



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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

NOTICE OF PUBLIC HEARING Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: SC/A-21:309

APPLICANTS: Owner 5000933 Ontario Inc.
Agent UrbanCore c/o Spencer McKay

SUBJECT PROPERTY: Municipal address **40 Zinfandel Dr., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended 13-130

ZONING: RM2-38 and RM3-48 district (Multiple Residential Zone)

PROPOSAL: To permit the construction of a development consisting of 70 maisonette dwelling units, notwithstanding,

1. A minimum setback of 1.0 metres shall be provided from a parking area containing four or more parking spaces to the southerly lot line instead of providing a minimum setback of 3.0 metres from a parking area containing four or more parking spaces to any lot line.

NOTES:

1. The variance is necessary to facilitate site plan application DA-19-044.
2. Minor variance application SC/A-17:433 was previously approved to facilitate this development.

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

DATE: Thursday, September 23rd, 2021
TIME: 3:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

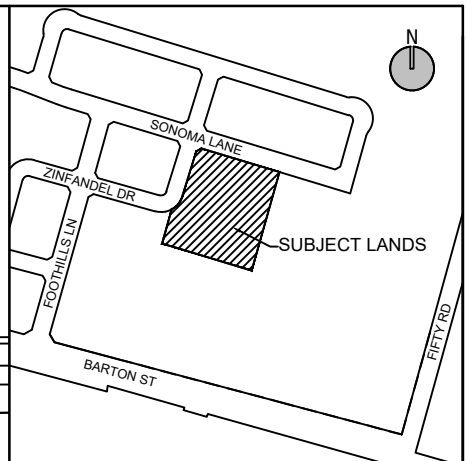
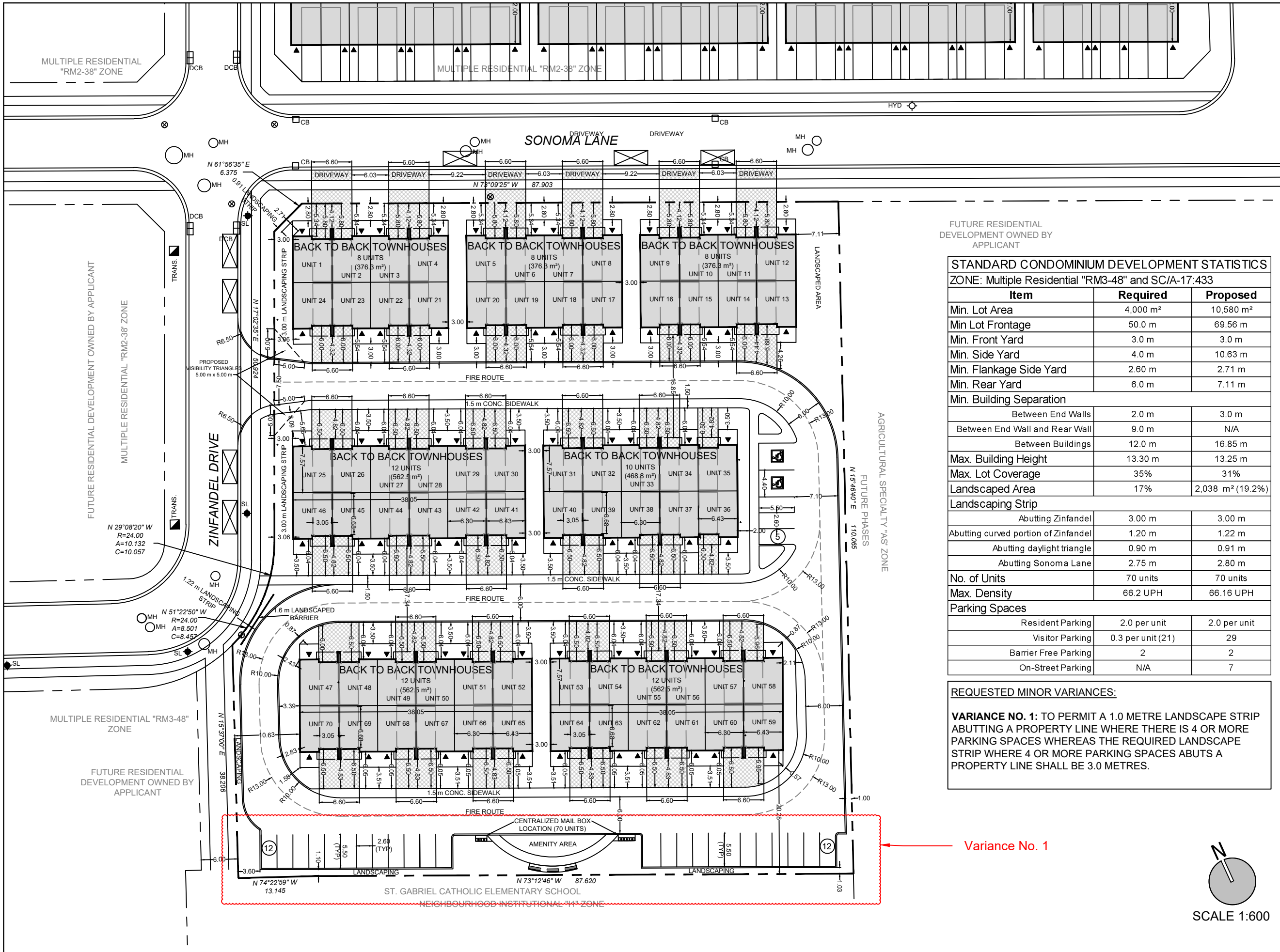
For more information on this matter, including access to drawings illustrating this request:

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

DATED: September 7th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



SCALE: 1:600 METRES

LEGEND:

- SUBJECT LANDS
- MINOR VARIANCE

FUTURE RESIDENTIAL DEVELOPMENT OWNED BY APPLICANT

STANDARD CONDOMINIUM DEVELOPMENT STATISTICS
 ZONE: Multiple Residential "RM3-48" and SC/A-17.433

Item	Required	Proposed
Min. Lot Area	4,000 m ²	10,580 m ²
Min Lot Frontage	50.0 m	69.56 m
Min. Front Yard	3.0 m	3.0 m
Min. Side Yard	4.0 m	10.63 m
Min. Flankage Side Yard	2.60 m	2.71 m
Min. Rear Yard	6.0 m	7.11 m
Min. Building Separation		
Between End Walls	2.0 m	3.0 m
Between End Wall and Rear Wall	9.0 m	N/A
Between Buildings	12.0 m	16.85 m
Max. Building Height	13.30 m	13.25 m
Max. Lot Coverage	35%	31%
Landscaped Area	17%	2,038 m ² (19.2%)
Landscaping Strip		
Abutting Zinfandel	3.00 m	3.00 m
Abutting curved portion of Zinfandel	1.20 m	1.22 m
Abutting daylight triangle	0.90 m	0.91 m
Abutting Sonoma Lane	2.75 m	2.80 m
No. of Units	70 units	70 units
Max. Density	66.2 UPH	66.16 UPH
Parking Spaces		
Resident Parking	2.0 per unit	2.0 per unit
Visitor Parking	0.3 per unit (21)	29
Barrier Free Parking	2	2
On-Street Parking	N/A	7

REQUESTED MINOR VARIANCES:

VARIANCE NO. 1: TO PERMIT A 1.0 METRE LANDSCAPE STRIP ABUTTING A PROPERTY LINE WHERE THERE IS 4 OR MORE PARKING SPACES WHEREAS THE REQUIRED LANDSCAPE STRIP WHERE 4 OR MORE PARKING SPACES ABUTS A PROPERTY LINE SHALL BE 3.0 METRES.

NOTES:
 All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: S. MANCHIA
 DRAWN BY: L. DRENNAN DATE: AUGUST 4, 2021



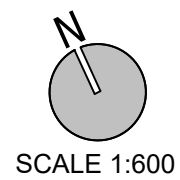
3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8

PROJECT:
40 ZINFANDEL DRIVE
FOOTHILLS OF WINONA
 CITY OF HAMILTON

CLIENT:
5000933 ONTARIO INC.

TITLE:
MINOR VARIANCE SKETCH

FILE NUMBER: 245-17 SHEET NUMBER: 1



Variance No. 1



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: 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)	5000933 Onatrio Inc.	
Applicant(s)*	Same as agent	
Agent or Solicitor	Urbancore Developments Inc. c/o Sergio Manchia & Spencer McKay	

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:

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 refer to cover letter.

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to cover letter.

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**):

40 Zinfanfel Drive, Stoney Creek DA-19-044

Part of Lot 3 & 4, Concession 1
Former Township of Saltfleet
Registered Plan No. 62M-1241 Blocks 17, 20, 29, 30

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use N/A

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Consultation with the owner.

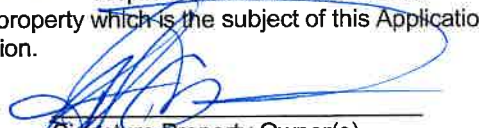
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No N/A

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.

August 5, 2021
Date


Signature Property Owner(s)
Anthony G. DiCenzo
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>69.56 m (Zinfandel)</u>
Depth	<u>110.07 m²</u>
Area	<u>10,580 m²</u>
Width of street	<u>6.00 m</u>

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

The subject lands are currently vacant, and have Conditional Site Plan Approval DA-19-044.

Proposed

Please refer to cover letter.

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 currently vacant, please see the attached Site Plan for DA-19-044.

Proposed:

Please refer to cover letter.

13. Date of acquisition of subject lands:
N/A
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
The subject lands are currently vacant.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Elementary school (south), Multiple Residential - Two (west), vacant lands (north and east).
17. Length of time the existing uses of the subject property have continued:
Unknown.
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 checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Low Density Residential 1 & Low Density Residential 2 in Fruitland-Winona Secondary Plan.
Neighbourhoods in the Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
RM2-38 and RM3-48 under By-law 3692-92 (Stoney Creek).
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
N/A
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
Please refer to cover letter.
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.



August 11, 2021

245-17

Via Email and Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 40 Zinfandel, City of Hamilton
DA-19-044
Minor Variance Application**

UrbanCore Developments Inc. (UrbanCore) is acting on behalf of the owner, 5000933 Ontario Inc., the registered owner of the lands municipally known as 40 Zinfandel, in the City of Hamilton (subject lands). On behalf of the owner, UrbanCore has prepared the enclosed Minor Variance application to the City of Hamilton.

The subject lands are designated "Neighbourhoods" in the Urban Official Plan and "Area Specific Policy – Area I" in the Fruitland-Winona Secondary Plan. The subject lands are zoned "Multiple Residential – Three" (RM3-40) in the former Stoney Creek Zoning By-law No. 3692-92.

The purpose of the Minor Variance application is to facilitate Site Plan application DA-19-044. This Site Plan application proposes the development of twenty-nine (29) visitor parking spaces along the southern property line and seventy (70) back-to-back townhouse units and received conditional Site Plan approval on May 9, 2019, subject to the following Minor Variance:

1. To permit a 1.0 metre landscape strip abutting a property line where there is 4 or more parking spaces whereas the required landscape strip where 4 or more parking spaces abut a property line shall be 3.0 metres.

In consideration of the above, the requested variance is technical in nature and does promote good Urban Design principles. As the proposed development has received conditional site plan approval, it is our opinion that the application for the above variance satisfies the four tests outlined in Section 45 (1) of the *Planning Act* as the requested relief is minor in nature, desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

Through discussion with senior level staff, it was determined that the 2021 Municipal Fee for a Minor Variance application is to be waived. As the Minor Variance relates only to a landscape strip, we trust that this will not delay any building permit application for the townhouse dwellings themselves. In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form; and,
- One (1) copy of the Minor Variance Sketch prepared by UrbanC re.

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

Regards,
UrbanC re



Spencer McKay, BA, CPT
Project Manager

cc: Councillor Maria Pearson, Ward 10, City of Hamilton
Steve Robichaud, MCIP, RPP, City of Hamilton
5000933 Ontario Inc. (via email)