



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-22:71

**APPLICANTS:** Agent V. Mohammed  
Owners A. Raza & S. Dekondwar

**SUBJECT PROPERTY:** Municipal address **775 King St. E., Hamilton**

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

**ZONING:** "TOC3" (Transit Oriented Corridor Multiple Residential) district

**PROPOSAL:** To permit the establishment of a Multiple Dwelling containing a total of three (3) dwelling units within the existing building notwithstanding that:

1. The finished floor elevation of the ground floor dwelling unit shall be 0.1m (7") above grade whereas the by-law requires the finished floor elevation of any dwelling unit to be at least 0.9m above grade.

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

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**DATE:** Thursday, April 7th, 2022  
**TIME:** 3:10 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:

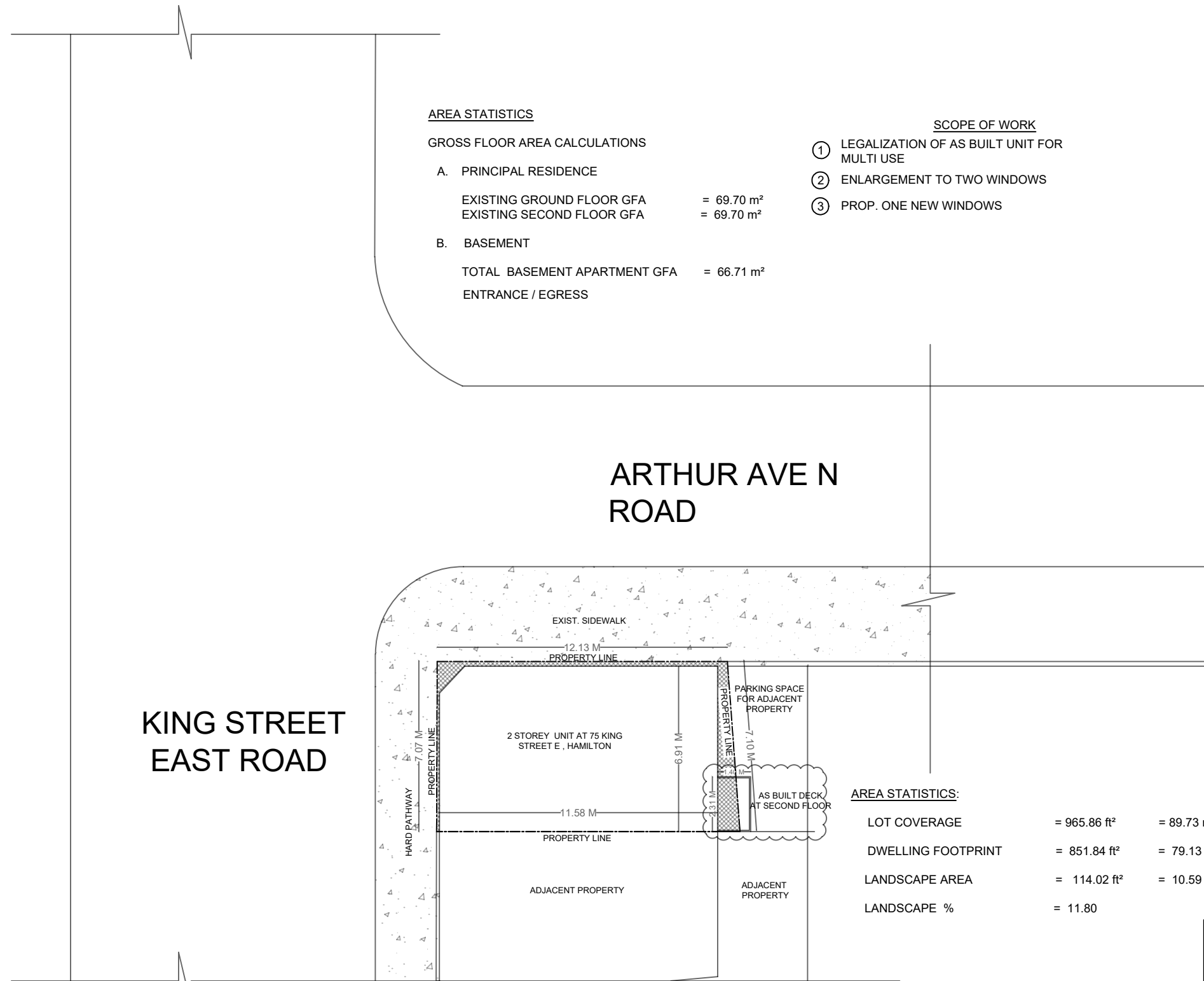
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: March 22nd, 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.***



**AREA STATISTICS**

**GROSS FLOOR AREA CALCULATIONS**

- A. PRINCIPAL RESIDENCE
  - EXISTING GROUND FLOOR GFA = 69.70 m<sup>2</sup>
  - EXISTING SECOND FLOOR GFA = 69.70 m<sup>2</sup>
- B. BASEMENT
  - TOTAL BASEMENT APARTMENT GFA = 66.71 m<sup>2</sup>
  - ENTRANCE / EGRESS

**SCOPE OF WORK**

- ① LEGALIZATION OF AS BUILT UNIT FOR MULTI USE
- ② ENLARGEMENT TO TWO WINDOWS
- ③ PROP. ONE NEW WINDOWS

**ARTHUR AVE N ROAD**

**KING STREET EAST ROAD**

**AREA STATISTICS:**

- LOT COVERAGE = 965.86 ft<sup>2</sup> = 89.73 m<sup>2</sup>
- DWELLING FOOTPRINT = 851.84 ft<sup>2</sup> = 79.13 m<sup>2</sup>
- LANDSCAPE AREA = 114.02 ft<sup>2</sup> = 10.59 m<sup>2</sup>
- LANDSCAPE % = 11.80

NO.	DESCRIPTION	DATE
0	FOR BUILDING PERMIT	FEB/ 28 / 2022

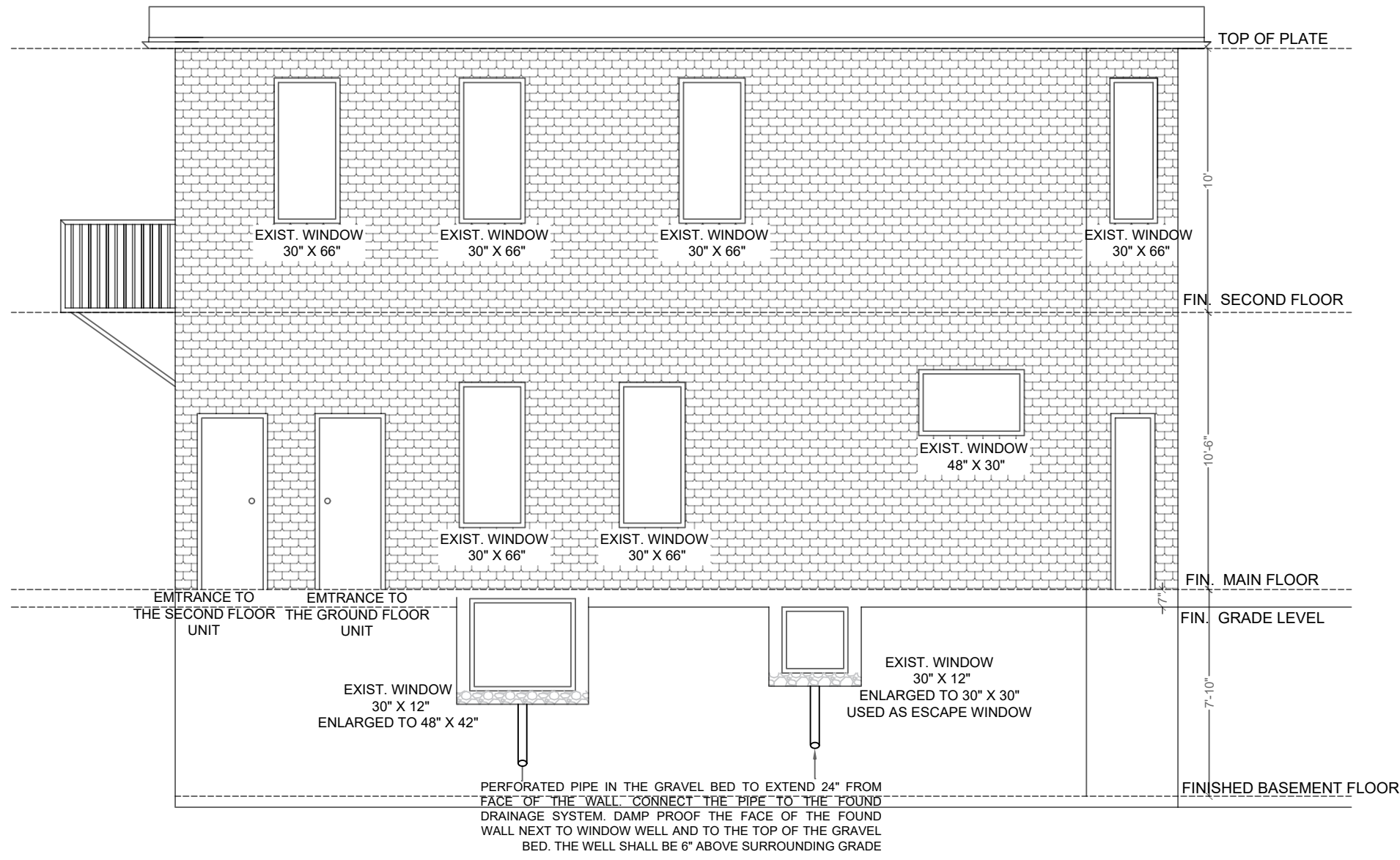
ENGINEER:  
 **Mechways Inc.**  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

PROJECT:  
**775 KING STREET E,  
 HAMILTON**

TITLE:  
**SITE PLAN**

CHECKED: MS	DRAWING:
DRAWN: MA	<b>SP1.01</b>
SCALE: 1:200	
DATE: FEB/ 28 / 2022	





0	FOR BUILDING PERMIT	JUNE/ 7 / 2021
NO.	DESCRIPTION	DATE

ENGINEER:  
 **Mechways Inc.**  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

PROJECT:  
 775 KING STREET E,  
 HAMILTON

TITLE:  
**FRONT ELEVATION**

CHECKED: MS	DRAWING:
DRAWN: MA	<b>A2.01</b>
SCALE: $\frac{3}{16}$ "=1'	
DATE: JUNE/ 7 / 2021	





 EXISTING FOUNDATION WALL

 DRY WALL

 SB-3 TABLE-1  
WALL TYPE W4a AND 51 STC


- 38mm x 89mm WOOD STUDS SPACED 406mm OR 610mm O.C.
- 89mm THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS ON ONE SIDE SPACED 406mm OR 610mm O.C.
- 2 LAYERS OF GYPSUM BOARD ON RESILIENT METAL CHANNEL SIDE
- 1 LAYER OF GYPSUM BOARD ON OTHER SIDE
- STUDS WITH SPACED 406mm O.C.
- 15.9mm TYPE X GYPSUM BOARD
- FIRE RESISTANCE RATING 1hr AND 51 STC

 DUCT-TYPE SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING THAT MUST TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION

 SMOKE ALARMS ARE INSTALLED IN EVERY DWELLING UNIT AND COMMON AREAS IN CONFORMANCE WITH OBC 9.10.19. SMOKE ALARM SHALL BE WIRED AND INTERCONNECTED FOR THE ENTIRE BUILDING

 CARBON MONO OXIDE ALARM

 SPRINKLER


 EXIST. HORIZONTAL SEPARATION 15 MINUTE F.R.R. (EXISTING 1/2" GYPSUM BOARD CEILING)


 EXHAUST FAN


 EMERGENCY LIGHT

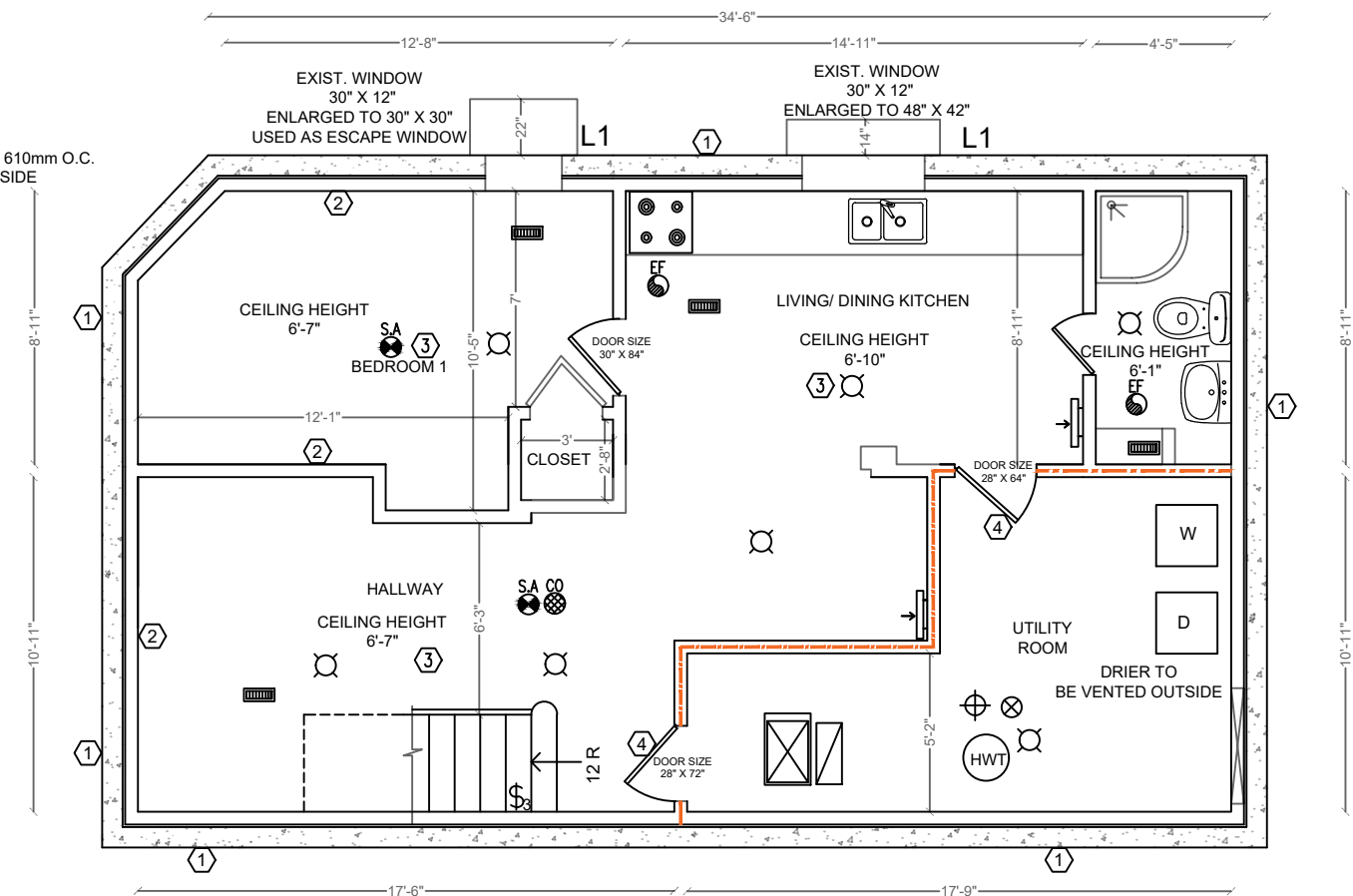
 SAR (SUPPLY AIR REGISTER)

 RAG (RETURN AIR GRILLE)

 PROVIDE 30 MINUTE F.R.R. (2 NOS TYPE 'X' 5/8" BOARD) UNDER THE STAIR SOFFIT/CEILING AND ON THE WALLS ENCLOSING STAIRWAYS CONNECTING BASEMENT TO MAIN FLOOR

 20 MIN. FIRE RESISTANCE RATED DOOR FOR COMMON AREA AND BETWEEN BASEMENT APARTMENT AND PRINCIPAL RESIDENCE WITH SELF CLOSING DEVICE

 L1 2-2"x8" WOOD LINTEL & 1-3.5"x3.5"x0.25" STEEL LINTEL. MINIMUM BEARING OF STEEL LINTEL 150 mm EACH SIDE. MINIMUM BEARING OF WOOD LINTEL 90 mm ON EACH SIDE



**PROP. BASEMENT PLAN**

BASEMENT APARTMENT GFA = 718.11 ft<sup>2</sup> / 66.71 m<sup>2</sup>  
 CEILING HEIGHT = 6'-10"  
 CEILING HEIGHT U/S OF DUCT = 6'-5"  
 CEILING HEIGHT SHALL NOT BE LESS THAN 6'-5" OVER ALL REQUIRED ROOM AREAS, UNDER BEAMS, DUCTS AND ANY LOCATION NORMALLY USED AS A MEANS OF EGRESS

CALCULATION OF GLASS AREA AS PER COMPLIANCE ALTERNATIVE C107 PART 11 OF OBC 2012				
ROOM TYPE	ROOM AREA (SFT)	GLASS AREA REQUIRED (SFT)	WINDOW SIZE	EXIST. / PROP. GLASS AREA (SFT)
LIVING, DINING & KITCHEN	202.39	@ 5% = 10.11	48" X 42"	12.60
BEDROOM 1	133.65	@ 2.5% = 3.34	30" X 30"	5.62



NO.	DESCRIPTION	DATE
0	FOR BUILDING PERMIT	JUNE/ 7 / 2021

ENGINEER:  
  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

PROJECT:  
 775 KING STREET E,  
 HAMILTON

TITLE:  
**PROP. BASEMENT PLAN**  
 CHECKED: MS  
 DRAWN: MA  
 SCALE: 1:75  
 DATE: JUNE/ 7 / 2021  
 DRAWING:  
**A1.01**

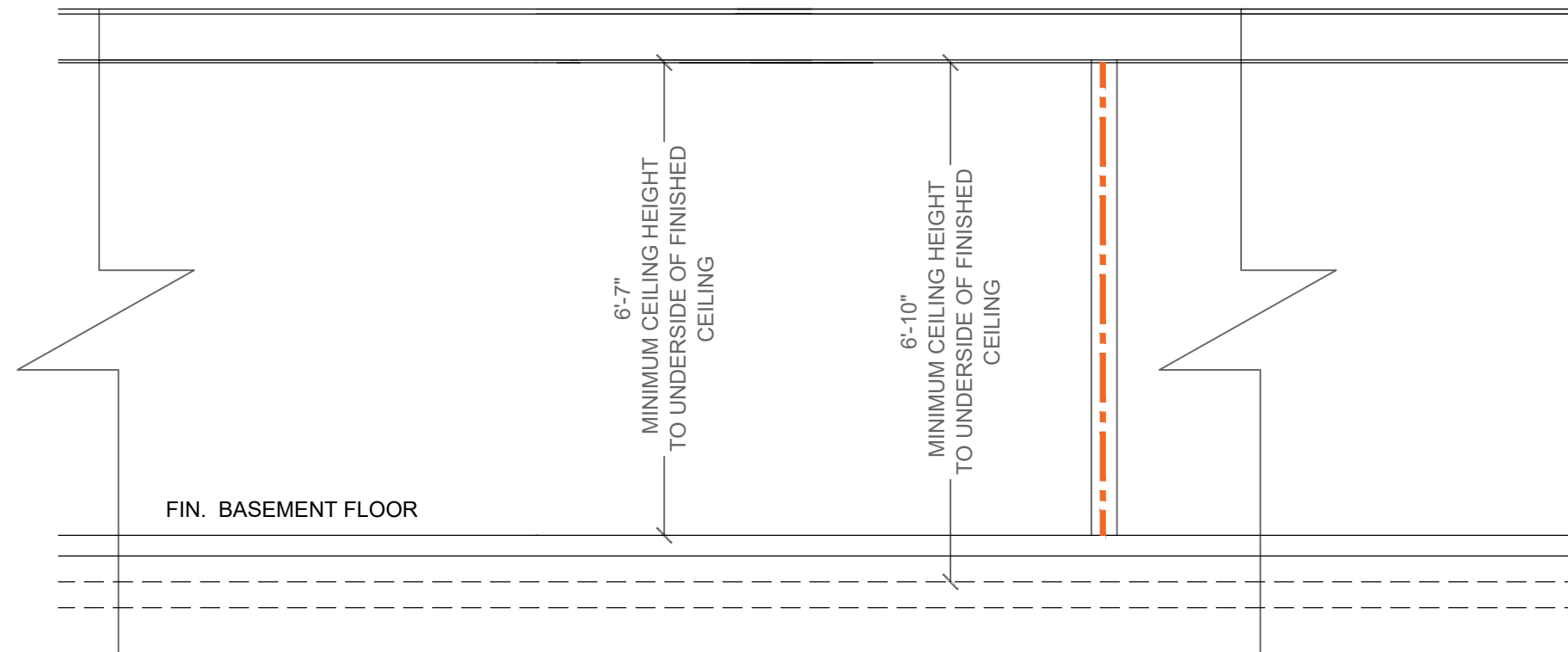
**SB-3 TABLE-1**

**WALL TYPE W4a AND 51 STC**

- 38mm x 89mm WOOD STUDS SPACED 406mm OR 610mm O.C.
- 89mm THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS ON ONE SIDE SPACED 406mm OR 610mm O.C.
- 2 LAYERS OF GYPSUM BOARD ON RESILIENT METAL CHANNEL SIDE
- 1 LAYER OF GYPSUM BOARD ON OTHER SIDE
- STUDS WITH SPACED 406mm O.C.
- 15.9mm TYPE X GYPSUM BOARD
- FIRE RESISTANCE RATING 1hr AND 51 STC

EXIST.HORIZONTAL SEPARATION 15  
MINUTE F.R.R (EXISTING 1/2" GYPSUM BOARD  
CEILING)

FIN. GROUND FLOOR



**SECTION A-A**

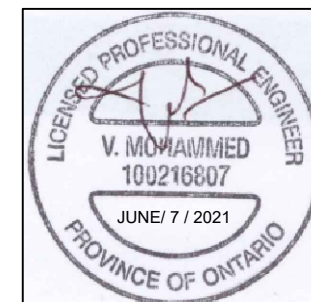
0	FOR BUILDING PERMIT	JUNE/ 7 / 2021
NO.	DESCRIPTION	DATE

ENGINEER:  
 **Mechways Inc.**  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

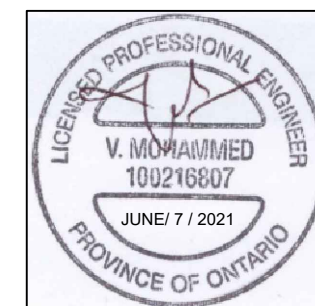
PROJECT:  
 775 KING STREET E,  
 HAMILTON

TITLE:  
**SECTION PLAN**

CHECKED: MS	DRAWING:
DRAWN: MA	<b>S4.01</b>
SCALE: 3/8"=1'	
DATE: JUNE/ 7 / 2021	



<b>Name of Practice:</b> Address: 2751 Thamesgate Drive, Mississauga, ON Tel: 416-627-4100 Email: info@mechways.com Website: www.mechways.com					
<b>Name of Project:</b> 775 KING STREET <b>Location:</b> 775 KING STREET EAST, HAMILTON					
Item	Ontario Building Code Data Matrix Parts 3 or 9			Building Code Reference <small>References are to Division B unless noted [A] for Division A or [C] for Division C.</small>	
1	Project Description: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Part 11 11.1 to 11.4	<input checked="" type="checkbox"/> Part 3 1.1.2. [A]	<input checked="" type="checkbox"/> Part 9 1.1.2. [A] & 9.10.1.3.	
2	Major Occupancy(s) GROUP C		3.1.2.1.(1)	9.10.2.	
3	Building Area (m <sup>2</sup> ) Existing 206.11 m <sup>2</sup> New _____ Total _____		1.4.1.2. [A]	1.4.1.2. [A]	
4	Gross Area Existing 206.11 m <sup>2</sup> New _____ Total _____		1.4.1.2. [A]	1.4.1.2. [A]	
5	Number of Storeys Above grade 2 Below grade 1		1.4.1.2. [A]&3.2.1.1.	1.4.1.2[A] & 9.10.4	
6	Number of Streets/Fire Fighter Access 2		3.2.2.10. & 3.2.5.	9.10.20.	
7	Building Classification C		3.2.2.20.-.83	9.10.2.	
8	Sprinkler System Proposed <input checked="" type="checkbox"/> entire building <input type="checkbox"/> selected compartments <input type="checkbox"/> selected floor areas <input type="checkbox"/> basement <input type="checkbox"/> in lieu of roof rating <input type="checkbox"/> not required		3.2.2.20.-.83 3.2.1.5. 3.2.2.17. INDEX	9.10.8.2.   INDEX	
9	Standpipe required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.2.9.	N/A	
10	Fire Alarm required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.2.4.	9.10.18.	
11	Water Service/Supply is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3.2.5.7.	N/A	
12	High Building <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.2.6.	N/A	
13	Construction Restrictions Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-combustible	<input type="checkbox"/> Combustible permitted <input type="checkbox"/> Non-combustible required <input checked="" type="checkbox"/> Both	3.2.2.20.-.83	9.10.6.	
14	Mezzanine(s) Area m <sup>2</sup>		3.2.1.1.(3)-(8)	9.10.4.1.	
15	Occupant load based on <input type="checkbox"/> m <sup>2</sup> /person <input checked="" type="checkbox"/> design of building Load 6 persons Load _____ persons		3.1.17.	9.9.1.3.	
16	Barrier-free Design <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain)		3.8.	9.5.2.	
17	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.3.1.2. & 3.3.1.19.	9.10.1.3.(4)	
18	Required Fire Resistance Rating (FRR) Horizontal Assemblies FRR (Hours) FRR of Supporting Members	Listed Design No. or Description (SG-2)  Listed Design No. Or Description (SG-2)	3.2.2.20.-.83 & 3.2.1.4.	9.10.8. 9.10.9.	
19	Plumbing Fixture Requirements				
	Male/Female Count @ 50 % / 50 %, except as noted otherwise	Occupant Load	BC Table Number	Fixtures Required	Fixtures Provided
	Main Floor: Occupancy GROUP D	6			1 WATER CLOSET 2 LAVATORIES
	EXIT INFORMATION	2		3.4.2.1.(1)	
20	Minimum Number of Exits	Travel distance to at least one exit shall be not more than 45 m		3.4.2.5.(b).	
21	Distance To Exist/s				



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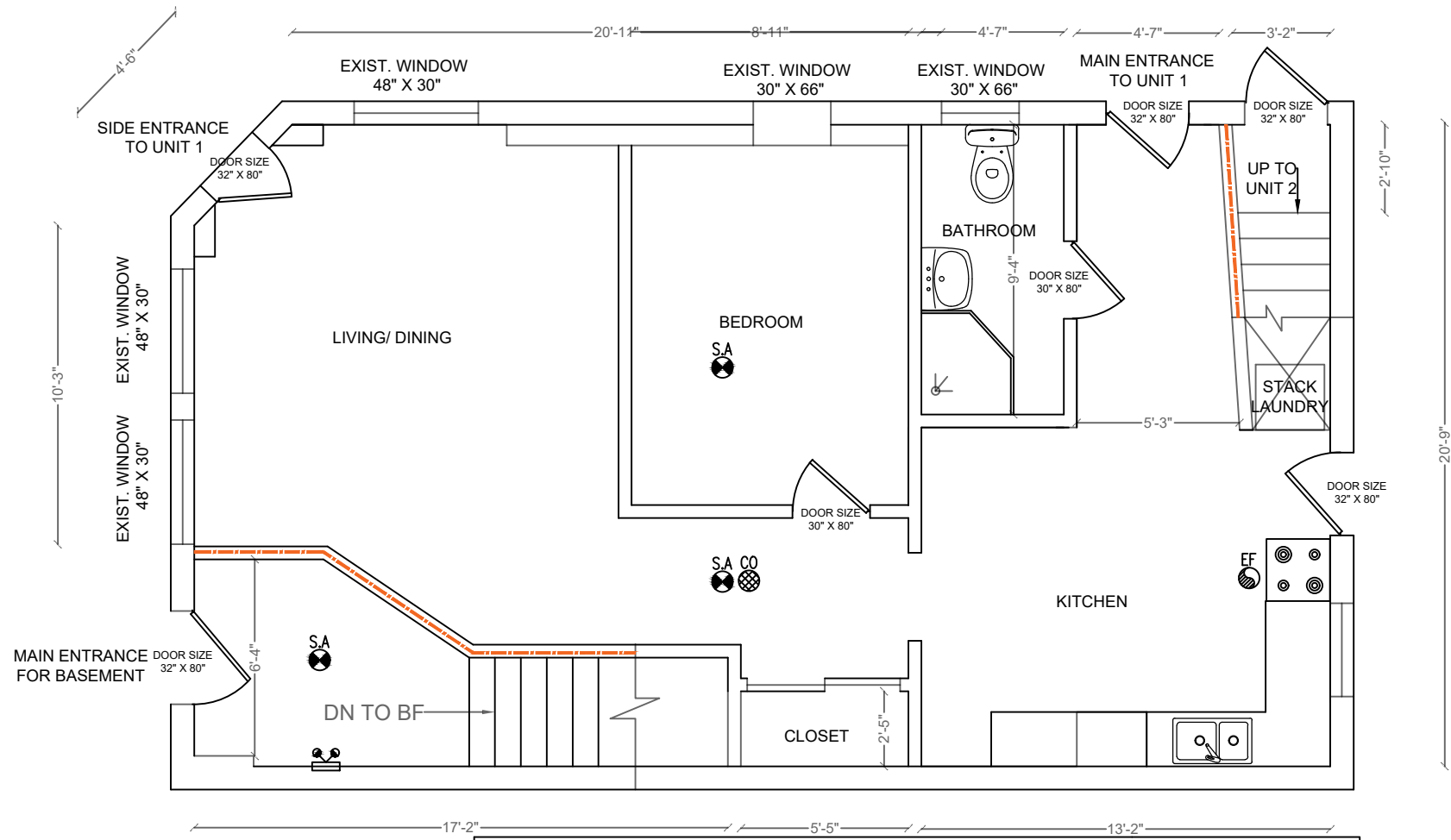
ENGINEER:  
 **Mechways Inc.**  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

PROJECT:  
 775 KING STREET E,  
 HAMILTON

TITLE:  
**O.B.C MATRIX**

CHECKED: MS	DRAWING:
DRAWN: MA	<b>A0.01</b>
SCALE: N/A	
DATE: JUNE/ 7 / 2021	





**CALCULATION OF GLASS AREA AS PER COMPLIANCE ALTERNATIVE C107 PART 11 OF OBC 2012**

ROOM TYPE	ROOM AREA (SFT)	GLASS AREA REQUIRED (SFT)	WINDOW SIZE	EXIST. / PROP. GLASS AREA (SFT)
LIVING, DINING & KITCHEN	176.34	@ 5% = 8.81	48" X 30"	27
BEDROOM 1	103.28	@ 2.5% = 2.58	30" X 66"	12.37



NO.	DESCRIPTION	DATE
0	FOR BUILDING PERMIT	JUNE/ 7 / 2021

ENGINEER:  
  
 2751 THAMESGATE DR.  
 MISSISSAUGA, ON.  
 TEL: 905-678-7778  
 mechways@gmail.com

PROJECT:  
 775 KING STREET E,  
 HAMILTON

TITLE:  
**GROUND FLOOR PLAN**

CHECKED: MS	DRAWING:
DRAWN: MA	<b>A1.02</b>
SCALE: $\frac{3}{16}$ "=1'	
DATE: JUNE/ 7 / 2021	





**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:

**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:

The elevation of the finished floor of the dwelling is 0.17 M above the grade. But as per the zoning by law the minimum requirement is 0.9 M above the grade. Hence applied for a variance of 0.73 M.

Secondary Dwelling Unit     Reconstruction of Existing Dwelling    FOR MULTIPLE USE

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

As per the zoning by law 05-200, there is a minimum requirement of the elevation of the floor to be 0.9 M above the grade. But as the existing dwelling unit is as built, the requirement could not be met.

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**):

775 King St E Hamilton, ON L8M 1A7

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?

PROPERTY 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.

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 12, 2021  
Date

   
Signature Property Owner(s)

AMAAN RAZA .Sheetal Dekondwar  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 11.58 M  
Depth 6.91 M  
Area 89.73 Sq M  
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: Ground floor area: 69.7 Sq M  
Second floor area: 69.7 Sq.M  
Basement apartment area: 66.71 Sq.M  
Gross floor area: 206.11 Sq.M  
Dwelling footprint : 79.13 Sq.M  
Landscape area: 10.59 Sq.M

Proposed: Ground floor area: 69.7 Sq.M  
Second floor area: 69.7 Sq.M  
Basement apartment area: 66.71 Sq.M  
Gross floor area: 206.11 Sq.M  
Dwelling footprint: 79.13 Sq.M  
Landscape area: 10.59 Sq.M

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 and Left side: Hard pathway  
Rear side: Adjacent property  
Right side: Parking area

Proposed: Front and Left side :Hard pathway  
Rear side: Adjacent property  
Right side: Parking area

13. Date of acquisition of subject lands:  
Dec 04, 2020
14. Date of construction of all buildings and structures on subject lands:  
Year of construction is 1920
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:  
 Since 1920
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                          |
|----------------|-------------------------------------|-----------|--------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input 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.