



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

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-22:119	SUBJECT PROPERTY:	99 MOHAWK RD W, HAMILTON
ZONE:	"C" (Urban Protected Residential, etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent A.J. Clarke & Associates – S. Fraser
Owner Marisa Nguyen

The following variances are requested:

1. A minimum lot width of 10.5 metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot width of 12.0 metres.
2. A minimum lot area of 350 square metres shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot area of 360.0 square metres.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Severance Application HM/B-22:28, notwithstanding that:

Notes:

1. Please note this application is to be heard in conjunction with Severance Application HM/B-22:28.
2. Please note that specific details regarding the development of the portion of the lands to be severed/retained has not been indicated. It is noted that as per the submitted application and Cover Letter prepared by A.J. Clarke and Associates Ltd. and dated March 30, 2022, the intended use of the portion of the lands to be retained and the portion of the lands to be severed is indicated as residential. Note that the "C" District permits the use of a Single Family Dwelling. Further variances may be required if compliance with Hamilton Zoning By-law No. 6593 is not possible.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, May 26, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

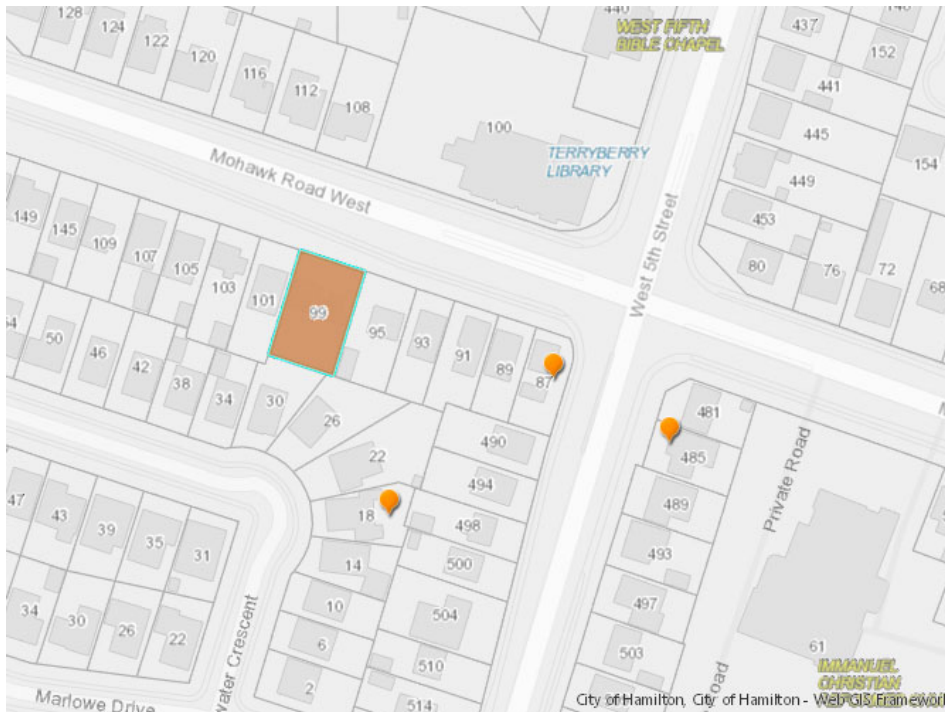
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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.



DATED: May 10, 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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

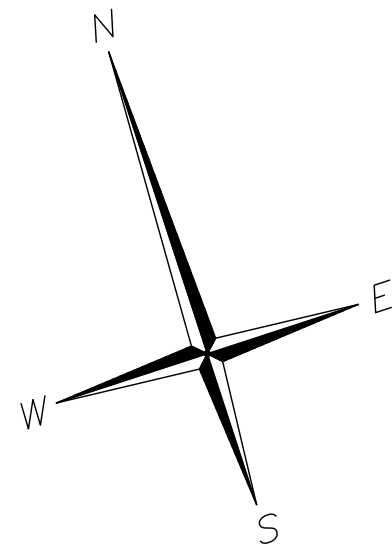
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

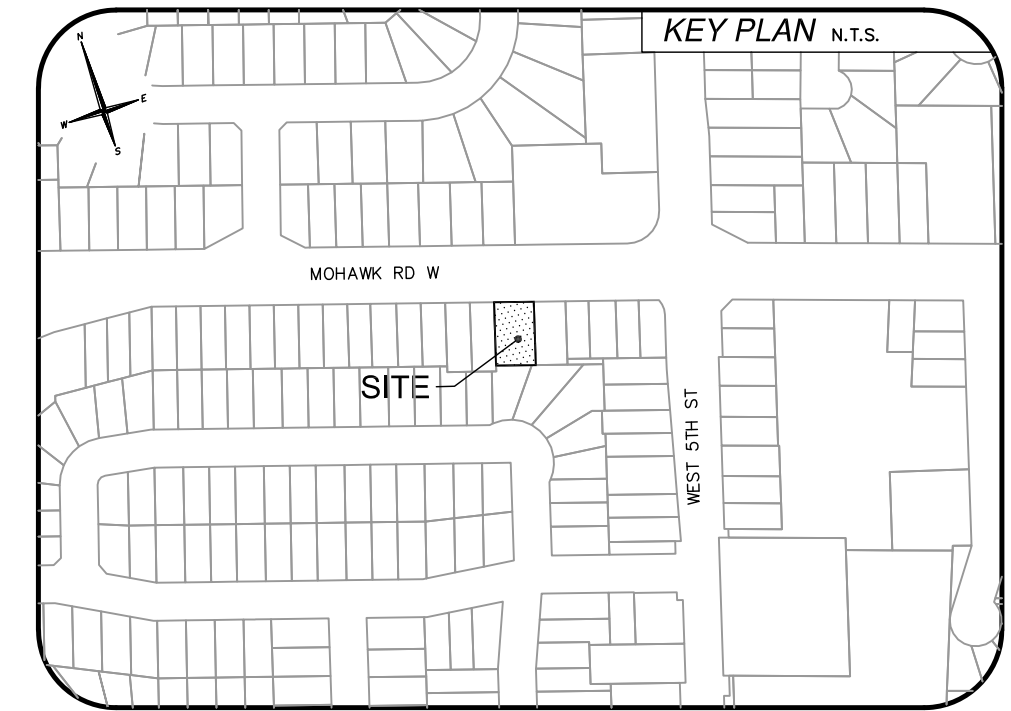
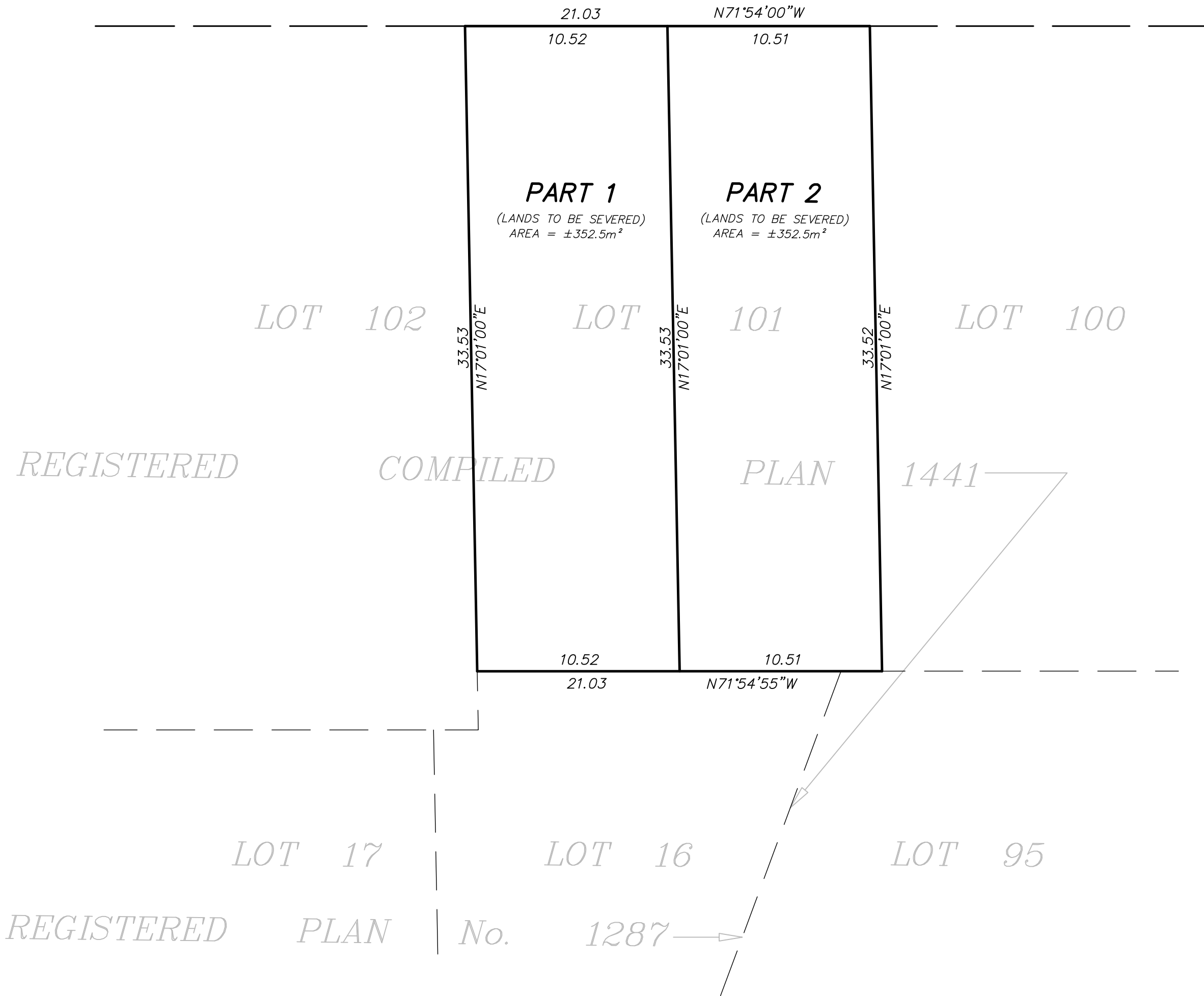
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



MOHAWK ROAD WEST



SKETCH FOR CONSENT TO SEVER

99 MOHAWK ROAD WEST

City of Hamilton

SCALE 1:200



THE ABOVE NOTED LANDS ARE
LOT 101
REGISTRAR'S COMPILED PLAN No. 1441
CITY OF HAMILTON

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

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN
OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS
AN EMBOSSED ORIGINAL COPY OR CERTIFIED
DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (LANDS TO BE SEVERED)	AREA=±352.5m ²
PART 2 (LANDS TO BE RETAINED)	AREA=±352.5m ²

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

MARCH 17, 2022
DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

R-4650

R-4650



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:

COMPUTERSHARE TRUST COMPANY OF CANADA

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:

See Cover Letter

- 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**):

Lt 101, Registrar's Compiled Plan 1441 ; Hamilton
99 Mohawk Road West

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 software

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 25, 2022

Date



Signature Property Owner(s)

Marisa Nguyen

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/-21.03 m
Depth +/-33.53 m
Area +/-705 m2
Width of street +/- 30 m

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:

1.5 storey, Single-detached dwelling with detached 1-storey garage. Shed and pool in rear yard. Front yard depth of +/- 9 metres. Dwelling Ground Floor Area of +/- 81 sq metres, width of +/- 11 metres, depth of +/- 8 metres. Garage has area of 34 sq metres.

Proposed

Two single detached dwellings.

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

Existing:

Dwelling: Front yard depth of +/- 9 metres, side yard +/-1.5m, rear yard depth of +/- 16 metres. Garage: Front yard depth of 9.6 metres, side yard +/- 1.5m, rear yard depth of +/- 16 metres.

Proposed:

Two single detached dwellings

13. Date of acquisition of subject lands:
22/10/2012
-
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 detached residential dwelling
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
single detached residential dwelling
-
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 yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
-
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" in Urban Hamilton Official Plan
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
C District: Urban Protected Res.; 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 attached 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.



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

March 30, 2022

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

**Re: 99 Mohawk Road West, Hamilton
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Marisa Nguyen (owner) for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 99 Mohawk Road West, in the City of Hamilton.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create two (2) separate residential lots. Following the proposed severance, the existing residential dwelling will be demolished, and two (2) new dwellings will be built (one on each new lot).

The subject lands are located on the south side of Mohawk Road West, between West 5th Street and Neyer Street. The subject lands are currently occupied by one (1) single detached dwelling with one (1) detached garage.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	Part 1	Part 2
Lot Frontage	10.52m	10.51m
Lot Depth	33.53m	33.53m
Lot Area	+/- 352.5m ²	+/- 352.5m ²

The surrounding area consists largely of residential uses, with various institutional uses. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The Terryberry Branch of the Public Library System is located directly across Mohawk Road West to the north of the site, abutting the West Fifth Bible Chapel. To the southwest, along West 5th, is Calvin Christian School and Church on the Rock. To the west, along Mohawk Road West, is the Immanuel Christian Reformed Church. Further west along Upper James Street is a large commercial corridor.



The immediate surrounding land uses include:

North	Single-Detached Dwellings, Institutional
South	Single-Detached Dwellings
West	Single-Detached Dwellings
East	Single-Detached Dwellings

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

Planning Policy Overview

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 second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots comply with existing Neighbourhood Plans;*
- c) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) *The lots are fully serviced by municipal water and wastewater systems; and,*
- f) *The lots have frontage on a public road.*

The proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address various zone regulation deficiencies, as required. The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of two (2) single detached dwellings (one per lot), is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along Mohawk Road West.



Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on each lot following the severance (2 total dwellings). This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 28.21 units per hectare (2 units total, 0.0709 hectares), conforming to the maximum permitted density under the UHOP.

Former City of Hamilton Bylaw No. 6593

The subject lands are zoned "C" District – Urban Protected Residential, Etc within the Former City of Hamilton By-Law No. 6593 as per Zoning Map W17c.

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 Lot Frontage	12 metres
Minimum Lot Area	360 square metre
Minimum Front Yard Depth	6 metres
Minimum Side Yard	1.2 metres
Minimum Rear Yard	7.5 metres
Maximum Building Height	11 metres

Minor Variance

Two variances are required for each lot to facilitate the proposed development. The variances are as follows:

Parts 1 and 2

1. To permit a minimum lot frontage of 10.5 metres, whereas a minimum lot frontage of 12 metres is required.
2. To permit a minimum lot area of 350 square metres, whereas a minimum lot area of 360 square metres is required.

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 single-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on the existing infrastructure and an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 28.21 units per hectare inclusive of the two proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. 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 Former City of Hamilton Zoning Bylaw No. 6593?

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Lot Frontage

Part 1 is proposed to have a frontage of 10.52. Part 2 is proposed to have a lot frontage of +/- 10.51 metres.

A variance is required to the minimum lot frontage requirement for the proposed development from 12 metres to 10.5 metres on both Part 1 and 2. The surrounding neighbourhood is characterized by single-detached dwellings that face the street. Many of the neighbouring lots have frontages at or just above the minimum of 12 and thus this development would compliment the streetscape and built form. The two lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Lot Area

Parts 1 and 2 are proposed to both have a lot area of 352.5 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 360 square metres to 350 square metres on Parts 1 and 2). The surrounding neighbourhood contains a range of lot areas, most between 380-400m². The purpose of this reduction is to permit one single-detached dwelling on each lot. The difference required from the minimum 360m² to 352.5m² is minimal and will not have an adverse affect to the lots themselves, nor the surrounding



neighbourhood and will have ample area to facilitate proper grading and drainage. Accordingly, the intent of the Zoning By-law is maintained.

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

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services along a Major Arterial Road. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore 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 lot frontage or lot area, as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit a reduced frontage and lot area requirements will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished to support the redevelopment. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these zoning deficiencies, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved

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,

Stephen Fraser, MCIP, RPP
Principal, Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Hoang Doan (Kenny) and Marisa Nguyen