



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 Fax (905) 546-4202  
E-mail: [morgan.evans@hamilton.ca](mailto:morgan.evans@hamilton.ca) or [scott.baldry@hamilton.ca](mailto:scott.baldry@hamilton.ca)

# **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
- 

**APPLICATION NO.:** HM/A-19:427

**APPLICANTS:** Owner: Ali Alaichi  
Agent: Michael Barton

**SUBJECT PROPERTY:** Municipal address **741 Rymal Rd. E., Hamilton**

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

**ZONING:** C2 Exception 330 district (Neighbourhood Commercial)

**PROPOSAL:** To permit the construction of a three (3) storey mixed use building consisting of 450 square metres of gross floor area for offices and consisting of twelve (12) residential units on the second and third floors, notwithstanding that:

1. The maximum building height shall be 11.4m and three (3) storeys instead of the required maximum building height of 11.0 metres and two (2) storeys.
2. The residential density shall be based on one dwelling unit for each 152m<sup>2</sup> of lot area instead of one dwelling unit for each 180.0m<sup>2</sup> of lot area.
3. The gross floor area (GFA) for residential units shall be 1,474m<sup>2</sup> instead of 445.56 square metres.
4. Vehicular access shall be permitted to and from Eva Street, whereas Exception 330, applicable to the zoning for the subject property states that "No vehicular ingress or egress shall be permitted from the subject lands onto Eva Street or Eaglewood Drive."

Zoning By-law 05-200 As Amended by By-law 17-240 – Currently Under Appeal

5. A minimum of 18 parking spaces shall be provided for the mixed use building instead of the required 26 parking spaces.

**NOTES:**

1. The variances shown as 1-4 have been written as requested by the applicant. The lands are subject to Site Plan Approval. To date, the applicant has submitted a Formal Consultation (FC-19-112) to permit a five (5) storey mixed use building consisting of ground floor commercial and 32 residential units above the ground floor and for which comments have been provided. A modified mixed use proposal was prepared based on the Formal Consultation which is the subject of this Minor Variance application. A formal Site Plan application for the modified proposal however has not been submitted. Accordingly, further variances will be required if the proposal does not comply with the Zoning By-law.

2. With respect to Variance # 3, Exception 330 which applies to the zoning for the subject property, requires that the gross floor area for residential uses and commercial uses shall be equivalent to one another, whereas the proposed residential gross floor area would be 3.3 times greater rather than for the commercial gross floor area.
3. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from the H/S-1619 District under Zoning By-law 6593 to the C2, Exception 330 Zone under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning and/or Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.
4. With respect to Note #3 above, please note that Variance #5 was added to address parking requirements which are under appeal because the more restrictive parking requirements for By-law 05-200 were provided prior to Zoning By-law 17-240 and the creation of the Commercial Mixed Use Zones. Accordingly, the more restrictive parking for residential units prior to the passing of Amending By-law 17-240 and which is currently in effect is based on 1 parking space per unit and the more restrictive parking requirement for offices is based on 1 parking space for every 30 square metres of gross floor area.

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

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**DATE:** Thursday, August 27th, 2020  
**TIME:** 3:30 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: August 11th, 2020.

A handwritten signature in black ink, appearing to read 'Jamila Sheffield', written over a horizontal line.

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.***

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THE  
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RETURNED UPON COMPLETION OF THE PROJECT.

REVISIONS

#	DATE	REMARKS
02	2019 11 04	ISSUED FOR RE-ZONING APPLICATION
01	2019 08 21	ISSUED FOR PRE - CONSULTATION

ARCHITECT



#59 5100 South Service Rd, Burlington  
www.limaarchitectinc.com  
E: info@limaarchitectinc.com  
T: 289-337-8887

SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

COVERSHEET

DRAWN BY

DI

SCALE

DATE

NOVEMBER 2019

CHECKED BY

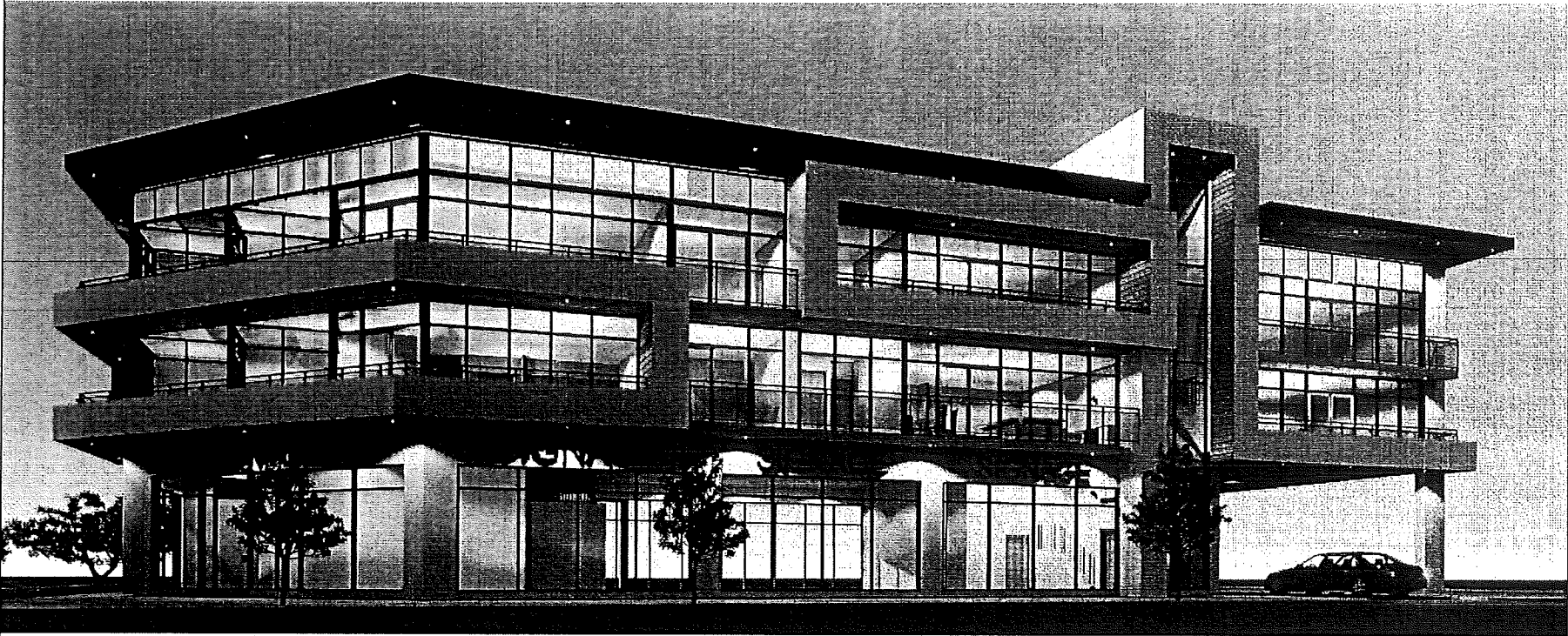
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PROJECT NUMBER

19-340

DRAWING NUMBER

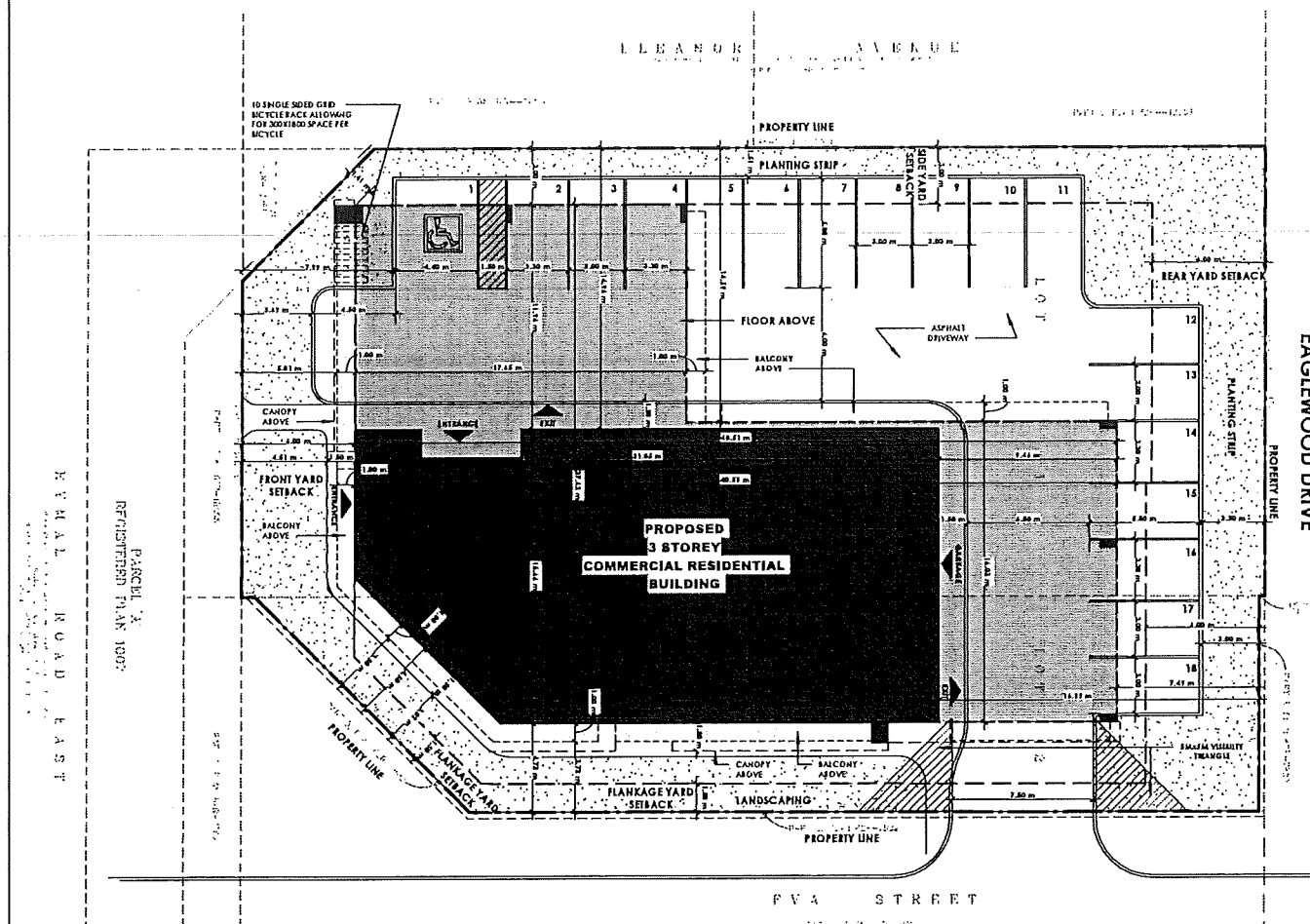
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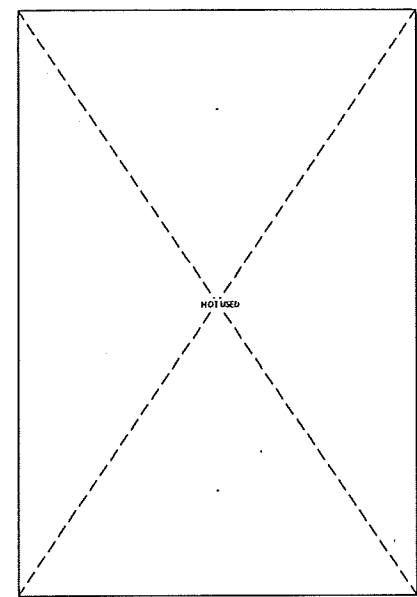
MIXED USE DEVELOPMENT


741 RYMAL ROAD EAST, HAMILTON, ON  
PROJECT NO. 19-340





MAX. LOT AREA (M2)	5000	1822.78
LOT FRONTAGE (M)		16.85
MAX. HEIGHT (M)	11	11.35 *
GROSS FLOOR AREA (M <sup>2</sup> ):		
GROUND FLOOR *		448.2
11COMP FLOOR *		736.85
THIR FLOOR *		736.85
TOTAL *		1921.9
LOT COVERAGE		
AREA OF BUILDING 773.93 M2		
AREA OF BALCONY/TERACE AND CANOPIES 141.39 M2		
TOTAL LOT COVERAGE 915.31 M2		
LOT AREA 1822.78 M2		
LOT COVERAGE PERCENTAGE 51.29%		51.29%
MIN. FRONT YARD SETBACK (M)	6 M	6 M
MIN. STREET YARD (M)	1.5 M	4.5 M
MIN. INTERIOR SIDE YARD (M)	3 M	3 M
MIN. REAR YARD (M)	6 M	7.49 M
MAXIMUM GROSS FLOOR AREA FOR AN INDIVIDUAL OFFICE	500 M <sup>2</sup> PER UNIT	317.28 M <sup>2</sup>
MAX GFA FOR COMMERCIAL USES ON A LOT	2,000 M <sup>2</sup>	317.28 M <sup>2</sup>
MAXIMUM GROSS FLOOR AREA FOR DWELLING UNITS	455 M2	1473.7 M2
MAX. NUMBER OF UNITS - RESIDENTIAL		
ONE DWELLING UNIT FOR EACH 100 SQM OF AREA OF THE LOT PROVIDED THAT THE BUILDING DOES NOT EXCEED 3 STOREYS IN HEIGHT	10 (BOT AREA / 100M)	12 *
NUMBER OF UNITS - COMMERCIAL		1
# OF PARKING SPACES RES. 1:14 UNITS, MAX. 0.2 / UNIT = 8.4 TOTAL = 9 PARKING SPACES MIN.	9	18
# OF PARKING SPACES COM. OFFICE 0 VEHICLES ARE B LIES THAN 1000 SQUARE METERS IN GROSS FLOOR AREA	0	0
TOTAL # OF PARKING SPACES	9	18
* VARIANCE REQUIRED		



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REVISIONS		
#	DATE	REMARKS
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01	2019 08 21	ISSUED FOR PRE - CONSULTATION
ARCHITECT		
		
#55 5100 South Service Rd, Burlington www.limaarchitectsinc.com E:info@limaarchitectsinc.com T: 289-337-8887		
SEALS		
PROJECT TITLE		
MIXED USE DEVELOPMENT		
741 RYMAL ROAD EAST, HAMILTON, ON		
DRAWING TITLE		
SITE PLAN		
DRAWN BY		
DI/RA		
SCALE		
As indicated		
DATE		
NOVEMBER 2019		
CHECKED BY		
FL		
PROJECT NUMBER		
19-340		
DRAWING NUMBER		
A-1.0		

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01	2019 08 21	ISSUED FOR PRE - CONSULTATION

ARCHITECT

**LIMA**  
ARCHITECTS INC

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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

SOUTH & EAST ELEVATION

DRAWN BY

DI/RA

SCALE

As indicated

DATE

NOVEMBER 2019

CHECKED BY

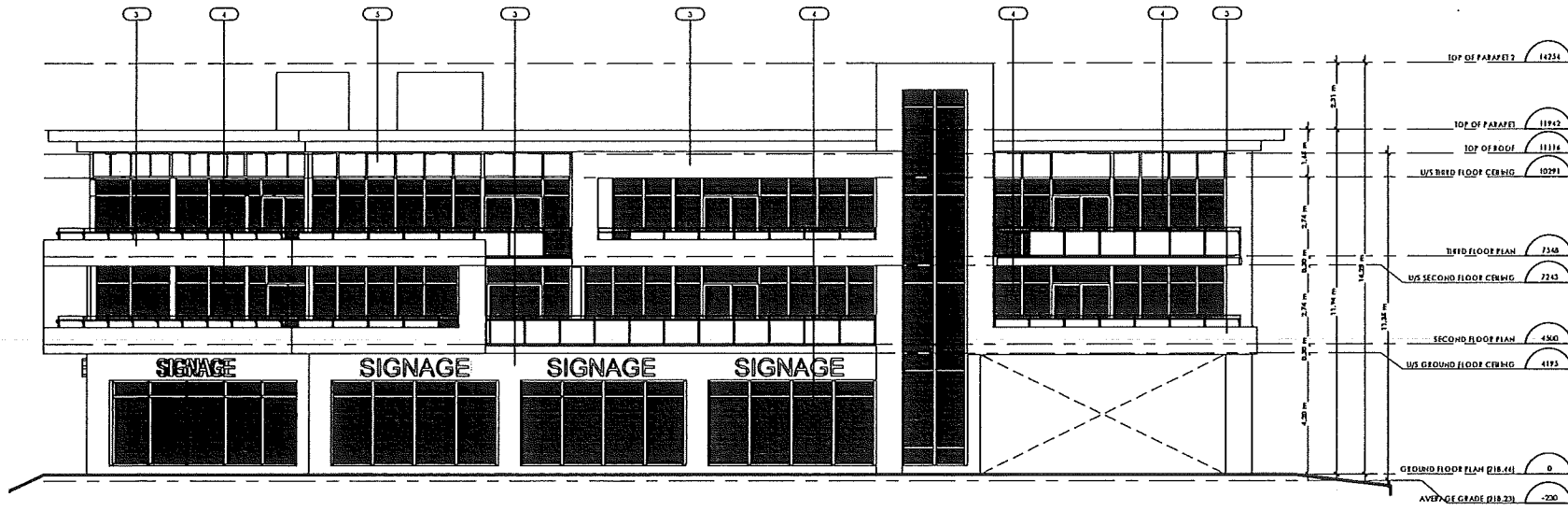
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PROJECT NUMBER

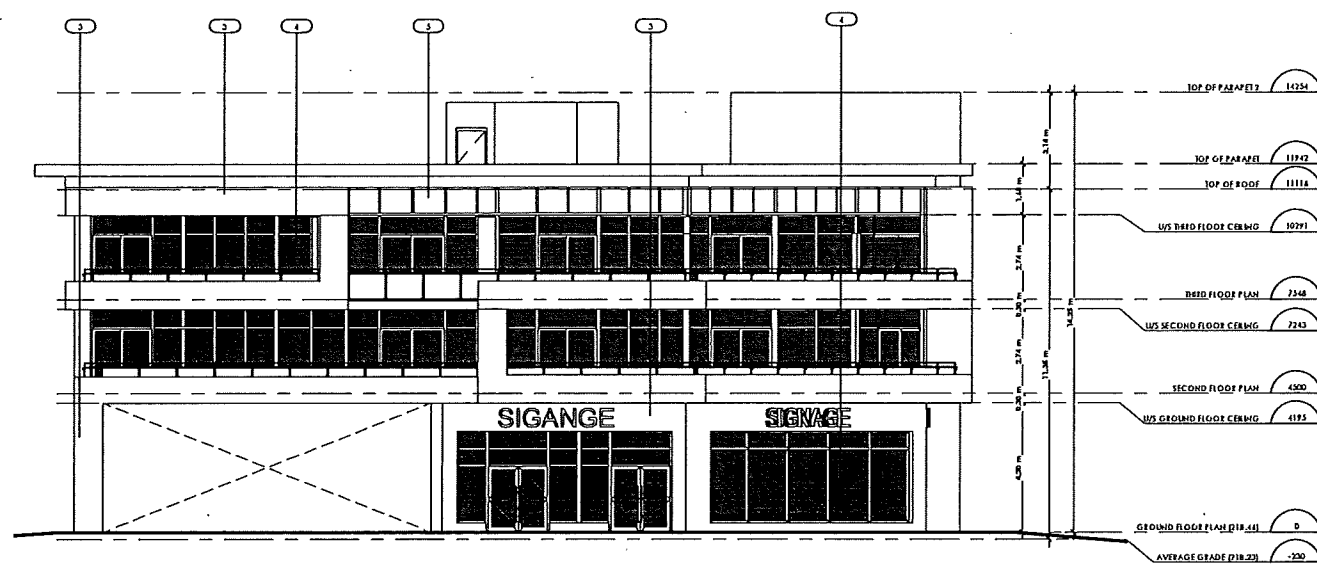
19-340

DRAWING NUMBER

A-5.1

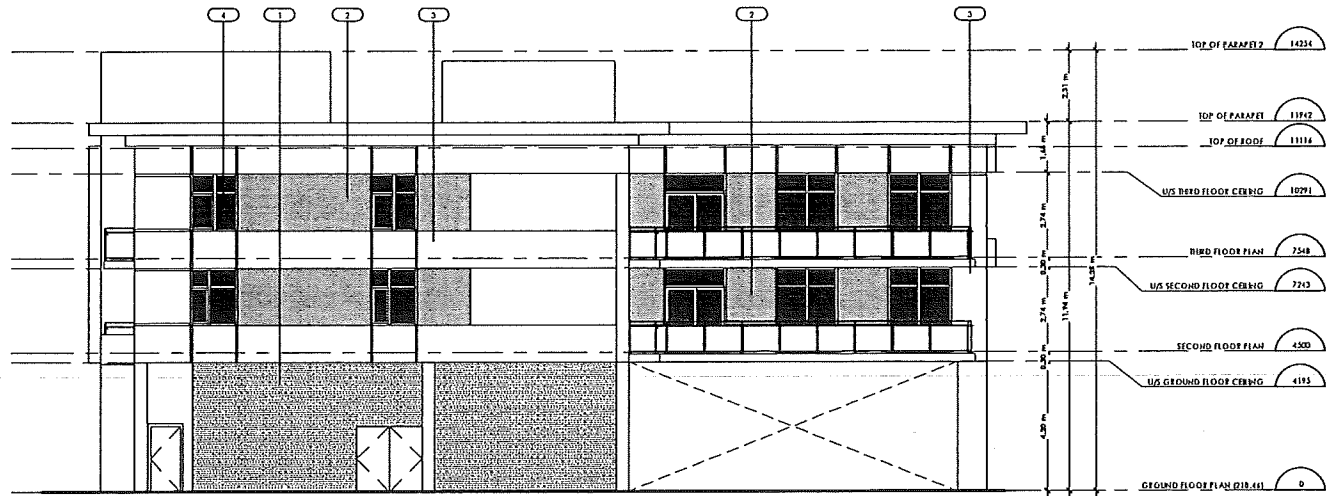


1 EAST ELEVATION  
A-5.1 1:125

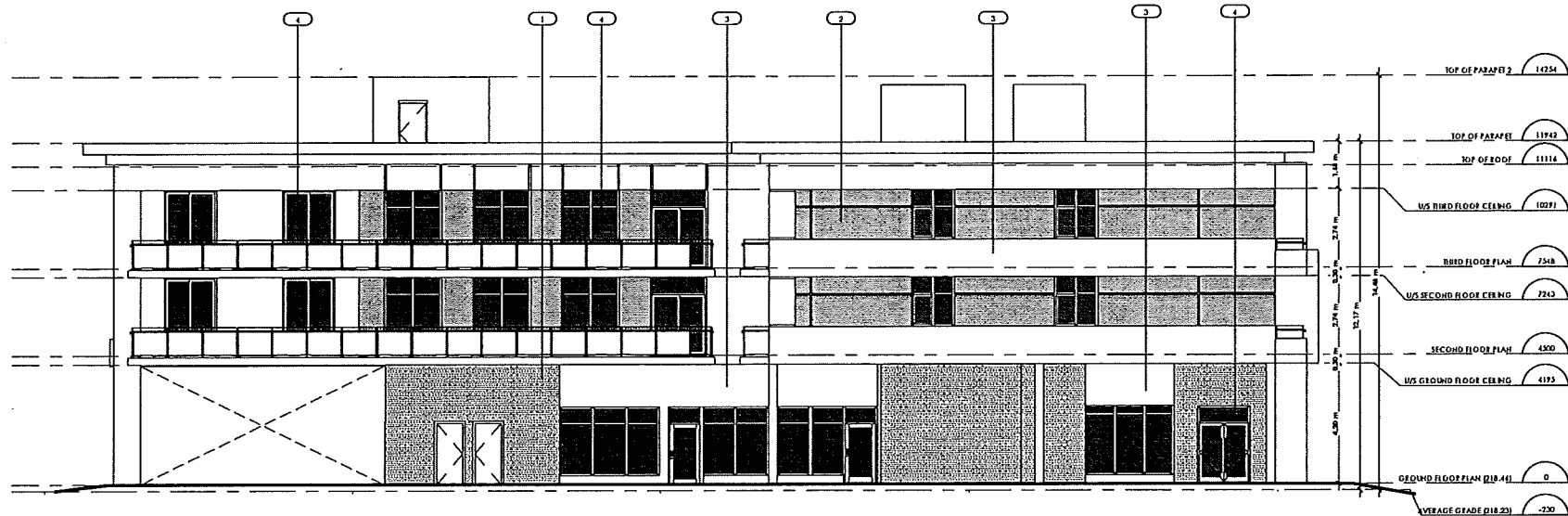


2 SOUTH ELEVATION  
A-5.1 1:125

7/8/2020 1:50:44 PM



1 NORTH ELEVATION  
A-5.2  
1:125



2 WEST ELEVATION  
A-5.2  
1:125

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#### ARCHITECT



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#### SEALS

#### PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

#### DRAWING TITLE

NORTH & SOUTH ELEVATIONS

#### DRAWN BY

DI

#### SCALE

As indicated

#### DATE

NOVEMBER 2019

#### CHECKED BY

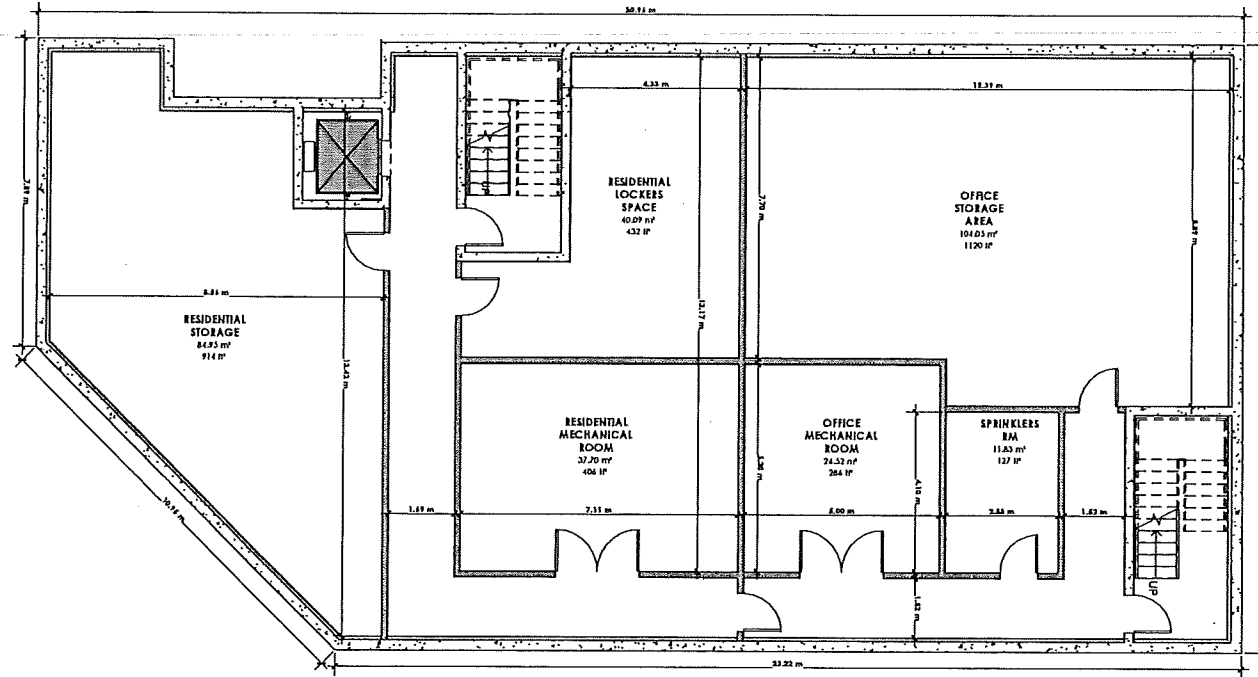
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#### PROJECT NUMBER

19-340

#### DRAWING NUMBER

A-5.2



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REVISIONS		
#	DATE	REMARKS
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01	2019 08 21	ISSUED FOR PRE - CONSULTATION

ARCHITECT  
**LIMA**  
 ARCHITECTS INC  
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SEALS

PROJECT TITLE  
 MIXED USE DEVELOPMENT  
 741 RYMAL ROAD EAST,  
 HAMILTON, ON

DRAWING TITLE  
 BASEMENT FLOOR PLAN

DRAWN BY  
 RA

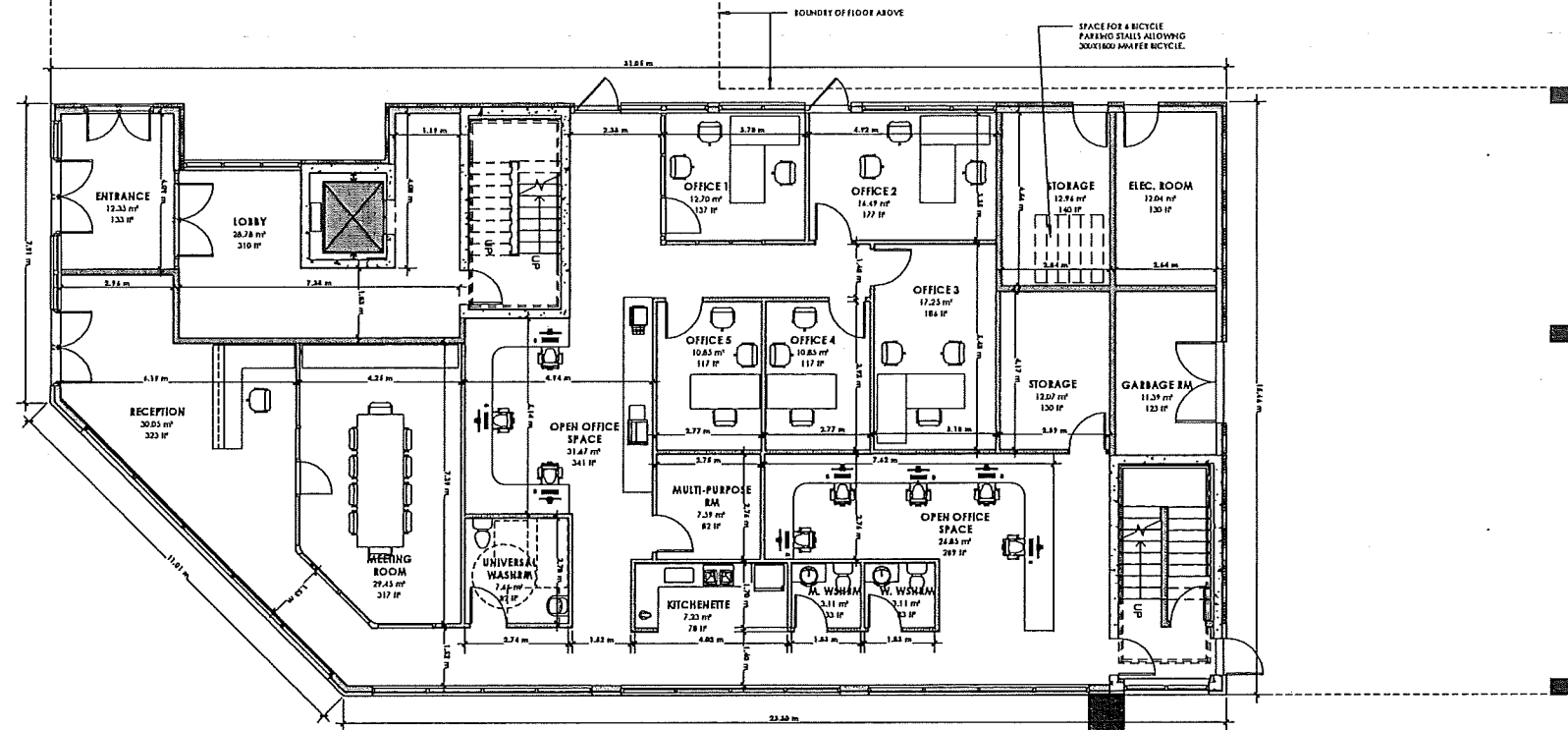
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DATE  
 NOVEMBER 2019

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PROJECT NUMBER  
 19-340

DRAWING NUMBER  
**A-2.1**



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#### REVISIONS

#	DATE	REMARKS
02	2019 11 04	ISSUED FOR RE-ZONING APPLICATION
01	2019 08 21	ISSUED FOR PRE - CONSULTATION

#### ARCHITECT



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#### SEALS

#### PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

#### DRAWING TITLE

GROUND FLOOR PLAN

#### DRAWN BY

DI/RA

#### SCALE

1 : 100

#### DATE

NOVEMBER 2019

#### CHECKED BY

FL

#### PROJECT NUMBER

19-340

#### DRAWING NUMBER

A-2.2

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REVISIONS

#	DATE	REMARKS
02	2019 11 04	ISSUED FOR RE-ZONING APPLICATION
01	2019 08 21	ISSUED FOR PRE-CONSULTATION

ARCHITECT



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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

SECOND & THIRD FLOOR PLANS

DRAWN BY

RA

SCALE

1 : 100

DATE

NOVEMBER 2019

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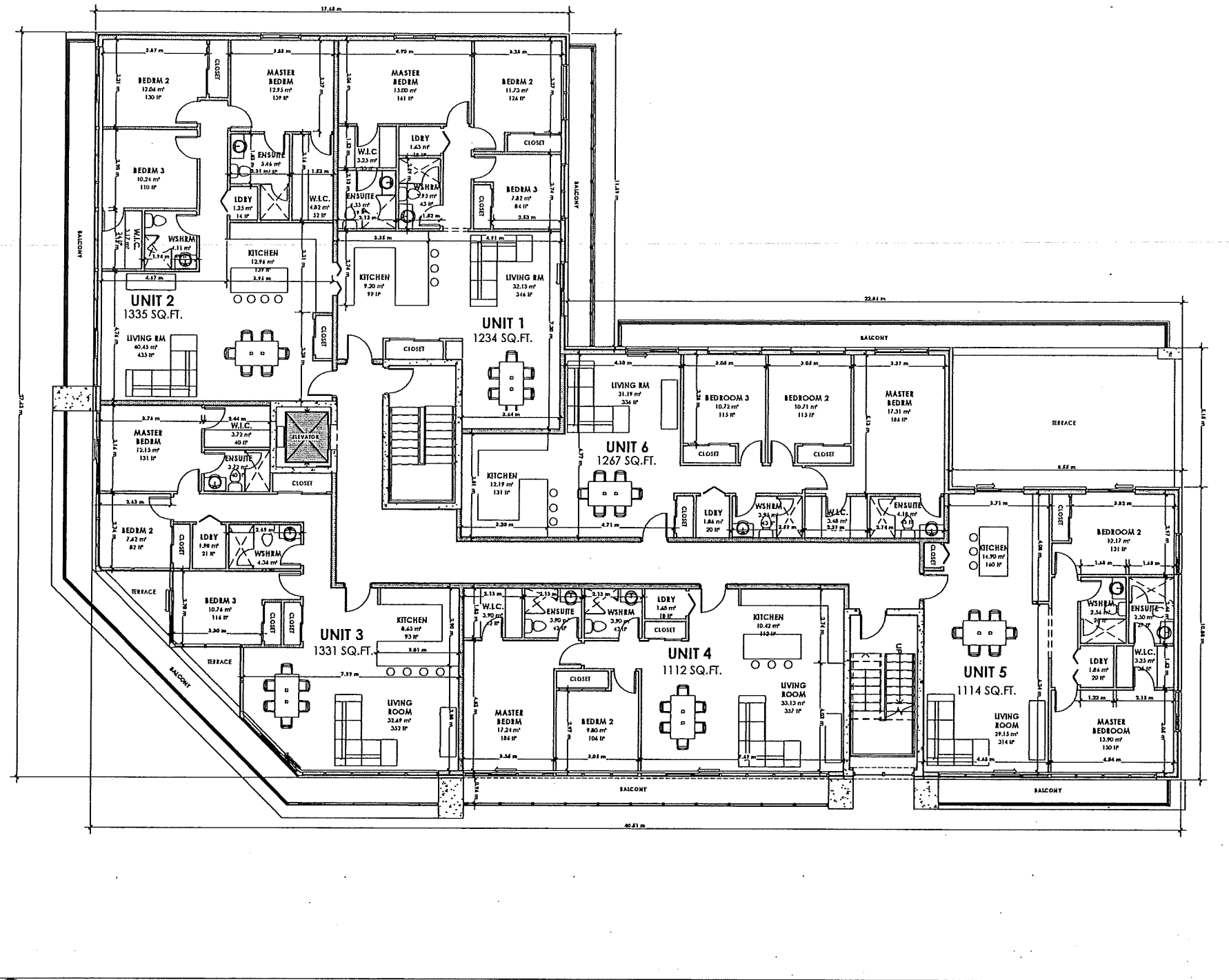
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PROJECT NUMBER

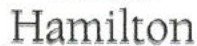
19-340

DRAWING NUMBER

A-2.3



1 SECOND & THIRD FLOOR PLAN  
A-2.3 1 : 100



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.**

**SECRETARY'S  
SIGNATURE**

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

### 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.
- 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:

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

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



6. Nature and extent of relief applied for: (1) TO PERMIT MAX HEIGHT OF 3 STOREYS  
(2) TO PERMIT MAXIMUM HEIGHT OF 12 METRES  
(3) TO PERMIT PERMITTED GROSS FLOOR AREA OF ~~1473.7~~ 1473.7 m<sup>2</sup>  
(4) TO PERMIT DENSITY OF ONE UNIT PER 151 - 9 m<sup>2</sup> LOT AREA  
(5) TO PERMIT VEHICULAR ACCESS TO PVA FROM LVA STREET

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

PLEASE REFER TO PLANNING JUSTIFICATION  
REPORT SUBMITTED WITH THIS APPLICATION

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

741 RYAN ROAD EAST

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 \_\_\_\_\_



9.10 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?

KNOWLEDGE OF PREVIOUS USES ON PROPERTY

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 ☒

#### 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.

Nov. 19-2019  
Date

  
Signature Property Owner

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

10. Dimensions of lands affected:

Frontage

16.85 m

Depth

47.4 m

Area

1822.78 m<sup>2</sup>

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: VACANT LAND

Proposed: 3 - STOREY MIXED USE BUILDING WITH  
448.58 m<sup>2</sup> GROUND FLOOR COMMERCIAL AND  
12 DWELLING UNITS ABOVE GROUND. 18  
PARKING SPACES

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: FRONT = 6.0 m

REAR = 7.49 m

INTERIOR SIDE YARD = 3.0 m

Proposed: \_\_\_\_\_

13. Date of acquisition of subject lands: \_\_\_\_\_

14. Date of construction of all buildings and structures on subject lands: \_\_\_\_\_

ASAP

15. Existing uses of the subject property: \_\_\_\_\_

VACANT LAND

16. Existing uses of abutting properties: \_\_\_\_\_

LOW DENSITY RESIDENTIAL

17. Length of time the existing uses of the subject property have continued: \_\_\_\_\_

N/A

18. Municipal services available: (check the appropriate space or spaces)

Water	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Sanitary Sewer	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Storm Sewers	<input checked="" type="checkbox"/>		

19. Present Official Plan/Secondary Plan provisions applying to the land: \_\_\_\_\_

NEIGHBOURHOODS (OUTER)

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: \_\_\_\_\_

NEIGHBOURHOOD COMMERCIAL EXCEPTION 330  
(C2 - EXCEPTION 330) 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.

**PART 24 AFFIDAVIT OR SWORN DECLARATION**

This declaration to be sworn by a Commissioner of Oaths.

Solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the \_\_\_\_\_  
at the \_\_\_\_\_ of \_\_\_\_\_ )  
in the \_\_\_\_\_ )  
of \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_ )

\_\_\_\_\_  
A Commissioner, etc.

**PART 25 OWNERS AUTHORIZATION**

As of the date of this application, I (NAME) \_\_\_\_\_ am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the

**PART 26 CONSENT OF THE OWNER**

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

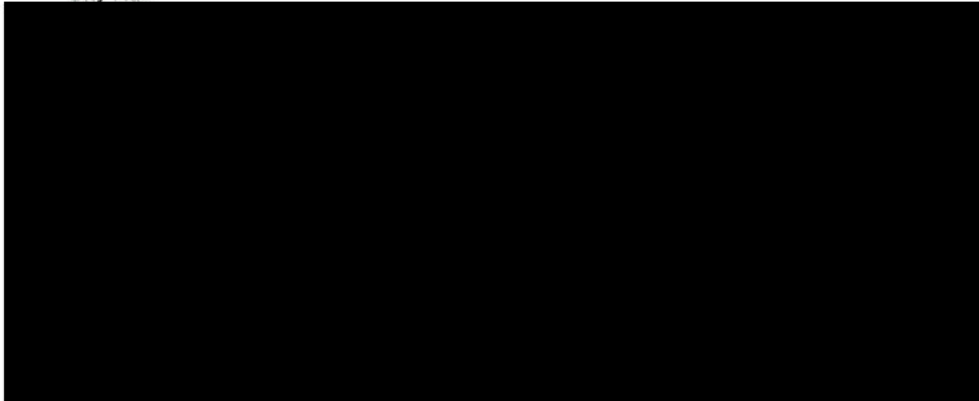
Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted



**PART 27 PERMISSION TO ENTER**

Date: Nov 15 / 19

Secretary/Treasurer  
Committee of Adjustment  
City of Hamilton,  
City Hall



Please print name

**Note:** The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

**PART 28 COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BETWEEN:

\_\_\_\_\_  
Applicant's name(s)  
hereinafter referred to as the "Developer"

-and-

City of Hamilton  
hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
  - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated \_\_\_\_\_ with respect to the lands described in Schedule "A" hereto.
  - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.



4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor,

assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at \_\_\_\_\_

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_

Per: \_\_\_\_\_

I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Clerk



Schedule "A"  
Description of Lands

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

**THIS AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_,

**BETWEEN**

\_\_\_\_\_  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

\_\_\_\_\_  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated \_\_\_\_\_.

**AND WHEREAS** Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

**AND WHEREAS** Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledgement Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED



I have authority to bind the corporation

c/s

Assignee:

Title:

I have authority to bind the corporation

CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

July 7, 2020

City of Hamilton  
Committee of Adjustment  
71 Main Street West  
Hamilton, ON

**Re: Revisions to Minor Variance Application – 741 Rymal Road East  
File HM/A-19:427 (Deferred at January 23, 2020 Committee Meeting)**

I am pleased to submit the revised Minor Variance application for 741 Rymal Road East. This application was deferred at the January 23, 2020 Committee of Adjustment meeting to allow the Owner to revise the development proposal to address concerns raised by City staff, particularly the ratio of residential floor area to commercial floor area. The Owner considered a number of options that included adding a fourth floor and providing a mix of residential and commercial units on the second, third and fourth floors. However, after considering all options, the decision has been made to continue with a three-storey building that incorporates ground floor commercial with residential units on the second and third floors.

The revised application maintains the proposed commercial floor area while decreasing the residential floor area from 1,646.72 m<sup>2</sup> (17,725 m<sup>2</sup>) to 1,473.62 m<sup>2</sup> (15,862 ft<sup>2</sup>). The reduction in residential floor area reduces the overall building massing on the second and third floors and also decreases the ratio of residential to commercial floor area on the subject property. The proposed parking supply has been maintained at 18 spaces. Moreover, the proposed building height and setbacks have not changed from the original application.

It continues to be my opinion that the development proposal and requested minor variances are appropriate and desirable, and satisfy the applicable tests under the Planning Act. I welcome the opportunity to discuss any questions you have about the application.

Regards,



Michael Barton, MCIP, RPP  
President  
905-599-9973





# MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON  
PROJECT NO. 19-340

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE LATEST ONTARIO BUILDING CODE.

USE ONLY LATEST REVISED DRAWINGS MARKED AS "ISSUED FOR CONSTRUCTION"

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED.

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

REVISIONS		
#	DATE	REMARKS
02	2019 11 04	ISSUED FOR RE-ZONING APPLICATION
01	2019 08 21	ISSUED FOR PRE - CONSULTATION

ARCHITECT



LIMA  
ARCHITECTS INC.

#59 5100 South Service Rd, Burlington  
www.limaarchitectsinc.com  
E: info@limaarchitectsinc.com  
T: 289-337-8887

SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

COVERSHEET

DRAWN BY

DI

SCALE

DATE

NOVEMBER 2019

CHECKED BY

FL

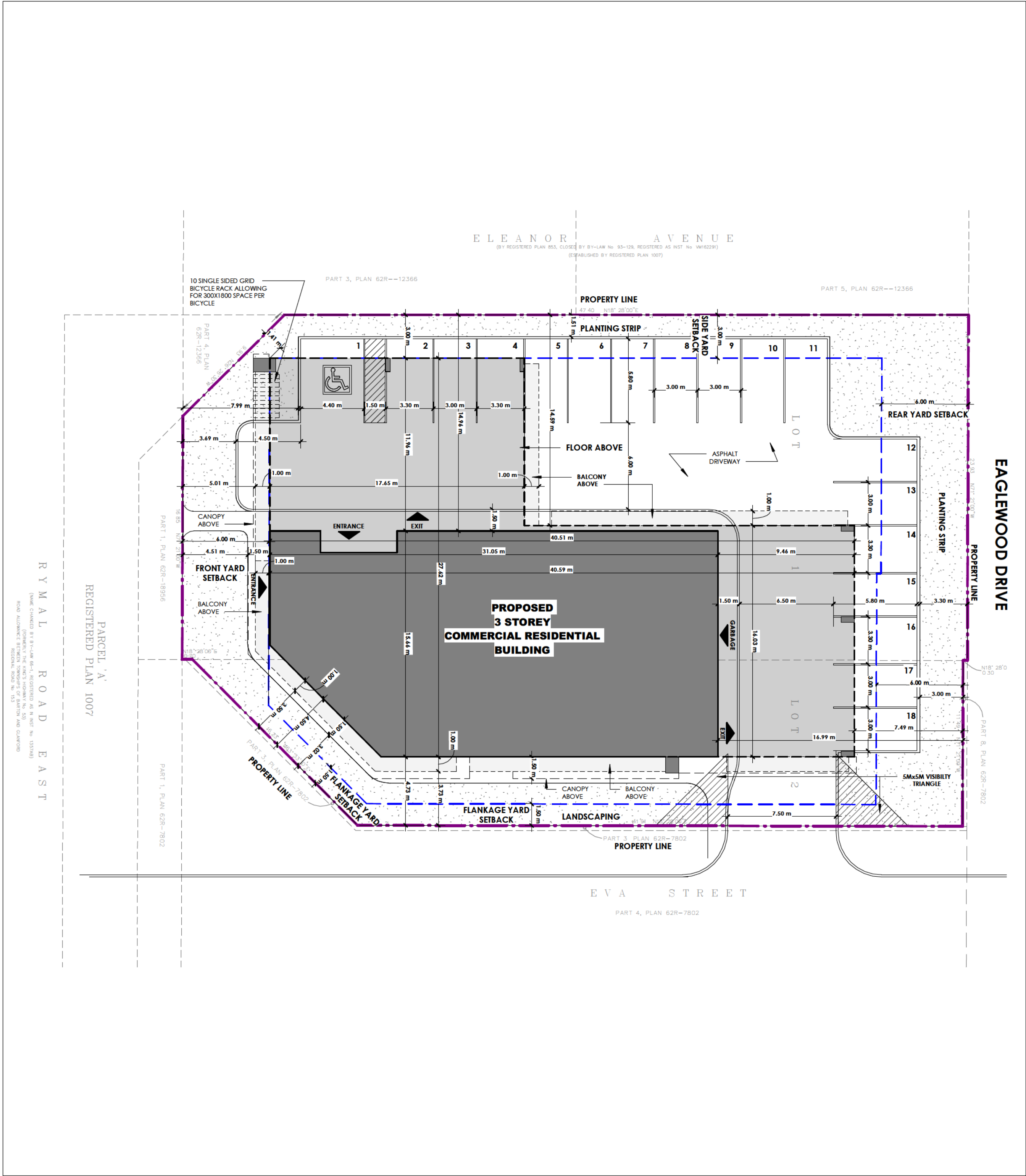
PROJECT NUMBER

19-340

DRAWING NUMBER

A-0.1



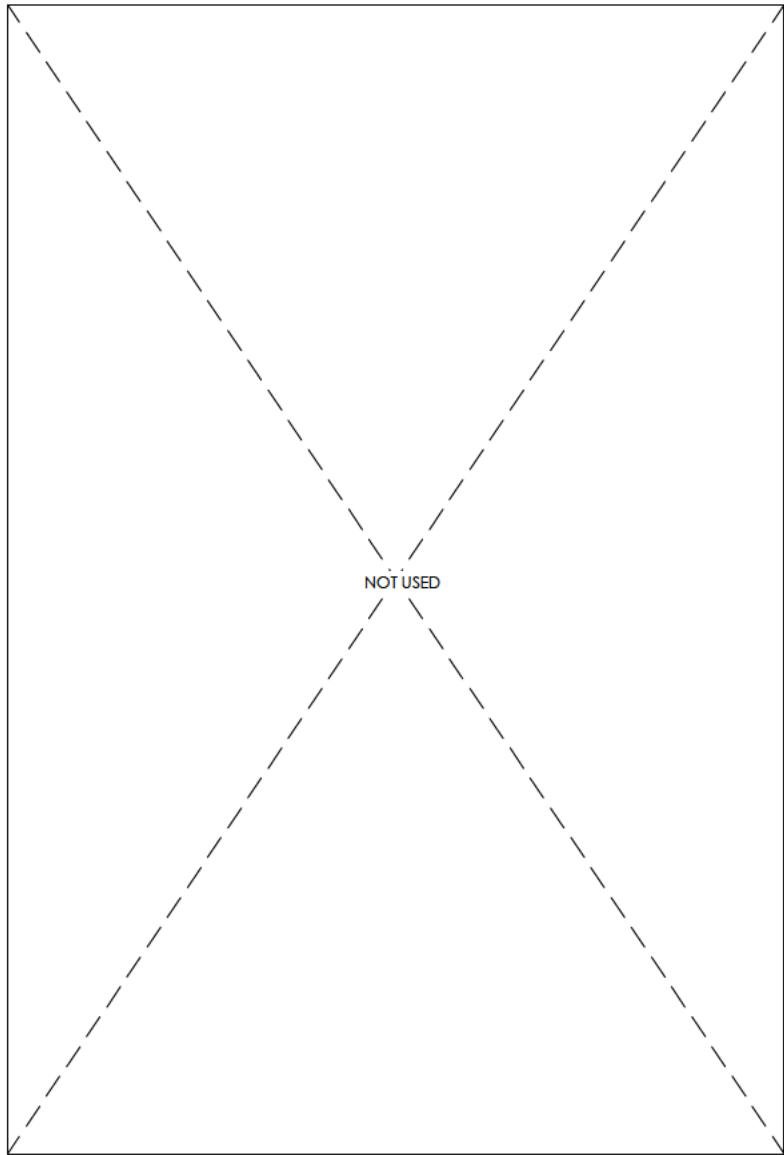


1 SITE PLAN  
A-1.0 1:200

741 RYMAL ROAD EAST, HAMILTON ON  
SITE STATISTICS - ZONING C2, EXCEPTION 330  
LOT AREA 1822.78 M2 ( EXISTING)

	REQUIRED	PROPOSED
MAX. LOT AREA (M2)	5000	1822.78
LOT FRONTAGE (M)		16.85
MAX. HEIGHT (M)	11	11.35 *
GROSS FLOOR AREA (M²):		
GROUND FLOOR =		448.2
SECOND FLOOR =		736.85
THIRD FLOOR =		736.85
TOTAL =		1921.9
LOT COVERAGE:		
AREA OF BUILDING= 772.93 M2 AREA OF BALCONIES/TERRACE AND CANOPIES= 161.98 M2 TOTAL LOT COVERAGE= 934.91 M2 LOT AREA= 1822.78 M2 LOT COVERAGE PERCENTAGE= 51.29%		51.29%
MIN. FRONT YARD SETBACK (M)	6 M	6 M
MIN. STREET YARD (M)	1.5 M	4.5 M
MIN. INTERIOR SIDE YARD (M)	3 M	3 M
MIN. REAR YARD (M)	6 M	7.49 M
MAXIMUM GROSS FLOOR AREA FOR AN INDIVIDUAL OFFICE	500 M² PER UNIT	317.28 M²
MAX GFA FOR COMMERCIAL USES ON A LOT	2,000 M²	317.28 M²
MAXIMUM GROSS FLOOR AREA FOR DWELLING UNITS	455 M2	1473.7 M2
MAX. NUMBER OF UNITS - RESIDENTIAL ONE DWELLING UNIT FOR EACH 180.0M2 OF AREA OF THE LOT PROVIDED THAT THE BUILDING DOES NOT EXCEED 2 STOREYS IN HEIGHT	10 (LOT AREA / 180)	12 *
NUMBER OF UNITS - COMMERCIAL		1
# OF PARKING SPACES RES. 1-14 UNITS MIN. 0.7/UNIT = 8.4 TOTAL = 9 PARKING SPACES MIN.	9	18
# OF PARKING SPACES COM. OFFICE 0 WHERE A USE IS LESS THAN 450.0 SQUARE METRES IN GROSS FLOOR AREA	0	0
TOTAL # OF PARKING SPACES	9	18

\* VARIANCE REQUIRED



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AND CONDITIONS ON THE PROJECT AND REPORT  
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#	DATE	REMARKS
02	2019 11 04	ISSUED FOR RE-ZONING APPLICATION
01	2019 08 21	ISSUED FOR PRE - CONSULTATION

ARCHITECT



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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

SITE PLAN

DRAWN BY

DI/RA

SCALE

As indicated

DATE

NOVEMEBER 2019

CHECKED BY

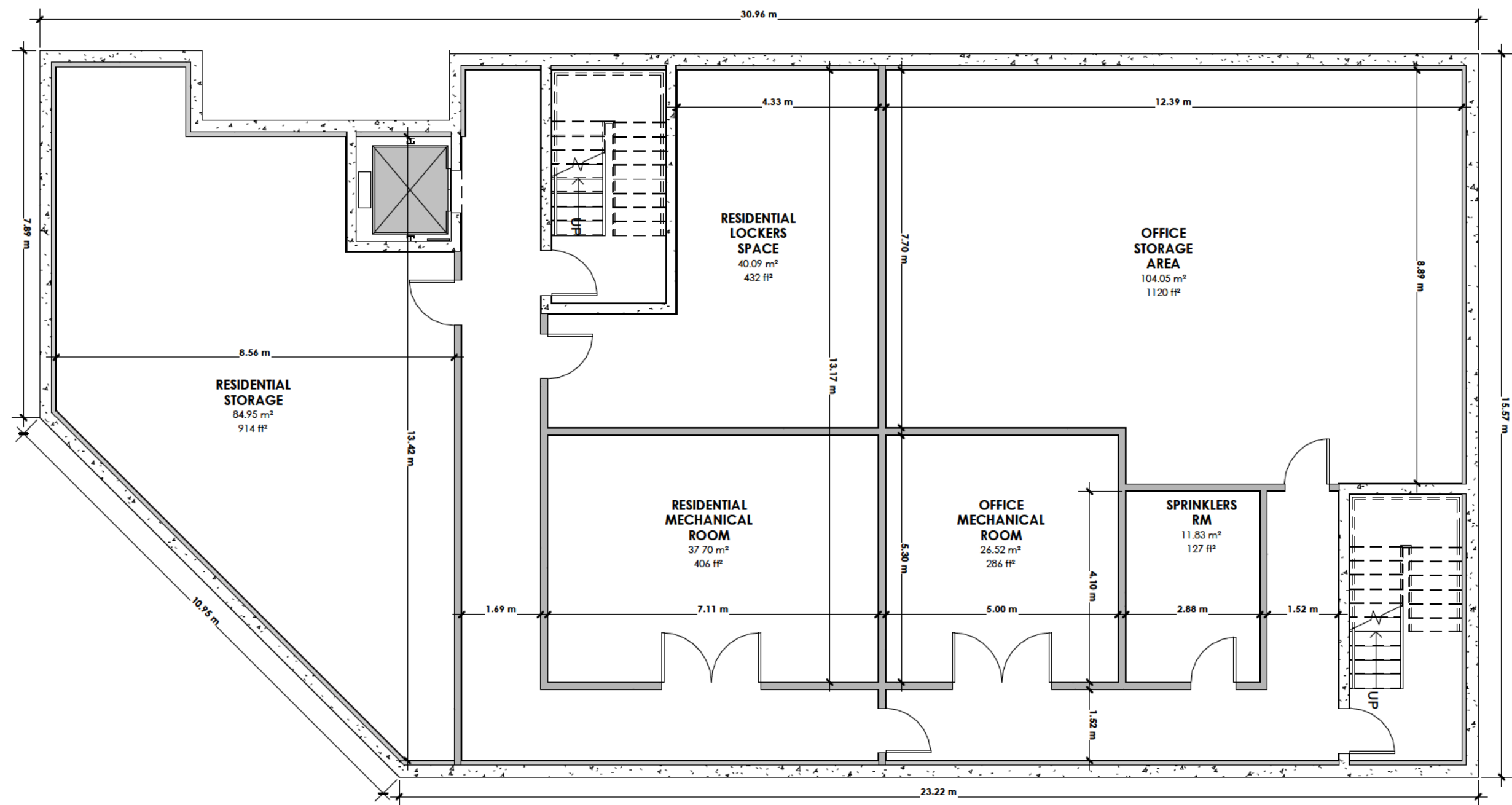
FL

PROJECT NUMBER

19-340

DRAWING NUMBER

A-1.0



1  
A-2.1

BASEMENT  
1 : 100

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#### SEALS

#### PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

#### DRAWING TITLE

BASEMENT FLOOR PLAN

#### DRAWN BY

RA

#### SCALE

1 : 100

#### DATE

NOVEMEBER 2019

#### CHECKED BY

FL

#### PROJECT NUMBER

19-340

#### DRAWING NUMBER

A-2.1



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ARCHITECT



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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

GROUND FLOOR PLAN

DRAWN BY

DI/RA

SCALE

1 : 100

DATE

NOVEMEBER 2019

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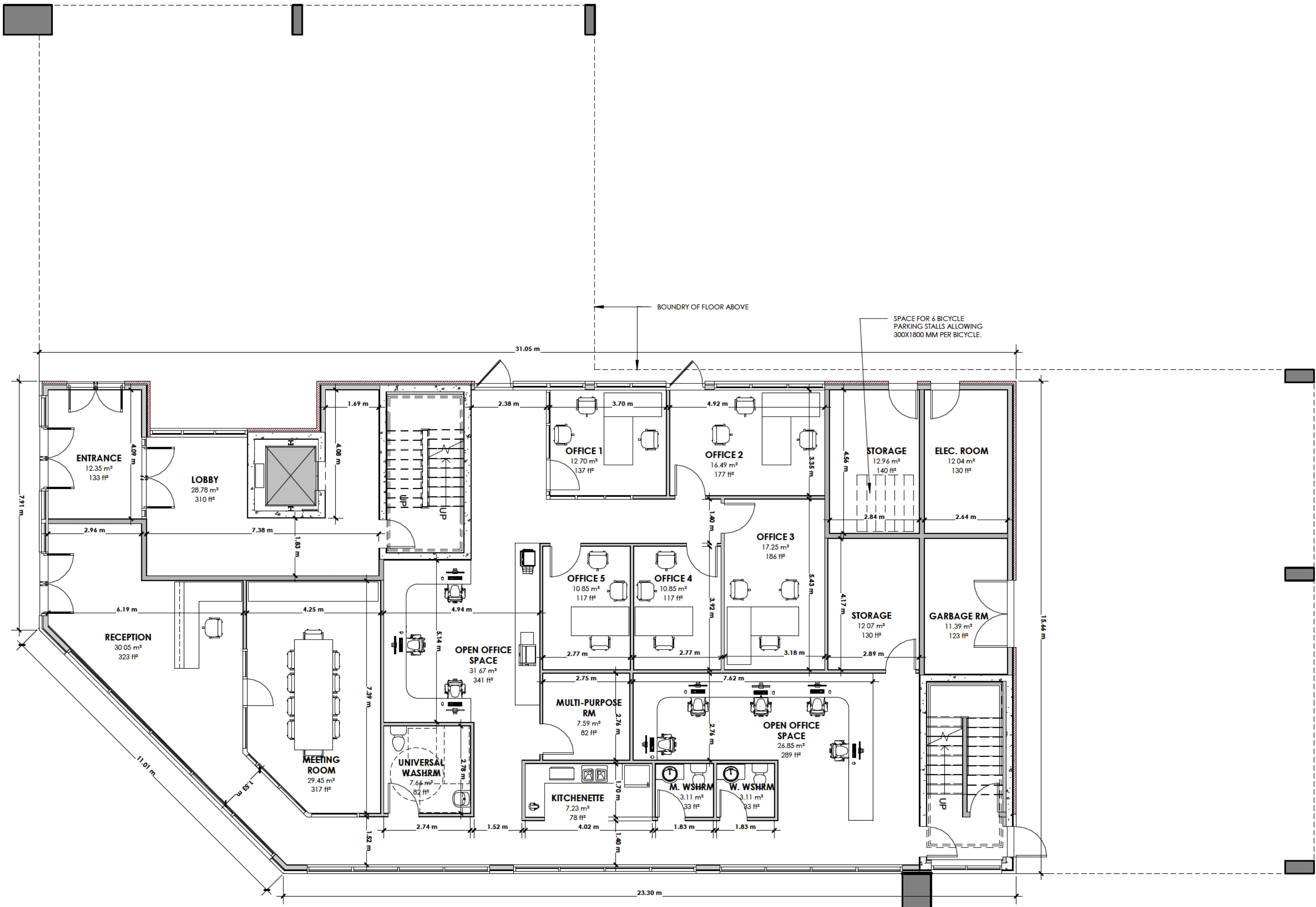
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PROJECT NUMBER

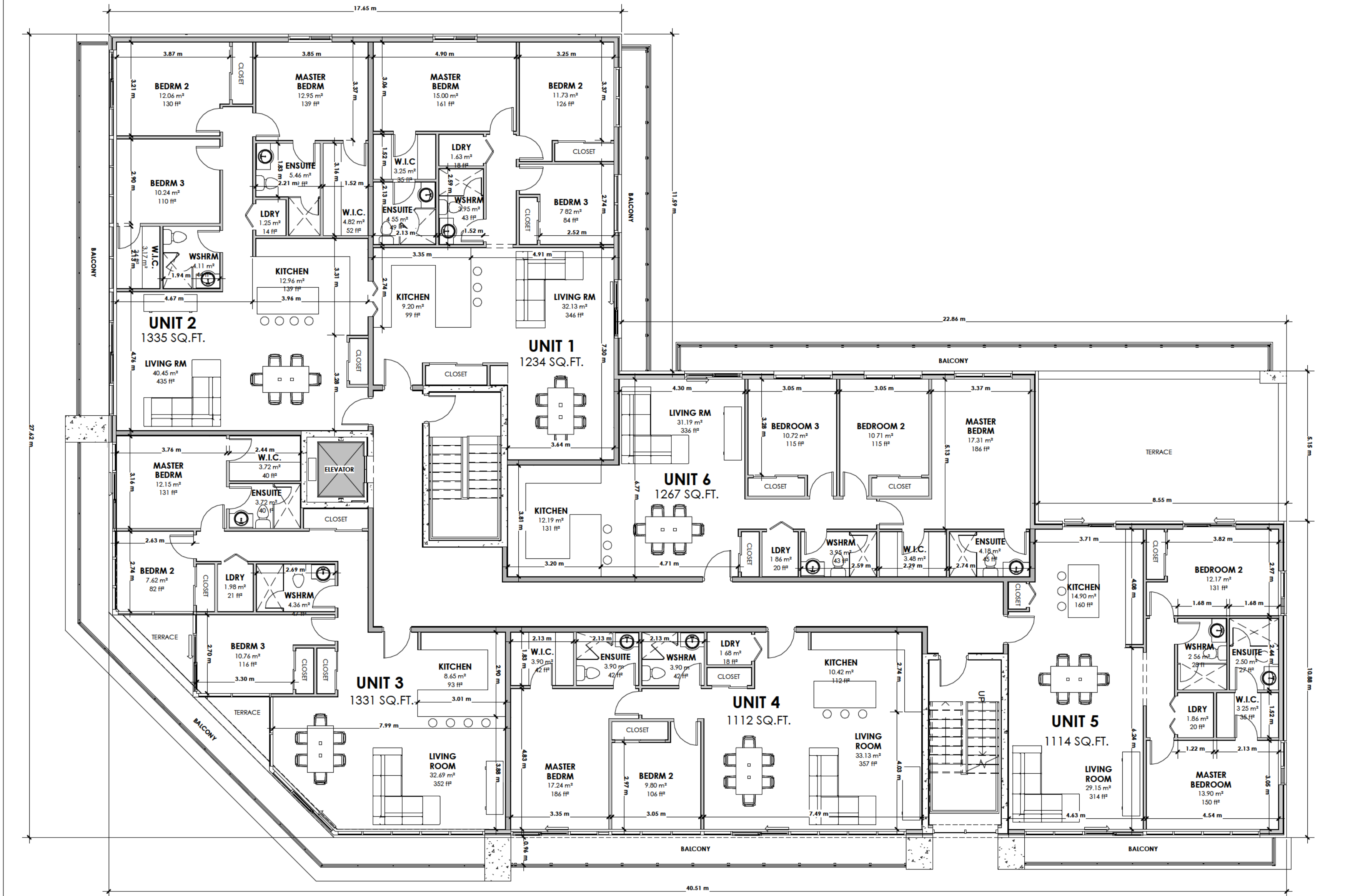
19-340

DRAWING NUMBER

A-2.2







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01	2019 08 21	ISSUED FOR PRE - CONSULTATION

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#### SEALS

#### PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

#### DRAWING TITLE

SECOND & THIRD FLOOR PLANS

#### DRAWN BY

RA

#### SCALE

1 : 100

#### DATE

NOVEMEBER 2019

#### CHECKED BY

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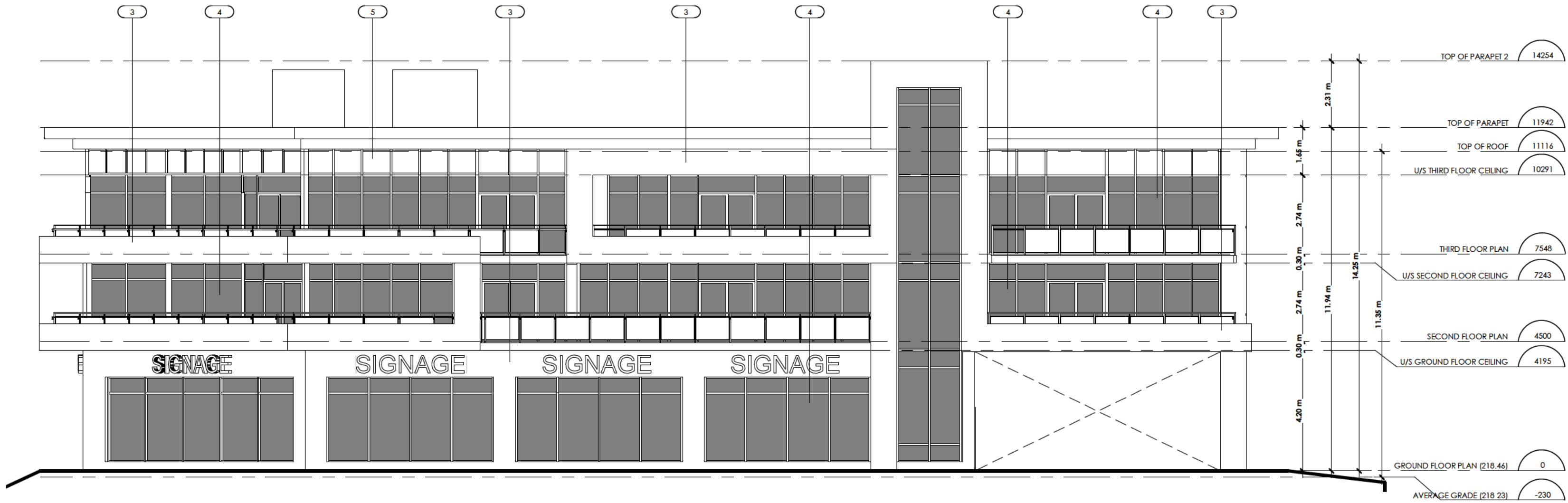
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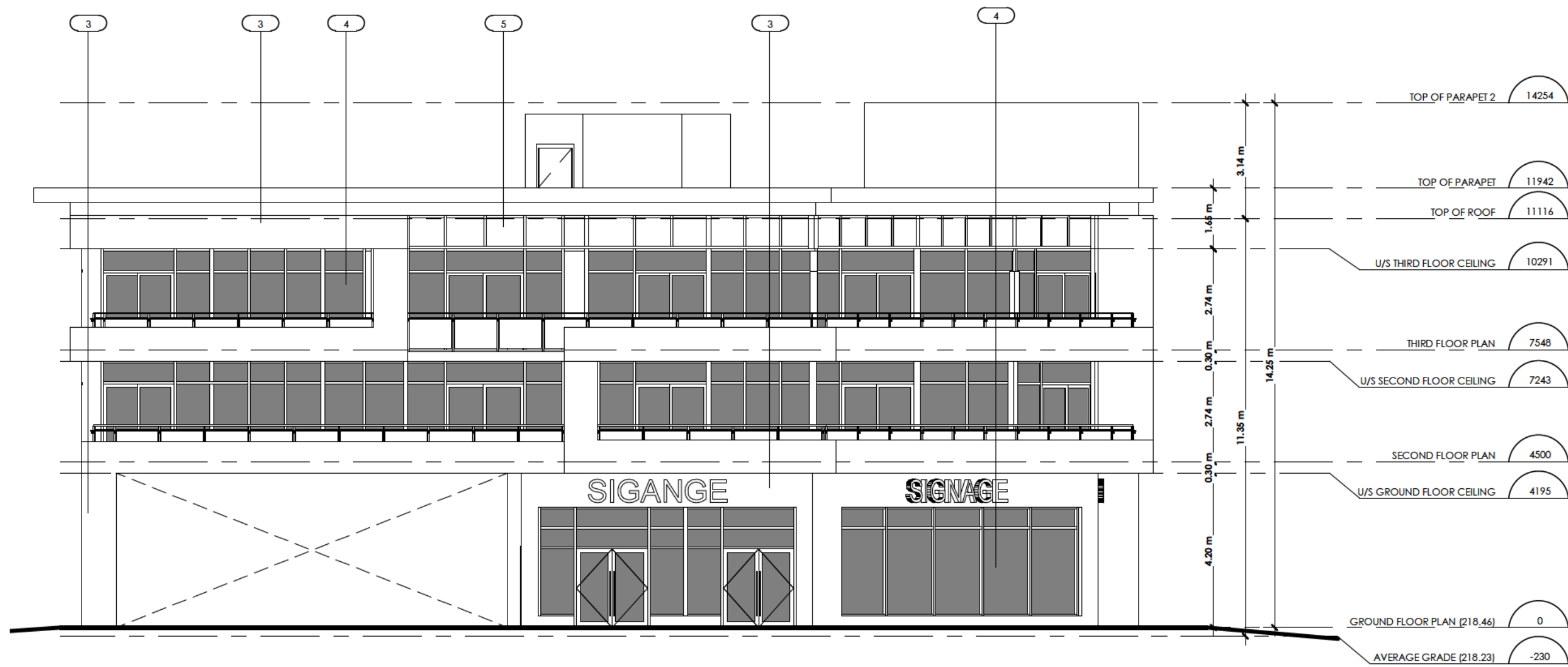
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A-2.3

**MATERIAL LEGEND**  
1 - BRICK  
2 - ALUMINIUM PANELS - COLOUR 1  
3 - ALUMINIUM PANELS - COLOUR 2  
4 - GLASS  
5 - OPAQUE SPANDREL PANELS



1 EAST ELEVATION  
1:125



2 SOUTH ELEVATION  
1:125

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#### SEALS

#### PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

#### DRAWING TITLE

SOUTH & EAST ELEVATION

#### DRAWN BY

DI/RA

#### SCALE

As indicated

#### DATE

NOVEMEBER 2019

#### CHECKED BY

FL

#### PROJECT NUMBER

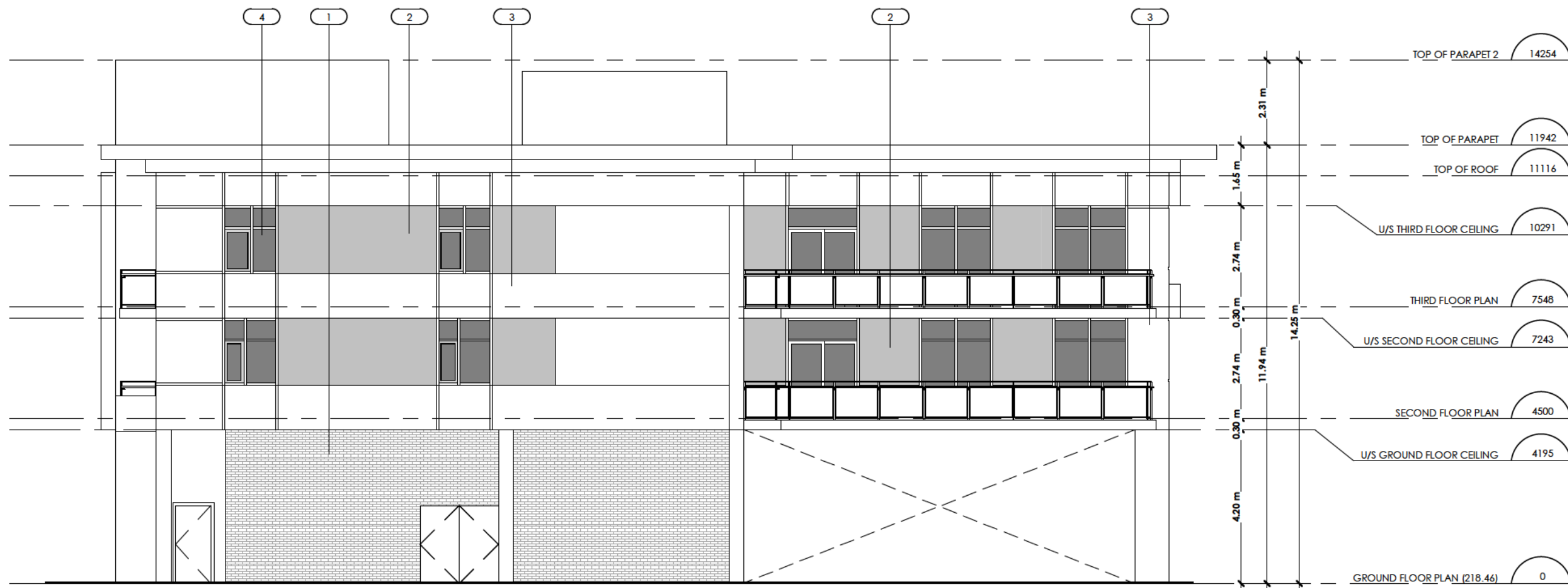
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#### DRAWING NUMBER

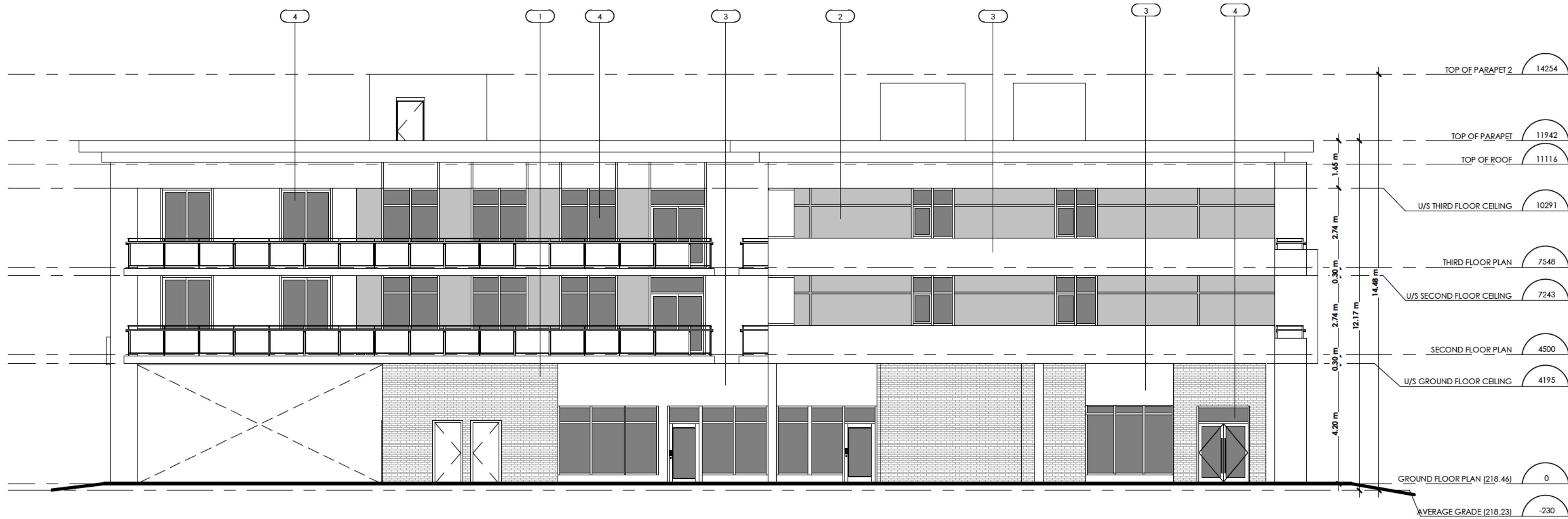
A-5.1

MATERIAL LEGEND

- 1 - BRICK  
2 - ALUMINUM PANELS - COLOUR 1  
3 - ALUMINUM PANELS - COLOUR 2  
4 - GLASS  
5 - OPAQUE SPANDREL PANELS



1 NORTH ELEVATION  
A-5.2 1 : 125



2 WEST ELEVATION  
A-5.2 1 : 125

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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST,  
HAMILTON, ON

DRAWING TITLE

NORTH & SOUTH ELEVATIONS

DRAWN BY

DI

SCALE

As indicated

DATE

NOVEMEBER 2019

CHECKED BY

FL

PROJECT NUMBER

19-340

DRAWING NUMBER

A-5.2