



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 24-19
Date: October 22, 2024
Time: 1:00 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

	Pages
1. PREVIOUSLY TABLED	
2. EAST DEVELOPMENT	
2.1 1:15 p.m. B-24:49 3417 Tyneside Road & 3325 Tyneside Road, Glanbrook (Ward 11)	3
Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston	
Applicants Gatestone Law – P. Kuca (S. Sergio)	
Owners K. Aquin & R. Bennison (Dudzic Law – M. Dudzic)	
2.2 1:15 p.m. A-24:188 3417 Tyneside Road & 3325 Tyneside Road, Glanbrook (Ward 11)	35
Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston	
Applicants Gatestone Law – P. Kuca (S. Sergio)	
Owners K. Aquin & R. Bennison (Dudzic Law – M. Dudzic)	
3. WEST DEVELOPMENT	

- 3.1 1:20 p.m. A-24:208 0 Portia Drive, Ancaster (Ward 12) 61
 Agent UrbanSolutions Planning & Land Development Consultants Inc. –
 M. Johnston
 Owner Duff’s Corner Developments Inc.
- 3.2 1:25 p.m.A-24:20946 Beulah Avenue, Hamilton (Ward 1) *WITHDRAWN* 83
 Agent J. Vanderherberg
 Applicant T. Haines & O. Knutton
 Owner A. Haines
- 3.3 1:30 p.m. A-24:205 71 Rebecca Street, Hamilton (Ward 2) 105
 Agent A.J. Clarke & Associates Ltd. – R. Ferrari
 Owner Hi Rose (Rebecca) Inc. – S. Guglietti
- 3.4 1:35 p.m. A-24:206 47 - 49 Ontario Avenue, Hamilton (Ward 3) 161
 Applicant King Homes Inc. – K. Bekendam
 Owner OJM Realty Inc. – T. Nguyen
- 3.5 1:40 p.m. A-24:207 663 Beach Boulevard, Hamilton (Ward 5) [East] 199
 Applicant L. Angelici
 Owner C. Camarro
- 3.6 1:45 p.m. A-24:211 953 Concession 5 Road West, Flamborough (Ward 13) 227
 Agent Sarah Brown Home Design Inc. – S. Brown
 Owner K. Edmondson
- 3.7 1:50 p.m. A-24:217 1135 Stone Church Road East., Hamilton (Ward 6) [East] 249
 Agent Arcadis Professional Services Inc. (J. Ariens)
 Applicant New Apostolic Church Canada
 Owners N.F. & S. S. Chin

4. **CLOSED**

5. **ADJOURNMENT**



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	B-24:49	SUBJECT PROPERTY:	3417 Tyneside Road, Glanbrook
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APPLICANTS: Owner: Kyle Aquin & Rachel Bennison c/o Mark Dudzic Law
Applicant: Sandra Sergion c/o Phillip Kuca, Gatestone Law
Agent: Urban Solutions Planning & Land Development Inc. c/o Matt Johnston

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 3325 Tyneside Road.

	Frontage	Depth	Area
SEVERED LANDS:	236.36 m [±]	Varies m [±]	9.0 ha [±]
RETAINED LANDS:	768.20 m [±]	Varies m [±]	6.7 ha [±]

Associated Planning Act File(s): A-24:188

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:15 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment

B-24:49

- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 **October 18, 2024**

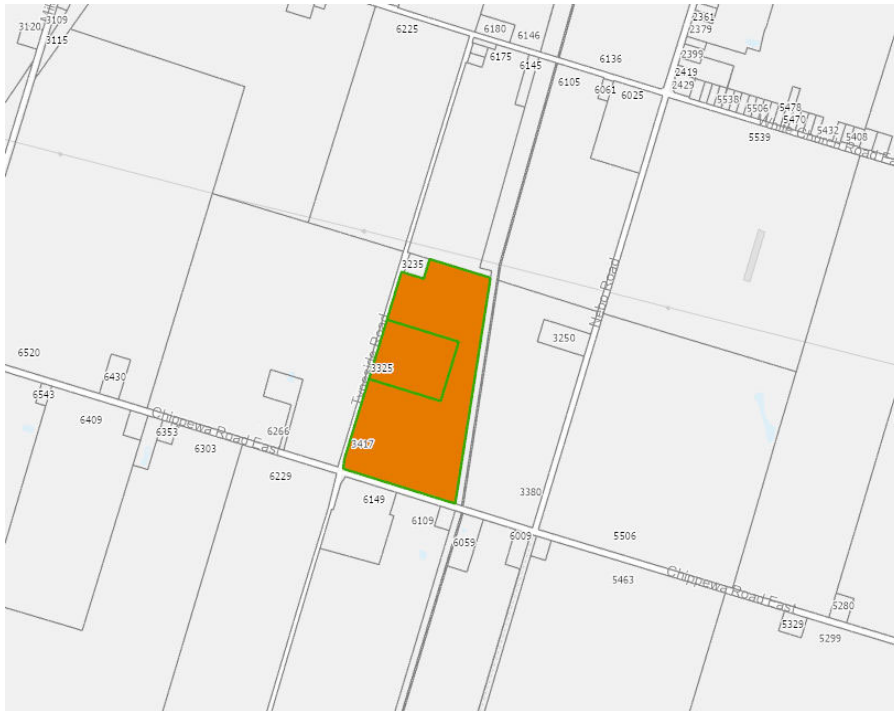
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **October 22, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:49, you must submit a written request to 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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

B-24:49



 **Subject Lands**

DATED: October 3, 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.

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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. 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.

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.



SCALE 1:2500

SITE STATISTICS CHART

(A1) ZONING BY-LAW		3325 TYNESIDE		3417 TYNESIDE	
ITEMS	REQUIRED	EXISTING	PROPOSED	EXISTING	PROPOSED
Lot Frontage	-	±182.80 m	±419.16 m	± 768.20 m	± 531.85 m
Lot Area	40.4 ha	±4.1 ha	±13.1 ha	±15.7 ha	±6.7 ha
Lot Width	30.0m	±182.80 m	VARIES	VARIES	±275.70 m
Front Yard	15.0m	±118.80 m	±118.80 m	±40.0 m	±40.0 m
Side Yard	15.0m	±38.46 m	±38.46 m	±35.0 m	±35.0 m
Rear Yard	15.0m	±67.67 m	±139.58 m	±588.06 m	±200.54 m
Use	-			Agricultural	

REQUESTED VARIANCES

VARIANCE NO.1 - TO PERMIT A MINIMUM LOT AREA OF ±6.0 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3417 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.

VARIANCE NO. 2 - TO PERMIT A MINIMUM LOT AREA OF ±12.5 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3325 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.

EXISTING AGRICULTURAL

EXISTING AGRICULTURAL

TYNESIDE RD

CHIPPEWA RD E

LANDS TO BE SEVERED AND ADDED TO 3325 TYNESIDE ROAD AREA = ±9.0 ha (22.2 acres)

EXISTING SINGLE DETACHED 1 STOREY DWELLING (TO REMAIN) BUILDING FOOTPRINT: ±1,184m² GFA: ±1,184m²

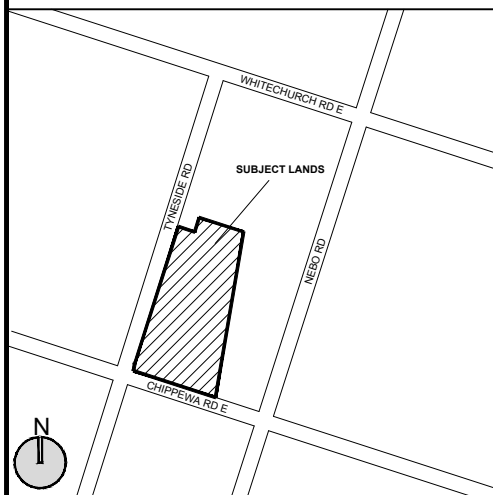
3325 TYNESIDE ROAD AREA = ±4.1 ha (10.1 acres)

EXISTING POOL HOUSE (TO REMAIN) BUILDING FOOTPRINT: ±94m² GFA: ±94m²

LANDS TO BE RETAINED ON 3417 TYNESIDE ROAD AREA = ±6.7 ha (16.3 acres)

EXISTING SINGLE DETACHED 1 STOREY DWELLING (TO REMAIN) BUILDING FOOTPRINT: ±519m² GFA: ±519m²

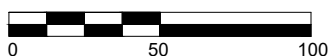
KEY MAP - N.T.S.



LEGEND:

- SUBJECT LANDS
- - - PROPOSED SEVERANCE LINE
- ▨ EXISTING BUILDINGS
- LANDS SEVERED FROM 3417 TYNESIDE RD
- LANDS RETAINED ON 3417 TYNESIDE RD
- 3325 TYNESIDE RD
- ▭ EXISTING NPCA REGULATED AREA

SCALE 1:2500 METRES



PREPARED BY:



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

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.

TITLE:

COMMITTEE OF ADJUSTMENT SKETCH

PROJECT:

3325 & 3417 TYNESIDE ROAD
CITY OF HAMILTON

CLIENT:

KYLE AQUIN & RACHEL BENNISON

DESIGN BY: L. TAIBI

CHECKED BY: S. ERICKSON

DRAWN BY: L. TAIBI

DATE: JULY 24, 2024

U/S FILE NUMBER:

SHEET NUMBER:

507-24

1



August 1, 2024

507-24

Via Email & Delivered

Ms. Jamila Sheffield
 Secretary Treasurer
 Committee of Adjustment

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

Dear Ms. Sheffield,

RE: 3417 & 3325 TYNESIDE ROAD, GLANBROOK
Application for Consent to Sever and Minor Variance to the City of Hamilton Zoning By-law
No. 05-200

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) have been retained by Kyle Aquin & Rachel Bennison, the registered owners of 3417 Tyneside Road, in the former Township of Glanbrook. On their behalf, UrbanSolutions is pleased to submit the enclosed Consent to Sever and Minor Variance applications.

Proposal

The subject lands are comprised of two parcels, 3417 and 3325 Tyneside Road, at the northeast corner of Tyneside Road and Chippewa Road in Glanbrook. The locale is comprised of both rural, non-farm residences as well as large-scale agricultural operations. The lands at 3417 Tyneside Road are an irregularly 'U-shaped' corner lot at the northeast corner of Chippewa Road East and Tyneside Road, with an area of ± 15.7 -hectares and ± 768.30 metres of combined frontage along Tyneside Road and Chippewa Road East. The lands at 3325 Tyneside Road are comprised of a square-shaped, ± 4.1 -hectare parcel with ± 182.80 metres of frontage along the east side of Tyneside Road, and are surrounded by 3417 Tyneside Road. Each parcel currently supports a single detached dwelling which is a permitted use, while 3417 Tyneside Road also supports farming on the majority of the property, forming part of a larger agricultural operation spanning across numerous neighbouring properties.

The purpose of this application is to transfer a ± 9 -hectare portion of land from 3417 Tyneside Road to merge with 3325 Tyneside Road. No lot creation is proposed and the farming practice will continue following the approval of the lot line adjustment. In order to facilitate this proposal for the transfer of lands between the two parcels, consent to sever and a minor variance to the Zoning By-law is required as follows:

Minor Variance No. 1 – To permit a minimum lot area of ± 6.0 hectares for Agriculture uses for the resulting parcel at 3417 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

Minor Variance No. 2 – To permit a minimum lot area of ± 12.5 hectares for Agriculture uses for the resulting parcel at 3325 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

Specifically, the lot area adjustments are outlined in the following table:

Parcel	Existing Area	Proposed Area	Net Change
3325 Tyneside	±4.1 ha	±13.1 ha	±9 ha Added
3417 Tyneside	±15.7 ha	±6.7 ha	±9 ha Removed

This application is similar to the Consent to Sever and Minor Variance applications at 6105 and 6061 White Church Road, which both received support from Staff. The Consent to Sever application obtained conditional approval to transfer a 0.1-hectare portion of land to an abutting parcel on December 8, 2024 (GL/B-22:115), and the Minor Variance application was subsequently approved by the Committee of Adjustment on June 15, 2023 (GL/A-23:116) to permit a smaller minimum lot area for the agricultural use.

Policy Framework

The subject lands are both designated 'Protected Countryside' and are within a *Prime Agricultural Area* according to the Greenbelt Plan. The subject lands are also designated as 'Agriculture' in the Rural Hamilton Official Plan (RHOP) Schedule D and are zoned as 'Agriculture (A1) Zone' under the City of Hamilton Zoning By-law No. 05-200.

As previously mentioned, the lands are designated 'Protected Countryside' in the Greenbelt Plan. Section 4.6 e) of the Greenbelt Plan applies to lot additions or boundary adjustments, and states:

"4.6.1 Lot creation is discouraged and may only be permitted for:

...

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *specialty crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*."

Regarding lot additions in the Agricultural area, Section F.1.14.2.1 of the RHOP states:

"F.1.14.2.1 d) All proposed lot additions shall:

- i) Comply with the policies of this plan including rural settlement plans where one exists;
- ii) Be compatible with and not hinder surrounding agricultural operations;
- iii) Conform to the Zoning By-law;
- iv) Only be permitted when both lots will retain frontage on a public road;
- v) Meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

F.1.14.2.1 e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

F.1.14.2.1 f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain *agricultural uses*, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of *agricultural use*.”

Section F.1.14.2.5 of the RHOP further details policy direction regarding lot additions across all designations except Rural Settlement Areas. The applicable policies of Section F.1.14.2.5 state:

“F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).

...
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

Minor Variance & Consent to Sever Analysis

The proposal demonstrates conformity with the criteria established in Sections F.1.14.2.1 d)-f) and F.1.14.2.5 of the RHOP as the lot addition will be compatible with onsite and surrounding agricultural operations, conform to the Zoning By-law through approval of a minor variance, both lots will retain frontage on a public road, and both lots will meet the requirements of Section C.5.1 of the RHOP. Further, the proposal will not create a new lot, establish an appropriate minimum lot size for the respective uses, and will transfer lands to an abutting landowner. Per Guideline #8 of the *Minimum Distance Separation (MDS) Document, 2016*, an MDS I setback is not required for purposes including minor boundary adjustments which do not result in the creation of a new lot. As such, the proposal is in keeping with the general intent and purpose of the Rural Hamilton Official Plan.

The proposed uses are permitted within the existing 'A1' zone, however the requested variance is required to permit a smaller lot area than what is permitted in the Zoning By-law. The proposed boundary adjustment will result in an approximate 2.5-hectare increase in the minimum parcel size between the two properties, from ± 4.1 hectares to ± 6.7 hectares. Further, while a minor variance is required to ensure compliance with the applicable Zoning By-law regulations, the resulting geometry is more in keeping with the default minimum lot area requirements than the existing lot fabric. As such, the proposal is in keeping with the general intent and purpose of the City of Hamilton Zoning By-law No. 05-200.

The proposed lot addition in essence 'flips' the existing lot fabric, with the larger portion of land between the two parcels being shifted from 3417 Tyneside Road to 3325 Tyneside Road. Similarly to the existing conditions, the larger of the two parcels will also retain frontage along both Tyneside Road and Chippewa Road. As such, the requested variance does not create a notable deviation from the existing conditions of the lands. Further, no new structures are proposed, and the existing uses inclusive of the farming practice will remain in place. As the physical built form on the lands will not change and the established character of the locale will not be altered by the proposal, the requested variance is deemed to be minor in nature.

The proposal intends to facilitate a severance that will transfer approximately 9 hectares of agricultural land between the two parcels, land which is currently associated with a substantial farming operation spanning across a number of properties in the area. A noteworthy trait of the proposal is that the viability of farming the lands which are subject to the transfer is not put at risk through this application as the resulting lot fabrics will remain capable of accommodating the existing agricultural operation. Therefore, the variance is desirable for the appropriate development of the lands.

Conclusion

The requested variance satisfies the four tests as per Section 45(1) of the *Planning Act*, R.S.O, 1990 and the application 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. The proposal is consistent with the Ontario Provincial Planning Statement, conforms to the Growth Plan, and demonstrates conformity with Section 4.6.1 e) of the Greenbelt Plan as the proposal does not seek to create a new lot within a Prime Agricultural area, nor affect the viability of farming the lands. The proposed severance conforms to the criteria outlined in Sections F.1.14.2.1 and F.1.16 of the Rural Hamilton Official Plan. Additionally, the continued use of the lands as single-detached dwelling and agriculture implements the intent of the 'A1' zoning applied through the City of Hamilton Zoning By-law No. 05-200. Based on the above analysis, the proposed development represents good land use planning.

In support of this application please find enclosed the following:

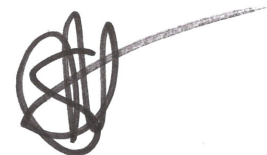
- One (1) copy of the completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Committee of Adjustment sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,900.00** made payable to the City of Hamilton for the Minor Variance Application fee;
- One (1) cheque in the amount of **\$3,375.00** made payable to the City of Hamilton for the Consent to Sever Application base fee; and,
- One (1) cheque in the amount of **\$440.00** made payable to the City of Hamilton for the Consent to Sever Application additional fee where no sanitary sewer exists.

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



Stefano Rosatone, BES
Planner

cc: Kyle Aquin & Rachel Bennison (Owners) c/o Mark Dudzic
Sandra Sergio (Applicant & Purchaser) c/o Phillip Kuca

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

Phone: (905) 546-2424 ext. 4221
 Email: 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
Purchaser*	Sandra Sergio
Registered Owners(s)	Kyle Aquin & Rachel Bennison c/o Mark Dudzic, Dudzic Law
Applicant(s)**	Sandra Sergio c/o Phillip Kuca, Gatestone Law
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

*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 Credit over phone* Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3417 Tyneside Road & 3325 Tyneside Road, Glanbrook		
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:

WE1570600, to erect, maintain, operate, etc. electrical transmission lines (Hydro One).**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

 creation of a new lot(s) concurrent new lot(s) addition to a lot a lease an easement a correction of title validation of title (must also complete section 8) a charge cancellation (must also complete section 9) creation of a new non-farm parcel (must also complete section 10)(i.e. a lot containing a surplus farm dwelling
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:

Sandra Sergio

3.3 If a lot addition, identify the lands to which the parcel will be added:

3325 Tyneside Road3.4 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, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	3417 Tyneside Road	Lands to be Added to 3325 Tyneside Road			
Type of Transfer	N/A	Lot Addition			
Frontage	±768.20 m	±236.36 m			
Depth	Varies	Varies			
Area	±6.7 ha	±9.0 ha			
Existing Use	Single-Detached Dwelling, Agriculture	Agriculture			
Proposed Use	Single-Detached Dwelling, Agriculture	Agriculture			
Existing Buildings/ Structures	Single-Detached Dwelling	N/A			
Proposed Buildings/ Structures	Existing to remain	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): 'Agriculture' Designation

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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? "A1" Zone [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.

Concurrent Minor Variance Application - see cover letter.

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)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input checked="" type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 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?

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 the enclosed cover letter.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

N/A

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)

Please refer to cover letter.

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 ² 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 ² 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 ² 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

B-24:49 – 3417 Tyneside Road & 3325 Tyneside Road, Glanbrook

Recommendation:

Development Planning – Deny Severance and Variances

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section).
4. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
6. Approximately \pm 10.0 metres is dedicated to the City of Hamilton on Tyneside Road as per the Council Approved Rural Official Plan: Chapter C1 – Future Right-of-Way Dedications, Tyneside Road is to be 26.213 metres.
7. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, at Tyneside Road & Chippewa Road East as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.
 - A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.



Hamilton

8. That the owner obtains final and binding approval of Minor Variance Application A-24:188 to the satisfaction of the Director of Development Planning.

Proposed Notes:

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



Hamilton

Development Planning:

To permit the conveyance of a parcel of land to be added to property known municipally as 3325 Tyneside Road. This application was previously heard at the September 10, 2024 hearing and was tabled. The application has not been modified from what was previously submitted.

	Frontage	Depth	Area
SEVERED LANDS	236.36m±	Varies m±	9.0 ha ±
RETAINED LANDS	768.20 m±	Varies m±	6.7 ha ±

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Agricultural” on Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. The lands are further identified as “Protected Countryside” within Schedule A of the Rural Hamilton Official Plan. Policies F.1.14.2.1.d), e), f) and F.1.14.2.5 among others, are applicable and only permit lot creation and lot additions under very specific circumstances. Staff defer any private water and wastewater concerns to Source Water Planning.

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

d) All proposed lot additions shall:

- i) comply with the policies of this Plan including rural settlement area plans where one exists;
- ii) be compatible with and not hinder surrounding agricultural operations;
- iii) conform to the Zoning By-law;
- iv) only be permitted when both lots will retain frontage on a public road;
- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law.



Hamilton

Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

- f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.

Policy F.1.14.2.5 states that lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
- i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

Staff note that the application proposes a lot addition from 3417 Tyneside Road with the lands to be added to 3325 Tyneside Road. Staff note that no physical changes are being proposed. Staff note that Policy F.1.14.2.5 c) states that lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares. Staff note that both of the resultant lots are well below the 40.4 hectare (100 acre) area requirement. The resultant



Hamilton

lots will be going from ± 4.1 hectares and ± 15.7 hectares in size, to ± 13.1 hectares and ± 6.7 hectares in size, respectively. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce its future viability as productive agricultural land. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in Policy F.1.14.2.5 c). Furthermore, all of the productive agricultural land is currently located on one existing parcel (3417 Tyneside Road). The proposed lot line adjustment would result in the productive farmland now being on two separate parcels, which has the effect of further fragmenting the agricultural land base and reducing the viability of future farming operations. The proposed lot line adjustment does not comply with the Rural Hamilton Official Plan.

Staff also note that portions of the lands are within the Regulated Area of the Niagara Peninsula Conservation Authority. Policy B.3.6.5.11 states that development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority. Staff have not received any such correspondence or consent.

Based on the foregoing staff recommend the severance application be denied.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer Euro-Canadian settlement; and
- 3) Along historic transportation routes.

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

Hamilton Zoning By-law No. 05-200

The subject site is zoned "A1" Agriculture, which permits a single detached dwelling.

Variance 1 and 2

Lands to be retained;

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

1. A minimum lot area of 6.7 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

Lands to be severed;

2. A minimum lot area of 13.1 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required

The intent of this provision is to ensure conformity with Policy F.1.14.2.5 c) of the Rural Hamilton Official Plan. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce its future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in the Rural Hamilton Official Plan and does not meet the intent of the Rural Hamilton Official Plan. Staff are of the opinion that the variance is not minor in nature nor is it in keeping with the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law No. 05-200.

Staff are of the opinion that the variances do not meet the four tests of a minor variance. Based on the foregoing, **staff recommend the variances be denied.**

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section). 2. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. 2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	3. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; 2) In areas of pioneer Euro-Canadian settlement; and 3) Along historic transportation routes <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>Cultural Heritage:</p> <p>No comments</p>
Notes:	<p>If this severance is approved, the proponent must be advised by the Committee of Adjustment as follows:</p> <p>“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>may be required as determined by the Ontario Ministry Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).</p>
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Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section
Comments:	
Notes:	<p>In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.</p> <p>The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.</p>

Transportation Planning:

Recommendation:	Approve with Conditions
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STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Proposed Conditions:	<p>1. Approximately \pm 10.0 metres is dedicated to the City of Hamilton on Tyneside Road as per the Council Approved Rural Official Plan: Chapter C1 – Future Right-of-Way Dedications, Tyneside Road is to be 26.213 metres.</p> <p>2. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, at Tyneside Road & Chippewa Road East as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.</p> <p>A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.</p>
Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking to sever the existing lot at 3417 Tyneside Road, and conveying the parcel to 3325 Tyneside Road. The retained lot would be 6.7 ha, and the lot size of 3325 Tyneside Road would increase by 9.0 ha. The application does not include the construction of any additional new dwellings or increasing the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs. Further, we also understand that the proposed application does not seek to change the exiting land use of the property. Therefore we have no comments at this time.</p>
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required.</p> <p>No Landscape plan required.</p>
Notes:	<p>Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry.</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	Email urbanforest@hamilton.ca for questions or public tree permit application.
--	---

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.



Re: October 22, 2024 COA Agenda Available

From Kyle Riley <kriley@npca.ca>
Date Fri 10/4/2024 4:01 PM
To Committee of adjustment <cofa@hamilton.ca>

1 attachments (634 KB)

Extent Basemap 3417 and 3325 Tyneside Road.pdf;

External Email: Use caution with links and attachments

Hello Jamila,

The Niagara Peninsula Conservation Authority (NPCA) Has reviewed the agenda items for Hamiltons CofA meeting to be held on October 22nd, 2024.

The following Proposals are within the area of out Mandate.

A-24:188 and B-24:49: 3325 & 3417 Tyneside Road

The Applicants are proposing a boundary adjustment to add 9 ha from 3417 Tyneside to 3325. 3412 Tyneside would retain a total area of 6.7 ha, while 3325 Tyneside would have a total area of 13.1 ha. As no lot creation is proposed (and as this is only a boundary adjustment which will continue existing usages), the NPCA offers No Objections to the proposal. No fees for Planning or Permitting are required for our review of this file.

Thank you for circulating this agenda to our Offices for comments.

Best,



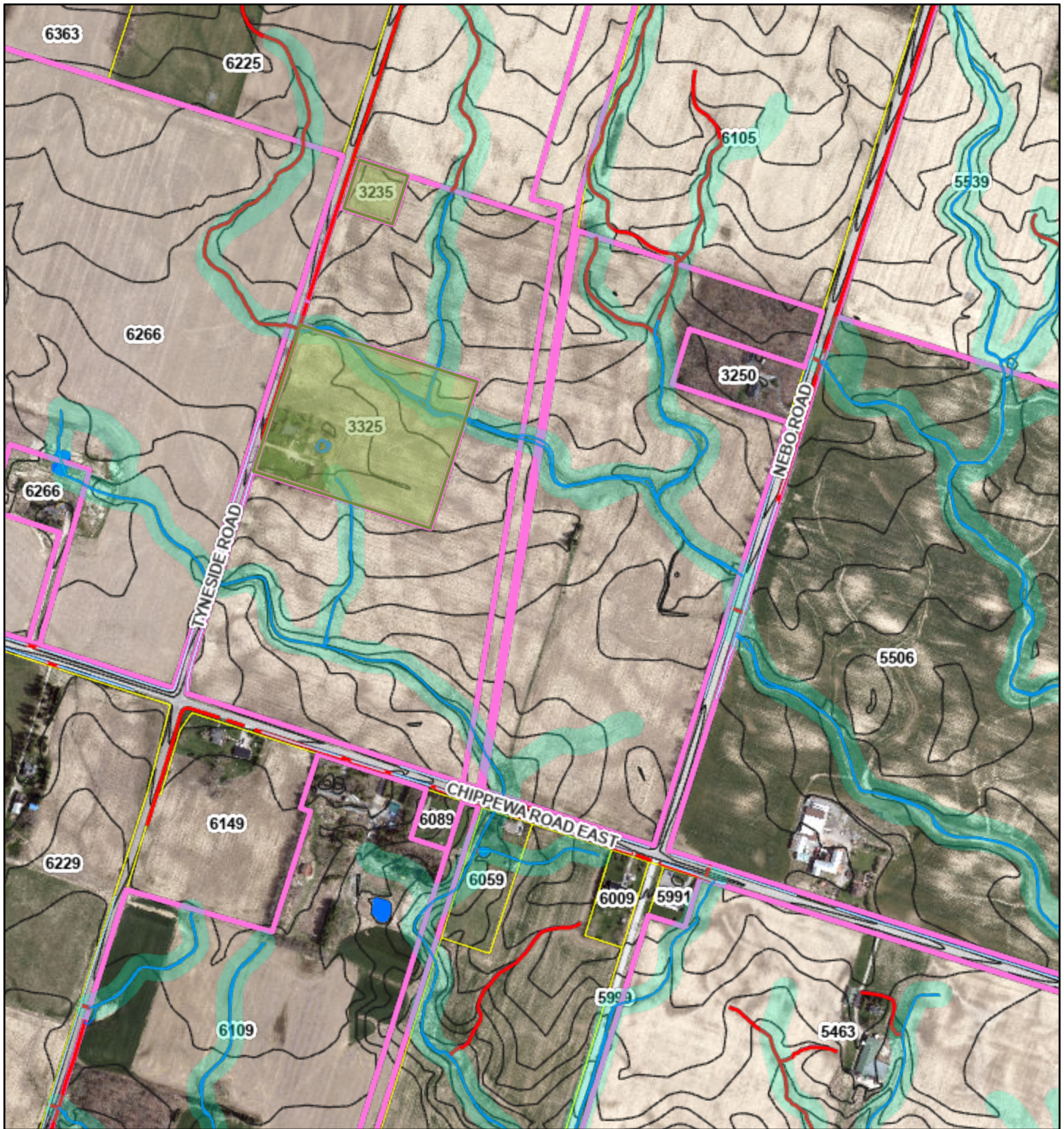
Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

ArcGIS Web Map

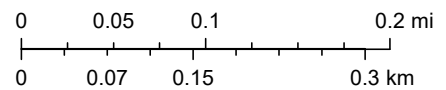


8/22/2024, 2:35:49 PM

1:9,028

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Assessment Parcels _Query result
- Roads
- NPCA APPROXIMATE REGULATION LANDS

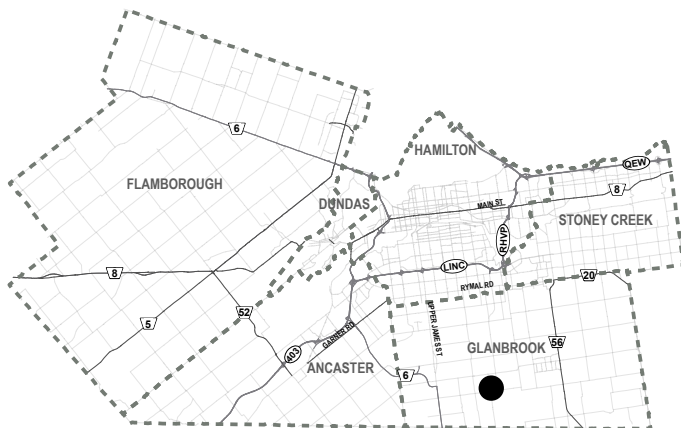


NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS



● Site Location






City of Hamilton

Committee of Adjustments

Subject Property

3417 Tyneside Road & 3325 Tyneside Road,
Glanbrook (Ward 11)

-  Lands to be retained on 3417 Tyneside Road
-  Lands to be severed from 3417 Tyneside Road and added to 3325 Tyneside Road
-  3325 Tyneside Road

File Name/Number:

B-24:49

Date:

October 8, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:188	SUBJECT PROPERTY:	3417 Tyneside Road, Glanbrook
ZONE:	A1 Agriculture	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200

APPLICANTS: Owner: Kyle Aquin & Rachel Bennison c/o Mark Dudzic Law
 Applicant: Sandra Sergion c/o Phillip Kuca, Gatestone Law
 Agent: Urban Solutions Planning & Land Development Inc. c/o Matt Johnston

The following variances are requested:

Lands to be retained;

1. A minimum lot area of 6.7 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

Lands to be severed;

2. A minimum lot area of 13.1 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

PURPOSE & EFFECT: To facilitate the severance of the subject lands.

Notes:

1. Variance 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:

A-24:188

DATE:	Tuesday, October 22, 2024
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 2024

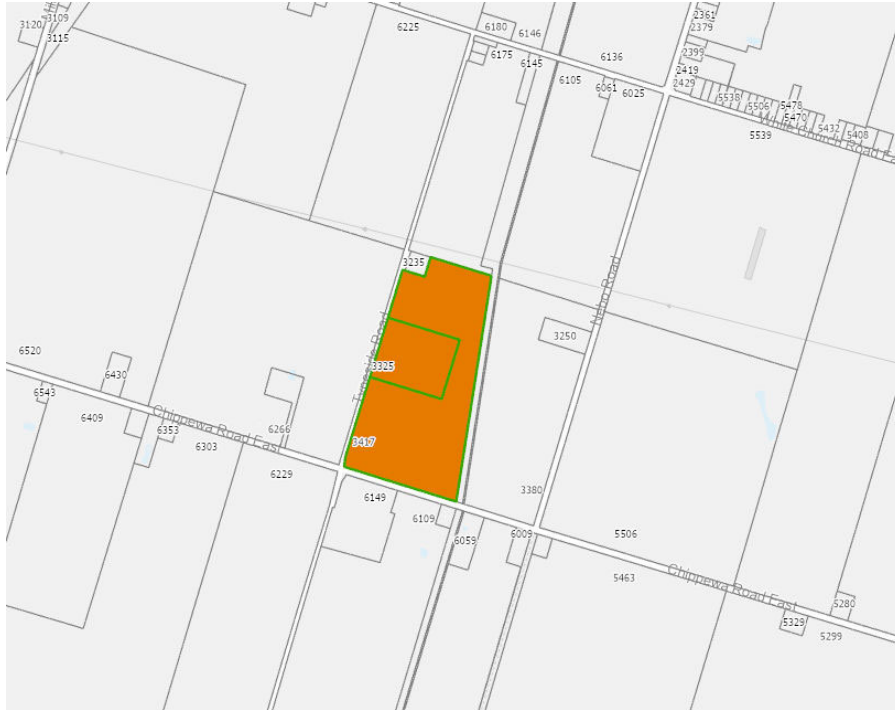
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:188, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:188



 Subject Lands

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENTCity Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca**PARTICIPATION PROCEDURES****Written Submissions**

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

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. 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.

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.



SCALE 1:2500

SITE STATISTICS CHART

(A1) ZONING BY-LAW		3325 TYNESIDE		3417 TYNESIDE	
ITEMS	REQUIRED	EXISTING	PROPOSED	EXISTING	PROPOSED
Lot Frontage	-	±182.80 m	±419.16 m	± 768.20 m	± 531.85 m
Lot Area	40.4 ha	±4.1 ha	±13.1 ha	±15.7 ha	±6.7 ha
Lot Width	30.0m	±182.80 m	VARIES	VARIES	±275.70 m
Front Yard	15.0m	±118.80 m	±118.80 m	±40.0 m	±40.0 m
Side Yard	15.0m	±38.46 m	±38.46 m	±35.0 m	±35.0 m
Rear Yard	15.0m	±67.67 m	±139.58 m	±588.06 m	±200.54 m
Use	-			Agricultural	

REQUESTED VARIANCES

VARIANCE NO.1 - TO PERMIT A MINIMUM LOT AREA OF ±6.0 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3417 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.

VARIANCE NO. 2 - TO PERMIT A MINIMUM LOT AREA OF ±12.5 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3325 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.

EXISTING AGRICULTURAL

EXISTING AGRICULTURAL

TYNESIDE RD

CHIPPEWA RD E

LANDS TO BE SEVERED AND ADDED TO 3325 TYNESIDE ROAD
AREA = ±9.0 ha (22.2 acres)

EXISTING SINGLE DETACHED 1 STOREY DWELLING (TO REMAIN)
BUILDING FOOTPRINT: ±1,184m²
GFA: ±1,184m²

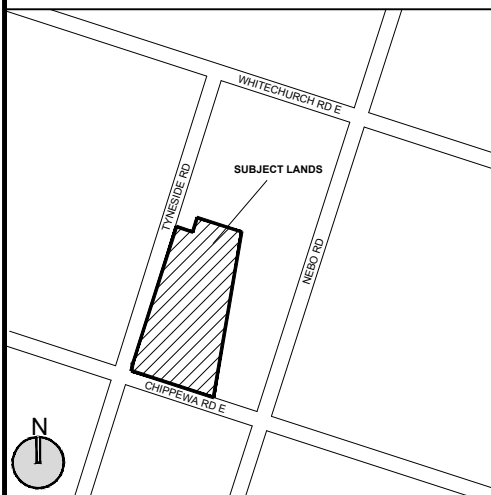
3325 TYNESIDE ROAD AREA = ±4.1 ha (10.1 acres)

EXISTING POOL HOUSE (TO REMAIN)
BUILDING FOOTPRINT: ±94m²
GFA: ±94m²

LANDS TO BE RETAINED ON 3417 TYNESIDE ROAD
AREA = ±6.7 ha (16.3 acres)

EXISTING SINGLE DETACHED 1 STOREY DWELLING (TO REMAIN)
BUILDING FOOTPRINT: ±519m²
GFA: ±519m²

KEY MAP - N.T.S.



LEGEND:

- SUBJECT LANDS
- - - PROPOSED SEVERANCE LINE
- ▨ EXISTING BUILDINGS
- LANDS SEVERED FROM 3417 TYNESIDE RD
- LANDS RETAINED ON 3417 TYNESIDE RD
- ▨ 3325 TYNESIDE RD
- ▨ EXISTING NPCA REGULATED AREA

SCALE 1:2500
METRES



PREPARED BY:



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

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.

TITLE:

COMMITTEE OF ADJUSTMENT SKETCH

PROJECT:

3325 & 3417 TYNESIDE ROAD
CITY OF HAMILTON

CLIENT:

KYLE AQUIN & RACHEL BENNISON

DESIGN BY: L. TAIBI

CHECKED BY: S. ERICKSON

DRAWN BY: L. TAIBI

DATE: JULY 24, 2024

U/S FILE NUMBER:

SHEET NUMBER:

507-24

1



August 1, 2024

507-24

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

RE: 3417 & 3325 TYNESIDE ROAD, GLANBROOK
Application for Consent to Sever and Minor Variance to the City of Hamilton Zoning By-law
No. 05-200

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) have been retained by Kyle Aquin & Rachel Bennison, the registered owners of 3417 Tyneside Road, in the former Township of Glanbrook. On their behalf, UrbanSolutions is pleased to submit the enclosed Consent to Sever and Minor Variance applications.

Proposal

The subject lands are comprised of two parcels, 3417 and 3325 Tyneside Road, at the northeast corner of Tyneside Road and Chippewa Road in Glanbrook. The locale is comprised of both rural, non-farm residences as well as large-scale agricultural operations. The lands at 3417 Tyneside Road are an irregularly 'U-shaped' corner lot at the northeast corner of Chippewa Road East and Tyneside Road, with an area of ± 15.7 -hectares and ± 768.30 metres of combined frontage along Tyneside Road and Chippewa Road East. The lands at 3325 Tyneside Road are comprised of a square-shaped, ± 4.1 -hectare parcel with ± 182.80 metres of frontage along the east side of Tyneside Road, and are surrounded by 3417 Tyneside Road. Each parcel currently supports a single detached dwelling which is a permitted use, while 3417 Tyneside Road also supports farming on the majority of the property, forming part of a larger agricultural operation spanning across numerous neighbouring properties.

The purpose of this application is to transfer a ± 9 -hectare portion of land from 3417 Tyneside Road to merge with 3325 Tyneside Road. No lot creation is proposed and the farming practice will continue following the approval of the lot line adjustment. In order to facilitate this proposal for the transfer of lands between the two parcels, consent to sever and a minor variance to the Zoning By-law is required as follows:

Minor Variance No. 1 – To permit a minimum lot area of ± 6.0 hectares for Agriculture uses for the resulting parcel at 3417 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

Minor Variance No. 2 – To permit a minimum lot area of ± 12.5 hectares for Agriculture uses for the resulting parcel at 3325 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

Specifically, the lot area adjustments are outlined in the following table:

Parcel	Existing Area	Proposed Area	Net Change
3325 Tyneside	±4.1 ha	±13.1 ha	±9 ha Added
3417 Tyneside	±15.7 ha	±6.7 ha	±9 ha Removed

This application is similar to the Consent to Sever and Minor Variance applications at 6105 and 6061 White Church Road, which both received support from Staff. The Consent to Sever application obtained conditional approval to transfer a 0.1-hectare portion of land to an abutting parcel on December 8, 2024 (GL/B-22:115), and the Minor Variance application was subsequently approved by the Committee of Adjustment on June 15, 2023 (GL/A-23:116) to permit a smaller minimum lot area for the agricultural use.

Policy Framework

The subject lands are both designated 'Protected Countryside' and are within a *Prime Agricultural Area* according to the Greenbelt Plan. The subject lands are also designated as 'Agriculture' in the Rural Hamilton Official Plan (RHOP) Schedule D and are zoned as 'Agriculture (A1) Zone' under the City of Hamilton Zoning By-law No. 05-200.

As previously mentioned, the lands are designated 'Protected Countryside' in the Greenbelt Plan. Section 4.6 e) of the Greenbelt Plan applies to lot additions or boundary adjustments, and states:

"4.6.1 Lot creation is discouraged and may only be permitted for:

...

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *specialty crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*."

Regarding lot additions in the Agricultural area, Section F.1.14.2.1 of the RHOP states:

"F.1.14.2.1 d) All proposed lot additions shall:

- i) Comply with the policies of this plan including rural settlement plans where one exists;
- ii) Be compatible with and not hinder surrounding agricultural operations;
- iii) Conform to the Zoning By-law;
- iv) Only be permitted when both lots will retain frontage on a public road;
- v) Meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

F.1.14.2.1 e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

F.1.14.2.1 f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain *agricultural uses*, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of *agricultural use*.”

Section F.1.14.2.5 of the RHOP further details policy direction regarding lot additions across all designations except Rural Settlement Areas. The applicable policies of Section F.1.14.2.5 state:

“F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
...
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

Minor Variance & Consent to Sever Analysis

The proposal demonstrates conformity with the criteria established in Sections F.1.14.2.1 d)-f) and F.1.14.2.5 of the RHOP as the lot addition will be compatible with onsite and surrounding agricultural operations, conform to the Zoning By-law through approval of a minor variance, both lots will retain frontage on a public road, and both lots will meet the requirements of Section C.5.1 of the RHOP. Further, the proposal will not create a new lot, establish an appropriate minimum lot size for the respective uses, and will transfer lands to an abutting landowner. Per Guideline #8 of the *Minimum Distance Separation (MDS) Document, 2016*, an MDS I setback is not required for purposes including minor boundary adjustments which do not result in the creation of a new lot. As such, the proposal is in keeping with the general intent and purpose of the Rural Hamilton Official Plan.

The proposed uses are permitted within the existing 'A1' zone, however the requested variance is required to permit a smaller lot area than what is permitted in the Zoning By-law. The proposed boundary adjustment will result in an approximate 2.5-hectare increase in the minimum parcel size between the two properties, from ± 4.1 hectares to ± 6.7 hectares. Further, while a minor variance is required to ensure compliance with the applicable Zoning By-law regulations, the resulting geometry is more in keeping with the default minimum lot area requirements than the existing lot fabric. As such, the proposal is in keeping with the general intent and purpose of the City of Hamilton Zoning By-law No. 05-200.

The proposed lot addition in essence 'flips' the existing lot fabric, with the larger portion of land between the two parcels being shifted from 3417 Tyneside Road to 3325 Tyneside Road. Similarly to the existing conditions, the larger of the two parcels will also retain frontage along both Tyneside Road and Chippewa Road. As such, the requested variance does not create a notable deviation from the existing conditions of the lands. Further, no new structures are proposed, and the existing uses inclusive of the farming practice will remain in place. As the physical built form on the lands will not change and the established character of the locale will not be altered by the proposal, the requested variance is deemed to be minor in nature.

The proposal intends to facilitate a severance that will transfer approximately 9 hectares of agricultural land between the two parcels, land which is currently associated with a substantial farming operation spanning across a number of properties in the area. A noteworthy trait of the proposal is that the viability of farming the lands which are subject to the transfer is not put at risk through this application as the resulting lot fabrics will remain capable of accommodating the existing agricultural operation. Therefore, the variance is desirable for the appropriate development of the lands.

Conclusion

The requested variance satisfies the four tests as per Section 45(1) of the *Planning Act*, R.S.O, 1990 and the application 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. The proposal is consistent with the Ontario Provincial Planning Statement, conforms to the Growth Plan, and demonstrates conformity with Section 4.6.1 e) of the Greenbelt Plan as the proposal does not seek to create a new lot within a Prime Agricultural area, nor affect the viability of farming the lands. The proposed severance conforms to the criteria outlined in Sections F.1.14.2.1 and F.1.16 of the Rural Hamilton Official Plan. Additionally, the continued use of the lands as single-detached dwelling and agriculture implements the intent of the 'A1' zoning applied through the City of Hamilton Zoning By-law No. 05-200. Based on the above analysis, the proposed development represents good land use planning.

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 completed Minor Variance application form;
- One (1) copy of the Committee of Adjustment sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,900.00** made payable to the City of Hamilton for the Minor Variance Application fee;
- One (1) cheque in the amount of **\$3,375.00** made payable to the City of Hamilton for the Consent to Sever Application base fee; and,
- One (1) cheque in the amount of **\$440.00** made payable to the City of Hamilton for the Consent to Sever Application additional fee where no sanitary sewer exists.

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



Stefano Rosatone, BES
Planner

cc: Kyle Aquin & Rachel Bennison (Owners) c/o Mark Dudzic
Sandra Sergio (Applicant & Purchaser) c/o Phillip Kuca

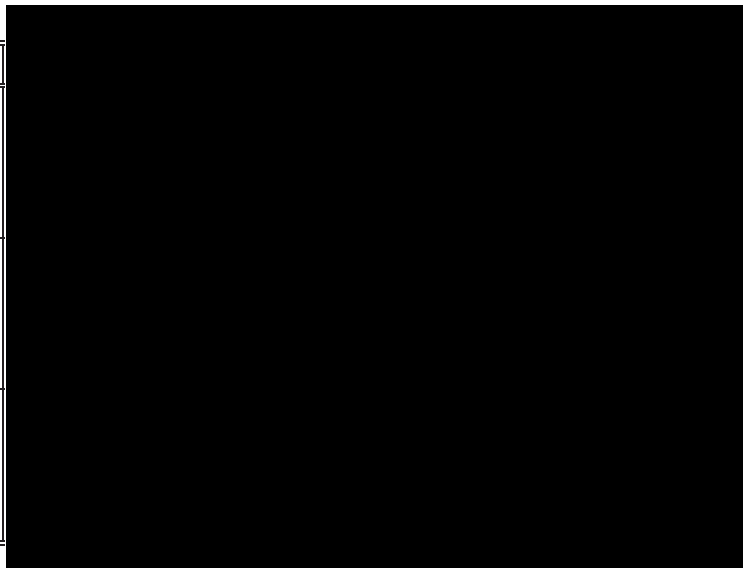


Hamilton

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Kyle Aquin & Rachel Bennison c/o Mark Dudzic, Dudzic Law
Applicant(s)	Sandra Sergio c/o Phillip Kuca, Gatestone Law
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston



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	3417 Tyneside Road & 3325 Tyneside Road, Glanbrook		
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:

N/A WE1570600, to erect, maintain, operate, etc. electrical transmission lines (Hydro One).

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 smaller lot area than what is permitted in the Zoning By-law.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to cover letter.

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

Yes No

If yes, please provide an explanation:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
+/- 951 m (Both Lots)	Varies	+/- 19.8 ha (Both Lots)	+/- 11 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
PLEASE REFER TO ENCLOSED COMMITTEE OF ADJUSTMENT SKETCH				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PLEASE REFER TO ENCLOSED COMMITTEE OF ADJUSTMENT SKETCH				

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
PLEASE REFER TO ENCLOSED COMMITTEE OF ADJUSTMENT SKETCH				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PLEASE REFER TO ENCLOSED COMMITTEE OF ADJUSTMENT SKETCH				

- 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 dwellings, Agriculture.

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

Single-detached dwellings, Agriculture.

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 dwellings, Agriculture.

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

Single-detached dwellings, Agriculture.

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): 'Agriculture' Designation

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) n/a

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

Please refer to the enclosed cover letter.

7.6 What is the existing zoning of the subject land? "A1" Zone [Zoning By-law 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: _____

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: Concurrent Consent Application - see cover letter.

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):

Please refer to enclosed cover 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

A-24:188 – 3417 Tyneside Road & 3325 Tyneside Road, Glanbrook

Recommendation:

Development Planning – Deny Severance and Variances

Proposed Conditions:

Proposed Notes:

If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



Hamilton

Development Planning:

To permit the conveyance of a parcel of land to be added to property known municipally as 3325 Tyneside Road. This application was previously heard at the September 10, 2024 hearing and was tabled. The application has not been modified from what was previously submitted.

	Frontage	Depth	Area
SEVERED LANDS	236.36m±	Varies m±	9.0 ha ±
RETAINED LANDS	768.20 m±	Varies m±	6.7 ha ±

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Agricultural” on Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. The lands are further identified as “Protected Countryside” within Schedule A of the Rural Hamilton Official Plan. Policies F.1.14.2.1.d), e), f) and F.1.14.2.5 among others, are applicable and only permit lot creation and lot additions under very specific circumstances. Staff defer any private water and wastewater concerns to Source Water Planning.

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

d) All proposed lot additions shall:

vi) comply with the policies of this Plan including rural settlement area plans where one exists;

vii) be compatible with and not hinder surrounding agricultural operations;

viii) conform to the Zoning By-law;

ix) only be permitted when both lots will retain frontage on a public road;

x) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).



Hamilton

- e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.
- f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- Policy F.1.14.2.5 states that lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:
- a) No new lots shall be created;
- b) All resulting lots shall be:
- i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

Staff note that the application proposes a lot addition from 3417 Tyneside Road with the lands to be added to 3325 Tyneside Road. Staff note that no physical changes are being proposed. Staff note that Policy F.1.14.2.5 c) states that lands within the Agriculture designation where the lot addition is



Hamilton

for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares. Staff note that both of the resultant lots are well below the 40.4 hectare (100 acre) area requirement. The resultant lots will be going from ± 4.1 hectares and ± 15.7 hectares in size, to ± 13.1 hectares and ± 6.7 hectares in size, respectively. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce its future viability as productive agricultural land. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in Policy F.1.14.2.5 c). Furthermore, all of the productive agricultural land is currently located on one existing parcel (3417 Tyneside Road). The proposed lot line adjustment would result in the productive farmland now being on two separate parcels, which has the effect of further fragmenting the agricultural land base and reducing the viability of future farming operations. The proposed lot line adjustment does not comply with the Rural Hamilton Official Plan.

Staff also note that portions of the lands are within the Regulated Area of the Niagara Peninsula Conservation Authority. Policy B.3.6.5.11 states that development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority. Staff have not received any such correspondence or consent.

Based on the foregoing staff recommend the severance application be denied.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 4) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 5) In areas of pioneer Euro-Canadian settlement; and
- 6) Along historic transportation routes.

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

Hamilton Zoning By-law No. 05-200

The subject site is zoned "A1" Agriculture, which permits a single detached dwelling.

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Variance 1 and 2

Lands to be retained;

1. A minimum lot area of 6.7 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

Lands to be severed;

2. A minimum lot area of 13.1 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required

The intent of this provision is to ensure conformity with Policy F.1.14.2.5 c) of the Rural Hamilton Official Plan. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce it's future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in the Rural Hamilton Official Plan and does not been the intent of the Rural Hamilton Official Plan. Staff are of the opinion that the variance is not minor in nature nor is it in keeping with the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law No. 05-200.

Staff are of the opinion that the variances do not meet the four tests of a minor variance. Based on the foregoing, **staff recommend the variances be denied.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Requested variances are required to facilitate severance application B-24:49. 2. Variances written as requested by the applicant.
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;</p> <p>2) In areas of pioneer Euro-Canadian settlement; and</p> <p>3) Along historic transportation routes</p> <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>Cultural Heritage:</p> <p>No comments</p>
Notes:	<p>If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:</p> <p>“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



Re: October 22, 2024 COA Agenda Available

From Kyle Riley <kriley@npca.ca>
Date Fri 10/4/2024 4:01 PM
To Committee of adjustment <cofa@hamilton.ca>

1 attachments (634 KB)

Extent Basemap 3417 and 3325 Tyneside Road.pdf;

External Email: Use caution with links and attachments

Hello Jamila,

The Niagara Peninsula Conservation Authority (NPCA) Has reviewed the agenda items for Hamiltons CofA meeting to be held on October 22nd, 2024.

The following Proposals are within the area of out Mandate.

A-24:188 and B-24:49: 3325 & 3417 Tyneside Road

The Applicants are proposing a boundary adjustment to add 9 ha from 3417 Tyneside to 3325. 3412 Tyneside would retain a total area of 6.7 ha, while 3325 Tyneside would have a total area of 13.1 ha. As no lot creation is proposed (and as this is only a boundary adjustment which will continue existing usages), the NPCA offers No Objections to the proposal. No fees for Planning or Permitting are required for our review of this file.

Thank you for circulating this agenda to our Offices for comments.

Best,



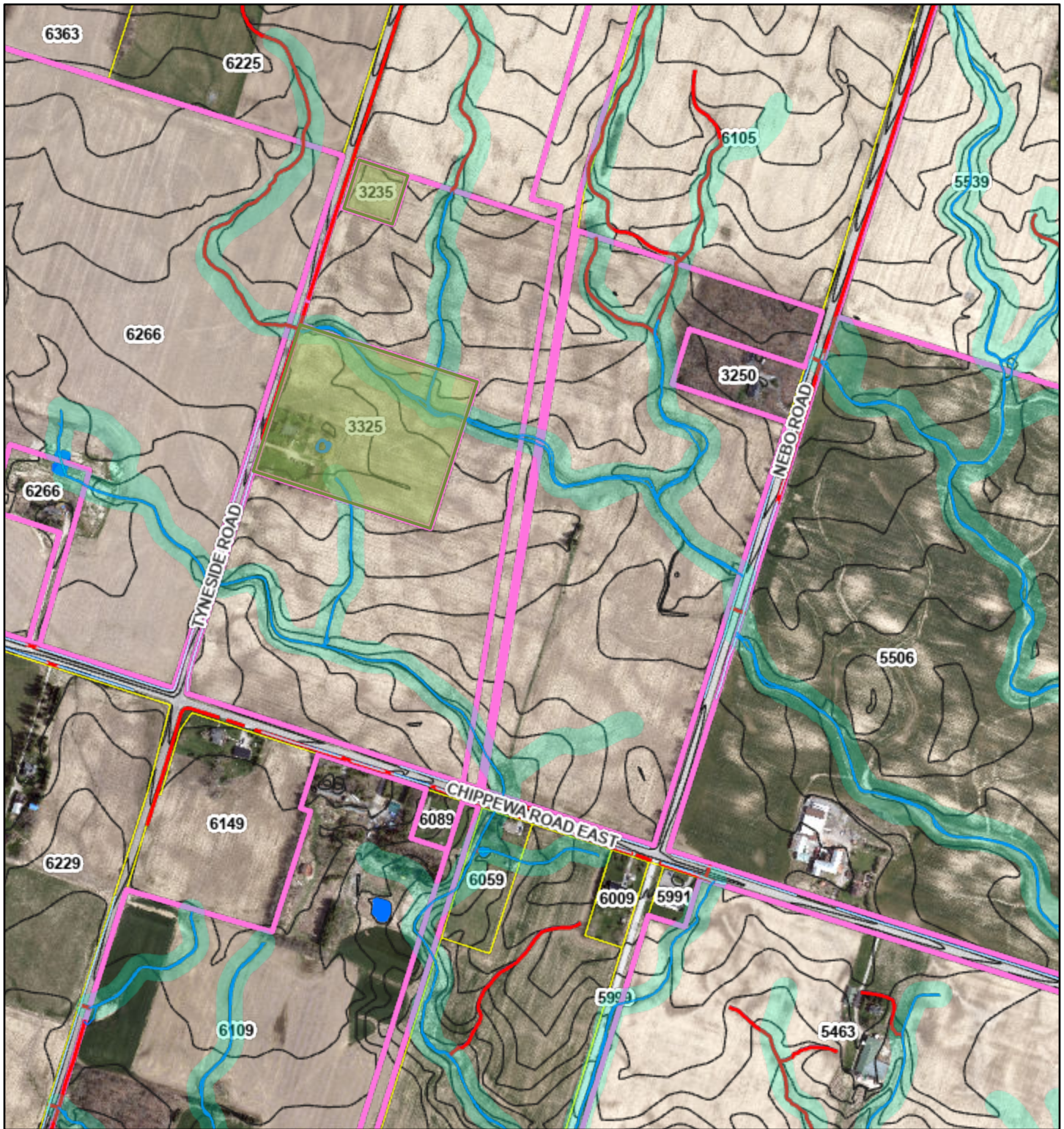
Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

ArcGIS Web Map

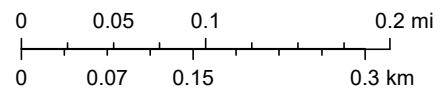


8/22/2024, 2:35:49 PM

1:9,028

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Assessment Parcels _Query result
- Roads
- NPCA APPROXIMATE REGULATION LANDS

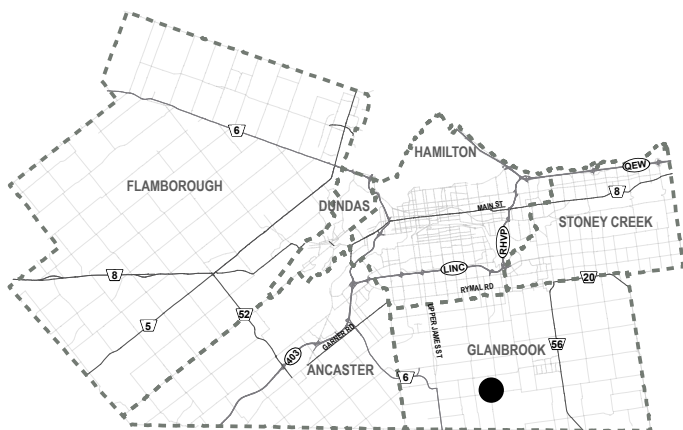


NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS





● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

-  3417 Tyneside Road, Glanbrook (Ward 11)
-  3325 Tyneside Road, Glanbrook (Ward 11)

File Name/Number:
A-24:188

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:208	SUBJECT PROPERTY:	0 Portia Drive, Ancaster
ZONE:	C7 - Arterial Commercial	ZONING BY-LAW:	Zoning By-law Hamilton 05-200

APPLICANTS:

Owner: Duff's Corner Developments Inc.

Agent: Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston

The following variances are requested:

1. To permit the use of a Medical Clinic whereas the zoning by-law does not permit this use in a C7-Arterial Commercial zone.
2. To permit a minimum of 1 space for every 26.0 square meters of gross floor area for a Medical Clinic whereas the by-law requires a minimum of 4.5 per 100 square metres of gross floor area.
3. To permit a minimum of 5% combined landscape area for parking islands for a parking lot containing 50 or more parking spaces whereas the by-law requires a minimum of 10%.
4. To permit a minimum landscaped parking island of 3.5 square metres whereas the by-law requires a minimum of 10 square metres.

PURPOSE & EFFECT: So as to permit the construction of a two-storey medical clinic with 95 parking spaces.

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:

A-24:208

DATE:	Tuesday, October 22, 2024
TIME:	1:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 2024

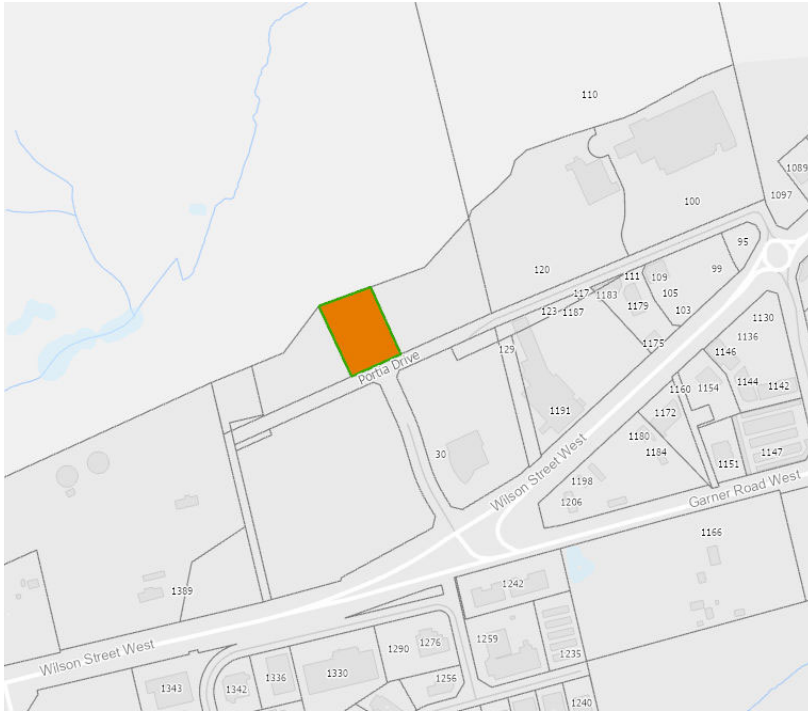
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:208, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:208



 Subject Lands

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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. 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.

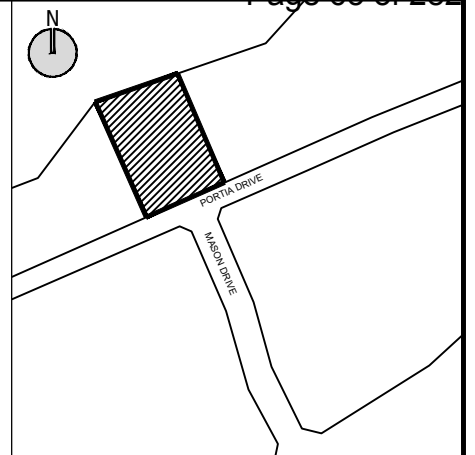
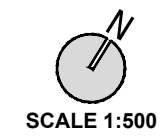
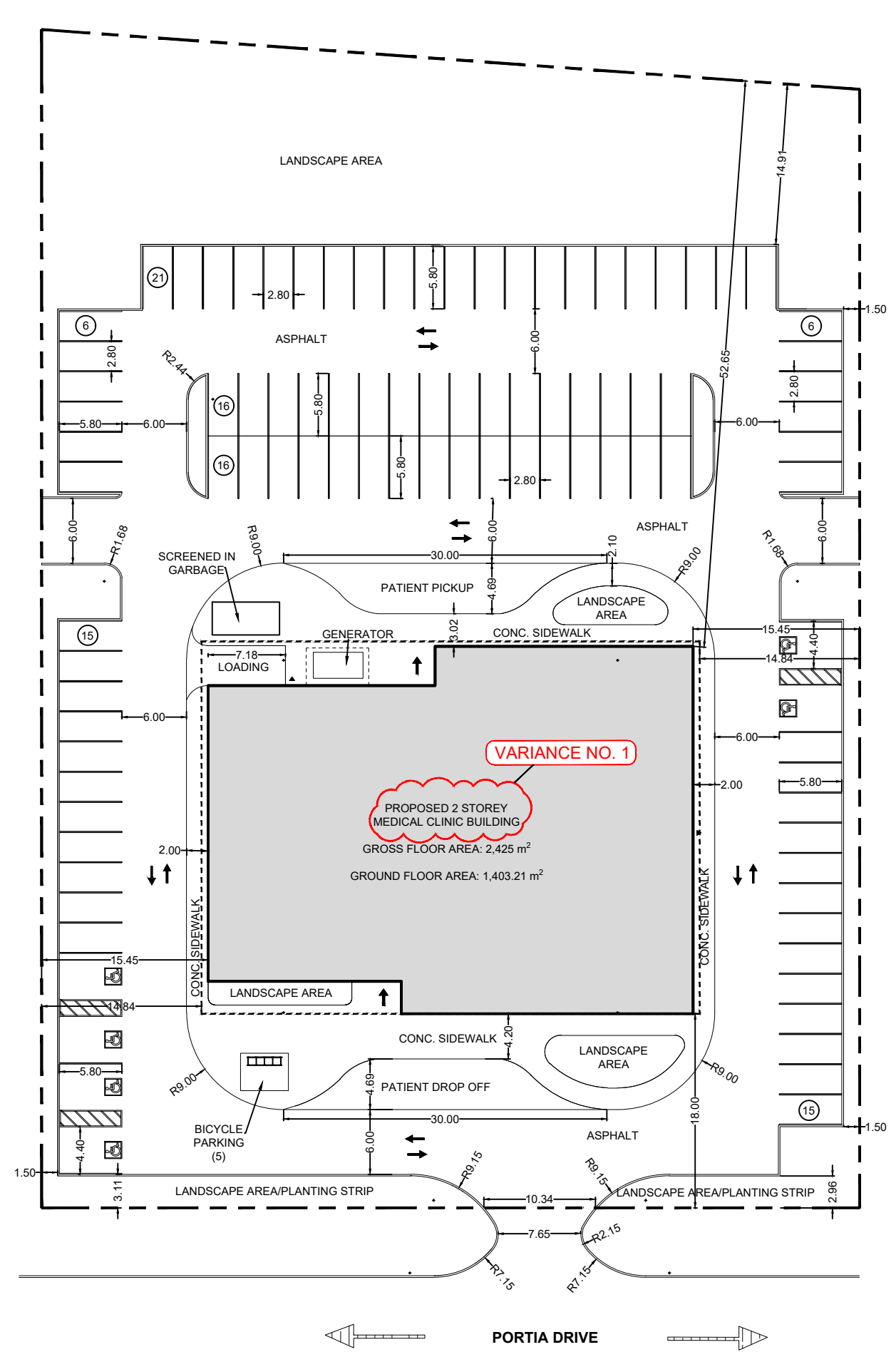
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

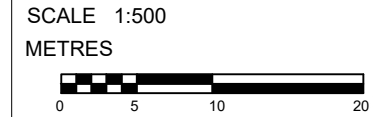
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 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.

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.



KEY MAP - N.T.S.



- LEGEND**
- SUBJECT LANDS
 - PROPOSED MEDICAL CLINIC
 - ROOF OVERHANG ABOVE

VARIANCES TO THE CITY OF HAMILTON ZONING BY-LAW NO. 05-200.

VARIANCE NO. 1: TO PERMIT THE USE OF A MEDICAL CLINIC ON THE SUBJECT LANDS, WHEREAS SUCH IS NOT CURRENTLY PERMITTED WITHIN THE ARTERIAL COMMERCIAL (C7, 650) ZONE.

VARIANCE NO. 2: TO REDUCE THE MINIMUM REQUIRED NUMBER OF PARKING SPACES FOR A MEDICAL CLINIC TO 1 SPACE FOR EVERY 26.0 SQUARE METRES OF GROSS FLOOR AREA, WHEREAS A MINIMUM OF 1 SPACE FOR EVERY 16.0 SQUARE METRES OF GROSS FLOOR AREA IS CURRENTLY REQUIRED.

VARIANCE NO. 3: TO REDUCE THE MINIMUM REQUIRED COMBINED AREA FOR LANDSCAPE PARKING ISLANDS TO 5% OF THE AREA OF ANY PARKING LOT WHERE 50 OR MORE PARKING SPACES ARE PROVIDED, WHEREAS A MINIMUM OF 10% IS CURRENTLY REQUIRED.

VARIANCE NO. 4: TO REDUCE THE MINIMUM AREA OF EACH LANDSCAPE PARKING ISLAND TO 3.5 SQUARE METRES, WHEREAS A MINIMUM OF 10.0 SQUARE METRES IS CURRENTLY REQUIRED.

Development Statistics		
Zone: Arterial Commercial C7,650		
Item	Required	Proposed
Lot Area	N/A	8,085.97 m ²
Lot Frontage	N/A	75.91 m
Permitted Uses	Varies (Not Medical Clinic)	Medical Clinic
Min. Building Setback to a Street Line	18.0 m	18.0 m
Min. Rear Yard	6.0 m	52.65 m
Min. Interior Side Yard	1.5 m	15.45 m
Max. Building Height	14.0 m	TBC
Min. Setback to a P7 Zone	7.5 m	52.65 m
Landscape Area	N/A	2,039.92 m ² (25.23%)
Parking		
Min. Vehicle Spaces	1/16 m ² of GFA = 151.56 spaces	95 spaces
Min. Barrier Free Spaces	1 space + 3% of required spaces = 5.53 spaces	6 spaces
Min. Short Term Bicycle Parking Spaces	5 spaces	5 spaces
Min. Landscaped Parking Islands	10%	315.55 m² (5.0%)
Min. Landscaped Parking Island Size	10 m ²	3.6 m²

VARIANCE NO. 2

VARIANCE NO. 3

VARIANCE NO. 4

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: C & PARTNERS CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: SEPTEMBER 11, 2024



PROJECT:
0 Portia Drive
CITY OF HAMILTON

CLIENT:
Duff's Corner Developments Inc.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 227-17 SHEET NUMBER: 1



September 13, 2024

227-17

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 0 Portia Drive, Ancaster
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Duff's Corners Developments Inc. c/o Mr. Brian Leggat, the registered owner of the subject lands municipally known as 0 Portia Drive in Ancaster. On behalf of the owner, UrbanSolutions is pleased to submit the enclosed Minor Variance application and supporting materials.

Subject Lands

The subject lands are identified as an 'Employment Area' on Schedule E – Urban Structure of the Urban Hamilton Official Plan (UHOP), are designated 'Arterial Commercial' on Schedule E-1 – Urban Land Use Designation of the UHOP, and are zoned Arterial Commercial (C7, 650) in the City of Hamilton Zoning By-law No. 05-200. The subject site comprises a portion of a larger (currently vacant) parcel owned by the applicant and represents part of Block 2 in Plan 62M-1067, being the Duffs Corners Corporate Business Park. The site has a total area of 0.89 hectares, a maximum depth of 109.3 metres, and 75.9 metres of frontage on Portia Drive.

Proposed Development

As outlined in the enclosed Minor Variance Sketch, The proposed development consists of a two-storey medical clinic having a total GFA of 2,425.0 square metres and 95 surface parking stalls.

Requested Variances

The purpose of this application is to address zoning nonconformities associated with the proposed development. As outlined on the enclosed Minor Variance Sketch, the variances required are outlined below followed by planning rationale in support of the request:

- **Minor Variance No. 1:** To permit the use of a medical clinic on the subject lands, whereas such is not currently permitted within the Arterial Commercial (C7, 650) Zone.

While the UHOP indicates that the Arterial Commercial designation is intended to provide a range of commercial uses catering to the travelling or drive-by consumer, such does not currently permit medical clinics which have evolved from primarily small, local practitioners to include large, multi-functional facilities offering a range of services to the greater community. This evolution is supported by the Province's *'Your Health: A Plan for Connected and Convenient Care'* initiative which recently introduced regulatory changes to expand OHIP-insured surgical and diagnostic services to reduce wait times and improve service delivery. This requested variance is in keeping with the expressed intent of Staff outlined in Committee of Adjustment Report A-24:131 dated July 2, 2024 respecting the lands located at 1025 Wilson Street West in Ancaster, wherein Staff identify a gap in the existing policy framework respecting permitted commercial uses within the 'Arterial Commercial' designation. As such, the requested variance is in keeping with the general purpose and intent of the UHOP and Zoning By-law No. 05-200.

- **Minor Variance No. 2:** To reduce the minimum required number of parking spaces for a medical clinic to 1 space for every 26.0 square metres of gross floor area, whereas a minimum of 1 space for every 16.0 square metres of gross floor area is currently required.

While Section 5.6 c) of Zoning By-law No. 05-200 currently requires the proposed medical clinic (having a total gross floor area of 2,425.0 square metres) to have a minimum of 151 parking spaces based on a ratio of 1 space for every 16.0 square metres of gross floor area (GFA), the City's newly proposed parking regulations introduced via By-law 24-052 reduces this minimum requirement to 109 spaces; based on a ratio of 4.5 spaces for every 100 square metres of GFA. As such, while this requested variance seeks to reduce the minimum parking requirement by a total of 56 spaces based on *current* zoning regulations, such only seeks a reduction of 14 spaces from the City's proposed parking regulations which represent the expressed intent of Council. This minor reduction is necessary to accommodate the minimum required 10.0 metre setback from the existing Core Area located directly north of the subject lands, as recommended in the supporting Environmental Impact Study prepared by GeoProcess Research Associates. Further, the proposed development is a purpose-built medical facility with rigid scheduling requirements and no walk-in service offerings, thereby demanding fewer parking spaces than a traditional medical clinic. This ratio will accommodate the required parking demand on-site and thus satisfies the four tests outlined in Section 45(1) of the *Planning Act*.

- **Minor Variance No. 3:** To reduce the minimum required combined area for Landscape Parking Islands to 5% of the area of any parking lot where 50 or more parking spaces are provided, whereas a minimum of 10% is currently required.
- **Minor Variance No. 4:** To reduce the minimum area of each Landscape Parking Island to 3.5 square metres, whereas a minimum of 10.0 square metres is currently required.

Variances Nos. 3 and 4 are necessary to facilitate the proposed building footprint and total number of parking spaces while accommodating a sizable vegetation protection zone (VPZ) separating the site's developable area from the existing core area to the north. While Natural Heritage Staff identified the requirement for a (minimum) 10.0 metre VPZ during a recent site visit attended by both UrbanSolutions and GeoProcess, the proposed site design incorporates an

increased setback with an average depth of 17.07 metres. This area will be planted with natural, self-sustaining vegetation to enhance the ecological functions of the abutting Core Area and provide protection during construction (in accordance with Section 2.5.9 of the UHOP).

Based on the above, the requested variances satisfy the four tests outlined in Section 45(1) of the *Planning Act*, in that such conform to and implement the policies of the UHOP and applicable regulations contained within Zoning By-law No. 05-200; are minor in nature; and are desirable and appropriate for the subject lands. Accordingly, it is our professional opinion that the requested variance represents good land use planning.

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

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions and C& Partners Architects, and;
- One (1) cheque in the amount of **\$3,900.00** payable to the City of Hamilton for the Minor Variance application.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions


Matt Johnston, MCIP, RPP
Principal


Matthew LeBlanc, M.PL, BA (Hons)
Planner

cc: Duff's Corners Developments Inc. c/o Mr. Brian Leggat (via email)



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Duff's Corner Developments Inc.
Applicant(s)	Same as owner.
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

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 Please send all correspondence to both agent email addresses listed above.

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	0 Portia Drive		
Assessment Roll Number	140220529920000		
Former Municipality	Ancaster		
Lot		Concession	
Registered Plan Number	62M-1067	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:

Please refer to the enclosed Cover Letter for a description of the extent of relief being applied for through the requested variances.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to the enclosed Cover Letter for an explanation as to why it is not possible to comply with the provisions of the By-law.

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

Yes No

If yes, please provide an explanation:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
75.91 metres	varies	+/- 0.81 hectares	20.0 metres

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: **Note: The subject lands are currently vacant.**

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Medical Building	18.0 metres	52.65 metres	East: 15.45 metres West: 15.45 metres	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
The subject lands are currently vacant.				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Medical Building	1,403.21 sq. m	2,424 sq. m	2	2-storeys , < 14m

- 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.):

2-storey Medical Building

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

Vacant

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)

Vacant

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:

Indefinitely

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) Arterial Commercial

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

7.6 What is the existing zoning of the subject land? Arterial Commercial (C7, 650)

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: N/A

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):

Please refer to the enclosed Cover Letter for more information on the extent of the requested variances.

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

A-24:208 – 0 Portia Drive, Ancaster

Recommendation:

Development Planning - Table

Proposed Conditions:

Proposed Notes:



Hamilton

Development Planning:

Background

So as to permit the construction of a two-storey medical clinic with 95 parking spaces.

Formal Consultation application FC-23-091, Development Planning staff noted that the proposed medical clinic on the subject lands had merit but required Official Plan Amendment and Zoning By-law Amendment applications to permit the proposal. However, Official Plan Policy Interpretation (POL-001) speaks further to the intent of the Urban Hamilton Official Plan, discussed in more detail below. FC-23-091 also identified a number of technical studies that would be required to support the proposed development, including an Environmental Impact Study.

Staff further note that the subject lands form part of Block 2 in Plan 62M-1067 and the proposed development is only illustrated on a portion of Block 2. A Part Lot Control application has not been submitted to subdivide Block 2 nor has a formal Site Plan Control application been submitted to facilitate the proposed development.

Analysis

Provincial Planning Statement (2024)

Sections 2.8 and 3.5 of the Provincial Planning Statement (2024) require planning authorities to, amongst other things, ensure land use compatibility between employment areas and sensitive land uses on adjacent lands. More specifically, Policies 2.8.1.3 and 3.5.2 state the following:

- “2.8.1.3 In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.
- 3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential



Hamilton

impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.”

Staff note that the subject lands are within 300 metres of an existing “Employment Area”, as designated by the Urban Hamilton Official Plan Schedule E – Urban Structure. A portion of the Ancaster Business Park is located within 300 metres of the subject lands and includes uses such as a Ministry of Transportation maintenance yard. Additional information is required to ensure that policies 2.8.1.3 and 3.5.2 of Provincial Planning Statement 2024 are satisfied.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Arterial Commercial” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are further designated as “Area Specific Policy UA-6” in Map A-2 – Area Specific Policies of Volume 3 of the Urban Hamilton Official Plan.

Core Areas have been identified both on the subject lands and on adjacent lands on Schedule B – Natural Heritage System of the Urban Hamilton Official Plan. These Core Areas are the Jerseyville Road Woodlot Environmentally Significant Area and a Significant Woodland.

Official Plan Policy Interpretation (POL-001) prepared by the Acting Director of Planning and Chief Planner, dated May 23, 2024, provides policy interpretation regarding medical clinics as a permitted use within the “Arterial Commercial” designation in the Urban Hamilton Official Plan.

The interpretation notes that there is a gap in permitted commercial uses within the existing policy framework, particularly in the “Arterial Commercial” designation.

The intent of the “Arterial Commercial” designation is to provide large, land extensive format commercial uses meant to cater to the travelling or drive-by consumer. Staff note that the nature of medical clinics has evolved to include not just small family practitioners servicing neighbourhoods but also large multi-functioning facilities that offer a range of services to the to the greater community. The Provincial Government is also proceeding with allowing medical clinics to provide a greater range of services and allowing overnight accommodation following surgery.

In light of this, there is merit in the interpretation of commercial uses in the “Arterial Commercial” designation to include medical clinics, specifically larger facilities with a variety of services that would not fit in the more pedestrian oriented “Mixed Use” designations or be appropriate within the neighbourhood or community commercial scale subject to satisfying the policies of Provincial Planning Statement, 2024.



Hamilton

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, Core Areas have been identified at the rear of the property. The Core Areas have been identified as Jerseyville Road Woodlot Environmentally Significant Area and Significant Woodland. In addition, Core Areas (Jerseyville Road Woodlot Environmentally Significant Area, Significant Woodland) have been identified on the property to the north within the Rural Hamilton Official Plan.

Based on policy C.2.3 within the Urban Hamilton Official Plan, Core Areas are to be preserved and enhanced. In addition, any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural feature or ecological functions. When a development proposal has the potential to negatively impact a Core Area's natural features or ecological functions, an Environmental Impact Statement is required. The Environmental Impact Statement is to demonstrate:

- There shall be no negative impacts on the Core Area's natural features or ecological functions;
- Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and groundwater, plants, and wildlife across the landscape; and,
- The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible (policy C.2.5.8).

While the boundaries of the Environmentally Significant Area/Significant Woodland have been staked (June 24, 2024), an Environmental Impact Statement has not yet been submitted. As a result, the location of the vegetation protection zone has not been identified. It has been identified in the cover letter by the applicant that the Environmental Impact Statement has been included, however, it appears that this has not been provided with the submission.

In addition, through the City's Council adopted Urban Forest Strategy, canopy cover is to be increased to 40 percent by 2050 within the urban area. Maintenance of existing trees as well as the planting of new trees will assist in this goal. There is concern that by reducing the landscape areas, opportunities to plant more trees on site cannot be realized.

At this time, Natural Heritage Planning staff recommend that this application should be tabled until the Environmental Impact Statement has been provided and reviewed.

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

The subject lands are zoned Arterial Commercial (C7, 650) Zone in City of Hamilton Zoning By-law No. 05-200. This zone permits a range of large format commercial uses that require large scale and



Hamilton

land extensive built forms to serve the travelling public and a greater area than other commercial zones. This zone does not permit a medical clinic as a use.

Variance 1

1. To permit the uses of a medical clinic whereas the Zoning By-law does not permit this use in the Arterial Commercial (C7) Zone.

The intent of this provision is to ensure the permitted uses in the Arterial Commercial (C7, 650) Zone are consistent with the intent of the Urban Hamilton Official Plan.

Variances 2 to 4

2. To permit a minimum of 1 space for every 26.0 square metres of gross floor area for a medical clinic whereas the Zoning By-law requires a minimum of 4.5 space per 100 square metres of gross floor area.
3. To permit a minimum of 5% combined landscape area for parking islands for a parking lot containing 50 or more parking spaces whereas the Zoning By-law requires a minimum of 10%.
4. To permit a minimum landscaped parking island of 3.5 square metres whereas the Zoning By-law requires a minimum of 10 square metres.

The intent of these provisions is to ensure sufficient parking is provided on-site to accommodate the proposed use and to ensure landscaping is provided on the subject lands for purposes of urban design, stormwater management and the development of a pedestrian friendly environment.

Staff are requesting that this application be tabled as insufficient information is available to determine if the requested minor variances regarding the proposed use, parking, landscaping within landscape islands and the proposed size of landscape islands meet the tests of the *Planning Act*. Staff recommend deferring this application until a Planning Justification Report and landuse compatibility study outlining how this proposal satisfies the requirements of Provincial Planning Statement 2024, amongst other policy documents, is submitted and reviewed by staff, an Environmental Impact Statement has been submitted and reviewed to the satisfaction of Natural Heritage Planning staff and a Site Plan application for this proposed development has been submitted and conditionally approved. The outcome of the detailed review of the items noted above may require design changes to the proposal, which may affect the requested variances.

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Based on the foregoing, **staff recommend tabling this application.**

Zoning:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 250 metres of known archaeological sites; 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and, 3) Along historic transportation routes. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>A Stage 1-2 archaeological report (P040-056) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism.</p> <p>Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff. Staff request a copy of the letter from the Ministry when available.</p> <p>Cultural Heritage:</p> <p>No comments</p>
Notes:	Staff request a copy of the Ministry Letter for the Stage 1-2 archaeological assessment report (P040-056), when available.

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Development Engineering:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

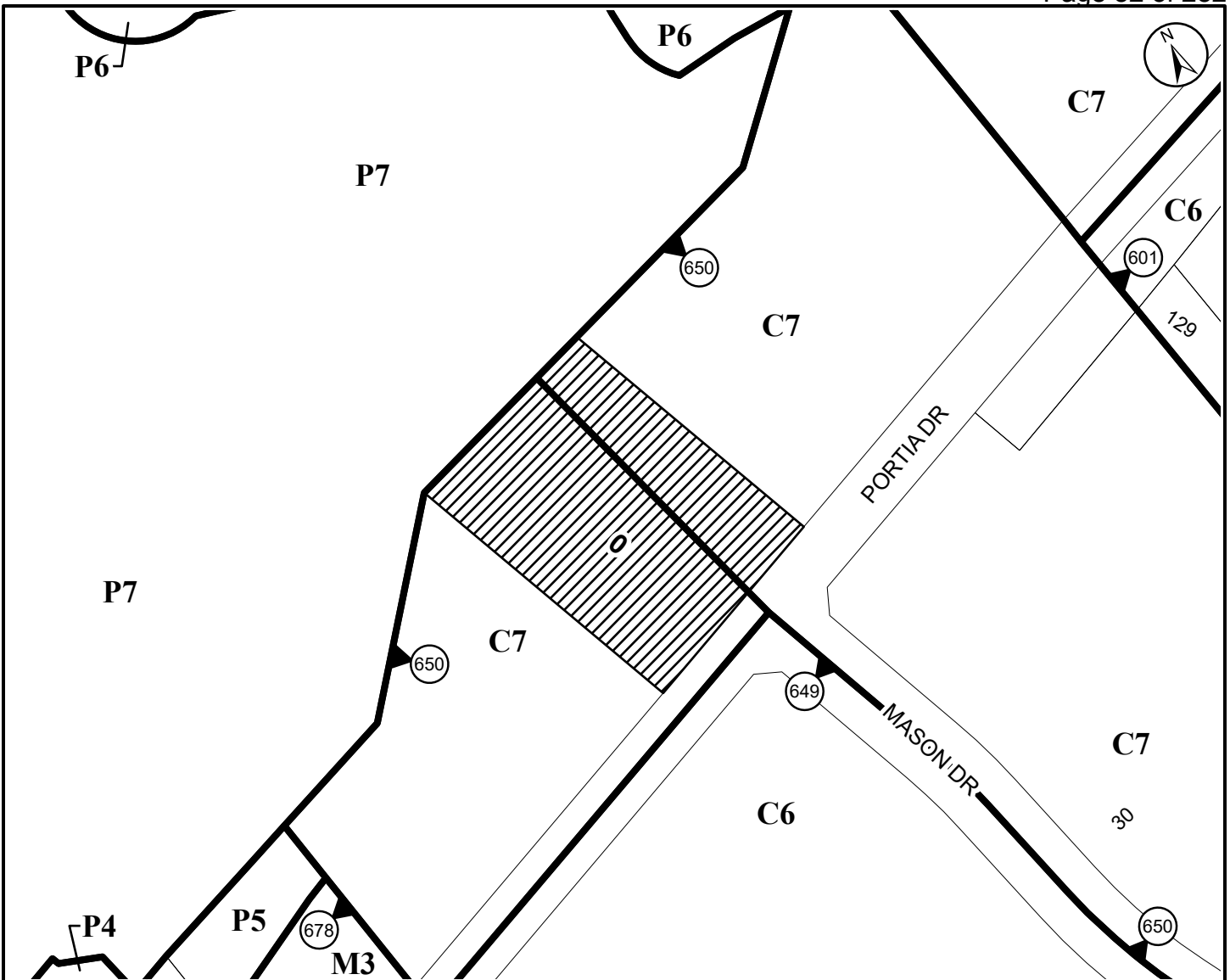
Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the Medical Clinic.

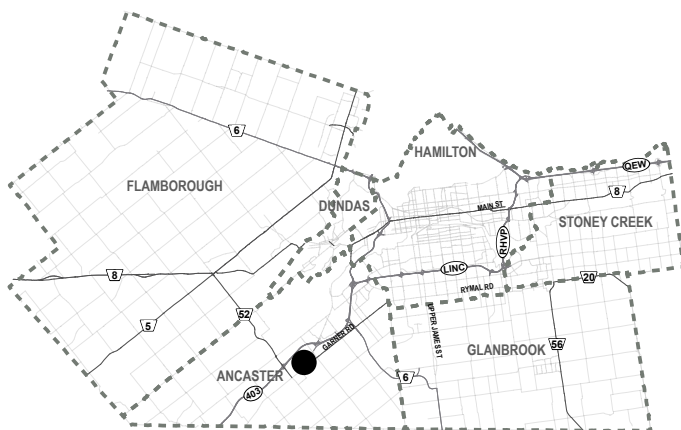
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 0 Portia Drive, Ancaster (Ward 12)

File Name/Number:
A-24:208

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:209	SUBJECT PROPERTY:	46 Beulah Ave, Hamilton
ZONE:	"C/S-1822" (Urban Protected Residential) "R1a" (Low Density Residential) as per By-law No. 24-51 (Not Final	ZONING BY-LAW:	Hamilton Zoning By-law No. 6593 Hamilton Zoning By-law No. 05-200

APPLICANTS: Owner: Alfred Theodore Haines
Applicant: Thea Haines & Oliver Knutton

The following variances are requested:

Hamilton Zoning By-law No. 6593:

1. An outside stairway shall be permitted above the first floor, instead of the requirement that there shall be outside stairway above the first floor other than a required exterior exit.

Hamilton Zoning By-law No. 05-200 [current in-force requirements]:

1. An outside stairway shall be permitted above the first floor, instead of the requirement that there shall be outside stairway above the first floor other than a required exterior exit.

PURPOSE & EFFECT: So as to permit a two (2) storey addition in the rear yard of the existing single detached dwelling, and the conversion of the existing single detached dwelling to contain a maximum of one (1) secondary dwelling unit, notwithstanding that:

Notes:

- i. Please be advised that By-law No. 24-051 was passed on April 10th, 2024, and rezoned the property from "C/S-1822" pursuant to Hamilton Zoning By-law No. 6593, to "R1a" pursuant to Hamilton Zoning By-law No. 05-200. However, as By-law No. 24-051 is not yet final, at

A-24:209

present all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations being applied.

- ii. Please note that By-law No. 24-051 also provided updates to Section 4: General Provisions, including the removal of the requirement that there shall be no outside stairway above the first floor other than a required exterior exit. Should the entirety of By-law No. 24-051 come into force and effect, the requested variance shall no longer be required to facilitate the proposal.

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:209, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:209



 **Subject Lands**

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENTCity Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca**PARTICIPATION PROCEDURES****Written Submissions**

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

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. 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.

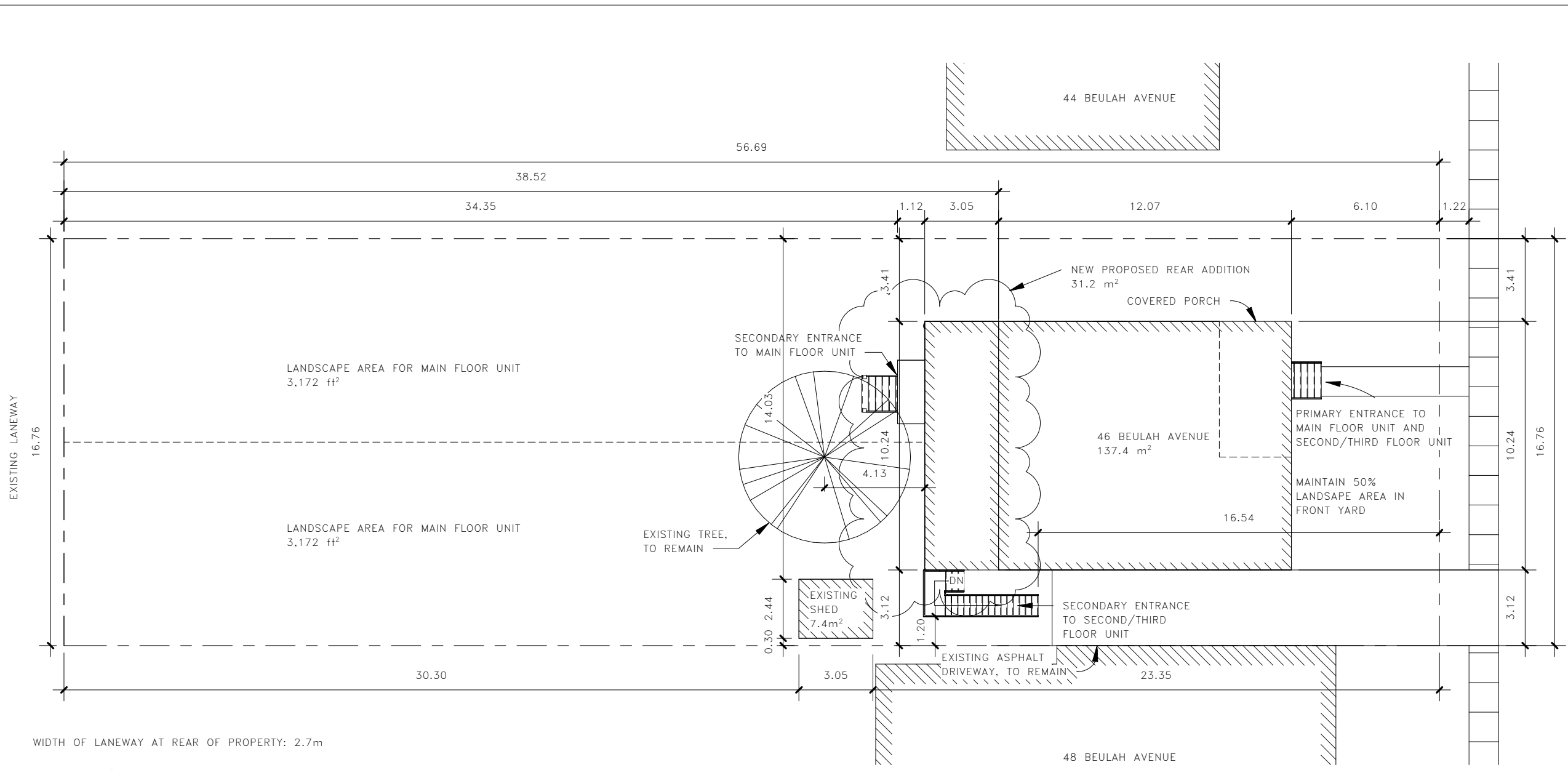
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.

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.



WIDTH OF LANEWAY AT REAR OF PROPERTY: 2.7m

WIDTH OF ROAD (BEULAH AVE) = 7.7m

① Site
1/16" = 1'-0"

RELEVANT SITE DEVELOPMENT DETAILS	
MAJOR OCCUPANCY: C BYLAW 6593	FRONT YARD LANDSCAPED AREA: 75.8 m ² OR 74% DRIVEWAY COVERAGE IN FRONT YARD - 18.5%
TABLE 3.1.2.1 OF 2012 OBC AND IN ACCORDANCE WITH DEFINITIONS FOR "RESIDENTIAL OCCUPANCY" PER ARTICLE 1.4.1.2 DIVISION A OF 2012 OBC	BASEMENT: 106.7m ² MAIN FLOOR UNIT: 138.1m ² UPPER UNIT: 182.7m ²
EXISTING LOT AREA: 950.4 m ² LOT COVERAGE FOR ALL STRUCTURES: 14.5%	NORTH SIDE YARD - NEW PROPOSED ADDITION: 3.41m ZONING MIN: 1.2m
EXISTING HOUSE GROUND FLOOR AREA: 123.5m ² MAIN FLOOR AREA: 106.9m ² SECOND FLOOR AREA: 93.1m ² THIRD FLOOR AREA: 58.3m ² TOTAL EXISTING HOUSE GROSS FLOOR AREA: 258.3m ²	SOUTH SIDE YARD - NEW PROPOSED ADDITION: 3.12m ZONING MIN: 1.2m
NEW PROPOSED ADDITION GROUND FLOOR AREA: 31.2m ² MAIN FLOOR AREA: 31.2m ² SECOND FLOOR AREA: 14.3m ² TOTAL NEW PROPOSED ADDITION GROSS FLOOR AREA: 45.5m ²	SOUTH SIDE YARD - NEW PROPOSED EXTERIOR STAIR: 1.2m ZONING MIN: 1.2m
	REAR YARD - NEW PROPOSED ADDITION: 34.4m ZONING MIN: 7.5m
	NUMBER OF STREETS / ACCESS ROUTES: 1 + LANEWAY AT REAR
	EXISTING FIRE HYDRANT: <90m

Ministry of Municipal Affairs and Housing
Ontario
Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 Signature: *Jen Vanderherberg*
 Jen Vanderherberg, Project North Architectural Design Studio
 BCIN: 122179

1	Revision 1	Date 1
REV.	DESCRIPTION	DATE

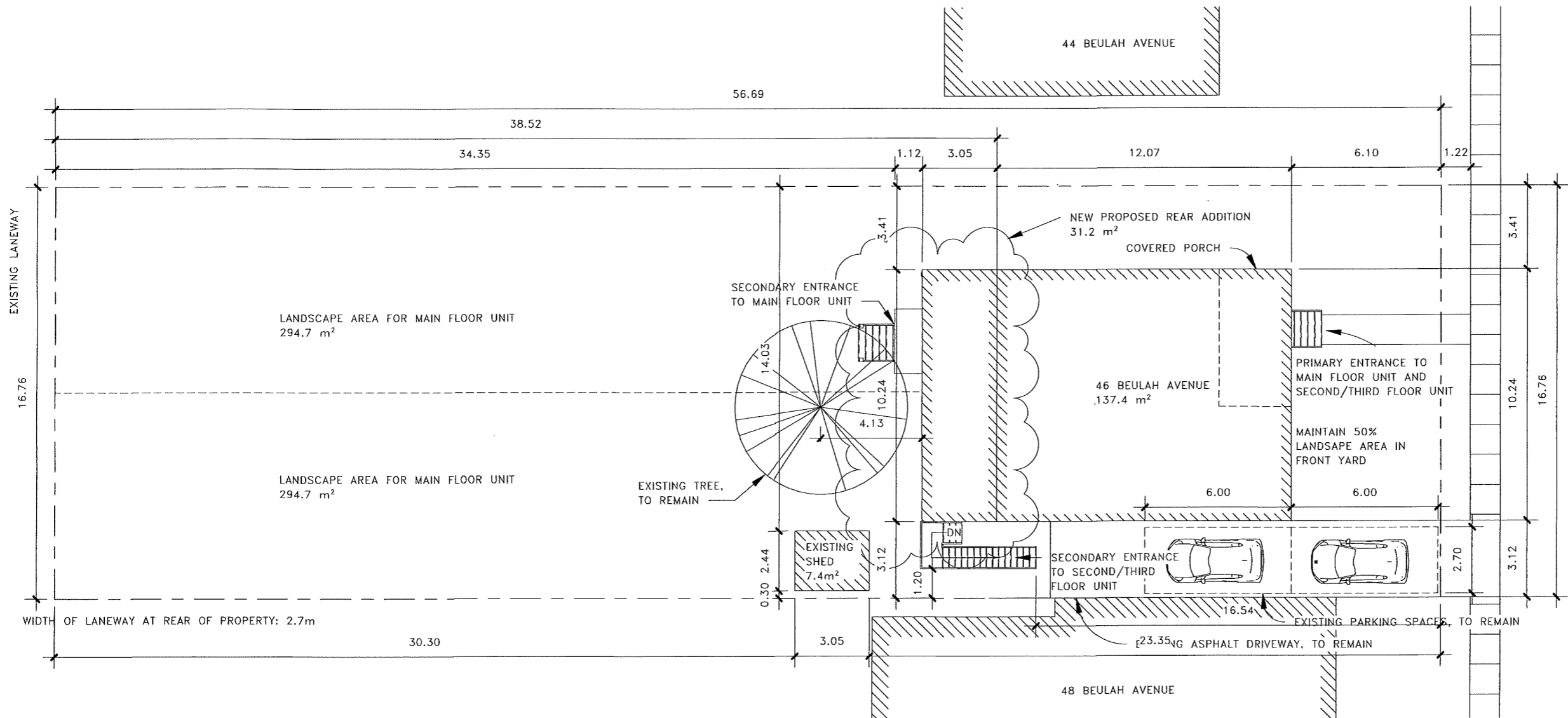
PROJECT NORTH
 TRUE NORTH

DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE.

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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INWIZU ARCHITECTS INC.

PROJECT NAME:	THEA & OLIVER'S ADDITION
PROJECT ADDRESS:	46 BEULAH AVENUE
DRAWING TITLE:	SITE PLAN
DRWN:	JEN VANDERHERBERG
BCIN #:	122179
DATE:	06/06/2024
SCALE:	1/16" = 1'-0"
DRAWING NO.:	A01



RELEVANT SITE DEVELOPMENT DETAILS

MAJOR OCCUPANCY: C BYLAW 6593

TABLE 3.1.2.1 OF 2012 OBC AND IN ACCORDANCE WITH DEFINITIONS FOR "RESIDENTIAL OCCUPANCY" PER ARTICLE 1.4.1.2 DIVISION A OF 2012 OBC

EXISTING LOT AREA: 950.4 m²
 LOT COVERAGE FOR ALL STRUCTURES: 14.5%

EXISTING HOUSE GROUND FLOOR AREA: 123.5m²
 MAIN FLOOR AREA: 106.9m²
 SECOND FLOOR AREA: 93.1m²
 THIRD FLOOR AREA: 58.3m²
 TOTAL EXISTING HOUSE GROSS FLOOR AREA: 258.3m²

NEW PROPOSED ADDITION GROUND FLOOR AREA: 31.2m²
 MAIN FLOOR AREA: 31.2m²
 SECOND FLOOR AREA: 14.3m²
 TOTAL NEW PROPOSED ADDITION GROSS FLOOR AREA: 45.5m²

FRONT YARD LANDSCAPED AREA: 75.8 m² OR 74%
 DRIVEWAY COVERAGE IN FRONT YARD - 18.5%

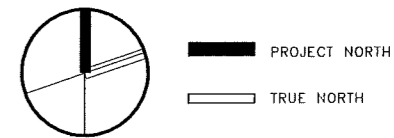
Ontario
 Ministry of Municipal Affairs and Housing

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature: *Jen Vanderberg*

Jen Vanderberg, Project North Architectural Design Studio
 BCIN: 122179

REV.	DESCRIPTION	DATE
1	Revision 1	Date 1



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PROJECT NAME:
 THEA & OLIVER'S ADDITION

PROJECT ADDRESS:
 46 BEULAH AVENUE

DRAWING TITLE:
 SITE PLAN

DRWN:
 JEN VANDERHERBERG

BCIN #:
 122179

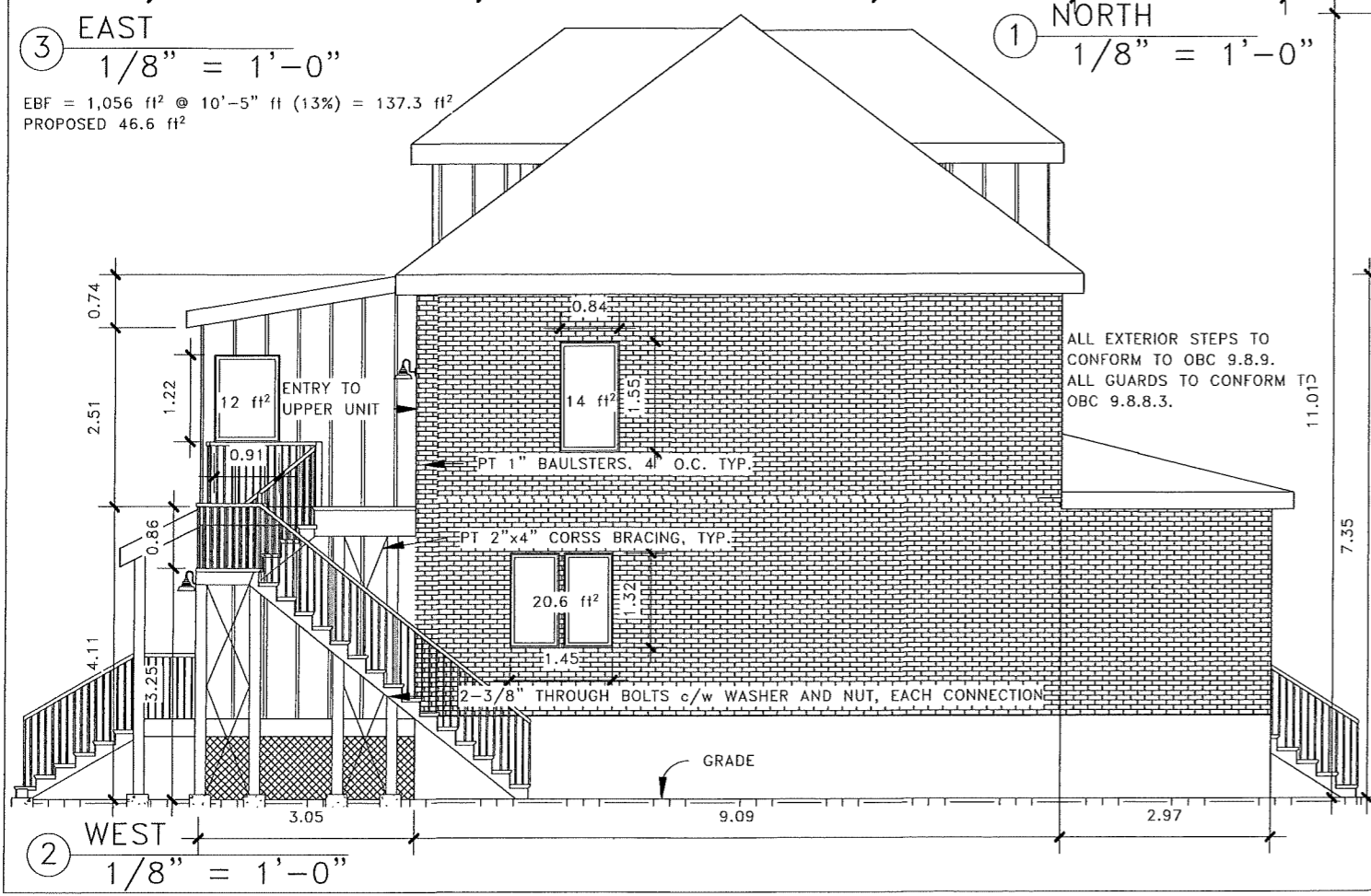
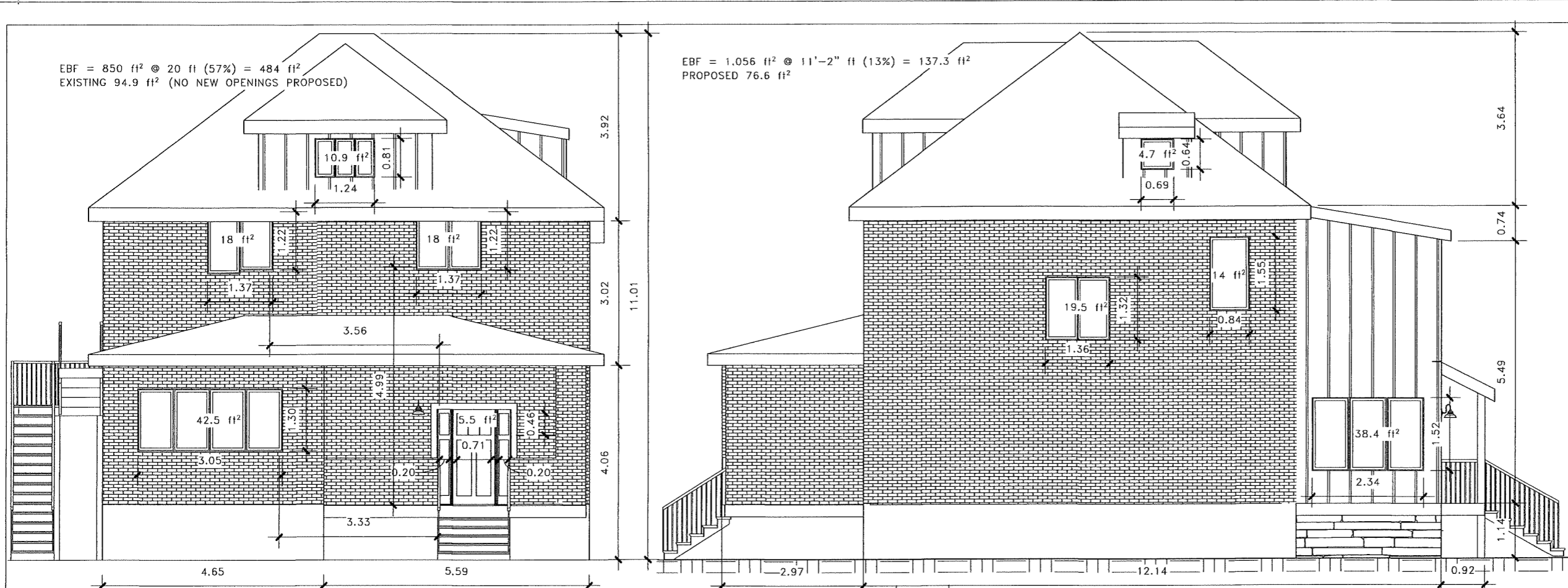
DATE:
 06/06/2024

SCALE:
 1/16" = 1'-0"

DRAWING NO.:

A01

WIDTH OF ROAD (BEULAH AVE) = 7.7m



Ministry of Municipal Affairs and Housing

Ontario

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature: *Jen Vanderherberg*

Jen Vanderherberg, Project North Architectural Design Studio
 BCIN: 122179

REV.	DESCRIPTION	DATE

PROJECT NORTH
 TRUE NORTH

DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE.

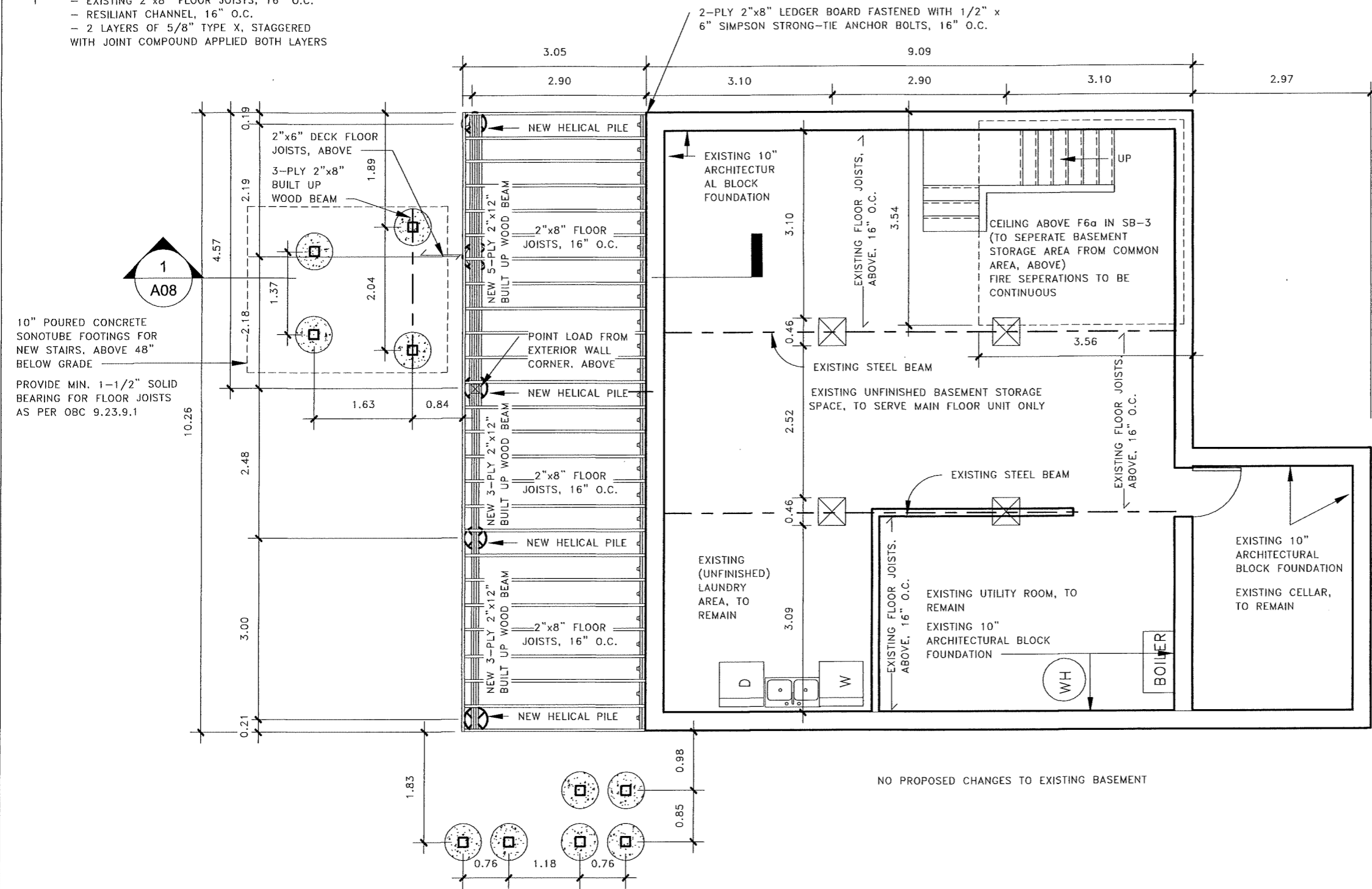
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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVAZI ARCHITECTS INC.

PROJECT NAME: THEA & OLIVER'S ADDITION
 PROJECT ADDRESS: 46 BEULAH AVENUE
 DRAWING TITLE: ELEVATIONS
 DRWN: Jen Vanderherberg
 BCIN #: 122179
 DATE: 06/06/2024
 SCALE: 1/8" = 1'-0"
 DRAWING NO.: A02

NEW FLOOR ASSEMBLY (F6a SB-3)

- EXISTING HARDWOOD FLOOR
- EXISTING 3/4" TONGUE AND GROOVE SUBFLOOR
- EXISTING 2"x8" FLOOR JOISTS, 16" O.C.
- RESILIENT CHANNEL, 16" O.C.
- 2 LAYERS OF 5/8" TYPE X, STAGGERED WITH JOINT COMPOUND APPLIED BOTH LAYERS



10" POURED CONCRETE SONOTUBE FOOTINGS FOR NEW STAIRS, ABOVE 48" BELOW GRADE

PROVIDE MIN. 1-1/2" SOLID BEARING FOR FLOOR JOISTS AS PER OBC 9.23.9.1

Ontario Ministry of Municipal Affairs and Housing

Qualification Information
The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature: *Jen Vanderherberg*

Jen Vanderherberg, Project North Architectural Design Studio
BCIN: 122179

REV.	DESCRIPTION	DATE

PROJECT NORTH
TRUE NORTH

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THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INMZU ARCHITECTS INC.

PROJECT NAME:	THEA & OLIVER'S ADDITION
PROJECT ADDRESS:	46 BEULAH AVENUE
DRAWING TITLE:	FOUNDATION PLAN
DRWN:	JEN VANDERHERBERG
BCIN #:	122179
DATE:	06/06/2024
SCALE:	1 : 75
DRAWING NO.:	A03

EXISTING EXTERIOR WALL ASSEMBLY
 (EW1)
 - EXISTING 2 LAYERS SOLID BRICK
 - EXISTING 1" AIR SPACE
 - EXISTING LATHE & PLASTER

EXISTING BASEMENT WALL ASSEMBLY
 (EW2)
 - EXISTING 12" ARCHITECTURAL BLOCK FOUNDATION WALL

NEW EXTERIOR WALL ASSEMBLY (SB-3)
 (EW3)
 - NEW VINYL BOARD N' BATTEN SIDING
 - AIR BARRIER (TYVEK OR EQUIV.)
 - 1" (R5) XPS INSULATION
 - 7/16" OSB SHEATHING
 - 2"x6" STUDS @ 16" O.C., c/w (R19) BATT INSULATION
 - 6mm POLY VAPOUR BARRIER
 - 1/2" GYPSUM BOARD

PARTITION WALL ASSEMBLY
 (P1)
 TABLE 2.3.4.D + TABLE 2.3.4.A IN SB-3 OBC
 60 MINUTE FIRE SEPERATION (35 MIN + 25 MIN)
 45 MINUTE FIRE SEPERATION REQUIRED AS PER OBC 9.10.9.14.(4)
 - EXISTING 2"x4" STUD WALL, 16" O.C.
 - EXISTING 3/8"(9.5mm) GYPSUM LATH,
 - EXISTING 1/2" (13mm) GYPSUM PLASTER
 - NEW 1 LAYER (1/2")12.7mm TYPE X GYPSUM BOARD
 SMOKE ALARMS TO BE IN CONFORMANCE WITH OBC 9.10.19 AND TO BE INTERCONNECTED BETWEEN UNITS

EXISTING FLOOR ASSEMBLY
 TABLE 2.3.4.D IN SB-3 OBC
 35 MINUTE FIRE SEPERATION
 MIN 15 MIN REQ'D AS PER COMPLIANCE ALTERNATIVE C152 TABLE 11.5.1.1.C IN OBC
 - EXISTING HARDWOOD FLOOR
 - EXISTING 3/4" TONGUE AND GROOVE SUBFLOOR
 - EXISTING (TRUE) 2"x7" JOISTS, 15" O.C. c/w 2"x1 1/2" CENTER BRIDGING
 - EXISTING 3/8" (9.5mm) GYPSUM LATH
 - EXISTING 1/2"(13mm) PLASTER ON LATH

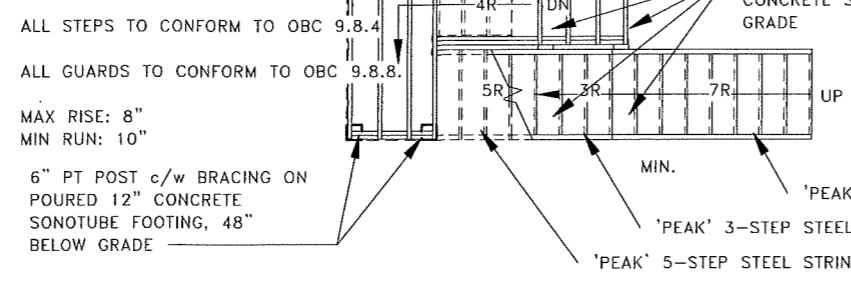
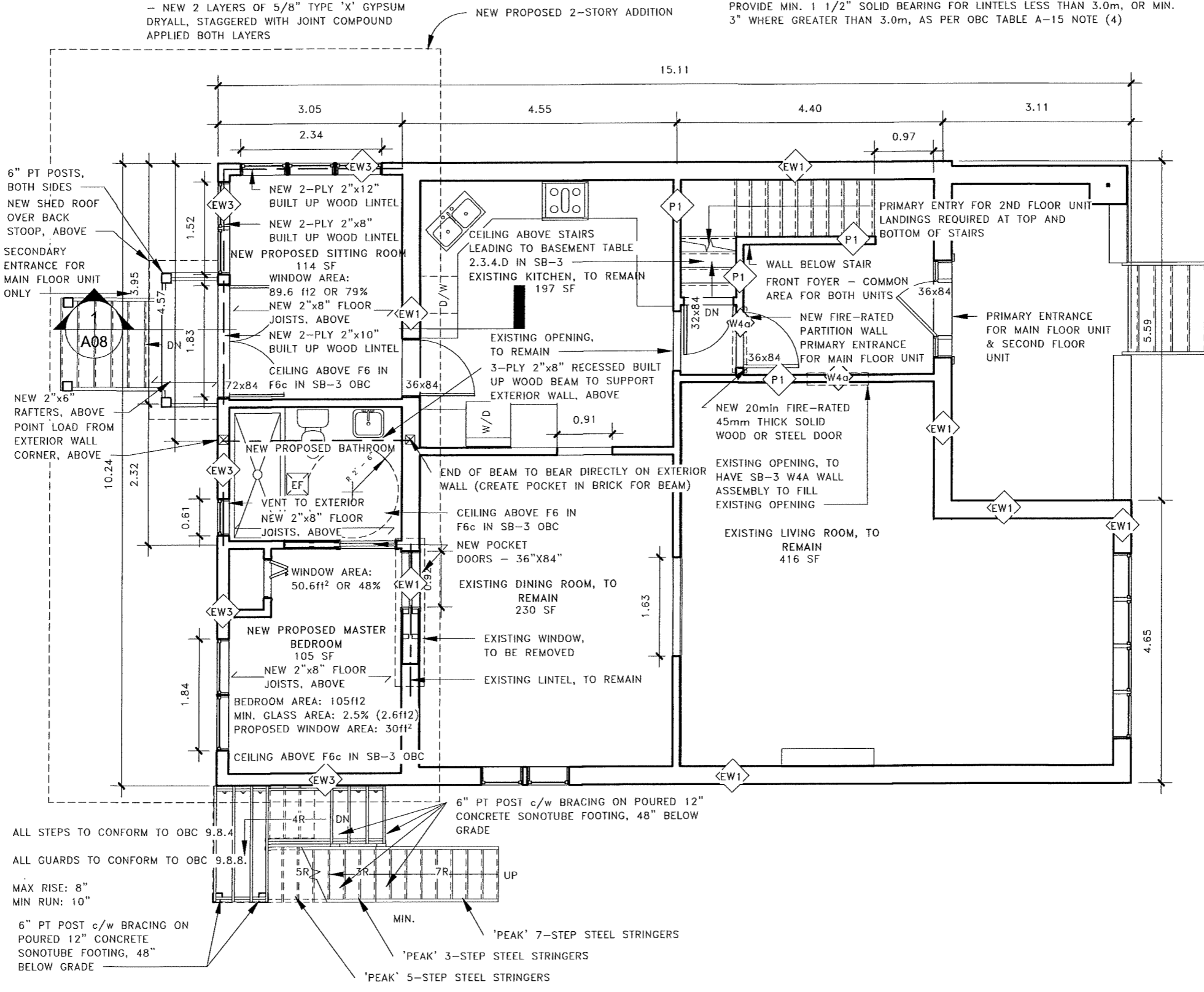
SMOKE ALARMS TO BE IN CONFORMANCE WITH OBC 9.10.19 AND INTERCONNECTED BETWEEN UNITS

NEW FLOOR ASSEMBLY (F6c SB-3)
 - VINYL PLANK FLOORING
 - 3/4" OSB SUBFLOOR
 - 2"x8" FLOOR JOISTS, 16" O.C. c/w SAFE N' SOUND INSULATION
 - RESILIENT CHANNEL, 16" O.C.
 - 2 LAYERS OF 5/8" TYPE X, STAGGERED WITH JOINT COMPOUND APPLIED BOTH LAYERS

NEW PARTITION WALL ASSEMBLY (W4a SB-3):
 (W4a)
 - NEW 5/8" TYPE X DRYWALL
 - NEW 2"x4" STUD WALL, 16" O.C. c/w SAFE N' SOUND INSULATION (89mm)
 - NEW RESILIENT CHANNEL, 24" O.C.
 - NEW 2 LAYERS OF 5/8" TYPE 'X' GYPSUM DRYALL, STAGGERED WITH JOINT COMPOUND APPLIED BOTH LAYERS

PLUMBING SUBJECT TO FIELD INSPECTION

SMOKE ALARMS TO BE INTERCONNECTED BETWEEN UNITS
 HANDRAIL: MIN. HEIGHT 34", MAX. HEIGHT 38" AS PER OBC 9.8.7.4
 PROVIDE MIN. 1 1/2" SOLID BEARING FOR LINTELS LESS THAN 3.0m, OR MIN. 3" WHERE GREATER THAN 3.0m, AS PER OBC TABLE A-15 NOTE (4)



SEE ATTACHED ENGINEERING SPECS FOR PEAK STRINGERS

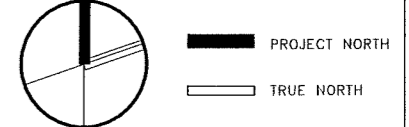
Ontario Ministry of Municipal Affairs and Housing

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature: *Jen Vally*

Jen Vanderherberg, Project North Architectural Design Studio
 BCIN: 122179

REV.	DESCRIPTION	DATE



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PROJECT NAME:
THEA & OLIVER'S ADDITION

PROJECT ADDRESS:
46 BEULAH AVENUE

DRAWING TITLE:
MAIN FLOOR PLAN

DRWN:
JEN VANDERHERBERG

BCIN #:
122179

DATE:
06/06/2024

SCALE:
1 : 75

DRAWING NO.:

A04

EXISTING EXTERIOR WALL ASSEMBLY
 (EW1)
 - EXISTING 2 LAYERS SOLID BRICK
 - EXISTING 1" AIR SPACE
 - EXISTING LATHE & PLASTER

EXISTING BASEMENT WALL ASSEMBLY
 (EW2)
 - EXISTING 12" ARCHITECTURAL BLOCK FOUNDATION WALL

NEW EXTERIOR WALL ASSEMBLY (SB-3)
 (EW3)
 - NEW VINYL BOARD N' BATTEN SIDING
 - AIR BARRIER (TYVEK OR EQUIV.)
 - 1" (R5) XPS INSULATION
 - 7/16" OSB SHEATHING
 2"x6" STUDS @ 16" O.C., c/w (R19) BATT INSULATION
 - 6mm POLY VAPOUR BARRIER
 - 1/2" GYPSUM BOARD

PARTITION WALL ASSEMBLY
 (P1)
 TABLE 2.3.4.D + TABLE 2.3.4.A IN SB-3 OBC

60 MINUTE FIRE SEPERATION (35 MIN + 25 MIN)
 45 MINUTE FIRE SEPERATION REQUIRED AS PER OBC 9.10.9.14.(4)

- EXISTING 2"x4" STUD WALL, 16" O.C.
 - EXISTING 3/8"(9.5mm) GYPSUM LATH,
 - EXISTING 1/2" (13mm) GYPSUM PLASTER
 - NEW 1 LAYER (1/2")12.7mm TYPE X GYPSUM BOARD

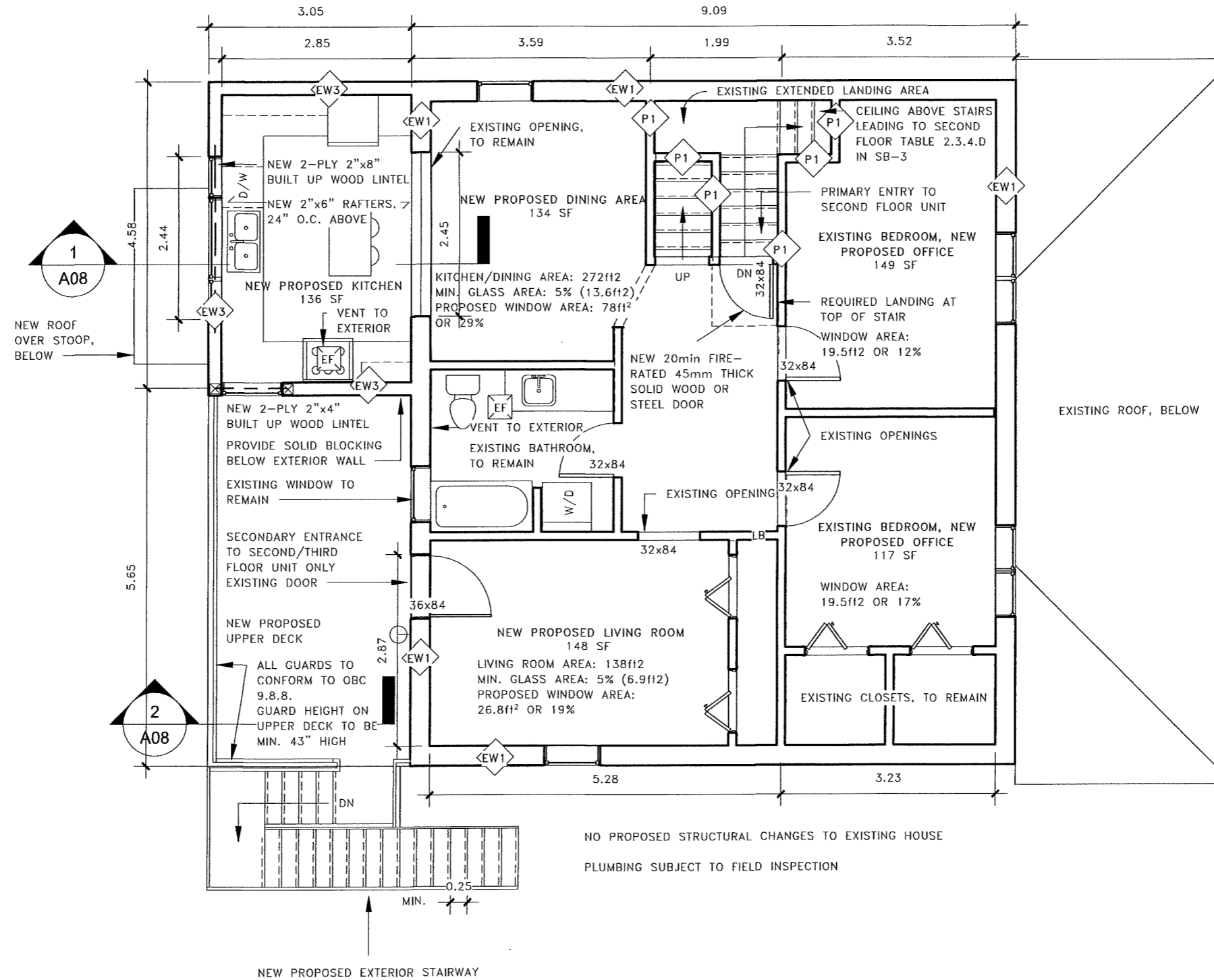
SMOKE ALARMS TO BE IN CONFORMANCE WITH OBC 9.10.19 AND TO BE INTERCONNECTED BETWEEN UNITS

EXISTING FLOOR ASSEMBLY
 TABLE 2.3.4.D IN SB-3 OBC
 35 MINUTE FIRE SEPERATION

MIN 15 MIN REQ'D AS PER COMPLIANCE ALTERNATIVE C152 TABLE 11.5.1.1.C IN OBC

- EXISTING HARDWOOD FLOOR
 - EXISTING 3/4" TONGUE AND GROOVE SUBFLOOR
 - EXISTING (TRUE) 2"x7" JOISTS, 15" O.C. c/w 2"x1 1/2" CENTER BRIDGING
 - EXISTING 3/8" (9.5mm) GYPSUM LATH
 - EXISTING 1/2"(13mm) PLASTER ON LATH

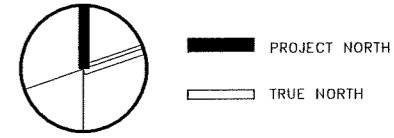
SMOKE ALARMS TO BE IN CONFORMANCE WITH OBC 9.10.19 AND INTERCONNECTED BETWEEN UNITS



NO PROPOSED STRUCTURAL CHANGES TO EXISTING HOUSE
 PLUMBING SUBJECT TO FIELD INSPECTION

Ministry of Municipal Affairs and Housing
Ontario
 Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 Signature: *Jen Vanderherberg*
 Jen Vanderherberg, Project North Architectural Design Studio
 BCIN: 122179

REV.	DESCRIPTION	DATE



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PROJECT NAME:
THEA & OLIVER'S ADDITION

PROJECT ADDRESS:
46 BEULAH AVENUE

DRAWING TITLE:
SECOND FLOOR PLAN

DRWN:
JEN VANDERHERBERG

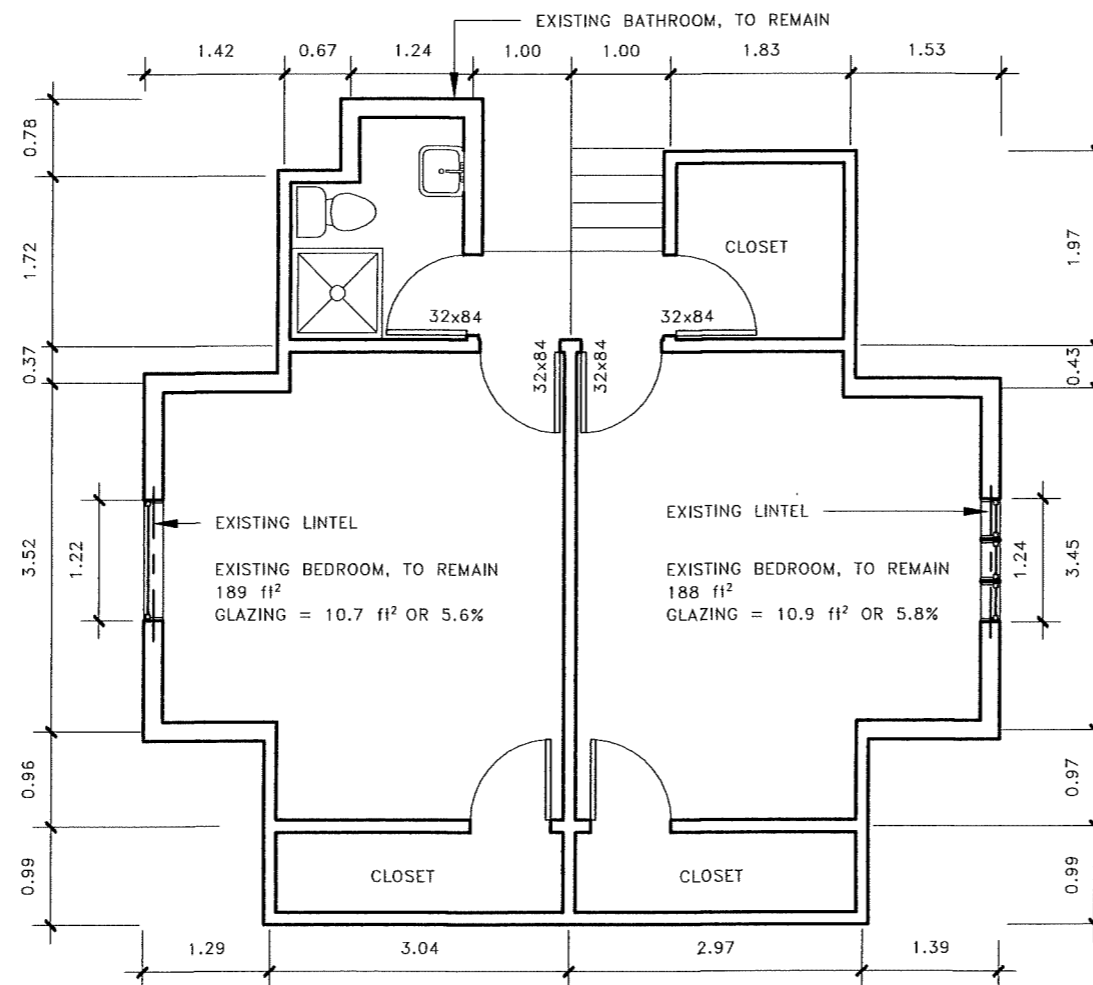
BCIN #:
122179

DATE:
06/06/24

SCALE:
1 : 75

DRAWING NO.:
A05

ONE WINDOW ON THIS FLOOR LEVEL MUST BE OPERABLE WITHOUT TOOLS, PROVIDE UNOBSTRUCTED OPENING OF MIN 0.35m² / 3.8 ft² WITH NO DIMENSION LESS THAN 38mm / 15" AND REMAIN OPEN WITHOUT ADDITIONAL SUPPORT

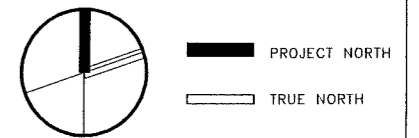


Qualification Information
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Signature: *Jen Vanderherg*

Jen Vanderherg, Project North Architectural Design Studio
BCIN: 122179

REV.	DESCRIPTION	DATE

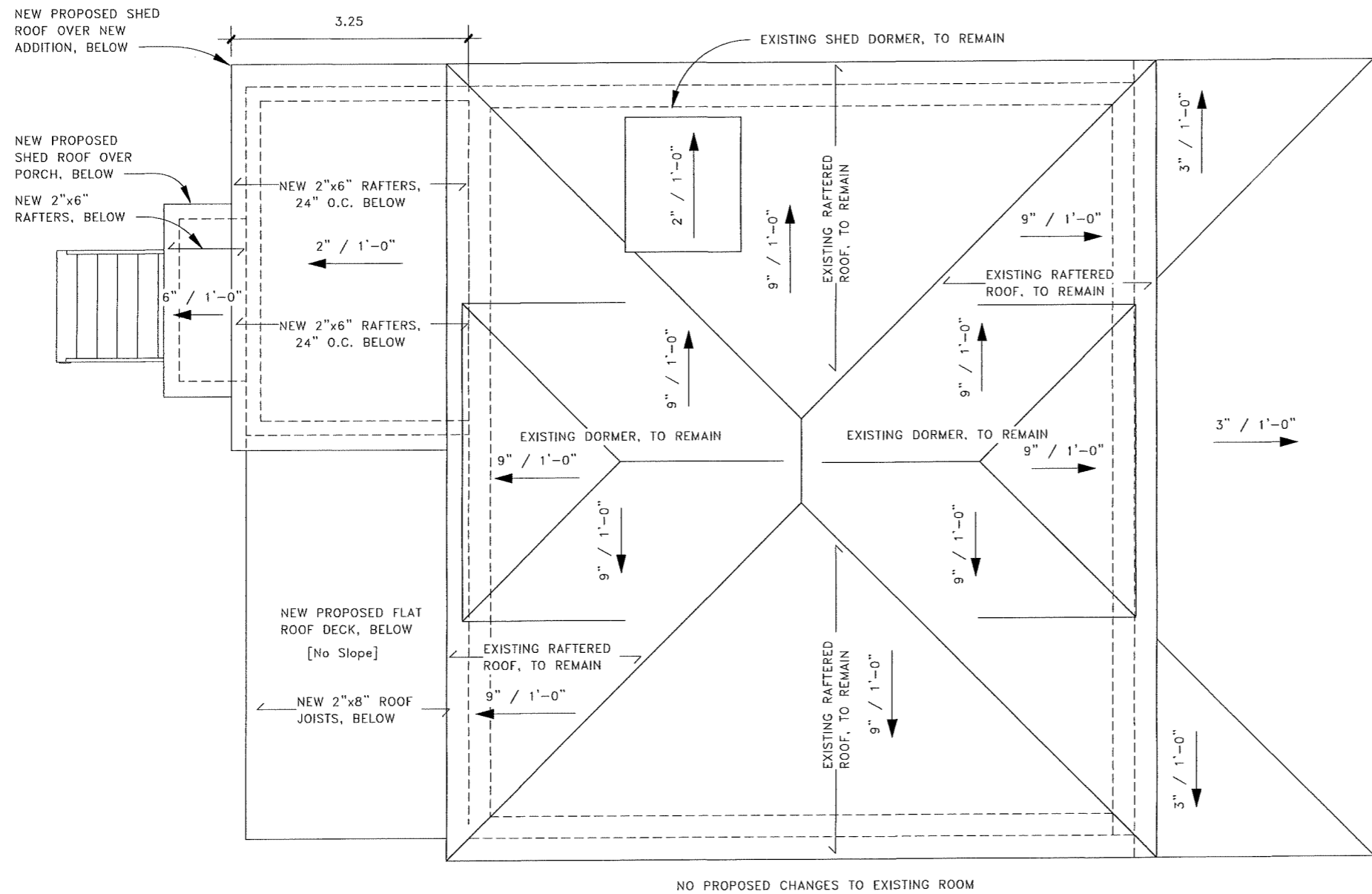


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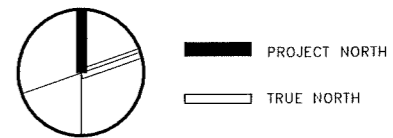
PROJECT NAME:	THEA & OLIVER'S ADDITION
PROJECT ADDRESS:	46 BEULAH AVENUE
DRAWING TITLE:	THIRD FLOOR
DRWN:	JEN VANDERHERBERG
BCIN #:	122179
DATE:	06/06/24
SCALE:	1 : 75
DRAWING NO.:	A06



1 ROOF PLAN
1 : 75


Ontario
 Ministry of Municipal Affairs and Housing
 Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 Signature: 
 Jen Vanderherberg, Project North Architectural Design Studio
 BCIN: 122179

REV.	DESCRIPTION	DATE



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PROJECT NAME:	THEA & OLIVER'S ADDITION
PROJECT ADDRESS:	46 BEULAH AVENUE
DRAWING TITLE:	ROOF PLAN
DRWN:	JEN VANDERHERBERG
BCIN #:	122179
DATE:	06/06/24
SCALE:	1 : 75
DRAWING NO.:	A07

PROVIDE ATTIC ACCESS TO COMPLY WITH OBC 9.19.2.1. MIN. 1'-8" x 2'-4"

PROVIDE ROOF VENTING TO COMPLY WITH OBC 9.19.1.2

PROVIDE MIN. 1 1/2" SOLID BEARING FOR ROOF RAFTERS AND CEILING JOISTS AS PER OBC 9.23.13.3.

NEW ROOF ASSEMBLY:

- 50 YEAR ASPHALT SHINGLES c/w ICE AND WATER SHIELD
- 1/2" PLYWOOD SHEATHING
- 2"x6" ROOF RAFTERS, 16" O.C.
- 2"x6" CEILING JOISTS, 16" O.C. c/w R 60 BLOWN-IN INSULATION
- POLY VAPOUR BARRIER
- 1/2 GYPSUM BOARD

NEW WALL ASSEMBLY:

- 1/2" GYPSUM BOARD
- 6mm POLY VAPOUR BARRIER
- 2"x6" STUDS @ 16" O.C., c/w (R19) BATT INSULATION
- 7/16" OSB SHEATHING
- 1" (R5) XPS CONTINUOUS INSULATION
- AIR BARRIER (TYVEK OR EQUIV.)
- VINYL BOARD N' BATTEN SIDING

NEW WALL ASSEMBLY:

- 1/2" GYPSUM BOARD
- 6mm POLY VAPOUR BARRIER
- 2"x6" STUDS @ 16" O.C., c/w (R19) BATT INSULATION
- 7/16" OSB SHEATHING
- 1" (R5) XPS CONTINUOUS INSULATION
- AIR BARRIER (TYVEK OR EQUIV.)
- VINYL BOARD N' BATTEN SIDING

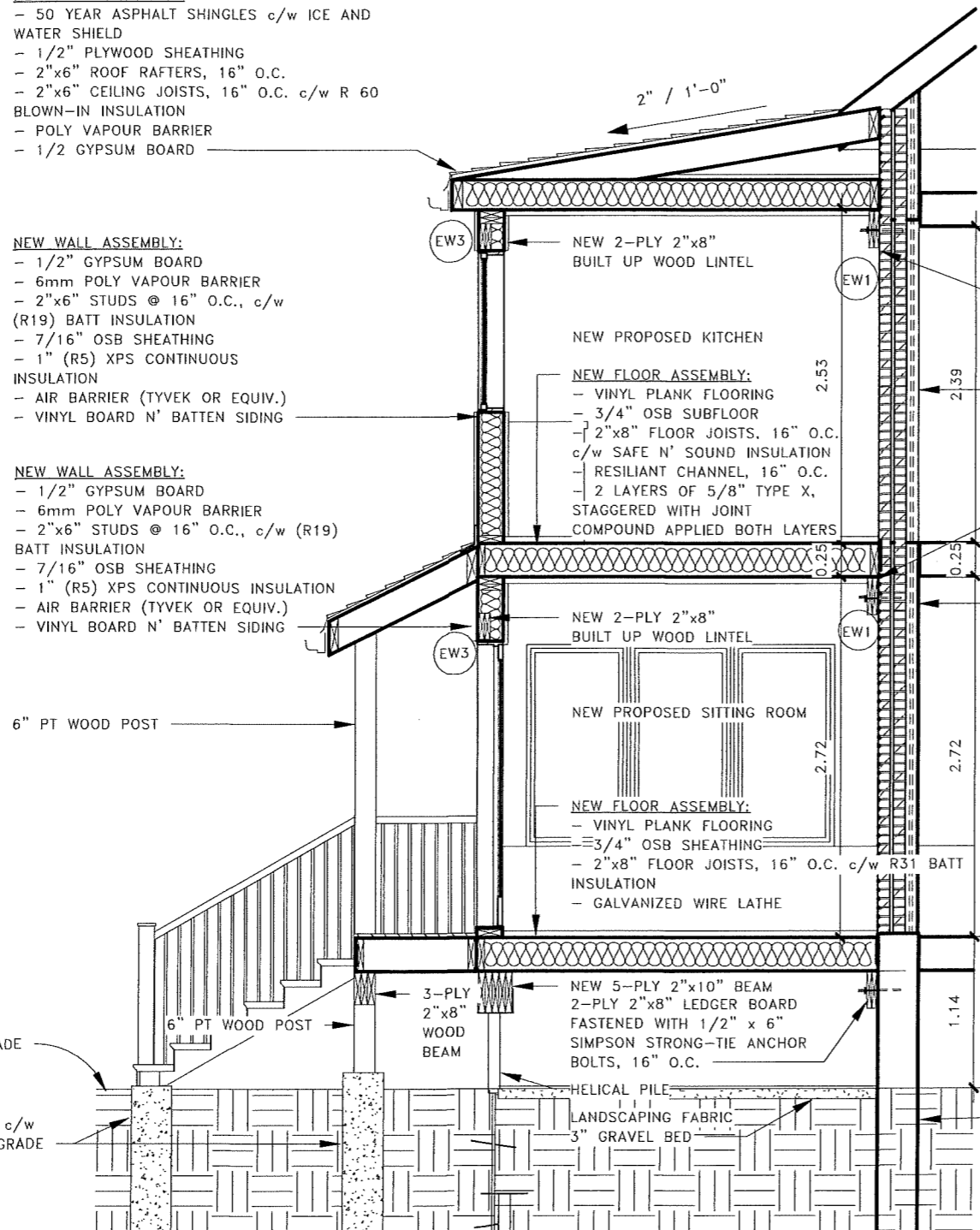
6" PT WOOD POST

STAIR DIMENSIONS:
MIN. RISE: 4 7/8"
MAX. RISE: 7 7/8"
MIN. RUN: 10"
MAX. RUN: 14"

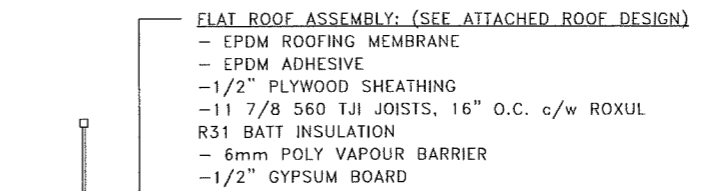
ANY LUMBER IN CONTACT WITH THE GROUND SHOULD BE PROPERLY TREATED AS PER OBC 9.8.9.3

12" POURED CONCRETE SONOTUBE c/w 4-15M CONT. MIN. 4'-0" BELOW GRADE

GRADE



① Section 1
1/4" = 1'-0"



② Section 2
1/4" = 1'-0"

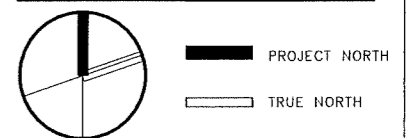
- 2-PLY 2"x8" LEDGER BOARD FASTENED WITH 1/2" x 6" SIMPSON STRONG-TIE ANCHOR BOLTS, 16" O.C.
- EXISTING WALL ASSEMBLY:
- LATHE & PLASTER
- AIR SPACE
- DOUBLE BRICK CONSTRUCTION
- NEW PROPOSED DINING ROOM
- 2-PLY 2"x8" LEDGER BOARD FASTENED WITH 1/2" x 6" SIMPSON STRONG-TIE ANCHOR BOLTS, 16" O.C.
- EXISTING WALL ASSEMBLY:
- LATHE & PLASTER
- AIR SPACE
- DOUBLE BRICK CONSTRUCTION

EXISTING KITCHEN, TO REMAIN

FLOOR SYSTEM SHALL BE PROTECTED FROM THE ELEMENTS AS PER OBC 9.25.2.3

Ministry of Municipal Affairs and Housing
Ontario
Qualification Information
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Signature: *Jen Vanderherberg*
Jen Vanderherberg, Project North Architectural Design Studio
BCIN: 122179

REV.	DESCRIPTION	DATE



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PROJECT NAME:	THEA & OLIVER'S ADDITION
PROJECT ADDRESS:	46 BEULAH AVENUE
DRAWING TITLE:	SECTION VIEW
DRWN:	JEN VANDERHERBERG
BCIN #:	122179
DATE:	06/06/24
SCALE:	1/4" = 1'-0"
DRAWING NO.:	A08



Hamilton

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Alfred Theodore Haines
Applicant(s)	Thea Haines &/or Oliver Knutton
Agent or Solicitor	Jen Vanderherberg

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	46 Beulah Avenue		
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:

We would like the primary entrance to be through the front foyer, shared with the main floor unit, with an additional exterior staircase leading to the second floor to provide a secondary entrance to the 2nd/3rd floor unit.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

As per bylaw 6593 Section 19 (1).1.(iv) states there shall be no exterior staircase above the first floor other than an required exterior exit.

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
16.8 m	56.7 m	950.4 m ²	

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	6.1m	38.5	3.4m & 3.1m	
Shed	23.4	30.3	14m & .3m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Rear Addition	18.2	35.5	3.4m & 3.1m	
Exterior Staircase	16.5	35.5	1.2m & 13.7m	

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	123.5m ²	258.3m ²	3	11m
Shed	7.4m ²	7.4m ²	1	2.4m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Rear Addition	31.2m ²	45.5m ²	2	7.35m
Exterior Staircase	78.6m ²	78.6m ²	2	4.1m

- 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.):
Duplex Dwelling

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Sept 21st 1989

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:

Sept 21st 1989

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? *C15-1822 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: _____

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):

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



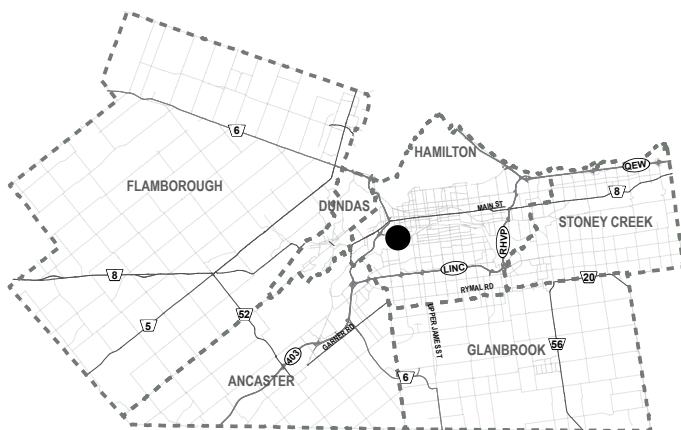
Hamilton

A-24:209 – 46 Beulah Avenue, Hamilton

This application has been withdrawn by the applicant and will not be heard. – Committee of Adjustment Staff.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



46 Beulah Avenue, Hamilton
(Ward 1)

File Name/Number:

A-24:209

Date:

October 8, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:205	SUBJECT PROPERTY:	71 Rebecca Street, Hamilton
ZONE:	D1, 701 (Downtown Central Business District)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended by 20-030

APPLICANTS: Owner: Hi Rose (Rebecca) Inc. c/o Silvio Guglietti
Agent: A.J. Clarke and Associates Ltd c/o Ryan Ferrari

The following variances are requested:

1. 55 parking stalls shall be permitted to maintain a width of 2.8 metres and a length of 5.8 metres instead of the required 62 parking stalls with a width of 2.8 metres and a length of 5.8 metres;
2. 65 parking stalls shall be permitted to maintain a width of 2.6 metres and a length of 5.8 metres instead of the required 93 parking stalls with a width of 2.6 metres and a length of 5.8 metres;
3. 31 parking stalls shall be permitted to maintain a width of 2.6 metres and a length of 5.5 metres instead of the required 36 parking stalls with a width of 2.6 metres and a length of 5.5 metres;
4. 12 parking stalls shall be permitted to maintain a width of 2.8 metres and a length of 5.5 metres, instead of the required 13 parking stalls with a width of 2.8 metres and a length of 5.5 metres;
5. 2 barrier-free parking stalls shall be permitted with a width of 4.6 metres and a length of 5.8 metres instead of the required 3 barrier-free parking stalls with a width of 4.6 metres and a length of 5.8 metres;
6. 2 barrier-free parking stalls shall be permitted with a width of 4.6 metres and a length of 5.5 metres instead of the required 3 barrier-free parking stalls with a width of 4.6 metres and a length of 5.5 metres;
7. A balcony shall be permitted to encroach a maximum of 1.5m into any required yard instead of the minimum 1.0 metres.

A-24:205

PURPOSE & EFFECT: To permit the construction of a 29 Storey mixed use building.

Notes:

- i. The variances are required to permit Site Plan application DA-21-113 and DA-23-016, Conditionally Approved on January 23, 2023.
- ii. Please note, the variances have been provided as requested.
- iii. Please note, Variance 1 and 5 have been provided to address requirements under Special Exception 701, despite the proposed dimensions maintaining or exceeding the requirements under Section 5 of Hamilton Zoning By-law 05-200.

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:205, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:205

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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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. 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.

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.

71 REBECCA STREET

8	ISSUED FOR C OF A	27 AUG. 2024
7	ISSUED FOR SPA	28 AUG. 2023
6	ISSUED FOR SPA	14 JULY 2023
5	ISSUED FOR SPA	30 NOVEMBER 2022
4	ISSUED FOR SPA	20 JUNE 2022
3	ISSUED FOR 100% DO	29 APRIL 2022
2	ISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

No. Revisions Date

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71 Rebecca
 71 REBECCA STREET
 HAMILTON, ONTARIO, L8R 1B6
 SITE PLAN FILE NUMBER: DA-21-091



Drawn ST	Scale
Checked BL	Date 27 AUG. 2024
Title	TITLE PAGE

Project No. 20-199	Drawing No. A000
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LEVELS	# OF FL	GCA				GFA				SALEABLE				SALEABLE	
		GCA / FL		TOTAL GCA		GFA / FL		TOTAL GFA		RESIDENTIAL / FL		TOTAL RESIDENTIAL		RETAIL	
		(sf)	(sm)	(sf)	(sm)	(sf)	(sm)	(sf)	(sm)	(sf)	(sm)	(sf)	(sm)	(sf)	(sm)
P1	1	1,522.00	141.40	1,522.00	141.40	742.71	69.00								
GROUND LEVEL	1	23,690.00	2,200.87	23,690.00	2,200.87	18,524.70	1,721.00	18,524.70	1,721.00					4,185.00	388.80
LEVEL 2	1	32,383.00	3,008.48	32,383.00	3,008.48	8,662.58	804.78	8,662.58	804.78						
LEVEL 3	1	32,383.00	3,008.48	32,383.00	3,008.48	7,292.34	677.48	7,292.34	677.48						
LEVEL 4	1	29,371.00	2,728.65	29,371.00	2,728.65	5,562.25	516.75	5,562.25	516.75						
LEVEL 5	1	21,789.00	2,024.26	21,789.00	2,024.26	21,361.64	1,984.56	21,361.64	1,984.56	18,088.00	1,680.43	18,088.00	1,680.43		
LEVEL 6	1	21,632.00	2,009.68	21,632.00	2,009.68	21,204.70	1,969.98	21,204.70	1,969.98	18,489.00	1,717.68	18,489.00	1,717.68		
LEVEL 7 & 9	2	21,634.00	2,009.68	43,268.00	4,019.36	21,204.70	1,969.98	42,409.39	3,939.96	18,922.00	1,757.91	37,844.00	3,515.82		
LEVEL 8	1	21,634.00	2,009.68	21,634.00	2,009.68	21,204.70	1,969.98	21,204.70	1,969.98	18,826.00	1,748.99	18,826.00	1,748.99		
LEVEL 10	1	19,400.00	1,802.32	19,400.00	1,802.32	18,972.69	1,762.62	18,972.69	1,762.62	16,714.00	1,552.78	16,714.00	1,552.78		
LEVEL 11	1	19,400.00	1,802.32	19,400.00	1,802.32	18,972.69	1,762.62	18,972.69	1,762.62	16,714.00	1,552.78	16,714.00	1,552.78		
LEVEL 12 (SPACER)	1	8,397.00	780.11	8,397.00	780.11	7,992.31	742.51	7,992.31	742.51	5,204.00	483.47	5,204.00	483.47		
LEVEL 13-29	17	9,423.00	875.42	160,191.00	14,882.22	9,013.70	837.40	153,232.94	14,235.80	8,121.00	754.47	138,057.00	12,825.91		
LEVEL MECH	1	9,423.00	875.42	9,423.00	875.42	2,513.59	233.52	2,513.59	233.52						
TOTAL				444,483	41,293			347,907	32,322			269,936	25,078	4,185	389
TOTAL EXCLUDING LEVELS 2 TO 4				350,346	32,548			326,389	30,323						

LEVELS	# OF FL	AMENITY								UNITS/FL				UNITS/BLD.			
		INTERIOR		EXTERIOR		PRIVATE TERRACE		PRIVATE BALCONY		1 BED (410 sf - 510 sf)	1 BED+DEN (500 sf - 600 sf)	2 BED (625 sf - 725 sf)	TOTAL UNITS/FL	1 BED (410 sf - 510 sf)	1 BED+DEN (500 sf - 600 sf)	2 BED (625 sf - 725 sf)	TOTAL UNITS/BLD.
		(sf)	(sm)	(sf)	(sm)	(sf)	(sm)	(sf)	(sm)								
P1	1																
GROUND LEVEL	1	3,110.77	289.00	0.00	0.00												
LEVEL 2	1																
LEVEL 3	1																
LEVEL 4	1																
LEVEL 5	1	387.50	36.00	2,152.78	200.00	5,539.00	514.59	453.00	42.09	18	9	6	33	18	9	6	33
LEVEL 6	1							2,503.00	232.54	17	8	8	33	17	8	8	33
LEVEL 7 & 9	2							2,503.00	232.54	18	8	8	34	16	16	16	68
LEVEL 8	1							2,503.00	232.54	18	8	8	34	18	8	8	34
LEVEL 10	1					2,111.44	196.16	977.00	90.77	16	11	4	31	16	11	4	31
LEVEL 11	1							2,423.00	225.10	16	4	31	16	11	4	4	31
LEVEL 12 (SPACER)	1	1,819.10	169.00	8,773.00	815.04	2,164.00	201.04	444.00	41.25	3	4	2	9	3	4	2	9
LEVEL 13-29	17							1,345	124.92	3	8	3	14	51	136	51	238
LEVEL MECH	1																
TOTAL		5,317	494	10,926	1,015	9,814	912	10,648	989	109	67	43	219	175	203	99	477
TOTAL EXCLUDING LEVELS 2 TO 4		TOTAL AMENITY (SM)		3,410				%				36.69	42.56	20.75			
						CLIENT TARGET				40%	40%	20%					

BARRIER FREE UNITS		
	1BED/1BED+DEN	2B/2B+DEN
TOTAL REQUIRED B.F UNITS (WITH 15%)	55	18
TOTAL PROVIDED B.F UNITS	62	22

LEVELS	NUMBER OF FULL HEIGHT WIRE MESH LOCKERS	NUMBER OF INDIVIDUAL STORAGE ROOMS	NUMBER OF STACKED WIRE MESH LOCKERS	NUMBER OF BIKE RACKS	NUMBER OF PARKING UNITS(SOLO)	NUMBER OF PARKING UNITS (TANDEM)	NUMBER OF PARKING UNITS (WITH STORAGE ROOM)	NUMBER OF TANDEM PARKING UNITS (WITH STORAGE ROOM)
LEVEL 2	40	2	22	115	34	6	7	0
LEVEL 3	25	1	72	89	47	6	7	0
LEVEL 4	34	2	0	35	45	0	13	1
TOTAL	99	5	94	239	126	12	27	1

ZONING REQUIREMENTS (71 REBECCA STREET)		
SITE AREA	34,817 SQ. FT. / 3,180 SQ.M. PROVIDED BY SURVEY PLAN	
SITE INFORMATION	SEE SURVEY BY A.T. McLENN LIMITED.	
PROGRAM	OCCUPANCY IS RESIDENTIAL AND RETAIL	
ZONING	D1 (DOWNTOWN CENTRAL BUSINESS)	
MAX. BUILDING HEIGHT	97m EXCLUDING MPH (189.90 m) (30 STOREY EXCLUDING MPH)	PROVIDED: 29 STOREYS @ 93.40m (186.20 m) + 6m MECHANICAL PENTHOUSE (ESTABLISHED GRADE = 92.80 m)
MAX. DENSITY	---	DENSITY (TOTAL GFA / SITE AREA) = 10.22
LOADING	---	1 TYPE "G" LOADING SPACE
GROSS FLOOR AREA		TOTAL GFA = 347,907 sf / 32,322 sm RESIDENTIAL GFA = 343,722sf / 31,933 sm COMMERCIAL GFA = 4,185 sf / 389 sm
LOT COVERAGE		LOT COVERAGE (LEVEL 2 GCA / SITE AREA) = % 95
PARKING		
RESIDENTIAL PARKING (BASED ON ZONING BY LAW No. 05-200)	-For units < 50sm = Min. [0 per unit (1-12 units) & 0.3 per unit (13+ units)] Max. [1.25 per unit]. -For units > 50sm = Min. [0 per unit (1-12 units) , 0.5 per unit (13-50 units) & 0.7 per unit (51+ units)] Max. [1.25 per unit]. -For 3 or more bedroom = Min. [0 per unit (1-12 units) , 0.3 per unit (13+ units)] Max. [1.25 per unit].	PROVIDED: 171 PARKING SPACES • 167 RESIDENTIAL • 4 RESIDENTIAL CAR SHARE (2.8 m x 5.5m size) • 0 COMMERCIAL
COMMERCIAL PARKING (BASED ON ZONING BY LAW No. 05-200)	No Parking unless listed as below: commercial school, financial establishment, hotel, conference or convention center, medical clinic, office, veterinary services. For financial establishment : 1 for each 50 sm of gross floor area in excess of 450 sm. Medical Clinic: 1 for each 50 sm of gross floor area in excess of 450sm. Office: 1 for each 50 sm of gross floor area in excess of 450sm. Veterinary Service: 1 for each 50 sm of gross floor area in excess of 450 sm.	
RESIDENTIAL VISITOR PARKING (BASED ON SITE SPECIFIC ZONING)	4 CAR SHARE PARKING STALLS AT GRADE 2.6m X 5.5m SIZE	
TOTAL REQUIRED	MIN: 213 RESIDENTIAL PARKING SPACES MAX: 597 RESIDENTIAL PARKING SPACES 0 COMMERCIAL PARKING SPACES 4 CAR SHARE PARKING STALLS AT GRADE	
RES. (LONG-TERM) BICYCLE PARKING (BASED ON ZONING BY LAW No. 05-200)	0.5 / UNIT = 477 UNITS X 0.5 = 239 IN TOTAL	PROVIDED: 249 RESIDENTIAL BICYCLE SPACES • 239 RESIDENCE (LONG-TERM) • 10 VISITOR (SHORT-TERM)
RES. VIS. (SHORT-TERM) BICYCLE PARKING (BASED ON ZONING BY LAW No. 05-200)	5	
TOTAL REQUIRED	244 RESIDENTIAL BICYCLE SPACES (239 RESIDENCE (LONG-TERM) + 5 VISITORS (SHORT-TERM))	
COMM. (LONG-TERM) BICYCLE PARKING (BASED ON ZONING BY LAW No. 05-200)	0 for < 450sm, 2 per unit for area of 450-1000 sm, 5 per unit for area between 1001-10000sm	PROVIDED: 13 COMM. BICYCLE SPACES • 8 OCCUPANTS (LONG-TERM) • 5 VISITORS (SHORT-TERM)
COMM. VIS. (SHORT-TERM) BICYCLE PARKING (BASED ON ZONING BY LAW No. 05-200)	10 for commercial entertainment, 5 for other commercial use. No visitor bike space for office, personal services, restaurant or retail use less than 450sm.	
TOTAL REQUIRED	0 COMMERCIAL BICYCLE SPACES (0 OCCUPANTS (LONG-TERM) + 0 VISITORS (SHORT-TERM))	
AMENITY SPACE	4 SM per unit Note: For every 0.5 SM of green roof area provided the required Amenity area may be reduced by 1.0 SM	PROVIDED: EXTERIOR AMENITY = 1,015 sm INTERIOR AMENITY = 494 sm PRIVATE BALCONY = 989 sm TOTAL = 3,410 sm
TOTAL REQUIRED	4 X 477 = 1908	
PARKING SIZE (BASED ON SITE SPECIFIC ZONING)	REQUIRED:	PROVIDED:
2.8 m X 5.8 m	62	58 (INCLUDING 4 EVSE)
2.6 m X 5.8 m	93	68 (INCLUDING 11 EVSE)
2.6 m X 5.5 m	36	28 (INCLUDING 19 EVSE)
2.8 m X 5.5 m	13	9 (INCLUDING 2 EVSE)
4.6 m X 5.8 m (B.F.)	3	2 (INCLUDING 2 EVSE)
4.6 m X 5.5 m (B.F.)	3	2 (INCLUDING 2 EVSE)
2.6 m X 5.5 m (CAR SHARE)	4	4 AT GRADE (INCLUDING 2 EVSE)
LOCKERS	N / A	226 (ABOVE GRADE)

No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG. 2024
7	RESUBMITTED FOR SPA	28 AUG. 2023
6	RESUBMITTED FOR SPA	14 JULY 2023
5	RESUBMITTED FOR SPA	30 NOVEMBER 2022
4	RESUBMITTED FOR SPA	20 JUNE 2022
3	ISSUED FOR 100% DD	29 APRIL 2022
2	RESUBMITTED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB.

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71 Rebecca
71 REBECCA STREET
HAMILTON, ONTARIO, L8R 1B6
SITE PLAN FILE NUMBER: DA-21-091

Drawn ST	Scale
Checked BL	Date 27 AUG. 2024
Title STATISTICS & ZONING REQUIREMENTS	
Project No. 20-199	Drawing No. A100



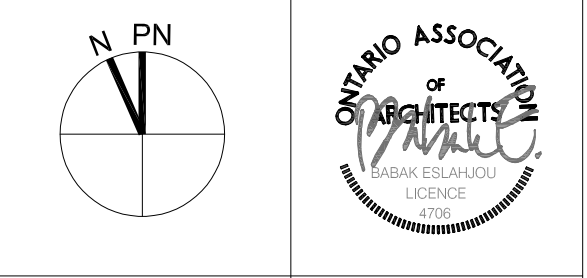
No.	Revisions	Date
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 SITE PLAN FILE NUMBER: DA-21-091

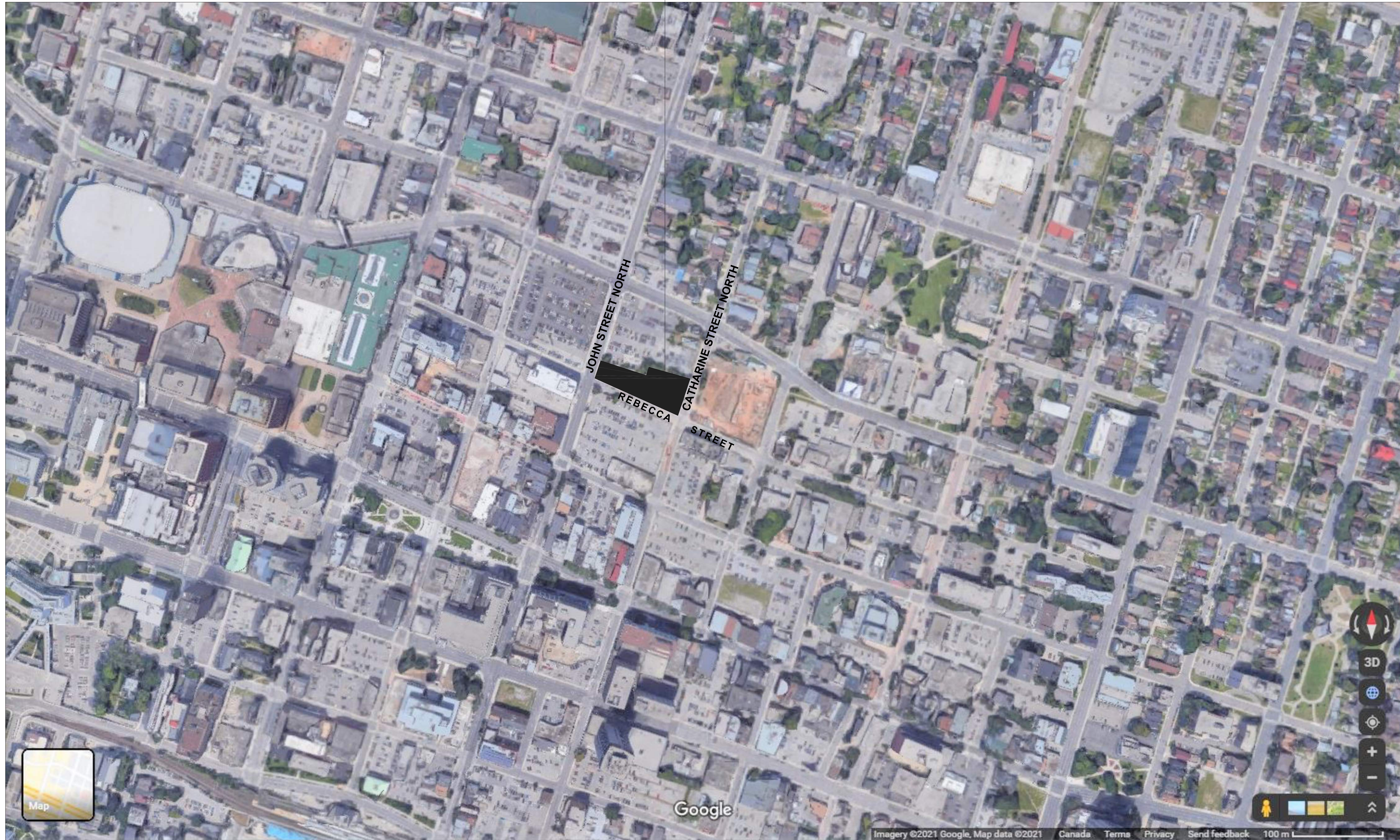


Drawn: ST
 Checked: BL
 Title: SURVEY

Scale: 1:100
 Date: 27 AUG. 2024

Project No: 20-199
 Drawing No: A101

PROJECT SITE



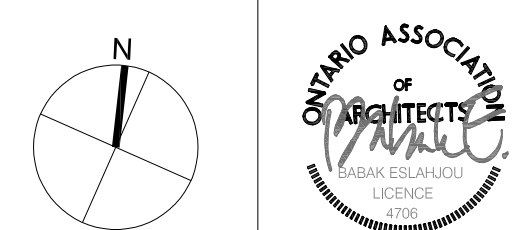
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 SITE PLAN FILE NUMBER: DA-21-091

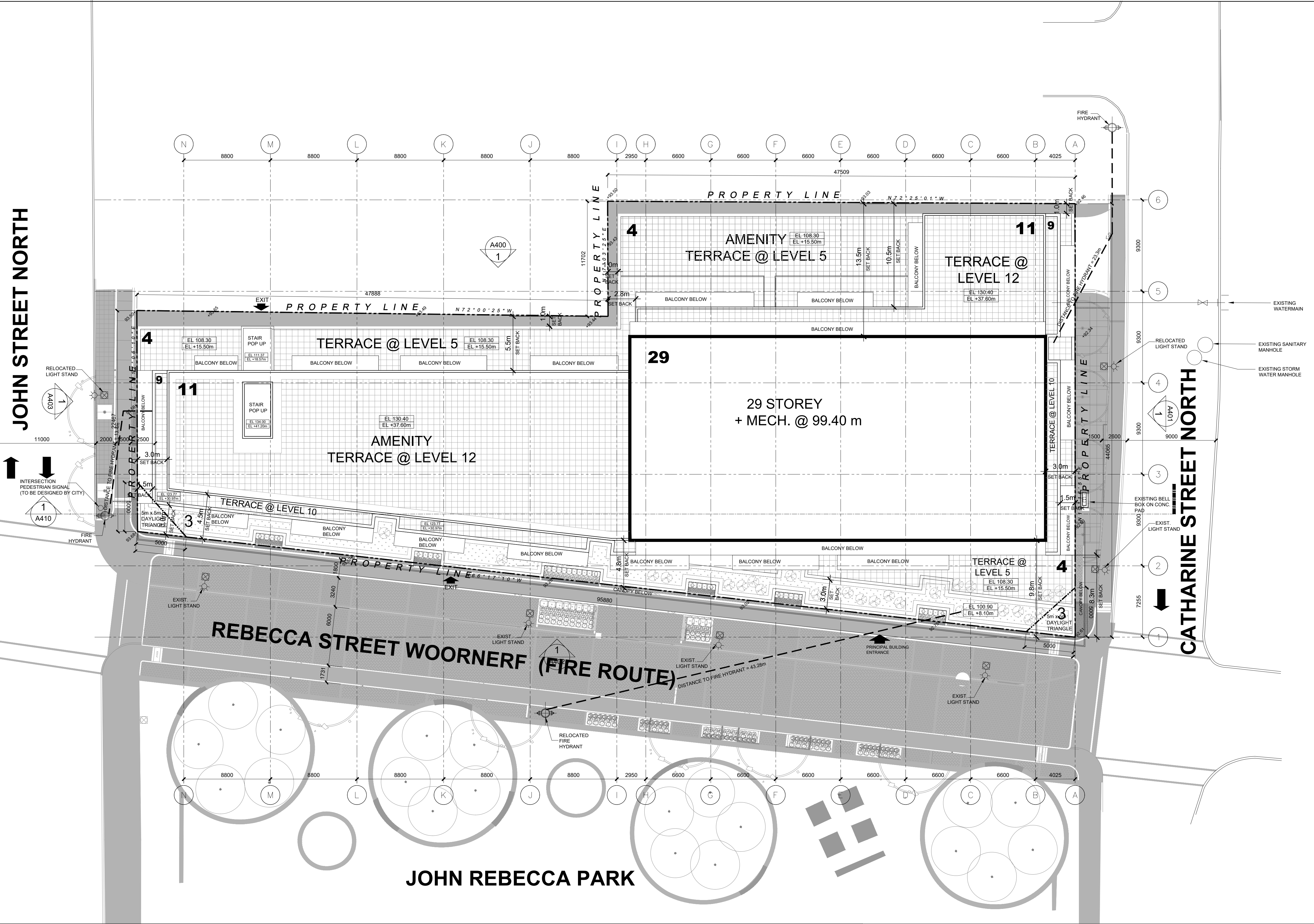


Drawn ST	Scale
Checked BL	Date 27 AUG. 2024

Title
CONTEXT PLAN

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.
- FIRE ROUT SIGNS AND 3-WAY FIRE HYDRANT SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/ APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - ROAD CUT PERMIT
 - APPROACH APPROVAL PERMIT
 - COMMITTEE OF ADJUSTMENT
 - SEWER AND WATER PERMIT
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE GEOMATICS AND CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED: 15.0 METER BY 5.0 METER VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CENTERLINE ELEVATION OF THE ADJACENT STREET. WITHOUT SETTING PRECEDENT, TRANSPORTATION PLANNING MAY ACCEPT REDUCED VISIBILITY TRIANGLE REQUIREMENTS ON THE NORTHERN SIDE OF THE PROPOSED DRIVEWAY ACCESS TO CATHARINE STREET NORTH PROVIDED THAT THE VISIBILITY TRIANGLE IS DIMENSIONED ON THE SITE PLAN ACCORDINGLY AND FREE OF OBSTRUCTIONS AS REQUIRED.
- PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN BY-LAW No. 10-197.
- LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
- A MINIMUM 1.2 METER SEPARATION MUST BE PROVIDED WITHIN THE CITY'S ROAD ALLOWANCE AREA BETWEEN DRIVEWAYS, A FENCE, AND ANY POLE, UTILITY, FIRE HYDRANT, TREE SIGN, ETC. ANY COSTS FOR TRAFFIC SIGNS OR UTILITY RELOCATED ARE THE SOLE RESPONSIBILITY OF THE APPLICANT / OWNER. IT IS THE APPLICANT'S RESPONSIBILITY TO COORDINATE WITH THE APPROPRIATE DEPARTMENTS AHEAD OF TIME.
- THE OWNER IS ADVISED THAT IF THE PROPERTY IS REDEVELOPED IN THE FUTURE THEN A ROAD WIDENING OF APPROXIMATELY 3 METERS WILL BE REQUIRED FOR BARTON STREET EAST.
- THE WASTE LOADING AREA DOES NOT MEET THE CITY'S REQUIREMENTS FOR THE FOLLOWING REASONS:
 - THE WASTE LOADING AREA DOES NOT INCLUDE MEASUREMENTS AND MAY NOT BE LARGE ENOUGH TO ACCOMMODATE ALL WASTE CONTAINERS FOR THE BUILDING.
 - THE PROPOSED WASTE LOADING AREA REQUIRES A VERTICAL CLEARANCE OF 9.5 METERS.
 - THE LOADING AREA MUST PERMIT ONE OF THE FOLLOWING OPTIONS FOR WASTE COLLECTION VEHICLE(S):
 - ALLOWANCE FOR A MINIMUM 18 METER OF DISTANCE FOR THE HEAD-ON APPROACH OF THE WASTE COLLECTION VEHICLE(S);
 - A TURNAROUND AREA ALLOWING FOR A MAXIMUM THREE-POINT TURN OF NOT MORE THAN ONE TRUCK LENGTH;
 - AN AREA WHICH THE WASTE COLLECTION VEHICLE MAY DRIVE THROUGH IN A CONTINUOUS FORWARD MOTION;
 - THE SITE PLAN MUST INCLUDE A LOCATION ADJACENT TO THE ROAD FOR THE CURBSIDE COLLECTION OF RECYCLING CARTS AND ORGANIC WASTE CARTS WHICH MEETS THE SPACE REQUIREMENTS SET OUT IN THIS MEMORANDUM. THERE IS LIMITED SPACE ADJACENT TO THE BUILDING FOR THE COLLECTION OF RECYCLING CARTS AND GREEN CARTS.



UNDERTAKING

RE: 71 REBECCA STREET, HAMILTON FILE No. DA-21-091

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

- TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM.
- 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 _____.
- 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.
- 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.
- THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBERS OR FULL ADDRESSES 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.

- THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBERS TO EACH COMMERCIAL UNIT ENTRANCE, IN A MANNER THAT IS VISIBLE FROM THE STREET.
- 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. 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 EASEMENT AT THEIR OWN COST.
- THE OWNER SHALL COMPLETE TO THE SATISFACTION OF THE DIRECTOR OF GROWTH MANAGEMENT AND CANADA POST:
 - INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:
 - THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.
 - 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.
 - THE OWNER FURTHER AGREES TO:
 - 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.
 - 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.
 - IDENTIFY THE PADS ABOVE ON THE ENGINEERING SERVICING DRAWINGS. SAID PADS TO BE POURED AT THE TIME OF THE SIDEWALK AND/OR CURB INSTALLATION WITHIN EACH PHASE OF THE PLAN OF SUBDIVISION.
 - 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.

- 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 (416.212.8888). IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE PROPONENT SHOULD IMMEDIATELY CONTACT BOTH MHSTCI AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416.212.7499).
- THE OWNER TO INCLUDE THE FOLLOWING WARNING CLAUSES ON TITLE AND IN ALL OFFERS OF PURCHASE AND SALE OR LEASE OF ALL RESIDENTIAL UNITS:
 - THIS DWELLING UNIT HAS BEEN DESIGNED WITH THE PROVISION FOR ADDING CENTRAL AIR CONDITIONING AT THE OCCUPANT'S DISCRETION. INSTALLATION OF CENTRAL AIR CONDITIONING BY THE OCCUPANT IN WILL ALLOW WINDOWS AND EXTERIOR DOORS TO REMAIN CLOSED, THEREBY ENSURING THAT THE INDOOR SOUND LEVELS ARE WITHIN THE SOUND LEVEL LIMITS OF THE MUNICIPALITY AND THE MINISTRY OF THE ENVIRONMENT.
 - PURCHASERS/TENANTS ARE ADVISED THAT DUE TO THE PROXIMITY OF THE GENERATORS AT ALECTRA UTILITIES AND HAMILTON POLICE INVESTIGATIVE SERVICES, NOISE FROM TESTING MAY AT TIMES BE AUDIBLE.

DATED THIS _____ DAY OF _____ 20__

WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____

WITNESS (PRINT) _____ OWNER(S) (PRINT) _____

ADDRESS OF WITNESS _____

1

A100

SITE PLAN

Drawn ST

Checked BL

Title SITE PLAN

Scale 1:200

Date 27 AUG. 2024

Project No. 20-199

Drawing No. **A103**

8	ISSUED FOR C.O.P.A.	27 AUG. 2024
8	REISSUED FOR SPA	25 OCT. 2023
7	REISSUED FOR SPA	28 AUG. 2023
6	REISSUED FOR SPA	14 JULY 2023
5	REISSUED FOR SPA	30 NOVEMBER 2022
4	REISSUED FOR SPA	22 JUNE 2022
3	ISSUED FOR 100% DD	29 APRIL 2022
2	REISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

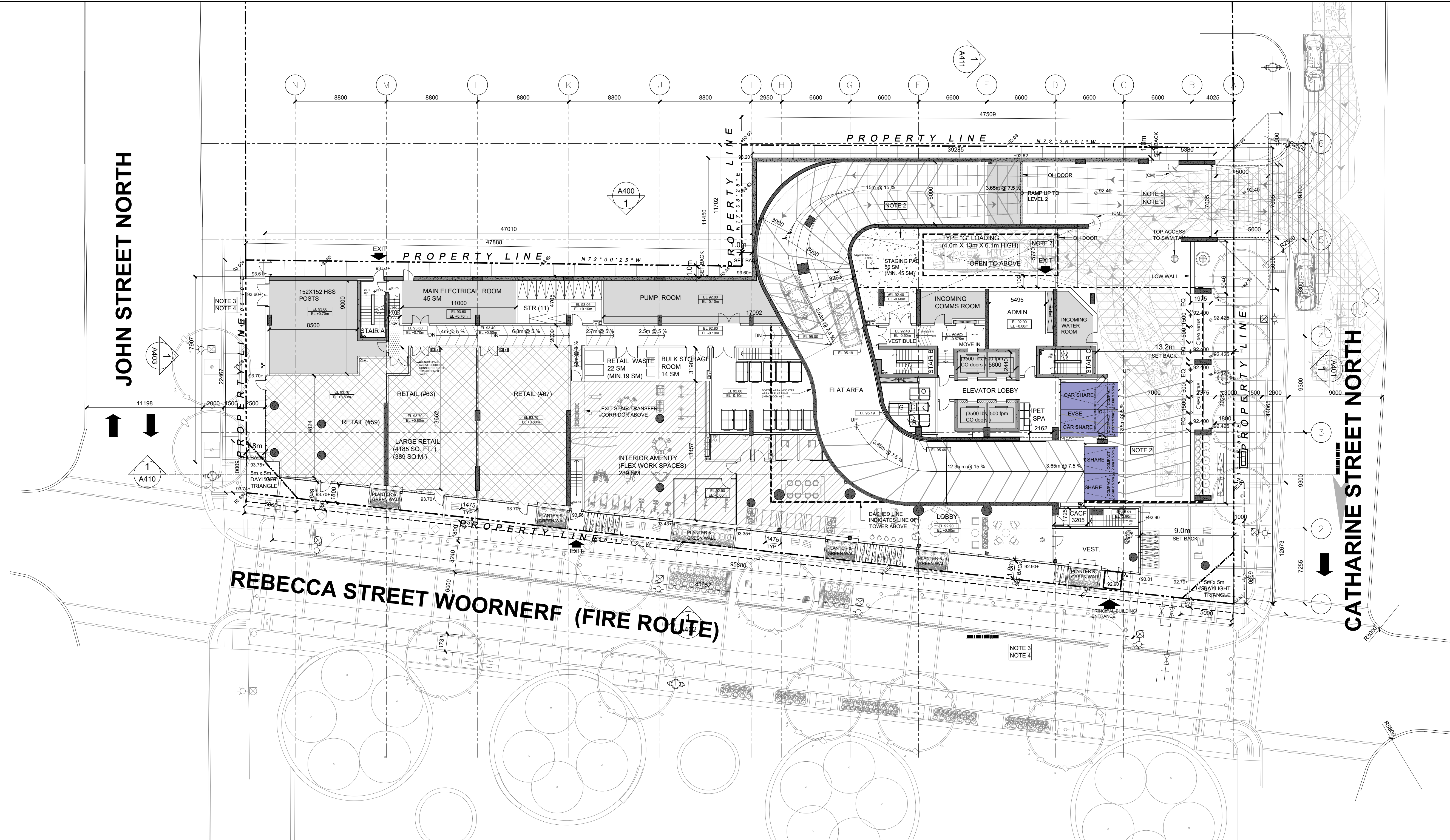
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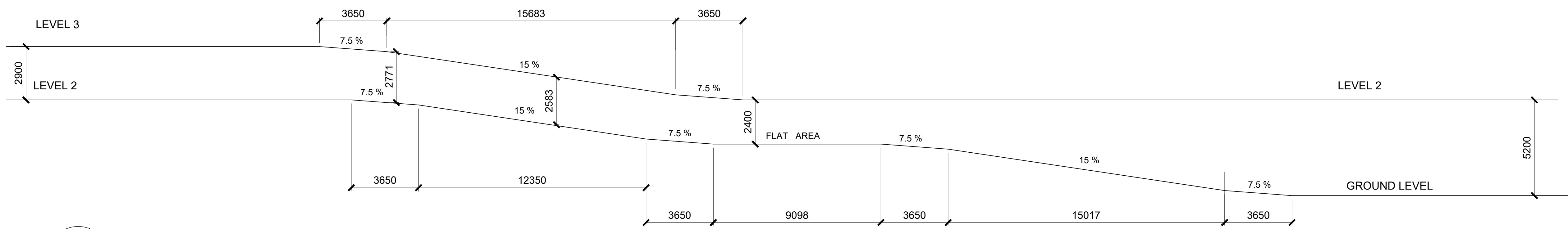
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 71 REBECCA STREET
 HAMILTON, ONTARIO, L8R 1B6
 SITE PLAN FILE NUMBER: DA-21-091



1 RAMP FROM GROUND TO SECOND PLAN
A104



2 RAMP FROM GROUND TO SECOND SECTION
A104

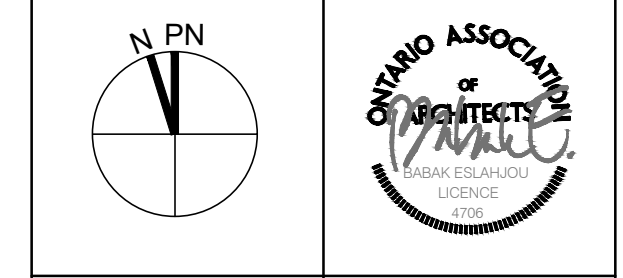
9	ISSUED FOR C.O.P.	27 AUG. 2024
8	REISSUED FOR SPA	25 OCT. 2023
7	REISSUED FOR SPA	28 AUG. 2023
6	REISSUED FOR SPA	14 JULY 2023
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1	ISSUED FOR SPA	27 MAY 2021

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 SITE PLAN FILE NUMBER: DA-21-091



Drawn ST	Scale 1:200
Checked BL	Date 27 AUG. 2024
Title RAMP FROM GROUND TO SECOND	

JOHN STREET NORTH

CATHARINE STREET NORTH

REBECCA STREET WOORNERF (FIRE ROUTE)

AREA NOT INCLUDED IN GFA

COMPACT PARKING SIZES AS PER SITE SPECIFIC ZONING



- NOTES**
- NOTE 1: (REVERSED)
 - NOTE 2: ILLUSTRATED VEHICLE MOVEMENT DIAGRAM IS TAKEN FROM TRAFFIC REPORT. REFER ALSO TO TRAFFIC REPORT.
 - NOTE 3: REFER TO SITE SERVING AND GRADING PLAN FOR DETAILED GRADING.
 - NOTE 4: REFER TO LANDSCAPE PLAN FOR PLANTING AND PAVING LOCATION MATERIALS AND DETAILS.
 - NOTE 5: ACCEPTABLE PAVEMENT MARKING AND SIGNING PLAN FOR ACCESS DRIVEWAY WILL BE PROVIDED WHICH INCLUDES NO PARKING SIGNING AND WARNING SIGNING INDICATING THE PRESENCE OF LARGE TRUCKS. AT NO COST TO THE CITY (REFER TO TRAFFIC REPORT).
 - NOTE 6: CURB AND SIDEWALK AT THE VEHICULAR ACCESS POINT BUILT AS PER CITY OF HAMILTON STANDARDS AND ANY EXISTING VEHICULAR ACCESS RAMP ON STREETS ADJACENT TO PROPERTY WILL BE ELIMINATED AND THE SIDEWALK AND CITY SIDEWALK WILL BE REINSTATED TO CITY OF HAMILTON STANDARDS AND SPECIFICATIONS AT NO EXPENSE TO THE CITY.
 - NOTE 7: TRAINED ON-SITE STAFF MEMBER TO BE AVAILABLE TO MOVE BINS FOR THE GARBAGE COLLECTOR DRIVER AND ACT AS A FLAGMAN WHEN THE TRUCK IS REVERSING.
 - NOTE 8: CONSTRUCT THE TYPE 'C' LOADING SPACE, STAGING PAD, AND ALL DRIVEWAYS AND PASSAGEWAYS PROVIDING ACCESS THERETO. THE REQUIREMENTS OF THE BUILDING CODE INCLUDING ALLOWANCE FOR LATERAL WINDS SHALL BE MET AS SUPPORTING STRUCTURE. LATERAL WINDS ARE TO BE BUILT AS 100mm REINFORCED CONCRETE WITH MAX +/- 2% SLOPE. ALL ACCESS DRIVEWAYS AND LANES THAT ARE TO BE USED BY THE COLLECTION VEHICLE WILL BE LEVEL (+/- 1%), AT LEAST 4.5 METERS WIDE AND 4 METERS WIDE AT ENTRANCE AND EXIT AND WILL HAVE A MINIMUM OVERHEAD TRAVELING CLEARANCE OF 2.1 METERS. INCLUDING WHEN TRAVELING THROUGH OVERHEAD DOORS.
 - NOTE 9: RETAIL MANAGEMENT MUST ARRANGE FOR THEIR COLLECTION DAYS TO BE SCHEDULED TO BE OPPOSITE DAYS FROM THOSE OF RESIDENTIAL COLLECTION DAYS. COMMERCIAL OFFICE BINS MUST BE CLEARLY LABELED.
 - NOTE 10: DOUBLE CHUTE SYSTEM EQUIPPED WITH BISSORER FOR RECYCLING (R) AND GARBAGE (G). GARBAGE STREAM ATTACHED TO COMPACTOR.
 - NOTE 11: CONVEX MIRRORS TO BE INSTALLED WITHIN PARKING GARAGE AT ALL RIGHT-ANGLE TURNS TO BE NEGOTIATED BY TWO-WAY TRAFFIC POSITIONED IN SUCH A MANNER TO PROVIDE DRIVERS WITH CLEAR VIEWS OF ON-COMING TRAFFIC (TYPICAL).
 - NOTE 12: PARKING LEVELS UTILIZE TRUE COLOR REDUNDANT LIGHTING (CRI > 80). LIGHT FIXTURES WILL BE LOCATED OVER REAR THIRD OF PARKING SPACES, AND OVERALL MINIMUM LIGHT LEVELS WILL COMPLY WITH CODE.
 - NOTE 13: GARBAGE TO BE EQUIPPED WITH SECURITY CAMERAS.
 - NOTE 14: AIR SHAFT WILL INCORPORATE SOUND ATTENUATION MEASURES OR SELECTION OF VENTILATION EQUIPMENT THAT RESULT IN THE SOUND LEVELS AT THE SENSITIVE POINTS OF RECEPTION THAT MEET THE CITY OF HAMILTON AND MINISTRY OF ENVIRONMENT AND CLIMATE CHANGES NRC-3000 NOISE CRITERIA AT ALL TIMES OF THE DAY OR NIGHT. NOISE CONTROL MEASURES MAY INCLUDE BUT NOT BE LIMITED TO DUCT MUFFLERS, SOUND LINING BARRIERS OR THE SELECTION OF QUIETER MECHANICAL VENTILATION EQUIPMENT. GRILL TO BE GALV. STEEL.
 - NOTE 15: ALL ELEVATOR LOBBY STAIR AND VESTIBULE DOORS TO HAVE MAXIMUM ALLOWABLE GLAZING AS PER OBC.

SIGNS

1 SIGN 2 SIGNOTES "NO PARKING" AND DRIVEWAY SIGN

3	ISSUED FOR CIP	27 AUG. 2024
4	ISSUED FOR SPA	25 OCT. 2023
5	ISSUED FOR SPA	28 AUG. 2023
6	ISSUED FOR SPA	14 JUL. 2023
7	ISSUED FOR SPA	30 NOVEMBER 2022
8	ISSUED FOR SPA	29 JUNE 2022
9	ISSUED FOR SPA	29 APRIL 2022
10	ISSUED FOR SPA	06 JANUARY 2022
11	ISSUED FOR SPA	27 MAY 2021

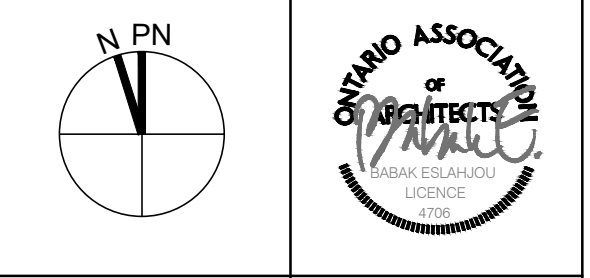
No. Revisions Date

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 71 REBECCA STREET
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 SITE PLAN FILE NUMBER: DA-21-091



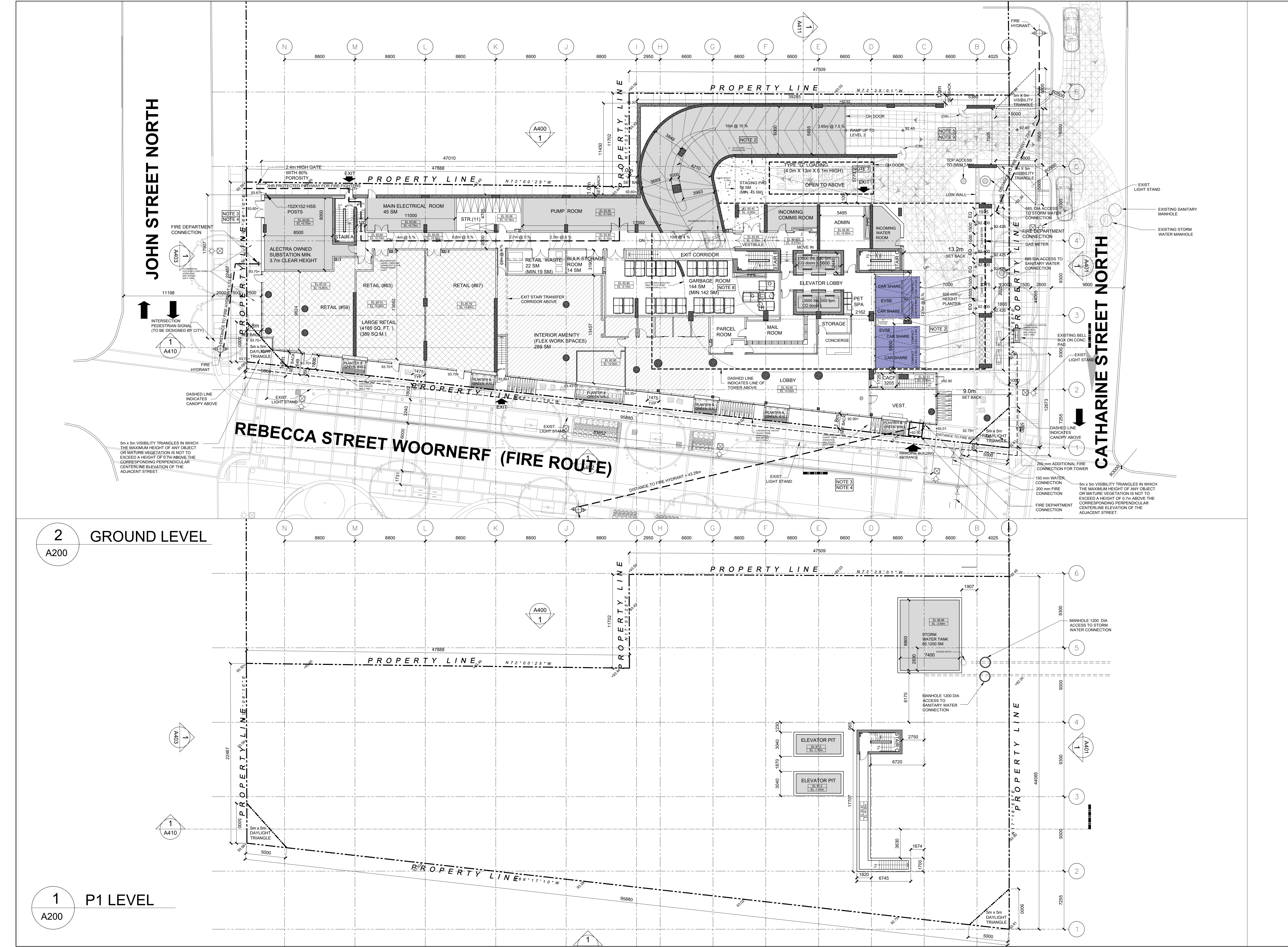
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 Checked: BL Date: 27 AUG. 2024

Title: P1 & GROUND LEVELS

Project No: 20-199 Drawing No: A200

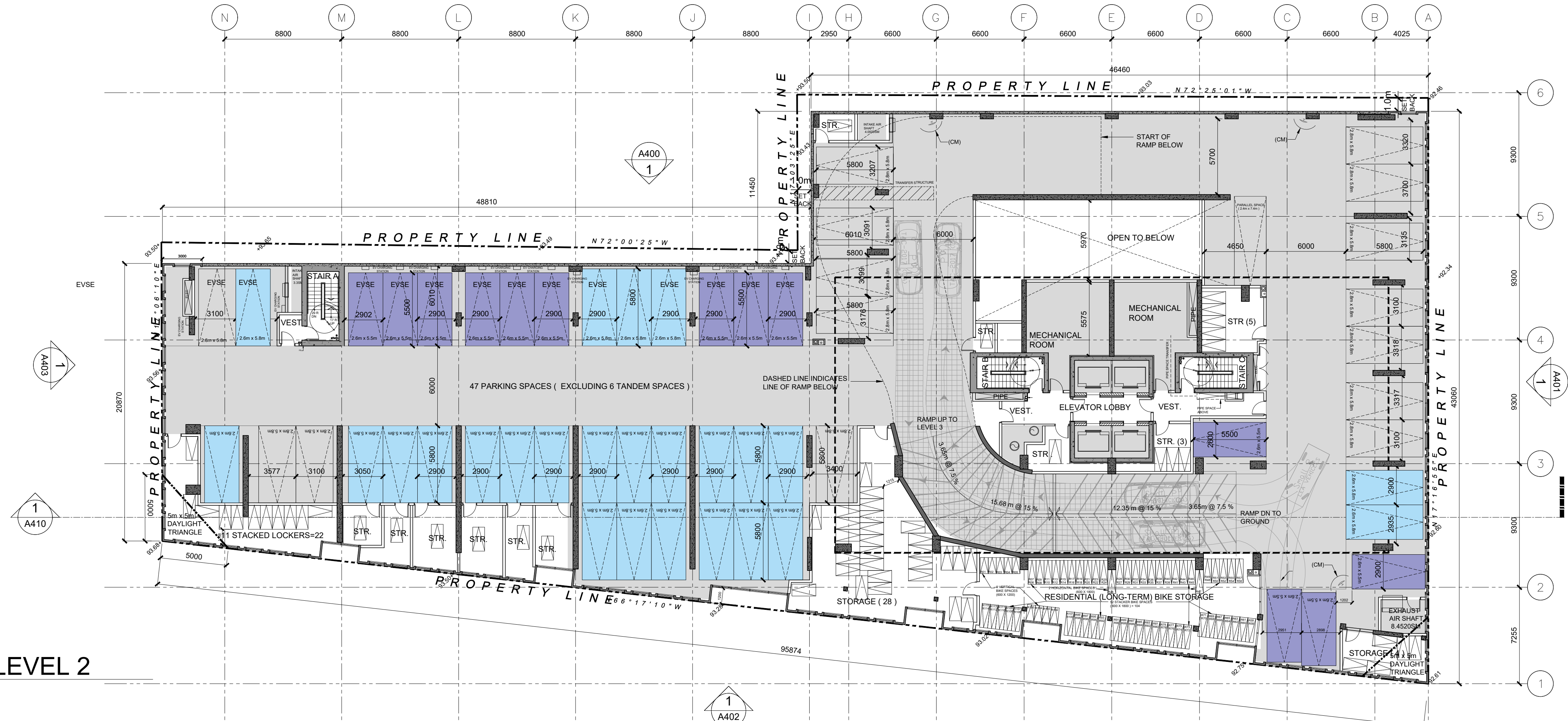
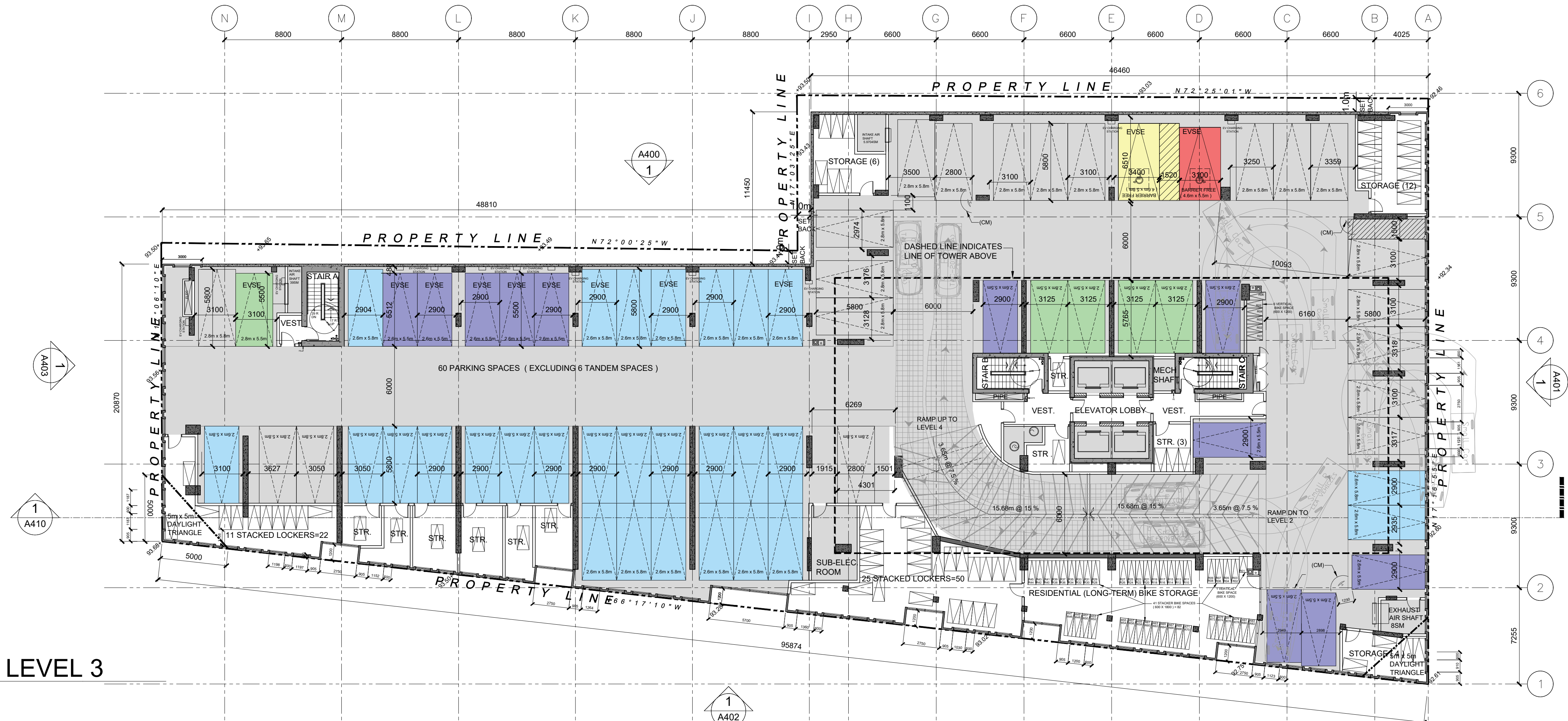
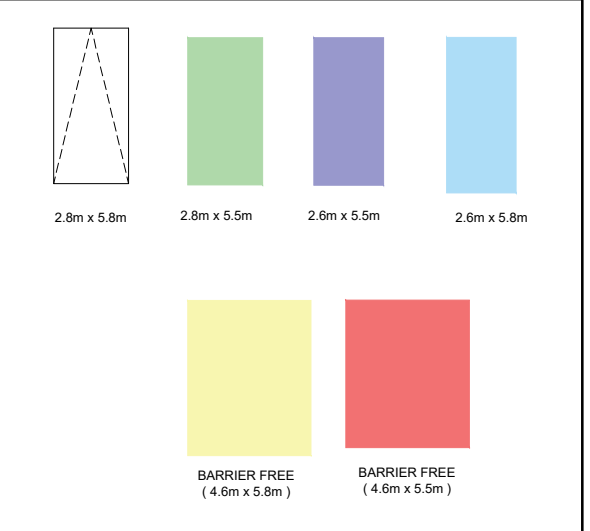
2 GROUND LEVEL A200

1 P1 LEVEL A200



AREA NOT INCLUDED IN GFA

PARKING SIZES AS PER SITE SPECIFIC ZONING



8	ISSUED FOR C OF A	27 AUG. 2024
7	REISSUED FOR SPA	28 AUG. 2023
6	REISSUED FOR SPA	14 JULY 2023
5	REISSUED FOR SPA	30 NOVEMBER 2022
4	REISSUED FOR SPA	22 JUNE 2022
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2	REISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

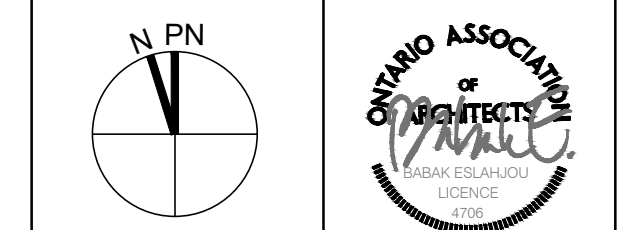
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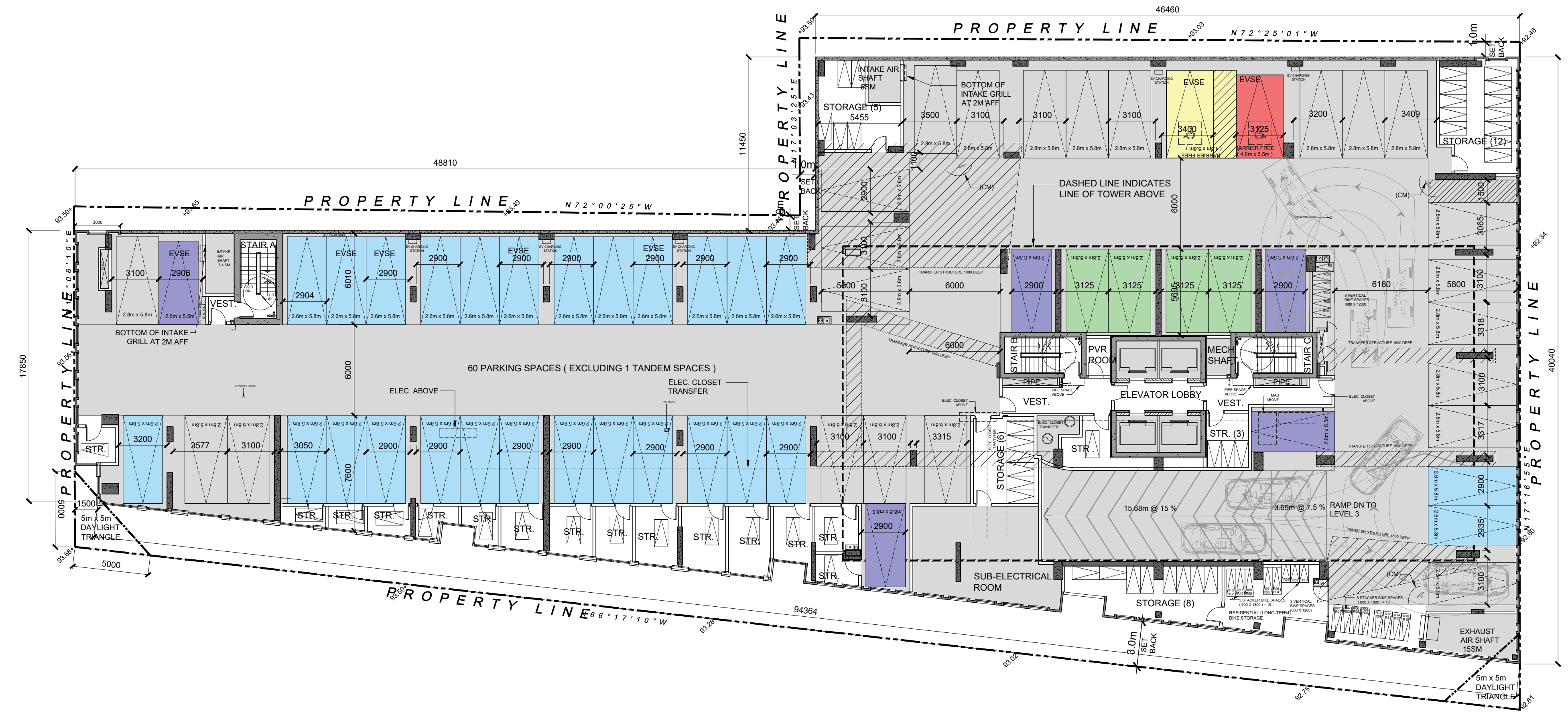
71 Rebecca
 71 REBECCA STREET
 HAMILTON, ONTARIO, L8B 1B6
 SITE PLAN FILE NUMBER: DA-21-091



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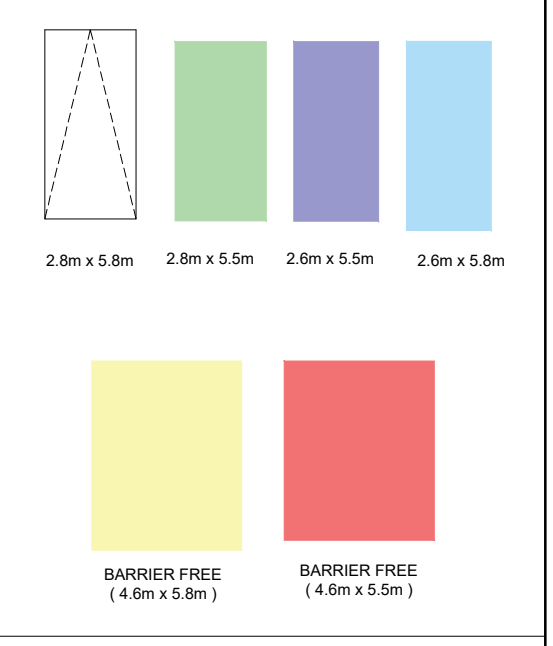
Title: LEVEL 2 & 3

Project No. 20-199 Drawing No. A201



AREA NOT INCLUDED IN GFA

PARKING SIZES AS PER SITE SPECIFIC ZONING



1 LEVEL 4
A202

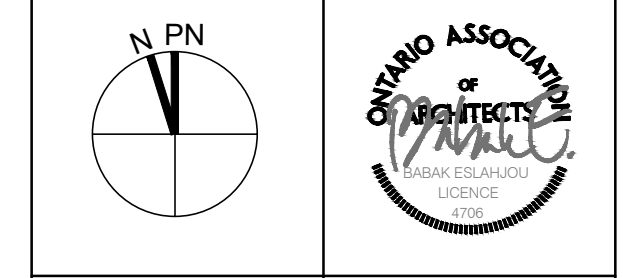
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7	ISSUED FOR SPA	28 AUG. 2023
6	ISSUED FOR SPA	14 JULY 2023
5	ISSUED FOR SPA	30 NOVEMBER 2022
4	ISSUED FOR SPA	20 JUNE 2022
3	ISSUED FOR 100% DD	29 APRIL 2022
2	ISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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SITE PLAN FILE NUMBER: DA-21-091



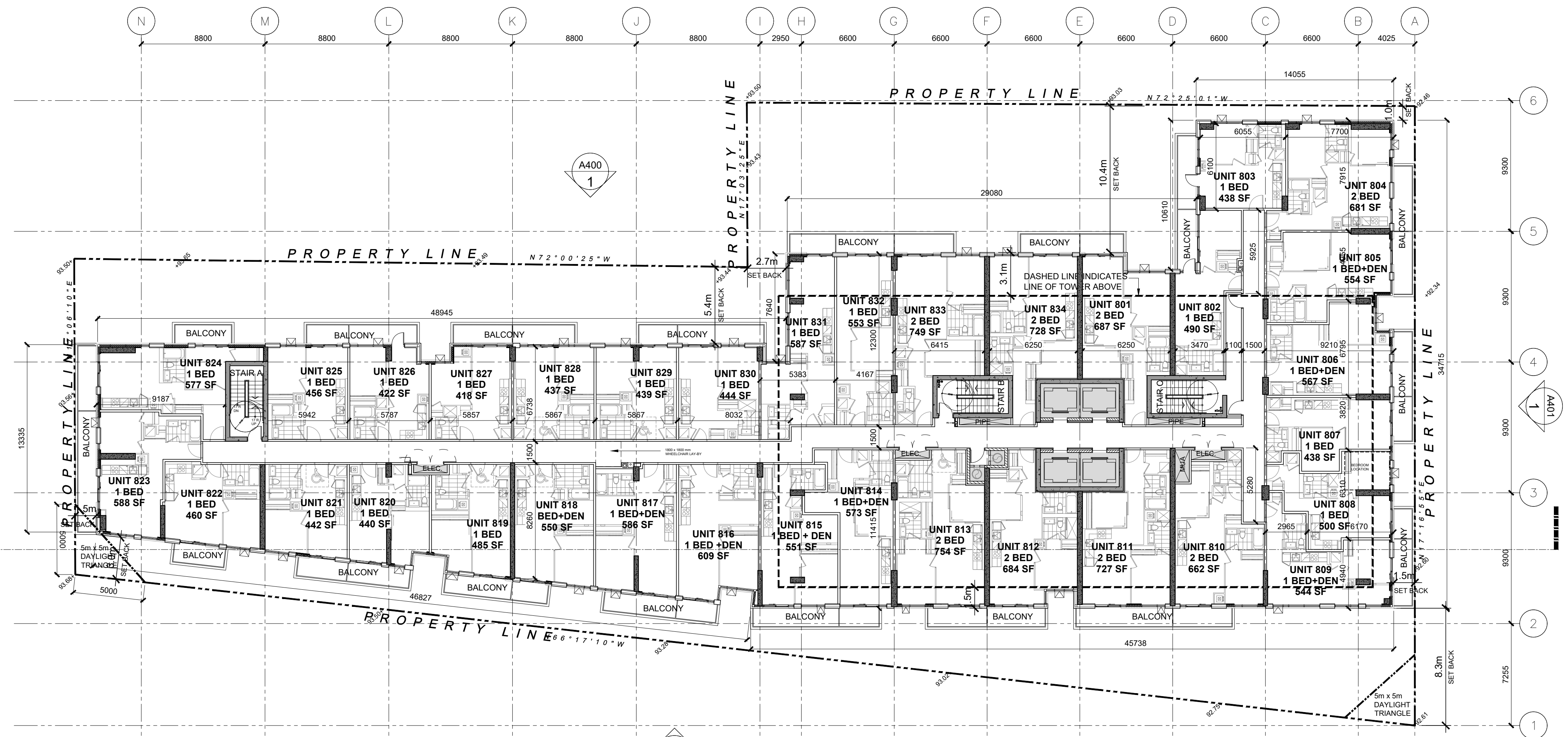
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Title
LEVEL 4

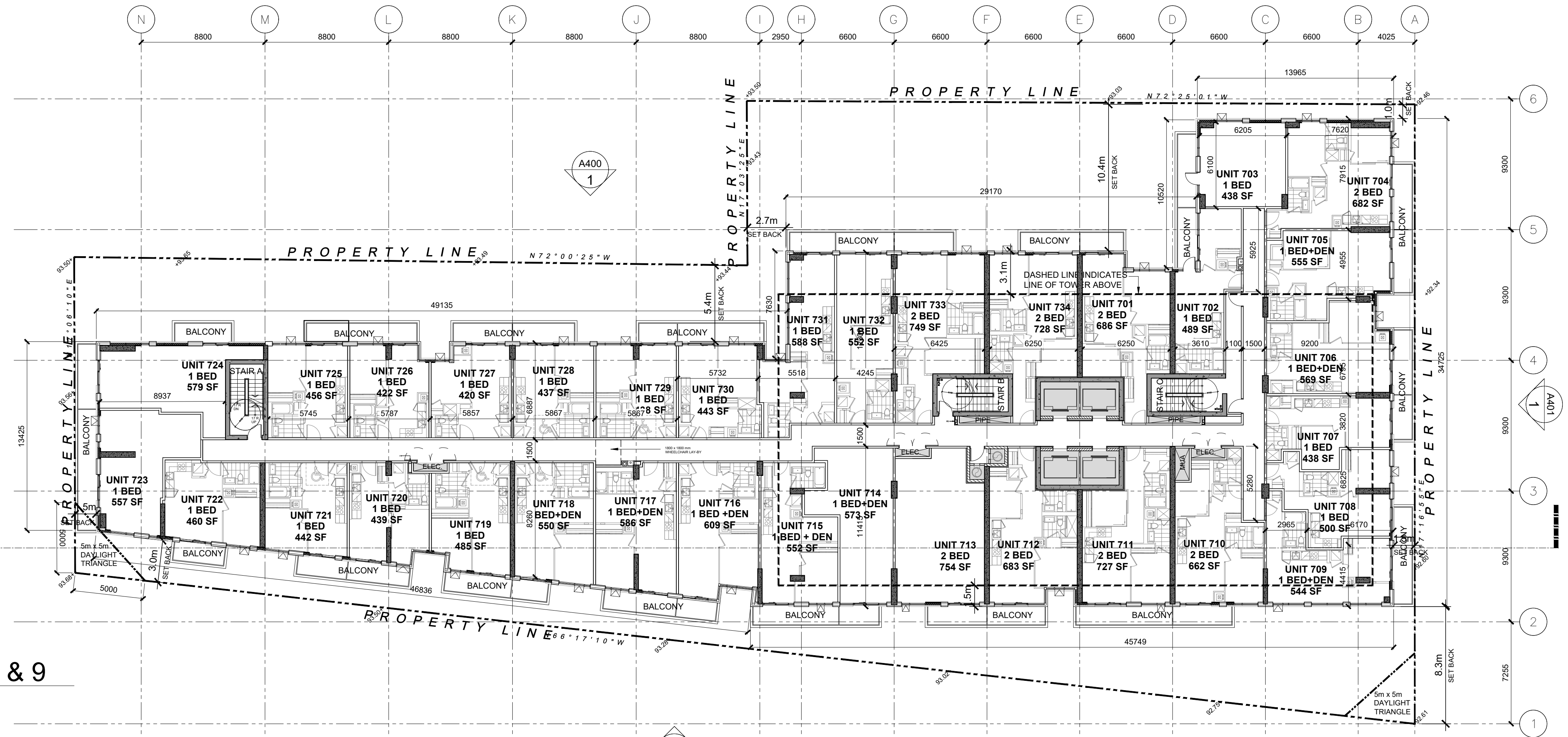
Project No.
20-199

Drawing No.
A202

AREA NOT INCLUDED IN GFA



2 LEVEL 8
A204



1 LEVEL 7 & 9
A204

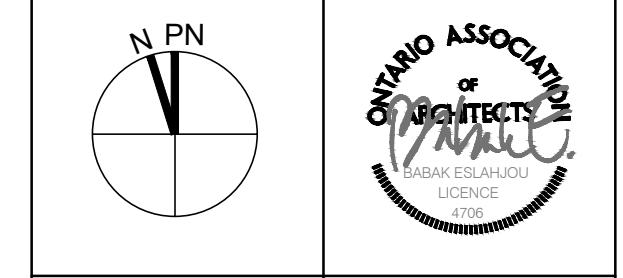
No.	Revisions	Date
8	ISSUED FOR C O F A	27 AUG. 2024
7	REISSUED FOR SPA	28 AUG. 2023
6	REISSUED FOR SPA	14 JULY 2023
5	REISSUED FOR SPA	30 NOVEMBER 2022
4	REISSUED FOR SPA	22 JUNE 2022
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2	REISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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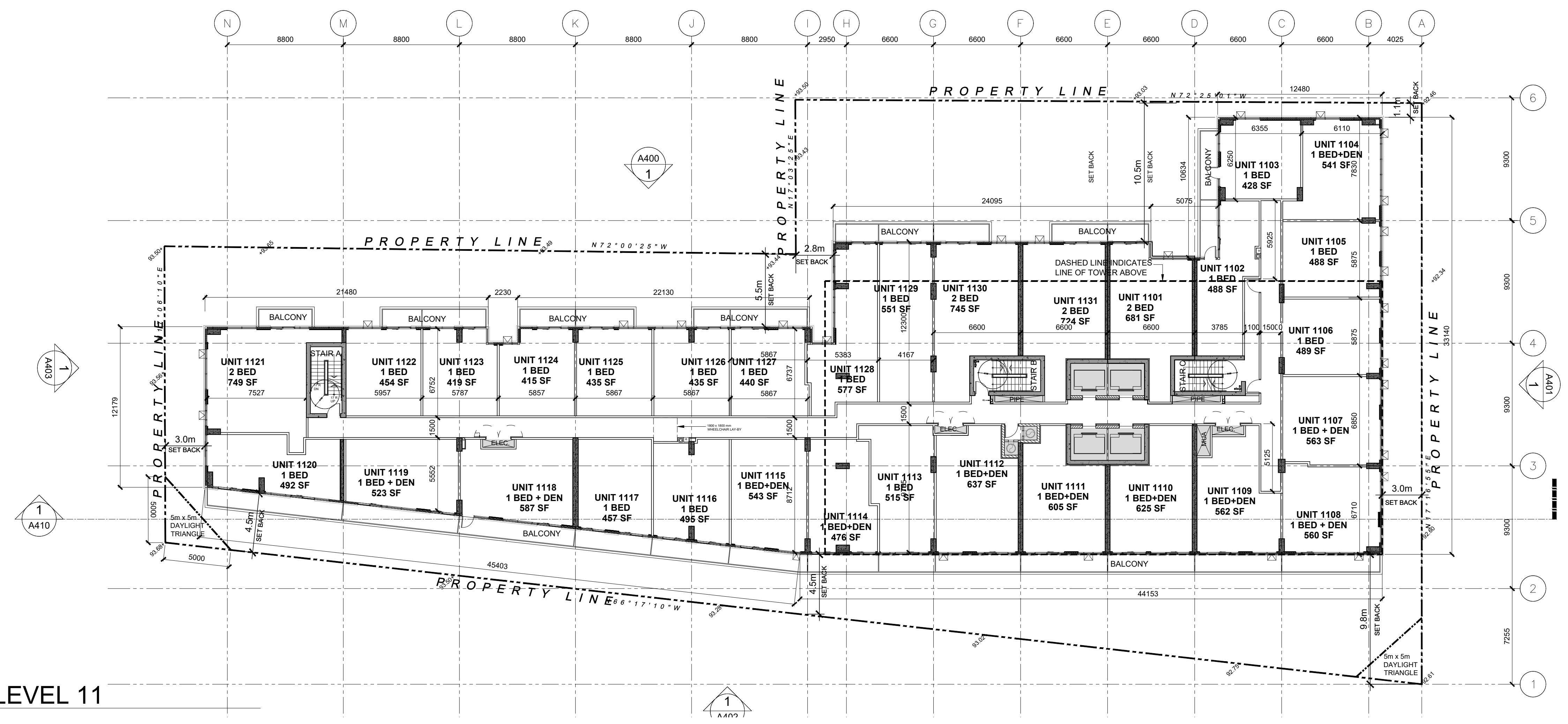


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 Checked: BL
 Date: 27 AUG. 2024

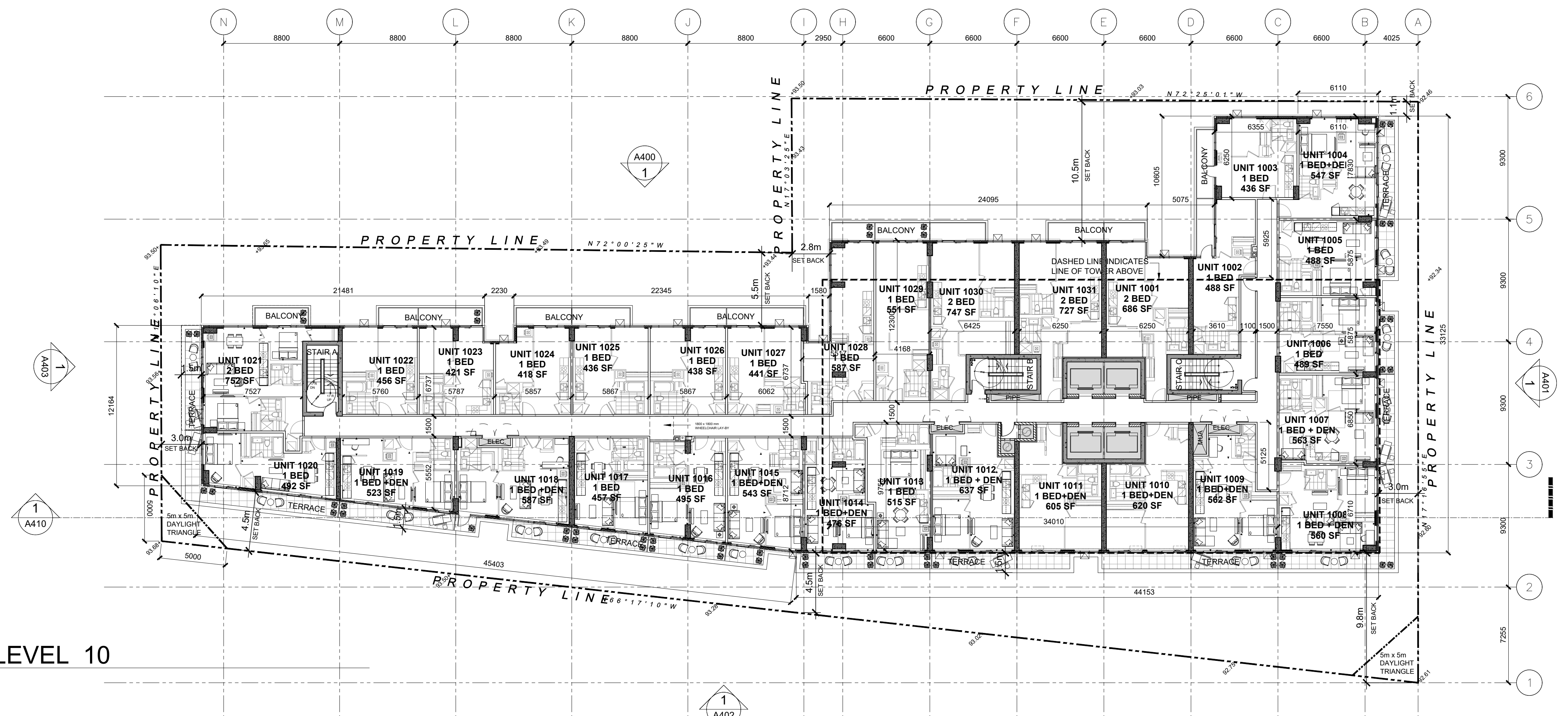
Title: LEVELS 7 & 9 AND LEVEL 8

Project No. 20-199 Drawing No. A204

AREA NOT INCLUDED IN GFA



2 LEVEL 11
A205

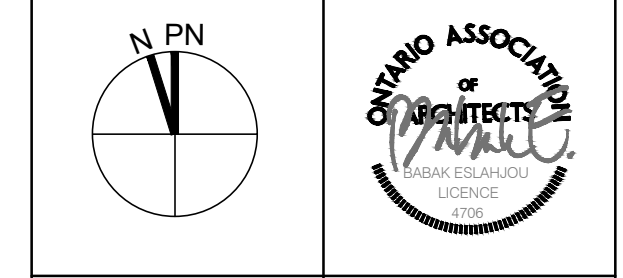


1 LEVEL 10
A205

No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG 2024
7	REISSUED FOR SPA	28 AUG 2023
6	REISSUED FOR SPA	14 JULY 2023
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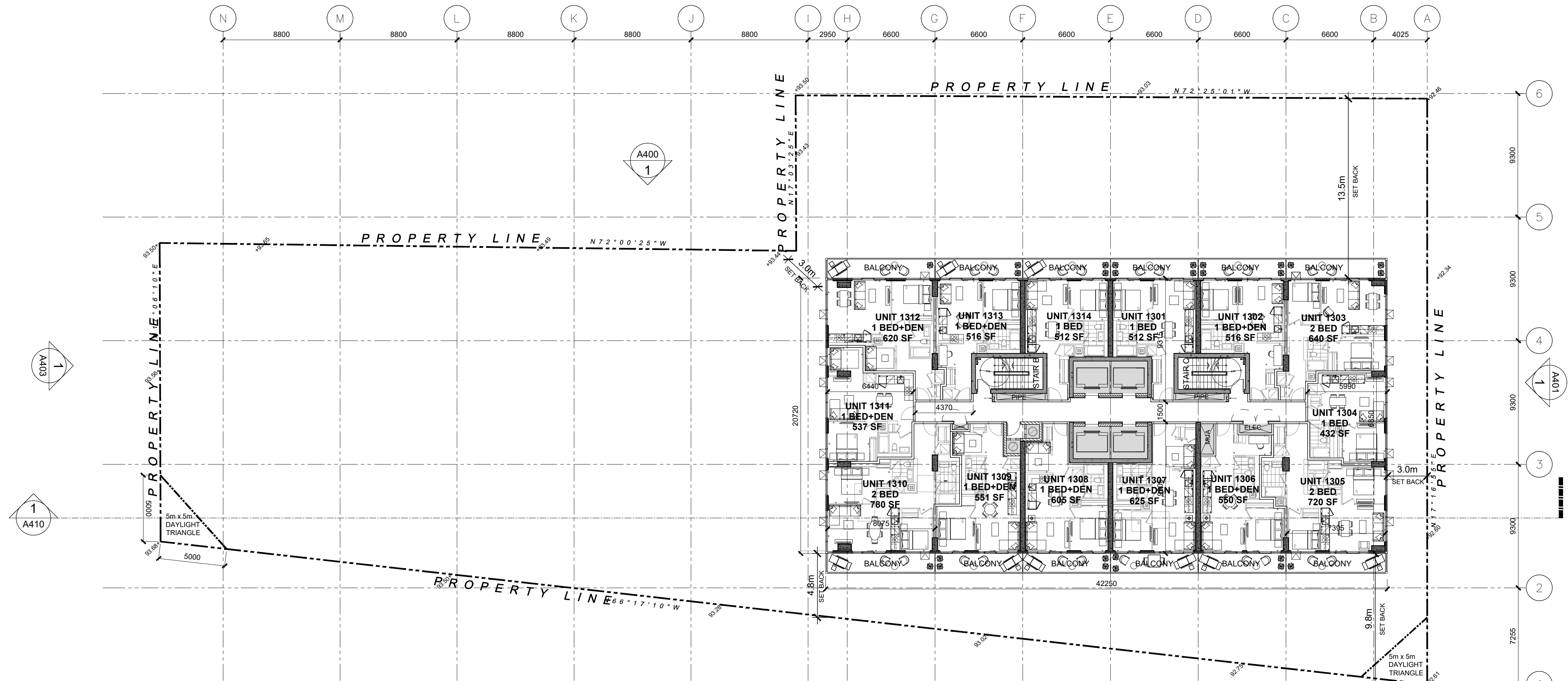
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71 Rebecca
71 REBECCA STREET
HAMILTON, ONTARIO, L8R 1B6
SITE PLAN FILE NUMBER: DA-21-091

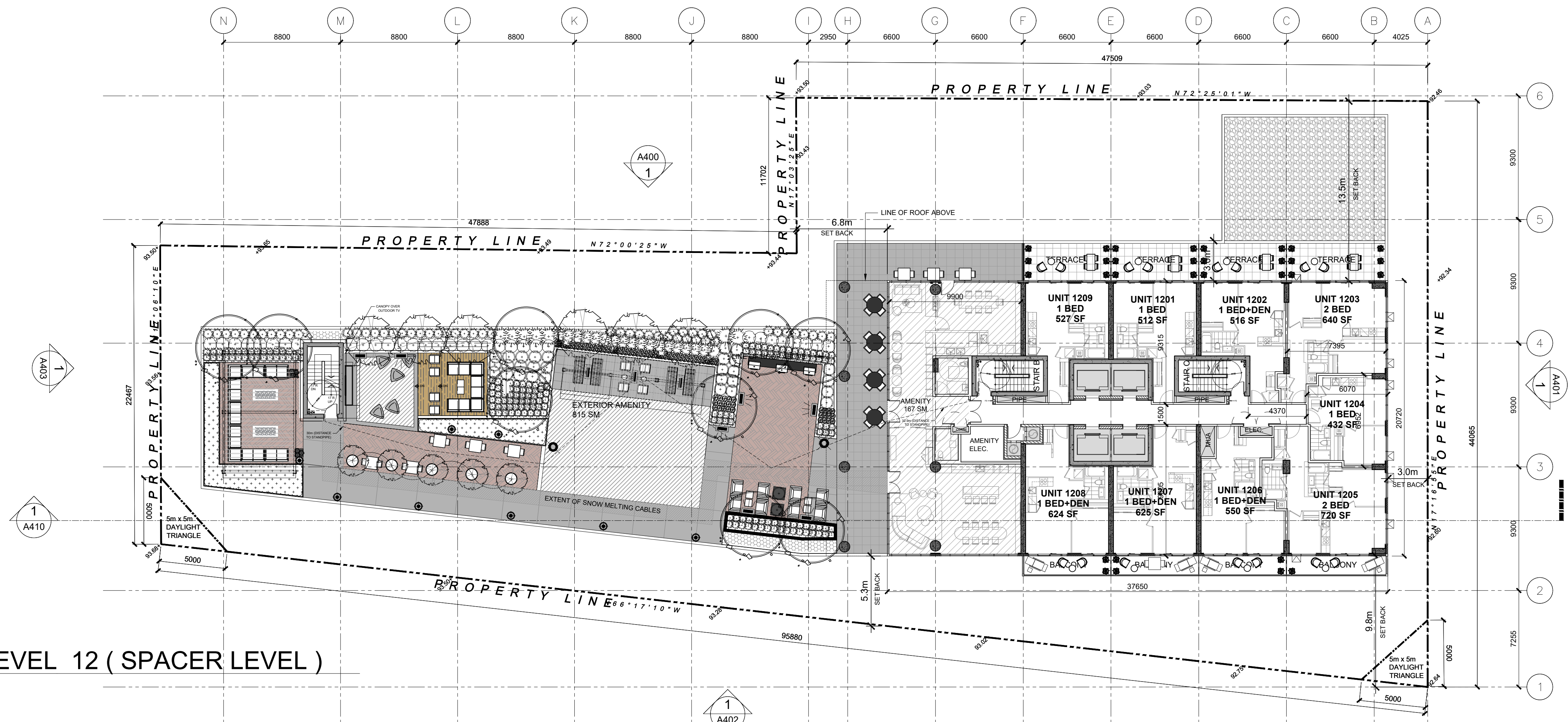


Drawn ST	Scale 1:200
Checked BL	Date 27 AUG 2024
Title LEVELS 10 & 11	

AREA NOT INCLUDED IN GFA



2 LEVEL 13 - 29
A206



1 LEVEL 12 (SPACER LEVEL)
A206

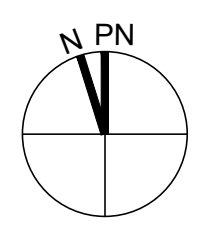
No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG. 2024
7	RESUBMITTED FOR SPA	28 AUG. 2023
6	RESUBMITTED FOR SPA	14 JULY 2023
5	RESUBMITTED FOR SPA	30 NOVEMBER 2022
4	RESUBMITTED FOR SPA	22 JUNE 2022
3	ISSUED FOR 100% I/O	29 APRIL 2022
2	RESUBMITTED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB.

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71 REBECCA STREET
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SITE PLAN FILE NUMBER: DA-21-091

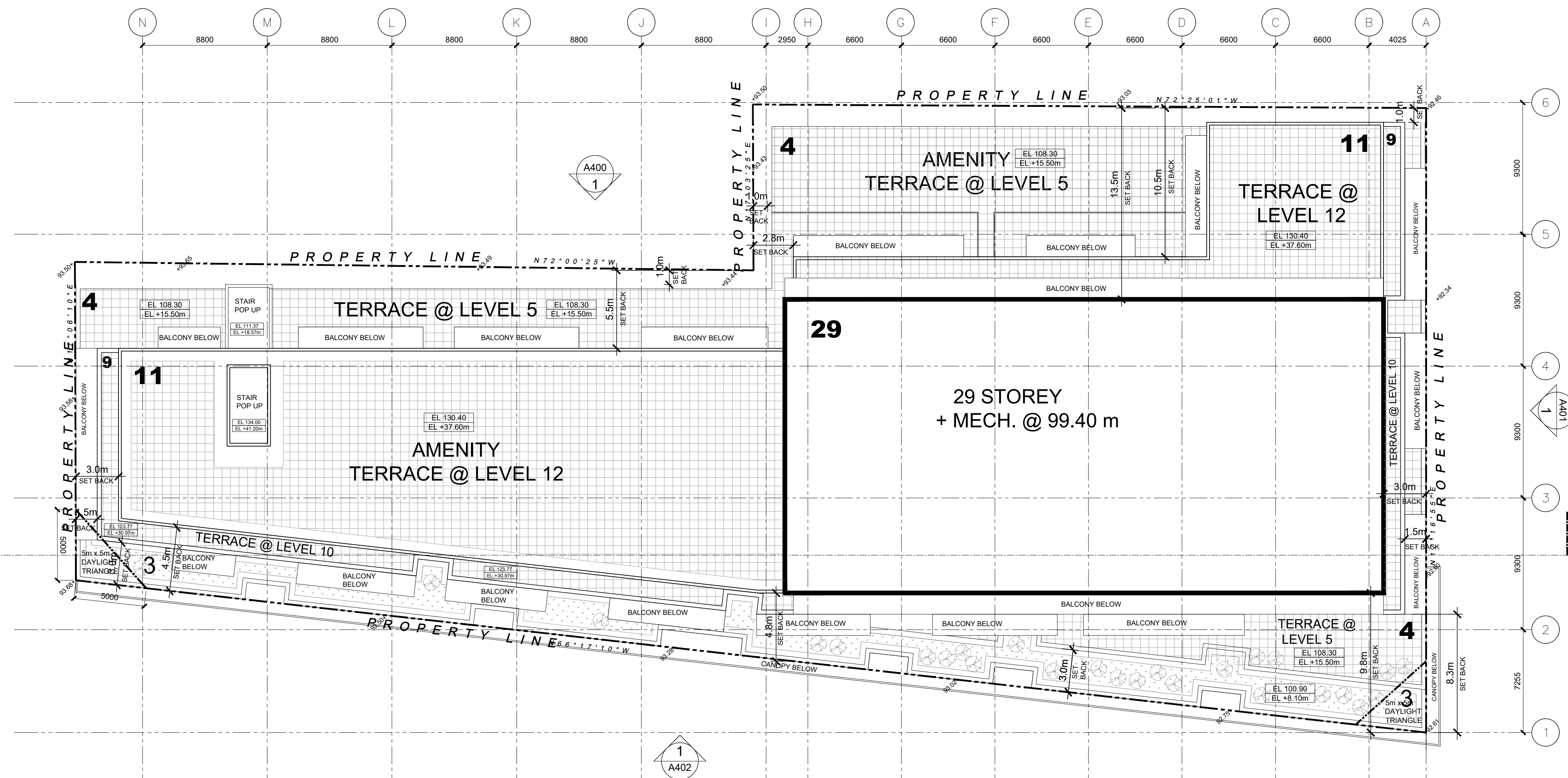


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Checked: BL Date: 27 AUG. 2024

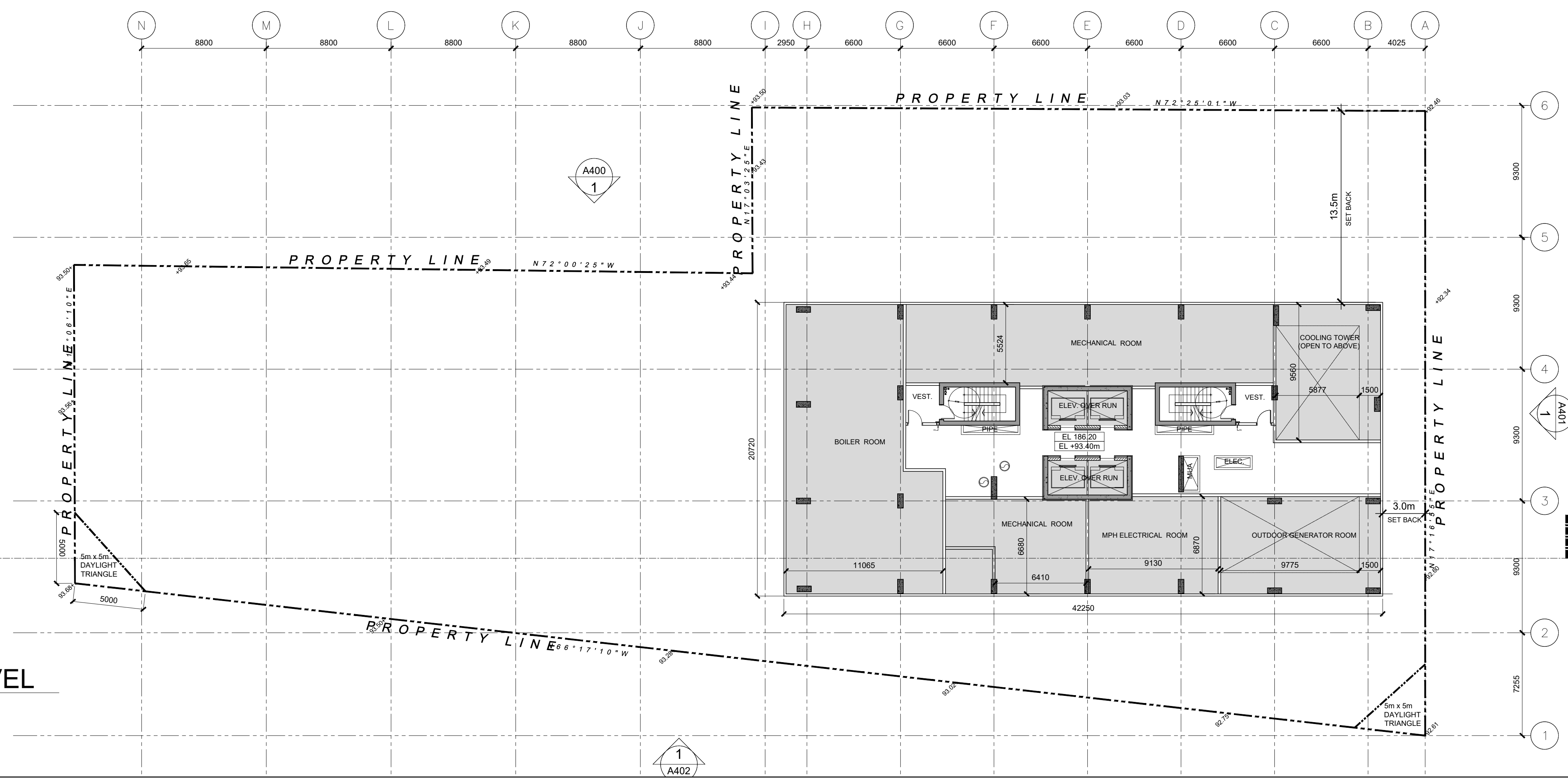
Title: LEVELS 12 (SPACER LEVEL) & LEVELS 13 - 29

Project No. 20-199 Drawing No. A206

AREA NOT INCLUDED IN GFA



2 ROOF PLAN
A207



1 MECHANICAL LEVEL
A207

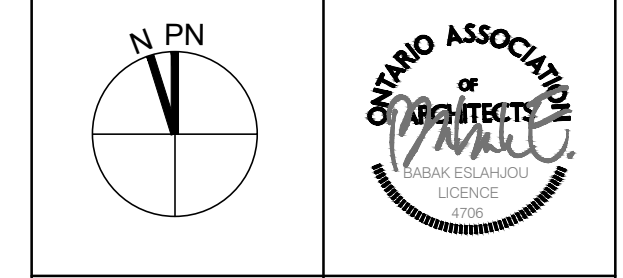
No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG. 2024
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3	ISSUED FOR 100% DD	29 APRIL 2022
2	RESUBMITTED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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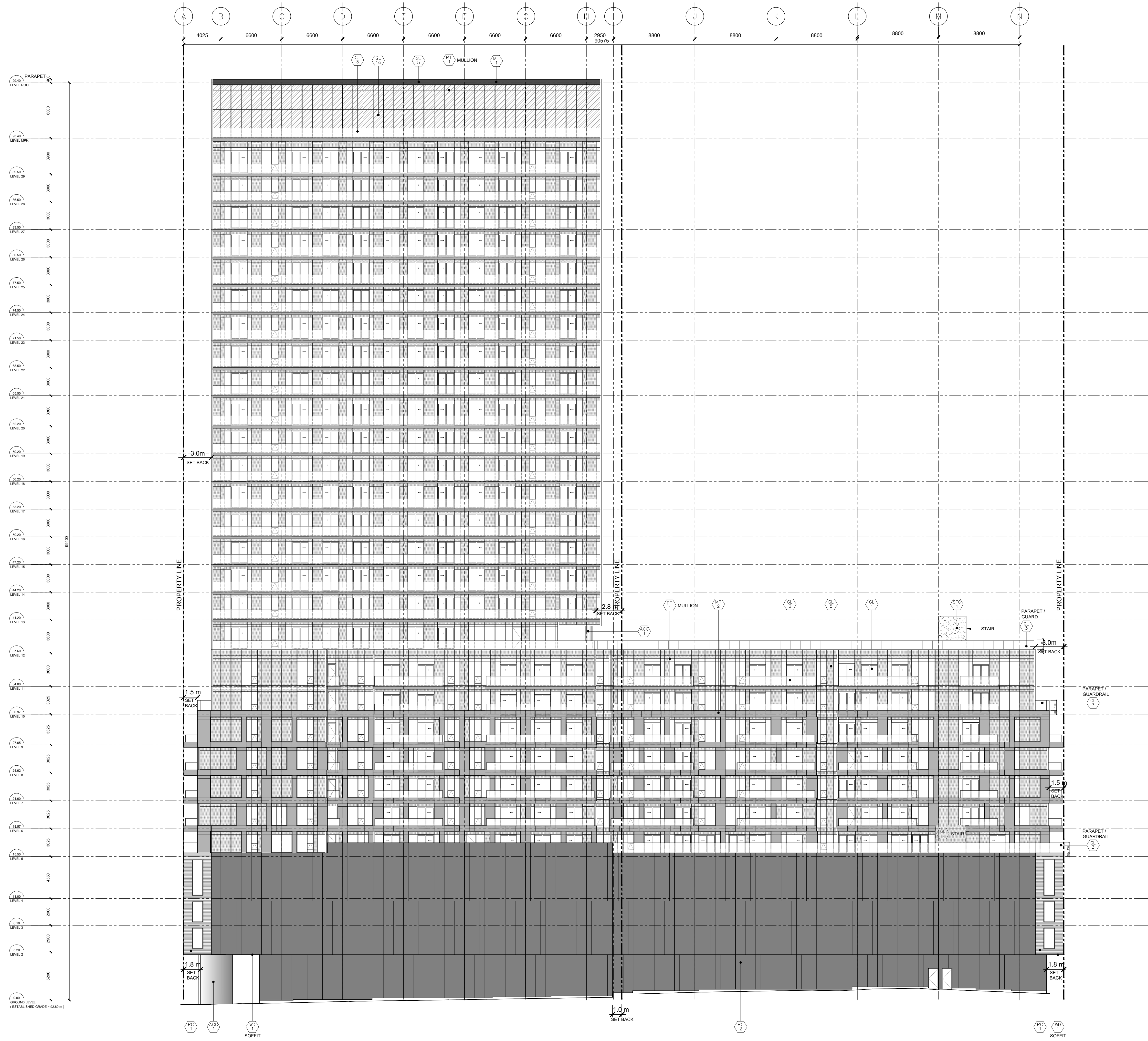
71 Rebecca
71 REBECCA STREET
HAMILTON, ONTARIO, L8R 1B6
SITE PLAN FILE NUMBER: DA-21-091



Drawn: ST
Checked: BL
Date: 27 AUG. 2024

Title: MECHANICAL & ROOF LEVELS

Project No. 20-199
Drawing No. A207



MATERIAL LEGEND

- GL 1 GLASS TYPE 1 (CLEAR, LOW-E)
- GL 2 GLASS TYPE 2 (PROTECTED, LOW-E)
- GL 3 GLASS TYPE 3 (CLEAR, LOW-E, TEMPERED)
- GL 4 GLASS TYPE 4 (CLEAR, BALCONY GLAZING)
- GL 5 GLASS TYPE 5 (BACK-PANED SPANDREL GLAZING 88% VISIBLE DEEP SILVER)
- GL 6 PRECAST CONCRETE WITH THIN BRICK RELAY (ENDCOTT MANGANESE FINISHPOT NORMAN PROFILE)
- GL 7 MASONRY PRECAST CONCRETE (DARK GREY)
- GL 8 PAINT TYPE 1 (CHARCOAL GREY)
- GL 9 METAL PANEL (CHARCOAL GREY)
- GL 10 GLASS TYPE 1 (BACK-PANED SPANDREL GLAZING 88% VISIBLE DEEP SILVER)
- GL 11 TOP-HAT METAL PANEL (880126-70 'SLV WHITE')
- MT 1 WIRE PLANTING SUPPORT
- MT 2 ARCHITECTURAL CONCRETE TYPE 1
- MT 3 STUCCO (DARK GREY)
- MT 4 WOOD APPEARANCE METAL PANEL
- MT 5 LOUVER

NOTE:
SIGNAGE WILL COMPLY WITH ZONING REQUIREMENTS AND WILL BE APPLIED FOR AS A SEPARATE PERMIT WHERE REQUIRED

No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG. 2024
7	ISSUED FOR SPA	28 AUG. 2023
6	ISSUED FOR SPA	14 JULY 2023
5	ISSUED FOR SPA	30 NOVEMBER 2022
4	ISSUED FOR SPA	20 JUNE 2022
3	ISSUED FOR 100% DD	29 APRIL 2022
2	ISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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HAMILTON, ONTARIO, L8B 1B6
SITE PLAN FILE NUMBER: DA-21-091

Drawn: ST Scale: 1:200
Checked: BL Date: 27 AUG. 2024
Title: NORTH ELEVATION

Project No: 20-199 Drawing No: A400



MATERIAL LEGEND

- GLASS TYPE 1 (CLEAR, LOW E)
- GLASS TYPE 1A (PROTECTED, LOW E)
- GLASS TYPE 2 (CLEAR, LOW E, THERMO)
- GLASS TYPE 3 (CLEAR, LOW E, GLAZING)
- GLASS TYPE 4 (CLEAR, LOW E, GLAZING)
- GLASS TYPE 5 (BACKPAINTED SPANDREL GLAZING-8M 2124-30 'DEEP SILVER')
- PRECAST CONCRETE WITH THIN BRICK INLAY (PROJECT MANAGER'S PROPERTY NUMBER PROFILE)
- SMOOTH PRECAST CONCRETE (DARK GREY)
- PAINT TYPE 1 (CHARCOAL GREY)
- METAL PANEL (CHARCOAL GREY)
- TOP-HAT METAL PANEL (R442128 TO 'L'V WHITE')
- WIRE PLANNING SUPPORT
- ARCHITECTURAL CONCRETE TYPE 1
- STUCCO (DARK GREY)
- WOOD APPEARANCE METAL PANEL
- DOORTE

NOTE:
SIGNAGE WILL COMPLY WITH ZONING REQUIREMENTS AND WILL BE APPLIED FOR AS A SEPARATE PERMIT WHERE REQUIRED

8	ISSUED FOR C.O.P.A.	27 AUG. 2024
7	REISSUED FOR SPA	25 OCT. 2023
6	REISSUED FOR SPA	28 AUG. 2023
5	REISSUED FOR SPA	14 JULY 2023
4	REISSUED FOR SPA	30 NOVEMBER 2022
3	REISSUED FOR SPA	22 JUNE 2022
2	ISSUED FOR 100% DD	29 APRIL 2022
1	REISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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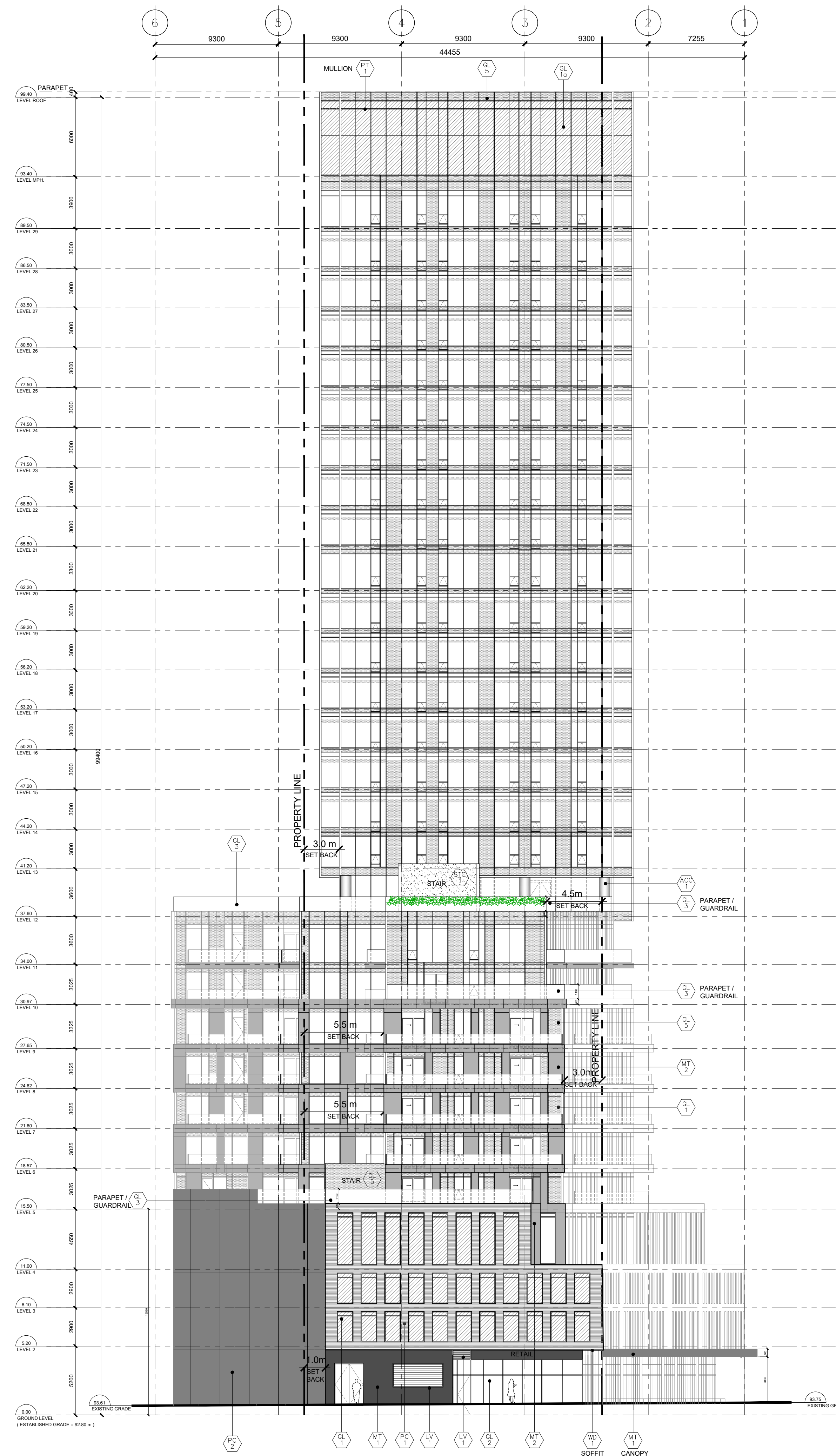
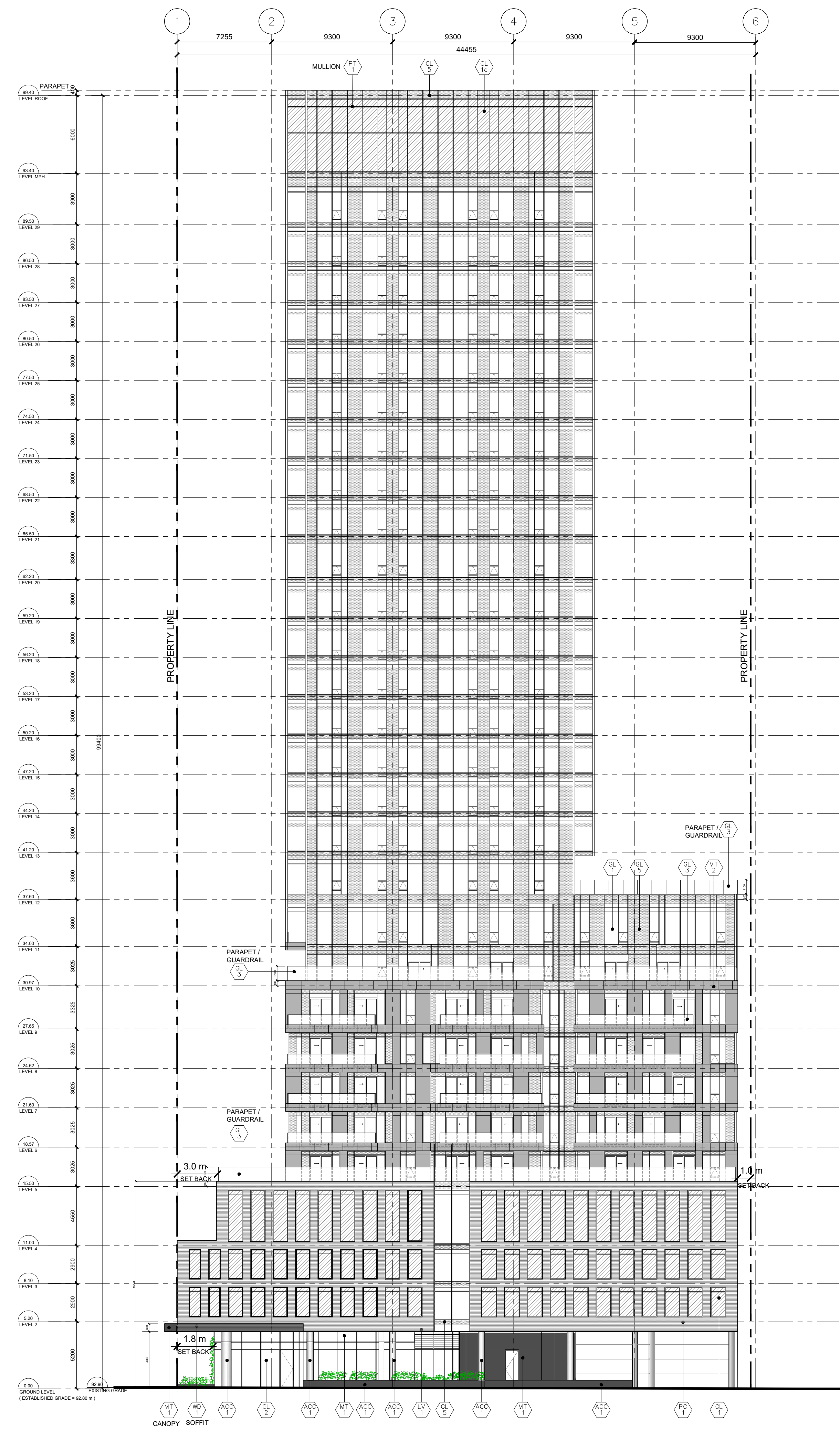
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71 REBECCA STREET
HAMILTON, ONTARIO, L8R 1B6
SITE PLAN FILE NUMBER: DA-21-091



Drawn ST	Scale 1:200
Checked BL	Date 27 AUG. 2024
Title SOUTH ELEVATION	



- MATERIAL LEGEND**
- GL 1 GLASS TYPE 1 (CLEAR, LOW E)
 - GL 2 GLASS TYPE 2 (CLEAR, LOW E, TEMPERED)
 - GL 3 GLASS TYPE 3 (CLEAR, LOW E, TEMPERED)
 - GL 4 GLASS TYPE 4 (CLEAR, LOW E, TEMPERED)
 - GL 5 GLASS TYPE 5 (BACK PAINTED SPANDREL GLAZING BM 214-34 'DEEP SILVER')
 - GL 6 PRECAST CONCRETE WITH THIN BACK BAY (PRODUCT MANUFACTURE IDENTIFY NORMAN BRIDLE)
 - GL 7 SMOOTH PRECAST CONCRETE (DARK GREY)
 - GL 8 PAINT TYPE 1 (CHARCOAL GREY)
 - GL 9 METAL PANEL (CHARCOAL GREY)
 - GL 10 TOP HAT METAL PANEL (BM2128-10 'SLY WHITE')
 - GL 11 WIRE PLANKING SUPPORT
 - GL 12 ARCHITECTURAL CONCRETE TYPE 1
 - GL 13 STUCCO (DARK GREY)
 - GL 14 WOOD APPEARANCE METAL PANEL
 - GL 15 LOUVER

NOTE:
SIGNAGE WILL COMPLY WITH ZONING REQUIREMENTS AND WILL BE APPLIED FOR AS A SEPARATE PERMIT WHERE REQUIRED

No.	Revisions	Date
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SITE PLAN FILE NUMBER: DA-21-091



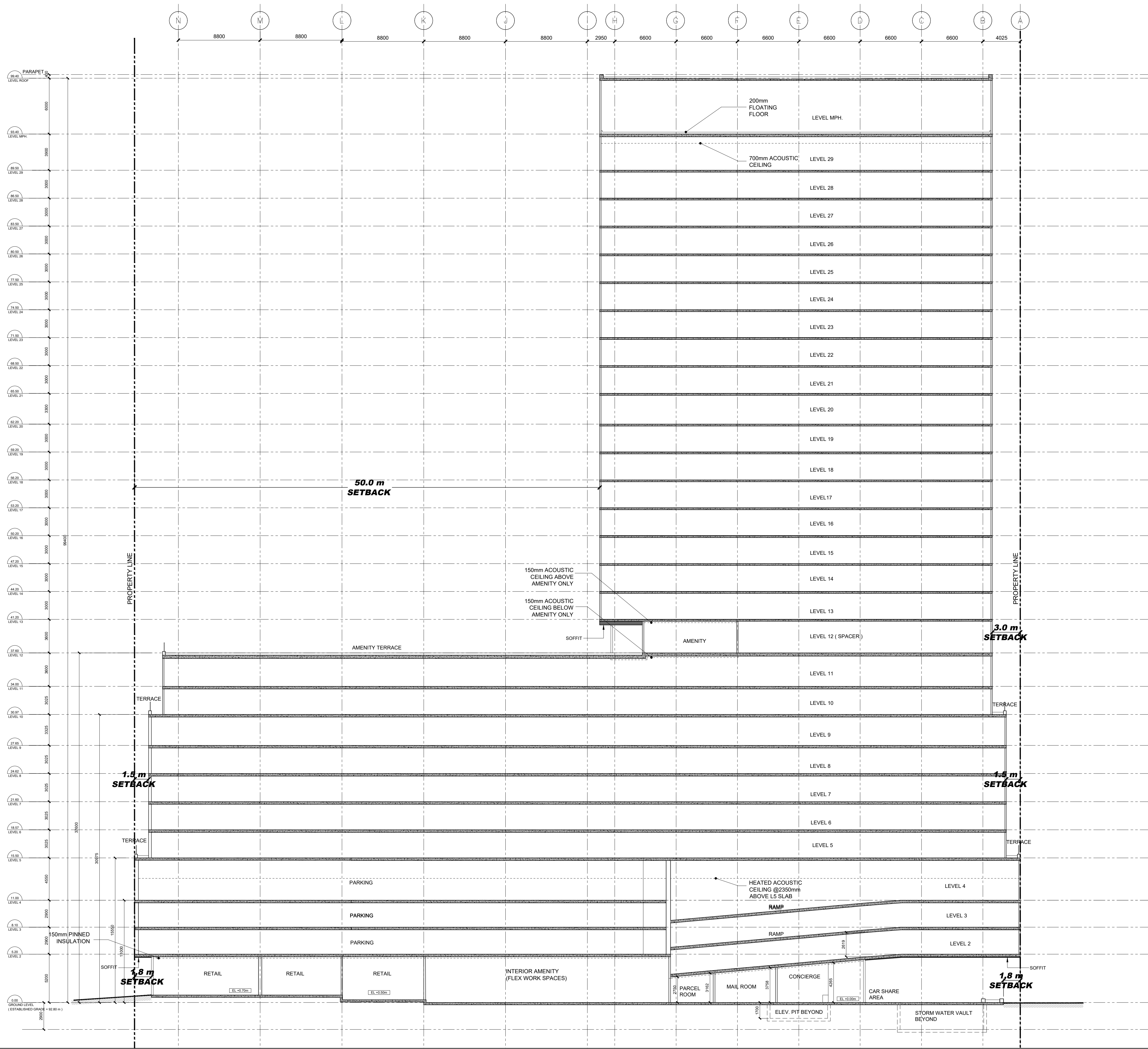
Drawn: ST
Checked: BL
Date: 27 AUG. 2024

Title: EAST & WEST ELEVATIONS

Project No. 20-199
Drawing No. A402

1 EAST ELEVATION
A402

2 WEST ELEVATION
A402



No.	Revisions	Date
8	ISSUED FOR C OF A	27 AUG 2024
7	ISSUED FOR SPA	28 AUG 2023
6	ISSUED FOR SPA	14 JULY 2023
5	ISSUED FOR SPA	30 NOVEMBER 2022
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2	ISSUED FOR SPA	06 JANUARY 2022
1	ISSUED FOR SPA	27 MAY 2021

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71 Rebecca
 71 REBECCA STREET
 HAMILTON, ONTARIO, L8R 1B6
 SITE PLAN FILE NUMBER: DA-21-091



Drawn ST	Scale 1:200
Checked BL	Date 27 AUG 2024
Title SECTION	
Project No. 20-199	Drawing No. A410



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

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

September 12, 2024

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

**Re: 71 Rebecca Street, Hamilton
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Hi Rose (Rebecca) Inc for the purposes of submitting the enclosed Minor Variance Application to facilitate the construction of a 29-storey mixed-use development on the lands municipally known as 71 Rebecca Street, in the City of Hamilton.

The subject lands are located at the intersection of Rebecca Street and Catarine Street North Downtown Urban Growth Centre. The subject lands were Site Plan Approved with a 30 storey mixed use tower with 214 parking spaces granted through applications DA-21-113 / DA-23-016. However the proposed design has been altered to remove one floor of parking within the podium, resulting in a 29 storey development with 171 parking spaces. No changes are proposed to the number of proposed units. Given the reduction to the parking spaces the proposed development is no longer compliant with the in force and effect Downtown Central Business District (D1) Zone with Site Specific 701 Zoning.

The following supporting materials are submitted to your attention, in support of the subject application:

- One (1) digital copy of the required filled and signed Minor Variance Application Form;
- One (1) digital copy of the Architectural Drawing Package, prepared by CORE Architects., dated August 27th, 2024;
- One (1) digital copy of cheque No 211087 in the amount of \$3,900.00 representing the required application fees.

Parking By-law

In April of 2024, the City of Hamilton passed By-law 24-052. This By-law, amongst other matters, eliminated residential parking requirements throughout Downtown Hamilton and the lower city. As such, this redevelopment would only require a percentage of visitor parking to be provided on site. Based on the By-law that was passed, only 26 vehicular parking spaces would be required. This By-law was appealed to the Ontario Land Tribunal. Currently, the old parking By-law applies to the subject lands. Accordingly, a variance is required because By-law 24-052 is not currently in force and effect.



On June 17th, 2024, Staff has advised that if conditional site plan approval was granted prior to April 10th, 2024 that the old parking By-law would be applicable. Accordingly, conditional approval was granted in January of 2023 and the new By-law provisions are not applicable to the subject lands. As such the following zoning provisions are applicable to the proposed development:

Zoning Provision as per Site Specific 701, 1.c) i)	Proposed
i. 62 parking stalls at 2.8 m x 5.8 m;	i. 58 parking stalls at 2.8 m x 5.8 m;
ii. 93 parking stalls at 2.6 m x 5.8 m;	ii. 68 parking stalls at 2.6 m x 5.8 m;
iii. 36 parking stalls at 2.6 m x 5.5 m;	iii. 28 parking stalls at 2.6 m x 5.5 m;
iv. 13 parking stalls at 2.8 m x 5.5 m;	iv. 9 parking stalls at 2.8 m x 5.5 m;
v. 3 barrier-free parking stalls at 4.6 m x 5.8 m;	v. 2 barrier-free parking stalls at 4.6 m x 5.8 m;
vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m; and,	vi. 2 barrier-free parking stalls at 4.6 m x 5.5 m; and,
vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.	vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m.

The variances would have the effect of permitting 167 parking stalls and 4 car share parking spaces instead of 210 parking spaces and 4 car share parking spaces. This represents a parking rate of 0.35 spaces per unit whereas 0.44 spaces per unit is required.

Minor Variances

A minor variance is required to facilitate the proposed development as is described as follows:

1. To permit 55 parking stalls at 2.8 m x 5.8 m, whereas 62 parking stalls at 2.8 m x 5.8 m are required.
2. To permit 65 parking stalls at 2.6 m x 5.8 m, whereas 93 parking stalls at 2.6 m x 5.8 m are required.
3. To permit 31 parking stalls at 2.6 m x 5.5 m, whereas 36 parking stalls at 2.6 m x 5.5 m are required.
4. To permit 12 parking stalls at 2.8 m x 5.5 m, whereas 13 parking stalls at 2.8 m x 5.5 m are required.
5. To permit 2 barrier-free parking stalls at 4.6 m x 5.8 m, whereas 3 barrier-free parking stalls at 4.6 m x 5.8 m are required.
6. To permit 2 barrier-free parking stalls at 4.6 m x 5.5 m, whereas 3 barrier-free parking stalls at 4.6 m x 5.5 m are required.
7. To permit a balcony to encroach 1.5m into any required yard instead of the minimum 1.0m.

The reduction maintains the intent and direction of the Urban Hamilton Official Plan principles of reducing greenhouse gas emissions and providing a range and mix of housing typologies.

As evidenced through the city initiated and council-approved by-law 24-052, it is the intention of the city to reduce parking requirements across the city to support active modes of transportation and to utilize mass transit over the motor vehicle. The By-law is currently under appeal, however, as this development was conditionally approved prior to the passing of By-law 24-052, the old parking requirements are applicable. Should the new parking by-law be put into force and effect, it would require this same



development to provide a total of 26 parking spaces. The variance is therefore technical in nature and should be approved.

The proposed development features balconies that are 1.5m in depth whereas 1.0m is permitted. This variance has been approved throughout Downtown Hamilton as it provides for greater outdoor private space for each unit and increases the overall available amenity space for each unit. Accordingly, the variance meets the four tests.

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

Sincerely,

Ryan Ferrari, MCIP, RPP, CPT
Senior Planner
A. J. Clarke and Associates Ltd.

Encl.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Hi Rose (Rebecca) Inc. c/o Silvio Guglietti
Applicant(s)	as above
Agent or Solicitor	A.J. Clarke and Associates Ltd c/o Ryan Ferrari

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	71 Rebecca Street		
Assessment Roll Number			
Former Municipality	Hamilton (Barton)		
Lot	14	Concession	2
Registered Plan Number		Lot(s)	Lt 1, Lt 2, Pt Lt 17
Reference Plan Number (s)	62R-11359 Nathaniel	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:

Please see attached cover letter

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please see attached cover letter

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
+/- 95m	+/- 44m	+/- 3138 sq m	+/- 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
N/A - Vacant				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multiple Dwelling	0.0m	1.0 m	1.5m , 1.5m	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
N/A - Vacant				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multiple Dwelling	1721 sq m	32,322 sq m	29 storeys	99.40 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.):
- Mixed Use - Multiple Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- John Rebecca Park, Commercial Parking Lot,

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- 2020
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Subject land were formerly used for a medical offices / Health Centre which was demolished to facilitate the redevelopment.
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
- Currently in Pre-Construction - Mixed Use Multiple Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:
- formerly used for medical offices, which were demolished to facilitate the proposed redevelopment
- 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 Use

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

Mixed use redevelopment which provide for 477 new units within the Downtown Urban Growth Centre

- 7.6 What is the existing zoning of the subject land? D1 Exception 701, H17, H105
- 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: ZAC 17-053

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: 477

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

The proposed development has been approved through Site Plan Application DA-21-113.

Please see attached cover letter 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

A-24:205 – 71 Rebecca Street, Hamilton

Recommendation:

Development Planning - Table

Proposed Conditions:

Proposed Notes:

Through correspondence from the Agent and Zoning staff, Development Planning staff have reviewed Variance 2 with revised language (reading “68 parking stalls” instead of “65 parking stalls”). Additionally, Variance 8 has been added to remove the requirement to provide car share parking stalls.

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Development Planning:**Background**

To permit the construction of a 30-storey mixed use development consisting of 477 dwelling units and commercial space at grade. The proposal consists of 171 vehicular parking spaces provided over four levels within the podium as well as 239 long term bicycle parking spaces for residents and 10 short term visitor bicycle parking spaces. Additionally, a total of 13 commercial bicycle parking spaces are proposed, being 8 long term and 5 short term spaces.

This minor variance application is to facilitate Site Plan applications DA-21-113 and DA-23-016, which received Conditional Approval on January 23, 2023.

Staff note that Urban Hamilton Official Plan Amendment application UHOPA-17-023 and Zoning By-law Amendment application ZAC-17-053 were approved by Council on September 12, 2018, and implemented through By-laws Nos. 18-292 and 18-293. By-law No. 18-292 implemented Official Plan Amendment No. 114, which designated the subject lands “Site Specific Policy – Area C” in the Downtown Hamilton Secondary Plan and established a site specific maximum gross residential density of 1,010 units per gross hectare.

Comments

Staff are requesting this minor variance application be tabled in order to provide staff additional time to investigate the site-specific Urban Hamilton Official Plan policies and existing Zoning By-law regulations to conduct a fulsome review of the proposed development against the requirements of the *Planning Act* regarding minor variances.

Staff have concerns regarding the proposed minor variances meeting the general intent of the site-specific Urban Hamilton Official Plan policies and Zoning By-law regulations.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Variance #2 should be altered by deleting the number “65” and replacing it with the number “68” so that the variance reads as follows:</p> <p>“68 parking stalls shall be permitted to maintain a width of 2.6 metres and a length of 5.8 metres instead of the required 93 parking stalls with a width of 2.6 metres and a length of 5.8 metres;”</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>2. A variance should be added which reads:</p> <p>“0 share parking stalls, at grade with a width of 2.6 metres and a length of 5.5 metres shall be permitted instead of the minimum required 4 car share parking stalls, at grade with a width of 2.6 metres and a length of 5.5 metres.”</p> <p>Both amendments indicated above have been requested by the applicant following the Notice of Public Hearing.</p> <p>3. The variances are required to permit Site Plan application DA-21-113 and DA-23-016, Conditionally Approved on January 23, 2023.</p> <p>4. Please note, Variance 1 and 5 have been provided to address requirements under Special Exception 701, despite the proposed dimensions maintaining or exceeding the requirements under Section 5 of Hamilton Zoning By-law 05-200.</p>
Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>Comments addressed as part of ZAC-17-053</p> <p>Cultural Heritage:</p> <p>The subject property, located at 71 Rebecca Street, is comprised of a circa 1955 two-storey brick and concrete dwelling, known as the Former Rebecca Street Bus Terminal and is listed on the City’s Municipal Heritage Register as a non-designated property. The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Municipal Heritage Register including:</p> <ul style="list-style-type: none"> • 85, 87 and 89 Catharine Street North • 55 John Street North • 52 Catharine Street North <p>Accordingly, sections B.3.4.1.3, B.3.4.2.1(g) and B.3.4.2.12 of the Urban Hamilton Official Plan, Volume 1, apply.</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>The proponent proposes to permit the construction of a 29 Storey mixed use building.</p> <p>As part of a previous application (UHOPA-17-023 and ZAC-17-053) staff requested revisions to the previously submitted documentation and salvage report. Specifically, staff requested the Cultural Heritage Documentation and Salvage Report identify Prack and Prack as the building's architects.</p> <p>Staff also strongly encourage the use of sympathetic colours for the façade that is currently a charcoal colour. Warm brown brick colours such as those on 48 & 50 Houghston Street North or 29 Rebecca Street.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	Development Engineering has no comments or objections regarding the minor variances as proposed. Detailed grading and servicing approvals have been provided under Site Plan applications DA-23-016 (previous file DA-21-091).
Notes:	

Building Engineering:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

Transportation Planning:

Recommendation:	Approve
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Please Note: Public comment will be posted separately, if applicable.

October 11, 2024

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

Attention: Committee of Adjustment

File# A-24:205

Re: 71 Rebecca St

In response to your correspondence dated October 3, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Developers to provide a grade level switching vault room as per Alectra Utilities standard 19-0008 and 37-4010. The Switching Vault Room at grade level shall be accessible by Alectra Line / Operations crew / truck. Access Road shall be paved / gravel with minimum width of 6 meters and 24/7 access, capable of supporting a wheel loading force of 70kN (15,700lbs) per wheel shall be installed by the Developer for vehicle access to the switching vault room. No building overhang is allowed over the vault room, due to operations of maintenance equipment requirements.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the

stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

We would also like to stipulate the following:

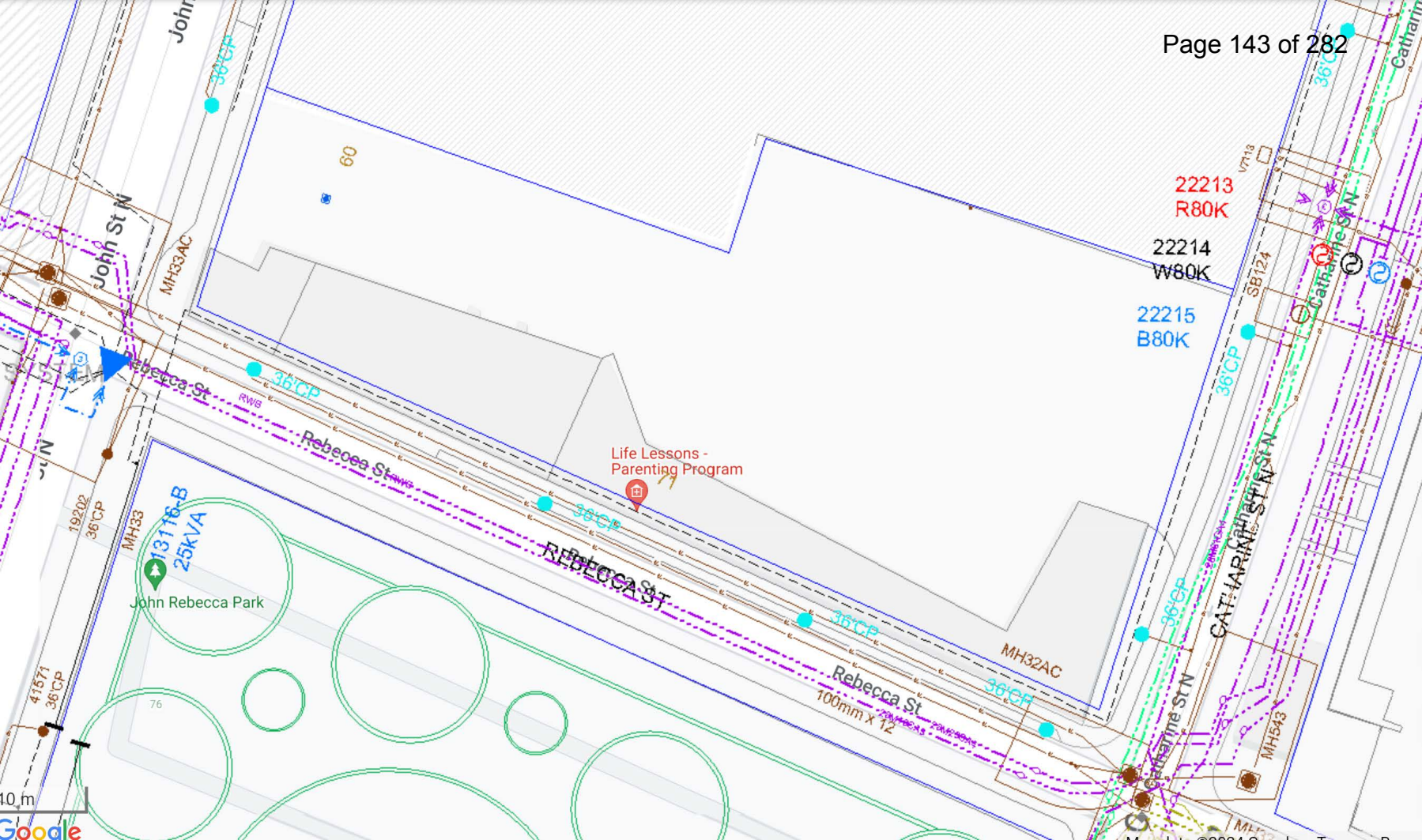
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
	IN MILLIMETRES	-	-	-	-	-	-	(1 of 9)	

1. General

This covers the requirements in the planning and construction of a standard electrical equipment vault room at the specified grade level location agreed by both Alectra and the Customer.

It depends on the electrical connections as referred under subsection 4, there are two (2) types of vault room design covered by this standard, namely:

1.1 Transformer Vault

A minimum floor area of 9 m x 10 m is required for this type of vault room. Typical arrangement is normally associated with Alectra-owned transformers and switching equipment.

1.2 Switching Vault

A minimum floor area of 7 m x 7 m is required for this type of vault room. Typical arrangement is normally associated with Alectra-owned switchgear.

2. Customer Responsibilities

All portions of the installation, as detailed under subsection 3; Construction of Vaults; Items 3.1 to 3.17, inclusive, shall be the responsibility of the Customer.

The Customer-owned electrical or substation room shall be located adjacent to the electrical equipment vault room.

3. Construction of Vaults

3.1 Regulatory Bodies

Customer's portions of vaults shall be structurally, electrically, and mechanically constructed according to the latest edition of the following:

3.1.1 Ontario Electrical Safety Code

3.1.2 Ministry of Consumer and Commercial Relations



3.1.3 Ontario Building Code

3.1.4 Municipal Building Code

3.1.5 Municipal Plumbing Code

3.1.6 Standards [19-2201](#), [19-2203](#) to [19-2205](#) and [37-4010](#) that are typical, meet these requirements. If other vault designs are employed, they must be approved by Alectra.

3.1.7 Alectra's regulations respecting Electrical Equipment, Conditions of Service and the Supply of Electrical Energy

	Construction Standard Certificate of Approval The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04	ORIGINAL Drawn by: Ar.C. Checked by: S.I. Approved by: A.I. Date: Apr-2022	ELECTRICAL EQUIPMENT VAULT ROOM REQUIREMENTS (UP TO 27.6/16 kV)
	Shereez Ali 04/2022 Name Date  P.Eng., PMP Signature & Professional Designation		

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
	IN MILLIMETRES	-	-	-	-	-	-	(2 of 9)	

3.2 Vault Walls, Roofs and Floors

Walls, roofs and floors shall comply with the Ontario Building Code and the following minimum requirements:

3.2.1 Roofs and floors shall consist of reinforced concrete not less than 152 mm (6") thick. Walls shall consist of minimum 152 mm (6") reinforced concrete or minimum 203 mm (8") solid block.

3.2.2 There shall be no penetration of any pipe, conduit, duct, or installation foreign to the electrical system through the fire separating walls, roofs, floors, and ceilings of the electrical equipment vault room. Only conduit or ducts provided for fire protection and/or proper transformer operation shall be permitted.

3.2.3 Vaults shall be at grade level.

3.2.4 All vault dimensions and clearances must be approved by Alectra prior to construction.

3.3 Safety

The vaults (inclusive of the doors and cable pulling pit) must meet code requirements for fire and electrical safety with a fire-resistant rating of not less than 3 hours. Vaults are not to be sprinklered or contain other automatic fire extinguishing systems. Smoke detectors are to be installed within the vault which will activate the building fire alarm system, or if not so equipped; an external alarm in the event of a fire in the vault. Smoke detectors must be located on the ceiling above the door. No other position within the vault is acceptable.



3.4 Access - Roadways and Doorways

A paved/gravel roadway capable of supporting a wheel loading force of 70 kN (15,700 lbs.) per wheel shall be provided for vehicle access to the vault doorway. Both roadway and doorway shall remain unobstructed at all times (minimum 6 metre clearance).

The doorway shall be constructed as per Standard [19-2215](#).

3.5 Ventilation

Ventilation of vault rooms shall comply with the Ontario Electrical Safety Code, Ontario Building Code, and as per Standard [19-2215](#). The Customer shall ensure vents (inlet and outlet openings) meet the net free air flow requirements.

	Construction Standard Certificate of Approval	ORIGINAL	ELECTRICAL EQUIPMENT VAULT ROOM REQUIREMENTS (UP TO 27.6/16 kV)
	The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04 <u>Shereez Ali</u> <u>04/2022</u> Name Date  P.Eng., PMP Signature & Professional Designation	Drawn by: Ar.C. Checked by: S.I. Approved by: A.I. Date: Apr-2022	

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
	IN MILLIMETRES	-	-	-	-	-	-	(3 of 9)	

3.6 Drains

Drains are to be installed in the cable pulling pit and shall comply with the Ontario Electrical Safety Code, Building Code, and Plumbing Code. It shall be equipped with a screen, trap and reverse check valve.

3.7 Ducts and Conduits

3.7.1 Concrete encased duct bank installation shall meet the requirements set out in the Standards listed below:

Legacy Brampton Hydro Standard

Standard 37-199, 37-200, 37-201

Legacy Enersource Hydro Mississauga

Standard 10-7, 10-8, 10-106.1 to 10-106.7

Legacy Horizon Utility Corporation Standard

Standard 3U-341, 3U-343, 3U-344, 3U-345, 3U-346, 3U-347, 3U-348

Legacy PowerStream

Standard 17-201



3.7.2 Ducts shall be installed in a manner such that cables could be pulled in or out without disturbance to another vault equipment and vice versa. Dependent upon the installation, there may be one or more levels of ducts beneath the ground and entering the electrical vault room.

3.7.3 Ducts shall not pass under and/or through buildings.

3.7.4 Duct/conduit openings inside the vault shall meet the requirements set out in the Ontario Building Code, be flush-mounted to the wall complete with bell ends, and be foam sealed for all used and spared ducts.

3.8 Cable Pulling and Equipment Lifting Eye(s)

3.8.1 Cable pulling eye(s) shall be installed within the cable pulling pit typically positioned on the opposite side facing duct openings. Reference specification as per CSA Standard C83.48 (latest edition). The pullout strength shall be a minimum of 24.5 kN (5500 lbs). The pulling tension for any cable shall not exceed that value.

	Construction Standard Certificate of Approval The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04 <u>Shreez Ali</u> <u>04/2022</u> Name Date  P.Eng., PMP Signature & Professional Designation	ORIGINAL Drawn by: Ar.C. Checked by: S.I. Approved by: A.I. Date: Apr-2022	ELECTRICAL EQUIPMENT VAULT ROOM REQUIREMENTS (UP TO 27.6/16 kV)

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
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3.8.2 Equipment lifting eye shall be installed within the vault above the doors with minimum pullout strength of 49 kN (11,000 lbs.).

3.9 Cable Trench

The cable trench shall be consisted of concrete encased duct bank and backfill. It shall be planned, located and installed in a manner such that the above-grade pavement and/or landscaping would not compromise its structural stability.

3.10 Cable Pulling Pit

The cable pulling pit is an integral part of electrical equipment vault room and construction shall meet all code requirements. The entire path shall be made free from all obstructions and be provided with smooth finished surfaces and corners. To contain oil spills in case of a leak (applicable for transformer vault only), a 102 mm (4") concrete sills shall be provided on all sides. The design drawings shall include detailed layout where dimensions are shown and thus meet minimum dimension requirements as per below:



3.10.1 Width shall be a minimum 610 mm (24") or beyond as per agreed and approved cable pulling pit layout.

3.10.2 Depth shall be a minimum 610 mm (24") for a typical transformer vault room design as per Standard [19-2201](#) and [19-2203](#), or beyond as per agreed and approved cable pulling pit layout.

3.10.3 Depth shall be a minimum 910 mm (36") for a typical transformer vault room design as per Standard [19-2205](#) and for a typical switching vault as per Standard [37-4010](#), or beyond as per agreed and approved cable pulling pit layout.

3.10.4 The Customer-owned primary cables shall not be routed over the Alectra-owned cables. The cable pulling pit shall be designed in such a manner to take this into consideration.

The Customer shall seek (via Alectra's Designs Technologist handling the project) for Alectra's approval of the layout prior to its construction.

	Construction Standard Certificate of Approval The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04	ORIGINAL Drawn by: Ar.C. Checked by: S.I. Approved by: A.I. Date: Apr-2022	ELECTRICAL EQUIPMENT VAULT ROOM REQUIREMENTS (UP TO 27.6/16 kV)
	Shereez Ali 04/2022 Name Date  P.Eng., PMP Signature & Professional Designation		

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
	IN MILLIMETRES	-	-	-	-	-	-	(5 of 9)	

3.11 Covers

The covers shall be provided for the entire area of cable pulling pit and be flush-mounted on the finished floor (as for switching vault) or on top of concrete sills around it (as for transformer vault). This will be made entirely of pultruded fiberglass grating allowing easy removal for access and excellent airflow and access for light throughout cable pulling pit.

Dependent upon the layout of the cable pulling pit, covers may require mid-support (e.g. I-beam). The Customer shall indicate details as part of design drawings submission.

The Customer shall supply and install the pultruded fiberglass grating by utilizing the product specification as indicated below:

Manufacturer:	Fibergrate Composite Structures Inc
Website:	www.fibergrate.ca
Series:	T5020
Panel Depth:	2"
Load Bar Spacing:	2"
Stocked Sizes (Width)	3' or 4' (cut to suit cable pulling pit)
Stocked Sizes (Length)	8', 10', 12', 20' or 24' (cut to suit cable pulling pit)
Load Bars / Ft.	6"
Weight / Sq. Ft.	3.30 lbs
Open Area	50 %
Resin	Isophthalic Polyester
Color	Yellow
Loading (24" span)	5940 psf (maximum recommended load)
Loading (36" span)	2880 psf (maximum recommended load)
Loading (48" span)	1620 psf (maximum recommended load)

The Customer shall follow the manufacturer's instruction for safe handling and installation.

3.12 Primary Cables, Terminations and Associated Materials

The Customer-owned primary cables, terminations and associated materials shall be installed by the Customer in accordance with the Ontario Electrical Safety Code and with the following requirements:

3.12.1 Primary cables shall be 28 kV (100 %), CN-jacketed per CSA Std. C68.5 (latest)



Construction Standard Certificate of Approval
The Construction Standard meets the safety requirements
of Section 4 of Regulation 22/04

Shereez Ali 04/2022
Name Date

Shereez Ali P.Eng., PMP
Signature & Professional Designation

ORIGINAL

Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

**ELECTRICAL
EQUIPMENT VAULT ROOM
REQUIREMENTS**
(UP TO 27.6/16 kV)

No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No. (6 of 9)
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- 3.12.2** Primary cables shall be routed via cable pulling pit and up towards the designated switch location from the switchgear. Allow sufficient length of cables for termination and CN-wires connection at ground busbar.
- 3.12.3** Cable termination shall be made of separable insulated connectors per IEEE Std. 386 (latest) with specific interfaces and requirements as follows:
- 3.12.3.1 For 200 A interface (regardless of switchgear rating) use 25 kV load-break bushing insert and elbow as per Alectra Standard [37-4010](#), Detail 5
- 3.12.3.2 For 600 A interface use dead-break elbow assembly matching the switchgear rating as per Alectra Standard [37-4010](#), Detail 4.
- 3.12.3.3 All primary cable terminations, at the advised schedules, shall be accomplished in the presence of Alectra's Network Operations personnel.
- 3.12.3.4 All cable terminations shall be tagged and identified from the source and load side complete with phase marking matching on the switchgear.
- 3.12.4** Concentric neutral (CN) wires connectors shall be made of 1/2" copper compression, 1-hole NEMA lugs.
- 3.12.5** Associated clamps, connectors and supports shall be consisted of approved products bearing the certification markings recognized by OESC or approved by Alectra.

3.13 Ground Wire Loop

The ground wire loop shall be installed by the Customer in accordance with the Ontario Electrical Safety Code and with the following requirements:

- 3.13.1** Four 20 mm (3/4") x 3000 mm (10'-0") copper or copper-clad ground rods.
- 3.13.2** 2/0 AWG stranded copper conductor continuous circumferential ground loop and metallic bonding.
- 3.13.3** Ground wire loop to be fastened 200 mm (8") above the finished floor at approximately 610 mm (24") intervals.
- 3.13.4** All ground connections except for the grounding and bonding of Alectra owned electrical equipment shall be completed by the Customer.
- 3.13.5** For remote grounding installation refer to Standard [41-2040](#).

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
	IN MILLIMETRES	-	-	-	-	-	-	(7 of 9)	

3.14 Secondary Transition Unit (Bus Stub)

For transformer vault, the Customer shall provide and install a 600 volts wall transition unit between the Customer's electrical room and the transformer vault as detailed in Standard 19-2219. The transition unit (bus stubs) shall be equipped with copper terminals.

3.15 Lighting and Convenience Outlets

Electrical outlets installation shall comply with the Ontario Electrical Safety Code and the following minimum requirements:

3.15.1 Transformer vault room (minimum floor area 9 m x 10 m) shall be provided with a minimum of six (6) lamp outlets operated by one (1) toggle switch located beside the door.

3.15.2 Switching vault room (minimum area 7 m x 7 m) shall be provided with a minimum of four (4) lamp outlets operated by one (1) toggle switch located beside the door.

3.15.3 Wall-mounted lamp outlets are permitted and should be installed approximately 2100 mm (7') above floor. Walls being utilized for electrical equipment should be avoided. Thus, promote safe lamp replacements.

3.15.4 Lamp shall be 100 W long life incandescent or LED equivalent

3.15.5 Receptacle outlets (120 V supply) shall consist of the following:

Type	Quantity	Location
20A Split Receptacle	1 / vault room	Wall (beside the door)
20A Single Receptacle*	1 / control cabinet	Side Wall (centered) next after the switchgear

* - To be connected to the building's emergency power system. Exact location to be determined and supplied by Alectra.

3.16 Communication Installation Requirements

Remote operation of switchgear requires essential civil works and associated materials that the Customer may have to provide. These requirements (unique for each vault room construction) shall be specified by Alectra's Protection and Control department and be prearranged by Alectra's Design Technologist handling the project to the Customer during the early design stage of the project.



Construction Standard Certificate of Approval
The Construction Standard meets the safety requirements
of Section 4 of Regulation 22/04
Shereez Ali 04/2022
Name Date
 P.Eng., PMP
Signature & Professional Designation

ORIGINAL
Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

**ELECTRICAL
EQUIPMENT VAULT ROOM
REQUIREMENTS**
(UP TO 27.6/16 kV)

METRIC	LINEAR DIMENSIONS	No.	Revision	Drawn by	Checked by	Apprd by	Date	Std. No.	19-0008
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In addition, a standard one (1) spare 100 mm (4”) duct dedicated for communication use only shall be provided as part of concrete encased duct bank construction from the property line to vault room. The spare duct shall be placed above all ducts reserved for primary cables.

3.17 Vault Inspection and Acceptance

Prior to acceptance and energization by Alectra, the electrical equipment vault room construction must meet the following minimum requirements:

- 3.17.1** Inspection and Acceptance by inspectors of Alectra, Building Code and Plumbing Code.
- 3.17.2** Supplied and installed lamp and receptacle outlets conform to Alectra requirements and are inspected by the Electrical Safety Authority.
- 3.17.3** All parts of construction (vault room, cable trench and communication) conform to Alectra requirements.
- 3.17.4** All defects if any are to be corrected.

4. Electrical Equipment and Associated Installation Standards

4.1 For electrical equipment vault room, refer to the following Alectra Standards:

Vault Type	Feeder Type	Associated Equipment	Std #
Transformer	Radial feed - 200 A feeder	3-way junction bar	19-2201
Transformer	Loop feed - 200 A feeder	3-way junction & 3 x 1-ph fault interrupter switch	19-2203
Transformer	Loop feed - 600 A & 200 A feeder	4, 5 or 6-way switchgear	19-2205
Switching	Loop feed - 600 A & 200 A feeder	4, 5 or 6-way switchgear	37-4010

4.2 For associated vault installation, refer to the following Alectra Standards:

Title	Std #
Transformer 1-Phase, Vault-Mount	2-1707
Switchgear 3-Phase, Vault/Wall-Mount	2-1709
3-Phase Distribution Transformer Vault Installation – JDE Complete Kit Selection	19-0030
Typical Electrical Equipment Vault Room (Doors and Ventilation)	19-2215
Wall Transition Unit in Transformer Vault	19-2219
Typical Copper Bus Bar Installation in Transformer Vault	19-2221
Flex Braid Requirements for Service Entrance Size in Transformer Vault	19-2223



Construction Standard Certificate of Approval
 The Construction Standard meets the safety requirements
 of Section 4 of Regulation 22/04

Shereez Ali 04/2022
 Name Date
 P.Eng., PMP
 Signature & Professional Designation

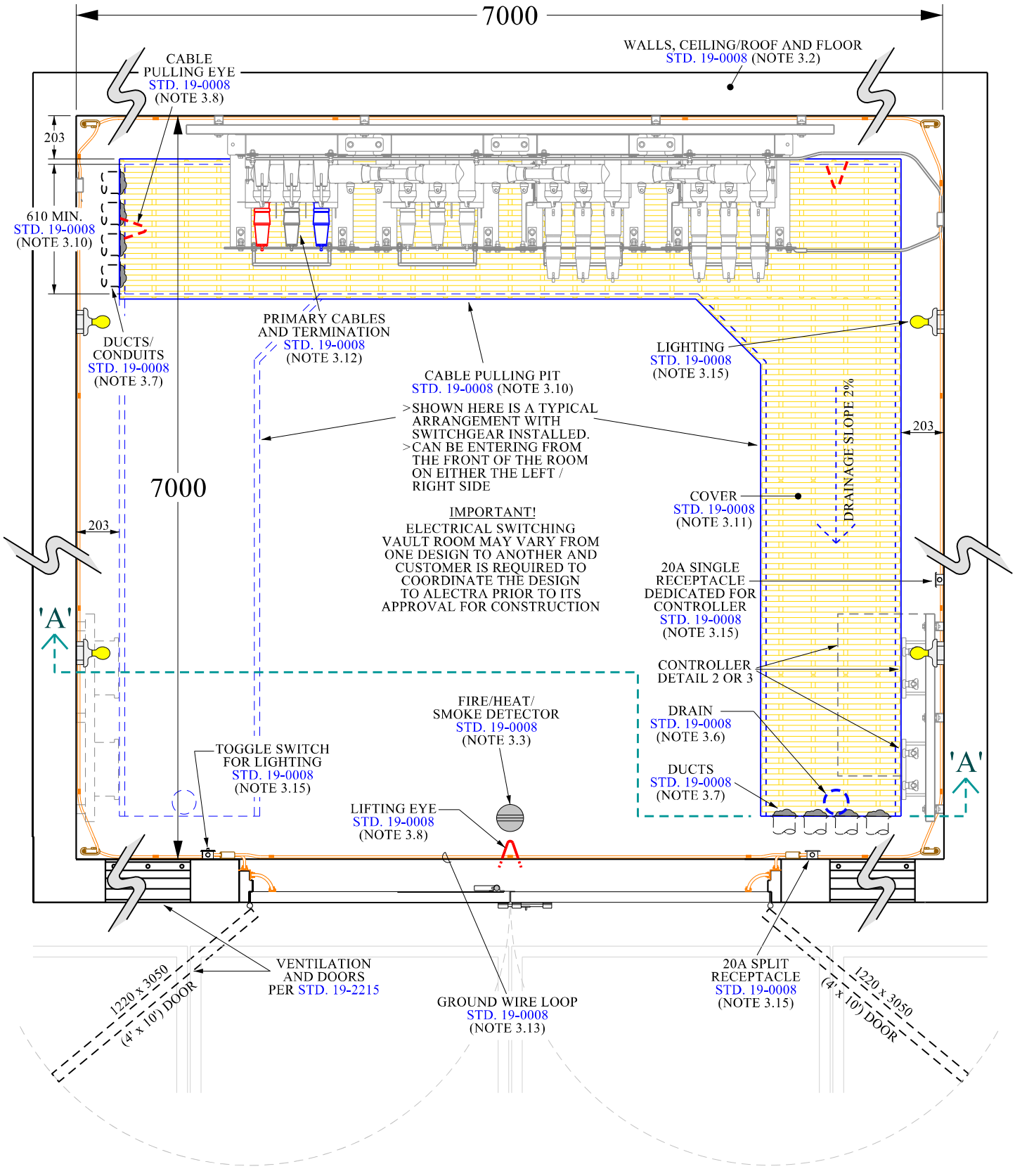
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 Drawn by: Ar.C.
 Checked by: S.I.
 Approved by: A.I.
 Date: Apr-2022

**ELECTRICAL
 EQUIPMENT VAULT ROOM
 REQUIREMENTS**
 (UP TO 27.6/16 kV)

METRIC LINEAR DIMENSIONS
IN MILLIMETER

No.	Revision	Drawn by	Checked by	Apprvd by	Date
-	-	-	-	-	-

Std. No.
(1 of 6) **37-4010**



Construction Standard Certificate of Approval		ORIGINAL
The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04		Drawn by: Ar.C.
Shereez Ali	04/2022	Checked by: S.I.
Name	Date	Approved by: A.I.
<i>[Signature]</i>	P.Eng., PMP	Date: Apr-2022
Signature & Professional Designation		

Title: **WALL-MOUNTED SOLID DIELECTRIC SWITCHGEAR IN A 7.0 m x 7.0 m VAULT ROOM**
4.16/2.4 kV TO 27.6/16 kV

METRIC LINEAR DIMENSIONS
IN MILLIMETER

No.	Revision	Drawn by	Checked by	Apprvd by	Date
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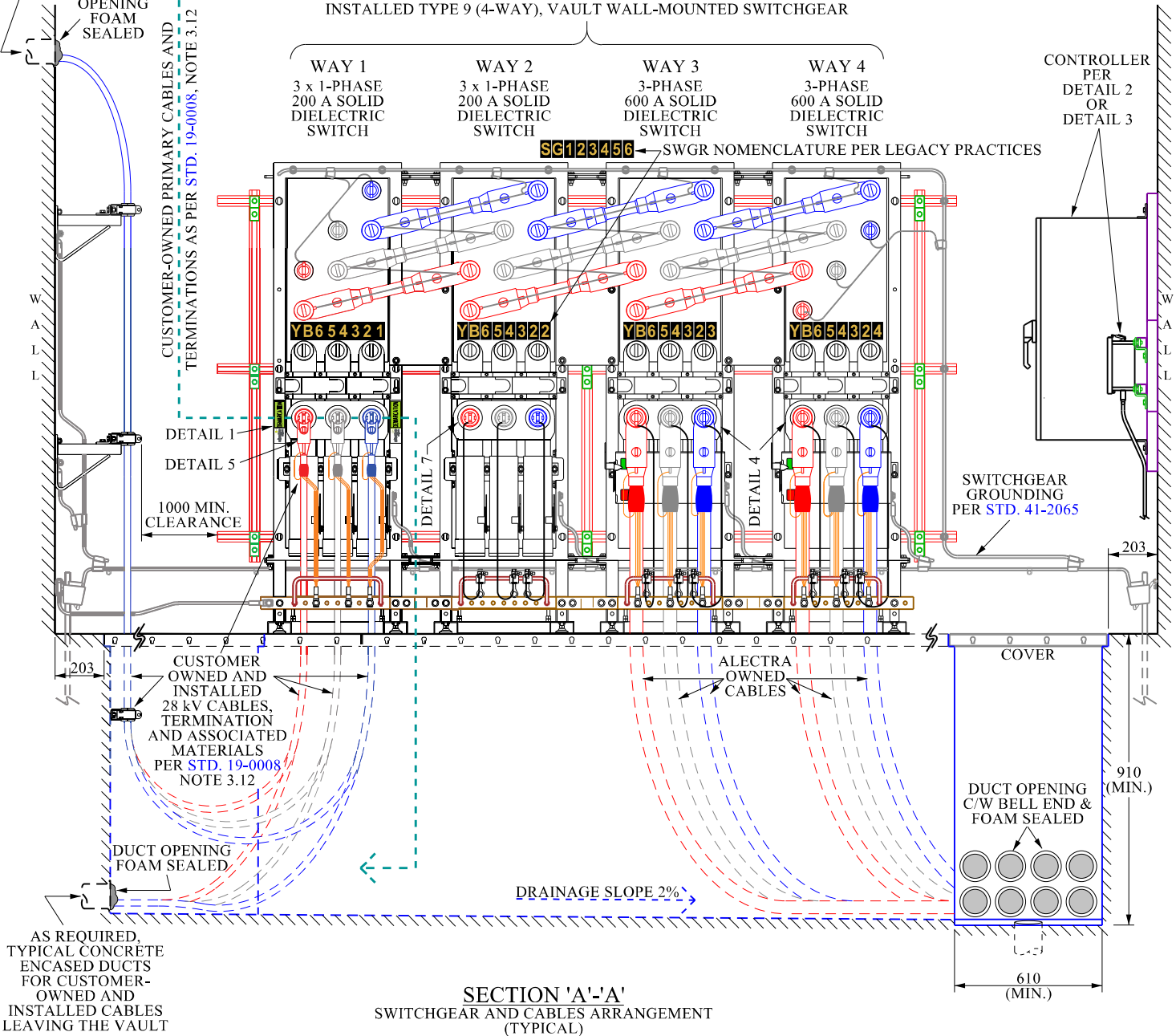
Std. No.
(2 of 6) **37-4010**

AS REQUIRED,
TYPICAL CONCRETE
ENCASED CONDUIT
FOR CUSTOMER-
OWNED AND
INSTALLED CABLES
LEAVING THE VAULT

IMPORTANT!

15 kV OR 35 kV SWITCHGEAR (MAX. 6-WAY, **STD. 2-1709**)
MAY DIFFER FROM ONE INSTALLATION TO ANOTHER.
THE SELECTION, ARRANGEMENT AND ORIENTATION OF
SWITCHGEAR REQUIRE ALECTRA'S SYSTEM PLANNING,
PROTECTION & CONTROL AND NETWORK OPERATIONS
APPROVALS PRIOR TO VAULT ROOM CONSTRUCTION

SHOWN HERE IS A TYPICAL ARRANGEMENT OF ALECTRA-OWNED AND
INSTALLED TYPE 9 (4-WAY), VAULT WALL-MOUNTED SWITCHGEAR



SECTION 'A'-'A'
SWITCHGEAR AND CABLES ARRANGEMENT
(TYPICAL)



Construction Standard Certificate of Approval	ORIGINAL
The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04	Drawn by: Ar.C.
Shereez Ali 04/2022	Checked by: S.I.
Name Date	Approved by: A.I.
Signature & Professional Designation	Date: Apr-2022

Title: **WALL-MOUNTED
SOLID DIELECTRIC SWITCHGEAR
IN A 7.0 m x 7.0 m VAULT ROOM**
4.16/2.4 kV TO 27.6/16 kV

No.	Revision	Drawn by	Checked by	Apprvd by	Date
-	-	-	-	-	-

Std. No.	37-4010
(3 of 6)	

DETAIL 1
LABEL (x2) SUPPLIED BY ALECTRA, #992301

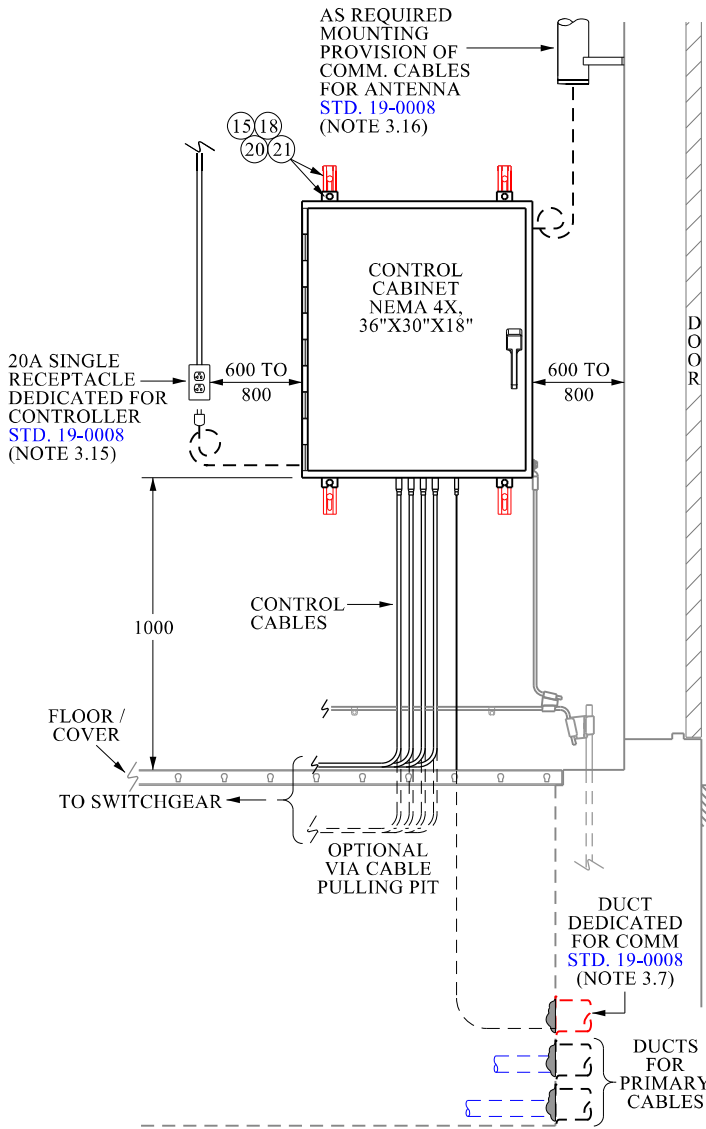


#992301

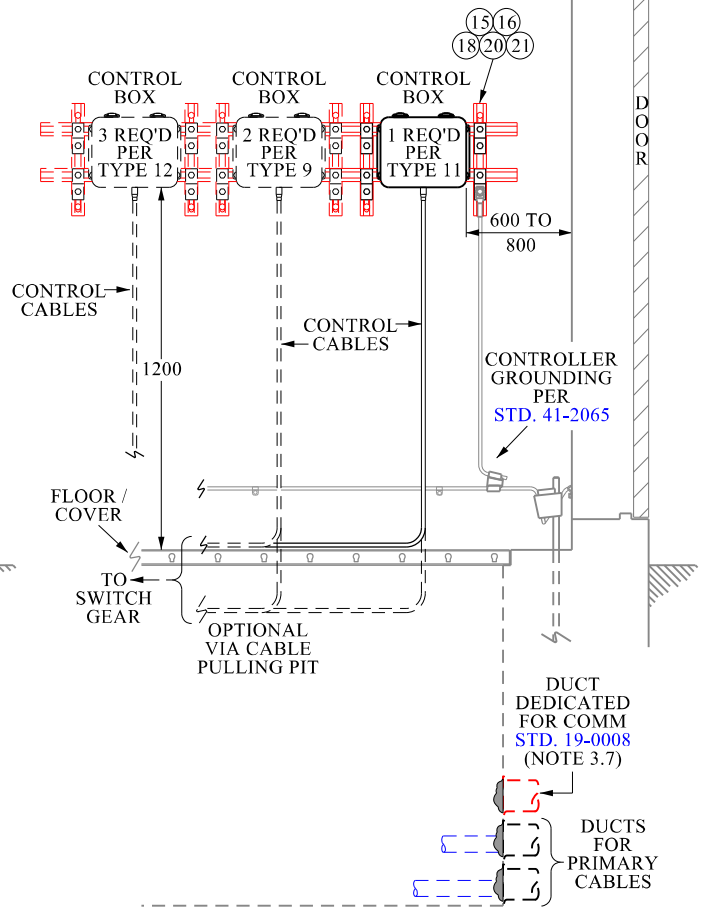
DEMARCATION POINT

AT THE PRIMARY BUSHING TERMINALS

NOTE: CUSTOMER OWNS THE PRIMARY CABLES AND TERMINATIONS AS PER ALECTRA SPECIFICATIONS AND STANDARDS.



No. OF CONTROL BOX	4-WAY SWITCHGEAR		
	TYPE 9	TYPE 11	TYPE 12
	2	1	3



DETAIL 2
CONTROLLER SUPPLIED W/
SCADA-CONTROLLED
SWITCHGEAR

DETAIL 3
CONTROLLER SUPPLIED W/
MANUALLY-CONTROLLED
SWITCHGEAR



Construction Standard Certificate of Approval
The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Shreeez Ali 04/2022
Name Date
Signature & Professional Designation P.Eng., PMP

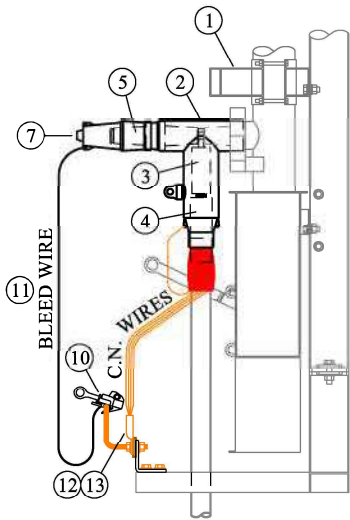
ORIGINAL
Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

Title: **WALL-MOUNTED SOLID DIELECTRIC SWITCHGEAR IN A 7.0 m x 7.0 m VAULT ROOM**
4.16/2.4 kV TO 27.6/16 kV

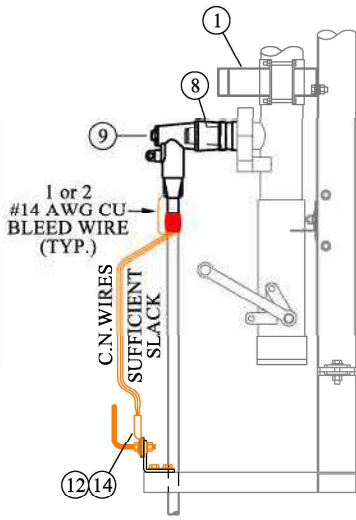
METRIC LINEAR DIMENSIONS
IN MILLIMETER

No.	Revision	Drawn by	Checked by	Apprvd by	Date
-	-	-	-	-	-

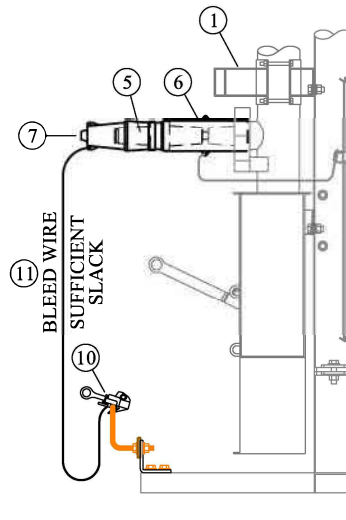
Std. No.
(4 of 6) **37-4010**



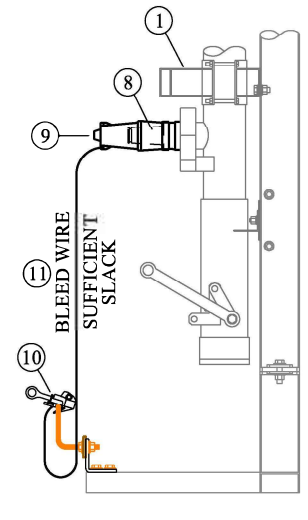
DETAIL 4
600 A CABLE TERM
(1000 kCMIL AL, 28 kV CABLE)



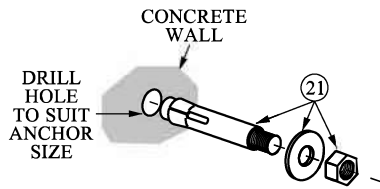
DETAIL 5
200 A CABLE TERM
(1/0 AWG AL, 28 kV CABLE)



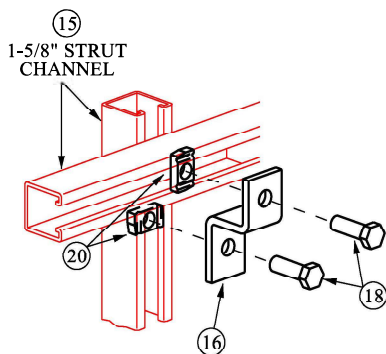
DETAIL 6
600 A BUSHING TERM
(UNUSED)



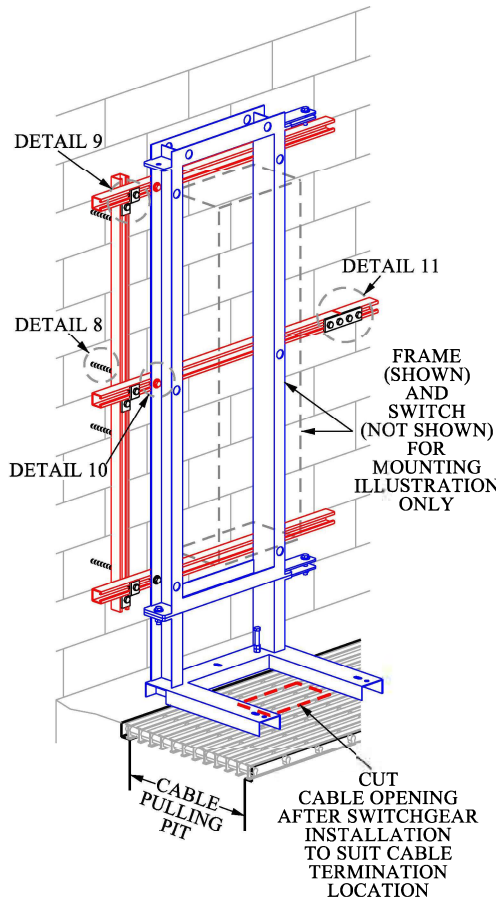
DETAIL 7
200 A BUSHING TERM
(UNUSED)



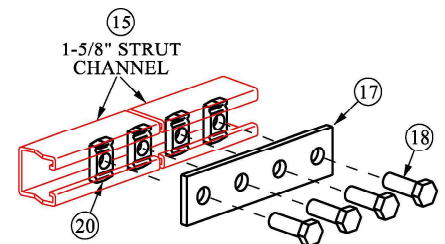
DETAIL 8
ANCHORING (TYP.)



DETAIL 9
1-5/8" STRUT
CHANNEL
ASSEMBLY



DETAIL 10
SWITCHGEAR'S
WALL-MOUNTING
(6 REQUIRED PER WAY)



DETAIL 11
1-5/8" STRUT
CHANNEL
EXTENSION



Construction Standard Certificate of Approval
The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Shreez Ali 04/2022
Name Date
Signature & Professional Designation P.Eng., PMP

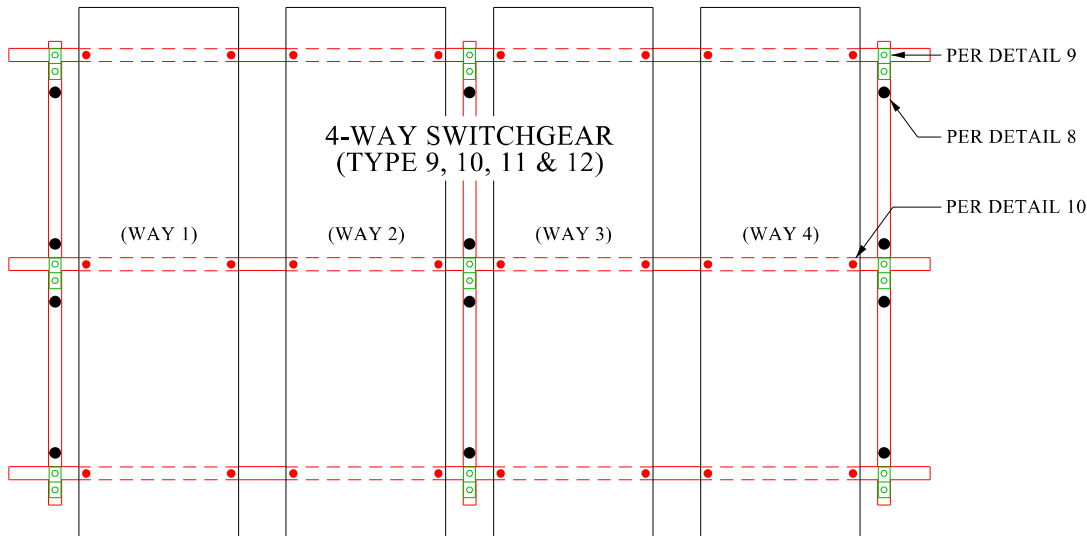
ORIGINAL
Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

Title:
**WALL-MOUNTED
SOLID DIELECTRIC SWITCHGEAR
IN A 7.0 m x 7.0 m VAULT ROOM**
4.16/2.4 kV TO 27.6/16 kV

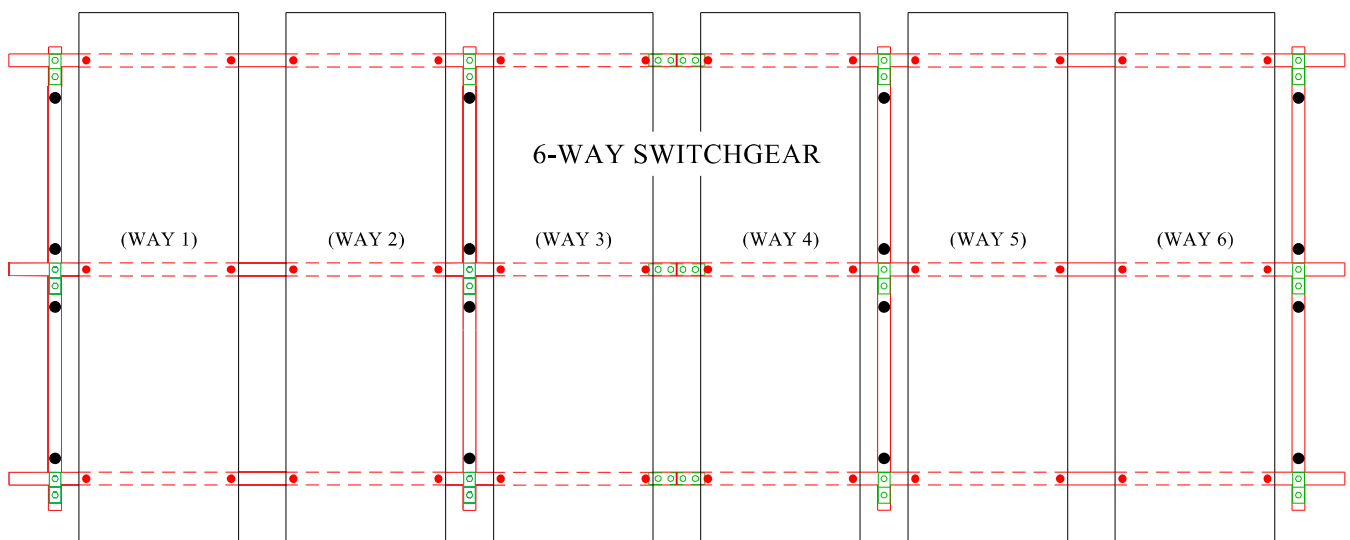
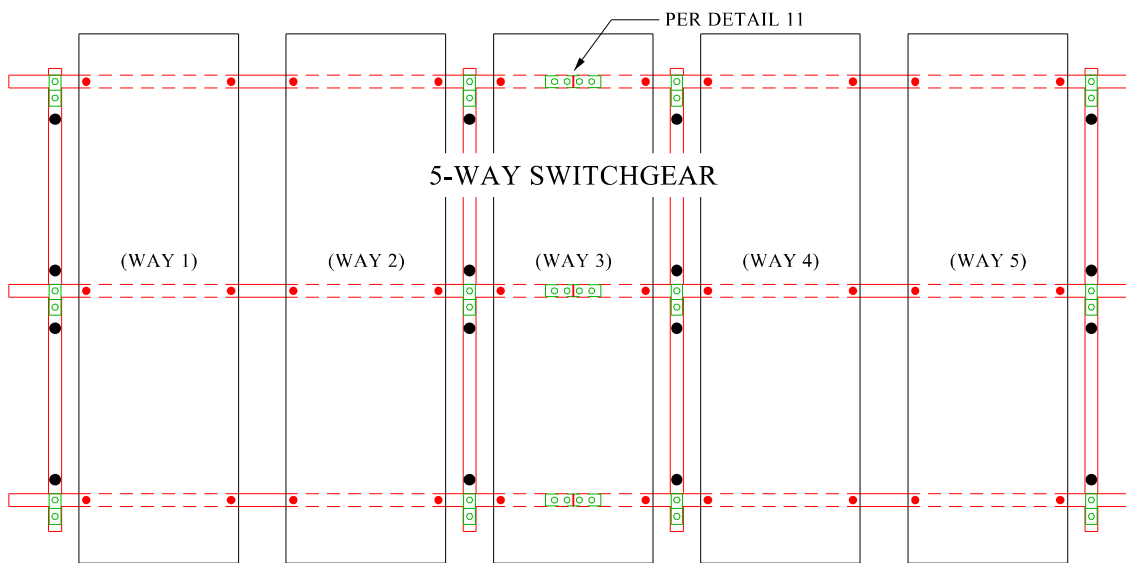
METRIC LINEAR DIMENSIONS
IN MILLIMETER

No.	Revision	Drawn by	Checked by	Apprvd by	Date
-	-	-	-	-	-

Std. No.
(5 of 6) **37-4010**



DETAIL 12
SWITCHGEAR
WALL MOUNTING



Construction Standard Certificate of Approval

The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Shereez Ali 04/2022
Name Date
Signature & Professional Designation P. Eng., PMP

ORIGINAL

Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

Title:

**WALL-MOUNTED
SOLID DIELECTRIC SWITCHGEAR
IN A 7.0 m x 7.0 m VAULT ROOM**

4.16/2.4 kV TO 27.6/16 kV

METRIC LINEAR DIMENSIONS
IN MILLIMETER

No.	Revision	Drawn by	Checked by	Apprvd by	Date
-	-	-	-	-	-

Std. No.
37-4010
(6 of 6)

BILL OF MATERIALS (SWITCHGEAR)

No.	ITEM/STD. #	DESCRIPTION	QUANTITY (PER SWITCHGEAR)					
			TYPE 9*	TYPE 10*	TYPE 11*	TYPE 12*	5-WAY	6-WAY
1	STD. 2-1709	SWITCHGEAR, SD, WALL-MOUNTED	1	1	1	1	1	1
2	STD. 2-3366	ELBOW, 600 A	SELECTION AND QUANTITY OF CUSTOMER-OWNED AND INSTALLED CABLE TERMINATION MAY VARY. REFER TO STD. 37-0030 FOR SELECTION AND QUANTITY OF ALECTRA-OWNED AND INSTALLED CABLE TERMINATION.					
3		LUG, COMPRESSION, AL						
4		ADAPTER, CABLE						
5		PLUG, REDUCING TAP						
6		BUSHING EXTENDER 600 A						
7		CAP, INSULATING, 200 A						
8	STD. 2-3368	INSERT, BUSHING, 200 A						
9		ELBOW, 200 A						
10	STD. 41-3010	CLAMP, HOTLINE,CU/AL						
11	DETAIL 3	BLEED WIRE,#14CU,40KV DC						
12	STD. 2-1011	FASTENER ASSEMBLY, 1/2"						
13	330308	CONN LUG CU 250 MCM CU 2HOLE						
14	330739	CONN LUG CU #2AWG COMP 1HOLE						
<i>Not Shown</i>	990159	STICKER-KEEP OUT-VAULT DOOR	1					
	990353	LABEL, 'NOTICE DNB DOORWAY'	1					
	990243	PADLOCK SOLID BRASS BODY	1					
	992301	LABEL DEMARCATION PT SWGR	2					

BILL OF MATERIALS (SWITCHGEAR WALL MOUNTING, PER DETAIL 12)

No.	ITEM/STD. #	DESCRIPTION	QUANTITY / SWITCHGEAR		
			4-WAY*	5-WAY	6-WAY
15**	110328	CHANNEL,1-5/8"x10',SLOTTED	6	7	7
16	110326	FITTING-Z,3HOLE,1-5/8 CHAN	9	12	12
17	110881	PLATE EXT,4HOLE,1-5/8 CHAN	-	3	3
18	110325	SCREW,HEX,1/2X1.5,1-5/8CHAN	48	72	84
19	990381	WASHER SIL BRZE SPLIT 1/2	24	30	36
20	110324	NUT,SPRING,1/2",1-5/8CHAN	48	72	84
21	990220	ANCHOR, SLEEVE, 1/2"X4"	12	16	16

* - 4-WAY SWITCHGEAR IS EITHER TYPE 9, TYPE 10, TYPE 11 OR TYPE 12

** - TO BE CUT TO SUIT SWITCHGEAR AND CONTROLLER WALL FRAMING INSTALLATION

BILL OF MATERIALS (CONTROLLER WALL MOUNTING, PER DETAIL 2 & 3)

No.	ITEM/STD. #	DESCRIPTION	QUANTITY / SWITCHGEAR			
			DETAIL 2 SCADA CONTROLLER		DETAIL 3 MANUAL CONTROLLER	
			TYPE 9	TYPE 11	TYPE 9	TYPE 11
15**	110328	CHANNEL,1-5/8"x10',SLOTTED	1	1	1	2
16	110326	FITTING-Z,3HOLE,1-5/8 CHAN	-	8	4	12
18	110325	SCREW,HEX,1/2X1.5,1-5/8CHAN	4	16	8	24
19	990381	WASHER SIL BRZE SPLIT 1/2	4	-	-	-
20	110324	NUT,SPRING,1/2",1-5/8CHAN	4	16	8	24
21	990220	ANCHOR, SLEEVE, 1/2"X4"	4	8	4	12

TYPE OF WALL-MOUNTED SWITCHGEAR (PER [STD. 2-1709](#))

TYPE OF SWITCH	No. OF SWITCHES (PER SWITCHGEAR TYPE)						
	TYPE 9*	TYPE 10*	TYPE 11*	TYPE 12*	5-WAY	5-WAY	6-WAY
600 A, 3-PHASE	2	4	3	1	2	3	3
200 A, 3 x 1-PHASE	2	-	1	3	3	2	3

COMPLETE KITS:
REFER TO [STD. 37-0030](#)



Construction Standard Certificate of Approval
The Construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Shereez Ali 04/2022
Name Date
P.Eng., PMP
Signature & Professional Designation

ORIGINAL
Drawn by: Ar.C.
Checked by: S.I.
Approved by: A.I.
Date: Apr-2022

Title:
WALL-MOUNTED SOLID DIELECTRIC SWITCHGEAR IN A 7.0 m x 7.0 m VAULT ROOM
4.16/2.4 kV TO 27.6/16 kV



● Site Location



Committee of Adjustments

Subject Property



71 Rebecca Street, Hamilton
(Ward 2)

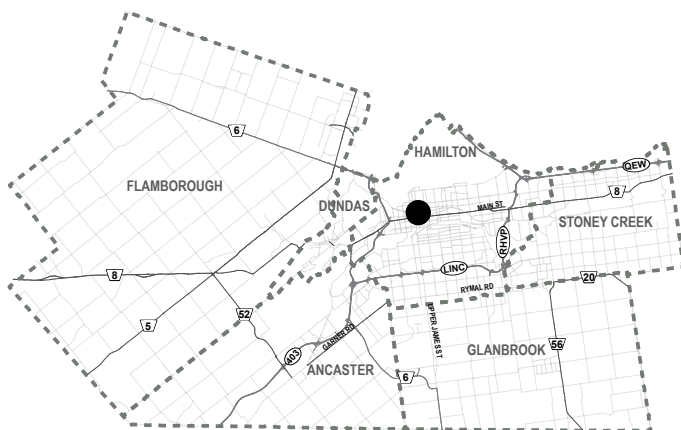
File Name/Number:
A-24:205

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



City of Hamilton

Planning and Economic Development Department



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:206	SUBJECT PROPERTY:	47- 49 Ontario Avenue, Hamilton
ZONE:	"R1a" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law No. 05-200

APPLICANTS: Owner: Tramy Nguyen - OJM Realty Inc
Agent: Ken Bekendam- King Homes Inc

The following variances are requested:

Portion of Lands to be Retained:

1. A deck shall be permitted to encroach 0.73 metres into minimum required southerly side yard, instead of the maximum permitted encroachment of 0.6 metres.

Portion of Lands to be Severed:

1. A minimum lot area of 230 square metres shall be permitted, instead of the minimum required lot area of 300.0 square metres;
2. A minimum lot width of 8.28 metres shall be permitted, instead of the minimum required lot width of 10.0 metres;
3. The minimum aggregate setback from a side lot line shall be 2.62 metres, instead of the minimum required aggregate setback of 3.5 metres;
4. A deck shall be permitted to encroach 3.70 metres into the minimum required rear yard, instead of the maximum permitted encroachment of 1.5 metres;
5. An accessory building ("Frame Garage") shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot.

A-24:206

PURPOSE & EFFECT: So as to facilitate the creation of two (2) lots, and the construction of a multiple dwelling / fourplex dwelling on the portion of the lands to be severed, notwithstanding that.

Notes:

- i. This application is subsequent to Land Severance / Consent Application No. HM/B-22:119, which was granted with conditions for the creation of a new lot for residential purposes.
- ii. Minor Variance Application No. HM/A-22:357 approved several variances for both the portion of the lands to be severed and the portion of the lands to be retained. However, as the intended use has changed on the portion of the lands to be severed from a single detached dwelling to a multiple dwelling / fourplex dwelling, the approved variances are not applicable to the severed lands.
- iii. Detailed elevation drawings were not provided as part of the submitted Minor Variance Application to confirm the maximum building height of the proposed multiple dwelling / fourplex dwelling. Additional variance shall be required if compliance with Section 15.2.2.4 g) is not possible.
- iv. Please note that the applicant advised via email dated September 24th, 2024, that the location of the proposed accessory building indicated as “Shed – Waste/Storage” on the portion of the lands to be severed, will be revised to comply with all required building setbacks, and therefore a variance to the required setbacks has not been requested.
- v. A variance has been added to permit an accessory building to be erected prior to the erection of a principle building or structure, as the applicant has advised that the existing accessory building (“Frame Garage”) will remain on the on the portion of the lands to be severed, prior to the proposed multiple dwelling / fourplex dwelling, being constructed. The Committee of Adjustment may wish to impose a time frame on how long the accessory building may remain on its own.
- vi. Should Variance No. 4 be approved for the portion of the lands to be severed to permit the minimum setback from a side lot line to be an aggregate of 2.62 metres, the deck in the rear yard will not encroach into a minimum required side yard and will be in compliance.

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

A-24:206

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:206, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:206



 Subject Lands

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENTCity Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca**PARTICIPATION PROCEDURES****Written Submissions**

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

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. 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.

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

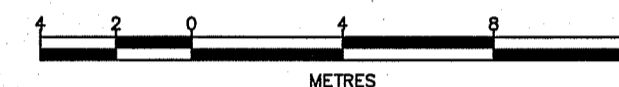
METRIC
 DISTANCES AND CO-ORDINATES SHOWN ON
 THIS PLAN ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE				
PART	LOT	PLAN	PIN	AREA IN SQUARE METRES
1	ALL OF 28	117	17176-0182	231.1
2				230.5

PARTS 1 AND 2 COMPRISE ALL OF PIN 17176-0182.

PLAN OF SURVEY OF
 LOT 28
 REGISTERED PLAN 117
 CITY OF HAMILTON

SCALE 1:200



THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 457mm IN HEIGHT
 WHEN PLOTTED AT A SCALE OF 1:300

MacAulay, White & Muir Ltd.

NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996139. ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED. ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN. ALL PINS ARE (LT) UNLESS NOTED (R). FOR BEARING COMPARISONS, A ROTATION OF 01'00'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-6639. ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010)
 CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4789374.84	592960.26
B	4789132.09	593186.15

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

THE RESULTANT TIE BETWEEN ORP A AND ORP B IS N43°03'W 344.18.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 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.
- THE SURVEY WAS COMPLETED ON THE 12TH DAY OF AUGUST, 2024.

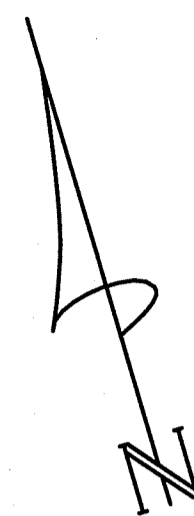
AUGUST 13, 2024

JOHN W. MUIR

ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-

<p>MacAulay, White & Muir Ltd. ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS A Wholly Owned Subsidiary of J.D. Barnes Limited 440 HARDY ROAD, UNIT 2, BRANTFORD, ON N3T 5L8 T: (519) 752-0040 www.jdbarnes.com</p>	DRAWN:	LD
	CHECKED:	JM
	Ref. No.	23-50-016-00

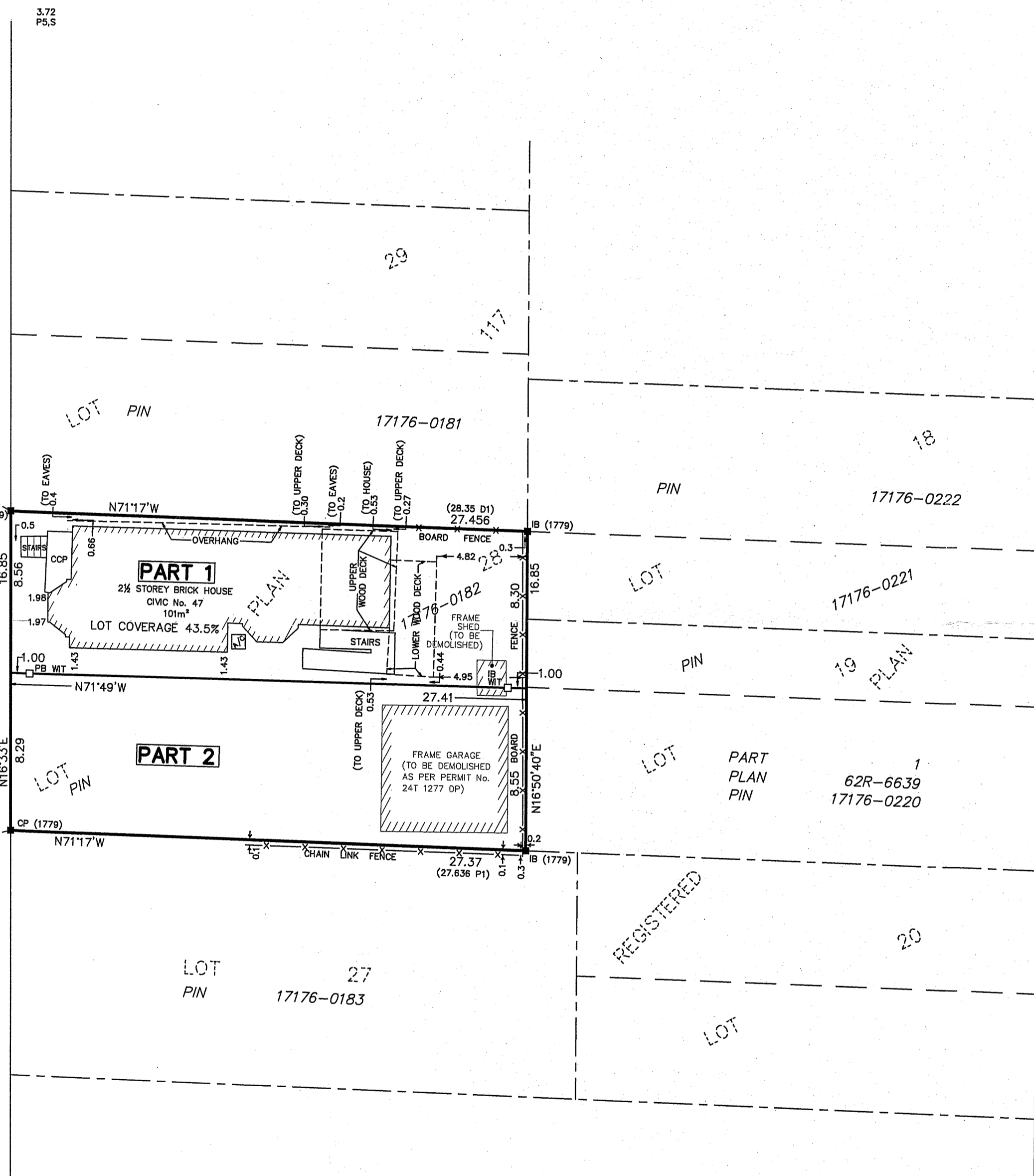


CC (1779) A
 N45°55'W
 338.60

ONTARIO AVENUE
 PIN 17176-0500

CC (1779) B
 N86°49'W
 3.50

REGISTERED



GRANT AVENUE

LEGEND

- SIB - STANDARD IRON BAR
- IB - IRON BAR
- - PLANTED, IB UNLESS NOTED
- - FOUND (1779)
- CP - CONCRETE PIN
- S - SET
- MH - MANHOLE
- CB - CATCH BASIN
- U- - OVERHEAD HYDRO LINE
- HP - HYDRO POLE
- 216.30 - EXISTING ELEVATION
- GM - GAS METER
- WRTW - WOOD RETAINING WALL
- CORW - CONCRETE RETAINING WALL
- CCP - CONCRETE PORCH
- P1 - REGISTERED PLAN 117
- P2 - PLAN 62R-6639
- D1 - PIN 17176-0181 (INST. VMI38328)

NOTE:

GROUND ELEVATION	ROOF PEAK ELEVATION	ROOF PEAK HEIGHT
94.11m	104.06m	9.95m

SITE INFORMATION & STATISTICS	
ADDRESS:	49 ONTARIO AVENUE HAMILTON, ON
ZONING TYPE:	R1a
LOT AREA:	4971.76 SQ FT (461.89 m ²)
LOT FRONTAGE:	55' - 3 1/2" (16.85 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:

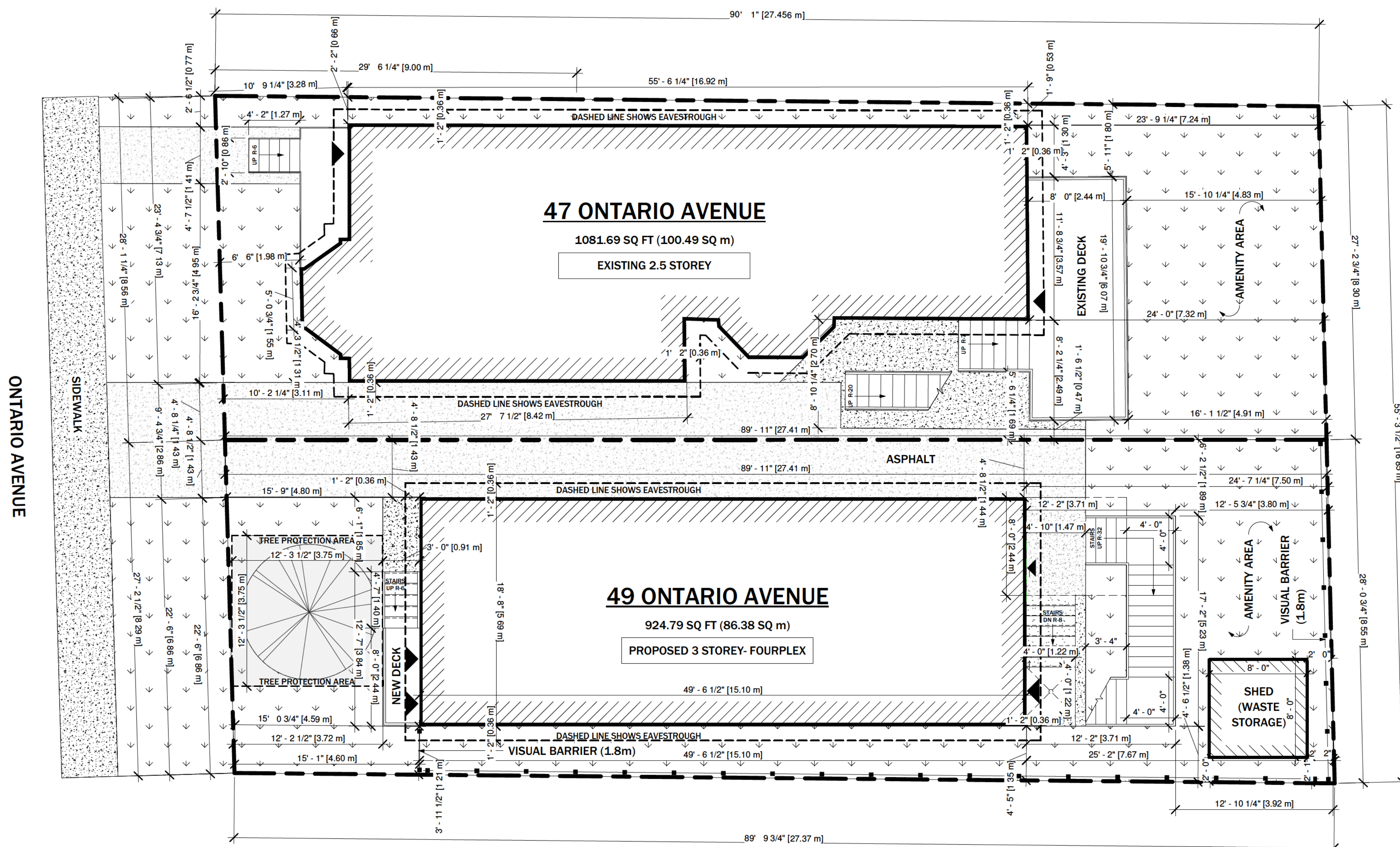
THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH 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.

FRONTYARD LANDSCAPED SURFACE AREA
 FRONT LANDSCAPED AREA = 123.28 SQFT (66.94%)
 FRONT HARD SURFACE AREA TOTAL = 60.88 SQFT (33.06%)
 TOTAL AREA = 184.16 SQFT (100%)

PROPOSED LOT AREA: 2488.26 SQFT (231.17 SQ m)



FRONTYARD LANDSCAPED SURFACE AREA
 FRONT LANDSCAPED AREA = 291.89 SQFT (94.12%)
 FRONT HARD SURFACE AREA TOTAL = 18.23 SQFT (5.88%)
 TOTAL AREA = 310.12 SQFT (100%)

PROPOSED LOT AREA: 2483.50 SQFT (230.72 SQ m)

DESCRIPTION	PROPOSED	REQUIRED
ZONING CATEGORY	R1a	R1a
LOT AREA	2488.26 SQFT (231.17 SQM)	3229.17 SQFT (300 SQM)
LOT FRONTAGE	28' - 1 1/4" (8.56 M)	-
GROSS FLOOR AREA	1081.69 SQFT (100.49 SQM)	-
LOT WIDTH	28' - 1 1/4" (8.56M)	32' - 9 3/4" (10.00 M)
BUILDING HEIGHT	2.5 STOREYS (9.83 M)	10.5 M
FRONT YARD SETBACK	10' - 2 1/4" (3.11 m)	13' - 1 1/2" (4.0 m)
REAR YARD SETBACK	23' - 9 1/4" (7.24 m)	24' - 7 1/4" (7.5 m)
SIDE YARD-INTERIOR	1' - 9" (0.53 m)	3' - 11 1/4" (1.2 m)
LANDSCAPE OPEN SPACE	934.74 SQFT (27.31%) (86.84 SQM)	30%
AMENITY AREA	800.58 SQFT (74.37 SQM)	-

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			

DESCRIPTION	PROPOSED	REQUIRED
ZONING CATEGORY	R1a	R1a
LOT AREA	2483.50 SQFT (230.72 SQM)	3229.17 SQFT (300 SQM)
LOT FRONTAGE	27' - 1 1/2" (8.29 M)	32' - 9 3/4" (10.00 M)
GROSS FLOOR AREA	924.79 SQFT (86.38 SQM)	-
LOT WIDTH	27' - 1 1/2" (8.29 M)	32' - 9 3/4" (10.00 M)
BUILDING HEIGHT	3 STOREYS (9.83 M)	10.5 M
FRONT YARD SETBACK	15' - 3/4" (4.59 m)	13' - 1 1/2" (4.0 m)
REAR YARD SETBACK	24' - 7 1/4" (7.5 m)	24' - 7 1/4" (7.5 m)
SIDE YARD-INTERIOR	3' - 11 1/2" (1.21 m)	3' - 11 1/4" (1.2 m)
LANDSCAPE OPEN SPACE	1095.44 SQFT (30.61%) (101.76 SQM)	30%
AMENITY AREA	1015.76 SQFT (94.36 SQM)	-



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: 905-965-0647
 kenbekendam@gmail.com
OFFICE ADDRESS: 979 MAIN ST. E. HAMILTON, ON
OFFICE PHONE: 855-546-4407

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
 Name: Ken Bekendam
 Signature: Ken Bekendam
 BCIN: 121307
REGISTRATION INFORMATION
 Required unless design is exempt under 2.17.5.1 of the building code
 KING HOMES INC.
 Name: Ken Bekendam
 BCIN: 121307

- GENERAL NOTES:**
1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 2. 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.
 3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 4. 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.
 5. USE LATEST REVISED DRAWINGS.
 6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 7. 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.)
 8. BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 9. CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
49 ONTARIO AVENUE FOURPLEX

SHEET NAME:
SITE PLAN

PROJECT NO.: 24-13 DATE: 07/06/22

SCALE: 3/16" = 1'-0" REVISION:

DRAWN BY: Author REVIEWED BY: KEN BEKENDAM

SHEET NO.
SP1.01



Hamilton

July 26, 2024

FILE: ALR
FOLDER: 24- ALR
ATTENTION OF: Victoria Brito
TELEPHONE NO: (905) 546-2424
EXTENSION:

KEN BEKENDAM
160 WHITE SWAN ROAD
BRANTFORD, ONTARIO N3T 5L4

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: R1a (Low Density Residential – Small Lot)
Address: 47 and 49 Ontario Avenue, Hamilton

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant is proposing to construct a new fourplex on a proposed severed lot.
2. Please be advised that By-laws 24-051 and 24-052, were passed on April 10th, 2024, which approved new changes to the Hamilton Zoning By-law 05-200. However, By-laws 24-051 and 24-052 are not yet final. At present, all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations being applied.
3. A fourplex is permitted under the new proposed zoning regulations; however, it is not permitted under the existing regulations. The following comments are provided on the consideration that By-law 24-051 is final & binding.
4. Our records indicate that Land Severance application HM/B-22:119, was approved with conditions for the creation of a new lot for residential purposes. The following comments will also address Conditions #6, 7, and 8 of said decision.
5. Our records indicate that Minor Variance Decision HM/A-22:357, approved several variances for both the severed and the retained lands. However, as the intended use has changed on the severed lands from a single detached dwelling to a fourplex, the approved variances are not applicable to the severed lands.
6. The lots are considered to be interior lots. Therefore, the front lot line is the lot line abutting the Ontario Avenue street line for both lots. The rear lot is the lot line farthest and opposite lot line to the front line and all other lot lines are considered side lot lines.

7. Any proposed accessory building shall comply with the requirements of Section 4.8 of the Hamilton Zoning By-law 05-200. Currently, no accessory buildings are shown as part of the proposal.
8. Any other encroachments shall comply with requirements of Section 4.6 of the Hamilton Zoning By-law 05-200.
9. Please note, that this Division is unable to clear conditions #6, 7 and 8 of Land Severance HM/A-22:119, at this time as the proposal does not conform and additional variances are required. See comments below.
10. The construction of the proposed fourplex 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.
11. All new fencing proposed for this development must comply with the regulations contained within Hamilton Fence By-law 10-142.
12. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
13. The proposed **retained lands** have been reviewed and compared to the standards of the R1a zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Low Density Residential – Small Lot (R1a) Zone			
Section 15.2.2.1 – Single Detached Dwelling (Retained lands)			
Minimum Lot Area [as per Section 15.2.2.1 a) as approved by Minor Variance HM/A-22:357]	231.17m ²	231.17m ²	Conforming
Minimum Lot width [as per Section 15.2.2.1 b) per approved Minor Variance HM/A-22:357]	8.56m	8.56m	Conforming
Minimum setback from the Front Lot line [as per Section 15.2.2.1 c)]	3.0m	1.98m Note: The severance does not affect the existing front yard.	Existing
Minimum setback from the Front Lot line [as per Section 15.2.2.2 c)] NOT FINAL	i) 4.0 metres; ii) Notwithstanding Section 15.2.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two	1.98m Note: The severance does not affect the existing front yard.	Existing

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(By-law No. 24-051, April 10, 2024, not final & binding)		
Section 4 – General Provisions			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) Eaves, troughs and other similar architectural features may be permitted in any required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.	Details not provided. 14" Eaves trough added	Unable to determine compliance
	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; The required side yard is 1.2m. Therefore, the ex. porch including any associated steps shall maintain a setback of 0.6m from the southerly side lot line.	A setback of 0.47m is shown from the existing deck to the southerly side lot line.	Non-conforming Variance Required

14. The proposed **severed lands** has been reviewed and compared to the standards of the R1a zone as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Low Density Residential – Small Lot (R1a) Zone			
Section 15.2.2.4 – Fourplex (Severed lands) NOT FINAL			
Minimum Lot Area [as per Section 15.2.2.4 a)] NOT FINAL	300.0 square metres	230.72m ²	Non-conforming Variance Required
Minimum Lot width [as per Section 15.2.2.4 b)] NOT FINAL	10.0 metres	8.29m	Non-conforming Variance Required
Minimum setback from a Street Line [as per Section 15.2.2.4 c)] NOT FINAL	i) 4.0 metres; ii) Notwithstanding Section 15.2.2.4 c) i), for lots identified on Figure 36 of Schedule “F” – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the	i) 4.0 m ii) not applied. Front Yard Setback 4.59m	Conforms N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres. (By-law No. 24-051, April 10, 2024, not final & binding)</p>		
<p>Minimum Setback from a Side Lot Line [as per Section 15.2.2.4 d)] NOT FINAL</p>	<p>1.2 metres, and a minimum aggregate of 3.5 metres</p>	<p>1.43m (to the north) 1.20 to 1.35m (to the south)</p>	<p>Non-conforming Variance Required</p>
<p>Minimum Setback from a Flankage Lot Line [as per Section 15.2.2.4 e)] NOT FINAL</p>	<p>3.0m</p>	<p>This is not a corner lot.</p>	<p>N/A</p>
<p>Minimum Setback from a Rear Lot Line [as per Section 15.2.2.4 f)] NOT FINAL</p>	<p>7.5m</p>	<p>7.5m</p>	<p>Conforms</p>
<p>Maximum Building Height [as per Section 15.2.2.4 g)] NOT FINAL</p>	<p>10.5m</p>	<p>9.83m per elevation plans.</p>	<p>Conforms</p>
<p>Minimum Landscaped Area [as per Section 15.2.2.4 h)] NOT FINAL</p>	<p>i) 30.0%</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply</p> <p>Note: Section 4.35 states the following:</p> <p>c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following:</p> <p>i) each side shall be a minimum 3.75 metres in length; and,</p> <p>ii) shall not contain hard landscaping or structures.</p> <p>d) On a lot containing a fourplex dwelling, when parking spaces are located in the rear yard, the following shall be provided:</p> <p>i) A minimum 1.5 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the side lot line, and shall contain a wall or fence in</p>	<p>i) Greater than 30.0%</p> <p>c) i) and ii) Appears an area greater 3.75m is capable to be accommodated and does not contain hard landscaping or structures.</p> <p>d) i) and ii) no parking spaces are shown in the rear yard.</p>	<p>Appears to conform Tree Protection Added N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>accordance with the requirements of Section 4.19; and,</p> <p>ii) A minimum 3 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the rear lot line, and shall contain a Visual Barrier in accordance with the requirements of Section 4.19</p> <p>(By-law No. 24-051, April 10, 2024, not final & binding)</p>		
Visual Barrier [as per Section 15.2.2.4 i)] NOT FINAL	<p>i) A Visual Barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.</p> <p>ii) Notwithstanding Section 15.2.2.4 i) i), rear yard parking shall comply with the requirements of Section 4.35 d) of this By-law.</p>	Details not provided.	<p>Unable to determine compliance</p> <p>Visual Barrier Added 1.8m high</p>
Amenity Area [as per Section 15.2.2.4 j)] NOT FINAL	Amenity areas shall not be permitted in the side yard or on the rooftop of the dwelling.	<p>Details not provided.</p> <p>Amenity area added</p>	Unable to determine compliance
Waste Storage [as per Section 15.2.2.4 k)] NOT FINAL	Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.	<p>Details not provided.</p> <p>Waste Storage Shed added</p>	Unable to determine compliance
Section 4 – General Provisions			
Permitted Yard Encroachments [as per section 4.6 of Hamilton Zoning By-law 05-200]	a) Eaves, troughs and other similar architectural features may be permitted in any required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.	<p>Details not provided.</p> <p>14" Eavestrough added</p>	Unable to determine compliance
	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;	A setback of 3.80m is shown from the deck and associated steps to the rear lot line.	Non-conforming Variance Required
	<p>The required rear yard is 7.5m. Therefore, the proposed porch including any associated steps shall maintain a setback of 6.0m from the rear lot line.</p> <p>The required side yard is 1.2m, a minimum aggregate of 3.5m.</p>	<p>A setback of 1.38m is shown from the southerly side lot line and a setback of 1.89m is shown from the northerly side lot line.</p> <p>A setback of 3.09m appears to be maintained from the</p>	<p>Non-conforming Variance Required</p> <p>Appears to</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	The required front yard is 4.0m. Therefore, a porch shall maintain a setback of 2.5m from the front lot line.	front lot line for the New Deck.	conforms Setback added. Complies. 3.72m

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 5 – Parking (Existing Regulations)			
Location (All Uses) [as per section 5.1(a) of Hamilton Zoning By-law 05-200]	i) Required parking facilities shall be located on the same lot as the use requiring the parking.	No parking is proposed to be maintained on the retained lands. However, records indicate that the existing dwelling was built in the year 1895 at which time there were no requirements. No parking is proposed to be maintained on the severed lands.	Conforms – Existing Non-conforming Variance Required
Minimum Number of Required Parking Spaces [as per section 5.6 c) of Hamilton Zoning By-law 05-200]	<u>Single Detached Dwelling</u> 1 parking space per unit However, our records indicate that the existing dwelling was built in the year 1895 at which time there were no requirements. <u>Multiple Dwelling Unit:</u> 1 per unit, except where a dwelling units is 50m ² of GFA or less in which case at a rate of 0.3 per unit. Please note that under the existing zoning regulations, there are no requirements for a fourplex. The use is considered a multiple dwelling with four (4) units. In addition, the GFA for each unit is unknown as such, worse case scenario has been applied. Therefore, 4 units x 1 = 4 spaces shall be maintained on the severed lands.	No parking is intended to be maintained on the retained lands. No parking is intended to be maintained on the severed lands.	Existing Non-conforming Variance Required

	Required By By-Law	Provided	Conforming/ Non-Conforming
SECTION 5: PARKING (BY-LAW 24-052, PROPOSED REGULATIONS - NOT FINAL)			
5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS			
<p>Minimum Number of Required Parking Spaces [as per section 5.1.1 (a) of Hamilton Zoning By-law 05-200]</p>	<p>The minimum number of required parking spaces which must be provided shall be the result of applying:</p> <ul style="list-style-type: none"> i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section <p>Per Schedule in Section 5.7.1 the following is required:</p> <p><u>Single Detached Dwelling in PRA1:</u></p> <ul style="list-style-type: none"> a) In PRA 1, no parking spaces are required. <p><u>Fourplex Dwelling in PRA1:</u></p> <ul style="list-style-type: none"> a) In PRA 1, no parking spaces are required 	<p>No parking spaces will be maintained on the severed or retained lands.</p>	N/A
<p>Minimum Required Number of Electric Vehicle Parking Spaces [as per section 5.1.4 of Hamilton Zoning By-law 05-200]</p>	<p><u>a) Minimum Required Number of Electric Vehicle Parking Spaces</u></p> <p>Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with:</p> <ul style="list-style-type: none"> i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4; <p><u>Single Detached Dwelling or Fourplex:</u></p> <p>A minimum of 100.0% of all parking spaces shall be provided as Electric Vehicle Parking.</p>	<p>No parking is intended to be maintained on either of the retained or severed lots.</p>	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
5.7 PARKING SCHEDULES			
Parking Schedules [as per section 5.7 of Hamilton Zoning By-law 05-200]	<u>a) Parking Rate Areas</u> Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.	These lands both severed and retained are indicated as being located in Parking Area 1 (PRA1).	See comments above
	<u>b) Application of Parking Rate Areas</u> Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.		

Yours truly



 for the Manager of Zoning & Committee of Adjustment
 VB/vb



Hamilton

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

1. APPLICANT INFORMATION

NAME	
Registered Owners(s)	Tramy Nguyen OJM Realty Inc
Applicant(s)	Ken Bekendam King Homes 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 be 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	47-49 Ontario Ave		
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:

[See Applicable Law Review with additional notes added](#)

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. Existing 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
See Site Plan			

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
Site 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.):

[47 Ontario - Existing Single Detached](#)[49 Ontario - Proposed Fourplex](#)

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

[Existing Residential](#)**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands:

[Jan 31st 2022](#)

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[HM.B.22.119 and HM.A.22.357](#)

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: HM.B.22.119

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

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

A-24:206 – 47-49 Ontario Avenue, Hamilton

Recommendation:

Development Planning - - Approve Variance 1 for the Lands to be Retained and Variances 1 to 4 for the Lands to be Severed, deny Variance 5 for the Lands to be Severed.

Proposed Conditions:

1. The owner shall demolish the existing frame garage, subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.
2. The owner shall demolish the existing frame shed, subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.
3. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning.

Proposed Notes:



Hamilton

Development Planning:

Background

So as to facilitate the creation of two lots and the construction of a fourplex dwelling.

Staff note that related prior Consent to Sever and Minor Variance applications HM/B-22:119 and HM/A-22:357 were approved on December 8, 2022. HM/A-22:357 granted the following variances:

Retained Lands (47 Ontario Avenue)

1. A minimum lot width of 8.56 metres shall be provided instead of the minimum required lot width of 9.0 metres.
2. A minimum lot area of 231.17 square metres shall be provided instead of the minimum required lot area of 270.0 square metres.

Severed Lands (49 Ontario Avenue)

1. A minimum lot width of 8.3 metres shall be provided instead of the minimum required lot width of 9.0 metres.
2. A minimum lot area of 230.72 square metres shall be provided instead of the minimum required lot area of 270.0 square metres.
3. A minimum of 1 parking space shall be provided instead of the required 2 parking spaces for a single detached dwelling.
4. Parking spaces shall be located a minimum distance of 0.0 metres to the streetline instead of the required minimum parking distance of 5.8 metres from the streetline.
5. Parking spaces shall be permitted within the required front yard instead of the requirement that no parking shall be permitted in a required front yard.

Staff note that the proposed use on the severed lands (49 Ontario Avenue) has changed from a single detached dwelling to a proposed fourplex dwelling therefore, additional variances are required.



Hamilton

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2, B.3.6.3.7 and E.3.4.3, amongst others, are applicable and permit the proposed fourplex dwelling.

Policies B.2.4.1.4 and B.2.4.2.2 provide criteria residential intensification within the “Neighbourhoods” designation. These criteria include, but are not limited to, the compatibility of the proposed development with the surrounding area in terms of scale, massing, setbacks building separations, built form and character; how the proposed development contributes to maintaining and achieving a range of dwelling types and tenures; how the proposed development might impact adjacent land uses in terms of shadowing, overlook and provision of amenity space.

Staff note that the proposed fourplex dwelling is to be three storeys in height with side yard setbacks of 1.21 metres and 1.43 metres. The proposed lot area and width for the severed lands is 230.72 square metres and 8.29 metres. The predominant built form along Ontario Avenue is approximately two and a half to three storeys in height with generally close side yard setbacks. Similarly, neighbouring properties have lot areas and widths comparable to that of the severed lands, particularly 45 Ontario Avenue which contains an existing triplex.

Staff are of the opinion that the proposed fourplex dwelling is generally compatible with the scale, massing and character of the neighbourhood and conforms with Policies B.2.4.1.4 and B.2.4.2.2.

Policy B.3.6.3.7 b) requires a noise feasibility study, detailed noise study or both for residential developments within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. The subject lands are located within 400 metres of Main Street East, which is identified as a major arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

Stinson Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6601 of the Stinson Neighbourhood Plan. The proposed additional dwelling unit and existing single detached dwelling are consistent with the vision of the neighbourhood plan.



Hamilton

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit are permitted uses.

Lands to be Retained (47 Ontario Avenue)

Variance 1

5. A deck shall be permitted to encroach 0.73 metres into a minimum required southerly side yard instead of the maximum permitted encroachment of 0.6 metres.

The intent of this provision is to sufficient space is maintained between the deck and side lot line for drainage, access and maintenance purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff note that the deck in question is existing. Staff are of the opinion that the requested variance is recognizing existing built conditions. Provided Development Engineering staff have no concerns, Development Planning staff support the variance.

Lands to be Severed (49 Ontario Avenue)

Variances 1 and 2

1. A minimum lot area of 230 square metres shall be permitted, instead of the minimum required lot area of 300.0 square metres.
2. A minimum lot width of 8.28 metres shall be permitted, instead of the minimum required lot width of 10.0 metres.

The intent of these provisions is to ensure lots are large enough to be viable and developable building lots.

The proposed lot area and width for the severed lands is 230.72 square metres and 8.29 metres. Staff note that neighbouring properties generally have lot areas and widths comparable to that of the severed lands, particularly 45 Ontario Avenue which contains an existing triplex on a lot approximately 250 square metres in area and 9 metres wide.



Hamilton

Staff are of the opinion that the severed lands and proposed fourplex dwelling are comparable in scale and function to existing land uses and properties within the neighbourhood and that the severed lands are of a viable size to support the proposed fourplex use. Therefore, the requested variances to permit a minimum lot area of 230 square metres and lot width of 8.28 metres maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

Variance 3

3. The minimum aggregate setback from a side lot line shall be 2.62 metres, instead of the minimum required aggregate setback of 3.5 metres.

The intent of this provision is to ensure that at least one side yard is larger to offset potential massing and scale impacts arising from the potentially larger built form of fourplexes. The larger side yard also allows for additional side yard storage space, access for communal spaces (amenity space, garbage, bike storage, etc.) and rear unit entry.

Staff note that the northerly side yard, being 1.43 metres, is intended to serve as paved access from the front yard to the rear yard. Shared areas such as rear yard amenity space and a waste storage shed are to be located in the rear yard as well as rear access for some of the proposed units.

Staff are of the opinion that the proposed scale and height of the fourplex dwelling are in keeping with the existing scale and height of the neighbourhood. Similarly, the proposed side yard setbacks facilitate front-to-rear access for common areas and rear unit entry. Therefore, the requested variance to reduce the aggregate side yard setback maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

Variance 4

4. A deck shall be permitted to encroach 3.7 metres into the minimum required rear yard, instead of the maximum permitted encroachment of 1.5 metres.

The intent of this provision is to ensure rear decks or associated staircases do not dominate the rear yard of a property to maintain space for rear yard amenity area.

Staff note that the proposed deck and staircase in the rear yard would serve as access for two units within the fourplex dwelling. Staff are of the opinion that sufficient rear yard amenity area will be maintained. Therefore, as the staircase are to serve as the primary entry for two dwelling units and

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

sufficient amenity area will be provided, the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

Variance 5

5. An accessory building (“Frame Garage”) shall be permitted to be erected prior to the erection of a principle building or structure, instead of the requirement that an accessory building shall not be erected prior to the erection of a principle building or structure on the lot.

The intent of this provision is to prevent accessory uses or accessory structures from being the only use or structure on a property.

Staff note that existing detached garage is noted to be removed on the submitted drawings. However, staff are of the opinion that the requested variance to permit the garage to remain prior to the construction of the principal building on the severed lands does not maintain the intent of the Zoning By-law, is not desirable for the proposed development and is not considered minor. Staff do not support the variance.

Staff are of the opinion that Variance 1 for the Lands to be Retained and Variances 1 to 4 for the Lands to be Severed meet the four tests of a minor variance, whereas Variance 5 for the Lands to be Severed does not. Based on the foregoing, **staff recommend approval of Variance 1 for the Lands to be Retained and Variances 1 to 4 for the Lands to be Severed, deny Variance 5 for the Lands to be Severed.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> i. This application is subsequent to Land Severance / Consent Application No. HM/B-22:119, which was granted with conditions for the creation of a new lot for residential purposes. ii. Minor Variance Application No. HM/A-22:357 approved several variances for both the portion of the lands to be severed and the portion of the lands to be retained. However, as the intended use has changed on the portion of the lands to be severed from a single detached dwelling to a multiple dwelling / fourplex dwelling, the approved variances are not applicable to the severed lands.

STAFF COMMENTS

HEARING DATE: October 22, 2024



Hamilton

	<p>iii. Detailed elevation drawings were not provided as part of the submitted Minor Variance Application to confirm the maximum building height of the proposed multiple dwelling / fourplex dwelling. Additional variance shall be required if compliance with Section 15.2.2.4 g) is not possible.</p> <p>iv. Please note that the applicant advised via email dated September 24th, 2024, that the location of the proposed accessory building indicated as “Shed – Waste/Storage” on the portion of the lands to be severed, will be revised to comply with all required building setbacks, and therefore a variance to the required setbacks has not been requested.</p> <p>v. A variance has been added to permit an accessory building to be erected prior to the erection of a principle building or structure, as the applicant has advised that the existing accessory building (“Frame Garage”) will remain on the on the portion of the lands to be severed, prior to the proposed multiple dwelling / fourplex dwelling, being constructed. The Committee of Adjustment may wish to impose a time frame on how long the accessory building may remain on its own.</p> <p>vi. Should Variance No. 4 be approved for the portion of the lands to be severed to permit the minimum setback from a side lot line to be an aggregate of 2.62 metres, the deck in the rear yard will not encroach into a minimum required side yard and will be in compliance.</p>
Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>No comments.</p> <p>Cultural Heritage:</p> <p>The subject property is comprised of a circa 1895 single-detached dwelling and is included in the City’s Inventory of Heritage Properties. In addition, the subject property is located in the Stinson Established Historical Neighbourhood and the Ontario Avenue Cultural Heritage Landscape.</p> <p>The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.</p> <p>Although not formally recognized under the Ontario Heritage Act through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.</p> <p>Accordingly, Sections B.3.4.1.3 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>Staff have reviewed the application and are of the opinion that given the property's status as an Inventoried property and its location within the Stinson Established Historical Neighbourhood, staff strongly encourage that the applicant utilize massing and materials (e.g., brick cladding) compatible with the adjacent built heritage resources.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Detailed grading review and comments are being provided by Development Engineering under the severance applicable HM/B-22:119.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed garage and the multiple dwelling.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	

STAFF COMMENTS

HEARING DATE: October 22, 2024



Hamilton

Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.

October 11, 2024

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

Attention: Committee of Adjustment

File# A-24:206

Re: 47-49 Ontario Ave

In response to your correspondence dated October 3, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.
- Existing O/H secondary services to #49 and #53 Ontario Avenue will be required to be relocated as they will be in conflict with the proposed boundaries of the new lot

created by the land severance. Contact our ICI group to discuss relocations and new required building service

We would also like to stipulate the following:

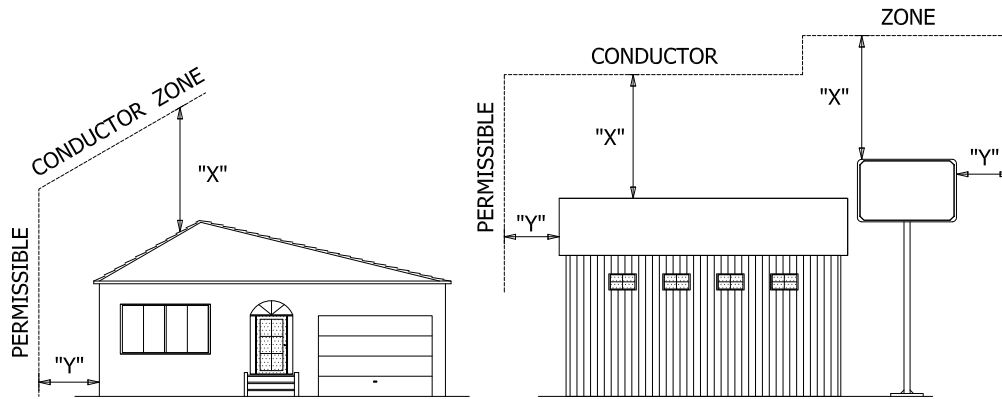
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital




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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

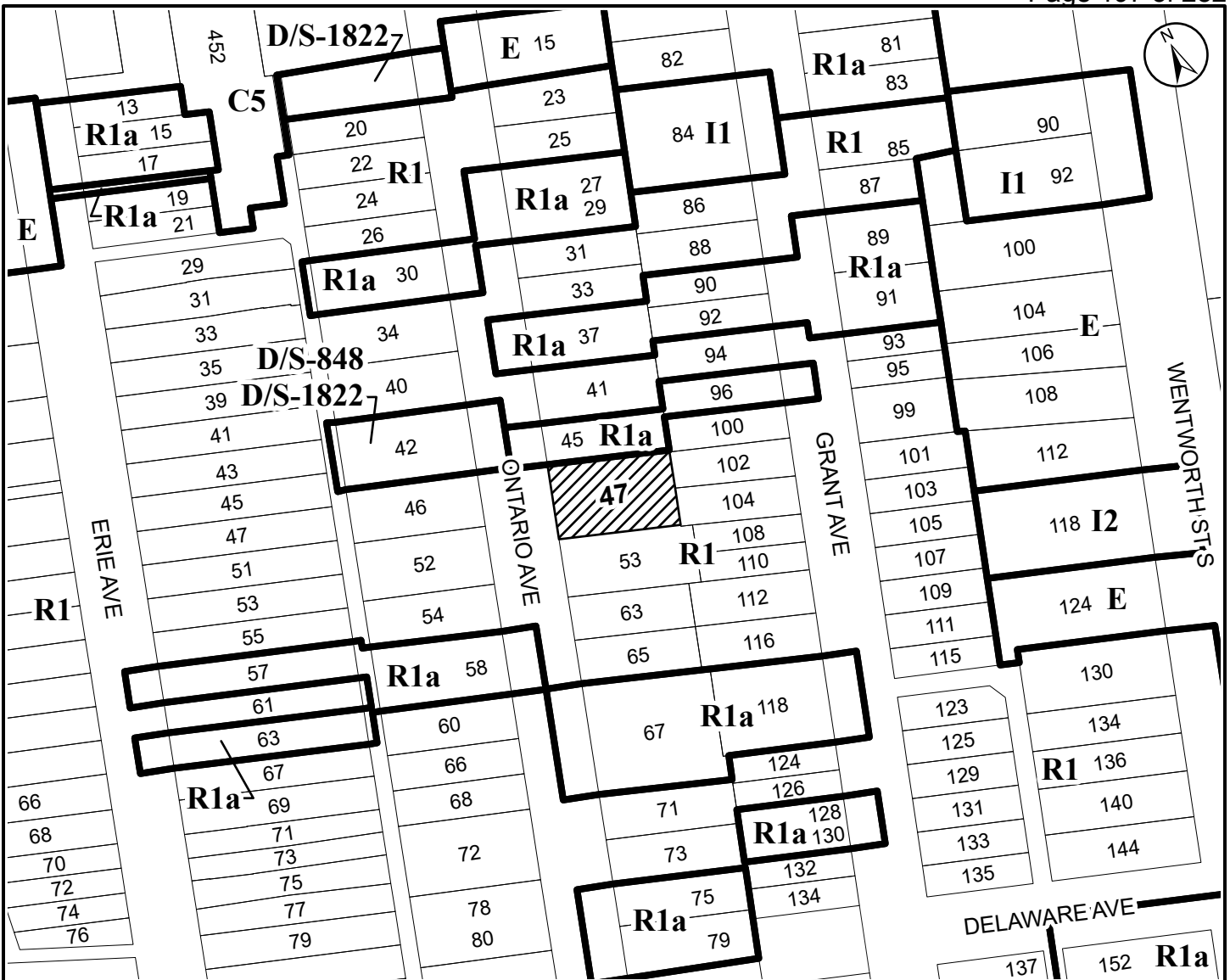
NOTES:

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

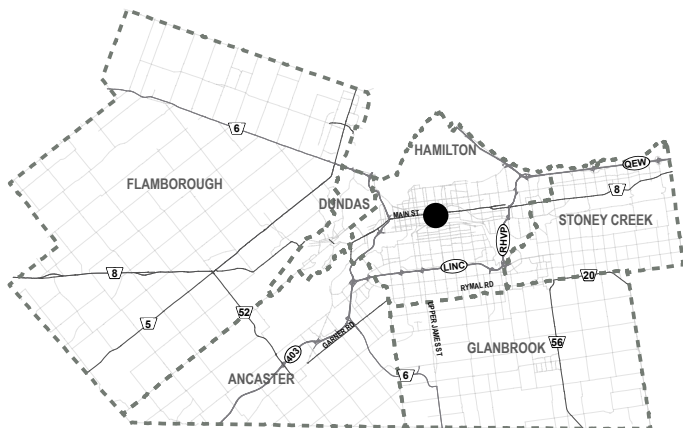
	DRAWING STATUS	BY	DATE DD/MM/YY	MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS (EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)	REFERENCE DRAWINGS:	DRAWINGS NOT TO SCALE	
	REDRAWN:	JM	12/06/07		DRAWING #	SHEET#	REVISION#
	CHECKED:	ND	26/04/05		3-105	1	0
	APPROVED:	CR	26/04/05				







● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



47 - 49 Ontario Avenue, Hamilton
(Ward 3)

File Name/Number:
A-24:206

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:207	SUBJECT PROPERTY:	663 Beach Blvd, Hamilton
ZONE:	C/S-1435, S-1822 (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593 as amended by by-law 99-169

APPLICANTS: Owner: Chantelle Camarro
Agent: Len Angelici

The following variances are requested:

1. A minimum front yard depth of 5.0m shall be provided instead of the minimum 6.0m front yard depth required.
2. A minimum easterly side yard width of 0.42 metres shall be provided instead of the minimum 1.7 metre side yard width required.

PURPOSE & EFFECT: To facilitate the construction of a rear yard addition, rear yard porch, front yard addition, and front yard porch.

Notes: N/A

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

A-24:207

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 2024

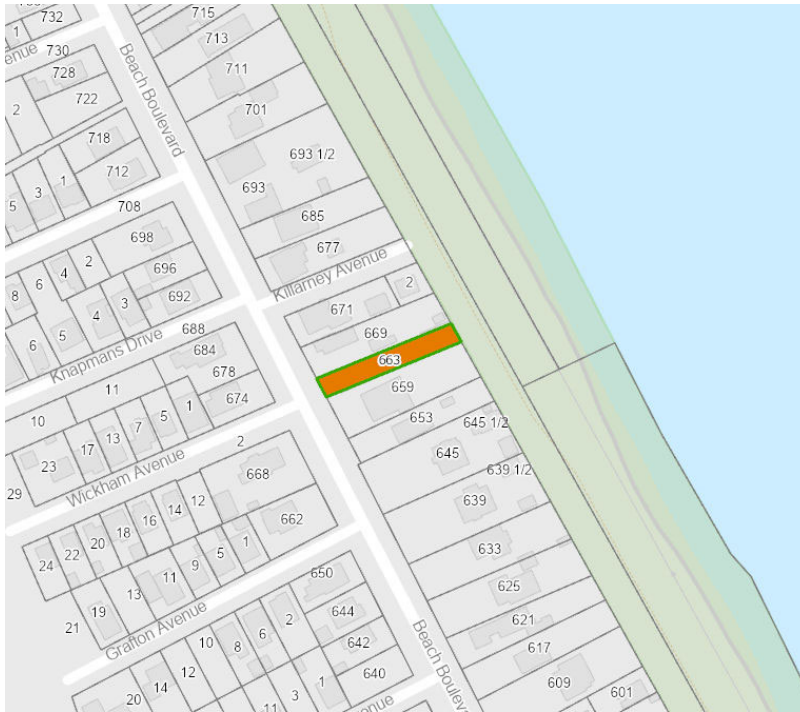
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:207, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:207



 Subject Lands

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENTCity Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca**PARTICIPATION PROCEDURES****Written Submissions**

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

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. 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.

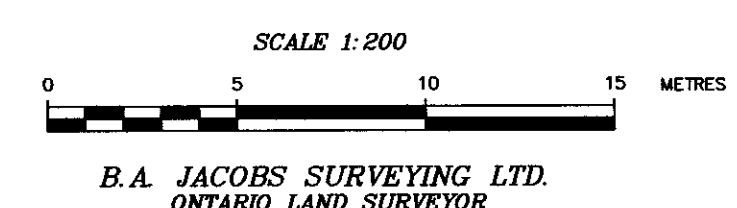
2. In person Oral Submissions

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.

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 SURVEY OF
PART OF BURLINGTON BEACH
EAST SIDE OF BEACH BOULEVARD
(UNREGISTERED)
(GEOGRAPHIC TOWNSHIP OF SALT FLEET)
CITY OF HAMILTON

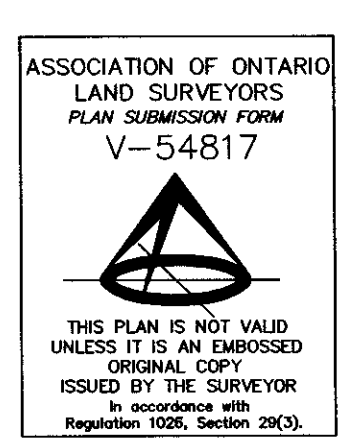


METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

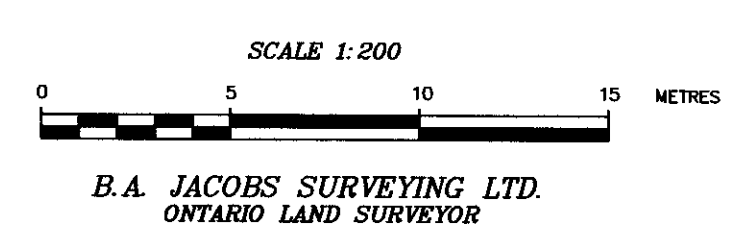
BEARING NOTE:
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM
THE EASTERLY LIMIT OF BEACH BOULEVARD AS SHOWN ON
PLAN 62R-18770, BEING N 26°55'20" W AND ARE BASED ON
THE NAD 83 UTM CO-ORDINATE SYSTEM, ZONE 17, CENTRAL
MERIDIAN 81° WEST LONGITUDE.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - SM DENOTES STONE MONUMENT
 - WT. DENOTES WITNESS
 - (N) DENOTES NOT IDENTIFIABLE
 - P1 DENOTES PLAN 62R-9111
 - P2 DENOTES PLAN 62R-7880
 - P3 DENOTES PLAN 62R-18770
 - P4 DENOTES PLAN BY A.T. McLAREN O.L.S. (AUG. 15, 1983)
 - P5 DENOTES CITY PLAN B-351
 - D1 DENOTES INSTRUMENT No. WM116768
 - D2 DENOTES INSTRUMENT No. SA20074
 - (655) DENOTES J.T. PETERS O.L.S.
 - (1243) DENOTES ED. BARICH O.L.S.
 - (1629) DENOTES B.A. JACOBS O.L.S.
 - (CITY) DENOTES CITY OF HAMILTON

SURVEYOR'S REAL PROPERTY REPORT PART 2 - REPORT SUMMARY
DESCRIPTION OF LAND BEING PART OF BURLINGTON BEACH, EAST SIDE OF BEACH BOULEVARD (UNREGISTERED), GEOGRAPHIC TOWNSHIP OF SALT FLEET, KNOWN AS MUNICIPAL No. 663 BEACH BOULEVARD, CITY OF HAMILTON.
REGISTERED EASEMENTS AND/OR RIGHTS OF WAY ACCORDING TO THE PARCEL REGISTER FOUND IN THE LAND REGISTRY OFFICE, THE PROPERTY HAS THE RIGHT TO AN EASEMENT TO HAVE THE CHIMNEY AND EAVES ENCRROACH UPON THE LANDS TO THE SOUTH, BASED ON THE AVAILABLE EVIDENCE, THE SAID CHIMNEY AND EAVES DO NOT ENCRROACH ONTO THESE LANDS.
BOUNDARY FEATURES NOTE THE LOCATION OF THE FENCES AS THEY RELATE TO THE BOUNDARIES OF THE SUBJECT PROPERTY.
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS NOT CERTIFIED BY THIS REPORT



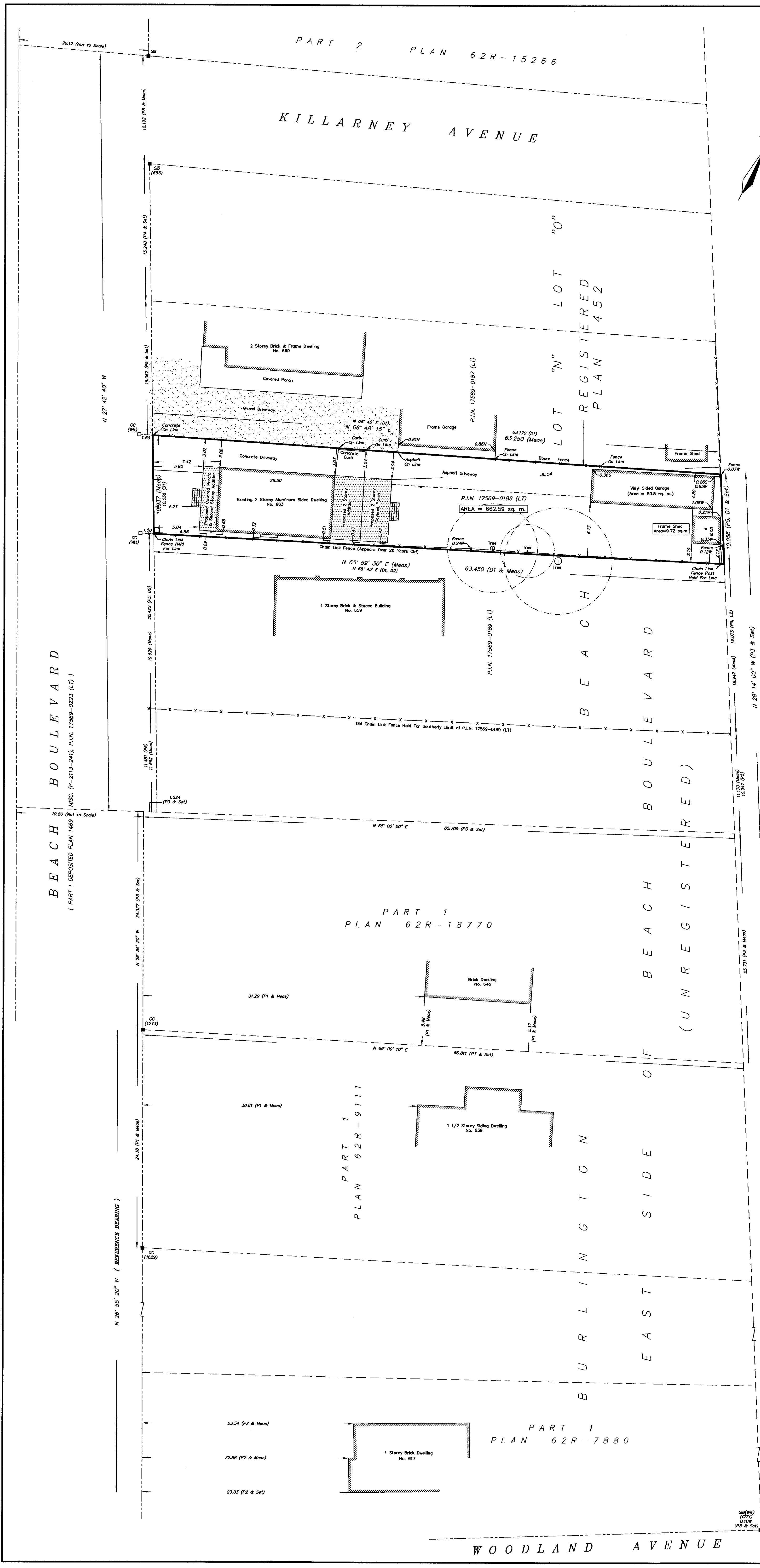
SKETCH SHOWING PROPOSED RENOVATIONS
(663 BEACH BOULEVARD)
PART OF BURLINGTON BEACH
EAST SIDE OF BEACH BOULEVARD
(UNREGISTERED)
(GEOGRAPHIC TOWNSHIP OF SALTFLEET)
CITY OF HAMILTON



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

BEARING NOTE:
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM
THE EASTERLY LIMIT OF BEACH BOULEVARD AS SHOWN ON
PLAN 62R-18770, BEING N 26°55'20" W AND ARE BASED ON
THE NAD 83 UTM CO-ORDINATE SYSTEM, ZONE 17, CENTRAL
MERIDIAN 81° WEST LONGITUDE.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - SM DENOTES STONE MONUMENT
 - WT. DENOTES WITNESS
 - (NI) DENOTES NOT IDENTIFIABLE
 - P1 DENOTES PLAN 62R-9111
 - P2 DENOTES PLAN 62R-7880
 - P3 DENOTES PLAN 62R-18770
 - P4 DENOTES PLAN BY A.T. McLAREN O.L.S. (AUG. 15, 1983)
 - P5 DENOTES CITY PLAN B-351
 - D1 DENOTES INSTRUMENT No. 1M116768
 - D2 DENOTES INSTRUMENT No. SA20074
 - (655) DENOTES J.T. PETERS O.L.S.
 - (1243) DENOTES ED BARRICH O.L.S.
 - (1629) DENOTES B.A. JACOBS O.L.S.
 - (CITY) DENOTES CITY OF HAMILTON



P.L.N. 17569-0253 (LT)

N 29° 14' 00" W (P3 & Meas)

SEPTEMBER 12, 2024
DATE
BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L3N 1L3)
PHONE 905-521-1535 bjacobs@rogers.com

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	06/05/2024
No.	REVISION	DATE

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SEAL

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

QUALIFICATION INFORMATION
 LEONARD ANGELICI 42391
 NAME BCN

REGISTRATION INFORMATION
 LEN ANGELICI DESIGN INC. 124457
 NAME BCN

06/06/2024
 DATE SIGNATURE

Len Angelici Design

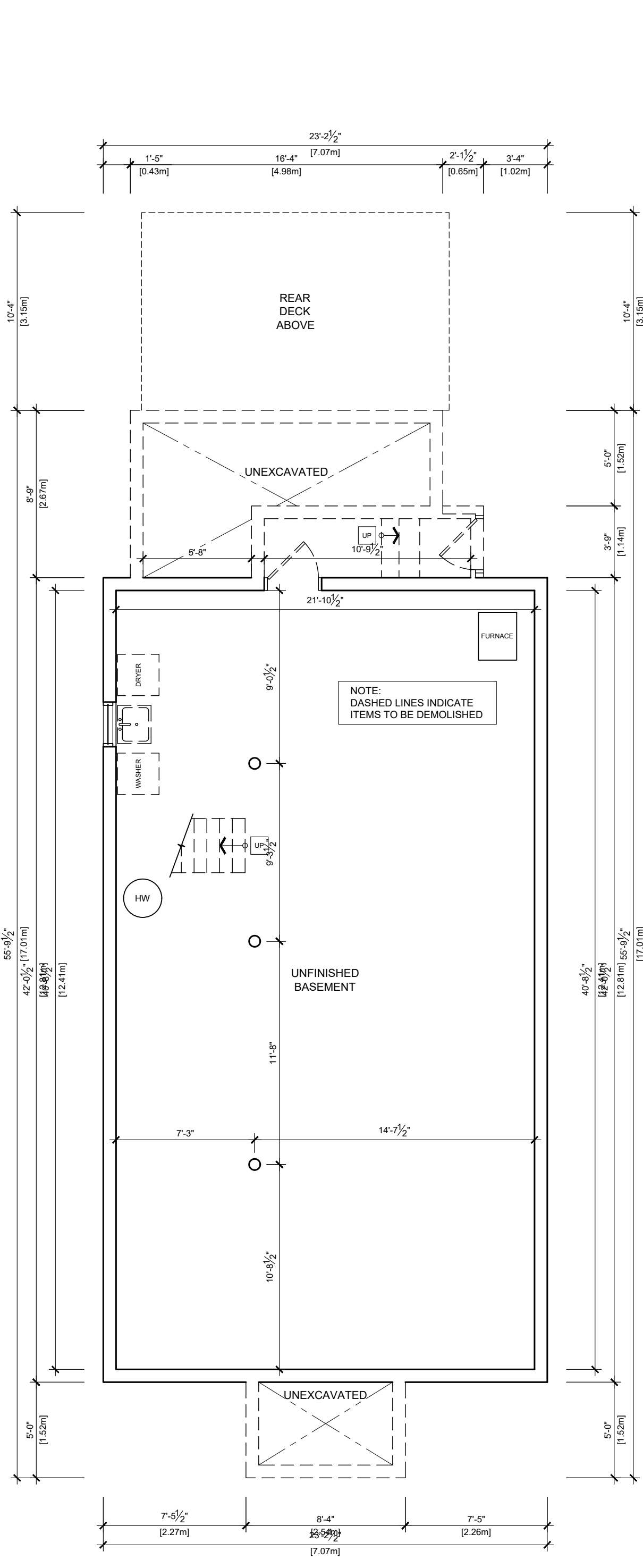
270 SHERMAN AVE N, UNIT MILL-125
 HAMILTON, ON L8L 6N4
 (905) 393-8868
 info@lenangelicidesign.ca

PROJECT
 PROPOSED RESIDENCE
 663 BEACH BLVD
 HAMILTON, ON

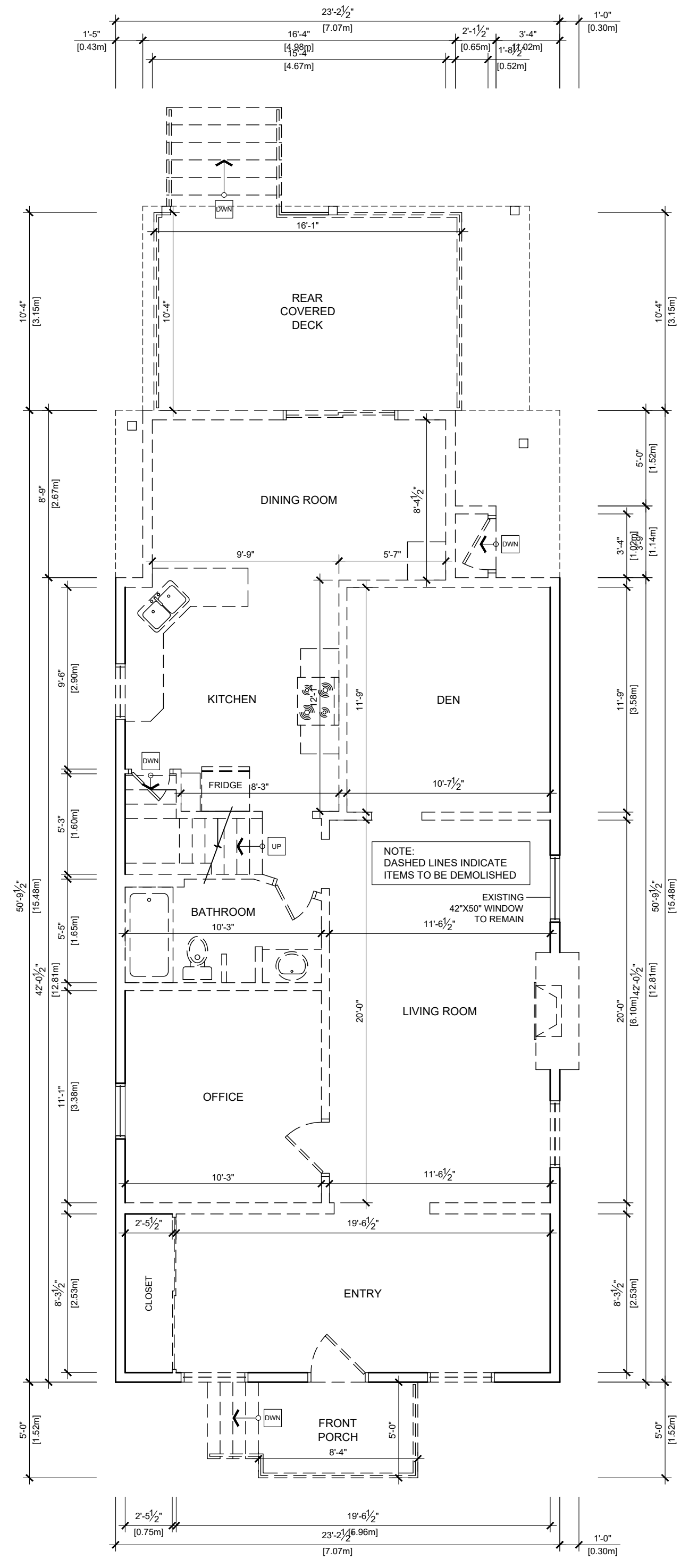
SHEET TITLE
 EXISTING FLOOR PLANS

DRAWN BY	L. ANGELICI
DATE	06/06/2024
SCALE	3/16" = 1'-0"
PROJECT No.	22092

A1

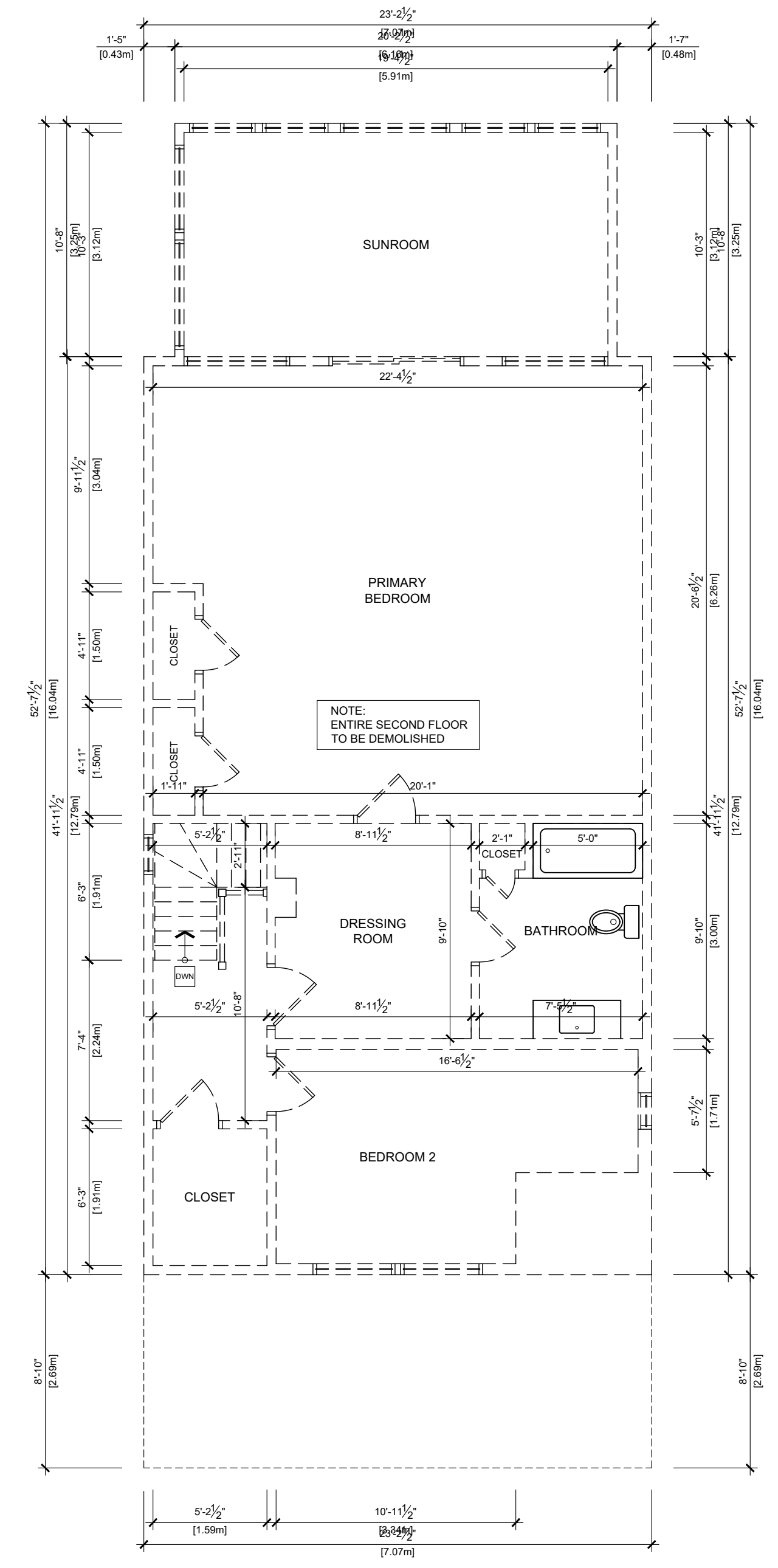


EXISTING BASEMENT PLAN
 SCALE 3/16" = 1' - 0"



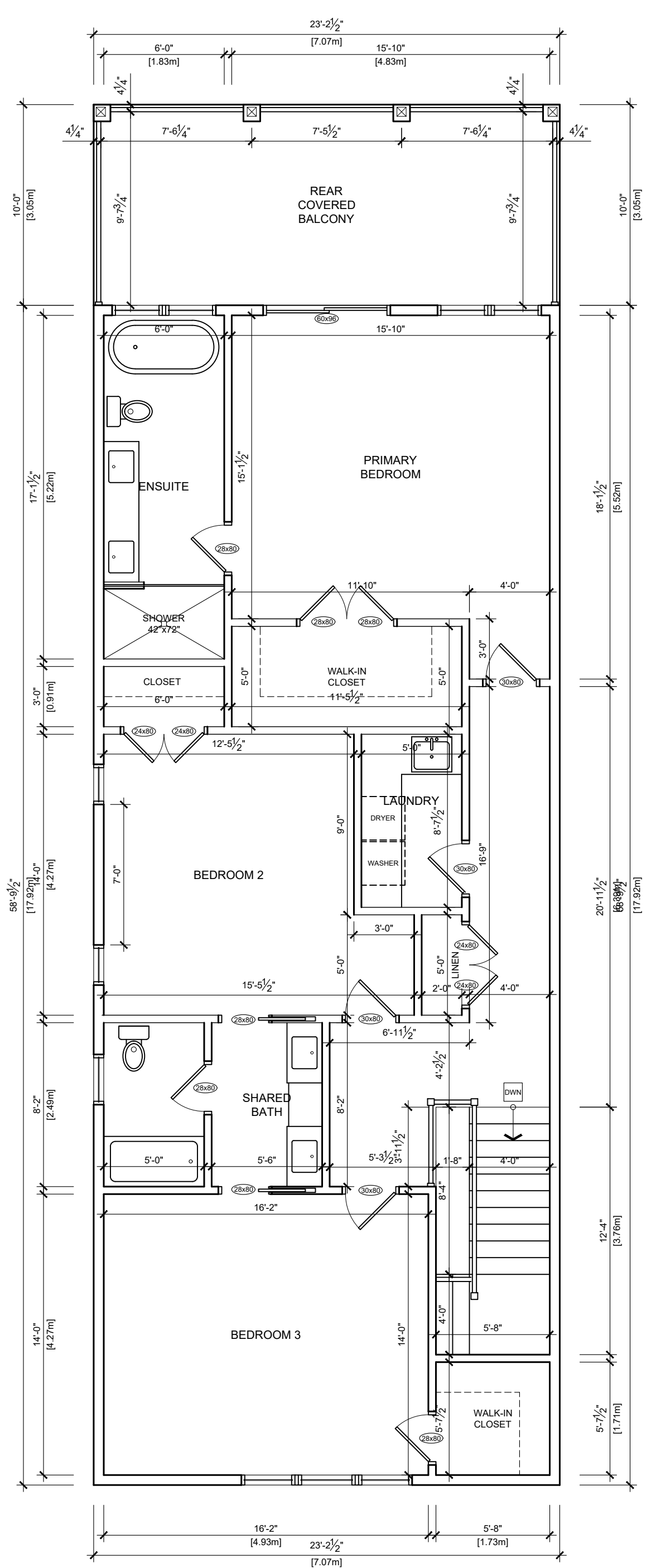
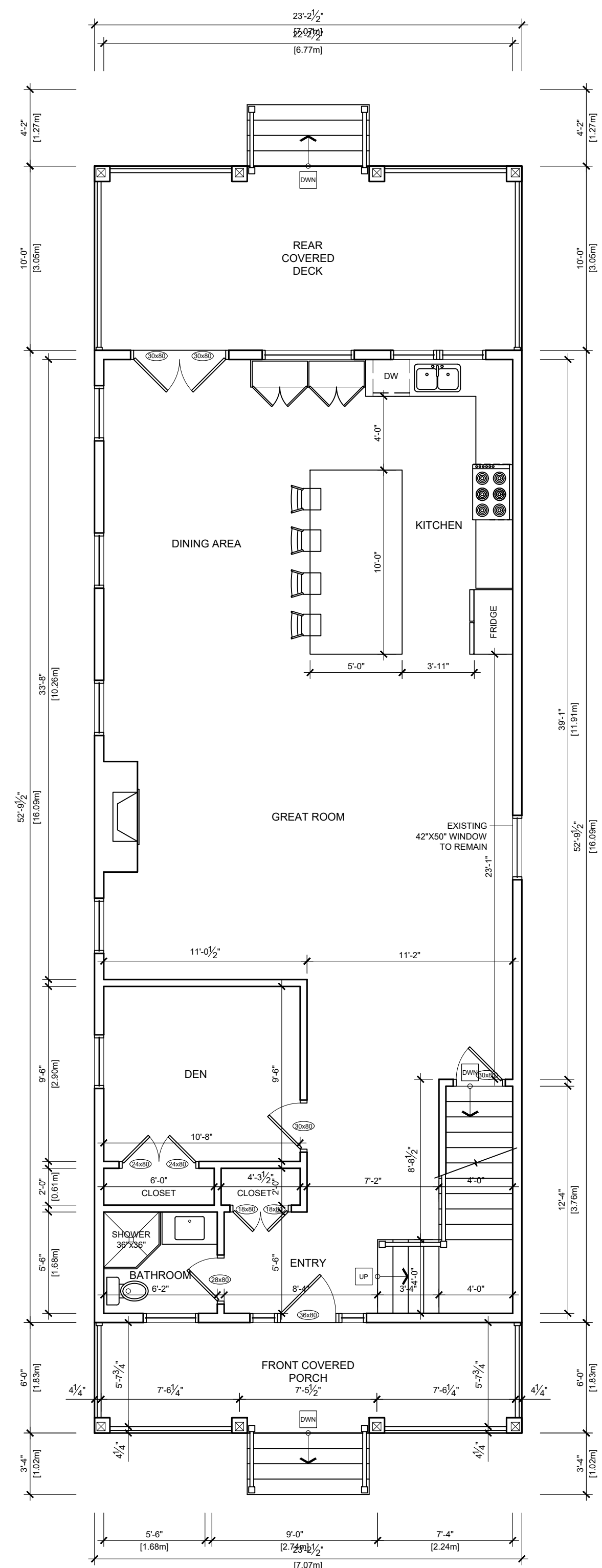
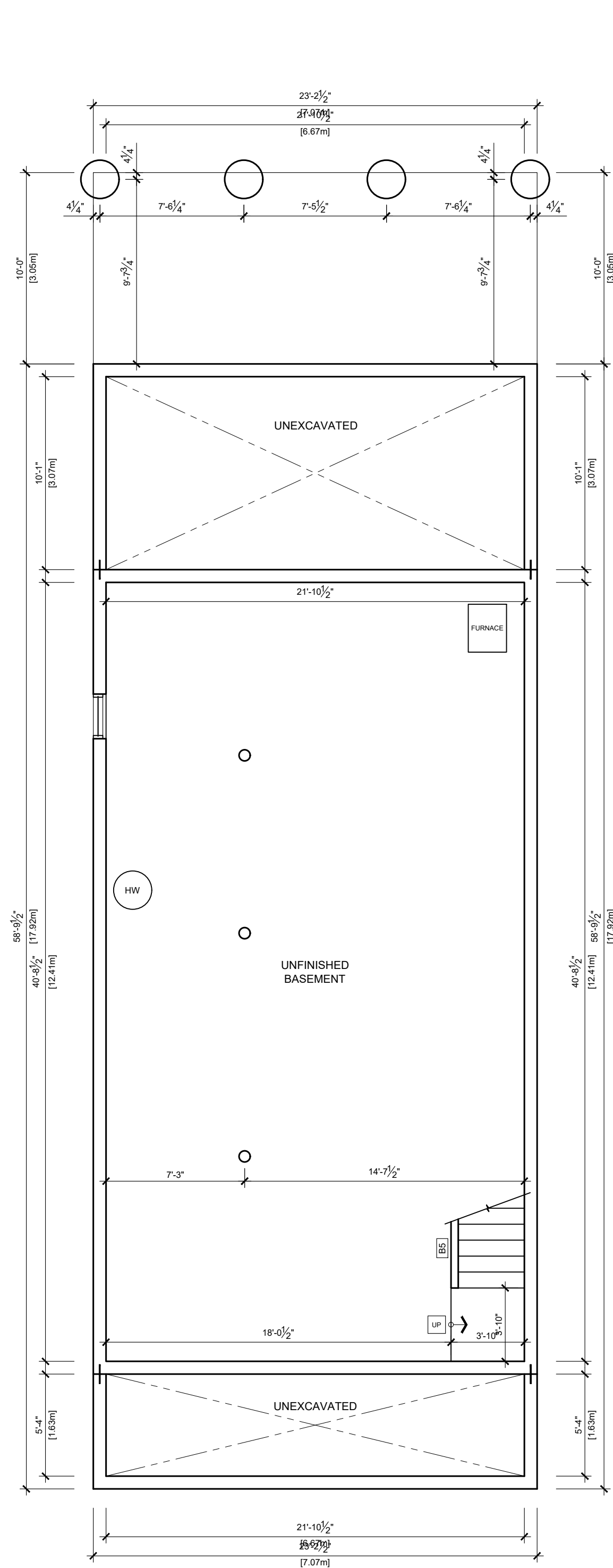
EXISTING MAIN FLOOR PLAN
 SCALE 3/16" = 1' - 0"

FLOOR AREA: 1132.73sqft (105.23m²)
 TOTAL FLOOR AREA: 2297.16sqft (213.41m²)
 FRONT PORCH: 41.67sqft (3.87m²)
 REAR COVERED DECK: 166.19sqft (15.44m²)
 COVERAGE: 1400.47sqft (130.11m²)



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

STAIRS: 24.91sqft (2.31m²)
 FLOOR AREA: 1164.43sqft (108.18m²)



PROJECT NORTH	TRUE NORTH	
01.	DRAWINGS FOR VARIANCE	06/06/2024
No.	REVISION	DATE

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QUALIFICATION INFORMATION
LEONARD ANGELICI 42391
NAME BCIN

REGISTRATION INFORMATION
LEN ANGELICI DESIGN INC. 124457
NAME BCIN

06/06/2024
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
**663 BEACH BLVD
HAMILTON, ON**

SHEET TITLE
PROPOSED FLOOR PLANS

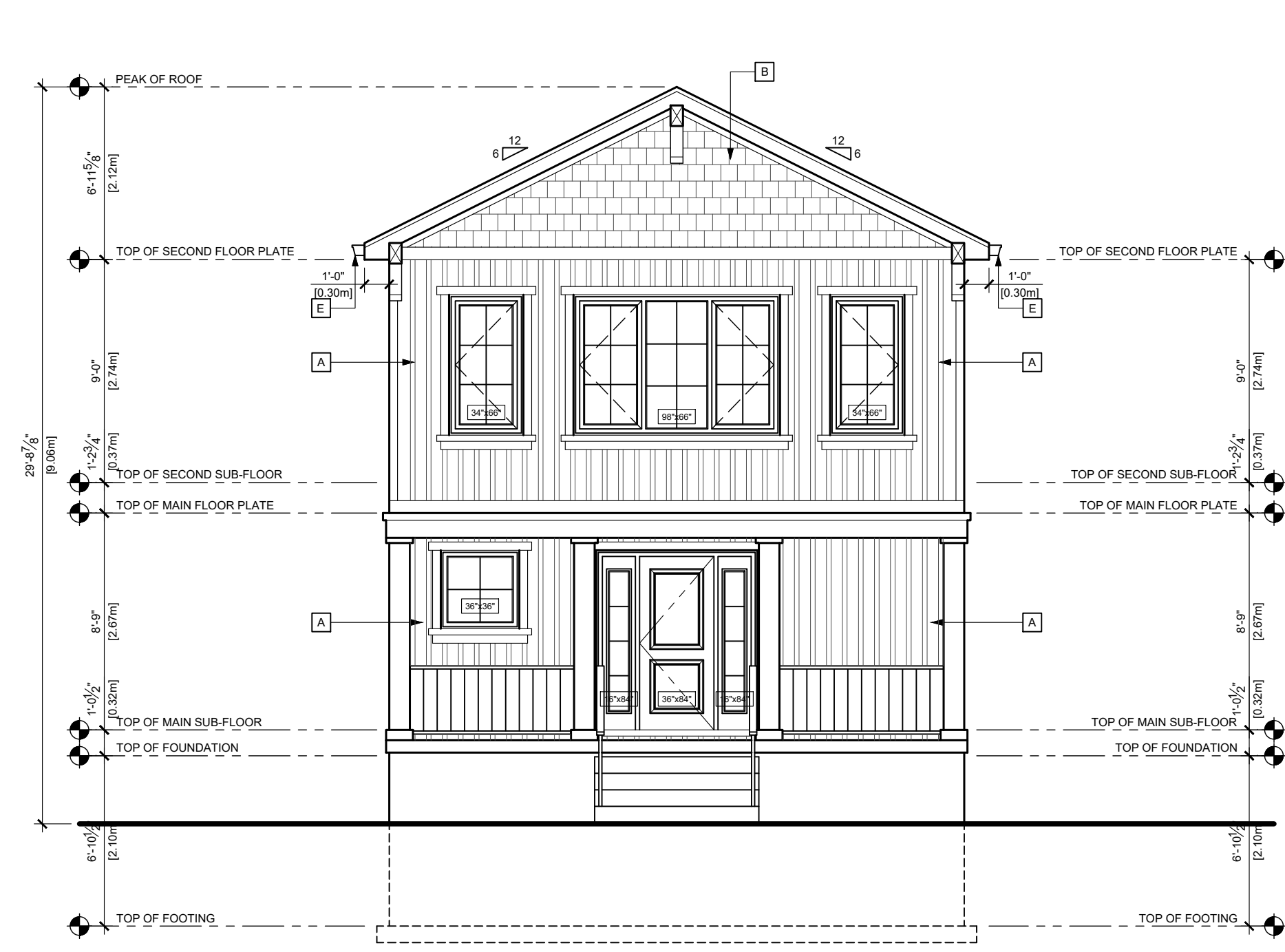
DRAWN BY
L. ANGELICI

DATE
06/06/2024

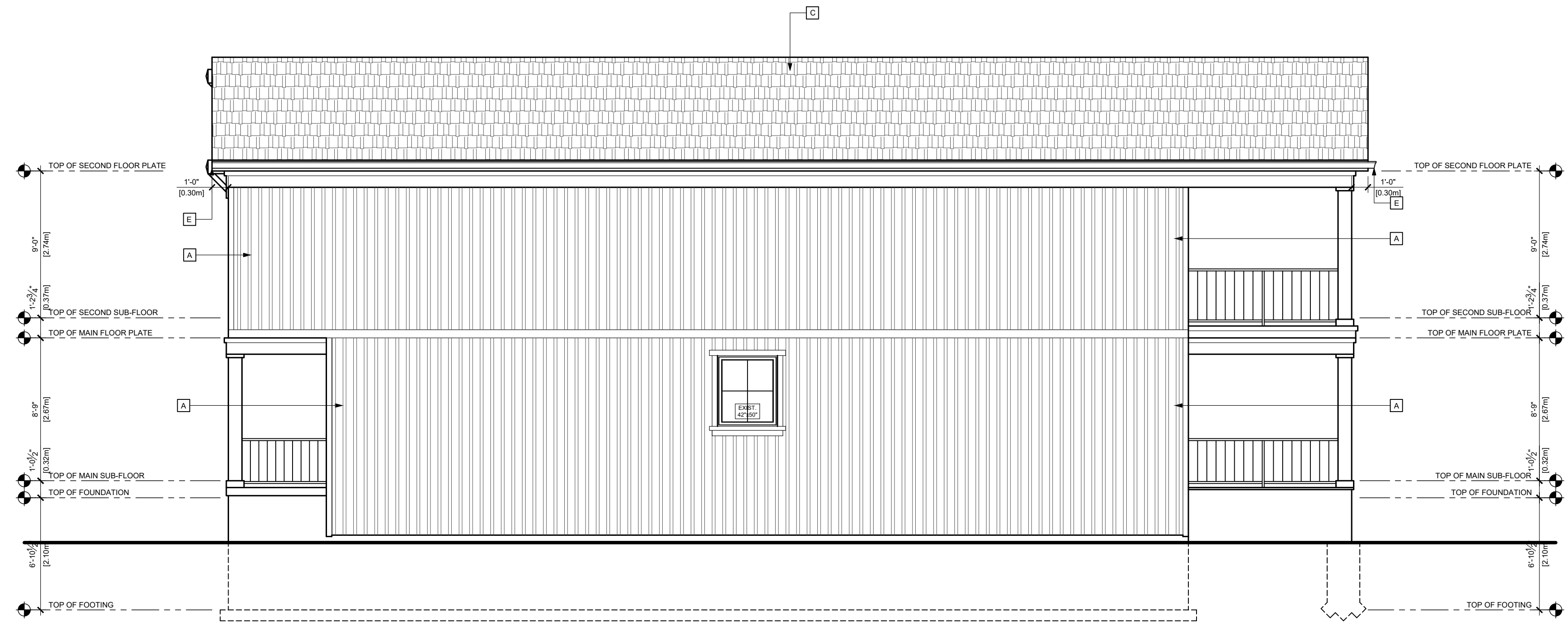
SCALE
3/16" = 1'-0"

PROJECT No.
22092

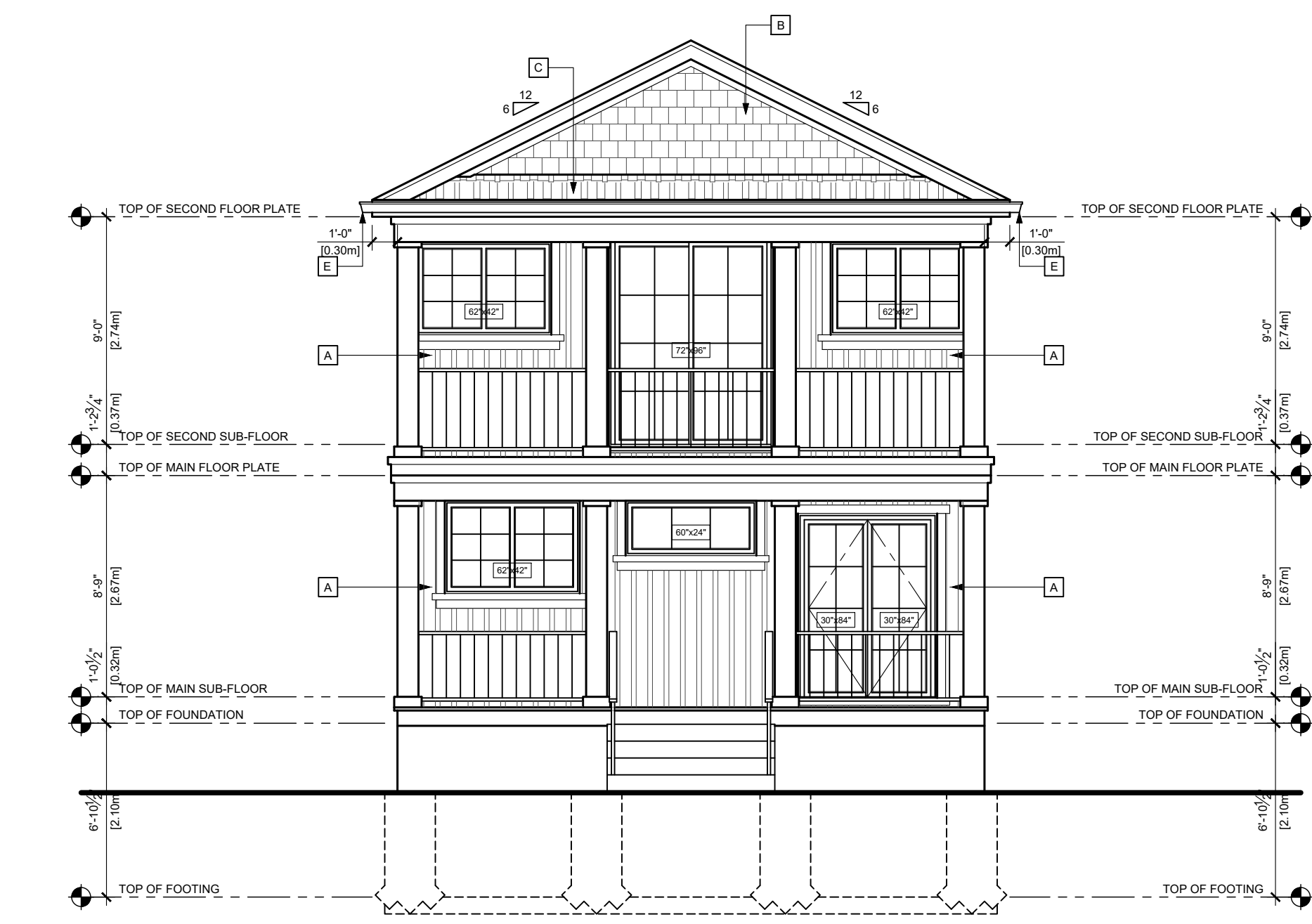
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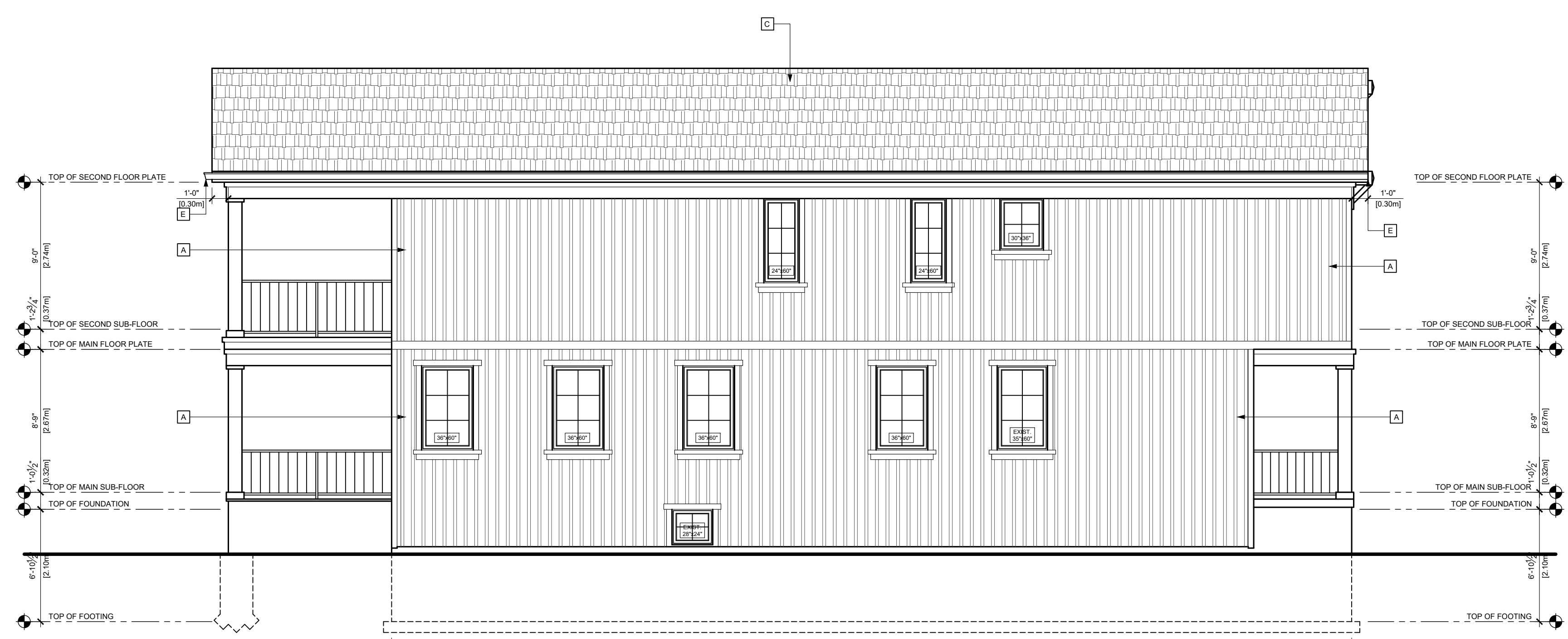
FRONT ELEVATION
SCALE 3/16" = 1' - 0"



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



REAR ELEVATION
SCALE 3/16" = 1' - 0"



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

WALL AREA: 117.38m²
WALL SETBACK: 3.02m
UNPROTECTED OPENINGS AREA: 9.92m² = 8.45%
MAXIMUM ALLOWABLE OPENINGS: 10%

EXTERIOR FINISH INDEX

- A BOARD & BATTEN SIDING
- B CEDAR STYLE SHINGLES
- C ASPHALT SHINGLES
- D STANDING SEAM
- E 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	06/05/2024

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QUALIFICATION INFORMATION

LEONARD ANGELICI	42391
NAME	BCIN
REGISTRATION INFORMATION	
LEN ANGELICI DESIGN INC.	124457
NAME	BCIN
06/06/2024	<i>Len Angelici</i>
DATE	SIGNATURE

Len Angelici Design

270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
**663 BEACH BLVD
HAMILTON, ON**

SHEET TITLE

ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	06/06/2024
SCALE	3/16" = 1'-0"
PROJECT No.	22092

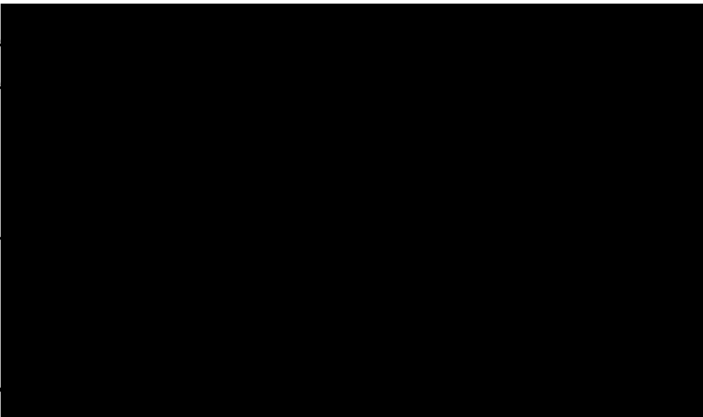
A3



Hamilton

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

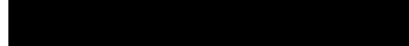
1. APPLICANT INFORMATION

	NAME		
Registered Owners(s)	CHANTELLE CAMARRO		
Applicant(s)	LEN ANGELICI		
Agent or Solicitor			
			E-mail:

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	663 BEACH BLVD		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	452	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 SIDE SETBACK REQUIREMENT OF 1.7m TO 0.42m FOR REAR PORCH,
0.47 FOR REAR ADDITION, 0.66m FOR FRONT PORCH & FRONT 2ND STOREY ADDITION
RELIEF FROM FRONT SETBACK OF 6m TO 5.05m FOR FRONT PORCH

Second Dwelling Unit Reconstruction of Existing Dwelling

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

EXISTING DWELLING DOES NOT COMPLY WITH SIDE SETBACK AND EXISTING
FRONT PORCH DOES NOT COMPLY WITH FRONT 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
10.937m	63.450m	662.59m ²	20.12m

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	6.88m	36.95m	3.02m, 0.44m	UNKNOWN
DETACHED GARAGE	48.65m	0.65m	6.03m, 0.26m	UNKNOWN
SHED	59.86m	0.21m	2.19m, 4.80m	UNKNOWN

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
REAR ADDITION	22.90m	39.57m	3.03m, 0.47m	UNKNOWN
REAR PORCH	25.94m	36.54m	3.04m, 0.42m	UNKNOWN
FRONT PORCH	5.04m	58.15m	3.02m, 0.66m	UNKNOWN
FRONT 2ND STOREY ADD.	5.04m	58.15m	3.02m, 0.66m	UNKNOWN

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	105.23m ²	213.41m ²	2	UNKNOWN
DETACHED GARAGE	50.5m ²	50.5m ²	1	UNKNOWN
SHED	9.72m ²	9.72m ²	1	UNKNOWN

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
REAR ADDITION	23.17m ²	46.36m ²	2	9.06m
REAR PORCH	21.56m ²	21.56m ²	2	9.06m
FRONT PORCH	12.94m ²	12.94m ²	1	9.06m
FRONT 2ND STOREY ADD.	12.94m ²	12.94m ²	2	9.06m

- 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 DWELLINGS

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2022

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:

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) RESIDENTIAL NEIGHBOURHOOD

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-1435, S-18227.8 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

A-24:207 – 663 Beach Boulevard, Hamilton

Recommendation:

Development Planning – Approve Variance 1 & Deny Variance 2

Proposed Conditions:

Proposed Notes:

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

“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 Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”



Hamilton

Development Planning:

Background

The application is in support of the construction of a rear yard addition and front yard addition to the existing single detached dwelling. The applicant has requested the following variances:

1. A minimum front yard depth of 5.0m shall be provided instead of the minimum 6.0m front yard depth required.
2. A minimum easterly side yard width of 0.42 metres shall be provided instead of the minimum 1.7 metre side yard width required.

Urban Hamilton Official Plan

The subject property is designated as Neighbourhoods on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Policy E.3.2.3 permits residential dwellings. Policy E.3.4.3 permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan.

Based on the forgoing policies single detached dwellings are a permitted use on the subject lands. The existing use of the site is for a single detached dwelling, which is permitted and conforms to the Urban Hamilton Official Plan.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

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

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

Cultural Heritage

The property known as 663 Beach Boulevard is located within the Hamilton Beach Strip Cultural Heritage Landscape and the



Hamilton

Hamilton Beach Established Historical Neighborhood. The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City's Inventory of Heritage Properties.

Additionally, the subject property is located adjacent to 1149 Beach Blvd, a property designated under Part V of the Ontario Heritage Act and a "protected heritage property" under the Provincial Policy Statement. Accordingly, Section 4.6.3 of the Provincial Planning Statement applies, as follows:

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.

In addition, section B.3.4.1.3, B.3.4.2.1(g) and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate the construction of a rear yard addition, rear yard porch, front yard addition, and front yard porch.

Staff have reviewed the application and would encourage the use of similar materials, setbacks and design to neighbouring homes when undertaking these front and rear yard additions.

Staff have no further comments on the application as circulated.

Former Hamilton Zoning By-law No. 6593

The subject lands are zoned "C/S-1435, C/S-1822" (Urban Protected Residential) District in the Former City of Hamilton Zoning By-Law No. 6593. The "C/S-1435, C/S-1822" District permits the use of a Single-Family Dwelling.

Analysis

Variance 1

1. A minimum front yard depth of 5.0m shall be provided instead of the minimum 6.0m front yard depth required.

Staff generally have no concerns with the requested encroachment into the required front yard setback. The setback provision is in place to provide for adequate spacing between the dwelling and the street as to not cause overcrowding or to inflict unintended impacts. The requested setback is in character with neighbouring properties and is aligned with the existing streetscape of Beach Boulevard. Staff are of the opinion that the reduction from the required 6 metre setback to 5 metres will not generate adverse impacts that would be undesirable to the subject lands and surrounding properties. Based on this analysis the requested variance for the reduced setback meets the general

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

intent and purpose of the Zoning By-law and Official Plan, is minor and nature, and desirable for the appropriate development of the lands.

Variance 2

2. A minimum easterly side yard width of 0.42 metres shall be provided instead of the minimum 1.7 metre side yard width required.

Staff are unable to support the reduction of the side yard setback as staff have concerns with the unintended impacts that this would cause, including access and drainage. Development Planning staff defer comments of drainage to Development Engineering staff. The already deficient side yard setback that exists along the side yard is being further exacerbated, and staff are of the opinion that the proposed rear addition and covered porch should at a minimum remain in line with the existing building and maintain the existing setbacks of between 0.66 and 0.51 metres as shown in the survey of the proposed renovations submitted.

Based on the forgoing analysis staff have concerns with the proposed reduction of the already deficient side yard setback that will be further exasperated through the proposed side yard reduction. Based on the above analysis staff recommend the **approval of variance 1 and denial of variance 2.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate the construction of a proposed front yard addition, rear yard addition, rear yard porch, and a front yard porch.
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; 2) Along historic transportation routes; and

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	<p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>Cultural Heritage:</p> <p>The property known as 663 Beach Boulevard is located within the Hamilton Beach Strip Cultural Heritage Landscape and the Hamilton Beach Established Historical Neighborhood. The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties.</p> <p>Additionally, the subject property is located adjacent to 1149 Beach Blvd, a property designated under Part V of the Ontario Heritage Act and a “protected heritage property” under the Provincial Policy Statement. Accordingly, Section 4.6.3 of the Provincial Planning Statement applies, as follows:</p> <p>Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.</p> <p>In addition, section B.3.4.1.3, B.3.4.2.1(g) and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>The proponent proposes to facilitate the construction of a rear yard addition, rear yard porch, front yard addition, and front yard porch.</p> <p>Staff have reviewed the application and would encourage the use of similar materials, setbacks and design to neighbouring homes when undertaking these front and rear yard additions.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	<p>If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:</p> <p>“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 Citizenship and Multiculturalism (MCM) should be notified</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

	immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”
--	---

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The proposed addition is to be constructed without impacting the adjacent properties.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed a rear yard addition, rear yard porch, front yard addition, and front yard porch. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.

October 11, 2024

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

Attention: Committee of Adjustment

File# A-24:207

Re: 663 Beach Blvd

In response to your correspondence dated October 3, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.

- Existing O/H secondary service is in conflict with proposed front second storey addition and will be required to be relocated prior to construction. Contact our ICI group to discuss relocation and required new building service location options.

We would also like to stipulate the following:

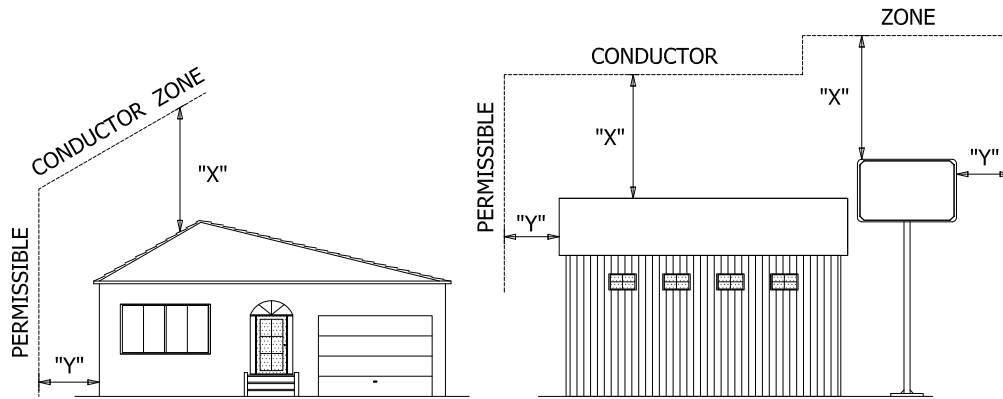
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system on our adjacent to the property must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital




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

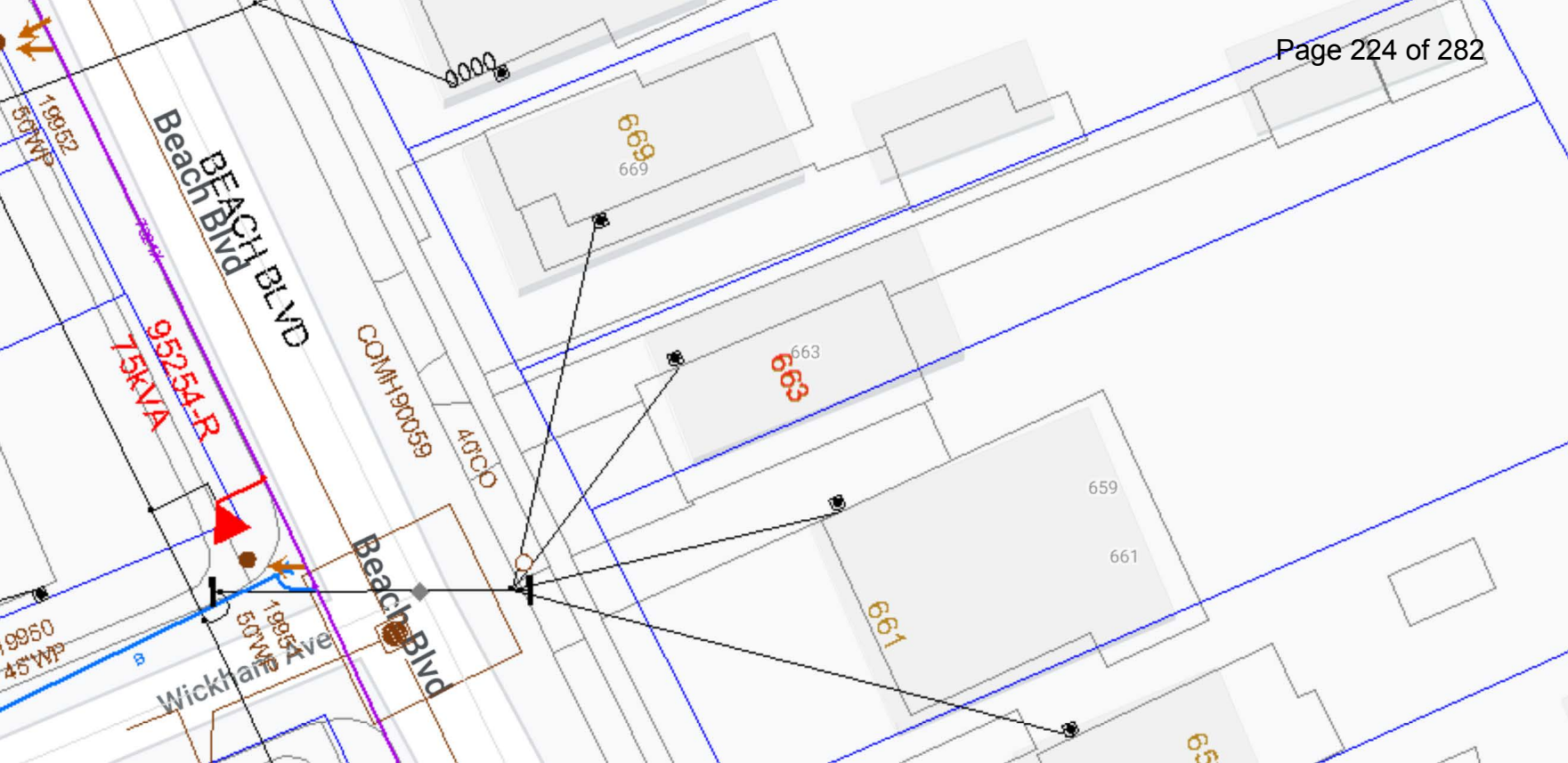
SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

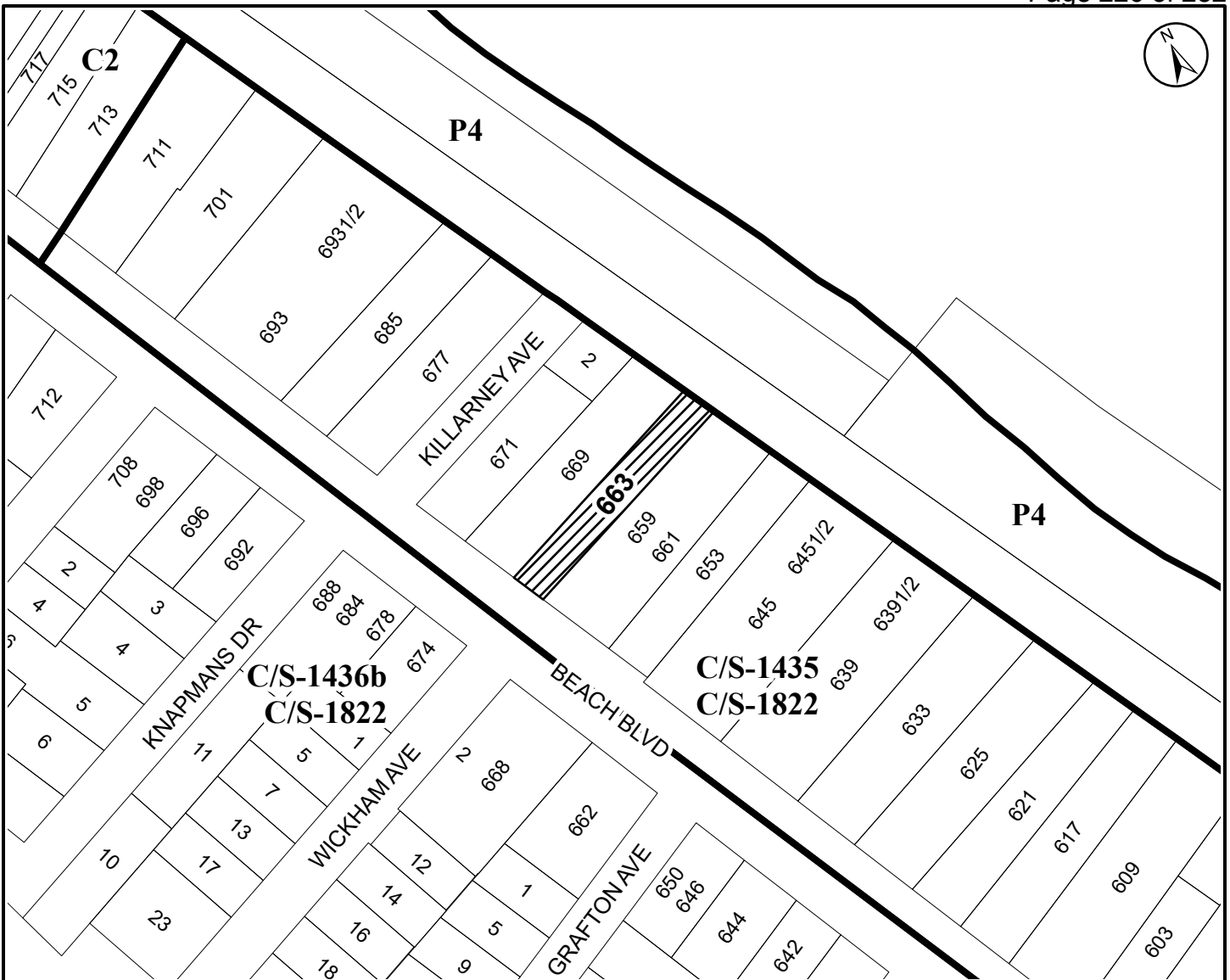
NOTES:

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

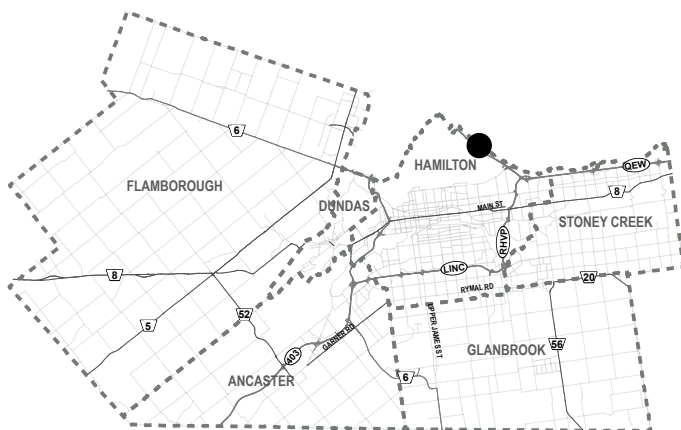
	DRAWING STATUS	BY	DATE DD/MM/YY	MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS (EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)	REFERENCE DRAWINGS:	DRAWINGS NOT TO SCALE	
	REDRAWN:	JM	12/06/07		DRAWING #	SHEET#	REVISION#
	CHECKED:	ND	26/04/05		3-105	1	0
	APPROVED:	CR	26/04/05				







● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



663 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:
A-24:207

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:211	SUBJECT PROPERTY:	953 Concession 5 Rd W, Flamborough
ZONE:	Conservation/Hazard Land Rural (P6)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200

APPLICANTS: Owner: Kim Edmondson
Agent: Sarah Brown Home Design Inc. - Sarah Brown

The following variances are requested:

PURPOSE & EFFECT: To permit the construction of a detached garage in the front yard on a lot with an existing single detached dwelling.

1. A Accessory building (garage) shall be permitted to be located within the front yard 6.0m from the front lot line instead of the requirement no accessory buildings or structures shall be located within a front yard.

Notes:

- i) Please note the variance is written in order to comply with regulation 4.8 b) and 4.8.1.1 e).

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

A-24:211

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 2024

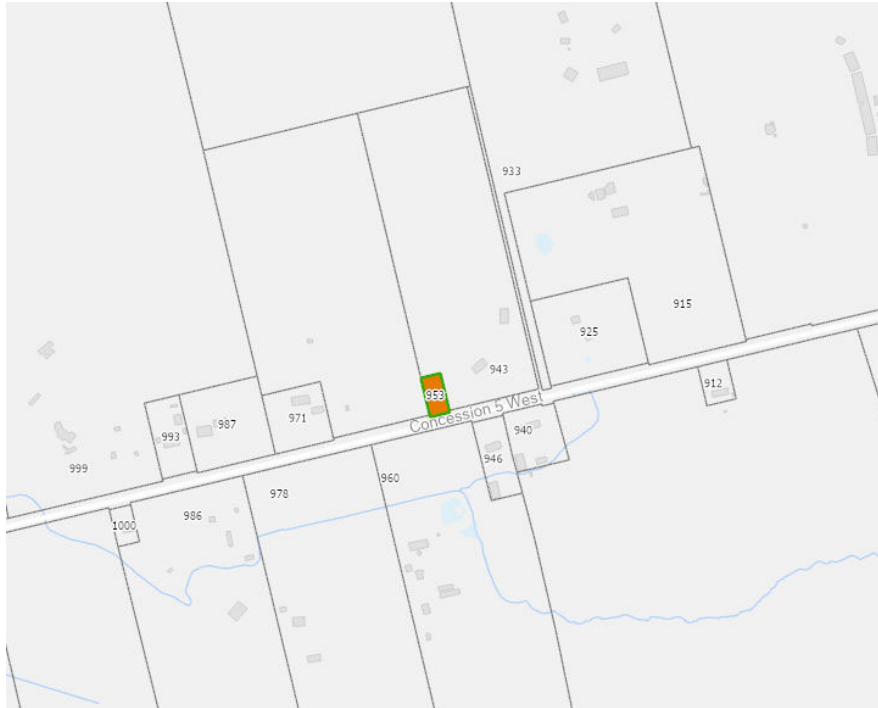
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:211, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

A-24:211



 Subject Lands

DATED: October 3, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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. 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.

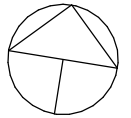
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.

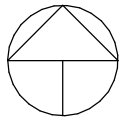


Sarah Brown Home Design Inc.
5780 Highway 3, Cayuga
Ontario N0A 1E0
Phone: 289-776-6303
Email: sarah@sbhomedesigninc.com

PROJECT ADDRESS:
953 CONCESSION 5 W
HAMILTON
L8B 1L2



TRUE NORTH



PROJECT NORTH

SHEET SIZE:
8.5 x 11

SCALE:
1 : 250

DRAWN BY:
SB

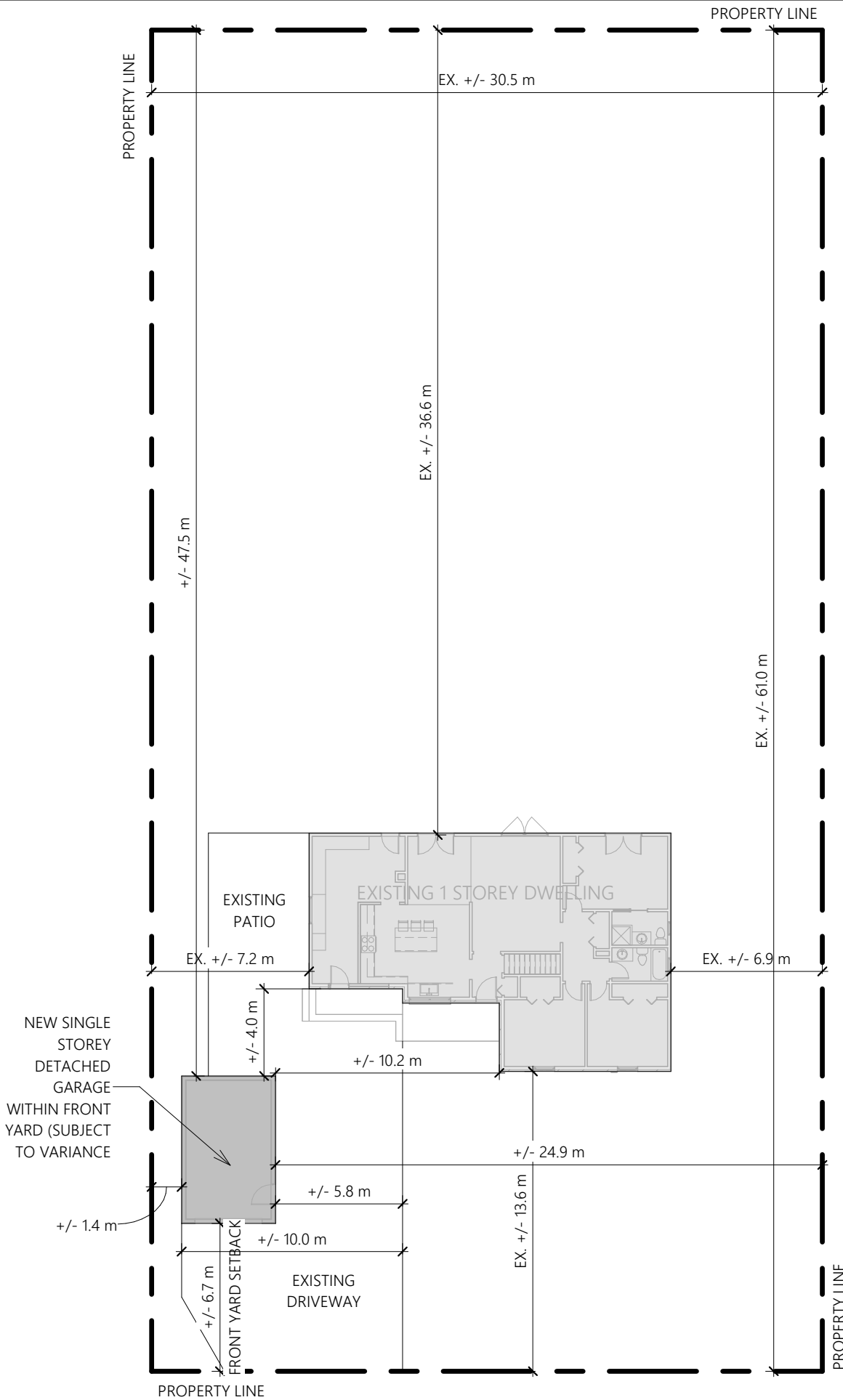
PROJECT NO.:
24.012

DATE:
SEPTEMBER 18,
2024

DRAWING NAME:
SITE PLAN

SHEET NO.:

SK1



CONCESSION 5 WEST

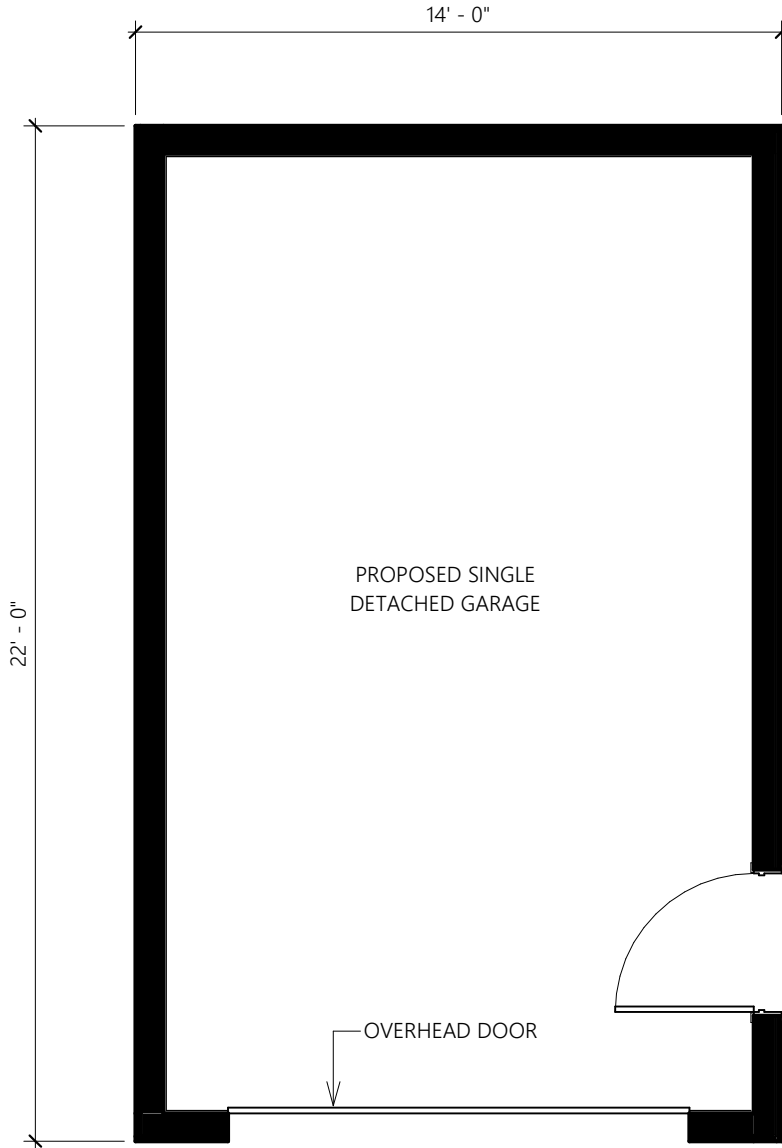
SITE AREA = 1858.0m²

EX. SINGLE FAMILY DWELLING = 148.5m² (8%)

PROPOSED DETACHED GARAGE = 28.6m² (1.5%)



Sarah Brown Home Design Inc.
5780 Highway 3, Cayuga
Ontario N0A 1E0
Phone: 289-776-6303
Email: sarah@sbhomedesigninc.com



PROJECT ADDRESS:
953 CONCESSION 5 W
HAMILTON
L8B 1L2

SHEET SIZE:
8.5 x 11

SCALE:

DRAWN BY:
Author

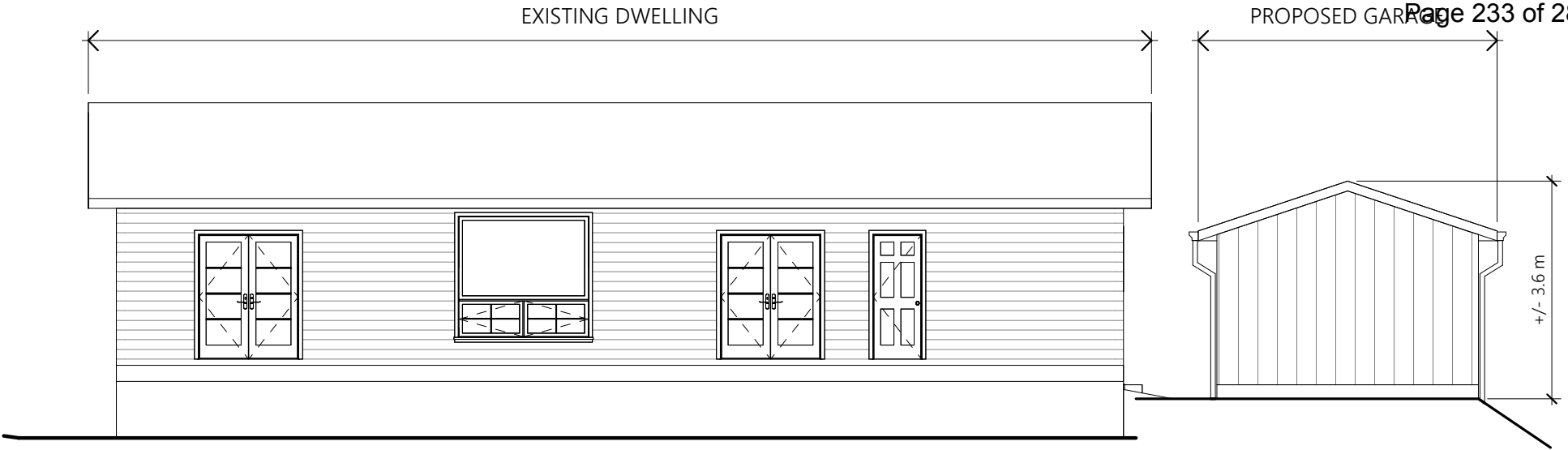
PROJECT NO.:
24.012

DATE:
SEPTEMBER 18,
2024

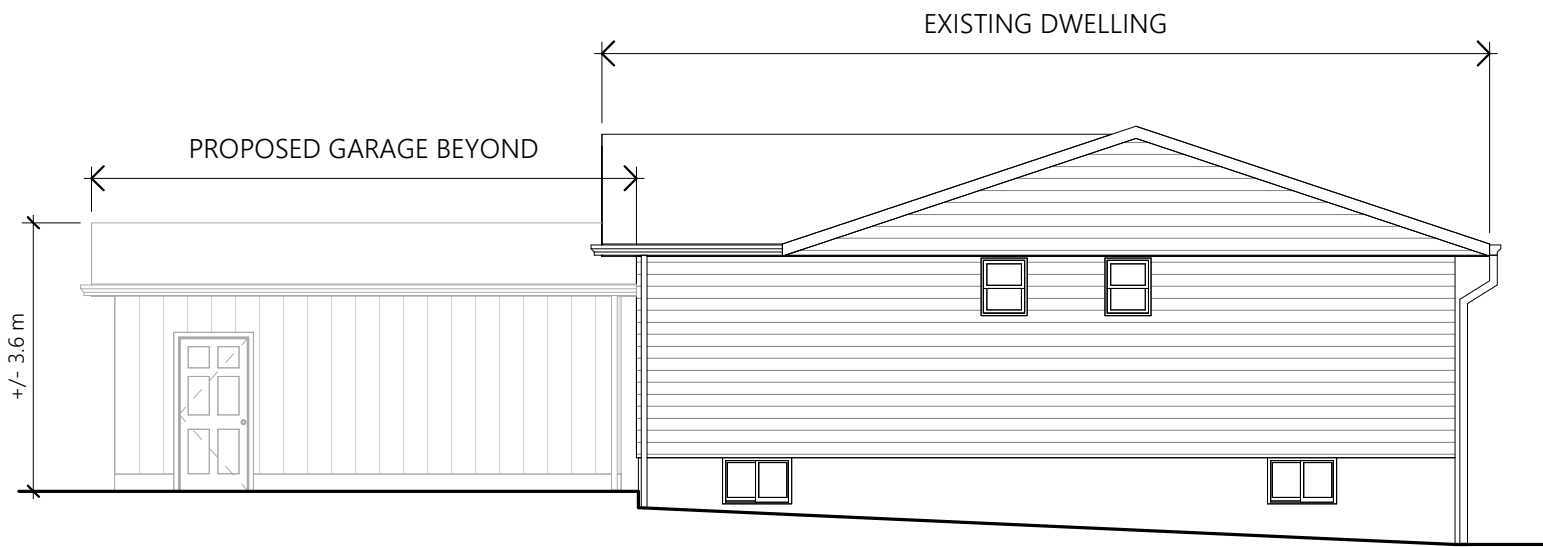
DRAWING NAME:
GARAGE PLAN

SHEET NO.:
SK2

1 GARAGE FLOOR PLAN
1:50



1 NORTH ELEVATION
1:100



2 EAST ELEVATION
1:100



PROJECT: NEW DETACHED GARAGE

PROJECT ADDRESS:
953 CONCESSION 5 W
HAMILTON
L8B 1L2

SHEET SIZE:
11 x 17

DRAWN BY:
SB

SCALE:
1:100

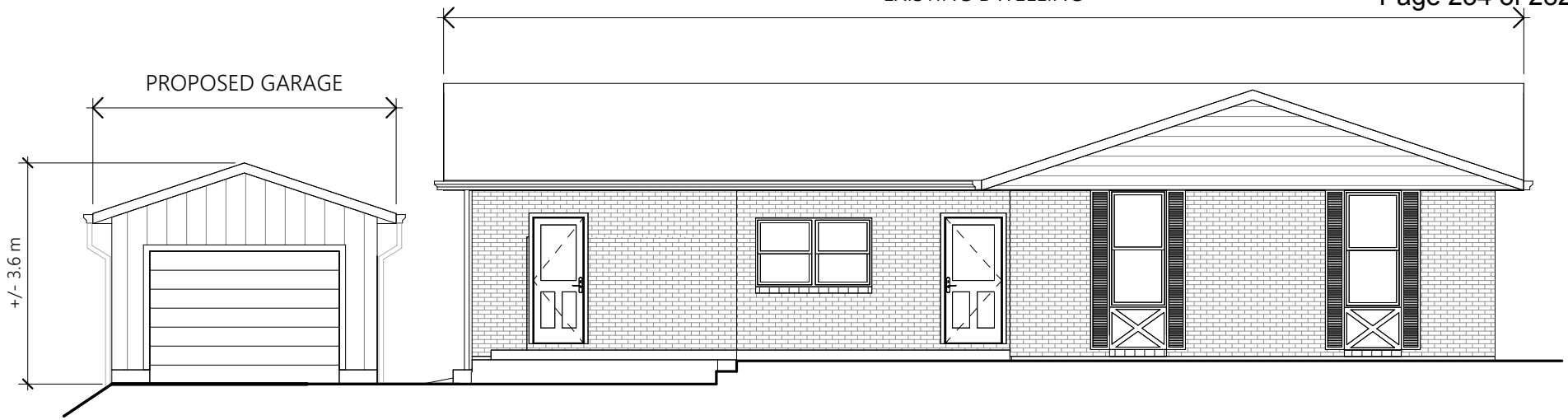
DATE:
SEPTEMBER 18, 2024

PROJECT NO.:
24.012

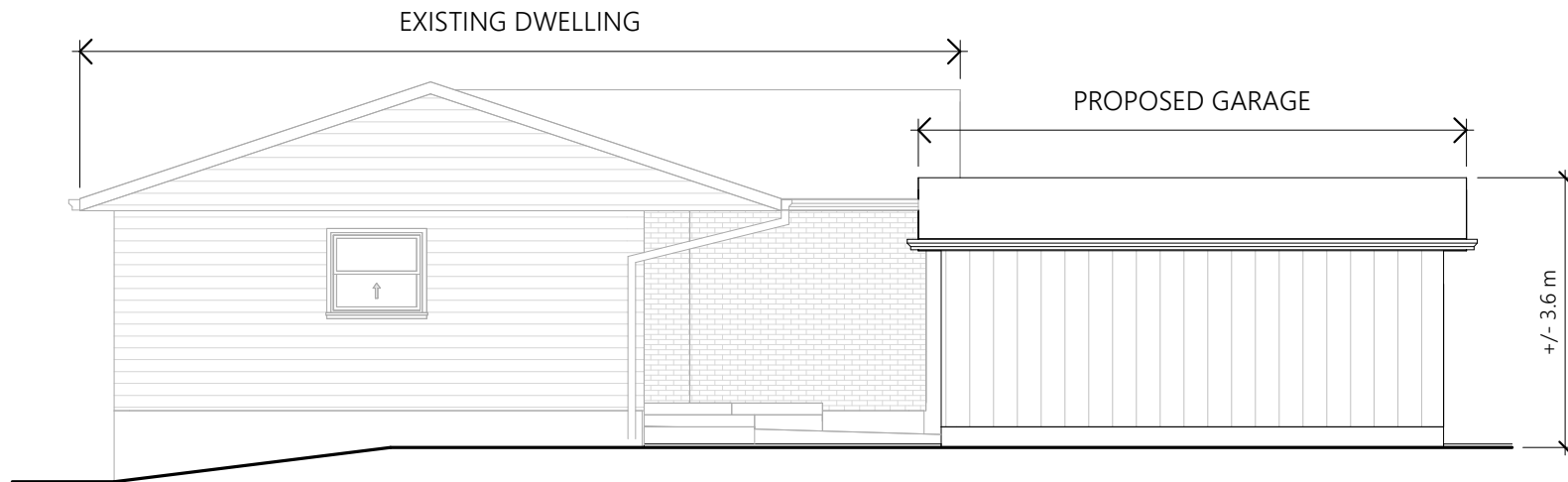
DATE:
SEPTEMBER 18, 2024

DRAWING NAME:
ELEVATIONS

SHEET NO.:
SK3



1 SOUTH ELEVATION
1:100



2 WEST ELEVATION
1:100



PROJECT: NEW DETACHED GARAGE

SHEET SIZE:

SCALE:

PROJECT NO.:

DRAWING NAME:

11 x 17

1 : 100

24.012

ELEVATIONS

PROJECT ADDRESS:

DRAWN BY:

DATE:

SHEET NO.:

953 CONCESSION 5 W
HAMILTON
L8B 1L2

SB

SEPTEMBER 18, 2024

SK4



Hamilton

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Kim Edmondson
Applicant(s)	Kim Edmondson
Agent or Solicitor	Sarah Brown Home Design Inc. - Sarah Brown

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 be 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	953 Concession 5 Rd West, Waterdown, ON L8B1L2		
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:

To construct a single detached garage on existing driveway in the front yard of a rural existing single family dwelling property

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The configuration of the lot including the existing site grading and drainage limit the possible locations for the detached garage

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
+/-30.48m	+/-60.96m	+/-1858m ²	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
Single Family Dwelling	+/-13.6m	+/-36.6m	+/-6.9 (East) & +/-7.2m (West)	08/01/1974

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Detached single car garage	+/-6.7m	+/-47.5m	+/-24.9m (East) & +/-1.4m (West)	

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 Family Dwelling	148.5m ²	148.5m ²	1	4.6m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Single car garage	28.6m ²	28.6m ²	1	3.6m

- 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 and detached garage

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

Rural properties

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1994

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:

50 Years

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

Rural Hamilton Official Plan designation (if applicable): Rural

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? P6 - Conservation/Hazard Land - Rural 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: _____

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

A-24:211 – 953 Concession 5 Road West, Flamborough

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Proposed Notes:

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



Hamilton

Development Planning:

Background

So as to permit the construction of a detached garage in the front yard on a lot with an existing single detached dwelling.

Staff note that the Site Plan submitted with this application shows inaccurate setbacks (existing and proposed) as well as placement of the existing dwelling and proposed detached garage. Staff received an updated Site Plan from the Agent showing the accurate setbacks (existing and proposed) and the proposed building placement. Consequently, staff have reviewed a revised version of Variance 1 provided by Zoning staff, discussed further below.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses. Section 4.5.2 of the Greenbelt Plan permits single detached dwellings on existing lots of record, provided they were zoned to permit the dwelling as of the date the Greenbelt Plan came into force and effect.

Rural Hamilton Official Plan

The subject lands are designated “Rural” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Core Areas have been identified on and adjacent to the subject lands in Schedule B – Natural Heritage Systems of the Rural Hamilton Official Plan. These Core Areas are the Havesland Complex Environmentally Significant Area, a Significant Woodland and an unevaluated wetland. Policy C.3.1.4 a), amongst others, is applicable and permits the existing single detached dwelling.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan and has been identified within the Greenbelt Natural Heritage System. Core Areas have been identified within and adjacent to the subject property. These areas have been identified as the Hayesland Complex Environmentally Significant Area, Significant Woodland and unevaluated wetland. In addition, these



Hamilton

features have been identified as Conservation/Hazard Land Rural (P6 and P7) Zone within City of Hamilton Zoning By-law No. 05-200.

Based on policies within the Rural Hamilton Official Plan (C.2.3.3), any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. Further, policy C.2.4.2 indicates that new development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage features within the Greenbelt Natural Heritage System or key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone.

Through review of aerial photographs and additional information (Hamilton Natural Areas Inventory Project 3rd Edition), the proposed location of the garage has been previously disturbed. By locating the garage at the front, the impacts on the natural features and their functions would be reduced.

Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.10.1). At this time, it is unclear if tree will be impacts as a result of the garage. To ensure that existing cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. The following conditions should be considered:

- That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
- That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.



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

The subject lands are zoned Conservation/Hazard Land Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed detached garage are permitted uses.

Staff note that a revised site plan was provided on October 7, 2024, illustrating the correct location of the single detached dwelling and proposed location of the garage. Variance 1 as written on the Notice of Public Hearing for this application reads as follows:

“An accessory building (garage) shall be permitted to be located within the front yard 6.0 metres from the front lot line instead of the requirement that no accessory buildings or structures shall be located within a front yard.”

Zoning staff's comments recommend a revision to Variance 1 as follows:

“An accessory building (garage) shall be permitted to be located within the front yard 23.0 metres from the front lot line instead of the requirement that no accessory buildings or structures shall be located within a front yard.”

As such, Development Planning staff have reviewed the proposal against the revised site plan and revised language for Variance 1.

Variance 1

1. An accessory building (garage) shall be permitted to be located within the front yard 23.0 metres from the front lot line instead of the requirement that no accessory buildings or structures shall be located within a front yard.

The intent of this provision is to preserve a consistent streetscape and rural residential character by ensuring accessory structures, such as detached garages, do not become the predominant feature or built form from the street.

Staff note that the situation of the existing dwelling on the subject property, setback 32 metres from the front property line, effectively renders the majority of the property as within the dwelling's front yard. The detached garage would have a front yard setback of 25.1 metres. Staff are of the opinion that as the existing dwelling and proposed garage are setback so far from the streetline, the location

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

of the garage within the front yard will not negatively impact the streetscape or rural residential character of the area.

Additionally, based upon Natural Heritage Planning staff's comments, locating the detached garage within the front yard reduces potential impacts on natural features and their functions. Therefore, it is staff's opinion that the requested variance maintains the intent of the Rural Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development and use of the land and is minor in nature.

Staff are of the opinion that the requested variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>1. Updated drawings have been provided for the proposal, the variance wording shall be revised and read as follows:</p> <p>“A Accessory building (garage) shall be permitted to be located within the front yard 23.0m from the front lot line instead of the requirement no accessory buildings or structures shall be located within a front yard.”</p>
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:</p> <p>1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;</p> <p>2) Along historic transportation routes; and</p>

STAFF COMMENTS**HEARING DATE: October 22, 2024**

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	<p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>Cultural Heritage:</p> <p>No comments.</p>
Notes:	<p>If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:</p> <p>“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 Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”</p>

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed detached garage.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

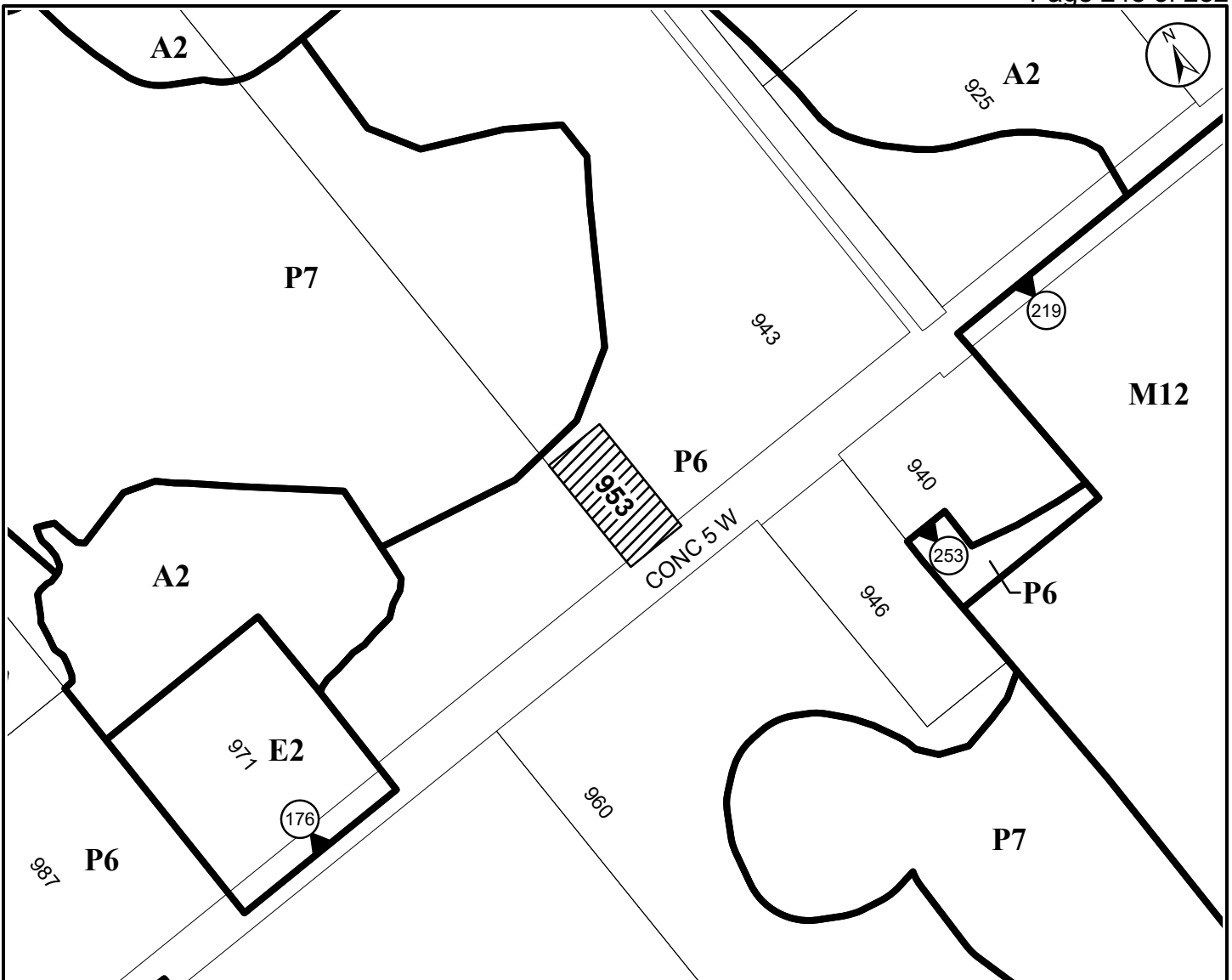


Hamilton

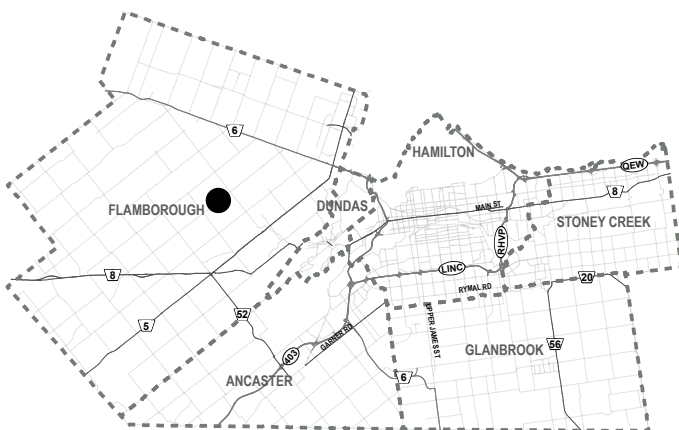
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



953 Concession 5 Road West,
Flamborough (Ward 13)

File Name/Number:
A-24:211

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	A-24:217	SUBJECT PROPERTY:	1135 Stone Church Road East, Hamilton
ZONE:	"C6" (District Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Nor Fai Chin & Shin Shee Chin
Applicant: New Apostolic Church Canada
Agent: Arcadis Professional Services (Canada) Inc. c/o John Ariens

The following variances are requested:

1. To permit the use of a Place of Assembly whereas the zoning by-law does not permit this use in a C6-District Commercial zone.

PURPOSE & EFFECT: So as to permit the construction of a Place of Assembly with 62 parking spaces.

Notes: N/A

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

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

DATE:	Tuesday, October 22, 2024
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

A-24:217

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

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 October 18, 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 October 21, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:217, you must submit a written request to 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 or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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. 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.

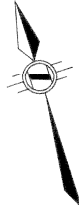
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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 4
CONCESSION 7
GEOGRAPHIC
TOWNSHIP OF BARTON
IN THE
CITY OF HAMILTON

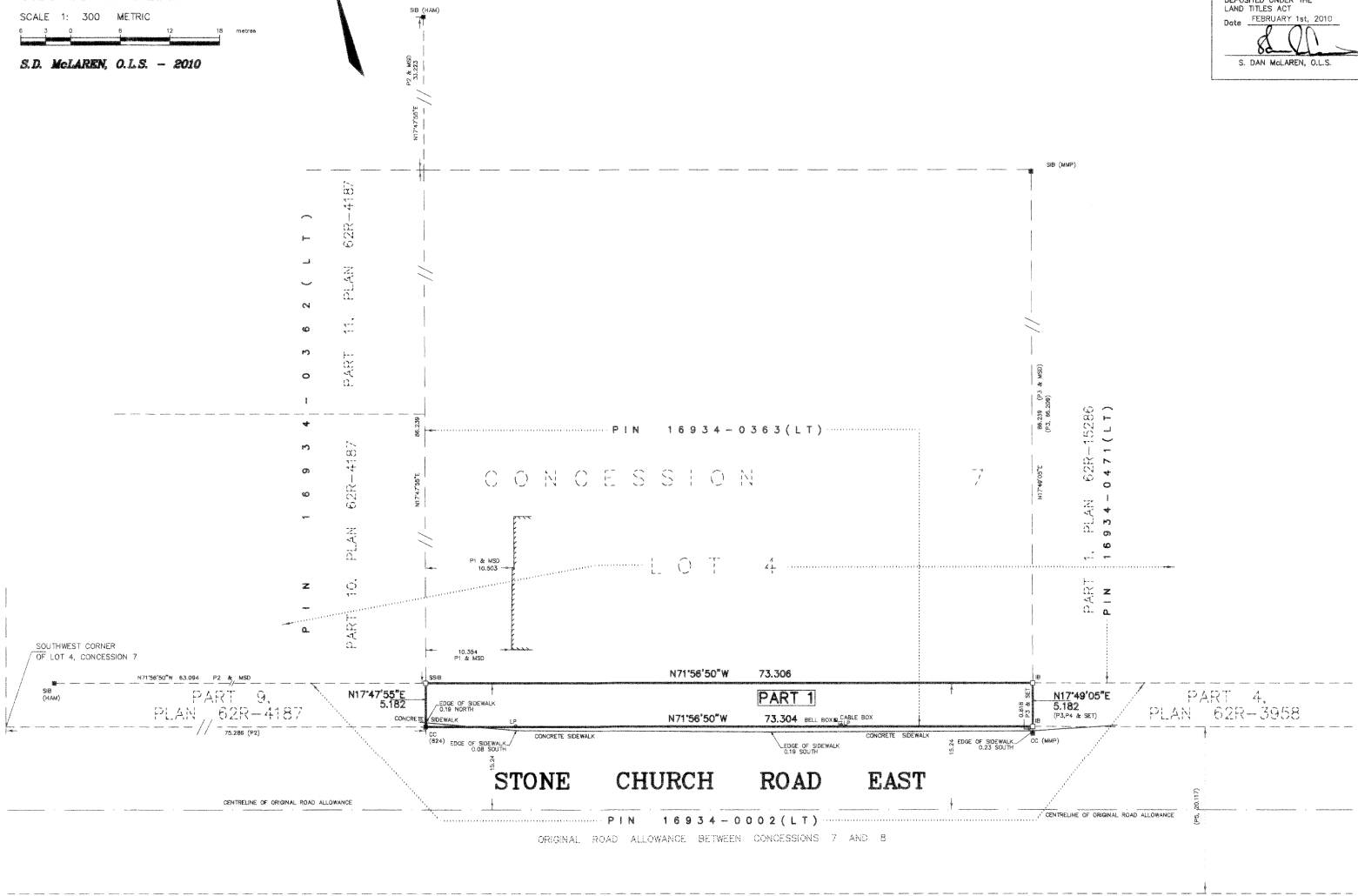
SCALE 1: 300 METRIC
0 3 6 9 12 15 metres

S.D. McLAREN, O.L.S. - 2010



SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 4	CON 7	PART OF P.I.N. 16934-0363 (LT)

PLAN 62 R-18658
RECEIVED AND DEPOSITED
Date 2010.02.02
E. HALL ADOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF WENTWORTH (No. 63)
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE
LAND TITLES ACT
Date FEBRUARY 1st, 2010
S. DAN McLAREN, O.L.S.



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - SB - IRON BALL
 - SB - STANDARD IRON BAR
 - MB - MEASURED
 - MB - A. McLAREN, O.L.S.
 - MB - MACKAY, MACKAY AND PETERS
 - CC - CITY OF HAMILTON
 - CC - PLAN BY MACKAY, MACKAY AND PETERS, DATED JUNE 14, 1978
 - PI - PLAN 62R-15187
 - P3 - PLAN 62R-15286
 - P4 - PLAN 62R-15305
 - P5 - PLAN 62R-15305

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

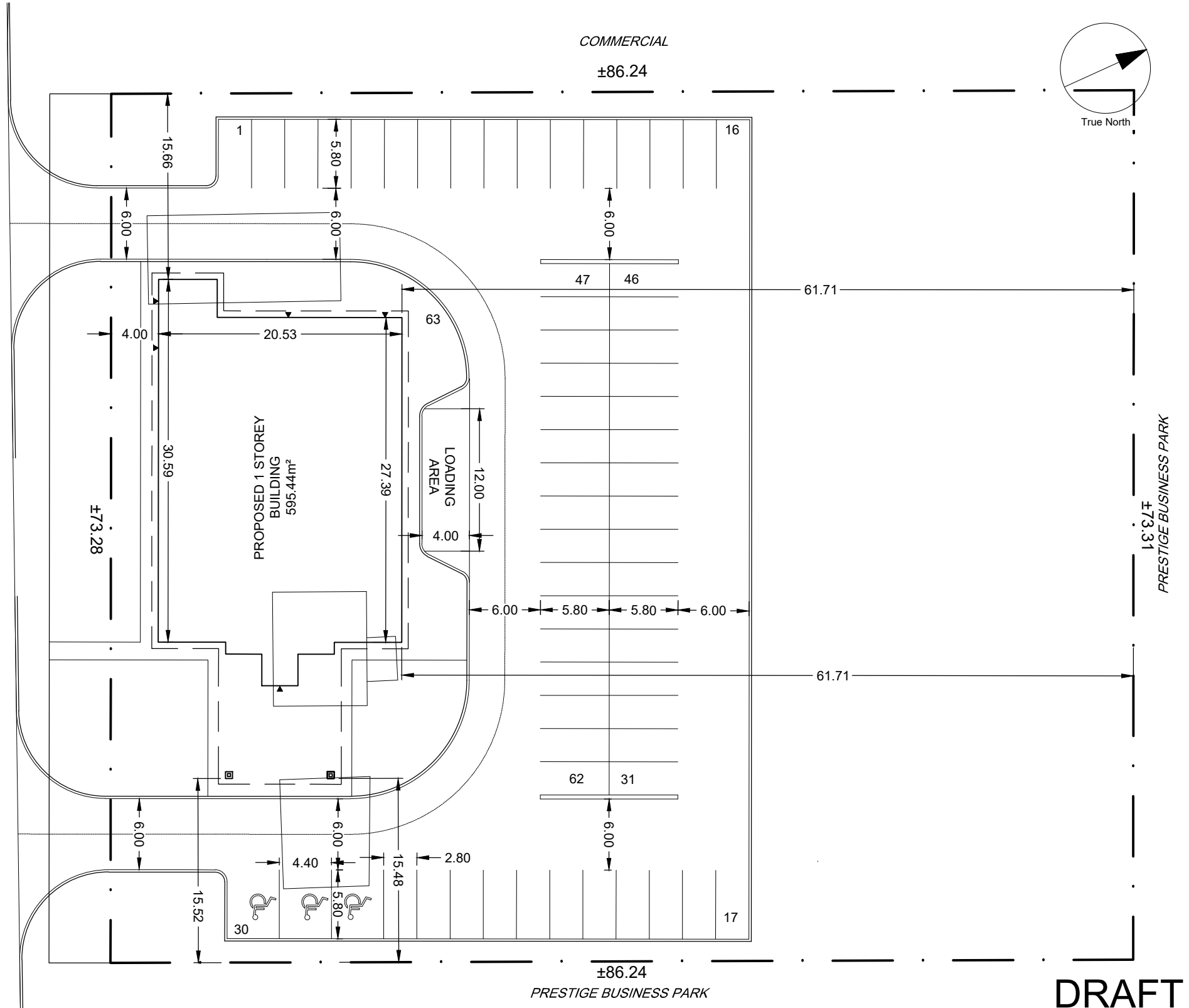
BEARING NOTE:
BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF STONE CHURCH ROAD AS BEING N71°56'50\"/>

SURVEYOR'S CERTIFICATE
I CERTIFY THAT 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 22ND DAY OF JANUARY, 2010
FEBRUARY 1st, 2010
DATE
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: MSJ Checked: DS Scale: 1:300 Drawn No.: 3862-R

CITY OF HAMILTON ZONING BY-LAW 05-200			
DISTRICT COMMERCIAL (C6) ZONE	REQUIRED	PROVIDED	VARIANCE
PERMITTED USES	COMMERCIAL USES	PLACE OF WORSHIP	X
BUILDING SETBACK FROM A STREET LINE	i) MINIMUM 1.5 m ii) MAXIMUM 4.5m, EXCEPT WHERE A VISIBILITY TRIANGLE IS REQUIRED FOR A DRIVEWAY ACCESS	4m	
MINIMUM REAR YARD	i) 6m ii) 7.5m ABUTTING A RESIDENTIAL OR INSTITUTIONAL ZONE OR LOT CONTAINING A RESIDENTIAL USE	61.71m	
MINIMUM INTERIOR SIDE YARD	i) 1.5m ii) 4.5m ABUTTING A RESIDENTIAL OR INSTITUTIONAL ZONE OR LOT CONTAINING A RESIDENTIAL USE	15.52m	
MAXIMUM HEIGHT	14m	PROVIDED	
BUILT FORM FOR NEW DEVELOPMENT	i) ROOFTOP MECHANICAL EQUIPMENT SHALL BE LOCATED AND/OR SCREENED FROM VIEW OF ANY ABUTTING STREET	PROVIDED	
	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.	30.59m = 41.74%	
	iv) IN ADDITION TO SECTION 10.6.3(i) AND (ii), 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.	PROVIDED	
	vi) NO PARKING, STACKING LANES, OR AISLES SHALL BE LOCATED BETWEEN A BUILDING FAÇADE AND THE FRONT LOT LINE AND FLANKAGE LOT LINE;	PROVIDED	
	vii) A MINIMUM OF ONE PRINCIPAL ENTRANCE SHALL BE PROVIDED: 1. WITHIN THE GROUND FLOOR FAÇADE THAT IS SET BACK IS CLOSEST TO A STREET; AND, 2. SHALL BE ACCESSIBLE FROM THE BUILDING FAÇADE WITH DIRECT ACCESS FROM THE PUBLIC SIDEWALK; AND,	PROVIDED	
	viii) A WALKWAY SHALL BE PERMITTED IN A PLANTING STRIP WHERE REQUIRED BY THE BYLAW.	PROVIDED	
	PLANTING STRIPS	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.	N/A
VISUAL BARRIER	A VISUAL BARRIER SHALL BE REQUIRED ALONG ANY LOT LINE ABUTTING A RESIDENTIAL ZONE, INSTITUTIONAL ZONE, OR DOWNTOWN (D5) ZONE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 4.19 OF THIS BY-LAW.	N/A	
OUTDOOR STORAGE	i) NO OUTDOOR STORAGE OF GOODS, MATERIALS, OR EQUIPMENT SHALL BE PERMITTED; AND, ii) NOTWITHSTANDING SECTION 10.6.3(j)), THE DISPLAY OF GOODS OR MATERIALS FOR RETAIL PURPOSES ACCESSORY TO A RETAIL USE SHALL ONLY BE PERMITTED IN A FRONT OR FLANKAGE YARD.	N/A	
PARKING REQUIREMENTS			
PLACE OF WORSHIP	1 FOR EVERY 10m² OF GFA 595.44 / 10 = 60 SPACES	62 SPACES	
ACCESSIBLE PARKING	5-100 SPACES PROVIDED = 4% OF THE TOTAL PROVIDED 63 * 4 / 100 = 3 SPACES	3 SPACES	
SIZE	MINIMUM 2.8 x 5.8m	2.8 x 5.8m	
ACCESSIBLE PARKING SIZE	MINIMUM 4.4 x 5.8m	4.4 x 5.8m	

STONE CHURCH ROAD EAST



DRAFT

<p>360 James Street North - Suite 200 Hamilton ON L8L 1H5 Canada tel 905 546 1010 www.arcadis.com</p>	CLIENT	PROJECT NAME 1135 STONE CHURCH ROAD EAST HAMILTON, ON		This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by Arcadis is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and Arcadis shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to Arcadis for general conformance before proceeding with fabrication.	
		SCALE: 1:400 DATE: 2024-09-06 DRAWN BY: M. ROJAS CHECKED BY: J. ARIENS APPROVED BY: J. ARIENS PROJECT NO: 147674		Arcadis Professional Services (Canada) Inc. FIGURE NAME: CONCEPT PLAN 2 FIGURE NO.: C2 REVISION: 01	

File Location: J:\Hamilton\9999\BD_General\2024\04\Dele_Gomes\17674\147674P2.dwg Last Saved: September 12, 2024, by rojasm605 Plotted: September 12, 2024 2:50:48 PM by Rojas Sandoval
 SCALE CHECK 1 in 10mm Macarena





Chair and Members of Committee of Adjustment c/o Ms. Jamila Sheffield
Secretary – Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West – 5th Floor
Hamilton, Ontario L8P 4Y5
Canada

Arcadis Professional Services (Canada) Inc.
360 James Street North – Suite 200
Hamilton, L8L 1H5
Canada
Phone: 905-546-1010
www.arcadis.com

Date: August 19, 2024

Our Ref: 147674

Subject: 1135 STONE CHURCH ROAD, HAMILTON- MINOR VARIANCE APPLICATION

Dear Ms. Jamila Sheffield

Arcadis Professional Services (Canada) Inc. (“Arcadis”) is the authorized planning agent for New Apostolic Church Canada (the “Client”), who have an accepted purchase agreement for the lands municipally known as 1135 Stone Church Road in the City of Hamilton (the “subject lands”). The current owner’s authorization is attached in this submission. Arcadis has been the leading planning consultant for this development and is delivering a Phase 1 and a Phase 2 ESA. Given the subject lands are being purchased, there is yet to be a topographical survey completed at this time. Further site details will be provided at a later time, once the subject lands have been amended to permit religious assembly / a Place of Worship.

This minor variance application is made under Section 45 of the *Planning Act* which allows variances in respect of the land, building or structure or the use thereof. Currently, under the District Commercial Zone in the City of Hamilton’s Zoning By-law 05-200, the assembly of persons in a large building is permitted on the subject lands. This minor variance application looks to permit religious assembly / a Place of Worship on the subject lands.

1.0 SITE LOCATION AND CONTEXT

The subject lands are municipally known as 1135 Stone Church Road, Hamilton and are located east of Upper Ottawa Street and south of the Lincoln M. Alexander Parkway. The subject lands are legally described as: PT LT 4, CON 7 BARTON, AS IN CD415837, SAVE & EXCEPT PT 1 ON 62R18658 CITY OF HAMILTON. The site has a total area of approximately 0.63 hectares, approximate frontage of 73.4 metres on Stone Church Road, and an approximate lot depth of 86.4 metres. Currently on the subject lands is three unoccupied buildings. The subject lands are accessed from Stone Church Road to the south of the site. Please refer to **Figure 1** for an aerial image of the site and **Figures 2** and **3** for views of the site from Stone Church Road.

Ms. Jamila Sheffield
City of Hamilton
August 19, 2024



Figure 1: Aerial image of the subject lands retrieved from GeoWarehouse.



Figure 2: View of the eastern portion of the subject lands from Stone Church Road.

Ms. Jamila Sheffield
City of Hamilton
August 19, 2024



Figure 3: View of the western portion of the subject lands from Stone Church Road.

2.0 PROPOSED MINOR VARIANCE

The subject lands are zoned as District Commercial (C6) per the City of Hamilton's Comprehensive Zoning By-law 05-200. The subject lands are designated as District Commercial per the Urban Hamilton Official Plan under Schedule E-1. The variance being applied for, made under Section 45 (1) of the Planning Act, is as follows:

1. To permit religious uses on the subject lands for a proposed Place of Worship.

Planning Act Section 45 (1) Compliance

Section 45 (1) of the *Planning Act* permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided that they meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? And,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variance against the four tests.

2.1 Variance 1: Additional Storage Permissions

On the subject lands, zoned as District Commercial (C6), the Zoning By-law permits several assembly and community uses similar to that of a Place of Worship. Currently, per Section 10.6.1 of the Zoning By-law, the subject lands permit the development of a building for assembly- and use such assembly for religious purposes, a

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 City of Hamilton
 August 19, 2024

day nursery, a gymnasium, funeral services, an administrative office, and counselling and other social services. This minor variance application is to permit religious assembly / a Place of Worship on the subject lands.

1. Is the variance minor in nature?

The requested variance is minor in nature as it does not change the assembly use or create any adverse impacts on the surrounding areas. The subject lands currently permit an Assembly Hall with several uses traditionally associated with a Place of Worship, including a day nursery, funeral services, a gym for recreational purposes, counselling and social services, and admin offices. An Assembly Hall supports people gathering for an event, including people praying at an assembly, however, a Place of Worship is not permitted within an Assembly Hall. The requested variance enables the same ancillary purposes of an Assembly Hall for the community, while explicitly supporting religious uses. Given the above, it is our opinion that the variance is minor in nature.

2. Is the variance desirable and appropriate?

The requested variance is desirable and appropriate as the proposed Apostolic Church offers a range of services to the immediate neighbourhood and helps create a sense of place for the community. The surrounding areas around the subject lands include large communities of single detached homes, which would be benefitted by the introduction of a Place of Worship with several ancillary community uses. The requested variance to permit religious uses is appropriate based on the similar permissions for Assembly Halls allowed on the subject lands. Furthermore, the proposed Place of Worship is appropriate within the neighbourhood context as there is currently a Place of Worship, St. Naum of Ohrid Macedonian Orthodox Church, located 60 metres away from the subject lands. There are also multiple other churches nearby including The Salvation Army Mountain Citadel and the Church of Jesus Christ of Latter-day Saints. Given the above, it is our opinion that the requested variance is desirable and appropriate.

3. Does the variance maintain the general intent and purpose of the Official Plan?

The requested variance maintains the general intent and purpose of the UHOP for lands under the District Commercial Designation per Schedule E-1. As described in Section 4.7.1: Function, *"The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place"*. The requested variance looks to permit religious uses for a Place of Worship, which also allows for accessory uses, such as an assembly hall, bookstore, conference centre, funeral home, and day nursery. The range of services and uses provided by the proposed Place of Worship are beneficial to the immediate neighbourhood and create a sense of place. Given the above, it is our opinion that the requested variance maintains the general intent of the UHOP.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The requested variance maintains the general intent and purpose of the City of Hamilton's Zoning By-law 05-200 for providing services for the immediate and surrounding neighbourhoods. Under Section 10.6.1: Permitted Uses of Hamilton's Zoning By-law, the subject lands permit several similar uses to a Place of Worship, including assembly, a conference centre, a funeral home, a day nursery, and more. Under the Zoning By-law, a Place of Worship allows an Assembly Hall but an Assembly Hall does not allow for a Place of Worship. It is our opinion that the Zoning By-law is restricting the user and not the use on the subject lands, as people praying at an assembly is not prohibited but a Place of Worship is not permitted. Given the similarities between a Place of Assembly and Place of Worship, it is our opinion that this minor variance should be approved due to the range of

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August 19, 2024

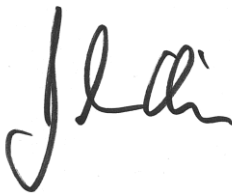
services the proposed use would provide to the community, which adheres to the general intent and purpose of the Zoning By-law.

3.0 CONCLUSION

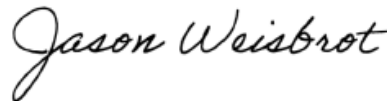
Based on our review of the proposed variance and the planning justification provided in the foregoing sections, it is our opinion that the proposed variance should be approved. The proposed variance has regard for both the policies of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. As previously analyzed, the impact of the requested variance would be minor. The requested variance outlined in this letter meets the four tests for a minor variance as prescribed under Section 45 (1) of the *Planning Act*.

Should you have any questions, or wish to discuss further, please do not hesitate to contact the undersigned.

Sincerely,
Arcadis Professional Services (Canada) Inc.



John Ariens, MCIP, RPP
Senior Planner, Management



Jason Weisbrot
Co-op Student, Planning



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 [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

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1135 Stone Church Road		
Assessment Roll Number			
Former Municipality			
Lot	4	Concession	7
Registered Plan Number	CD415837	Lot(s)	
Reference Plan Number (s)	62R18658	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:

This minor variance application looks to permit religious assembly / a Place of Worship on the subject lands. See Variance Letter for more details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Religious assembly is not permitted under the By-law, even though similar assembly and accessory uses are permitted on the subject lands. See Variance letter 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:

Lot Frontage	Lot Depth	Lot Area	Width of Street
+240.83 ft	+283.60 ft	0.63 hectares	+13.5 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)

All existing structures to be demolished

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

See attached draft Concept Plan. To be finalized through the Site Plan process.

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Place of Worship	4 m	61.71 m	15.52 m	N/A

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

All existing structures to be demolished

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

See attached draft Concept Plan. To be finalized through the Site Plan process.

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Place of Worship	595.44m ²	595.44m ²	1	

- 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.):

Religious assembly / Place of Worship

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

Commercial Uses, Employment Uses, Place of Worship

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

June 24, 1987

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

Residential / Accessory Buildings

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

Uninhabited

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) District Commercial

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

Proposed development provides range of services that support the surrounding neighbourhoods and create a sense of place.

7.6 What is the existing zoning of the subject land? District Commercial (C6)

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: 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

A-24:217 – 1135 Stone Church Road West, Hamilton

Recommendation:

Development Planning - Table

Proposed Conditions:

1. That the owner shall investigate the noise and vibration levels on the subject lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.
2. That the owner shall submit and receive approval of a Land Use Compatibility Assessment, to the satisfaction of the Director of Planning and Chief Planner that:
 - a. Addresses potential impacts created by the proposed Place of Worship on the long-term economic viability of employment uses within the adjacent employment area, and identifies any recommended mitigation measures; and,
 - b. Addresses any potential impacts of the adjacent employment area on the proposed Place of Worship and identifies any recommended mitigation measures.

Proposed Notes:

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

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

STAFF COMMENTS**HEARING DATE: October 22, 2024**Hamilton

concurrent with their submission to the Ministry Citizenship and Multiculturalism. Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036).

In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



Hamilton

Development Planning:

The purpose of the application is to permit the use of a Place of Worship with 62 parking spaces; whereas Place of Worship is not permitted in the C6 (District Commercial) Zone. The site is currently vacant and contains three structures that appear to be vacant and are not being currently utilized. It is staff's understanding that the existing structures are proposed to be removed through the redevelopment of the site.

Please note that the Notice of Public Hearing that was sent out stated that the proposed variance was for the addition of a "Place of Assembly" as a permitted use. Staff have confirmed that the Notice of Public Hearing should have reflected a variance "To permit the use of a Place of Worship whereas the zoning by-law does not permit this use in a C6 (District Commercial) Zone." The proposed variance has been amended below.

The Provincial Planning Statement 2024 came into force on October 20, 2024 and is applicable.

Amended Variance

1. To permit the use of a Place of Worship; whereas, the zoning by-law does not permit this use in a C6 (District Commercial) Zone.

Urban Hamilton Official Plan

District Commercial Designation

The subject property is designated as District Commercial on schedule E1- Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.4.7.2 permits the following uses:

- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- b) medical clinics and offices provided they are located above the first storey;
- c) residential uses provided they are located above the first storey of a mixed use building; and,
- d) accessory uses

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

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

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

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

Cultural Heritage

The subject property is adjacent to 1150 Stone Church Road a property listed on the City's Inventory of Heritage Properties.

Accordingly, section B.3.4.1.3 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to permit the construction of a Place of Worship with 62 parking spaces.

Notwithstanding that the adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resource will be conserved.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned District Commercial (C6) Zone in the City of Hamilton Zoning By-law No. 05-200. The C6 Zone does not permit a Place of Worship under section 10.6.1.

Analysis

Variance

1. To permit the use of a Place of Worship whereas the zoning by-law does not permit this use in a District Commercial (C6) Zone.

Staff are unable to provide a recommendation on the proposed Minor Variance until such time as the applicant provides additional materials/information to establish that the proposal is in keeping with the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law; is minor in nature; and desirable for the appropriate development of the lands.

Staff recommend that the application be **tabled** so further discussions can occur with the applicant and additional information can be provided.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	

STAFF COMMENTS**HEARING DATE: October 22, 2024**

Hamilton

Comments:	<ol style="list-style-type: none"> 1. The Notice requested an incorrect additional use for the property. The requested additional use is “a Place of Worship”. 2. The use of “a Place of Assembly”, as stated in the notice, is already permitted under the C6 zone.
Notes:	

Development Engineering:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

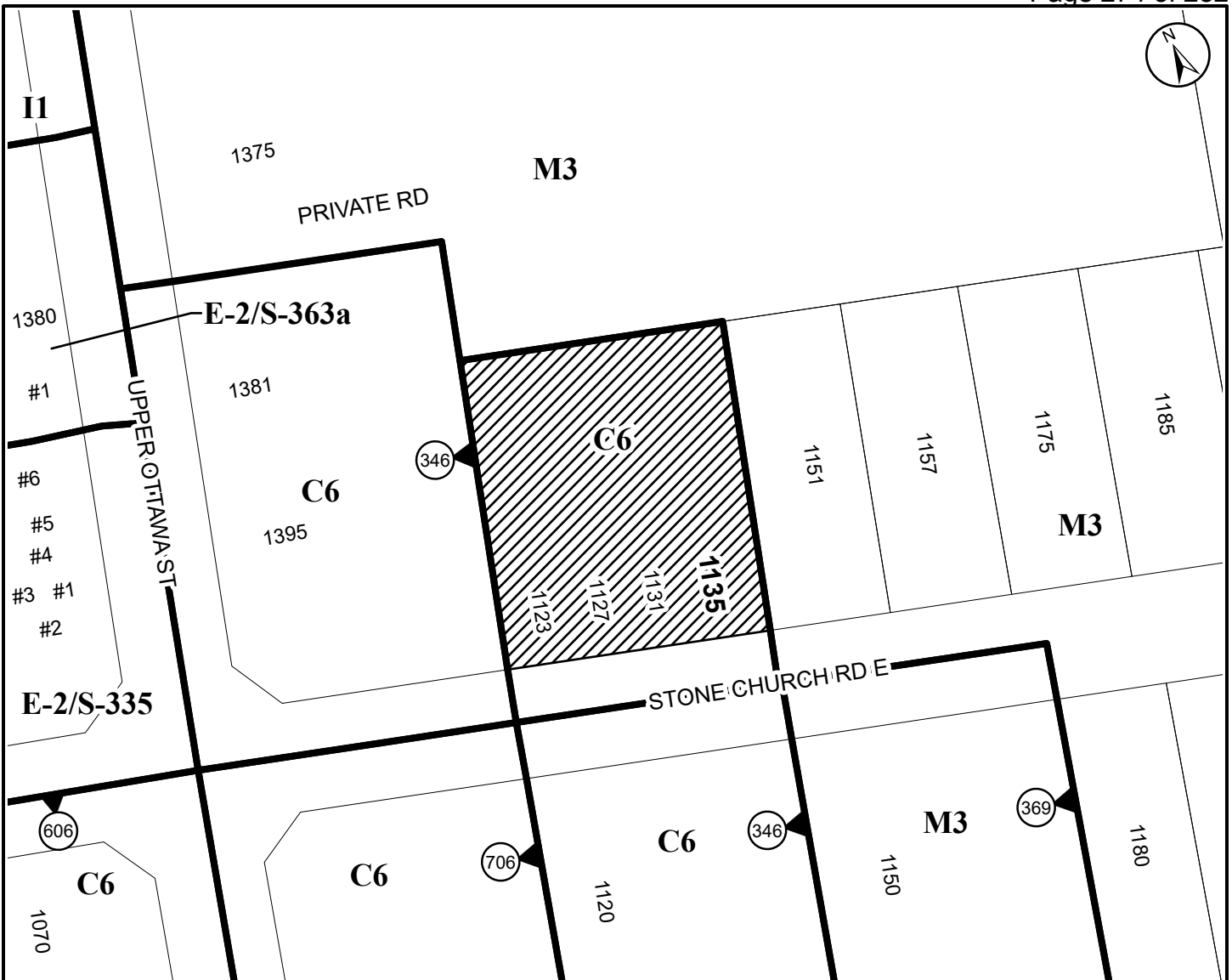
Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed detached garage.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

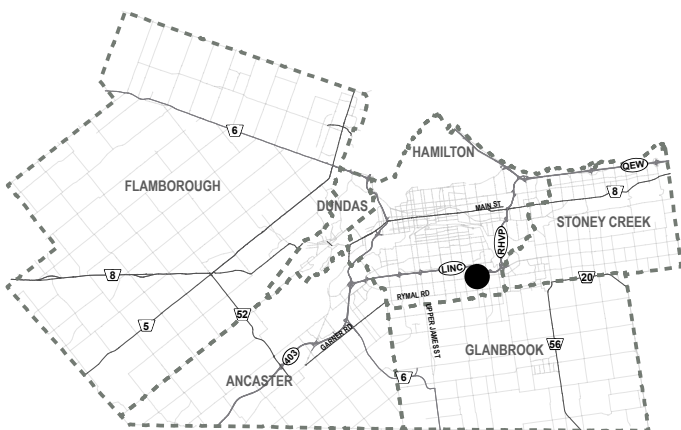
Transportation Planning:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1135 Stone Church Road East,
Hamilton (Ward 6)

File Name/Number:
A-24:217

Date:
October 8, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"





FW: 24: 217, Stone Church Rd, Oct 22 Meeting

From Committee of adjustment <cofa@hamilton.ca>

Date Thu 10/10/2024 8:35 AM

To Committee of adjustment <cofa@hamilton.ca>

1 attachments (42 KB)

Chair and Members.pdf;

From: Ariens, John <john.ariens@arcadis.com>
Sent: Thursday, October 10, 2024 8:31 AM
To: Committee of adjustment <cofa@hamilton.ca>; Dal Bello, Rino <Rino.DalBello@hamilton.ca>
Cc: Annette Wallar <awallar@naccanada.org>; Weisbrot, Jason <jason.weisbrot@arcadis.com>
Subject: A:24: 217, Stone Church Rd, Oct 22 Meeting

External Email: Use caution with links and attachments

Good Morning—The Notice for the above variance appears to be in error. It refers to the variance as requesting: to allow a place of assembly in the C6 Zone whereas this use is not permitted in this zone. The C6 zone currently allows a place of assembly and it also allows a conference or convention center which are also for assembly purposes. Our request is to allow for a place of religious assembly: a church, as an additional permitted assembly use. See below excerpt from the application form:

3.1 Nature and extent of relief applied for:

This minor variance application looks to permit religious assembly / a Place of Wor on the subject lands. See Variance Letter for more details.

Please advise if a revised Notice needs to be circulated.

In addition and on the basis that we are still proceeding on Oct 22 with this matter, I have attached a "hand-out" that I would like to have distributed to the Committee Members as this will form the basis of my presentation. I am not sure as to the current protocol for delivering materials directly to the Members and hence I am seeking your direction to do so.

Thanks—John

John Ariens MCIP, RPP
Associate Director | Practice Lead, Planning
Arcadis
Suite 200, East Wing
360 James Street North | Hamilton ON | L8L 1H5 | Canada
T +1 905 546 1010 ext 63109
M +1 905 536 8985
www.arcadis.com

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Chair and Members

This variance is to the “use” of these lands. The request is to allow a place of religious assembly (church) in the C6 Zone as an additional permitted use.

The current C6 zoning permits many uses that are identical to or are included as part of any conventional church or place of worship. See below high-lighted list.

10.6.1 PERMITTED USES

Artist Studio
 Beverage Making Establishment
 Catering Service
 Commercial Entertainment
 Commercial Parking Facility
 Commercial Recreation
 Commercial School
 Communications Establishment
 Community Garden
Conference or Convention Centre
 Craftsperson Shop
Day Nursery
 Dwelling Unit,
 Mixed Use (By-law No. 21-189, October 13, 2021)
 Financial Establishment
Funeral Home
 Hotel
 Laboratory
 Medical Clinic
 Microbrewery
 Motor Vehicle Gas Bar
 Motor Vehicle Rental Establishment
 Motor Vehicle Service Station
 Motor Vehicle Washing Establishment
Office
 Personal Service
Place of Assembly
 Repair Service
 Restaurant
 Retail
Social Services Establishment

A church is an assembly hall for religious purposes and similar events like weddings, funerals, counseling, day care, recreation are typical components. These are all permitted uses as of right.

An assembly hall is permitted as of right and any church could lease such a building on a regular schedule for religious purposes. They can host funerals/weddings and similar religious services, have a day care center, a gym for recreation an office and provide counselling services.

Everything that a church does can be done within the existing zoning permissions BUT we can't call it a church or a place of worship. This is in effect "people zoning" by limiting the ownership and use to a non-secular entity.

The Planning Act allows a C of A to vary a use and given that the current zoning now allows the individual components of a typical church we consider this to be an appropriate variance request.

This variance is:

MINOR—no adverse impact

DESIRABLE: serves the neighboring community

MEETS THE INTENT OF THE UHOP: District Commercial *"The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place"*.

MEETS THE INTENT OF THE ZB: as assembly, day care, funeral, office and social services counselling are permitted as of right and a church can rent any assembly hall on a regular basis.

GENERAL UNDERTAKING
and
APPOINTMENT of AGENT

I, **Tadeusz Zamroziewicz**,

residing at 17 McBay Road, Brantford, Ontario N3T 5L4

and

having an interest, as Owner, in the lands and building municipally known as 1151 Stone Church Road East being located within the City of Hamilton, Ontario L8W 2C6

hereby, by my signature affixed hereto, appoint one

George J.P. Ziotek, Architectural Technologist,
residing at 10 Humberstone Avenue, Brantford, Ontario N3S 7A4

to act on my behalf and in my stead pertaining to matters relating to the fore-going lands and property
and

hereby, by my signature affixed hereto, authorize, allow and permit

the City of Hamilton Building Department, Planning Department, the Property Standards and By-Laws Department, Committee of Adjustment, Alectra Utilities, Enbridge Gas, Hydro One:

- (i) to release any related documents, reports, correspondence, letters, notices, as may be requested by my appointed Agent, and
- (ii) to divulge, review, disclose, etc. any related information, as may be requested by my appointed Agent, and
- (iii) to add my appointed Agent as recipient, and/or to be copied as recipient, and/or be included as recipient on a distribution list to any documents, reports, correspondence, letters, notices, etc. as may be issued to my attention, and
- (iv) to receive and accept any related documents, reports, correspondence, letters, notices, etc. as may be authored by my appointed Agent in my name and in my stead.

This appointment of agency shall be valid until such time as revoked by me in writing.

Tadeusz Zamroziewicz

Date

OCT 14/24

George J.P. Ziotek, Dipl.T., M.A.A.T.O.
10 Humberstone Avenue,
BRANTFORD, Ontario N3S 7A4

tel: (519) 752-4529
cell: (519) 752-4529
email: ziotek@rogers.com

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

October 17, 2024

att: Ms. Jamila Sheffield,
Secretary Treasurer

Dear Ms. Sheffield,

re: Application A-24:217
1135 Stone Church Road East,
HAMILTON, Ontario

I have been retained by Mr. Tadeusz Zamroziewicz (see appended pdf of executed General Undertaking) to act in his stead in submission of comments in the captioned matter.

For disclosure, Mr. Zamroziewicz is the Owner and Operator of facilities as follows:

- (i) the land parcel is municipally designated as 1151 Stone Church Road East, HAMILTON, Ontario L8W 2C6, a total approximate area of 0.29 hectares, with a lot frontage of approximately 33.83m along Stone Church road East, and a lot depth of approximately 86.21m;
- (ii) the land parcel is situated in the Business Park being part of the Employment Area Designations as described in Urban Land Use Designations of the Urban Hamilton Official Plan (Schedule E-1 appended), and located in the Municipal Zone M3: Prestige Industrial Park, within the meaning of Sec. 5.2.1: Function and Sec. 5.2.4: Permitted Uses to "include business and economic activities such as manufacturing" as per OPA 23 and 109 Policy E.5.4.3.
- (iii) as per Zoning By-Law 05-200, Sec. 9.3.1. Permitted Uses, Super Sausage (2003) Limited operates a manufacturing facility, mainly in the production of sausages/meats processing, activities involving the preparation, assembly, smoking, packaging and shipping of finished products, inclusive of Wholesale Distribution and Retail Sale of Delicatessen Meats (as permitted by Committee of Adjustment Approvals per B-99:81 and B-9 Municipal files;
- (iv) as a successful business, the established manufacturing facilities support a local workforce of 10 full-time meat butchering / production / shipping / receiving positions, along with a combined fulltime / part-time retail personnel of 7 persons;

in addition, the business operation supports:

- (a) leased Retail facilities in Hamilton, Ontario, employing 12 fulltime / part-time persons, and
- (b) leased Retail facilities in Brantford, Ontario employing 11 fulltime / part-time persons
- (iv) the manufacturing facilities comply with the Ontario Building Code, and operate as mixed-use building: Group F, Division 3 Low Hazard Industrial major Occupancy and Group E Mercantile subsidiary Occupancy, and are housed in a 1-storey Steel Engineered structure being 639.13m² / 68979.53ft² in building area, with the business operations being compliant to Business Licensing, along with inspections / verifications as per Occupational Safety and Health legislation, Ontario Ministry of Environment in respect of pollutant emissions and air quality maintenance, etc.

Notwithstanding the well-prepared submission for Minor Variance by Arcadis Professional Service, as Agent for New Apostolic Church Canada (Proponent and Applicant), Mr. Zamroziewicz wishes to submit the following observations and concerns for consideration and evaluation in the approval process of the subject Minor Variance application:

- (v) the Applicant's proposed development at 1135 Stone Church Road East is directly adjacent to and to the south of the neighbouring established Super Sausage production facilities at 1151 Stone Church Road East;
- (vi) in the Agent's justification that the Variance application is minor in nature (compliance to Sec. 45(1) of the Act), it is stated that the proposed development "***does not create any adverse impacts on the surrounding area***".

Mr. Zamroziewicz wishes to highlight and point out that this assertion is inaccurate, i.e. the location of the Place of Worship building may affect and impact current operations of the neighbouring and established Super Sausage (2003) Ltd. business:

- a) the proposed Church building's Main Entry / Vestibule faces south towards the facilities at 1151 Stone Church Road East, having direct exposure onto the major transport truck vehicle shipping / receiving driveway and loading dock operations – it should be expected that transport trucks will result in associated and normal levels of noise, vibrations, diesel fumes, etc.;
- b) additionally, existing Sanitary / Storm Sewer Catch/Sampling Basins and Grease Interceptor Tanks are located along the demising property line and directly south of the proposed Church Main Entry / Vestibule – with scheduled infrastructure maintenance, sewage testing / pumping / disposal operations, associated activities it is not unusual that equipment sounds and occasional odours may be emitted at the noted location;
- c) as per the business activities described in item (iii) foregoing, it may potentially be seen and/or perceived by the Applicant that various and planned Church operations may be adversely impacted by the normal manufacturing operations and associated processes at Super Sausage.

The proposed Church Main Entry / Vestibule, Narthex and Children's Room is approximately 23.06m / 75.67ft from the adjacent property line, having exposure to the fore-described neighbouring infrastructure and manufacturing operations.

Mr. Zamroziewicz wishes to, at this time, express his objection to the Committee's full acceptance and approval of the Minor Variance application without consideration and deliberations of implementing conditions in absence of regard and address to his concerns.

To be sure, Mr. Zamroziewicz acknowledges the neighbouring property being zoned as District Commercial (C6), and is in general support of the proposed development, and views it as a positive addition to the streetscape of the immediate area.

However, in order to alleviate the expressed concerns and to withdraw his objection to the Minor Variance application, Mr. Zamroziewicz requests that anticipate approval of the Minor Variance be inclusive of a condition, that:

- (viii) the Applicant, as a condition of Minor Variance approval, author and produce a legal agreement expressing acceptance and allowance of neighbouring existing normal operations associated with Super Sausage (2003) Limited manufacturing, and permit the continued and future unobstructed enjoyment in conducting its manufacturing operations without initiating any actions to the contrary, such agreement to be reviewed and executed by all parties.

Should further information and/or commentary be required, the undersigned would provide same at written request.

Respectfully,

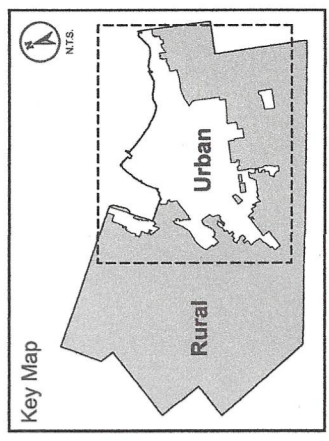


George J.P. Zidek, Dipl.t., M.A.A.T.O.
Accredited Architectural Technologist
Project Consultant

APPEALS

UHOPA NO. 69 APPEALS - PL171450

- ★ - 3011 Homestead Drive (Glanbrook), Appellant # 4
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Legend

- Neighbourhoods: Yellow
- Open Space: Green
- Institutional: Light Blue
- Utility: Grey

Commercial and Mixed Use Designations

- Downtown Mixed Use Area: Orange
- Mixed Use - High Density: Red-Orange
- Mixed Use - Medium Density: Red
- District Commercial: Dark Red
- Arterial Commercial: Maroon

Employment Area Designations

- Industrial Land: Purple
- Business Park: Dark Purple
- Airport Employment Growth District: Blue
- Shipping & Navigation: Dark Blue

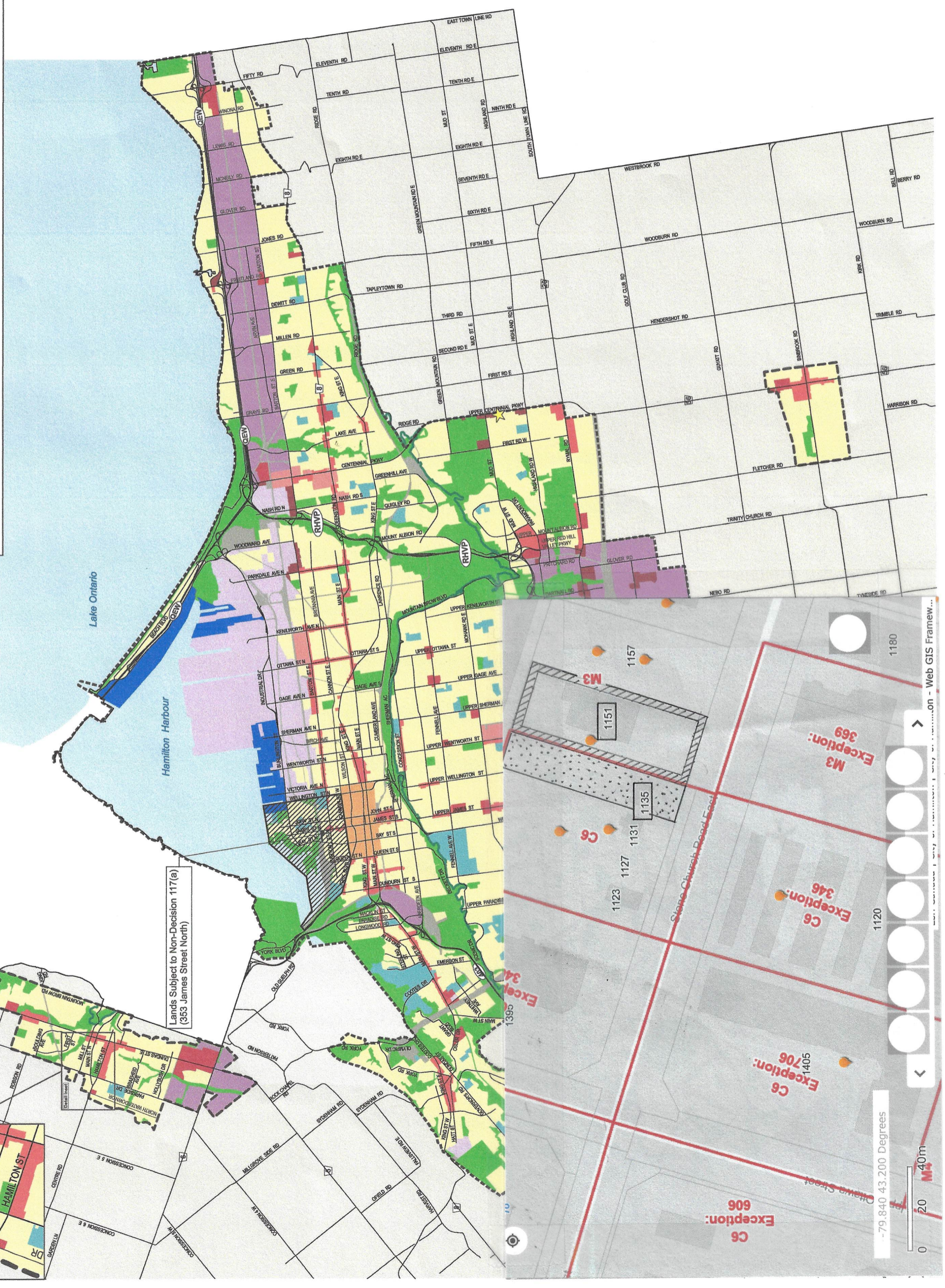
Other Features

- Rural Area: Light Grey
- John C. Munro Hamilton International Airport: Airplane icon
- Niagara Escarpment: Green wavy line
- Urban Boundary: Dashed line
- Municipal Boundary: Solid line
- Lands Subject to Non-Decision 113 West Harbour Setting Sail: Hatched pattern

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Schedule E-1
 Urban Land Use Designations**

Hamilton
 Not To Scale
 Date: Dec. 6, 2023
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Lands Subject to Non-Decision 117(a)
 (353 James Street North)

