



**City of Hamilton**  
**COMMITTEE OF ADJUSTMENT**  
**AGENDA**

**Meeting #:** 24-4  
**Date:** March 12, 2024  
**Time:** 1:00 p.m.  
**Location:** CANCELLED DUE TO TECHNICAL ISSUES

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

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	<b>Pages</b>
<b>1. Previously Tabled</b>	
<b>2. West Development</b>	
2.1 1:15 p.m.HM/A-24:2064 North Oval, Hamilton (Ward 1) Applicant Park Eight Inc. – P. VandenArend Owner A. Phillion	5
2.2 1:20 p.m.HM/A-24:2433 Sterling Street, Hamilton (Ward 1) Agent T. Johns Consulting Ltd. – J. Gravina Owner B. Gogek	33
2.3 1:25 p.m.HM/A-23:30122 Arkell Street, Hamilton (Ward 1) Applicant E. Lin Owner X. Zhong	51
2.4 1:30 p.m.HM/A-24:3822 Inchbury Street, Hamilton (Ward 1) Owners K. & J. Sarvos	71
2.5 1:35 p.m.HM/A-24:32211-225 John Street South and 70-78 Young Street, Hamilton (Ward 2) Agent GSP Group Inc. – B. Khes Owner Corktown LP	89

2.6	1:40 p.m.HM/A-24:3026 West Avenue South, Hamilton (Ward 3)  Agent Grace Wang Architect Inc. Applicant D. Tomazic Owner 26 West Inc.	141
2.7	1:45 p.m.HM/A-24:35754 Cannon Street East, Hamilton (Ward 3)  Agent King Homes Inc. – K. Bekendam Owner M. Sifontes	155
2.8	1:50 p.m.HM/A-24:31110 Jacqueline Boulevard, Hamilton (Ward 8)  Owners J. & C. Pezze	187
2.9	1:55 p.m.HM/A-24:272 Eric Burke Court, Hamilton (Ward 8)  Applicant Q. Nguyen Owner R. & A. Vieira	197
2.10	2:00 p.m.HM/A-24:2165 Lister Avenue, Hamilton (Ward 8)  Applicant Park Eight Inc. – P. VandenArend Owners P. & M. Craig	213
2.11	2:05 p.m.AN/B-23:47376 Philip Place, Ancaster (Ward 12)  Applicant S. Khan Owner SSMZ Group Inc.	227
2.12	2:10 p.m.AN/A-24:37933 Highway No. 52 North, Ancaster (Ward 12)  Owner M. Mogavero	243
2.13	2:15 p.m.DN/A-24:3442 Witherspoon Street, Dundas (Ward 13)  Agent Carrothers & Associates – D. Carrothers Owner B. McNeill	257
2.14	2:20 p.m.FL/B-24:0855 & 63 Leavitt Boulevard, Flamborough (Ward 15)  Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston Owner Waterdown Mini Storage Inc.	279
2.15	2:25 p.m.FL/A-24:258 Orchard Drive, Flamborough (Ward 15)  Owners M. & E. Gartner	297

## 2.16 B R E A K

## 3. East Development

- |     |  |     |
|-----|--|-----|
| 3.1 | 2:45 p.m.GL/A-24:233530 Upper James Street, Glanbrook (Ward 11)<br><br>Agent T. Johns Consulting Group – J. Gravina<br>2784320 Ontario Inc. – M. Ghaddar               | 309 |
| 3.2 | 2:50 p.m.SC/B-24:07266 McNeilly Road, Stoney Creek (Ward 10)<br><br>Agent Glen Schnarr & Associates Inc. – M. Condello<br>Owner 1000693093 Ontario Inc.                | 331 |
| 3.3 | 2:50 p.m.SC/A-24:28266 McNeilly Road, Stoney Creek (Ward 10)<br><br>Agent Glen Schnarr & Associates Inc. – M. Condello<br>Owner 1000693093 Ontario Inc.                | 363 |
| 3.4 | 2:55 p.m.SC/A-24:2269 Cactus Crescent, Stoney Creek (Ward 9)<br><br>Applicant T. Goral<br>Owners B. & K. Cherriere   | 393 |
| 3.5 | 3:00 p.m.HM/A-23:246180 Lawnhurst Drive, Hamilton (Ward 7)<br><br>Agent C. MacPhail<br>Owner A. Afzal  | 413 |
| 3.6 | 3:05 p.m.HM/A-24:269 Munn Street, Hamilton (Ward 7)<br><br>Applicant Caud Studios Inc.<br>Owner 2652009 Ontario Inc.   | 433 |
| 3.7 | 3:10 p.m.HM/A-24:291395 Upper Ottawa Street, Hamilton (Ward 6)<br><br>Agent Agora Research Group Inc. – C. Balbinot<br>Owner Churchdane Commercial Centre – A. Cutrona | 459 |
| 3.8 | 3:15 p.m.HM/A-24:36354 Nash Road North, Hamilton (Ward 5)<br><br>Applicant Re-Source Disposal Inc.<br>Owner D. McMaster Investments Inc.                               | 489 |

## 4. Closed

## 5. Adjournment





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:20</b>	<b>SUBJECT PROPERTY:</b>	64 NORTH OVAL, HAMILTON
<b>ZONE:</b>	"C/S-1361" (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: ANDRE PHILLION  
Applicant: PETE VANDENAREND

The following variances are requested:

1. A maximum floor area ratio of 0.72 shall be permitted instead of the maximum 0.45 floor area ratio permitted.
2. Two (2) parking spaces shall be provided instead of the minimum required three (3) parking spaces.
3. The manoeuvring space and accessibility to one (1) parking space located within the detached garage may be obstructed whereas the By-law requires an unobstructed manoeuvring aisle having a minimum width of 6.0m and an unobstructed access to the required parking space.

**PURPOSE & EFFECT:** To permit alterations of an existing single family dwelling, which includes the construction of a new two-storey addition in the rear yard.

**Notes:**

- i. The minimum number of required parking spaces for a Single Family Dwelling is calculated at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 spaces for each additional habitable room. Based on the floor plans provided, a total of nine (9) habitable rooms are proposed. As such, a minimum of three (3) parking spaces would 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-24:20**

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

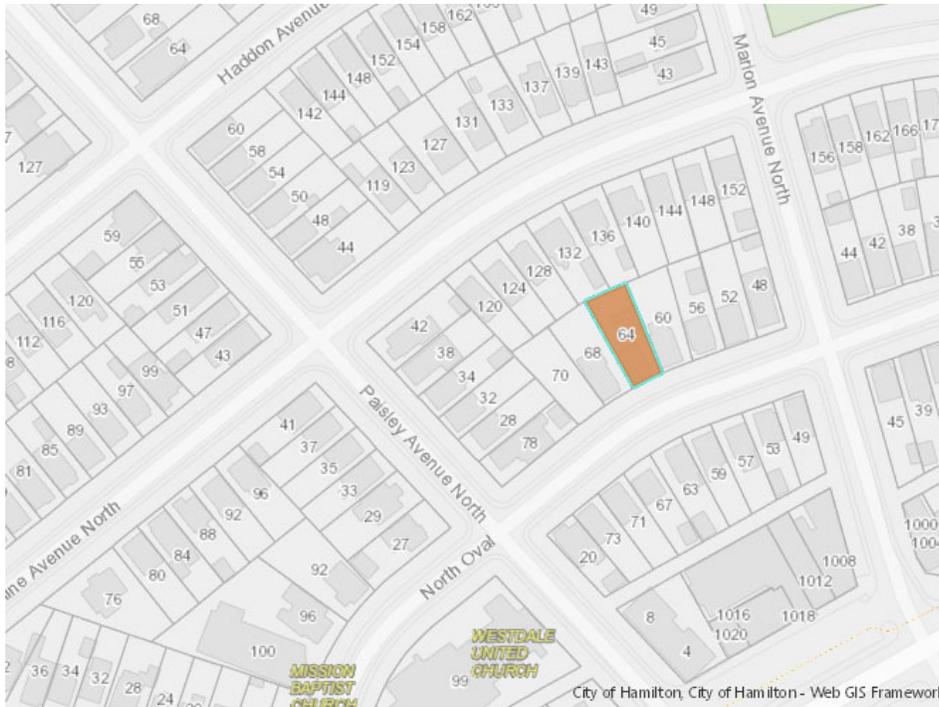
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:20, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:20



 **Subject Lands**

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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.



**ADD'N & INTR RENO**

**64 NORTH OVAL, HAMILTON**

Project No. 23054

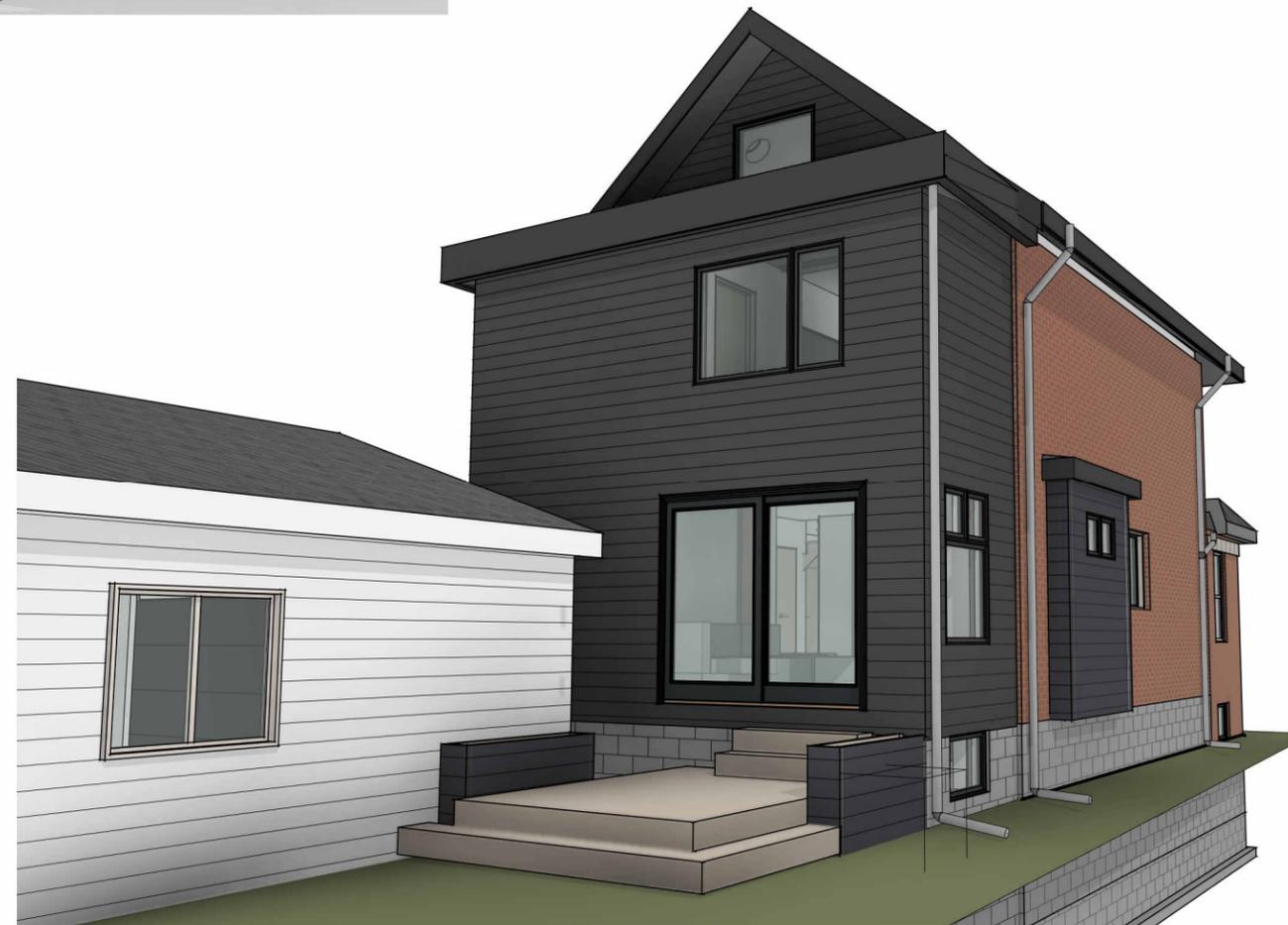
Revisions

Scale

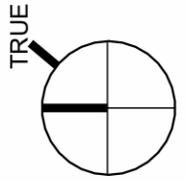
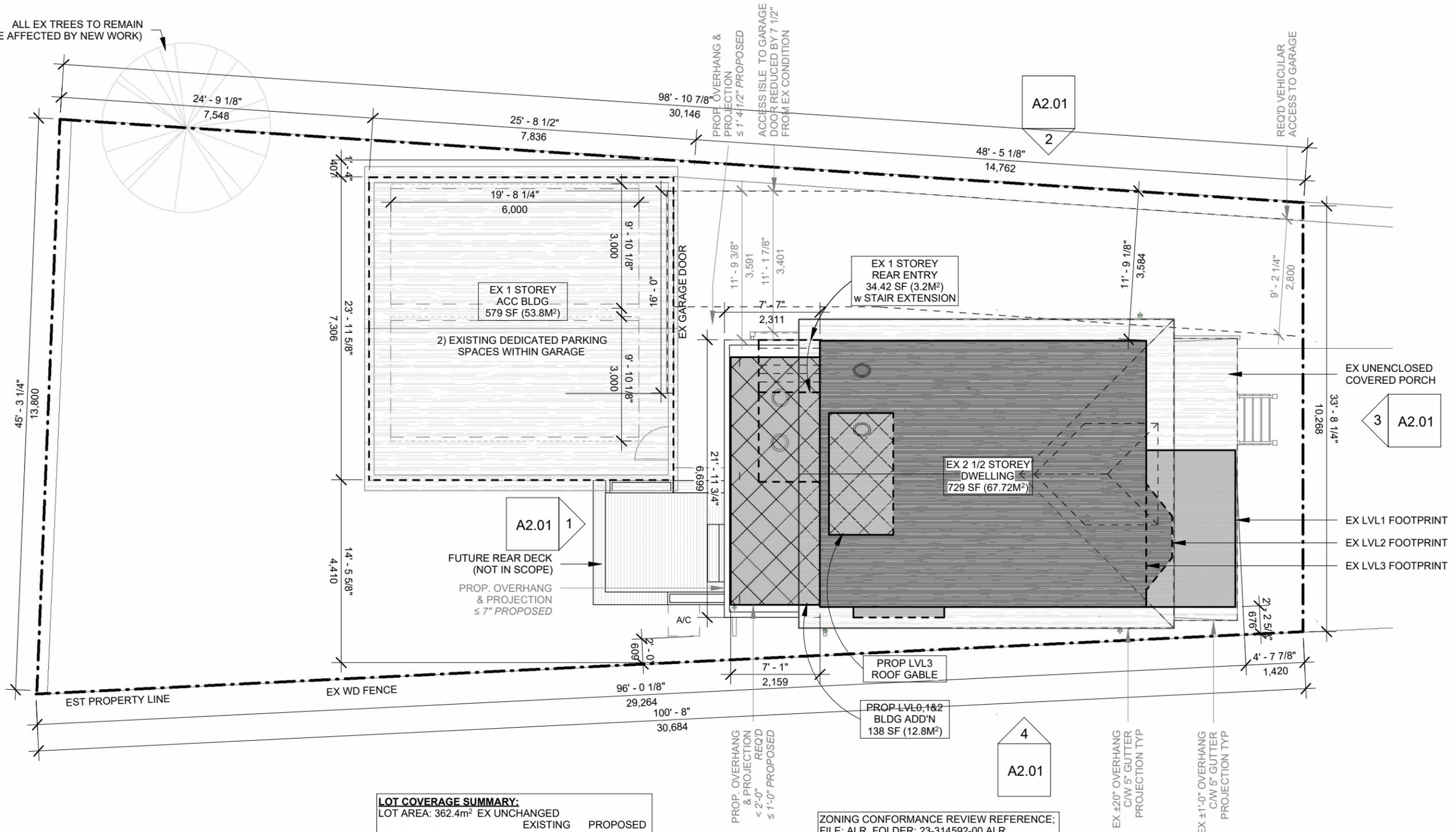
**COVER**

**A0.01**

Sheet No. ©2021



ALL EX TREES TO REMAIN  
(NONE AFFECTED BY NEW WORK)



NORTH OVAL

**LOT COVERAGE SUMMARY:**

	EXISTING	PROPOSED
LOT AREA:	362.4m <sup>2</sup> EX UNCHANGED	
LEVEL 0 Cellar	54.7m <sup>2</sup>	67.5m <sup>2</sup>
LEVEL 1	62.62m <sup>2</sup>	75.4m <sup>2</sup>
LEVEL 2	51.8m <sup>2</sup>	64.6m <sup>2</sup>
LEVEL 3 Half Storey	50.68m <sup>2</sup>	50.68m <sup>2</sup>
<b>TOTAL GROSS FLOOR AREA:</b>	<b>219.8m<sup>2</sup></b>	<b>258.18m<sup>2</sup></b>
LEVEL 0 ADD'N		12.8m <sup>2</sup>
LEVEL 1 DEMOLITION	(-3.2m <sup>2</sup> )	
LEVEL 1 ADD'N		12.8m <sup>2</sup>
LEVEL 2 ADD'N		12.8m <sup>2</sup>
LEVEL 3 PROP ROOF GABLE		n/a
<b>PROPOSED ADDITIONS TOTAL</b>		<b>38.4m<sup>2</sup></b>
BUILDING FOOTPRINT	62.62m <sup>2</sup>	75.42m <sup>2</sup>
<b>GFA to LOT AREA %</b>		
PROPOSED ADD'N LVL0:		3.53%
PROPOSED ADD'N LVL1:		3.53%
PROPOSED ADD'N LVL2:		3.53%
LOT COVERAGE TOTAL :	*60.65%	71.24%
HABITABLE ROOMS	8	9
REQ'D PARKING SPACES	2	2.5

ZONING CONFORMANCE REVIEW REFERENCE;  
FILE: ALR FOLDER: 23-314592-00 ALR

ALL PROPOSED WORK MEETS CRITERIA FOR STANDARD ADDITION AND IN NO WAY CHANGES THE USE, FUNCTION OR CHARACTER OF THE BUILDING.  
**NO IMPACT TO EX GRADES, SWALES OR DEVELOPMENT FEATURES**

**SITE STATISTICS**

ZONING DESIGNATION = C/S-1361 URBAN PROTECTED RESIDENTIAL

	PERMITTED	PROVIDED
LOT AREA		362.4m <sup>2</sup> UNCHANGED
LOT FRONTAGE		10.1m UNCHANGED
FRONT YARD SETBACK		
EX DWELLING	6m	1.4m* UNCHANGED
SIDE YARD SETBACKS		
EX DWELLING	1.2m/ 1.2m	.676m / 3.5m UNCHANGED
PROP. ADD'N		1.2m / 4.5m
REAR YARD SETBACK	7.5m	19m
PROP. ADD'N		16.5m
BUILDING HEIGHT		
EX DWELLING	9m	±9.3m*
PROP ADD'N		6.4m

[\*] Denotes existing condition

**SITE PLAN LEGEND**

- EX DRIVEWAY / HARDSCAPING
- EX BUILDING
- PROPOSED ADDITIONS
- DEMO EX STRUCTURES

YY/MM/DD



**ADD'N & INTR RENO**  
**64 NORTH OVAL, HAMILTON**

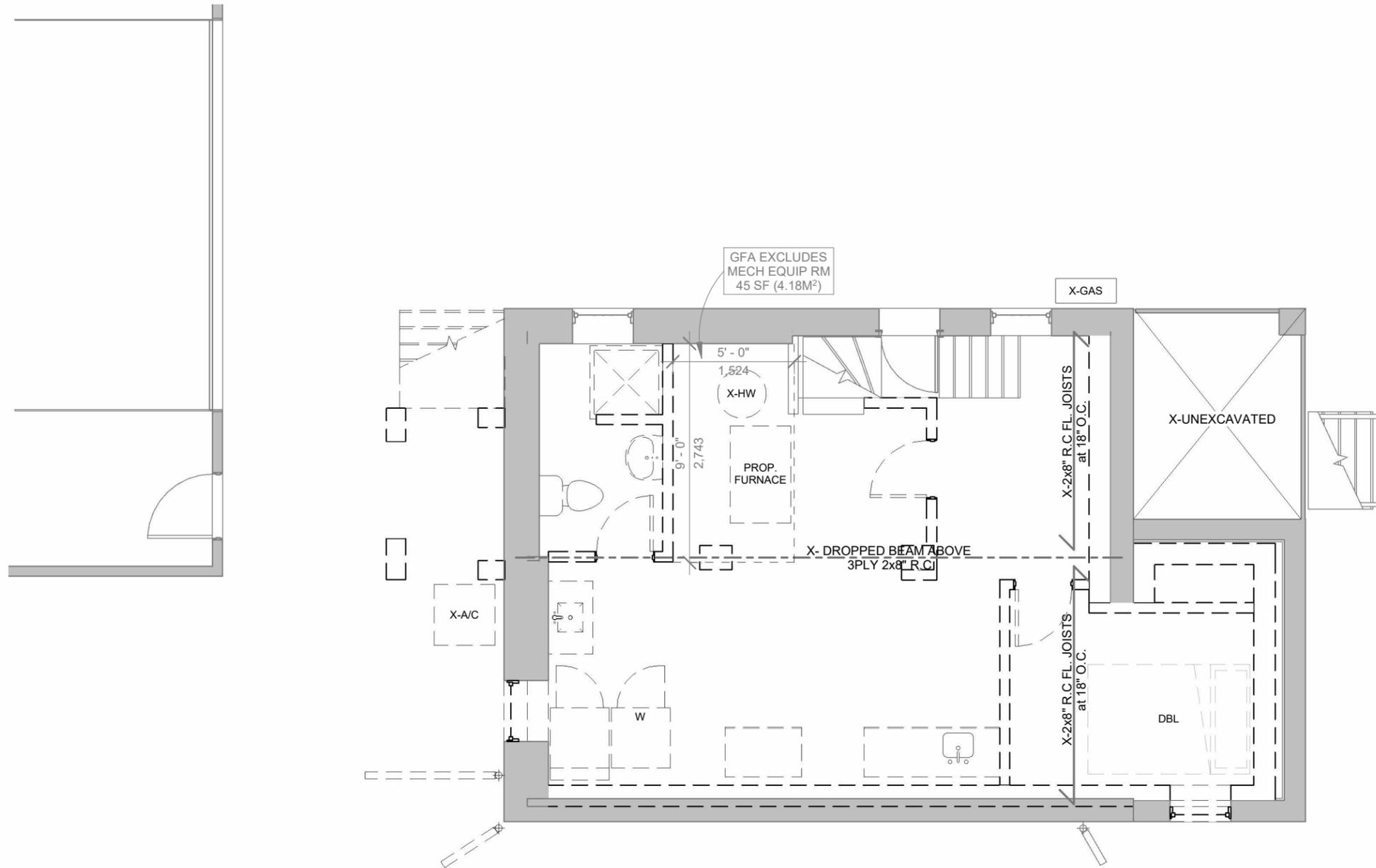
Project No. 23054  
Revisions 2024/01/04

Scale As indicated

**SITE PLAN**

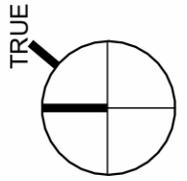
**SP1.01**

Sheet No. ©2021



① LVL0 DEMO  
3/16" = 1'-0"

YY/MM/DD



**ADD'N & INTR RENO**

64 NORTH OVAL, HAMILTON

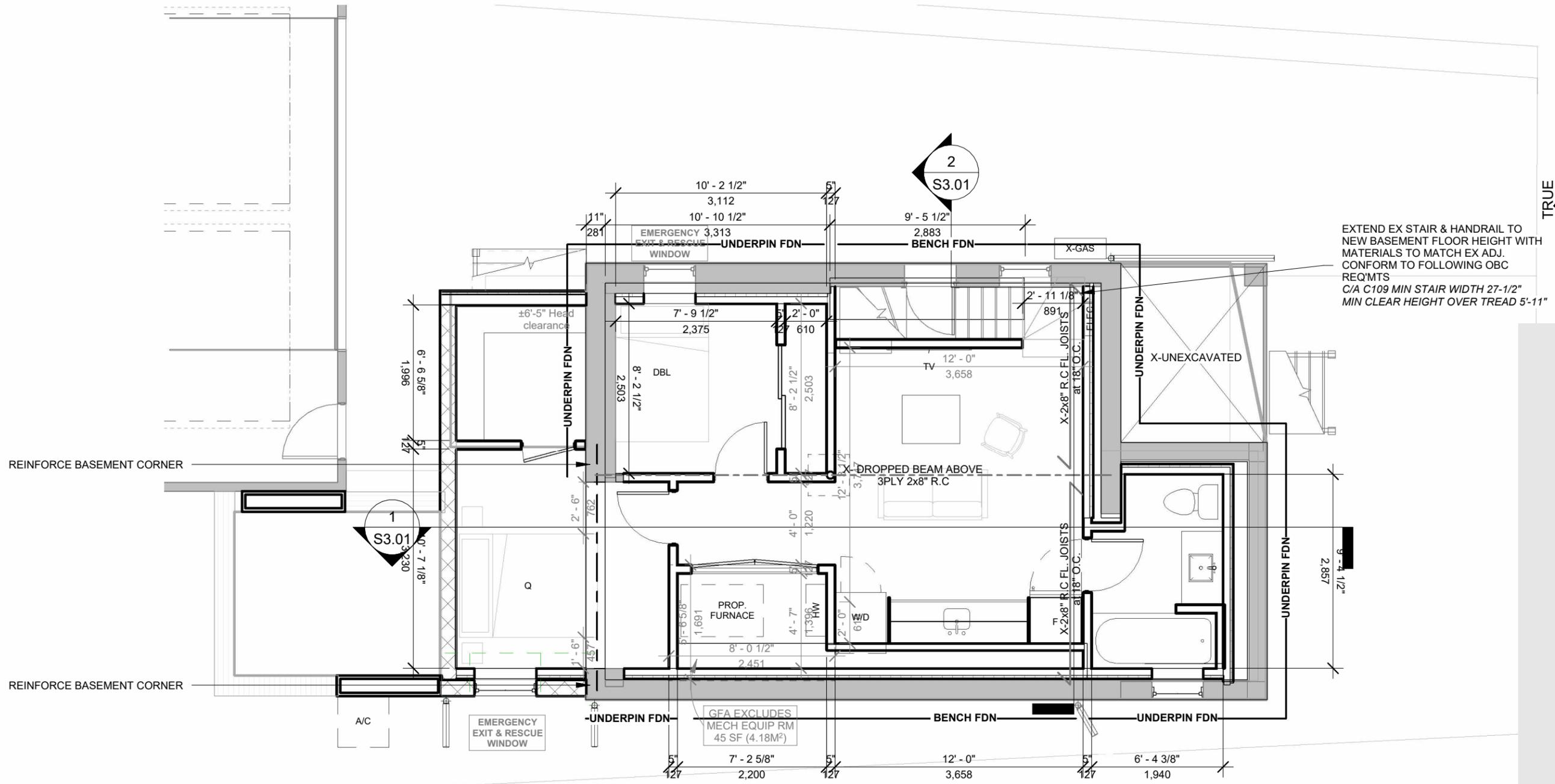
Project No. 23054  
Revisions

Scale 3/16" = 1'-0"

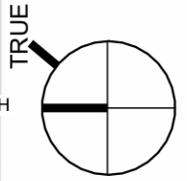
FLOOR PLANS

**A1.01**

Sheet No. ©2021



EXTEND EX STAIR & HANDRAIL TO NEW BASEMENT FLOOR HEIGHT WITH MATERIALS TO MATCH EX ADJ. CONFORM TO FOLLOWING OBC REQ'MTS  
 C/A C109 MIN STAIR WIDTH 27-1/2"  
 MIN CLEAR HEIGHT OVER TREAD 5'-11"



**ADD'N & INTR RENO**  
**64 NORTH OVAL, HAMILTON**

Project No. 23054  
 Revisions 2024/01/12

Scale 3/16" = 1'-0"

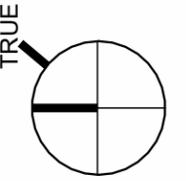
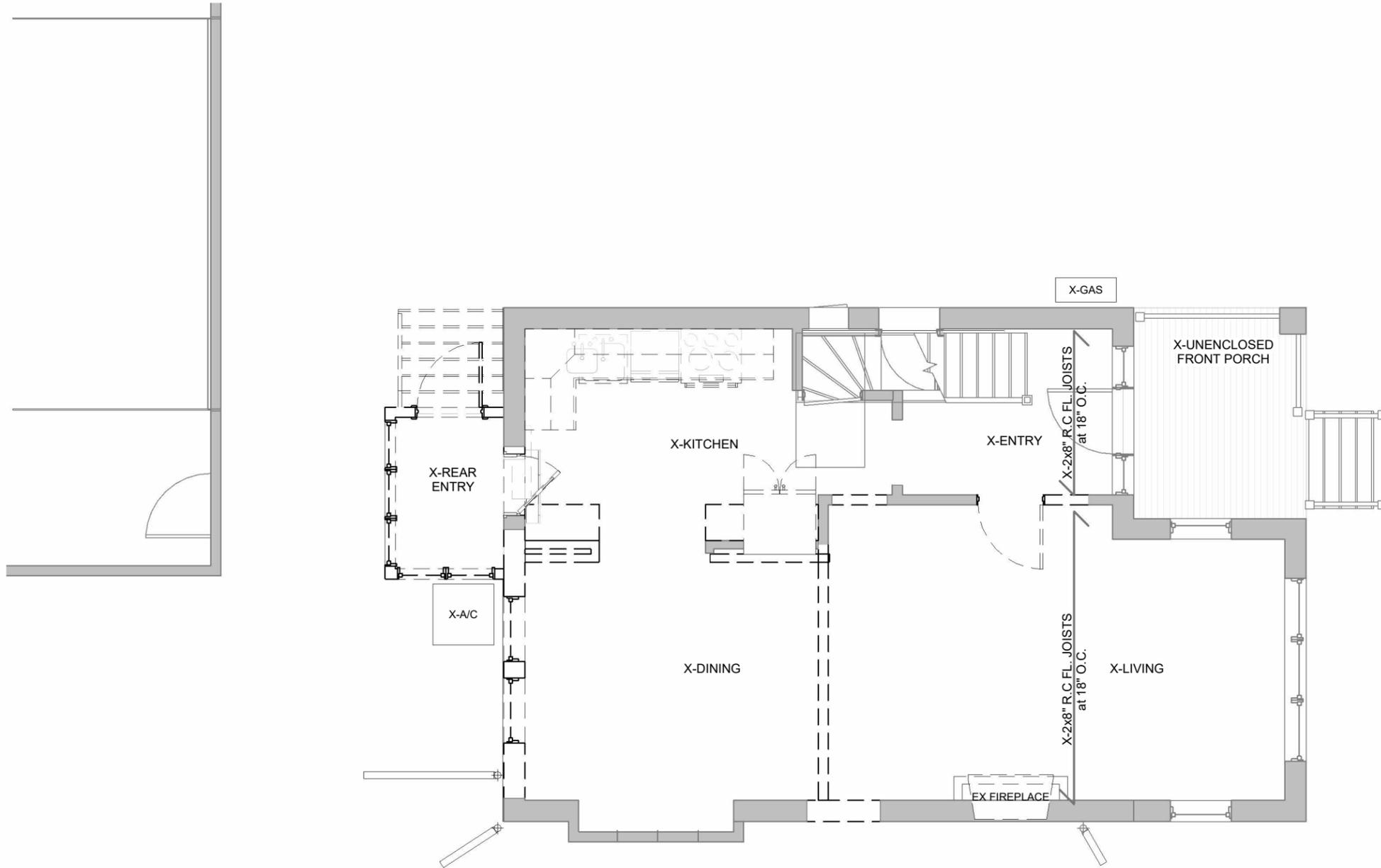
FLOOR PLANS

**A1.02**

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① LVL0 PLAN  
 3/16" = 1'-0"

YY/MM/DD



**PARK EIGHT**  
ENG // ARCH

**ADD'N & INTR RENO**

**64 NORTH OVAL, HAMILTON**

Project No. 23054

Revisions

Scale 3/16" = 1'-0"

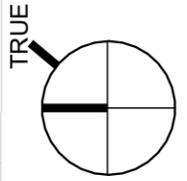
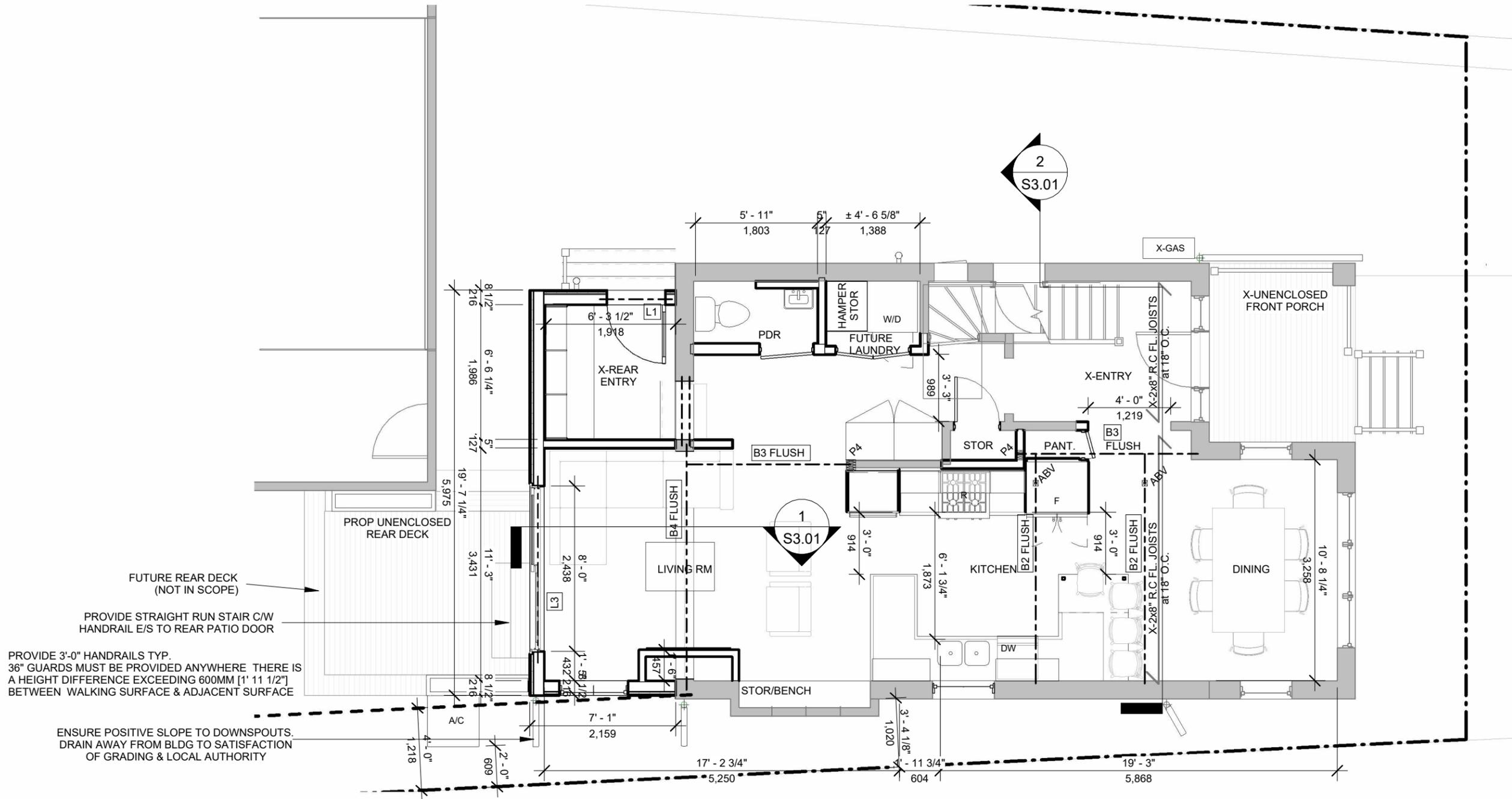
**FLOOR PLANS**

**A1.11**

Sheet No. ©2021

① LVL1 DEMO  
3/16" = 1'-0"

YY/MM/DD



**PARK EIGHT**  
ENG // ARCH

**ADD'N & INTR RENO**  
**64 NORTH OVAL, HAMILTON**

Project No. 23054  
Revisions

Scale 3/16" = 1'-0"

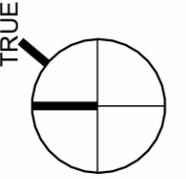
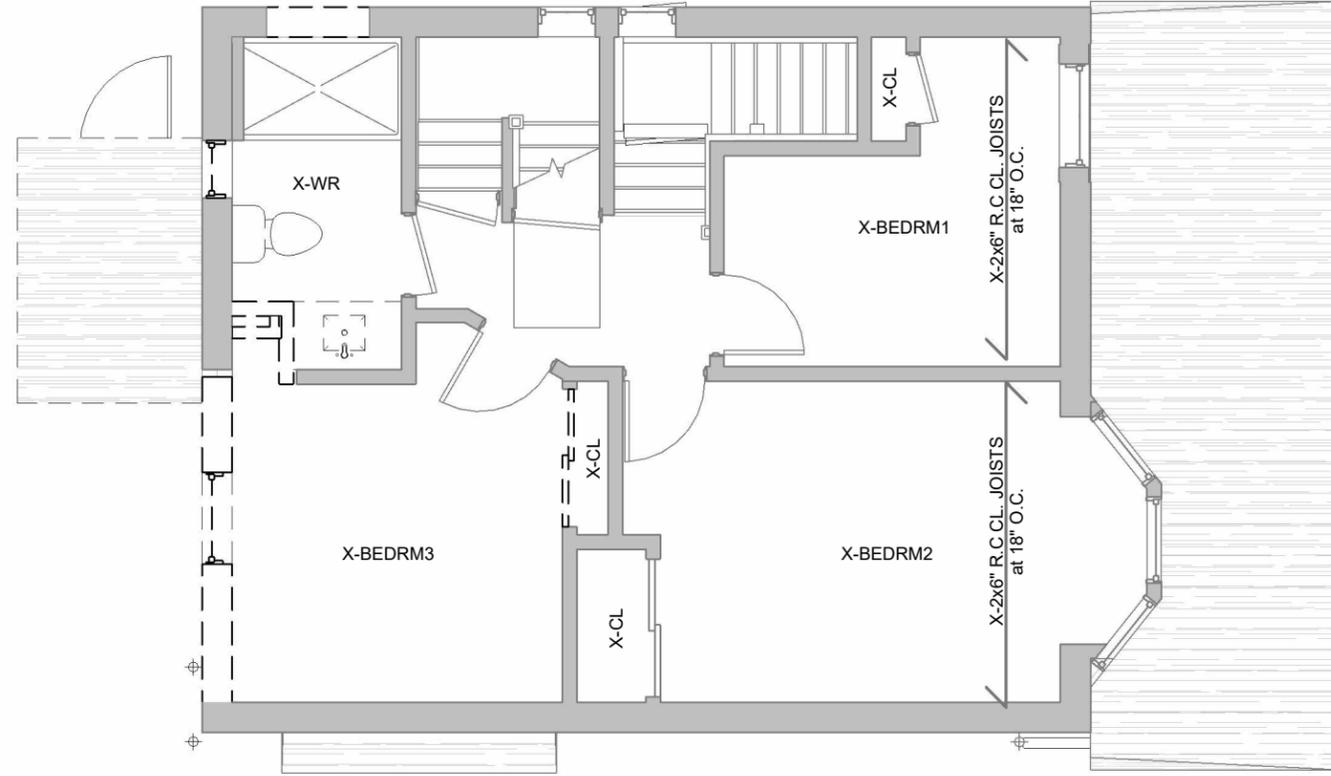
**FLOOR PLANS**

**A1.12**

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① LVL1 PLAN  
3/16" = 1'-0"

YY/MM/DD



# ADD'N & INTR RENO

64 NORTH OVAL, HAMILTON

Project No. 23054

Revisions

Scale 3/16" = 1'-0"

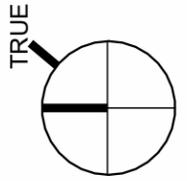
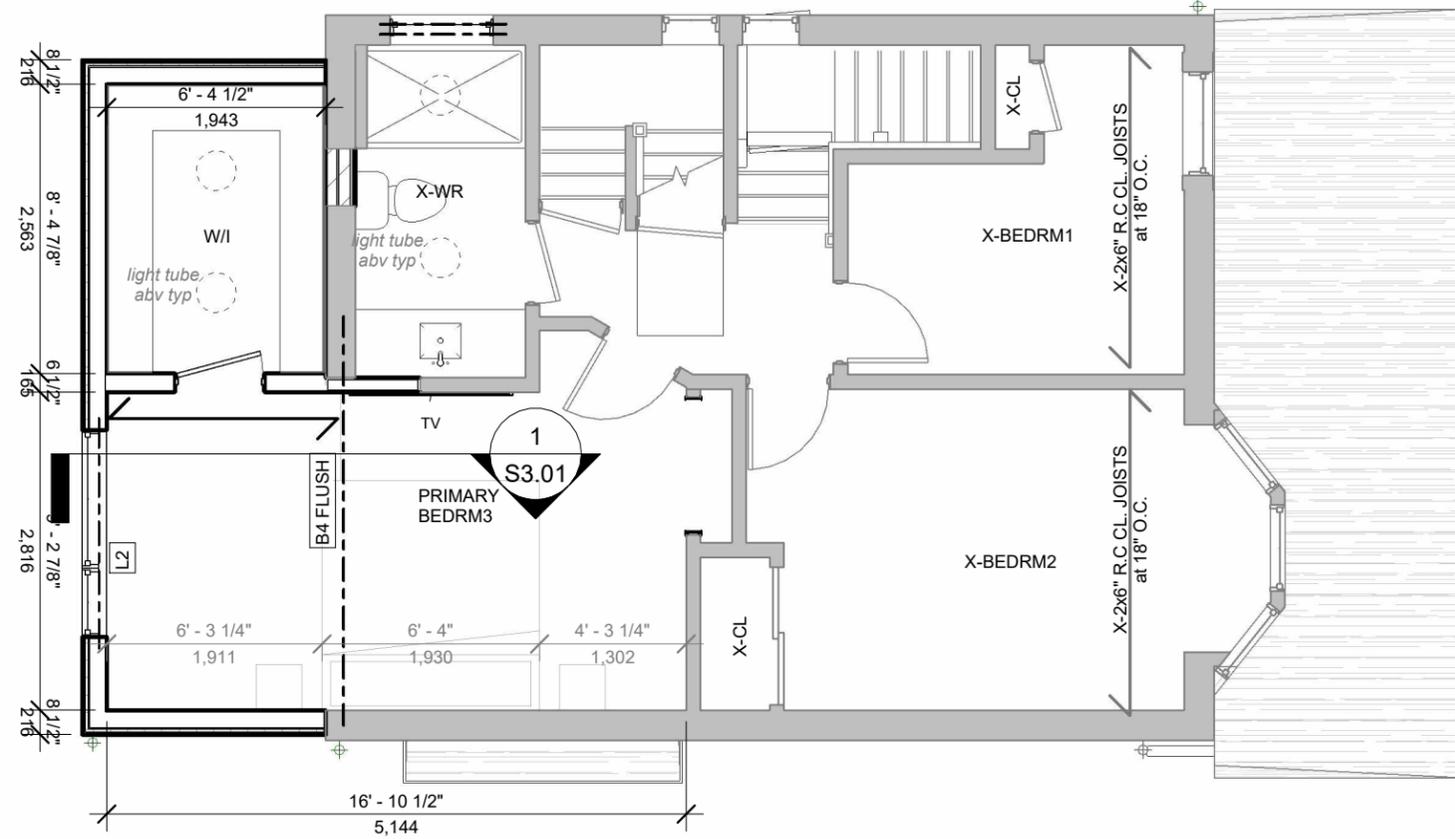
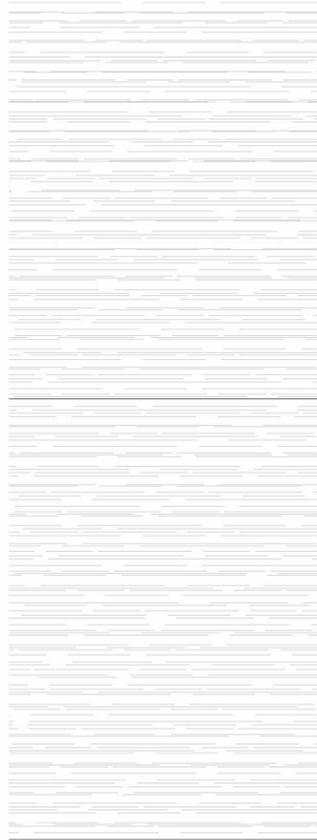
FLOOR PLAN

# A1.21

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① LVL2 DEMO  
3/16" = 1'-0"

YY/MM/DD



# ADD'N & INTR RENO

64 NORTH OVAL, HAMILTON

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Revisions 2024/01/12

YY/MM/DD

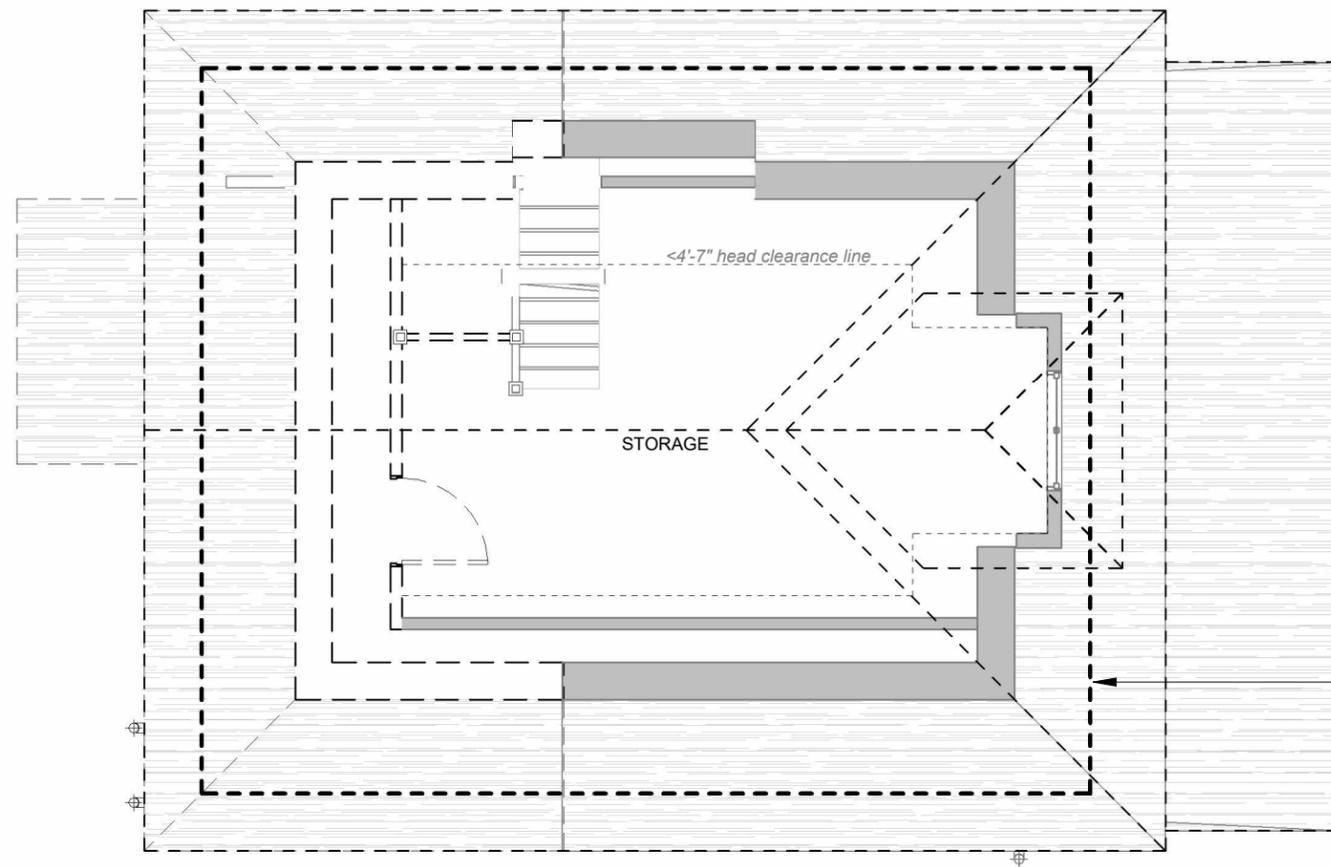
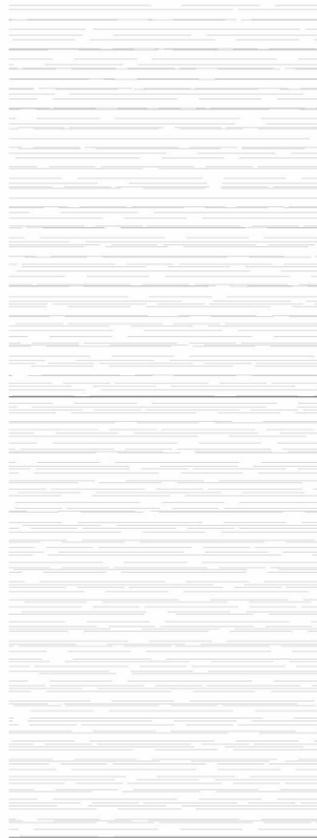
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FLOOR PLAN

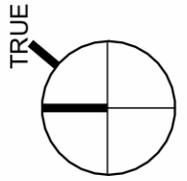
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① LVL2 PLAN  
3/16" = 1'-0"



EX LVL3 FOOTPRINT



① LVL3 DEMO  
3/16" = 1'-0"

YY/MM/DD



**ADD'N & INTR RENO**

**64 NORTH OVAL, HAMILTON**

Project No. 23054

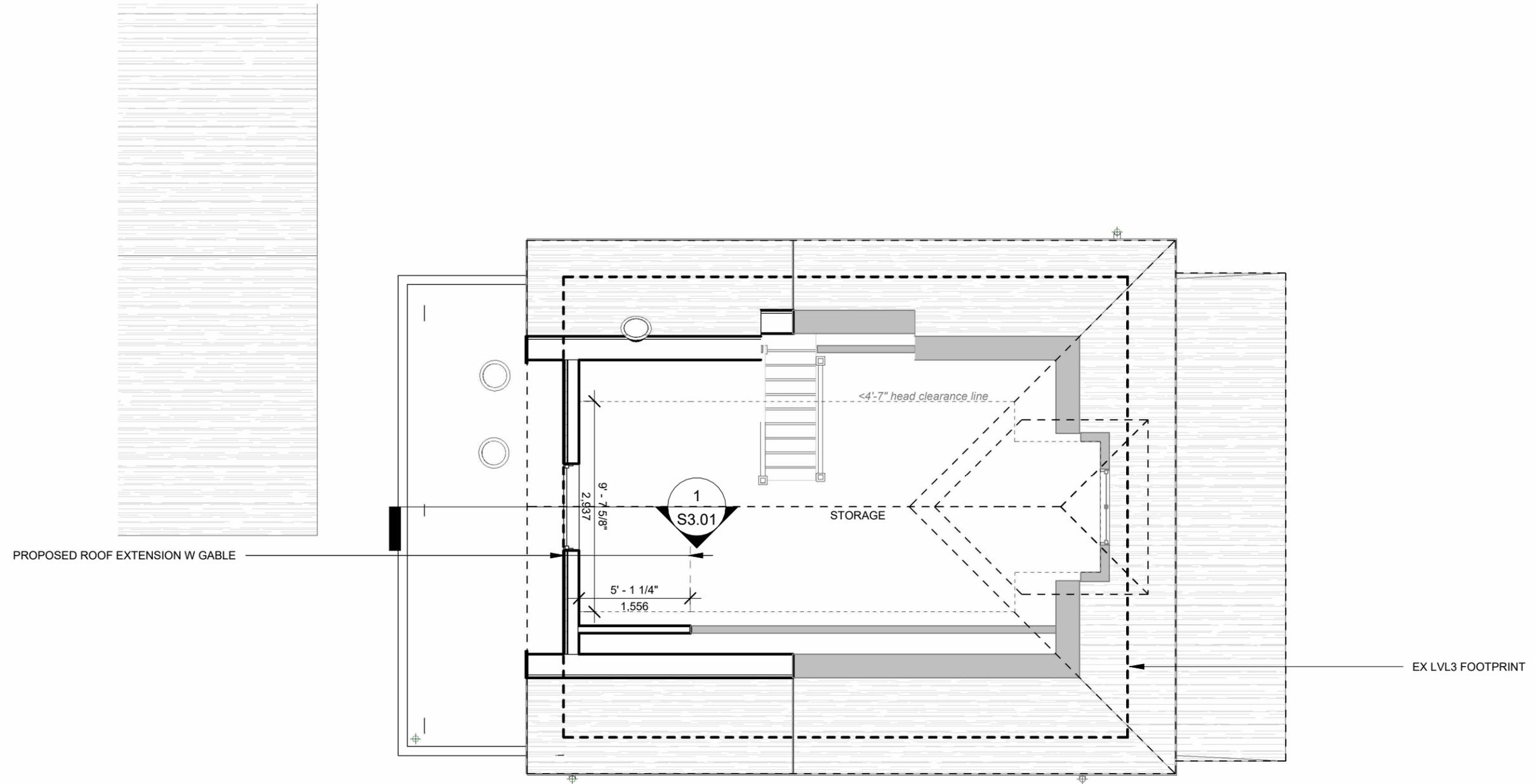
Revisions

Scale 3/16" = 1'-0"

**FLOOR PLAN**

**A1.31**

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① LVL3 PLAN  
3/16" = 1'-0"

YY/MM/DD



**ADD'N & INTR RENO**

**64 NORTH OVAL, HAMILTON**

Project No. 23054

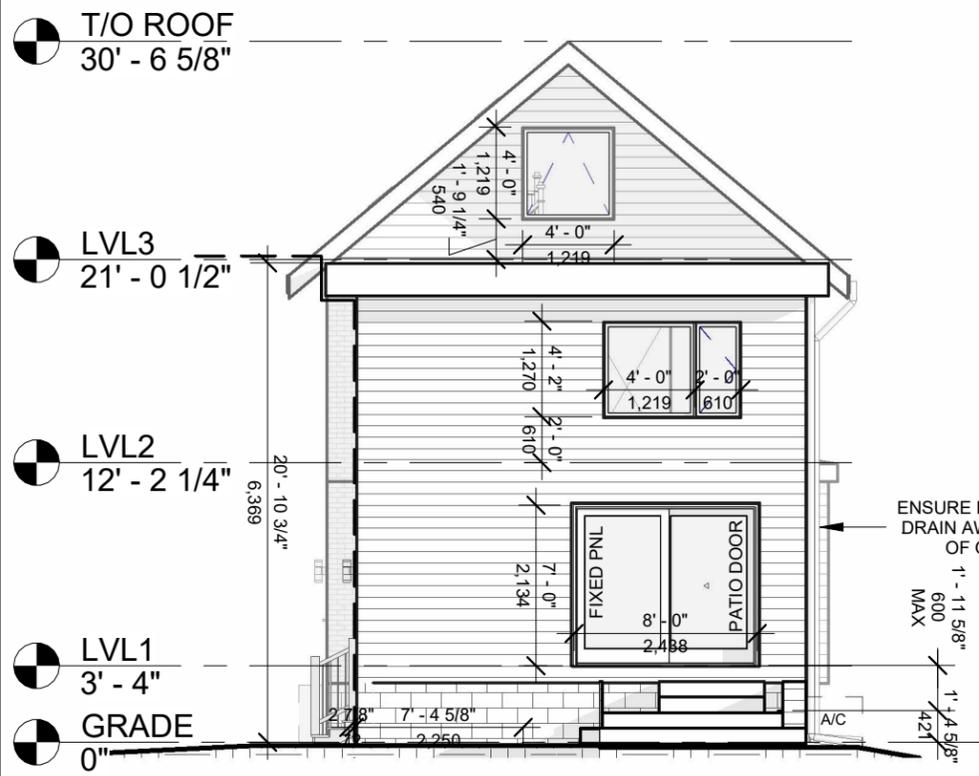
Revisions 2024/01/12

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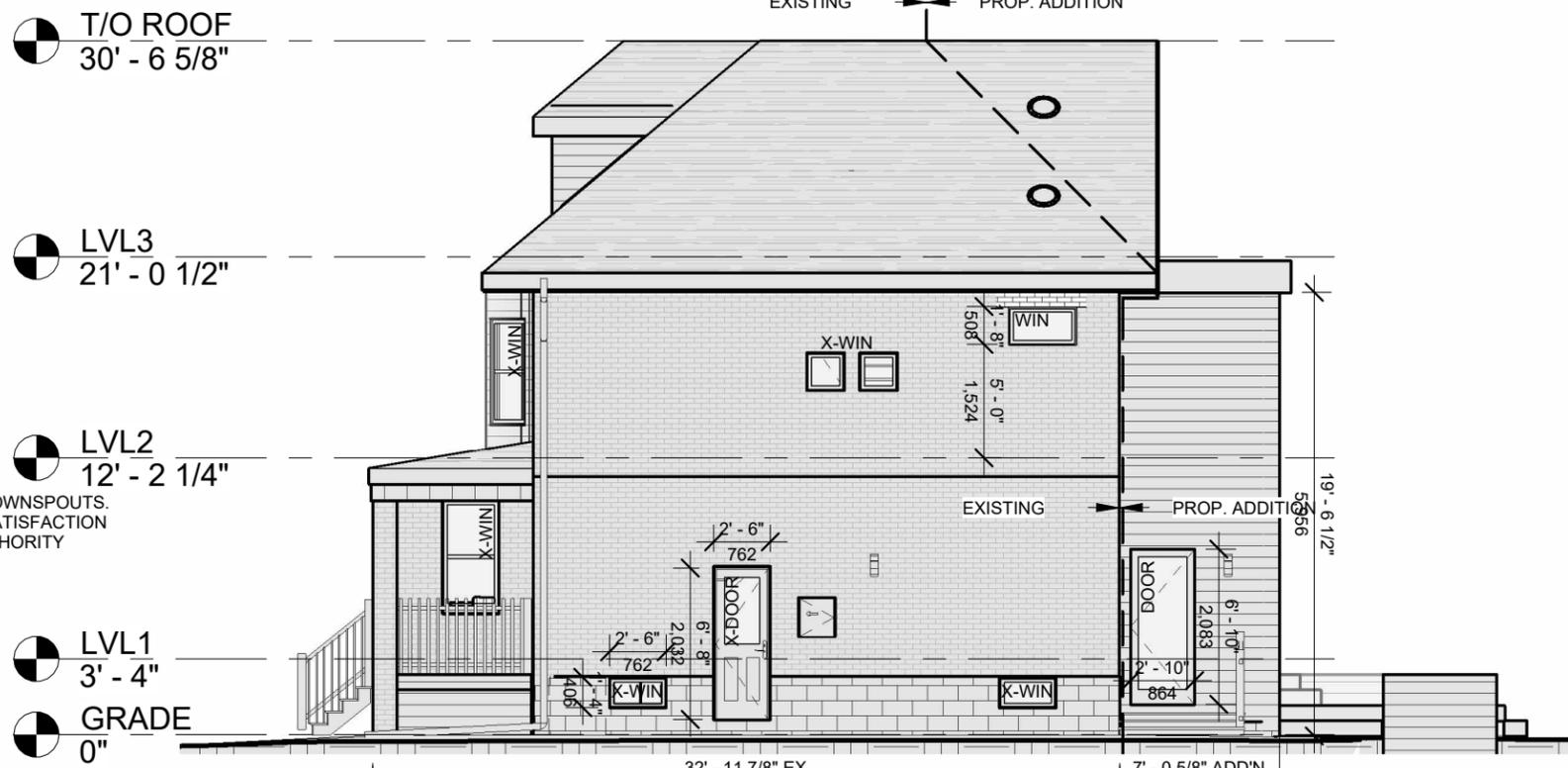
FLOOR PLANS

**A1.32**

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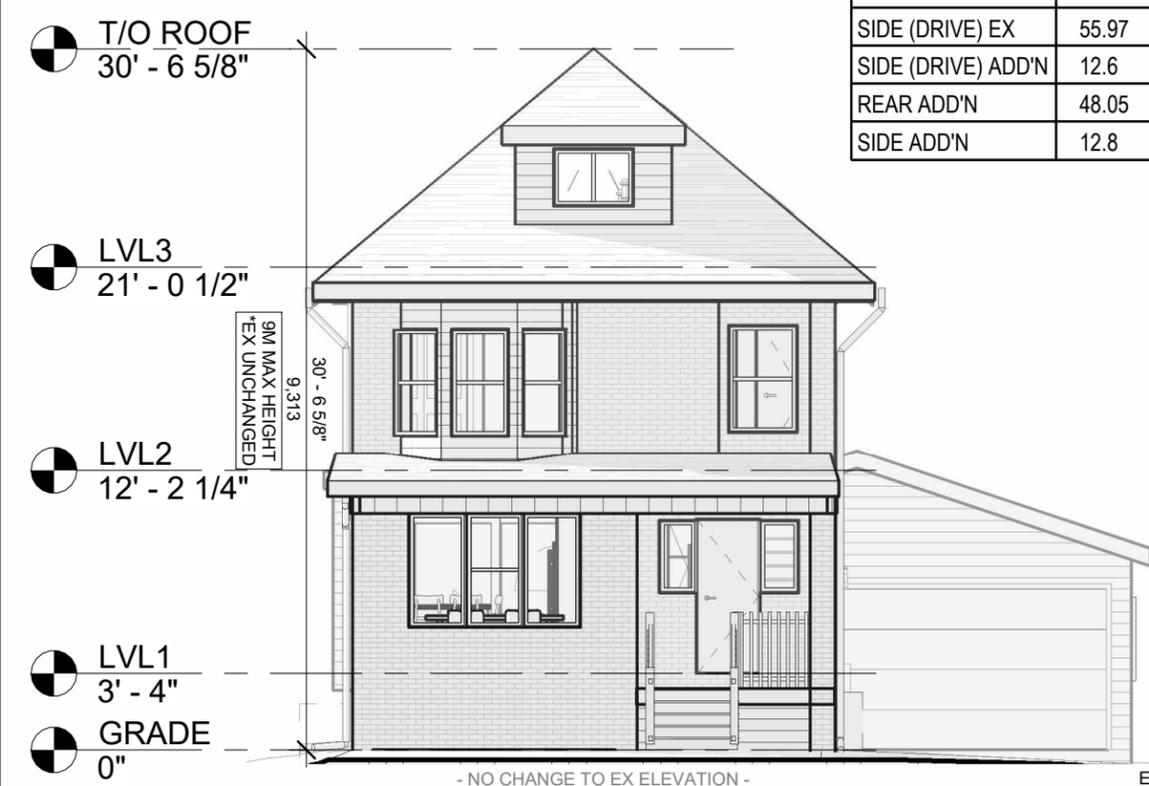
1 EXTR ELEV REAR  
1/8" = 1'-0"



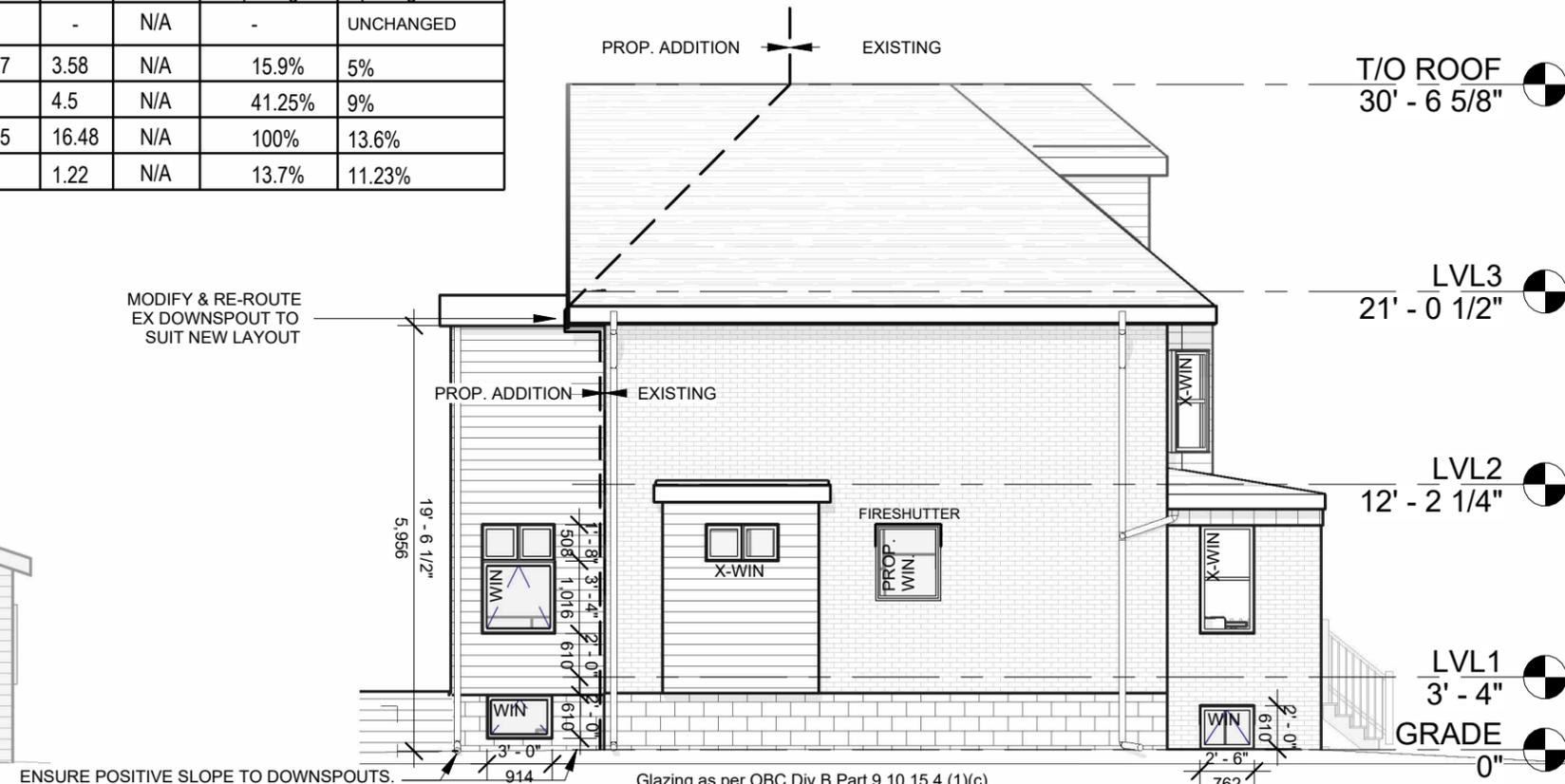
2 EXTR ELEV SIDE (DRIVE)  
1/8" = 1'-0"

Spatial Separation - Construction of Exterior Walls					
Wall	Area of EBF (m <sup>2</sup> )	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings
FRONT		-	N/A	-	UNCHANGED
SIDE (DRIVE) EX	55.97	3.58	N/A	15.9%	5%
SIDE (DRIVE) ADD'N	12.6	4.5	N/A	41.25%	9%
REAR ADD'N	48.05	16.48	N/A	100%	13.6%
SIDE ADD'N	12.8	1.22	N/A	13.7%	11.23%

YY/MM/DD



3 EXTR ELEV FRONT  
1/8" = 1'-0"



4 EXTR ELEV SIDE  
1/8" = 1'-0"

Glazing as per OBC Div B Part 9.10.15.4.(1)(c)  
Compartment - REAR ADDITION  
Max Glazing Permitted = LD<sup>2</sup> 1.22m<sup>2</sup> = 1.76m<sup>2</sup> [18.9sf]  
Exposing Glazing Proposed = 2.45m<sup>2</sup> [15.5sf]  
Proposed % of Permitted Openings = 82%



**ADD'N & INTR RENO**  
64 NORTH OVAL, HAMILTON

Project No. 23054  
Revisions 2024/01/12

Scale As indicated  
**ELEVATIONS**

**A2.01**



Hamilton

December 18, 2023

FILE: ALR  
 FOLDER: 23-314592-00 ALR  
 ATTENTION OF: Liam Tapp  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 6884

Pete Vandenaend  
 8 MARKET ST N  
 DUNDAS, ON L9H 2S5

**Re: ZONING COMPLIANCE REVIEW**  
**Present Zoning: C/S-1361**  
**Address: 64 North Oval, Hamilton**

A Zoning Compliance Review has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing an addition to the existing Single Family Dwelling which will include the renovation of the existing basement, rear yard addition and half storey addition.

Please be advised, as per the definition of Storey under Hamilton Zoning By-Law 05-200:

***“Storey - Shall mean that portion of a building or structure, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey.”***

And

***“Storey, Half - shall mean that portion of a building situated wholly or in part within a sloping roof and in which:***

- (a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or*
- (b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1m (6 feet, 11 inches) over all of the area of the floor”*

Furthermore, as per Zoning Policy “Zon-021” in addition to the minimum height requirements contained within the definition, a floor area will be considered a “Storey, Half” when:

- the floor area is located completely within a sloping roof so that the roof and floor meet for at least two full continuous lengths of the building.

A maximum of two (2) dormers (to provide light), which do not exceed 1.2 m in width each, shall be permitted along each side of the sloping roof, provided all other zoning regulations can be complied with.

Zoning Compliance Review  
64 North Oval, Hamilton

Any floor area which does not meet the above criteria will be considered a storey in accordance with the definition of "Storey" contained within Hamilton Zoning By-law 6593.

As such, the proposed addition/ extension of the roof does not propose any additional dormers within LVL 3 and the existing slope is to be maintained. As such, LVL 3 of the existing dwelling has been determined to meet the definition of a half storey and the existing height of a two and a half (2 ½) storey Single Family Dwelling has been maintained.

2. Building Division Records determine the last recognized use of the property to be a Single Family Dwelling which is permitted within the C/S-1361 Zone under Hamilton Zoning By-Law 6593 and defined as follows.

***"Single Family Dwelling - shall mean a building comprising one Class A dwelling unit, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this"***

Be advised, insufficient information has been provided regarding the intent of the proposed renovation and addition within the basement of the existing dwelling. Should a Secondary Dwelling Unit be proposed within the basement, Section 19 (1) and 19 (1).1 shall apply and an additional Zoning review will be required.

Please note, for the purpose of this review, the proposed addition(s) have been reviewed only as it relates to a Single Family Dwelling until such time that further indication has been provided to determine the intended use within the basement (LVL 0).

3. Please be advised, further to comment #2, parking regulations have been considered based on current regulations under Section 18a of Hamilton Zoning By-Law 6593. A full review of parking is required as the proposed addition indicates an increase to the number of Habitable rooms as well as an extension of the foot print for the principle dwelling which further encroaches into the existing parking space area/ manoeuvring spaces. As such, parking space requirements shall comply with current regulations under Section 18a for all existing or proposed spaces on the lot, due to the impact of the proposed addition.
4. This is an interior lot. With reference to "front lot line" as defined, the front lot line shall mean the boundary line along the street. As such, the front lot line for this property is the lot line abutting the North Oval street line.
5. Construction of the proposed addition/ alteration is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. The proposed development has been reviewed and compared to the standards of the C/ S -1361 District under Hamilton Zoning By-Law 6593 as indicated in the following chart:

Zoning Compliance Review  
64 North Oval, Hamilton

Hamilton Zoning By-Law 6593 Section	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>By-Law Amendment 96-109</b>			
<b>Floor Area Ratio Section 1. (a)(i)</b>	no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0 .45;	<p>Lot Area – 362.4 m<sup>2</sup> Floor Area Ration – 163.08 m<sup>2</sup></p> <p>Proposed GFA as per Site Statistics Table – 440.05 m<sup>2</sup></p> <p>Proposed Floor Area Ratio - (121.4%)</p> <p><b>Note: GFA not provided for proposed Basement. Applicant shall confirm GFA for all floors in order to confirm maximum proposed GFA</b></p>	<b>Does not Comply</b>
<b>Floor Area Ratio Calculation Section 1. (a)(ii)</b>	<p>notwithstanding Section 2.(2)J.(viii) of Zoning By-law No . 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:</p> <p>a) an attached garage; b) a detached garage ; c) the floor area occupied by heating, air conditioning and laundry equipment; and</p>	<p><u>Calculation</u></p> <p>Insufficient Information Provided</p> <p><b>Note: Site Statistics table indicates GFA however area is not provided for basement addition. Furthermore, LVL 3 GFA only excludes area within “head clearance”, as noted on LVL 3 Floor Plan. Note, all floor areas are to be included within GFA calculation unless otherwise exempted as per this Section.</b></p>	<b>Unable to Determine Compliance</b>
<b>Floor Area Ratio Ceiling Height Section 1. (a)(iii)</b>	for purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4 .6 metres, that portion of the dwelling shall be multiplied by 1.9.	No floor height taller than 4.6 metres	<b>N/A</b>
<b>Garage Floor Elevation Section 1. (a)(iv)</b>	in addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0 .3 metres above grade ;	No Attached Garage	<b>N/A</b>
<b>Height Requirements Section 1. (a)(v)</b>	notwithstanding Section 9 .(2) of Zoning By-law No . 6593, no building or structure shall exceed 2 storeys and 9 .0 metres in height;	<p>2 ½ storeys (9.31 metres)</p> <p>Existing Dwelling – Height unchanged</p> <p><b>Note: The proposed LVL</b></p>	<b>Conforms/ Deemed to Comply</b>

Zoning Compliance Review  
64 North Oval, Hamilton

Hamilton Zoning By-Law 6593 Section	Required By By-Law	Provided	Conforming/ Non-Conforming
		<b>3 does not further aggravate Zoning requirements and has been deemed to be in compliance with the existing height of the building</b>	
<b>Zoning Exemption Section 1. (a)(vi)</b>	Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale South Neighbourhood ;	Not Applicable	<b>N/A</b>
<b>Section 9 of Hamilton Zoning By-law 6593 - C District Requirements</b>			
<b>Height Requirements</b> Section 9 (2)	In a "C" District, no building shall exceed three storeys, and no structure other than a building, shall exceed 11.0 metres	See Section 1. (a)(v)	<b>N/A</b>
<b>Area Requirements</b> Section 9 (3)	(i) for a single family dwelling, two family dwelling, three family dwelling, a front yard of a depth of at least 6.0 metres (19.69 feet), and	Existing	<b>Deemed to Comply</b>
	(ii) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet);	1.218 m	<b>Conforms</b>
	(iii) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet), and	16.7 m	<b>Conforms</b>
<b>Intensity of Use</b> Section 9 (4)	for a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet)	Existing	<b>Deemed to Comply</b>
<b>Section 18 of Hamilton Zoning By-Law 6593 - Supplementary Requirements And Modifications</b>			
<b>Encroachment of eaves/gutter</b> <i>Section 18(3)(vi)(a) of Hamilton Zoning By-law 6593</i>	A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;	Not Indicated	<b>N/A</b>
<b>Encroachment of eaves/gutter</b> <i>Section 18(3)(vi)(b) of Hamilton Zoning By-law 6593</i>	May encroach into a front yard not more than 1.5m provided no such projection shall be closer than 1.5m to a street line.	Proposed roofline on LVL 1 indicated to encroach 0.29 m into required side yard  <b>Note: Existing Dwelling</b>	<b>Conforms</b>

Zoning Compliance Review  
64 North Oval, Hamilton

Hamilton Zoning By-Law 6593 Section	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>May encroach into a rear yard not more than 1.5m</p> <p>May encroach into a side yard not more than one-half of its width, or 1.0m whichever is the lesser.</p>	<p><b>not parallel with side lot line and proposed addition at LVL 1 setback over 1.2 metres. As such, regular encroachment requirements shall be applied to the proposed addition. As such, encroachment of eaves permitted to extend 0.6 metres into required side yard.</b></p>	
<p><b>Encroachment of porch</b> <i>Section 18(3)(vi)(d) of Hamilton Zoning By-law 6593</i></p>	<p>A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section</p>	<p>Existing</p>	<p><b>N/A</b></p>
<p><b>Encroachment of porch</b> <i>Section 18(3)(vi)(e) of Hamilton Zoning By-law 6593</i></p>	<p>A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line; and</p>	<p>Proposed Deck (not in scope of current submission) is indicated to be more than 0.5 m from the side lot line</p>	<p><b>Conforms</b></p>
<p><b>Mechanical and Unitary Equipment</b> <i>Section 18(4)(v) of Hamilton Zoning By-law 6593</i></p>	<p>Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>(a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p>	<p>Note within a front yard</p>	<p><b>N/A</b></p>
	<p>(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>	<p>Insufficient Information Provided</p> <p><b>Note: A/C unit appears to be closer than 0.6 metres</b></p>	<p><b>Unable to Determine Compliance</b></p>

Zoning Compliance Review  
64 North Oval, Hamilton

Hamilton Zoning By-Law 6593 Section	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Front Yard Landscaping</b> <i>Section 18(14)(i) of Hamilton Zoning By-law 6593</i>	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	Existing	<b>Deemed to Comply</b>
<b>Section 18a of Hamilton Zoning By-law 6593 - Parking</b>			
<b>Manoeuvring Space</b> <i>Section 18A (1) (f) of Hamilton Zoning By-law 6593</i>	manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1	6.0 m manoeuvring space not provided for one parking space within Accessory Garage	<b>Does not Comply</b>
<b>Parking Space Dimension</b> <i>Section 18A (7) of Hamilton Zoning By-law 6593</i>	Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.	3.0 m x 5.8 m	<b>Does not Comply</b>
<b>Access to Parking Space</b> <i>Section 18A (10) of Hamilton Zoning By-law 6593</i>	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	One parking space not freely accessible without removal of another vehicle	<b>Does not Comply</b>
<b>Manoeuvring Space Access</b> <i>Section 18A (22) of Hamilton Zoning By-law 6593</i>	All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.	Proposed Addition within Maneuvring space	<b>Does not Comply</b>
<b>Required Parking</b> <i>Section 18A Table 1 of Hamilton Zoning By-law 6593</i>  <b>Note: Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.</b>	2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room	9 habitable rooms proposed.  2.5 (3) spaces required.  2 spaces provided on Site Plan	<b>Does not Comply</b>

Yours truly



Zoning Compliance Review  
64 North Oval, Hamilton

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for the Manager of Zoning and Committee of Adjustment



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME		
Registered Owners(s)	André Phillion		
Applicant(s)	Park Eight inc care of Pete VandenArend		
Agent or Solicitor			E-mail:

1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	64 N Oval, Hamilton, ON L8S 3Y8		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

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### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Relief from;

3 items re ex parking and maneuverability. Obstructed by single 7½" tread. Ex 2.8m vehicle access maintained

1 item re single added habitable room Lvl0 requires 1 additional parking space

2 items re allowable lot coverage/ Gross Floor Area ≤163.08m<sup>2</sup> [45%] Req<sup>m</sup>t, Existing 223.8m<sup>2</sup> [61.75%], 257.57m<sup>2</sup> [71%] Proposed

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Homeowners are an adult blended family with three children (22, 19, and 11) looking to make their home more comfortable. One child (22 years old) is on the Autism Spectrum Disorder and although is high functioning will likely never live on his own.

No change to ex occupancy, maneuverability, or parking conditions.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10.1m	30m	362.4m <sup>2</sup>	8.5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	1.42m	19.03m	.676 / 3.58m	±1923
Accessory Garage	14.76m	7.5m	.407 / 4.41m	±1970s

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	1.42m	16.48m	1.22 / 4.5	PROPOSED
Accessory Garage				UNCHANGED

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	674sf [62.62m <sup>2</sup> ]	2,365sf [219.8m <sup>2</sup> ]	2 1/2	±30'-6" [9.30m]
Accessory Garage	580sf [53.88m <sup>2</sup> ]	580sf [53.88m <sup>2</sup> ]	1	±14'-6" [4.5m]

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	811.6sf [75.4m <sup>2</sup> ]	2,779sf [258.18m <sup>2</sup> ]	2 1/2	PROPOSED
Accessory Garage				UNCHANGED

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
  - right of way
  - other public road
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Single detached Dwelling (unchanged)

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4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single detached Dwellings

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## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
November 30th 2023

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7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Residential

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7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Residential

---

7.4 Length of time the existing uses of the subject property have continued:  
±100+ years

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7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): -

Rural Settlement Area: -

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

*Proposed scope is scaled reasonably, fits within the community context without changing the use, occupancy or original charm of the home.  
This renovation promotes responsible Agricultural property ownership*

7.6 What is the existing zoning of the subject land? C/S-1361 Urban Protected Residential

7.8 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:

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

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- √  Application Fee *Will be paid w credit card upon receipt*
- √  Site Sketch
- √  Complete Application form
- √  Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:24</b>	<b>SUBJECT PROPERTY:</b>	33 STERLING STREET, HAMILTON
<b>ZONE:</b>	"C/S-1361" (Urban Protected Residential, Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: BRIAN GOG EK  
Agent: T. JOHNS CONSULTING GROUP LTD. (JOE GRAVINA)

The following variances are requested:

1. To permit a floor area ratio factor of 0.54 shall be provided instead of the floor area ratio factor of 0.45 that is required.

**PURPOSE & EFFECT:** The proposal is to facilitate a Secondary Dwelling Unit – Detached within a existing accessory structure.

**Notes:**

- i) A maximum of 2 bedrooms are permitted in a Secondary Dwelling Unit, additional variances may be required to comply with the Zoning By-law.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**HM/A-24:24**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

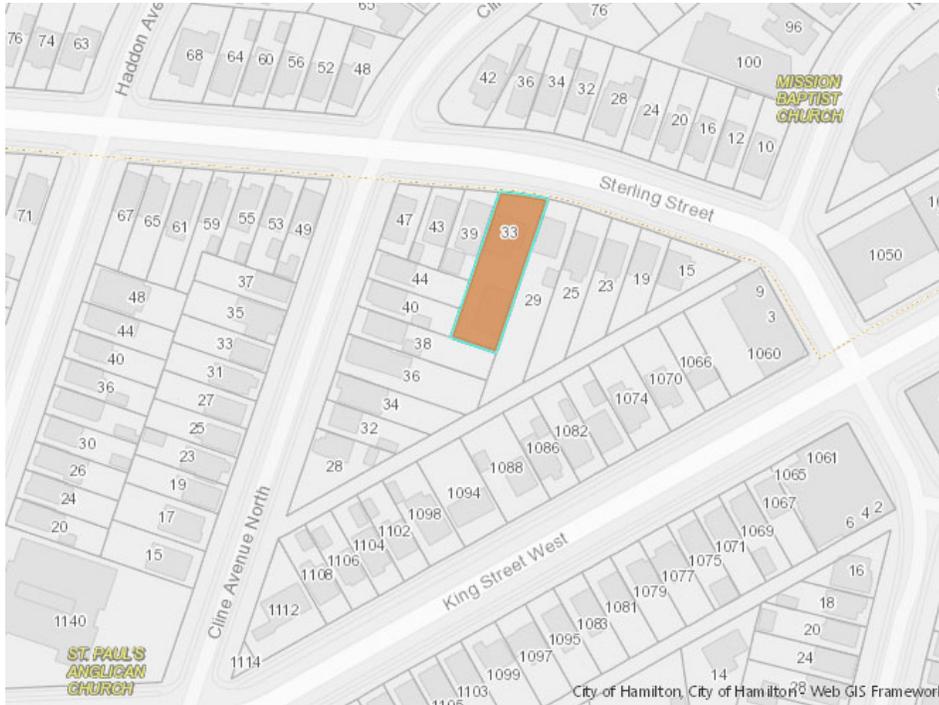
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:24, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:24



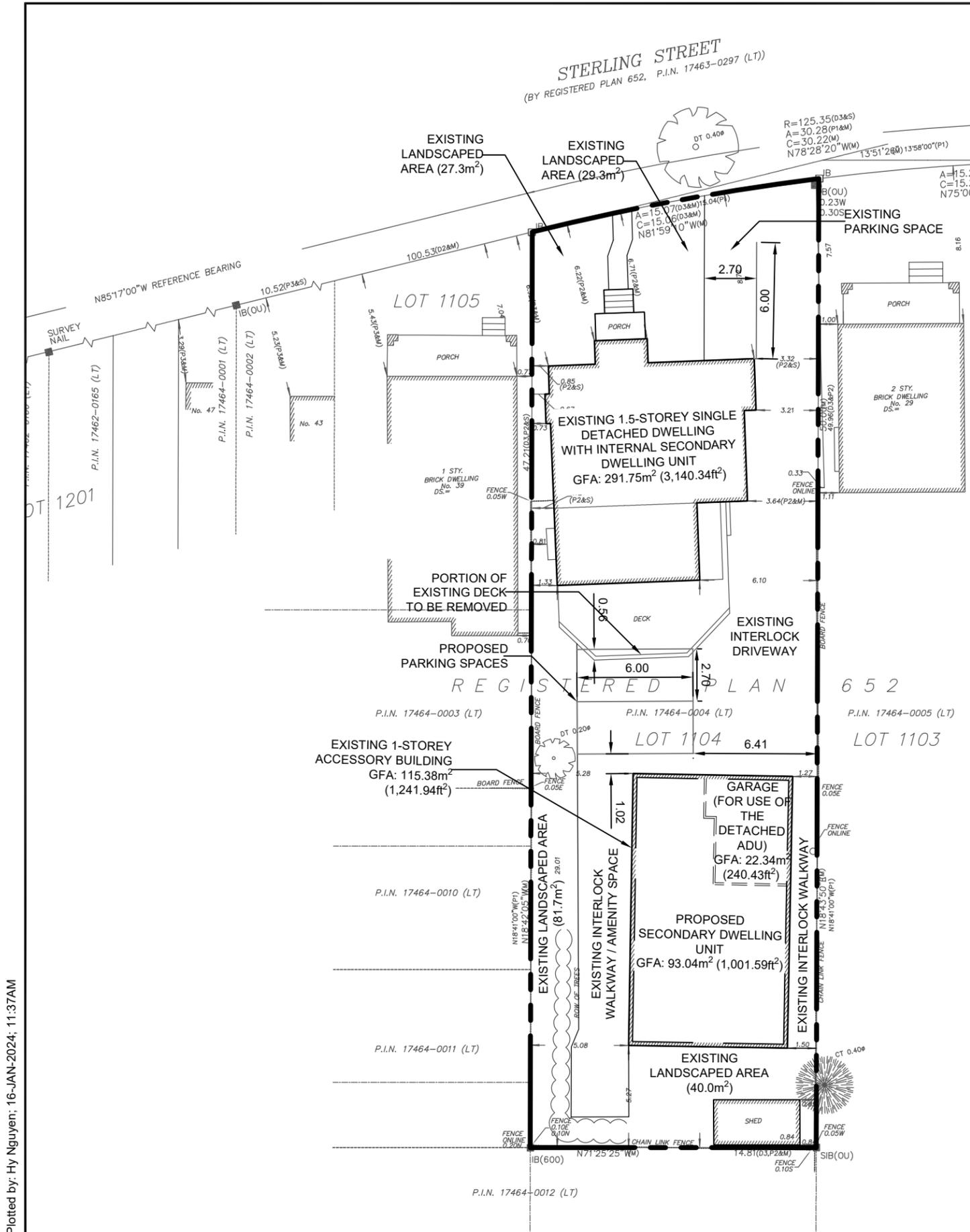
 Subject Lands

DATED: February 22, 2024

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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.



**ZONING CHART - CITY OF HAMILTON ZONING BY-LAW NO.6593**  
 URBAN PROTECTED RESIDENTIAL, ETC. (C/S-1361) DISTRICT, MODIFIED

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN LOT AREA	360.0m <sup>2</sup>	722.2m <sup>2</sup> (EXISTING)	YES
MIN LOT WIDTH	12.0m	15.1m (EXISTING)	YES
MIN FRONT YARD	6.0m	6.2m (EXISTING)	YES
MIN REAR YARD	7.5m	29.1m (EXISTING)	YES
MIN SIDE YARD	1.2m	0.6m (EXISTING)	YES
MAX BUILDING HEIGHT	2.5-STOREYS / 11.0m	1.5-STOREYS (EXISTING)	YES
MIN PARKING SPACES	3 SPACES	3 SPACES	YES
MIN STANDARD PARKING SPACE SIZE	2.7m X 6.0m	2.7m X 6.0m	YES
MAX PARKING SPACES PERMITTED IN REQUIRED FRONT YARD	1 SPACE	1 SPACE (EXISTING)	YES
MIN MANEUVERING SPACE AISLE WIDTH	6.0m	6.0m	YES
MIN FRONT YARD LANDSCAPED AREA	50%	50.1% (EXISTING)	YES
MAX FLOOR AREA RATIO FACTOR (BY-LAW NO. 96-109)	0.45	0.54 (EXISTING)	NO
<b>SECONDARY DWELLING UNIT</b>			
MAX SDU PERMITTED ON A LOT	1	1	YES
MAX NUMBER OF BEDROOMS (H/M/A-22:338)	3 BEDROOMS	2 BEDROOMS	YES
MAX ENTRANCE ON THE FRONT FACADE	1	0	YES
<b>SECONDARY DWELLING UNIT - DETACHED</b>			
MAX SDU - DETACHED PERMITTED ON A LOT	1	1	YES
*A LEGALLY ESTABLISHED ACCESSORY BUILDING EXISTING AS OF MAY 12, 2021, MAY BE CONVERTED TO THE ONE SDU-DETACHED PERMITTED ON A LOT CONTAINING AN EXISTING SINGLE DETACHED DWELLING.	APPLIES	APPLIES	YES

**DESIGN NOTES:**

- PLEASE NOTE THAT THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- AS-CONSTRUCTED CONDITIONS ARE BASED ON LEGAL SURVEY INFORMATION AND TRACING OF A PDF DRAWING AND MAY HAVE MINOR DISCREPANCIES IN ACCURACY AS A RESULT. DESIGN AND VALUES SUBJECT TO CHANGE.
- ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

**LEGAL DESCRIPTION**

PART OF LOT 1104  
 REGISTERED PLAN 652  
 IN THE  
 CITY OF HAMILTON  
 (REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)



REVISIONS

REV.	DESCRIPTION	DATE	INIT.
C	ISSUED	16-01-2024	HN
C	ISSUED	12-12-2022	JB
B	ISSUED	03-10-2022	JB
A	ISSUED	17-08-2022	JB

**DISCLAIMER**  
 THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.  
 ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.  
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

310 LIMERIDGE ROAD WEST, SUITE 6 HAMILTON ONTARIO, L9C 2V2  
 P 905-574-1993 F 905-527-9559

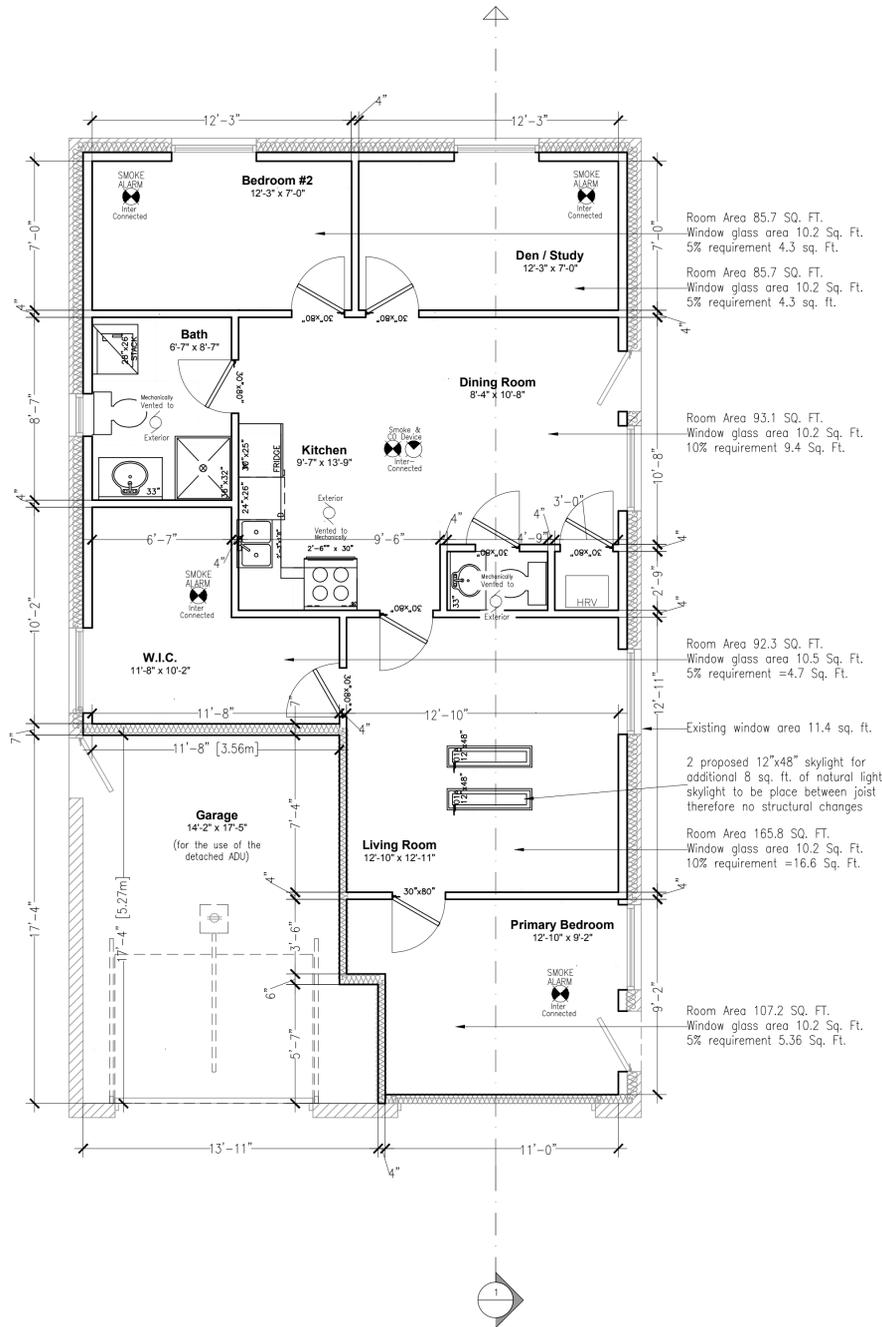
PROJECT TITLE  
**33 STERLING STREET**  
 HAMILTON, ONTARIO

DRAWING TITLE  
**CONCEPTUAL SITE PLAN**

DRAWN BY JB	DESIGNED BY JB
PRINT DATE 16-JAN-2024	PROJECT NUMBER
REVISION C	DRAWING NUMBER
SCALE 1:250	<b>CSP1-1</b>

Plotted by: Hy Nguyen; 16-JAN-2024; 11:37AM

First Floor Plan  
SCALE 1/4" = 1'-0"



Room Area 85.7 SQ. FT.  
Window glass area 10.2 Sq. Ft.  
5% requirement 4.3 sq. ft.

Room Area 85.7 SQ. FT.  
Window glass area 10.2 Sq. Ft.  
5% requirement 4.3 sq. ft.

Room Area 93.1 SQ. FT.  
Window glass area 10.2 Sq. Ft.  
10% requirement 9.4 Sq. Ft.

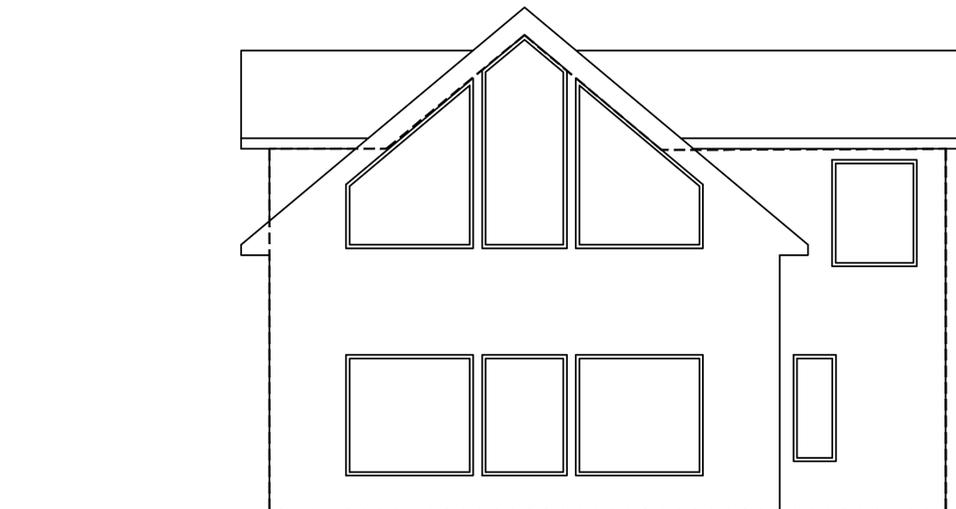
Room Area 92.3 SQ. FT.  
Window glass area 10.5 Sq. Ft.  
5% requirement =4.7 Sq. Ft.

Existing window area 11.4 sq. ft.

2 proposed 12"x48" skylight for additional 8 sq. ft. of natural light skylight to be place between joist therefore no structural changes

Room Area 165.8 SQ. FT.  
Window glass area 10.2 Sq. Ft.  
10% requirement =16.6 Sq. Ft.

Room Area 107.2 SQ. FT.  
Window glass area 10.2 Sq. Ft.  
5% requirement 5.36 Sq. Ft.



Limiting distance of 8.59 is between 28% and 57%  
Using straight line interpolation 8.59m = 45.11%  
Unprotected opening Calculations (9.10.15.4)  
Wall face area = 576.8 sq. ft.  
Openings = 163.0 sq. ft.  
Percentage = 28.3%  
Max. allowed = 45.11%  
Wall area assumes smallest amount of wall area regardless of grading conditions. And glazing calculations include entire basement window regardless if the window is below grade or not.

**OBC 9.10.19.3 – Smoke Alarms**  
(Renovations Only)

Existing smoke alarms are acceptable, however, if the scope of work involves renovating existing bedrooms, changing room uses from a non bedroom use to proposed bedroom use or an addition which includes a bedroom many requirements of 9.10.19.3 would apply including being interconnected, hardwired and with visual notification. If a smoke alarm is required it will be noted on drawings.

**DIMENSION NOTE:**

2019.12.05 – There are different ways of dimension architectural floors, what follows is an explanation of the why interior walls are dimensioned as 4" or 6" vs other methods.

Some Architectural drawings chose to dimension the rough wood stud framing. However this would create a lot fractioned dimensions on the plans and would require the framer to account for the 1/2" drywall material in some conditions like bathroom tubs and stair wells.

Some Architectural drawings chose to dimension the finished wall thickness. However this would create a lot fractioned dimensions as well.

These Architectural set of drawings chose to dimension interior walls to a round 4" or 6" dimension. We feel this is the cleanest dimension as they do not have fractions, and at most produce a 1/2" error which isn't typically an issue. Further we full appreciate that we can not ask trades in the field to measure to 1/2" accuracies nor to we assume that as built construction could hold those tolerances.

Client Sign Off: \_\_\_\_\_ Date: \_\_\_\_\_

PROJECT: 33 Sterling Street, Westdale Ontario

PROJECT No: 2020-023

**VIRTUAL CREATIONS INC.**

Client: **28844**  
BCIN No. **28844**  
ERIC CANTON BCIN#25135

SMALL BUILDINGS

Original Signature: *E.C.*  
**WWW.VCINC.CA**

Classification: \_\_\_\_\_

Mr. Brian Goggin

AT VIRTUAL CREATIONS INC. THE BEST EFFORT HAS BEEN MADE TO RECORD EXISTING BUILDING STRUCTURES AND PROPOSED A COMPREHENSIVE SET OF CONSTRUCTION DRAWINGS. HOWEVER, THERE ARE AREAS AT THE TIME OF DESIGNING THAT ARE UNAVAILABLE OR INACCESSIBLE. WITH PROPER COORDINATION WITH THE CLIENT, THESE AREAS SHOULD BE IDENTIFIED AND THE DRAWINGS SHOULD BE REVISED TO REFLECT THE CORRECT INFORMATION. VIRTUAL CREATIONS INC. IS NOT RESPONSIBLE FOR ANY DISCREPANCIES OR SUBSTITUTIONS FOR REVIEW BEFORE COMMENCING CONSTRUCTION. ALL DESIGNS AND DRAWINGS ARE THE SOLE PROPERTY AND COPYRIGHT OF VIRTUAL CREATIONS INC. ANY REPRODUCTIONS MUST BE AUTHORIZED BY VIRTUAL CREATIONS INC OR PURCHASED THROUGH VIRTUAL CREATIONS INC DIRECTLY.

ISSUED: Nov 13 2023



CONTRACT



January 23, 2024

*Via Email*

**ATTN:** Jamila Sheffield, Secretary-Treasurer  
City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 33 Sterling Street, Hamilton  
Committee of Adjustment - Minor Variance Application**

---

T. Johns Consulting Group (“T. Johns”) was retained by the landowners of 33 Sterling Street, Hamilton (“subject lands”) to submit the following Minor Variance application on their behalf.

#### **Site Description**

33 Sterling Street (“subject lands”) is located in the Westdale South neighbourhood. The subject lands are rectangular in shape with 15.1m of frontage on Sterling Street, a lot depth ranging from 47.21m - 50.0m, and a total lot size of 722.2m<sup>2</sup>. The subject lands contain a single detached dwelling, a 1-storey accessory building, and two (2) parking spaces.

#### **Planning Status**

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “Neighbourhoods” which permits residential dwellings of varying densities. The *Urban Hamilton Official Plan, Volume 2, Ainslie Wood Westdale Secondary Plan* designates the subject lands “Low Density Residential 2”, which permits single detached dwellings. Secondary dwelling units are permitted, subject to zoning regulations.

The *City of Hamilton Zoning By-law No. 6593* zones the subject lands Urban Protected Residential, Etc. “C” District, which permits single detached dwellings and secondary dwelling units, subject to specific criteria, such as size and location.

#### **Proposed Variance**

The subject lands require relief from section 1.(a)(i) of *By-law No. 96-109* to permit a maximum floor area ratio factor of 0.54, whereas the maximum floor area ratio factor of 0.45 is permitted.

Please refer to the Site Plan and Appendix A: Planning Rationale dated January 23, 2024 for additional details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents in support of Minor Variance.



Please find the enclosed:

- Minor Variance application with signatures;
- Copy of the cheque in the amount of \$705.00 to satisfy the application fee;
- Appendix A: Planning Rationale;
- Floor Plans; and,
- Concept Plan.

The application and all required documents have been submitted electronically, save and except the cheque that was submitted to the City of Hamilton dated January 23, 2024.

Please do not hesitate to contact Joe Gravina at 905-574-1993 ext. 204 with any questions.

Respectfully submitted,

**T. Johns Consulting Group Ltd.**

A handwritten signature in black ink that reads "J. Gravina".

**Joe Gravina**  
Project Manager

## Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

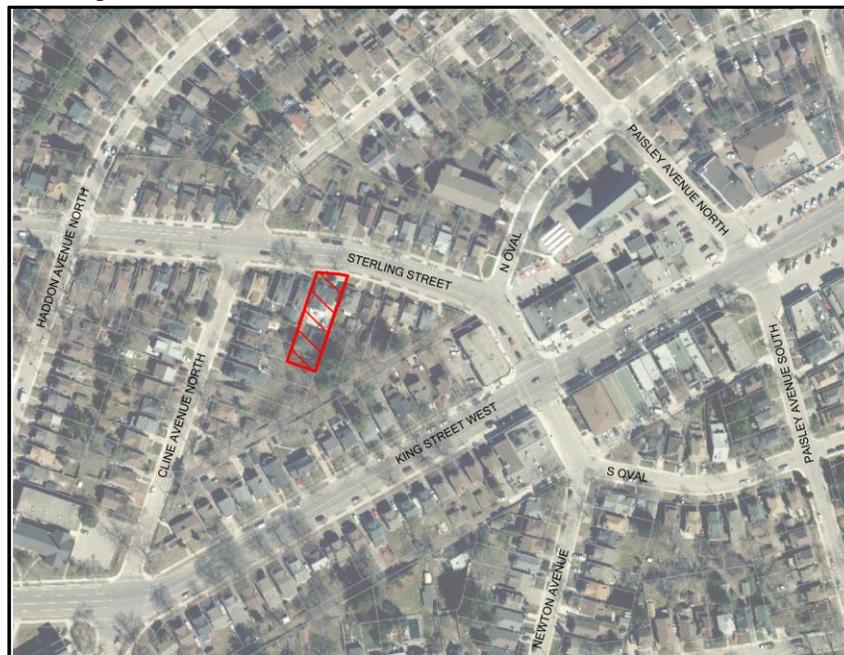
January 23, 2024

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 33 Sterling Street in the City of Hamilton.

### Description of Subject Lands

33 Sterling Street (“subject lands”) is located in the Westdale South neighbourhood of the City of Hamilton on the south side of Sterling Street (**Refer to Figure 1 - Site Location**). The subject lands are rectangular in shape with 15.1m of frontage on Sterling Street, a lot depth ranging from 47.21m - 50.0m, and a total lot size of 722.2m<sup>2</sup>. The subject lands are occupied by a 1.5-storey single detached dwelling containing a Secondary Dwelling Unit (“SDU”) and a 1-storey accessory building in the rear yard. The principal dwelling is supported by one (1) parking space in the front yard and one (1) parking space in the rear yard accessed via the existing driveway. To meet the Zoning By-law requirements for the principal dwelling, one (1) additional parking space is proposed in the rear yard. A portion of the existing deck will be removed to accommodate the additional parking space (**Refer to submitted Concept Plan**).

*Figure 1 - Site Location*



SUBJECT PROPERTY  
 33 STERLING STREET  
 HAMILTON, ON L8S 4H6

## Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

January 23, 2024

### Planning Status

The *Urban Hamilton Official Plan* (“UHOP”), *Volume 1, Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Neighbourhoods”. The Neighbourhoods designation permits a range of residential uses and forms, including single detached dwellings and SDUs.

The *Ainslie Wood Westdale Secondary Plan* (“Secondary Plan”) of the *Urban Hamilton Official Plan, Volume 2*, designates the subject lands “Low Density Residential 2” on *Map B.6.2-1 - Land Use Plan*. Single detached dwellings are permitted in the Low Density Residential 2 designation. The subject lands are also within the “Westdale Original Subdivision”, as identified on *Map B.6.2-2 - Cultural Heritage Landscapes*.

The subject lands are currently zoned Urban Protected Residential (C/S-1361) District, Modified, in the former *City of Hamilton Zoning By-law No. 6593*. The “C” District permits single detached dwellings, SDUs, and SDUs - Detached, subject to the provisions of Section 19. *By-law No. 96-109* was adopted by Council on June 25, 1996, amending *Zoning By-law No. 6593* to implement site-specific zoning provision “S-1361”. The site-specific zoning implements requirements for residential dwellings within the Westdale South neighbourhood.

### Previous Planning Application

A Minor Variance (Application No. HM/A-22:338) was granted on December 8, 2022, to allow an SDU to contain three (3) bedrooms instead of the maximum two (2) bedrooms permitted within an SDU on the subject lands.

### Proposed Development

The landowner of 33 Sterling Street received a building permit in 2016 for the construction of a garage. The garage has since been converted to an SDU - Detached and the landowner must acquire a Building Permit to legally recognize the conversion. However, a successful Minor Variance is required before a Building Permit can be granted.

As a garage, the floor area of the accessory building did not count towards the gross floor area (“GFA”) of the subject lands. As an SDU - Detached, its floor area counts towards the GFA and renders a floor area ratio (“FAR”) greater than permitted by the Zoning By-law. Thus, the variance being sought is to permit a maximum FAR of 0.54 for the subject lands whereas the Zoning By-law permits 0.45.

### Nature and Extent of Relief Applied For:

The subject lands require relief from section 1.(a)(i) of *By-law No. 96-109* to permit a maximum floor area ratio factor of 0.54, whereas the maximum floor area ratio factor of 0.45 is permitted.

## Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

January 23, 2024

### Planning Rationale

#### 1. Overall Conformity to the *Urban Hamilton Official Plan*

The UHOP designates the subject lands as “Neighbourhoods” (Schedule E-1). Low density residential uses and forms are permitted in Neighbourhoods, including SDUs and SDUs - Detached (E.3.4.3, B.3.2.4.4).

The proposal is consistent with the UHOP’s objective to utilize SDUs as a method for providing gentle intensification, diversifying housing typologies and tenures, and improving affordability within the City (B.3.2.4).

The proposed variance is intended to recognize the existing development on the site and as such, respects the surrounding neighbourhood built-form and character, consistent with the objectives of the Neighbourhoods designation (B.2.4.1.4).

#### 2. Overall Conformity to the *Ainslie Wood Westdale Secondary Plan*

The Secondary Plan designates the subject lands as “Low Density Residential 2” (Map B.6.2-1). A range of residential types are encouraged in the Secondary Plan including low density housing, which is preferred at the interior of neighbourhoods in the Low Density Residential 2 designation (6.2.5.4a.iii). Further, the Secondary Plan recognizes the importance of rental housing in achieving a diverse housing stock (B.6.2.5.3 a). The proposal maintains the low density principal dwelling while providing an opportunity for rental housing in the SDU - Detached and as such, conforms to the objectives of the Secondary Plan.

The subject lands are more specifically within the “Westdale Original Subdivision” Cultural Landscape Area (Map B.6.2-2), which protects the integrity and residential character of the established historical neighbourhood (6.2.13.1 c). The proposed variance is intended to recognize existing site conditions and as such, respects the historical residential character, consistent with the Secondary Plan.

#### 3. Why is it not possible to comply with the provision of the by-law?

Site-specific zoning provision S-1361 excludes the floor areas of detached garages in GFA calculations. The accessory building on the subject lands was initially constructed as a detached garage, thereby excluding its floor area from the GFA of the subject lands. Conversion to an SDU - Detached causes the building’s floor area to be included in the GFA, rendering a greater FAR than permitted in the Zoning By-law. It is therefore not possible to comply with the provision of the by-law as the buildings’ floor areas are pre-existing.

#### 4. Conformity to the Intent of the Zoning By-law

The maximum FAR is intended to protect the historic residential character of the Westdale neighbourhood by maintaining consistent lot densities. As no new structures or additions to the existing buildings are proposed, the variance conforms to the intent of the Zoning By-law.

## Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

January 23, 2024

The site-specific zoning provision to exclude the floor area of detached garages in GFAs limits the ability of landowners in the Westdale neighbourhood to convert legally established accessory buildings (existing prior to May 12, 2021) to SDUs - Detached, as is permitted by section 19.(1).2 (ii) of *Zoning By-law No. 6593*. The proposal is consistent with the intent of the Zoning By-law as the site-specific zoning provision is not intended to prevent the conversion of accessory buildings to SDUs - Detached. Further, the converted building will conform to the maximum of two bedrooms in an SDU - Detached, which is intended to limit the intensification of a property.

### 5. Is the Variance Minor and Desirable?

The proposed variance is required as a result of converting a legally established accessory building to an SDU - Detached. As no new structures are proposed and the conversion is permitted by the Zoning By-law, the variance is considered minor in nature.

The variance is desirable as it recognizes an existing condition, bringing the subject lands into conformity with the Zoning By-law. Further, the variance will help to facilitate the use of an SDU - Detached in providing residential intensification and diversifying housing types in the City.

### Conclusion

The Secondary Dwelling Unit - Detached at 33 Sterling Street will provide gentle intensification within the Westdale neighbourhood that will support local commercial and community uses. The heritage resource and character of the site will be maintained. The requested variance meets the intent of the *Urban Hamilton Official Plan* and the *City of Hamilton Zoning By-law No. 6593*, is minor in nature, is desirable for the use of the lands, and represents good land use planning.

Respectfully Submitted,  
T. Johns Consulting Group Ltd.



**Joe Gravina**

Project Manager



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	Brian Gogek
<b>Applicant(s)</b>	Same as above
<b>Agent or Solicitor</b>	T. Johns Consulting Group Ltd. c/o Joe Gravina

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	33 Sterling Street, Hamilton		
Assessment Roll Number			
Former Municipality	Former City of Hamilton		
Lot	Part of Lot 1104	Concession	
Registered Plan Number	652	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Refer to Planning Rationale.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Refer to Planning Rationale.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
15.06m	47.21m	722.20m <sup>2</sup>	±20.00m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
_____				_____
_____		Refer to Concept Plan		_____
_____				_____

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
_____				_____
_____		Refer to Concept Plan		_____
_____				_____

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
_____				_____
_____		Refer to Concept Plan		_____
_____				_____

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
_____				_____
_____		Refer to Concept Plan		_____
_____				_____

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Refer to Planning Rationale.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single detached dwellings.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

May 29, 2009

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling.

7.4 Length of time the existing uses of the subject property have continued:

Unknown.

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Ainslie Wood Westdale Secondary Plan:  
Low Density Residential 2

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

Refer to Planning Rationale.

7.6 What is the existing zoning of the subject land? C/S-1361 (Urban Protected Residential, Etc.) District  
City of Hamilton Zoning By-law No. 6593

7.8 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-22:338

---

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 3

8.3 Additional Information (please include separate sheet if needed):

Refer to Planning Rationale and Concept Plan for more details.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-23:301</b>	<b>SUBJECT PROPERTY:</b>	22 ARKELL STREET, HAMILTON
<b>ZONE:</b>	"C/S-1361" (Urban Protected Residential and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: XINSHENG ZHONG  
Applicant: ELLA LIN

The following variances are requested:

1. A maximum gross floor area of 86 square metres shall be permitted for the Secondary Dwelling Unit – Detached whereas the by-law permits a maximum gross floor area 75 square metres.
2. A maximum ground floor area of the Secondary Dwelling Unit – Detached shall be 86 sq. m. (86%) whereas the by-law required a ground floor not exceed 70% of the ground floor area of the principal dwelling.
3. A access driveway shall be a minimum of 2.6 meters wide whereas the by-law requires the access driveway to be a minimum of 2.8 meters wide.

**PURPOSE & EFFECT:** To permit a basement addition onto a existing accessory building in the rear yard and to establish a Secondary Dwelling Unit – Detached within the accessory structure.

**Notes:**

- i. Please be advised a landscaped strip shall be provide within the northerly 1.2 meter side yard adjacent to the Secondary Dwelling Unit.
- ii. Please be advised an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback.
- iii. The following definition is applicable:

"Gross Floor Area" with reference to the maximum permissible floor area of a building or structure

**HM/A-23:301**

in relation to the area of the lot on which it is situate means the aggregate of the areas of the building or structure at each storey, including mezzanine floors and a basement but not a cellar or sub-cellar; Provided that the following may be deducted for the purpose of determining the gross floor area permissible under the provisions of this By-Law, namely:

- (i) floor area occupied by boiler rooms, air-conditioning equipment rooms, elevator shafts, machinery rooms and other building plant equipment rooms except laundry rooms and storage rooms; 2-35
  - (ii) chimney shafts, garbage chutes and pipe shafts;
  - (iii) parking spaces, access driveways and manoeuvring space; and
  - (iv) all floor area of halls, corridors and stairwells beyond the minimum area required by law; and in calculating such deductions, measurements shall be to the centre of interior walls or partitions, and to the outside of exterior walls, except in the case of chimneys and elevator shafts, when the whole area of the walls shall be included in the calculation of area to be deducted;
- iv. Insufficient information for the floor area for the basement of the Secondary Dwelling Unit - Detached, additional variances may be required.
- v. The variances are written as requested by the 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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

**HM/A-23:301**

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:301, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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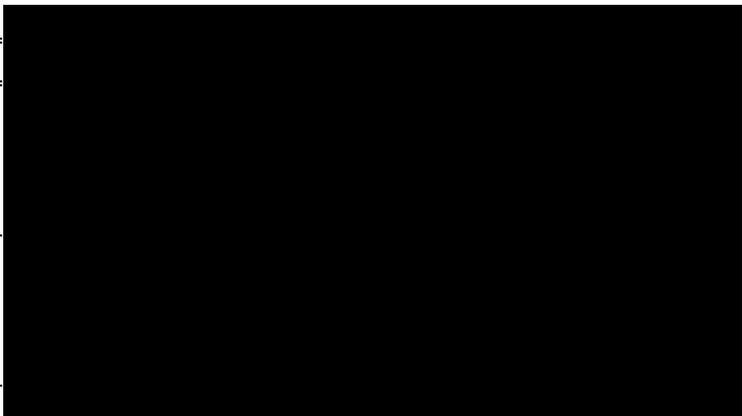




Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	
<b>Registered Owners(s)</b>	Xinsheng Zhong	
<b>Applicant(s)</b>	Ella Lin	
<b>Agent or Solicitor</b>		
		<b>E-mail:</b>

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent 

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	22 Arkell Street		
Assessment Roll Number	010054015400000		
Former Municipality			
Lot	Lot1109,PTLot 1108	Concession	
Registered Plan Number	PLAN 649	Lot(s)	1109
Reference Plan Number (s)		Part(s)	LOT1108

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

1. The max. gross floor area of second dwelling unit is 86 sqm. The allowed second dwelling unit is 75 sqm.
2. The ground floor area of a secondary dwelling unit is 86 sqm. The allowed ground floor area of second dwelling unit is 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

1. The accessory building was approved by the City of Hamilton in 2019. The proposed second dwelling unit has the same footprint as the existing accessory building.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.27m	30.48m	794m <sup>2</sup>	12.5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Original Building	4.9m	11.1m	2.67m/3.65m(West) 19.1m (East)	
Storage	14.2m	1.2m	18.1m(West) 1.5m/11.3m (East)	08/01/2021

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Second Dwelling Unit	14.2m	1.2m	18.1m(West) 1.5m/11.3m (East)	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Original Building	101m <sup>2</sup>	205m <sup>2</sup>	1.5	7.7m
Storage	93.5m <sup>2</sup>	93.5m <sup>2</sup>	1	3.53m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Second Dwelling Unit	86m <sup>2</sup>	86m <sup>2</sup>	1	5m

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single Detached Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single Detached Dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2018

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Detached Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Detached Dwelling

7.4 Length of time the existing uses of the subject property have continued:

6 years

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Urban Protected Residential Distr

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

The proposed use of a secondary dwelling unit is permitted within the current 'C/S-1361' Urban Protected Residential District within the Former Hamilton Zoning By-law 6593

7.6 What is the existing zoning of the subject land? C District – Urban Protected Residential

7.8 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: C District – Urban Protected Residential / Amer

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
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Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:38</b>	<b>SUBJECT PROPERTY:</b>	22 INCHBURY STREET, HAMILTON
<b>ZONE:</b>	"D" (Urban Protected Residential – One and Two Family Dwellings and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended 75-135

**APPLICANTS:** Owner: JUSTIN AND KIMBERLY SARVOS

The following variances are requested:

Proposed Secondary Dwelling Unit - Detached:

1. A Maximum Height of 6.99 metres shall be permitted instead of the Maximum Height of 6.0 metres;
2. A Minimum distance of 4.65 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached shall be permitted instead of the required Minimum distance of 7.5 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.

Proposed addition to Single Family Dwelling:

1. A Minimum Side Yard Setback of 0.0 metres shall be permitted instead of the minimum required 1.2 metres.

**PURPOSE & EFFECT:** So as to permit a Secondary Dwelling Unit – Detached within the rear yard and a future addition in the rear yard of an existing Single Family Dwelling notwithstanding that:

**Notes:**

- i. The variances have been written exactly as requested by the applicant. Please note the following comments are provided as insufficient information has been provided to determine if additional variances may be required.

**HM/A-24:38**

- ii. Be advised, there is insufficient information within Building Records to determine the location of existing parking spaces. It is noted that two existing parking spaces are located entirely and partially off site and as such cannot be considered under the calculation for parking spaces. Furthermore, a minimum of two parking spaces are required for the first 8 habitable rooms within a Single Family Dwelling with an additional 0.5 spaces for each habitable room beyond 8. Insufficient information has been provided to determine the total number of parking spaces required for the proposed addition to the Single Family Dwelling.

In addition to the above comment, should the existing spaces not be maintained for the Single Family Dwelling, an additional parking space shall be required for the proposed Secondary Dwelling Unit – Detached. Additional variances may be required should adequate parking not be provided for the Single Family Dwelling and proposed Secondary Dwelling Unit – Detached.

- iii. Be advised, a 6.0 metre manoeuvring space is required for 90 degree parking spaces, with one space being permitted to be tandem and one space being permitted to manoeuvre off site. The parking configuration as indicated proposes three instances of tandem parking and two instances of off-site manoeuvring; note one space is located entirely off-site. Additional variances may be required to permit the parking configuration as shown.
- iv. Further to the comment above, a Residential Boulevard Parking Agreement is required with Public Works to permit the parking spaces located entirely and partially within the Public Right of Way
- v. Be advised, an Encroachment Agreement is required to be registered on title for the proposed addition located over the lot line.
- vi. Be advised, the proposed Secondary Dwelling Unit – Detached is indicated to have a Gross Floor Area of 75.42 m<sup>2</sup>, however the areas shown on the Floor Plans indicate a total Gross Floor Area of 65.1 m<sup>2</sup>. Please note, as per Section 19.(1)(xi) that a Maximum of 75 m<sup>2</sup> is permitted. As such, should the Gross Floor Area of the proposed Secondary Dwelling Unit – Detached exceed the permitted 75 m<sup>2</sup>, additional variances may be required.
- vii. Be advised, a Home Occupation is defined as follows:

"Home Occupation" shall mean any incidental and secondary use carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence"

As per the definition above, the proposed Home Occupation (Office) within the Secondary Dwelling Unit – Detached must be entirely carried out by the occupant or family of the occupant within the Secondary Dwelling Unit – Detached.

- viii. Please note, insufficient information has been provided to determine if a 1.0 metre unobstructed path has been provided to the Secondary Dwelling Unit – Detached. Should a 1.0 metre unobstructed path not be provided, additional variances may be required.
- ix. Please note, insufficient information has been provided to determine the height of the proposed addition to the Single Family Dwelling. Please note, should the height exceed the 14.0 metres permitted, additional variances may be required.

HM/A-24:38

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## **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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

## **FURTHER NOTIFICATION**

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HM/A-24:38



 Subject Lands

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)**PARTICIPATION PROCEDURES****Written Submissions**

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**1. Virtual Oral Submissions**

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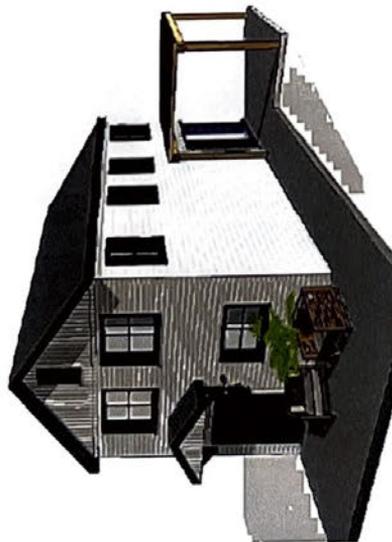
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

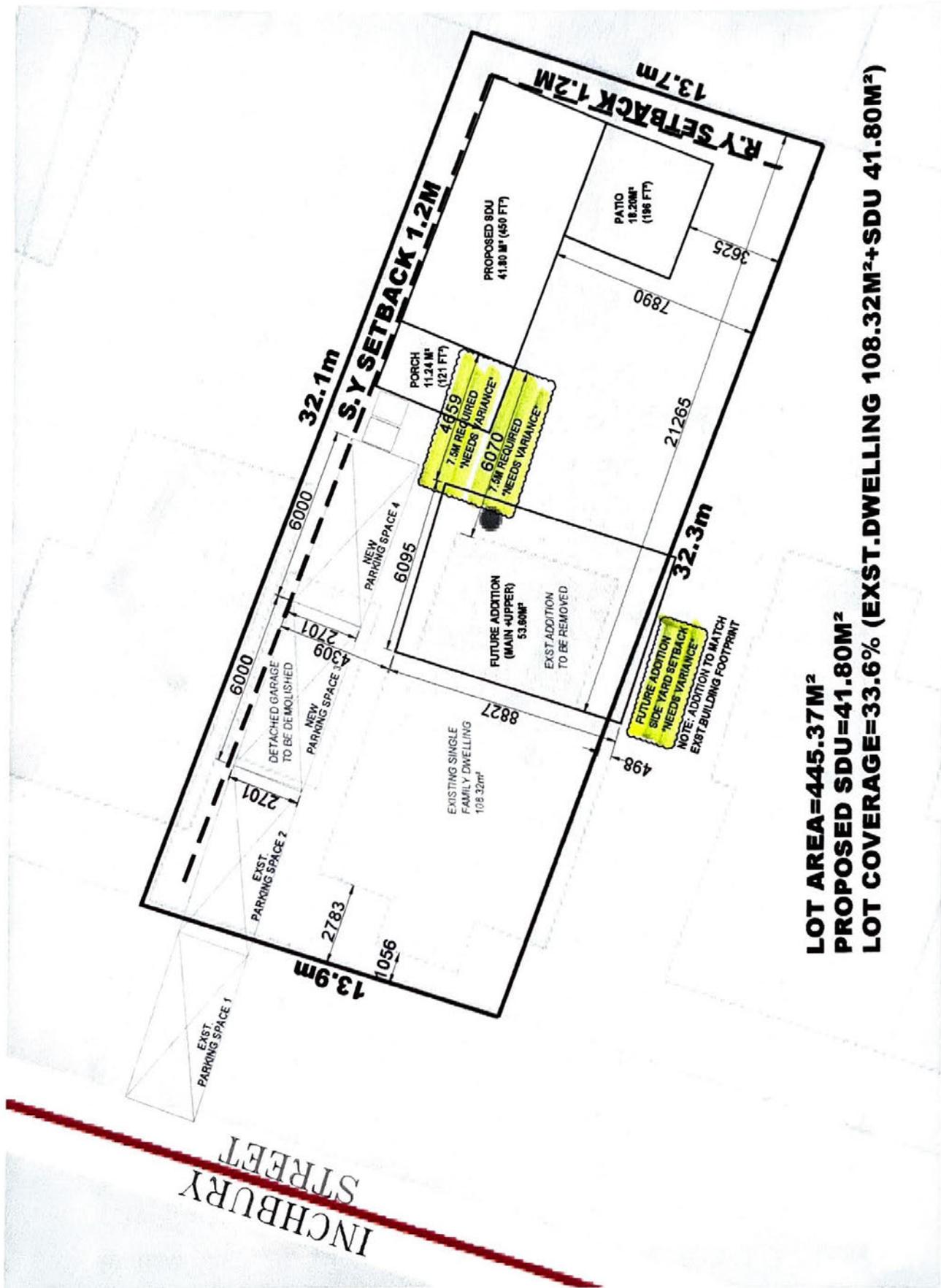
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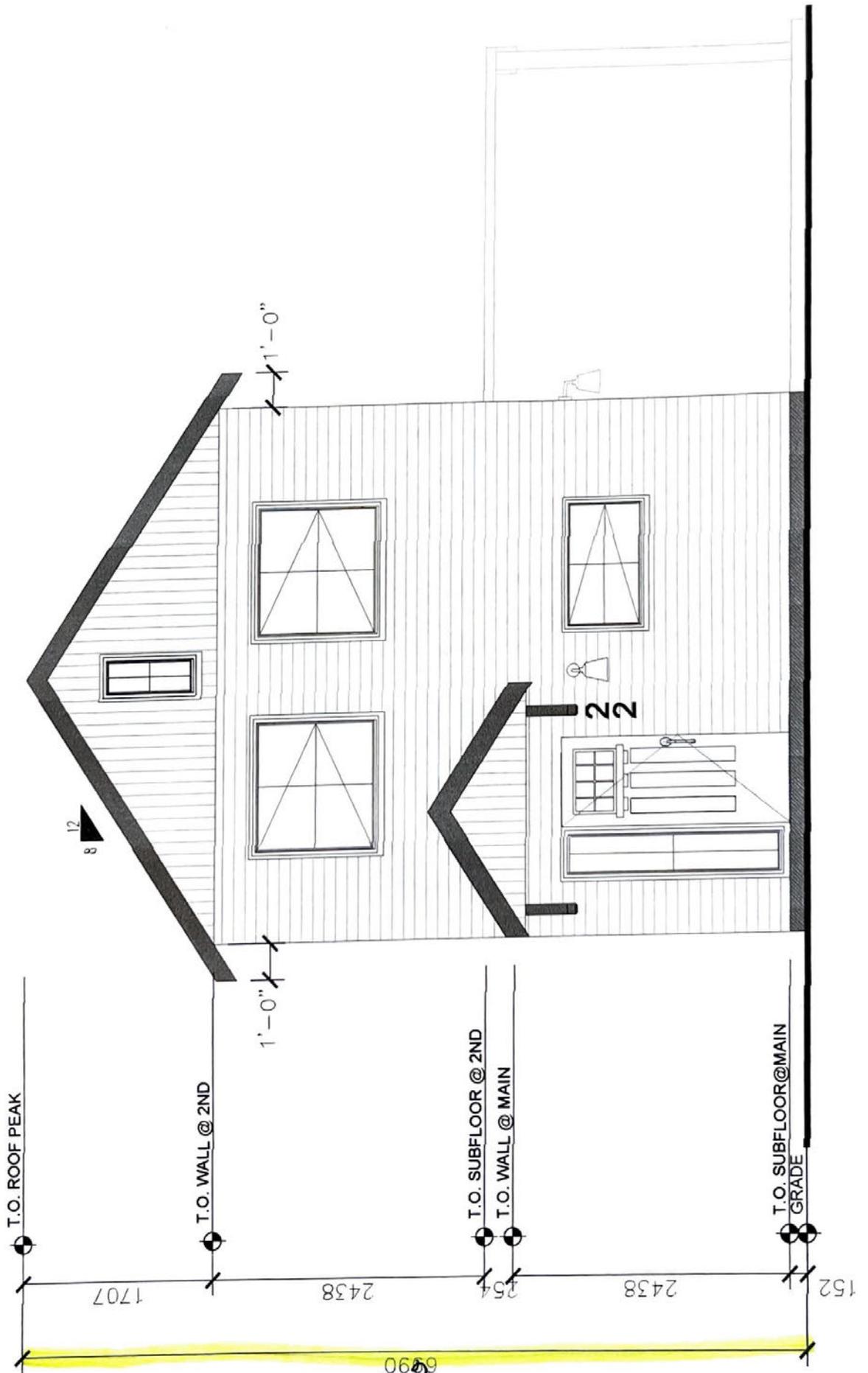
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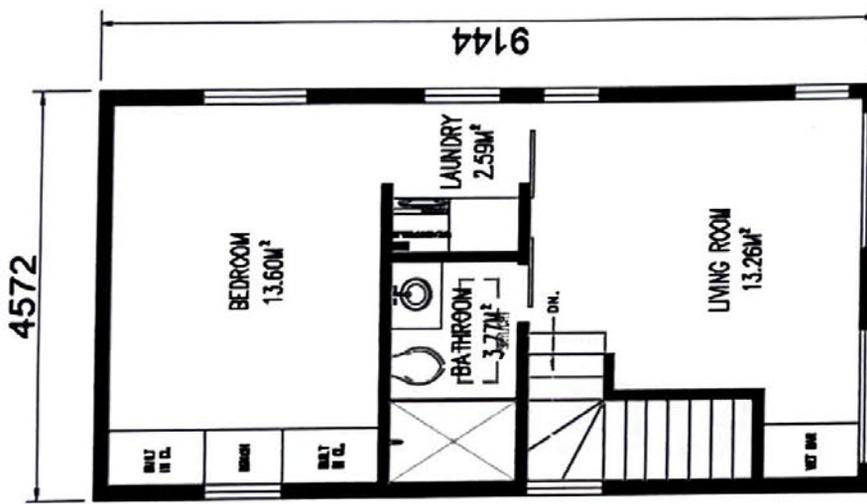
**LOT AREA=445.37M<sup>2</sup>**  
**PROPOSED SDU=41.80M<sup>2</sup>**  
**LOT COVERAGE=33.6% (EXST.DWELLING 108.32M<sup>2</sup>+SDU 41.80M<sup>2</sup>)**

INCBURY STREET

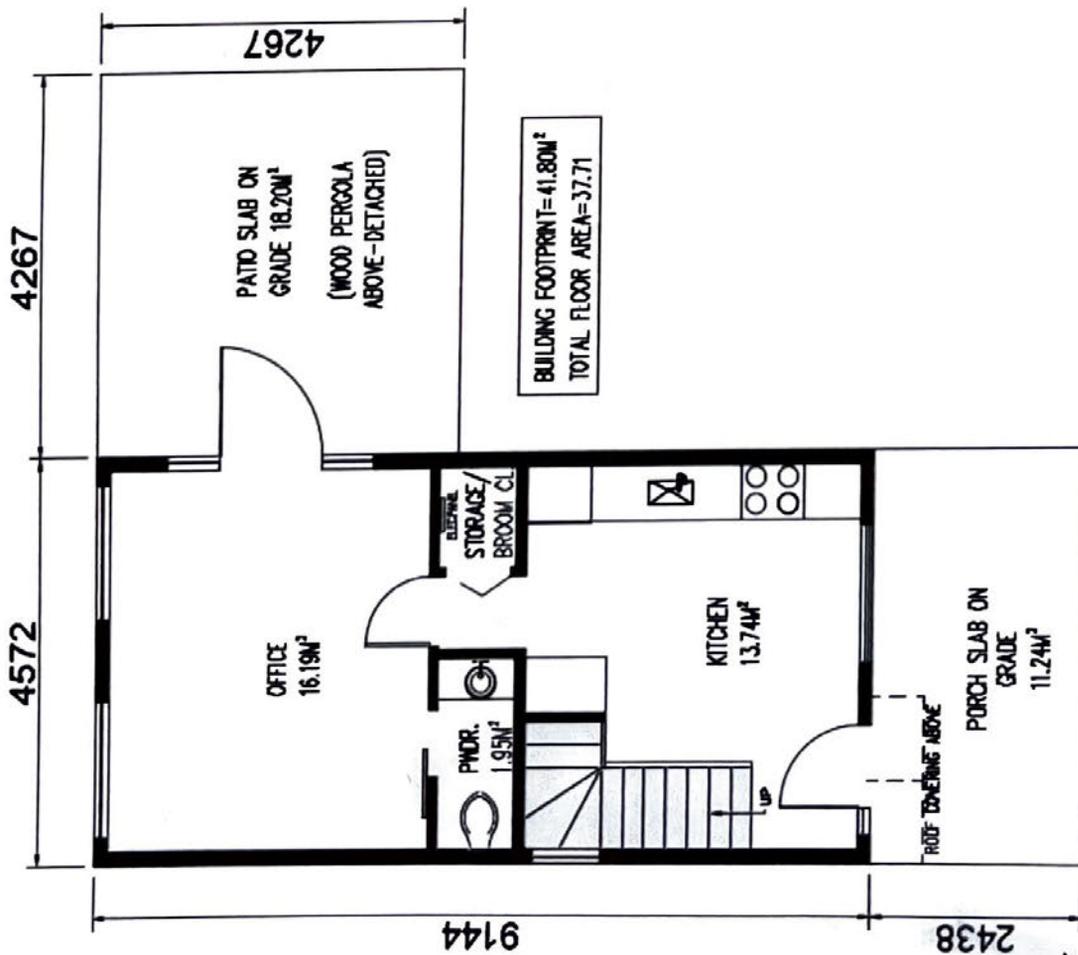


Needs Vanning 6990

13 of 14



BUILDING FOOTPRINT=41.80M<sup>2</sup>  
 TOTAL FLOOR AREA=37.71



BUILDING FOOTPRINT=41.80M<sup>2</sup>  
 TOTAL FLOOR AREA=37.71

41 fo 41

**APPLICATION FOR A MINOR VARIANCE/PERMISSION****ATTACHMENT # 1**

**3.1** We are applying for relief in 4 areas, as listed below:

- a) Height of ADU:
  - Bylaw states height of the ADU is not to exceed 6 meters
  - We are requesting an extension of 0.99 meters, to the total height of 6.99 meters as seen in the attached drawings
  
- b) Distance between ADU and Existing Dwelling (Current):
  - Bylaw states 7.5 meters is required between the front of the ADU and the back wall of the Existing Dwelling
  - We are requesting an exception be made, for a total distance of 6.07meters between the buildings
  
- c) Distance between ADU and Existing Dwelling (Future Addition)
  - Bylaw states 7.5 meters is required between the front of the ADU and the back wall of the Existing Dwelling
  - We are requesting a further exception be made to accommodate the extension of our future home addition. The future addition of the Existing Dwelling taking place in Phase 2 of the project will be extend to 6.095meters, which will further reduce the distance between the buildings to 4.659 meters
  
- d) Side Yard Setback for Existing Dwelling (Future Addition)
  - Bylaw states a side yard setback of 1.2 meters be present between the building and property line
  - We are requesting a full exception to the side yard setback requirement, as given the current placement of the Existing Dwelling on the property line, the setback is not possible

Note: We will be demolishing the existing old garage, which has decaying siding and is too close to the neighbours house to reconstruct as an ADU

**3.2**

- a) We are planning a two-phase project in which the ADU is built in the first phase, and the Existing Dwelling is renovated in the second. As part of the second phase, we will be modifying the façade of the Existing Dwelling so that both the Existing Dwelling and ADU have a uniform design from the front of the property. Given both will be visible, we'd like to increase the total pitch of the ADU roofline so that it matches the future pitch of the Existing Dwelling (or is at least closer to the pitch of the current roofline).

- b) I now work fulltime from home, and the ADU is being built to house my from home office (25%) and a rental unit (75%). We'd like to maintain a full backyard extending from the back of the Existing Dwelling. In order to have sufficient room for the rental and office in the ADU, without having the ADU cross over into the backyard behind the Existing Dwelling unit, we need the dimensions of the ADU to be 4.572m wide by 9.144m long. As a result, the setback between the two buildings is reduced to 6.07 meters (as seen on the attached site plan)
- c) When we renovate the Existing Dwelling in phase 2 of the project, we'd like to extend the kitchen 1.524m, which will further reduce the distance between the ADU and Existing Dwelling (4.659m). This addition will allow us to adjust our kitchen layout to include a full eat in kitchen with stairs to upper and lower levels
- d) When we renovate the Existing Dwelling, we'd like expand the existing addition to the full width of the home to allow for an eat in kitchen and staircase to the upper and lower levels. The Existing Dwelling is currently located .469m over the property line so there won't be room for the side yard setback when replacing to the addition.

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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



**Hamilton**

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME		
<b>Registered Owners(s)</b>	Kimberly Sarvos (formerly Smith) and Justin Sarvos		
<b>Applicant(s)</b>			Phone:
			E-mail:
<b>Agent or Solicitor</b>			Phone:
			E-mail:

1.2 Primary contact

Applicant

Owner  
 Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner  
 Agent/Solicitor

1.4 Request for digital copy of sign

Yes\*     No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email

Yes\*     No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person  
 Cheque

Credit over phone\*

[REDACTED]  
 \*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	22 Inchbury Street, Hamilton, Ontario, L8R 3B3		
Assessment Roll Number	01010405410		
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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**

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

SEE ATTACHMENT # 1

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

SEE ATTACHMENT # 1

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

**4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
13.9m	32.3m	445.37m <sup>2</sup>	3.72m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Dwelling	1.05m	16.414 m	-0.469 m	1862
Garage	N/A - to be demolished	N/A - to be demolished	N/A - to be demolished	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
ADU (Detached)	4.65m (variance needed)	1.2m	1.2m	TBD 2024
Existing Dwelling (Addition)	1.05m	15.003 m	-0.469m to 0m (on property line)	TBD

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Dwelling Unit	108.32 M <sup>2</sup>	108.32 M <sup>2</sup>	1	Unknown
Garage	N/A - to be demolished			

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ADU (Detached)	41.8 M <sup>2</sup>	83.6 M <sup>2</sup>	2	6.99 M <sup>2</sup>
Existing Dwelling (Addition)	TBD	TBD	2	To be determined

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
-

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Residential:  
 Existing Dwelling - Single detached (2 story addition)  
 AUD - Single detached two story accessory dwelling unit (new build)

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Residential Single detached (single and two story)

### 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 26, 2018

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential - Single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential - Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

Since construction

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) ? Zoned residential? \_\_\_\_\_

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

Proposal will allow for additional housing availability with the ADU and additional room in the Existing Dwelling so we can stay here for the long term

7.6 What is the existing zoning of the subject land? Residential.

7.8 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: \_\_\_\_\_

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

The proposed project will take place in two phases.

Phase 1: ADU - spring/summer 2024

Phase 2: Addition to Existing Dwelling unit - timing to be determined. Will take place in future years, based on funding availability.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:32</b>	<b>SUBJECT PROPERTY:</b>	211-225 JOHN ST. S. and 70-78 YOUNG ST., HAMILTON
<b>ZONE:</b>	C5 (Mixed use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended by By-law No. 21-038

**APPLICANTS:** Owner: CORKTOWN LP  
Agent: GSP GROUP INC. (BRENDA KHES)

The following variances are requested:

1. A minimum of 0.33 parking spaces per dwelling unit shall be permitted instead of the minimum 0.55 parking spaces per dwelling unit required

**PURPOSE & EFFECT:** To facilitate site plan application DA-21-112

**Notes:**

1. Note that based on 743 units proposed, the minimum required parking would be 743 x 0.33 spaces= 245.19. resulting in a total of 245 total spaces.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>



HM/A-24:32

DATED: February 22, 2024

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

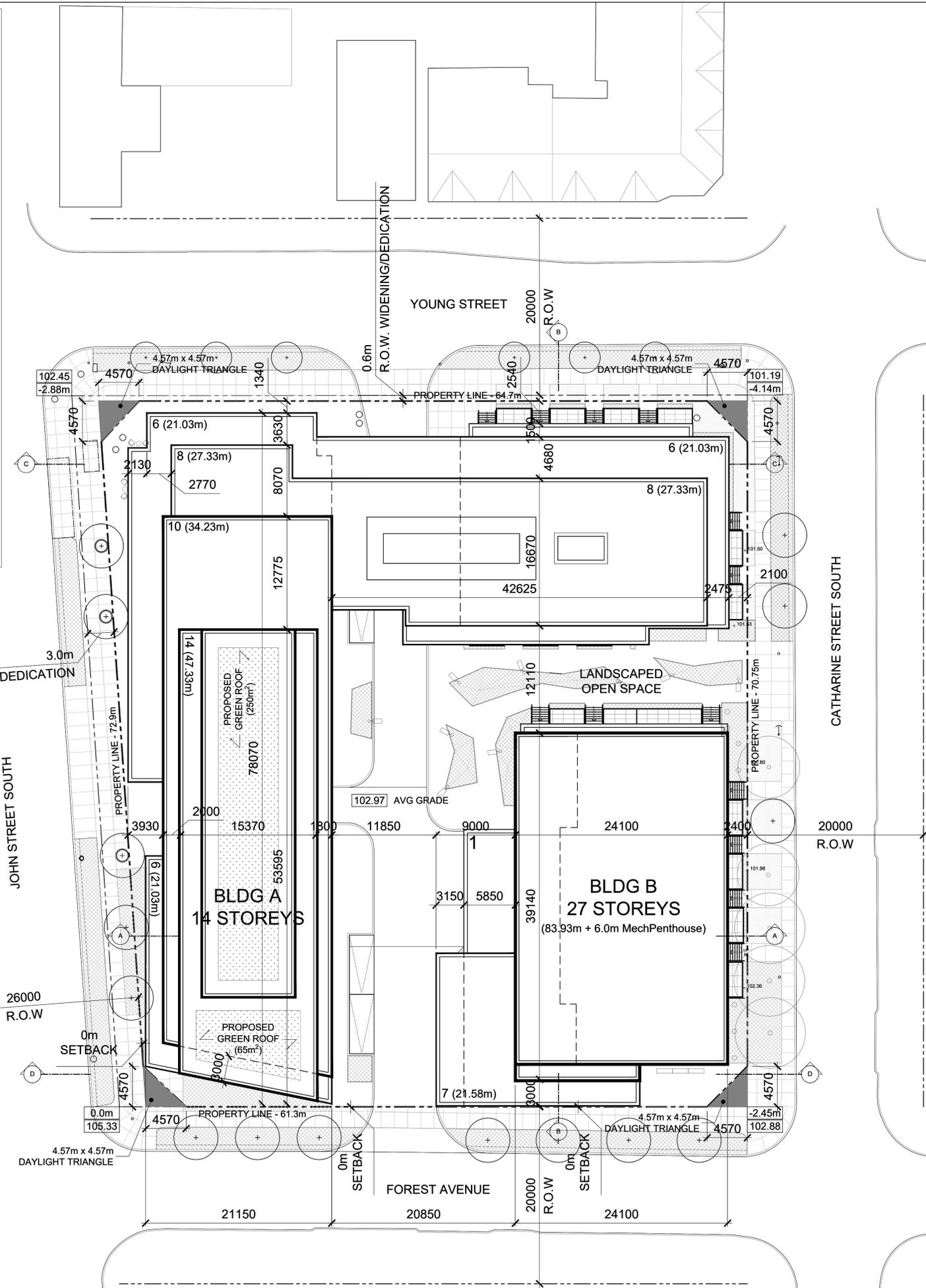
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

**UNDERTAKING**  
 RE: 211-255 John St S and 70-78 Young St, Hamilton File No. DA-21-112

I, (We) \_\_\_\_\_ the owner(s) of the land, hereby undertake and agree without reservation, (a) To comply with all the content of this plan and drawing and not to vary therefrom; (b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated \_\_\_\_\_; (c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; (d) In the event that the Owner does not comply with the plan dated \_\_\_\_\_ the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan; (e) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada; (f) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost; (g) The Owner agrees to include in all offers of purchase and sale, a statement that advises the purchaser: i) that the home/business mail delivery will be from a designated Centralized Mail Box; ii) that the developer/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales; (h) That the Owner agrees to establish a centralized mail facility (rear loading Lock Box Assembly with mail room) at their own expense; (i) That the Owner agrees to physically affix the municipal number or full address to each building or on a sign in accordance with the City's Sign By-law in a manner that is visible from the street; (j) Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-212-7499); (k) The Owner is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste is finalized, and municipal collection services are initiated; (l) Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities; (m) If the development is not designed according to municipal waste collection specifications, the Owner shall: i) Arrange a private waste hauler for the removal of all waste materials; ii) As part of the Purchase and Sale Agreement, the Owner must disclose in writing that the property is not serviceable for municipal waste collection

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Witness (signature) \_\_\_\_\_ Owner(s) (signature) \_\_\_\_\_  
 Witness (print) \_\_\_\_\_ Owner(s) (print) \_\_\_\_\_  
 Address of Witness \_\_\_\_\_



Zoning Regulation	Mixed Use Medium Density (C5, F39, H118) Zone Permitted/Required	Provided
10.5.1	Permitted Uses	Multiple dwelling, retail, restaurant, personal services
10.5.1.1) 1.	Finished Floor Elevation	Finished floor elevation of any dwelling unit shall be a min. of 0.6 m below grade;
10.5.3.a) i)	Building Setback from a Street Line (for buildings with residential units on the ground floor)	A. Min. 1.5m from Young Street B. Min. 0.5m from Catharine Street South
10.5.3.d) 1)		C. Min. 3.0m from John Street South and Forest Ave.
10.5.3.d) 2)		Min. 5.5 m facade height for any portion of a building along a street line
10.5.3.d) 3)		Max. Height in accordance with Figure F of Zoning By-law 05-200
	Building Height	In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations: A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 20% of the floor area of the storey directly beneath; B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a min. of 2.0 m from the exterior walls of the storey directly beneath; and; C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 m in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
10.5.3.g) i)	Rooftop Mechanical Screening	Rooftop mechanical equipment shall be located and/or screened from view of any abutting street
10.5.3.g) ii)	Ground Floor Façade	For a corner lot the min. combined width of the ground floor façade facing the front lot line (Forest) and flankage lot line(s) (John and Catharine) shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
	Amenity Area	i) 4m <sup>2</sup> for dwelling units ≤ 50m <sup>2</sup> of gfa; and, ii) 6m <sup>2</sup> for each dwelling unit >50m <sup>2</sup> of gfa. Total Amenity Requirement: (4.0m <sup>2</sup> x 366) + (6.0m <sup>2</sup> x 380) = 1464 + 2280 = 3,744m <sup>2</sup>
	Parking Regulations	Permitted / Required
5.1.a) v) b)	Planting Strip	3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle [...]
5.2.b) ii)	Parking Space Dimension	Parking spaces in parking structures: -Standard: 2.8m x 5.8m -Parallel: 2.4m x 6.7m -Barrier Free: 4.4m x 5.8m
5.2.b) vi)	Small Vehicle Parking	10% of required parking spaces can be 2.6m x 5.5m; = 10% of total 410 spaces = 41 spaces
5.5.a)	Barrier-Free Requirement	201 - 1000 required space Min. 2 spaces + 2% of required parking spaces 2% of 410 required spaces = 8.2 (8) 8 + 2 = 10 required barrier-free parking spaces
5.6.c) i) & iv)	Required Parking	0.55 spaces per multiple dwelling unit (approved by Minor Variance application 11MA-2254) Cash-in-lieu of parking approved for 15 parking spaces. = 746 units x 0.55 spaces/unit = 410 required spaces
5.7.c)	Short-Term Bicycle Parking	Residential Uses: Min. 5 per building Commercial Uses: Min. 5 Total Required: 15
5.7.g)	Long-Term Bicycle Parking	Multiple Dwelling: 0.5 long-term bicycle spaces per dwelling unit 746 units x 0.5 = 373

**Zoning Site Statistics**

Summary Site Statistics	
Lot Area (excluding dedications):	±5,627m <sup>2</sup>
Lot Frontage (Forest Avenue):	61.3m
<b>No. of Storeys:</b>	
• Building A:	14 storeys
• Building B:	27 storeys
<b>Commercial GFA</b>	
• Building A:	Unit 1: 347m <sup>2</sup> Unit 2: 418.66m <sup>2</sup>
• Building B:	0m <sup>2</sup>
<b>Total:</b>	<b>765.66m<sup>2</sup></b>
<b>Units:</b>	
• Building A:	374
• Building B:	372
<b>Total:</b>	<b>746 units</b>
<b>Parking Spaces:</b>	
• P1 Level:	112 spaces
• P2 Level:	148 spaces
• P3 Level:	135 spaces
Cash in lieu of parking	15 spaces
<b>Total:</b>	<b>410 spaces</b>

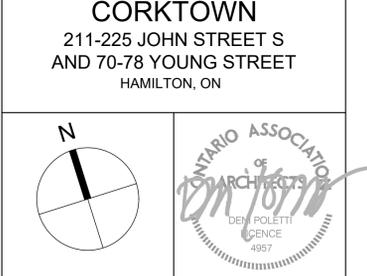
**NOTES:**  
 CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPOSER IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT (MTCOS) SHOULD BE NOTIFIED IMMEDIATELY (416-314-7143). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPOSER SHOULD IMMEDIATELY CONTACT BOTH MTCOS AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8392).

NO.	REVISIONS	DATE
9	ISSUED FOR SPA	29 SEPTEMBER 2023
8	ISSUED FOR SPA	21 DECEMBER 2022
7	ISSUED FOR COORDINATION	8 SEPTEMBER 2022
6	ISSUED FOR COORDINATION	13 MAY 2022
5	ISSUED FOR PRELIMINARY PRICING	2 APRIL 2022
4	ISSUED FOR SPA	30 JUNE 2021
3	ISSUED FOR PRELIMINARY SPA	24 JULY 2020
2	ISSUED FOR REZONING	9 MARCH 2020
1	ISSUED FOR REZONING	29 JUNE 2018

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB.

**COREARCHITECTS**  
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 WWW.COREARCHITECTS.COM

**CORKTOWN**  
 211-225 JOHN STREET S  
 AND 70-78 YOUNG STREET  
 HAMILTON, ON



DRAWN G.S. SCALE 1:250  
 CHECKED G.S. DATE 17 JANUARY 2018

TITLE **SITE PLAN**  
 PROJECT NO. 19-188 DRAWING NO. **A103**

DRAWING LIST	
DWG NO.	TITLE
SCHEDULES	
A100	SITE STATISTICS
A101	CONTEXT PLAN
A102	SURVEY PLAN
A103	SITE PLAN
PLANS	
A203	P2 PARKING LEVEL PLAN
A204	P1 PARKING LEVEL PLAN
A205	GROUND LEVEL PLAN
A205a	BUILDING A - MEZZANINE LEVEL PLAN
A206	BUILDING A - LEVEL 2 PLAN
A207	BUILDING A - LEVELS 3-6 PLAN
A208	BUILDING A - LEVELS 7-8 PLAN
A209	BUILDING A - LEVEL 9 PLAN
A210	BUILDING A - LEVEL 10 PLAN
A211	BUILDING A - LEVELS 11-14 PLAN
A215	BUILDING B - LEVEL 2 PLAN
A216	BUILDING B - LEVELS 3-7 PLAN
A217	BUILDING B - LEVELS 8-26 PLAN
A218	BUILDING B - LEVEL 27 PLAN
ELEVATIONS	
A400	EAST ELEVATION
A401	SOUTH ELEVATION
A402	WEST ELEVATION
A403	NORTH ELEVATION
A404	INTERIOR COURT ELEVATION - SOUTH
SECTIONS	
A420	CROSS SECTION A
A421	CROSS SECTION B
A422	CROSS SECTION C
A423	CROSS SECTION D
MASSING	
A500	MASSING MODEL

NO.	REVISIONS	DATE
10	ISSUED FOR MINOR VARIANCE	25 JANUARY 2024
9	REISSUED FOR SPA	29 SEPTEMBER 2023
8	REISSUED FOR SPA	21 DECEMBER 2022
7	ISSUED FOR COORDINATION	8 SEPTEMBER 2022
6	ISSUED FOR COORDINATION	13 MAY 2022
5	ISSUED FOR PRELIMINARY PRICING	4 APRIL 2022
4	ISSUED FOR SPA	30 JUNE 2021
3	ISSUED FOR PRELIMINARY SPA	24 JULY 2020
2	RE-ISSUED FOR REZONING	9 MARCH 2020
1	ISSUED FOR REZONING	29 JUNE 2018

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**CORKTOWN**  
 211-225 JOHN STREET S  
 AND 70-78 YOUNG STREET  
 HAMILTON, ON



DRAWN G.S.	SCALE NTS
CHECKED G.S.	DATE 17 JANUARY 2018

TITLE  
**TITLE PAGE**

PROJECT NO. 19-188	DRAWING NO. <b>A000</b>
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**KEY PLAN**  
 SCALE: 2500

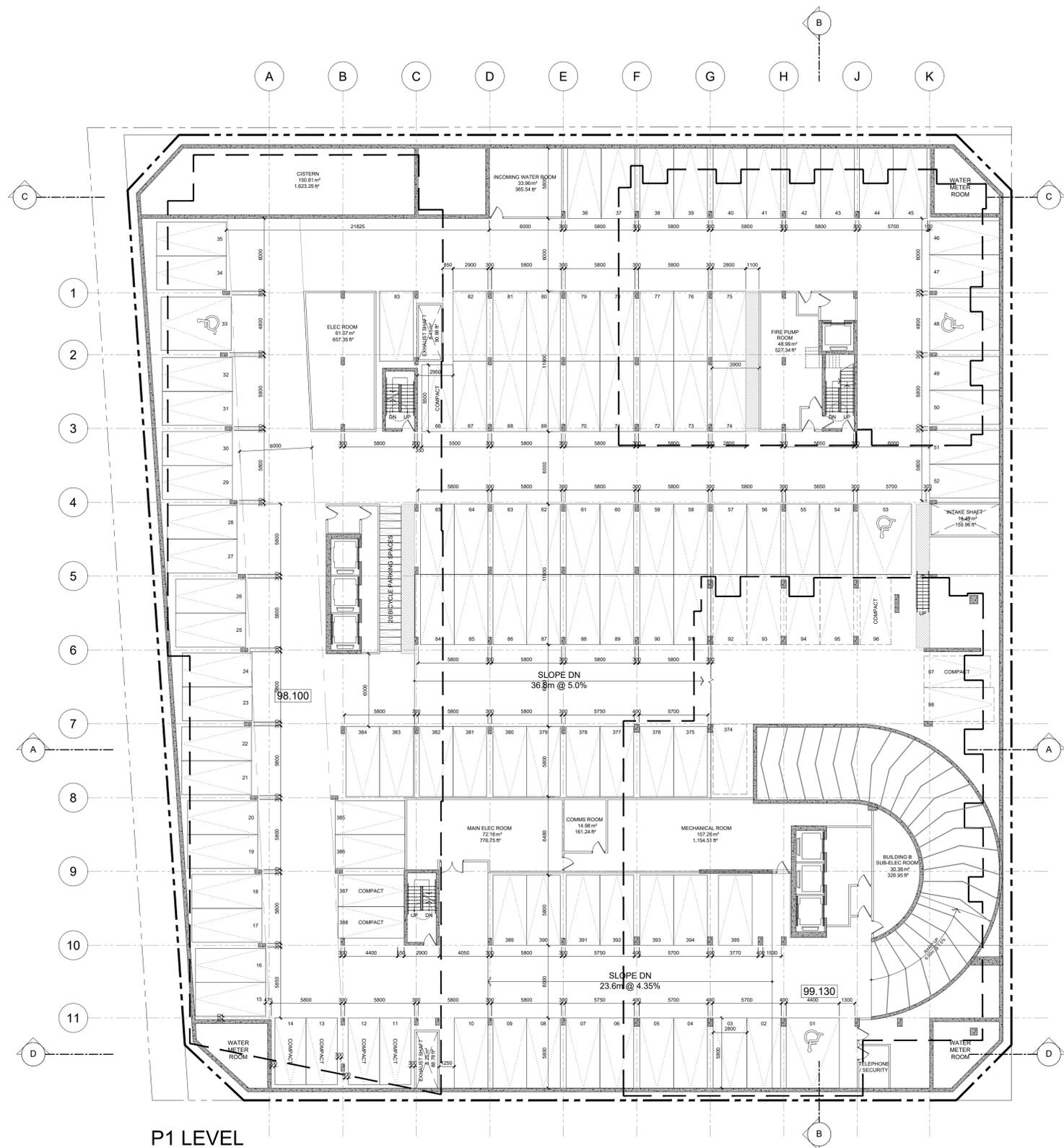
# CORKTOWN

## ISSUED FOR MINOR VARIANCE

### 25 JANUARY 2024





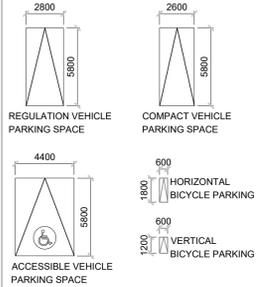


P1 LEVEL  
112 PARKING SPACES

NOTES:

1. LOBBY VESTIBULES DOORS AND WALLS ADJACENT TO VESTIBULE DOORS HAVE TRANSPARENT GLAZING IN FIRE RATED DOORS AND ASSEMBLIES TO CONFORM TO O.B.C. ALLOWABLE AREA.

PARKING LEGEND



10	ISSUED FOR MINOR VARIANCE	25 JANUARY 2024
9	REISSUED FOR SPA	29 SEPTEMBER 2023
8	REISSUED FOR SPA	21 DECEMBER 2022
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NO. REVISIONS DATE

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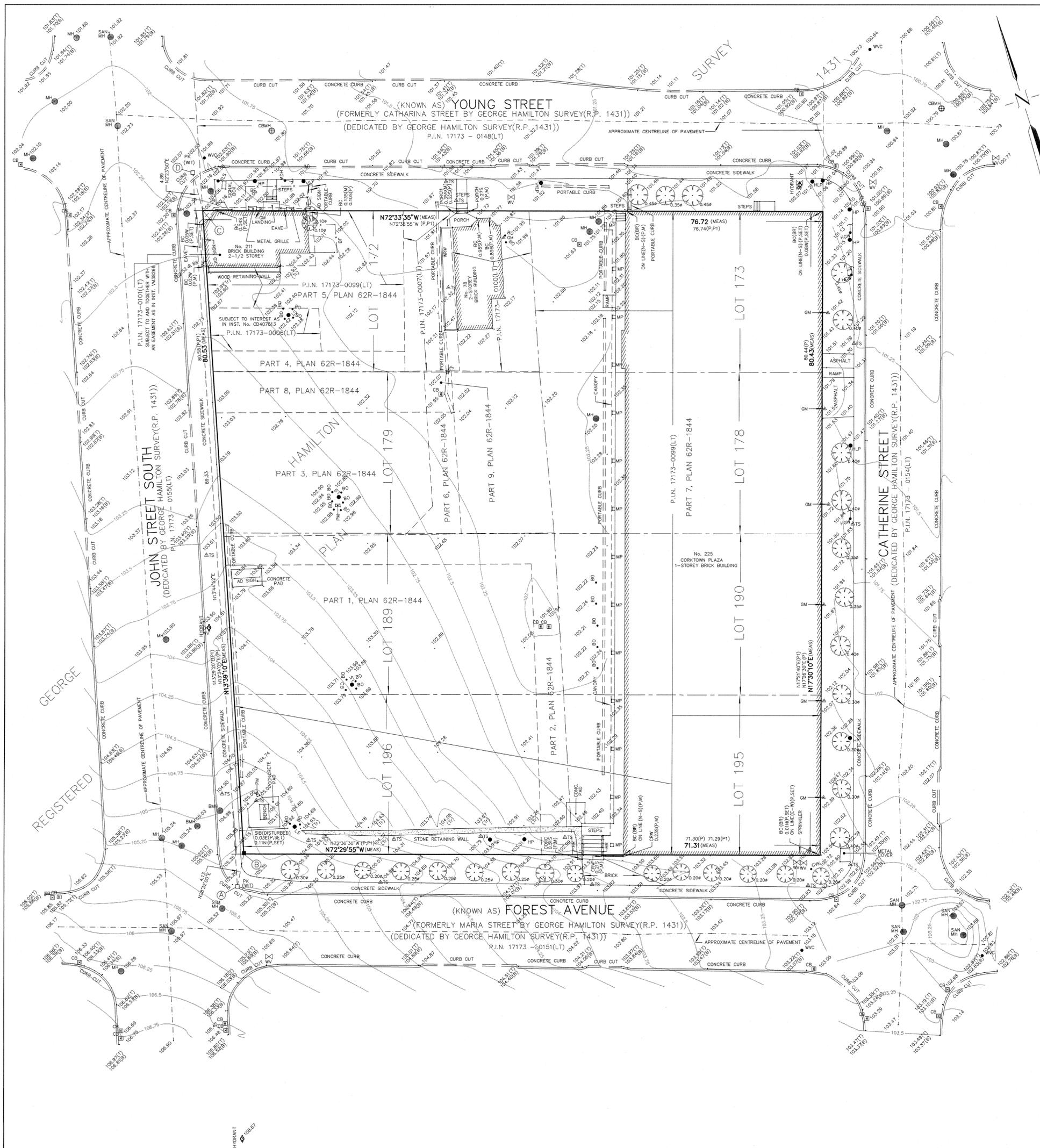
**CORKTOWN**  
 211-225 JOHN STREET S  
 AND 70-78 YOUNG STREET  
 HAMILTON, ON



DRAWN G.S.	SCALE 1:200
CHECKED G.S.	DATE 17 JANUARY 2018

TITLE  
**P1 PARKING LEVEL**

PROJECT NO. 19-188	DRAWING NO. <b>A204</b>
-----------------------	----------------------------



BOUNDARY AND TOPOGRAPHICAL SURVEY OF  
**ALL OF LOTS 172, 173, 178, 179, 189,  
 190, 195 AND 196**  
**GEORGE HAMILTON SURVEY**  
**(REGISTERED PLAN 1431)**  
 CITY OF HAMILTON



R. AVIS SURVEYING INC.

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

© COPYRIGHT: "NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R. AVIS, O.L.S."

**NOTES AND LEGEND**

BEARINGS SHOWN HEREON ARE UTM GRID BEARINGS, DERIVED FROM OBSERVED REFERENCE POINTS A AND D, HAVING A BEARING OF N13°44'52"E BY REAL TIME NETWORK(RTK) OBSERVATIONS, UTM ZONE 17, NAD83(CRS=2014), CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, (UNIVERSAL TRANSVERSE MERCATOR).

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83(CRS=2014).

POINT ID	NORTHING	EASTING
ORP A	4789178.587	591827.143
ORP B	4789182.217	591829.117
ORP C	4789260.471	591848.125
ORP D	4789265.355	591848.372

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

DISTANCES SHOWN HEREON ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99969177.  
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO CITY OF HAMILTON BENCH MARK No. 3-26, HAVING AN ELEVATION = 110.834 metres.

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WT DENOTES WITNESS
- MEAS/M DENOTES MEASURED
- N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
- PK DENOTES PK NAIL
- P DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. T. McCLAREN, O.L.S. DATED JULY 18, 2014
- P1 DENOTES PLAN 62R-1844
- AD SIGN DENOTES ADVERTISEMENT SIGN
- BMH DENOTES BELL MANHOLE
- BO DENOTES BOLLARD
- BSB DENOTES BUS STOP SIGN
- BF DENOTES BOARD FENCE
- BC DENOTES BUILDING CORNER
- BR DENOTES BRICK
- B3 DENOTES BOTTOM OF CURB
- CB DENOTES CATCH BASIN
- CBMH DENOTES CATCH BASIN MANHOLE
- CRW DENOTES CONCRETE RETAINING WALL
- CSW DENOTES CONCRETE SIDEWALK
- CONC DENOTES CONCRETE
- FH DENOTES FIRE HYDRANT
- GM DENOTES GAS METER
- GVK DENOTES GAS VALVE KEY
- HGW DENOTES HYDRO GUY WIRE
- HLP DENOTES HYDRO LIGHT POLE
- HP DENOTES HYDRO POLE
- HR DENOTES HAND RAIL
- LS DENOTES LIGHT STANDARD
- MH DENOTES MANHOLE
- MP DENOTES METAL POST
- PM DENOTES PARKING METRE
- RP DENOTES REGISTERED PLAN 1431
- SAN MH DENOTES SANITARY MANHOLE
- ST MH DENOTES STORM MANHOLE
- TL DENOTES TRAFFIC LIGHT STANDARD
- TS DENOTES TRAFFIC SIGN
- (T) DENOTES TOP OF CURB
- (Tr) DENOTES TOP OF RETAINING WALL
- WV DENOTES WATER VALVE
- WVC DENOTES WATER VALVE CHAMBER
- WRW DENOTES WOOD RETAINING WALL
- 0.10m DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER 0.10 metres
- 0.000 DENOTES SPOT ELEVATION

AREA: 5950.2 sq.m.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 29th DAY OF AUGUST, 2017.  
 SEPTEMBER 1, 2017  
 DATE  
 PIRATHEEPAN RAMACHANDRAN  
 Ontario Land Surveyor

**ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM 2024499**

**R. AVIS SURVEYING INC.**  
 SUITE 203  
 235 YORKLAND BOULEVARD  
 TORONTO, ONTARIO M2J 4Y8  
 TEL.: (416) 490-8352 FAX: (416) 491-6206  
 www.ravissurveying.com

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

CHECKED BY : P.R., O.L.S.  
 CALCULATED BY : JB/PR  
 DRAWN BY : JB

PROJECT No. : 3119-0  
 DRAWING No. : 3119-0T.DWG



SHAPING GREAT COMMUNITIES

February 2, 2024

File: 17228

City of Hamilton  
 Committee of Adjustment  
 71 Main Street West, 5<sup>th</sup> Floor  
 Hamilton, ON L8P 4Y5

**Attn:** Ms. Jamila Sheffield  
 Secretary-Treasurer

**RE: 211-225 John Street South & 70-78 Young Street, Hamilton (Corktown Plaza)  
 Minor Variance Application  
 Related Site Plan Application: DA-21-112**

---

Dear Ms. Sheffield:

On behalf of Corktown L.P., GSP Group is pleased to submit the attached minor variance application for the property known municipally as 211-225 John Street South and 70-78 Young Street, more commonly known as Corktown Plaza (the "Site").

The Site is currently subject to conditional Site Plan Approval (DA-21-112) for a comprehensive redevelopment consisting of a 27-storey residential building and a 14-storey residential building atop a mixed-use podium containing commercial retail space. The owners are in the process of clearing the conditions to allow construction.

The purpose of this correspondence is to provide justification for the requested minor variance and it would be appreciated if it was circulated with the application to Committee Members.

## 1.0 BACKGROUND

### 2021: Zoning By-law Amendment

To facilitate the comprehensive redevelopment of the Site comprised of a full city block, City Council approved Site-specific By-law No. 21-038 in March 2021, which among other regulations, required that parking be provided at a minimum rate of 0.6 parking spaces per unit. This parking rate was supported by a Parking Justification Study prepared by Paradigm Transportation Solutions Limited (PTSL). The June 2020 Study outlined a range of parking requirements that

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

applied to the site's context. The review concluded that a parking rate of 0.6 parking spaces per unit was appropriate for the site *at that time*.

#### 2022: Minor Variance HM/A-22:64

The June 2020 PTSL Study did not account for the introduction of the Light Rapid Transit (LRT) along King Street as the province previously halted the project in December 2019. However, the province's decision was reversed in May 2021 and ratified by Hamilton City Council in September 2021. As a result, since the LRT will go forward, the parking demand for the site is expected to be lower than the previously approved rate. This conclusion was reached based on observed local parking utilization surveys and the estimated reduction in parking demand resulting from transit improvement, mainly the site being within 800 metres of a future rapid transit station.

Accordingly, in November 2022 a further reduction to the parking rate was requested and approved by the Committee of Adjustment (HM/A-22:64) to permit a parking rate of 0.55 spaces per unit.

#### 2023: City Staff Parking Report (PED23156)

In August 2023 the City's Transportation Planning and Parking Division brought forward a Report (PED23156) dealing with residential parking standards. This Report (included as **Attachment A**) notes that "*Cities across North America are increasingly adopting more progressive approaches for establishing parking requirements that take into consideration issues such as environmental impacts, cost and affordability, climate change, and the need to reduce auto dependency and associated impacts. Parking standards are also being extended to better reflect different aspects of mobility including active transportation, accessible parking, shared mobility, micro-mobility, and electric vehicle charging.*"

The Report includes 7 key directions and recommendations that are proposed as the basis of new parking standards:

- 1) Adopt a geographical-based approach for establishing parking standards which reflects the diverse land use and mode availability/choice that exists across the City;
- 2) Eliminate minimum parking requirements for developments within areas that are highly transit supportive and are planned to accommodate higher density mixed use development;
- 3) Maintain minimum parking standards in other areas, but at lower rates to provide greater flexibility and more affordable housing options;
- 4) Expansion of the use of parking maximums;
- 5) Introduce requirements to ensure developments are electric vehicle ready;
- 6) Eliminate residential boulevard parking; and,
- 7) Maintain or enhance standards for accessible parking.

The Report further identified Draft Parking Standards for 4 proposed residential parking zones. Zone A is within the Lower City and is where there are high levels of existing transit, residents are observed to own fewer vehicles, and where a greater share of residents take alternative modes of transportation. It is also expected that the development industry will provide parking in accordance with end user market demands. Staff proposed the elimination of minimum parking requirements in Zone A. The Site is located in Zone A.

Council has *received* the staff report and, in turn, authorized staff to proceed with public engagement on the Draft Parking Standards, in parallel with the Residential Zones project (i.e., introduction of new residential zones in the urban areas of the City). Staff will report back to the Planning Committee summarizing public input and recommending proposed parking standards and corresponding Zoning By-law Amendments.

## 2.0 REQUESTED MINOR VARIANCE

The purpose of this minor variance application is to permit a further reduction to the approved parking rate for the Site from 0.55 spaces per unit to 0.33 spaces per unit.

The residential condominium project approved for the Site is now selling and there is a lack of demand for parking spaces. In their January 4, 2024 correspondence to the Committee of Adjustment (**Attachment B**), RAD Marketing notes that since May 2023 when condominium sales for Corktown were launched, RAD completed extensive market research and has real-time feedback from purchasers regarding the lack of demand for parking when purchasing pre-construction condominium suite. Despite selling over 60% of the Phase 1 units, only 8% (49 of 394) of parking spaces have been sold.

Additionally, it is noted that Corktown is promoting and implementing several Transportation Demand Management (TDM) measures to help reduce the dependency on cars including:

- Long and short-term bicycle parking, and Hamilton Bike Share (SoBi) location;
- Pre-loaded Presto card (equivalent of 3 months) and SoBi membership (6 months);
- Upgrades to the John Street South and Young Street transit stop;
- Carshare parking spaces;
- Wayfinding signage promoting active transportation in the area;
- Established sidewalk networks providing pedestrian access to all necessities;
- In addition to preapproved TDM measures, Corktown will offer a shuttle to McMaster as an alternative mode of transportation, attracting students and young professionals to the development.

This supports the preliminary recommendations of the City's Transportation Planning and Parking Division's August 2023 Report (PED23156) which proposes fewer parking spaces for Zone A (i.e., a zero minimum parking requirement).

Consistent with the first two staff directives previously noted, the Site is located within *Residential Parking Zone A* which includes lands within an expanded Downtown Secondary Plan area representing the City's most urbanized areas. The proposed mixed-use development includes at grade retail commercial uses, with high density residential uses above, and will therefore be highly transit supportive. Based on the Staff Report, a *minimum* parking requirement would be eliminated.

The application before the Committee is to permit a parking rate of 0.33 spaces per unit. Based on a proposed unit count of 743 units, this would equate to a total of 245 parking spaces (743 x 0.33 = 245).

### 3.0 FOUR TESTS OF MINOR VARIANCE

Section 45(1) of the *Planning Act* states that the 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 Minor Variance maintain the general intent and purpose of the Official Plan;
2. Does the Minor Variance maintain the general intent and purpose of the Zoning By-law;
3. Is the Minor Variance desirable and appropriate for the lands; and
4. Is the requested variances minor in nature.

The analysis that follows demonstrates how the requested variance satisfies the four tests of a Minor Variance.

#### 3.1 Does the proposed minor variance maintain the general intent and purpose of the Official Plan?

One of the policy Goals of the Urban Hamilton Official Plan (UHOP) is to provide “*a balanced, sustainable and integrated transportation network which includes all modes of transportation such as active transportation, transit, automobiles, goods movement vehicles, rail, air marine, and emerging modes of transportation and technology*”. (Volume 1, Chapter C, Policy C.4.1.1).

The proposed reduction in required parking spaces per dwelling unit is supported by the Transportation Policy Goals in Volume 1, Chapter C, Policy C.4.1 of the UHOP, which includes the following :

*“4.1.2 Recognize the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network in creating complete communities and improving overall quality of life.*

*4.1.4 Plan urban areas so that travel by automobile is an option not a necessity.”*

The proposed reduction in the required minimum number of parking spaces per dwelling unit supports these transportation goals by:

- Allowing modal shifts to occur by not prescribing a parking rate to each individual unit that actively encourages and incentivizes automobile use at the detriment of the environment, public health, infrastructure impacts and contributes to potential public safety concerns, conflicting with goal of a complete community and improved quality of life. (Policy C.4.1.2)
- Removing a portion of the automobile requirement to incentivize alternative modes of transportation and incorporate a rate that is consistent with surrounding C5a zoned sites that have less onerous parking rates for dwelling units. This variance can enable pedestrian, active transportation, and public transit oriented intensification to occur without the limitation of automobile travel being the primary mode of transportation that the development is designed from, out of necessity. Based on the foregoing, the general intent and purpose of the Official Plan (Ancaster Wilson Street Secondary Plan) will continue to be maintained with the requested reduction in the parking ratio from two spaces per unit to one space per unit. The Site is located within an intensification area that is contemplated as a walkable, transit accessible community. (Policy c.4.1.4)

In addition, the Site is designated Mixed Use-Medium Density. Volume 1, Chapter E, Policy 4.6.27 states that *“Reduced parking requirement shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”*

Therefore, a parking reduction from 0.55 spaces per unit to 0.33 spaces per unit maintains the general intent and purpose of the Urban Hamilton Official Plan with regard to the reduction of parking standards to provide a more balanced approach to the transportation, with a view reduce individual automobile dependency over other modes of transportation.

### **3.2 Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?**

As noted, the site specific zoning on the Site currently permits a parking rate of 0.55 spaces per unit. Historically, the intent and purpose of establishing minimum parking ratios in Hamilton has been to ensure that development provide sufficient parking to satisfy peak demands for parking.

Based on the parking demand for the proposed development and parking trends noted by the traffic consultants (refer to **Attachment C**) a parking ratio of 0.33 parking spaces per unit will provide sufficient parking to accommodate the demand, considering the proximity and demand for transit in the area. This, combined with the likelihood of further parking reductions for Zone A under review by the city – which includes a trending change in the purpose and intent of providing minimum parking ratios – will result in the provision of sufficient parking for the proposed development.

Therefore, a parking reduction from 0.55 spaces per unit to 0.33 spaces per unit maintains the general intent and purpose of the current Zoning By-law and also supports changing trends in providing a more balanced approach to parking and the reliance on the private automobile over public transit.

### **3.3 Is the Minor Variance desirable for the appropriate development and use of 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.

At a provincial level, The Provincial Policy Statement includes policies that promote reduced dependence on private automobiles and facilitate efficient land use. Similarly, A Place to Grow includes policies that support development in Major Transit Station Areas through alternative development standards, such as reduced parking standards. Places to Grow also directs that in planning for employment, surface parking will be minimized, and the development of active transportation networks and transit-supportive built form will be facilitated. These policies are meant to address broad public interest.

As noted, the purpose of a minimum number of parking spaces per dwelling unit is to ensure a sufficient number of parking spaces are provided that off-set transportation impacts of the future citizens residing in the proposed development. However, by reducing the amount of parking available on site, this will effectively allow a development to proceed that does not incentivize excessive automobile use, and alternatively encourages active transportation

and public transit usage. Residents who purchase units will know whether or not they have parking available to them for a private automobile and will make their purchase on that basis.

Finally, the added density will support local businesses and provide less impact on municipal road infrastructure on a per unit impact basis.

Therefore, a parking reduction from 0.55 spaces per unit to 0.33 spaces per unit is considered desirable and appropriate.

### **3.4 Is the proposal 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.

As noted, the purpose of a minimum number of parking spaces per dwelling unit is to ensure a sufficient number of parking spaces are provided that off-set transportation impacts of the future residents of the proposed development.

The reduction in the required parking from 0.55 spaces per unit to 0.33 spaces per unit represents a 40% reduction in parking and equates to 163 fewer parking spaces. This will not negatively impact the overall area which is well serviced with existing and proposed public transit. As noted, individual purchasers of units will make their decision to purchase units based on the availability and their need for parking. Finally, requested reduction will still provide significantly more parking than what is currently proposed by City Staff for Zone A.

Therefore, a parking reduction from 0.55 spaces per unit to 0.33 spaces per unit is considered minor in nature.

## 4.0 RECOMMENDATIONS

The requested minor 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 05-200; is desirable and appropriate; and is considered minor in nature.

In support of this minor variance application, please find attached digital copies of the following items for your review and consideration:

- Signed and commissioned Minor Variance Application form;
- Attachment A: City Staff Report PED23156;
- Attachment B: January 4, 2024, correspondence from RAD Marketing;
- Attachment C: Parking Study Addendum, prepared by Paradigm Transportation Solutions Ltd., dated January 2024;
- Topographical Survey, prepared by R. Avis Surveying Inc., dated August 29, 2017; and,
- Current Site Plan and updated parking plans, prepared by Core Architects Inc., dated January 2024.

Payment of the required \$3,900.00 City application fee along with a hard copy of the Cover Letter Justification will be delivered to City Hall.

Should you have any other questions, or require any additional information, please contact me at 289-921-1875 or by email at [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca).

Yours truly,  
**GSP Group Inc.**



Brenda Khes, MCIP, RPP  
Vice President, Hamilton

*P:\17228-Corktown Plaza Inc. - John & Young Sts., Ham-OPA, Formal Cons\documents\06 Minor Variance Parking January 2024\MV\_Cover\_Letter Justification Jan 2024 BK.docx*



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**  
**and**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 15, 2023
<b>SUBJECT/REPORT NO:</b>	Residential Parking Standards Review and Update (PED23156) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Brian Hollingworth (905) 546-2424 Ext. 2953 Mallory Smith (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report PED23156 be received;
- (b) That staff be authorized to proceed with public engagement on the Draft Parking Standards outlined in Report PED23156, in parallel with the Residential Zones project, and that staff report back to the Planning Committee summarizing public input, and recommending proposed parking standards and corresponding Zoning By-law Amendments;

**SUBJECT: Residential Parking Standards Review and Update (PED23156) (City Wide) - Page 2 of 16**

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- (c) That Transportation Planning and Parking staff be directed to review the current policy that limits access to on-street residential parking permits to households living in dwellings of three units or less and report back to Planning Committee with options that take-into-account proposed changes to parking standards as well as equity considerations;
- (d) That Transportation Planning and Parking staff be directed to prepare an implementation plan and any required policy or by-law changes to eliminate or modify the residential Boulevard Parking Program and bring back a report to Planning Committee for consideration;
- (e) That staff report back on any recommended changes to the City's Cash-In-Lieu of Parking Policy to support and complement the new parking standards.

**EXECUTIVE SUMMARY**

Parking standards, or parking requirements, are a tool within the City's Zoning By-laws that regulate the provision of parking for new development. Zoning By-laws set out requirements for the location, amount, size and design of parking spaces. The Zoning By-laws also set out requirements for bicycle parking and accessible barrier-free parking. Zoning By-laws currently set out the minimum and, in some cases, maximum number of automobile parking spaces for specific land use categories by land use type. While there is some variation for different areas of the City (e.g. Downtown), parking standards are relatively consistent across the City.

Historically, as is the case with most other municipalities, parking requirements in Hamilton have generally been established to ensure that developments provide sufficient parking to satisfy peak demands for parking. This approach was based on the objective of minimizing parking spill-over into residential areas and places the responsibility on individual developments to bear the cost of parking supply. In some instances, this practice has resulted in providing an over-supply of "free" parking that has contributed to auto-oriented land use and increased auto dependency. Surplus surface parking can take up large areas of land surrounding retail, office and high-density residential developments that could be put to more efficient use with lower impacts on the environment. Parking can also contribute to a high carbon footprint in new development, when it comes in the form of above or below-grade parking, and can contribute to higher housing costs, as a result of the high cost of providing parking.

Cities across North America are increasingly adopting more progressive approaches for establishing parking requirements that take into consideration issues such as environmental impacts, cost and affordability, climate change, and the need to reduce auto dependency and associated impacts. Parking standards are also being extended

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to better reflect different aspects of mobility including active transportation, accessible parking, shared mobility, micro-mobility, and electric vehicle charging.

As input to the Comprehensive Zoning By-law project, staff commenced work on a review of parking standards in late 2022. The consulting firm R.J. Burnside was retained to assist in the review and funded through the Provincial Streamline Development Approval Fund (Report PED22060/FCS22018) as approved by Council on February 23, 2022.

The purpose of this Report is to present a summary of the work to date and seek Council direction to proceed with public engagement on the proposed framework for updating the City's parking standards. Key directions that are proposed as the basis of new parking standards include the following:

1. Adopt a geographical-based approach for establishing parking standards which reflects the diverse land use and mode availability/choice that exists across the City;
2. Eliminate minimum parking requirements for developments within areas that are highly transit supportive and are planned to accommodate higher density mixed use development;
3. Maintain minimum parking standards in other areas, but at lower rates to provide greater flexibility and more affordable housing options;
4. Expansion of the use of parking maximums;
5. Introduce requirements to ensure developments are electric vehicle ready;
6. Eliminate residential boulevard parking; and,
7. Maintain or enhance standards for accessible parking.

Staff is recommending that the Draft Parking Standards, attached as Appendix "A" to Report PED23156, be received, and that they be released for public input as part of the ongoing public engagement on the new proposed to Residential Zones, a process being lead by Planning.

It should be noted that the focus of this Report is on residential parking standards. A review of parking standards for non-residential uses is also being conducted and will be presented as part of future reports.

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The removal of minimum parking requirements for certain areas of the City will eliminate the rationale for Cash-In-Lieu of Parking, a current tool that is available were developments cannot meet their required parking supply. Since April 2021, there have been a total of three

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applications for Cash-In-Lieu of Parking, of which two were for affordable housing. As of July 2023, the current amount in the Cash-In-Lieu of Parking Reserve was approximately \$700,242.

Staffing/Legal: N/A

## **HISTORICAL BACKGROUND**

The Zoning By-laws of the City of Hamilton have different parking standards that were enacted, updated and revised at various times between 1950 and the present day. These parking requirements have varying sensitivity to local context (including proximity to Downtown, walkability, access to transit and cycling infrastructure, and vehicle ownership levels).

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005 and at that time included revisions to some parking standards. Further modifications to the City's parking standards were undertaken as part of other zoning initiatives, such as the new Downtown Zones, the new Transit Oriented Corridor Zones, the new Commercial and Mixed-Use Zoning initiatives, and the new zoning for Accessory Dwelling Units.

Since 2005, there has not been a comprehensive City-wide review of parking standards.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The review and development of new parking standards was guided by the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2020). The Provincial Policy Statement includes policies that promote reduced dependence on private automobiles and facilitate efficient land use. Similarly, A Place to Grow includes policies that support development in Major Transit Station Areas through alternative development standards, such as reduced parking standards. Places to Grow also directs that in planning for employment, surface parking will be minimized, and the development of active transportation networks and transit-supportive built form will be facilitated.

**Bill 23**, the More Homes Built Faster Act, makes changes to the *Planning Act* to support the development of additional residential units, prevents any Official Plan or Zoning By-law from prohibiting Accessory Dwelling Units, providing for any minimum unit floor area, or requiring more than one parking space per Accessory Dwelling Unit.

**Bill 97**, the Helping Homebuyers, Protecting Tenants Act, proposes to clarify that Official Plans and Zoning By-laws can still require more than one parking space for the primary residential unit.

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Once approved, any revised or new parking directions will be implemented through the policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan. Zoning By-law No. 05-200 will be updated to include the specific parking standards.

**RELEVANT CONSULTATION**

Staff from the Sustainable Communities Section, Development Planning Section and Zoning By-law Reform were consulted on the framework for developing new parking standards. Input served to provide insights on geographic zones and examples of experience and trends in parking provision for new developments and applications for parking reductions.

Staff from the Parking Section (Operations and Enforcement) were consulted and provided input on the types of complaints and requests for changes to on-street parking regulations, which are often generated by resident and public parking supply deficiencies.

As part of the consulting assignment, information was gathered from several other municipalities that have recently updated their parking standards. Case studies were prepared for the City of Mississauga, City of Vaughan, City of Ottawa, and City of Toronto. The results of the work are included in the R.J. Burnside Report attached as Appendix “B” to Report PED23156.

In May 2022, the West End Homebuilders Association presented the results of a research project to the Hamilton Development Industry Liaison Group. This presentation included some suggestions and approaches for reforming parking standards which were taken into consideration in developing the proposed framework. In addition, on January 10, 2022, West End Homebuilders Association submitted a letter to all Council entitled “Rethinking Hamilton’s Planning Framework: Can We Park Minimum Parking Requirements?” This letter highlighted the high cost of free parking and links to affordable housing and was considered in evaluating potential alternatives for Hamilton.

A final source of input was the engagement activities that were completed as part of the Parking Master Plan in 2020 and 2021. While not focused on parking standards for development, some of the input received through that exercise included a desire for more public off-street parking to support economic development and support for improving options that reduce auto dependency and the need for excess parking.

Other relevant City policies that were considered in developing this Report were the City’s Climate Action Strategy, Housing and Sustainability Investment Roadmap, Transportation Master Plan, and Vision Zero strategy.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION****1.0 Development Forecasts and Trends**

On November 19, 2021, Council adopted a No Urban Boundary Expansion growth option which plans for all forecasted population (236,000 people) and employment (122,000 jobs) growth to the year 2051 to be accommodated within the current urban boundary. To implement Council's direction, amendments were prepared to the Urban Hamilton Official Plan, and Rural Hamilton Official Plan, which were subsequently approved by Council on June 8, 2022 as Urban Hamilton Official Plan Amendment No. 167, and Rural Hamilton Official Plan Amendment No. 34. The amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan represent the completion of the first phase of the City's Municipal Comprehensive Review/Official Plan Review. A decision on Official Plan Amendment No. 167, as amended, was issued by Minister of Municipal Affairs and Housing on November 4, 2022, which included an expansion to the City's urban area. Subsequent to the approval of Official Plan Amendment No. 167, the City of Hamilton also endorsed a Municipal Housing Pledge (Report PED23056) to facilitate the construction of 47,000 units by 2031.

The City's focus on housing growth and intensification includes a focus on 'up zoning' of many of the City's Urban Corridors and major and minor arterial roads in a form that is commonly referred to as the 'missing middle'. The incorporation of additional lands into a zoning category that allows for 'as of right' intensification will help to achieve the goals set out in the City's Municipal Housing Pledge by facilitating increased construction opportunities.

Development forecasts and trends towards greater levels of intensification in existing built-up areas, as well as higher development densities in new growth areas will have significant implications for parking provision. Specifically, it is not feasible to achieve intensification and density targets while maintaining historical parking supply rates and a reliance on surface parking.

Over the past several years, housing affordability has become a significant challenge. Parking affects housing affordability in several ways. The cost of constructing and maintaining parking is ultimately passed on to home purchasers through house prices. For developers, the high cost of structured parking can also become a deterrent to development, both for residential and commercial development.

Parking supply is very much tied to sustainable transportation objectives and modal split targets. When parking standards are set to meet prevailing auto ownership trends, the outcome is likely to reflect current travel trends, continued auto dependence, and increasing traffic congestion. Unconstrained parking supply also undermines current and planned investments in transit and active transportation.

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Other trends related to development include a shift towards on-line commerce and hybrid office work models, which in turn, affect needs for commercial and office parking.

## **2.0 Existing Parking Standards and Trends**

There are seven Zoning By-laws which currently apply to the amalgamated City of Hamilton. As all of the Residential Zones have not yet been finalized for the comprehensive City of Hamilton Zoning By-law No. 05-200, some residential areas rely on the zones contained within each former municipality's Zoning By-law.

With the exception of Downtown Zones, Transit Oriented Corridor, and Commercial and Mixed-Use Zones, the prevailing parking rates for ground-level residential uses are a minimum of one space per unit. For single detached dwellings in the former City of Hamilton outside of Downtown, Ancaster, Glanbrook and Stoney Creek the minimum rate is two spaces per unit. There are no requirements for visitor parking for residential uses under Zoning By-law No. 05-200, but visitor parking requirements are specified for multiple dwelling units in other Zoning By-laws.

For multiple dwelling units there is no minimum parking required for buildings with 12 units or less in Downtown Zones. For other zones, including Transit Oriented Corridors, rates vary by building size, unit size, and number of bedrooms. For example, a multiple dwelling in a Transit Oriented Corridor Zone would require 0.7 spaces per unit if 1-14 units, 0.85 spaces per unit if 15-50 units and one per unit if greater than 51 units. Lower rates are permitted for units smaller than 50 square meters in size (0.3 spaces per unit) and three-bedroom units. A maximum parking rate of 1.25 spaces is also specified in Zoning By-law No. 05-200.

Current parking standards in Hamilton are similar to many other municipalities in that they set minimum ratios for most types of development and apply reductions for Downtown Zones and Transit Oriented Corridors. Hamilton's residential parking standards under Zoning By-law No. 05-200 are somewhat unique in that they do not include requirements for visitor parking.

Over the past several years, some issues that have been raised with parking for residential uses include the following:

- Pressures placed on residential streets in older neighbourhoods due to infill housing, conversions to student housing, or parking spill-over from multiple dwelling units. Issues tend to be greater in neighbourhoods that have lower levels of transit service and access to alternative modes;
- Increasing propensity for multi-generational families to live in the same dwelling unit and the impacts on number of automobiles per household;

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- Requests for reductions in parking requirements by developers, particularly in redeveloping areas and for sites on smaller lots or with heritage constraints; and,
- Issues related to equity; for example, current policies that only permit residents living in buildings with three units or less to apply for residential on-street parking permits.

The above considerations were taken-into-account in developing the framework for new parking standards.

### 3.0 Factors Influencing Parking Demand and Supply

In residential areas, parking demand is influenced by a number of factors including mode availability, household income, auto ownership, and parking availability. In employment and business areas, parking demand is highly dependent on the supply and price of parking, as well as the viability of different travel options.

Variations in auto ownership can be seen across Hamilton both in terms of location and household type. The table below shows auto ownership by Ward data from the 2016 Transportation Tomorrow Survey. Note that this data is based on Ward boundaries prior to changes in 2018. Based on this data, it can be concluded that there is a strong relationship between mode availability, housing type, and auto ownership with apartments in the Lower City having much lower auto ownership. Conversely, in outer areas where existing development tends to have fewer parking constraints and transit service levels are lower or not available, auto ownership is higher. This data indicates that updated parking standards will need to reflect the varied transportation and land use conditions that exist across the City.

Ward (Pre-2018 Boundary)	Average Vehicles per Household		
	House	Townhouse	Apartment
1	1.21	1.59	0.79
2	1.06	1.20	0.70
3	1.33	0.47	0.58
4	1.59	1.05	0.54
5	1.81	1.43	0.91
6	1.80	1.33	0.87
7	1.87	1.14	0.64
8	1.85	1.35	0.72
9	2.18	1.56	0.85
10	2.11	1.58	1.08
11	2.13	1.66	1.01
12	2.23	1.48	0.88

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Ward (Pre-2018 Boundary)	Average Vehicles per Household		
	House	Townhouse	Apartment
13	1.93	1.37	0.92
14	2.24	N/A	2.27
15	2.31	1.52	1.24

Another trend affecting parking demand for residential development includes changes in household size. In higher density zones, there has been a trend towards buildings that include a high number of one-bedroom or smaller units, tailored to one-person households. In some areas, due to the rising costs of home ownership, there has been an increase in household sizes, and associated auto ownership.

A final trend that must be considered is the increasing cost of auto ownership. The Canadian Automobile Association estimates that the total annual driving costs for an intermediate size car is \$8,659.15/year. As a result, auto dependency, and embedding auto dependency through land use policy, has a significant equity impact.

#### **4.0 Practices in Other Jurisdictions**

A review of parking standards and emerging best practices in other jurisdictions was undertaken as part of the consulting assignment for this review. Key findings from this review are summarized below.

- **Decreasing Parking Minimums:**

Recognizing that there is a need to balance between accommodating vehicular parking with other sustainability and equity objectives, many municipalities have been decreasing their parking minimums in more urbanized areas within their jurisdiction. The City of Toronto and City of Edmonton have gone a step further and essentially eliminated parking requirements for most types of development. The rationale behind these changes is based on promoting more sustainable and affordable development, and under the acceptance that to a large extent the market will reflect public expectations for parking or tolerances for reduced parking.

- **Geographically Tailored Parking Standards:**

Parking standards have traditionally been a one-standard fits all approach. Increasingly, municipalities are setting parking standards to take-into-account variations in built form, transportation conditions and policy objectives for different areas of the City.

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- **Introduction of Parking Maximums:**

Maximum parking requirements ensure that an overabundance of parking supply is not provided by putting a limit on the number of parking spaces that can be provided.

- **New Accessible Parking Standards Calculations:**

Decreasing parking minimums may lead to an under-supply of accessible parking spaces. Traditionally, the required number of accessible parking spaces is a function of the required number of total parking spaces. As the total number of parking spaces decreases, the required number of accessible parking spaces decrease. Some jurisdictions have provided solutions to overcome this issue.

- **Introduction of Electric Vehicles Parking Standards:**

Some jurisdictions have introduced parking requirements for electric-vehicle ready spaces for new developments to support and encourage the adoption of electric vehicles.

- **Visitor Parking Rates:**

Visitor parking rates have been adopted by many municipalities. Visitor parking can be used to provide sufficient space for:

- Service vehicles, delivery vehicles and loading, which provides a certain level of convenience for residents and reduces potential for on-street impacts; and,
- Personal care workers that may need to stay longer than on-street parking limits or do not want to face difficulties finding nearby parking on-street to provide their services.

- **Shared Parking:**

Shared parking regulations allows for the provision of off-street parking spaces to be shared by multiple land uses decreasing the overall requirement of parking spaces. For residential parking requirements, some jurisdictions have adopted shared parking regulations that allow for visitor parking spaces to be used in the daytime by offices, medical clinics, and other predominantly daytime uses.

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## 5.0 Establishing Geographic Areas

The City of Hamilton is a geographically diverse city comprised of historical towns and neighbourhoods, older suburban neighbourhoods, emerging transit-oriented areas, newer subdivisions, rural areas, and everything between. Recognizing this diversity and its influence on parking needs, a geographical-based approach is recommended for establishing parking standards. A geographical-based approach is already reflected to some extent in the existing zoning by-laws through the delineation of Downtown and Transit Oriented Corridor Zones.

As part of the consulting assignment for the Parking Standards Review, different geographical systems were tested and evaluated considering the following:

- Existing population and household characteristics;
- Existing and planned urban boundaries and built form objectives;
- Planned intensification areas and corridors;
- Existing and planned transportation infrastructure, including the LRT corridor and BLAST corridors; and,
- Staff knowledge of local area conditions and parking challenges.

Parking occupancy surveys were also carried out for a sample of existing developments in different areas of the City as summarized in Appendix “B” attached to Report PED23156.

Based on these factors, a four-zone system is proposed, as described in the following table. These zones are illustrated in Appendix “A” attached to Report PED23156.

<b>Zone</b>	<b>Description</b>
Zone A	This area expands on the Downtown Secondary Plan area in all directions representing the City’s most urbanized areas. Some areas also follow parts of the proposed frequent transit corridors (e.g., A-Line and B-Line).
Zone B	This area generally includes the rest of the former City of Hamilton and Dundas. Zone B includes a mix of urban and sub-urban areas.
Zone C	This area includes the area outside of Zone B, within the existing Urban Boundary as defined by the Urban Hamilton Official Plan.
Zone D	This area includes the remaining areas of the City of Hamilton and are generally the least developed and most rural.

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## 6.0 Draft Parking Standards

Based on a review of existing and prevailing trends, as well as strategic planning policy considerations, updating the City's parking standards should take into account the need to manage auto dependency while also recognizing the unique parking and transportation conditions throughout the City. Key considerations include:

- Facilitating more compact land use and cost-efficient development;
- Recognizing environmental impacts, including embodied carbon impacts in new development and vehicle-based emissions;
- Managing costs and affordability for residents and businesses;
- Equity impacts of the costs of auto ownership, and the embedded costs of auto dependency in both residential and commercial developments;
- Encouragement of sustainable transportation including active transportation, transit, and shared mobility;
- Flexibility and adaptability in response to changing needs; and,
- A streamlined development process and simplification of the number of land use categories used to specify parking standards.

Based on a consideration of the above, staff are recommending that minimum parking standards be eliminated in Zone A (Wards 1-4, a portion of Ward 5 and the lands along the A-line corridor) where there is high levels of transit and existing residents are observed to own fewer vehicles, take alternative modes of transportation, and in some cases face higher housing affordability challenges. It also aligns with the LRT corridor.

It is recommended that a hybrid approach be applied to Zones B, C, and D. In these areas, parking minimums need to strike a balance between meeting parking demand while supporting a shift to sustainable modes based on existing and committed transportation infrastructure. Flexible parking standards would allow for parking requirements to be reduced based on the future provision of higher order transit along the designated Transit Oriented Corridors.

Appendix "A" attached to Report PED23156 presents the proposed residential parking standards by land-use type and zone.

Key components of the proposed parking standards are as follows:

- **Elimination of Minimum Parking Requirements in Zone A:**

Zone A is within the Lower City and is where there are high levels of existing transit, residents are observed to own fewer vehicles, and where a greater share of residents take alternative modes of transportation. It is also expected that the development industry will provide parking in accordance with end user

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market demands. There is some risk associated with the undersupply of parking in terms of spill-over into existing residential areas; however, many residential streets in this zone are already subject to permit parking. Since these issues are known and not unique to Hamilton, it can be expected that housing purchasers will not have the expectation of unlimited parking supply.

- **Expand Use of Parking Maximums:**

Maximum parking requirements are intended to ensure that an overabundance of parking supply is not provided by putting a limit on the number of parking spaces provided. Zoning By-law 05-200 already applies parking maximums in Downtown Zones and Transit Oriented Corridors. It is proposed that maximums be applied for multiple dwelling units for all zones, with a maximum rate of one space per unit in Zone A, 1.25 for Zone B, and 2.0 per unit for Zones C and D.

- **Explicit Requirements for Visitor Parking:**

Visitor parking for multiple dwellings and dwelling units in mixed-use buildings are proposed to be implemented in all Zones at varying magnitudes. Visitor parking addresses parking not only for visitors visiting residents for leisure purposes but also used for service vehicles (e.g. contractors), personal care workers, and those with mobility constraints.

## 7.0 Supporting Policies and Changes

In addition to changes to the quantity of parking, staff are recommending changes to other aspects of how parking is provided.

- **Accessible Parking:**

Under current Zoning By-laws, accessible parking (often referred to as Barrier-free Parking) is based on a minimum allotment plus proportion of the total building parking requirement. Under this formula, a reduction in overall parking requirements could lead to an undersupply of accessible parking. As part of the development of revised parking standards, revised options will be considered including specifying accessible parking requirements as a direct function of the number of units.

- **Parking Design:**

Certain aspects of parking design such as minimum dimensions and surface treatment can be regulated through Zoning By-laws. However, as new development occurs, and taking-into-account Council approved policies and

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directions relating to climate change, green infrastructure, Low Impact Development, and urban design, it is important that needs and opportunities related to parking design (which in itself is a major land use) are considered. Other parking design issues include how structured parking is designed to minimize impacts on the pedestrian realm and how parking can be designed to allow for the conversion to other uses in the future. Staff will continue to review these and other design matters and potential updates that could be included in the Zoning By-law.

- **Electric Vehicle Parking Requirements:**

In the past few years, electrical vehicles have become more popular as consumers seek environmentally friendly and sustainable transportation options. According to the Ministry of Transportation of Ontario, as of February 2022, there are more than 75,000 Electric Vehicles registered in Ontario, and the Ministry of Transportation of Ontario expects that this number will grow to over one million by 2030.

Municipalities, such as Toronto and Mississauga, have requirements that parking spaces in new developments be Electric Vehicle Ready. Electric Vehicle Ready parking is defined as a parking stall that has rough-in conduits, and associated power supply to support Electric Vehicle charging infrastructure. In Toronto, the requirements are for 100% of low-rise residential parking spaces and 25% of mid-rise and commercial spaces be Electric Vehicle Ready.

It is proposed that Electric Vehicle requirements be included in the updated parking standards for Hamilton and specified based on development type and land use category. Any implementing Zoning would consider how to enable Electric Vehicle in future development scenarios

- **Bicycle Parking Requirements:**

Short-term (visitor) bicycle parking standards and long-term (resident) parking standards serve to reduce the need for visitor and occupant automobile parking spaces as well as slow the growth of automobile demand. Bicycle parking requirements are already specified in the City of Hamilton's Zoning By-law but will be reviewed further for potential enhancements.

- **Cash-In-Lieu of Parking:**

The City's current Cash-In-Lieu of Parking Policy authorizes the City to consider a Cash-In-Lieu payment for all or part of the parking required under the applicable in force Zoning By-law. The current Cash-In-Lieu of Parking Policy

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was adopted by the Council of the former City of Hamilton in 1986, and as such does not apply to the entire City. With changes to parking standards, there is a need and opportunity to update the current policy. Potential updates include eliminating Cash-In-Lieu of Parking for Zone A (as it will be redundant if minimum parking rates are eliminated) and expanding the policy to include the entire City. Other modifications could include making the temporary reductions for affordable housing (as approved as part of Report PED21028) permanent and expanding these reductions to include other forms of development to address unique issues related to heritage buildings.

**8.0 Residential Boulevard Parking**

Residential Boulevard Parking, also known as front yard parking, allows residents of one, two and three-family dwellings to establish parking spaces in their front or side yards. These parking spaces can be either partially or entirely on the City boulevard. The boulevard includes the portion of the yard between the property line and edge of the street and varies in size from home to home.

The Residential Boulevard Parking Policy, as contained with the City of Hamilton Streets By-law 9329, was initially passed on May 9, 1961, and was put in place to allow residents to use a part of the City-owned boulevard for off-street parking. The need for boulevard parking is typically higher in older areas of the City where properties may have not had other off-street parking options.

Although a historically well-intended policy, these spaces effectively result in the privatization of public space, as curb cuts are required to provide access which reduces the publicly available on-street parking. In addition, typically the spaces are partially provided on former greenspace, so result in less permeable area.

With increased intensification, there is a growing number of requests for residential boulevard permits. In 2022, the Hamilton Municipal Parking System received over 800 requests related to driveways, including, but not limited to boulevard parking. Approximately 90 boulevard parking permits were issued.

If, following consultation, Council adopts to reduce or eliminate minimum parking requirements in some areas of the City, an outcome may be a higher demand for residential boulevard parking, although it is noted that the number of properties in Wards 1, 2 and 3, that would qualify for boulevard parking, are limited based on the minimum 50 percent landscaping requirement.

Taking into account several recent policies adopted by Council, including the Climate Action Plan, Urban Forestry Strategy, and the Stormwater Fee, staff are recommending that the residential boulevard parking program be discontinued. This would be

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consistent with practices in municipalities such as Burlington, Mississauga, Ottawa, Oshawa, and Toronto.

**9.0 On-Street Parking Permit Requirements**

The City of Hamilton currently has two types of permit parking systems for residential streets: time limited parking exemptions, and exclusive permit parking zones. The current policy allows only residents of one, two and three-family dwellings to apply for on-street permits. Residents living in dwellings with four or more units are not eligible for permit parking.

Historically, this policy is believed to have been put in place in recognition that street parking is a finite resource, if residents living in larger apartments or condominium buildings were allowed to apply, there would not be enough spaces. A challenge with this policy, however, is that it is exclusionary and designed to favour residents living in single family homes or townhouses, often freehold ownership housing.

Policies around residential parking in other municipalities varies. The City of Toronto formerly had a policy which made permits open to any resident but often saw streets not having sufficient spaces to meet demand. As part of their recent zoning by-law update, Toronto adopted a policy that excludes any resident in future developments from receiving permit parking.

There are several options that could be considered for Hamilton, including simply increasing the threshold for inclusion (e.g. ten or less units). Accordingly, Recommendation (d) of this Report is intended to allow for the investigation and evaluation of different options.

**ALTERNATIVES FOR CONSIDERATION**

Council may choose not to support authorization for staff to commence public consultation on the proposed parking standards and develop different proposed standards using an alternative framework. This alternative would mean that engagement on the parking standards would not proceed in parallel with public consultation on the Draft Mid-Rise Residential Zones which is planned for Fall 2023. This alternative is not recommended as parking standards are an important input to the Residential Zones work plan.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23156 - Draft Parking Standards for Residential Uses  
Appendix "B" to Report PED23156 - Background Research Report

**Appendix “A” to Report PED23156**  
**Page 1 of 3**

### Proposed Parking Requirements for Residential Uses

Within the Zoning By-law, Parking Standards for development will encompass a number of topics including supply (parking rates), design, size and surface treatment, as well as related policies such as accessible parking, bicycle parking, electric vehicle related requirements, and other potential elements. The purpose of this Appendix is to outline the proposed parking supply requirements for residential uses.

Parking standards are summarized in Table 1 below based on the preliminary geographies described in Report PED23156 and illustrated in Figure 1 in this Appendix.

**Table 1: Parking Space Rates**

#### Zone A Residential Parking Requirements

Dwelling Type	Parking Minimum	Parking Maximum
Single Detached	0 spaces per unit	Not applicable
Semi Detached	0 spaces per unit	Not applicable
Street Townhouse	0 spaces per unit	Not applicable
Duplex	0 spaces per unit	Not applicable
Triplex	0 spaces per unit	Not applicable
Fourplex	0 spaces per unit	Not applicable
Multiple Dwelling	0 spaces per unit, 2 total visitor spaces plus 0.05 visitor spaces per unit	1.0 total space per unit (including occupant and visitor)
Dwelling Unit, Mixed-Use	0 spaces per unit, 2 total visitor spaces plus 0.05 visitor spaces per unit	1.0 total space per unit (including occupant and visitor)
Additional Dwelling Unit/ Additional Dwelling Unit - Detached	0 spaces per unit	Not applicable

#### Zone B Residential Parking Requirements

Dwelling Type	Parking Minimum	Parking Maximum
Single Detached	1 space per unit	Not applicable
Semi Detached	1 space per unit	Not applicable
Street Townhouse	1 space per unit	Not applicable
Duplex	1 space per unit	Not applicable
Triplex (new) Triplex (conversion)	2 spaces total Existing required spaces must be maintained	Not applicable
Fourplex (new) Fourplex (conversion)	3 spaces total Existing required spaces must be maintained plus 1 space	Not applicable
Multiple Dwelling	0.5 spaces per unit plus 0.15 visitor spaces per unit	1.25 total spaces per unit (including occupant and visitor)
Dwelling Unit, Mixed-Use	0.5 spaces per unit plus 0.15 visitor spaces per unit	1.25 total spaces per unit (including occupant and visitor)
Additional Dwelling Unit/ Additional Dwelling Unit - Detached	0 spaces per unit	Not applicable

**Appendix “A” to Report PED23156**  
**Page 2 of 3**

**Zone C Residential Parking Requirements**

<b>Dwelling Type</b>	<b>Parking Minimum</b>	<b>Parking Maximum</b>
Single Detached	1 space per unit	Not applicable
Semi Detached	1 space per unit	Not applicable
Street Townhouse	1 space per unit	Not applicable
Duplex	1 space per unit	Not applicable
Triplex	1 space per unit	Not applicable
Fourplex	1 space per unit	Not applicable
Multiple Dwelling	0.85 spaces per unit plus 0.25 visitor spaces per unit	2.0 total spaces per unit (including occupant and visitor)
Dwelling Unit, Mixed-Use	0.85 spaces per unit plus 0.25 visitor spaces per unit	2.0 total spaces per unit (including occupant and visitor)
Additional Dwelling Unit/ Additional Dwelling Unit - Detached	0 spaces per unit	Not applicable

Parking standards for the Urban Expansion Areas that are within Zone C are recommended to be determined during the Secondary Planning process which started early 2023.

Parking standards for Zone D should generally remain unchanged, however they should consolidate the parking standards found in the existing various Zoning By-laws.

Figure 1: Draft Zones for Parking Standards





## RAD MARKETING

January 4, 2024

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

**RE: 211-225 John Street South & 70-78 Young Street, Hamilton (Corktown Plaza) – Minor Variance Application**

**Related Site Plan Application: DA-21-112**

City Planners & Committee of Adjustment Members,

RAD is engaged by the owner, Corktown L.P., to sell condominium suites at Corktown. RAD Marketing (“RAD”) supports a reduction in the parking requirement at 211-225 John Street South & 70-78 Young Street, Hamilton (“the Site”, “Corktown”). This reduction seeks to reduce from P3 to P2 level, decreasing the overall number of spaces, resulting in a shorter timeline to construct the below grade, lowering costs, and ultimately delivering homes to the Hamilton market sooner.

Sales for Corktown launched in May 2023. RAD has completed extensive market research and has real-time feedback from purchasers regarding the lack of demand for parking when purchasing a pre-construction condominium suite:

- Both self-described end users and investor purchasers have proven a lack of demand for parking
  - o Despite selling over 60% of Phase 1 units, only 8% (49 of 394) of parking spaces have been sold.
- Purchasers are increasingly cost and environmentally conscious, relying on public transit for which Hamilton has and plans to complete significant infrastructure; and,
- Walkable communities are in high demand, reduce the need for parking, and reduce carbon emissions
  - o The elimination of P3 will result in approximately 133 fewer parking spaces, removing 133 cars from the road, and achieve over 3 million kgCO<sub>2</sub>e saved. The Green House Gas savings from reducing the underground parking is the equivalent of 4,085 round trip flights, Toronto to Vancouver.

Corktown aims to build appropriate parking based on learned demand and is promoting and implementing several Transportation Demand Management measures to help reduce the dependency on cars:

- Long and short-term bicycle parking, and Hamilton Bike Share (SoBi) location
- Pre-loaded Presto card (equivalent of 3 months) and SoBi membership (6 months)
- Upgrades to the John Street South and Young Street transit stop
- Carshare parking spaces
- Wayfinding signage promoting active transportation in the area
- Established sidewalk networks providing pedestrian access to all necessities
- In addition to preapproved TDM measures, Corktown will offer a shuttle to McMaster as an alternative mode of transportation, attracting students and young professionals to the development



RAD MARKETING

RAD encourages the City to accept the requested Minor Variance. A reduction in parking will encourage purchasers to drive less, use public transit or other modes of transport more, and promote downtown living, limiting urban sprawl as Hamilton grows. This is in line with the City's own policy and initiatives.

Thank you for considering our experience and support of the parking requirement reduction in your ruling,

Riz Dhanji  
President  
RAD Marketing

Sean Zahedi  
Executive Vice President  
RAD Marketing

Sarah Nakamura  
Vice-President, Sales & Marketing  
RAD Marketing

A handwritten signature in black ink that reads "Riz Dhanji".

A handwritten signature in black ink, appearing to be "Sean Zahedi", written in a stylized, cursive script.

A handwritten signature in black ink that reads "Sarah Nakamura".



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2024-01-25  
Project: (240007)

Corktown LP  
121 King Street West, Suite 200  
Toronto, ON M5H 3T9

## **RE: 211 JOHN STREET SOUTH – PARKING STUDY ADDENDUM UPDATE**

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In June 2022, Paradigm Transportation Solutions Limited (Paradigm) prepared a Parking Study Addendum (PSA)<sup>1</sup> for the property at 211 John Street South in the City of Hamilton. The development program assumed in the June 2022 PSA consisted of 743 residential units and 815 square metres of ground-floor retail with 371 parking spaces, equating to a residential parking rate of 0.50 spaces per unit.

Since submitting the June 2022 PSA, the number of dwelling units and retail space has not altered. However, the parking supply has been reduced to 246 parking spaces, equating to a parking rate of 0.33 spaces per unit. A reduction in parking is being proposed to allow the Site to be built with two underground levels instead of three. Given the inflationary context and rising construction costs, the reduced underground parking will make this project economically viable.

From the perspective of the supporting analysis, this submission by Paradigm represents an update to the June 2022 PSA. This update provides new information based on recent policy direction/changes from the City of Hamilton concerning parking requirements for the City.

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<sup>1</sup> 211 John Street South, Hamilton, Parking Study Addendum, June 2022, Paradigm

## Analysis To Date

The June 2022 PSA demonstrated that a parking rate of 0.50 spaces per unit is supportable based on a review of local parking demand data, vehicle ownership data, and secondary source data, incorporating the Transportation Demand Management (TDM) program and applying the Cash-In-Lieu for Parking Policy. The following summarizes the key findings:

- ▶ TTS Vehicle ownership rates among apartments generally within the study area (traffic zones 5168, 5172 and 5186) were reviewed. The current study area has a vehicle ownership rate of 0.47 vehicles per household.
- ▶ A review of the TTS travel characteristics of residential apartment trips being made to/from the study area (traffic zones 5168, 5172 and 5186) during the weekday periods identifies close to 65% of residents travel by non-auto means.
- ▶ The requirements specified by ITE's Parking Generation for Multi-Family High-Rise dwellings located in a Dense Multi-Use Urban space and within 800 metres of rail transit is an average parking supply of 0.44 spaces per unit.
- ▶ Proxy surveys completed by Paradigm at high-rise developments reflect an average parking demand of 0.46 spaces per unit within general urban environments and 0.26 spaces per unit within a Downtown environment.
- ▶ Other proxy surveys have been reviewed to quantify the anticipated parking demand exhibited by high-rise developments near rapid transit. These proxy sites are located within Toronto and near transfer points to a subway station. The proxy sites reflect an average parking demand of 0.41 spaces per unit within a general urban environment and 0.12 to 0.14 spaces within a downtown environment.
- ▶ Applying the Zoning By-law requirements of 05-200 toward the site equates to a parking requirement of 0.57 spaces per unit. With TDM measures, a parking supply of 0.52 spaces per unit is projected.
- ▶ A parking shortfall of approximately 17 spaces has been identified by incorporating the TDM measures. Providing additional parking is not recommended; instead, supporting the reduction through Cash-In-Lieu of Parking (CILP) is recommended.



## Comprehensive Zoning By-Law Review

The City is undertaking a Comprehensive Zoning By-law Review (ZBL). As part of the Comprehensive ZBL Review, staff have recognized the significance of managing parking supply as a vital component of sustainable urban development. The City's Zoning by-laws, which govern the supply of parking for all types of land uses, play a crucial role in achieving its vision for its transportation system.

Traditional minimum parking requirements have historically focused on ensuring that developments provide sufficient parking to meet the peak demand for each land use. However, this approach has led to an overabundance of parking supply, which has inadvertently supported auto-oriented land use planning and increased reliance on private vehicles.

Generally, developers want to create developments that react to the market demand. For maximum parking standards to be practical, the rate should be lower than what the developers want to provide. Since this regulation places a strict capacity limit, for parking maximums to be realistic, they should be applied in areas with other alternative modes of transportation, such as transit.

Parking demand is influenced by several population and household characteristics. In 2001, the City's boundaries expanded with the amalgamation of the former City of Hamilton, Stoney Creek, Dundas, Ancaster, Glanbrook, and Flamborough resulting in a City that contains both rural and urban landscapes. This diverse City contains a population with varying socio-economic backgrounds. The population and household characteristics that have been assessed within the City's background study<sup>2</sup> concerning reviewing parking standards consisted of the following below. For context, the site is in Ward 2.

- ▶ Average persons per household: As the number of persons per household increases, the likelihood of vehicle ownership per household increases. The average household size in the City of Hamilton is 2.5 persons per household. On average, Ward 2 has the smallest household sizes, whereas Ward 13 and 15 have the highest.
- ▶ Average rooms per household: Wards 1 to 5 have the smallest number of rooms per household. This is most likely due to the higher number of smaller dwelling types, such as apartments and townhomes. The wards representing the outer communities, such as Glanbrook (Ward 11), Ancaster (Ward 12) and Flamborough (Ward 13 and Ward 15), have the highest number of rooms per household. This is most likely due to the higher number of lower-density housing and larger dwelling types.
- ▶ Commuting Trips within Hamilton: The average percentage of households within a census tract that commute to the City of Hamilton for work is 70%. Ward 1, Ward 2, and Ward 5 have the highest proportion of households working within the City. Ward 10 (i.e. Stoney Creek), Ward 13, and Ward 15 have the lowest proportion. These areas are

<sup>2</sup> Parking Standards Review, City of Hamilton, RJ Burnside, August 2023



much more likely to commute outside the City of Hamilton for work and thus rely more on their personal vehicles.

- ▶ **Auto Mode Share:** The average auto mode share within the City of Hamilton is 76%. Wards 1 to 3 have the lowest auto mode share. Auto mode shares for communities within the urban boundary tend to observe auto mode shares close to or below the City average. In contrast, the auto mode shares in the rural communities tend to observe higher than average modal shares.
- ▶ **Vehicles per Household:** The average number of vehicles per household is 1.6. The downtown area has the lowest average number of vehicles per household, while the communities within the rural boundary have the highest. Ward 2 is noted to have the lowest vehicle ownership rate, reflecting 0.8 vehicles per household.

### **Housing Affordability**

Housing affordability is affected by parking demand. Parking infrastructure is expensive, estimated at \$35,100 per parking space, including construction and land value per space. These parking costs are typically passed on from the developer to the home buyer or renter. However, parking standards that allow for no or minimal parking can increase housing affordability, particularly in areas where residents' workplaces are within walking or cycling distance or if a robust local and/or regional transit system exists.

According to Statistics Canada and Canada Mortgage and Housing Corporation (CMHC), a household is considered to be experiencing affordability issues if more than 30% of its total pre-tax income is spent on shelter costs. However, transportation costs account for a significant portion of a household's expenditure. Therefore, a new benchmark has been proposed considering housing and transportation costs. Typically, this measure's benchmark for affordability is that no more than 45% to 50% of a household's income should be spent on housing and transportation.

According to the data, the average percentage of households that spend more than 30% of their household income on shelter within a census tract is 28%. There is a higher proportion of such households in Ward 1 and Ward 2 and a lower proportion in Ward 10, Ward 13, and Ward 15.

One way to make housing more affordable is to have parking standards that allow developers to include little or no parking. This approach works well in areas where residents have easy access to their workplace and can walk or cycle there or where there's a reliable local or regional transit system. For this specific site, the cost to build parking is approximately \$124,000 per stall. This number greatly exceeds the cost that an average parking stall can be sold for. The burden of the excess cost is often passed on to the purchaser of a condominium unit, baked into the average price per square foot.



## Proposed City-Wide Parking Standards

The City's updated parking standards include a forward-thinking, comprehensive parking policy, management and implementation framework and considered four geographic areas to be considered for different parking standards:

- ▶ Zone A This area expands on the Downtown Secondary Plan area in all directions, representing the City's most urbanized areas. Some areas also follow parts of the proposed frequent transit corridors (e.g., A-Line and B-Line).
- ▶ Zone B This area generally includes the rest of the former City of Hamilton and Dundas. Zone B consists of a mix of urban and suburban areas.
- ▶ Zone C includes the area outside Zone B, within the existing Urban Boundary defined by the Urban Hamilton Official Plan.
- ▶ Zone D includes the remaining areas of the City of Hamilton and is generally the least developed and most rural.

The proposed development falls within Zone A, which stipulates the following draft parking standards for multiple dwellings:

- ▶ A minimum of 0.00 spaces per unit, two total visitor spaces plus 0.05 visitor spaces per unit, up to a maximum of 1.00 total space per unit (including occupant and visitor).

Applying the draft parking requirements for Zone A towards the proposed development would equate to a total parking supply of 44 spaces. **Table 1** summarizes the parking requirements for the Zone A.

**TABLE 1: PROPOSED DRAFT REQUIREMENTS (ZONE A)**

Use	Units	GFA (m <sup>2</sup> )	Draft Parking Rates (Zone A)	
			Parking Rate	Parking Spaces Required
Multiple Dwelling Units Residential	743	-	0.00 spaces per unit	0.00
Multiple Dwelling Units Visitor	743	-	2.00 spaces plus 0.05 space per unit	37.00
Commercial		815	1.00 space per 50 m <sup>2</sup> in excess of 450 m <sup>2</sup>	7
<b>Total Parking Required</b>				<b>44</b>

With one of the City's objectives being to align parking requirements with policy aspirations, such as reducing reliance on private automobiles, it is anticipated that proposed draft parking standards will be implemented within the short term.



## Conclusions

The proposed site intends to provide 246 parking spaces, equating to a parking supply of 0.33 spaces per residential unit.

The City is undertaking a Comprehensive Zoning By-law Review (ZBL). As part of the Comprehensive ZBL Review, staff have recognized the significance of managing parking supply as a vital component of sustainable urban development. The City's Zoning by-laws, which govern the supply of parking for all types of land uses, play a crucial role in achieving its vision for its transportation system.

The City's updated parking standards include a forward-thinking, comprehensive parking policy, management and implementation framework and four geographic areas to be considered for different parking standards. As the proposed development falls within Zone A, the following parking requirements are proposed:

- ▶ A minimum of 0.00 spaces per unit, 2 total visitor spaces plus 0.05 visitor spaces per unit, up to a maximum of 1.00 total space per unit (including occupant and visitor).

Applying the draft parking requirements for Zone A towards the proposed development would equate to a total parking supply of 44 spaces. As the proposed development supplies 246 parking spaces, the supply would meet Zone A's future minimum parking requirement while not exceeding the maximum requirement.

This reduced parking will allow the Site to be built with two underground levels instead of three. The reduced underground parking will lower the project's embodied carbon, making the project more environmentally friendly to construct. It will also make this project economically viable.

## Recommendations

- ▶ The proposed Zoning By-law variance be approved to allow the Site to develop as planned with a parking rate of 0.33 spaces per unit,

If you have any questions or would like to discuss our responses in more detail, please contact us.

### PARADIGM TRANSPORTATION SOLUTIONS LIMITED



**Adam J. Makarewicz**  
Dipl.T., C.E.T. MITE  
Senior Project Manager



**Stew Elkins**  
B.E.S., MITE  
Vice President





Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
<b>Registered Owners(s)</b>	Corktown LP	121 King Street West, Suite 200 Toronto, ON M5H 3T9	<b>Phone:</b> 416-583-1650
			<b>E-mail:</b> <a href="mailto:veronica@slateam.com">veronica@slateam.com</a>
<b>Applicant(s)</b>			<b>Phone:</b>
			<b>E-mail:</b>
<b>Agent or Solicitor</b>	GSP Group Inc. Attn: Brenda Khes	162 Locke Street South Suite 200 Hamilton, ON L8P 4A9	<b>Phone:</b> 289-778-1428
			<b>E-mail:</b> <a href="mailto:bkhes@gspgroup.ca">bkhes@gspgroup.ca</a>

1.2 Primary contact  Applicant  Owner  Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [bkhes@gspgroup.ca](mailto:bkhes@gspgroup.ca)

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type  In person  Credit over phone\*  Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	211-225 John Street and 70-78 Young Street		
Assessment Roll Number	02014300550		
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	1431	Lot(s)	172, 173, 178, 179, 189, 190, 195, & 196
Reference Plan Number (s)	62R-1844	Part(s)	1, 2, 3, 4, 5, 6, 7, 8, 9

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To permit a parking rate of 0.33 parking spaces per unit. This variance is necessary to facilitate Site Plan Control Application DA-21-11 A parking variance was previously obtained to permit a 0.55 parking spaces per unit (HM/A-22:64).

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Unit sales for the development launched in May 2023. Since then over 60% of Phase 1 units have been sold however, only 8% of parking spaces have been purchased. Purchasers are increasingly cost and environmentally conscious relying on public transit. Extensive market research and real-time feedback from purchasers has highlighted the lack of demand for parking.

\*\*Please refer to the letter prepared by RAD Marketing for further details (Attachment B)\*\*

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
71.3m (Forest Ave)	+/- 80m	0.59 hectares	Forest Ave (+/- 21.2m)

4.2 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 Survey submitted with this application.

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Commercial Plaza	+/- -0.76m (Forest Ave)	+/- 0.41m	+/- 46.5m & +/- -1.22m	Unknown
Single-Detached	+/- 1m (Young St)	+/- 0.53m	+/- 5.75m & +/- 3.39m	Unknown
Mixed-Use Building	+/- 0.45m (John St)	+/- 0.29m	+/- 0.79 & +/- -1.66m	Unknown

Proposed: Please refer to Site Plan (#A103) drawing, prepared by Core Architects, and submitted with this application.

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Building A (High-rise)	0m (Forest Ave)	+/- -1.34m (Young St.)	+/- 2.1m (Catharine St.) 0m (John St.)	
Building B (High-rise)	0m (Forest Ave)	+/- 24.06m (Young St.)	+/- 2.4m (Catharine St.) +/- 33m (John St.)	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Commercial Plaza	+/- 2,100.4 sq.m	+/- 2,100.4 sq.m	1	+/- 3m
Single-Detached	+/- 107.6 sq.m	+/- 215.2 sq.m	2	+/- 6m
Mixed-Use Building	+/- 95.1 sq.m	+/- 237.8 sq.m	2.5	+/- 7.5m

Proposed: Please refer to Site Plan (#A103) drawing, prepared by Core Architects, and submitted with this application.

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Building A (High-rise)	2,270 sq.m	24, 515 sq.m	14	52.83m
Building B (High-rise)	1,140 sq.m	25,640 sq.m	27	89.93m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

## 4.6 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) \_\_\_\_\_

## 4.7 Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year
- right of way  
 other public road

## 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

To comprehensively redevelop the site for a 27-storey residential building and a 14-storey residential building atop a mixed-use podium containing commercial retail space. Refer to attached Site Plan prepared by CORE Architects dated September 29, 2023.

## 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

North: Commercial (Rungos auto centre), office building, townhouses  
 East: High-rise residential apartments  
 South: Commercial (at corner of John St & Forest Ave), single-detached dwelling, multiple dwelling  
 West: High-rise residential apartments, strip commercial plaza (corner of John St & Young St)

**7 HISTORY OF THE SUBJECT LAND**

## 7.1 Date of acquisition of subject lands:

May 2022

## 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

- 211 John St S. was developed for commercial/residential uses in 1901. The rest of property was undeveloped or in residential use.
- The Site (excluding 211 John St. S) was developed for residential uses (single detached dwellings) prior to 1924
- The Site was redeveloped for commercial uses between 1972 and 1988
- The Site has been in commercial and residential use since at least 1988

## 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

1-storey retail plaza with a 2-storey single-detached dwelling, and a 2.5-storey mixed-use building.

## 7.4 Length of time the existing uses of the subject property have continued:

Since approximately the 1980s

## 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Schedule E: Neighbourhoods;  
Schedule E-1 Mixed Use - Medium Density

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

Please refer to Cover Letter attached in the submission.

7.6 What is the existing zoning of the subject land? Mixed Use Medium Density (C5) Zone;  
Exception 739; H-1187.8 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-18-041, HM/A-22:64

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 743

8.3 Additional Information (please include separate sheet if needed):

Refer to covering letter which includes Planning Justification prepared by GSP Group Inc.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- \_\_\_\_\_
- \_\_\_\_\_

**12. OWNER AUTHORIZATION**

One authorization (if applicable) must be completed for every owner registered on title at the time of application.

**12.1 Owner(s) Authorization (Person(s))**

As of the date of this application, I (Name) Brandon Donnelly (Managing Director) am the registered Owner(s) of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) Brenda Khes of (Name of Agent Company) GSP Group Inc. to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE 1/25/2024SIGNED **12.2 Owner(s) Authorization (Corporation)**

As of the date of this application, I (Name) Brandon Donnelly (Managing Director) having signing authority for (Name of Corporation) Corktown L.P., that is the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize (Name of Agent) Brenda Khes of (Name of Agent Company) GSP Group Inc. to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE 1/25/2024SIGNED **13. ACKNOWLEDGEMENTS**

Acknowledgements may be signed by the owner(s) or the owner's authorized agent as noted above. Initial beside each item and sign below.

- 13.1 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. Initials B.K.
- 13.2 I acknowledge that all information submitted with the application or during the processing of the application is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284. Initials B.K.

13.3 I acknowledge that the members of the Committee of Adjustment and members of staff of the City of Hamilton may enter the subject lands for the limited purposes of evaluating the merits of this application. Initials B.K. BK

13.4 I acknowledge that a sign is required to be posted on the subject lands, clearly visible and legible from a public highway (road). The sign must be posted no later than 14 days before the Hearing for consents, and no later than 10 days before the Hearing for minor variances. I acknowledge that the sign will remain posted and visible until after the Hearing. Failure to post the sign in accordance with the requirements may result in a deferral of the application. Initials B.K. BK

13.5 I acknowledge that it is a policy of the City of Hamilton that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Applicant, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, minor variance, and/or any other development application under the *Planning Act*, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Applicant. I acknowledge and agree that a Cost Acknowledgment Agreement may be required to be filed in this event. Questions about this agreement should be directed to [cofa@hamilton.ca](mailto:cofa@hamilton.ca).  
Initials B.K.

NAME Brenda Khes  
DATE January 23/24 SIGNED B.Khes

**14. AFFIDAVIT OR SWORN DECLARATION**

This declaration must be sworn before a Commissioner of Oaths.

I, (Name) Brenda Khes of the (Town/City etc.) City  
of Hamilton in the (Province/City, etc.) Province  
of Ontario solemnly declare that:

All of the above statements and information submitted with the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Sworn (or Declared) before me at the  
City of Hamilton in the Province of  
Ontario this 23 day of January, 2024.

[Signature]  
A Commissioner, etc.

[Signature]  
Owner/Agent, etc.

Sarah Frances Knoll, a Commissioner, etc.,  
Province of Ontario, for GSP Group Inc.  
Expires June 25, 2024.



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:30</b>	<b>SUBJECT PROPERTY:</b>	26 WEST AVENUE S, HAMILTON
<b>ZONE:</b>	"D5" (Downtown Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 26 WEST INC  
Agent: GRACE WANG ARCHITECT INC.  
Applicant: DAVID TOMAZIC

The following variances are requested:

1. A minimum rear yard of 2.8m shall be permitted instead of the minimum 7.5m rear yard required.
2. To permit a minimum 0.0m wide manoeuvring aisle whereas the zoning By-law requires a minimum 6.0m one-way and two way aisle width for 90.0 degree parking spaces.

**PURPOSE & EFFECT:** To facilitate the construction of a new one storey addition in the rear yard and three storey front yard addition to the existing building.

**Notes:**

The applicant requested a variance to permit no setback between the rear exterior stairway and the rear lot line. However, upon approval of the requested rear yard variance, the location of the exterior staircase will be in compliance; as such, the requested variance is not required.

These variances are necessary to facilitate Site Plan Application SPA-22-131.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:40 p.m.</b>

**HM/A-24:30**

<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

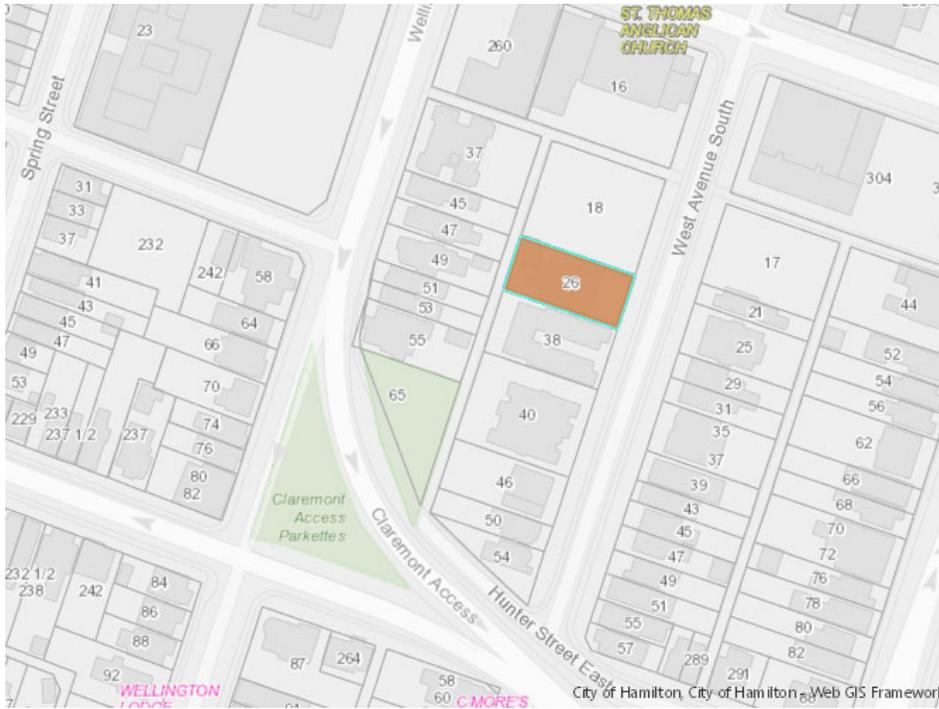
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:30, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:30



 Subject Lands

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

**2. In person Oral Submissions**

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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  
LOTS 52 & 55  
AND ALL OF  
LOTS 53 & 54  
REGISTERED PLAN 223  
SOUTH SIDE OF KING STREET  
IN THE  
CITY OF HAMILTON

SCALE 1:100 METRIC  
2 1 0 2 4 6 metres

S.D. McLAREN, O.L.S. - 2019



PART 1, PLAN 62R-15447  
PIN 17177-0016 (LT)

LOT 55

AREA UNDER CONSTRUCTION

PART 2, PLAN 62R-15447

37.14±

PIN 17177-0015 (LT)

LOT 54

37.17±

PIN 17177-0014 (LT)

LOT 53

ALLEYWAY  
(BY PLAN 223)  
PIN 17177-0025 (LT)

19.92±

WEST AVENUE SOUTH  
(BY PLAN 223)  
PIN 17177-0142 (LT)

14.55

LOT 52

PIN 17177-0013 (LT)

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - PLASTIC BAR
  - CONCRETE PIN
  - CUT CROSS
  - STANDARD IRON BAR
  - SHORT STANDARD IRON BAR
  - M&P A.T. McLAREN, O.L.S.
  - M&P MACKAY MACKAY & PETERS
  - OU ORIGIN UNKNOWN
  - MEASD MEASURED
  - SRW STONE RETAINING WALL
  - PILLAR PILLAR
  - EGA EDGE OF ASPHALT
  - HP HYDRO POLE
  - WEF OVERHEAD UTILITIES
  - WS WINDOW SILL
  - WW WINDOW WELL
  - BOL BOLLARD
  - DOOR SILL DOOR SILL
  - GV GAS VALVE
  - FM GAS METER
  - FH FIRE HYDRANT
  - WV WATER VALVE
  - MH MANHOLE
  - CB CATCH BASIN
  - φ DIAMETER

**BENCHMARK:**  
MONUMENT 0011963U3497  
CATHEDRAL SCHOOL ON THE  
SOUTHEAST CORNER OF MAIN STREET  
EAST AND EMERALD STREET SOUTH.  
TABLET IN THE NORTH FACE OF THE  
STONE FOUNDATION UNDER THE  
SECOND BUTTRESS EAST OF THE  
NORTHWEST CORNER, 15 CM BELOW  
STONE SIDING.  
ELEVATION: 92.551 metre CGVD-1928:1978

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE DERIVED FROM  
DRAWING No. 75-W-563 (SHEET 2)  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED  
PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

AUGUST 30, 2019  
DATE

*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.

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**A.T. McLAREN Limited**  
LEGAL AND ENGINEERING SERVICES

69 JOHN STREET SOUTH, SUITE 330  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: JB Checked: RAM Drawn Chief: SM Scale: 1:100 Drawn No.: 36095

UNDERTAKING

RE: \_\_\_\_\_ FILE NO. SPA-22-131

I, (WE) \_\_\_\_\_ THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

(a) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(b) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED \_\_\_\_\_;

(c) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS;

(d) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED \_\_\_\_\_, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

(e) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER (26) OR FULL ADDRESS (26 WEST AVENUE SOUTH) TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE STREET.

(f) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE FULL ADDRESS (26 WEST AVENUE SOUTH) TO THE REAR OF THE BUILDING IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE ADJACENT PUBLIC ALLEY.

(g) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE ASSIGNED UNIT NUMBER AT THE ENTRANCE OF THE UNIT THAT IS ACCESSED FROM THE REAR OF THE BUILDING, IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, IN A MANNER THAT IS VISIBLE FROM THE ADJACENT PUBLIC ALLEY.

(h) THAT THE OWNER AGREES TO AFFIX ADDRESS PLAQUES TO EACH INTERNAL UNIT, INDICATING THE MAILING ADDRESS UNIT NUMBER TO THE SATISFACTION OF THE DIRECTOR OF GROWTH MANAGEMENT.

(i) PRIOR TO THE START OF SERVICE, THE DEVELOPMENT MUST BE FREE OF CONSTRUCTION DEBRIS AND CONSTRUCTION RELATED ACTIVITIES.

(j) TO INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:

- i) THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.
- ii) THAT THE DEVELOPERS/OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX FACILITY PRIOR TO THE CLOSING OF ANY HOME SALES.

(k) THE OWNER FURTHER AGREES TO:

- i) WORK WITH CANADA POST TO DETERMINE AND PROVIDE TEMPORARY SUITABLE CENTRALIZED MAIL BOX LOCATIONS WHICH MAY BE UTILIZED BY CANADA POST UNTIL THE CURBS, BOULEVARDS AND SIDEWALKS ARE IN PLACE IN THE REMAINDER OF THE SUBDIVISION.
- ii) INSTALL A CONCRETE PAD IN ACCORDANCE WITH THE REQUIREMENTS OF AND IN LOCATIONS TO BE APPROVED BY CANADA POST TO FACILITATE THE PLACEMENT OF COMMUNITY MAIL BOXES
- iii) IDENTIFY THE PADS ABOVE ON THE ENGINEERING SERVICING DRAWINGS. SAID PADS ARE TO BE POURED AT THE TIME OF THE SIDEWALK AND/OR CURB INSTALLATION WITHIN EACH PHASE OF THE PLAN OF SUBDIVISION.
- iv) DETERMINE THE LOCATION OF ALL CENTRALIZED MAIL RECEIVING FACILITIES IN CO-OPERATION WITH CANADA POST AND TO INDICATE THE LOCATION OF THE CENTRALIZED MAIL FACILITIES ON APPROPRIATE MAPS, INFORMATION BOARDS AND PLANS. MAPS ARE ALSO TO BE PROMINENTLY DISPLAYED IN THE SALES OFFICE(S) SHOWING SPECIFIC CENTRALIZED MAIL FACILITY LOCATIONS.
- v) MAPS ARE ALSO TO BE PROMINENTLY DISPLAYED IN THE SALES OFFICE(S) SHOWING SPECIFIC CENTRALIZED MAIL FACILITY LOCATIONS.

(l) CANADA POST'S MULTI-UNIT POLICY, WHICH REQUIRES THAT THE OWNER/DEVELOPER PROVIDE THE CENTRALIZED MAIL FACILITY ( LOCK BOX ASSEMBLY ) AT THEIR OWN EXPENSE ( LESS THAN 100 UNITS WILL REQUIRE A FRONT LOADING LOCK BOX ASSEMBLY & MORE THAN 100 UNITS WILL REQUIRE A REAR LOADING LOCK BOX ASSEMBLY WHICH WILL REQUIRE A MAIL ROOM) WILL BE IN AFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INDOOR OR SHELTERED SPACE.

(m) "CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF ARCHAEOLOGICAL POTENTIAL. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPONENT IS CAUTIONED THAT DURING DEVELOPMENT ACTIVITIES, SHOULD DEEPLY BURIED ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY THE ONTARIO MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES (MHSTCI) SHOULD BE NOTIFIED IMMEDIATELY (416-212-8886). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MHSTCI AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF GOVERNMENT AND CONSUMER SERVICES (416-212-7499)."

(n) THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY ANY EASEMENT(S) AS DEEMED NECESSARY BY BELL CANADA TO SERVICE THIS NEW DEVELOPMENT. THE OWNER FURTHER AGREES AND ACKNOWLEDGES TO CONVEY SUCH EASEMENTS AT NO COST TO BELL CANADA.

(o) THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES WHERE A CURRENT AND VALID EASEMENT EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COST.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

WITNESS (SIGNATURE) \_\_\_\_\_ OWNER(S) (SIGNATURE) \_\_\_\_\_

WITNESS (PRINT) \_\_\_\_\_ OWNER(S) (PRINT) \_\_\_\_\_

ADDRESS OF WITNESS \_\_\_\_\_

SITE STATISTICS

ZONE DESIGNATION: D5 (BYLAW 05-200)  
DOWNTOWN RESIDENTIAL ZONE

	PERMITTED	EXISTING	PROPOSED
USE	MULTIPLE DWELLING	MULTIPLE DWELLING	NO CHANGE
FRONT YARD SETBACK	4.5m MAX.	>4.5M	4.5M
REAR YARD SETBACK	7.5m MIN.	0m	2.8m
SIDE YARD	7.5m MAX.	0m NORTH	0m NORTH (EXISTING)
		<0.8m SOUTH	1.4m SOUTH
BUILDING HEIGHT	7.5m MIN. 22m MAX.	±11.3M	13.7m
LOT WIDTH	12m MIN.	±17.3M	NO CHANGE
LOT AREA	300m <sup>2</sup> MIN.	643.5m <sup>2</sup>	NO CHANGE
LANDSCAPED AREA	10% MIN.	±24.0%	13%
AMENITY AREA	56.0m <sup>2</sup> MIN. (4m <sup>2</sup> /DWELLING UNIT)	±155.0m <sup>2</sup>	66m <sup>2</sup> OUTDOOR AMENITY AREAS

SECTION 5.6 - PARKING REQUIREMENTS PER UNIT

USE: MULTIPLE DWELLING  
DWELLING UNITS: 14 TOTAL PROPOSED

2 UNITS (<50M<sup>2</sup> IN GFA), 12 UNITS (>50M<sup>2</sup> IN GFA)

MINIMUM PARKING SPACES REQUIRED: 0 SPACE  
MAXIMUM PARKING SPACES PERMITTED (1.25x14): 8 SPACES

PARKING SPACES PROVIDED: 3 EXISTING SPACES TO REMAIN (WEST SIDE OFF ALLEYWAY)

SECTION 5.7 - BICYCLE PARKING

SHORT-TERM SPACES (MULTIPLE DWELLING)  
REQUIRED: 5 SPACES MIN.  
PROVIDED: 6 SPACES (AT GRADE)

LONG-TERM SPACES (MULTIPLE DWELLING)  
REQUIRED: 7 SPACES MIN. (0.5/UNIT)  
PROVIDED: 8 SPACES (SECURED AREA IN BUILDING @ BASEMENT LEVEL)

GENERAL NOTES

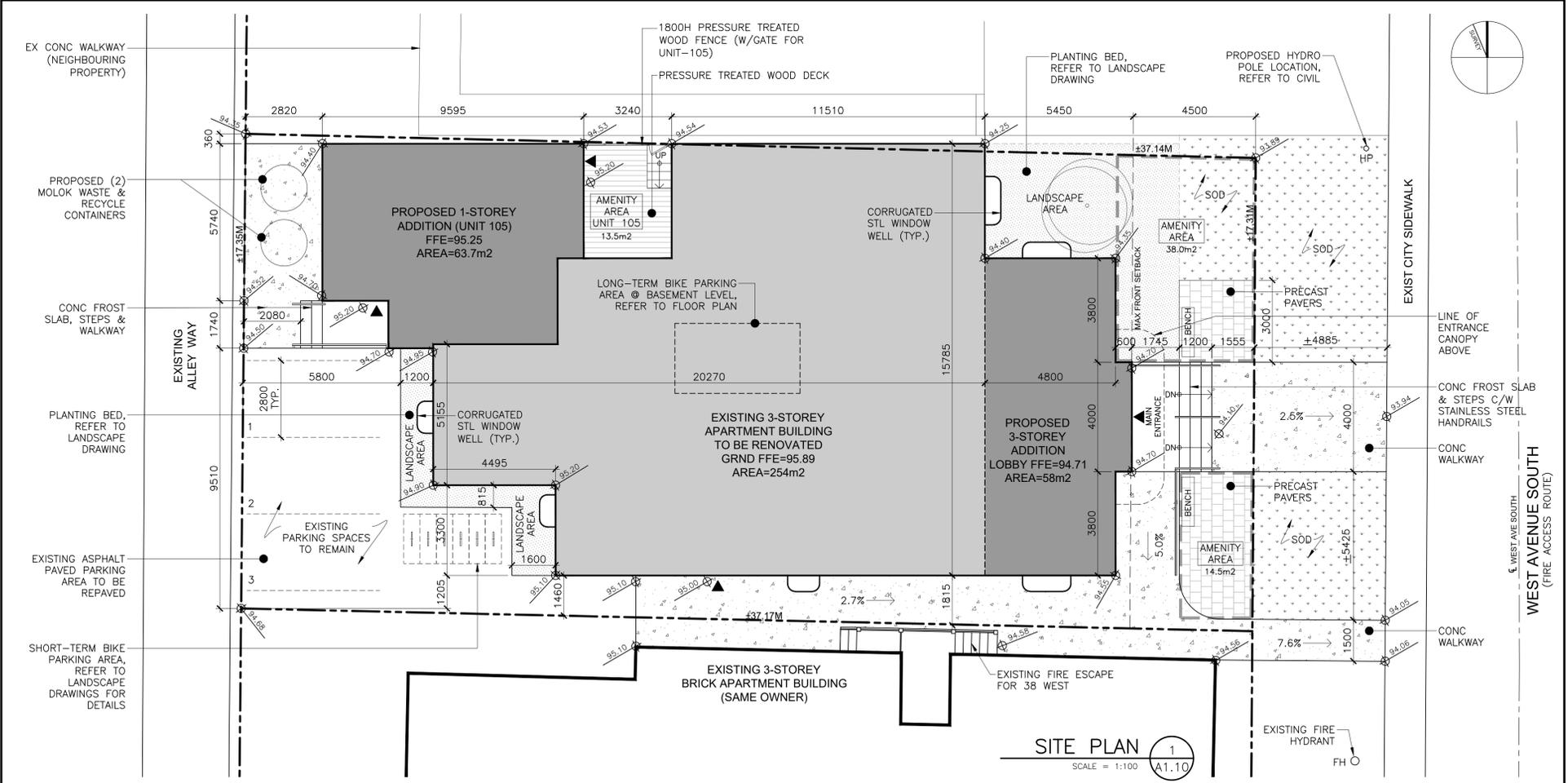
- ALL WORK INVOLVE IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT.
- FIRE ROUTES SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5M UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM FROM PROPERTY LINES FOR THE FIRST 7.5M SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - BUILDING PERMIT
  - ROAD CUT PERMITS
  - APPROACH APPROVAL PERMITS
  - COMMITTEE OF ADJUSTMENT (IF REQUIRED)
  - SEWER AND WATER PERMITS
  - RELOCATION OF SERVICES
  - ENCROACHMENT AGREEMENTS
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNERS EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
- ALL SIGNS MUST COMPLY WITH BY-LAW NO. 10-197
- A 1.5m SIDEWALK WILL BE MAINTAINED DURING CONSTRUCTION ACTIVITY.
- A 1.2m SEPARATION FROM CITY ASSETS WITHIN THE BOULEVARD WILL BE MAINTAINED.

UNIT TYPE SUMMARY

UNIT #	NFA	TYPE
001	68.5SM (740SF)	A-2-BEDROOM
002	56.5SM (610SF)	B-1-BEDROOM
003	61.5SM (660SF)	C-2-BEDROOM
101	68.5SM (740SF)	A-2-BEDROOM
102	56.5SM (610SF)	B-1-BEDROOM
103	48.8SM (520SF)	D-1-BEDROOM
104	49.2SM (530SF)	E-1-BEDROOM
105	56.1SM (600SF)	F-1-BEDROOM
201	81.3SM (880SF)	G-2-BEDROOM
202	56.5SM (610SF)	B-1-BEDROOM
203	60.7SM (650SF)	C-2-BEDROOM
301	81.3SM (880SF)	G-2-BEDROOM
302	56.5SM (610SF)	B-1-BEDROOM
303	60.7SM (650SF)	C-2-BEDROOM



PERSPECTIVE VIEW (ARTISTIC RENDERING) 2 N.T.S. A1.10



**Grace Wang Architect Inc.**  
31-175 Fiddlers Green Road, Ancaster, ON L9G 4K7  
gracewangarchitect.ca

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SEAL:

NO.	DESCRIPTION	ISSUE DATE
5	RE-ISSUE FOR SPA	2023/09/29
4	RE-ISSUE FOR SPA	2022/06/30
3	RE-ISSUE FOR SPA	2021/11/30
2	ISSUE FOR COORD	2021/05/10
1	ISSUE FOR SPA	2021/03/03

PROJECT NAME:  
26 WEST AVE SOUTH APARTMENT BUILDING RENOVATION & ADDITION

PROJECT ADDRESS:  
26 WEST AVE SOUTH HAMILTON, ONTARIO

PROJECT NO.:  
19-18

DRAWING TITLE:  
SITE PLAN  
CITY FILE: SPA-22-131

SCALE:  
AS SHOWN

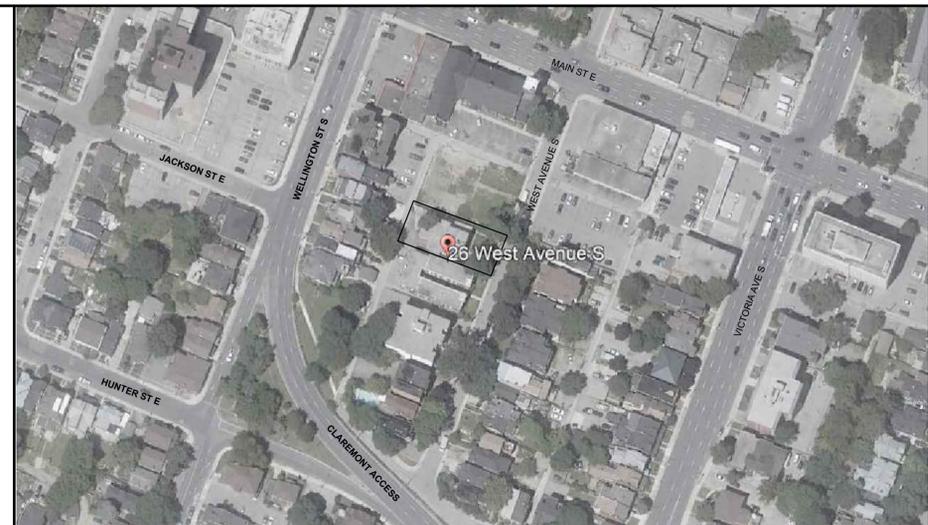
DRAWN BY:  
CT

CHECKED BY:  
GW

DWG CREATED ON:  
2023-09-29

DRAWING NO.:

**A1.10**

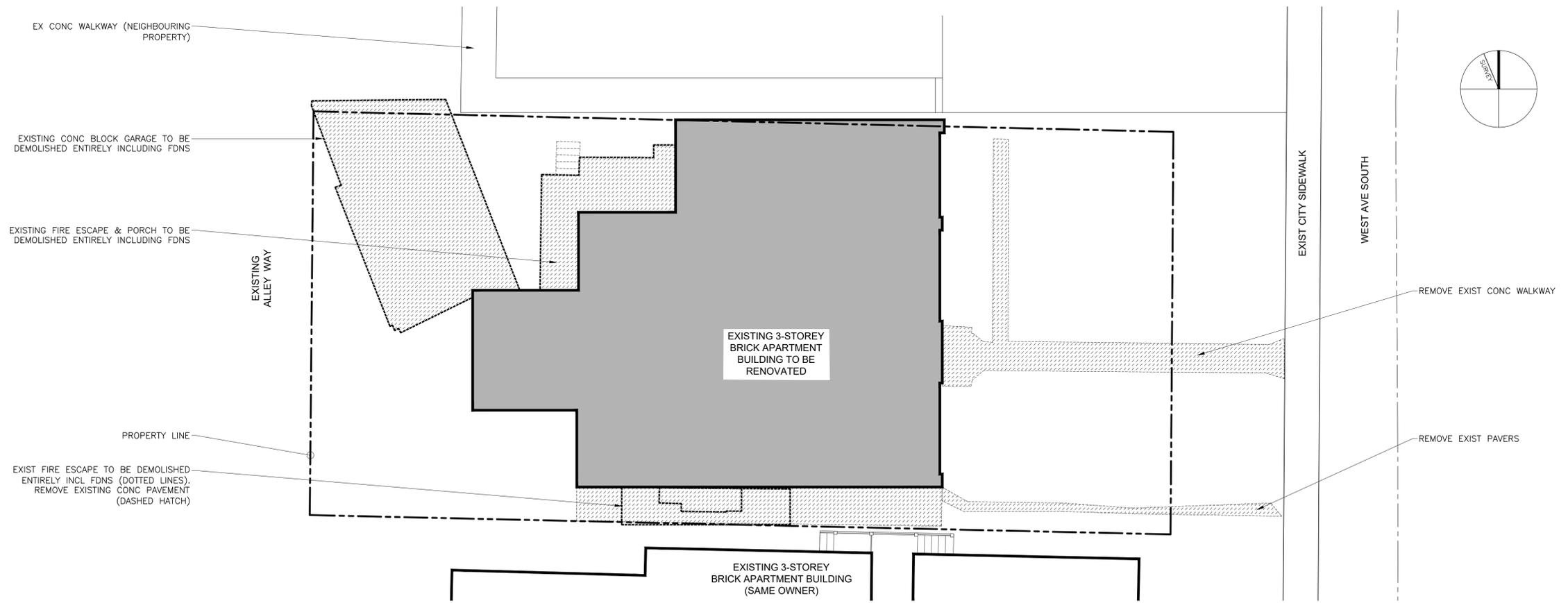


KEY PLAN 2  
N.T.S. A1.00

**ACKNOWLEDGEMENT NOTES:**

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 ARCHAEOLOGICAL 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 REGISTER OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF GOVERNMENT AND CONSUMER SERVICES (416-212-7499).



SITE DEMO PLAN 1  
SCALE = 1:100 A1.00



Grace Wang Architect Inc.  
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gracewangarchitect.ca

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SEAL:

DESCRIPTION	ISSUE DATE
5 MINOR VARIANCE	2023/09/29
4 RE-ISSUE FOR SPA	2022/06/30
3 RE-ISSUE FOR SPA	2021/11/30
2 ISSUE FOR COORD	2021/05/10
1 ISSUE FOR SPA	2021/03/03

PROJECT NAME:  
26 WEST AVE SOUTH APARTMENT BUILDING RENOVATION & ADDITION

PROJECT ADDRESS:  
26 WEST AVE SOUTH HAMILTON, ONTARIO

PROJECT NO.:  
19-18

DRAWING TITLE:  
SITE DEMO PLAN

SCALE:  
1:100

DRAWN BY:  
JW

CHECKED BY:  
GW

DWG CREATED ON:  
2023-10-02

DRAWING NO.:

**A1.00**



Hamilton

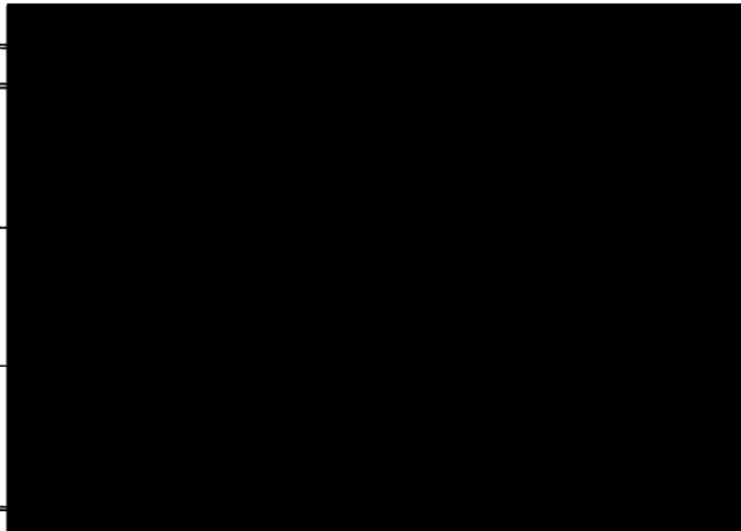
**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	26 West Inc.
<b>Applicant(s)</b>	David Tomazic
<b>Agent or Solicitor</b>	Grace Wang Architect Inc.



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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	26 West Avenue South, Hamilton, ON L8N 2S1		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	223	Lot(s)	54
Reference Plan Number (s)	PIN 17177-0015	Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

- 1.) To reduce the minimum required rear yard setback from 7.5 metres to 2.8 metres;
- 2.) To permit no setback between the proposed rear stairway and rear lot line;
- 3.) To permit no on-site maneuvering space for the proposed parking spaces.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Existing site restriction for a re-development project.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
17.3m	37.17m	643.5 sqm	(plus/minus) 7m

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3-Storey Apartment	9.8m	0m	0m North, 0.8m South	1920

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing 3-Storey Apartment & Additions	4.5m	2.8m	0m North, 1.4m South	TBD

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
3-Storey Apartment	291 sqm	774 sqm	3	11.3m

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing 3-Storey Apartment & Additions	375 sqm	1214.4 sqm	3	13.7m

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)  
 \_\_\_\_\_

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)  
 \_\_\_\_\_

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway  right of way  
 municipal road, seasonally maintained  other public road  
 municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Multi-unit Residential Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Multi-unit Residential Dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 unknown

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Multi-unit Residential Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Multi-unit Residential Dwelling

7.4 Length of time the existing uses of the subject property have continued:  
 Early-20th century circa 1920

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed Used Area

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

Existing low rise multi-unit residential building being maintained

7.6 What is the existing zoning of the subject land? Zone D5 - Downtown Residential

7.8 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: \_\_\_\_\_

---

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 8

8.2 Number of Dwelling Units Proposed: 14

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:35</b>	<b>SUBJECT PROPERTY:</b>	754 CANNON STREET E, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: MICHAEL SIFONTES  
Agent: KEN BEKENDAM

The following variances are requested:

1. A porch shall be permitted to encroach to a maximum of 1.82 metres into a required front yard instead of the requirement that a porch may encroach to a maximum of 1.5 metres into any required yard.
2. An exterior staircase shall be permitted to encroach 0.35 metres into the required front yard instead of the regulation that exterior staircases may not encroach into a required front yard.
3. Zero (0) parking spaces shall be required for the fourth dwelling unit in a converted dwelling instead of the requirement that one (1) parking space is required for the fourth dwelling unit in a converted dwelling.

**PURPOSE & EFFECT:** To permit the conversion of an existing single detached dwelling into four (4) Dwelling Units.

**Notes:**

1. Please be advised the property falls within the Transit Corridor Land 30 metre Buffer Zone. A Corridor Development Permit is required from Metrolinx to construct any buildings, structure, road, utility infrastructure, or to conduct any excavation, dewatering or other Prescribed Work pursuant to the Building Transit Faster Act and its Regulation. Please contact [development.coordinaor@metrolinx.com](mailto:development.coordinaor@metrolinx.com) for more information.

**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-24:35**

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

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:35, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:35



 Subject Lands

DATED: February 22, 2024

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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

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### 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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

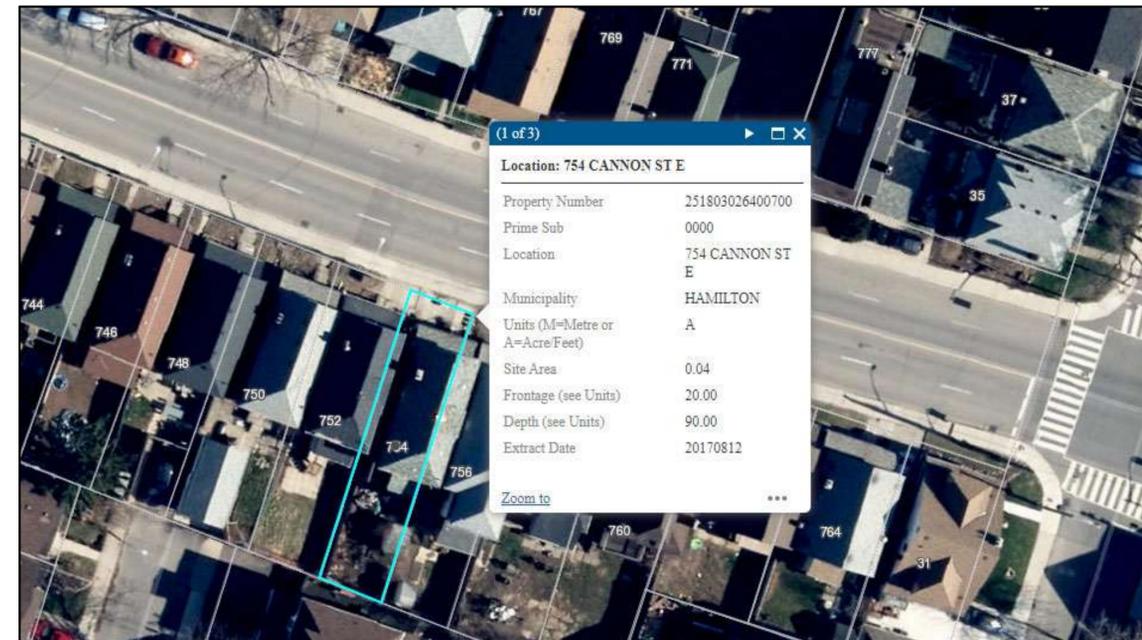
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

# 754 CANNON ST E, HAMILTON

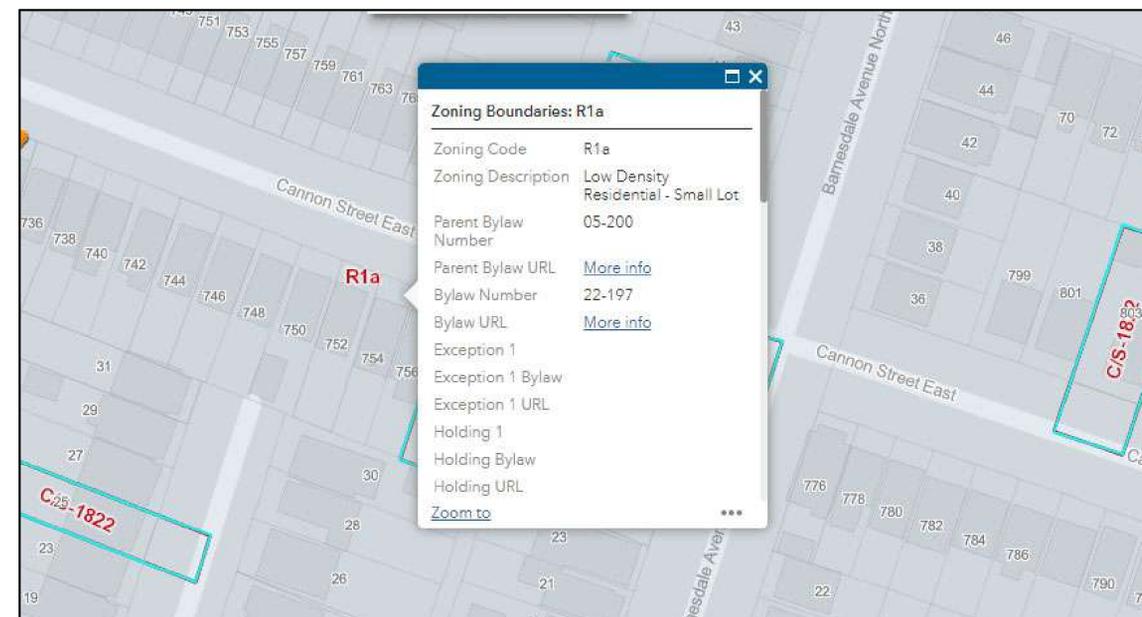
## 4 UNIT CONVERTED DWELLING



**PROPOSED BUILDING PERSPECTIVE**



**AERIAL MAP**



**ZONING MAP**



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

**LEAD DESIGNER & CONSULTANT:**  
KEN BEKENDAM, B.A. BUSCOM, L.T.  
kenbekendam@gmail.com

**CELL PHONE:**  
905-961-0647

**OFFICE ADDRESS:**  
979 MAIN ST. E. HAMILTON ON

**OFFICE PHONE:**  
905-546-4407

The undersigned has reviewed and takes the 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 2.17.5.1 of the building code

**REGISTRATION INFORMATION**  
Required unless design is exempt under 2.17.5.1 of the building code

Name	Signature	BCIN
KING HOMES INC.		121307
Name		BCIN

**GENERAL NOTES:**

- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
- ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
- FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
- UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
- USE LATEST REVISED DRAWINGS.
- ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
- ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION (LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.)
- BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
- CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			



**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:

**TITLE PAGE**

PROJECT NO.	DATE:
23-46	07/06/22

SCALE:	REVISION:
1/2" = 1'-0"	

DRAWN BY:	REVIEWED BY:
Author	KEN BEKENDAM

SHEET NO.

**A0.01**

**GENERAL NOTES:**

- ALL CONSTRUCTION TO COMPLY WITH THE CURRENT ONTARIO BUILDING CODE (REVISED 2012 OBC – DEC 19, 2017).
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING, MASONRY, OR CONCRETE SURFACES U.O.N.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENING.
- CONTRACTOR SHALL VERIFY WINDOW OPENINGS WITH THE MANUFACTURER PRIOR TO WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH ELECTRICAL PLANS SUPPLIED BY LICENSED ELECTRICAL CONTRACTOR.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING FABRICATION.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCE NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- THE CONTRACTOR IS NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
- EXISTING DRAINAGE PATTERNS TO REMAIN. ANY NEW SUMP PUMP INSTALLATIONS TO DISCHARGE IN REAR YARD. BUILDING FROM THESE SHALL PROCEED ONLY WHEN MARKED "ISSUED FOR CONSTRUCTION."

**EXISTING STRUCTURE NOTE:**

- OWNER AND CONTRACTOR ARE FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING GENERAL AND STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK.
- OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK IF REQUIRED.

**CODE REFERENCES AND SPECIFICATIONS**

1. FIRE PROTECTION MEASURES  
ALL FIRE PROTECTION MEASURES MUST COMPLY WITH OBC 9.10.0. (U.O.N.)

2. CEILING HEIGHTS  
CEILING HEIGHTS SHALL COMPLY WITH OBC 9.5.3.1. AND PART 11 – C102 OF TABLE 11.5.1.1.C.

**PART 9:**  
BASEMENT SPACE - 2 100 mm (6'-10 3/4") over at least 75% of the basement area except that under beams and ducts the clearance is permitted to be reduced to 1 950 mm (6'-4 7/8")

**PART 11 (COMPLIANCE ALTERNATIVE):**

- In a house,
- (a) minimum room height shall not be less than 1 950 mm (6'-4 7/8") over the required floor area and in any location that would normally be used as a means of egress, or
  - (b) minimum room height shall not be less than 2 030 mm (6'-8") over at least 50% of the required floor area, provided that any part of the floor having a clear height of less than 1 400 mm (4'-7 1/8") shall not be considered in computing the required floor area.

**3. EGRESS FROM DWELLING UNIT**  
EGRESS FROM DWELLING UNIT SHALL COMPLY WITH OBC 9.9.9 AND PART 11 COMPLIANCE – C136 OF TABLE 11.5.1.1.C.

**PART 9:****9.9.9.1. Travel Limit to Exits or Egress Doors**

- (1) Except as provided in Sentences (2) and (3), every dwelling unit containing more than 1 storey shall have exits or egress doors located so that it shall not be necessary to travel up or down more than 1 storey to reach a level served by,
  - (a) an egress door to a public corridor, enclosed exit stair or exterior passageway, or
  - (b) an exit doorway not more than 1 500 mm above adjacent ground level.
- (2) Where a dwelling unit is not located above or below another suite, the travel limit from a floor level in the dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level is served by an openable window or door,
  - (a) providing an unobstructed opening of not less than 1 000 mm in height and 550 mm in width, and
  - (b) located so that the sill is not more than,
    - (i) 1 000 mm above the floor, and
    - (ii) 7 m above adjacent ground level.
- (3) The travel limit from a floor level in a dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level has direct access to a balcony.

**9.9.9.2. Two Separate Exits**

- (1) Except as provided in Sentence 9.9.7.3.(1), where an egress door from a dwelling unit opens onto a public corridor or exterior passageway it shall be possible from the location where the egress door opens onto the corridor or exterior passageway to go in opposite directions to two separate exits unless the dwelling unit has a second and separate means of egress.

**9.9.9.3. Shared Egress Facilities**

- (1) A dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto,
  - (a) an exit stairway serving more than one suite,
  - (b) a public corridor,
  - (i) serving more than one suite, and
  - (ii) served by a single exit,
  - (c) an exterior passageway,
  - (i) serving more than one suite,
  - (ii) served by a single exit stairway or ramp, and
  - (iii) more than 1.5 m above adjacent ground level, or
  - (d) a balcony,
  - (i) serving more than one suite,
  - (ii) served by a single exit stairway or ramp, and
  - (iii) more than 1.5 m above adjacent ground level.

**PART 11 (COMPLIANCE ALTERNATIVE):**

In a house, exit requirements are acceptable if at least one of the following conditions exists:

- (a) a door, including a sliding door, that opens directly to the exterior from a dwelling unit, serves only that dwelling unit and has reasonable access to ground level, and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.,
- (b) an exit that is accessible to more than one dwelling unit and provides the only means of egress from each dwelling unit, provided that the means of egress is separated from the remainder of the building and common areas by a fire separation having a 30 min fire-resistance rating and provided further that the required access to exit from any dwelling unit cannot be through another dwelling unit, service room or other occupancy, and both dwelling units and common areas are provided with smoke alarms that are installed in conformance with Subsection 9.10.19. and are interconnected, or
- (c) access to an exit from one dwelling unit which leads through another dwelling unit where,
  - (i) an additional means of escape is provided through a window that conforms to the following:
    - (A) the sill height is not more than 1 000 mm above or below adjacent ground level,
    - (B) the window can be opened from the inside without the use of tools,
    - (C) the window has an individual unobstructed open portion having a minimum area of 0.38 m<sup>2</sup> with no dimension less than 460 mm
  - (D) the sill height does not exceed 900 mm above the floor or fixed steps,
  - (E) where the window opens into a window well, a clearance of not less than 1 000 mm shall be provided in front of the window, and
  - (F) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected,
  - (ii) an additional means of escape is provided through a window that conforms to the following:
    - (A) the window is a casement window not less than 1 060 mm high, 560 mm wide, with a sill height not more than 900 mm above the inside floor,
    - (B) the sill height of the window is not more than 5 m above adjacent ground level, and
    - (C) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected, or (iii) the building is sprinklered and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.

**10. EGRESS FROM BEDROOMS**

EGRESS FROM BEDROOMS SHALL COMPLY WITH OBC 9.9.10.1

**PART 9:**

- (1) Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with at least one outside window that,
  - (a) is openable from the inside without the use of tools,
  - (b) provides an individual, unobstructed open portion having a minimum area of 0.35 m<sup>2</sup> with no dimension less than 380 mm, and
  - (c) maintains the required opening described in Clause (b) without the need for additional support.
- (2) Except for basement areas, the window required in Sentence (1) shall have a maximum sill height of 1000 mm above the floor.

- (3) When sliding windows are used, the minimum dimension described in Sentence (1) shall apply to the openable portion of the window.
- (4) Where the sleeping area within a live/work unit is on a mezzanine with no obstructions more than 1 070 mm above the floor, the window required in Sentence (1) may be provided on the main level of the live/work unit provided the mezzanine is not more than 25% of the area of the live/work unit or 20 m<sup>2</sup>, whichever is less, and an unobstructed direct path of travel is provided from the mezzanine to this window.
- (5) Where a window required in Sentence (1) opens into a window well, a clearance of not less than 550 mm shall be provided in front of the window.
- (6) Where the sash of a window referred to in Sentence (5) swings towards the window well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.
- (7) Where a protective enclosure is installed over the window well referred to in Sentence (5), such enclosure shall be openable from the inside without the use of keys, tools or special knowledge of the opening mechanism.

**5. SMOKE ALARMS**

SMOKE ALARMS SHALL COMPLY WITH OBC 9.10.19. AND PART 11 COMPLIANCE – C175 OF TABLE 11.5.1.1.C.

**PART 9:**

- 9.10.19.1. Required Smoke Alarms
- (2) Smoke alarms conforming to CAN/ULC-S531, "Smoke Alarms", shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit.
- (3) Smoke alarms required in Sentence (1) shall have a visual signalling component conforming to the requirements in 3.8.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, "National Fire Alarm and Signaling Code".
- (4) The visual signalling component required in Sentence (2) need not, (a) be integrated with the smoke alarm provided it is interconnected to it, (b) be on battery backup, or (c) have synchronized flash rates, when installed in a dwelling unit.
- (5) The luminous intensity for visual signalling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.
- (6) Smoke alarms required in Sentence (1) shall be installed on or near the ceiling.
- 9.10.19.3. Location of Smoke Alarms
- (1) Within dwelling units, sufficient smoke alarms shall be installed so that,
  - (a) there is at least one smoke alarm installed 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 the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- (2) Within a house that contains an interior shared means of egress or common area, a smoke alarm shall be installed in each shared means of egress and common area.
- (3) A smoke alarm required in Sentences (1) and (2) shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms".
- 9.10.19.1. Power Supply
- (1) Except as provided in Sentences (2) and (3), smoke alarms required in Sentences 9.10.19.1.(1) and 9.10.19.3.(2) shall,
  - (a) be installed with permanent connections to an electrical circuit,
  - (b) have no disconnect switch between the overcurrent device and the smoke alarm, and
  - (c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of not less than 7 days in the normal condition, followed by 4 min of alarm.
- 9.10.19.1. Interconnection of Smoke Alarms
- (1) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

**PART 11 (COMPLIANCE ALTERNATIVE):**

Smoke alarms may be battery operated.

**10. CARBON MONOXIDE ALARMS**

CARBON MONOXIDE ALARMS SHALL COMPLY WITH OBC 9.33.4. AND PART 11 COMPLIANCE – C197 OF TABLE 11.5.1.1.C.

**PART 9:**

- 9.33.4.1. Application
- (1) This Subsection applies to every building that,
  - (a) contains a residential occupancy, and
  - (b) contains a fuel-burning appliance or a storage garage.
- 9.33.4.1. Location of Carbon Monoxide Alarms
- (1) Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the suite.
- (2) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide alarm shall be installed,
  - (a) adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
  - (b) in the service room.
- (3) Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
- (4) Where a storage garage serves only the dwelling unit to which it is attached or built in, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the dwelling unit.
- (5) A carbon monoxide alarm shall be mechanically fixed,
  - (a) at the manufacturer's recommended height, or
  - (b) in the absence of specific instructions, on or near the ceiling.
- 9.33.4.1. Installation and Conformance to Standards
- (1) The carbon monoxide alarm required by Article 9.33.4.2. shall,
  - (a) except as permitted in Sentence (2), be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide alarm,
  - (b) be wired so that its activation will activate all carbon monoxide alarms within the suite, where located within a suite of residential occupancy,
  - (c) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and
  - (d) conform to,
    - (i) CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices", or
    - (ii) UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".
- (2) Where the building is not supplied with electrical power, carbon monoxide alarms are permitted to be battery operated.

**PART 11 (COMPLIANCE ALTERNATIVE):**

Carbon monoxide alarms may be battery operated or plugged into an electrical outlet.

**10. FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES**

FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES SHALL COMPLY WITH OBC 9.10.8.3 AND PART 11 COMPLIANCE - C147 OF TABLE 11.5.1.1.C.

**PART 9:**

- (1) Except as otherwise provided in this Subsection, all load bearing walls, columns and arches in the storey immediately below a floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.
- PART 11 (COMPLIANCE ALTERNATIVE):**
- (a) Except as provided in (b) and (c), 30 min rating is acceptable.
  - (b) In a house, 15 min horizontal fire separation is acceptable where,
    - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
    - (ii) smoke alarms are interconnected.
  - (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

**11. SEPARATION OF SERVICE ROOMS**

SEPARATION OF SERVICE ROOMS SHALL COMPLY WITH OBC 9.10.10.4

**PART 9:**

- 9.10.10.1. Appliances and Equipment to be Located in a Service Room
- (1) Except as provided in Sentences (2) and (3) and Article 9.10.10.5., fuel-fired appliances shall be located in a service room separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating.
- (2) Except as required in the appliance installation standards referenced in Sentences 6.2.1.4.(1) and 9.33.1.2.(1), fuel fired spaceheating appliances, space-cooling appliances and service water heaters need not be separated from the remainder of the building as required in Sentence (1) where the equipment serves,
  - (a) not more than one room or suite,
  - (b) a house, or
  - (c) a building, other than a house, with a building area of not more than 400 m<sup>2</sup> and a building height of not more than 2 storeys.
- (3) Sentence (1) does not apply to fireplaces and cooking appliances.

**9. SEPARATION OF RESIDENTIAL SUITES**

SEPARATION OF RESIDENTIAL SUITES SHALL COMPLY WITH OBC 9.10.9.14 AND PART 11 COMPLIANCE - C152 OF TABLE 11.5.1.1.C.

**PART 9:**

- (1) Except as provided in Sentences (2) and (3) and Article 9.10.21.2., suites in residential occupancies shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 min.
- (2) Sleeping rooms in boarding, lodging or rooming houses where sleeping accommodation is provided for not more than 8 boarders or lodgers shall be separated from the remainder of the floor area by a fire separation having a fire-resistance rating of not less than 30 min where the sleeping rooms form part of the proprietor's residence and do not contain cooking facilities.
- (3) Except as provided in Sentences (4) and (5), dwelling units that contain 2 or more storeys including basements shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 h.
- (4) Except as provided in Sentence (5), dwelling units in a house shall be separated from each other and common areas by a fire separation having a fire-resistance rating of not less than 45 min.
- (5) The fire-resistance rating of the fire separation required in Sentence (4) is permitted to be waived where the house is sprinklered.

**PART 11 (COMPLIANCE ALTERNATIVE):**

- (a) Except as provided in (b) and (c), 30 min fire separation is acceptable.
- (b) In a house, 15 min horizontal fire separation is acceptable where,
  - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
  - (ii) smoke alarms are interconnected.
- (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

**10. CLOSURES (DOORS):**

CLOSURES SHALL COMPLY WITH OBC 9.10.13.1 AND PART 11 COMPLIANCE - C155 OF TABLE 11.5.1.1.C.

**PART 9:**

- (1) Except as provided in Article 9.10.13.2., openings in required fire separations shall be protected with a closure conforming to Table 9.10.13.1. and shall be installed in conformance with NFPA 80, Fire Doors and Other Opening Protectives, unless otherwise specified in this Part.

**PART 11 (COMPLIANCE ALTERNATIVE):**

- Existing functional closures are acceptable subject to C.A.'s C8 and C156.
- (a) Existing functional and sound doors in existing buildings that are either hollow metal or kalamein and containing wired glass at least 6 mm thick and conforming to Sentence 3.1.8.14.(2) are permitted in lieu of doors not required to exceed 45 min.
  - (b) all existing functional and sound hollow metal or kalamein doors which carry existing 1.5 h labels are acceptable in lieu of current 1.5 h labels and may contain wired glass panels not exceeding 0.0645 m<sup>2</sup>, at least 6 mm thick and conforming to Sentence 3.1.8.14.(2), and
  - (c) every fire door, window assembly or glass block used as a closure in a required fire separation shall be installed in conformance with good engineering practice. In a house, existing unlabelled doors at least 45 mm solid core wood or metal clad are acceptable. For existing closures, ratings of 20 min will not be required where the entire floor area is sprinklered.

**11. LAUNDRY FIXTURES**

LAUNDRY FIXTURES SHALL COMPLY WITH OBC 9.31.4.2.

**PART 9:**

- (1) Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.

**12. NATURAL VENTILATION**

NATURAL VENTILATION SHALL COMPLY WITH OBC 9.32.2.1 AND PART 11 COMPLIANCE - C194 OF TABLE 11.5.1.1.C.

**PART 9:**

- (1) The unobstructed openable ventilation area to the outdoors for rooms and spaces in a residential occupancy ventilated by natural means shall conform to Table 9.32.2.1.

**PART 11 (COMPLIANCE ALTERNATIVE):**

In a house, rooms or spaces to be ventilated by natural means in accordance with Subsection 9.32.2. or by providing adequate mechanical ventilation.

**13. ELECTRICAL FACILITIES**

ELECTRICAL FACILITIES SHALL COMPLY WITH OBC 9.34.

**14. INTERCONNECTION OF SYSTEMS**

INTERCONNECTION OF SYSTEMS SHALL COMPLY WITH OBC 6.2.3.9 AND PART 11 COMPLIANCE – C91 OF TABLE 11.5.1.1.C.

**PART 6:**

- (1) In a residential occupancy, air from one suite shall not be circulated to any other suite or to a public corridor or public stairway.

**PART 11 (COMPLIANCE ALTERNATIVE):**

In a building containing not more than four dwelling units or residential suites, the existing heating or air-conditioning system may be altered to serve more than one dwelling unit or suite, provided smoke alarms are installed in each dwelling unit or suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.

**15. PENETRATIONS**

PIPING, TUBING, DUCTS, CHIMNEYS, WIRING, CONDUIT, ELECTRICAL OUTLET BOXES AND OTHER SIMILAR SERVICE EQUIPMENT THAT PENETRATE A FIRE SEPARATION MUST BE NON COMBUSTIBLE AND FIRE STOPPED.

**16. PLUMBING**

ALL PLUMBING MUST CONFORM TO O.REG.332/12, DIV. B PART 7 OF THE BUILDING CODE

**17. HANDRAILS AND GUARDRAILS**

INSTALL HANDRAILS AND GUARDRAILS IN ACCORDANCE WITH 9.8.7. AND 9.8.8 OF THE BUILDING CODE RESPECTIVELY

CITY ELECTRONIC STAMP:



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

**LEAD DESIGNER & CONSULTANT:**  
KEN BEKENDAM, B.A BUSCON, L.T.  
kenbekendam@royalmail.com

**CELL PHONE:**  
905-961-0647

**OFFICE ADDRESS:**  
879 MAIN ST. E. HAMILTON, ON

**OFFICE PHONE:**  
905-546-4467

The undersigned has reviewed and takes the 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 2.17.5.1 of the building code

Name Signature BCIN

**REGISTRATION INFORMATION**  
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KING HOMES INC. 121307  
Name BCIN

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6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
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NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
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02			
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**NORTH POSITION:****ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

**CONSTRUCTION NOTES**

PROJECT NO. 23-46	DATE: 07/06/22
SCALE:	REVISION:
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM
SHEET NO.	

**A0.02**

SITE INFORMATION & STATISTICS	
ADDRESS:	754 CANNON ST E,   HAMILTON, ON
ZONING TYPE:	R1a
LOT AREA:	1800.00 SQ FT (167.22 m <sup>2</sup> )
LOT FRONTAGE:	20' - 00" (6.10 m)

**GENERAL NOTES:**

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

**EXISTING STRUCTURE NOTE:**

OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

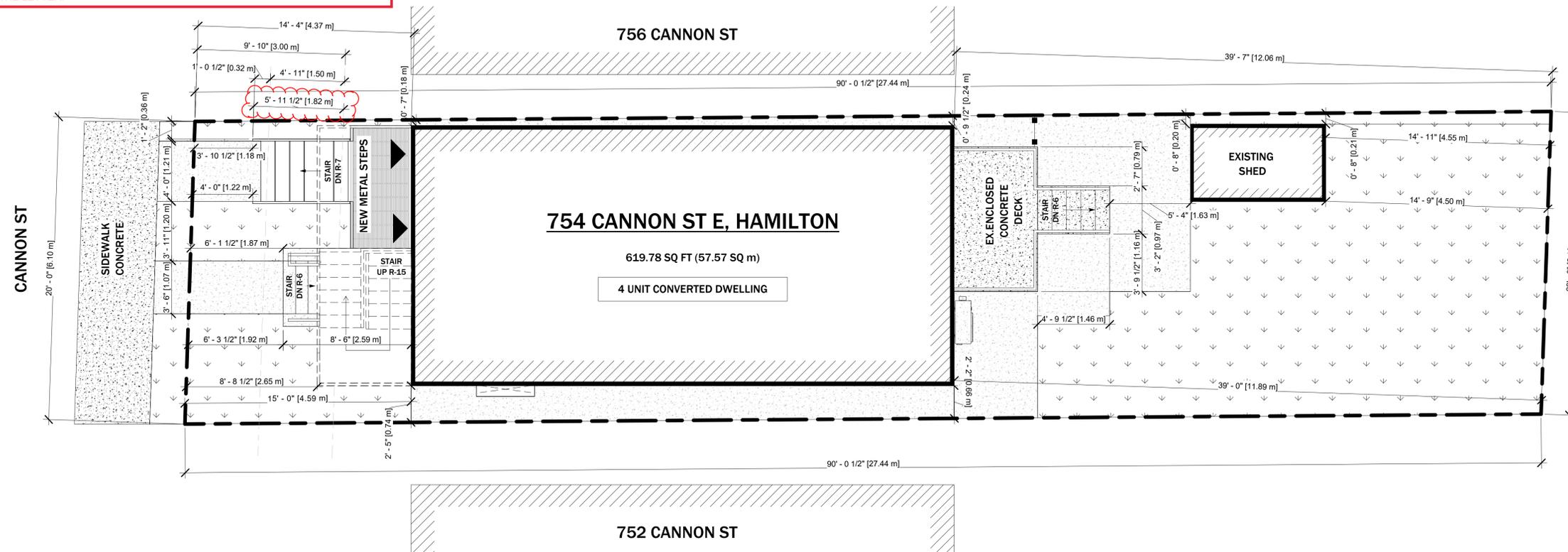
**BUILDING CODE COMPLIANCE NOTE:**

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

**SITE PLAN:**

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES.

TO PERMIT PORCH AND STAIRS 5'-11 1/2" (1.82M) INTO THE REQUIRED FRONT YARD WHEREAS THE ZONING BYLAW 4.6 OF HAMILTON ZONING BYLAW 05-200 REQUIRES A PORCH, DECK OR CANOPY TO ENCROACH INTO ANY REQUIRED YARD TO A MAXIMUM OF 1.5 METERS, OR TO A MAXIMUM OF HALF THE DISTANCE OF THE REQUIRED YARD, WHICHEVER IS THE LESSER.



1 PROPOSED SITE PLAN  
1/4" = 1'-0"

CITY ELECTRONIC STAMP:

LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A. BUSCOM, L.T.  
CELL PHONE: 905-961-0647  
kenbekendam@gmail.com

OFFICE ADDRESS: 979 MAIN ST. E. HAMILTON, ON  
OFFICE PHONE: 905-546-4467

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Required unless design is exempt under 2.17.5.1 of the building code

QUALIFICATION INFORMATION  
Name: Ken Bekendam  
Signature: [Signature]  
BCIN: [BCIN]

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code  
KING HOMES INC. 121307  
Name: Ken Bekendam  
BCIN: [BCIN]

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NO.	DATE	GENERAL DESCRIPTION	INITIALS
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ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:

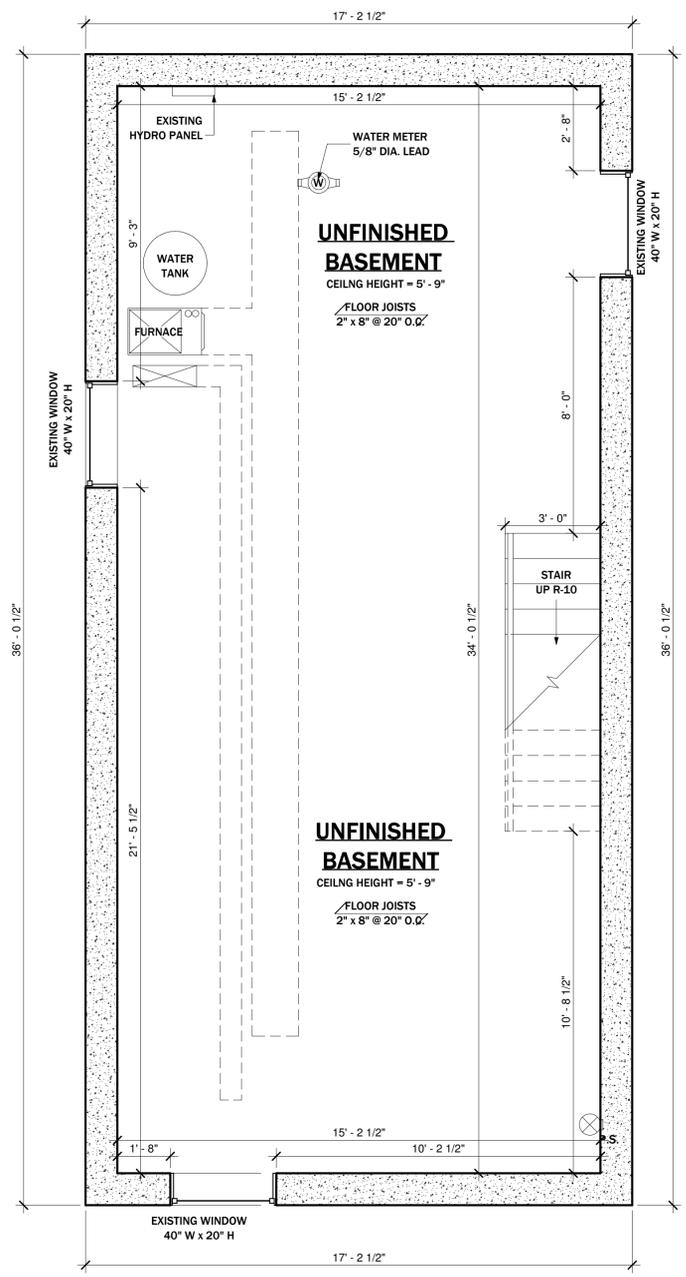
**SITE PLAN**

PROJECT NO. 23-46	DATE: 07/06/22
SCALE: 1/4" = 1'-0"	REVISION:
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM

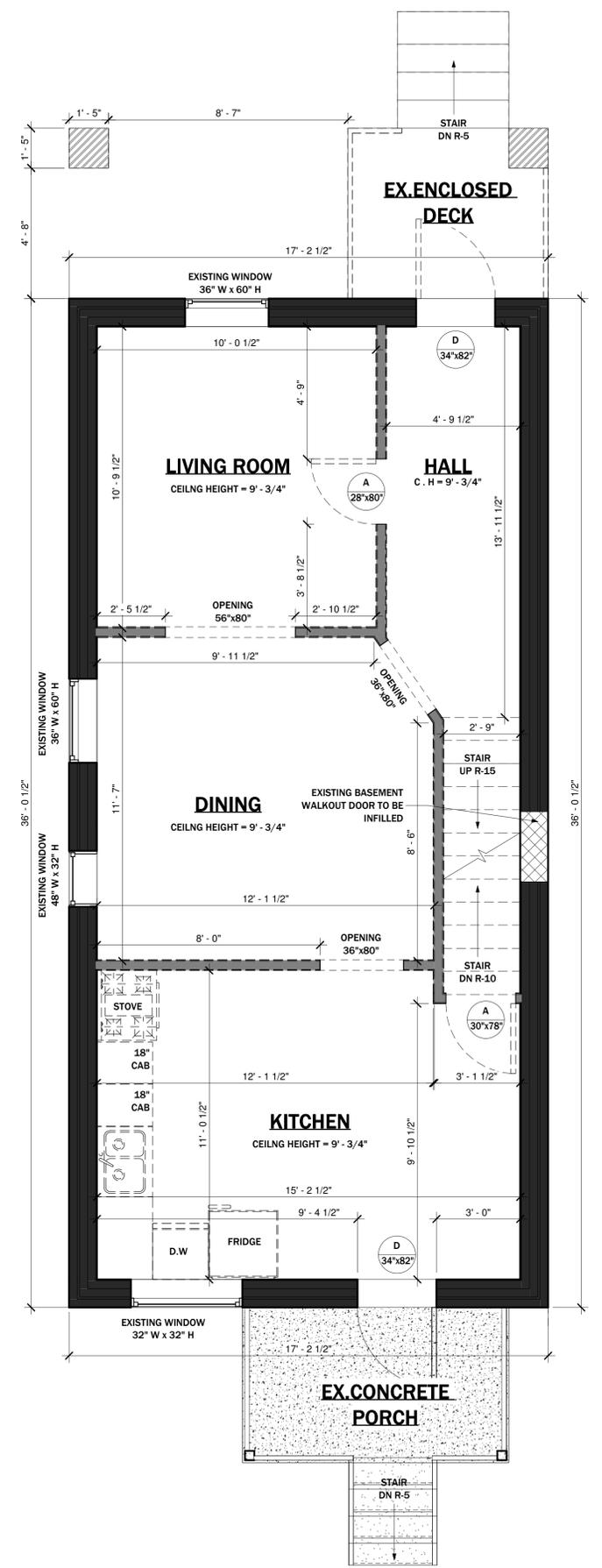
SHEET NO.

**SP1.01**

CITY ELECTRONIC STAMP:



1 EXISTING BASEMENT  
3/8" = 1'-0"



2 EXISTING 1ST FLOOR  
3/8" = 1'-0"



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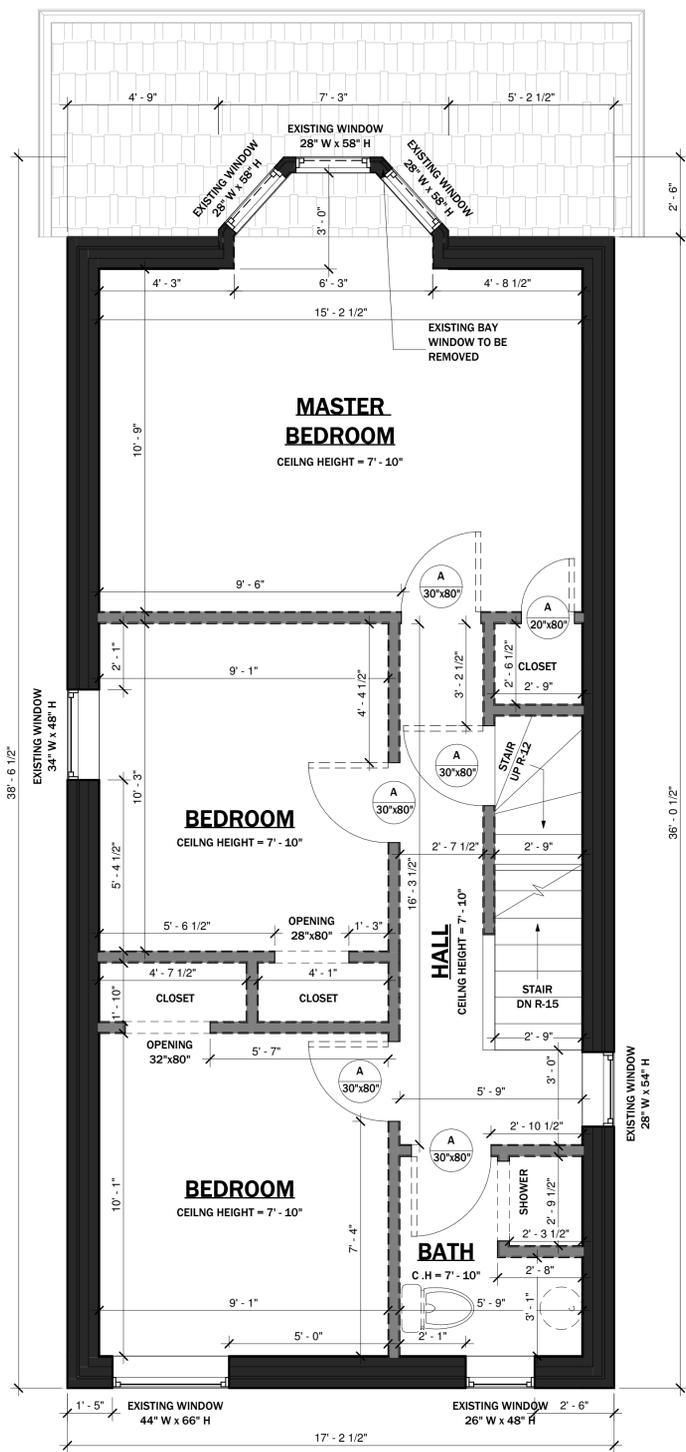
PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**EXISTING FLOOR PLANS**

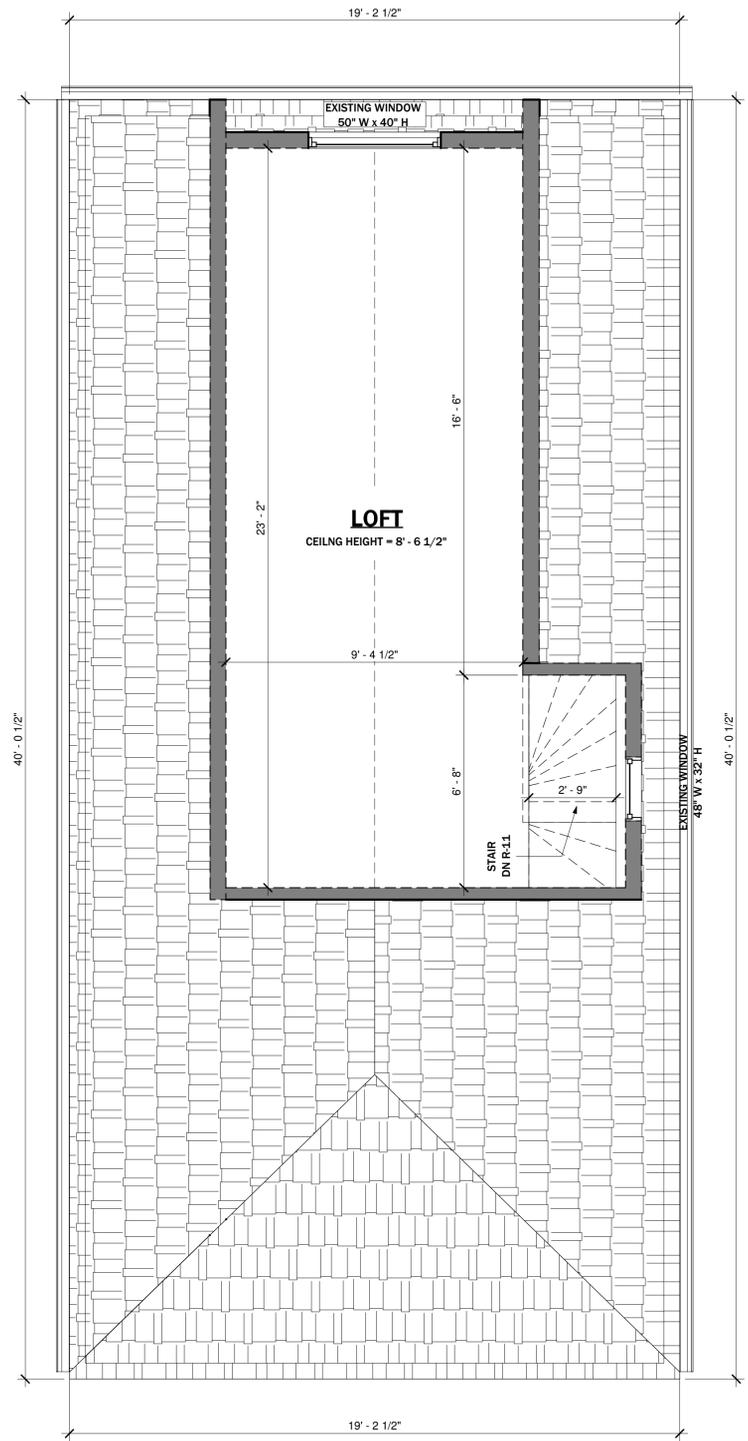
PROJECT NO. 23-46	DATE: 07/06/22
SCALE: 3/8" = 1'-0"	REVISION:
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM

SHEET NO.  
**A1.01**

CITY ELECTRONIC STAMP:



1 EXISTING 2ND FLOOR  
3/8" = 1'-0"



2 EXISTING 3RD FLOOR  
3/8" = 1'-0"



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**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**EXISTING FLOOR PLANS**

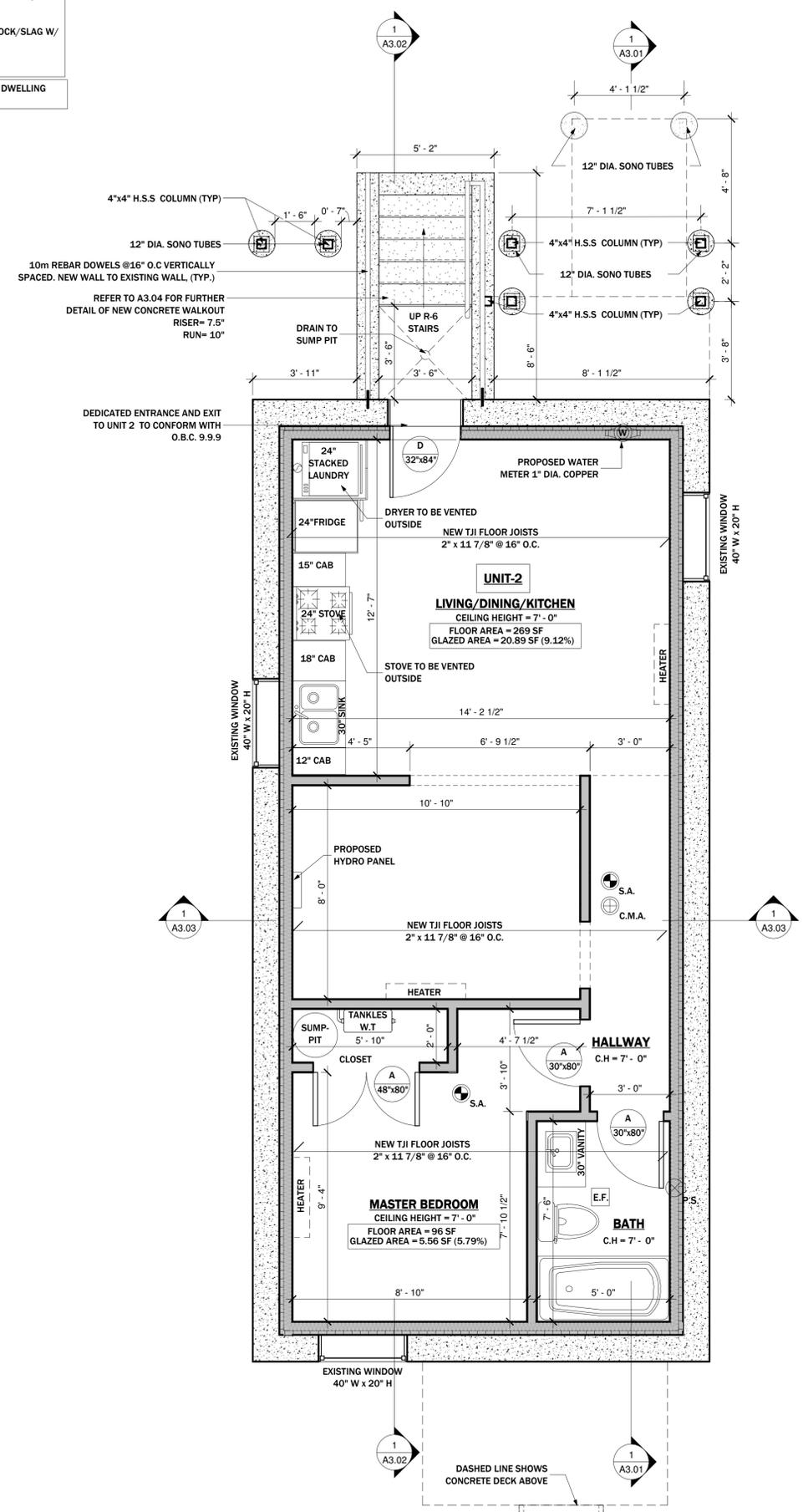
PROJECT NO. 23-46	DATE 07/06/22
SCALE 3/8" = 1'-0"	REVISION
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM

SHEET NO.

**A1.02**

**NEW HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)**  
 - 2" x 11 7/8" TJI @ 16" O.C.  
 - SUBFLOOR OF 15.5 mm PLYWOOD, OSB OR WAFERBOARD.  
 - 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 150mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQM)  
 - RESILIENT METAL CHANNELS SPACED @ 24" O.C.  
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS



1 PROPOSED BASEMENT  
 3/8" = 1'-0"

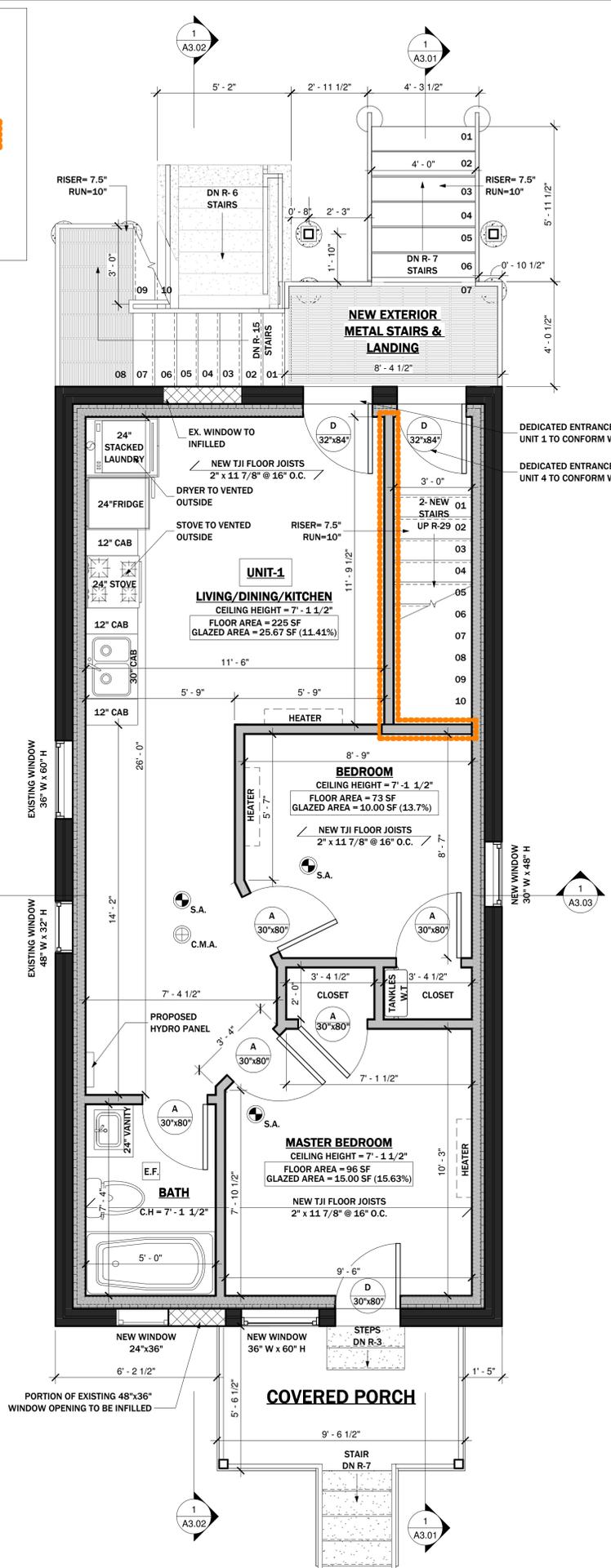
**SEPARATION BETWEEN RESIDENTIAL SUITES**  
 SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14.(1), PART 11 C152 (a) AND PART 9.11.2.1(1) - STC 50. REFER TO SB-3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**NEW VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**  
 - NEW 2x4 STUD WALL SPACED 16" O.C.  
 - 3.5" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQM)  
 - RESILIENT METAL CHANNELS SPACED 24" O.C.  
 - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE  
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**NEW HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)**  
 - 2" x 11 7/8" TJI @ 16" O.C.  
 - SUBFLOOR OF 15.5 mm PLYWOOD, OSB OR WAFERBOARD.  
 - 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 150 mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQM)  
 - RESILIENT METAL CHANNELS SPACED @ 24" O.C.  
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

2 PROPOSED 1ST FLOOR  
 3/8" = 1'-0"



1 PROPOSED BASEMENT  
 3/8" = 1'-0"

2 PROPOSED 1ST FLOOR  
 3/8" = 1'-0"

CITY ELECTRONIC STAMP:

**KING HOMES INC.**  
 legal second suites.com

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**LEAD DESIGNER & CONSULTANT:**  
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**CELL PHONE:**  
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NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

**NORTH POSITION:**

**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**PROPOSED BASEMENT & 1ST FLOOR PLANS**

PROJECT NO. 23-46 DATE: 01/11/23

SCALE: 3/8" = 1'-0" REVISION:

DRAWN BY: Author REVIEWED BY: KEN BEKENDAM

SHEET NO.

**A1.04**

**SEPARATION BETWEEN RESIDENTIAL SUITES**

SEPARATION BETWEEN SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14.(1), PART 11 C152 (a) AND PART 9.11.2.1(1)-STC 50. REFER TO SB-3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

- NEW VERTICAL PARTITION (WALLS) - W4A (1HR FR, STC51)**
- NEW 2x4 STUD WALL SPACED 16" O.C.
  - 3.5" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQM)
  - RESILIENT METAL CHANNELS SPACED 24" O.C.
  - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
  - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

- NEW HORIZONTAL PARTITION (CEILING) - FBD (30MIN FR, STC50)**
- 2" x 11 7/8" TJI @ 16" O.C.
  - SUBFLOOR OF 15.5 mm PLYWOOD, OSB OR WAFFERBOARD.
  - 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 150 mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQM)
  - RESILIENT METAL CHANNELS SPACED @ 24" O.C.
  - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

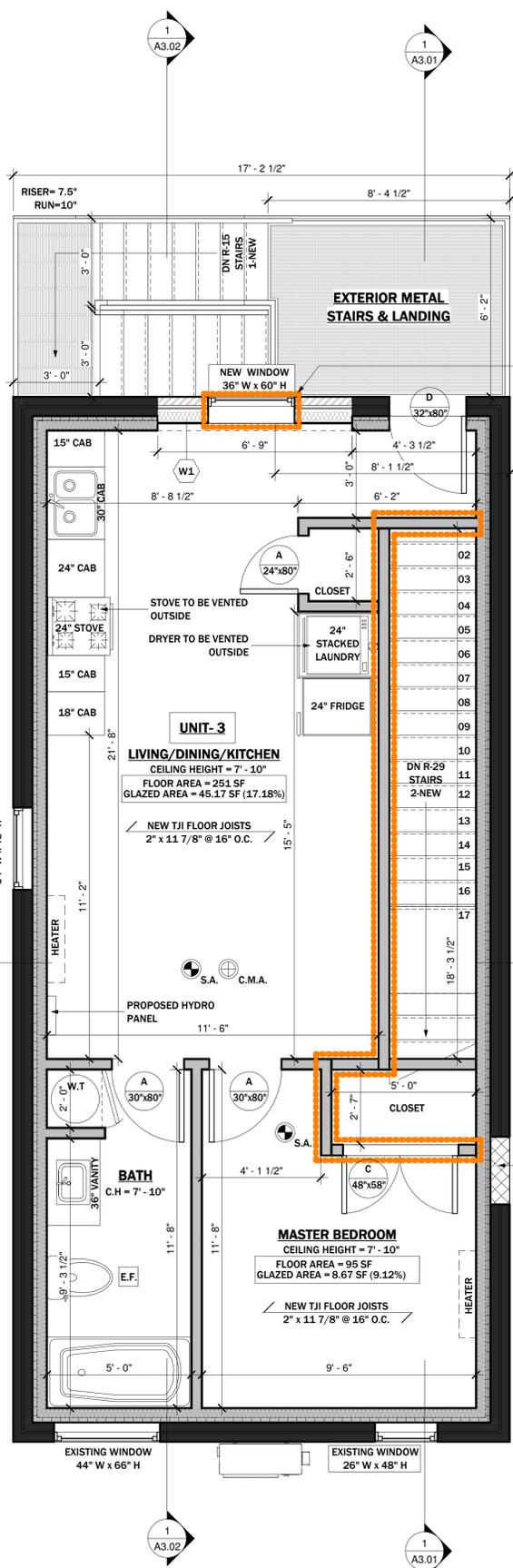
NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN DWELLING UNITS

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS PREPARED BY REVIVE ENGINEERING

**WALL TYPE SCHEDULE**

- W1**
- 4" NOM. MASONRY. REFER TO ELEVATIONS.
  - NON-CORROSIVE METAL TIES AT 32" O.C. HORIZONTAL. 16" O.C. VERTICAL.
  - MASONRY VENTS AT 24" O.C. TOP AND BOTTOM OF CAVITY WALL C/W INSECT SCREENS, COLOUR TO MATCH MASONRY.
  - PROVIDE THROUGH-WALL FLASHING AT BOTTOM OF CAVITY TO MIN. 6" UP BEHIND TYVEK AIR BARRIER.
  - 1" AIR SPACE, COMPLETE WITH MORTAR MESH FULL HEIGHT.
  - TYVEK AIR BARRIER, LAP AND TAPE ALL JOINTS, MECHANICALLY FASTENED WITH SPIRAL NAILS AND 2" DIA. WASHERS TO EACH STUD 16" O.C. VERT. STAPLES NOT ACCEPTABLE.
  - 1/2" PLYWOOD SHEATHING.
  - 2"x6" STUDS @ 16" O.C., DOUBLE PLATE AT TOP
  - FILL STUD CAVITY WITH BATT INSULATION (R-22)
  - 6 MIL POLY VAPOUR BARRIER, LAP AND SEAL ALL JOINTS MIN. 3" AND SEAL W/ ACOUSTIC MASTIC SEALANT.
  - 1/2" GYPSUM BOARD, TAPED SANDED READY FOR FINISHES. USE 5/8" TYPE X GYPSUM BOARD IN LIEU OF 1/2" DRYWALL, WHERE THE SETBACK IS LESS THAN 4" AWAY FROM THE PROPERTY LINE SEE PLAN.

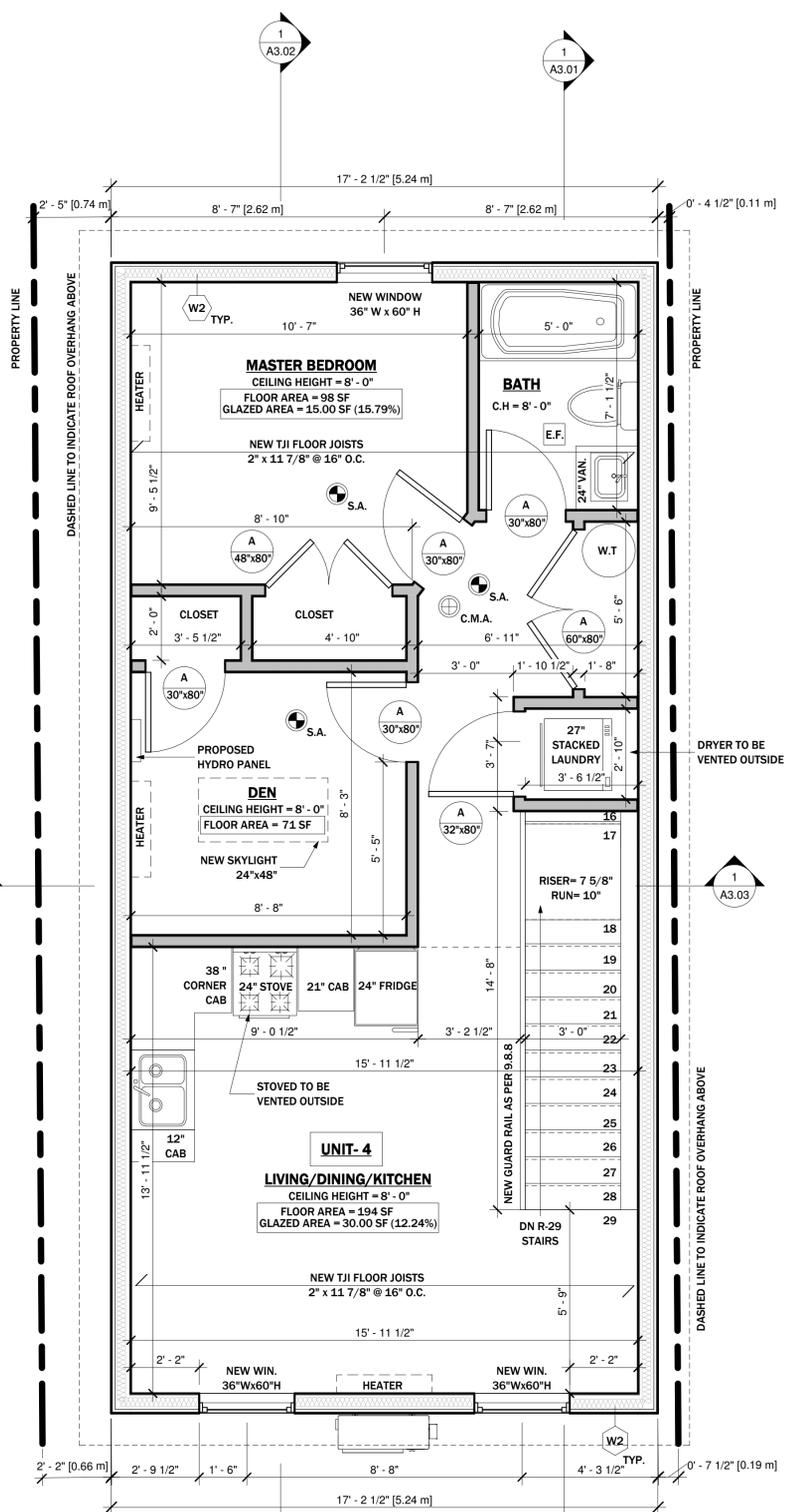
- W2**
- PRE-FINISHED WOOD SIDING.
  - REFER TO ELEVATIONS AND DETAILS FOR SIZES AND STYLES.
  - INSTALL AS PER MANUFACTURER'S SPECIFICATIONS.
  - 1"x2" VERTICAL FURRING STRAPPING @ 16" O.C. ALIGNED WITH STUDS
  - TYVEK 'HOUSEWRAP' INSTALL AS PER MANUFACTURER SPECIFICATIONS LAP AND TAPE ALL JOINTS
  - 1/2" PLYWOOD SHEATHING
  - 2"x6" @ 16" O.C. STUD WALLS WITH R-22 BATT INSULATION.
  - 2"x6" WOOD GIRT AT MID-HEIGHT
  - DOUBLE PLATES AT TOP AND SILL PLATE AT BOTTOM
  - 6 MIL VAPOUR/AIR BARRIER (WARM SIDE), LAP ALL JOINTS MIN. 3" AND SEAL WITH ACOUSTIC TYPE SEALANT.
  - 1/2" GYPSUM BOARD TAPED, FILLED, SANDED READY FOR PAINT.
  - USE 5/8" TYPE X DRYWALL IN LIEU 1/2" DRYWALL
  - WHERE SETBACK IS LESS THAN 4" AWAY FROM PROPERTY LINE.
  - PROVIDE THROUGH WALL BASE FLASHING UP MIN. 8" SHEATHING PAPER.



NEW FIRE SHUTTERS - SUPPLY & INSTALL 20 MINUTE WARNOCK HERSEY LISTED FIREOXX SHUTTER FOR EXISTING WINDOW OPENING

EXISTING WINDOW TO BE INFILLED

1 PROPOSED 2ND FLOOR  
3/8" = 1'-0"



2 PROPOSED 3RD FLOOR  
3/8" = 1'-0"

CITY ELECTRONIC STAMP:

**KING HOMES INC.**  
legal second suites.com

LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.  
LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A. BUSCON, I.T. CELL PHONE: 905-961-0647  
kenbekendam@gmail.com

OFFICE ADDRESS: 979 MAIN ST. E. HAMILTON, ON OFFICE PHONE: 855-546-4467

The undersigned has reviewed and takes the responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.  
REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code  
KING HOMES INC. 121307  
Name: BGIN

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ENGINEER'S STAMP:

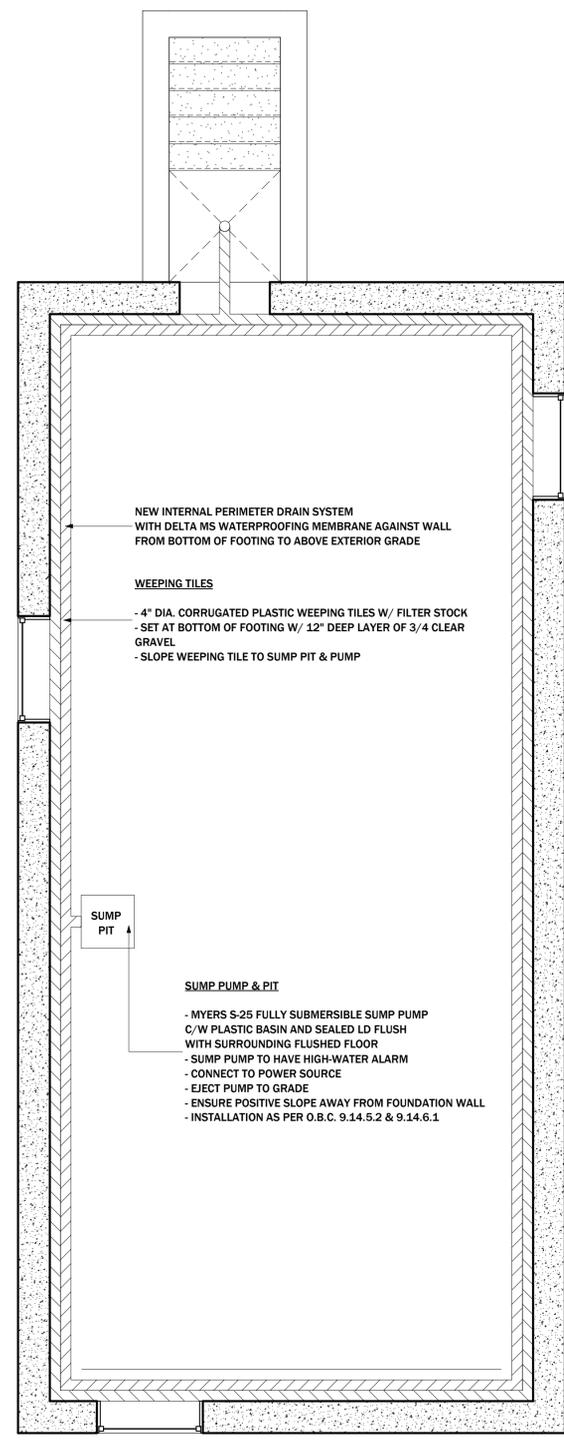
PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**PROPOSED 2ND & 3RD FLOOR PLANS**

PROJECT NO. 23-46	DATE 07/06/22
SCALE 3/8" = 1'-0"	REVISION
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM

SHEET NO.  
**A1.05**

CITY ELECTRONIC STAMP:



① WATER PROOFING PLAN  
3/8" = 1'-0"



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**LEAD DESIGNER & CONSULTANT:**  
KEN BEKENDAM, B.A BUSCOM, L.T.  
kenbekendam@gmail.com

**CELL PHONE:**  
905-961-0647

**OFFICE ADDRESS:**  
979 MAIN ST. E. HAMILTON, ON

**OFFICE PHONE:**  
905-546-4467

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**QUALIFICATION INFORMATION**  
Required unless design is exempt under 2.17.5.1 of the building code

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ BCIN: \_\_\_\_\_

**REGISTRATION INFORMATION**  
Required unless design is exempt under 2.17.5.1 of the building code

KING HOMES INC. 121307  
Name: \_\_\_\_\_ BCIN: \_\_\_\_\_

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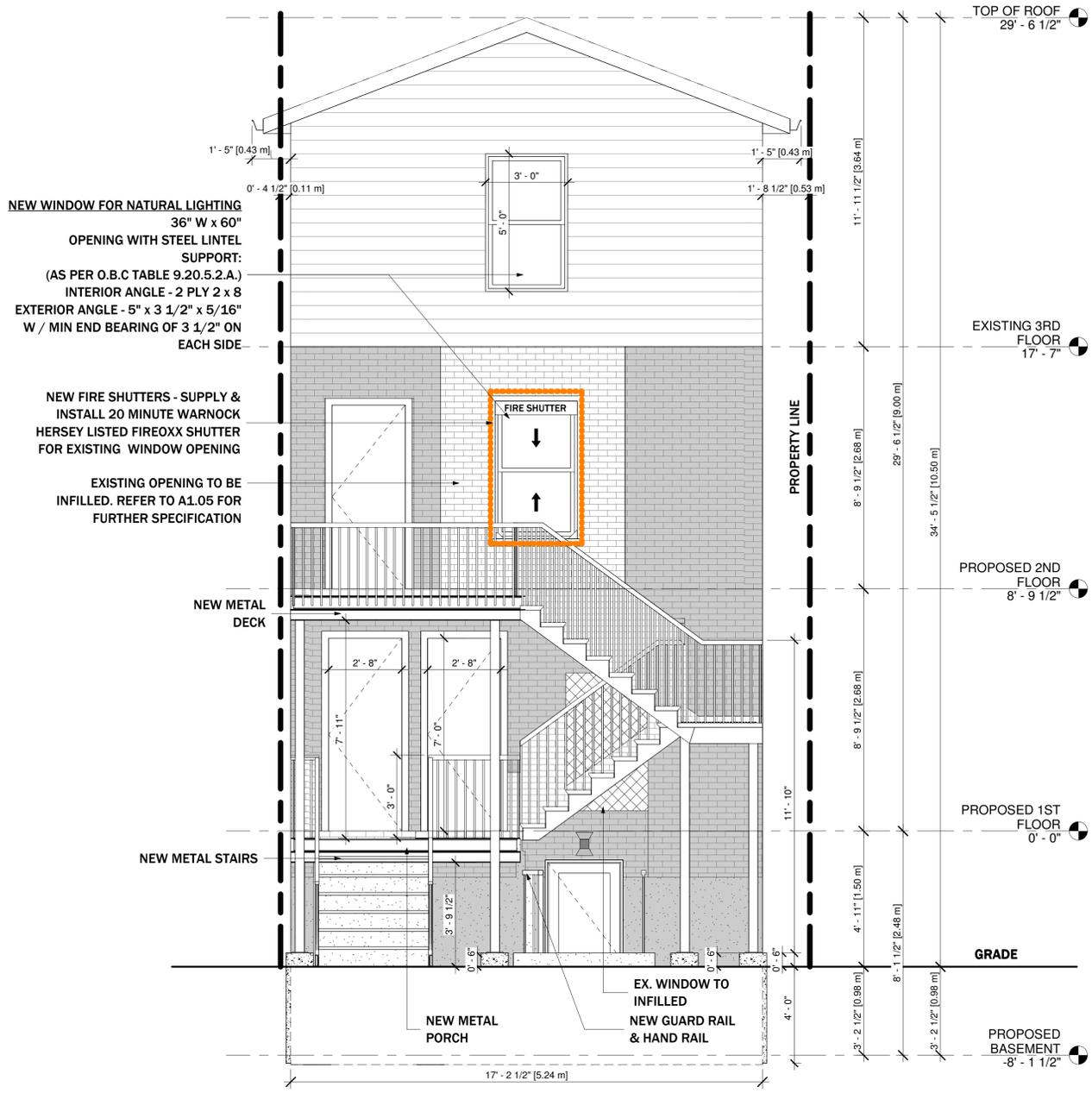
PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**WATER PROOFING PLAN**

PROJECT NO. 23-46	DATE: 07/06/22
SCALE: 3/8" = 1'-0"	REVISION:
DRAWN BY: Author	REVIEWED BY: KEN BEKENDAM

SHEET NO.  
**A1.06**



**NEW WINDOW FOR NATURAL LIGHTING**  
 36" W x 60"  
 OPENING WITH STEEL LINTEL SUPPORT:  
 (AS PER O.B.C TABLE 9.20.5.2.A.)  
 INTERIOR ANGLE - 2 PLY 2 x 8  
 EXTERIOR ANGLE - 5" x 3 1/2" x 5/16"  
 W / MIN END BEARING OF 3 1/2" ON EACH SIDE

**NEW FIRE SHUTTERS - SUPPLY & INSTALL 20 MINUTE WARNOCK HERSEY LISTED FIREOXX SHUTTER FOR EXISTING WINDOW OPENING**

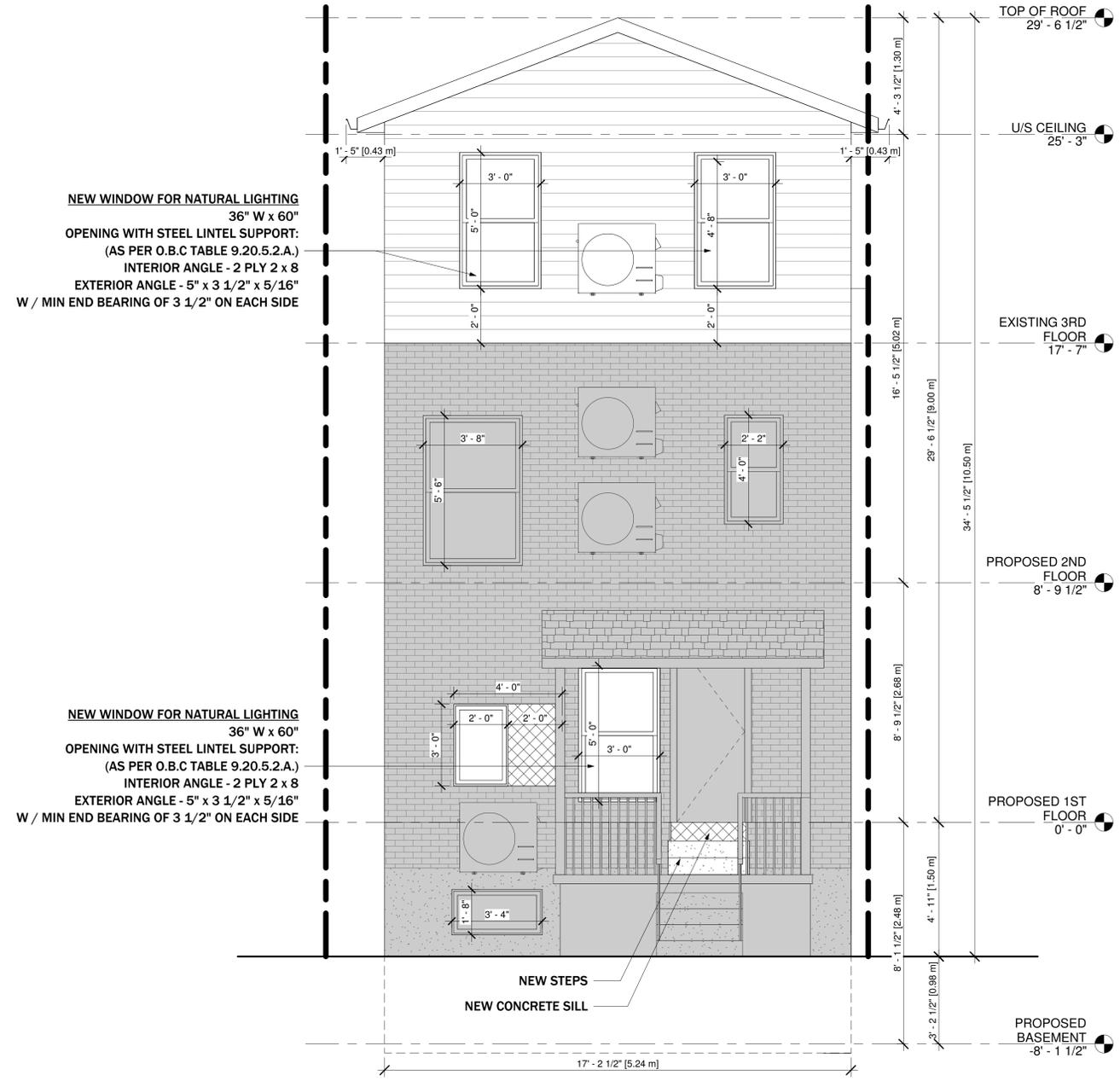
**EXISTING OPENING TO BE INFILLED. REFER TO A1.05 FOR FURTHER SPECIFICATION**

**NEW METAL DECK**

**NEW METAL STAIRS**

**GLAZED UNPROTECTED OPENINGS**  
 SETBACK TO PROPERTY LINE = 3.38 m  
 WALL SURFACE AREA = 48.20 m<sup>2</sup> (518.79 SF)  
 MAX PERMITTED OPENINGS = 8.70 m<sup>2</sup> (18%)  
 PROPOSED = 3.70 m<sup>2</sup> (7.67%)

1 PROPOSED FRONT ELEVATION  
 3/8" = 1'-0"



**NEW WINDOW FOR NATURAL LIGHTING**  
 36" W x 60"  
 OPENING WITH STEEL LINTEL SUPPORT:  
 (AS PER O.B.C TABLE 9.20.5.2.A.)  
 INTERIOR ANGLE - 2 PLY 2 x 8  
 EXTERIOR ANGLE - 5" x 3 1/2" x 5/16"  
 W / MIN END BEARING OF 3 1/2" ON EACH SIDE

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 36" W x 60"  
 OPENING WITH STEEL LINTEL SUPPORT:  
 (AS PER O.B.C TABLE 9.20.5.2.A.)  
 INTERIOR ANGLE - 2 PLY 2 x 8  
 EXTERIOR ANGLE - 5" x 3 1/2" x 5/16"  
 W / MIN END BEARING OF 3 1/2" ON EACH SIDE

**GLAZED UNPROTECTED OPENINGS**  
 SETBACK TO PROPERTY LINE = 13.07 m  
 WALL SURFACE AREA = 48.20 m<sup>2</sup> (518.79 SF)  
 MAX PERMITTED OPENINGS = (100%)  
 PROPOSED = 8.49 m<sup>2</sup> (91.39 SF)

2 PROPOSED REAR ELEVATION  
 3/8" = 1'-0"



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**LEAD DESIGNER & CONSULTANT:**  
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 979 MAIN ST. E. HAMILTON, ON  
 905-965-0647  
 kenbekendam@gmail.com

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 Name BCIN

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**NORTH POSITION:**

**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**PROPOSED FRONT & REAR ELEVATIONS**

PROJECT NO.	DATE
23-46	07/06/22

SCALE:	REVISION:
3/8" = 1'-0"	

DRAWN BY:	REVIEWED BY:
Author	KEN BEKENDAM

SHEET NO.

**A2.01**

CITY ELECTRONIC STAMP:



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**NORTH POSITION:**

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PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

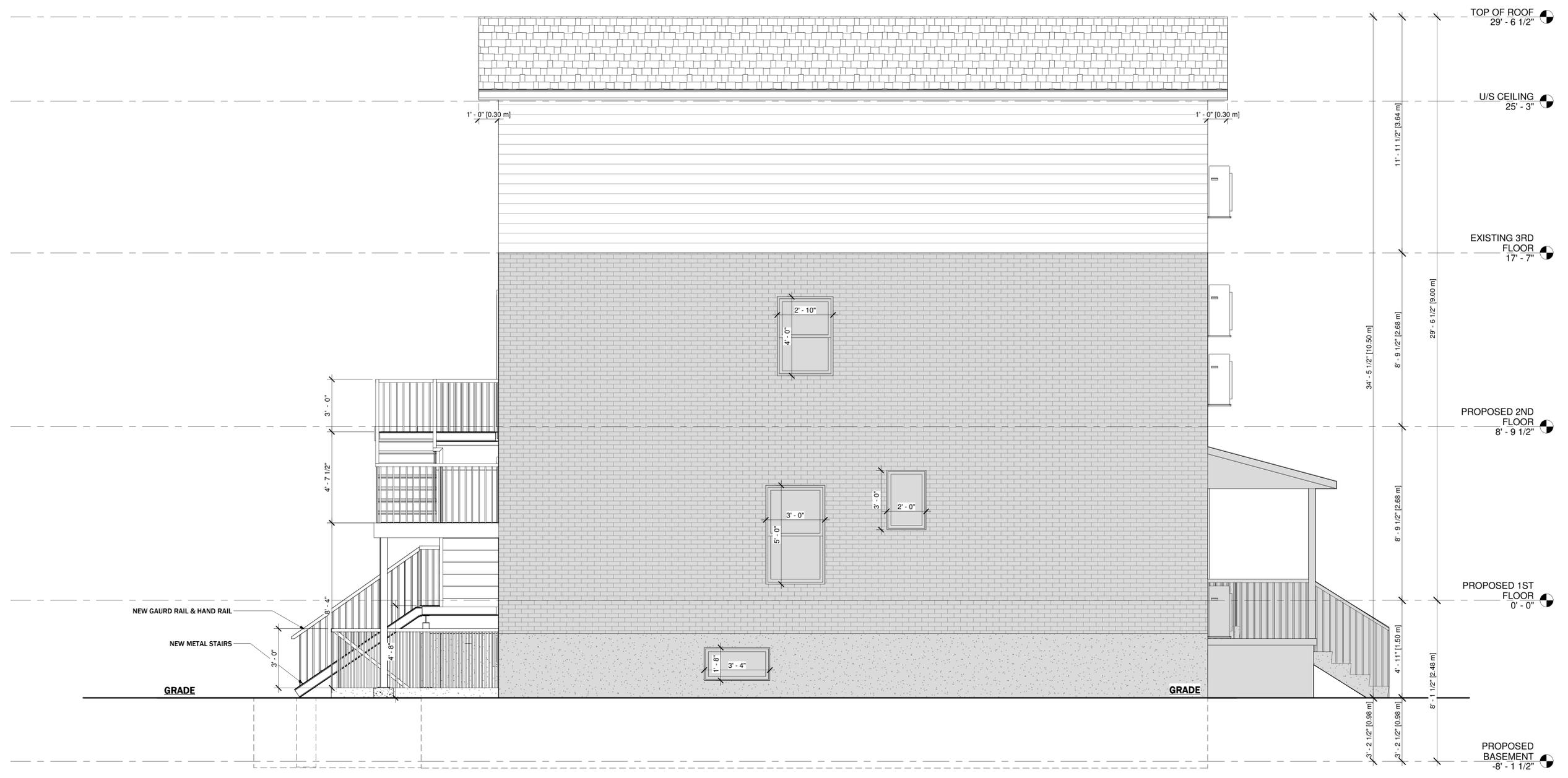
SHEET NAME:

**PROPOSED RIGHT ELEVATION**

PROJECT NO. 23-46	DATE: 11/02/23
SCALE: 3/8" = 1'-0"	REVISION:
DRAWN BY: Author	REVIEWED BY: Checker

SHEET NO.

**A2.02**



1 PROPOSED EAST ELEVATION  
3/8" = 1'-0"

CITY ELECTRONIC STAMP:



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**REGISTRATION INFORMATION**  
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**NORTH POSITION:**

**ENGINEER'S STAMP:**

**PROJECT NAME/ADDRESS:**

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

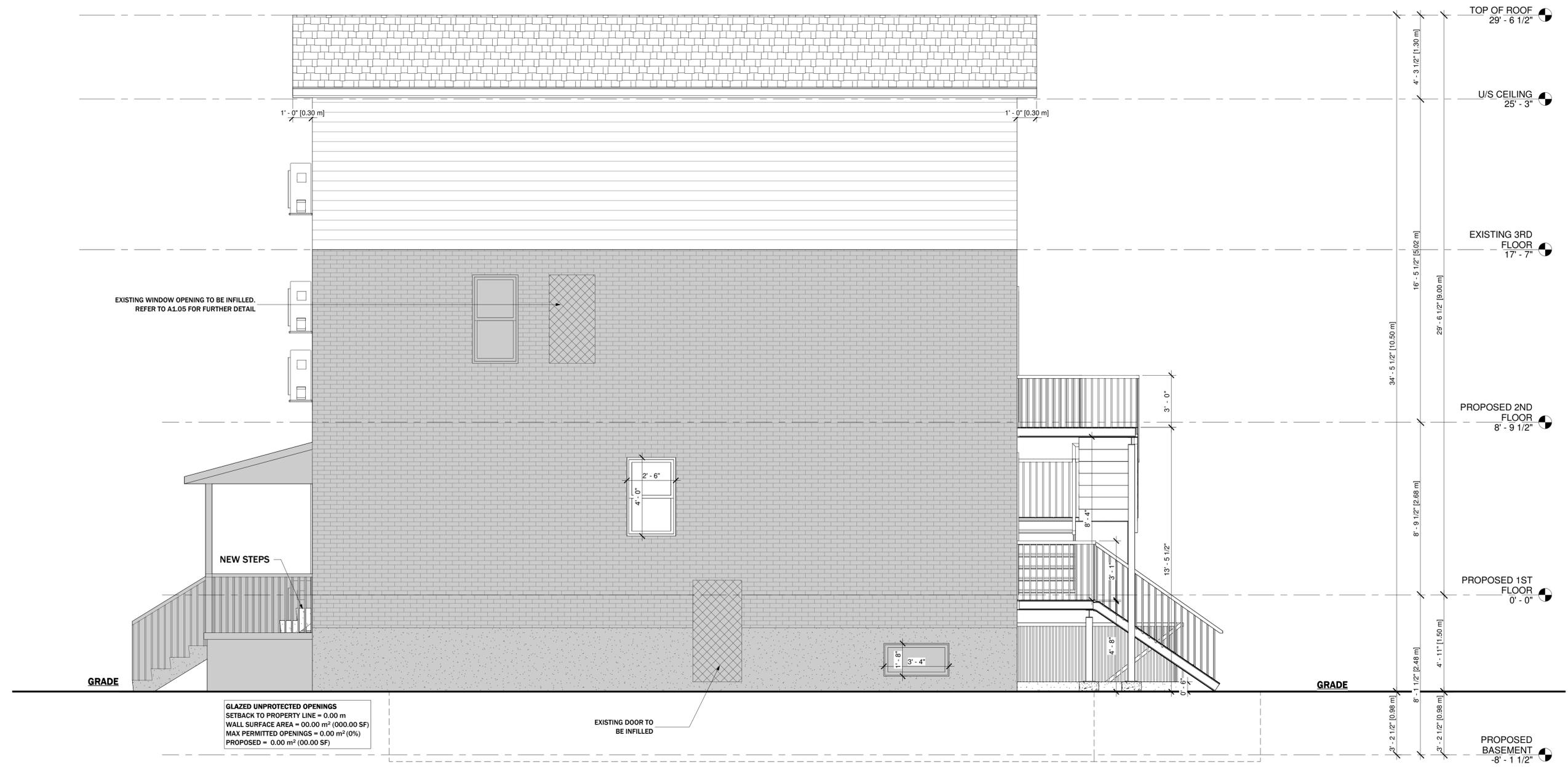
**SHEET NAME:**

**PROPOSED LEFT ELEVATION**

PROJECT NO.	DATE	SCALE	REVISION
23-46	11/28/23	3/8" = 1'-0"	
<b>DRAWN BY:</b>	<b>REVIEWED BY:</b>		
Author	Checker		

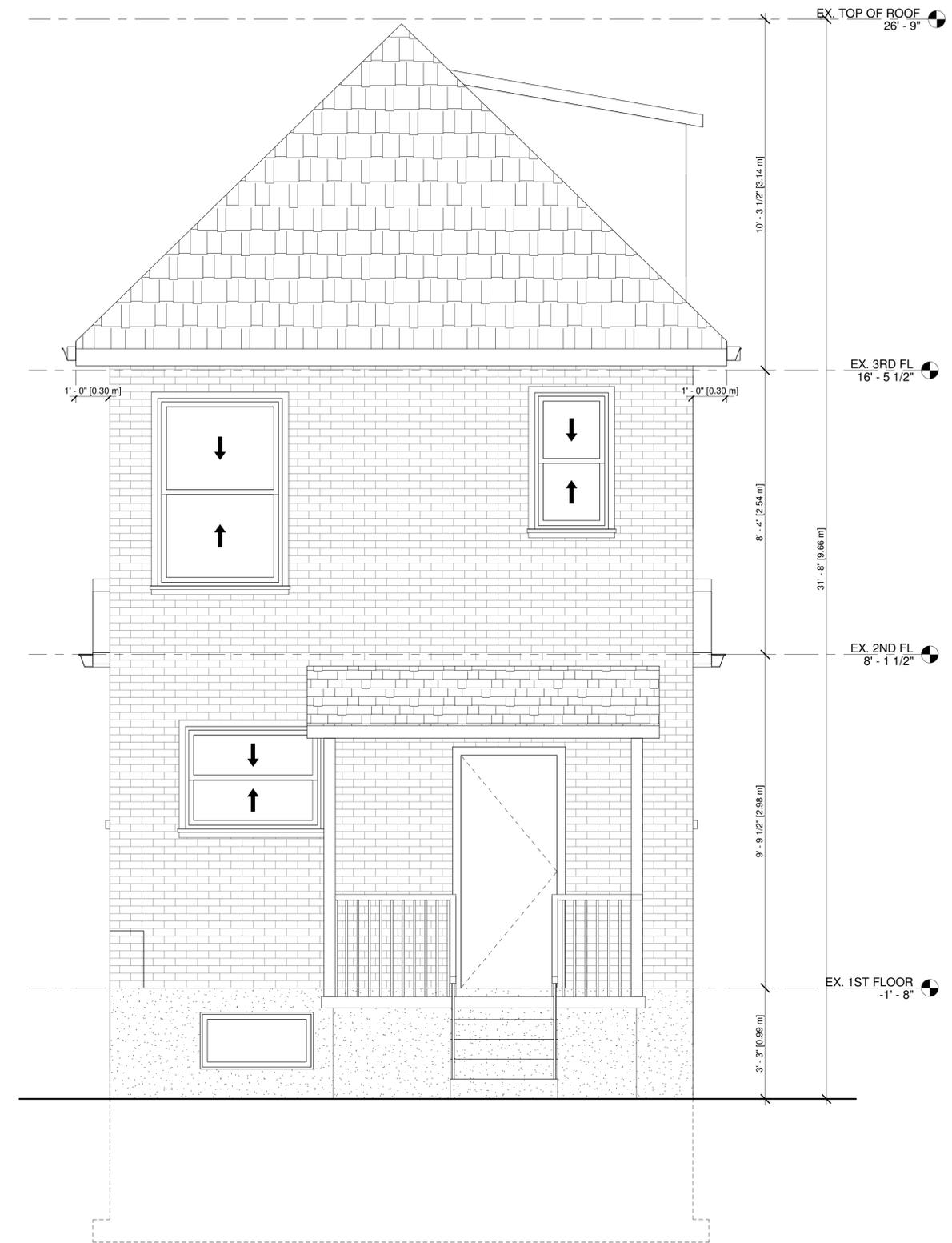
**SHEET NO.**

**A2.03**



1 PROPOSED WEST ELEVATION  
 3/8" = 1'-0"

CITY ELECTRONIC STAMP:



① EXISTING FRONT ELEVATION  
1/2" = 1'-0"

② EXISTING REAR ELEVATION  
1/2" = 1'-0"



LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

**LEAD DESIGNER & CONSULTANT:**  
KEN BEKENDAM, B.A BUSCOM, LT.  
kenbekendam@gmail.com

**CELL PHONE:**  
905-961-0647

**OFFICE ADDRESS:**  
979 MAIN ST. E. HAMILTON, ON

**OFFICE PHONE:**  
905-546-4467

The undersigned has reviewed and takes the 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 2.17.5.1 of the building code

**REGISTRATION INFORMATION**  
Required unless design is exempt under 2.17.5.1 of the building code

Name: KING HOMES INC. BGIN  
121307

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NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

**NORTH POSITION:**

**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:

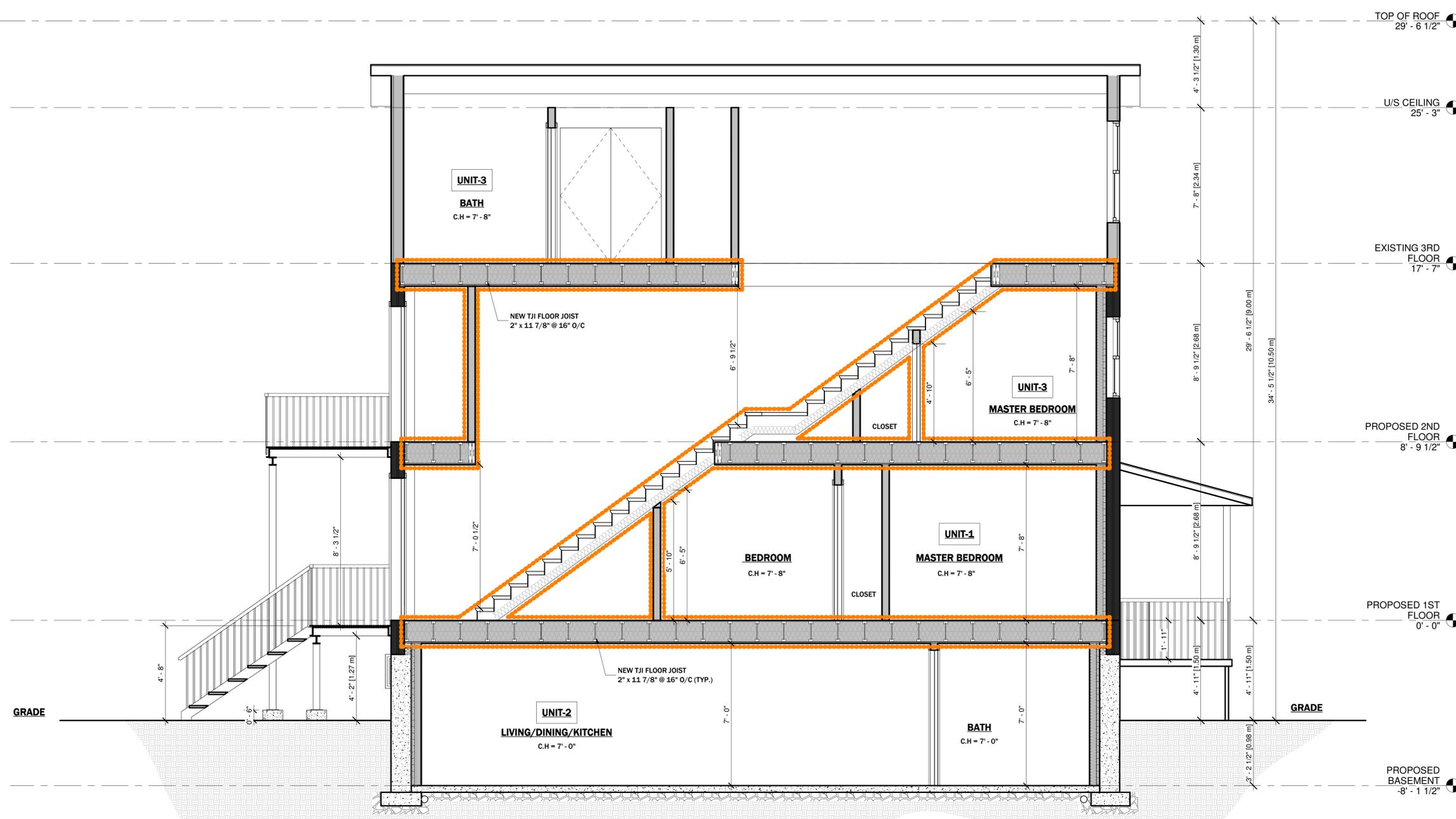
**EXISTING ELEVATIONS**

PROJECT NO.	DATE	SCALE	REVISION
23-46	07/06/22	1/2" = 1'-0"	
<b>DRAWN BY:</b>	<b>REVIEWED BY:</b>		
Author	KEN BEKENDAM		

SHEET NO.

**A2.05**

CITY ELECTRONIC STAMP:



1 Section 2  
3/8" = 1'-0"



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Name: KING HOMES INC. 121307  
BCIN

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NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

**NORTH POSITION:**

**ENGINEER'S STAMP:**

**PROJECT NAME/ADDRESS:**

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

**SHEET NAME:**

**CROSS SECTION**

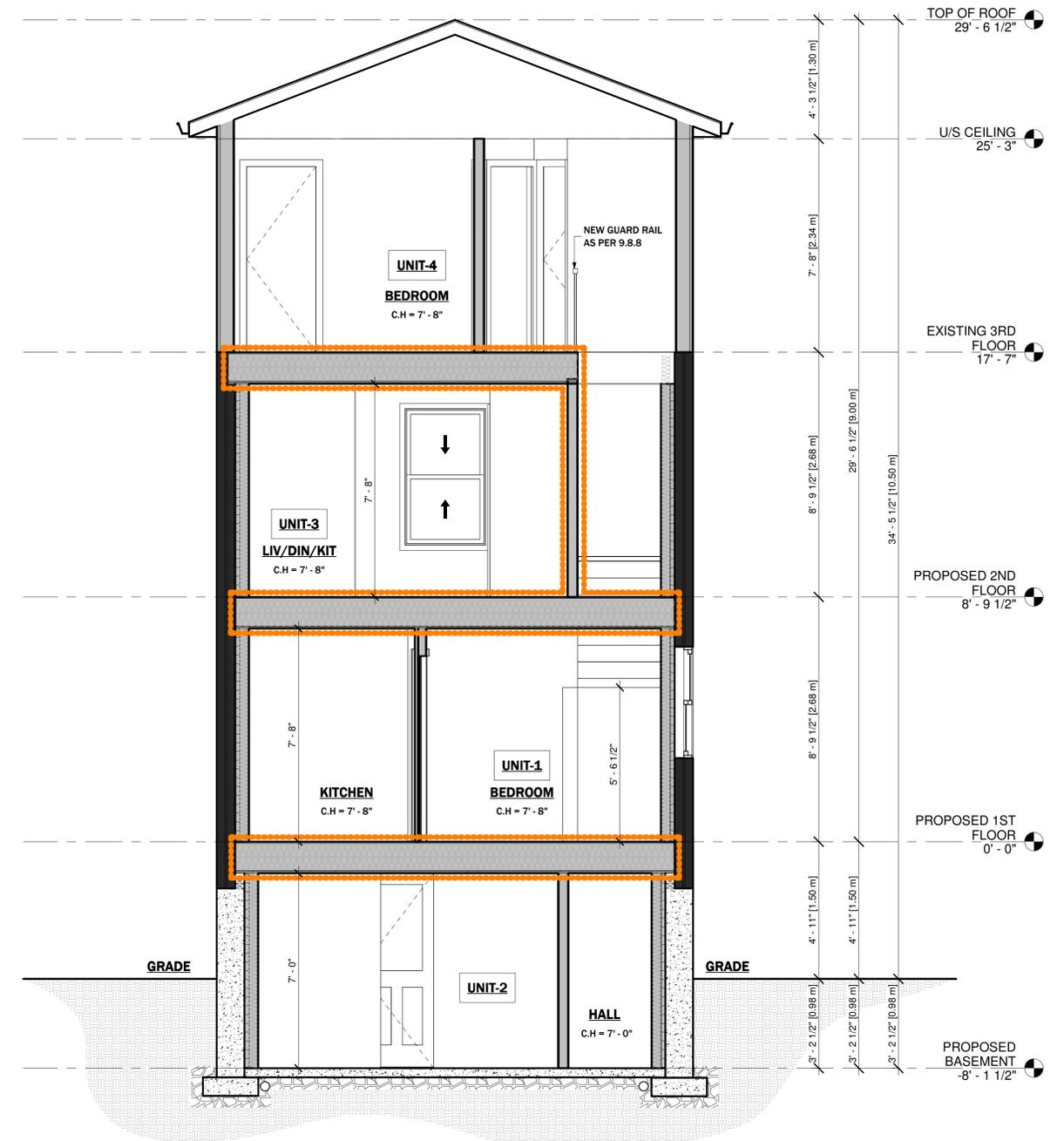
<b>PROJECT NO.</b> 23-46	<b>DATE:</b> 07/06/22
<b>SCALE:</b> 3/8" = 1'-0"	<b>REVISION:</b>
<b>DRAWN BY:</b> Author	<b>REVIEWED BY:</b> KEN BEKENDAM

**SHEET NO.**

**A3.01**



CITY ELECTRONIC STAMP:



① Section 4  
3/8" = 1'-0"



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Name: \_\_\_\_\_ Signature: \_\_\_\_\_ BCIN: \_\_\_\_\_

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Name: \_\_\_\_\_ BCIN: \_\_\_\_\_

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01			
02			
03			
04			

**NORTH POSITION:**

**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:

**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**CROSS SECTION -3**

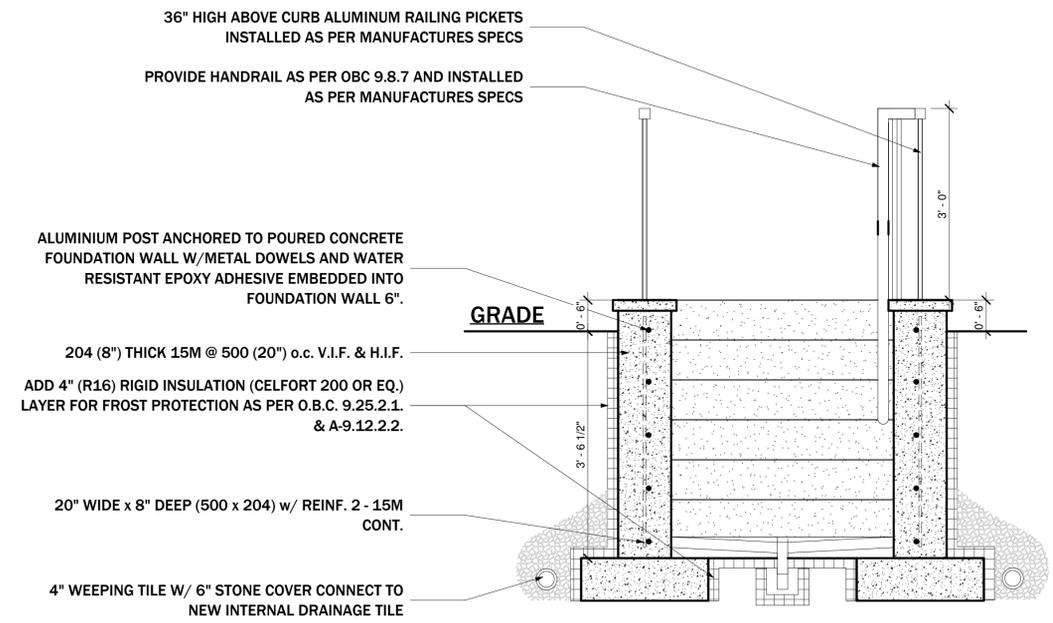
PROJECT NO. 23-46 DATE: 10/31/23

SCALE: 3/8" = 1'-0" REVISION:

DRAWN BY: Author REVIEWED BY: Checker

SHEET NO.

**A3.03**



36" HIGH ABOVE CURB ALUMINIUM RAILING PICKETS INSTALLED AS PER MANUFACTURES SPECS

PROVIDE HANDRAIL AS PER OBC 9.8.7 AND INSTALLED AS PER MANUFACTURES SPECS

ALUMINIUM POST ANCHORED TO POURED CONCRETE FOUNDATION WALL W/ METAL DOWELS AND WATER RESISTANT EPOXY ADHESIVE EMBEDDED INTO FOUNDATION WALL 6".

204 (8") THICK 15M @ 500 (20") o.c. V.I.F. & H.I.F.

ADD 4" (R16) RIGID INSULATION (CELFORT 200 OR EQ.) LAYER FOR FROST PROTECTION AS PER O.B.C. 9.25.2.1. & A-9.12.2.2.

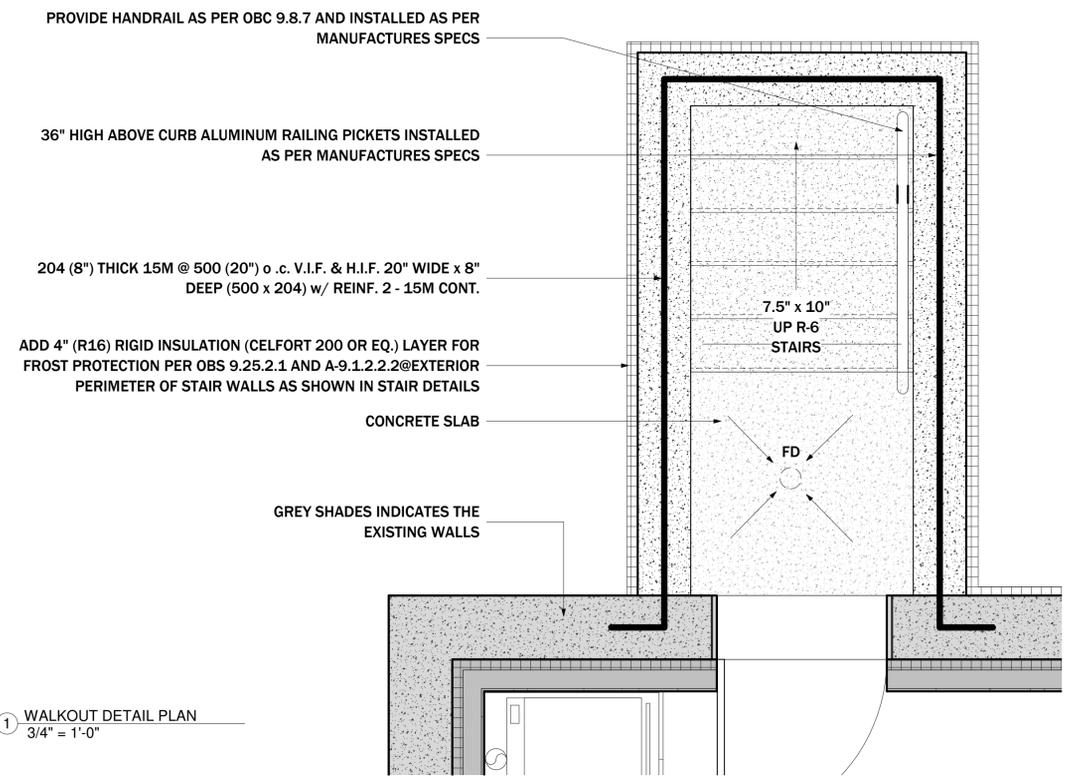
20" WIDE x 8" DEEP (500 x 204) w/ REINF. 2 - 15M CONT.

4" WEEPING TILE W/ 6" STONE COVER CONNECT TO NEW INTERNAL DRAINAGE TILE

NOTE: SEE FLOOR PLAN FOR ACCURATE QUANTITY OF RISERS REQUIRED. EXISTING SITE CONDITIONS TO BE REVIEWED TO ENSURE EACH RISER HAS A MAXIMUM RISE ENSURE EACH RISER HAS A MAXIMUM RISE REPORTED TO THE DESIGNER.

NOTE: POURED CONC. FOOTING ON NATURAL UNDISTUBED SOIL OR COMPACTED ENGINEERED FILL WITH A BEARING CAPACITY OF 75 kPa.

3 WALKOUT SECTION-2  
3/4" = 1'-0"



PROVIDE HANDRAIL AS PER OBC 9.8.7 AND INSTALLED AS PER MANUFACTURES SPECS

36" HIGH ABOVE CURB ALUMINIUM RAILING PICKETS INSTALLED AS PER MANUFACTURES SPECS

204 (8") THICK 15M @ 500 (20") o.c. V.I.F. & H.I.F. 20" WIDE x 8" DEEP (500 x 204) w/ REINF. 2 - 15M CONT.

ADD 4" (R16) RIGID INSULATION (CELFORT 200 OR EQ.) LAYER FOR FROST PROTECTION PER OBS 9.25.2.1 AND A-9.1.2.2@EXTERIOR PERIMETER OF STAIR WALLS AS SHOWN IN STAIR DETAILS

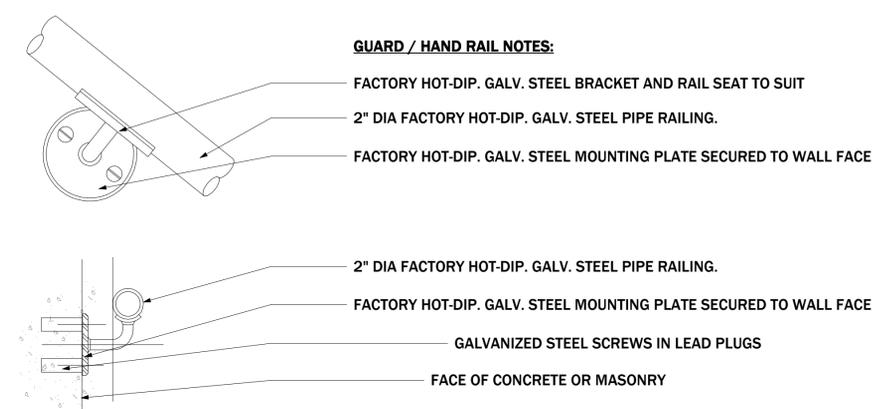
CONCRETE SLAB

GREY SHADES INDICATES THE EXISTING WALLS

7.5' x 10' UP R-6 STAIRS

FD

1 WALKOUT DETAIL PLAN  
3/4" = 1'-0"



**GUARD / HAND RAIL NOTES:**

FACTORY HOT-DIP. GALV. STEEL BRACKET AND RAIL SEAT TO SUIT

2" DIA FACTORY HOT-DIP. GALV. STEEL PIPE RAILING.

FACTORY HOT-DIP. GALV. STEEL MOUNTING PLATE SECURED TO WALL FACE

2" DIA FACTORY HOT-DIP. GALV. STEEL PIPE RAILING.

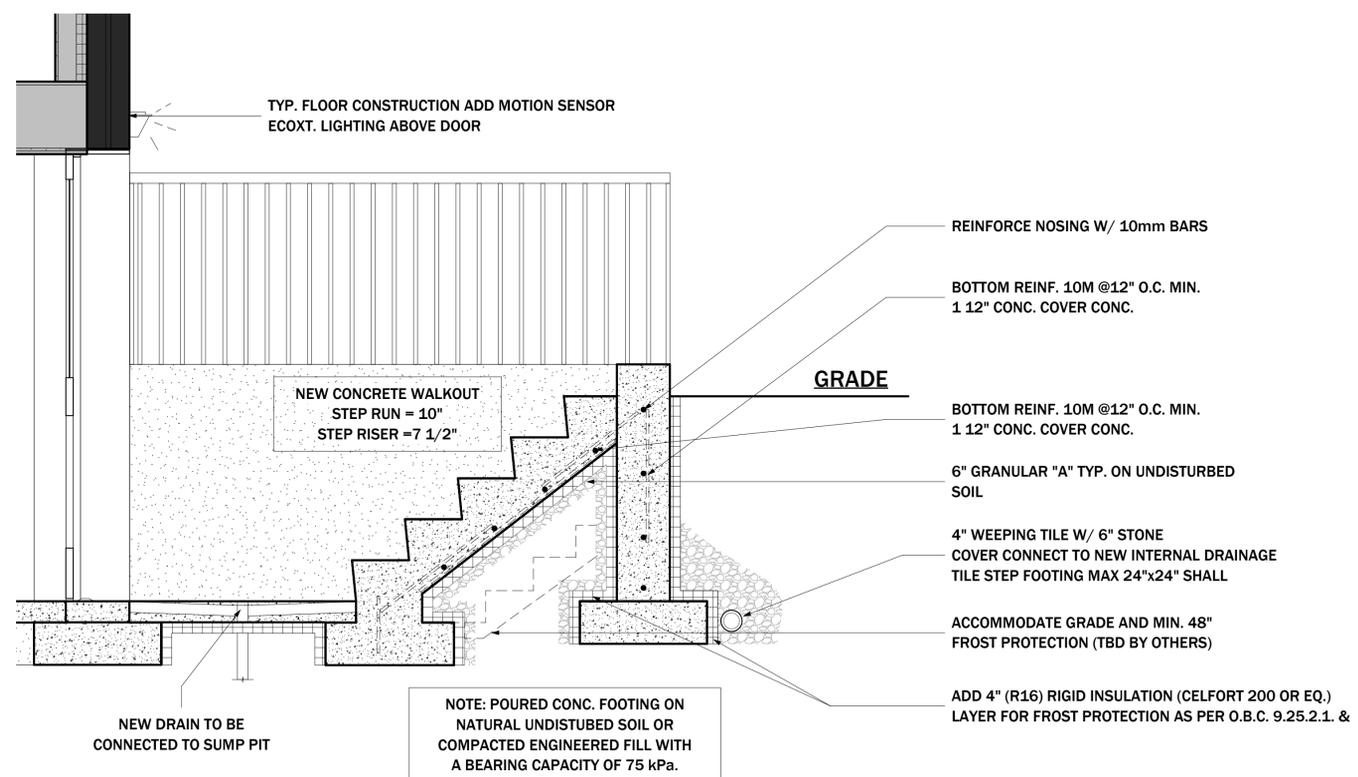
FACTORY HOT-DIP. GALV. STEEL MOUNTING PLATE SECURED TO WALL FACE

GALVANIZED STEEL SCREWS IN LEAD PLUGS

FACE OF CONCRETE OR MASONRY

NOTES: 4" MAX SPACE BETWEEN PICKETS, OPENING THROUGH ANY GUARD SHALL BE OF SIZE WHICH WILL PREVENT THE PASSAGE OF A SPHERICAL OBJECT HAVING A DIAMETER OF MORE THAN 4". GUARDS SHALL BE DESIGNED AND INSTALLED SO THAT NO MEMBER ATTACHED ON WALKING SURFACE WILL FACILITATE CLIMBING. GUARDS TO RESIST LOADS AS PER O.B.C. 9.8.7.7.(1)(a)

4 HAND RAIL DETAILS  
1/2" = 1'-0"



TYP. FLOOR CONSTRUCTION ADD MOTION SENSOR ECOXT. LIGHTING ABOVE DOOR

NEW CONCRETE WALKOUT  
STEP RUN = 10"  
STEP RISER = 7 1/2"

NEW DRAIN TO BE CONNECTED TO SUMP PIT

NOTE: POURED CONC. FOOTING ON NATURAL UNDISTUBED SOIL OR COMPACTED ENGINEERED FILL WITH A BEARING CAPACITY OF 75 kPa.

REINFORCE NOSING W/ 10mm BARS

BOTTOM REINF. 10M @12" O.C. MIN. 1 1/2" CONC. COVER CONC.

BOTTOM REINF. 10M @12" O.C. MIN. 1 1/2" CONC. COVER CONC.

6" GRANULAR "A" TYP. ON UNDISTURBED SOIL

4" WEEPING TILE W/ 6" STONE COVER CONNECT TO NEW INTERNAL DRAINAGE TILE STEP FOOTING MAX 24"x24" SHALL ACCOMMODATE GRADE AND MIN. 48" FROST PROTECTION (TBD BY OTHERS)

ADD 4" (R16) RIGID INSULATION (CELFORT 200 OR EQ.) LAYER FOR FROST PROTECTION AS PER O.B.C. 9.25.2.1. &

2 WALKOUT SECTION -1  
3/4" = 1'-0"



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Name: Ken Bekendam Signature: Ken Bekendam BCIN: 121307

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KING HOMES INC. 121307 Name: Ken Bekendam BCIN: 121307

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NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

**NORTH POSITION:**

**ENGINEER'S STAMP:**

PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

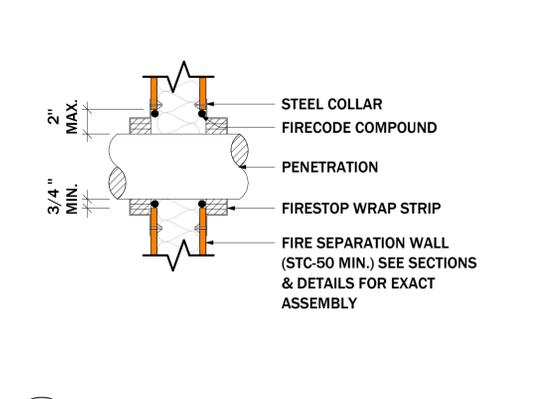
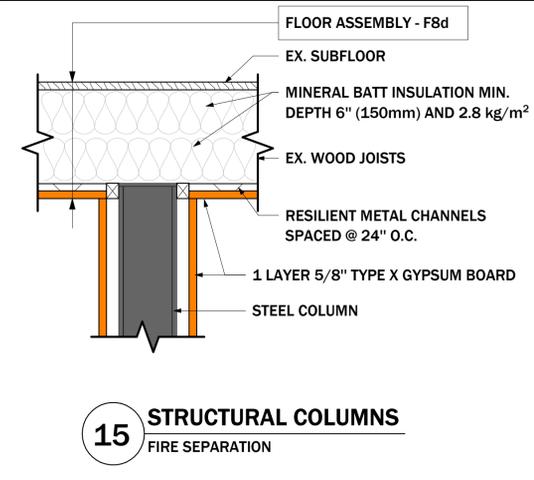
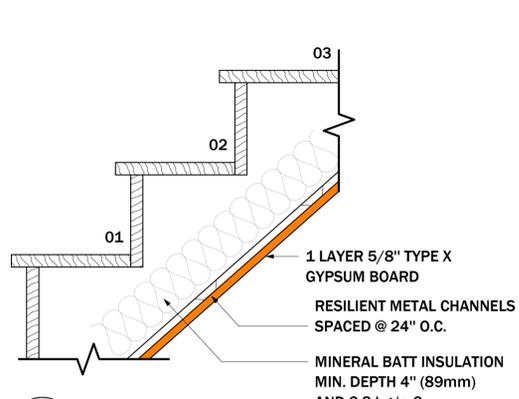
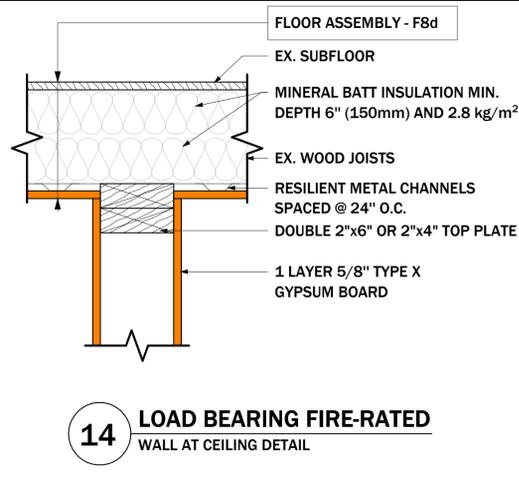
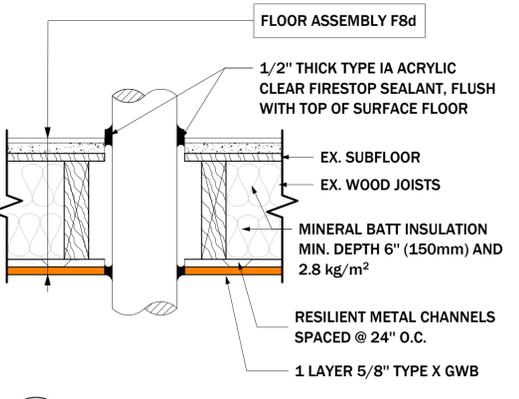
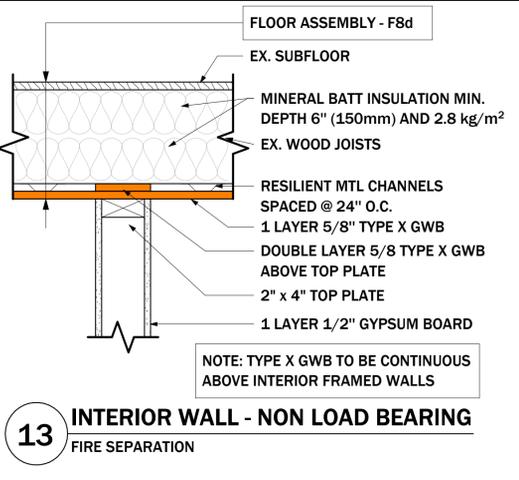
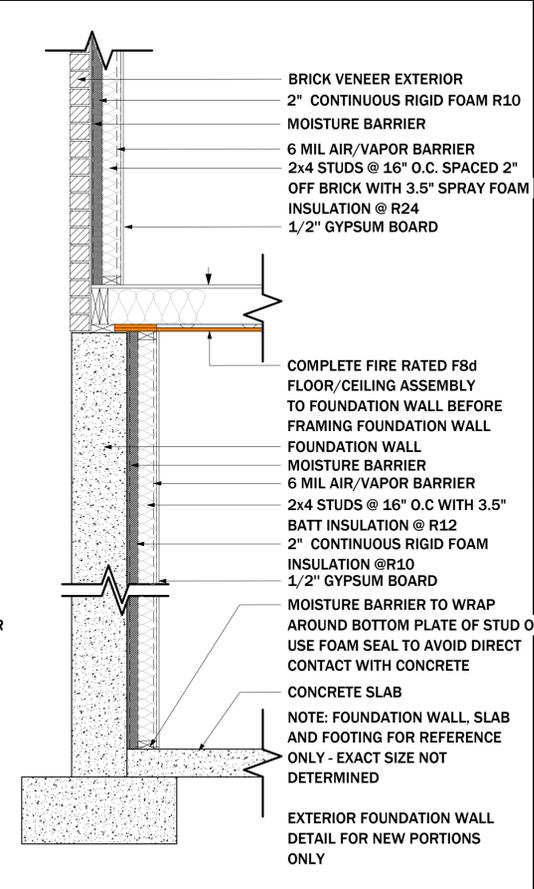
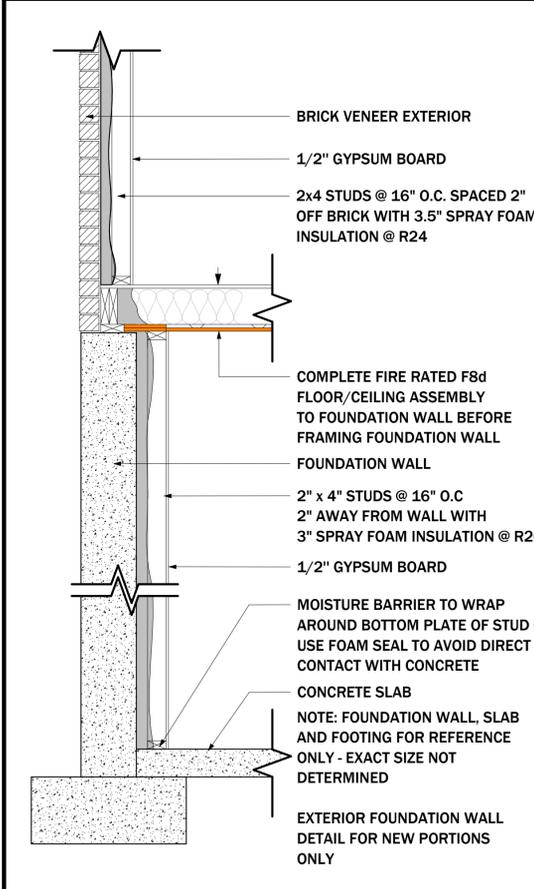
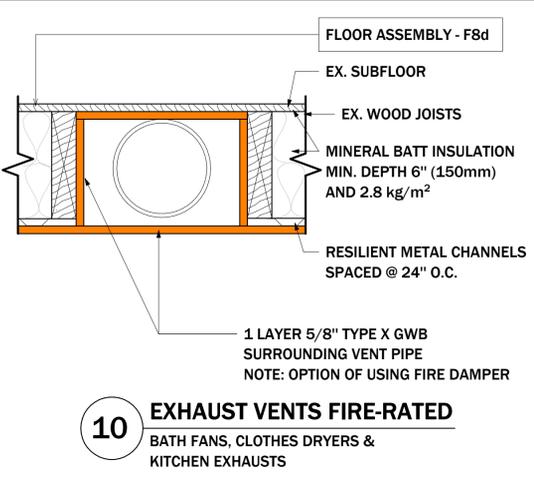
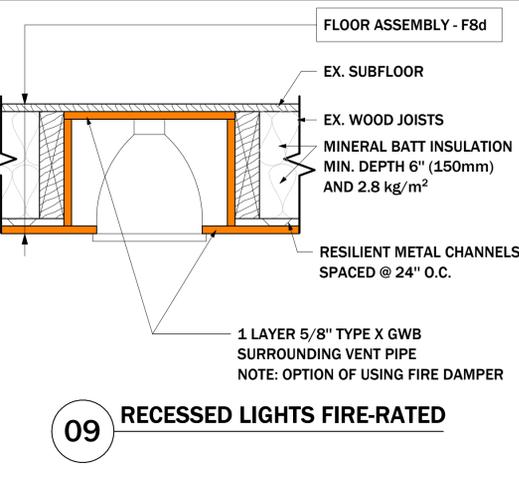
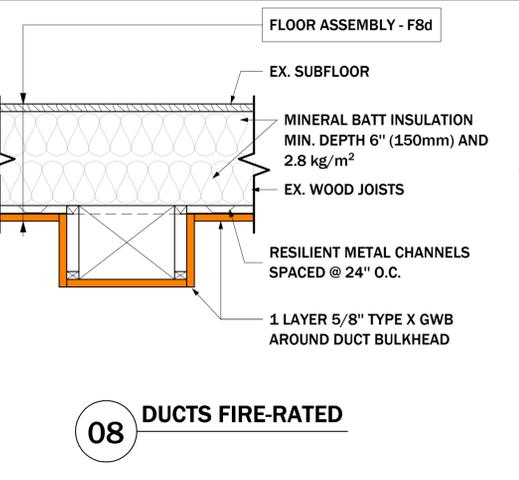
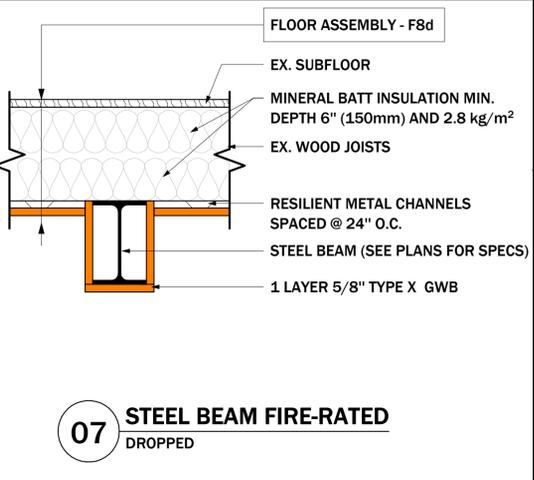
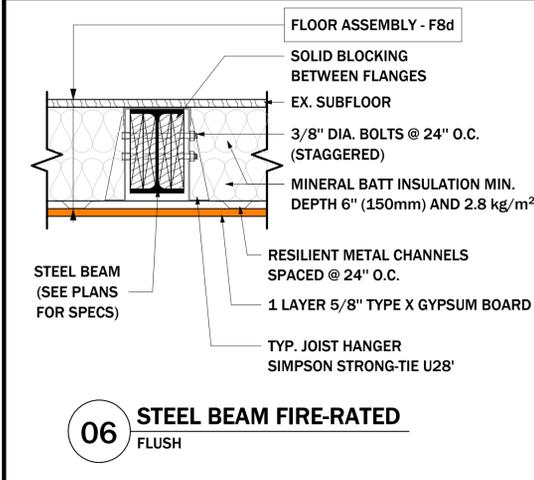
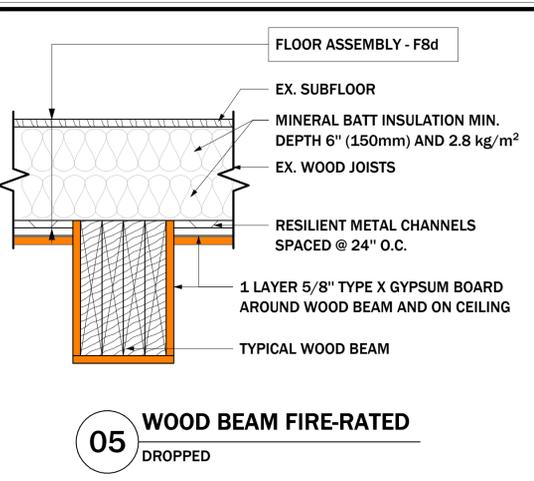
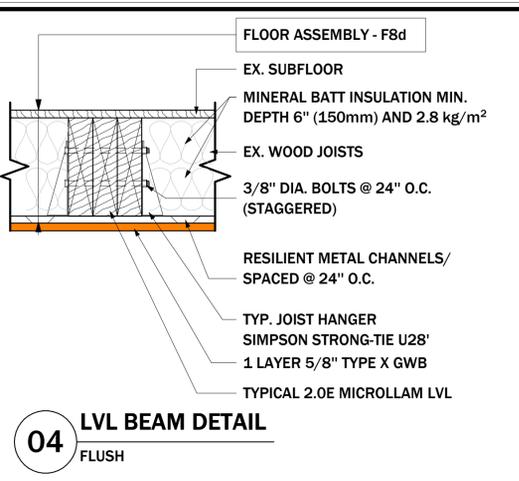
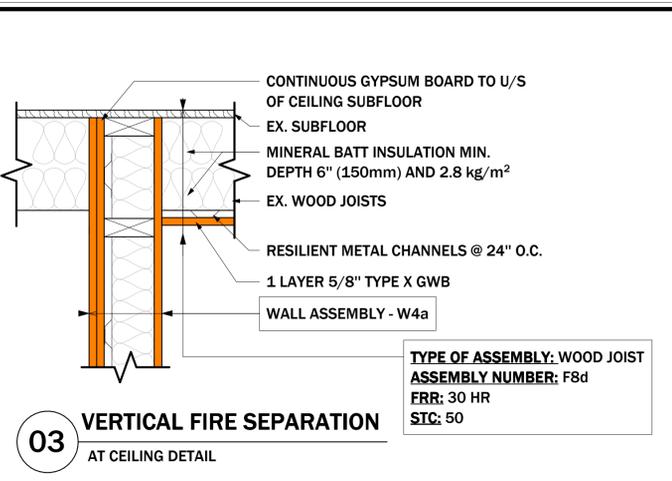
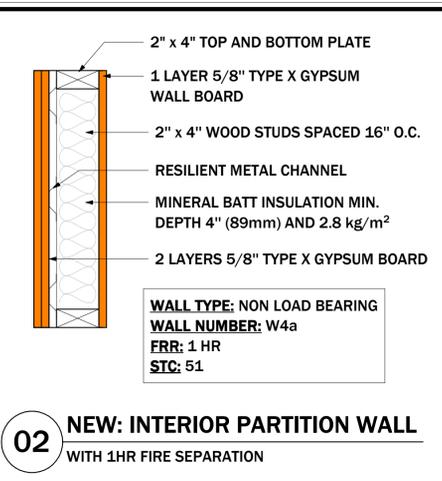
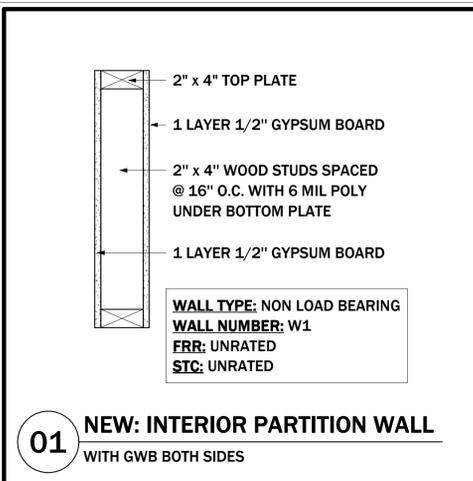
SHEET NAME:  
**WALKOUT DETAILS**

PROJECT NO. 23-46 DATE: 07/06/22

SCALE: As indicated REVISION:

DRAWN BY: Author REVIEWED BY: KEN BEKENDAM

SHEET NO.  
**A3.04**



CITY ELECTRONIC STAMP:

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LEAD DESIGNER & CONSULTANT: KEN BERENDAM, B.A. BUSCOM, L.T. CELL PHONE: 905-965-0647  
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Name	REGISTRATION INFORMATION	BCIN
Name	Required unless design is exempt under 2.17.5.1 of the building code	121307
Name		BCIN

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- BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
- CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:  
**754 CANNON ST E, HAMILTON - CONVERTED DWELLING UNIT**

SHEET NAME:  
**FIRE SEPARATION DETAILS - NO SONO PANEL**

PROJECT NO. 23-46	DATE: 05/09/23
SCALE: As indicated	REVISION:
DRAWN BY: Author	REVIEWED BY: Checker

SHEET NO. **A4.02**



# Hamilton

January 05, 2024

FILE: ALR  
 FOLDER: 23-315857-00 ALR  
 ATTENTION OF: Ross McIntosh  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 2077

Christopher Houghton  
 979 MAIN ST E  
 HAMILTON, ON L8M 1N2

**Attention:**

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning: R1A LOW DENSITY RESIDENTIAL (SMALL LOT)**  
**Address: 754 CANNON ST E, HAMILTON, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. This applicant is proposing to convert the existing single-family dwelling to a single-family dwelling containing 4 dwelling units.
2. The proposed use is permitted within the current zoning.
3. **LRT - Transit Corridor Land 30m Buffer Zone:**

*A Corridor Development Permit is required from Metrolinx to construct any buildings, structure, road, utility infrastructure, or to conduct any excavation, dewatering or other Prescribed Work pursuant to the Building Transit Faster Act and its Regulation. Please contact [development.coordinaor@metrolinx.com](mailto:development.coordinaor@metrolinx.com) for more information.*

4. **Zoning Policy: ZON-041**

**Additions to Dwellings Legal Non-Complying in Location:**

*Any proposed addition(s) to a dwelling which do not further aggravate the existing legally establish non-complying yard setbacks shall be permitted and shall not require an application for minor variance, provided that the existing yard setbacks are maintained or are moving closer to compliance with the yard setback requirements of the applicable zone.*

*The addition(s) shall still be required to meet all other applicable zoning requirements, including but not limited to height, lot coverage, minimum landscaped area and parking regulations.*

*Encroachments shall be permitted into the existing legal non-complying yard setback in accordance with the applicable regulations within the Zoning By-law.*

5. The proposed converted dwelling has been reviewed under the R1a Zone & Converted Dwelling

regulations of the City of Hamilton Zoning By-law No. 05-200;

<b>R1a Zone – Low Density Residential (Small Lot)</b> (Section 15.2 of Hamilton Zoning By-law 05-200)			
	By-law Requirement	Provided	Conforming/ Non-Conforming
<b>SECTION 15.2.2 – R1A REGULATIONS</b>			
<b>Minimum Lot Area</b> [as per section 15.2.2.1(a) of Hamilton Zoning By-law 05-200]	270.0 m <sup>2</sup>	167.22m <sup>2</sup>	<b>Deemed to Comply</b>
<b>Minimum Lot Width</b> [as per section 15.2.2.1(b) of Hamilton Zoning By-law 05-200]	9.0 m	6.10m	<b>Deemed to Comply</b>
<b>Minimum Setback from the Front Lot Line</b> [as per section 15.2.2.1(c) of Hamilton Zoning By-law 05-200]	3.0m	3.38m	<b>Conforms</b>
<b>Minimum Setback from a Side Lot Line</b> [as per section 15.2.2.1(d) of Hamilton Zoning By-law 05-200]	1.2m	West:0.52m East: 0.33m	<b>Deemed to Comply</b>
<b>Minimum Setback from a Flankage Lot Line</b> [as per section 15.2.2.1(e) of Hamilton Zoning By-law 05-200]	3.0m	<i>No Flankage lot line</i>	<b>N/A</b>
<b>Minimum Setback from a Rear Lot Line</b> [as per section 15.2.2.1(f) of Hamilton Zoning By-law 05-200]	7.5m	13.07m	<b>Conforms</b>
<b>Maximum Building Height</b> [as per section 15.2.2.1(g) of Hamilton Zoning By-law 05-200]	10.5m	9.54m	<b>Conforms</b>
<b>Parking</b> [as per section 15.2.2.1(h) of Hamilton Zoning By-law 05-200]	<ul style="list-style-type: none"> <li>i) In accordance with the requirements of Section 5 of this By-law.</li> <li>ii) Notwithstanding Section 5.6 c) i., 2 parking spaces shall be required for a Single Detached Dwellings</li> </ul>	No existing parking spaces or proposed parking spaces	<b>See section 4.34 (E)(i) below.</b>
<b>Accessory Buildings</b> [as per section 15.2.2.1(i) of Hamilton Zoning By-	In accordance with the requirements of Section 4.8 of this By-law.	<i>No Accessory Buildings proposed.</i>	<b>N/A</b>

law 05-200]			
<b>GENERAL PROVISIONS</b> <i>In accordance with the requirements of Section 4 of Hamilton Zoning By-law 05-200</i>			
<b>Permitted Yard Encroachments</b> [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;	Not Proposed	N/A
	b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;	Exterior Staircase encroaches into front yard is a required exterior exit for dwelling unit  <i>See 4.33.1 below</i>	<b>Conforms</b>
	c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;	Not proposed	N/A
	d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser	Stairs of porch encroach >1.5m into required front yard	<b>Non-Conforming</b>
<b>Mechanical and Unitary Equipment</b> [as per section 4.9 of Hamilton Zoning By-law 05-200]	Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:  a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,  b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.	Applicant to Note.	
<b>Additional Dwelling Unit</b> [as per section 4.33.1 of Hamilton Zoning By-law 05-200]	(c) There shall be no outside stairway above the first floor other than a required exterior exit.	Additional stairway above first floor is a required exterior exit for dwelling unit	<b>Conforms</b>
	(d) A maximum of one entrance shall be permitted on the front façade of a dwelling containing an Additional Dwelling Unit.	Two entrances located on front façade. Basement entrance not considered to be located on front façade.	<b>Conforms</b>
	i) Notwithstanding Section 4.33.1 (d) an additional entrance may be located on the	<i>Subject lands identified on</i>	

	front façade of the principal dwelling for lands identified on Figure 24 of Schedule F – Special Figures.	<i>figure 24 of Schedule F</i>	
<b>CONVERTED DWELLINGS</b> <i>In accordance with the requirements of Section 4.34 of Hamilton Zoning By-law 05-200</i>			
<b>Conversion of Dwelling</b> [as per section 4.34(a) of Hamilton Zoning By-law 05-200]	For the purpose of Section 4.34, a Converted Dwelling shall mean a Single Detached Dwelling or Duplex Dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.	Single Family Dwelling being converted to a single-family dwelling with four dwelling units	<b>Conforms</b>
<b>Permitted Zones</b> [as per section 4.34(b) of Hamilton Zoning By-law 05-200]	A Converted Dwelling shall be permitted on a lot in an “R1” or “R1a” Zone.	R1a Zone	<b>Conforms</b>
<b>Applicable Zone Regulations to the Existing Dwelling</b> [as per section 4.34(c) of Hamilton Zoning By-law 05-200]	All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.34.	<i>Noted.</i>	
<b>Maximum Number of Dwelling Units</b> [as per section 4.34(d) of Hamilton Zoning By-law 05-200]	Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot subject to Converted Dwelling permissions as identified in Section 4.34 (b).	Four Dwelling Units proposed	<b>Conforms</b>
<b>Parking Spaces</b> [as per section 4.34(e) of Hamilton Zoning By-law 05-200]	No parking spaces are required for Dwelling Units within a Converted Dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.  <b>i) Notwithstanding Section 4.34 (e), one parking space is required for the following conditions:</b>  <b>A. For the fourth Dwelling Unit in a Converted Dwelling, and,</b>  <b>B. For the fourth Dwelling Unit on a lot.</b>	No parking spaces existing or proposed	<b>Non-Conforming</b>

4. This review is based on the plans submitted with the application.

5. Construction of the proposed converted dwelling containing a total of four (4) dwelling units is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

6. All fencing shall conform to Hamilton Fence By-law 10-142.

7. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

### **3. PURPOSE OF THE APPLICATION**

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

**Additional sheets must be clearly labelled**

**All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)**

#### **3.1 Nature and extent of relief applied for:**

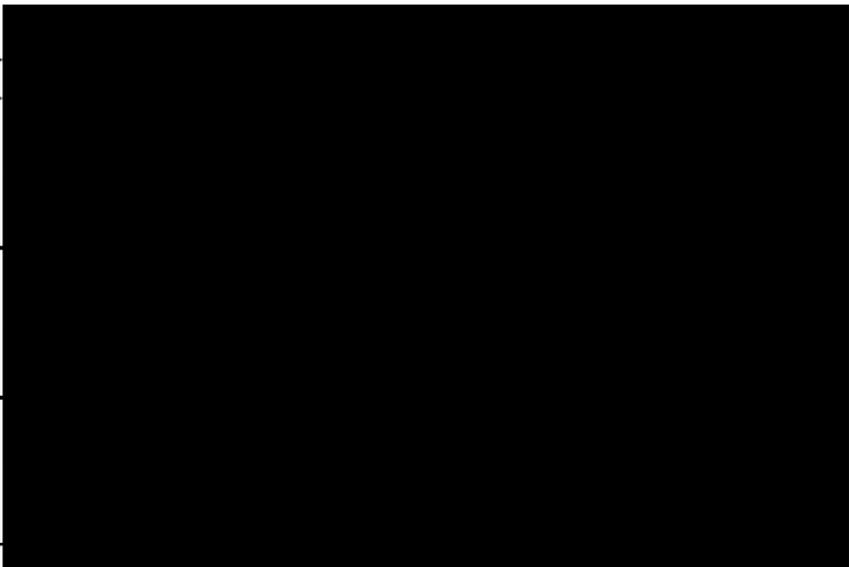
1. To permit porch and stairs 5'-11 1/2" [1.82m] into the required front yard whereas the zoning bylaw 4.6 of Hamilton Zoning bylaw 05-200 requires a porch, deck or canopy to encroach into any required yard to a maximum of 1.5 meters, or to a maximum of half the distance of the required yard, whichever is the lesser.
2. To permit zero parking spaces whereas the the zoning bylaw 4.34(e) of Hamilton Zoning By-law 5-200 requires 1 parking space for the fourth dwelling unit.



**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Registered Owners(s)</b>	Michael Sifontes
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	Ken Bekendam King Homes Inc



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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	754 Cannon St E, Hamilton, ON, Canada		
Assessment Roll Number	01004201735000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

[See attached ALR and additional sheet](#)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

[Existing site constraints](#)

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
6.10	27.43	167.22	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
See site plan				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
See site plan				

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
See site plan				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
See site plan				

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Converted Dwelling - 4 units

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single Detached Dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

unknown

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

Unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

7.6 What is the existing zoning of the subject land? R1a

7.8 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: \_\_\_\_\_

---

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 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 n/a

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 4

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:31</b>	<b>SUBJECT PROPERTY:</b>	110 JACQUELINE BOULEVARD, HAMILTON
<b>ZONE:</b>	"R1" (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: JOSEPH AND CINDY PEZZE

The following variances are requested:

1. A deck shall be permitted to encroach into a required rear yard to a maximum of 2.7 metres. Instead of the permitted maximum of 1.5 metres into a required rear yard.

**PURPOSE & EFFECT:** To permit the construction of a roofed over rear yard deck to an existing single detached dwelling.

**Notes:**

1. Please be advised there was insufficient information provided to determine eave/gutter projections or If the deck is enclosed. Additional variances may be required if compliance with the zoning By-law cannot be achieved.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**HM/A-24:31**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:31, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:31



 Subject Lands

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

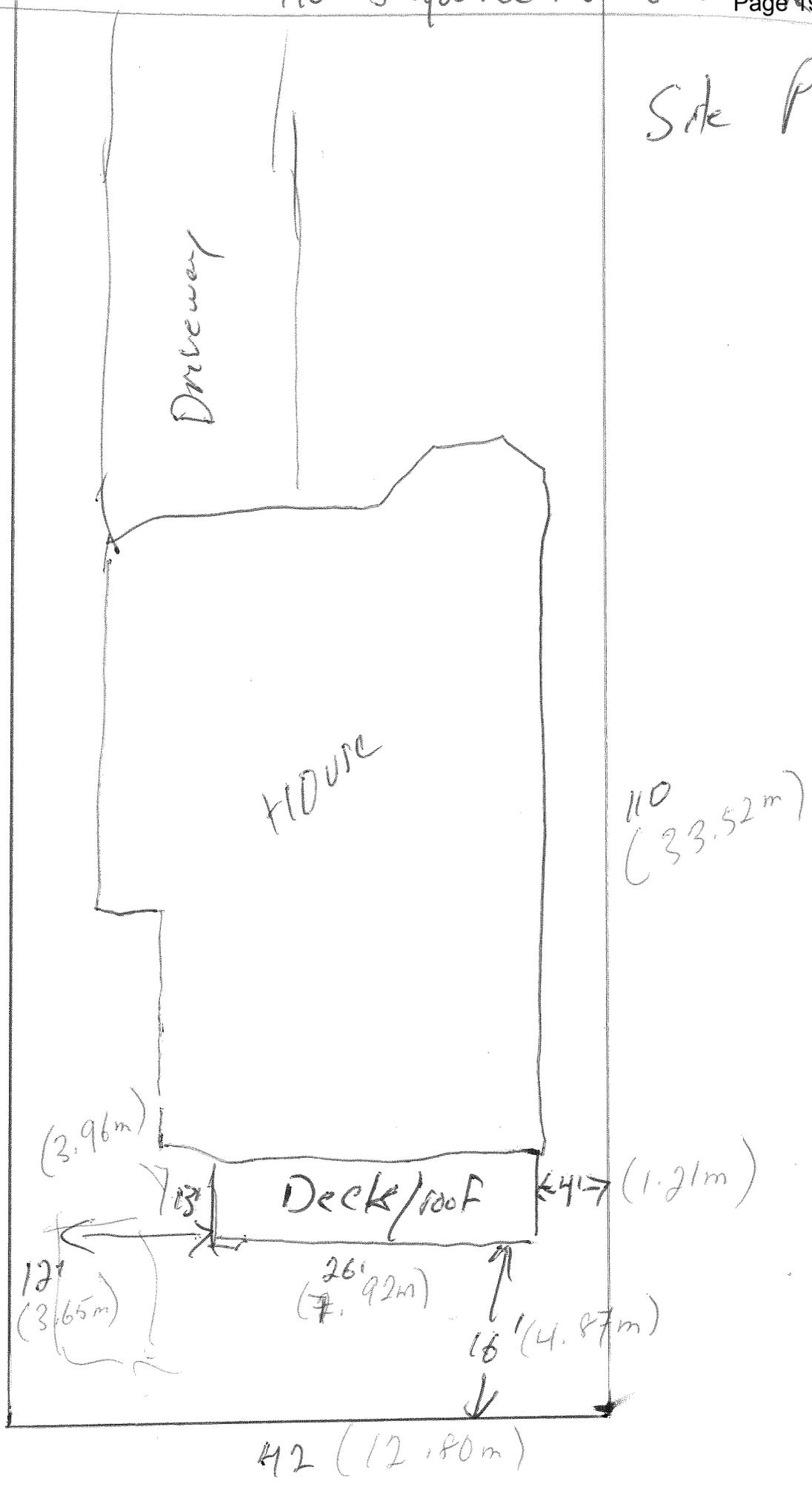
##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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.





Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME		
Registered Owners(s)	Joseph & Cindy Pezic		
Applicant(s)			E-mail:
Agent or Solicitor			Phone:
			E-mail:

1.2 Primary contact

Applicant

Owner  
Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner  
Agent/Solicitor

?

1.4 Request for digital copy of sign

Yes\*      No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email

Yes\*      No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

?

1.6 Payment type

In person  
Cheque

Credit over phone\*

\*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	110 Jacqueline Blvd Hamilton, On. L9B2R2		
Assessment Roll Number	251807121 3206639		
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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**

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

relief for rear yard setback for deck/roof (4.87m)

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Deck was existing as of 2010 when we purchased.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

**4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
12.8m	33.52	404.7m <sup>2</sup>	8.5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	6.3m	8.8m	1.2m	2000
Deck		4.87m	1.2m	2000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Roof (over deck)		4.87m	1.2m	2020

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House		139.36m <sup>2</sup>	2	
Deck		103.02m <sup>2</sup>		

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Roof (over deck)		103.02m <sup>2</sup>		

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

ditches  
 other means (specify)

4.6 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)

4.7 Type of access: (check appropriate box)

- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
- right of way  
other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

*Single Family Home*

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

*Single Family Home.*

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

~~single~~ *July 1 / 2010*

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

*single family home*

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

*Single Family home*

7.4 Length of time the existing uses of the subject property have continued:

*2010*

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable)

*neighbourhood.*

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

*within a neighbourhood*

7.6 What is the existing zoning of the subject land?

*R1*

7.8 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:

---

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

Yes

No

If yes, please provide the file number:

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: /

8.2 Number of Dwelling Units Proposed: /

8.3 Additional Information (please include separate sheet if needed):



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:27</b>	<b>SUBJECT PROPERTY:</b>	2 ERIC BURKE COURT, HAMILTON
<b>ZONE:</b>	R1 (Low Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: RANDY AND AMANDA VIEIRA  
Applicant: QUI NGUYEN

The following variances are requested:

1. To permit a maximum required yard encroachment of 1.8 metres for the proposed rear yard covered porch instead of the required maximum yard encroachment of 1.5 metres for a porch.

**PURPOSE & EFFECT:** To facilitate the construction of a rear yard covered porch.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**HM/A-24:27**

- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**PUBLIC INPUT**

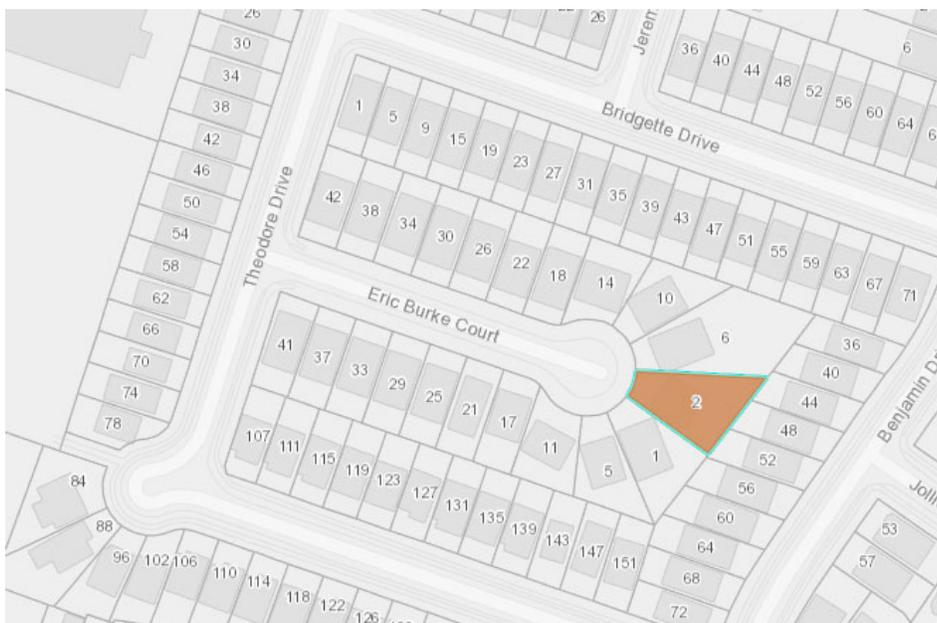
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:27, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: February 22, 2024

---

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.

**DESIGN LOADING:**

ROOF LOAD: HAMILTON  
(ABOVE ESCARPMENT-EAST OF JOHN C. MUNRO INT'L AIRPORT)

TYP. ROOF DEAD LOAD	= 20psf
Ss	= 31psf
Sr	= 9psf
S	= 28psf

EXISTING FLOOR PLAN DIMENSIONS/  
CONFIGURATION IS APPROXIMATE

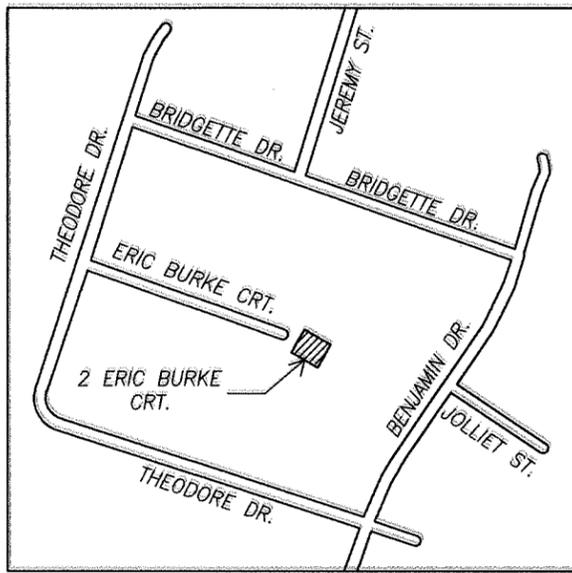
**SITE IS CLASSIFIED AS 'R1' ZONE AS PER  
CITY OF HAMILTON ZONING BY LAW NO. 05-200**

ALL SITE PLAN DIMENSIONS/INFORMATION BASED ON SITE REVIEW

EXISTING FRAMING SHOWN IS ASSUMED BASED ON SITE REVIEW.  
CONTRACTOR TO EXPOSE EXISTING STRUCTURE AND REPORT ANY  
DISCREPANCIES TO THE ENGINEER.

**THE CITY OF HAMILTON ZONING BY-LAW 05-200:  
SECTION 4. GENERAL PROVISIONS. 4.6 PERMITTED YARD ENCROACHMENTS**

ZONING BY-LAW 05-200; 4.6 PERMITTED YARD ENCROACHMENTS:  
A PORCH, DECK OR CANOPY MAY ENCR OACH INTO ANY REQUIRED  
YARD TO A MAXIMUM OF 1.5 METERS, OR TO A MAXIMUM OF  
HALF THE DISTANCE OF THE REQUIRED YARD, WHICHEVER IS THE  
LESSER;



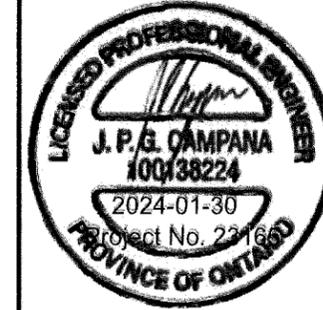
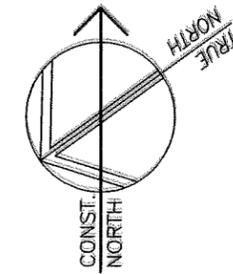
**KEY PLAN**  
N.T.S



**SITE PLAN**  
SCALE: 1/16"=1'-0"

**THE CITY OF HAMILTON ZONING BY-LAW 05-200: SECTION 15 RESIDENTIAL ZONES(R1):  
SECTION 4. GENERAL PROVISIONS. 4.8.1 BUILDINGS ACCESSORY TO RESIDENTIAL USES**

ZONE REGULATION			
	PERMITTED USES UNDER ZONING BY-LAW	EXISTING	PROPOSED
ZONING DESIGNATION	SINGLE DETACHED DWELLING	R1	R1
MAX LOT COVERAGE	57%	23.8%	29.3%
MIN LOT AREA	360 m <sup>2</sup>	634.8m <sup>2</sup>	634.8m <sup>2</sup>
MIN FRONT YARD	6 m	6.18m	6.18m
MIN REAR YARD SETBACK	7.5 m	10.76m	6m
MIN INTERIOR SIDE SETBACK	1.2 m	1.26m	7.97m
EXISTING BUILDING AREA	N/A	151.8m <sup>2</sup>	186.13m <sup>2</sup>



No.	DATE	REVISION
1	24/01/30	ISSUED FOR PERMIT

**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6  
905-333-9119 www.kaloseng.ca

**REAR COVERED  
PORCH**

2 ERIC BURKE CRT.

HAMILTON

ONTARIO

**GENERAL NOTES**

DATE JANUARY 2024	DRAWN BY J.H. & M.E.	DRAWING No. SP1.01
PROJECT No. 23165	CHECKED BY J.P.	

**GENERAL NOTES**

- CHECK ALL DIMENSIONS ON THESE DRAWINGS WITH ALL OTHER DRAWINGS, INCLUDING BUT NOT LIMITED TO DRAWINGS PREPARED ARCHITECTURAL, MECHANICAL OR ELECTRICAL CONSULTANTS. REPORT ANY INCONSISTENCIES TO THE ENGINEER PRIOR TO COMMENCING WITH THE WORK. DO NOT SCALE THE DRAWINGS.
- THE DESIGN LIVE LOADS ARE INDICATED ON THE DRAWINGS. CONSTRUCTION LOADS SHALL NOT EXCEED THE DESIGN LOADS.
- THE COMPLETED STRUCTURE IS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY BRACING, SHORING AND ANY OTHER TEMPORARY OR PERMANENT MEASURES AS REQUIRED DURING CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY SUPPORT OF EXISTING OR ADJACENT STRUCTURES AS REQUIRED. ALL BRACING AND SHORING IS THE RESPONSIBILITY OF THE CONTRACTOR.
- CONSTRUCTION FEATURES NOT FULLY SHOWN ARE COMPARABLE TO SIMILAR CONDITION DETAILS.
- REFER TO OTHER CONSULTANTS DRAWINGS FOR DETAILS OF OPENINGS, PITS, CHAMFERS, DEPRESSIONS NOT INDICATED ON THE STRUCTURAL DRAWINGS.
- ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE LATEST ONTARIO BUILDING CODE, LATEST APPLICABLE REGULATIONS AND GOOD CONSTRUCTION PRACTICES.
- THE STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DRAWINGS AND SPECIFICATIONS.
- CLARIFY ANY QUERIES WITH THE ENGINEER REGARDING THE INTERPRETATION OF THE DRAWINGS, PRIOR TO THE COMMENCEMENT OF ANY WORK.

**TIMBER FRAMING**

- ALL DESIGN AND CONSTRUCTION SHALL BE CARRIED OUT IN CONFORMANCE WITH CSA STANDARD 086.
- SAWN LUMBER SHALL BE SPRUCE/PINE/FIR GRADE NUMBER 1 AND GRADE NUMBER 2 IN THE RATIO OF 67% (MINIMUM) AND 33% (MAXIMUM) RESPECTIVELY.
- PROVIDE STEEL JOIST HANGERS AS SHOWN ON THE PLAN. FASTENING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS. EACH HANGER SHALL BE CAPABLE OF SUPPORTING 800lbs.
- LAMINATED VENEER LUMBER (LVL) SHALL BE MANUFACTURED WITH SOUTHERN YELLOW PINE OR DOUGLAS FIR VENEERS PROVIDING A MINIMUM FLEXURAL STRESS RESISTANCE (FB) OF 2600 PSI (BASED ON 12" DEEP SECTION). THE MODULUS OF ELASTICITY SHALL BE 2.0X10<sup>6</sup> PSI MINIMUM. FASTENING OF MULTIPLE PLY BEAMS SHALL BE IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS.
- ALL HEAVY TIMBER SHALL BE GRADE EASTERN WHITE PINE No.2
- PROVIDE MOISTURE BARRIER AROUND ALL WOOD MEMBERS IN DIRECT CONTACT WITH CONCRETE OR BLOCK. CONTINUOUS MOISTURE BARRIER IS REQUIRED AT POINTS OF CONTACT.
- PROVIDE 6"x6" SUPPORT POST UNDER EACH END OF ALL TIMBER BEAMS UNLESS OTHERWISE NOTED
- ALL TIMBER EXPOSED TO EXTERIOR SHALL BE PRESSURE TREATED

**CONCRETE NOTES**

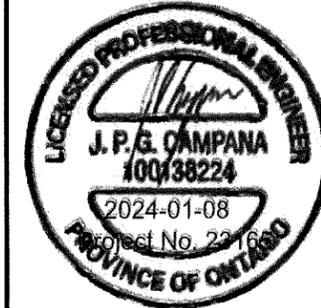
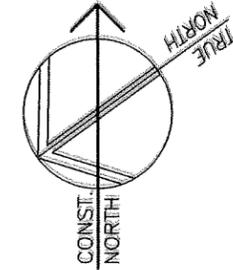
- ALL STRUCTURAL CONCRETE ELEMENTS HAVE BEEN DESIGNED IN ACCORDANCE WITH CSA STANDARD CAN/CSA A23.3. ALL CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH CSA STANDARD CAN/CSA A23.1.
- MINIMUM CONCRETE STRENGTH AT 28 DAYS SHALL BE:
  - SLAB ON GRADE - 32 MPA TYPE C2
  - FOOTINGS - 25 MPA TYPE C1
  - FOUNDATION WALL - 25 MPA TYPE F2

SLUMP SHALL BE 3" ± 1".  
AGGREGATE SHALL BE ¾" MAXIMUM.
- THE DEFORMED REINFORCING STEEL SHALL CONFORM TO CSA STANDARD G30.18M-09 GRADE 300R FOR STIRRUPS AND TIES AND GRADE 400R FOR ALL OTHER REINFORCING. UNLESS OTHERWISE NOTED THE REINFORCING LAP LENGTH SHALL BE "CLASS B" IN SPLICES. ALL REINFORCING HOOKS AND BENDS SHALL BE IN ACCORDANCE WITH A23.1.
- THE REINFORCING COVER FOR CONCRETE SHALL BE:
  - 3" FOR CONCRETE AGAINST EARTH
  - 1½" FOR FORMED CONCRETE EXPOSED TO EARTH OR WEATHER WHERE THE REINFORCING BAR IS 15M OR SMALLER
  - 2" FOR FORMED CONCRETE EXPOSED TO EARTH OR WEATHER WHERE THE REINFORCING BAR IS 20M OR LARGER
- FOOTINGS SHALL BEAR ON NATIVE UNDISTURBED SOIL WITH A MINIMUM BEARING RESISTANCE OF:
  - 2000 psf (SLS)
  - 3000 psf (ULS).

THE CONTRACTOR SHALL VERIFY THE CAPACITY PRIOR TO PLACEMENT OF CONCRETE.
- THE FOOTING DESIGN IS BASED ON INFORMATION AVAILABLE AT THE TIME OF DESIGN. THE FOOTING DESIGN MAY BE ALTERED DURING CONSTRUCTION, IF THE SITE CONDITIONS WARRANT, BUT ONLY WITH THE EXPRESS PERMISSION OF THE ENGINEER.
- SLAB-ON-GRADE CONSTRUCTION SHALL BE CAPABLE OF SUPPORTING 500 lbs/ft<sup>2</sup> WITHOUT RELATIVE SETTLEMENT.
- PROVIDE DOWELS TO WALLS AND COLUMNS TO SHUT THE REINFORCING IN THE WALL OR COLUMN ABOVE.
- ALL ADHESIVE ANCHORS SHALL BE INSTALLED IN ACCORDANCE WITH THE HILTI HIT-HY200 (OR APPROVED EQUAL) PROCEDURES.

**MASONRY NOTES**

- ALL STRUCTURAL ELEMENTS HAVE BEEN DESIGNED IN ACCORDANCE WITH CSA STANDARD S304.1. ALL MASONRY CONSTRUCTION SHALL BE IN ACCORDANCE WITH CSA STANDARD A371. ALL MASONRY CONNECTORS, REINFORCING AND TYING SHALL BE IN ACCORDANCE WITH CSA A370. ALL MORTAR AND GROUT SHALL BE IN ACCORDANCE WITH A179.
- ALL CONCRETE BLOCKS SHALL BE NORMAL WEIGHT TYPE H/15/A/M UNLESS OTHERWISE NOTED. MORTAR SHALL BE TYPE S FOR LOADBEARING AND TYPE N FOR NON-LOADBEARING.
- VERTICAL CONTROL JOINTS SHALL BE PROVIDED AT A MAXIMUM SPACING OF 20'-0". REFER TO ARCHITECTURAL DRAWING FOR DETAILS AND LOCATIONS.
- TRIM ALL OPENINGS WITH 2-15M BARS.
- GROUT SHALL CONSIST OF ON ONE PART PORTLAND CEMENT, THREE PARTS SAND (MAXIMUM AGGREGATE SIZE SHALL BE ¾") WITH WATER TO PROVIDE A MINIMUM 10MPa COMPRESSIVE STRENGTH AT 28 DAYS. SLUMP SHALL BE 8" TO 10".
- ALL CELLS CONTAINING REINFORCING SHALL BE GROUTED SOLID. TWO BLOCK COURSES BELOW BEARING PLATES SHALL BE GROUTED SOLID.
- THE MASONRY SHALL BE CONSTRUCTED EVENLY WITH MAXIMUM LIFTS OF 1200 PER DAY. DO NOT TOOTH AND BOND OR STACK BOND MASONRY. RAKE BACK ENDS OF UNFINISHED WALLS.
- ALL MORTAR JOINTS SHALL BE TOOLED (CONCAVE). A MINIMUM BED JOINT OF ¼" IS REQUIRED FOR THE STARTING COURSE TO A MAXIMUM OF ¾". THE BED JOINTS SHALL BE ¾".
- PROVIDE VERTICAL AND HORIZONTAL REINFORCING AS FOLLOWS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
  - 6" CONCRETE BLOCK - 10M VERTICAL AT 24" O.C. & HEAVY DUTY TRUSS TYPE HORIZONTAL REINFORCING EVERY SECOND COURSE.
  - 8" CONCRETE BLOCK - 15M VERTICAL AT 32" O.C. & HEAVY DUTY TRUSS TYPE HORIZONTAL REINFORCING EVERY SECOND COURSE.
  - 10" CONCRETE BLOCK - 20M VERTICAL AT 24" O.C. & HEAVY DUTY TRUSS TYPE HORIZONTAL REINFORCING EVERY COURSE.
  - 12" CONCRETE BLOCK - 20M VERTICAL AT 24" O.C. & HEAVY DUTY TRUSS TYPE HORIZONTAL REINFORCING EVERY COURSE.
- THE HORIZONTAL REINFORCING AT EXTERIOR WALLS SHALL BE GALVANIZED. DO NOT EXTEND HORIZONTAL REINFORCING THROUGH CONTROL JOINTS UNLESS OTHERWISE NOTED.
- PROVIDE A STEEL LINTEL OVER ALL OPENINGS OR RECESSES INCLUDING OPENINGS FOR MECHANICAL AND ELECTRICAL COMPONENTS. ALL EXTERIOR LINTELS TO BE HOT DIP GALVANIZED.
- BUILD THE MASONRY SOLID AROUND ALL BEAM, LINTEL AND JOIST POCKETS. INSTALL BEARING PLATES AT THE SPECIFIED ELEVATION AND GROUT THE PLATE INTO THE WALL A MINIMUM OF 16".
- PROVIDE TEMPORARY BRACING AS REQUIRED TO SUPPORT THE MASONRY WALLS IN CONSTRUCTION. PROTECT THE MASONRY WALLS FROM THE ELEMENTS AT ALL TIMES EXCEPT DURING CONSTRUCTION PROGRESS.



No.	DATE	REVISION
1	24/01/08	ISSUED FOR PERMIT

**REVISIONS**



300 YORK BLVD HAMILTON, ONTARIO L8R 3K6  
905-333-9119 www.kaloseng.ca

**REAR COVERED PORCH**

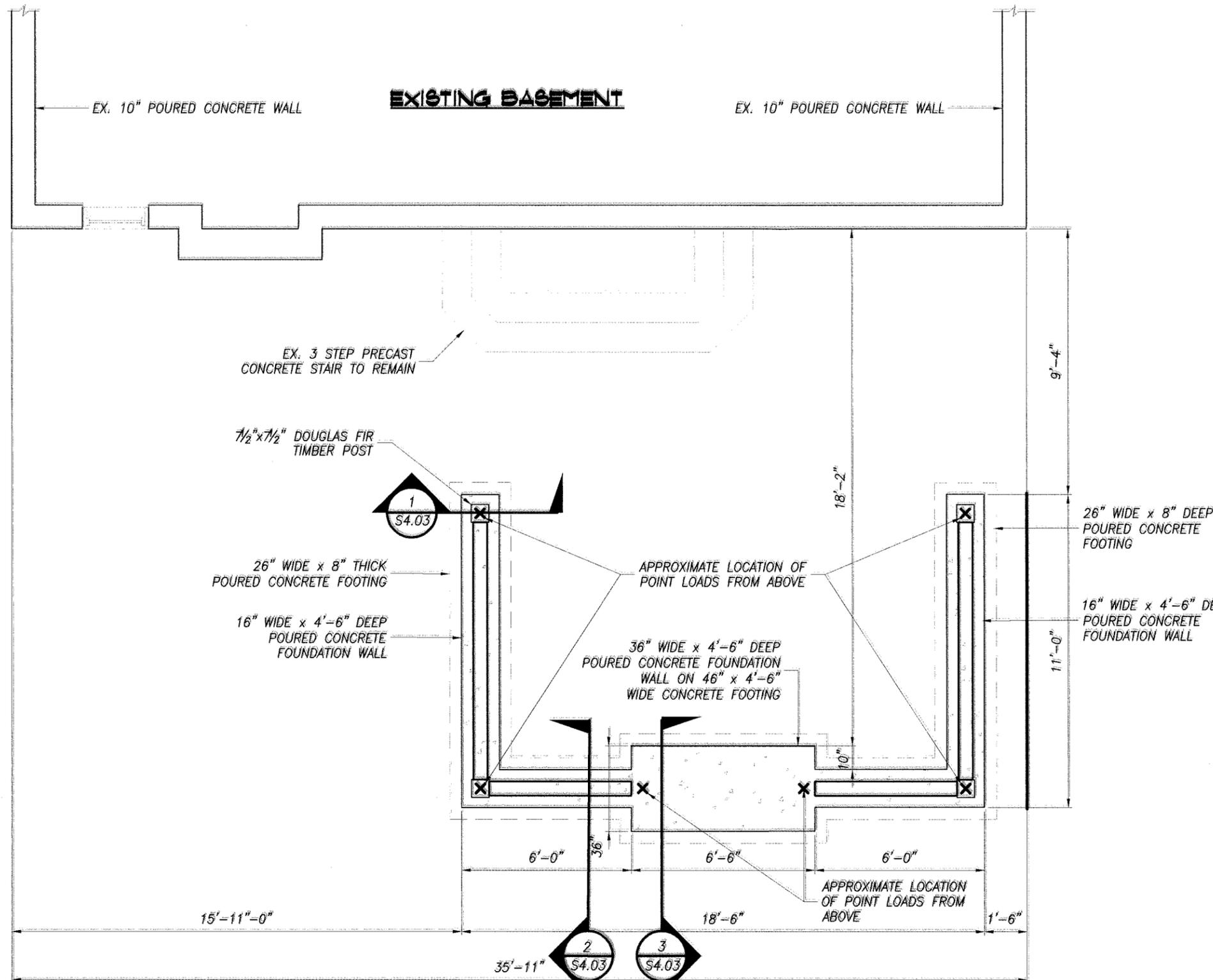
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HAMILTON

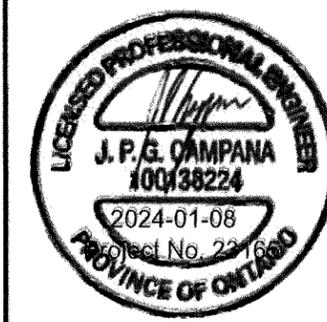
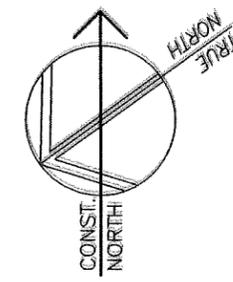
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**GENERAL NOTES**

DATE JANUARY 2024	DRAWN BY J.H. & M.E.	DRAWING No. SP.01
PROJECT No. 23165	CHECKED BY J.P.	



**FOUNDATION PLAN**  
SCALE: 1/4"=1'-0"



No.	DATE	REVISION
1	24/01/08	ISSUED FOR PERMIT

REVISIONS



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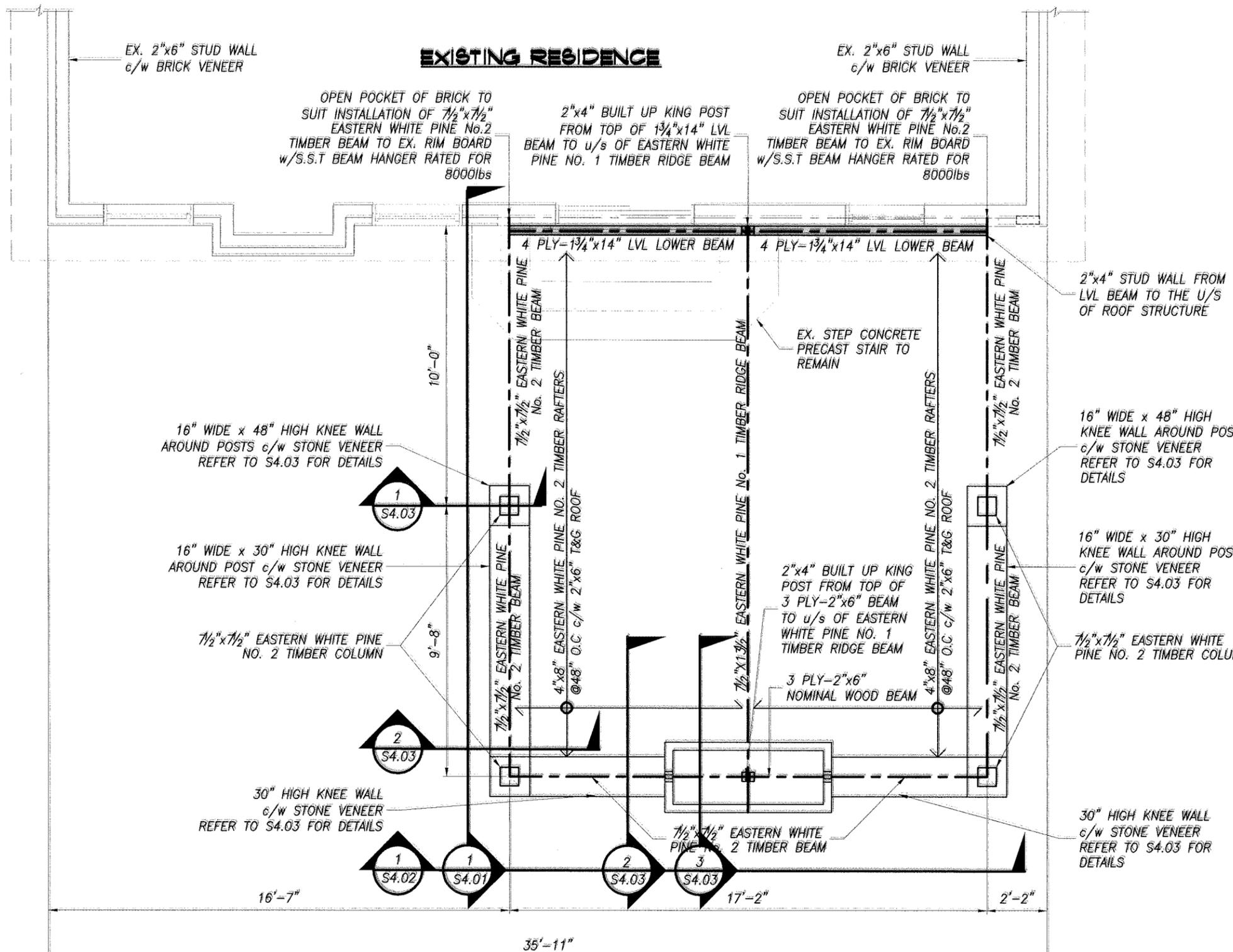
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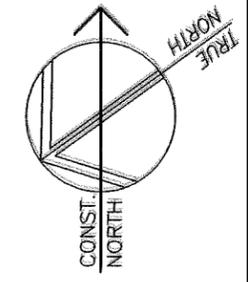
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**FOUNDATION PLAN**

DATE JANUARY 2024	DRAWN BY J.H & M.E	DRAWING No. S1.01
PROJECT No. 23165	CHECKED BY J.P	



**FRAMING PLAN**  
SCALE: 1/4" = 1'-0"



No.	DATE	REVISION
1	24/01/08	ISSUED FOR PERMIT

**REVISIONS**



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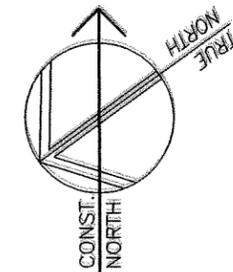
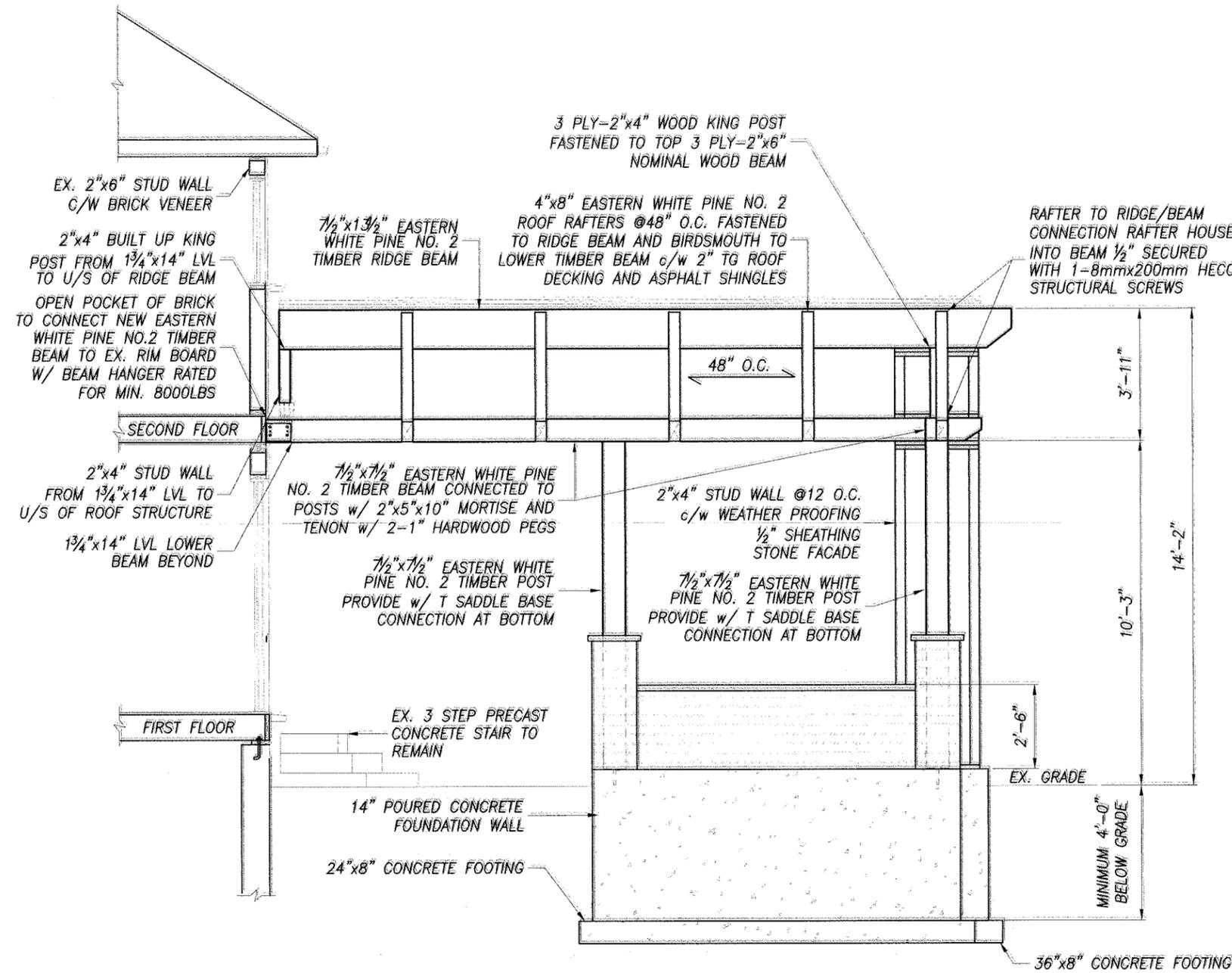
ONTARIO

**FRAMING PLAN**

DATE JANUARY 2024	DRAWN BY J.H & M.E	DRAWING No. S1.02
PROJECT No. 23165	CHECKED BY J.P	

**ROOF ASSEMBLY:**

- 30 YEAR ROOF ASPHALT SHINGLES
- ROOFING MEMBRANE
- 2"x6" TONGUE AND GROOVE ROOF DECKING
- 4"x8" EASTERN WHITE PINE No. 2 TIMBER RAFTERS



No.	DATE	REVISION
1	24/01/08	ISSUED FOR PERMIT

REVISIONS



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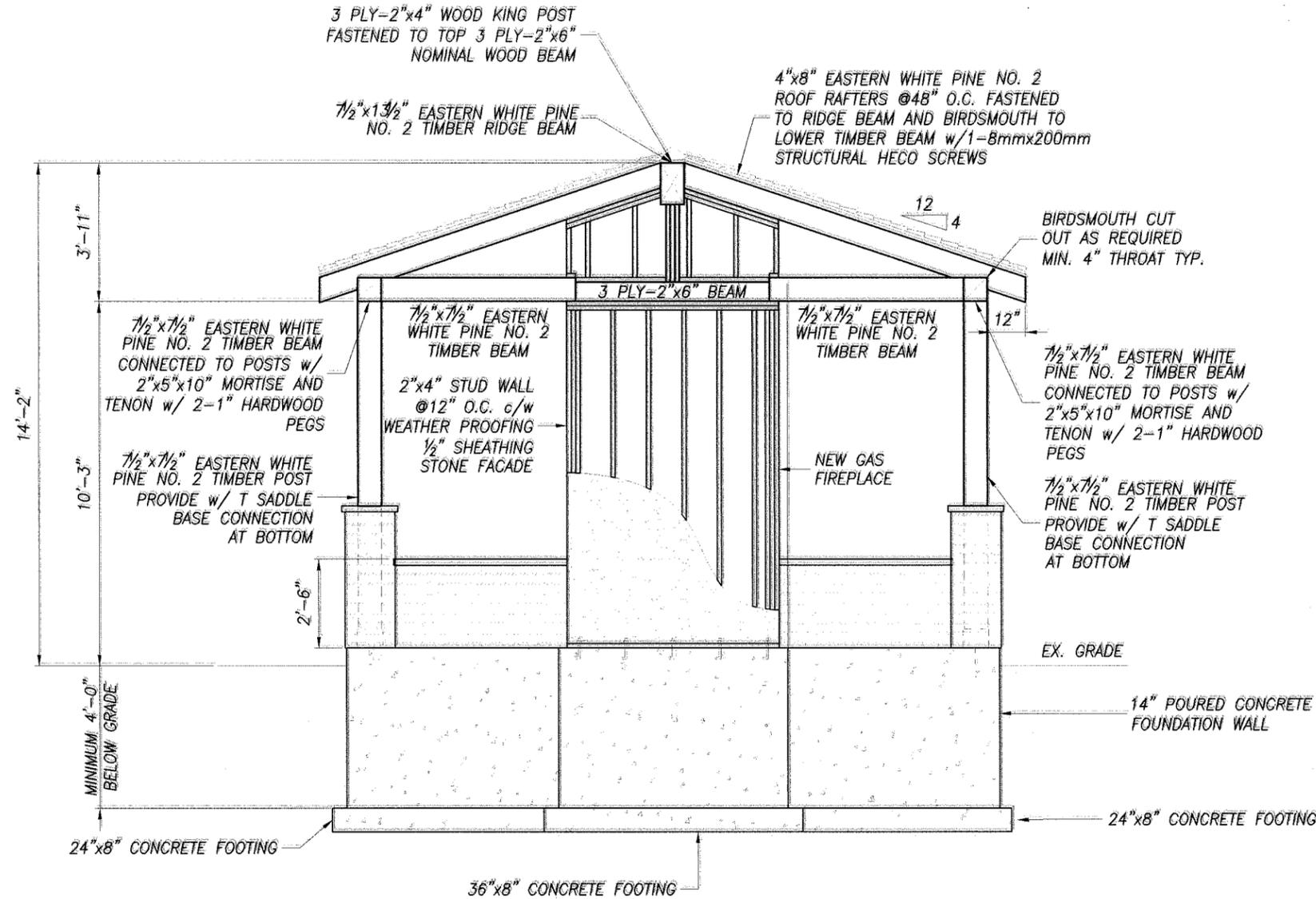
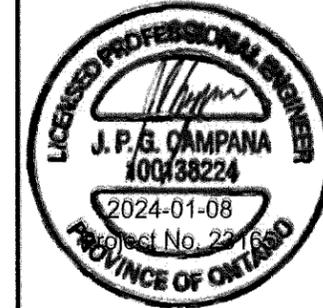
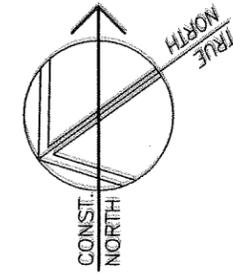
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**SECTION VIEW**

**SECTION 1**  
SCALE: 1/4" = 1'-0" S1.02

DATE JANUARY 2024	DRAWN BY J.H. & M.E.	DRAWING No. S4.01
PROJECT No. 23165	CHECKED BY J.P.	

- ROOF ASSEMBLY**
- 30 YEAR ROOF ASPHALT SHINGLES
  - ROOFING MEMBRANE
  - 2"x6" TONGUE AND GROOVE ROOF DECKING
  - 4"x8" EASTERN WHITE PINE No. 2 TIMBER RAFTERS



**SECTION 1**  
SCALE: 1/4"=1'-0" S1.02

No.	DATE	REVISION
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**REVISIONS**



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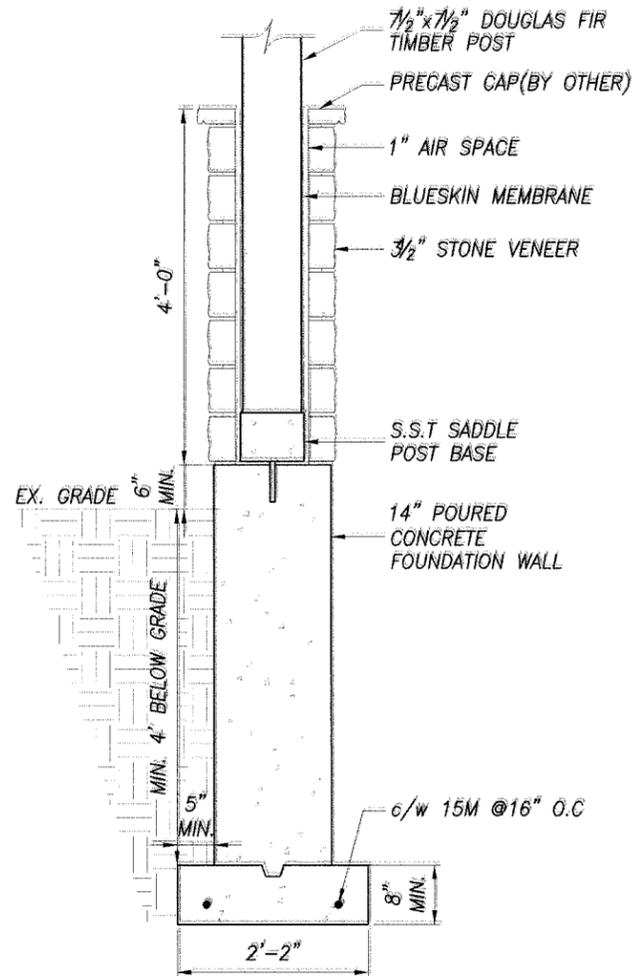
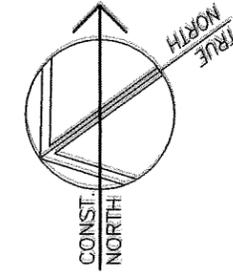
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HAMILTON

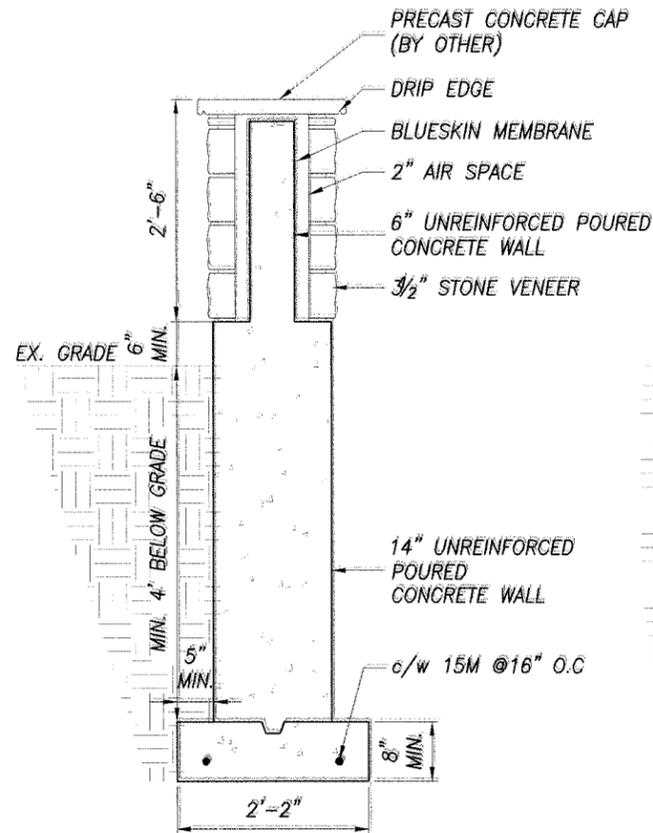
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**SECTION VIEW**

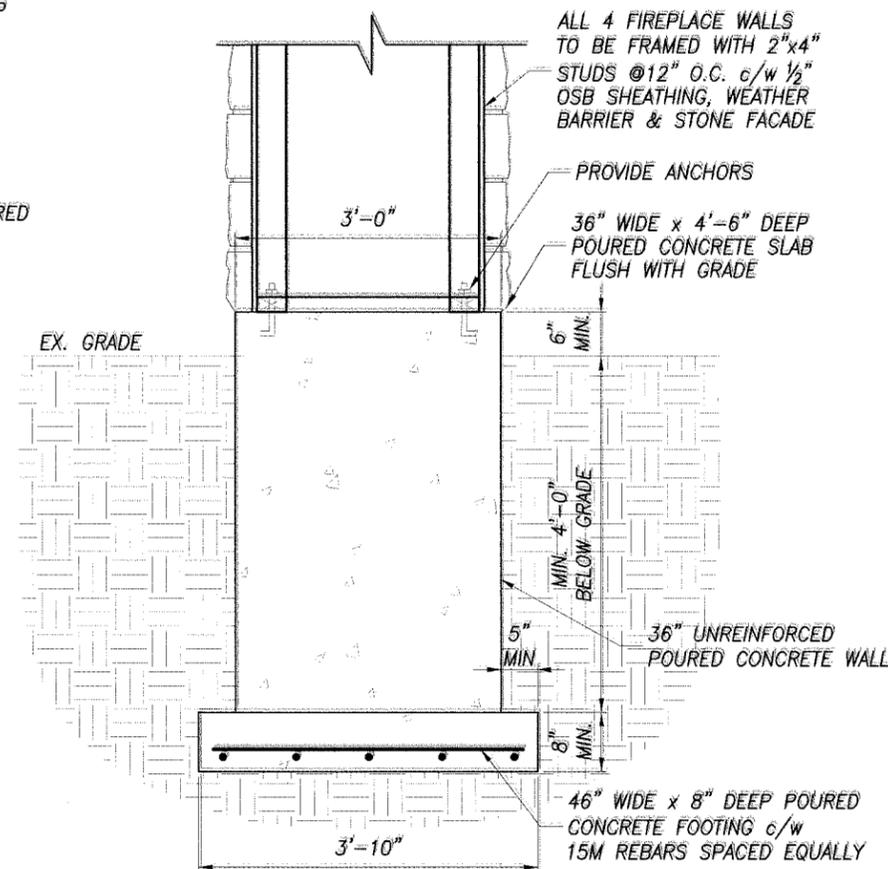
DATE JANUARY 2024	DRAWN BY J.H. & M.E.	DRAWING No. <b>S4.02</b>
PROJECT No. 23165	CHECKED BY J.P.	



**SECTION 1**  
SCALE: 1"=1'-0"  
S1.02



**SECTION 2**  
SCALE: 1"=1'-0"  
S1.02



**SECTION 3**  
SCALE: 1/2"=1'-0"  
S1.02

No.	DATE	REVISION
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REVISIONS



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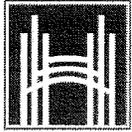
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SECTION VIEWS

DATE JANUARY 2024	DRAWN BY J.H. & M.E.	DRAWING No. <b>S4.03</b>
PROJECT No. 23165	CHECKED BY J.P.	

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)	Randy Vieira Amanda Vieira	
Applicant(s)	Qui Nguyen	
Agent or Solicitor		

1.2 Primary contact  Applicant  Owner  Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent quin@kaloseng.ca

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type  In person  Credit over phone\*  Cheque

\*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	2 Eric Burke Ct, Hamilton, ON L9A5J9		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

New rear covered porch exceeds the minimum rear yard setback of 6m based on section 4.6 (d).  
Proposed structure exceed the minmum rear setback by 0.79m  
Proposed Rear Yard Setback = 5.21m

 Second Dwelling Unit       Reconstruction of Existing Dwelling

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

The rear covered porch exceeds the minimum rear yard setback

3.3 Is this an application 45(2) of the Planning Act.

 Yes  No

If yes, please provide an explanation:

**4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
8.54m	41.03m	634.8m <sup>2</sup>	N/A

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2 Storey-Detached Dwell.	6.18m	10.76m	1.22m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Rear Covered Porch	21.92m	5.21m	7.70m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2 Storey-Detached Dwell.	151.8m <sup>2</sup>	Approx. 456m <sup>2</sup>	2	7.62

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Rear Covered Porch	35.29m <sup>2</sup>	35.29m <sup>2</sup>	1	4.32m

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
  - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
  - swales

- ditches
- other means (specify)

- 4.6 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) \_\_\_\_\_
- 4.7 Type of access: (check appropriate box)  
 provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year  
 right of way  
 other public road  
Cul de Sac
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Single Family Detached Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Single Family Detached Dwelling

**7 HISTORY OF THE SUBJECT LAND**

- 7.1 Date of acquisition of subject lands:
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single Family Detached Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single Family Detached Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighborhoods

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

7.6 What is the existing zoning of the subject land? Residential "R1" Zone

7.8 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: Residential "R1" Zone

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:21</b>	<b>SUBJECT PROPERTY:</b>	65 LISTER AVENUE, HAMILTON
<b>ZONE:</b>	"B" (Suburban Agriculture and Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: PAUL CRAIG and MELANIE BEACH CRAIG  
Applicant: PARK EIGHT INC (PETE VANDENAREND)

The following variances are requested:

1. A maximum height of 5.1m shall be permitted instead of the maximum 4.0m height permitted for accessory buildings.

**PURPOSE & EFFECT:** To facilitate the construction of an addition to an existing accessory building for the existing Single Family Dwelling.

**Notes:**

The applicant shall ensure that any proposed eaves/gutter into a required side yard shall not be more than one-half of its width, or 1.0 metre, whichever is the lesser; otherwise, further variances shall be required.

The applicant shall ensure that the height dimension is determined from average grade as defined in the Zoning By-law.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>

HM/A-24:21

	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>
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For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## 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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:21, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:21



 **Subject Lands**

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

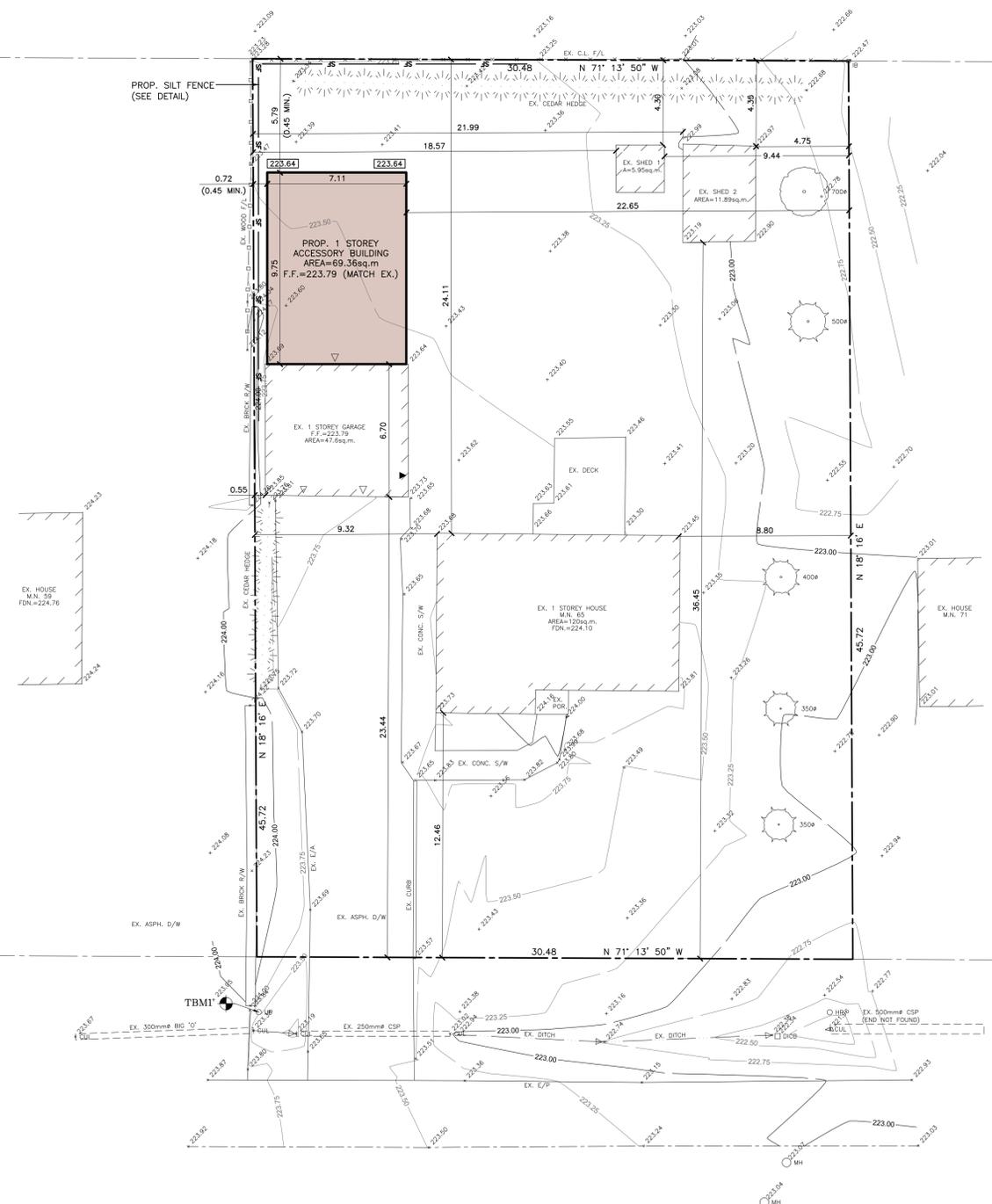
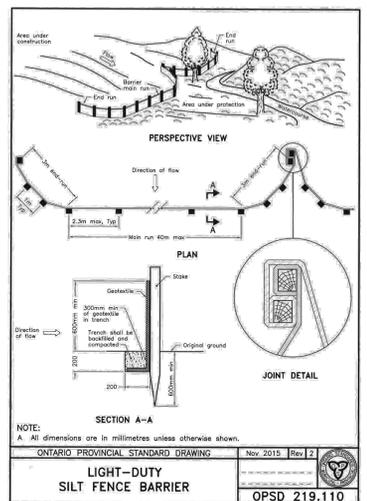
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 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](mailto: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 STATISTICS**

ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS	COMPLIANCE ✓ MEETS REQUIREMENTS X VARIANCE REQUIRED
ZONING CATEGORY	B	B	✓
LOT AREA (sq. m.)	TOTAL LOT AREA = 1393.55	1,100 MIN.	✓
LOT FRONTAGE (m)	30.48	20.00 MIN.	✓
GROUND FLOOR AREA (sq. m.)	EX. HOUSE = 120sq.m. EX. GARAGE = 49.0sq.m. EX. SHED 1 = 5.95sq.m. EX. SHED 2 = 11.89sq.m. PROPOSED GARAGE = 69.36sq.m.	N/A	✓
TOTAL GROSS FLOOR AREA (sq. m.)	256.2	N/A	✓
LOT COVERAGE	18.5%	50% MAX. REAR YARD FOR ALL COMBINED ACCESSORY USE (REAR YARD AREA = 738.0)	✓
	19.4%	30% MAX. OF REQ'D REAR & SIDEYARD (REQ'D SETBACK OF REAR & SIDE YARD = 702.8)	✓
STREET SETBACK (m)	12.46	12.00 MIN.	✓
REAR YARD (m)	5.79	0.45 MIN.	✓
SIDE YARD (m)	0.72	0.45 MIN.	✓
BUILDING HEIGHT (m)	5.00	4.00 MAX.	X



LISTER AVENUE

THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND ABOVEGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE COMMENCING WORK, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

**LEGEND:**

	EXISTING ELEVATIONS
	PROPOSED ELEVATIONS
	PROPOSED SWALE ELEVATIONS
	PROPOSED SWALE
	GENERAL DRAINAGE
	DENOTES OVERHEAD DOOR LOCATION
	DENOTES MANDOOR LOCATION
	EXISTING CHAINLINK FENCE
	EXISTING WOOD FENCE
	PROPOSED SILTATION FENCE

- NOTES:**
1. ALL ELEVATIONS SHOWN ARE METRIC.
  2. BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAWS (i.e. SIDEYARDS, SETBACKS, REARYARDS ETC.)

- SILTATION CONTROL NOTES:**
1. THE SILTATION & EROSION CONTROL (SEC) MEASURES ILLUSTRATED ON THIS PLAN ARE CONSIDERED TO BE THE MINIMUM REQUIREMENT. SITE CONDITIONS MAY REQUIRE ADDITIONAL MEASURES WHICH WILL BE IDENTIFIED BY THE ENGINEER DURING CONSTRUCTION.
  2. ALL SEC MEASURES ARE TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  3. OWNER/CONTRACTOR TO MAINTAIN EROSION CONTROL MEASURES THROUGHOUT SITE UNTIL A COMPLETE GRASS/VEGETATION COVER IS ACHIEVED.
  4. ONLY AT THE DIRECTION OF THE ENGINEER ARE THE SEC MEASURES TO BE REMOVED.
  5. ALL EROSION AND SEDIMENTATION CONTROL DEVICES SHOULD BE INSPECTED MINIMUM WEEKLY, AFTER EVERY RAINFALL AND MAINTAINED AND CLEARED AS REQUIRED.
  6. ALL EROSION AND SEDIMENTATION CONTROL DEVICES SHOULD BE AS PER THE "GREATER GOLDEN HORSESHOE AREA CONSERVATION AUTHORITIES", EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN CONSTRUCTION.
  7. THE OWNER IS RESPONSIBLE FOR THE REMOVAL OF ALL MUD AND DEBRIS THAT ARE TRACKED ONTO THE ROADWAYS FROM VEHICLES ENTERING AND LEAVING THE CONSTRUCTION SITE. THE OWNER SHALL, UPON VERBAL AND/OR REQUEST BY THE CITY, IMMEDIATELY PROCEED WITH THE CLEANUP OPERATION AT THEIR EXPENSE. SHOULD THE OWNER FAIL TO MAINTAIN THE ROAD AS DIRECTED, THE CITY WILL HAVE THE CLEANING CARRIED OUT, AND DRAW ON THE SECURITY OF COSTS AND/OR LAY CHARGES.

T.B.M. No. 1 ELEV. = 224.09m (GEO)  
TOP OF NAIL ON SIDE OF UTILITY POLE AS SHOWN.

NO.	REVISION	DATE (MM/DD/YY)	BY

**J.H. COHOON ENGINEERING LIMITED**  
CONSULTING ENGINEERS

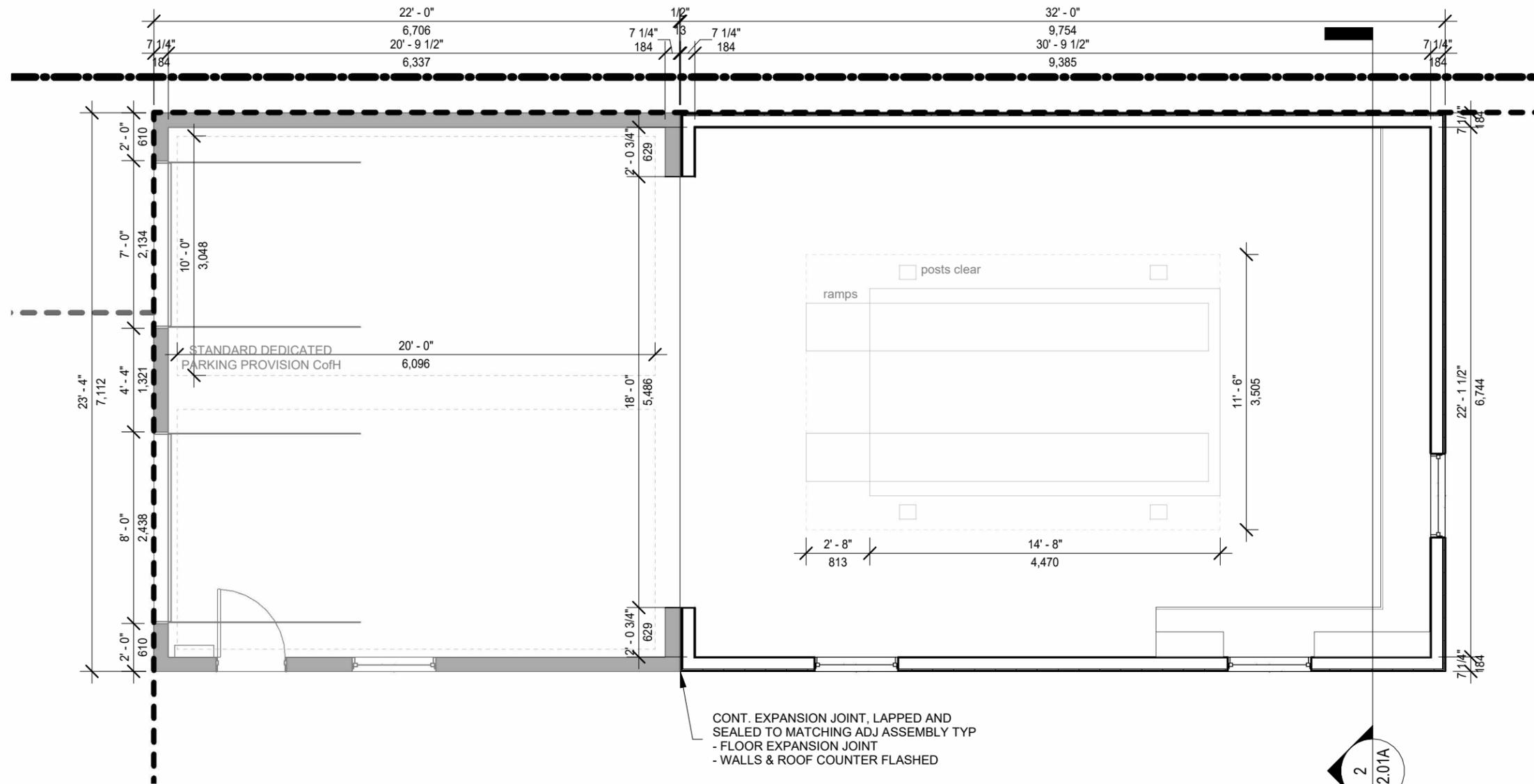
440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8  
TEL. (519) 753-2656 FAX. (519) 753-4263 www.cohooneg.com

PROJECT:  
**PROPOSED ACCESSORY BUILDING**  
65 LISTER AVENUE  
CITY OF HAMILTON

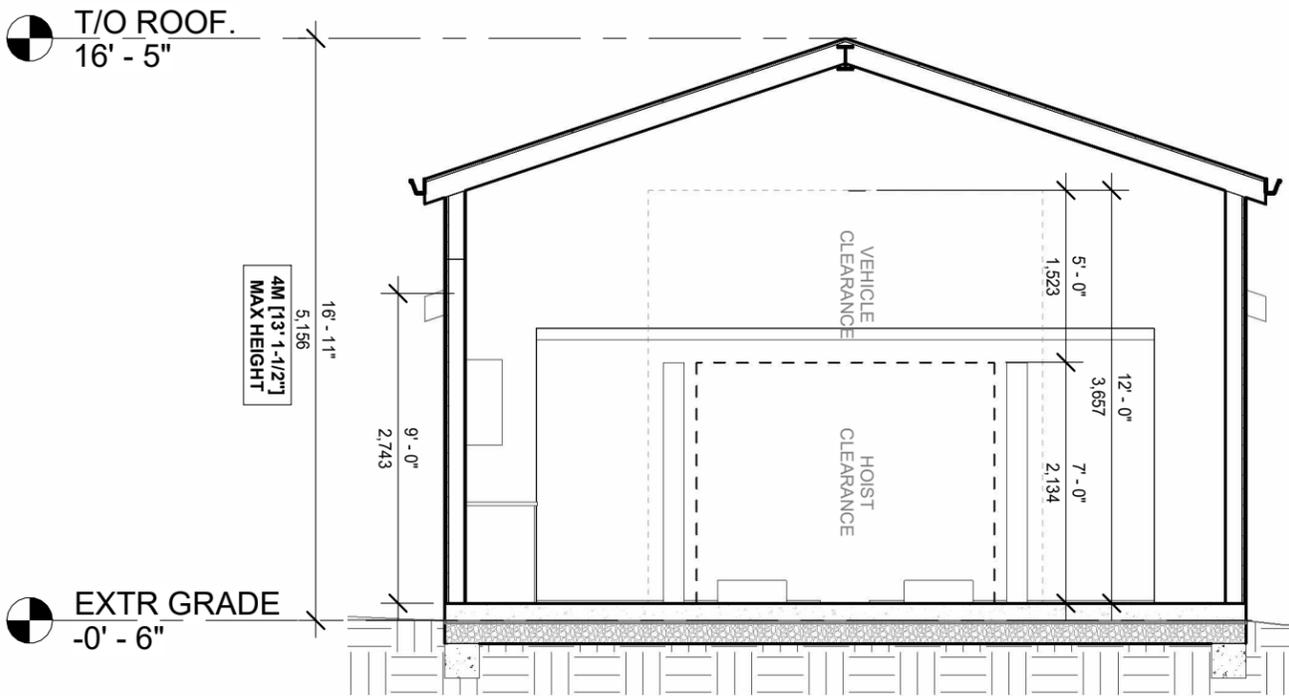
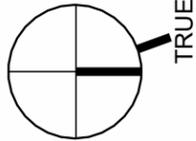
CLIENT:  
PARK EIGHT

**SITE DEVELOPMENT PLAN**

DESIGN: M.J.W.	SCALE: 1:150
DRAWN: S.L.M.	JOB No: 16617
CHECKED: M.J.W.	
SHEET: 1 of 1	DWG. No: 16617-1
DATE: JAN. 16, 2024	



1 LVL1 ACC BLDG  
3/16" = 1'-0"



2 E/W ACC BLDG SECTION  
3/16" = 1'-0"

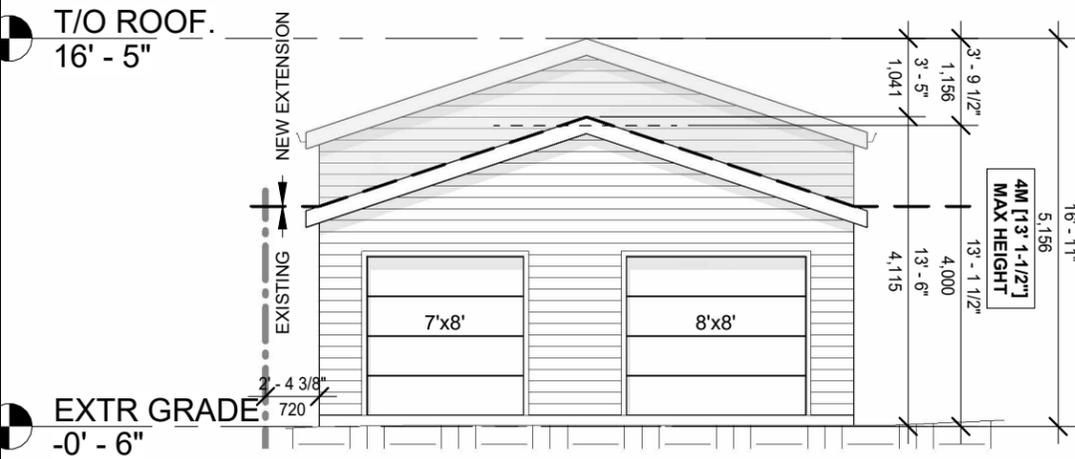


**PARK EIGHT**  
ENG // ARCH

**ACCESSORY BLDG**  
65 LISTER AVE, HAMILTON

Project No. 23053  
Revisions  
Scale 3/16" = 1'-0"  
ACCESSORY BLDG, SECTION & DETAILS  
**A2.01A**  
Sheet No. ©2021

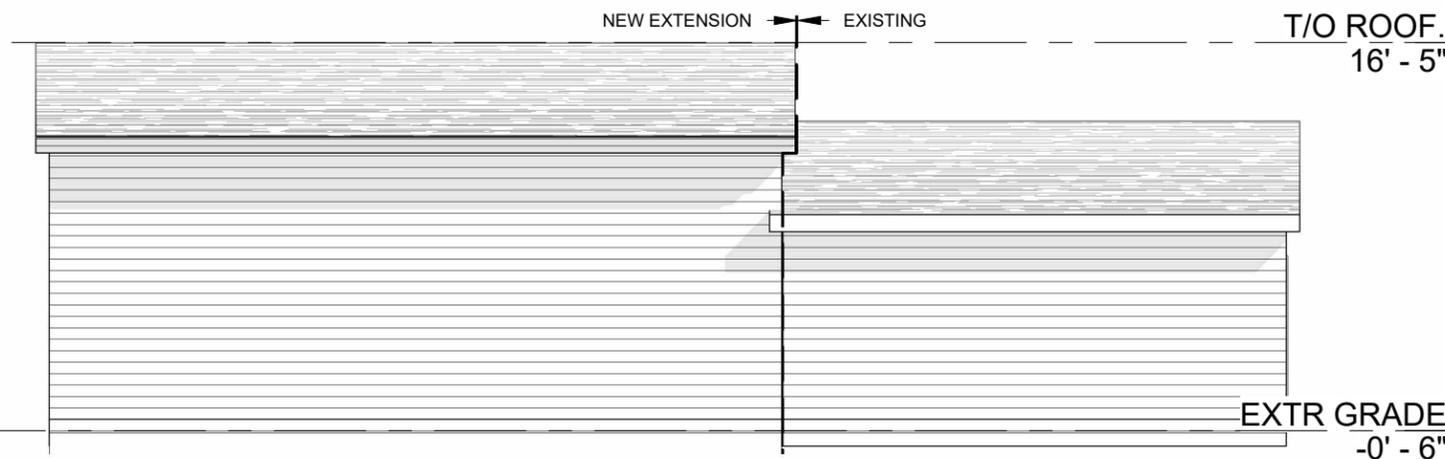
YY/MM/DD



① ACC BLDG FRONT ELEVATION  
1/8" = 1'-0"



② ACC BLDG SIDE (DRIVE) ELEVATION  
1/8" = 1'-0"



③ ACC BLDG SIDE ELEVATION  
1/8" = 1'-0"



④ ACC BLDG REAR ELEVATION1  
1/8" = 1'-0"

YY/MM/DD



ACCESSORY BLDG

65 LISTER AVE, HAMILTON

Project No. 23053

Revisions

Scale 1/8" = 1'-0"

ACCESSORY BLDG  
EXTR ELEVATIONS

**A2.02A**

Sheet No. ©2021



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME		
<b>Registered Owners(s)</b>	Paul Craig & Melanie Beach Craig		
<b>Applicant(s)</b>	Park Eight inc care of Pete VandenArend		
<b>Agent or Solicitor</b>		<b>Phone:</b>	
		<b>E-mail:</b>	

1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	65 Lister Ave, Hamilton, ON L9B 1E1		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Relief from

- accessory building max height 4m [13' 1-1/2"]

ex non-conforming 4.1m [13' 6"] Proposed 5.1m [16' 8-3/4"] Increase of 1m

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Classic car enthusiast is looking to create a rear add'n to ex accessory bldg. A 4-post hoist allows for safe and compact storage of two vehicles for minor restoration & maintenance without negating regular use of the existing garage. A hoist suitable for a hobbieist requires 12' height, standard for posts range 7-12' and 5' for vehicle

3.3 Is this an application 45(2) of the Planning Act. Req'd height 4m Ex height 4.1m Proposed 5.1m

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
30.48m	45.72m	1393.55m <sup>2</sup>	8.5m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	12.46m	24.11m	9.32 / 8.8	±1950's
Accessory Bldg	23.44m	15.54m	.55/ 22.65m	40+ years
Storage Shed Medium	36.45m	4.35m	4.75/ 21.99m	40+ years
Storage Shed Small	>36.45m	4.3m	18.57/ 9.44m	40+ years

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	unchanged			±1950's
Accessory Bldg	23.4m unchanged	5.79m	.72/ 22.65	-
Storage Shed Medium	unchanged			
Storage Shed Small	unchanged			

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	1291sf [120m <sup>2</sup> ]	2583sf [240m <sup>2</sup> ]	1	±18'-0" [5.5m]
Accessory Bldg	513sf [47.6m <sup>2</sup> ]	513sf [47.6m <sup>2</sup> ]	1	13'-6" [4.1m]
Storage Shed Medium	11.89m	-	1	±8'-0" [2.4m]
Storage Shed Small	5.95m	-	1	±8'-0" [2.4m]

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	unchanged			
Accessory Bldg	1,274sf [118.36m <sup>2</sup> ]	1,274sf [118.36m <sup>2</sup> ]	1	5.1m (4m max)
Storage Shed Medium	unchanged			
Storage Shed Small	unchanged			

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
- 

- 4.6 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)
- 

4.7 Type of access: (check appropriate box)

- provincial highway  right of way  
 municipal road, seasonally maintained  other public road  
 municipal road, maintained all year
- 

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Single detached Dwelling (unchanged)

---

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Single detached Dwellings

---

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
 2015

---

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Residential

---

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Residential

---

7.4 Length of time the existing uses of the subject property have continued:  
 60+ years

---

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): - \_\_\_\_\_

Rural Settlement Area: - \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighborhoods

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

*Proposed scope is scaled reasonably, fits within the community context without changing the use, occupancy or original charm of the home.  
 This addition promotes proud homeownership & improves usefulness for the homeowners*

7.6 What is the existing zoning of the subject land? B Suburban Agricultural and Residential

---

7.8 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:

---

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

Yes  No

If yes, please provide the file number:

---

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- √  Application Fee *Will be paid w credit card upon receipt*
- √  Site Sketch
- √  Complete Application form
- √  Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>AN/B-23:47</b>	<b>SUBJECT PROPERTY:</b>	<b>376 PHILIP PLACE, ANCASTER</b>
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**APPLICANTS:** Owner: DEREK SOHAIL and USHA, SHOPHAN & SUZEEN DANIEL  
Applicant: SADDIQUE KHAN  
Purchaser: SSMZ GROUP INC.

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwellings will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	22.24 m <sup>±</sup>	30.67 m <sup>±</sup>	663.07 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	18.45 m <sup>±</sup>	36.06 m <sup>±</sup>	604.04 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): AN/A-23:170

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:05 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**AN/B-23:47**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon **March 8, 2024**

**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, registration to participate virtually must be received no later than noon **March 11, 2024**

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:47, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided the Notice of Decision 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

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.

AN/B-23:47



 **Subject Lands**

DATED: February 22, 2024

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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.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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.

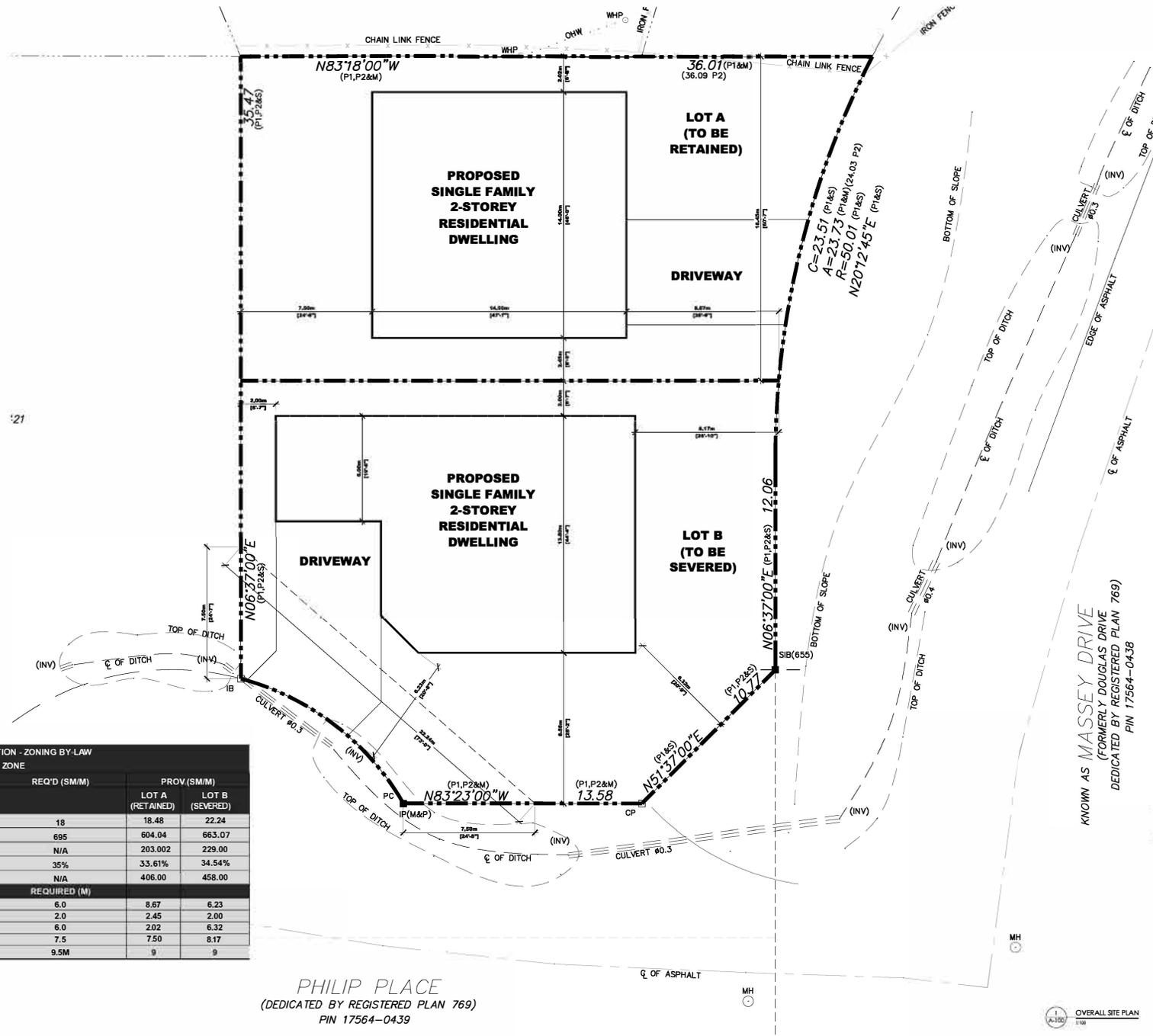
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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 INFORMATION - ZONING BY LAW  
ER ZONE

Table 13.2

	REQ'D (SM/M)	PROV. (SM/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
GROSS FLOOR AREA (SM)	N/A	406.00	458.00
SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

PHILIP PLACE  
(DEDICATED BY REGISTERED PLAN 769)  
PIN 17564-0439

**GARBAGE AND RECYCLING**  
THIS PROPERTY IS ELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE. RECYCLING IS STRONGLY ENCOURAGED. ALL WASTE TO BE STORED WITHIN THE BUILDING UNTIL REGULAR DAY OF WASTE COLLECTION. SITE SUPERINTENDENT WILL MOVE ALL GARBAGE/RECYCLABLES TO A DESIGNATED AREA ON SITE FOR PICKUP.

**LIGHTING NOTE**  
LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE HOUSING OF WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES. ALL LIGHT FIXTURES TO BE WALL MOUNTED ONLY.

**GENERAL NOTES:**  
DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED "ISSUED FOR CONSTRUCTION". VERIFY CONFIGURATIONS & DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECTURE INC IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

NO.	REV.	DESCRIPTION	DATE
1	BP	ISSUED FOR PRECONSULTATION	2024-04
	BP		2024-05



DATE: 27/03/2024 Ontario Inc.  
1447 Bruce Street, Unit 10  
Ancaster, ON L9G 3A8



PHILLIP PLACE DEVELOPMENT  
376 Philip Place, Ancaster ON  
DATE: 2024-05-17

OVERALL SITE PLAN  
DATE: 2024-05-17  
SW | BP | PRECONSULTATION-REV. 1  
DATE: 23-05-24  
DATE AS NOTED: 2024-05-17  
**A-100**

KNOWN AS MASSEY DRIVE  
(FORMERLY DOUGLAS DRIVE)  
DEDICATED BY REGISTERED PLAN 769  
PIN 17564-0439

OVERALL SITE PLAN  
DATE: 2024-05-17

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

June 25, 2023

Dear Ms. Sheffield,

**Re: 376 Philip Place, Ancaster, Consent to Sever and Minor Variance Application**

We Derek Sohail, Usha Daniel, Shophan Daniel and Suzeen Daniel are the owners of the land municipally known as 376 Philip Place Ancaster, in the City of Hamilton. Please accept the enclosed Applications for Consent to Sever and Minor Variance to facilitate the severance of the subject property. The subject lands are in the Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57.

**Important Notes: Please note that the attached site plan was already reviewed before submission of this application and supported by the City of Hamilton Zoning, Planning and Transportation planning departments. (written confirmations can be provided if required).**

**Purpose of the Application**

The purpose of the Consent Application is to sever an existing +/- 1,267.11 m<sup>2</sup> parcel with lot frontage of +36.01 m into two (2) lots. The retained lot is proposed to have a lot area of 604.04 m<sup>2</sup> and a frontage of 18.48m. The severed lot will have a lot area of 663.04 m<sup>2</sup> with 22.24m of frontage. The proposed severance is illustrated on the enclosed Severance Sketch.

A Minor Variance Application is required to bring the severed and retained parcels into conformity with the Zoning By-law. The purpose of the Minor Variance Application is to facilitate the Consent to Sever Application with the proposed variance being:

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan with this designation permitting the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicates that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The proposed severance is in keeping with the neighbourhood's residential land use and will continue to be used as such. It is our opinion the proposed application meets the general intent of the Urban Hamilton Official plan.

The subject lands are located in an Existing Residential "ER" Zone of the Former Town of Ancaster Zoning By-law 87-57. The variance being requested is to provide a decreased minimum Lot area of 663.07m<sup>2</sup> for the severed and Lot area of 604.04m<sup>2</sup> for retained lots. The intent of the zoning provision is to ensure that the built form and lot fabric are compatible with the surrounding neighbourhood. The requested variance will meet this intent as it will allow the subject lands to have frontages more similar to the properties located directly adjacent to the subject lands. The two severed lots will have lot frontages greater than the minimum requirement of 18m where the retained lot will have lot frontage of 18.48m

and the severed lot will have lot frontage of 22.24m. In addition, the proposed severance will maintain the existing and permitted use of Single Detached Dwellings and the proposal complies to all other zoning provisions. It is therefore our opinion that the proposed application meets the general purpose and intent of the Town of Ancaster Zoning Bylaw 87-57.

ZONING INFORMATION - ZONING BY LAW			
ER ZONE			
Table 13.2	REQ'D (S/M)	PROV.(S/M)	
		LOT A (RETAINED)	LOT B (SEVERED)
LOT FRONTAGE (M)	18	18.48	22.24
LOT AREA (SM)	695	604.04	663.07
BUILDING AREA (SM)	N/A	203.002	229.00
LOT COVERAGE (%)	35%	33.61%	34.54%
GROSS FLOOR AREA (SM)	N/A	406.00	458.00
SETBACKS		REQUIRED (M)	
MIN. FRONT YARD - ABUTTING STREET	6.0	8.67	6.23
MIN. SIDE YARD	2.0	2.45	2.00
MIN. FLANKAGE YARD	6.0	2.02	6.32
MIN. REAR YARD	7.5	7.50	8.17
BUILDING HEIGHT - MAXIMUM	9.5M	9	9

Lastly, as it pertains to the requested reduction in minimum flankage yard for the severed lands, we believe this to be a technical variance due to definitions of Zoning By-law No. 87-57. It should be noted that the proposed yard acts and functions as a side yard to the neighbouring 374 Phillip Place property. The proposed yard of 2.0m is consistent with the minimum side yard requirement of the Existing Residential "ER" Zone and would therefore be appropriate given the intent and function of this yard setback.

The requested variance is minor in nature as it is necessary to facilitate the Consent to Sever Application, will not result in any adverse impacts on the surrounding neighbourhood, represents an appropriate form of development, and conforms to all other zone provisions.

Based on the above, both the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the Planning Act and provides for additional housing consistent with the policy statement, appropriate and desirable for the existing neighbourhood, and the City of Hamilton.

Regards.

*Derek Sohail*

Derek Sohail

*Usha Daniel*

Usha Daniel

*Shophan*

Shophan Daniel

*Suzeen*

Suzeen Daniel

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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



Hamilton

**APPLICATION FOR CONSENT TO SEVER LAND  
 and VALIDATION OF TITLE  
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*			
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.

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

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	376 Philip Place Ancaster ON L9G 3G8		
Assessment Roll Number	14026008200		
Former Municipality	Hamilton		
Lot	185	Concession	
Registered Plan Number	769	Lot(s)	
Reference Plan Number (s)		Part(s)	

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)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s)  | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |  |

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:

---

3.4 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)

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Lot A	Lot B			
Type of Transfer	N/A	N/A			
Frontage	18.45m				
Depth	36.06m	30.67m			
Area	604.04sm	663.07sm			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	2 Storey	2 storey			
Proposed Buildings/ Structures	2 Storey Residential House to be	2 Storey Residential House to be			
Buildings/ Structures to be Removed	Yes	Yes			

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

b) 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)

c) 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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

- 5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? Existing Residential

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?  
N/A

- 5.4 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 known, provide the appropriate file number and status of the application.

- 5.5 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	N/A
<b>A land fill</b>	<input type="checkbox"/>	N/A
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	N/A
<b>A provincially significant wetland</b>	<input type="checkbox"/>	N/A
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	N/A
<b>A flood plain</b>	<input type="checkbox"/>	N/A
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	N/A
<b>An active railway line</b>	<input type="checkbox"/>	N/A
<b>A municipal or federal airport</b>	<input type="checkbox"/>	N/A

## 6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

N/A

---

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

---

6.3 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

---

6.4 How long has the applicant owned the subject land?

March. 2022

---

6.5 Does the applicant own any other land in the City?  Yes  No

If YES, describe the lands below or attach a separate page.

3 Pavel Place Hamilton

---

## 7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes  No (Provide explanation)

---

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes  No (Provide explanation)

---

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes  No (Provide explanation)

---

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes  No (Provide explanation)

The Proposal is in conformity with NEC Plan & the lands are located where proposed residential development is permitted

---

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

N/A

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**

**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

**10.3 Rural Hamilton Official Plan Designation(s)**

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 consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.7 Description of surplus dwelling lands proposed to be severed:**

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>AN/A-24:37</b>	<b>SUBJECT PROPERTY:</b>	933 HWY 52 N, ANCASTER
<b>ZONE:</b>	"A2" (Rural)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: MICHAEL MOGAVERO  
Applicant: MICHAEL MOGAVERO

The following variances are requested:

1. A minimum rear yard setback of 11.5 metres shall be permitted instead of the minimum 15.0 metre minimum rear yard setback required.

**PURPOSE & EFFECT:** To facilitate a proposed addition to an existing farm building;

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:10 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**AN/A-24:37**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than March 8, 2024

**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, registration to participate virtually must be received no later than March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-24:37, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

AN/A-24:37



DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

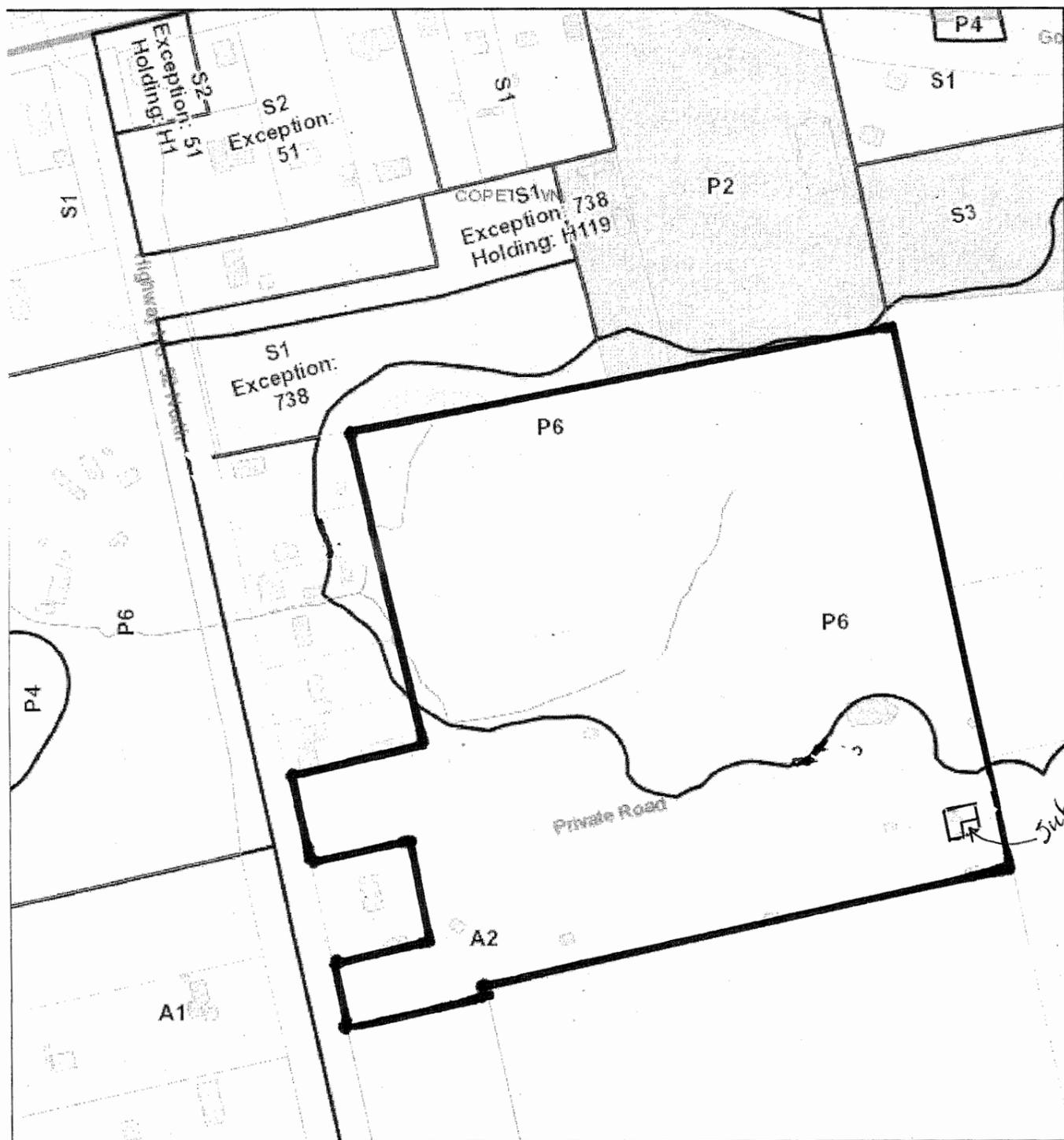
##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

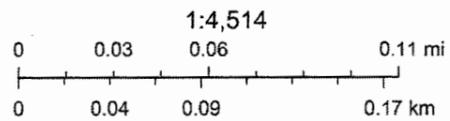
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

### Interactive Zoning



9/23/2021, 9:15:54 AM

- |                        |                                      |
|------------------------|--------------------------------------|
| Ward Boundary          | Property Parcels                     |
| Community Boundary     | Zoning Boundaries                    |
| City Boundary          | Council Approved - Zoning Boundaries |
| Rural Settlement Areas | Interim Control Bylaw Zone           |



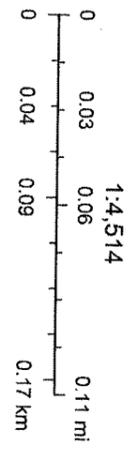
City of Hamilton, City of Hamilton - Web GIS Framework

# Interactive Zoning

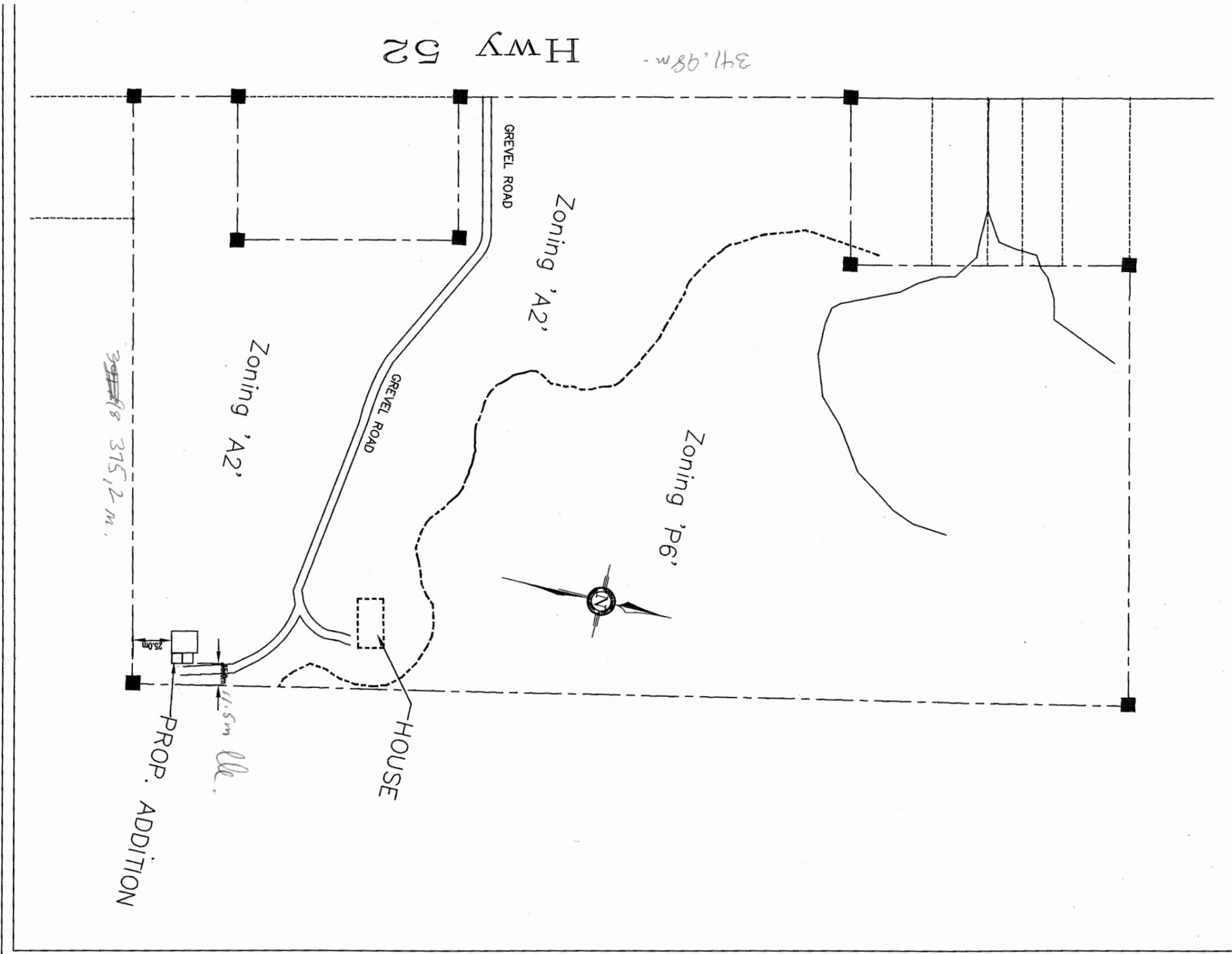


9/23/2021, 9:15:54 AM

- Ward Boundary
  - Community Boundary
  - City Boundary
  - Rural Settlement Areas
  - Property Parcels
  - Zoning Boundaries
  - Council Approved - Zoning Boundaries
  - Interim Control Bylaw Zone
- City of Hamilton, City of Hamilton - Web GIS Framework



The City of Hamilton is not liable for any damages resulting from the use of



### **3. PURPOSE OF THE APPLICATION**

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

**Additional sheets must be clearly labelled**

**All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)**

#### **3.1 Nature and extent of relief applied for:**

1. To permit porch and stairs 5'-11 1/2" [1.82m] into the required front yard whereas the zoning bylaw 4.6 of Hamilton Zoning bylaw 05-200 requires a porch, deck or canopy to encroach into any required yard to a maximum of 1.5 meters, or to a maximum of half the distance of the required yard, whichever is the lesser.
2. To permit zero parking spaces whereas the the zoning bylaw 4.34(e) of Hamilton Zoning By-law 5-200 requires 1 parking space for the fourth dwelling unit.



Hamilton

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)	Michael Mogavero	[REDACTED]
Applicant(s)	AS ABOVE	
Agent or Solicitor		

1.2 Primary contact  Owner  Applicant  Agent/Solicitor

1.3 Sign should be sent to  Owner  Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type  In person  Credit over phone\*  Cheque

\_\_\_\_\_  
 \*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	933 Highway 52 Horito.		
Assessment Roll Number	1401200420000000		
Former Municipality			
Lot	PART LOT 31	Concession	1
Registered Plan Number	RP 62R2031	Lot(s)	
Reference Plan Number (s)		Part(s)	

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**

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Reduce Rear Setback from 15m to 11.5m. TO ALLOW FARM Accessory Building

N/A  Second Dwelling Unit

Reconstruction of Existing Dwelling

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

GIVEN PRESENCE OF EXISTING - I BELIEVED THE ADDITION MET SETBACKS AND BUILT ON THAT BASIS; APPARENTLY EXISTING BUILDING DID NOT MEET SETBACK.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

**4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
341.98	375.21	11.69 HA 28.70 AC	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
BARN/GARAGE	250m	100m	100m	2000
Residence 2	340m	11.5m	25m	1970.

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
FARM BUILDING	363m	11.5m.	25m.	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
RESIDENCE				
BARN	225m.		2	12.

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
ACCESSORY FARM	605m		1	10.

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
  - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- N/A
- publicly owned and operated storm sewers
  - swales

- ditches
- other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

N/A

- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

FARM ACCESSORY BUILDING (NOT FOR LIVESTOCK)

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

AGRICULTURAL

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

2001

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

FARM

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

FARM

7.4 Length of time the existing uses of the subject property have continued:

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural

Rural Settlement Area: Co

Urban Hamilton Official Plan designation (if applicable)

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

7.6 What is the existing zoning of the subject land?

A2 / P4

7.8 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: \_\_\_\_\_

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

Yes       No

If yes, please provide the file number: \_\_\_\_\_

**8      ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: \_\_\_\_\_

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

8.3 Additional Information (please include separate sheet if needed):

**11 COMPLETE APPLICATION REQUIREMENTS**

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

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City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>DN/A-24:34</b>	<b>SUBJECT PROPERTY:</b>	42 WITHERSPOON STREET, DUNDAS
<b>ZONE:</b>	R2 (Single Detached Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Dundas 3581-86, as Amended

**APPLICANTS:** Owner: BRODER MCNEILL  
Agent: DAVID CARROTHERS  
Applicant: NIKKI FUDGE

The following variances are requested:

1. Front yard setback of 2.69 in lieu of 6.0m
2. Front yard setback to house eaves of 2.57m in lieu of 4.5m
3. Front yard setback to porch eaves of 0.54m in lieu of 4.0m
4. Rear yard setback to house of 7.11m in lieu of 7.5m
5. Left side setback to house of 1.04m in lieu of 1.2m
6. Right side setback to house of 1.44m in lieu of 3.5m
7. Right side setback to house eaves of 1.65 in lieu of 2.5m
8. Rear yard setback to shed of 0.13m in lieu of 1.0m
9. Left yard setback to shed of 0.06m in lieu of 1.0m

**PURPOSE & EFFECT:** To facilitate the construction of a single-family dwelling.

**Notes:**

**DN/A-24:34**

- i. Variances written exactly 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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

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- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

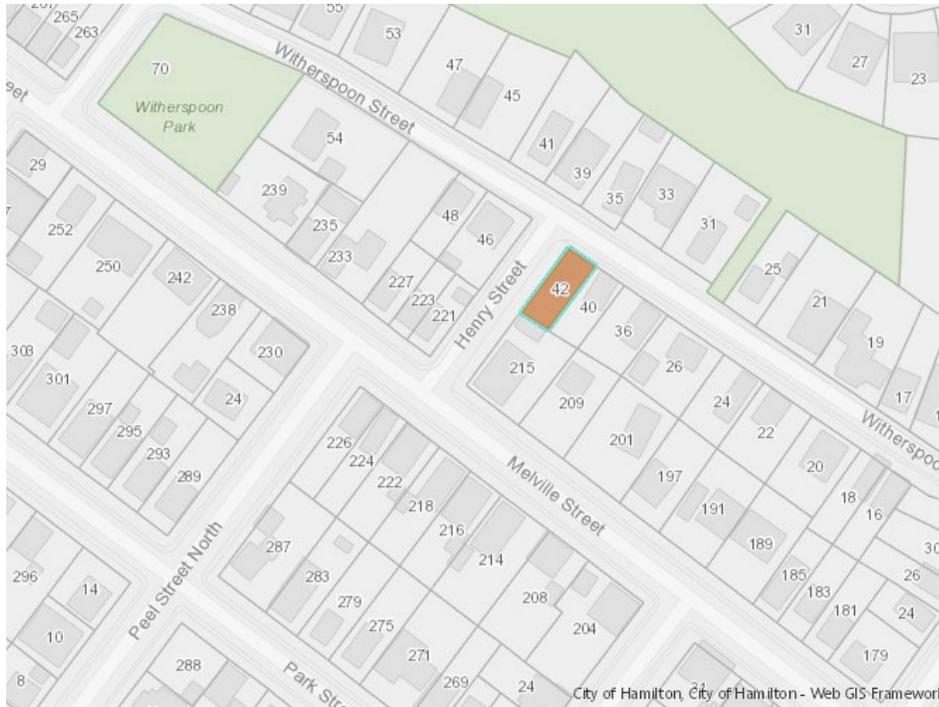
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**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding DN/A-24:34, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

DN/A-24:34



 **Subject Lands**

DATED: February 22, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

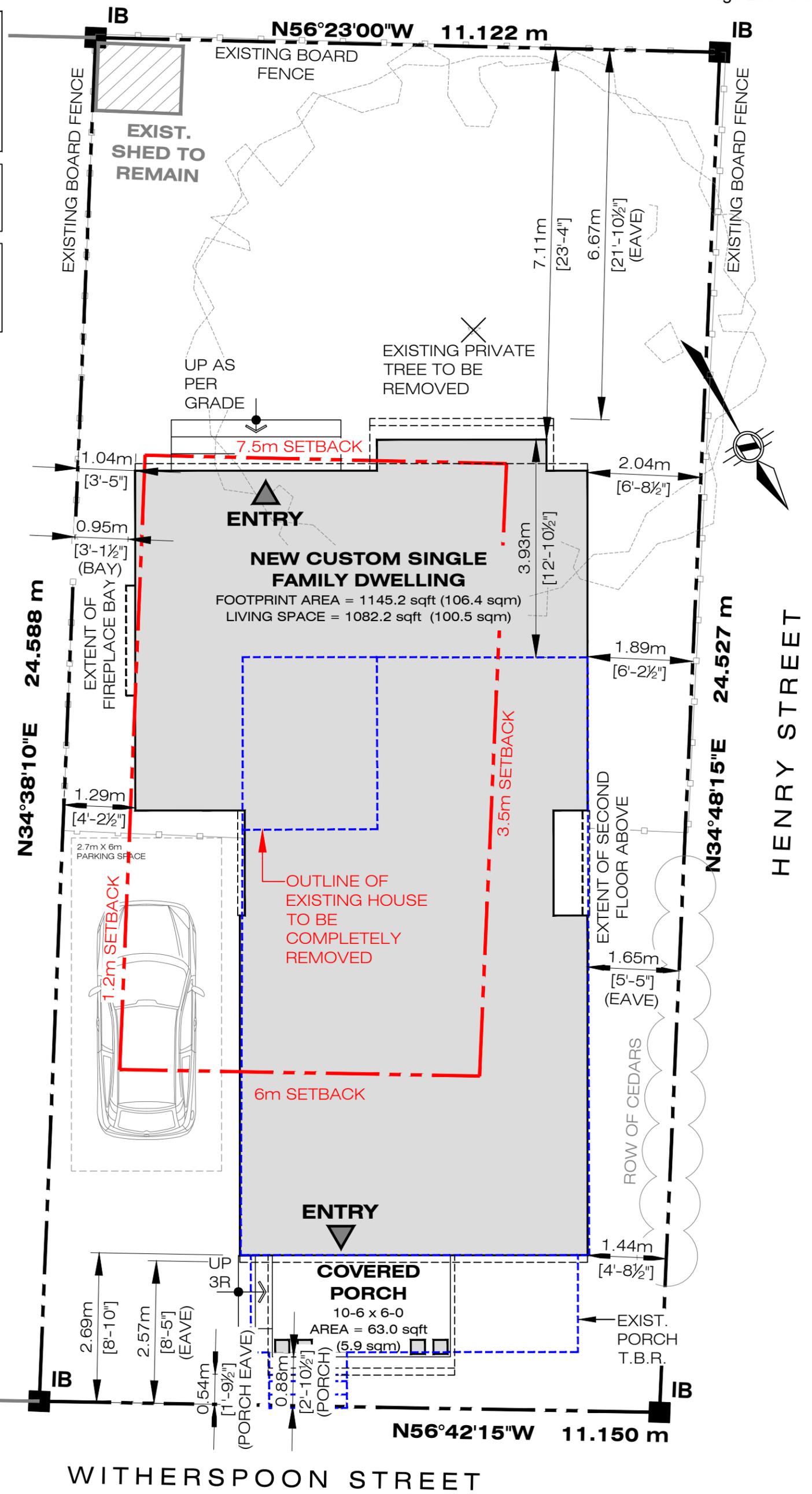
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**LEGEND**

- PROPOSED HOUSE
- EXIST. HOUSE TO BE REMOVED
- EXIST. PROPERTY LINE
- ZONING SETBACKS

TO BE USED IN CONJUNCTION WITH PLAN OF SURVEY PREPARED BY A.T. MCLAREN LIMITED LEGAL AND ENGINEERING SURVEYS, DATED MARCH 8, 2023.

**PLAN**  
SHOWING  
**LOT 50, PLAN 1474**  
IN THE  
**CITY OF HAMILTON**



ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
NEW SINGLE FAMILY  
CUSTOM HOME  
42 WITHERSPOON STREET  
DUNDAS, ONTARIO L9H 2C6

Sheet Title:  
**SITE PLAN**

No.	Date:	Issue/Revision	By:
4	FEB 07/24	ISSUED FOR C OF A	AB
3	JAN 19/24	ISSUED FOR DC REVIEW	BK
2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK
1	NOV 01/23	ISSUED FOR DC REVIEW	CD

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.:	2023-15

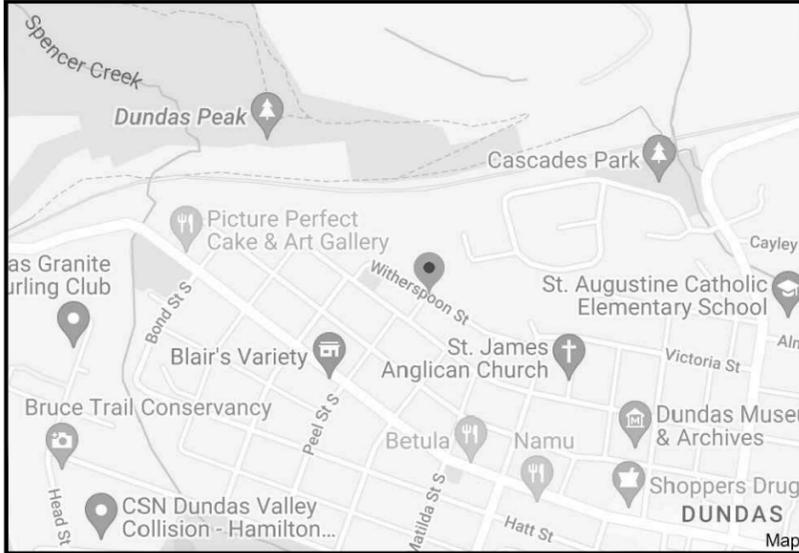
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# PRIVATE RESIDENCE

## SINGLE FAMILY CUSTOM HOME

42 WITHERSPOON STREET, DUNDAS, ONTARIO L9H 2C6

ISSUED FOR COMMITTEE OF ADJUSTMENT



LOCATION MAP:

BUILDING STATISTICS:	
TOTAL BUILDING FOOTPRINT	= 1145.2 sqft (106.4 sqm)
BASEMENT FLOOR AREA	= 1064.7 sqft (98.9 sqm)
MAIN FLOOR AREA	= 1082.2 sqft (100.5 sqm)
SECOND FLOOR AREA	= 1089.2 sqft (101.2 sqm)
TOTAL GFA	= 2171.4 sqft (201.7 sqm)
COVERED FRONT PORCH AREA	= 63.0 sqft (5.9 sqm)

ZONING AND PROPERTY STATISTICS		
ADDRESS:	25 WITHERSPOON STREET, DUNDAS, ON.	
ZONING:	R2	
	BY-LAW:	EXISTING:
MIN. LOT AREA:	450.0 m <sup>2</sup>	274.6 m <sup>2</sup> (EXIST)
MIN. LOT FRONTAGE:	15.0 m	11.15 m (EXIST)
REQUIRED PARKING SPACES:	1.0	1.0
SETBACKS		
	BY-LAW:	PROPOSED:
FRONT YARD TO HOUSE	6.0 m	**2.69 m
FRONT YARD TO HOUSE EAVES	4.5 m	**2.57 m
FRONT YARD TO PORCH (EAVES)	4.0 m	** 0.54 m
REAR YARD TO HOUSE	7.5 m	** 7.11 m
REAR YARD TO EAVES	6.0 m	6.67 m
LEFT SIDE TO HOUSE	1.2 m	** 1.04 m
RIGHT SIDE TO HOUSE	3.5 m	** 1.44 m
RIGHT SIDE TO EAVES	2.5 m	** 1.65 m
MAX HEIGHT	10.5 m	9.6 m
REAR YARD TO SHED	1.0 m	** (EXIST.) 0.13 m
LEFT YARD TO SHED	1.0 m	** (EXIST.) 0.06 m
<b>**VARIANCE REQUIRED</b>		

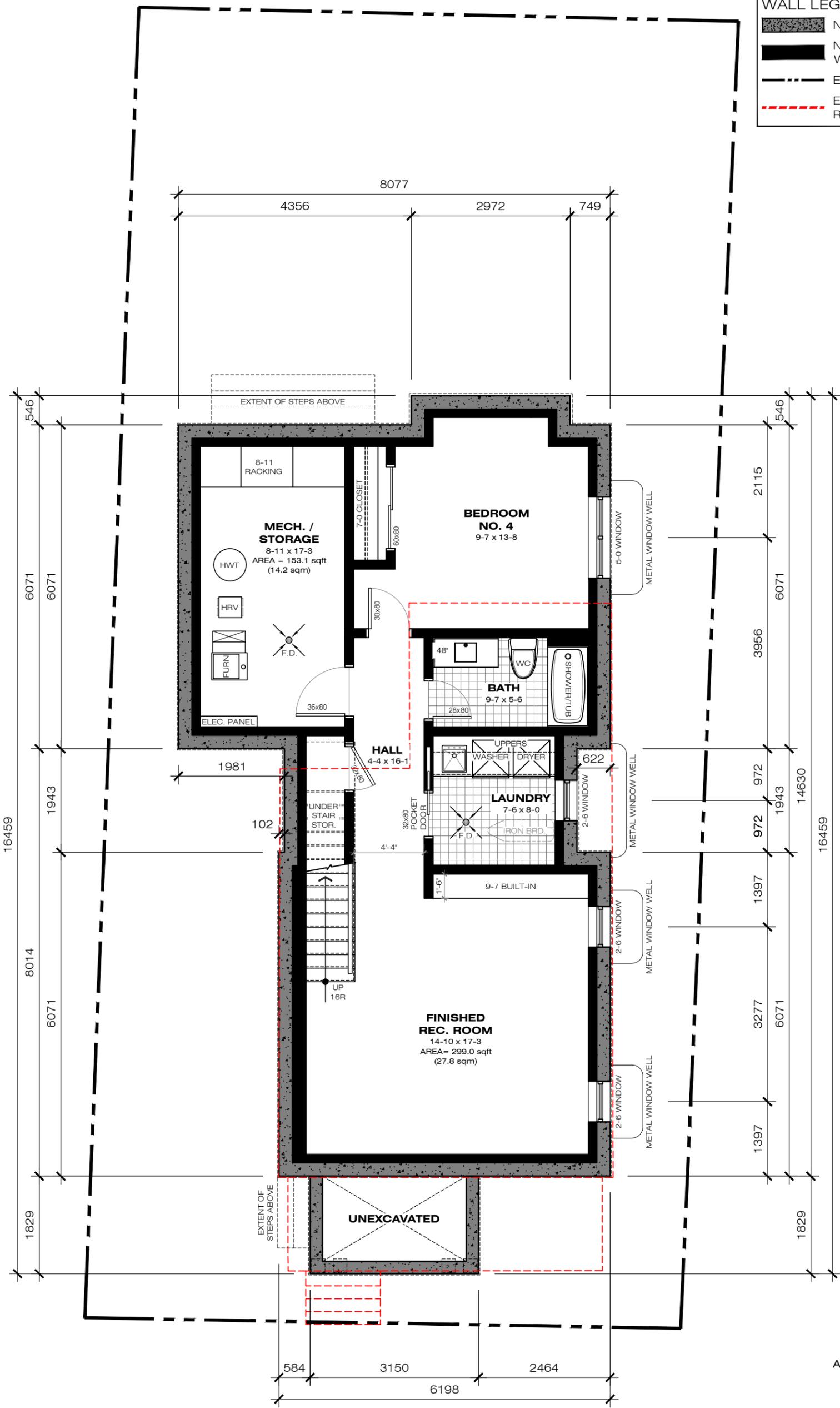


RENDERING (FOR REFERENCE ONLY):

<h1>ISSUED FOR COMMITTEE OF ADJUSTMENT</h1>	Project Name: <b>PRIVATE RESIDENCE</b> NEW SINGLE FAMILY CUSTOM HOME 42 WITHERSPOON STREET DUNDAS, ONTARIO L9H 2C6	Drawn By: NK/CD Checked By: DC Scale: N.T.S. Date: FEB 2024 Project No: 2023-15																				
	Sheet Title: COVER PAGE AND ZONING	<table border="1"> <tr> <td>No.</td> <td>Date:</td> <td>Issue/Revision</td> <td>By:</td> </tr> <tr> <td>4</td> <td>FEB 07/24</td> <td>ISSUED FOR C OF A</td> <td>AB</td> </tr> <tr> <td>3</td> <td>JAN 19/24</td> <td>ISSUED FOR DC REVIEW</td> <td>BK</td> </tr> <tr> <td>2</td> <td>NOV 02/23</td> <td>ISSUED FOR ZONING REVIEW</td> <td>NK</td> </tr> <tr> <td>1</td> <td>NOV 01/23</td> <td>ISSUED FOR DC REVIEW</td> <td>CD</td> </tr> </table>	No.	Date:	Issue/Revision	By:	4	FEB 07/24	ISSUED FOR C OF A	AB	3	JAN 19/24	ISSUED FOR DC REVIEW	BK	2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK	1	NOV 01/23	ISSUED FOR DC REVIEW	CD
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**WALL LEGEND**

-  NEW FOUNDATION WALLS
-  NEW INTERIOR / EXTERIOR WALLS
-  EXIST. PROPERTY LINE
-  EXIST. HOUSE TO BE REMOVED



**BASEMENT PLAN**  
 AREA = 1064.7 sqft (98.9 sqm)

CEILING HEIGHT = 9'-0"  
 HABITABLE ROOMS = 2

**ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY  
 CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

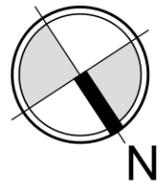
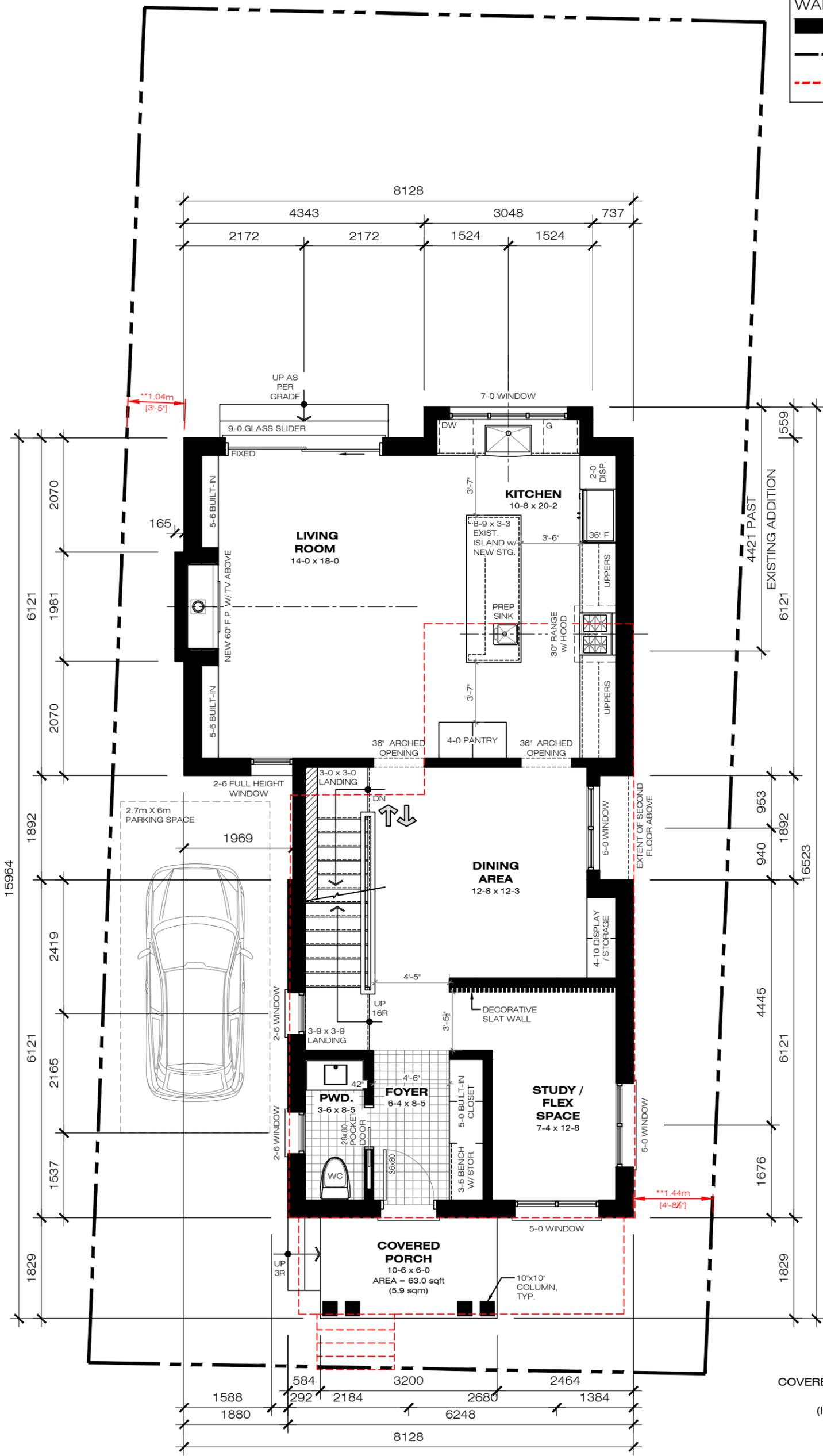
Sheet Title:  
**BASEMENT FLOOR PLAN**

No.	Date:	Issue/Revision	By:
4	FEB 07/24	ISSUED FOR C OF A	AB
3	JAN 19/24	ISSUED FOR DC REVIEW	BK
2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK
1	NOV 01/23	ISSUED FOR DC REVIEW	CD

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.:	2023-15

**A2**

WALL LEGEND	
	NEW INTERIOR / EXTERIOR WALLS
	EXIST. PROPERTY LINE
	EXIST. HOUSE TO BE REMOVED



**MAIN FLOOR PLAN**  
 AREA = 1082.2 sqft (100.5 sqm)  
 COVERED PORCH AREA = 63.0 sqft (5.9 sqm)  
 FOOTPRINT = 1145.2 sqft (106.4 sqm)  
 (INCLUDES PORCH AND DECK AREAS)  
 CEILING HEIGHT = 9'-0" UNO.  
 HABITABLE ROOMS = 4

**ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY  
 CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

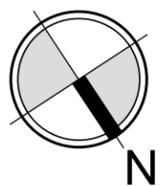
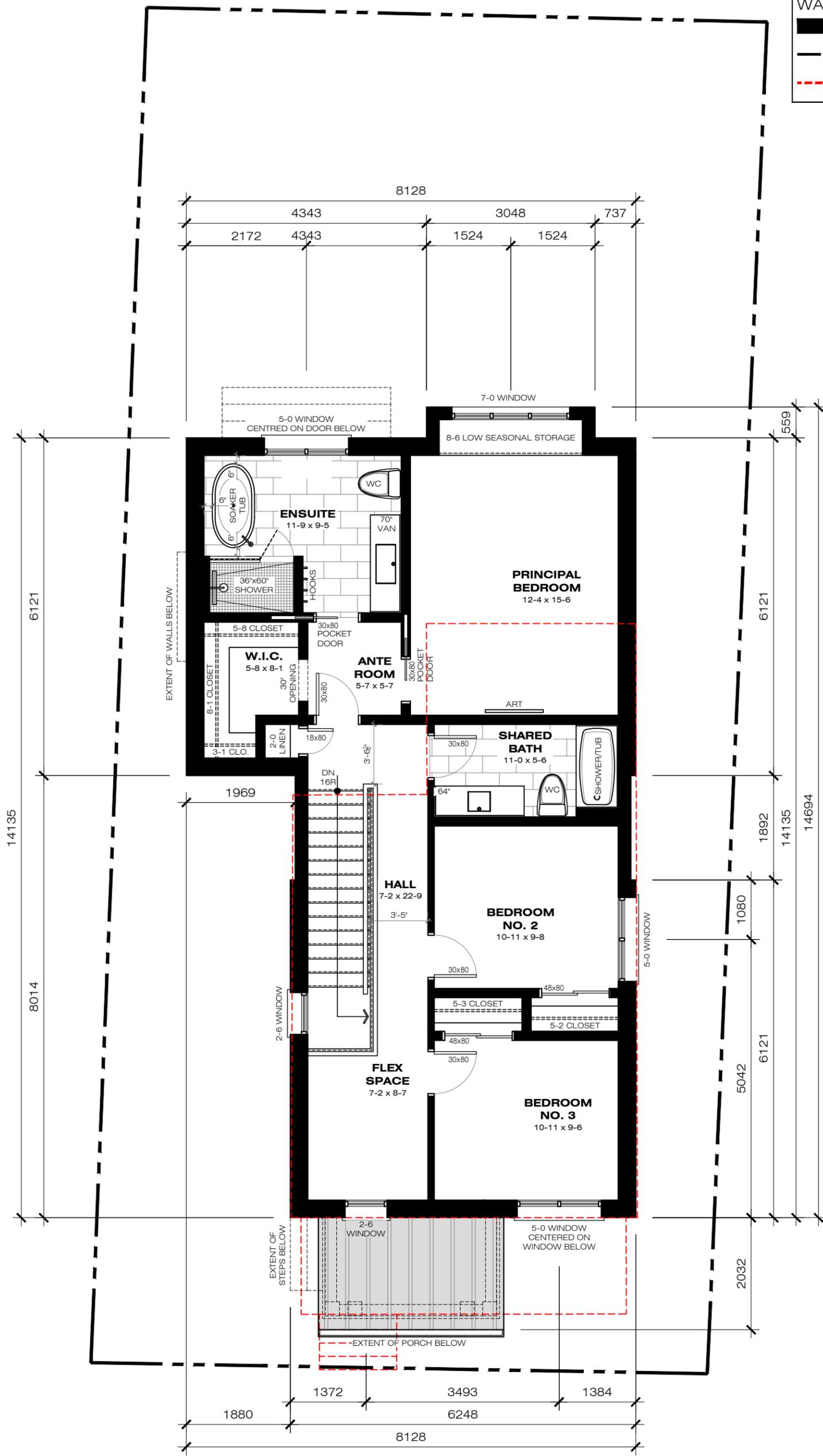
Sheet Title:  
**MAIN FLOOR PLAN**

No.	Date:	Issue/Revision	By:
4	FEB 07/24	ISSUED FOR C OF A	AB
3	JAN 19/24	ISSUED FOR DC REVIEW	BK
2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK
1	NOV 01/23	ISSUED FOR DC REVIEW	CD

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.	2023-15

**A3**

WALL LEGEND	
	NEW INTERIOR / EXTERIOR WALLS
	EXIST. PROPERTY LINE
	EXIST. HOUSE TO BE REMOVED



**SECOND FLOOR PLAN**  
 AREA = 1089.2 sqft (101.2 sqm)

CEILING HEIGHT = 8'-0"  
 HABITABLE ROOMS = 3

ISSUED FOR  
 COMMITTEE OF  
 ADJUSTMENT

Project Name:  
**PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY  
 CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

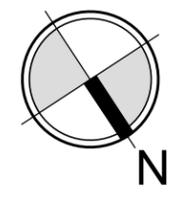
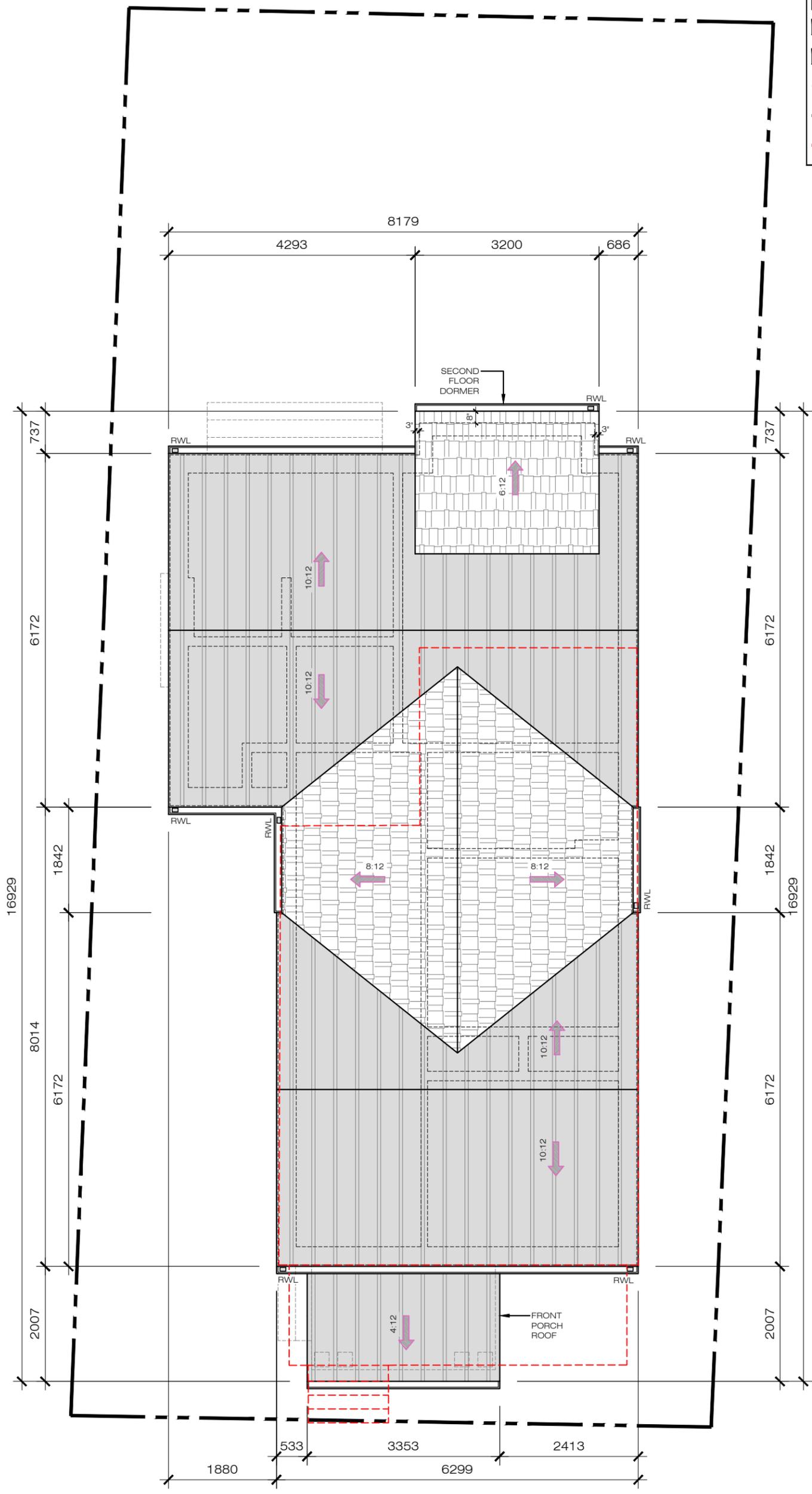
Sheet Title:  
**SECOND FLOOR PLAN**

No.	Date	Issue/Revision	By
4	FEB 07/24	ISSUED FOR C OF A	AB
3	JAN 19/24	ISSUED FOR DC REVIEW	BK
2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK
1	NOV 01/23	ISSUED FOR DC REVIEW	CD

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.:	2023-15

**A4**

ROOF LEGEND	
	NEW CEDAR SHAKE ROOF
	NEW METAL ROOF
	NEW WALLS BELOW
	EXIST. PROPERTY LINE
	EXIST. HOUSE TO BE REMOVED



**ROOF PLAN**

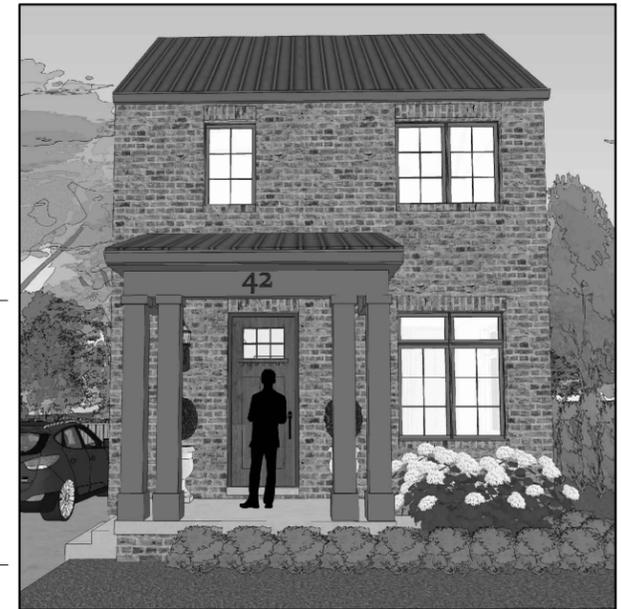
**ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY  
 CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

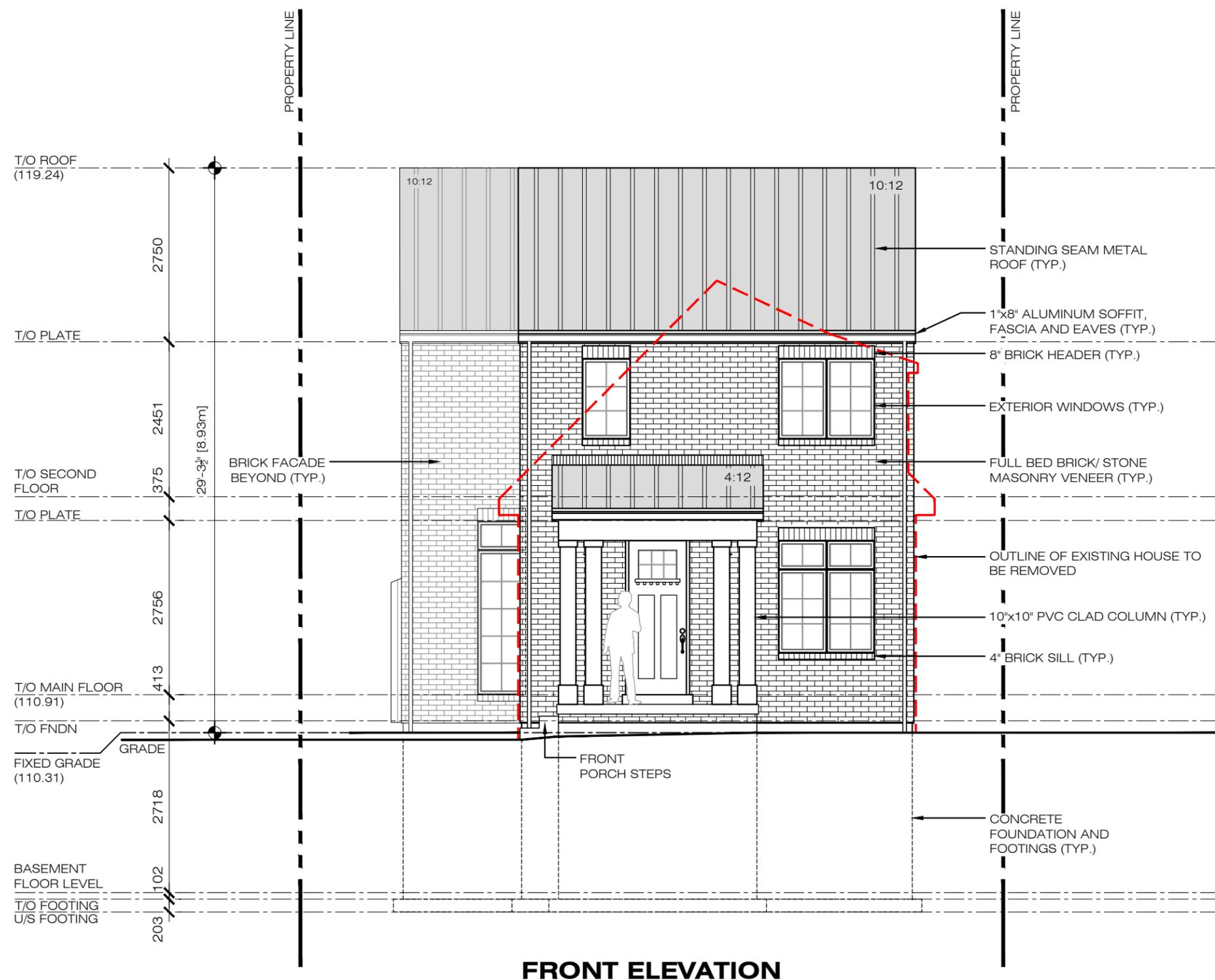
Sheet Title:  
**ROOF PLAN  
 AND LEGEND**

No.	Date:	Issue/Revision	By:
4	FEB 07/24	ISSUED FOR C OF A	AB
3	JAN 19/24	ISSUED FOR DC REVIEW	BK
2	NOV 02/23	ISSUED FOR ZONING REVIEW	NK
1	NOV 01/23	ISSUED FOR DC REVIEW	CD

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.	2023-15
<b>A5</b>	



FRONT ELEVATION (FOR REF. ONLY):



FRONT ELEVATION

ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name: PRIVATE RESIDENCE  
 NEW SINGLE FAMILY CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

Sheet Title: FRONT ELEVATION

No.	Date	Issue/Revision
4	FEB 07/24	ISSUED FOR C OF A
3	JUN 19/24	ISSUED FOR DC REVIEW
2	NOV 02/23	ISSUED FOR ZONING REVIEW
1	NOV 01/23	ISSUED FOR DC REVIEW

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.:	2023-15

A6

**ISSUED FOR COMMITTEE OF ADJUSTMENT**



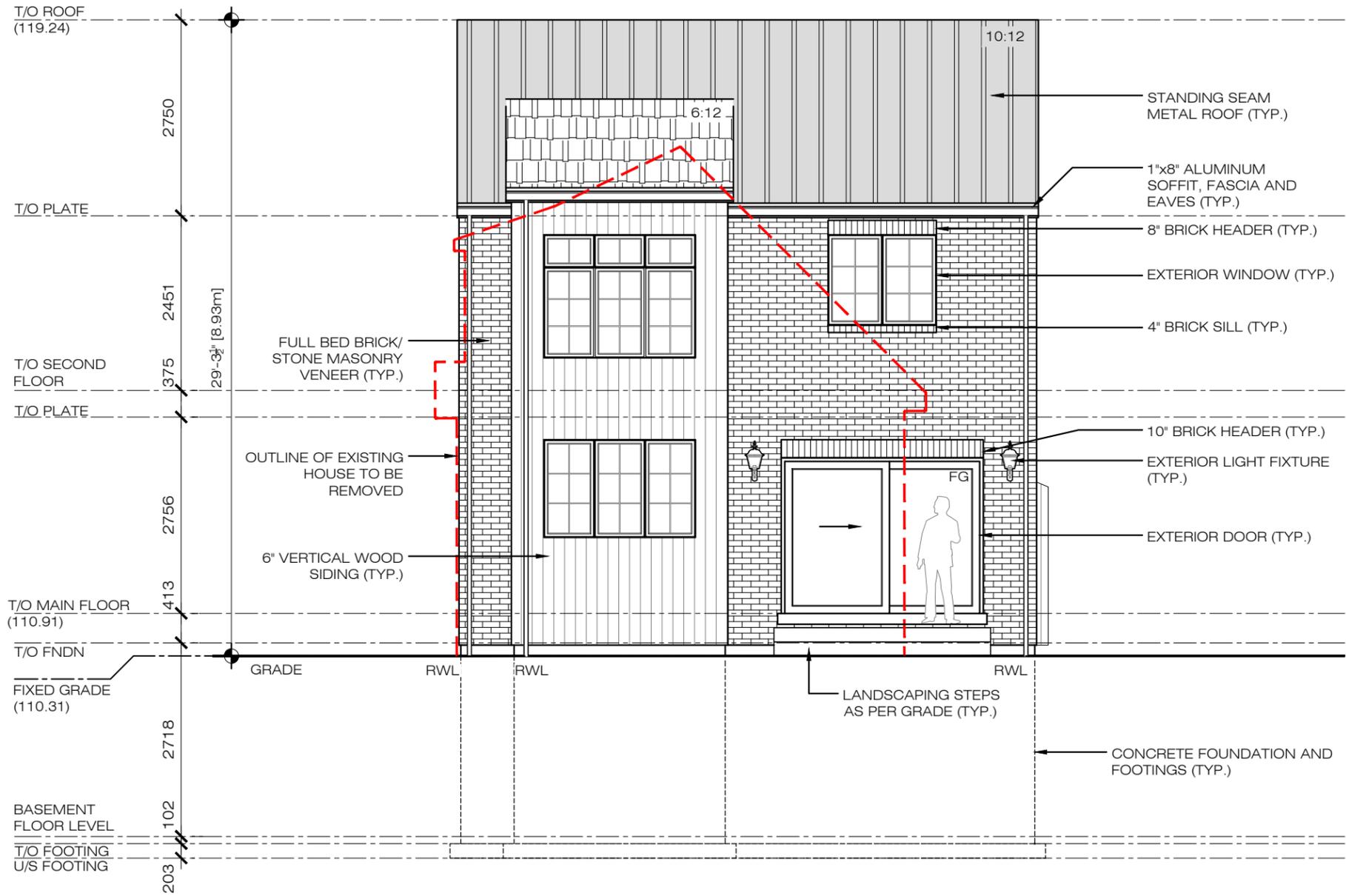
**RIGHT SIDE ELEVATION**

Project Name: **PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY CUSTOM HOME  
 42 W/HERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

No.	Date	Issue/Revision
4	FEB 07/24	ISSUED FOR C OF A
3	JUN 19/24	ISSUED FOR DC REVIEW
2	NOV 02/23	ISSUED FOR ZONING REVIEW
1	NOV 01/23	ISSUED FOR DC REVIEW

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No:	2023-15

**A7**



**REAR ELEVATION**

**ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT**

Project Name:  
**PRIVATE RESIDENCE**  
NEW SINGLE FAMILY  
CUSTOM HOME  
42 W/HERSPOON STREET  
DUNDAS, ONTARIO L9H 2C6

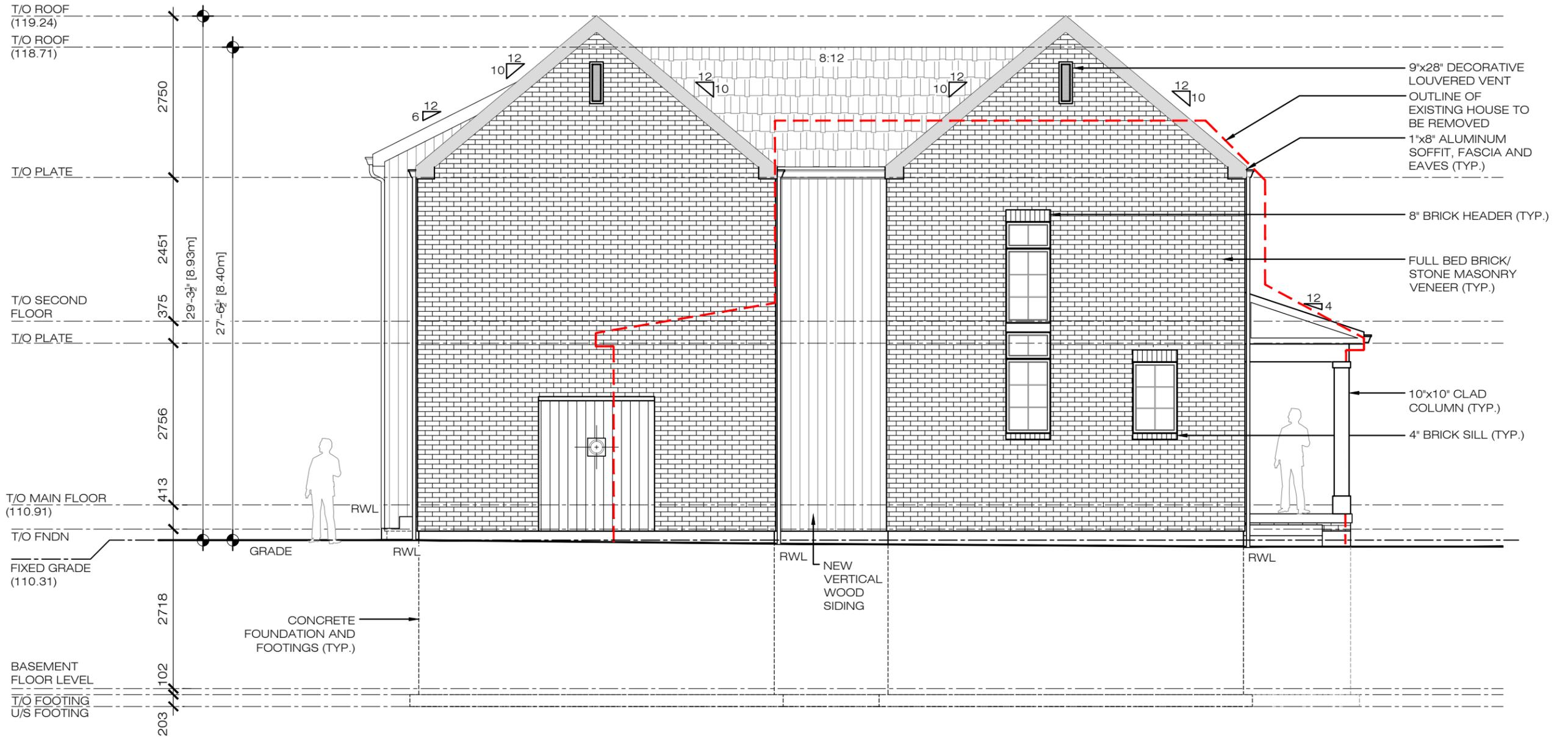
Sheet Title:  
**REAR ELEVATION**

No.	Date	Issue/Revision
4	FEB 07/24	ISSUED FOR C OF A
3	JUN 19/24	ISSUED FOR DC REVIEW
2	NOV 02/23	ISSUED FOR ZONING REVIEW
1	NOV 01/23	ISSUED FOR DC REVIEW

Drawn By: **NK/CD**  
Checked By: **DC**  
Scale: **1:75**  
Date: **FEB 2024**  
Project No: **2023-15**

**A8**

**ISSUED FOR  
COMMITTEE OF  
ADJUSTMENT**



**LEFT SIDE ELEVATION**

Project Name:  
**PRIVATE RESIDENCE**  
 NEW SINGLE FAMILY  
 CUSTOM HOME  
 42 WITHERSPOON STREET  
 DUNDAS, ONTARIO L9H 2C6

No.	Date	Issue/Revision
4	FEB 07/24	ISSUED FOR C OF A
3	JUN 19/24	ISSUED FOR DC REVIEW
2	NOV 02/23	ISSUED FOR ZONING REVIEW
1	NOV 01/23	ISSUED FOR DC REVIEW

Drawn By:	NK/CD
Checked By:	DC
Scale:	1:75
Date:	FEB 2024
Project No.:	2023-15

**A9**

To: City of Hamilton – Committee of Adjustment

Project Address: 42 Witherspoon Street, Dundas, Ontario. L9H 2C6

Date: February 06th, 2024

Carrothers and Associates Inc. are the consultants to Broder McNeil (the owner) of the lands municipally known as 42 Witherspoon Street, Dundas, Ontario. On behalf of the owner, we are pleased to provide this submission letter to address items 3.1 and 3.2 of the Minor Variance application.

### **3.1 Nature and extent of relief applied for:**

- a. Front yard setback of 2.69 in lieu of 6.0m
- b. Front yard setback to house eaves of 2.57m in lieu of 4.5m
- c. Front yard setback to porch eaves of 0.54m in lieu of 4.0m
- d. Rear yard setback to house of 7.11m in lieu of 7.5m
- e. Left side setback to house of 1.04m in lieu of 1.2m
- f. Right side setback to house of 1.44m in lieu of 3.5m
- g. Right side setback to house eaves of 1.65 in lieu of 2.5m
- h. Rear yard setback to shed of 0.13m in lieu of 1.0m
- i. Left yard setback to shed of 0.06m in lieu of 1.0m

#### **1. Why is the variance(s) minor in nature:**

The minor variances will facilitate an addition to an existing 2 storey dwelling that is consistent and compatible with the existing community-built form character and will not result in adverse impacts to the neighboring properties. The variances required represent a minor departure from what is currently permitted and what has been existing on the property over the last 80 years and there is no combination of the variances that will result in the over-building on the Subject Property to the detriment of the community, it is my opinion that the requested variances are minor in nature.

#### **2. Why are the variance(s) desirable for the appropriate use of the land?**

It is my opinion that the proposal will maintain compatibility with the surrounding area and will facilitate a new 2 storey dwelling on the property without creating any excessive additional massing impacts. The new allowable footprint is too small for any new development in the neighbourhood. Our new footprint maintains the existing right yard setback and protrudes no closer to the street. The existing driveway is maintained therefore the relief for the left side variance is only for the rear portion of the house. The front yard setbacks maintain the existing front setback of the previous house including a new front porch which promotes homeowner and neighbourhood engagement.

Overall, it is my opinion that the proposed variances have been designed to be complimentary and will provide an appropriate development that is desirable with the Subject Lands.

**3. Do the variance(s) meet the intent and purpose of the Official Plan?**

The Subject Property is located within an established residential neighbourhood and our proposal is consistent and compatible with the existing community character.

There are no natural heritage features on or adjacent to the subject property that will be adversely impacted by our proposal. There will be no variance increase in building height and the proposal is for a modest 2171.4 ft<sup>2</sup> home with an exterior vernacular that is consistent with the character of the neighborhood.

**4. Do the variance(s) meet the intent and purpose of the Zoning By-law?**

The general purpose and intent of the Zoning By-Law is to implement the policies of the Official Plan through specific permissions and regulations. The Subject Property is currently zoned "Residential (R2)" and permits a new 2 storey build but will require the following variances:

**a. Variance 1 – Front yard setback of 2.69 in lieu of 6.0m**

While the numerical values of 2.69m vs the 9.0m may not seem to meet the general Zoning intent. The additional 3.31m into the front yard will allow us to maintain the current front yard setbacks and streetscape.

**b. Variance 2 – Front yard setback to house eaves of 2.57 in lieu of 4.5m**

While the numerical values of 2.57m vs the 4.5m may not seem to meet the general Zoning intent. The additional 1.93m into the front yard will allow us to maintain the current front yard setbacks and streetscape.

**c. Variance 3 – Front yard setback to house eaves of 0.54 in lieu of 4.0m**

While the numerical values of 0.54m vs the 4.0m may not seem to meet the general Zoning intent. The additional 3.46m into the front yard will allow us to maintain the current front yard setbacks and streetscape.

**d. Variance 4 – Rear yard setback to house of 7.11m in lieu of 7.5m**

This variance is due to design and will provide a better overall building depth and living space. The minor departure from what is currently permitted.

**e. Variance 5 - Left side setback to house of 1.04m in lieu of 1.2m**

This variance is due to design and the lots irregular shape. The 0.16m is a minor departure from what is currently permitted and represents only a small portion of the house. The requested variance will provide a better overall building width and living space.

**f. Variance 5 - Right side setback to house of 1.44m in lieu of 3.5m**

While the numerical values of 1.44m vs the 3.5m may not seem to meet the general Zoning intent. The Lot line is irregular shaped and the 1.44m request is at the north east corner. The setback increases in numerical value as it moves along the entire Henry Street façade.

This requested additional 2.06m into the right yard will allow us to maintain the current setback and provide an overall building width and floor area required for the 2171ft<sup>2</sup> home.

**g. Variance 5 - Right side setback to house eaves of 1.65m in lieu of 2.5m**

While the numerical values of 1.65m vs the 2.5m may not seem to meet the general Zoning intent. The Lot line is irregular shaped and the 0.85m request is at the north east corner. The setback increases in numerical value as it moves along the entire Henry Street façade.

This requested additional 0.85m into the right yard will allow us to maintain the current setback and provide an overall building width and floor area required for the 2171ft<sup>2</sup> home.

**h. Variance 6 - Rear yard setback to shed of 0.13m in lieu of 1.0m**

This variance is to allow an existing small tool shed to remain in its current location. The house does not have a garage and the shed is essential and a prefabricated unit.

**i. Variance 7 – Left side yard setback to shed of 0.06m in lieu of 1.0m**

This variance is to allow an existing small tool shed to remain in its current location. The house does not have a garage and the shed is essential and a prefabricated unit.

**Conclusion**

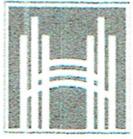
As described above, the requested variances will allow for reinvestment to occur on the Subject lands in a matter that is compatible and in keeping with the current streetscape of the neighbourhood.

The requested variances satisfy the four tests of Section 45(1) of the Planning Act and in our opinion represent good design and planning.

Regards,



David Carrothers  
Carrothers and Associates Inc.  
905.574.1504 ext. 1



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Registered Owners(s)	Broder McNeill	[REDACTED]
Applicant(s)	Nikki Fudge / Carrothers and Associates	
Agent or Solicitor	David Carrothers / Carrothers and Associates	

- 1.2 All correspondence should be sent to  Owner  Applicant  
 Agent/Solicitor
- 1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent nikki@carrothersandassociates.com
- 1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	42 Witherspoon Street, Dundas		
Assessment Roll Number			
Former Municipality			
Lot	50	Concession	
Registered Plan Number	1474	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

See attached letter

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

See attached letter

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
11.15m	24.57m	274.6 m <sup>2</sup>	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling (T.B.R.)	0.95 m	10.96 m	3.23 m + 1.39 m	± 1940
Shed	N/A	0.13 m	0.06 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	0.88 m	7.11 m	1.04 m + 1.44 m	2024

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	60.1 m <sup>2</sup>	91.6 m <sup>2</sup>	2	± 7.2 m
Shed	1.85 m <sup>2</sup>	1.85 m <sup>2</sup>	1	± 1.8 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	100.5 m <sup>2</sup>	201.7 m <sup>2</sup>	2	8.93 m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

4.6 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) \_\_\_\_\_

- 4.7 Type of access: (check appropriate box)
- provincial highway
  - municipal road, seasonally maintained
  - municipal road, maintained all year
- right of way  
 other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Single detached dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single detached dwelling

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:  
MAY 2018

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:  
+/- 80 years

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

7.6 What is the existing zoning of the subject land? R2

7.8 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:

---

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

If yes, please provide the file number:

---

7.10 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

7.11 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.

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- \_\_\_\_\_
- \_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>FL/B-24:08</b>	<b>SUBJECT PROPERTY:</b>	55 LEAVITT BOULEVARD, FLAMBOROUGH
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**APPLICANTS:** Owner: WATERDOWN MINI STORAGE INC.  
Agent: URBANSOLUTIONS PLANNING AND LAND DEVELOPMENT CONSULTANTS INC. (c/o MATT JOHNSTON)

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 63 Leavitt Boulevard, Flamborough.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	N/A m <sup>±</sup>	9.245 m <sup>±</sup>	112.11 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	66.38 m <sup>±</sup>	125.270 m <sup>±</sup>	8,065.95 m <sup>2</sup> ±

Associated Planning Act File(s): FL/B-20:54

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:20 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**FL/B-24:08**

- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon **March 8, 2024**

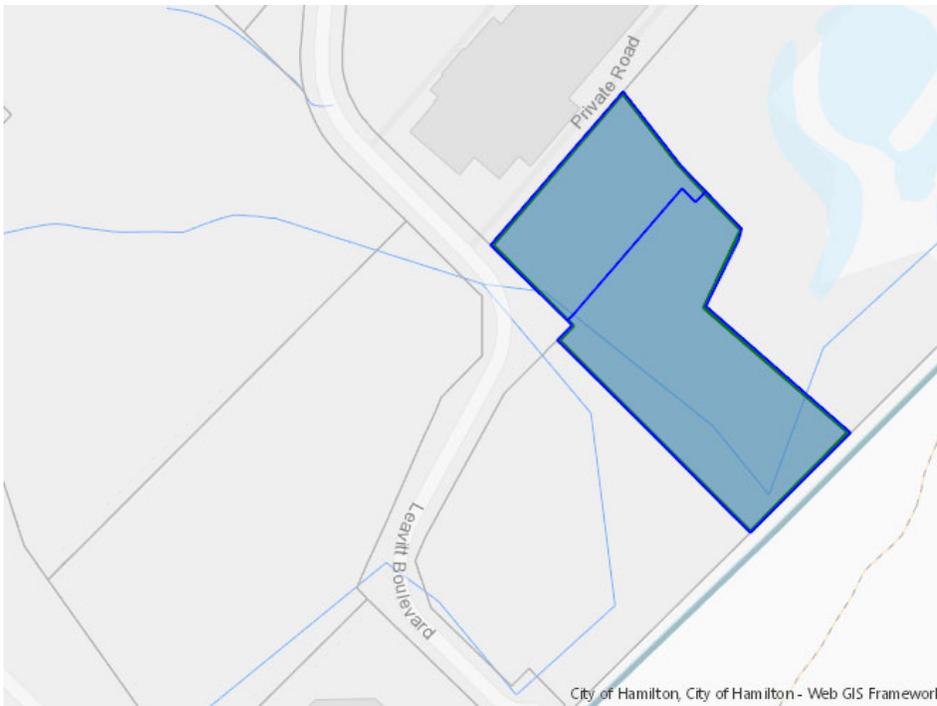
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **March 11, 2024**

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-24:08, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided the Notice of Decision 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

FL/B-24:08



 Subject Lands

DATED: February 22, 2024

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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.

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.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

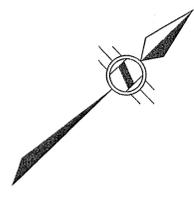
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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.

PLAN OF SURVEY OF PART OF LOT 12 CONCESSION 3 GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH IN THE CITY OF HAMILTON

SCALE 1:400 METRIC

S.D. McLAREN, O.L.S. - 2022



**SCHEDULE**

PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 12	CONCESSION 3	ALL OF PIN 17498-0718 (LT)
2			
3			
4			
5			

ALL OF PIN 17498-0794 (LT)

RECEIVED AND DEPOSITED Date Apr. 20, 2022

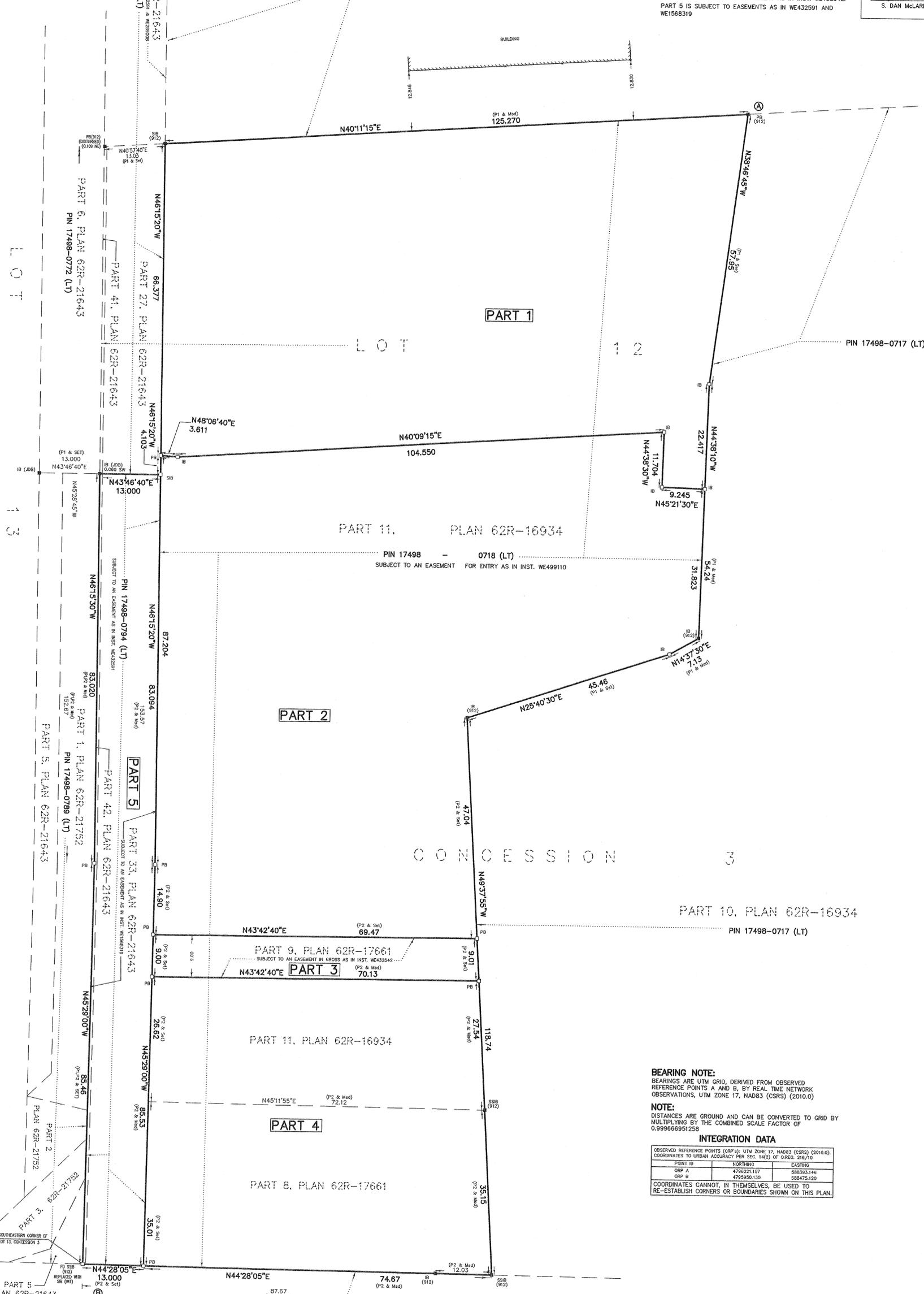
C. Adsett  
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
Date April 19, 2022

S. Dan McLaren, O.L.S.  
S. DAN McLAREN, O.L.S.

PARTS 1 TO 4, INCLUSIVE ARE SUBJECT TO AN EASEMENT FOR ENTRY AS IN INST. WE499110.  
PART 3 IS SUBJECT TO AN EASEMENT AS IN INST. WE432542.  
PART 5 IS SUBJECT TO EASEMENTS AS IN WE432591 AND WE1568319

PART 13, PLAN 62R-16934 PIN 17498-0719 (LT)



**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999968951258

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP A	478221.157	585393.146
ORP B	478221.157	585393.146

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND:**
- MONUMENT SET
  - MONUMENT FOUND
  - IRON BAR
  - PLASTIC BAR
  - CONCRETE PIN
  - C/O CROSS
  - STANDARD IRON BAR
  - SHORT STANDARD IRON BAR
  - A.T. McLAREN, O.L.S.
  - A.J. CLARKE, O.L.S.
  - J.D. BARNES LIMITED
  - ORION LONDON
  - MEASURED
  - PLAN 62R-16934
  - PLAN 62R-17661
  - PLAN 62R-21643
  - PLAN BY A.T. McLAREN DATED AUGUST 13, 2020

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

**SURVEYOR'S CERTIFICATE**  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 19<sup>TH</sup> DAY OF APRIL, 2022

April 19, 2022  
DATE

S. Dan McLaren, O.L.S.  
S. DAN McLAREN, O.L.S.

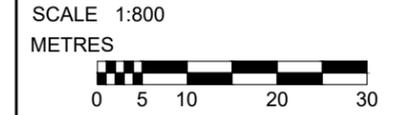
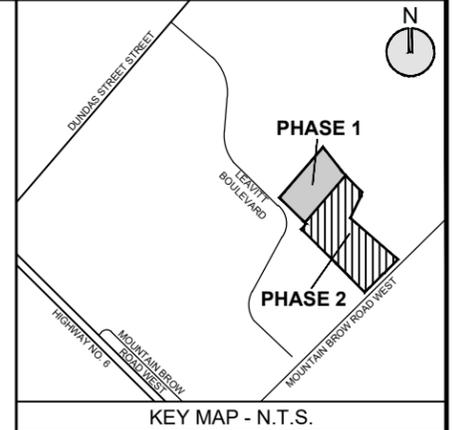
**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: J.M. Checked: R.B.M. Overlaid: D.W. Scale: 1:400. Dwg. No. 26033-R

SCALE 1:800

DEVELOPMENT STATISTICS			
ZONE: PRESTIGE BUSINESS PARK (M3) CITY OF HAMILTON ZONING BY-LAW NO. 05-200			
ITEM	REQUIRED	LANDS TO BE RETAINED	LANDS TO BE SEVERED
LOT AREA	4,000.00 m <sup>2</sup>	8,065.97 m <sup>2</sup>	112.11 m <sup>2</sup>
LOT FRONTAGE	N/A	66.38 m	N/A



- LEGEND**
- SUBJECT LANDS
  - APPROVED SEVERANCE AS PER FL/B-20:54
  - PROPOSED LOT LINE ADJUSTMENT
  - LANDS TO BE RETAINED
  - LANDS TO BE SEVERED
  - PROPOSED BUILDING
  - EXISTING BUILDINGS

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

**NOTES:**  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON      CHECKED BY: M. JOHNSTON  
DRAWN BY: S. ERICKSON      DATE: FEBRUARY 1, 2024

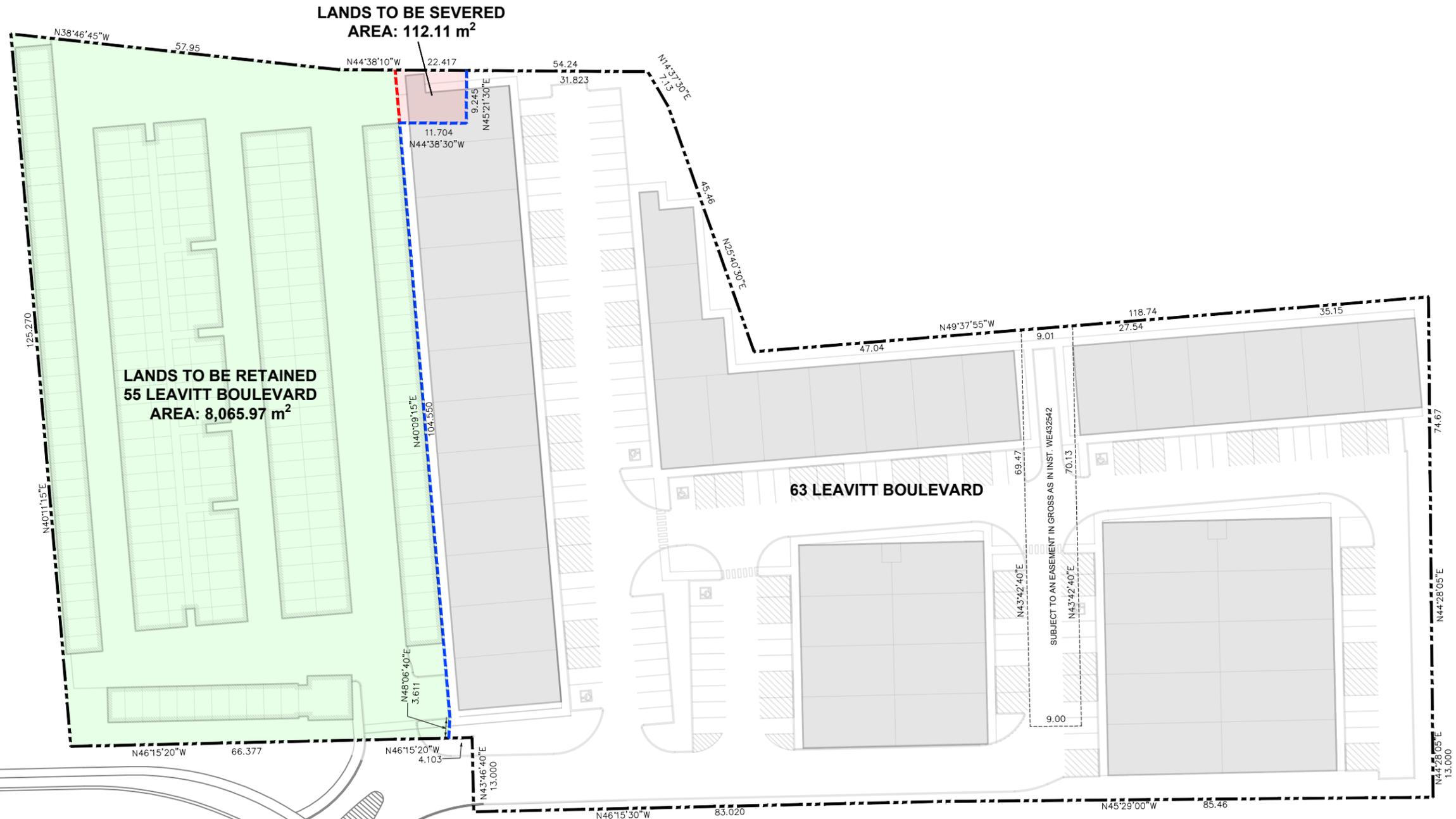
**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:  
**WATERDOWN INDUSTRIAL CONDOS**

TITLE:  
**CONSENT TO SEVER SKETCH**

U/S FILE NUMBER: 326-19      SHEET NUMBER: 1



LEAVITT BOULEVARD

520 Industrial Parkway South, Suite 201  
Aurora, ON, L4G6W8

Phone: 905-503-2563

www.nextrans.ca

**nextrans**  
CONSULTING ENGINEERS

NextEng Consulting Group Inc.

November 7, 2023

City of Hamilton – Building Department (3<sup>rd</sup> Floor)  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

**Re: Engineering Service – Vehicle Fire Route & Maneuverability Letter**  
**55 Leavitt Boulevard, City of Hamilton**  
**Our Project No. NT-23-246**

NexTrans Consulting Engineers was retained by Waterdown Mini-Storage Inc., to undertake a review of the vehicle maneuverability of a proposed development municipally addressed as 55 Leavitt Boulevard, in the City of Hamilton.

AutoTURN software was used to generate vehicular turning templates to confirm and demonstrate the accessibility of the proposed study area. The AutoTURN analysis demonstrates that a 13.1-meter aerial fire truck can effectively maneuver through the existing as constructed study area and can effectively complete a three-point turn without the need to utilize any further real estate/ land from the full length of the T-turaround area. It is to be noted that it was an oversight that the existing hammerhead is sufficient to accommodate the fire truck maneuvering. Vehicular maneuverability is demonstrated in **Figure 1**.

We trust that the enclosed sufficiently addresses your needs. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

**NEXTRANS CONSULTING ENGINEERS**

A Division of NextEng Consulting Group

Prepared by:



Kristian Aviles, B.Eng.  
Transportation Analyst

Reviewed by:



Ghansham Ramnath, P.Eng  
Project Engineer

Approved by:



Richard Pernicky, MITE  
Principal

CC Waterdown Mini storage Inc.  
UrbanSolutions c/o Laura Drennan  
S. Llewellyn & Associates c/o Brad Cassidy  
Lanhack Consultants c/o Steve Pongracz



BENCHMARK

REVISIONS

NO	REVISION	DATE	BY
1	First Submission	11/07	KA

STAMP



PROJECT NAME:  
Proposed Industrial Development  
55 Leavitt Boulevard  
City of Hamilton

DRAWING TITLE:  
AutoTURN Analysis  
Aerial Fire Truck  
NCHRP Report 659 (US)

DESIGN BY: K.A.	DATE: November 6, 2023
CHECKED BY: R.P.	PROJECT NO. NT-23-246
DRAWN BY: K.A.	DRAWING NO. Figure 1
SCALE: NTS	



February 2, 2024

326-19

**Via Email & Delivered**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 55 & 63 Leavitt Boulevard, Flamborough  
Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) have been retained by Waterdown Mini Storage Inc., the owners of the lands municipally known as 55 Leavitt Boulevard and 63 Leavitt Boulevard (formerly 54 Dundas Street East) in the former Township of Flamborough. The existing lot lines were approved through a previous severance application for the overall lands (FL/B-20:54) on August 26, 2021. These lot lines were established to facilitate a 2-phase development including a self-storage facility that is now constructed for Phase 1 and future industrial condos for Phase 2. As per conditionally approved Site Plan SPA-21-094.

The purpose of this application is to facilitate a lot-line adjustment of the property line between 55 Leavitt Boulevard (lands to be retained) and 63 Leavitt Boulevard (lands to be severed). This application will align the property boundaries with the now-constructed Phase 1 of the self-storage facility on 55 Leavitt Boulevard and will support a future Phase 2 industrial development at 63 Leavitt Boulevard. The purpose of this lot line adjustment is to correct the lands previously miscalculated by the original designer for manoeuvring purposes. However, this was assumed as it was completed without a qualified transportation engineer. Since then, through analysis from NexTrans Transportation Engineers, it has been confirmed that these turning movements are not warranted. Please find enclosed Engineering Transportation Vehicle Fire Route & Maneuverability Letter demonstrating this.

The lands to be retained are comprised of 'Part 1' of Registered Plan 62R-21875, and the lands to be severed are comprised of part of Part 1 of Registered Plan 62R-21875. This will result in a lot area of 8,065.97 m<sup>2</sup> for the lands to be retained, and a lot area of 112.11 m<sup>2</sup> for the lands to be severed. The lands to be severed will be added to Part 2 of 62R-21875 also known as 63 Leavitt Boulevard. To assist in the evaluation of the application, please refer to the enclosed Consent to Sever Sketch.

UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O., 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands.

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

- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Consent to Sever Sketch, prepared by UrbanSolutions;
- One (1) copy of the Engineering Transportation Vehicle Fire Route & Maneuverability Letter prepared by NexTrans Consulting Engineers;
- One (1) copy of the Deposited Reference Plan 62R-21875; and,
- One (1) cheque in the amount of **\$3,360.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

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

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Laura Drennan, BA, CPT  
*Planning Technician*

Cc: Waterdown Mini Storage Inc. (via email)  
Mr. Patrick McIlhhone, Gowling WLG (via email)



Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR CONSENT TO SEVER LAND  
 and VALIDATION OF TITLE  
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME
<b>Purchaser*</b>	n/a
<b>Registered Owners(s)</b>	Waterdown Mini Storage Inc.
<b>Applicant(s)**</b>	Same as Owner
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)

\*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.

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

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent n/a

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	55 & 63 Leavitt Boulevard		
Assessment Roll Number			
Former Municipality	Flamborough		
Lot	Part of Lot 12	Concession	3
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

INST. WE499110; INST. WE432542; INST. WE1568319; and INST. WE432591

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot(s)   | <input type="checkbox"/> concurrent new lot(s) |
| <input checked="" type="checkbox"/> addition to a lot   | <input type="checkbox"/> a lease               |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |  |

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

Lands to be added with Part 2 of Plan 62R-21875. Please see enclosed Plan 62R-21875.

3.3 If a lot addition, identify the lands to which the parcel will be added:

See enclosed Consent to Sever sketch 63 Leavitt Boulevard3.4 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)

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of subject land: Please also refer to enclosed Consent to Sever Sketch

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	<del>Parcel 2</del>	<del>Parcel 3*</del>	<del>Parcel 4*</del>
--	-------------------------	----------	---------------------	----------------------	----------------------

Identified on Sketch as:	Lands to be Retained	Lands to be Severed			
Type of Transfer	N/A	Lot Addition			
Frontage	66.38 m	N/A			
Depth	125.270 m	9.245 m			
Area	8,065.95 sq.m.	112.11 sq.m.			
Existing Use	Industrial	Industrial			
Proposed Use	Industrial	Industrial			
Existing Buildings/ Structures	Self-Storage Warehouse Buildings	Vacant			
Proposed Buildings/ Structures	n/a	n/a			
Buildings/ Structures to be Removed	n/a	n/a			

\* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

b) 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)

c) 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): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Business Park

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

Please refer to enclosed Cover Letter.

- 5.2 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 known, provide the appropriate file number and status of the application.

n/a +

- 5.3 What is the existing zoning of the subject land? Prestige Business Park (M3) Zone in the City of Hamilton  
Zoning By-law No. 05-200.

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

n/a

- 5.4 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 known, provide the appropriate file number and status of the application.

n/a

- 5.5 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input checked="" type="checkbox"/>	<i>Om</i>
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

**6 HISTORY OF THE SUBJECT LAND**

6.1 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, provide the appropriate application file number and the decision made on the application.

FL/B-20:54 - Approved

---

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

n/a

---

6.3 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.

Please see FL/B-20:54

---

6.4 How long has the applicant owned the subject land?

Unknown

---

6.5 Does the applicant own any other land in the City?       Yes       No  
If YES, describe the lands below or attach a separate page.

n/a

---

**7 PROVINCIAL POLICY**

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes       No      (Provide explanation)

Please refer to enclosed Cover Letter.

---

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes       No      (Provide explanation)

Please refer to enclosed Cover Letter.

---

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes       No      (Provide explanation)

Please refer to enclosed Cover Letter.

---

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes       No      (Provide explanation)

Yes - Designated "Urban Area" in Niagara Escarpment Plan.

---

7.5 Are the subject lands subject to the Parkway Belt West Plan?  
 Yes       No      (Provide explanation)

n/a

7.6 Are the subject lands subject to the Greenbelt Plan?  
 Yes       No      (Provide explanation)

n/a

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?  
 Yes       No      (Provide explanation)

n/a

### **8 ADDITIONAL INFORMATION - VALIDATION**

8.1 Did the previous owner retain any interest in the subject land?  
 Yes       No      (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?  
 Yes       No      (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

### **9 ADDITIONAL INFORMATION - CANCELLATION**

9.1 Did the previous owner retain any interest in the subject land?  
 Yes       No      (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?  
 Yes       No      (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

10.6 Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- \_\_\_\_\_
- \_\_\_\_\_



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>FL/A-24:25</b>	<b>SUBJECT PROPERTY:</b>	8 ORCHARD DRIVE, FLAMBOROUGH
<b>ZONE:</b>	"R1-6" (Urban Residential (Single Detached))	<b>ZONING BY-LAW:</b>	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

**APPLICANTS:** Owner: MATT AND ERICA GARTNER  
Applicant: MATT AND ERICA GARTNER

The following variances are requested:

1. A maximum lot coverage of 18.61% shall be permitted instead of the permitted maximum lot coverage of 15%.

**PURPOSE & EFFECT:** To Permit the construction of a two (2) storey front yard addition to an existing single detached dwelling.

**Notes:**

1. All fencing shall be in accordance with Section 5.6 in the Flamborough Zoning By-law 90-145-Z.
2. A new attached garage is proposed with the front yard addition. Insufficient information was provided to determine zoning compliance for proposed parking. Additional variances may be required if compliance cannot be achieved.
3. Insufficient information was provided to determine zoning compliance for yard encroachments. Additional variances may be required if compliance cannot be achieved.
4. Insufficient information was provided to determine zoning compliance for the maximum floor space. Additional Variances may be required if zoning conformity cannot be achieved.
5. Please be advised it appears the proposed minimum side yard setback does not further aggravate the existing setback condition. However, a dimension was not provided from the proposed front yard addition to the interior side lot line, additional variances may be required if compliance cannot be achieved.

**FL/A-24:25**

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:25 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-24:25, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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FL/A-24:25



DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)**PARTICIPATION PROCEDURES****Written Submissions**

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**Oral Submissions**

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**1. Virtual Oral Submissions**

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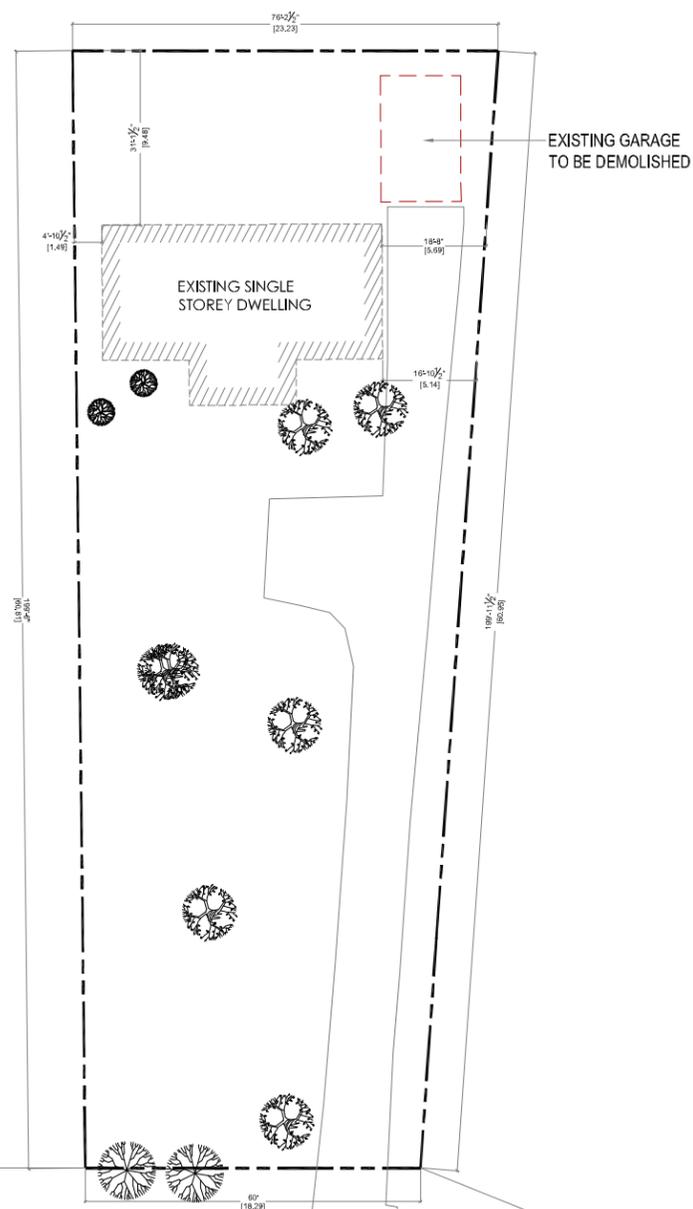
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**2. In person Oral Submissions**

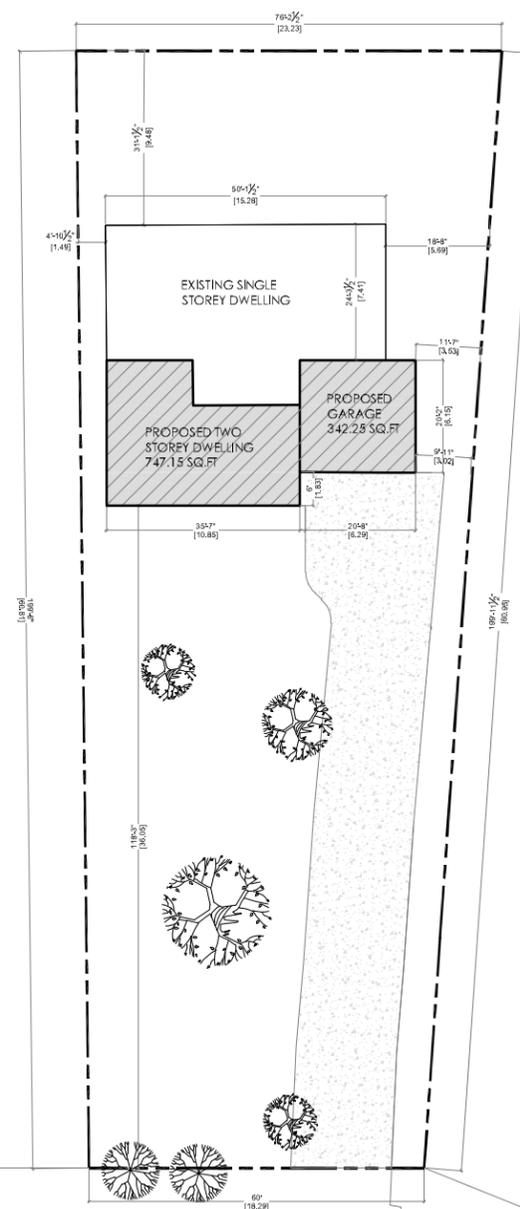
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**A1.2 EXISTING PLAN**  
SCALE: 1/32" = 1'-0"



**LOT AREA : 13586.83 SQ.FT**  
**EXISTING HOUSE : 1366.60 SQ.FT**

**NEW ADDITION : 1161.78 SQ.FT**  
**TOTAL AREA : 1366.60+1161.78 = 2528.38 SQ.FT**  
**LOT COVERAGE = 2528.38 / 13586.83 = 18.61%**  
**MINOR VARIANCE REQUIRED = 18.61 - 15 = 3.61%**

**EXISTING ROOF HEIGHT: TOP OF THE ROOF = 13'0" FROM GRADE LVL**  
**PROPOSED TOP OF THE ROOF FROM GRADE LVL = 26'6"**

**A1.2 PROPOSED PLAN**  
SCALE: 1/32" = 1'-0"

No	Date	Revision

IT IS THE RESPONSIBILITY OF THE APPROPRIATE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ALL ERRORS AND OR OMISSIONS TO THE DESIGNERS.

ALL CONTRACTORS MUST COMPLY WITH ALL PERTINENT ONTARIO BUILDING CODES AND BY-LAWS.

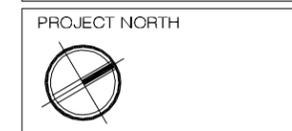
DO NOT SCALE DRAWINGS.

THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION UNTIL SIGNED.

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**KINESIS DESIGN INC**  
 ARCHITECTURE. INTERIORS  
 45-2 CLAY BRICK COURT,  
 BRAMPTON, ON. L6V 4M7  
 647.880.5654  
 kinesisdesigninc@gmail.com



PROJECT  
**PROPOSED HOUSE ADDITION AT**  
 8 ORCHARD DRIVE,  
 WATERDOWN, ON.

DRAWING TITLE  
**PROPOSED PLANS**

SCALE 1/32" = 1'-0"	DATE 01/14/24
DRAWN DK	SHEET NO A1.2



Hamilton

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

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION  
 UNDER SECTION 45 OF THE PLANNING ACT**

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	MATT GARTNER ERICA GARTNER
Applicant(s)	MATT GARTNER ERICA GARTNER
Agent or Solicitor	

	E-mail:
--	---------

1.2 Primary contact  Applicant  Owner  Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type  In person  Credit over phone\*  Cheque

[REDACTED] \*Must provide number above

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	8 ORCHARD DRIVE, WATERDOWN ON L8B 0G2		
Assessment Roll Number	2518303330136000000		
Former Municipality	FLAMBOROUGH		
Lot	23	Concession	
Registered Plan Number	894	Lot(s)	23
Reference Plan Number (s)	62R5485	Part(s)	2

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

INCREASE LOT COVERAGE PERCENTAGE FOR EXPANSION OF EXISTING STRUCTURE

 Second Dwelling Unit Reconstruction of Existing Dwelling

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

CONSTRAINED BY DIMENSIONS AND CURRENT LOT COVERAGE PERCENTAGE

3.3 Is this an application 45(2) of the Planning Act.

 Yes No

If yes, please provide an explanation:

**4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
60	200	0.32 ACRES	12 M

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
SINGLE FAMILY DWELL	43.99	9.48	1.49 & 5.14	01/01/1952

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
EXPANSION / ADDITION	36.05	9.48	1.49 & 3.02	N/A

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
SINGLE DWELLING	1333	1333	1	ROOF LINE

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
EXPANSION / ADDITION	1089.40	1836.55	2	ROOF LINE

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

- 4.6 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) \_\_\_\_\_
- 4.7 Type of access: (check appropriate box)
- provincial highway  right of way
- municipal road, seasonally maintained  other public road
- municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

SINGLE DETACHED FAMILY DWELLING

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

RESIDENTIAL, RETAIL

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

PURCHASE - JUNE 17, 2022

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

SINGLE DETACHED FAMILY DWELLING

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

SINGLE DETACHED FAMILY DWELLING

7.4 Length of time the existing uses of the subject property have continued:

SINCE 1952 ONWARDS

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) NEIGHBOURHOOD

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

PROPOSING RESIDENTIAL USE IN NEIGHBOURHOOD

7.6 What is the existing zoning of the subject land? R1-6

7.8 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: \_\_\_\_\_

---

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

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

EXPANSION/ADDITION OF HOME FOR SINGLE FAMILY DWELLING USE

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>GL/A-24:23</b>	<b>SUBJECT PROPERTY:</b>	3530 UPPER JAMES STREET, GLANBROOK
<b>ZONE:</b>	"C6" (District Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 2784320 ONTARIO INC. C.O MOHAMMED GHADDAR  
Agent: T. JOHNS CONSULTING GROUP LTD.(JOE GRAVINA)

The following variances are requested:

1. The width of the ground floor building façade shall be a minimum 16% of the measurement of all lot lines abutting a street whereas the by-law requires the width of the ground floor façade to be greater than or equal to 50% of the measurement of all lot lines which abut a street.

**PURPOSE & EFFECT:** To permit the construction of a new commercial development in accordance with Site Plan Control Application DA-23-062.

**Notes:**

- i. This variance is necessary in order to permit the construction of the proposed development in two separate phases.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
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**GL/A-24:23**

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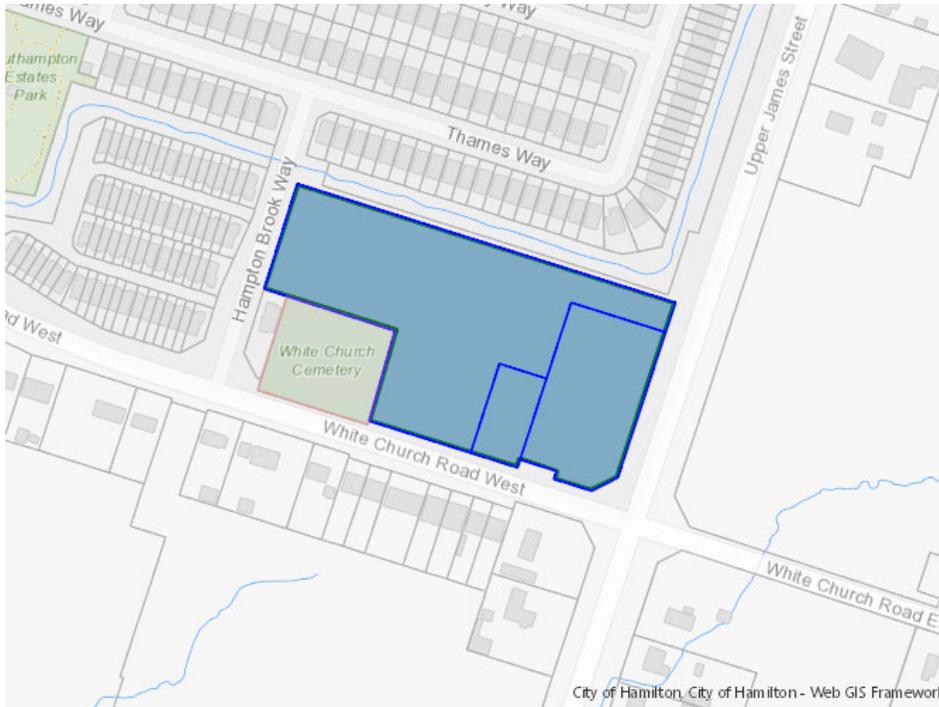
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GL/A-24:23



 Subject Lands

DATED: February 22, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### PARTICIPATION PROCEDURES

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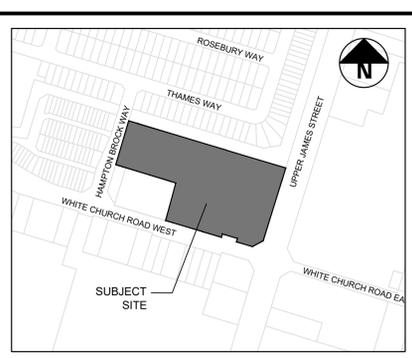
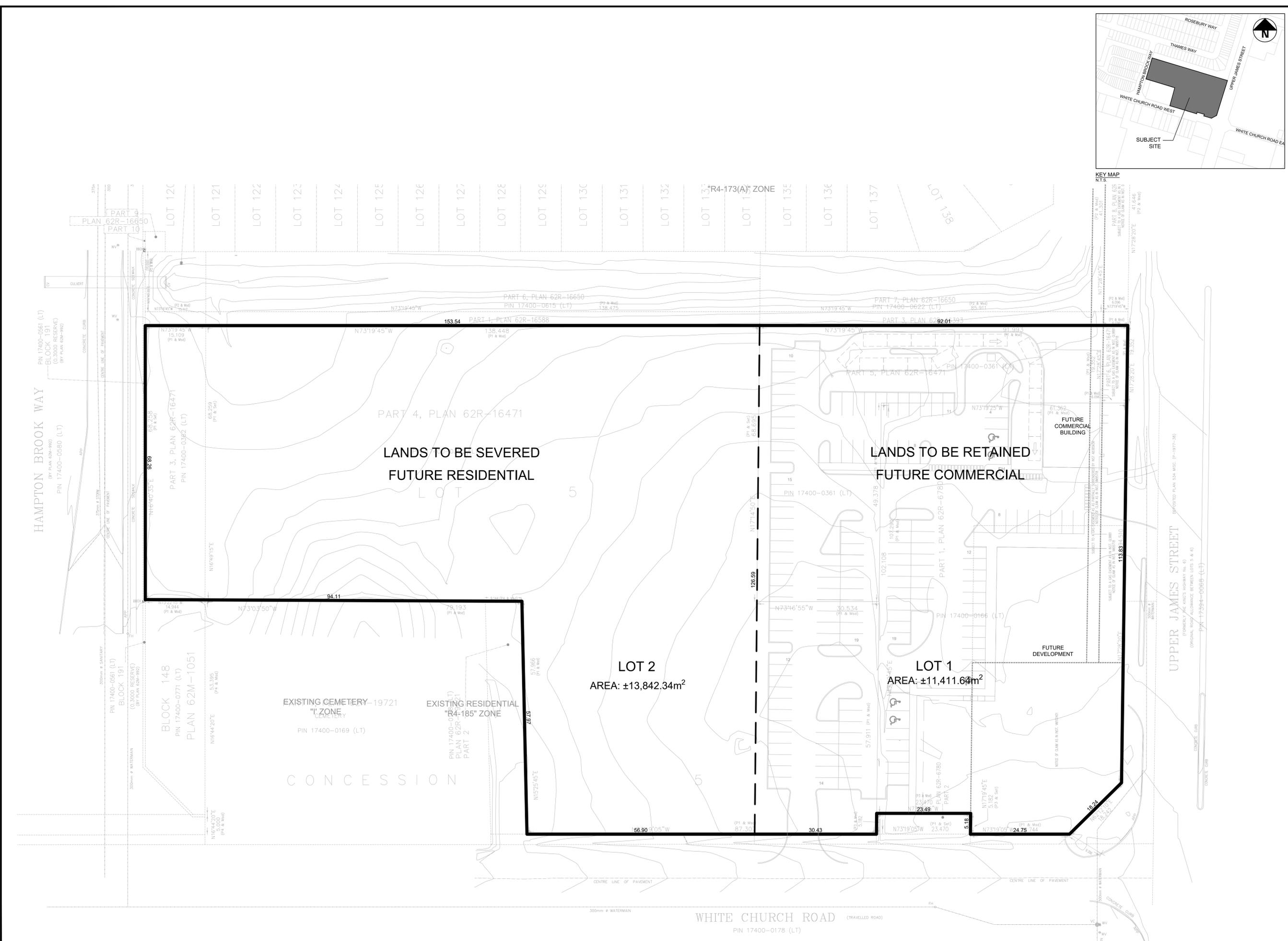
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**LEGAL DESCRIPTION**

PART OF  
**LOT 5**  
**CONCESSION 5**  
 GEOGRAPHIC  
**TOWNSHIP OF GLANFORD**  
 IN THE  
**CITY OF HAMILTON**

**LEGEND**

— SUBJECT PROPERTY LINE  
 - - - PROPOSED PROPERTY LINE

**NOTE:**

- DIMENSIONS ARE SHOWN IN METERS.
- FINAL LOT AREA AND FRONTAGE TO BE DETERMINED VIA FINAL SURVEY PLAN.
- DIMENSIONS SHOWN ARE BASED ON A SURVEY CONDUCTED IN 2021 BY A.T. MCLAREN LTD.
- THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

**REVISIONS**

REV.	DESCRIPTION	DATE	INIT.
A	REVIEW	20-DEC-2023	HN
A	REVIEW	11-DEC-2023	JS

**DISCLAIMER**

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ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

**T. JOHNS CONSULTING GROUP**  
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT

310 LIMERIDGE ROAD WEST, SUITE 6 HAMILTON ONTARIO, L9C 2V2 P 905-574-1993 F 905-527-9559

**PROJECT TITLE**

**3530 UPPER JAMES STREET**

GLANBROOK, ONTARIO

**DRAWING TITLE**

**CONSENT SKETCH**

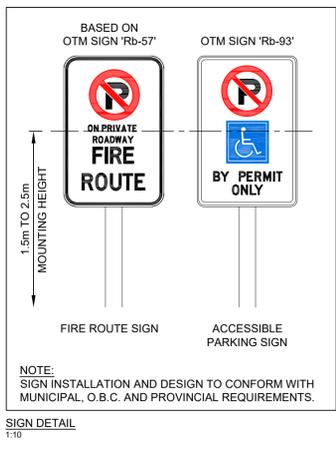
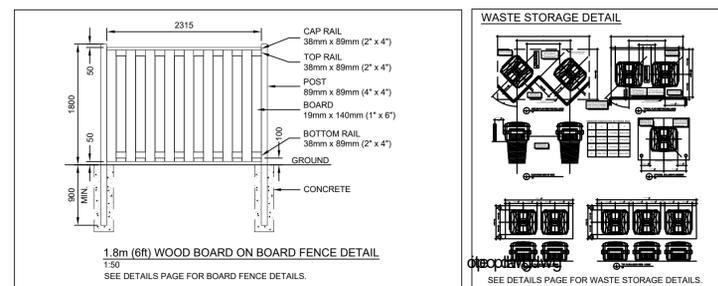
<b>DRAWN BY</b> JS	<b>DESIGNED BY</b> JS
<b>PRINT DATE</b> 20-DEC-2023	<b>PROJECT NUMBER</b>
<b>REVISION</b> A	<b>DRAWING NUMBER</b> CS1-1
<b>SCALE</b> 1:400	

**UNDERTAKING**  
 RE: 3530 UPPER JAMES STREET  
 FILE NO. DA-23-062  
 (I) (WE) THE OWNERS OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION, TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL, AS SET OUT IN THE LETTER OF APPROVAL, DATED [DATE], TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL, AS SET OUT IN THE LETTER OF APPROVAL, DATED [DATE].  
 (II) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS.  
 (III) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED [DATE] THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.  
 (IV) TO DISPLAY THE MUNICIPAL NUMBER OR FULL ADDRESS ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.  
 (V) SHOULD THE PROPOSED SITE PLAN IMPACT UNION GAS SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE ACCORDING TO THE NEW PROPERTY BOUNDARIES. ANY SERVICE RELOCATION REQUIRED WOULD BE AT THE COST OF THE PROPERTY OWNER.  
 (VI) TO INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:  
 1. THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.  
 2. THAT THE DEVELOPERS/OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX LOCATIONS PRIOR TO THE CLOSING OF ANY HOME SALES.  
 (VII) CANADA POSTS MULTI-UNIT POLICY, WHICH REQUIRES THAT THE OWNER/DEVELOPER PROVIDE THE CENTRALIZED MAIL FACILITY (LOCK BOX ASSEMBLY) AT THEIR OWN EXPENSE (LESS THAN 100 UNITS WILL REQUIRE A FRONT LOADING LOCK BOX ASSEMBLY & MORE THAN 100 UNITS WILL REQUIRE A REAR LOADING LOCK BOX ASSEMBLY) WHICH WILL REQUIRE A MAIL ROOM) WILL BE IN AFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INTERIOR OR SHELTERED SPACE.  
 (VIII) THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY ANY EASEMENT(S) AS DEEMED NECESSARY BY BELL CANADA TO SERVICE THIS NEW DEVELOPMENT. THE OWNER FURTHER AGREES AND ACKNOWLEDGES TO CONVEY SUCH EASEMENTS AT NO COST TO BELL CANADA.  
 (IX) THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES WHERE A CURRENT AND VALID EASEMENT EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COST.  
 (X) THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER OR FULL ADDRESS TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.  
 (XI) EMBROIDE GAS INC. DOES HAVE SERVICE LINES RUNNING WITHIN THE AREA WHICH MAY OR MAY NOT BE AFFECTED BY THE PROPOSED SITE PLAN. SHOULD THE PROPOSED SITE PLAN IMPACT THESE SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE ACCORDING TO THE NEW PROPERTY BOUNDARIES. ANY SERVICE RELOCATION REQUIRED WOULD BE AT THE COST OF THE OWNER.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023  
 WITNESS (SIGNATURE) \_\_\_\_\_ OWNER(S) (SIGNATURE) \_\_\_\_\_  
 ADDRESS OF WITNESS \_\_\_\_\_

- SITE PLAN NOTES:**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
  - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
    - BUILDING PERMIT
    - SEWER AND WATER PERMIT
    - ROAD CUT PERMITS
    - RELOCATION OF SERVICES
    - APPROACH APPROVAL PERMITS
    - ENCROACHMENT AGREEMENTS (IF REQUIRED)
    - COMMITTEE OF ADJUSTMENT
  - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
    - 7.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET.
  - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
  - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
  - ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY'S FENCE BY-LAW NO. 10-142.
  - THE SITE HAS BEEN DEEMED ELIGIBLE FOR MUNICIPAL WASTE COLLECTION AS PROPOSED AS DIRECTED BY THE PLANNING COMMITTEE.
  - THE STORAGE OF SNOW SHOULD BE ACCOMMODATED WITHIN THE SITE, WHERE AND WHEN THERE IS INSUFFICIENT ON-SITE SNOW STORAGE. ALL SNOW CLEARED FROM HARD SURFACED AREAS MUST BE REMOVED FROM THE SITE AND IS THE SOLE RESPONSIBILITY OF THE OWNERS/TENANTS.
  - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% OF MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
  - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOG AT THE OWNERS EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
  - CALL BEFORE YOU DIG, ARRANGE FOR UNDERGROUND HYDRO CABLE LOCATE(S) AND GAS PIPELINES BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL AT 1-800-400-2255.

- FIRE ROUTE NOTES:**
- THE FIRE ROUTE PATH OF TRAVEL CALCULATIONS ARE IN ACCORDANCE WITH O.B.C. REGULATIONS 3.2.5.5.
    - NO MAIN ENTRANCE IS MORE THAN 90m FROM A FIRE HYDRANT.
    - PRINCIPAL ENTRANCES ARE BETWEEN 3m AND 15m FROM FIRE ACCESS ROUTE.
    - FIRE ROUTE WIDTH IS 6m.
    - FIRE ROUTE RADIUS IS 12m.
    - FIRE ROUTE HEIGHT CLEARANCE IS 5m.
  - FIRE ROUTE SIGNS ARE TO BE FASTENED TO ALL PROPOSED STREET LIGHT POLES (SL) IN ACCORDANCE WITH CITY OF HAMILTON STANDARDS AND O.B.C. REGULATIONS. PLACEMENT IS BETWEEN 15m AND 45m o/c AS REQUIRED.



**COMMERCIAL SITE STATISTICS:**

SITE AREA	1.14ha (2.82ac)
SITE AREA AFTER R.O.W. WIDENING	1.05ha (2.61ac)
BUILDING AREA	414m <sup>2</sup> (4,456ft <sup>2</sup> )
LANDSCAPED OPEN SPACE	1,712m <sup>2</sup> (18,427ft <sup>2</sup> )
COMMERCIAL GFA	414m <sup>2</sup> (4,456ft <sup>2</sup> )
RESTAURANT	414m <sup>2</sup> (4,456ft <sup>2</sup> )
PARKING SPACES	139
RESTAURANT	53 (1 PER 8m <sup>2</sup> )
PARKING SPACES	139

**ZONING CHART**  
 CITY OF HAMILTON ZONING BY-LAW 05-200 - DISTRICT COMMERCIAL (C6) ZONE

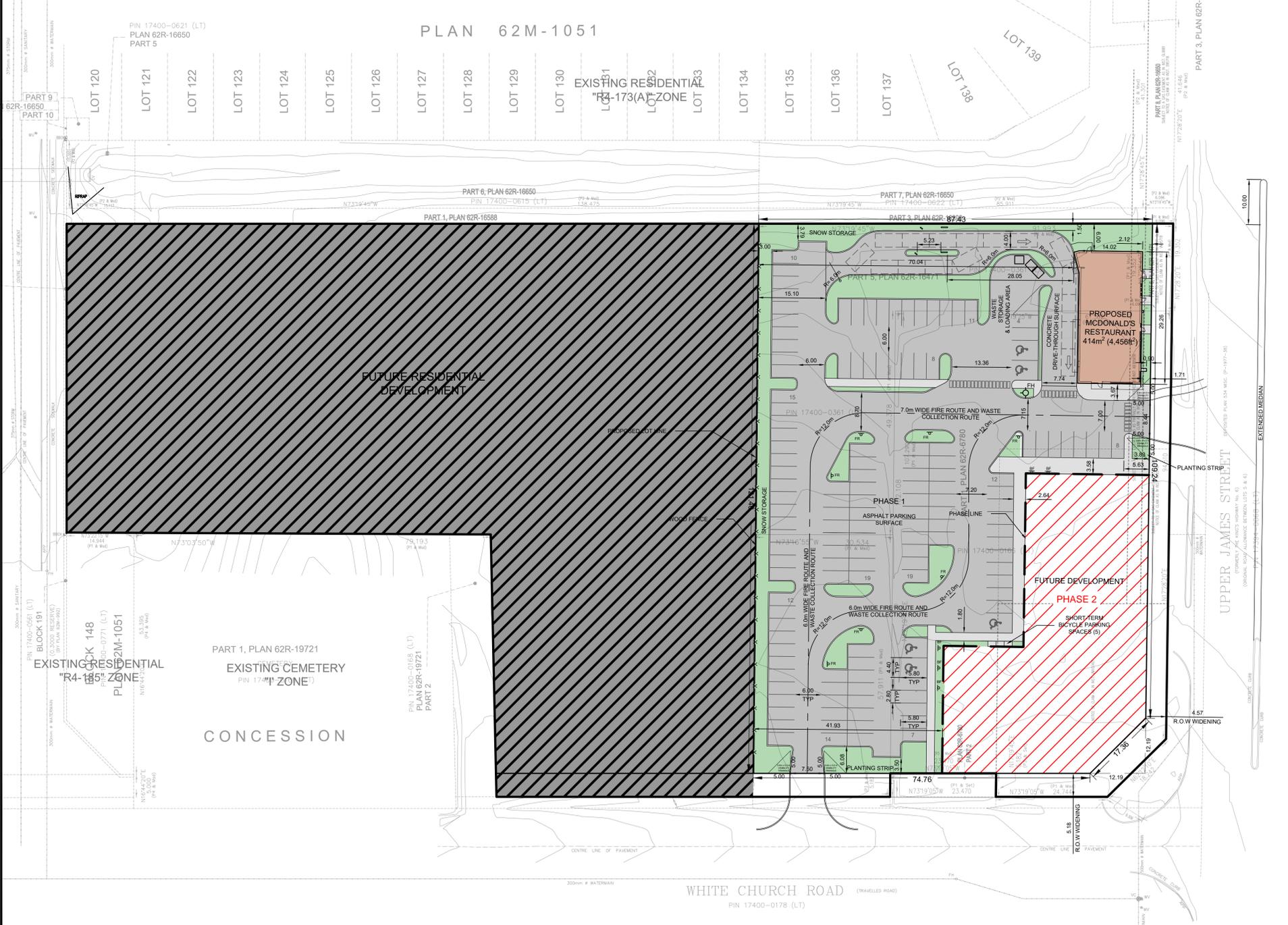
DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM STREET LINE	1.5m	1.71m	YES
MAX SETBACK FROM STREET LINE	4.5m	1.71m	YES
MIN REAR YARD	6.0m	6.0m	YES
MIN INTERIOR SIDE YARD ABUTTING RESIDENTIAL	1.5m	70.04m	YES
MAX HEIGHT	14.0m	8.53m	YES
MAX GFA FOR INDIVIDUAL COMMERCIAL USE	10,000.0m <sup>2</sup>	414m <sup>2</sup>	YES
GROUND FLOOR FACADE WIDTH (% LOT FRONTAGE)	50%	16.6%	NO
NO PARKING, STACKING LANES OR AISLES SHALL BE LOCATED BETWEEN A BUILDING FACADE AND THE FRONT LOT LINE AND FLANKAGE LOT LINE	NONE	NONE	YES
MIN PLANTING STRIP ABUTTING RESIDENTIAL	1.5m	3.0m	YES
VISUAL BARRIER ALONG ANY LOT LINE ABUTTING A RESIDENTIAL ZONE	YES	YES	YES

**GENERAL PROVISIONS**

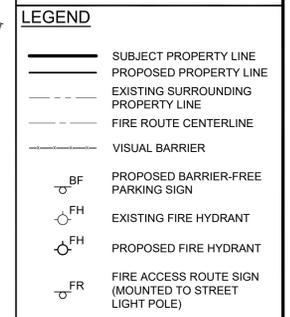
DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MAX ARCHITECTURAL ENCROACHMENT	0.6m	0.6m	YES
MIN STACKING SPACES FOR RESTAURANT	12	15	YES
MIN STACKING SPACE SIZE	2.6m X 6.0m	2.6m X 6.0m	YES
MIN DISTANCE FROM DRIVE-THROUGH FACILITY TO RESIDENTIAL ZONE	12.0m	15.1m	YES

**PARKING PROVISIONS**

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM PARKING SPACE TO STREET LINE	3.0m	5.63m	YES
MIN PARKING SPACES	53	139	YES
RESTAURANT (1 PER 8.0m <sup>2</sup> )	53	53	YES
MIN PARKING SPACE SIZE	2.8m X 5.8m	2.8m X 5.8m	YES
MIN ADDITIONAL WIDTH ABUTTING AN OBSTRUCTION	0.3m	N/A	YES
MIN BARRIER FREE PARKING SPACES	5	5	YES
MIN BARRIER FREE PARKING SPACE SIZE	4.4m X 5.8m	4.4m X 5.8m	YES
MIN SHORT-TERM BICYCLE PARKING SPACES	5	5	YES
MIN LANDSCAPED AREAS AND PARKING ISLANDS	10%	13.5%	YES
MIN LANDSCAPED AREA AND PARKING ISLANDS SIZE	10.0m <sup>2</sup>	11.7m <sup>2</sup>	YES
MAX PARKING SPACE REDUCTION FOR LANDSCAPING	10%	4%	YES



**LEGAL DESCRIPTION**  
 PART OF  
 LOT 5  
 CONCESSION 5  
 GEOGRAPHIC  
 TOWNSHIP OF GLANFORD  
 IN THE  
 CITY OF HAMILTON



- NOTES:**
- SEE ENGINEERING DRAWINGS FOR GRADING AND SERVING DETAILS.
  - SEE ELECTRICAL DRAWINGS FOR LIGHTING DETAILS.
  - SEE LANDSCAPE DRAWINGS FOR LANDSCAPE DETAILS.
  - BARRIER-FREE PARKING SIGN TO BE INSTALLED IN ACCORDANCE WITH CITY HAMILTON STANDARDS AND O.B.C. REGULATIONS.
  - GARBAGE AND RECYCLING COLLECTION TO BE MUNICIPAL COLLECTION.

**REVISIONS**

REV.	DESCRIPTION	DATE	INIT.
E	REVIEW	24-NOV-2023	JS
D	REVIEW	6-NOV-2023	JS
C	REVIEW	27-SEP-2023	JS
B	REVIEW	9-AUG-2023	JS
A	REVIEW	4-MAY-2023	JS

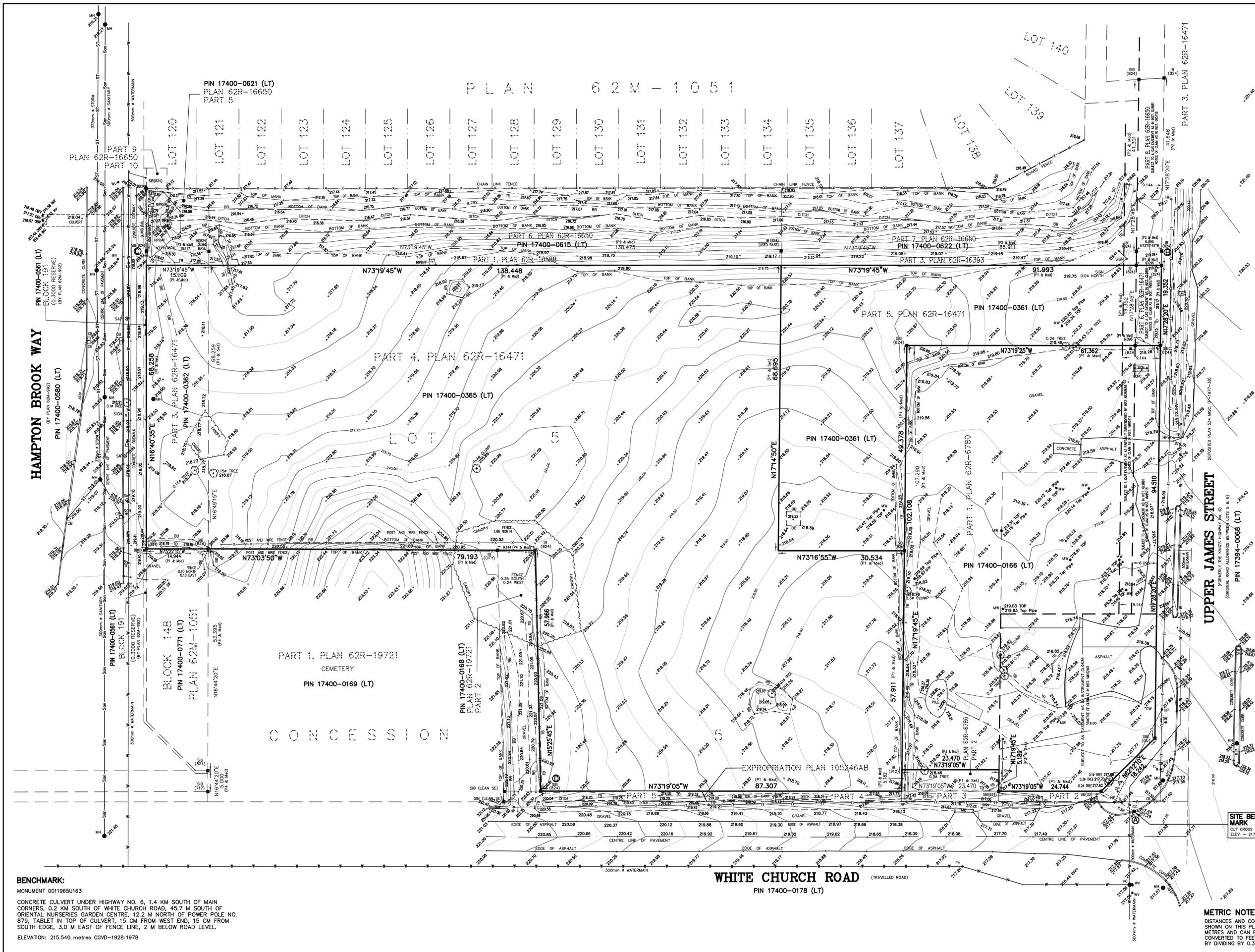
**DISCLAIMER**  
 THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.  
 ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.  
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

**T. JOHNS CONSULTING GROUP**  
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT  
 310 LIMERIDGE ROAD WEST, SUITE 6  
 HAMILTON ONTARIO, L9C 2V2  
 P 905-574-1993  
 F 905-574-9559

**PROJECT TITLE**  
 3530 UPPER JAMES STREET  
 GLANBROOK, ONTARIO

**DRAWING TITLE**  
 SITE PLAN (DA-23-062)

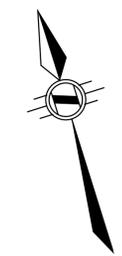
DRAWN BY JS	DESIGNED BY JS
PRINT DATE 24-NOV-2023	PROJECT NUMBER
REVISION E	DRAWING NUMBER SP1-1
SCALE 1:500	



**TOPOGRAPHIC SURVEY**  
 OF PART OF  
**LOT 5**  
**CONCESSION 5**  
 GEORGIC  
 TOWNSHIP OF GLANFORD  
 IN THE  
**CITY OF HAMILTON**

SCALE 1:400 METRIC

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



**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
 REFERENCE POINTS A AND B, BY REAL TIME NETWORK  
 OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
 MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999665522

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP'S): UTM ZONE 17, NAD83 (CSRS) (2010.0).  
 COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.Reg. 216/10

POINT ID	NORTHING	EASTING
ORP (A)	477794.196	587528.998
ORP (B)	477792.445	587528.998
ORP (C)	477791.879	587538.903
ORP (D)	477540.039	587692.900

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
 RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND:**
- DITCHES
  - MONUMENT SET
  - IRON BAR
  - MONUMENT FOUND
  - PLASTIC BAR
  - CUT CROSS
  - STANDARD IRON BAR
  - SHORT STANDARD IRON BAR
  - MEASURED
  - A.T. McLAREN, O.L.S.
  - A.L. CLARKE, O.L.S.
  - CITY OF HAMILTON
  - ORIGIN UNKNOWN
  - PLAN 62R-16471
  - PLAN 62R-16650
  - PLAN 62R-6780
  - PLAN 62R-19721
  - HYDRO POLE
  - CITY WIRE
  - UTILITY
  - OVERHEAD UTILITIES
  - TRAFFIC LIGHT
  - LIGHT STANDARD
  - TOP OF BANK
  - STONE RETAINING WALL
  - HYDRO WALL
  - BOTTOM OF BANK
  - CULVERT
  - INVERT
  - OBVERT
  - GAS VALVE
  - GAS MARKER
  - MANHOLE
  - CATCH BASIN
  - APPROACH
  - FIRE HYDRANT
  - WATER VALVE
  - BELL BOX
  - MANHOLE
  - DIAMETER

**NOTE:**  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS  
 MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO  
 CONSTRUCTION

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS  
 MADE UNDER THEM

2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF APRIL, 2021

MAY 11, 2021

DATE

**S. DAN McLAREN, O.L.S.**

**BENCHMARK:**  
 MONUMENT 0011965U163

CONCRETE CULVERT UNDER HIGHWAY NO. 6, 1.4 KM SOUTH OF MAIN  
 CORNERS, 0.2 KM SOUTH OF WHITE CHURCH ROAD, 45.7 M SOUTH OF  
 ORIENTAL NURSERIES GARDEN CENTRE, 12.2 M NORTH OF POWER POLE NO.  
 879, TABLET IN TOP OF CULVERT, 15 CM FROM WEST END, 15 CM FROM  
 SOUTH EDGE, 3.0 M EAST OF FENCE LINE, 2 M BELOW ROAD LEVEL.

ELEVATION: 215.540 metres CGVD-1928:1978

**WHITE CHURCH ROAD**  
 (TRAVELLED ROAD)  
 PIN 17400-0178 (LT)

**METRIC NOTE:**  
 DISTANCES AND COORDINATES  
 SHOWN ON THIS PLAN ARE IN  
 METRES AND CAN BE  
 CONVERTED TO FEET  
 BY DIVIDING BY 0.3048

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO L8M 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn: [ ] Checked: [ ] RMW: [ ] Scale: 1:400 Dwg No: 36626

# Appendix “A”: Planning Rationale

3530 Upper James Street, Hamilton

January 23, 2024

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance and Consent to Sever applications for 3530 Upper James Street, Hamilton. The requested variance and severance are required to facilitate the approval of Site Plan Control application no. DA-23-062.

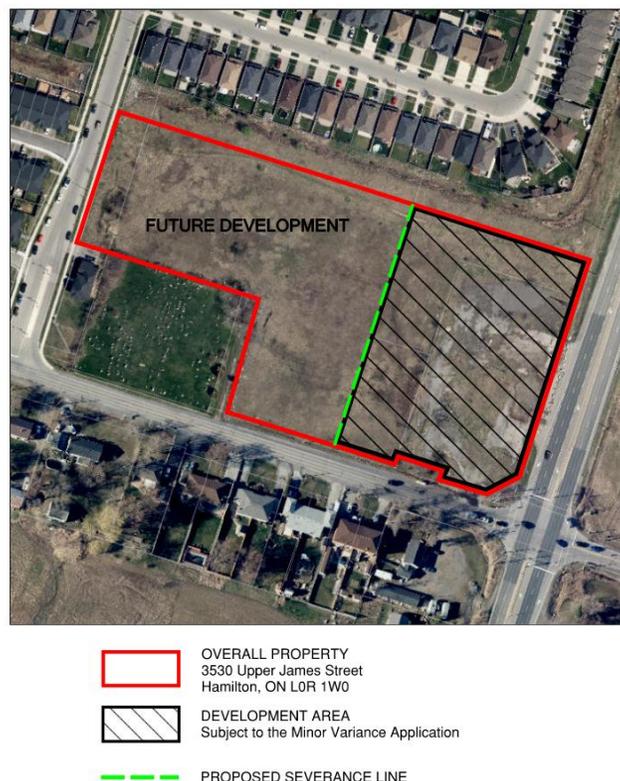
## Description of Subject Lands

3530 Upper James Street (“subject lands”) are in the northwest quadrant of the signalized intersection of Upper James Street (classified as a Major Arterial Road) and White Church Road West (classified as a Major Arterial Road). The subject lands are legally described as Part of Lot 5 Concession 5, Geographic Township of Glanford in the City of Hamilton (**Refer to Figure 1 - Site Location**).

The subject property has an approximate area of 2.5 hectares (6.27 acres) and approximately 141.2 metres (463.3 feet) of frontage on White Church Road West, 114.0 metres (374.0 feet) of frontage along Upper James Street and 68.3 metres (224.1 feet) of frontage along Hampton Brook Way.

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The development area is rectangular in shape with a generally flat topography. The lands are currently vacant with grass covering most of the site, with some concrete in the southeast corner. A portion of the lands were previously used for a Gas Station that has since been decommissioned.

*Figure 1 - Site Location*



## Appendix “A”: Planning Rationale

3530 Upper James Street, Hamilton

January 23, 2024

### Planning Status

The *Urban Hamilton Official Plan* (“UHOP”), *Schedule E - Urban Structure* identifies the subject lands as “Neighbourhoods”, and *Schedule E-1 - Urban Land Use* designates the subject lands as “District Commercial”. The “District Commercial” designation permits a range of commercial uses.

The subject lands are within the *Mount Hope Secondary Plan*, and are designated “District Commercial” as per Map B.5.4-1. The “District Commercial” designation permits retail and service commercial, gas bars, car washes and services stations, restaurants, taverns, and residential uses located above the first storey of a mixed-use building.

The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands “District Commercial (C6) Zone”. The C6 Zone permits a range of commercial uses including office, restaurant, and retail.

### Proposed Development

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The westerly portion is proposed as a residential block consisting of townhouse dwellings, with planning applications submitted separately.

The proposed development for the easterly portion is to facilitate a 1-storey drive-thru restaurant in the northeast corner with a GFA of 414.0m<sup>2</sup> and a 2-storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0m<sup>2</sup> of at-grade retail space and 416.7m<sup>2</sup> of office space on the second storey. A phased development approach is considered, with phase 1 involving the restaurant and phase 2 encompassing the commercial plaza (refer to the submitted **Site Plan**). The proposed development will be supported by 139 parking spaces, including five (5) barrier free spaces. Landscaping and pedestrian connections are provided throughout the site.

The following applications are required to facilitate the proposed development as phased:

- Consent to Sever to establish a new lot, and
- Minor Variance to reduce the ground floor façade facing a front lot line and flankage lot line.

### Nature and Extent of Relief Applied For:

One (1) Minor Variance is being sought from the former *City of Hamilton Zoning By-law No. 05-200* in order to facilitate the proposed 1-storey drive-thru restaurant and subsequent commercial plaza. The requested Minor Variance is as follows:

City of Hamilton Zoning By-law 05-200		
	Section	Purpose
1	10.6.3 g) iii)	For a corner lot the width of the ground floor façade facing a front lot line and flankage lot line shall be greater than or equal to 16% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard, whereas at least 50% is required.

## Appendix “A”: Planning Rationale

3530 Upper James Street, Hamilton

January 23, 2024

### PLANNING RATIONALE

#### **Overall Conformity to the *Urban Hamilton Official Plan***

The *Urban Hamilton Official Plan* identifies the subject lands “Neighbourhoods” on *Schedule E - Urban Structure* and designates the subject lands “District Commercial” on *Schedule E-1 - Urban Land Use Designations*, which permits a range retail shops and services that cater primarily to the weekly and daily shopping needs of residents in the surrounding neighbourhoods, as well as some residential uses provided they are located above the first storey of a mixed use building (E.4.7.2). The subject lands are situated west of Upper James, identified as a “Major Arterial Road” on *Schedule C - Functional Road Classification*.

Additionally, the subject lands are within the *Mount Hope Secondary Plan* and are designated “District Commercial” (Map B.5.4-1). The “District Commercial” designation is intended to serve existing and future residents surrounding the Hamilton Airport and the Airport Industrial-Business Park. Permitted uses include retail and service commercial, personal and business services, recreational and entertainment facilities, restaurants, taverns, hotels, and motels. Cultural facilities, community facilities/services, and institutional uses may also be permitted.

Policy F.1.14.3.4 outlines the criteria for lot creation within the Commercial designation. It requires both of the severed and retained lots to comply with UHOP policies including secondary plans, conform to the Zoning By-law or approved minor variance, the lots severed for residential uses shall comply with Section B.2.4 - Residential Intensification policies, Section B.3.3 - Urban Design Policies, Section E.3.0 - Neighbourhoods Designation and other relevant policies, be fully serviced by municipal water and wastewater systems, and have frontage on a public road. The proposed consent to sever application and requested minor variance application to facilitate modifications to the zoning by-law, with regulations that are compatible with the surrounding neighbourhood fabric and designed in accordance with UHOP policies, including the *Mount Hope Secondary Plan*, and urban design guidelines. The lots are fully serviced by municipal water and wastewater systems and have frontage on public roads.

The proposed drive-thru restaurant and commercial plaza building adheres to the permitted uses as outlined by the UHOP and *Mount Hope Secondary Plan*, and conforms to the UHOP’s vision for an animated and pedestrian-oriented area offering retail and service commercial options to the surrounding neighbourhoods (E.4.7). Accordingly, the proposed development and requested variance maintains the intent of the *Urban Hamilton Official Plan*.

**VARIANCE 1. To allow the width of the ground floor façade facing a front lot line and flankage lot line on a corner lot be greater than or equal to 16% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.**

*Why is it not possible to comply with the provision of the by-law?*

The Commercial District (C6) Zone establishes a ground floor façade width to be greater than or equal to 50% of the lot lines abutting a street, excluding access driveways and lands within a required

## Appendix “A”: Planning Rationale

3530 Upper James Street, Hamilton

January 23, 2024

yard for a corner lot. Due to the drive-thru restaurant technical approvals and timing, its construction is required sooner than the commercial building. The requested variance and severance are required to facilitate the approval of Site Plan Control application no. DA-23-062, which has received Conditional Site Plan Approval (Concurrent Site Plan/Building Review Process). The site will be developed in 2 phases. The requested reduction in the ground floor façade width will allow for the drive-thru restaurant to be developed first. The subsequent commercial plaza, to be initiated in phase 2, shall ultimately conform with the C6 Zone provision 10.6.3 g) iii) with the ground floor façade facing the front/flankage lot lines be equal or greater than 50%.

### 1. Conformity to the Intent of the Zoning By-law

The purpose of ground floor façade width provision for new development in Hamilton is to enhance the street presence by bringing buildings closer to the street and creating a human-scale, comfortable, and animated street edge, contributing to an attractive community as outlined in section B.3.3.1 - Urban Design Goals. The proposed development of the restaurant and commercial plaza ground floor façade is proposed meet provision 10.6.3 g) iii) after the full build out, thus the variance ultimately maintains the intent of the zoning by-law.

### 2. Is the Variance Minor?

The requested reduction of 50% to 16% is technical to allow the first phase of the proposed development of the drive-thru restaurant to occur first and will not adversely impact the surrounding properties nor public realm while providing an animated streetscape. After the full development of the restaurant and commercial plaza, the provision for width of the ground floor façade facing a front lot line and flankage lot line shall be met. The phased development will allow for appropriate planning and gradual intensification of the subject lands.

### 3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate the development of a vacant and underutilized parcel of land and add more commercial options for Mount Hope residents and airport users, guided by urban design guidelines which will contribute to creating quality spaces that are pedestrian-oriented, accessible, connected, and easy to navigate.

## Conclusion

The proposed development of 3530 Upper James Street will facilitate commercial uses on an underutilized parcel along an important transportation corridor serviced by existing municipal services and infrastructure. The requested variance maintains the intent of the *Urban Hamilton Official Plan* and the *City of Hamilton Zoning By-law No. 05-200*, are minor in nature, desirable for the redevelopment of the property, and represent good land use planning.



**Appendix "A": Planning Rationale**  
3530 Upper James Street, Hamilton  
*January 23, 2024*

Respectfully Submitted,  
**T. Johns Consulting Group Ltd.**

**Edward John, MRTPI**  
Principal Planner

**Joe Gravina, CPT**  
Project Manager



January 23<sup>rd</sup>, 2024

*Via Digital Submission*

**ATTN:** Jamila Sheffield, Secretary-Treasurer

Committee of Adjustment  
 City of Hamilton  
 Planning and Economic Development Department  
 71 Main Street West, 5<sup>th</sup> Floor  
 Hamilton, ON L8P 4Y5

**RE: 3530 Upper James Street, Hamilton (SPA File No. DA-23-062)  
 Minor Variance Application**

---

**T. Johns Consulting Group** (“T. Johns Consulting”) has been retained by the landowners to submit a Site Plan application for lands municipally known as 3530 Upper James Street, Hamilton. This Minor Variance application is submitted in support of Site Plan application no. DA-23-062. A Consent application was recently submitted to separate the rear lands to be developed for residential purposes.

#### **Site Description**

3530 Upper James Street (“subject lands”) are in the northwest quadrant of the signalized intersection of Upper James Street (classified as a Major Arterial Road) and White Church Road West (classified as a Major Arterial Road). The subject lands are legally described as Part of Lot 5 Concession 5, Geographic Township of Glanford in the City of Hamilton.

The subject property is a through-lot located at the corner of Upper James Street and White Church Road West with an approximate area of 2.5 hectares (6.27 acres) and approximately 141.2 metres (463.3 feet) of frontage on White Church Road West, 114.0 metres (374.0 feet) of frontage along Upper James Street and 68.3 metres (224.1 feet) of frontage along Hampton Brook Way.

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The development area is rectangular in shape with a generally flat topography. The lands are currently vacant with grass covering most of the site, with some concrete in the southeast corner. A portion of the lands were previously used for a Gas Station that has since been decommissioned.

#### **Planning Status**

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “District Commercial” which permits a range of commercial uses.

The subject lands are within the *Mount Hope Secondary Plan*. Map B.5.4-1 designates the subject lands “District Commercial”. The District Commercial designation permits retail and service commercial, gas bars, car washes and services stations, restaurants, taverns, and residential uses located above the first storey of a mixed-use building.



The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands District Commercial (C6) Zone. The C6 Zone permits a range of commercial uses including office, restaurant, and retail.

### **Proposed Development**

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The proposed development is for a 1-storey drive-thru restaurant in the northeast corner with a GFA of 414.0m<sup>2</sup> and a 2-storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0m<sup>2</sup> of at grade retail space and 416.66m<sup>2</sup> of office space on the second storey. A phased development approach is being considered, with the potential phase 2 comprised of the commercial plaza, as illustrated on the Site Plan. The proposed development will be supported by one hundred and thirty-nine (139) parking spaces, including five (5) barrier free spaces. Landscaping and pedestrian connections are provided throughout the site.

This minor variance application is being submitted to request relief from the District Commercial (C6) Zone of the *City of Hamilton Zoning By-law No. 05-200* for ground floor façade width.

Please refer to the Site Plan, Appendix A: Planning Rationale, and Consent Sketch for additional details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents to all relevant departments in support of the Consent to Sever applications.

Please find the enclosed:

- This Cover Letter;
- Minor Variance application with signatures;
- Copy of the cheque in the amount of \$3,900.00 to satisfy the Minor Variance application fee, made payable to the City of Hamilton;
  - Note that the cheque was hand delivered to City Hall on January 23<sup>rd</sup>, 2024.
- Survey Plan;
- Site Plan; and,
- Consent Sketch; and,
- Appendix A: Planning Rationale.

The application and all required documents have been submitted electronically, save and except the cheques that were submitted to the City of Hamilton January 23<sup>rd</sup>, 2024.

Should you have any questions or require additional information, please do not hesitate to contact Joe Gravina at 905-574-1993 ext. 204.

Respectfully submitted,



T. Johns Consulting Group Ltd.

A handwritten signature in black ink that reads "J. Gravina".

**Joe Gravina, CPT**  
Project Manager

**Committee of Adjustment**City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Registered Owners(s)</b>	2784320 Ontario Inc. c/o Mohammed Ghaddar
<b>Applicant(s)</b>	Same as above
<b>Agent or Solicitor</b>	T. Johns Consulting Group Ltd. c/o Joe Gravina

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	3530 Upper James Street, Hamilton		
Assessment Roll Number			
Former Municipality	Glanford		
Lot	5	Concession	5
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

Easement: INST. GL9881 - in favour of Union Gas (now Enbridge)

### 3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

For a corner lot the width of the ground floor façade facing a front lot line and flankage lot line shall be greater than or equal to 16% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard, whereas 50% or greater is required.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The proposed development will be implemented in stages, with Phase 1 involving the construction of a restaurant, which will result in a deficient facade facing a front/flankage lot line. Phase 2, involving a commercial plaza, shall be implemented afterwards. Refer to submitted Minor Variance Rationale for more details.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: COMMERCIAL PORTION ONLY AFTER R.O.W. WIDENING (EAST PORTION OF SUBJECT LANDS)

Lot Frontage	Lot Depth	Lot Area	Width of Street
74.76m	121.40m	1.05ha	+36.6m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Restaurant	Street Line: 1.71m	6.0m	West: 70.04m	Phase 1 - TBD
Commercial Plaza	TBD	TBD	TBD	Phase 2 - TBD

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Restaurant	414m <sup>2</sup>	414m <sup>2</sup>	1	8.53m
Commercial Plaza	TBD	TBD	TBD	TBD

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
The development area subject to this application is the easterly portion of the site.

Proposal: a 1-storey drive-thru restaurant in the northeast corner and a 2-storey commercial plaza at the intersection of Upper James St. and White Church Rd. W. A phased development approach is considered, with the potential phase 2 comprised of the commercial plaza. The proposal includes 139 parking spaces, including 5 barrier free spaces.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

North: single detached dwellings; East: undeveloped lands; South: cemetery, single detached dwellings, and retail; West: townhouse development.

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

February 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Gas station

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Vacant

7.4 Length of time the existing uses of the subject property have continued:

Vacant since 2011 or 2012

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods and District Commercial  
Mount Hope Secondary Plan: District  
Commercial and Institutional

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

Refer to submitted Minor Variance Rationale.

7.6 What is the existing zoning of the subject land? Deferred Development (DD) Zone (ZBL No. 464)  
and District Commercial (C6) Zone (ZBL No. 05-200)

7.8 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

---

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

 Yes No

If yes, please provide the file number: Submitted concurrently with this Minor Variance Application.

7.10 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

7.11 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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0 (for easterly portion)

8.3 Additional Information (please include separate sheet if needed):

This application is submitted with a Consent to Sever Application for concurrent review. Refer to submitted Cover Letter, Minor Variance Rationale, and Site Plan for additional information.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>SC/B-24:07</b>	<b>SUBJECT PROPERTY:</b>	266 MCNEILLY ROAD, STONEY CREEK
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**APPLICANTS:** Owner: 1000693093 ONTARIO INC.  
Agent: GLEN SCHNARR & ASSOCIATES INC. (MARK CONDELLO)

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create two new residential building lots and to retain a parcel of land for a residential building lot. The existing dwelling will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	12.18 m <sup>±</sup>	43.58 m <sup>±</sup>	531 m <sup>2</sup> ±
<b>RETAINED LANDS (A):</b>	12.18 m <sup>±</sup>	43.58 m <sup>±</sup>	531 m <sup>2</sup> ±
<b>RETAINED LANDS (B):</b>	12.18 m <sup>±</sup>	43.58 m <sup>±</sup>	531 m <sup>2</sup> ±

Associated Planning Act File(s): SC/A-24:28

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:50 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**SC/B-24:07**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon **March 8, 2024**

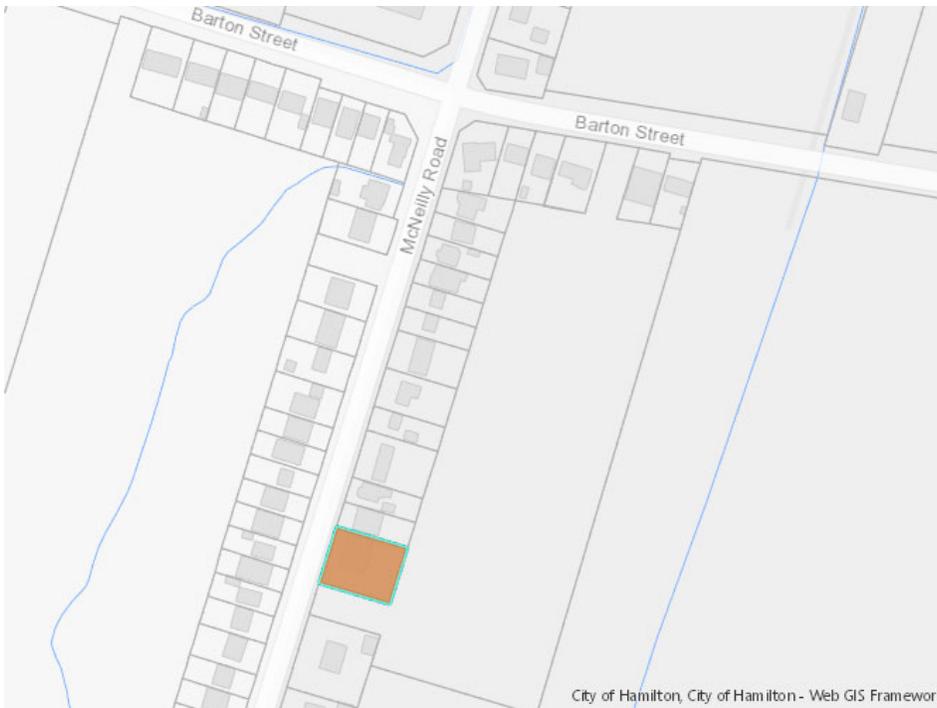
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **March 11, 2024**

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-24:07, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided the Notice of Decision 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

SC/B-24:07


 **Subject Lands**

DATED: February 22, 2024

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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.

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.



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

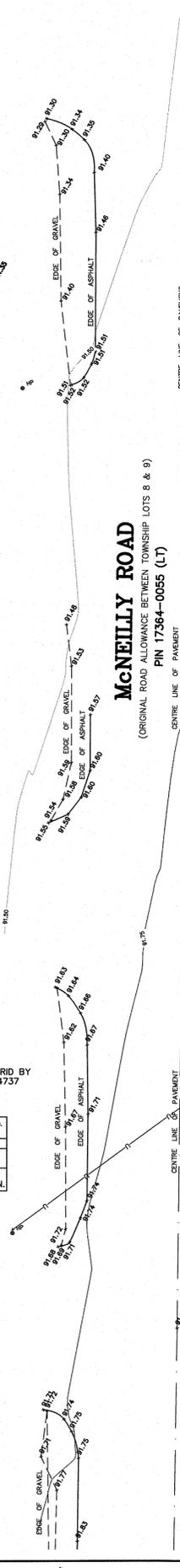
#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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 1, PLAN OF PART OF  
**LOT 8**  
**CONCESSION 2**  
 GEOGRAPHIC  
**TOWNSHIP OF SALT FLEET**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:100 METRIC  
**R.A. McLAREN, O.L.S. - 2023**



**BENCHMARK NOTE:**  
 MONUMENT 0011963U3503  
 E.D. SMITH PURE FOODS PRODUCTS BUILDING ON THE SOUTH SIDE OF HIGHWAY NO. 8, 2.1 KM WEST OF THE POST OFFICE 1.8 KM EAST OF GLOVER ROAD, TABLET SET IN THE NORTH CONCRETE FOUNDATION, DIRECTLY BELOW THE CENTRE OF THE SIXTH SET OF WINDOWS EAST OF THE MOST WESTERLY ENTRANCE, 32.30 M EAST OF NORTHWEST CORNER, 2.52 M WEST OF A SMALL OUTWARD JUT IN WALL AND 30 CM BELOW RED BRICK SIDING.  
 ELEVATION : 96.504 CGVD28:78

**NOTE:**  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH DRAWING No. 89-S-54 (SHEET 2 OF 3)  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
 INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
 DISTANCES ARE GROUND AND CANOPY BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999734737

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
CRP @	4785557.014	608059.083
CRP @	4785264.984	608020.493

COORDINATES CANOPYNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - SB IRON BAR
  - SSB STANDARD IRON BAR
  - SSSB SHORT STANDARD IRON BAR
  - PB PLASTIC BAR
  - CP CUT CROSS
  - CP CONCRETE PIN
  - SB4 A.T. McLAREN, O.L.S.
  - Med MEASURED
  - P1 PLAN 62R-21807
  - P2 PLAN 62R-1754
  - P3 PLAN 62R-17505
  - D1 INSTRUMENT HL48652
  - M1 MANHOLE
  - OH HYDRO POLE
  - GM GAS METER
  - AC AIR CONDITIONER
  - EVG EVERGREEN
  - OF GARAGE FLOOR
  - INV INVERT
  - DS DOORSILL
  - CONC CONCRETE
  - TB TOP OF BANK
  - WV WATERVALVE
  - Ø DIAMETER

**SITE BENCH MARK**  
 NAIL IN ASPHALT  
 ELEVATION: 91.76



**SURVEYOR'S REAL PROPERTY REPORT (PART 2)**  
 PART OF LOT 8, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF SALT FLEET IS NOT SUBJECT TO ANY EASEMENTS.  
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.  
 THIS PLAN WAS PREPARED FOR 1000693093 ONTARIO INC.

**PART 1**  
**PLAN 62R-21807**  
**PIN 17364 - 0084 (LT)**

**PART 1**  
**PLAN 62R-21807**  
**PIN 17364 - 0084 (LT)**

**METRIC NOTE:**  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
 2. THE SURVEY WAS COMPLETED ON THE 13th DAY OF NOVEMBER, 2023  
 DATE: 15 DEC 2023  
 ROB A. McLAREN, O.L.S.

© R.A. McLAREN, O.L.S. - 2023. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. 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



Partners:

**Glen Broll**, MCIP, RPP

**Colin Chung**, MCIP, RPP

**Jim Levac**, MCIP, RPP

**Jason Afonso**, MCIP, RPP

**Karen Bennett**, MCIP, RPP

*In Memoriam, Founding Partner:*

**Glen Schnarr**

January 31, 2024

GSAI File: 1514-004

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

**Attention:** Ms. Sheffield  
Secretary-Treasurer, Committee of Adjustment

**RE: Application for Consent to Sever and Minor Variance  
266 McNeilly Road  
Stoney Creek, ON L8E 5H2  
City of Hamilton**

---

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit the enclosed Consent Application and Minor Variance Application concerning the lands municipally addressed as 266 McNeilly Road (herein referred to as the "Subject Lands" or the "Site") on behalf of our client, 1000693093 ONTARIO INC. (herein referred to as the "Owner").

In support of these applications, please find enclosed the following:

- One (1) Consent Application Form;
- One (1) Minor Variance Application Form;
- Survey, prepared by A.T. McLaren Limited, dated December 15, 2023;
- Severance Sketch prepared by Glen Schnarr & Associates Inc., dated January 11, 2024;
- Minor Variance sketch prepared by Glen Schnarr & Associates Inc., dated January 11, 2024;
- Payment in the amount of \$3,360 (Consent Application); and,
- Payment in the amount of \$3,900 (Minor Variance Application).

## SUBJECT LANDS AND SURROUNDING CONTEXT

The Subject Lands are generally located on the east side of McNeilly Road, south of Barton Street and north of Highway No. 8 in Stoney Creek. The Subject Lands have an area of approximately 0.7 hectares (1.74 acres) and frontage of approximately 36.5 metres (206 feet) along McNeilly Road and are currently occupied by an existing two-storey single detached dwelling, refer to Figure 1.

The Subject Lands is legally described as PT LT 8, CON 2 SALTFLEET , AS IN HL49652; STONEY CREEK CITY OF HAMILTON.

Abutting the Subject Lands to the east are lands subject to a Rezoning and Draft Plan of Subdivision Application (City File No. ZAC-20-043 and 25T-202009). The purpose and effect of these Applications is to facilitate the development of 545 residential units, consisting of 156 single dwellings, 192 street townhouses, and two blocks for the purpose of condominium townhouses along Barton Street, as well as the creation of a neighbourhood park, and a block for a stormwater management pond. By way of a Settlement Hearing, on December 14, 2023, the Ontario Land Tribunal provided an oral decision approving the neighbouring development and subsequent planning instruments. At the time of preparing this Letter, the Ontario Land Tribunal had not issued a formal procedural order.

Figure 2 illustrates the Proposed Development in the context of the neighbouring development.

## PROPOSAL SUMMARY

The objective of the Applications is to create two additional residential lots for a total of three (3). Each lot; Severed, Retained Lot 'A' and Retained Lot 'B', would have a lot width of 12.18 metres and lot depth of 45.7 metres, resulting in a lot area of approximately 531 square metres for each lot.

Lot	Lot Frontage	Lot Area
Served Lot	12.18 metres	531 square metres
Retained Lot A	12.18 metres	531 square metres
Retained Lot B	12.18 metres	531 square metres

The existing dwelling will be demolished to facilitate the Proposed Development.

## REQUESTED VARIANCES

To facilitate the severance, three (3) Minor Variances are required.

### Retained Lot 'A'

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

### Retained Lot 'B'

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

### Severed Lot

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

## **POLICY AND REGULATION CONTEXT**

### Urban Hamilton Official Plan ('UHOP')

On December 6, 2023, Bill 150, the Planning Statute Law Amendment Act, 2023 received royal assent enacting the *Official Plan Adjustments Act, 2023*. The legislation results in all but three of the provincial modifications made on November 4, 2022, to the Urban Hamilton Official Plan (the 'UHOP') Amendment 167, to accommodate population and job growth to the year 2051, as having never been made. The effect of this legislation includes



restoring the no urban boundary expansion growth strategy approved by City Council in June 2022.

The Subject Land are located within City's 'Neighbourhood' Urban Structure as shown on Schedule 'E' (Figure 3). The Subject Lands are designated 'Neighbourhoods' as shown on Schedule 'E-1' (Figure 4).

From a Growth Management perspective, by 2051, the City is expected to grow to achieve a population of 820,000 and 360,000 jobs. The Subject Lands are located within the City's Urban Boundary and are located outside of the Built-up area (Appendix G – Boundary Map). In keeping with Provincial policies, the Subject Lands are identified as Designated Greenfield Area. The UHOP defines "Greenfield Area" as "... *the area within the urban area that is not built-up area.*"

Per Policy A.2.3.4.2, Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. Furthermore, Section A.2.3.4.3 states that, "notwithstanding policy A.2.3.4.2, the lands within the greenfield area that are not subject to existing development approvals, including lands within the Fruitland-Winona Secondary Plan area, shall be planned to achieve a minimum density of 70 persons and jobs per hectare."

Per Schedule C-2 (Future Right-of-Way Dedications) of the UHOP, McNeilly Road is identified as a 'Collector' with a planned right-of-way width of 26.213 metres.

#### Fruitland-Winona Secondary Plan

The Fruitland-Winona Secondary Plan establishes land uses and development standards that guide the development of lands within the Secondary Plan area. The vision for the Secondary Plan indicates the community is generally a low-density community which will support neighbourhood commercial and other high-density residential land uses at appropriate locations. The Secondary Plan was adopted by City Council on May 14th, 2014 and was subsequently appealed to the Ontario Municipal Board. On June 22, 2018, the Tribunal issued a decision, declaring the Secondary Plan is approved in its entirety, except those lands subject to site-specific appeals. The policies specific to the Subject Lands are in force and effect.

The Secondary Plan area comprises 370 hectares (914 acres), including the existing community of Winona, and is planned to accommodate an estimated population of approximately 15,400 people, at a density of 70 persons/jobs per gross hectare.

On Map B.7.4.1 (Land Use Plan) of the Secondary Plan, the Subject Lands are designated "*Low Density Residential 3*" (Figure 5).



### Stoney Creek Zoning By-law 3692-92

The Subject Land falls under the Stoney Creek By-law 3692-92 and is currently zoned Rural Residential Zone ('RR'), refer to Figure 6. Single detached dwellings are permitted.

The proposed severance and associated variances intend to create two (2) additional residential lots for the purpose of developing two (2) additional single detached dwellings. To permit the additional detached dwellings as per the RR Zone, a series of variances are required as a result of the severance, as described below.

## **ANALYSIS**

### CONSENT APPLICATION

#### *Planning Act*

While this application is a Consent under Section 53 of the *Planning Act*, the determination of whether the approval of the Consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

*“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;*

With respect to Section 51(24) (a), the application is to sever the existing lot and create two (2) additional lots, for a total of three (3) lots. The proposed lots are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including providing for orderly development, supporting public transit and locating growth and development in an appropriate location.

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

Section 51(24)(b) has been met as the lots are located on an existing municipal road, within the built boundary and serviced by municipal water and wastewater. The consent will result in contiguous and orderly development of the site that is not premature with uses that are permitted within the Official Plan and Zoning By-law.

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



Section 51(24)(c) has been met as the proposal conforms to the UHOP and Fruitland-Winona Secondary Plan.

The Subject Lands are designated 'Neighbourhoods' in the UHOP and 'Low Density Residential 3', which permits residential development. The proposal also meets the criteria for consents outlined in Policy F.1.14.3.1 of the UHOP while helping to meet Hamilton's residential intensification targets through a form of 'gentle intensification'.

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

The severance application aims to create two (2) additional residential parcels, for a total of three (3) parcels which is appropriate for and compatible for the intended development of the lots. The lands are already being used for residential purposes and will continue to be used as such after the lands are severed.

*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;*

No highways or public roads are planned for development. The site has access to the surrounding road network via McNeilly Road.

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

The proposal results in the creation of residential lots, that generally comply with the applicable Zoning By-law requirements, with the exception of lot frontage. The proposed parcels are compatible with the existing and proposed residential land uses.

*h) conservation of natural resources and flood control;*

Natural resources and flood control is not expected to be impacted through the proposed lot creation.

*i) the adequacy of utilities and municipal services;*

Section 51(24)(i) has been fulfilled for the retained land as the property is presently fully serviced. Servicing for the proposed severed lots will be provided from McNeilly Road.

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

Land dedications are proposed for the retained and severed lots, consisting of a 2.12 metres right-of-way dedication along McNeilly Road.

*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.*

Development of the proposed lot will be reviewed and approved through a future building permit application and will be in accordance with existing zoning, as amended to permit a reduced lot frontage.

*Urban Hamilton Official Plan (UHOP)*

Section F.1.14.3.1 of the UHOP addresses Consent policies for the Neighbourhoods land use designation applicable to the Subject Lands, as follows:

*“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;*

The Subject Lands are designated ‘Neighbourhoods’ in the UHOP and ‘Low Density Residential 3’, which permits residential development. The proposed lots maintain the scale and character of the surrounding established development pattern and are in keeping with recent development approvals within the surrounding community.

- b) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*

A minor variance application has been submitted concurrently with the proposed severance application, with several variances proposed as noted above.

- c) *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;*

Section E.2.6 outlines the City’s policies of the “*Neighbourhood*” urban structure. The UHOP identifies that the “*Neighbourhoods element is an all encompassing element representing the concept of complete community at the structural level.*” The UHOP recognizes that, “*residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood*”. It is our opinion, that the Proposed Development is in keeping with the scale and character of the established development pattern along McNeily Road.



*d) the lots are fully serviced by municipal water and wastewater systems; and,*

The proposed lots will be fully serviced by municipal infrastructure. The severed and retained lots will be serviced from McNeilly Road.

*e) the lots have frontage on a public road.*

The severed and retained lots receive direct access from McNeilly Road.

### *Fruitland-Winona Secondary Plan*

The Secondary Plan contains policies related to Block Servicing Strategies. The Secondary Plan identifies three (3) areas that are subject to Block Servicing Strategies. The BSS 3 area is generally defined from McNeilly Road to 440 metres east of Lewis Road and is bounded by Highway 8 to the south and Barton Street to the north. The Subject Lands are located in the Block 3 Servicing Strategy BSS 3 area. The BSS 3 has been carried out by Urbantech Consulting and was subsequently endorsed by City Council on April 8, 2020.

Policy 7.4.17.1 of the Secondary Plan states that no development application that creates new lots through a plan of subdivision or consent shall be deemed complete unless it implements the Block Servicing Strategy. The Proposal implements the Block Servicing Strategy and does not represent a departure from its recommendations and guiding engineering principles.

### MINOR VARIANCE

Section 45(1) of the *Planning Act* delineates four tests that must be met for the approval of requested minor variances.

***a) The variance maintains the general intent and purpose of the Official Plan.***

As previously noted, the Subject Lands are designated 'Neighbourhood' in the UHOP and 'Low Density Residential 3' in the Fruitland-Winona Secondary Plan.

Section B.2.4.2.2 outlines evaluation criteria for residential intensification in the Neighbourhoods designation:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;*
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*

*g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations*

The resulting variances maintain the established lot pattern and configuration of the surrounding established neighbourhood. The result of the proposed variance facilitates two additional residential lots that generally align with development patterns and recent approvals within the surrounding area. It is our opinion, that the proposal will not negatively impact existing adjacent land uses, including shadowing, overlook, lighting, traffic, and other nuisance effects which will be further reviewed through a future building permit application. The proposed reduced minimum side yard allows smaller lots as envisioned in the Fruitland-Winona Secondary Plan and provides sufficient separation space between dwellings and adequate access for maintenance.

Chapter E.2.6 provides that “residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.” Further, Chapter G – Glossary - Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatibility should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Section E.2.7.7 of the UHOP provides that applications for residential intensification within Neighbourhoods shall be reviewed in consideration of the local context, be compatible with the existing function of the neighbourhood, and be evaluated based on the balance of residential intensification criteria as set out in the UHOP.

Section E.3.4.6 c) further states that a mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including scale, character, appearance, and design shall be encouraged. The proposed variances provide for lot sizes and widths compatible with the surrounding character and implement the form of ‘gentle intensification’ broadly encouraged within the UHOP. The requested variances therefore maintain the general intent and purpose of the UHOP.

With regards to the Fruitland-Winona Secondary Plan, the Low Density Residential 3 designation permits a net residential density of 40 to 60 units per hectare. Section 7.4.4.2 states that, in accordance with the Greenfield Density Targets of the UHOP, the Fruitland-Winona community has been planned to accommodate a minimum average density of 70 persons and jobs per hectare and that decrease in density shall not be supported that will impact the overall target of the Plan area unless a remedial density transfer is provided. A greenfield density target is measured over Hamilton’s greenfield area. In the context of the Secondary Plan area, several Official Plan Amendments have been approved that support an increase in densities along transit corridors and strategic growth areas.

The Fruitland-Winona Secondary Plan and the Fruitland-Winona Urban Design Principles and Guidelines speak to ensuring that new development provides an attractive, safe and pedestrian-oriented environment. Design variety within streetscapes is to be promoted.

The proposed modification allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve these development principles, while maintaining sufficient area for a parking space. The proposed development has been designed to be compatible with the existing character and function of the neighbourhood. In our opinion, the proposal balances the City's growth management objectives while being respecting the character and scale of the existing development pattern along McNeilly Road. The proposal enhances the character of the area by further optimizing an under-utilized parcel to increase the housing stock in the city. It builds upon the established patterns and built forms by keeping the height at two (2) storeys.

***b) The variance maintains the general intent and purpose of the Zoning By-law.***

The Subject Lands are zoned Rural Residential Zone (RR) within Stoney Creek Zoning By-law 3692-92.

The following zone provisions apply to the Subject Lands:

Regulation	RR Zone Requirement	Retained Lot 'A'	Retained Lot 'B'	Severed Lot
<b>Min. Lot Area</b>	464.5 square metres	531 square metres	531 square metres	531 square metres
<b>Min. Lot Frontage</b>	15 metres	12.18 metres	12.18 metres	12.18 metres
<b>Min. Side Yard</b>	1.25 metres	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other
<b>Min. Front Yard Set back</b>	10 metres	8 metres	8 metres	8 metres

*Lot Frontage*

The intent of the minimum lot frontage provision of the Zoning By-law is to maintain a consistent lot pattern throughout the surrounding area, and ensure sufficient width is provided to accommodate greenspace and driveway requirements for residential uses. The Proposal results in a minimum lot frontage of 12.18 metres for all three of the lots, whereas the By-law requires a minimum lot frontage of 15 metres. In our opinion, the proposed lot frontage is consistent with other lot frontages in the surrounding area. More specifically, the lands abutting the Subject Lands to the south were recently endorsed by



way of a settlement hearing at the Ontario Land Tribunal for a minimum lot frontage of 10 metres.

#### *Minimum Side Yard*

Through the Ontario Land Tribunal's approval of the neighbouring Rezoning and Draft Plan of Subdivision, a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other, was approved. The requested variances maintain a development standard that facilitates efficient urban development while in keeping with the surrounding context.

Except for the three requested variances, all other regulations of the RR Zone within By-law 3692-927 are met with the proposed severance. Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

#### *Minimum Front Yard Setback*

The general intent of the front yard setback is to ensure that buildings are appropriately setback from the street to allow for sufficient separation from municipal roadways and landscaping, and to ensure a consistent streetscape is maintained. The requested front yard variance meets the intent of the Zoning By-law as the proposed setback is generally in keeping with existing and proposed setbacks along McNeilly Road. The existing dwelling at 270 McNeilly Road is setback approximately 8 metres from the current right-of-way.

#### ***c) The variance is desirable and appropriate for the development and use of the land.***

The proposal is intended to optimize the use of the Subject Lands by facilitating residential development within the City's urban boundary and designated greenfield area, with the overarching goal of contributing to the increased housing stock. It aligns with the City's February 2023 commitment to construct 47,000 new housing units by 2031. The City's Official Plan, as discussed above, states that it is the City's goal to increase the amount of housing within the Urban Area, and encourages residential intensification within Neighbourhoods that is compatible with the local context, as contemplated through this proposal. Similarly, the Zoning By-law permits residential dwellings as contemplated through the proposed severance within the RR Zone, and the proposal is consistent with the City's goals as provided in both the Official Plan and Zoning By-law.

The proposed variances collectively will facilitate the creation of a residential infill lot which represents a form of 'gentle intensification' on a lot that is on the periphery of a neighbourhood, next to a collector road in proximity to public transit. The proposed reductions and variances will not negatively or functionally impact the adjacent parcels, and based on the above are both desirable and appropriate for the development and use of the Subject Lands.



**d) *The variance is minor in nature.***

The requested variances for lot frontage and side yard setbacks are minor in nature, and will not result in any unacceptable or adverse impacts on the Subject Lands or surrounding area. It is our opinion, that the variances do not result in the overdevelopment of the Subject Lands and that the proposal is compatible with the surrounding neighbourhood.

The requested variances will facilitate the creation of two additional residential lots, for a total of three (3) lots, which are in keeping with the Council's direction for compatible development within an existing neighbourhood.

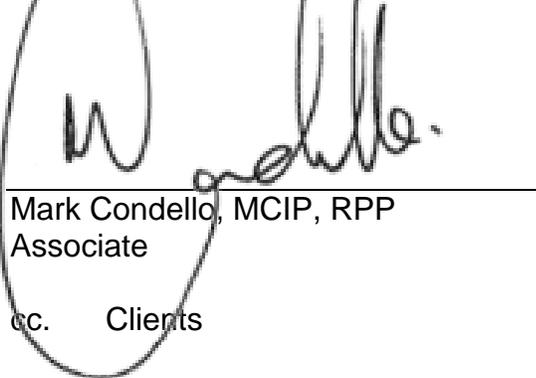
Based on the above, the requested variances are minor in nature.

**CONCLUSION**

In conclusion, the applications for consent address all matters under the *Planning Act*, the UHOP and Fruitland Winona Secondary Plan. The requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it is our opinion the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act*.

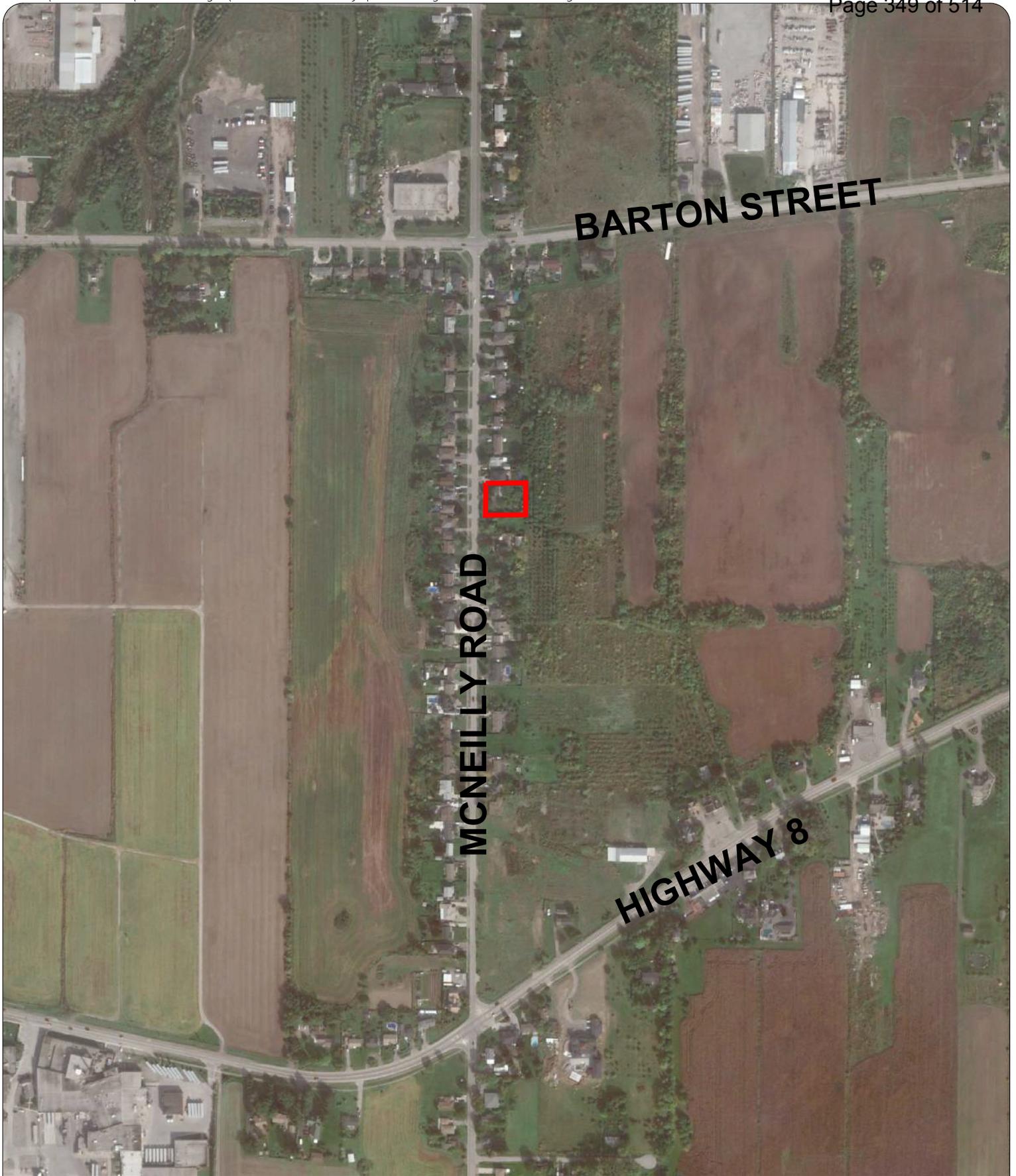
Respectfully Submitted,

**GLEN SCHNARR & ASSOCIATES INC.**



Mark Condello, MCIP, RPP  
Associate

cc. Clients



**FIGURE 1** **AERIAL CONTEXT PLAN**  
CITY OF HAMILTON

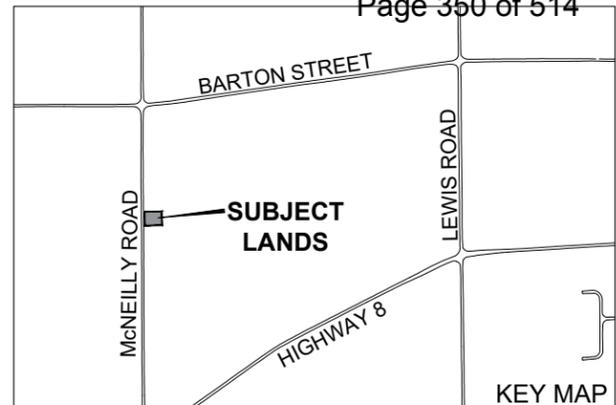
**LEGEND**

 Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALT FLEET)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024



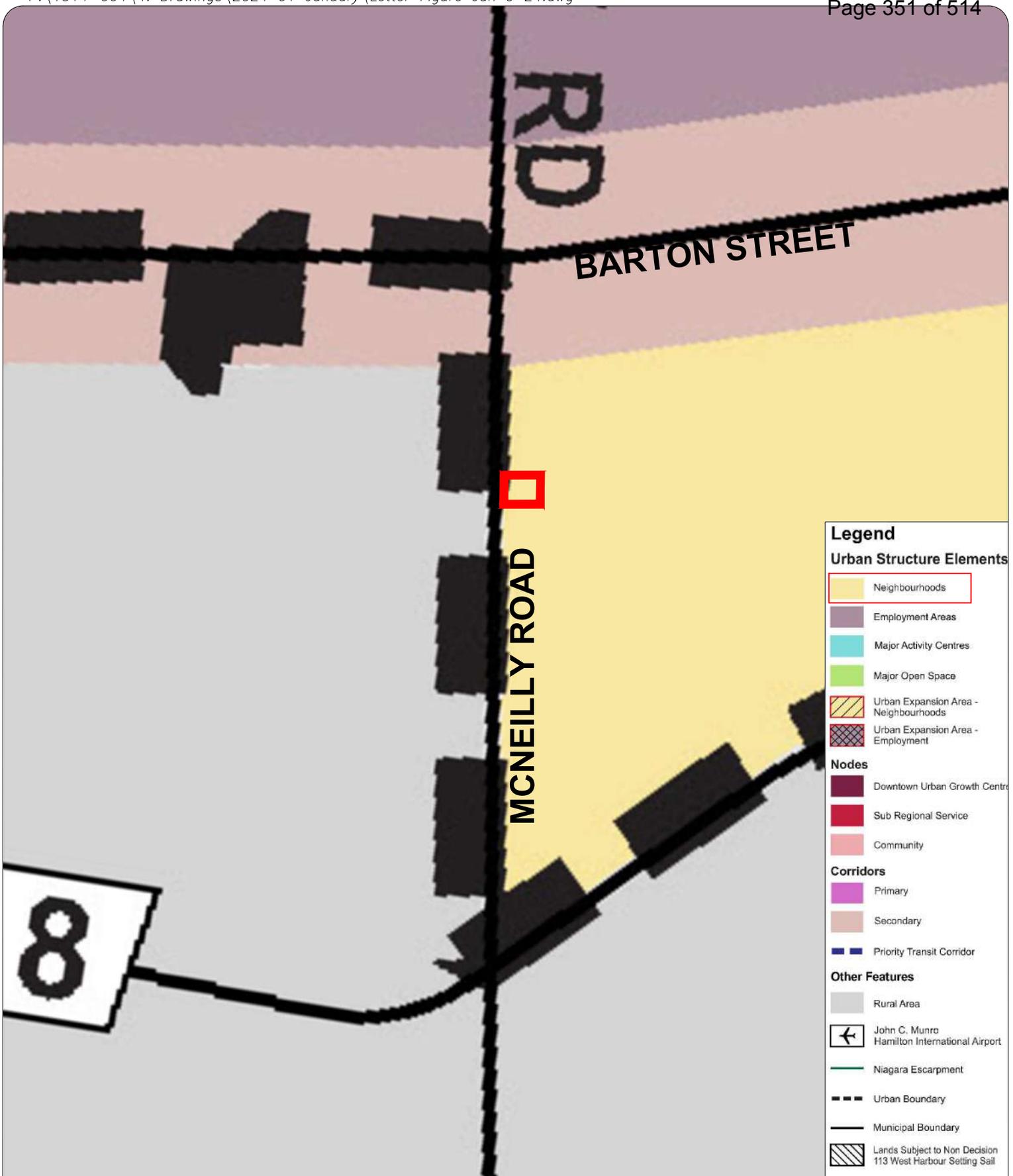
**DEVELOPMENT CONTEXT PLAN**  
**1000693093 ONTARIO INC.**

266 MCNEILLY ROAD  
LOT 8 CONCESSION 2  
TOWNSHIP OF SALT FLEET  
CITY OF HAMILTON

**FIGURE**  
**2**

SCALE 1:2000  
January 4, 2024





**Legend**

**Urban Structure Elements**

- Neighbourhoods
- Employment Areas
- Major Activity Centres
- Major Open Space
- Urban Expansion Area - Neighbourhoods
- Urban Expansion Area - Employment

**Nodes**

- Downtown Urban Growth Centre
- Sub Regional Service
- Community

**Corridors**

- Primary
- Secondary
- Priority Transit Corridor

**Other Features**

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary
- Lands Subject to Non Decision 113 West Harbour Setting Sail

FIGURE **3** **HAMILTON OFFICIAL PLAN**  
 SCHEDULE 'E' - URBAN STRUCTURE

**LEGEND**

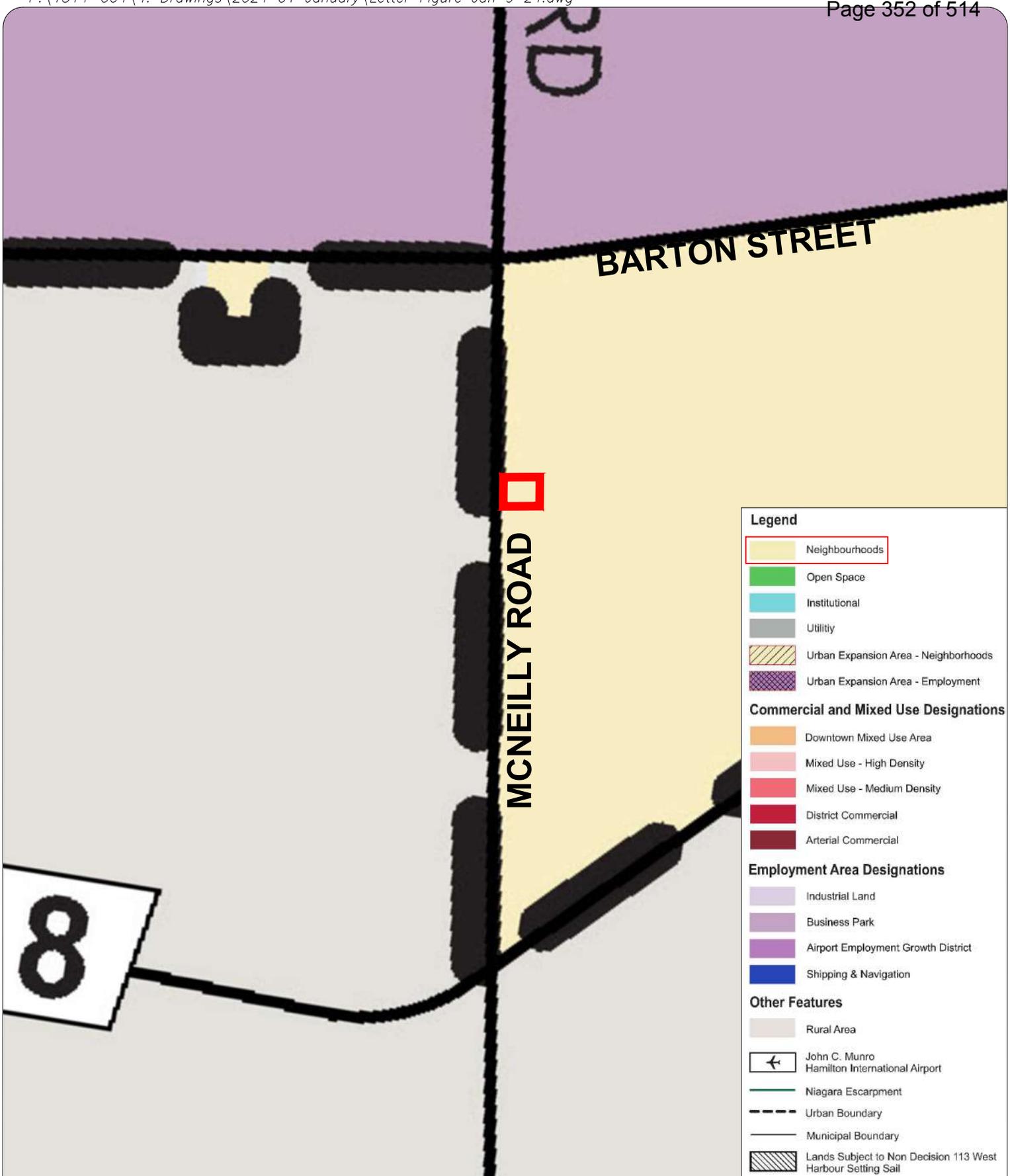
Subject Lands

266 MCNEILLY ROAD  
 PART OF LOT 7 & 8, CONCESSION 2,  
 (GEOGRAPHICAL TOWNSHIP OF SALTFLY)  
 CITY OF HAMILTON



SCALE NTS  
 JANUARY 09, 2024





**Legend**

- Neighbourhoods
- Open Space
- Institutional
- Utility
- Urban Expansion Area - Neighborhoods
- Urban Expansion Area - Employment

**Commercial and Mixed Use Designations**

- Downtown Mixed Use Area
- Mixed Use - High Density
- Mixed Use - Medium Density
- District Commercial
- Arterial Commercial

**Employment Area Designations**

- Industrial Land
- Business Park
- Airport Employment Growth District
- Shipping & Navigation

**Other Features**

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary
- Lands Subject to Non Decision 113 West Harbour Setting Sail

FIGURE 4 HAMILTON OFFICIAL PLAN SCHEDULE 'E-1' - URBAN STRUCTURE

LEGEND

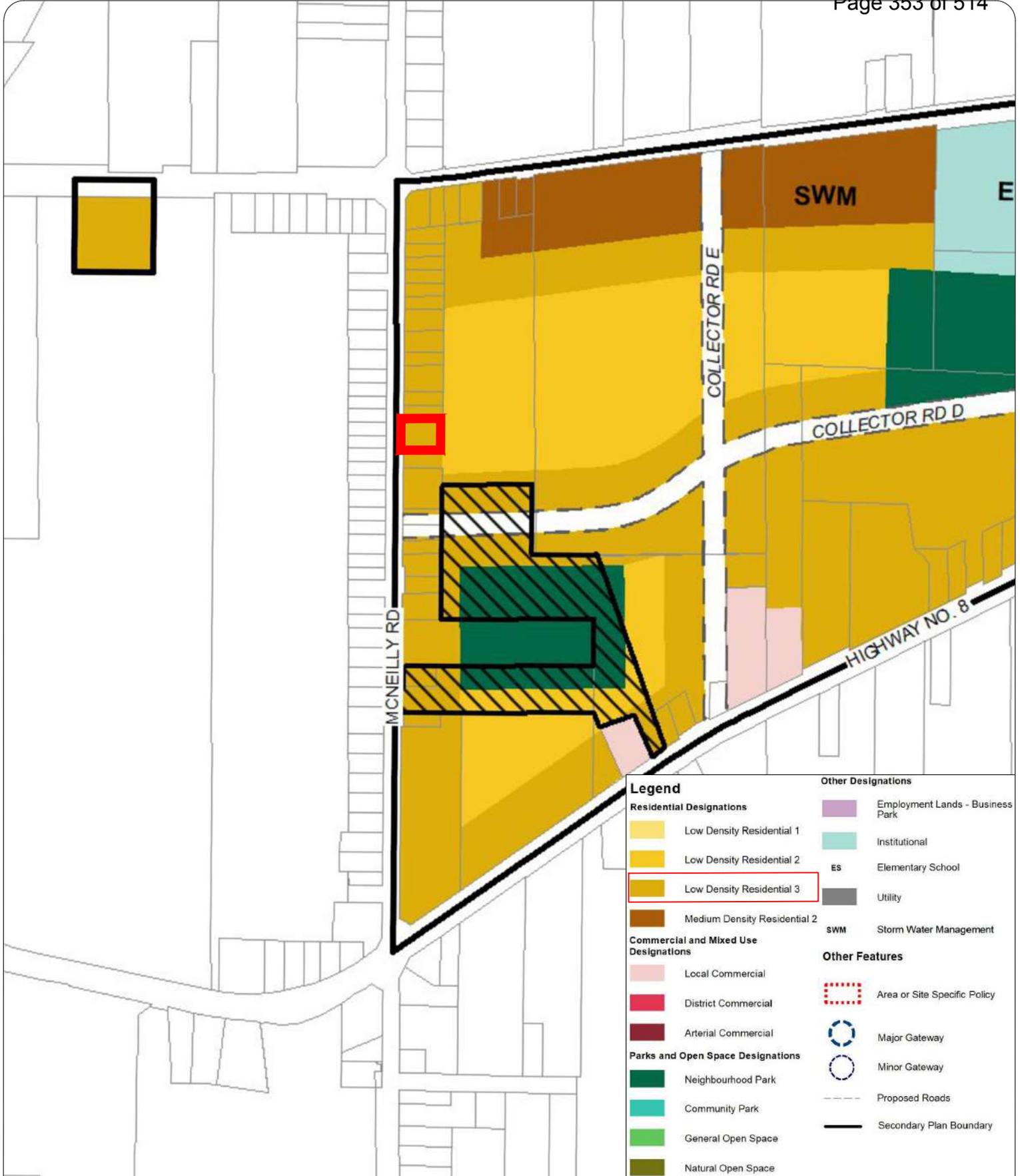
Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALTFLEET)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024





**FIGURE 5** **HAMILTON OFFICIAL PLAN**  
**FRUITLAND-WINONA SECONDARY PLAN**  
**MAP B.7.4-1: LAND USE PLAN**

**LEGEND**

 Subject Lands

266 MCNEILLY ROAD  
 PART OF LOT 7 & 8, CONCESSION 2,  
 (GEOGRAPHICAL TOWNSHIP OF SALT FLEET)  
 CITY OF HAMILTON



SCALE NTS  
 JANUARY 09, 2024



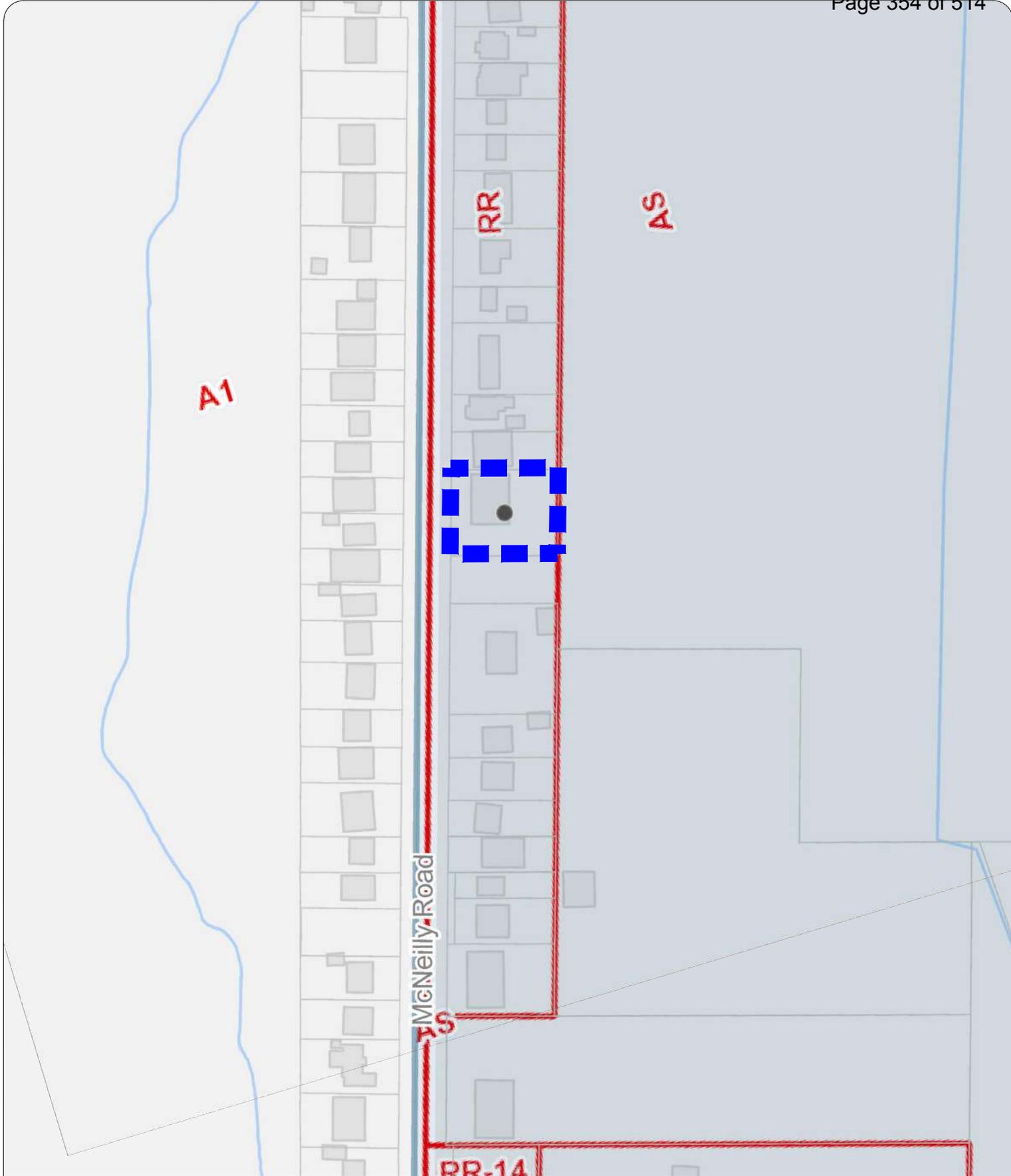


FIGURE **6** **HAMILTON ZONING BY-LAW**  
CITY OF HAMILTON

**LEGEND**

 Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALTFLY)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024



**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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



Hamilton

**APPLICATION FOR CONSENT TO SEVER LAND  
 and VALIDATION OF TITLE  
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	<b>NAME</b>
<b>Purchaser*</b>	
<b>Registered Owners(s)</b>	
<b>Applicant(s)**</b>	
<b>Agent or Solicitor</b>	

\*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.

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

1.2 Primary contact  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person  
 Cheque

 Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	266 McNeilly Road, Hamilton, L8E 5H2		
Assessment Roll Number			
Former Municipality			
Lot	PT LT 8	Concession	CON 2 SALTFLEET
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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)

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot(s)   | <input type="checkbox"/> concurrent new lot(s) |
| <input checked="" type="checkbox"/> addition to a lot   | <input type="checkbox"/> a lease               |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |  |

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

n/a

3.3 If a lot addition, identify the lands to which the parcel will be added:

n/a

3.4 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)

#### 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

##### 4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Retained A	Retained B	Severed		
Type of Transfer	N/A				
Frontage	12.18m	12.18m	12.18m		
Depth	43.58m	43.58m	43.58m		
Area	531m <sup>2</sup>	531m <sup>2</sup>	531m <sup>2</sup>		
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	Detached Dwelling	Vacant	Vacant		
Proposed Buildings/ Structures	Detached Dwelling	Detached Dwelling	Detached Dwelling		
Buildings/ Structures to be Removed	Detached Dwelling	N/A	N/A		

\* Additional fees apply.

##### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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)

c) 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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to the Cover Letter prepared by Glen Schnarr & Associates Inc.

5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? RR - Rural Residential

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

5.4 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 known, provide the appropriate file number and status of the application.

5.5 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

6.3 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.

6.4 How long has the applicant owned the subject land?

October 31, 2023

6.5 Does the applicant own any other land in the City?       Yes       No

If YES, describe the lands below or attach a separate page.

## 7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes       No      (Provide explanation)

Please refer to the Cover Letter prepared by Glen Schnarr & Associates Inc.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes       No      (Provide explanation)

Please refer to the Cover Letter prepared by Glen Schnarr & Associates Inc.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes       No      (Provide explanation)

Please refer to the Cover Letter prepared by Glen Schnarr & Associates Inc.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes       No      (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION****10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

**10.3 Rural Hamilton Official Plan Designation(s)**

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 consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.7 Description of surplus dwelling lands proposed to be severed:**

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

- Prior to December 16, 2004       After December 16, 2004

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>SC/A-24:28</b>	<b>SUBJECT PROPERTY:</b>	266 MCNEILLY ROAD, STONEY CREEK
<b>ZONE:</b>	"RR" (Rural Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: 1000693093 ONTARIO INC.  
Agent: GLAN SCHNARR & ASSOCIATES INC. (MARK CONDELLO)

The following variances are requested:

1. A Minimum Lot Frontage of 12.18 metres shall be permitted instead of the Minimum Required Lot Frontage of 15.0 metres required;
2. Notwithstanding the provision in section 5.4.3(e), a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other;
3. A Minimum Front Yard Setback of 8 metres shall be permitted instead of the Minimum Required Front Yard Setback of 10 metres.

**PURPOSE & EFFECT:** So as to permit the Severance of a property into three lots in order to construct three Single Detached Dwellings notwithstanding that:

**Notes:**

- i) Please note, this application shall be heard in conjunction with Consent application SC/B-24:07. Furthermore, the requested variances are intended to be applied to all three parcels upon final severance to permit each Single Detached Dwelling to maintain the same setback and frontage requirements.
- ii) Please note, variance #2 has been written exactly as requested by the applicant. The intent is to provide relief of current side yard setback regulations under Section 5.4.3 (e) as they pertain to an attached garage or carport. It is noted that at this time, the applicant cannot confirm if a garage will be included within the proposed Single Detached Dwellings and as such cannot confirm the specific

**SC/A-24:28**

setback requirement within the interior side yard. As such, the variance has been requested to permit the future Single Detached Dwelling irrespective of an attached garage or carport being proposed.

- iii) Insufficient information has been provided to determine proposed Building Height. As per Section 5.4.3 (g) a maximum height of 11.0 metres is permitted. Should the proposed Single Detached Dwellings exceed the maximum height, additional variances may be required.
- iv) Be advised, insufficient information has been provided to determine parking requirements. Please note, should parking not be provided in accordance with 4.10 and 5.1.5, additional variances may be required.
- v) Please note, the building envelope as shown on the submitted Site Plan is indicated to be 54.91% of the total lot coverage, whereas 40% is permitted under Section 5.4.3 (c). As per correspondence, it is noted that the building envelope has been provided for setback purposes and may not constitute the entirety of the proposed Single Detached Dwelling. As such, no additional variances are required should the proposed building not exceed the required 40% lot coverage.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:50 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

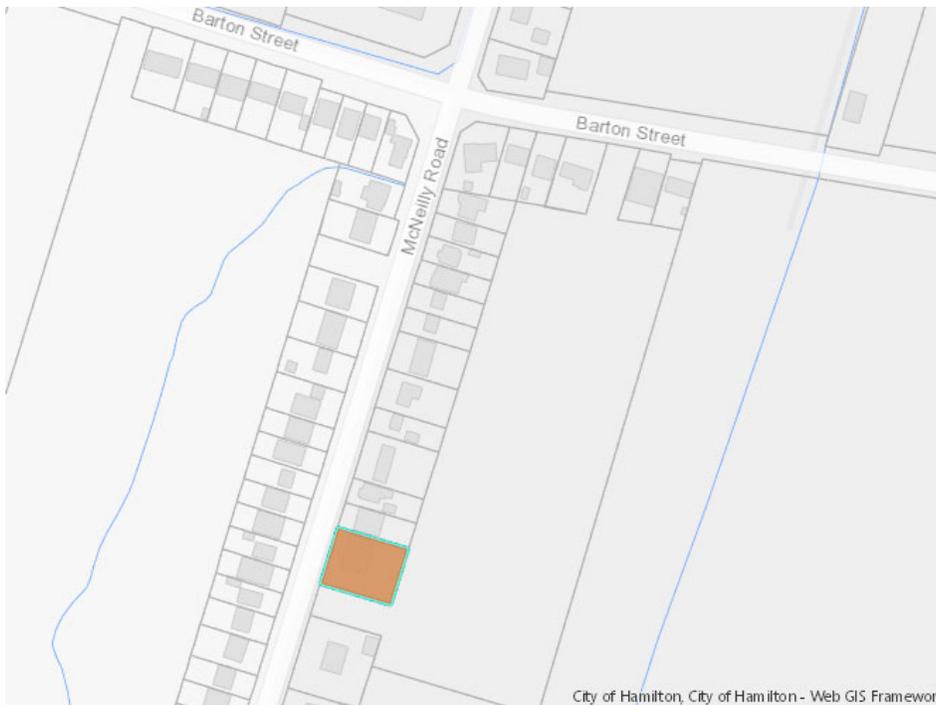
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

SC/A-24:28

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-24:28, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

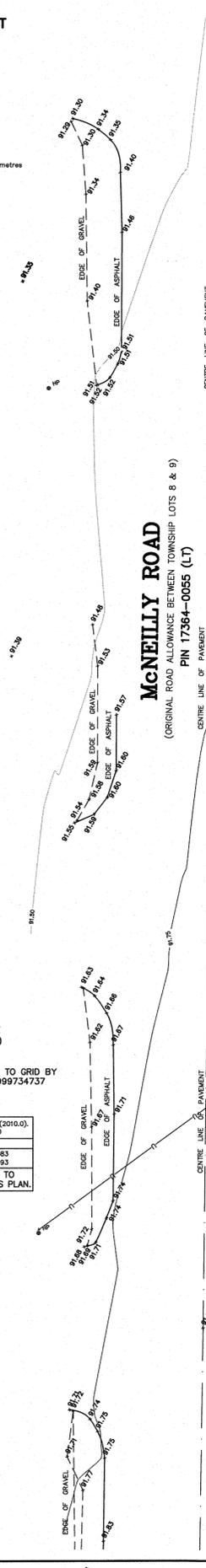
##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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 1, PLAN OF PART OF  
**LOT 8**  
**CONCESSION 2**  
 GEOGRAPHIC  
**TOWNSHIP OF SALT FLEET**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:100 METRIC  
**R.A. McLAREN, O.L.S. - 2023**



**BENCHMARK NOTE:**  
 MONUMENT 0011963U3503  
 E.D. SMITH PURE FOODS PRODUCTS BUILDING ON THE SOUTH SIDE OF HIGHWAY NO. 8, 2.1 KM WEST OF THE POST OFFICE 1.8 KM EAST OF GLOVER ROAD, TABLET SET IN THE NORTH CONCRETE FOUNDATION, DIRECTLY BELOW THE CENTRE OF THE SIXTH SET OF WINDOWS EAST OF THE MOST WESTERLY ENTRANCE, 32.30 M EAST OF NORTHWEST CORNER, 2.52 M WEST OF A SMALL OUTWARD JUT IN WALL AND 30 CM BELOW RED BRICK SIDING.  
 ELEVATION : 96.504 CGVD28:78

**NOTE:**  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE LOCATED BY REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH DRAWING No. 89-S-54 (SHEET 2 OF 3)  
 UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
 INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
 DISTANCES ARE GROUND AND CANOPY BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999734737

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
CRP @	4785557.014	608059.083
CRP @	4785264.984	608020.493

COORDINATES CANOPYNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - SB STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - PB PLASTIC BAR
  - CP CUT CROSS
  - CP CONCRETE PIN
  - S24 A.T. McLAREN, O.L.S. MEASURED
  - PI PLAN 62R-21807
  - P2 PLAN 62R-1754
  - P3 PLAN 62R-17505
  - DI INSTRUMENT HL48652
  - MH MANHOLE
  - OH HYDRO POLE
  - GM GAS METER
  - AC AIR CONDITIONER
  - EVG EVERGREEN
  - GF GARAGE FLOOR
  - INV INVERT
  - DS DOORSILL
  - CONC CONCRETE
  - TB TOP OF BANK
  - WV WATERVALVE
  - D DIAMETER

**SITE BENCH MARK**  
 NAIL IN ASPHALT  
 ELEVATION: 91.76



**SURVEYOR'S REAL PROPERTY REPORT (PART 2)**  
 PART OF LOT 8, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF SALT FLEET IS NOT SUBJECT TO ANY EASEMENTS.  
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.  
 THIS PLAN WAS PREPARED FOR 100693093 ONTARIO INC.

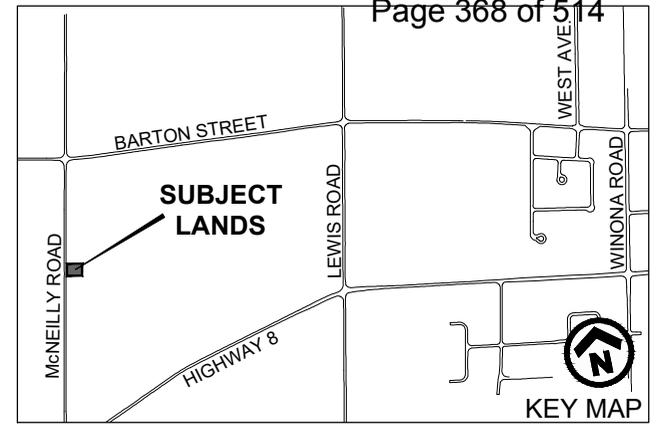
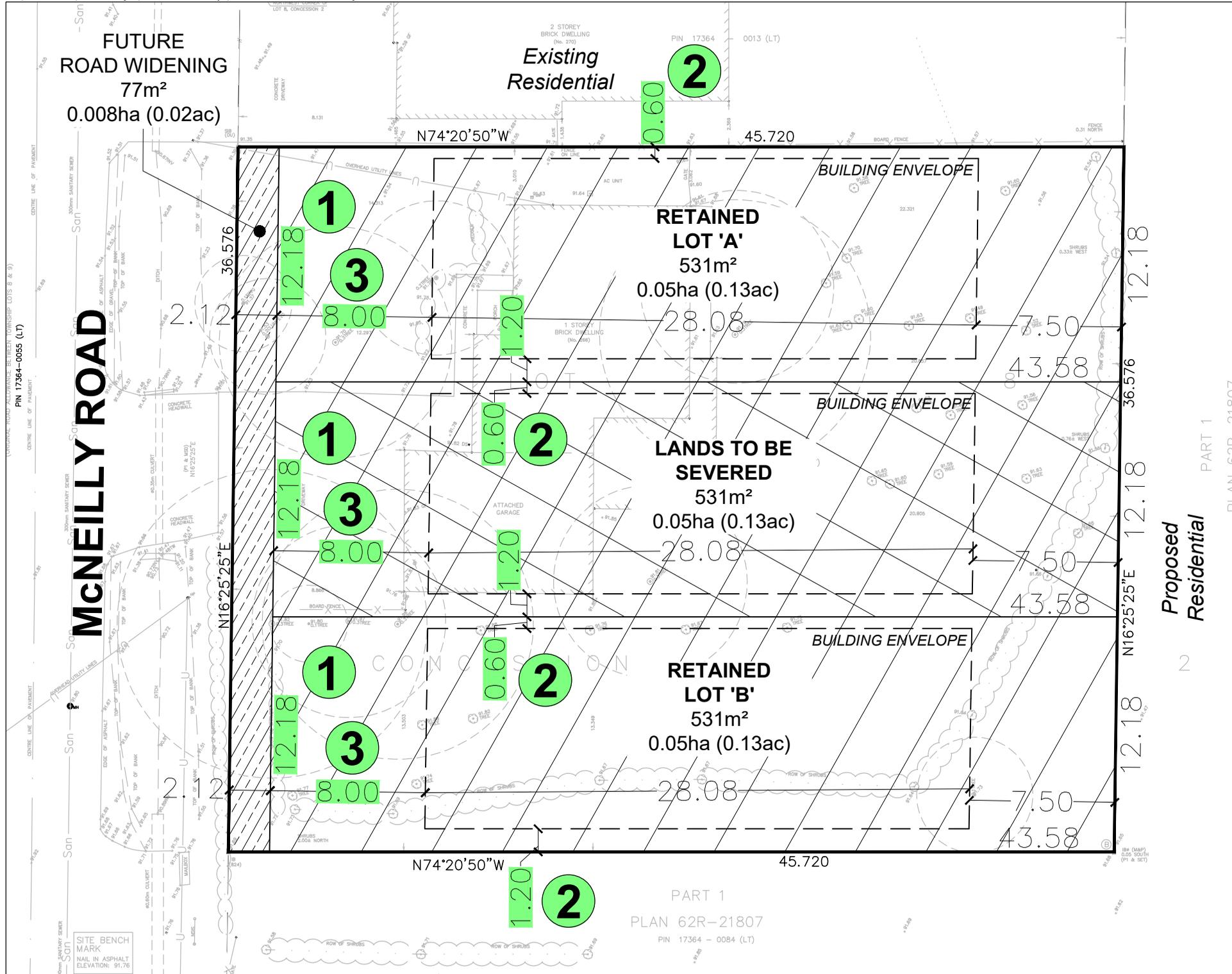
**PART 1**  
**PLAN 62R-21807**  
**PIN 17364 - 0084 (LT)**

**PART 1**  
**PLAN 62R-21807**  
**PIN 17364 - 0084 (LT)**

**METRIC NOTE:**  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
 2. THE SURVEY WAS COMPLETED ON THE 13th DAY OF NOVEMBER, 2023  
 DATE: 15 DEC 2023  
 ROB A. McLAREN, O.L.S.

© R.A. McLAREN, O.L.S. - 2023. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. 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



**MINOR VARIANCE SKETCH PLAN**  
**1000693093 ONTARIO INC.**

266 MCNEILLY ROAD  
LOT 8 CONCESSION 2  
TOWNSHIP OF SALTFLEET  
CITY OF HAMILTON

**REQUESTED VARIANCES:**

- To permit a minimum lot frontage of 12.18 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.
- To permit a minimum side yard setback of 1.20 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setback of 1.25 metres.
- To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.

  
SCALE 1:250  
JANUARY 19, 2024



Partners:

**Glen Broll**, MCIP, RPP

**Colin Chung**, MCIP, RPP

**Jim Levac**, MCIP, RPP

**Jason Afonso**, MCIP, RPP

**Karen Bennett**, MCIP, RPP

*In Memoriam, Founding Partner:*

**Glen Schnarr**

January 31, 2024

GSAI File: 1514-004

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

**Attention:** Ms. Sheffield  
Secretary-Treasurer, Committee of Adjustment

**RE: Application for Consent to Sever and Minor Variance  
266 McNeilly Road  
Stoney Creek, ON L8E 5H2  
City of Hamilton**

---

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit the enclosed Consent Application and Minor Variance Application concerning the lands municipally addressed as 266 McNeilly Road (herein referred to as the "Subject Lands" or the "Site") on behalf of our client, 1000693093 ONTARIO INC. (herein referred to as the "Owner").

In support of these applications, please find enclosed the following:

- One (1) Consent Application Form;
- One (1) Minor Variance Application Form;
- Survey, prepared by A.T. McLaren Limited, dated December 15, 2023;
- Severance Sketch prepared by Glen Schnarr & Associates Inc., dated January 11, 2024;
- Minor Variance sketch prepared by Glen Schnarr & Associates Inc., dated January 11, 2024;
- Payment in the amount of \$3,360 (Consent Application); and,
- Payment in the amount of \$3,900 (Minor Variance Application).

## SUBJECT LANDS AND SURROUNDING CONTEXT

The Subject Lands are generally located on the east side of McNeilly Road, south of Barton Street and north of Highway No. 8 in Stoney Creek. The Subject Lands have an area of approximately 0.7 hectares (1.74 acres) and frontage of approximately 36.5 metres (206 feet) along McNeilly Road and are currently occupied by an existing two-storey single detached dwelling, refer to Figure 1.

The Subject Lands is legally described as PT LT 8, CON 2 SALTFLEET , AS IN HL49652; STONEY CREEK CITY OF HAMILTON.

Abutting the Subject Lands to the east are lands subject to a Rezoning and Draft Plan of Subdivision Application (City File No. ZAC-20-043 and 25T-202009). The purpose and effect of these Applications is to facilitate the development of 545 residential units, consisting of 156 single dwellings, 192 street townhouses, and two blocks for the purpose of condominium townhouses along Barton Street, as well as the creation of a neighbourhood park, and a block for a stormwater management pond. By way of a Settlement Hearing, on December 14, 2023, the Ontario Land Tribunal provided an oral decision approving the neighbouring development and subsequent planning instruments. At the time of preparing this Letter, the Ontario Land Tribunal had not issued a formal procedural order.

Figure 2 illustrates the Proposed Development in the context of the neighbouring development.

## PROPOSAL SUMMARY

The objective of the Applications is to create two additional residential lots for a total of three (3). Each lot; Severed, Retained Lot 'A' and Retained Lot 'B', would have a lot width of 12.18 metres and lot depth of 45.7 metres, resulting in a lot area of approximately 531 square metres for each lot.

Lot	Lot Frontage	Lot Area
Served Lot	12.18 metres	531 square metres
Retained Lot A	12.18 metres	531 square metres
Retained Lot B	12.18 metres	531 square metres

The existing dwelling will be demolished to facilitate the Proposed Development.

## REQUESTED VARIANCES

To facilitate the severance, three (3) Minor Variances are required.

### Retained Lot 'A'

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

### Retained Lot 'B'

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

### Severed Lot

1. *To permit a minimum lot frontage of 12.1 metres; whereas Zoning By-law 3692-92 requires a minimum lot frontage of 15.0 metres.*
2. *To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other; whereas Zoning By-law 3692-92 requires a minimum side yard setbacks of 1.25 metres.*
3. *To permit a minimum front yard setback of 8 metres; whereas Zoning By-law 3692-92 requires a minimum front yard setback of 10 metres.*

## **POLICY AND REGULATION CONTEXT**

### Urban Hamilton Official Plan ('UHOP')

On December 6, 2023, Bill 150, the Planning Statute Law Amendment Act, 2023 received royal assent enacting the *Official Plan Adjustments Act, 2023*. The legislation results in all but three of the provincial modifications made on November 4, 2022, to the Urban Hamilton Official Plan (the 'UHOP') Amendment 167, to accommodate population and job growth to the year 2051, as having never been made. The effect of this legislation includes



restoring the no urban boundary expansion growth strategy approved by City Council in June 2022.

The Subject Land are located within City's 'Neighbourhood' Urban Structure as shown on Schedule 'E' (Figure 3). The Subject Lands are designated 'Neighbourhoods' as shown on Schedule 'E-1' (Figure 4).

From a Growth Management perspective, by 2051, the City is expected to grow to achieve a population of 820,000 and 360,000 jobs. The Subject Lands are located within the City's Urban Boundary and are located outside of the Built-up area (Appendix G – Boundary Map). In keeping with Provincial policies, the Subject Lands are identified as Designated Greenfield Area. The UHOP defines "Greenfield Area" as "... *the area within the urban area that is not built-up area.*"

Per Policy A.2.3.4.2, Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. Furthermore, Section A.2.3.4.3 states that, "notwithstanding policy A.2.3.4.2, the lands within the greenfield area that are not subject to existing development approvals, including lands within the Fruitland-Winona Secondary Plan area, shall be planned to achieve a minimum density of 70 persons and jobs per hectare."

Per Schedule C-2 (Future Right-of-Way Dedications) of the UHOP, McNeilly Road is identified as a 'Collector' with a planned right-of-way width of 26.213 metres.

#### Fruitland-Winona Secondary Plan

The Fruitland-Winona Secondary Plan establishes land uses and development standards that guide the development of lands within the Secondary Plan area. The vision for the Secondary Plan indicates the community is generally a low-density community which will support neighbourhood commercial and other high-density residential land uses at appropriate locations. The Secondary Plan was adopted by City Council on May 14th, 2014 and was subsequently appealed to the Ontario Municipal Board. On June 22, 2018, the Tribunal issued a decision, declaring the Secondary Plan is approved in its entirety, except those lands subject to site-specific appeals. The policies specific to the Subject Lands are in force and effect.

The Secondary Plan area comprises 370 hectares (914 acres), including the existing community of Winona, and is planned to accommodate an estimated population of approximately 15,400 people, at a density of 70 persons/jobs per gross hectare.

On Map B.7.4.1 (Land Use Plan) of the Secondary Plan, the Subject Lands are designated "*Low Density Residential 3*" (Figure 5).



### Stoney Creek Zoning By-law 3692-92

The Subject Land falls under the Stoney Creek By-law 3692-92 and is currently zoned Rural Residential Zone ('RR'), refer to Figure 6. Single detached dwellings are permitted.

The proposed severance and associated variances intend to create two (2) additional residential lots for the purpose of developing two (2) additional single detached dwellings. To permit the additional detached dwellings as per the RR Zone, a series of variances are required as a result of the severance, as described below.

## **ANALYSIS**

### CONSENT APPLICATION

#### *Planning Act*

While this application is a Consent under Section 53 of the *Planning Act*, the determination of whether the approval of the Consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

*"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;*

With respect to Section 51(24) (a), the application is to sever the existing lot and create two (2) additional lots, for a total of three (3) lots. The proposed lots are consistent with the matters of provincial interest listed in Section 2 of the *Planning Act*, including providing for orderly development, supporting public transit and locating growth and development in an appropriate location.

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

Section 51(24)(b) has been met as the lots are located on an existing municipal road, within the built boundary and serviced by municipal water and wastewater. The consent will result in contiguous and orderly development of the site that is not premature with uses that are permitted within the Official Plan and Zoning By-law.

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



Section 51(24)(c) has been met as the proposal conforms to the UHOP and Fruitland-Winona Secondary Plan.

The Subject Lands are designated 'Neighbourhoods' in the UHOP and 'Low Density Residential 3', which permits residential development. The proposal also meets the criteria for consents outlined in Policy F.1.14.3.1 of the UHOP while helping to meet Hamilton's residential intensification targets through a form of 'gentle intensification'.

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

The severance application aims to create two (2) additional residential parcels, for a total of three (3) parcels which is appropriate for and compatible for the intended development of the lots. The lands are already being used for residential purposes and will continue to be used as such after the lands are severed.

*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;*

No highways or public roads are planned for development. The site has access to the surrounding road network via McNeilly Road.

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

The proposal results in the creation of residential lots, that generally comply with the applicable Zoning By-law requirements, with the exception of lot frontage. The proposed parcels are compatible with the existing and proposed residential land uses.

*h) conservation of natural resources and flood control;*

Natural resources and flood control is not expected to be impacted through the proposed lot creation.

*i) the adequacy of utilities and municipal services;*

Section 51(24)(i) has been fulfilled for the retained land as the property is presently fully serviced. Servicing for the proposed severed lots will be provided from McNeilly Road.

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

Land dedications are proposed for the retained and severed lots, consisting of a 2.12 metres right-of-way dedication along McNeilly Road.

*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.*

Development of the proposed lot will be reviewed and approved through a future building permit application and will be in accordance with existing zoning, as amended to permit a reduced lot frontage.

*Urban Hamilton Official Plan (UHOP)*

Section F.1.14.3.1 of the UHOP addresses Consent policies for the Neighbourhoods land use designation applicable to the Subject Lands, as follows:

*“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;*

The Subject Lands are designated ‘Neighbourhoods’ in the UHOP and ‘Low Density Residential 3’, which permits residential development. The proposed lots maintain the scale and character of the surrounding established development pattern and are in keeping with recent development approvals within the surrounding community.

- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;*

A minor variance application has been submitted concurrently with the proposed severance application, with several variances proposed as noted above.

- c) 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;*

Section E.2.6 outlines the City’s policies of the “*Neighbourhood*” urban structure. The UHOP identifies that the “*Neighbourhoods element is an all encompassing element representing the concept of complete community at the structural level.*” The UHOP recognizes that, “*residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood*”. It is our opinion, that the Proposed Development is in keeping with the scale and character of the established development pattern along McNeily Road.



*d) the lots are fully serviced by municipal water and wastewater systems; and,*

The proposed lots will be fully serviced by municipal infrastructure. The severed and retained lots will be serviced from McNeilly Road.

*e) the lots have frontage on a public road.*

The severed and retained lots receive direct access from McNeilly Road.

### *Fruitland-Winona Secondary Plan*

The Secondary Plan contains policies related to Block Servicing Strategies. The Secondary Plan identifies three (3) areas that are subject to Block Servicing Strategies. The BSS 3 area is generally defined from McNeilly Road to 440 metres east of Lewis Road and is bounded by Highway 8 to the south and Barton Street to the north. The Subject Lands are located in the Block 3 Servicing Strategy BSS 3 area. The BSS 3 has been carried out by Urbantech Consulting and was subsequently endorsed by City Council on April 8, 2020.

Policy 7.4.17.1 of the Secondary Plan states that no development application that creates new lots through a plan of subdivision or consent shall be deemed complete unless it implements the Block Servicing Strategy. The Proposal implements the Block Servicing Strategy and does not represent a departure from its recommendations and guiding engineering principles.

### MINOR VARIANCE

Section 45(1) of the *Planning Act* delineates four tests that must be met for the approval of requested minor variances.

***a) The variance maintains the general intent and purpose of the Official Plan.***

As previously noted, the Subject Lands are designated 'Neighbourhood' in the UHOP and 'Low Density Residential 3' in the Fruitland-Winona Secondary Plan.

Section B.2.4.2.2 outlines evaluation criteria for residential intensification in the Neighbourhoods designation:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook noise, lighting, traffic, and other nuisance effects;*
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;*
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;*
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;*

*g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations*

The resulting variances maintain the established lot pattern and configuration of the surrounding established neighbourhood. The result of the proposed variance facilitates two additional residential lots that generally align with development patterns and recent approvals within the surrounding area. It is our opinion, that the proposal will not negatively impact existing adjacent land uses, including shadowing, overlook, lighting, traffic, and other nuisance effects which will be further reviewed through a future building permit application. The proposed reduced minimum side yard allows smaller lots as envisioned in the Fruitland-Winona Secondary Plan and provides sufficient separation space between dwellings and adequate access for maintenance.

Chapter E.2.6 provides that “residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.” Further, Chapter G – Glossary - Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatibility should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Section E.2.7.7 of the UHOP provides that applications for residential intensification within Neighbourhoods shall be reviewed in consideration of the local context, be compatible with the existing function of the neighbourhood, and be evaluated based on the balance of residential intensification criteria as set out in the UHOP.

Section E.3.4.6 c) further states that a mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including scale, character, appearance, and design shall be encouraged. The proposed variances provide for lot sizes and widths compatible with the surrounding character and implement the form of ‘gentle intensification’ broadly encouraged within the UHOP. The requested variances therefore maintain the general intent and purpose of the UHOP.

With regards to the Fruitland-Winona Secondary Plan, the Low Density Residential 3 designation permits a net residential density of 40 to 60 units per hectare. Section 7.4.4.2 states that, in accordance with the Greenfield Density Targets of the UHOP, the Fruitland-Winona community has been planned to accommodate a minimum average density of 70 persons and jobs per hectare and that decrease in density shall not be supported that will impact the overall target of the Plan area unless a remedial density transfer is provided. A greenfield density target is measured over Hamilton’s greenfield area. In the context of the Secondary Plan area, several Official Plan Amendments have been approved that support an increase in densities along transit corridors and strategic growth areas.

The Fruitland-Winona Secondary Plan and the Fruitland-Winona Urban Design Principles and Guidelines speak to ensuring that new development provides an attractive, safe and pedestrian-oriented environment. Design variety within streetscapes is to be promoted.

The proposed modification allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve these development principles, while maintaining sufficient area for a parking space. The proposed development has been designed to be compatible with the existing character and function of the neighbourhood. In our opinion, the proposal balances the City's growth management objectives while being respecting the character and scale of the existing development pattern along McNeilly Road. The proposal enhances the character of the area by further optimizing an under-utilized parcel to increase the housing stock in the city. It builds upon the established patterns and built forms by keeping the height at two (2) storeys.

***b) The variance maintains the general intent and purpose of the Zoning By-law.***

The Subject Lands are zoned Rural Residential Zone (RR) within Stoney Creek Zoning By-law 3692-92.

The following zone provisions apply to the Subject Lands:

Regulation	RR Zone Requirement	Retained Lot 'A'	Retained Lot 'B'	Severed Lot
<b>Min. Lot Area</b>	464.5 square metres	531 square metres	531 square metres	531 square metres
<b>Min. Lot Frontage</b>	15 metres	12.18 metres	12.18 metres	12.18 metres
<b>Min. Side Yard</b>	1.25 metres	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other	To permit a minimum side yard setback of a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other
<b>Min. Front Yard Set back</b>	10 metres	8 metres	8 metres	8 metres

*Lot Frontage*

The intent of the minimum lot frontage provision of the Zoning By-law is to maintain a consistent lot pattern throughout the surrounding area, and ensure sufficient width is provided to accommodate greenspace and driveway requirements for residential uses. The Proposal results in a minimum lot frontage of 12.18 metres for all three of the lots, whereas the By-law requires a minimum lot frontage of 15 metres. In our opinion, the proposed lot frontage is consistent with other lot frontages in the surrounding area. More specifically, the lands abutting the Subject Lands to the south were recently endorsed by



way of a settlement hearing at the Ontario Land Tribunal for a minimum lot frontage of 10 metres.

#### *Minimum Side Yard*

Through the Ontario Land Tribunal's approval of the neighbouring Rezoning and Draft Plan of Subdivision, a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other, was approved. The requested variances maintain a development standard that facilitates efficient urban development while in keeping with the surrounding context.

Except for the three requested variances, all other regulations of the RR Zone within By-law 3692-927 are met with the proposed severance. Based on the above, the requested variances maintain the general intent and purpose of the Zoning By-law.

#### *Minimum Front Yard Setback*

The general intent of the front yard setback is to ensure that buildings are appropriately setback from the street to allow for sufficient separation from municipal roadways and landscaping, and to ensure a consistent streetscape is maintained. The requested front yard variance meets the intent of the Zoning By-law as the proposed setback is generally in keeping with existing and proposed setbacks along McNeilly Road. The existing dwelling at 270 McNeilly Road is setback approximately 8 metres from the current right-of-way.

#### ***c) The variance is desirable and appropriate for the development and use of the land.***

The proposal is intended to optimize the use of the Subject Lands by facilitating residential development within the City's urban boundary and designated greenfield area, with the overarching goal of contributing to the increased housing stock. It aligns with the City's February 2023 commitment to construct 47,000 new housing units by 2031. The City's Official Plan, as discussed above, states that it is the City's goal to increase the amount of housing within the Urban Area, and encourages residential intensification within Neighbourhoods that is compatible with the local context, as contemplated through this proposal. Similarly, the Zoning By-law permits residential dwellings as contemplated through the proposed severance within the RR Zone, and the proposal is consistent with the City's goals as provided in both the Official Plan and Zoning By-law.

The proposed variances collectively will facilitate the creation of a residential infill lot which represents a form of 'gentle intensification' on a lot that is on the periphery of a neighbourhood, next to a collector road in proximity to public transit. The proposed reductions and variances will not negatively or functionally impact the adjacent parcels, and based on the above are both desirable and appropriate for the development and use of the Subject Lands.



**d) *The variance is minor in nature.***

The requested variances for lot frontage and side yard setbacks are minor in nature, and will not result in any unacceptable or adverse impacts on the Subject Lands or surrounding area. It is our opinion, that the variances do not result in the overdevelopment of the Subject Lands and that the proposal is compatible with the surrounding neighbourhood.

The requested variances will facilitate the creation of two additional residential lots, for a total of three (3) lots, which are in keeping with the Council's direction for compatible development within an existing neighbourhood.

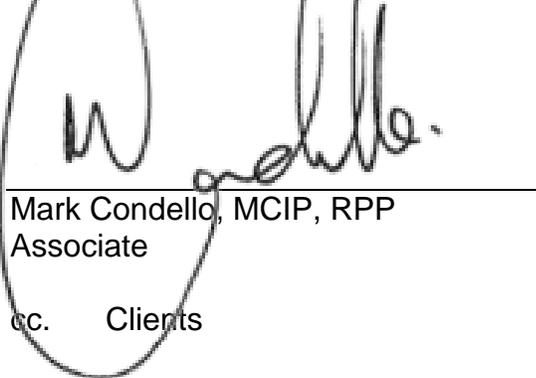
Based on the above, the requested variances are minor in nature.

**CONCLUSION**

In conclusion, the applications for consent address all matters under the *Planning Act*, the UHOP and Fruitland Winona Secondary Plan. The requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it is our opinion the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act*.

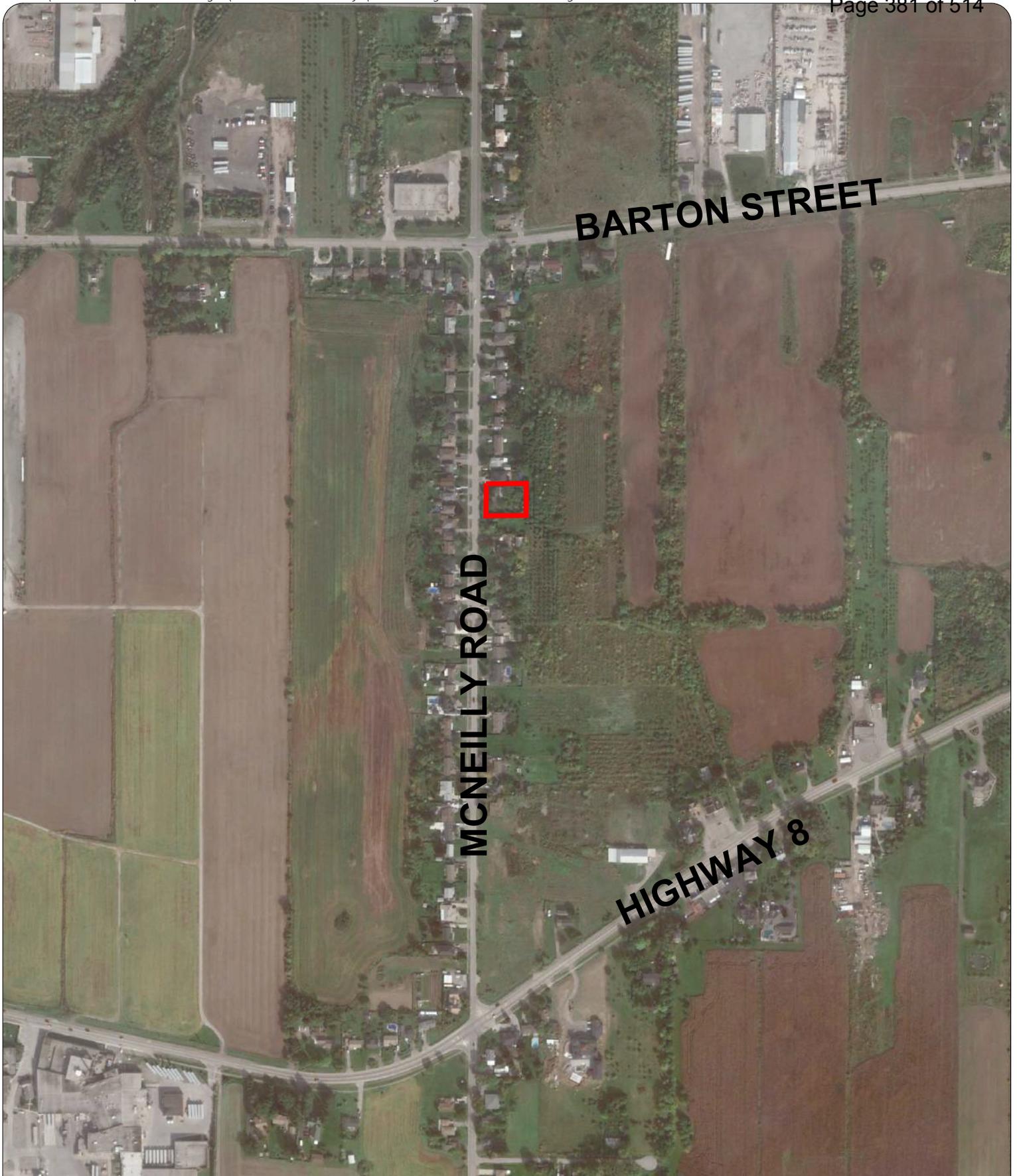
Respectfully Submitted,

**GLEN SCHNARR & ASSOCIATES INC.**



Mark Condello, MCIP, RPP  
Associate

cc. Clients



**BARTON STREET**

**MCNEILLY ROAD**

**HIGHWAY 8**



**FIGURE 1 AERIAL CONTEXT PLAN**  
CITY OF HAMILTON

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALT FLEET)  
CITY OF HAMILTON

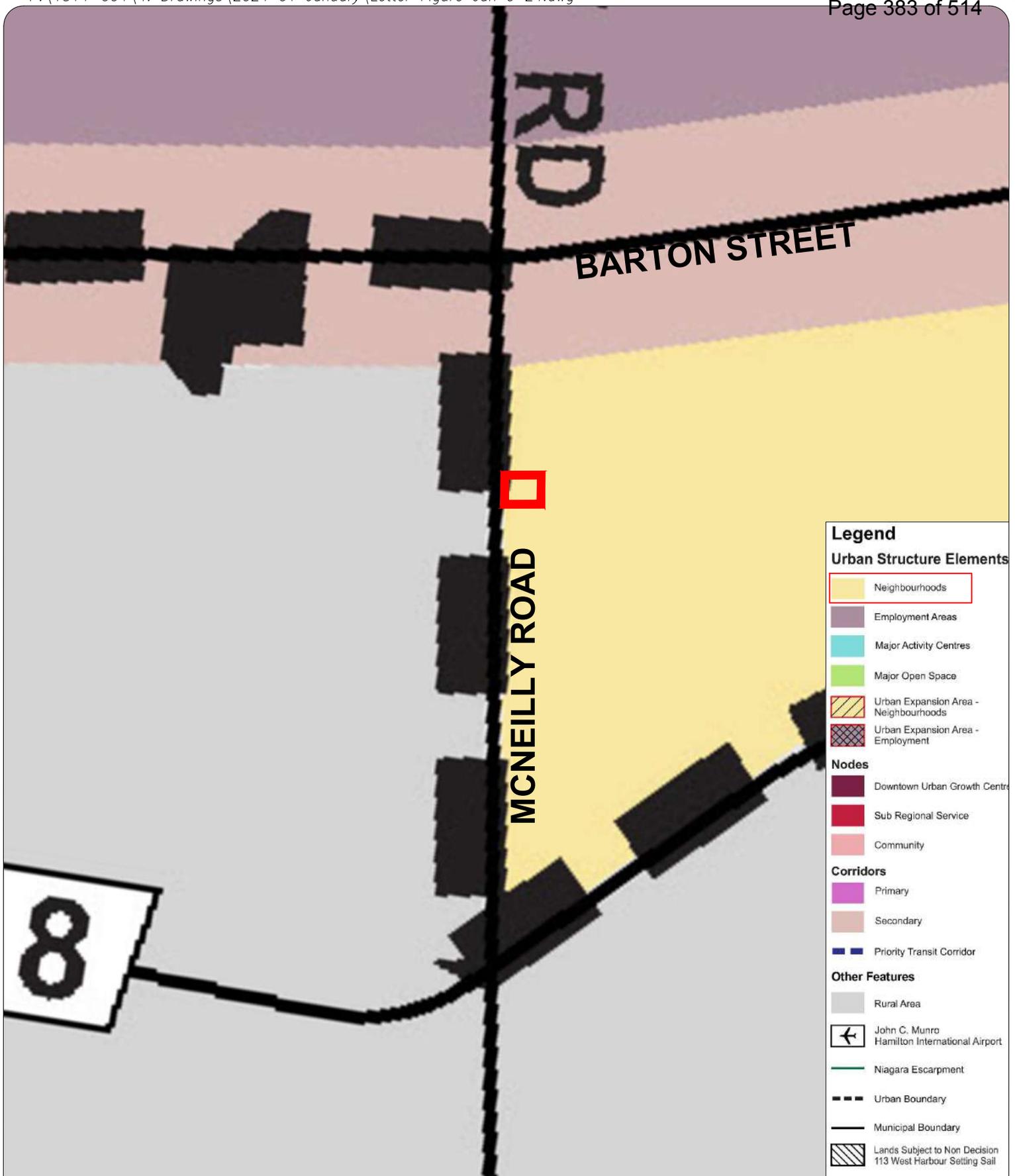


SCALE NTS  
JANUARY 09, 2024

**LEGEND**

 Subject Lands





**Legend**

**Urban Structure Elements**

- Neighbourhoods
- Employment Areas
- Major Activity Centres
- Major Open Space
- Urban Expansion Area - Neighbourhoods
- Urban Expansion Area - Employment

**Nodes**

- Downtown Urban Growth Centre
- Sub Regional Service
- Community

**Corridors**

- Primary
- Secondary
- Priority Transit Corridor

**Other Features**

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary
- Lands Subject to Non Decision 113 West Harbour Setting Sail

FIGURE 3 HAMILTON OFFICIAL PLAN SCHEDULE 'E' - URBAN STRUCTURE

LEGEND

 Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALTFLY)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024

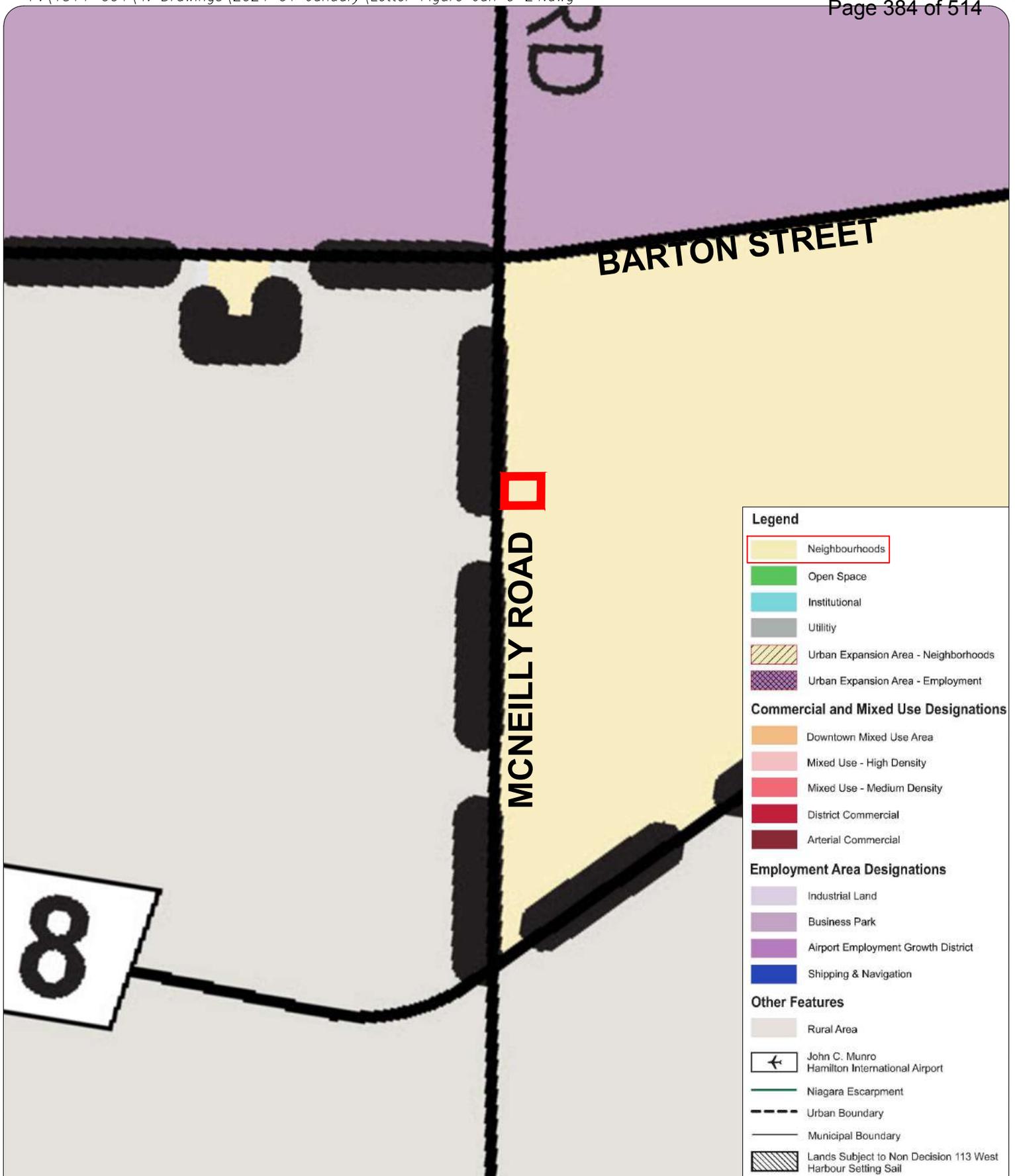


FIGURE 4 HAMILTON OFFICIAL PLAN SCHEDULE 'E-1' - URBAN STRUCTURE

LEGEND

 Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALTFLEET)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024

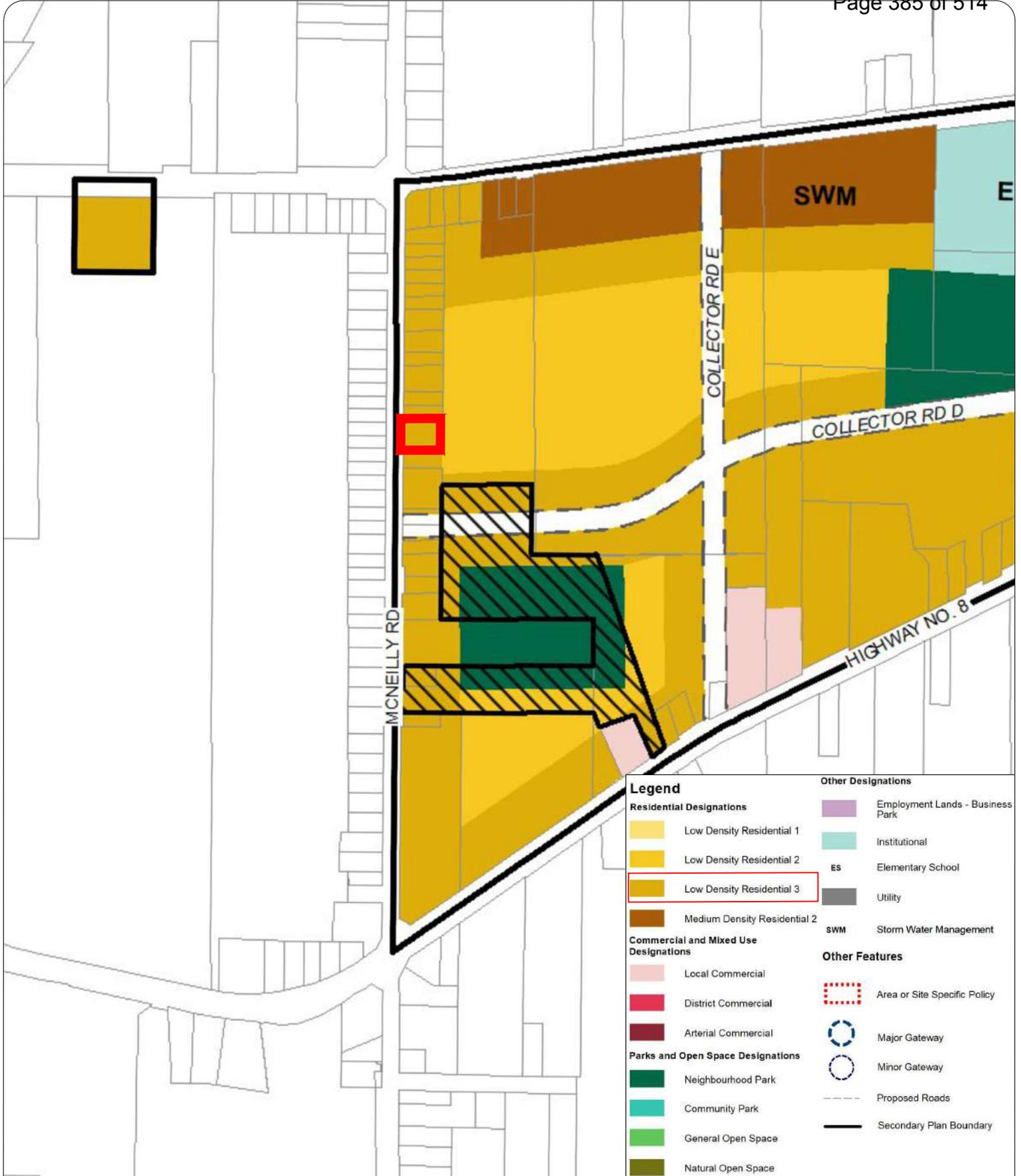


FIGURE 5 HAMILTON OFFICIAL PLAN  
FRUITLAND-WINONA SECONDARY PLAN  
MAP B.7.4-1: LAND USE PLAN

LEGEND

Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALT FLEET)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024



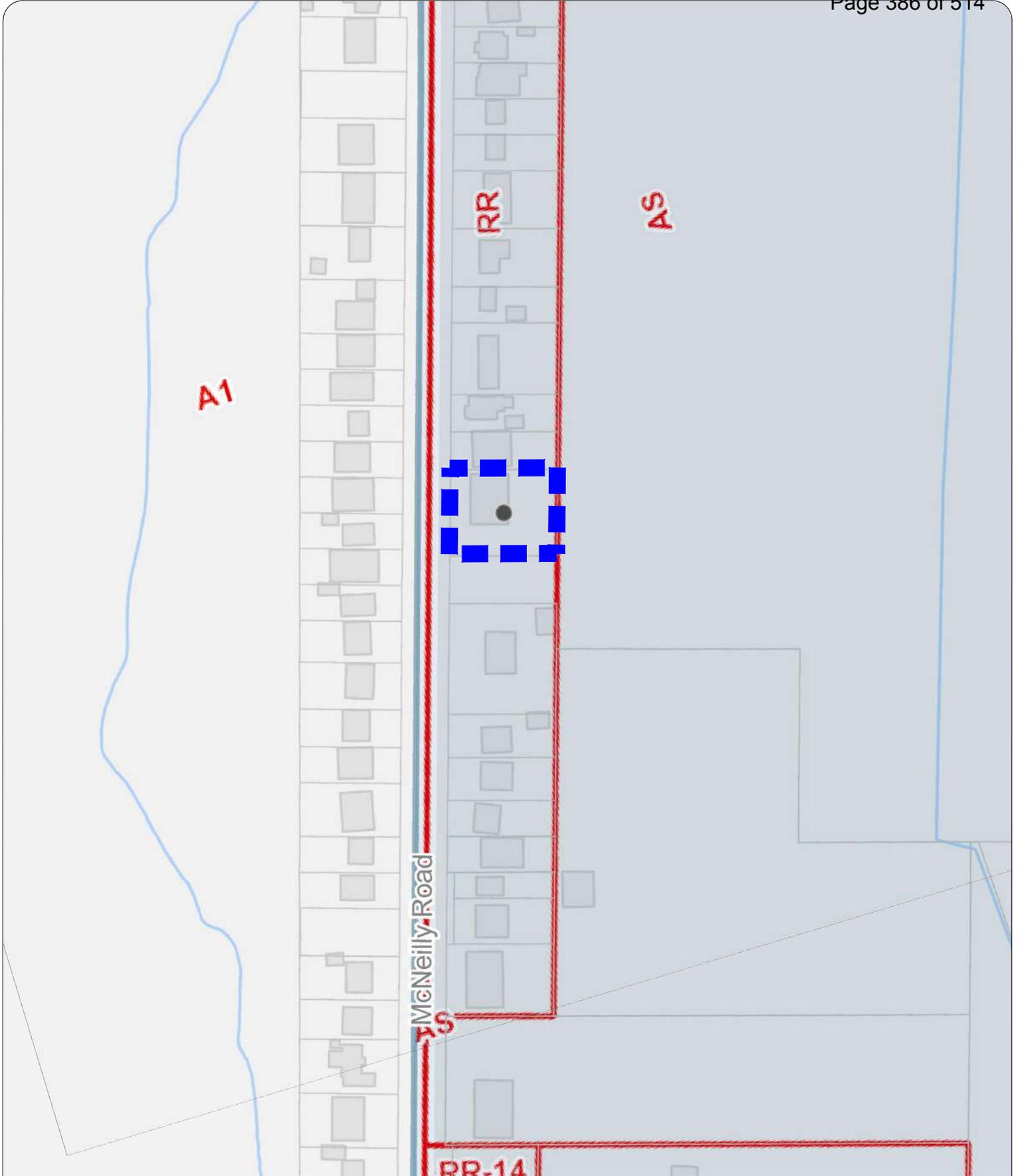


FIGURE **6** **HAMILTON ZONING BY-LAW**  
CITY OF HAMILTON

**LEGEND**

 Subject Lands

266 MCNEILLY ROAD  
PART OF LOT 7 & 8, CONCESSION 2,  
(GEOGRAPHICAL TOWNSHIP OF SALTFLEET)  
CITY OF HAMILTON



SCALE NTS  
JANUARY 09, 2024



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

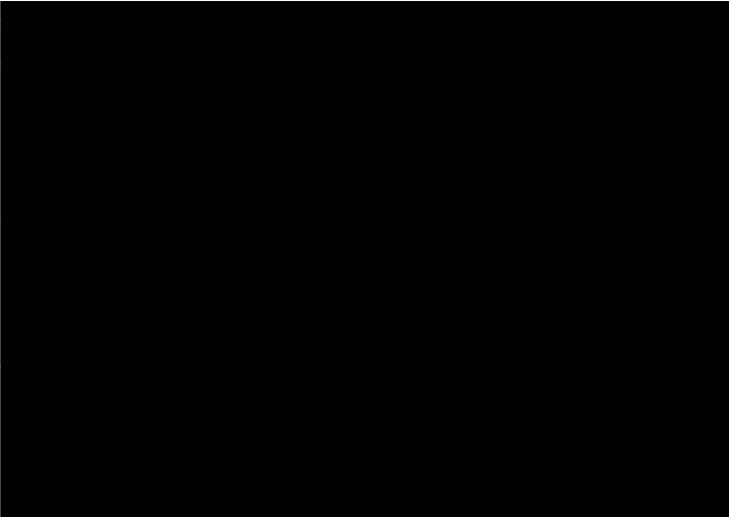
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	
Applicant(s)	
Agent or Solicitor	

1.2 Primary contact  Applicant  Owner  Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will be sent by email.

1.6 Payment type  In person  Cheque  Credit over phone\*  
\*  number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	266 McNeilly Road, Hamilton, L8E 5H2		
Assessment Roll Number			
Former Municipality	Stoney Creek		
Lot	PT LT 8	Concession	CON 2 SALTFLEET
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Reduce road frontage to 12.18m, whereas 15.0m is required by Zoning By-law 3692-92 and to reduce the side yard setback to 1.20m along the northern boundary and 0.60m along the southern boundary, whereas Zoning By-law 3692-92 requires a minimum side yard setback of 1.25m.

Please refer to attached covering letter for more detail.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

It is proposed to sever the subject property. The variances will allow the severance. Please refer to attached covering letter for more detail.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
36.578m (current)	36.65	1678m <sup>2</sup> (current)	26.213m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwelling (to be demolished)	10m	7.5m	1.25m and 3.0m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwelling (per lot)	8 m	7.5m	1.2m and 0.6m	
Single Detached Dwelling (per lot)	8 m	7.5 m	1.2 m and 0.6 m	
Single Detached Dwelling (per lot)	8 m	7.5 m	1.2 m and 0.6 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Detached Dwelling (to be demolished)			1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Detached Dwelling	approx. 212.4 sq. m	approx 424.8	2	approx. 11 m
Single Detached Dwelling	approx 212.4 sq. m	approx 424.8	2	approx. 11 m
Single Detached Dwelling	approx 212.4 sq. m	approx 424.8	2	approx 11 m

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)
- 

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)
-

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Consent Application submitted concurrently with Minor Variance application. Residential uses.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

The lands west of McNeilly Road are located within the City's Urban Boundary. Abutting the Subject Lands to the east are lands subject to a Rezoning and Draft Plan of Subdivision Application (City File No. ZAC-20-043 and 25T-202009).

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 31, 2023

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

Unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to the Cover Letter prepared by Glen Schnarr & Associates Inc.

7.6 What is the existing zoning of the subject land? RR - Rural Residential

7.8 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: RR - Rural Residential

---

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

Yes

No

If yes, please provide the file number: Submitted concurrently

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 3

8.3 Additional Information (please include separate sheet if needed):

After lot is severed as per the concurrent consent application a total of 3 single detached dwellings will be constructed.

Please refer to the attached covering letter.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>SC/A-24:22</b>	<b>SUBJECT PROPERTY:</b>	69 CACTUS CRESCENT, STONEY CREEK
<b>ZONE:</b>	"R4-32" (Single Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Stoney Creek 3692-92, as Amended

**APPLICANTS:** Owner: BRANDON AND KRYSTLE CHERRIERE  
Applicant: TOMASZ GORAL

The following variances are requested:

1. A total lot coverage for all accessory buildings shall not exceed 11.0 percent of the total lot area instead of the maximum permitted 10.0 percent lot coverage for all accessory buildings.

**PURPOSE & EFFECT:** To permit the construction of a new 62.28 square metre accessory building in the rear yard of 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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>2:55 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**SC/A-24:22**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

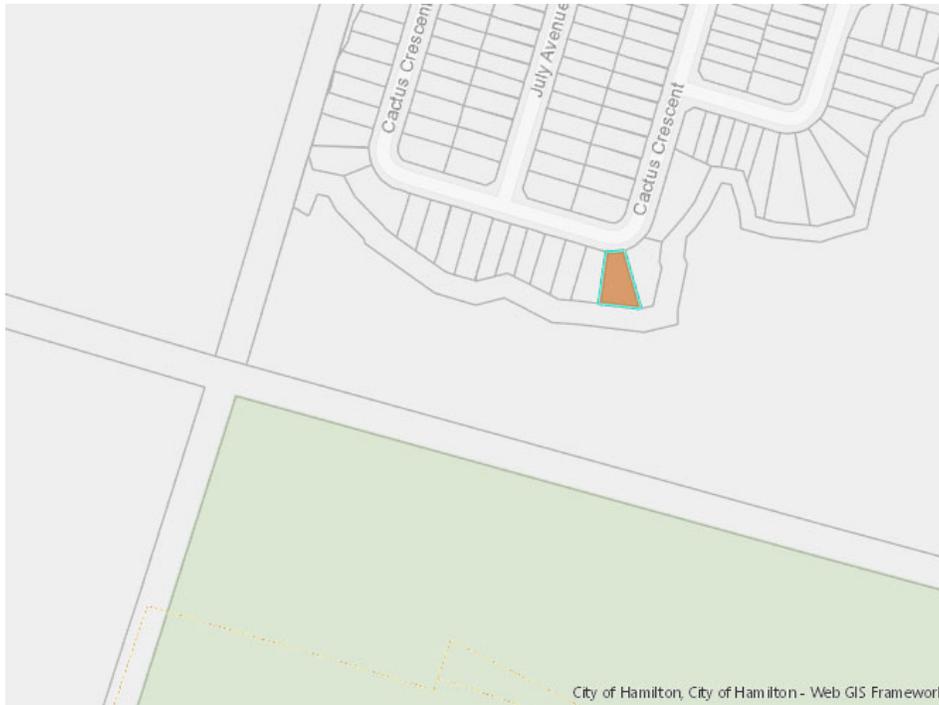
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-24:22, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

SC/A-24:22



 **Subject Lands**

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto: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.



STRUCTURAL NOTES AND SPECIFICATIONS

THESE NOTES ARE TO BE FULLY READ AND UNDERSTOOD IN CONJUNCTION WITH ALL OTHER INCLUDED DRAWINGS SUBMITTED FOR PERMIT. IT IS THE RESPONSIBILITY OF THE OWNER, OWNERS' CONSULTANT AND CONTRACTOR TO READ AND FULLY UNDERSTAND THE REQUIREMENTS OF THE PROPOSED WORK COMPLETED DURING THE DESIGN STAGE PRIOR TO COMMENCING CONSTRUCTION.

1. GENERAL

- 1.1 CONTRACTOR IS RESPONSIBLE FOR PROVIDING SHORING AND/OR TEMPORARY WORKS DURING CONSTRUCTION FOR THE SAFE INSTALLATION OF ALL CONSTRUCTION MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTROL, DIRECTION AND SUPERVISION OF THE CONSTRUCTION METHODS, MEANS, TECHNIQUES, SEQUENCES OR PROCEDURES FOR ALL SHORING AND/OR TEMPORARY WORKS.
1.2 CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACTUAL CONSTRUCTION OF THE WORK AND BE RESPONSIBLE FOR THE CONTROL, DIRECTION AND SUPERVISION OF THE CONSTRUCTION METHODS, MEANS, TECHNIQUES, SEQUENCES OR PROCEDURES FOR ALL CONSTRUCTION OF THE WORK
1.3 THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE HEALTH AND CONSTRUCTION SAFETY LEGISLATION AT THE PLACE OF THE WORK.
1.4 PRIOR TO THE COMMENCEMENT OF NEW WORKS, THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT THE EXISTING STRUCTURE IS INTACT AND FREE OF DEFECTS SUCH AS, BUT NOT LIMITED TO, CRACKS, SPALLING, ROT, DEFLECTIONS, DEFORMATIONS AND SETTLEMENTS IT IS THE DUTY OF THE CONTRACTOR TO OPEN AREAS OF EXISTING TO INSPECT THE UNDERLYING STRUCTURE WHERE IT IS NOT FULLY EXPOSED.
1.5 WHERE THE CONTRACTOR IS REQUIRED TO VERIFY SITE CONDITIONS, THIS SHALL MEAN THAT THE CONTRACTOR SHALL EXPOSE THE EXISTING CONDITION AND REPORT THEIR FINDING TO THE OWNER AND/OR OWNERS CONTRACTED CONSULTANT.
1.6 THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE BUILDING DEPARTMENT FOR REQUIRED INSPECTION (REFER TO THE BUILDING PERMIT FOR INSPECTION REQUIREMENTS.) THE DESIGNER AND/OR ENGINEER WILL NOT BE RESPONSIBLE OR HELD LIABLE, IN PART OR IN WHOLE, FOR DESIGN ERRORS RELATED TO THE WORK IF WE ARE NOT RETAINED TO INSPECT THE WORK DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER OR OWNERS CONTRACTOR / CONSULTANT TO RETAIN AN ENGINEERING CONSULTANT DURING CONSTRUCTION AS MAY BE REQUIRE BY THE CITY INSPECTOR.
1.7 THE CONTRACTOR SHALL REVIEW ALL DIMENSIONS SHOWN ON THE DESIGN/CONSTRUCTION PERMIT DRAWINGS WITH ALL THE OTHER DISCIPLINE DRAWINGS (ARCHITECTURAL, STRUCTURAL, MECHANICAL AND ELECTRICAL) AND REPORT ANY DISCREPANCIES TO THE APPLICABLE DISCIPLINE IMMEDIATELY.
1.8 STRUCTURAL DETAILS SHALL SUPERSEDE THOSE DETAILS SHOWN ON DRAWINGS AND SHALL SUPERSEDE THOSE ON TYPICAL DETAILS. IN THE CASE OF A DISCREPANCY, THE MORE STRINGENT SHALL GOVERN.
1.9 ALL WORK AND WORKMANSHIP SHALL CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE (O.B.C.). IT IS EXPECTED THAT ALL WORK SHALL BE CARRIED OUT BY PERSONS WHO ARE KNOWLEDGEABLE AND COMPETENT WITHIN THEIR TRADES OF SPECIALIZATION TO CARRY OUT THE WORK AS IT PERTAINS TO THIS PROJECT. THE CONTRACTOR, IN AGREEING TO UNDERTAKE THE WORK, SHALL COMPLY WITH ALL THE DETAILED REQUIREMENTS OF THE O.B.C., SPECIFICALLY THOSE REQUIREMENTS SET FORTH IN PART 9.

2. DESIGN INFORMATION

- 2.1 DESIGN WAS DONE IN ACCORDANCE WITH THE PART 9 OF THE ONTARIO BUILDING CODE.
2.2 PLAIN CONCRETE FOR FOOTINGS WHERE DESIGNED IN ACCORDANCE WITH PART 9 OF THE O.B.C. AND ALL OTHER UNREINFORCED AND REINFORCED CONCRETE WAS DESIGNED TO CSA A23.3
2.3 UNREINFORCED MASONRY FOUNDATION WALLS WHERE DESIGNED IN ACCORDANCE WITH PART 9 OF THE O.B.C. AND ALL OTHER UNREINFORCED AND REINFORCED MASONRY TO CSA S304.1
2.4 STRUCTURAL STEEL DESIGN IS IN ACCORDANCE CAN/CSA S16.1
2.5 ROOF JOISTS AND CEILING JOISTS AND RAFTERS WHERE DESIGNED IN ACCORDANCE WITH PART 9 OF THE O.B.C. AND FLOOR JOISTS AND ALL WOOD MEMBERS ARE DESIGNED TO CSA 086
2.6 UNLESS NOTED OTHERWISE, LOADS ARE SHOWN ON THE DRAWINGS. CONSTRUCTION LOADS SHALL NOT EXCEED THOSE TABULATED IN THE DESIGN NOTES OR THE DRAWINGS.
2.7 CONTRACTOR SHALL MAKE SPECIAL PROVISION FOR THE WORK IF UNDERTAKEN IN COLD WEATHER CONDITIONS AND SHALL COMPLY WITH ALL STANDARDS OF PRACTICE PERTAINING TO COLD WEATHER CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER IF IT IS THE INTENTION TO PERFORM WORK THROUGH COLD WEATHER CONDITIONS, PRIOR TO BEGINNING OF WORK.

3. GEOTECHNICAL AND EXCAVATION WORKS

- 3.1 THE LINE OF SLOPE BETWEEN ADJACENT FOOTINGS OR EXCAVATIONS OR ALONG STEPPED FOOTINGS SHALL NOT EXCEED A RISE TO RUN OF 7:10.
3.2 THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO EXCAVATING (I.E. "CALL BEFORE YOU DIG" ONTARIO ONE CALL).
3.3 THE DESIGN IS BASED ON AN ALLOWABLE SOIL BEARING CAPACITY OF 100kPa. A GEOTECHNICAL REPORT MAY BE REQUIRED DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER OR OWNERS CONTRACTED CONTRACTOR/CONSULTANT TO HIRE A GEOTECHNICAL ENGINEER AS NEEDED.
3.4 CONTRACTOR SHALL PLACE FOOTINGS AND PIERS ON NATURALLY UNDISTURBED SOIL. THE EXPOSED SOIL SURFACE SHALL BE FREE FROM ALL DELETERIOUS MATERIALS. IF THE CONTRACTOR IDENTIFIES WET OR WEAK AREAS, THESE AREAS SHOULD BE INVESTIGATED BY A GEOTECHNICAL ENGINEER.
3.5 THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNDERTAKING ALL EXCAVATION WORK AND SHALL PERFORM THE WORKS AS TO PREVENT DAMAGE TO ADJACENT STRUCTURES, PROPERTY, UTILITIES, ROADS, SIDEWALKS DURING ALL STAGES OF CONSTRUCTION.
3.6 THE BASE AND SIDE OF EVERY EXCAVATION AREA SHALL BE FREE FROM ORGANIC MATERIAL.
3.7 IN AREAS WHERE TERMITES ARE KNOWN TO BE PROBLEMATIC, ALL STUMPS, ROOTS, AND OTHER WOOD DEBRIS SHALL BE REMOVED FROM THE SOIL TO A DEPTH NOT LESS THAN 300mm (12") IN UNEXCAVATED AREAS UNDER A BUILDING OR STRUCTURE.
3.8 EXCAVATION SHALL BE FREE FROM STANDING WATER. THIS CONDITION SHALL GIVE RISE TO A FURTHER GEOTECHNICAL INVESTIGATION BY A GEOTECHNICAL ENGINEER TO CONFIRM THE ALLOWABLE BEARING CAPACITY OF THE SOIL.
3.9 IF THE WORK IS TO PROCEED DURING WINTER MONTHS, THE EXCAVATED AREAS SHALL BE KEPT FROM FREEZING THROUGHOUT THE CONSTRUCTION PERIOD.
3.10 ALL FOOTINGS AND FOUNDATIONS SHALL BE FOUNDED AT A DEPTH NOT LESS THAN 1.2M (4FT) BELOW GRADE, EXCEPT WHERE INSULATING MEASURES HAVE BEEN MADE TO REDUCE THE DEPTH OF FROST PENETRATION AND DIRECTION OF THE ICE LENSING.

4. CONCRETE NOTES

- 4.1 DESIGN AND CONSTRUCTION OF CONCRETE SHALL CONFORM TO CSA A23.3
4.2 UNLESS OTHERWISE NOTED, THE CONCRETE SHALL HAVE MINIMUM PROPERTIES.
- TYPE GU CEMENT, NOMINAL SIZE AGGREGATE OF 20mm
- GENERAL USE CONCRETE: 25MPa At 28 DAYS, 75mm SLUMP & 0.55 WATER/CEMENT RATIO.
- CONCRETE FOR EXTERIOR USE AND/OR EXPOSED TO FREEZING: 32MPa at 28 DAYS, 75mm SLUMP, 0.45 WATER/ CEMENT RATIO & 5-8% AIR ENTRAINMENT
4.3 REINFORCED CONCRETE SHALL HAVE THE FOLLOWING COVER TO REINFORCEMENT:
- CONCRETE CAST AGAINST SOIL AND/OR EXPOSED TO FREEZING SHALL HAVE A 75mm (3") COVER
- CONCRETE NOT EXPOSED TO FREEZING OR CAST AGAINST SOIL SHALL HAVE A 25mm (1") COVER
4.4 ALL ANCHOR RODS SHALL ALL BE THREADED ASTM A193 B7 ROD.
4.5 ALL GROUT SHOWN ON THE DESIGN/CONSTRUCTION PERMIT DRAWINGS SHALL BE SikaGrout 212 OR APPROVED EQUAL. GROUT SHALL BE PLACED UNDER ALL COLUMN BASE PLATES TO ENSURE FULL BEARING ON THE CONCRETE.
4.6 THE FINISHED CONCRETE PRODUCT SHALL BE PLACED IN SUCH A MANNER THAT ANY ARCHITECTURALLY EXPOSED OR COMMONLY VISIBLE CONCRETE SURFACE SHALL BE FREE FROM VISIBLE SIGNS OF STREAKING OR HONEYCOMBING.
4.7 ALL REINFORCING STEEL SHALL BE GRADE 400MPa AND CONFORM TO CSA G3018
4.8 REINFORCEMENT SHALL BE SUPPORTED BY WIRE CHAIRS OR APPROVED EQUAL TO MAINTAIN CONCRETE COVER.
4.9 REINFORCING STEEL SHALL BE FREE FROM LOOSE SCALE, RUST, MUD, OIL OR ANY OTHER CONTAMINATE THAT MAY REDUCE THAT BOND BETWEEN THE STEEL REINFORCEMENT AND THE CONCRETE.
4.10 VERTICAL REINFORCEMENT IN FOUNDATION WALLS SHALL BE ONE PIECE AND NOT SPLICED.
4.11 TACK WELDING, HEATING OR CUTTING OF STEEL REINFORCEMENT IS PROHIBITED.
4.12 LOCATION OF FLOOR CONTROL JOINTS SHALL BE SPACED AT A MAXIMUM OF 6m (20FT) AND SHALL BE PROVIDED AROUND ALL COLUMN FOOTINGS.
4.13 CONCRETE SHALL CURE AS PER CSA A23.1/2.
4.14 ALL CONCRETE SHALL BE CONSOLIDATED WITH A MECHANICAL VIBRATOR.

5. STEEL NOTES

- 5.1 THE DESIGN FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL BE IN ACCORDANCE WITH CSA S16 AND THE CISC STANDARD CODE OF PRACTICE.
5.2 ALL STRUCTURAL STEEL SHALL BE GRADE 350W AND CONFORM TO CSA G40.20-13/G40.21-13
5.3 ALL STEEL PLATES OTHER MISCELLANEOUS SHAPES SHALL BE GRADE 300W AND CONFORM G40.20-13/G40.21-13
5.4 WELDING PRACTICES SHALL CONFORM TO CSA W59-13.
5.5 CONTRACTOR IS TO TAKE ALL NECESSARY PRECAUTIONS IF WELDING IS TO BE DONE ONSITE AND NEAR COMBUSTIBLE MATERIALS, WHERE CUTTING OR WELDING IS DONE NEAR WALLS, PARTITIONS, CEILING OR ROOF OF COMBUSTIBLE CONSTRUCTION, FIRE-RESISTANT SHIELDS OR GUARDS SHALL BE PROVIDED TO PREVENT IGNITION.
5.6 CONNECTION NOT DETAILED ON THE DESIGN/CONSTRUCTION PERMIT DRAWINGS SHALL BE DESIGNED AND DETAILED BY THE FABRICATOR'S ENGINEER.
5.7 USE A MINIMUM OF 2 BOLTS FOR EVERY BOLTED CONNECTION. ALL BOLTED CONNECTIONS SHALL BE DONE USING TURN-ON-NUT METHOD, UNLESS NOTED OTHERWISE ON THE DESIGN/CONSTRUCTION PERMIT DRAWINGS.
5.8 ALL EXPOSED STEEL MEMBERS AND CONNECTORS SHALL BE HOT DIPPED GALVANIZED.

4. CONCRETE MASONRY (C.M.U.) NOTES

- 6.1 THE DESIGN AND ERECTION OF MASONRY ELEMENTS SHALL BE IN ACCORDANCE WITH CAN/CSA-A371-04 (R2009) - MASONRY CONSTRUCTION FROM BUILDINGS AND S304.1-04 - DESIGN OF MASONRY STRUCTURE
6.2 CONCRETE SHALL BE TESTED AT A FREQUENCY NO LESS THAN SET OF CYLINDERS/DAY/TYPE OF CONC. OR EVERY 50 CUBIC METERS OF CONCRETE. TEST RESULTS SHALL BE PROVIDED TO THE OWNER OR OWNERS CONTRACTED CONSULTANT.
6.3 CONCRETE BLOCKS SHALL CONFORM TO CSA A165 AND SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 15MPa-H/15/D/M.
6.4 USE ONLY TYPE S MORTAR CONFORMING TO CSA-A179-04
6.5 MASONRY WALLS ARE TO BE RUNNING BOND WITH FULL MORTAR BEDS, UNLESS NOTED OTHERWISE. COURSING HEIGHT SHALL BE 200MM (8") FOR ONE BLOCK AND ONE JOINT.
6.6 ALL MORTAR JOINTS ARE TO BE TOOLED TO A CONCAVE JOINT, BOTH INTERIOR AND EXTERIOR EXPOSURES.
6.7 CONTINUOUS WELDED DOUBLE WIRE WELDED LADDER OR TRUSS TYPE SHALL CONFORM TO CAN/CSA-A370-04 (R2009)-CONNECTORS FOR MASONRY.
6.8 ALL MASONRY USED AS FOUNDATION WALLS SHALL BE PARGED AS PER O.B.C 9.15.6
6.9 ALL REINFORCING STEEL SHALL BE GRADE 400MPa AND CONFIRM TO CSA G30.18
6.10 REINFORCEMENT SHALL BE SUPPORTED BY WIRE CHAIRS OR APPROVED EQUAL TO MAINTAIN CONCRETE COVER.
6.11 REINFORCING STEEL BE FREE FROM LOOSE SCALE, RUST, MUD, OIL OR ANY OTHER CONTAMINATE THAT MAY REDUCE THE BOND BETWEEN THE STEEL REINFORCEMENT AND THE CONCRETE.
6.12 VERTICAL REINFORCEMENT IN FOUNDATION WALLS SHALL BE ONE PIECE AND NOT SLICED.
6.13 TACK WELDING, WELDING, HEATING OR CUTTING OF STEEL REINFORCEMENT IS PROHIBITED.
6.14 ERECT ALL MASONRY VENEER PLUMB, SQUARE AND TRUE TO LINES.
6.15 INSTALL METAL CONNECTORS AND PROPRIETARY PRODUCTS IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS AND RECOMMENDATIONS.

5. MASONRY VENEER NOTES

- 7.1 DESIGN AND CONSTRUCTION OF MASONRY VENEER FOR RESIDENTIAL CONSTRUCTION SHALL CONFORM TO PART 9 OF THE O.B.C.: SECTIONS 9.20.64 - MASONRY VENEER, SECTION 9.20.9.5- TIES FOR MASONRY VENEER.
7.2 MASONRY VENEER SHALL BE SOLID WITH A MINIMUM COMPRESSIVE STRENGTH OF 15MPa
7.3 MASONRY VENEER SHALL BE LAID IN A RUNNING BOND PATTERN.
7.4 MORTAR AND GROUT SHALL CONFORM TO CSA-A173-04. USE ONLY TYPE S MORTAR FOR ALL CONSTRUCTION.
7.5 ALL MORTAR JOINTS ARE TO BE TOOLED TO A CONCAVE JOINT, BOTH INTERIOR AND EXTERIOR EXPOSURES.
7.6 MASONRY VENEER TIES SHALL HAVE A MAXIMUM VERTICAL SPACING OF 400MM (16") AND A MAXIMUM HORIZONTAL SPACING OF 400MM (16"). THE VERTICAL SPACING SHALL MATCH EVERY VERTICAL STUD SPACING.
7.7 TIES SHALL BE CORROSION-RESISTANT METAL TIES NAILED TO THE STUDS AND EMBEDDED IN THE MORTAR JOINTS BETWEEN THE MASONRY TO TIE THE VENEER TO THE FRAMEWORK.
7.8 MASONRY TIES SHALL NOT BE LESS THAN 0.76MM THICK AND 22MM WIDE, CORROSION RESISTANT AND SHAPED TO PROVIDE A KEY WITH THE MORTAR JOINT. MASONRY STRAPS ARE NOT PERMITTED.
7.9 MASONRY VENEER SHALL NOT PROJECT MORE THAN 30MM BEYOND THE FACE OF THE SUPPORTING BASE, PROVIDED THAT THE UNITS ARE AT LEAST 90MM (3 1/2") THICK.
7.10 ALL MASONRY VENEER LINTELS SHALL BE HOT DIPPED GALVANIZED.
7.11 ALL MASONRY VENEER LINTELS SHALL SUPPORT AT LEAST TWO THIRDS OF THE VENEER THICKNESS.
7.12 ERECT ALL MASONRY VENEER PLUMB, SQUARE AND TRUE TO LINES.
7.13 INSTALL METAL CONNECTORS AND PROPRIETARY PRODUCTS IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS AND RECOMMENDATIONS.

8. WOOD NOTES

- 8.1 DESIGN AND CONSTRUCTION OF WOOD MEMBERS AND CONNECTORS SHALL CONFORM TO PART 9 OD THE O.B.C., CSA 086, & CWC "ENGINEERING GUIDE FOR WOOD FRAME CONSTRUCTION".
8.2 ALL WOOD EXPOSED TO THE EXTERIOR SHALL BE PRESERVATIVE TREATED. EXTERIOR PLYWOOD SHEATHING SHALL BE STAMPED EXTERIOR GRADE. SHEATHING SHALL CONFORM TO CSA 0151 AND BE GRADE D-FIR PLYWOOD. OSB BOARD IS NOT PERMITTED ON ANY EXTERIOR SURFACE.
8.3 SAWN LUMBER SHALL CONFORM TO CSA 0141 AND BE STAMPED SPF NO. 2 OR GREATER
8.4 IN AREAS WHERE TERMITES ARE KNOWN TO OCCUR, DESIGN AND CONSTRUCTION SHALL CONFORM TO CLAUSE 9.3.2.8 OF THE O.B.C.
8.5 ERECT ALL WOOD FRAMING PLUMB, SQUARE AND TRUE TO LINES.
8.6 COMMON WIRE NAILS SHALL PENETRATE THE WOOD SUBSTRATE PER THE FOLLOWING TABLE

Table with 4 columns: SIZE, DIAMETER, WIRE GAUGE, PENETRATION. Rows include 8d, 10d, 16d, 20d with corresponding dimensions for penetration into wood.

NOTE: PENETRATION IS MEASURED INTO THE PIECE OF WOOD RECEIVING THE NAIL. 38mm (1.5") OF PENETRATION IS ACCEPTABLE FOR 10D AND 16D NAILS FOR TOP PLATE SAND 38mmx (2x) MEMBERS.

- 8.7 STEEL WIRE NAILS OR COMMON SPIRAL NAILS, SPIKES, AND STAPLES SHALL CONFORM TO ASTM F 1667. ALL FASTENERS SHALL BE HOT DIPPED GALVANIZED IF USED FOR EXTERIOR APPLICATIONS.
8.8 HOLES SHALL BE DRILLED TO PREVENT SPLITTING OF WOOD AS REQUIRED.
8.9 INSTALL ENGINEERED LUMBER, METAL CONNECTORS AND PROPRIETARY PRODUCTS IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS AND RECOMMENDATIONS.
8.10 TOP PLATES SHALL BE CONSTRUCTED OF TWO PLATES, SAME SIZE AS STUD, STAGGERED SPLICES MINIMUM OF 1220MM (4'-0"). CENTRE SPLICES OVER STUDS. SPLICES SHALL CONSTRUCTED WITH A MINIMUM OF 1-16D NAILS.
8.11 BUILT -UP WOOD MEMBER SHALL CONFORM TO CSA 086 CLAUSE 5.5.6.4 AND BE NAILED TOGETHER WITH (2)-75MM LONG NAILS EVERY 200MM ON CENTERS AND WITHIN 60MM FROM EACH END. HOT DIPPED GALVANIZED NAILS SHALL BE USED IF EXPOSED TO THE ELEMENTS.
8.12 SOLID LOCKING OR CROSS BRACING SHALL BE INSTALLED FOR ALL FLOOR JOISTS. BLOCKING/BRACING SHALL BE PROVIDED WITHIN 2.1M (6'-10") FROM EACH SUPPORT AND THE SPACING OF BLOCKING/BRACING SHALL NOT EXCEED 2.1M (6'-10").
8.13 ALL OPENINGS SHALL BE REINFORCED WITH A MINIMUM OF DOUBLE HEADERS AND DOUBLE TRIMMERS, UNLESS NOTED OTHERWISE ON THE STRUCTURAL PLANS.
8.14 NON-LOAD BEARING WALLS SHALL HAVE DOUBLE JOISTS PROVIDED WHEN THE JOISTS RUN PARALLEL WITH THE WALL OR SOLID BLOCKING SHALL BE PROVIDED WHEN THE JOIST ARE PERPENDICULAR TO THE WALL.
8.15 END SUPPORTS OF ALL ROOF AND JOISTS SHALL HAVE THEIR ENDS HELD IN POSITION BY EITHER: SOLID BLOCKING, NAILED BRIDGING, NAILING TO OTHER MEMBERS OR JOISTS HANGERS.
8.16 ALL FLOOR AND ROOF SHEATHING SHALL HAVE A MINIMUM OF THICKNESS OF 19MM (3/4"), T&G, GLUED AND NAILED TO FLOOR JOISTS.
8.17 WALL SHEATHING SHALL HAVE A MINIMUM OF THICKNESS PF 127MM (1/2") AND BE OF A PLYWOOD CONSTRUCTION.
8.18 ALL WALLS OVER 244M (8'-0") HIGH SHALL HAVE BLOCKING PROVIDED AT MID-HEIGHT OF THE STUDS.
8.19 ALL WOODS PRODUCTS SHALL BE KEPT FROM THE GROUND AND SHALL BE PROTECTED FROM THE EXTERIOR ENVIRONMENT.
8.20 THE STRUCTURE SHALL NOT BE FULLY ENCLOSED UNTIL THE WOOD MOISTURE CONTENT HAS BEEN VERIFIED TO BE AT OR BELOW 15% ANY SIGNS OF MOLD OR ROT SHALL BE REMOVED IMMEDIATELY AND REPLACED BY AN ACCEPTABLE WOOD ELEMENT.
8.21 ALL FRAMING HANGERS ARE TO BE INSTALLED AS PER APPROVED MANUFACTURER SPECIFICATIONS.
8.22 NOTCHING OR DRILLING HOLES IN FLOOR JOISTS OR WALL STUDS SHALL TO BE DONE IN ACCORDANCE WITH PART 9 OBC AND/OR APPROVED MANUFACTURER SPECIFICATIONS.

STEEL LINTEL: Table with 2 columns: LINTEL, SIZE. Rows L1-L7 with dimensions like 3-1/2" x 3-1/2" x 1/4" (90mm x 90mm x 6mm).

NOTE: MIN. 6" BEARING FOR ALL STEEL LINTELS

WOOD LINTELS AND BUILT-UP WOOD BEAMS:

Table with 3 columns: LINTEL, SIZE, SPAN. Rows W2-6 to W4-12 with dimensions like 2-2"x6" (2-38mm x 150mm) SPR.#2.

LAMINATED VENEER LUMBER (LVL) BEAMS:

Table with 2 columns: LINTEL, SIZE. Rows LVL2-8 to LVL13-14 with dimensions like 2.0E 2-1-3/4"x7-1/4" (2-45mm x 184mm).

SOLID BEARING Table with 2 columns: SB2, SB3. Rows 2 MEMBER BUILT-UP STUD, 3 MEMBER BUILT-UP STUD.

NOTE: SOLID LOAD BEARING (THE WIDTH OF THE STUD POST SHALL NOT BE LESS THAN THE WIDTH OF THE BEAM IT SUPPORTS) ALL SOLID LOAD BEARING POINTS MUST BE CONTINUOUS AND CARRIED DOWN TO BEAMS, FOUNDATION WALLS OR FOOTINGS. PROVIDE BLOCKING AS REQUIRED.

- NOTES:
1. PROVIDE THE FOLLOWING BEARING LENGTH.
- 1-3/4" FOR ENGINEERING JOISTS
- 3-1/2" FOR LVL AND WOOD BEAMS
- 6" FOR STEEL LINTELS AND STEEL BEAMS
2. BACK-TO-BACK STEEL LINTELS SHALL BE BOLTED TOGETHER W/ 1/2" DIA. A307 BOLTS (W/ NUTS AND WASHERS) @ 12" o.c. OR WELDED W/ 1/2" FILLET WELDS (3"-12")
3. FOLLOW MANUFACTURES SPECIFICATIONS FOR ALL ENGINEERING PRODUCTS.
4. MINIMUM 2 ROWS OF 10d x 3" LONG NAILS AT 12" o.c. EACH SIDE OF LVL BEAMS
5. MINIMUM OF 24 - 10d x 3" LONG NAILS PER SIDE AND EACH SIDE AT POINT LOADS OF LVL BEAMS

LEGEND: Table with 2 columns: Symbol, Description. Rows include DB\_JST (DOUBLE JOIST), PA (POINT LOAD ABOVE), SB (SOLID LOAD BEARING), B.E.W. (BOTTOM EACH WAY), SBFA (SOLID BEARING FROM ABOVE), SA (SMOKE ALARM), CMD (CARBON MONOXIDE DETECTOR), FD (FLOOR DRAIN), R.O. (ROUGH OPENING), C.O. (CONCRETE OPENING), P.T. (PRESSURE TREATED WOOD), CANT. (CANTILEVERED).

NOTE: CONTRACTOR TO VERIFY ALL EXISTING STRUCTURAL CONDITIONS FOR DISCREPANCIES PRIOR AND DURING CONSTRUCTION. IF DISCREPANCIES ARE FOUND THEN A REDESIGN MAY BE REQUIRED.

NOTE: THE CONTRACTOR SHALL PROVIDE AND IS RESPONSIBLE FOR ALL TEMPORARY SUPPORT, SHORING, OR BRACING AS REQUIRED TO COMPLETE THE WORK

NOTE: TONED WALL REPRESENT EXISTING WALLS TO REMAIN (TYP.)

Project information box including DRAWN BY, CHECKED BY, SCALE, DATE (09 NOV 2023), PROJECT NUMBER, and DRAWING NUMBER (A-2.1).

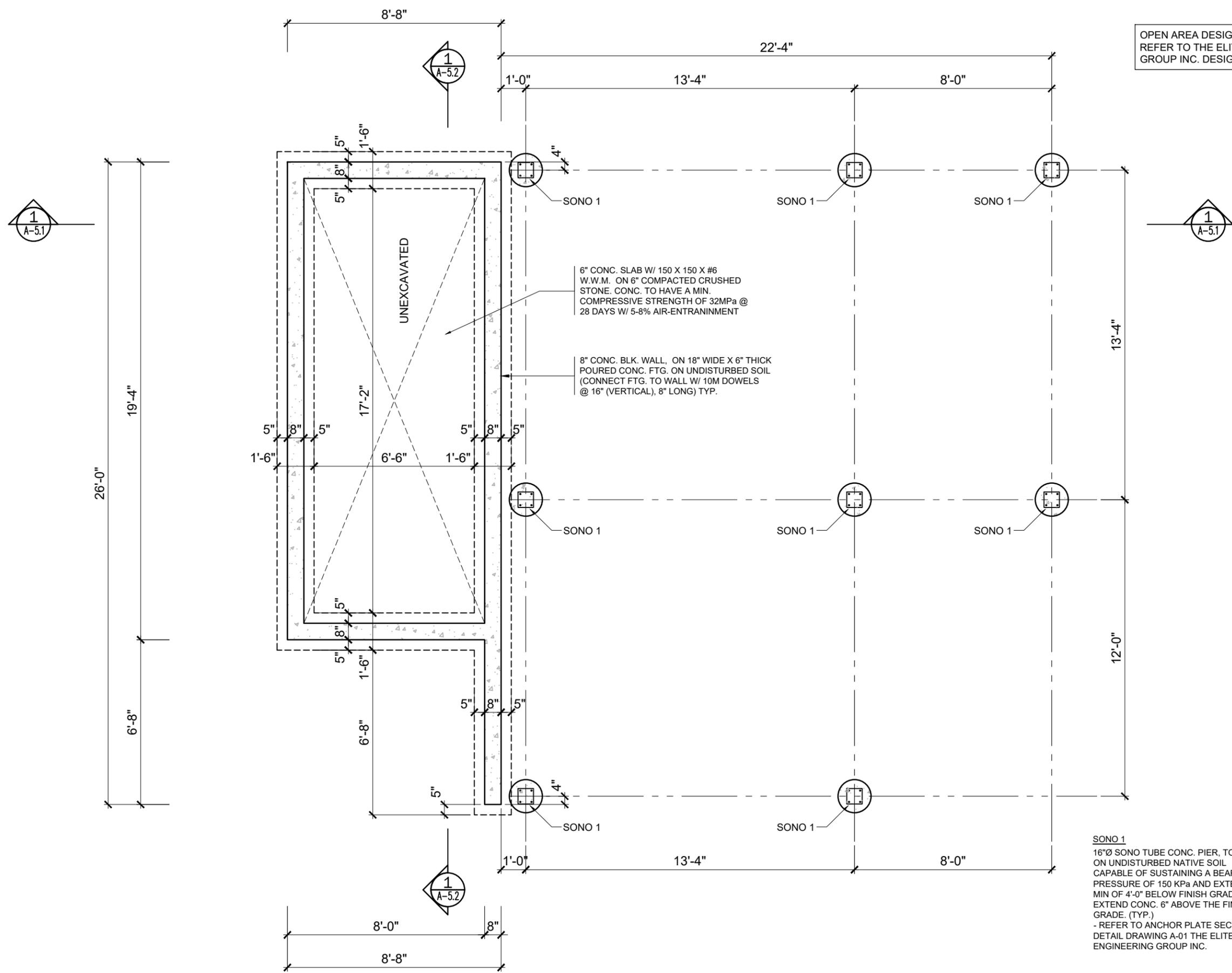
Drawing title box: TYPICAL NOTES AND SCHEDULES, CACTUS CRESCENT RESIDENCE, 69 CACTUS CRESCENT, HAMILTON, ONT., L8K 9R9

Table with 4 columns: No., DATE, REVISION/SUBMISSION, ISSUED BY. Includes a row for 1, 13/DEC/2023, ISSUED FOR PERMIT.

Project details box: GORAL DESIGN, T: 647.505.9632, E: tgoral@goraldesign.ca



Small text box containing legal disclaimer and professional information for GORAL DESIGN.



OPEN AREA DESIGN BY OTHERS.  
REFER TO THE ELITE ENGINEERING  
GROUP INC. DESIGN DRAWINGS.

6" CONC. SLAB W/ 150 X 150 X #6  
W.W.M. ON 6" COMPACTED CRUSHED  
STONE CONC. TO HAVE A MIN.  
COMPRESSIVE STRENGTH OF 32MPa @  
28 DAYS W/ 5-8% AIR-ENTRANMENT

8" CONC. BLK. WALL, ON 18" WIDE X 6" THICK  
POURED CONC. FTG. ON UNDISTURBED SOIL  
(CONNECT FTG. TO WALL W/ 10M DOWELS  
@ 16" (VERTICAL), 8" LONG) TYP.

**SONO 1**  
16"Ø SONO TUBE CONC. PIER, TO BEAR  
ON UNDISTURBED NATIVE SOIL  
CAPABLE OF SUSTAINING A BEARING  
PRESSURE OF 150 KPa AND EXTEND A  
MIN OF 4'-0" BELOW FINISH GRADE.  
EXTEND CONC. 6" ABOVE THE FINISH  
GRADE. (TYP.)  
- REFER TO ANCHOR PLATE SECTION  
DETAIL DRAWING A-01 THE ELITE  
ENGINEERING GROUP INC.

SCALE	1/4" = 1'-0"
DATE	09 NOV 2023
PROJECT NUMBER	
DRAWN BY	TG
CHECKED BY	FS
DRAWING NUMBER	
PROJECT NUMBER	2401
<b>A-3.1</b>	

DRAWING TITLE	FOOTINGS PLAN
<b>CACTUS CRESCENT RESIDENCE</b>	
69 CACTUS CRESCENT, HAMILTON, ONT. L8K 8R9	

No.	DATE	REVISION/SUBMISSION	ISSUED BY
1.	13 DEC 2023	ISSUED FOR PERMIT	TG



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CHECKED BY	TC	FS
DRAWN BY	TC	FS
DRAWING NUMBER	A-3.2	
DATE	09 NOV 2023	
PROJECT NUMBER	2401	

OPEN AREA DESIGN BY OTHERS.  
REFER TO THE ELITE ENGINEERING  
GROUP INC. DESIGN DRAWINGS.

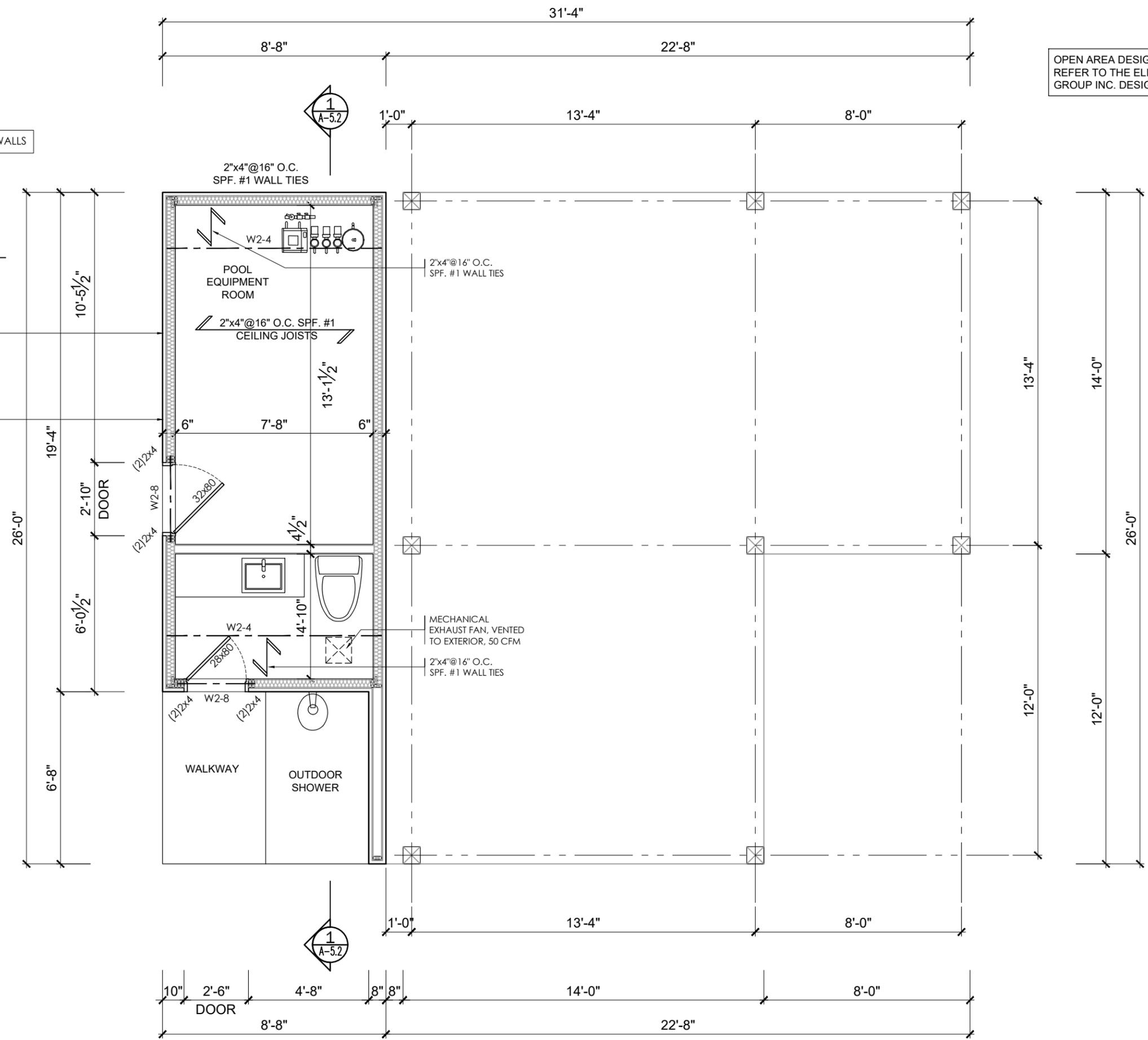
NOTE: USE TYPE 'X' DRYWALL ON NORTH, EAST AND SOUTH WALLS

**BOARD AND BATTEN SIDING WALL CONSTRUCTION: 2"x4":**  
BOARD AND BATTEN SIDING CONFORMING TO O.B.C.  
REQUIREMENTS AND APPLIED PER MANUFACTURES SPECIFICATIONS

- APPROVED SHEATHING PAPER
- 1/2" (12.7mm) EXTERIOR TYPE SHEATHING
- 2"x4" (38mm x 140mm) SPRUCE STUDS @ 16" (400mm) O.C.
- 1/2" (12.7mm) GYPSUM WALLBOARD INTERIOR FINISH.

(1/2" TYPE 'X' REQUIRED ON WALLS WHERE BUILDING WITHIN 1.2m FROM PROPERTY LINE)

2"x4" SILL PLATE, TIED TO TOP OF FOUNDATION WALL WITH 8" LONG x 1/2"Ø ANCHOR BOLTS C/W NUT AND WASHER WITH 2-1/2" HOOK. ANCHOR BOLTS TO BE SPACED NOT MORE THAN 4'-0" o.c. AND EMBEDDED NOT LESS THAN 4" INTO CONC. PROVIDE SILL GASKET BETWEEN PLATE AND FOUNDATION WALL. PROVIDE NON-SHRINK GROUT TO LEVEL PLATE.



DRAWING TITLE	FLOOR PLAN
PROJECT NAME	CACTUS CRESCENT RESIDENCE
PROJECT ADDRESS	69 CACTUS CRESCENT, HAMILTON, ONT. L8K 8R9

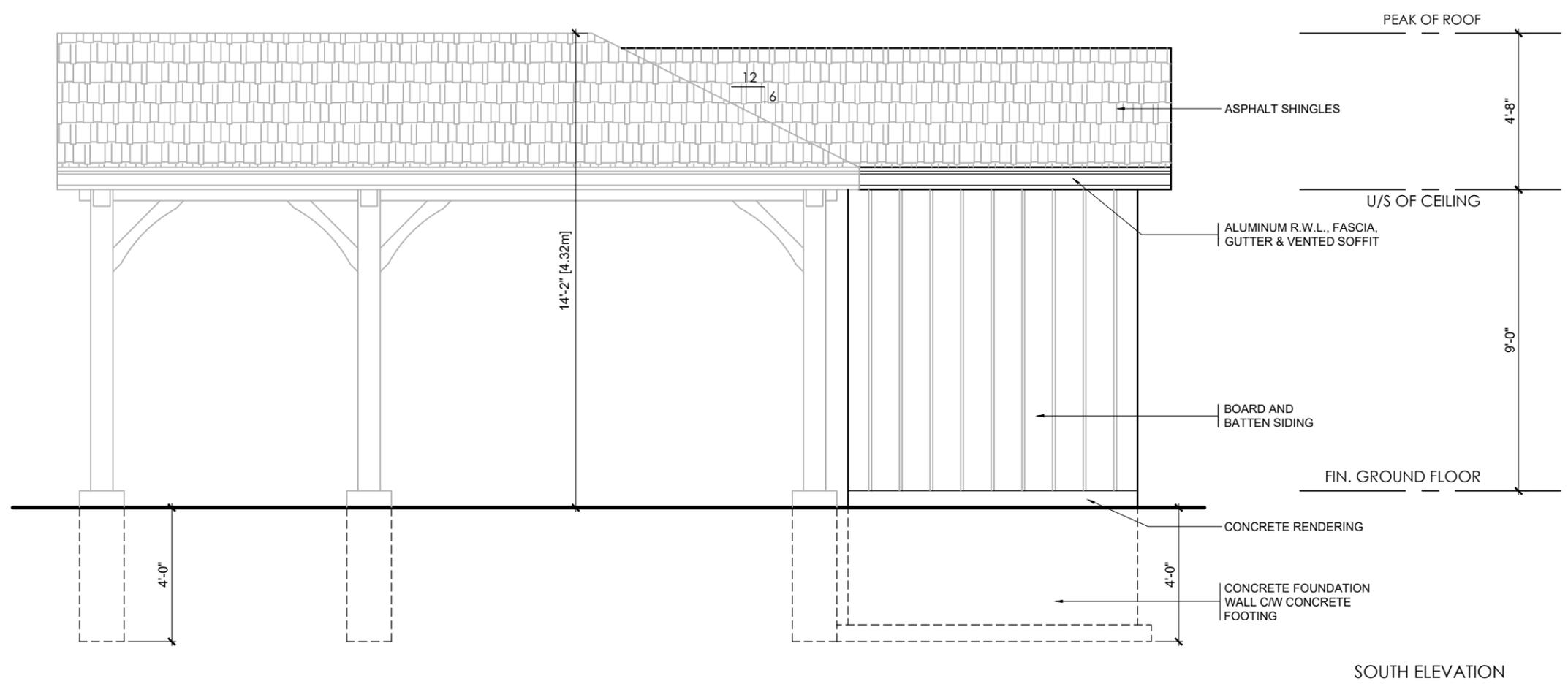
No.	DATE	REVISION/SUBMISSION	ISSUED BY	TC	ISSUED FOR PERMIT
1.	13 DEC 2023				



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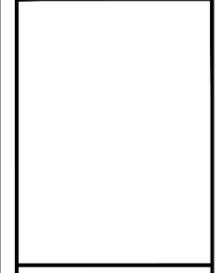




SCALE	1/4" = 1'-0"	DRAWN BY	TG	CHECKED BY	FS
DATE	09 NOV 2023	DRAWING NUMBER		A-4.1	
PROJECT NUMBER		2401			

DRAWING TITLE	ELEVATION
CACTUS CRESCENT RESIDENCE	
69 CACTUS CRESCENT, HAMILTON, ONT. L8K 8R9	

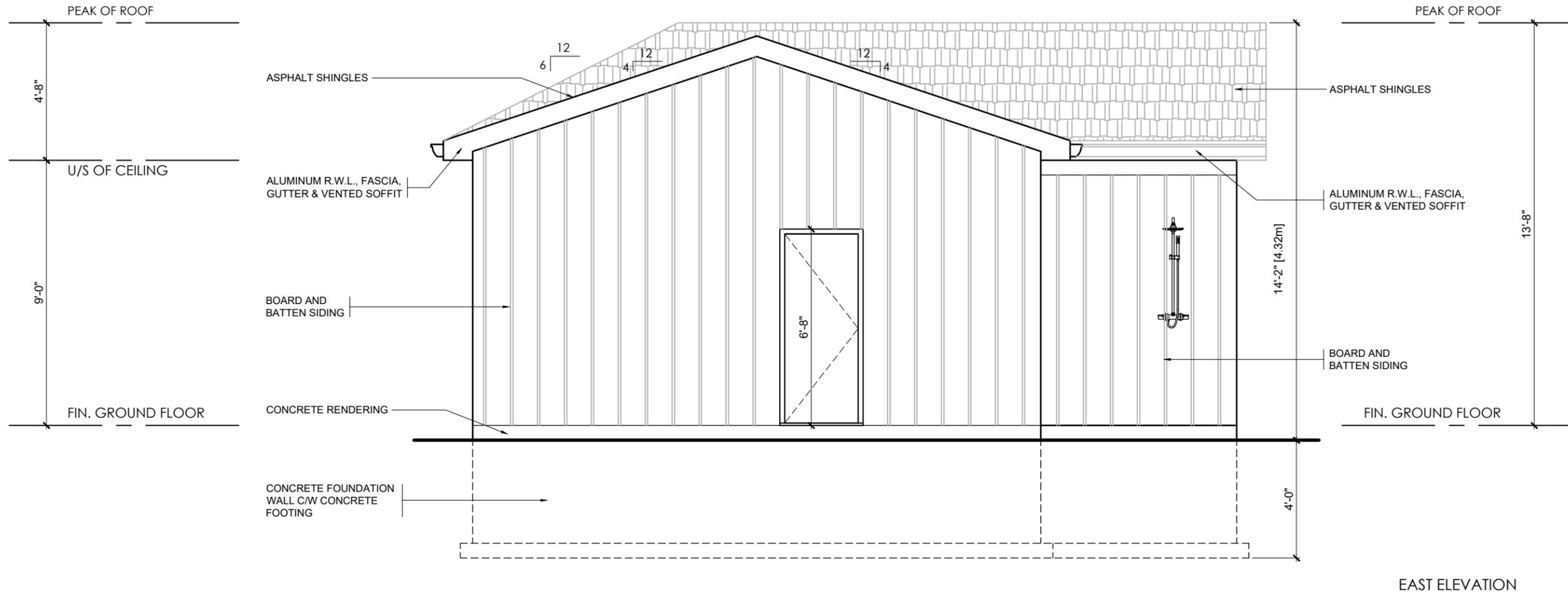
No.	DATE	REVISION/SUBMISSION	ISSUED BY
1.	13 DEC 2023	ISSUED FOR PERMIT	TG



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DATE	09 NOV 2023	DRAWING NUMBER			
PROJECT NUMBER	2401				

DRAWING TITLE	ELEVATION
	<b>CACTUS CRESCENT RESIDENCE</b>
	69 CACTUS CRESCENT, HAMILTON, ONT. L8K 6R9

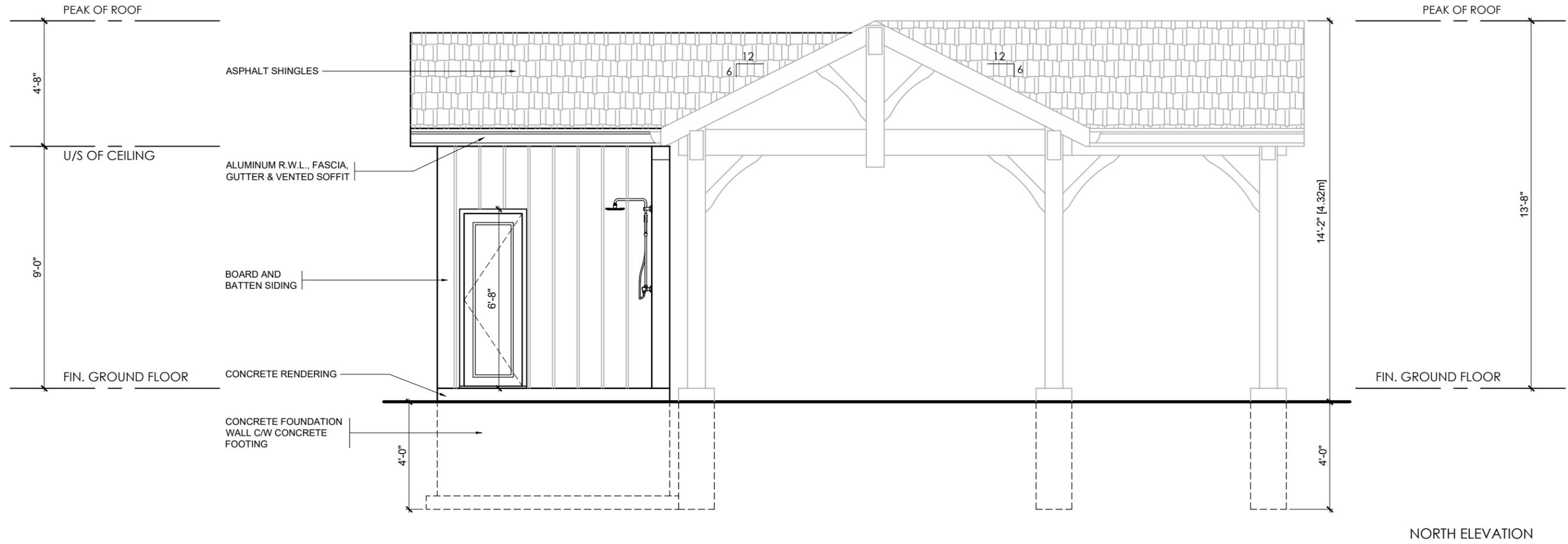
No.	DATE	REVISION/SUBMISSION	ISSUED BY
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NORTH ELEVATION

SCALE	1/4" = 1'-0"	DRAWN BY	TG	CHECKED BY	FS
DATE	09 NOV 2023	DRAWING NUMBER	A-4.3		
PROJECT NUMBER	2401				

DRAWING TITLE	ELEVATION
CACTUS CRESCENT RESIDENCE	
69 CACTUS CRESCENT, HAMILTON, ONT. L8K 6R9	

No.	DATE	REVISION/SUBMISSION	ISSUED FOR PERMIT	ISSUED BY
1.	13 DEC 2023			TG



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Hamilton

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

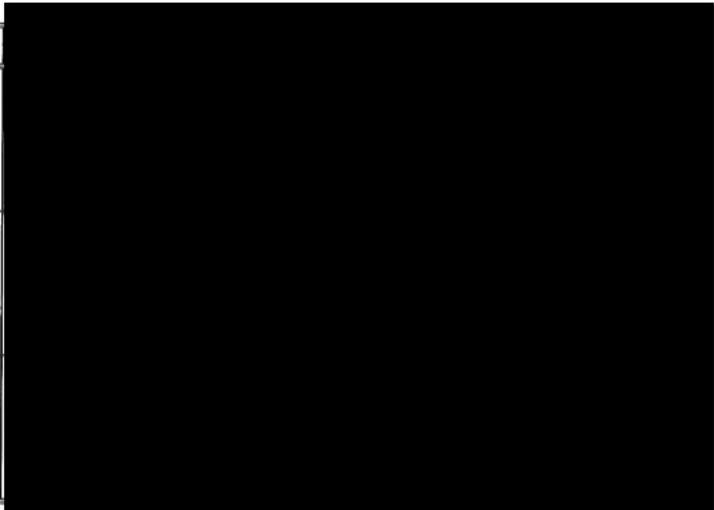
Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	Brandon & Krystle Cherriere
Applicant(s)	Tomasz Goral
Agent or Solicitor	



1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

AgentSolicitor

1.4 Request for digital copy of sign

Yes\*

No

If YES, provide email address where sign is to be sent



1.5 All correspondence may be sent by email

Yes\*

No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person

Credit over phone\*

Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	69 CACTUS CRESCENT		
Assessment Roll Number	003510852380000		
Former Municipality	Hamilton		
Lot	237, 238 and 239	Concession	
Registered Plan Number	62M-1257	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Area of cabana (3692-92 STONEY CREEK ZONING MAX LOT COVERAGE FOR ACCESSORY STRUCTURES IS 10% 61,088m<sup>2</sup>)  
ASKING FOR (62.28m.sq.)

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Want a bit larger cabana

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
10.92	32.24	610.88	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
house	6.13m	11.67m	1.24m	01/04/2020

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
cabana	24.99m	0.91m	0.76m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
house	166.21 m.sq.	265 m.sq.	2	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
cabana	62.28 m.sq.		1	4.32 m

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
SFD

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
SFD

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

September 3, 2020

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

LAND

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

SFD

7.4 Length of time the existing uses of the subject property have continued:

January 4, 2020

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): URBAN AREA

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? R4-32

7.8 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: \_\_\_\_\_

---

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

Yes       No

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: \_\_\_\_\_

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-23:246</b>	<b>SUBJECT PROPERTY:</b>	180 LAWNHURST DRIVE, HAMILTON
<b>ZONE:</b>	C/S-1822 (Urban Protected Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: AHSIN AFZAL  
Applicant: LISA COCKWELL  
Agent: CHARLES LINSEY & ASSOCIATES LIMITED(CHARLES MACPHAIL)

The following variances are requested:

1. To permit a maximum height of 4.5 metres for the existing accessory building (detached garage) instead of the maximum allowable height for accessory structures of 4.0 metres.
2. An Accessory Building shall be setback 3.0 metres from a side lot line abutting a street instead of the requirement that no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot (6.0 metres).
3. No Parking spaces shall be provided for a Single Family Dwelling instead of the requirement the One (1) Parking space shall be required for a Single Family Dwelling erected prior to May 26, 1992.

**PURPOSE & EFFECT:** To facilitate the legalization of the existing accessory building (detached garage).

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
--------------	--------------------------------

HM/A-23:246

<b>TIME:</b>	<b>3:00 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## 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, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:246, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-23:246



 Subject Lands

DATED: February 22, 2024

---

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.



TRUE

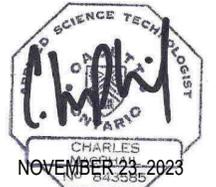


CONSTRUCTION

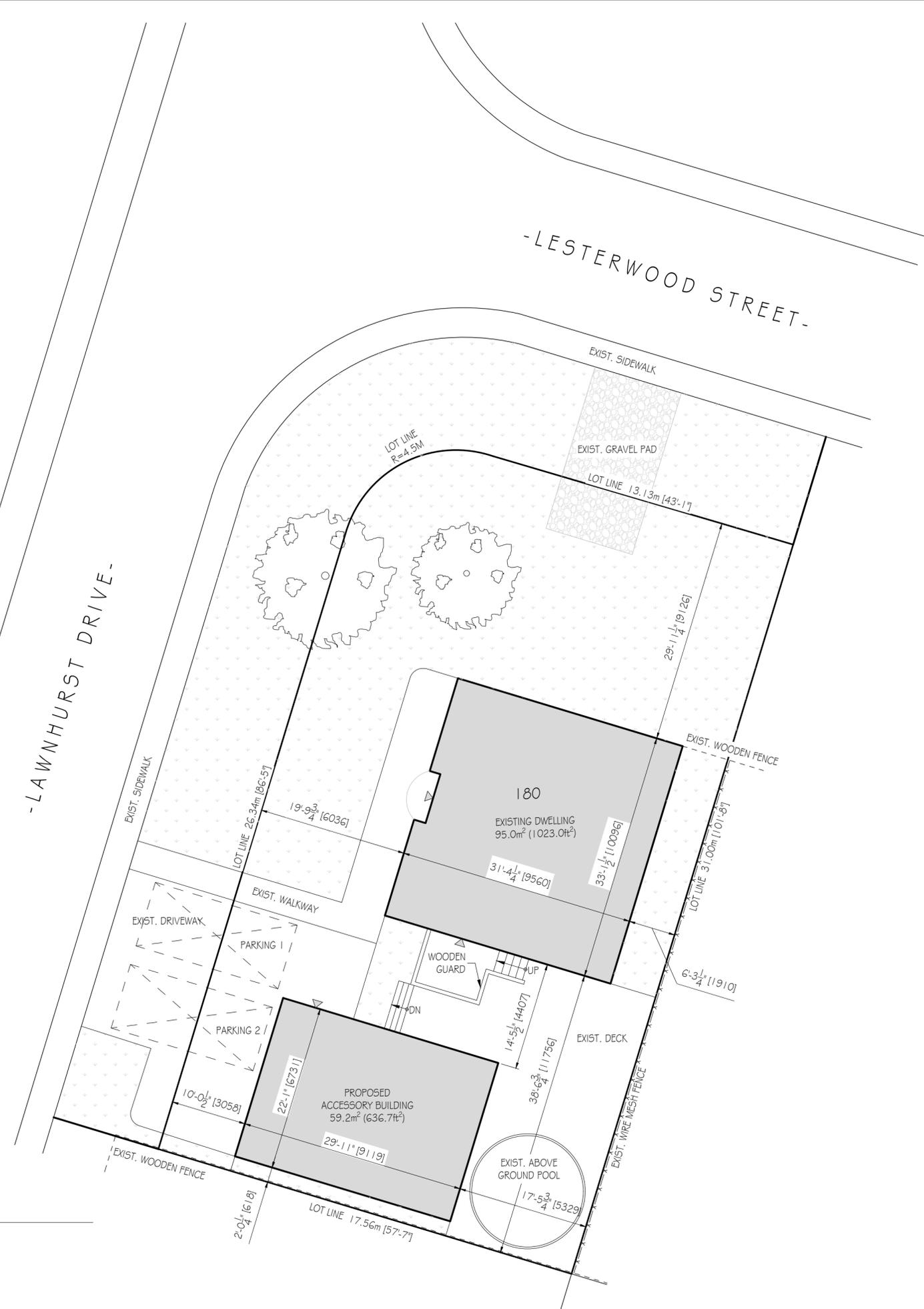


37 Main Street South, Tel: (905) 548-7607  
 PO Box 1479, Info@charleslinsey.com  
 Waterdown, On L0R 2H0, www.charleslinsey.com

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



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



**SITE PLAN**  
 SCALE: 1/8" = 1'-0"

REV.	DESCRIPTION	DATE
0	FOR MINOR VARIANCE APPLICATION	SEP 12/23
1	FOR MINOR VARIANCE APPLICATION	NOV 23/23

client  
 HOME OWNER

project  
 180 LAWNHURST DRIVE  
 HAMILTON, ONTARIO  
 PROJECT No. 22-173

title  
 SITE PLAN

drawn	TC	checked	CM
date	DECEMBER 2022	scale	AS NOTED
revision number	1	drawing number	SP1



# Hamilton

December 15, 2023

FILE: ALR  
 FOLDER: 23-314111-00 ALR  
 ATTENTION OF: Liam Tapp  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 6884

Tristan Clarke  
 37 MAIN ST S  
 WATERDOWN, ON L0R 2H0

**Re: ZONING COMPLIANCE REVIEW**  
**Present Zoning: C / S - 1822 (Urban Protected Residential, Etc.)**  
**Address: 180 Lawnhurst Drive, Hamilton**

A Zoning Compliance Review has been completed and the following comments are provided.

## **COMMENTS:**

1. The applicant is proposing to construct an Accessory Building with a Gross Floor Area of 50.09 m<sup>2</sup> to the south of the existing Single Family Dwelling..
2. Building Division Records determine the last recognized use is a Single Family Dwelling which is permitted within the C District and is defined within Hamilton Zoning By-Law 6593 as follows:

***Single Family Dwelling*** - shall mean a building comprising one Class A dwelling unit, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this By-Law;

The proposed construction of an Accessory Building to the existing Single Family Dwelling is permitted, subject to the requirements of Section 18.

3. It is noted that Minor Variance application HM/A-23:10 was tabled at the hearing held on October 19, 2023 as recommended by Planning Staff for the following reason:

*Staff recommend the application be tabled until a Zoning Compliance Review is completed, and additional information is provided by the Applicant to capture all required variances to legalize the existing structure.*

As such, the following review is provided to determine all necessary variances required for the proposed Accessory Building and additional site alterations to be in compliance with Zoning By-Law 6593.

4. Please be advised, Order to Comply #22-144077, dated September 14th, 2022, in regard to the construction of the detached garage without a permit, remains outstanding. Construction of the proposed Accessory Building is subject to the issuance of a building permit. Be advised that Ontario Building Code regulations may require specific setback and construction types Accessory Building.

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

5. Please note, the following Minor Variances are provided should the Site Plan as shown not be able to be revised to be in compliance, as per the review table indicated below:

- 1 An Accessory Building shall be setback 3.0 metres from a side lot line abutting a street instead of the requirement that no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot (6.0 metres).
- 2 No Parking spaces shall be provided for a Single Family Dwelling instead of the requirement the One (1) Parking space shall be required for a Single Family Dwelling erected prior to May 26, 1992.

Be advised, Variance 2 is sufficient to address all compliance issues related to parking as indicated in the table below. Please note however that a Residential Boulevard Parking Agreement is required with Public Works to permit the parking spaces shown to be partially within the Lawnhurst Drive Right of Way.

6. This is a corner lot. With reference to “front lot line” as defined, the front lot line shall mean either of the boundary lines along a street at the option of the owner, provided that where one of such boundary lines along a street is chosen as the front lot line, the other shall be considered as a side lot line. As per correspondence with the applicant, the Front Lot line has been determined to be the lot line abutting Lesterwood Street.
7. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.
8. The designer shall ensure that the fire access route conforms to The Ontario Building Code.
9. The proposed development has been reviewed and compared to the standards of the C/ S -1822 District under Hamilton Zoning By-Law 6593 as indicated in the following chart:

	Required by the By-Law	Provided	Conforming/ Non-Conforming
<b>Section 9 – Urban Protected Residential, Etc Requirements</b>			
<b>Height Requirements</b> Section 9(2)	No building shall exceed 2- 1/2 storeys and no structure shall exceed 11 metres in height	<b>Existing Dwelling</b>	<b>Deemed to Comply</b>
<b>Area Requirements</b> Section 9 (3)	(i) for a single family dwelling, two family dwelling, three family dwelling, a front yard of a depth of at least 6.0 metres (19.69 feet), and	<b>Existing Dwelling</b>	<b>Deemed to Comply</b>
	(ii) for a single family dwelling, two family dwelling or three family dwelling, along each side lot line a side yard having a width of at least 1.2 metres (3.94 feet);	<b>Existing Dwelling</b>	<b>Deemed to Comply</b>

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	(iii) for a single family dwelling, two family dwelling, three family dwelling, a rear yard of a depth of at least 7.5 metres (24.61 feet), and	Existing Dwelling	Deemed to Comply
<b>Intensity of Use</b> Section 9 (4)	for a single family dwelling, residential care facility, short-term care facility, or lodging house, a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3875.13 square feet)	Existing Dwelling	Deemed to Comply
<b>Section 18 – Supplemental Requirements and Modification</b>			
<b>Encroachments on Yards – Eave and Gutter</b> Section 18(3)(vi)(b)	A canopy, cornice, eave or gutter may project:	Not within required front yard	N/A
	Into a required front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres		
	Into a required rear yard not more than 1.5 metres	Eaves/ gutter do not extend more than 1.5m into required rear yard  <b>Note: required rear yard for Accessory Building established through section 18(4)(iii) below</b>  <b>Be advised, insufficient information has been provided to determine the measurement of the gutters as only eaves have been indicated. Should the eaves and gutter combined extend beyond the property line, an Encroachment Agreement is required to permit the eaves/gutters to cross over the property boundary.</b>	<b>Conforms</b>
	Into a required side yard not more than one-half of its width or 1.0m whichever is the lesser	Not within required side yard	N/A
<b>Accessory Buildings – Restriction as to Height</b> Section 18(4)(iii)	No accessory building shall exceed 4.0 metres (13.12 feet) in height, except one accessory to a farming use, and every such accessory building over 4.0	4.47 metres  <b>Note: Minor Variance Application HM/A-23:10 has requested relief</b>	<b>May Comply</b>  <b>Note: Compliance is based on Minor Variance request</b>

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

	Required by the By-Law	Provided	Conforming/ Non-Conforming being granted
	metres (13.12 feet) in height shall be at least 3.0 metres (9.84 feet) from the nearest lot line;	<b>from this provision for 4.5 metres to be permitted</b>	
<b>Accessory Buildings – Restriction as to Location</b> Section 18(4)(iii)	Save as hereinafter in this section otherwise provided, no accessory building shall be erected in a front yard or required side yard, and every accessory building which is not part of the principal building which is located entirely within the rear yard, shall be distant at least 0.45 metres (1.48 feet) from the nearest lot line, and shall occupy not more than thirty per cent of the required rear yard and side yard combined. In a residential district no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot, except where such accessory building is separated from the adjoining lot by a distance at least as great as the depth of the required rear yard, in which case it need not be further from the street line than the width of the required side yard;	<u>Location</u> Accessory Building proposed in rear yard  <u>Rear Lot Line Setback – 0.45 metre req.</u> 0.618 metres  <u>Side Lot Line Setback (Lawnhurst Drive) – 6.0 metre req.</u> 3.058 metres  <b>Note: Accessory Building is not setback more than 7.5m from rear lot line to adjoining lot; adjoining lot requires a 6.0 metre front yard setback, which has been applied.</b>	<b>Does not Comply</b>
		Provided, however, that where the foregoing will not permit the erection of a private garage having a dimension of no more than 6.0 metres (19.69 feet), measured at right angles to that side lot line which is also a street line, the required distance of such private garage from the said street line may be reduced to an ultimate minimum distance equal to the mean width of the minimum side yard required for the principal building to which such private garage is appurtenant,	
	And provided further that wherever the mean elevation of the ground along the rear boundary of a required front yard is more than 2.5 metres (8.20	Not 2.5 metre grade difference	<b>N/A</b>

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	feet) higher than the mean elevation along the front boundary, a private garage may be erected in any yard, subject to the following conditions, namely;		
	(a) that the elevation of the surface of the floor is not more than 0.5 metres (1.64 feet) higher than the mean elevation of the nearest portion of the roadway opposite; and		
	(b) that the private garage is at least 1.5 metres (4.92 feet) from the street line and at least 0.6 metres (1.97 feet) from the nearest other lot line, except that where a retaining wall at least 1.2 metres (3.94 feet) high is erected less than 1.5 metres (4.92 feet) from the street line, the front of the private garage may extend to the front of the retaining wall, so long as the doors are so arranged that no door opens wholly or partly across the street line.	Not 2.5 metre grade difference	N/A
<b>Front Yard Landscaping</b> Section 18(14a)	Except for single family dwellings, two family dwellings and three family dwellings erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential district shall be located in a required front yard and 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.	Existing Conditions	<b>Deemed to Comply</b>
<b>Front Yard Landscaping Calculation</b> Section 18(14d)	For the purposes of clauses (14a), (14b) and (14h), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting: (i) unenclosed entrance porches; (ii) vestibules;	Existing Conditions	<b>Deemed to Comply</b>

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	(iii) ramps; (iv) front steps; (v) chimneys; (vi) bay windows; (vii) ornamental projections; (viii) terraces; (ix) platforms; and,  (x) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m.		
<b>Section 18a – Parking Requirements</b>			
<b>Minimum Number of Parking Spaces</b> Section 18A(1)(a) and Table 1	1 parking spaces  <b>Note: As per Building permit BZ01761, issued on Dec 2, 1974, only one parking space was required at the time the Single Family Dwelling was erected</b>	0 spaces  <b>Note: Two parking spaces are indicated partially off site an are not considered legal parking spaces</b>	<b>Does not Comply</b>
<b>Min Parking Space Size</b> Section 18A(7)	2.7m x 6.0m	Insufficient Information  <b>Note: Parking space dimensions do not appear to comply</b>	<b>Unable to Determine Compliance/ May not Comply</b>
<b>Minimum Required Maneuvering Space</b> Section 18A(1)(f) and Table 6	6.0m	Not Provided	<b>Does not Comply</b>
<b>Location of Parking Spaces and Maneuvering Space</b> Section 18A(10)	Required parking space and maneuvering space shall be provided and maintained only on the lot on which the principle use, building or structure is located	Not Provided	<b>Does not Comply</b>
<b>Access to the Parking Spaces</b> Section 18A(14)(h)	(i) Only one of the required parking spaces shall be provided in the front yard  (ii) Notwithstanding Subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces	Parking not indicated within front yard	<b>N/A</b>
<b>Access Driveway</b> Section 18A(22)	All required parking spaces and maneuvering spaces shall have access by means of one or more access driveways, (a) located on the lot; or	Partially off the lot	<b>Does not Comply</b>

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

	Required by the By-Law	Provided	Conforming/ Non-Conforming
	(b) located partly on the lot in the case of a mutual driveway; or (c) by means of a right of way.		
<b>Access from the Street</b> Section 18A(23)	All maneuvering spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.	No obstructions indicated	<b>Conforms</b>
<b>Minimum Access Driveway Width where there are five or less parking spaces</b> Section 18A(24)(a)	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.  Minimum 2.8 metres	Insufficient Information Provided	<b>Unable to Determine Compliance</b>
<b>Surface of Parking Area for a Single Family Dwelling</b> Section 18A(31)	A gravel or similar surface or other suitable paving shall be provided and maintained for every parking space and access driveway accessory to a single family dwelling each having separate access driveways.	Insufficient Information Provided	<b>Unable to Determine Compliance</b>

Yours truly



\_\_\_\_\_  
for the Manager of Zoning and Committee of Adjustment

Zoning Compliance Review  
180 Lawnhurst Drive, Hamilton

**ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)**

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

_____	_____	_____
Owner	Owner Signature	Date

_____	_____	_____
Applicant (I have the authority to bind the Owner)	Applicant Signature	Date

_____	_____	_____
Agent (I have the authority to bind the Owner)	Agent Signature	Date

Tristan Clarke  
37 MAIN ST S  
WATERDOWN, ON L0R 2H0



**CHARLES LINSEY**  
**& ASSOCIATES LIMITED**

37 Main Street South  
 PO Box 1479  
 Waterdown, ON  
 L0R 2H0  
 Tel: (905) 548-7607

**PROPOSAL**  
 22-173

February 2<sup>nd</sup>, 2024

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

Sent via email: cofa@hamilton.ca

**Re: HM/A-23:246 - 180 LAWNHURST DRIVE, HAMILTON**

Please consider this letter our request to bring our hearing back to the next available Committee of Adjustment meeting.

Based on the attached Zoning Compliance Review the requested variances will need to be revised.

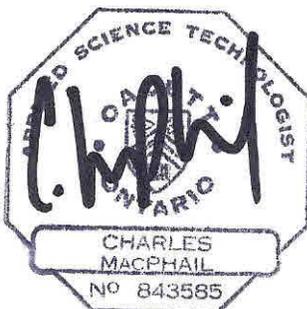
In addition to the previously requested variance for height the following additional variances are also required;

1. *An Accessory Building shall be setback 3.0 metres from a side lot line abutting a street instead of the requirement that no accessory building shall be erected on a corner lot at a distance from the street line less than the depth of front yard required for a dwelling on the adjoining lot (6.0 metres).*
2. *No Parking spaces shall be provided for a Single Family Dwelling instead of the requirement the One (1) Parking space shall be required for a Single Family Dwelling erected prior to May 26, 1992.*

Also attached is a copy of the Site Plan that was submitted as part of the Zoning Compliance Review for inclusion with our application.

If you require anything else of us to proceed with rescheduling our hearing, please reach out directly to me and we will gladly provide it.

Yours very truly,  
**Charles Linsey & Associates Limited**



Charles L. MacPhail, A.Sc.T. (BCIN 25723)

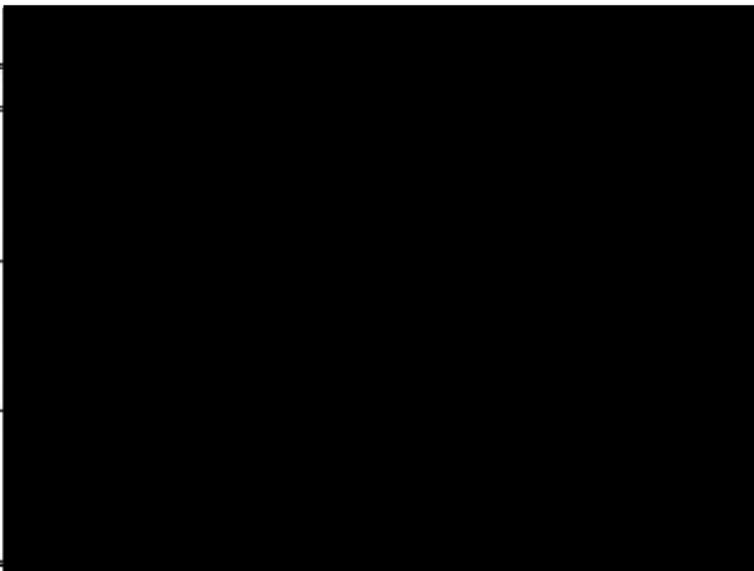


Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION  
UNDER SECTION 45 OF THE PLANNING ACT**

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	Ahsin Afzal
<b>Applicant(s)</b>	Lisa Cockwell
<b>Agent or Solicitor</b>	Charles MacPhail



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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent



1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	180 Lawnhurst Drive		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Exceeding the maximum height for an accessory building.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The detached garage was constructed without a permit.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
16.92 Meters	32.86 Meters	555.0 Meters Squared	4.57 Meters

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	5.7 Meters +/-	12.53 Meters +/-	5.68 Meters/0.60 Meters +/-	
Detached Garage	25.62 Meters	0.66 Meters	7.34 Meters/4.85 Meters	09/01/2011

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	127.1 Meters Squared +/-	127.1 Meters Squared +/-	One	5.5 Meters +/-
Detached Garage	59.2 Meters Squared	59.2 Meters Squared	One	4.47 Meters

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single Family Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single Family Dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

October 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Family Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Family Dwelling

7.4 Length of time the existing uses of the subject property have continued:

Always

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

7.6 What is the existing zoning of the subject land? C/S-1822

7.8 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-23:10

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 2

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

Legalising a detached accessory building (garage) built without a permit as part of a title insurance claim.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:26</b>	<b>SUBJECT PROPERTY:</b>	9 MUNN STREET, HAMILTON
<b>ZONE:</b>	R1 (Low density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 2652009 ONTARIO INC.  
Applicant: CAUD STUDIOS INC (MOHAMMADALI MEMARIAN)

The following variances are requested:

1. A converted dwelling, containing more than two (2) but not more than three (3) units shall be permitted instead of the requirement that reads; For the purpose of Section 4.34, a Converted Dwelling shall mean a Single Detached Dwelling or Duplex Dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units
2. Two (2) on-site parking spaces shall be permitted instead of the minimum 1 per dwelling unit required

**PURPOSE & EFFECT:** To facilitate the construction of a proposed converted dwelling;

**Notes:**

1. Building division records indicate the last known use of the property is vacant land. Building permit 23-120046 to construct a 2 storey 144m<sup>2</sup> single detached house was issued august 25th 2023, indicating the use did not exist as of August 12, 2022
2. It is noted that an additional variance was requested for parking setback from a street line, though not required as section 5.1 b) as it relates to a single detached dwelling has been removed from the by-law

**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-24:26**

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

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>3:05 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

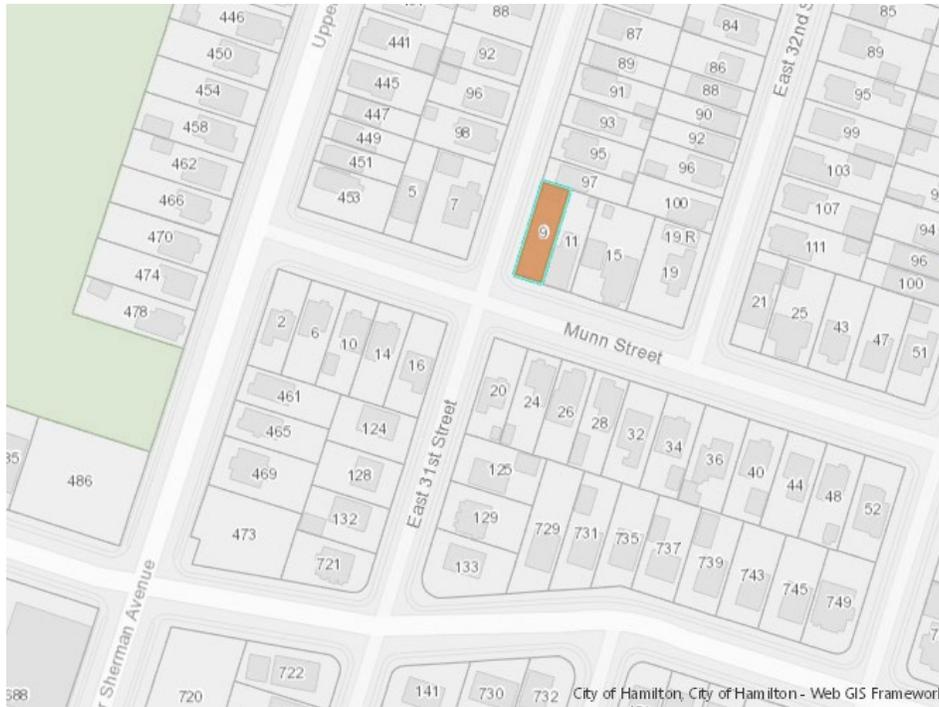
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:26, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:26



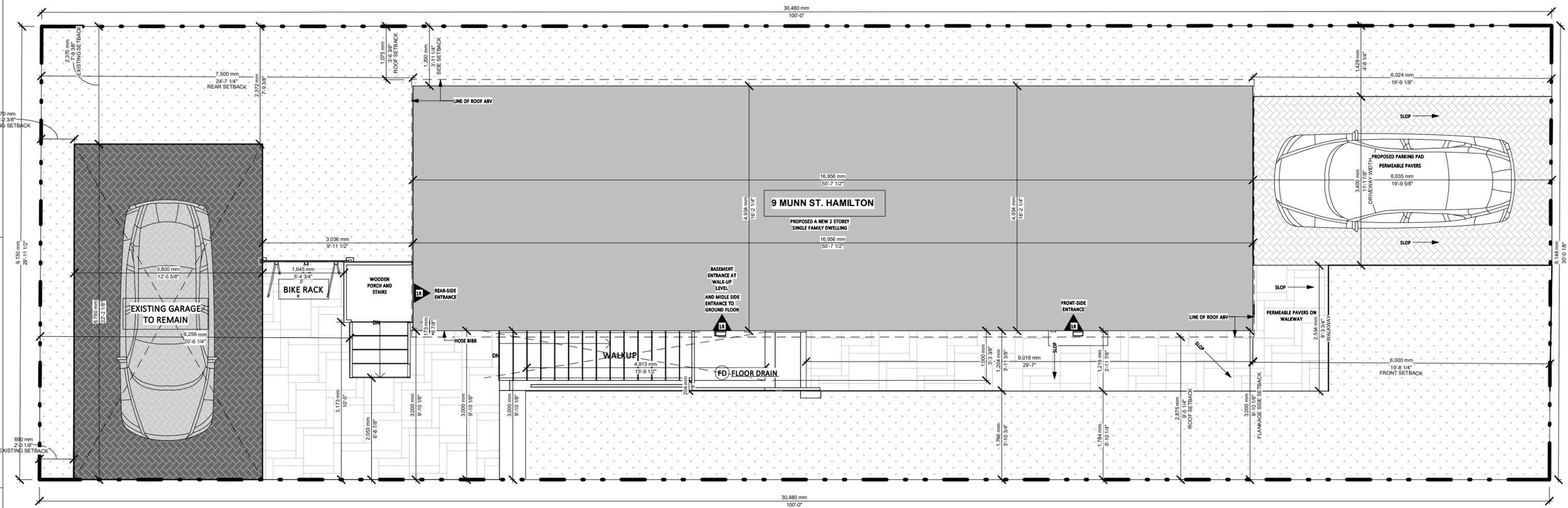
 Subject Lands

DATED: February 22, 2024

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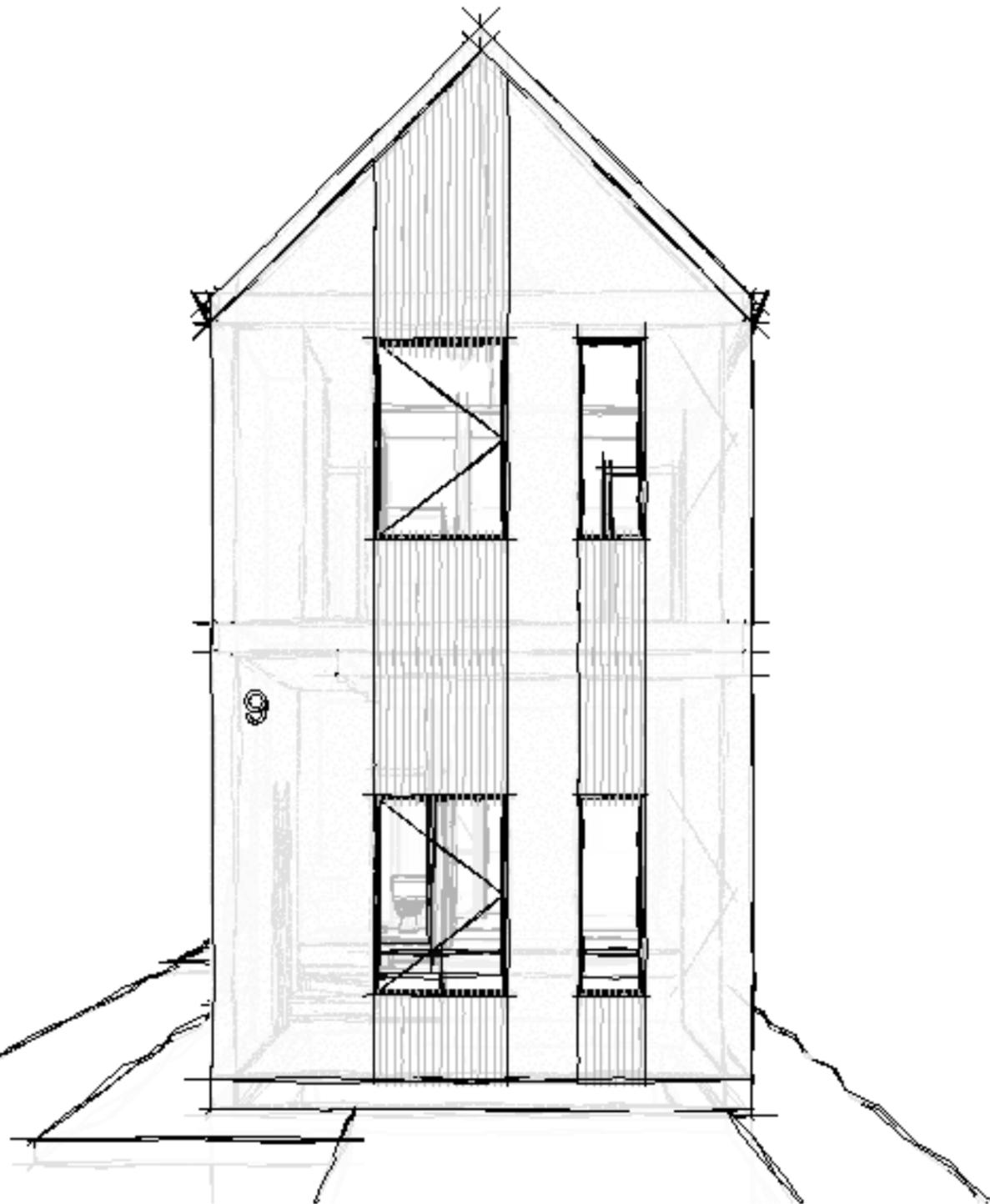
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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.



NOTE: THE INFORMATION FOR THIS SITE PLAN HAS BEEN OBTAINED FROM A COPY OF A SURVEY PROVIDED BY MacKay, MacKay & Peters Limited, DATED March 9 2020. THE INFORMATION SHOWN HEREON, INCLUDING GRADES SHALL NOT BE USED FOR ANY LEGAL / ZONING OR CONSTRUCTION PURPOSE WITHOUT CONFIRMING THE ACCURACY THEREOF BY REFERENCE TO THE APPLICABLE SURVEY.

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME	PROJECT NO.	SHEET NO.	SHEET SCALE				THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER:	STAMP:	NOTE:		
9 MUNN - SFD	2303	SP1.01	1 : 75						MA MEMARIAN				
PROJECT ADDRESS	SHEET NAME			01	240131	COA							
9 Munn St, Hamilton, ON L8V 1J6	SITE PLAN			00	2023.05.04	ISSUED FOR BP							
CLIENT				NO.	DATE	DESCRIPTION		CAUD STUDIOS	EMAIL:	WEB:			
2652009 Ontario Inc.								T: 647 366 1001	INFO@CAUDSTUDIOS.COM	WWW.CAUDSTUDIOS.COM			

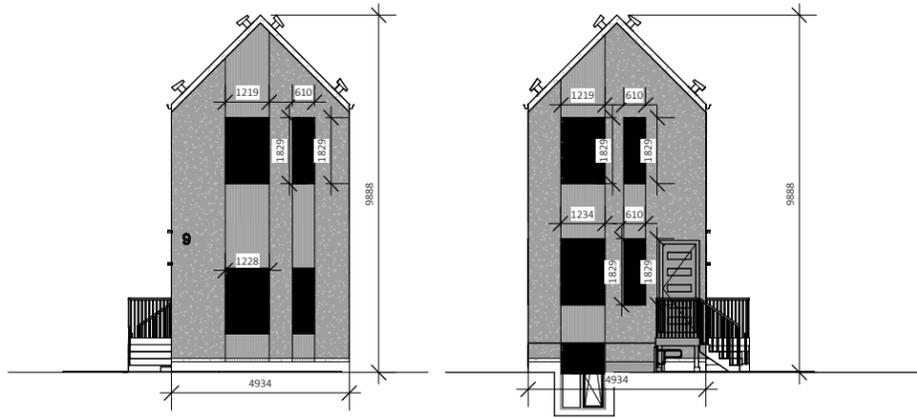


SHEETS - ARCH 11X17	
NUMBER	NAME
A0.01	COVER PAGE
A0.06	NOTE - OBC COMPLIANCE AND STATISTICS
A1.01	PROP. BASEMENT
A1.02	PROP. GROUND FLOOR
A1.03	PROP. SECOND FLOOR
A1.04	PROP. ROOF
A2.01	FRONT (SOUTH) ELEVATION
A2.02	REAR (NORTH) ELEVATION
A2.03	RIGHT (EAST) ELEVATION
A2.04	LEFT (WEST) ELEVATION
A4.01	SECTION 1
A4.02	SECTION 2
A5.01	AREA PLANS
SP1.01	SITE PLAN
SP4.01	LANDSCAPING

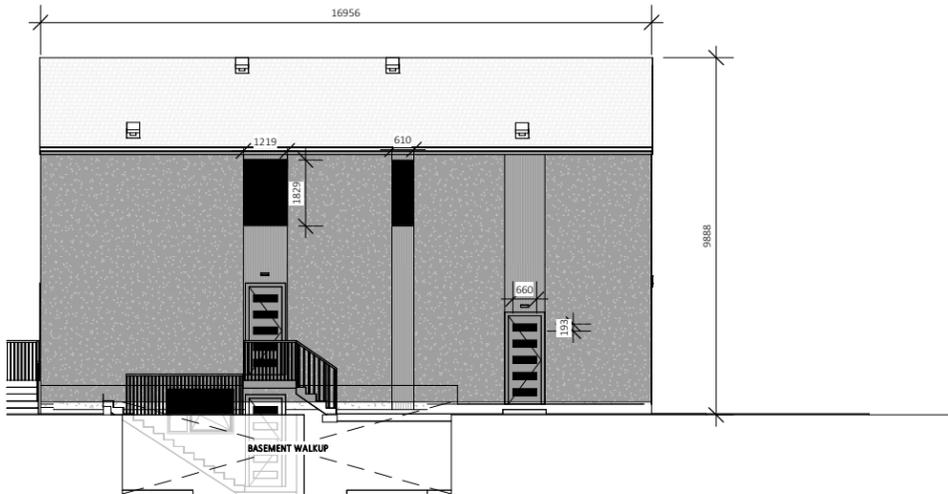
NUMBER OF SHEETS: 15

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES	DESIGNER'S INFO		PROJECT BRIEF		NORTH
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A0.01	SHEET SCALE			THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BR USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER: MA MEMARIAN	STAMP:	NOTE:	
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME COVER PAGE		01	240131			COA	CAUD STUDIOS	EMAIL: INFO@CAUDSTUDIOS.COM	
CLIENT 2652009 Ontario Inc.				00	2023.05.04	ISSUED FOR BP					
				NO.	DATE	DESCRIPTION					

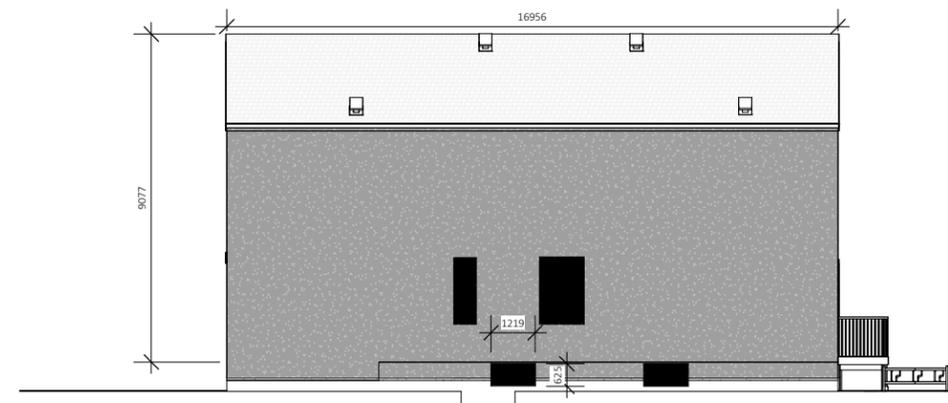
UNPROTECTED OPENING



1 FRONT UPO 1 : 200  
2 REAR UPO 1 : 200



3 SIDE - LEFT UPO 1 : 200



4 SIDE - RIGHT UPO 1 : 200

PREPARED BY: CAUD STUDIOS INC										
PROJECT ADDRESS: 9 Munn St, Hamilton, ON, Canada, L8V 1J6										
ITEM	<b>Ontario Building Code</b> <b>Data Matrix Parts 3 or 9</b>	BUILDING CODE REFERENCE References are to Division B unless noted [A] for Division A or [C] for Division C.								
	1 PROJECT DESCRIPTION:	<input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTERATION	<input type="checkbox"/> PART 11 11.1 TO 11.4 <input type="checkbox"/> PART 3 1.1.2. [A] <input checked="" type="checkbox"/> PART 9 1.1.2. [A] & 9.10.1.3.							
2	MAJOR OCCUPANCY(S):	GROUP C RESIDENTIAL OCCUPANCY	3.1.2.1.(1) 9.10.2							
3	BUILDING AREA (m <sup>2</sup> ):	EXISTING: NA NEW: 108.70	1.4.1.2.[A] 1.4.1.2.[A]							
4	GROSS AREA (m <sup>2</sup> ):	EXISTING: NA NEW: 143.96	1.4.1.2.[A] 1.4.1.2.[A]							
5	NUMBER OF STOREYS	ABOVE GRADE: 2 BELOW GRADE: 1	1.4.1.2.[A] & 3.2.1.11.4.1.2.[A] & 9.10.4							
6	NUMBER OF STREET/FIRE FIGHTER ACCESS:	2	3.2.2.10 & 3.2.5 9.10.20							
7	BUILDING CLASSIFICATION:	GROUP C RESIDENTIAL OCCUPANCY	3.2.2.20-83 9.10.2							
8	SPRINKLER SYSTEM PROPOSED:	<input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> SELECTED COMPARTMENTS <input type="checkbox"/> SELECTED FLOOR AREAS <input type="checkbox"/> BASEMENT ONLY <input checked="" type="checkbox"/> NOT REQUIRED	<input type="checkbox"/> IN LIEU OF ROOF RATING 3.2.2.20-83 9.10.8.2 3.2.1.5 3.2.2.17 INDEX INDEX							
9	STANDPIPE REQUIRED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.2.9 N/A							
10	FIRE ALARM REQUIRED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.2.4 9.10.18							
11	WATER SERVICE/SUPPLY IS ADEQUATE:	<input checked="" type="checkbox"/> YES (MUNICIPAL) <input type="checkbox"/> NO	3.2.5.7 N/A							
12	HIGH BUILDING:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.2.6 N/A							
13	CONSTRUCTION RESTRICTIONS:	<input type="checkbox"/> NON-COMBUSTIBLE <input type="checkbox"/> COMBUSTIBLE REQUIRED <input type="checkbox"/> COMBUSTIBLE	<input checked="" type="checkbox"/> BOTH <input checked="" type="checkbox"/> BOTH 3.2.2.20-83 9.10.6							
14	MEZZANINE(S) AREA (m <sup>2</sup> ):	N/A	3.2.1.1.(3)-(8) 9.10.4.1							
15	OCCUPANT LOAD BASES ON:	<input type="checkbox"/> m <sup>2</sup> /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING	3.1.17 9.9.1.3							
BASEMENT:		OCCUPANCY ___	LOAD 2 PERSONS							
1st FLOOR:		OCCUPANCY ___	LOAD NA PERSONS							
2nd FLOOR:		OCCUPANCY ___	LOAD 4 PERSONS							
3rd FLOOR:		OCCUPANCY ___	LOAD ___ PERSONS							
ROOF:		OCCUPANCY ___	LOAD ___ PERSONS							
16	BARRIER-FREE DESIGN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (EXPLAIN) BUILDING IS A HOUSE (EXEMPT)	3.8 9.5.2							
17	HAZARDOUS SUBSTANCES	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	3.3.1.2. & 3.3.1.19 9.10.1.3(4)							
18	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS)		LISTED DESIGN No. OR DESCRIPTION (SG-2)	3.2.2.20-83 3.2.1.4	9.10.8 9.10.9				
		FLOORS	45 HOURS				-			
		ROOF	0 HOURS	-						
		MEZZANINE	N/A HOURS	-						
FRR OF SUPPORTING MEMBERS		LISTED DESIGN No. OR DESCRIPTION (SG-2)								
FLOORS	45 HOURS	-								
ROOF	0 HOURS	-								
MEZZANINE	N/A HOURS	-								
19 SPATIAL SEPERATION - CONSTRUCTION OF EXTERIOR WALLS - PROPOSED BUILDING (RESIDENTIAL)										
WALL	AREA OF E.B.F. (sq.m)	L.D. (m)	L/H	PERMITTED MAX % OF OPENINGS	PROPOSED % OF OPENINGS (sq.m) %	FRR (HOURS)	LISTED DESIGN OR DESCRIPTION	COMB. CONST.	COMB. CONST. NONC. CLADDING	NON-COMB. CONSTR.
FRONT	39.73	6.00	0.51 < 3:1	64%	6.70 (16.86%)			<input checked="" type="checkbox"/>		
REAR	40.83	7.50	0.51 < 3:1	89%	8.20 (20.08%)			<input checked="" type="checkbox"/>		
LEFT SIDE	117.60	3.00	0.51 < 3:1	10%	8.58(7.29%)			<input checked="" type="checkbox"/>		
RIGHT SIDE - SECTION 1	117.60	1.20	0.51 < 3:1	7%	5 (4.2%)			<input checked="" type="checkbox"/>		

Name	Area	Area (sf)
LOT AREA	278.55 m <sup>2</sup>	2998.28 ft <sup>2</sup>

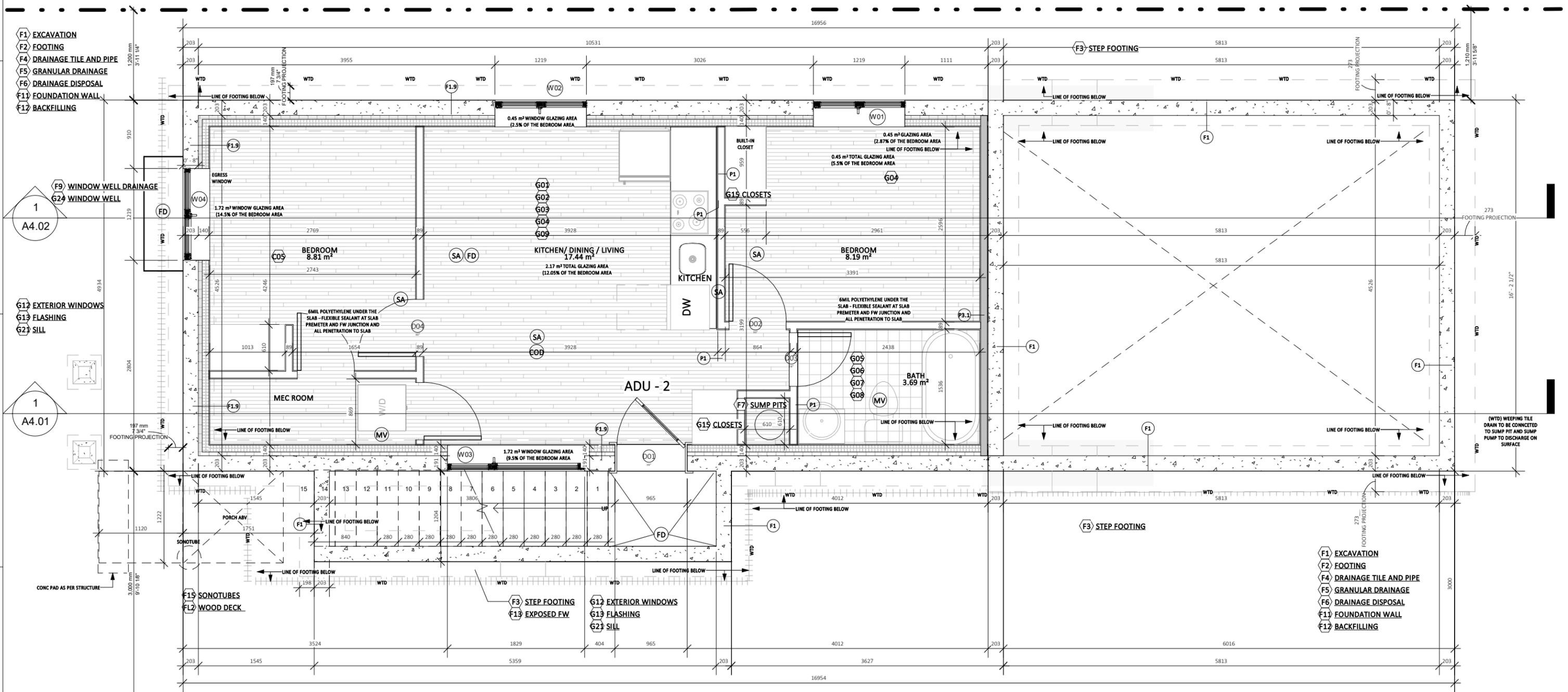
ZONING - COVERAGE PROPOSED			
Name	Area	Area (sf)	%
COVERAGE - EXIST	25.11 m <sup>2</sup>	270.32 ft <sup>2</sup>	9.02
COVERAGE - PROP	83.58 m <sup>2</sup>	899.69 ft <sup>2</sup>	30.01
TOTAL COVERAGE PROPOSED	108.70 m <sup>2</sup>	1170.01 ft <sup>2</sup>	39.02

ZONING - FLOOR AREAS - PROPOSED		
Name	Area	Area (sf)
ADU - 2 BASEMENT	53.98 m <sup>2</sup>	581.02 ft <sup>2</sup>
MAIN UNIT	80.00 m <sup>2</sup>	861.16 ft <sup>2</sup>
ADU-1 SECOND FLOOR	79.67 m <sup>2</sup>	857.53 ft <sup>2</sup>
TOTAL PROPOSED AREA	213.65 m <sup>2</sup>	2299.71 ft <sup>2</sup>

ZONING -GFA/FSI - PROPOSED			
Name	Area	Area (sf)	FSI
MAIN UNIT	80.00 m <sup>2</sup>	861.16 ft <sup>2</sup>	28.72%
ADU-1 SECOND FLOOR	79.67 m <sup>2</sup>	857.53 ft <sup>2</sup>	28.60%
TOTAL PROPOSED AREA	159.67 m <sup>2</sup>	1718.69 ft <sup>2</sup>	57.32%

<b>PROJECT INFO</b>		<b>DRAWING INFO.</b>		<b>REVISIONS</b>		<b>NOTES</b>		<b>DESIGNER'S INFO</b>		<b>PROJECT BRIEF</b>		<b>NORTH</b>	
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A0.06	SHEET SCALE As indicated					DESIGNER: MA MEMARIAN	STAMP:	NOTE:			
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME NOTE - OBC COMPLIANCE AND STATISTICS		01 240131 COA				CAUD STUDIOS					
CLIENT 2652009 Ontario Inc.				00 2023.05.04 ISSUED FOR BP				CAUD STUDIOS T: 647 366 1001	EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM			

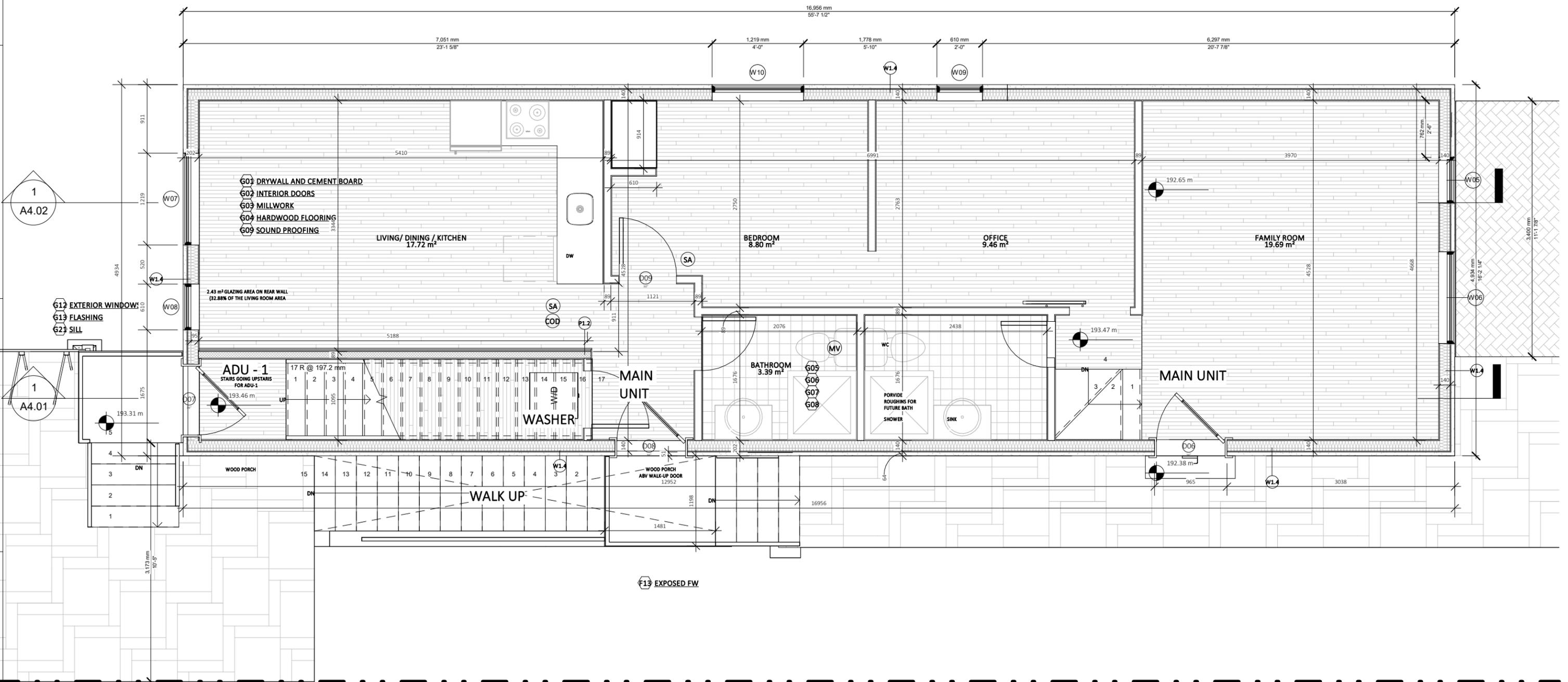
WINDOWS - BASEMENT									
WIN#	Level	W (mm)	H (mm)	Sill (mm)	Win Area (sm)	Glazing Area (sm)	W (ft)	H (ft)	Sill (ft)
W01	BASEMENT	1219	610	2134	0.74 m <sup>2</sup>	0.45 m <sup>2</sup>	4' - 0"	2' - 0"	7' - 0"
W02	BASEMENT	1219	610	2134	0.74 m <sup>2</sup>	0.45 m <sup>2</sup>	4' - 0"	2' - 0"	7' - 0"
W03	BASEMENT	1829	1219	1473	2.23 m <sup>2</sup>	1.72 m <sup>2</sup>	6' - 0"	4' - 0"	4' - 10"
W04	BASEMENT	1219	1829	960	2.23 m <sup>2</sup>	1.72 m <sup>2</sup>	4' - 0"	6' - 0"	3' - 2"
TOTAL AREA					5.95 m <sup>2</sup>	4.34 m <sup>2</sup>			



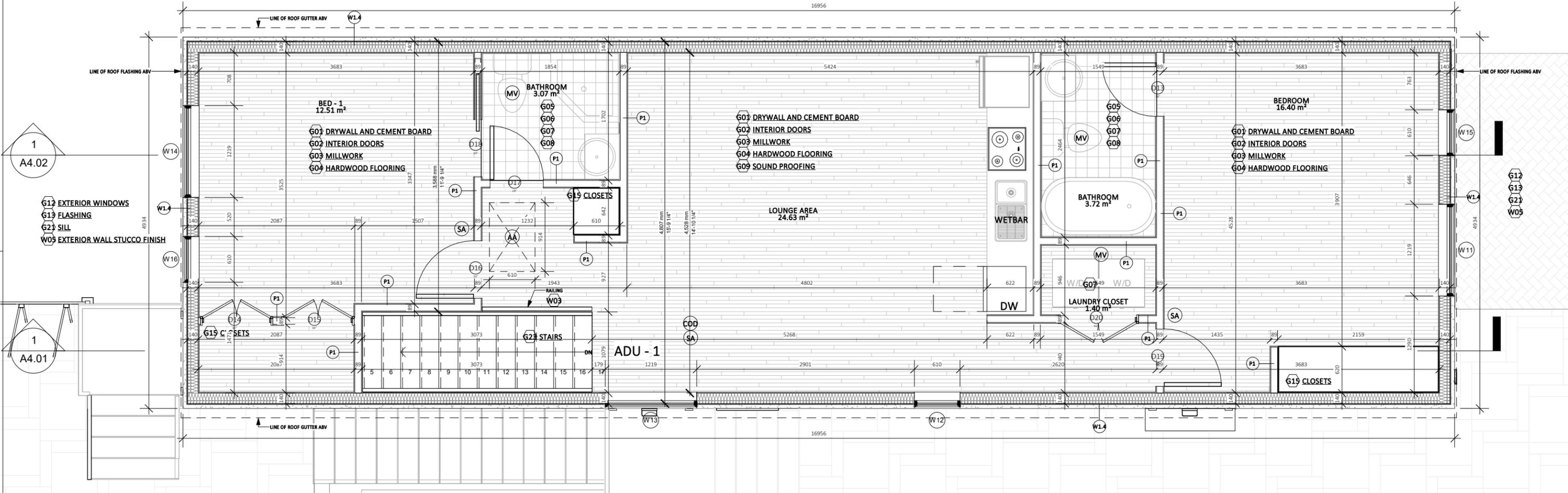
PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME	PROJECT NO.	SHEET NO.	SHEET SCALE			THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.			DESIGNER:	STAMP:	NOTE:		
9 MUNN - SFD	2303	A1.01	1 : 50	01	240131				COA	MA MEMARIAN			
PROJECT ADDRESS		SHEET NAME		00	2023.05.04	ISSUED FOR BP	CAUD STUDIOS	EMAIL:	WEB:				
9 Munn St, Hamilton, ON L8V 1J6		PROP. BASEMENT					T: 647 366 1001	INFO@CAUDSTUDIOS.COM	WWW.CAUDSTUDIOS.COM				
CLIENT													
2652009 Ontario Inc.													

WINDOWS - GROUND FLOOR

Mark	Level	W (mm)	H (mm)	Sill (mm)	Win Area (sm)	Glazing Area (sm)	Construction Phase	W (ft)	H (ft)	Sill (ft)	Description	
W07	GROUND FLOOR	1219	1829	762	2.23 m <sup>2</sup>	1.72 m <sup>2</sup>	PROPOSED	1219	1829	762		
W08	GROUND FLOOR	610	1829	762	1.11 m <sup>2</sup>	0.71 m <sup>2</sup>	PROPOSED	610	1829	762		
W09	GROUND FLOOR	610	1829	762	1.11 m <sup>2</sup>	0.71 m <sup>2</sup>	PROPOSED	610	1829	762		
W10	GROUND FLOOR	1219	1829	762	2.23 m <sup>2</sup>	1.72 m <sup>2</sup>	PROPOSED	1219	1829	762		
TOTAL AREA					6.69 m <sup>2</sup>	4.86 m <sup>2</sup>						



PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A1.02	SHEET SCALE 1 : 50	NO.	DATE	DESCRIPTION	THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUdios. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BR USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.	DESIGNER: MA MEMARIAN	STAMP:	NOTE:			
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME PROP. GROUND FLOOR		01	240131	COA	CAUD STUDIOS	EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM				
CLIENT 2652009 Ontario Inc.				00	2023.05.04	ISSUED FOR BP							



1  
A4.02

1  
A4.01

- G12 EXTERIOR WINDOWS
- G13 FLASHING
- G23 SILL
- W03 EXTERIOR WALL STUCCO FINISH

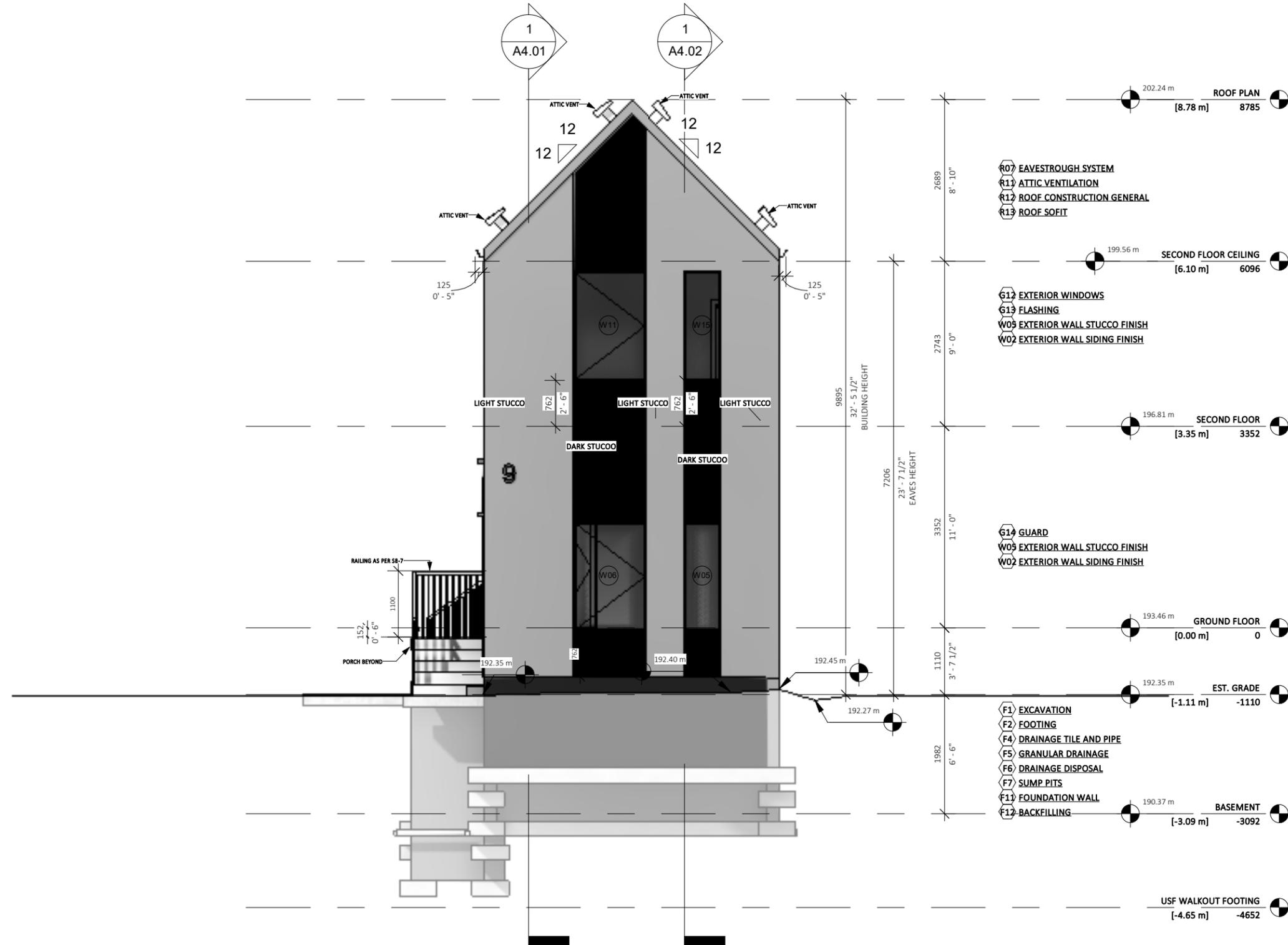
- G12 EXTERIOR WINDOWS
- G13 FLASHING
- G23 SILL
- W03 EXTERIOR WALL STUCCO FINISH

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH		
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A1.03	SHEET SCALE 1 : 50	01	240131	COA	THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER: MA MEMARIAN	STAMP:	NOTE:			
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME PROP. SECOND FLOOR		00	2023.05.04	ISSUED FOR BP			CAUD STUDIOS T: 647 366 1001	EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM			
CLIENT 2652009 Ontario Inc.				NO.	DATE	DESCRIPTION								



E.B.F.	AREA (sqm)
FRONT (SOUTH)	41.19
REAR (NORTH)	41.88
RIGHT (WEST)	123.71
LEFT (EAST)	138.60
TOTAL	345.38

GLASS / WALL RATIO:  
TOTAL WINDOWS AREA: 19.70 M<sup>2</sup>  
GLASS/WALL RATIO : 19.70 / 345.38 = 5.7%

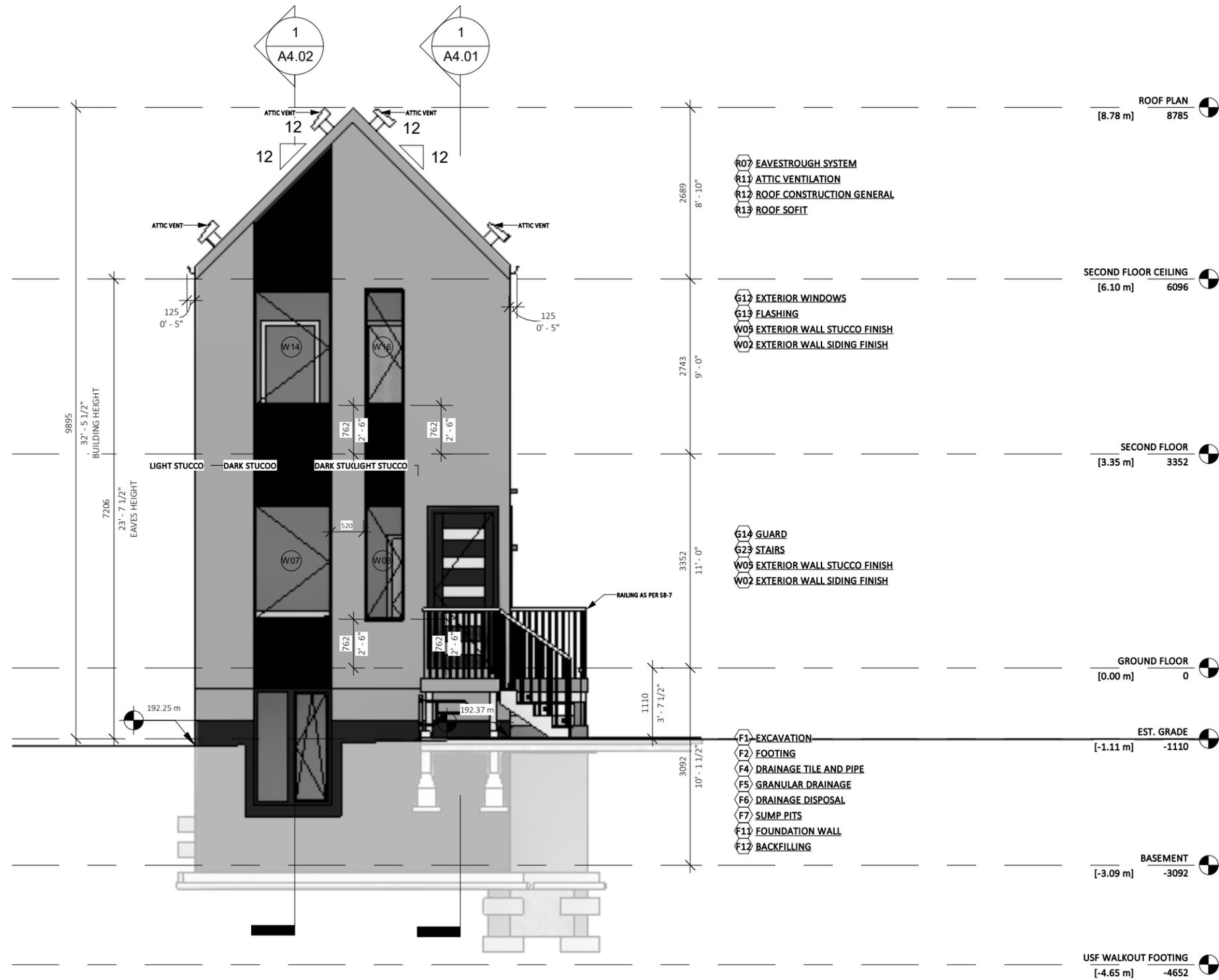


NOTE:  
AVERAGE GRADE CALCULATION:  
 $(192.45)+(192.35)+(192.37)+(192.25) / 4 = 192.35M$

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A2.01	SHEET SCALE 1 : 75	-	-	-	THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIORS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BR USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.			DESIGNER: MA MEMARIAN	STAMP:	NOTE: 	
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME FRONT (SOUTH) ELEVATION		01	240131	COA	CAUD STUDIOS T: 647 366 1001			EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM		
CLIENT 2652009 Ontario Inc.				00	2023.05.04	ISSUED FOR BP							

E.B.F.	AREA (sqm)
FRONT (SOUTH)	41.19
REAR (NORTH)	41.88
RIGHT (WEST)	123.71
LEFT (EAST)	138.60
TOTAL	345.38

GLASS / WALL RATIO:  
TOTAL WINDOWS AREA: 19.70 M<sup>2</sup>  
GLASS/WALL RATIO : 19.70 / 345.38 = 5.7%



NOTE:  
AVERAGE GRADE CALCULATION:  
 $(192.45)+(192.35)+(192.37)+(192.25) / 4 = 192.35M$

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME	PROJECT NO.	SHEET NO.	SHEET SCALE				THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER:	STAMP:	NOTE:		
9 MUNN - SFD	2303	A2.02	1 : 75			MA MEMARIAN							
PROJECT ADDRESS	SHEET NAME												
9 Munn St, Hamilton, ON L8V 1J6	REAR (NORTH) ELEVATION												
CLIENT				01	240131	COA		CAUD STUDIOS	EMAIL:	WEB:			
2652009 Ontario Inc.				00	2023.05.04	ISSUED FOR BP		T: 647 366 1001	INFO@CAUDSTUDIOS.COM	WWW.CAUDSTUDIOS.COM			

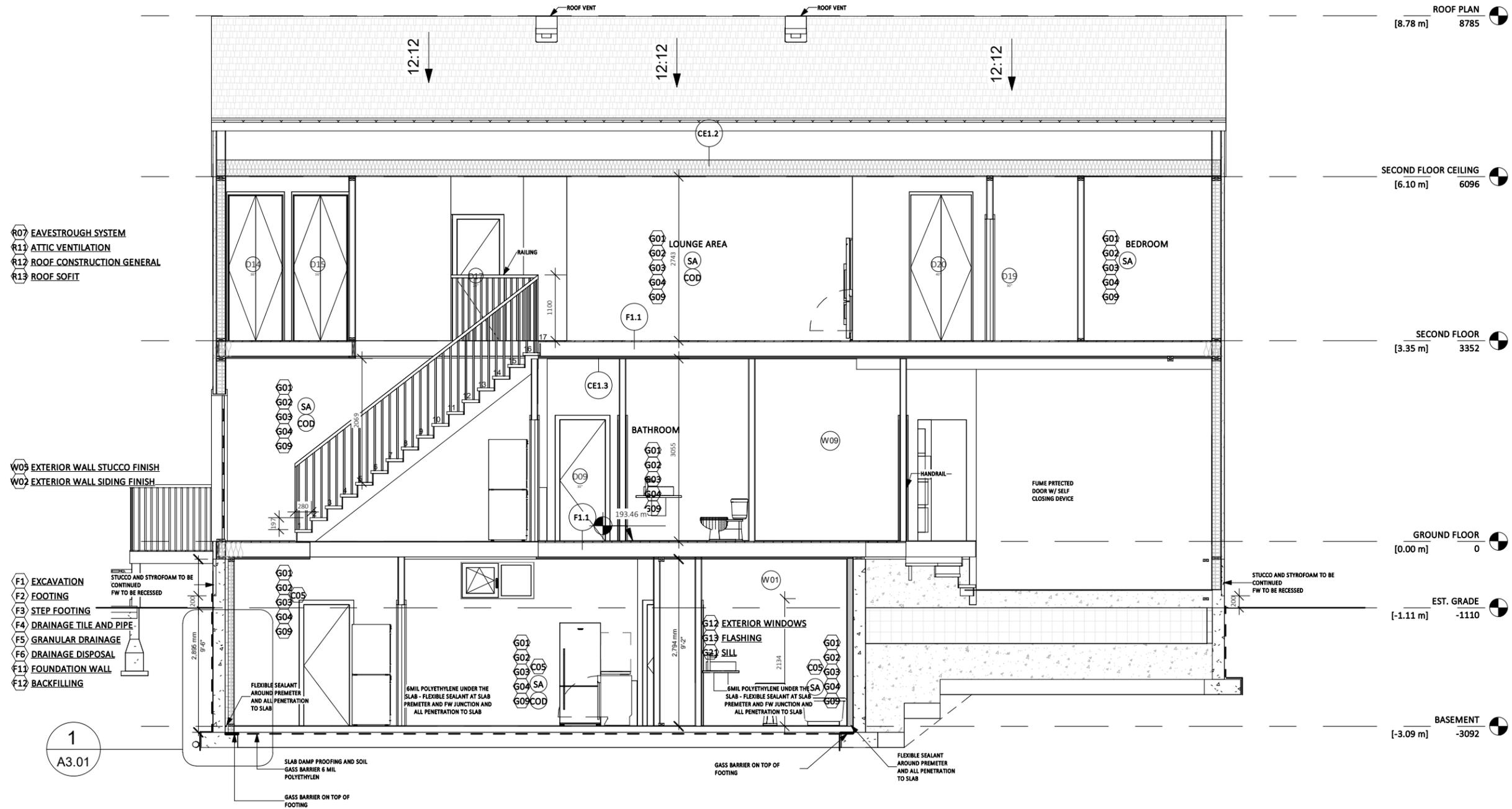


E.B.F.	AREA (sqm)
FRONT (SOUTH)	41.19
REAR (NORTH)	41.88
RIGHT (WEST)	123.71
LEFT (EAST)	138.60
TOTAL	345.38

GLASS / WALL RATIO:  
TOTAL WINDOWS AREA: 19.70 M<sup>2</sup>  
GLASS/WALL RATIO : 19.70 / 345.38 = 5.7%



PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME	PROJECT NO.	SHEET NO.	SHEET SCALE				THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BR USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER:	STAMP:	NOTE:		
PROJECT ADDRESS				01	240131	COA			MA MEMARIAN				
CLIENT		SHEET NAME		00	2023.05.04	ISSUED FOR BP		CAUD STUDIOS	EMAIL:	WEB:			
2652009 Ontario Inc.		LEFT (WEST) ELEVATION	1 : 75					T: 647 366 1001	INFO@CAUDSTUDIOS.COM	WWW.CAUDSTUDIOS.COM			



- R07 EAVESTROUGH SYSTEM
- R11 ATTIC VENTILATION
- R12 ROOF CONSTRUCTION GENERAL
- R13 ROOF SOFIT

- W09 EXTERIOR WALL STUCCO FINISH
- W02 EXTERIOR WALL SIDING FINISH

- F1 EXCAVATION
- F2 FOOTING
- F3 STEP FOOTING
- F4 DRAINAGE TILE AND PIPE
- F5 GRANULAR DRAINAGE
- F6 DRAINAGE DISPOSAL
- F11 FOUNDATION WALL
- F12 BACKFILLING

1  
A3.01

ROOF PLAN  
[8.78 m] 8785

SECOND FLOOR CEILING  
[6.10 m] 6096

SECOND FLOOR  
[3.35 m] 3352

GROUND FLOOR  
[0.00 m] 0

EST. GRADE  
[-1.11 m] -1110

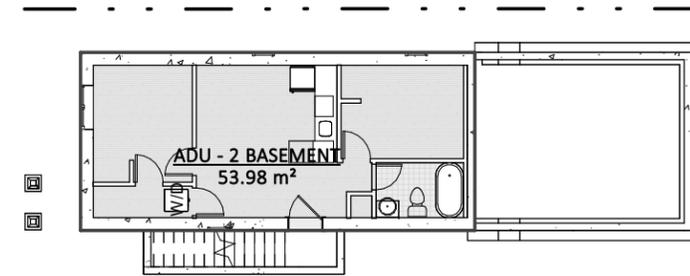
BASEMENT  
[-3.09 m] -3092

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME	PROJECT NO.	SHEET NO.	SHEET SCALE			THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.			DESIGNER:	STAMP:	NOTE:		
9 MUNN - SFD	2303	A4.01	1 : 75						MA MEMARIAN				
PROJECT ADDRESS	SHEET NAME												
9 Munn St, Hamilton, ON L8V 1J6	SECTION 1												
CLIENT													
2652009 Ontario Inc.													
				01	240131	COA		CAUD STUDIOS	EMAIL:	WEB:			
				00	2023.05.04	ISSUED FOR BP		T: 647 366 1001	INFO@CAUDSTUDIOS.COM	WWW.CAUDSTUDIOS.COM			
				NO.	DATE	DESCRIPTION							

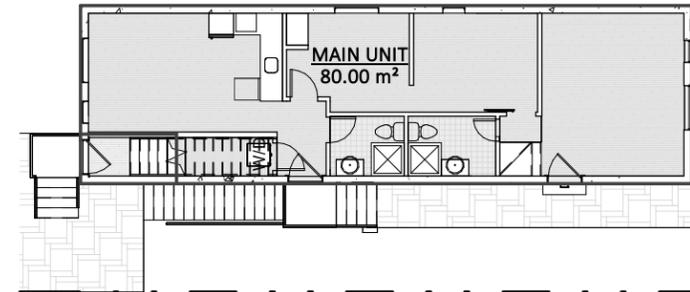


ZONING - FLOOR AREAS - PROPOSED		
Name	Area	Area (sf)
ADU - 2 BASEMENT	53.98 m <sup>2</sup>	581.02 ft <sup>2</sup>
MAIN UNIT	80.00 m <sup>2</sup>	861.16 ft <sup>2</sup>
ADU-1 SECOND FLOOR	79.67 m <sup>2</sup>	857.53 ft <sup>2</sup>
<b>TOTAL PROPOSED AREA</b>	<b>213.65 m<sup>2</sup></b>	<b>2299.71 ft<sup>2</sup></b>

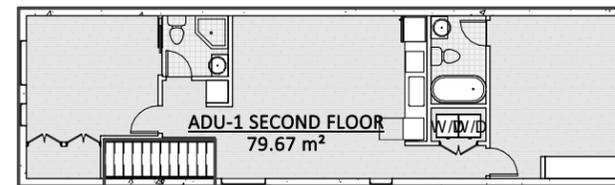
ZONING - COVERAGE PROPOSED			
Name	Area	Area (sf)	%
COVERAGE - EXIST	25.11 m <sup>2</sup>	270.32 ft <sup>2</sup>	9.02
COVERAGE - PROP	83.58 m <sup>2</sup>	899.69 ft <sup>2</sup>	30.01
<b>TOTAL COVERAGE PROPOSED</b>	<b>108.70 m<sup>2</sup></b>	<b>1170.01 ft<sup>2</sup></b>	<b>39.02</b>



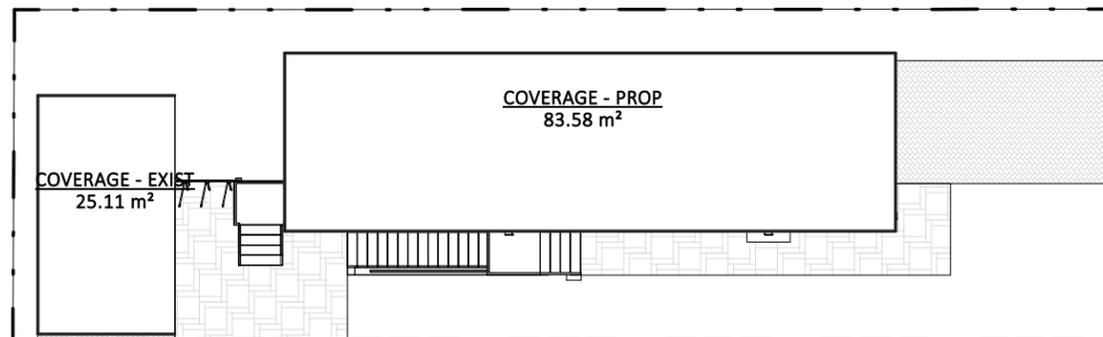
② PROP. BASEMENT AREA  
1 : 200



③ PROP. GROUND FLOOR AREA  
1 : 200

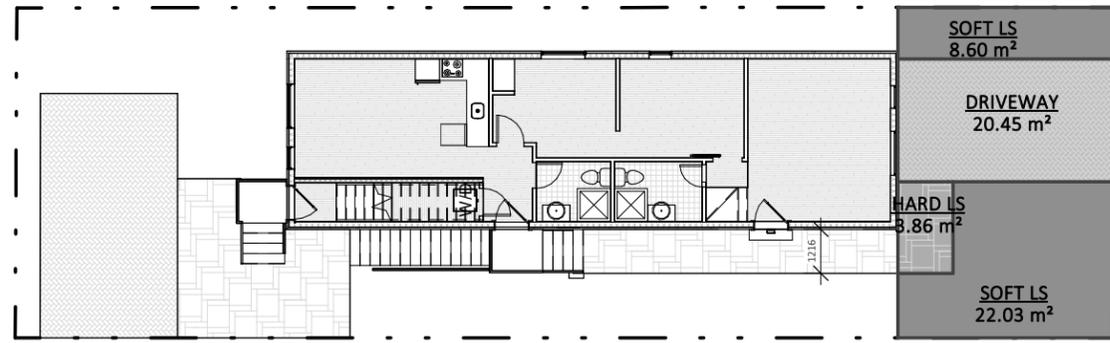


④ PROP. SECOND FLOOR AREA  
1 : 200

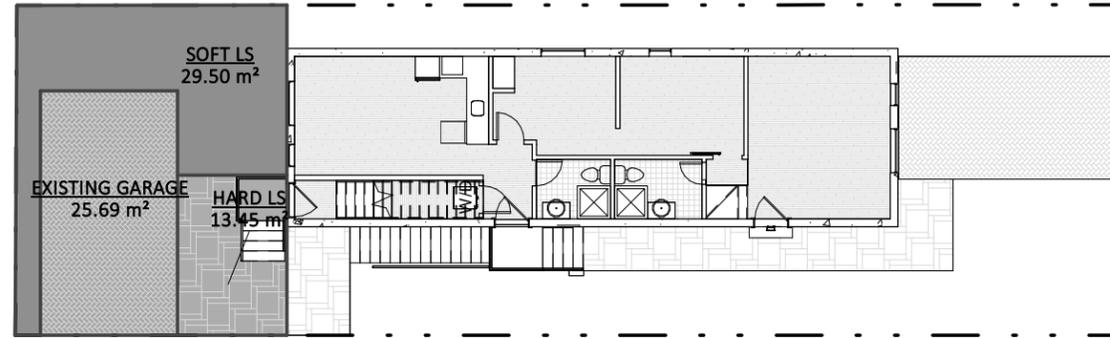


① PROP. COVERAGE  
1 : 200

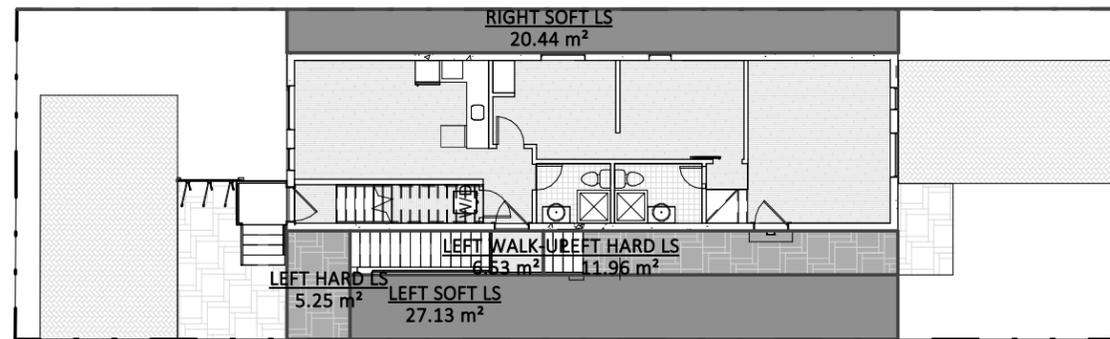
PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. A5.01	SHEET SCALE 1 : 200				THIS DRAWINGS IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUODIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BR USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER: MA MEMARIAN	STAMP:	NOTE:		
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6		SHEET NAME AREA PLANS		01	240131	COA			CAUD STUDIOS	EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM		
CLIENT 2652009 Ontario Inc.				00	2023.05.04	ISSUED FOR BP			T: 647 366 1001				



1 FRONT YARD LANDSCAPE  
1 : 200



2 REAR YARD LANDSCAPE  
1 : 200



3 SIDE YARD LANDSCAPE  
1 : 200

LANDSCAPE - FRONT YARD - TOTAL			
Name	Area	Area (sf)	%
DRIVEWAY	20.45 m <sup>2</sup>	220.12 ft <sup>2</sup>	37%
HARD LS	3.86 m <sup>2</sup>	41.57 ft <sup>2</sup>	7%
SOFT LS	30.63 m <sup>2</sup>	329.74 ft <sup>2</sup>	56%
TOTAL FRONT YARD AREA	54.95 m <sup>2</sup>	591.43 ft <sup>2</sup>	100%

LANDSCAPE - FRONT YARD - LANDSCAPING			
Name	Area	Area (sf)	%
HARD LS	3.86 m <sup>2</sup>	41.57 ft <sup>2</sup>	11%
SOFT LS	30.63 m <sup>2</sup>	329.74 ft <sup>2</sup>	89%
TOTAL FRONT YARD LANDSCAPE	34.50 m <sup>2</sup>	371.31 ft <sup>2</sup>	100%

LANDSCAPE - REAR YARD - TOTAL			
Name	Area	Area (sf)	%
EXISTING GARAGE	25.69 m <sup>2</sup>	276.51 ft <sup>2</sup>	37%
HARD LS	13.45 m <sup>2</sup>	144.82 ft <sup>2</sup>	20%
SOFT LS	29.50 m <sup>2</sup>	317.51 ft <sup>2</sup>	43%
TOTAL REAR YARD AREA	68.64 m <sup>2</sup>	738.85 ft <sup>2</sup>	100%

LANDSCAPE - REAR YARD - SOFT LANDSCAPING			
Name	Area	Area (sf)	%
SOFT LS	29.50 m <sup>2</sup>	317.51 ft <sup>2</sup>	100%
TOTAL REAR YARD AREA	29.50 m <sup>2</sup>	317.51 ft <sup>2</sup>	100%

LANDSCAPE - SIDE YARDS - TOTAL			
Name	Area	Area (sf)	%
LEFT HARD LS	17.21 m <sup>2</sup>	185.23 ft <sup>2</sup>	24%
LEFT SOFT LS	27.13 m <sup>2</sup>	292.04 ft <sup>2</sup>	38%
LEFT WALK-UP	6.53 m <sup>2</sup>	70.26 ft <sup>2</sup>	9%
RIGHT HARD LS	0.00 m <sup>2</sup>	0.00 ft <sup>2</sup>	0%
RIGHT SOFT LS	20.44 m <sup>2</sup>	220.06 ft <sup>2</sup>	29%
TOTAL SIDE YARD	71.31 m <sup>2</sup>	767.60 ft <sup>2</sup>	100%

LANDSCAPE - SIDE YARDS - SOFT LANDSCAPING			
Name	Area	Area (sf)	%
LEFT SOFT LS	27.13 m <sup>2</sup>	292.04 ft <sup>2</sup>	57%
RIGHT SOFT LS	20.44 m <sup>2</sup>	220.06 ft <sup>2</sup>	43%
TOTAL SIDE YARD	47.58 m <sup>2</sup>	512.10 ft <sup>2</sup>	100%

LANDSCAPE - SIDE YARDS - LEFT SIDE - EXTERIOR SIDE YARD			
Name	Area	Area (sf)	%
LEFT HARD LS	17.21 m <sup>2</sup>	185.23 ft <sup>2</sup>	34%
LEFT SOFT LS	27.13 m <sup>2</sup>	292.04 ft <sup>2</sup>	53%
LEFT WALK-UP	6.53 m <sup>2</sup>	70.26 ft <sup>2</sup>	13%
EXTERIOR SIDE YARD	50.87 m <sup>2</sup>	547.53 ft <sup>2</sup>	100%

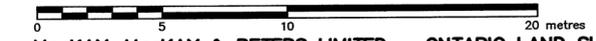
NOTE: ALL AREAS INDICATED AS SOFT LANDSCAPING TO BE COVERED WITH LAWN

PROJECT INFO		DRAWING INFO.		REVISIONS		NOTES		DESIGNER'S INFO		PROJECT BRIEF		NORTH	
PROJECT NAME 9 MUNN - SFD	PROJECT NO. 2303	SHEET NO. SP4.01	SHEET SCALE 1 : 200				THIS DRAWING IS COPYRIGHTED INSTRUMENT OF SERVICE AND IT REMAINS THE PROPERTY OF CAUD STUDIOS. USE AND PRODUCTION OF THIS DRAWINGS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS NOT ALLOWED. DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT IMMEDIATELY BEFORE PROCEEDING. ONLY FIGURED DIMENSIONS TO BE USED. CONTRACTOR MUST CHECK ALL THE DIMENSIONS ON SITE.		DESIGNER: MA MEMARIAN	STAMP:	NOTE:		
PROJECT ADDRESS 9 Munn St, Hamilton, ON L8V 1J6	SHEET NAME LANDSCAPING	01 240131 COA	00 2023.05.04 ISSUED FOR BP			CAUD STUDIOS T: 647 366 1001			EMAIL: INFO@CAUDSTUDIOS.COM	WEB: WWW.CAUDSTUDIOS.COM			

# LOT 36 REGISTERED PLAN 507

BEING IN THE CITY OF HAMILTON

SCALE 1 : 200



MackAY, MackAY & PETERS LIMITED - ONTARIO LAND SURVEYORS © 2020

KNOWN AS MUNICIPAL No. 11 MUNN STREET

### REPORT SUMMARY (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 - DECEMBER 19, 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 :**

MackAY, MackAY & PETERS LIMITED grants EMIL JOSEPH ["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

**Legend :**

- DENOTES A SURVEY MONUMENT FOUND
  - DENOTES A SURVEY MONUMENT PLANTED
  - IB DENOTES IRON BAR
  - DENOTES ROUND
  - (OU) DENOTES ORIGIN UNKNOWN
  - PIN DENOTES PROPERTY IDENTIFICATION NUMBER
  - P1 DENOTES REGISTERED PLAN 507
  - P2 DENOTES PLAN BY A.T. MCLAREN, O.L.S., DATED MARCH 22, 2006
  - P3 DENOTES PLAN BY MACKAY, MACKAY & PETERS LIMITED, O.L.S., DATED MAY 13, 1991 (91-066-1)
  - GM DENOTES GAS METER
  - DS DENOTES DOOR SILL
  - WV DENOTES WATER VALVE
  - STMMH DENOTES STORM MANHOLE
  - SANMH DENOTES SANITARY MANHOLE
  - HP DENOTES HYDRO POLE
  - ULS DENOTES UTILITY LIGHT STANDARD
  - OHW DENOTES OVERHEAD WIRES
  - PROP DENOTES PROPORTION
- ALL TIES ARE TO BUILDING FOUNDATION UNLESS OTHERWISE NOTED

**Benchmark Note:**

CITY OF HAMILTON BENCHMARK No. 0011965U062 ELEVATION = 192.597 METRES (CGVD 1928:1978 READJUSTMENT)

HAMILTON-WENTWORTH EASTMOUNT PARK SCHOOL, ON EAST SIDE OF EAST 26TH STREET, 39.6 METRES NORTH OF QUEENSDALE AVENUE, OPPOSITE HOUSE No. 162, TABLET IN WEST CONCRETE FOUNDATION WALL, DIRECTLY BELOW CORNERSTONE "1958", 0.30 METRES FROM SOUTHWEST CORNER, 0.12 METRES BELOW BRICK.

**Bearing Reference :**

BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF MUNN STREET AS SHOWN ON REGISTERED PLAN 507, HAVING A BEARING OF N72°00'00"W.

**Surveyor's Certificate :**

1. I CERTIFY THAT :
  - 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - 2. THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JANUARY, 2020.

MARCH 9, 2020 DATE

AISAR BHERI  
ONTARIO LAND SURVEYOR  
FOR MACKAY, MACKAY & PETERS LIMITED

ASSOCIATION OF ONTARIO LAND SURVEYORS  
PLAN SUBMISSION FORM  
2118868



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3)

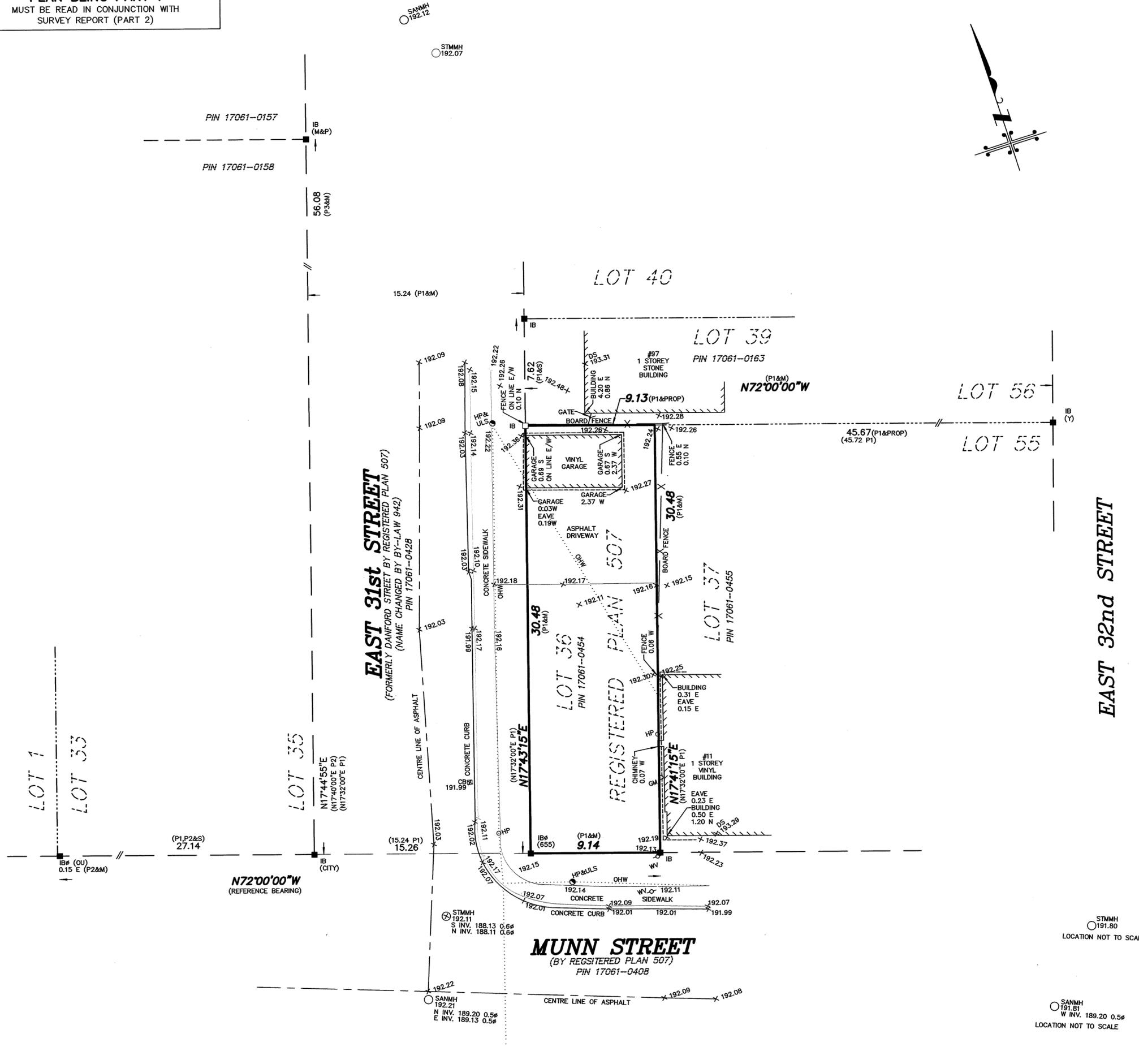
CAD FILE: E:\(62) Hamilton-Wentworth\Registered Plans\RP0507\LOT 36\19-303\19-303.dwg

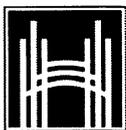
**MMP**  
MacKay, MacKay & Peters Limited  
LAND SURVEYORS & MAPPERS  
SINCE 1906

3380 South Service Road  
Unit 101  
Burlington, ON  
L7N 3J5  
(905) 639-1375  
halton@mmplimited.com  
mmpsurveyors.ca  
mmplocators.ca

DRAWN BY: A.R.  
PARTY CHIEF: W.Y./J.M.  
CHECKED BY:  
PROJECT NO.: 19-303

PLAN BEING PART 1  
MUST BE READ IN CONJUNCTION WITH  
SURVEY REPORT (PART 2)





**Hamilton**

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION  
 UNDER SECTION 45 OF THE PLANNING ACT**

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
<b>Registered Owners(s)</b>	2652009 ONTARIO INC	
<b>Applicant(s)</b>	CAUD STUDIOS INC	
<b>Agent or Solicitor</b>		

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent ali@caudstudios.com

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	9 Munn St, Hamilton, ON L8V 1J6		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot	36	Concession	
Registered Plan Number	507	Lot(s)	
Reference Plan Number (s)		Part(s)	

## 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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

### 3.1 Nature and extent of relief applied for:

\*\*\*Item 1:\*\*\*As per converted dwelling regulations section 3.34 zoning by-law 05-200\*\*\*Convert the single-family dwelling into 3 units (2 ADU), the house was to be built in 2023.\*\*\*1 ADU is allowed and we are applying for 2 ADU. \*\*\*Item 2:\*\*\*Location of the parking as per section 5.1(b), the parking space setback of 5.8m is not maintained. And the parking is in the front yard. \*\*\*Item 3: \*\*\*Number of parking as per section 5.6 c. The number of 2 parking is provided for the property while 3 parking is required. \*\*\*As per section 3.34 zoning by-law 05-200, if the house is in existence on August 2022, 2 parking lots meet the requirements for the minimum number of parking. \*\*\*Note: As a converted dwelling, the number of parking spaces meets the requirements, however, the house was built in 2023.

Second Dwelling Unit

Reconstruction of Existing Dwelling

### 3.2 Why it is not possible to comply with the provisions of the By-law?

Item 1, the house was built in 2023. 1 ADU is permitted.

Item 2 The architectural layout needs the space to provide healthy and enough space for the residence. As the solution the parking location is moved to the front yard.

Item3, The house is built in 2023 and the conversion bylaw relief, for additional parking does not apply to this property.

### 3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

### 4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
9.14m	30.48m	278.58m	~20m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House - sfd	6m	7.5m	1.2m and 3m	08/25/2023
Garage	na	0.67m	2.37m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House - 4 units	6m	7.5m	1.2mand 3m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	83.85 sm	143.95 sm	2	9.89m
garage	25.11 sm	na	1	~3m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	83.85 sm	165.45 sm	2	9.89m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

- provincial highway  right of way  
 municipal road, seasonally maintained  other public road  
 municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
 Single family + 2 additional units

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
 Single family detached dwelling

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Vacant land - residential use

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
 Single Family Dwelling

7.4 Length of time the existing uses of the subject property have continued:  
 na

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighborhood

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

7.6 What is the existing zoning of the subject land? R1

7.8 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: R1

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

7.10 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

7.11 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.

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 3

8.3 Additional Information (please include separate sheet if needed):

In our Committee of Adjustment application for affordable housing development, adhering strictly to the existing zoning by-law poses challenges for several compelling reasons, despite our commitment to staying within the same building boundary:

Community Need for Affordable Housing:

The driving force behind our application is the urgent need for affordable housing within the community. Strict adherence to the current zoning by-law may limit our ability to provide an adequate number of housing units, compromising our goal of addressing the prevailing housing crisis.

Proximity to Public Transit:

One key advantage of our proposed development is its close proximity to public transit. The property's strategic location near public transportation hubs supports our aim to encourage alternative modes of commuting, reducing reliance on private vehicles. Strict adherence to parking regulations may hinder the promotion of sustainable transportation practices.

Inclusion of Bike Parking:

In addition to our commitment to affordable housing and sustainable transportation, our proposal includes the provision of designated bike parking spaces. This aligns with our goals of promoting eco-friendly living, encouraging cycling as a viable transportation option, and further reducing the reliance on traditional parking requirements.

Promoting Inclusive Urban Development:

Our commitment to promoting inclusive urban development is a driving force behind our application. By providing housing solutions tailored to the diverse needs of the community and incorporating bike parking, we believe our proposal contributes positively to the overall inclusivity and vibrancy of the neighborhood.

Sustainability Goals:

The proposed adjustments to the zoning by-law, coupled with the inclusion of bike parking, align with our sustainability goals. By encouraging alternative transportation methods and reducing the environmental impact of the development, our approach aims to foster a more eco-friendly living environment.

Balancing Economic Viability:

Achieving a balance between providing affordable housing and maintaining economic viability is essential. Strict adherence to zoning by-laws may impose financial constraints, potentially compromising the feasibility of the project or limiting our ability to offer housing at affordable rates.

In summary, while we remain committed to staying within the same building boundary, our proposal acknowledges site-specific constraints, leverages the property's close proximity to public transit and incorporates bike parking for sustainable development. The proposed adjustments seek a balanced and community-oriented approach that aligns with both our goals and the evolving dynamics of the urban landscape.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- \_\_\_\_\_
- \_\_\_\_\_





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:29</b>	<b>SUBJECT PROPERTY:</b>	1395 UPPER OTTAWA STREET, HAMILTON
<b>ZONE:</b>	C6 Exception 346 (District Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: CHURCHDANE COMMERCIAL CENTRE (ANTHONY CUTRONA)  
Agent: AGORA RESEARCH GROUP INC. (CLAUDIO BALBINOT)

The following variances are requested:

1. To permit parking, stacking lanes and drive aisles between the building façade and the front lot line and flankage lot line, whereas the by-law does not permit parking, stacking lanes and drive aisles to be located between the building and the front lot line and flankage lot line.
2. A maximum setback of 20.7 metres building setback to the street line whereas the bylaw permits a maximum building setback of 4.5 metres to the street line.

**PURPOSE & EFFECT:** As to permit the construction of a new drive through restaurant.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>3:10 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

**HM/A-24:29**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**PUBLIC INPUT**

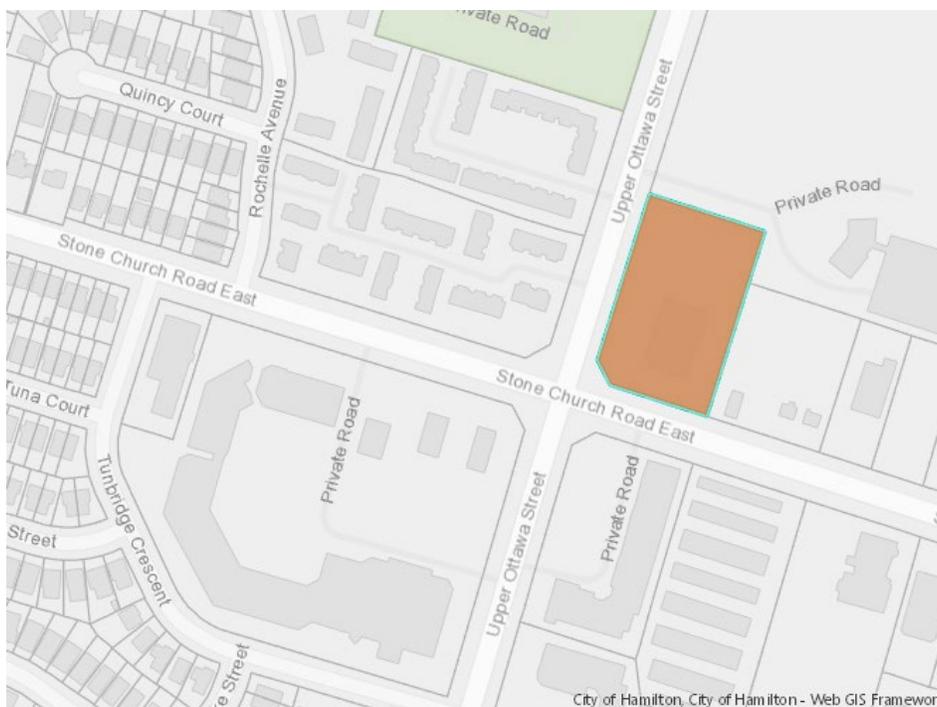
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon March 8, 2024

**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, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:29, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

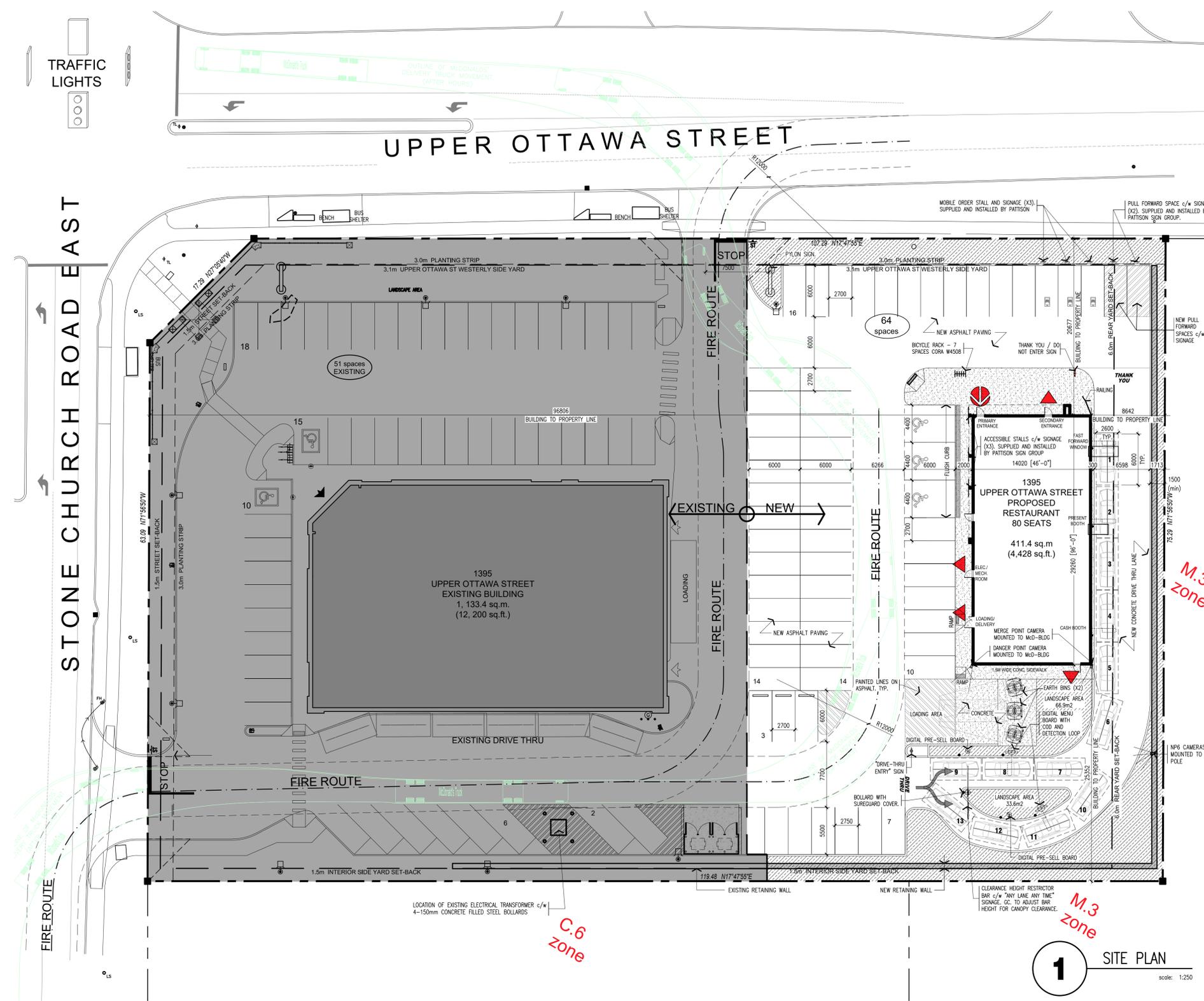
HM/A-24:29

DATED: February 22, 2024

---

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.



**ZONE: C.6 zone (DISTRICT COMMERCIAL ZONE) - EXCEPTION 346**

PERMITTED USES:	RESTAURANT DRIVE THRU		
ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA	NOT APPLICABLE	8920.9 m <sup>2</sup>	YES
MINIMUM LOT FRONTAGE:	NOT APPLICABLE	80.38 m	YES
SETBACK FROM A STREET	MIN 1.50m MAX 4.50m EXCEPTION 346(c) - A MINIMUM WESTERLY SIDE YARD OF 3.1 METRES SHALL BE PROVIDED AND MAINTAINED. ALSO, BYLAW # 11-271 (SITE SPECIFIC)	20.67m (FROM PROP. BLDG. TO UPPER OTTAWA STREET) WESTERLY SIDE YARD	YES
MINIMUM INTERIOR SIDE YARD	MIN. 1.50m	25.35 m	YES
MINIMUM REAR YARD	MIN. 6.00m	8.642 m	YES
MAXIMUM BUILDING HEIGHT	14m	8.53m	YES
OUTDOOR STORAGE	NO OUTDOOR STORAGE PERMITTED	N/A	N/A
ACCESSORY BUILDINGS OR STRUCTURES	IN ACCORDANCE WITH SECTION 4.8	N/A	N/A
LANDSCAPE AREA	RESTAURANT - 10% RETAIL - 10% TOTAL SITE - 10%	22.1% 23.2% 22.6%	YES YES YES

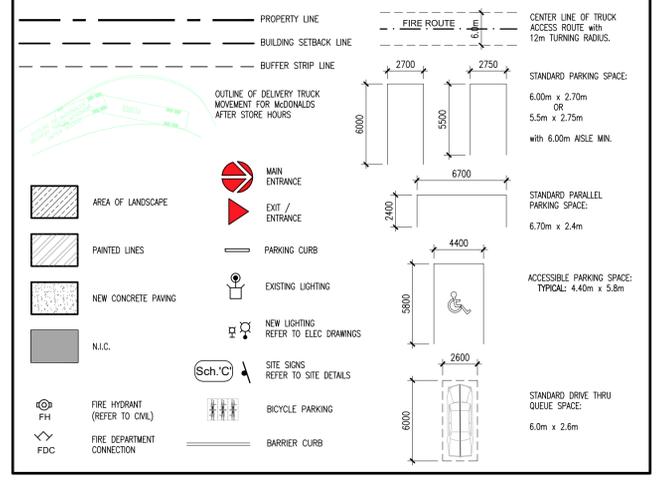
**OFF-STREET PARKING - RESTAURANT DRIVE THRU**

ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
PARKING REQUIREMENTS: (C6 204E) 1 space / 8 m <sup>2</sup> RESTAURANT 1 space / 17 m <sup>2</sup> EXISTING RETAIL TOTAL SITE	PROPOSED RESTAURANT BUILDING = 411.4 m <sup>2</sup> = 51.42 spaces (52 REQUIRED) EXISTING RETAIL = 40 x 4.5 = 1.8 (2) TOTAL SITE = 92 SPACES	64 PARKING SPACES 51 PARKING SPACES 115 PARKING SPACES	YES
PARKING DIMENSIONS	2,700m x 5,500m (AS PER EXCEPTION 346)	2,700m x 6,00m (at proposed building)	YES
PARALLEL PARKING	2,400m x 6,700m	N/A	YES
SMALL PARKING	2,600m x 5,500m (MAX 10% OF REQUIRED)	N/A	N/A
ACCESSIBLE PARKING REQUIREMENTS 50-100 SPACES, 4% OF REQUIRED PARKING	RESTAURANT = 57 x 4% = 2.28 (3) EXISTING RETAIL = 40 x 4% = 1.6 (2) TOTAL SITE = 97 x 4% = 3.9 (4)	3 BF SPACES 2 BF SPACES 5 BF SPACES	YES
ACCESSIBLE PARKING DIMENSIONS	4.40m x 5.80m	4.40m x 6.00m (at proposed building)	YES
MINIMUM WIDTH OF DRIVEWAYS AND PARKING AISLES	6.0 m	6.00 m	YES

**BICYCLE PARKING**

ZONING REGULATION	REQUIRED	PROVIDED	COMPLIANCE
N/A	N/A	7 SPACES	N/A

**LEGEND**



**KEY MAP**



THE LEGAL DESCRIPTION & PROPERTY INFORMATION USED FOR THIS DRAWING HAS BEEN TRANSFERRED FROM THE FOLLOWING DRAWING(S):

A PDF FILE OF A MCDONALDS CONCEPT SITE PLAN FOR A DOUBLE DRIVE THRU BUILDING PREPARED BY: ARCADIS ISI GROUP  
2000-360 JAMES STREET NORTH  
HAMILTON, ONT., L8L 1H5 TEL: (905) 546-1010  
PROJECT No. 137350, DATED 2020.02.17 DRAWING: CPL.0

AND

TOPOGRAPHIC SURVEY OF SITE PLAN  
PREPARED BY: UNKNOWN  
FILE NAME: UNKNOWN  
PROJECT No. UNKNOWN  
DATED: UNKNOWN

# DESIGN - 06a

## 46'-0" x 96'-0" McDonalds

2024-01-26 CRT

**1** SITE PLAN

scale: 1:250

NOTE: This drawing and all associated documentation are the confidential property of BJC architects inc. and must be returned upon request. Any duplication, reuse, revision and/or distribution in part or whole without the prior written authorization of BJC architects inc. is strictly prohibited. Each contractor will check and verify all dimensions and report all errors and omissions to the design professional whose seal is affixed to this drawing. Do not scale this drawing.

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03			
02			
01	ISSUED FOR MINOR VARIANCE	2024-01-26	
No.	REVISIONS	date	drawn by
		YYYY	MM,DD

PROJECT NORTH

TRUE NORTH

scale: 1:250

drawn by: CRT  
last worked on by: 2024.01.26 MW  
checked by: B.R.J.  
print date: 2024.01.26

client  
**CHURCHDANE COMMERCIAL CENTRE**

1230 SHEPPARD AVE W SUITE 12  
TORONTO ONTARIO

project  
**NEW MCDONALD'S**

1395 UPPER OTTAWA STREET  
HAMILTON ONTARIO

drawing title  
**SITE PLAN**

reference

project no. 23-058 client reference number

sheet no. **A-101 NN**



P.O Box 13  
Kleinburg, Ontario  
L0J-1C0  
416-460-3383

Market Research • Land Use Planning • Real Estate Strategies

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January 31, 2024

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor  
71 Main Street West  
Hamilton, Ontario  
L8P4Y5

905-546-2424 ext 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Dear Sir/Madam:

**Re – 1395 Upper Ottawa Street, Hamilton, Ontario**  
**Minor Variance Application Submission**

Agora Research Group Inc. has been retained by Churchdane Commercial Centre Inc. to act as land use planners and development advisors for the property municipally described as 1395 Upper Ottawa Street in Hamilton, Ontario hereinafter referred to as the “Site”.

The proposal is to construct a one storey McDonald’s restaurant drive through building (approximately 411 m<sup>2</sup>) on the northern portion of the Site shown as Phase II on the attached Site Plan. The Rexall retail building (Phase I) will remain operational throughout the development of the Phase II project.

The development plan completes the full build out of the Site that is supported by two existing all turn movements access points (one on Stone Church Road East and the second on Upper Ottawa Street). Parking will be provided for 64 parking spaces including 3 barrier free spaces on the McDonald’s Phase II portion of the site in addition to the existing 51 parking spaces on the Phase I Rexall portion of the Site.

The McDonald’s drive through lane along with stacking lane will be located to the east and north of the building. One loading space will be provided at the rear of the McDonald’s restaurant.



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Based upon our interpretation of Hamilton's Official Plan and Hamilton Zoning By-law 05-200 along with the "Applicable Law Review" (attached) which identified the proposed development's zoning by-law compliance, the applicant is seeking Minor Variance relief related to the following two specific regulations.

Section 10.6.3(g)(vi)

Relief required to permit parking, stacking lane and drive aisles between building facade and the front lot line and flankage lot line.

Section 10.6.3(a)

Relief required to increase maximum setback from 4.5m to 17.7m along Upper Ottawa St.

However, please note that Exception 346 states that a minimum westerly side yard of 3.1m shall be provided. Also, a site specific by-law 11-271 further supports the 3.1m minimum westerly side yard.

As part of the Minor Variance Application submission package requirements, we have enclosed the following:

<b>Materials</b>	<b>Electronic Copies Required</b>
Cover letter	1
Copy of Fee Payment Cheque Letter (Sent via Courier)	1
Minor Variance Application	1
Applicable Law Review Letter – Applicant's response	1
Site Plan	1

A copy of the cheque in the amount of \$3,900.00 is enclosed to cover the Minor Variance Application fee payable to the City of Hamilton. The fee cheque has been sent via courier to the attention of the Hamilton Committee of Adjustment on January 31, 2024.

Authorization has been granted by the registered property owner to Claudio Balbinot MCIP, RPP to act as the agent for the application.

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416-460-3383

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We trust the Minor Variance Application submission package has been completed to your satisfaction. If you require additional information or if Planning Staff requires clarification on any matter, please do not hesitate to contact the undersigned.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "C. Balbinot", is positioned above a horizontal line.

---

Claudio Balbinot B.E.S.(Hons), MCIP, RPP  
Agora Research Group Inc.  
416-460-3383  
[claudio@agoraresearch.com](mailto:claudio@agoraresearch.com)

cc:

Matt Weishar - BJC Architects Inc. - [matt.weishar@bjcarchitects.com](mailto:matt.weishar@bjcarchitects.com)  
Anthony Cutrona – Churchdane Commercial Centre - [anthony@macdane.com](mailto:anthony@macdane.com)



# Hamilton

November 28, 2023

FILE: ALR  
 FOLDER: 23-311464-00 ALR  
 ATTENTION OF: Victoria Brito  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 7628

Claudio Balbinot

KLEINBURG, ON L0J 1C0

**Attention:**

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW RESPONSE FROM  
 APPLICANT IN RED TEXT BELOW IMBEDDED IN DOCUMENT -  
 January 16, 2024**

**Present Zoning: C6, 346 (District Commercial)  
 Address: 1395 UPPER OTTAWA ST HAMILTON, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant indicates that the proposal is to amend Phase 2 of previous approved Site Plan Control Agreement DA-12-003, originally intended for a multi-tenant building on the northern portion of the site. The proposal will facilitate the construction of a drive-thru restaurant (McDonald's) in place of the multi-tenant building on said northern portion of the subject property while maintaining the existing Phase 1 of the development consisting of retail store.
2. The proposed drive-thru restaurant (Mc Donald's) is permitted in the current zoning "C6, 346" (District Commercial).  
 Building Division records indicates that the recognized use is Retail ("Rexall Pharmacy") which is permitted.
3. This is a corner lot. Therefore, the lot line abutting Stone Church Road East is considered the front lot line for this development as it is the shortest lot line abutting a street and the opposite lot line is considered the rear lot line. The lot line abutting Upper Ottawa Street is considered a flankage lot line including the hypotenuse of the daylight triangle and the remaining easterly side lot line an interior side lot line.
4. This Division has previously interpreted that the proposed garbage facilities shown (earthbins/moloks) are considered accessory structures shall comply with the requirements of Section 4.8 "Accessory Buildings" regulations of the Hamilton Zoning By-law 05-200.

5. All mechanical equipment including “transformers” shall comply with the requirements of Section 4.9 of the Hamilton Zoning By-law 05-200 and shall not be located within required landscaped/planting strip areas.
6. Any proposed encroachments shall comply with the requirements of Section 4.6 of the Hamilton Zoning By-law 05-200.
7. The proposed development is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
8. All new signs proposed for this development must comply with the regulations contained within Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
9. All new fencing proposed for this development must comply with the regulations contained within Hamilton Sign By-law 10-142.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
11. The proposed development has been reviewed and compared to the standards of the C6, 346 (District Commercial) zone as indicated in the following chart

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 10.6– C6 Requirements</b>			
<b>Restricted Uses</b> [as per section 10.6.3(a) of Hamilton Zoning By-law 05-200]	i) Restriction of Uses within a Building:  1. Notwithstanding Section 10.6.1, for building(s) with a gross floor area of less than 4,650 square metres, 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. For buildings with a gross floor area of 4,650 square metres or more, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas  2. Notwithstanding Section 10.6.1, an Office(s) and Medical Clinic(s) shall only be permitted above the ground floor.	Not proposed as part of the development.	<b>N/A</b>
<b>Building Setback from a Street Line</b> [as per section 10.6.3(a) of Hamilton Zoning By-law 05-	i) Minimum 1.5 metres;  ii) Maximum 4.5 metres, except where a visibility triangle is required for a	i) and ii) A maximum setback greater than 4.5m is proposed from both street line lines.	<b>Partly non-conforming.</b>  <b>By-law 11-271 permits a minimum westerly side yard of 3.1m. Please confirm.</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
200]	<p>driveway access;</p> <p>iii) Notwithstanding Section 10.6.3i), 6.0 metres for that portion of a building providing an access driveway to a garage; and,</p> <p>iv) Section 10.6.3i) shall not apply for any portion of a building that exceeds the requirement of Section 10.6.3 g) ii) and iii).</p>	<p>iii) Not applicable to the proposed development.</p> <p>iv) This requirement is not applicable to the proposed development.</p>	<p>N/A</p> <p>See comments in Section 10.6.3 g) iii)</p>
<b>Minimum Rear Yard</b> [as per section 10.6.3(b) of Hamilton Zoning By-law 05-200]	<p>i) 6.0m; and,</p> <p>ii) 7.5m abutting a Residential or Institutional Zone or lot containing a Residential Use.</p> <p>Site Exception #346, states that notwithstanding the above section, a minimum rear yard of 3.1m shall be provided and maintained.</p>	<p>A rear yard of 8.03m</p> <p>Note: This property is not abutting a Residential or Institutional Zone or a lot containing a Residential Use.</p>	<b>Conforms</b>
<b>Minimum Interior Side Yard</b> [as per section 10.6.3(c) of Hamilton Zoning By-law 05-200]	<p>i) 1.5m; and,</p> <p>ii) 4.5m abutting a Residential or Institutional Zone or lot containing a residential use.</p> <p>Site exception #346, states notwithstanding the above section a minimum westerly side yard of 3.1m shall be provided and maintained.</p>	<p>i) and ii) A portion of this property abuts a lot containing a residential use to the east. An easterly interior side yard significantly greater than 4.5m is proposed.</p> <p>The westerly side yard is not an interior side yard.</p>	<p><b>Conforms</b></p> <p>N/A</p>
<b>Maximum Building Height</b> [as per section 10.6.3(d) of Hamilton Zoning By-law 05-200]	14.0m	The elevation plans do not show the height dimension measured from grade. However, a height less than 14.0m is proposed. Site Statistic chart indicates a height of 8.03m	<b>Conforms</b>
<b>Maximum Gross Floor Area for Office Use</b> [as per section 10.6.3(e) of Hamilton Zoning By-law 05-200]	2,000.0m <sup>2</sup>	Not proposed as part of the development.	<b>N/A</b>
<b>Maximum Gross Floor Area for Individual Commercial Use</b> [as per section 10.6.3(f) of Hamilton Zoning By-law 05-200]	10,000.0m <sup>2</sup> per individual commercial use.	The site zone "charts" indicates that the existing building has a area of 1,133.4m <sup>2</sup> and the proposed building an area of 454.0m <sup>2</sup> .	<b>Conforms</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p><b>Built form for New Development</b> [as per section 10.6.3(g) of Hamilton Zoning By-law 05-200]</p>	<p><i>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this By-law:</i></p> <p>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;</p> <p>ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.</p> <p>iii) For a corner lot, the width of the ground floor face facing a front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.</p> <p>iv) In addition to Section 10.6.3(i)(ii) and (iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</p> <p>v) Notwithstanding Section 10.6.3.(g)(ii) and (iii), for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650.0m<sup>2</sup> shall be permitted.</p> <p>vi) No parking, stacking lanes, or aisles shall be located between a building façade and the front lot line and flankage lot line;</p> <p>1. Section 10.6.3g)vi) shall not apply for any portion of a building that exceeds the requirement of Section 10.6.3g) ii) and iii).</p>	<p>i) No rooftop mechanical equipment is shown.</p> <p>ii) Not applicable as this is corner lot.</p> <p>iii) Details not provided. Appears to be less than 50.0% of the measurement of all lot lines abutting a street.</p> <p>iv) permissible deductions to be noted by applicant.</p> <p>v) This is an existing commercial development and the new commercial building has a proposed gross floor area of 454.0m<sup>2</sup>. Therefore, Section 10.6.3 (g)(iii) shall not apply.</p> <p>vi) Parking and stacking lanes or aisles are shown between the proposed building face and the front lot line and flankage lot line.</p> <p>vi) 1. Not applicable to the proposed development.</p>	<p>N/A</p> <p>N/A</p> <p><b>Not applicable per Section 10.6.3.(g)(v)</b></p> <p><b>Not applicable per Section 10.6.3.(g)(v)</b></p> <p><b>Conforms</b></p> <p><b>Non-conforming</b> <b>Applicant will seek relief from the COA to permit parking and stacking lanes or aisles between building face and front lot line and flankage lot line.</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. within the ground floor façade that is setback is closest to a street; and,</li> <li>2. shall be accessible from a building façade with direct access from the public sidewalk; and</li> </ol> <p>viii) A walkway shall be permitted in a planting strip where required by the By-law.</p>	<p>vii) The principle entrance is not provided between the ground floor façade that is setback closest to the street; in addition, it appears that no direct access from a public sidewalk is proposed.</p> <p>viii) A walkway is not shown between a required planting strip.</p>	<p><b>Non-conforming</b></p> <p><b>Applicant has relocated the principle entrance to face the street (Upper Ottawa St)</b></p> <p><b>N/A</b></p>
<p><b>Planting Strip Requirements</b> [as per section 10.6.3(h) of Hamilton Zoning By-law 05-200]</p>	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5m wide planting strip shall be provided and maintained.	This property does not abut a Residential Zone or an Institutional Zone.	<b>N/A</b>
<p><b>Visual Barrier Requirement</b> [as per section 10.6.3(i) of Hamilton Zoning By-law 05-200]</p>	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.	This property does not abut a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone.	<b>N/A</b>
<p><b>Outdoor Storage</b> [as per section 10.6.3(j) of Hamilton Zoning By-law 05-200]</p>	<p>i) No outdoor storage of goods, materials, or equipment shall be permitted; and,</p> <p>ii) Notwithstanding Section 10.6.3(j)(i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a Front or Flankage yard.</p>	Not shown to be proposed.	<b>N/A</b>
<b>Accessory buildings in all zones – Section 4.8</b>			
<p><b>Location in relation to a yard</b> [as per section 4.8 b) of Hamilton Zoning By-law 05-200]</p>	Accessory Buildings shall not be permitted within a front or flankage yard.	The proposed earthbins structures are not located within a front or flankage yard.	<b>Conforms</b>
<p><b>Maximum height</b> [as per section 4.8 g) of Hamilton Zoning By-law 05-200]</p>	All Accessory Buildings shall have a maximum height of 4.5 metres.	No details provided.	<p><b>Unable to determine compliance</b></p> <p><b>No accessory buildings are proposed.</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Minimum setbacks</b> [as per section 4.8.3 a) of Hamilton Zoning By-law 05-200]	Minimum 0.6 metres where a rear lot line does not abut a Laneway.	Significantly greater than 0.6m from the rear lot line.	<b>Conforms</b>
	Minimum 0.6 metres where a side lot line does not abut a Laneway.	Significantly greater than 0.6m from the side lot line.	<b>Conforms</b>
<b>Drive Through Regulations – Section 4.25</b>			
<b>Minimum number of stacking spaces</b> [as per section 4.25 a) of Hamilton Zoning By-law 05-200]	Notwithstanding any other provisions in this by-law, every drive through shall provide the following minimum number of stacking spaces from the service window:	The site can only accommodate thirteen (13) stacking spaces from the drive through window.	<b>Conforming</b>
	i) Restaurant - 12 spaces		
	ii) All other uses - 3 spaces	Not applicable	<b>N/A</b>
<b>Minimum stacking lane space sizes</b> [as per section 4.25 b) of Hamilton Zoning By-law 05-200]	No stacking spaces shall be less than 2.6m in width by 6.0m in length, unless otherwise provided for in this By-law.	The stacking space sizes have not been clearly dimensioned.	<b>Unable to determine compliance</b> <b>Stacking space clearly dimensioned on revised Site Plan.</b>
<b>Locational specific regulations</b> [as per section 4.25 c) i) of Hamilton Zoning By-law 05-200]	i) No Drive-Through Facility shall be permitted to locate between any required parking area and the main entrance for the use;	The drive-through facility is not located between the required parking area and the main entrance for the use.	<b>Conforms</b>
	ii) No Drive-Through Facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the Drive-Through Facility and a street;	The proposed drive-through facility is not shown to be located between the street and the building.	<b>Conforms</b>
	iii) Required stacking spaces shall not be permitted in any aisle providing access to the required parking nor obstruct the ability to access a parking space; and,	The proposed stacking spaces do not appear to interfere with the driveway aisle providing access to a required parking space.	<b>Conforms</b>
	iv) No Drive-Through Facility, including the stacking space, and any access driveway or manoeuvring space to provide access to the Drive-Through Facility, shall be permitted less than 12.0 metres from a Residential Zone measured from the property line of the lot containing the Drive-Through Facility abutting a Residential Zone or where the lots are separated by a public street, from the lot line closest to the Residential Zone.	This property is located a distance greater than 12.0m from a Residential zone.	<b>N/A</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p><b>Minimum planting strip/visual barrier requirements</b> [as per section 4.25 c) i) of Hamilton Zoning By-law 05-200]</p>	<p>d) Where a Landscaped Area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line:</p> <p>i) A minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use; and,</p> <p>ii) In addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use.</p>	<p>This property does not abut a Residential zone or Institutional zone.</p>	<p><b>N/A</b></p>
<b>Section 5 - Parking</b>			
<p><b>Location (All Uses)</b> [as per section 5.1(a) of Hamilton Zoning By-law 05-200]</p>	<p>i) Required parking facilities shall be located on the same lot as the use requiring the parking.</p> <p><i>ii) Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:</i></p> <p>a) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted;</p> <p>b) Such off-site parking shall be subject to Subsection 5.1 a) iii); and,</p> <p>c) Subsection 5.1 a) ii) shall not apply to any Residential Zone</p> <p>iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot</p>	<p>All required parking facilities are located on the same lot as the use.</p>	<p><b>Conforms</b></p>



	Required By By-Law	Provided	Conforming/ Non-Conforming
<p><b>Design Standards</b> [as per section 5.2 of Hamilton Zoning By-law 05-200]</p>	<p>a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:</p> <p>i) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.</p>	<p>This property does not abut a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) or Downtown (D6) zone.</p>	<p><b>N/A</b></p>
	<p>b) <i>Unless permitted by another regulation in this By-law, parking space sizes shall be:</i></p> <p>i) Minimum 2.8 metres in width and 5.8 metres in length;</p> <p>Site Exception #346 states that notwithstanding Subsection 5.2b), every parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long.</p> <p>ii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres;</p> <p>iii) Notwithstanding Subsection ii), an additional 0.3 metres shall not be required provided:</p> <ol style="list-style-type: none"> <li>1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres;</li> <li>2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and,</li> <li>3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.</li> </ol> <p>iv) The length of each parking space</p>	<p>i) A typical parking space size of 2.7m x 6.0m and 2.7m x 5.5 is shown.</p> <p>ii), iii), iv), and v) Not applicable to the proposed development.</p>	<p><b>Conforms</b></p> <p><b>N/A</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;</p> <p>v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;</p> <p>vi) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only;</p> <p>vii) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.</p>	<p>vi) No small car parking spaces have been identified as part of the proposal.</p> <p>vii) No light standard obstruction shown within the new parking lot. No other light standards shown.</p>	<p>N/A</p> <p>N/A</p>
	<p>c) All required parking shall be provided as follows:</p> <p>i) With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle;</p> <p>ii) Shall be arranged so as to not interfere with normal public use of the street or laneway;</p> <p>iii) Shall be accessed by means of an access driveway:</p> <ol style="list-style-type: none"> <li>1. Located on the lot; or,</li> <li>2. Located party on the lot in the case of a mutual driveway; or,</li> <li>3. By means of a Right-of-Way.</li> </ol> <p>iv) Any parking lot shall provide for ingress and egress of vehicles to and front a street in a forward motion only.</p>	<p>i) New parking is shown to be provided with adequate means of ingress and egress to and from a street without moving any other vehicle. All other parking area are existing.</p> <p>ii) New parking areas are arranged as to not interfere with normal public use of the street for the new parking area. All other parking spaces are existing.</p> <p>iii) All parking is shown to be accessed by means of an access driveway located on the lot.</p> <p>iv) All Ingress and egress of vehicles in a forward motion only.</p>	<p>Conforms</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>d) <i>Notwithstanding Subsection b) herein, in the case of parallel parking:</i></p> <p>Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres</p>	<p>No parallel parking spaces are shown as part of the proposal.</p>	<p><b>N/A</b></p>
	<p>ii) <u>Parking Lots in All Zones, except the Rural Classification Zones</u></p> <p>a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;</p>	<p>Details of the composition of the proposed parking area are not clearly specified.</p>	<p><b>Unable to determine compliance</b></p> <p><b>Parking lot to be asphalt paved as shown in the revised Site Plan.</b></p>
	<p>f) <i>Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres; and,</i></p>	<p>The plan shows proposed size of 4.4m x 6.0m for barrier free parking.</p>	<p><b>Conforms</b></p>
	<p><i>h) In addition to Section 5.1 a) v) and Subsection 5.2 e), the following Planting Strip requirements shall apply to surface parking lots in all zones where 50 or more parking spaces are provided on a lot::</i></p> <p>i) Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained;</p> <p>ii) Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;</p> <p>iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h)i), up to a maximum of 10% of the required parking spaces.</p>	<p>The new proposed surface parking area is less than 64 parking spaces.</p> <p>i), ii) and iii) Insufficient details provided.</p>	<p><b>Unable to determine compliance</b></p> <p><b>h) The new proposed restaurant surface parking area will accommodate 64 parking spaces as shown on revised Site Plan.</b></p> <p><b>i) Landscape area has been calculated as 20.9% of the proposed restaurant area of the Site.</b></p> <p><b>ii) Each landscape parking island has a minimum 10.0 sqm and is shown on the revised Site Plan.</b></p> <p><b>iii) N/A</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming																
	<p>i) <i>In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</i></p> <table border="1"> <thead> <tr> <th>Parking Angle Degree</th> <th>One-Way and Two-Way Aisle Width</th> </tr> </thead> <tbody> <tr> <td>0°</td> <td>3.7m</td> </tr> <tr> <td>15°</td> <td>3.7m</td> </tr> <tr> <td>30°</td> <td>3.7m</td> </tr> <tr> <td>45°</td> <td>4.5m</td> </tr> <tr> <td>60°</td> <td>5.5m</td> </tr> <tr> <td>75°</td> <td>6.0m</td> </tr> <tr> <td>90°</td> <td>6.0m</td> </tr> </tbody> </table>	Parking Angle Degree	One-Way and Two-Way Aisle Width	0°	3.7m	15°	3.7m	30°	3.7m	45°	4.5m	60°	5.5m	75°	6.0m	90°	6.0m	<p>An aisle width of 6.0m and greater is shown for the proposed parking area.</p> <p>All other parking areas are existing showing an aisle of greater than 6.0m.</p>	<p><b>Conforms</b></p>
Parking Angle Degree	One-Way and Two-Way Aisle Width																		
0°	3.7m																		
15°	3.7m																		
30°	3.7m																		
45°	4.5m																		
60°	5.5m																		
75°	6.0m																		
90°	6.0m																		
<p><b>Location of Loading Facilities</b> [as per section 5.2.1 of Hamilton Zoning By-law 05-200]</p>	<p><i>The location of loading doors and associated loading facilities shall be subject to the following:</i></p> <p>a) Shall not be permitted within a Front Yard;</p> <p>b) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this Bylaw; and,</p> <p>c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.</p>	<p>The proposed loading facility is not located in the front yard or a yard abutting a street.</p> <p>This lot does not abut a Residential Zone or an Institutional zone.</p>	<p><b>Conforms</b></p>																
<p><b>Barrier Free Parking</b> [as per section 5.5 of Hamilton Zoning By-law 05-200]</p> <p><i>*Shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</i></p> <p><i>**Where the application of the parking standards in Section a) above results in a</i></p>	<p>a) <i>Barrier free parking shall be designated and provided as part of the required parking spaces in accordance with the following requirements:</i></p> <p><b>Therefore, based on 96 required parking spaces, a minimum of 3 parking spaces shall be maintained as barrier free.</b></p> <table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Free Parking Spaces</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Free Parking Spaces			<p>A total of five (5) barrier free spaces are proposed to be maintained.</p>	<p><b>Conforms</b></p>												
Required Parking Spaces	Designated Barrier Free Parking Spaces																		

	Required By By-Law		Provided	Conforming/ Non-Conforming
<p><i>numeric fraction, fractions shall be rounded down to the nearest whole number.</i></p>	1 – 49 Spaces	Minimum 1 space;		
	50 – 100 Spaces	Minimum 4% of the total number of required parking spaces;		
	101 – 200 Spaces	Minimum 1 space + 3% of the total number of required parking spaces;		
	201 – 1000 Spaces	Minimum 2 spaces + 2% of the total number of required parking spaces; and,		
	1000+	Minimum 11 + 1% of the total number of required parking spaces.		
	<p>b) Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings and Street Townhouses abutting a public street.</p> <p>c) Where the application of the parking standards in Section a) above results in a numeric fraction, fractions shall be rounded down to the nearest whole number.</p>			
<p><b>Minimum Number of Required Parking Spaces</b> [as per section 5.6 c) of Hamilton Zoning By-law 05-200]</p>	<p><b>A minimum of 96 parking spaces shall be maintained for the overall site.</b></p> <p><b><u>Breakdown:</u></b></p> <p><u>Restaurant (All Zones except Transit Oriented Corridor Zones):</u></p> <p>i) 1 for each 8.0 square metres of gross floor area which</p>		<p>107 parking spaces are proposed to be maintained.</p> <p>The site shows 43 parking spaces are existing plus 64 new parking spaces.</p>	<p><b>Conforms</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>accommodates such use.</p> <p>ii) Notwithstanding i), where there are no seats provided for dining purposes a minimum of 3 spaces shall be required.</p> <p>Therefore, based on <math>454.0m^2 \div 8m^2 = 56.75 = 56 \text{ spaces}</math></p> <p><u>Existing Retail store 1133.4m<sup>2</sup>:</u></p> <p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p> <p>Therefore, based on a GFA of <math>1133.4m^2 - 450.0m^2 = 683.4m^2</math></p> <p><math>683.4 \div 17m^2 = 40.2 = 40 \text{ spaces}</math></p>		
<p><b>Bicycle Parking</b> [as per section 5.7 of Hamilton Zoning By-law 05-200]</p>	<p>a) <i>Locational Requirements:</i></p> <p>i) Long-term Bicycle Parking Space shall be located in a secure enclosed bicycle parking area.</p> <p>ii) Short-term Bicycle Parking Space shall be located within a bicycle parking area at grade</p>	<p>Short-term bicycle parking shown at grade.</p> <p>Long-term bicycle parking shown within underground parking levels.</p>	<p><b>N/A</b></p>
	<p>c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed-Use Zones short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</p> <p>Other commercial uses not listed: <b>5 spaces</b></p>	<p>The proposal shows a seven (5) short-term bicycle rack parking at grade.</p>	<p><b>Conforms</b></p>
	<p>e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements.</p>	<p>Long-term bicycle parking is not required for a property in the CMU zone.</p>	<p><b>N/A</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Encroachments Section 4.6</b>			
<p><b>window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances</b></p> <p>[as per section 4.6 a) of Hamilton Zoning By-law 05-200]</p>	<p>May be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;</p>	<p>No concerns as the proposed building is located a distance greater than the minimum setback requirements.</p>	<b>Conforms</b>
<p><b>A porch, deck or canopy</b></p> <p>[as per section 4.6 d) of Hamilton Zoning By-law 05-200]</p>	<p>May encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;</p>		

Yours truly



for the Manager of Zoning and Committee of Adjustment

VB/vb

Claudio Balbinot

KLEINBURG, ON L0J 1C0

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	<b>NAME</b>	<b>MAILING ADDRESS</b>
<b>Registered Owners(s)</b>	Churchdane Commercial Ce	
<b>Applicant(s)</b>	Churchdane Commercial Centre c/o Anthony Cutrona	
<b>Agent or Solicitor</b>	Claudio Balbinot MCIP, RPP - Agora Research Group Inc.	

1.2 Primary contact

 Applicant Owner Agent/Solicitor

1.3 Sign should be sent to

 Applicant Owner AgentSolicitor

1.4 Request for digital copy of sign

 Yes\* No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email

 Yes\* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service.

This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person Credit over phone\* Cheque

\_\_\_\_\_  
\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1395 Upper Ottawa Street		
Assessment Roll Number			
Former Municipality	Township of Barton		
Lot	Part of Lot 4	Concession	9
Registered Plan Number	N/A	Lot(s)	
Reference Plan Number (s)	N/A	Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Section 10.6.3(g)(vi) - relief required to permit parking, stacking lane and drive aisles between building facade and the front lot line and flankage lot line.

Section 10.6.3(a) - relief required to increase maximum setback from 4.5m to 20.7m along Upper Ottawa St.

However, please note that Exception 346 states that a minimum westerly side yard of 3.1m shall be provided. Also, a site specific by-law 11-271 supports the 3.1m minimum westerly side yard. - Please confirm.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The proposal requires a drive aisle through the front (westerly side) along Upper Ottawa St in addition to parking spaces.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
63.1m	119.48m	8,919 m2	unknown

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

## Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Retail - Rexall	18.62m	57.95m	19.74m east / 28.3west	01/01/2013

## Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
McDonald's Drive Thru Restaruant	96.8m	8.642m	25.35m east / 20.68m west	06/01/2024

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

## Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Retail - Rexall	1,134.4 m2	1,134.4 m2	1	7.3m

## Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
McDonald's Drive Thru Restaruant	411.4 m2	411.4 m2	1	5.5m (8.5m to blade)

- 4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

- ditches  
 other means (specify)

4.6 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) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year \_\_\_\_\_

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

McDonald's drive through restaurant

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

North - City of Hamilton Traffic Operation Centre / East - Boarded Residential Dwelling / South - Stone Church St / West - Upper Ottawa St

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2011

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Vacant property

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Retail - Rexall

7.4 Length of time the existing uses of the subject property have continued:

Approximately 10 years

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) District Commercial

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

Proposed use will be a commercial use.

7.6 What is the existing zoning of the subject land? District Commercial C6 - Exception 346

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

(Zoning By-law Amendment or Minor Variance)

Yes

No ZAC-11-008 / Zoning By-law 11-271

If yes, please provide the file number: \_\_\_\_\_

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
  - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
  - Minimum Distance Separation Formulae (data sheet available upon request)
  - Hydrogeological Assessment
  - Septic Assessment
  - Archeological Assessment
  - Noise Study
  - Parking Study
- 
-





Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-24:36</b>	<b>SUBJECT PROPERTY:</b>	354 NASH ROAD N, HAMILTON
<b>ZONE:</b>	"M5" (General Industrial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: D. MCMASTER INVESTMENTS INC  
Applicant: RE-SOURCE DISPOSAL INC

The following variances are requested:

1. A Waste Processing Facility shall be located on a lot being 249.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use to be a minimum of 300.0 metres from a Residential and Institutional zone.

**PURPOSE & EFFECT:** To establish the use of a Waste Processing Facility on the subject lands.

**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:

<b>DATE:</b>	<b>Tuesday, March 12, 2024</b>
<b>TIME:</b>	<b>3:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

**HM/A-24:36**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

**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, written comments must be received no later than noon March 8, 2024

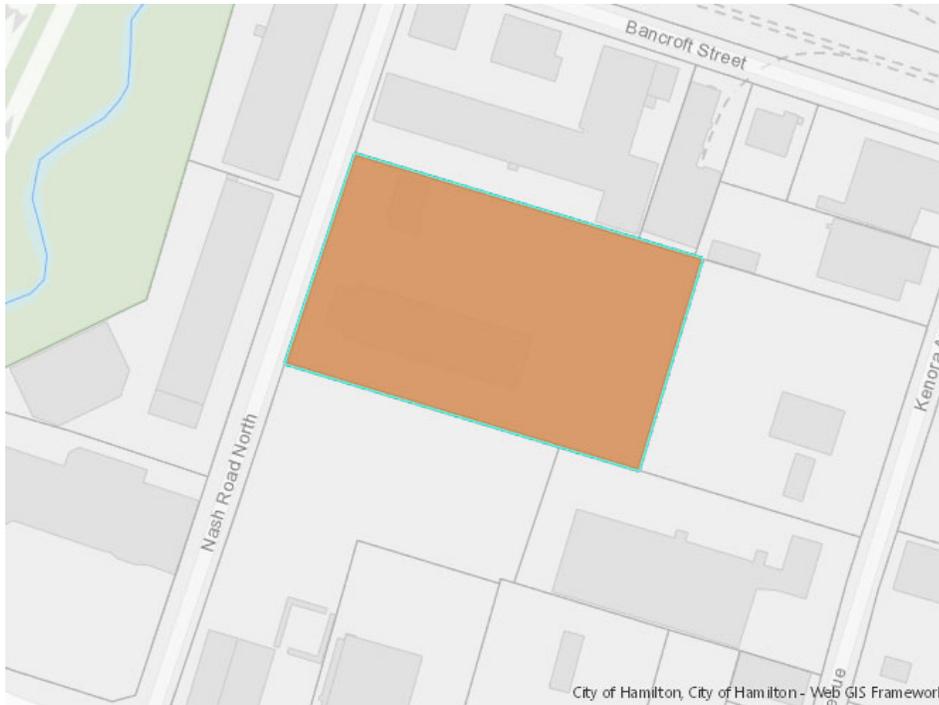
**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon March 11, 2024

**FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-24:36, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

HM/A-24:36



 Subject Lands

DATED: February 22, 2024

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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E-mail: [cofa@hamilton.ca](mailto: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 advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto: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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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.

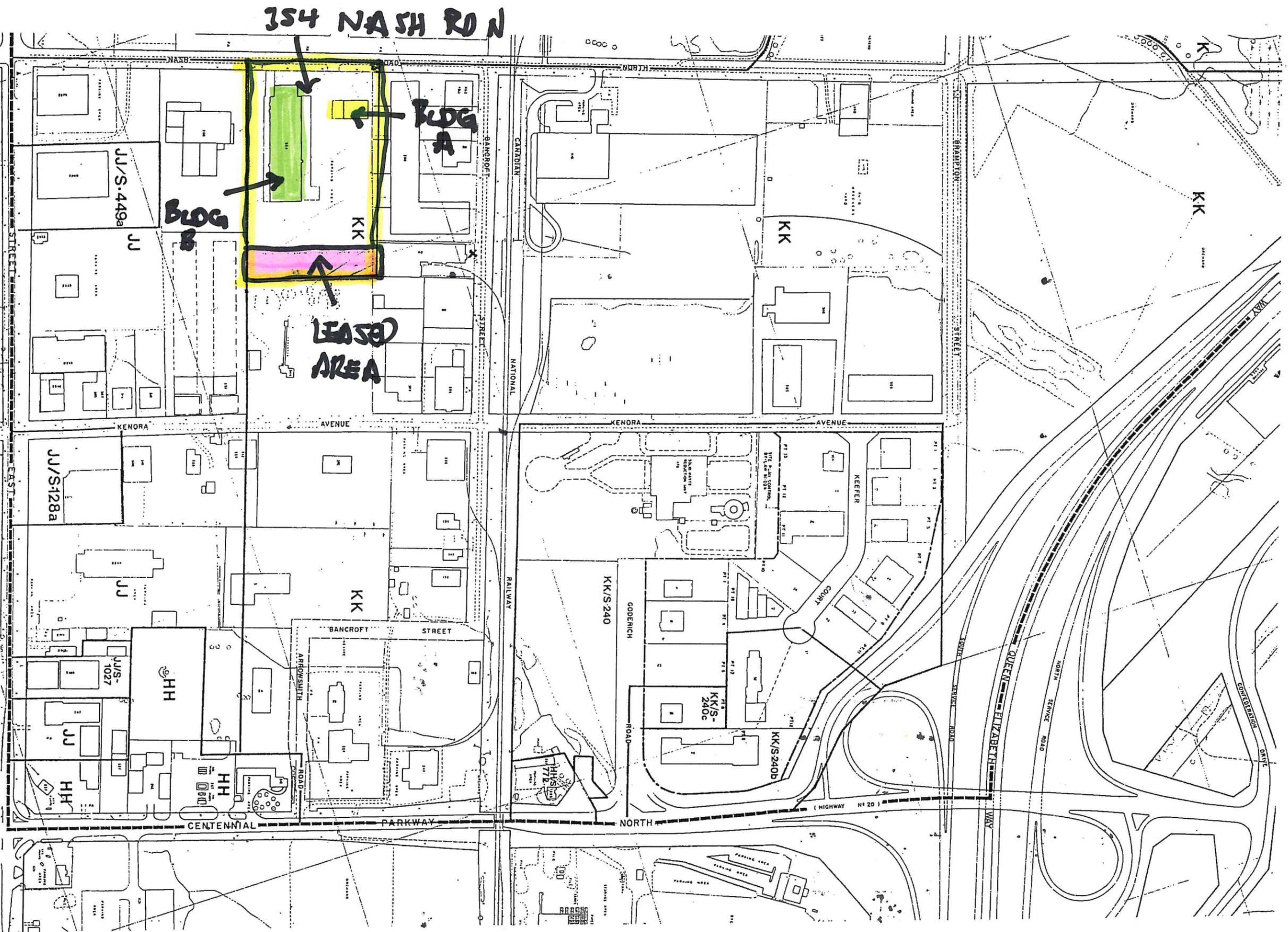
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

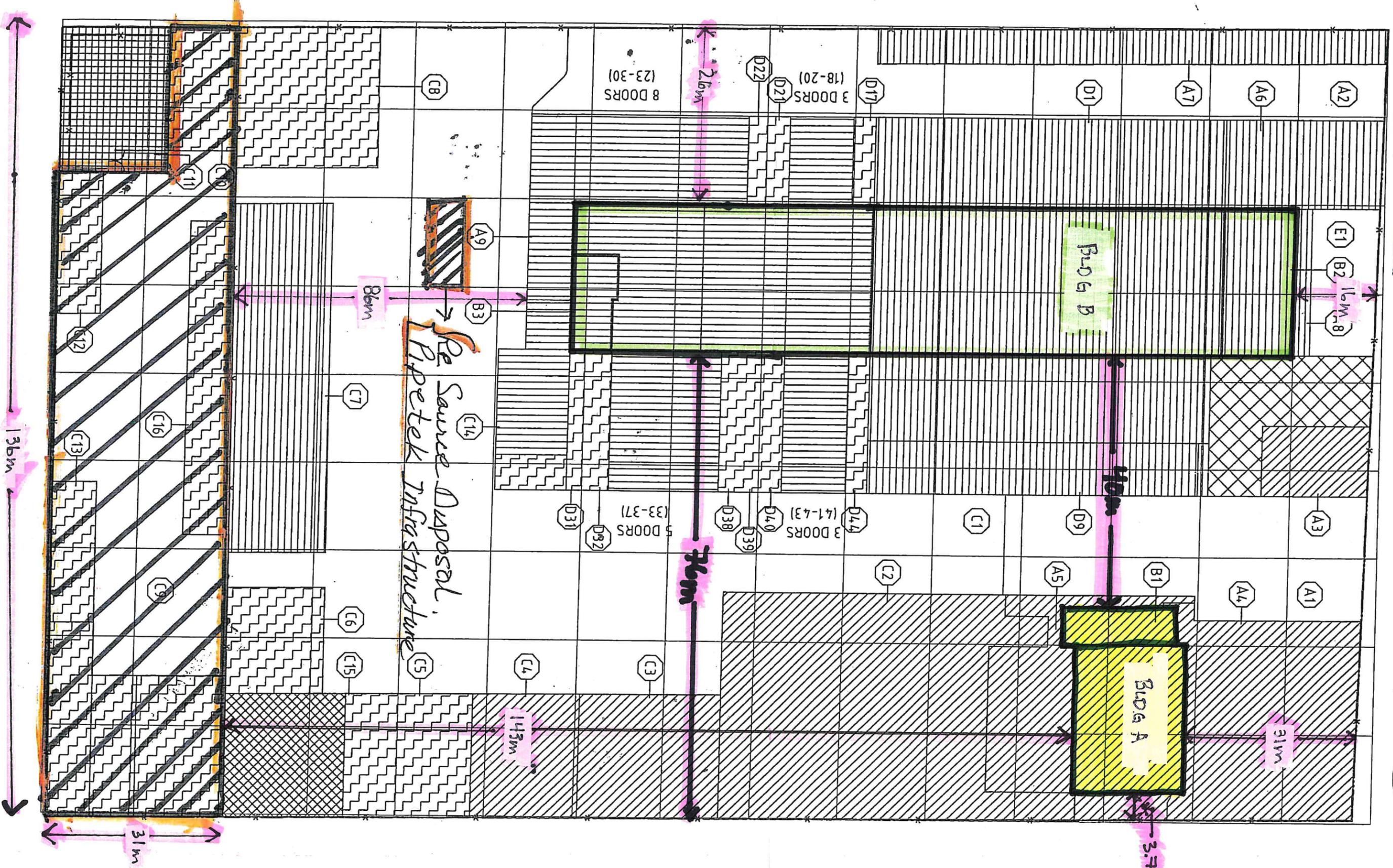
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



<p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>		<p>CITY OF HAMILTON <b>ZONING</b></p>									
<p>Neighbourhood Boundary</p>	<table border="1"> <tr> <td>27</td> <td>28</td> </tr> <tr> <td>108</td> <td>104</td> </tr> <tr> <td>99</td> <td>85</td> </tr> <tr> <td>115</td> <td>94</td> </tr> </table>	27	28	108	104	99	85	115	94	<p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>	<p>PLANNING UNIT NO. 6411</p>
27	28										
108	104										
99	85										
115	94										
<p>Zoning Boundary</p>	<p>SCALE 0 50m 100m</p>	<p>JUNE 1988</p>	<p>PAGE NO. 104</p>								

D. MCMASTER INVESTMENTS INC  
 354, NASH ROAD NORTH  
 LAND USE PLAN (1=750)  
 JUL-2016

- COMMON
- HOUSE
- VACANT
- RYDER
- APEX
- SNOWBIRD
- TELUS
- PARKING



136m

8 DOORS  
(23-30)

3 DOORS  
(18-20)

5 DOORS  
(33-37)

41-43  
3 DOORS

Se Source Disposal  
 Pipe tek Infrastructure

Beam

31m

143m

76m

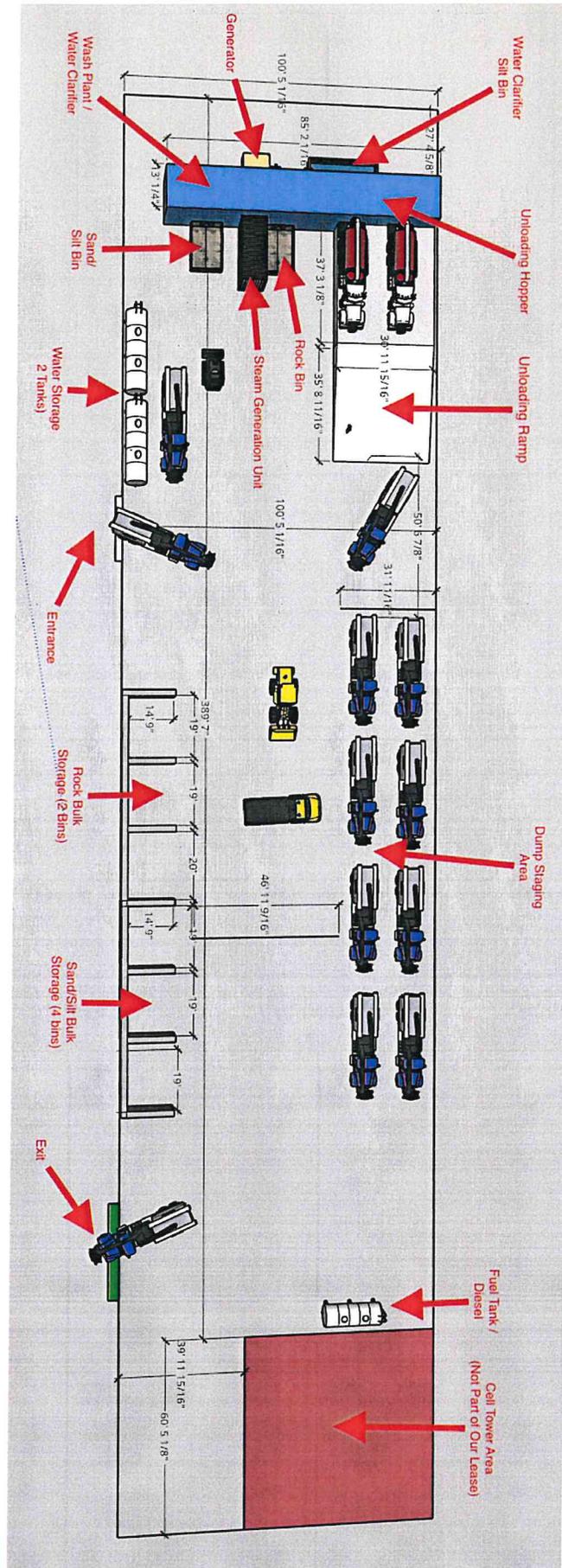
3.75m

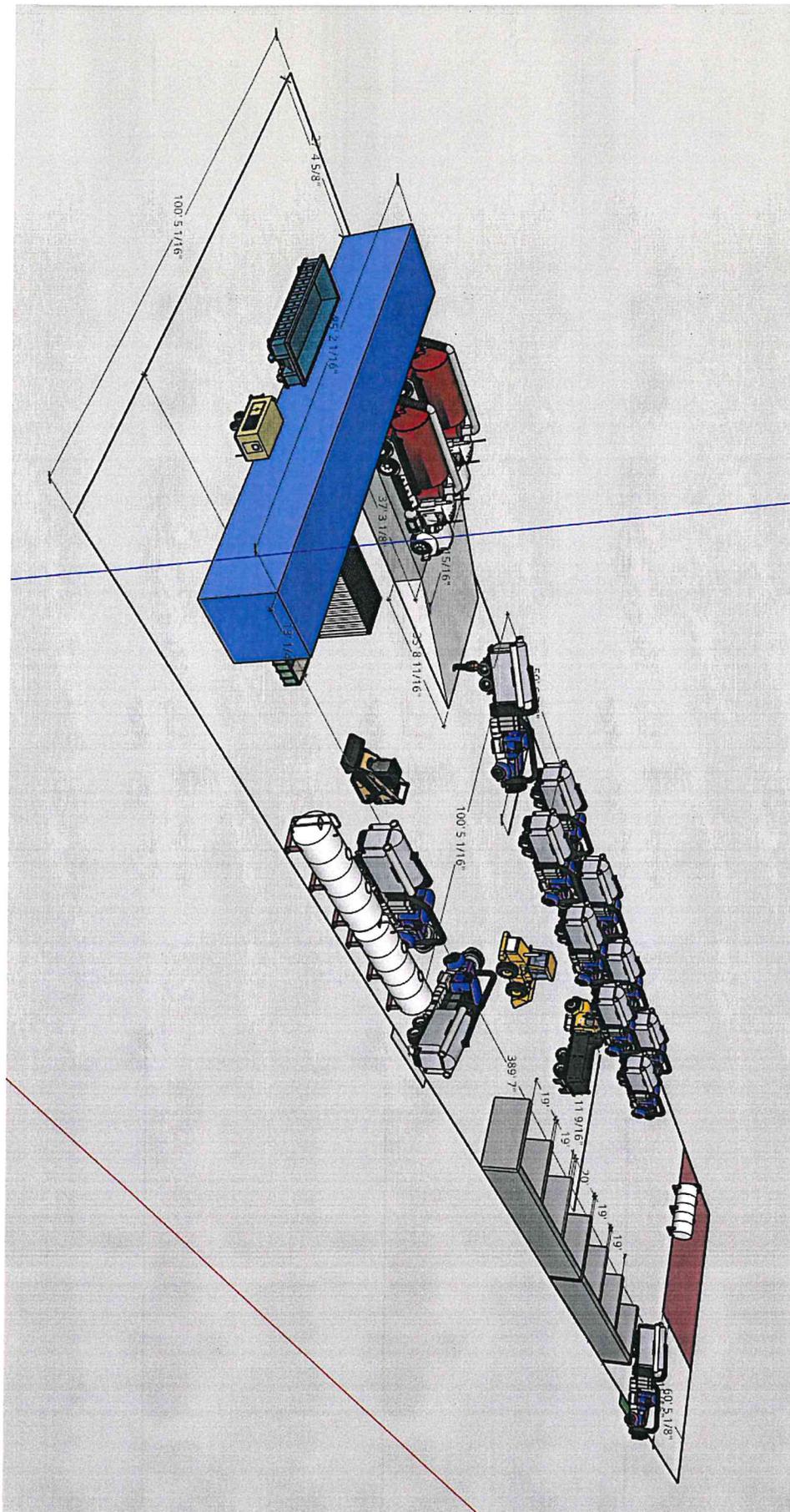
31m

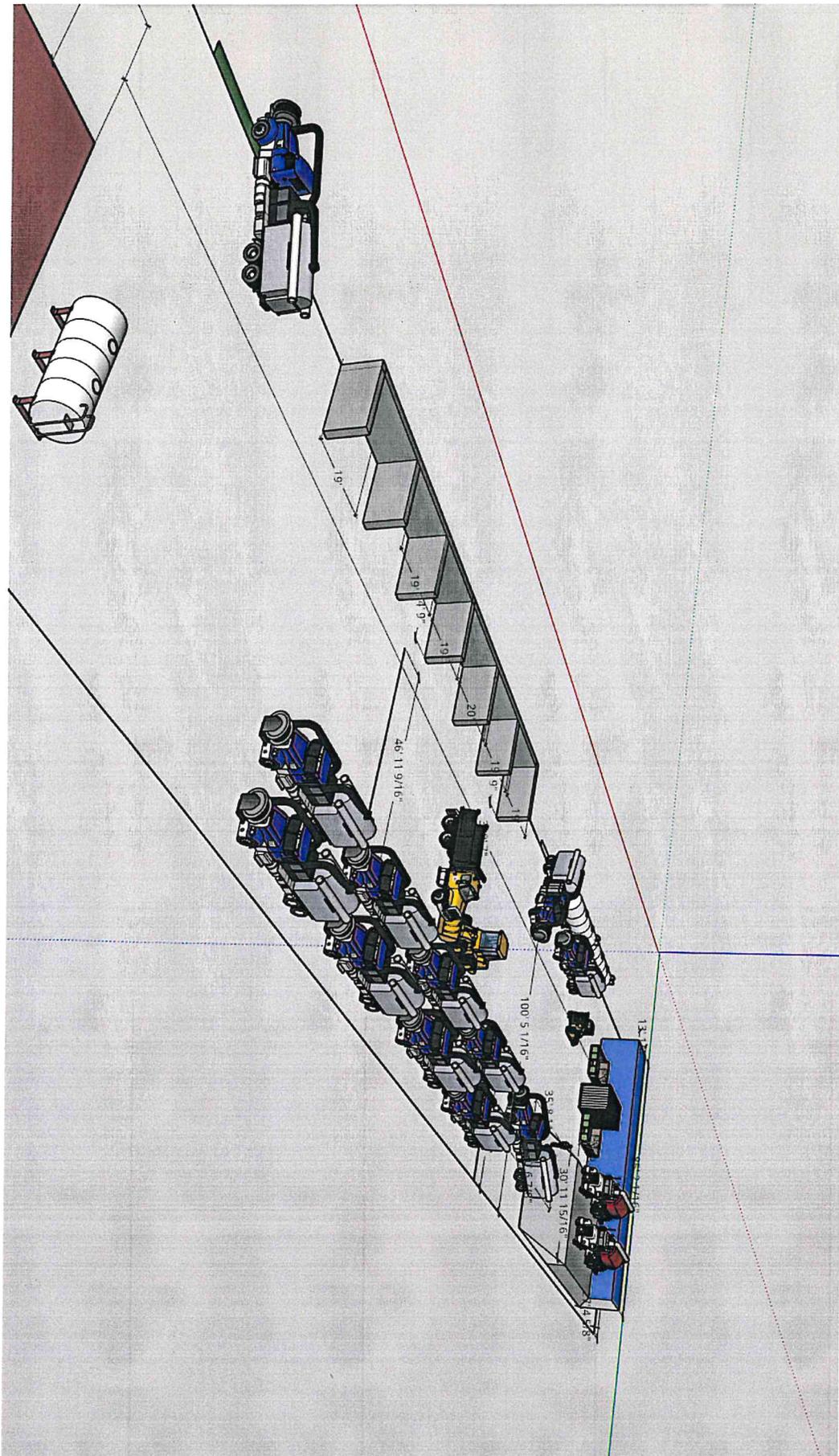
10m

26m

16m  
1.8





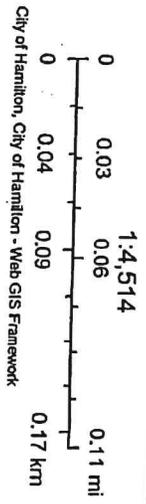


# Interactive Zoning



23/2021, 4:49:05 PM

- Ward Boundary
- Community Boundary
- City Boundary
- Urban Boundary
- Property Parcels
- Zoning Boundaries
- Council Approved - Zoning Boundaries



The City of Hamilton is not liable for any damages caused by this map.

**SECTION 9: INDUSTRIAL ZONES**THE CITY OF HAMILTON  
ZONING BY-LAW**9.5 GENERAL INDUSTRIAL (M5) ZONE**

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial (M5) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

**9.5.1 PERMITTED USES**

- Alcohol Production Facility (By-law No. 18-219, August 17, 2018)
- Aquaponics (By-law No. 14-163, June 25, 2014)
- Artist Studio (By-law No. 17-220, October 25, 2017)
- Building and Lumber Supply Establishment
- Building or Contracting Supply Establishment
- Bulk Fuel and Oil Storage Establishment
- Cannabis Growing and Harvesting Facility (By-law No. 14-163, June 25, 2014)  
(By-law No. 18-266, September 12, 2018)
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Motor Vehicle Washing Establishment
- Commercial Parking Facility
- Communications Establishment
- Contractor's Establishment (By-law No. 18-219, August 17, 2018)
- Courier Establishment
- Craftsperson Shop (By-law No. 17-220, October 25, 2017)
- Dry Cleaning Plant (By-law No. 15-072, March 11, 2015)
- Equipment and Machinery Sales, Rental and Service Establishment
- Financial Establishment
- Greenhouse (By-law No. 14-163, June 25, 2014)
- Industrial Administrative Office
- Laboratory
- Labour Association Hall
- Landscape Contracting Establishment
- Manufacturing
- Motor Vehicle Collision Repair

**SECTION 9: INDUSTRIAL ZONES**

THE CITY OF HAMILTON

ZONING BY-LAW

Establishment  
 Motor Vehicle Service Station  
 Motor Vehicle Washing Establishment  
 Office  
 Private Power Generation Facility  
 Production Studio (By-law No. 17-220, October  
 25, 2017)  
 Repair Service  
 Research and Development  
 Establishment  
 Restaurant  
 Salvage Yard  
 Surveying, Engineering, Planning or  
 Design Business  
 Towing Establishment  
 Trade School  
 Tradesperson's Shop  
 Transport Terminal  
 Warehouse  
 Waste Processing Facility  
 Waste Transfer Facility  
 (By-law No. 11-276, November 16, 2011)  
 (By-law No. 17-220, October 25, 2017)  
 (By-law No. 18-219, August 17, 2018)  
 (By-law No. 18-266, September 12, 2018)

**9.5.2 PROHIBITED USES**

Notwithstanding Section 9.5.1, the following uses are prohibited, even as accessory uses:

Day Nursery  
 Dwelling Unit

**9.5.3 REGULATIONS**

- |  |   |
|--|---|
| a) Minimum Lot Area                      | 4000.0 square metres  |
| b) Minimum Yard Abutting a Street        | 3.0 metres  |
| c) Planting Strip Abutting a Street      | Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street and Steel City Court, except for points of ingress and egress, and shall not include outdoor display. |
| d) Limitation on Outdoor<br>May 10, 2019 | Outdoor Storage and Outdoor Assembly<br>9.5-2   |

**SECTION 9: INDUSTRIAL ZONES**THE CITY OF HAMILTON  
ZONING BY-LAW

- Storage and Outdoor Assembly shall not exceed 85% of the total lot area.
- e) Gross Floor Area for Office Use Maximum gross floor area for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres.
- f) Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot.
- g) Location Restriction of Waste Processing Facility and Waste Transfer Facility In addition to the regulations of Section 9.5.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line.
- h) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room
- i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser.
- ii) Notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.  
(By-law No. 11-276, November 16, 2011)  
(By-law No. 18-219, August 17, 2018)
- i) Parking In accordance with the requirements of Section 5 of this By-law.
- j) Accessory Buildings
- i) In accordance with the requirements of Section 9.5.3;
- ii) In addition to i) above, no accessory building shall be permitted within a front yard or a flankage yard.  
(By-law No. 12-132, June 13, 2012)

**SECTION 9: INDUSTRIAL ZONES**

THE CITY OF HAMILTON

ZONING BY-LAW

**k) Additional Regulations for Cannabis Growing and Harvesting Facility**

In addition to the regulations of Section 9.5.3, the following additional regulations shall apply:

- i) Notwithstanding Section 9.5.3 d), no outdoor storage or outdoor assembly shall be permitted.
- ii) Notwithstanding Subsection 9.5.3 h), no retail sales shall be permitted.  
(By-law No. 14-163, June 25, 2014)
- iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.  
(By-law No. 18-266, September 12, 2018)

(By-law No. 10-128, May 26, 2010),  
 (By-law No. 11-276, November 16, 2011)  
 (By-law No. 12-132, June 13, 2012)  
 (By-law No. 14-163, June 25, 2014)  
 (By-law No. 18-219, August 17, 2018)  
 (By-law No. 18-266, September 12, 2018)

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
 Building Division  
 71 Main Street West  
 Hamilton, Ontario, Canada, L8P 4Y5  
 Phone: 905.546.2720 Fax: 905.546.2764  
[www.hamilton.ca](http://www.hamilton.ca)



Hamilton

December 18, 2023

FILE: ALR  
 FOLDER: 23-315042-00 ALR  
 ATTENTION OF: William Campbell  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 6754-

Michael Cowan  
 389 KENORA AVE  
 HAMILTON, ON L8E 2W3

**Attention:**

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning: M5**  
**Address: 354 NASH RD N HAMILTON, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. This applicant is proposing to establish a waste processing facility, specifically for liquid soil. The proposed facility would process liquid soil from multiple sites within Ontario and generate solid soil by physical water separation
2. The subject lands are zoned "M5" (General Industrial) within the Hamilton Zoning By-law 05- 200. The current zone permits a "Waste Processing Facility" provided it is in line with the following:

***Waste Processing Facility:*** *Shall mean the use of land, building or structure, or part thereof, for the sorting and processing of waste and recyclable materials an for which a Environmental Compliance Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Processing Facilities shall include but not be limited to: thermal treatment, blue box recyclable recovery facilities, open-air or in-vessel organics processing, wood waste recycling and/or a co-generation energy facility, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard*

3. It is noted that the new use is proposed in what appears to be the north east corner of the lands known as 354 Nash Road North.
4. The lands may be subject to site plan control. The applicant may wish to take the appropriate steps to confirm if a site plan control application will be required for the proposed development. Development planning can be reach at 905-546-2424 ext 1355

5. It is noted that the proposed use is not subject to a minimum parking requirement pursuant to section 5 of Hamilton Zoning By-law 05-200. Parking does not appear to be proposed
6. The proposed development has been reviewed and compared to the regulations of the M5 Zoning district In the following chart;

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 9.5 – M5 Requirements</b>			
<b>Minimum Lot Area</b> [as per section 9.5.3(a) of Hamilton Zoning By-law 05-200]	4000.0 square metres	It would appear the lot area of the entire site exceeds the 4000 square metre requirement	<b>Appears to conform</b>
<b>Minimum Yard Abutting a Street</b> [as per section 9.5.3(b) of Hamilton Zoning By-law 05-200]	3.0 metres	It appears that the proposed development is at the rear of an existing property, the existing yard abutting a street condition is to continue	<b>Existing conditions conform</b>
<b>Planting Strip Abutting a Street</b> [as per section 9.5.3(c) of Hamilton Zoning By-law 05-200]	Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street and Steel City Court, except for points of ingress and egress, and shall not include outdoor display.	Existing conditions to remain	<b>Existing conditions conform</b>
<b>Limitation on Outdoor Storage and Outdoor Assembly</b> [as per section 9.5.3(d) of Hamilton Zoning By-law 05-200]	Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area.	Outdoor storage appears to be provided, it does not appear that the outdoor storage will exceed 85% of the total lot area	<b>Appears to conform</b>
<b>Gross Floor Area for Office Use</b> [as per section 9.5.3(e) of Hamilton Zoning By-law 05-200]	Maximum gross floor area for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres.	Office use not provided	<b>N/A</b>
<b>Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business</b> [as per section 9.5.3(f)]	An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot.	Use does not appear to be provided	<b>N/A</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
of Hamilton Zoning By-law 05-200]			
<b>Location Restriction of Waste Processing Facility and Waste Transfer Facility</b> [as per section 9.5.3(g) of Hamilton Zoning By-law 05-200]	In addition to the regulations of Section 9.5.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line.	Insufficient information has been provided to determine if the waste transfer facility is located within 300.0m of a residentially zoned property.	<b>Unable to determine compliance</b>
<b>Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room</b> [as per section 9.5.3(h) of Hamilton Zoning By-law 05-200]	i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser.  ii) Notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.	Use does not appear to be provided	<b>N/A</b>
<b>Additional Regulations for Cannabis Growing and Harvesting Facility</b> [as per section 9.5.3(k) of Hamilton Zoning By-law 05-200]	In addition to the regulations of Section 9.5.3, the following additional regulations shall apply:  i) Notwithstanding Section 9.5.3 d), no outdoor storage or outdoor assembly shall be permitted.  ii) Notwithstanding Subsection 9.5.3 h), no retail sales shall be permitted.  iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed-Use Zone.	Use not proposed	<b>N/A</b>

7. Sign details have not been provided; all signage shall conform to Hamilton Sign By-law 10-197. A building permit(s) is required for all signage.
8. Fencing details have not been provided; all fencing shall conform to Hamilton Fence By-law 10-142.

9. The designer shall ensure the fire access route conforms to the Ontario Building Code

Yours truly

*William Campbell*

---

for the Manager of Zoning & Committee of Adjustment

**ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)**

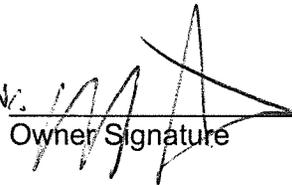
I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.

MICHAEL A.D. COWAN

RE - SOURCE DISPOSAL INC.

Owner



Owner Signature

JAN 12, 2024

Date

Applicant (I have the authority to bind the Owner)

Applicant Signature

Date

Agent (I have the authority to bind the Owner)

Agent Signature

Date



389 Kenora Avenue  
Hamilton, ON L8E 2W3  
289-260-5247

To Whom it May Concern,

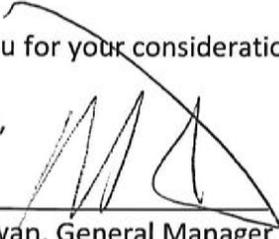
I am writing to formally submit this application for Minor Variance on behalf of our proposed liquid soil transfer/processing facility situated at 354 Nash Rd N in Hamilton. The facility is positioned within 300 meters of two significant areas: zoned residential sites (160-187 Barton St E, Hamilton, ON L8E 3G6) and a zoned institutional site (Incarnation of Our Blessed Lord Parish, 400 Pottruff Rd N, Hamilton, ON L8H 2M4).

We are seeking a variance under Section 9.5.3, specifically under subsection "g," which pertains to the Location Restriction of Waste Processing Facility and Waste Transfer Facility. The current restriction stipulates a distance of 300 meters from both a zoned residential and institutional property line however; our subject site is approximately 260 meters from both residential and institutional locations. Therefore, we kindly request approval for this variance of 260 meters to accommodate our facility's proposed location.

Your prompt attention to this matter is greatly appreciated. Should you require any additional information or clarification, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

  
\_\_\_\_\_  
Mike Cowan, General Manager  
Re-Source Disposal Inc.



Hamilton

**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME	
Registered Owners(s)	D. McMaster Investments Inc.	
Applicant(s)	Re-Source Disposal Inc.	
Agent or Solicitor		
		Phone:
		E-mail:

1.2 Primary contact  Applicant  Owner  Agent/Solicitor

1.3 Sign should be sent to  Applicant  Owner  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type  In person  Credit over phone\*  Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	East Lot at 354 Nash Road North Hamilton, ON L8H7P5		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Subject property zoned for waste transfer/processing is within 300m of zoned residential/institutional area. Would like variance to allow for 260m between subject property and zoned residential at Barton St E and institutional at Nash Rd / Barton St E.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Subject property that zoned for waster transfer/processing is within 300 meters of zoned residential area.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
137 meters	220 meters	30,140 sq meters	8 meters

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
BLDG A	31 meters	174 meters	3.75m & 100m	1965 & 2005
BLDG B	16 meters	117 meters	26m & 76m	1966

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
NONE				

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
BLDG A	640 sq meters	1280 sq meters	2	8 meters
BLDG B	3988 sq meters	3988 sq meters	1	7 meters

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
NONE				

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
  - privately owned and operated individual well

- lake or other water body
- other means (specify)

NONE \_\_\_\_\_

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
  - swales

- ditches
- other means (specify)

NONE \_\_\_\_\_

- 4.6 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) NONE
- 4.7 Type of access: (check appropriate box)
- provincial highway  right of way
- municipal road, seasonally maintained  other public road
- municipal road, maintained all year
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):  
Liquid soil transfer and process station

- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Retail, light industrial, truck stop, public storage

## 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:  
Leased started October 1, 2023
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
truck parking
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
truck parking
- 7.4 Length of time the existing uses of the subject property have continued:  
Up to October 1, 2023
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

- 7.6 What is the existing zoning of the subject land? General Industrial - M5
- 7.8 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: General Industrial - M5

---

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

Yes

No

If yes, please provide the file number: \_\_\_\_\_

**8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: NONE

8.2 Number of Dwelling Units Proposed: NONE

8.3 Additional Information (please include separate sheet if needed):

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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