



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

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-21:76

APPLICANTS: Urban Solutions c/o M. Johnston on behalf of the owner
Brenda Swaffer

SUBJECT PROPERTY: Municipal address **52 Chatham St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new three storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.4m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum lot width of 14.9m shall be permitted instead of the minimum 18.0m lot width required for a two-family dwelling.

Notes: The zoning By-law permits a maximum building height of 14.0m/3 storeys; however, no elevation plans were provided; therefore, compliance could not be determined and further variances may be required.

Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

The applicant shall ensure the proposal conforms with regards to the minimum required 50.0% front yard landscaped area, access driveway width including the door providing access to the private garage and the surface makeup of the parking spaces. Otherwise, further variances will be required.

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

DATE: Thursday, April 1st, 2021
TIME: 2:00 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

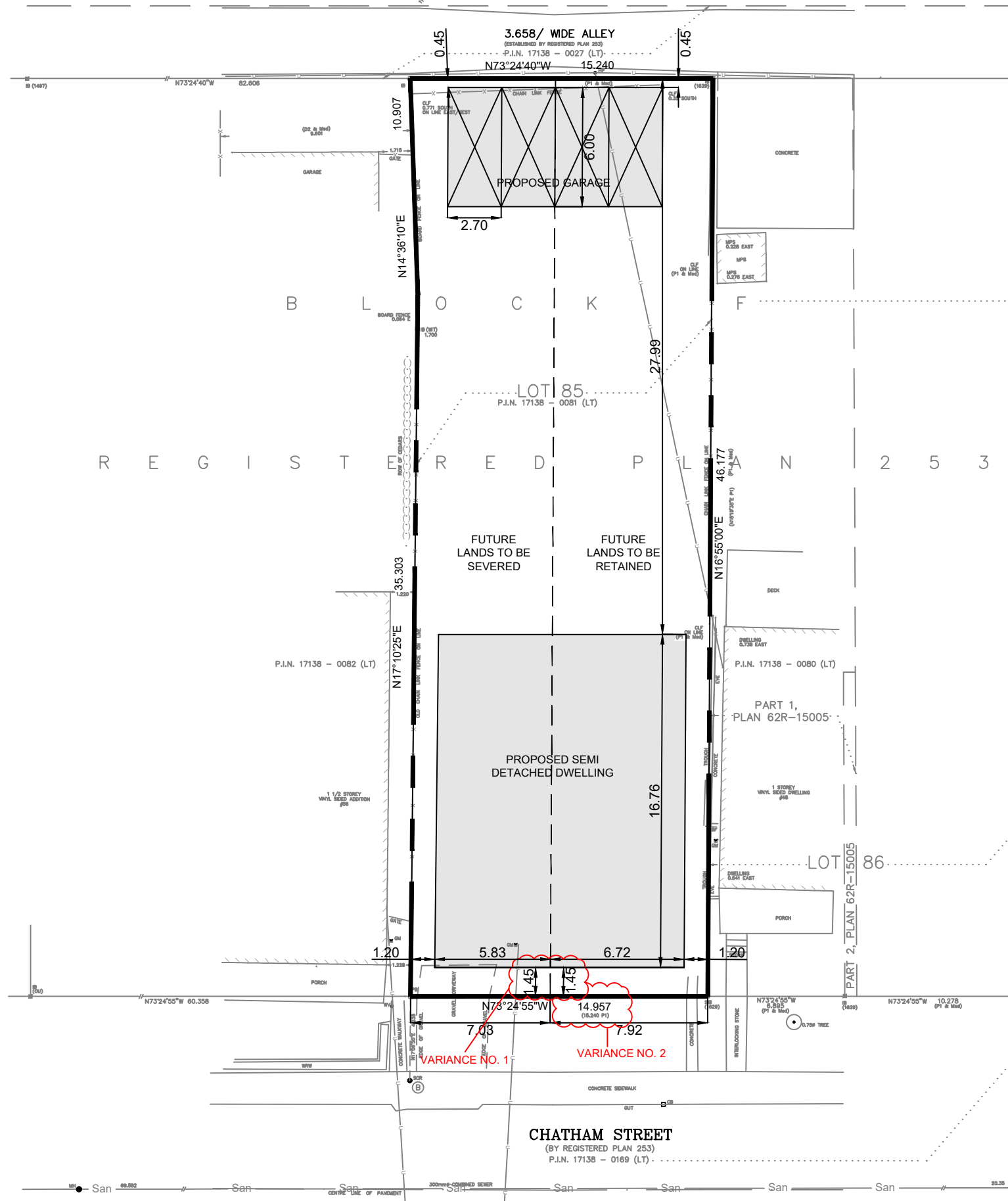
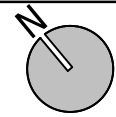
For more information on this matter, including access to drawings illustrating this request:

- 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: March 16th, 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.

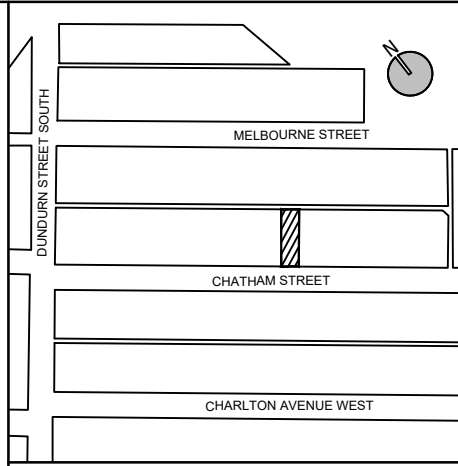


DEVELOPMENT STATISTICS		
D/S-1787 (Urban Protected Residential -One & Two Family Dwellings)		
Item	Required	Proposed
Permitted Use	Two Family Dwelling	Two Family Dwelling
Front Yard Depth	6.0 m	1.45 m
Height	11.0 m	<11.0 m
Rear Yard	7.5 m	27.99 m
Side Yard	1.20 m	1.20 m
Lot Frontage	18.0 m	14.95 m
Lot Area	540.0 m ²	688.95 m ²
Accessory Structure		
Rear Setback	0.45 m	0.45 m
Max. Accessory Structure Height	4.0 m	<4.0 m
Max. Permitted Accessory Building Area	30%	64.80 m ² (16.23%)
Residential Parking	1 space per Class A dwelling unit = 2 space	4 spaces

REQUIRED VARIANCES:

VARIANCE NO. 1: A FRONT YARD DEPTH OF AT LEAST 1.45 METRES SHALL BE PERMITTED WHEREAS 6.0 METRES IS REQUIRED.

VARIANCE NO. 2: A LOT FRONTAGE OF 14.95 METRES SHALL BE PERMITTED WHEREAS 18.0 METRES IS REQUIRED.



KEY MAP - N.T.S.

SCALE: 1:250 METRES

LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES
- X- EX. FENCE
- - - PROP. FUTURE SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: FEBRUARY 22, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
**52 CHATHAM STREET
CITY OF HAMILTON**

CLIENT:
CARL BRENNAN & BRENDA SWAFFER

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 386-21 SHEET NUMBER: 1



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

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

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)	Ms. Brenda Swaffer	
Applicant(s)*	Same as above	
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	

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:

N/A

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:
Please refer to cover letter for requested variances.

5. Why it is not possible to comply with the provisions of the By-law?
Please refer to cover letter for details.

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**):
Lot 85, Block "F", Registered Plan 253 in the City of Hamilton
52 Chatham Street, Hamilton, ON L8P 2B4

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant
Other _____

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, 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?
Consultation with owner.

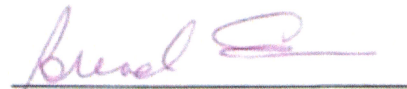
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A

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.

February 18, 2021
Date


Signature Property Owner

BRENDA SWAFFER
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>14.95 m</u>
Depth	<u>46.17 m</u>
Area	<u>688.95 sq m</u>
Width of street	<u>20.10 m</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: Please refer to attached cover letter and sketch.

Proposed: Please refer to attached cover letter and sketch.

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 refer to attached cover letter and sketch.

Proposed: Please refer to attached cover letter and sketch.

13. Date of acquisition of subject lands:
Unknown
14. Date of construction of all buildings and structures on subject lands:
Unknown
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:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Designated as "Neighbourhoods" in Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District in the 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.
N/A
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
Please refer to attached cover letter.
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.



February 22, 2021

386-21

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 52 Chatham Street, Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for Ms. Brenda Swaffer, owner of the lands known municipally as 52 Chatham Street, in the City of Hamilton. We are pleased to submit this Minor Variance application on their behalf to facilitate the proposed development.

The subject lands are within the “Neighbourhoods” designation of the Urban Hamilton Official Plan. Additionally, the subject lands are located in the Urban Protected Residential, One and Two Family Dwellings, etc. (D) District in the former City of Hamilton Zoning By-law No. 6593.

A Minor Variance application is required to facilitate the development of a semi-detached dwelling on the subject lands. To facilitate said development, this Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 6593 with respect to the “Urban Protected Residential, One and Two Family Dwellings, Etc.” (D) District as follows:

- *To reduce the minimum front yard setback from 6.0 metres to 1.45 metres.*
- *To reduce the minimum lot frontage for a two family dwelling from 18.0 metres to 14.95 metres.*

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch. Justification for the proposed variance has been provided below in accordance with Section 45 of the *Planning Act*:

- 1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?**

The subject lands are designated as Neighbourhoods in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. Chapter B, Section 2.4.1.3(c) indicated that lands designated Neighbourhoods are to accommodate 40% of the City's growth. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The Minor Variances being requested are compatible with the surrounding neighbourhood and in keeping with the current built form.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject property is located in the "Urban Protected Residential, One and Two Family Dwellings, Etc." (D) District, in Zoning By-law No. 6593.

The variances requested are to provide a decreased minimum frontage and decrease minimum front yard setback for the subject lands. The intent of the zoning provision is to maintain built form and lot fabric to ensure compatibility with current and future surrounding neighbourhoods. The requested variances will meet this intent as it will allow the subject lands to have frontages and setbacks more similar to that of lands located in the immediate vicinity (60, 58 & 56 Chatham Street).

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature and necessary to facilitate Site Plan approval. The intent of this application is to request a reduction to the required frontage and front yard setback, and will allow a permitted use. These reductions will permit a built form which is more aligned with the surrounding context of the neighbourhood. Given that all other regulations of the By-law remain, the request is consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will facilitate the proposed development, which will result in a built form that is in keeping with the character of the surrounding area, and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 6593. The proposed lot frontage and front yard setback are compatible with the pattern established by the existing dwellings that surround the subject lands. Therefore, the application is desirable and appropriate for the development of the lands.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law. Furthermore, the following application is consistent with previous approvals for semi-detached dwellings within this neighbourhood at 204 Canada Street (HM/A-18:331), and 74 Melbourne Street, Hamilton (HM/A-18:413) approved on November 29, 2018 and February 7, 2019 respectively.

In support of our Minor Variance application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of \$3,320.00 made payable to the City of Hamilton.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: Mr. Brenda Swaffer (via Email)
Mr. Carl Brennan (via Email)
Councillor M. Wilson, Ward 1, City of Hamilton (via Email)