

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.: SC/A-21:31

APPLICANTS: Agent IBI Group c/o Jared Marcus
Owner DeSantis Rose Joint Venture

SUBJECT PROPERTY: Municipal address **600 North Service Rd., Stoney Creek**

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

ZONING: C5, 682 district Mixed Use Medium Density

PROPOSAL: To permit the construction of a six (6) storey, 140-unit multiple dwelling notwithstanding that;

1. No planting strip shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide planting strip shall be provided and maintained; and
2. No visual barrier shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law; and
3. No visual screen shall be provided for the rooftop mechanical equipment whereas the By – Law states under Subsection 10.5.3 g) i) that a rooftop mechanical equipment shall be located and/or screened from view of any abutting street.

Notes:

These variances have been written as requested by the applicant.

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

DATE: Thursday, February 18th, 2021
TIME: 1:45 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

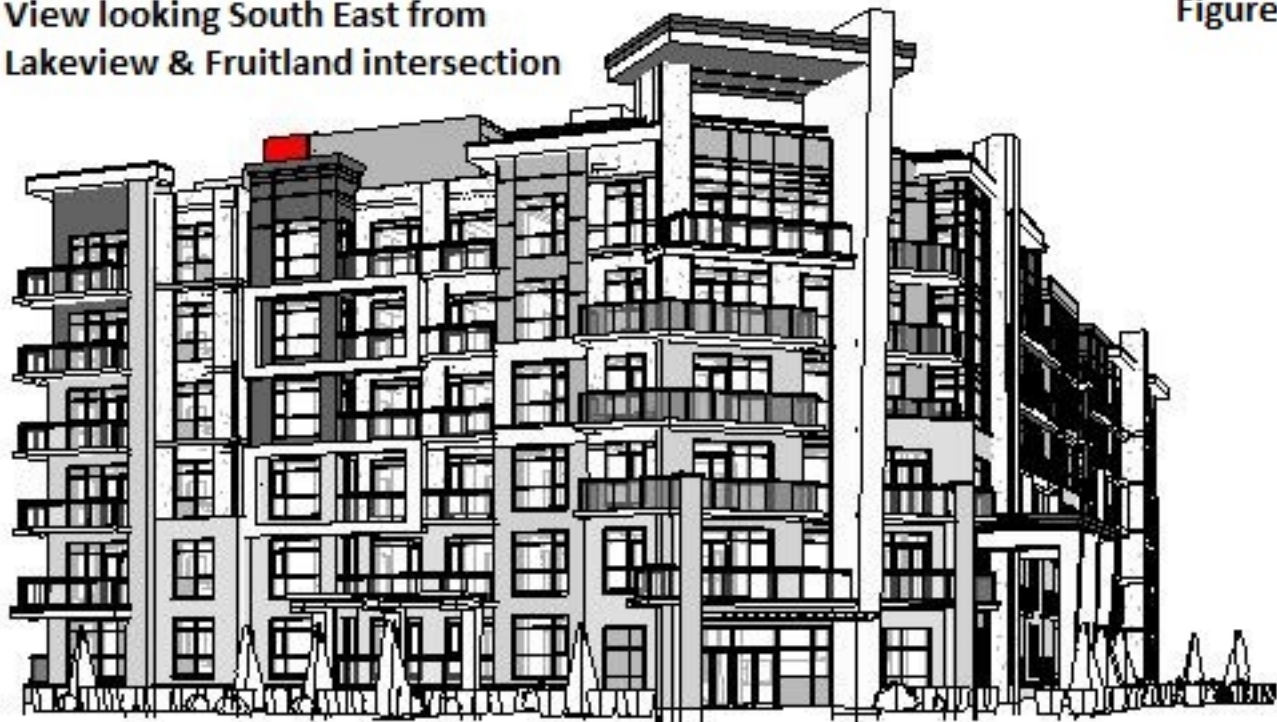
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

Figure 1 - View looking East from Lakeview Drive



View looking South East from
Lakeview & Fruitland intersection

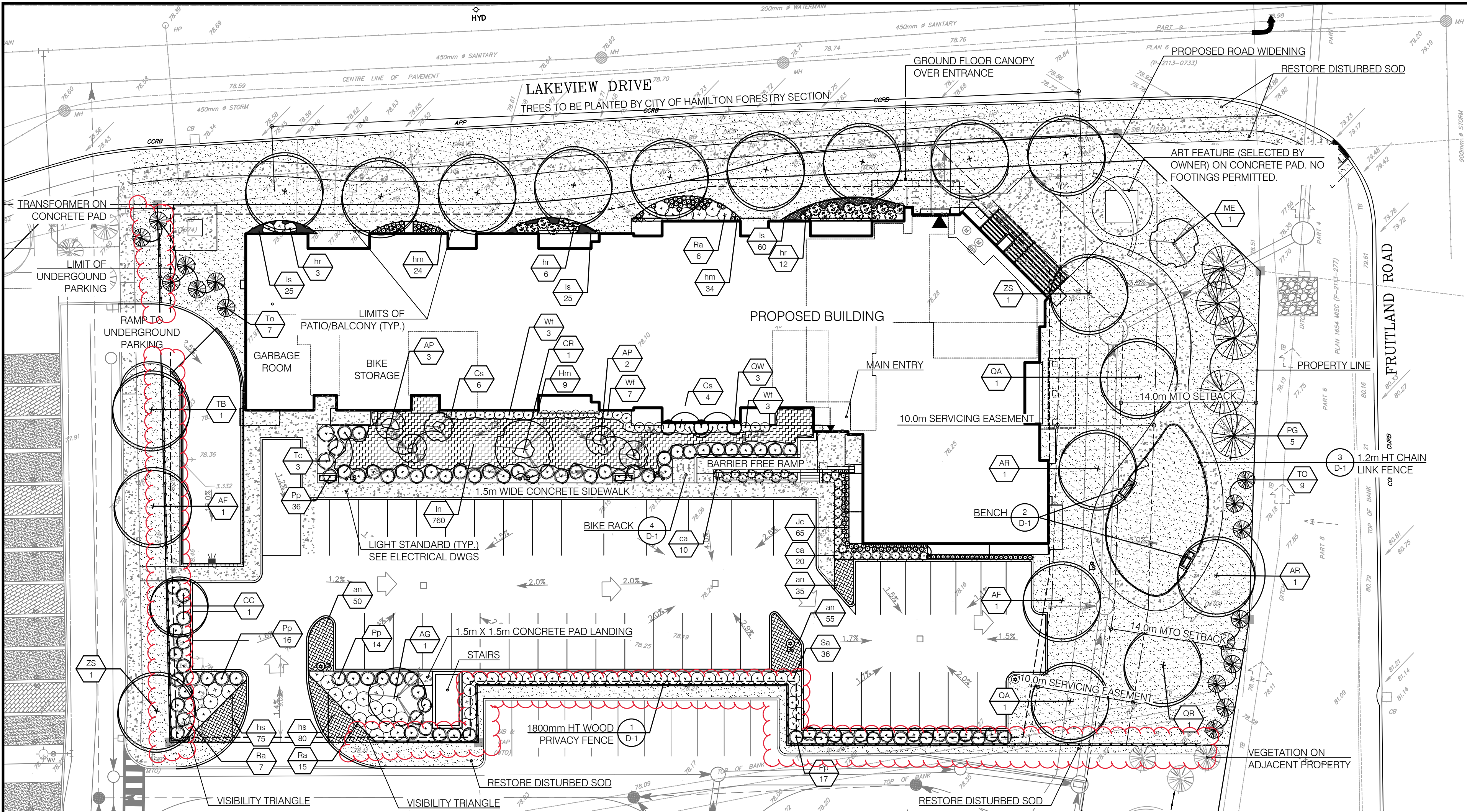
Figure 3



View looking West from Fruitland

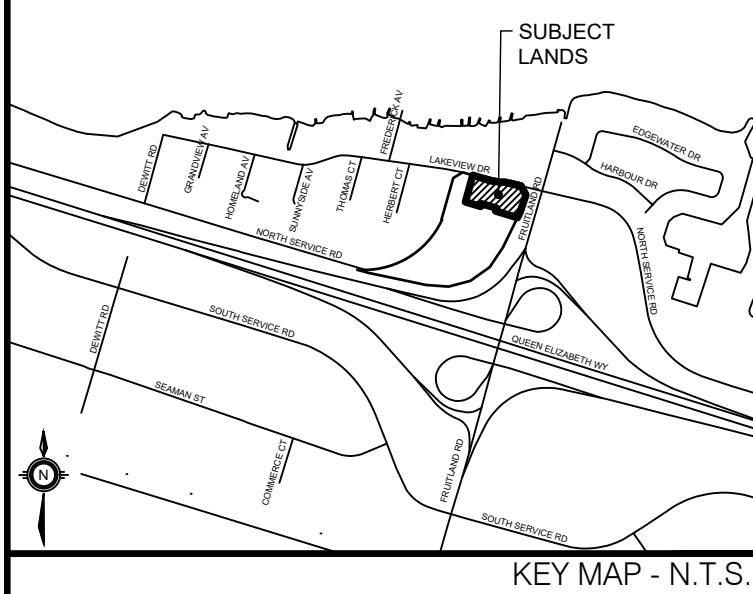


Figure 2



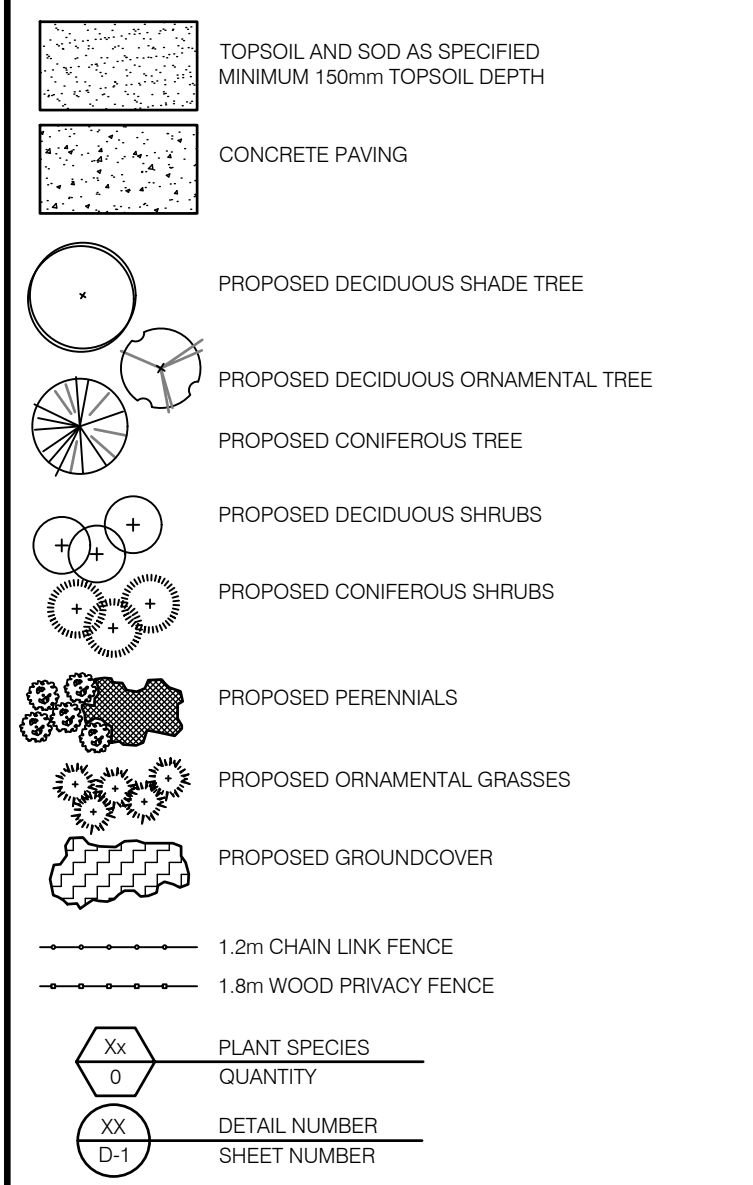
PROPOSED PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	CAL.	COND	MATURE HEIGHT (m)	MATURE SPREAD (m)	O.C. SPACING (m)	QNTY.	%
DECIDUOUS TREES									
AF	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	50mm	W.B.	15.0	12.0	10.0	2	18
AR	Acer rubrum	Red Maple	50mm	W.B.	16.0	15.0	10.0	2	18
CC	Carpinus caroliniana	Blue Beech	50mm	W.B.	8.0	6.0	6.0	1	10
QA	Quercus alba	White Oak	50mm	W.B.	22.0	22.0	10.0	2	18
TB	Quercus rubra	Red Oak	50mm	W.B.	16.0	15.0	10.0	1	10
QR	Tilia americana 'Boulevard'	Boulevard Linden	50mm	W.B.	15.0	8.0	6.0	1	10
ZS	Zelkova serrata 'Green Vase'	Japanese Zelkova	50mm	W.B.	25.0	15.0	10.0	2	18
TOTAL									11
ORNAMENTAL DECIDUOUS TREES									
AG	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry (clump)	150cm	W.B.	5.0	6.0	6.0	1	
AP	Amelanchier x grandiflora 'Princess Diana'	Princess Diana Serviceberry (clump)	150cm	W.B.	5.0	3.0	3.0	5	
CR	Cercis canadensis	Eastern Redbud	150cm	W.B.	8.0	7.0	5.0	1	
ME	Magnolia x Elizabeth'	Elizabeth Magnolia	150cm	B.B.C.	7.0	6.0	6.0	1	
QW	Quercus x warei 'Nadler'	Kindred Spirit Oak	200cm	B.B.C.	8.0	1.5	3.0	3	
TOTAL									11
CONIFEROUS TREES									
PG	Picea glauca	White Spruce	175cm	W.B.	25.0	10.0	3.0	5	
TOTAL									5
SHRUBS									
Cs	Cornus sericea 'Farrow'	Arctic Fire Dogwood	40cm	#3cont	1.0	1.0	1.0	10	
Hm	Hydrangea macrophylla 'Hokomarew'	Everlasting Revolution Hydrangea	40cm	#3cont	0.8	0.8	0.8	9	
Jc	Juniperus communis 'Gold Cone'	Gold Cone Juniper	50cm	#3cont	1.3	0.5	0.5	66	
Pp	Picea pungens 'Glaucia Globosa'	Globe Blue Spruce	40cm	#3cont	1.3	1.5	1.5	83	
Ra	Rhus aromatica 'Gro-Lu'	Fragrant Sumac	40cm	#3cont	0.8	1.8	1.5	28	
Sa	Spiraea alba	Meadowsweet	40cm	#3cont	1.3	1.3	1.3	36	
Tc	Taxus cuspidata 'Capitata'	Clipped Pyramidal Japanese Yew	150cm	B.B.C.	2.5	1.8	1.8	3	
To	Thuja occidentalis 'Fastigiata'	Pyramid Cedar	150cm	B.B.C.	8.0	2.0	3.0	16	
Wl	Weigela florida 'Alexandra'	Wine and Roses Weigela	40cm	#3cont	1.3	1.3	1.3	13	
TOTAL									263
GRASSES, PERENNIALS & VINES									
an	Aster novae-angliae 'Purple Dome'	New England Aster		#1cont	0.4	0.5	0.5	140	
ca	Calamagrostis x acutiflora Karl Foerster	Feather Reed Grass		#1cont	1.0	1.0	1.0	30	
hm	Hakonechloa macro 'Bent-kaze'	Red Wind Forest Grass		#1cont	0.4	0.5	0.5	58	
hr	Hosta Royal Standard'	Plantain Lily		#1cont	0.6	1.3	1.0	21	
hs	Hemerocallis 'Pandora's Box'	Daylily		#1cont	0.5	0.6	0.5	155	
In	Lysimachia nummularia	Creeping Jenny		pot	0.0	0.6	0.5	760	
Is	Leucanthemum x superbum 'Snowcap'	Shasta Daisy		#1cont	0.3	0.3	0.3	110	
TOTAL									1274



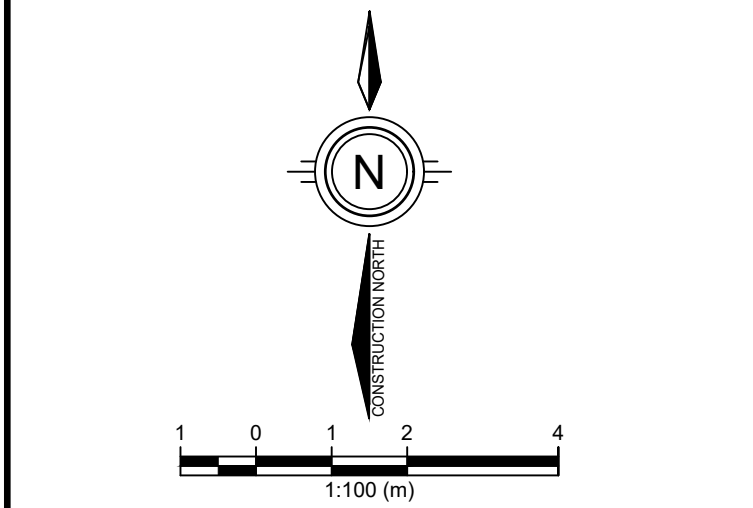
KEY MAP - N.T.S.

LEGEND



NOT FOR CONSTRUCTION

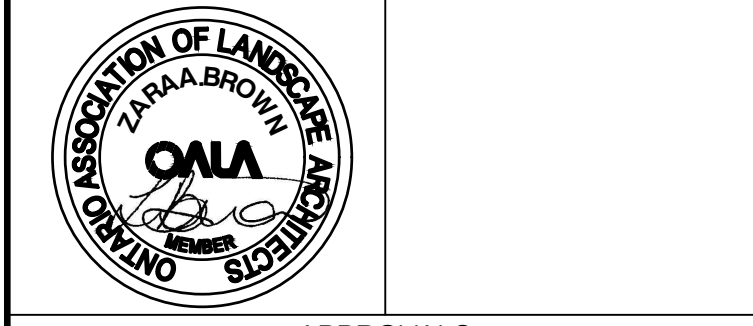
SCALE/NORTH ARROW



DESIGNED BY: Z.B. CHECKED BY: Z.B.
DRAWN BY: Z.B. DATE: 02/2018

4	2020-07-03	ZB	ISSUED FOR TENDER
3	2019-12-05	ZB	RE-SUBMITTED FOR SITE PLAN APPLICATION
2	2019-09-04	ZB	SUBMITTED FOR SITE PLAN APPLICATION
1	2019-02-20	ZB	SUBMITTED FOR CLIENT REVIEW
#	DATE	BY	DESCRIPTION

REVISIONS



APPROVALS

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

DA19-053

CITY OF HAMILTON
ONTARIO, CANADA

COMO RESIDENTIAL DEVELOPMENT
600 NORTH SERVICE ROAD
HAMILTON, ONTARIO

LANDSCAPE PLAN

FILE NUMBER: 119292L SHEET NUMBER: L-1

NOTES:

- OBTAIN WRITTEN CONFIRMATION OF UTILITY LOCATES PRIOR TO COMMENCEMENT OF DIGGING.
- DIG ALL HOLES BY HAND WHEN CLOSER THAN 1.0M TO UNDERGROUND POWER, TELEPHONE AND GAS ALIGNMENTS.
- USE ROOT DEFLECTOR ON THE UTILITY SIDE OF REQUIRED.
- ENSURE BASE OF TREE PIT IS STABLE IN ORDER TO MAINTAIN THE DESIRED TREE LEVEL AND GRADE.
- TREES TO BE SPRAYED WITH APPROVED ANTI-DESSICANT PRIOR TO TRANSPLANTING UNLESS PLANTED WITHIN 48 HOURS OF DIGGING (IF PLANTED IN FULL LEAF).
- SET TREE 50mm HIGHER THAN SURROUNDING GRADE TO ALLOW FOR SETTLEMENT.
- SCARIFY COMPACTED SUBGRADE TO 500mm DEEP IN AREA 5 X ROOTBALL DIAMETER.
- DIG PIT 300mm WIDER THAN ROOTBALL PERIMETER.
- MULCH WITH SHREDDED BARK OR COMPOSTED HARDWOOD CHIPS.
- TRUNK PROTECTION.
- MECHANICAL INJURY - USE PLASTIC TREE COLLAR.
- ANIMAL INJURY - USE SPIRAL TREE GUARDS OR SCREEN COLLARS.
- SUNSCALD INJURY - PAINT TRUNK WITH WHITE LATEX OR WHITE WASH OR WRAP WITH BURLAP, 'KRAFT WRAP' INSTALLED FROM THE GROUND UP TO ABOVE LOWEST BRANCHES.
- LAWN MOWER INJURY - USE SPLIT CORRUGATED BRASS COLLARS.
- REMOVE TREE STAKES AND TREE WRAP AFTER ONE SEASON.

- PRUNE BRANCHES AND RETAIN NATURAL FORM OF TREE AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT PRUNE LEADER BRANCH.
- FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH. FASTEN IN FIGURE 8 CONFIGURATION.
- SET HEARTWOOD STAKE SET APPROX. 1.2m ABOVE FINISHED GRADE, AND POSITION STAKES AND TIES TO PREVENT TREE DAMAGE.
- PVC TREE WRAP.
- 100mm COMPACTED MULCH ABOVE FINISHED GRADE.
- MULCH 150mm AWAY FROM TRUNK.
- 100mm HIGH RAISED SAUCER.
- FINISHED GRADE.
- EXISTING TOP SOIL.
- CUT AND REMOVE ALL WIRE, BURLAP, ROPE AND TWINE FROM TOP 1/3 OF ROOT BALL.
- PLANTING SOIL MIXTURE AS SPECIFIED. BACKFILL IN 150mm LIFT AND MIXTURE IN LAYERS TO PREVENT AIR POCKETS.
- UNDISTURBED SUBSOIL.
- SCARIFY 150mm TAMPED SETTING BED AT BOTTOM OF TREE PIT.

NOTES:

- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
- SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
- ALL DIMENSIONS ARE IN mm.
- STAKING SCHEDULE:
 - < 2500mm HT. - ONE STAKE
 - > 2500mm HT. - TWO STAKES
- SPACED TREES - THREE STAKES OR GUY WIRES.
- ALL SUPPORT SYSTEMS MUST BE REMOVED ONCE TREE IS ESTABLISHED.
- ALL TREES TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
- TOP OF ROOT FLARE SHALL BE POSITIONED 50mm ABOVE GRADE.

DO NOT CUT OR DAMAGE LEADER PRUNE ONLY INJURED, INFECTED OR DEAD BRANCHES REMOVE ALL NURSERY TAGS, PLASTIC OR METAL.

CONTRACTOR SHALL PROVIDE BURLAP WRAP FOR WINTER PROTECTION FOR DURATION OF MAINTENANCE AND WARRANTY PERIOD.

FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH. FASTEN IN FIGURE 8 CONFIGURATION.

STEEL T-BAR OR 50X50mm STAKE (SEE NOTES FOR STAKING REQUIREMENTS). STAKE TO EXTEND MIN. 300mm INTO UNDISTURBED SOIL.

REMOVE TREE WRAP AT END OF WARRANTY PERIOD OR AS DIRECTED BY CONSULTING LANDSCAPE ARCHITECT.

IF REQUIRED, PLASTIC TREE GUARD TO BE PLACED FROM LOWEST BRANCH TO SOIL SURFACE.

100mm HIGH SAUCER.

100mm DEPTH SHREDDED CEDAR BARK MULCH BY GRO-BARK LTD. ALL TREAT FARMS OR APPROVED EQUIVALENT.

PROVIDE CLEAN AND CONTINUOUS SPADE CUT ALONG ALL BED EDGES.

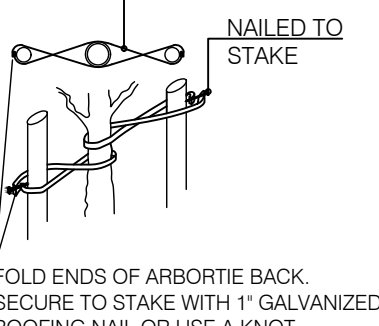
REMOVE WIRE BASKET, BURLAP, AND ROPE FROM TOP 1/3 OF ROOT BALL.

EXCAVATE TO 1.5X ROOT BALL DEPTH AND BACK-FILL PREPARED SOIL MIX (SEE NOTE). COMPACT TOPSOIL TO ELIMINATE AIR POCKETS AND SETTLEMENT.

SCARIFY PIT BOTTOM TO 150mm DEPTH.

UNDISTURBED SOIL.

FIGURE 8.



FOLD ENDS OF ARBOR TIE BACK, SECURE TO STAKE WITH 1" GALVANIZED ROOFING NAIL OR USE A KNOT.

NOTES:

- ARBOR TIES AND NOTES ARE AS DESCRIBED FOR TYPICAL TREE DETAILS (DETAIL 1/L-1).

PRUNE BRANCHES AND RETAIN NATURAL FORM OF TREE AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT PRUNE LEADER BRANCH.

FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH. FASTEN IN FIGURE 8 CONFIGURATION.

SET HEARTWOOD STAKE SET APPROX. 1.2m ABOVE FINISHED GRADE, AND POSITION STAKES OUTSIDE MOUND, SECURE TIES TO PREVENT TREE DAMAGE.

PVC TREE WRAP.

100mm COMPACTED MULCH ABOVE FINISHED GRADE.

MULCH 150mm AWAY FROM TRUNK.

100mm HIGH RAISED SAUCER.

FINISHED GRADE.

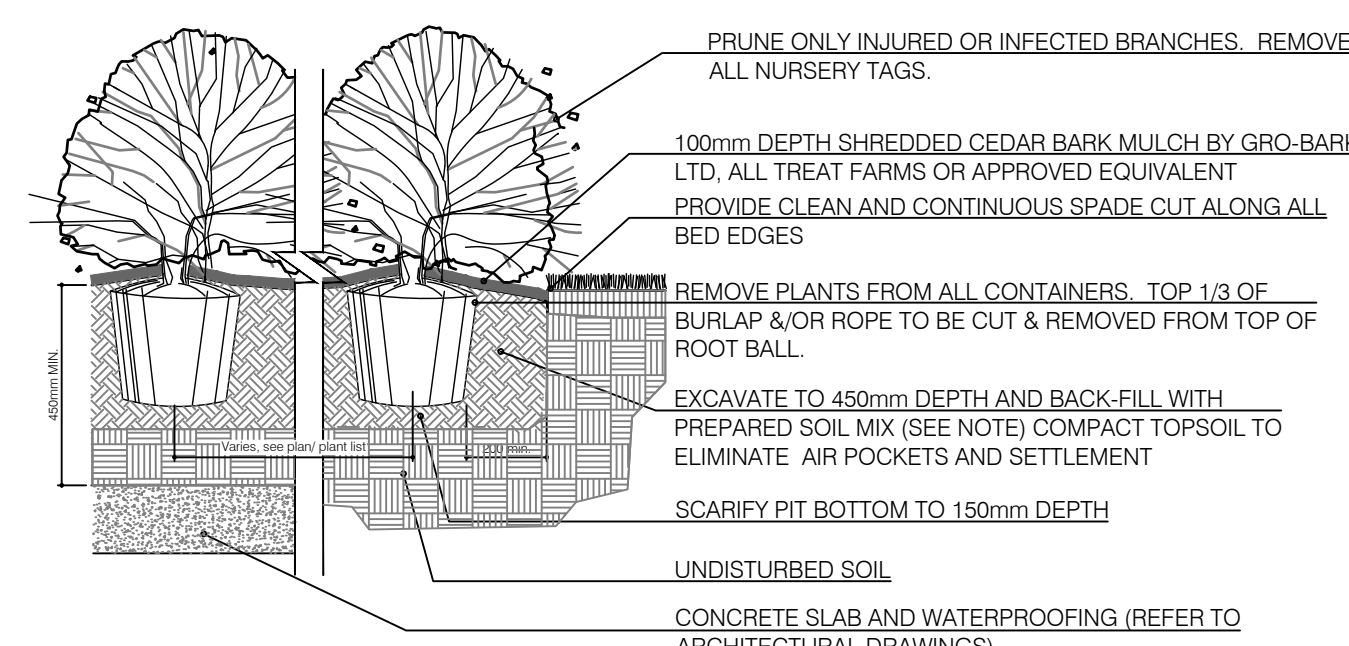
CUT AND REMOVE ALL WIRE, BURLAP, ROPE AND TWINE FROM TOP 1/3 OF ROOT BALL.

PLANTING SOIL MIXTURE AS SPECIFIED. BACKFILL IN 150mm LIFT AND MIXTURE IN LAYERS TO PREVENT AIR POCKETS.

PARENT SOIL, AMENDED AS NECESSARY OR IMPORTED TOPSOIL.

ROOT BARRIER OVER CONCRETE SLAB AND WATERPROOFING (CONCRETE SLAB AND WATERPROOFING (REFER TO ARCHITECTURAL DRAWINGS)).

3 BALLED & BURLAPPED/WIRE BASKET DECIDUOUS TREE ON CONCRETE SLAB N.T.S.

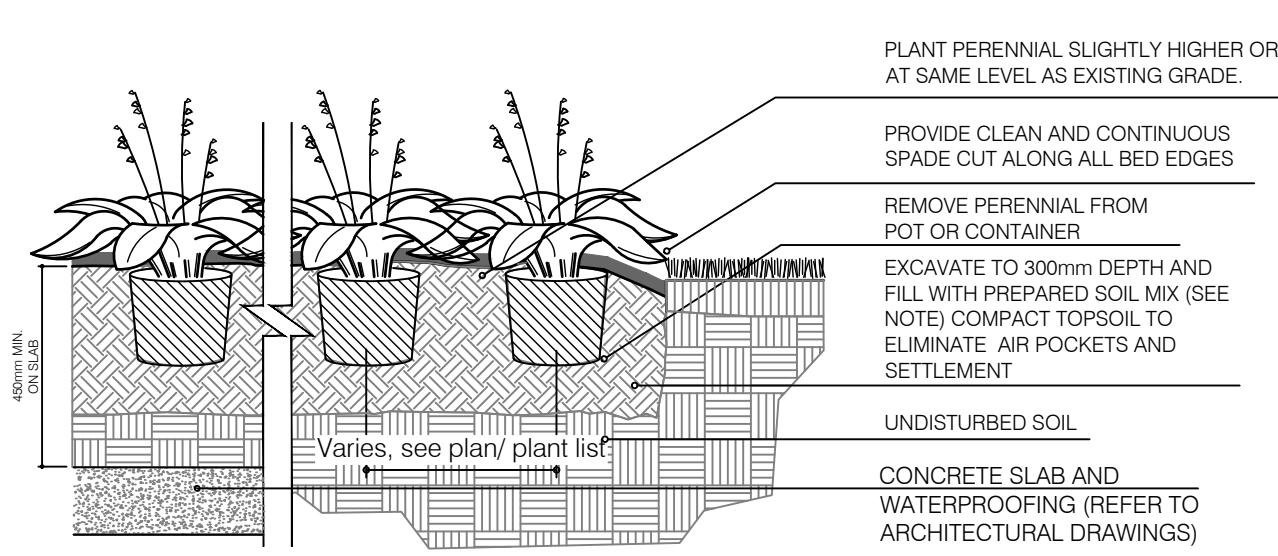


NOTES:

- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
- SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
- ALL DIMENSIONS ARE IN mm.
- CUT AND REMOVE CONTAINER. SCARIFY ROOTBALL SIDES.
- ALL PLANTS TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
- PLANTING SOIL TO BE A MINIMUM OF 450mm ON SLAB.

4 BALLED AND BURLAPPED/POTTED SHRUB N.T.S.

5 CONTAINER GROWN PERENNIAL/GRASS N.T.S.



NOTES:

- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
- SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
- ALL DIMENSIONS ARE IN mm.
- CUT AND REMOVE CONTAINER. SCARIFY ROOTBALL SIDES.
- ALL PLANTS TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
- PLANTING SOIL TO BE A MINIMUM OF 450mm ON SLAB.

CONTRACTOR SHALL PROVIDE 75mm MULCH FOR ALL PERENNIALS EXCEPT GROUNDCOVERS UNLESS SPECIFIED OTHERWISE.

PLANT PERENNIAL SLIGHTLY HIGHER OR AT SAME LEVEL AS EXISTING GRADE.

PROVIDE CLEAN AND CONTINUOUS SPADE CUT ALONG ALL BED EDGES.

REMOVE PERENNIAL FROM POT OR CONTAINER.

EXCAVATE TO 300mm DEPTH AND FILL WITH PREPARED SOIL MIX (SEE NOTE). COMPACT TOPSOIL TO ELIMINATE AIR POCKETS AND SETTLEMENT.

UNDISTURBED SOIL.

CONCRETE SLAB AND WATERPROOFING (REFER TO ARCHITECTURAL DRAWINGS).

DEVELOPMENT DETAILS – AMENITY AREA	
BALCONIES	900m ²
INTERIOR AMENITY ROOMS	140.6m ²
OPEN ROOFTOP PATIO	303m ²
TOTAL AMENITY AREA	1343.6m ²

RE: 600 North Service Road, Stoney
File No. DA-19-053

iii) identify the pads above on the engineering servicing drawings. Said pads are to be at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

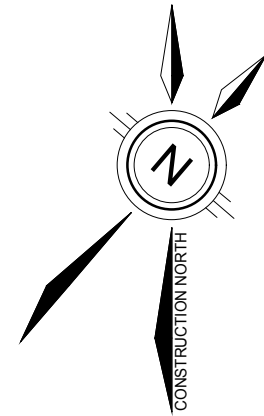
"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

Dated this 9th day of September, 2020

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR, OR REPLACEMENT OF THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER. THE CITY FIRE DEPARTMENT SHALL BE NOTIFIED AT LEAST 72 HOURS PRIOR TO MINUS 7.5m UNLESS OTHERWISE STATED.
3. ALL DRIVEWAYS FROM PROPERTY LINES TO THE FIRST 7.5m SHALL BE WITHIN 53 CM OF THE PROPERTY LINE. DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
4. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - SEWER PERMITS
 - APPROVAL/ADDITIONAL PERMITS
 - REMEDIATION OF SERVICES
 - COMMITTEE OF ADJUSTMENT
 - ENCROACHMENT AGREEMENTS
 - BUILDING PERMITS (IF REQUIRED)
5. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
6. ALL PLANTING SHALL BE DONE IN AREAS IN WHICH THE MAXIMUM HEIGHT OF A OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE GROUND SURFACE. PERENNIALS, CENTRALE LINDEN, AND THE CARMEL STREET PLANTING IN THIS PROPERTY IS LIMITED FOR THE PROTECTION OF CARBON DIOXIDE MATERIAL AND LEAF AND WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE REMOVED FROM THE PROPERTY BY PRIVATE CONTRACTOR.
7. ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN-BY-LAW No. 10-197.
8. ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE-BY-LAW No. 10-142.



B - GROUND FLOOR PATIO/2nd TO 6th FLOOR BALCONY



LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES

NOT FOR CONSTRUCTION

BENCHMARK
MONUMENT 07720020036
LOCATED IN STONEY CREEK, 10m SOUTH OF CENTRELINE OF
BARTON STREET, 9m EAST OF CENTRELINE OF CHELSEA CRESCENT,
4m NORTH OF CENTRELINE AND 11m NORTHEAST OF NORTHEAST
CORNER OF HYDRO VAULT.
ELEVATION: 86.853m CGVD 28



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[illegible]

APPROVALS	
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IFL GROUP

IBI Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011

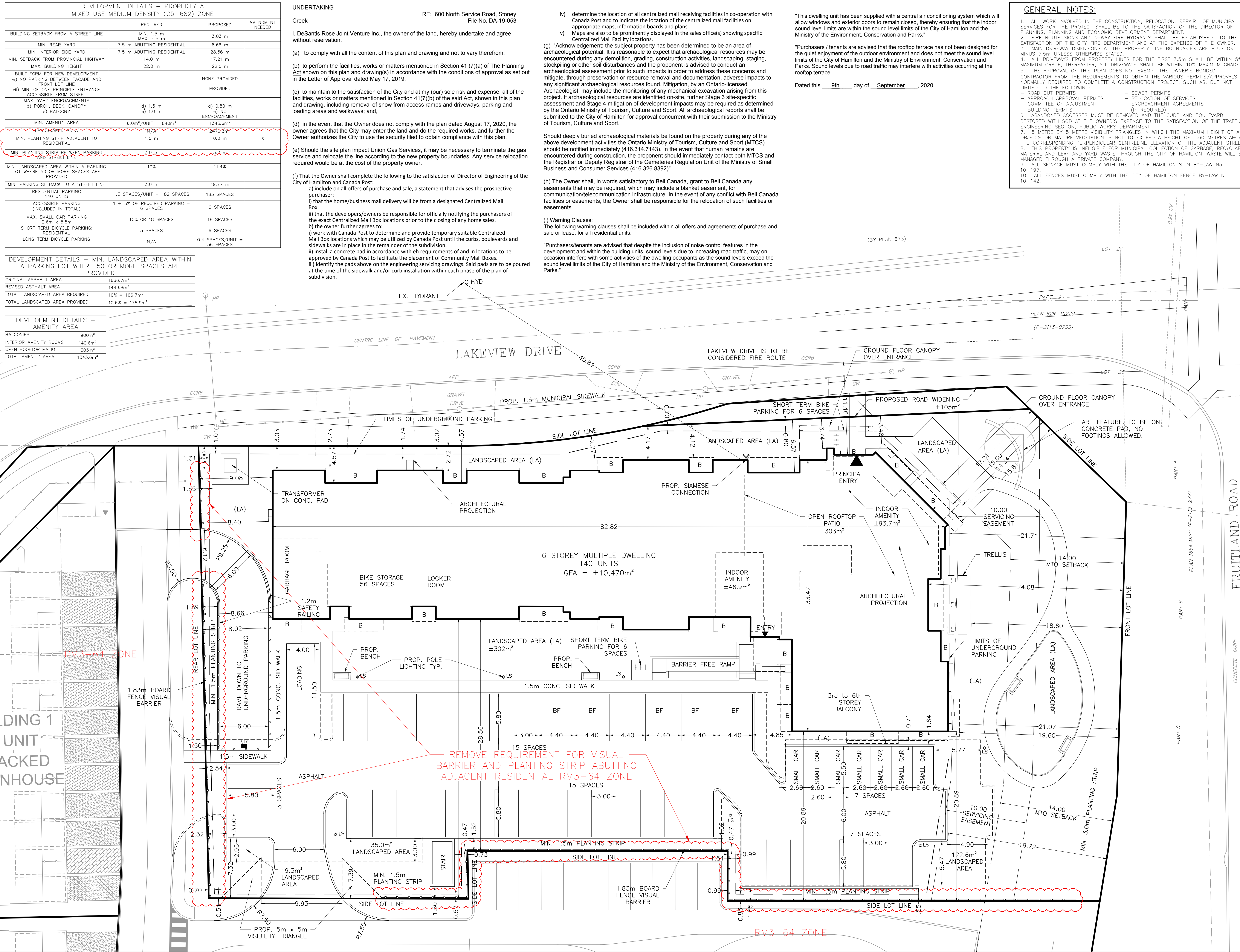
CITY OF HAMILTON
333 NORTH SERVICE ROAD

DeSANTIS ROSE JOINT

VERMOREL 1103

DA-19-053

119292	51
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APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____



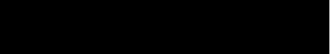



PAID _____ DATE APPLICATION DEEMED COMPLETE _____

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			
Registered Owners(s)	DeSantis Rose Joint Venture Inc. c/o Fernando Puga		Phone: 
			E-mail: 
Applicant(s)*	IBI Group c/o Jared Marcus		Phone: 
			E-mail: 
Agent or Solicitor			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:

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:
10.5.3gi) To permit rooftop mechanical equipment without a visual screen.
10.5.3i) To remove the requirement for a Planting Strip to be provided abutting a Residential Zone.
10.5.3j) To remove the requirement for a Visual Barrier to be provided abutting a Residential Zone.
5. Why it is not possible to comply with the provisions of the By-law?
The requirement for privacy fencing and planting strip envisions a scenario where a CMU zone is adjacent to a residential zone that is not part of a master-planned development and there is a need to buffer separate uses. In this case the development was planned to function together so there is no need for the visual barrier.
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**):
Part of Lots 19, 20 & 21, Registered Plan 673, and Parts of Lots 23-26, 28-30
Registered Plan 723, Parts 1, 3 & 4, Plan 62R-21422.
600 North Service Road, Stoney Creek
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?

Subject lands were part of a previous Site Plan, Zoning and Official Plan Amendment applications and environmental concerns were addressed during that review.

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.

2021-01-20
Date


Signature Property Owner

GABRIEL DESARRES
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+/-102.6m</u>
Depth	<u>+/-55.7m</u>
Area	<u>+/-6283sq.m</u>
Width of street	<u>varies</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: _

FY: 3.0m; RY: 8.6m; SY: 28.5m

Proposed

No new structures 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:

FY: 3.0m; RY: 8.6m; SY: 28.5m

Proposed:

No new structures proposed

13. Date of acquisition of subject lands:
2016
-
14. Date of construction of all buildings and structures on subject lands:
2020/2021
-
15. Existing uses of the subject property:
Approved for Multiple Dwelling, under construction
16. Existing uses of abutting properties:
North: Residential; West: Fruitland Road; South: Residential; West: Park
17. Length of time the existing uses of the subject property have continued:
2020
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:
Mixed Use-Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Mixed Use-Medium Density (C5, 682)
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.



IBI GROUP
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January 25, 2021

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**600 NORTH SERVICE ROAD, STONEY CREEK - COMO - DA-19-053
MINOR VARIANCE APPLICATION**

On behalf of our client, DeSantis Rose Joint Venture Inc., we are pleased to submit a Minor Variance application for the above noted development. The application seeks to remove the requirement for a Planting Strip and a Visual Barrier to be located along a lot line abutting an adjacent Residential zone, and to remove the requirement for visual screening for rooftop mechanical equipment.

While the Myst and COMO developments will exist as separate condominium corporations, the developments were designed to function as one and therefore the need to provide a visual barrier between the two uses was not anticipated. However, during the Site Plan review for the subject lands it was identified that the C5 zone required a Planting Strip and a Visual Barrier between the two projects. The two properties are zoned within separate parent By-laws and the anticipated function of the CMU zone does not envision a scenario where the adjacent uses are zoned differently but designed comprehensively and cohesively planned. The request to remove the Planting Strip and a Visual Barrier requirement will not cause any adverse impact on the adjacent lands.

The intent of screening rooftop mechanical equipment is to ensure that the building remains visually pleasant despite the necessity for these features to be located on the roof. Often the mechanical equipment can be easily seen from the pedestrian realm and it distracts from the overall high quality of architectural design. In our opinion, visual screening is one option to mitigate this issue, other options include siting lower height equipment so that the visual impact is lessened or reduced, and in the case of taller equipment, painting in a similar palette as the building components to minimize how much the feature stands out.

In the case of this development both options will be employed, the lower height mechanical equipment has been located setback from the perimeter of the building so that the overall impact on views from the pedestrian realm will be marginal, as shown in Figures 1 & 2. In the case of the taller height mechanical equipment, as shown in Figure 3, the builder will employ the use of paint which mimics the colour of the other building components. In addition, the taller mechanical equipment is a similar height to the mechanical penthouse, and the use of a screen tall enough to shield that feature will only add to the overall height and mass on top of the building and will not reduce the overall visual impact. The developer has successfully used paint to mitigate the visual impact of rooftop mechanical on their Aqua Blu development located along the QEW in Grimsby.

Ms. Jamila Sheffield, ACST – January 25, 2021

We would note that notwithstanding the request to remove the requirement for a visual screen, if the final recommendations from the Acoustical study require noise attenuation to mitigate any impact on the adjacent land uses, then those requirements would supersede a decision on the visual screening.

In support of the application please find enclosed the following information:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Site Plan and Landscape Plan drawings;
- One (1) copy of the Architectural rooftop layout plan, and 3D elevation figures;
- One (1) cheque in the amount of \$18.00; and,
- One (1) copy of the Articles of Incorporation for DeSantis Rose Joint Venture Inc.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,



Jared Marcus, CPT

Associate, Manager – Planning

Encl.

Cc: Fernando Puga, DeSantis Rose Joint Venture Inc.