

## **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.:** HM/A-20:96

**APPLICANTS:** Owner: Butty Property Management  
Agent: Paul Mariutti

**SUBJECT PROPERTY:** Municipal address **75 Woodman Dr. S., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** DE (Low Density Multiple Dwellings)district

**PROPOSAL:** To permit the conveyance of land in accordance with land severance application HM/B-19:99 notwithstanding that:

Lands to be Conveyed:

1. 55 parking spaces shall be provided instead of the minimum required 63 parking spaces.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the east (retained lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the easterly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the easterly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Conveyed:

- i. The lands to be conveyed through land severance application HM/B-19:99 include the existing buildings known as 69 and 75 Woodman Drive South and 20, 22 and 26 Glen Echo Drive.

- ii. At least 13 of the provided 55 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

Lands to be Retained:

1. A minimum rear yard depth (west) of 5.5m shall be provided instead of the minimum required rear yard depth of 7.5m.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the west (conveyed lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the westerly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the westerly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Retained:

- i. The lands to be retained through land severance application HM/B-19:99 include the existing buildings known as 10 Glen Echo Drive and 42 Nash Road South.
- ii. At least 16 of the provided 87 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

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

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**DATE:** Thursday, July 23rd, 2020  
**TIME:** 2:30 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**

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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.***



20-160978



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

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

RECEIVED

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20: 96</u>	DATE APPLICATION RECEIVED <u>APR 15 2002</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 Butty Property Management Inc

2.

3. Name of Agent Paul Mariutti

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:

TD Bank

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

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



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?

Personal knowledge of history of the property since ownership

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.

April 9th 2020  
Date

  
Signature Property Owner

Julius Butty  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 55.86m 42 Nash Road 62.62m 75 Woodman Drive South  
Depth 131.04 42 Nash Road 53.67m 75 Woodman Drive South  
Area 7153.5sqm 42 Nash Road 9736.9sqm 75 Woodman Drive South  
Width of street 15.0m Nash Road 8.5m Woodman Drive South

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: 42 Nash 2 Bldgs ground floor area 2,736.5m<sup>2</sup>, Total area 5472.9m<sup>2</sup>, 3 storeys  
15.28mx48.48m height 8.8m, 15.25m x 71.05m, height 8.65m

75 Woodman ground floor area 2600.5m<sup>2</sup>, total area 5201m<sup>2</sup>, 2 stories widths 16.29m x32.m, 16.25mx31.99m  
16.2mx31.93m, 16.35mx31.95m, 16.25mx31.95m, Heights 6.31m, 6.35m, 6.36m, 6.44m, 6.52m

Proposed: No Changes proposed

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

Existing: See attached Schedule

Proposed: No Changes proposed

13. Date of acquisition of subject lands:  
June 2012
14. Date of construction of all buildings and structures on subject lands:  
early 1960's
15. Existing uses of the subject property: Multi Unit Residential
16. Existing uses of abutting properties: Residential and Commercial
17. Length of time the existing uses of the subject property have continued:  
50+years
18. Municipal services available: (check the appropriate space or spaces)  
Water ☒ Connected ☒  
Sanitary Sewer ☒ Connected ☒  
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Medium Density Residential
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
DE
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.



**CITY OF HAMILTON ZONING BY-LAW 6593  
ZONING REGULATION – DE**

ZONE	REQUIRED	SEVERED	RETAINED
LOT WIDTH	27.0 m (min)	62.62 m	54.86 m
LOT AREA	140 sq.m. (min)	9736.9 sq.m.	7153.5 sq.m.
FRONT YARD	6.0 m (min)	26.62m #69 WOODMAN DRIVE SOUTH 5.64 m #75 WOODMAN DRIVE SOUTH 18.13 m #20 GLEN ECHO DRIVE 5.96 m #26 GLEN ECHO DRIVE	6.45 m #42 NASH ROAD 6.64 m #10 GLEN ECHO DRIVE
REAR YARD	7.5 m (min)	7.03 m #69 WOODMAN DRIVE SOUTH 7.56 m #20 GLEN ECHO DRIVE 7.54 m #22 GLEN ECHO DRIVE	32.93 m #10 GLEN ECHO DRIVE
SIDE YARD	3.0 m (min)	4.61 m #69 WOODMAN DRIVE SOUTH 7.51 m #75 WOODMAN DRIVE SOUTH 15.33m #20 GLEN ECHO DRIVE 6.90 m #26 GLEN ECHO DRIVE	3.12 m #42 NASH ROAD 5.55 m #10 GLEN ECHO DRIVE
BUILDING AREA		5201sq.m (EXISTING STRUCTURES)	5273sq.m. (EXISTING STRUCTURES)
			47.1 (EXISTING ACCESSORY)
			1883.1 sq.m. (TOTAL AREA)
LOT COVERAGE		26.8%	26.3%
BUILDING HEIGHT	3 STOREY & 11.0 m (max)	AS NOTED	AS NOTED
LANDSCAPED AREA	1/4 OF LOT AREA	4864.2 sq.m.	2914.4 sq.m.
PARKING SPACES		55	87



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Building Division  
71 Main Street West  
Hamilton, Ontario, Canada, L8P 4Y5  
Phone: 905.546.2720 Fax: 905.546.2764  
[www.hamilton.ca](http://www.hamilton.ca)

Committee of Adjustment  
Clearance of Building Division Conditions  
Building Division Staff Review Sheet

February 19, 2019

FILE: HM/B-19:99  
FOLDER: 20-149376 ALR  
ATTENTION OF: Matthew Stavroff  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 5716

JOHN MACNAMARA  
9 WESTVIEW CRES.  
WATERDOWN, ON L8B 0E4

Re: **Zoning District:** 'DE' District  
**File Number:** HM/B-19:99  
**Address:** 75 Woodman Drive South, Hamilton

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The following comments are provided respecting the Building Division conditions for the above noted application:

**COMMENTS:**

Based on the submitted survey, it appears that a number of zoning requirements have not been complied with including the following;

- a. A minimum of 63 parking spaces are required on the lands to be retained (13 of which shall be reserved as visitor parking) whereas a total of only 55 parking spaces are provided.
- b. 16 of the 87 parking spaces on the lands to be conveyed shall be dedicated and reserved as visitor parking.
- c. Every parking space is required to be at least 2.7m in width and 6.0m in length. The parking spaces appear to be smaller than required.
- d. The extent of the parking area on both the lands to be retained and the lands to be conveyed are required to be at least 1.5m from the newly created lot line. This distance has not been indicated. Furthermore, a 1.5m wide planting strip is required to be provided within this area on both properties.
- e. A visual barrier (i.e fence) is required to be provided along the newly created lot line.