

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-20:265

APPLICANTS: Owner: 1955132 Ontario Ltd. c/o Mario Nesci
Agent: Urban Solution c/o Matt Johnston

SUBJECT PROPERTY: Municipal address **122 & 126 Augusta St. & 125 & 127 Young St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-102

ZONING: D/S-1767-H and E-3/S-1767-H district (Urban Protected Residential - One and Two Family Dwellings, etc. and High Density Multiple Dwellings)

PROPOSAL: To To permit the construction of a four (4) storey Multiple Dwelling containing 27 dwelling units and the construction of a three (3) storey Multiple Dwelling containing 12 dwelling units, notwithstanding,

Four-storey Multiple Dwelling

1. A minimum setback of 0.0 metres shall be provided to the Augusta Street street line instead of providing the minimum required front yard depth of 0.0 metres for the first three storeys and 2.4 metres for any portion of the building exceeding three storeys;
2. A minimum separation distance for a parking area from the residential district directly west of the subject lands of 0.7 metres shall be provided instead of providing the minimum distance of 0.8 metres required to be provided between the boundary of a parking area containing five or more parking spaces and an adjoining residential district;
3. A minimum separation distance for a parking area from the residential district directly east of the subject lands of 0.4 metres shall be provided instead of providing the minimum distance of 0.8 metres required to be provided between the boundary of a parking area containing five or more parking spaces and an adjoining residential district;
4. A minimum separation distance for an access driveway from a residential district of 0.0 metres shall be provided instead of providing the minimum distance of 0.7 metres required to be provided from an access driveway for a Multiple Dwelling and an adjacent district which does not permit such use;

Three-storey Multiple Dwelling

5. A 3-storey Multiple Dwelling containing 12 dwelling units shall be provided whereas a Multiple Dwelling is not a permitted use within the D/S-1767-H zoning district;

6. A minimum setback from Young Street of 1.9 metres shall be provided instead of providing the minimum required rear yard depth of 9.7 metres (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts);

7. A projection of stairs 1.3 metres into a required setback to Young Street shall be provided instead of the maximum permitted projection of 1.0 metre into a required rear yard for an open fire escape or open stairway;

8. A minimum easterly side yard width of 1.7 metres shall be provided instead of providing the minimum required side yard width of 2.7 metres (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts);

9. A minimum westerly side yard width of 3.0 metres shall be provided instead of providing the minimum required side yard width of 2.7 metres (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts);

Entire Development

10. A minimum distance between building of 40 metres shall be maintained instead of providing a minimum distance of at least half of the height of the taller of the two buildings required to be provided on a lot with more than one Multiple Dwelling;

11. A parking ratio of 1.07 shall be provided instead of providing a minimum of 1.25 parking spaces required to be provided per dwelling unit (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts); and,

12. A visitor parking ratio of 0.12 shall be provided instead of providing a minimum of 0.25 visitor parking spaces required to be provided per dwelling unit (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts);

NOTES:

1. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

2. This lot is situated in two zoning districts. A building or structure may be erected in more than one district where the use is permitted in each of the districts and complies with the most restrictive requirements of the two zoning districts.

3. Amending By-law 19-102 deems the property line abutting Augusta Street to be the front lot line and the property line abutting Young Street to be the rear lot line.

Four-storey Multiple Dwelling

4. A variance has been requested to permit a Multiple Dwelling in the E-3/S-1767-H zone. Pursuant to amending By-law 19-102 a Multiple Dwelling is permitted within the E-3/S-1767-H zone; the applicant shall clarify the intent of this request.

5. A variance has been requested to permit a maximum building height of 13.5 metres, wherein a rooftop patio shall be permitted together with a mechanical penthouse and rooftop stair not exceeding 16.5 metres in height, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

6. A variance has been requested to permit a minimum side yard width of 2.0 metres, except that a rooftop patio shall be setback not less than 6.0 metres from any side lot line, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

7. A variance has been required to permit a canopy, cornice, eave, bay, balcony, dormer or porch projection to be located 0.0 metres from a street lot line, which is permitted pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

8. A variance has been requested to provide no loading space. A loading space is not required pursuant to amending By-law 19-102; the applicant shall clarify the intent of this request.

Three-storey Multiple Dwelling

9. A variance has been requested to permit a maximum building height of 12.3 metres. A maximum building height of 13.5 metres is permitted pursuant to amending By-law 19-102 (the most restrictive of the D/S-1767 and E-3/S-1767 zoning districts); the applicant shall clarify the intent of this request.

Entire Development

10. A variance has been requested to provide a minimum landscaped area of 30%. Amending By-law 19-102 requires a minimum landscaped area if 17% of the lot area; the applicant shall clarify the intent of this request.

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

DATE: Thursday, January 21st, 2021
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
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.

Important note: *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.*

MORE INFORMATION

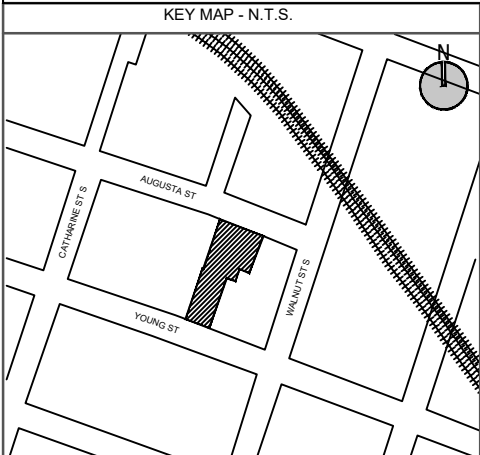
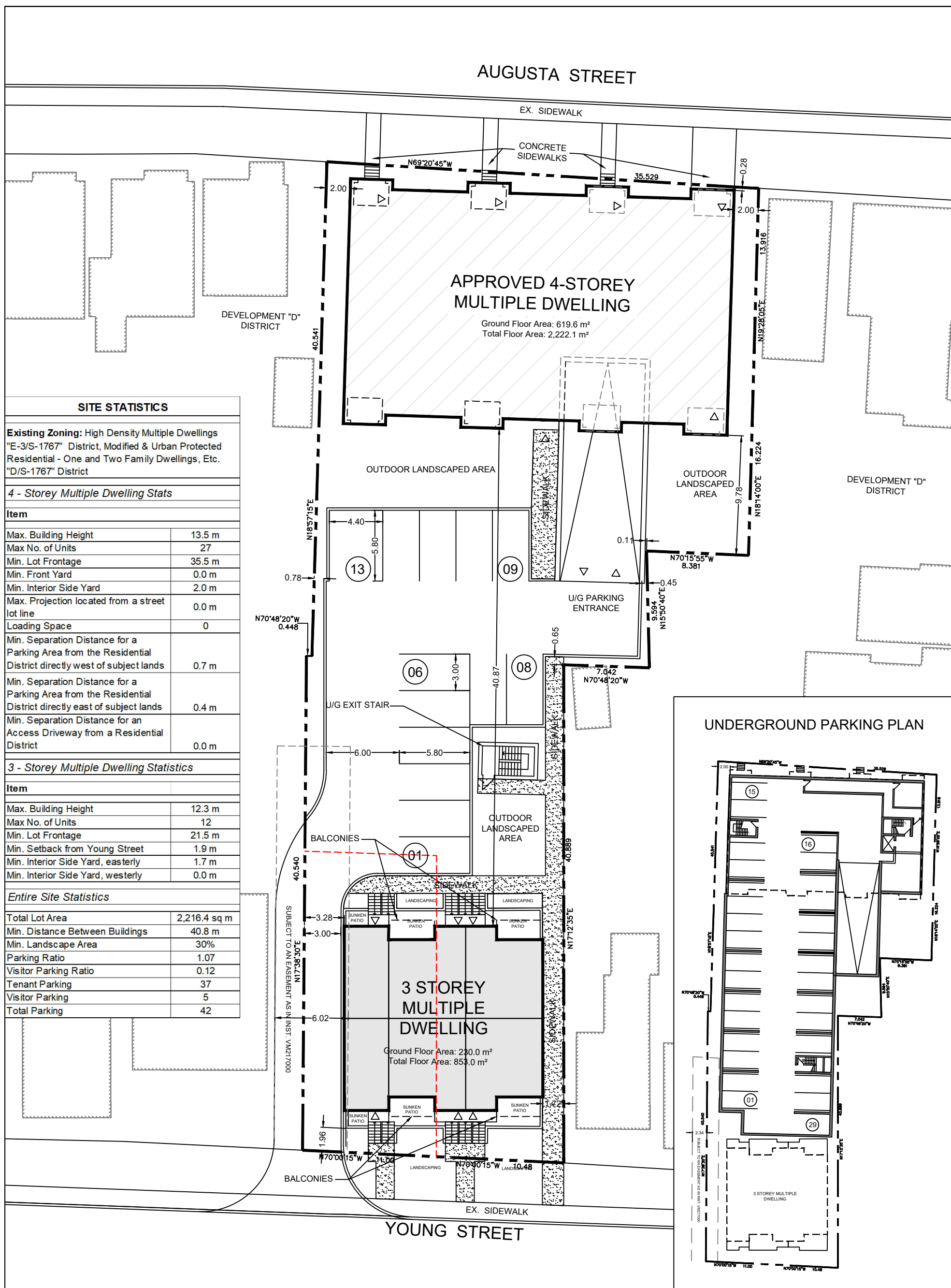
For more information on this matter, including access to drawings illustrating this request:


- 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: January 5th, 2021.

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.



<p>NOTES:</p> <ul style="list-style-type: none"> All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048 	<p>LEGEND:</p> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; border-bottom: 2px dashed black; margin-right: 10px;"></div> Subject Lands </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> Existing Buildings </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> Approved Building </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; height: 20px; border: 1px solid black; background-color: #cccccc; margin-right: 10px;"></div> Proposed Building Footprint </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; border-bottom: 2px dashed gray; margin-right: 10px;"></div> Easement </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 30px; border-bottom: 2px dashed red; margin-right: 10px;"></div> Existing Zone Boundary </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <div style="width: 0; height: 0; border-left: 5px solid transparent; border-right: 5px solid transparent; border-bottom: 8px solid black; margin-right: 10px;"></div> Door </div>
<div style="text-align: center;">  </div>	<div style="text-align: center; font-size: 2em; font-weight: bold;">SCALE 1:300</div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> CHECKED BY: M. JOHNSTON DATE: JANUARY 14, 2020 </div>

PREPARED BY:



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ONTARIO
L8L 0C8
URBANSOLUTIONS.INFO

PROJECT:	
122 & 126 AUGUSTA STREET & 125 & 127 YOUNG STREET CITY OF HAMILTON	
CLIENT:	
1955132 ONTARIO LTD.	
TITLE:	
COMMITTEE OF ADJUSTMENT SKETCH	
U/S FILE NUMBER:	SHEET NUMBER:
157-16	1



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 1955132 Ontario Ltd. c/o Mario Nesci Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
2. Address [REDACTED]

Postal Code [REDACTED]
3. Name of Agent UrbanSolutions Planning & Land Development
Consultants Inc. c/o Matt Johnston Telephone No. [REDACTED]
FAX NO. _____ E-mail address. [REDACTED]
4. Address [REDACTED]

Postal Code [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:

[Please refer to cover letter.](#)

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

[Please refer to cover letter.](#)

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

[Part of Lots 9, 11 & 17 and all of Lot 10, Registered Plan 48](#)

[122 & 126 Augusta Street and 125 & 127 Young Street, Hamilton](#)

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other

9.1 If Industrial or Commercial, specify use

[N/A](#)

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☒ No ☐ Unknown ☐

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

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

Yes _____ No ☒ Unknown _____

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?

Consultation with owner.

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.

November 17, 2020

Date

1955132 Ontario Ltd. c/o Mario Nesci

Print Name of Owner

10. Dimensions of lands affected: Please see attached Committee of Adjustment Sketch.

Frontage _____
Depth _____
Area _____
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.) Please see attached Committee of Adjustment Sketch.

Existing: _____

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: Please see attached Committee of Adjustment Sketch.

Proposed: _____

13. Date of acquisition of subject lands:

August 2016

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

122 Augusta St. building was built in 1866. 125 Young St. building was built in 1930.

15. Existing uses of the subject property: Vacant & Residential

16. Existing uses of abutting properties: Residential, Office Building & Warehousing

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

Since the 1800s

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

Water	<u>✓</u>	Connected	<u>✓</u>
Sanitary Sewer	<u>✓</u>	Connected	<u>✓</u>
Storm Sewers	<u>✓</u>		

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

Urban Hamilton Official Plan, Schedule E1, Neighbourhoods designation.

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

Hamilton Zoning By-law 6593, D/S-1767-H & E-3/S-1767-H

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