

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-21:117

APPLICANTS: Agent GSP c/o Nancy Frieday
Owner Emil Joseph

SUBJECT PROPERTY: Municipal address **129 East 22nd St., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings etc.) district

PROPOSAL: To permit the conveyance of a portion of an existing lot, which consists of a two-family dwelling, to be added to an adjacent vacant parcel of land to the north to be used for a future single family dwelling, notwithstanding,

1. A minimum front yard depth of 3.9 metres shall be permitted for the single family dwelling to be constructed on the proposed lot instead of the minimum required front yard depth of 6.0 metres;

2. A minimum northerly side yard width of 0.0 metres shall be permitted for the existing two-family dwelling located on the lands to be retained instead of the minimum required side yard width of 1.2 metres;

3. A minimum lot width of 9.7 metres shall be permitted for the lands to be retained instead of the minimum required lot width of 12.0 metres; and,

4. A minimum lot width of 9.4 metres and a minimum lot area of 322 square metres shall be permitted for the proposed lot instead of the minimum required lot width of 12.0 metres and the minimum required lot area of 360.0 square metres.

NOTES:

1. The applicant shall confirm the existing and proposed building heights have been calculated in accordance with "Height", "Grade", and "Storey" as defined within the Zoning By-law. Further variances will be required should the existing or proposed building exceed a height of two and a half storeys or 11.0 metres.

2. Building Division records indicate that the recognized use of the existing building located on the lands to be retained was converted under Section 19 of the Zoning By-law "Residential Conversion Requirements". Section 19(1)(ii) of the Zoning By-law states, "The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot area shall be 270m²" shall be required; as such, relief from the minimum required lot area for the lands to be retained is not required.

3. Zoning compliance for any permitted yard encroachments for features such as eave and gutter, front porch and rear deck/balcony existing on the lands to be retained are dependent upon approval of the variance requested to provide a 0.0 metre northerly side yard width. Further variances will be required should a minimum northerly side yard width greater than 0.0 metres be required.
4. Should a roofed-over unenclosed porch be intended for the proposed dwelling, zoning compliance for such feature is dependent upon approval of the variance requested to provide a minimum 3.9 metre front yard depth for the proposed lot. A further variance will be required should a minimum front yard depth greater than 3.9 metres be required.
5. A further variance will be required if a minimum of 50% of the gross area of the front yard, calculated in accordance with Section 18(14) of the Zoning By-law, not be provided for both the lands to be retained or the proposed lot.
6. A further variance, as it relates to the minimum number of required parking spaces, will be required should the proposed dwelling contain greater than eight (8) habitable rooms.
7. A further variance will be required for both the lands to be retained and the proposed lot should a minimum manoeuvring space width of 6.0 metres not be provided abutting upon and accessory to each required parking space.
8. A further variance will be required for both the lands to be retained and the proposed lot should a minimum parking space size of 2.7 metres in width by 6.0 metres in length not be provided.
9. A further variance will be required for both the lands to be retained and the proposed lot should gravel or similar surface or other suitable paving is not be provided for the parking area and access driveway.
10. It is shown that a mutual driveway is proposed to provide access to the parking area for both the lands to be retained and the proposed lot. Such right of way will be required to be registered against the title of the lands to be retained and the proposed lot.

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

DATE:	Thursday, May 6th, 2021
TIME:	2:30 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: April 20th, 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.

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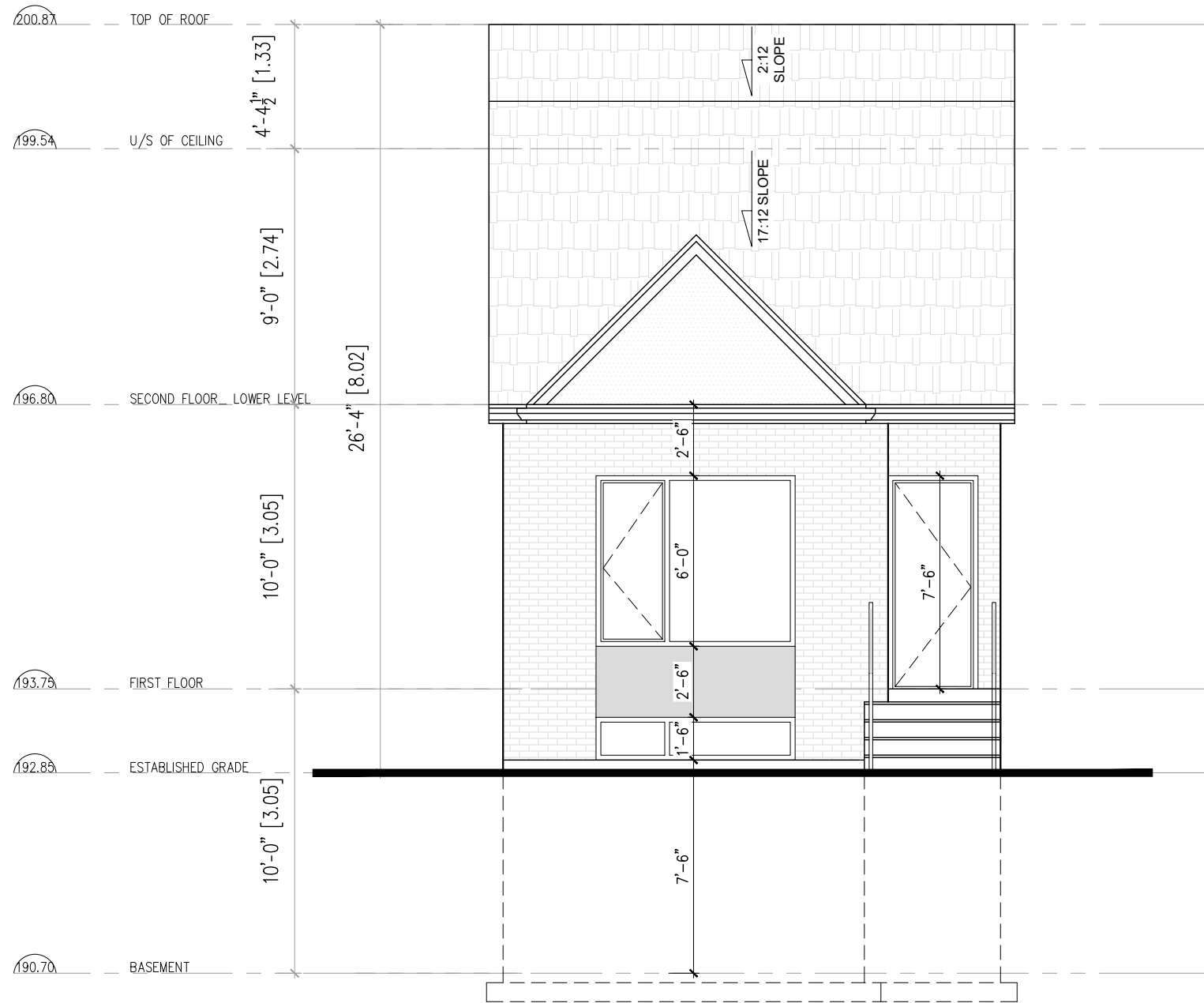
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NO.	DATE	REVISION DESCRIPTION	NOTE
1	2021-02-22	ISSUED FOR COA	CITY

NOTE:

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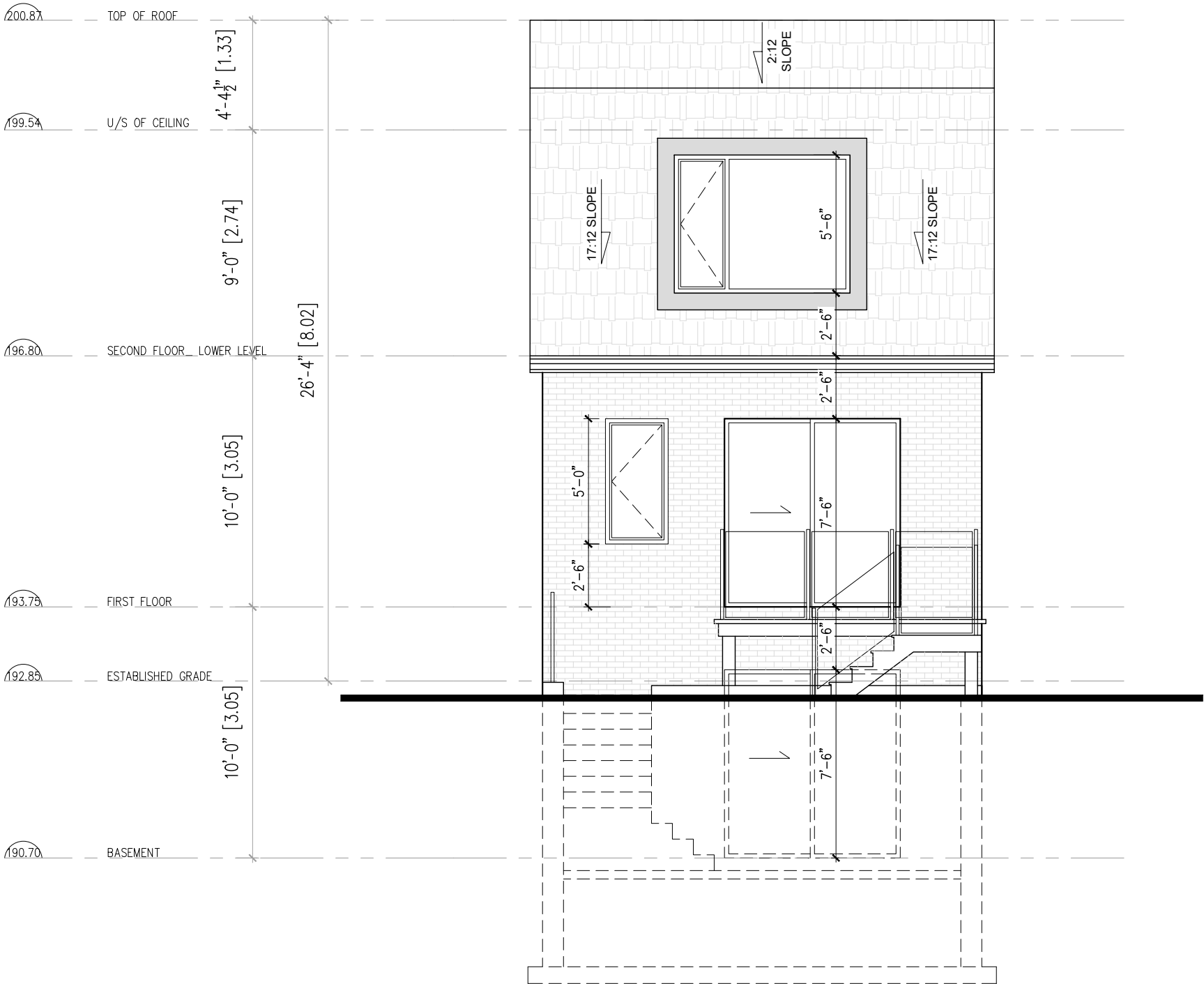
PROJ./REV. NO.	311-20 EAST 22ND-HAMILTON
SHEET TITLE	FRONT (WEST) ELEVATION SCALE: 3/16"=1'-0"
PROJECT	EAST 22ND HAMILTON 129 EAST 22ND STREET HAMILTON, ON L8V 2V5

DWG NO.	A2-1
11"x17" SHEET SIZE	

DESIGN

URBANSCAPE
ARCHITECTS

236 LESMILL ROAD, TORONTO, ON, M3B 2T5
phone: 416.850.0021
info@urbanscaarchitect.com | www.urbanscapearchitect.com



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SHEET TITLE
REAR (EAST) ELEVATION
SCALE: 3/16"=1'-0"

PROJECT
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129 EAST 22ND STREET HAMILTON, ON L8V 2V5

DWG NO.

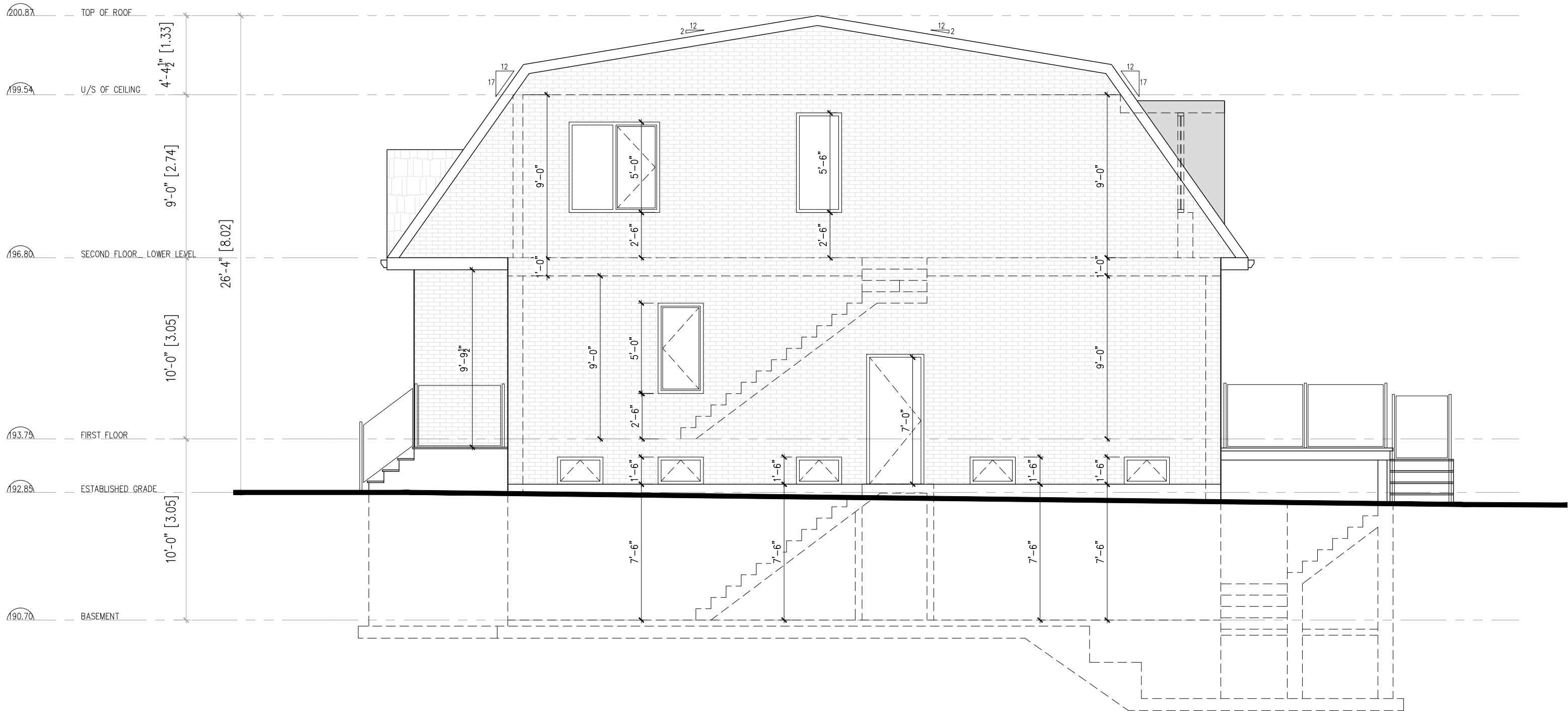
A2-2

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SHEET TITLE

SIDE (SOUTH) ELEVATION
SCALE: 3/16"=1'-0"

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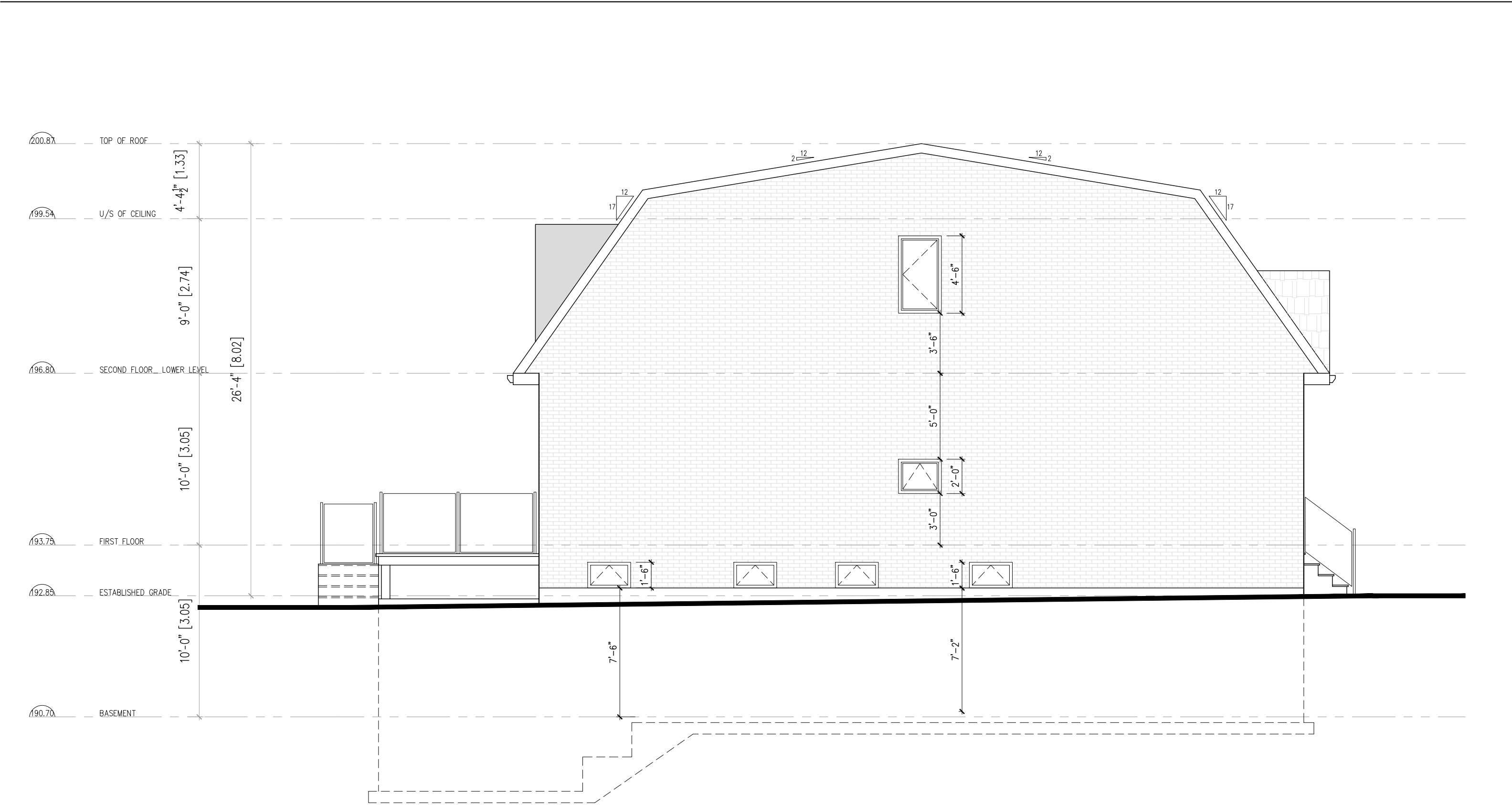
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11"x17" SHEET SIZE

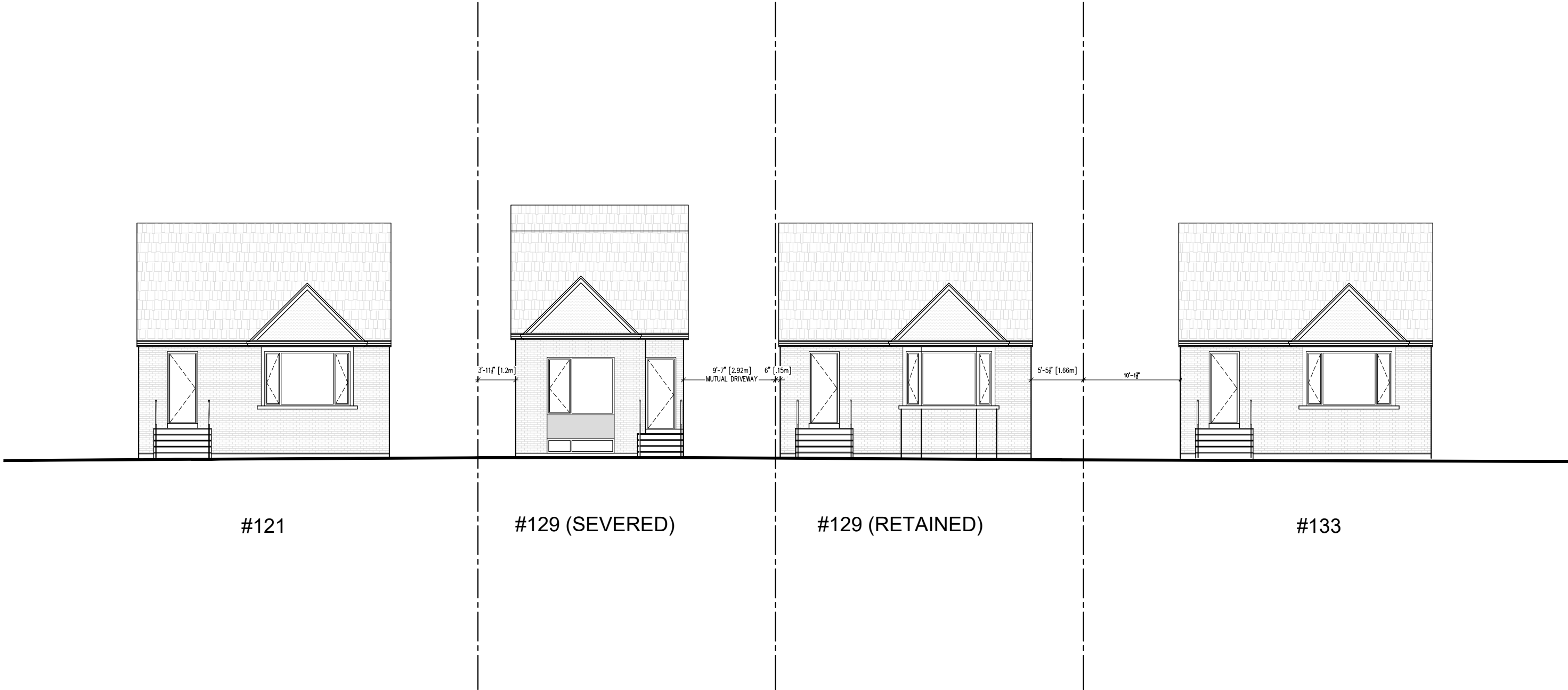
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Text (R)ext



GSP
group

SHAPING GREAT COMMUNITIES

March 12, 2021

File No. 21050

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

Dear Ms. Sheffield:

**RE: 129 EAST 22ND STREET
CONSENT AND MINOR VARIANCE APPLICATIONS**

GSP Group is pleased to submit on behalf of the owner, 2721536 Ontario Inc., applications for consent and minor variance to create a new buildable lot in order to facilitate the construction of a new single detached dwelling on the property. The existing building on the Site will be retained.

In support of the Consent and Minor Variance applications, the following information is provided:

1. A cheque in the amount of \$3,320.00 representing the City's application fee for Minor Variance;
2. A cheque in the amount of \$2,878.00 representing the City's application fee for Consent;
3. One (1) copy of the Minor Variance application form;
4. One (1) copy of the Consent application form;
5. One (1) copy of the Site Plan and Elevations;
6. One (1) copy of the Consent Sketch; and,
7. One (1) copy of a Planning Information Brief in support of the Consent and Minor Variance applications.

Should you have any questions or require any additional information, please do not hesitate to contact me at 226-243-7433 or via email at jliberatore@gspgroup.ca.

Yours truly

GSP Group Inc.



Joseph M. Liberatore, B.U.R.Pl., Dip. GIS & Pl.
Planner
cc. Client

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca



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)	2721536 ONTARIO INC. c/o Emil Joseph	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	GSP GROUP INC. c/o Nancy Frieday	[REDACTED]	Phone: [REDACTED] E-mail: [REDACTED]
Agent or Solicitor			Phone: [REDACTED] E-mail: [REDACTED]

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:

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

The existing D District standards of the by-law inhibit the creation of the new lot, as well as building standards that would allow for the new lot to be used with the intention of creating a new 1.5 storey single detached dwelling.

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**):

LT 38, PL 590 ; PT LT 39, PL 590 , AS IN NS180336 ; HAMILTON
129 East 22nd Street

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?

Owner's Knowledge

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 ☐ N/A

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 20, 2021

Date

Signature  Property Owner

2721536 ONTARIO INC. c/o Emil Joseph
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>±18.9m</u>
Depth	<u>±34.1m</u>
Area	<u>±656.8 m²</u>
Width of street	<u>±20.1m</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: _

1.5 storey brick dwelling on the south side of the site, situated within the future retained lot.
Frame Shed in rear yard proposed to be demolished as part of the comprehensive development of the lands.

Proposed

1.5 storey, 8.02m tall single detached dwelling on the severed lands with a shared driveway leading to the required parking spaces in the rear yard.

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 Setback: 3.83m
Side Yard Setback (South): 1.64m
Side Yard Setback (North): 9.65m
Rear Yard Setback: 21.3m

Proposed:

Retained Front Yard Setback: 3.83m	Severed Front Yard Setback: 3.95m
Retained Side Yard Setback (South): 1.64m	Severed Side Yard Setback (South): 2.92m
Retained Side Yard Setback (North): 0.15m	Severed Side Yard Setback (North): 1.20m
Retained Rear Yard Setback: 21.3m	Severed Rear Yard Setback: 16.75m

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
±1950

15. Existing uses of the subject property:
Low Density Residential Use, Existing Converted Dwelling
16. Existing uses of abutting properties:
Low Density Residential Uses to North, South, East and West of the Site.
17. Length of time the existing uses of the subject property have continued:
± 70 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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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
Consent Application submitted in tandem with this subject Minor Variance Application.
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.