



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-22:392	SUBJECT PROPERTY:	741 RYMAL ROAD EAST, HAMILTON
ZONE:	"C2 Exception 330" (Neighbourhood Commercial)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 1376412 Ontario Inc. – A. Alaichi
Agent: A. J. Clarke & Associates – R. Ferrari

The following variances are requested:

1. A maximum residential Gross floor area of 855 square metres shall be permitted instead of the maximum permitted 740 square metres.
2. Parking, driveways, stacking lanes, or aisles shall be permitted to be located between a building façade and the flankage lot line abutting Eaglewood Drive, instead of no parking, driveways, stacking lanes or aisles being located between a building façade and a flankage lot line.
3. Section 5.2 b) iii) pursuant to Hamilton Zoning By-law 05-200 shall not apply to the parking spaces number 13, and 15.

PURPOSE & EFFECT: To facilitate DA-21-058.

Notes:

1. Committee of adjustment decision HM/A-19:427 approved January 21st, 2021 will remain in place unless otherwise stated.

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:	3:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd 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

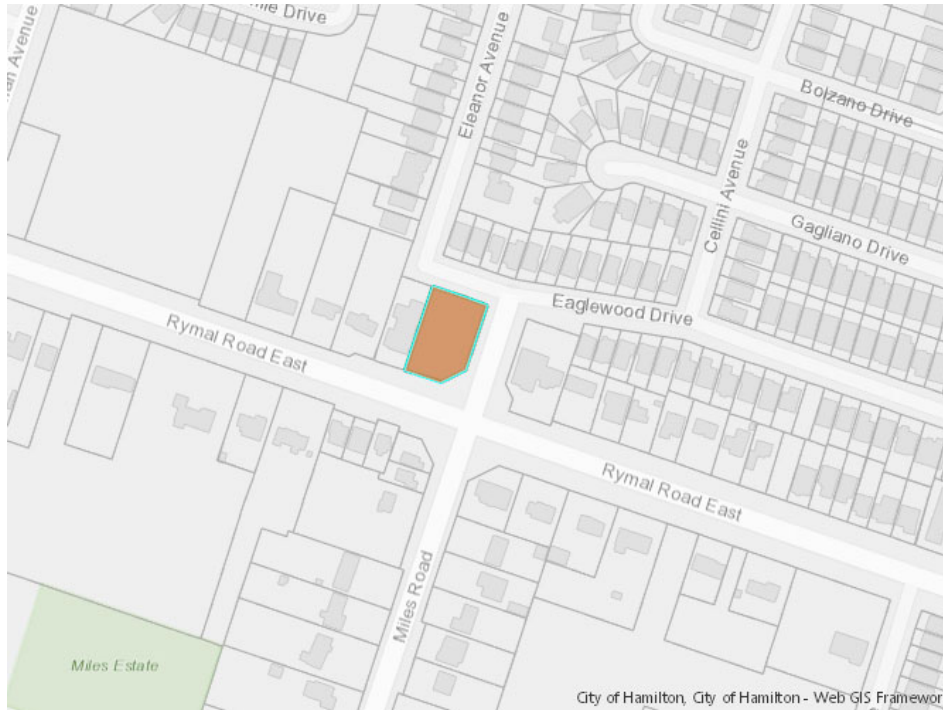
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-22:392, 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.



 **Subject Lands**

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.



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05	2022 12 07	ISSUED FOR COORDINATION
04	2022 10 03	ISSUED FOR COORDINATION & REVIEW
03	2022 08 09	RE-ISSUED FOR SPA
02	2022 04 07	RE-ISSUED FOR SPA
01	2021 03 16	ISSUED FOR SPA

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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON

DRAWING TITLE

COVERSHEET

DRAWN BY

DI/RA

SCALE

DATE

SEPTEMBER 2022

CHECKED BY

FL

PROJECT NUMBER

19-340

SITE PLAN NUMBER

DA-21-058E

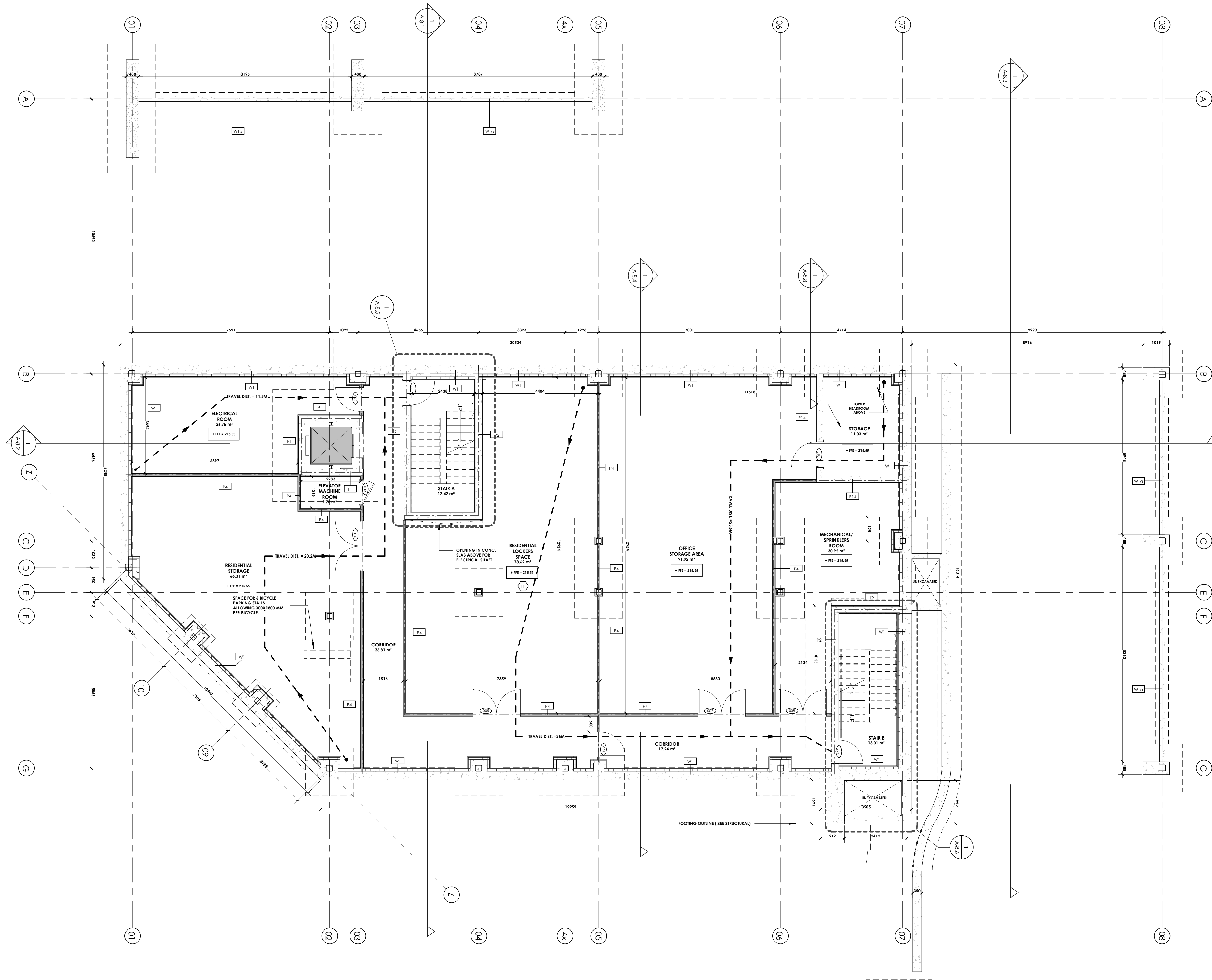
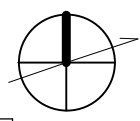
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A-0.1

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON

PROJECT NO. 19-340



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01	2021 03 16	ISSUED FOR SPA

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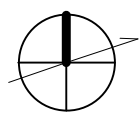
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SEALS

PROJECT TITLE	
MIXED USE DEVELOPMENT	
741 RYMAL ROAD EAST, HAMILTON, ON	
DRAWING TITLE	
BASEMENT FLOOR PLAN	
DRAWN BY	
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SCALE	
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DATE	
SEPTEMBER 2022	
CHECKED BY	
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19-340	
SITE PLAN NUMBER	
DA-21-058E	
DRAWING NUMBER	

A-2.1





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01	2021 03 16	ISSUED FOR SPA

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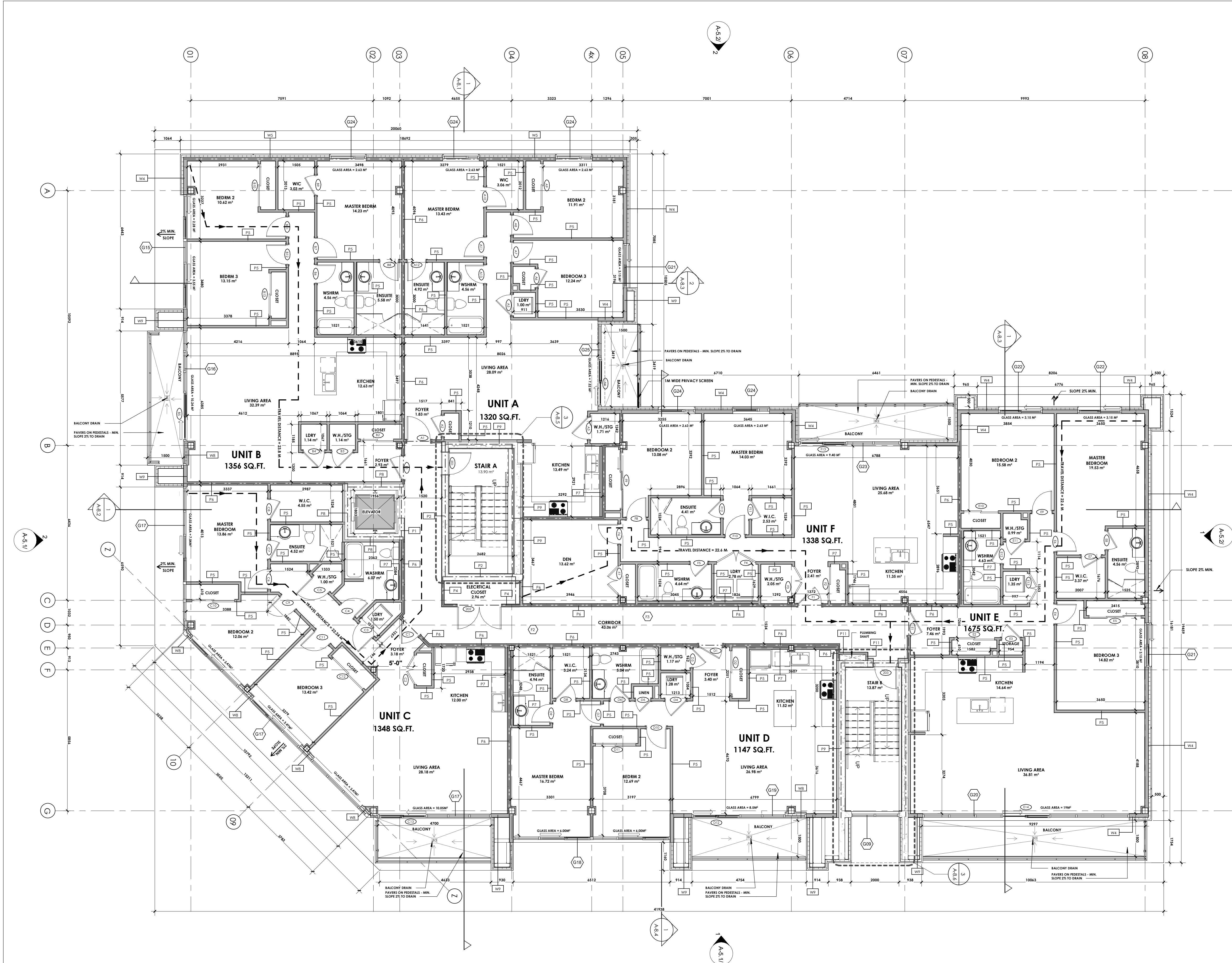
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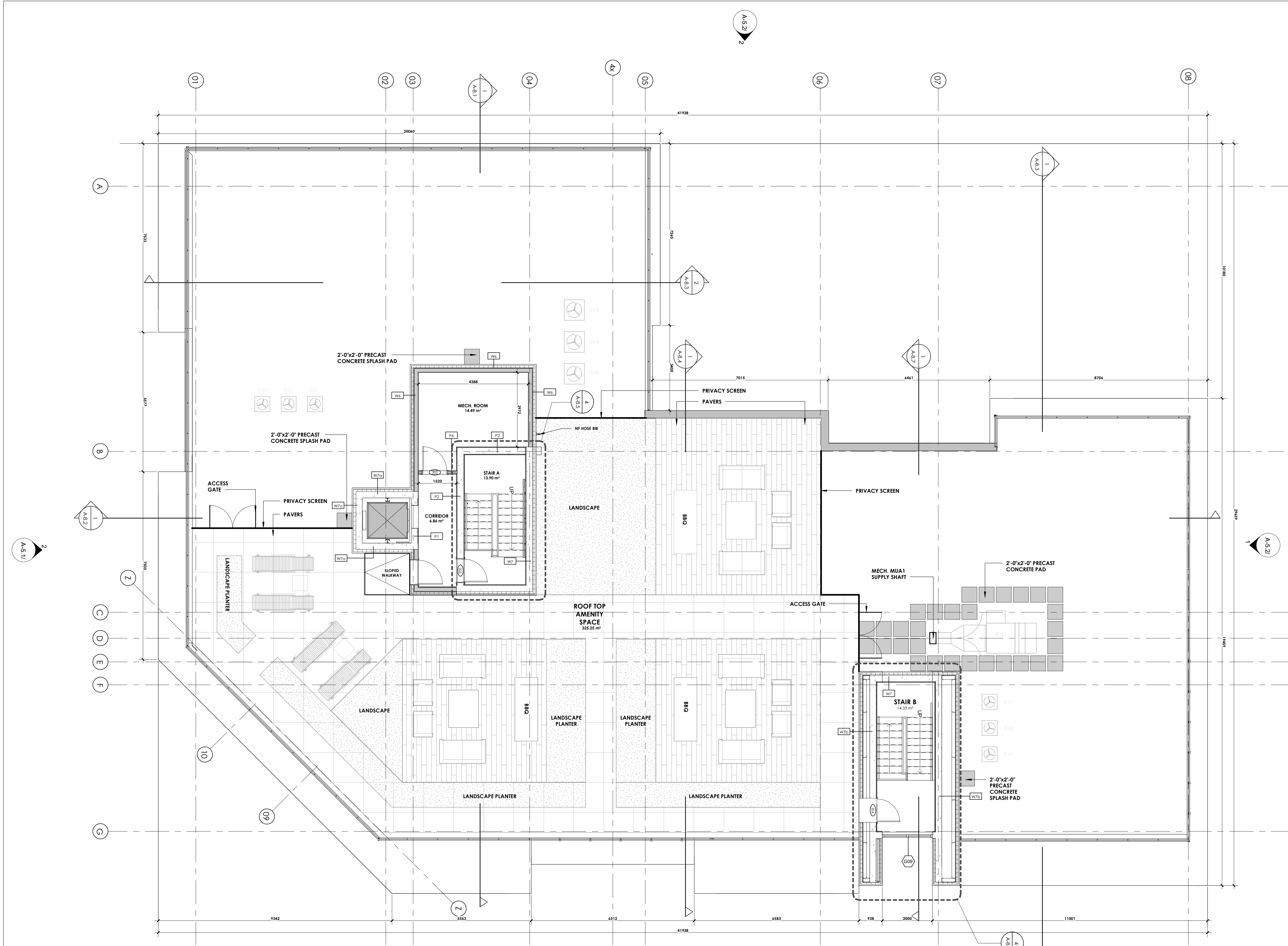
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SEALS

PROJECT TITLE	
MIXED USE DEVELOPMENT	
741 RYMAL ROAD EAST, HAMILTON, ON	
DRAWING TITLE	
SECOND FLOOR PLANS	
DRAWN BY	
RA	
SCALE	
1 : 75	
DATE	
SEPTEMBER 2022	
CHECKED BY	
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PROJECT NUMBER	
19-340	
SITE PLAN NUMBER	
DA-21-058E	
DRAWING NUMBER	

A-2.3





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01	2021 03 16	ISSUED FOR SPA

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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON

DRAWING TITLE

ROOF AMENITY PLAN

DRAWN BY

RA

SCALE

1 : 75

DATE

SEPTEMBER 2022

CHECKED BY

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PROJECT NUMBER

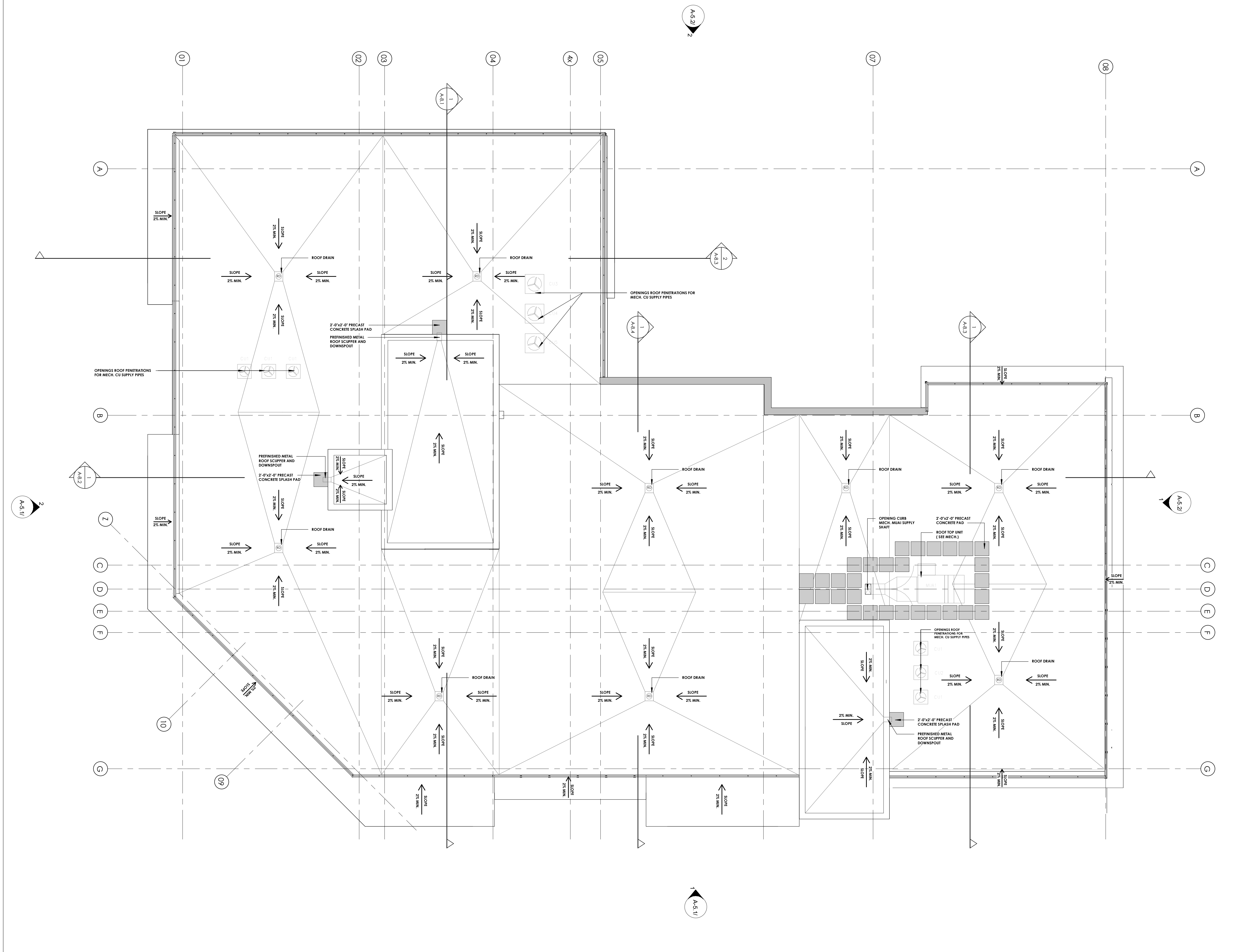
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SITE PLAN NUMBER

DA-21-058E

DRAWING NUMBER

A-2.4



1 ROOF PLAN
A-2.5 1:75

2022-12-07 12:40:00 PM

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MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON

DRAWING TITLE

ROOF PLAN

DRAWN BY

RA

SCALE

1 : 75

DATE

SEPTEMBER 2022

CHECKED BY

FL

PROJECT NUMBER

19-340

SITE PLAN NUMBER

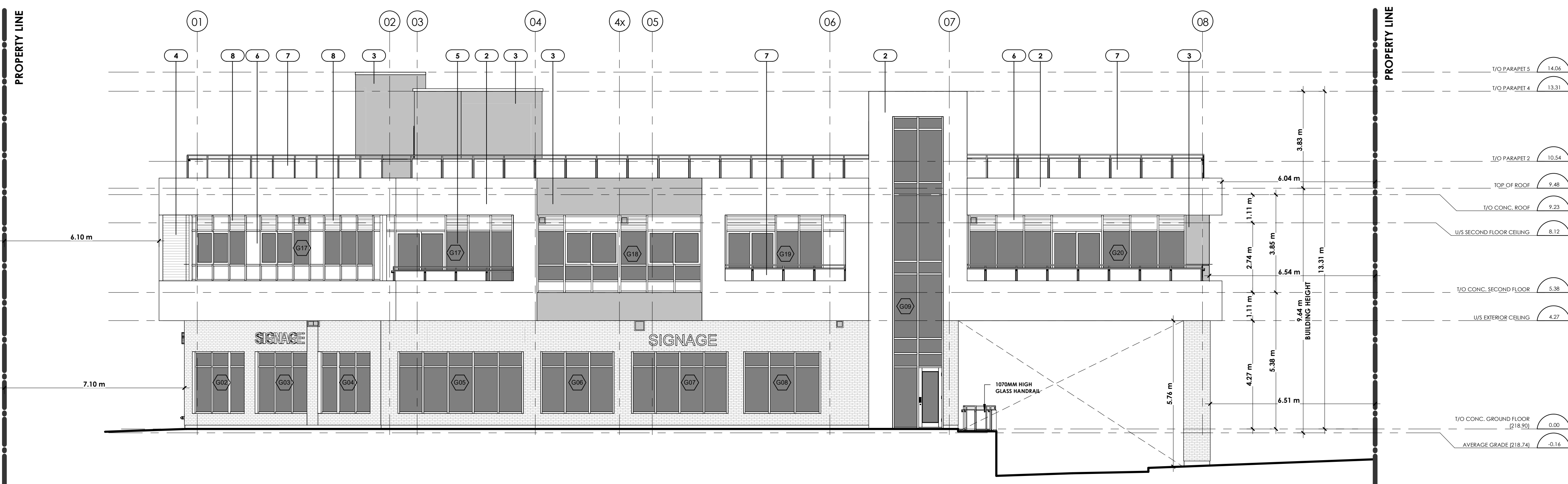
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DRAWING NUMBER

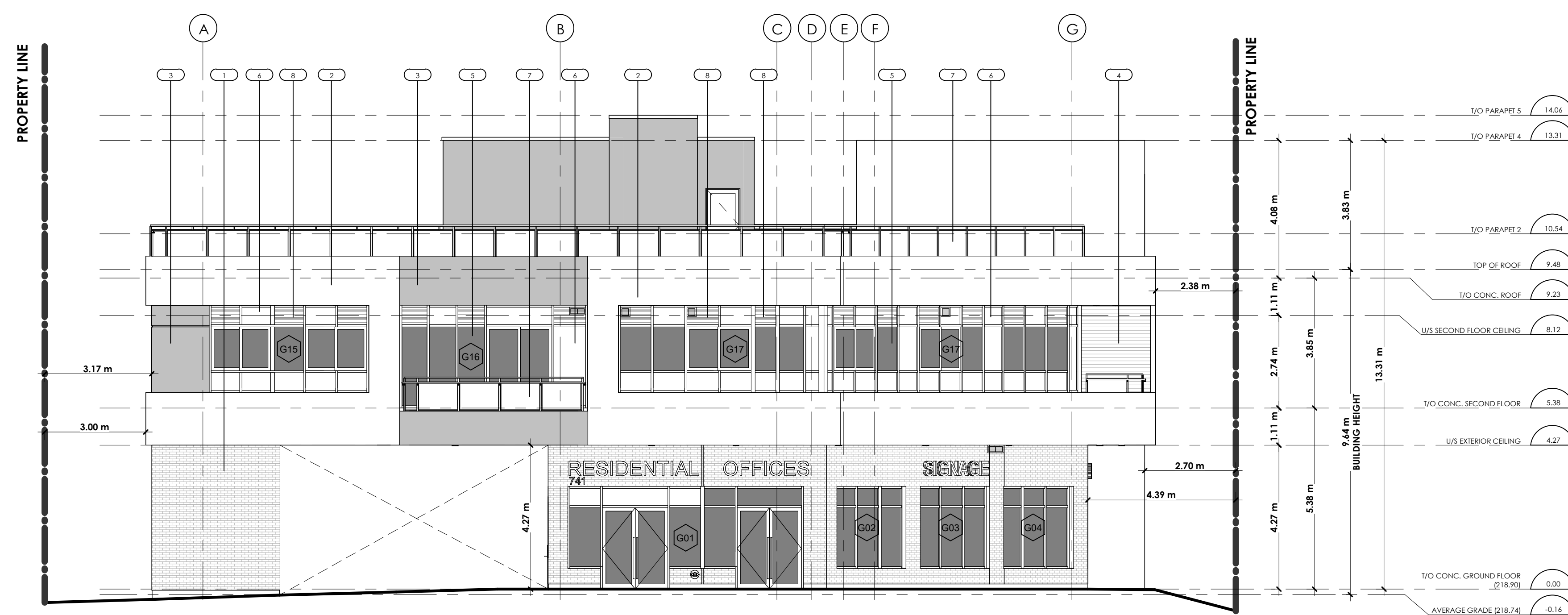
A-2.5

MATERIAL LEGEND

- 1 - BRICK
- 2 - ACM PANEL - COLOUR 1
- 3 - ACM PANEL - COLOUR 2
- 4 - ACM PANEL - WOOD FINISH
- 5 - GLASS
- 6 - OPAQUE SPANDREL PANELS
- 7 - GLASS AND METAL HANDRAIL
- 8 - LOUVER TO MATCH SPANDREL PANEL COLOUR
- 9 - LOUVER TO MATCH ACM PANEL - COLOUR 2



1 SOUTH ELEVATION-SPA
A-5.1 1:100



WEST ELEVATION-SPA
1 : 100

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SEALS

PROJECT TITLE

MIXED USE
DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON,
ON

DRAWING TITLE
SOUTH & WEST ELEVATIONS

DRAWN BY RA

SCALE	As indicated
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DATE	SEPTEMBER 2022
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CHECKED BY	FL
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PROJECT NUMBER	19-340
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SITE PLAN NUMBER

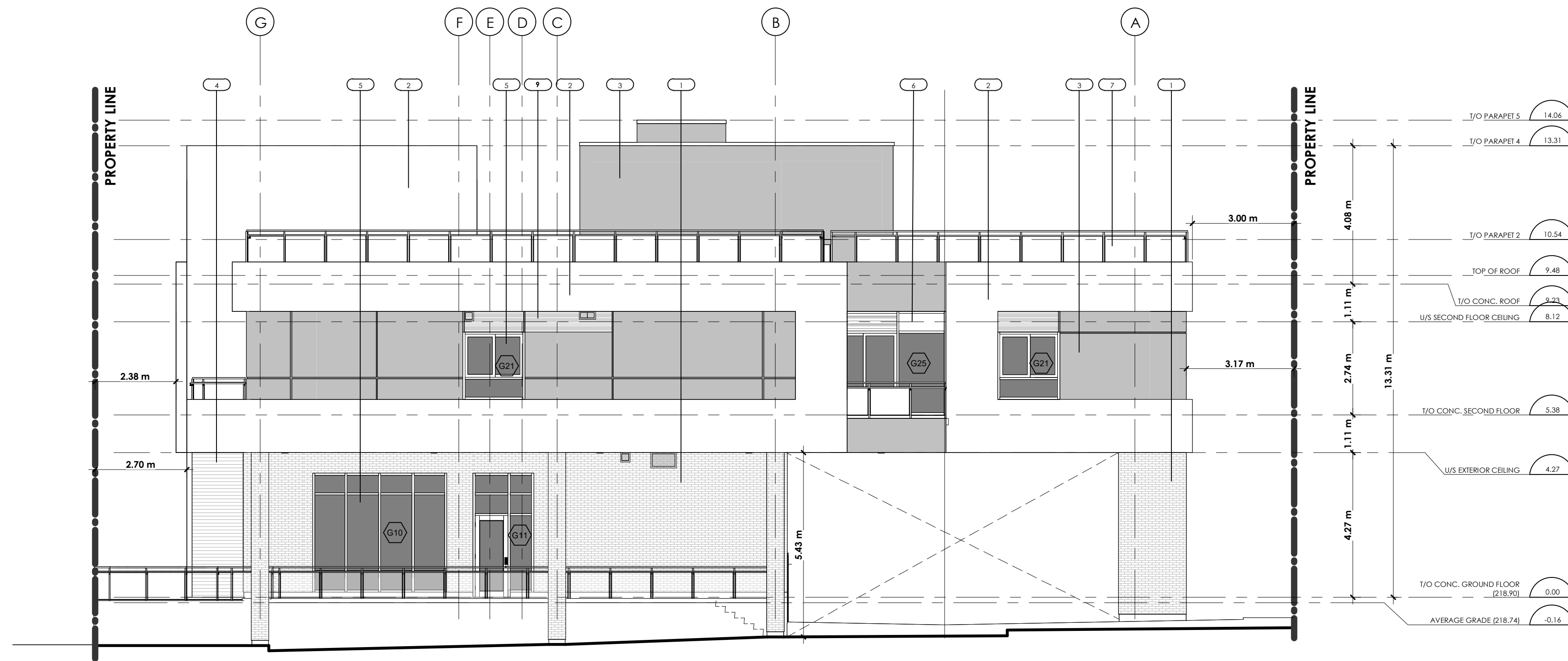
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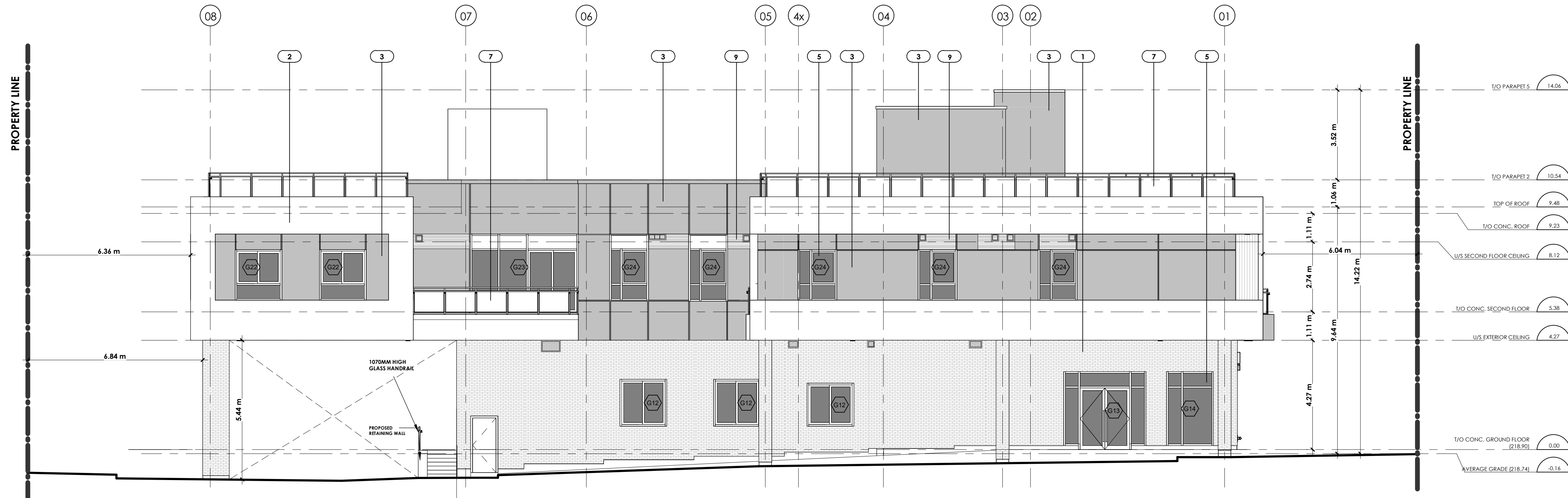
A-5.1

MATERIAL LEGEND

- 1 - BRICK
- 2 - ACM PANEL - COLOUR 1
- 3 - ACM PANEL - COLOUR 2
- 4 - ACM PANEL - WOOD FINISH
- 5 - GLASS
- 6 - OPAQUE SPANDREL PANELS
- 7 - GLASS AND METAL HANDRAIL
- 8 - LOUVER TO MATCH SPANDREL PANEL COLOUR
- 9 - LOUVER TO MATCH ACM PANEL - COLOUR 2



1 EAST ELEVATION - SPA
A-5.2 1 : 100



2 NORTH ELEVATION - SPA
A-5.2 1 : 100

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SEALS

PROJECT TITLE

MIXED USE DEVELOPMENT

741 RYMAL ROAD EAST, HAMILTON, ON

DRAWING TITLE

NORTH & EAST ELEVATIONS

DRAWN BY

RA

SCALE

As indicated

DATE

SEPTEMBER 2022

CHECKED BY

FL

PROJECT NUMBER

19-340

SITE PLAN NUMBER

DA-21-058E

DRAWING NUMBER

A-5.2



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

December 7, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 741 Rymal Road East, Hamilton
Minor Variance Application Submission

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Zeina Homes, for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 741 Rymal Road East, in the City of Hamilton. The purpose of this analysis is in support of the Minor Variance Application for the subject lands. The proposed development is the construction of a permitted two-storey, mixed-use structure. The ground floor will contain office use and have a ground floor area of 458.88m². The cantilevered second storey containing six residential units will have a floor area of 853.24m² (1,312.12m² total GFA). Access to the site and 17-space parking area will be via an ingress/ egress onto Eva Street – which is permitted through Minor Variance HM/A-19:427. An additional minor variance is necessary as through the Site Plan Process, additional variances were identified.

The subject lands are located on a corner lot bounded by three rights-of-way: Rymal Road East to the south, Eva Street to the east, and Eaglewood Drive to the north. The lands are currently vacant and zoned Neighbourhood Commercial (C2) with Special Exception 330.

The following supporting materials are submitted to your attention, in support of the subject application:

- One (1) digital copy of the Minor Variance Application Form, filled, and commissioned.
- One (1) digital copy of the Architectural Package with proposed Site Plan, Floor Plans, and Elevations, created by Lima Architects;
- One (1) cheque in the amount of \$3,465.00 representing the required application fee.

The site sits along Rymal Road East, a Secondary Corridor as per Schedule E of the Urban Hamilton Official Plan. The surrounding area is primarily residential in the form of single-detached dwellings and street townhomes. A newly constructed plaza mall with grocery store is less than 200 metres west of the subject site while a second plaza is located approximately 500 metres to the east. St. Jean de Brebeuf Secondary School and St. John Paul II Elementary School are located approximately 1 kilometre to the northwest and are adjacent to Billy Sherring Community Park. Nora Frances Henderson Secondary Public School is located approximately 700 metres from the subject site. Public transit stops are located directly adjacent to and across from the subject lands.



Urban Hamilton Official Plan (UHOP)

The Urban Hamilton Official Plan (UHOP) is the guiding document for where and how the City of Hamilton will grow until 2051.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the UHOP. The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned Neighbourhood Commercial (C2) Zone, with Special Exception 330. The C2 Zone permits commercial uses intended to serve residents within the surrounding neighbourhood, as well as residential uses. This Zone is found primarily along collector or arterial roads, with the built form ranging from small scale one-storey commercial plazas to the clustering of commercial buildings under 2,000 square metres built close to the street. The scale, height, and bulk are compatible with the surrounding residential neighbourhood.

Special Exception 330 sets site-specific provisions for the subject lands. These provisions include, but are not limited to:

- Only a mixed-use building, with residential units above and commercial uses at ground level shall be permitted subject to a height restriction of two storeys with a maximum residential GFA equivalent to the commercial use GFA to a maximum of 455 square metres. This provision also permits a residential unit density of one dwelling per 180 square metres of lot area.
- A front yard depth of 6 metres at minimum.
- Garbage areas to be contained entirely within the principal building.

A previous minor variance was granted on the lands in City File Number HM/A-19:427 which granted access from Eva Street; that the gross floor area (GFA) for residential units shall be a maximum of 740 m² instead of 455 square metres, and to reduce the required parking from the twenty (20) spaces required to eighteen (18) spaces. These minor variances were granted on the condition that the number of dwelling units shall not exceed six.

Minor Variance

Despite receiving minor variances through HM/A-19:427, several other variances are required to facilitate the proposed development as the designs have been updated with regard for city comments. The variances are as follows:

1. To permit a maximum residential unit GFA of 855 square metres, whereas the maximum is 740 square metres.
2. To permit a parking area between the principal building and a street line.



3. To permit a minimum parking space size of 2.8 metres x 5.8 metres when abutting a wall, column, or any other obstruction, whereas the minimum requires an increase of 0.3 metres to space dimensions when abutting an obstruction.

Four Tests

As per Section 45(1) of the Planning Act (1990), the Committee of Adjustment has the power to authorize "... a minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof..." .

Accordingly, the Committee of Adjustment has the power to approve variances to the permitted uses from the existing provisions of the Zoning By-law. Any minor variance must demonstrate, in the opinion of the Committee, that the proposed variance meets the four (4) tests outlined under the Planning Act, which are as follows:

- 1) Is it minor in nature?
- 2) Is it desirable for the appropriate development or use of the land?
- 3) Does it maintain the general intent/purpose of the Official Plan?
- 4) Does it maintain the general intent/purpose of the Zoning By-law?

Our office has taken care to prepare responses to each of the four tests for each variance.

VARIANCE 1: Maximum Residential GFA permitted

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

Proposed is a two-storey, mixed use development featuring permitted commercial office and residential uses. The variance being sought is to increase the permitted residential unit gross floor area to a maximum of 855 square metres. This would permit an innovative, cantilevered building design along the Secondary Corridor of Rymal Road East that makes efficient use of what would otherwise be underutilized lands.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated "Neighbourhoods," as per *Schedule E-1 Urban Land Use Designations* in the Urban Hamilton Official Plan, which permits commercial and residential uses.

The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 32.5 units per hectare, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

Chapter A.1.4 sets forth the Principles of the Official Plan. The proposed development follows every applicable principle:

- The compact form contributes to healthy urban communities that provide opportunities to live, work, play, and learn;
- It utilizes underdeveloped lands within the urban boundary with a higher density than would be permitted with the existing by-law restrictions;



- The site is accessible by automobile, public transit (transit stops are located adjacent and across from the subject lands), and pedestrian access;
- Promotes the growing, strong, prosperous and diverse economy of the area and financial stability to surrounding commercial uses, and;
- It is a strategic and wise use of existing infrastructure services and existing built forms.

Chapter B.2.4 sets policies regarding residential intensification, and states:

“Intensification ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.”

Residential intensification is encouraged in the entire built-up area, with the primary intensification areas being Nodes and Urban Corridors. The inclusion of the apartment dwellings creates a wider range of available housing in the area. Residential intensification in “Neighbourhoods” has been planned to accommodate 30% of the residential intensification target and Urban Corridors are planned to accommodate another 40% (Policy B.2.4.1.3).

Chapter B.3.2 sets policies regarding Housing and the goals of the Official Plan related to such matters. The proposed development complies with the goals set in 3.2.1 of Chapter B by providing a range of housing types and densities to help foster a more complete community while increasing the stock of more available housing in an area dominated by more expensive, single-detached dwellings. It should be noted that generally the development is providing a greater number of 3-bedroom units to support housing for larger families, for instance.

Chapter E.2 sets forth policy regarding the Urban Structure. Since the subject lands are located on an urban corridor, as per *Schedule E – Urban Structure*, the proposed development complies with each principle stated in E.2.1. Further, E.2.4 sets policies for Urban Corridors. Corridors are considered a separate structural element from the Neighbourhoods but function as an integral part of the surrounding Neighbourhood and shall be the location for a range of higher density land uses including mixed uses where feasible. Secondary Corridors shall serve to link nodes and employment areas or primary corridors. Regarding scale, 2.4.10 states that Secondary Corridors shall generally accommodate retail and mixed-use forms in small clusters with medium density housing located between the clusters. The proposed structure incorporates both while making efficient use of land. Policy 2.4.12 states that, while Secondary Corridors are currently characterized by single use buildings, it is the intent of the Official Plan to evolve these corridors to an increasing proportion of multi-storey, mixed use buildings. The proposed building is within the height requirements as it is two storeys in height, with rooftop amenity and still complies with 2.4.16 in that the building and its location have been designed to minimize effects of overview.

Chapter E.3.8 of Volume 1 of the Official Plan sets policy related to “Local Commercial” designations. The proposed structure complies with the permitted uses set in 3.8.2 as it contains office uses that can cater to the weekly and daily needs of residents within the surrounding neighbourhood while simultaneously including residential use. Policy 3.8.4 sets speaks to scale of development. 3.8.4d) permits multiple storey buildings with the local commercial uses on the ground floor and residential units above, precisely what the proposed building will feature. This section of policy also regards design in the development of local



commercial. The proposed development will front onto a major arterial (Rymal Road East) with safe, vehicular access provided via Eva Street. The site will have safe and convenient access from Rymal Road East and Eva Street for pedestrians and cyclists of the surrounding neighbourhood while improving the streetscape.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. Further, the development is supportive of the numerous goals and objectives for development as described in the Official Plan. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

The required variances to Former City of Hamilton Zoning By-law 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood and is a use permitted in the current zoning. Proposed is a cantilevered design that better utilizes the available lands to provide for a greater number of three-bedroom units.

By-law 10.2.1.1.ii)1 of the City of Hamilton Zoning By-law 05-200 sets a built form in the C2 Zone that would restrict residential uses in mixed use buildings to a maximum of 50% of the total GFA. This is to create a balance that does not outweigh the commercial use. What this does, however, is reduce the potential to create a greater number and diverse range of housing options to assist in providing the required growth targets. The innovative, cantilevered design allows for the commercial use and required on-site features such as landscaping buffers, parking, etc. to exist while providing space to accommodate six, large-family, dwellings in a housing form that differs from the surrounding single-detached residential properties.

As per Special Exception 330.a)i)A. this particular site would originally permitted, as-of-right, to facilitate ten units. However, when applying for the first minor variance (HM/A-19:427) to allow for a greater GFA for residential units in the second storey, a condition was set to permit a maximum of six units. The variance to increase the residential GFA is described verbatim below:

“1. The gross floor area (GFA) for residential units shall be 740 m² instead of 450 square metres.”

This variance was interpreted by the applicant to mean only the GFA of the residential dwelling units themselves, which it adheres to. The interpretation of the city is that this should also pertain to all common areas such as access hallways as well as the enclosed balcony spaces. The inclusion of these spaces is what brings the total residential GFA above the increased 740 square metre maximum. Further, portions of the large balconies which we're featured in the previous version of the design have now been partially enclosed, thereby adding additional GFA.

It is of my planning opinion that the requested variance to increase the maximum residential GFA from the 740 square metres set in Minor Variance HM/A-19:427 to a slightly higher 855 square metres maintains the intent and purpose of the City of Hamilton Zoning By-law 05-200.



3. Is the proposed variance appropriate for the development of the subject lands?

As noted above, the variance is intended to facilitate desirable built form within an urban neighbourhood context. The proposed variances conform with the Official Plan and are compliant with zoning by-law in of height and scale and will help implement a greater density of a use permitted within the zoning that still conforms to the Official Plan density limits. The proposed development will better utilize the subject lands by providing a greater number of larger-family dwellings to the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

4. Is the proposed variances minor in nature?

The subject lands have already received minor variance approval for the type of built form suggested. The variance being requested is simply to increase the minor variance limit of residential gross floor area from 740 square metres to 855 square metres – an increase of only approximately 13%. Again, this is to address a minor variance that the city and applicant interpreted differently. The additional GFA increase is to include common hallway access areas in the second storey and the portions of balconies which are now enclosed. There are no perceived impacts on the neighbourhood resulting from the requested increase and accordingly, it is my professional planning opinion that the variances are minor in nature.

VARIANCE 2: To permit a parking area between the principal building and a street line.

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

The proposed development sits on a unique corner that includes three lot lines abutting a street. The site plan design has provided sufficient parking for the residential and commercial uses located in the side and rear yards (as per City of Hamilton Zoning By-law 05-200 definitions). Further, substantial landscaping including shrubbery and three trees will be provided between the parking spaces and the street line. An additional three street tree plantings have also been proposed in the Landscaping Plan.

As per the Neighbourhood Designation General Policies in E.3.2.7.b) parking areas along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

The submitted site plan shows that both Rymal Road East and Eva Street do not propose parking between the building and street. The proposed parking spaces provided between the building and Eaglewood Drive are technically located in the 'rear' yard and are substantially buffered with landscaped space including shrubs and trees. The visual impact of the surface parking area provided has been reduced through landscaped buffers on a site that is uniquely restrictive in conforming with Official Plan policies.

It is my professional planning opinion that the requested variance to permit a parking area between a building and a street line is, in this instance, good planning and maintains the intent and purpose of the Urban Hamilton Official Plan.



2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

Section 5.1 of the City of Hamilton Zoning By-Law 05-200 describes the by-laws associated with the location of required parking. The proposed development provides sufficient parking on the same lot within the side and rear yards, are distanced farther than the 3.0 metres from a street line and provide a 3.0-metre-wide planting strip between the rear lot line and parking spaces provided.

Further, in by-law 5.1.d), lots containing multiple dwellings shall not locate parking between the façade and front lot line or between the façade and flankage lot line. *"In no case shall any parking be located within the required front yard or required flankage yard, or within 3.0 metres of a street line."*

By-law 10.2.3.i)vi) states: *"No parking, driveways, stacking lanes, or aisles shall be located between a building façade and the front lot line and the flankage lot line."*

The proposed development has located parking in the side and rear yards with an access driveway located in the flankage yard. The location of the driveway is located in the safest and most convenient location for the subject site as access to Rymal Road East could cause vehicular backup and a greater number of collisions. This was the reasoning behind the variance requested, and approved, in HM/A-19-427 to permit access from Eva Street. This driveway should not technically be considered as between the building façade and flankage lot line, as the driveway directs traffic below the cantilevered building design and façade.

As mentioned above, the portion of provided parking located between the principal building and street, for which the variance request is based, is located in the rear yard, as per the City of Hamilton Zoning By-law 05-200 definitions as described below:

Corner Lot - shall mean,

- a) A lot situated at the intersection of two or more streets or a lot abutting on one or more parts of the same street where such intersections have an angle of intersection of 135 degrees or less; or,*

Front Lot Line – shall mean any lot line abutting a street, and:

- a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line;*

Rear Lot Line - shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.

Rear Yard - shall mean a yard extending across the full width of a lot measured between the rear lot line and the nearest part of a building on the lot.

In this instance, the lot line along Rymal Road East has been described as the front lot line, the lot line along Eva Street as the flankage lot line, and the lot line along Eaglewood Drive as the rear lot line. This would then describe the space between the building and Eaglewood Drive as the rear yard. As such, the



location of the provided parking should be permitted as shown on the site plan, and the requested variance, if needed, be approved. It is of my professional planning opinion that the requested variance maintains the intent and purpose of the zoning by-law.

3. Is the proposed variance appropriate for the development of the subject lands?

As noted above, the variance is intended to facilitate desirable built form within an urban neighbourhood context. The requested variance to allow parking between the building and Eaglewood Drive maintains the intent and purpose of both the Official Plan and Zoning By-laws. The parking provided is screened from view of the street. The allows for sufficient parking to be provided for both commercial office and residential uses. The variance is therefore appropriate for the development of the subject lands.

4. Is the proposed variances minor in nature?

The requested variance is minor in nature as the visual impact of surface parking located between the building and street line have been sufficiently buffered and landscaped to improve the streetscape. The parking area is technically located in the rear and side yard as per the zoning by-law definitions. There are no perceived impacts on the neighbourhood resulting from the requested variance. It is my professional planning opinion that the variances are minor in nature.

VARIANCE 3: Parking Dimensions Abutting an Obstacle

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

The Urban Hamilton Official Plan has little regard for the technical matter of parking space dimensions. However, the variance facilitates parking on site to support the uses, as such the parking space variance meets the general intent of the Urban Hamilton Official Plan.

2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

Section 5.2 of the Zoning By-law outlines the Design Standards for the City of Hamilton parking areas. By-law 5.1.b) states that the minimum parking space size shall be 2.8 metres in width and 5.8 metres in length. However, where a wall, column, or any other obstruction is located abutting or within any parking space within a parking structure, the minimum width of a parking space shall be increased by 0.3 metres for each obstruction. The intent of this by-law is to provide sufficient space to access and manoeuvre private vehicles parked on site without damaging said vehicles.

There are several parking spaces which abut the support columns of the cantilevered building design. These include Spaces 2, 4, 13, 15, and 17 as shown on the Site Plan submitted. Parking Spaces 2 and 4 abut columns that are 2 metres in length and 0.51 metres in width. Parking Space 2 has a total width of 3.5 metres which would create a width of 2.99 metres. As per the zoning by-law the space would be required to provide 3.1 metres. Similarly, Parking Space 4 is 3.3 metres in width while abutting a column that is located 0.3 metres within the space, which would require a minimum width of 3.1 metres.



Parking Spaces 13, 15, and 17 all abut and contain columns 0.51 metres in width but are only 1.04 metres in length. These columns are also located to the rear of the spaces and would minimally impact the access to and from parked vehicles. Parking Space 13 has been provided a total width of 3.3 metres, but a minimum pinch point of 2.8 metres, whereas 3.1 metres would be required. Parking Space 15 has a total width of 3.1 metres, the column located in the space would create a pinch point minimum of 2.6 metres.

By-law 5.2.b)vi) states that where 10 or more parking spaces are required on a lot, the minimum parking space of not more than 10% of such required parking spaces shall be a width of 2.6 metres. While it is understood that the proposed development technically only requires six parking spaces, the applicant has provided parking that would allow for larger-family homes to have more than one vehicle while providing sufficient parking for visitors and employees of the office uses; proposed are 17 spaces in total, one being barrier free. If this by-law were to apply to the parking supplied it would be granted one (1) parking space to be permitted a width of 2.6 metres.

Parking Space 17 has a total width of 2.8 metres while abutting a column. However, by-law 5.2.b)iii) states that the additional parking space width requirement set in subsection ii) shall not be required provided:

- 1. the maximum length of the wall, column or any other obstruction shall not exceed 1.15 metres;*
- 2. the wall, column or any other obstruction is located at the front, rear, or both ends of the parking space; and,*
- 3. the wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.*

Parking Space 17 abuts a column that is located to the rear of the space and which does not project into the space with a length of 1.04 metres. As such, Parking Space 17 should not be subject to this requirement.

While the technical requirements of the design standards as described in the zoning by-law have not been met, the proposed development has still provided above the minimum number of spaces required. Further many of these spaces have provided significant parking space widths to accommodate spaces abutting or including the necessary support columns. Vehicles and their operators should not be hindered by the dimensions provided on site and the intent and purpose of the City of Hamilton Zoning By-law 05-200 has been maintained.

3. Is the proposed variance appropriate for the development of the subject lands?

As described above, the requested variances will permit parking spaces that have regard for access and manoeuvrability by providing significant parking widths when abutting columns. These columns should have little to no impact to access and manoeuvre vehicles within the spaces discussed. The one (1) space that would be well below the minimum dimension could be considered as a permitted small car space, provided it is marked as such. In accordance with the discussions above, the reduction of parking space with abutting a column is appropriate for the proposed development.



4. Is the proposed variance minor in nature?

As discussed above, the difference in required measurements is minimal. Further, the additional total width provided in many of the spaces abutting columns should allow vehicles sufficient manoeuvring space and access.

In accordance with the above criteria, variances to permit a greater residential, second-storey, gross floor area, to permit parking between a building and a street line, and to reduce the required minimum parking space width abutting obstructions will be required to facilitate the proposed development. The variances represent good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Ryan Ferrari, MCIP, RPP, CPT
Senior Planner

A. J. Clarke and Associates Ltd.



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)	1376412 Ontario Inc. c/o Ali Alaichi	
Applicant(s)	Same as Owner	
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari	

- 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	741 Rymal Road East		
Assessment Roll Number	07074108210		
Former Municipality	Hamilton		
Lot	8	Concession	8
Registered Plan Number	1007	Lot(s)	Lt 1, Pt Lt 2
Reference Plan Number (s)	62R-7802	Part(s)	Pt 2

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:

See attached Planning Brief

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

See attached Planning Brief

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
23.85m	54.41m	1847.18m ²	20.1m

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
NONE				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
2-storey Mixed Use Building	6.1m	6.04m	3.0m	TBD

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
NONE				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
2-storey, Mixed Use Building	458.88m ²	1312m ²	2	9.64m

- 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.):

Mixed Use; Office and Residential

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:

2019

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

N/A - vacant

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

N/A - vacant

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

N/A

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) Neighbourhoods

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

7.6 What is the existing zoning of the subject land? Neighbourhood Commercial (C2, 330) 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:

HM/A-19:427

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: 0

8.2 Number of Dwelling Units Proposed: 6

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

See Planning Brief