



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

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.: DN/A-22:10

APPLICANTS: Agent D. Topuzi
Owner D. Vescio

SUBJECT PROPERTY: Municipal address **90 King St. W., Dundas**

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

ZONING: "C5 and 570" (Mixed Use Medium Density - Pedestrian Focus) district

PROPOSAL: To permit the construction of a two-storey addition over an existing one storey building for commercial purposes, notwithstanding that;

1. A minimum rear yard of 0.0m shall be permitted instead of the minimum 7.5m rear yard required.
2. No parking spaces shall be permitted to be maintained except for one (1) barrier free space instead of the minimum eleven (11) parking spaces required.
3. No parking spaces shall be permitted to be maintained except for one (1) barrier free space instead of the minimum two (2) parking spaces required.

Notes: Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted.

Therefore, further variances may be required.

The applicant shall ensure that the maximum permitted 11.0m building height is not exceeded. The elevation plans submitted do not show the height dimension from grade; as such, further variances may be required.

The applicant shall ensure that a minimum of 60.0% of the area of ground floor façade facing the street to be composed of doors and windows. Otherwise, further variances may be required.

The applicant has advised that an agreement will be requested for parking for this property; however, the agreement does not clearly mention the number of parking spaces; as such, a variance has been included to address the parking deficiency.

The new proposed parking requirements require a minimum of two (2) parking spaces (includes one (1) barrier free) for this site for an office based on the increased gross floor area component being 356.0m². However, these parking requirements are currently under appeal.

The current parking requirements require a minimum of 11 parking spaces (includes one (1) barrier free parking space) for an office for the increased gross floor area component of the building being 356.0m².

The applicant shall ensure that the minimum five (5) short-term bicycle parking spaces required are provided and maintained on site; otherwise, further variances shall be required.

Upon approval of variance #1 respecting the rear yard of 0.0m, any proposed encroachments (i.e. eaves, gutters etc.,) may be located as close as 0.0m from a rear lot line.

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

DATE: Thursday, February 17th, 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
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

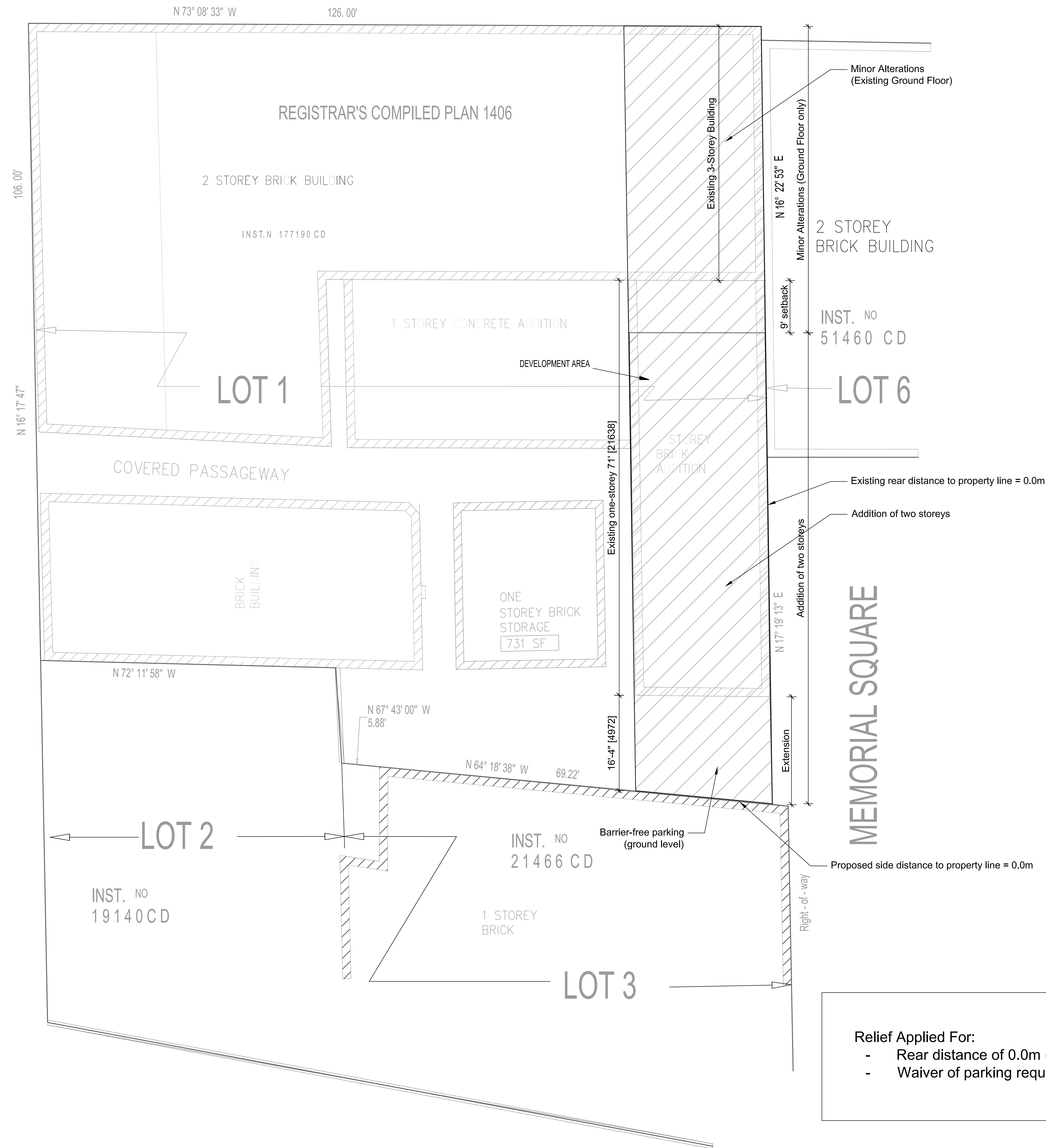
DATED: February 1st, 2022.

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.

KING STREET WEST

FOUNDRY STREET



Relief Applied For:

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

SITE PLAN

Date (m/d/y)	12/22/2021
Revision / Issues For	
No.	00
Co/A	
 Delta Invoicing Inc. Toronto, ON, Canada www.deltainvoicing.com delta@deltainvoicing.com	
Project: 1+2 Storey Office Bldg. 90 King St. W. Dundas, ON	
 B. H. TORRES 20191096 22-23-2021 PROVINCE OF ONTARIO	
Drawing Title: Site Plan	
Sheet No.:	A-01
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	B. H.
Scale:	NTS



Relief Applied For:

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

No.	Revision / Issued For	Date (m/d/y)
00	CorA	12/22/2021

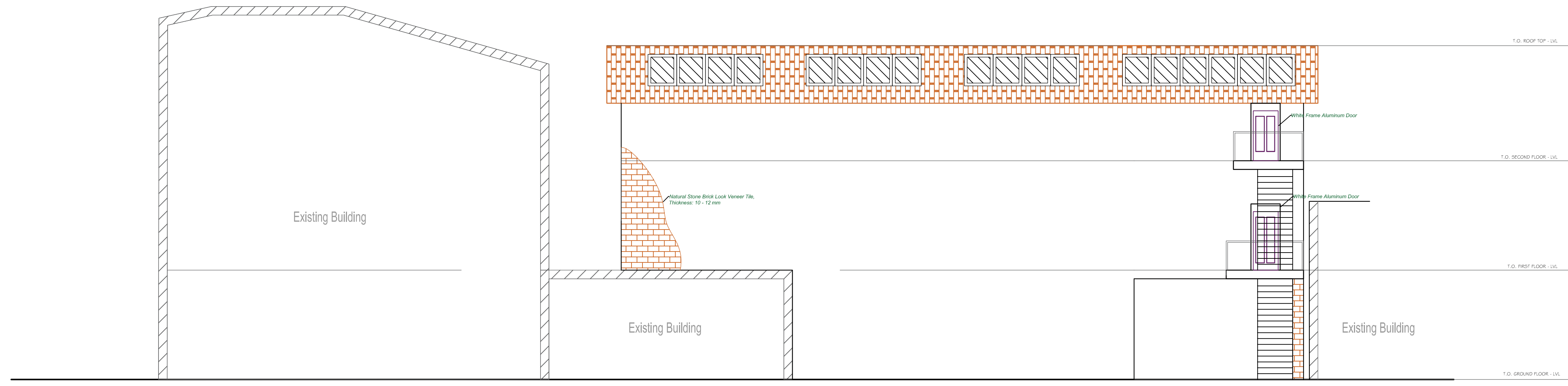

 Delta Innoveering Inc.
 Toronto, ON, Canada
 www.deltainnoveering.com
 delta@deltainnoveering.com

Project:
 90 King St. W.
 Dundas, ON

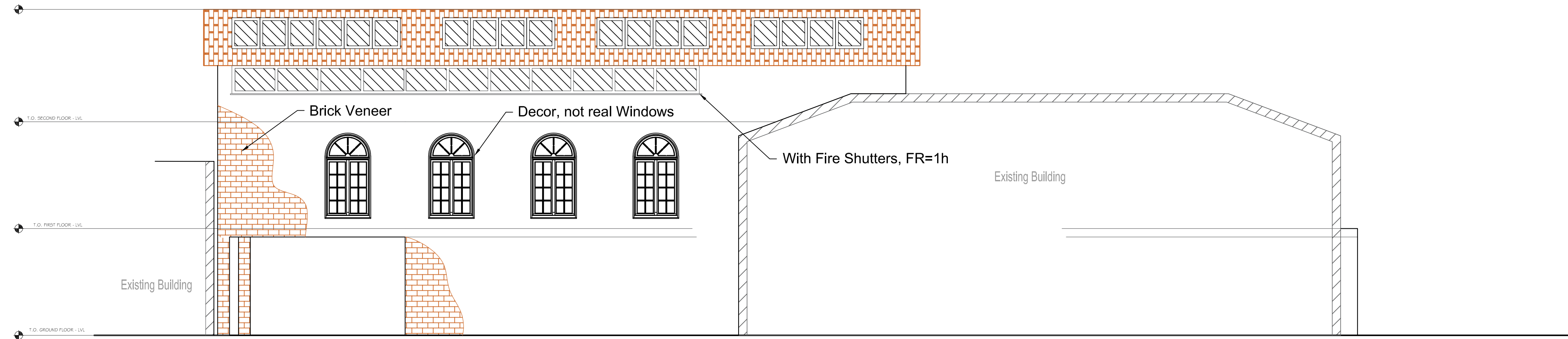


Drawing Title:
 Floor Plans

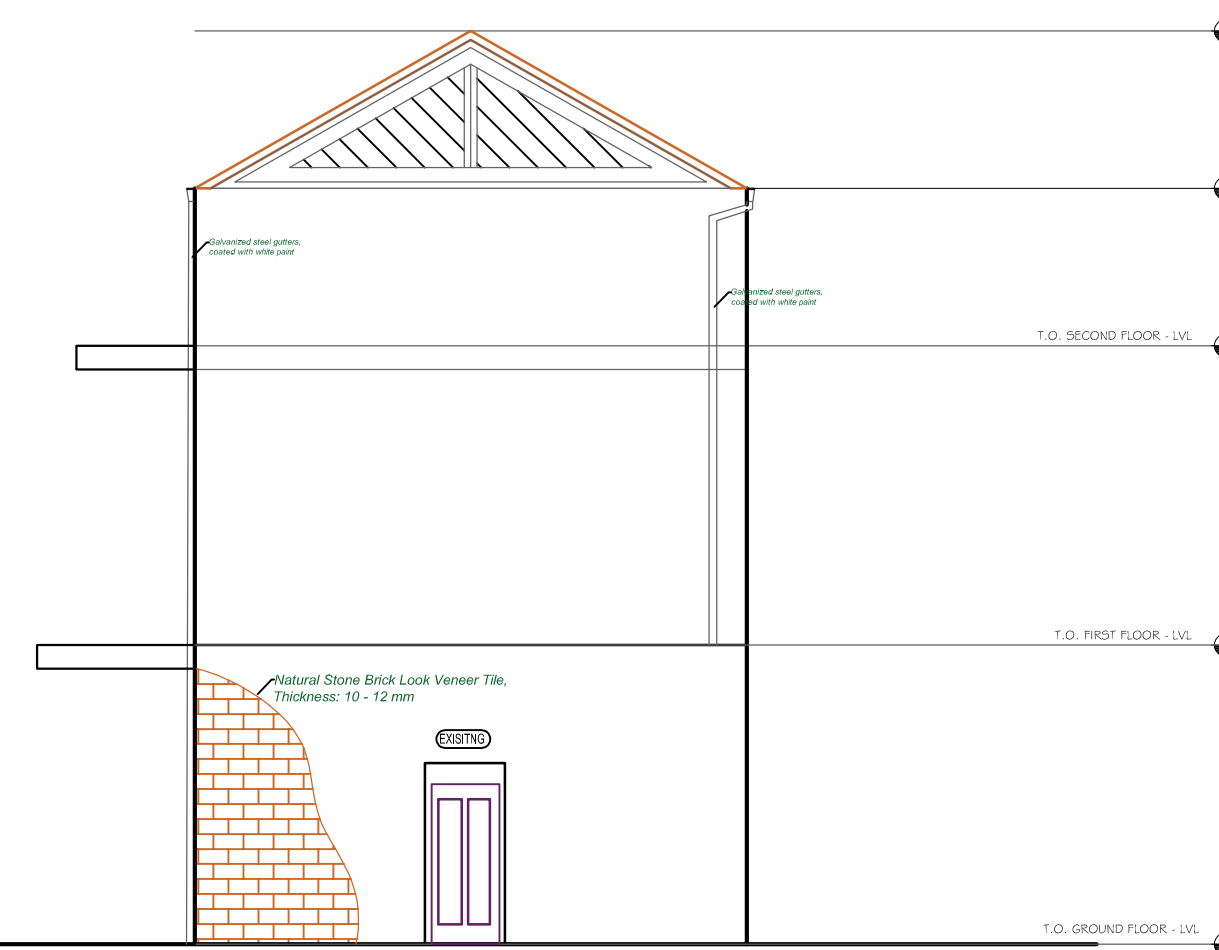
Sheet No.:	A-02
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	
Scale:	NTS



EAST VIEW



WEST VIEW



SOUTH VIEW

Relief Applied For:

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

No.	Revision / Issued For	Date (m/d/y)
00	CoFA	12/22/2021



 Delta Innoveering Inc.
 Toronto, ON, Canada
 www.deltainnoveering.com
 delta@deltainnoveering.com

Project:
 90 King St. W.
 Dundas, ON



 LICENSED PROFESSIONAL ENGINEER
 D. TOPUZI
 10091596
 Dec 22, 2021
 PROVINCE OF ONTARIO

Drawing Title:
 Side Views

Sheet No.:	A-03
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	
Scale:	NTS



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:
BMO
100 King St. W. (19th floor)
Toronto, ON, M5X 1A3

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:

1. 0 m Rear Yard Distance, instead of the required 7.5m.
2. Parking waiver, except for one barrier-free spot, which shall be provided

Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

1. The project is a two-storey addition on top of an existing one-storey building with a Rear Yard Distance of 0m. The width of the existing building is less than 7.5m making a compliant project impossible.
2. There is no space for parking spots. The current bylaw does not have parking requirements, but it's currently under appeal.

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**):

90 King St. W., Dundas, ON

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
Agricultural Vacant Other

Other _____

8.1 If Industrial or Commercial, specify use Offices

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?

Three appraisals by Amtec & ESA Phase I and II. The existing development would not have allowed for space for gas stations or other storage facilities. The downtown location eliminates the possibility of agricultural use.

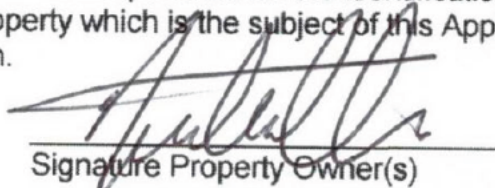
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

12/10/2021
Date


Signature Property Owner(s)

Nick UESCO
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 32.22m
Depth 38.30m
Area about 1,200m2
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: _

One-storey building 7.01 x 20.2m = 141.6 m2

Proposed

Three-storey (2 additional stories and an extension) 7.01 x 25.4m = 178m2 per floor. Total addition 356m2.

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

Existing:

Front 31.3m
Rear 0m
Side (North) 14.01m
Side (South) 4.9m

Proposed:

Front 31.3m
Rear 0m
Side (North) 11.3m
Side (South) 0m

13. Date of acquisition of subject lands:
December 2013
-
14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Multi-residential (21) & commercial (8)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
East: Commercial (Bank) and Road/Parking. South: Residential. N. & W.: Roads
17. Length of time the existing uses of the subject property have continued:
>10 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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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.