



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.: AN/A-22:104

APPLICANTS: Agent GSP Group Inc. - B. Khes
Owner Family Practice (Dixie) Ltd.

SUBJECT PROPERTY: Municipal address **393 Wilson St. E., Ancaster**

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

ZONING: "C5a,572" (Mixed Use Medium Density - Pedestrian Focus (C5a) Zone

PROPOSAL: To permit the construction of a mixed-use residential/commercial building consisting of twelve (12) dwelling units and one commercial unit in order to facilitate Site Plan File No. DA-18-015:

1. A maximum of twelve (12) dwelling units shall be permitted above the ground floor instead of the requirement that a maximum of six (6) dwelling units shall be permitted above the ground floor.
2. A maximum building setback from a street line of 4.7m shall be permitted instead of the maximum required building setback from a street line of 3.4m.
3. One (1.0) parking space per dwelling unit shall be permitted instead of the minimum required two (2.0) parking spaces per dwelling unit.

NOTE:

- i) As the proposed commercial use in the commercial unit has not been indicated, the required short-term bicycle parking spaces cannot be determined. If the required on-site short-term bicycle parking spaces cannot be provided, a further successful application for minor variance shall be required.

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

DATE: Thursday, May 12th, 2022
TIME: 1:45 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 26th, 2022.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

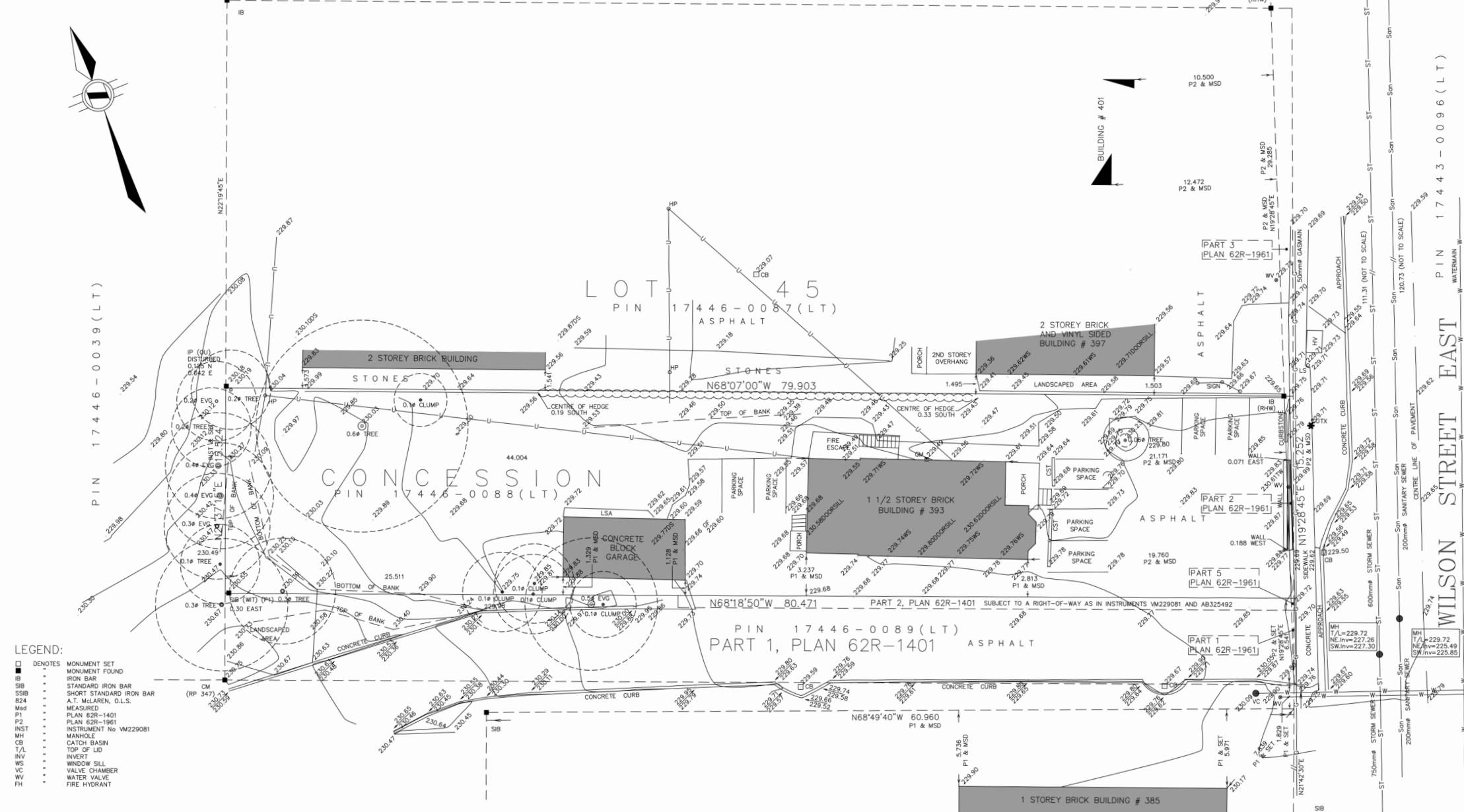
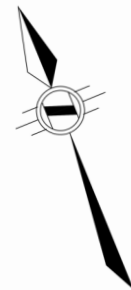
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

TOPOGRAPHIC SURVEY
OF PART OF
LOT 45, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON

SCALE 1: 200 METRIC



S.D. McLAREN, O.L.S. - 2014



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - SIB STANDARD IRON BAR
 - SSIB SHORT STANDARD IRON BAR
 - 824 A.T. McLAREN, O.L.S.
 - Msd MEASURED
 - P1 PLAN 62R-1401
 - P2 PLAN 62R-1961
 - INST INSTRUMENT No VM229081
 - MH MANHOLE
 - CB CATCH BASIN
 - T/L TOP OF LID
 - INV INVERT
 - WS WINDOW SILL
 - VC VALVE CHAMBER
 - WV WATER VALVE
 - FH FIRE HYDRANT

NOTES:

- 1/ INVERTS AND LOCATION OF UNDERGROUND SERVICES WERE DERIVED FROM PLAN & PROFILE DWG NUMBERS 829-140-129, 829-140-130 AND 74-W-523. SUPPLIED BY THE CITY OF HAMILTON.
- 2/ INVERTS AND SERVICES MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

BENCHMARK NOTE:

75U072 Deep bench mark in manhole at Ancaster Municipal Building, along Wilson Street 0.8 km west of intersection with Mohawk Road, in front lawn 28.6 m south of centre line of Wilson Street, 6.1 m south of most easterly of two flag poles, 4.9 m east of northeast corner of most northerly section of building, 2.4 m north of brick pillar between windows, at road level.
Elevation - 235.951 m 774.117 ft.

METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE:

BEARINGS ARE GRID AND ARE REFERRED TO THE WESTERLY LIMIT OF WILSON STREET EAST AS SHOWN ON PLAN 62R-208561 AS BEING N19°28'45"E.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 28TH DAY OF JULY, 2014
BOUNDARY UPDATED TO MACH 62R-20856, JULY 18, 2018
JULY 30, 2014
DATE S. DAN McLAREN, O.L.S.

© S.D. McLAREN, O.L.S. - 2014. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

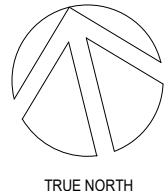
A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn RBM
Checked DG
Date BW
Scale 1:200
Dwg.No. 34395

mcCallumSather

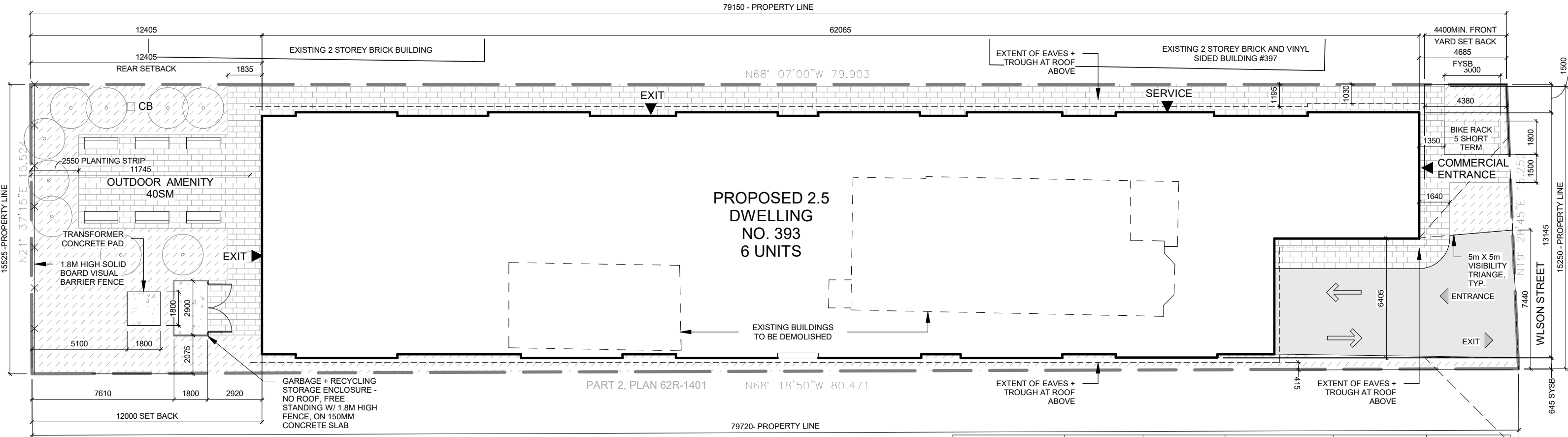
Westinghouse HQ, 2nd Floor
286 Sanford Ave. N
Hamilton, ON L8L 6A1
905.526.6700
www.mccallumsather.com



No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIANCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25
REVISION		

DRAWING TITLE	SURVEY
PROJECT NAME	393 WILSON ST ANCASTER, ONTARIO

DRAWN BY:	Author	CHECKED BY:	Checker
SCALE	NTS	DATE	18/02/22
PROJECT NO.	18053	REF	
DRAWING NO.	A0		



PART 1, PLAN 62R-1401

- SITE PLAN LEGEND**
- ASPHALT
 - CONCRETE
 - GRASS/ GARDEN
 - PAVING STONE?
 - VISIBILITY TRIANGE
 - CB EXISTING CATCH BASIN
 - SOLID WOOD BOARD VISUAL BARRIER FENCE

ZONING	LOT NO:		PLAN NO:		LOT AREA		LOT FRONTAGE		LOT DEPTH	
R_ZO_	LOT_		-		1222.54 m2		15250 mm		79150 mm	
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED	%	SETBACKS	EXISTING	PROPOSED	
LOT COVERAGE	168.4 SM	+588.9 SM	757.5 SM	62%	758 SM	62%	FRONT YARD	19760 mm	4685 mm	
GROSS FLOOR AREA	220 SM	+1981 SM	2201 SM	-	-	-	REAR YARD	25511 mm	12405 mm	
LANDSCAPED AREA	-	-	385.7 SM	31%	366.7 SM	30%	INTERIOR SIDE (NORTH)	- mm	1500 mm	
LANDSCAPED AREA - FRONT	-	-	30 SM	-	-	-	INTERIOR SIDE (SOUTH)	1128 mm	645 mm	
FRONT YARD DRIVEWAY	-	-	67.7 SM	-	-	-	EXTERIOR		_ mm	
ACCESS DRIVEWAY WIDTH	10,000 mm	-2560 mm	7440 mm	-	-	-				
NO. OF STORIES HEIGHT	1.5	+1	2.5	-	-	-				
WIDTH	7235 mm	+5910 mm	13145 mm	-	-	-				
DEPTH	18645 mm	+43418 mm	62063 mm	-	-	-				
PARKING	7	7 + 1BF	15	-	27	-				
BIKE PARKING	-	+ 6	6	-	min 6	-				
COMMERCIAL GFA	-	+ 37.5 SM	37.5SM	-	-	-				
AMENITY - EXTERIOR	-	+ 76 SM	76SM	-	-	-				
AMENITY - INTERIOR	-	0 SM	0SM	-	-	-				
AMENITY - TOTAL	-	+ 76 SM	76SM	-	-	-				

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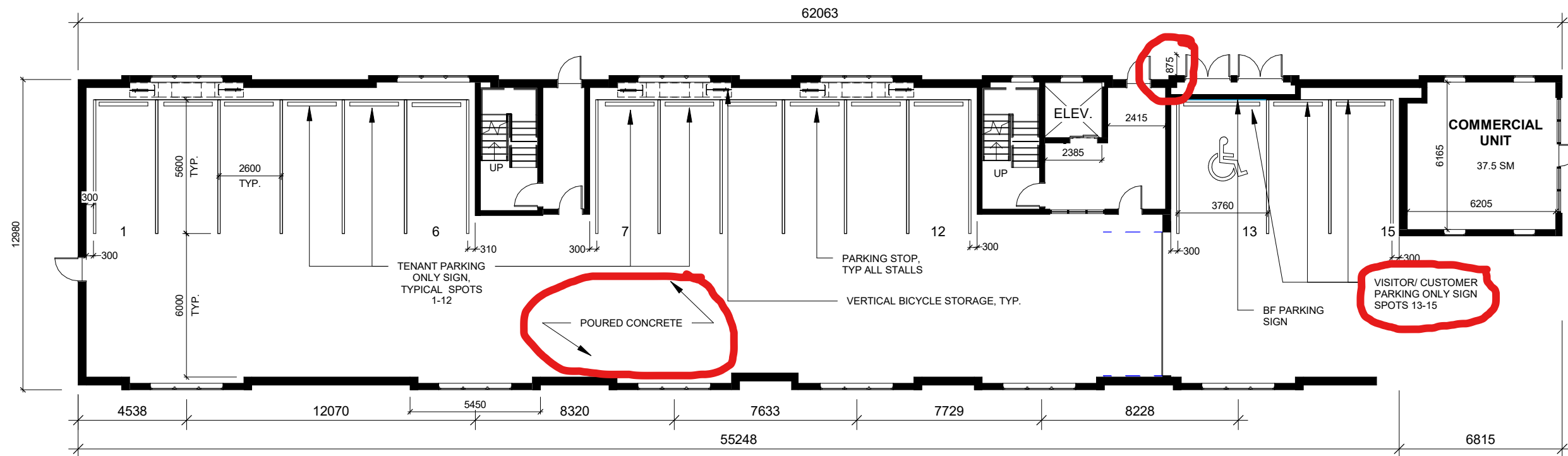
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REVISION

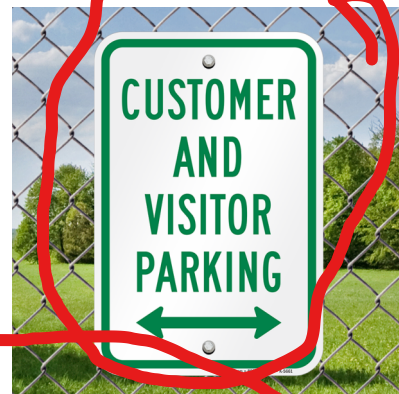
DRAWING TITLE
SITE PLAN

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

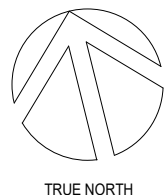
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SCALE	1:200	DATE	18/02/22
PROJECT NO.	18053	REF	
DRAWING NO.	A1		



PARKING SIGNAGE



SIGNAGE TO BE WALL MOUNTED INTERNALLY TO PARKING STRUCTURE

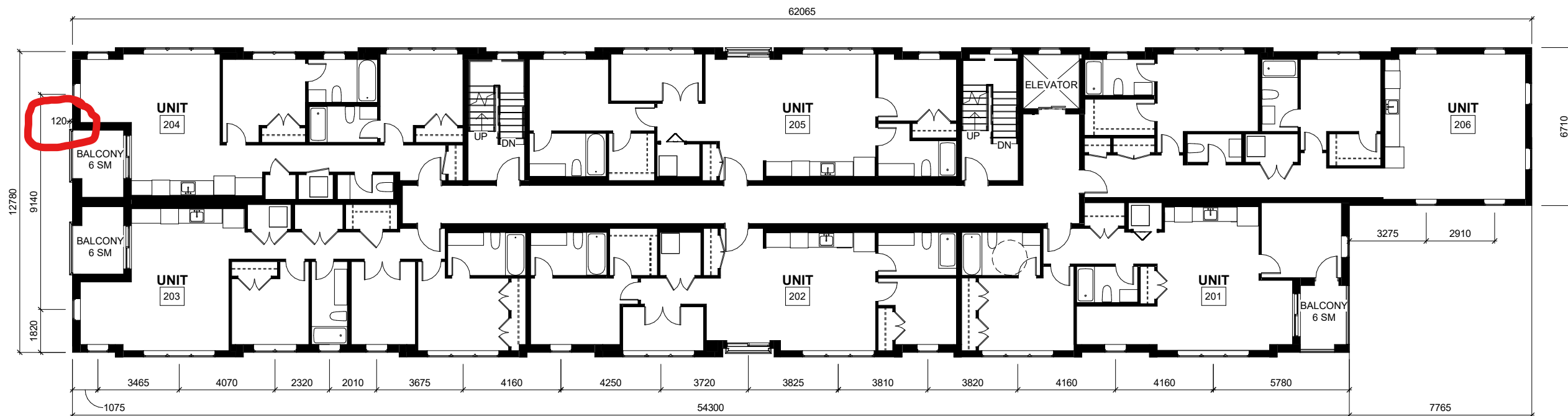


No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIANCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25

DRAWING TITLE
FLOOR PLANS-LEVEL 1

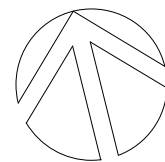
PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

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SCALE	As indicated	DATE	18/02/22
PROJECT NO.	18053	REF	
DRAWING NO.	A2		



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TRUE NORTH

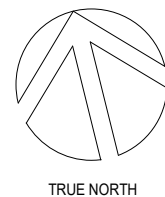
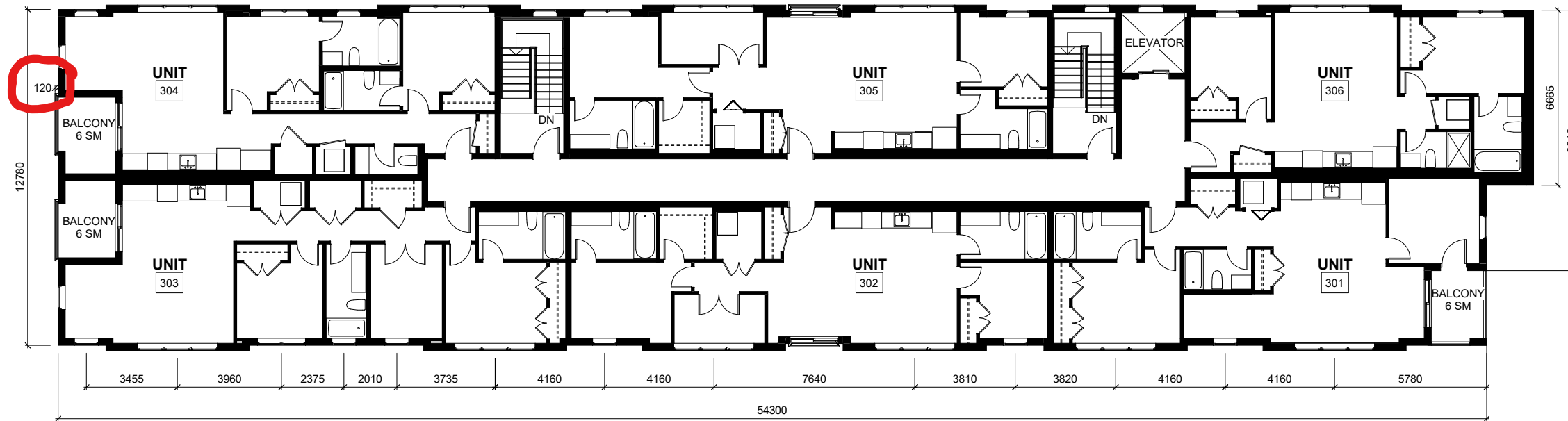
No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIENCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25

REVISION

DRAWING TITLE
FLOOR PLANS - LEVEL 2

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

DRAWN BY:	HD	CHECKED BY:	AM
SCALE	1:200	DATE	18/02/22
PROJECT NO.	18053	REF	
DRAWING NO.	A3		



No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIENCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25
REVISION		

DRAWING TITLE
FLOOR PLANS - LEVEL 3

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

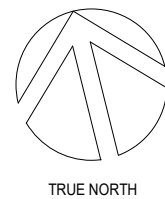
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PROJECT NO.	18053	REF	
DRAWING NO.	A4		



MATERIAL LEGEND

- 1 HORIZONTAL SIDING
- 2 VERTICAL SIDING
- 3 STONE CLADDING
- 4 BLACK VERTICAL SLATS
- 5 BLACK SHINGLES
- 6 BLACK WINDOW FRAME

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2	RE-ISSUED FOR MINOR VARIENCE APPLICATION	22/04/20
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REVISION

DRAWING TITLE
NORTH ELEVATION

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

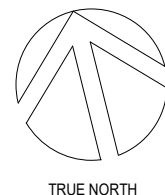
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SCALE	1:200	DATE	18/02/22
PROJECT NO.	18053	REF	
DRAWING NO.	A5		



MATERIAL LEGEND

- 1 HORIZONTAL SIDING
- 2 VERTICAL SIDING
- 3 STONE CLADDING
- 4 BLACK VERTICAL SLATS
- 5 BLACK SHINGLES
- 6 BLACK WINDOW FRAME

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1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25

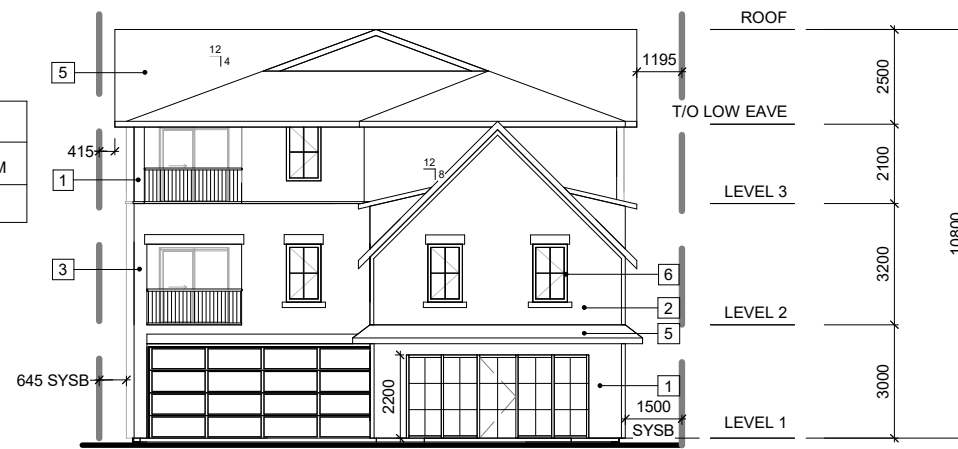
REVISION

DRAWING TITLE
SOUTH ELEVATION

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

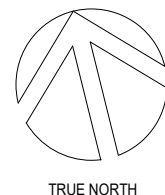
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SCALE 1:200	DATE 18/02/22
PROJECT NO. 18053	REF
DRAWING NO.	A6

TOTAL GROUND FLOOR FACADE AREA - EAST ELEVATION	41.1 SM
TOTAL REQ'D GROUND FLOOR GLAZED AREA - EAST ELEVATION	60% - 24.66 SM
TOTAL PROVIDED GROUND FLOOR GLAZED AREA - EAST ELEVATION	25.1 SM



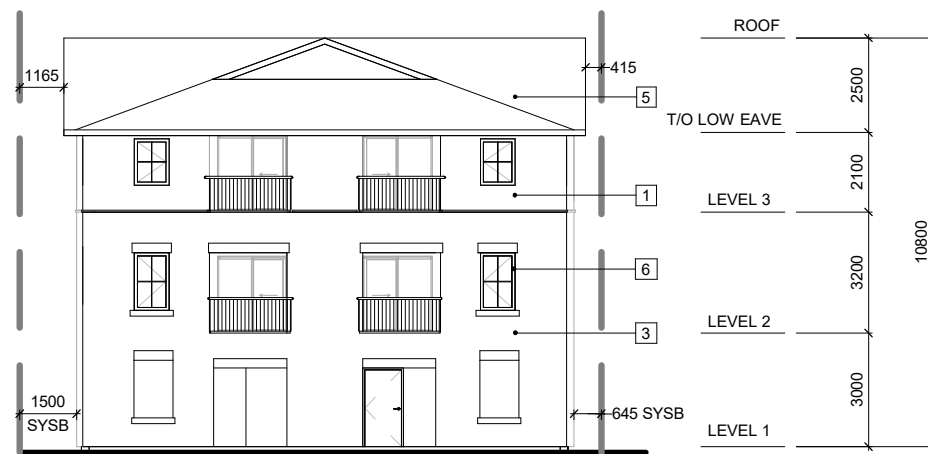
MATERIAL LEGEND

- 1 HORIZONTAL SIDING
- 2 VERTICAL SIDING
- 3 STONE CLADDING
- 4 BLACK VERTICAL SLATS
- 5 BLACK SHINGLES
- 6 BLACK WINDOW FRAME



No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIENCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25

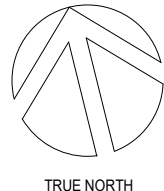
DRAWING TITLE EAST ELEVATION	DRAWN BY:	HD	CHECKED BY:	AM
	SCALE	1:200	DATE	18/02/22
PROJECT NAME 393 WILSON ST ANCASTER, ONTARIO	PROJECT NO.	18053	REF	
	DRAWING NO.	A7		



MATERIAL LEGEND

- 1 HORIZONTAL SIDING
- 2 VERTICAL SIDING
- 3 STONE CLADDING
- 4 BLACK VERTICAL SLATS
- 5 BLACK SHINGLES
- 6 BLACK WINDOW FRAME

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No.	DESCRIPTION	DATE
2	RE-ISSUED FOR MINOR VARIANCE APPLICATION	22/04/20
1	ISSUED FOR MINOR VARIANCE APPLICATION	22/02/25

DRAWING TITLE
WEST ELEVATION

PROJECT NAME
393 WILSON ST
 ANCASTER, ONTARIO

DRAWN BY: HD	CHECKED BY: AM
SCALE 1:200	DATE 18/02/22
PROJECT NO. 18053	REF
DRAWING NO.	A8

1. INTRODUCTION

1.1 Purpose of Application

This Planning Information Brief has been prepared in support of an application for Minor Variance related to 393 Wilson Street East (the “Site”). The owner proposes to construct a 2.5-storey mixed use building consisting of 12 dwelling units and 37.5m² of commercial gross floor area on the lot. Variances are required to permit a reduced parking rate and increased maximum number of units than those permitted in the site-specific Medium Density – Mixed Use Pedestrian Focused C5a, Exception 572 Zone of Zoning By-law 05-200.

1.2 Site Overview

The Site is located in the Ancaster Village, generally north of Sulphur Springs Road and south of Rousseaux Street along the west side of Wilson Street East as illustrated in **Figure 1**.



Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

The Site has an area of ±1,222.54m², a depth of ±79.8m and a frontage of ±15.25m along Wilson Street East. The property currently contains a one and a half storey principle building with detached garage. The principle building and detached garage will both be demolished to facilitate the construction of the new mixed use building.

Lands adjacent to the Site include:

- North: Mixed Commercial, Residential and Auto-Oriented Commercial Uses (**Figure 2 – Images 3 & 6**)
- East: Wilson Street East, Vacant Lands and Commercial Uses (**Figure 2 – Images 4 & 5**)
- South: Medical Office Uses (**Figure 2 – Image 1**); and
- West: Institutional Convent Uses.



Figure 2: Site Context Map (Source: Google Earth Imagery, 2021)

2. Proposed Development

The Owner proposes to comprehensively redevelop the Site with a 2.5 storey, 12-unit mixed use infill development, as illustrated in **Figure 4**. The proposed development is an update to conditionally approved Site Plan Application DA-18-015, which previously contemplated 6 residential units, shown on **Figure 5**.

The proposed mixed use development for 12 residential dwelling units above a 37.5m² commercial space is supported by:

- 15 vehicular parking spaces (inclusive of 1 barrier free space);
- 6 long term bicycle parking spaces;
- 5 short term bicycle parking spaces;
- 76m² of amenity space (inclusive of a 40m² outdoor amenity space in the rear yard); and,
- an improved public realm interface with the streetscape along Wilson Street East.

In comparison to the conditionally approved Site Plan, the new design maintains the same number parking spaces as previously contemplated (15 spaces) and adds long term bicycle parking that was previously not contemplated. The additional 6 units result in no modifications to the massing and scale of the proposed mixed use building as illustrated in **Figure 3**, maintaining the same height and setbacks that were initially approved as part of the site specific zoning.

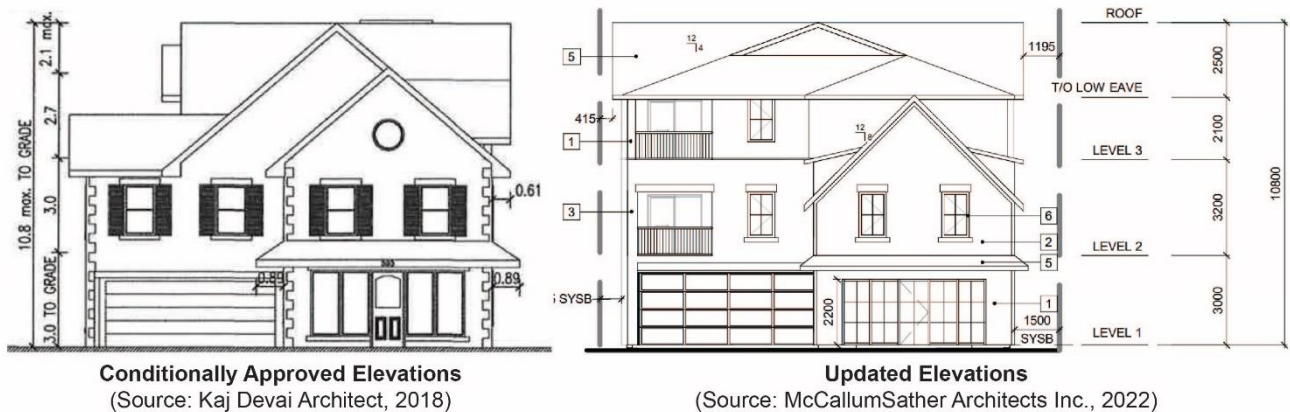


Figure 3: East Elevation – Wilson Street East Comparison

Planning Justification Brief

393 WILSON STREET EAST CITY OF HAMILTON

Application for Minor Variance

March 2022

Prepared for:

Family Practice Dixie Ltd.
414 Victoria Avenue North, Suite M1
Hamilton ON L8L 5G8

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



Figure 4: Updated Site Plan
 (Source: McCallumSather Architects Inc., 2022)

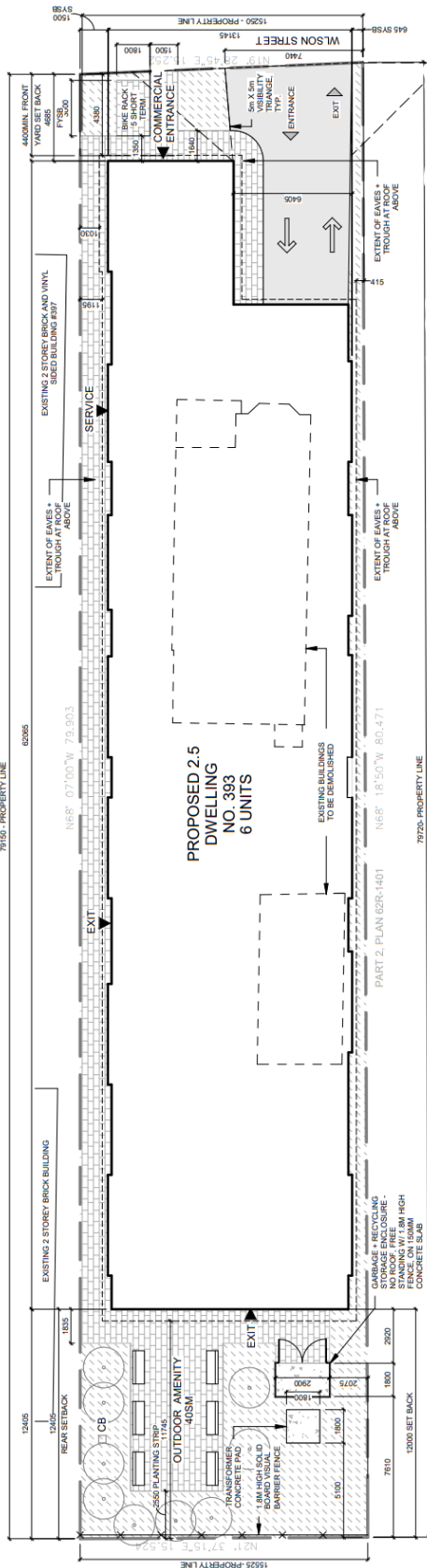
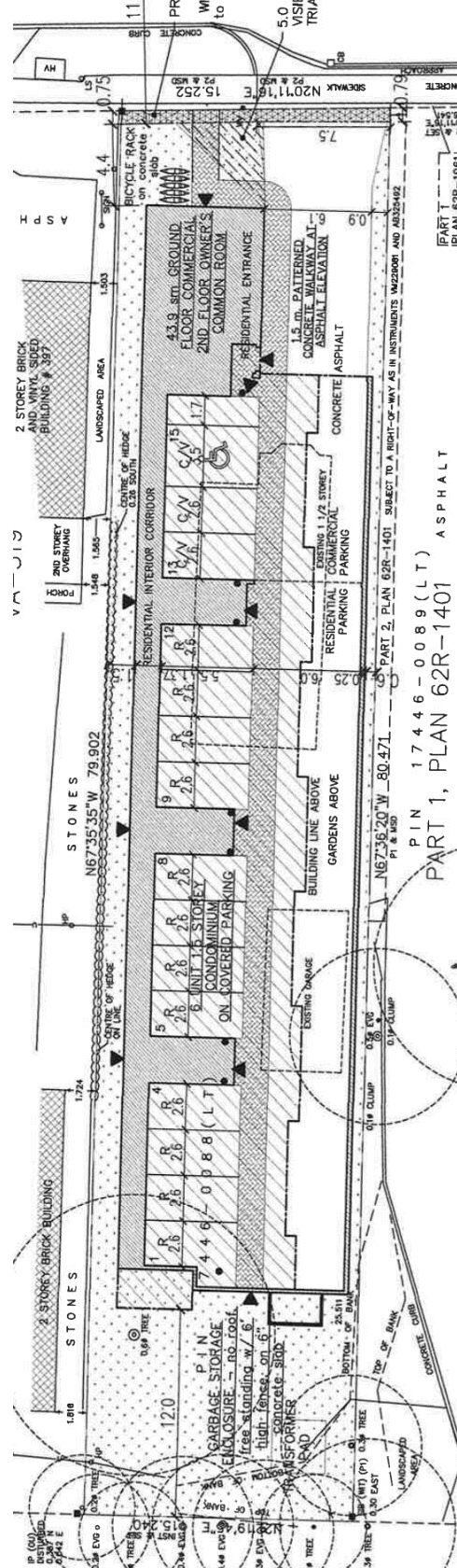


Figure 5: Conditionally Approved Site Plan
 (Source: Kaj Devai Architect, 2018)



3. Requested Minor Variances

The Site is currently zoned Medium Density – Mixed Use Pedestrian Focused “C5a, 572” in Hamilton Zoning By-law 05-200, where mixed use developments with residential units are permitted. To permit the proposed mixed use development consisting of 12 residential dwelling units in combination with an at-grade commercial space, the following variances are required to the “C5a, 572” zoning regulations:

1. increase in the maximum number of dwelling units from 6 to 12 units; and,
2. reduction in the minimum number of parking spaces per dwelling unit from 2 spaces to 1 space

4. Four Tests of Minor Variance

Section 45(1) of the *Planning Act* states that Committee of Adjustment “*may authorize such Minor Variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof*” and provided the following four tests are met:

1. Do the Minor Variances maintain the general intent and purpose of the Official Plan;
2. Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;
3. Are the Minor Variances desirable and appropriate for the lands; and
4. Are the requested variances minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a Minor Variance.

4.1 ***Do the requested variances maintain the general intent and purpose of the Official Plan?***

The Urban Hamilton Official Plan (UHOP) identifies the Site as within the “Community Node” Urban Structure Element on *Schedule E – Urban Structure* and identifies the Site as “Mixed Use – Medium Density” on *Schedule E-1 – Urban Land Use Designations*. These designations permit a full range of community and commercial uses, as well as multiple dwellings. The UHOP identifies the Site being along a “Pedestrian Focus Street”, which is further delineated in the applicable Ancaster Wilson Street Secondary Plan.

The Ancaster Wilson Street Secondary Plan (AWSSP) identifies the Site as within the “Mixed Use – Medium Density Pedestrian Focus” on *Map B.2.8-1 Land Use Plan*. Per *Appendix A – Character Area and Heritage Features*, the Site is located within the Village Core character area. Mixed Use, Commercial, and Institutional development and

redevelopment is encouraged within the Village Core area, though the scale of development shall be consistent with the historic character of the area.

4.1.1 Variance 1: Increase in maximum dwelling units from 6 to 12 units

The Site is located within a “Community Node” pursuant to Schedule E Urban Structure of the UHOP. The objectives of the Ancaster Community Node Policies B.2.8.6.1 state, in part, that:

- a) *The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.*
- b) *The Ancaster Community Node shall include a range of housing forms and tenures,*

These Policies are both achieved through the proposed increase in permitted maximum number of dwelling units by:

- a) Focusing an increased volume of intensification within the Ancaster Community Node on a Site directly along an existing transit route and Major Arterial road, and away from Sites within the surrounding low rise residential uses on the periphery of the Secondary Plan area or Sites adjacent to heritage, cultural or natural environment features and hazards;
- b) Providing additional residential dwelling units on the Site that presently do not exist, diversifying the housing stock within the broader Ancaster Community Node portion of the Secondary Plan.

Community nodes are primary intensification areas where 40% of the City’s residential intensification is targeted to occur per UHOP Volume 1 - Policy B.2.4.1.3 b). As such, intensifying the Site with the additional requested six (6) residential dwelling units meets the intent and purpose of these official plan intensification policies.

The UHOP provides specific criteria against which intensification proposals are to be evaluated against. These criterion deal with neighbourhood character, compatibility, infrastructure and transportation capacity and providing a range of dwelling types and tenures (UHOP Volume 1, Policy B.2.4.1.4). The proposed Minor Variance for the increase in permitted maximum number of dwelling units meets the intent and purpose of the criteria. The proposed building, accommodating 12 residential units, provides a context sensitive response to the city-wide intensification objectives by providing a similar building mass that generally matches the development that has been conditionally approved as part of Site Plan Application DA-18-015 for 6 units. Specifically, there is no change in the building

footprint as illustrated in Figure 4 and 5. Further, the proposed Minor Variance will allow for additional intensification to occur on this serviced and transit connected Site.

Based on the foregoing, the general intent and purpose of the Official Plan will continue to be maintained with the requested increase in number of permitted dwelling units from six (6) to twelve (12) dwelling units as proposed. In conjunction with the analysis above, the intent is generally met since it is proposed in an area slated for intensification, maintains a development scale and massing that is compatible with the existing neighbourhood character, can be supported by parking rates applicable to the C5a Zone and generally matches the development conditionally approved as part of Site Plan Application DA-18-015.

4.1.2 Variance 2: Reduction in parking ratio from 2 to 1 space per dwelling unit

One of the Objectives of the AWSSP (Policy 2.8.5) is to “*Support public transit service by locating commercial and additional residential uses along Wilson Street*”. Reducing the supply of parking per dwelling unit on the Site is a type of incentive measure to discourage automobile use by future residents as a primary mode of transportation and encourage a more even modal split between automobile, public transit, cycling and walking use as viable transportation alternatives.

As directed by AWSSP Policy B.2.8.14.1, the 2011 Ancaster Transportation Master Plan (ATMP), recommends and supports a reduction in required parking. Per the ATMP, excessive parking supply was generally discouraged and the intent was to have the parking reviewed through zoning updates. In 2017 the City amended the parking requirements associated with the new C5a zone to include less restrictive parking rates for mixed use developments. Moreover, the proposed reduction in required parking spaces per dwelling unit is also supported by the Transportation Policy Goals in Volume 1 the UHOP as Policy C.4.1, which including following :

4.1.2 *Recognize the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network in creating complete communities and improving overall quality of life.*

4.1.4 *Plan urban areas so that travel by automobile is an option not a necessity.”*

The proposed reduction in the required minimum number of parking spaces per dwelling unit supports these transportation goals by:

4.1.2 *Allowing modal shifts to occur by not prescribing a parking rate to each individual unit that actively encourages and incentivizes automobile use at the detriment of the environment, public health, infrastructure impacts and contributes to potential*

public safety concerns, conflicting with goal of a complete community and improved quality of life.

4.1.4 Removing a portion of the automobile requirement to incentivize alternative modes of transportation and incorporate a rate that is consistent with surrounding C5a zoned sites that have less onerous parking rates for dwelling units. This variance can enable pedestrian, active transportation, and public transit oriented intensification to occur without the limitation of automobile travel being the primary mode of transportation that the development is designed from, out of necessity.

Based on the foregoing, the general intent and purpose of the Official Plan (Ancaster Wilson Street Secondary Plan) will continue to be maintained with the requested reduction in the parking ratio from two spaces per unit to one space per unit. The Site is located within an intensification area that is contemplated as a walkable, transit accessible community.

4.2 Do the requested variances maintain the general intent and purpose of the Zoning By-law?

Variances 1 and 2 are closely tied together in the zoning review.

4.2.1 Variance 1: Increase in maximum dwelling units from 6 to 12 units

Generally, the purpose and intent of limiting the number of dwelling units permitted on a lot is to ensure that a site can be supported by parking, servicing, and amenity space.

The provision of sufficient parking often limits the density of development. In this instance, the maximum number of dwelling units permitted on the lot through the site specific zoning was largely driven by the number of parking spaces that could be accommodated. Due to the size and narrow configuration of this Site, a maximum of 12 residential parking spaces could be accommodated on the Site. Based a required zoning parking ratio of 2 spaces per unit, a maximum of 6 units were permitted on the Site.

Wilson Street at this location has the servicing capacity to accommodate 6 additional units on site. In addition, based on the building design and configuration, sufficient amenity space can be provided to meet the C5a Zone requirements for 12 units. The footprint of the conditionally approved Site Plan can accommodate 12 units.

The only regulation that cannot be met is parking – which is the second requested variance. Therefore, provided Variance 2, relating to the site-specific parking ratio can be supported; the requested unit increase will meet the intent and purpose of the Zoning By-law.

4.2.2 Variance 2: Reduction in parking ratio from 2 to 1 space per dwelling unit

The purpose of a minimum number of parking spaces per dwelling unit is to ensure enough parking spaces are provided that off-set transportation impacts of the future residents of the

proposed development. Reducing the required minimum number of parking spaces per residential dwelling unit from 2 to 1 space per dwelling unit continues to allow the Site to be comprehensively redeveloped pursuant to the conditionally approved Site Plan, which contemplated 15 parking spaces. The parking is now modified as:

	Existing Parking Ratio	Proposed Parking Ratio	C5a Parking Ratio
Residential Rate	2 per unit (X 12 units)	1 per unit (X 12 Units)*	0.7 per unit (X 12 Units)
Total Required	24 spaces	12 spaces	8.4 Spaces

**represents requested variance*

When the Site was initially rezoned in 2017, it was subject to the dated Ancaster Zoning By-law's parking requirement of 2.66 parking spaces per unit. Through the rezoning process, the parking requirements were reduced to 2 spaces per unit. On this basis, 12 residential parking spaces were required for 6 units.

Following the rezoning of the site, the City's new C5a zoning and parking regulations of Zoning by-law 05-200 came into force and effect. These parking regulations, applicable to the majority of the lands along Wilson Street within the Community Node and zoned C5a, require less parking; specifically, 0.7 spaces per unit. Based on the 12 units proposed, this would equate to 8.4 required parking spaces. The applicant is requested a ratio of 1 parking space per unit which is still greater than the C5a zone's current parking requirements, and will allow for 12 units on the Site .

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in minimum required parking per dwelling unit from 2 spaces per dwelling unit to 1 space per dwelling.

4.3 Are the Minor Variances desirable and appropriate for the lands?

What is key in the review of this criterion is whether the Minor Variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

4.3.1 Variance 1: Increase in maximum dwelling units from 6 to 12 units

The variance to allow for an increase to the permitted maximum number of dwelling units from 6 units to 12 units is desirable on the basis that the requested variance can be accommodated wholly within the same building massing that that has been conditionally Site Plan approved by the City of Hamilton. In addition, the increase in dwelling units on the Site will allow future residents to live in a walkable community, support local businesses and services, as well as alleviate housing pressure on areas that are deficient of the hard and

soft infrastructure prevalent within the historic Downtown of Ancaster in the Village Core Community Node. Therefore, the increase in the permitted maximum number of dwelling units from 6 units to 12 units is considered desirable and appropriate.

4.3.2 Variance 2: Reduction in parking ratio from 2 to 1 space per dwelling unit

As noted, the purpose of a minimum number of parking spaces per dwelling unit is to ensure a sufficient number of parking spaces are provided that off-set transportation impacts of the future citizens residing in the proposed development.

The proposed parking rate is consistent with that which applies to lands adjacent to the Site on other C5a zoned properties in the Village Core portion of the Ancaster Community Node. This will effectively allow a development to proceed that does not incentivize excessive automobile use, and alternatively encourages active transportation and public transit usage, adds residents to the historic Ancaster Downtown that can support local businesses and provides less impact on municipal road infrastructure on a per unit impact basis.

Therefore, the requested reduction in minimum required parking per dwelling unit from 2 spaces per dwelling unit to 1 space per dwelling is considered desirable and appropriate for the lands.

4.4 Are the requested variances minor in nature?

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

4.4.1 Variance 1: Increase in maximum dwelling units from 6 to 12 units

The increased maximum number of units can be accommodated without requiring any variances to the C5a standards of By-law 05-200, other than Variance 2 which relates uniquely to a site-specific parking rate that applies on a per unit basis. Specifically, this means that other than an administrative modification to the parking rate to acknowledge the direction of the City's UHOP and AWSSP, the increase to the number of units is largely internal to the building massing and does not result in a taller or bulkier building. As noted previously, the revised design for the proposed twelve (12) dwelling units maintains generally the same setbacks, height and massing that was been conditionally approved through Site Plan Application DA-18-015 and does not require any further variances.

Therefore, the requested increase in the permitted maximum number of dwelling units from 6 units to 12 units is considered minor in nature.

4.4.2 Variance 2: Reduction in parking ratio from 2 to 1 parking space per dwelling unit

As noted, the purpose of a minimum number of parking spaces per dwelling unit is to ensure a sufficient number of parking spaces are provided that off-set transportation impacts of the future residents of the proposed development.

The standard required parking for the C5a Zone, would require a total of 8 parking spaces on the Site. This rate is 66% less than the 24 parking spaces that would be required based on the Exception 572. Accordingly, the proposed parking rate still provides more parking spaces on the Site than the minimum required in the C5a zone. As noted in Staff Report PED17099, the intent was for the site-specific parking rate to be removed once the C5a zoning was in effect. Though the site-specific parking rate is not being removed from the by-law through this Minor Variance Application, the requested variance for 1 space per dwelling unit provides a balanced alternative that supports the policy noted in Section 4.1 of this Brief.

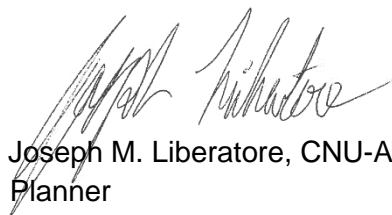
Therefore, the requested reduction in minimum required parking per dwelling unit from 2 spaces per dwelling unit to 1 space per dwelling is considered minor in nature.

5. RECOMMENDATIONS

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law 05-200; are desirable and appropriate; and are considered minor in nature.

Respectfully submitted,

GSP Group Inc.



Joseph M. Liberatore, CNU-A, BURPI., Dip. GIS & PI.
Planner

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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:

Increase in six (6) dwelling units above the ground floor to a total of twelve (12) dwellings; whereas a maximum of six (6) dwelling units are required.

Reduction to one (1) parking space per dwelling unit; whereas a minimum of two (2) parking space per dwelling unit is required.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Refer to Planning Justification Brief.

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 LOT 45, CONCESSION 2 ANCASTER, PART 16, PLAN 62R20856
393 WILSON STREET EAST

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?

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.

Feb 15/22
Date


Signature Property Owner(s)

FAMILY PRACTICE DIXIE LTD.
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>15.2m</u>
Depth	<u>80.1m</u>
Area	<u>1,239.3m²</u>
Width of street	<u>19.1m</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:

2-storey, ±260m² Principle Dwelling
1-storey, ±55m² Accessory Structure

Proposed

2.5-storey, 10.8m tall, 2129m² of Total Gross Floor Area, 12 dwelling units,
±35m² of Commercial Gross Floor Area

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

Existing:

Principle Dwelling: 19.76m (FYS), 44m (RYS), 2.81m (SYS-South) and 4.88m (SYS-North)
Accessory Structure: 45m (FYS), 25.51m (RYS), 1.13m (SYS-South) and 9.2m (SYS-North)

Proposed:

Principle Building: 4.69m (FYS), 12.07m (RYS), 0.84m (SYS-South) and 1.5m (SYS-North)

13. Date of acquisition of subject lands:

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

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family / Office
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Commercial / Office to the north and south, Convent to the west
17. Length of time the existing uses of the subject property have continued:
±15 years
18. Municipal services available: (check the appropriate space or spaces)
Water _____ X _____ Connected _____ X _____
Sanitary Sewer _____ X _____ Connected _____ X _____
Storm Sewers _____ X _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Mixed Use - Medium Density (UHOP) & Mixed Use - Medium Density Pedestrian Focus
(Ancaster Wilson Street Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Mixed Use Medium Density - Pedestrian Focus (C5a) Zone - Exception 572
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:
ZAR-15-042
- 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)
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.
Refer to attached survey.