



Hamilton

COMMITTEE OF ADJUSTMENT

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

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.: SC/A-20:106

APPLICANTS: Urbancore Developments c/o S. Manchia on behalf of the owner 5000993 Ontario Inc. c/o Avatar International

SUBJECT PROPERTY: Municipal address **36 Foothills Lane, Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-91, as Amended by By-laws 13-330 and 14-082

ZONING: "RM2-38 & RM3-47" (Multiple Residential "RM2" Zone and Multiple Residential "RM3" Zone)

PROPOSAL: To permit the construction of two (2) Street Townhouse buildings each containing seven (7) dwelling units notwithstanding that:

1. A minimum lot area of 135m² shall be provided for an interior unit and a minimum lot area of 175m² shall be provided for an end unit instead of the minimum required lot area of 180m² for an interior unit and the minimum required lot area of 240m² for an end unit.
2. A minimum lot frontage of 5.70m shall be provided for an interior unit and a minimum lot frontage of 7.25m shall be provided for an end unit instead of the minimum required lot frontage of 6.0m for an interior unit and the minimum required lot frontage of 8.0m for an end unit.
3. A minimum front yard of 4.5m to the dwelling except 6.0m to an attached garage shall be permitted for the portion of the lot zoned "RM3-47" instead of the minimum required front yard of 6.0m.
4. A minimum rear yard of 6.0m shall be permitted instead of the minimum required rear yard of 7.0m for the portion of the lot zoned "RM2-38" and 7.5m for the portion of the lot zoned "RM3-47".
5. A minimum privacy area of 30m² per unit shall be provided instead of the minimum required privacy area of 36m² per unit.

NOTE:

- i) The variances are based on Minor Variance Plan 2 (dated June 24, 2020), which is composed of Block 26 and part of Block 28 pursuant to Plan 62M-1241.
- ii) Details have not been provided respecting yard encroachments and unitary equipment. If compliance with the regulations of Sections 4.16(b), 4.19 and 6.9.3(k) of Stoney Creek Zoning By-law No. 3692-92 cannot be achieved, further variances may be necessary.

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.

| DEVELOPMENT STATISTICS | | |
|---|--|----------------------------------|
| Existing Zoning: Multiple Residential "RM2-38" & "RM3-47" | | |
| Item | Required | Proposed |
| Min. Lot Area | | |
| Interior Unit | 180 m ² | 141 m ² (MVR No. 1) |
| End Unit | 240 m ² | 182 m ² (MVR No.1) |
| Corner Unit | 270 m ² | 305 m ² |
| Min. Lot Frontage | | |
| Interior Unit | 6.0 m | 5.77 m (MVR No. 2) |
| End Unit | 8.0 m | 7.39 m (MVR No. 2) |
| Corner Unit | 9.0 m | 13.57 m |
| Min. Front Yard | | |
| To the dwelling | 4.5 m / 6.0 m | 6.0 m (MVR No. 3) |
| To the attached garage | 6.0 m | 6.20 m |
| Min. Side Yard | | |
| End Unit | 1.2 m | 1.5 m |
| Corner Unit | 2.0 m | 7.51 m |
| Min. Rear Yard | | |
| | 7.0 m / 7.5 m | 6.0 m (MVR No. 4) |
| Min. Privacy Area | | |
| | 36 m ² | 34.59 m ² (MVR No. 5) |
| Min. Landscaped Open Space | | |
| | 30% of lot area which may include the privacy area | 43.78% |
| Max. Building Height | | |
| | 11.0 m | >11.0 m |
| Max. Lot Coverage | | |
| | N/A | 42% |
| Max. No. of units per building | | |
| | 8 units | 7 units |
| Max. Density | | |
| | N/A | 60 UPH |
| Parking Spaces | | |
| | 2 per unit = 28 | 28 spaces |
| Parking Stall Size | | |
| | 2.75 m x 5.80 m | 3.0 m x 6.19 m |
| Garage Parking Stall Size | | |
| | 3.00 m x 6.00 m | 3.00 m x 6.00 m |

VARIANCE AS PER APPLICABLE BYLAW REVIEW LETTER DATED APRIL 6, 2020.

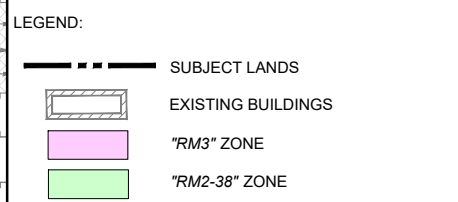
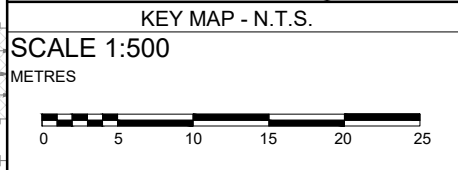
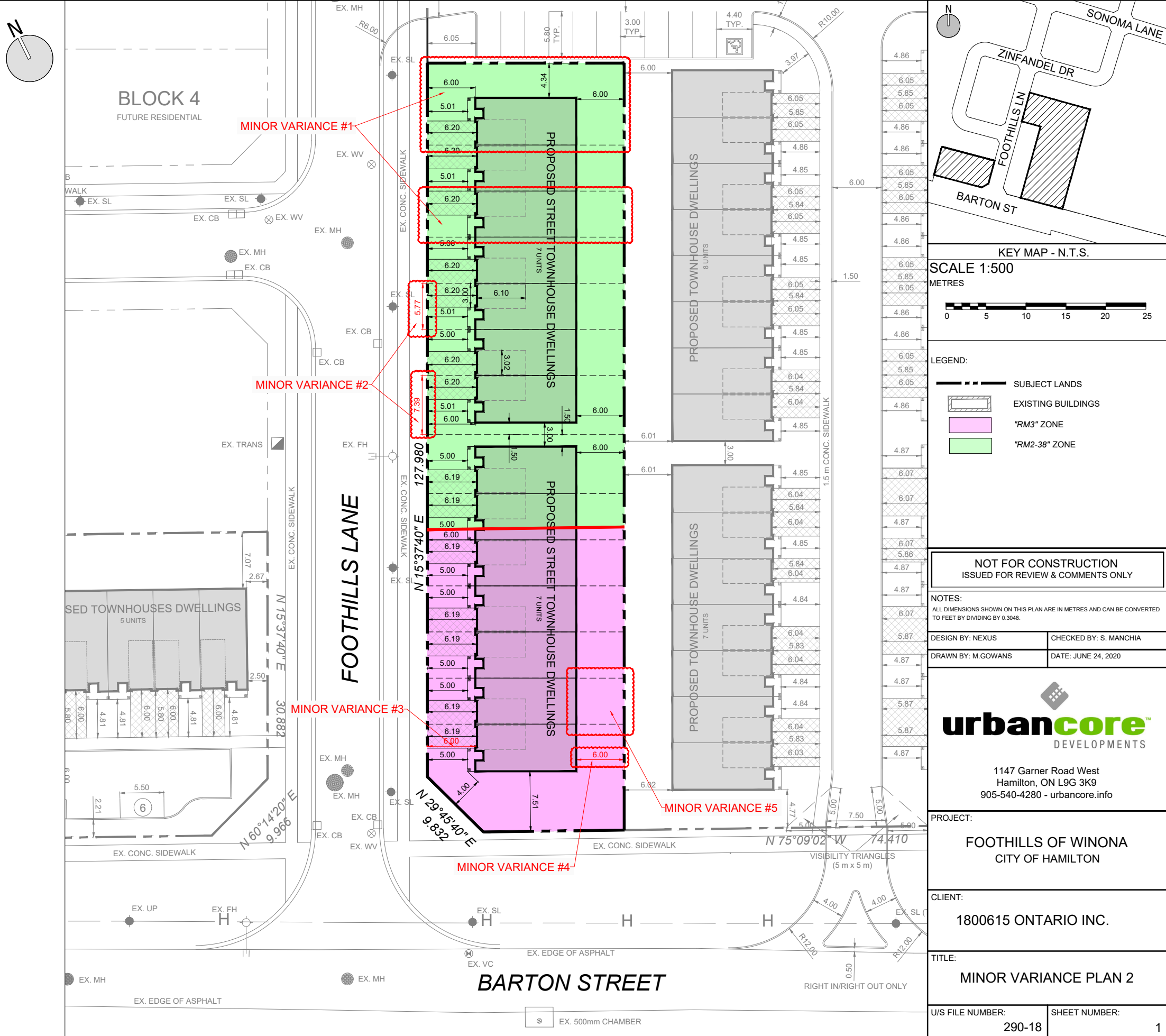
VARIANCE #1 - TO PERMIT A MINIMUM LOT AREA FOR AN INTERIOR UNIT TO BE 135 SQUARE METRES WHEREAS 180 SQUARE METRES IS THE REQUIRED MINIMUM AND AN END UNIT TO BE 175 SQUARE METRES WHEREAS 240 SQUARE METRES IS THE REQUIRED MINIMUM IN THE RM2-38 ZONE.

VARIANCE #2 - TO PERMIT A MINIMUM LOT FRONTAGE FOR A INTERIOR UNIT TO HAVE 5.70 METRES OF FRONTAGE WHEREAS 6.0 METRES IS THE REQUIRED MINIMUM AND AN END UNIT TO BE 7.25 METRES OF FRONTAGE WHEREAS 8.0 METRES IS THE REQUIRED MINIMUM IN THE RM2-38 ZONE.

VARIANCE #3 - TO PERMIT A MINIMUM FRONT YARD OF 4.5 METRES TO A DWELLING WHEREAS A MINIMUM FRONT YARD OF 6.0 METRES IS REQUIRED IN THE RM3 ZONE.

VARIANCE #4 - TO PERMIT A MINIMUM REAR YARD SETBACK OF 6.0 METRES WHEREAS 7.0 METRES IS THE REQUIRED MINIMUM TO THE RM2-38 ZONE.

VARIANCE #5 - TO PERMIT MINIMUM PRIVACY AREA OF 30 SQUARE METRES PER UNIT WHEREAS 36 SQUARE METRES PER UNIT IS THE REQUIRED MINIMUM IN THE RM3 ZONE.



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: NEXUS CHECKED BY: S. MANCHIA
DRAWN BY: M.GOWANS DATE: JUNE 24, 2020

urbancore
DEVELOPMENTS

1147 Garner Road West
Hamilton, ON L9G 3K9
905-540-4280 - urbancore.info

PROJECT:
FOOTHILLS OF WINONA
CITY OF HAMILTON

CLIENT:
1800615 ONTARIO INC.

TITLE:
MINOR VARIANCE PLAN 2

U/S FILE NUMBER: 290-18 SHEET NUMBER: 1



Hamilton

Planning and Economic Development Department
Planning Division

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

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

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

| | |
|------------------------------------|---|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. <u>SC/A-20-106</u> | DATE APPLICATION RECEIVED <u>May 6/20</u> |
| PAID _____ | DATE APPLICATION DEEMED COMPLETE _____ |
| SECRETARY'S SIGNATURE _____ | |

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

The Planning Act

Application for Minor Variance or for Permission

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

1. Name of Owner 5000993 Ontario Inc. Telephone No.

2.

3. Name of Agent UrbanCore Developments Telephone No.

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):
Block 26 and Part of Block 28, 62M-1241

UHOPA-19:09 — 339 & 346 Fifty Rd.
→ 1317 & 1329 Barton St.

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.

Apr 29/20
Date


Signature Property Owner

5000993 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 30.88 m
Depth +/- 24.63 m
Area +/- 1,180.95 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: _____
Fourteen (14) Street townhouses being accessed off of Foothills Lane.
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 | <u>✓</u> | Connected | <u> </u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u> </u> |
| Storm Sewers | <u>✓</u> | | |
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" & "RM2-38"
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: Block 27 & Part of Block 28 of 62M-1241, 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 known as Block 27 & Part of Block 28 of 62M-1241, Stoney Creek, in the City of Hamilton.

A Site Plan application (DA-18-175) was submitted on September 13, 2018 for the subject lands. Conditional approval was not received as the proposal exceeded the maximum permitted density. Since the submission, an Urban Hamilton Official Plan Amendment application has been submitted 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 at which time staff have noted conditional Site Plan approval will be issued. The proposed development includes 42 Block Townhouses as part of a Standard Condominium that will have 13 visitor parking spaces with vehicular access from Barton Street and Foothills Lane.

The subject lands are currently 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" and Multiple Residential - Three "RM3-48" in the City of Stoney Creek Zoning By-law No. 3692-92.

Purpose of the Application

This Minor Variance Application is required on the subject lands within an Multiple Residential - Three "RM3-47" and Multiple Residential - Three "RM3-48" 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 lot frontage of 35.0 metres abutting Foothills Lane whereas the required minimum lot frontage is 50.0 metres in the RM3-48 Zone.
- Variance No. 2: To permit a minimum front yard setback of 4.8 metres abutting Foothills Lane whereas the required minimum front yard setback is 5.0 metres in the RM3-48 Zone.
- Variance No. 3: To permit a minimum side yard setback of 6.0 metres to the westerly lot line abutting the RM2-38 Zone whereas the required minimum side yard setback is 7.0 metres in the RM3-47 Zone.
- Variance No. 4: To permit a minimum rear yard setback for townhouse dwelling units of 3.75 metres to the easterly lot line abutting the Neighbourhood Institutional "I1" Zone in City of Hamilton Zoning By-law 05-200 whereas the required minimum rear yard for townhouse dwelling units is 6.0 metres in the RM3-48 Zone.
- Variance No. 5: To permit a maximum density of 50 units per hectare whereas the permitted maximum density is 40 units per hectare in the RM3-47 Zone and 41 units per hectare in the RM3-48 Zone.
- Variance No. 6: To permit a maximum lot coverage of 40% whereas the required maximum lot coverage is 35%.
- Variance No. 7: To permit a minimum landscaped open space of 35% whereas the required minimum landscaped open space is to be 40% in the RM3-47 Zone.
- Variance No. 8: To permit 0.25 visitor parking spaces for each townhouse dwelling unit whereas the required minimum visitor parking space is 0.5 spaces per townhouse dwelling unit.
- Variance No. 9: To permit a grouping of three or more parking spaces 1.25 metres to any dwelling unit located on the same lot whereas the required grouping of three or more parking spaces shall be setback 3.0 metres from a dwelling unit located on the same lot.
- Variance No. 10: To permit the location of parking on an adjacent lot that on which the use is located whereas parking is required to be on the same lot on which the use is located.

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 is in keeping with DA-18-175. The proposed variances are required generally due to the irregular shape of lot and therefore unique classifications of the lot lines 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)