

## **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
- 

**APPLICATION NO.:** HM/A-21:265

**APPLICANTS:** Agent IBI Group (M. Crough)  
Owner WQ (Wellington St. N.) GP Inc.

**SUBJECT PROPERTY:** Municipal address **131 Wellington St. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 18:114

**ZONING:** "D5, H21" (Downtown Residential) district

**PROPOSAL:** To permit the construction of two (2) modules of back-to-back stacked townhouses comprising a total of seventeen (17) dwelling units, notwithstanding that:

1. The minimum rear yard shall be 1.8 metres instead of the minimum required 7.5 metres;
2. The minimum planting strip shall be 1.4 metres instead of the minimum required 3.0 metre wide planting strip to be provided between the street line and parking spaces;
3. The minimum dimensions for a for a 90 degree parking space shall be 2.6 metres by 5.5 metres instead of the minimum required dimensions of 2.8 metres by 5.8 metres;
4. No manoeuvring space and aisle shall be provided for non-required parking spaces to allow vehicles to reverse onto the adjacent municipal alleyway instead of the requirement for a 6.0 metre aisle width to provide on-site manoeuvring to enable vehicular egress in a forward manner.
5. Two (2) parking spaces shall be permitted for development in which parking spaces are not required, whereas the Zoning By-law does not permit parking in excess of the minimum requirement for the D5 Zone;
6. The maximum projection of canopies/overhangs above entrances shall be 0.9m to the street line of Kelly Street instead of the maximum required 0.45m projection or half the distance of the required yard.

**COMMENTS:**

1. Variances have been written generally as requested by the applicant to facilitate. Site Plan Application DA-20-126 for 129-131 Wellington Street North which is currently under review.

2. The proposed development would require a satisfactory Cultural Heritage Impact Assessment and conditional site plan approval in order to remove the Holding 'H' provision for the D5, H21 Zone.

3. The proposed form of residential development is recognized as a multiple dwelling. Zoning By-law 05-200 defines a multiple dwelling as:

"Multiple Dwelling shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling."

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

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<b>DATE:</b>	<b>Thursday, August 26th, 2021</b>
<b>TIME:</b>	<b>2:10 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: August 10th, 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.***

# 131 WELLINGTON ST. NORTH PROPOSED RESIDENTIAL DEVELOPMENT

WQ (WELLINGTON ST N) GP INC.

Project: 20028  
Date: APRIL 20, 2021  
Issued for: MEETING



## ARCHITECTURAL DRAWING LIST

- A000 COVER PAGE
- A001 STATISTICS + CONTEXT MAP
- A100 SITE PLAN
- A200 BASEMENT FLOOR PLAN
- A201 GROUND FLOOR PLAN
- A202 SECOND FLOOR PLAN
- A203 THIRD FLOOR PLAN
- A204 FOURTH FLOOR PLAN
- A205 ROOF TERRACE PLAN
- A206 ROOF PLAN
- A401 SOUTH ELEVATION
- A402 NORTH ELEVATION
- A403 EAST ELEVATION
- A404 WEST ELEVATION
- A405 EAST COURTYARD ELEVATION
- A406 WEST COURTYARD ELEVATION

## PROJECT CONSULTANTS

### ARCHITECTURE

RAW DESIGN  
317 ADELAIDE ST WEST, UNIT 405  
TORONTO, ON M5V 1P9  
rawdesign.ca  
416 599 9729

### PLANNER

IBI GROUP  
360 JAMES ST NORTH, SUITE 200, EAST WING  
HAMILTON, ON L8L 1H5  
ibigroup.com  
+1 905 546 1010 EXT 63114

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### ISSUE RECORD

2020-11-27 SPA

### REVISION RECORD

TRUE NORTH PROJECT NORTH

**RAW**

405-317 ADELAIDE STREET  
WEST  
TORONTO CANADA M5V 1P9  
+1 416 599 9729  
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20028  
131 WELLINGTON ST.  
NORTH  
WQ (WELLINGTON  
ST N) GP INC.

COVER PAGE

A000





405-317-ADSL ADEL STEET  
TORONTO CANADA M5V 1P9  
11 416 598 9729  
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## SITE STATISTICS

14 April 2021

Official Plan	Downtown Residential	Gross Site Area	601	sq.m.	6,393	sq.ft.
Avenue Width	20	Widening	0	sq.m.	-	sq.ft.
Current Zoning	D5 H-21	Net Site Area	601	sq.m.	6,393	sq.ft.
		Rat	2.37			

AREA CALCULATIONS															
FLOOR	WELLINGTON BUILDING						KELLY BUILDING						TOTALS		
	UNITS			GCA			UNITS			GCA					
	1	15	2B	3	sq.m.	sq.ft.	2	15	2B	3	sq.m.	sq.ft.			
Basement					144.73	1,558	2				1412	1,510			
1	1				144.67	1,557	1				1,072	1,154	2	2,712	2,859
2				2	149.77	1,612					145.08	1,572	4	295.9	3,168
3 (Lower)				4	149.77	1,612		2	1		136.18	1,468	7	286	3,076
4 (Upper)					149.77	1,612					134.81	1,448		284.0	3,003
Roof (Pop-Ups)					37.8	408					27.9	300		65.8	706
Total	7				601.64	6,488	2	5	1		558.48	6,011.5	17	116.5	12,767

UNIT MIX	8	1B	2B	3B
Provided	2	2	12	1

UNIT AREAS (sq.m.)	8	1B	2B	3B
1	602			245
2	606			
3		626		
4			824	
5			738	
6			726	
7			706	
8			773	
9			726	
10			747	
11			716	1231
12			716	
13			716	
14			716	
15			716	
16			716	
17			716	
TOTAL UNIT AREA				10237

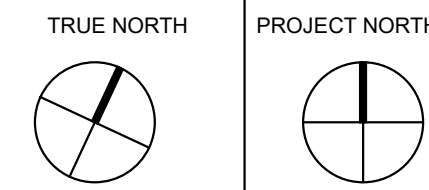


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131 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
ST N) GP INC.

STATISTICS +  
CONTEXT MAP

1 : 1000

A001



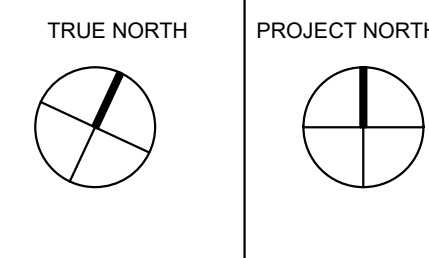


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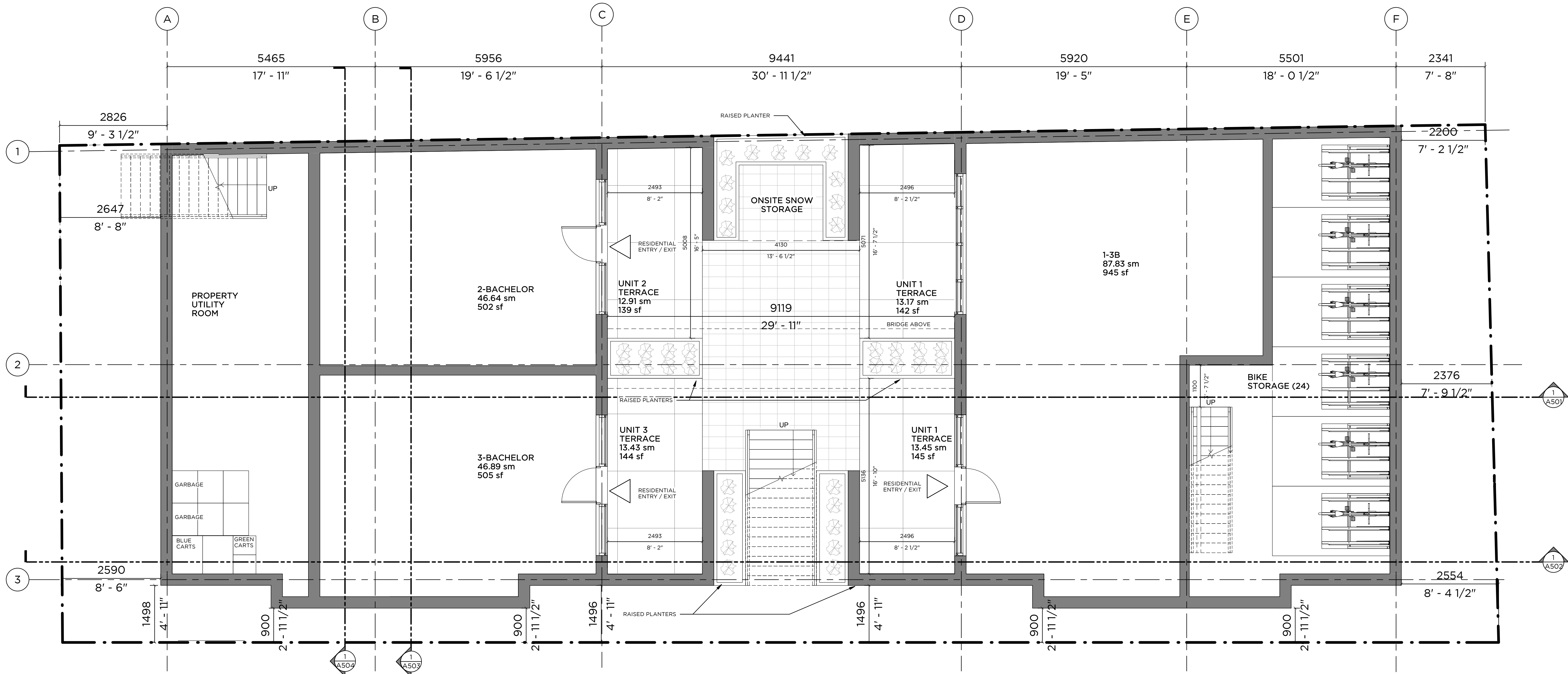
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NORTH

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ST N) GP INC.

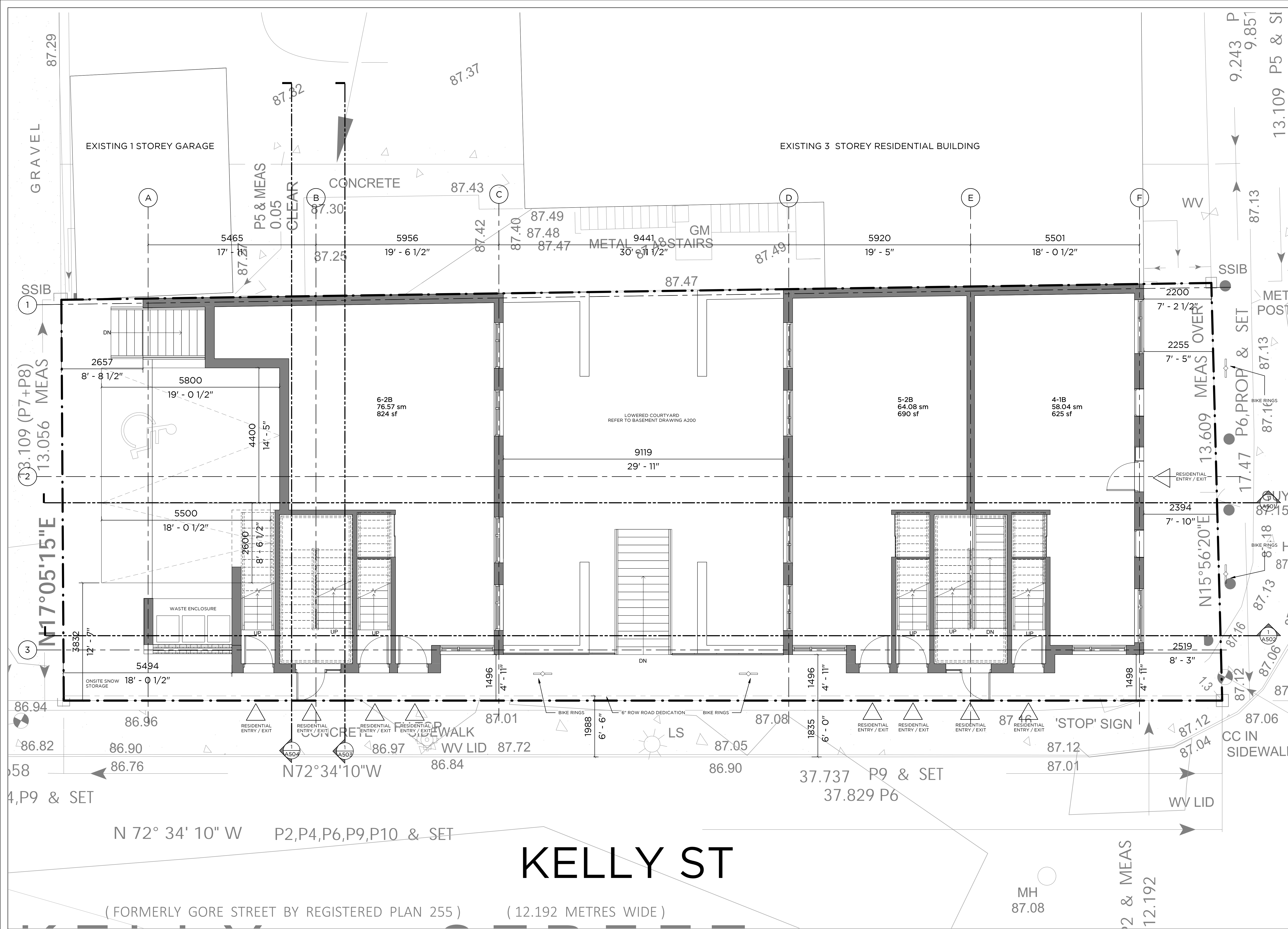
BASEMENT FLOOR  
PLAN

1 : 50

A200



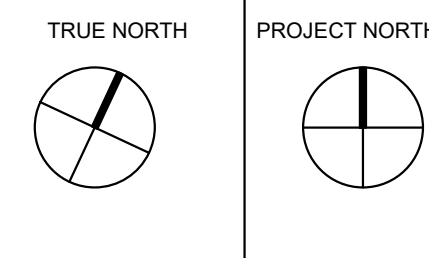




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131 WELLINGTON ST. NORTH

WQ (WELLINGTON ST N) GP INC.

GROUND FLOOR PLAN

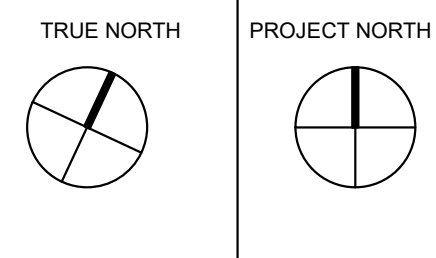
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A201

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# RAW

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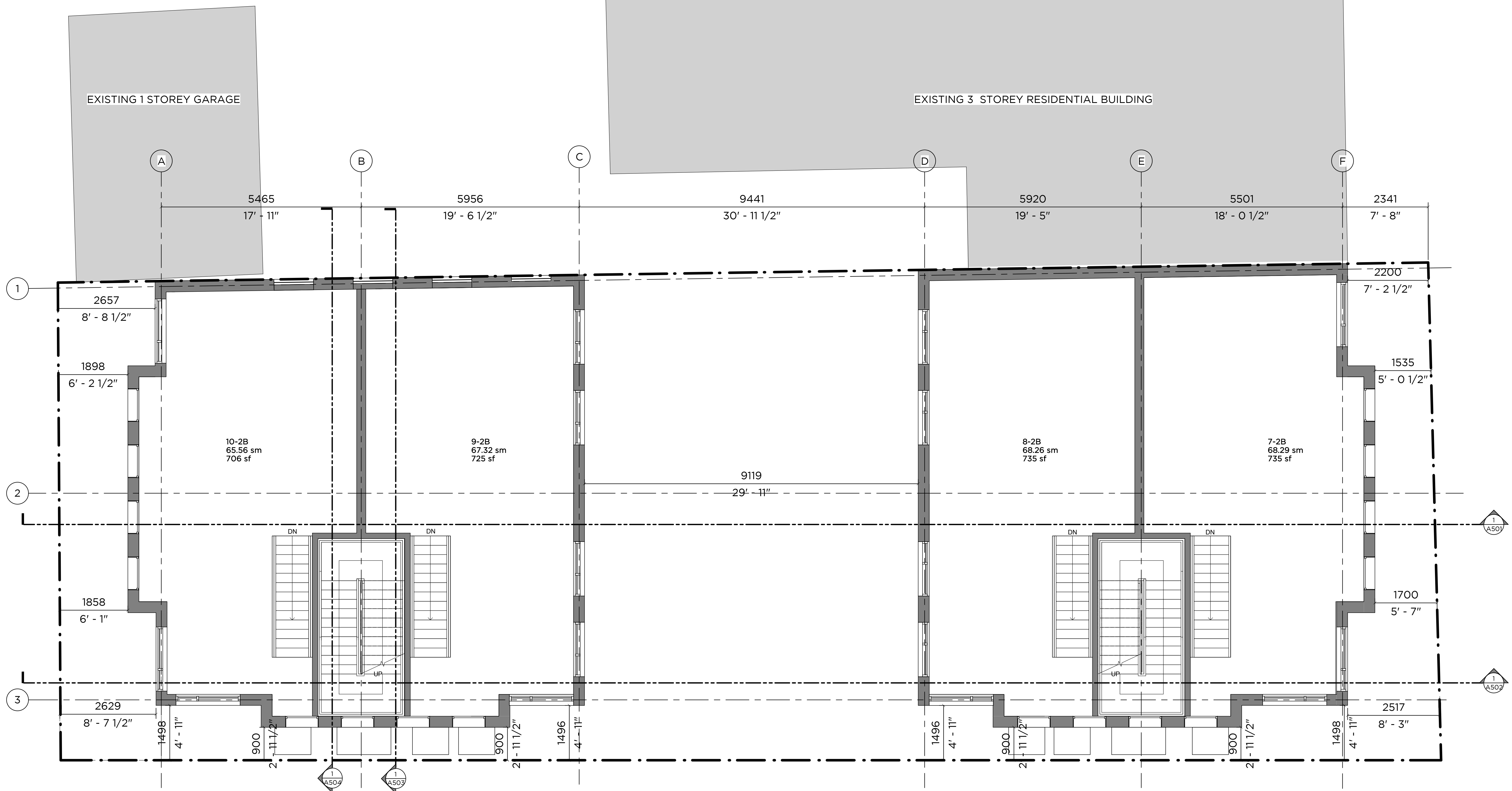
20028  
—  
31 WELLINGTON ST  
NORTH

WQ (WELLINGTON  
ST N) GP INC.

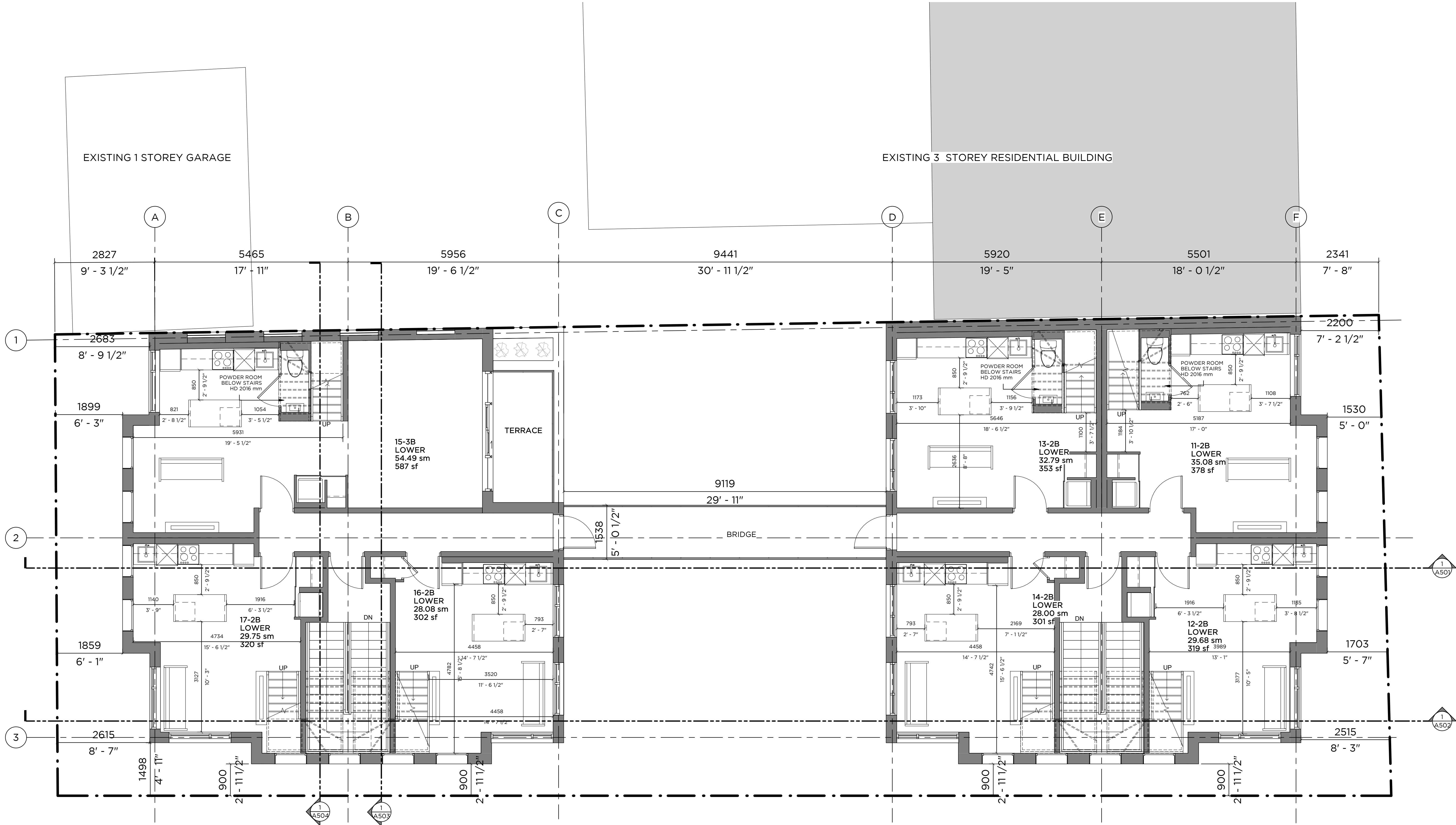
## SECOND FLOOR PLAN

1 : 50

A202



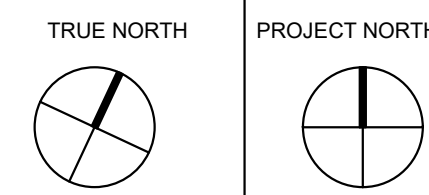




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131 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
ST N) GP INC.

THIRD FLOOR  
PLAN

1 : 50

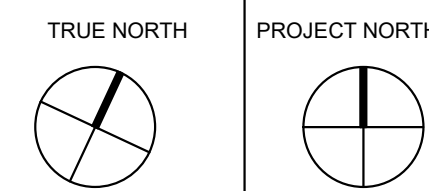
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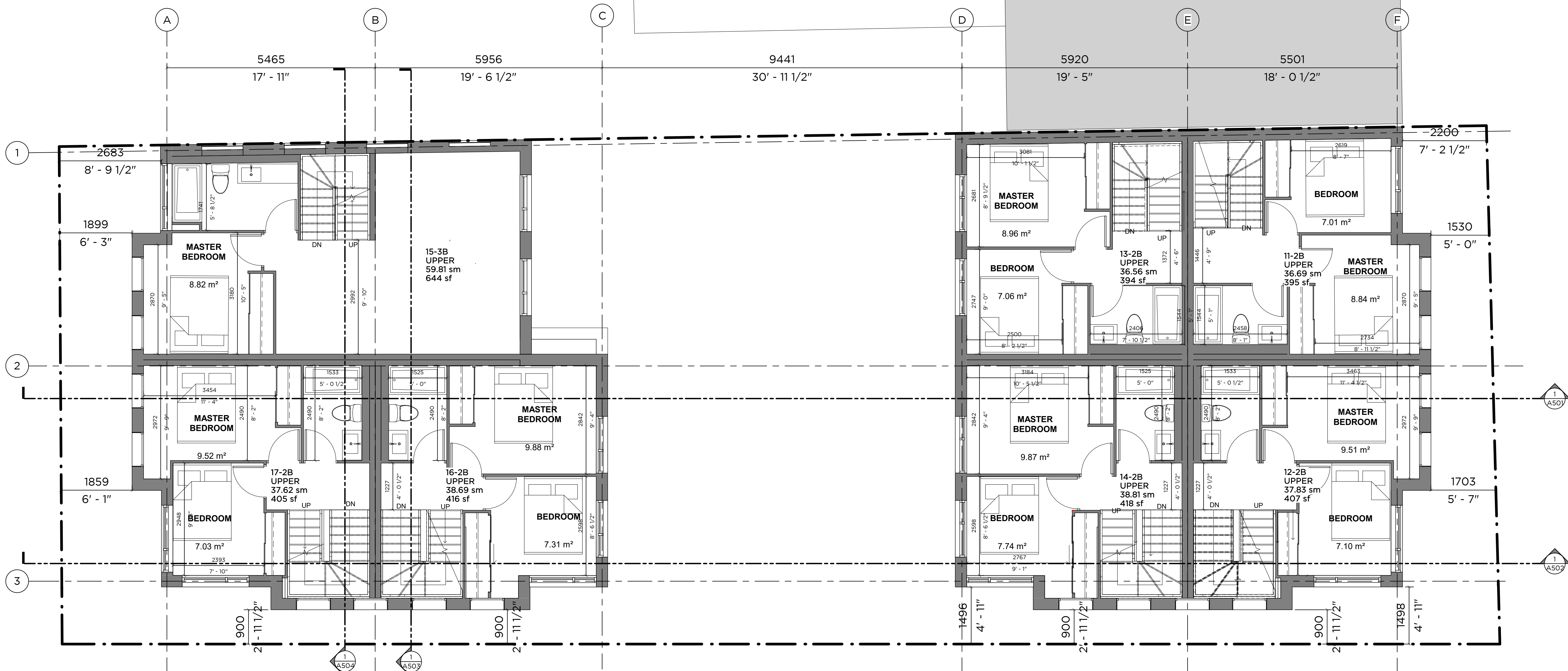
WQ (WELLINGTON  
ST N) GP INC.

FOURTH FLOOR  
PLAN

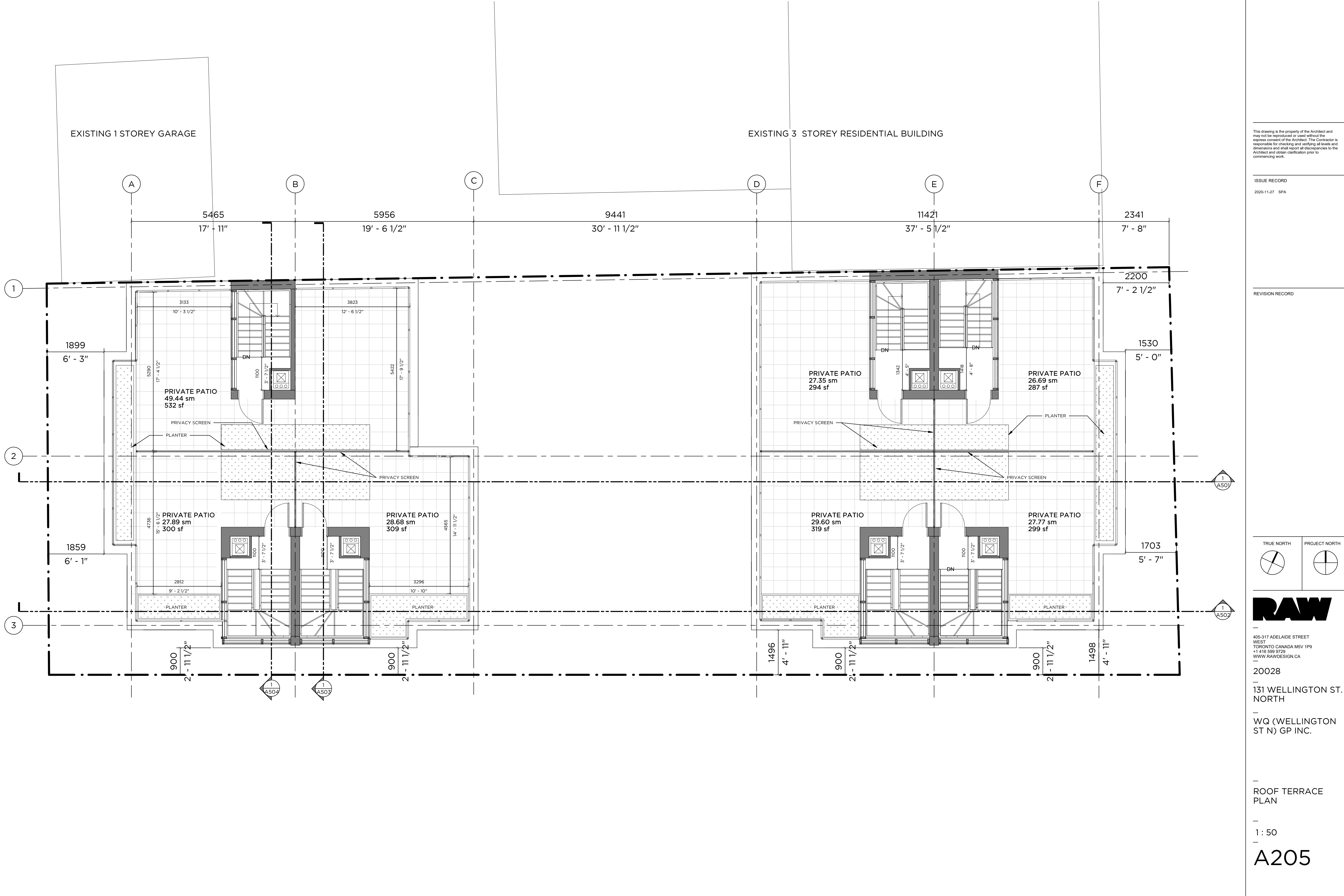
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A204

EXISTING 3 STOREY RESIDENTIAL BUILDING





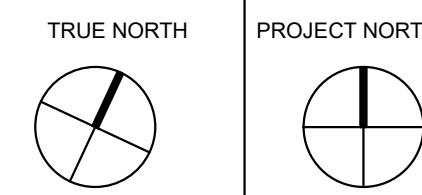


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131 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
ST N) GP INC.

ROOF TERRACE  
PLAN

1 : 50

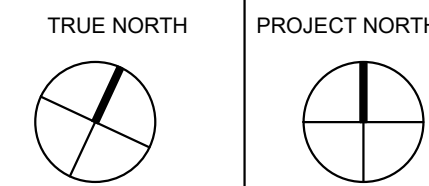
A205

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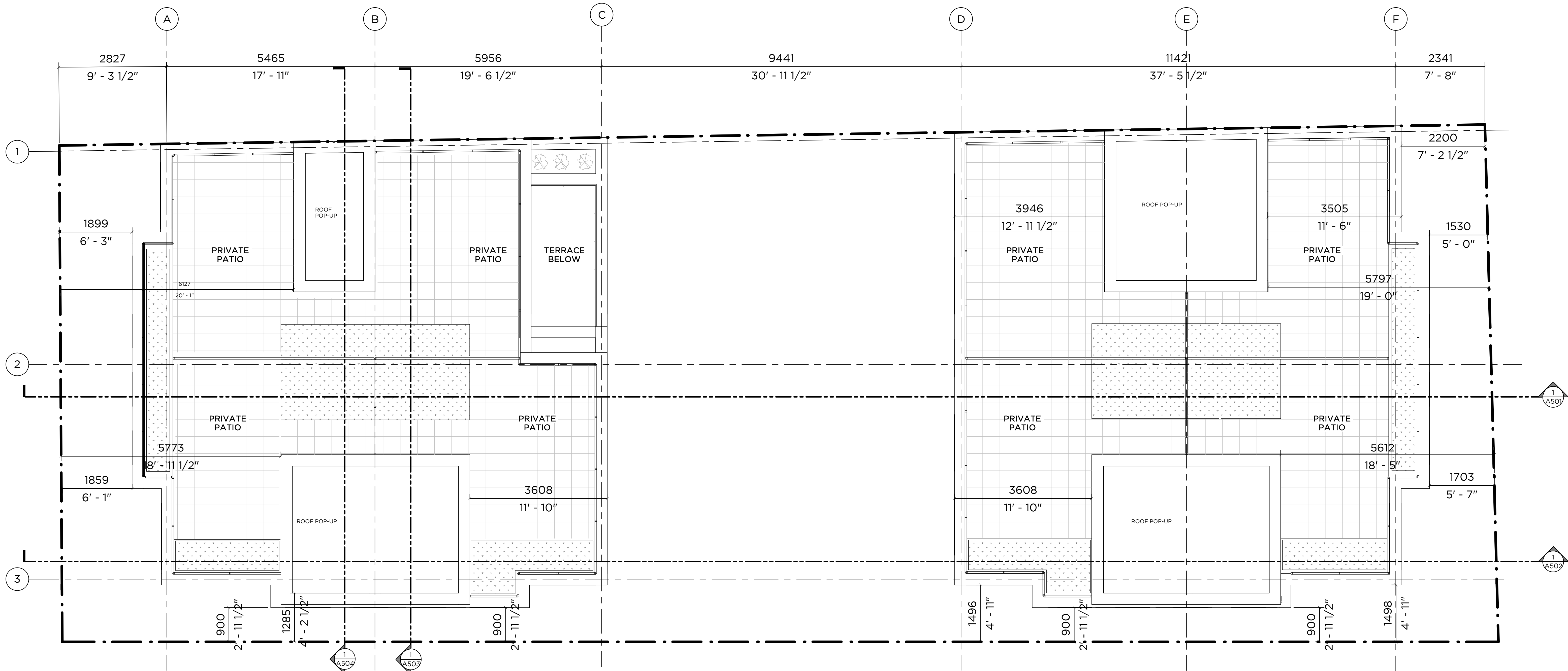
20028  
131 WELLINGTON ST.  
NORTH

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ROOF PLAN

1 : 50

A206





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TRUE NORTH	PROJECT NORTH
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**RAW**

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WQ (WELLINGTON  
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SOUTH ELEVATION

1 : 50

A401





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TRUE NORTH

PROJECT NORTH

**RAW**

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131 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
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NORTH ELEVATION

1 : 50

A402





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TRUE NORTH	PROJECT NORTH
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EST  
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31 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
T N) GP INC.

: 50

A403



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TRUE NORTH	PROJECT NORTH

**RAW**

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NORTH

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WEST ELEVATION

1 : 50

A404





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TRUE NORTH	PROJECT NORTH

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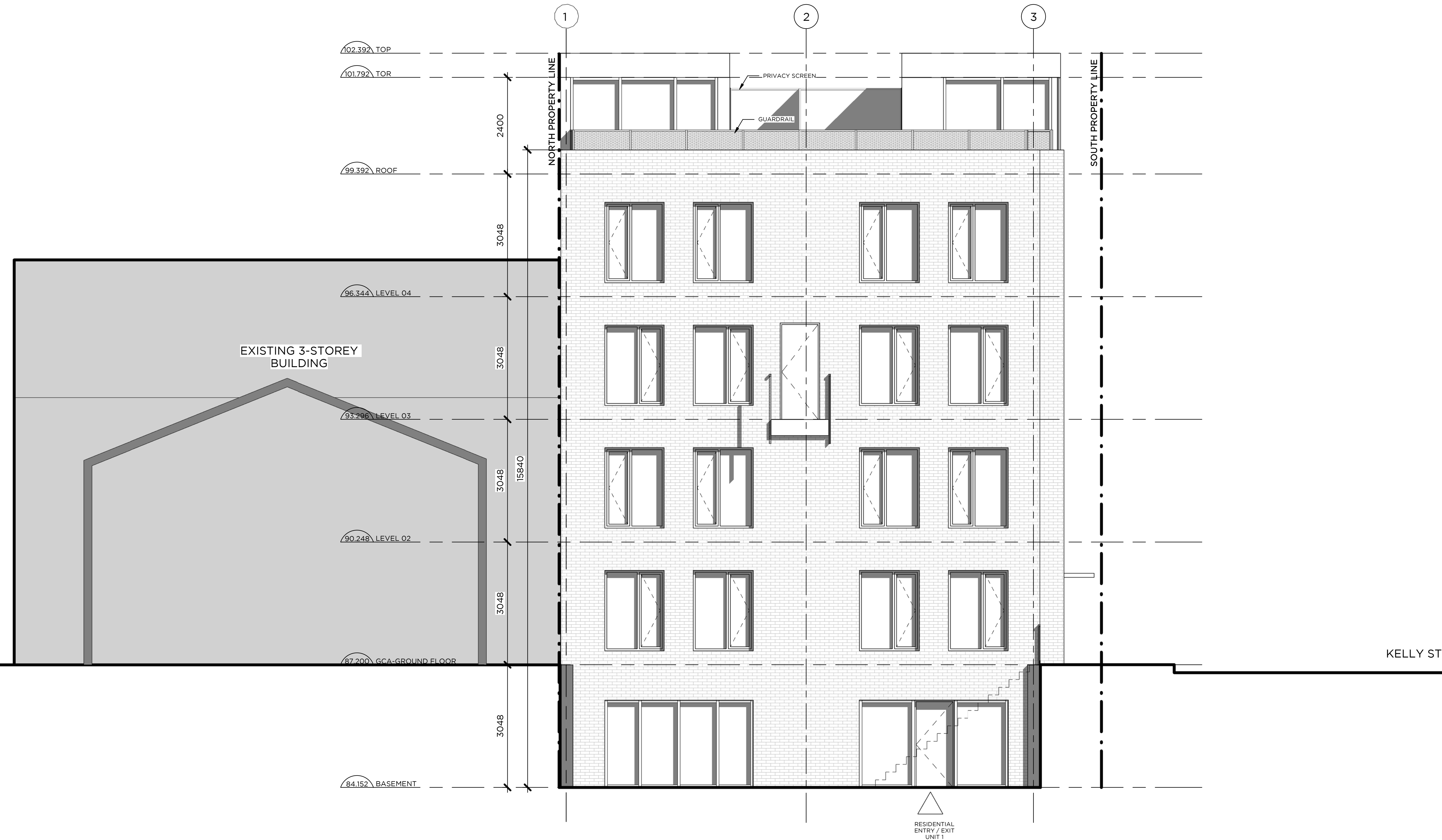
131 WELLINGTON ST.  
NORTH

WQ (WELLINGTON  
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EAST COURTYARD  
ELEVATION

1 : 50

A405



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TRUE NORTH	PROJECT NORTH

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NORTH

WQ (WELLINGTON  
ST N) GP INC.

WEST COURTYARD  
ELEVATION

1 : 50

A406



CANNON STREET EAST

CATHCART STREET

REGISTERED

ALLEYWAY

WELLINGTON STREET NORTH

ROAD ALLOWANCE BETWEEN LOTS 12 AND 13

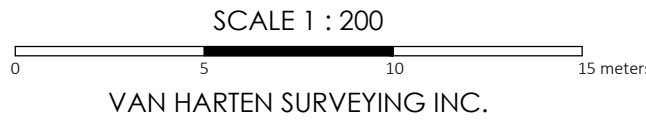
SUMMARY REPORT:

CLIENT:  
THIS PLAN WAS PREPARED FOR CLIENT **WOVEN QUARTER PROPERTIES INC.**  
AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY  
FOR USE BY OTHER PARTIES.

NOTE:  
THIS SURVEY PLAN IS TO BE READ IN CONJUNCTION WITH  
A WRITTEN SURVEY REPORT DATED FEBRUARY 4, 2020.

DESCRIPTION OF PROPERTY:  
No. 131 WELLINGTON STREET NORTH  
PIN 17164-0153 (LT); PART OF LOT 113, REGISTERED PLAN 255  
CITY OF HAMILTON AS IN INSTRUMENT CD248282.  
No. 129 WELLINGTON STREET NORTH  
PIN 17164-0154 (LT); PART OF LOT 113, REGISTERED PLAN 255  
CITY OF HAMILTON AS IN INSTRUMENT CD296261.

SURVEYOR'S REAL PROPERTY REPORT  
PLAN OF  
**PART OF LOT 113,  
REGISTERED PLAN 255  
CITY OF HAMILTON**



LEGEND:

- DENOTES SURVEY MONUMENT SET
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
- IB DENOTES .015 x .015 x 0.60 IRON BAR
- SSIB DENOTES .025 x .025 x 0.60 SHORT STANDARD IRON BAR
- RIB DENOTES .015 DIA. X 0.07 ROUND IRON BAR
- PB DENOTES .025 x .025 x 0.30 PLASTIC BAR
- BA DENOTES BOUNDARIES ACT PLAN
- CC DENOTES CUT CROSS
- VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
- AJC DENOTES A.J. CLARKE, O.L.S.
- 824 DENOTES A.T. MCLAREN, O.L.S.
- 1629 DENOTES B.A. JACOBS, O.L.S.
- 1243 DENOTES E. BARICH, O.L.S.
- 1353 DENOTES G.E. GIDDY, O.L.S.
- P1 DENOTES REGISTERED PLAN 255
- P2 DENOTES PLAN BA-986
- P3 DENOTES DEPOSITED PLAN OF SURVEY BY (1629) DATED SEPT. 3, 2015, PROJ. #15553-A
- P4 DENOTES DEPOSITED PLAN 62R-8061 BY (AIC)
- P5 DENOTES DEPOSITED PLAN 62R-1751 BY (824)
- P6 DENOTES PLAN OF SURVEY BY (1243) DATED MAY 10, 1986, PROJ. No. 2L-934
- P7 DENOTES INSTRUMENT CD296261
- P8 DENOTES INSTRUMENT CD248282
- P9 DENOTES PLAN OF SURVEY BY (1353) DATED OCT. 26, 1988, PROJ. No. F-1259
- P10 DENOTES PLAN OF SURVEY BY (AIC) DATED NOV. 30, 1983, PROJ. No. E-56568

NOTES:

- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17. NAD 83-CSRS (2010) ADJUSTMENT.
- DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO UTM GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99969757.

BEARING COMPARISONS:

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW.

PLAN	ROTATION FOR NORTHEAST BEARINGS
P1,P3,P4,P5,P6,P9,P10	-1°00'16"

NOTES:

- DISTANCES ON THIS PLAN ARE MEASURED IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- DISTANCES RELATING TO FENCES ARE TO THE CENTRELINE OF FENCE.
- FENCES WITHIN 0.1 METRE OF THE BOUNDARY ARE INDICATED AS BEING ON LINE.

SURVEY INFORMATION:

BENCHMARK REFERENCE:

ELEVATIONS ARE BASED ON GPS OBSERVATIONS TO PERMANENT REFERENCE STATIONS AND HAVE BEEN CORRECTED TO ORTHOMETRIC ELEVATIONS WITH GEOID MODEL HTV2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.

SITE BENCHMARK:

- CUT CROSS IN SIDEWALK AT THE SOUTHEASTERLY CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 87.14 METRES.
- CUT CROSS IN SIDEWALK AT SOUTHWESTERLY CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 86.91 METRES.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 31st DAY OF JANUARY, 2020.

DATE: FEBRUARY 4, 2020  
UPDATED: SEPTEMBER 30, 2020  
TO SHOW NEW UTILITY POLE LOCATION

JONATHAN SCOTT  
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).

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**Van Harten**  
SURVEYING INC.  
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo  
Ph: 519-742-8371

Guelph  
Ph: 519-821-2763

Orangeville  
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

DRAWN BY: NCH

CHECKED BY: JSS

PROJECT No. 27868-19

Sep 30, 2020-1:00:15 PM

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**IBI GROUP**  
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June 23, 2021

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield  
Secretary - Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West - 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Sheffield:

### **APPLICATION FOR MINOR VARIANCE - 131 WELLINGTON ST N, HAMILTON**

On behalf of the Owner, WQ (Wellington St N) GP Inc., we are pleased to submit the enclosed application for Minor Variance ("application") for the lands located at 131 Wellington St N, Hamilton ("subject lands"). The application is submitted to propose ground-oriented, small scale residential intensification on the subjects, and runs parallel to a concurrent and active Site Plan application under File DA-20-126. Details of the proposed variances and planning analysis and justification for same with respect to the required tests are provided in this letter.

### **Complete Application Submission Materials**

In accordance with the requirements for a complete application, we provide the following:

- Completed, signed and commissioned Minor Variance Application Form;
- One cheque in the amount of \$3,320 made payable to the City of Hamilton for a standard application;
- Proposed development plans including site statistics, site plan, floor plans and elevations, as prepared by RAW Designs, dated April 20, 2021; and,
- Survey prepared by Van Harten Surveying Inc.

### **Proposed Minor Variances**

Based on our review of applicable zoning and the proposed plans, the following variances are required:

1. A reduced rear yard setback of 1.8 m instead of the minimum required 7.5 m;
2. A reduced Planting Strip width of 1.4 m between a street line and adjacent parking spaces instead of the minimum 3 m;
3. To permit non-required parking spaces without means of forward egress;
4. To permit non-required parking spaces to be accessed by an adjacent public laneway instead of a minimum 3.7 m on-site drive-aisle

The following sections of this report will review these in detail and provide planning analysis accordingly.



## Site Location and Context

[illegible]

*Figure 1: Aerial View of Subject Lands and Context; Excerpt from City of Hamilton Online Zoning Map*

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*Figure 2: Aerial View of Subject Lands; Excerpt from City of Hamilton Online Zoning Map*

The subject lands are located at the north-westerly corner of the intersection of Wellington St N and Kelly St. Surrounding land uses and built forms include low-rise attached housing to the north, high-rise attached housing to the south, low-rise detached and attached housing to the west, and a mixture of low-rise detached housing and commercial uses to the east. With respect to Wellington St N, this particular section between Cannon St E and Wilson St exhibits variety in building styles, sizes and use. Along the west side of the street, north of the Subject Lands, there is a strongly consistent streetscape condition of low-rise attached housing with front setbacks close to the street (approximately 0.3 – 1.5 m). These dwellings provide consistent building heights of two storeys with pitched roofs punctuated by dormers, but exhibit variety in materials and styles, giving streetscape impressions of individual unit modules separately developed. Along the east side, to the north and south of the Subject Lands, there is a mixture of commercial and residential buildings at different scales. This includes a large retail store at the south-east intersection of Wellington St N and Cannon St E, also placed close to the street edge but exhibiting characteristic modern stand-alone commercial design of a low-rise flat roof building without glazing facing the street. The large-scale high density dwelling immediately south at 125 Wellington St N and the larger high-density mixed-use building at 220 Cannon St E respectively provide the most visually dominate built forms in terms of height and massing. With respect to the subject lands, the immediate context is visually dominated by the Wellington St N and Kelly conditions presented by the height and massing of 125 Wellington St N. However, to the west along Kelly St the Streetscape is characterized by low-rise residential dwellings built virtually at the street edge. Figures 3-1 below provides an aerial image of context, including a 100 m radius delineation around the Subject Lands.



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Figure 3 - Google Earth 3-D Axio Image of Subject Lands and Context; Sourced from RAW Designs Inc.



Figure 4 - Photos of Subject Lands and Surrounding Context; Sourced from RAW Designs Inc.



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Figure 5 - Photos of Subject Lands and Surrounding Context; Sourced from RAW Designs Inc.

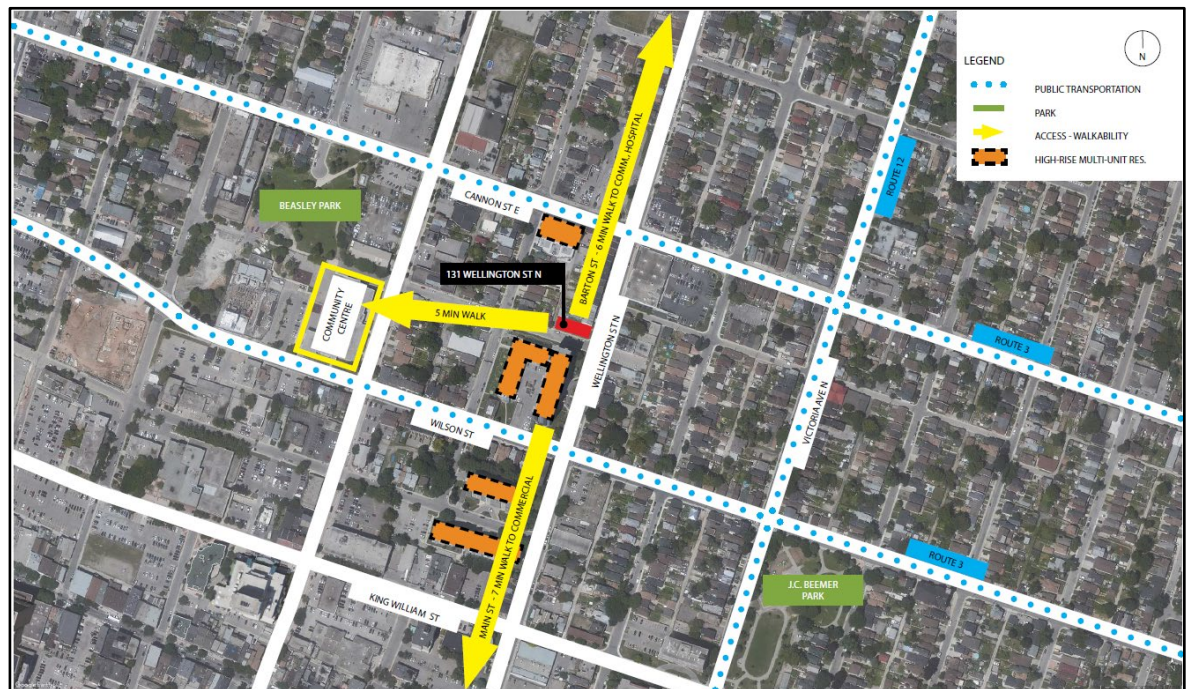


Figure 6 - Air Photo of Site and Context, Highlighting Context, Uses, and Public/Active Transportation Options; Sourced from RAW Designs Inc.

### Proposed Development

The proposed development is an efficient, contextually appropriate, low-rise, ground-oriented residential apartment consisting of 17 dwelling units. The proposed buildings are four (4) storeys



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and 15.19m in height (measured from grade to top of parapet, excluding exit stairs). The dwellings range in size from 502 sq. ft. (46.6 m<sup>2</sup>) to 945sq. ft. (87.8 m<sup>2</sup>), and provide a mixture of 1, 2- and 3-bedroom units. Amenity area is provided via internal courtyard situated below grade as well as rooftop terraces. Parking is provided along the rear lot line, adjacent to the public alleyway. The proposed development will also include a unique pedestrian connection through a raised bridge above the courtyard. The height, scale, massing and architectural treatments have been designed to complete the streetscape while simultaneously providing street wall continuity. This approach will provide contemporary multiple dwellings that preserve, respect and enhance the cultural heritage character of the Wellington St N streetscape. The proposal is illustrated in the complete set of architectural drawings provided in the application, as well as in **Figures 7-14** below.

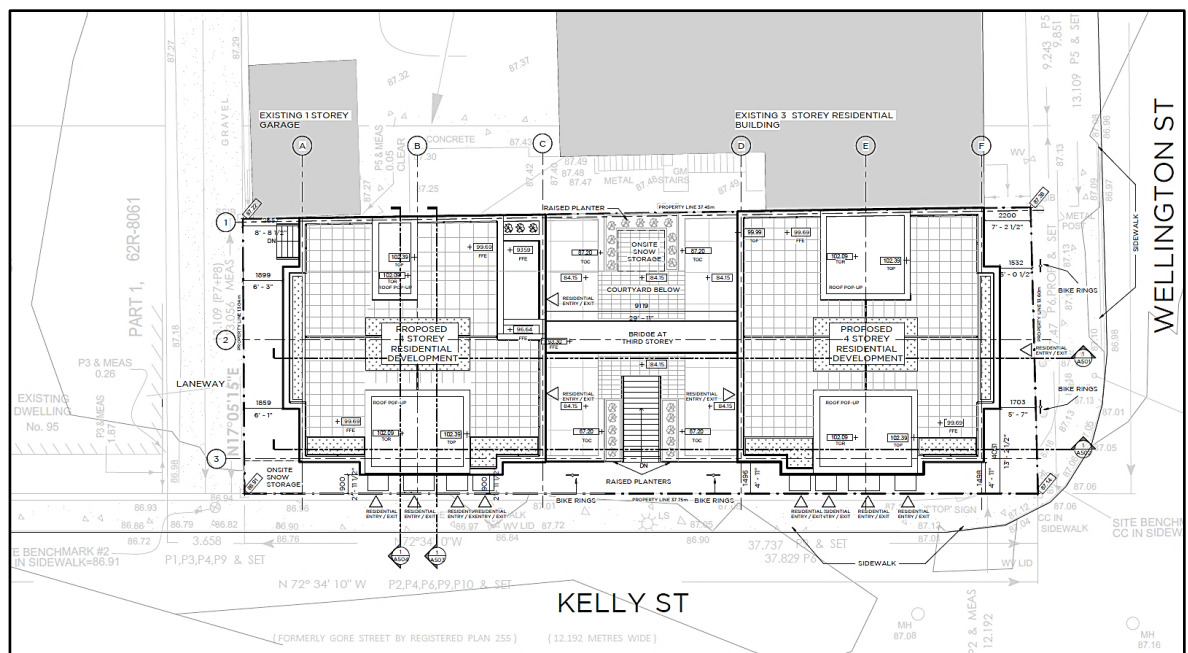


Figure 7 - Excerpt of Proposed Site Plan

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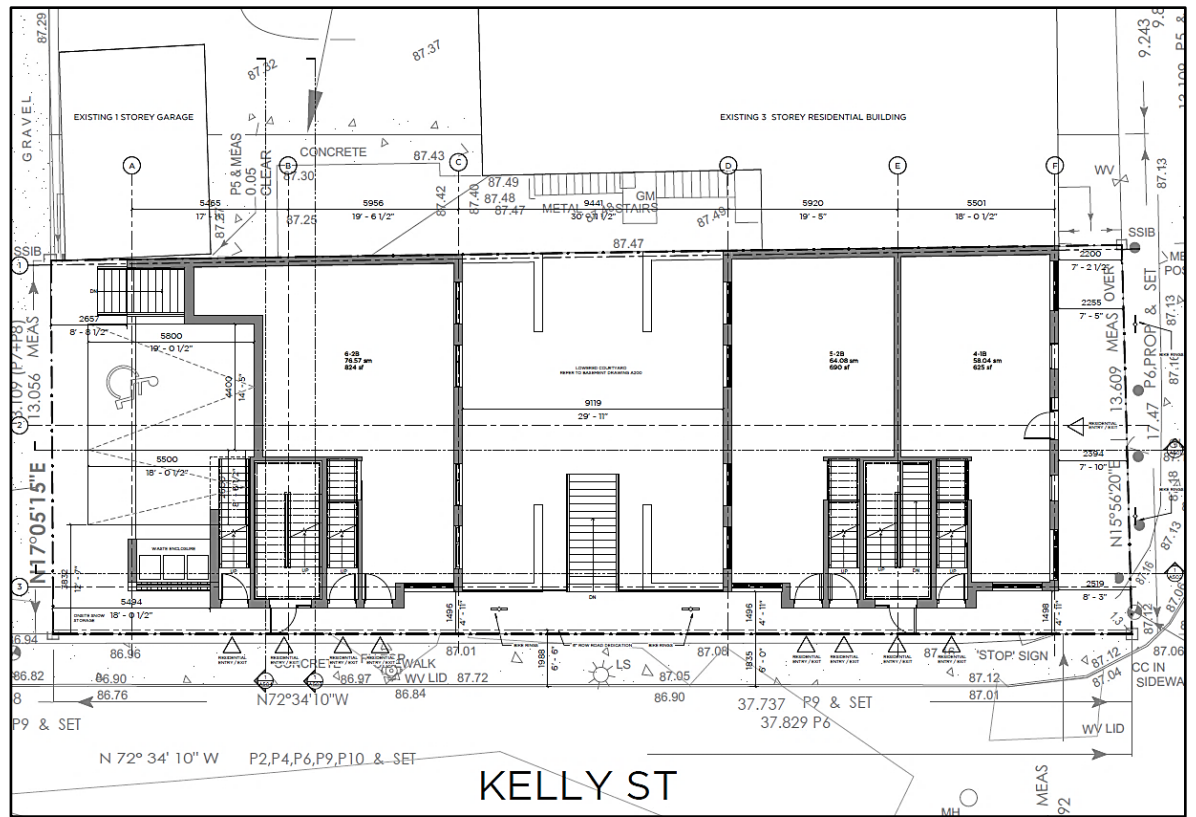


Figure 8 - Excerpt of Proposed Ground Floor Plan

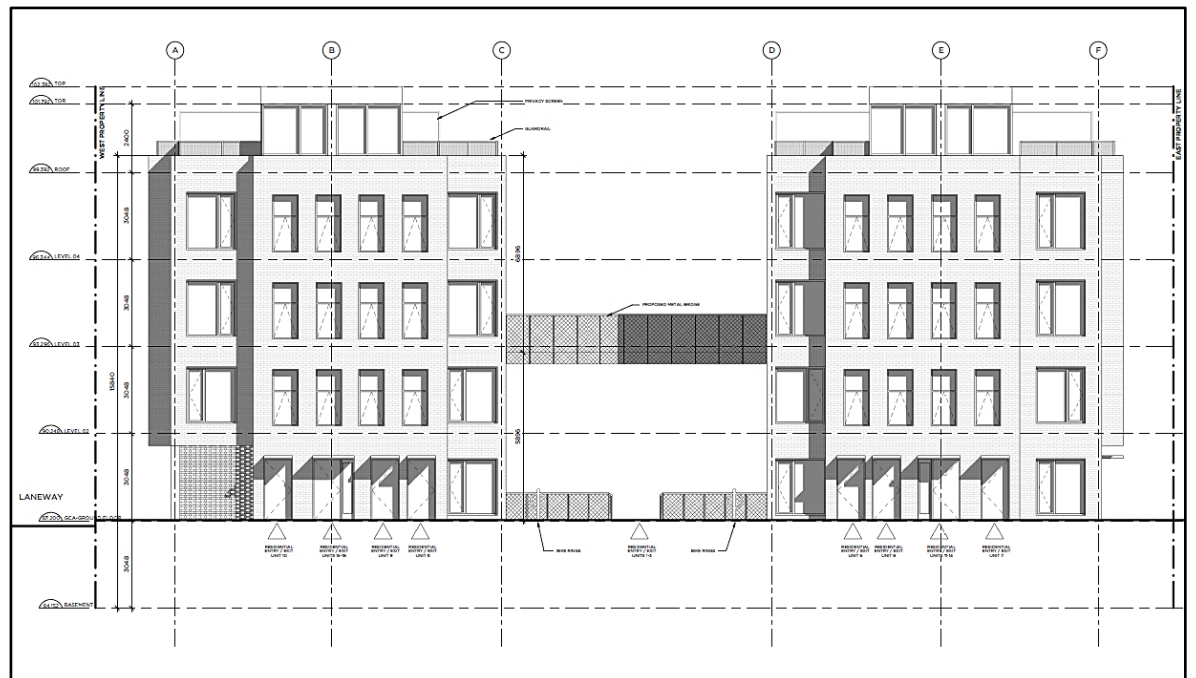


Figure 9 - Excerpt of Proposed Southerly Elevations, Facing Kelly Street

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*Figure 10 - Excerpt of Proposed Easterly Elevation, Facing Wellington St N*

### **Application Background and History**

The current development proposal reflects an iterative process of Formal Consultation (“FC”), Design Review Panel (“DRP”), initial Site Plan Application (“SPA”) submission, and subsequent revision.

A proposed development was presented through the initial FC application in January of 2020. This process confirmed the permitted uses and main zoning parameters and provided feedback on design. Subsequent to the FC process, the proposal was refined again to address some comments received.

This refined and revised proposal, very similar to the current proposal with respect to form and intensity, was submitted in September of 2020 and presented to the DRP in February of 2021. Comments from the DRP were very supportive of the unique design approach, specifically the private internal courtyard and its ability to provide private amenity space. The panel also commented on how the proposed massing of two separate buildings served to break up the overall massing of the project and allow for sunlight to pass through the buildings, and the panel also commented on how the built form respected the context, including the adjacent dwellings along Wellington St N and Kelly St, while offering comments on materiality and entrance designs and locations. Refer to Attachment A for the DRP summary comments.

Following DRP, the proposal was refined to address most of the DRP comments and submitted for SPA at the end of November of 2020. The file was circulated for staff review and comment, including a full Zoning review. Following the initial circulation, the applicant and staff engaged in various discussions related to design, context, character and ROW requirements.

Following these discussions, the proposal was refined once more to that being submitted with the current Variance application. This reflects efforts to modify the proposed parking, further diversity the proposed unit types, match the Wellington St N street line while making some allowance for

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ROW dedications, and locating most unit entrances to be from Kelly St (with one direct connection to Wellington St N).

### **Applicable Planning Policy and Legislation**

The following provides a brief overview of applicable planning policy and legislation, including a selection of relevant policies.

#### **Planning Act**

The Powers of the Committee of Adjustment, with respect to minor variances are provided by subsection 45 (1) of the Planning Act, which states that the Committee can authorize variances that are desirable, minor in nature, and meet the general intent and purpose of the Official Plan and Zoning By-law. These are identified as the four tests, which will be described further in the letter.

#### **Provincial Policy Statement 2020**

Planning decisions made by the Committee of Adjustment must be consistent with the Provincial Policy Statement (“PPS”). The proposed development results in modest intensification within the built-up area of the City of Hamilton in the form of 17 dwelling units.

The proposed development will contribute to the supply of housing for the City of Hamilton to meet forecasted needs, as identified in Section 1.4. Sections 1.1.3 & 1.6 of the PPS provide direction that new growth should be directed to the built-up area, where municipal infrastructure and services are available. As illustrated by the air photo in **Figure 1**, the subject lands are located within the built-up area of the City, with access to full municipal infrastructure and services.

#### **Growth Plan for the Greater Golden Horseshoe 2019**

The Growth Plan for the Greater Golden Horseshoe 2020 (“Growth Plan”), provides municipalities with policy direction to direct growth within Urban Areas and Delineated Built-up Areas, as described in **Section 2.2**. One of the main goals of the Growth Plan is direct growth to the urban areas of municipalities, where municipal infrastructure and services are available. The proposed development is located within the urban boundary and built-up area of the City of Hamilton and will provide dwelling units that will assist in meeting required targets for intensification.

#### **Urban Hamilton Official Plan**

Within the Urban Hamilton Official Plan (“UHOP”), the subject lands are within the Downtown Urban Growth Centre shown on Schedule E – Urban Structure and designated as Downtown Mixed-Use Area on Schedule E-1 – Urban Land Use.

#### **Downtown Secondary Plan**

Further, the lands are within the Downtown Hamilton Secondary Plan (“DSP”) area and are designated as Downtown Residential on Map B.6.1-1 – Land Use Plan, with permission for a Mid Rise building height established on Map B.6.1-2. Appendix A of the DSP shows the lands are within a Higher Order Transit Station Area, and Appendix B-1 shows the lands are within the Wellington St N Streetscape Cultural Heritage Landscape. Several properties in the vicinity, including those immediately to the north, are shown as Registered Non-Designated on Appendix B. Lastly, Wellington St N is identified as a View Corridor to Niagara Escarpment on Appendix C.

Relevant policies from the DSP include:

##### **6.1.3.7 Diversity of Housing**

Housing is fundamental to the economic, social, and physical well-being of Downtown’s residents and neighbourhoods, Housing is a basic human need and is the central place from



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which people build their lives, nurture their families and themselves, and engage in their communities. Downtown's livability and prosperity is connected to the provision of housing that meets the requirements of a diverse population with varying housing needs. Downtown offers various built form housing options, including grade-related, mid-rise, and tall buildings with a variety of ownership and tenancy. Providing housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life is the goal of an inclusive Downtown and essential to the creation of complete communities. To achieve these objectives development shall:

- a) Provide for a range of housing types, forms, and densities to meet the social, health, and well-being requirements of all current and future residents.
- b) Provide housing within complete communities.
- c) Increase Downtown's stock of affordable housing of all types.
- d) Maintain a balance of primary rental and ownership housing stock as outlined in the Affordable Housing Strategy.

#### **6.1.4 General Land Use Policies**

6.1.4.6 When considering an application for development, the following matters shall be evaluated:

- a) compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts;
- b) the consideration of transition in height to adjacent and existing buildings;
- c) that height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and sympathetic to the character and heritage of the neighbourhood; and,
- d) the conservation of on-site and adjacent cultural heritage resources.

#### **Housing**

6.1.4.10 The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the

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Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.

### **Building Heights**

- 6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:
- a) Low-Rise 1 – up to 3 storeys;
  - b) Low Rise 2 – up to 6 storeys;
  - c) Mid Rise – up to 12 storeys;
  - d) High Rise 1 – up to 20 storeys; and,
  - e) High Rise 2 – up to 30 storeys.

### **Built Form**

- 6.1.4.25 In addition to Section B.3.3 – Urban Design Policies of Volume 1, development in the Downtown shall achieve the following:
- 6.1.4.26 All development shall be oriented toward the surrounding streets and shall include direct pedestrian access, including barrier free access from grade level, to the principle entrances.
- 6.1.4.27 All development shall be built close to the street line. Additional setbacks may be permitted, based on the locational context, to protect significant views, to protect cultural heritage resources, to accommodate pedestrian amenities such as street plantings and enhanced landscaping, wider sidewalks, open space, outdoor cafés, seating areas, transit shelters, bicycle parking, and other public amenities.
- 6.1.4.28 All development shall:
- a) be massed to frame streets in a way that respects and supports the adjacent street proportions;
  - b) be compatible with the context of the surrounding neighbourhood;
  - c) contribute to high quality spaces within the surrounding public realm; and,
  - d) provide high quality spaces within the buildings themselves.
- 6.1.4.29 Residential development shall provide amenity space within new developments in the form of private or semi-private parkettes, rooftop gardens or internalized open spaces within courtyard areas created by new buildings.

### **6.1.5 Downtown Residential Designation**

The Downtown Hamilton Secondary Plan supports the improved multi-modal connection of residential neighbourhoods to the Downtown core, the development of vacant land for higher and better use at an appropriate scale and the overall balancing of commercial and residential development for a vibrant healthy core.

- 6.1.5.1 The residential areas within the Downtown Hamilton Secondary Plan are designated Downtown Residential on Map B.6.1.1 – Downtown Hamilton

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Secondary Plan – Land Use Plan. The following policies shall apply to lands designated Downtown Residential:

- a) uses permitted in areas designated Downtown Residential include single detached, semi-detached, duplex, triplex, street townhouses, and multiple dwellings.

#### **6.1.11 Cultural Heritage Resource Policies**

6.1.11.1 Heritage buildings and streetscapes define Downtown Hamilton as a unique place. The existing concentration of heritage built form is one of the key strengths and opportunities in Downtown Hamilton. The Downtown Hamilton Secondary Plan recognizes the value of heritage buildings, streetscapes, and the cultural landscape and places a priority on their retention and enhancement. In addition to Section B.3.4 – Cultural Heritage Resource Policies of Volume 1, the following policies shall also apply to cultural heritage resources within the Downtown Hamilton Secondary Plan:

- b) cultural heritage landscapes shall be protected by retaining major characteristics through the review of Planning Act applications. The Downtown cultural heritage landscapes are identified on Appendix B-1 – Downtown Hamilton Secondary Plan – Cultural Heritage Landscapes;

- d) conservation of existing cultural heritage resources shall be a priority in all development. New development shall be compatible with on-site and adjacent cultural heritage resources. Adaptive re-use will be given priority for all built heritage resources;

#### **Zoning By-law 05-200**

The site is Zoned D5 – Downtown Residential within Zoning By-law 05-200 (By-law). The explanatory note for this zone is stated as:

**Explanatory Note:** The D5 Zone applies stable residential areas in the Downtown. A balance of both commercial and **residential uses is required to create a health and vibrant Downtown Core**. The intent of the D5 Zone is to maintain residential areas by **allowing for a range of housing forms** and create opportunities for the integration of retail and commercial uses to meet the daily needs of the residents. One of the goals of the proposed development is to conform as closely as possible to the zoning requirements within the limited site size.

The D5 zone permits the proposed use and built form, and the proposed development has been designed to achieve compliance with almost all applicable zoning provisions. Given this, the proposed development will require minor variances to modify requirements as outlined earlier. The following sections will outline the proposed variances and provide justification for each with respect to the four tests set out in the Planning Act.



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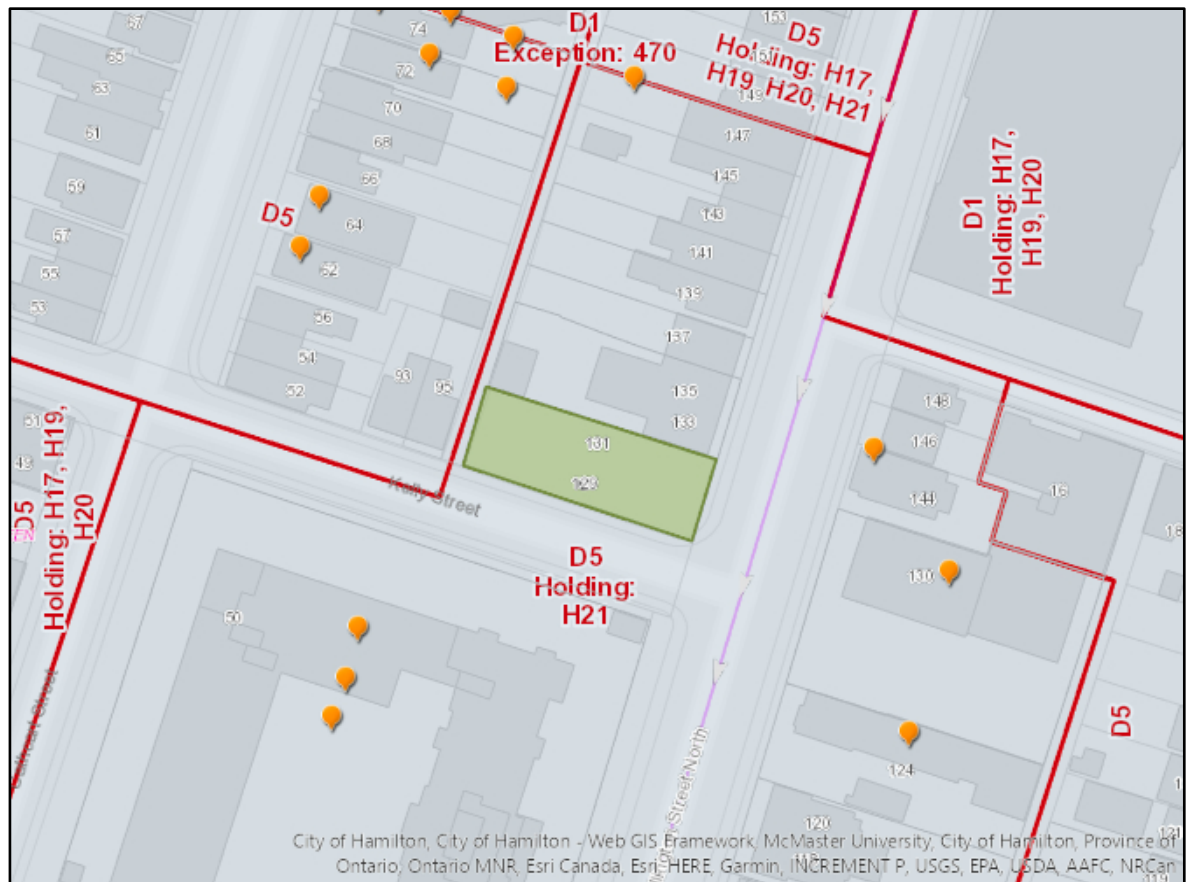


Figure 11: Interactive Zoning Map from City of Hamilton

### Proposed Minor Variances

Based on our review of applicable zoning and the proposed plans, the following variances are required:

1. A reduced rear yard setback (to Kelly St) of 1.8 m instead of the minimum required 7.5 m;
2. A reduced Planting Strip width of 1.4 m between a street line and adjacent parking spaces instead of the minimum 3 m;
3. To permit non-required parking spaces without means of forward egress;
4. To permit non-required parking spaces to be accessed by an adjacent public laneway instead of a minimum 3.7 m on-site drive-aisle;

### Planning Act Section 45 (1) Compliance

Section 45(1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided they are meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?

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3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provide an analysis of the proposed variances against the four tests.

#### **1. Are the Variances Minor in Nature?**

The determination of minor is not a matter of quantum of the variance but rather a consideration of the overall impact of the proposed variance. As such, it is our opinion that all of the requested variances are minor in nature, and collectively these variances will permit an efficiently designed and contextually appropriate residential intensification proposal that provides unique design elements while respecting and enhancing neighbourhood character.

With respect to the proposed rear yard setback the design of the development maximizes internal open space to make a useable and pleasant private internal courtyard amenity area. This is a unique design feature which was identified by the DRP as a key and positive design element of the proposal. Pushing the building back towards the rear lot line allows this courtyard to happen with appropriate internal dimensions, and also makes use of the adjacent laneway condition, which provides a separation to the adjacent dwelling on Kelly St. The subject lands effectively function as a corner lot, with frontages along Wellington St N, Kelly St, and the adjacent laneway, and as such the proposed design addresses each frontage with an appropriate design response. Further, as the D5 zoning allows a 0 m side yard setback, positioning the proposed building closer to the laneway allows part of the building to be adjacent to and screened by the existing detached accessory structure on the adjacent lands, while permitting an open-air interface between the internal courtyard on the subject lands, and the stairs and windows of the dwelling on the adjacent lands. This is illustrated conceptually in **Figure 12** on the following page, showing the interface between built form and open-air areas.

Regarding the reduced planting strip located between the proposed parking spaces and the adjacent ROW, this is isolated to a minor component of the rear building elevation which provides a support column and decorative screen to house and shelter a waste pick-up area and parking stalls. This a very localized and minor reduction in the planting buffer allows for efficient use of space while maintaining an adequate separation of and screening for parking spaces from the adjacent ROW. The building screen meets the intent of hiding the parking from street view and can be further augmented by plantings through the site plan design stage.

With respect to the parking space egress and drive aisle access, the proposed spaces meet minimum size requirements, but aren't technically required by the zoning by-law. Nonetheless, the efficient design provides for one barrier free and one standard parking space to be accessed from the public laneway, again making use of this access feature. This is an appropriate design response which moves the parking away from the street, simultaneously allowing screening and safe access. During the design adjustments, these spaces were tested with turning movement diagrams to show that each space is functional and can accommodate vehicular movements in several directions in and out of each space to the laneway.

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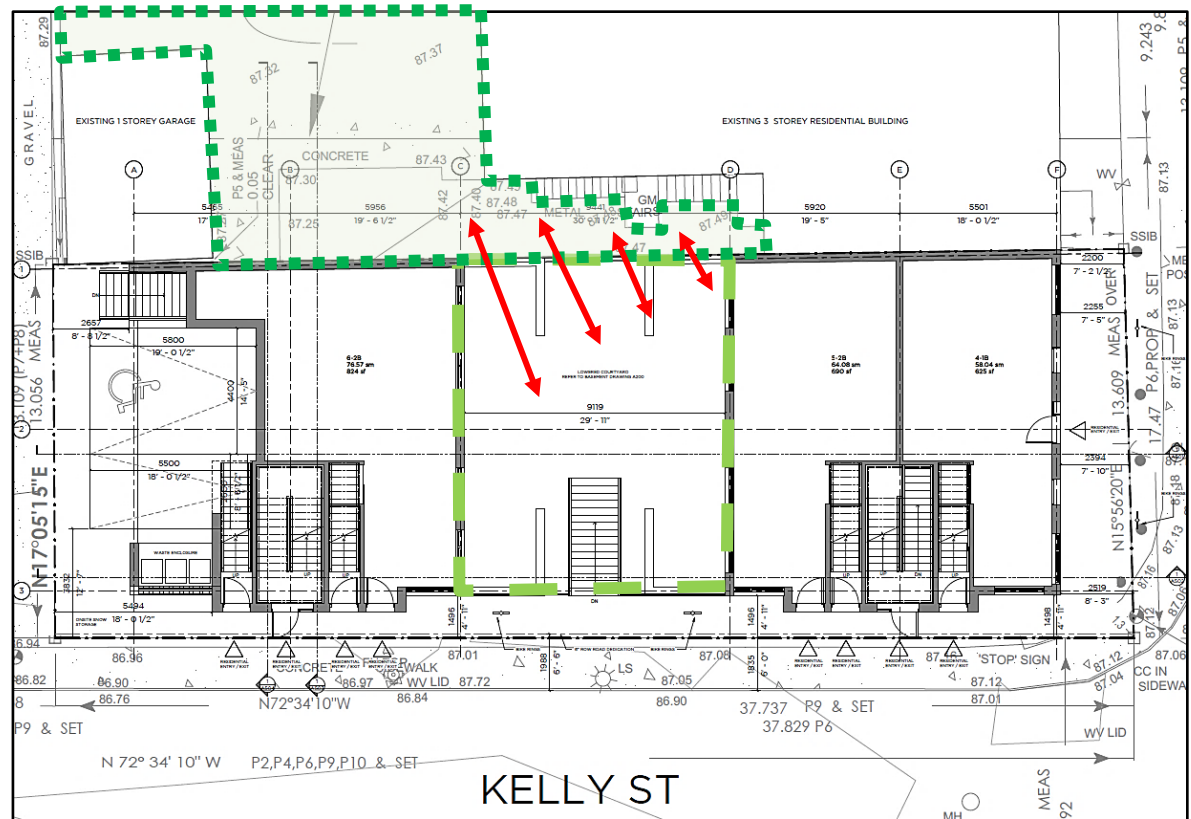


Figure 12 - Private Open Space on Subject and Adjacent Lands, with Above-Grade Open Air Interface

## 2. Are the Variances Desirable and Appropriate?

In our opinion, the variances must be viewed collectively, with a clear understanding that each combine to provide a functional, efficient, compatible and contextually appropriate residential intensification project. Given the iterative design and review process that precedes this application submission, the current proposal reflects key design elements from staff and DRP review, including building massing and height, location of and extent of vehicular parking, dwelling entrances, streetscape character and interface, and private amenity area. The result is that the required variances allow for the design of good quality housing and good planning in keeping with the objectives of providing housing supply, diversity and mix, innovative housing forms and designs, efficient use of land and services, and enhancement of existing cultural heritage resources.

## 3. Do the Variances maintain the general intent of the Official Plan?

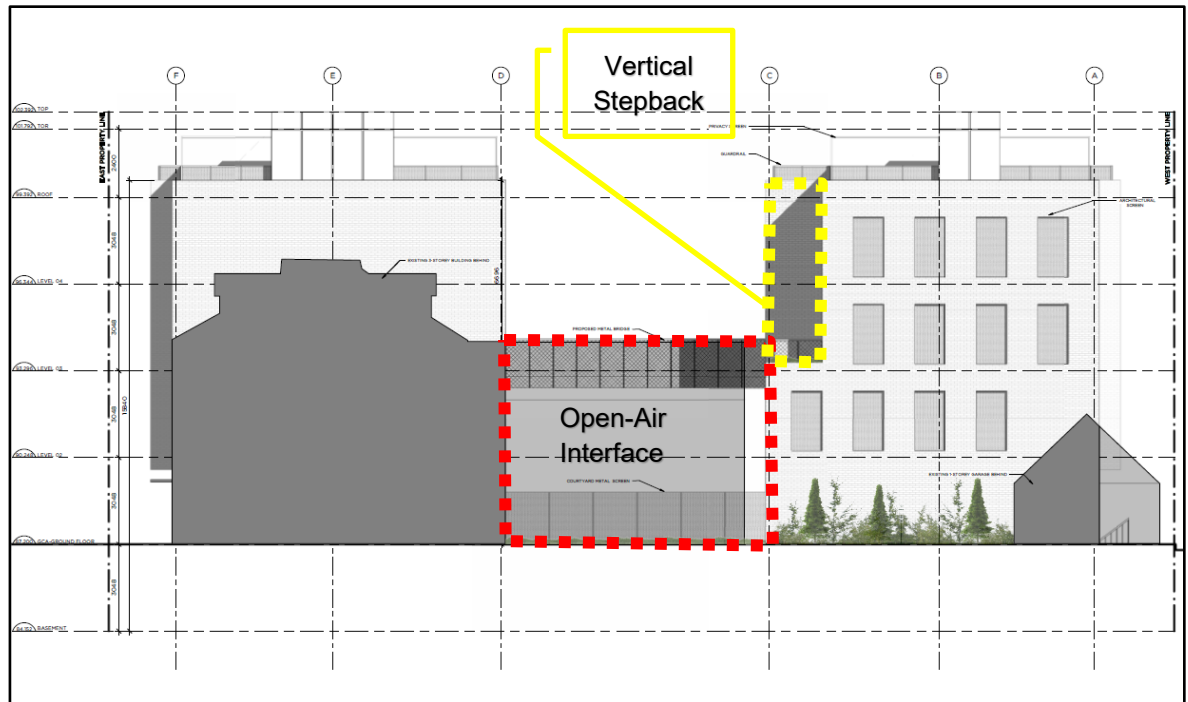
The development proposal has been designed for compliance with required Zoning provisions while also following key design directions in Official Plan policy. This is reflected in the iterative design process and the positive comments from the DRP.

The proposed rear yard setback will allow for positioning of the structures in a manner that is most compatible with adjacent dwellings. Pushing the massing back towards the laneway allows for the open space and open-air interface central to the site, which creates a more compatible and respectful condition for the adjacent dwelling at 133 and 135 Wellington St N. This is combined with a vertical building elevation stepback that reduces potential impacts from building massing resulting from the permitted 0 m side yard setbacks. The adjacent laneway is then framed with a positive building



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relationship and appropriate massing, and while the width of the laneway itself provides physical separation from the adjacent dwelling on Kelly St. This is illustrated conceptually in Figure 13 below.



*Figure 13 - Excerpt of Northerly Building Elevations; Looking Through Adjacent Property at 133 & 133 Wellington St N; Open Air Interface*

The reduced planting strip will remain specific to a localised zone around the enclosed waste pick-up area, which will be used for pick-up only (i.e. not storage). The majority of the time this will function as an open area with screening to shelter the proposed parking spaces from the street, such that they will not be directly visible. As noted, this area can be augmented with plantings through the site plan approval process. In this regard, the development proposal makes adequate space for planting (approx. 5 ft.) and amenity space throughout the site, while presenting a positive image and interface with adjacent streetscapes, including the laneway.

Lastly, the proposed variances for drive aisle access and parking space egress align with the DSP direction to effectively use existing public laneways. The proposed parking spaces are not required but locating them at the rear of the site allows for functional access from different directions while ensuring there is no negative impact to adjacent streetscapes. The spaces have been tested through turning movement diagrams to show access is functionally possible.

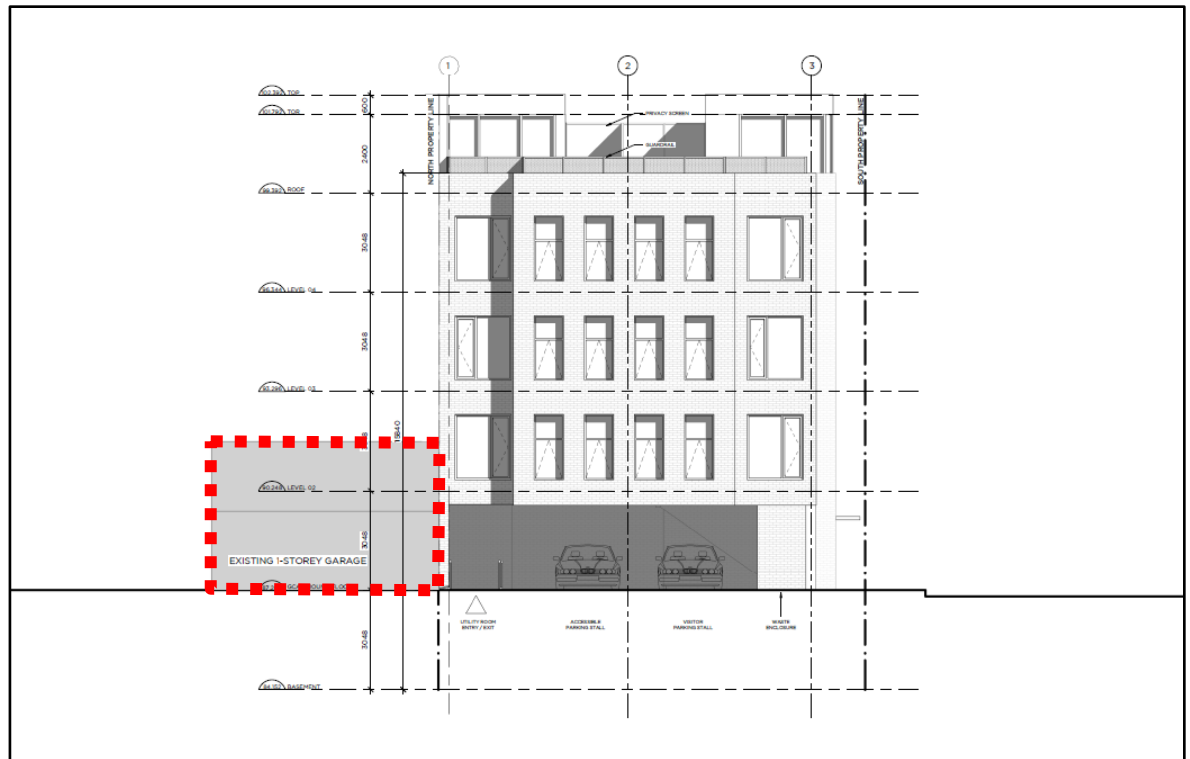
#### **4. Do the Variances maintain the general intent of the Zoning By-law?**

Zoning By-law 05-200 provides a contemporary approach to regulating land use and development. It implements the UHOP DSP through various provisions, including permitted uses, setbacks, and parking requirements.

With respect to the rear yard setback, the intent of the By-law provision is to control the location of building massing on a site to ensure compatible development. The required setback also relates to the provision of space for amenity areas and parking. In this case, ample evidence has been provided in this letter as to the positive impacts of reducing the setback as proposed. This allows for the siting and location of a private internal courtyard that is most compatible with the adjacent dwelling at 133-135 Wellington St N, while using the laneway to provide setback to the adjacent

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dwelling on Kelly. Further, the proposed building will also be partly screened by the existing detached structure at 133-135 Wellington, which is shown in **Figure 14** below. Another way to consider the proposal is to understand that rather than put amenity area at the rear of the site, adjacent to the laneway, the amenity area is provided internal to the site in the form of a courtyard, which allows for the building massing to be broken up and results in the most compatible condition for adjacent properties while simultaneously providing useable space for residents of the proposed development.



*Figure 14 - Excerpt of Westerly Building Elevation; Looking East from Adjacent Laneway*

With respect to the proposed planting strip, the intent of the provision is to provide space for plantings and to also ensure parking areas are screened from view. The proposed reduction will allow both elements to be accomplished, as the parking will be screened in part by a column and decorative screen, while the space around this area will be available for some plantings, to be determined through the SPA stage.

Lastly, with respect to parking egress and drive aisle provision, the proposal makes use of the existing public laneway for the driveway, which fulfils the required function of providing adequate access to the proposed spaces. While the proposed spaces are not required, they have been designed to meet required sizes and to be functionally accessible from the laneway. Thus, the space design and location meet the intent of ensuring provides spaces can be freely accessed by standard vehicles.

### Conclusion and Recommendations

Based on our review of the existing context, the proposed plans and applicable planning policy and legislation, it is our opinion that the proposed application should be approved. The proposed development complies with, conforms to and implements the requirements of the Planning Act, PPS,

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Growth Plan, the UHOP and DSP, and Zoning By-law 05-200, and each of the variances, individually and collectively, meet the four tests as required under the Planning Act.

We trust that the enclosed is in order. However, should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

**IBI Group**

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke followed by a smaller, more complex looped flourish.

Mike Crough MCIP RPP  
Associate Director – Planning Lead

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield – June 23, 2021

## **Attachment A – DRP Summary**





# City of Hamilton Design Review Panel Meeting Summary – September 11, 2020

## Meeting Summary

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The Design Review Panel met virtually on **Friday September 11<sup>th</sup> 2020** via Webex.

### Panel Members Present:

**Vincent Colizza**, Vincent Colizza Architects, *Chair*

**Robert Freedman**, Freedman Urban Solutions

**Ute Maya-Giambattista**, Fotenn Planning + Design

**Tim Smith**, Urban Strategies Inc.

**Jackie VanderVelde**, Land Art Design Landscape Architects Inc.

**Yasin Visram**, Perkins + Will Canada

**James Webb**, Webb Planning Inc.

### Staff Present:

**Jason Thorne**, General Manager of Planning and Economic Development

**Anita Fabac**, Manager of Development Planning, Heritage and Design

**Shannon McKie**, Senior Project Manager, Urban Team

**Jennifer Allen**, Planning Technician, Urban Team

### Others Present

<b>Presentation #3</b> <b>Residential Development</b> 129 & 131 Wellington Street North	<b>Elmira Yousefi</b> , RAW Design <b>Dakota Wares-Tani</b> , RAW Design <b>Mike Crough</b> , IBI Group <b>Brendan Morley</b> , Woven Quarter
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### Regrets:

**Colin Berman**, Brook McIlroy (Panel member)

**Mario Patitucci**, Adesso Design Inc. (Panel member)

**Declaration of Interest:** N/A

## Schedule:

Start Time	Address	Type of Application	Applicant/ Agent	Development Planner
4:00 p.m.	<b>Residential Development</b> 129 & 131 Wellington Street North	Pre-consultation	Owner: J. and A. Cerino  Agent and Presentation: RAW Design	Jennifer Allen, Planning Technician 1

## Summary of Comments:

**Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.**

### 129 & 131 Wellington Street North

#### Development Proposal Overview

The applicant proposes to construct two modules of back-to-back stacked townhouses with a total of 16 units between the two buildings. One flexible parking space / layby loading space is being proposed within the adjacent alleyway.

#### Key Questions to the Panel from Planning Staff

1. Does the proposal use materials that are consistent and compatible with the surrounding context?
2. Does the proposal complement the existing massing patterns, rhythm, character and surrounding context?
3. Does the proposal demonstrate sensitivity toward community identity through an understanding of the character of a place, context and setting?

#### Panel Comments and Recommendations

##### a) Overview and Response to Context (Questions 1,2 and 3)

- The panel supports the scale and density of the proposed buildings and are pleased with the number of units accommodated on a small site.

- The courtyard was noted as a clever feature that helps to optimize the site and maximize daylight for internal units.

**b) Built Form and Character (Questions 1, 2 and 3)**

- The panel recommends using brick as the dominant façade material to be more respectful of the context and ensure the building looks residential in nature. One panel member suggested that the building is small enough to consider using exclusively brick.
- One panel member suggested adjusting the massing, materiality and/or planting plan to follow the same plane as the adjacent heritage homes while avoiding the look of a fake Victorian home.
- The panel supports the intention to incorporate larger windows on the south façade.
- One panel member recommended using light wells to achieve sun access to the basement units.

**c) Site Layout and Circulation**

- The panel notes that the steps to the Wellington Street North entrance should have more separation from the basement windows (see related comment below).

**d) Streetscape, The Pedestrian Realm & Landscape Strategy (Questions 1,2 and 3)**

- The panel notes that the residential access along Wellington Street North is out of character with the streetscape, in particular the glass railing and number of stairs. The panel recommends using a different treatment other than glass.
- The panel also notes that the landscaping along Wellington Street North is out of character with the streetscape and removal may allow for a different approach to the stairs.

**Summary**

The Design Review Panel is pleased with the submitted package and is impressed with the number of units being accommodated on site. The panel recommends using brick as the dominant façade material to create a more residential look. They also recommend revising the Wellington Street North entrance to better maintain the character of the streetscape and address conflicts with the basement windows.

**Meeting was adjourned at 4:50 p.m.**

## 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	MAILING ADDRESS	
Registered Owners(s)	WQ (Wellington St N) GP Inc.		
Applicant(s)*	IBI Group c/o Mike Crough		
Agent or Solicitor	Agent - Same as applicant.		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:

None.



**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 see attached the submission cover letter/justification brief dated June 25, 2021, as prepared by IBI Group for details.

☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling

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

Please see attached the submission cover letter/justification brief dated June 23, 2021, as prepared by IBI Group 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**):

Part of Lot 113, Registered Plan Number 255, Municipality of Hamilton. Municipally known as 131 Wellington Street North.

7. PREVIOUS USE OF PROPERTY

Residential ☒      Industrial ☐      Commercial ☐  
Agricultural ☐      Vacant ☒      Other ☐

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 8.1 to 8.10 above?

Phase I Environmental Site Assessment dated January 22, 2020, as completed by Pinchin Environmental

- 8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

June 23, 2021  
Date

  
Signature Property Owner(s)

WQ (Wellington St N) GP Inc.  
Print Name of Owner(s)

10. Dimensions of lands affected:
- |                 |  |
|-----------------|--|
| Frontage        | <u>37.75m (Along Kelly St) and 13.60m (Along Wellington St. North)</u> |
| Depth           | <u>37.45m</u>  |
| Area            | <u>501 Sq.m</u>  |
| Width of street | <u>12.19m (Kelly St)</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: \_

The subject lands are vacant. There are no existing structures nor buildings on the subject lands.

Proposed:

Proposed low-rise, ground-oriented residential apartment consisting of 17 units. Proposed buildings are four (4) storeys and 15.19m in height (measured from grade to top of parapet, excluding exit stairs). The dwellings range in size from 502 sq.ft. (46.6 m<sup>2</sup>) to 945sq. ft. (87.8 m<sup>2</sup>), and provide a mixture of 1, 2 and 3 bedroom units. Amenity area is provided via internal courtyard situated below grade as well as rooftop terraces. Parking is provided along the rear lot line, adjacent to the public alleyway. The proposed development will also include a unique pedestrian connection through a raised bridge above the courtyard. The height, scale, massing and architectural treatments have been designed to complete the streetscape while simultaneously providing street wall continuity.

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

Existing:

The subject lands are vacant. There are no existing structures nor buildings on the subject lands.

Proposed

Please see attached, the architectural drawing set dated April 20, 2021, as prepared by RAW.

13. Date of acquisition of subject lands:  
June 15, 2020
14. Date of construction of all buildings and structures on subject lands:  
N/A. The subject land is vacant.
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
The subject lands are currently vacant. There are no existing uses.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Apartment dwelling, duplexes, triplexes
17. Length of time the existing uses of the subject property have continued:  
N/A. The subject land is vacant. There are no existing uses on the subject lands.
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 type="checkbox"/>            |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
The subject lands are designated "Downtown Residential" within the Secondary Plan of the Urban Hamilton Official Plan (the "UHOP").
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
The subject lands are currently zoned D5-Holding: H21-Downtown Residential 5 within the City of Hamilton Comprehensive Zoning By-law No. 05-200.
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.