



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

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

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<b>APPLICATION NO.:</b>	<b>GL/A-22:43</b>
<b>APPLICANTS:</b>	Agent A.J. Clarke & Associates S. Fraser  Owner Cachet Developments (Binbrook)
<b>SUBJECT PROPERTY:</b>	Municipal address <b>3105 Fletcher Rd., Glanbrook</b>
<b>ZONING BY-LAW:</b>	Zoning By-law Glanbrook Zoning By-law No. 464 & Hamilton Zoning By-law No. 05-200, as Amended 16-168 as approved by OMB File No. PL150224 (Glanbrook Zoning By-law No. 464) and 16-169 as approved by OMB File No. PL150224 (Hamilton Zoning By-law No. 05-200)
<b>ZONING:</b>	"H-R4-295", "H-RM2-296", "H-RM3-297", "H-RM3-298", "H-C3-299", "P1", "P5" and "I2, 477, H16" district Residential "R4" zone; Residential Multiple "RM2" zone; Residential Multiple "RM3" zone; General Commercial "C3" zone; Neighbourhood Park (P1) zone; Conservation/Hazard Lane (P5) zone and Community Institutional (I2) zone
<b>PROPOSAL:</b>	To permit the construction of a single detached dwelling on each of the lots zoned "H-R4-295" and "I2,477,H16", to permit street townhouse dwellings to be constructed on each of the lots zoned "H-RM2-296" and "I2,477,"H16" and to permit block townhouse dwellings, to apartment buildings, stacked townhouses and/or back-to-back townhouses (maisonettes) to be constructed on each of the blocks zoned "H-RM3-297" and "H-RM3-298" pursuant to Draft Plan of Subdivision File No. 25T-201405 notwithstanding that:

Variances required for lands zoned "H-R4-295" pursuant to Glanbrook Zoning By-law No. 464

1. A minimum lot frontage of 10.0m except 11.2m for a corner lot shall be permitted instead of the minimum required lot frontage of 10.0m except 13.0m for a corner lot.
2. Bay windows, bow windows and box windows, either with or without foundations shall be permitted to project into any required front, rear or flankage yards a distance of not more than 0.9m instead of the requirement that only bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9m.
3. Patio decks, including the associated stairs, shall be permitted to be minimum of 2.4m from a flanking street line instead of the requirement that patio decks shall be a minimum of 7.5m from any street line.

Variations required for lands zoned "H-RM2-296" pursuant to Glanbrook Zoning By-law No. 464

1. A minimum lot frontage of 6.0m except 8.4m for a corner lot shall be permitted instead of the minimum required lot frontage of 6.0m except 9.0m for a corner lot.
2. A minimum side yard of 2.4m on an end unit on a corner lot abutting a flanking street shall be permitted instead of the minimum required side yard of 3.0 m on an end unit on a corner lot abutting a flanking street.
3. Bay windows, bow windows and box windows, either with or without foundations shall be permitted to project into any required front, rear or flankage yards a distance of not more than 0.9m instead of the requirement that only bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9m
4. Patio decks, including the associated stairs, shall be permitted to be 0.0m from any interior side lot line and a minimum of 2.4m from a flanking street line instead of the requirement that patio decks shall be a minimum of 1.0m from any interior side lot line and a minimum of 7.5m from any street line.

Variations required for lands zoned "H-RM3-297" and "H-RM3-298" pursuant to Glanbrook Zoning By-law No. 464

1. Bay windows, bow windows and box windows, either with or without foundations shall be permitted to project into any required front, rear or flankage yards a distance of not more than 0.9m instead of the requirement that only bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9m.
2. Patio decks, including its associated stairs, shall be permitted to be a minimum of 4.5m from a flanking street line instead of the requirement that patio decks shall be a minimum of 7.5m from any street line and minimum of 3.0m from a rear lot line.

Variations required for Single Detached Dwellings on lands zoned "I2, 477, H16" pursuant to Hamilton Zoning By-law No. 05-200

1. A minimum lot width of 10.0m except 11.2m for a corner lot shall be permitted instead of the minimum required lot width of 10.0m except 13.0m for a corner lot for Single Detached Dwelling lots.
2. Bay windows, bow windows, box windows and alcoves, either with or without foundations, shall be permitted to encroach into any required yard to a maximum of 0.9m and that no such feature shall have a width greater than 3.0 metres instead of the requirement that a bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the lesser and that no such feature shall have a width greater than 3.0 metres.

Variations required for Street Townhouse Dwellings on lands zoned "I2, 477, H16" pursuant to Hamilton Zoning By-law No. 05-200

1. A minimum flankage yard of 2.4m shall be provided instead of the minimum required flankage yard of 3.0m.
2. Bay windows, bow windows, box windows and alcoves, either with or without foundations, shall be permitted to encroach into any required yard to a maximum of 0.9m and that no such feature shall have a width greater than 3.0 metres instead of the requirement that a bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the lesser and that no such feature shall have a width greater than 3.0 metres.

NOTE:

- i) The variances are written as requested by the applicant.
- ii) The "H" (Holding) provision shall be removed prior to development of the lots.
- iii) Draft Plan of Subdivision File No. 25T-201405 shall be registered.

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

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**DATE:** Thursday, March 17th, 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:

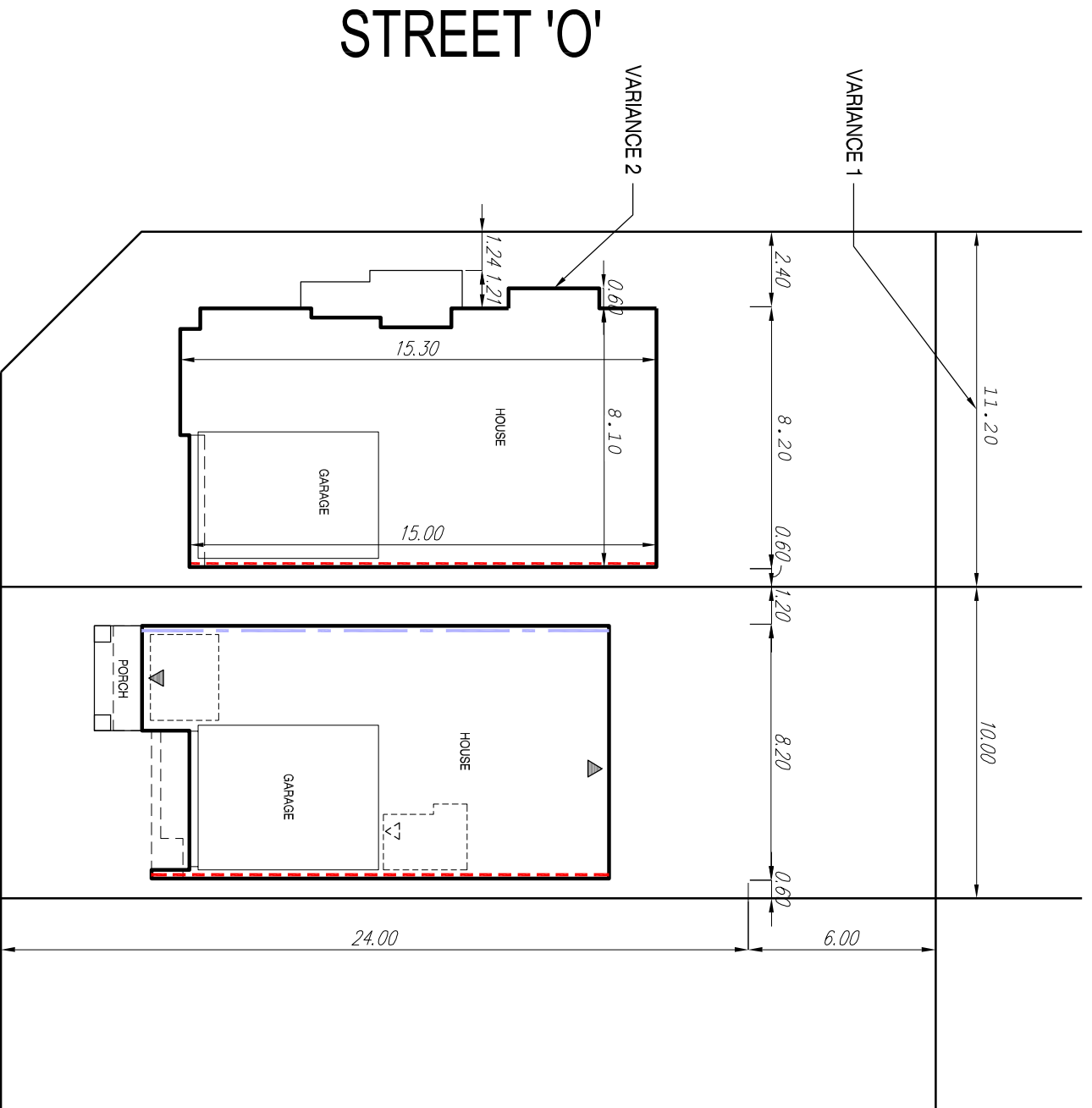
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: March 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.***



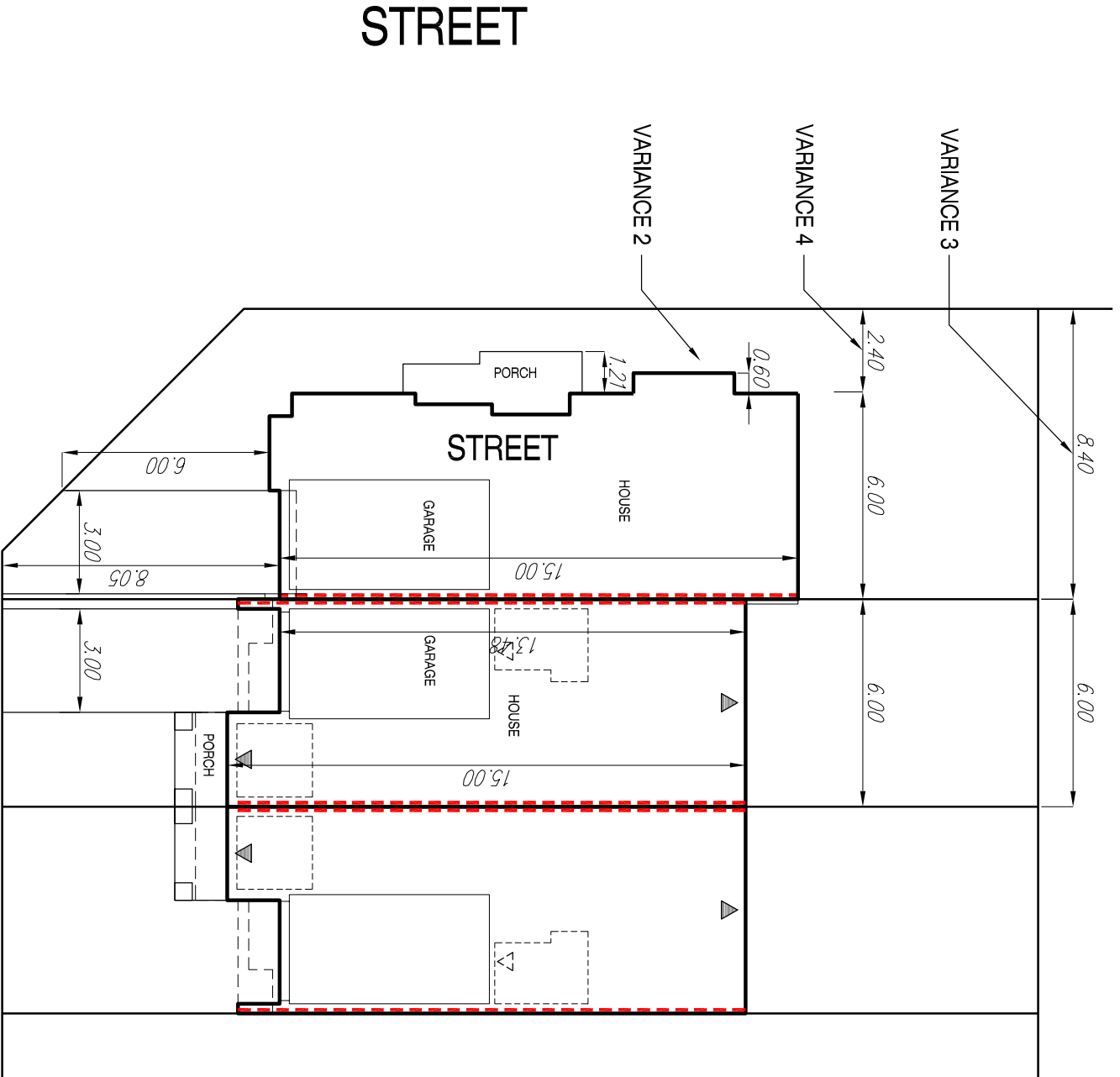
STREET 'O'

DETACHED SINGLES

N.T.S.

**VARIANCE 1**  
 H-R4-295 ZONE OF APPROVED BY-LAW # 16-168: TO PERMIT A MINIMUM LOT FRONTAGE OF 10 M (11.2M FOR A CORNER LOT) WHEREAS THE ZONING BY-LAW REQUIRES 10 M (13.0 M FOR A CORNER LOT).

**VARIANCE 2**  
 H-R4-295 AND H-RM2-296 ZONE OF APPROVED BY-LAW # 16-168 - ENCROACHMENT INTO YARDS: TO PERMIT BAY WINDOWS, BOW WINDOWS AND BOX WINDOWS, EITHER WITH OR WITHOUT FOUNDATIONS, TO PROJECT INTO ANY REQUIRED FRONT, REAR OR FLANKAGE YARD A DISTANCE OF NOT MORE THAN 0.9 M, WHEREAS THE ZONING BY-LAW ONLY SPECIFIES BAY WINDOWS.



STREET

TOWNHOUSES  
N.T.S.

**VARIANCE 3**  
H-RM2-296 ZONE OF APPROVED BY-LAW #16-168: TO PERMIT A MINIMUM LOT FRONTAGE OF 6 M EXCEPT 8.4 M FOR A CORNER LOT, WHEREAS THE ZONING BY-LAW REQUIRES 6M EXCEPT 9.0 M FOR A CORNER LOT.

**VARIANCE 4**  
H-RM2-296 ZONE OF APPROVED BY-LAW #16-168: TO PERMIT A MINIMUM SIDE YARD OF 2.4 M ON AN END UNIT ON A CORNER LOT ABUTTING A FLANKING STREET, WHEREAS THE ZONING BY-LAW REQUIRES 3.0 M.

STREET



OPEN SPACE

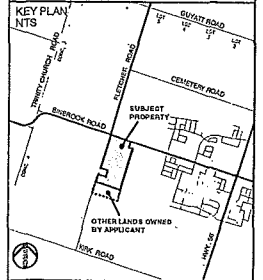
RESIDENTIAL

# DRAFT PLAN OF SUBDIVISION

PART OF LOT 5, BLOCK 4, CONVESSION 4  
GEOGRAPHIC TOWNSHIP OF BINBROOK  
NOW IN THE CITY OF HAMILTON

**25T-2014-05**  
**ZAC-14-028**  
**UHOPA-14-014**

April 29, 2016

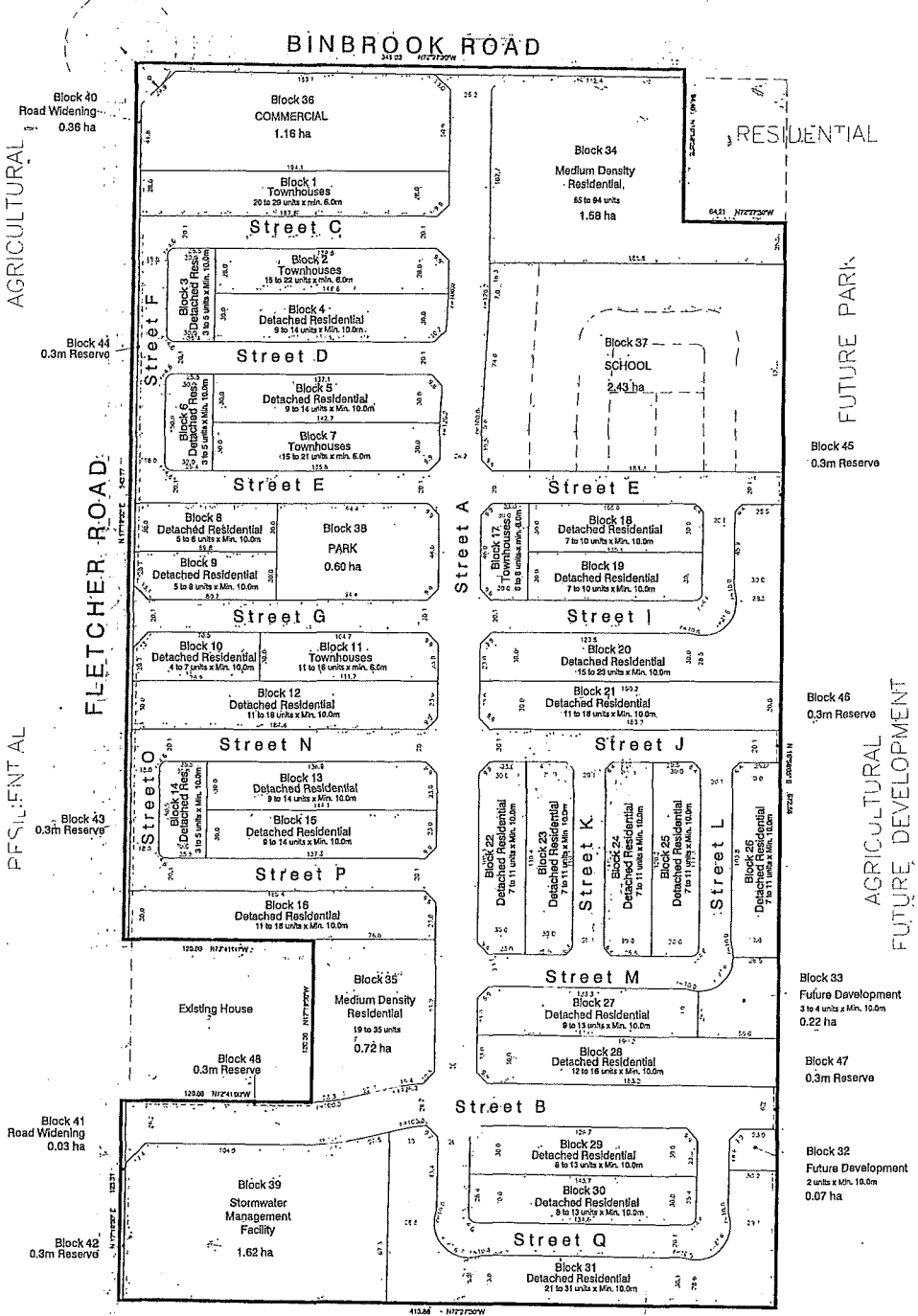


- ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O., 1990**
- (1) AS SHOWN ON EXISTING PLAN
  - (2) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (3) AS SHOWN ON EXISTING PLAN
  - (4) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (5) AS SHOWN ON EXISTING PLAN
  - (6) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (7) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (8) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (9) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (10) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (11) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (12) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (13) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (14) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (15) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (16) AS SHOWN ON EXISTING AND FUTURE PLAN
  - (17) AS SHOWN ON EXISTING AND FUTURE PLAN

**SCHEDULE OF LAND USE**

LAND USE	BLOCK	AREA (sq. m)	AREA (sq. ft)
DETACHED RESIDENTIAL	1-5, 8-10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	214,314	104,941
FUTURE DEVELOPMENT	1, 2, 3, 4, 6, 7, 11, 17	1,961	461
PARK	33 and 35	9,181	2,239
SCHOOL	37	2,430	607
COMMERCIAL	36	1,160	289
STORMWATER MANAGEMENT FACILITY	39	1,620	405
EXISTING HOUSE	35	1,100	275
STREET	17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	1,100	275
<b>TOTAL</b>		<b>227,595</b>	<b>57,132</b>

As shown on plan and as shown on plan



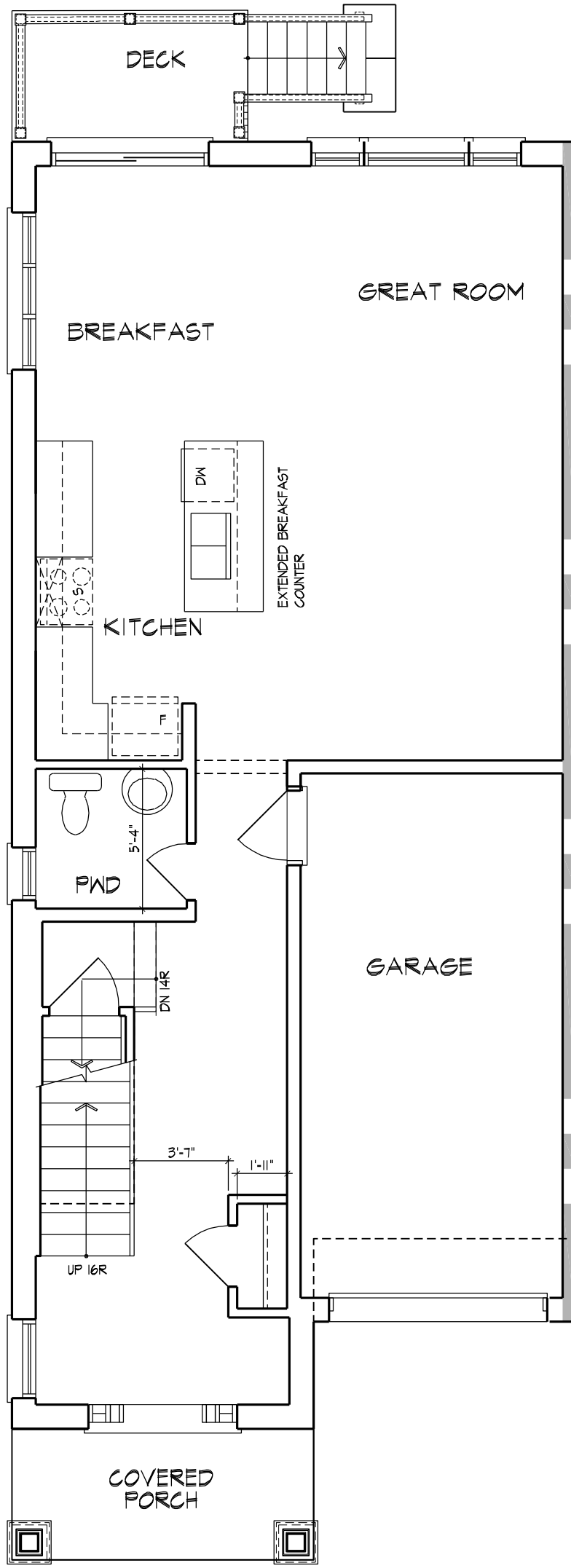
Scale 1:1000

**PLANNERS CERTIFICATE**  
I, B. S. G. Smith, Planner, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

**OWNERS AUTHORIZATION**  
I, [Signature], do hereby authorize the above plan to be filed in the office of the Registrar of Planning and Zoning.

**SURVEYOR'S CERTIFICATE**  
I, [Signature], Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

DATE	APR 29 2016
TIME	10:00 AM
LOCATION	14 14201 001 P01



GROUND FLOOR PLAN, EL. 'A'

**GROUND FLOOR PLAN - DECK CONDITION**

BSHERRER | FRI FEB 18/22 11:14 AM | K:\PROJECTS\2019\219017\CACHET\WORKING\TOWNS\219017\WT2105-END.DWG

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION  
 Brian Sherrer 22454  
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION  
 HUNT DESIGN ASSOCIATES INC. 19695



**CACHET HOMES**  
 HAMILTON, ON.

Drawn By: BRI Checked By: BRI Scale: 3/16"=1'-0" File Number: 219017WT2105END  
 8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133 F 905.737.7326

2022.02.18

Page Number  
 1 of 1

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City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

January 5, 2022

Attn: Jamila Sheffield, Secretary-Treasurer  
Delivered via e-mail: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)

**Re: 3105 Fletcher Road, Hamilton (Binbrook) – Minor Variance Application**

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Dear Madam:

A. J. Clarke and Associates Ltd. has been retained by the owners of 3105 Fletcher Road for the purposes of submitting the enclosed Minor Variance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the completed and signed Minor Variance Application form;
- One (1) cheque in the amount of \$3,320 representing the required application fee;
- One (1) electronic copy of the Draft Plan of Subdivision;
- One (1) electronic copy of the Architectural Plans, demonstrating the required variances.

**Please Note:** A separate cheque payable to the City of Hamilton for \$145.00 is provided as per the 2022 fee increase.

The lands that are subject to the requested Minor Variance are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2e” as per the Binbrook Village Secondary Plan, and are zoned “H-R4-295; Holding - Residential”, and “H-RM2-296” Zones in the Township of Glanbrook Zoning By-law 464. Additionally, By-laws 16-167, 16-168, and 16-169 were previously approved by the Ontario Municipal Board (OMB) under Case Number: PL150224.

The existing “H-R4-295” zone contains the following provisions:

Minimum Lot Frontage

- i. 10 m (13 m for a corner lot);



#### Encroachment into Yards

- i. Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;

The existing “H-RM2-296” zone contains the following provisions:

#### Minimum Lot Frontage

- i. 6 m except 9 m for a corner lot;

#### Minimum Side Yard

- i. 3.0 m on an end unit on a corner lot abutting a flanking street;

#### Encroachment into Yards

- i. Bay windows, either with or without foundations may project into any required front, rear or flankage yards a distance of not more than 0.9 m;

### Minor Variance

The intent of the application is to permit a Minor Variance to the existing Minimum Lot Frontage, and Encroachment into Yards provisions of the “H-R4-295” zone for the subject lands. The required variances are as follows:

1. To permit a **10 m (11.2 m for a corner lot)** minimum lot frontage requirement, whereas the by-law requires **10 m (13.0 m for a corner lot)**.
2. To permit **bay windows, bow windows, box windows**, either with or without foundations, to project into any required front, rear, or flankage yard a distance of not more than 0.9 m, whereas the by-law only specifies **bay windows**.

Further, the intent of the application is to additionally permit a Minor Variance to the existing Minimum Lot Frontage, and Minimum Side Yard provisions of the “H-RM2-296” zone for the subject lands. The required variances are as follows:

1. To permit a **6 m (except 8.4 m for a corner lot)** minimum lot frontage requirement, whereas the by-law requires **6 m (except 9.0 m for a corner lot)**.
2. To permit a **2.4 m** on an end unit on a corner lot abutting a flanking street minimum side yard requirement, whereas the by-law requires **3.0 m** on an end unit on a corner lot abutting a flanking street.



3. To permit **bay windows, bow windows, box windows**, either with or without foundations, to project into any required front, rear, or flankage yard a distance of not more than 0.9 m, whereas the by-law only specifies **bay windows**.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional planning opinion are outlined below:

1. **Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits residential development. Further, the subject site is also designated “Low Density Residential 2e” as per the Binbrook Village Secondary Plan, which permits a range and mix of residential housing types, including single-detached and townhouse dwellings.

The variances will provide relief from the “H-R4-295” zone by permitting;

1. A minimum lot frontage of **10 m (11.2 m for a corner lot)**, whereas the current provisions require a minimum lot frontage of **10 m (13.0 m for a corner lot)**. Typical practice across the City is for required corner lot frontage to increase by the difference between the required exterior (flankage) yard and the interior side yard. In this case, the required exterior side yard is 2.4 m and required interior side yard is 1.2m, therefore the difference of 1.2 m should be added to the minimum interior lot frontage of 10 m to arrive at a minimum 11.2 m corner lot frontage. This also creates a less drastic change in frontage between interior lots and corner lots, creating a more desirable streetscape.
2. **Bay windows, bow windows, and box windows**, either with or without foundations, to project into any required front, rear, or flankage yard, a distance of not more than 0.9 m. The current provisions specify only **bay windows**. The Glanbrook zoning by-law does not provide a definition for Bay Windows, however typically Bow Windows and Box Windows would fall under the same category as Bay Windows. The required variance simply ensures that Box Windows and Bay Windows are permitted, notwithstanding that the Glanbrook zoning by-law does not define Bay Windows.

The lot frontage regulation is a zoning requirement intended to ensure that adequate separation distance between the side yards of single-detached dwellings, and adequate site access from the street can be provided. The current zoning by-law permits a lot frontage of 10 m (13.0 m for a corner lot). The only distinction in the requested Minor Variance from what already is permitted, is a -1.8 m reduction considering corner lots, however the required



exterior side yard of 2.4 m will be maintained. The minimum corner lot frontage is also more consistent with other single detached residential zones across the City of Hamilton. For example, the R4-218 zone on lands located east of the subject property allows a minimum corner lot frontage of 11.0 m.

Additional to the above, the only distinction in the requested Minor Variance from what already is permitted regarding encroachment into yards, is the clarification of permitted window types (bay windows, bow windows, and box windows). The current zoning by-law specifies bay windows only, for which there is no definition in the Glanbrook zoning by-law.

The variances will provide relief from the “H-RM2-296” zone by permitting;

1. A minimum side yard of **2.4 m** on an end unit on a corner lot abutting a flanking street, whereas the current provisions require a minimum side yard of **3.0 m** on an end unit on a corner lot. This will make the minimum exterior side yard provisions of the H-RM2-296 zone consistent with the H-R4-295 zone, allowing for a more consistent and desirable streetscape.
2. A minimum lot frontage of **6 m** (except 8.4 m for a corner lot), whereas the current provisions require a minimum lot frontage of 6 m (except **9.0 m** for a corner lot). Typical practice across the City for townhouse zones is to increase corner lot frontage by adding the required exterior (flankage) yard to the minimum interior lot frontage. In this case, the required exterior side yard being requested above to maintain consistency with the H-R4-295 zone is 2.4 m, and minimum interior lot frontage is 6m, therefore the minimum corner lot frontage should be 8.4 m.
3. **Bay windows, bow windows, and box windows**, either with or without foundations, to project into any required front, rear, or flankage yard, a distance of not more than 0.9 m. The current provisions specify only **bay windows**. The Glanbrook zoning by-law does not provide a definition for Bay Windows, however typically Bow Windows and Box Windows would fall under the same category as Bay Windows. The required variance ensures and clarifies that Box Windows and Bay Windows are permitted, notwithstanding that the Glanbrook zoning by-law does not define Bay Windows.

The minimum side yard and lot frontage regulations are zoning requirements intended to ensure desirable and functional streetscapes, and to ensure that adequate site access from the street can be provided. The current zoning by-law permits a lot frontage of 6 m (except 9.0 m for a corner lot). The only distinction in the requested Minor Variance from what already is permitted, is a -0.6 m reduction considering corner lots, however the required exterior side yard of 2.4 m will be maintained. This provides consistency between the H-RM2-296 and H-R4-295 zones, allowing for a more desirable streetscape while maintaining its functionality. Furthermore, the requested variance provides better consistency with other



zones across the City. For example, the RM2-194 zone for lands to the east of the subject property permits a corner lot frontage of 8.0 m and an exterior side yard of 2.4 m.

Additional to the above, the only distinction in the requested Minor Variance from what already is permitted regarding encroachment into yards, is the clarification of permitted window types (bay windows, bow windows, and box windows). The current zoning by-law specifies bay windows only, for which there is no definition in the Glanbrook zoning by-law.

Based on the above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Township of Glanbrook Zoning By-law 464 (i.e., By-law 16-168 approved by the OMB)?**

The variances will provide relief from the “H-R4-295” zone by permitting;

1. A minimum lot frontage of **10 m (11.2 m)** for a corner lot), whereas the current provisions require a minimum lot frontage of **10 m (13.0 m)** for a corner lot). Typical practice across the City is for required corner lot frontage to increase by the difference between the required exterior (flankage) yard and the interior side yard. In this case, the required exterior side yard is 2.4 m and required interior side yard is 1.2m, therefore the difference of 1.2 m should be added to the minimum interior lot frontage of 10 m to arrive at a minimum 11.2 m corner lot frontage. This also creates a less drastic change in frontage between interior lots and corner lots, creating a more desirable streetscape.
2. **Bay windows, bow windows, and box windows**, either with or without foundations, to project into any required front, rear, or flankage yard, a distance of not more than 0.9 m. The current provisions specify only **bay windows**. The Glanbrook zoning by-law does not provide a definition for Bay Windows, however typically Bow Windows and Box Windows would fall under the same category as Bay Windows. The required variance simply ensures that Box Windows and Bay Windows are permitted, notwithstanding that the Glanbrook zoning by-law does not define Bay Windows.

The lot frontage regulation is a zoning requirement intended to ensure that adequate separation distance between the side yards of single-detached dwellings, and adequate site access from the street can be provided. The current zoning by-law permits a lot frontage of 10 m (13.0 m for a corner lot). The only distinction in the requested Minor Variance from what already is permitted, is a -1.8 m reduction considering corner lots, however the required exterior side yard of 2.4 m will be maintained. The minimum corner lot frontage is also more consistent with other single detached residential zones across the City of Hamilton. For



example, the R4-218 zone on lands located east of the subject property allows a minimum corner lot frontage of 11.0 m.

Additional to the above, the only distinction in the requested Minor Variance from what already is permitted regarding encroachment into yards, is the clarification of permitted window types (bay windows, bow windows, and box windows). The current zoning by-law specifies bay windows only, for which there is no definition in the Glanbrook zoning by-law.

The variances will provide relief from the “H-RM2-296” zone by permitting;

1. A minimum side yard of **2.4 m** on an end unit on a corner lot abutting a flanking street, whereas the current provisions require a minimum side yard of **3.0 m** on an end unit on a corner lot. This will make the minimum exterior side yard provisions of the H-RM2-296 zone consistent with the H-R4-295 zone, allowing for a more consistent and desirable streetscape.
2. A minimum lot frontage of **6 m** (except **8.4 m** for a corner lot), whereas the current provisions require a minimum lot frontage of **6 m** (except **9.0 m** for a corner lot). Typical practice across the City for townhouse zones is to increase corner lot frontage by adding the required exterior (flankage) yard to the minimum interior lot frontage. In this case, the required exterior side yard being requested above to maintain consistency with the H-R4-295 zone is 2.4 m, and minimum interior lot frontage is 6m, therefore the minimum corner lot frontage should be 8.4 m.
3. **Bay windows, bow windows, and box windows**, either with or without foundations, to project into any required front, rear, or flankage yard, a distance of not more than 0.9 m. The current provisions specify only **bay windows**. The Glanbrook zoning by-law does not provide a definition for Bay Windows, however typically Bow Windows and Box Windows would fall under the same category as Bay Windows. The required variance ensures and clarifies that Box Windows and Bay Windows are permitted, notwithstanding that the Glanbrook zoning by-law does not define Bay Windows.

The minimum side yard and lot frontage regulations are zoning requirements intended to ensure desirable and functional streetscapes, and to ensure that adequate site access from the street can be provided. The current zoning by-law permits a lot frontage of 6 m (except 9.0 m for a corner lot). The only distinction in the requested Minor Variance from what already is permitted, is a -0.6 m reduction considering corner lots, however the required exterior side yard of 2.4 m will be maintained. This provides consistency between the H-RM2-296 and H-R4-295 zones, allowing for a more desirable streetscape while maintaining its functionality. Furthermore, the requested variance provides better consistency with other zones across the City. For example, the RM2-194 zone for lands to the east of the subject property permits a corner lot frontage of 8.0 m and an exterior side yard of 2.4 m.



Additional to the above, the only distinction in the requested Minor Variance from what already is permitted regarding encroachment into yards, is the clarification of permitted window types (bay windows, bow windows, and box windows). The current zoning by-law specifies bay windows only, for which there is no definition in the Glanbrook zoning by-law.

Based on the above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Township of Glanbrook Zoning By-law 464.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

The variances requested are minimally altering the existing lot frontage, side yard, and encroachments regulations within the “H-R4-295” and “H-RM2-296” zones.

Within the “H-R4-295” zone, the requested Minor Variances will reduce the minimum lot frontage requirement from **13.0 m** for a corner lot to **11.2 m**. This variance will result in a 1.8 m reduction to the minimum lot frontage requirement. This reduction will create better consistency with other nearby zones in the City and create a more consistent and desirable streetscape with less drastic changes in frontages/unit massings, while maintaining the required exterior side yard of 2.4m.

Within the “H-RM2-296” zone, the requested Minor Variances will reduce the minimum lot frontage requirement from **9.0 m** for a corner lot to **8.4 m**. This variance will result in a 0.6 m reduction to the minimum lot frontage requirement. Further, the minimum side yard requirement will be reduced from **3.0 m** on an end unit on a corner lot to **2.4 m**. This variance will result in a 0.6 m reduction to the minimum side yard requirement, and will create better consistency with other nearby zones in the City.

With respect to the variance being requested for encroachments, to permit Bow and Box Windows, the Glanbrook zoning by-law does not provide a definition for Bay Windows, however, typically Bow Windows and Box Windows would fall under the same category as Bay Windows. The required variance simply ensures that Box Windows and Bay Windows are permitted, notwithstanding that the Glanbrook zoning by-law does not define Bay Windows.

The variances are therefore appropriate for the development of the subject lands and consistent with other residential zones across the City of Hamilton.

### **4. Are the proposed variances minor in nature?**

There are no perceived impacts stemming from the variances to the lot frontage and side yard, as discussed above, as it is in keeping with the general built form for single-detached and townhouse dwellings within this neighbourhood. Furthermore, the variance requested





for encroachments is simply for clarification purposes, to clarify that Bow Windows and Box Windows are also permitted (considering that Bay Windows is not defined in the Glanbrook zoning by-law). Accordingly, it is my professional planning opinion that the variances are minor in nature.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment hearing date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser'.

Stephen Fraser MCIP, RPP  
Principal, Planner  
**A. J. Clarke and Associates Ltd.**

Copy via email: Cachet Developments (Binbrook) Inc. Attn: Andrew Eldebs



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

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. *Please send all communications to both Agent and Owner.*

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:

Variance 1 - H-R4-295 zone of approved by-law # 16-168: to permit a Minimum Lot Frontage of 10 m (11.2 m for a corner lot) whereas the zoning by-law requires 10 m (13.0 m for a corner lot).  
 Variance 2 - H-R4-295 and H-RM2-296 zone of approved by-law # 16-168 - Encroachment Into Yards: to permit Bay Windows, Bow Windows and Box Windows, either with or without foundations, to project into any required front, rear or flankage yard a distance of not more than 0.9 m, whereas the zoning by-law only specifies Bay Windows.  
 Variance 3 - H-RM2-296 zone of approved by-law #16-168: to permit a Minimum Lot Frontage of 6 m except 8.4 m for a corner lot, whereas the zoning by-law requires 6m except 9.0 m for a corner lot.  
 Variance 4 - H-RM2-296 zone of approved by-law #16-168: to permit a Minimum Side Yard of 2.4 m on an end unit on a corner lot abutting a flanking street, whereas the zoning by-law requires 3.0 m.

- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Please see attached cover letter.

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**):

3105 Fletcher Road, Binbrook

PT LT 5 BLK 4 CON 4 BINBROOK, BEING PARTS 1,2,3 62R20456; S/T EASM'T IN GROSS OVER PART 2 62R20456 AS IN BN7298

Approved draft plan of subdivision 25T-2014-05

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?

Phase 1 Environmental Site Assessment Report by EXP, dated September 9, 2021.

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 20, 2021

Date



Signature Property Owner(s)

Cachet Developments (Binbrook) Inc. (Ramsey Shaheen)

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+/- 345 m</u>
Depth	<u>+/- 924 m</u>
Area	<u>89.8 acres</u>
Width of street	<u>See attached approved draft plan of subdivision</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: \_

N/A

Proposed

Single Detached Dwellings

Approximate gross floor area = 1,600 to 3,000 square feet

Approximate ground floor area = 135 to 155 square metres

Townhouse Dwellings

Approximate gross floor area = 1,300 to 2,100 square feet

Approximate ground floor area = 70 to 106 square metres

Width, length and height of buildings are as per the approved zoning (H-R4-295).

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

Existing:

N/A

Proposed:

Please refer to zones H-R4-295 and H-RM2-296 within zoning by-law 16-168, approved by the Ontario Municipal Board.

13. Date of acquisition of subject lands:

November 15, 2021

14. Date of construction of all buildings and structures on subject lands:

Construction anticipated to commence in 2023.

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):

Agricultural

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):

Existing properties to the north, south east and west are agricultural.

17. Length of time the existing uses of the subject property have continued:

The subject property has always been agricultural.

18. Municipal services available: (check the appropriate space or spaces)

Water  Connected

Sanitary Sewer  Connected

Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:

Official Plan designation - Neighbourhoods

Binbrook Village Secondary Plan designation - Low Density Residential 2e (singles) and Low Density Residential 2h Site Specific Policy J (townhomes).

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

Approved By-Law No. 16-168 zones the Detached Residential blocks on approved Draft Plan of Subdivision 25T-2014-05 as H-R4-295, and the subdivision Townhouses as H-RM2-296. We are requesting relief from the zoning as indicated in section 4.

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

We previously applied for relief from the interior side yard provisions of the H-R4-295 zone, to permit a Minimum Side Yard of 1.2 m on the non-garage side and 0.6 m on the garage side, whereas the zoning by-law requires 1.2 m on the garage side and 0.6 m on the non-garage side. Further variance requirements have come to our attention, which we would like to address through this application.

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.