

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-21:28

APPLICANTS: A.J. Clarke & Associates on behalf of the owner Gardenvue Properties c/o Rosemary Smith

SUBJECT PROPERTY: Municipal address **293 Upper Wentworth St., Hamilton**

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

ZONING: "E" (Multiple Dwellings, Lodges, Clubs and etc.) district

PROPOSAL: To recognize the existing 5 storey multiple dwelling containing a total of 43 units notwithstanding that;

1. A minimum parking ratio of 0.93 spaces per unit shall be provided for multiple dwellings, whereas the Zoning By-Law No. 6593 requires that a multiple dwelling provides a minimum of 1.25 spaces per Class A dwelling unit.

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

DATE: Thursday, February 18th, 2021
TIME: 1:20 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:

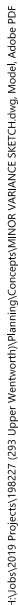
- Visit www.hamilton.ca/committeeofadjustment

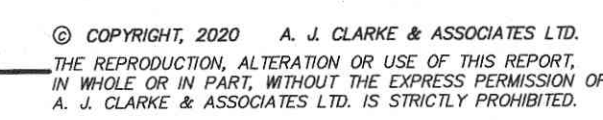
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 2nd, 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.





METRIC:
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048

MONUMENT IS LOCATED AT THE EAST SIDE OF MAHONY PARK,
~90.0m NORTH OF THE CENTRE LINE OF BARTON STREET EAST.
~15.0m NORTH OF THE CENTRE LINE OF GOGGIN AVENUE
AND ~16.0m WEST OF THE CENTRE LINE OF ADELINE AVENUE.
ELEVATION=86.893 CGVD 28

NOTE:
A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.
This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

 *A. J. Clarke and Associates Ltd.*
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

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, 2	NAME	ADDRESS	
Registered Owners(s)	Gardenvue Properties Ltd. c/o Rosemary Smith		Phone: E-mail:
Applicant(s)*	A. J. Clarke and Associates Ltd.		Phone: E-mail:
Agent or Solicitor	same as applicant		Phone: E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
Canadian Imperial Bank of Commerce - CIBC

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

See attached cover letter.

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

See attached cover letter.

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

293 Upper Wentworth

Lots 136 - 141 and Part of Lot 142 on Registered Plan 388, in the City of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use _____

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.6 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 ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.8 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 ☐

- 8.9 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 ☐

8.10 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 ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Property owners information

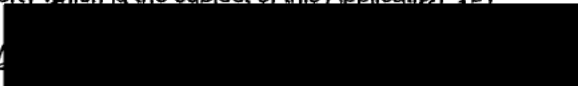
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☐

9. 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.

Jan 12/21
Date


Signature Property Owner

Rosemary Smith

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>70.50 metres</u>
Depth	<u>39.80 metres</u>
Area	<u>1948 square metres</u>
Width of street	<u>20.1 metres</u>

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: _

Front Yard: 7.26m; Rear Yard 14.74m; North Side Yard 7.38m; South Side Yard 7.27m

Proposed

No new construction is 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:

Front Yard: 7.26m; Rear Yard 14.74m; North Side Yard 7.38m; South Side Yard 7.27m

Proposed:

No new construction is proposed.

13. Date of acquisition of subject lands:
1960's
-
14. Date of construction of all buildings and structures on subject lands:
1960's
-
15. Existing uses of the subject property:
Five Storey Multiple Dwelling containing a total of 43 dwelling units. 42 Dwelling Units recognized as legal and 1 unit recognized as illegal. 40 Existing Parking Spaces.
16. Existing uses of abutting properties:
Single Detached Dwellings Residential Multiple Dwellings Commercial Uses
17. Length of time the existing uses of the subject property have continued:
Since construction
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:
Neighbourhoods, Schedule E-1 Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"E" Multiple Dwellings, Lodges, Clubs etc. District, City of Hamilton Zoning By-law No. 6593
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. Additional Information
24. 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.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

January 15, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

**Re: 293 Upper Wentworth Street
Minor Variance Application**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Gardenview Properties Ltd. for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 293 Upper Wentworth Street.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton in payment of the requisite application fee;
- 3) One (1) digital copy of the Plan of Survey T-3158, prepared by A.J. Clarke & Associates Ltd., dated July 20, 2020;
- 4) One (1) digital copy of the Minor Variance Sketch, prepared by A.J. Clarke & Associates Ltd., dated January 14, 2021;
- 5) One (1) digital copy of the Parking Study, prepared by Paradigm Transportation Solutions Ltd., dated November 2020;

The subject lands currently contain an existing five (5) storey multiple dwelling which was constructed in the 1960's. The existing building was approved for a total of 42 units at the time of construction. However, the building currently contains a total of 43 units. As such, the purpose of this application is to legalize the one (1) additional dwelling unit that was not recognized through the original approval process.

The subject lands are zoned "E" Multiple Dwellings, Lodges, Clubs, Etc., which permits multiple dwellings – among other uses. Accordingly, the existing multiple dwelling and all 43 units are permitted as-of-right under the Zoning By-law. However, it is understood that in order to formally legalize the additional unit, it must be demonstrated that sufficient parking is available to service the unit.



As per Section 18A – Table 1(g) of the Zoning By-law No. 6593, a minimum of 1.25 spaces per unit is required. The site has an existing parking supply of 40 spaces, which is legal non-conforming in relation to the 42 legally recognized units. A total of 1.25 spaces are required per the minimum parking requirement under Section 18A of the Zoning By-law. As no additional spaces are available for the benefit of the additional unit, a minor variance to reduce the minimum required on-site parking for the subject lands is required.

Therefore, A.J Clarke and Associates Ltd. Is requesting the following variance:

1. A minimum parking rate of 0.93 parking spaces per unit shall be required for multiple dwellings, whereas Zoning By-law No. 6593 requires that a multiple dwelling provide a minimum parking rate of 1.25 parking spaces for a multiple dwelling.

Minor Variance Application

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan.

The subject lands are located within a dense urban neighbourhood, with nearby amenities and services such as parks, a hospital and the nearby Concession Street shopping district. The overall intent of the Urban Hamilton Official Plan is to plan for complete neighbourhoods that are less reliant on motor vehicles for transportation and to reduce parking rates for neighbourhoods where amenities already exist. In this instance, the subject lands have access to a variety of services to meet the daily needs of residents, reducing the need for a motor vehicle in this area of the city. The subject lands has access to transit and other alternative modes of transportation such as walking and cycling. The proposed reduction in parking maintains the purpose and intent of the Urban Hamilton Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law No. 6593.

The intent of the Zoning By-law is to provide for an adequate number of parking spaces to support the demand that the use is generating. As discussed above, the subject lands are situated in an area of the City which has access to multiple amenities for the daily needs of residents without the need to use a motor vehicle. The subject lands has always operated with 40 parking spaces and the number of spaces is appropriate to accommodate the existing demand that the existing multiple dwelling generates. In addition, a parking study has been prepared by Paradigm Inc., for the subject lands which suggests that between 13 and 34 parking spaces are appropriate to accommodate on-site parking for the multiple dwelling. The site has access to HSR transit routes that give access to Hamilton Downtown and other areas of the City. Based on the foregoing, the proposed variance maintains the intent and purpose of the Zoning By-law No. 6593.



3. Is the proposed variance appropriate for the development of the subject lands?

The proposed variance represents an existing condition affecting the subject property. No new development is proposed and the existing parking lot containing 40 parking spaces is appropriate to accommodate the parking demand generated by the proposed development. Additional space to accommodate for additional parking is not available on the subject lands as at the time of construction the 40 parking spaces for the proposed development was deemed appropriate. The reduction in parking rate is similar to that of the surrounding area, which contain many multiple dwellings having a reduced parking rate. The reduction can be supported due to the number of amenities within walking distance of the property. Based on the foregoing the variance is appropriate for the development of the subject lands.

4. Is the proposed variance minor in nature?

The proposed variance is intended to recognize an existing condition on the subject property. The subject lands have been operating with 40 parking spaces since construction. Accordingly, there are no perceived impacts that stem from the minor variance as it recognizes an existing condition on the subject property. There are various amenities available to offset the need for parking, such as public transit and the proximity to the amenities located along Concession Street. Based on the foregoing, the variance is minor in nature.

Should the application be approved, the client will move forward to legalize the existing unit through the building permit process.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Miles Weekes, MCIP, RPP

A. J. Clarke and Associates Ltd.

Encl.

Cc: Gardenview Properties Ltd. c/o Rosemary Smith (via email)