



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 St S, Hamilton |
| ZONE: | "I3" (Major Institutional) | ZONING BY-LAW: | Zoning By-law City of Hamilton 05-200, as Amended 07-101 |

APPLICANTS: Owner: 2178949 ONTARIO INC - LEV DEVELOPMENT
 Agent: SRM ARCHITECTS INC
 Applicant: YANIV GELER

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

HM/A-22:190

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 eighty (80) 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 108 dwelling units, notwithstanding:

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, November 3, 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 |

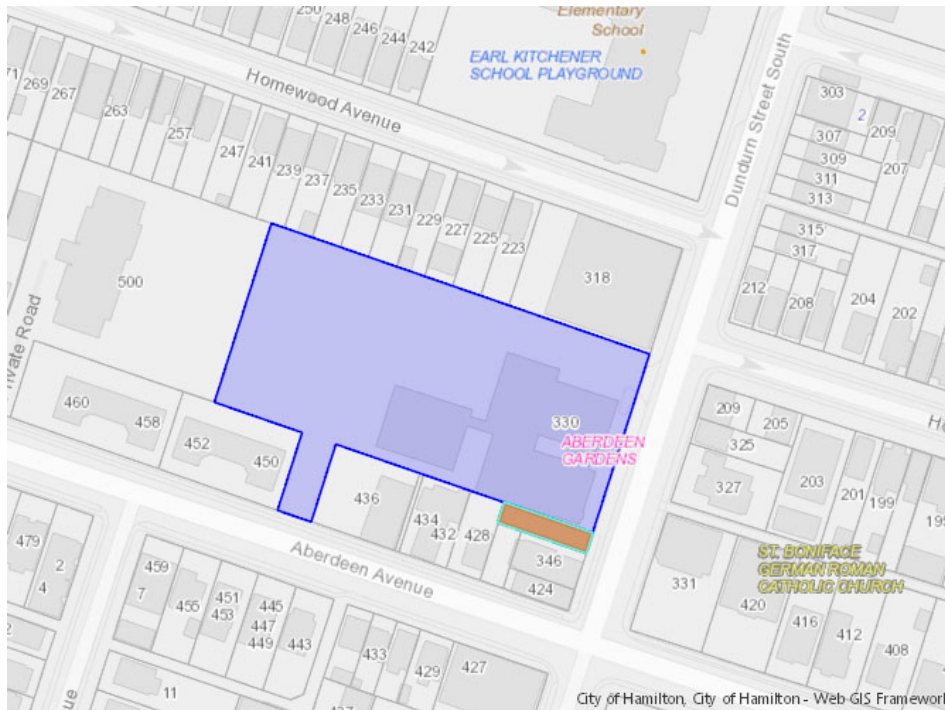
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or 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: October 18, 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

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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. Please include your name and address, hearing date, and file number. 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 | 7,555m ² | |
| 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 |

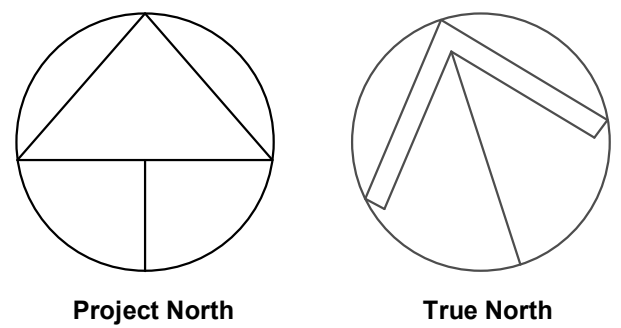
| BUILDING DATA | | |
|---------------------------------|----------|---|
| DATA | REQUIRED | PROVIDED |
| TOTAL DENSITY | - | 108 UNITS |
| | | 57 (52.8%) - 1 BED/ |
| | | 1 BED+DEN |
| | | 45 (41.6%) - 2 BED/ |
| | | 2 BED+DEN |
| | | 6 (5.6%) - 3 BED |
| BUILDING AREA | - | 1,241m ² (13,358 SF) |
| GROSS CONSTRUCTION AREA | - | 12,454m ² (134,054 SF) |
| GROSS FLOOR AREA | - | 8,726m ² (93,926 SF) |
| GFA (CITY OF HAMILTON) | - | 8,100m ² (87,194 SF) |
| NET SALEABLE AREA | - | 6,817m ² (71,225 SF) |
| NUMBER OF STOREYS | - | 8 |
| BUILDING HEIGHT (NOT INCL. PH.) | 28m MAX. | 28m |
| AMENITY AREA | - | 2,489 SF - INDOOR 4,182 SF - OUTDOOR 6,671 SF - TOTAL |

| GROSS FLOOR AREA BREAKDOWN | | |
|----------------------------|----------|---------------------------------|
| DATA | REQUIRED | PROVIDED |
| LEVEL 1 | - | 1,241m ² (13,358 SF) |
| LEVEL 2 | - | 1,000m ² (10,764 SF) |
| LEVEL 3 | - | 1,249m ² (13,444 SF) |
| LEVEL 4 | - | 1,249m ² (13,444 SF) |
| LEVEL 5 | - | 943m ² (10,150 SF) |
| LEVEL 6 | - | 980m ² (10,549 SF) |
| LEVEL 7 | - | 887m ² (9,548 SF) |
| LEVEL 8 | - | 839m ² (9,031 SF) |
| MECH. PH. | - | 338m ² (3,638 SF) |
| GFA TOTAL (INCL. SERVICES) | - | 8,726m ² (93,926 SF) |

| SITE COVERAGE DATA | | |
|----------------------------|----------|-----------------------------|
| DATA | REQUIRED | PROVIDED |
| PROPOSED BUILDING COVERAGE | - | 1,101m ² (11.9%) |
| EXISTING BUILDING COVERAGE | - | 1,860m ² (25%) |
| ASPHALT AREA | - | 1,842m ² (24%) |
| LANDSCAPING AREA | - | 2,751m ² (36%) |
| TOTAL | - | 7,555m ² (100%) |

| VEHICLE PARKING DATA | | |
|--------------------------------|---|---|
| DATA | REQUIRED | PROVIDED |
| RESIDENTIAL PARKING (6.58c(i)) | EXISTING RETIREMENT: 113 UNITS, 1/3 PEOPLE = 38 STALLS PROPOSED CONDO: 0.3 X UNIT = 50m ² = 0.3 X 35 = 10.5 1.0 X UNIT = 50m ² = 1.0 X 73 = 73 TOTAL = 122 | RETIREMENT: 22 CONDO & VISITOR: 80 TOTAL: 102 STALLS |
| BARRIER FREE PARKING (INCL.) | RETIREMENT = 1 CONDO = 4% = 3.4 TOTAL = 4 | 4 STALLS (INCL.) |
| TOTAL PARKING | | 102 STALLS |

| BICYCLE & TDM MEASURES DATA | | |
|-----------------------------|----------|---|
| DATA | REQUIRED | 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 FRES TO CARDS. VEHICLE PARKING TO BE UNBUNDLED FROM RESIDENTIAL UNITS |



GENERAL NOTES

- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
- ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
- CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
- 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.
- THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S 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.
- 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 |
|-----|------------|--|
| 9 | 2022-10-03 | PARKING REV. ISSUED FOR MV APPLICATION |
| 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 |

| | |
|-----------------|-----------------------|
| Project No. | 21046 |
| Project Date | 2022-09-09 |
| Drawn by | CZ |
| Checked by | RPH |
| Per Date / Time | 2022-10-05 2:55:35 PM |

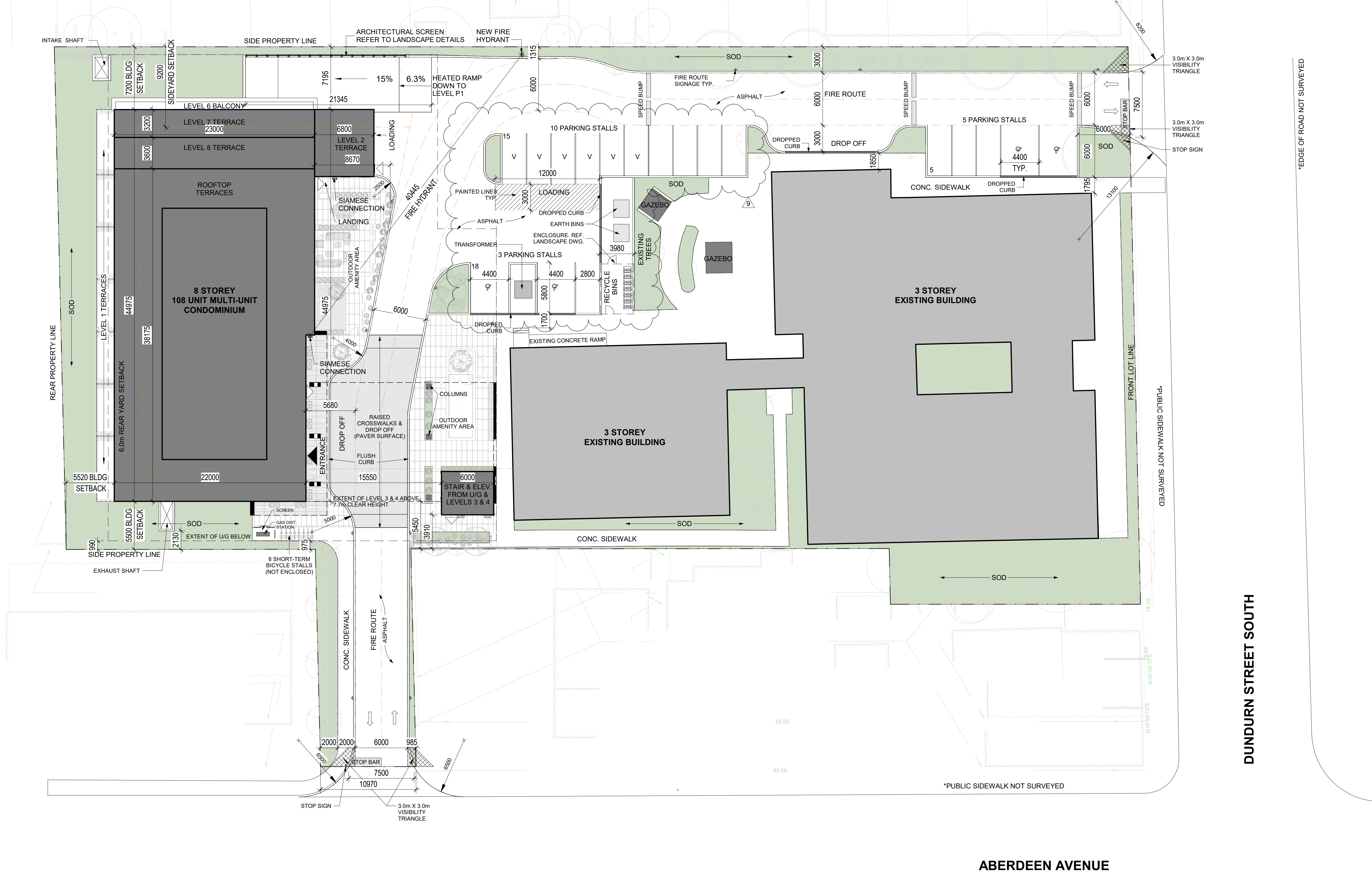
ABERDEEN CONDOS
444 ABERDEEN AVE.
HAMILTON

SITE PLAN

| | |
|---------------|--------------|
| Drawing Scale | As indicated |
| Status | |

PRELIMINARY

D1.1 - r9

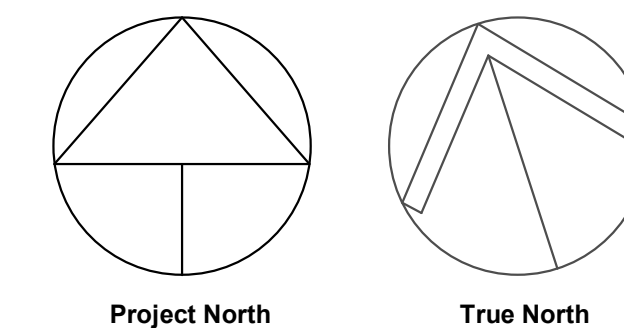


*EDGE OF ROAD NOT SURVEYED

ABERDEEN AVENUE

DUNDURN STREET SOUTH

1 SITE PLAN
1: 225



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| 9 | 2022-10-03 | PARKING REV. ISSUED FOR MV APPLICATION |
| 8 | 2021-11-22 | ISSUED FOR SPA 2ND SUBMISSION |
| 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 |

| | | |
|--|------------------|-----------------------|
| | Project No. | 21046 |
| | Project Date | 2022-09-09 |
| | Drawn by | ADS |
| | Checked by | RPH |
| | Plot Date / Time | 2022-10-05 2:55:35 PM |

**ABERDEEN CONDOS
444 ABERDEEN AVE.
HAMILTON**

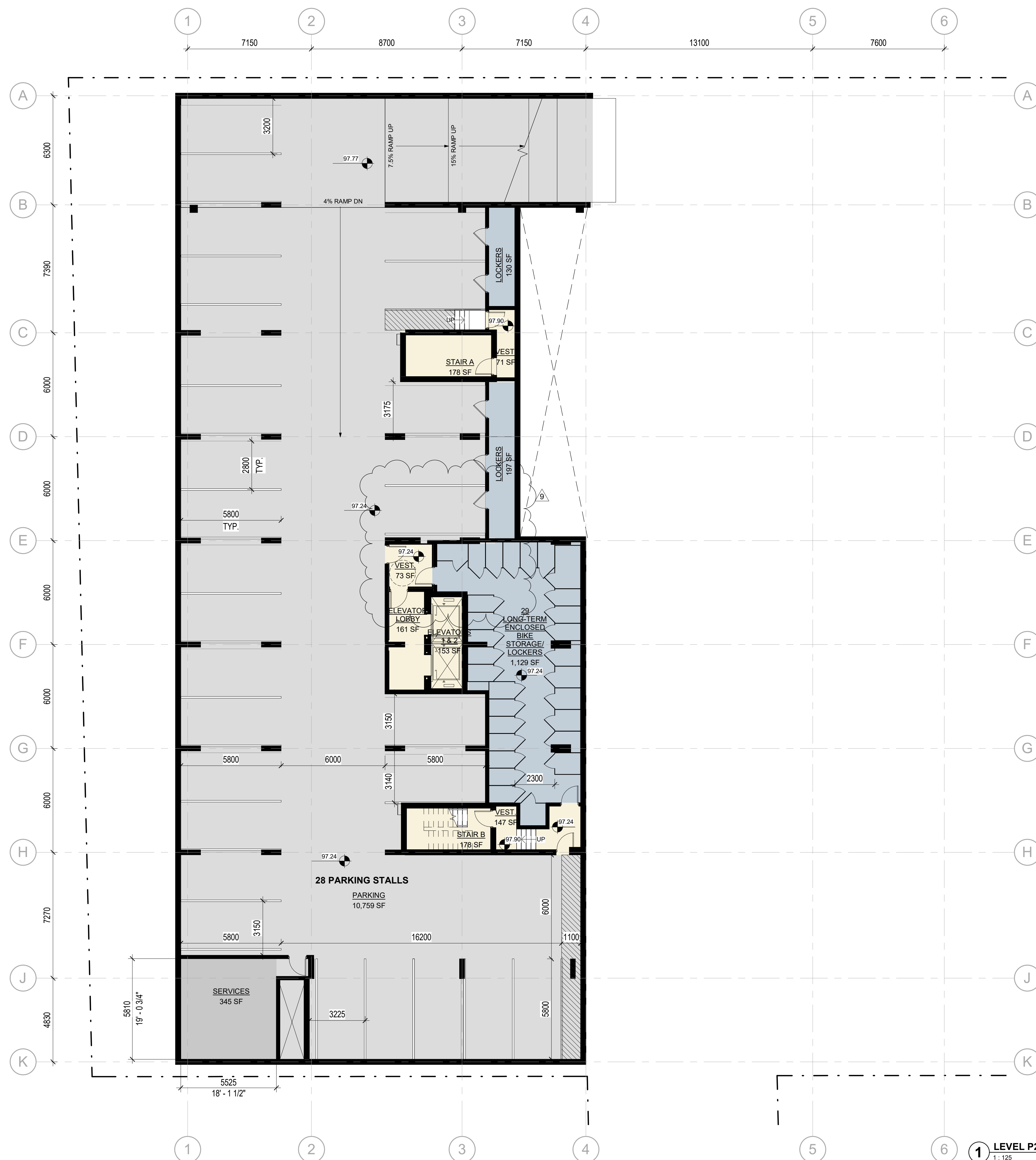
LEVEL P2 FLOOR PLAN

Drawing Scale: 1 : 125
Status:

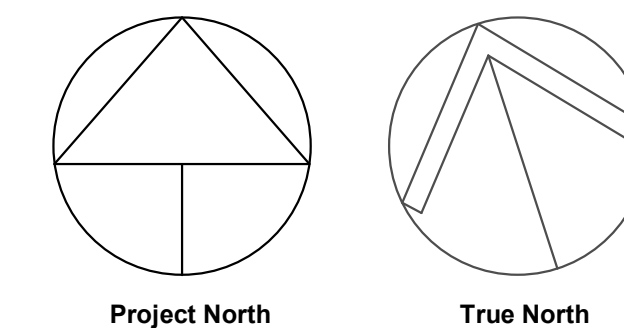
Drawing No. Revision No.

PRELIMINARY

D2.1 - r9



1 LEVEL P2
1 : 125



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Project No. 21046
 Project Date 2022-09-09
 Drawn by ADS
 Checked by RPH
 Plot Date / Time 2022-10-05 2:55:36 PM

**ABERDEEN CONDOS
 444 ABERDEEN AVE.
 HAMILTON**

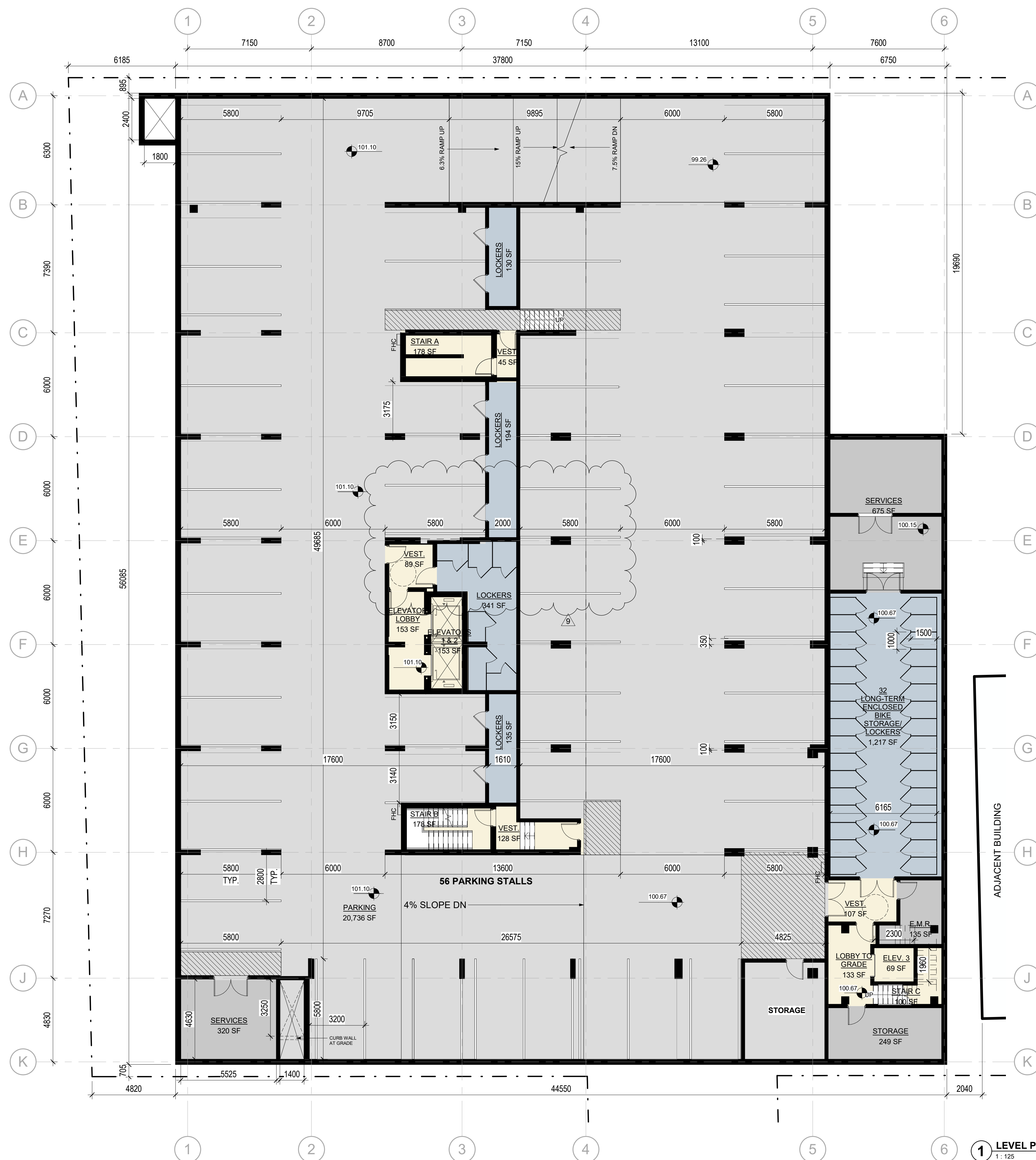
LEVEL P1 FLOOR PLAN

Drawing Scale 1 : 125
 Status

PRELIMINARY

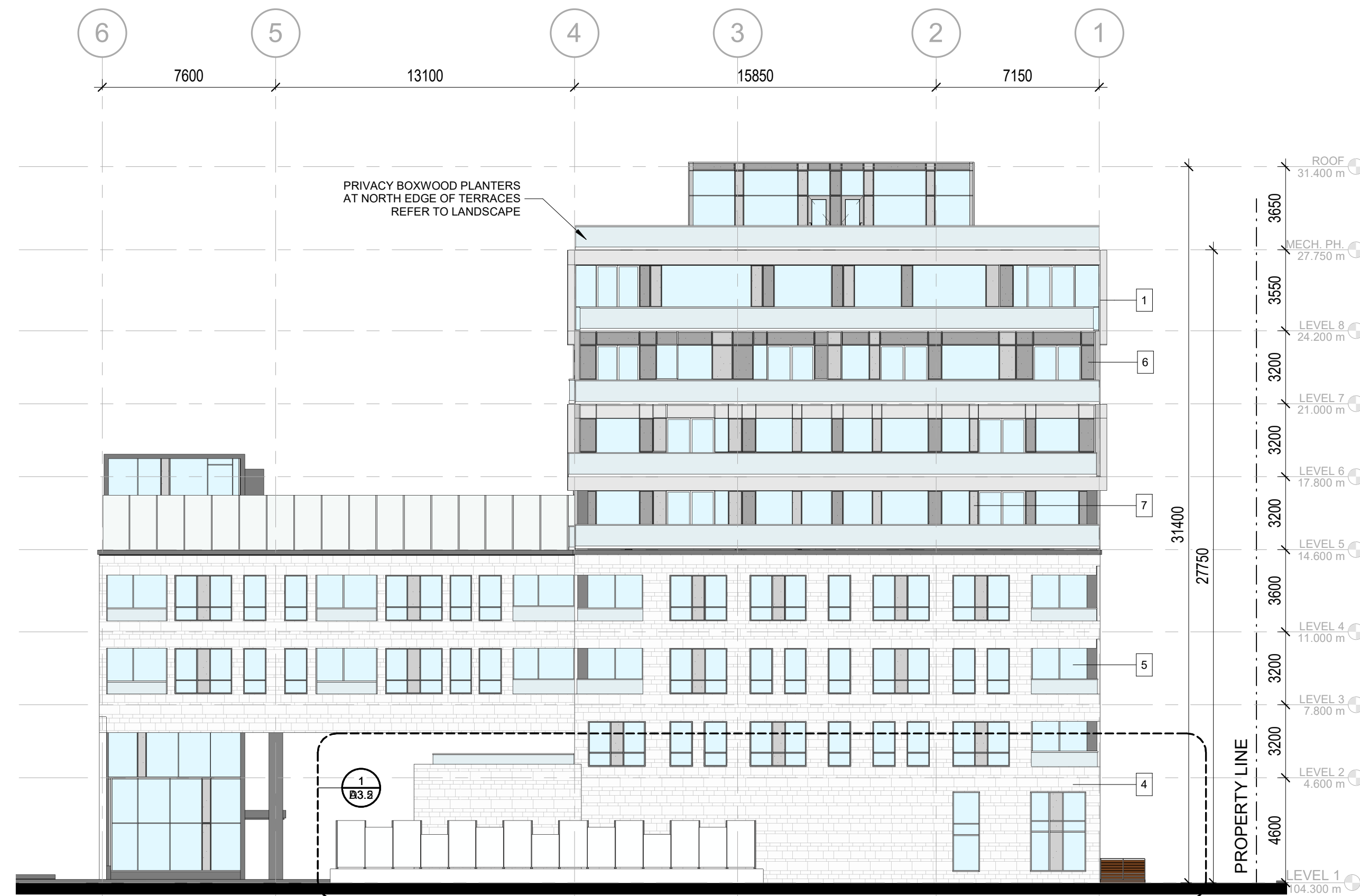
Drawing No. Revision No.

D2.2 - r9



1 LEVEL P1
 1 : 125

C:\Users\ashah\Documents\21046 Aberdeen Condos_V16_ashah\OCMLW.rvt



4 NORTH ELEVATION
1: 175



2 WEST ELEVATION
1: 175



3 SOUTH ELEVATION - VISIBLE FROM ABERDEEN AVE.
1: 175



1 EAST ELEVATION - VISIBLE FROM DUNDURN ST.
1: 175

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Material Schedule

| ID Tag | Material Diagram | Wall Description |
|--------|------------------|-----------------------|
| 1 | [Diagram] | FEATURE METAL PANEL |
| 2 | [Diagram] | BLACK METAL PANEL |
| 3 | [Diagram] | WOOD METAL PANEL |
| 4 | [Diagram] | STONE VENEER (CREAM) |
| 5 | [Diagram] | CLEAR VISION GLASS |
| 6 | [Diagram] | SPANDREL GLASS |
| 7 | [Diagram] | ACCENT SPANDREL GLASS |
| 8 | [Diagram] | CLEAR GLASS HANDRAIL |

REFER TO RENDERINGS FOR DESIGN INTENT

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Project No. 21046
 Project Date 2022-09-09
 Drawn by MES
 Checked by EJT
 Plot Date / Time 2022-10-05 2:56:01 PM

srm
 ARCHITECTS INC.

ABERDEEN CONDOS
 444 ABERDEEN AVE.
 HAMILTON

ELEVATIONS

Drawing Scale As indicated
 Status

PRELIMINARY

Drawing No. Revision No.

D3.1 - r9

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

Date: October 04, 2022

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

To Whom may concern,

SRM Architects applied on behalf of Lev Living for a Minor Variance application File HM/A-22:190 to request relief for site specific provisions to implement the construction of an 8 storey multiple dwelling comprising 109 units, 97 parking stalls (surface and underground), and 63 bicycle parking stalls.

The application was brought forward at the September 8, 2022 Committee of Adjustments Hearing where it was concluded by the Committee to defer the application for a later hearing date pending a further meeting with the neighbours to clarify the application details.

Following the request of the Committee, the applicant coordinated a MS Teams Virtual meeting between members of the neighbourhood group- led by Mr. Jason Gerard, Lev Living, SRM Architects and IBI Group, on September 15, 2022. The paramount issues raised at the meeting were with regard to height/oversight and the lack of parking. Several of the neighbours expressed appreciation for the architectural design of the building and were generally accepting of the construction of a multiple dwelling apartment building at this site. Details of the discussion are appended as **Schedule A** to this letter for your convenience.

As a result of the neighbourhood meeting, Lev Living directed SRM to revise the proposed site plan application to **reduce the number of units to 108, and provide an additional 5 parking stalls** to the total proposed parking provided. In addition, **6 dedicated visitor parking spaces** are now shown on the revised Architectural Plans. The location of the additional parking spaces have been shown in the “clouded areas” on the Architectural Drawings prepared by SRM Architects and included in this submission.

As a result of the site plan changes, the following revision is being proposed to Application HM/A-22:190.

| Original Application – Variance 7 | Revised Variance 7 |
|---|---|
| A variance to permit a minimum of seventy-five (75) parking spaces be provided for the Multiple Dwelling, instead of the requirements contained in Section 5.6c) requiring a minimum eighty-five (85) parking spaces. | A variance to permit a minimum of eighty (80) parking spaces be provided for the Multiple Dwelling, instead of the requirements contained in Section 5.6c) requiring a minimum eighty-five (84) parking spaces. |

The above site plan changes will now implement the construction of an 8-storey multiple dwelling comprising **108 units, 102 parking stalls (surface and underground), and 63 bicycle parking stalls.**

The Staff Recommendation Report dated August 11, 2022 for this application staff supported the requested variances and recommended approval for the application as it was in staff's opinion that the requested variances maintained the intent of the Official Plan and Zoning By-law and that the variances were minor in nature as the proposed building will:

- Provide a proper built form;
- Will be stepped back appropriately;
- The proposed setbacks maintain the intent of the by-law;
- Sufficient access and distance are being provided to the side and rear yards; and,
- That sufficient parking is being provided to the multiple dwelling on site.

We are in agreement with the findings of the staff report. As a result of the neighbourhood meeting, the revisions to the Site Plan and the proposed revision to Minor Variance Application HM/A-22:190 will bring the proposed development more in conformity with Zoning By-Law 05-200.

As recommended by the Committee, we respectfully request that the revised variance request and site plan detail (reduction of 1 unit) be provided to the interested parties, and the application be scheduled for the November 3rd, 2022, Committee of Adjustments meeting.

Please note that the required recirculation fee of \$285.00 will be paid via Credit Card by the applicant, please see the contact information below to call for payment.

Melissa McKay, MCIP RPP
Vice President, Development and Acquisitions
700 Lawrence Avenue West, Suite 375
Toronto M6A 3B4
Phone: 416-849-5030 or Mobile: 647-336-5704

Yours truly,



Ryan Hicks, Managing Partner

SRM Architects Inc.

Schedule "A"

Neighbourhood meeting:

Date : Sep. 15th, 2002

Location : Online

Attendees : Members of neighbourhood, Lev Living (Owner), SRM (Project architect), IBI (Project Planner)

Item 1: Building height and setbacks at northerly property line

Re: Variance 2 and 3: *...a variance to allow 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 and a variance to allow 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. The intent of this provision is to provide a proper massing and to create a pedestrian realm on the ground floor.*

Concern raised: Residents were concerned about the overlook from higher floors and the lack of side yard being proposed for the height of the building.

Comment: The requested northerly side yard setback of 7.2m applies to those storeys equal to, or below, 21.0m in building height. *(note: current zoning only requires a 6.0m side yard setback for those portions of the building at, or below 18.0m. Therefore, the 7.2m side yard setback exceeds zoning requirements for portions of the building at, or below, 18.0m.)*. Those portions of the building above 21.0m in building height will be in conformance with 8.3.2.2.(b) (ii), and increased setbacks have been provided, equivalent, or greater than the increase to building height. Details of the requested side yard setbacks are illustrated on the cross section included below as **Figure 1**.

As an additional measure to mitigate overlook into the residential properties located to the north, landscape planters will be provided on the terraces and/or balconies. This measure serves to the control the line of sight of residents of the proposed development. A virtual illustration of the view from the 7th floor terrace is included as **Figure 2** below.

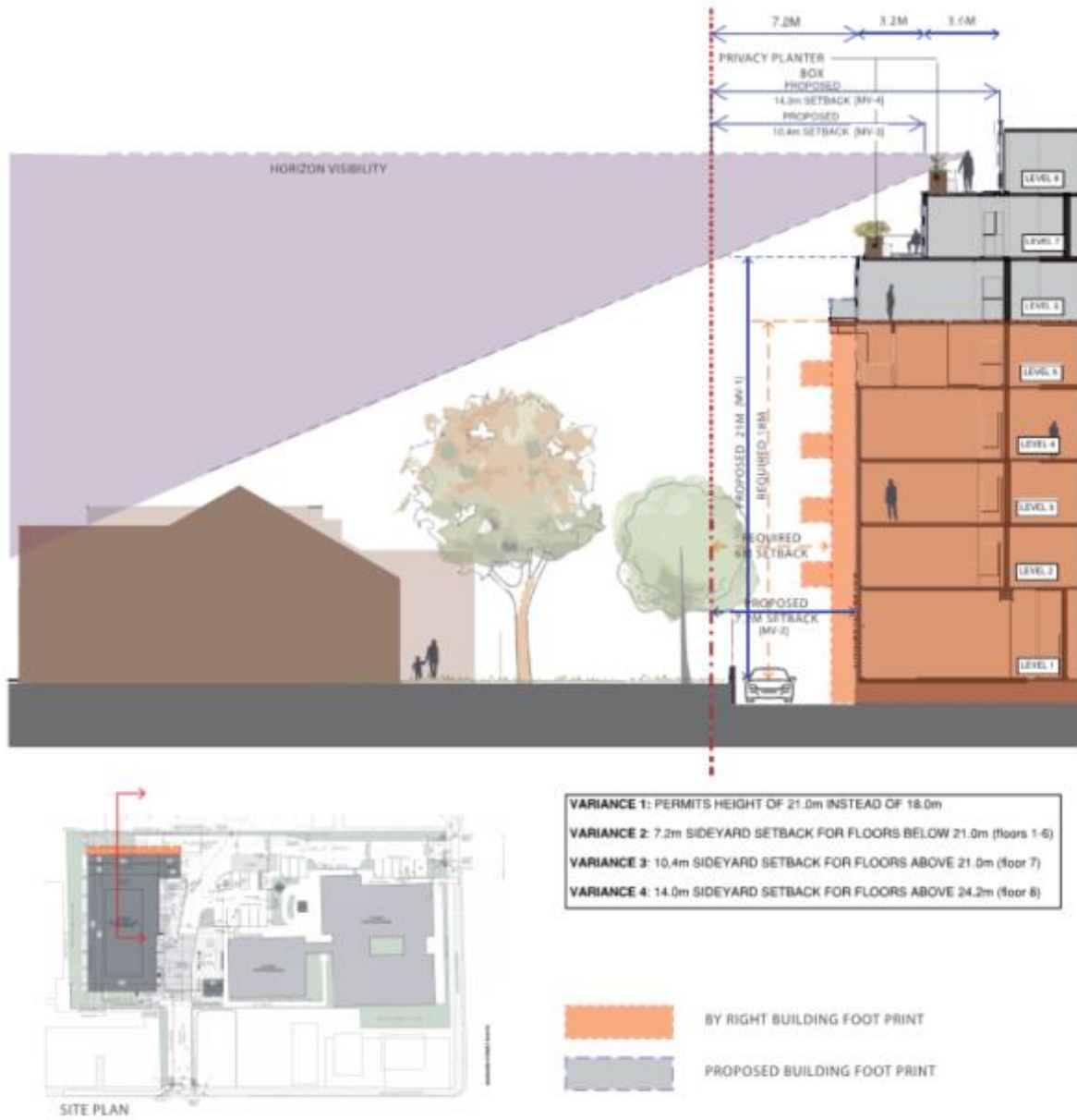


Figure 1: Cross section illustrating the setback variances being requested.



Figure 2: Virtual rendering of the view from the 7th floor terrace showing the view over the proposed planters.

Item 2: Parking relief

Re: Variance 7 and 8: *...a variance to a minimum of seventy-five (75) parking spaces shall be provided for the Multiple Dwelling, instead of the requirements contained in Section 5.6c) and the minimum eighty-five (85) parking spaces required and a variance to allow a minimum of twenty-two (22) parking spaces shall be provided for the Retirement Home, instead of the requirements contained in Section 5.6c) and the minimum thirty-eight (38) parking spaces required. The intent of this provision is to provide sufficient parking on site.*

Concerns raised:

- Overspilling of resident parking onto Homewood Avenue.

Comment: The site plan and minor variance application has been revised to reduce the number of deficient parking spaces from 10 deficient spaces to 4 deficient spaces. In addition, the total unit count has been reduced from 109 units to 108 units. The minor variance application is being requested to be revised to reflect these changes.

Additionally, through the site plan application process, the following Traffic Demand Management program is proposed as part of the development:

- Short term (8 stalls) and Long term (55 stalls) bicycle parking on site.
- Bike Share Memberships for new residents during year 1 of occupancy.
- Mass transit incentives including on site transit schedules and information, and Presto cards

- Assurance of shared parking space between residential and retirement home.

It is worth noting that the applicant is also the owner of the adjacent retirement home. As part of the development, a condominium corporation will be registered to ensure among other things that parking strategy is implemented and maintained.

The information below is taken from the Traffic Impact Analysis and Parking Justification Study prepared by Paradigm Transportation Solutions and submitted as part of the Site Plan Approval Application to the City.

Proposed parking analysis:

| Item | Required by zoning | Required by <i>Transportation Impact and Parking Study [Attached]</i> | Proposed Parking |
|----------------------------|---------------------------|--|-------------------------|
| Residential Parking | 84 | 63 | 80 |
| Retirement Home | 38 | 28 | 22 |
| Visitors Parking | NA | Included | 6(Included) |
| Total | 122 | 91 | 102 |

The proposed parking count of eighty (80) spaces for the multiple dwelling exceeds the parking rate recommended in *Section 7 Parking Justification* of the *Transportation Impact and Parking Study* prepared by Paradigm Transportation Solutions Ltd.

Section 7.3.3. *Industry Parking Guidelines* discusses peak parking demand for both uses on the site. Through implementation of a *shared parking strategy*, the anticipated parking demand is forecast to be approximately 63 spaces. Given it is the owner’s intent to employ a *shared parking strategy* between the retirement home and mid-rise building, a surplus parking spaces is provided for the site.

As noted earlier, 6 designated visitors parking spaces will always be available for visitors to park on site.

Furthermore, the following Traffic Demand Management program is proposed as part of the development:

- Short term (8 stalls) and Long term (55 stalls) bicycle parking on site.
- Bike Share Memberships for new residents during year 1 of occupancy.
- Mass transit incentives including on site transit schedules and information, and Presto cards



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

| 1, 2 | NAME | |
|----------------------|------|--|
| 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 | 7,555.66m ² |
| 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,
Approx 7.2m 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.