

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

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

APPLICATION NO.: SC/A-20:103

APPLICANTS: Owner: 5000993 Ontario Inc.
Agent: Urbancore Developments c/o S. Manchia

SUBJECT PROPERTY: Municipal address **1329 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 13-130

ZONING: RM3-47district (Multiple Residential “RM3” zone)

PROPOSAL: To permit the construction of two (2) Townhouse blocks, consisting of a total of 11 townhouse dwelling units, notwithstanding,

1. A minimum front yard of 2.5 metres shall be permitted, instead of the minimum required front yard of 3.0 metres;
2. A maximum density of 43 units per hectare, allowing a maximum of 11 dwelling units, shall be permitted, instead of the maximum permitted density of 40 units per hectare allowing a maximum of ten (10) dwelling units;
3. A minimum of 35% of the total lot area shall be landscaped instead of providing a minimum of 40% of the total lot area required to be landscaped;
4. A landscaped strip having a minimum width of 1.3 metres shall be provided adjacent to every portion of the lot abutting a street, except for points of ingress and egress, instead of providing a landscaped strip with a minimum width of 2.0 metres required to be provided adjacent to every portion of the lot abutting the street, except for points of ingress and egress;
5. Visitor parking spaces shall be permitted to be located a minimum of 2.0 metres from the lot line abutting Barton Street, instead of providing a minimum of 3.0 metres required to be provided from any parking spaces to a lot line where four (4) or more parking spaces are provided;
6. Visitor parking spaces shall be permitted to provide a minimum width of 2.4 metres instead of the minimum required width of 2.6 metres;
7. No barrier free parking spaces shall be provided instead of providing a minimum of one (1) parking space required to be designated as a barrier free parking space; and,
8. A pedestrian walkway shall be permitted to cross a required landscape strip notwithstanding the definition of a Landscaped Strip, as defined within the Zoning By-law, does not allow for a pedestrian walkway to cross a landscaped strip.

NOTE:

1. These variances are necessary to facilitate Site Plan application SPA-18-192.
2. The applicant has advised the proposed Townhouse development is intended to function as a Standard Condominium.
3. Construction of the proposed development is subject to the issuance of a building permit(s). Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. This is a corner lot; as such, the lot line abutting Foothills Lane, being the shortest lot line abutting a street, is deemed to be the front lot line with the westerly lot line being deemed the rear lot line. All other lot lines are deemed to be side lot lines.
5. The applicant shall clearly identify the parking spaces located on the “paved asphalt” area as visitor parking space.
6. Details regarding the two (2) required parking spaces for each townhouse dwelling have not been provided. A further variance will be required if a minimum unobstructed parking space size measuring 2.6 metres in width by 5.8 metres in length is not provided for the required parking spaces located within an attached garage and driveway area.
7. Details regarding any proposed Mechanical or Unitary equipment have not been provided. Further variance(s) will be required if compliance with Section 4.16 of the Zoning By-law cannot be achieved.
8. Details regarding any proposed Yard Encroachments have not been provided. Further variance(s) will be required of compliance with Section 4.19 of the Zoning By-law cannot be achieved.
9. As defined in the Zoning By-law, a *Landscaped Strip means an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms.*

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

DATE: Thursday, July 23rd, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

**To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only**

PUBLIC INPUT

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

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

MORE INFORMATION

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

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

DATED: July 7th, 2020.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

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

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

FOR OFFICE USE ONLY.

APPLICATION NO. SC/A 20:103 DATE APPLICATION RECEIVED May 6/20

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

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

1. Name of Owner 5000993 Ontario Inc.

2.

3. Name of Agent UrbanCore Developments

4.

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

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

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Please refer to cover letter for list of proposed Minor Variances

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

Please refer to cover letter.

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

1329 Barton Street, Stoney Creek

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____

Agricultural _____ Vacant ☒

Other _____

9.1 If Industrial or Commercial, specify use

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

Yes ☒ No _____ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Yes _____ No ☒ Unknown _____

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

Consultation with owner.

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

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

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

Date

Apr 29/20

Signature Property Owner

5000993 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 30.882 m

Depth +/- 71.005 m

Area +/- 2,666.596 sq. m

Width of street _____

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

Existing: Site is currently vacant.

Proposed: _____

Proposed 1 block of six (6) and 1 block of five (5) two storey townhouse dwellings via private condominium road being accessed off of Barton Street. Please refer to enclosed Minor Variance sketch for additional information.

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

Existing: Site is currently vacant.

Proposed: Please refer to enclosed Minor Variance Sketch.

13. Date of acquisition of subject lands:
Unknown.
14. Date of construction of all buildings and structures on subject lands:
Unknown.
15. Existing uses of the subject property: Vacant
16. Existing uses of abutting properties: North: vacant, South: Winona Park, East: St. Gabriel Catholic Elementary School, West: Residential.
17. Length of time the existing uses of the subject property have continued:
Unknown.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan "Neighbourhoods" and Fruitland-Winona Secondary Plan "Low Density Residential 2 Site Specific Policy Area I".
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
City of Stoney Creek Zoning By-law No 3962-92 "RM3-47"
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☐ No ☒
If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes ☐ No ☒
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

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



RECEIVED
MAY - 6 2020

May 4, 2020

290-18

Via Delivered

Mr. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

Re: **1329 Barton Street, Stoney Creek, Hamilton**
Minor Variance Application Submission

Urbancore Developments on behalf of the owner 5000933 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands municipally known as 1329 Barton Street, Stoney Creek, in the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2 Area I of the Fruitland - Winona Secondary Plan. The subject lands are zoned Multiple Residential – Three "RM3-47" in the City of Stoney Creek Zoning By-law No. 3692-92. In addition, the subject lands are included in an existing Urban Hamilton Official Plan Amendment application to increase the maximum permitted density over the balance of the Foothills of Winona Subdivision (62M-1241). A staff report recommending approval has been received and will be scheduled for the first Planning Committee meeting once Planning Committee resumes meeting.

A Site Plan application was submitted and received conditional Site Plan approval on March 5, 2019 (DA-18-192). The proposed development includes 11 Block Townhouses as part of a Standard Condominium that will have 6 visitor parking spaces with vehicular access from Barton Street.

Purpose of the Application

This Minor Variance Application is required to achieve relief on the subject lands within an Multiple Residential - Three "RM3-47" Zone to facilitate the Site Plan approval. The requested variances from the City of Stoney Creek Zoning By-law No. 3692-92 were identified in an Applicable Law Review respecting

zoning by-law compliance was completed on April 6, 2020 and have identified the applicable zoning deficiencies, and are as follows:

- Variance No. 1: To permit a minimum front yard of 2.5 metres whereas 3.0 metres is the required minimum.
- Variance No. 2: To permit a maximum density of 43 units per hectare whereas 40 units per hectare is the permitted maximum.
- Variance No. 3: To permit a minimum landscaped open space of 35 % whereas 40 % is the required minimum.
- Variance No. 4: To permit the minimum dimension of a parking space of 2.4 metres by 5.5 metres whereas 2.6 metres by 5.5 metres is the required minimum.
- Variance No. 5: To permit no barrier free parking.
- Variance No. 6: To permit parking 2.0 metres to any lot line whereas 3.0 metres is the required minimum parking setback to any lot line.
- Variance No. 7: To permit a landscape strip of 1.3 metres adjacent to a lot line whereas the required minimum is 2.0 metres.

To assist in the evaluation of the application, please refer to the enclosed Minor Variance Sketch.

Section 45(1) of the Planning Act, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. The above variances are technical in nature, promote good Urban Design principles and the built form and site orientation has received conditional Site Plan approval. Based on this, it is our opinion that the application for the above minor variances satisfies the four tests outlined in Section 45(1) of the Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

- Two (2) copies of the completed Minor Variance Application form;
- One (1) copy of the Zoning Review;
- Two (2) copies of the Minor Variance Sketch; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

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

Regards,
UrbanCore



Spencer McKay
Project Manager

cc: Messrs. A. DiCenzo & S. Manchia, 5000933 Ontario Inc.
Councillor Maria Pearson, Ward 10, City of Hamilton (cover letter only)
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)