



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
CORRECTED NOTICE**

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-22:213	SUBJECT PROPERTY:	137 PETER STREET, HAMILTON
ZONE:	“D/S-1787” (Urban Protected Residential – 1 & 2 Family Dwellings etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended 19-307

APPLICANTS: Agent GSP Group – J. Liberatore
Owners B. Fleming & A. McAllister

The following variances are requested:

1. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum 2.7 metre side yard width required.

PURPOSE & EFFECT: To permit the construction of a three (3) storey semi-detached dwelling

Notes:

1. Please note that this application is subsequent to Minor Variance Application No. HM/A-21:51, applicable to the proposed development, which was granted by the Committee on August 12, 2021, and became final and binding on September 2, 2021.
2. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

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:	2:10 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

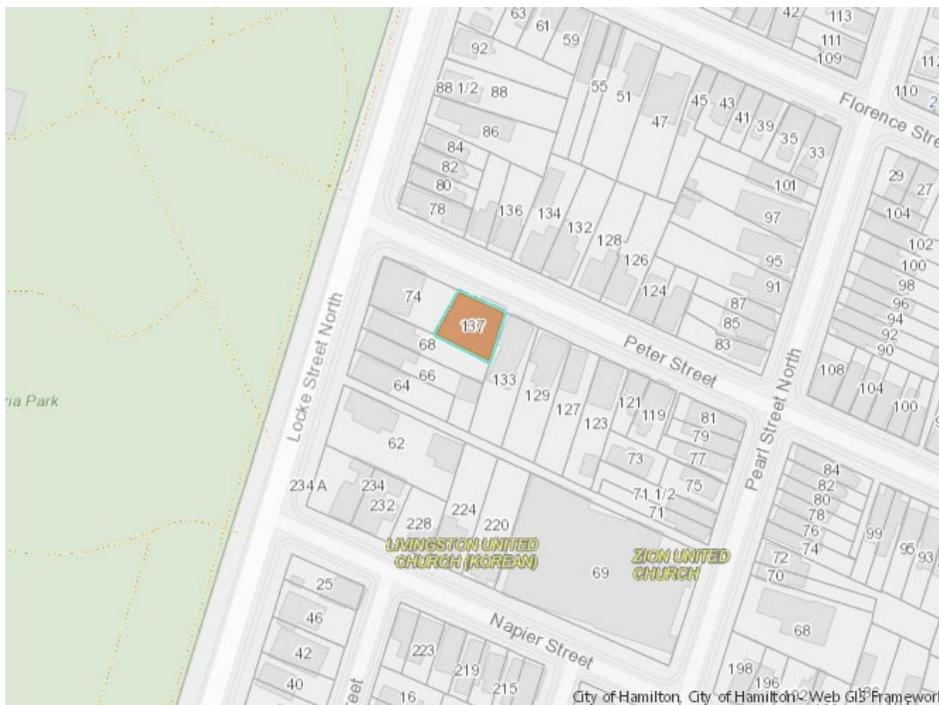
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 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.



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

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.

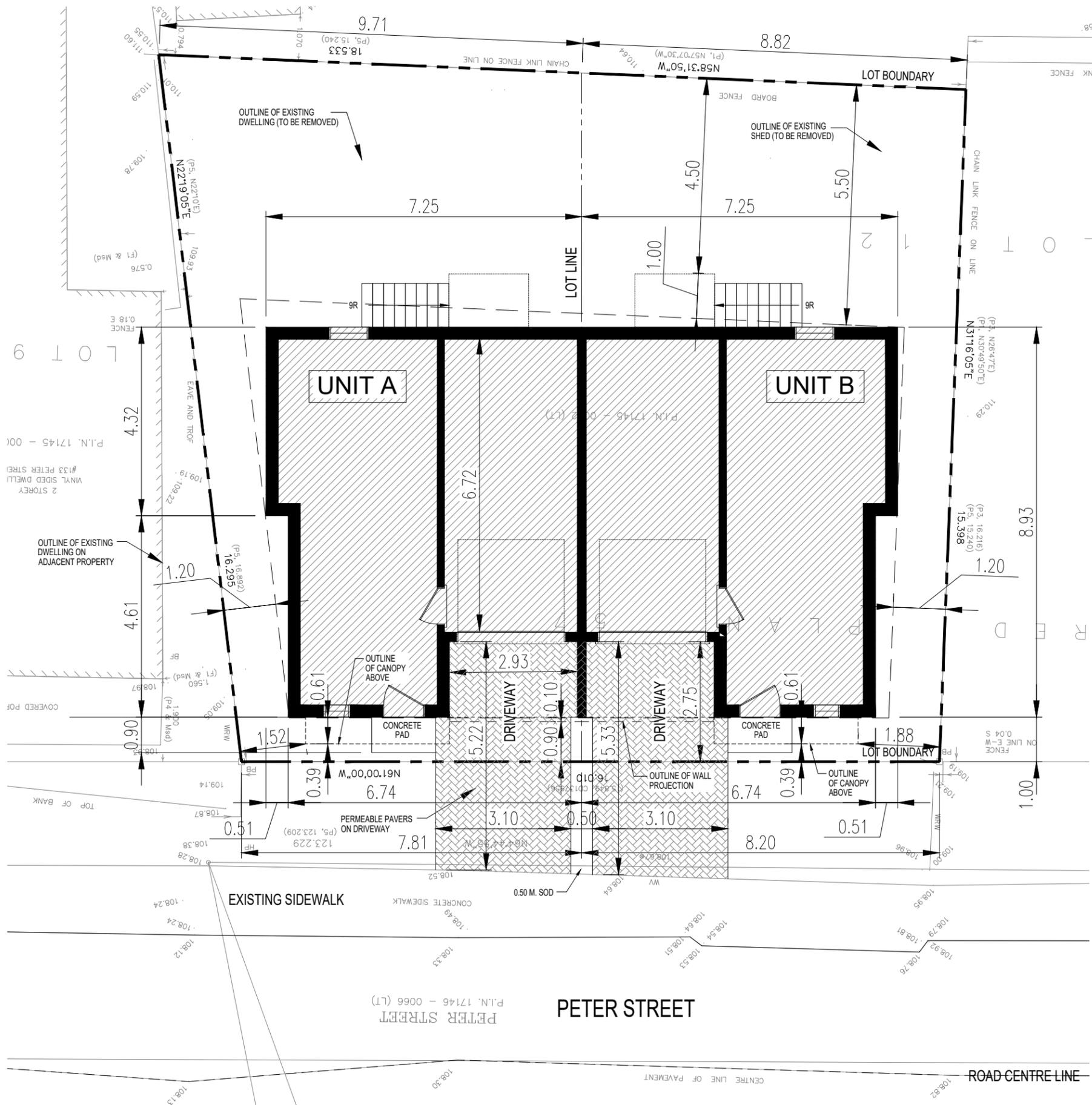
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



TOPOGRAPHIC SURVEY
 OF PART OF
 LOT 12
 REGISTERED PLAN 57
 IN THE
CITY OF HAMILTON
 Prepared by:
 A.T. McLaren Limited
 Legal and Engineering Surveys



ZONE 'D' (URBAN PROTECTED RESIDENTIAL)			
	REQUIRED	PROPOSED	
LOT AREA	540.00 SQ.M.	272.24 SQ.M.	
LOT AREA (UNIT 'A')		139.66 SQ.M.	
LOT AREA (UNIT 'B')		132.58 SQ.M.	
BUILDING FOOTPRINT		64.81 SQ.M.	INCLUDING PORCH PER UNIT
LOT COVERAGE			
LOT COVERAGE (UNIT 'A')		46.40 %	
LOT COVERAGE (UNIT 'B')		48.88 %	
LOT FRONTAGE	18.00 M.	16.01 M.	REQUIRED FOR TWO FAMILY DWELLING
LOT FRONTAGE (UNIT 'A')		7.81 M.	
LOT FRONTAGE (UNIT 'B')		8.20 M.	
FRONT YARD SETBACK	6.00 M.	1.00 M.	FRONT CANOPY ENCROACHING 0.61 M. INTO FRONT YARD; WALL PROJECTION ENCROACHING 0.10 M. INTO FRONT YARD
REAR YARD SETBACK	7.50 M.	5.50 M.	DECK ENCROACHING 1.0 M. TO REAR YARD
SIDE YARD SETBACK	1.20 M.	1.20 M.	

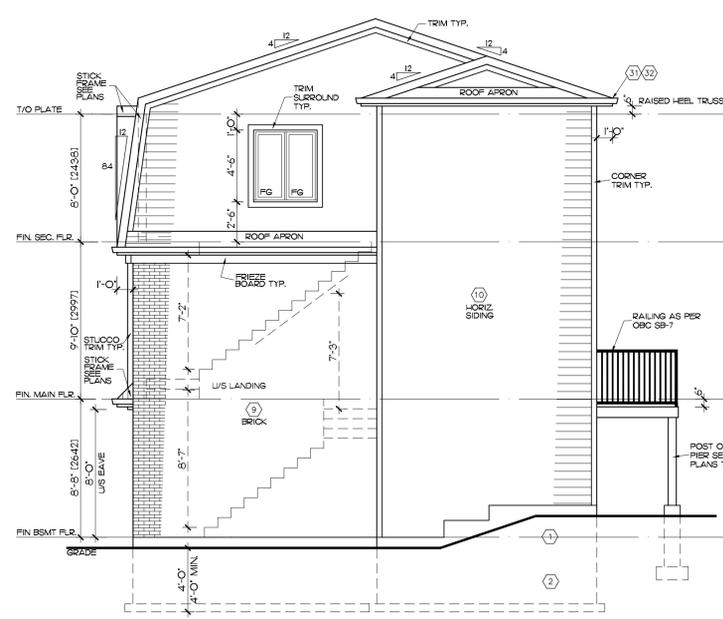
PRELIMINARY SITE PLAN
 PROPOSED SEMI-DETACHED DWELLING
 137 PETER STREET, HAMILTON
 W-2157 (JULY 9, 2021)



40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com

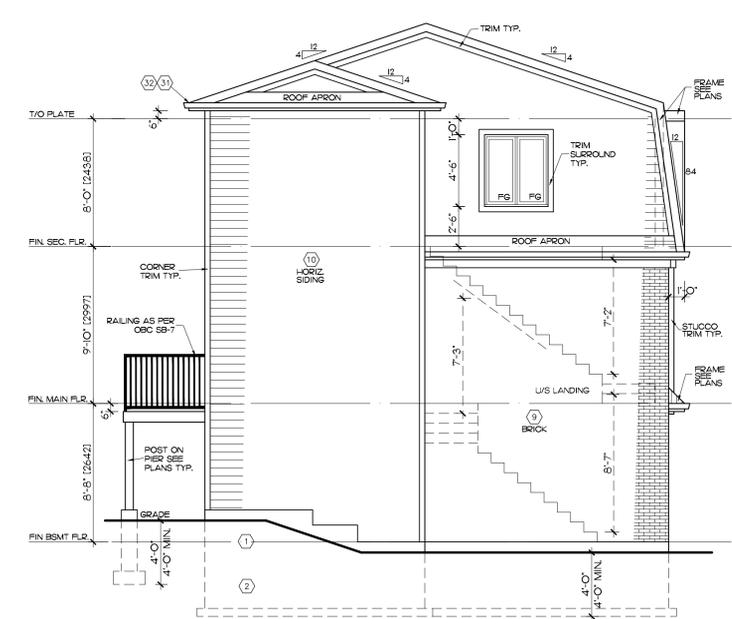


FRONT ELEVATION



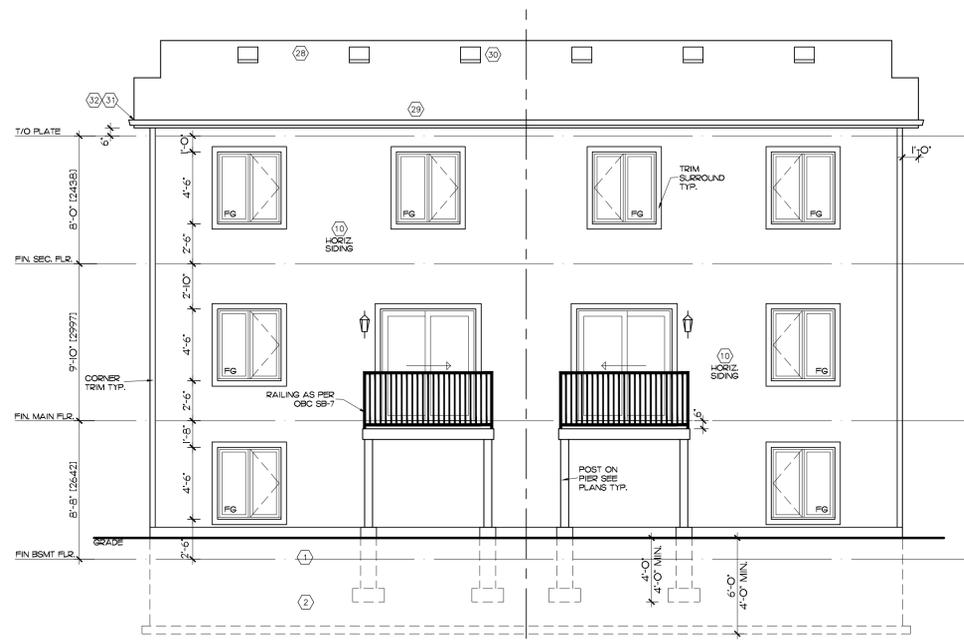
RIGHT ELEVATION

WALL AREA - 779 SF
ALLOWABLE OPENING 471 + 543 SF
STANDARD PROPOSED OPENING - 116 SF

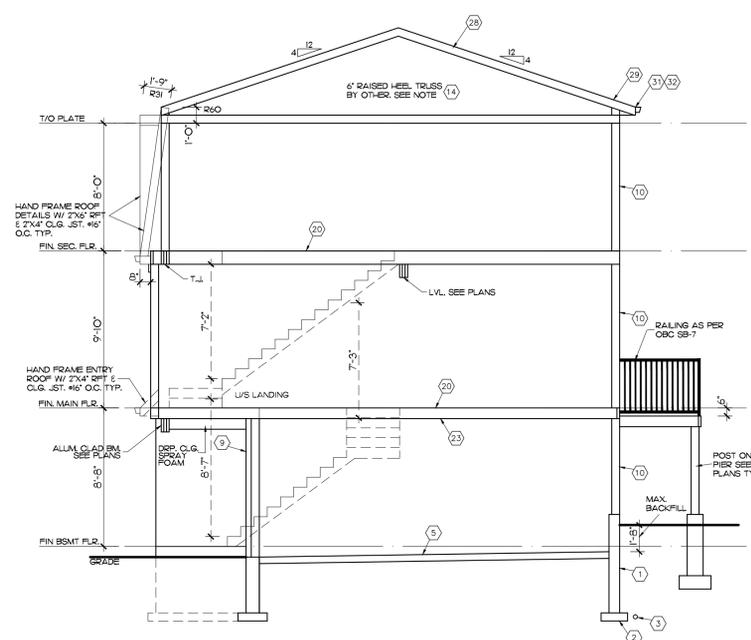


LEFT ELEVATION

WALL AREA - 779 SF
ALLOWABLE OPENING 471 + 543 SF
STANDARD PROPOSED OPENING - 116 SF



REAR ELEVATION



BUILDING SECTION

I, JEFF JANSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C. QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042
DATE: FEB 24/22 SIGNATURE:



70 Main Street N., P.O. Box 38
Campbellville, ON, L0P 1B0
Ph. 905-854-9696
Fax 905-854-9559
Call 905-815-3438
EMAIL: jeffjansendesign@gmail.com

TYPE : H-068
SEMI
PROJECT :
137 PETER ST
LOCATION :
HAMILTON

OWNERS INFORMATION :
ANDREW & BLAIR
137 PETER STREET
HAMILTON, ON

FLOOR PLANS
& CONSTRUCTION NOTES

SCALE 3/16"=1'-0"	DATE FEB 24/22	PROJECT NO. 2021-068
DRAWN BY SM	CHECKED BY AJ	DRAWING NO. A2
FILE NAME		
REVISIONS		



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)	Blair Fleming & Andrew McAllister		
Applicant(s)*	GSP Group Inc. c/o Joseph M. Liberatore		
Agent or Solicitor			Phone: E-mail:

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:

TD Canada Trust South Milton, 1040 Kennedy Circle, Milton, ON L9T 0J9
--

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:

1.5m reduction in the required minimum side yard setback from 2.7m to 1.2m

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Refer to Cover Letter Planning Brief

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 of Lot 12, Plan 57

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Owner's knowledge of property from sale.

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.

2022-06-14 | 10:45 PM EDT

Date

DocuSigned by: Blair Fleming
DocuSigned by: Blair Fleming
Signature Property Owner(s)

Blair Fleming & Andrew McAllister

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage ±16m
Depth ±16.11m (irregular)
Area ±274m²
Width of street 15m ROW

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:

1-storey single family dwelling, ±130m² ground floor area, ±7.9m by ±15m

Proposed

3-storey two family dwelling, ±130m² ground floor area, width of 7.25m per unit

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

Existing:

FYS: 1.34m (covered porch encroaches 0.16m into ROW)
SYS (west): 7.3m
SYS (east): 0m
RYS: 2.3m

Proposed:

FYS: 1m
SYS (west): 1.2m
SYS (east): 1.2m
RYS: 5.5m

13. Date of acquisition of subject lands:
October 2015
14. Date of construction of all buildings and structures on subject lands:
Late 1800s
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential
17. Length of time the existing uses of the subject property have continued:
±100 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:
Neighbourhoods (UHOP), Low Density Residential 3 (Strathcona Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law 6593 - "D" District - Urban Protected Residential - One and Two Family Dwellings
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:
HM/A-21:51
- 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?
N/A 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.
N/A
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)
Previous approved Minor Variances attached as part of new application.
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.

Planning Justification Brief

137 PETER STREET

Application for Minor Variance
City of Hamilton

June 2022

Prepared for:

Blair Fleming & Andrew McAllister
871 Maxted Crescent
Milton ON L9T 4E2

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



Table of Contents

1.	Background	2
1.1	Purpose of Application	2
1.2	Site Overview	3
2.	Proposed Development	5
3.	Requested Minor Variance	6
4.	Four Tests of Minor Variance	7
4.1	<i>Does the requested variance maintain the general intent and purpose of the Official Plan?</i>	7
4.1.1	Variance: Reduction in 2.7m Side Yard Setback.....	10
4.2	<i>Does the requested variance maintain the general intent and purpose of the Zoning By-law?</i>	12
4.2.1	Variance: Reduction in 2.7m Side Yard Setback.....	12
4.3	<i>Is the Minor Variance desirable and appropriate for the lands?</i>	13
4.3.1	Variance: Reduction in 2.7m Side Yard Setback.....	13
4.4	<i>Is the requested variance minor in nature?</i>	13
4.4.1	Variance: Reduction in 2.7m Side Yard Setback.....	14
5.	Summary and Recommendations	14

List of Figures

Figure 1:	Site Location.....	2
Figure 2:	Survey Plan	3
Figure 3:	Site Context Map	4
Figure 4:	Proposed Site Plan.....	5
Figure 5:	Strathcona Secondary Plan – <i>Land Use Plan Map B.6.6-1</i> Excerpt	7
Figure 6:	City of Hamilton 1911 Fire Insurance Plans	8
Figure 7:	Peter Street Built Form Analysis – Existing Semi-Detached Building Types.....	9
Figure 8:	Peter Street Streetscape Analysis – Side Yard Setback	11
Figure 9:	Side Yard Existing Conditions	12
Appendix A		15
Appendix B		16

1. Background

1.1 Purpose of Application

This Planning Information Brief has been prepared in support of an application for an additional Minor Variance related to 137 Peter Street (the “Site”) illustrated in **Figure 1**. The owner proposes to construct a semi-detached dwelling on the lot, as approved in Minor Variance Application HM/A-21:51 and pursuant to active Building Permit #22 119120 00.

As part of the Building Permit review, a new interpretation by the City was made that identified the proposed building as a 3-storey building, versus the 2.5-storey building that was interpreted previously by the City in July 2021, prior to the above-noted Minor Variance application being approved by the Committee of Adjustment in August 2021.

This new interpretation, with respect to height, impacts the relevant side yard setback requirements in the applicable City Zoning By-law 6593, wherein 1.2m was previously required and 2.7m is now required. The application of the new side yard setback standard has resulted in the necessity for this additional Minor Variance. The attached Minor Variance Analysis (**Appendix A**) illustrates the configuration of the proposed dwellings in conjunction with the existing and proposed zoning standard discussed in this Brief. The previous Minor Variance application, comments and Committee Decision have been included for reference hereto as **Appendix B**.

The purpose of this Minor Variance is technical in nature. No changes proposed differ from the height, location or massing of the building from the design that Committee had approved in August 2021. It should further be noted that Committee’s approval was based on City Staff’s recommendation for approval, reflective of the Site Layout and massing of the proposed semi-detached dwelling.

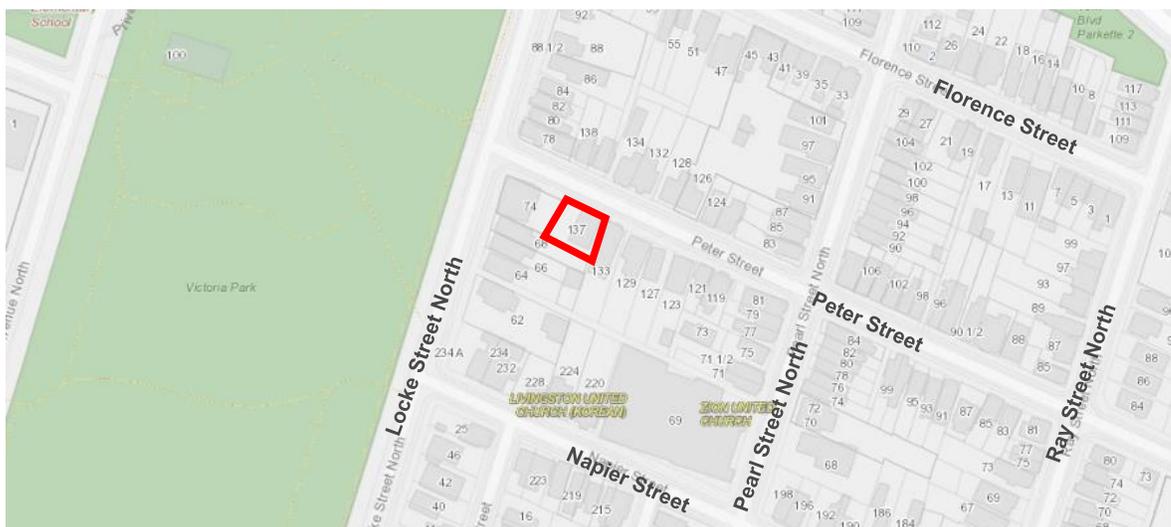


Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

1.2 Site Overview

137 Peter Street is a $\pm 274\text{m}^2$ lot with a frontage of $\pm 16\text{m}$ along Peter Street. The Site is designated 'Neighbourhoods' within the Urban Hamilton Official Plan, and further designated as 'Low Density Residential 3' within the Strathcona Secondary Plan. The property currently contains a one storey single detached dwelling without garage. The survey in **Figure 2** indicated the existing porch and stairs encroaches over the front lot line. The dwelling will be demolished to facilitate the construction of the semi-detached dwelling. Parking is currently provided along the west side of the building in a paved driveway.

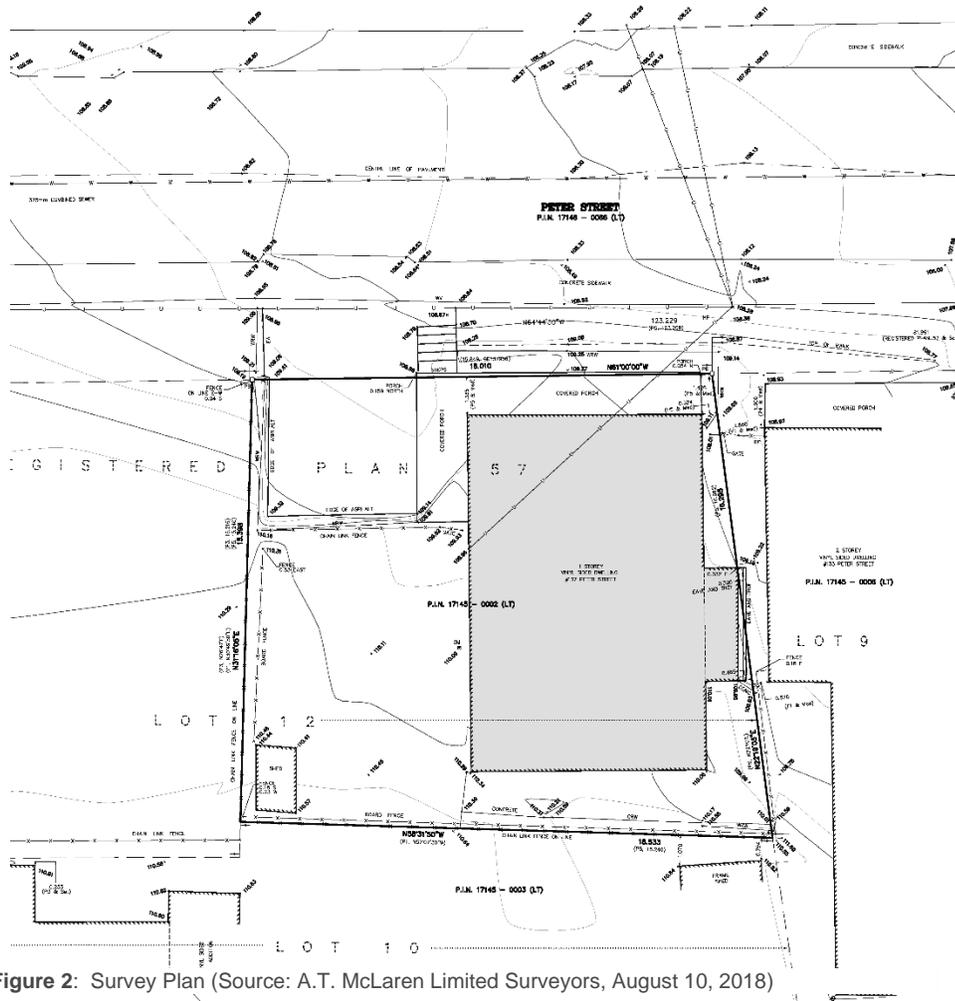


Figure 2: Survey Plan (Source: A.T. McLaren Limited Surveyors, August 10, 2018)

Lands adjacent to the Site include:

- North: Peter Street, Multiple Dwelling, Semi-Detached and Single Detached Dwelling Residential Uses (**Figure 3 – Images 1 & 3**)
- East: Single Detached Dwelling Residential Uses (**Figure 3 – Image 6**)
- South: Single Detached Dwelling Residential Uses (**Figure 3 – Image 4**); and
- West: Multiple Dwelling Residential Uses and Locke Street North (**Figure 3 – Images 2 & 4**).

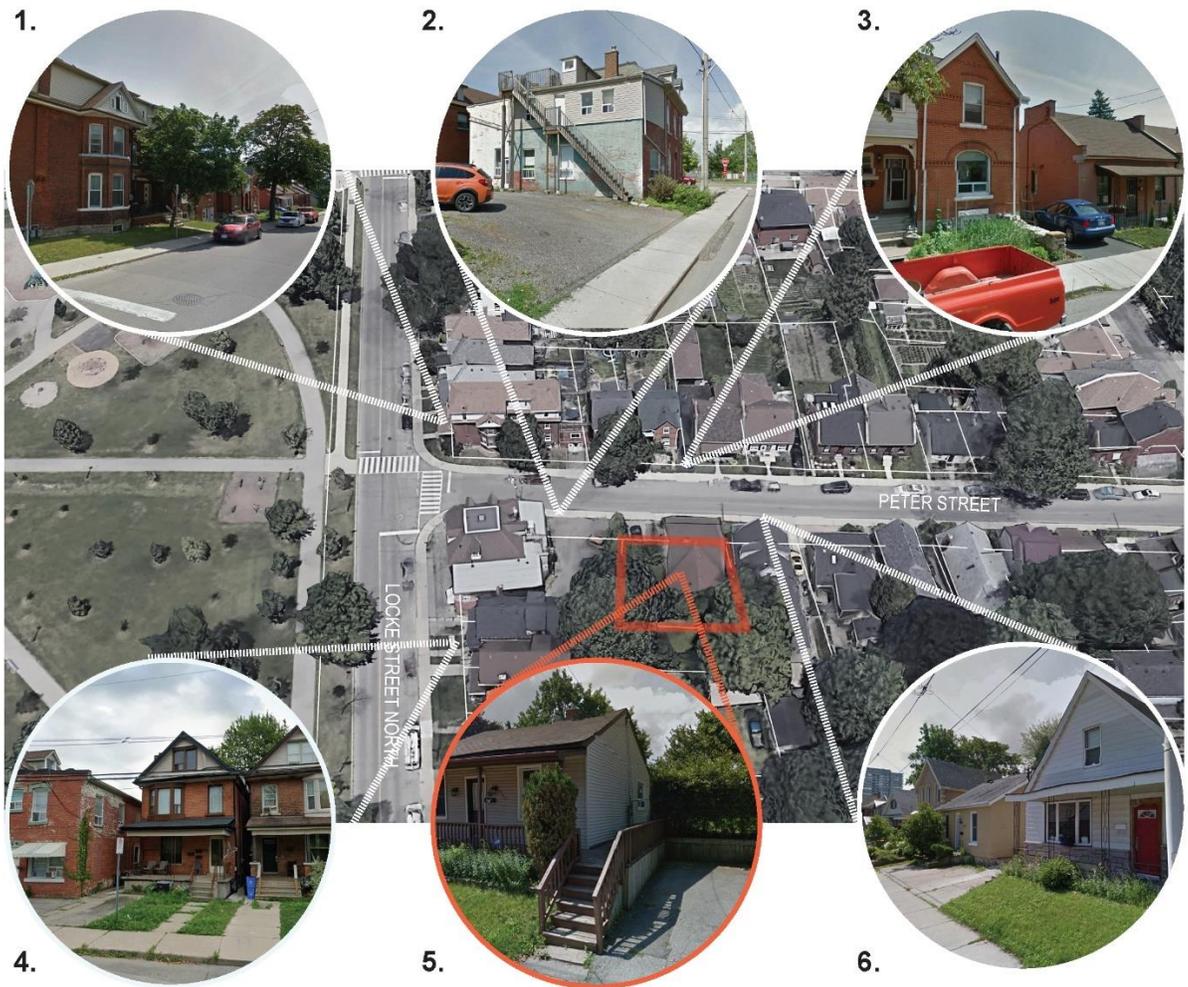


Figure 3: Site Context Map (Source: Google Earth Imagery, 2019 & 2020)

1. View northeast toward existing Multiple Dwelling and Single Detached Dwelling Uses located at 78 Locke Street North and 138 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
2. View southwest toward existing Multiple Dwelling and Accessory Parking Uses located at 74 Locke Street, immediately west of the Site.
3. View north toward existing Single Detached Dwelling and Semi-Detached Dwelling Residential Uses located at 136 and 134 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
4. View east toward existing Single Detached Dwelling and Multiple Dwelling Uses located at 68 and 74 Locke Street North, immediately south and west of the Site.
5. View south toward the existing Single Detached Dwelling on the Site, proposed to be demolished as part of the proposed development to be facilitated through the approval of the herein requested Minor Variances.
6. View southeast toward existing Single Detached Dwelling Uses located at 133 and 129 Peter Street, immediately east of the Site.

3. Requested Minor Variance

The Site is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District in Hamilton Zoning By-law 6593, where semi-detached dwellings are permitted. In order to permit the requested semi-detached dwelling, variances are required to the “D” District zoning regulations as well as the General Regulations of Zoning By-law No. 6593. The table below summarizes the required variances:

“D” District Regulations				
Section	Regulation	Required	Provided	Conforms? ✓/✗
10 (2)	Maximum Height	3 storeys 14m	3 storeys 10.1m	✓
10 (3) (i)	Minimum Front Yard Setback	6m	1.00m	✓
10 (3) (ii)	Minimum Side Yard Setback (buildings greater than 2½ storeys)	2.7m	East: 1.20m West: 1.20m	✗ ✗
10 (3) (iii)	Minimum Rear Yard Setback	7.5m	5.50m	✓
10 (4) (ii)	Minimum Lot Width (measured 9m back from front lot line)	18.0m	17.42m	✓
10 (4) (ii)	Minimum Lot Area	540.0m ²	272.24m ²	✓
General Regulations				
Section	Regulation	Required	Provided	Conforms? ✓/✗
18 (3) (vi) (b)	Minimum Setback from Canopy to Front Lot Line	1.5m	0.35m	✓
18 (14) (i)	Minimum Front Yard Landscaped Area (Minimum % of Gross Area of Front Yard)	50%	26%	✓
*Those highlighted in gold were approved as variance pursuant to HM/A-21:51				

The following variance is requested to the “D” District Regulations:

- 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;

4. Four Tests of Minor Variance

Section 45(1) of the *Planning Act* states that Committee of Adjustment “may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof” and provided the following four tests are met:

1. Does the requested Minor Variance maintain the general intent and purpose of the Official Plan;
2. Does the requested Minor Variance maintain the general intent and purpose of the Zoning By-law;
3. Is the requested Minor Variance desirable and appropriate for the lands; and
4. Is the requested Variance minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

4.1 *Does the requested variance maintain the general intent and purpose of the Official Plan?*

As noted, the Site is designated “Low Density Residential 3” in the Strathcona Secondary Plan as illustrated in **Figure 5**.



Figure 5: Strathcona Secondary Plan Land Use Plan Map B.6.6-1 (Source: UHOP Volume 2, 2017)

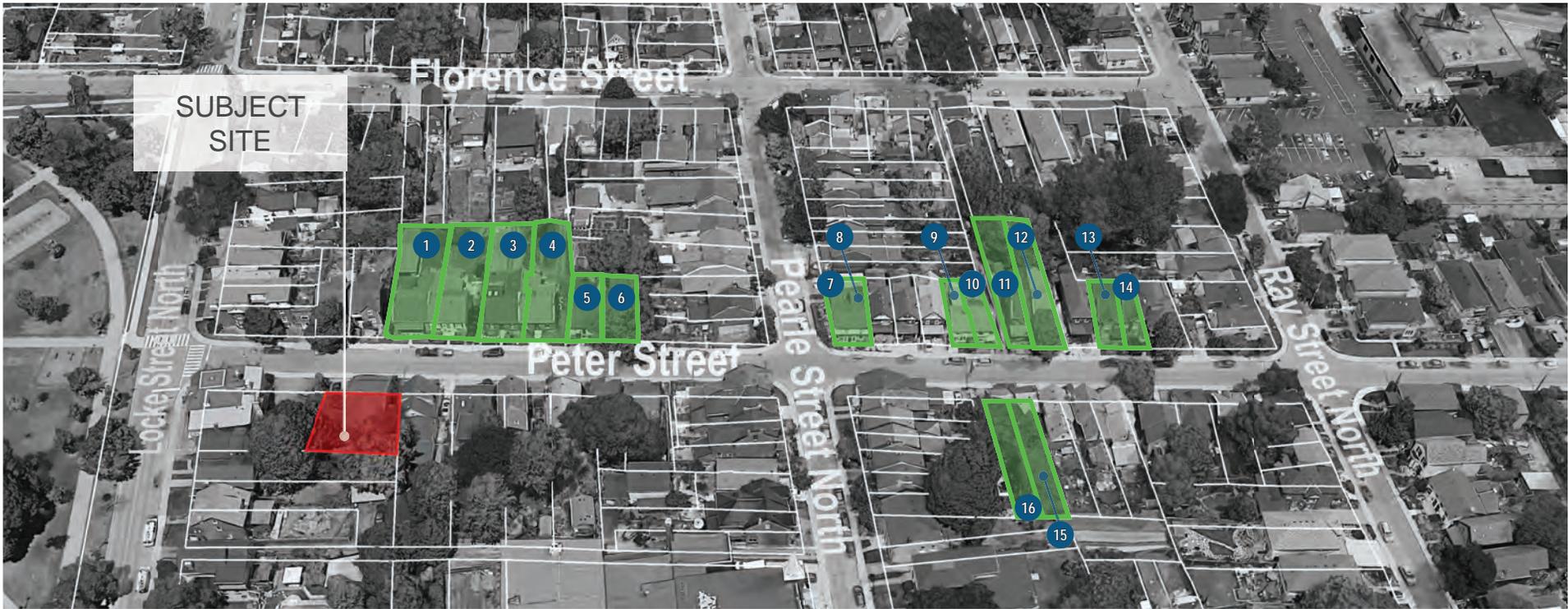
Volume 2 Section B.6.6.5.3 states that in addition to the Low Density Residential policies of the UHOP Volume 1, “*Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, including materials that are compatible with the existing adjacent residential forms*”.

The character of the neighbourhood is one that has evolved over time, and features a variety of housing styles, forms and massing. One style or architectural type is not predominant; rather, a variety of different types create an eclectic neighbourhood. As illustrated on **Figure 7**, from a study area of Locke Street North to Ray Street North, Peter Street has approximately 16 semi-detached units from a total of 35 lots, meaning that 45.7% of the total built form typology is a semi-detached dwelling. Also noted on **Figure 7** is the established lotting pattern within the neighbourhood that has existed for at minimum 100 years, being identified on the 1911 City of Hamilton Fire Insurance Plans as an irregular lotting configuration within the City’s iconic grid street pattern (**Figure 6**).



Figure 6: 1911 City of Hamilton Fire Insurance Plans (Source: McMaster University Library | Historical Portal)

Accordingly, there are many lots in the area that do not comply with zoning standards having been passed by City Council on July 25, 1950, especially with respect to lot frontage, lot area, setbacks and parking. Given that the existing lot at 137 Peter Street has a larger frontage than many of the surrounding lots, it presents an appropriate opportunity for minor infilling and intensification, in a manner that is sympathetic and complementary to the existing character of the neighbourhood.



- Subject Site - 137 Peter Street
- 1 134 Peter Street
- 2 132 Peter Street
- 3 128 Peter Street
- 4 126 Peter Street
- 5 124 Peter Street
- 6 122 Peter Street
- 7 110 Peter Street
- 8 108 Peter Street
- 9 100 Peter Street
- 10 98 Peter Street
- 11 96 Peter Street
- 12 94 Peter Street
- 13 90 1/2 Peter Street
- 14 90 Peter Street
- 15 97 Peter Street*
- 16 99 Peter Street*

**Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Mapper*



4.1.1 Variance: Reduction in 2.7m Side Yard Setback

The requested variance is to allow for a side yard setback of 1.2m on both the west and east sides of the semi-detached dwelling. To the west of the subject property is a parking area for the small apartment building located on the site. By allowing a 1.2m setback on the west side of the site, there will be no impacts on the streetscape, as ample visual and physical separation between buildings is provided to the parking lot combined with the proposed 1.2m setback. For these reasons, the west side yard setback is considered appropriate.

To the east of the property is a two storey single detached dwelling. The current setback of the existing dwelling on the subject site is 0.53m at the front of the dwelling and shrinks to approximately 0m at the rear of the dwelling. The proposed decrease in side yard setback will improve on the existing condition. As seen in **Appendix A**, the proposed east side yard dwelling setback is larger than what currently exists. The smallest setback proposed is at the front of the dwelling, at 1.2m. Due to irregularity of the existing lot's boundaries and the proposed tapering of the east building elevation, the setback increases from the 1.2m point, providing for an ultimate east side yard setback of 1.7m for a large portion of the side elevation.

The proposed side yard setback reduction from 2.7m to 1.2m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes in the immediate vicinity, as well as the surrounding area delineated on **Figure 8**.

The **Figure 8** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the side yard setback variance, the analysis uncovered the following:

- that the smallest side yard setback is 0m;
- that the largest side yard setback is 2.36m;
- that 0 lots meet the required 2.7m side yard setback;
- that 30 lots of 35 lots (approximately 85.7%) have an equal to or less than side yard setback of 1.2m; and,
- that the average side yard setback is 0.48m.

Therefore, the general intent and purpose of the Official Plan (Strathcona Secondary Plan) will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for the proposed dwellings, since it is in keeping with the existing setback and streetscape pattern that is established in the neighbourhood.



Analysis Summary:

- 1. Smallest Side Yard Setback:
0m
- 2. Largest Side Yard Setback:
2.36m
- 3. Number of Lots that meet the 2.7m Zoning By-law Setback Requirement:
0 Lots (2.36m is closest)
- 4. Number of Lots that meet the 1.2m Zoning By-law Setback Requirement for buildings under 2.5 Storeys:
5 Lots (of 35 Total along Peter Street / 14.3%)
- 4. Number of Lots that have an equal to or less than a 1.2m Side Yard Setback:
30 Lots (of 35 Total along Peter Street / 85.7%)
- 5. Average Side Yard Setback:
0.48m

<ul style="list-style-type: none"> ■ 1.2m 137 Peter Street 1 0.0m 138 Peter Street 2 0.0m 136 Peter Street 3 2.36m 134 Peter Street¹ 4 2.1m 132 Peter Street¹ 5 1.75m 128 Peter Street¹ 6 2.04m 126 Peter Street¹ 7 0.7m 124 Peter Street¹ 8 0.0m 122 Peter Street¹ 9 0.45m 110 Peter Street¹ 10 0.45m 108 Peter Street¹ 11 0.1m 106 Peter Street 12 0.1m 104 Peter Street 	<ul style="list-style-type: none"> 13 0.1m 102 Peter Street 14 0.0m 100 Peter Street¹ 15 0.0m 98 Peter Street¹ 16 0.78m 96 Peter Street¹ 17 1.27m 94 Peter Street¹ 18 1.12m 92 Peter Street 19 0.3m 90 1/2 Peter Street¹ 20 0.3m 90 Peter Street¹ 21 0.0m 88 Peter Street 22 0.2m 83 Peter Street 23 0.0m 85 Peter Street* 24 0.0m 87 Peter Street 25 0.45m 91 Peter Street 	<ul style="list-style-type: none"> 26 0.0m 93 Peter Street 27 0.0m 95 Peter Street 28 0.33m 97 Peter Street*¹ 29 0.0m 99 Peter Street*¹ 30 0.79m 119 Peter Street* 31 0.2m 121 Peter Street* 32 0.0m 123 Peter Street 33 0.0m 127 Peter Street 34 0.45m 129 Peter Street 35 0.58m 133 Peter Street
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**Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper*

¹ Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis
Side Yard Setback

4.2 Does the requested variance maintain the general intent and purpose of the Zoning By-law?

4.2.1 Variance: Reduction in 2.7m Side Yard Setback

The purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling and rear yard amenity areas. Different setback regulations exist to address additional height. In this case, 2.7m side yard setbacks are required for a 3 storey building.

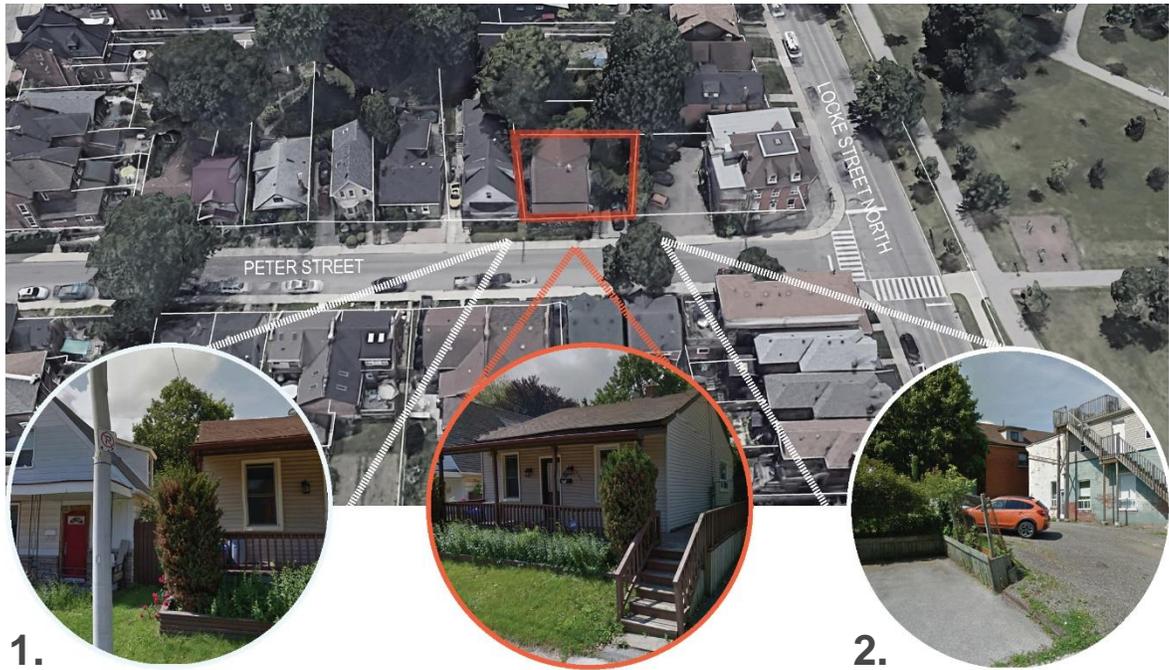


Figure 9: Side Yard Existing Conditions (Source: Google Earth Imagery, 2019 & 2020)

To the west of the property is a parking area associated with a 3 storey apartment building on the corner of Locke Street North and Peter Street. The requested reduction in the westerly side yard setback will not negatively impact the use or enjoyment of the residents of the apartment, as these lands are used for parking purposes and will not impede access to their building (Refer to **Image 2** in **Figure 9**).

With respect to the easterly side yard setback, the proposed setback will provide greater separation than what currently exists thereby improving the physical relationship between the two buildings (Refer to **Image 1** in **Figure 9**). The setback between the two dwellings is less than 1m; however, the streetscape is still maintained, and there are no issues in terms of massing. This is due to the streetscape being characterized by a variety of setbacks and building masses as delineated earlier in **Figure 8**.

The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks. For these reasons, the east and west side yard setbacks are considered appropriate.

4.3 *Is the Minor Variance desirable and appropriate for the lands?*

What is key in the review of this criterion is whether the minor variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

4.3.1 Variance: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the surrounding context of the Site as delineated on **Figure 8**. The reduced setback is considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street and Peter Street. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between the buildings to the east than what currently exists. Also noted, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east.

Therefore, the requested reduction in the minimum side yard setbacks from 2.7m to 1.2m are considered desirable and appropriate for the lands.

4.4 *Is the requested variance minor in nature?*

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

4.4.1 Variance: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the area, not only along Peter Street, but in the greater surrounding area, where the average side yard setback is 0.48m and over 85% of the lots have equal to or less than 1.2m side yard setbacks as noted on **Figure 8**. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street North and Peter Street.

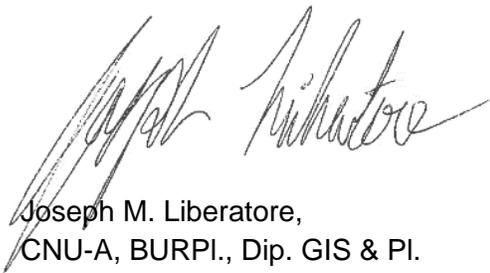
Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists. As noted previously, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east. Therefore, the requested 1.5m reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks is considered minor in nature.

5. Summary and Recommendations

The requested variance represents good land use planning as it satisfies the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variance will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law 6593; is desirable and appropriate; and is considered minor in nature.

Respectfully submitted,

GSP Group Inc.



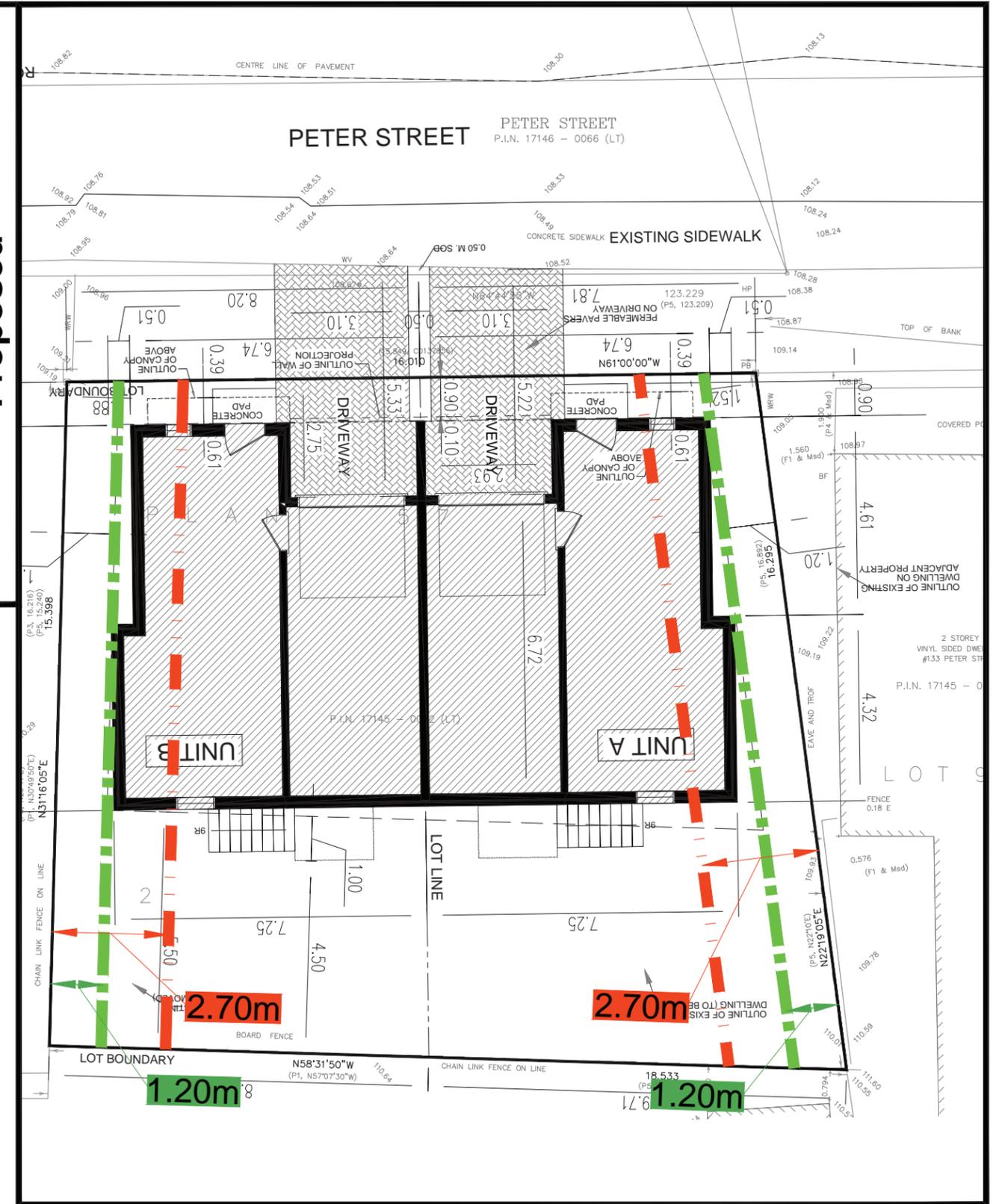
Joseph M. Liberatore,
CNU-A, BURPI., Dip. GIS & PI.
Planner

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Existing

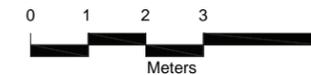


Proposed



APPENDIX A
MINOR VARIANCE ANALYSIS
 137 Peter Street, Hamilton, Ontario

-  Required Regulation (As per City of Hamilton Zoning By-law 6593)
-  Proposed Regulation
-  Existing Building Footprint (As per Survey Plan)
-  Proposed Building Footprint



NOTE: This analysis has been prepared based on a Survey Plan undertaken by A.T. McLaren Limited dated August 10, 2018 and a Site Plan prepared by John G. Williams Limited, Architect dated July 6, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:125 | June 10, 2022 | Project No.: 20313 | Drawn By: JML





Hamilton

APPENDIX B

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202

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-21:51

APPLICANTS: Agent GSP Group
Owner Canadian Grand Developments

SUBJECT PROPERTY: Municipal address **137 Peter St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new two and a half storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0 metre shall be permitted instead of the minimum 6.0 metre front yard depth required.
2. A minimum rear yard depth of 5.5 metre shall be permitted instead of the minimum 7.5m rear yard depth required.
3. A minimum manoeuvring aisle width of 2.7 metre shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
4. The front yard landscaped area shall be a minimum of 46.9% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
5. A minimum lot area of 272.0 square metres shall be permitted instead of the minimum 540.0 square metres lot area required for a two-family dwelling.
6. A minimum lot width of 17.4 metres shall be permitted instead of the minimum 18.0 metres lot width required for a two-family dwelling.
7. A canopy may be permitted to be located as close as 0.39 metres from the street line instead of the minimum 1.5 metres setback required.

NOTE:

1. The finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.

2. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

3. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres, and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2 above, regarding a reduction of the minimum required rear yard to 5.5 metres, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

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

DATE: Thursday, August 12th, 2021
TIME: 2:55 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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.

MORE INFORMATION

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

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

DATED: July 27th, 2021.

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.

HM/A-21:51 – 137 Peter St., Hamilton
Amended

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new two and a half storey semi-detached dwelling on the subject lands and the future separation of the dwelling, notwithstanding the following variances. This application was previously heard at the March 4th, 2021 Committee meeting in which staff did not support the application. The current proposal has the following revisions:

- Reduction in height from 3 storeys to 2.5 storeys;
- Increased front yard landscaping from 26% to 46.9%; and,
- Redesigning the front façade of the proposed units to an architectural style similar to the other dwellings.

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E– Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 and E.3.4.5 amongst others, are applicable and permit semi-detached dwellings.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” on Map B.6.6-1 and located within the Arnolds Survey Cultural Heritage Landscape on Appendix “B” – Cultural Heritage Resources within the Strathcona Secondary Plan. Policies B.6.6.4.1 c) – e), B.6.6.5.2 and B.6.6.5.3 b) - d), are applicable and permit semi-detached dwellings.

Archaeology

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer EuroCanadian settlement;

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is granted, the City does not require an archaeological

assessment, but Staff recommend the proponent be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Cultural Heritage

The subject property contains a circa 1880 dwelling located within the Strathcona Established Historic Neighbourhood and the Arnold’s Survey Inventoried Cultural Heritage Landscape.

The subject property is additionally located adjacent to 69 Pearl Street North, Zion United Church, a circa 1874 Place of Worship designated under Part IV of the Ontario Heritage Act and a “protected heritage property” under the Provincial Policy Statement. Accordingly, Section 2.6.3 of the Provincial Policy Statement applies as follows:

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

The proponent proposes to construct a new two and a half storey semi-detached two-family dwelling.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.3 “Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.” and,

B.3.4.2.1(g) “Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.”

B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.”

3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

Notwithstanding that the adjacent property is designated under Part IV of the *Ontario Heritage Act*, Staff have reviewed the application and are of the opinion that **if compatible materials are used in the construction**, the heritage attributes of the protected heritage property will be conserved. Staff recommend that compatible materials be used in the construction of the proposed dwelling in order to minimize any potential negative heritage impacts on the adjacent Designated property, or on the Established Historic Neighbourhood.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D-1787” (Urban Protected Residential – One and Two Family Dwellings) District, which permits a semi-detached dwelling.

Variance 1

The applicant is requesting a variance to allow a front yard depth of 1.0 metres notwithstanding the minimum required front yard depth of 6.0 metres. The general intent of the Zoning By-law is to maintain the consistent streetscape.

The established residential streetscape on this portion of Peter Street maintains a consistent front yard depth with the majority being less than 1.0 metre. The variance maintains the general intent of the Zoning By-law as the proposed front yard depth of 1.0 metres is more consistent with the surrounding properties than the Zoning By-law requirement. The variance is considered minor in nature and is desirable for the

development of the site as no negative impact is anticipated to the subject lands or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan, Strathcona Secondary Plan and Zoning By-law is being maintained, the variance is desirable for the appropriate use of the site and minor in nature; therefore, staff support the variance.

Variance 2, 5 and 6

The applicant is requesting a variance to allow a minimum rear yard depth of 5.5 metres, to allow a minimum lot area of 272.0 square metres and a lot width of 17.4 metres to be provided, notwithstanding the minimum required rear yard depth of 7.5 metres, the minimum required lot area of 540.0 square metres and the minimum required lot width of 18.0 metres for a semi detached dwelling. The general intent of the Zoning By-law is to provide a consistent residential streetscape, to allow sufficient space to accommodate a semi-detached dwelling with the necessary landscaped areas, amenity area and parking to satisfy the needs of the tenants, to allow adequate area for grading and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff differ grading and drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variances maintain the general intent of the By-law as sufficient lot widths and area are being provided to allow for the necessary landscaped areas and amenity space to satisfy the needs of the tenants. Staff are of the opinion that the variances are minor in nature and desirable for the development as no negative impacts are anticipated.

Based on the foregoing, the variances maintain the general intent of the Urban Hamilton Official Plan, Strathcona Secondary Plan or Zoning By-law, the variances are minor in nature and desirable for the appropriate use of the site; **therefore, staff support the variances.**

Variance 3, 4 and 7

The applicant is requesting a variance to allow a minimum manoeuvring aisle width of 2.7 metres, to allow the front yard landscaped area to be a minimum of 46.9% of the gross area of the front yard and to allow a roofed over unenclosed porch to be located as close as 0.39 metres from the front lot line notwithstanding the minimum required 6.0 metre wide manoeuvring aisle width, the minimum required 50% of the gross area of the front yard to be provided as landscaped area and the minimum required 1.5 metre setback. The general intent of the Zoning By-law is to ensure all vehicles can safely manoeuvre to and from the proposed parking spaces, to maintain a consistent streetscape and to allow sufficient space in the front yard to accommodate the necessary landscaped area.

Staff are of the opinion that the variances maintain the general intent of the By-law as the vehicle maneuvering aisle width of 2.7 metres will provide sufficient space for the vehicle to maneuver. Staff note that there is an additional approximate 3.4 metres from the front lot line to the edge of the side walk to aide in the maneuvering of the vehicle. Staff are of the opinion that the proposed 46.9 % of landscaped area is also maintaining the general intent of the By-law as sufficient landscaped area is being provided for a low-density

residential character area. Furthermore, staff are of the opinion that the variance to allow for a roofed over unenclosed porch to be located as close as 0.39 metres from the lot line is maintaining the general intent of the By-law as it is still providing a consistent residential streetscape. Staff are of the opinion that the variances are minor in nature and desirable for the development as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the variances maintain the general intent of the Urban Hamilton Official Plan, Strathcona Secondary Plan or Zoning By-law, the variances are minor in nature and desirable for the appropriate use of the site; therefore, **staff support the variances.**

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved.**

NOTE:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

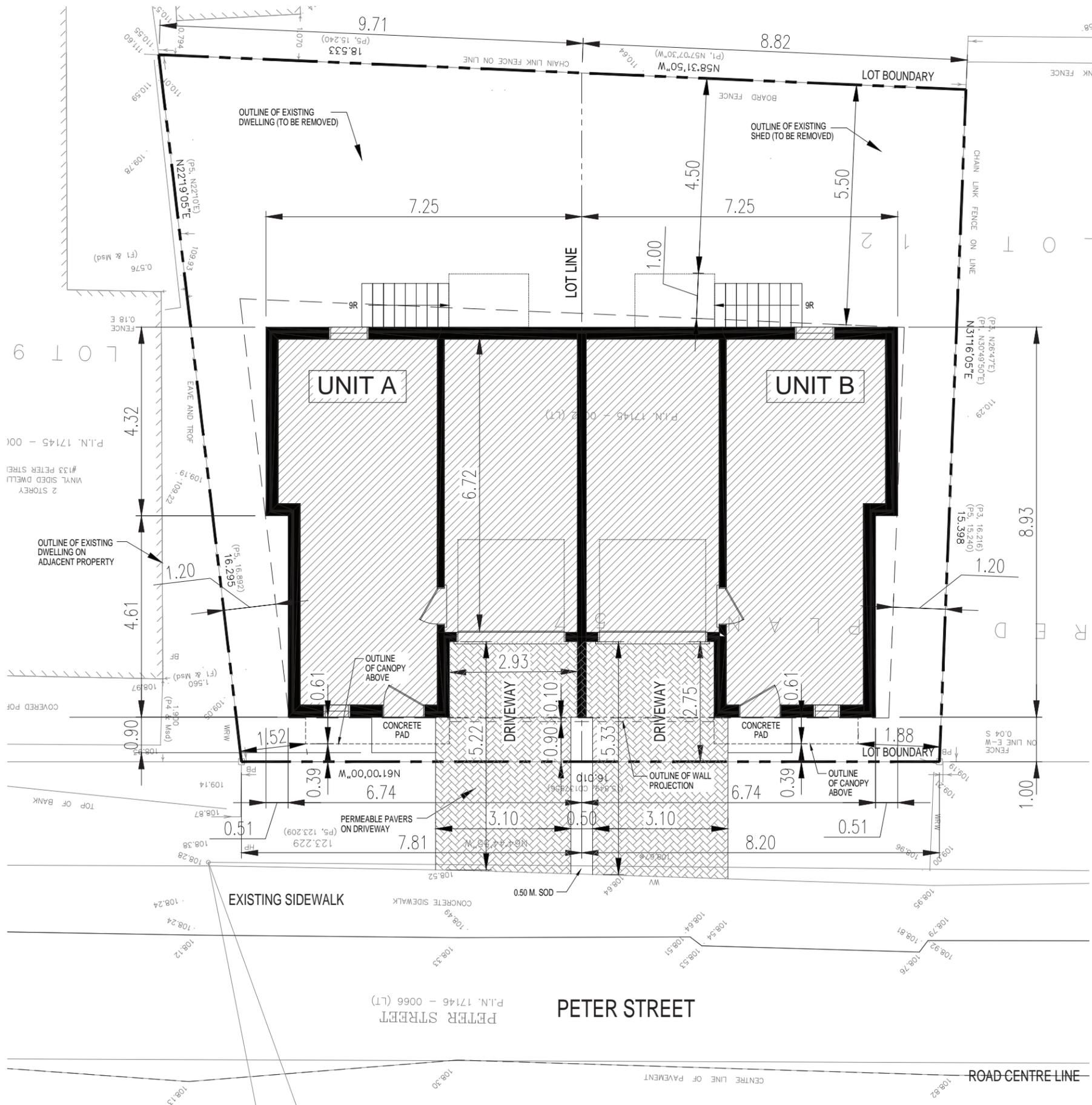
Building Division:

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 finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.
3. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.
4. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2, regarding a reduction of the minimum required rear yard to 5.5 metres, be approved, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

Development Engineering:

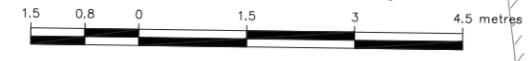
The proposed rear yard setback is a significant improvement from the existing condition. Therefore, our office has no issue with this proposal.

See attached for additional comments.



TOPOGRAPHIC SURVEY
 OF PART OF
 LOT 12
 REGISTERED PLAN 57
 IN THE
 CITY OF HAMILTON

Prepared by:
 A.T. McLaren Limited
 Legal and Engineering Surveys

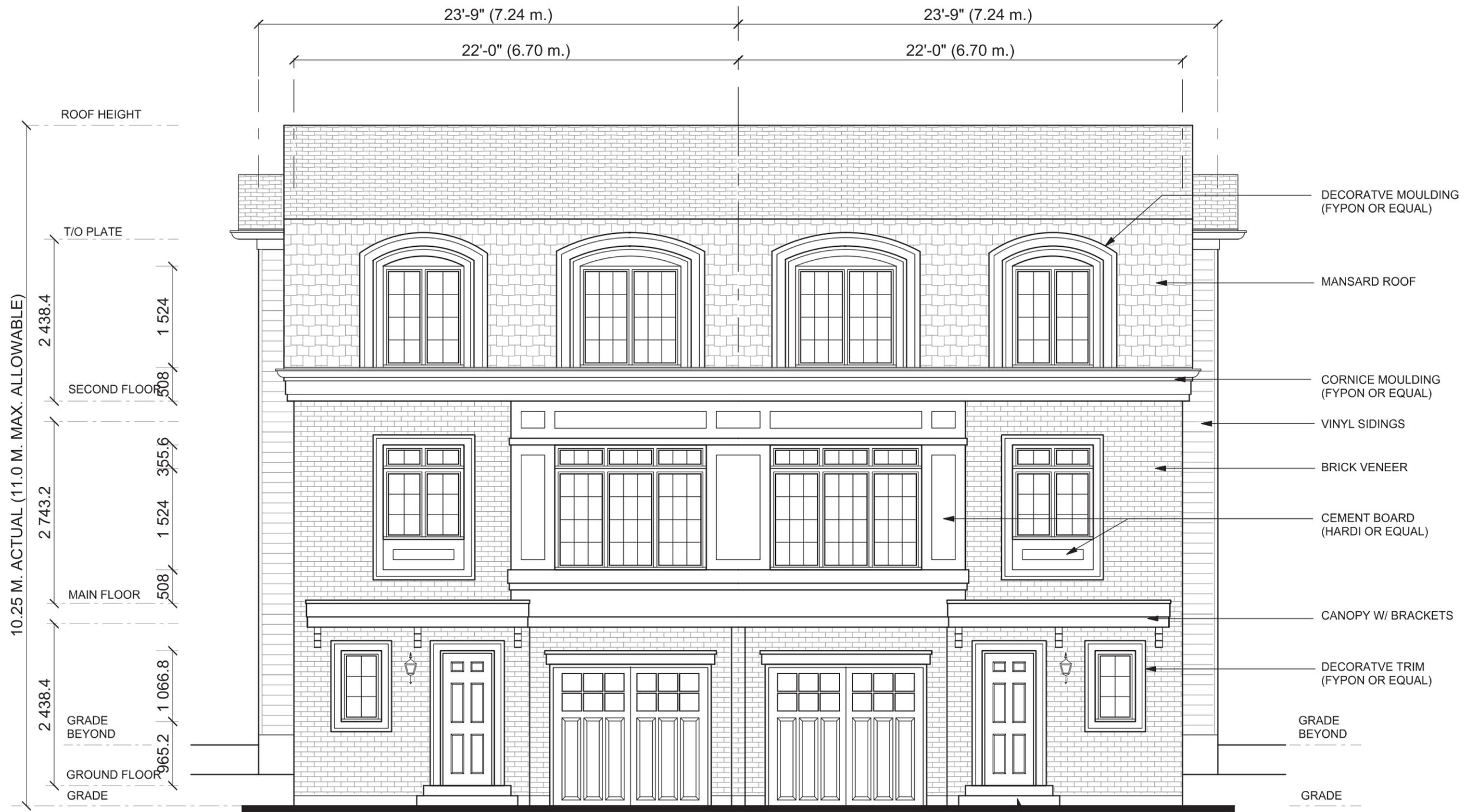


ZONE 'D' (URBAN PROTECTED RESIDENTIAL)			
	REQUIRED	PROPOSED	
LOT AREA	540.00 SQ.M.	272.24 SQ.M.	
LOT AREA (UNIT 'A')		139.66 SQ.M.	
LOT AREA (UNIT 'B')		132.58 SQ.M.	
BUILDING FOOTPRINT		64.81 SQ.M.	INCLUDING PORCH PER UNIT
LOT COVERAGE			
LOT COVERAGE (UNIT 'A')		46.40 %	
LOT COVERAGE (UNIT 'B')		48.88 %	
LOT FRONTAGE	18.00 M.	16.01 M.	REQUIRED FOR TWO FAMILY DWELLING
LOT FRONTAGE (UNIT 'A')		7.81 M.	
LOT FRONTAGE (UNIT 'B')		8.20 M.	
FRONT YARD SETBACK	6.00 M.	1.00 M.	FRONT CANOPY ENCROACHING 0.61 M. INTO FRONT YARD; WALL PROJECTION ENCROACHING 0.10 M. INTO FRONT YARD
REAR YARD SETBACK	7.50 M.	5.50 M.	DECK ENCROACHING 1.0 M. TO REAR YARD
SIDE YARD SETBACK	1.20 M.	1.20 M.	

PRELIMINARY SITE PLAN
 PROPOSED SEMI-DETACHED DWELLING
 137 PETER STREET, HAMILTON
 W-2157 (JULY 9, 2021)



40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
 905-780-0500 info@williamsarch.com williamsarch.com



FRONT ELEVATION

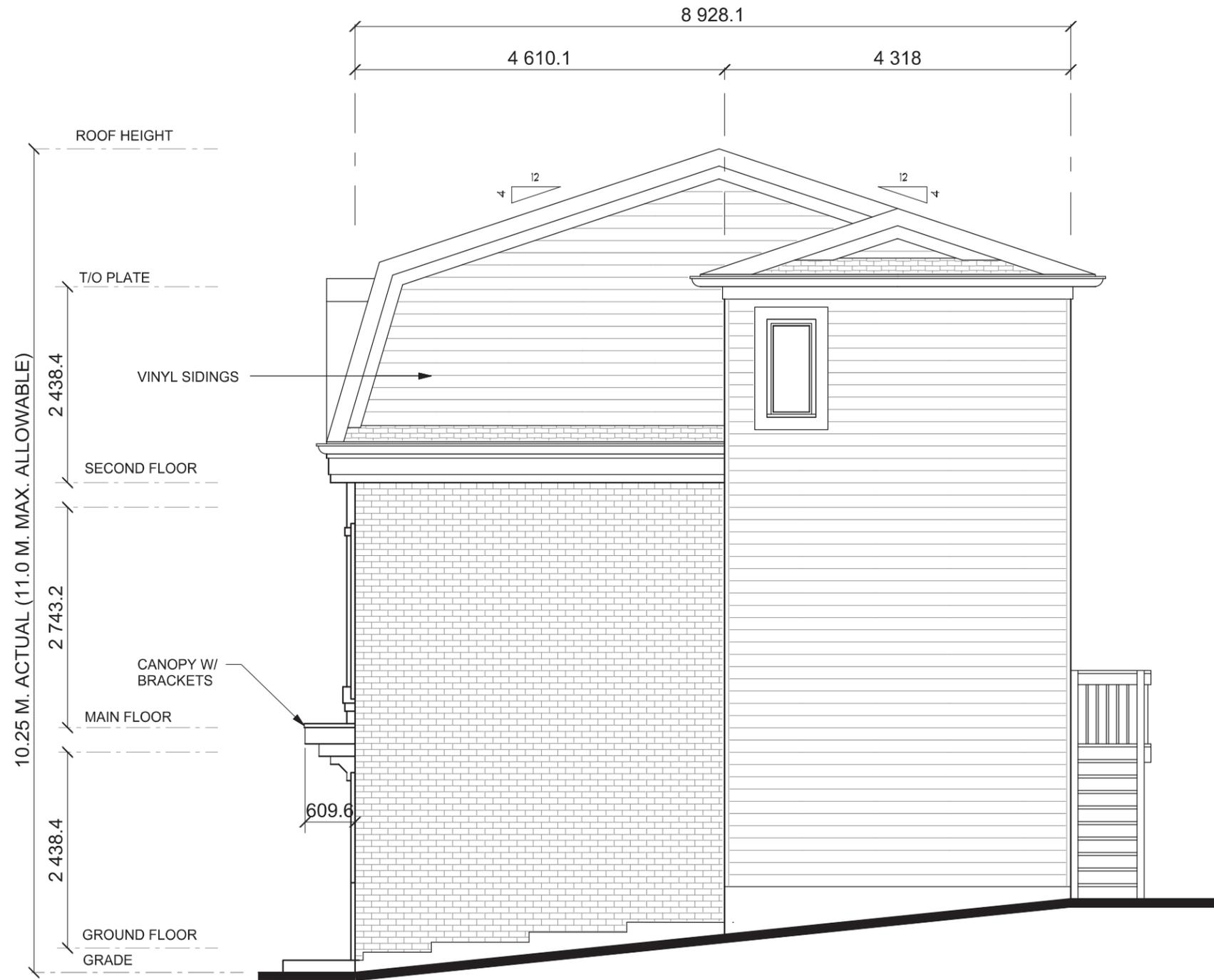
PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
 137 PETER ST, HAMILTON, ON
 W-2157 (JULY 6, 2021)



JOHN G. WILLIAMS LIMITED
 ARCHITECT

40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
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SIDE ELEVATION

PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
 137 PETER ST, HAMILTON, ON
 WW-2157 (JULY 6, 2021)



JOHN G. WILLIAMS LIMITED
 ARCHITECT

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REAR ELEVATION

PRELIMINARY ELEVATIONS

PROPOSED SEMI-DETACHED DWELLINGS
 137 PETER ST, HAMILTON, ON
 W-2157 (JULY 6, 2021)

 **JOHN G. WILLIAMS LIMITED**
 ARCHITECT

40 Vogell Road, Unit 46, Richmond Hill, Ontario L4B 3N6
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Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:51
SUBMISSION NO. A-51/21

APPLICATION NO.: HM/A-21:51

APPLICANTS: Agent GSP Group
Owners B. Fleming & A. McAllister

SUBJECT PROPERTY: Municipal address **137 Peter St., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new two and a half storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0 metre shall be permitted instead of the minimum 6.0 metre front yard depth required.
2. A minimum rear yard depth of 5.5 metre shall be permitted instead of the minimum 7.5m rear yard depth required.
3. A minimum manoeuvring aisle width of 2.7 metre shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
4. The front yard landscaped area shall be a minimum of 46.9% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
5. A minimum lot area of 272.0 square metres shall be permitted instead of the minimum 540.0 square metres lot area required for a two-family dwelling.
6. A minimum lot width of 17.4 metres shall be permitted instead of the minimum 18.0 metres lot width required for a two-family dwelling.
7. A canopy may be permitted to be located as close as 0.39 metres from the street line instead of the minimum 1.5 metres setback required.

NOTE:

1. The finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.
2. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

3. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres, and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2 above, regarding a reduction of the minimum required rear yard to 5.5 metres, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON this 12th day of August, 2021.

D. Smith (Chairman)

D. Serwatak

L. Gaddy

M. Dudzic

B. Charters

M. Switzer

T. Lofchik

N. Mleczko

M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 1, 2021**.

NOTE: This decision is not final and binding unless otherwise noted.

NOTE:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”