



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.: HM/A-21:454

APPLICANTS: Agent Michael Barton
Owner 130 Wellington Corp.

SUBJECT PROPERTY: Municipal address **130 Wellington St. S., Hamilton**

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

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district

PROPOSAL: To permit the establishment of a multiple dwelling containing a maximum of four (4) dwelling units within an existing building notwithstanding that:

1. A multiple dwelling containing a maximum of four (4) dwelling units shall be permitted notwithstanding that this use is not permitted as a use in the "D" district.
2. No visitor parking spaces shall be required instead of the minimum required one (1) visitor parking space.
3. The access driveway to the multiple dwelling shall be located 0.0m from the "D" district which does not permit this use 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.
4. A gravel surface shall be permitted for the parking area, manoeuvring space and access driveway instead of the requirement that a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.

NOTE:

- i) Section 18A(28) of Hamilton Zoning By-law No. 6593 states:

"No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling."

A variance to Section 18A(28) is not required for the subject lands as a multiple dwelling would be permitted. However, a minor variances would be required to Section 18A(28) for those lands over which the right-of-way for the multiple dwelling traverses through being (it appears):

- 126 Wellington St S
- 128 Wellington St S
- 1 Ford St

As such, zoning non-compliance will exist for those properties.

- ii) A loading space is not required for a multiple dwelling containing four (4) dwelling units. As such, those variances requested for a loading space are not necessary.

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

DATE: Thursday, April 7th, 2022
TIME: 3:00 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

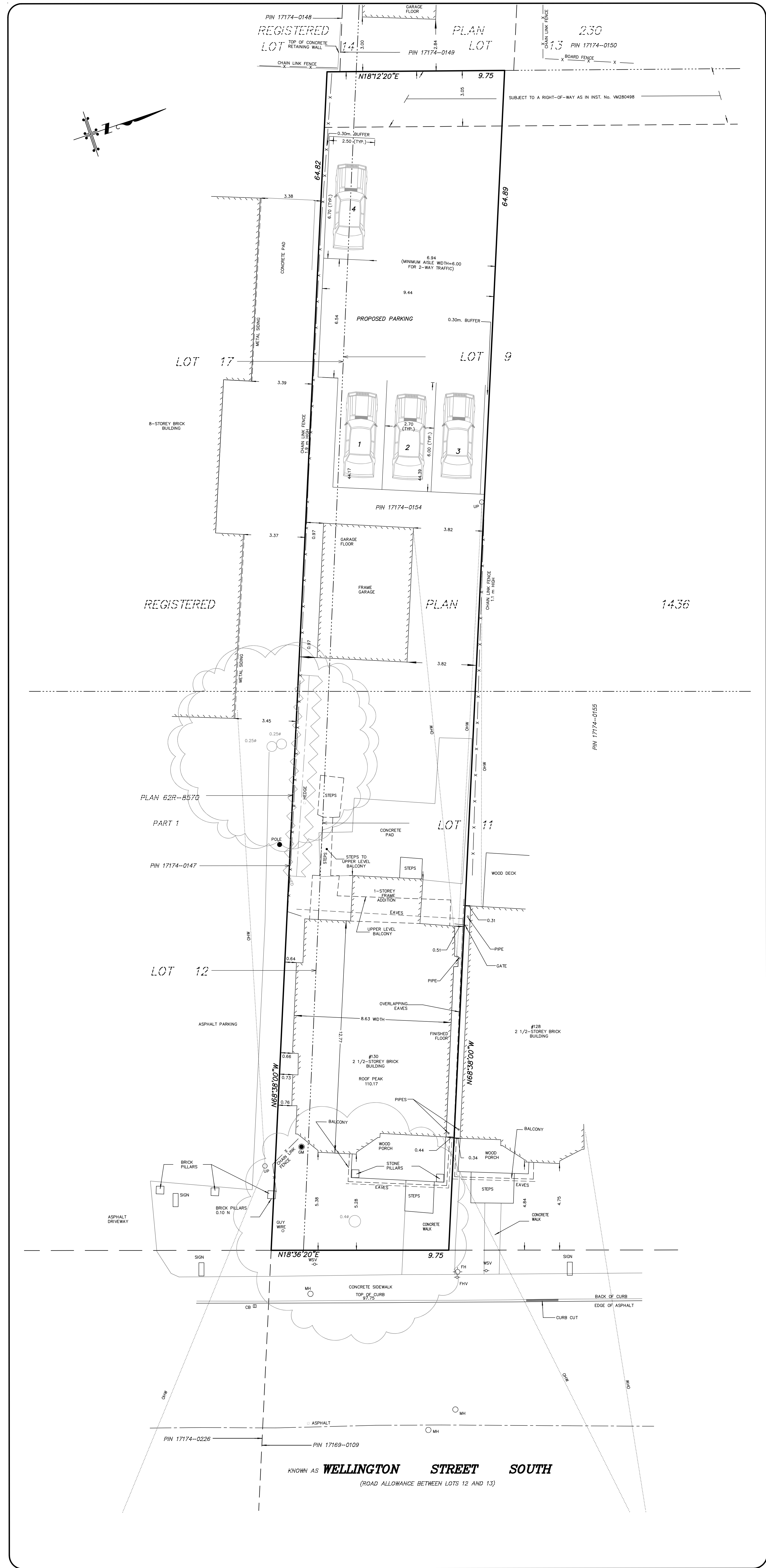
For more information on this matter, including access to drawings illustrating this request:

- 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: March 22nd, 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.

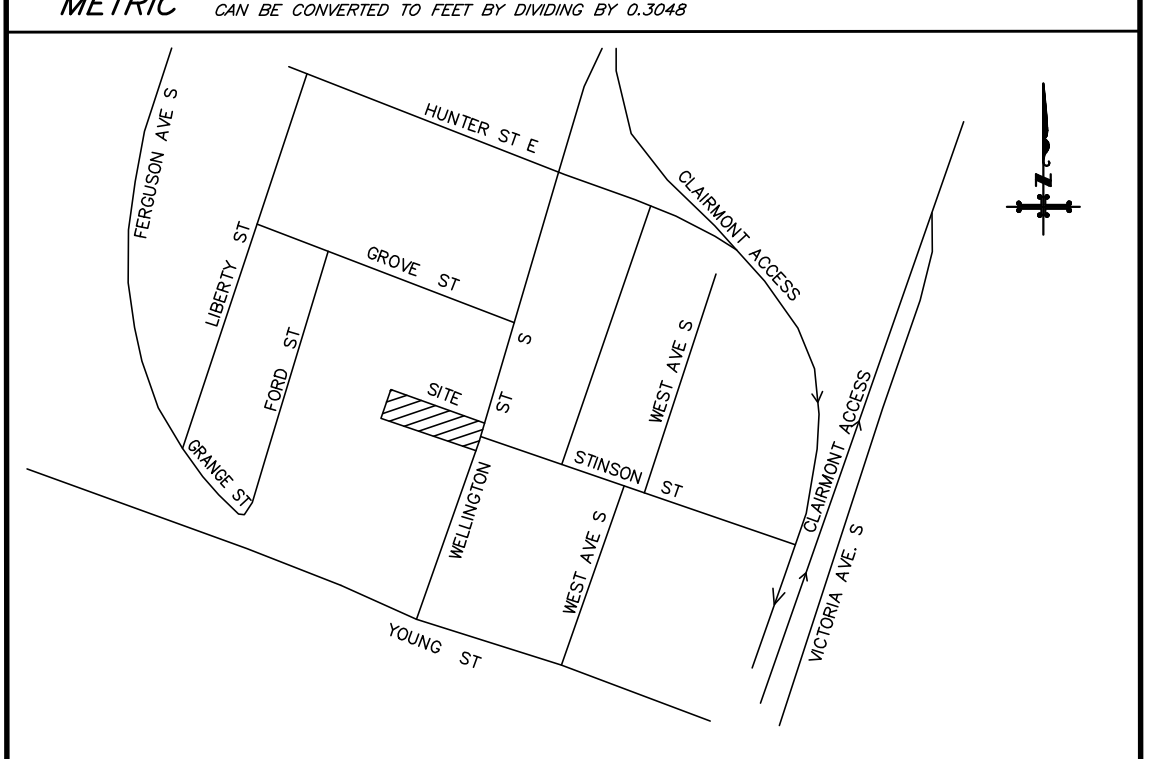


ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

SITE PLAN FOR PARKING FOR
130 WELLINGTON STREET SOUTH CLIENT: 2133891 ONTARIO INC
 C/O FORGE & FOSTER

GEOGRAPHIC LOCATION INFORMATION
PART OF LOTS 9, 11, 12 AND 17
REGISTERED PLAN 1436
 BEING IN THE
CITY OF HAMILTON
 SCALE 1 : 100

MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
 © 2020
 "METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



KEYPLAN NOT TO SCALE

REQUIRED BY	PROVIDED
ZONING - D	4 SPACES
PROPOSED PARKING	2.7m
PARKING STALL-2.6m. WIDE (MIN.)	6.0m
PARKING STALL-5.5m. LENGTH (MIN.)	

CITY OF HAMILTON ZONING BY-LAW 6593
ZONING REGULATION - DE-2

ZONE	REQUIRED	PROVIDED
LOT WIDTH	12.0 (min)	9.75
LOT AREA	360 (min)	631.3
FRONT YARD	3.0 (min)	5.28
REAR YARD	6.0 (min)	44.17
SIDE YARD	1.50 (min) (NORTH)	0.44
	1.50 (min) (SOUTH)	0.64
LANDSCAPE AREA	25% (min)	31.2%
BUILDING AREA		112.0 sq.m. (EXISTING BUILDING)
		36.5 sq.m. (EXISTING GARAGE)
		148.5 sq.m. (TOTAL AREA)
LOT COVERAGE	N/A	23.5%
BUILDING HEIGHT	26.0 (max)	12.42
FLOOR AREA RATIO	(max)	1:0.44
DWELLING DEPTH	18.00 (max)	12.77

- Legend:**
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 - CL DENOTES CENTRE LINE
 - UP DENOTES UTILITY POLE
 - LS DENOTES LIGHT STANDARD
 - OHV DENOTES OVERHEAD WIRES
 - GM DENOTES GAS METER
 - RW DENOTES RETAINING WALL
 - WSV DENOTES WATER SERVICE VALVE
 - FH DENOTES FIRE HYDRANT
 - FHV DENOTES FIRE HYDRANT VALVE
 - CDENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
 - CDENOTES CONIFEROUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
- BUILDING TIES SHOWN HEREON ARE TO FOUNDATION UNLESS OTHERWISE NOTED.

BOUNDARY DATA SHOWN HEREON WAS TAKEN FROM SURVEYORS REAL PROPERTY REPORT DONE BY MACKAY, MACKAY & PETERS, DATED APRIL 20, 2018, FILE No. 18-055.

MAY 12, 2020
 DATE ROY C. MAYO, O.L.S.
 FOR MACKAY, MACKAY AND PETERS LIMITED

CAUTION: THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL.
CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
 © 2020 MACKAY, MACKAY & PETERS LIMITED

No.	DATE	REVISIONS	STAMP
4	MAY 12, 2019	REVISED AS PER CITY COMMENTS	
3	MAY 21, 2019	ADDED EXTRA PARKING AS PER CLIENT	
2	MAY 17, 2019	REVISED AS PER CITY COMMENTS	
1	APRIL 04, 2019	PREPARED SITE PLAN	

MACKAY MACKAY & PETERS
 LIMITED
 ESTABLISHED 1906
 ONTARIO LAND SURVEYORS
 3380 SOUTH SERVICE ROAD
 BURLINGTON, ONTARIO L7N 3J5
 PHONE: (905) 639-1375
 FAX: (905) 333-9544
 e-mail: halton@mmlimited.com
 Records of Sewell & Sewell
 and Yates & Yates LTD.

DRAWN BY:	PARTY CHIEF:	CHECKED BY:	PROJECT No.	DWG. No.
M.S.	N/A	A.S.	18-055-SP	1



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
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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:

Permit multiple dwelling units; Eliminate required loading space; Eliminate requirement that loading, parking and manoeuvring be located on same lot; Modify requirement to have access to roadway from parking area and to utilize existing right-of-way; Allow access driveway to be located 0.0 metres from the common boundary between the "D" District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required; Permit passage of vehicles from the subject property to the roadway whereas the zone does not permit vehicles travelling from a property zoned for multiple dwellings to pass through an area not zoned for multiple dwellings; Permit a non-paved (gravel) parking surface; and Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.

- Secondary Dwelling Unit Reconstruction of Existing Dwelling

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

The subject property is current zoned "D", which does not permit multiple dwellings. The legally recognized use is a boarding house, but the building has been used as a multiple dwelling with 6 units. The owner is seeking to legally recognize 4 of these multiple dwelling units to allow continued use for rental purposes.

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 Lots 9, 11, 12 and 17 (Registered Plan 1436)
130 Wellington Street South

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?

Knowledge of previous/historical uses for residential (boarding house)

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



Signature Property Owner(s)

Andrew Cigna

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	9.75 m
Depth	64.89 m
Area	631.3 m ²
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:
12.42 metre high, 2.5-storey structure with 6 multiple dwelling units (not legally recognized); 23.5% lot coverage; 44% floor area ratio; 12.77 metre dwelling depth
4 surface parking spaces in rear yard

Proposed
Existing structure and site conditions (including 4 parking spaces) to remain.
Minor variance required to undertake interior renovations to 4 of the existing units.

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 yard: 5.28 m; Rear yard: 44.17 m; Side Yards: 0.44 m and 0.64 m

Proposed:
Existing to remain

13. Date of acquisition of subject lands:
January 2019
-
14. Date of construction of all buildings and structures on subject lands:
Immediately
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Multiple dwelling units (not legally recognized); legal Boarding House
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Apartment buildings; multiple dwellings; single detached dwellings
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:
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D – Urban Protected Residential - One and Two Families etc.
21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.
Zoning By-law Amendment Application ZAR-18-057 denied by Council
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 correspondence 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.