

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

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**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
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**APPLICATION NO.:** GL/A-20:92

**APPLICANTS:** Owner: 1804482 Ontario Ltd.  
Agent: Wellings Planning Consultants

**SUBJECT PROPERTY:** Municipal address **3311 Homestead Dr., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended by By-law 17-240

**ZONING:** C5, Exception 652, Holding 102; and, C6 and Exception 580 (Mixed Use Medium Density (C5) Zone and District Commercial (C6)) district

**PROPOSAL:** To permit the development consisting 26 Street Townhouse blocks (identified as Blocks A-Z), consisting of a total of 164 Street Townhouse dwellings, which front on a common element condominium road which is deemed a street for the purpose of applying the provisions of the Zoning By-law, notwithstanding,

1. The external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on conditionally approved site plan DA-19-099, shall be deemed to be the lot lines for the purpose of applying the provisions of the Zoning By-law instead of the property boundaries of the individual lots created by a Condominium Act or Planning Act application;
2. The regulations of the C5, Exception 652 Zone shall apply to the entire proposed Street Townhouse Development, as delineated on conditionally approved site plan DA-19-099, notwithstanding a portion of the lands are situated within the C6, Exception 580 Zone which does not permit the use of Street Townhouse Dwellings;
3. The proposed Street Townhouse Dwellings shall not be required to provide a minimum finished floor elevation of 0.9 metres above grade, whereas the Zoning By-law requires any dwelling unit to provide a minimum finished floor elevation of 0.9 metres above grade;
4. A minimum setback of 6.0 metres to a street line shall be provided for townhouse Blocks M, L, G, F, and A; a minimum setback of 1.8 metres to a street line shall be provided for townhouse Block Z; a minimum setback of 5.8 metres to a street line shall be provided for townhouse Block W; and, a minimum setback of 8.5 metres to a street line shall be provided for townhouse Block B, instead of the minimum required setback of 9.0 metres to a street line;

5. A minimum rear yard setback of 1.8 metres shall be provided for Block Z; a minimum rear yard setback of 9.0 metres shall be provided for Block Y; a minimum rear yard setback of 9.3 metres shall be provided for Block X; a minimum rear yard of 5.8 metres shall be provided for Block W; and, a minimum rear yard setback of 8.5 metres shall be provided for Block B, instead of the minimum required rear yard setback of 10.7 metres;
6. A maximum building height of 11.9 metres shall be provided for Blocks C, F, G, H, J, K, L, M, and Q; and, a maximum building height of 12.4 metres shall be permitted for Blocks D, E, I, N, O, P, R, S, T, U, and V, instead of the maximum permitted building height of 10.7 metres;
7. Visitor parking and aisles shall be permitted to be located between a building façade and the flankage (Upper James Street) lot line, whereas the Zoning By-law does not permit parking or aisles to be located between a building façade and a front or flankage lot line;
8. The proposed Street Townhouse Dwellings shall not be required to provide a minimum of one principal entrance within the ground floor façade of a building which is closest to a street line which provides access from a public sidewalk, whereas the Zoning By-law requires a minimum of one principal entrance within the ground floor façade that is setback back closest to the street line which provides direct access from the public side walk;
9. Driveways located at the intersection of the common element condominium road which provide access to a parking space contained within an attached garage shall be permitted to be less than 5.8 metres from the common element condominium road instead of being located a minimum of 5.8 metres from the common element condominium road;
10. Visitor parking spaces shall be permitted to be located within the minimum required 10.7 metres rear (flankage) yard, whereas the Zoning By-law does not permit parking to be located in a required flankage yard;
11. A maximum lot coverage of 29.9% shall be permitted, instead of the maximum permitted lot coverage of 25%; and,
12. A minimum interior side yard of 3.0 metres shall be permitted for Block S and a minimum interior side yard of 4.4 metres shall be provided for Block M, instead of providing the minimum required interior side yard setback of 7.5 metres to a lot abutting containing a residential use.

## NOTES:

1. A building permit is required for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are necessary to facilitate site plan application DA-19-099.
3. The applicant shall ensure the maximum requested building height has been provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.
4. This is a through lot; at the option of the owner, the front lot line has been deemed to be the lot line abutting Homestead Drive. As such, the lot line abutting Upper James Street is deemed to be the rear lot line, as well as a flankage lot line. All other lot lines are deemed to be side lot lines.
5. Pursuant to Section 4.3 b) of the Zoning By-law, where a building is developed abutting a driveway a common element as part of a condominium registered under the Condominium Act such driveway shall be deemed to be a street for the purpose of applying the provisions of the Zoning By-law.

6. Please be advised; at the request of Development Planning, no buildings or structures are permitted to be erected north of the Noise Exposure Forecast Contour line of 30, identified as “NEF-30” as shown on conditionally approved site plan DA-19-099.

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

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**DATE:** Thursday, July 23rd, 2020  
**TIME:** 1:50 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**

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#### **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 7<sup>th</sup>, 2020.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



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

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

**FOR OFFICE USE ONLY.**

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

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 1804482 Ontario Ltd. (Sonoma Homes)

2.

3. Name of Agent Wellings Planning Consultants Inc.

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:

Meridian Credit Union

75 Corporate Park Drive, St. Catharines, ON Postal Code L2S 3W3

\_\_\_\_\_  
Postal Code \_\_\_\_\_

6. Nature and extent of relief applied for:

See attached list of variances.

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

By-law standards not conducive for a condominium development and poorly drafted.

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

Lot 6, Concession 5 (Glanford)

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☒ Vacant ☐

Other

- 9.1 If Industrial or Commercial, specify use

N/A

- 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 ☐

**Minor Variances - 1804482 Ontario Limited (Sonoma Homes)**

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.
- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

- 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?

Record of Site Condition filed July 30, 2019.

- 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.

March 17, 2020

Date

  
Signature Property Owner

1804482 Ontario Ltd. (Sonoma Homes)  
Print Name of Owner

10. Dimensions of lands affected:

Frontage Approx 274 metres (Homestead Drive)  
Depth Approx 86 metres (irregular)  
Area Approx 4.7 hectares  
Width of street TBD

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: Existing dwellings to be demolished.

Proposed: 2 and 3 storey townhouses - see site plan enclosed.

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

Existing: Existing dwellings to be demolished.

Proposed: 2 and 3 storey townhouses - see site plan enclosed.

13. Date of acquisition of subject lands:  
April 3, 2018
14. Date of construction of all buildings and structures on subject lands:  
N/A
15. Existing uses of the subject property: Existing dwellings to be demolished.
16. Existing uses of abutting properties: Residential and Commercial
17. Length of time the existing uses of the subject property have continued:  
Approximately 40-50 years.
18. Municipal services available: (check the appropriate space or spaces)  
Water X Connected \_\_\_\_\_  
Sanitary Sewer X Connected \_\_\_\_\_  
Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
UHOP - Mount Hope Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning By-law 05-200
21. Has the owner previously applied for relief in respect of the subject property?  
Yes ☐ No ☒  
If the answer is yes, describe briefly.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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.



**Minor Variances - 1804482 Ontario Limited (Sonoma Homes)**

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.
- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

June 5, 2020

**Sent by E-Mail**

Ms. Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Sheffield:

**Re: Minor Variance Application  
1804482 Ontario Limited (Sonoma Homes)  
3311 Homestead Drive  
City of Hamilton  
Our File No.: 2017/35  
City Site Plan File No.: DA-19-099**

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Further to our March 18, 2020 submission of the above-noted Minor Variance Application, we have had subsequent discussions with City Planning staff with respect to the height variance being requested. Based on concerns raised by City Planning staff regarding a blanket permission building height of 12.4 metres for the 3 storey townhouses, our client has agreed to address height increases on a block by block basis. As such, we would ask that the height variance outlined in our original cover letter be replaced with the following variances:

**Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 11.9 metres for Blocks C, F, G, H, J, K, L, M, and Q shall be permitted for the three storey townhouses.**

**Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres for Blocks D, E, I, N, O, P, R, S, T, U, and V shall be permitted for the three storey townhouses.**

If you require anything further, please do not hesitate to call.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**



Glenn J. Wellings, MCIP, RPP

Copy: James Van Rooi – City of Hamilton  
Michael Chiaravalle - 1804482 Ontario Limited (Sonoma Homes)

March 18, 2020

**Sent by Courier**

Ms. Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Sheffield:

**Re: Minor Variance Application  
1804482 Ontario Limited (Sonoma Homes)  
3311 Homestead Drive  
City of Hamilton  
Our File No.: 2017/35  
City Site Plan File No.: DA-19-099**

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On behalf of 1804482 Ontario Limited (Sonoma Homes), please find enclosed a minor variance application for the subject lands located at 3311 Homestead Drive. The subject lands are located south of Airport Road, east of Homestead Drive, and west of Upper James Street in the community of Mount Hope.

The purpose of the application is to obtain minor variances necessary to facilitate the development of a 164 unit townhouse proposal consisting of two (2) and three (3) storey townhouse units. The proposed development has been subject to significant review by City staff through a related Site Plan Application process (City File No.: DA-19-099).

### **Minor Variances Requested**

Based on our review of the City zoning comments and various follow-up discussions with City Planning and Zoning staff, the following minor variances are being requested:

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street

Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.

- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

### **Planning Comments/Opinion**

The above noted minor variances are the result of a comprehensive review of the related Site Plan Application (DA-19-099). Street townhouses are permitted as of right on the vast majority of the subject lands under the C5, Exception 652 Zone. The zoning review unfortunately exposed some serious deficiencies in the drafting of the current Zoning By-law provisions. For example, the boundary between the C5, Exception 652 Zone and C6, Exception 580 Zone is inconsistent with the NEF 30 contour line. The intent of the planning documents is to prohibit sensitive land uses beyond the NEF 30 contour line as illustrated on the enclosed site plan. Unfortunately, the drafting of the City planning documents does not properly reflect the NEF 30 contour line. In addition, the zone



provisions do not account for development under a common element condominium form of tenure which is common for townhouses. The purpose of minor variances a. and b. is essentially to recognize the NEF 30 contour line and provide for the proposed street townhouse to develop as part of a common element plan of condominium.

A review of each proposed minor variance is shown in **bold**:

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.

**The intent of both the Official Plan and Zoning By-law is to prohibit sensitive land uses beyond the NEF 30 contour line. As noted above, the planning documents and in particular the boundary between the C5, Exception 652 and C6, Exception 580 Zone, despite the intent, does not accurately reflect the NEF 30 contour line. The above variance recognizes this zoning deficiency.**

- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.

**The above variance is technical in nature and related to tenure rather than land use. The variance enables the proposed townhouse development to develop as part of a common element plan of condominium.**

- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.

**The rationale behind the 0.9 metre requirement is unclear. According to City Planning staff, the intent of the 0.9 metre is to apply to at grade dwelling units forming part of a mixed-use development with active pedestrian flow. The proposed development is not mixed-use in nature and thus the requested variance would not undermine the intent and purpose of the Zoning By-law.**

- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.

The rationale for a 10.7 metre setback from a streetline, following the taking of significant road widening, makes little planning sense in an area that is anticipated to redevelop. A 6 metre setback from a street line is a reasonable and acceptable setback from a streetline especially in a case such as this where extensive road widenings have been requested along Homestead Drive and Upper James Street. Sonoma Homes should not be penalized for these road widening dedications. A 6 metre setback provides sufficient separation for landscape and/or amenity for the townhouses. The 6 metre setback along the Homestead Drive frontage provides an enhanced street presence with an area of significant buffer and landscape treatment without the inclusion of front yard driveways. Instead, the driveways will be situated to the rear of these units.

- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.

A 9.3 metre setback provides sufficient separation for Blocks X and Y to the ultimate Upper James Street road allowance. This separation includes an internal roadway (Road H) as required by City Waste Management staff to allow for the continuous forward movement of its vehicles. Further, it is anticipated that acoustical fencing will be installed along Upper James Street. The total setback from the existing Upper James Street road allowance is 16.5 metres (i.e. 7.2 metres of road widening plus 9.3 metre setback).

- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.

It is important to note that the 1.8 metre setback proposed in this instance is for the side yard of a proposed townhouse unit within Block Z. The 1.8 metre measurement is the closest point to the future road allowance of Upper James Street (i.e. after the City takes a 7.2 metre road widening). Due to the irregular lot configuration/property angle, the 1.8 metres is measured to the front of the unit and increases to 4.3 metres at the rear of the unit. The average setback would exceed 3.0 metres. With the rear yard amenity, this unit will actually have more greenspace than all other units within Block Z. In addition, a 1.8 metre side yard is acceptable in most municipalities for a townhouse unit. Interestingly, when fencing is installed along the Upper James Street road allowance, this side yard will not be visible to passersby nor result in an adverse impact. This particular townhouse unit will not have exterior side yard windows.

- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.

**In order to facilitate three (3) storey townhouses with a pitched roof, a modest increase to the building height is requested to a maximum of 12.4 metres. The two (2) storey townhouses will not exceed the 10.7 metre maximum building height. The definition of "building height" in the Zoning By-law is measured to the highest point of the roof. In order to provide a peak roof design, as opposed to a less desirable/attractive flat roof design, a variance of 1.7 metres is being requested. In my opinion, this is an appropriate request and minor in nature and will provide a more attractive townhouse design. It is further noted that a recent townhouse development in Mount Hope was permitted to develop at a height of 14 metres with the support of City staff. Further, the surrounding lands presently zoned C6, Exception 580, including a portion of the subject lands, permits a maximum building height of 14 metres.**

- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.

**A 3.0 metre interior side yard setback abutting existing residential properties is appropriate and provides adequate opportunity for landscape screening and fencing. Sonoma Homes will be required to provide wood privacy fencing adjacent to these properties. In addition, these properties are expected to redevelop in the future therefore appropriate road connections have been provided through this development.**

- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.

**This variance is technical in nature and based on a review of the current townhouse design.**

- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

**This variance is similarly technical in nature. A 5.0 metre setback provides for an appropriate separation for the corner units at an intersection. The variance is also necessary to achieve the requirements of City Waste Management for a 13 metre centreline radius at all intersections for municipal waste pick-up.**

It is my opinion that the minor variances requested satisfy the four (4) tests as set out by Section 45(1) of the *Planning Act*. The proposed variances will facilitate a townhouse development that provides for an appropriate and compatible built form in proximity to existing ground related residences. The variances requested satisfy the intent and purpose of the UHOP and Mount Hope Secondary Plan as well as the implementing Zoning By-law, are minor in nature, and appropriate and desirable for the use and development of the subject lands. There will be no adverse impact on the surrounding community arising from the minor variances being requested.


### **Supporting Materials**

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

1. One (1) original plus one (1) copy of the completed application form;
2. One (1) cheque payable to the City of Hamilton in the amount of \$3,302.00 for the standard application fee;
3. Five (5) copies of the Site Plan drawing at 24" x 36" prepared by dpai Architecture dated March 17, 2020. I have also included five (5) reduced prints at 11" x 17"; and,
4. One (1) USB of all submission materials.

Please contact me should you have any questions or require any additional information. Otherwise, we would request that you schedule this matter for the next available Committee of Adjustment meeting. Thank you.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**



Glenn J. Wellings, MCIP, RPP

Copy: James Van Rooi/Robyn Reid – City of Hamilton  
Michael Chiaravalle - 1804482 Ontario Limited (Sonoma Homes)  
Sandy McIntosh, dpai



3311 HOMESTEAD DRIVE

File: DA-19-099  
Folder: 19-127846-00 DA

Total Lot Area 46,994 m<sup>2</sup>  
Total Building Area 12,866 m<sup>2</sup> (27.4% of lot)  
Total Landscaped Area 16,122 m<sup>2</sup> (34.3% of lot)

AIRPORT ROAD

UPPER JAMES STREET

390.0m FRONTAGE ALONG UPPER JAMES STREET (HWY #6)

AMENITY  
LANDSCAPED AREA - 717 m<sup>2</sup>

Legend:

- CONCRETE WALK TYPICAL
- TYPICAL ASPHALT PAVED DRIVEWAY 3.0m W. x 5.8m L. MIN.
- TYPICAL GARAGE PARKING SPACE 3.0m W. x 5.8m L. MIN.
- BUILDING FOOTPRINT
- TYPICAL TRANSFORMER

TYPICAL PROPOSED PARKING SPACE  
3.0 x 5.8m MINIMUM

STORM  
WATER POND  
AREA  
(0.2ha)

HOMESTEAD DRIVE

164 residential units  
67visitor parking spaces (Includes 5 BF)

Seals

Key Plan

Drawings are not to be scaled.

Contractor must verify all dimensions on the job and report any discrepancy to architects before proceeding with the work.

All drawings and specifications are the property of the architect and must be returned at the completion of the work.

This drawing is not to be used for construction until countersigned. Date:

Mount Hope Development

06	REVISED SITE PLAN	2020-03-17
05	REVISED SITE PLAN	2020-03-04
04	REVISED SITE PLAN	2019-12-10
03	ISSUED FOR REVIEW	2019-07-23
02	SITE SIGN PERMIT	2019-05-02
01	SITE PLAN APPLICATION	2019-04-30

No. Issues/Revisions Date

Drawing Title:

SITE PLAN

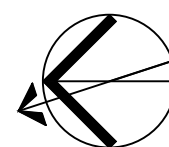
3311 Homestead Drive

Issue Date: 2020-03-17

Drawn by: SM Checked by: MC/DP

Project No.: 11844 Scale: 1:600

Drawing No.:



A02.00