COMMITTEE OF ADJUSTMENT
City Hall, $5^{\text {th }}$ floor, 71 Main Street West, Hamilton, ON L8P 4Y5

## 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.:
APPLICANTS: R. Woolgar \& M. Woolgar

SUBJECT PROPERTY: Municipal address 50 Picton St. W., Hamilton<br>ZONING BY-LAW: Zoning By-law 6593, as Amended<br>ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the creation of two (2) new lots and to permit the construction of a two (2) family dwelling on each lot upon demolition of all existing buildings, notwithstanding,

1. A minimum front yard depth of 2.0 metres shall be permitted for both the lands to be conveyed and the lands to be retained instead of the minimum required front yard depth of 6.0 metres;
2. A minimum side yard width of 0.9 metres shall be permitted for both the lands to be conveyed and the lands to be retained instead of the minimum required side yard width of 1.2 metres for a building not exceeding two and a half storeys or 11.0 metres in height.
3. A minimum lot width of 9.1 metres and a minimum lot area of 412 square metres shall be permitted for both the lands to be conveyed and the lands to be retained instead of the minimum lot width of 18.0 metres and the minimum lot area of 540.0 square metres required to be provided for a two (2) family dwelling;
4. A minimum of $22 \%$ of the gross area of the front yard shall be provided as landscaped area for both the lands to be conveyed and the lands to be retained instead of providing a minimum of $50 \%$ of the gross area of the front yard required to be provided as landscaped area;
5. No onsite manoeuvring space shall be provided for both the lands to be conveyed and the lands to be retained instead of providing a manoeuvring space with a minimum of 6.0 metres required to be provided abutting upon and accessory to each required parking space;
6. A minimum parking space size of 2.6 metres in width by 6.0 metres in length shall be provided for both the lands to be conveyed and the lands to be retained instead of providing the minimum required parking space size of 2.7 metres in width by 6.0 metres in length;

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7. The access driveway for both the lands to be conveyed and the lands to be retained shall be permitted to be composed of permeable and non-permeable materials instead of providing gravel or similar surface or other suitable paving for an access driveway accessory to a two (2) family dwelling.

## NOTES:

1. The applicant shall ensure the proposed building height is provided in accordance with the definition of Height and Grade as defined within the Zoning By-law.
2. Details regarding any proposed yard encroachments have not been provided. Further variances will be required if compliance with Section 18(3)(vi) of the Zoning By-law ("Encroachments on Yards") cannot be complied with for both the lands to be conveyed and the lands to be retained.
3. The applicant shall ensure the front yard landscaping calculation has been provided in accordance with Section 18(14) of the Zonign By-law ("Special Requirements for Front Yard Landscaping").
4. A further variance will be required should any portion of the required parking spaces be obstructed by any features, including a door swing.
5. A further variance will be required if the finished level of the garage floor is not a minimum of 0.3 metres above Grade, as defined within the Zoning By-law.

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

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DATE: Thursday, April 1st, }202
TIME: 1:55 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
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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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 16th, 2021.

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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.
SURVEYOR'S REAL PROPERTY REPORT - PART 1
PLAN OF
ELEVATION NOTE:
ELEVATION NOTE:
*)
*)




|  |
| :---: |
| DESCRIPTION OF LAND BEING ALL OF LOT 6, BLOCK 15, AS MUNICIPAL NO. 50 PICTON SI |
|  |
|  <br>  <br>  <br>  <br>  |
|  |

SURVEYOR'S CERTIFICATE





## 48/50 Picton Street



Conceptual Illustrations


Phone: (905) 546-2424 ext. 4221 Email: cofa@hamilton.ca

## APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. $\qquad$ DATE APPLICATION RECEIVED $\qquad$
PAID $\qquad$ DATE APPLICATION DEEMED COMPLETE $\qquad$
SECRETARY'S SIGNATURE $\qquad$

## 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.


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: None.

## 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:

This application is being made in conjunction with an Application for Consent to Sever Land. ***See separate attached document detailing the nature and extent of relief applied for***
5. Why it is not possible to comply with the provisions of the By-law?

The existing/proposed lot sizes do not meet area requirements as outlined in the bylaws for "D" District. The proposed intensity of use exceeds that outlined in the bylaws for "D" District.
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):
50 Piston Street West, Lot 6, Block 15, Registered Plan 127, City of Hamilton.
Assesment Roll Number: 020112052500000
7. PREVIOUS USE OF PROPERTY


Other $\qquad$
8.1 If Industrial or Commercial, specify use N/A
8.2 Has the grading of the subject land been changed by adding earth or other material, ie. has filling occurred?
Yes No Unknown $\bigcirc$
8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes $\bigcirc$
No
Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes $\bigcirc$
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 $\bigcirc$
No

Unknown $\bigcirc$
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?


No


Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes $\bigcirc$
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 $\bigcirc$
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 $\bigcirc$
8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

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

Based on historical use of the subject property and surrounding property as outlined in the Hamilton Public Archives.
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 $\quad \square$ No $\quad \square$
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.

Feburary 22, 2021


Date

> Signature Property Owner
> Randy Woolgar Marikka Woolgar

Print Name of Owner
10. Dimensions of lands affected:

| Frontage | Land Retained 9.152 m Land Servered 9.153 m |
| :--- | :--- |
| Depth | Land Retained 45.32 m Land Severed 45.32 m |
| Area | Land Retained 412.81 m 2 Land Severed 415.26 m 2 |
| Width of street | $\underline{9.5 m}$ |

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:_
Land Retained features a one storey, wood framed dwelling to be demolished approximately 9 m wide, 9.6 m deep, 6 m high with a floor area of approximately 89 square meters, not including crude framed additions at rear of dwelling. Lands Severed are currently vacant.

Proposed
Two, two storey, two-family dwellings (one one each lot) each approximately 6.2 m wide, 33 m deep, by 7 m high with a floor plate of 180 m 2 and a gross floor area of 312 m 2 .
12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
Existing:
Existing dwelling to be demolished has a westerly side yard of approximately 0.3 m , an easterly side yard of approximately 9.15 m ., a rear yard of approximately 34 m and a front yard of between zero and 1.8m. *2019 Survey attached for reference.
Proposed:
Land Retained: Westerly side yard of 0.9 m , easterly side yard of 0.9 m , rear yard of minimum 7.5 m and front yard of 2.0 m .
Land Severed: Westerly side yard of 0.9 m , easterly side yard of 0.9 m , rear yard of minimum 7.5 m and front yard of 2.0 m .
13. Date of acquisition of subject lands:

November 2017
14. Date of construction of all buildings and structures on subject lands:

Main dwelling before 1920, crude additions estimated 1980s.
15. Existing uses of the subject property:

Residential
16. Existing uses of abutting properties:

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

In excess of 100 years.
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:

Urban Hamilton Official Plan and the West Harbour Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

City of Hamilton Zoning By-law No. 6593, "D" DISTRICTS (Urban Protected Residential - One and Two Family Dwellings, etc.)
21. Has the owner previously applied for relief in respect of the subject property?


- 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?

$$
\bigcirc \text { Yes }
$$

- No

23. Additional Information

The owners of the property wish to construct a pair of environmentally sustainable duplex dwellings with extensive use of permeable walkway and driveway surfaces. Proposed construction technique will be Insulated Concrete Forms (ICF) and will result in a highly nergy efficient building envelope. The
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.

## The Planning Act

Application for Minor Variance
Subject Property: 50 Picton Street West, Hamilton ON.

Note: An application is also being made simultaneously by the owner for consent to sever land. The intent is to divide the above lot in two parts - minor variances for lands 'retained' and lands 'severed' are described separately below.

Development Context: The owners of the property wish to construct a pair of environmentally sustainable duplex dwellings with extensive use of permeable walkway and driveway surfaces. Proposed construction technique will be Insulated Concrete Forms (ICF) and will result in a highly energy efficient building envelope. The duplex dwellings have the potential to be net-zero when combined with roof-top solar panels.

Item 4. Nature and extent of relief applied for:

The purpose of this application is to permit a lot to be retained, permit the demolition of the existing single-family dwelling, and permit construction of a new 2 storey, two (2) family dwelling (referred to as 50 Picton Street West). In addition, to permit a lot to be conveyed for the construction of a new 2 storey, two (2) family dwelling (referred to as 48 Picton Street West)

For the lands to be retained ( 50 Picton Street West):

1. A minimum lot width of 9.152 m instead of a minimum required lot width of 18.0 m .
2. A minimum lot area of 412.81 m instead of the minimum required lot area of 540 m 2 .
3. Minimum side yards of 0.9 m instead of the minimum required side yards of 1.2 m . (Note that there are numerous precedents in the immediate area where the side yards are less than 0.9 m .)
4. A minimum front yard depth of 2.0 m instead of the minimum required 6.0 m . (Note that there are numerous precedents in the immediate area where the front yard depths are between 0.2 m and 2.0 m )
5. A minimum of $30 \%$ of the front yard shall be used for a landscaped area instead of the requirement in the By-Law, which states that no less than $50 \%$ of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (Note that the proposed front yard is 2.0 m deep $\times 9.152 \mathrm{~m}$ wide. Applicants propose a blend of approximately 48\% non-permeable driveway material, 30\% fully permeable, sod covered paving system, and 22\% traditionally landscaped area. See sketch.)
6. Provision for an easement to construct a shared pedestrian pathway between properties that is a minimum of 1.0 m in width.
7. Additional relief may be required depending on the city's definition of habitable rooms. Currently, we have a total of 8 habitable rooms above grade. Below grade unfinished and partially finished storage area is not considered habitable.

For the lands to be conveyed (referred to as 48 Picton Street West):

1. A minimum lot width of 9.153 m instead of a minimum required lot width of 18.0 m .
2. A minimum lot area of 415.26 m instead of the minimum required lot area of 540 m 2 .
3. Minimum side yards of 0.9 m instead of the minimum required side yards of 1.2 m . (Note that there are numerous precedents in the immediate area where the side yards are less than 0.9 m .)
4. A minimum front yard depth of 2.0 m instead of the minimum required 6.0 m . (Note that there are numerous precedents in the immediate area where the front yard depths are between 0.2 m and 2.0 m )
5. A minimum of $\mathbf{3 0 \%}$ of the front yard shall be used for a landscaped area instead of the requirement in the By-Law, which states that no less than $50 \%$ of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. (Note that the proposed front yard is 2.0 m deep $\times 9.152 \mathrm{~m}$ wide. Applicants propose a blend of approximately $48 \%$ non-permeable driveway material, $30 \%$ fully permeable, sod covered paving system, and 22\% traditionally landscaped area. See sketch.)
6. Provision for an easement to construct a shared pedestrian pathway between properties that is a minimum of 1.0 m in width.
7. Additional relief may be required depending on the city's definition of habitable rooms. Currently, we have a total of 8 habitable rooms above grade. Below grade unfinished and partially finished storage area is not considered habitable.

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\(0 N\) STREET

2 m. WIDE, BY REGISTERED PLAN 127, P.I.N. 17153-0187 (L





\footnotetext{
48 Picton Street W. - East Elevation
}
\(\qquad\)


48/50 Picton Street
Elevations
Two mirror-image \(289 \mathrm{~m}^{2}\) dwellings featuring two units each. UNIT "A" (118m²)
- 2 Bdrm
- 2 x Powder Room
23.5m² unfinished BSM
UNIT "B" (171m²)
3 Bdrm + Den
\(2 \times\) Powder Room
68m² unfinished BSMT

Based on informal design



48850 Picto Street
Ground
Level Plan


48/50 Picton Street
Second Level Plan



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