



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
- 

**APPLICATION NO.:** HM/A-22:04

**APPLICANTS:** Agent Ken Bekendam  
Owner 2823478 Ontario Inc. - C. Fusco

**SUBJECT PROPERTY:** Municipal address **94 Kenilworth Ave. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 17-240

**ZONING:** "C5" (Mixed Use Medium Density) district

**PROPOSAL:** To permit the existing mixed use building to contain a maximum of six (6) dwelling units including one commercial unit notwithstanding that;

1. To permit residential units at 0.0 m above grade whereas the By-Law requires the finished floor elevation of any dwelling unit to be 0.9 m above grade per Subsection 10.5.1.1 i) 1; and
2. A minimum rear yard setback of 7.0 m shall be provided instead of the minimum required 7.5 m minimum rear yard; and
3. A minimum interior side yard setback of 0.0 m shall be maintained for the existing building instead of the minimum required 7.5 m setback abutting a residential or Institutional Zone or a lot containing a residential use; and
4. A minimum parking space width of 2.7 m shall be provided instead of the minimum required parking space width of 2.8 m; and
5. A 0.0 m aisle width for a 90° parking space shall be provided instead of the minimum required aisle width of 6.0 m; and
6. No barrier free parking space shall be provided on site instead of the minimum required one space.

Notes:

Please note that the location of the existing building was established prior to the current zoning By-law and therefore, it is legal non-conforming; however, variances have been written as requested by the applicant.

Section 4.6 g) of Hamilton Zoning By-Law No. 05-200 states the following:

Notwithstanding Subsection c), for any use, except a Medical Clinic, within the Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zone or the Commercial and

Mixed Use Zones, or the Industrial Zones, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Section 5.6 c) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above shall only apply to the increased gross floor area of the building.

APPLICANT HAS PROVIDED PARKING – THEREFORE IT'S BEING REVIEWED IN COMPLIANCE WITH SECTION 5.

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

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**DATE:** Thursday, February 17th, 2022  
**TIME:** 1:45 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

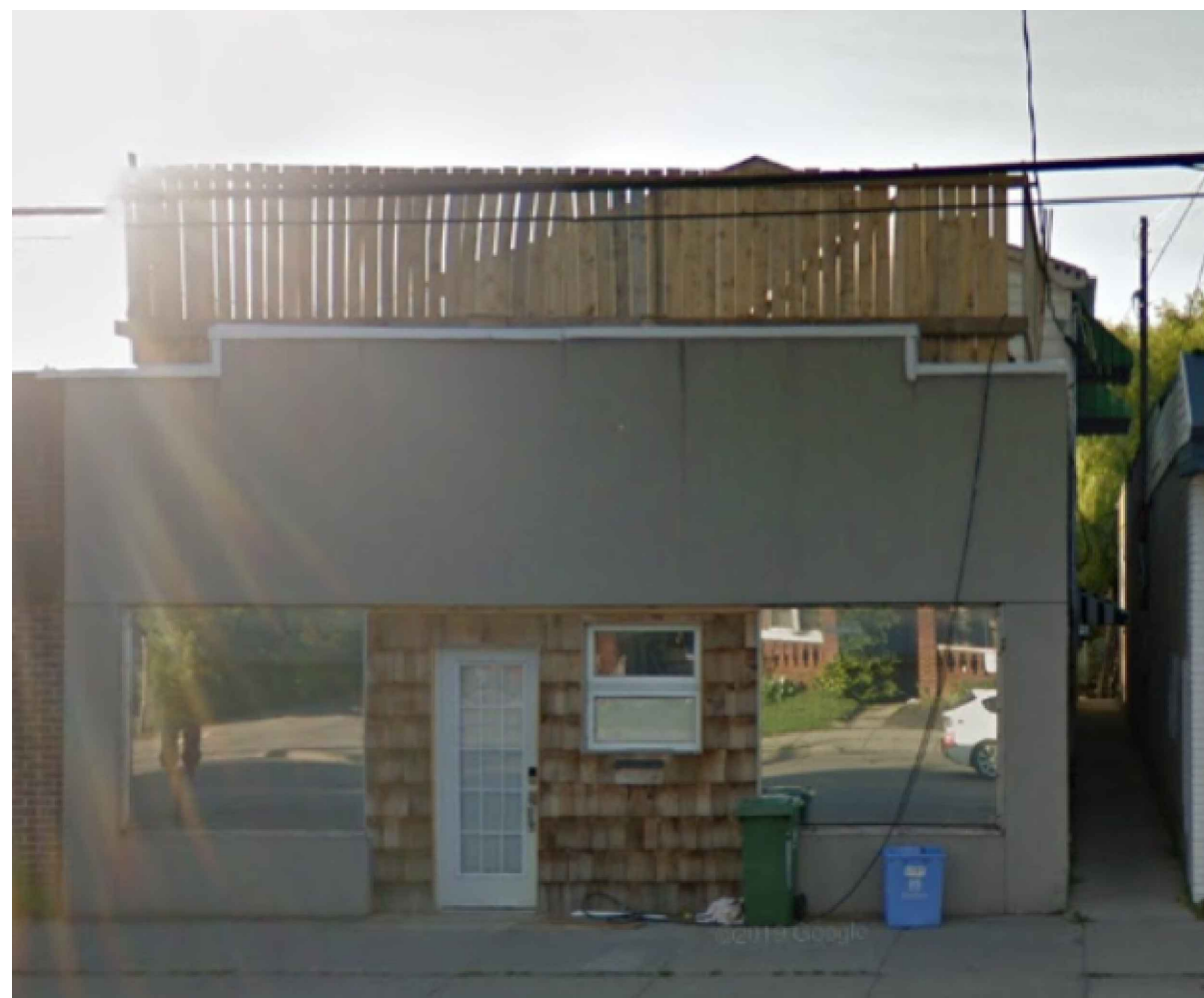
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

**RECOGNIZED EXISTING USE IS (1) GROUND FLOOR COMMERCIAL UNIT (PERSONAL SERVICES) AND (3) RESIDENTIAL UNITS ABOVE AS PER ZONING CERTIFICATE NO 21-102326 00 ZR2**

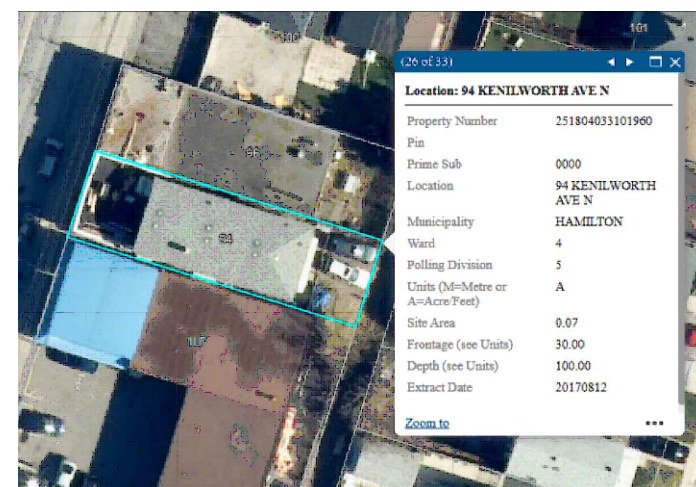
**PROPOSED USE IS (7) RESIDENTIAL UNITS**

# MULTI-UNIT CONVERSION

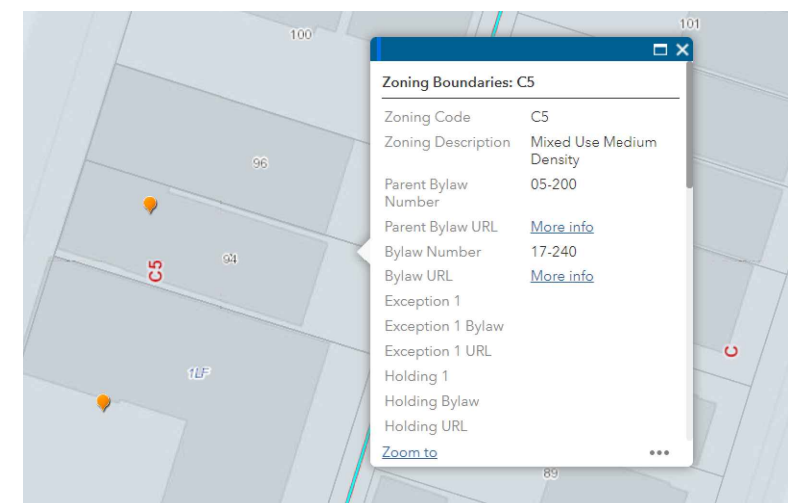
**94 KENILWORTH AVE N - HAMILTON, ON**



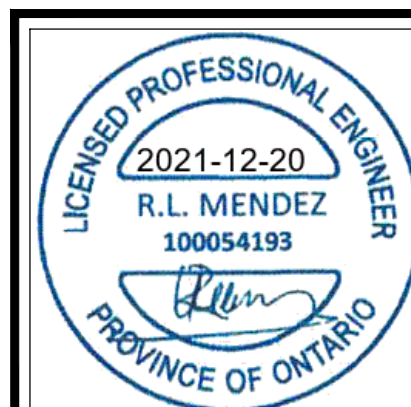
EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP

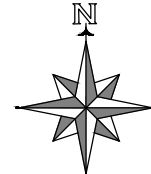


**LEAD DESIGNER & CONSULTANT**  
 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

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NORTH POSITION:



ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **TITLE PAGE**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **N/A**

SHEET#: **A 0.01**

**SITE INFORMATION & STATISTICS**

ADDRESS	94 KENILWORTH AVE. N - HAMILTON - ON.
ZONING TYPE	C5
LOT AREA	3000.00 SQ FT (278.71 SQ M)
LOT FRONTAGE	30.00' (9.14m)

**GENERAL NOTES:**

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

**EXISTING STRUCTURE NOTE:**

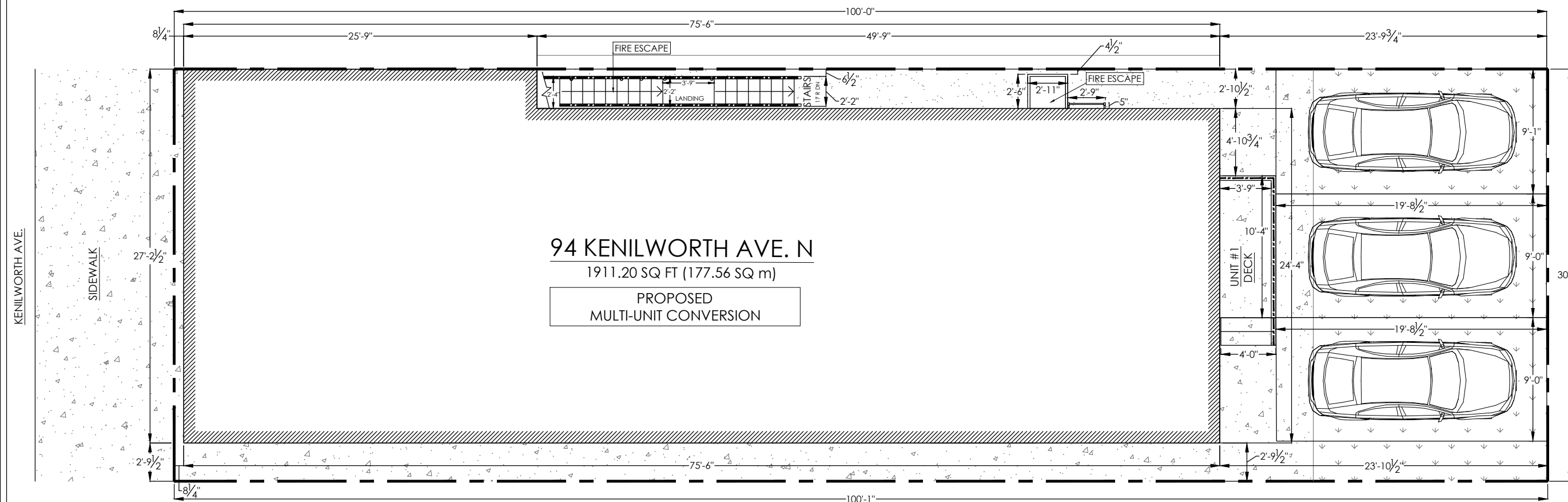
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

**BUILDING CODE COMPLIANCE NOTE:**

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

**SITE PLAN:**

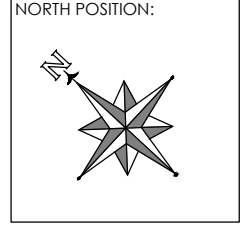
BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>SITE PLAN</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>1" = 1'</b>
SHEET#:	<b>SP 1.01</b>

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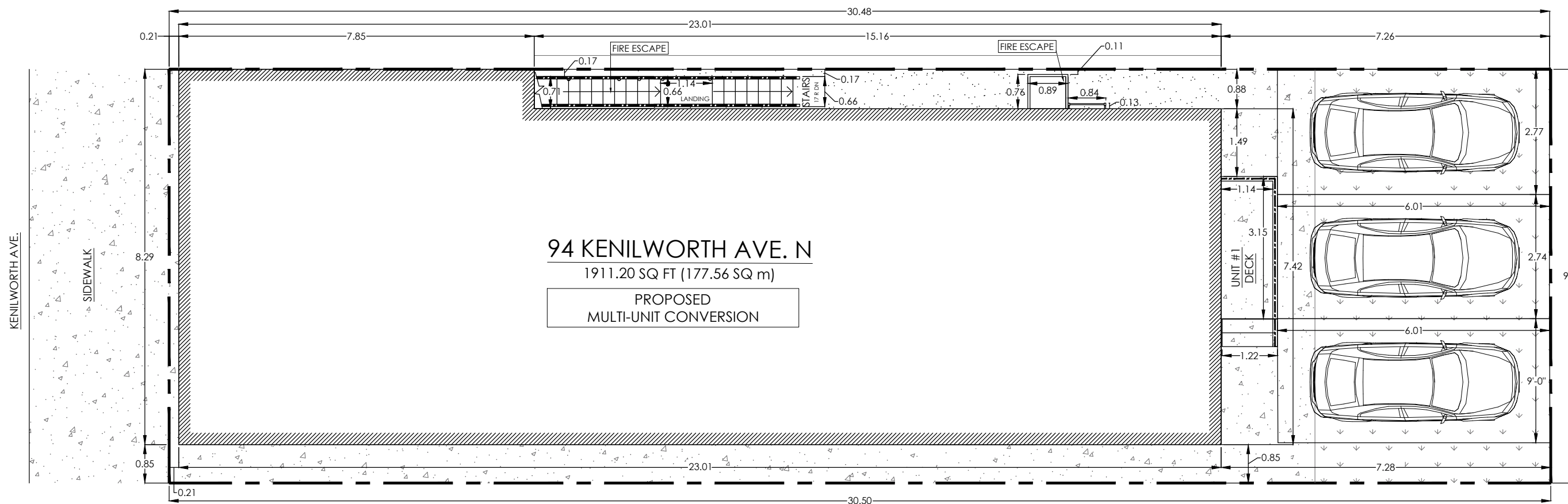
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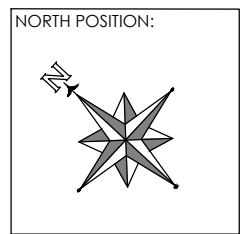
ELETRONIC STAMP



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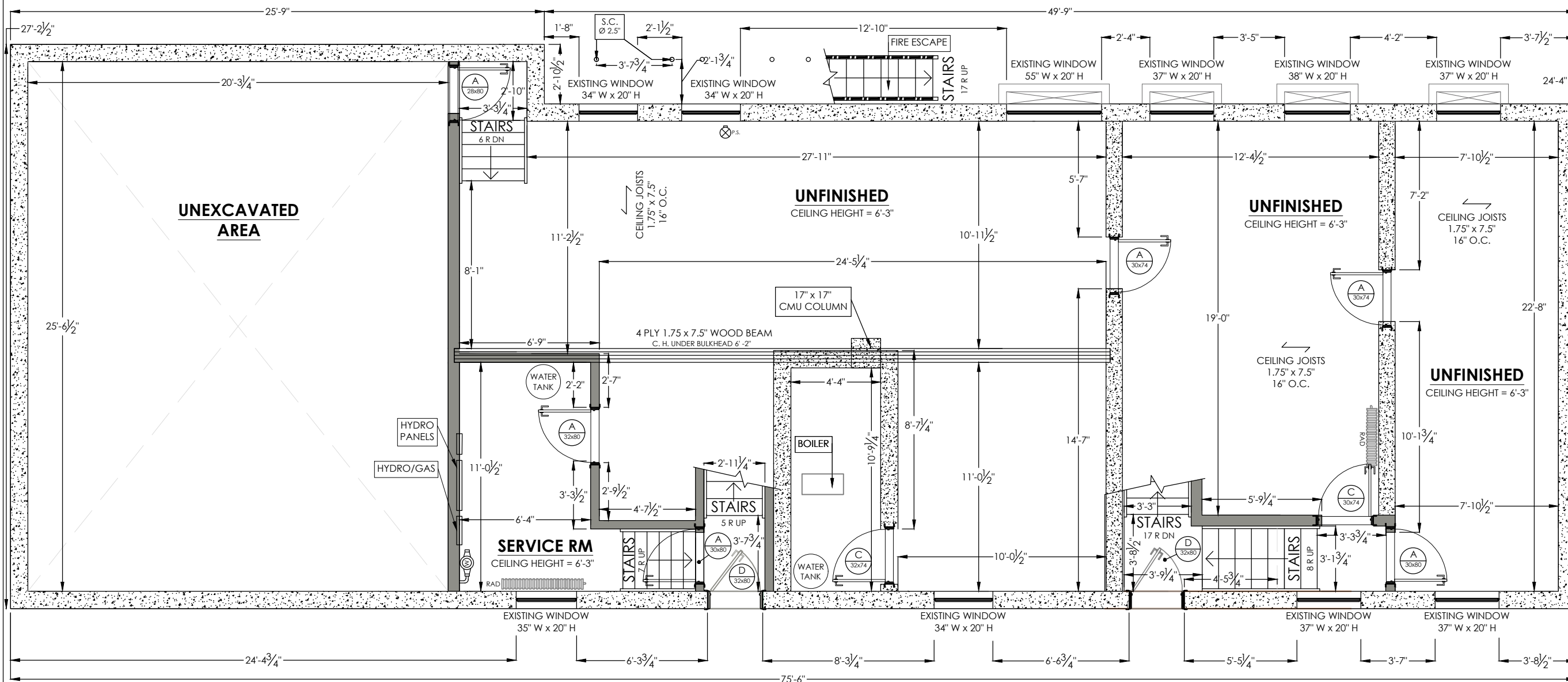
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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>SITE PLAN - METRIC</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>1" = 1'</b>
SHEET#:	<b>SP 1.02</b>



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS

DOOR LEGEND	
	A. PANEL DOOR DOOR TYPE DOOR SIZE
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



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NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

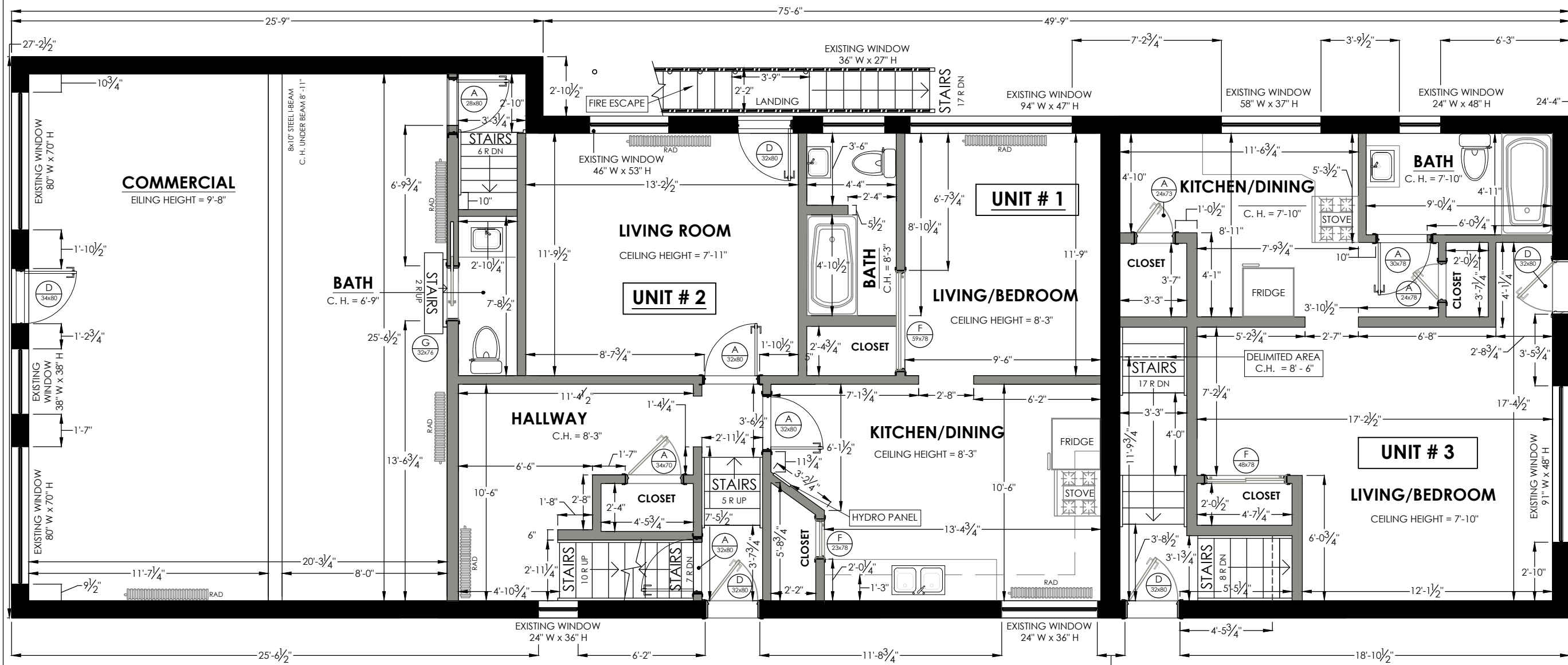
SUBJECT: **EXISTING BASEMENT**

PROJECT: **MULTI UNIT CONVERSION**

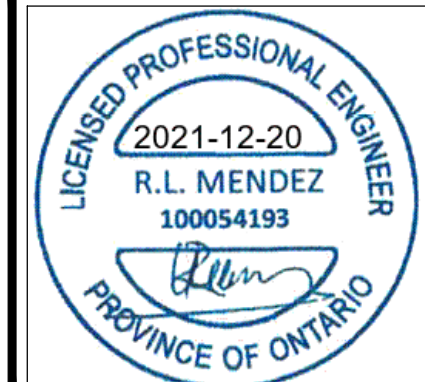
DATE: **DEC 2021**

SCALE: **3" = 1'**

SHEET#: **A 1.01**



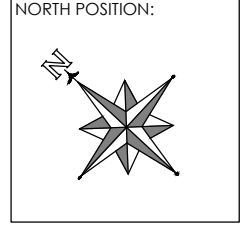
PLANS LEGEND	
	BATH
	EXHAUST FAN
	SMOKE ALARM
	SPECIFICATION TAG
	S.A. SMOKE ALARM
	C.M.A. CARBON MONOXIDE ALARM
	C.H. CEILING HEIGHT
	P.S. PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
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	WINDOWS
DOOR LEGEND	
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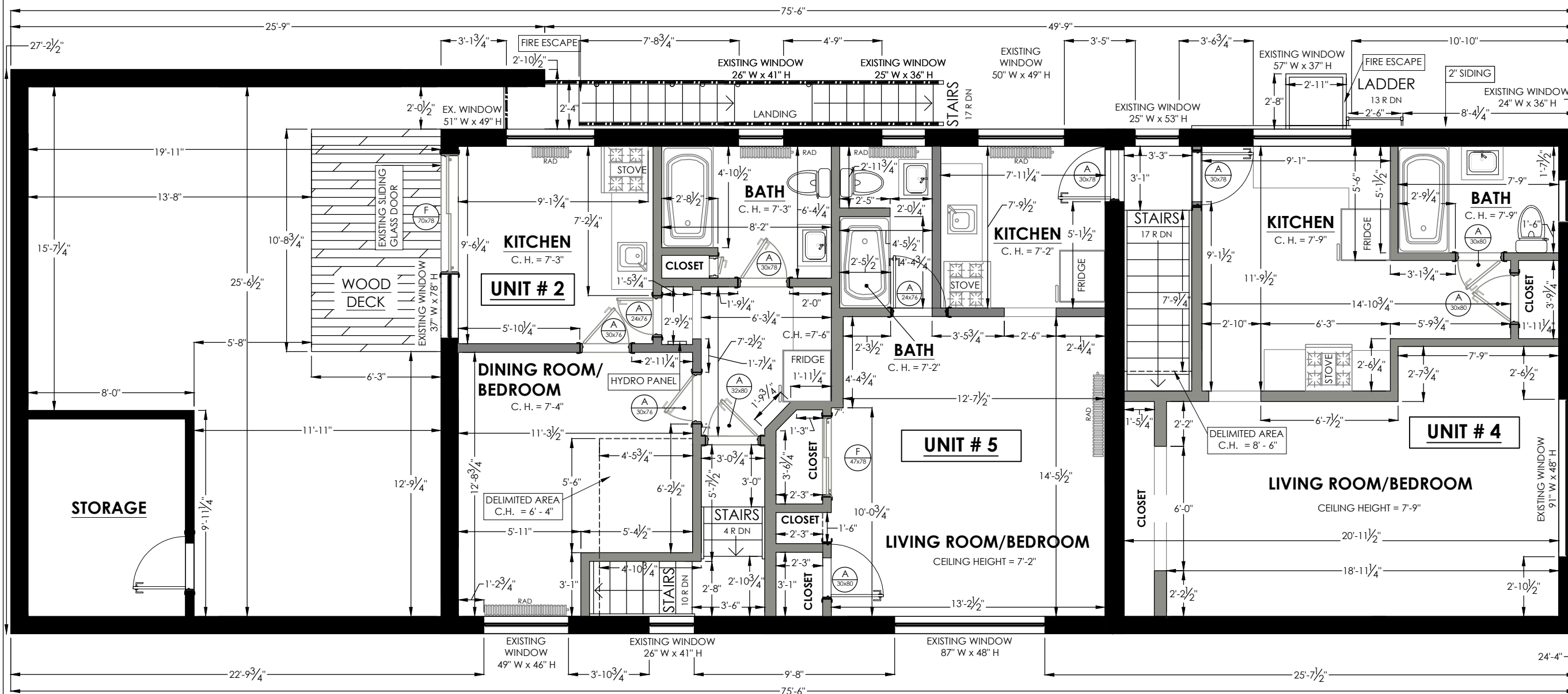
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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>EXISTING GROUND FLOOR</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
SCALE:	<b>3/16" = 1'</b>
DATE:	<b>DEC 2021</b>

SHEET#:  
**A 1.02**



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SMOKE ALARM
	SPECIFICATION TAG
	S.A. SMOKE ALARM
	C.M.A. CARBON MONOXIDE ALARM
	C.H. = 8'-10" CEILING HEIGHT
	P.P.S. PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
	DOOR TYPE
	DOOR SIZE

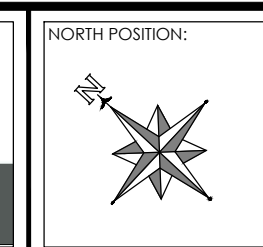
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
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ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **EXISTING SECOND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3" = 1'**

SHEET#: **A 1.03**



**SEPARATION OF SERVICE ROOM**

- SERVICE ROOM TO CONFORM WITH O.B.C PART 9.10.10.3 AND 9.10.10.4 (c) and PART 11 C153 (a). **30 MINS** FRR IS ACCEPTABLE FOR VERTICAL AND HORIZONTAL PARTITIONS. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2 x 4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**NEW HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)**

- EX. WOOD JOISTS @ 16" O.C.
- 6" THICK ABSORPTIVE MATERIAL IN CAVITY
- RESILIENT METAL CHANNELS SPACED @ 16" O.C.
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

**FOR PIPE AND WIRE PENETRATIONS:**

- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

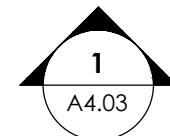
**FOR HVAC DUCTING:**

- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

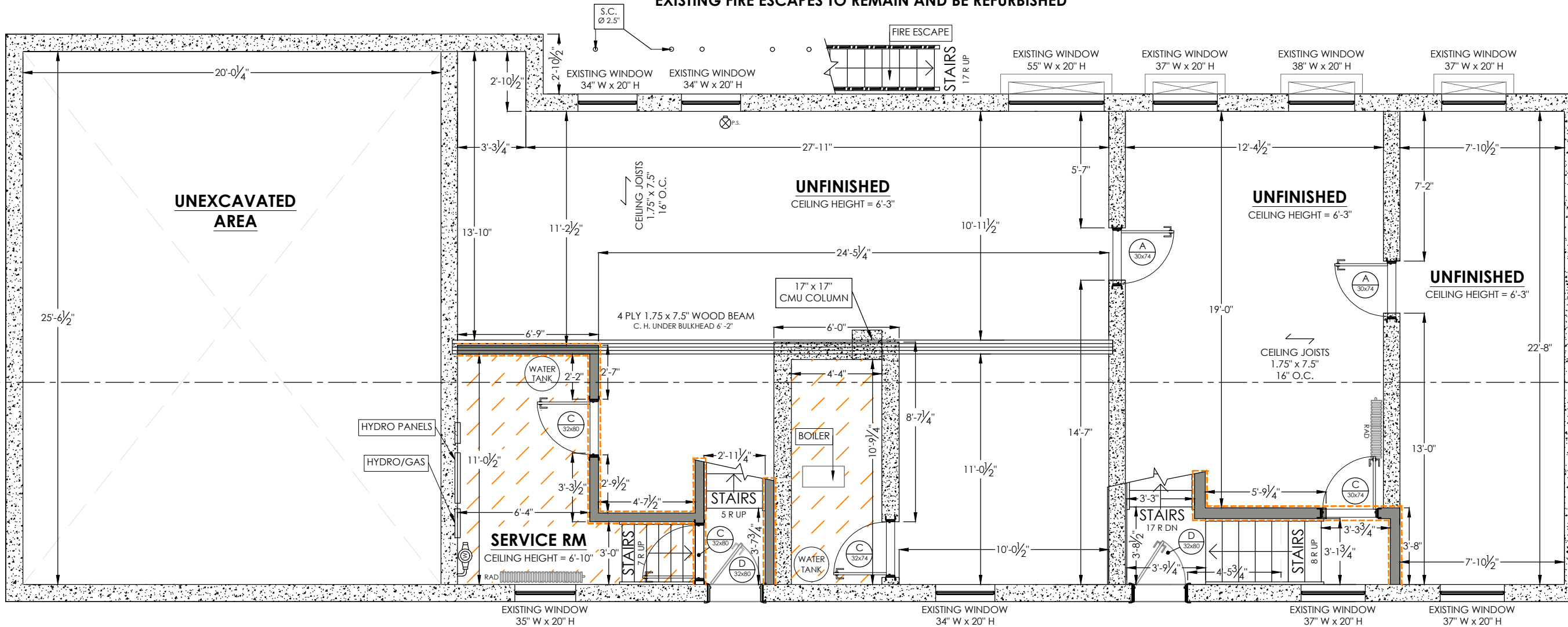
**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

**BASEMENT FINISHINGS TO BE REMOVED  
EXISTING FIRE SEPARATION TO REMAIN**

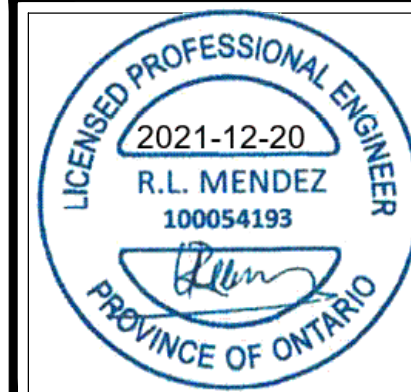


**EXISTING FIRE ESCAPES TO REMAIN AND BE REFURBISHED**



BATH		ROOM NAME
EF		EXHAUST FAN
2		SPECIFICATION TAG
S.A.		SMOKE ALARM
C.M.A.		CARBON MONOXIDE ALARM
C.H. = 8'-10"		CEILING HEIGHT
P.F.S.		PLUMBING STACK
W.M.		WATER METER
F.D.		FLOOR DRAIN
S.B.		STRUCTURAL BEAM OR WALL
S.C.		STRUCTURAL COLUMN
F.W.		FOUNDATION WALL
E.W.		EXISTING EXTERIOR WALLS
N.W.		NEW EXTERIOR WALLS
E.I.W.		EXISTING INTERIOR WALLS
N.I.W.		NEW INTERIOR WALLS
S.W.		STRUCTURAL WALLS
W.		WINDOWS
DOOR LEGEND		
A		DOOR TYPE
30x60		DOOR SIZE
DOOR LEGEND		
A		PANEL DOOR
B		FIRE DOOR w/ SELF CLOSER (45 MIN)
C		FIRE DOOR w/ SELF CLOSER (20 MIN)
D		EXTERIOR DOOR
E		BIFOLD CLOSET
F		SLIDING DOOR
G		POCKET DOOR

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED



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NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **PROPOSED BASEMENT**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3" = 1'**

SHEET#: **A 1.04**

**SEPARATION BETWEEN RESIDENTIAL SUITES**

SEPARATION BETWEEN RESIDENTIAL SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (c) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**NEW VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2x4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**EXISTING SHARED PARTITION:**

- EX. LATH AND PLASTER WALL TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF WALL ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD STUDS @16" O.C.	20 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>90 min.</b>

**EXISTING CEILING PARTITION:**

- EX. LATH AND PLASTER CEILING TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF CEILING ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD JOISTS @16" O.C.	10 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>80 min.</b>

**FOR PIPE AND WIRE PENETRATIONS:**

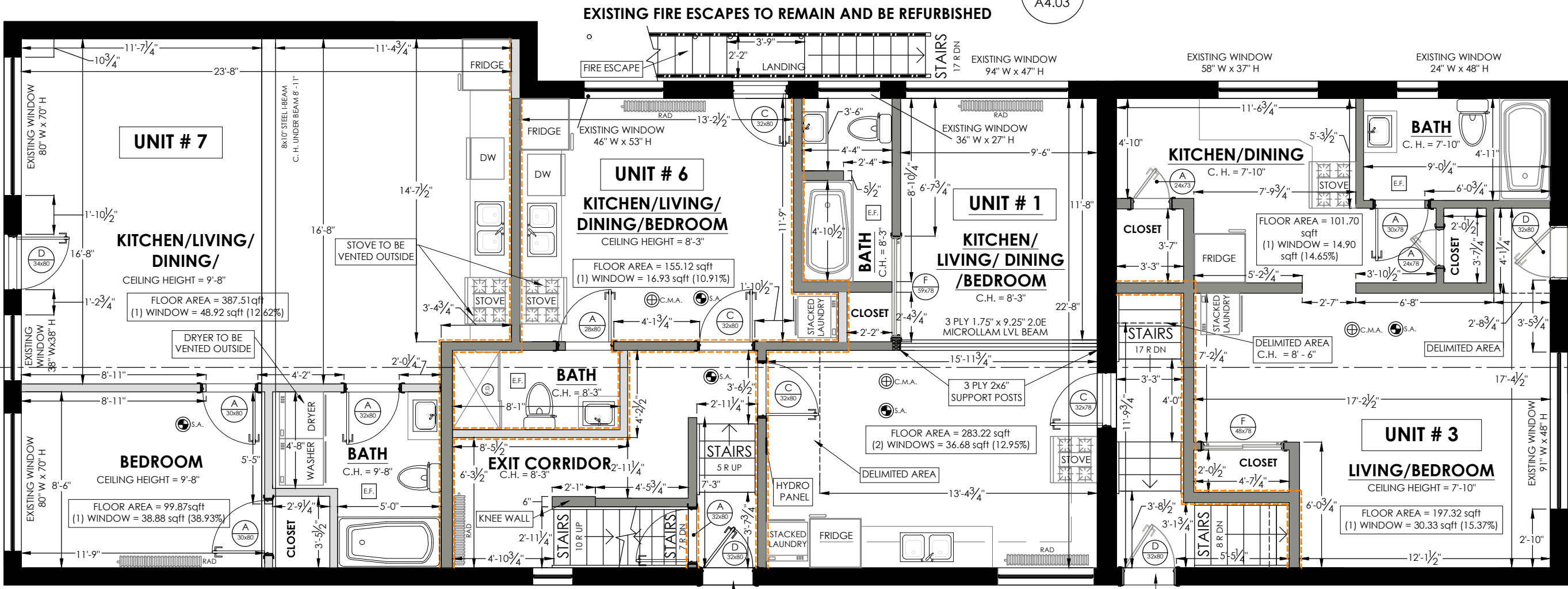
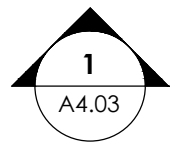
- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

**FOR HVAC DUCTING:**

- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

EGRESS FROM DWELLING UNIT # 1,2,6 - SHARED ENTRANCE AND EXIT TO CONFORM WITH O.B.C. 9.9.9

EGRESS FROM DWELLING UNIT # 1,4,5 - SHARED ENTRANCE AND EXIT TO CONFORM WITH O.B.C. 9.9.9

PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



**LEAD DESIGNER & CONSULTANT**  
 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

legal  
second  
suites.com

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **PROPOSED GROUND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3/16" = 1'**

SHEET#: **A 1.05**

**SEPARATION BETWEEN RESIDENTIAL SUITES**

SEPARATION BETWEEN RESIDENTIAL SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (c) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**NEW VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2x4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

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- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

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T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD. STUDS @16" O.C.	20 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>90 min.</b>

**EXISTING CEILING PARTITION:**

- EX. LATH AND PLASTER CEILING TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF CEILING ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD. JOISTS @16" O.C.	10 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>80 min.</b>

**FOR PIPE AND WIRE PENETRATIONS:**

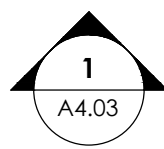
- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

**FOR HVAC DUCTING:**

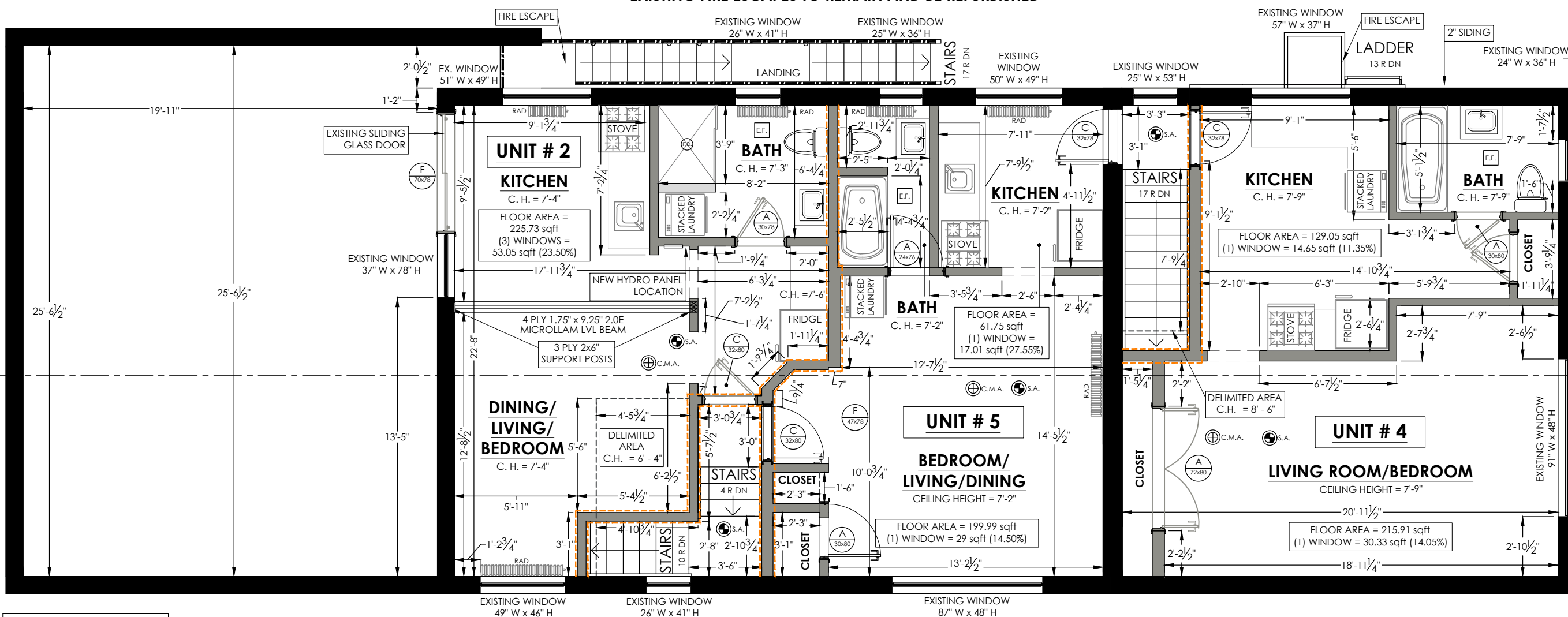
- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



**EXISTING FIRE ESCAPES TO REMAIN AND BE REFURBISHED**



NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

PLANS LEGEND	
	BATH
	EXHAUST FAN
	SMOKE ALARM
	SPECIFICATION TAG
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



**LEAD DESIGNER & CONSULTANT**

Ken Bekendam B.A. BUSCOM, L.T.  
kenbekendam@gmail.com  
office: 855.546.4467 cell: 905.961.0647

legal second suites.com

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

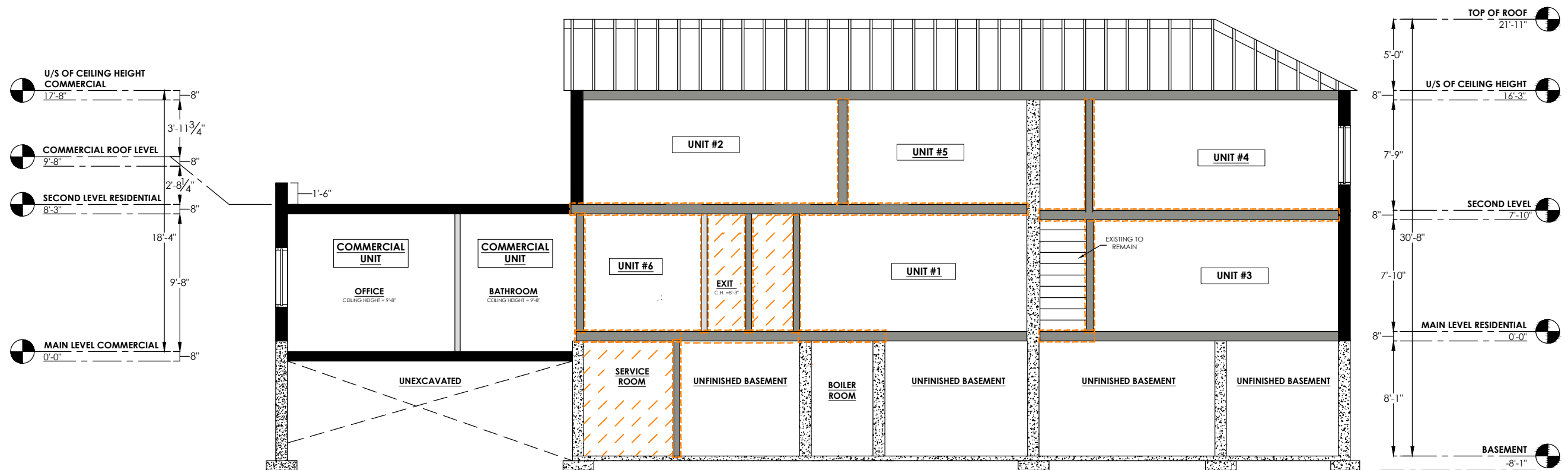
SUBJECT: **PROPOSED SECOND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3/16" = 1'**

SHEET#: **A 1.06**



**legal second suites.com**

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ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

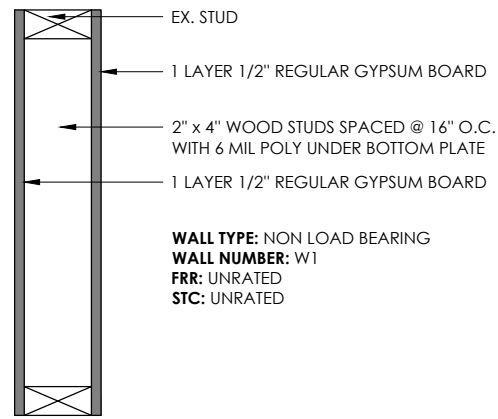
SUBJECT: **BUILDING CROSS SECTION**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

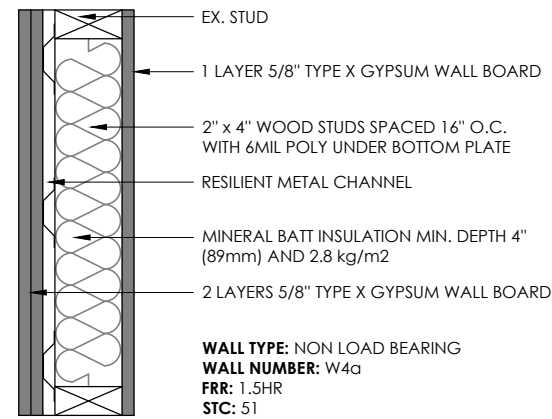
SCALE: **3/16" = 1'**

SHEET#: **A 4.01**



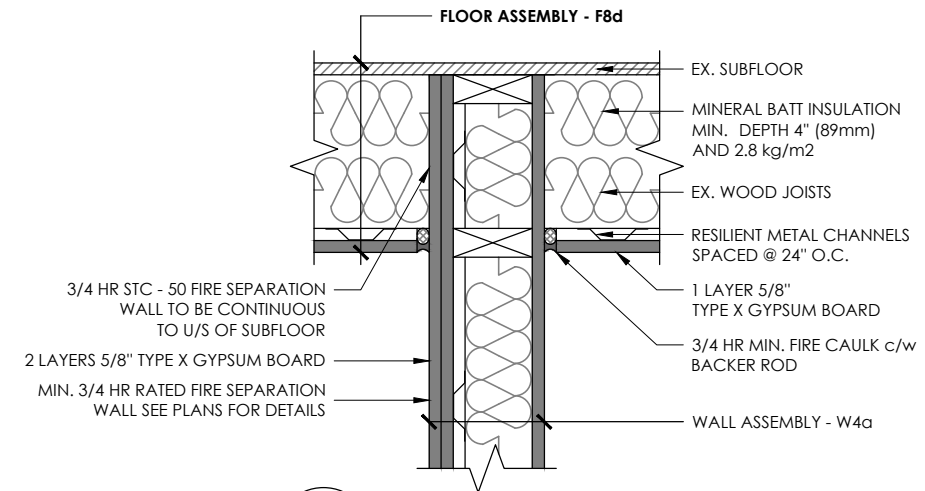
**WALL TYPE:** NON LOAD BEARING  
**WALL NUMBER:** W1  
**FRR:** UNRATED  
**STC:** UNRATED

**01 NEW: INTERIOR PARTITION WALL**  
 WITH GWB BOTH SIDES



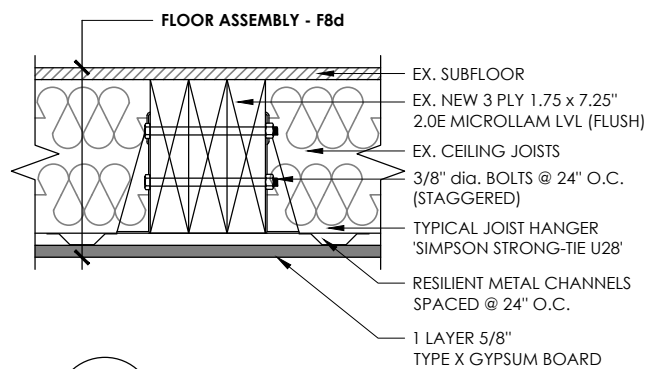
**WALL TYPE:** NON LOAD BEARING  
**WALL NUMBER:** W4a  
**FRR:** 1.5HR  
**STC:** 51

**02 NEW: INTERIOR PARTITION WALL**  
 WITH 1HR FIRE SEPARATION

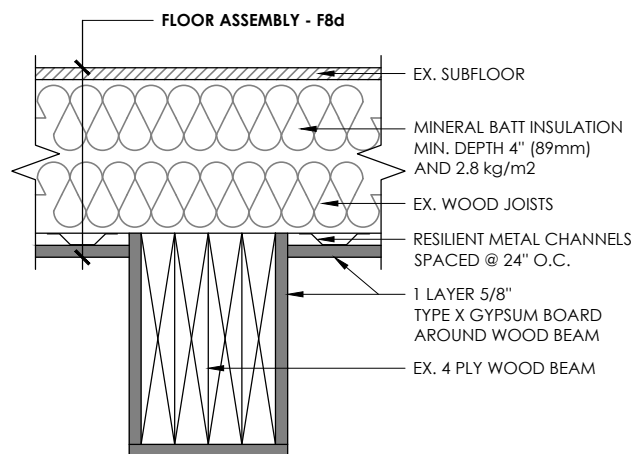


**3/4 HR STC - 50 FIRE SEPARATION**  
 WALL TO BE CONTINUOUS  
 TO U/S OF SUBFLOOR  
**2 LAYERS 5/8" TYPE X GYPSUM BOARD**  
 MIN. 3/4 HR RATED FIRE SEPARATION  
 WALL SEE PLANS FOR DETAILS

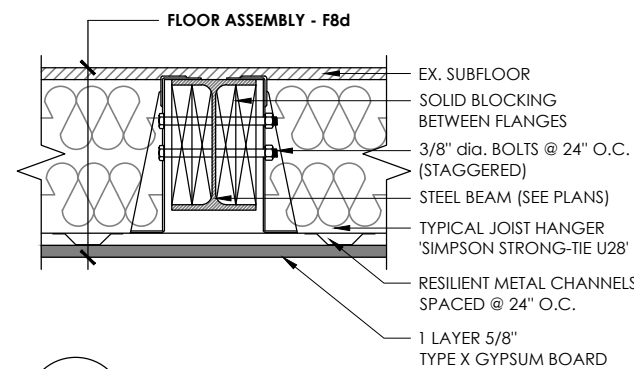
**03 VERTICAL FIRE SEPARATION**  
 AT CEILING DETAIL



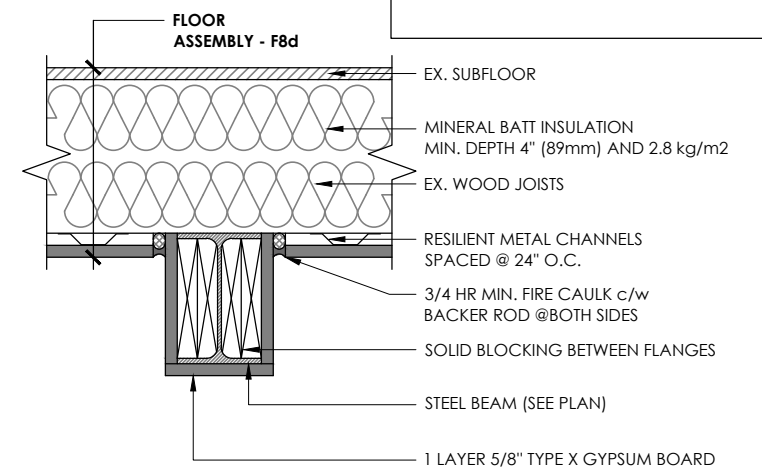
**04 LVL BEAM DETAIL**  
 FLUSH



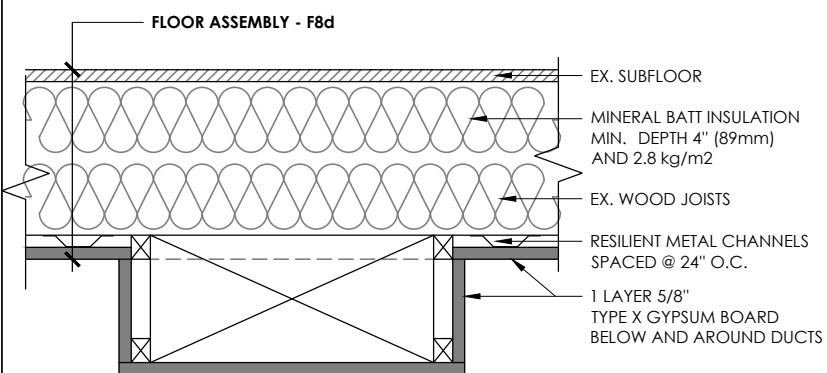
**05 WOOD BEAM FIRE RATED**  
 DROPPED



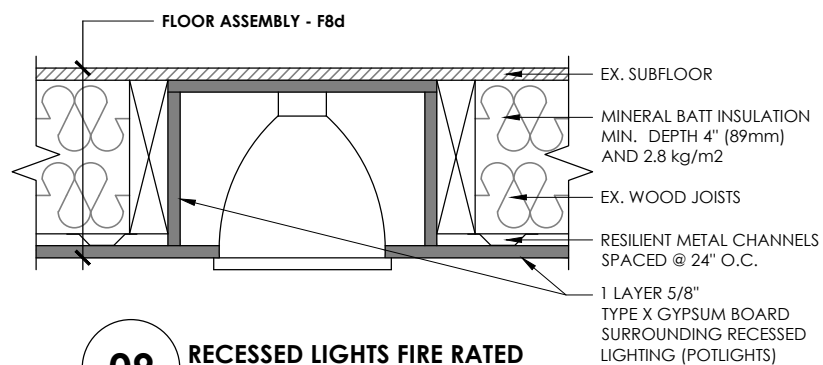
**06 STEEL BEAM FIRE RATED**  
 FLUSH



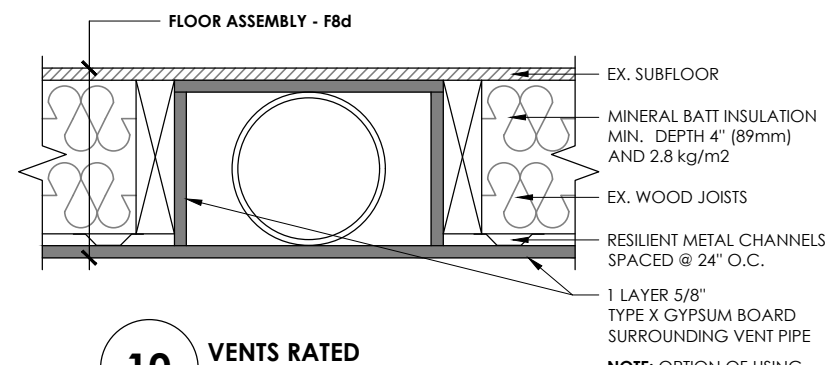
**07 STEEL BEAM FIRE RATED**  
 DROPPED



**08 DUCTS FIRE RATED**

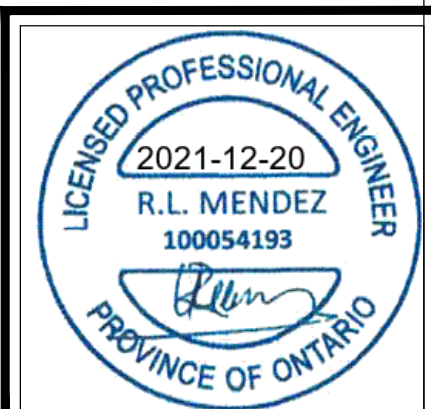


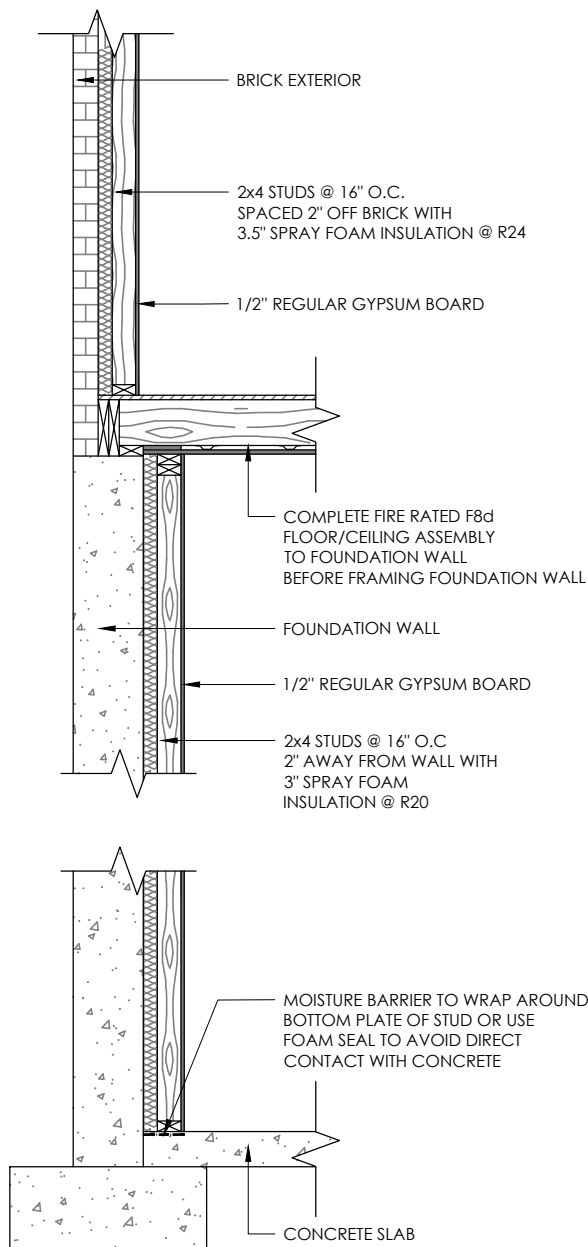
**09 RECESSED LIGHTS FIRE RATED**



**10 VENTS RATED**  
 BATH FANS, CLOTHES DRYERS &  
 KITCHEN EXHAUSTS

**NOTE:** OPTION OF USING  
 FIRE DAMPER

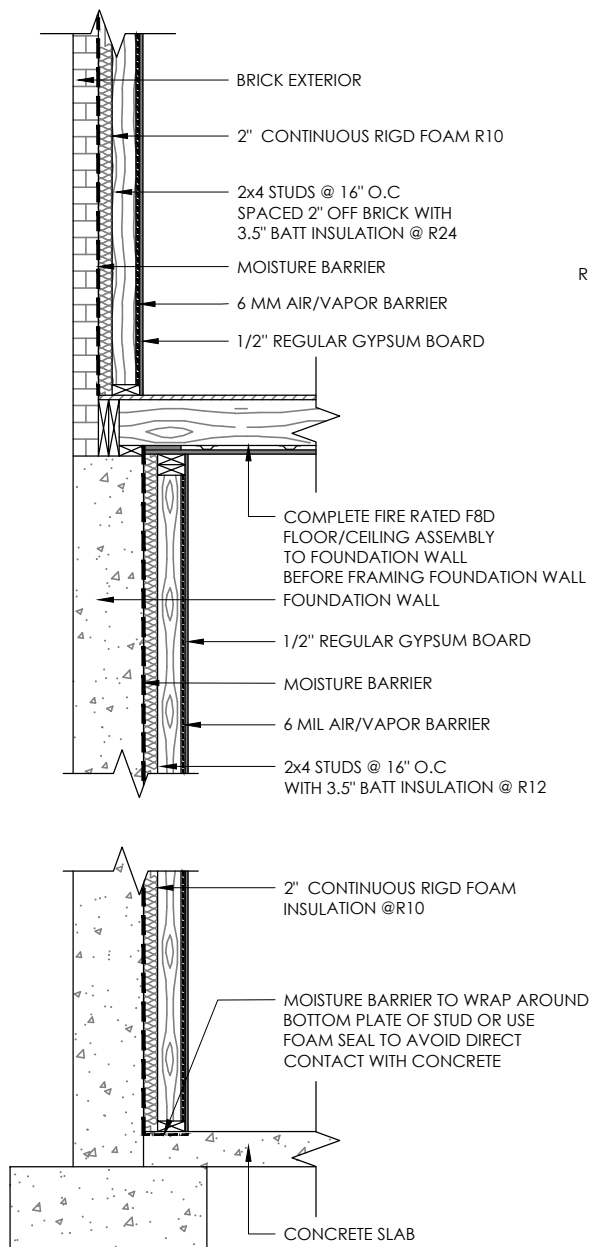




**NOTE:** FOUNDATION WALL, SLAB AND FOOTING FOR REFERENCE ONLY - EXACT SIZE NOT DETERMINED

EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY

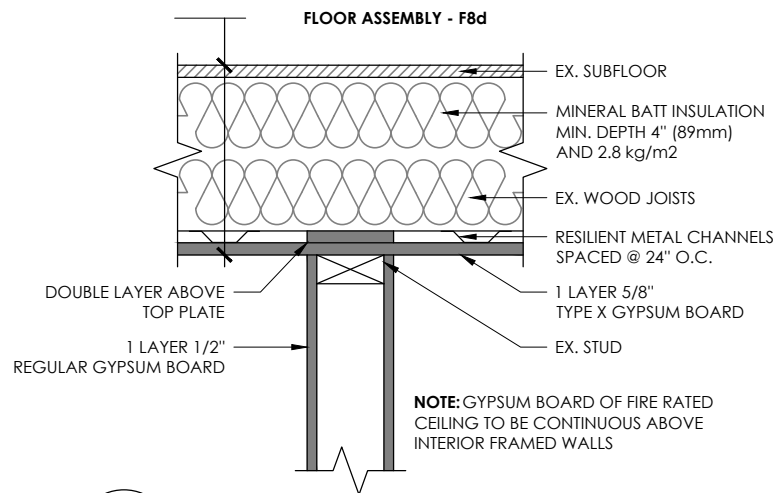
**11 EXTERIOR WALL SPRAY FOAM**



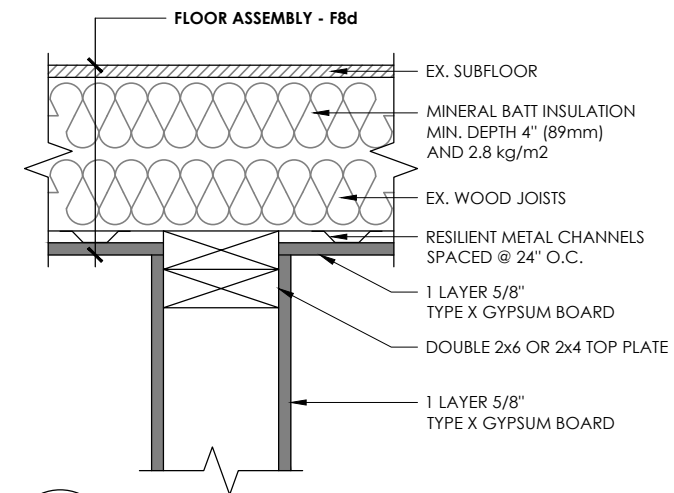
**NOTE:** FOUNDATION WALL, SLAB AND FOOTING FOR REFERENCE ONLY - EXACT SIZE NOT DETERMINED

EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY

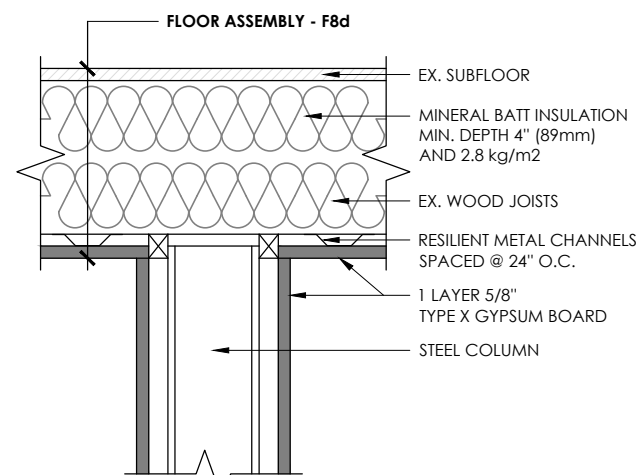
**12 EXTERIOR WALL BATT INSULATION**



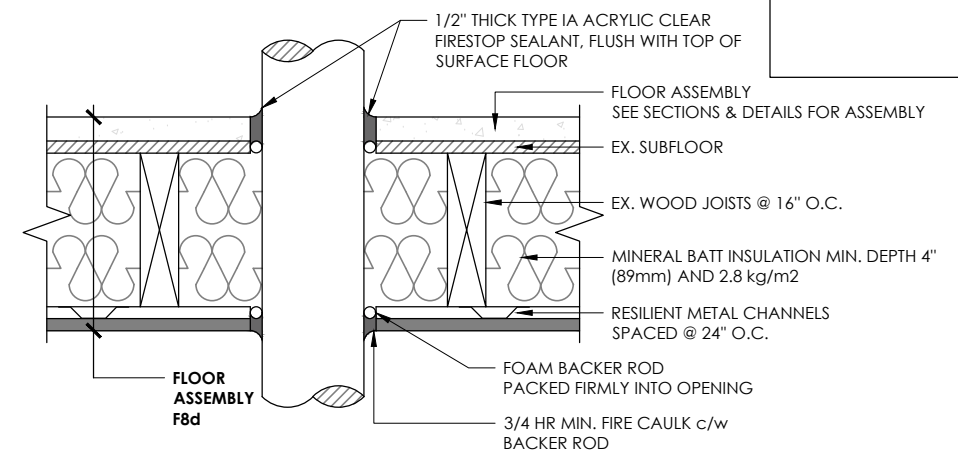
**13 INTERIOR WALL - NON LOAD BEARING FIRE SEPARATION**



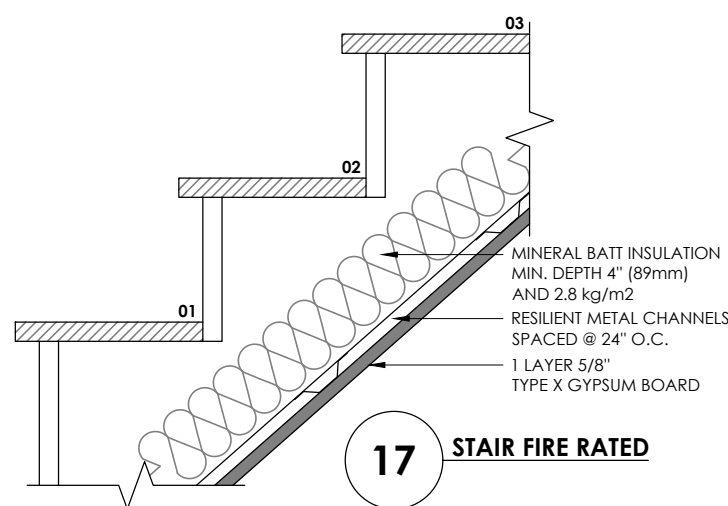
**14 LOAD BEARING FIRE RATED WALL AT CEILING DETAIL**



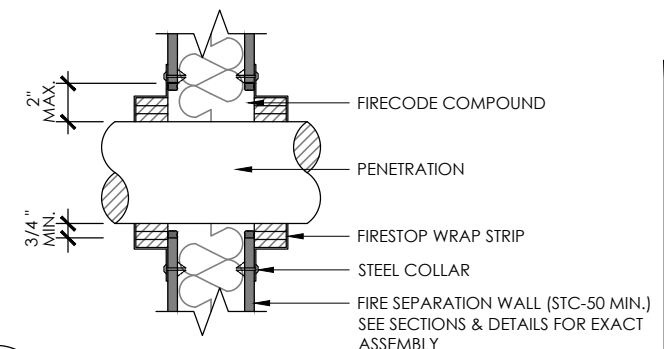
**15 STRUCTURAL COLUMNS FIRE SEPARATION**



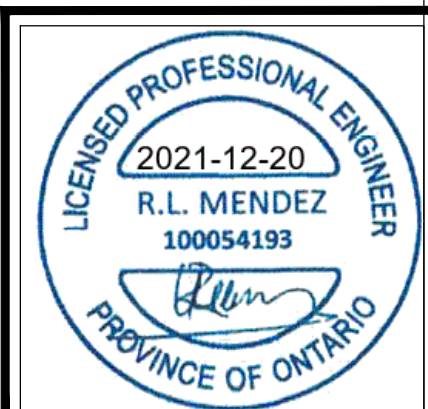
**16 FIRESTOP DETAIL FLOOR PENETRATION** SEE HILTI DETAILS



**17 STAIR FIRE RATED**



**18 FIRESTOP DETAIL WALL PENETRATION** SEE HILTI DETAILS





Hamilton

**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:

To permit residential units at 0m above grade whereas the bylaw requires 0.9m above grade as per 10.5.1.1(i)(1). Min rear yard setback of 7m whereas the bylaw requires 7.5m as per 10.5.3(b). Min. Interior side yard setback of 0.88m whereas the bylaw requires 7.5m as per 10.5.3.(c)

- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Existing site conditions

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**):

94 Kenilworth Ave N

7. PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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 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?

Existing commercial uses on site - Personal Services

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.

Dec 21/21  
Date

  
Signature Property Owner(s)

\_\_\_\_\_  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>30'</u>
Depth	<u>100'</u>
Area	<u>3000 sqft</u>
Width of street	<u>unknown</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: \_

See site plan

Proposed

See site plan

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

Existing:

See site Plan

Proposed:

See Site plan

13. Date of acquisition of subject lands:  
2021
- 
14. Date of construction of all buildings and structures on subject lands:  
unknown
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C5 - Mixed Use Medium Density
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
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.