



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

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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-20:77

**APPLICANTS:** David Wilson on behalf of the owner Skyway Construction Group Inc. c/o Greg Hart

**SUBJECT PROPERTY:** Municipal address **125 Mount Albion Rd., City of Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended by By-law 73-152

**ZONING:** "C" (Urban Protected Residential) district

**PROPOSAL:** To expand the legal non-conforming use of a 6-unit Multiple Dwelling to have an increased gross floor area of 676 square metres, notwithstanding that:

1. The northerly parking area shall be located 1.5 metres from the common boundary between the Multiple Dwelling and the C District instead of the 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
2. The southerly parking area shall be located 0.0 metres from the common boundary between the Multiple Dwelling and the C District instead of the 3.0 metres required between the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
3. The building height shall be three (3) storeys instead of the maximum two and a half storeys for the C District.

**NOTES:**

1. The applicant has advised that a 1.5m planting strip will be provided for the northerly parking area as per Section 18(25) of the Zoning By-law for a parking area containing more than 5 parking spaces and for a parking area containing a loading space.
2. The existing building is recognized as a legally existing non-conforming 6 unit Multiple Dwelling.
3. Illumination of the parking area shall be provided in accordance with Section 18A.(13); "Illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from, (a) any adjacent use; (b) any highway".
4. Two visitors parking spaces are required for the Legal Non-Conforming 6-unit Multiple Dwelling. Visitor parking spaces shall be provided in accordance with Section

18A.(16); "Each required visitor parking space shall, (a) be maintained for the exclusive use of visitors; and (b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and (c) be maintained readily accessible to visitors and free and clear of all obstructions."

5. Manoeuvring space shall be provided in accordance with Section 18A.(22); "All manoeuvring spaces shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces."
6. The loading space shall be provided in accordance with Section 18A.(32); "Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."
7. The loading space shall be provided in accordance with Section 18A.(33); "Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway."
8. The parking area provided along the northerly side lot line shall be provided in accordance with Section 18A.(24)(b)(iii)(iv); "Markings on the surface of the parking area delineating the separate parking spaces; and bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area."
9. The variance for building height in terms of the number of storeys is to address additional floorspace that is proposed between existing dormers that would create a third storey, whereas the C District is limited to buildings up to a maximum building height of 2-1/2 storeys.

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

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**DATE:** Thursday, December 3rd, 2020  
**TIME:** 2:40 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)

HM/A-20:77

Page 3

DATED: November 17th, 2020.

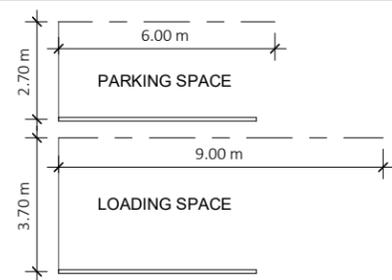
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

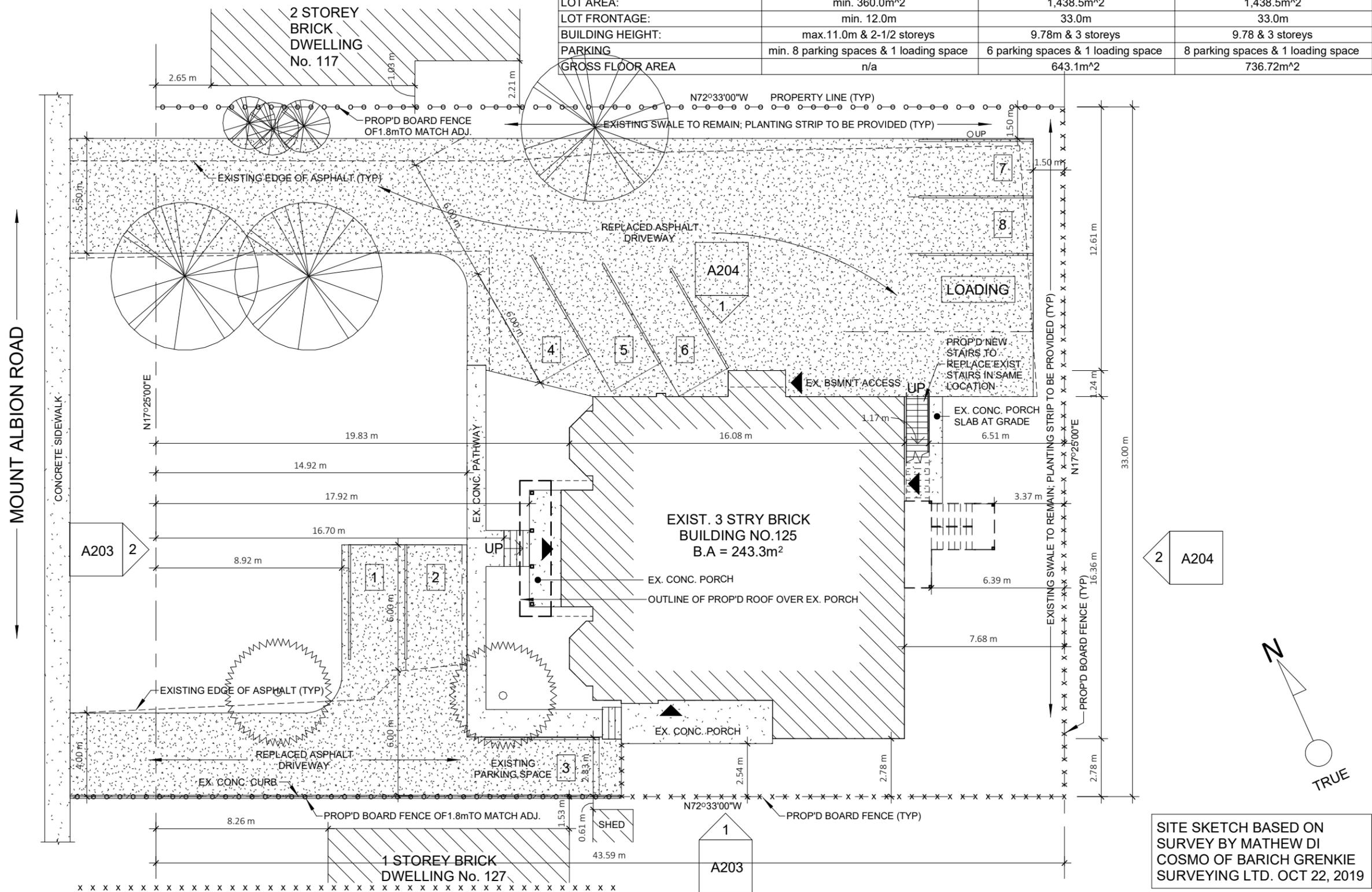
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

**NOTES:**

▶ DENOTES EXISTING ENTRANCE



PROJECT ZONING DATA			
<b>ADDRESS:</b>	125 Mount Albion Rd., Hamilton, ON, L8K 5S7		
<b>ZONING:</b>	C - URBAN PROTECTED RESIDENTIAL		
<b>RECOGNIZED USE:</b>	6 Unit Multiple Dwelling as per ZV CERT No. 19-108593 00 ZE2		
<b>PROPOSED USE</b>	6 Unit Multiple Dwelling		
<b>ITEM</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
LOT AREA:	min. 360.0m <sup>2</sup>	1,438.5m <sup>2</sup>	1,438.5m <sup>2</sup>
LOT FRONTAGE:	min. 12.0m	33.0m	33.0m
BUILDING HEIGHT:	max. 11.0m & 2-1/2 storeys	9.78m & 3 storeys	9.78 & 3 storeys
PARKING	min. 8 parking spaces & 1 loading space	6 parking spaces & 1 loading space	8 parking spaces & 1 loading space
GROSS FLOOR AREA	n/a	643.1m <sup>2</sup>	736.72m <sup>2</sup>



SITE SKETCH BASED ON SURVEY BY MATHEW DI COSMO OF BARICH GRENKIE SURVEYING LTD. OCT 22, 2019

**BUILT ENVIRONMENT**  
 design + consulting  
 126 Catharine St. N. :: Hamilton :: L8R 1J4  
 905.869.6595 info@builtdesign.ca

**QUALIFICATION & REGISTRATION INFO**  
 The undersigned has reviewed & takes responsibility for this design & has the qualifications & meets the requirements set out in the current Ontario Building Code to be a designer.

*[Signature]*  
 THIS SIGNATURE MUST BE IN RED TO BE VALID  
**D. Wilson BSc, BA(Hons), BEd, LEED GA**  
**FIRM REGISTRATION: BCIN 46390**

Contract documents, drawings and all electronic data are the copyright of the designers & consultants and shall not be used or reproduced without authorization.

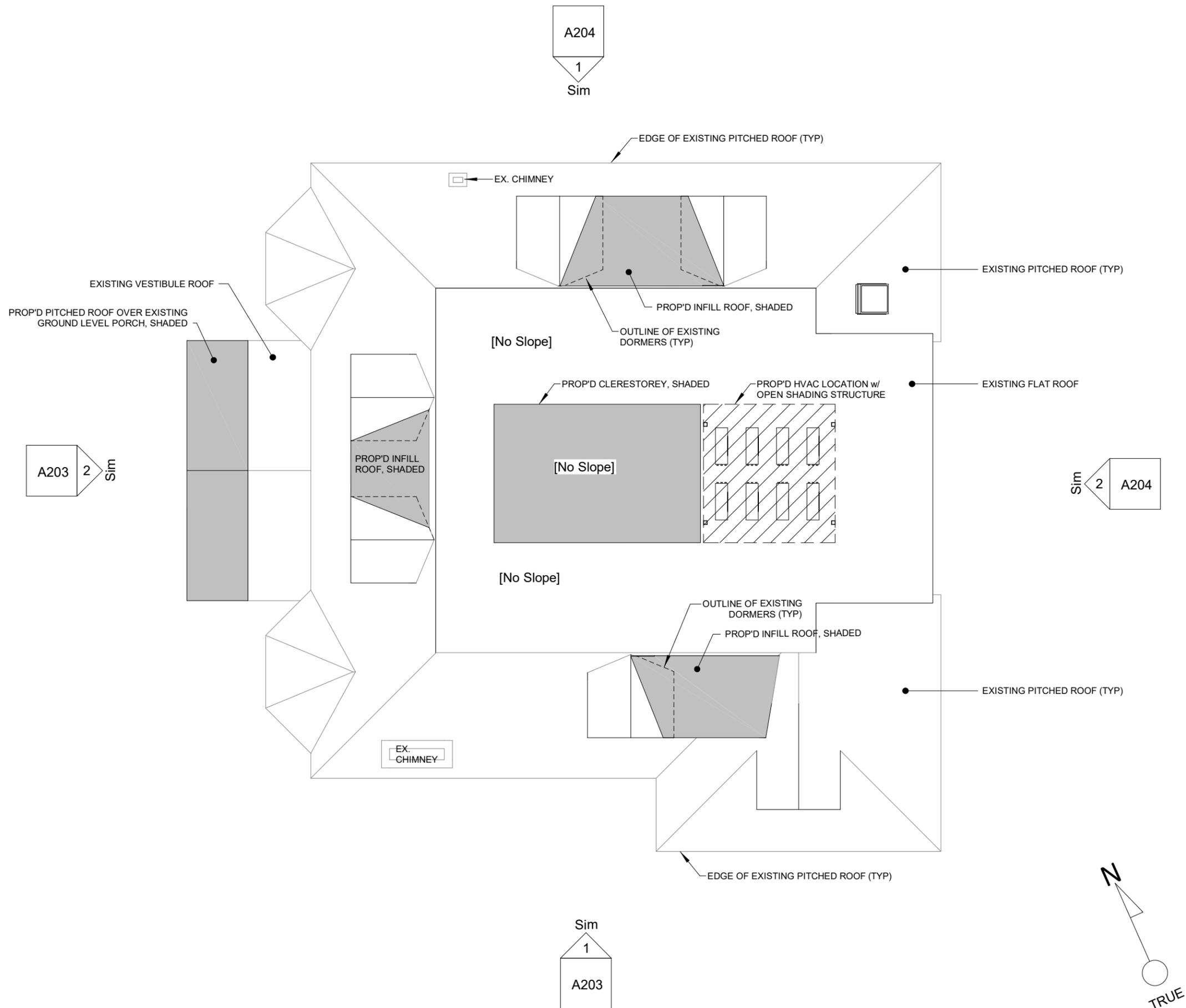
No.	Description	Date
	M/V RE-SUBMISSION	SEPT 16, 2020
	M/V APPL'N	FEB 19, 2020

**SKYWAY CONSTRUCTION**  
**INTERIOR ALTERATIONS**  
 125 MOUNT ALBION RD,  
 HAMILTON, ON, L8K 5S7

**SITE PLAN**

Project:	ADDRESS
Issue Date:	May 2019

**A010**



**BUILT ENVIRONMENT**  
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No.	Description	Date
	M/V RE-SUBMISSION	SEPT 16, 2020
	M/V APPL'N	FEB 19, 2020

**SKYWAY CONSTRUCTION**

**INTERIOR ALTERATIONS**

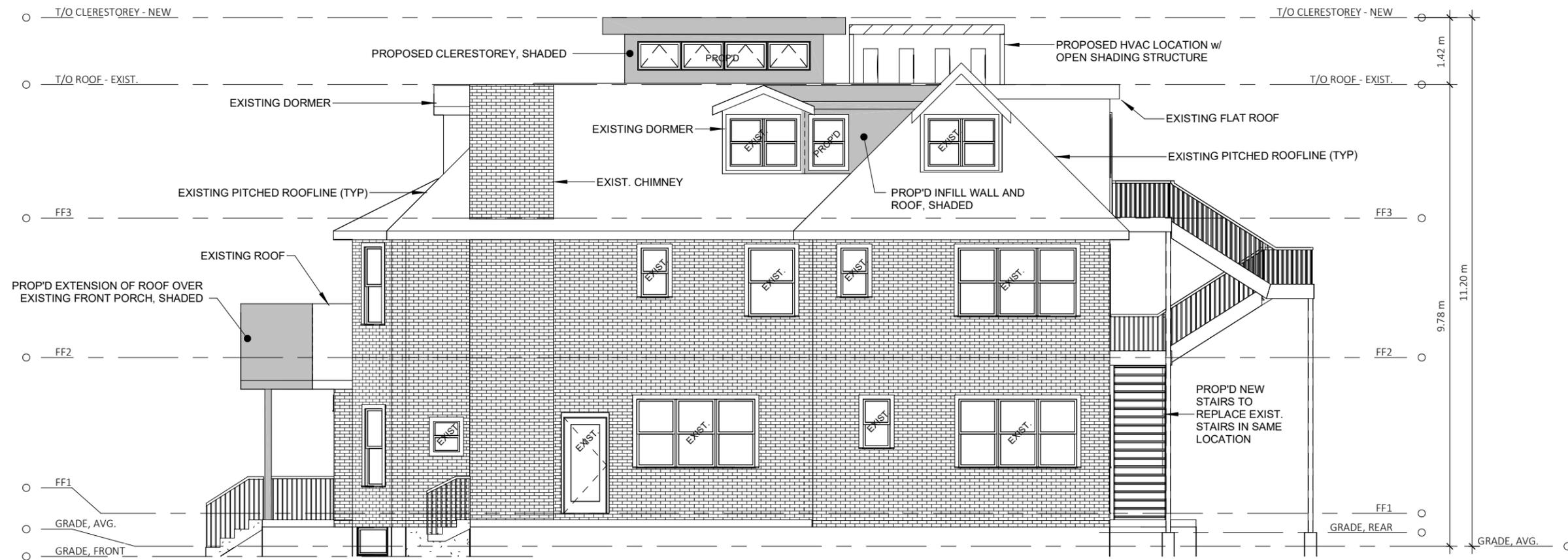
125 MOUNT ALBION RD,  
 HAMILTON, ON, L8K 5S7

**ROOF PLAN - PROPOSED**

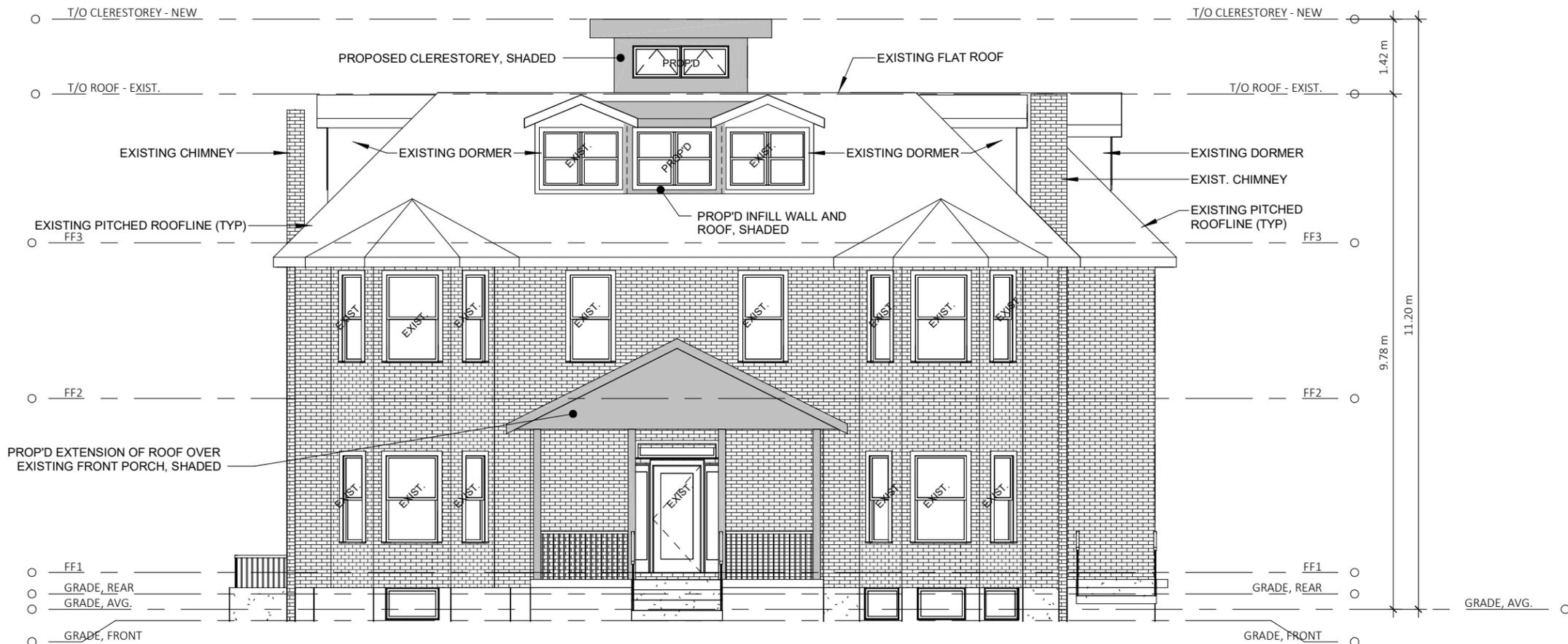
Project:	ADDRESS
Issue Date:	May 2019

**A115**

ROOF - PROP'D



1 SOUTH - PROP'D  
1 : 100



2 WEST - PROP'D  
1 : 100

# BUILT ENVIRONMENT

design + consulting

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905.869.6595 info@builtdesign.ca

### QUALIFICATION & REGISTRATION INFO

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**FIRM REGISTRATION: BCIN 46390**

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No.	Description	Date
	M/V RE-SUBMISSION	SEPT 16, 2020
	M/V APPL'N	FEB 19, 2020

## SKYWAY CONSTRUCTION

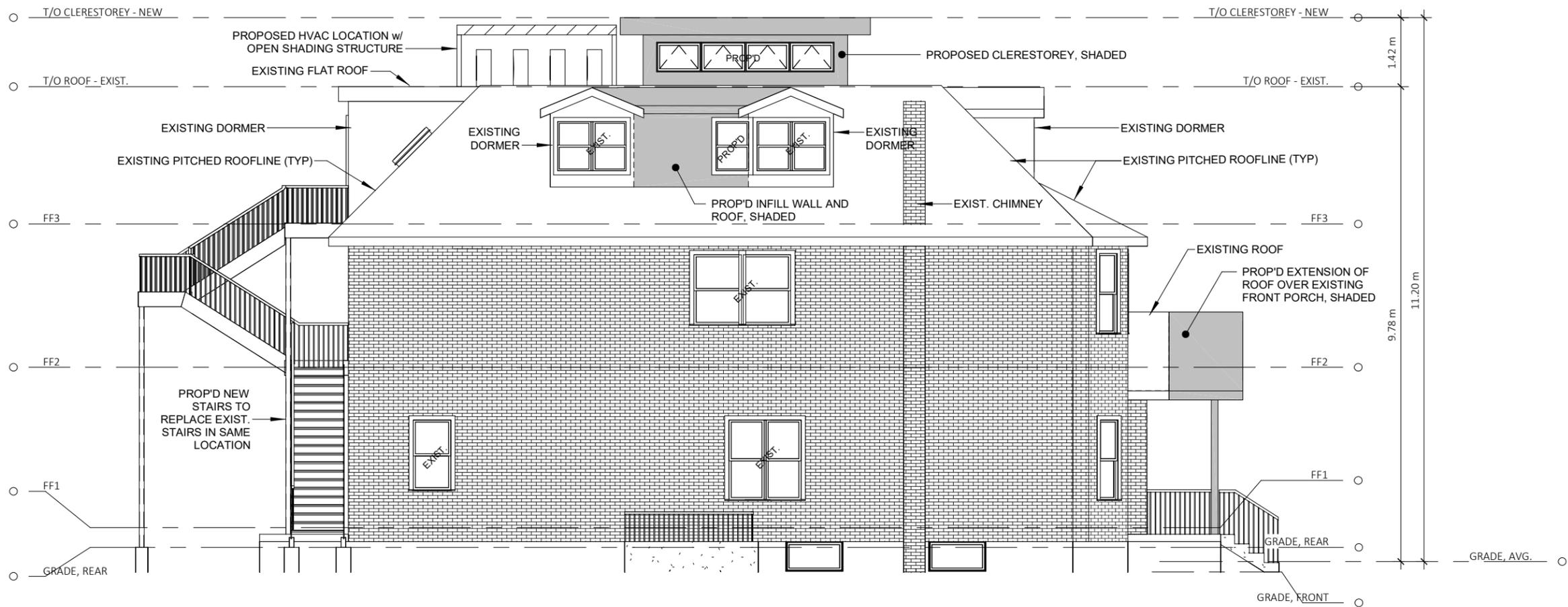
### INTERIOR ALTERATIONS

125 MOUNT ALBION RD,  
HAMILTON, ON, L8K 5S7

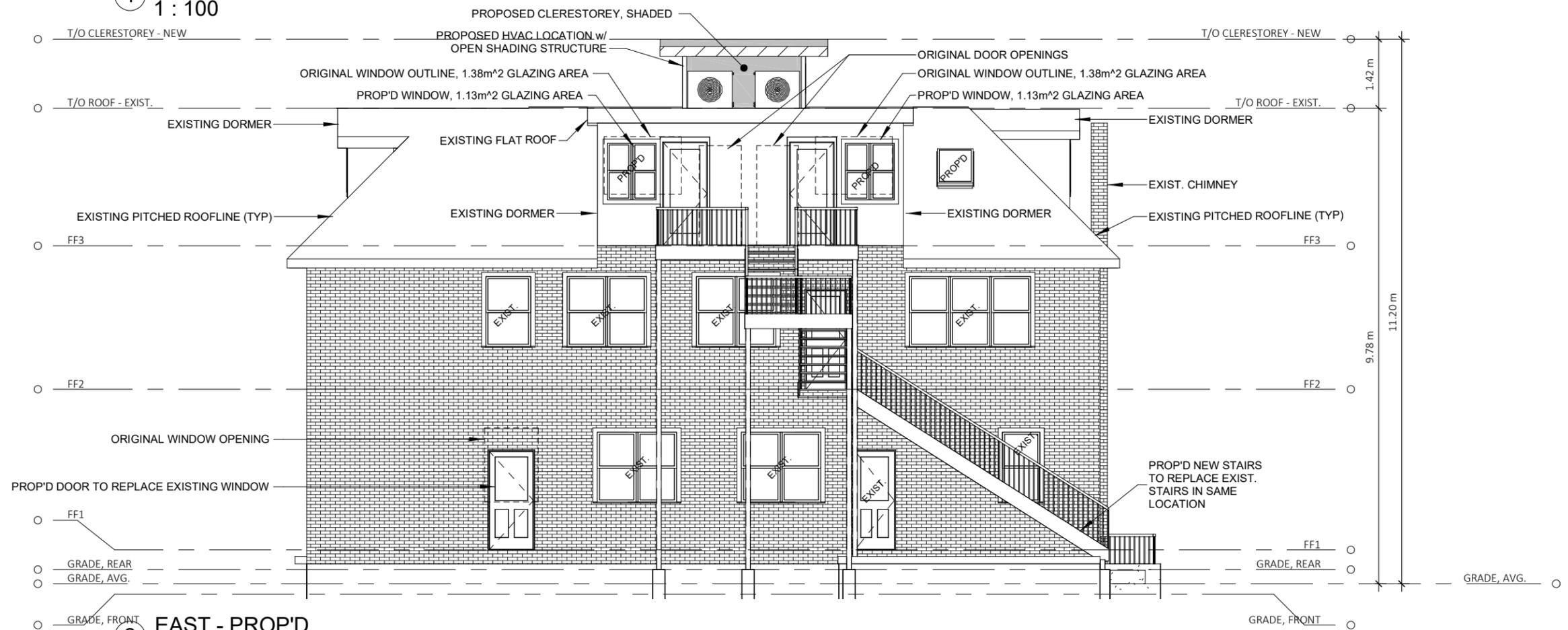
### ELEVATIONS - PROPOSED

Project: ADDRESS  
Issue Date: May 2019

**A203**



1 NORTH - PROP'D  
1 : 100



2 EAST - PROP'D  
1 : 100

**BUILT ENVIRONMENT**

design + consulting

126 Catharine St. N. :: Hamilton :: L8R 1J4  
905.869.6595 info@builtdesign.ca

**QUALIFICATION & REGISTRATION INFO**

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*D. Wilson*

THIS SIGNATURE MUST BE IN RED TO BE VALID

**D. Wilson BSc, BA(Hons), BEd, LEED GA**  
**FIRM REGISTRATION: BCIN 46390**

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No.	Description	Date
	M/V RE-SUBMISSION	SEPT 16, 2020
	M/V APPL'N	FEB 19, 2020

**SKYWAY CONSTRUCTION**

**INTERIOR ALTERATIONS**

125 MOUNT ALBION RD,  
HAMILTON, ON, L8K 5S7

**ELEVATIONS - PROPOSED**

Project:	ADDRESS
Issue Date:	May 2019

**A204**

20.155273



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. Hm/A-20-77 DATE APPLICATION RECEIVED Mar. 4/20

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 Skyway Construction Group Inc Telephone No.
  - 2.
  3. Name of Agent David Wilson Telephone No.
  - 4.
- Postal Code \_\_\_\_\_

**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:
1. To expand an existing legal non-conforming use;
  2. To permit an existing parking space with a 0.0m planting strip to remain.
- 
- 
7. Why it is not possible to comply with the provisions of the By-law?
- The existing building is legal, non-conforming and thus it is not possible to comply with the By-Law for any proposed change.
- 
- 
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
- Subject Municipal Address: 125 Mount Albion Rd., Hamilton, L8K 5S7
- Subject Legal Description: Part of Lot 31 Concession 4
- 
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  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?  
By inspection, the existing original home on the subject land appears to have been constructed circa 1890's. It appears to have been a farm up to severance approx. 1969 to create the surrounding residential neighbourhood.

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.

Mar 3 / 2020  
Date

[Redacted Signature]

Signature Property Owner

Greg Hart for Skyway Construction Group Inc  
Print Name of Owner



10. Dimensions of lands affected:

Frontage 33.0m  
Depth 43.59m  
Area 1,438.5m<sup>2</sup>  
Width of street ~20m+/-

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: Ground Floor Area: 243.3m<sup>2</sup>  
Gross Floor Area: 643.1m<sup>2</sup>  
No. of Storeys: 3  
Height: 9.78m grade to roof peak

Proposed: Ground Floor Area: 243.3m<sup>2</sup>  
Gross Floor Area: 736.72m<sup>2</sup>  
No. of Storeys: 3  
Height: 9.78m grade to roof peak (+1.42m roof to t/o clerestory, providing light & ventilation, & thus is not incl. in Building Height as per By-Law)

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

Existing: Please see attached Site Plan  
  
  
  
Proposed: Please see attached Site Plan

13. Date of acquisition of subject lands:  
March 2019
14. Date of construction of all buildings and structures on subject lands:  
Home: circa 1890's; additions circa 1960's
15. Existing uses of the subject property: recognized 6 unit multiple dwelling as per  
ZV Cert No. 19-108593 00 ZE2
16. Existing uses of abutting properties: single family dwellings
17. Length of time the existing uses of the subject property have continued:  
Greater than 50 years
18. Municipal services available: (check the appropriate space or spaces)  
 Water     X     Connected     X      
 Sanitary Sewer   X   Connected     X      
 Storm Sewers   X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
UHOP: "Neighbourhoods"  
Secondary: n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
n/a C' Urban Protected Residential
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.

**From:** [David Wilson](#)  
**To:** [Sheffield, Jamila](#)  
**Cc:** [David Wilson](#); [Greg Hart](#)  
**Subject:** HM/A-20:77 Mt. Albion Rd: Re-submission  
**Date:** September 18, 2020 3:54:08 PM  
**Attachments:** [Drawings for MV Re-Sub - V9-0 - 200918 MV2-0 - 19-006 MtAlbion125.pdf](#)

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Good Afternoon Jamila,

Please find attached revised plans for the re-submission of the above application.

Revisions were limited to:

- Variance 1: Loading space width increased to 3.7m (this was a drawing error on original Site Plan)
- Variance 2: Planting strips noted to be provided on north and east property boundaries (this was an omission on the original Site Plan)
- Most notably: Variance 6: Maintaining existing pitched roof structure and only proposing to slightly modify existing dormers (instead of entire new flat roof structure originally proposed)
- Proposing a pitched roof extension over the existing front porch (instead of flat roof originally proposed)
- Easterly fence noted as 'PROPOSED' (instead of noted as 'EXISTING' on original Site Plan)

Please advise if hard copies are required.

Please feel free to contact me should any questions or concerns arise.

Thank you,

David Wilson

B.Sc., B.A.(Hons), B.Ed., LEED GA

BCIN 46390

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**BUILT ENVIRONMENT DESIGN & CONSULTING**  
**201-126 Catharine St. N., Hamilton, ON, L8R 1J4**  
[d.wilson@builtdesign.ca](mailto:d.wilson@builtdesign.ca) :: 905.869.6595