

## **NOTICE OF PUBLIC HEARING** **Minor Variance**

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**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
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**APPLICATION NO.:** GL/A-21:170

**APPLICANTS:** Owner 1536708 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **205 Thames Way, Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended

**ZONING:** "H-RM3-147" (Residential Multiple) district

**PROPOSAL:** To to permit the construction of block townhouse development consisting of 51 dwelling units notwithstanding that:

1. A lot coverage of 33% shall be provided instead of the maximum permitted lot coverage of 35%
2. A density of 41 units per hectare shall be provided instead of the maximum permitted 35 units per hectare.
3. A front yard setback of 3.0m shall be provided instead of the minimum required 9.0m front yard setback.
4. A side yard setback of 6.0m shall be provided instead of the minimum required 7.5m side yard setback
5. A rear yard setback of 3.5m shall be provided instead of the minimum required 7.5m rear yard setback.
6. The minimum separation distance between two (2) exterior walls which each contain windows to a habitable room shall be 12.0 metres instead of the minimum required 15.0 metres.
7. A landscaped area being at least 37% of the lot area shall be provided instead of the minimum required landscaped area of 50%
8. No amenity area shall be provided instead of the minimum amenity area required at a rate of 5.0m<sup>2</sup> per unit.
9. Two (2) barrier free parking spaces shall be provided instead of the three (3) minimum required barrier free parking spaces.

**NOTES:**

1. A formal Site Plan Control application has not yet been applied for. As such, variances have been written as requested by the applicant.

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

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<b>DATE:</b>	<b>Thursday, August 12th, 2021</b>
<b>TIME:</b>	<b>3:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b> <b>To be streamed at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b> <b>for viewing purposes only</b>

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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](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: July 27th, 2021.

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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.***



VARIANCES TO GLANBROOK ZONING BY-LAW NO. 464 "H-RM3-147" ZONE

VARIANCE NO. 1: TO INCREASE THE MAXIMUM LOT COVERAGE FROM 30% TO 33%.

VARIANCE NO. 2: TO INCREASE THE MAXIMUM DENSITY REQUIREMENT FROM 35 UNITS PER HECTARE TO 40 UNITS PER HECTARE.

VARIANCE NO. 3: TO DECREASE THE MINIMUM FRONT YARD SETBACK FROM 9.0 METRES TO 3.20 METRES.

VARIANCE NO. 4: TO DECREASE THE MINIMUM EASTERLY AND WESTERLY SIDE YARD SETBACK FROM 7.5 METRES TO 6.0 METRES.

VARIANCE NO. 5: TO DECREASE THE MINIMUM REAR YARD SETBACK FROM 7.5 METRES TO 3.7 METRES.

VARIANCE NO. 6: NOTWITHSTANDING, AS PER SITE PLAN APPROVAL DA-12-192, THE MTO SETBACK IS NOT APPLICABLE AS THE LANDS OWNED BY THE MTO DO NOT FORM PART OF THE RIGHT-OF-WAY.

VARIANCE NO. 7: TO DECREASE THE MINIMUM SEPARATION DISTANCE BETWEEN EXTERIOR WALLS WHICH BOTH HAVE WINDOWS FROM 15.0 METRES TO 12.14 METRES

VARIANCE NO. 8: TO DECREASE THE REQUIRED MINIMUM AMENITY AREA FROM 5 SQUARED METRES PER DWELLING UNIT TO 0 SQUARE METRES.

VARIANCE NO. 9: TO DECREASE THE MINIMUM LANDSCAPED AREA FROM 50% TO 36%.

DEVELOPMENT STATISTICS		
Existing Zoning: Residential Multiple (H-RM3-147)		
Item	Required	Proposed
No. Units	N/A	51 Units
Min. Lot Frontage	45.00 m	107.82 m
Min. Lot Area	0.40 ha	1.273 ha
Max. Lot Coverage	30%	32.03% (MVR)
Max. Density	35 UPH	40.06 UPH (51 units) (MVR)
Min. Front Yard	9.00 m	3.20 m (MVR)
Min. Side Yard	7.50 m	6.07 m (MVR)
Min. Rear Yard	7.50 m	3.74 m (MVR)
Min. Separation Distance		
Between Exterior Walls with No Windows	3.00 m	3.10 m
Between Exterior Walls with One of Which Has Windows	9.00 m	N/A
Between Exterior Walls which Both Have Windows	15.00 m	12.14 m (MVR)
Min. Floor Area	95 m <sup>2</sup>	95 m <sup>2</sup> +
Max. Height	10.70 m	10.70 m
Min. Landscaped Area	50%	37.72% (MVR)
Min. Privacy Area	35 m <sup>2</sup>	45.96 m <sup>2</sup>
Min. Amenity Area	5 m <sup>2</sup> /dwelling unit = 250 m <sup>2</sup>	0 m <sup>2</sup> (MVR)
Transformer Location	TBC	TBC
Parking Location		
Setback from Street Line	6.0 m	N/A
Setback from Easterly R Zone	3.0 m	N/A
Parking Requirements		
Visitor Parking	0.5 spaces/unit = 25 spaces	0.5 spaces/unit = 26 spaces
Barrier Free Parking	2 spaces	2 spaces
Parking Space Size		
Residential Parking Units	3.0 m x 6.0 m	4.10 m x 6.10 m
Visitor Parking Units	3.0 m x 6.0 m	3.0 m x 6.0 m
Small Car Parking Units	2.6 m x 5.8 m	2.6 m x 6.0 m
Barrier Free Parking Units	3.9 m x 6.0 m	3.9 m x 6.0 m
Barrier Free Parking Spaces (Side by Side)	3.5 m x 6.0 m	3.9 m x 6.0 m

DICENZO & ASSOCIATES  
PROFESSIONAL CORPORATION  
LAWYERS

April 16, 2021

BY COURIER

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

Attention: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

Dear Ms. Sheffield,

**RE: 205 Thames Way, Glanbrook - Minor Variance Application (FC-19-116)**

We are the solicitors for 1536708 Ontario Inc., and are pleased to submit the enclosed Minor Variance application for the lands municipally known as 205 Thames Way in Mount Hope, City of Hamilton.

The subject lands are located on the South side of Thames Way between Highway 6 and Upper James Street. The lands are legally known as Block 149 of the Registered Plan of Subdivision 62M-1051. The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2c in the Mount Hope Secondary Plan. In addition to their land use designation the subject lands are located in the Residential Multiple, Modified, Holding (H-RM3-147) Zone in the Township of Glanbrook Zoning By-law No. 464.

A former Minor Variance application (GL/A-20:107) was submitted for the subject lands and was subsequently denied by the Committee of Adjustment on February 18, 2021. Since then, our team has revised the concept plan design, this new submission contains an alternate development proposal which decreases the number of units contained in the development from 57 units to 51 units.

The proposed development has altered the previous design to include 51 two (2) storey townhouse units, each with a driveway and a garage, allowing for 2 parking spaces per unit. The reduction in proposed units allows the subject lands to achieve a less compact design that reduces density, while providing 26 visitor parking spaces including 2 barrier free parking spaces. Note that, although a variance to increase the permitted density is included in this submission, the proposed density falls within the permitted density range of 26 – 40 units per hectare established for Townhouse dwellings in Section B.5.4.2.2.b) of the Mount Hope Secondary Plan. As such, the requested variance to density can be considered minor in nature and conforms to both the Urban Hamilton Official Plan and Mount Hope Secondary Plan.

This Minor Variance application is intended to achieve relief from the Council Approved Township of Glanbrook Zoning By-law No. 464 with respect to the Residential Multiple, Modified, Holding (H-RM3-147), as follows:

- Variance No. 1: To increase the maximum lot coverage from 30% to 33%.

- Variance No. 2: To increase the maximum density requirement from 35 units per hectare to 40 units per hectare.
- Variance No. 3: To decrease the minimum front yard setback from 9.0 metres to 3.2 metres.
- Variance No. 4: To decrease the minimum easterly and westerly side yard setback from 7.5 metres to 6.0 metres.
- Variance No. 5: To decrease the minimum rear yard setback from 7.5 metres to 3.7 metres.
- Variance No. 6: Notwithstanding, as per site plan approval DA-12-192, the MTO setback is not applicable as the lands owned by the MTO do not form part of the right-of-way.
- Variance No. 7: To decrease the minimum separation distance between exterior walls which both have windows from 15.0 metres to 12.14 metres.
- Variance No. 8: To decrease the required minimum amenity area from 5 square metres per dwelling unit to 0 square metres.
- Variance No. 9: To decrease the minimum landscaped area from 50% to 36%.

Below, is a chart which provides justification for the revisions to the Concept to address the comments and concerns raised by City staff and the Ward Councillor.

Variance Requested	Justification
Increase max. lot coverage from 30% to 33%	A 3% increase to lot coverage can be considered minor in nature, will not have adverse effects on the surrounding context and maintains the intent of the Zoning By-law and Official Plan.
Increase max. permitted density from 35 units/ha to 40 units/ha	Although the parent Zoning By-law permits a maximum of 35 units/ha, density range established for the proposed use in the Mount Hope Secondary Plan is 26 – 40 units/ha. As such, the density requested meets the intent of the Official Plan and is appropriate for the subject lands.
Decrease min. front yard setback from 9.0 metres to 3.2 metres	Given that the proposed dwellings front the proposed internal street, the 3.2 metre setback to Thames Way represents a typical flankage side yard rather than a front yard and therefore is technical in nature.
Decrease min. easterly and westerly side yard setback from 7.5 metres to 6.0 metres.	The reduction in min. side yard setback can be considered minor in nature as it is a reduction of 1.5 metres and still provides appropriate distance to abutting properties for the purpose of buffering and exceeds the min. required privacy areas for each unit.
Decrease min. rear yard setback from 7.5 metres to 3.7 metres	This reduction in min. rear yard setback can also be considered minor in nature as it is a reduction of 1.0 metre and similarly provides appropriate distance to abutting properties for the purpose of buffering and privacy. In addition, the “rear” yard is not directly abutting any sensitive land uses as the subject lands back onto White Church Road.

As per Site Plan Approval DA-12-192, MTO setback is not applicable	The MTO setback is unnecessary in this circumstance as White Church Road West to the South of the development contains adequate space along the Right-of-Way to accommodate any future expansion without affecting the subject lands.
Decrease min. separation distance between exterior walls which both have windows from 15.0 metres to 12.00 metres	As the Zones established in the new Hamilton Zoning By-law No. 05-200 do not have provisions for separation distance between exterior walls which have windows, this variance can be considered appropriate and more in line with the regulations established in the most up-to-date Zoning By-law for the City.
Decrease the required amenity area from 5.0 square metres to 0.0 square metres per unit	The requested variance is appropriate as a pedestrian connection is being established to the existing Southampton Estates Park which is directly abutting the proposed development to the east. Thus, the proposal adequately provides ample access to landscaped amenity space.
Decrease min. landscaped area from 50% to 36%	The requested variance is appropriate as a pedestrian connection is being established to the existing Southampton Estates Park which is directly abutting the proposed development to the east. Thus, the development adequately provides ample access to landscaped amenity space.

Section 45(1) of the Planning Act, R.S.O., 1990, as amended, requires Minor Variances to satisfy the four tests. The above variances are technical in nature, are desirable and represent appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

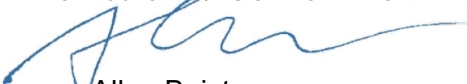
In support of this application, please find enclosed the following:

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

We trust that the enclosed is in order, however, please feel free to contact the undersigned with any questions or concerns.

Yours very truly,

DICENZO & ASSOCIATES  
PROFESSIONAL CORPORATION



per: Allan Buist  
AB/





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

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)	1536708 Ontario Inc.		
Applicant(s)*			
Agent or Solicitor			
			Phone:
			E-mail:
			Phone:
			E-mail:

**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:

[Refer to enclosed cover letter for details](#)

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

[Refer to enclosed 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**):

[Registered Plan 62M-1051, Block 149, Reference Plan 62R-16650, Part 2](#)  
[205 Thames Way, Mount Hope](#)

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other [Temporary stormwater management pond](#)

- 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.

Is the previous use inventory attached? Yes ☐ No ☒

9. **ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is required to conduct a remediation of contamination on the property as a condition of its approval to this Application.

April 15, 2021  
Date

Anthony G. DiCenzo  
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 108.65 m  
Depth +/- 112.62 m  
Area +/- 1.27 ha  
Width of street +/- 18.0 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: N/A

Proposed: Please refer to enclosed Minor Variance 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: N/A

Proposed: Please refer to enclosed Minor Variance Sketch

13. Date of acquisition of subject lands:  
Unknown
14. Date of construction of all buildings and structures on subject lands:  
N/A
15. Existing uses of the subject property:  
Temporary Stormwater Management Pond
16. Existing uses of abutting properties:  
NORTH: Single Family Homes, EAST: Southampton Estates Park,  
WEST: Vacant Land, SOUTH: White Church Road W
17. Length of time the existing uses of the subject property have continued:  
+/- 15 years
18. Municipal services available: (check the appropriate space or spaces)  
Water   X   Connected                       
Sanitary Sewer   X   Connected                       
Storm Sewers   X
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods in the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Residential Multiple "H-RM3-147" Zone in the Township of Glanbrook Zoning By-law No. 464
21. Has the owner previously applied for relief in respect of the subject property?  
☒ Yes ☐ No  
If the answer is yes, describe briefly.  
Minor Variance application for previous design was submitted for property on May 7, 2020 and was subsequently denied at the Committee of Adjustment
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  
N/A
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.