

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-21:236

APPLICANTS: T. Johns Consulting
Owner Michelle Spencer

SUBJECT PROPERTY: Municipal address **22 Rowena Court, Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 21-076

ZONING: "C" (Urban Protected Residential and etc.) district

PROPOSAL: To permit a secondary dwelling unit within the basement of an existing single family dwelling, notwithstanding that:

1. The minimum front yard landscaped area shall be 48.7% instead of the minimum required 50%;
2. The two parking spaces to be provided in the driveway shall be permitted to obstruct the garage parking space for manoeuvring instead of the required arrangement of tandem parking for the principal dwelling and a separate unobstructed parking space for the secondary dwelling unit.

NOTES:

1. By-law 21-076 was approved by City Council on May 12, 2021 to permit secondary dwelling units in single detached, semi-detached and street townhouses in all residential districts and the H District and is in effect.
2. For clarification of Variance 2, three parking spaces are provided as per the requirement, however the garage parking space and the driveway parking spaces would not be properly aligned to allow for tandem parking for the principal dwelling and a separate side by side parking space for the secondary dwelling unit.
3. The variances are written as requested by the applicant.

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

DATE: Thursday, August 12th, 2021
TIME: 3:05 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:

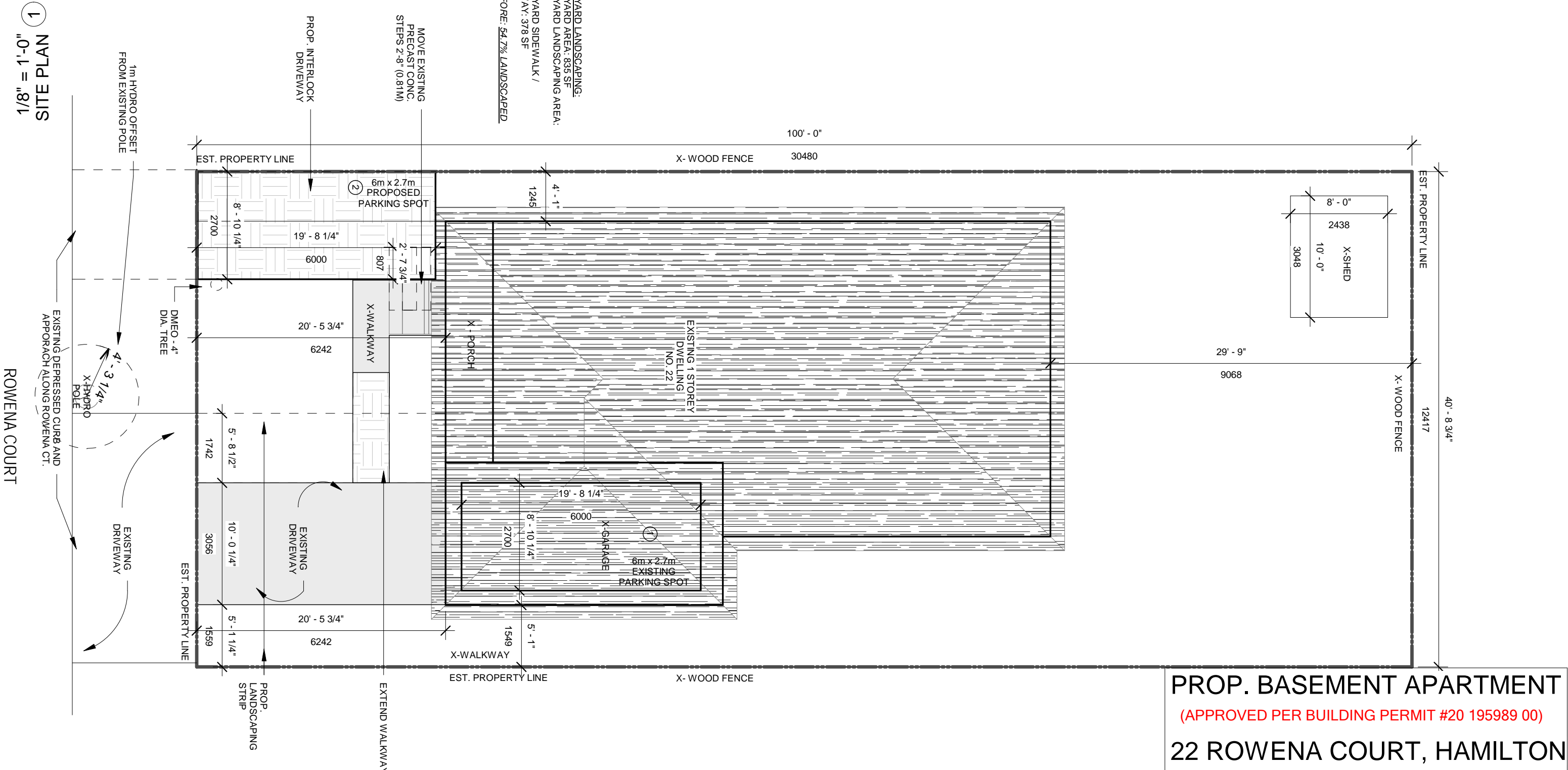
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 27th, 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.

FRONT YARD LANDSCAPING:
FRONT YARD AREA: 836 SF
FRONT YARD LANDSCAPING AREA:
457 SF
FRONT YARD SIDEWALK /
DRIVEWAY: 378 SF
THEREFORE: 54.7% LANDSCAPED
AREA



1
"0'-1" = "8/1
SITE PLAN

ROWENA COURT

Spatial Separation - Construction of Exterior Walls								3.2.3.		9.10.14.	
Wall	Area of EBF (m²)	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FRR (hours)	Listed Design or Description	Comb. Const.	Comb. Constr. Nonc. Cladding	Non-comb. Constr.	
FRONT	_____	_____	_____	_____	NO CHANGE	_____	_____	Y	_____	_____	
SIDE LEFT (GAR.)	_____	_____	_____	_____	NO CHANGE	_____	_____	Y	_____	_____	
SIDE	54.2	1.2	N/A	7	6.9	_____	_____	Y	_____	_____	
BACK	_____	_____	_____	_____	NO CHANGE	_____	_____	Y	_____	_____	

2
SPATIAL SEPERATION
12" = 1'-0"



PROP. BASEMENT APARTMENT
(APPROVED PER BUILDING PERMIT #20 195989 00)
22 ROWENA COURT, HAMILTON

M. BERMAN HOMES

SITE PLAN		SP1.01
Project number	20056	
Date	20/11/20	
Drawn by	B.M.W.	
Checked by	B.M.W.	Scale As indicated

June 3rd, 2021

Via Email

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

ATTENTION: Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield,

**RE: 22 Rowena Court, Hamilton
Committee of Adjustment - Minor Variance**

T. Johns Consulting Group Ltd. ("T. Johns Consulting") is the retained agent on behalf of the landowner of 22 Rowena Court (subject lands). T. Johns Consulting respectfully submits the enclosed Minor Variance application.

Site Description

22 Rowena Court is within the Quinndale neighbourhood. The property is rectangular in shape with an approximate site area of 388.49 m² and 12.5 metres of frontage on Rowena Court with an approximate depth of 30.48 metres. The site is occupied by one (1) detached dwelling. The house has one (1) attached garage and a driveway with a width of approximately 6.33 metres, which can accommodate two (2) parked vehicles for a total of three (3) parking spaces. The property has been issued a building permit for a Secondary Dwelling Unit within the basement per Section 19 (Residential Conversion) of Zoning By-law No. 6593. The existing dwelling is single storey.

Planning Status

The *Urban Hamilton Official Plan* ("UHOP"), Volume 1 designates the subject lands "Neighbourhoods" which permits a range of residential uses. The former City of Hamilton Zoning By-law No. 6593 ("ZBL No. 6593") zones the subject lands "C" District. A single detached dwelling with a secondary dwelling unit is permitted.

Proposed Variances

The owners have received a Building Permit (#20 195989 00) to construct a Secondary Dwelling Unit ("SDU") in the basement of the existing home based on a site plan that involves constructing a second driveway on the property. However, the owner is proposing to maintain the existing front yard condition of the property which can accommodate two (2) parking spaces in the driveway and a minimum of 48% front yard landscaping. Variances are required for vehicle maneuvering and front yard landscaping.

Refer to the Site Plan and Appendix A: Planning Rationale dated June 4, 2021 for further detail.

Please find the enclosed electronic documents:

Minor Variance:

- Minor Variance application with signatures;
- Cheque in the amount of \$600.00 made payable to the City of Hamilton (copy);
 - Note the cheque was delivered to the City of Hamilton mailbox on June 3, 2021.
- Appendix A: Planning Rationale;
- Site Plan (Approved);
- Site Plan (Existing/Proposed).

Please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207 with any questions.

Respectfully submitted,
T. Johns Consulting Group Ltd.



Katelyn Gillis, BA
Intermediate Planner

Cc: Ms. Michelle Spencer, Landowner

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 22 Rowena Court, Hamilton (“subject lands”).

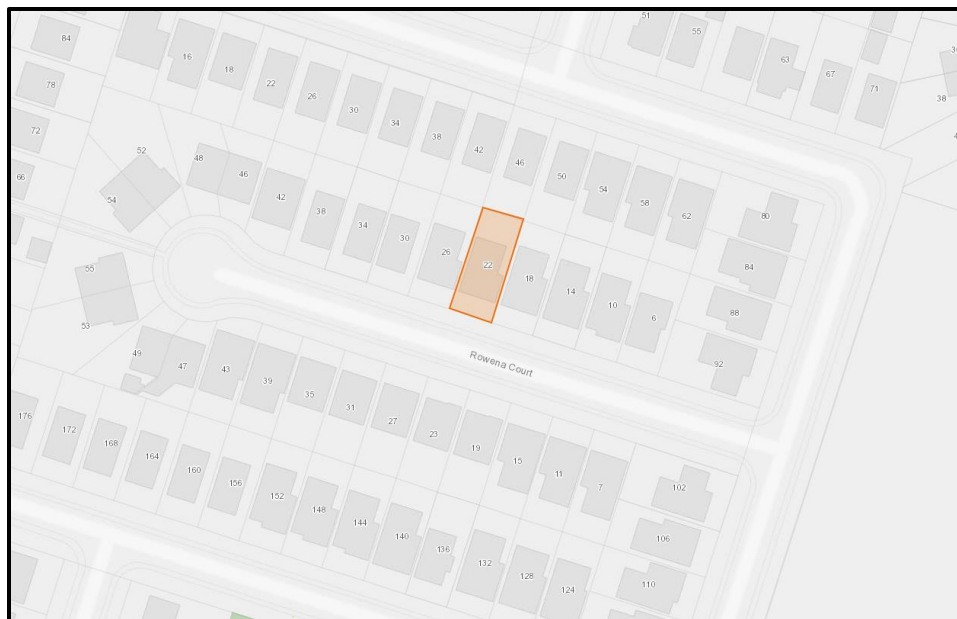
Description of Subject Lands

The subject lands are located on the East Mountain in the Quinndale neighbourhood, south of the Lincoln M. Alexander Parkway and west of Upper Ottawa Street (**Refer to Figure 1 - Site Location**). The subject lands are rectangular in shape with an approximate site area of 388.49 m² and 12.5 metres of frontage on Rowena Court with an approximate depth of 30.48 metres. The site is an existing residential lot of record and occupied by one (1) detached dwelling. The house has one (1) attached garage and a driveway with an approximate width of 7.8 metres, which can accommodate two (2) parked vehicles for a total of three (3) parking spaces. The property has been issued a building permit for a Secondary Dwelling Unit within the basement per Section 19 (Residential Conversion) of Zoning By-law No. 6593. The existing dwelling is one-storey and provides the following approximate yards:

Front Yard	6.26 m
Side Yard (East)	1.24 m
Side Yard (West)	1.5 m
Rear Yard	9.11 m

The subject lands are designated *Neighbourhoods* per the Urban Hamilton Official Plan and are zoned “C” District (Urban Protected Residential, Etc.) per the former City of Hamilton Zoning By-law No. 6593. A single detached dwelling with a secondary dwelling unit is permitted.

Figure 1 - Site Location



Proposed Development

The existing single storey, detached dwelling was originally constructed in approximately 1975. The current owners purchased the home in 2013. The owners have received a Building Permit (#20 195989 00) to construct a Secondary Dwelling Unit ("SDU") in the basement of the existing home based on a site plan that involves constructing a second driveway on the property (**Refer to Submitted Approved Site Plan**). This was a result of ensuring the dedicated parking space of the SDU does not obstruct the parking space within the garage and achieving 50% landscaping in the front yard. The approved site plan conforms to Section 19 of Zoning By-law no. 6593. However, the approved plan is a departure from a traditional single family front yard by providing two (2) driveways, one on each side of the parcel, breaking up the landscape area and increases the amount of vehicle and pedestrian conflicts by introducing another curb cut onto the street.

The owner is proposing to maintain the existing front yard condition of the property, including the driveway and landscape area, which can accommodate two (2) parking spaces in the driveway with one (1) curb cut and a minimum of 48% front yard landscaping (**refer to Submitted Existing/Proposed Site Plan**).

Nature and extent of relief applied for:

In order to maintain the existing condition of the front yard while permitting a Secondary Dwelling Unit, relief from Zoning By-law No. 6593 Sections 18, 18A and 19 is required facilitated through Minor Variances. The requested minor variances are as follows:

	<u>Zoning By-law No. 6593 Section</u>	<u>Purpose</u>
1.	19(1)(v)(1) and 19(1)(v)(2)	To permit two (2) parking spaces within the required front yard with an area for parking, maneuvering and access driveway that shall not occupy more than 52% of the gross area of the front yard whereas one (1) parking space is permitted within the front yard with an area for parking, maneuvering and access shall not occupy more than 50% of the gross area of the front yard; and, Not less than 48% of the gross area of the front yard shall be used for landscape area, whereas not less than 50% of the gross area of the front yard shall be used for landscape area.
2.	18(14)(i)	To allow a minimum front yard landscape area of 48%, whereas a minimum of 50% is required.
3.	18A(10)	To permit one (1) obstructed parking space within the attached garage whereas sufficient space additional to required parking space shall be provided and maintained

	on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.
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PLANNING RATIONALE TO SUPPORT THE VARIANCES:

Overall Conformity to the *Urban Hamilton Official Plan*

The Urban Hamilton Official Plan (UHOP) designates the subject lands *Neighbourhoods* (Schedule E-1). Low density residential uses and forms are permitted, including a single detached dwelling with a secondary dwelling unit (E.3.4.3). The SDU is appropriate and gentle residential intensification while contributing to a mix of tenure and affordability within the City.

The proposed parking configuration and landscape area is an existing condition for the existing single detached dwelling which is reflective of the surrounding development within the stable neighbourhood and therefore are compatible with the existing neighbourhood character (B.2.4.1.4). The proposed variances to recognize the existing front yard maintain the intent of the UHOP.

VARIANCE 1. To permit two (2) parking spaces within the required front yard with an area for parking, maneuvering and access driveway that shall not occupy more than 52% of the gross area of the front yard and, not less than 48% of the gross area of the front yard shall be used for landscape area.

Why is it not possible to comply with the provision of the by-law?

The driveway and landscape area within the front yard is an existing condition of the dwelling, constructed around 1975. The proposed variance is technical in nature as the existing driveway can accommodate two (2) parking spaces more than 1 metre from an existing utility pole, however, only one (1) of the spaces can be considered "required" as not more than one (1) space is permitted in the front yard. The other "required" parking space would need to be in the existing garage. However, when being considered as a "Two-Family Dwelling", required parking cannot be in tandem as each Class A unit is required an unobstructed parking space. As the driveway is centered with the garage, the garage parking space would be partially obstructed by the vehicle in the driveway. In result, a second driveway and alteration of the front yard landscaping would be required, as approved. However, variances are the more sustainable and efficient solution. The proposed variances will maintain the existing function of the lot with a total of three (3) parking spaces, two (2) spaces being unobstructed.

PLANNING RATIONALE TO SUPPORT VARIANCE 1:

1. Conformity to the Intent of the Zoning By-law

The intent of the zoning by-law is to ensure a balance of landscape to impermeable coverage within the front yard of residential uses along with a sufficient area to park with maneuverability to safely exit the space. The proposed variance will maintain a traditional front yard design and function of single detached dwelling with sufficient on-site parking to support the SDU.

2. Is the Variance Minor and Desirable?

The variance is minor as it proposes to recognize the existing front yard design of the lot and does not propose to alter, add, or remove any of the existing driveway or landscaping.

The request is desirable as it promotes the efficient use of suburban lands, implementing appropriate and minor intensification, that maintains the consistency and aesthetic of the neighbourhood.

VARIANCE 2. To allow a minimum front yard landscape area of 48%, whereas a minimum of 50% is required.

Why is it not possible to comply with the provision of the by-law?

The proposed variance is requested to recognize the legal non-conforming condition of the subject lands to allow for a SDU in the basement of the existing dwelling.

PLANNING RATIONALE TO SUPPORT VARIANCE 2:

1. Conformity to the Intent of the Zoning By-law

The existing front yard provides a traditional single family design and function. The existing driveway is reflective of the other houses within the neighbourhood. The front yard accommodates a continuous green space and a walkway that provides direct access from the driveway to the front door of the principal dwelling. Rowena Court is a municipal road of which the front yard landscaping provides additional greenspace lining the street to create a comfortable pedestrian experience and scale.

The minimum of 48% landscaping in the front yard maintains the intent of the zoning by-law by providing permeable surface to contribute to the management of overland stormwater flow and promote high quality urban design.

2. Is the Variance Minor and Desirable?

The requested variance to permit a 2.0% relief of landscaped area is minor and is required to facilitate the existing landscaping on an existing residential lot. The front yard landscape area is desirable as it accommodates on-site parking and the landscape and reflects the neighbourhood character.

VARIANCE 3. To permit one (1) obstructed parking space within the attached garage.

Why is it not possible to comply with the provision of the by-law?

As discussed for Variance 1, the existing front yard design can provide two (2) parking unobstructed parking spaces within the front yard. At this time, only two (2) parking spaces are required for a Residential Conversion. However, it is T. Johns' understanding that new Secondary Dwelling Unit Zoning will be coming into effect which will require a total of three (3) parking spaces; two (2) for a single detached and one (1) for an SDU. As such, the garage parking space will be obstructed by the spaces within the driveway.

PLANNING RATIONALE TO SUPPORT VARIANCE 3:

3. Conformity to the Intent of the Zoning By-law

The intent of the Zoning By-law is to provide sufficient and safe space to exit a parking space. The subject lands can accommodate unobstructed parking for two (2) vehicles. Single family dwellings are permitted tandem parking, one space in the garage and one space in the driveway. However, the introduction of the SDU no longer permits the tandem situation. The variance requests that the existing driveway and parking function is maintained.

4. Is the Variance Minor and Desirable?

The variance is minor as it proposes to recognize the existing front yard condition of the site with a sufficient number of on-site parking spaces. The variance is desirable as it will allow for the existing street character to be maintained while mitigating the number of pedestrian and vehicle conflicts by maintaining the one (1) existing curb cut.

Conclusion

Through the variances described, the SDU at 22 Rowena Court will achieve a safe and functional rental unit within the neighbourhood while contributing to the retention of existing residential resources. The requested variances conform to the intent of the UHOP, and to Zoning By-law No. 6593 and are minor and desirable. The proposed variances represent good land use planning.

Respectfully Submitted,
T. Johns Consulting Group Ltd.



Katelyn Gillis, BA
Intermediate Planner

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)	Michelle Spencer	
Applicant(s)*	Same as above.	
Agent or Solicitor	T. Johns Consulting Group c/o Katelyn Gillis	

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:
Mortgage with Scotiabank

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:
To permit one (1) obstructed parking space and 48.7% landscaped area in the front yard.
5. Why it is not possible to comply with the provisions of the By-law?
Please see Appendix A: Planning Rationale.
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**):

22 Rowena Court
Hamilton, Ontario
L8W 1H8

62M-123
Queensway Manor, Ph. 2

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 ☐

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.

May 28, 2021
Date


Signature Property Owner

Michelle Spencer
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+ 12.49 m</u>
Depth	<u>+ 30.48 m</u>
Area	<u>+ 364.21 sq. m</u>
Width of street	<u>+ 20 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: _

Single storey, approximately 11 m wide and approximately 16.5 m long

Proposed

N/A

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Left Side: + 1.11 m
Right Side Lot Line: + 0.93 m
Rear Lot Line: + 7.11 m
Front Lot Line: + 5.74 m

Proposed:

N/A

13. Date of acquisition of subject lands:
September 16, 2013
-
14. Date of construction of all buildings and structures on subject lands:
1975
-
15. Existing uses of the subject property:
Single family residential with secondary suite in basement.
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
Since construction of subdivision.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" Urban Protected Residential, etc. in Hamilton Zoning Bylaw 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.