



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.:** HM/A-21:455

**APPLICANTS:** Agent Michael Barton  
Owner Malleum Real Estate Partners IV

**SUBJECT PROPERTY:** Municipal address **6-8 Steven St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** "TOC1" (Transit Oriented Corridor Mixed Use Medium Density) district

**PROPOSAL:** To permit the creation of two (2) lots as per Consent Application HM/B-21:125 and in addition to permit the existing uses to be maintained, notwithstanding that;

Lands to be retained (571 – 575 King Street East):

1. A minimum rear yard of 5.0m shall be permitted instead of the minimum 7.5m rear yard required.
2. A balcony shall be permitted to encroach into a required rear yard a maximum of 2.5m and therefore may be located as close as 2.5m from a rear lot line instead of the maximum 1.0m encroachment permitted.
3. A porch shall be permitted to encroach into a required rear yard a maximum of 2.5m and therefore, may be located as close as 2.5m from a rear lot line instead of the maximum 1.5m encroachment permitted.

Lands to be severed (6 – 8 Steven Street):

1. A minimum 0.0m setback shall be permitted from a street line instead of the minimum 3.0m setback required.
2. The existing easterly yard shall be permitted as the rear yard instead of the minimum 7.5m rear yard required.
3. No parking spaces shall be required instead of the minimum two (2) parking spaces required.

Notes: This application is to be heard concurrently with Consent Application HM/B-21:125.

The applicant requested a variance to the rear yard of 6.79m to the retained lands; however, the proposed rear yard appears to be less. In addition, the new rear yard for the severed lands was not shown. The applicant shall ensure that the rear yard variances as well as the encroachments variances are correct; otherwise, further variances shall be required.

The applicant requested a variance to permit zero parking spaces for the retained lands; however, this variance is not required as no parking is required to be maintained for these lands.

Building records indicate that the recognized use is for the severed lands (6 & 8 Steven Street) is a semi-detached two (2) family dwelling which is permitted as "existing" use prior to the passing of the by-law (Feb. 14, 2018).

Building records indicate that the recognized use for the retained lands (571-575 King Street East) is a building containing three (3) commercial units on the ground floor and three (3) dwelling units above.

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

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**DATE:** Thursday, February 17th, 2022  
**TIME:** 1:25 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: February 1st, 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.***





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**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**

**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:

Severed lands: 1. To permit zero parking spaces while 2 spaces (1 per dwelling unit) are required (existing condition); 2. To permit a building setback from the street line (Steven Street) of 0.0 metres while 3.0 metres is required (existing condition); 3. To permit the existing rear yard setback

Retained lands: 1. To permit zero parking spaces while 1 space is required for 3 apartment units (0.3 per dwelling unit in a Transit Oriented Corridor zone)(existing condition); 2. To permit a minimum rear yard setback of 6.79 metres while 7.5 metres is required

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 Report submitted with this 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**):

Lot 14 and Part of Lot 13, Registered Plan 43, City of Hamilton

6 - 8 Steven Street & 571 - 575 King Street East

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Retail on ground floor of 571-575 King St

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?

Knowledge of previous and current uses on the property

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.

2021-12-01  
Date

*TPearson*

Signature Property Owner(s)

Malleum Real Estate Partners IV LP

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage Conveyed (12.186 m); Retained (15.017 m)  
Depth Conveyed (14.6 m); Retained (23.57 m)  
Area Conveyed (0.01 ha); Retained (0.04 ha)  
Width of street \_\_\_\_\_

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: \_

Semi-detached dwelling (6-8 Steven Street); Mixed Use Building (571-575 King St E) with 3 ground floor commercial units and 3 second floor apartments; common vehicular circulation area with no on-site parking

Proposed

Existing structures to be retained; conveyed lands to include the semi-detached dwelling and the land it occupies; retained lands to include the mixed use building and balance of property area

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

Existing:

Steven St - 0.0 m setback  
King St E - 0.0 m setback  
North property line - 0.0 m setback

Proposed:

Existing front and side yard setbacks to be retained  
Existing rear yard setback for conveyed lands  
New rear yard setback of 6.79 m for retained lands

13. Date of acquisition of subject lands:  
3 years
- 
14. Date of construction of all buildings and structures on subject lands:  
N/A (existing structures to be retained)
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15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Semi-detached dwelling (conveyed lands); mixed use building (retained lands)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Apartment building (north); parking lot (east); residential (south); mixed use (west)
17. Length of time the existing uses of the subject property have continued:
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:  
Mixed Use - Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
TOC1
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  
Please refer to Planning Justification Report submitted with this application.
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.