



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.:** GL/A-21:412

**APPLICANTS:** Owner Rob-Geof Properties Ltd.  
Agent A.J. Clarke & Associates c/o R. Ferrari

**SUBJECT PROPERTY:** Municipal address **295 Tanglewood Dr., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 464, as Amended by By-law No. 19:207

**ZONING:** RM2-316 district (Residential Multiple)

**PROPOSAL:** To permit the development of a 70 unit back-to-back maisonette development in accordance with Site Plan Control Application DA-21-049 notwithstanding that:

1. The lot area of lot #258 shall be at least 89.0m<sup>2</sup> instead of the minimum lot area of 90.0m<sup>2</sup> required for each unit.
2. Tandem parking shall be provided for each back-to-back (maisonette) unit whereas the by-law requires each parking space to have adequate and unobstructed access from a street.
3. No direct access (manoeuvring space) shall be provided for each parking space whereas the by-law requires a minimum 6.0m driveway, lane or aisle between each parking space and the street.

**NOTES:**

- i. These variances are necessary to facilitate DA-21-049.
- ii. Each proposed back-to-back maisonette unit is required to provide two (2) parking spaces. As it relates to variance #2 and #3, an obstructed parking space (tandem parking) and with no on-site manoeuvring space is only permitted for Single Detached, Semi-Detached, Street Townhouse and Block Townhouse Dwellings. These exemptions contained within Glanbrook Zoning By-law 464 do not specifically apply to parking spaces accessory to a Back-to-Back Maisonette use.

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

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**DATE:** Thursday, January 20<sup>th</sup>, 2022  
**TIME:** 3:35 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)

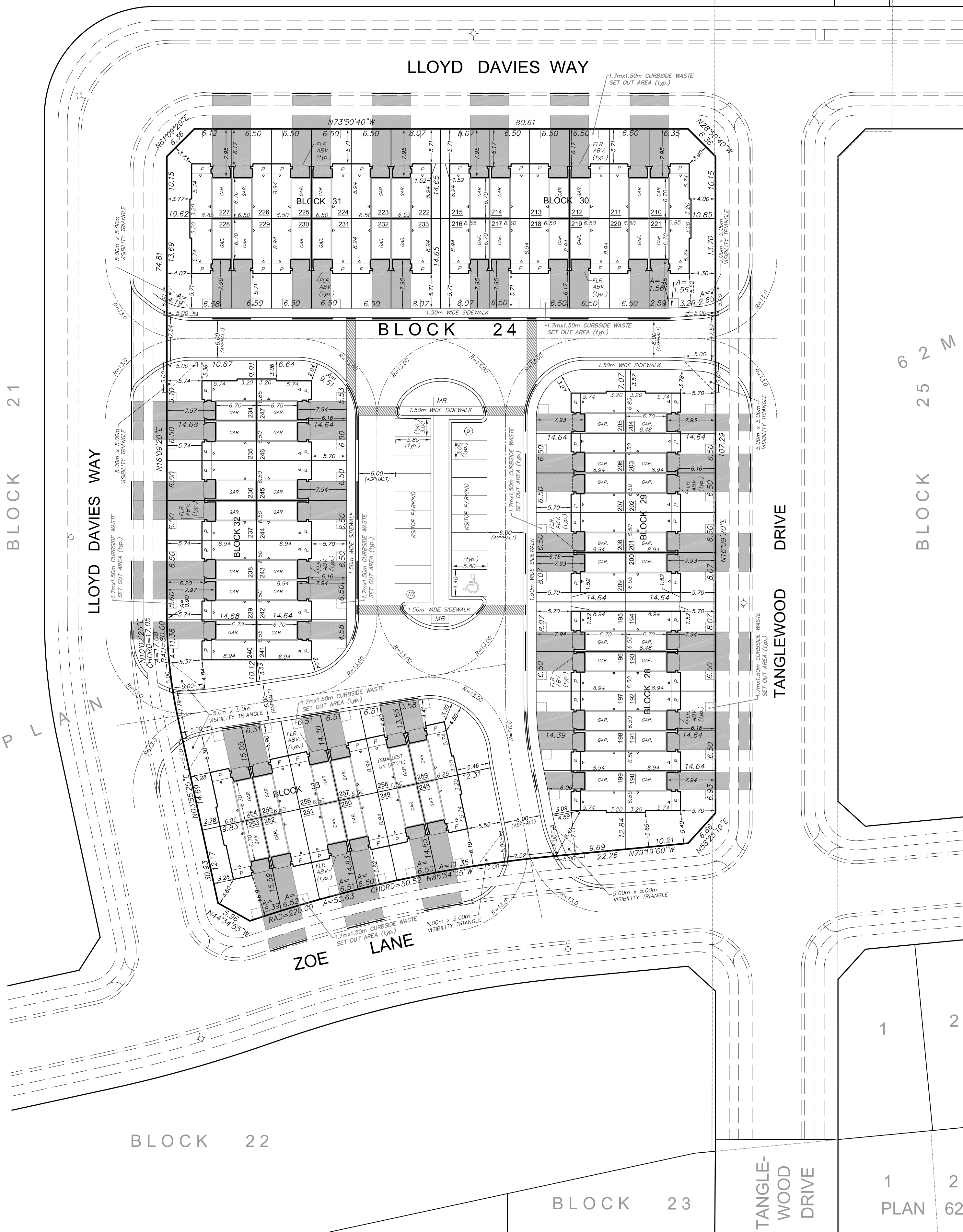
DATED: January 4<sup>th</sup>, 2022.

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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.***

Site Stats Table RM2-316					
Section	Provision	Required	Provided		
18.1	Permitted Uses	Maisonettes	Maisonettes, subject to the RM2-313 Zone		
18.2 (a)	Min Lot Frontage	6.0m	Min 6.50m		
18.2 (b)	Min Lot Area	90.0m2	89.29m2 (Unit/POTL 258)		
18.2 (c)	Lot Coverage	60%	57.18% (LOT 258)		
18.2 (d)	Minimum Front Yard	4.5m to Dwellings, 5.8m to Garage	4.4m, 6m to garage		
18.2 (e)	Minimum Side Yard	1.2m	1.52m		
18.2 (f)	Minimum Rear Yard	N/A	N/A		
18.2 (g)	Minimum Floor Area Dwelling Unit	N/A	N/A		
18.2 (h)	Max Height	11.5m (3 storeys)	11.2m (3 storeys)		
18.2 (i)	Minimum Landscaped Areas	Min 15% within the Front Yard	43.89% (UNIT/POTL 258)		
18.2 (j)	Planting Strip	N/A	N/A		
18.2 (k)	Dwelling Unit Placement	Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1.1 metres or without varying the exterior design of the dwelling.	Dwellings are staggered.		
18.2 (l)	Minimum Parking	Subject to 7.35, 11.5 and 11.6	See below		
Section 7.33 Parking					
Section	Provision	Required	Provided		Conforms
7.35 (a) (i)	In addition to the parking requirements pursuant to Subsection 7.35 of this By-law, the following provisions shall also apply to parking spaces in Residential Zones	Every Block Townhouse Dwelling and Maisonette Dwelling unit shall provide and maintain 2 parking spaces within the driveway and 0.25 visitor Parking Spaces per unit.	70+ plus 19 Visitor Spaces		Yes
7.35 (a) (iv)		the parking facilities shall have adequate access from a street to permit unobstructed ingress and egress of motor vehicles. Notwithstanding the foregoing, tandem parking is permitted for single detached, semi-detached, street townhouse and block townhouse dwellings, and home occupations and home professions.	Adequate Access; Tandem Parking is Provided		No
7.35 (a) (v)		Each required parking space shall be permanently accessible and shall be located to avoid interfering with any loading facilities, garbage storage and collection, and any fire route	Parking Spaces are permanently Accessible		Yes
7.35 (vi)	Access to parking spaces, except those accessory to single detached, semi-detached, street townhouse or block townhouse dwellings, shall be provided in accordance with the following provisions:				
7.35		(a) Direct Access Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a minimum width of 6 metres (20 feet); and	The presumed parking spaces to be located on the driveway of each unit does not provide the required 6.0m direct access between the parking space and the street line (i.e. manoeuvring space)		No
7.35		(b) Indirect Access A driveway or lane which does not provide ingress or egress directly to a parking space, shall have a minimum width of 4.5 metres (15 feet) where designed for one-way vehicular circulation or a minimum width of 6 metres (20 feet) where designated for two-way vehicular circulation.	6.00m Access		Yes
7.35		Parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.	3.0m x 5.8m		Yes
7.35		All parking areas shall be constructed with a stable surface, shall have adequate drainage and shall be permanently maintained.	Asphalt		Yes
7.35		All parking areas required for the accommodation of more than four (4) vehicles shall have lighting sufficient in intensity and number to provide for public safety, and such lighting shall be directed away from abutting lots and streets, and the equipment shall be permanently maintained	See Lighting Plan		Yes
7.35	In all Zones, parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10) parking spaces are required, as follows:				
7.35		(A) One (1) space for each 50 required spaces up to a total of 200 required spaces, plus one (1) space for each additional 100 required spaces or part thereof.	1 Barrier Free Space Provided		Yes
By-law 19-207		Every Block Townhouse Dwelling and Maisonette Dwelling unit shall provide and maintain 2 parking spaces within the driveway and 0.25 visitor Parking Spaces per unit.	Two (2) parking spaces are provided for each unit/lot; plus 19 visitor spaces		Yes
Section 11.6 - Parking Spaces in Residential Zones					
By-law 19-207	In addition to the parking requirements pursuant to Subsection 7.35 of this By-law, the following provisions shall also apply to parking spaces in Residential Zones	At least 10% of the total parking areas shall not occupy more than thirty five percent (35%) of the total lot area.	24.03% (Unit/POTL 258)		
Section 7.26 General Provisions					
Section	Provision	Required	Provided		Conforms
By-law 19-207	Encroachments into Front Yard	Covered porches may project into any required front yard a distance of not more than 3.0m.	All porches are greater than 1.5m from a front lot line.		Yes
By-law 19-207	Encroachments into Front Yard	Stairs may project into any required front yard a distance of not more than 3.0m.			
By-law 19-207	Encroachments into Front Yard	Eaves and Gutters may project not more than 0.5m into any required yard.	0.34m		Yes
7.26	Encroachments into Side Yard	Eaves and Gutters may project not more than 0.5m into any required yard.	0.34m		Yes



# UNDERTAKING

RE: \_\_\_\_\_, File No DA-21-049

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 on or before \_\_\_\_\_;

(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; and,

(d) in the event that the Owner does not comply with the plan dated \_\_\_\_\_ land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan, the owner agrees that the City may enter the land and so the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) that the Owner agrees to display the municipal number or full address on a sign in accordance with the City's Sign By-Law, near the entrances in a manner that is visible from the street.

(f) include on all offers to purchase and sale, a statement that advises the prospective purchaser.

i) that the home/business mail delivery will be from a designated Centralized Mail Box.

ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(g) the owner further agrees to:

i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

ii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iii) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

v) Maps are also to be prominently displayed in the sales office (s) showing specific Centralized Mail Facility locations.

(h) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Witness (signature) \_\_\_\_\_ Owner (signature) \_\_\_\_\_ (seal)

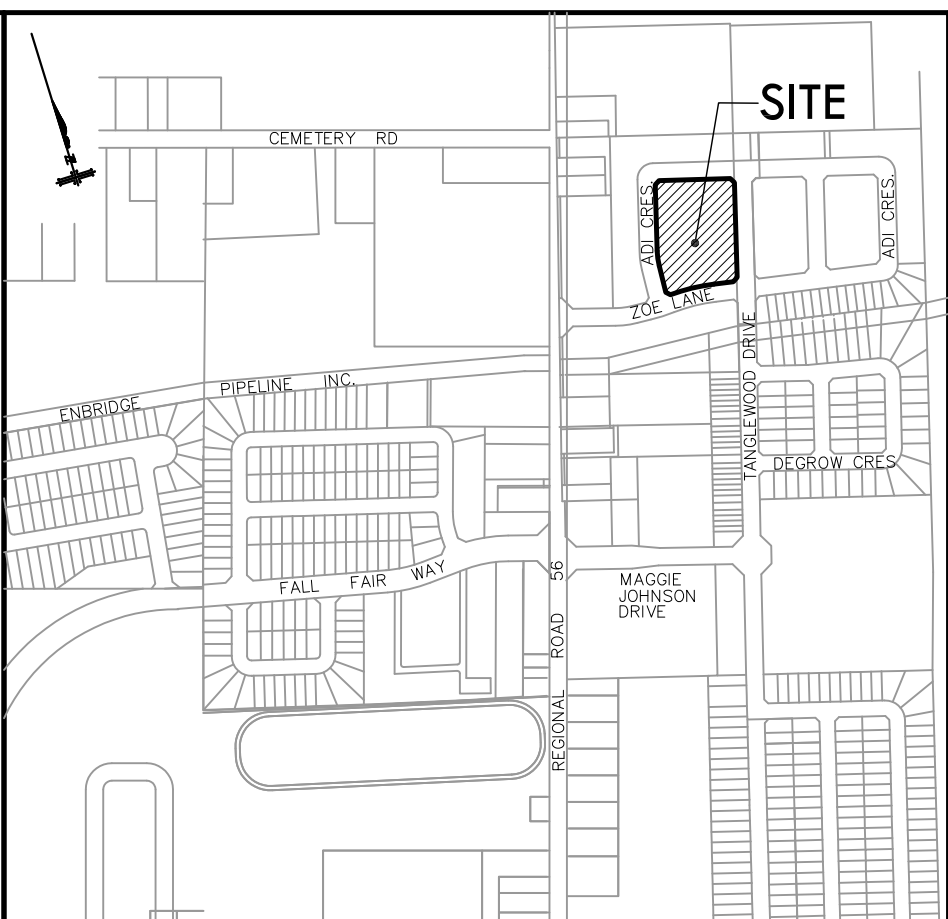
Witness (print) \_\_\_\_\_ Owner (print) \_\_\_\_\_

Address of Witness \_\_\_\_\_

## NOTES:

1. 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.
2. 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.
3. Main driveway dimensions at the property line boundaries are plus or minus 7.5m unless otherwise stated.
4. All driveways from property lines for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
5. 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, but not limited to the following:

-Building permit	-Sewer and water permits
-Road cut permits	-Relocation of services
-Approach approval permits	-Encroachment Agreements ( if required)
-Committee of Adjustment	
6. Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
7. 5.00 metre by 5.00 metre visibility triangles, in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.
8. Proposed signage shall conform to the City's Sign and Other Devices By-law No. 10-197.
9. All new fencing shall be in accordance with the City's Fence By-law 10-142.
10. Lighting must be directed on site and must not spill over to adjacent properties or streets.
11. The storage of snow should be accommodated within the site. Where and when there is insufficient on-site snow storage, all snow cleared from hard surface areas must be removed from the site and is the sole responsibility of the owners/tenants.
12. This property is eligible for weekly collection of garbage, recycling, organics, and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and the City's Solid Waste Management By-law 09-067.
13. Each unit will have a min. 2.5m<sup>2</sup> storage area for waste material within each unit separate from the living space.

[illegible]

**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**

<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	NAME	MAILING ADDRESS
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:  
N/A



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:

See attached cover letter.

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

See attached 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**):

Block 24 - Jackson Heights Extension Draft Approved Subdivision

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?

Property owner information.

- 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.

September 8, 2021  
Date

  
Signature Property Owner(s)  
Philip Coleman Robinson  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>Lloyd Davies Way: 203m Tanglewood Drive: 107m Zoe Lane</u>
Depth	<u>Irregular</u>
Area	<u>1.07 ha</u>
Width of street	<u>20.1m</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

See attached Site Plan; Construct 70 Maisonette Dwellings having a maximum height of 11.2m, inclusive of 22 visitor parking spaces and 2 parking spaces per dwelling unit.

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:

See attached Site Plan; 70 Maisonette Dwellings having a maximum height of 11.2m, inclusive of 22 visitor parking spaces and 2 parking spaces per dwelling unit.

13. Date of acquisition of subject lands:
- 
14. Date of construction of all buildings and structures on subject lands:  
TBD
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Street Townhouse Dwellings
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Detached Dwellings
17. Length of time the existing uses of the subject property have continued:  
N.A.
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Binbrook Village Secondary Plan - Low Density Residential 2d
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Residential Multiple RM3-316 Zone, Modified
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  
Variances required to facilitate Site Plan File DA-21-049
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

November 8, 2021

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

***Delivered via email***

Attn: Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**Re: Minor Variance Application  
Block 24 – Jackson Heights Extension (295 Tanglewood Drive), City of Hamilton**

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Dear Ms. Sheffield,

On behalf of our client, Rob-Geof Properties Ltd., we are pleased to provide you with the enclosed submission in support of an application for minor variance on the subject lands. Please find the following enclosed materials in support of the subject application:

1. 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;
2. One (1) Electronic copy of the signed and executed minor variance application form;
3. One (1) Electronic copy of the Site Plan;

The proposed development is currently subject to Site Plan Control File # DA-21-058. The proposal is to construct 70 back-to-back Maisonette Dwellings, having a height of 3 storeys (11.2m). In total, 19 visitor parking spaces are proposed.

The subject lands are designated Low Density Residential 3c on Map.B.2-2 – Binbrook Village Secondary Plan. In addition, the subject lands are subject to Site Specific Policy Area Q. Maisonette Dwellings are permitted on the subject property. The subject lands are zoned Residential Multiple “RM3-313” Zone in the Glanbrook Zoning By-law No. 464. The proposed maisonettes are permitted under the current zoning.

The subject development is being completed concurrently with the registration of the Jackson Heights Extension Subdivision. The proposal will facilitate the development of Block 24, which will be municipally known as 295 Tanglewood Drive once registration is finalized.





## Minor Variance

The following variance is required to facilitate the Site Plan Application:

1. To permit tandem parking spaces for maisonette dwellings whereas the By-law does not permit tandem parking for maisonette dwellings
2. To permit no maneuvering space for each maisonette dwellings whereas the by-law requires 6.0m direct access between the parking space and the street line.
3. To permit a minimum lot size of 89m<sup>2</sup> for Unit 258 whereas the minimum lot size per unit is 90m<sup>2</sup>.

In our opinion, the variances taken both collectively and individually meet the four requisite tests under Section 45 (1) of the *Planning Act*. The Variances will facilitate the building out of the Jackson Heights Extension subdivision once registered and are very minor in the context of the overall neighbourhood.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

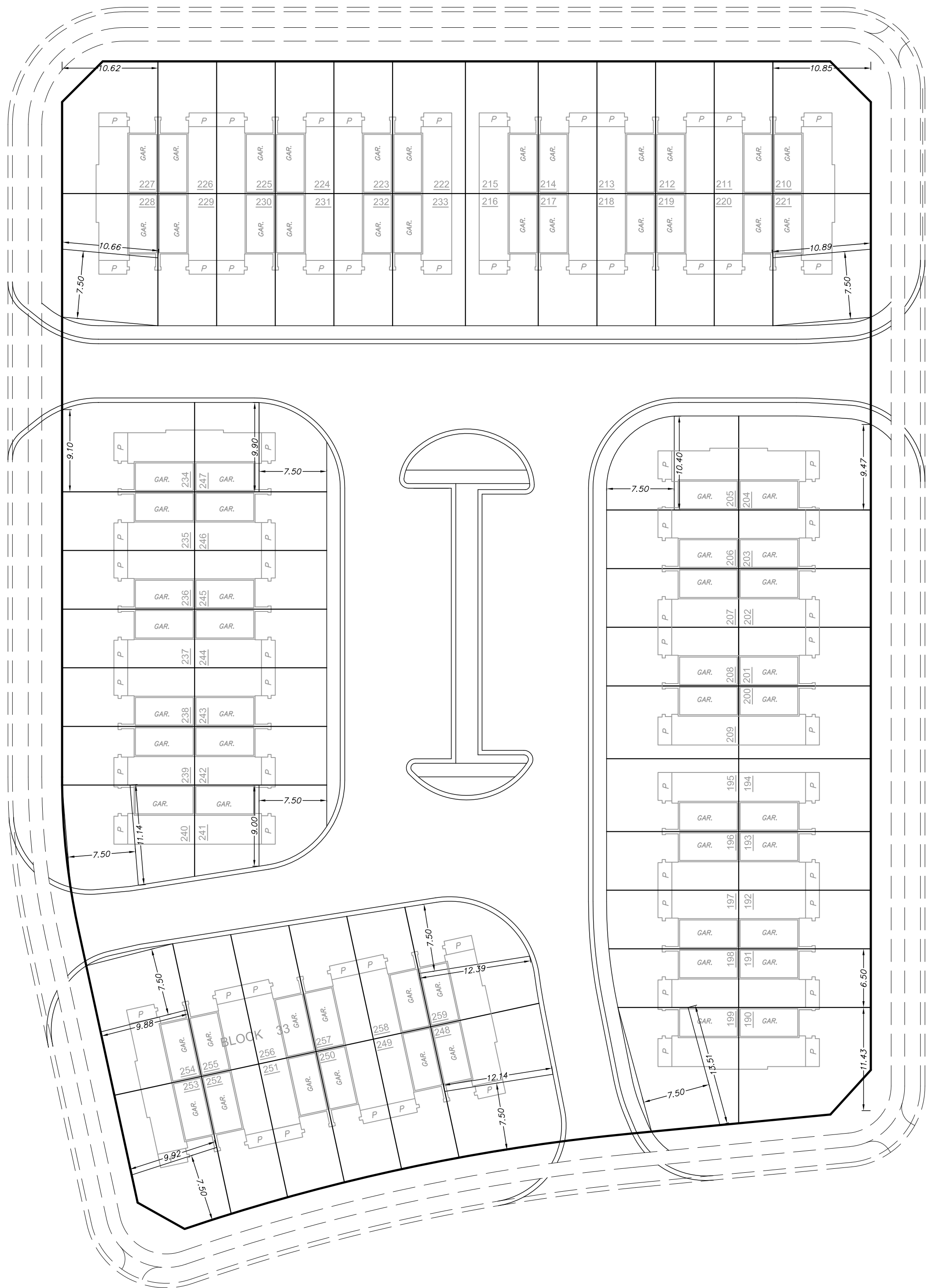
A handwritten signature in blue ink that reads "Ryan Ferrari".

Ryan Ferrari, BURPI, CPT  
**A. J. Clarke and Associates Ltd.**

Encl.

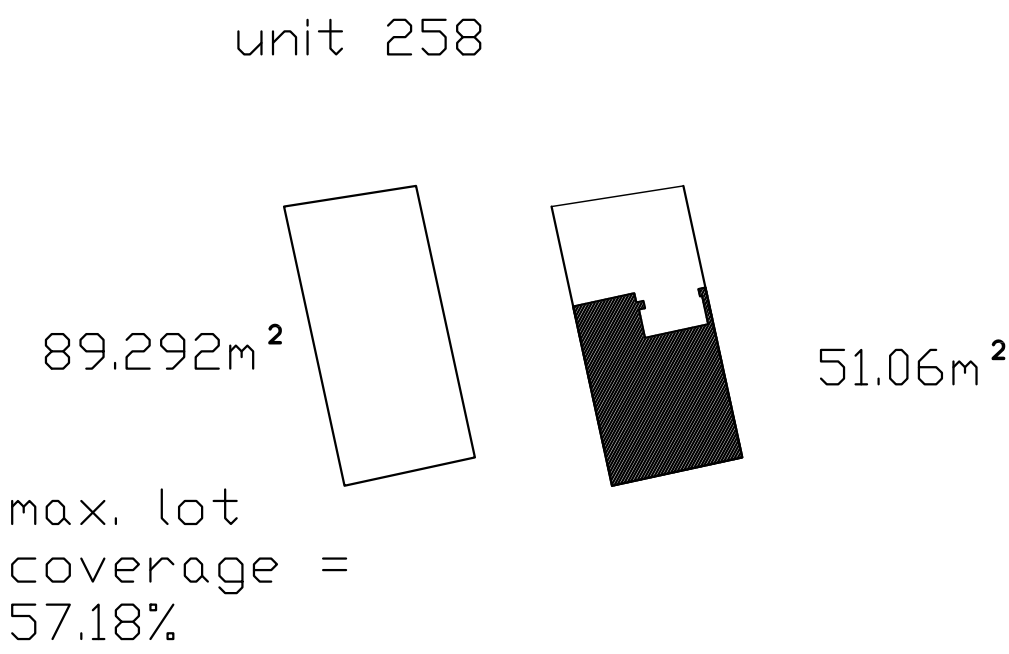
Copy: Rob-Geof Properties Ltd. (email)

LOT FRONTAGE OF CORNER LOTS

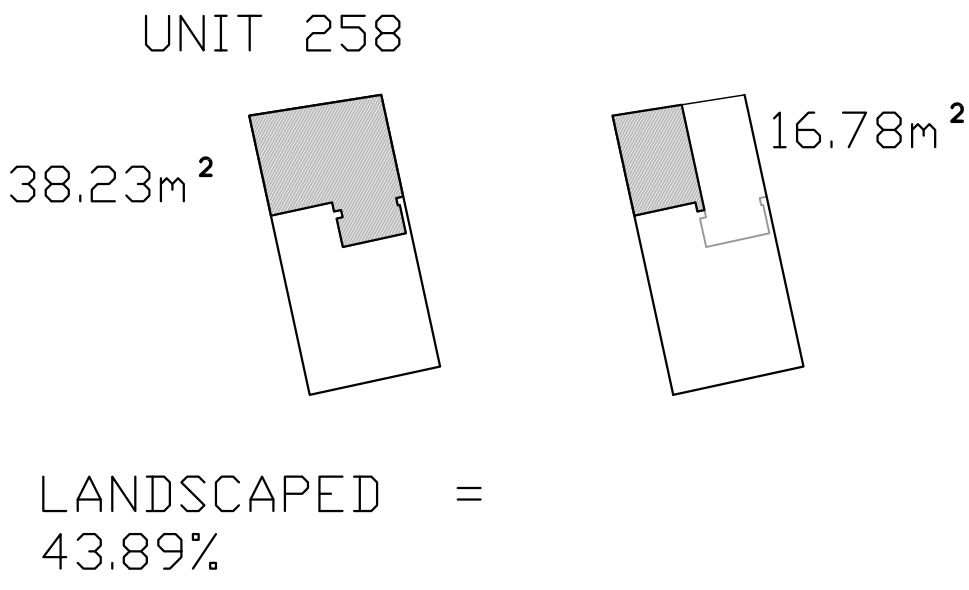


Unit No.	Lot Frontage
190	11.43m
199	13.51m
204	9.47m
205	10.40m
210	10.85m
221	10.89m
227	10.62m
228	10.66m
234	9.10m
240	11.14m
241	9.00m
247	9.90m
248	12.14m
253	9.92m
254	9.88m
259	12.39m

LOT COVERAGE  
(min. 60%)



LANDSCAPED  
(min. 15% of front yard)



DRIVEWAY  
(max. 35% of POTL)

