



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-22:381</b>	<b>SUBJECT PROPERTY:</b>	14 Tisdale Ave N, Hamilton
<b>ZONE:</b>	“TOC1” (Transit Oriented Corridor Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: Pinnacle Associates Inc – Hiren Dhanak  
Agent: T. Johns Consulting Ltd – Delia McPhail

The following variances are requested:

1. The finish floor elevation of any building shall be 0.6 metres above grade instead of the requirement that the finished floor elevation of any building shall be 0.9 metres.

**PURPOSE & EFFECT:** To permit the conversion of a single family to a multiple dwelling containing three (3) units with a rooftop amenity area.

**Notes:**

1. A fully scaled and dimensions site plan was not provided. Therefor the following variance has been written as requested.

**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:

<b>DATE:</b>	<b>Thursday, January 19, 2023</b>
<b>TIME:</b>	<b>3:15 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b>

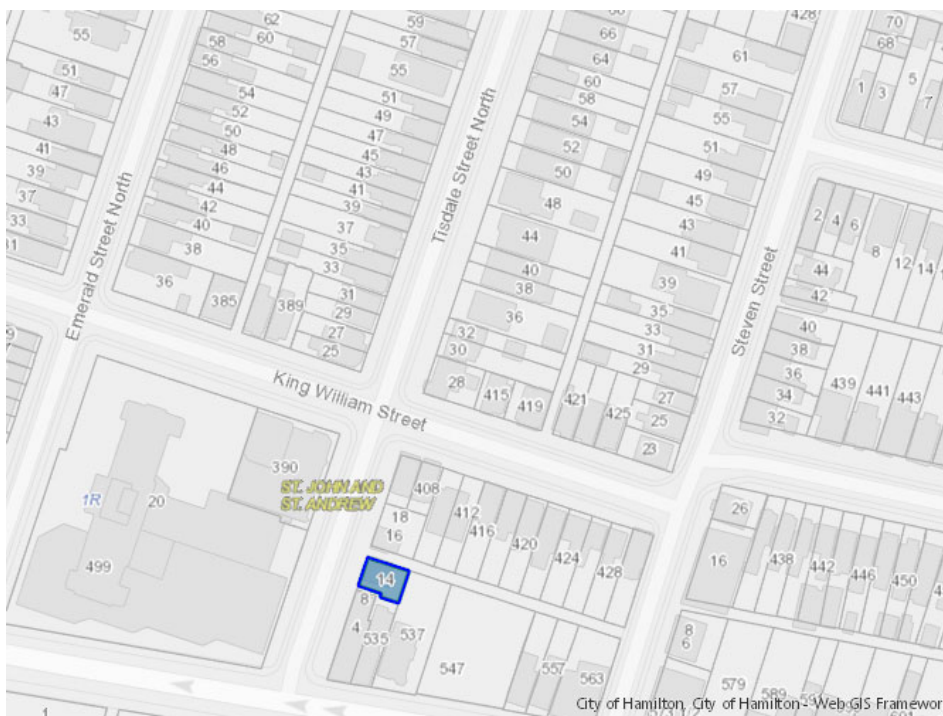
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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: January 3, 2023

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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, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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E-mail: [cofa@hamilton.ca](mailto: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](mailto: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](http://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](mailto: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 (2<sup>nd</sup> 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](mailto: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.



**DESIGN NOTES:**

1. PLEASE NOTE THAT THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
2. DIMENSIONS AND LOT LINES ARE BASED ON AERIAL PHOTOGRAPHY. DESIGN AND VALUES SUBJECT TO CHANGE UPON COMPLETION OF TOPOGRAPHIC AND LEGAL SURVEY.
3. ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
4. DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

**LEGAL DESCRIPTION**



REVISIONS

REV.	DESCRIPTION	DATE	INIT.

A	FOR SUBMISSION	21-NOV-2022	JS
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**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.



310 LIMERIDGE ROAD WEST, SUITE 6 P 905-674-1993  
 HAMILTON ONTARIO, L9C 2V2 F 905-627-9559

PROJECT TITLE

**14 TISDALE STREET NORTH**  
  
 HAMILTON, ONTARIO

DRAWING TITLE

**CONCEPT PLAN**

DRAWN BY JS	DESIGNED BY JS
PRINT DATE 21-NOV-2022	PROJECT NUMBER
REVISION A	DRAWING NUMBER
SCALE 1:200	<b>CP1-1</b>

TISDALE STREET NORTH



Plotted by: Justin Soldo; 21-NOV-2022; 9:21AM

November 24, 2022

*Via Email*

**ATTN:** Jamila Sheffield, Secretary-Treasurer  
City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 14 Tisdale Street North, Hamilton**  
**Committee of Adjustment - Minor Variance Application**

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**T. Johns Consulting Group** (“T. Johns”) was retained by the landowners of 14 Tisdale Street North, Hamilton (“subject lands”) to submit the following Minor Variance application on their behalf.

#### **Site Description**

14 Tisdale Street North is located in the Landsdale Neighbourhood of the City of Hamilton, on the east side of Tisdale Street North, just north of King Street East. The property contains a single detached dwelling and roofed over amenity area.

#### **Planning Status**

The *Urban Hamilton Official Plan, Volume 1, Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Mixed Use - Medium Density”, which permits a range of commercial and institutional uses, as well as multiple dwellings in stand-alone buildings.

The subject lands are zoned “Transit Oriented Corridor Mixed Use Medium Density (TOC 1) Zone” in the *City of Hamilton Zoning By-law No. 05-200*. The “TOC 1” Zone permits a mixture of service commercial, retail and residential uses in stand-alone or mixed-use buildings. The existing single detached dwelling on the subject lands has continuously existed since prior to the passing of the TOC 1 Zone (February 14, 2018) and is considered legal non-conforming.

#### **Proposed Development**

The landowner wishes to convert the existing single detached dwelling to a triplex dwelling, containing three (3) separate dwelling units, which is a use permitted in the TOC 1 Zone.

#### **Proposed Variance**

The proposed development requires relief from Subsection 10.5.1.1 (i) 1. of the *City of Hamilton Zoning By-law No. 05-200* to permit the finished floor of any dwelling unit to be a minimum of 0.6 metres above grade, whereas the Zoning By-law requires the finished floor elevation to be 0.9 metres above grade.



Please refer to the Site Plan and Appendix A: Planning Rationale dated November 22, 2022 for additional details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents in support of the requested Minor Variance.

Please find the enclosed:

- Minor Variance application with signatures;
- Copy of the cheque in the amount of \$3,465.00 to satisfy the application fee;
- Appendix A: Planning Rationale; and,
- Concept Plan.

The application and all required documents have been submitted electronically, save and except the cheque that was submitted to the City of Hamilton November 24, 2022.

Please do not hesitate to contact Delia McPhail at 905-574-1993 ext. 208 with any questions.

Respectfully submitted,

**T. Johns Consulting Group Ltd.**



**Delia McPhail, MCIP, RPP**  
Senior Planner

T. Johns Consulting Group Ltd. (“T. Johns”) has prepared the following Planning Rationale Report in support of the Minor Variance application for 14 Tisdale Street North, in the City of Hamilton.

**Description of Subject Lands**

14 Tisdale Street North (“subject lands”) is located within the Landsdale Neighbourhood, on the east side of Tisdale Street North, just north of King Street East (**Refer to Figure 1 - Site Location**). The subject lands are irregular in shape with 9.4m of frontage on Tisdale Street North, a lot depth of 14.0m and a total lot area of 121.4m<sup>2</sup>. The site is developed with one (1) one and a half storey single detached residential dwelling and is supported by one (1) parking space in the front yard.

The subject lands provide the following yards:

	Primary Dwelling	Roofed Amenity Area
<i>Front Yard</i>	0m	9.51m
<i>Side Yard (North)</i>	0m	0m
<i>Side Yard (South)</i>	2.4m	3.47m
<i>Rear Yard</i>	4.51m	0m

**Figure 1 - Site Location**



## Appendix “A”: Planning Rationale

14 Tisdale Street North, Hamilton

November 22, 2022



### Planning Status

The *Urban Hamilton Official Plan, Volume 1, Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Mixed Use - Medium Density”, which permits a range of commercial and institutional uses, as well as multiple dwellings in stand-alone buildings.

Hamilton Area Specific Policy UH-6 within *Volume 3 of the UHOP* applies to the subject lands, as well as those properties along the future light rail transit corridor, and prohibits automobile-dependent land uses that would preclude the planned function and design of the planned streetscape character.

The subject lands are zoned “Transit Oriented Corridor Mixed Use Medium Density (TOC 1) Zone” in the *City of Hamilton Zoning By-law No. 05-200*. The “TOC 1” Zone permits a mixture of service commercial, retail and residential uses in stand-alone or mixed-use buildings. The existing single detached dwelling on the subject lands has continuously existed since prior to the passing of the TOC 1 Zone (February 14, 2018) and is considered legal non-conforming.

According to the City’s online Cultural Heritage mapping, the subject lands are located within the Landsdale Historic Neighbourhood and form part of the King Street East Cultural Landscape. The subject lands have been inventoried as containing a building dating back to 1899. The lands abut 537 King Street East, which is a registered property (not designated), having been constructed in 1898, and is historically linked to the historic transportation corridor of King Street East.

### Proposed Development

The landowner wishes to convert the existing single detached dwelling to a triplex dwelling, containing three (3) separate dwelling units.

### Nature and Extent of Relief Applied For:

The proposed development requires relief from Subsection 10.5.1.1 (i) 1. of the *City of Hamilton Zoning By-law No. 05-200* to permit the finished floor of any dwelling unit to be a minimum of 0.6 metres above grade, whereas the Zoning By-law requires the finished floor elevation to be 0.9 metres above grade.

## PLANNING RATIONALE

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

The *Urban Hamilton Official Plan* (“UHOP”) identifies the subject lands “Primary Corridor” on Schedule E - Urban Structure and designates the subject lands as “Mixed Use - Medium Density” (Schedule E-1), which permits commercial and mixed-use buildings, as well as *multiple dwellings*. The *existing* single detached dwelling was built in 1899 and has continually existed since that time, which makes the use legally established for the purpose of the Official Plan.

The proposal is to convert the *existing* single detached dwelling to contain three (3) dwelling units, so the building may be considered a triplex dwelling. Urban Hamilton Official Plan



## Appendix “A”: Planning Rationale

14 Tisdale Street North, Hamilton

November 22, 2022



Amendment No. 167, which was approved by the Minister of Municipal Affairs and Housing on November 4, 2022, changed the definition of *multiple dwelling* to refer to a building or part thereof containing five (5) or more dwelling units. While the proposed development no longer meets the definition of *multiple dwelling*, the proposal of increasing the number of dwelling units on the lot is in keeping with the intent of the “*Mixed Use - Medium Density*” designation to provide residential accommodation at a moderate scale and to increase the number of people who live within the area. The proposal of converting the existing dwelling to contain three (3) dwelling units will contribute to the City’s residential intensification target to accommodate population growth within the Urban Corridors (B.2.4.1.3), and the retention of the existing building upholds cultural heritage policies concerning development within established historical neighbourhoods (Policies B.3.4.3.6 and B.3.4.3.7).

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

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

The principal dwelling was constructed in 1899 and the existing the finished floor of the existing single detached dwelling unit is 0.6 metres above grade. The proposed development is the conversion of the existing building to contain three (3) dwelling units and no exterior changes to the building are proposed.

### 3. Conformity to the Intent of the Zoning By-law

The requirement for the finished floor of any dwelling unit to be a minimum of 0.9 metres above grade is to provide privacy for dwelling occupants. If dwelling units were permitted at grade, a casual observer within the adjacent right-of-way could see into the windows of the dwelling unit, which is undesirable for both the occupant and the onlooker. The requested variance of providing the finished floor of any dwelling unit to be a minimum of 0.6 metres above grade continues to provide the necessary privacy intended through the by-law requirement.

As such, the proposal meets the intent of the Zoning By-law.

### 4. Is the Variance Minor and Desirable?

The proposed variance of a finished floor of any dwelling unit to be a minimum of 0.6 metres above grade is a slight reduction from the 0.9 metres required by the Zoning By-law. The subject lands front onto Tisdale Street North, adjacent to an established and stable residential neighbourhood, at the perimeter of the primary corridor that is King Street East, so less pedestrian traffic is anticipated along the frontage of the property and impacts will be minimal. By repurposing the existing building, the cultural heritage resources and cultural heritage landscapes are retained. The requested variance is considered minor in nature, and is desirable for the use of the lands.

## Appendix “A”: Planning Rationale

14 Tisdale Street North, Hamilton

November 22, 2022



### Conclusion

The proposed conversion of the existing single detached dwelling to contain three (3) dwelling units at 14 Tisdale Street North will provide gentle intensification that will support the planned function of the Mixed Use Medium Density area in which it is situated.. The requested variance meets the intent of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200; 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
<b>Registered Owners(s)</b>	Pinnacle Associates Inc. (c/o Hiren Dhanak)	
<b>Applicant(s)</b>	Same as above	
<b>Agent or Solicitor</b>	T. Johns Consulting 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 dmcphail@tjohnsconsulting.com

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	14 Tisdale Street North, Hamilton		
Assessment Roll Number	251803021402620		
Former Municipality	Hamilton		
Lot	6	Concession	
Registered Plan Number	62R-773	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:

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### 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:

That the finished floor of any dwelling unit be a minimum 0.6m above grade rather than the required 0.9m above grade.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The height of the finished floor is an existing condition of the building, as constructed in 1899

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
9.44m	14.02m	0.01 ha	20m



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
Primary Dwelling	0m	4.51m	North - 0m South - 2.2m	1899
Roofed Amenity Area	9.51m	0m	North - 0m South - 3.47m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
N/A				

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
Primary Dwelling	±78.9m <sup>2</sup>	±157.9m <sup>2</sup>	1.5 Storeys	±7m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
N/A				

- 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.):  
Triplex Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
Single detached dwellings (North), apartment building with restaurants (South), restaurant (East), apartment building with retail and lodge (West)

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:  
September 13, 2022

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:  
Since 1899

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: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Mixed Use - Medium Density

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

7.6 What is the existing zoning of the subject land? Mixed Use (TOC1) Zone

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: