



Hamilton

## COMMITTEE OF ADJUSTMENT

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

# **NOTICE OF PUBLIC HEARING** **Minor Variance**

---

**You are receiving this notice because you are either:**

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

**APPLICATION NO.:** GL/A-20:107

**APPLICANTS:** 1536708 Ontario Inc., owner

**SUBJECT PROPERTY:** Municipal address **205 Thames Way, Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended

**ZONING:** H-RM3-147 (Residential Multiple) district

**PROPOSAL:** To permit the development of a block townhouse development consisting of 58 townhouse units, notwithstanding that:

1. The maximum density shall be 46 units per hectare instead of the required 35 units per hectare.
2. The minimum front yard shall be 3.0 metres instead of the minimum required 9.0 metres.
3. The minimum easterly side yard shall be 6.0 metres instead of the minimum required 7.5 metres.
4. The minimum westerly side yard shall be 6.0 metres instead of the minimum required 7.5 metres.
5. The minimum rear yard shall be 6.0 metres instead of the minimum required 7.5 metres.
6. The minimum separation distance between 2 exterior walls which contain no habitable rooms, shall be 2.4 metres instead of the minimum required 3.0 metres.
7. The minimum separation distance between 2 exterior walls which contain which contain windows to a habitable rooms shall be 12.0 metres instead of the minimum required 15.0 metres.
8. The minimum privacy area shall be 30 square metres per dwelling unit and shall include a privacy screen instead of the minimum 35 square metres per dwelling unit.
9. To require no minimum amenity area per dwelling unit instead of the required minimum 5.0 square metres per dwelling unit.
10. To permit the parking spaces for visitors parking to have a minimum depth of 5.8 metres instead of the minimum required 6.0 metre depth.

11. To provide handicapped (barrier free) parking on the basis of based on 0.33 spaces per 50 required parking spaces instead of on the basis of 1 space per 50 required parking spaces.

12. To provide visitors parking on the basis of 0.38 spaces per dwelling unit instead of the required 0.5 spaces per dwelling unit.

NOTES:

1. The variances have been written as requested by the applicant and were determined through an Applicable Law Review for Zoning Compliance that was submitted on April 8, 2020 for the proposed block townhouse development.

2. A formal site plan application is required but has not yet been submitted for this proposal.

3. The subject property is zoned H-RM3-147 under Zoning By-law 464. The Holding provision H is required to remain in effect until satisfactory storm water management facilities have been provided for the servicing of the property.

4. Certain requirements such as garage elevations, lighting for parking areas and landscaping will be examined at the site plan review stage.

5. Variance #9 refers to the requirement for a common amenity area for the proposed block townhouse project.

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

---

**DATE: Thursday, July 23r, 2020**

**TIME: 1:30 p.m.**

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

**To be streamed at [www.hamilton.ca/committeeofadjustment](http://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:

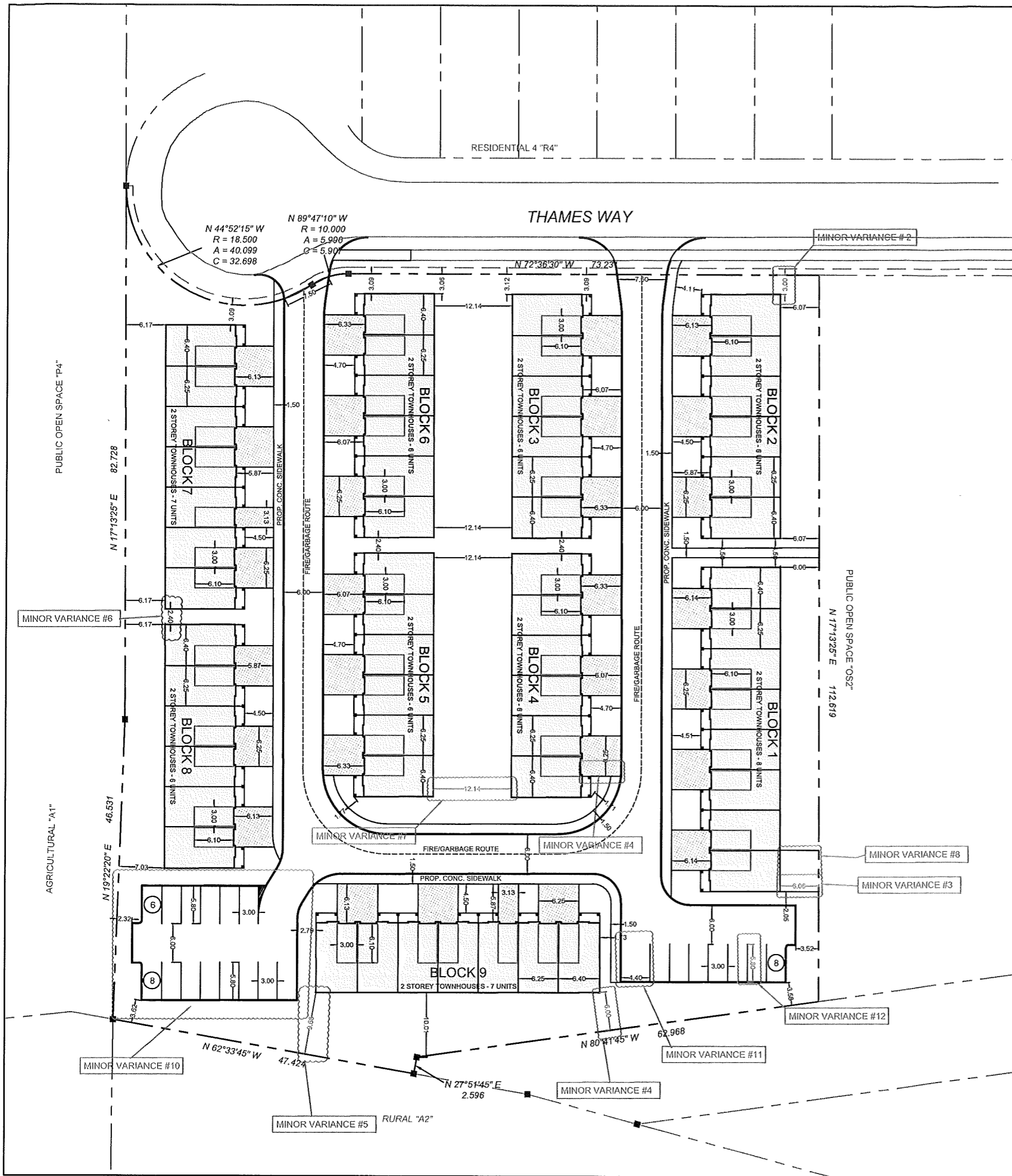
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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.***



VARIANCES TO GLANBROOK ZONING BY-LAW NO. 464 "H-RM3-147" ZONE

VARIANCE NO. 1: TO INCREASE THE MAXIMUM DENSITY REQUIREMENT FROM 35 UNITS PER HECTARE TO 45 UNITS PER HECTARE.

VARIANCE NO. 2: TO DECREASE THE MINIMUM FRONT YARD SETBACK FROM 9.0 METRES TO 3.0 METRES.

VARIANCE NO. 3: TO DECREASE THE MINIMUM EASTERLY AND WESTERLY SIDE YARD SETBACK FROM 7.5 METRES TO 6.0 METRES.

VARIANCE NO. 4: TO DECREASE THE MINIMUM REAR YARD SETBACK FROM 7.5 METRES TO 6.0 METRES.

VARIANCE NO. 5: NOTWITHSTANDING, AS PER SITE PLAN APPROVAL DA-12-192, THE MTO SETBACK IS NOT APPLICABLE AS THE LANDS OWNED BY THE MTO DO NOT FORM PART OF THE RIGHT-OF-WAY.

VARIANCE NO. 6: TO DECREASE THE MINIMUM SEPARATION DISTANCE BETWEEN EXTERIOR WALLS WITH NO WINDOWS FROM 3.0 METRES TO 2.40 METRES

VARIANCE NO. 7: TO DECREASE THE MINIMUM SEPARATION DISTANCE BETWEEN EXTERIOR WALLS WHICH BOTH HAVE WINDOWS FROM 15.0 METRES TO 12.14 METRES

VARIANCE NO. 8: TO DECREASE THE REQUIRED MINIMUM PRIVACY AREA PER DWELLING UNIT FROM 35 SQUARED METRES TO 30 SQUARED METRES.

VARIANCE NO. 9: TO DECREASE THE REQUIRED MINIMUM AMENITY AREA FROM 5 SQUARED METRES PER DWELLING UNIT TO 0 SQUARE METRES.

VARIANCE NO. 10: TO DECREASE THE REQUIRED VISITOR PARKING FROM 0.5 SPACES PER UNIT TO 0.38 SPACES PER UNIT.

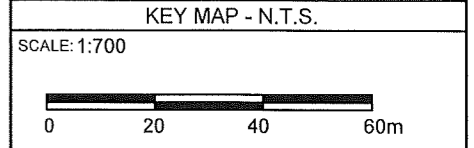
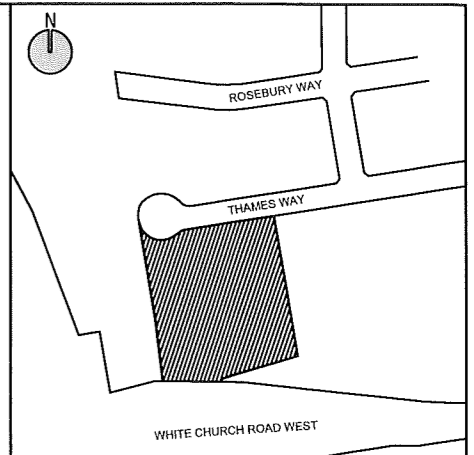
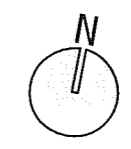
VARIANCE NO. 11: TO DECREASE THE REQUIRED BARRIER FREE PARKING SPACES FROM 3 SPACES TO 1 SPACE.

VARIANCE NO. 12: TO DECREASE THE MINIMUM PARKING SPACE SIZE FOR VISITOR PARKING SPACES FROM 3.0 METRES BY 6.0 METRES TO 3.0 METRES BY 5.8 METRES.

**DEVELOPMENT STATISTICS**

Existing Zoning: Residential Multiple (H-RM3-147)

Item	Required	Proposed
Min. Lot Frontage	45.00 m	107.82 m
Min. Lot Area	0.40 ha	1.273 ha
Max. Lot Coverage	30%	30%
Max. Density	35 UPH	45 UPH (MVR 1)
Min. Front Yard	9.00 m	3.00 m (MVR 2)
Min. Side Yard	7.50 m	6.00 m (MVR 3)
Min. Rear Yard	7.50 m	6.00 m (MVR 4)
Min. Separation Distance		
Between Exterior Walls with No Windows	3.00 m	2.40 m (MVR 6)
Between Exterior Walls with One of Which Has Windows	9.00 m	N/A
Between Exterior Walls which Both Have Windows	15.00 m	12.14 m (MVR 7)
Min. Floor Area	95 m <sup>2</sup>	95 m <sup>2</sup> +
Max. Height	10.70 m	10.70 m
Min. Landscaped Area	50%	53%
Min. Privacy Area	35 m <sup>2</sup>	31.08 m <sup>2</sup> (MVR 8)
Min. Amenity Area	5 m <sup>2</sup> /dwelling unit = 290 m <sup>2</sup>	0 m <sup>2</sup> (MVR 9)
Transformer Location	TBC	TBC
Parking Location		
Setback from Street Line	6.0 m	N/A
Setback from Easterly/R Zone	3.5 m	N/A
Parking Requirements	2 spaces/unit	2 spaces/unit
Visitor Parking	0.5 spaces/unit	0.38 spaces/unit (MVR 10)
Barrier Free Parking	3 spaces	1 space (MVR 11)
Parking Space Size		
Residential Parking Units	3.0 m x 6.0 m	3.0 m x 6.0 m
Visitor Parking Units	3.0 m x 6.0 m	3.0 m x 5.8 m (MVR 12)
Barrier Free Parking Units	3.9 m x 5.8 m	4.4 m x 5.8 m



LEGEND:

--- SUBJECT LANDS

▤ EXISTING BUILDINGS

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. MCKAY      CHECKED BY: S. MANCHIA  
DRAWN BY: L. DRENNAN      DATE: APRIL 27, 2020

**urbancore**  
DEVELOPMENTS

105 MAIN STREET EAST, SUITE 501  
HAMILTON, ON L8N 1G6  
905-540-4280 - urbancore.info

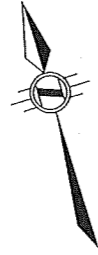
PROJECT:  
**SOUTH HAMPTON ESTATES  
PHASE 2  
CITY OF HAMILTON**

CLIENT:  
**1536708 ONTARIO INC.**

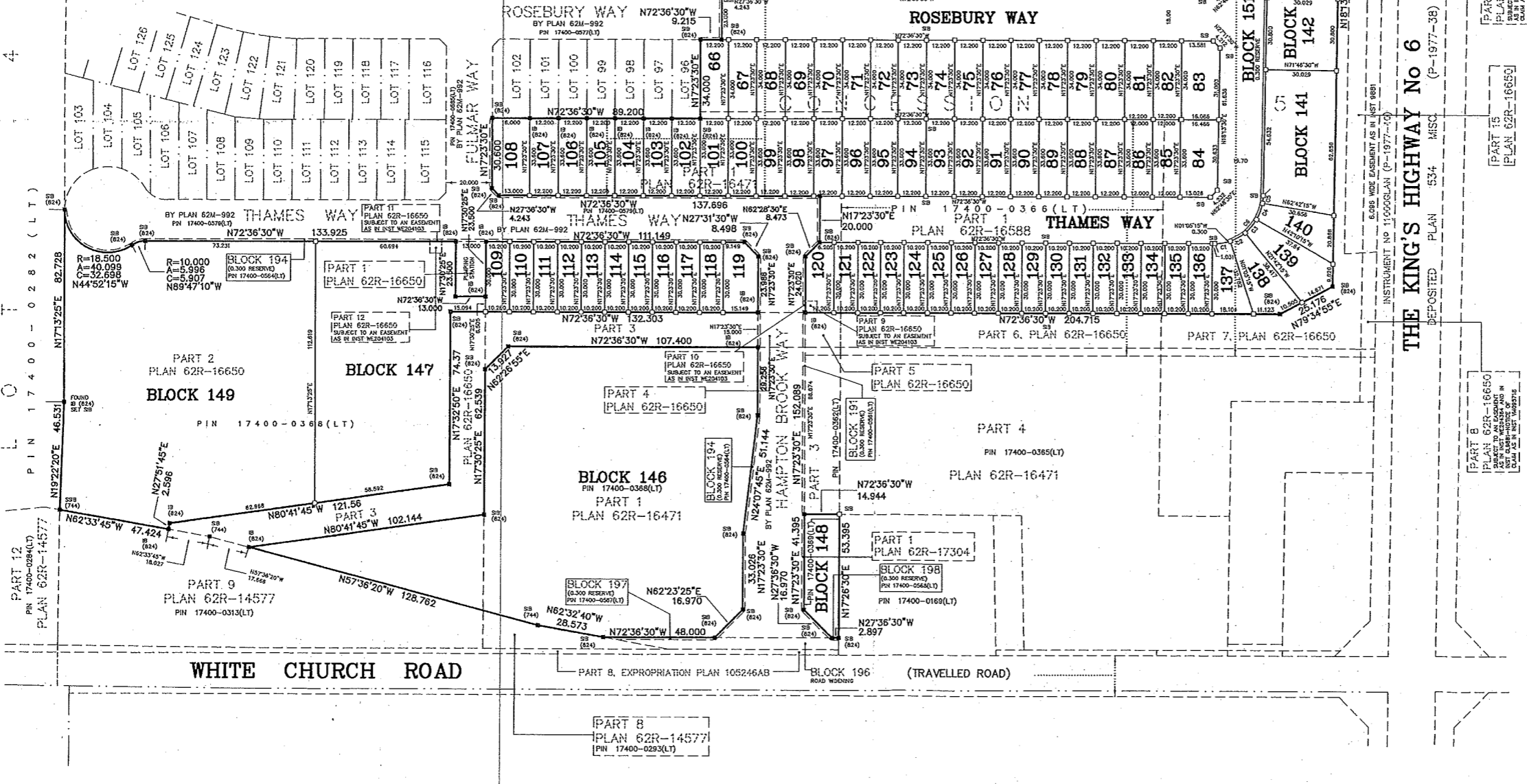
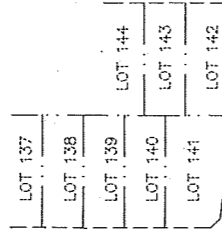
TITLE:  
**MINOR VARIANCE SKETCH**

U/S FILE NUMBER: 339-19      SHEET NUMBER: 1

# SOUTHAMPTON ESTATES PHASE 2



LOT	RADIUS	ARC	CHORD	BEARING
101	21.000	4.801	6.771	N81°31'10"W
102	21.000	7.561	7.511	N78°21'10"E
103	21.000	7.568	7.537	S75°44'30"E
104	21.000	7.568	7.517	N37°16'30"E
105	21.000	3.903	3.900	N27°30'0"E
106	20.700	23.511	23.927	N53°31'52"E



PART OF BLOCK 147 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO W204103  
 PART OF LOT 130 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO W204103

**PLAN 62M-1051**  
 I CERTIFY THAT THIS PLAN 62M-1051 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TILES DIVISION OF NEWBORTH AT 11:23:00 O'CLOCK ON THE 1ST DAY OF MARCH 2006 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIERS  
 PTOF 17400-0366 LT, 17400-0368 LT, 17400-0370 LT, 17400-0369 LT  
 4 ALL OF 17400-0366 LT  
 AND REQUIRED CONSENT ARE REGISTERED AS PLAN DOCUMENT No W2374907  
 "C. LANGRISH" LAND REGISTRAR

APPROVAL CERTIFICATE  
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW R95-041 OF THE FORMER REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
 THIS 21 DAY OF FEBRUARY, 2006

*[Signature]*  
 GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
 CITY OF HAMILTON

PLAN OF SUBDIVISION  
 OF PART OF  
**LOT 5**  
**CONCESSION 5**  
 GEOGRAPHIC  
**TOWNSHIP OF GLANFORD**  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1: 1000 METRIC  
  
**S.D. McLaren, O.L.S. - 2006**

**BEARING NOTE:**  
 BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE EASTERLY LIMIT OF PART 1, PLAN 62R-16650 SHOWN THEREON AS BEING N18°03'0"E

**OWNER'S CERTIFICATE:**

THIS IS TO CERTIFY THAT:  
 1. LOTS 1 TO 140, BOTH INCLUSIVE, BLOCKS 141 TO 150, INCLUSIVE, THE 0.300 RESERVE, HAMPTON BROOK WAY, ROSEBURY WAY AND THAMES WAY HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUCTIONS;  
 2. THE STREETS ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.

I MAKE THE AUTHORITY TO END THE CORPORATION  
 Feb 14/06  
 DATE  
*[Signature]*  
 ANTHONY DICENZO - PRESIDENT  
 1636708 ONTARIO INC.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYOR'S ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM;  
 2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF FEBRUARY, 2006

FEBRUARY 7, 2006  
 DATE  
*[Signature]*  
 S.D. McLaren, O.L.S.

NOTE  
 ALL SET BARS ARE 1/8" UNLESS OTHERWISE NOTED

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

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032  
 Open BIM Checked 00 Scale 1:1000 Dwg No. 30547



Hamilton

Planning and Economic Development Department  
Planning Division

**Committee of Adjustment**  
City Hall  
5<sup>th</sup> floor 71 Main Street West  
Hamilton, Ontario L8P 4Y5

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

20-106751

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

RECEIVED

MAY 15 2020

**FOR OFFICE USE ONLY.**

APPLICATION NO. GL/A 20:107 DATE APPLICATION RECEIVED COM OF ADJUSTMENT

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

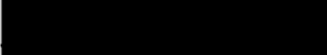



SECRETARY'S  
SIGNATURE \_\_\_\_\_

**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 1536708 Ontario Inc. Telephone No. 
2. 
3. 
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  
\_\_\_\_\_  
\_\_\_\_\_

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):

Registered Plan 62M-1051, Block 149, Reference Plan 62R-16650, Part 2  
205 Thames Way, Mount Hope  
\_\_\_\_\_

9. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other Temporary stormwater management pond

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 X Unknown \_\_\_\_\_

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

Consultation with Owner  
\_\_\_\_\_  
\_\_\_\_\_

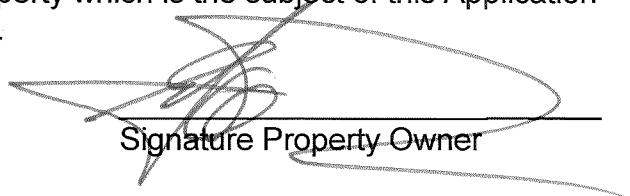
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes \_\_\_\_\_ No X

**ACKNOWLEDGEMENT CLAUSE**

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

May 7 2020  
Date

  
Signature Property Owner

\_\_\_\_\_  
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 108.65 m  
Depth +/- 112.62  
Area +/- 1.27 ha  
Width of street +/- 18.0 m

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

Existing: N/A  
\_\_\_\_\_  
\_\_\_\_\_

Proposed: The proposed development includes a total of 58 2 storey townhouse units, 2 parking spaces per unit will be provided as each townhouse unit has a driveway and a garage. In addition a total of 22 visitor parking spaces are proposed for the development. Please refer to Concept Plan for more details.

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

Existing: N/A  
\_\_\_\_\_  
\_\_\_\_\_

Proposed: Please refer to Minor Varaince Sketch  
\_\_\_\_\_  
\_\_\_\_\_







May 7, 2020

339-19

**Via Delivered**

Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 205 Thames Way, Glanbrook  
Minor Variance Application Request  
FC-19-116**

1536708 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands municipally known as 205 Thames Way in Mount Hope, City of Hamilton.

The subject lands are located on the South side of Thames Way between Highway 6 and Upper James Street. The lands are legally known as Block 149 of the Registered Plan of Subdivision 62M-1051. The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2c in the Mount Hope Secondary Plan. In addition to their land use designation the subject lands are located in the Residential Multiple, Modified, Holding (H-RM3-147) Zone in the Township of Glanbrook Zoning By-law No. 464.

The proposed development of the subject lands include 58 two (2) storey townhouse units each with a driveway and a garage, allowing for 2 spaces per unit with 1 barrier free parking spaces and 22 visitor parking spaces on the subject lands. The subject lands are currently occupied by a temporary stormwater management pond that will no longer be needed once the ultimate stormwater management pond is constructed as part of the Mountaingate Subdivision (25T-2007-23).

This Minor Variance application is intended to achieve relief from the Council Approved Township of Glanbrook Zoning By-law No. 464 with respect to the Residential Multiple, Modified, Holding (H-RM3-147), as follows:

- Variance No. 1: To increase the maximum density requirement from 35 units per hectare to 45 units per hectare.
- Variance No. 2: To decrease the minimum front yard setback from 9.0 metres to 3.0 metres.

- Variance No. 3: To decrease the minimum easterly and westerly side yard setback from 7.5 metres to 6.0 metres.
- Variance No. 4: To decrease the minimum rear yard setback from 7.5 metres to 6.0 metres.
- Variance No. 5: Notwithstanding, as per Site Plan Approval DA-12-192, the MTO setback is not applicable as the lands owned by the MTO do not form part of the right-of-way.
- Variance No. 6: To decrease the minimum separation distance between exterior walls with no windows from 3.0 metres to 2.40 metres
- Variance No. 7: To decrease the minimum separation distance between exterior walls which both have windows from 15.0 metres to 12.14 metres
- Variance No. 8: To decrease the required minimum privacy area per dwelling unit from 35 squared metres to 30 squared metres.
- Variance No. 9: To decrease the required minimum amenity area from 5 squared metres per dwelling unit to 0 square metres.
- Variance No. 10: To decrease the required visitor parking from 0.5 spaces per unit to 0.38 spaces per unit.
- Variance No. 11: To decrease the required barrier free parking spaces from 3 spaces to 1 space.
- Variance No. 12: To decrease the minimum parking space size for visitor parking spaces from 3.0 metres by 6.0 metres to 3.0 metres by 5.8 metres.

The requested variances have been identified by staff through a detailed Building Department Zoning Review and are required to bring forward the Site Plan application (as attached).

To assist in the evaluation of this application, please refer to the enclosed sketch.

Section 45(1) of the Planning Act, R.S.O, 1990, as amended, requires Minor Variances to satisfy the four tests. The above variances are technical in nature, are desirable and represent 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 Registered Plan of Subdivision (62M-1051);
- Two (2) copies of the Concept Plan;
- One (1) copy of the Zoning Review completed by the City of Hamilton; and,
- One (1) cheque in the amount of **\$3,302.00** payable to the City of Hamilton.

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

Regards,  
**UrbanCore**



Spencer McKay, CPT  
*Project Manager*

cc: Messrs. A. DiCenzo & S. Manchia, 1536708 Ontario Inc.  
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)