



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.: HM/A-21:355

APPLICANTS: Agent A.J. Clarke & Associates c/o Stephen Fraser
Owner Joseph Farah

SUBJECT PROPERTY: Municipal address **171-183 Glow Ave., Hamilton**

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

ZONING: "C" and "G" (Urban Protected Residential, etc. and
"Neighbourhood Shopping Centre, etc.) district

PROPOSAL: To permit a lot to be retained (shown as Part 1) containing a commercial retail building and to permit a lot to be conveyed (shown as Part 2) containing a single family dwelling in order to facilitate Consent File No. HM/B-21:89 notwithstanding that:

Lands to be Retained (Part 1):

1. A minimum front yard depth of 0.5m shall be provided instead of the minimum required front yard depth of 6.0m.
2. The canopy, eaves and gutters shall be permitted to project entirely into a required front yard and shall be 0.0m from the Glow Avenue street line instead of the requirement that a canopy, eave or gutter may project into a required front yard not more than 1.5 metre provided that no such projection shall be closer to a street line than 1.5m.
3. A minimum easterly side yard width of 1.0m shall be provided instead of the minimum required side yard width of 1.2m.
4. A minimum rear yard depth of 0.4m shall be provided instead of the minimum required rear yard depth of 4.5m.
5. Air conditioners shall be permitted to be setback a minimum of 0.2m from the easterly side lot line instead of the requirement that air conditioners shall be a minimum of 0.6m from a side lot line.
6. No planting strip shall be provided along the easterly side lot line and rear lot line instead of the requirement that a planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except where a building, structure or accessory building is located and except for the area used for access driveways.
7. No landscaped area shall be provided along the Glow Avenue and Knox Avenue

street lines instead of the requirement that where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre is width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.

8. A minimum parking space size of 2.6m wide x 5.5m long instead of the minimum required 2.7m wide x 6.0m long.

9. The boundary of the parking area shall be 0.0m from the northerly lot line and no planting strip shall be provided instead of the requirement that the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 1.5 metres from the adjoining residential district boundary and there shall be provided and maintained between the boundary of the parking area and the residential district, an area landscaped with a planting strip.

10. The boundary of the parking area shall be 0.0m from the Knox Avenue street line for that portion of the parking area within 3.0m of the residential district to the north and no planting strip shall be provided instead of the requirement that the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not closer to the street line than the minimum depth of the front yard (being 6.0m) required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district and there shall be provided and maintained between the boundary of the parking area and the residential district, an area landscaped with a planting strip.

11. No visual barrier shall be provided along the northerly lot line instead of the requirement that where a parking area containing five or more parking spaces adjoins a residential district there shall be provided, a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height.

12. No bumpers or wheel barriers shall be provided instead of the requirement for every parking area where there are more than five parking spaces shall have bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.

Lands to be Conveyed (Part 2):

1. A minimum lot width of 7.6m shall be provided instead of the minimum required lot width of 12.0m.

2. A minimum lot area of 232m² shall be provided instead of the minimum required lot area of 360m².

3. A minimum front yard depth of 3.1m shall be provided instead the minimum required front yard depth of 4.2m.

4. A minimum side yard width of 0.9m shall be provided instead of the minimum required side yard width of 1.2m.

5. The existing uncovered rear concrete porch at the first storey shall be permitted to be 0.1m from the westerly side lot line instead of the requirement that a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0m above the floor level of the first storey, may project into a required yard, if distant at least 0.5m from the nearest side lot line.

6. An air conditioner shall be permitted to be 0.3m from the easterly side lot line instead of the requirement that air conditioners shall be located only within a required side yard provided such equipment has a minimum setback of 0.6m from the side lot line.

7. No front yard landscaping shall be provided instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

8. No parking spaces shall be provided instead of the minimum required two (2) parking spaces.

NOTE:

i) Pursuant to Variance # 3 for the lands to be conveyed, the required front yard is determined based on Section 18(3)(iii), which states:

“where a building or structure is to be erected on an interior lot between two existing buildings or structures located not more than 30.0 metres from the proposed building or structure, such building or structure may be erected closer to the front lot line than required by the district in which the lot is situated, provided that:

(a) the minimum front yard shall be equal to the average depth of the two adjoining front yards (being 1.85m which is the average of the front yard depth of the lands conveyed [being 0.52m] and the front yard depth of 185 Glow Avenue [being 3.18m], and

(b) the reduction of the minimum front yard (being 6.0m) as permitted by this provision shall not exceed thirty percent (30%) [being 4.2m] of the depth ordinarily required by the district provisions in which the lot is situate.

ii) Variance # 2 for the lands to be retained to allow a front yard encroachment for a canopy, eaves and gutters has been requested by the Agent. The canopy, eave and gutter encroachments have not been shown on the Site Plan and Survey submitted. Be advised that if the canopy, eave and gutters project beyond the Glow Avenue street line, a Encroachment Agreement with the Public Works Division may be required.

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

DATE: Thursday, October 21st, 2021
TIME: 2:20 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

HM/A-21:355

Page 4

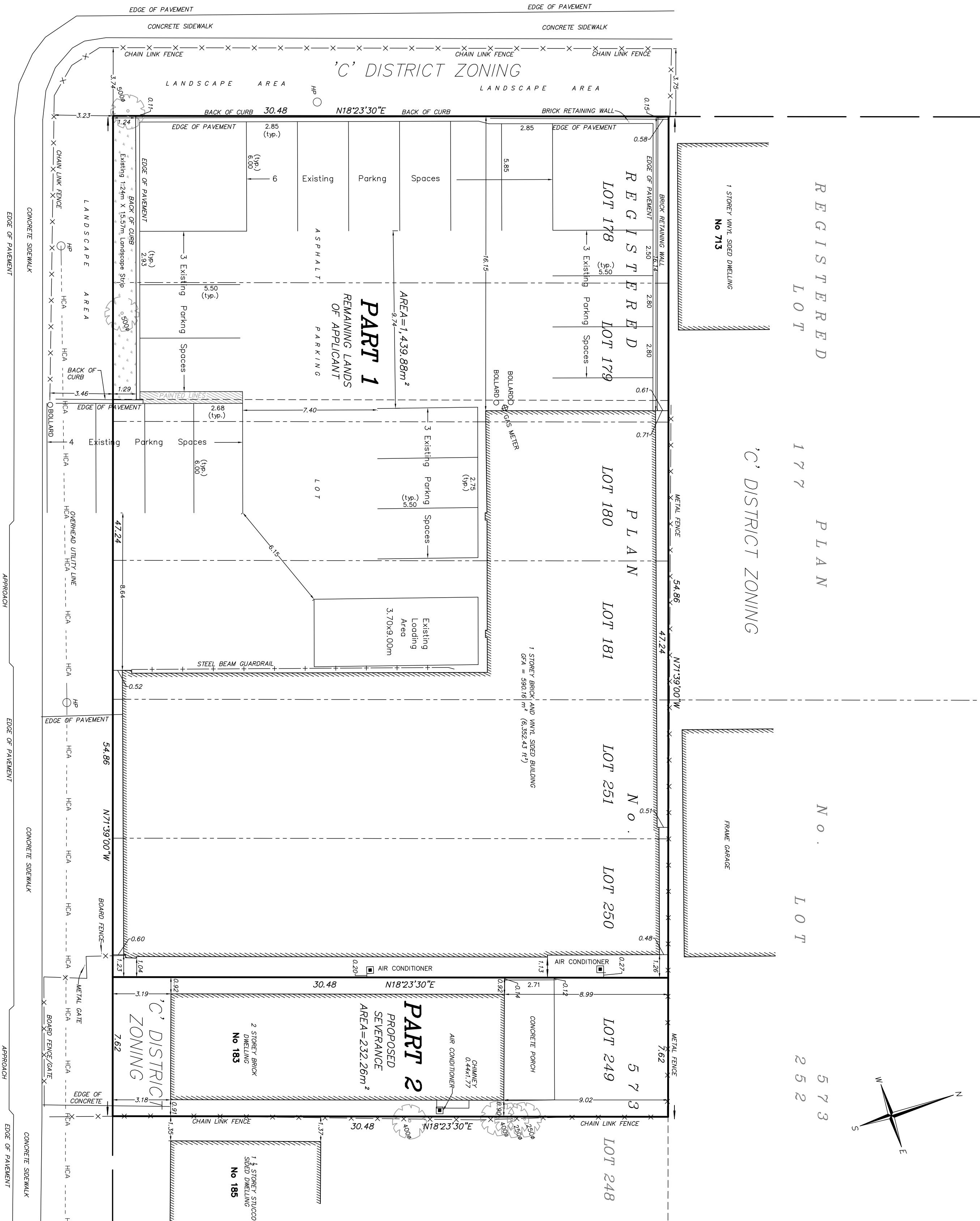
DATED: October 5th, 2021.

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.

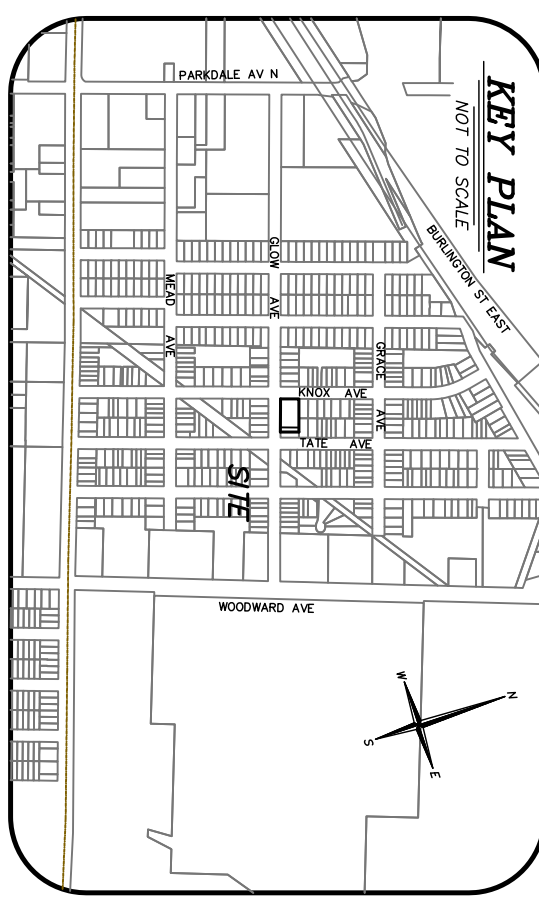
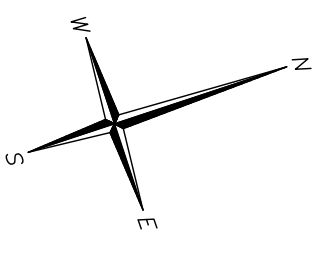
KNOX AVENUE

(ESTABLISHED BY REGISTERED PLAN No. 573)



REGISTERED LOT 177 PLAN 573

NO. LOT 252 573



SKETCH OF LOTS 178, 179, 180, 181, 249 AND 251 REGISTERED PLAN No. 573 NOW IN THE CITY OF HAMILTON

SCALE 1:150

G. G. ALDORTH, O.L.S.

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:
SURVEY INFORMATION ON THIS SKETCH IS DERIVED FROM A PLAN OF SURVEY BY OUR OFFICE DATED JULY 19, 2021, FILE No. R-4564.dwg

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

LAND SEVERANCE SCHEDULE:
PART 1 - LANDS TO BE RETAINED
PART 2 - LANDS TO BE SEVERED

SEP 7, 2021
DATE

G. G. ALDORTH
ONTARIO LAND SURVEYOR

AJ
A. J. Clarke and Associates Ltd.

SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajcclarke.com

'C' DISTRICT ZONING GLOW AVENUE

(ESTABLISHED BY REGISTERED PLAN No. 573)

PROJECT No 218103R

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NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

LOT 119
LOT 118

KNOX AVENUE
(ESTABLISHED BY REGISTERED PLAN No. 573)
P. I. N. 17293-0307


R-4564

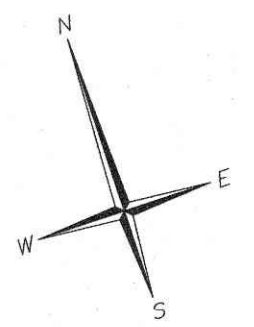
- LEGEND:**
- DENOTES FOUND BAR
 - DENOTES PLANTED BAR
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - RIB DENOTES ROUND IRON BAR
 - CC DENOTES CUT CROSS
 - (OU) DENOTES ORIGIN UNKNOWN
 - (912) DENOTES A. J. CLARKE & ASSOCIATES LTD.
 - (P1) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED JULY 18, 1978 (FILE No. E-3233C)
 - (P2) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED FEBRUARY 19, 1974 (FILE No. E-3233)
 - (P3) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 20, 1987 (FILE No. E-8000)
 - (P4) DENOTES REGISTERED PLAN No. 573
 - (P5) DENOTES BUILDING LOCATION SURVEY BY ASHENHURST NOUMENS LTD. DATED JULY 22, 1985
 - CLF DENOTES CHAIN LINK FENCE
 - 200# DENOTES TREE DIAMETER
 - HP DENOTES HYDRO POLE

**ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2171921**



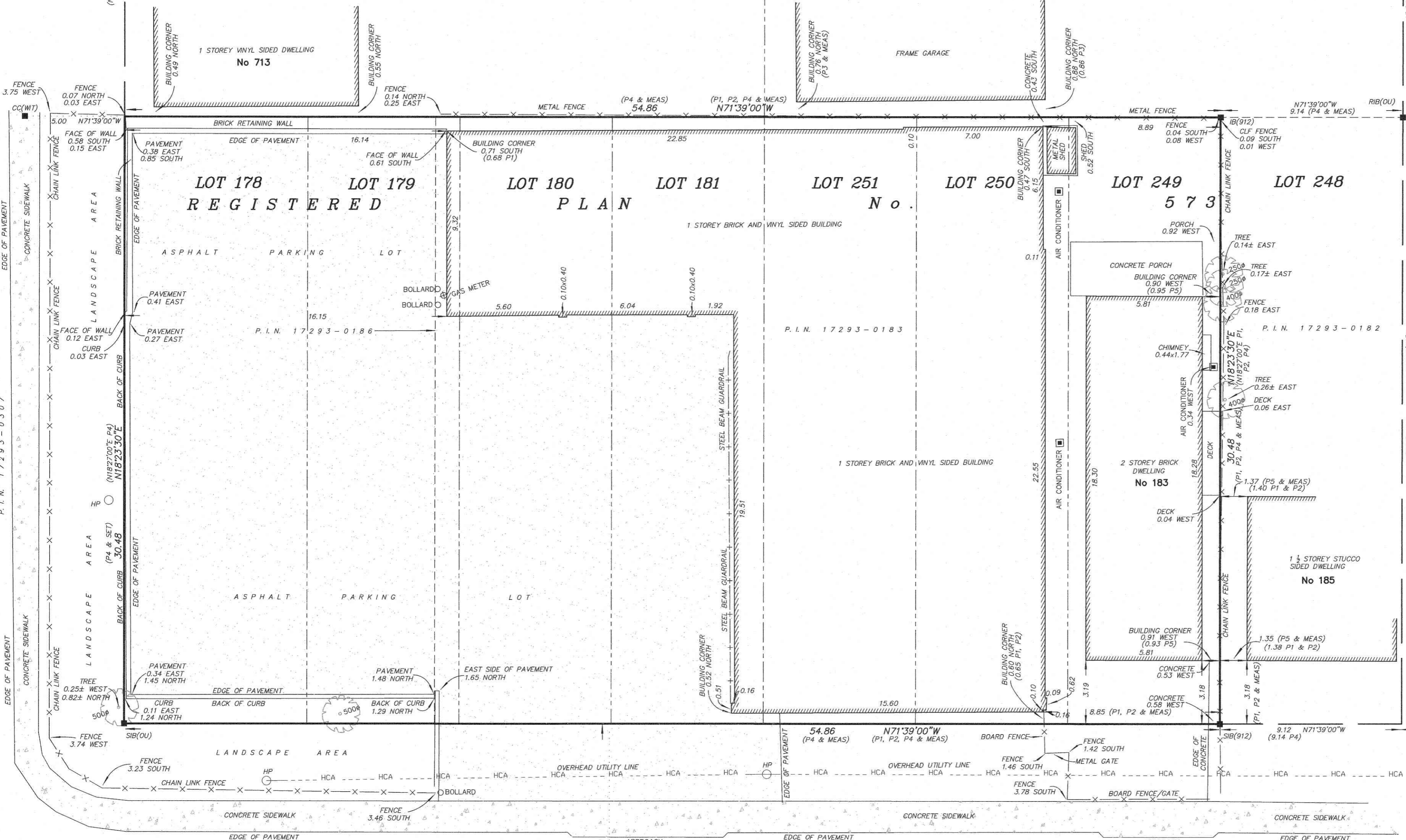
**THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).**

PLAN OF SURVEY OF
LOTS 178, 179, 180, 181, 249
250 AND 251
REGISTERED PLAN No. 573
NOW IN THE
CITY OF HAMILTON
SCALE 1:150

G. G. ALDWORTH, O.L.S.



REGISTERED PLAN No. 573
LOT 177 P. I. N. 17293-0349
LOT 252 P. I. N. 17293-0181

REGISTERED PLAN No. 573
LOT 178 P. I. N. 17293-0186
LOT 179 P. I. N. 17293-0186
LOT 180 P. I. N. 17293-0183
LOT 181 P. I. N. 17293-0183
LOT 251 P. I. N. 17293-0183
LOT 250 P. I. N. 17293-0183
LOT 249 P. I. N. 17293-0182
LOT 248 P. I. N. 17293-0182



PART 1 - PLAN R-4564
PART 2
-THE PARCEL IS NOT SUBJECT TO ANY EASEMENTS OR RIGHT-OF-WAYS
-THE EXTENT OF THE PLAN IS MADE UP OF 2 PARCELS (PIN 17293-0183 & PIN 17293-0186)
-PLEASE NOTE THE LOCATION OF FENCES AS SHOWN ON THE 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.
2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF JUNE, 2021
DATE: JULY 19, 2021
G. G. ALDWORTH
ONTARIO LAND SURVEYOR

GLOW AVENUE
(ESTABLISHED BY REGISTERED PLAN No. 573)
P. I. N. 17293-0315

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF GLOW AVENUE AS SHOWN ON REGISTERED PLAN No. 573, HAVING A BEARING OF N71°39'00"W.

PROJECT No 218103R

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: ajc@ajclarke.com



Hamilton

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

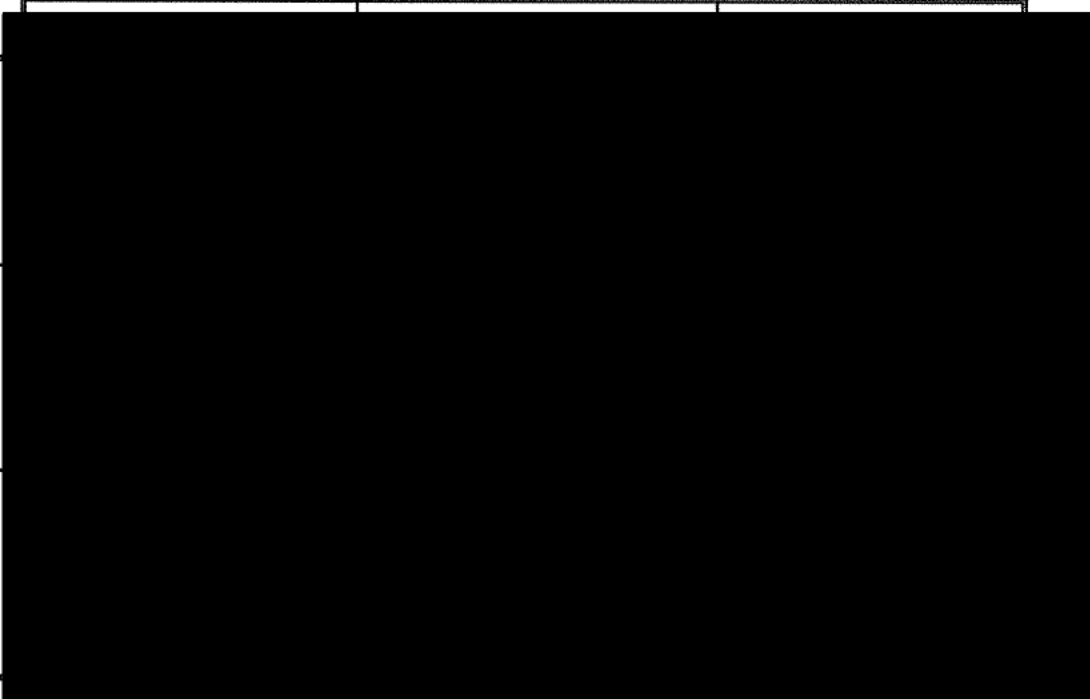
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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

Registered Owners(s)	
Applicant(s)*	
Agent or Solicitor	

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 see attached cover letter.

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

The severed and retained parcels of land have merged on title and will not meet certain minimum required zoning provisions once the new property line is established by the concurrent severance application.

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**):

183 Glow Avenue, Hamilton.
Lt 179 -181, 249 - 251
Registered Plan 573

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Grocery/deli

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?

Online Mapping and property owner's knowledge.

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.

August 27, 2021
Date


Signature Property Owner

Glow Avenue Holdings Inc., c/o Joseph Farah
Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+ - 30.48 m (Knox Avenue)</u>
Depth	<u>+ - 54.86 m</u>
Area	<u>+ - 1,672.13 sq m</u>
Width of street	<u>+ - 20.12 m (Glow Avenue)</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: _

One commercial establishment and one single detached dwelling. Please see attached survey of subject lands along with the severance sketch for the concurrent severance application illustrating setbacks to the proposed lot line.

Proposed

No development is proposed

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

Existing:

One commercial establishment and one single detached dwelling. Please see attached survey of subject lands along with the severance sketch for the concurrent severance application illustrating setbacks to the proposed lot line.

Proposed:

No development is proposed

13. Date of acquisition of subject lands:
February 2021
-
14. Date of construction of all buildings and structures on subject lands:
Unknown (no new construction proposed)
-
15. Existing uses of the subject property:
One commercial establishment and one single detached dwelling
16. Existing uses of abutting properties:
Residential
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 Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
G - Neighbourhood Shopping Centre Etc., and C - Urban Protected Residential District.
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
Severance application submitted concurrently to subdivide the commercial use from the residential use.
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.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

September 10, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Via e-mail

Attn: Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

**Re: Severance and Minor Variance Applications
183 Glow Avenue, City of Hamilton**

Dear Madam,

On behalf of our clients, we are pleased to provide you with the enclosed submission in support of applications for consent to sever and minor variance for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite Consent application fee;
2. A cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite Minor Variance application fee;
3. One (1) Electronic copy of a signed and executed Consent to Sever application form.
4. One (1) Electronic copy of a signed and executed Minor Variance application form.
5. One (1) Electronic copy of a Severance Sketch, Drawing R-4564A, Prepared by A.J. Clarke and Associates Ltd., dated September 7, 2021.
6. One (1) Electronic copy of a Plan of Survey, Drawing R-4564, Prepared by A.J. Clarke and Associates Ltd., dated July 19, 2021.

Proposal

The subject lands consist of two separate land uses which have since merged on title. Part 1 on the submitted sketch depicts an existing retail convenience store containing 19 parking spaces. Part 2 on the submitted plan depicts an existing single detached dwelling having zero existing parking spaces.

The purpose and intent of these applications are to sever the existing single detached dwelling from the commercial retail store and to recognize a number of existing conditions affecting the subject property. No new construction is proposed.

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Accordingly, both local commercial uses and single detached dwellings are permitted within the Neighbourhoods Designation.



Part 1, containing the retail commercial use, is zoned “G” (Neighbourhood Shopping Centre) Zone. Commercial Uses are permitted in the “G” District. Part 2, containing the single detached dwelling, is zoned “C” (Urban Protected Residential) Zone, which permits a single detached dwellings as of right.

Severance Application

The severance application proposes the following lot fabric:

	Area	Frontage
Part 1 – Lands to be Retained	1,439 m ²	47.24 m
Part 2 – Lands to be Severed	232 m ²	7.6 m

The proposed lots have frontage onto a public road, are connected to municipal services and will conform to the Zoning By-law upon approval of the variances listed below. The severance application has merit as it proposes to correct the boundary of the two parcels of land which have since merged on title.

Minor Variance Application

A number of variances are required to facilitate the severance application and the resultant non-complying situations stemming from the severance. The following variances are necessary to facilitate the severance application.

Part 1 – Retained Commercial Retail Building

1. To permit a minimum front yard setback of 0.6m whereas the By-law requires a minimum front yard of 6.0m.
2. To permit a minimum side yard setback of 1.0m whereas the By-law requires a minimum 1.2m side yard where the subject lands abut a residential district.
3. To permit a rear yard setback of 0.4m, whereas a minimum rear yard of 4.5m is required.
4. No planting strip be required whereas the By-law requires a minimum 1.5m planting strip adjacent to all side lot lines and rear lot line adjoining a residential district.
5. No landscaped area be provided for the parking area adjacent to a street line whereas an average of 2.0m wide but no less than 1.0m landscaped area is required.
6. That an air conditioner be permitted to be located 0.2m from the side yard, whereas a minimum side yard setback of 0.6m is required.
7. A minimum parking space size of 2.5m x 5.5m be provided, whereas a minimum parking space size of 2.7m x 6.0m is required to be provided.



8. That a parking area be permitted to be located 0.0m from the street line, whereas a parking area containing 5 or more spaces shall be 6.0m from the street line.
9. That no landscape strip be provided along the boundary of a residential district, whereas a landscape strip shall be provided where a parking area is located along the boundary of a residential district.
10. That no visual barrier be provided between the parking area along the boundary of a residential district whereas a visual barrier is required to be provided between a parking area and the boundary of a residential district.
11. That no bumpers or wheel barriers be provided for the parking area, whereas a parking area is required to provide wheel barriers for a parking area where there are more than 5 parking spaces on a lot.

Part 2 – Severed Residential Dwelling

1. To permit a minimum side yard of 0.9m whereas a minimum side yard of 1.2m is required.
2. To permit a minimum lot frontage of 7.6m whereas a minimum lot frontage of 12m is required.
3. To permit a minimum lot area of 232m², whereas the minimum lot area of 360m² is required.
4. To permit a terrace, uncovered porch, platform to encroach 0.1m from the side lot line, whereas a terrace, uncovered porch, platform shall be distant at least 0.5m from the side lot line.
5. To permit 0% front yard landscaping whereas a minimum of 50% of the front yard is required to be landscaped.
6. To permit zero parking spaces whereas a minimum of 2 parking spaces is required for a singled detached dwelling.

The above noted variances recognize a number of existing conditions affecting the property. The application has merit as it will facilitate the conveyance of the residential use from the existing commercial use on site. The proposed variances meet the four tests as listed under Section 45 (1) of the *Planning Act* as they represent existing conditions that have continued on the subject lands since their original construction.

The severance application facilitates the conveyance of a single detached dwelling from a commercial piece of land. Accordingly, the proposal satisfies the matters listed under Section 51 (24) of the *Planning Act* and the proposal conforms to the Urban Hamilton Official Plan.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.



We look forward to being scheduled to the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'S. Fraser'.

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Mr. Joseph Farah joefarah905@gmail.com
Mr. Mahassen Farah mfarah@hastymarketcorp.com