



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

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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.:** HM/A-21:207

**APPLICANTS:** Owner The Pearl  
Agent T. Johns Consulting

**SUBJECT PROPERTY:** Municipal address **436 King William, Hamilton**

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

**ZONING:** D district (Urban Protected Residential)

**PROPOSAL:** To permit the severance of these lands in accordance with Consent Application No. HM/B-21:45, and to permit the construction of a new two (2) family dwelling on the lands to be retained notwithstanding that:

1. A lot area of 128.0m<sup>2</sup> shall be provided instead of the minimum required lot area of 540.0m<sup>2</sup>
2. A lot width of 5.8m shall be provided instead of the minimum required lot width of 18.0m.
3. A front yard depth of 2.0m shall be provided instead of the minimum required front yard depth of 6.0m.
4. A side yard width of 0.6m shall be provided instead of the minimum required side yard width of 1.2m.
5. A rear yard depth of 6.0m shall be provided instead of the minimum required rear yard depth of 7.5m.
6. No parking spaces shall be provided on-site instead of the minimum required two (2) parking spaces.
7. A minimum of 40% of the gross area of the front yard shall be provided as landscaped area instead of the minimum required 50 % of the gross area of the front yard, which shall be used as landscaped area.
8. One (1) parking space shall be provided within a portion of the front yard whereas the by-law prohibits parking spaces from being located in the front yard.
9. An access driveway having a minimum width of 2.7m shall be permitted instead of the minimum 2.8m wide access driveway width required.

## NOTES:

1. Variance #1 and #2 are required to facilitate Consent Application No. HM/B-21:45.
2. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the King William Street road allowance.
3. Please be advised that eaves and gutters are permitted to project into a required front and rear yard not more than 1.5m and into a required side yard not more than one-half of its width. Details have not been provided to determine zoning compliance at this time. The applicant is advised that further variances may be required if zoning compliance cannot be achieved.
4. Details respecting any intended porches, decks or other similar projecting features have not been provided. If any such projections are intended, the applicant shall ensure such features conform to the requirements of Section 18(3)(vi) of Hamilton Zoning By-law 6593, otherwise further variances may be required.

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

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<b>DATE:</b>	<b>Thursday, August 26<sup>th</sup>, 2021</b>
<b>TIME:</b>	<b>2:20 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.

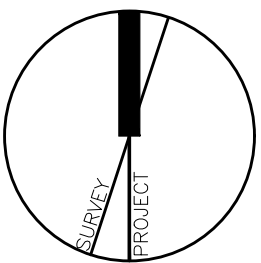
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



D	OWNER REVIEW	MAY 6/21
C	OWNER REVIEW	FEB 19/21
B	OWNER REVIEW	FEB 17/21
A	OWNER REVIEW	FEB 11/21
REV.	DESCRIPTION	DATE



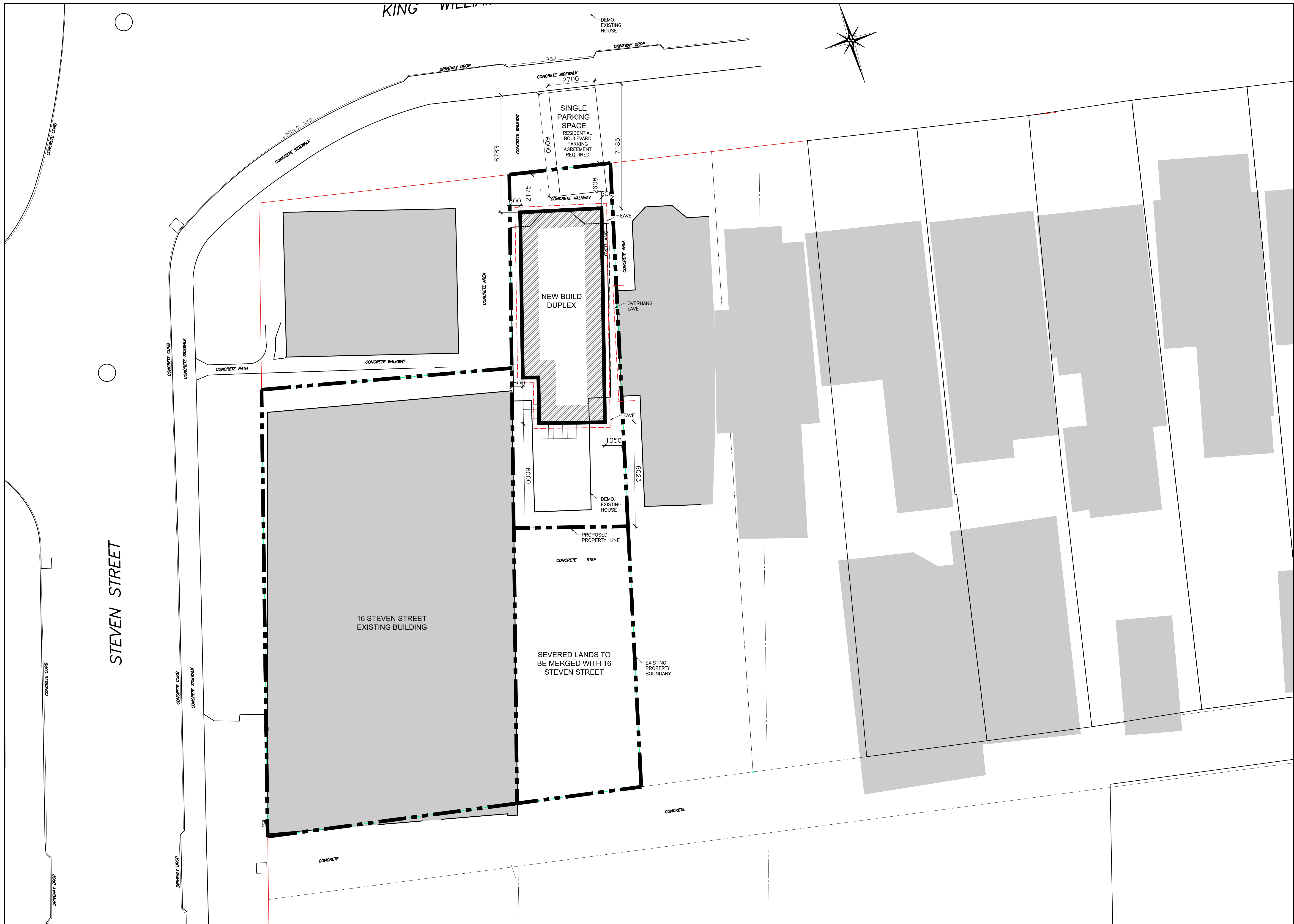
DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE.

ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN WHOLE OR IN PART IS STRICTLY FORBIDDEN WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY INVIZU ARCHITECTS INC.

PROJECT NAME:	DUPLEX HOUSING
PROJECT ADDRESS:	436 KING WILLIAM STREET, HAMILTON, ONTARIO
PROJECT NO.:	20-004
DRAWING TITLE:	SITE PLAN
PLOT DATE:	10-May-21
DRWN.:	KB
CHKD.:	EC
DATE:	SEPTEMBER
SCALE:	1:100
DRAWING NO.:	

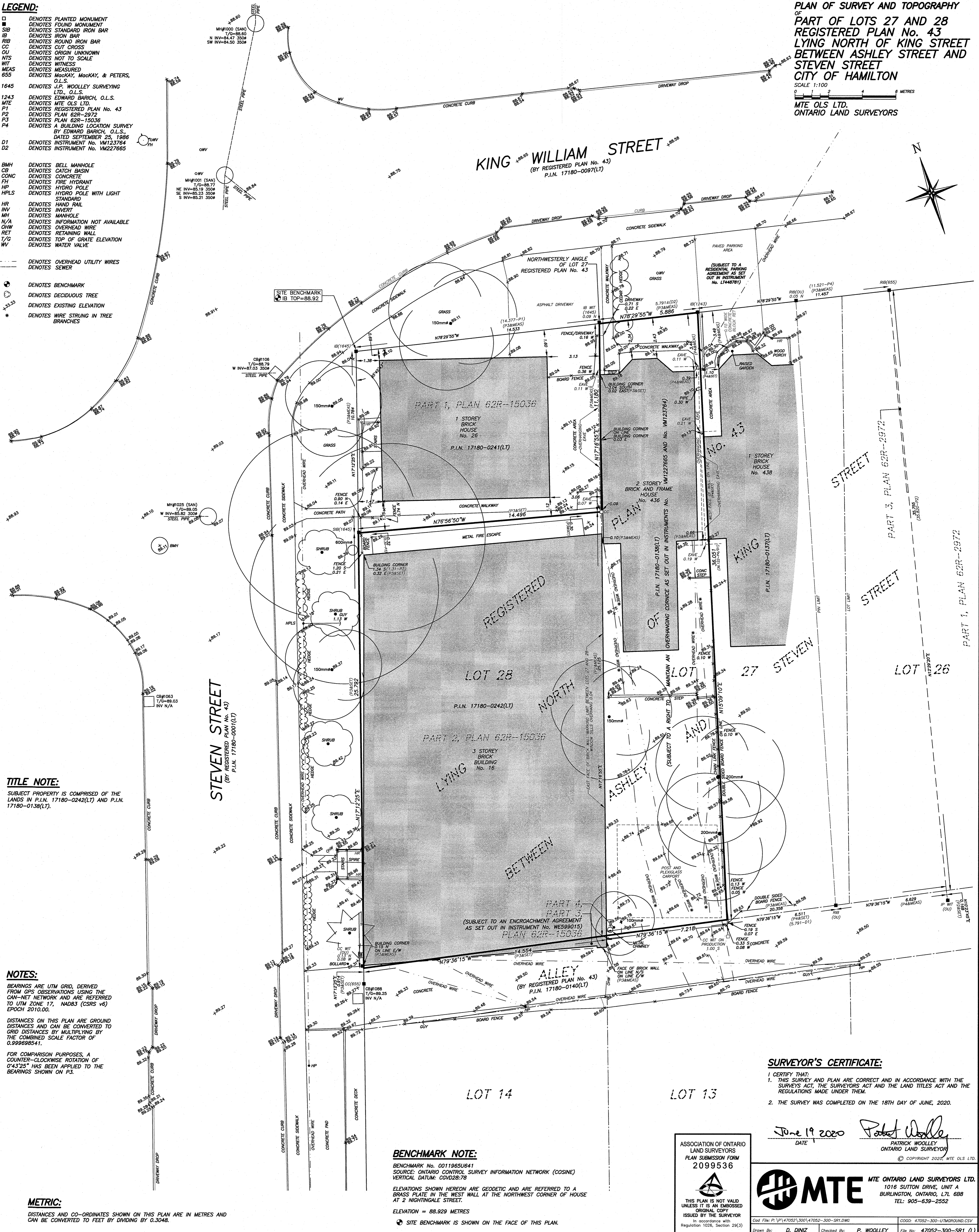
## A1.0



# LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- RIB DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- OU DENOTES ORIGIN UNKNOWN
- NTS DENOTES NOT TO SCALE
- WIT DENOTES WITNESS
- MEAS DENOTES MEASURED
- 655 DENOTES MacKAY, MacKAY, & PETERS, O.L.S.
- 1645 DENOTES J.P. WOOLLEY SURVEYING LTD., O.L.S.
- 1243 DENOTES EDWARD BARICH, O.L.S.
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN No. 43
- P2 DENOTES PLAN 62R-2972
- P3 DENOTES PLAN 62R-15036
- P4 DENOTES A BUILDING LOCATION SURVEY BY EDWARD BARICH, O.L.S., DATED SEPTEMBER 25, 1986
- D1 DENOTES INSTRUMENT No. VM123764
- D2 DENOTES INSTRUMENT No. VM227665
- BMH DENOTES BELL MANHOLE
- CB DENOTES CATCH BASIN
- CONC DENOTES CONCRETE
- FD DENOTES FIRE HYDRANT
- HP DENOTES HYDRO POLE
- HPLS DENOTES HYDRO POLE WITH LIGHT STANDARD
- HR DENOTES HAND RAIL
- INV DENOTES INVERT
- MH DENOTES MANHOLE
- N/A DENOTES INFORMATION NOT AVAILABLE
- OHW DENOTES OVERHEAD WIRE
- RET DENOTES RETAINING WALL
- T/G DENOTES TOP OF GRATE ELEVATION
- WV DENOTES WATER VALVE
- DENOTES OVERHEAD UTILITY WIRES
- DENOTES SEWER
- DENOTES BENCHMARK
- DENOTES DECIDUOUS TREE
- DENOTES EXISTING ELEVATION
- \* DENOTES WIRE STRUNG IN TREE BRANCHES

PLAN OF SURVEY AND TOPOGRAPHY  
OF  
PART OF LOTS 27 AND 28  
REGISTERED PLAN No. 43  
LYING NORTH OF KING STREET  
BETWEEN ASHLEY STREET AND  
STEVEN STREET  
CITY OF HAMILTON  
SCALE 1:100  
MTE OLS LTD.  
ONTARIO LAND SURVEYORS



## TITLE NOTE:

SUBJECT PROPERTY IS COMPRISED OF THE LANDS IN P.I.N. 17180-0242(LT) AND P.I.N. 17180-0138(LT).

## NOTES:

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999998541.

FOR COMPARISON PURPOSES, A COUNTER-CLOCKWISE ROTATION OF 0°43'25" HAS BEEN APPLIED TO THE BEARINGS SHOWN ON P.3.

## BENCHMARK NOTE:

BENCHMARK No. 00119650641  
SOURCE: ONTARIO CONTROL SURVEY INFORMATION NETWORK (COSINE)  
VERTICAL DATUM: CGVD28:78

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO A BRASS PLATE IN THE WEST WALL AT THE NORTHWEST CORNER OF HOUSE AT 2 NIGHTINGALE STREET.

ELEVATION = 88.929 METRES

● SITE BENCHMARK IS SHOWN ON THE FACE OF THIS PLAN.

## SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 18TH DAY OF JUNE, 2020.

June 19 2020  
DATE  
Patrick Woolley  
PATRICK WOOLLEY  
ONTARIO LAND SURVEYOR  
© COPYRIGHT 2020, MTE OLS LTD.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2099536

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

**MTE** MTE ONTARIO LAND SURVEYORS LTD.  
1016 SUTTON DRIVE, UNIT A  
BURLINGTON, ONTARIO, L7L 6B8  
TEL: 905-639-2552  
Cod File: P:\P\47052\300\47052-300-SR1.DWG  
CDDG: 47052-300-UTMGROUND.CSV  
Drawn By: D. DINIZ  
Checked By: P. WOOLLEY  
File No: 47052-300-SR1 (L)

May 5, 2021

*Via Email*

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

ATTENTION: Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield,

**RE: 436 King William Street, Hamilton**  
**Committee of Adjustment - Consent to Sever and Minor Variance**

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T. Johns Consulting Group Ltd. ("T. Johns Consulting") is the retained agent representing The Pearl (Not for Project Housing Corporation), the landowner of 436 King William Street, Hamilton (subject lands). T. Johns Consulting respectfully submits the enclosed Consent to Sever and Minor Variance applications.

#### **Site Description**

The subject lands are located in the Landsdale Neighbourhood on the south side of King William Street (**Refer to Figure 1 - Site Location**). The subject lands are rectangular with an approximate site area of 236.28m<sup>2</sup> and 5.89 metres of frontage on King William Street and a depth of 36.051 metres. The parcel's rear lot line abuts a City Unassumed Laneway. The site is an existing residential lot of record and occupied by one (1) detached dwelling. The existing dwelling is 2-storeys and provides the following yards (**Refer to the submitted Survey Plan**):

Front Yard	2.34m
Side Yard (East)	0.39m
Side Yard (West)	0.09m
Rear Yard	21.63m

#### **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 "D" District. A two-family dwelling (duplex) is a permitted land use.

### **Proposed Development**

The landowner proposes to demolish the existing dwelling on the subject lands and construct a new two-family dwelling (i.e. duplex) with two (2) one-bedroom Class A dwelling units.

The proposed building is 2 storeys in height and maintains a similar building footprint as the existing dwelling. One (1) parking space is proposed, located partially within the front yard and partially in the City boulevard. A Residential Boulevard Parking Agreement is required to facilitate the proposed parking space. Outdoor private amenity area is proposed within the rear yard with a proposed depth of 6.0 metres.

The lands proposed to be severed, representing approximately 106.9m<sup>2</sup> of lands make up part of the existing rear yard. The lands proposed to be severed are to be merged with 16 Steven Street to facilitate the future re-adapted multi-residential use of the existing 3-storey building on 16 Steven Street. 16 Steven Street will be subject to future planning applications as per Formal Consultation Document FC-20-023.

### **Implementation**

A Minor Variance and Consent to Sever applications are required to facilitate the proposed duplex dwelling.

#### **Minor Variance:**

Refer to the Site Plan and Appendix A: Planning Rationale dated May 5, 2021 for further detail.

#### **Consent to Sever:**

Refer to Draft R-Plan.

In summary, the Consent to Sever proposes the following:

- Retain Part 1 being 128.0m<sup>2</sup>;
- Retain Part 2 being 1.3m<sup>2</sup>;
- Sever Part 3 being 109.6m<sup>2</sup> to be merged with 16 Steven Street.

T. Johns respectfully requests for the circulation of this letter along with the following enclosed documents in support of the related Consent to Sever and Minor Variance applications.

**Please find the enclosed documents:**

**Consent to Sever:**

- Consent to Sever application with signatures;
- Fee of \$2,860.00;
  - Note a cheque for \$6,180.00 has been mailed to the Committee of Adjustment with attention to Jamila Sheffield, Secretary-Treasurer. The Minor Variance and Consent to Sever fees were combined.
- Survey Plan;
- Draft R-Plan

**Minor Variance:**

- Minor Variance application with signatures;
- Fee of \$3,320.00;
  - Note a cheque for \$6,180.00 has been mailed to the Committee of Adjustment with attention to Jamila Sheffield, Secretary-Treasurer. The Minor Variance and Consent to Sever fees were combined.
- Survey Plan;
- Appendix A: Planning Rationale;
- Site Plan.

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



**Diana Morris, BA, MCIP, RPP**  
Senior Planner

Cc: The Pearl (Not for Profit Housing Corporation) c/o Mr. B. Gibson-DeGroote

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 436 King William St, Hamilton (“subject lands”).

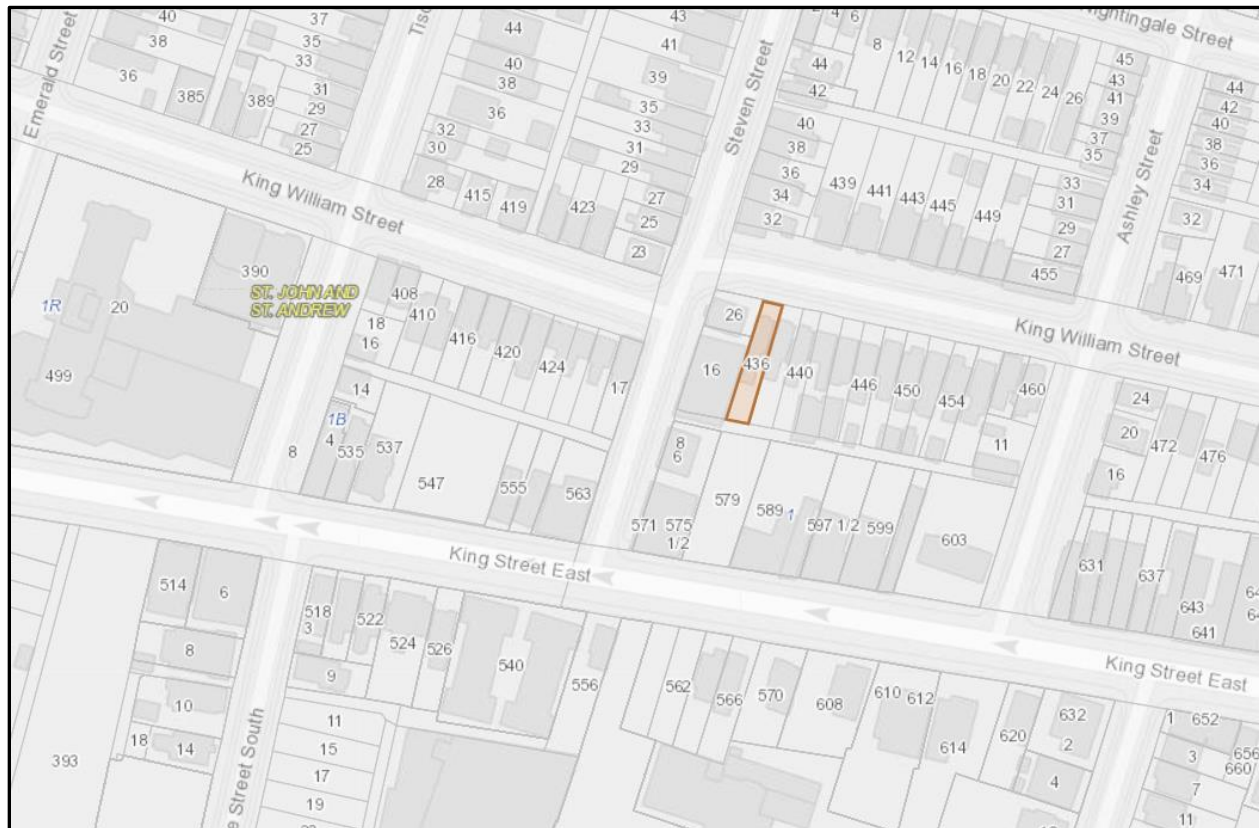
### Description of Subject Lands

The subject lands are located in the Landsdale Neighbourhood on the south side of King William Street (Refer to Figure 1 - Site Location). The subject lands are rectangular in shape with an approximate site area of 236.28m<sup>2</sup> and 5.89 metres of frontage on King William Street and a depth of 36.051 metres. The parcel’s rear lot line abuts a City Unassumed Laneway. The site is an existing residential lot of record and occupied by one (1) detached dwelling. The existing dwelling is 2-storeys and provides the following yards (Refer to the submitted Survey Plan):

Front Yard	2.34m
Side Yard (East)	0.39m
Side Yard (West)	0.09m
Rear Yard	21.63m

The subject lands are designated *Neighbourhoods* per the Urban Hamilton Official Plan and is zoned “D” District (Urban Protected Residential- One & Two Family Dwellings) per the former City of Hamilton Zoning By-law No. 6593.

**Figure 1 - Site Location**



### **Proposed Development**

The existing detached dwelling has been reviewed for its structural feasibility through a Building Condition Assessment Report prepared by MTE Consultants, dated January 3, 2020. Upon assessment of the existing 2 storey dwelling, it was determined that it was constructed approximately 100 years ago and has gone through limited renewal. Most of the major building components date back to original construction. The report concluded that the existing dwelling’s structural integrity is generally fair to poor condition and there are a number of health and safety concerns. The landowner proposes to demolish the existing dwelling and construct a new two-family dwelling (i.e. duplex) with two (2) one-bedroom Class A dwelling units. The dwelling units will be for affordable rental housing owned and operated by The Pearl (Not For Profit Housing Corporation).

The proposed building is 2 storeys in height and maintains a similar building footprint as the existing dwelling. One (1) parking space is proposed, located partially within the front yard and partially in the City boulevard. A Residential Boulevard Parking Agreement is required to facilitate the proposed parking space. Outdoor private amenity area is proposed within the rear yard with a proposed depth of 6.0 metres.

The lands proposed to be severed, representing approximately 106.9m<sup>2</sup> of lands make up part of the existing rear yard. The lands proposed to be severed are to be merged with 16 Steven Street to facilitate the future re-adapted multi-residential use of the existing 3-storey building on 16 Steven Street. 16 Steven Street exists with no outdoor space or parking as the building sits lot line to lot line. 16 Steven Street will be subject to future planning applications per FC-20-023.

### **Nature and extent of relief applied for:**

The proposed two-family dwelling on the subject lands requires relief from Zoning By-law No. 6593 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District. Minor Variances are being sought from the former City of Hamilton Zoning By-law No. 6593 to facilitate the new dwelling. The requested minor variances are as follows:

	<b><u>Zoning By-law No. 6593</u></b> <b><u>Section</u></b>	<b><u>Purpose</u></b>
1.	10(3)(i)(a)	To allow a minimum front yard depth of 2.1 metres, whereas a minimum of 6.0 metres is required.
2.	10(3)(ii)	To allow a minimum side yard of 0.6 metres, whereas a minimum of 1.2 metres is required.
3.	10(3)(iii)	To allow a minimum rear yard of 6.0 metres, whereas a minimum of 7.5 metres is required.
4.	10(4)(ii)	To allow a minimum lot area of 128 square metres and a minimum lot width of 5.8 metres for a two-family dwelling, whereas a minimum of 540.0 square metres is required and 18.0 metre lot width is required.

5.	18A(1)(a) and Table 1	To allow a minimum of 0.0 parking spaces per Class A Unit, whereas 1.0 parking spaces per Class A Unit is required.
6.	18A.(9)	To allow for a parking space partially within the public right-of-way, whereas a required parking space is to be maintained only on the lot.
7.	18(14) and 18A.(14a)	To allow a minimum front yard landscape area of 40%, whereas a minimum of 50% is required.

## 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) is immediately north of a Primary Corridor (i.e. King Street East) (Schedule E) with existing transit and planned higher order transit.

Low density residential uses and forms are permitted, including two-family (duplex) dwellings (E.3.4.3). The proposed land use will demonstrate appropriate and gentle residential intensification. The proposed yard reductions for the 2-storey dwelling including reduced front yard and side yard setbacks and implementing boulevard parking is reflective of the existing site conditions and the surrounding development within the stable neighbourhood and therefore are compatible with the existing neighbourhood character (B.2.4.1.4). The proposed dwelling type is sensitive to the surrounding cultural heritage resources (B.3.4).

The proposed dwelling and associated variances maintain the intent of the UHOP.

### **VARIANCE 1. To allow a minimum front yard depth of 2.1 metres, whereas a minimum of 6.0 metres is required.**

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

6.0 metre front yard setbacks are not characteristic of the established neighbourhood built form, which have houses approximately 0 to 3.5 metres from the street line. The proposed 2.1 metre front yard generally maintains the front yard setback of the existing condition of the current dwelling on the subject lands which has a setback of 2.4m

## PLANNING RATIONALE TO SUPPORT VARIANCE 1:

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

In addition to providing landscaping, driveway access and amenity area, consistent front yard setbacks contribute to the neighbourhood character. The proposed front yard setback accommodates 70% landscaping and access from the public street to the dwelling. The proposed parking space facilitated with a residential boulevard parking agreement is characteristic of dwellings on this section of King William Street. The reduced front yard setback maintains the established front yard setback of the surrounding detached dwellings.

### 2. Is the Variance Minor and Desirable?

The requested variance to permit a front yard of 2.1 metres is minor as it is aligned with the existing King William St streetscape and maintains a consistent streetscape. Landscaping is provided in the front yard. The proposed parking space within the front yard is also consistent with the neighbourhood character and function.

**VARIANCE 2. To allow a side yard depth of 0.6 metres, whereas a side yard depth of 1.2 metres is required.**

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

The existing 5.89 metre lot width would be challenged to accommodate 1.2 metre side yards and a feasible dwelling footprint.

## PLANNING RATIONALE TO SUPPORT VARIANCE 2:

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

Side yard setbacks provide access for maintenance and to the rear yard as well as providing sufficient space between buildings to mitigate impacts of differing building heights side-by-side. The proposed 0.6 metre side yards for a 2-storey building will provide access for maintenance and to the rear yard. The existing 2-storey dwelling to the east does not have existing windows and the proposed building design will conform to the Ontario Building Code applicable at Building Permit.

### 2. Is the Variance Minor and Desirable?

The proposed 0.6m side yard setback will improve the existing condition of the subject lands and is consistent with the neighbourhood context where 0.0 metre side yards are common. The proposed variance will facilitate the construction of a new dwelling on an existing lot of record to provide safe dwelling units in a building that is permitted and appropriate.

**VARIANCE 3. To allow a rear yard depth of 6.0 metres, whereas a rear yard depth of 7.5 metres is required.**

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

A 6.0 metre rear yard depth is proposed as it is reflective of current rear yard depths of compact urban development. The severed portion of the rear yard is preferred to be maximized to be merged with 16 Steven Street which is intended to be subject to future development applications to readapt the former “Pearl Company” building for residential uses with affordable rental tenure as part of FC 20-023. As such, the 1.5m reduction from a 7.5m rear yard to a 6.0m rear yard on 236 King William Street will allow for a greater outdoor area to support a more intensive residential use of an existing heritage resource, being 16 Steven Street.

#### PLANNING RATIONALE TO SUPPORT VARIANCE 3:

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

Rear yard setbacks provide permeable area to support stormwater management and private amenity area. The proposed 6.0 metre rear yard setback will provide permeable surface for stormwater management and will provide an appropriate amount of outdoor amenity area for the two one-bedroom Class A dwelling units proposed within the duplex.

##### 2. Is the Variance Minor and Desirable?

The proposed reduction from a 7.5m to a 6.0m rear yard is minor as an appropriate amount of private amenity area is provided to support the duplex and project residents. The reduced rear yard will not impact the King William St streetscape.

The proposed reduction is desirable as it will efficiently utilize existing urban lands to continue to be used as outdoor space to support the retention of an existing industrial heritage resource to be readapted use for residential uses (i.e. The Pearl) at 16 Steven Street.

**VARIANCE 4. To allow a minimum 128.0 square metres of lot area for a two family dwelling, whereas 540.0 square metres of lot area for a two family dwelling is required and a width of 5.8 metres whereas 18.0 metres is required.**

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

Zoning By-law No. 6593 lot width and lot area for a two-family dwelling in the “D” District is not aligned with current Provincial Planning policies including Provincial Policy updates implemented through the *More Homes, More Choice Act, 2019* which implemented updates to the *Provincial Policy*

*Statement, 2020 and the Growth Plan for the Greater Holder Horseshoe, 2019.* As such, the intensity of use per ZBL 6593 is not aligned with current density targets on lands adjacent to existing and planned transit. Intensification policies of the UHOP promote the efficient use of urban lands, with priority given to areas of the City that have access to higher-order transit and community services and facilities.

The proposed lot width is existing as 5.89m and is not proposed to be altered.

The existing lot area is 234 square metres, which does not conform to the D District requirements. The proposed lot area of 128 square metres is less than the existing lot area however, an appropriate amount of outdoor amenity area is proposed to support the two-family dwelling comprised of two (2) 1-bedroom Class A dwelling units. A Consent to Sever is proposed to sever the rear  $\pm 106.9$  square metre portion of 436 King William Street. The severed lands are proposed to be merged with 16 Steven Street to provide open space on the property to support the existing building. 16 Steven Street is the existing lot of record abutting the subject lands to the east and will be subject to separate development applications.

#### PLANNING RATIONALE TO SUPPORT VARIANCE 4:

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

The “D” District permits a 2-family dwelling (i.e. duplex). The intent of lot width and lot area is to ensure the lot is functional for the proposed use and promote a consistent lot fabric of neighbourhoods. The 5.8 metre lot width is existing and no change is proposed. The proposed duplex is the same width and height of a single family dwelling typical of the Landsdale neighbourhood. The proposed lot area provides a compact duplex dwelling with a contextually appropriate yards and parking space location.

##### 2. Is the Variance Minor and Desirable?

The variance is minor as it will recognize an existing legal non-conforming lot width. The proposed reduction of lot area from the non-conforming area of 234m<sup>2</sup> to 128m<sup>2</sup> is minor as the “math” of the difference in lot area does not impact the compatibility and function of the proposed two-family dwelling. The proposed building has been designed and intended to house two single occupant Class A dwellings while maintaining a contextually sensitive site and building design. Therefore, there are no impacts from the street in result of the proposed lot area reduction. The proposed front yard, parking location and side yards are consistent with the surrounding neighbourhood and streetscape. The proposed rear yard provides an appropriate amount of outdoor amenity space to support the proposed dwelling and is reflective of current compact development standards.

The variance is desirable as it will replace an existing dwelling which has poor structural stability with two (2) Class A dwelling units to provide gentle intensification in proximity to a Primary Corridor. The

reduction of lot area will facilitate future redevelopment of 16 Steven St and provide outdoor space for the existing lot/building.

**VARIANCE 5. To allow a minimum of 0.0 parking spaces per Class A Unit, whereas a minimum of 1.0 parking spaces per Class A Unit is required.**

**VARIANCE 6. To allow for a required parking space partially within the public right-of-way, whereas a required parking space is to be maintained only on the lot.**

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

One (1) parking space is proposed facilitated through a Residential Boulevard Parking Agreement. As technically, the parking space is not entirely on the subject lands, a technical variance for 0 parking spaces is proposed whereas two (2) dwelling units would require two (2) parking spaces in the front yard which would eliminate the opportunity for front yard landscaping. Alternatively, the parking spaces for the duplex dwelling could continue being provided within the rear yard, accessed from the laneway, however, that would eliminate the opportunity to sever a portion of the rear yard to be merged with 16 Steven St to support the future readapted use of the heritage resource. Therefore, the proposed variance will facilitate responsible redevelopment to preserve the cultural heritage resources within the Landsdale neighbourhood.

PLANNING RATIONALE TO SUPPORT VARIANCE 5:

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

The intent of the zoning by-law is to ensure that there is a sufficient amount of parking to support specific uses. Zoning By-law No. 6593 requires that a two-family dwelling has 1.0 space per Class A dwelling unit. The proposed redevelopment proposes 0.0 spaces per Class A unit, as a technicality, as the one (1) parking space that is proposed is partially within the boulevard. The subject lands are immediately north of the TOC1 Zone boundary which promotes transit-oriented development including support ridership of existing and planned transit. The TOC1 Zone does not require parking for duplex dwellings. The subject lands are well serviced by existing transit, with King Street East immediately south of the subject lands. The proposed parking arrangement maintains the intent of the Zoning By-law.

2. Is the Variance Minor and Desirable?

The variance is minor as it proposes to reduce the number of parking spaces required on subject lands that is supported by existing and future transit on a primary corridor. The tenure of the proposed development is rental and therefore a parking space lease agreement can be made with the future tenants for the one parking space proposed within the boulevard. Two-Family dwellings are eligible to apply to on-street parking permits, should restrictions be implemented or the need for more parking be required.

The request is desirable as it promotes the efficient use of urban lands in proximity to a primary corridor with existing and planned transit, including higher order transit.

**VARIANCE 7. To allow a minimum front yard landscape area of 40%, whereas a minimum of 50% is required.**

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

The typical front yard setback on this section of King William Street and the broader neighbourhood are limited in depth. The existing lot width of the subject lands is 5.89m and the required parking space width is a minimum of 2.7 metres which represents approximately 46% of the lot width. The reduction of front yard landscape area to 40% will allow for a walkway wider than 0.6m which is important for accessibility into the ground floor unit while still providing some landscaping and accommodating part of one (1) parking space.

**PLANNING RATIONALE TO SUPPORT VARIANCE 7:**

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

The proposed front yard provides a functional space that is aligned with the existing streetscape. The front yard will accommodate a walkway that will provide direct access from the street to the dwellings. King William Street is lined with a large municipal boulevard which provides additional greenspace lining the street to create a comfortable pedestrian experience and scale.

The minimum of 40% landscaping in the front yard maintains the intent of the zoning by-law to provide 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 10% relief of landscaped area is minor and is required to facilitate part of a parking space on an existing residential lot with a narrow lot width of 5.89 metres. The front yard landscape area is desirable as it will accommodate some on-site parking and the proposed front yard setback is consistent with the streetscape, and therefore, the reduction in front yard landscape is also reflective of the neighbourhood character.

**Conclusion**

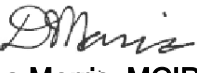
The proposed two-family dwelling (i.e. duplex) and associated variances on 436 King William Street will provide safe and affordable rental dwelling units within the Landsdale neighbourhood while contributing to the retention of existing industrial heritage resources by merging part of the rear yard of 236 King William Street with 16 Steven Street. Adding the lands to 16 Steven Street will contribute to a feasible re-adapted use of a heritage resource (i.e. The Pearl Company building). The proposed scale and height of the duplex is reflective on the existing neighbourhood and is appropriate

intensification within the low density, stable residential neighbourhood that is in proximity to a primary corridor. The requested variances conform to the intent of the UHOP, Zoning By-law No. 6593 are minor and desirable. The proposed residential use and site design represents good land use planning.

Respectfully Submitted,  
**T. Johns Consulting Group Ltd.**



**Katelyn Gillis, BA**  
Intermediate Planner



**Diana Morris, MCIP, RPP**  
Senior Planner

## 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		<b>NAME</b>	<b>ADDRESS</b>	
<b>Registered Owners(s)</b>		The Pearl (Not for Profit Housing Corporation c/o Brandon Gibson-DeGroote		
<b>Applicant(s)*</b>		Same as above.	Same as above.	<b>Phone:</b>  <b>E-mail:</b>
<b>Agent or Solicitor</b>		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:
- Private Mortgage to Brandon Gibson-DeGroote
- Part 2, Part of Lot 27, Registered Plan No. 43 with an area of 1.3 sq.m. - eave overhang from 438 King William St, Hamilton.

**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:  
Reduce required side yards from 1.2 m to 0.6 m  
Reduce required rear yard from 7.5 m to 6.0 m  
Reduce required parking from 2 spaces to 1 space by way of Boulevard Parking Agreement

5. Why it is not possible to comply with the provisions of the By-law?  
Please refer to 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**):  
436 King William Street  
Part of Lot 27  
Registered Plan No. 43  
Reference Plan No. 62R-15036  
City of Hamilton

7. PREVIOUS USE OF PROPERTY

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

- 8.1 If Industrial or Commercial, specify use \_\_\_\_\_

- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐

- 8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Phase 1 Environmental Site Assessment completed January 8th, 2020 by MTE.


- 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.

April 20, 2021  
Date

  
Signature Property Owner  
The Pearl c/o Brandon Gibson-DeGroote  
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>5.89m</u>
Depth	<u>36.051m</u>
Area	<u>236.2 sq.m.</u>
Width of street	<u>20m</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: \_

Two-storey, single family detached dwelling. Please see Planning Rationale for more details.

Proposed

Two-storey, two family dwelling (duplex). Please see Planning Rationale for more details.

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

Existing:

Front: 2.34 m  
Sides: 0.66 m & 0.09 m  
Rear: 16.4 m

Proposed:

See Planning Rationale.

13. Date of acquisition of subject lands:  
February 2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Prior to 1894
- 
15. Existing uses of the subject property:  
Residential
16. Existing uses of abutting properties:  
Residential to the North, East and West, Commercial to the South
17. Length of time the existing uses of the subject property have continued:  
Since construction.
18. Municipal services available: (check the appropriate space or spaces)  
Water ☒ Connected ☒  
Sanitary Sewer ☒ Connected ☒  
Storm Sewers ☒
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Designated Neighbourhoods in the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D - Urban Protect Residential, One and Two Family Dwellings
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  
Application for Consent to Sever a portion of lands from 436 King William St. to merge with 16 Steven St. submitted concurrently with this application. See Planning Rationale for more details.
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.