Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	**HM/A-22:190**	**SUBJECT PROPERTY:**	330 DUNDURN STREET S, HAMILTON
ZONE:	"I3" (Major Institutional)	**ZONING BY-LAW:**	Zoning By-law 05-200, as Amended 07-101

APPLICANTS: Agent SRM Architect Inc.
Owner 2178940 Ontario Inc. – Lev Development

The following variances are requested:

1. A maximum building height of 21.0 metres shall be permitted instead of the requirement contained in Section 8.3.2.2b), and the maximum permitted building height of 18.0 metres.

2. A minimum northerly side yard of 7.2 metres shall be required for any portion of the building equal to or below 21.0 metres, instead of the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone.

3. A minimum northerly side yard of 10.40 metres shall be required for the portion of the building above 21.0 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone.

4. A minimum northerly side yard of 14.0 metres shall be provided for the portion of the building above 24.20 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone.

5. A minimum southerly side yard of 5.5 metres and a minimum rear yard of 5.5 metres shall be permitted, instead of the requirement contained in Section 8.3.2.2a) and the minimum required side yard and minimum required rear of 6.0 metres where abutting a Residential Zone.

6. No increase in the minimum required southerly side yard and the minimum required rear yard shall be required for the portion of the building equal or above 21.0 metres to a maximum building height of 28 metres instead the requirement contained in Section 8.3.2.2b)ii), that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone.

7. A minimum of seventy-five (75) parking spaces shall be provided for the Multiple Dwelling, instead the requirements contained in Section 5.6c) and the minimum eighty-five (85) parking spaces required.

8. A minimum of twenty-two (22) parking spaces shall be provided for the Retirement Home, instead the requirements contained in Section 5.6c) and the minimum thirty-eight (38) parking spaces required.

PURPOSE & EFFECT: To facilitate the construction of an eight (8) storey multiple dwelling consisting of 109 dwelling 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-21-133, which received condition approval on March 16, 2022. Please note that a full zoning compliance review 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:

DATE:	**Thursday, August 11, 2022**
TIME:	**2:50 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 26, 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.

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.

SITE DATA

DATA		REQUIRED	PROVIDED
ZONING		MAJOR INSTITUTIONAL (I3)	
NET LOT AREA		7,555m²	
SETBACKS	FRONT YARD (DUNDURN ST.)	-	N/A
	NORTH SIDE YARD	9.2m	7.2m
	REAR SIDE YARD	9.2m	5.5m
	SOUTH SIDE YARD	9.2m	5.5m

BUILDING DATA

DATA	REQUIRED	PROVIDED
TOTAL DENSITY	-	**109 UNITS** 87 (80%) - 1 BED/ 1 BED+DEN 22 (20%) - 2 BED/ 2 BED+DEN
BUILDING AREA	-	1,390m² (14,960 SF)
GROSS CONSTRUCTION AREA	-	14,084m² (151,595 SF)
GROSS FLOOR AREA	-	8,492 m² (91,407SF)
GFA (CITY OF HAMILTON)	-	8,313 m² (89,480 SF)
NET SALABLE AREA	-	6,615 m² (71,203 SF)
NUMBER OF STOREYS	-	8
BUILDING HEIGHT (NOT INCL. PH.)	28m MAX.	28m
AMENITY AREA	-	2,175 SF - INDOOR 3,878 SF - OUTDOOR 6,053 SF - TOTAL

GROSS FLOOR AREA BREAKDOWN

DATA	PROVIDED
LEVEL 1	1,102 m² (11,862 SF)
LEVEL 2	994 m² (10,700 SF)
LEVEL 3	1,246 m² (13,412 SF)
LEVEL 4	1,246 m² (13,412 SF)
LEVEL 5	921 m² (9,913 SF)
LEVEL 6	969 m² (10,430 SF)
LEVEL 7	867 m² (9,332 SF)
LEVEL 8	807 m² (8,686 SF)
MECH. PH.	340 m² (3,660 SF)
GFA TOTAL (INCL. SERVICES)	8,492 m² (91,407 SF)

SITE COVERAGE DATA

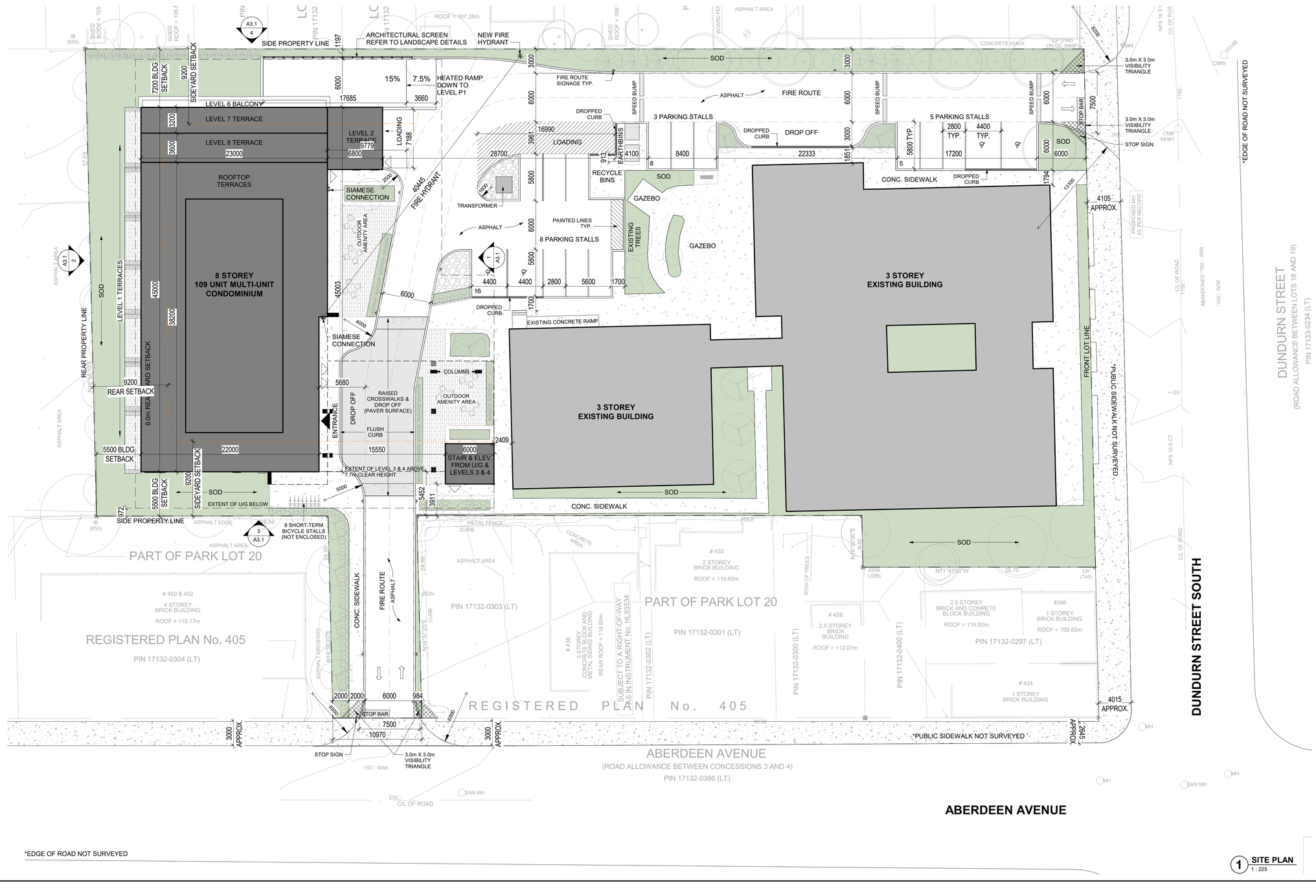
DATA	REQUIRED	PROVIDED
PROPOSED BUILDING COVERAGE		1,102m² (15%)
EXISTING BUILDING COVERAGE		1,860m² (25%)
ASPHALT AREA		1,842m² (24%)
LANDSCAPING AREA		2,751m² (36%)
TOTAL		**7,555m² (100%)**

VEHICLE PARKING DATA

DATA	REQUIRED	PROVIDED
RESIDENTIAL PARKING (s. 5.6(c)(i))	EXISTING RETIREMENT: 115 UNITS, 1/3 PEOPLE = 38 STALLS PROPOSED CONDO: 0.3 X UNIT <50m2 = 0.3 X 34 = 10.2 1.0 X UNIT >50m2 = 1.0 X 75 = 75 **TOTAL = 123**	RETIREMENT: 38 CONDO & VISITOR: 59 **TOTAL: 97 STALLS** SURFACE: 16 LEVEL P1: 54 LEVEL P2: 27
BARRIER FREE PARKING (INCL.)	RETIREMENT = 1 CONDO = 4% = 3.4 **TOTAL = 4**	**4 STALLS (INCL.)**
TOTAL PARKING		**97 STALLS**

BICYCLE & TDM MEASURES DATA

DATA	PROVIDED
BICYCLE PARKING	SHORT TERM: (NOT ENCLOSED - OUTDOORS) **8 STALLS** LONG TERM: (ENCLOSED - INDOORS LEVELS P1 & P2) **55 STALLS** (0.5/UNIT)
ADDITIONAL TDM MEASURES	BIKE SHARE MEMBERSHIP FOR NEW RESIDENTS TO BE OFFERED DURING FIRST YEAR OF OCCUPANCY. TRANSIT INCENTIVES INCLUDING ON-SITE TRANSIT INFO AND PRESTO CARDS. VEHICLE PARKING TO BE UNBUNDLED FROM RESIDENTIAL UNITS



GENERAL NOTES

1. **DO NOT SCALE DRAWINGS**. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANTS BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON/OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

No.	Date	Revision
7	2022-05-20	ISSUED FOR MINOR VARIANCE
6	2021-11-22	ISSUED FOR SPA 2ND SUBMISSION
5	2021-11-04	ISSUED FOR NEIGHBOURHOOD MEETING
4	2021-07-22	ISSUED FOR SPA 1ST SUBMISSION
3	2021-07-05	ISSUED FOR CLIENT REVIEW
2	2021-06-10	ISSUED FOR COORDINATION
1	2021-04-27	ISSUED FOR CITY REVIEW

srm ARCHITECTS INC.

Project No	21046
Project Date	2021-03-05
Drawn by	MES
Checked by	EJT
Plot Date / Time	2022-05-20 10:39:59 AM

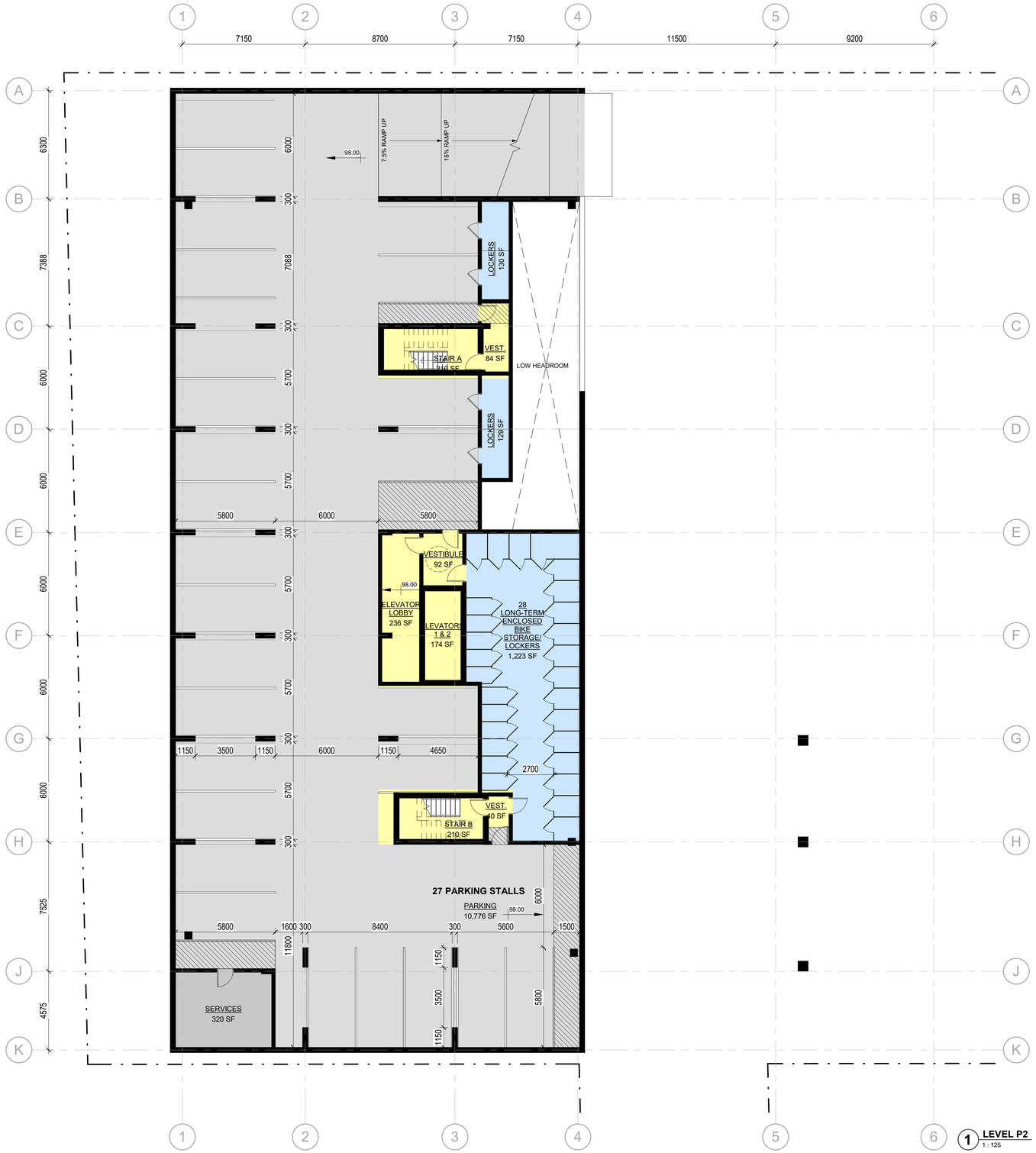
ABERDEEN CONDOS
330 DUNDURN ST. S.
HAMILTON

SITE PLAN

ONTARIO ASSOCIATION OF ARCHITECTS
EDWARD THOMAS
LICENCE
5572

Drawing Scale	As indicated
Status	ISSUED FOR MINOR VARIANCE
Drawing No.	A1.1
Revision No.	- r7

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Project North

True North

GENERAL NOTES

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srm ARCHITECTS INC.

Project No 21046
Project Date 2021-03-05
Drawn by DMX
Checked by MES
Plot Date / Time 2022-05-20 10:39:59 AM

ABERDEEN CONDOS
330 DUNDURN ST. S.
HAMILTON

LEVEL P2 FLOOR PLAN

ONTARIO ASSOCIATION OF ARCHITECTS
EDWARD THOMAS
LICENCE
5572

Drawing Scale 1 : 125
Status ISSUED FOR MINOR VARIANCE
Drawing No. A2.1 Revision No. - r6

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Project North

True North

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srm ARCHITECTS INC.

Project No: 21046
Project Date: 2021-03-05
Drawn by: DMX
Checked by: MES
Plot Date / Time: 2022-05-20 10:40:00 AM

ABERDEEN CONDOS
330 DUNDURN ST. S.
HAMILTON

LEVEL P1 FLOOR PLAN

ONTARIO ASSOCIATION OF ARCHITECTS
EDWARD THOMAS
LICENCE
5572

Drawing Scale: 1 : 125
Status: ISSUED FOR MINOR VARIANCE
Drawing No. A2.2
Revision No. r6

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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**	[redacted]
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

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

BANK OF MONTREAL
Ryan Bulmer
100 King Street West, Suite 18th Floor
Toronto, Ontario M5X 1A1

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:

Nature and extent of relief being applied for REF. Attached Additional Sheet

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling

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

Nature and extent of relief being applied for REF. Attached Additional Sheet

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**):

330 Dundurn Street South

Property Number: 251801009152590

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?

Phase 1 ESA Prepared by Lantek Limited Dated January 2021

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.

May 18 2022
Date

Signature Property Owner(s)

Yaniv Geler
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	64.0 m
Depth	123.39 m
Area	7,555.66m²
Width of street	-

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:_

Existing retirement residence (Aberdeen Retirement Residence), a surface parking area, and a storm water management area.

Proposed

Removal of existing surface parking stalls and storm water management area on the west side of the property and construct an 8 (eight) storey apartment building with 2 (two) levels of underground parking. 70 parking spaces proposed.

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

Existing:

3 (three) storey, 1,860m² 113 suite retirement complex.
Approx 53m from rear lot line, 4.5m from front lot line,
Approx 12.4 m from north lot line, 0.5m from south lot line.

Proposed:

8 (eight) storey, 1,102m² 109 suite multi-unit Condominium
Approx 5.5 rear set back, 82.6m from front lot line,
Approx7.2m from north lot line, and 5.5m for south.

13. Date of acquisition of subject lands:
December 2008

14. Date of construction of all buildings and structures on subject lands:
1999 and 2015 addition. New build TBD

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Retirement Home

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Urban Residential, Commercial

17. Length of time the existing uses of the subject property have continued:
23 YEARS

18. Municipal services available: (check the appropriate space or spaces)

Water Connected Connected

Sanitary Sewer Connected Connected

Storm Sewers Connected

19. Present Official Plan/Secondary Plan provisions applying to the land:

Block A&B Registered Plan 1295 and part Park Lot 20 Registered plan NO.405

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

Major institutional (I3)

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

☐ Yes ☒ No

If yes, please provide the file number:

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

☐ Yes ☐ No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes ☒ No

23. Additional Information (please include separate sheet if needed)

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.

Attention: **City of Hamilton - Committee of Adjustment**
City hall, 71 Main St. W.,
Hamilton, ON L8P4Y5
Date: **May 12, 2022**

Regarding: **21046 – 330 Dundurn St. S, Hamilton**
Application for a Minor Variance – Additional Sheet

To Whom may concern,

The intent of this letter is to apply and receive final approval of a Minor Variance application for the following variances to City of Hamilton Zoning By-law No. 05-200 from the Committee of Adjustment.

Prescribed room on existing application form was insufficient to answer the following questions.

Nature and extent of relief applied for:
a.) Requesting relief to permit a southerly side yard setback of 5.5m whereas a 9.2m setback is required b.) Requesting relief to permit a rear yard setback of 5.5 whereas a 9.2 m of a street line is required. c.) Requesting relief to permit a northerly side yard setback of 7.2 m whereas the By-law requires a setback of 9.2 d.) Requesting relief to permit a minimum required parking of 75 parking spaces whereas the by-law requires 85 parking spaces e.) Requesting relief to permit a minimum of 22 parking spaces whereas the minimum required parking is 38 spaces.
Why it is not possible to comply with the provisions of the By-law?
• Existing 3 (three) storey 113-unit retirement home located on East end of the lot facing Dundurn St, S. is to remain in conjunction with proposed 8 (eight) storey 109-unit condominium located on the West end abutting Aberdeen Ave. • Yard setback relief is insurance of site functionality and circulation for all required emergent and non-emergent vehicular access. • Proposed development consolidates all parking requirements. Providing a centralized underground parking lot with 16 surface level spots.

279 King Street West, Suite 200 Kitchener, Ontario, N2G 1B1 519.885.5600 | srmarchitects.ca