

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-22:01

APPLICANTS: Agent Urban Solutions (M. Johnston)
Owner Knightsbridge & Chancery Properties (D. Horwood)

SUBJECT PROPERTY: Municipal address **27, 33, 39, 41 & 43 Herkimer St.,
Hamilton**

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

ZONING: "C" and "E" (Urban Protected Residential, etc. and Multiple
Dwellings, Lodges, Clubs, etc.) district

PROPOSAL: To to recognize the existing conditions on a lot containing four (4)
Multiple Dwellings having a total of forty-seven (47) dwelling units in
order to facilitate Condominium Conversion File No. CDM-CONV-10-
01 notwithstanding that:

1. Vehicle parking for the multiple dwellings shall be permitted within the "C" district
portion of the lot notwithstanding that multiple dwellings including their associated parking
are not permitted within a "C" district.

2. The regulations of Section 18(8) shall not apply to the existing group of four (4)
multiple dwellings located on lot instead of the requirement that notwithstanding
subsection 3 of Section 4 of this By-Law, a group of Multiple Dwellings, may be erected,
altered, extended or enlarged on any lot or tract of land in a district in which such a use is
permitted by this By-Law and that for multiple dwellings, the entire lot or tract of land shall
be shown on a plan under By-Law No. 79-275 which shall indicate which street line is to
be considered the front lot line in the case of a corner lot and which shall the location of all
buildings and that the yards as required by the district provisions are provided around all
boundaries of the lot or tract of land and that each building is distant from every other
building by at least by at least ½ of the height of the taller of the two buildings provided that
the same encroachments into the distance separating buildings shall be permitted as are
permitted into a required side yard and provided further that the same provisions with
regard to parking spaces, manoeuvring spaces and access driveways shall be observed in
the distance separating buildings as if that distance was a rear yard.

3. A minimum westerly side yard width of 3.2m shall be permitted instead of the
minimum required westerly side yard width of 3.5m as granted by Variance No. 3 of Minor
Variance File No. HM/A-14:122.

4. A minimum southerly side yard width of 4.0m shall be permitted instead of the
requirement that for every other building or structure, along each side lot line a side yard of
a width of at least one one-hundred and twentieth part of the product obtained by

multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres, and need not have a width of more than 9.0 metres, but plus 3.0 metres where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres and need not have a width of more than 13.5 metres.

5. A minimum rear yard depth of 12.3m shall be permitted instead of the requirement that for every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres and need not have a depth of more than 13.5 metres; plus 3.0 metres where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres.

6. A minimum aisle width maneuvering aisle of 5.0m shall be permitted instead of the minimum required aisle width of 5.4m as granted by Variance No. 6 of Minor Variance File No. HM/A-14:122.

7. A minimum parking space size of 2.4m wide x 5.0m long shall be permitted for the parking space within the "C" district portion of the lot instead of the minimum required parking space size of 2.7m wide x 6.0m long.

8. No visual barrier shall be provided along the boundary of the lot abutting a residential district instead of the requirement that where the boundary of every surface parking area on a lot containing five or more parking spaces adjoins a residential district, a visual barrier shall be provided along the boundary of the lot abutting a residential district not less than 1.2 metres in height and not greater than 2.0m metres in height.

9. The boundary of a surface parking area within the "C" district portion of the lot shall be located 0.0m from the adjoining residential district instead of the requirement that the boundary of every surface parking area on a lot containing five or more parking spaces shall be not less than 1.5 metres from the adjoining residential district boundary.

10. No planting strip or landscaped area shall be provided between the boundary of the surface parking area and the adjoining residential district within the "C" district portion of the lot instead of the requirement that a 1.5m planting strip shall be provided between the boundary of every surface parking area on a lot containing five or more parking spaces and the adjoining residential district.

11. No bumper or wheel barriers shall be required instead of the requirement that for every parking area for a use where there are more than five parking spaces shall have bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.

12. The access driveway shall be 0.0m from the boundary of the lot abutting a residential "C" district that does not multiple dwellings instead of the requirement that where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.

NOTE:

- i) The variances are necessary to facilitate Condominium Conversion File No. 25CDM-CONV-10-01.
- ii) The lands were subject of previous Minor Variance File No. HM/A-14:122.

iii) Pursuant to Variance No. 1 above, an irregular parcel which was added to the lands from 52 Markland Street (subject of Consent File No. HM/B-18:129) is partially located within a “C” district which does not permit a multiple dwelling or a parking space for the multiple dwelling. As such, some of the variances are required to address this lot addition. Further, the lot line determinations were altered as follows:

Front Lot Line: 91.873m lot line along Herkimer Street
Rear Lot Line: 1.748m southerly lot line
Side Lot Lines: All other lot lines

iv) Pursuant to Variance No. 2 above, as height details have not been provided for each of the existing 4 multiple dwellings, the required setbacks between each multiple dwelling could not be determined.

v) Pursuant to Variance Nos. 4 and 5 above, a width, length and height details have not been provided for each of the existing 4 multiple dwellings, the required southerly side yard width and required rear yard depth could not be determined.

vi) Variance No. 7 above mirrors the parking space size which was previously approved under Variance No. 7 of Minor Variance File No. HM/A-14:122 for the original boundaries of the lot.

vii) Variance Nos. 9 and 10 above for the portion of the lot within the “C” district mirrors those variances which were previously approved under Variance Nos. 9 and 10 of Minor Variance File No. HM/A-14:122 for the original boundaries of the lot.

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

DATE: Thursday, March 3rd, 2022
TIME: 2:15 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

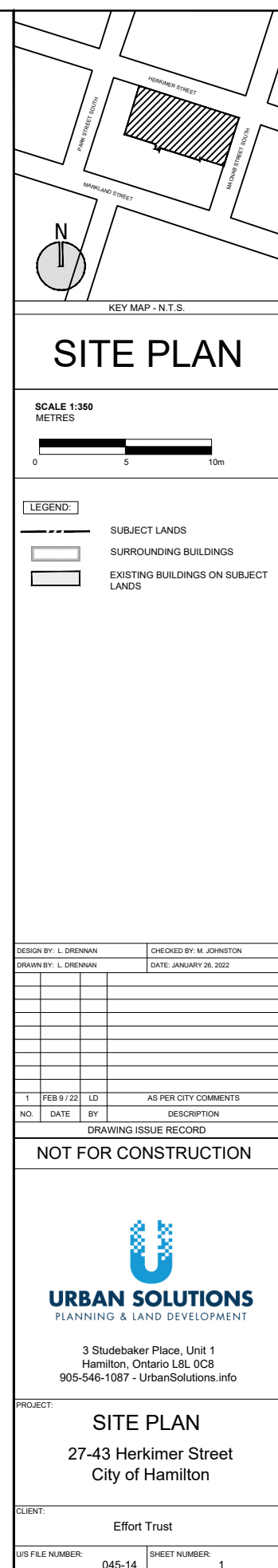
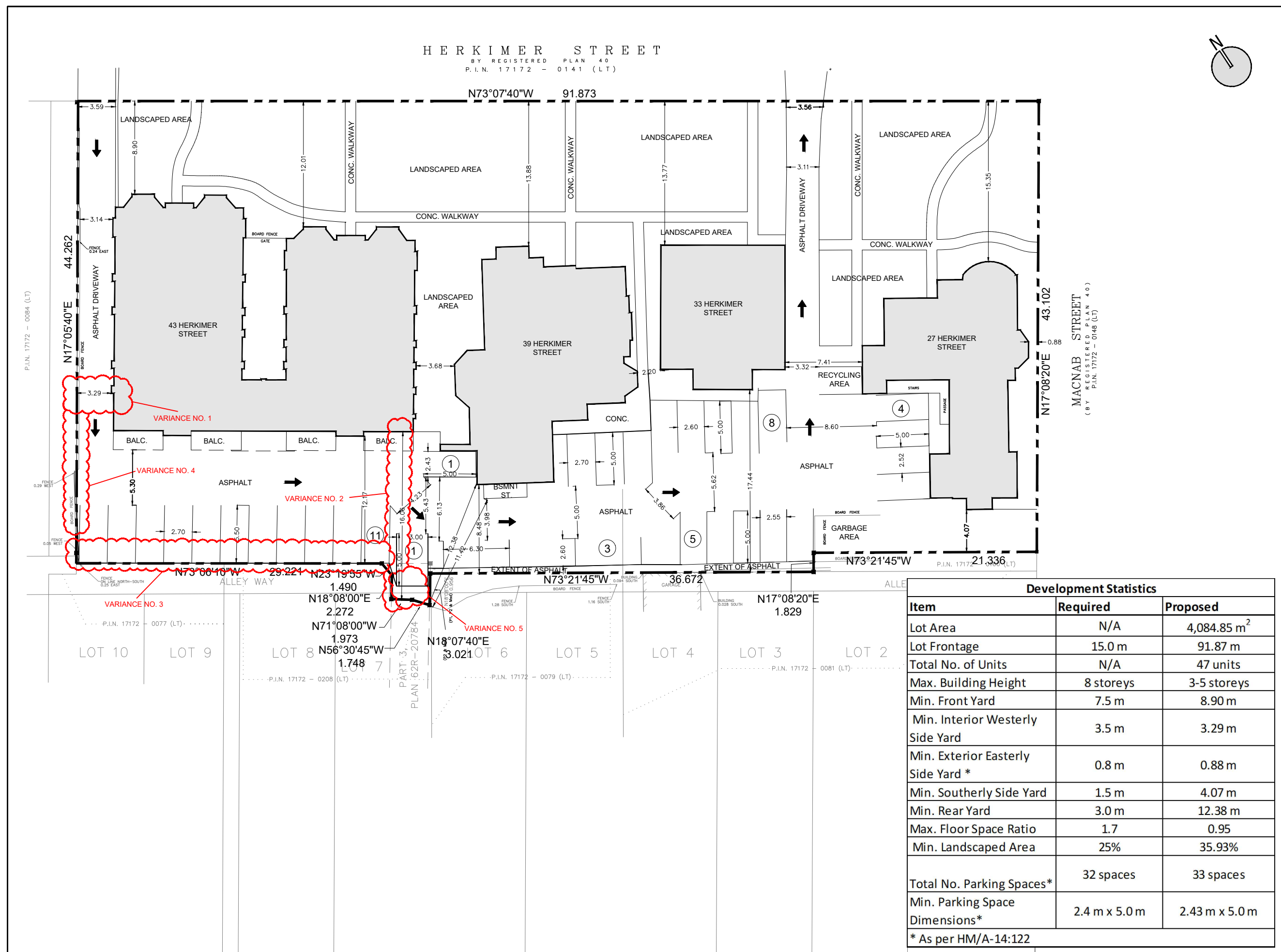
For more information on this matter, including access to drawings illustrating this request:

- 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: February 15th, 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.



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:

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 a minimum side yard of 3.25 metres.

☐ Secondary Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Subject lands contains existing multiple dwellings. Application is to reflect current site conditions to facilitate Plan of Condominium Conversion Application No. 25CDM-CONV-10-01. Please see attached cover letter for additional information.

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**):

Part of Lot 15 and all of Lots 16 to 24 inclusive and part of Alley Registered Plan 40 in the City of Hamilton: 27, 33, 49, 41 and 43 Herkimer Street.

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?
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. N/A

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.

December 17 2021
Date


Signature Property Owner(s)
Knightsbridge Properties & Chancery Properties
c/o David Horwood Type text here
Print Name of Owner(s)

10. Dimensions of lands affected:
Frontage +/- 91.873 metres
Depth +/- 44.262 metres
Area +/- 4,102.56 metres
Width of street +/- 20.10 metres

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: Please refer to enclosed Survey prepared by A.T. McLaren.

Proposed
Buildings are existing, no new buildings proposed.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)
Existing: Please refer to enclosed Survey prepared by A.T. McLaren.

Proposed:
Buildings are existing, no new buildings proposed.

13. Date of acquisition of subject lands:
Unknown
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.):
Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water | <input type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input 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 Schedule E-1 Urban Hamilton Official Plan.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Multiple Dwellings, Lodges, Clubs, Etc. (E) Zone in the Former 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.
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 enclosed 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.