



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-22:403	SUBJECT PROPERTY:	3 NORTH PARK AVENUE, HAMILTON, L8H 7G7
ZONE:	"C/S-1436b & S-1822" (Urban Protected Residential, etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 99-170, 19-277, & 22-195

APPLICANTS: Owner: Habitat for Humanity – S. Ferris
Agent: Arcadis IBI Group – T. Nguyen

The following variances are requested:

Westerly Lot ("Lot 1")

1. A minimum lot width of 6.55 m shall be provided instead of the minimum required lot width of 18 m.
2. A minimum lot area of 201 sq m shall be provided instead of the minimum required lot area of 540 sq m.
3. A minimum west side yard of 1.67 m and a minimum east side yard of 0 m shall be provided instead of the minimum required side yard of 1.7 m.
4. A manoeuvring space shall not be provided on the lot whereas a manoeuvring space with a minimum width of 6 m is required to be provided on the lot.
5. The required parking space will be located within the required front yard whereas no part of a required parking space is permitted to be located within a required front yard.
6. A minimum ground floor elevation shall not be required instead of the minimum required ground floor elevation of 76.5 metres above mean sea level, as defined by the Geodetic Survey Datum.
7. A basement or cellar shall be permitted whereas the Zoning By-law prohibits a basement or cellar.
8. A Lot Grading Agreement shall not be required whereas the Zoning By-law requires a Lot Grading

Agreement with the City of Hamilton to be entered into and registered on title to the satisfaction of the Building Department Director, prior to issuance of a building permit for every new building.

Easterly Lot ("Lot 2")

9. A minimum lot width of 6.55 m shall be provided instead of the minimum required lot width of 18 m.
10. A minimum lot area of 201 sq m shall be provided instead of the minimum required lot area of 540 sq m.
11. A minimum east side yard of 1.67 m and a minimum west side yard of 0 m shall be provided instead of the minimum required side yard of 1.7 m.
12. A manoeuvring space shall not be provided on the lot whereas a manoeuvring space with a minimum width of 6 m is required to be provided on the lot.
13. The required parking space will be located within the required front yard whereas no part of a required parking space is permitted to be located within a required front yard.
14. A minimum ground floor elevation shall not be required instead of the minimum required ground floor elevation of 76.5 metres above mean sea level, as defined by the Geodetic Survey Datum.
15. A basement or cellar shall be permitted whereas the Zoning By-law prohibits a basement or cellar.
16. A Lot Grading Agreement shall not be required whereas the Zoning By-law requires a Lot Grading Agreement with the City of Hamilton to be entered into and registered on title to the satisfaction of the Building Department Director, prior to issuance of a building permit for every new building.

PURPOSE & EFFECT: To facilitate the construction of one (1) pair of semi-detached dwelling units. Each half of the semi-detached dwelling is proposed to be located on a newly created lot.

Notes:

- 1) A successful Consent to Sever, or other land division application, shall be required in order to sever the existing lot into two (2) lots.
- 2) With respect to items 6, 7, 8, 14, 15, and 16, relief has been identified as required since the ground floor elevation above mean sea level has not been identified, a basement or cellar is shown in the elevation plans, and the submission does not indicate that a Lot Grading Agreement will be registered.

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, February 2, 2023
TIME:	1:35 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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-22:403, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



DATED: January 17, 2023

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.

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.

DEVELOPMENT DETAILS CITY OF HAMILTON ZONING BY-LAW 6593 URBAN PROTECTED RESIDENTIAL "C/S-1436b" ZONE				
PROPOSED TWO-STORY SEMI-DETACHED RESIDENTIAL DWELLING				
	REQUIRED	PROPOSED		
ZONING PROVISIONS	LOT 1 / LOT 2	LOT 1	LOT 2	TOTAL (LOT 1 & 2, COMBINED)
MIN. FRONT YARD	6.0 m	7.5 m (TO SECOND FLOOR)	7.5 m (TO SECOND FLOOR)	7.5 m (TO SECOND FLOOR)
MIN. SIDE YARD	1.2 m	EXTERIOR SIDE YARD: 1.67 m INTERIOR SIDE YARD: 0m	EXTERIOR SIDE YARD: 1.67 m INTERIOR SIDE YARD: 0m	1.67 m
MIN. REAR YARD	7.5 m	7.71 m	7.67 m	7.67 m
MAXIMUM BUILDING HEIGHT	2.5 STOREYS AND 11.0 m	2.5 STOREYS (8.54 m)	2.5 STOREYS (8.54 m)	2.5 STOREYS (8.54 m)
MIN. LOT WIDTH	18.0 m	6.55 m	6.55 m	13.1 m
MINIMUM LOT AREA	540.0 m ²	201 m ²	201 m ²	402 m ²
PARKING REQUIREMENTS				
SEMI-DETACHED DWELLING UNIT	1 SPACE PER UNIT	1 SPACE PER UNIT BUT LOCATED IN THE REQUIRED FRONT YARD		
MIN. PARKING SPACE DIMENSIONS	2.7 m X 6.0 m	2.7 m X 6.0 m		
ENCROACHMENTS ON YARDS				
EAVES	FRONT YARD – 1.5 m REAR YARD – 1.5 m SIDE YARD – 1.0 m	NO ENCROACHMENTS	NO ENCROACHMENTS	NO ENCROACHMENTS
OPEN STAIRWAY	REAR YARD – 1.0 m SIDE YARD – 0.63 m	NO ENCROACHMENTS	NO ENCROACHMENTS	NO ENCROACHMENTS
UNENCLOSED PORCH	FRONT/REAR YARD – 3.0 m	NO ENCROACHMENTS	NO ENCROACHMENTS	NO ENCROACHMENTS

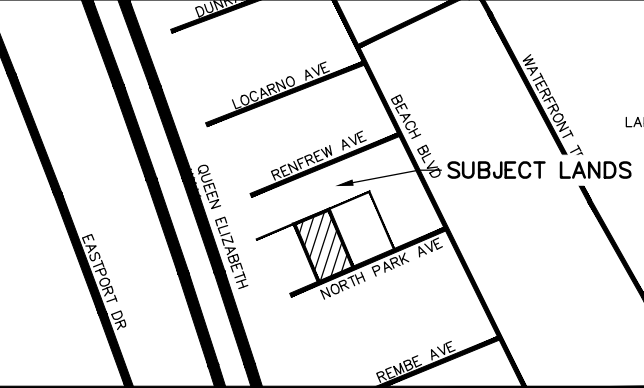
CLIENT
**HABITAT FOR HUMANITY
HAMILTON**

285 NASH ROAD NORTH, HAMILTON

COPYRIGHT
This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general conformance before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies

ISSUES		
No.	DESCRIPTION	DATE
1	FC APPLICATION	2022-03-29
2	ZBLA & SPA APPLICATION	2022-08-09
3	SECOND ZBLA & SPA SUBMISSION	2022-11-28
4	MINOR VARIANCE APPLICATION	2022-12-16



KEY PLAN

NOT FOR CONSTRUCTION

SOURCE:
TOPOGRAPHICAL SURVEY INFORMATION OBTAINED FROM A.T. McLAREN LIMITED, DRAWING No.36749, DATED SEPTEMBER 14, 2021.

BENCHMARK:
MONUMENT 0011991U003

BURLINGTON STEEL HYDRO TOWER ALONG BEACH BOULEVARD, 2.7 KM SOUTHEAST OF LIFT BRIDGE OVER CHANNEL INTO HAMILTON HARBOUR, 1.7 KM NORTHWEST OF INTERSECTION OF BEACH BOULEVARD AND VAN WAGNER, 1 KM SOUTHEAST OF INTERSECTION OF BEACH BOULEVARD AND EASTPORT DRIVE, TABLET IN TOP OF WEST CORNER OF SOUTHWEST FOOTING, 110 M EAST OF SIERRA STREET, 85 CM WEST OF STEEL LEG OF TOWER, 27 CM FROM SOUTHWEST EDGE, 22 CM FROM NORTHWEST EDGE OF CONCRETE FOOTING AND 20 M WEST OF WATERS EDGE.

ELEVATION: 76.602 METRES CGVD-1928:1978

PRIME CONSULTANT
ARCADIS + IBI GROUP
200-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

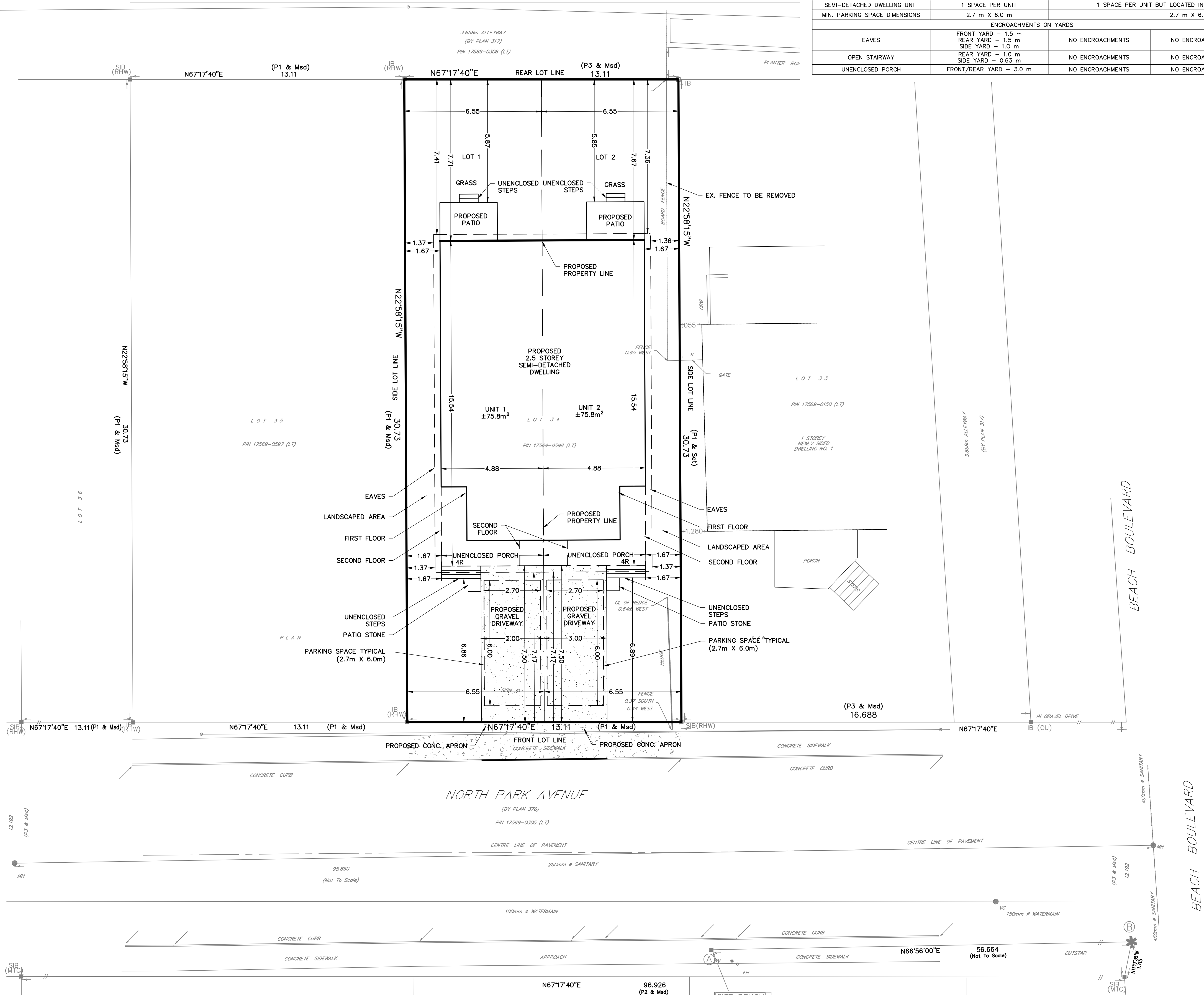
PROJECT
NORTH PARK

3 NORTH PARK AVENUE, HAMILTON, ON

PROJECT NO: 138270
SCALE: 1:100
DRAWN BY: T.NGUYEN
CHECKED BY: J.MARCUS
PROJECT MGR: J.ARIENS
APPROVED BY: J.ARIENS

SHEET TITLE
MINOR SITE PLAN
MDA-22-

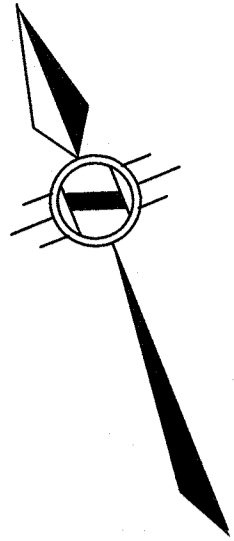
SHEET NUMBER
MDA 1.0
ISSUE
1



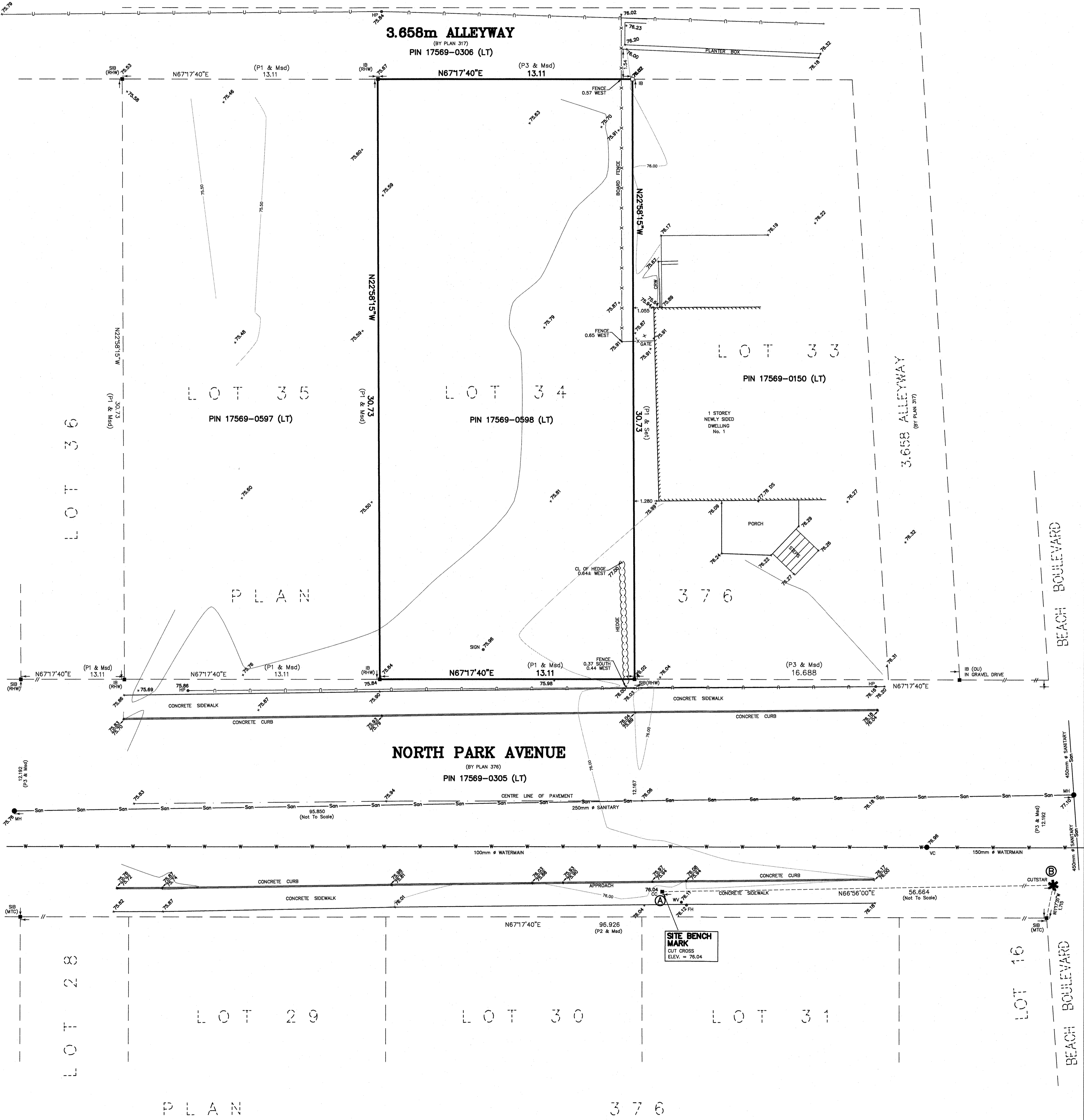
TOPOGRAPHIC SURVEY
OF
LOT 34
REGISTERED PLAN 376
IN THE
CITY OF HAMILTON

SCALE 1:100 METRIC
metres

S.D. McLAREN, O.L.S. - 2021



- LEGEND:**
- DENOTES MONUMENT SET
 - IB IRON BAR
 - PB PLASTIC BAR
 - CC OUT CROSS
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - 824 A.T. McLAREN, O.L.S.
 - MTC MINISTRY OF TRANSPORTATION & COMMUNICATIONS
 - RHW REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 - OU ORIGIN UNKNOWN
 - Msd MEASURED
 - P1 PLAN BY BARCH GRENEKE SURVEYING LTD.
 - P2 DATED JUNE 20, 2018 FILE 18-2359
 - P3 PLAN BY G.E. GIDDY, O.L.S.
 - HP DATED SEPTEMBER 9, 1988 FILE F-1219
 - U PLAN 376
 - PH HYDRO POLE
 - U OVERHEAD UTILITIES
 - FW FIRE HYDRANT
 - WV WATER VALVE
 - VC VALVE CHAMBER
 - CRW CONCRETE RETAINING WALL
 - MH MANHOLE
 - // NOT TO SCALE



BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999712524

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF O.R.S. 216/70			
POINT ID	NORTHING	EASTING	
ORP (A)	4792969.509	568392.205	
ORP (B)	4792991.704	568444.338	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

BENCHMARK:
MONUMENT 0011991U003
BURLINGTON STEEL HYDRO TOWER ALONG BEACH
BOULEVARD, 2.7 KM SOUTHEAST OF LIFT BRIDGE OVER
CHANNEL INTO HAMILTON HARBOUR, 1.7 KM NORTHWEST
OF INTERSECTION OF BEACH BOULEVARD AND VAN
WAGNER, 1 KM SOUTHEAST OF INTERSECTION OF BEACH
BOULEVARD AND EASTPORT DRIVE, TABLET IN TOP OF
WEST CORNER OF SOUTHWEST FOOTING, 110 M EAST OF
BEACH BOULEVARD, 100 M NORTHEAST OF SOUTH END
OF SIERRA STREET, 85 CM WEST OF STEEL LEG OF
TOWER, 27 CM FROM SOUTHWEST EDGE, 22 CM FROM
NORTHWEST EDGE OF CONCRETE FOOTING AND 20 M
WEST OF WATERS EDGE.

ELEVATION: 76.602 metres CGVD-1928:1978

NOTE:
UNDERGROUND SERVICE AND UTILITY
LOCATIONS WERE LOCATED BY
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH DRAWING No.
93-S-1 (SHEET 2 OF 32)
UNDERGROUND SERVICE AND UTILITY
LOCATIONS MUST BE VERIFIED PRIOR
TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR
TO CONSTRUCTION

METRIC NOTE:
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 18th DAY OF AUGUST, 2021

SEPTEMBER 14, 2021
DATE
S. DAN McLAREN, O.L.S.

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REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-8032

Drawn
JB
Checked
RBM
Drawn
DW
Scale
1:100
Dwg.No.
36749



1 FRONT ELEVATION
2 SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION (LEFT AND RIGHT SIMILAR)
2 SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
2 SCALE: 1/4" = 1'-0"



4 RENDERING
2 SCALE: N.T.S.

**THIS DRAWING IS NOT
TO BE USED AS PART OF A
BUILDING PERMIT
APPLICATION**

**THIS DRAWING IS FOR
DISCUSSION PURPOSES
ONLY**

DRAWING LIST

- 1 GENERAL AND CONSTRUCTION NOTES, SCHEDULES, OBC MATRIX, RENDERING
- 2 ELEVATIONS
- 3 FOUNDATION PLAN
- 4 MAIN FLOOR PLAN
- 5 SECOND FLOOR PLAN
- 6 ROOF PLAN
- 7 SECTIONS AND DETAILS

LEGEND

EXISTING ASSEMBLY TO REMAIN

NEW ASSEMBLY/FRAMING

DENOTES FR FRAMING ASSEMBLY

SMOKE ALARM, SEE CONST. NOTES FOR DETAILS

CARBON MONOXIDE ALARM

FLOOR DRAIN

EXHAUST FAN

DOOR # ASSOCIATED SCHEDULE NUMBER

WINDOW # ASSOCIATED SCHEDULE NUMBER

FINISH SCHEDULE

ROOFING DARK GREY ASPHALT SHINGLES

CLADDING LIGHT GREY HORIZONTAL VINYL SIDING

REV	DESCRIPTION	DATE
A	FOR DISCUSSION	APR 22/22
B	FOR SITE PLAN APPLICATION	AUG 10/22

client

HABITAT FOR HUMANITY HAMILTON

project

3 NORTH PARK AVENUE
HAMILTON, ONTARIO
PROJECT No. 22-057

title

ELEVATIONS

drawn	L.C.	checked	C.M.
date	APRIL 2022	scale	AS NOTED
revision number	B	drawing number	2

December 16, 2022

Mr. Chair and Members of Committee of Adjustment
 c/o Ms. Jamila Sheffield, Secretary-Treasurer – Committee of Adjustment
 City of Hamilton
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

Dear Mr. Chair and Members of Committee of Adjustment:

**APPLICATION FOR MINOR VARIANCE
 3 NORTH PARK AVENUE, HAMILTON**

On behalf of the owner, Habitat for Humanity Hamilton, we are pleased to submit the enclosed application for Minor Variance, for the lands located at 3 North Park Avenue. It is proposed that the lands will be developed with a semi-detached dwelling unit and associated parking. The lands are zoned “C/S-1436b C/S-1822” (Urban Protected Residential, etc.) District, modified, within the Former City of Hamilton Zoning By-law No. 6593, which, with the passing of By-law 22-195 on August 12, 2022, permits the development of the lands with semi-detached dwelling units. It is noted that this By-law was deemed Final and Binding on November 4, 2022.

An application for Zoning By-law Amendment was submitted for the lands at 3 North Park Avenue (the “subject lands”) on August 23rd, 2022. The purpose of the Zoning By-law Amendment was to permit the development of a two-and-a-half storey semi-detached dwelling with two (2) parking spaces provided within the required front yard and a reduced side yard of 1.67 metres. Following our meeting with Staff on December 13, 2022, it was determined that with the final and binding passing of By-law 22-195, a Zoning By-law Amendment was no longer required as the use is permitted with in the current zone, and the required modifications could be dealt with by way of Minor Variance.

Please note that this application has been submitted concurrently with a request to withdraw a currently active application for Zoning By-law Amendment for the property noted above (File No. ZAC-22-060).

In order to permit the proposed development, the following variances are required:

VARIANCE	SECTION	REQUIRED/PERMITTED	PROPOSED
1	9A(3)(b)(1)(ii) Minimum Side Yard	1.70m (per Beach Boulevard Master Drainage Plan)	1.6m 0.0m to a common wall
2	9A(3)(c)(1)(i) Minimum Lot Width	18.0m	13.1m (6.5m/dwelling)
3	9A(3)(c)(1)(ii) Minimum Lot Area	540m ²	402m ² (201m ² /dwelling)
4	18A(9) Manoeuvring space	Shall be provided on site	Shall not be provided on-site

5	18A(14a) Parking within the Required Front Yard	Shall not be permitted	Shall be permitted
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Planning Act Section 45(1) Compliance

Section 45(1) of the *Planning Act* permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law, provided that they meet what is known as the Four (4) Tests. The Four Tests are:

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

The following will provide an analysis of the proposed variances against the four (4) tests.

All Variances

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

The subject lands are designated Neighbourhoods within the Urban Hamilton Official Plan (Schedule E and E-1) which permits a full range of housing forms, types and tenures, including affordable housing and housing with support. Given that the proposed minor variances are to facilitate residential development of affordable housing development in the form of a semi-detached dwelling, it is our opinion that the proposed variances maintain the general intent and purpose of the Official Plan.

Variance #1

Minimum Side yard setback: a setback of 1.6m to a lot line and 0.0m to a common interior lot is proposed, whereas 1.7m is required within the Beach Boulevard Master Drainage Plan.

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

The intention of the minimum side yard is to ensure there is adequate space provided between residential units as well as, the Beach Boulevard Master Drainage Plan required minimum side yards to ensure adequate space for site drainage. The proposed reduction provides adequate space for drainage around the perimeter of the dwelling. The proposed reduction to 0.0m for a common interior lot line will permit the development of the lands with a semi-detached dwelling and facilitate the future consent to create individual lots. Given this, it is our opinion that the proposed variance maintains the intent and purpose of the Zoning By-law.

3. Is the variance desirable and appropriate?

The proposed reduction to the minimum side yard setback will facilitate the proposed development of a semi-detached dwelling on an existing lot of record. The proposed development will maintain the character of the area and will not cause adverse impacts on the neighbouring lands. On-site drainage can be accommodated within the side yards, and the building will be setback appropriately from the lot lines. Given this, it is our opinion that the proposed Minor Variance to reduce the minimum side yard setback is desirable and appropriate.

4. Is the variance minor in nature?

The determination of whether or not an application is "minor" is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is "minor". The intention of the minimum interior side yard is to ensure adequate separation between residential dwellings, as well as in this instance to ensure adequate space is provided for drainage between

dwelling units. The proposed reductions will facilitate the development of two (2) affordable dwelling units. There are no foreseen negative impacts to the surrounding lands as a result of the proposed reduction to the side yards, as such it is our opinion that the variance is minor in nature.

Variance 2 and 3:

Minimum Lot Frontage: a minimum lot frontage of 13.1m (6.5m/dwelling) is proposed, whereas the Zoning By-law requires a minimum frontage of 18m (9m/dwelling);

Minimum Lot Area: a minimum lot area of 402m² (201m²/dwelling) is proposed, where as the Zoning by-law requires a minimum lot area of 540m² (270m²/dwelling)

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

The purposed of the minimum lot area and frontage is the ensure that the lands are not over developed. The proposed reductions to the minimum lot area will facilitate the development of two (2) residential dwellings, in the form of semi-detached units on an existing lot of record. The proposed development concept maintains the front and rear yard setbacks and maintains appropriate side yard setbacks for the proposed development. There is adequate space on-site for parking and amenity space on each of the individual lots. Given that the proposed development appropriately utilizes the existing lot of record, to provide affordable dwelling units, it is our opinion that the proposed reduction to lot area and frontage maintains the intent and purpose of the Zoning By-law.

3. Is the variance desirable and appropriate?

The proposed reduction to the minimum lot area and frontage will allow an existing lot of record to be appropriately developed with semi-detached dwellings in order to provide additional affordable dwelling units within the area. Further, the proposed dwellings will have appropriate on-site parking and private amenity space within the rear yard. Given this, it is our opinion that the proposed reduction to minimum lot frontage and lot area is desirable and appropriate.

4. Is the variance minor in nature?

The determination of whether or not an application is "minor" is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is "minor". The proposed reduction to lot area and frontage does not result in the over development of the subject lands or the surrounding area, but rather facilitates a moderate for of infilling, on lands which are otherwise vacant. The proposed development will provide appropriate development of the lands with suitably sized dwellings, on-site parking and private amenity space. Given the above, it is our opinion that the proposed reductions to the minimum lot area and frontage are minor in nature.

Variance 4 & 5

On-Site Manoeuvring Space: On-site manoeuvring shall not be required, whereas the Zoning By-law requires on-site manoeuvring to be provided

Parking within the Front Yard: Required parking shall be permitted within the front yard, whereas the Zoning By-law does not permit required parking to be provided within the front yard.

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

The intent to provide on-site manoeuvring is to ensure safe and appropriate access is provided on site. This would typically be associated with parking areas where multiple spaces are provided. The proposed driveway for the development will have direct access to North Park Avenue, and the removal of on-site manoeuvring will not result in unsafe ingress and egress from the lands, but rather will provide typical vehicular access to a residential development. The intention of not permitted required parking within the front yard is that required parking would be provided withing a garage, side yard, or rear yard. Parking for the units is proposed within a front yard driveway,

as a garage is not proposed. It is noted that the proposed units are affordable dwelling units and it is typical that these units would not have a garage as a trade off for a slightly larger interior for the dwelling. Given the above it is our opinion that the proposed variances maintain the intent and purpose of the Zoning By-law.

3. Is the variance desirable and appropriate?

The proposed removal of on-site manoeuvring and permission for the required parking to be within the front yard will not negatively impact the use of the subject lands or neighbouring lands. It is noted that driveways within the front yard is a typical characteristic of the neighbourhood, and surrounding lands. By not providing a garage within the dwelling units allows for a more desirable interior dwelling layout and facilitates providing a more affordable dwelling. It is also noted that manoeuvring off-site is typical in a low-density residential area. As such, it is our opinion that the proposed variances are desirable and appropriate as they are consistent with the character of the existing neighbourhood.

4. Is the variance minor in nature?

The determination of whether or not an application is “minor” is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is “minor”. The proposed removal of on-site manoeuvring and permitting of required parking within the front yard will not result in the neighbouring lands being negatively impacted. Further, the proposed variances are required as a result of the development not having a garage. There are no associated safety concerns with the removal of on-site manoeuvring or of the permitting of parking within the front yard. The resulting development is consistent with the existing development in the area. Given this, it is our opinion that the proposed variances are minor in nature.

SUMMARY

It is our opinion that the proposed minor variances are minor in nature, are desirable and appropriate, and maintain the intent and purpose of the Urban Hamilton Official Plan and the Former City of Hamilton Zoning By-law 6593, as amended.

Based on our review of the existing context, the proposed plans and applicable planning policy and legislation, it is our opinion that the proposed development conforms to, is consistent with, and maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the existing neighbourhood characteristics. Under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find that the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests. In our opinion, the proposed development conforms to all of these requirements, represents responsible and good planning, we conclude that the application should be approved.

SUBMISSION MATERIALS

To support the application, please find the digital submission materials, with all materials in PDF format:

- The completed, signed and commissioned Minor Variance Application Form;
- Site Plan, dated December 16, 2022, as prepared by Arcadis IBI Group;
- Building Elevations dated August 10, 2022, as prepared by Charles Lindsey & Associates;
- Survey Plan dated September 14, 2021, as prepared by A.T. McLaren; and
- Correspondence from Development Engineering Staff dated November 15, 2022, providing general acceptance for a reduced side yard setback.

Please note that a cheque in the amount of \$3,465.00 to process this application will be delivered to the City following this submission under a separate cover letter.

We trust that the enclosed is to your satisfaction. Should you require any additional information or have any concerns, please do not hesitate to contact the undersigned.

Yours truly,
Arcadis IBI Group

A handwritten signature in black ink, appearing to read 'Tran Nguyen', with a large, flowing loop at the end.

Written by: Tran Nguyen
Planning Technician

A handwritten signature in blue ink, appearing to read 'Tracy Tucker', with a large, stylized 'T' at the beginning.

Reviewed By: Tracy Tucker, BAA, CPT
Sr. Project Manager

Cc: Habitat for Humanity Hamilton c/o Sean Ferris, Peter Walberg
Arcadis IBI Group, John Ariens
Daniel Barnett, City of Hamilton

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)	Habitat for Humanity Hamilton c/o Sean Ferris		
Applicant(s)	Arcadis IBI Group c/o Tran Nguyen		
Agent or Solicitor	Same as Applicant	Same as Applicant	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	3 North Park Avenue		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	376	Lot(s)	34
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:

Please see attached the submission cover letter/justification brief dated December 16, 2022, as prepared by Arcadis IBI Group for details.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Please see attached the submission cover letter/justification brief dated December 16, 2022, as prepared by Arcadis IBI Group for details.

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
13.11m	30.73m	402.1 sq.m	8.61 m

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
2.5 Storey Semi-detached dwelling	7.5m	7.67m	1.67m	

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

Local Road (North Park Avenue) _____

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

Vacant _____

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

Single detached dwelling _____

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 1st, 2021 _____

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

Vacant _____

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

Vacant _____

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

The subject property has remained vacant for over 20 years (Based on the extent of Google Earth imaging) _____

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) Neighbourhood _____

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

7.6 What is the existing zoning of the subject land? Urban Protected Residential "C/A-1436b" 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:

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

☐ Yes ☒ No

If yes, please provide the file number:

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: Zero (0)

8.2 Number of Dwelling Units Proposed: Two (2)

8.3 Additional Information (please include separate sheet if needed):

Please see the submission cover letter dated December 16, 2022, as prepared by Arcadis IBI Group for details.