

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: <u>cofa@hamilton.ca</u>

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-21:346 |
|------------------|--|
| APPLICANTS: | Agent GSP Group c/o J. Liberatore Owner NHDG (Waterfront) Inc. |
| SUBJECT PROPERT | Y: Municipal address 310 Frances Ave., Stoney Creek |
| ZONING BY-LAW: | Zoning By-law Stoney Creek 3692-92 and Hamilton Zoning By-law 05-200, as Amended |
| ZONING: | "MUC-4 & P5" (Mixed Use Commercial & Conservation/Hazard Lands) district |
| PROPOSAL: T | o permit the construction of a new mixed-use development |

PROPOSAL: To permit the construction of a new mixed-use development consisting of three (3) residential towers above ground floor commercial uses notwithstanding that:

1. Accessory and communal areas related to a residential use (which may include; amenity areas, fitness areas, meeting rooms, bike/vehicle parking areas, lobbies and mail areas) shall be permitted on the ground floor level whereas the by-law only permits residential uses to be located above a commercial use.

2. The amenity area required for each one-bedroom dwelling unit shall be provided at a rate of 8.8m² per unit instead of the minimum required amenity area of 18.0m² per unit.

3. The amenity area required for each two-bedroom dwelling unit shall be provided at a rate of 8.8m² per unit instead of the minimum required amenity area of 53.0m² per unit.

4. A minimum of 36% of the lot area shall be comprised of landscaped open space instead of the minimum required 50%.

5. A landscape strip being 6.0m wide shall be provided abutting the P5 zone instead of the minimum 9.0m wide landscape strip required to be provided abutting any non-commercial or non-industrial zoned lands.

6. Pedestrian walkways and vehicular driveways shall be permitted within a required landscape strip and landscaped open space and may also include the following: Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, Light standards and fixtures, Armour stone landscape walls, Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries.

7. Parking for apartment dwelling units shall be provided at a rate of 1.25 parking spaces per dwelling unit instead of the minimum required 1.5 parking spaces per unit.

SC/A-21:346 Page 2

NOTES:

i. These variances are necessary to facilitate Site Plan Control Application DA-19-020. Please be advised that floor plans and elevations drawings have not been submitted as part of this Minor Variance application, therefore a comprehensive zoning review could not be completed at this time. As such, variances have been written as requested by the applicant. The applicant shall ensure that all other zoning regulations as noted in previous Building Division comments for DA-19-020 can be complied with.

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

| DATE: TIME: | Thursday, December 9th, 2021 1:40 p.m. |
|----------------|--|
| PLACE: | Via video link or call in (see attached sheet for details) |
| I LAUL. | 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

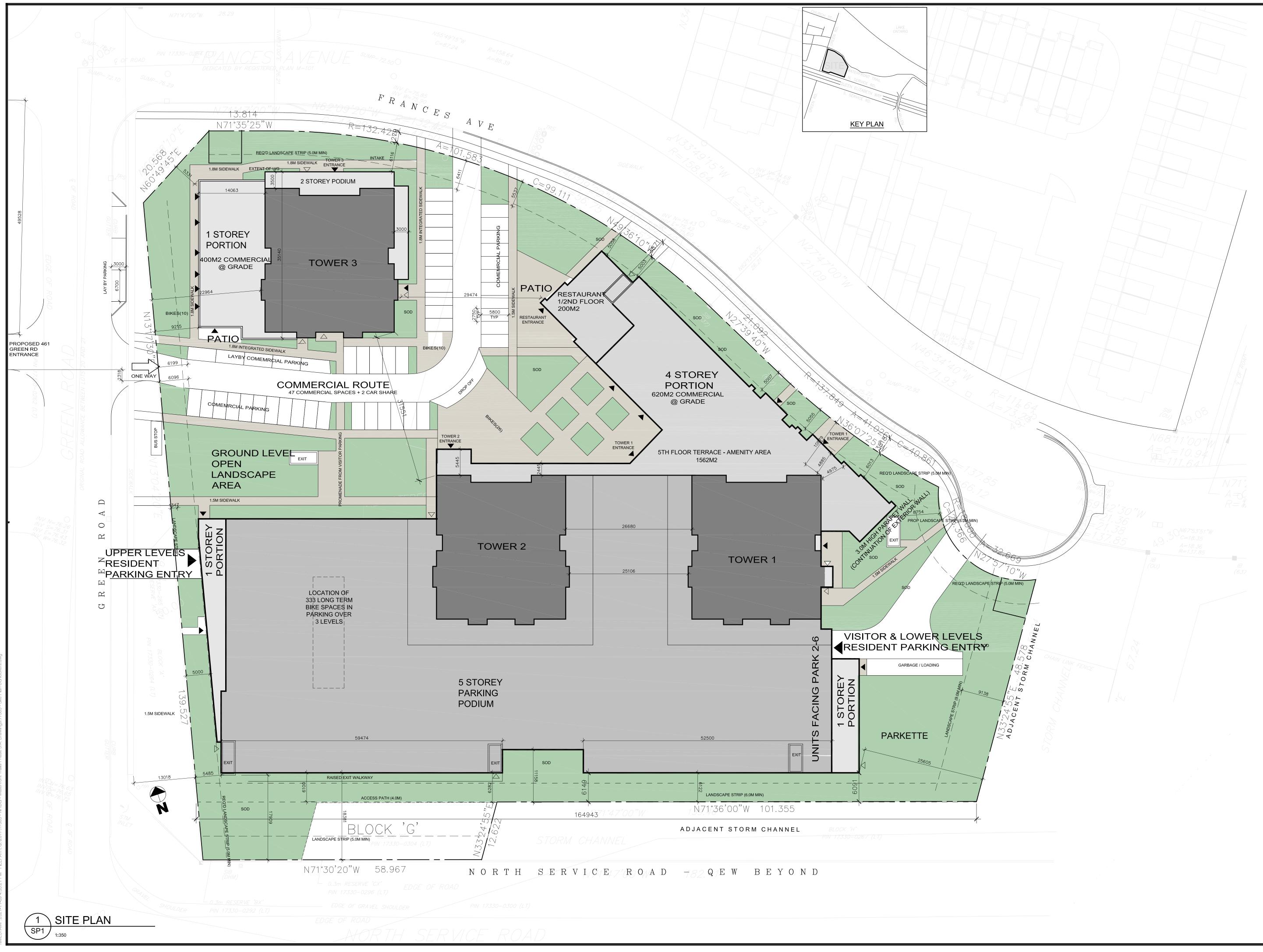
For more information on this matter, including access to drawings illustrating this request:

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

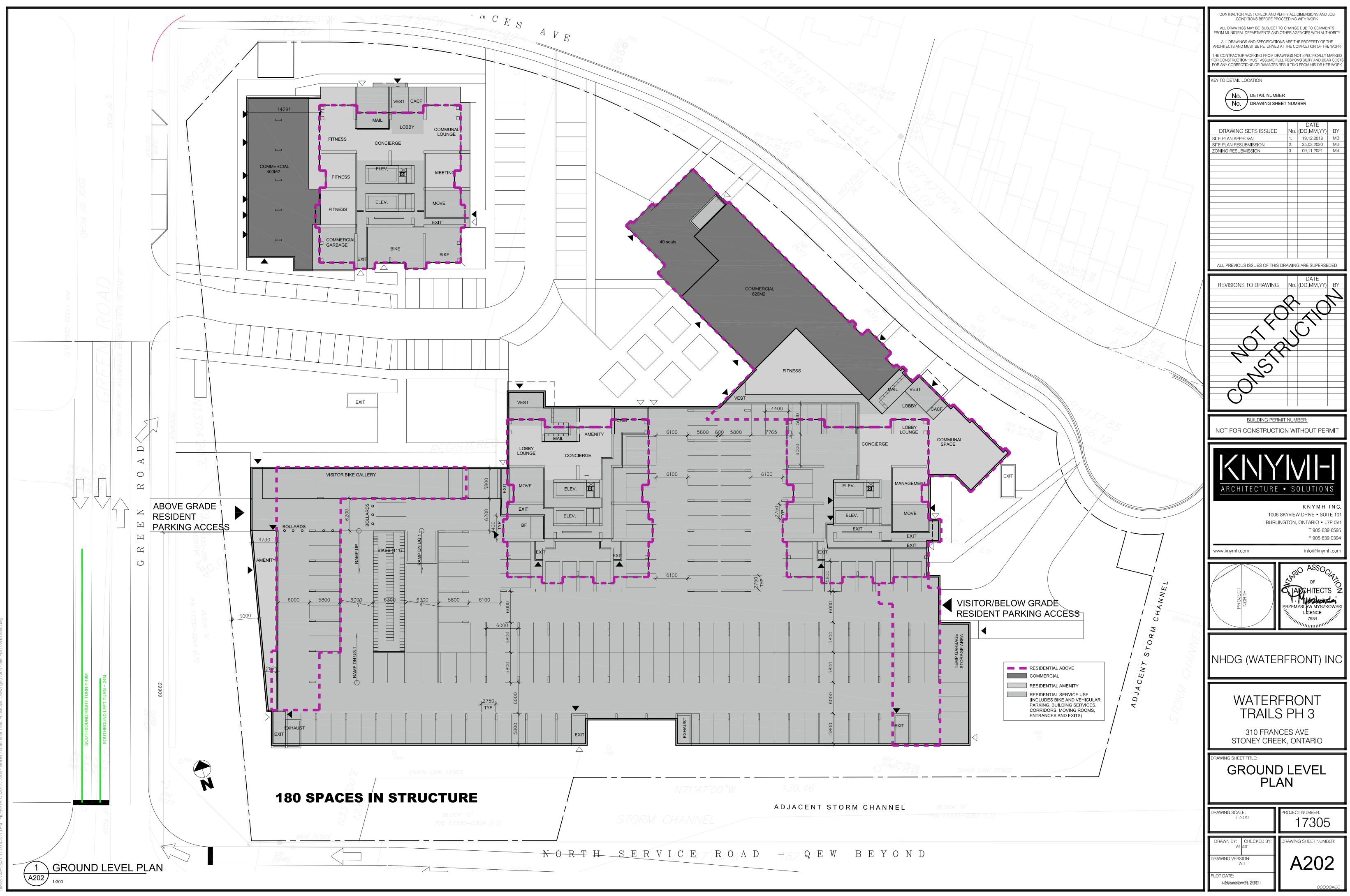
DATED: November 23rd, 2021.

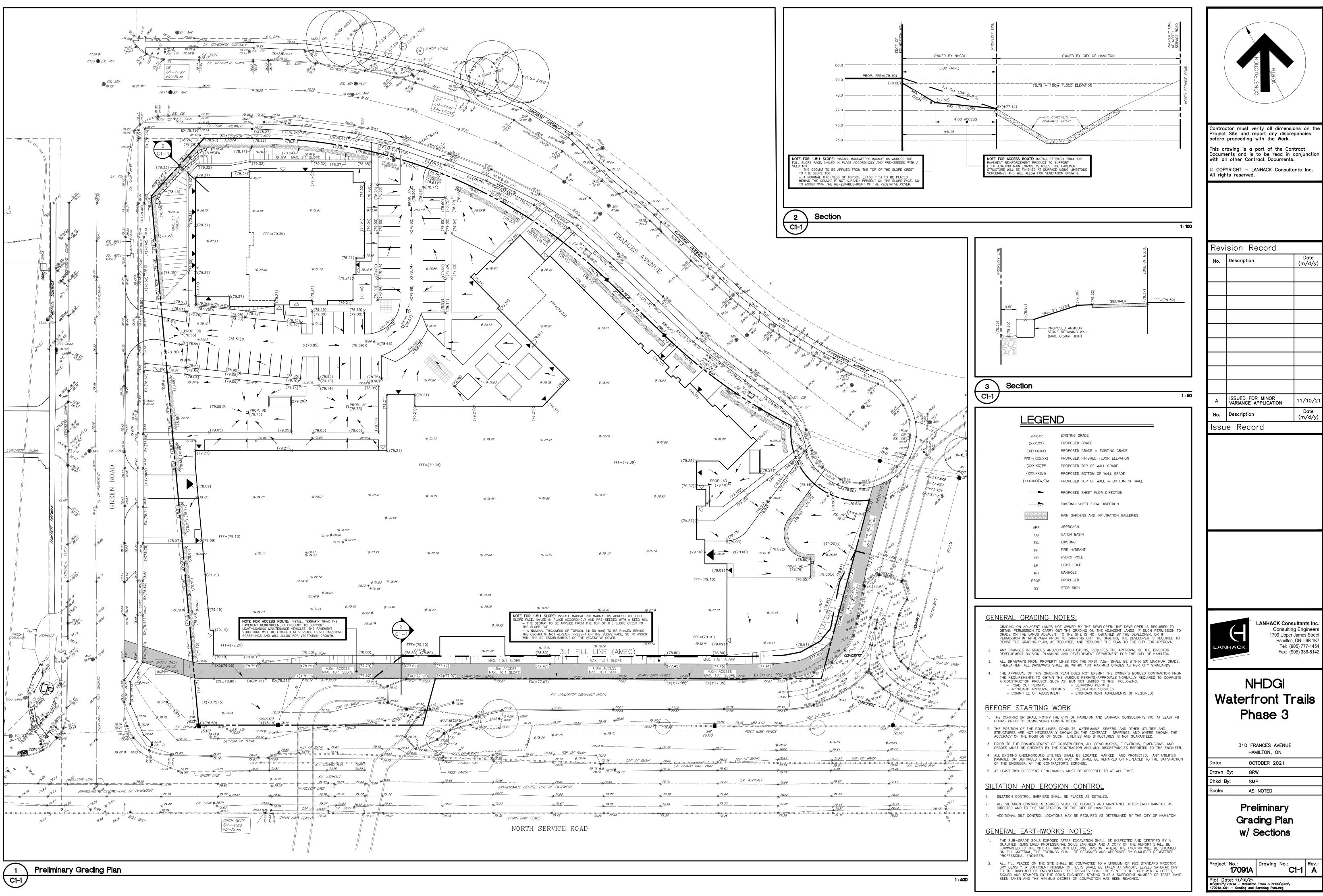
Jamila Sheffield, Secretary-Treasurer Committee of Adjustment

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.



| CONTRACTOR MUST CHECK AND VEF CONDITIONS BEFORE PROC ALL DRAWINGS MAY BE SUBJECT TO FROM MUNICIPAL DEPARTMENTS AND O ALL DRAWINGS AND SPECIFICATION: ARCHITECTS AND MUST BE RETURNED A THE CONTRACTOR WORKING FROM DRAW "FOR CONSTRUCTION" MUST ASSUME FULL FOR ANY CORRECTIONS OR DAMAGES RE | EEDING CHANG THER AC S ARE TH T THE CO VINGS N RESPC | I WITH WORK E DUE TO COMME SENCIES WITH AUT HE PROPERTY OF DMPLETION OF TH OT SPECIFICALLY INSIBILITY AND BE/ | INTS HORITY IHE E WORK MARKED AR COSTS |
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Lamarre Conrulting Group Inc. 25 Brookside Terrace, Smithville, ON LOR 2A0 (905) 818 5205 Phone/Fax j.lamarre@cogeco.ca e-mail

November 9, 2021

Mr. Steve Pongracz LANHACK Consultants Inc. Consulting Engineers 1709 Upper James Street Hamilton, ON. L9B 1K7

Re: Waterfront Trails III 310 Frances Avenue, Stoney Creek Flood Line Impacts

Lamarre Consulting Group Inc. was retained to review the potential impact of revisions to the proposed fill for the Waterfront Trails III (WFT III) development adjacent to Watercourse No. 1 in the City of Stoney Creek.

This site was included in the Green Millen Shores Estates Stormwater Management Report prepared by AMEC (March 2012). This report addressed the potential impacts of filling on the subject lands. Watercourse No.1 is a concrete lined channel abutting the south and east sides of the WFT III property. The AMEC report assumed the WFT III property would be filled in order to remove the property from the flood plain. The AMEC report assumed a 3:1 fill slope on the property from the top of concrete channel lining, approximate elevation 77.0, to elevation 79.0. With this proposed fill, and the development in place, the flood level in the channel would vary from 78.76 (Sect 325) to 78.79 (Section 480). Based on the AMEC modeling the proposed fill would not result in a measurable impact on the upstream flood levels (Table 5.7 – Page 20).

The proposed grading concept for the WFT III development calls for the 3:1 slope to be modified to a 4.0m maintenance slope at 10% crossfall and a 1.5:1 reinforced slope up to the face of the underground parking garage wall at elevation 78.80. The lowest building opening would be set to 79.09 to provide 0.3m freeboard to the 100yr flood level in the channel. This proposed cross section results in the placement of less fill within the existing flood plain. With the modified cross section the flood lines remain essentially unchanged from the original AMEC proposal varying from 78.75 (Sect 325) to 78.80 (Section 480).



Lamarre Conrulting Group Inc. 25 Brookside Terrace, Smithville, ON LOR 2A0 (905) 818 5205 Phone/Fax j.lamarre@cogeco.ca e-mail

The estimated channel velocity ranges from 0.65m/s to 1.29m/s. The overbank velocity ranges from 0.08m/s to 0.18m/s. Hence grassed overbank areas would be stable as the velocity is well below the typical threshold velocity for erosion. The existing concrete channel would be stable under 100yr flood conditions as the velocity is well below the threshold velocity for a concrete lined channel. Hence, no additional lands would be required to allow for lateral channel movement.

Digital copies of the AMEC report and the updated HEC-RAS modeling can be provided upon request.

Lamarre Consulting Group

John Famane

John D. Lamarre, P.Eng.





Lamarre Convulting Group Inc.

25 Brookside Terrace, Smithville, ON LOR 2A0

(905) 818 5205 Phone/Fax j.lamarre@cogeco.ca e-mail

Profile Output Table - Standard Table 1 HEC-RAS Plan: UNRES SP WF Profile: 100 YR (SPILL)

| TILC-IVAS | | SF WI FIONE. I | 00 11 (01) | 122) | | | | | | | | |
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| Reach | River Sta | Profile | Q Total N | /lin Ch El | W.S. | Elev Crit | W.S. | E.G. Elev E.G. Slope | Vel Chnl | Flow Area | Top Widt | th Froude # Chl |
| | | | (m3/s) | (m) | (m) | (m) | (m) | (m/m) (m/s) | (m2) | (m) | | |
| WC-12 | 295 | 100 YR (SPILL) | 52.80 | 74.72 | 78.76 | 76.54 | 78.80 | 0.000048 | 1.02 | 189.06 | 381.98 | 0.19 |
| WC-12 | 305 | 100 YR (SPILL) | 52.80 | 74.72 | 78.76 | | 78.80 | 0.000048 | 1.02 | 189.24 | 382.04 | 0.19 |
| WC-12 | 315 | 100 YR (SPILL) | 52.80 | 74.72 | 78.76 | | 78.80 | 0.000048 | 1.02 | 189.45 | 382.12 | 0.19 |
| WC-12 | 325 | 100 YR (SPILL) | 52.80 | 74.72 | <mark>78.75</mark> | | 78.82 | 0.000065 | 1.29 | 89.96 | 100.28 | 0.22 |
| WC-1 | 420 | 100 YR (SPILL) | 25.67 | 74.90 | <mark>78.81</mark> | | 78.83 | 0.000018 | 0.65 | 49.86 | 22.48 | 0.12 |
| WC-1 | 480 | 100 YR (SPILL) | 25.67 | 75.05 | <mark>78.80</mark> | | 78.83 | 0.000024 | 0.75 | 44.49 | 20.97 | 0.13 |
| WC-1 | 510.2 | 100 YR (SPILL) | 25.67 | 75.20 | 78.84 | 75.80 | 78.84 | 0.000006 | 0.30 | 229.45 | 213.47 | 0.05 |
| WC-1 | 601.25 | | dge | | | | | | | | | |
| WC-1 | 601.3 | 100 YR (SPILL) | | 75.52 | 79.09 | 76.76 | 79.16 | 0.000102 | | | 207.79 | 0.19 |
| WC-1 | 601.4 | 100 YR (SPILL) | | 76.25 | 79.08 | 77.56 | 79.17 | 0.000451 | 1.30 | | 102.47 | 0.26 |
| WC-1 | 736 | 100 YR (SPILL) | | 76.31 | 79.19 | | 79.22 | 0.000320 | | | 147.26 | 0.22 |
| WC-1 | 755 | 100 YR (SPILL) | | 76.30 | 79.19 | | 79.23 | 0.000271 | | 46.23 | 46.11 | 0.19 |
| WC-1 | 865 | 100 YR (SPILL) | | 76.70 | 79.21 | | 79.27 | 0.000470 | | | 40.73 | 0.25 |
| WC-2 | 376 | 100 YR (SPILL) | | 74.88 | 78.82 | | 78.84 | 0.000015 | | 52.13 | 30.91 | 0.11 |
| WC-2 | 424.2 | 100 YR (SPILL) | 23.77 | 75.22 | 78.84 | 76.68 | 78.84 | 0.000015 | 0.41 | 320.70 | 371.79 | 0.07 |



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

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

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 | |
|-------------------------|-----------------------|--|
| Registered Owners(s) | NHDG (Waterfront) Inc | |
| Applicant(s)* | Same as above. | |
| Agent or Solicitor | GSP Group Inc. | |
| | | |

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:

| 4. Nature and extent of relief applied for: Please refer to Planning Justification Brief 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 Planning Justification Brief. Design elements and providing more appropriate ratios for apartment uses. 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): 310 Frances Ave. All of Lot 4, Block G, Part of Lot 5 Registered Plan M-101 7. PREVIOUS USE OF PROPERTY Residential Nature 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 filing occurred? Yes O No O Unknown O 8.3 Has a gas station been located on the subject land or adjacent lands? Yes O No O Unknown O 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes O No O Unknown O 8.5 Are there or have there ever been used as an agricultural operation where cyanide products may have been used as an agricultural operation where cyanide products may have been used as an agricultural operation where cyanide products may have been used as an agricultural operation where subject land or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as a magnicultural operation where subject land or adjacent lands ever been used as an agricultural operation where applied to the lands? Yes O | | onal sheets can be submitted if there is not sufficient room to answer the following ions. Additional sheets must be clearly labelled |
|---|-----|---|
| 5. Why it is not possible to comply with the provisions of the By-law? Please refer to Planning Justification Brief. Design elements and providing more appropriate ratios for apartment uses. 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): 310 Frances Ave. All of Lot 4, Block G, Part of Lot 5. Registered Plan M-101 7. PREVIOUS USE OF PROPERTY Residential I Industrial Commercial Agricultural Vacant ✔ Other 6. Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred? Yes O No O Unknown O 8.3 Has a gas station been located on the subject land or adjacent lands at any time? Yes O No O Unknown O 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes O No O Unknown O 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands? Yes O No O Unknown O 8.6 Have the lands or adjacent lands? Yes O No O Unknown O 8.6 Have the lands or adjacent lands? Yes O No O Unknown O 8.6 Have the lands or adjacent lands? Yes O No O Unknown O 8.6 Have the lands or adjacent lands? Yes O No O Unknown O 8.7 Have the lands or adjacent lands? Yes O No O Unknown O 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 O No O Unknown O 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 O No O Unknown O 8.9 If there are existing or previously existing buildings, are there any building materiats remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)? | 4. | |
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| Agricultural Vacant ✓ Other Other | 7. | PREVIOUS USE OF PROPERTY |
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| 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)? | 0.7 | |
| remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)? | 8.8 | of an operational/non-operational landfill or dump? |
| | 8.9 | |
| | | |

| 8.10 | uses on the site or ad | | t land may have been contaminated by former |
|------|---|---|---|
| 8.11 | What information did | you use to determin | ne the answers to 8.1 to 8.10 above? |
| | Knowledge of Lando | owner | |
| 8.12 | previous use inventor land adjacent to the s | ry showing all forme subject land, is need | |
| | Is the previous use in | iventory attached? | Yes No |
| 9. | | ne City of Hamilton is mination on the prop al to this Application. | s not responsible for the identification and perty which is the subject of this Application – by |
| | Date | | Signature Property Owner(s) |
| | | | NHDG (Waterfront) Inc. |
| | | | Print Name of Owner(s) |
| 10. | Dimensions of lands Frontage Depth | affected: _+- 58.9m along No _Varies | orth Service Road |
| | Area Width of street | +- 26m Frances A | ve and Green Road, NSR +- 22m |
| 11. | Particulars of all build | dings and structures | s on or proposed for the subject lands: (Specify nber of stories, width, length, height, etc.) |
| | None | | |
| | | | |
| | Proposed See attached plans. | | |
| | | | |
| 12. | Location of all buildin distance from side, re | | n or proposed for the subject lands; (Specify s) |
| | Existing: None | | |
| | Proposed: See attached plans. | | |

15.5m to front lot line (North Service Road) - required 0m,, 3.7m to southern side lot line - required 3m, 24.9m to eastern side lot line - required 3m, 5m to rear lot line (Frances Ave), 5m to side lot line (Green Road) - required 0m

| 13. | Date of | acquisition of | f subject lands: |
|-----|---------|----------------|------------------|
|-----|---------|----------------|------------------|

| Date of construction of all buildings and structures on subject lands: N/A |
|--|
| Existing uses of the subject property (single family, duplex, retail, factory etc.): |
| Vacant |
| Existing uses of abutting properties (single family, duplex, retail, factory etc.): |
| East - Storm water management chanel. (north, west, south abut municipal rds) |
| Length of time the existing uses of the subject property have continued: N/A |
| Municipal services available: (check the appropriate space or spaces) Water |
| Neighbourhoods |
| Present Restricted Area By-law (Zoning By-law) provisions applying to the land: |
| MUC-4 (ZBL 6392-92), P5 (ZBL 05-200) |
| Has the owner previously applied for relief in respect of the subject property? Yes No 🖌 If the answer is yes, describe briefly. |
| Is the subject property the subject of a current application for consent under Section 5 the <i>Planning Act?</i> |
| Additional Information |
| See attached Planning Justification Brief. |
| The applicant shall attach to each copy of this application a plan showing the dimension of the subject lands and of all abutting lands and showing the location, size and type of 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. |

Page 4 of 6