



AMENDED 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.: HM/A-20:218

APPLICANTS: Owner: Hamilton East Kiwanis Homes c/o Brian Subley
Agent: Tim Welch Consulting c/o Drew Goursky

SUBJECT PROPERTY: Municipal address **6-14 Acorn St., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 16-265

ZONING: TOC1 district (Transit Oriented Corridor Mixed Use Medium Density)

PROPOSAL: To permit the construction of a multiple dwelling containing a total of sixty (60) dwelling units as per Site Plan application DA-20-007, notwithstanding that;

1. A minimum easterly yard of 20.4m shall be permitted for any portion of the building having a building height above 24.1m to a maximum of building height of 26.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height.

Notes:

A variance to the easterly yard from the residential zone is required as the maximum height and minimum yard requirements are interdependent in the TOC1 zone.

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

DATE: Thursday, November 5th, 2020
TIME: 1:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

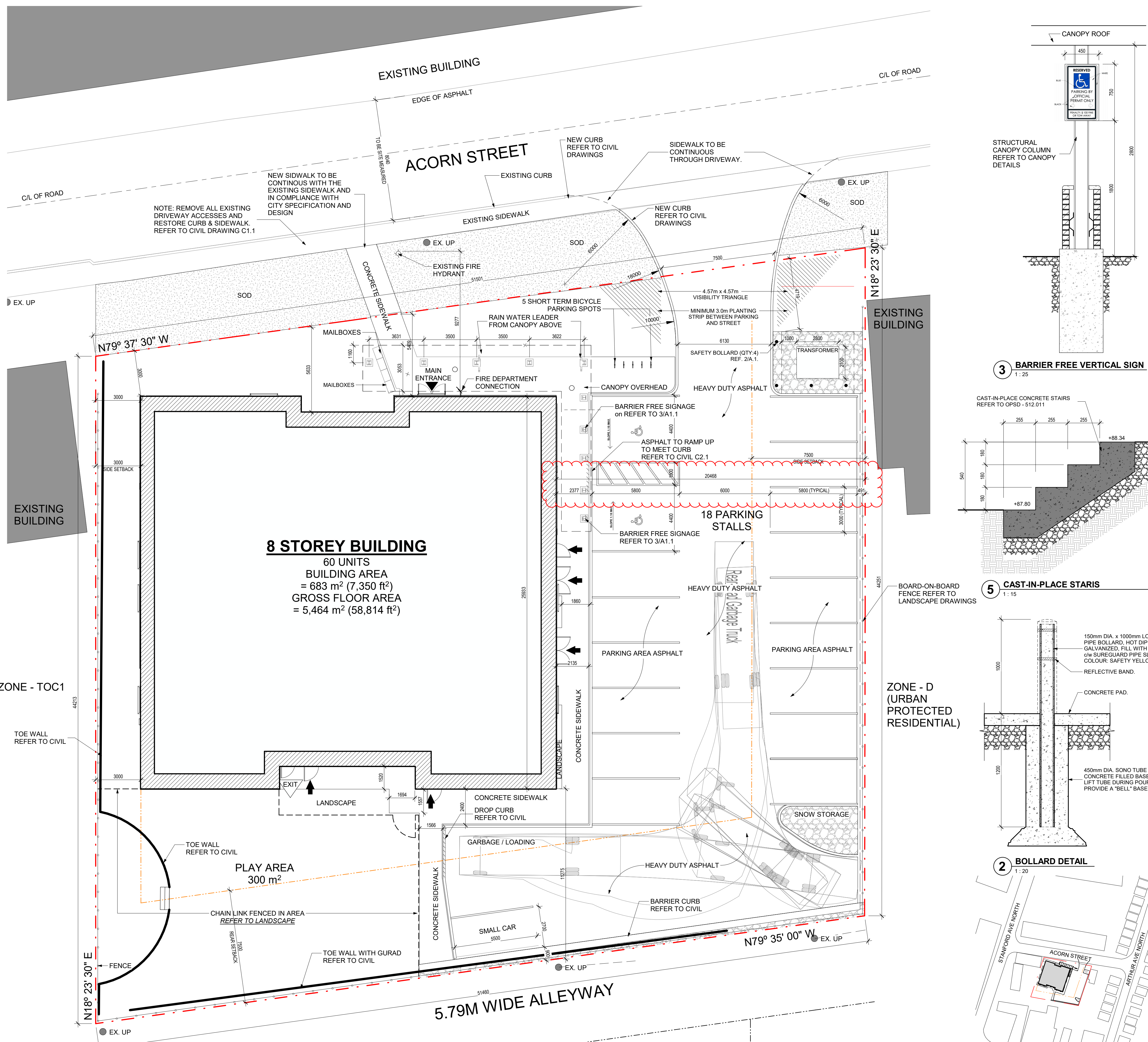
For more information on this matter, including access to drawings illustrating this request:

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

DATED: October 20th, 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.



8 STOREY BUILDING
 60 UNITS
 BUILDING AREA
 = 683 m² (7,350 ft²)
 GROSS FLOOR AREA
 = 5,464 m² (58,814 ft²)

SITE DATA
 6-14 Acorn Street, Hamilton, Ontario

DATA	REQUIRED	PROVIDED
ZONING	ZONING - TOC1	
LOT AREA (m ²)	2255 (m ²) (0.2255 ha)	
SETBACKS	FRONT YARD (m)	3.0 (m)
	INTERIOR SIDE YARD (m)	0.0 (m)
	REAR YARD (m)	7.5 (m)
	REAR YARD (m)	7.5 (m)

BUILDING DATA

DATA	REQUIRED	PROVIDED
TOTAL DENSITY (# of units)	60 - 100 du/ha = 13 - 22 (units)	266 du/ha (60 (units))
BUILDING AREA (m ²)	---	683 m ² (7,350 SF)
GROSS FLOOR AREA (m ²)	---	5,464 m ² (58,814 SF)
GROSS CONSTRUCTION AREA (m ²)	---	5,464 m ² (58,814 SF)
NUMBER OF STOREYS	---	8
BUILDING HEIGHT (m)	22 (m) MAX.	25 (m)
AMENITY AREA (m ²)	4m ² per unit (<50m ²) = 6m ² per unit = 360m ²	INTERIOR - 84 (m ²) EXTERIOR - 300 (m ²) TOTAL - 384 (m ²)
BUILDING FRONTAGE (%)	75%	60%

LANDSCAPING DATA

DATA	REQUIRED	PROVIDED
LANDSCAPE AREA (percentage)	---	38.9 (%)
LANDSCAPE AREA (m ²)	---	878 (m ²)

VEHICLE PARKING DATA

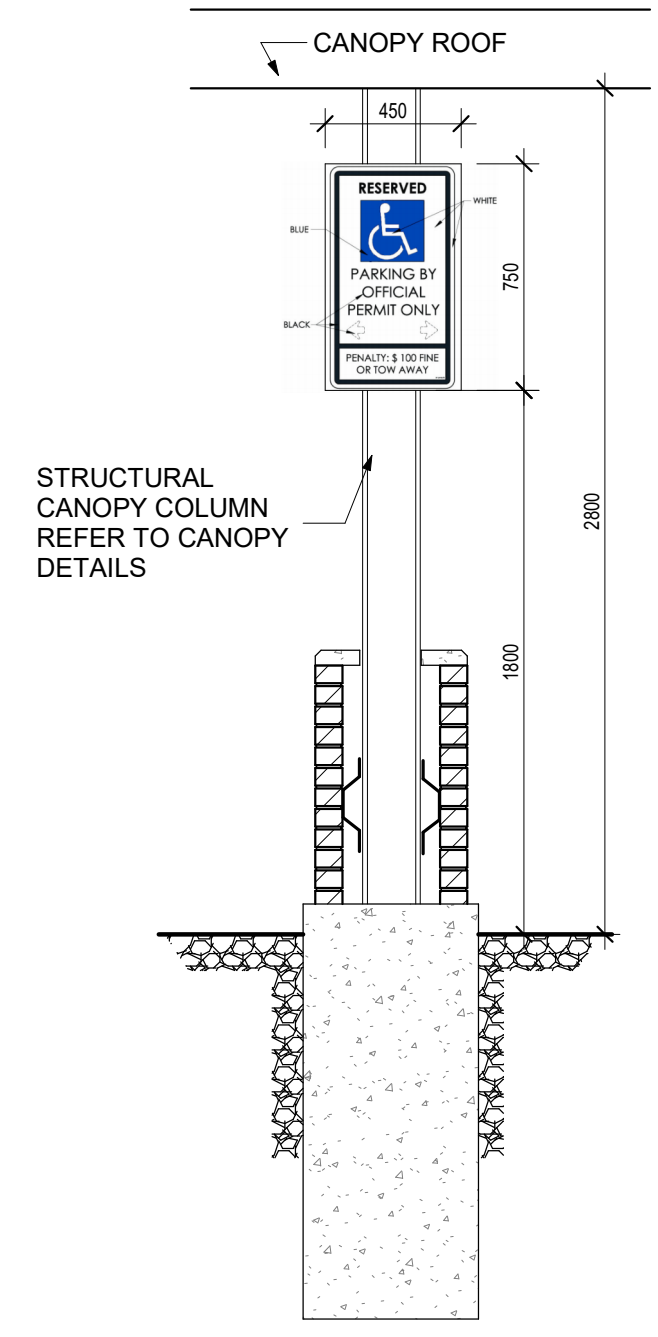
DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING (1-14 units)	0.7 x 14 units = 9	8
RESIDENTIAL PARKING (15-50 units)	0.85 x 36 units = 30	5
RESIDENTIAL PARKING (51+ units)	1.0 x 10 units = 10	5
BARRIER FREE PARKING	1.49 Spaces = 1	2 (INCL.)
TOTAL	50 Parking Stalls	18 Parking Stalls

BICYCLE PARKING DATA

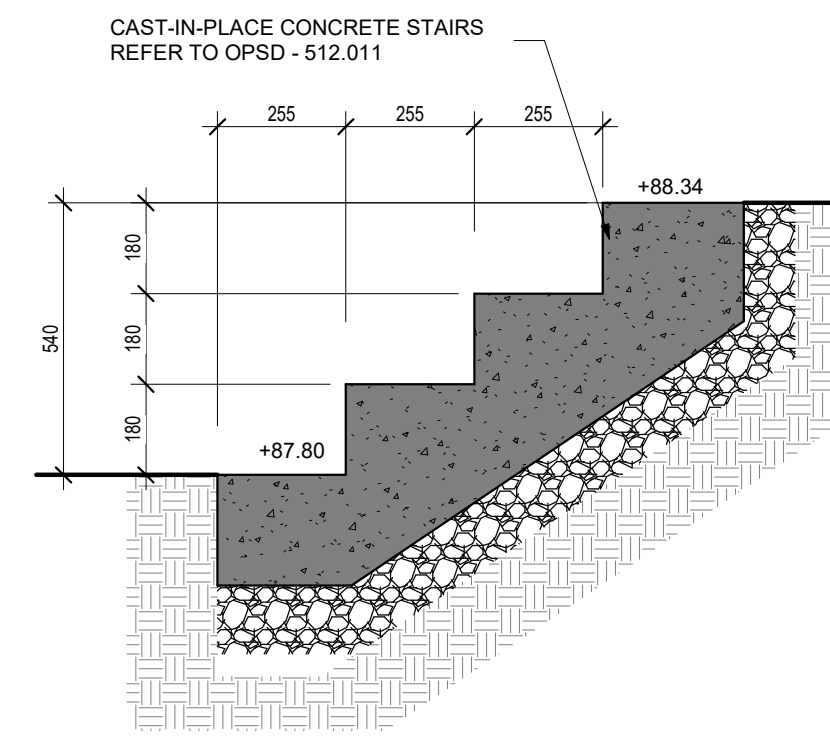
DATA	REQUIRED	PROVIDED
LONG TERM	0.5 x 60 units = 30	30
SHORT TERM	0.05 x 60 units = 3	5
TOTAL	33	35

UNIT DATA

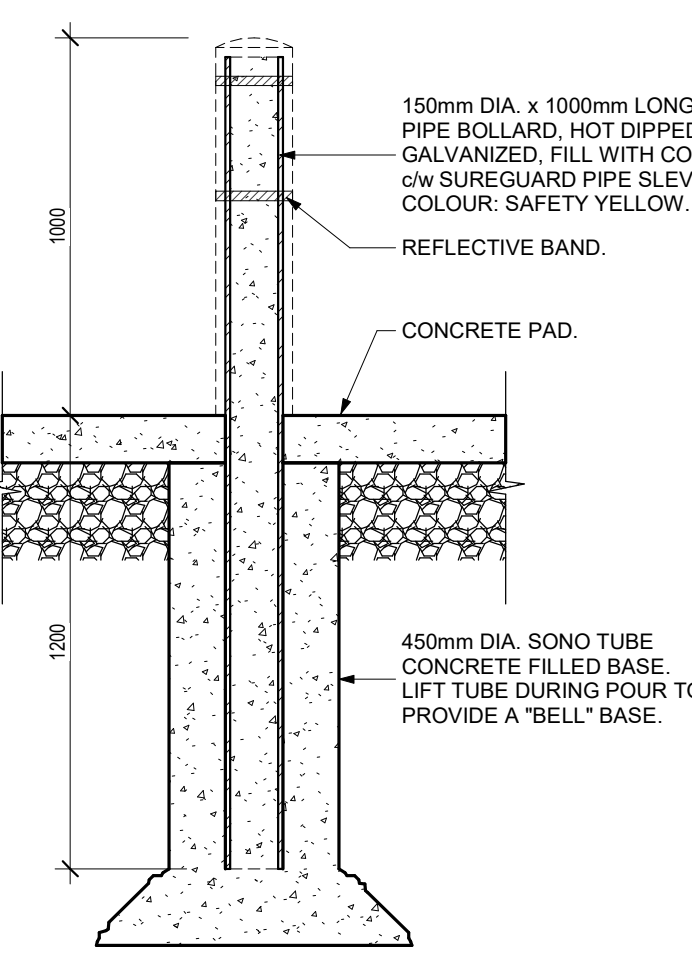
DATA	REQUIRED	PROVIDED
1 BEDROOM	---	5
1 BEDROOM (ACCESSIBLE)	2	3
2 BEDROOM	---	31
2 BEDROOM (ACCESSIBLE)	6	2
2 BEDROOM (ADDA)	0	4
3 BEDROOM	---	9
3 BEDROOM (ACCESSIBLE)	3	6
TOTAL		60 UNITS



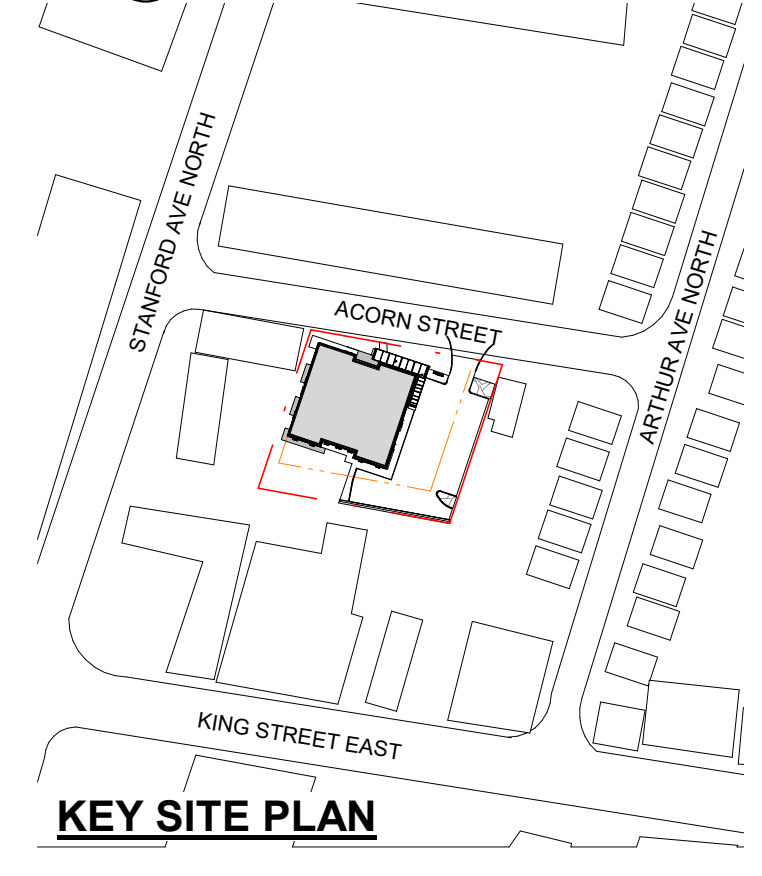
3 BARRIER FREE VERTICAL SIGN
 1: 25



5 CAST-IN-PLACE STAIRS
 1: 15



2 BOLLARD DETAIL
 1: 20



KEY SITE PLAN

FILE No. DA-20-007
 UNDERTAKING

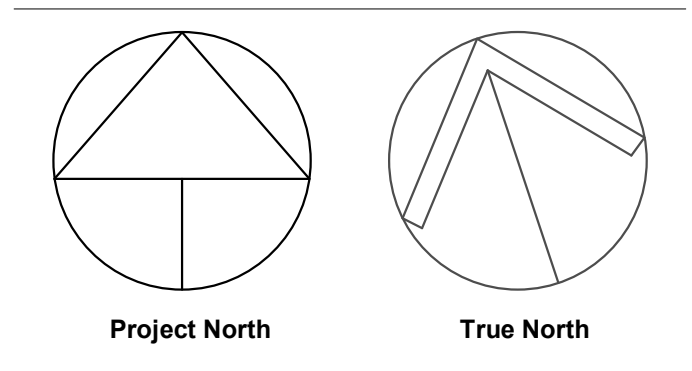
RE: 6 Acorn Street, Hamilton

- (1) (We) Hamilton East Kewans Non-Profit Homes, the owner(s) of the land, hereby undertake and agree without reservation,
 - (a) to comply with all the content of this plan and drawing and not to vary therefrom;
 - (b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated January 30, 2020;
 - (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(a) of the said Act shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and;
 - (d) to include the following warning clause on title and all offers and agreements of purchase and sale or lease for all residential units along the south facade of the building:

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments with allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units will be added in every apartment."
 - (e) to include on all offers of purchase and sale or lease, a statement that advises the prospective purchaser/lessee:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box;
 - ii) that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (f) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- (g) to implement Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- (h) in the event that the Owner does not comply with the plan dated April 21, 2020 the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.
- (i) "Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Dated this 3rd day of June 2020
 Witness (signature) _____
 Witness (print) _____
 Owner(s) (signature) _____
 Owner (print) _____
 281 Acorn Street, Hamilton ON
 Address of Witness

The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements."



Project North True North

GENERAL NOTES

1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CRONTACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

ISSUED FOR DISCUSSION PURPOSES
 OCTOBER 15, 2020

No.	Date	Revision
5	2020-09-24	Re-issued for Building Permit
4	2020-09-01	Re-issued for Building Permit
3	2020-08-25	Issued For Tender
2	2020-07-28	Issued for 90%
1	2020-07-03	Issued for Building Permit

Project No. 20001
 Project Date 2020-10-15
 Drawn by CRZ
 Checked by RPH
 Plot Date / Time 2020-10-15 3:44:29 PM

6-14 ACORN STREET, HAMILTON

SITE PLAN

Drawing Scale As indicated
 Status

ONTARIO ASSOCIATION OF ARCHITECTS
 EDWARD THOMAS LICENCE 5572

Drawing No. Revision No.
A1.1 - r5

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to the Architect before proceeding with the work. All documents remain the property of the Architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written permission. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents. The Consultant's best judgment in light of the information available to him at the time of preparation may vary with a third party's view. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents. C:\Users\frick\Documents\20001_6-14 Acorn St, Hamilton_V7_17m\hick45489.MT

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE SHORING DESIGN & COORDINATION, AND THE SHORING PERMIT APPLICATION.
GENERAL CONTRACTOR SHALL CONTACT THE CITY OF HAMILTON BUILDING DIVISION TO CONFIRM PERMIT SUBMISSION REQUIREMENTS.
PERMIT FEES ARE TO BE PAID BY THE OWNER.



Hamilton

Planning and Economic Development Department
Planning Division

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

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

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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	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 Hamilton East Kiwanis Homes
c/o Brian Sibley
- 2. [Redacted]
- 3. Name of Agent Tim Welch Consulting c/o Drew Goursky
- 4. [Redacted]

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:
none
- _____ Postal Code _____
- _____ Postal Code _____

6. Nature and extent of relief applied for:
A minimum easterly yard of 20.0 m shall be permitted for any portion of the building having
a building height above 23.9 m to a maximum of building height of 26. 0m whereas the zoning
By-law states the minimum building height shall be equivalently increased as the
yard increases beyond the minimum yard requirement when abutting a Residential or
Institutional Zone for all portions of a building beyond 11.0 m in height.
7. Why it is not possible to comply with the provisions of the By-law?
The additional modest variance from setback is needed to ensure the residents
on the 8th floor have a decent sized space for the affordable apartments

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
21/71 Sanford/14 Acorn:Part of Lot 3, Plan 26:Part of Lot 10 and 13 and all of
Lots 11 + 12, Plan 46; Websters' Survey; Part Lots 8 and 9 Part of Lots
10,11,12 and 13, plan 210

9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No X 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?
ESA and Record of Site condition remediation occurred when 6-8 Acorn demolished

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.

October 19, 2020
Date



Signature Property Owner

Brian Sibley
Print Name of Owner

10. Dimensions of lands affected:

Frontage 51.5M
Depth 44.2 m
Area 2255 m
Width of street 20 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: site is now all vacant land

Proposed: A new 8 storey 60 unit building with a GFA of 5,464 m2
building length: 13.25 m, building width 9.23 m, building height 25 m

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: Proposed building Set-Back 3.0 m, interior side yard 3.0 m
interior side yard 20.0 m; rear yard 15.0 m

13. Date of acquisition of subject lands:
14 Acorn - 1991 /11/14 and 6-8 Acorn 2019/08/30
14. Date of construction of all buildings and structures on subject lands:
land is vacant
15. Existing uses of the subject property: land is vacant
16. Existing uses of abutting properties: Laneway (south) (residential hone (east)
commercial (west)
17. Length of time the existing uses of the subject property have continued:
unknown)
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Mixed use medium density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Transit oriented coirridor 1
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
March 2020 approved for varinces on reduced parking an modest increase in height
as well as vaiance from finished floor height
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



26 Colborne Street
Cambridge, Ontario N1R 1R2
office: 519.624.9271
toll free: 1.866.624.9271
fax: 519.624.5556

October 19, 2020

Committee of Adjustment
City of Hamilton
71 Main Street, West. 5th Floor,
Hamilton, ON L8P 4Y5

Dear Sir/Madam;

**RE: 6 ACORN STREET, HAMILTON, ON
COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE
EAST HAMILTON KIWANIS NON-PROFIT HOMES, INC.**

Tim Welch Consulting Inc is pleased to submit this Committee of Adjustment Application for a Minor Variance on behalf of the landowners of the lands noted above. Please note the subject property has a current active Site Plan Application DA-20-007 in process and the assigned staff planner at the City of Hamilton is Ms. Jennifer Haan.

The current in process Site Plan Application proposes the development of an 8 story 60 Unit residential apartment building to be developed on two properties known as 6-8 Acorn Street and 14 Acorn Street. 20 of the units have been allocated Ontario Priority Housing Initiative Funding by the City of Hamilton.

This Application for a Minor Variance addresses the following matter:

1. Side Yard Set Back

A minimum easterly yard of 20.0m shall be permitted for any portion of the building having a building height above 23.9m to a maximum of building height of 26.0m whereas the zoning By-law states that the minimum building height shall be equivalently increased as the yard increases beyond the minimum yard requirement when abutting a Residential or Institutional Zone for all portions of a building beyond 11.0m in height.

Planning Considerations

As this application requested one Minor Variance to applicable section of the Zoning By-law as noted above, in this regard we have considered the four tests that a minor variance must meet per section 45 (1) of The Planning Act, RSO 1990, c P. 13., as follows:

i) Is the Application Minor?

The variance required for this project is minor in nature (less than a 10% reduction in the required setback required for the top floor only) and will allow for resident accessibility on the 8th floor and will maximize the amount of space provided for affordable units in the building.

ii) Is the application desirable for the appropriate development of the lands?

This application is desirable and represents appropriate development of the subject lands as the proposed form and density is supported by the current Official Plan and zoning designation of the

property. The application provides for a more appropriate and efficient utilization of floor space to allow for more affordable housing opportunities.

iii) Does the application conform to the general intent of the Zoning By-law?

The requested variance conforms to the intent of the Zoning By-law and is required in to order to accommodate the minor adjustment to the required setback for the building to fit and conform within the existing neighbourhood.

iv) Does the application conform to the general intent of the Official Plan?

Based on a review of the applicable policies of City of Hamilton Official Plan, the property provides for an infill building that increases the density of the site and is supportive of public transit developments. The location of the property is in an area well served by public transit and other amenities.

Section 2.4 of the Official Plan specifically states:

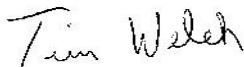
2.4 Residential Intensification Residential intensification is a key component of Hamilton's growth strategy and is essential to meet our growth and employment targets. Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions. Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton's current and future population. This Plan supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridor.

And further section 3.2.1.3 of the City's Official Plan states a goal of that part of the Urban housing goal of the city is to " Increase Hamilton's stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing."

We trust that this information to assist the Committee of Adjustment in providing their approval for this Minor Variance Application.

Please do not hesitate to contact Drew Goursky at (519) 729-8924 or twelch@twcinc.ca if you require any additional information.

Sincerely,



Tim Welch
President

Copy: Brian Sibley – East Hamilton Kiwanis Non-Profit Homes
Bruce McLean – Senior Project Manager, Housing Services