



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>HM/A-22:129</b>	<b>SUBJECT PROPERTY:</b>	58 Dundurn St N, Hamilton
<b>ZONE:</b>	"D" (Urban Protected Residential – 1 & 2 Family Dwellings Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law Hamilton 6593, as Amended

**APPLICANTS:** Owner - The Roman Catholic Episcopal Corporation of the Diocese of Hamilton  
Agent - WEBB Planning Consultants

The following variances are requested:

1. A minimum southerly side yard width of 0.7m shall be permitted on the retained lot instead of the minimum 1.2m side yard width required.
2. A minimum northerly side yard width of 0.7m shall be permitted on the severed lot instead of the minimum 1.2m side yard width required.

**PURPOSE & EFFECT:** To permit the severance of the subject lands in order to facilitate the creation of two (2) lots while retaining the existing place of worship (church) on each lot, notwithstanding that;

**Notes:**

These variances are necessary to facilitate Consent Application HM/B-22:31.

**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:

<b>DATE:</b>	<b>Thursday, May 26, 2022</b>
<b>TIME:</b>	<b>2:15 p.m.</b>

PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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.



 Subject Lands

DATED: May 10, 2022

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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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](mailto: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](http://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](mailto: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](mailto: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.

**SKETCH FOR LAND DIVISION**  
OF  
**LOTS 4, 5, 6 & 7**  
**REGISTERED PLAN 359**  
IN THE  
**CITY OF HAMILTON**

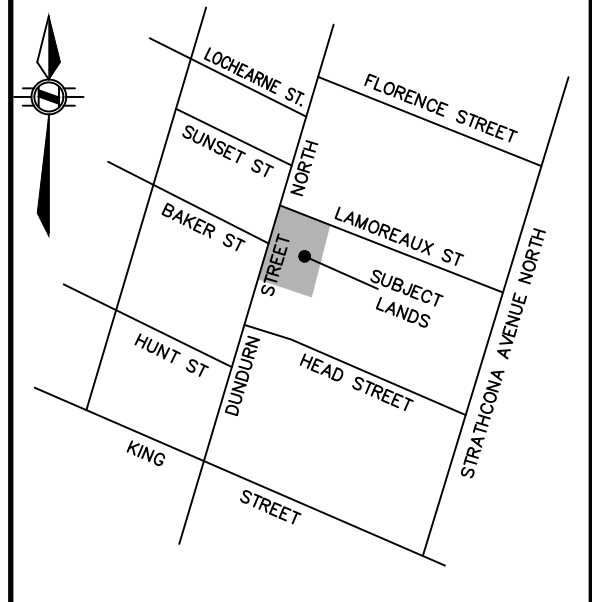
SCALE 1:150 METRIC



**S.D. McLAREN, O.L.S. - 2021**

**CAUTION**

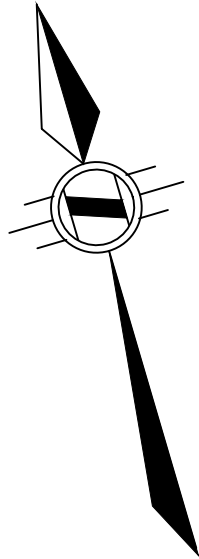
- A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
- B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©



**KEY MAP - NOT TO SCALE**

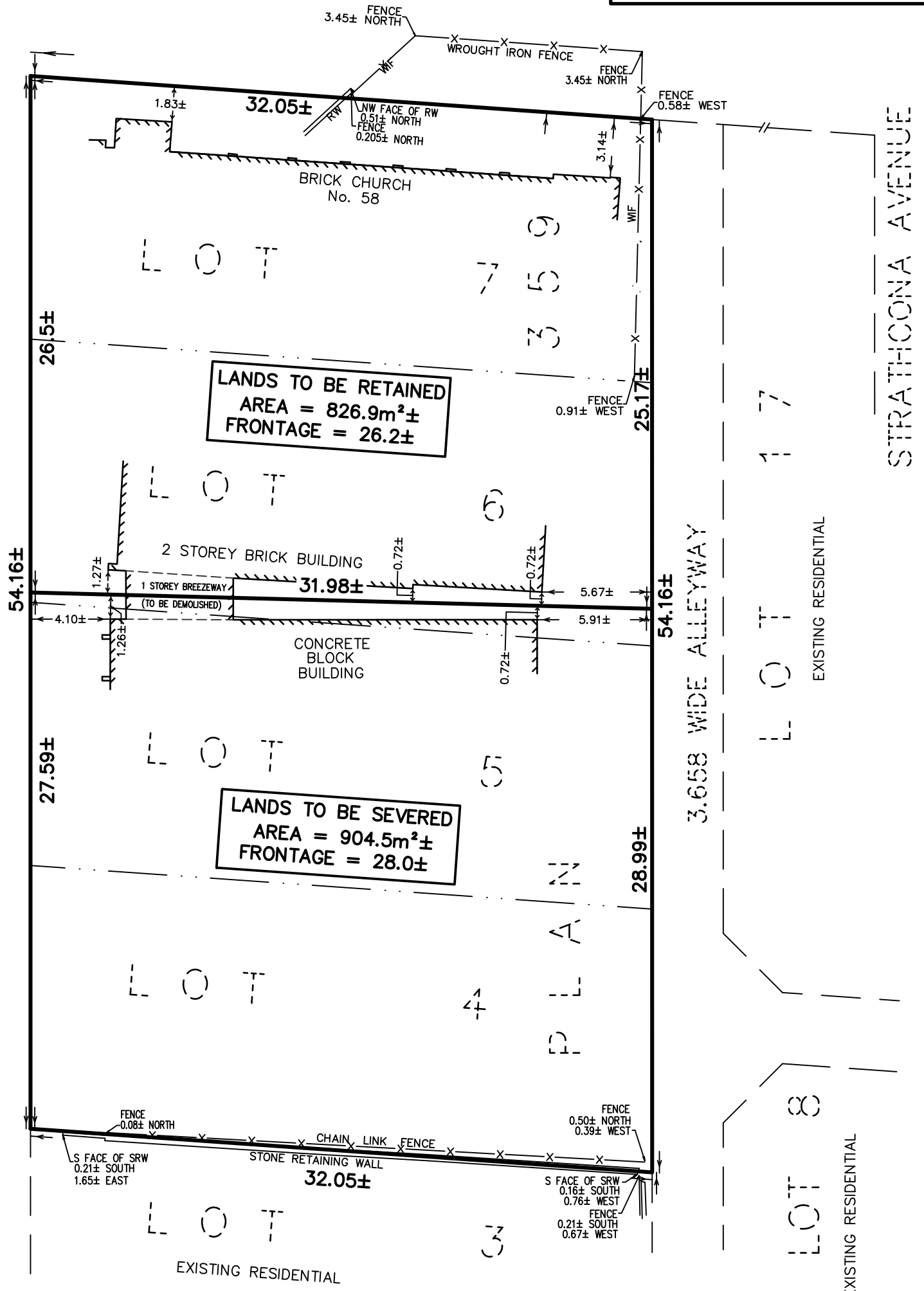
**LAMOREAUX STREET**

(BY PLAN 359) (20.117m WIDE)



**DUNDURN STREET NORTH**

(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 18 & 19)  
(WIDTH VARIES)



**LANDS TO BE RETAINED**  
AREA = 826.9m<sup>2</sup>±  
FRONTAGE = 26.2±

**LANDS TO BE SEVERED**  
AREA = 904.5m<sup>2</sup>±  
FRONTAGE = 28.0±

NOVEMBER 17, 2021  
DATE

**NOTE:**

DISTANCES SHOWN ON THIS PLAN ARE DERIVED FROM A PLAN BY A.T. McLAREN, O.L.S. DATED MAY 11, 2021 FILE No. 36634

**METRIC NOTE:**

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



**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 KM	Checked RBM	Crew Chief DW	Scale 1:150	Dwg.No. 36634-LDC
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April 7, 2022

City of Hamilton  
Committee of Adjustment  
Economic Development & Planning Department  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield,  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Consent and Minor Variance  
58 Dundurn Street North, City of Hamilton

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WEBB Planning Consultants are retained by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton (The Diocese) to provide land use planning services in connection with their property located at 58 Dundurn Street North, City of Hamilton.

The subject lands are located in the Strathcona Neighbourhood of the former City of Hamilton and in use as a place of worship. As illustrated by the accompanying Sketch Plan, the property has 54 metres of frontage on Dundurn Street North and flankage of 32 metres on Lamoreaux Street, the rear of the property abuts a 3.6 metre wide municipal laneway. The total site area is 1,730 square metres.

The subject property is presently developed with two principal buildings connected by a single storey breezeway, the northerly portion occupied with the principal church building and the southerly portion a more recent contemporary addition that comprises meeting rooms and offices. The existing buildings are not included in the City's Registry of Built Heritage resources, either as Designated or Inventoried Properties.

As part of a disposition strategy, The Diocese intends to sever the subject property, retaining the original church building and selling the southerly portion. The demarcation point for the proposed property boundary is centered on the existing vacant space between the two buildings, the existing breezeway to be demolished to create an unobstructed separation. The minimum separation distance of 1.44 metres does create a conflict with the current Zoning Regulations that would otherwise require a minimum interior side yard setback of 1.2 metres from the new property line, a combined separation of 2.4 metres between the two buildings.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal

conforms to the Official Plan, the lands are developed for permitted uses and the property does not contain natural or cultural resources, or flood hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

- a) The lots comply with the Policies of the 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.

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The existing use of the property complies with the applicable Policies for development within the Neighbourhoods designation of the Urban Hamilton Official Plan (UHOP).

The Strathcona Neighbourhood Plan was adopted by City Council in August 1972 and designates the subject property as Civic & Institutional, recognizing the established use of the property. The City adopted the Strathcona Secondary Plan in June 2021 as amendment No. 11 to the UHOP, setting out detailed land use Policies to guide development. The Secondary Plan designates the subject property as Institutional, the existing uses and scale of development comply with the applicable Policies.

The subject lands are presently Zoned as “D” District – Urban Protected Residential, one and Two Family Dwellings by the former City of Hamilton Zoning By-law 06593. As the use was lawfully established in accordance with the Regulations of the Zoning By-law both the use and the location of the buildings on the existing lot are deemed to comply – the use is permitted pursuant to Section 3.3 of the By-law (Certain Uses Not Restricted) and no on-site parking is required for Public Uses (Church).

As a result of the proposed severance, a new internal property line is created which would require a building setback of 1.2 metres. Based on the existing built condition, it is not

possible to meet this requirement and a Minor Variance is necessary to obtain final approval of the proposed severance. The following discussion sets out the rationale in support of the Variance.

The relatively small size and configuration of the severed and retained parcels are in general compliance with the prevailing character of the surrounding area which is predominantly single detached dwellings. Aside from separating the property into two parcels, the applications recognize the existing conditions and do not propose any development of the lands.

The two parcels will continue to have frontage on Dundurn Street South with the retained parcel also having flankage onto Lamoreaux Street. The parcels also have frontage onto the existing municipal laneway to the rear which provides further opportunity for site access. There are full municipal services available within the abutting road allowances including municipal water and wastewater services.

On the basis of the above discussion, it is our opinion that the proposed Consent conforms to the applicable Lot Creation Policies of the UHOP.

As summarized below, the proposed Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in our opinion, complies in all respects. The following discussion evaluates the proposal having regard to these tests:

**The Variance has been considered in the context of the Official Plan and in our opinion maintains the general purpose and intent.**

The subject lands are designated as Neighbourhoods by Volume 1 of the UHOP and Institutional by the Strathcona Secondary Plan.

The form and scale of development is permitted by the Secondary Plan Policies and represents an appropriate form of development at a location within the central area of the City, in close proximity to housing, transit and the expansive range of service, entertainment and employment uses.

**The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.**

As noted above, the subject lands are presently Zoned as “D” District – Urban Protected Residential, one and Two Family Dwellings by the former City of Hamilton Zoning By-law 06593. As the use was lawfully established in accordance with the Regulations of the Zoning By-law both the use and the location of the buildings on the existing lot are deemed to comply.

As a result of the proposed severance, a new internal property line is created which would require a building setback of 1.2 metres. Based on the existing built condition, it is not



possible to meet this requirement and a Minor Variance is necessary to recognize minimum setbacks of 0.72 metres for a combined separation between the two buildings of 1.44 metres.

To ensure the general purpose and intent of the setback Regulation is maintained it is anticipated that a Condition of Approval for the Consent Application will require the completion of a Limiting Distance Calculation. The Calculation will confirm the available building separation meets the requirements of the Building Code and identify any required mitigation.

### **The Variance is Minor.**

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development. It is our opinion that the Variances do not permit an over-intensification of the site or reduction in the performance criteria that are otherwise intended to provide for the appropriate scale of development. The Limiting Distance calculation referenced above will ensure public health and safety are addressed.

### **The proposed development is desirable for the appropriate development of the lands.**

It is our opinion that the Variance will provide for the desirable and appropriate development of the lands. The site has a limited area and the existing built Condition necessitates minor relief from typical standards. The Variance effectively recognizes an existing condition, the pending sale of the severed lands, that are presently underutilized, creates an opportunity for appropriate adaptive re-use of the existing building or redevelopment in keeping with the evolving character of the neighbourhood.

In summary, it is our opinion that the Variance required to implement the proposal meets the four tests of the Planning Act and will provide for creation of a separate parcel for continued institutional uses or possible redevelopment in keeping with the established planning policy framework.

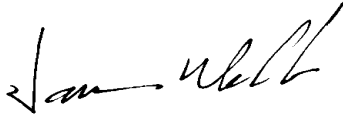
In keeping with the City's requirements for the submission of an Application for Minor Variance and Consent we are submitting the following materials in addition to this cover letter:

- Application for Minor Variance, fully executed;
- Application for Consent, fully executed;
- Combined Application Fee of \$6,450.00 payable to the City of Hamilton;
- Sketch Plan prepared by A. T. McLaren;

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**

A handwritten signature in black ink, appearing to read "James Webb". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James Webb, MCIP, RPP

cc: The Roman Catholic Episcopal Corporation of the Diocese of Hamilton



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
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Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

#### The Planning Act

#### Application for Minor Variance or for Permission

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

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

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

None
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**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:

To permit a minimum interior side yard of 0.72 metres

Second Dwelling Unit       Reconstruction of Existing Dwelling

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

Property containing two existing buildings proposed to be severed to create separate parcels, reduced setback reflects existing Condition

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**):

Lots 4, 5, 6 7 of Registered Plan 359, 58 Dundurn Street North

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant

Other Institutional - Church

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?

Site inspection, discussion with owner

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes  No

**9. ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

APRIL 4, 2022  
Date

*Douglas Crosby*  
Signature Property Owner(s)

DOUGLAS CROSBY  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>54.1 m</u>
Depth	<u>31.9 m</u>
Area	<u>1731.4 sq. metres</u>
Width of street	<u>20.0 m</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:

place of worship and accessory building containing meeting rooms and ancillary offices of church

Proposed

No changes with exception of removal of one storey breezeway that connects the two buildings

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

Existing:

Minimum exterior side yard of 1.83m, minimum front yard setback of 4.10 metres, minimum rear yard setback 1.7 metres

Proposed:

No changes to exterior and rear setbacks, as result of proposed severance of property will result in new minimum interior setback of 0.72 metres

13. Date of acquisition of subject lands:  
\_\_\_\_\_
14. Date of construction of all buildings and structures on subject lands:  
Unknown, in excess of 50 years  
\_\_\_\_\_
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Institutional - place of worship  
\_\_\_\_\_
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
low density residential, predominantly single detached dwellings  
\_\_\_\_\_
17. Length of time the existing uses of the subject property have continued:  
in excess of 50 years  
\_\_\_\_\_
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:  

UHOP - Neighbourhoods, No Secondary Plan in effect
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20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  

"D" District, former City of Hamilton ZBL 06593
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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)  

Application for Consent is being processed concurrently with the Minor Variance to create separate parcel that is to be sold as remnant parcel. Refer to cover letter prepared by WEBB Planning Consultants for broader description of the proposal.
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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.