



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-22:338	SUBJECT PROPERTY:	33 Sterling St, Hamilton
ZONE:	"C/S-1361" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Brian Gogek
Agent: T. Johns Consulting Group Ltd c/o Delia McPhail

The following variances are requested:

1. A Secondary Dwelling unit may contain three (3) bedrooms instead of the maximum two (2) bedrooms permitted within a Secondary Dwelling Unit.

PURPOSE & EFFECT: So as to permit a new Secondary Dwelling Unit within the existing Single-Family Dwelling.

Notes: N/A

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, December 8th, 2022
TIME:	3:35 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

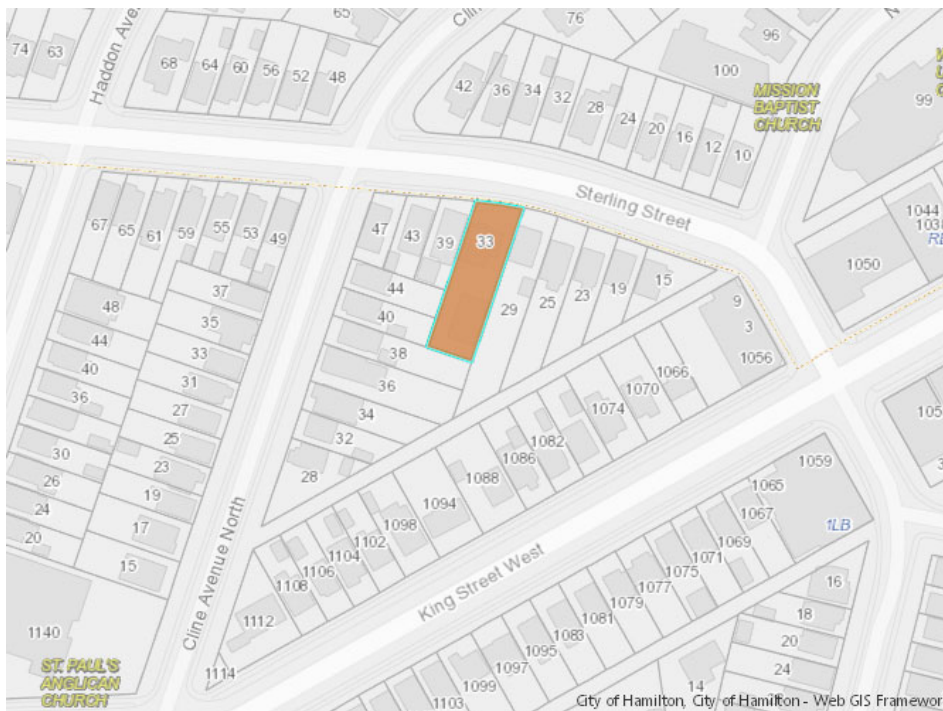
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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.

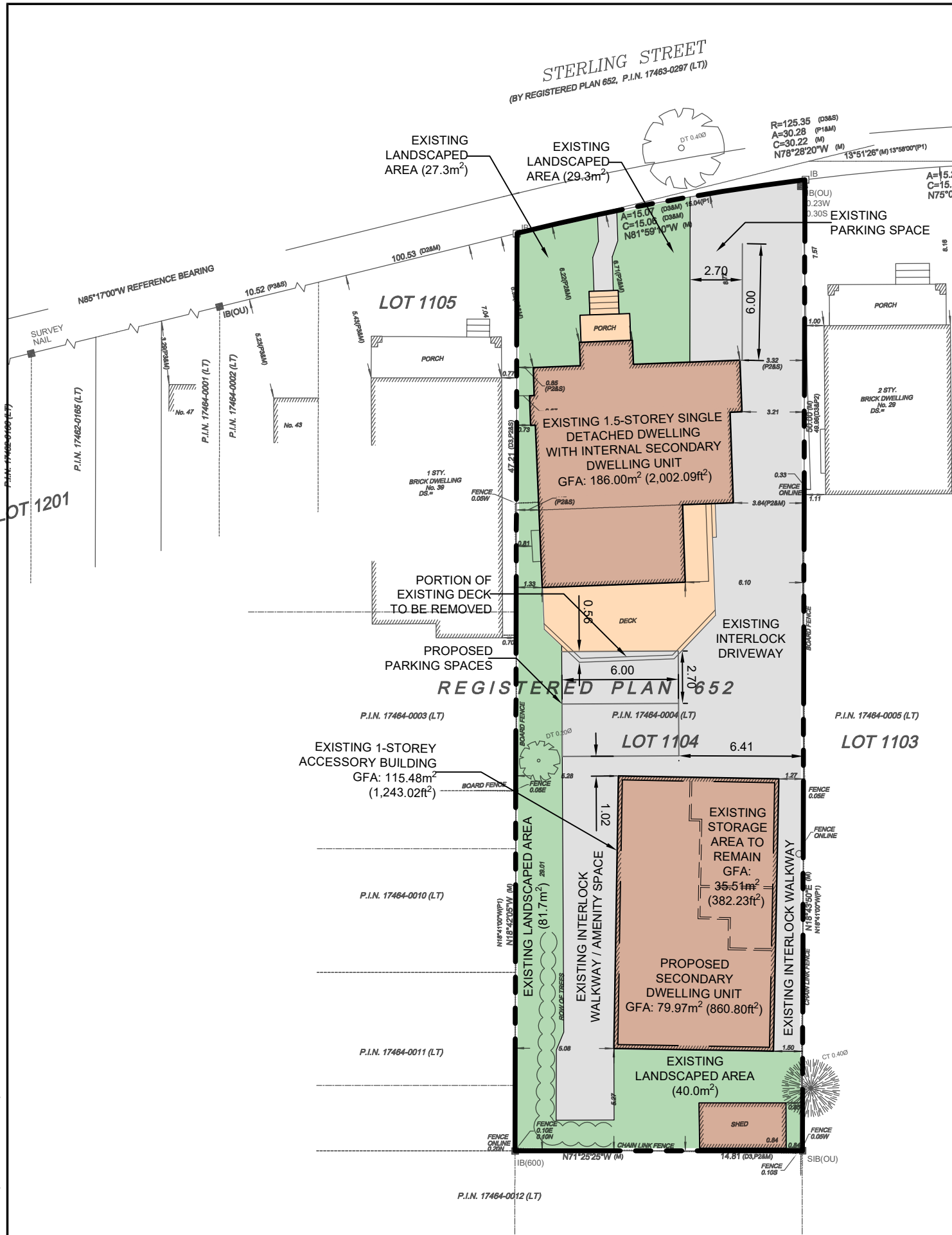


 Subject Lands

DATED: November 22, 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.



LEGAL DESCRIPTION

PART OF LOT 1104
REGISTERED PLAN 652
IN THE
CITY OF HAMILTON
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)



REVISIONS

REV.	DESCRIPTION	DATE	INIT.
B	ISSUED	03-10-2022	JB
A	ISSUED	17-08-2022	JB

DISCLAIMER
THIS DRAWING IS THE INTELLECTUAL PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.
ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

ZONING CHART - CITY OF HAMILTON ZONING BY-LAW NO.6593

URBAN PROTECTED RESIDENTIAL, ETC. (C/S-1361) DISTRICT, MODIFIED

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN LOT AREA	360.0m ²	722.2m ² (EXISTING)	YES
MIN LOT WIDTH	12.0m	15.1m (EXISTING)	YES
MIN FRONT YARD	6.0m	6.2m (EXISTING)	YES
MIN REAR YARD	7.5m	29.1m (EXISTING)	YES
MIN SIDE YARD	1.2m	0.6m (EXISTING)	YES
MAX BUILDING HEIGHT	2.5-STOREYS / 11.0m	1.5-STOREYS (EXISTING)	YES
MIN PARKING SPACES	3 SPACES	3 SPACES	YES
MIN STANDARD PARKING SPACE SIZE	2.7m X 6.0m	2.7m X 6.0m	YES
MAX PARKING SPACES PERMITTED IN REQUIRED FRONT YARD	1 SPACE	1 SPACE (EXISTING)	YES
MIN MANEUVERING SPACE AISLE WIDTH	6.0m	6.0m	YES
MIN FRONT YARD LANDSCAPED AREA	50%	50.1% (EXISTING)	YES

SECONDARY DWELLING UNIT

MAX SDU PERMITTED ON A LOT	1	1	YES
MAX NUMBER OF BEDROOMS	2 BEDROOMS	3 BEDROOMS	NO
MAX ENTRANCE ON THE FRONT FACADE	1	0	YES

SECONDARY DWELLING UNIT - DETACHED

MAX SDU - DETACHED PERMITTED ON A LOT	1	1	YES
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*A LEGALLY ESTABLISHED ACCESSORY BUILDING EXISTING AS OF MAY 12, 2021, MAY BE CONVERTED TO THE ONE SDU-DETACHED PERMITTED ON A LOT CONTAINING AN EXISTING SINGLE DETACHED DWELLING.

DESIGN NOTES:

- PLEASE NOTE THAT THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- AS-CONSTRUCTED CONDITIONS ARE BASED ON LEGAL SURVEY INFORMATION AND TRACING OF A PDF DRAWING AND MAY HAVE MINOR DISCREPANCIES IN ACCURACY AS A RESULT. DESIGN AND VALUES SUBJECT TO CHANGE.
- ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

PROJECT TITLE

33 STERLING STREET

HAMILTON, ONTARIO

DRAWING TITLE

CONCEPTUAL SITE PLAN

DRAWN BY JB	DESIGNED BY JB
PRINT DATE 17-OCT-2022	PROJECT NUMBER
REVISION B	DRAWING NUMBER CSP1-1
SCALE 1:250	

Plotted by: Jennifer Badley; 17-OCT-2022; 3:15PM

Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

October 24, 2022

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 33 Sterling Street in the City of Hamilton.

Description of Subject Lands


33 Sterling Street (“subject lands”) is located in the Westdale South neighbourhood of the City of Hamilton on the south side of Sterling Street (**Refer to Figure 1 - Site Location**). The subject lands are generally rectangular in shape with 15.1m of frontage on Sterling Street, a lot depth ranging from 47.21m - 50.0m and a total lot size of 722.2m². The site is developed with one (1), one and a half storey single detached residential dwelling and one (1), one storey accessory building in the rear yard converted to a secondary dwelling unit - detached. The principal dwelling is supported by one (1) parking space in the front yard and one (1) parking space in the rear yard accessed via the existing driveway. To meet the Zoning By-law requirements for the principal dwelling one (1) additional parking space is proposed in the rear yard. A portion of the existing deck will be removed to accommodate the additional parking space (**Refer to submitted Concept Plan**).

The subject lands provide the following yards:

	Principal Dwelling	Detached SDU
<i>Front Yard</i>	6.2m	9.85m (from principal dwelling)
<i>Side Yard (East)</i>	3.21m	1.27m
<i>Side Yard (West)</i>	0.6m	5.08m
<i>Rear Yard</i>	29.1m	5.27m

Figure 1 - Site Location



 SUBJECT PROPERTY
33 STERLING STREET
HAMILTON, ON L8S 4H6

Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

October 24, 2022



Planning Status

The *Urban Hamilton Official Plan, Volume 1, Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Neighbourhoods”. Neighbourhoods permit a range of residential uses and forms, including single detached dwellings and secondary dwelling units.

The *Ainslie Wood Westdale Secondary Plan* of the *UHOP, Volume 2*, designates the subject lands “Low Density Residential 2” on *Map B.6.2-1 - Land Use Plan*. Permitted uses in the Low Density Residential 2 designation includes single detached dwellings. The subject lands are also within the “Westdale Original Subdivision”, as identified on *Map B.6.2-2 - Cultural Heritage Landscapes*.

The subject lands are currently zoned as “C/S-1361” (Urban Protected Residential) District, Modified in the former *City of Hamilton Zoning By-law No. 6593*. The “C” District permits single detached dwellings and secondary dwelling units - detached, subject to provisions of Section 19. The site-specific zoning modification (S-1361) through By-law No. 96-109, applies requirements for residential dwellings within the Westdale South neighbourhood.

Previous Planning Application

An Application for Minor Variance (HM/A-21:287), pertaining to the conversion of the existing accessory building to a secondary dwelling unit - detached on the subject lands, was heard before the Committee of Adjustment on November 4th, 2021. The application was tabled at that time and brought before the Committee again on February 17th, 2022. Staff supported proposed Variances #1-3 and Variances #5. The staff report indicated that Planning staff did not support Variance #4. However, at the February 17, 2022 Meeting, Committee of Adjustment staff clarified that Planning staff did support the variance and that their concerns would be addressed through Building Permit process. They were comfortable that, with appropriate signage, the driveway could remain unobstructed. Committee members went against staff recommendation and denied the application.

On June 8, 2022, Council passed By-law No. 22-137, which permits the conversion of a legally established accessory building existing as of May 12, 2021, to the one secondary dwelling unit - detached permitted on a lot containing an existing single detached dwelling. So long as any building additions do not exceed 10% of the original gross floor area, the zoning regulations for purpose built secondary dwelling units - detached do not apply. Based on the foregoing, the Minor Variances that were previously sought for the secondary dwelling unit - detached no longer apply, and the legal conversion of that building may proceed to the Building Permit stage.

Proposed Development

The principal dwelling existing on the subject lands was constructed in the 1940’s. When the landowner acquired the property in 2009, the principal dwelling had been used for student housing and the creation of a secondary dwelling unit within the basement had already taken place. The landowner completed only the necessary finishes to make the unit habitable. The landowner applied for a Building Permit to legally recognize the secondary dwelling unit, at which time staff identified

Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

October 24, 2022



the requirement for a successful Minor Variance to address the number of bedrooms within the secondary dwelling unit.

The variance being sought is to permit a maximum of three (3) bedrooms within the secondary dwelling unit, whereas the Zoning By-law permits a maximum of two (2) bedrooms within a secondary dwelling unit.

Nature and Extent of Relief Applied For:

The existing single detached dwelling located on the subject lands requires relief from section 19.(1).1.(iii) of the *City of Hamilton Zoning By-law No. 6593* to permit a maximum of three (3) bedrooms within a secondary dwelling unit, whereas the maximum is two (2) bedrooms is permitted.

PLANNING RATIONALE

1. Overall Conformity to the *Urban Hamilton Official Plan*

The *Urban Hamilton Official Plan* (“UHOP”) designates the subject lands as “Neighbourhoods” (Schedule E-1). Low density residential uses and forms are permitted, including a single detached dwelling with a secondary dwelling unit (E.3.4.3, B.3.2.4.4).

The secondary dwelling unit is appropriate and provides gentle intensification with a mixture of tenure and affordability within the City. The proposed variance to recognize the interior conditions of the subject lands do not interfere with and are compatible with the existing function of the surrounding neighbourhood character (B.2.4.1.4).

Therefore, the proposed variance maintains the intent of the *UHOP*.

2. Overall Conformity to the *Ainslie Wood Westdale Secondary Plan*

The *Ainslie Wood Westdale Secondary Plan* designates the subject lands as “Low Density Residential 2” (Map B.6.2-1), which permits single detached dwellings (Policy 6.2.5.4 a). The subject lands are within the “Westdale Original Subdivision” Cultural Landscape Area (Map B.6.2-2), which protects the integrity and residential character of the established historical neighbourhood (Policy 6.2.13.1 c).

As the proposed secondary dwelling unit is internal to the principal dwelling, the proposed variance will not impact the existing site conditions, ensuring compatibility with surrounding development patterns and thus enhancing and protecting the character of the historic “Westdale Original Subdivision” cultural landscape area (Policy 6.2.13.1 c).

Therefore, the proposed variance maintains the intent of the Secondary Plan.

Appendix “A”: Planning Rationale

33 Sterling Street, Hamilton

October 24, 2022



3. Why is it not possible to comply with the provision of the by-law?

The principal dwelling was constructed sometime in the 1940s and the conversion of the basement to a secondary dwelling unit containing three (3) bedrooms has already taken place. No exterior changes to the building are proposed.

4. Conformity to the Intent of the Zoning By-law

A secondary dwelling unit is permitted within the existing single detached dwelling. The intent of the provision is to ensure the secondary dwelling unit is subordinate to the principal dwelling. The secondary dwelling unit is contained fully within the basement, which would not otherwise be used by the principal dwelling and the unit meets Ontario Building Code requirements. The requested variance to allow a maximum of three (3) bedrooms does not result in an over intensification of the site and will contribute to the City's rental housing targets. As such, the proposal meets the intent of the Zoning By-law.

5. Is the Variance Minor and Desirable?

The intent of the restriction on the number of bedrooms is to ensure the secondary dwelling unit remains subordinate to the principal use of the building as a single detached dwelling. Although the second dwelling unit within the basement contains three (3) bedrooms, it is still subordinate to the principal dwelling which comprises the ground and second floors.

The proposed increase in the number of bedrooms is considered minor in nature, and is desirable as it recognizes an existing condition, bringing the subject lands into conformity with the Zoning By-law.

Conclusion

The as-built secondary dwelling unit containing three (3) bedrooms at 33 Sterling Street will provide gentle intensification within the Westdale neighbourhood that will support local commercial, and community uses. The heritage resource and character of the site will be maintained while enhancing the site where possible with landscaping. The requested variance meets the intent of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593; is minor in nature; desirable for the use of the lands; and represents good land use planning.

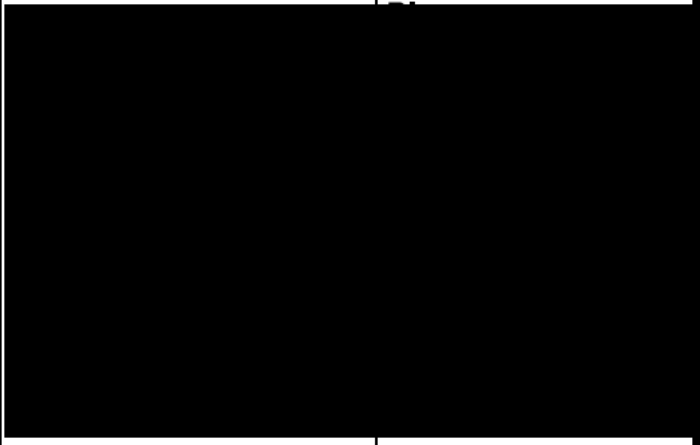
Respectfully Submitted,
T. Johns Consulting Group Ltd.

A handwritten signature in cursive script that reads "Delia McPhail".

Delia McPhail, MCIP, RPP
Senior Planner

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Brian Gogek	
Applicant(s)	Same as above.	
Agent or Solicitor	T. Johns Consulting Group Ltd. c/o Delia McPhail	

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	33 Sterling Street, Hamilton		
Assessment Roll Number			
Former Municipality	Regional Municipality of Hamilton-Wentworth		
Lot	Part of Lot 1104	Concession	
Registered Plan Number	652	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:

A Minor Variance is being sought for Section 19.(1).1.(iii) of Zoning By-law No. 6593, to allow a Secondary Dwelling Unit to contain a maximum of three (3) bedrooms, whereas a maximum of two (2) bedrooms are permitted.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Refer to Planning Rationale.

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
15.06m	47.21m	722.2 m ²	+ 20.0m

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
_____				_____
_____				_____
Refer to Concept Plan				
_____				_____

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
_____				_____
_____				_____
N/A. Refer to Concept Plan				
_____				_____

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
_____				_____
_____				_____
Refer to Concept Plan				
_____				_____

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
_____				_____
_____				_____
N/A. Refer to Concept Plan				
_____				_____

- 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.):
One (1) proposed Secondary Dwelling Unit within the existing single detached dwelling and the conversion of the existing accessory building to the one (1) proposed Secondary Dwelling Unit - Detached.

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
May 29th, 2009

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

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

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

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) _____
Ainslie Wood Westdale Secondary Plan: Low Density Residential 2

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

Please see Planning Rationale

7.6 What is the existing zoning of the subject land? _____
C/S-1361 (Urban Protected Residential, Etc.) District in the former City of Hamilton Zoning By-law No. 6593

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:

HM/A.21.287