



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-22:151	SUBJECT PROPERTY:	153 GEORGE ST., HAMILTON
ZONE:	"I1,E15" (Neighbourhood Institutional)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended 08-286

APPLICANTS: Agent TCA/Their + Curran – K. Slote
Owner OFILD – Michael Power

The following variances are requested:

1. An exterior staircase shall be permitted to encroach the full distance of the minimum required flankage (westerly) side yard and be located as close as 0 metres to the westerly lot line, instead of the maximum permitted encroachment of 1.5 metres.
2. A canopy and terrace shall be permitted to encroach the full distance of the minimum required flankage (westerly) side yard and be located as close as 0 metres to the westerly lot line, instead of the maximum permitted encroachment of 1.5 metres.

PURPOSE & EFFECT: To permit the construction of a three (3) storey addition to the existing residential care facility.

Notes:

1. Please note that this application is required to facilitate Site Plan Application No. 22-054.
2. Please note that a partially below-grade exterior staircase has been indicated in the minimum required easterly side yard. It is noted that should the foundation/retaining wall for the exterior stairs project more than 0.15 metres above grade, the above-grade elements (foundation/retaining wall) would be considered part of the principle building, and would be subject to the principle building setbacks, as opposed to Section 4.6(b). Additional variances may be required if compliance with Section 8.1.3.1(e) is not possible.

3. It is noted that there is an existing coach house located in the westerly side yard that encroaches 0.3 metres into the public road allowance. From the materials provided, it appears a portion of the existing structure is to be removed, however, it is unclear as to the extent of the alterations proposed to this structure. Additional variances may be required if compliance with all aspects of Hamilton Zoning Bylaw No. 05-200 is not possible.
4. Please note that insufficient information has been provided to establish compliance with Section 4.6(a) regarding the usual projection of window sills, chimney breasts, belt courses, cornices, eaves, troughs, and other similar architectural features etc. Additional variances may be required if compliance with Section 4.6(a) cannot be achieved.

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, June 9, 2022
TIME:	3:00 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 24, 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.

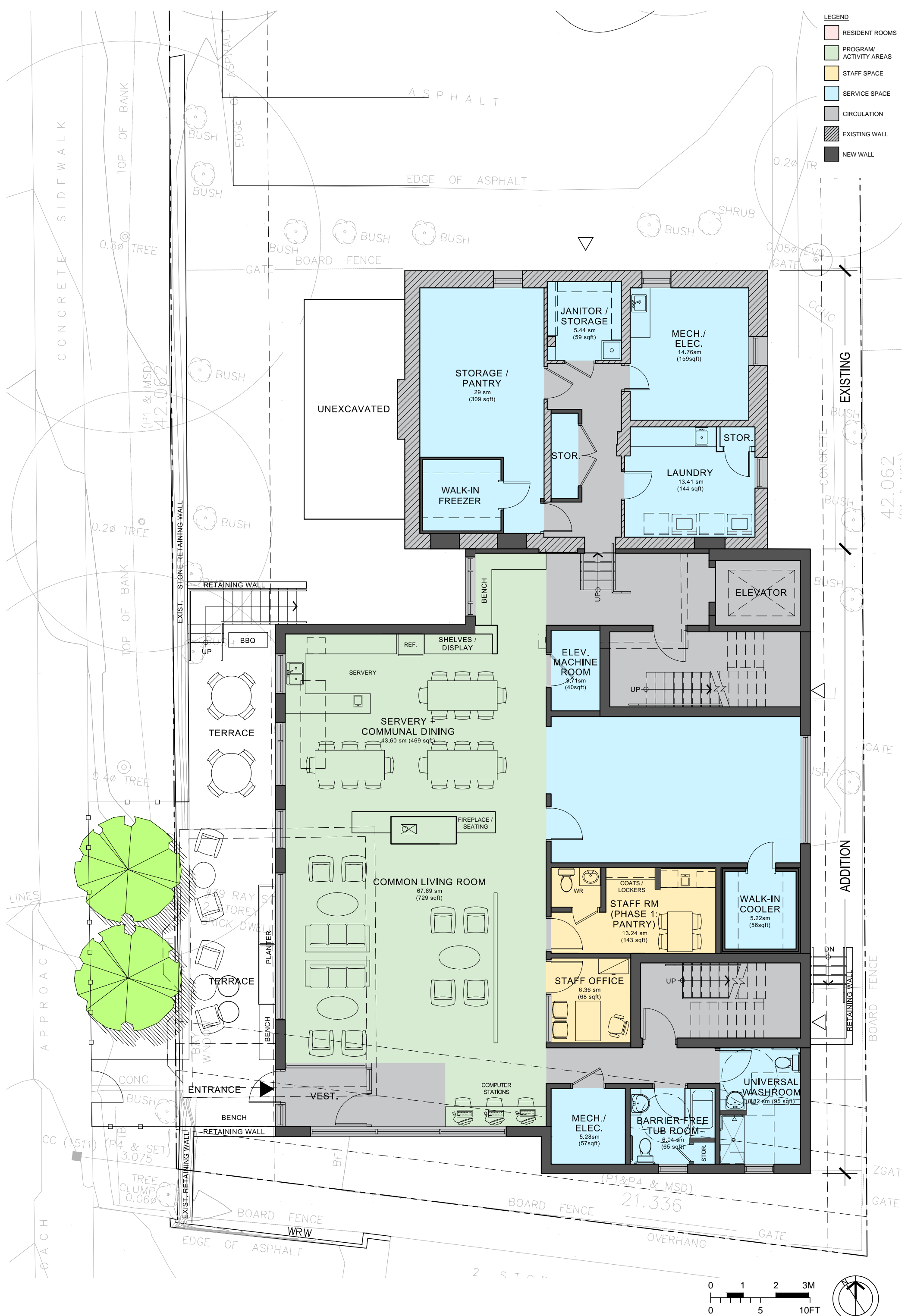
BUILDING CODE INFORMATION (BUILDING):				
BUILDING CLASSIFICATION: PART 9, GROUP C (RESIDENTIAL UP TO 3 STOREYS)				
NUMBER OF STREETS/FIRE FIGHTER ACCESS: 2				
THE BUILDING WILL NOT BE SPRINKLERED				
ZONING CHART				
PROPERTY LOCATION: 153 GEORGE STREET IN THE CITY OF HAMILTON				
	ITEM DESCRIPTION	ZONING BY-LAW REQUIREMENTS	PROVIDED	COMPLIANCE
A.	ZONING CATEGORY PERMITTED USE	I1, NEIGHBOURHOOD INSTITUTIONAL USE + BY-LAW NO. 08-286	I1, NEIGHBOURHOOD INSTITUTIONAL USE + BY-LAW NO. 08-286	YES
B.	LOT AREA (SQ.M)	330m ² MIN.	889.6m ²	YES
C.	RES. CARE FACILITY CAPACITY	24 RESIDENTS	24 RESIDENTS	YES
D.	LOT WIDTH	12.0m (MIN)	21.1m	YES
E.	FRONT SETBACK (STREET)	6.0m	12.1m (10.2m AT STEPS)	YES
F.	REAR YARD SETBACK	1.2m @ 1 STOREY 3.0m @ 2 STOREY 4.5m @ 3 STOREY (10.5m HIGH)	1.2m @ 1 STOREY 4.5m @ 2 STOREY 4.5m @ 3 STOREY (10.5m HIGH)	VARIANCE REQ'D YES YES
G.	SIDE YARD SETBACK (EAST)	1.2m	1.5m 0.9m @ PERMITTED YARD ENCROACHMENTS*	YES
H.	FLANKAGE YARD SETBACK (WEST)	3.0m, 2.0m @ CANOPY	3.0m 0m @ CANOPY / TERRACE 2.4m AT PERMITTED YARD ENCROACHMENTS* 0m @ EXISTING COACH HOUSE	YES VARIANCE REQ'D YES EXISTING NON-CONFORMING
I.	BUILDING HEIGHT	3 STOREYS, 10.5m	3 STOREYS, 10.5m NOTE: FOR ZONING PURPOSES, BASEMENT IS DEFINED AS A CELLAR ($\frac{1}{2}$ HEIGHT ABOVE GRADE) AND IS THEREFORE NOT CONSIDERED A STOREY	YES
J.	PARKING	2 PARKING SPACES MIN. 2.8x5.8m SPACES	2 PARKING SPACES 2.7x6.0m SPACES	EXISTING NON-CONFORMING
K.	PARKING LOCATION	1.5m MIN. FROM A STREET LINE NO VISUAL BARRIER SHALL BE PROVIDED ALONG THE LOT LINE OF A PARKING AREA ABUTTING A RES. ZONE	EXISTING TO REMAIN	YES
L.	ACCESS DRIVES & AISLES	ACCESS DRIVE: MIN. 3.7m	ACCESS DRIVE: 2.8m	EXISTING NON-CONFORMING

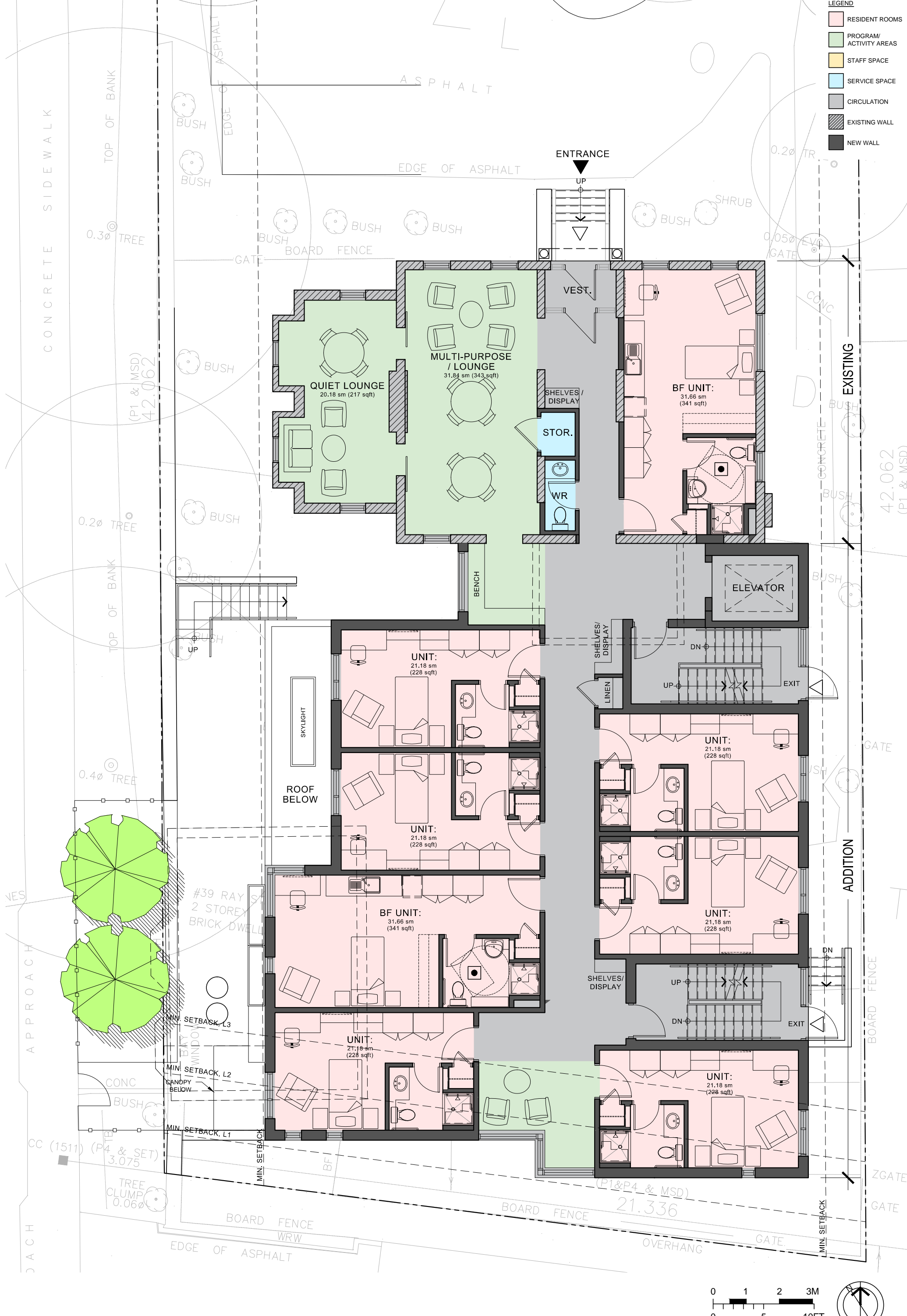
* AS PER SECTION 4.6a) OF ZONING BY-LAW 05 - 200

AREA SUMMARY:			
	EXISTING	ADDITION	TOTAL
BASEMENT	95.1sm	291.4sm	386.5 sm
GROUND	118.9sm	276.6sm	395.5 sm
SECOND	95.1 sm	216.1sm	311.2 sm
THIRD	95.1 sm	216.1sm	311.2 sm
TOTAL	404.2 sm	1000.2 sm	1404.4 sm

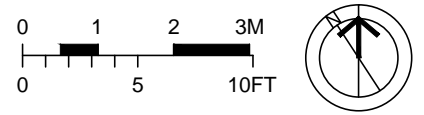
<p>SURVEY INFORMATION TAKEN FROM SURVEY PREPARED BY: A.T. McLAREN LTD. LEGAL DESCRIPTION OF PROPERTY: PART OF LOTS 1,5,7 BLOCK 2, RANGE 1 PLAN 1435 (AKA JAMES MILLS SURVEY BTN QUEEN ST, MAIN ST, RAY ST, GEORGE ST) BEING IN THE CITY OF HAMILTON</p>	<p>BENCHMARK NOTE: 2-19 CITY OF HAMILTON BENCHMARK HOUSE NO. 34 QUEEN STREET SOUTH OF SOUTH-WEST CORNER OF INTERSECTION OF GEORGE STREET, PLATE IN NORTH BRICK WALL AT NORTH-EAST CORNER, NO. 111. ELEVATION 112.421m (368.837 ft.)</p>
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- LEGEND**
- RESIDENT ROOMS
 - PROGRAM / ACTIVITY AREAS
 - STAFF SPACE
 - SERVICE SPACE
 - CIRCULATION
 - EXISTING WALL
 - NEW WALL





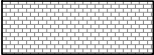






- LEGEND**
- RESIDENT ROOMS
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 - EXISTING WALL
 - NEW WALL

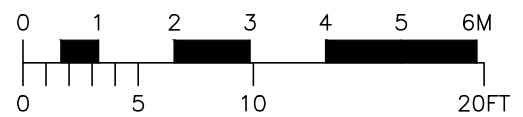


- LEGEND**
- RESIDENT ROOMS
 - PROGRAM/ACTIVITY AREAS
 - STAFF SPACE
 - SERVICE SPACE
 - CIRCULATION
 - EXISTING WALL
 - NEW WALL



LEGEND

	EXIST. BRICK MASONRY		NEW BROWN SIDING
	NEW RED BRICK MASONRY		NEW MEDIUM GREY METAL ROOFING
	NEW CHARCOAL BRICK MASONRY		NEW VINYL WINDOW FILM
	NEW STONE VENEER		



SCALE = 1:100

Proposed West Elevation

April 21, 2022

Options for Independent Living and Development – Supportive Housing

153 George Street, Hamilton, ON

Minor Variance Application – Expanded Answers

4. Nature and extent of relief applied for:

- i. Reduce rear yard setback for a 3 storey structure from 4.5m to 1.2m (note that the 3 storey portions of the building are set back 4.5m and only a 1 storey portion is set back 1.2m).
- ii. Permit a 0m west side yard setback at the entry canopy, uncovered terrace, and exterior stair.

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

- i. The form of the building follows the spirit of the Bylaw with a 1.2m setback to 1 storey portions of the building and a 4.5m setback to 2 and 3 storey portions. The design was developed to follow the By-Law requirements with a stepped setback approach, but Planning staff disagree on their interpretation of the requirement, stating that the entire building setback is required to be 4.5m once any part of the building is 3 storeys.

The proposed form is similar to the existing condition at Ray Street where there is an existing coach house that encroaches the property line by approximately 0.3m (see attached photos). The proposed building area is required to fulfill the needs of the building's 24 residents in order to provide fulfilling program in a safe, more dignified and more accessible environment. The building's residents are all women with varying forms of cognitive and physical disabilities.

- ii. While the building conforms to the zoning bylaw for west side yard setbacks, a 0m setback for an entry canopy and uncovered terrace is proposed to create a quality amenity space for residents. The terrace makes use of limited site area to provide outdoor space for residents and barrier free access to the building at the basement level as the existing ground floor is raised several steps. The terrace follows good urban design principles by providing eyes on the street for natural surveillance and a sense of community for residents. An exterior stair connects the lower terrace area to the upper areas of the property to address the sloping condition of the site and is hidden by view by the existing stone retaining wall.

Note that the existing condition at the west side yard is a 0.3m property line encroachment at the bay window of the existing coach house and a 0m setback to the coach house itself that is to be demolished. The continuation of the 0m setback allows provision of a new privacy screen / fence to replace the existing coach house, important to this primary amenity space close to the sidewalk and street. It will also provide a needed security line.



April 21, 2022

Options for Independent Living and Development – Supportive Housing

153 George Street, Hamilton, ON

DESIGN SYNOPSIS

Located in Hamilton's Strathcona neighbourhood, this proposed addition to an existing residential care facility has been carefully designed to fit within its existing context of large 19th century homes and structures.

Located in an I1 zone with site specific zoning under By-law 08-286, the proposed addition is designed to comply with all zoning requirements including stepped back setbacks along the south property line and a building capacity of 24 residents.

The addition is in conformance with the permitted 3 storey building height and is broken down in scale with careful attention to design and strategic material use. In particular, a mansard roof at the third storey reduces the massing, creating the impression of a two storey building with an attic and is in keeping with the scale of neighbouring dwellings. Where the existing grade drops along the southern portion of the property at Ray Street, exposed portions of the basement are clad in ashlar cut stone to read visually as a continuation of the existing building's rubble stone foundation wall. This stone cladding also relates to an existing stone retaining wall along the south and west side of the property. As much of this wall as possible will be kept.

The addition itself is conceived as having developed organically over time as a series of house-like additions to the existing 19th century dwelling with an eye to maintaining a residential scale and material palette. A mix of red and charcoal brick alongside warm, wood-like siding further breaks down the mass of the addition. Carefully articulated fenestration with varied window sizes and locations avoids the repetition and sameness of institutional buildings, responding to both context and the owner's ambition to maintain a strong feeling of home.

To achieve a barrier free and accessible entrance without disrupting the existing George Street-facing raised porch and portico, a new entrance at the basement level along Ray Street has been aligned with existing sidewalk and street grades. The entrance replaces an existing entrance to a former converted coach house and is marked by a small roof canopy, and a gate to the sidewalk. Adjacent to the entrance is a new west facing terrace that will serve as a semi-private outdoor space for residents, making them a visible and integral part of the neighbourhood.

Careful attention to landscaping including the maintaining of as many mature trees as possible further assists in blending the new addition into its surrounding neighbourhood.

Note that the owner has for many decades owned and operated the neighbouring properties at 149 George Street and 41 Ray Street South as much lauded and highly needed non-profit supportive housing.

April 21, 2022

Options for Independent Living and Development – Supportive Housing

153 George Street, Hamilton, ON

EXISTING AND PROPOSED IMAGES



April 21, 2022

Options for Independent Living and Development – Supportive Housing

153 George Street, Hamilton, ON

EXISTING AND PROPOSED IMAGES



Existing Coach House Ray Street South Elevation



Proposed View at Ray Street South





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)	Michael Power Options for Independent Living and Development (OFILD)	[REDACTED]
Applicant(s)*	Same as Owner	
Agent or Solicitor	Kyle Slote, OAA TCA / Thier + Curran Architects Inc.	

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:

*Alterna Savings
Lakeshore Branch
319 McRae Avenue 1st Floor
Ottawa, On K1Z 0B9*

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:

Please refer to the enclosed letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to the enclosed 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**):

Registered Plan No 1435, Lot 1,5,7
153 George Street, Hamilton, ON

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?

Longstanding continued residential use of the site and Owner's longstanding knowledge of the property.

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 20th 2022
Date

Michael Power
Signature Property Owner(s)

Michael Power
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>21.1m</u>
Depth	<u>42.1m</u>
Area	<u>889.6 sqm</u>
Width of street	<u>+/-7m at George St, +/-6.6m at Ray St N</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: __

Ground Floor Area: 132.8 sqm + 51.0 sqm coach house
Gross Floor Area: 323 sqm (excluding basement) + 102 sqm coach house
of Storeys: 2.5 + 2 storey coach house
Dims: 14.8m w X 11.6m l x 10.8m h + 5.9m w x 8.25m l x +/-5.2m h coach house

Proposed

Ground Floor Area: 386.5 sqm
Gross Floor Area: 1,017.9 sqm (excluding basement)
of Storeys: 3
Dimensions: 16.4m w X 27.7m l x 10.5m h

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

Existing:

Front Yard Setback: 12.1m
East Side Yard Setback: 2.9m (2.68m at chimney)
West Side Yard Setback: 0.4m encroachment at coach house to be demolished
Rear Yard Setback: 2.2m at coach house to be demolished

Proposed:

Front Yard Setback: 12.1m
East Side Yard Setback: 1.5m (0.9m at permitted yard encroachments)
West Side Yard Setback: 3.0m (0m at uncovered terrace and canopy)
Rear Yard Setback: 1.2m @ 1 storey, 4.5m at 2-3 storeys

13. Date of acquisition of subject lands:
Sept 7th 2021
14. Date of construction of all buildings and structures on subject lands:
 +/- 1890 Main house 1920
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential Care Facility (24 resident capacity)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
mix of single family, duplex, and residential care facilities
17. Length of time the existing uses of the subject property have continued:
100+ years as residential, 40 years as residential care facility
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:
I1, Neighbourhood Institutional + By-law 08-286
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
05-200
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)
Please refer to the enclosed 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.