



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> 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](mailto: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-21:28

**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 44 units notwithstanding that;

1. A minimum parking ratio of 0.9 parking space per Class A dwelling unit shall be provided, whereas the Zoning By-Law No. 6593 requires that a multiple dwelling provides a minimum of 1.25 spaces per Class A dwelling unit; and
2. Parking spaces located on the ground floor of the multiple dwelling shall be permitted to be partially obstructed by structural support column which reduces the width to a minimum of 2.1m at the entrance to each parking space and also within each parking space; and
3. No visitors parking shall be provided on site instead of the provision in the By-Law which states that 0.25 of a space per Class A dwelling unit which would require a minimum of 11 visitor's parking spaces for a 44-unit multiple dwelling; and
4. No loading space shall be required to be provided on site instead of the minimum required 1 loading space having a minimum of 18.0 m in length x 3.7 m in width x 4.3 m in height for a multiple dwelling which comprises of 44 dwelling units; and
5. No visual barrier shall be required to be provided on site along the boundary of the lot lines abutting the Residential Districts instead of the requirement in the By-Law which states that a visual barrier along the boundary of the lot abutting the residential district having a minimum of 1.2 m in height and not greater than 2.0 m in height shall be provided; and
6. Bumpers or wheel barriers shall not be required to be provided for parking spaces along the rear property lot line instead of the requirement in the By-Law which states that every parking area for a use where, there are more than five parking spaces shall have, bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.

Note:

Please note that the existing multiple dwelling was constructed in 1960 and the recognized use is an existing 43-unit multiple dwelling in the "E" District in terms of setbacks and landscaping. It appears that the proposed additional unit is existing; however, it is not recognized as a legal unit.

The additional unit is subject to the issuance of a building permit in the normal manner.

"Visual Barrier" is defined as follows:

shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

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

---

**DATE:** Thursday, April 1st, 2021  
**TIME:** 3:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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](http://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](mailto:cofa@hamilton.ca)

DATED: March 16th, 2021.

---

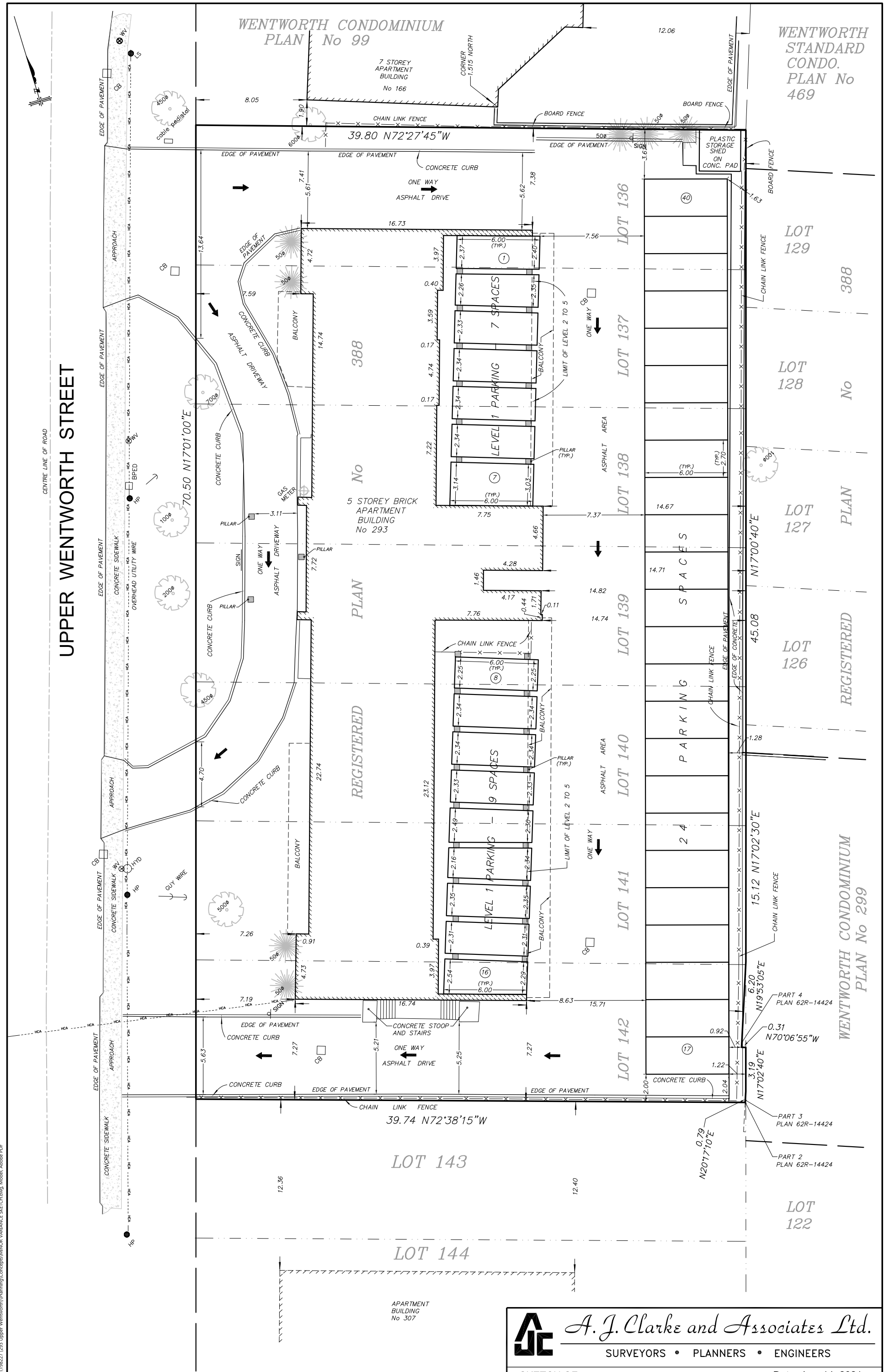
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

# UPPER WENTWORTH STREET

WENTWORTH CONDOMINIUM  
PLAN No 99

WENTWORTH  
STANDARD  
CONDO.  
PLAN No  
469



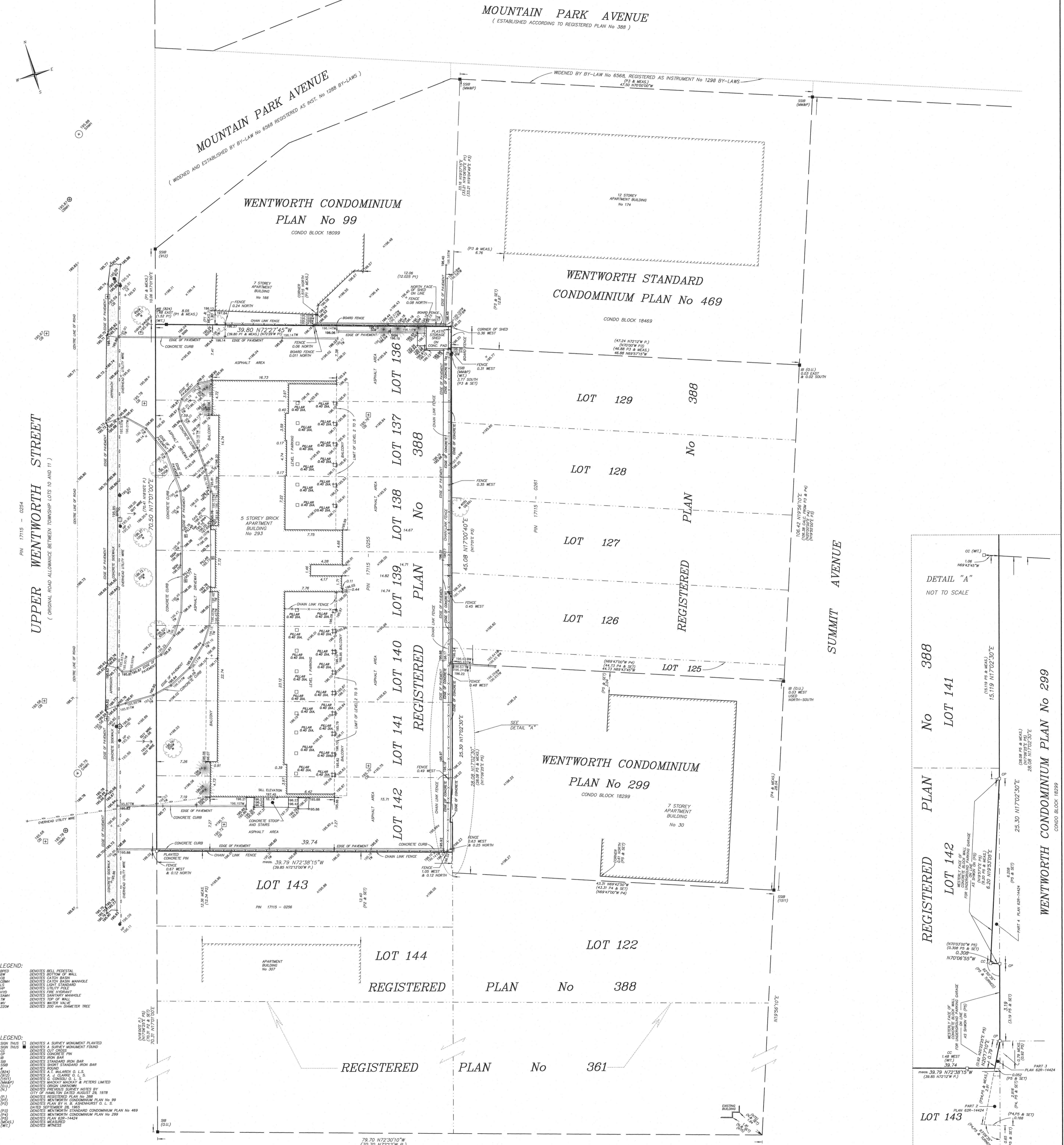
**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS

SKETCH OF  
293 UPPER WENTWORTH STREET  
CITY OF HAMILTON  
SCALE 1:250

Date: Jan. 14, 2021  
AJC FILE 198227

H:\Jobs\2019 Projects\198227 (293 Upper Wentworth)\Planning\Concepts\MINOR VARIANCE SET\CLD.dwg, Model, Adobe PDF


THIS SKETCH IS DERIVED FROM A PLAN OF SURVEY BY A.J. CLARKE AND ASSOCIATES LTD. DATED AUGUST 25, 2020 (FILE T-3158)



- LEGEND:**
- SPR. DENOTES BELL PEDESTAL
  - IF DENOTES IRON PIN
  - CR DENOTES CATCH BASIN
  - CBM DENOTES CATCH BASIN MANHOLE
  - LS DENOTES LIGHT STANDARD
  - HP DENOTES HYDRANT
  - SDM DENOTES SANITARY MANHOLE
  - HW DENOTES HYDRANT
  - WV DENOTES WIRE VALVE
  - 220# DENOTES 200 mm DIAMETER TREE

- LEGEND:**
- DENOTES A SURVEY MONUMENT PLANTED
  - DENOTES A SURVEY MONUMENT FOUND
  - DENOTES CUT CROSS
  - DENOTES CONCRETE PIN
  - DENOTES IRON BAR
  - DENOTES STANDARD IRON BAR
  - DENOTES SHORT STANDARD IRON BAR
  - DENOTES ROUND
  - DENOTES A. J. CLARKE O. L. S.
  - DENOTES MACKAY, MACKEY & PETERS LIMITED
  - DENOTES C. DONOHUE O. L. S.
  - DENOTES ORIGIN UNKNOWN
  - DENOTES SURVEY NOTES BY CITY OF HAMILTON DATED AUGUST 29, 1978
  - DENOTES REGISTERED PLAN No 388
  - DENOTES WENTWORTH CONDOMINIUM PLAN No 99
  - DENOTES PLAN BY H. B. GARDNER O. L. S.
  - DENOTES WENTWORTH STANDARD CONDOMINIUM PLAN No 469
  - DENOTES WENTWORTH CONDOMINIUM PLAN No 299
  - DENOTES PLAN 628-14424
  - DENOTES PLAN 628-14424
  - DENOTES WITNESS

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JULY 2020

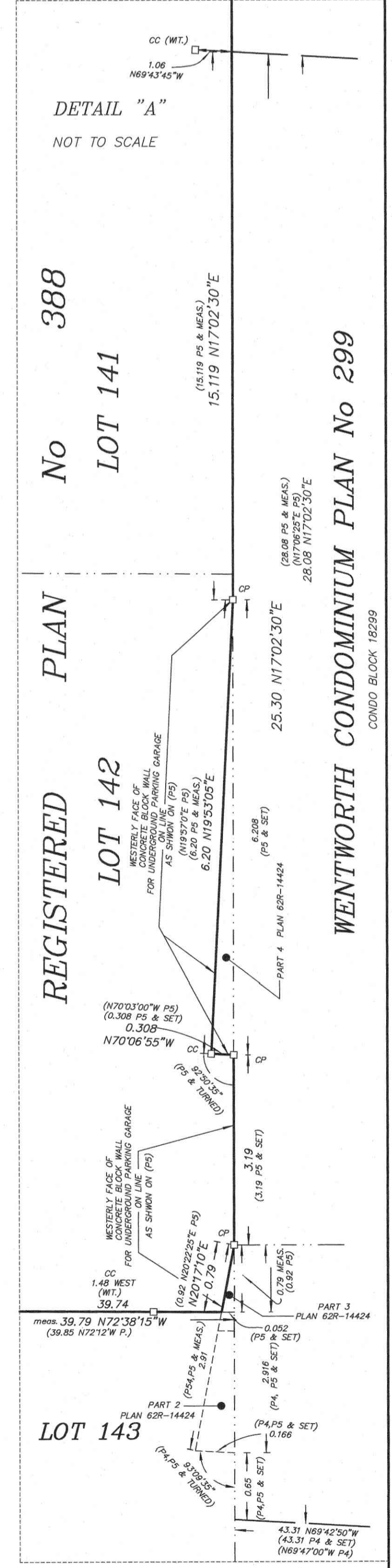
AUGUST 25, 2020  
 DATE  
  
 ATHITHTHAN KANAGANAYAGAM  
 ONTARIO LAND SURVEYOR

**CONCESSION STREET**  
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)

BEARINGS ARE ASTROMERIC AND REFERRED TO THE EASTERN LIMIT OF UPPER WENTWORTH STREET AS SHOWN ON PLAN 628-7296 HAVING A BEARING OF N7°01'00"E  
 METRIC:  
 DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BENCH MARK  
 CITY OF HAMILTON  
 STATION 07720100036  
 RIB WITH BRASS CAP  
 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 COORN AVENUE, AND ~16.0m WEST OF THE CENTRE LINE OF ADELINA 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: a.jc@ajclarke.com



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

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

**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
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	
Applicant(s)*	A. J. Clarke and Associates Ltd.	
Agent or Solicitor	same as applicant	

**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

Rosemary Smith  
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.





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

March 3, 2021

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

**Re: 293 Upper Wentworth Street  
Minor Variance Application – HM/A-21:28**

---

Dear Ms. Sheffield:

The subject application was heard at the February 18<sup>th</sup> Committee of Adjustment Meeting. At the meeting the application was subsequently tabled so that all of the required variances could be captured through an additional review. As noted by our client, the current multiple dwelling contains 44 units, (43 legal, 1 illegal) instead of the previously reported total of 43 units. Therefore, we are requesting that the application be amended to reflect 44 dwelling units. No other changes to the submitted site plan are required.

As a result of our review, we request the following variances be added to our application:

1. The minimum required parking shall be based on the provision of 0.9 parking spaces per Class A dwelling unit to require 40 parking spaces for 44 dwelling units instead of the provision of 1.25 parking spaces per Class A dwelling unit which would require 55 parking spaces
2. Parking spaces located on the ground floor of the multiple dwelling shall be permitted to be partially obstructed by structural support column which reduces the width to 2.2m at the entrance to each parking space and also within each parking space.
3. No visitors parking shall be provided on site instead of the provision in the By-Law which states that 0.25 of a space per Class A dwelling unit which would require a minimum of 11 visitor's parking spaces for a 44-unit multiple dwelling
4. No loading space shall be required to be provided on site instead of the minimum required 1 loading space having a minimum of 18.0 m in length x 3.7 m in width x 4.3 m in height for a multiple dwelling which comprises of 44 dwelling units
5. A Visual Barrier shall not be required along the rear lot line abutting the E District instead of the requirement for a 1.2 – 2.0 metre high visual barrier abutting the boundary of a Residential District where there are 5 or more parking spaces.



6. Parking barriers or bumpers shall not be required for parking spaces along the rear property line instead of the requirement for parking barriers or bumpers to designate parking where there are more than 5 parking spaces.

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

- 1) One (1) cheque in the amount of \$275.00 made payable to the City of Hamilton in payment of the requisite recirculation fee;

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)