

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-21:433

APPLICANTS: Agent Urban Solutions c/o M. Johnston
Owner Luina Local 837 c/o R. Persi

SUBJECT PROPERTY: Municipal address **536 Upper Paradise Rd., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 01-197

ZONING: "DE/S-1449" (Low Density Multiple Dwellings) district

PROPOSAL: To permit a proposed 160 m² General Office or Medical Office (to be located in the northeast corner) within the existing building known as Regina Gardens Long Term Care Residence (located on Block 3 & 4 of By-Law 01-097) notwithstanding that;

1. The proposed use of a stand-alone general office or medical office shall be permitted notwithstanding that the uses are not permitted in the current zoning designation; and
2. A minimum of zero parking spaces shall be permitted instead of the minimum required 9 parking spaces for a medical clinic.

Notes; Variances have been written as requested by the applicant. Please note that a General Office less than 450 .0 m² in GFA does not require parking

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

DATE: Thursday, February 3rd, 2022
TIME: 1:15 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

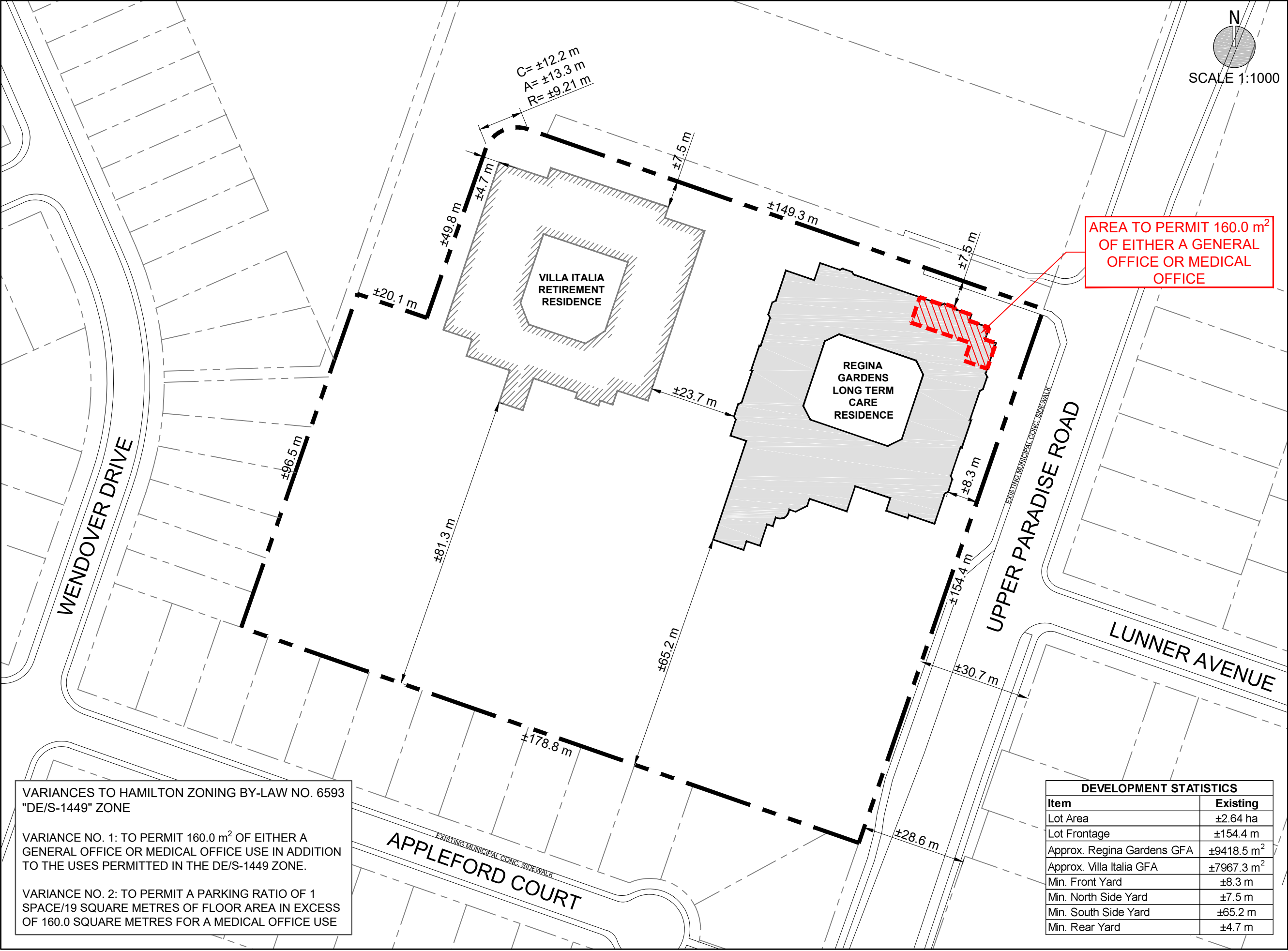
For more information on this matter, including access to drawings illustrating this request:

- 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: January 18th, 2021.

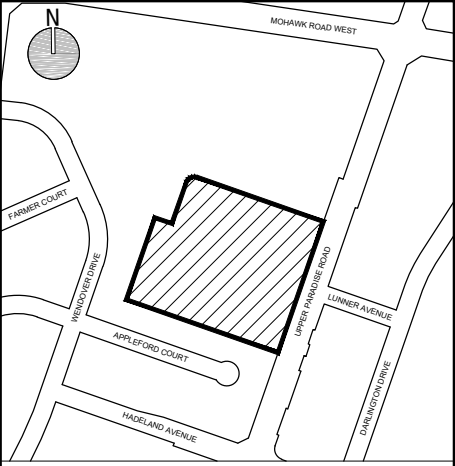
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



N

SCALE 1:1000



KEY MAP - N.T.S.

SCALE: 1:1000 METRES

0 5 10 20 30

- LEGEND:
- SUBJECT LANDS
 - PROPERTY BOUNDARIES
 - SUBJECT BUILDING
 - EXISTING BUILDING
 - INTERIOR AREA SUBJECT TO MINOR VARIANCE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON
CHECKED BY: M. JOHNSTON
DRAWN BY: S. ERICKSON
DATE: NOVEMBER 30, 2021

URBANSOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
**536 UPPER PARADISE ROAD
CITY OF HAMILTON**

CLIENT:
**LIUNA LOCAL 837 NURSING HOME
II LIMITED PARTNERSHIP**

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 421-21
SHEET NUMBER: 1

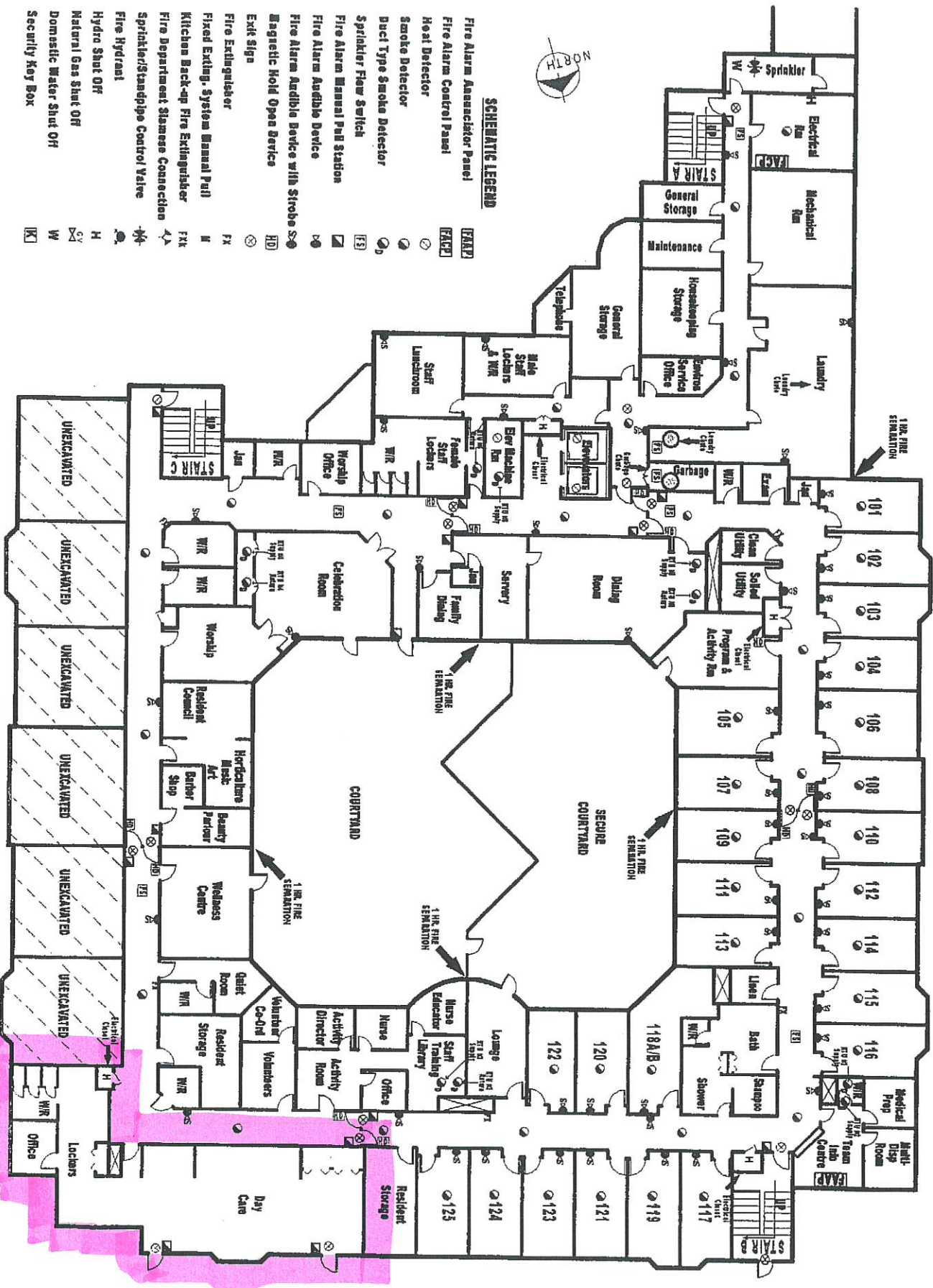
VARIANCES TO HAMILTON ZONING BY-LAW NO. 6593 "DE/S-1449" ZONE

VARIANCE NO. 1: TO PERMIT 160.0 m² OF EITHER A GENERAL OFFICE OR MEDICAL OFFICE USE IN ADDITION TO THE USES PERMITTED IN THE DE/S-1449 ZONE.

VARIANCE NO. 2: TO PERMIT A PARKING RATIO OF 1 SPACE/19 SQUARE METRES OF FLOOR AREA IN EXCESS OF 160.0 SQUARE METRES FOR A MEDICAL OFFICE USE

DEVELOPMENT STATISTICS	
Item	Existing
Lot Area	±2.64 ha
Lot Frontage	±154.4 m
Approx. Regina Gardens GFA	±9418.5 m ²
Approx. Villa Italia GFA	±7967.3 m ²
Min. Front Yard	±8.3 m
Min. North Side Yard	±7.5 m
Min. South Side Yard	±65.2 m
Min. Rear Yard	±4.7 m

LONG TERM CARE FACILITY
526 UPPER PARADISE ROAD
1ST FLOOR PLAN





VARIANCES TO HAMILTON ZONING BY-LAW NO. 6593 "DE/S-1449" ZONE

VARIANCE NO. 1: TO PERMIT 160.0 m² OF EITHER A GENERAL OFFICE OR MEDICAL OFFICE USE IN ADDITION TO THE USES PERMITTED IN THE DE/S-1449 ZONE.

VARIANCE NO. 2: TO PERMIT A PARKING RATIO OF 1 SPACE/19 SQUARE METRES OF FLOOR AREA IN EXCESS OF 160.0 SQUARE METRES FOR A MEDICAL OFFICE USE

DEVELOPMENT STATISTICS	
Item	Existing
Lot Area	±2.64 ha
Lot Frontage	±154.4 m
Approx. Regina Gardens GFA	±9418.5 m ²
Approx. Villa Italia GFA	±7967.3 m ²
Min. Front Yard	±8.3 m
Min. North Side Yard	±7.5 m
Min. South Side Yard	±65.2 m
Min. Rear Yard	±4.7 m

N

SCALE 1:1000

KEY MAP - N.T.S.

SCALE: 1:1000 METRES

05102030

LEGEND:

SUBJECT LANDS

PROPERTY BOUNDARIES

SUBJECT BUILDING

EXISTING BUILDING

INTERIOR AREA SUBJECT TO MINOR VARIANCE

NOT FOR CONSTRUCTION

ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. ERICKSON

CHECKED BY: M. JOHNSTON

DRAWN BY: S. ERICKSON

DATE: NOVEMBER 30, 2021

URBANSOLUTIONS

PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1

HAMILTON, ON L8L 0C8

905-546-1087 - urbansolutions.info

PROJECT:

536 UPPER PARADISE ROAD

CITY OF HAMILTON

CLIENT:

LIUNA LOCAL 837 NURSING HOME

II LIMITED PARTNERSHIP

TITLE:

MINOR VARIANCE SKETCH

U/S FILE NUMBER:

421-21

SHEET NUMBER:

1



December 2, 2021

421-21

Via Email and Delivered

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 536 Upper Paradise Road, Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for LiUNA Local 837 Nursing Home II Limited Partnership, registered owner of the lands known municipally as 536 Upper Paradise Road, in the City of Hamilton. On behalf of the owners, has prepared the enclosed Minor Variance application for the City of Hamilton.

The subject lands share the property with the Villa Italia Retirement Residence and the Regina Gardens Long Term Care Residence, which opened its doors in 2004. The Regina Gardens Long Term Care Residence is specifically the subject of the Minor Variance application. The building is home to 128 residents requiring 24-hour nursing care. The initial structure contained a 150.0 m² daycare in the northeast wing of the building, which was later used by Affiliated Services for Children and Youth as a professional office for children's mental health from 2013 onwards as indicated on the enclosed Floor Plans. During the COVID-19 pandemic, Affiliated Services for Children and Youth could no longer afford to use the space as their office. Now the Regina Gardens Long Term Care Residence is seeking to expand the permitted uses applicable to the subject lands to accommodate a different office use. This will help to utilize the existing office space which is currently vacant and mitigate the financial implications of losing the Affiliated Services for Children and Youth as a tenant.

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan. Additionally, the property is located in the Low Density Multiple Dwellings, Etc. "DE/S-1449" District in the City of Hamilton Zoning By-law No. 6593. A site specific Zoning by-law No. 01-097 also applies to the lands which was passed on May 29, 2001 to facilitate the proposed built form on site and to allow for a professional office for children's mental health as a permitted use. The site specific Zoning By-law accommodated the previous tenants of the space subject to this application.

The Minor Variance application is required to permit a proposed office use within the existing building on the subject lands. This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 6593 with respect to the Low Density Multiple Dwellings “DE/S-1449” District as follows:

- **Variance No. 1:** To permit 160.0 m² of either a General Office or Medical Office use in addition to the uses permitted in the DE/S-1449 Zone.
- **Variance No. 2:** To permit a parking ratio of 1 space/19 square metres of floor area in excess of 160.0 square metres for a Medical Office use.

To assist in the evaluation of this application, please refer to the enclosed Committee of Adjustment Sketch.

In accordance with Section 45(2)(a)(ii) of the *Planning Act*, the Committee may permit the use of a building for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the applicable by-law was passed. The first proposed variance regarding permitted uses should accordingly be evaluated against Section 45(2)(a)(ii) of the *Planning Act*. The proposed variance would permit uses which are similar in nature to the professional office for children’s mental health that was approved to be permitted on the subject lands through Zoning By-law No. 01-197. Further, the Medical Office use specifically aligns with the health-focused function of the existing Regina Gardens Long Term Care facility and would be a compatible and appropriate accessory use.

Justification for the second proposed variance has been provided below in accordance with Section 45(1) of the *Planning Act*:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan which permits the proposed use of the lands. Chapter E, Section 3.1.2 indicates that one of the policy goals of the Neighbourhoods designation is to develop neighbourhoods as complete communities where people can live, work, shop, learn and play. As outlined in Chapter E, Section 3.2.3(d) of the Official Plan, local commercial uses are permitted within lands designated as Neighbourhoods. Further, Chapter E, Section 3.2.15 of the UHOP encourages the adaptive reuse of the existing building stock for appropriate land uses. The intent of these policies is to encourage and accommodate compatible forms of land uses, including commercial uses, within existing building stock which is exemplified in the subject application. The Minor Variance related to the required parking ratio for a Medical Office use aids in facilitating the adaptive reuse of an unused portion of the Regina Gardens facility. As such, the variance being requested is in keeping with the purpose and intent of the Urban Hamilton Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?

The subject property is located in the Low Density Multiple Dwellings “DE/S-1449” District, in Zoning By-law No. 6593.

The variance requested is to permit a minimum parking ratio of 1 space per 19 square metres of floor area in excess of 160.0 square metres for a Medical Office use within the existing building located on the subject lands. The intent of Section 18A, Table 1 of Zoning By-law No. 6593, as it relates to this application, is to ensure General Office uses provide parking spaces for the floor area in excess of 450.0 square metres and to provide parking spaces at a rate of 1 per 19 square metres of Medical Office floor area. As the site presently contains a surface parking lot to accommodate the residents and employees of Regina Gardens, there is some parking available should the proposed use(s) require. Additionally, due to the modest size of the proposed office use, it is not anticipated to generate a parking demand that the existing surface parking on site could not accommodate. The proposal requests a parking ratio is similar to that which is attributed to a General Office use and conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variance is minor in nature as the existing built form on site is not proposed to be altered and the requested Medical Office parking ratio is similar to that which is applicable to a General Office use. However, rather than requiring parking spaces for floor area beyond 450.0 m² like the General Office use, the variance we are requesting would require parking at the applicable rate for any floor area beyond 160.0 m² to ensure a level of control for the proposed Medical Office use. This variance will permit the existing condition of built form which is not proposed to be altered. Further, the space allocated to the proposed office uses is 150.0 m² and will not result in a large increase in parking demand on site. Given that all other regulations of the By-law remain and the existing built form is not set to change, the request is consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The requested variance will provide greater flexibility to the registered owner in order to lease the underutilized space within their existing building. As the proposed office uses are similar in nature to the permitted professional office for children’s mental health use, the built form and land use will be in keeping with the character of the surrounding area and represents a use of land that maintains the intent of the Urban Hamilton Official Plan and Zoning By-law 6593. Additionally, the variance to the parking ratio applicable to the Medical Office use is desirable as the modest size of the office space is not anticipated to generate a parking demand that cannot be accommodated by the existing parking facilities on site. Therefore, the application is desirable and appropriate for the subject lands.


As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of our Minor Variance application, please find enclosed the following:

- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Regina Gardens Long Term Care Facility 1st Floor Plan;
- One (1) copy of the Aerial Minor Variance Sketch completed by UrbanSolutions;
- One (1) copy of the Minor Variance Sketch completed by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,320.00** made payable to the City of Hamilton.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: LiUNA Local 837 Nursing Home II Limited Partnership
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc.
Councillor Terry Whitehead, Ward 14, City of 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

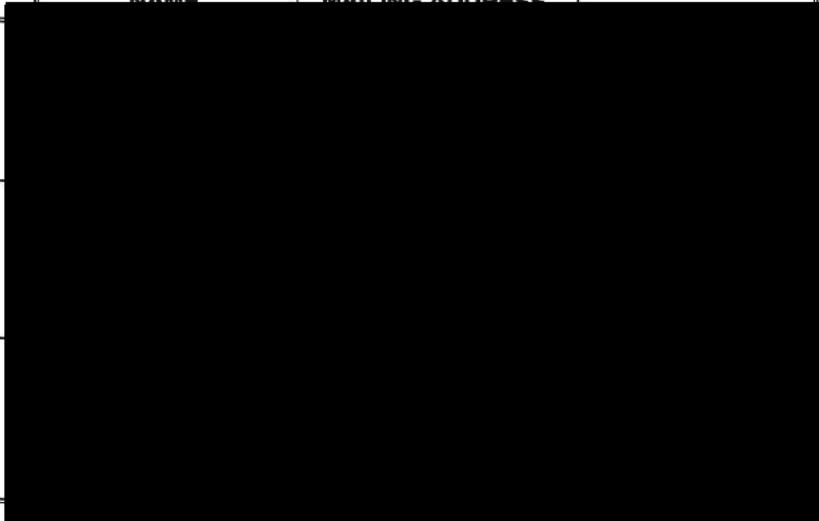
APPLICATION FOR A MINOR VARIANCE

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	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:

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**):

536 Upper Paradise Road, Hamilton, ON, L9C 5E3

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☒
Agricultural ☐ Vacant ☐ Other ☐

Other Residential: Long Term Care Residence // Commercial: Professional office for children's mental health

- 8.1 If Industrial or Commercial, specify use Refer to above
- 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 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 ☒

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.

Nov 26/21
Date


Signature Property Owner(s)

Riccardo Persi
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+/- 152.60 metres</u>
Depth	<u>+/- 177.10 metres</u>
Area	<u>+/- 25,846.30 square metres</u>
Width of street	<u>+/- 28.40 metres</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: _

2-storeys, +/- 3,746.3 square metres, +/- 61.2 metres in width
+/- 79.7 metres in length (at longest point), +/- 54.7 metres in length (at shortest point)

Proposed N/A

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

Existing: +/- 7.5 metres from front lot line, +/- 65.8 metres from southern side lot line
+/- 86.6 metres from rear lot line, +/- 8.3 metres from northern side lot line

Proposed: N/A

13. Date of acquisition of subject lands:
Unknown
-
14. Date of construction of all buildings and structures on subject lands:
2003
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Long Term Care Residence
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Long Term Care Residence (Villa Italia)
Children's Residence (Affiliated Services for Children and Youth)
17. Length of time the existing uses of the subject property have continued:
17 years
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:
Neighbourhoods designation in Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Low Density Multiple Dwellings "DE/S-1449" in City of Hamilton Zoning By-law No. 6593
21. Has the owner previously applied for relief in respect of the subject property?
Yes ☒ No ☐
If the answer is yes, describe briefly.
HM/A-04:296 - To permit two signs on the property whereas only one is permitted. - APPROVED January 12, 2005
HM/A-05:107 - To permit a day nursery to be located on the subject lands, which fall within the minimum separation distance of 180 metres of another day nursery. - APPROVED May 18, 2005
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.