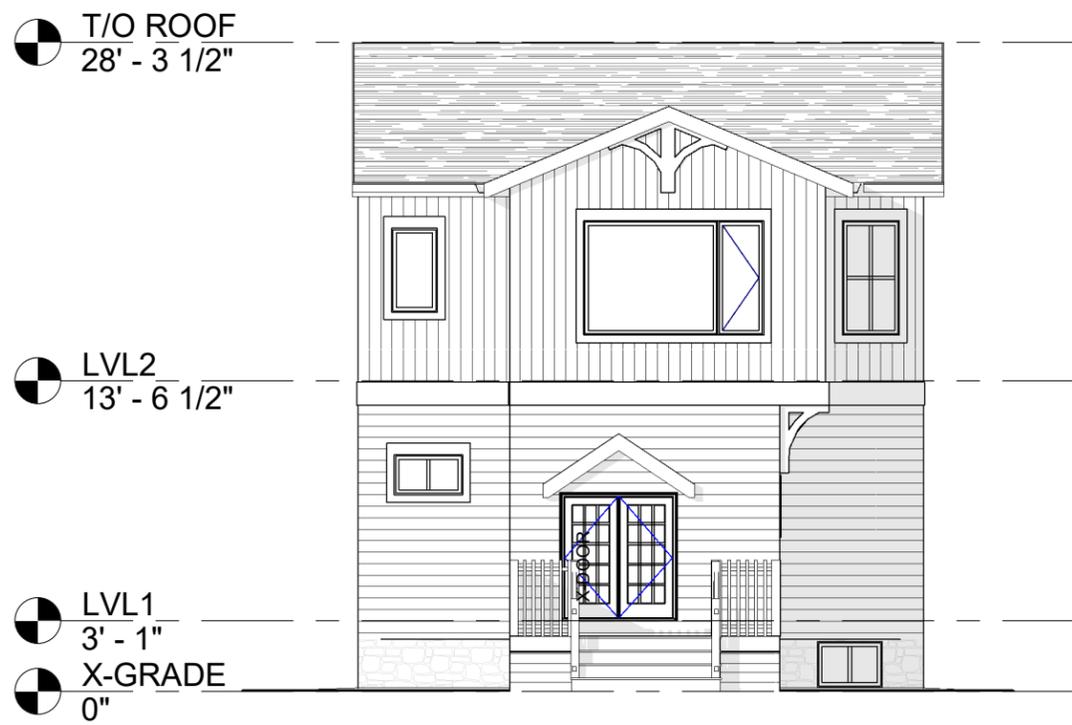
Sheet No. ©2021



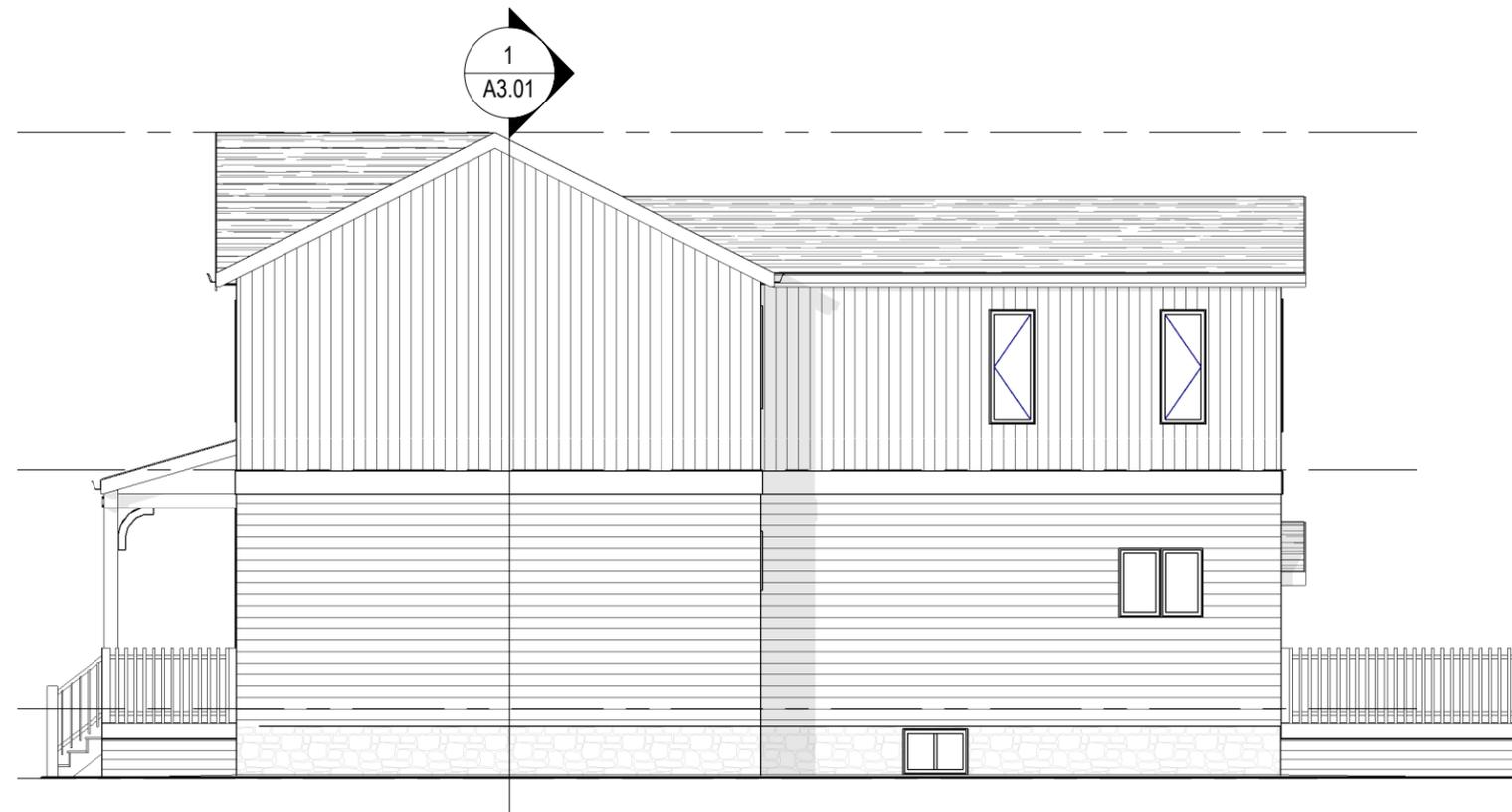
③ SOUTH (FRONT) ELEVATION
1/8" = 1'-0"



④ WEST ELEVATION
1/8" = 1'-0"



① NORTH (REAR) ELEVATION
1/8" = 1'-0"



② EAST ELEVATION
1/8" = 1'-0"

PARK
EIGHT
ENG // ARCH

ADDITION & INTR.
RENOVATION
360 HERKIMER STREET HAMILTON

Project No. 22026

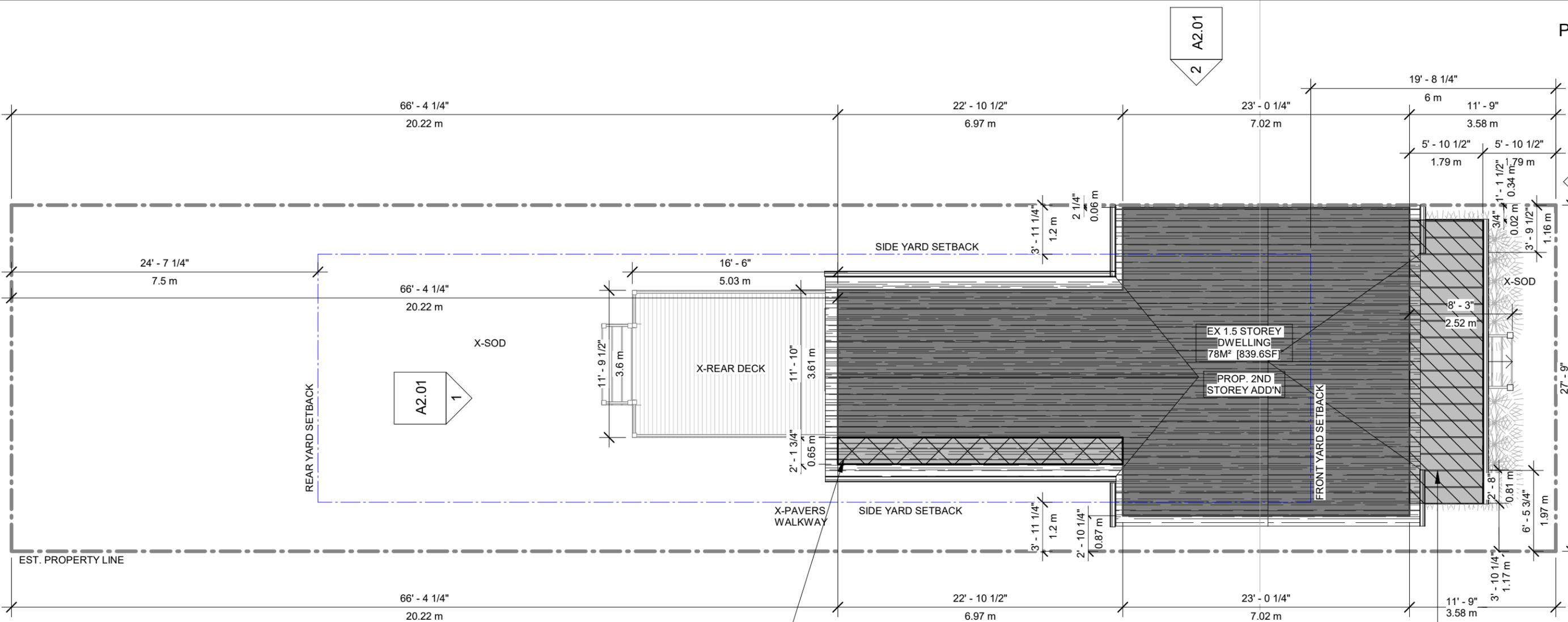
Revisions

Scale 1/8" = 1'-0"

EXTERIOR
ELEVATIONS

A2.01

Sheet No. ©2021



360 Herkimer Street, Hamilton Zoning By-law No. 6593 - "D" (Urban Protected Residential - One and Two Family Dwellings, Etc)			
Regulation	Required	Proposed	Conforming/ Non-Conforming
Permitted Use	Single-family dwelling	Single-family dwelling	Conforming
Maximum Building Height	14.0m and 3 storeys	2-storeys and 8.62m	Conforming
Minimum Front Yard	6 meters	3.58m*	Non-Conforming*
Minimum Side Yard	1.2m	0.06m* (east side yard) 0.87* (west side yard)	Non-Conforming*
Minimum Rear Yard	7.5 metres	20.22m*	Conforming
Minimum Lot Frontage	12.0m	8.46m*	Non-Conforming*
Minimum Lot Area	360.0m ²	±319.68m ² *	Non-Conforming*
Max Eave/Gutter Encroachment - Front Yard	1.5m and not closer than 1.5m to a street line	0.6m into front yard and 2.9m from street line.	Conforming
Max Eave/Gutter Encroachment - Side Yard	½ the width of required side yard (1.2m) or 1.0m, whichever is lesser	1.2m into side yard (east)* 0.6m into side yard (west)*	Non-Conforming*
Max Eave/Gutter Encroachment - Rear Yard	1.5m	Does not encroach.	Conforming
Max Roofed-Over One-Storey Porch Encroachment into a required Front Yard	3.0m and not closer than 1.5m from the front lot line.	1.93m and 2.51 with stairs into front yard. 1.64m and 1.0m with stairs from the front lot line.	Non-Conforming
Special Requirement for Front Yard Landscaping	Min. 50% of front yard shall be landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. Front yard to be calculated per 14.(i).(ii) Front Yard GFA = 15m ²	100% of front yard GFA is landscaped	Conforming

[*] Denotes existing condition.

PROP. LVL2 OVERHANG

PROP. UNENCLOSED FRONT PORCH COVERING OVER EXISTING 9.61M² [103.5SF] FRONT DECK. MODIFY DECK TO RECEIVE COVERING

SITE PLAN LEGEND

- EXISTING BUILDING (PROPOSED ADDITION ABOVE)
- PROPOSED UNENCLOSED COVERED PORCH
- PROPOSED ADDITIONS

PARK EIGHT
ENG // ARCH

ADDITION & INTR. RENOVATION
360 HERKIMER STREET HAMILTON

Project No. 22026
Revisions

Scale As indicated

SITE PLAN

SP1.01

Sheet No. ©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	MAILING ADDRESS
Registered Owners(s)	Taylor Stevenson and Emily Raben	
Applicant(s)*	Same As Above	
Agent or Solicitor	T.Johns Consulting Group c/o Katelyn Gillis	

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, 100 King St West, Hamilton, ON, L8P 4W9

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 Cover Letter and Planning Rationale.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

The dwelling footprint and lot are existing.

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 179 Block 'D' of Registered Plan 253
360 Herkimer 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 8.1 to 8.10 above?

Property and neighbourhood history. Owner's knowledge.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

May 27, 2022

Date

Taylor
Stevenson

Signature Property Owner(s)

Taylor Stevenson

Print Name of Owner(s)

Digitally signed by Taylor
Stevenson
Date: 2022.05.27 12:35:28
-04'00'

10. Dimensions of lands affected:

Frontage	8.45m
Depth	37.79m
Area	319.68m
Width of street	20.1m

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: _

1.5 Storey dwelling fronting onto Herkimer Street and 1 detached garage at the rear of the lot backing onto a lane way.

Proposed

Add a full second storey addition to the existing building for a total height of 2-storeys or +8.6m. New roof over existing porch.

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 1.5-storey dwelling, 3.57m from front yard lot line, 0.03m from east lot line, 0.96m from west lot line, approximately 21.5m from rear lot line.

Proposed:

Existing first story setbacks to apply to proposed second storey. New roof over existing porch.

13. Date of acquisition of subject lands:
November 14, 2014
-
14. Date of construction of all buildings and structures on subject lands:
Unknown.
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Dwelling
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
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 | <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
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law No. 6593 "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.)
-
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
-
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”: Planning Rationale
360 Herkimer St, Hamilton
 June 10th, 2022



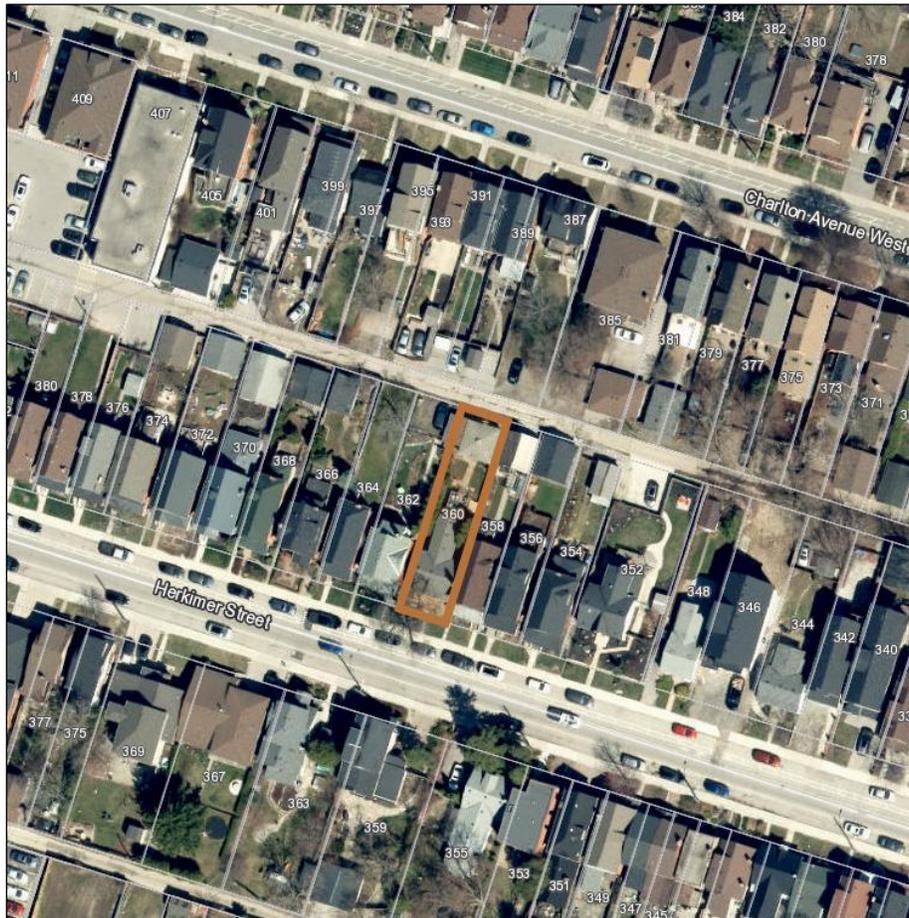
T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 360 Herkimer St, Hamilton (“subject lands”).

Description of Subject Lands

The subject lands are located in the Kirkendall North neighbourhood on the north side of Herkimer Street (Refer to Figure 1 - Site Location). The subject lands are rectangular in shape with an approximate site area of 319.68m² and ± 8.46 metres of frontage on Herkimer Street with a depth of ± 37.795 metres. The parcel’s rear lot line abuts a laneway. The site is an existing residential lot of record and occupied by one (1) single-family detached dwelling. The existing dwelling is 1.5-storeys and provides the following yards (Refer to the submitted Survey Plan):

Front Yard	3.58m
Side Yard (East)	0.06m
Side Yard (West)	0.87m
Rear Yard	20.22m

Figure 1 - Site Location



Planning Status

The *Urban Hamilton Official Plan* designates the subject lands *Neighbourhoods*. Single-family detached dwellings are permitted. The former City of Hamilton Zoning By-law No. 6593 zones the subject lands “D” (Urban Protected Residential- One & Two Family Dwellings) District. Single-family detached dwellings with a maximum building height of 3-storeys are permitted.

Proposed Development

The following Minor Variance application is required to permit a second-storey addition to the existing dwelling footprint and to recognize the existing non-conforming situations. The existing first-storey footprint will be maintained through interior renovations. All existing non-conforming yard setbacks will be maintained. Further, the existing porch and associated stairs are proposed to be roofed over (refer to submitted site plan and elevations).

The intent of the addition is to allow for the existing landowner to grow within their home and provide an improved interior function (refer to the submitted floor plans).

Nature and extent of relief applied for:

The proposed roof over the porch and second-storey addition to the existing 1.5-storey detached single family dwelling requires relief from Zoning By-law No. 6593 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District in order to continue with the existing setbacks of the dwelling and porch footprint.

The requested minor variances are as follows:

	<u>Zoning By-law No. 6593 Section</u>	<u>Purpose</u>
1.	10(3)(i)	To allow a minimum front yard depth of 3.5 metres, whereas a minimum of 6.0 metres is required.
2.	10(3)(ii)	To allow a minimum side yard of 0.0 metres, whereas a minimum of 1.2 metres is required.
3.	10(4)(ii)	To allow a minimum lot area of 315 square metres and a minimum lot width of 8.46 metres for a one-family dwelling, whereas a minimum of 360.0 square metres is required and 12.0 metre lot width is required.
4.	18(3)(vi)(b)(iii)	To allow an eave or gutter to project within the entire width of the side yard, whereas not more than one-half of its width, or 1.0 metre, whichever is the lesser, is required.
5.	18(3)(d)	To allow a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project into the required front yard to a distance of not more than 3.0 metre and every such projecting porch shall be distance at least 1.0 metre from the front lot line, whereas a maximum encroachment of 3.0 metres except 1.5 metres from the front lot line is required.

PLANNING RATIONALE TO SUPPORT THE VARIANCES:

Overall Conformity to the *Urban Hamilton Official Plan*

The Urban Hamilton Official Plan (UHOP) designates the subject lands *Neighbourhoods* (Schedule E-1)

Low density residential uses and forms are permitted, including buildings up to 3-storeys in height dwellings (E.3.4.5). The proposed yard and encroachment reductions for the proposed 2-storey single-family dwelling including reduced front yard and side yard setbacks and minimum lot area are reflective of the existing site conditions and the surrounding development within the stable neighbourhood. The proposed expansion will demonstrate appropriate residential form with a design that is sensitive to the heritage elements of the neighbourhood and is therefore compatible with the existing neighbourhood character (B.2.4.1.4).

The proposed dwelling and associated variances maintain the intent of the UHOP.

VARIANCE 1. To allow a minimum front yard depth of 3.5 metres, whereas a minimum of 6.0 metres is required.

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing dwelling is located 3.58m from the front lot line. The 3.5 metre front yard setback is consistent with the streetscape and 6.0 metre front yard setbacks are not representative of the established neighbourhood.

PLANNING RATIONALE TO SUPPORT VARIANCE 1:

1. Conformity to the Intent of the Zoning By-law

The existing front yard condition including trees, landscaping and front porch will be maintained. The proposed front yard setback maintains the established front yard setback of the existing legal non-conforming condition.

2. Is the Variance Minor and Desirable?

The requested variance to permit a front yard of 3.5 metres is minor as it will maintain the existing streetscape condition. The requested variance is desirable as it will allow for the existing dwelling to expand and meet the needs of the landowner.

Appendix “A”: Planning Rationale
360 Herkimer St, Hamilton
 June 10th, 2022



VARIANCE 2. To allow an easterly side yard depth of 0.0 metres and a westerly side yard of 0.8 metres, whereas a side yard depth of 1.2 metres is required.

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing 1.5-storey dwelling does not currently accommodate 1.2 metre side yards. Instead, existing side yards are 0.87m (west) and 0.06m (east).

PLANNING RATIONALE TO SUPPORT VARIANCE 2:

1. Conformity to the Intent of the Zoning By-law

Side yard setbacks provide building separation as well as access for maintenance and to the rear yard. The existing walkway along the westerly side yard on 360 Herkimer St. will be maintained. No windows are proposed within the portion of the second-floor within 1.2 metres of the abutting dwellings; therefore, no Ontario Building Code concerns are anticipated (refer to elevations). However, all Ontario Building Code compliance shall be reviewed upon Building Permit review.

2. Is the Variance Minor and Desirable?

The proposed 0.0m easterly and 0.8m westerly side yard setbacks will accommodate the existing building setback and is consistent with the neighbourhood context where minimal side yard setbacks exist. The variance will allow the existing building footprint and second-storey expansion to conform to the zoning by-law. As there are no building footprint modifications, the amount of impermeable ground coverage will not increase and therefore, no adverse stormwater impacts are anticipated.

VARIANCE 3. To allow a minimum lot area of 315 square metres and a minimum lot width of 8.45 metres for a two-family dwelling, whereas a minimum of 360.0 square metres is required and 12.0 metre lot width is required.

Why is it not possible to comply with the provision of the by-law?

The existing lot of record has a lot width of 8.45m and a lot area of 319.68m².

PLANNING RATIONALE TO SUPPORT VARIANCE 4:

1. Conformity to the Intent of the Zoning By-law

The existing lot fabric will be maintained which has historically accommodated a 1.5-storey single-family detached dwelling.

2. Is the Variance Minor and Desirable?

The variance is minor as no changes are proposed. The variance is desirable as it will allow the existing lot to conform to the zoning by-law.

VARIANCE 4. To allow an eave or gutter to project within the entire width of the side yard, whereas not more than one-half of its width, or 1.0 metre, whichever is the lesser, is required.

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint will be maintained. The existing 1.5-storey dwelling does not currently accommodate 1.2 metre side yards. Instead, existing side yards are 0.87m (west) and 0.06m (east).

PLANNING RATIONALE TO SUPPORT VARIANCE 4:

1. Conformity to the Intent of the Zoning By-law

The eave and/or gutter encroachments are aligned with the existing and proposed side yard setbacks. Standard eaves and/or gutters will be provided along the front and rear elevation rooflines to maintain existing stormwater management.

2. Is the Variance Minor and Desirable?

The proposed 0.0m easterly and 0.8m westerly side yard setbacks will accommodate the existing building setback and is consistent with the neighbourhood context where minimal side yard setbacks exist. The proposed variance will allow the existing building footprint and second-storey addition to conform to the zoning by-law.

VARIANCE 5. To allow a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, to project into the required front yard to a distance of not more than 3.0 metres and every such projecting porch shall be distant at least 1.0 metre from the front lot line, whereas a maximum encroachment of 3.0 metres except 1.5 metres from the front lot line is required.

Why is it not possible to comply with the provision of the by-law?

The existing dwelling footprint and front porch with associated stairs will be maintained. A roof over the existing porch is proposed. The existing dwelling is located 3.57m from the front lot line. The existing porch encroaches 1.9 metres into the 3.5 metre front yard and is 1.0 metres from the front lot line.

Appendix "A": Planning Rationale
360 Herkimer St, Hamilton
June 10th, 2022



PLANNING RATIONALE TO SUPPORT VARIANCE 5:

1. Conformity to the Intent of the Zoning By-law

The existing front yard condition including trees, landscaping and front porch will be maintained. The proposed roofed-over, unenclosed porch setback maintains the streetscape character.

2. Is the Variance Minor and Desirable?

The requested variance roof-over the existing porch is minor as existing encroachments will be maintained. The variance is desirable as it will allow for a sheltered principal entrance and promote the use of the front porch as a private amenity and social interaction along the public street.

Conclusion

The proposed second-storey addition and roof over the existing porch on 360 Herkimer Street will be reflective of the existing character of the 1.5-storey dwelling and the broader Kirkendall North Neighbourhood character while allowing for an existing dwelling to expand and meet the needs of the landowner. The requested variances conform to the intent of the UHOP, and Zoning By-Law No.6593, are minor and desirable.

Respectfully Submitted,
T. Johns Consulting Group Ltd.

A handwritten signature in black ink, appearing to read "Katelyn Gillis".

Katelyn Gillis, BA
Intermediate Planner

A handwritten signature in black ink, appearing to read "Terri Johns".

Terri Johns, MCIP, RPP
President



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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-22:207	SUBJECT PROPERTY:	50 YOUNG STREET, HAMILTON,
ZONE:	"C5, T6 and T8 (Mixed Use Medium Density (C5) Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Agent WEBB Planning – J. Webb

The following variances are requested:

1. The finished floor elevation of dwelling units shall be permitted to be located at grade (0.0m) instead of the requirement that the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.
2. No minimum amenity area shall be required for the new dwelling units within the multiple dwellings instead of the requirement that on a lot containing 10 dwelling units or more a minimum amenity area of 4.0m² for each dwelling unit less than or equal to 50m² of gross floor area shall be provided and a minimum amenity area of 6.0m² for each dwelling unit greater than 50m² of gross floor area shall be provided.
3. A minimum of 0.71 parking spaces per dwelling unit shall be required instead of the requirement that for dwelling units less than 50m² of gross floor area a minimum of 0.3 parking spaces per unit shall be provided and for dwelling units greater than 50m² of gross floor area a minimum of 0.7 parking spaces per unit for 1 – 14 units, a minimum of 0.85 parking spaces per unit for 15 – 50 units and a minimum of 1.0 parking spaces per unit for 51+ units shall be provided.
4. No barrier free parking spaces shall be required instead of the requirement that a minimum of 2 spaces + 2% of the total number of required parking spaces shall be used to determine the minimum number of required barrier free parking spaces.
5. Parking spaces for the multiple dwelling shall permitted to be located between the façade and the Forest Avenue flankage lot line instead of the requirement that required parking for multiple dwellings shall not be located between the façade and the flankage lot line.

HM/A-22:207

PURPOSE & EFFECT: Enclose at-grade areas and alterations within existing areas of three (3) of the existing four (4) multiple dwelling buildings (known municipally as 43 and 57 Forest Avenue and 50 Young Street) to add twenty-eight (28) dwelling units for a total of four hundred and fifty-one (451) dwelling units in all four (4) buildings:

Notes:

- i) If Variance # 3 is granted, a total of 320 parking spaces shall be required. While a comprehensive parking plan showing both the indoor and surface parking spaces has not been submitted, the Agent has confirmed that the new dwelling units will require removal of existing surface parking. A total of 9 surface spaces will remain per the plan prepared by the project architects which means the elimination of 38 surface parking spaces which will result in a total parking supply of 323 parking spaces.
- ii) The Site Plans submitted do not show a scaled and dimensioned parking plan, lot lines or landscaped details. As such, a comprehensive zoning compliance review of the parking regulations could not be completed; therefore, additional variances may be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

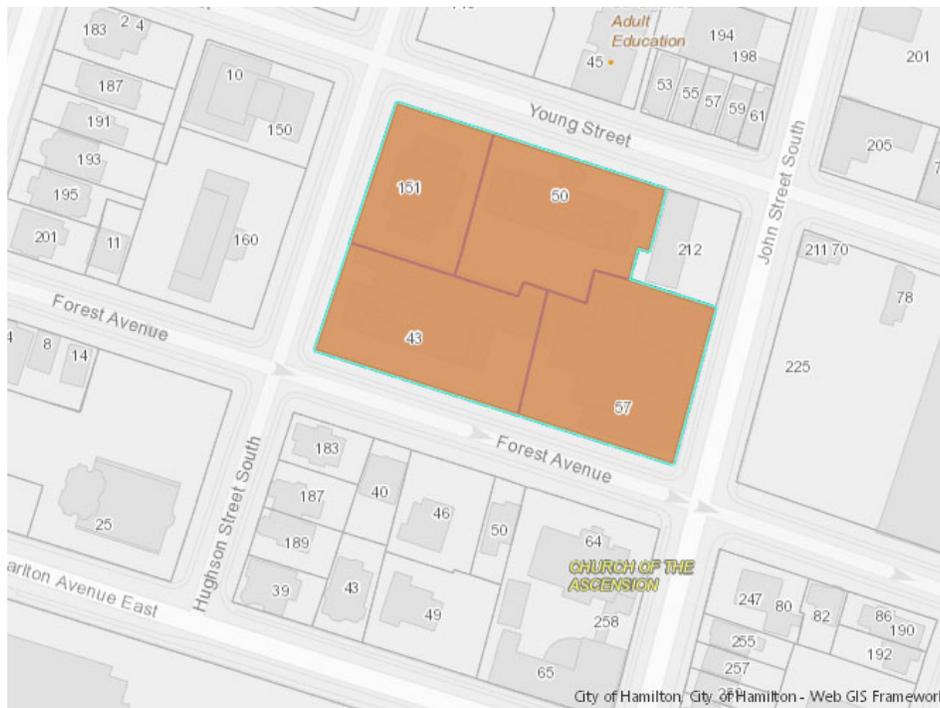
- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.

HM/A-22:207



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



Apartment Infill Feasibility Study for
**STARLIGHT INVESTMENTS JOHN BOLD
HOUGHSON FOREST BLOCK**

Hamilton, Ontario

NOVEMBER 3, 2021



'SECTION A'
ARCHITECTURAL SCOPE OF WORK:

43 FOREST AVE.

ADDITIONAL UNITS	
STUDIO	0
1 BEDROOM	5
2 BEDROOM	5
3 BEDROOM	2
TOTAL	12

57 FOREST AVE.

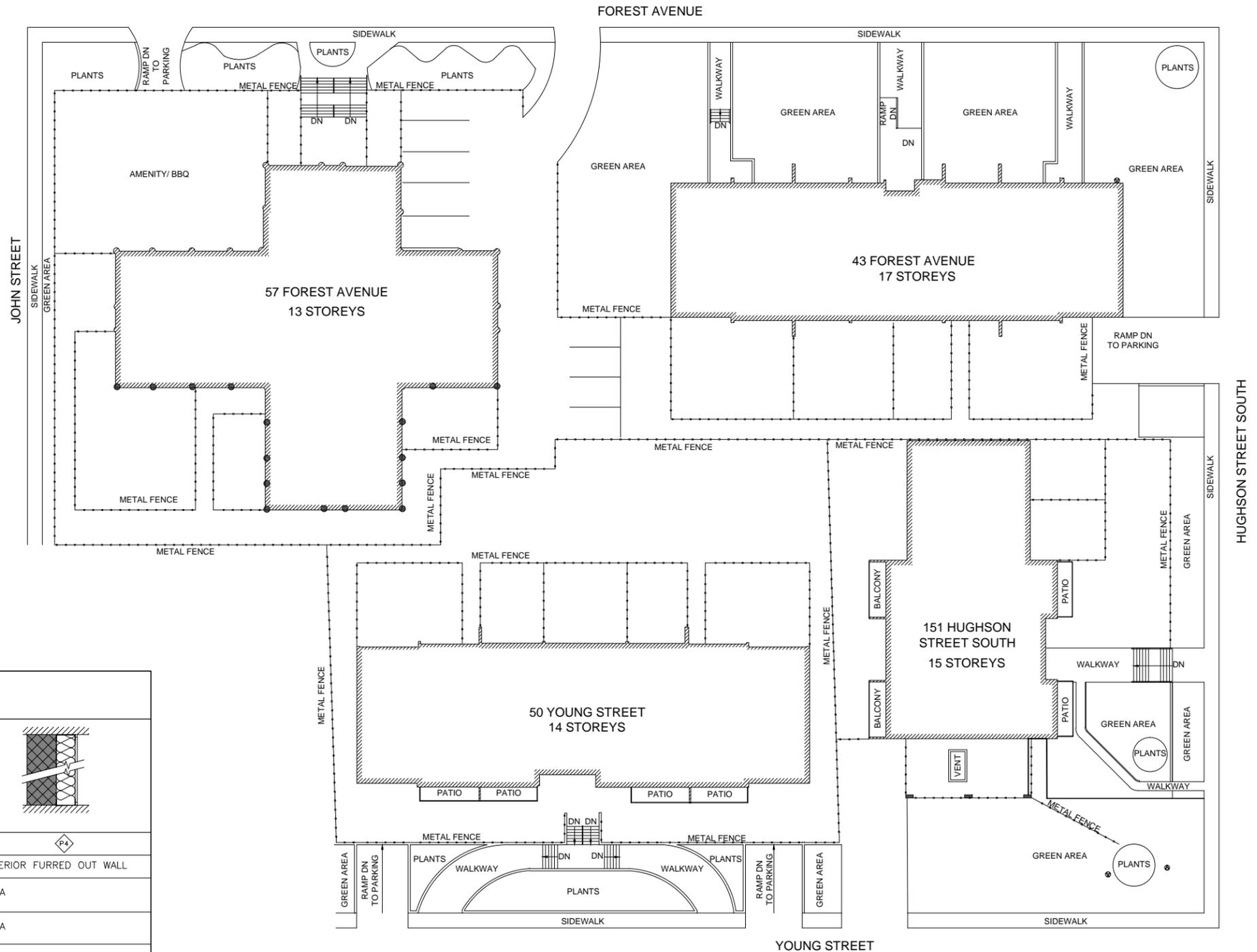
ADDITIONAL UNITS	
STUDIO	0
1 BEDROOM	3
2 BEDROOM	3
3 BEDROOM	0
TOTAL	6

50 YONGE ST.

ADDITIONAL UNITS	
STUDIO	2
1 BEDROOM	2
2 BEDROOM	6
3 BEDROOM	0
TOTAL	10

~~51 HUGHSON ST.~~

ADDITIONAL UNITS	
STUDIO	1
1 BEDROOM	2
2 BEDROOM	0
3 BEDROOM	0
TOTAL	3



INTERIOR PARTITION ASSEMBLIES (NON-LOADBEARING)				
GRAPHIC DESCRIPTION				
DESIGNATION	P1	P2	P3	P4
LOCATION	SUITE INTERIOR WALLS	EXTERIOR WALL	INTERIOR FIRE RATED WALL	INTERIOR FURRED OUT WALL
FIRE SEPARATION RATING (F.R.R.) REQUIRED/PROVIDED	P1 N/A	N/A	P3 1 HR / 1 HR (MMAH S2a)	N/A
SOUND TRANSMISSION CLASS REQUIRED/PROVIDED	P1 N/A	N/A	P3 STC 50 (MMAH S2a)	N/A
INSULATION REQUIRED/PROVIDED	N/A	R13 + R10ci / R20.7ci	N/A	N/A / R12ci
COMPOSITION	<ul style="list-style-type: none"> - 1/2" GWB - 3/2" STL STUDS @ 400 O.C. - 1/2" GWB 	<ul style="list-style-type: none"> - 3/2" BRICK VENEER - MASONRY TIES - 1" AIR SPACE - 3" SPRAYED INSULATION / AIR-VAPOUR BARRIER (R20.7min) - 1/2" EXT. GRADE GYPSUM SHEATHING - 3/2" STL STUDS @ 400 O.C. - 1/2" GYPSUM BOARD 	<ul style="list-style-type: none"> - 1/2" GYPSUM BOARD - 3/2" STL STUDS @ 400 O.C. - 2 1/2" MINERAL FIBER INSUL. - 2x 5/8" TYPE X GWB 	<ul style="list-style-type: none"> - 1/2" GYPSUM BOARD - 3/2" STL STUDS @ 400 O.C. - 3" SPRAY FOAM INSUL. - EXISTING WALL



Starlight Investments John Bold Hughson Forest Block
Apartment Infill Feasibility Study

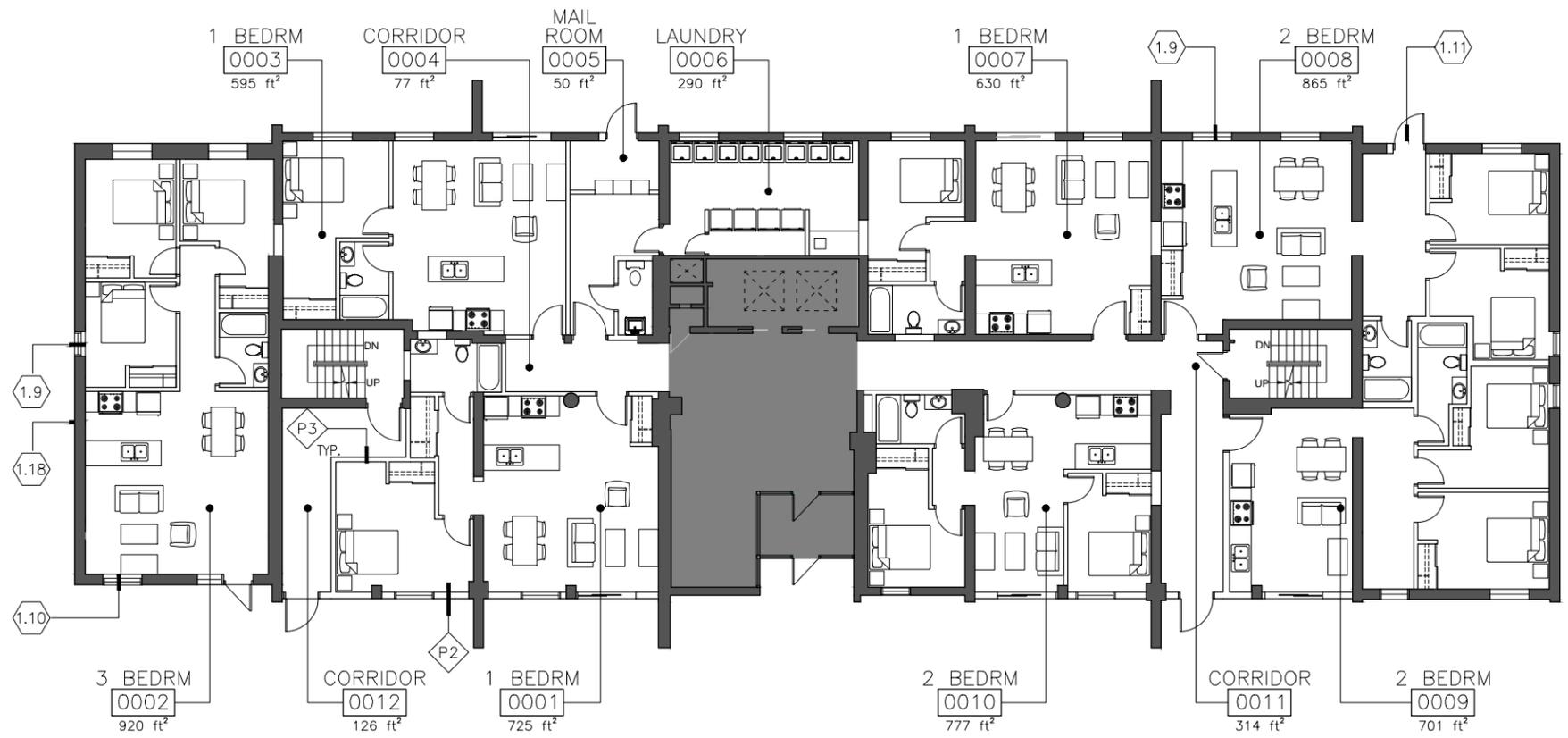
The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

Ground Floor	
1. 0001 to 0003 -	h
0007 to 0010	30" French Door Refrigerator
Infill Apartments	30" Front Control Electric Range with true convection
	30" Over the range microwave
	Blanco Essential U 2 - 'Satin brushed finish' double sink
	24" Built-in dishwasher
	Robertson - LED 4-Light ceiling fixture with adjustable heads
	Lower/upper cabinets
	2. Kitchen countertop - Aspen Quartz 'Grigio Scuro' polished 2cm slabs
	3. Plastic Laminate cabinets, doors and drawers
	4. Unit Washroom complete with:
	60" Tub w/ shower
	Toilet
	24"x36" Mirror
	Moen - Model: YB2408CH pivot toilet paper holder
	Moen - Model: YB2424CH 24" towel bar
	Robertson - 3-Light vanity (full washroom)
	Robertson - 2-Light vanity (half washroom)
	5. Solid Core Wood Door w/ peephole (20min rated)
	h U) 7
7 O ↑ h #	
Optional	9. New windows/enlarged windows in exterior wall assemblies at all bedroom locations as per OBC.
	10. New windows in exterior wall assemblies at living room locations for natural light.
	11. Exterior Doors
	12. Provide adequate lighting - Robertson - LED Ceiling mount fixture (hallway, front entrance, bedroom, dining room)
	13. Unit Washroom Countertop - Aspen Quartz 'White Harvest' 2cm slabs
	14. Unit Washroom Floor - Eco-Stone Matte 12x24 Anthracite
	15. Kitchen Floor - Eco-Stone Matte 12x24 Bianco
	16. Washroom Wall - Olympia Tile - Chess Bright 4x12 'Arctic White'
	17. Kitchen Wall back splash - Olympia Tile - Volkas Matte Herringbone Mosaic 2x6
	18. Insulate all existing exterior walls with 3" spray foam.
	2. 0004/0011/0012
#	7 # u o
	h
	4. Drywall ceiling
	5. Provide adequate Lighting
	6. Suspended Ceiling - Armstrong - Optima Square Lay-in panel (At existing suspended ceilings)
U	1. Rear loaded Mailboxes for Total 122 units
	h
	7
	k
	5. Provide adequate Lighting

2. Wall Tile 1 - Olympia Tile - Blanco Raku Semi-polished (All walls floor to ceiling, interrupted by Wall Tile 2)
3. Wall Tile 2 - Olympia Tile - Blanco Rako Karato approximately 50" above the floor
7 u u
5. Ceiling - Drywall and Paint
u
7. Laundry Accent Lighting - Economy line 4" builder grade model by Lotus Lighting
8. Laundry feature lighting - Stroke Pendant by Eureka
9. Provide adequate power for 4 double stacked electric dryers and 8 washers
10. Provide small washroom with toilet, sink and mirror. Tile flooring, Painted walls.
11. Tarrison Laundry folding table 72"x30"
12. Tarrison Double Compartment Sink with side drainboard

PLAN LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION
- EXISTING APARTMENT AREA
- EXISTING DOOR TO REMAIN
- NEW DOOR



Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

PLAN LEGEND

-  EXISTING
-  DEMOLITION
-  NEW CONSTRUCTION
-  EXISTING APARTMENT AREA
-  EXISTING DOOR TO REMAIN
-  NEW DOOR



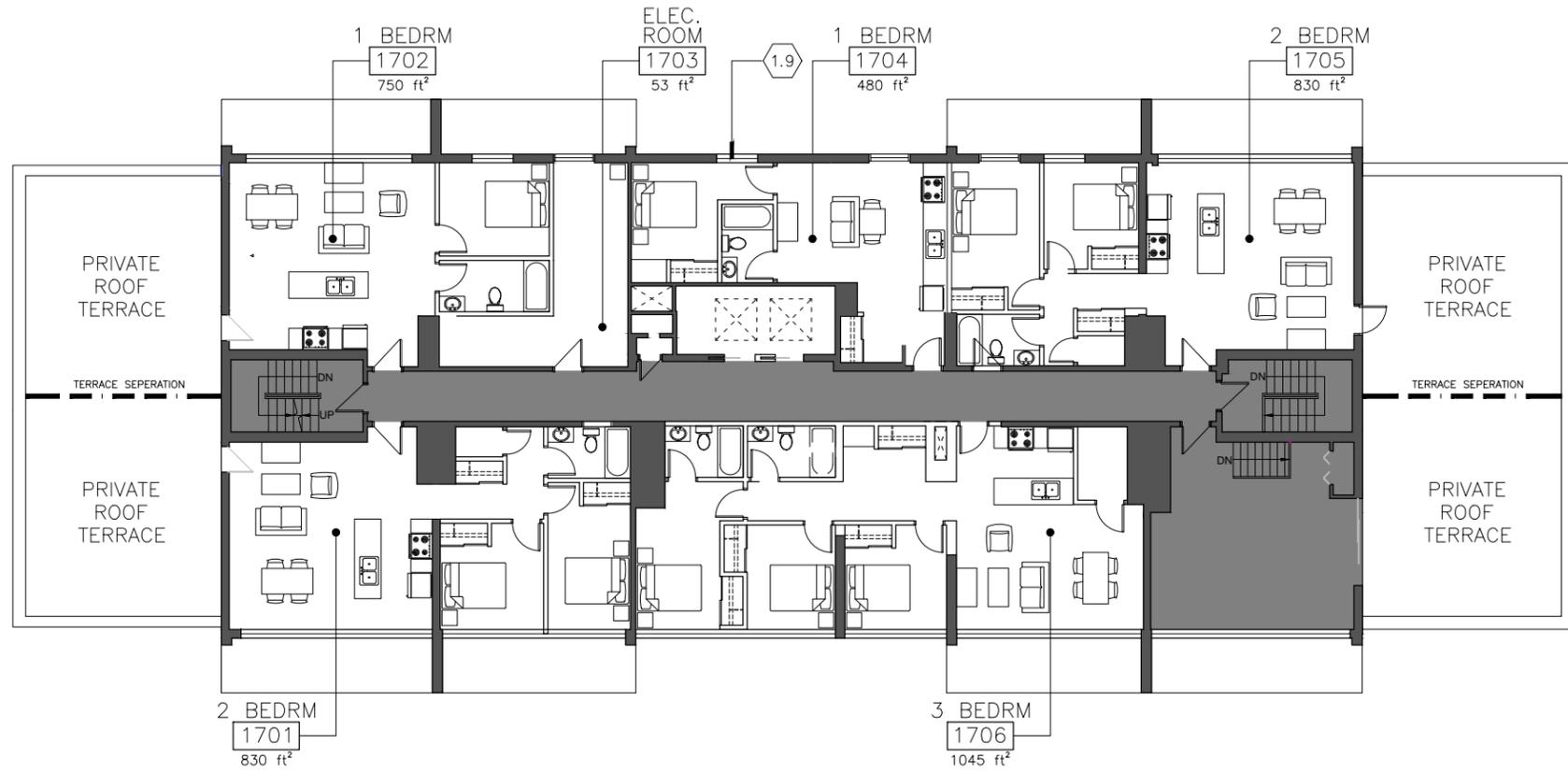
Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

Penthouse (17)	
1. 1701 to 1702 -	h
1704 to 1706	30" French Door Refrigerator
Infill Apartments	30" Front Control Electric Range with true convection
	30" Over the range microwave
	Blanco Essential U 2 - 'Satin brushed finish' double sink
	24" Built-in dishwasher
	Robertson - LED 4-Light ceiling fixture with adjustable heads
	Lower/upper cabinets
	2. Kitchen countertop - Aspen Quartz 'Grigio Scuro' polished 2cm slabs
	3. Plastic Laminate cabinets, doors and drawers
	4. Unit Washroom complete with:
	60" Tub w/ shower
	Toilet
	24"x36" Mirror
	Moen - Model: YB2408CH pivot toilet paper holder
	Moen - Model: YB2424CH 24" towel bar
	Robertson - 3-Light vanity (full washroom)
	Robertson - 2-Light vanity (half washroom)
	5. Solid Core Wood Door w/ peephole (20min rated)
	h U) 7
	7 O ↑ h # "
	9. New windows/enlarged windows in exterior wall assemblies at all bedroom locations as per OBC.
	10. New windows in exterior wall assemblies at living room locations for natural light.
	11. Exterior Doors
	12. Provide adequate lighting - Robertson - LED Ceiling mount fixture (hallway, front entrance, bedroom, dining room)
	13. Unit Washroom Countertop - Aspen Quartz 'White Harvest' 2cm slabs
	14. Unit Washroom Floor - Eco-Stone Matte 12x24 Anthracite
	15. Kitchen Floor - Eco-Stone Matte 12x24 Bianco
	16. Washroom Wall - Olympia Tile - Chess Bright 4x12 'Arctic White'
	17. Kitchen Wall back splash - Olympia Tile - Volkas Matte Herringbone Mosaic 2x6
Optional	18. Insulate all existing exterior walls with 3" spray foam.
	k
	7 ↑ #u
	3. Provide adequate Lighting

PLAN LEGEND

-  EXISTING
-  DEMOLITION
-  NEW CONSTRUCTION
-  EXISTING APARTMENT AREA
-  EXISTING DOOR TO REMAIN
-  NEW DOOR



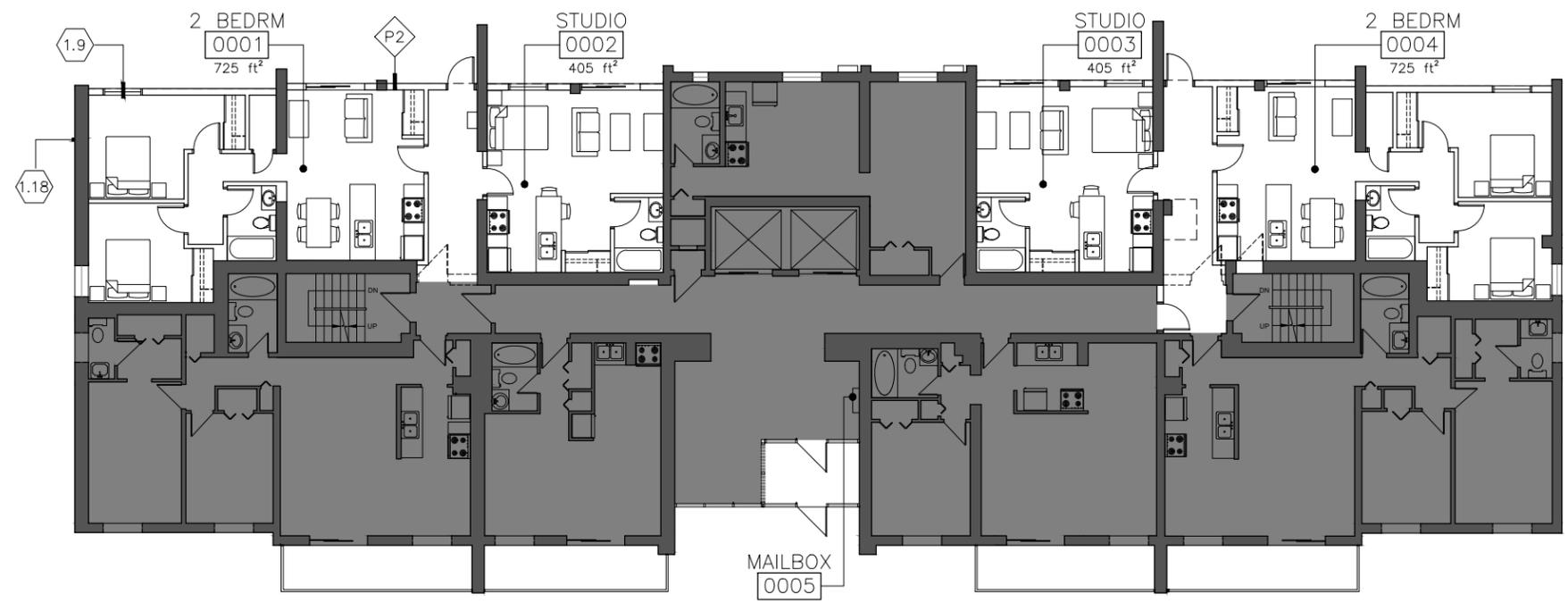
Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

Ground Floor	
1. 0001 to 0004 -	h
Infill apartments	30" French Door Refrigerator
	30" Front Control Electric Range with true convection
	30" Over the range microwave
	Blanco Essential U 2 - 'Satin brushed finish' double sink
	24" Built-in dishwasher
	Robertson - LED 4-Light ceiling fixture with adjustable heads
	Lower/upper cabinets
	2. Kitchen countertop - Aspen Quartz 'Grigio Scuro' polished 2cm slabs
	3. Plastic Laminate cabinets, doors and drawers
	4. Unit Washroom complete with:
	60" Tub w/ shower
	Toilet
	24"x36" Mirror
	Moen - Model: YB2408CH pivot toilet paper holder
	Moen - Model: YB2424CH 24" towel bar
	Robertson - 3-Light vanity (full washroom)
	Robertson - 2-Light vanity (half washroom)
	5. Solid Core Wood Door w/ peephole (20min rated)
	h U) 7
	7 O ↑ h # "
	9. New windows/enlarged windows in exterior wall assemblies at all bedroom locations as per OBC.
	10. New windows in exterior wall assemblies at living room locations for natural light.
	11. Exterior Doors
	12. Provide adequate lighting - Robertson - LED Ceiling mount fixture (hallway, front entrance, bedroom, dining room)
	13. Unit Washroom Countertop - Aspen Quartz 'White Harvest' 2cm slabs
	14. Unit Washroom Floor - Eco-Stone Matte 12x24 Anthracite
	15. Kitchen Floor - Eco-Stone Matte 12x24 Bianco
	16. Washroom Wall - Olympia Tile - Chess Bright 4x12 'Arctic White'
	17. Kitchen Wall back splash - Olympia Tile - Volkas Matte Herringbone Mosaic 2x6
Optional	18. Insulate all existing exterior walls with 3" spray foam.
U	1. Provision of 10 Surface mounted Mailboxes.

PLAN LEGEND

-  EXISTING
-  DEMOLITION
-  NEW CONSTRUCTION
-  EXISTING APARTMENT AREA
-  EXISTING DOOR TO REMAIN
-  NEW DOOR

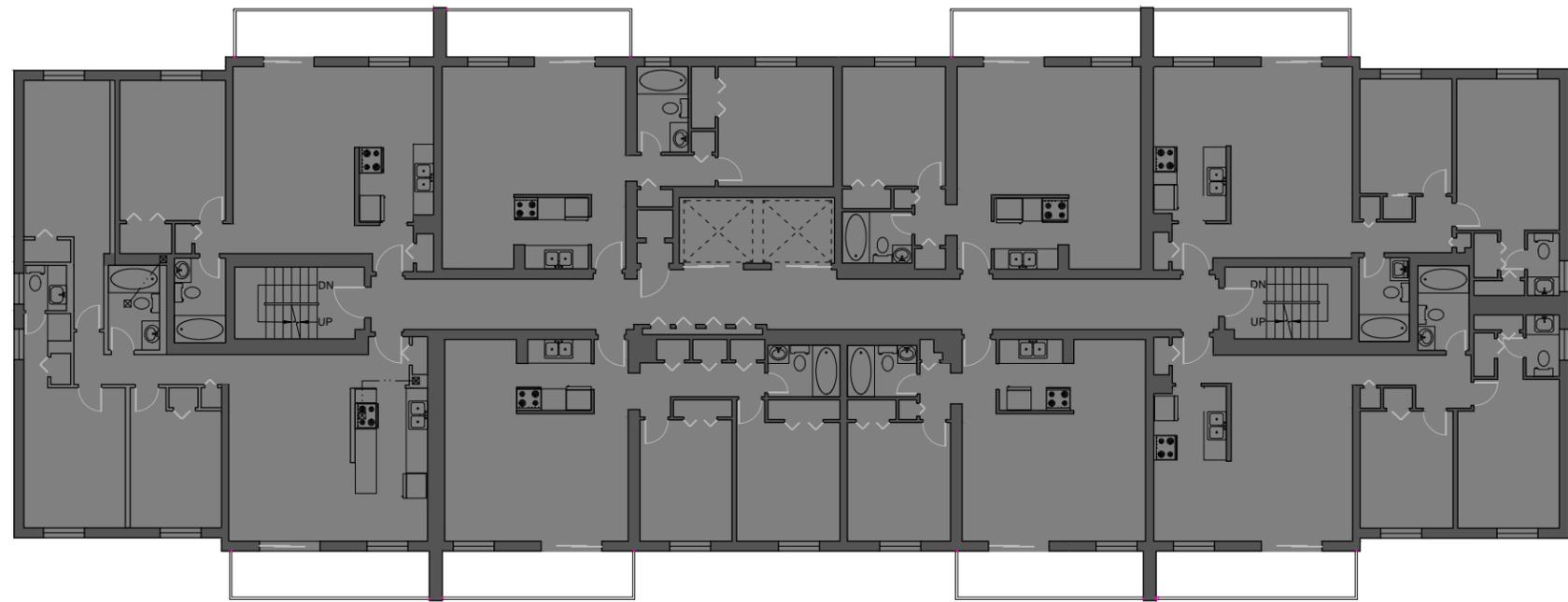


Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

PLAN LEGEND

-  EXISTING
-  DEMOLITION
-  NEW CONSTRUCTION
-  EXISTING APARTMENT AREA
-  EXISTING DOOR TO REMAIN
-  NEW DOOR



SCALE = 1:200



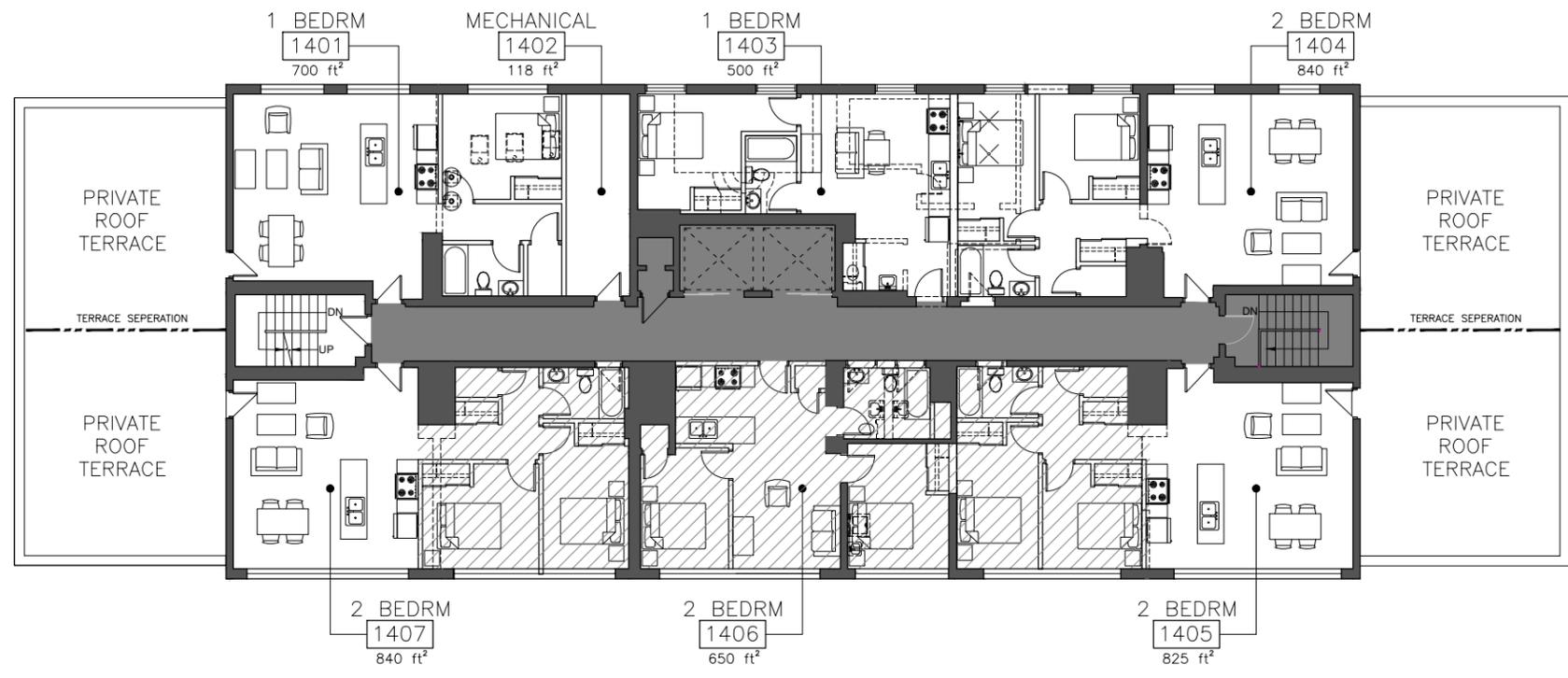
Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility study.

Penthouse (14)	
1. 1401, 1403 to 1407	h
Infill apartments	30" French Door Refrigerator
	30" Front Control Electric Range with true convection
	30" Over the range microwave
	Blanco Essential U 2 - 'Satin brushed finish' double sink
	24" Built-in dishwasher
	Robertson - LED 4-Light ceiling fixture with adjustable heads
	Lower/upper cabinets
	2. Kitchen countertop - Aspen Quartz 'Grigio Scuro' polished 2cm slabs
	3. Plastic Laminate cabinets, doors and drawers
	4. Unit Washroom complete with:
	60" Tub w/ shower
	Toilet
	24"x36" Mirror
	Moen - Model: YB2408CH pivot toilet paper holder
	Moen - Model: YB2424CH 24" towel bar
	Robertson - 3-Light vanity (full washroom)
	Robertson - 2-Light vanity (half washroom)
	5. Solid Core Wood Door w/ peephole (20min rated)
	h U) 7
	7 O † h # " "
	9. New windows/enlarged windows in exterior wall assemblies at all bedroom locations as per OBC.
	10. New windows in exterior wall assemblies at living room locations for natural light.
	11. Exterior Doors
	12. Provide adequate lighting - Robertson - LED Ceiling mount fixture (hallway, front entrance, bedroom, dining room)
	13. Unit Washroom Countertop - Aspen Quartz 'White Harvest' 2cm slabs
	14. Unit Washroom Floor - Eco-Stone Matte 12x24 Anthracite
	15. Kitchen Floor - Eco-Stone Matte 12x24 Bianco
	16. Washroom Wall - Olympia Tile - Chess Bright 4x12 'Arctic White'
	17. Kitchen Wall back splash - Olympia Tile - Volkas Matte Herringbone Mosaic 2x6
Optional	18. Insulate all existing exterior walls with 3" spray foam.
2. 1402 - Mechanical Rm	‡

PLAN LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION
- EXISTING APARTMENT AREA
- EXISTING DOOR TO REMAIN
- NEW DOOR



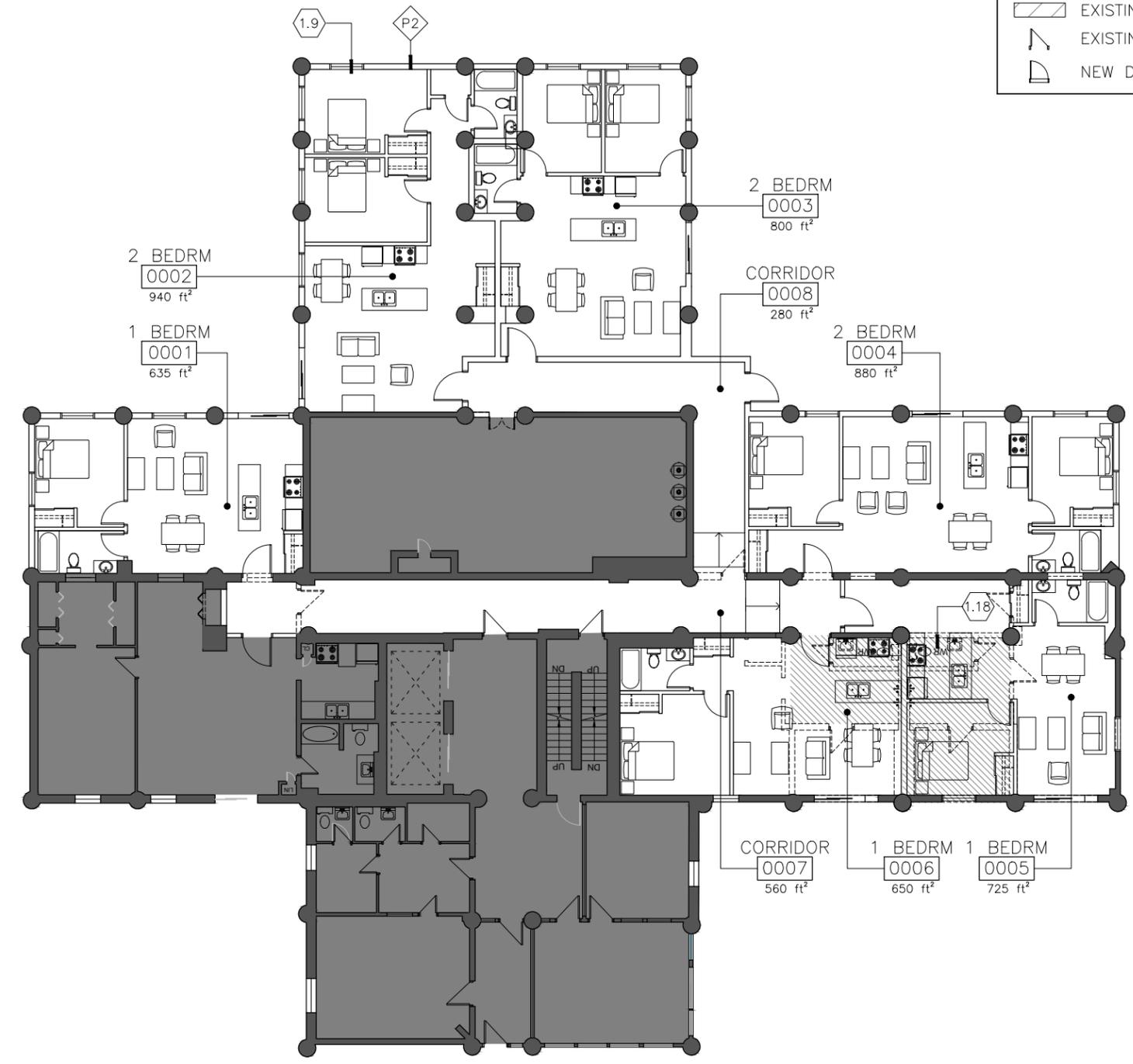
Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

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Ground Floor	
1. 0001 to 0006 -	h
Infill apartments	30" French Door Refrigerator
	30" Front Control Electric Range with true convection
	30" Over the range microwave
	Blanco Essential U 2 - 'Satin brushed finish' double sink
	24" Built-in dishwasher
	Robertson - LED 4-Light ceiling fixture with adjustable heads
	Lower/upper cabinets
	2. Kitchen countertop - Aspen Quartz 'Grigio Scuro' polished 2cm slabs
	3. Plastic Laminate cabinets, doors and drawers
	4. Unit Washroom complete with:
	60" Tub w/ shower
	Toilet
	24"x36" Mirror
	Moen - Model: YB2408CH pivot toilet paper holder
	Moen - Model: YB2424CH 24" towel bar
	Robertson - 3-Light vanity (full washroom)
	Robertson - 2-Light vanity (half washroom)
	5. Solid Core Wood Door w/ peephole (20min rated)
	h U) 7
	7 O † h # ' ' "
	9. New windows/enlarged windows in exterior wall assemblies at all bedroom locations as per OBC.
	10. New windows in exterior wall assemblies at living room locations for natural light.
	11. Exterior Doors
	12. Provide adequate lighting - Robertson - LED Ceiling mount fixture (hallway, front entrance, bedroom, dining room)
	13. Unit Washroom Countertop - Aspen Quartz 'White Harvest' 2cm slabs
	14. Unit Washroom Floor - Eco-Stone Matte 12x24 Anthracite
	15. Kitchen Floor - Eco-Stone Matte 12x24 Bianco
	16. Washroom Wall - Olympia Tile - Chess Bright 4x12 'Arctic White'
	17. Kitchen Wall back splash - Olympia Tile - Volkas Matte Herringbone Mosaic 2x6
	18. Infill slab in hatched area to match adjacent slab height
Optional	19. Insulate all existing exterior walls with 3" spray foam.
2. 0007/0008 - Corridor	7 # u o
	h
	4. Drywall ceiling
	5. Provide adequate Lighting
	6. Suspended Ceiling - Armstrong - Optima Square Lay-in panel (At existing suspended ceilings)

PLAN LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION
- EXISTING APARTMENT AREA
- EXISTING DOOR TO REMAIN
- NEW DOOR

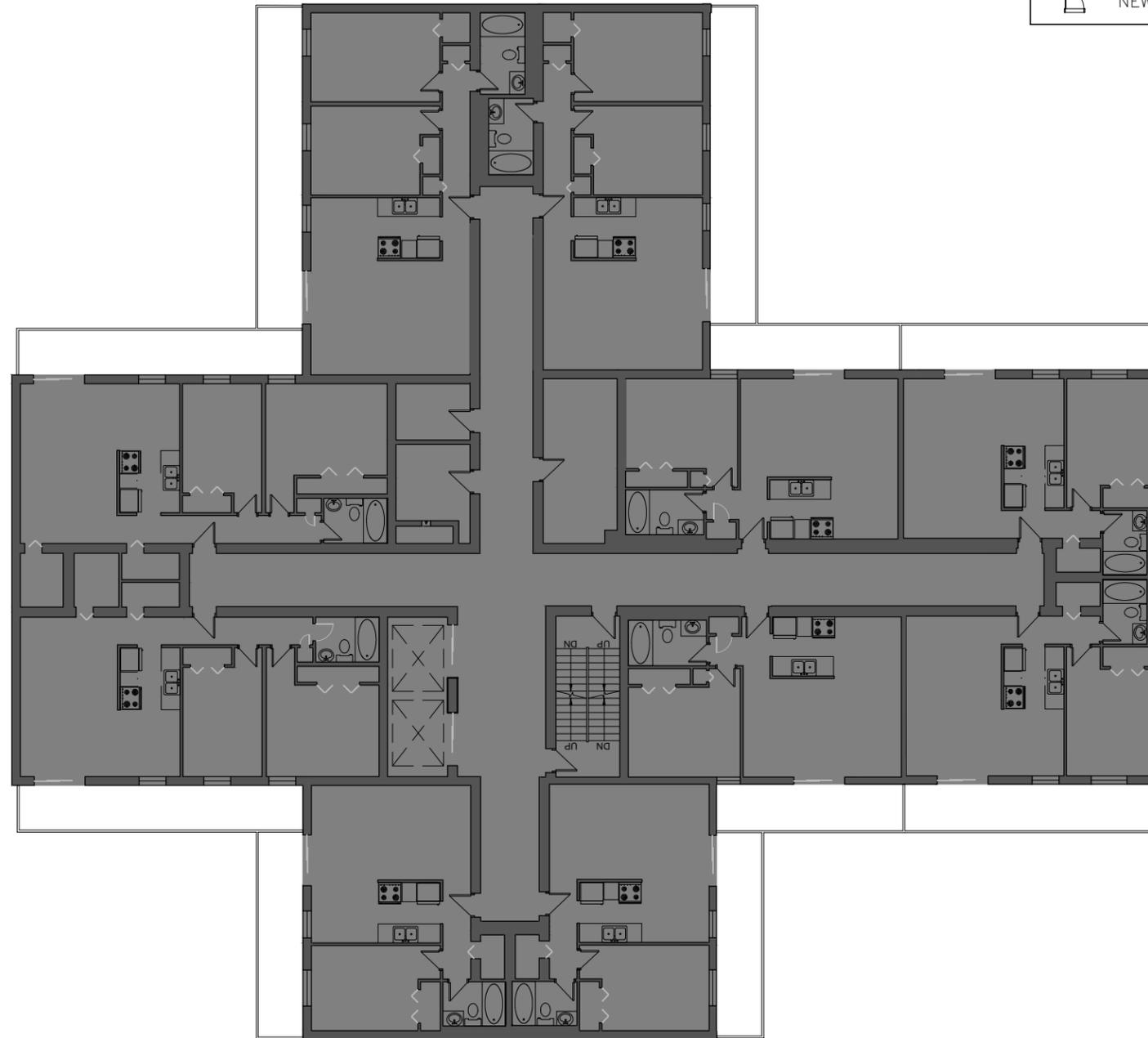


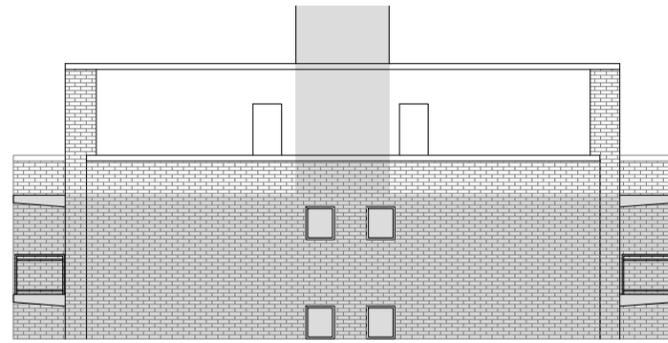
Starlight Investments John Bold Hughson Forest Block
 Apartment Infill Feasibility Study

The following is a breakdown of all the affected areas for renovation. Listed are suggested room finishes, equipment, layout options and window penetrations. All affected areas have been given a Room number corresponding to the drawings included in the feasibility Study.

PLAN LEGEND

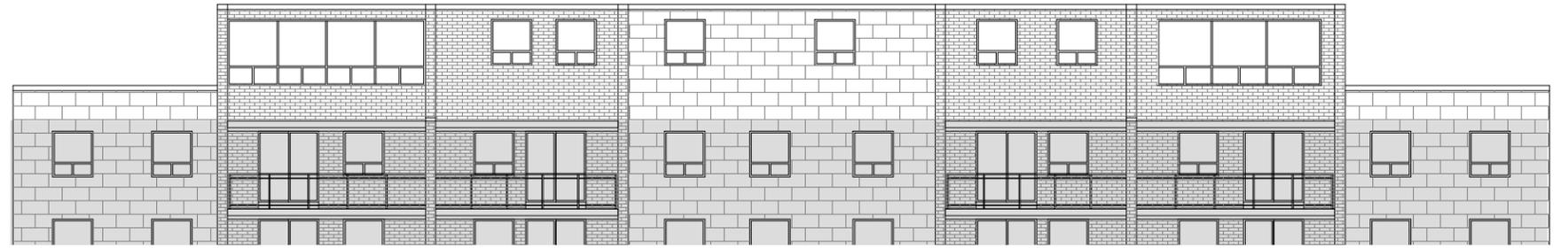
-  EXISTING
-  DEMOLITION
-  NEW CONSTRUCTION
-  EXISTING APARTMENT AREA
-  EXISTING DOOR TO REMAIN
-  NEW DOOR





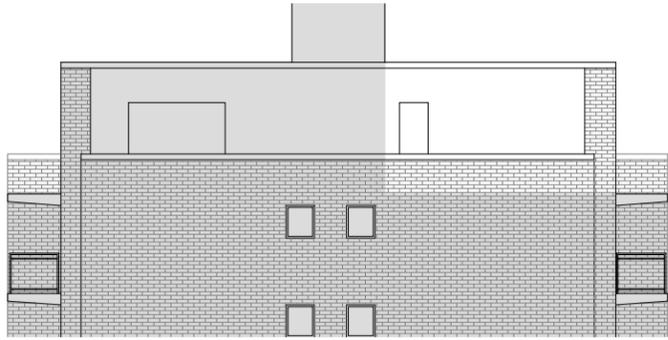
WEST ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



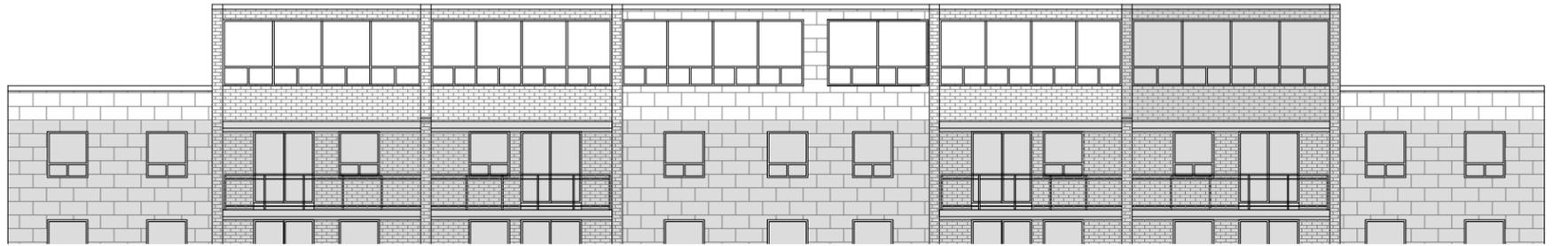
NORTH ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



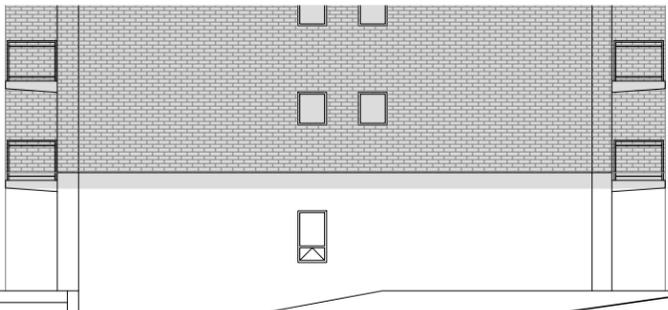
EAST ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



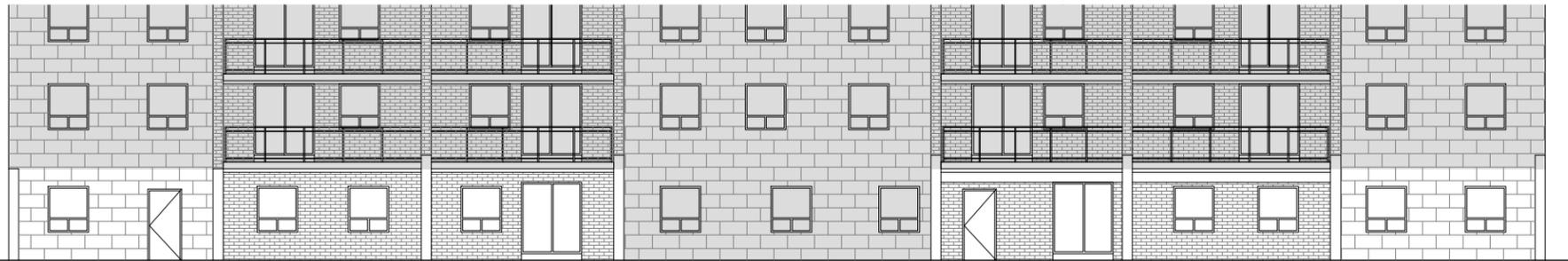
SOUTH ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



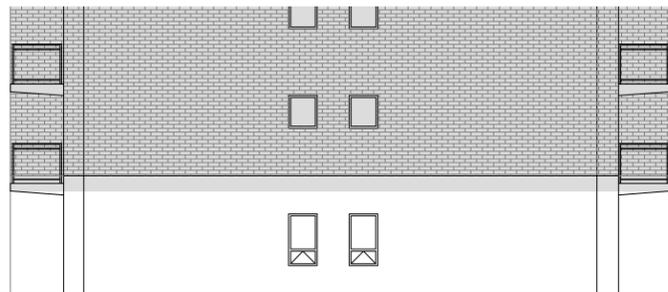
WEST ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



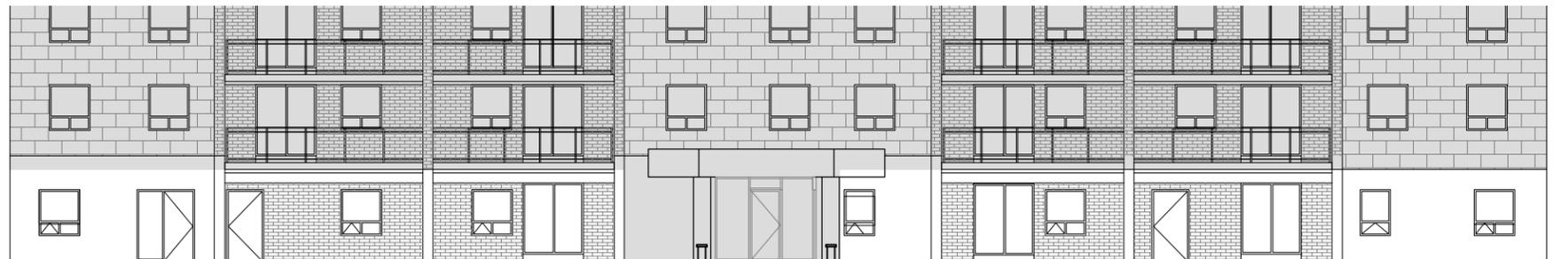
NORTH ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



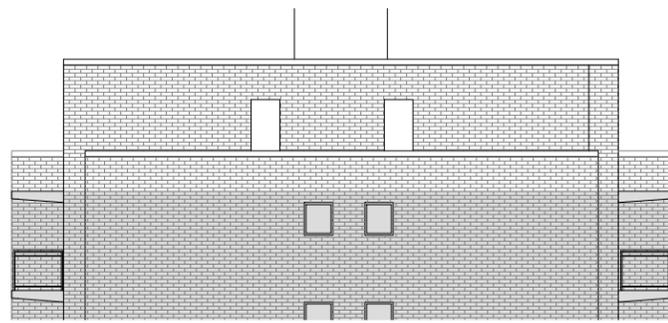
EAST ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



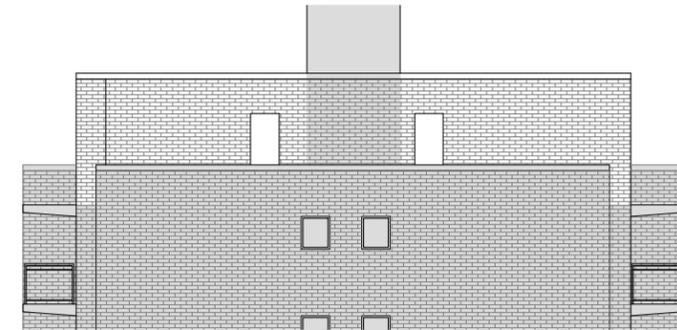
SOUTH ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



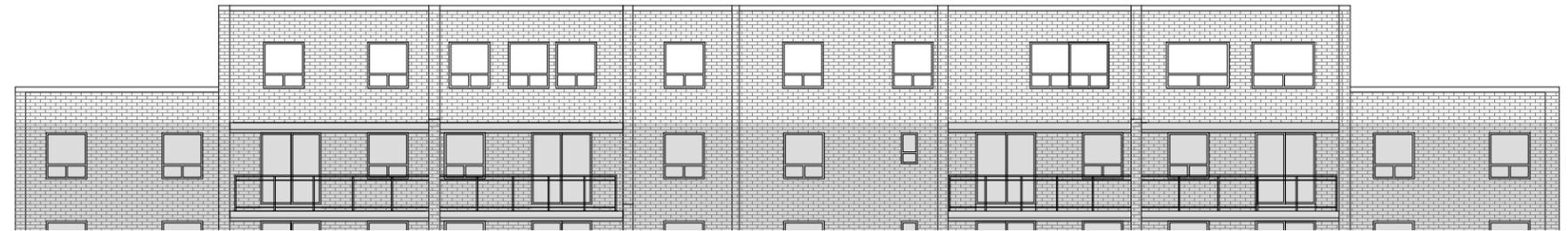
EAST ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



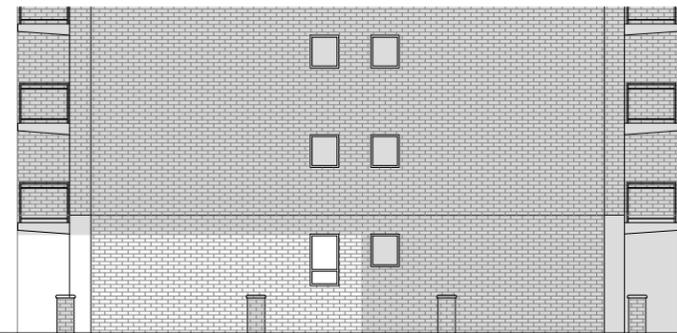
WEST ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



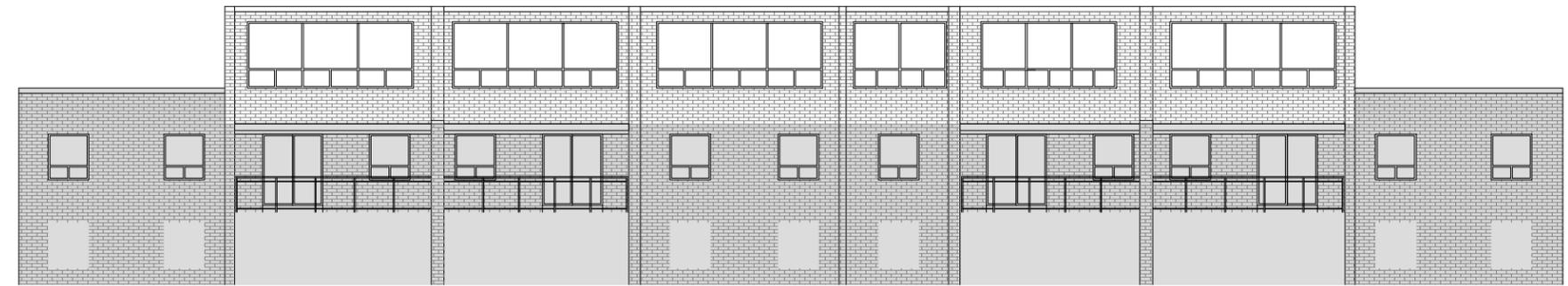
SOUTH ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



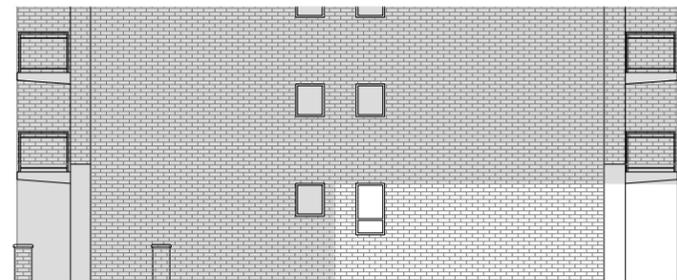
EAST ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



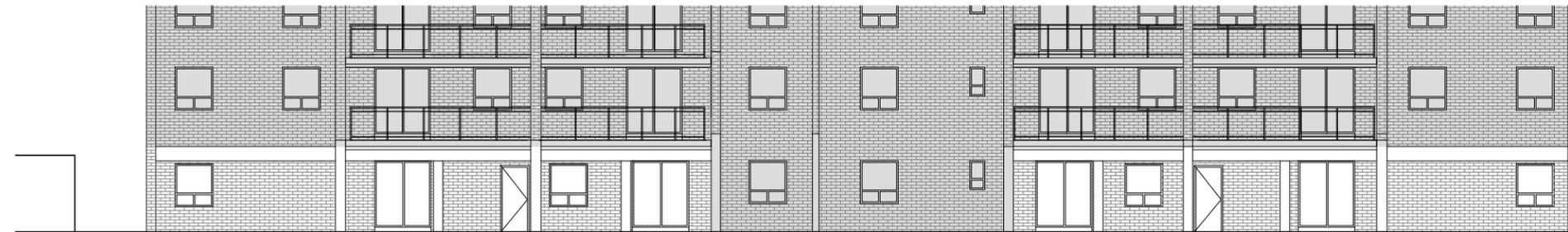
NORTH ELEVATION – PENTHOUSE

SCALE 1/16" = 1'-0"



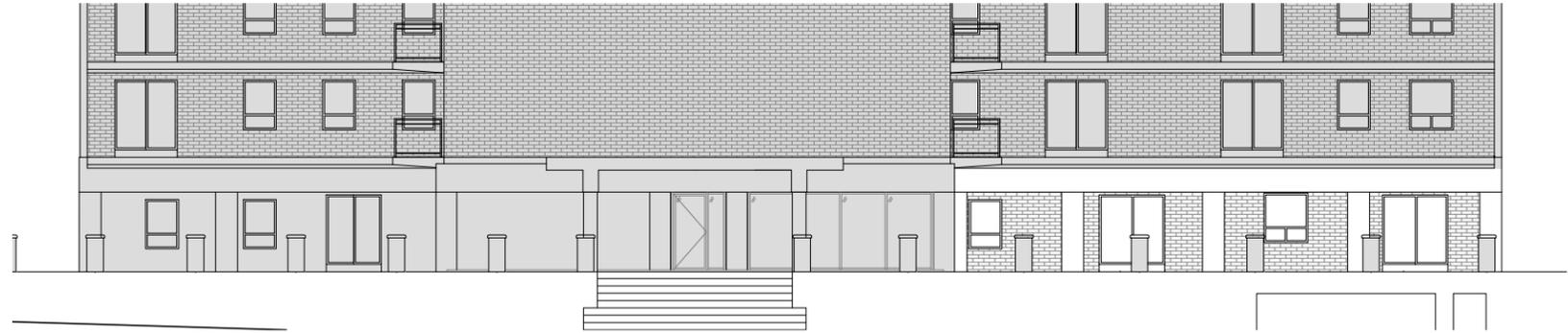
WEST ELEVATION – GROUND FLOOR

SCALE 1/16" = 1'-0"



SOUTH ELEVATION – GROUND FLOOR

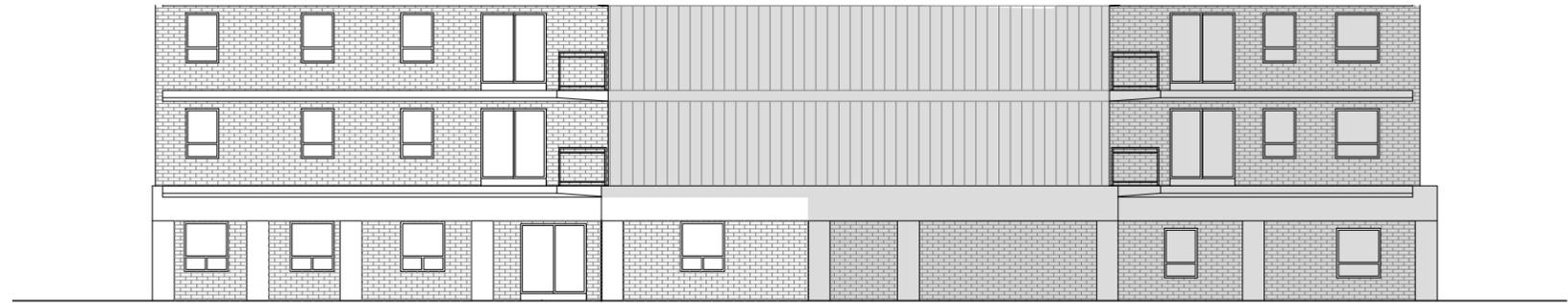
SCALE 1/16" = 1'-0"



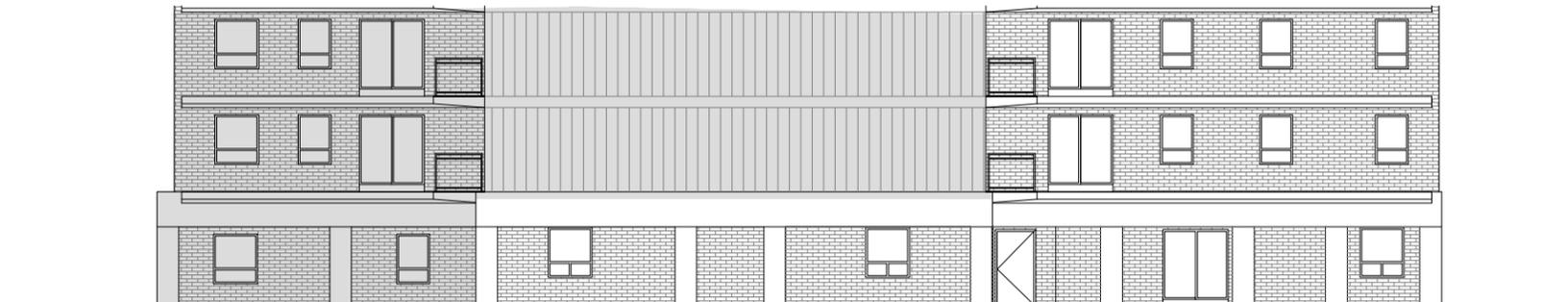
SOUTH ELEVATION – GROUND FLOOR
SCALE 1/16" = 1'-0"



NORTH ELEVATION – GROUND FLOOR
SCALE 1/16" = 1'-0"

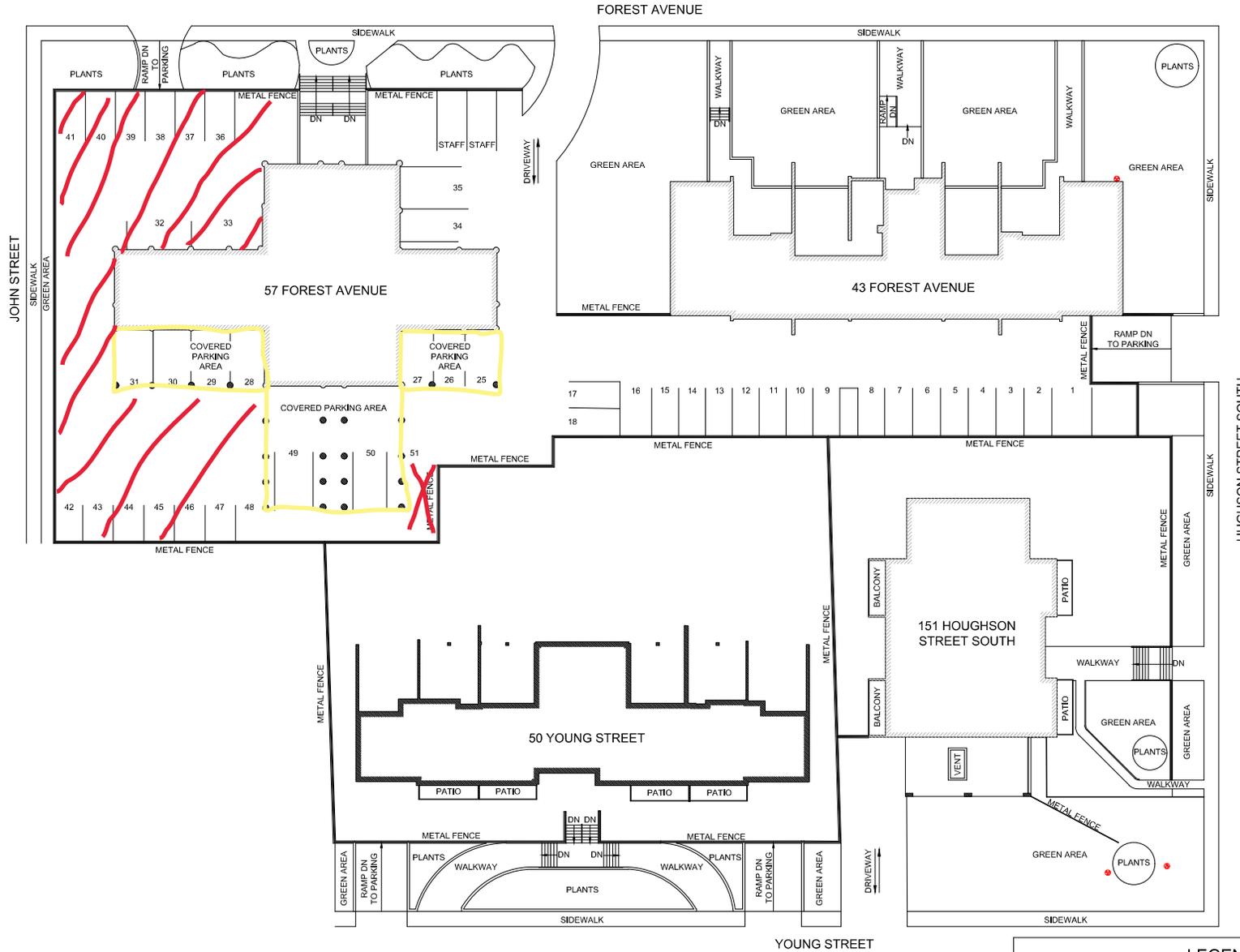


WEST ELEVATION – GROUND FLOOR
SCALE 1/16" = 1'-0"



EAST ELEVATION – GROUND FLOOR
SCALE 1/16" = 1'-0"

43&57 FOREST AVE, 50 YOUNG ST, 151 HOUGHSON ST S HAMILTON, ON



SITE PLAN

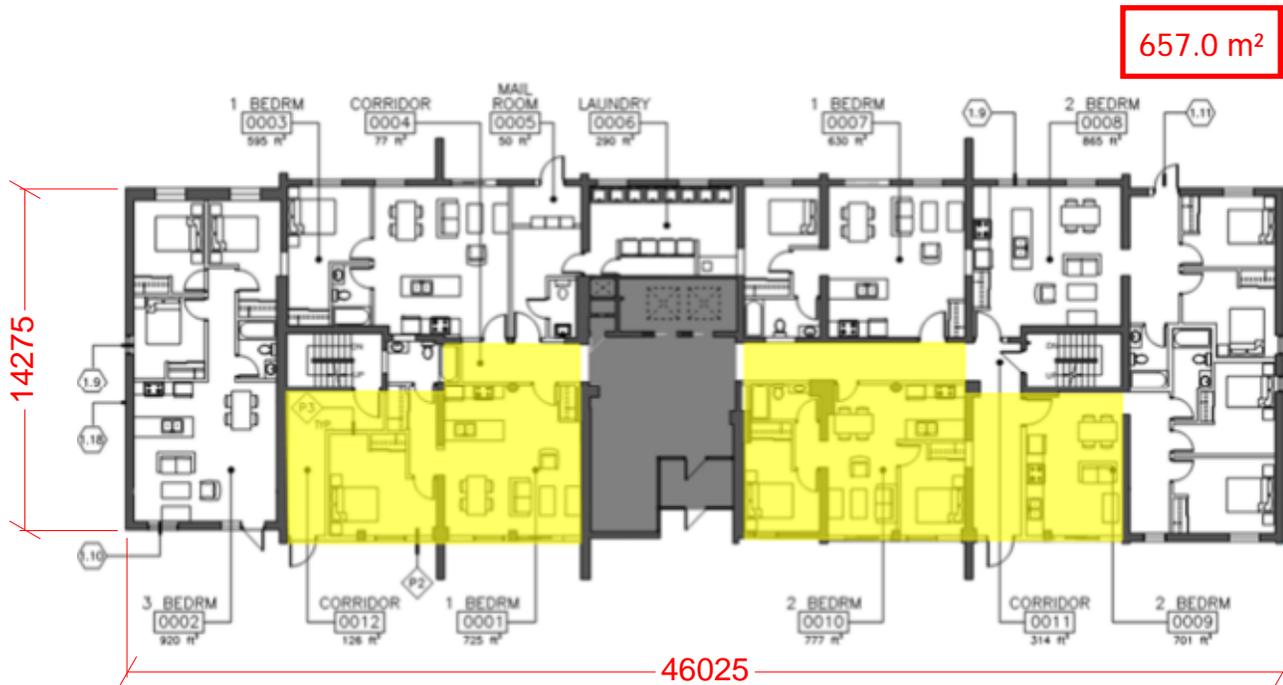
LEGEND	
	FIRE DEPARTMENT CONNECTION
	HYDRANT

FOR ILLUSTRATIVE PURPOSES ONLY.
ALL MEASUREMENTS SHOULD BE CONSIDERED APPROXIMATE.

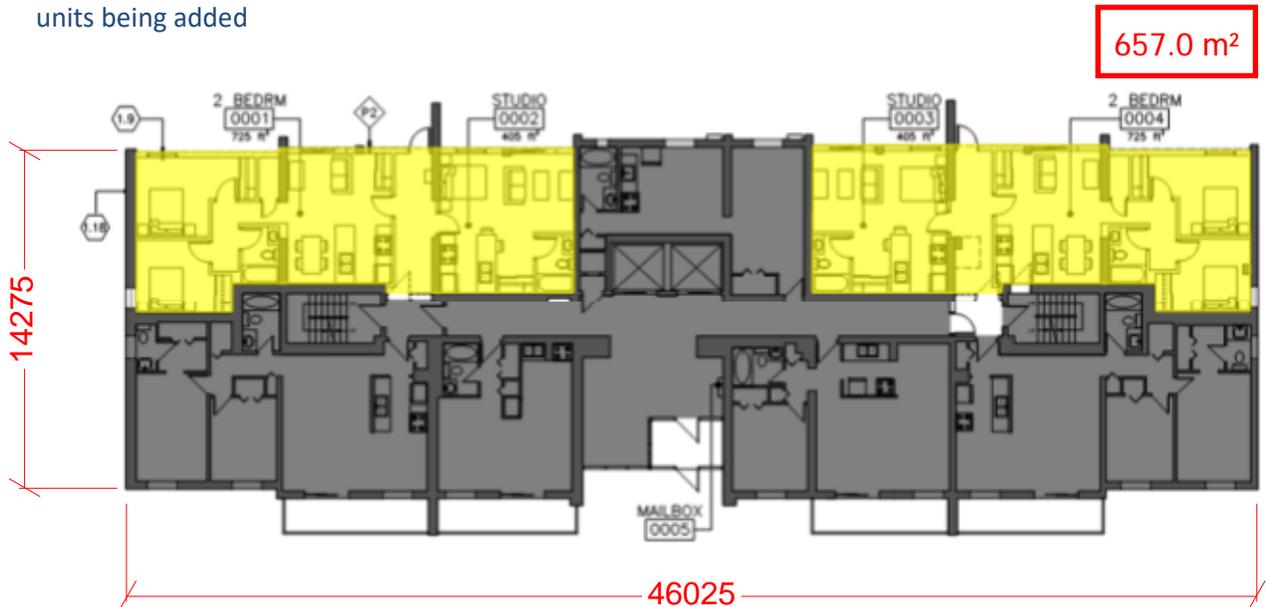
© 2020 PLANIT MEASURING®

Application for Minor Variance: Visual overview of new dwelling units being added at grade through enclosure of existing exterior areas.

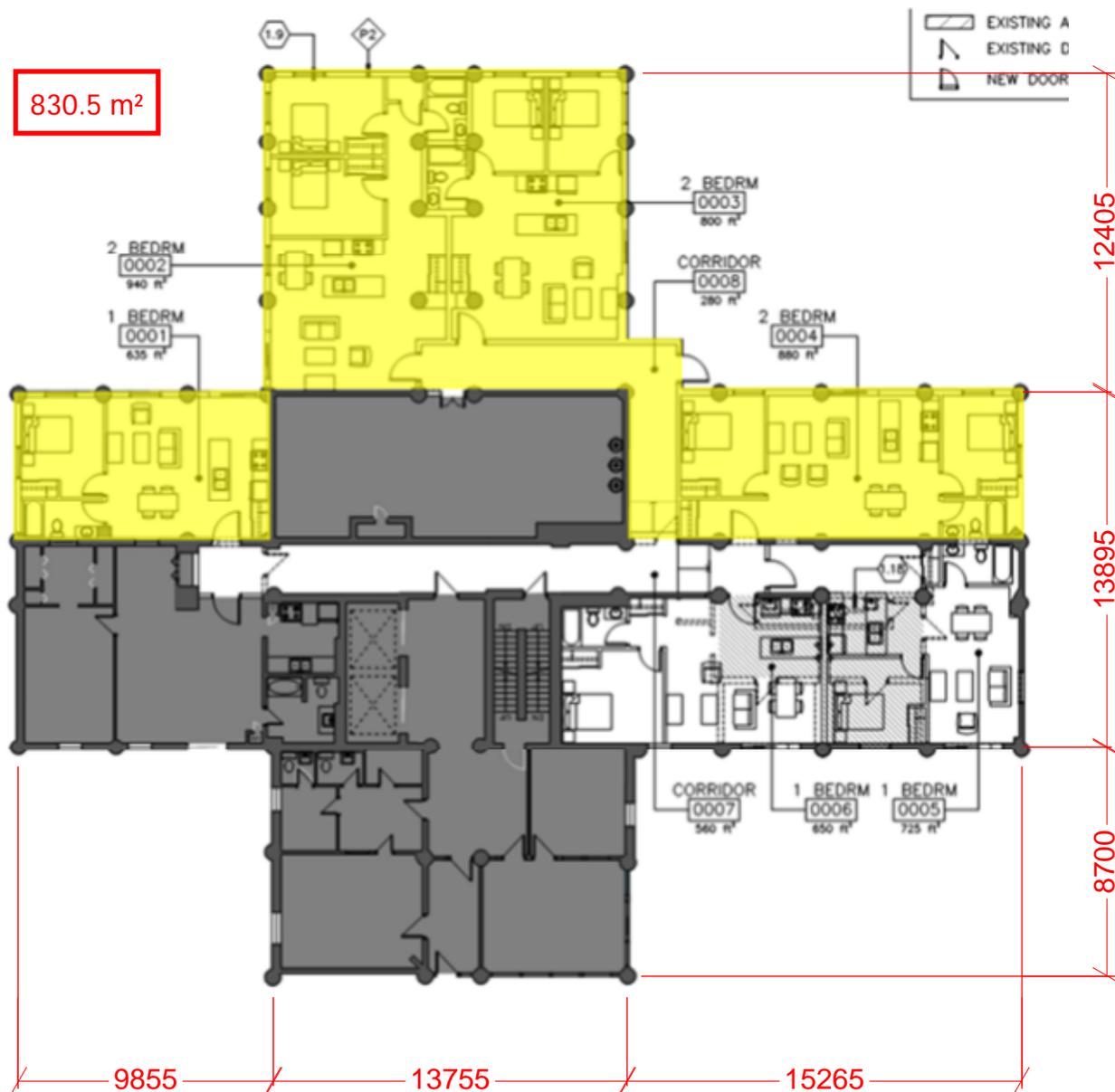
43 Forest – Highlighted in yellow are existing exterior areas to be enclosed as new dwelling units – 3 new units being added



50 Young – Highlighted in yellow are existing exterior areas to be enclosed as new dwelling units – 4 new units being added



57 Forest – Highlighted in yellow are existing exterior areas to be enclosed as new dwelling units – 4 new units being added





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	MAILING ADDRESS
Registered Owners(s)	IMH Forest - Young - Hughson Ltd.	
Applicant(s)*	Starlight Investments	
Agent or Solicitor	WEBB Planning Consultants	

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: First National Financial LP, 16 York Street, Suite 1900, Toronto ON M5J 0E6

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:

No parking shall be required for proposed additional dwelling units, and Regulation 10.5.1.1.(i)(1) shall not apply to the dwelling units being added at the existing ground floor level of the buildings

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

All buildings are existing and proposal will allow for intensification within the envelope of the established building, no ability to provide additional on site parking.

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**):

43, 57 Forest Avenue, 50 Young & 151 Hughson Street, PIN: 17173-0102(LT). Lots 168-170, 185-188, 197 George Hamilton Survey PL 1431 Hamilton; Part Lots 171, 180 George Hamilton Survey PL1431 Hamilton As In CD388370

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 8.1 to 8.10 above?

Information provided by owner and site inspection

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

05/24/2022
Date

Bart Bortkiewicz
Signature Property Owner(s)

Digitally signed by Bart Bortkiewicz
Date: 2022.05.24 14:35:12 -04'00'

Bart Bortkiewicz
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>50.0 m - John Street</u>
Depth	<u>115 m (irregular)</u>
Area	<u>8,440 sq. metres</u>
Width of street	<u>20.0 m (John Street)</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: _

Property contains 4 apartment buildings of varying heights.

Proposed

No changes to the footprint of the existing buildings

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 accompanying survey for each property

Proposed:

No changes to the footprint of the existing buildings

13. Date of acquisition of subject lands:
September 2021
-
14. Date of construction of all buildings and structures on subject lands:
50 Young: 1976, 57 Forest: 1968, 43 Forest: 1970's, 151 Hughson: 1976
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
multiple dwellings (apartment buildings)
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
retail and service commercial, institutional and multiple dwellings
-
17. Length of time the existing uses of the subject property have continued:
Since early 1970's
-
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 - Mixed Use Medium Density, no Secondary Plan in effect
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C5 - Mixed Use Medium Density, By-law 05-200
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Please refer to cover letter by WEBB Planning Consultants for a broader explanation of the development 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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.:	DN/A-22:201	SUBJECT PROPERTY:	25 ALMA STREET, DUNDAS
ZONE:	"I1" and "R2-FP" (Neighbourhood Institutional and Single-Detached Residential)	ZONING BY-LAW:	Zoning By-law Hamilton Zoning By-law 05-200 and Dundas Zoning By-law No. 3591-86, as Amended Hamilton 07-101 and Dundas 3581-86

APPLICANTS: Agent WEBB Planning Consultant
Owner HWCDSB

The following variances are requested:

1. That the portion of the school property that is currently zoned "R2-FP" may continue to be used as an outdoor play area ancillary to the existing day nursery notwithstanding that the use is not permitted in the "R2-FP" zone

PURPOSE & EFFECT: To facilitate the use of a portion of the school property to be used as an outdoor play area ancillary to an existing day nursery.

Notes:

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DN/A-22:201

DATE:	Thursday, July 14, 2022
TIME:	3:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



DN/A-22:201

DATED: June 28, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

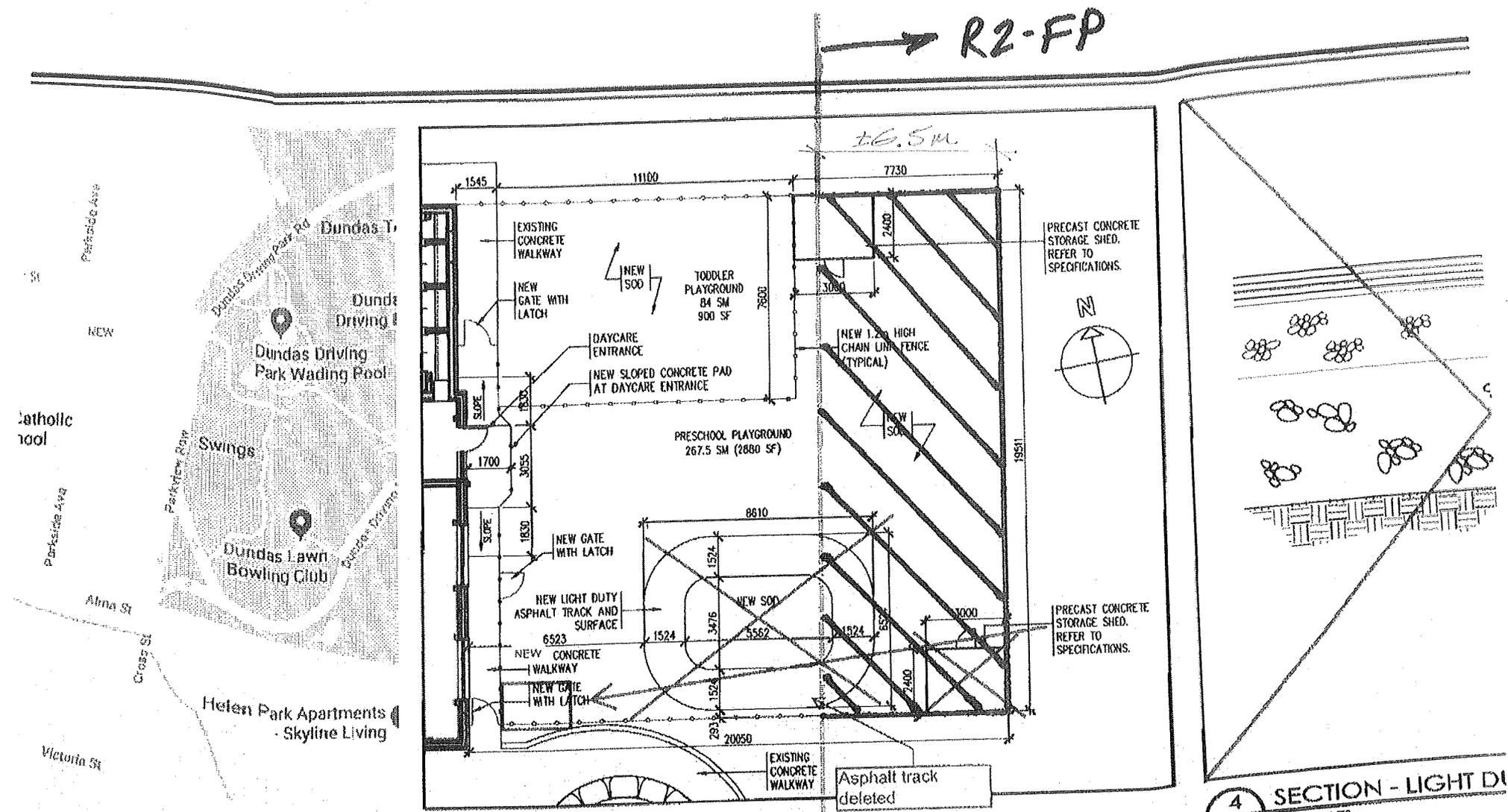
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



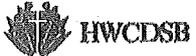
2 SITE PLAN - SCOPE OF WORK
 (A1.0) SCALE: 1:150

4 SECTION - LIGHT DUTY
 (A1.0) SCALE: NTS

→ R2-FP

→ R2-FP

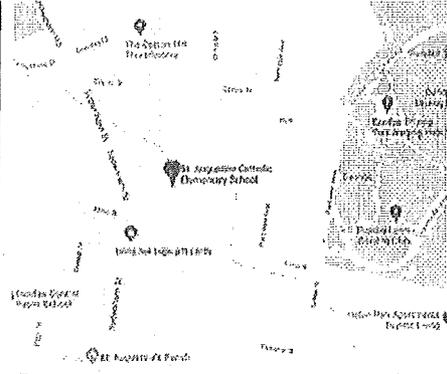
Alterations To:
**ST. AUGUSTINE CATHOLIC
 ELEMENTARY SCHOOL**
 25 Alma Street PROJECT No. 18.031



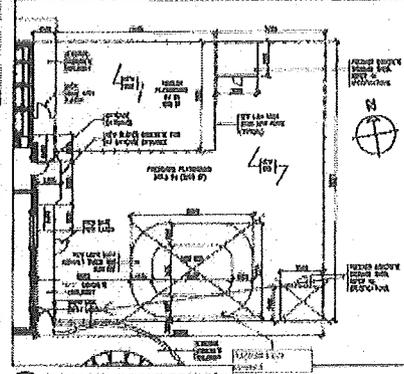
ARCHITECT:
LINTACK ARCHITECTS INC.
 244 JAMES STREET SOUTH
 HAMILTON, ONTARIO L8P 3B3
 PHONE: 905.522.6165 FAX: 905.522.2209

STRUCTURAL, MECHANICAL + ELECTRICAL ENGINEER:
MANTECON PARTNERS
 15 PONDURRY STREET
 DUNDAS, ONTARIO L9H 4V0
 PHONE: 905.644.0973 905.644.6647

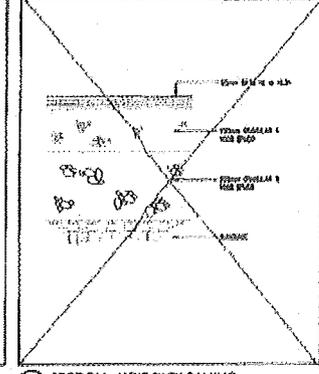
LINTACK ARCHITECTS INC.
 244 JAMES STREET SOUTH
 HAMILTON, ONTARIO
 L8P 3B3
 905-522-6165
 ST. AUGUSTINE CATHOLIC ELEMENTARY SCHOOL - HWCD SB
 RENOVATION & ALTERATION FOR CHILD CARE CENTRE AND RELOCATED
 LEARNING COMMONS
 18.031.0010 - Issued for



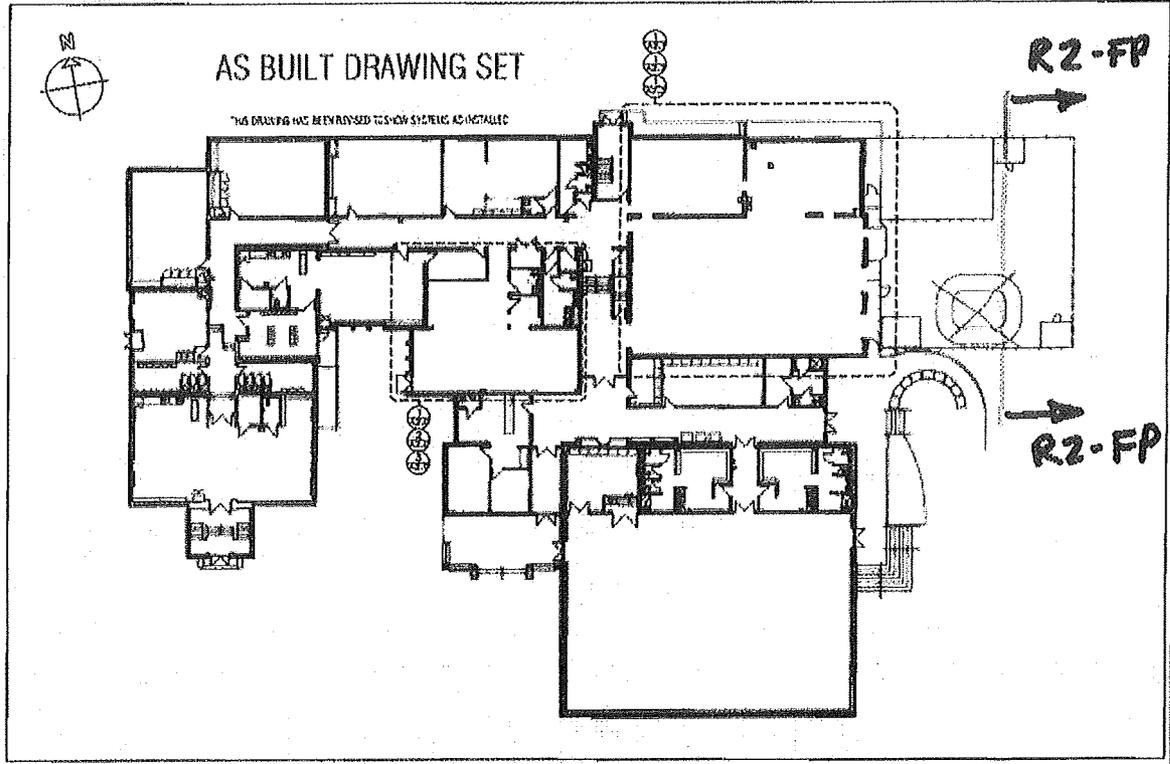
1.0 LOCATION PLAN



2.0 SITE PLAN - SCOPE OF WORK



3.0 SECTION - LIGHT DUTY PAVING



4.0 REFERENCE FLOOR PLAN

Item	Ontario Building Code Data Matrix Part II	OBC Reference
1	Project description - RENOVATION AND ALTERATION	Part 2 Part 3 Part 4 Part 5
2	Age of Building (years) 139 YEARS - (ORIGINAL BUILT) 1974	11.1 to 11.4
3	Any Additions <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if yes) date: 00	11-2.2
3a	Are Additions to Attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11.1 to 11.2
4	Demolition before: <input type="checkbox"/> R.S. <input checked="" type="checkbox"/> N/A	10.3.1.2 (b) 11.2.1.1
5	Means of Egress (M.E.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if yes) date: 00	10.3.2.2 (a) 11.2.1.1
5a	Means of Egress (M.E.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10.3.2.2 (a) 11.2.1.1
6	Number of Floors Above Grade: 3 Below Grade: 0	11.1.1.1
7	Height of Building: 1 STOREY	11.1.1.1
8	Number of Storeys/Storeys Below Grade: 3 (EXCEPT TO EGRESS)	11.1.1.1
9	Form Building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11.4.2.1 (b)
10	Structural System Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10.3.2.2 (f) 11.4.2.1
11	Completion Certificate number: N/A	10.4.1 10.4.2
12	Early Warning & Consultation System Update Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10.10.3.2.2 11.4.2.1
13	Construction Type: <input type="checkbox"/> Heavy Timber <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Masonry	10.11.2.1.1
14	Major Occupancy Classification: A2	11.2.1 10.1.1
15	Designated Level Identification: EXISTING SCHOOL (311) (additions + 18) (00) (00)	11.1.6.1
16	FBI Floor Area Measurement: N/A	10-0.1
17	FBI Area Figure: N/A	10-0.1
18	FBI Area: 1/2 x 1/2 (approx) 1/2 x 1/2 (approx)	10-0.1
19	Number of Level C Units: 0	11.1.6.1 10.3.1.2 (f)
20	Building Area (m ²): 28952 m ² 28468 m ²	11.1.2.1
21	Floor Area (m ²): 28952 m ² 28353 m ²	11.1.2.1
22a	Base Area (m ²): BASEMENT	21.1.1
22b	Base Area (m ²): TERRACE	10.8.1
23	Barriers: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10.10.3.1 11.2.1.1
24	Fire Alarm: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11.4
25	Performance Level Required: <input type="checkbox"/> Type <input checked="" type="checkbox"/> Not (if yes) option	

DRAWING LIST

NO.	DESCRIPTION	DATE
1	COVER SHEET	
2	AS BUILT DRAWING SET	
3	LOCATION PLAN	
4	SITE PLAN - SCOPE OF WORK	
5	SECTION - LIGHT DUTY PAVING	
6	REFERENCE FLOOR PLAN	
7	GENERAL NOTES	
8	CONSTRUCTION DETAILS	
9	MEANS OF EGRESS	
10	MEANS OF EGRESS	
11	MEANS OF EGRESS	
12	MEANS OF EGRESS	
13	MEANS OF EGRESS	
14	MEANS OF EGRESS	
15	MEANS OF EGRESS	
16	MEANS OF EGRESS	
17	MEANS OF EGRESS	
18	MEANS OF EGRESS	
19	MEANS OF EGRESS	
20	MEANS OF EGRESS	
21	MEANS OF EGRESS	
22	MEANS OF EGRESS	
23	MEANS OF EGRESS	
24	MEANS OF EGRESS	
25	MEANS OF EGRESS	

**LINTACK ARCHITECTS
 INCORPORATED**
 244 JAMES STREET SOUTH
 HAMILTON, ONTARIO L8P 3B3
 PHONE: 905.522.6165 FAX: 905.522.2209



ALTERATIONS TO:
St. Augustine Elementary School
 HWCD SB
 25 Alma Street
 Hamilton, Ontario



Job no. 18.031
 Date: FEB 2011

Drawn by: JH
 Scale: AS NOTED
 Date: FEB 2011
 Drawn by: JH
COVER SHEET
OBC MATRIX
SITE PLAN

Drawn by: JH
 Scale: AS NOTED
 Date: FEB 2011
 Drawn by: JH
COVER SHEET
OBC MATRIX
SITE PLAN



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	MAILING ADDRESS
Registered Owners(s)	Hamilton Wentworth Catholic District School Board	[REDACTED]
Applicant(s)*	Hamilton Wentworth Catholic District School Board	
Agent or Solicitor	WEBB Planning Consultants	

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:

To permit a portion of the school property that is currently zoned as R2-FP to continue to be used as an outdoor play area ancillary to the permitted uses on the adjoining lands
Zoned as Neighbourhood Institutional

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Existing playground partially extends into portion of site zoned as R2-FP

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**):

25 Alma Street, Town of Dundas

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other Subject lands in use as outdoor play area since acquisition and merging of title

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 8.1 to 8.10 above?

Site inspection, discussion with property owner

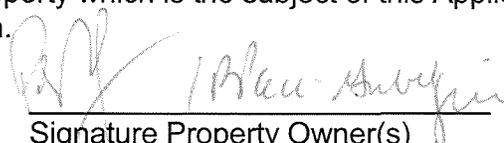
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

May 25 / 22
Date


Signature Property Owner(s)

P. Daly/ P. Pace-Gubekjian
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>86 metres (Alma Street)</u>
Depth	<u>Apx. 90 metres (irregular)</u>
Area	<u>1.01 ha</u>
Width of street	<u>20.0 metres (Alma Street)</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 storey catholic elementary school, measured building height of 10.1 metres

Proposed

No changes to the existing building are proposed

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

Existing:

FY: 27.8 m (Alma Street), RY: 9.0 m, East SY: 15.0 m, West SY: 7.5 m

Proposed:

No changes to the existing building are proposed

13. Date of acquisition of subject lands:
In excess of 75 years, R2-FP portion added in 1959
14. Date of construction of all buildings and structures on subject lands:
In excess of 50 years for original building, Gymnasium addition completed 2006
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Catholic Elementary School with integrated day care
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
primarily low density residential, mix of single detached and multiple dwellings
17. Length of time the existing uses of the subject property have continued:
In excess of 75 years
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:
UHOP - Neighbourhoods, No Secondary Plan in effect
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Dual Zoning - I1 per By-law 05-200 and R2-FP - Dundas ZBL 3581-86
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
- Please refer to cover letter for broader explanation of the proposed Variance to recognize the use of the existing outdoor play area associated with the day care use.
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

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-22:217	SUBJECT PROPERTY:	619 CENTRE ROAD, FLAMBOROUGH
ZONE:	“R6-27 and R6-27(H)” (Medium Density Residential)	ZONING BY-LAW:	Zoning By-law 90-145-Z, as Amended 13-051

APPLICANTS: Agent WEBB Planning Consultants
Owner Parkside Hills Inc.

The following variances are requested:

1. One (1) required parking space shall be permitted to be located in the minimum required front yard, instead of the requirement that in all Residential zones, the required parking spaces shall be prohibited within the required front yard.
2. An access driveway with two-way vehicular movement shall be permitted to have a minimum unobstructed width of 6.0 metres, instead of the minimum 6.4 metres required.

PURPOSE & EFFECT: To facilitate the construction of 110 maisonette dwelling units and 26 townhouse units.

Notes:

1. The proposed development 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. The requested variances are required to facilitate Site Plan Application No. DA-17-120. Please note that a full zoning compliance review was completed as part of the Site Plan Approval process for Site Plan Application No. DA-17-120, and therefore a complete review of the proposal has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

FL/A-22:217

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

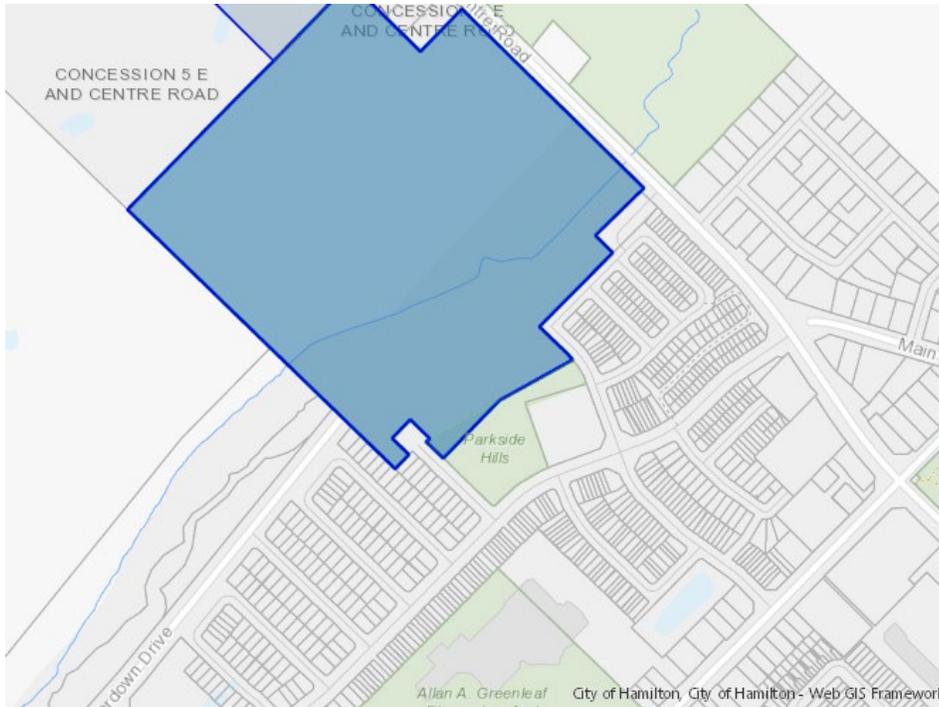
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FL/A-22:217



 Subject Lands

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

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

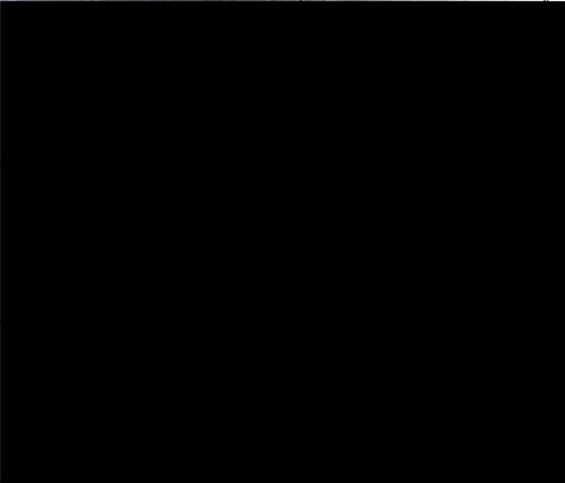
APPLICATION FOR A MINOR VARIANCE

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	MAILING ADDRESS
Registered Owners(s)	Parkside Hills Inc.	
Applicant(s)*	Parkside Hills Inc.	
Agent or Solicitor	WEBB Planning Consultants	

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:

Per Section 5.21.5(a) of By-law 90-145-Z to permit one required parking space in required front yard, Per Section 5.21.6(b) of By-law to permit a two way private roadway whereas the By-law requires 6.4 metre width

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Parking Variance necessitated by requirement to provide two parking spaces and By-law does not recognize tandem parking, drive aisle width at 6.0 metres is consistent with other Zoning By-laws including new comprehensive By-law 05-200

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 8 of proposed M-Plan, part of 619 Centre Road, Part of Lot 8 Concession 4, Township of East Flamborough

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 8.1 to 8.10 above?
 Site inspection, discussion with property owner

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 1/2022
 Date

[Signature]
 Signature Property Owner(s)
 John G. Nesbitt
 Print Name of Owner(s)

10. Dimensions of lands affected:
 Frontage 71.07 metres - White Gates Drive
 Depth 199 metres (irregular)
 Area 2.403 ha
 Width of street 20.0 metres (white gates)

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:
 None - lands are vacant

Proposed
 total of 136 dwelling units - 26 block townhouses and 110 back-to-back townhouses, maximum height of 3 storeys, parking comprised of garage & driveway parking for each unit plus visitor parking. Total coverage of dwellings 8,444 square metres

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

Existing:
 None - lands are vacant

Proposed:
 FY: 5.8 to attached garage and 4.5 to facade, RY: 5.0 m min, Int SY: 5.0 min, Ext SY: 14.0

13. Date of acquisition of subject lands:
Prior to 2000
14. Date of construction of all buildings and structures on subject lands:
N/A - lands are vacant
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
N/A - lands are vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
mix of residential dwelling types, munic park, water tower, SWM
17. Length of time the existing uses of the subject property have continued:
In excess of 20 years
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected pending
Sanitary Sewer yes Connected pending
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Volume 1 - Neighbourhoods, Sec Plan: Medium Density Residential 3
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R6-27 & R6-27(H), Town of Flamborough ZBL 90-145-Z
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
ZBA - ZAC-10-011
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Please refer to cover letter prepared by WEBB Planning Consultants
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.



June 16, 2022

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 – Parkside Hills Inc.
619 Centre Road, Waterdown, City of Hamilton

WEBB Planning Consultants are retained by Parkside Hills Inc. to co-ordinate the municipal planning approvals required to facilitate the development of the Parkside Hills Plan of Subdivision located in North Waterdown.

The municipal planning approvals to implement planned development were approved by the OMB in January 2013 pursuant to a negotiated settlement with the City, approvals including Draft Plan of Subdivision, Official Plan and Zoning Bylaw amendments. The Phase I portion of the development is now Registered and built out with a mix of housing forms. The owner is now proceeding to Register the Phase II portion of the Subdivision which provides for a mix of residential dwelling types and densities, a mixed use block, municipal infrastructure including a centralized stormwater management facility and the Waterdown By-pass.

In keeping with the intent of the North Waterdown Secondary Plan, the owners have submitted an Application for Site Plan Approval for Block 10 of the Phase II Draft Plan (Block 8 of the draft M-Plan – see attached). The Site Plan proposes development of the Block for a total of 136 townhouse dwellings, comprised of 26 block townhouses and 110 back-to-back townhouses to be developed as a Plan of Condominium. Access to the development block are provided by driveway connections to the two adjoining municipal streets – Cole Street and Whites Gates Drive with a small number of units having direct driveway access onto these local streets.

The Site Plan was appealed to the Local Planning Appeals Tribunal on the basis of a non-decision and subsequently granted approval pursuant to an agreed upon settlement with City staff. Assigned the File No. DA-17-120, the Application for SPA was granted Conditional SPA with the City issuing Conditions of Approval and red-lined Site Plan and Elevation Plans confirming approval in principle of the development proposal.

In granting Conditional approval of the Site Plan it was acknowledged that Variances from the Regulations of Town of Flamborough Zoning By-law 90-145-Z are necessary to implement the proposal, as identified below:

1. To modify Section 5.21.5 (a) of the By-law to permit one (1) required parking space located within the required front yard whereas the By-law prohibits required parking spaces within the required front yard or required side yard, and;
2. To modify Section 5.21.6 (b) of the By-law to permit a minimum width of 6.0 metres for a private two way road whereas the By-law requires a minimum width of 6.4 metres for a private two way road.

Variance 1 applies to the proposed townhouse dwellings that will front onto Cole Street and White Gates Drive, units that are designed to orient and connect to the abutting public street in keeping with the intent of the Urban Design Policies of the Secondary Plan and the Urban Design Guidelines adopted to guide development of the Parkside Hills Draft Plan.

The Site Specific Zoning By-law requires a minimum of two (2) parking spaces per dwelling unit, one of which will be located on the driveway and the second within the enclosed garage. The design solution to accommodate the required parking implements the desired urban form yet necessitates the Variance as the driveway space is deemed to be part of the required front yard notwithstanding that this exact condition was approved for the street townhouses within Phase One of the Parkside Hills development.

Variance 2 is necessary to recognize the proposed width of the private streets within the townhouse development which are proposed to have a minimum width of 6.0 metres whereas the Flamborough ZBL requires a width of 6.0 metres. It is noted that the street width of the Flamborough By-law exceeds the standards set forth in the Zoning By-laws of the other former municipalities which consistently require a width of 6.0 metres. This consistency is recognized by the Parking Regulations of the City's new Comprehensive Zoning By-law which requires a 6.0 drive aisle width. The 6.4 metre width is an anomaly and has been modified on a site specific basis on numerous occasions to match the City-wide standard 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 our opinion comply in all respects.

In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Copy of Draft M-Plan illustrating Phase II Lands & Block 8;
- Application Fee of \$3,465.00 payable to the City of Hamilton;
- Site Plan, prepared by Jansen Consulting.

Attn.: Ms. Jamila Sheffield
Re: Application for MV, 619 Centre Road

June 16, 2022
Page 3

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.

A handwritten signature in black ink, appearing to read "James Webb", written in a cursive style.

James Webb, MCIP, RPP

cc: Core Urban Inc.
Lintack Architects



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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/B-22:62	SUBJECT PROPERTY:	28 SECOND ROAD W, STONEY CREEK
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APPLICANTS: Agent A.J. Clarke & Associates – S. Fraser
Owner MJ Drywall & Stucco

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes. The existing dwelling located on the property will be demolished.

	Frontage	Depth	Area
SEVERED LANDS:	16.76 m [±]	46.54 m [±]	780.2 m ^{2±}
RETAINED LANDS:	15.24 m [±]	46.54 m [±]	709.3 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	3:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca

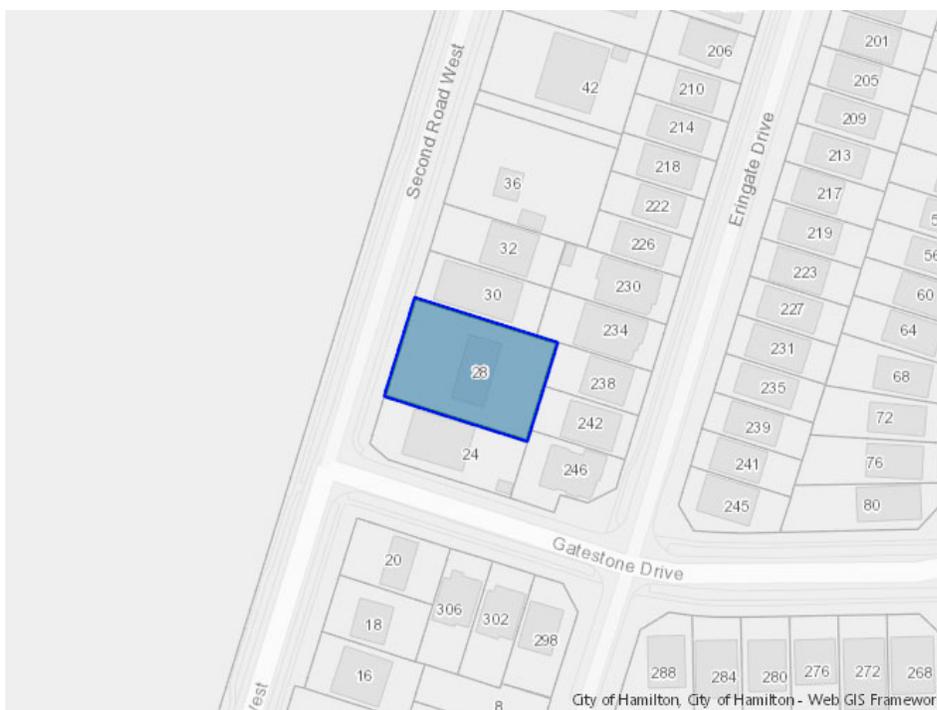
SC/B-22:62

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or by attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



DATED: July 12, 2022

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, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

SC/B-22:62

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

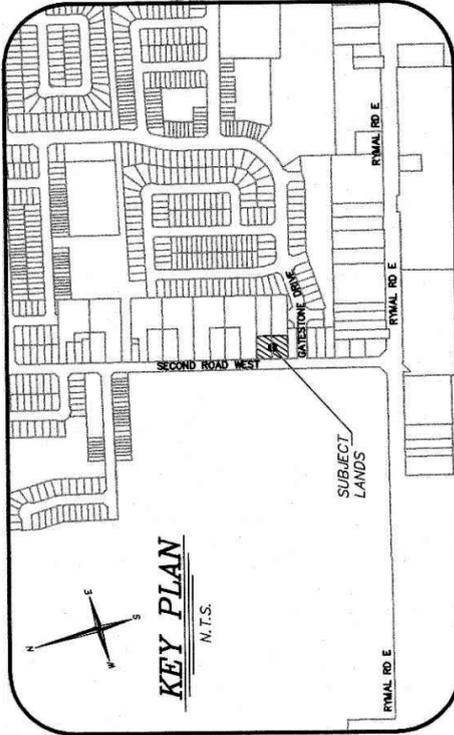
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SKETCH OF
PART OF LOT 28, CONCESSION 8
 (GEOGRAPHIC TOWNSHIP OF SALT FLEET)
CITY OF HAMILTON

SCALE 1:300

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

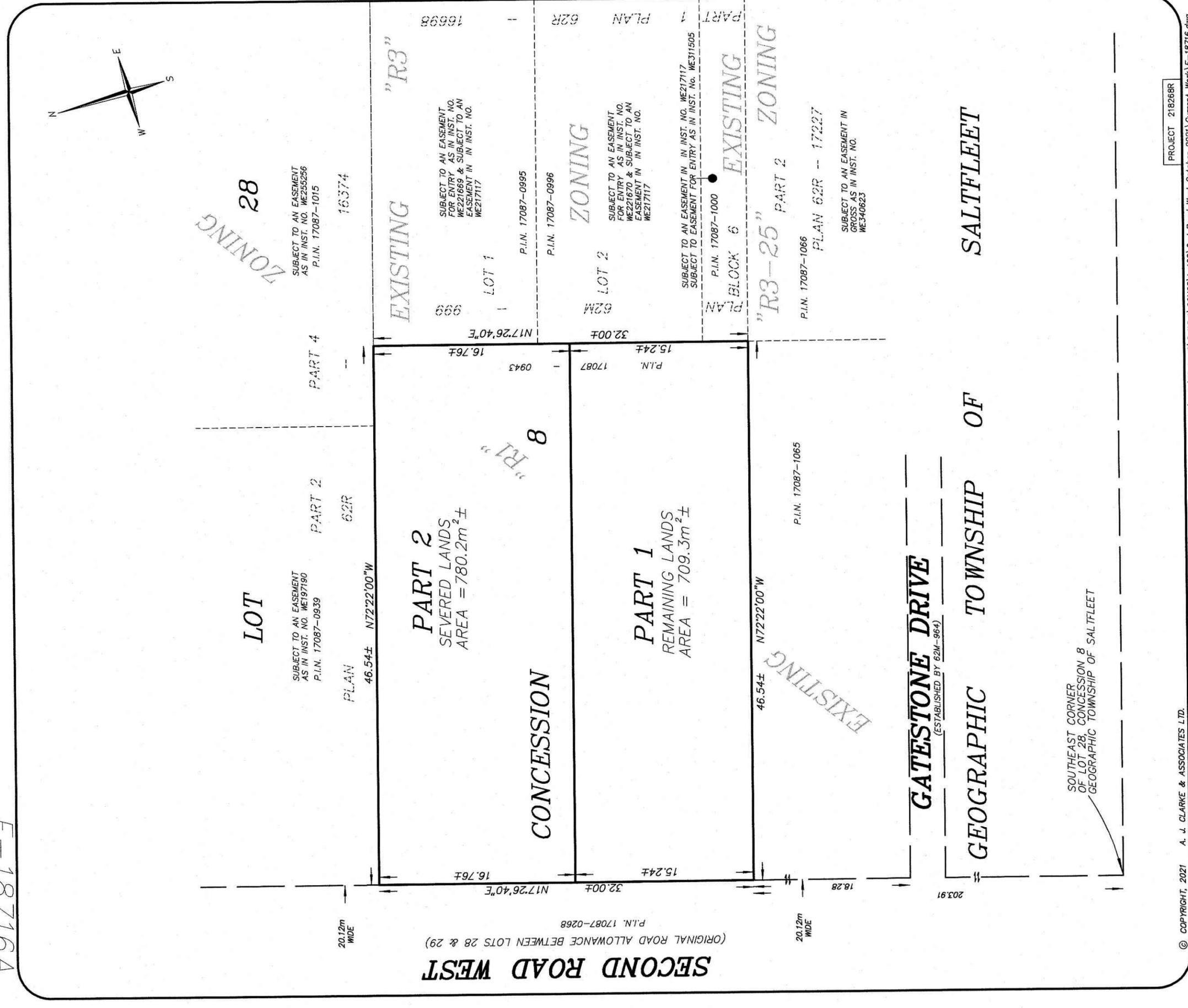
NOTE:
 THIS PLAN IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

NOVEMBER 4, 2021
 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





A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

June 7, 2022

The City of Hamilton
 Committee of Adjustment
 Planning and Economic Development Department
 71 Main Street West, 5th Floor
 Hamilton, Ontario
 L8P 4Y5

Delivered via e-mail

Attn: Ms. Jamila Sheffield
 Secretary-Treasurer, Committee of Adjustment

**Re: Severance Application Submission
 28 Second Road West, Stoney Creek**

Dear Madam,

On behalf of our client, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,985.00 made payable to the City of Hamilton, in payment of the requisite application fees;
2. One (1) Electronic copy of the filled and signed Severance (Consent) Application Form;
3. One (1) Electronic copy of a Severance Sketch, Prepared by A.J. Clarke and Associates Ltd., dated November 4, 2021;

The proposed development consists of a severance application to sever one parcel of land into two (2) separate lots at 28 Second Road West, in Stoney Creek. The proposed retained and severed parcels are identified as Parts 1 & 2, respectively on the enclosed severance sketch. Currently, there exists a single-detached dwelling on the subject lands which is intended to be demolished to facilitate the proposed redevelopment. The resultant lots are as follows:

Proposed Lot	Frontage	Area
Part 1	± 15. 24m	± 709. 3m ²
Part 2	± 16. 76m	± 780. 2m ²



Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. The “Neighbourhoods” designation permits single-detached dwellings. Further, the “Neighbourhoods” designation encourages intensification that is compatible with the lot fabric found in the existing neighbourhood.

Chapter F of the UHOP outlines the applicable policies for residential intensification within the Neighbourhoods designation, specifically relating to lot creation.

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- 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.*

Accordingly, the proposed lots have frontage onto a public road, are municipally serviced and comply with the intent of the policies within the UHOP, including managing appropriate intensification within the “Neighbourhoods” designation.

The proposed lots are consistent with the general lot fabric of the neighbourhood and can facilitate the construction of single-detached dwellings which are compatible with the neighbourhood. Upon approval of the subject applications, the existing dwelling will be demolished, and single-detached dwellings will be erected upon each lot.

West Mountain (Heritage Green) Secondary Plan

The subject lands are located within the West Mountain (Heritage Green) Secondary Plan Area and further designated “Low Density Residential 2b” on Land Use Plan Map B.7.6 -1.

The “Low Density Residential 2b” designation permits single detached dwellings having a maximum density of 29 units per net residential hectare. Accordingly, the proposal would achieve a density of approximately 13.4 units per hectare (2 total units, 0.149 ha), as such the proposal would conform to the West Mountain (Heritage Green) Secondary Plan.

Based on the foregoing, the severance conforms to the Urban Hamilton Official Plan and West Mountain (Heritage Green) Secondary Plan, including the policies which speak to facilitating a compatible form of intensification within the neighbourhoods.



City of Stoney Creek Zoning By-law 3692-92

The property is zoned “R1 – Single Residential – One” in the City of Stoney Creek Zoning By-law 3692-92. The current zone permits single-detached dwellings.

The regulations of the “R1” Zone are as follows:

Regulation	Requirement
Minimum Lot Area (interior lot)	600 square metres
Minimum Lot Frontage (interior lot)	18.0 metres

The proposed severance and resulting lots conform to the lot area provisions of the “R1” Zone in the City of Stoney Creek Zoning By-law 3692-92. The proposed lots are slightly deficient for lot frontage and a minor variance will require approval as a condition of consent approval.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled for the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP
Principal Planner
A.J. Clarke and Associates Ltd.

Encl.

Copy: MJ Drywall & Stucco Ltd. c/o Ivica Stanic



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 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.:
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1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone: E-mail:
Registered Owners(s)	MJ Drywall & Stucco Ltd. c/o Marijan Stanic		
Applicant(s)**	same as owner		
Agent or Solicitor	A.J. Clarke and Associates Ltd. c/o Stephen Fraser		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.3 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot Pt lot 28	Concession 8	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 28 Second Road West, Stoney Creek			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:

N/A

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
 addition to a lot
 an easement

Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also 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 (lease, easement, charge etc.):**

Frontage (m) +/- 16.76 m	Depth (m) +/- 46.54 m	Area (m ² or ha) +/- 780.2 sq. m
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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: Single Detached Dwelling

Proposed: Single Detached Dwelling

Existing structures to be removed: Existing 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 (remainder)**:

Frontage (m) +/- 15.24	Depth (m) +/- 46.54	Area (m ² or ha) 709.3 sq. m
---------------------------	------------------------	--

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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: Single Detached Dwelling

Proposed: Single Detached Dwelling

Existing structures to be removed: Existing 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)

4.3 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): Neighbourhoods (Schedule E-1 UHOP)

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

See attached cover letter.

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? Existing Zoning is "R1- Single Residential - One" Subject lands not covered by a Minister's Zoning Order

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"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

*Complete MDS Data Sheet if applicable

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?

Online mapping and property owner information

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

See attached Cover Letter.

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

See attached Cover Letter.

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

See attached Cover Letter.

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

N/A

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?

Unknown

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.

N/A

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 N/A Status N/A

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.

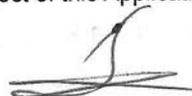
See attached Cover Letter.

12 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.

June 2, 2022

 Date



 Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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.:	DN/A-22:210	SUBJECT PROPERTY:	15 MCKAY ROAD
ZONE:	"R2" (Single-Detached Residential Zone)	ZONING BY-LAW:	Zoning By-law 3581-86, as Amended Click or tap here to enter text.

APPLICANTS: Owners G. Landon & L. Florek

The following variances are requested:

1. An uncovered porch shall be permitted to be located as close as 2.1m from the street lot line instead of the minimum required 4.0m setback from the street lot line.

PURPOSE & EFFECT: To facilitate the construction of an uncovered front porch for the existing single detached dwelling.

Notes:

The applicant shall ensure that a minimum of 50.0% of the front yard shall be maintained as landscaping. Otherwise, further variances shall be required.

The applicant shall ensure that that the requested variance is correct. No survey was submitted with this application.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DN/A-22:210

DATE:	Thursday, July 28, 2022
TIME:	3:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeefadjustment

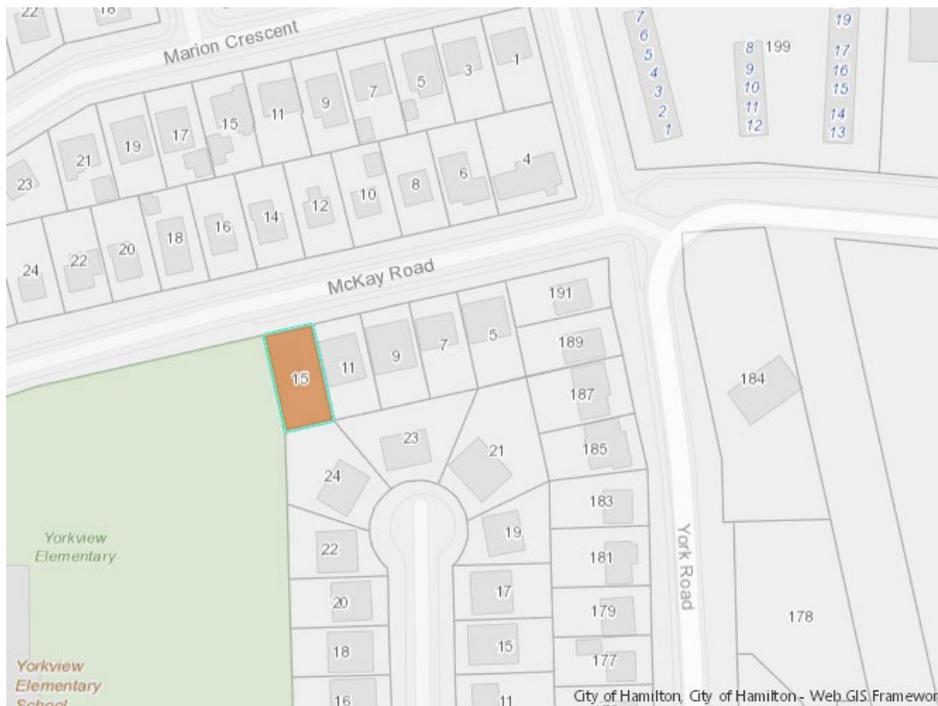
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeefadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
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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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 Subject Lands

DN/A-22:210

DATED: July 12, 2022

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, and may include posting electronic versions.



Hamilton

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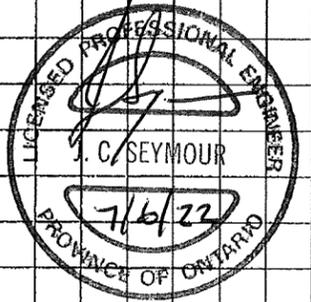
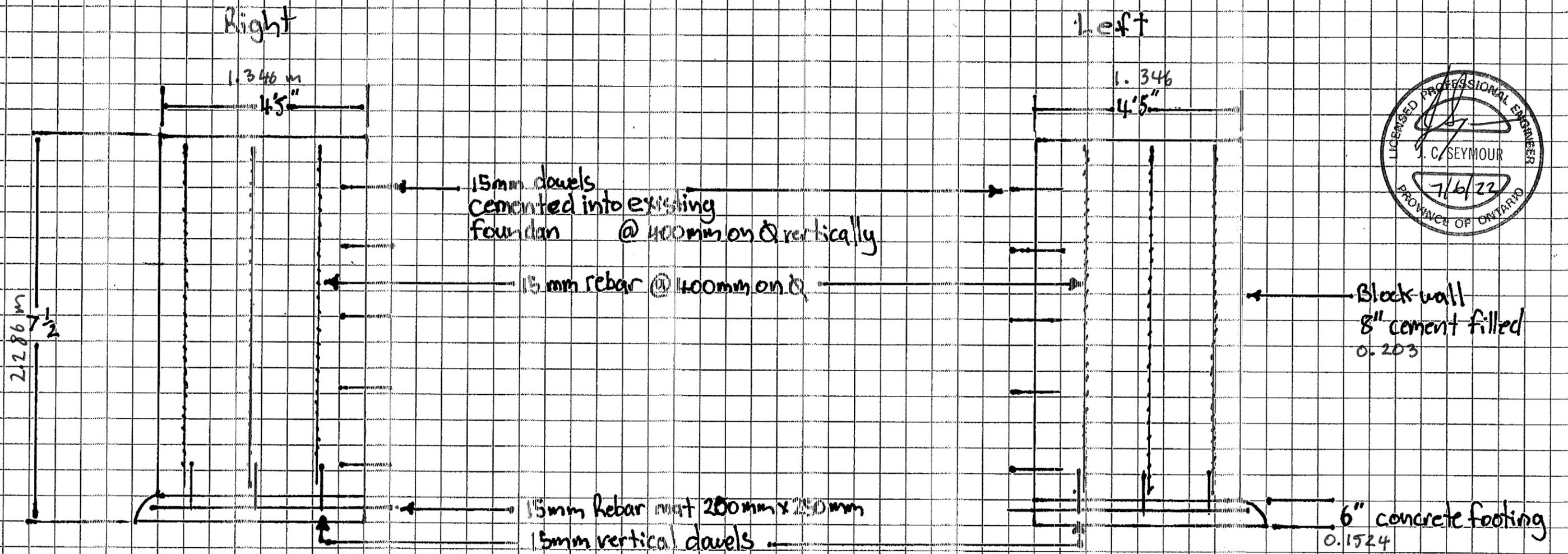
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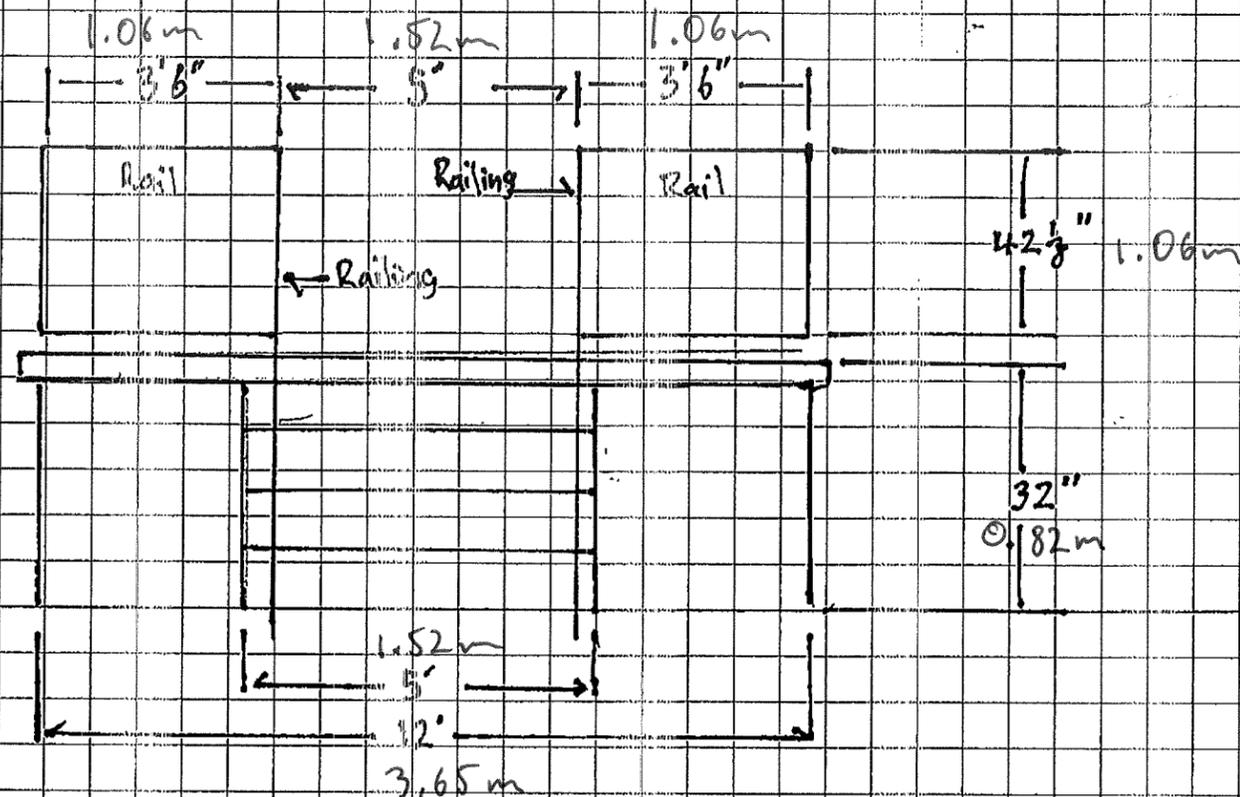
Side view of Porch Block Addition



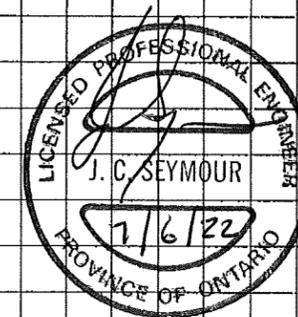
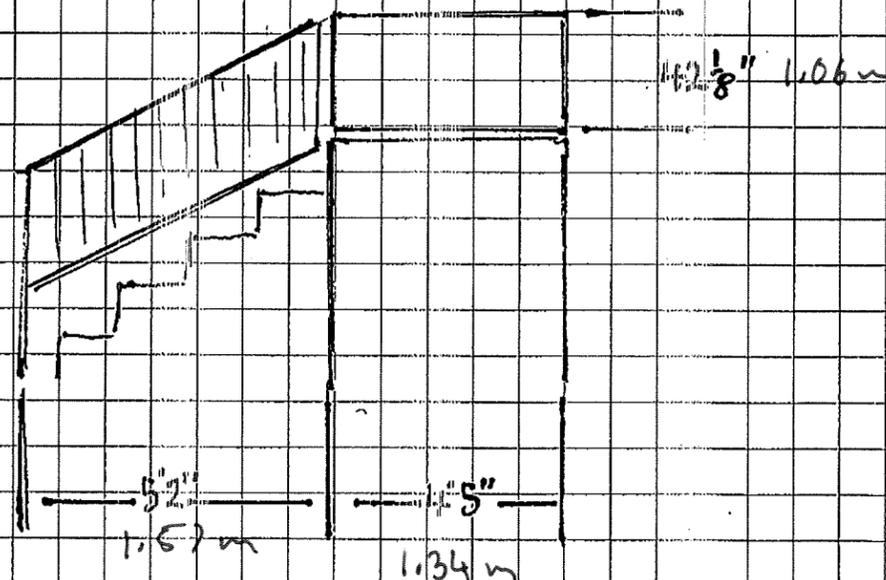
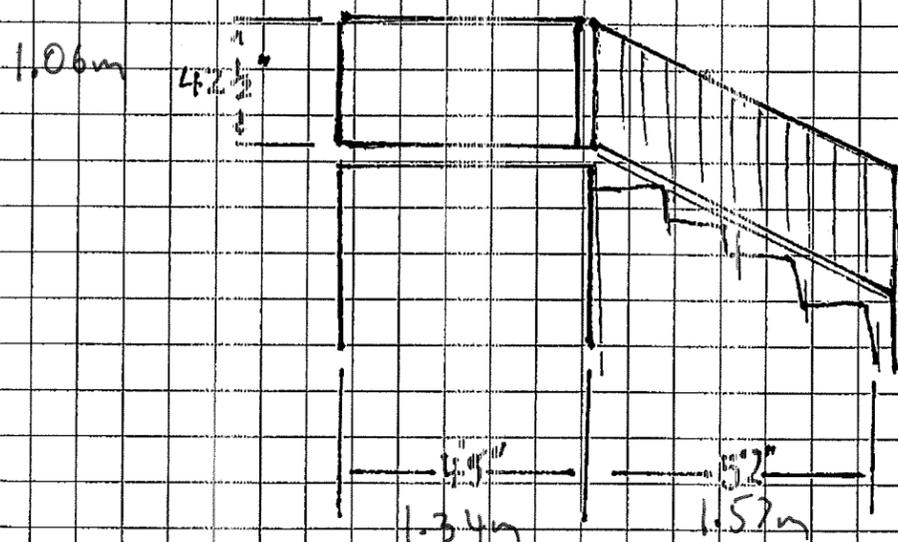
All Block cavities were filled with cement

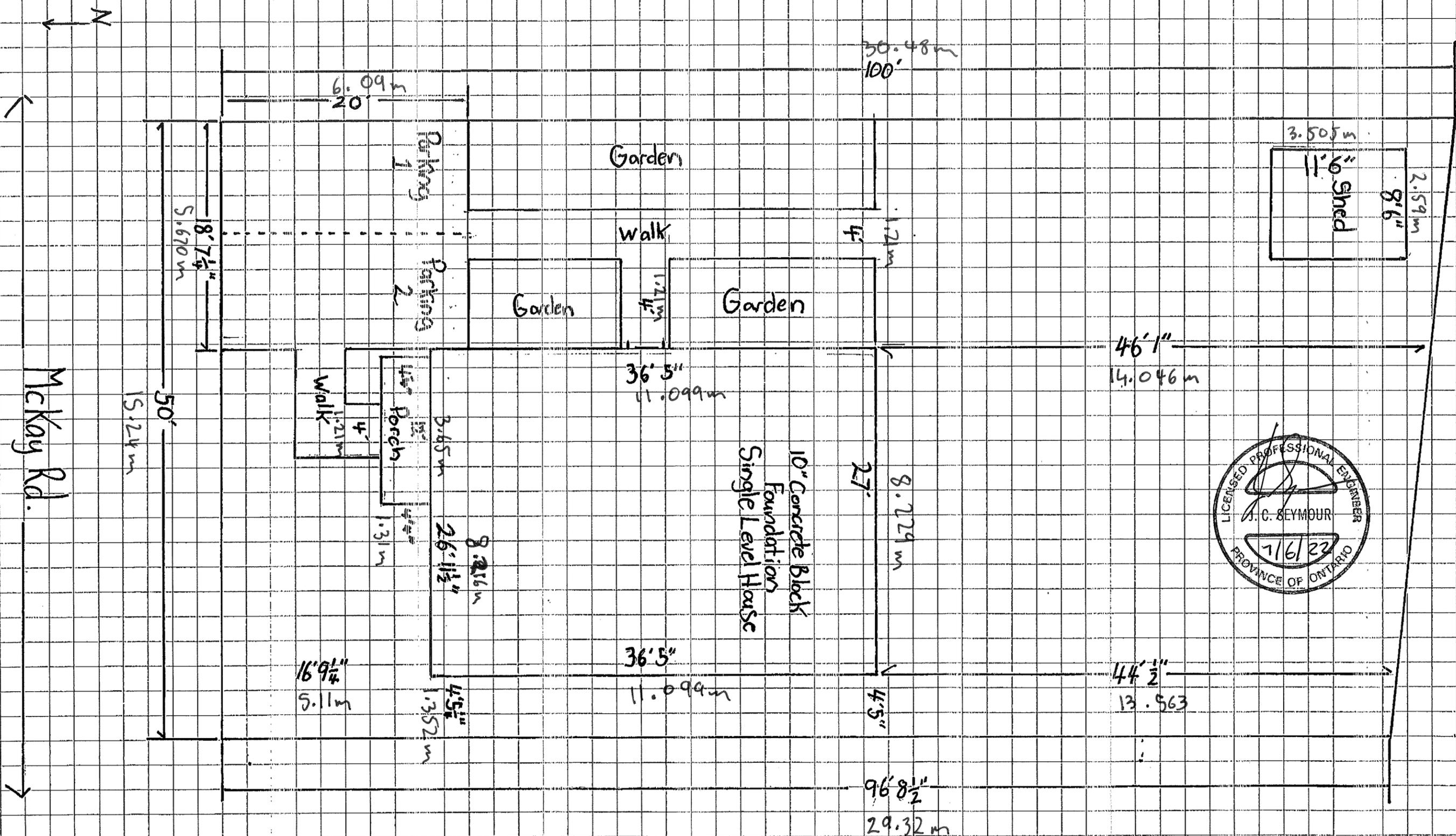
Peak Railblazer System Home Depot

Front View



Railing system anchored to concrete as per Peak Products Mfg, Inc drawing 5 of 12 dated 2017-05-16





McKay Rd.

15 McKay Rd. Site Plan



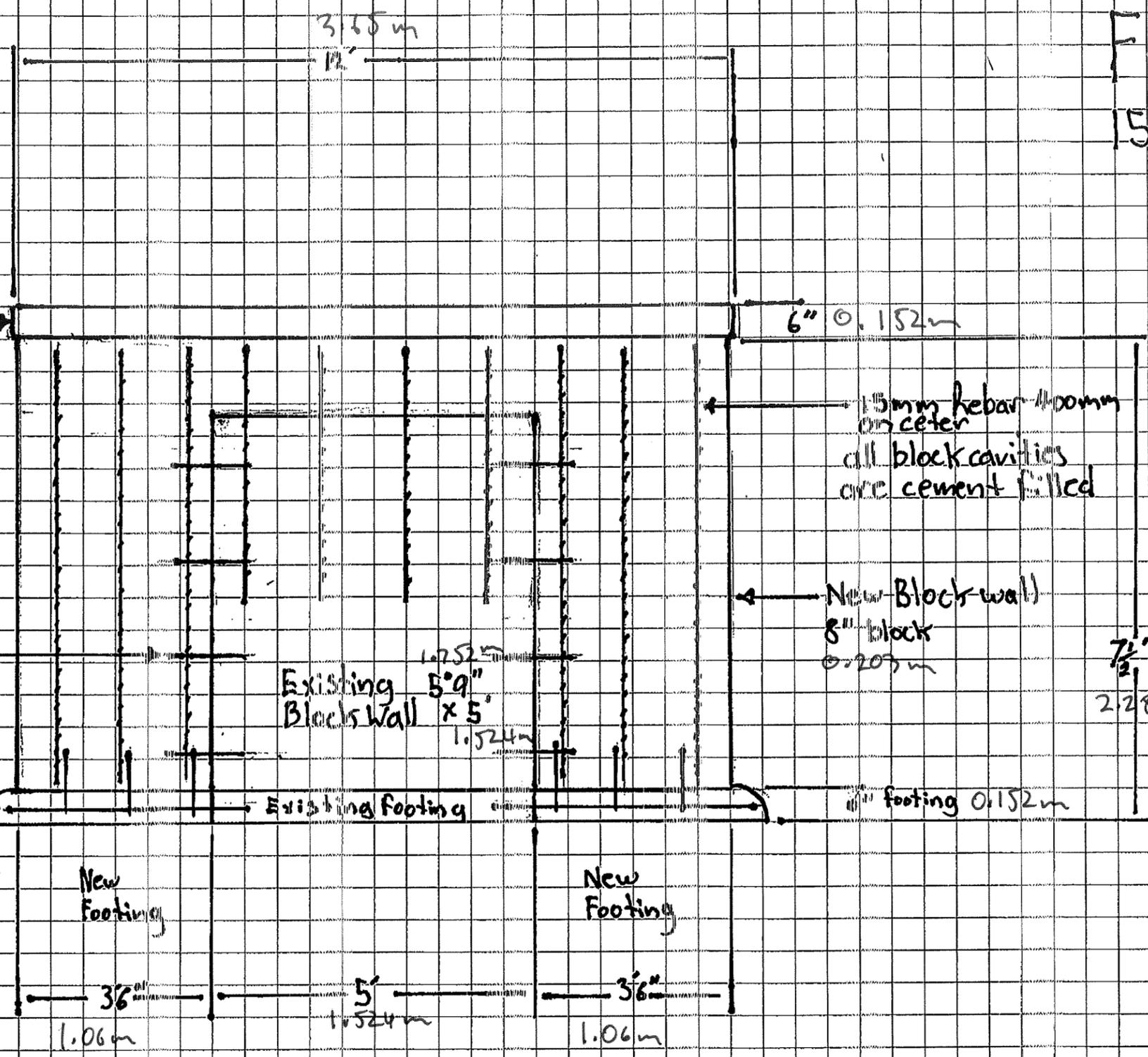
Front View of Porch 15 McKay Rd.

0.152m
6" 35mpa
concrete top
15mm Rebar

@

15mm
dowels
cemented in place
400mm on center

15mm
Rebar Mat 250mm @
with 15mm
vertical dowels
400mm on @



6" 0.152m
15mm rebar on center
all block cavities
are cement filled

New Block wall
8" block
0.203m

7 1/2'
2.28m

Existing Footing

6" footing 0.152m

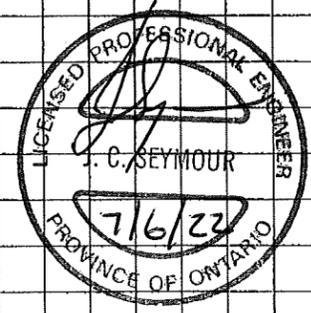
New Footing

New Footing

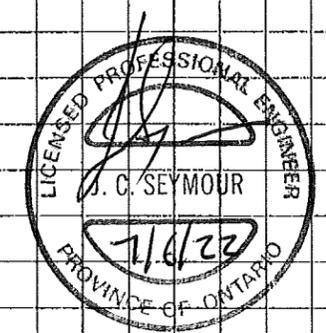
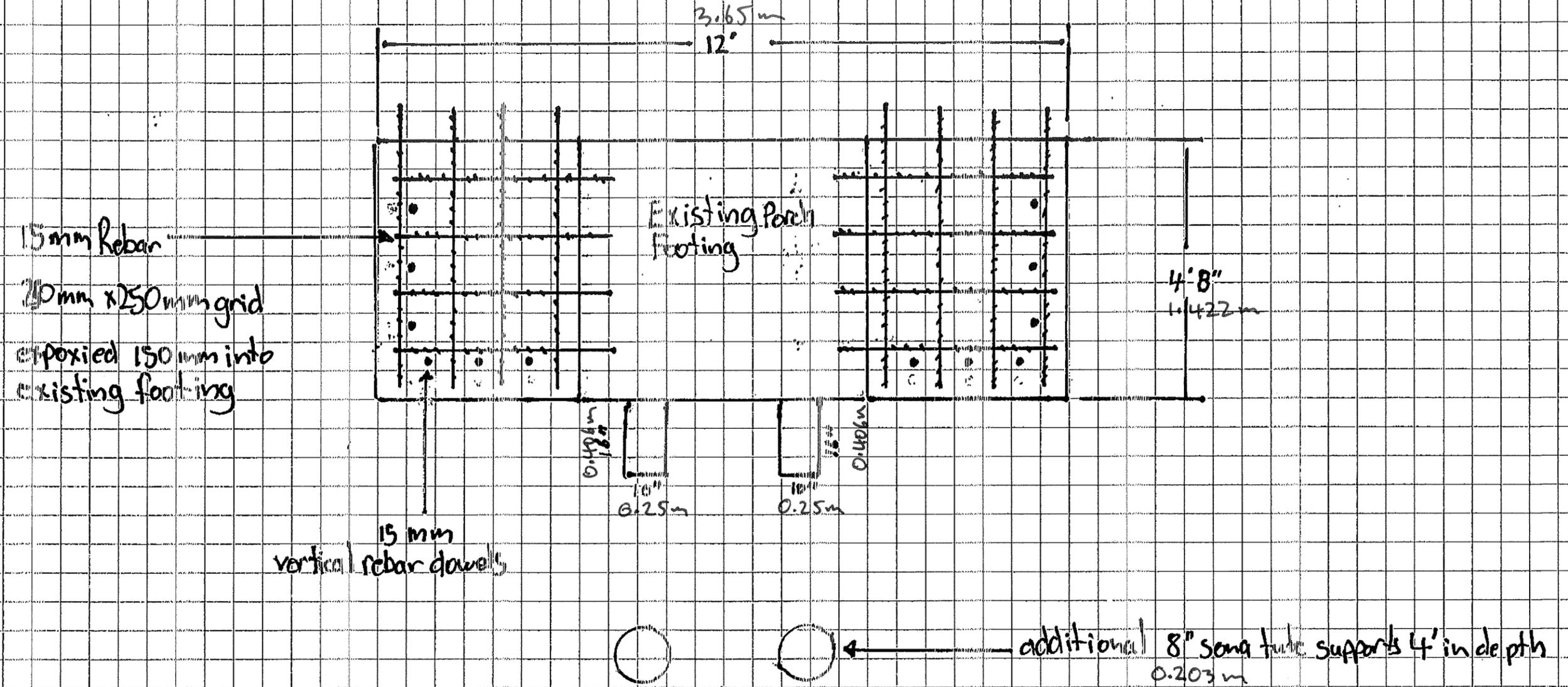
36"
1.06m

5'
1.524m

36"
1.06m

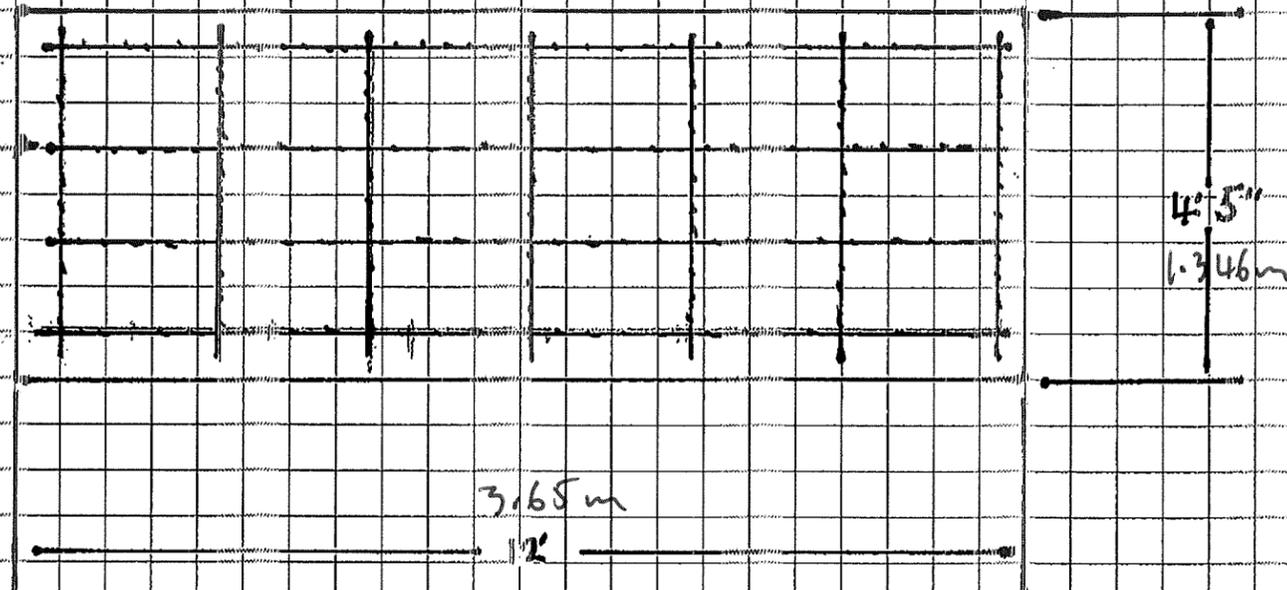


Footing expansion for Porch



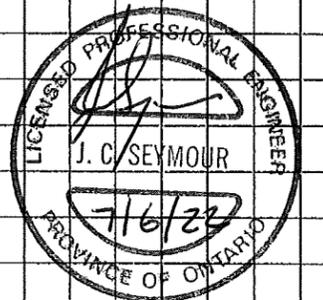
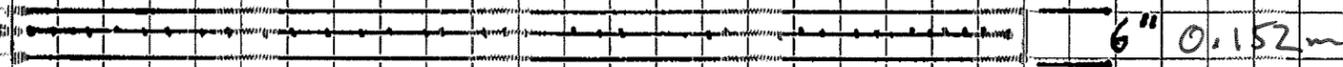
Top view concrete porch top 35mp^h

15mm Rebars mat
300mm x 500mm

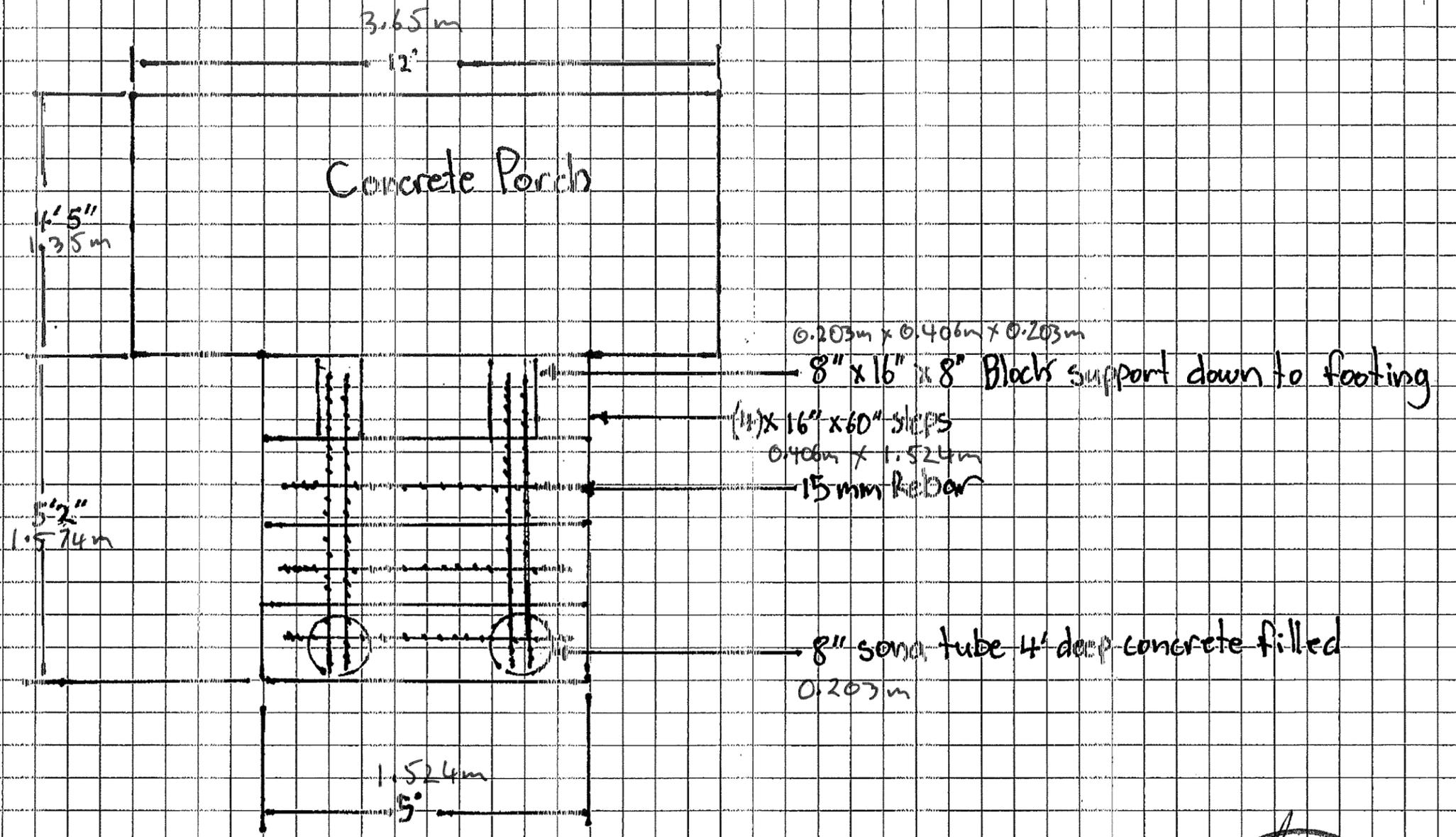


Side view

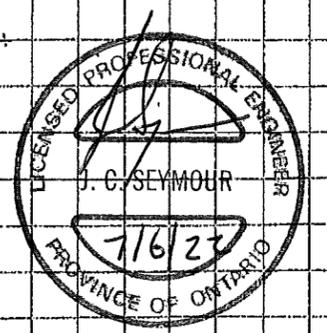
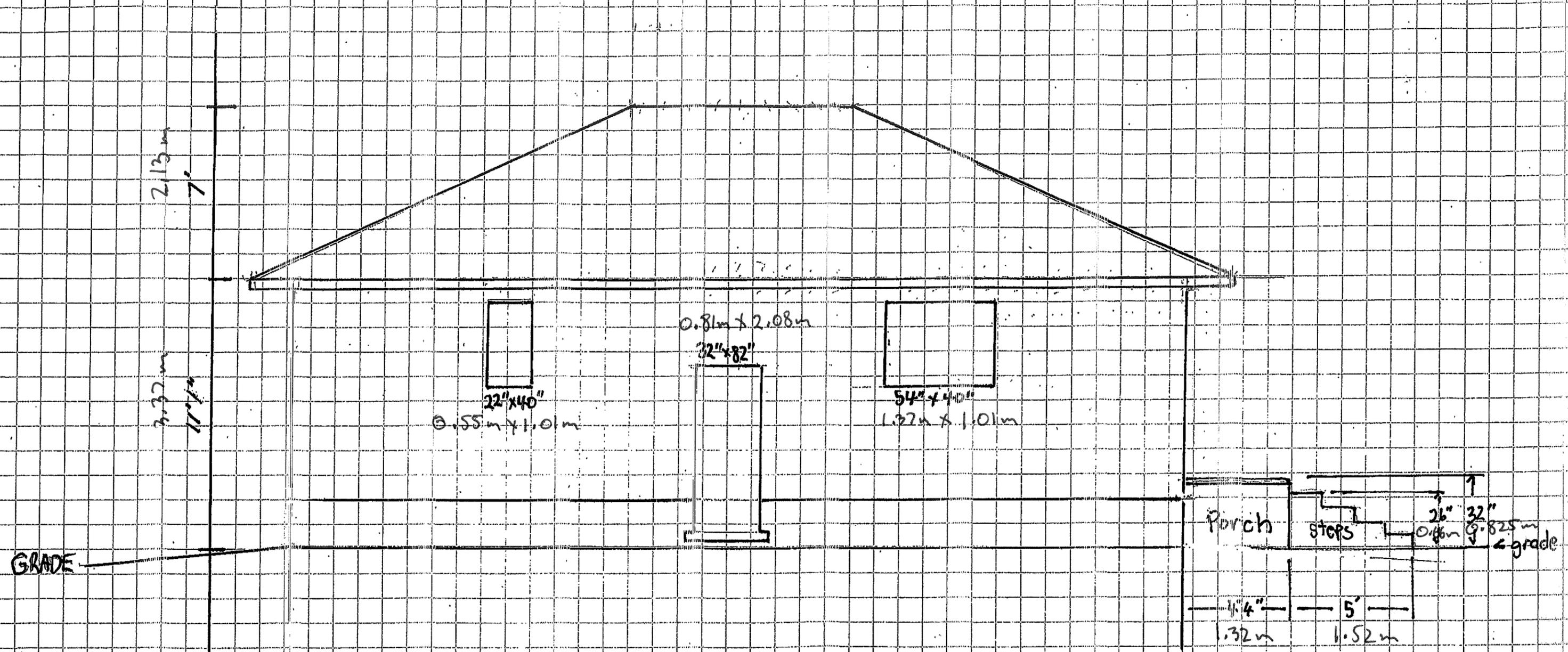
15mm
Rebar Mat



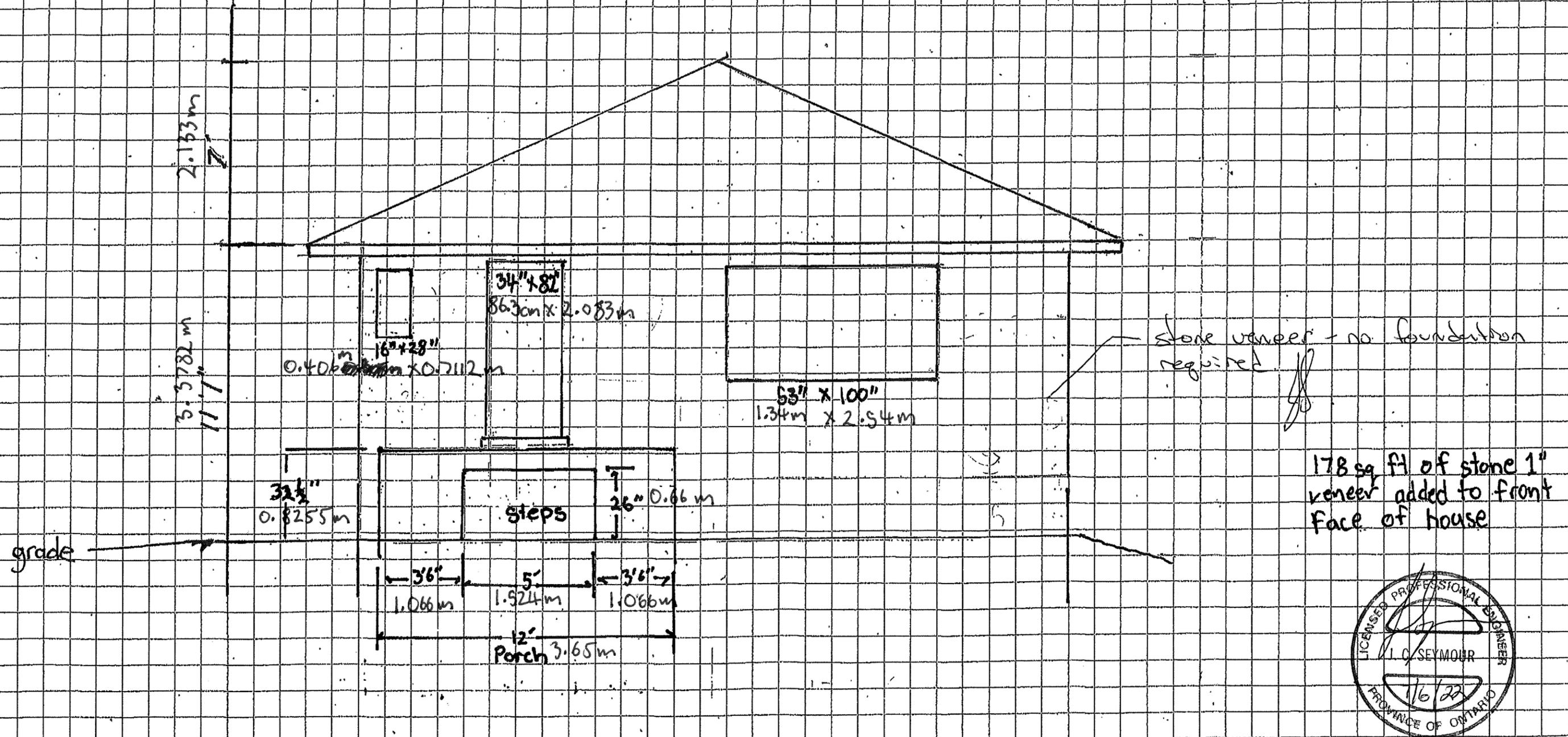
Top view of Steps



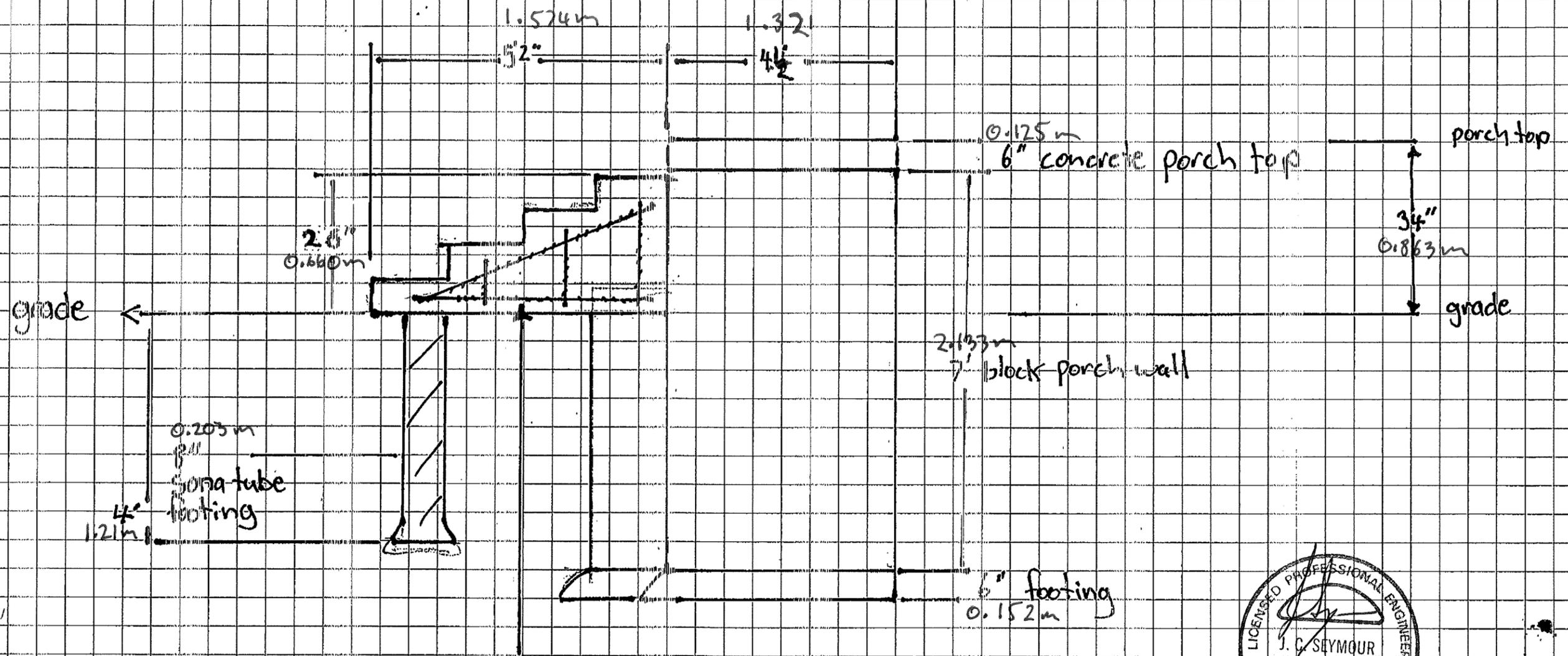
Elevation Drawing Left Side 15 McKay Rd.



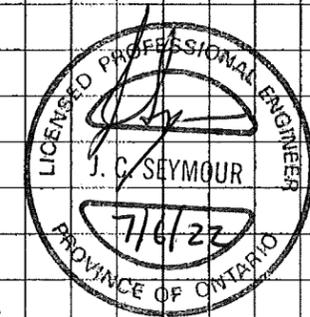
Front Elevation 15 McKay Rd. Dundas



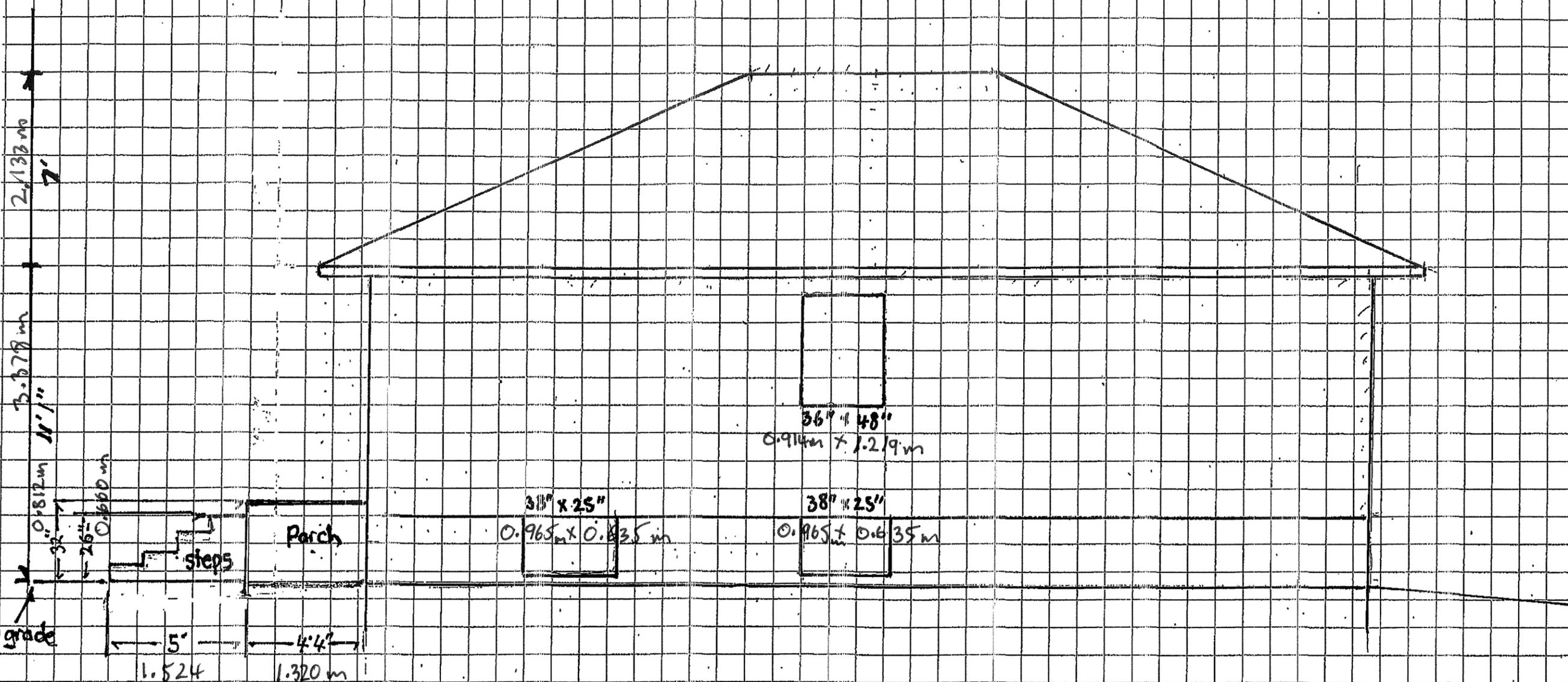
Side view of Steps

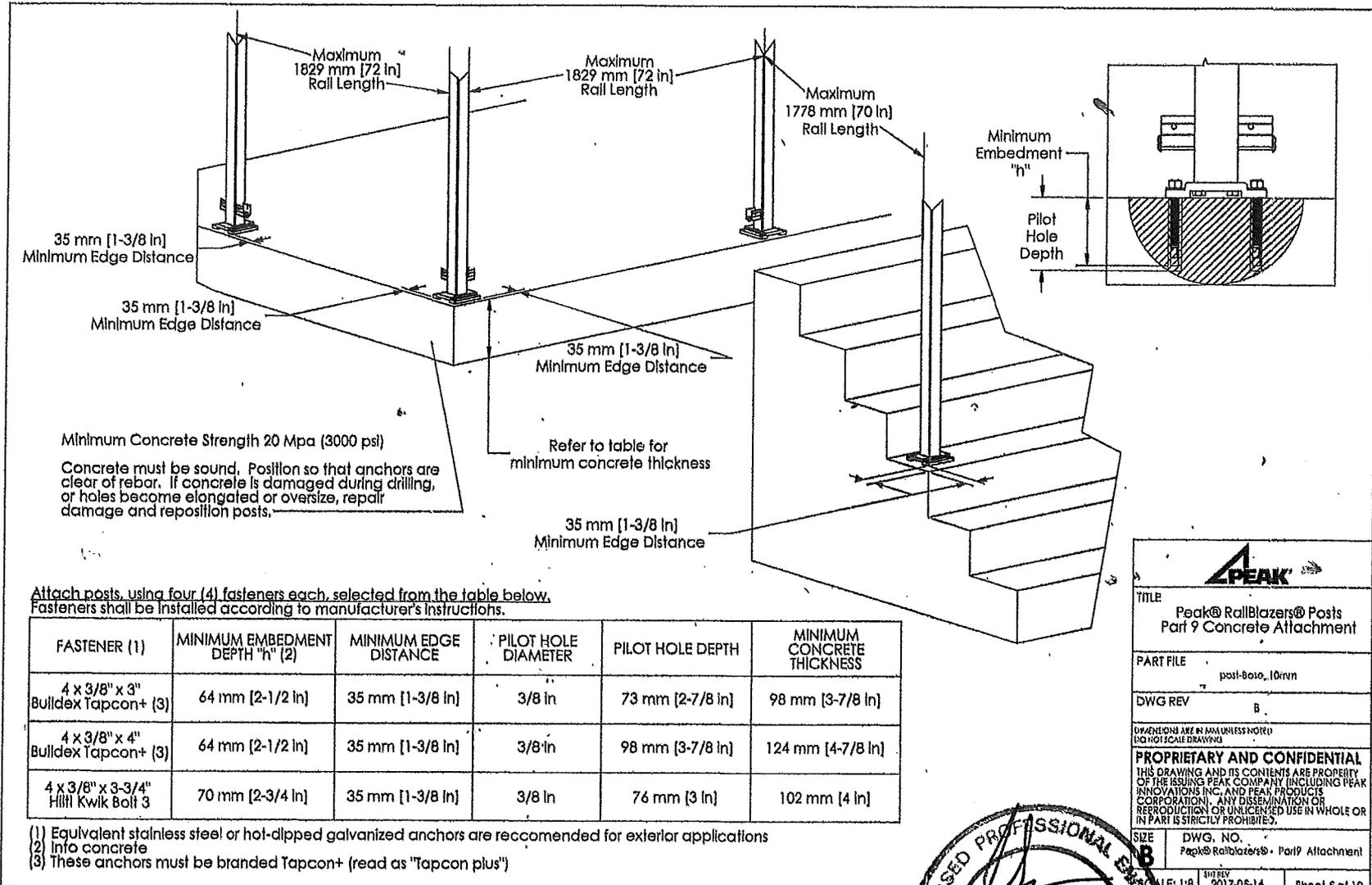


15mm rebar 2 top 2 bottom both sides
with 15mm vertical Rebar too on top



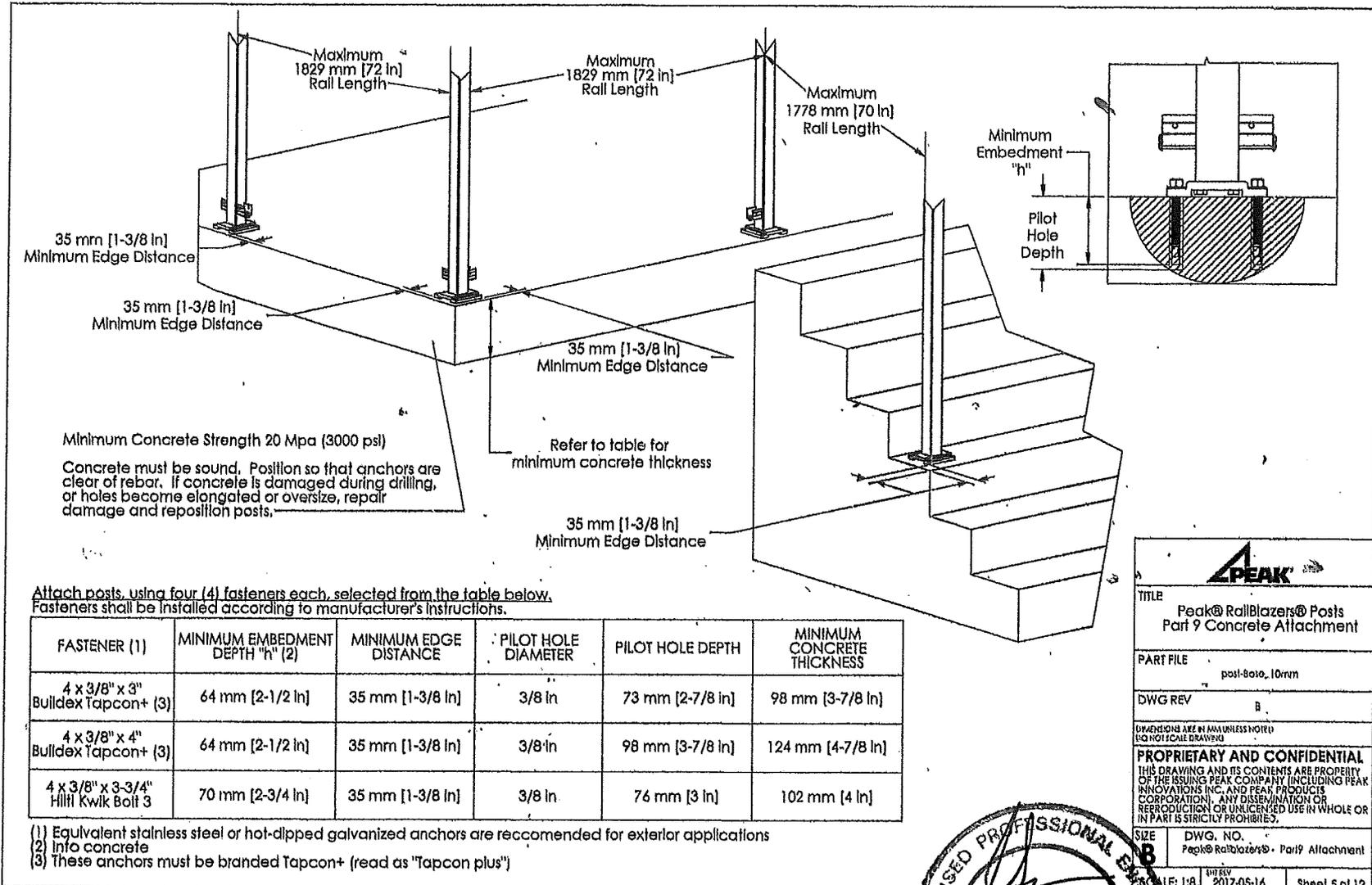
Elevation Drawing Right Side 15 McKay Rd. Dundas



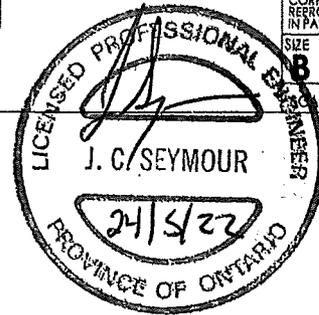


TITLE Peak® RailBlazers® Posts Part 9 Concrete Attachment	
PART FILE post-Base, 10mm	
DWG REV B	
EXPLANATIONS ARE IN DIMENSIONS UNLESS NOTED DO NOT SCALE DRAWINGS	
PROPRIETARY AND CONFIDENTIAL THIS DRAWING AND ITS CONTENTS ARE PROPERTY OF THE ISSUING PEAK COMPANY (INCLUDING PEAK INNOVATIONS INC. AND PEAK PRODUCTS CORPORATION). ANY DISSEMINATION OR REPRODUCTION OR UNLICENSED USE IN WHOLE OR IN PART IS STRICTLY PROHIBITED.	
SIZE B	DWG. NO. Peak® RailBlazers® - Part 9 Attachment
DATE 18 JUN 2017-05-14	SHEET 5 of 12





PEAK	
TITLE Peak® RailBlazers® Posts Part 9 Concrete Attachment	
PART FILE post-8010_10mm	
DWG REV B	
DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE IN DRAWING	
PROPRIETARY AND CONFIDENTIAL THIS DRAWING AND ITS CONTENTS ARE PROPERTY OF THE ISSUING PEAK COMPANY INCLUDING PEAK INNOVATIONS INC. AND PEAK PRODUCTS CORPORATION. ANY DISSEMINATION OR REPRODUCTION OR UNAUTHORIZED USE IN WHOLE OR IN PART IS STRICTLY PROHIBITED.	
SIZE B	DWG. NO. Peak® RailBlazers® - Part 9 Attachment
SCALE 1:8	DATE 2017-05-14
Sheet 5 of 12	







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	MAILING ADDRESS	
Registered Owners(s)	LYNN FLOREK	[REDACTED]	[REDACTED]
	GARY LONDON		
Applicant(s)*	LYNN FLOREK	[REDACTED]	[REDACTED]
	GARY LONDON		
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:

First National - Mortgage

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:

Steps + porch are 5'4" more than minimum set back from road.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

There is a driveway on one side of porch and a large window on other side they would walk against

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):

Residential

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 8.1 to 8.10 above?

The history of neighbourhood.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 10, 2022
Date

[Signature]
Signature Property Owner(s)
Gary Landon
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 50 ft
Depth 100 ft
Area 5000 ft squared.
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:
House ^{ft} 26.5 + 37 ft
Shed 9 ft + 11 ft
playhouse 5 ft x 6 ft

Proposed
Front porch + steps

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

Existing:
House: front 16 ft 9 1/4 inches; east side 18 ft 7 1/4 inches
back of house 46 ft 11 inches
Shed: 2 1/2 ft back; South side 2 1/3 ft; West side 38 ft; North side 86 ft
Proposed:
Front porch + steps; porch 3 inches into road allowance
and steps 5 ft into road allowance
west side 4 ft 5 1/4 inch

13. Date of acquisition of subject lands:
2014
14. Date of construction of all buildings and structures on subject lands:
Shed unknown; 1953
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
School to West; Residential to East
17. Length of time the existing uses of the subject property have continued:
76 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
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R2
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:
DN/A - 19:28
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
-
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

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E-mail: cofa@hamilton.ca

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APPLICATION NO.:	DN/A-22:211	SUBJECT PROPERTY:	22 MCKAY ROAD
ZONE:	"R2" (Single Detached Residential)	ZONING BY-LAW:	Zoning By-law former Town of Dundas 3581-86, as Amended

APPLICANTS: Owner T. Sway & L. Jacques

The following variances are requested:

1. A side yard setback of 0.7m shall be provided for the accessory building instead of the minimum required side yard setback of 2.0m

PURPOSE & EFFECT: To permit the construction of a new accessory building in the rear yard of the single detached dwelling.

Notes:

- i. The proposed accessory building is intended to function as a detached garage serving the existing single detached dwelling on-site.
- ii. A maximum building height of 4.0m is permitted for an accessory building.

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DN/A-22:211

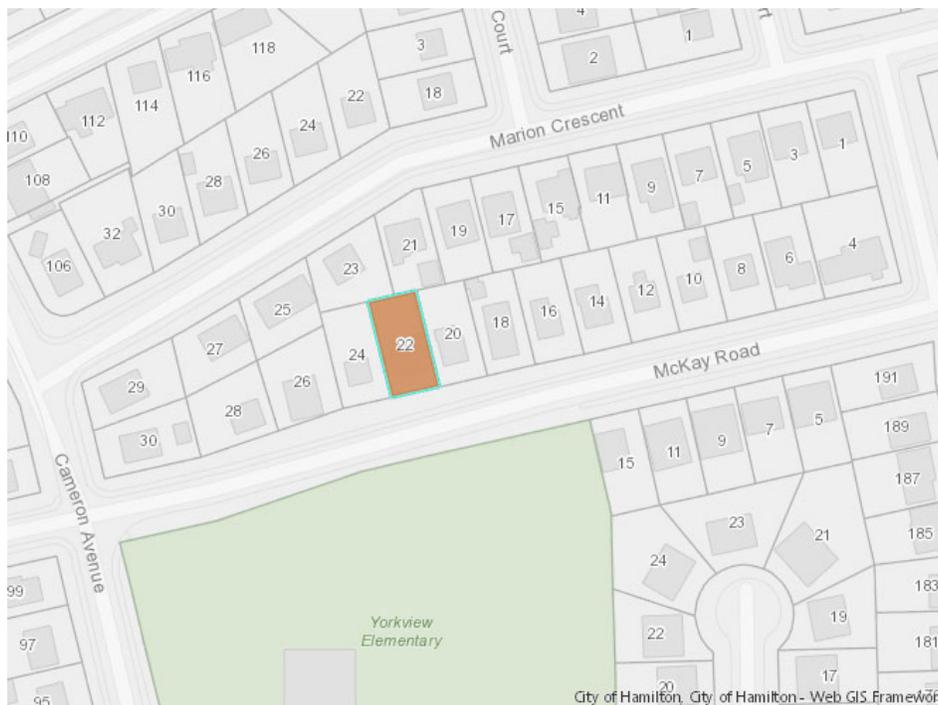
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 **Subject Lands**

DATED: July 12, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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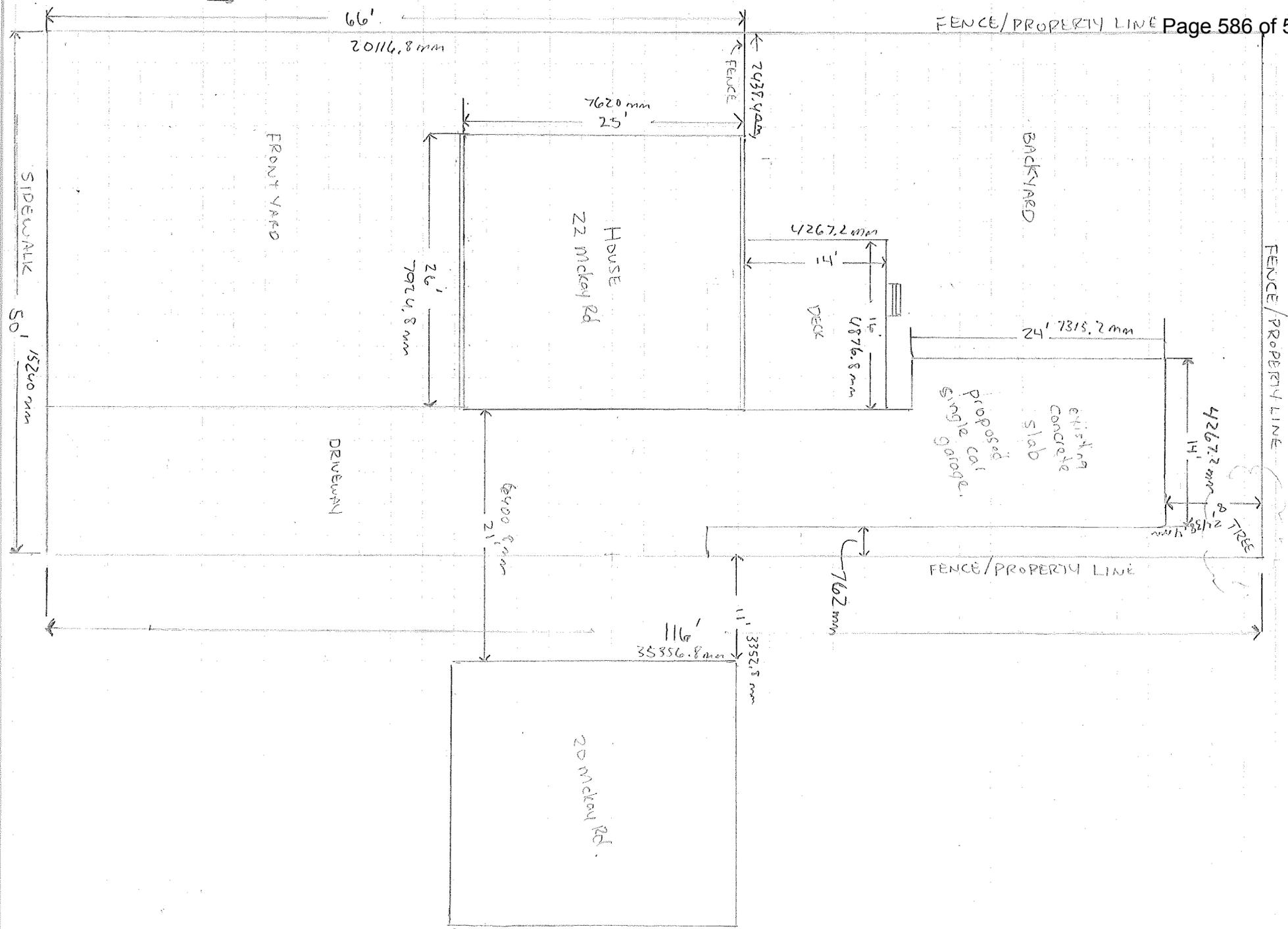
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2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



66'

20116.8 mm

SIDEWALK 50' 15200 mm

FRONT YARD

HOUSE
22 Mickey Rd

7620 mm
25'

FENCE
7435.4 mm

BACKYARD

4267.2 mm

5'

DECK

116'
4876.8 mm

24' 7318.2 mm

existing
concrete
slab
proposed
single car
garage.

4267.2 mm
14'

8'
2132.7 mm
TREE

DRIVEWAY

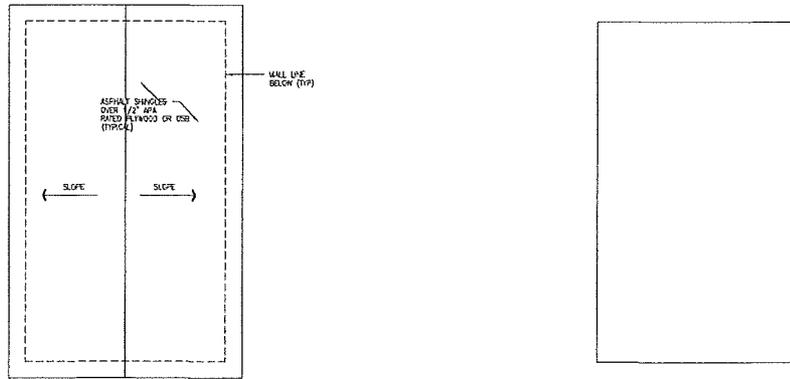
6900 mm
21'

FENCE/PROPERTY LINE

762 mm

116'
35356.8 mm
11' 3352.5 mm

20 Mickey Rd

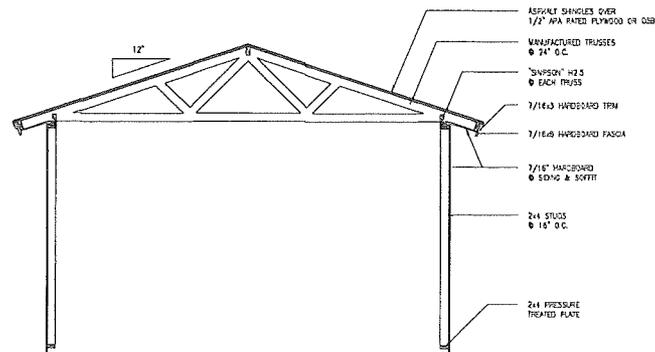


ROOF PLAN

1/4" = 1'-0"

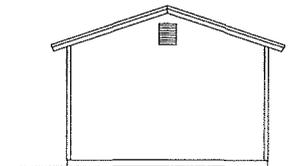
FLOOR PLAN

1/4" = 1'-0"



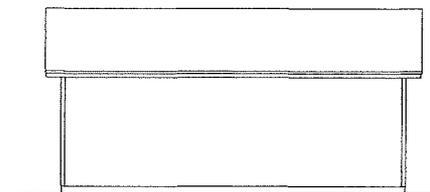
SECTION 1

1/2" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

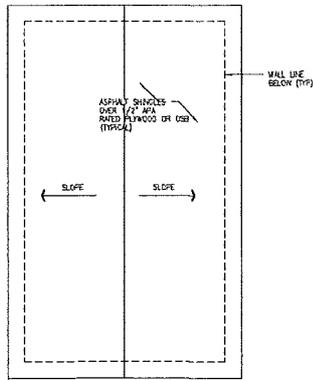


SIDE ELEVATION

1/4" = 1'-0"

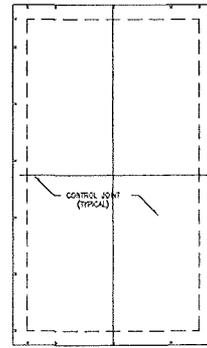
SHEET

A1



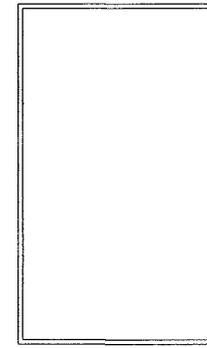
ROOF PLAN

1/4" = 1'-0"



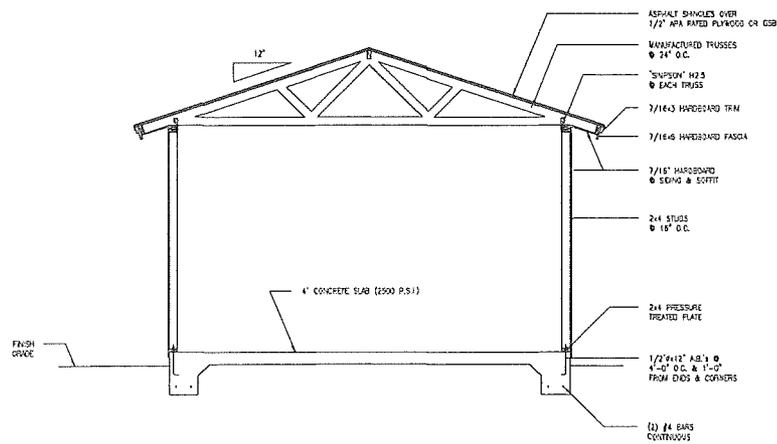
FOUNDATION PLAN

1/4" = 1'-0"



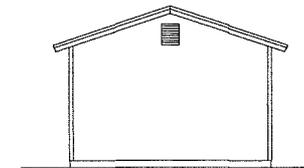
FLOOR PLAN

1/4" = 1'-0"



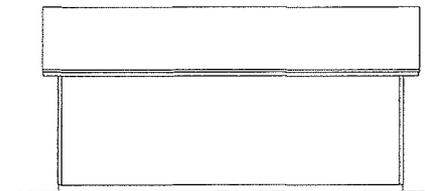
SECTION 1

1/2" = 1'-0"



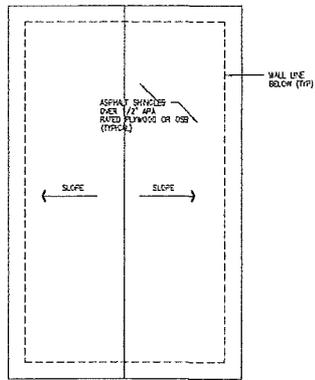
FRONT ELEVATION

1/4" = 1'-0"



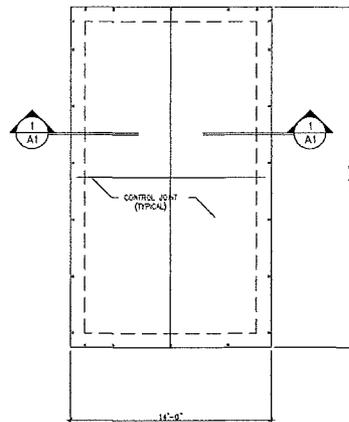
SIDE ELEVATION

1/4" = 1'-0"



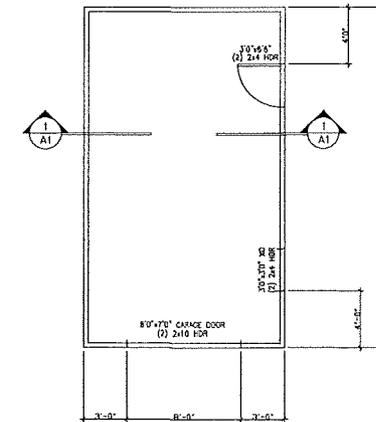
ROOF PLAN

1/4" = 1'-0"



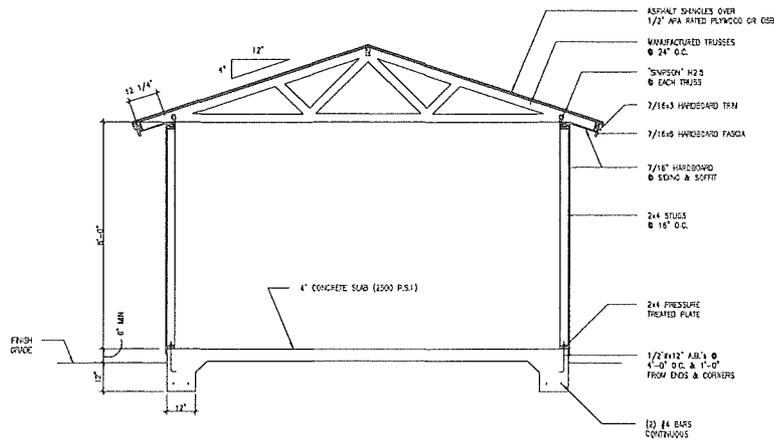
FOUNDATION PLAN

1/4" = 1'-0"



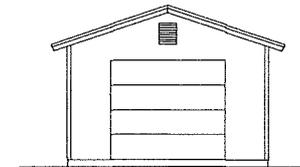
FLOOR PLAN

1/4" = 1'-0"



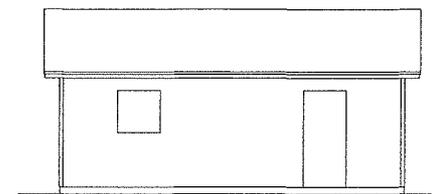
SECTION 1

1/2" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



SIDE ELEVATION

1/4" = 1'-0"

ZONING	LOT NO:	PLAN NO:	LOT AREA	LOT FRONTAGE	LOT DEPTH
RZ	22		5,800 sqft	50'	116'

DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED	%	SETBACKS	EXISTING	PROPOSED
LOT COVERAGE	650 sqft	336 sqft	986 sqft	17			FRONT YARD	41'	84'
GROSS FLOOR AREA	1300 sqft	336 sqft	1,636 sqft	28			REAR YARD	50'	8'
LANDSCAPED AREA	4,814 sqft	4,814 sqft	4,814 sqft	83			INTERIOR SIDE (east)	12'	33.5'
NO. OF STORIES HEIGHT	1.5	1					INTERIOR SIDE (west)	8'	2.5'
WIDTH	26'	14'					EXTERIOR		
DEPTH	25'	24'							
PARKING	84'	84'							



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

Phone: (905) 546-2424 ext. 4221
 Email:

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	MAILING ADDRESS	
Registered Owners(s)	Trevor Sway Lisa Jacques		
Applicant(s)*	Trevor Sway Lisa Jacques		
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 Bank

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 8.1 to 8.10 above?

It's a residential suburb property built in the 1950's.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 13, 2022
Date

Lisa Jacques Trevor Sway
Signature Property Owner(s)

Lisa Jacques Trevor Sway
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	50 feet
Depth	116 feet
Area	5800 square feet
Width of street	26 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: _

Ground floor area: 25 by 26 feet
Stories: 1.5
Existing 1.5 Storey Detached home will have no modifications made to it.

Proposed

Proposing to add a Detached garage to above subject lands. Dimensions to be 14 by 24 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:

N/A

Proposed:

Distance from side lot lines: 33.5 feet and 2.5 feet
Distance from rear lot lines: 8 feet
Distance from front lot lines: 84 feet

13. Date of acquisition of subject lands:
June 14, 2017
-
14. Date of construction of all buildings and structures on subject lands:
Unknown, approximately 1955
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
N/A
-
17. Length of time the existing uses of the subject property have continued:
5 years
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|-----------|
| Water | <u>Yes</u> | Connected | <u>No</u> |
| Sanitary Sewer | <u>Yes</u> | Connected | <u>No</u> |
| Storm Sewers | <u>Yes</u> | | |
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:
R2
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No Unknown
- If yes, please provide the file number:
Unknown
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No Unknown
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
- 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 include separate sheet if needed)
- The cost of having to move the existing concrete pad to meet the City of Hamilton 5 foot zoning requirement would make the cost of our project impossible. We've talked to Hamilton Conservation Authority and all surrounding neighbours and there is no conflict with anyone involved.
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.