



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.:	SC/A-22:216	SUBJECT PROPERTY:	417 HWY 8, STONEY CREEK
ZONE:	"C2 and 673" (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law 05-200, as Amended 18-087

APPLICANTS: Agent A.J. Clarke & Associates – R. Ferrari
Owner Q24 Holdings Inc.

The following variances are requested:

1. The amenity area associated with the dwelling units shall be permitted on the ground floor whereas the zoning By-law only permits the access, accessory office and utility area of the associated with residential use to be located on the ground floor.
2. Dwelling units shall be permitted to occupy 74.2% of the gross floor area of the building instead of the maximum 50.0% permitted.
3. No planting strip shall be provided along the southerly lot line abutting the Residential zone instead of the minimum 1.5m wide planting strip required.
4. A minimum of forty-five (45) parking spaces shall be permitted for the entire site instead of the minimum fifty-nine (59) parking spaces required.

PURPOSE & EFFECT: To facilitate the construction of a four (4) storey mixed use building consisting of twenty-seven (27) dwelling units and commercial ground floor.

Notes:

Variances have been written exactly as requested by the applicant. Please note, that this property is subject to Site Plan Control SPA-22-029; to date, a recirculation of the revised plan has not been submitted and a full zoning review has not been conducted for the new proposal. Further variances may be required at such time that a full zoning review is conducted on the new proposal.

SC/A-22:216

The elevation height dimension has not been provided from grade as defined. The applicant shall ensure that the maximum permitted height is not exceeded; otherwise, further variances shall be required.

The applicant shall ensure that the required visual barriers are provided as required under Section 4.19 of the Zoning By-law; otherwise, further variances may be required.

A 3.0m wide planting strip is required between the parking spaces and a street line. The submitted plan only shows a "landscaped" area. The applicant shall ensure that the required planting strip is provided and maintained; otherwise, further variance shall be required.

The proposed commercial use has not been clearly identified. Please be advised that if the commercial use is considered "Other Commercial uses not listed above" under Table C of Section 5.7, this site will require a minimum of ten (10) short-term bicycle parking spaces. Currently, only five (5) short-term bicycle parking spaces are shown.

The applicant shall ensure that compliance is achieved with any proposed encroachments, mechanical equipment, garbage enclosure etc., as per the Hamilton Zoning By-law 05-200.

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, July 28, 2022
TIME:	1:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	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
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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, calling in, or

SC/A-22:216

attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 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.**

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

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by 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.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.



STATISTICS		
SITE		
LOT AREA	3,688m ²	39,700 ft ²
LOT FRONTAGE	61.05 m	200'-3"
LANDSCAPED AREA	TBD	TBD
BUILDING - 4 STOREYS		
COVERAGE	816 m ²	8,784 ft ²
GFA - BUILDING	3,000.0 m ²	32,292 ft ²
GFA - COMMERCIAL	597.9 m ²	6,436 ft ²
GFA - RESIDENTIAL	2,225.4 m ²	23,954 ft ²
TOTAL UNITS		27
	1 BEDROOM	9
	2 BEDROOM	9
	2 BEDROOM + DEN	9
TOTAL PARKING PROVIDED		46
	SURFACE	46

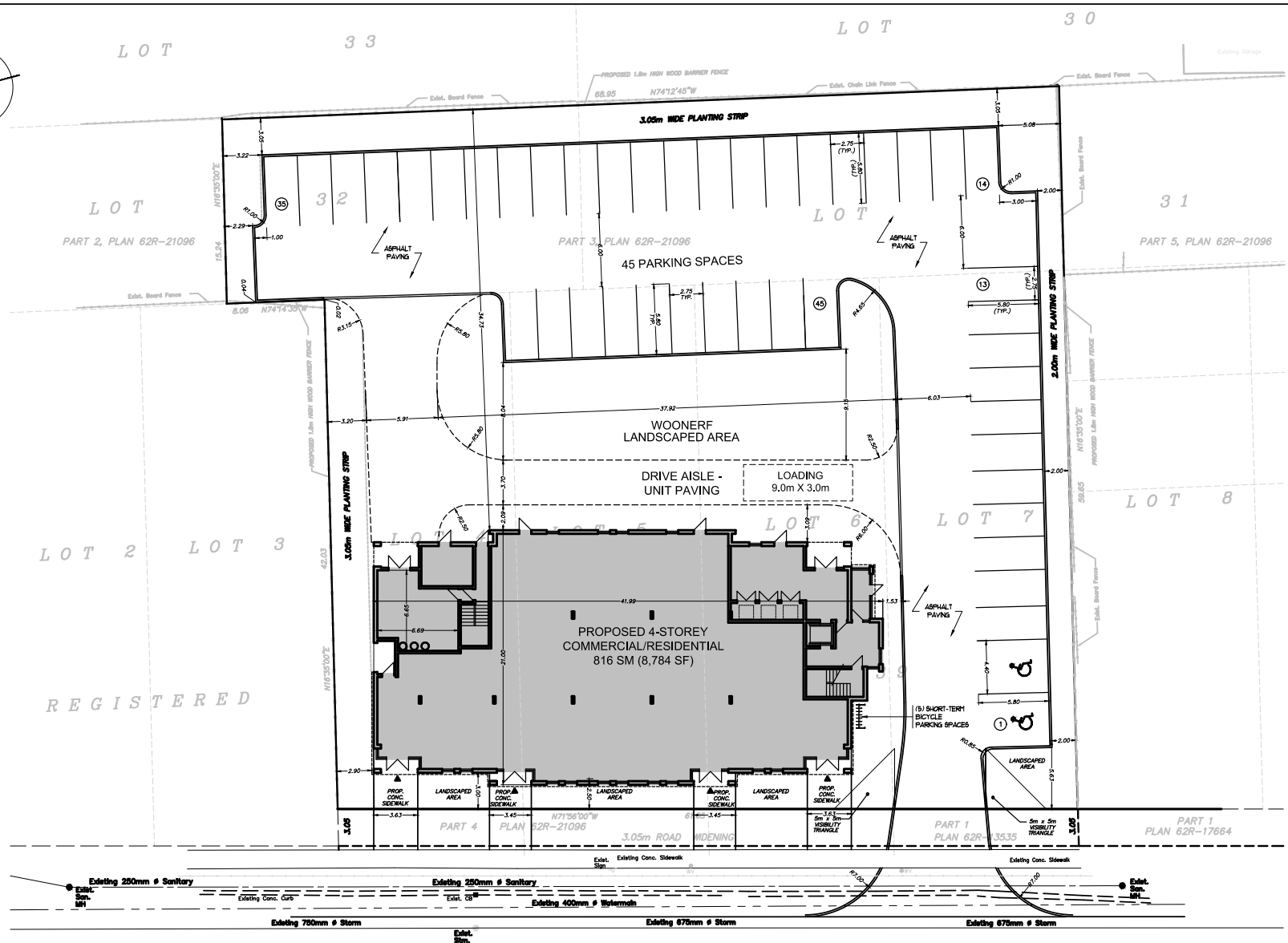
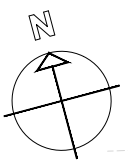
PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

This drawing must not be scaled.
 General Contractor shall verify all dimensions, datums and levels prior to commencement of the work.
 All errors and omissions are to be reported immediately to the Architect.

LINTACK ARCHITECTS
 INCORPORATED
 244 JAMES STREET SOUTH,
 HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209
 E: information@lintack.com
 www.lintack.com

COVER/STATS

job no.	dwg. no.
22.029	



THE KING'S HIGHWAY No. 8

PROPOSED MIXED USE DEVELOPMENT
**HWY 8 & MILLEN MIXED USE
 OPTION 3**

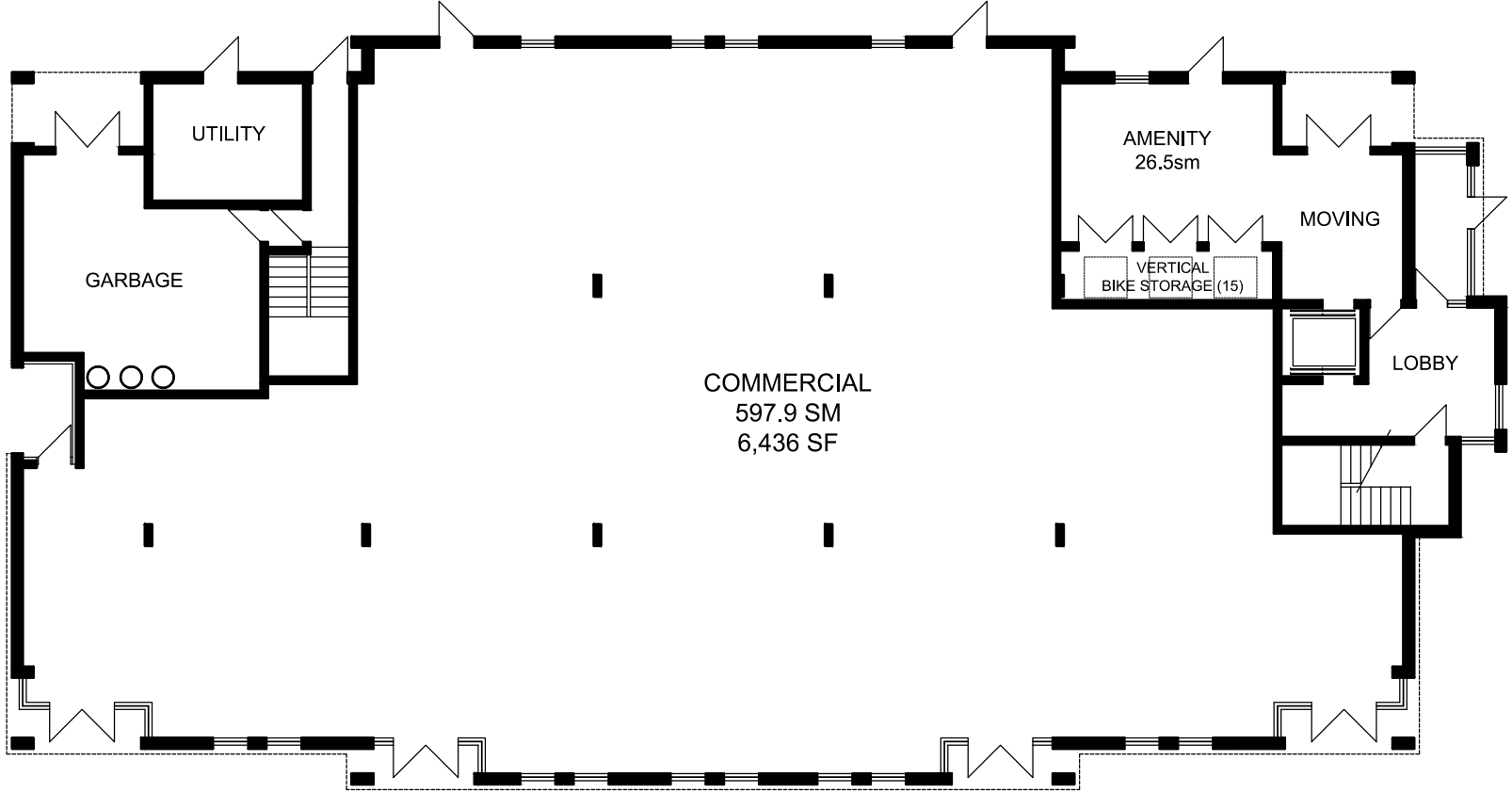
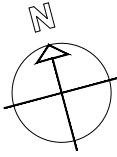
STONEY CREEK, ON

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SITE	
job no. 22.029	dwg. no. A0

A1 GND
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
OPTION 3

STONEY CREEK, ON

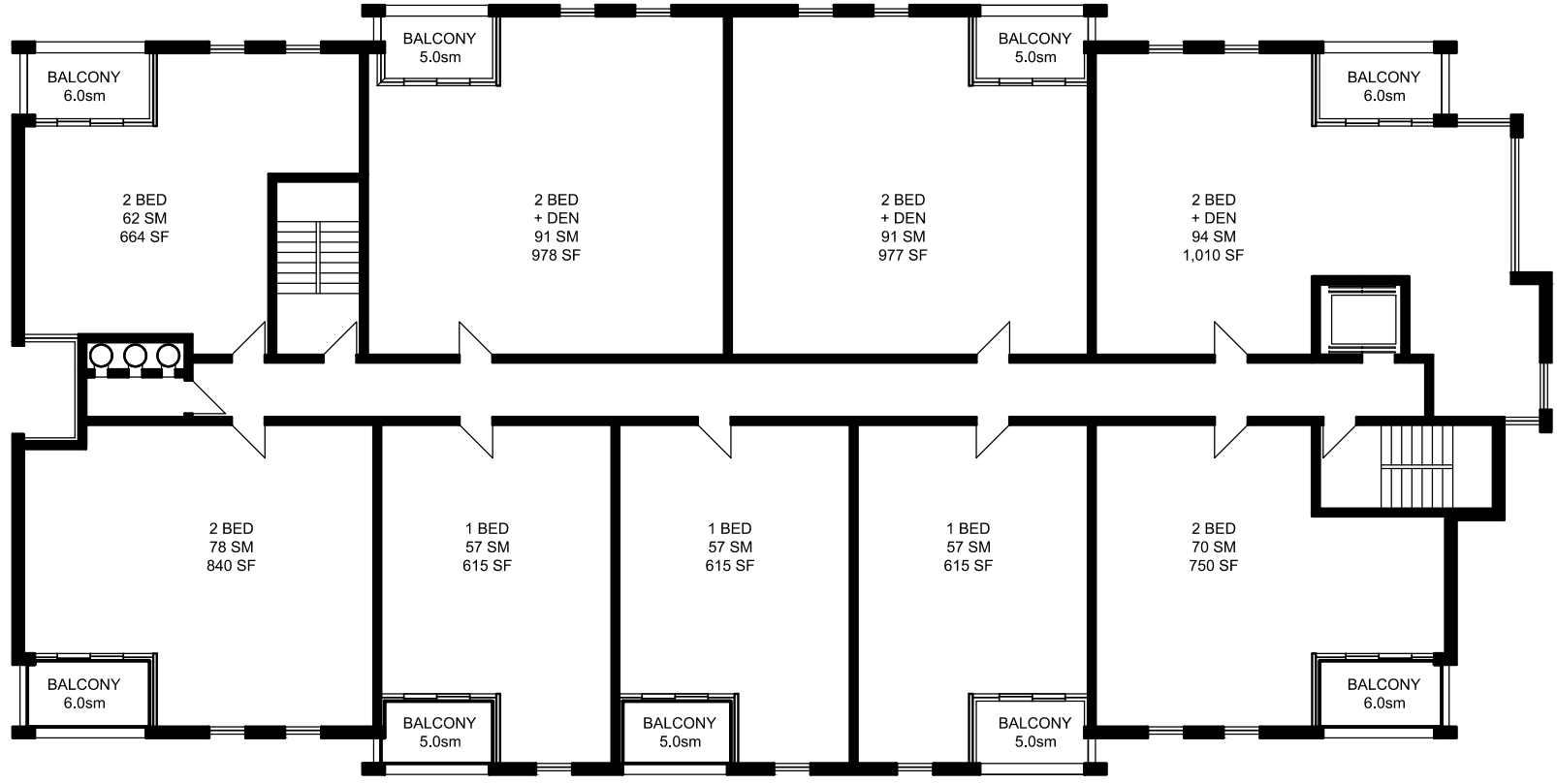
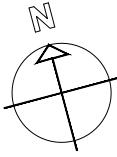
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GROUND

job no.	dwg. no.
22.029	A1



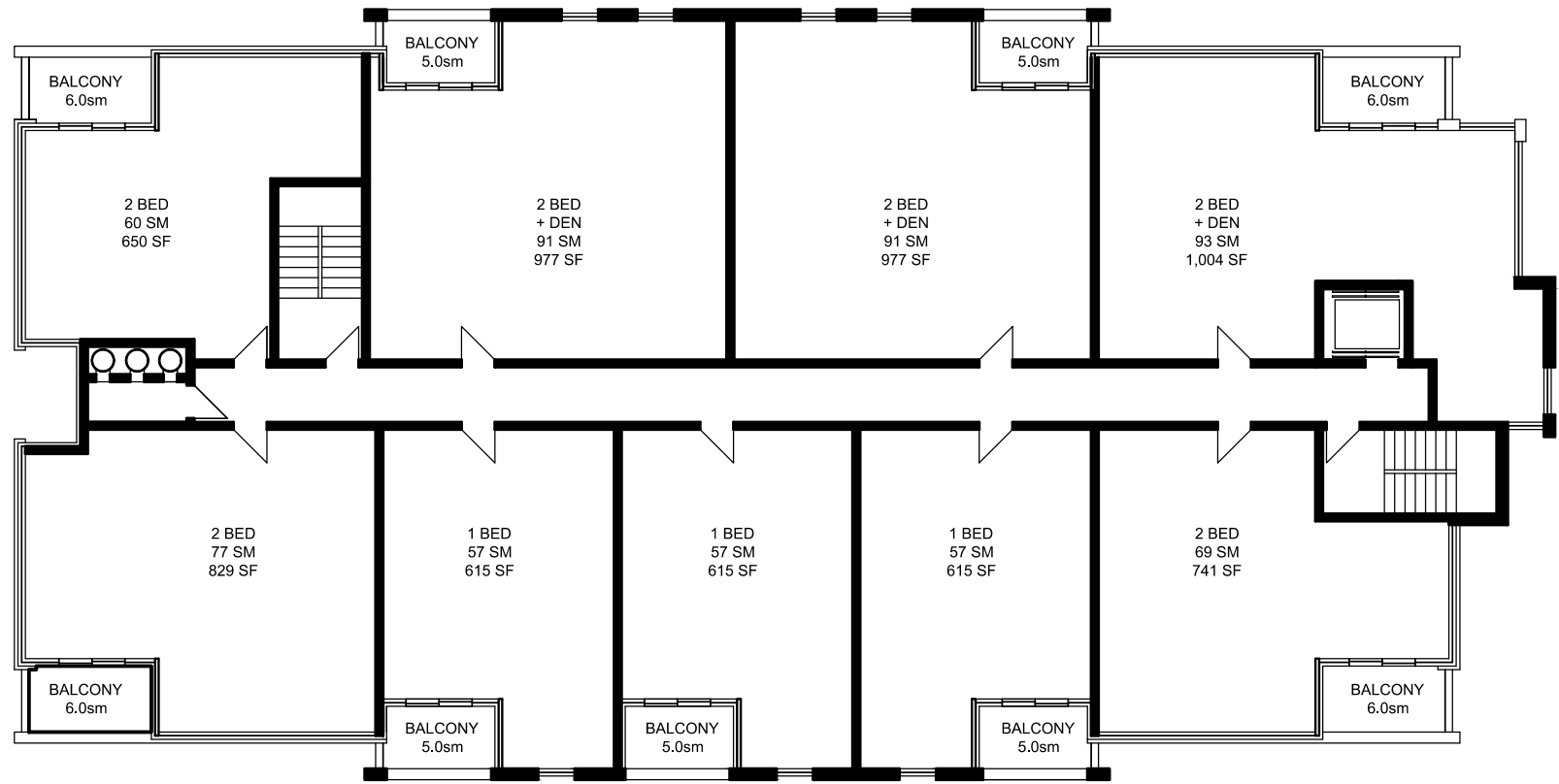
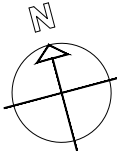
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HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

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SECOND & THIRD

job no.	dwg. no.
22.029	A2



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

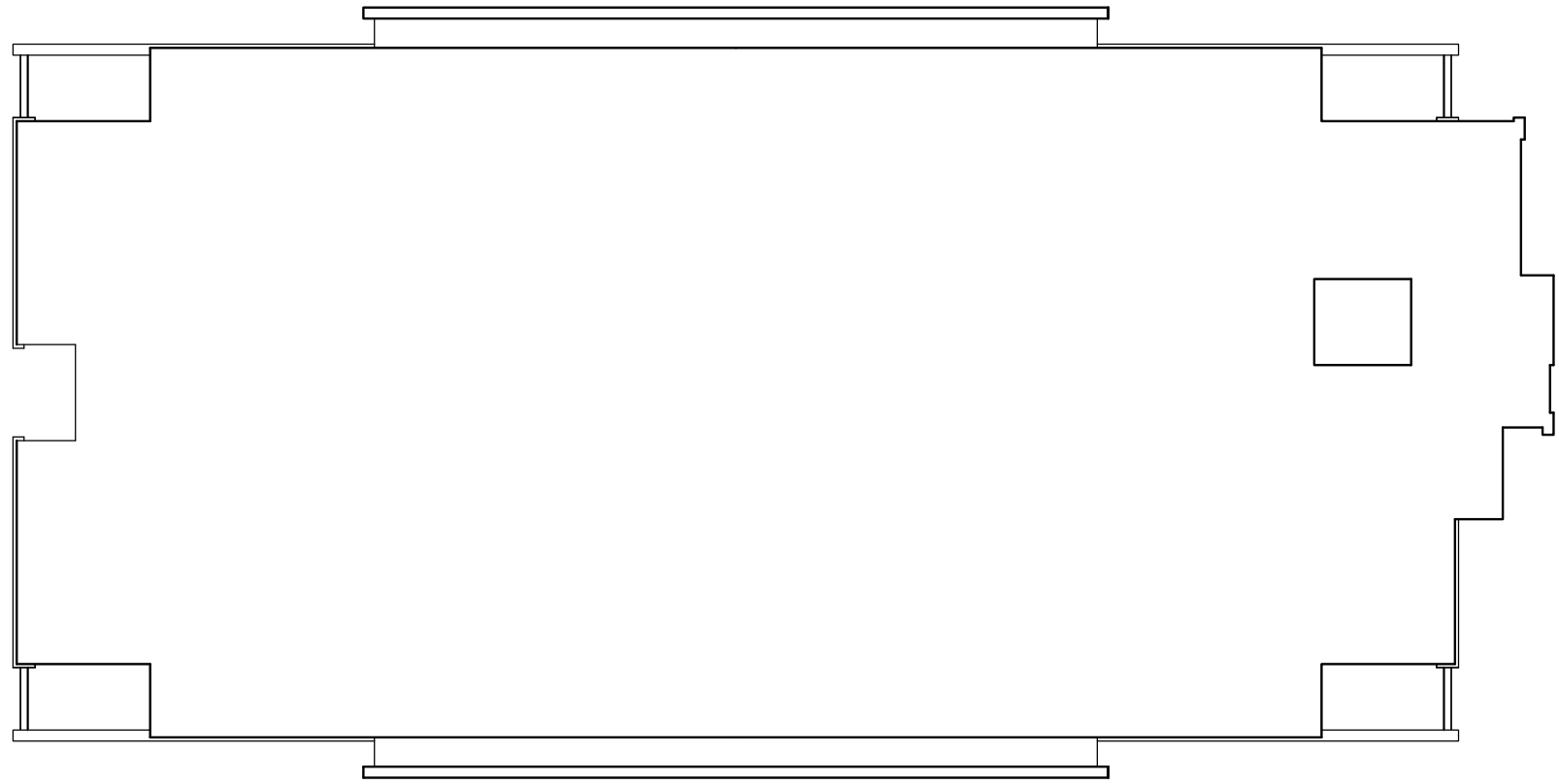
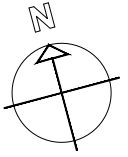
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FOURTH

job no. 22.029	dwg. no. A3
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A4 ROOF
LAI OPTION 3_2022.06.15



PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
OPTION 3

STONEY CREEK, ON

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ROOF

job no.	dwg. no.
22.029	A4



SOUTH



NORTH

PROPOSED DEVELOPMENT
HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

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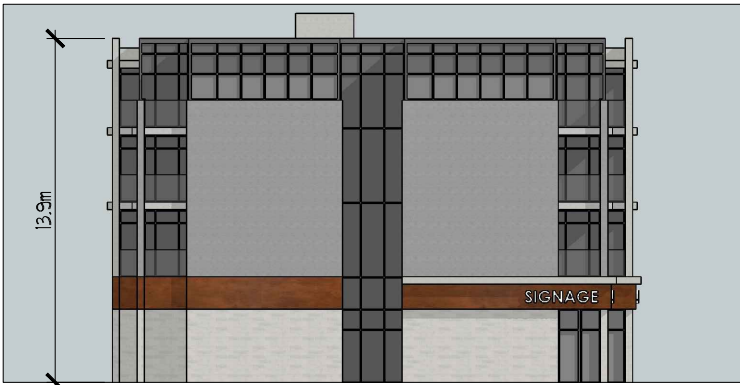
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ELEVATIONS

job no.	dwg. no.
22.029	A5



EAST



WEST

MAXIMUM GLAZING OF FACADE:

TOTAL GLAZING: 109.5 sm
 TOTAL TRANSPARENT VISION GLASS: 20.4 sm

PERCENTAGE OF TRANSPARENT VISION GLASS: 18.6%

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HWY 8 & MILLEN MIXED USE
 OPTION 3
 STONEY CREEK, ON

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ELEVATIONS

job no.	dwg. no.
22.029	A6



A. J. Clarke and Associates Ltd.
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June 15, 2022

City of Hamilton
Planning and Economic Development
City Hall 5th Floor
71 Main St W, Hamilton, ON L8P 4Y5

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

Re: 417 Highway No. 8 – Minor Variance Submission

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by QZ4 Holdings Inc., owners of the property municipally known as 417 Highway No. 8 for the purposes of submitting the enclosed Minor Variance Application. The following materials have been submitted in support of the application.

- One (1) digital copy of the signed and executed Minor Variance Application;
- One (1) cheque in the amount of \$3,465.00 representing the required application fee for the Minor Variance Application;
- One (1) digital copy of the Architectural Package, dated June 15th, 2022, prepared by Lintack Architects Inc.

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and are zoned Local Commercial (C2, 673) Zone in City of Hamilton Zoning By-law No. 05-200.

The lands were originally subject to Official Plan and Rezoning Applications to change the designation and zoning of the subject lands to a site-specific commercial designation “GC-57” in By-Law Amendment 18-086) in the former Town of Stoney Creek Zoning By-law. Since that time, the new Commercial and Mixed Use Zones came into force and effect for the subject lands which carried over the specific provisions of the previous Stoney Creek By-law, so as to not interfere with the ongoing development.

In 2019, a Site Plan Application was approved, (File DA-19-067). The extent of the approval was to construct a 3-storey commercial office building on the subject property while retaining an existing restaurant building on the subject lands.

Since that time, the owners of the subject lands have expressed interest in abandoning their site plan approval in favour of a new development scheme.

Now proposed, is a 4-storey mixed use development with commercial on the ground floor and 3 floors of residential above. In total, 27 new residential units are proposed. The aforementioned restaurant building will be demolished in favour of the development. In total, 45 parking spaces are in the rear and side yards to provide support for the development.



Minor Variances

After completing review of the Hamilton Zoning Bylaw 05-200 and Site Specific C2-673 zoning bylaws, several variances will be required to facilitate the proposed development.

1) 10.2.1.1(ii) – Restriction of Residential Uses within a Building

As per subsection 1(ii) of the C2 Neighbourhood Commercial zone, a maximum of 50% of the total ground floor area shall be used for residential purposes and is described as follows:

ii) Restriction of Residential Uses within a Building

1. Notwithstanding Section 10.2.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. (By-law No. 21-189, October 13, 2021)

Proposed is a variance to allow a higher ratio of dwelling units to commercial uses than currently permitted within the City of Hamilton Zoning By-law 05-200. The increase would see 74% of the gross floor area set for residential use, whereas a maximum of 50% is permitted.

It is our opinion that a minor variance to permit the proposed 74% residential use within the building is appropriate and meets the Four Tests under Section 45(1) of the *Planning Act*. This is discussed in greater detail below.

2) By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

As per subsection 3.a.iv) of By-Law Amendment 18-087, the subject lands will require a total of 59 parking spaces. The by-law is described as follows:

- | | | |
|-----|-----------------------------|---|
| iv) | Minimum Parking Requirement | 59 parking spaces shall be provided and maintained for the entire site. |
|-----|-----------------------------|---|

This by-law amendment was written prior to the new Commercial and Mixed Use Zones coming into force and included parking requirements for an on-site restaurant. The restaurant has since closed operations and will be demolished. Further, the new proposal does not include a restaurant use on site. It is of our opinion that a minor variance to permit a reduction in the required parking spaces, to the proposed 45 spaces, is appropriate and meets the Four Tests under Section 45(1) of the *Planning Act*. This will be discussed in greater detail below.

Four Tests

As per Section 45(1) of the Planning Act (1990), the Committee of Adjustment has the power to authorize "... a minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof...".

Accordingly, the Committee of Adjustment has the power to approve variances to the permitted uses from the existing provisions of the Zoning By-law. Any minor variance must demonstrate, in the opinion of the Committee, that the proposed variance meets the four (4) tests outlined under the Planning Act, which are as follows:



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- 1) Is it minor in nature?
- 2) Is it desirable for the appropriate development or use of the land?
- 3) Does it maintain the general intent/purpose of the Official Plan?
- 4) Does it maintain the general intent/purpose of the Zoning By-law?

Our office has taken care to prepare responses to each of the four tests for all afore-mentioned variances.

VARIANCE #1: Restriction of Residential Uses within a Building

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan.

Proposed, is a 4-storey building with the ground floor set for commercial use and the top three floors planned for 27 new residential units. The variance sought is to increase the permitted residential use within a building from 50% to 74%. This is to allow for a structure that is under the permitted height while making more efficient use of lands by promoting the desired residential intensification along a Secondary Corridor, being Highway No. 8. The subject lands are designated as “Neighbourhoods” as per *Schedule E-1 Urban Land Use Designations* in the Urban Hamilton Official Plan (UHOP) and are further designated “Local Commercial” as per Map B7.1-1, *Western Development Area, Secondary Plan, Land Use Plan*. The site is also subject to Site Specific Policy – Area C (OPA 99), which allows for the maximum gross floor area for any grouping of local commercial uses to be 1,800 square metres.

Chapter A.1.4 sets forth the Principles of the Official Plan. The proposed development follows every applicable principle:

- The compact form contributes to healthy urban communities that provide opportunities to live, work, play, and learn;
- By utilizing underdeveloped lands it prevents the need to develop greenfield sites, thereby helping preserve environmental systems;
- The site is accessible by automobile, public transit (a bus stop is located within several metres of the property parcel), and pedestrian access;
- Promotes the growing, strong, prosperous and diverse economy of the area and financial stability to surrounding commercial uses, and;
- It is a strategic and wise use of existing infrastructure services and existing built forms.

Chapter B.2.4 sets policies regarding residential intensification, and states:

“Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.”



Residential intensification is encouraged in the entire built-up area, with the primary intensification areas being Nodes and Urban Corridors. The inclusion of the apartment dwellings creates a wider range of available housing in the area. Residential intensification in “Neighbourhoods” has been planned to accommodate 40% of the residential intensification target and Urban Corridors are planned to accommodate another 40%.

Chapter B.3.2 sets policies regarding Housing and the goals of the Official Plan related to such matters. The proposed development complies with the goals set in 3.2.1 of Chapter B by providing a range of housing types and densities to help foster a more complete community while increasing the stock of more available housing in an area dominated by more expensive, single-detached dwellings. It should be noted that generally the development is providing a greater number of 2-bedroom units to support housing for larger families, for instance.

Chapter E.2 sets forth policy regarding the Urban Structure. Since the subject lands are located on an urban corridor, as per *Schedule E – Urban Structure*, the proposed development complies with each principle stated in E.2.1. Further, E.2.4 sets policies for Urban Corridors. Corridors are considered a separate structural element from the Neighbourhoods but function as an integral part of the surrounding Neighbourhood and shall be the location for a range of higher density land uses including mixed uses where feasible. Secondary Corridors shall serve to link nodes and employment areas or primary corridors. Regarding scale, 2.4.10 states that Secondary Corridors shall generally accommodate retail and mixed-use forms in small clusters with medium density housing located between the clusters. The proposed structure incorporates both while making efficient use of land. 2.4.12 states that, while Secondary Corridors are currently characterized by single use buildings, it is the intent of the Official Plan to evolve these corridors to an increasing proportion of multi-storey, mixed use buildings. While the proposed building is higher than the neighbouring single detached dwellings to the west, it still complies with 2.4.16 in that the building and its location have been designed to minimize effects of shadowing and overview. No variances are being sought to increase the maximum permitted height on site.

Chapter E.3.8 of Volume 1 of the Official Plan sets policy related to “Local Commercial” designations. The proposed structure complies with the permitted uses set in 3.8.2 as it contains commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood while simultaneously including residential use. 3.8.4 sets policy regarding the scale of development. 3.8.4d) permits multiple storey buildings with the local commercial uses on the ground floor and residential units above, precisely what the proposed building will feature. The development also contains less than the 10,000 square metre maximum commercial space permitted. This section of policy also regards design in the development of local commercial. The proposed development will front and have access to a major arterial (Highway 8) and provide safe and convenient access for pedestrians and cyclists of the surrounding neighbourhood while improving the streetscape. Windows, signage, and access will be to the arterial road with minimal setback. Parking has been set to the rear and side yards with enough buffer space between the parking facilities and the neighbouring residential land uses.

The height and massing are also compatible within the Highway 8 streetscape. While the subject lands are designated as “Neighbourhoods”, it should be noted that the site is only approximately 70



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metres from a “District Commercial” area designation. This “District Commercial” designation allows for a height of 14 metres (equivalent to four storeys).

The Official Plan permits Mixed Uses in Local Commercial Designations. The City of Hamilton has promoted and desires the generation of residential intensification along Secondary Corridors and evolve these corridors moving into the future into increasing proportion of multi-storey, mixed use buildings. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

The required variance to City of Hamilton Zoning By-law No. 05-200 is intended to facilitate a desirable built form which is compatible with the existing and future neighbourhood. The development will require a minor variance from bylaw 10.2.1.1.ii) – Restricted Uses which is described as follows:

“1. Notwithstanding Section 10.2.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. (By-law No. 21-189, October 13, 2021)”

The intent of this provision is to permit small scale, local commercial uses to be supported by residential uses above. This is a typical condition found within low density, small scale neighbourhoods, where it is desirable for low scale mixed uses to be located. However, subject lands are not located within the interior of a neighbourhood. These lands are located along a Secondary Corridor which contains several existing commercial and higher density residential uses. As such, it is desirable to maintain a ratio of three storeys of residential to one storey of commercial uses given the surrounding commercial and residential context. It is extremely common across the City of Hamilton to see one storey of commercial uses arranged with multiple storeys of residential above. In light of the surrounding context, a relief from this provision is appropriate and does not undermine the overall intent of the By-law.

3. Is the proposed variance appropriate for the development of the subject lands?

As noted above, the variance is intended to facilitate a desirable built form along a Secondary Corridor Arterial Road. As noted above, the proposed variances are consistent with the Urban Hamilton Official Plan and Western Development Secondary Plan. Moving forward, the City has made it clear in its intention to develop urban corridors using mixed use, multi-storey developments that link the cities nodes, employment areas or primary corridors. The variances are therefore appropriate for the development of the subject lands.



4. Are the proposed variances minor in nature?

The proposed variance will have no perceived impacts on the subject lands or the surrounding neighbourhood. The proposed four (4) storey building is permitted. The question that remains is what percentage of the permitted four storeys should be comprised of residential uses?

A second storey commercial use rather than residential is not appropriate in this context given the number of commercial uses which are featured along Highway No. 8. Further, the inclusion of more residential space will support this commercial corridor by introducing a greater population to the neighbourhood.

There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

VARIANCE #2: By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?

Proposed, is a 4-storey building with the ground floor set for commercial use and the top three floors planned for 27 residential units; 45 parking spaces have been provided to serve the site. The variance being sought would be to reduce the parking spaces from the required 59 to the 45 proposed.

Chapter B.3.3.1 describes Urban Design Goals. Applicable to the proposed development are:

- 3.3.1.2 Provide and create quality spaces in all public and private development.
- 3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- 3.3.1.4 Create communities that are transit-supportive and promote active transportation.

The proposed development will create a quality space along the streetscape that is safe, accessible, connected, and easy to navigate, and transit supportive. By including bicycle parking, both short and long-term, and supplying sufficient parking the site will allow access for all transportation.

Chapter C.4.2.1 describes policy relating to transportation demand management measures and states in subsection b) that measures may include “supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate.” Chapter C also includes the *Parking and Loading* subsection of the 4.5 *Roads Network* section. Here, 4.4.15 states:

“Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.”



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Chapter E.2.4.17 also states “reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98).” A bus transit stop exists within several metres of the subject site.

The purpose and intent of the Official Plan’s policies regarding parking requirements are to ensure adequate parking for each associated use while also restricting the antiquated seas of asphalt parking that are prevalent in many Urban Corridors. The parking supplied by the proposed development provides sufficient space for residents, visitors and commercial customers. Further, this parking rate reflects the previous approvals in that a separate restaurant building was also proposed for the site, to which the additional parking would have needed to be accounted for.

It is of our planning opinion that the proposed variance to reduce the required parking from 59 spaces to the proposed 45 maintains the intent and purpose of the Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200? By-law 18-087, Section 3.a.iv) – Minimum Parking Requirement

The variance sought is reduce the required parking set in force by Bylaw Amendment 18-087 Section 3.a.iv) from the 59 required spaces to the 45 spaces proposed. Since the passing of this amendment, an updated Zoning Bylaw (No. 05-200) has come into effect for Commercial and Mixed-Use Zones. Further, this amendment required a significantly higher number of spaces due to a restaurant on site that has since closed; the proposed development contains no such commercial use.

Hamilton Zoning Bylaw No. 05-200, Section 10.2 has superseded the bylaw in which this amendment was originally made (Stoney Creek Zoning Bylaw No. 6593). As per Section 5 of Bylaw No. 05-200, the minimum required parking for residential use would be 20 spaces and the maximum allowable spaces for the residential use proposed on site would be 33. The maximum spaces required using the most restrictive, permitted, commercial use (Financial Establishment) is 19. Therefore, using the now-in-effect zoning bylaws affecting parking requirements the maximum allowable spaces would be 52 spaces.

The bylaw amendment passed in 2018 is outdated and set for a different commercial use than that currently proposed and is now setting a parking requirement that goes against the current zoning bylaw. It is our planning opinion that the requested minor variance maintains the intent and purpose of the City of Hamilton Zoning Bylaw No. 05-200.

3. Is the proposed variance appropriate for the development of the subject lands?

The reduced variance will reduce the amount of asphalt parking space necessary to facilitate the 18-087 amendment required 59 parking spaces. This will assist in creating wider landscaping buffers and a proposed woonerf-inspired space in the rear of the site. This in turn will provide sufficient parking while reducing the urban heat island effect created by swaths of paved space. The required 59 spaces as per zoning bylaw amendment 18-087 now exceeds the necessary number of stalls for the uses that it was intended to serve. The proposed 45 spaces are more in line with the now-



enforced 05-200 Zoning Bylaw. The variance is therefore appropriate and desired for the development of the subject lands.

4. Are the proposed variances minor in nature?

Due to the above noted policies and zoning bylaw requirements, the variance request to reduce the requirements of the site put in place by Zoning Bylaw Amendment 18-087 should be considered minor. The proposed development provides more than the minimum space required while not over-developing the site with asphalt to accommodate unnecessary parking. While the 22% reduction may sound considerable – the parking requirements now promoted by the Official Plan and enforced by the Zoning Bylaw would see this requirement as needless overdevelopment. Finally, measures such as on-site bicycle parking for both long- and short-term storage will be provided to assist in easing the number of on-site spaces being required.

It is of our planning opinion that the variance requested is minor in nature.

Conclusion

In accordance with the above criteria, variances to permit a higher percentage of residential use on site and a reduction in required parking will be required to facilitate the proposed development. The development conforms with the City of Hamilton Official Plan and Western Development Area Secondary Plan, and aside from the two variances requested, complies with the enforced Zoning Bylaw.

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.

Yours truly,

Ryan Ferrari, BURPL, CPT
Planner

A. J. Clarke and Associates Ltd.

Copy: QZ4 Holdings Inc.
Fiddlers Green P.O Box 81068, Ancaster ON



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)	QZ4 Holdings Inc.	[REDACTED]
Applicant(s)*	(same as owner)	
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari	

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:

Unknown

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:

Minor variance for reduction in parking; residential v commercial ratio.
Please see Attached Cover Letter for full details.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

See Attached 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**):

Part Lots 4, 5, 6, 7, 31 & 32 Plan 639 Part 3 62r21096 City Of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Restaurant, now Hair Salon

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?

Online mapping and property owner information.

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.

6/10/2022

Date

DocuSigned by:

Dr. Sami Alwaleed

8009C09A8A7AF3

Signature Property Owner(s)

QZ4 Holdings Inc.

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	+/- 61.05 m
Depth	+/- 59.65
Area	+/- 3,688 sq m
Width of street	+/- 34 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: _

One-storey, commercial building (hair salon). Approx. 16 m length, 9 m width, 144 sq m GFA.

Proposed

Four-storey (13.9 m) mixed use development with commercial at grade and residential above. 42 m in width, +/- 21 m in depth. 816 sq m in ground floor area. Total GFA of 32,292 sq m across four storeys.

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

Existing:

One storey commercial building. Approximately 3 m front yard depth, 4.5 m east side yard, 40 m rear yard.

Proposed:

Four storey mixed use development with commercial at grade and residential above. 2.5 m front yard, ~35.24 m rear yard, 2.91 west side yard.

13. Date of acquisition of subject lands:
Unknown

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.):
Commercial, C2, Exception 673 Zoning

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family dwellings (north and west), commercial (south and east)

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 Connected
Sanitary Sewer Connected
Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods (UHOP)

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Local Commercial (C2, 673)

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:
ZAC-17-028

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 see cover letter for more information.

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.