



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-23:04	SUBJECT PROPERTY:	769 KING STREET W, HAMILTON, L8S 1J9
ZONE:	“H S – 1361” (Community Shopping & Commercial)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Mohamoud Ali
Applicant: Ketul Shah

The following variances are requested:

1. An unenclosed front porch shall be permitted to be located 0.26 metres from the front lot line instead of the required 1.5 metres from the front lot line.
2. A minimum of three (3) sparking spaces shall be permitted for the proposed medical office instead of the required seven (7) sparking spaces.

PURPOSE & EFFECT: To facilitate the construction of a unclosed front porch.

Notes:

1. Please be advised as per past records the last recognized use is a single-family dwelling.
2. Please be advised insufficient information was provided to determine zoning compliance with the proposed porch guards and columns. Additional variances may be required

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 16, 2023
TIME:	1:55 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-23:04, 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 31, 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.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

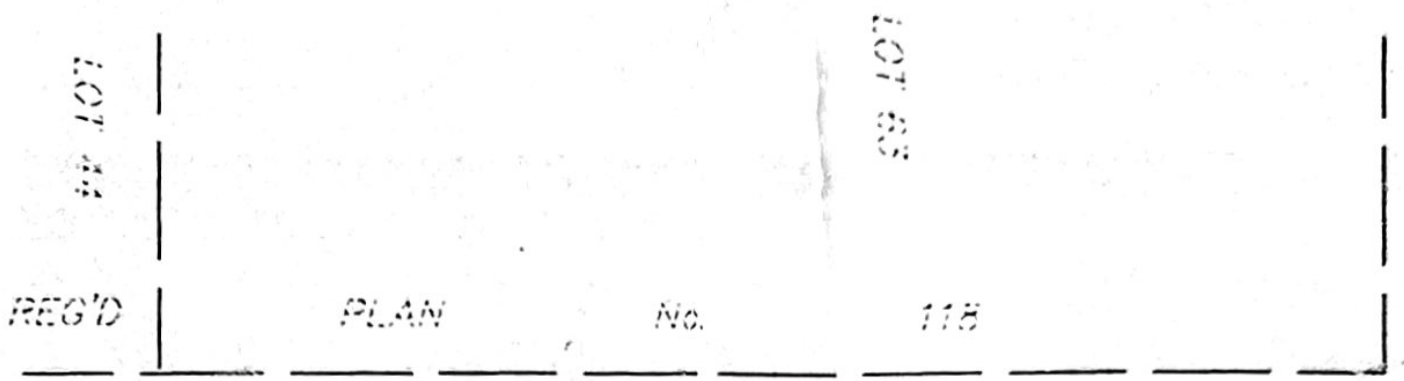
The CITY OF HAMILTON disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein



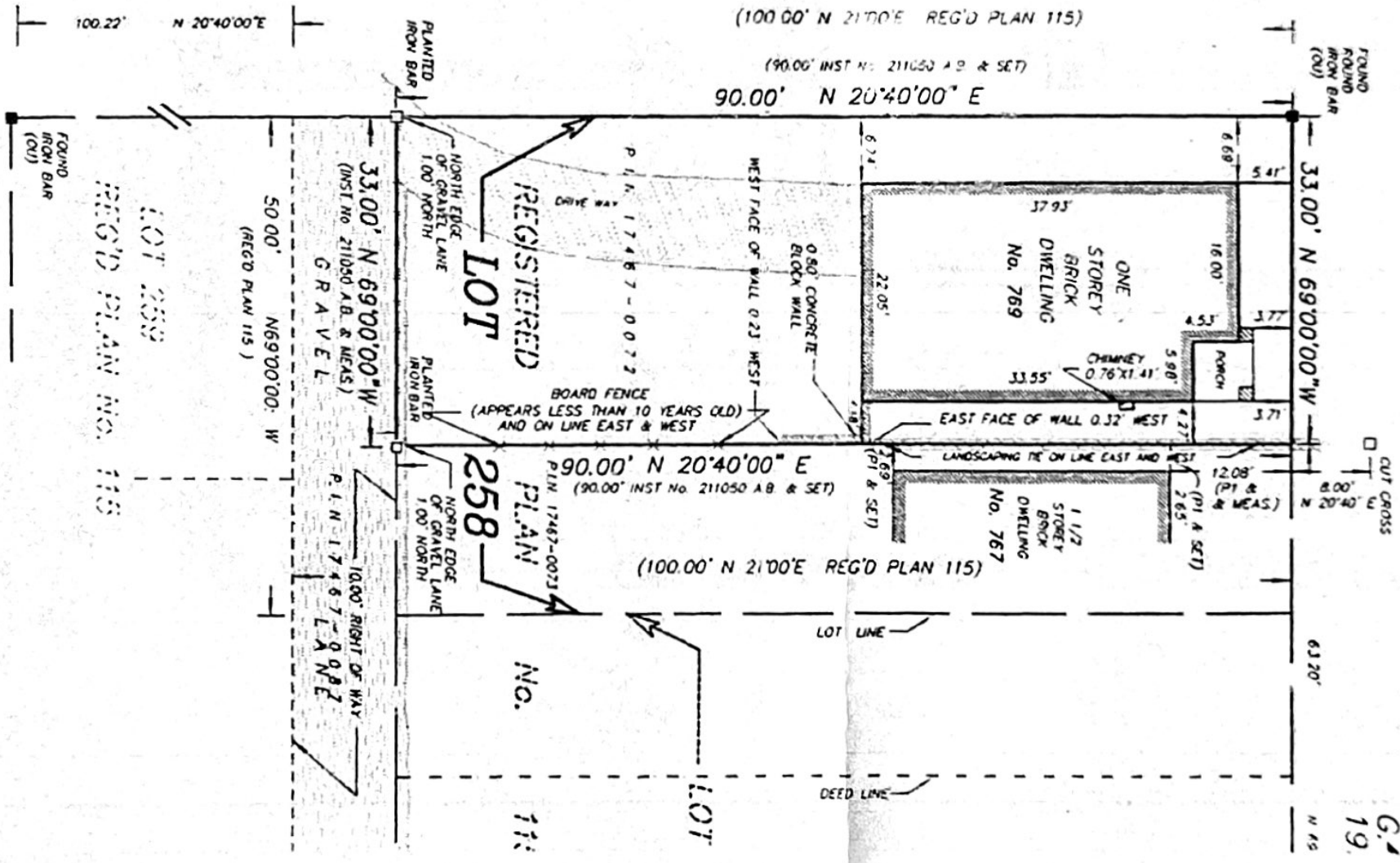
ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
1204865

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3)

769 KING STREET WEST
 FORMERLY MAIN STREET
 P.I.N. 17468-0202



MACKLIN STREET
 (ESTABLISHED ACCORDING TO REGISTERED PLAN No. 115)
 P.I.N. 17467-0084



SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYOR'S ACT, AND THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 9TH DAY OF SEPTEMBER, 1998

DATE: SEPTEMBER 14, 1998

[Signature]
 J. J. CLARKE
 ONTARIO LAND SURVEYOR

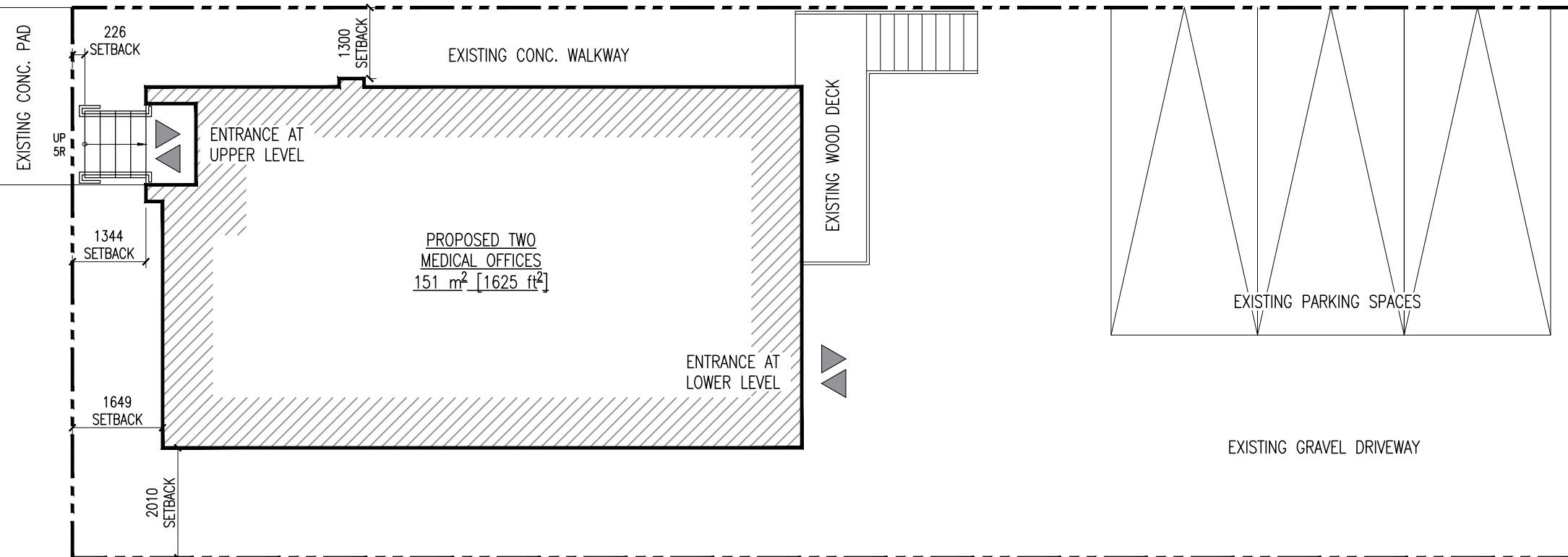
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 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

INPERIAL:
 DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

S.P. PL. P.Y. RE. IN. CI. RE. SC. G. 19.

KING ST W

EXISTING SIDEWALK



NOTE: ALL DIM. ARE IN mm

MACKLIN ST

Scale: 1:100

Designed By: KS
Date: 05/12/2022

TWO MEDICAL OFFICES

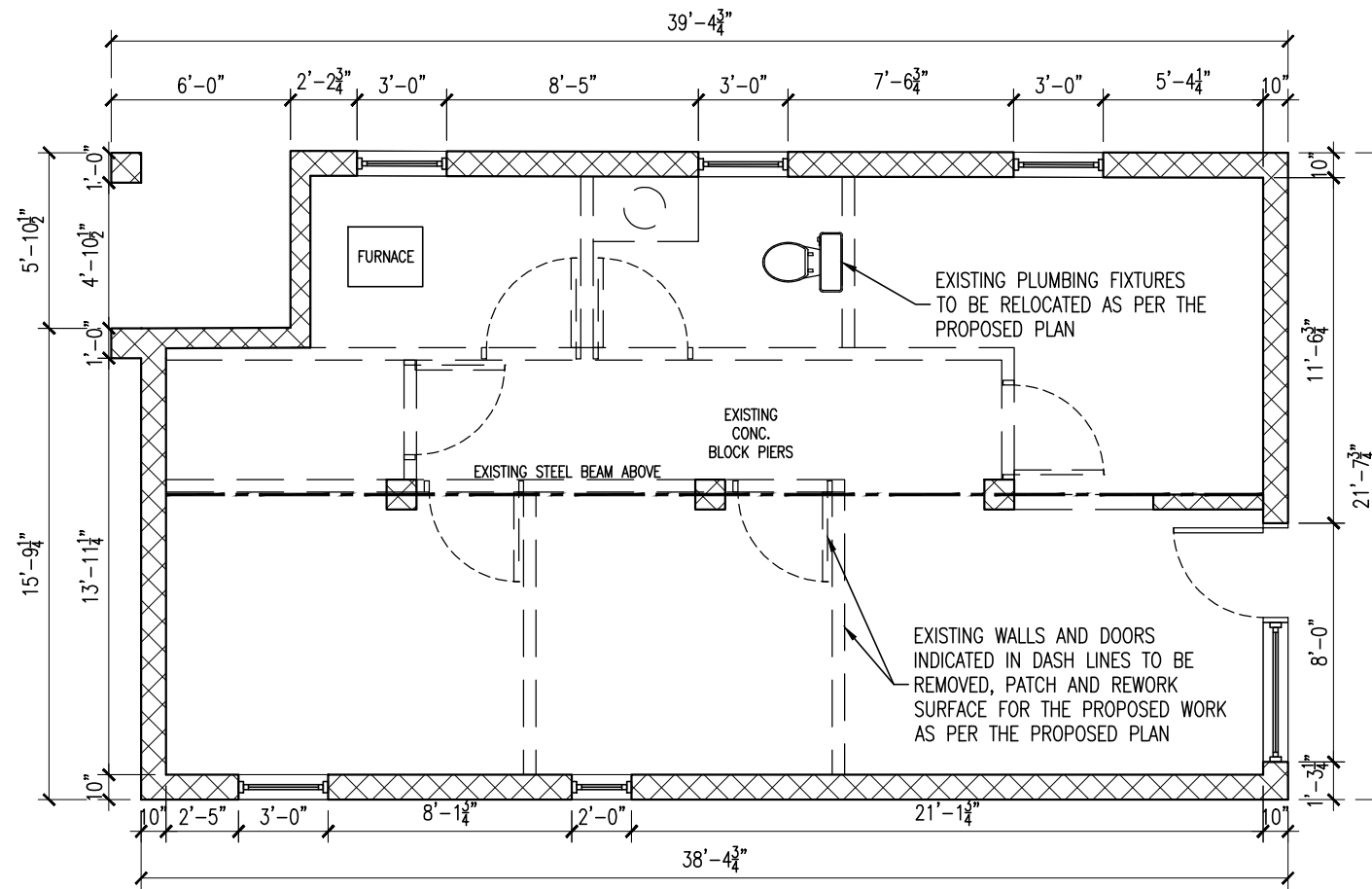
info@adegltd.com
647-410-0006



SITE PLAN

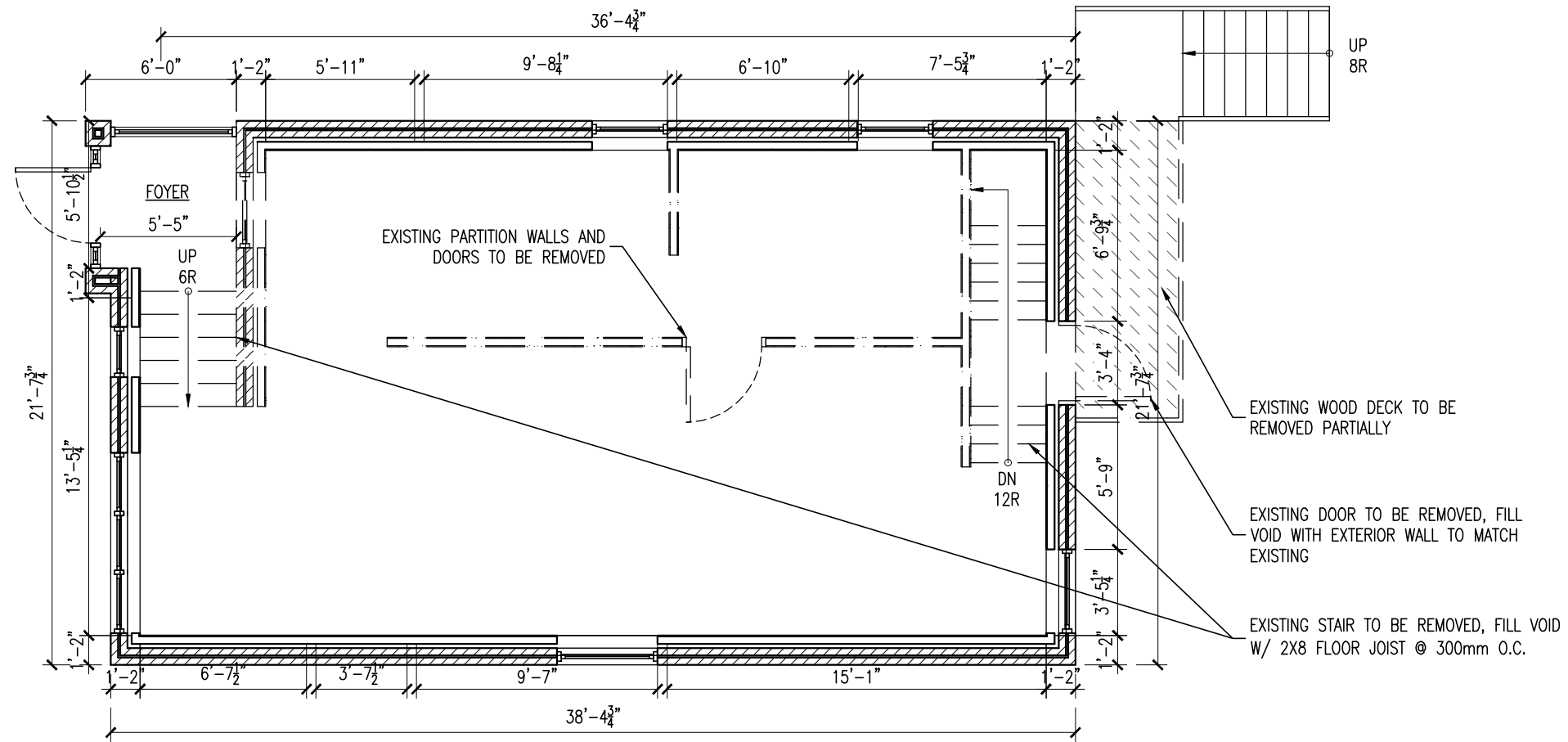
769 King St W
Hamilton, ON

A-1



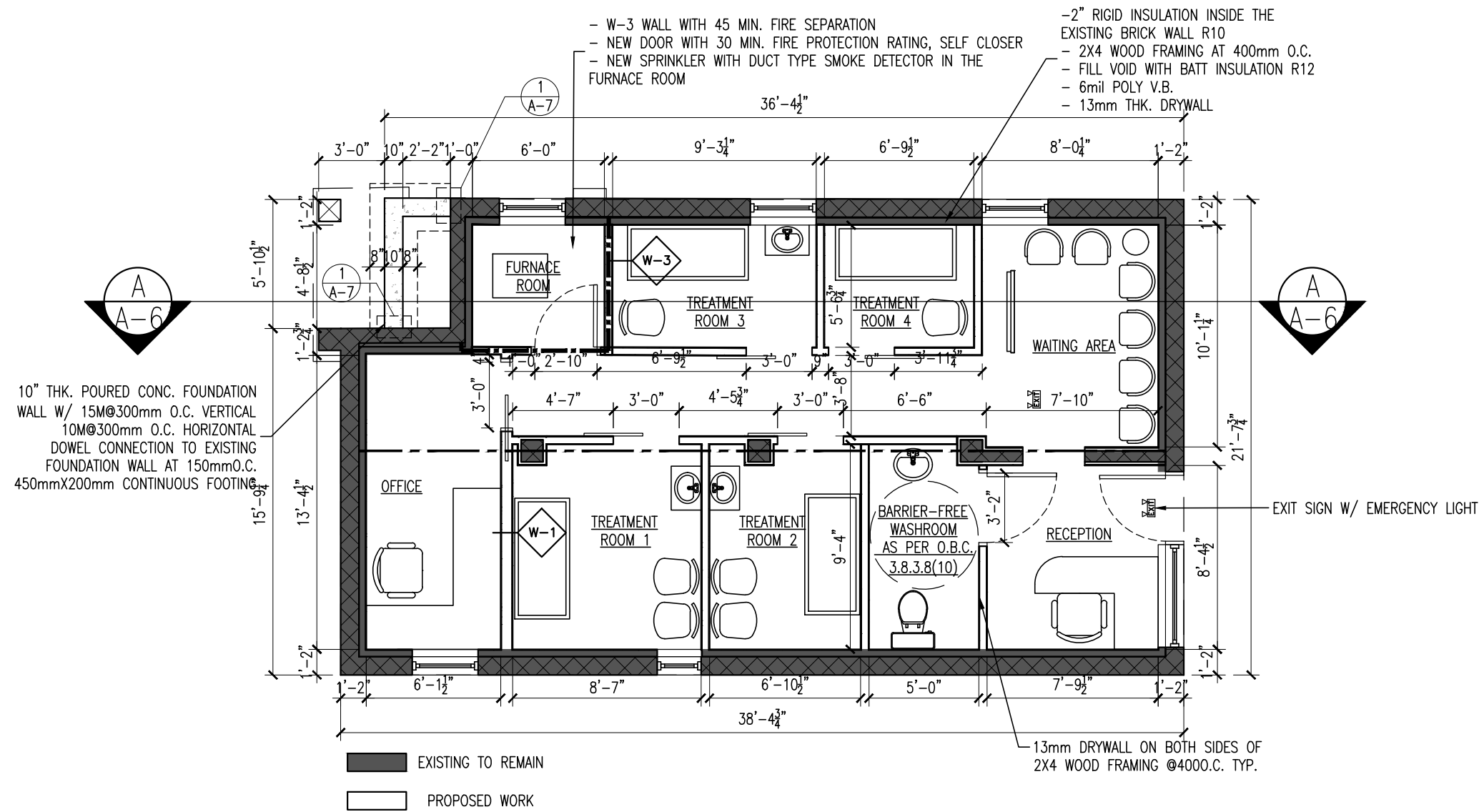
EXISTING LOWER LEVEL PLAN WITH DEMOLITION WORK – 803 sq ft

	Scale:	TWO MEDICAL OFFICES		EXISTING LOWER LEVEL PLAN	A-2
	1:75				
	Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006		769 King St W Hamilton, ON	



EXISTING UPPER LEVEL PLAN WITH DEMOLITION WORK – 837 sq ft

	Scale:	TWO MEDICAL OFFICES		EXISTING UPPER LEVEL PLAN	A-3
	1:75				
	Designed By: KS Date: 05/12/2022			info@adegltd.com 647-410-0006	769 King St W Hamilton, ON



PROPOSED LOWER LEVEL PLAN
 MEDICAL OFFICE 1 - 803 sq ft

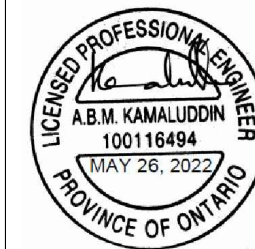
Scale:

1:75

TWO MEDICAL OFFICES

Designed By: KS
 Date: 05/12/2022

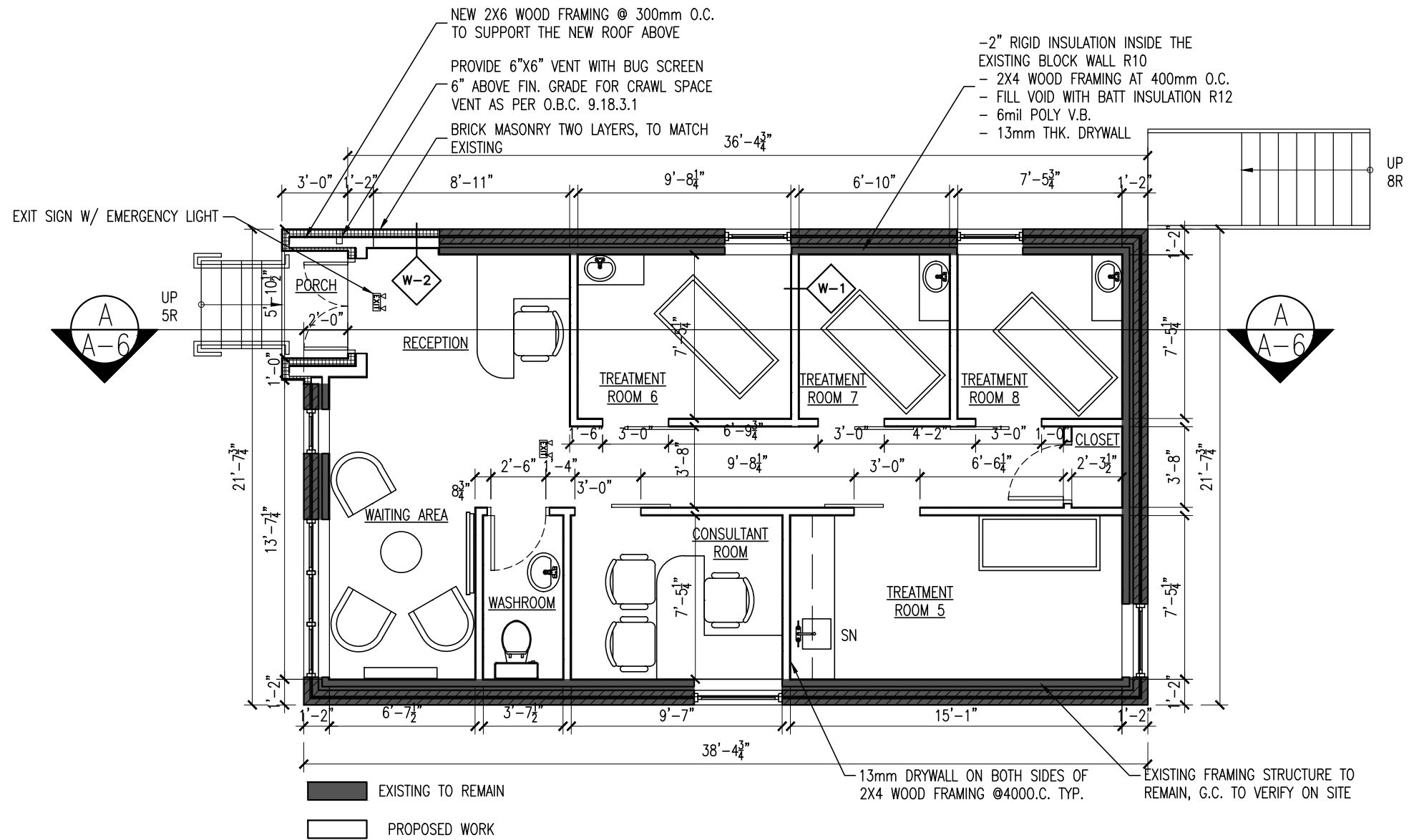
info@adegltd.com
 647-410-0006



NEW LOWER
 LEVEL PLAN

769 King St W
 Hamilton, ON

A-4



PROPOSED UPPER LEVEL PLAN
 MEDICAL OFFICE 2 – 822 sq ft

Scale:
 1:75

Designed By: KS
 Date: 05/12/2022

TWO MEDICAL OFFICES

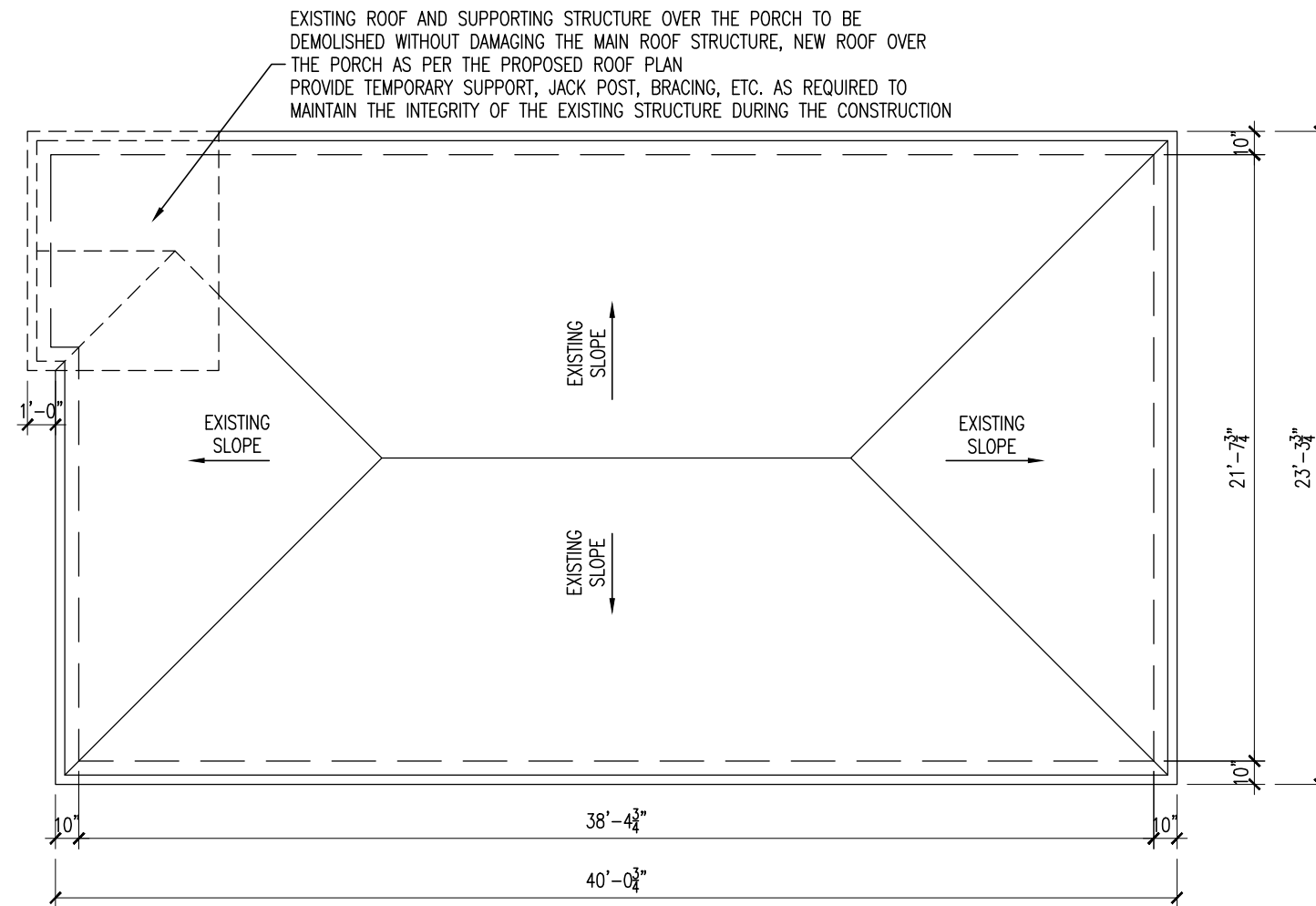
info@adegltd.com
 647-410-0006



NEW UPPER LEVEL PLAN

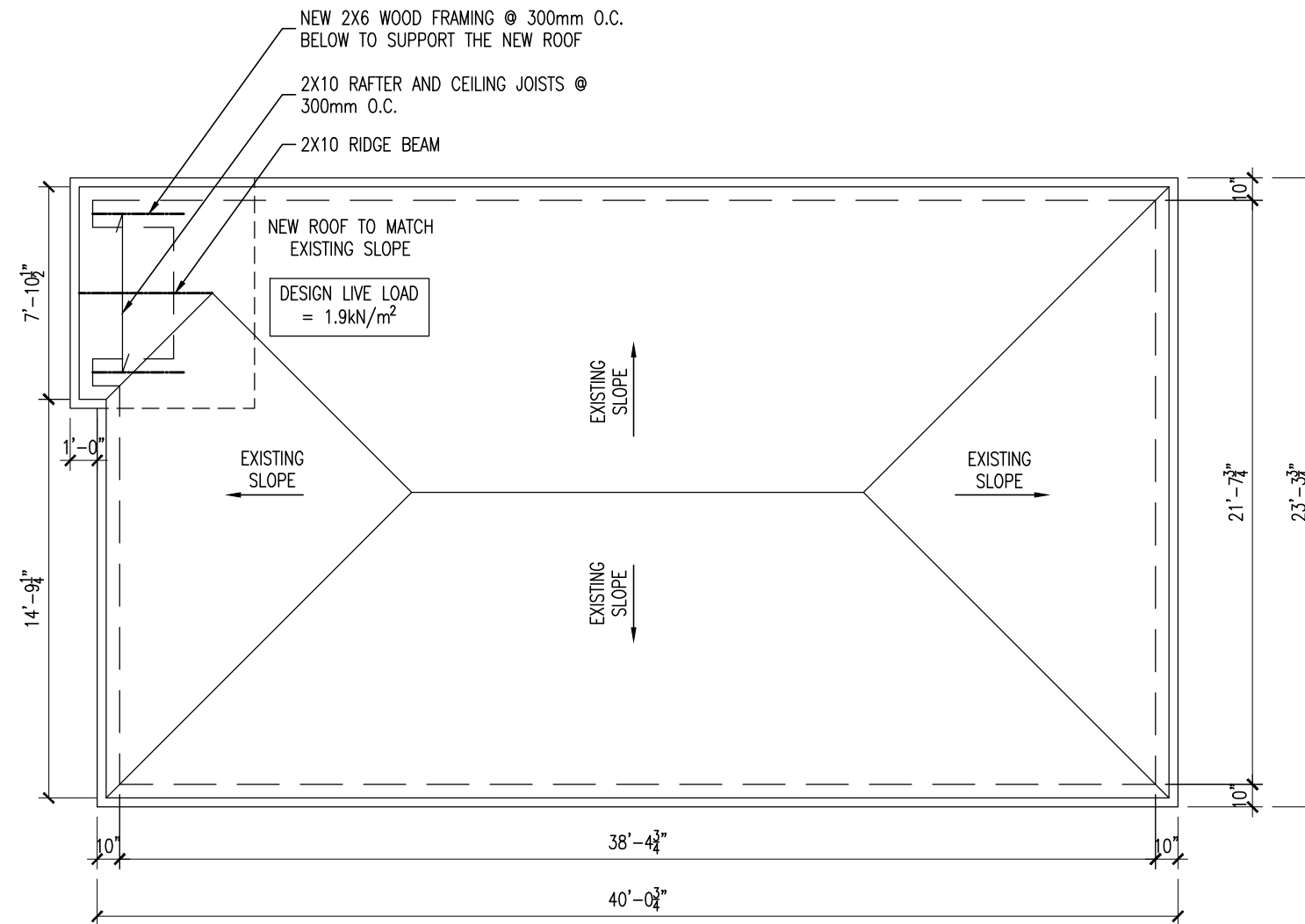
769 King St W
 Hamilton, ON

A-5



EXISTING ROOF PLAN WITH DEMOLITION WORK

	Scale:	TWO MEDICAL OFFICES		EXISTING ROOF PLAN	A-5a
	1:75				
	Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006		769 King St W Hamilton, ON	



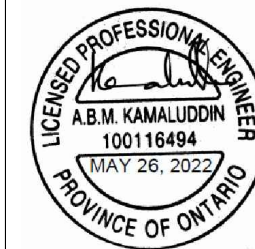
PROPOSED ROOF PLAN

Scale: 1:75

Designed By: KS
Date: 05/12/2022

TWO MEDICAL OFFICES

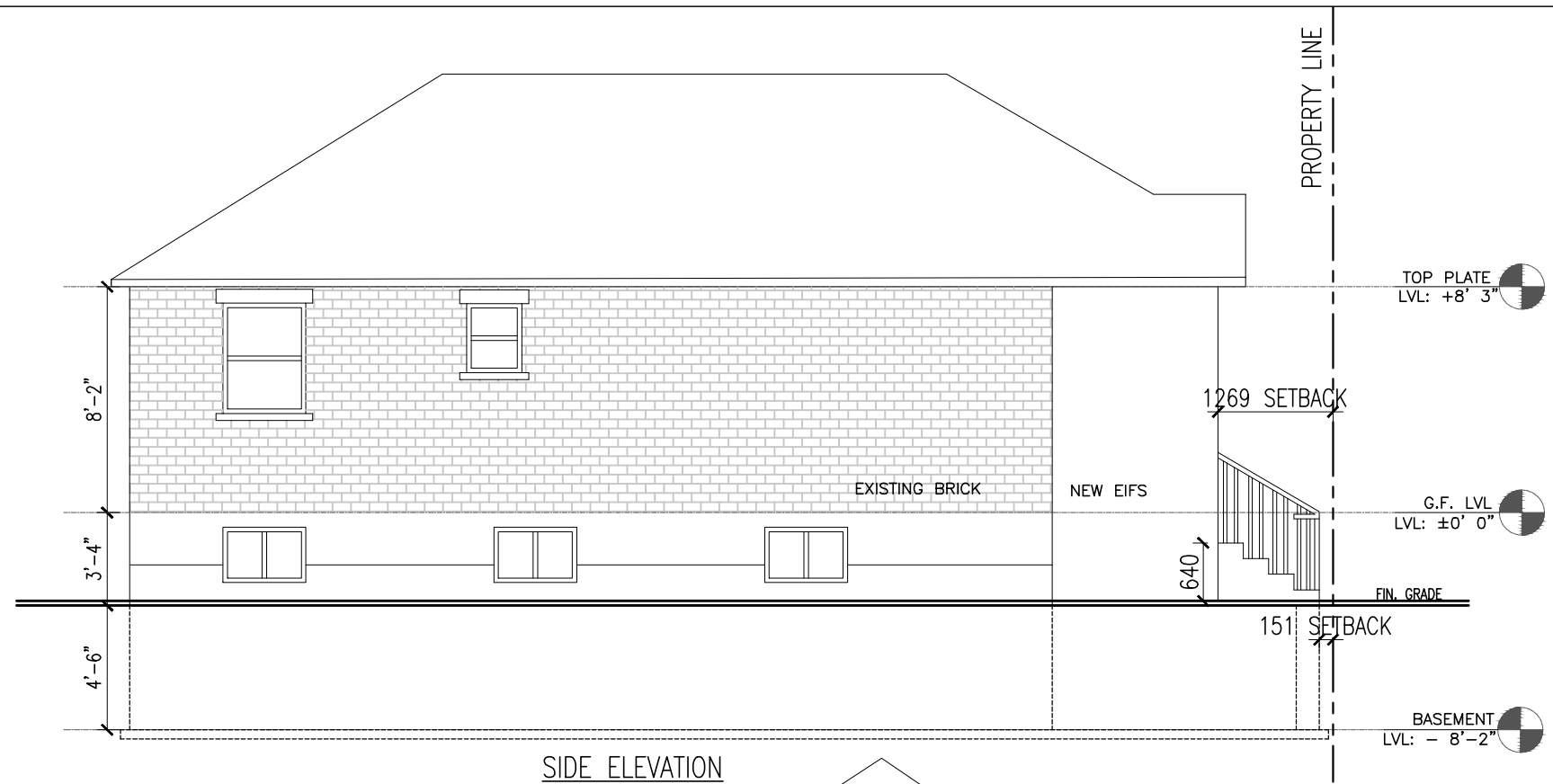
info@adegltd.com
647-410-0006



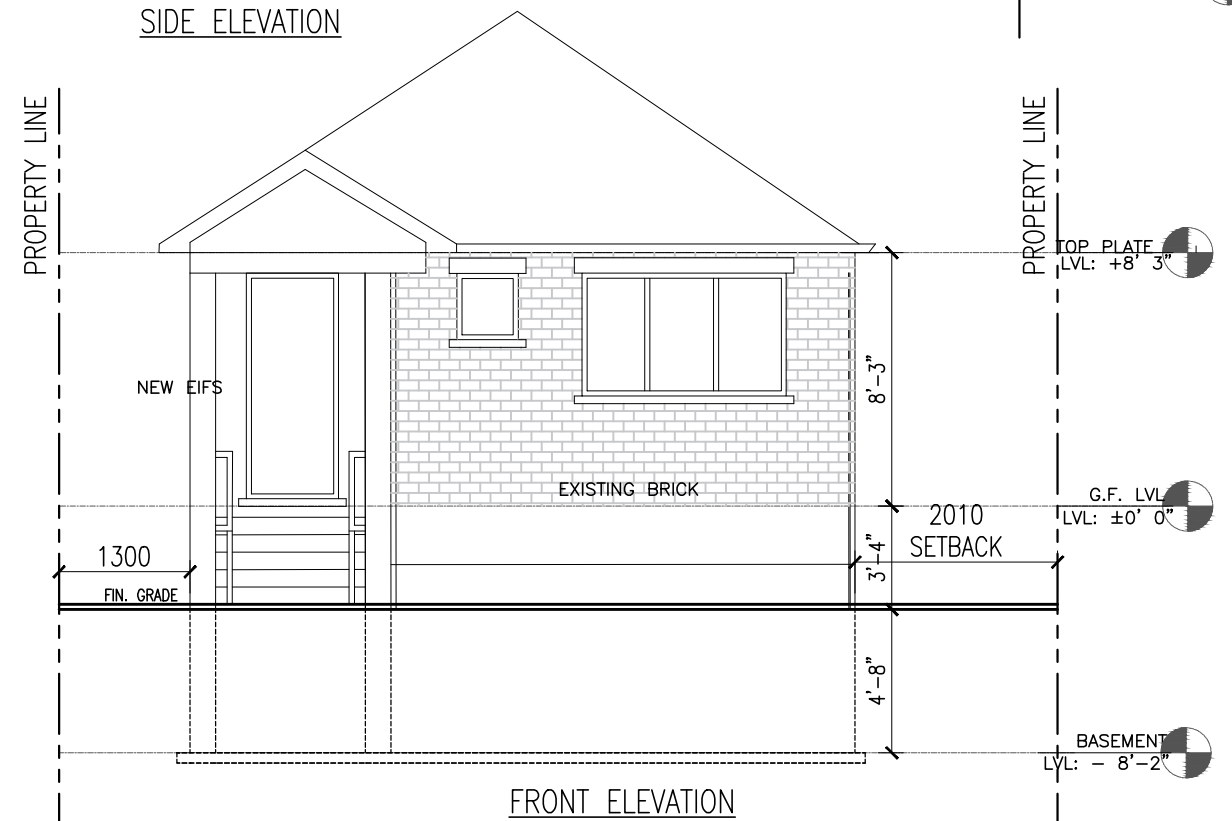
PROPOSED ROOF PLAN

769 King St W
Hamilton, ON

A-5b



SIDE ELEVATION



FRONT ELEVATION

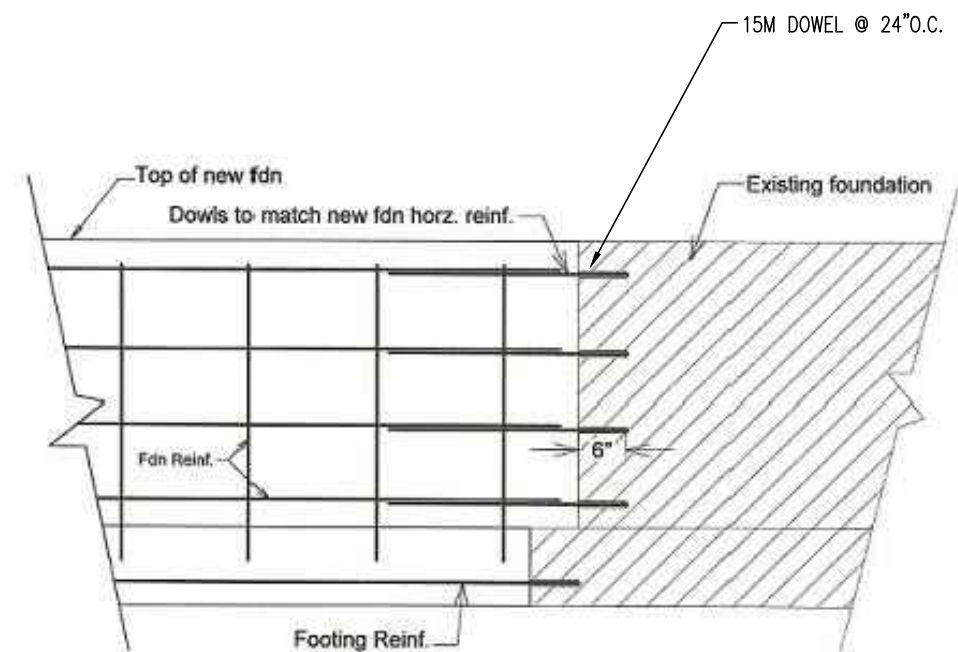
Scale: 1:75
 Designed By: KS
 Date: 05/12/2022

TWO MEDICAL OFFICES
 info@adegltd.com
 647-410-0006



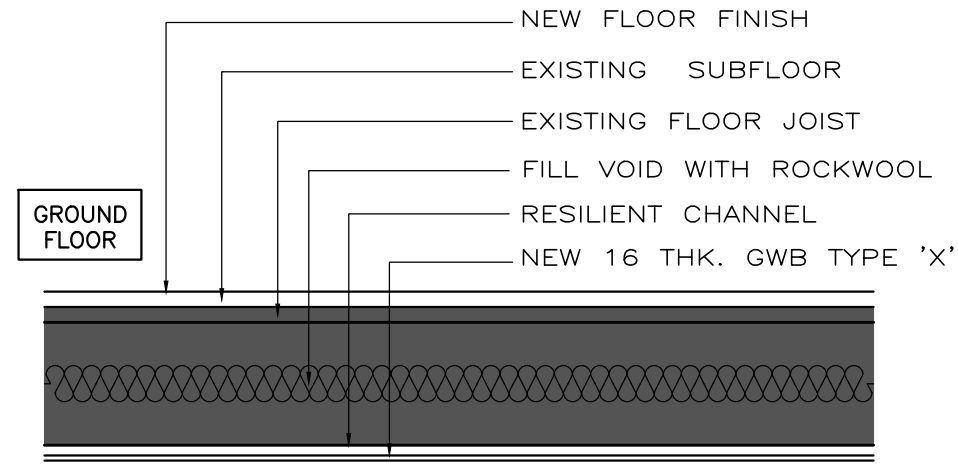
SIDE ELEVATION
 FRONT ELEVATION
 769 King St W
 Hamilton, ON
 A-6a

ONTARIO BUILDING CODE MATRIX - PART 3 OR 9		OBC References									
		PART 11	<input type="checkbox"/> PART 3	<input checked="" type="checkbox"/> PART 9							
Project Description: TWO MEDICAL OFFICES	<input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE	11.1 TO 11.4	1.12 [A]	-							
MAJOR OCCUPANCY(S) GROUP D			3.1.2.1.(1)	9.10.2							
BUILDING AREA (m2)	EXISTING <u>76 SQ.M</u> NEW <u>0</u> TOTAL <u>76 SQ.M</u>		1.4.1.2[A]	1.4.1.2[A]							
GROSS AREA	EXISTING <u>151 SQ.M</u> NEW <u>0</u> BELOW GRADE <u>151 SQ.M</u>										
NUMBER OF STOREYS	ABOVE GRADE <u>2</u> BELOW GRADE <u>0</u>		3.1.2.1.(1)	9.10.2							
NUMBER OF STREETS / FIRE FIGHTER ACCESS	<u>1</u>		3.1.3.1.(2)	9.10.9.11(3)							
BUILDING CLASSIFICATION GROUP D			3.2.2.20-83	9.10.2.1							
SPRINKLER SYSTEM PROPOSED	<input type="checkbox"/> SELECTED COMPARTMENTS <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> SELECTED FLOOR AREAS <input type="checkbox"/> BASEMENT <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED		3.2.2.76 3.2.1.5 3.2.2.17	9.1.8.2							
STANDPIPE REQUIRED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		3.2.9.	N/A							
FIRE ALARM REQUIRED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		-	9.10.18.2							
WATER SERVICE / SUPPLY IS ADEQUATE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3.2.5.7	N/A							
HIGH BUILDING	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		3.2.6	N/A							
CONSTRUCTION RESTRICTIONS	<input type="checkbox"/> COMBUSTIBLE PERMITTED <input type="checkbox"/> NON-COMBUSTIBLE PERMITTED <input checked="" type="checkbox"/> BOTH		3.2.2.57	9.10.6							
ACTUAL CONSTRUCTION	<input type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> NON-COMBUSTIBLE <input checked="" type="checkbox"/> BOTH										
MAZZANINE(S) AREA (m2)	<u>N/A</u>		3.2.1.1.(3)-(8)	9.10.4.1							
OCCUPANT LOAD BASED ON	<input checked="" type="checkbox"/> m2/PERSON <input type="checkbox"/> DESIGN OF BUILDING		3.1.17.	9.9.1.3							
BASEMENT: OCCUPANCY	<u>N/A</u> PERSONS										
1ST FLOOR OCCUPANCY	<u>76/9.3</u> <u>8</u> PERSONS PERSONS										
2ND FLOOR OCCUPANCY	<u>75/9.3</u> <u>8</u> PERSONS PERSONS										
BARRIER-FREE DESIGN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (EXPLAIN) <u>EXISTING TO REMAIN</u>		3.8.	9.5.2.							
HAZARDOUS SUBSTANCES	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		3.3.1.2 & 3.3.1.19	9.10.1.3.(4)							
REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS) <u>45 MIN.</u> HOURS ROOF <u>N/A</u> HOURS MEZZANINE <u>N/A</u> HOURS LISTED DESIGN NO. OR DESCRIPTION (SG-2) <u>SB-2 F5c</u>		3.2.2.62	9.10.8 9.10.9							
SPATIAL SEPERATION - CONSTRUCTION OF EXTERIOR WALLS											
	Area of EBF (m2)	L.D.* (m2)	L/H or H/L	Permitted Max % of Openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb. Const.	Comb. Const. Nonc. Cladding	Non-Comb. Constr.	
NORTH							EXISTING TO REMAIN				
SOUTH							EXISTING TO REMAIN				
EAST							EXISTING TO REMAIN				
WEST							EXISTING TO REMAIN				
PLUMBING FIXTURE REQUIREMENTS					OBC References						
					PART 3	PART 9					
Male/Female Count @ <u>50 %</u> <u>50 %</u> except noted otherwise	OCCUPANT LOAD	OBC TABLE NO:	FIXTURES REQUIRED	FIXTURES PROVIDED							
2nd Floor Occupancy <u>4 MALE, 4 FEMALE</u>	8	3.7.4.7	1	1	-						
1st Floor Occupancy <u>4 MALE, 4 FEMALE</u>	8	3.7.4.7	1	1	-						
OTHER (Describe)											

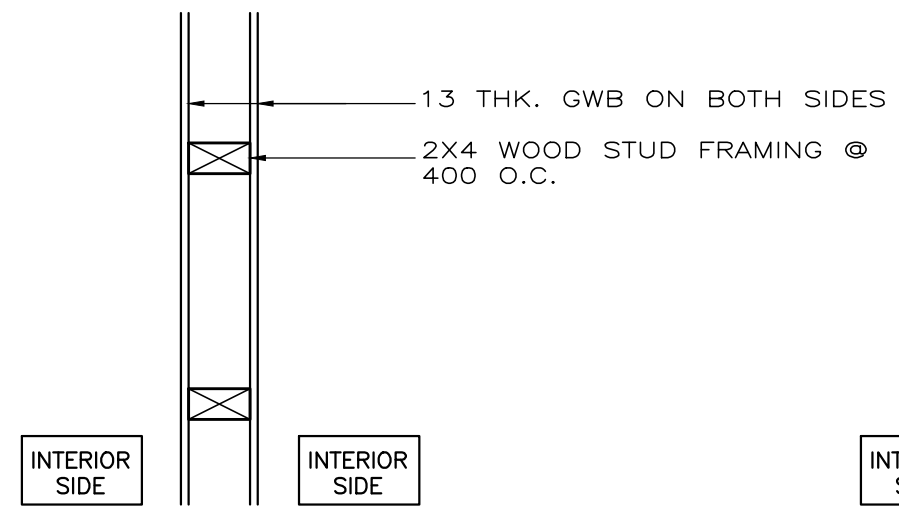


DETAIL 1 – EXISTING TO PROPOSED FOUNDATION ATTACHMENT DETAIL

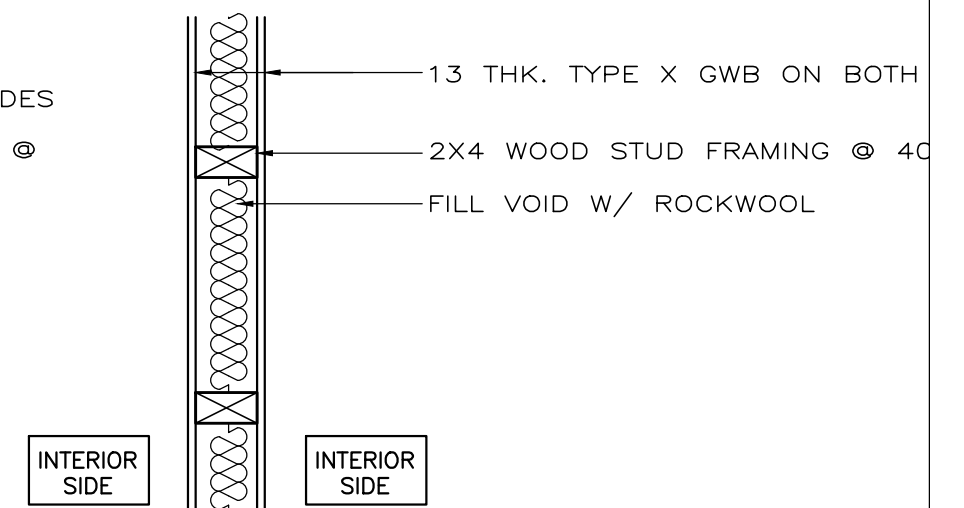
Scale:	TWO MEDICAL OFFICES		OBC MATRIX DETAIL 1	A-7
Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006			



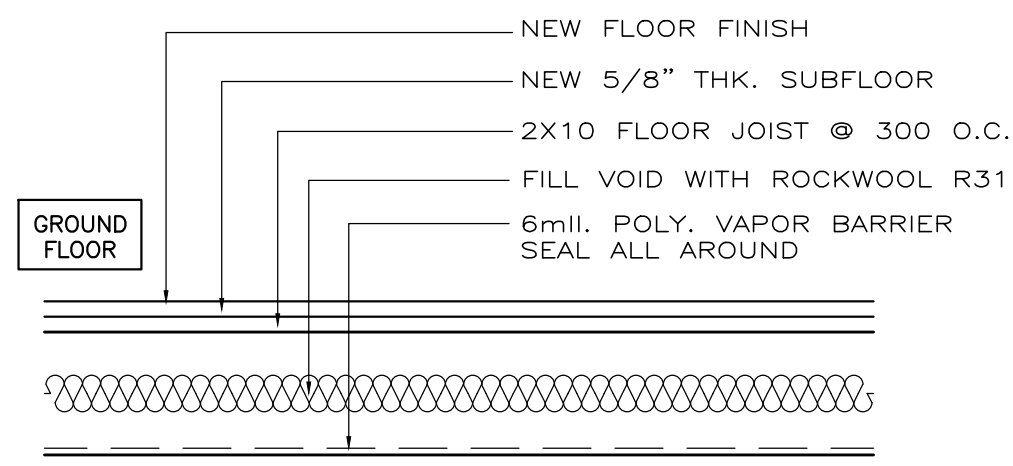
GROUND FLOOR
BASEMENT
F-1 NEW GROUND FLOOR ASSEMBLY
 45MIN. F.R.R. BASED ON SB-2 F5c



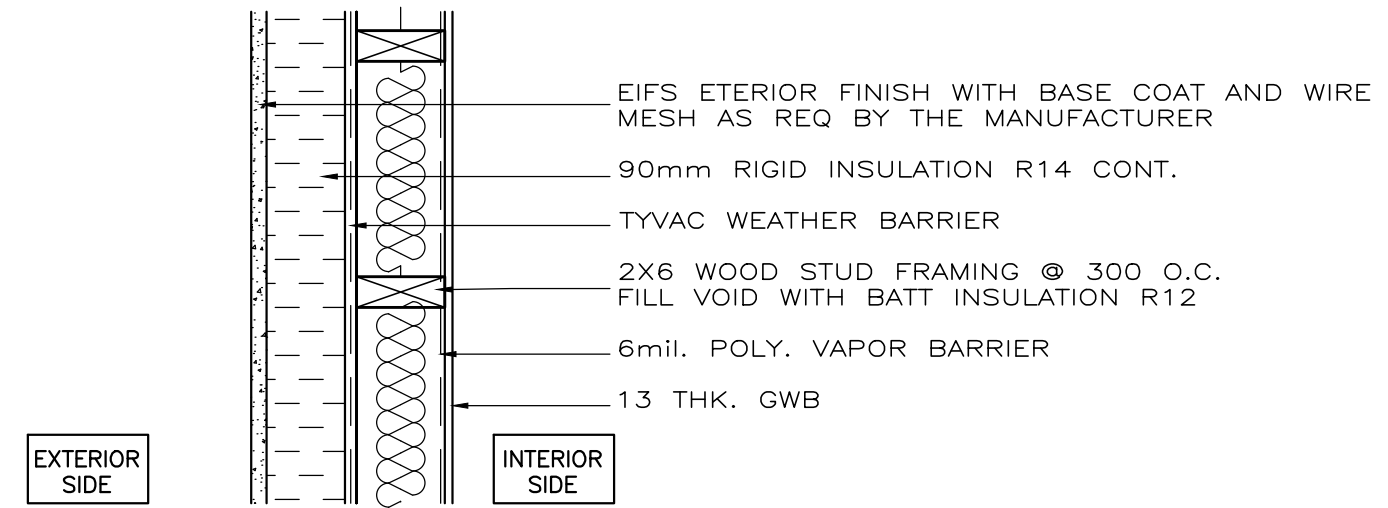
W-1 INTERIOR PARTITION WALL



W-3 45 MIN. FIRE SEPARATION WALL
 BASED ON ULC W302, STC50



GROUND FLOOR
CRAWL SPACE
F-1 NEW GROUND FLOOR ASSEMBLY



W-2 NEW EXTERIOR WALL

Scale:	TWO MEDICAL OFFICES		ASSEMBLY DETAILS	A-8
Designed By: KS Date: 05/12/2022	info@adegltd.com 647-410-0006			
		769 King St W Hamilton, ON		



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

Table with columns: NAME, MAILING ADDRESS, and contact information (Phone, E-mail) for Registered Owners(s), Applicant(s), and Agent or Solicitor.

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

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

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

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

1.5 All correspondence may be sent by email [x] 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	769 King St W, Hamilton, Ontario		
Assessment Roll Number	251801005502890		
Former Municipality	Hamilton		
Lot	258	Concession	
Registered Plan Number	115	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Setback for the front porch and stairs

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Building existing

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
10058mm	30175mm	303.5m ²	Existing to remain

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
Two storey brick building	1130	14220	1300	1998

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Two storey brick building	226	14220	1300	1998

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
Two storey brick building	75	151	2	existing to remain

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Two storey brick building	75	151	2	existing to remain

- 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.):
 Personal Services / Business - Medical Clinic

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
 Nov 2021

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Residential, Personal Services / Business

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

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

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? H/S-1361 Community Shopping And Commercial, Etc

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: n/a

8.2 Number of Dwelling Units Proposed: n/a

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