

## **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-21:269

**APPLICANTS:** Agent Graham McNally  
Owner City Housing Hamilton

**SUBJECT PROPERTY:** Municipal address **55 Queenston Rd., Hamilton**

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

**ZONING:** "TOC1,641 H54" (Transit Oriented Corridor Mixed Use  
Medium Density) district

**PROPOSAL:** To permit the construction of a new six (6) storey mixed use building containing a 40 unit multiple dwelling notwithstanding that:

1. A maximum setback of 4.9m shall be provided from the westerly side lot line instead of the maximum permitted 3.5m setback from a street line required for the first three (3) storeys.
2. No maximum building setback shall apply from the northerly lot line along Main Street East (for Phase #1) instead of the maximum permitted 3.5m setback from a street line required for the first three (3) storeys.
3. Parking spaces, driveways and aisles shall be provided between the building and Main Street East, whereas the by-law prohibits any parking spaces, driveways or aisles from being located between the building façade and a public street.
4. A portion of the building shall be 4.7m in height instead of the minimum required building height of 7.5m.

**NOTES:**

1. Please be advised that this development is currently subject to Site Plan Control (DA-21-106). As of today's date, a comprehensive zoning review has not yet been conducted for this development. The applicant shall be advised that additional variances may be required if identified as part of the site plan control process.

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

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**DATE:** Thursday, August 26th, 2021  
**TIME:** 3:05 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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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)

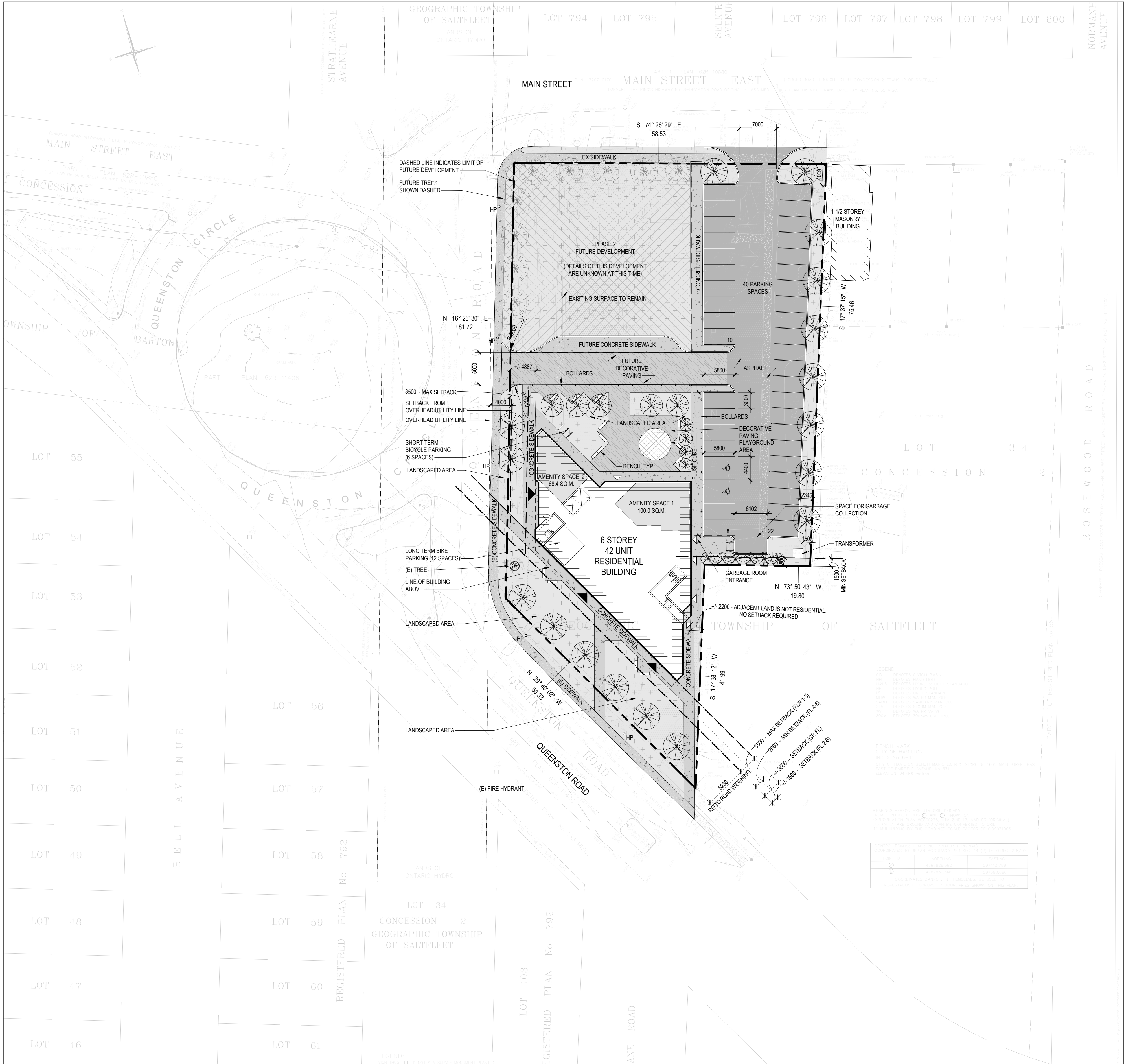
DATED: August 10th, 2021.

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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.***





1 SITE PLAN  
A1.00 1:400

**UNDERTAKING**

RE: 55 QUEENSTON ROAD File No. DA-XX-XXX

I, (WE) \_\_\_\_\_, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

(A) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;

(B) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL AS SET OUT IN THE LETTER OF APPROVAL DATED \_\_\_\_\_;

(C) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS;

(D) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED \_\_\_\_\_, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

WITNESS (SIGNATURE) \_\_\_\_\_ OWNER(S) (SIGNATURE) \_\_\_\_\_

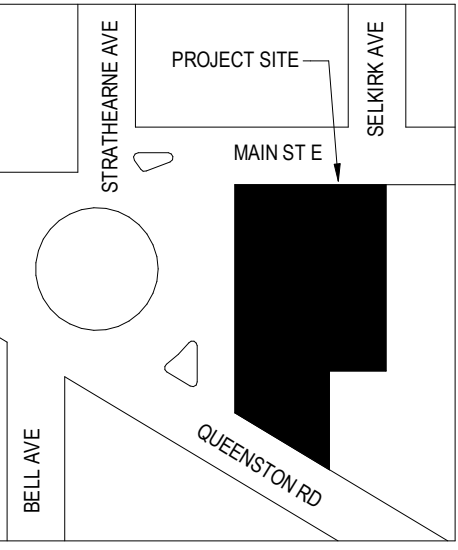
WITNESS (PRINT) \_\_\_\_\_ OWNER(S) (PRINT) \_\_\_\_\_

ADDRESS OF WITNESS \_\_\_\_\_

- SITE PLAN NOTES**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
  - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
  - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5 M UNLESS OTHERWISE STATED.
  - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5 M SHALL BE WITHIN 5% MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
  - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
    - BUILDING PERMIT
    - SEWER AND WATER PERMIT
    - ROAD CUT PERMITS
    - RELOCATION OF SERVICES
    - APPROACH APPROVAL PERMITS
    - ENCROACHMENT AGREEMENTS (IF REQUIRED)
    - COMMITTEE OF ADJUSTMENT
  - ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
  - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:
    - 5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR NATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
  - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.
  - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
  - THE SETBACK SOWN HAVE BEEN TAKEN FROM THE CLOSEST PART OF THE BUILDING I.E. THE CLADDING TO THE LOT LINES.

SITE STATISTICS		
1	NET SITE AREA	5,242 sq. m.
2	BUILDING AREA	770.6 sq. m.
3	BUILDING COVERAGE (FLOOR AREA RATIO) FOR DEVELOPMENT	0.76
4	TOTAL GROSS FLOOR AREA	4,010 sq. m.
5	TOTAL GROSS FLOOR AREA FOR COMMERCIAL DEVELOPMENT	195 sq. m.
6	TOTAL GROSS FLOOR AREA FOR RESIDENTIAL DEVELOPMENT	3815
7	BUILDING HEIGHT PROPOSED	21.23 m
8	BUILDING HEIGHT PERMITTED	30 m
9	NUMBER OF RESIDENTIAL UNITS	40
10	NUMBER OF PARKING SPACES PROPOSED	39
11	NUMBER OF PARKING SPACES REQUIRED	32
12	NUMBER OF BARRIER FREE SPACES PROVIDED	1
13	NUMBER OF BARRIER FREE SPACES REQUIRED	2
14	LONG TERM BICYCLE PARKING PROVIDED	12
15	LONG TERM BICYCLE PARKING REQUIRED	12
16	SHORT TERM BICYCLE PARKING PROVIDED	6
17	SHORT TERM BICYCLE PARKING REQUIRED	5
18	AMENITY AREA REQUIRED	190 sq. m.
19	AMENITY AREA PROPOSED (GROUND FLOOR)	162 sq. m.
20	AMENITY AREA PROPOSED (ROOF TOP PATIO @ 2ND LEVEL)	152.7 sq. m.
22	LANDSCAPE AREA PROPOSED	2030 sq. m.
23	LANDSCAPE AREA REQUIRED	
25		

PROJECT AREAS		
1	GROUND FLOOR GFA	770.6
2	FLOORS 2-6	650 (each floor)
3	TOTAL GFA	4010



3 KEY PLAN  
A1.00 1:800

**SITE PLAN LEGEND:**

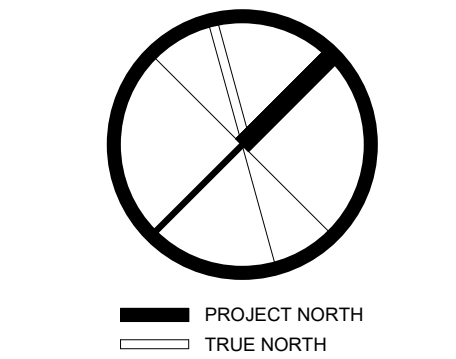
- PRINCIPLE ENTRY
- SECONDARY ENTRY
- LANDSCAPED AREA
- CONCRETE SIDEWALK
- ASPHALT PAVING
- DECORATIVE PAVING
- LINE OF BUILDING ABOVE
- TREE
- BENCH

**INVIZIJ**  
Architects Inc.  
185 YOUNG STREET,  
HAMILTON, ON L8N 1Y9  
T: 905 525 9000 | invizij.ca

**TOMS + MCNALLY**  
DESIGN | ARCHITECTURE | URBANISM | CONSTRUCTION  
145 KING ST E,  
HAMILTON, ON L8N 1B1  
T: 289 768 2211 | toms-mcnally.ca



REV.	DESCRIPTION	DATE
A	ISSUED FOR SITE PLAN APPROVAL	2021/06/11



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 INVIZIJ ARCHITECTS INC.

PROJECT NAME:  
**CITY HOUSING HAMILTON  
55 QUEENSTON  
REDEVELOPMENT**

PROJECT ADDRESS:  
**55 QUEENSTON RD  
HAMILTON, ON, L8K 1E8**

PROJECT NO.:  
**T+M 19062 IAI 19040**

DRAWING TITLE:  
**SITE PLAN**

DRAWN BY: **T+M**

CHECKED BY: **GM**

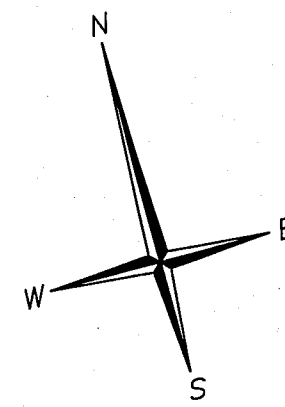
DATE: **04/16/18**

SCALE: **As indicated**

DRAWING NO.:  
**A1.00**

PLOTTED: 2021-06-11 2:02:01 PM





(ESTABLISHED ACCORDING TO PLAN No. 2004, SEC. 1, 1984)  
STRAITHEARNE  
AVENUE

LOT 34  
CONCESSION 2  
GEOGRAPHIC TOWNSHIP  
OF SALT FLEET  
LANDS OF  
ONTARIO HYDRO

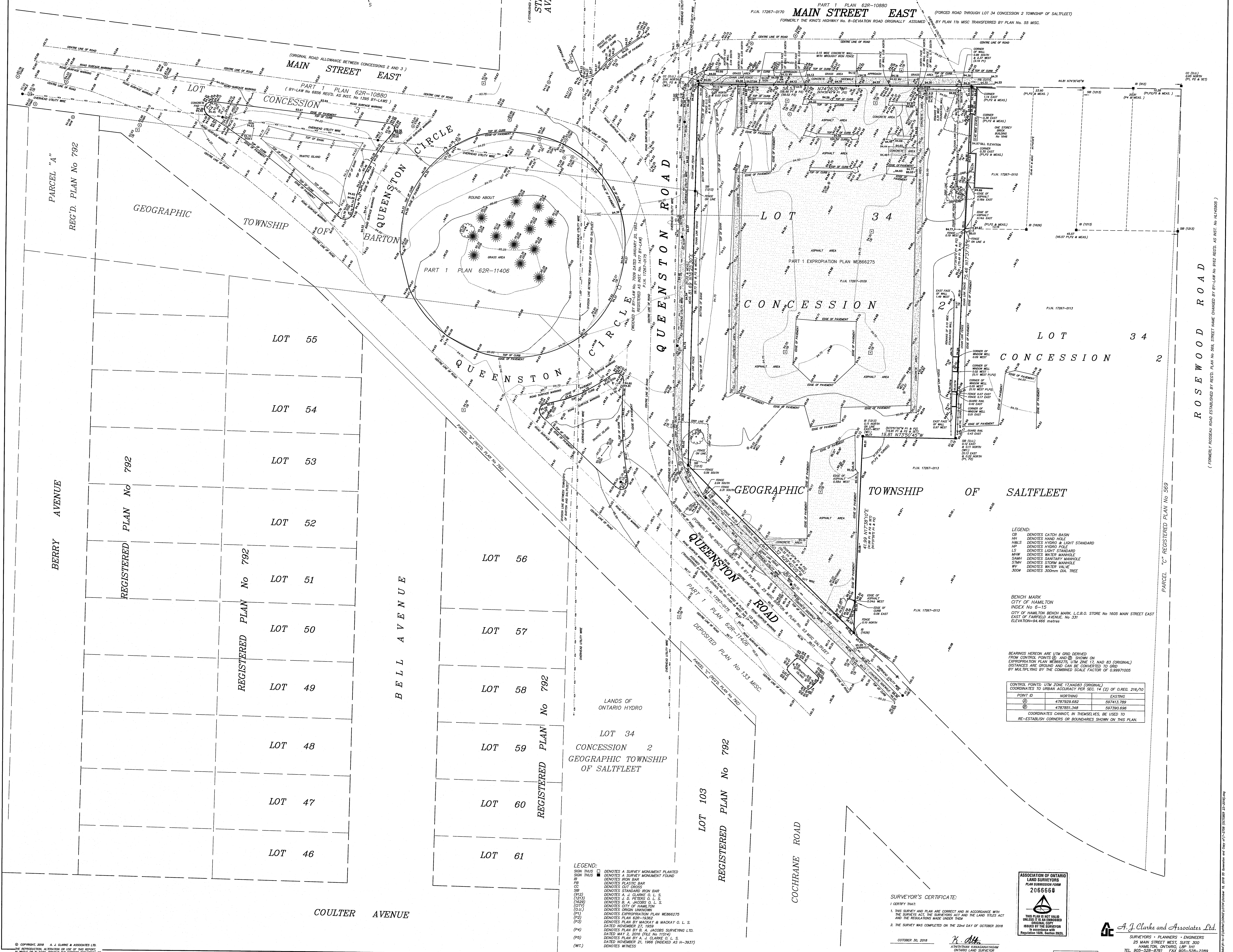
REG'D. PLAN No 640  
LOT 794 LOT 795

SELKIRK  
AVENUE

REG'D. PLAN No 640  
LOT 796 LOT 797 LOT 798 LOT 799 LOT 800

NORMANHURST  
AVENUE

T-2758



LEGEND:  
SIGN THIS □ DENOTES A SURVEY MONUMENT PLANTED  
SIGN THIS □ DENOTES A SURVEY MONUMENT FOUND  
PB DENOTES PLASTIC BAR  
CB DENOTES CUT CROSS  
SB DENOTES STANDARD IRON BAR  
(P12) DENOTES A. J. CLARKE O. L. S.  
(1213) DENOTES J. D. PETERS O. L. S.  
(1628) DENOTES R. A. JACOBS O. L. S.  
(C17) DENOTES CITY OF HAMILTON  
(C14) DENOTES ORIGINAL UNCONFINED  
(P1) DENOTES EXPROPRIATION PLAN W686275  
(P2) DENOTES PLAN G2R-1932  
(P3) DENOTES PLAN BY MACKAY & MACKAY O. L. S.  
(P4) DENOTES PLAN BY D. A. JACOBS SURVEYING LTD.  
(P5) DATED MAY 24, 2016 (FILE NO 11514)  
(P6) DENOTES PLAN BY A. J. CLARKE O. L. S.  
(P7) DATED NOVEMBER 21, 1986 (INDEXED AS H-3937)  
(WT.) DENOTES WITNESS

LEGEND:  
CB DENOTES CATCH BASIN  
HH DENOTES HAND HOLE  
HLS DENOTES HYDRO & LIGHT STANDARD  
HPT DENOTES HYDRO POLE  
LS DENOTES LIGHT STANDARD  
MWH DENOTES WATER MANHOLE  
SAMH DENOTES SANITARY MANHOLE  
SMH DENOTES STORM MANHOLE  
WMH DENOTES WATER MANHOLE  
300# DENOTES 300mm DIA. TREE

BENCH MARK  
CITY OF HAMILTON  
INDEX No 6-15  
CITY OF HAMILTON BENCH MARK, L.C.B.O. STORE No 1605 MAIN STREET EAST  
EAST OF FAIRFIELD AVENUE, No 331  
ELEVATION=54.456 m(1819)

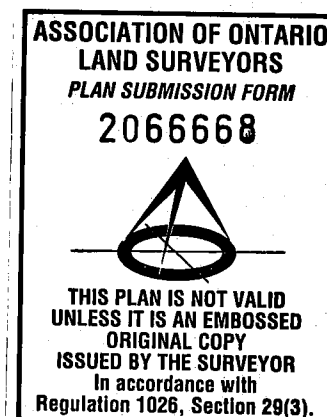
BEARINGS HEREON ARE UTM GRID DERIVED  
FROM CONTROL POINTS (C) AND (D) SHOWN ON  
EXPROPRIATION PLAN W686275, UTM ZONE 17, NAD 83 (ORIGINAL)  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID  
BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971005

CONTROL POINTS: UTM ZONE 17, NAD83 (ORIGINAL)		EASTING	
POINT ID	NORTHING		
(C)	4787928.682	597413.788	
(D)	4787851.348	597390.696	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

SURVEYOR'S CERTIFICATE:  
I, THE SURVEYOR, AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 22ND DAY OF OCTOBER 2018

OCTOBER 30, 2018

ATHITHAN KANAGANAYAGAM  
ONTARIO LAND SURVEYOR



A. J. Clarke and Associates Ltd.  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: a.j.clarke@clarke.com

PROJECT No 188165



**Committee of Adjustment**  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE**

FOR OFFICE USE ONLY.

APPLICATION NO. \_\_\_\_\_ DATE APPLICATION RECEIVED \_\_\_\_\_

PAID \_\_\_\_\_ DATE APPLICATION DEEMED COMPLETE \_\_\_\_\_

SECRETARY'S SIGNATURE \_\_\_\_\_

**The Planning Act**

**Application for Minor Variance or for Permission**

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	City Housing Hamilton	
Applicant(s)*	City Housing Hamilton	
Agent or Solicitor	GRAHAM MCNALLY	

**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:  
Along the western lot-line 4.88m setback instead of 3.5m setback.  
For corner lot, 44% of ground floor facade facing the front and flanking lot-line instead of 50%.
- ☐ Secondary Dwelling Unit      ☐ Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?  
a) Design endeavors to maximize distance from exiting overhead utility lines.  
b) Current zoning considered a single building on this site, the owners chose a multi phase building plan in which Phase 1 cannot meet the zoning but Phase 2, when constructed, will meet the zoning requirements.
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**):  
  
Lot: 43      Concession: 2      Former Township: Saltfleet      Lot: Part 1  
Expropriation Plan WE866275      Municipal Address: 55 Queenston Rd.
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?

ENGLOBE REPORT – 128-P-0021656-0-01-200-HG-R-0001-00

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.

6/25/2021  
Date

Signature Property Owner(s)

Tom Hunter

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>50.33m</u>
Depth	<u>81.72m</u>
Area	<u>5242 m2</u>
Width of street	<u>19.6m</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: N/A

Proposed  
Ground Floor Area: 690 square meters.  
Gross Floor Area: 3900 square meters  
Stories: Six Width: 53 meters  
Length: 10 meters  
Height: 23 meters  
Parking: 40 spaces.

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

Proposed:  
Front Yard: 3.5m Ground Floor @ South street line; 4.88m @ West street line;  
1.5m stories 2-6 @ South street line; 4.88m @ West street line  
Side Yard: 2.2m  
Rear Yard: 20m

- |     |  |   |
|-----|--|---|
| 13. | Date of acquisition of subject lands:  | December 2017   |
| 14. | Date of construction of all buildings and structures on subject lands:   | No buildings on site; existing building demolished 2013                       |
| 15. | Existing uses of the subject property (single family, duplex, retail, factory etc.):   | City Motor Hotel (2013, 2007/2008, 2001/2002, 1997/1998, 1992, 1982, 1972, 19 |
| 16. | Existing uses of abutting properties (single family, duplex, retail, factory etc.):  | Low Density Residential, Commercial Retail                                    |
| 17. | Length of time the existing uses of the subject property have continued:   | Land as been vacant for about eight years                                     |
| 18. | Municipal services available: (check the appropriate space or spaces)  |   |
|     | Water  | <input checked="" type="checkbox"/> Connected <input type="checkbox"/>        |
|     | Sanitary Sewer   | <input checked="" type="checkbox"/> Connected <input type="checkbox"/>        |
|     | Storm Sewers   | <input type="checkbox"/>  |
| 19. | Present Official Plan/Secondary Plan provisions applying to the land:  |   |
|     | Urban Hamilton Official Plan   |   |
| 20. | Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  |   |
|     | Hamilton Zoning By-law 05-200, Transit Oriented Corridor Zoning TOC 1 & Exception 461.   |   |
| 21. | Has the owner previously applied for relief in respect of the subject property?  |   |
|     | Yes <input type="checkbox"/>   | No <input checked="" type="checkbox"/>  |
|     | 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 <i>Planning Act</i> ?   |   |
|     | Yes <input type="radio"/>  | No <input checked="" type="radio"/>   |
| 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. |   |