

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

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**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
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<b>APPLICATION NO.:</b>	<b>FL/A-22:217</b>	<b>SUBJECT PROPERTY:</b>	619 CENTRE ROAD, FLAMBOROUGH
<b>ZONE:</b>	"R6-27 and R6-27(H)" (Medium Density Residential)	<b>ZONING BY-LAW:</b>	Zoning By-law 90-145-Z, as Amended 13-051

**APPLICANTS:** Agent WEBB Planning Consultants  
**Owner Parkside Hills Inc.**

The following variances are requested:

1. One (1) required parking space shall be permitted to be located in the minimum required front yard, instead of the requirement that in all Residential zones, the required parking spaces shall be prohibited within the required front yard.
2. An access driveway with two-way vehicular movement shall be permitted to have a minimum unobstructed width of 6.0 metres, instead of the minimum 6.4 metres required.

**PURPOSE & EFFECT:** To facilitate the construction of 110 maisonette dwelling units and 26 townhouse units.

**Notes:**

1. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are required to facilitate Site Plan Application No. DA-17-120. Please note that a full zoning compliance review was completed as part of the Site Plan Approval process for Site Plan Application No. DA-17-120, and therefore a complete review of the proposal has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

**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, July 28, 2022</b>
<b>TIME:</b>	<b>3:40 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

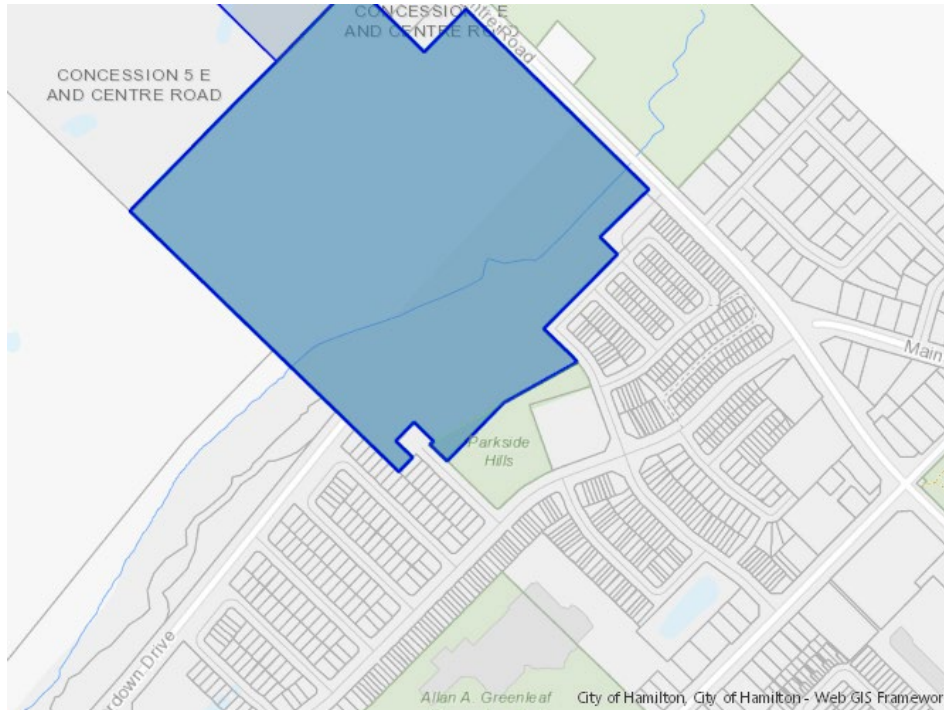
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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 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

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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.

## **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, 5<sup>th</sup> 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](http://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](mailto: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.

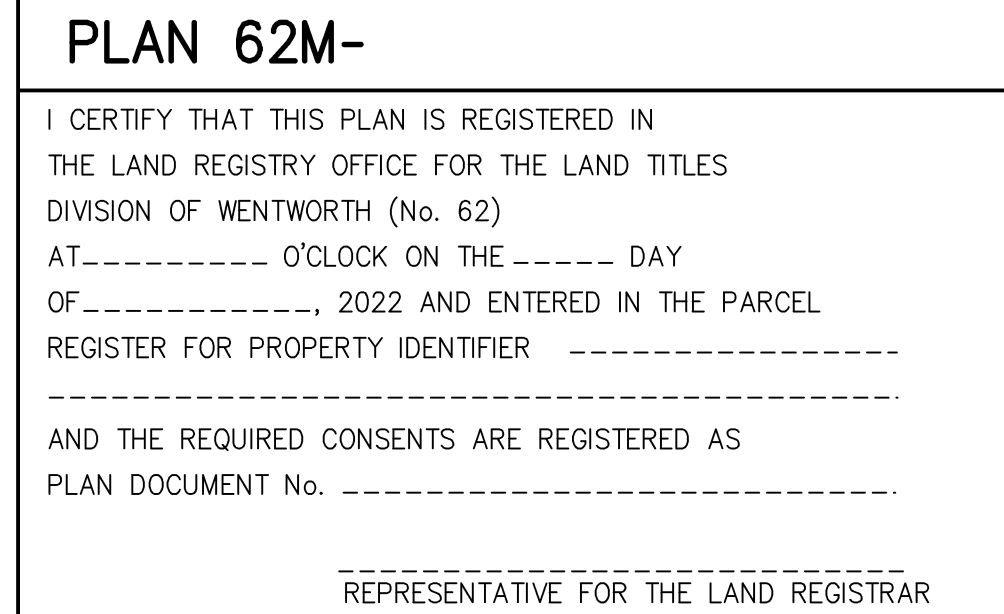
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### **2. In person Oral Submissions**

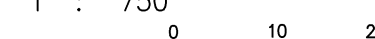
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](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.



PLAN OF SUBDIVISION OF  
**PART OF BLOCK 102**  
**REGISTERED PLAN 62M-1125**  
AND  
**PART OF LOT 8, CONCESSION 4**  
(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH)  
**CITY OF HAMILTON**  
SCALE 1 : 750



J. D. BARNES LIMITED

# OWNER'S CERTIFICATE - PLAN OF SUBDIVISION

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 6, BOTH INCLUSIVE, BLOCKS 7 TO 10, BOTH INCLUSIVE, THE STREETS NAMELY: COLE STREET, HUGGLY WAY, NORTH WATERDOWN DRIVE AND WHITE GATES DRIVE, THE STREET WIDENINGS NAMELY BLOCK 11 AND 12 AND THE 4.30 RESERVE, NAMELY STREET 13, HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREETS AND THE STREET WIDENINGS ARE HEREBY DEDICATED TO THE CITY OF HAMILTON AS PUBLIC HIGHWAY.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

PARKSIDE HILLS INC.

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JACK NESBITT

"I HAVE THE AUTHORITY TO BIND THE CORPORATION"


■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
(WIT)	DENOTES	WITNESS
(JOB)	DENOTES	J.D. BARNES LIMITED

SURVEY MONUMENTS PLANTED ARE IRON BARS UNLESS OTHERWISE NOTED.  
DISTANCES SHOWN ON CURVED LIMITS ARE ARC MEASUREMENTS.  
SURVEY MONUMENTS FOUND ARE J.D. BARNES LIMITED UNLESS OTHERWISE NOTED.  
ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVBURDEN  
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH  
SECTION 11 (4) OF O.REG. 525/91.  
0.30 REVISIONS ARE EXAGGERATED FOR CLARITY PURPOSES.

# SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON 202 .

DATE	THOMAS J. SALD ONTARIO LAND SURVEYOR
 <div style="display: inline-block; vertical-align: middle; text-align: center;"> <h1 style="margin: 0;">J.D. BARNES</h1> <p style="margin: 0;">LIMITED</p> <p style="margin: 0;">LAND INFORMATION SPECIALISTS</p> <p style="margin: 0;">401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1</p> <p style="margin: 0;">T: (905) 875-9955    F: (905) 875-9956    <a href="http://www.jdbarnes.com">www.jdbarnes.com</a></p> </div> <div style="display: inline-block; vertical-align: middle; text-align: center; margin-left: 20px;"> <p style="margin: 0;">SURVEYING</p> <p style="margin: 0;">MAPPING</p> <p style="margin: 0;">GIS</p> </div>	
DRAWN BY:	CHECKED BY:
CE / TS	
FILE: <u>C:\2007\73058700\mp3058700ph2.dgn</u>	
PLOTTED: 4/5/2022	
DATED: April 5th, 2022	

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON



## 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)	Parkside Hills Inc.	
Applicant(s)*	Parkside Hills Inc.	
Agent or Solicitor	WEBB Planning Consultants	

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

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:

Per Section 5.21.5(a) of By-law 90-145-Z to permit one required parking space in required front yard, Per Section 5.21.6(b) of By-law to permit a two way private roadway whereas the By-law requires 6.4 metre width

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Parking Variance necessitated by requirement to provide two parking spaces and By-law does not recognize tandem parking, drive aisle width at 6.0 metres is consistent with other Zoning By-laws including new comprehensive By-law 05-200

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**):

Block 8 of proposed M-Plan, part of 619 Centre Road, Part of Lot 8 Concession 4, Township of East Flamborough

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?

Site inspection, discussion with property 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.

June 1/2022  
Date

[Signature]  
Signature Property Owner(s)

John G. Nesbitt

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>71.07 metres - White Gates Drive</u>
Depth	<u>199 metres (irregular)</u>
Area	<u>2.403 ha</u>
Width of street	<u>20.0 metres (white gates)</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:                     

None - lands are vacant

Proposed

total of 136 dwelling units - 26 block townhouses and 110 back-to-back townhouses, maximum height of 3 storeys, parking comprised of garage & driveway parking for each unit plus visitor parking. Total coverage of dwellings 8,444 square metres

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

Existing:                     

None - lands are vacant

Proposed:

FY: 5.8 to attached garage and 4.5 to facade, RY: 5.0 m min, Int SY: 5.0 min, Ext SY: 14.0



13. Date of acquisition of subject lands:  
Prior to 2000
14. Date of construction of all buildings and structures on subject lands:  
N/A - lands are vacant
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
N/A - lands are vacant
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
mix of residential dwelling types, munic park, water tower, SWM
17. Length of time the existing uses of the subject property have continued:  
In excess of 20 years
18. Municipal services available: (check the appropriate space or spaces)  
Water yes Connected pending  
Sanitary Sewer yes Connected pending  
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Volume 1 - Neighbourhoods, Sec Plan: Medium Density Residential 3
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
R6-27 & R6-27(H), Town of Flamborough ZBL 90-145-Z
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:  
ZBA - ZAC-10-011
- 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 cover letter prepared by WEBB Planning Consultants
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.



June 16, 2022

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

Attention: Ms. Jamila Sheffield  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Minor Variance – Parkside Hills Inc.  
619 Centre Road, Waterdown, City of Hamilton

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WEBB Planning Consultants are retained by Parkside Hills Inc. to co-ordinate the municipal planning approvals required to facilitate the development of the Parkside Hills Plan of Subdivision located in North Waterdown.

The municipal planning approvals to implement planned development were approved by the OMB in January 2013 pursuant to a negotiated settlement with the City, approvals including Draft Plan of Subdivision, Official Plan and Zoning Bylaw amendments. The Phase I portion of the development is now Registered and built out with a mix of housing forms. The owner is now proceeding to Register the Phase II portion of the Subdivision which provides for a mix of residential dwelling types and densities, a mixed use block, municipal infrastructure including a centralized stormwater management facility and the Waterdown By-pass.

In keeping with the intent of the North Waterdown Secondary Plan, the owners have submitted an Application for Site Plan Approval for Block 10 of the Phase II Draft Plan (Block 8 of the draft M-Plan – see attached). The Site Plan proposes development of the Block for a total of 136 townhouse dwellings, comprised of 26 block townhouses and 110 back-to-back townhouses to be developed as a Plan of Condominium. Access to the development block are provided by driveway connections to the two adjoining municipal streets – Cole Street and Whites Gates Drive with a small number of units having direct driveway access onto these local streets.

The Site Plan was appealed to the Local Planning Appeals Tribunal on the basis of a non-decision and subsequently granted approval pursuant to an agreed upon settlement with City staff. Assigned the File No. DA-17-120, the Application for SPA was granted Conditional SPA with the City issuing Conditions of Approval and red-lined Site Plan and Elevation Plans confirming approval in principle of the development proposal.

In granting Conditional approval of the Site Plan it was acknowledged that Variances from the Regulations of Town of Flamborough Zoning By-law 90-145-Z are necessary to implement the proposal, as identified below:

1. To modify Section 5.21.5 (a) of the By-law to permit one (1) required parking space located within the required front yard whereas the By-law prohibits required parking spaces within the required front yard or required side yard, and;
2. To modify Section 5.21.6 (b) of the By-law to permit a minimum width of 6.0 metres for a private two way road whereas the By-law requires a minimum width of 6.4 metres for a private two way road.

Variance 1 applies to the proposed townhouse dwellings that will front onto Cole Street and White Gates Drive, units that are designed to orient and connect to the abutting public street in keeping with the intent of the Urban Design Policies of the Secondary Plan and the Urban Design Guidelines adopted to guide development of the Parkside Hills Draft Plan.

The Site Specific Zoning By-law requires a minimum of two (2) parking spaces per dwelling unit, one of which will be located on the driveway and the second within the enclosed garage. The design solution to accommodate the required parking implements the desired urban form yet necessitates the Variance as the driveway space is deemed to be part of the required front yard notwithstanding that this exact condition was approved for the street townhouses within Phase One of the Parkside Hills development.

Variance 2 is necessary to recognize the proposed width of the private streets within the townhouse development which are proposed to have a minimum width of 6.0 metres whereas the Flamborough ZBL requires a width of 6.0 metres. It is noted that the street width of the Flamborough By-law exceeds the standards set forth in the Zoning By-laws of the other former municipalities which consistently require a width of 6.0 metres. This consistency is recognized by the Parking Regulations of the City's new Comprehensive Zoning By-law which requires a 6.0 drive aisle width. The 6.4 metre width is an anomaly and has been modified on a site specific basis on numerous occasions to match the City-wide standard of 6.0 metres.

It is our opinion that the proposed Variances are appropriate for the proposed development of the lands. The Variances have been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in our opinion comply in all respects.

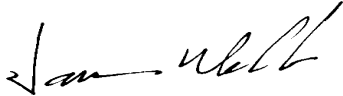
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Copy of Draft M-Plan illustrating Phase II Lands & Block 8;
- Application Fee of \$3,465.00 payable to the City of Hamilton;
- Site Plan, prepared by Jansen Consulting.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. 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', with a stylized flourish at the end.

James Webb, MCIP, RPP

cc: Core Urban Inc.  
Lintack Architects