



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-22:330	SUBJECT PROPERTY:	181 John St N, Hamilton
ZONE:	"E-3/S-332 (High Density Multiple Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: 2837505 Ontario Inc – Amber Lindsay

The following variances are requested:

1. 0.63 parking spaces per dwelling unit shall be permitted instead of the minimum 1 space per unit.

PURPOSE & EFFECT: To facilitate the construction of structural walls in an existing parking garage,

Notes:

1. Should this variance be approved the minimum required number of parking spaces will be 154 based on 245 dwelling units at a rate of 0.63 parking spaces per unit.
2. Should this variance be approved, and a future one storey addition be implemented on the "townhouse block" on the property the minimum number of parking spaces would be 163 parking spaces based on 260 dwelling units at a rate of 0.63 parking spaces per unit.
3. Variances written exactly as requested by the 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 17, 2022
TIME:	1:45 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

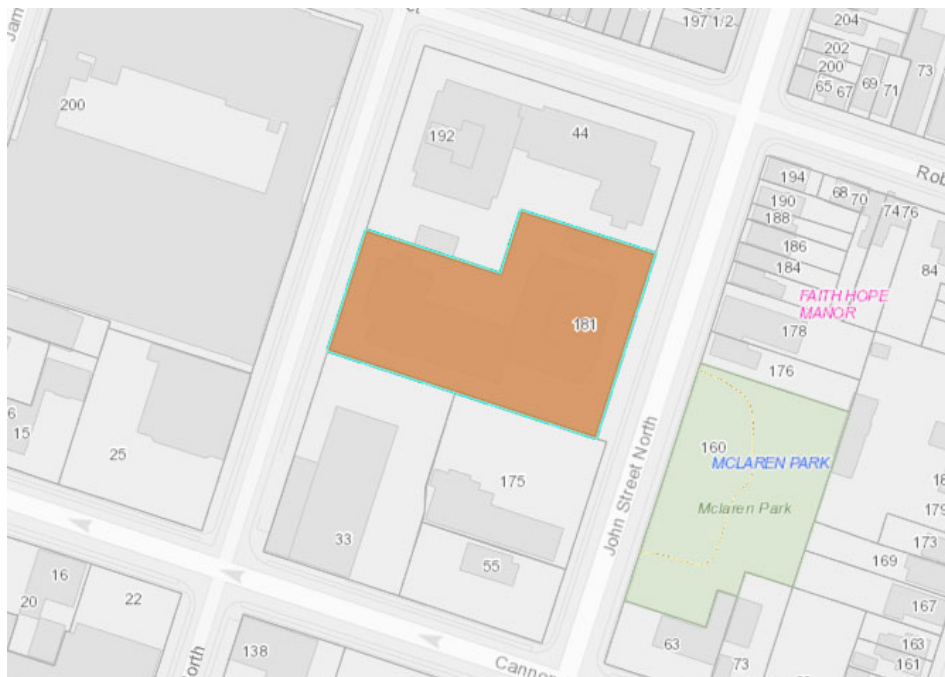
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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: November 1, 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.

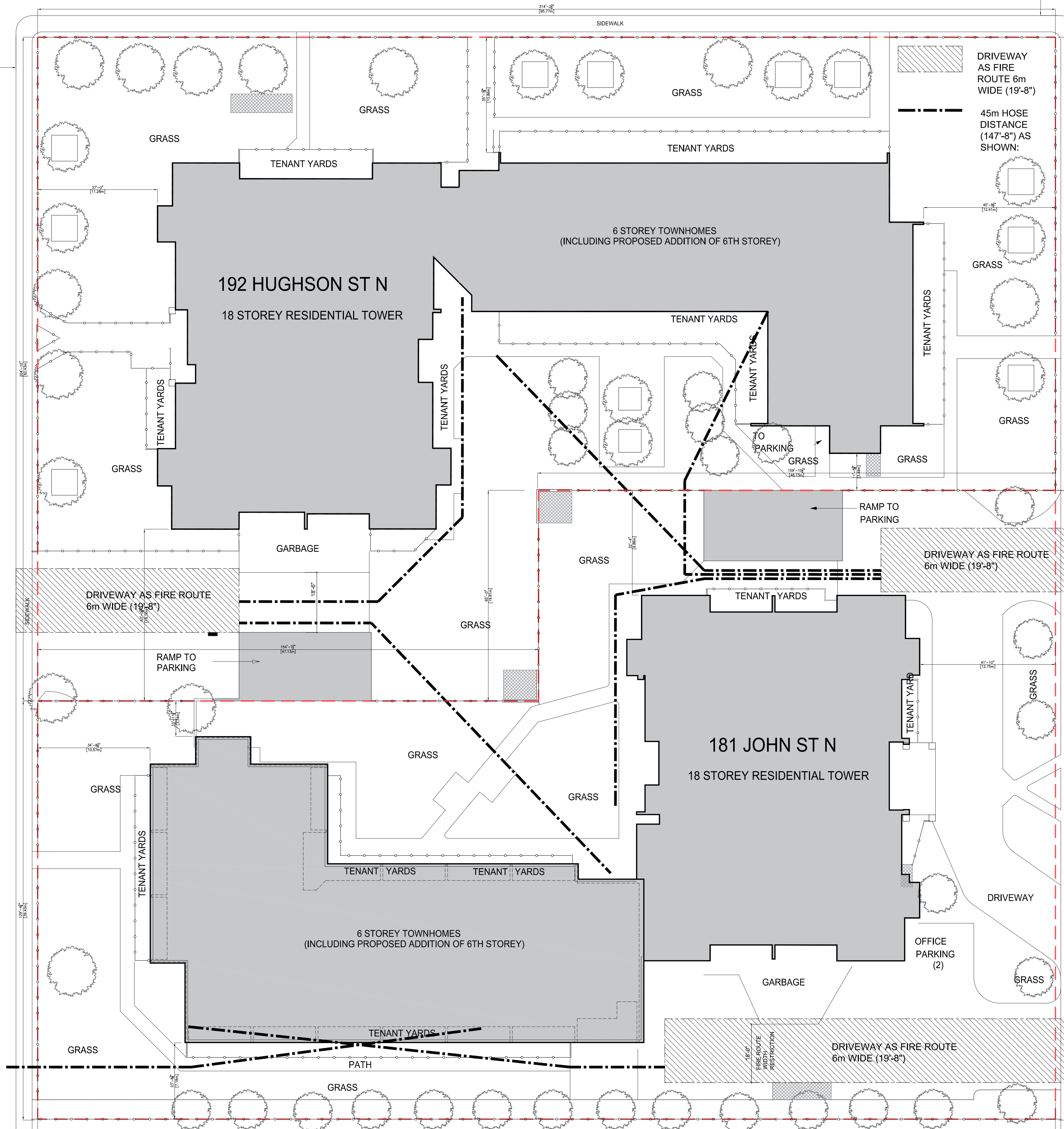
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

ROBERT STREET

HUGHSON STREET NORTH

JOHN STREET NORTH

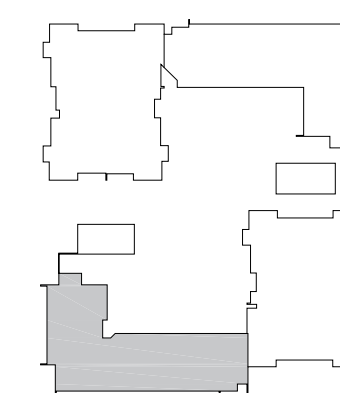


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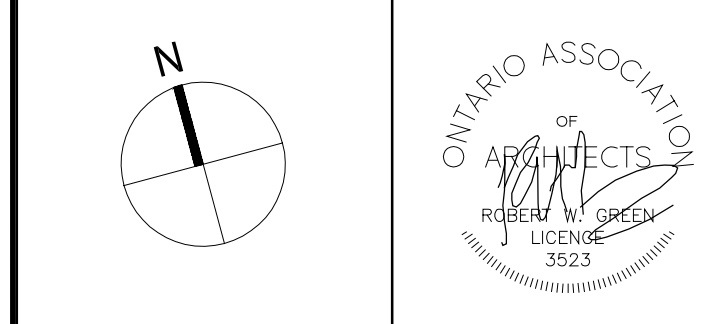
DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY THE ARCHITECT.



NO	REVISIONS	DATE	CHK
4	ISSUED FOR BUILDING PERMIT	SEP. 30/22	
3	ISSUED FOR REVIEW	AUG. 12/22	RG
2	ISSUED FOR REVIEW	JUN. 13/22	RG
1	ISSUED FOR REVIEW	MAR. 28/22	RG



56 AVENUE ROAD,
TORONTO, ONTARIO, M5R 2H8
TEL: (416)925-8100 FAX: (416)925-8527
WWW.CGLARCHITECTS.COM



PROJECT:

Townhouse Renovations and Addition

181 John St.N.
Hamilton, Ontario

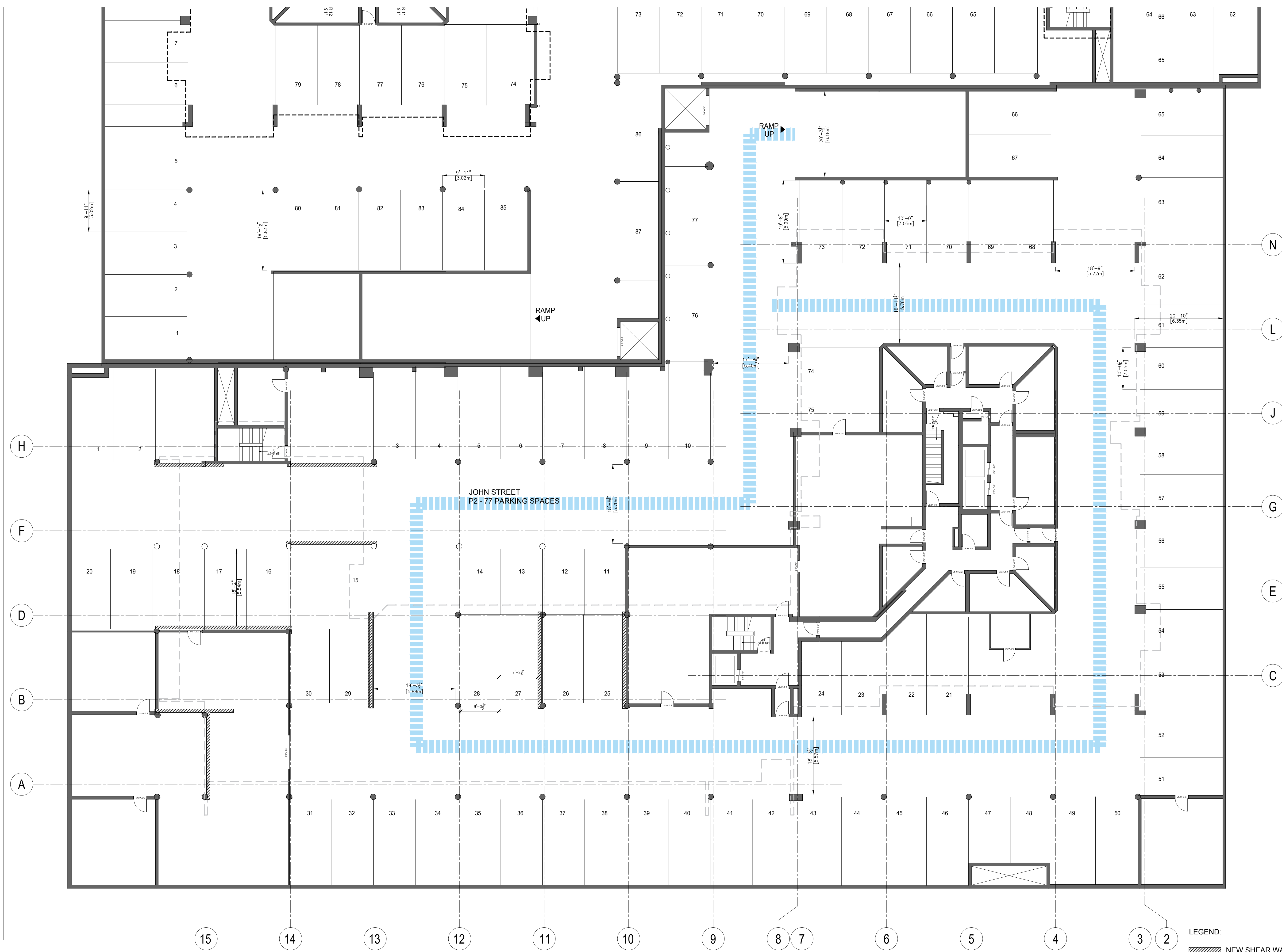
DRAWING TITLE:

SITE PLAN

DATE:	JUNE 2022	PROJECT NO.	22123
SCALE:	1/16" = 1'-0"	DRAWING NO.	A1.010
DRAWN BY:	HM, LZ		
CHECKED BY:	CL, RG		

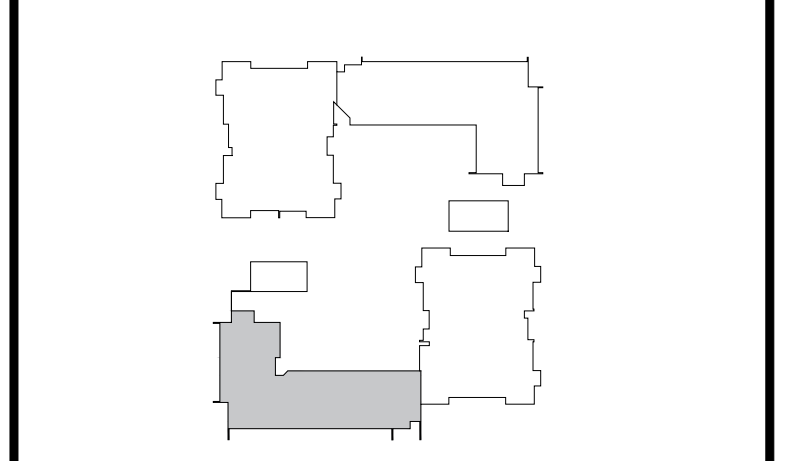
N:\22123 - 6 fl. addition_192 Hughson St. & 181 John St. - Working Drawings\SHEETS (181 JOHN ST.)\22123 - A1.010 Jo-Townhouse_SITE.dwg, 10/17/2022 1:51:47 PM

N:\22123 - 6 Fl. addition, 192 Hughson St. & 181 John St\100 - Working Drawings\SHEETS (181 JOHN ST.)\22123 - A1.012 (P-TOWNHOUSE, Parking 2.dwg, 10/11/2022 4:15:43 PM



LEGEND:
 NEW SHEAR WALLS (REFER TO STRUCTURAL)
 EXISTING WALLS

DO NOT SCALE DRAWINGS
 CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT, CLIMAX GREEN LANG ARCHITECTS INC., BEFORE PROCEEDING WITH ANY PART OF THE WORK.
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 DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY THE ARCHITECT.



NO	REVISIONS	DATE	CHK
4	ISSUED FOR BUILDING PERMIT	SEP. 30/22	
3	ISSUED FOR REVIEW	AUG. 12/22	RG
2	ISSUED FOR REVIEW	JUN. 13/22	RG
1	ISSUED FOR REVIEW	MAR. 28/22	RG
0	NO REVISIONS		

CGL
architects

56 AVENUE ROAD,
TORONTO, ONTARIO, M5R 2H8
TEL: (416)925-8100 FAX: (416)925-8527
WWW.CGLARCHITECTS.COM

PROJECT:
Townhouse Renovations and Addition
 181 John St.N.
 Hamilton, Ontario

DRAWING TITLE:
EXISTING PARKING @ P2 LEVEL

DATE:	JUNE 2022	PROJECT NO.	22123
SCALE:	3/32" = 1'-0"	DRAWING NO.	A1.012
DRAWN BY:	HM, LZ		
CHECKED BY:	CL, RG		

October 18, 2022

 City of Hamilton
 Committee of Adjustment
 71 Main Street West
 Hamilton, ON L8P 4Y5

**Re: 181 John Street North, Hamilton
 Minor Variance Application**

We are pleased to submit the enclosed Minor Variance application for the property municipally known as 181 John Street North (the “Subject Lands”).

The Subject Lands are currently occupied by a 245-unit 18-storey tower and 5-storey ‘townhouse block’ with two (2) levels of underground parking. The Subject Lands are a twin property to the adjacent 192 Hughson Street North. The ‘townhouse block’ will be the subject of a future one (1) storey addition, bringing the total number of dwelling units at each property to 260 to implement Ontario Municipal Board (OMB) Decisions P1909014 and PL170903 regarding site density. Note that a Site Plan Exemption has been issued by the City for this addition and a corresponding Building Permit application will be filed imminently. The purpose of the Minor Variance application is to address nonconformities that will be caused by structural repairs required to the underground parking garage. New shear walls are required to resolve structural deficiencies on both levels of the existing underground parking garage. Moreover, this work is required to address the outstanding Order to Comply associated with the structural condition of the P1 and P2 garage levels.

The location of the required shear walls was designed by a professional engineer to ensure the garage is capable of sustaining safely its own weight and the weight of the existing building above, and having a factor of safety as required by the Ontario Building Code. However, the new walls cause nonconformities to City of Hamilton Zoning By-law No. 6593 by impeding a number of existing parking spaces or the required maneuvering area for said spaces thereby rendering them unusable to residents. The impact and relief requested is described below.

Background & Zoning Requirements

The Subject Lands are zoned High Density Multiple Dwellings “E-3/S-332” in the City of Hamilton Zoning By-law No. 6593 and are subject to OMB Decisions PL170904 and PL170903. The zoning compliance of the Subject Lands based on the completion of the required structural walls is outlined in Table 1 below.

Table 1. Zoning Conformity to City of Hamilton Zoning By-law No. 6593

High Density Multiple Dwellings “E-3/S-332” District – Hamilton By-law No. 6593			
Requirement per PL170904 & PL170903		Condition After Construction of Structural Walls	
0.68 spaces/unit	177 spaces*	0.63 spaces/unit	163 spaces*
*Calculated based on 260 dwelling units as permitted by the OMB Decisions.			

In order to facilitate the construction of the structural walls in the parking garage, the following variance is required:

Variance No. 1: Parking at a rate of 0.63 spaces per dwelling unit shall be provided, instead of the minimum required parking ratio of 0.68 spaces per dwelling unit.

Analysis

Section 45(1) of the *Planning Act* states that the 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” provided the following four tests are met:

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

The analysis that follows demonstrates how the requested variance satisfies the four tests:

1. Does the minor variance maintain the general intent and purpose of the Official Plan?

The Subject Lands are designated Downtown Urban Growth Centre on Schedule E – Urban Structure and Downtown Mixed Use Area on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

The purpose of the requested variance is to recognize that the parking supply available after construction of the shear walls in the underground parking garage will not meet that which is required by the applicable Zoning By-law. Section E.2.3.1.16 of the UHOP provides a policy goal that “Reduced parking requirements shall be considered to encourage a broader range of uses and densities and to support transit”. Moreover, Section E.4.4.14 states that “Reduced parking requirements shall be considered in recognition of the high level of transit service to the area designated Downtown Mixed Use”. With these policy objectives in mind, the required variance for the reduced parking ratio would facilitate the required construction of the shear walls while maintaining a sufficient supply of parking for the existing multiple dwelling within these designations. Therefore, the proposed variance maintains the general intent and purpose of the Official Plan.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The general intent and purpose of the parking provisions of the Zoning By-law are to provide adequate parking for residents and visitors. The requested variance represents a minor decrease to the required parking and therefore maintains the general intent of the zoning.

Moreover, while the City of Hamilton Zoning By-law No. 05-200 does not currently apply to the Subject Lands as the Residential Zones have not yet been incorporated in the new comprehensive by-law, the test

to evaluate whether the minor variance maintains the general intent and purpose of the Zoning By-law should consider the requirements of this newer by-law as its purpose is to implement the policies of the current UHOP and better represents modern planning principles. Table 2 below describes the conformity of the proposed variance to City of Hamilton Zoning By-law No. 05-200:

Table 2. Zoning Conformity to City of Hamilton Zoning By-law No. 05-200

City of Hamilton By-law No. 05-200 – Section 5.6: Parking Requirements for Downtown Zones		
Description	Required Ratio	Required No. of Spaces
i) Dwelling units less than 50 square metres in GFA		
Units 1-12	0 per unit x 12 units	0
Units 13+	0.3 per unit x 55 units	16
	Subtotal =	16
ii) Dwelling units greater than 50.0 square metres in GFA		
Units 1-12	0 per unit x 12 units	0
Units 13-50	0.5 per unit x 38 units	19
Units 51+	0.7 per unit x 108 units	75
	Subtotal =	94
iii) Units with 3 or more bedrooms		
Units 1-12	0 per unit x 12 units	0
Units 13+	0.3 per unit x 23 unit	6
	Total =	116

The above analysis demonstrates that the requested variance maintains the general intent and purpose of the Zoning By-law as the supply exceeds the requirement under the new City of Hamilton Zoning By-law No. 05-200 which is more in keeping with modern planning standards than the provisions of City of Hamilton Zoning By-law No. 6593.

3. Is the minor variance desirable and appropriate for the lands?

The requested variance is desirable and appropriate for the lands because it will maintain an adequate parking supply for the existing multiple dwelling that is located in a walkable area of Downtown Hamilton area in close proximity to transit. Moreover, the minor variance is desirable to ensure the adequate structural repair of the underground parking garage in a manner that is required by the Ontario Building Code.

4. Is the requested variance minor in nature?

The requested variance is minor in nature, as demonstrated by the analysis of the proposed parking supply against the City of Hamilton Zoning By-law No. 05-200. The requested variance represents an over supply of parking in comparison to the modern parking requirements of the City of Hamilton Zoning By-law No. 05-200 that are being applied elsewhere across the City, including directly adjacent to the Subject Lands. In addition, the Subject Lands are located in the Downtown Area in close proximity to a diversity of land uses and transit services. For these reasons, the proposed reduction in the parking requirement for the Subject Lands is considered minor.



2140 King St. E., Hamilton, ON, L8K 1W6
905 547 5056
info@valeryhomes.com
valerygroup.com

In support of these applications, please find the following materials enclosed:

- Application Form;
- Site Plan;
- Undergrounding Parking Plans; and,
- Cheque in the amount of **\$3,465.00** made payable to the City of Hamilton for the application fee.

I trust the enclosed is in order; however, please feel free to contact the undersigned with any questions or comments.

Kind Regards,

A handwritten signature in black ink that reads 'A. Lindsay'.

Amber Lindsay, M.B.
2837505 Ontario Inc.
c/o Valery Homes



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/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)			
Applicant(s)			Phone: E-mail:
Agent or Solicitor			Phone: E-mail:

1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)
-

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 - privately owned and operated individual septic system
 - other means (specify)
-

4.7 Type of access: (check appropriate box)

- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
 - right of way
 - other public road
-

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

7.4 Length of time the existing uses of the subject property have continued:

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

Please provide an explanation of how the application conforms with the Official Plan.

7.6 What is the existing zoning of the subject land? _____

7.8 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: