



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-22:89

APPLICANTS: Agent A.J. Clarke – R. Ferrari
Owner Yaser Jafar

SUBJECT PROPERTY: Municipal address **37 Paradise Rd. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 96-109

ZONING: "C"/S-1361 Urban Protected Residential district

PROPOSAL: To permit the construction of a secondary dwelling unit – detached on the same lot as an existing single-family dwelling notwithstanding that;

1. A minimum side yard width of 0.0 m shall be permitted for the secondary dwelling unit – detached whereas a minimum side yard width of 1.2 m is required to be provided; and
2. A minimum distance of 5.93 m shall be provided instead of the requirement in the By-Law which states that a minimum distance of 7.5 m shall be required between the rear facade of principal dwelling and secondary dwelling unit – detached; and
3. No parking spaces shall be provided for the existing single-family dwelling instead of the minimum required 2 parking spaces.

Notes:

A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for the parking space shown to encroach on the Olmstead Street road allowance.

Variances have been written as requested by the applicant.

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

DATE: Thursday, April 28th, 2022
TIME: 3:05 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:

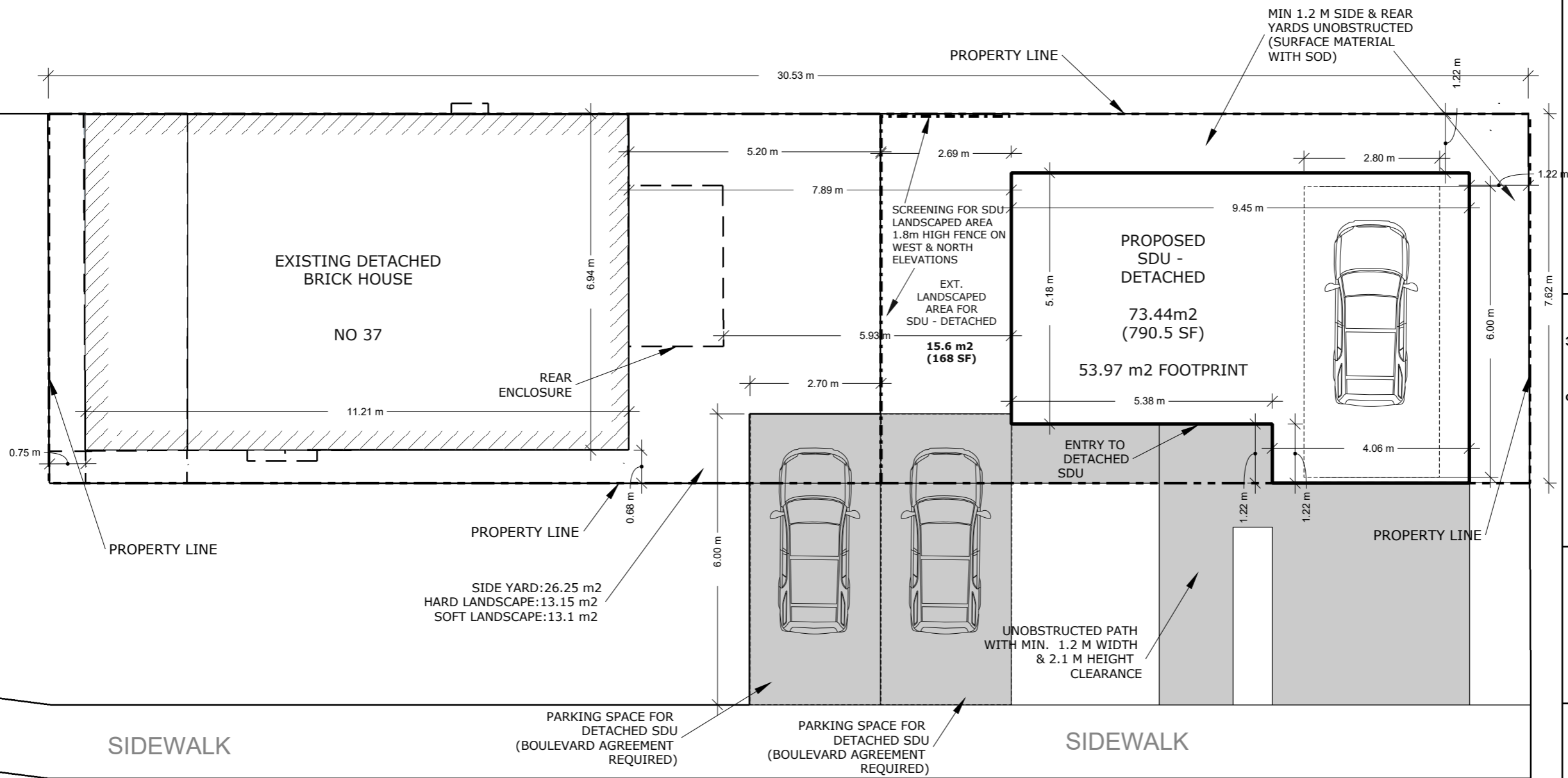
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: April 12th, 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.

PARADISE ROAD SOUTH



OLMSTEAD STREET

SUITE ADDITIONS INC.
3-2375 Brimley Rd, Suite 807
Toronto, ON, M1S 3L6
Tel: 416-525-2628
Email: contact@suiteadditions.com



Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

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

Andy Tran
Andy Tran - Signature
Individual BCIN: 102774
Firm: Suite Additions Inc.
Firm BCIN: 102497

PROJECT:
PROPOSED SECOND DWELLING UNIT - DETACHED

ADDRESS:
37 PARADISE RD SOUTH,
HAMILTON, ON, L8S 1S2

CLIENT: YASER JAFAR

DRAWN BY: ANDY TRAN

ISSUE DATE: MAR 7, 2022 **RE-ISSUE DATE:** _____

DESCRIPTION:
SITE PLAN

SCALE: 1=100

DRAWING NO:
SP1.01

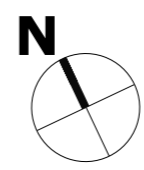
SITE PLAN :

BASED ON SITE SURVEY BY A.J. CLARKE AND ASSOCIATES LTD. - COMPLETED DECEMBER 22, 2021.

SUITE ADDITIONS INC. ASSUMES NO RESPONSIBILITY FOR ACCURACY OF OF SITE SURVEY INFORMATION

THIS SITE PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSES.

NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



SITE PLAN

SCALE: 1=100



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CLIENT: YASER JAFAR

DRAWN BY: ANDY TRAN

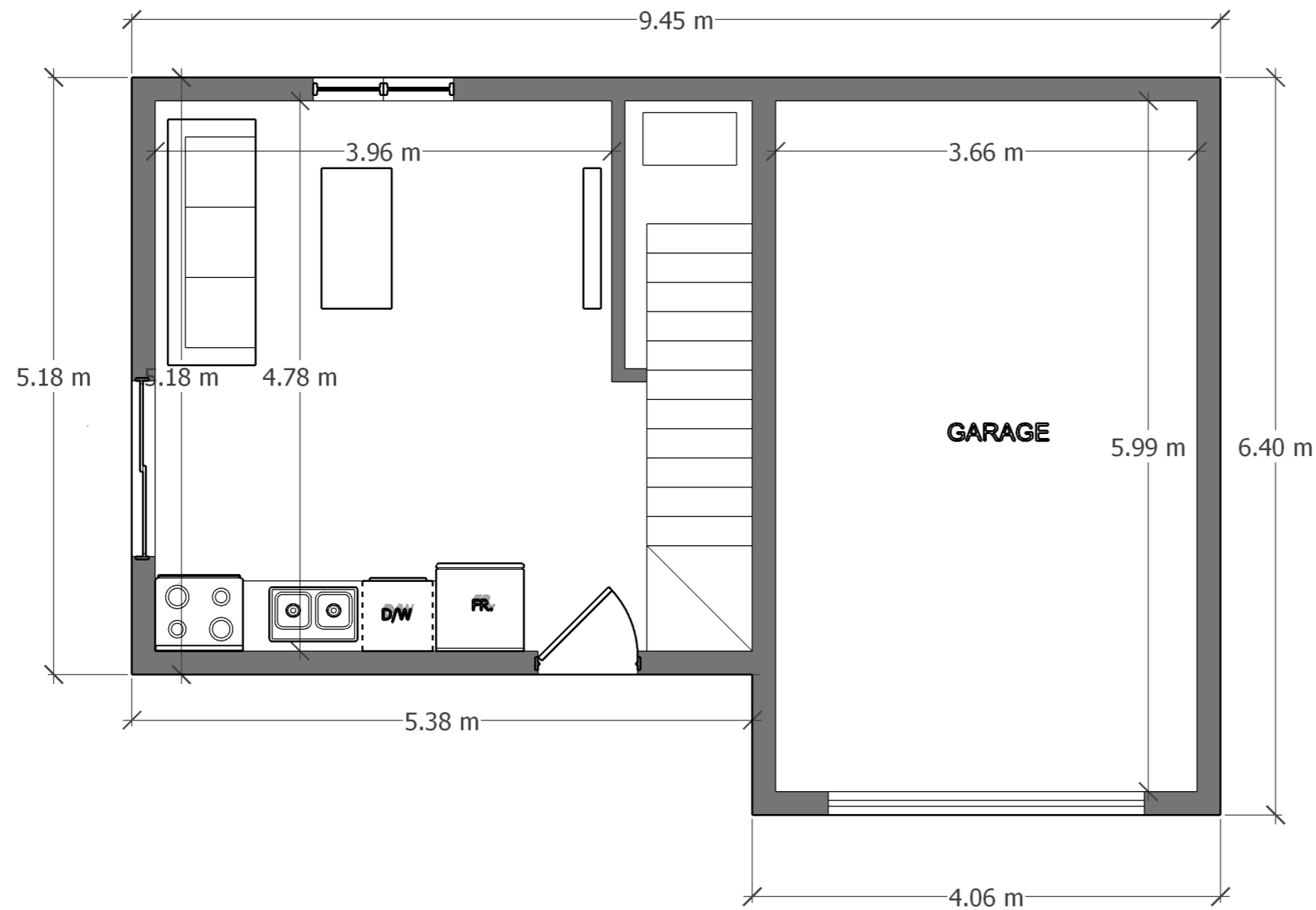
ISSUE DATE: MAR 7, 2022 **RE-ISSUE DATE:** _____

DESCRIPTION:
 RENDERING

SCALE:

DRAWING NO:

R1.01



SUITE ADDITIONS INC.
 3-2375 Brimley Rd, Suite 807
 Toronto, ON, M1S 3L6
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 37 PARADISE RD SOUTH,
 HAMILTON, ON, L8S 1S2

CLIENT: YASER JAFAR

DRAWN BY: ANDY TRAN

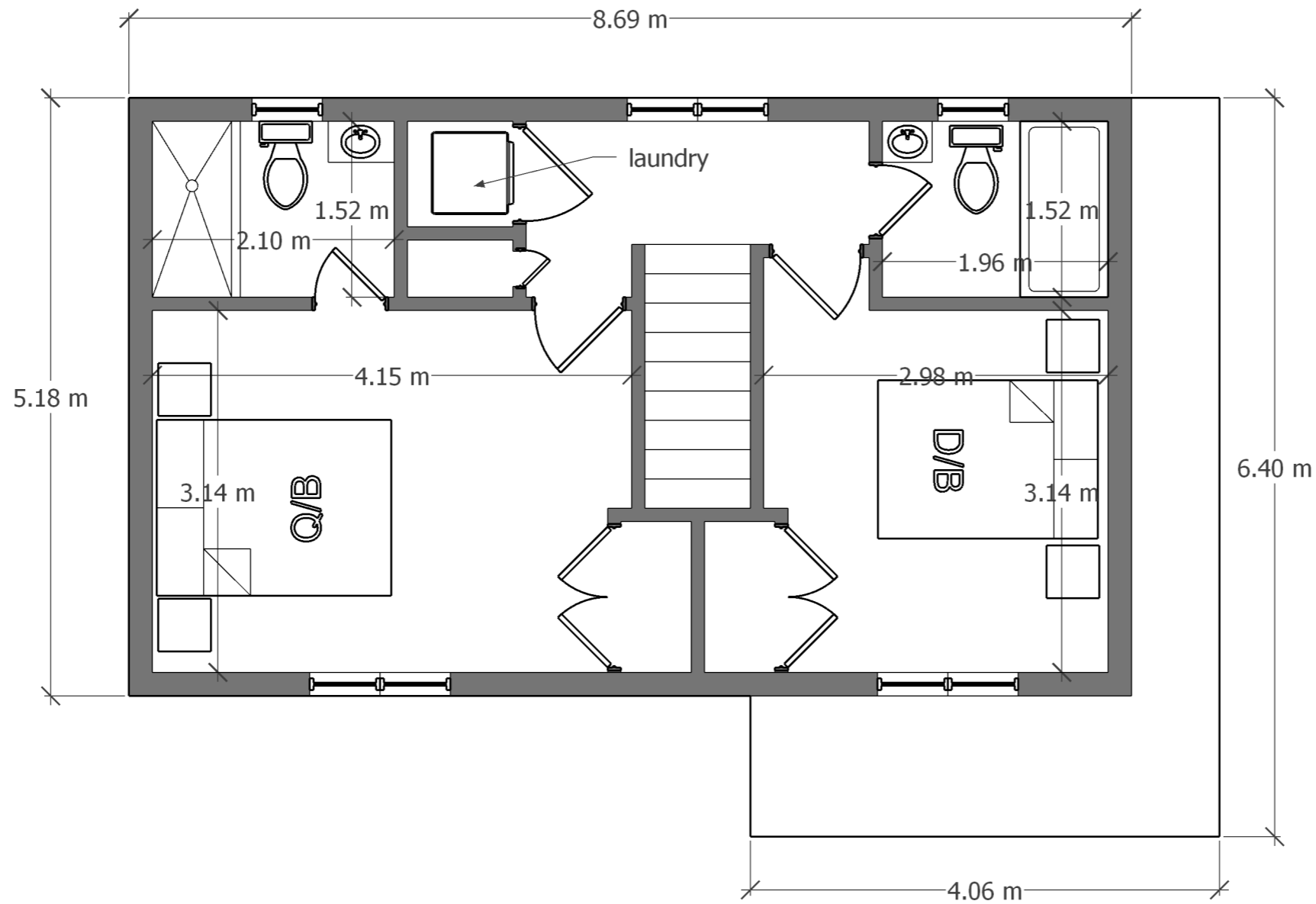
ISSUE DATE: MAR 7, 2022 **RE-ISSUE DATE:** _____

DESCRIPTION:
 MAIN FLOOR CONCEPT

SCALE: 1=50

DRAWING NO:

A1.01



SUITE ADDITIONS INC.
 3-2375 Brimley Rd, Suite 807
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Andy Tran

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 Individual BCIN: 102774
 Firm: Suite Additions Inc.
 Firm BCIN: 102497

PROJECT:
 PROPOSED SECOND
 DWELLING UNIT - DETACHED

ADDRESS:
 37 PARADISE RD SOUTH,
 HAMILTON, ON, L8S 1S2

CLIENT: YASER JAFAR

DRAWN BY: ANDY TRAN

ISSUE DATE: MAR 7, 2022 **RE-ISSUE DATE:** _____

DESCRIPTION:
 2ND FLOOR CONCEPT

SCALE: 1=50

DRAWING NO:
A1.02



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

March 15, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 37 Paradise Road South
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owners of 37 Paradise Road S, for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 37 Paradise Road South, Hamilton.

The subject site is located on the northeastern corner of Paradise Road South and Olmstead Street, in the City of Hamilton. The subject lands are currently occupied by a single detached, two-storey dwelling with a garage located in the rear yard with access to Olmstead Street. The property is proposed to be redeveloped to add a Secondary Dwelling Unit (SDU), replacing the existing garage in the rear yard with access to Olmstead Street. A number of variances are required to facilitate the desired built form for the development. A general concept of the proposal is provided on page two, below.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) digital copy of the Concept Plan.
- 3) One (1) cheque in the amount of \$625.00 representing the required application fee.

The surrounding area consists largely of residential uses, with various institutional uses, mixed-use medium density King Street West to the north (including a grocery store directly across Paradise Road South) and local commercial along Main Street West to the south (including the Main Street West Urgent Care Centre. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. Westdale Secondary School is located directly across Paradise Road South to the west of the subject lands.

The immediate surrounding land uses include:

| | |
|--------------|---|
| North | Single-Detached Dwellings |
| South | Single-Detached Dwellings |
| West | Secondary School, Community Institutional |
| East | Single-Detached Dwellings |



A review of the applicable planning policies has been included below.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including secondary dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

The subject lands are also situated on a Primary Corridor as per Schedule E – Urban Structure of the UHOP.

Chapter B, Section 2.4 – 'Residential Intensification' includes significant policies associated with the proposed SDU. This section outlines the importance of intensification within the existing built-up area, including the primary intensification areas of Urban Corridors. As per Schedule E of the UHOP, the subject lands are located along a Primary Corridor along Paradise Rd South, directly joining the corridors of King Street West and Main Street West. These Urban Corridors shall be planned to accommodate approximately 40% of the residential intensification targets of the city. Policy B.2.4.1.4 outlines residential intensification criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 also lists criteria for residential intensification within the 'Neighbourhoods' designation and the proposed SDU development follows these criteria as well as those described in B.2.1.4.

3.2.4.4 states: "A secondary dwelling unit shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations." With the exception of the minor variances being sought in this application, the proposed development complies.



Ainslie Wood Westdale Secondary Plan

The Ainslie Wood Westdale Secondary Plan establishes land uses, development standards and provisions regarding cultural heritage, urban design and transportation, to guide the development and/or redevelopment of lands located in the Ainslie Wood Westdale Secondary Plan area. This secondary plan area is bounded by the former boundaries between the former City of Hamilton and former Town of Dundas on the west, Cootes Paradise on the northwest, and Highway 403 on the east and the southeast.

A goal of this secondary plan is to include a variety of residential densities and housing choices to meet the diverse needs of its many citizens including homeowners and students. Predominantly low-density residential appearance shall be preserved and restored, with higher densities directed towards appropriate locations such as major roads.

The subject lands are designated 'Low Density Residential 2' as per Map B.6.2-1 'Ainslie Wood Westdale Secondary Plan'. Permitted uses shall include single detached dwellings, semi-detached dwellings, duplexes, and street townhouses, and existing legal 3, 4, and 5-plexes; single detached housing shall be the primary form of housing.

Former City of Hamilton Zoning Bylaw 6593

The subject lands are zoned "C" District, (Urban Protected Residential, Etc.) in the Former City of Hamilton Zoning By-law No. 6593. The "C" District zoning permits uses such as: single family dwellings; foster homes; residential care facility or retirement home (of no more than 6 residents); day nurseries; school; seminary; and cultural, recreational, or community centre. The zone provisions within Section 9 shall apply to the proposed development. A review of the applicable zone provisions will be included below:

| Regulation | Requirement |
|-------------------------|----------------------------|
| Minimum Side Yard | 1.2 metres |
| Minimum Rear Yard | 7.5 metres |
| Required Parking Spaces | 2 spaces/ primary dwelling |

Minor Variance

Several variances are required to facilitate the proposed development. The variances are as follows:

1. To permit a side yard width of 0 metres, whereas a minimum width of 1.2 metres is required.
2. To reduce the number of required parking spaces provided for the primary dwelling from two (2) to zero (0) spaces.

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 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 Secondary Dwelling Units on lots with single detached dwellings per B.3.2.4.4 of the UHOP. The proposed SDU dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood.

The proposed development is also located along a Primary Corridor, as per Schedule E – Urban Structure in the Urban Hamilton Official Plan. As per B.2.4 of the UHOP Residential Intensification is a key component to the overall city’s growth and is planning to accommodate 40% of the intensification to urban nodes and corridors.

It is our 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 City of Hamilton Zoning By-law No. 6593.

The required variances to City of Hamilton Zoning By-law No. 6593 are intended to facilitate an SDU on the corner lot of 37 Paradise Road South.

Side Yard

Proposed is a secondary dwelling unit development that will require a minimum side yard of 0 metres.

A variance is required to the minimum side yard requirement for the proposed development of a secondary dwelling unit (from 1.2 metres to 0 metres). The purpose of this bylaw is to prevent the development of buildings too close to one another, while allowing access between structures to address items such as repairs, along with providing adequate drainage. By orienting the SDU to access Olmstead Street, the SDU adds to and benefits the overall streetscape while utilizing lot space in an efficient manner. The existing portion of the SDU that maintains a 0.0m setback is the same setback that the existing garage has been providing since its construction in approximately 2014. This SDU will front onto the flankage yard along Olmstead Street. The flankage yard is rather wide, despite the lot line. It is also highly unlikely that the flankage yard will be developed in any way – including any road widenings. This flankage yard will also help create the appearance of a front yard. Overall, the proposal facilitates an attractive streetscape and is complimentary to the neighbourhood. Accordingly, the intent of the bylaw is maintained.

Required Parking

The proposed development will require the reduction in parking for the primary dwelling from two (2) spaces to zero (0). The proposed parking space will be accessed via the existing access ramp to Olmstead Street and will require a Boulevard Agreement. This is a technical variance, as the single detached dwelling has operated with Boulevard Parking since construction. The intent of this bylaw is



to provide a household with adequate parking on the same lot as the dwelling. The primary dwelling will still be granted a parking space on the same lot and all parking can be accommodated, "on site" in the same manner as the site has been operating since construction. The SDU is provided the necessary 1 space. The overall intent of this bylaw is being maintained.

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

As noted above, the variances will allow for the construction of an SDU where a detached garage currently exists. As per section nineteen of Former City of Hamilton Zoning Bylaw No. 6593, this SDU is permitted and will only require these variances to create a desirable appearance from the street while providing sufficient living and amenity space for the SDU.

Currently, the existing built form occupies the same space, and in fact is slightly over the side yard lot line. The SDU will also help infill the space along Olmstead, making for a more complete streetscape while providing alternative housing.

The parking bylaw variance sought will allow for legal parking, where boulevard parking has existed previously. All parking is accessed via the same access ramp with no further development needed.

As the development will only add to and greatly enhance the existing built forms, the variances are appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the side yard it is in keeping with the existing built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

As such, the proposed development is appropriate on the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the Planning Act and the four tests are met.

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 hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Ryan Ferrari, BURPI, CPT
Planner

A. J. Clarke and Associates Ltd.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2

| | NAME | MAILING ADDRESS |
|----------------------|------|-----------------|
| Registered Owners(s) | | |
| Applicant(s)* | | |
| Agent or Solicitor | | |

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

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:
Side Yard Setback and Parking requirements. See Cover Letter for details.

Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?
See 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**):
37 Paradise Road South
Pt Lot 32, Plan 118 As In Cd278481 ; Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

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?

Owner information, digital mapping, municipal documents.

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.

March 10, 2022

Date



Signature Property Owner(s)

YASER JAFAR

Print Name of Owner(s)

10. Dimensions of lands affected:

| | |
|-----------------|----------------------|
| Frontage | 7.62m |
| Depth | 30.53m |
| Area | 232.63 square metres |
| Width of street | +/- 20m |

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: _

Corner lot:

2-storey, single detached dwelling fronting Paradise Road South;
detached 1-storey garage fronting onto Olmstead Street

Proposed

Keep existing 2-storey, single detached dwelling.

Build new 2-storey, Second Dwelling Unit in rear yard fronting onto Olmstead Street.
See attached plans.

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

Existing:

Single detached dwelling: +/- 0.7m front yard depth, 0.7m side yard on southern side yard, 0.00m northern side yard, +/- 16m rear yard depth
Rear garage: 0.76m from rear lot line, over side yard lot line on south, 0.4m from northern side yard lot line.

Proposed:

See attached plans.



13. Date of acquisition of subject lands:
2012/06/28
-
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.):
single family residential
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
single family 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 <u>yes</u> | Connected <u>yes</u> |
| Sanitary Sewer <u>yes</u> | Connected <u>yes</u> |
| Storm Sewers <u>yes</u> | |
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" as per Urban Hamilton Official Plan Schedule E-1
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"C" District Residential as per Former City of Hamilton Zoning Bylaw 6593,
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
See 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.