



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-23:88	SUBJECT PROPERTY:	647 BARTON STREET E, HAMILTON
ZONE:	"C5" (Mixed-Use Medium Density)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** 2190680 ONTARIO LTD. C/O WILLIAM CURRAN
Agent: CGS/CURRAN GACESA SLOTE ARCHITECTS INC. C/O BILL CURRAN

The following variances are requested:

1. The finished floor elevation of a dwelling unit shall be 0.0m above grade whereas the by-law requires the finished floor elevation of any dwelling unit to be a minimum 0.9m above grade.
2. A building setback of 0.0m shall be provided from the easterly side yard (abutting Earl street) whereas the by-law requires the portion of a building containing a residential unit on the ground floor to be a minimum 3.0m from a street line.
3. A rear yard setback of 3.5m shall be provided instead of the minimum required rear yard setback of 7.5m
4. An interior side yard (westerly side yard) of 0.0m shall be provided instead of the minimum interior side yard setback of 7.5m.
5. A parking area shall be 0.0m from a lot line abutting a street whereas the by-law requires all parking spaces and aisles to be a minimum 3.0m from a street line.
6. No planting strip shall be provided whereas the by-law requires a minimum 3.0m wide planting strip to be provided between the street line and the parking area.
7. Six (6) parking spaces shall be provided instead of the minimum ten (10) parking spaces required for the residential use.
8. No parking spaces shall be required for a restaurant use whereas the by-law requires a restaurant

HM/A-23:88

use to provide one (1) parking space for each 8.0 square metres of gross floor area

9. No short-term bicycle parking spaces shall be provided on-site whereas the by-law required a minimum of 10 short term bicycle parking spaces to be provided on-site.

PURPOSE & EFFECT: To permit the construction of a new four (4) storey mixed-use building containing 14 dwelling units along with a commercial unit on the ground floor.

Notes:

- i. These variances are necessary to facilitate Site Plan Control Application DA-23-038.

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, May 18, 2023
TIME:	9:35 a.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.

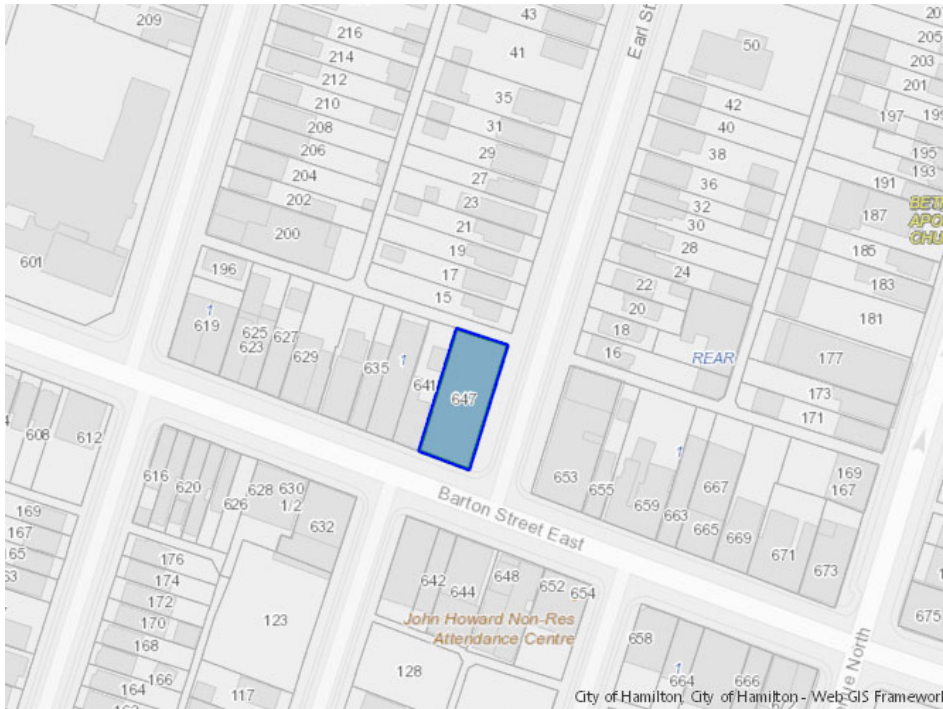
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:88, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71

HM/A-23:88

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: May 2, 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

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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.

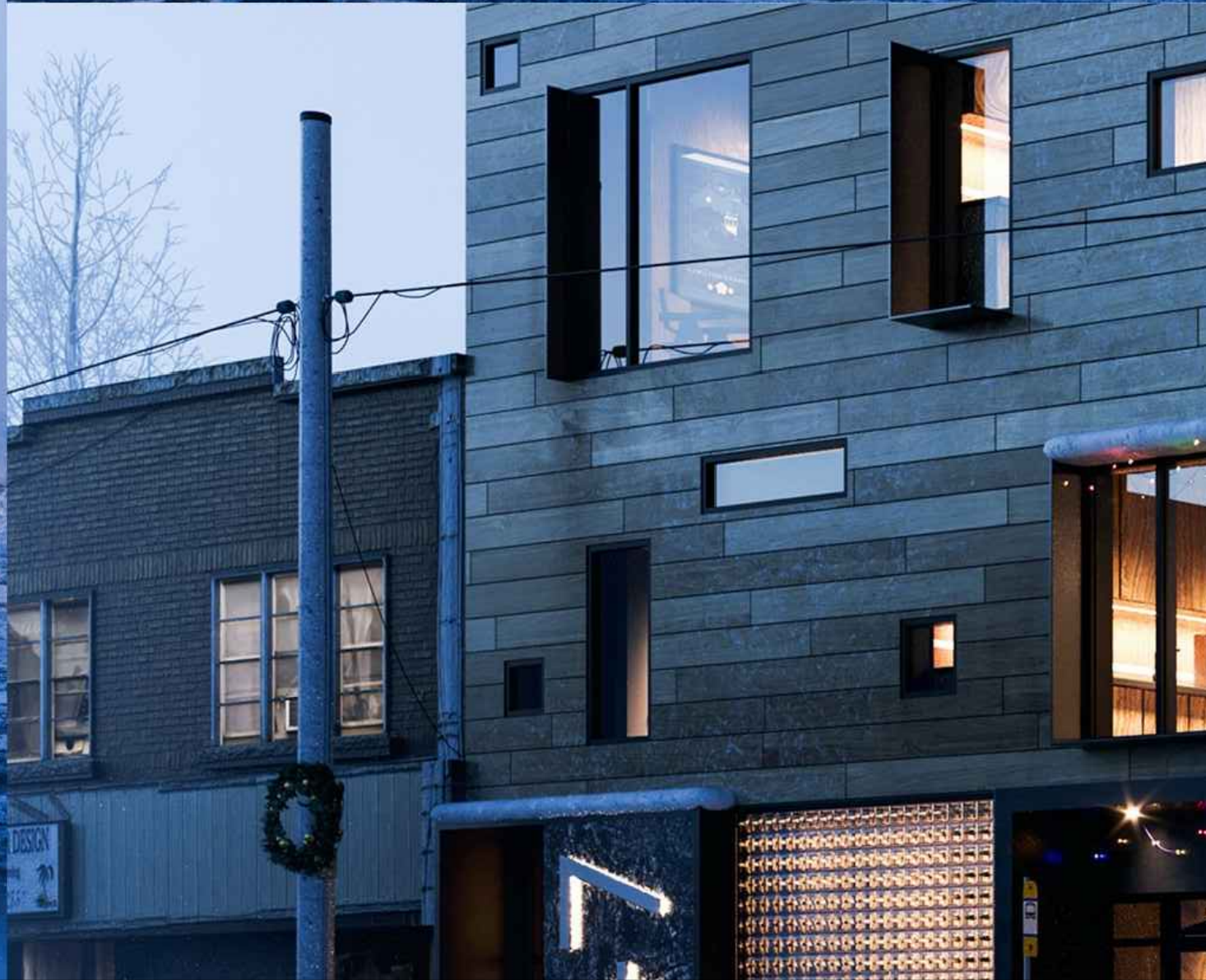
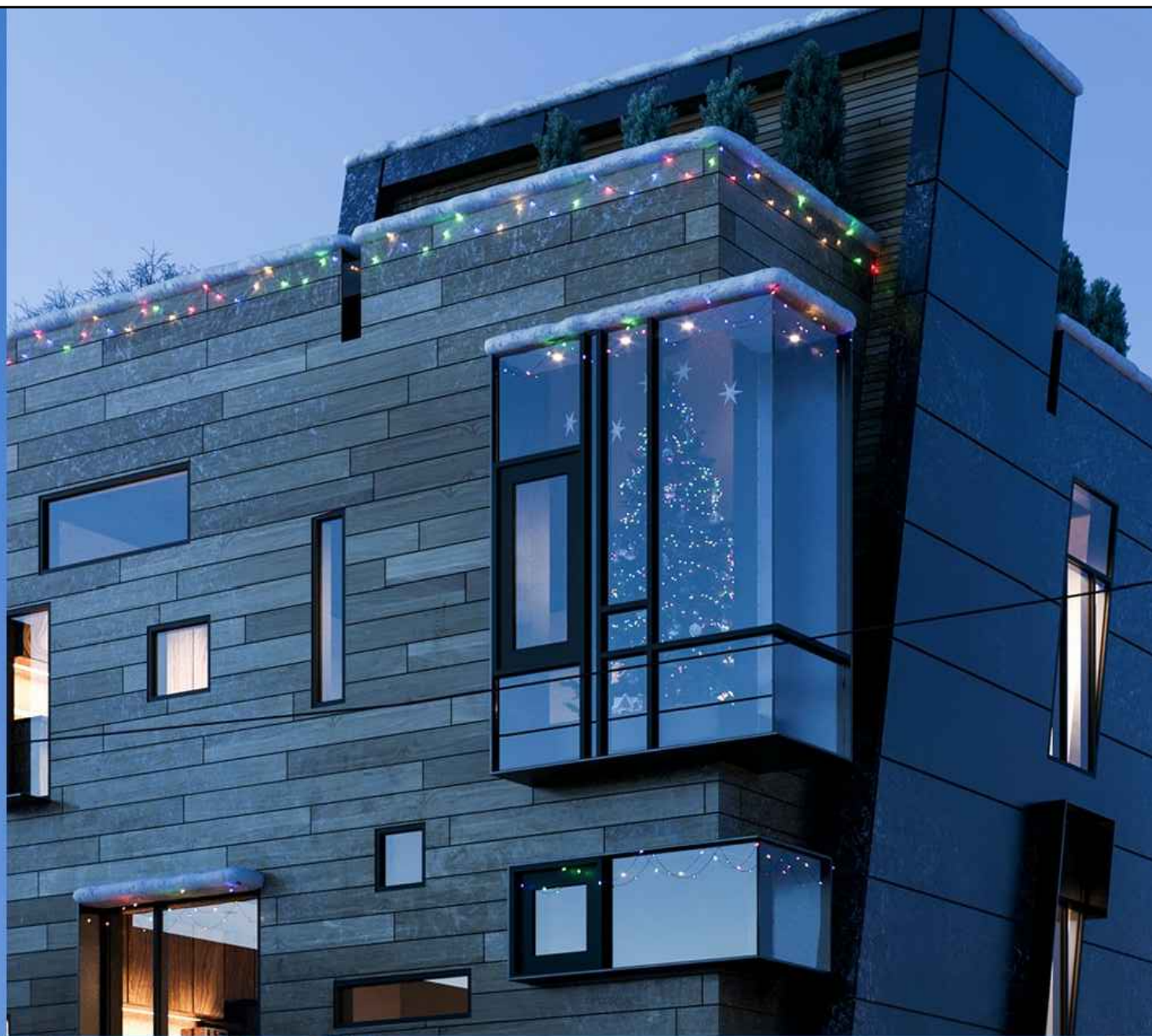
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.







CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.
 NOTE: DRAWINGS ARE NOT TO BE SCALED.

No.	Date	Remarks
3	2023.01.25	Issued for SPA
2	2022.07.13	Issued for Building Permit
1	2022.06.13	Planning Pre-Construction Submission

New Mixed Use Building
 647 Barton Street East,
 Hamilton, ON L8L 3A1

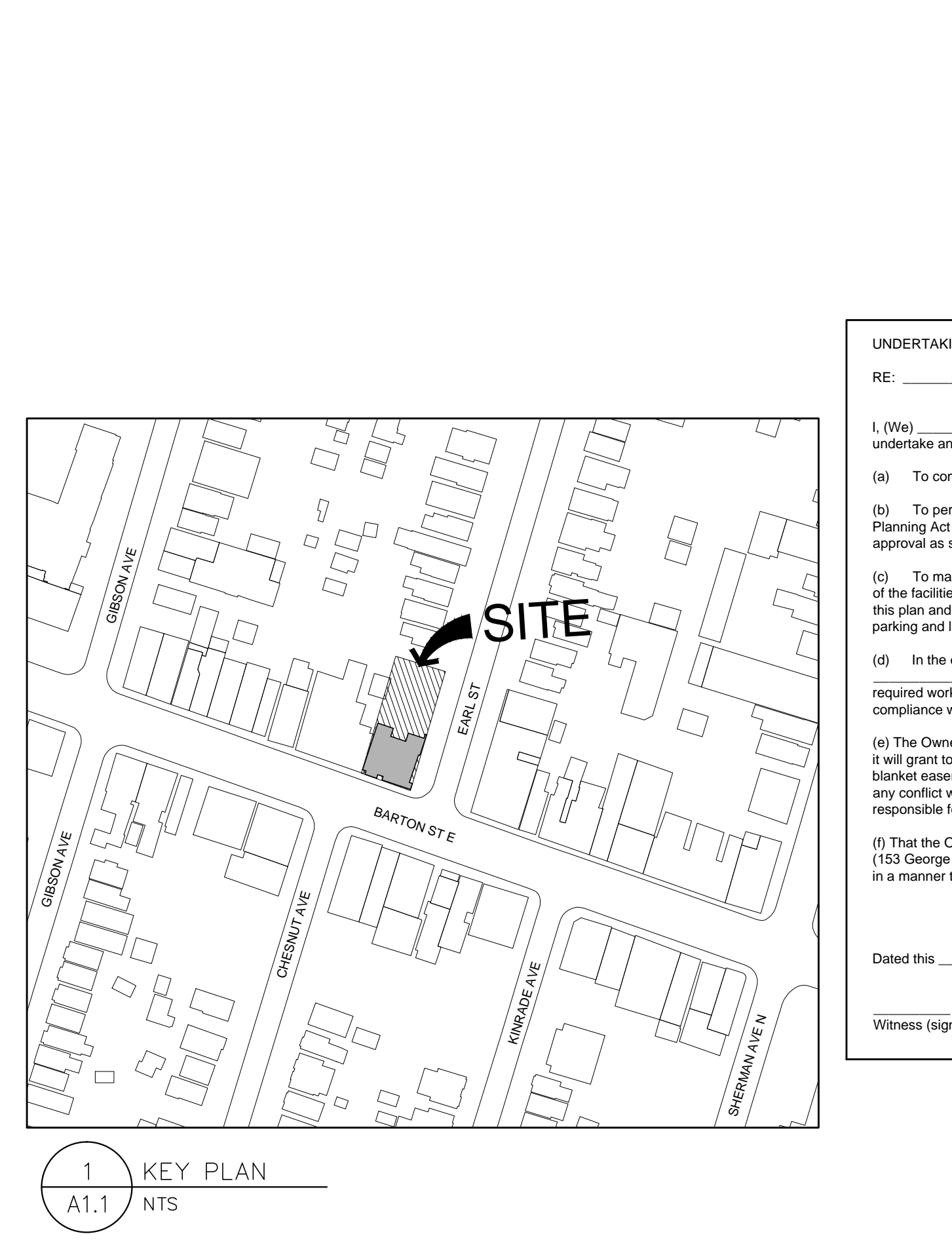
Dwg. Title:
Cover Page

Drwn: Chkd: WJC
 Proj. No.: 21026
 Scale: As noted
 Date: 19/07/22

Drawing No.:
A0.1



BUILDING CODE INFORMATION (BUILDING):			
BUILDING CLASSIFICATION: PART 3, GROUP C (RESIDENTIAL UP TO 4 STOREYS)			
NUMBER OF STREETS/FIRE FIGHTER ACCESS: 2			
THE BUILDING WILL NOT BE SPRINKLERED			
ZONING CHART			
PROPERTY LOCATION: 647 BARTON STREET IN THE CITY OF HAMILTON			
ITEM DESCRIPTION	ZONING BY-LAW REQUIREMENTS	PROVIDED	COMPLIANCE
A. ZONING CATEGORY PERMITTED USE	MIXED USE MEDIUM DENSITY (C5) ZONE	MIXED USE MEDIUM DENSITY (C5) ZONE	YES
B. FRONT SETBACK (STREET)	4.5m MAX; 3.0m MIN w/ RESIDENTIAL UNITS ON GROUND FLOOR FACING STREET	0m	YES
C. REAR YARD SETBACK	7.5m MIN	3.6 m TO FIN 5.8 m TO WALL	NO VARIANCE REQ'D
D. SIDE YARD SETBACK (WEST)	7.5m MIN IF ABUTTING A LOT CONTAINING A RESIDENTIAL USE	0m	NO VARIANCE REQ'D
		VARIANCE	0m
E. SIDE YARD SETBACK (EAST STREET)	4.5 m MAX; 3.0 m MIN w/ RESIDENTIAL UNITS ON GROUND FLOOR FACING STREET	0m	NO VARIANCE REQ'D
		VARIANCE	0m
F. BUILDING HEIGHT	7.5m MIN ALONG BOTH STREET LINES; 22.0m MAX	19.0m	YES
G. BUILT FORM, CORNER LOT	MIN COMBINED WIDTH OF GROUND FLOOR FACADE FACING STREET \geq 50% OF THE MEASUREMENT OF LOT LINES ABUTTING A STREET. (EXCLUDES ACCESS DRIVEWAYS AND REQ'D YARDS)	BARTON STREET EAST: 100% EARL STREET: 42.4% COMBINED: 59.4%	YES
H. PARKING	DWELLING UNIT < 50 m ² : 0.3 / UNIT MIN - 1.25 / UNIT MAX DWELLING UNIT > 50 m ² : 1-14 UNITS: 0.7 / UNIT MIN - 1.25 / UNIT MAX 1 BARRIER FREE SPACE REQUIRED	DWELLING UNITS \geq 50 m ² : 14 UNITS, 5 TYP SPACES, 1 BARRIER FREE SPACE	NO VARIANCE REQ'D
		0.43 SPACES / UNIT MIN	
I. BICYCLE PARKING	RESIDENTIAL USES: 5 SHORT-TERM SPACES 0.5 / UNIT - LONG-TERM SPACES COMMERCIAL USES: 0 WHERE < 450 m ² LONG-TERM: NO ENCLOSED AREA REQUIRED SHORT-TERM: OFF-SITE AREA ALLOWED	14 IN-UNIT LONG-TERM SPACES 6 SHORT-TERM SPACES PROVIDED (2/SIDE OF BICYCLE RINGS)	NO VARIANCE REQ'D
		VARIANCES	
J. PARKING LOCATION	3.0m MIN. FROM A STREET LINE 3.0m MIN. LANDSCAPE STRIP TO EARL STREET 1.5m MIN. PLANTING STRIP OR VISUAL BARRIER TO LANEWAY / RESIDENTIAL ZONE	0m	NO VARIANCE REQ'D
K. ACCESS DRIVES & AISLES	ACCESS DRIVE: MIN. 6.0m TYP: 2.8m x 5.8m MIN BARRIER FREE: 4.4m x 5.8m MIN	6.0m	YES
		VARIANCES	
L. PARKING SPACE SIZE	TYP: 2.8m x 5.8m MIN BARRIER FREE: 4.4m x 5.8m MIN	5 TYP SPACES: 2.8m x 5.8m 1 BARRIER FREE SPACE: 4.4m x 5.8m	YES
		VARIANCES	
M. AMENITY AREA	6.0m ² PER DWELLING UNIT > 50m ² IN GFA REDUCED GFA REQUIRED	6.0m ² x 14 UNITS = 84m ² PROVIDED: TOWNHOUSE: 4X12 = 48m ² FRONT GARDEN (IN ROW, DEEMED NON-COMPLIANT) GROUND FLOOR: OUTDOOR: 55m ² (UNDER ROOF OVERHANG, DEEMED NON-COMPLIANT) INDOOR: 5m ² (IN LOBBY) APARTMENT 2B: 2 X 1 = 2m ² BALCONY APARTMENT 3A: 3 X 1.5 = 1.5m ² BALCONY APARTMENT 3B: 1 X 2 = 2m ² BALCONY UNITS 2D-F AND 3D-F = FRENCH BALCONIES (NOT COUNTED) ROOFTOP APARTMENT: 150m ² ROOF GARDEN/TERRACE	NO VARIANCE REQ'D
		TOTAL COMMON AMENITY AREA PROVIDED = 60m ² TOTAL AMENITY AREA PROVIDED = 263.5m ²	



DRAWING LEGEND

- PROPOSED BUILDING
- EXISTING NEIGHBORING BUILDINGS
- CHAIN LINK FENCE
- 1200 HIGH DECORATIVE METAL FENCE
- PROPERTY LINE
- PRIMARY PEDESTRIAN ACCESS/EXIT
- PEDESTRIAN ACCESS/EXIT
- NEW TREE
- EXISTING TREE
- EXISTING TREE TO BE RELOCATED
- EXISTING CONCRETE BUMPER TO BE DEMOLISHED

SITE PLAN NOTES

- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
- All driveways from property lines for the first 7.5 m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
 - Building permit
 - Sewer and Water Permit
 - Road cut permits
 - Relocation of Services
 - Approach approval permits
 - Encroachment Agreements (If Required)
 - Committee of Adjustment
- Abandoned accesses must be removed and the curb and boulevard restored with sod at the Owner's expense to the satisfaction of the Traffic Engineering Section, Public Works Department.
- For visibility triangles at the vehicular access points, the following note to be provided:
 - *5.0 metre by 5.0 metre visibility triangles in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.70 metres above the corresponding perpendicular centreline elevation of the adjacent street.
- Proposed signage shall conform to the City's Sign and Other Devices By-law No. 10-197.
- Lighting must be directed on site and must not spill over to adjacent properties or streets.

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No.	Date	Remarks

REGISTERED PLAN 245

(C.A.R.A. MUNICIPAL NO. 647 BARTON STREET EAST)

ISSUED BY THE
CITY OF HAMILTON

AREA SUMMARY:		NO. OF APARTMENTS:	
LOT AREA:	669.8m ²	GROUND:	1
BUILDING AREA:	255.6m ²	SECOND:	6
BUILDING GFA:	1,500.6m ²	THIRD:	6
		FOURTH:	1
		TOTAL:	14
GROUND:	255.6m ²		
SECOND:	534.5m ²		
THIRD:	534.5m ²		
FOURTH:	175.0m ²		
TOTAL:	1,500.6m ²		

UNDERTAKING

RE: _____ File No. DA-22-054

I (We) _____ the owner(s) of the land, hereby undertake and agree without reservation,

(a) To comply with all the content of this plan and drawing and not to vary therefrom;

(b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____

(c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown on this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(d) In the event that the Owner does not comply with the plan dated _____ the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(f) That the Owner agrees to physically affix the municipal number (153) or full address (153 George Street) to the building or on a sign in accordance with the City's Sign By-law, in a manner that is visible from the street.

Dated this _____ day of _____ 20____

Witness (signature) _____ Owner(s) (signature) _____

PROJECT NORTH

Dwn: Chkd: WJC
Proj. No.: 21026
Scale: As noted
Date: 19/07/22

Drawing No.: **A1.0**

CURBAN / GACESA / SIOTE ARCHITECTS

TEL: 905-520-2863
118 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8R 2A7

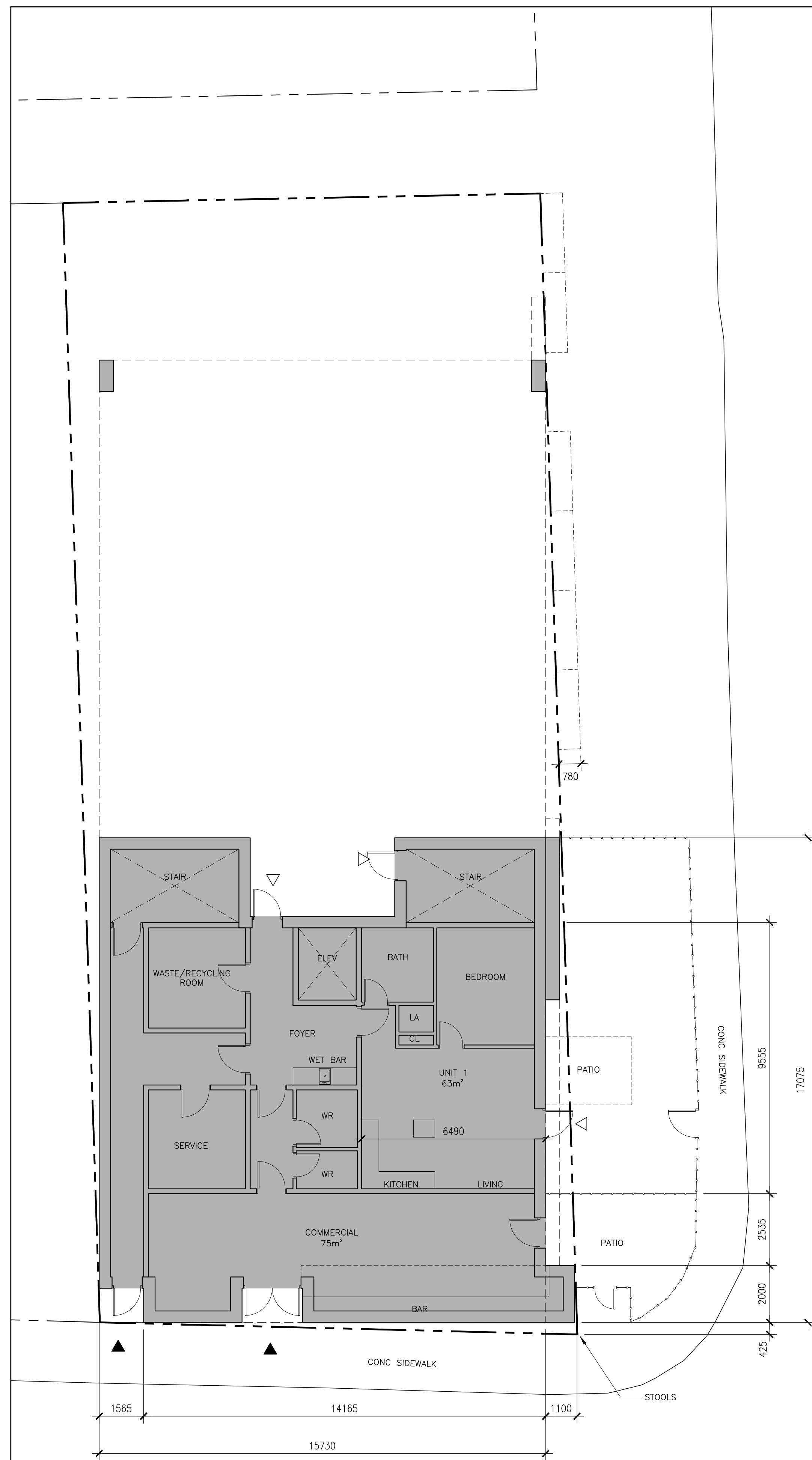
New Mixed Use Building

647 Barton Street East,
Hamilton, ON L8L 3A1

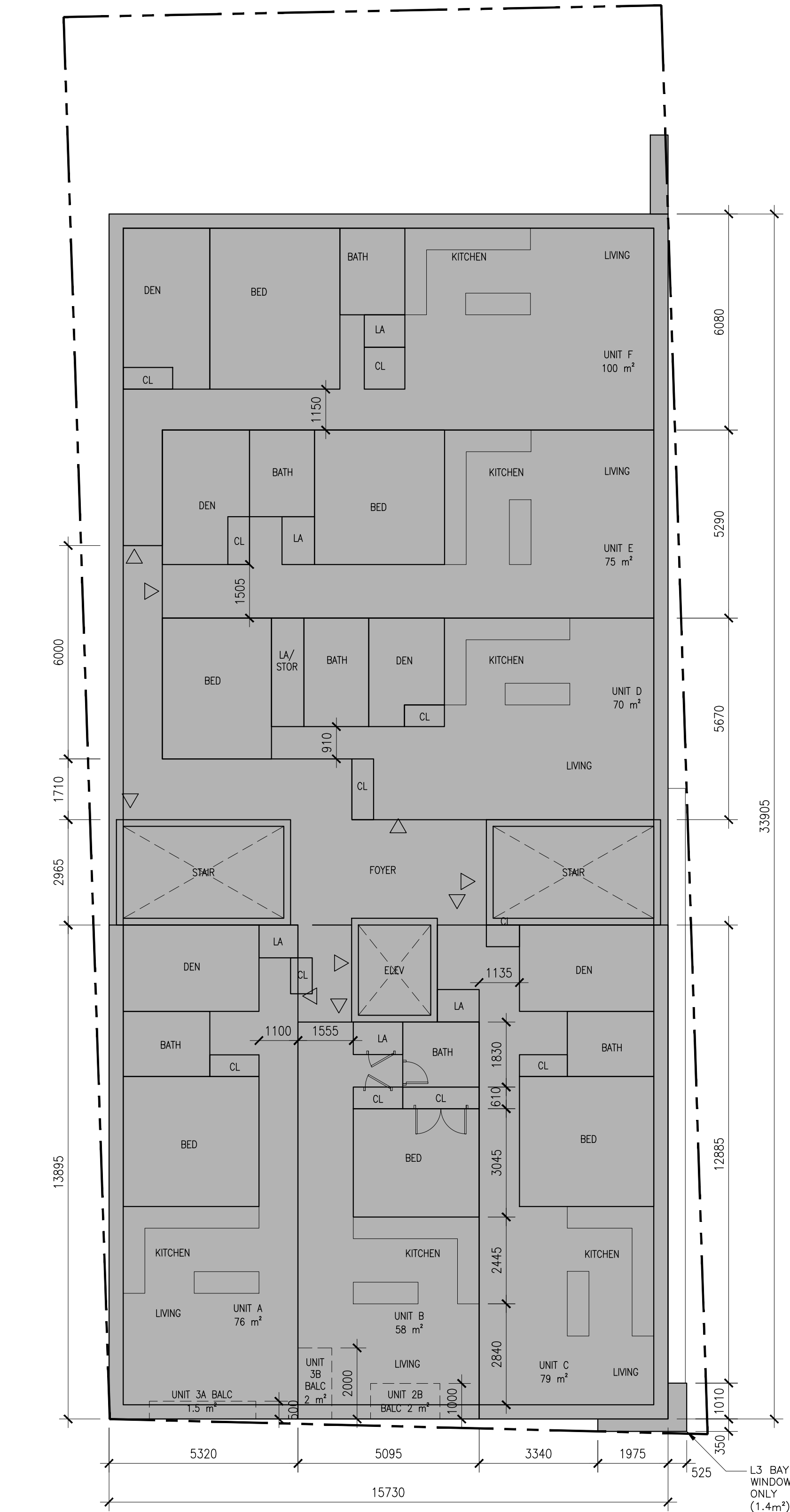
Dwg. Title: **Site Plan & Site Stats**

Proj. No.: 21026
Scale: As noted
Date: 19/07/22

Drawing No.: **A1.0**



BARTON STREET EAST



CURRAN | GACESA | SLOTE ARCHITECTS
TEL: 905-972-9883
118 JAMES ST. NORTH, SUITE 301, HAMILTON, ON L8L 3A1

CGS

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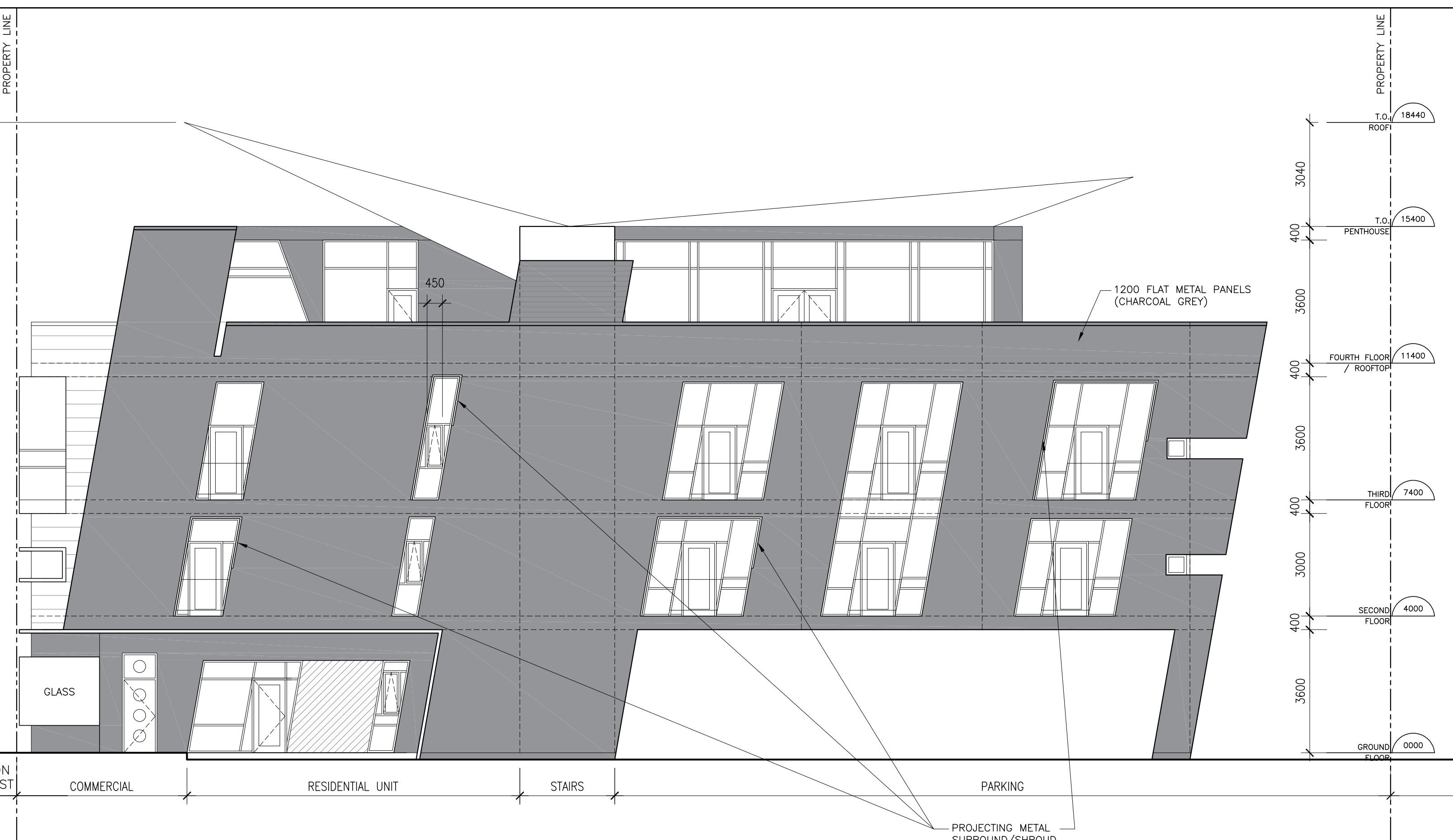
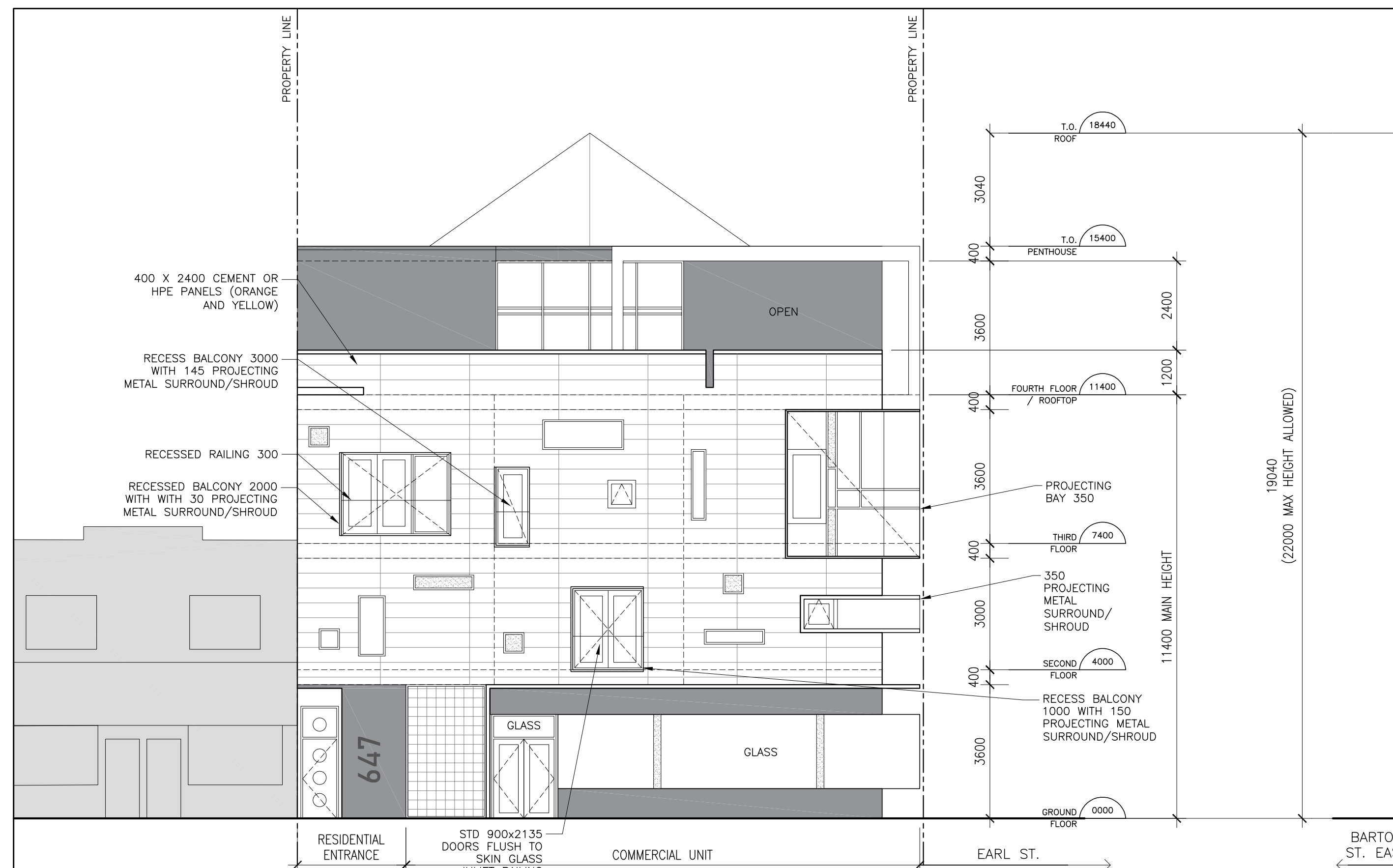
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New Mixed Use Building
647 Barton Street East,
Hamilton, ON L8L 3A1

Dwg. Title:
Floor Plans

Drwn: Chkd: WJC
Proj. No.: 21026
Scale: As noted
Date: 19/07/22

Drawing No.:
A2.0



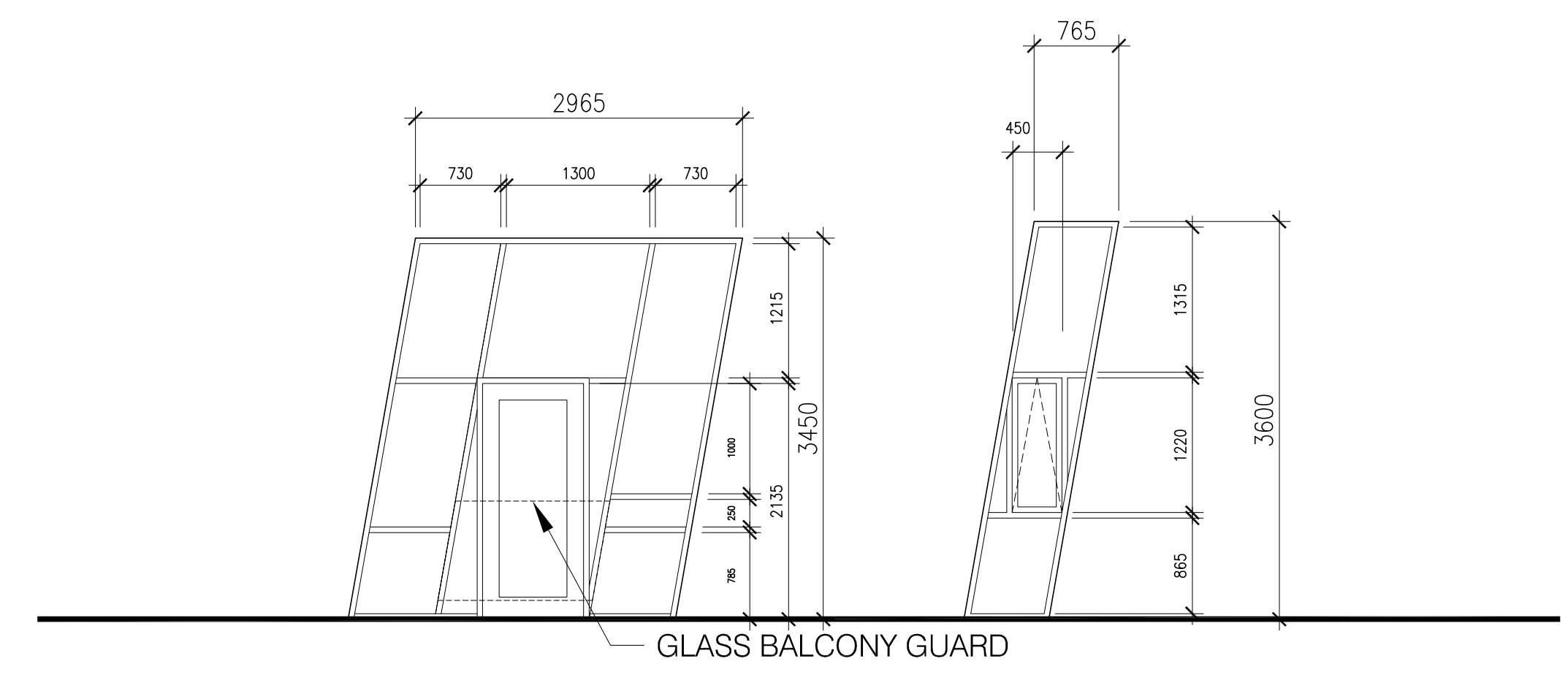
1 SOUTH ELEVATION (BARTON ST. E)
A3.1 1:100

2 EAST ELEVATION (EARL ST.)
A3.1 1:100



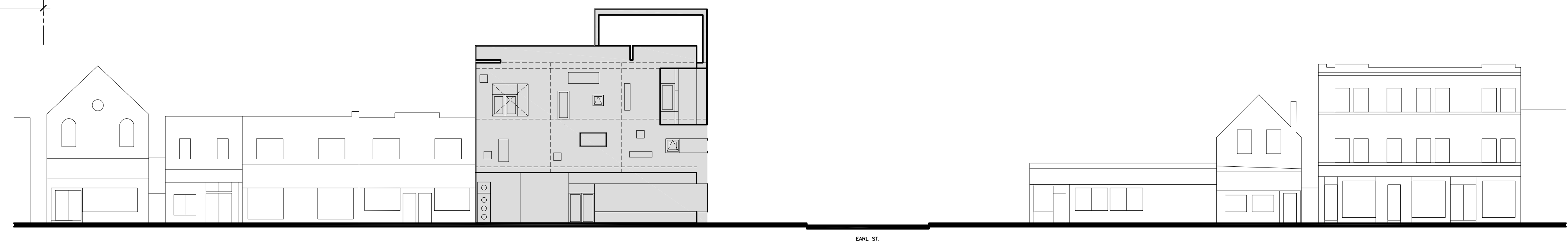
4 NORTH ELEVATION
A3.2 1:100

3 ELEVATION DETAILS
A3.1 1:100



DRAWING LEGEND

- EXISTING NEIGHBORING BUILDINGS
- 400X2400 CEMENT OR HPE PANELS - ORANGE AND YELLOW
- 1200X2400 FLAT METAL PANELS - CHARCOAL GREY
- METAL LOUVRES
- GLASS BLOCK
- VINYL FILM ON GLASS
- 1200x2400 CORRUGATED METAL(HORIZONTAL)
- PROPERTY LINE



5 BARTON STREET CONTEXT
A3.1 1:100

CURRAN GACESA SLOTE ARCHITECTS
TEL: 905-297-0963
118 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8P 2K7

CGS

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New Mixed Use Building
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Hamilton, ON L8L 3A1

Dwg. Title:
Elevations

Drwn: Chkd: WJC
Proj. No.: 21026
Scale: As noted
Date: 19/07/22

Drawing No.:
A3.0



647 Barton St. E. New Mixed-Use Building:

April 5, 2023

VARIANCES REQUIRED AND RATIONALE

SUMMARY

Small urban infill sites like this one require creativity and flexibility to achieve an appropriate, functional, desirable development. This site has remained vacant for many decades because it is difficult to redevelop functionally and financially.

No new apartment buildings have been built on Barton Street in almost 100 years, so this is an important catalyst project, and will be an exemplar for desirable, high quality infill projects.

Should the project not be accepted as proposed with its many Variances required from the very non-lean and very suburban-model Zoning Bylaw, the only viable development alternative will be 4 small townhouses with driveways and garages in a very suburban model of development, denying homes to 10 families and reducing very needed community vitality, diversity and investment. This would be unfortunate but we are prepared to change direction for this.

Zoning Bylaws should allow the right things as-of-right !! There should not have to be 14 Variances for a modest, infill building, this is a huge barrier to making infill happen. Hamiltonians spoke loudly that they want infill and intensification instead of more greenfield development.

MINOR VARIANCES TO ZONING BY-LAW NEEDED AND REASONS:

SETBACKS

This 15.7m wide lot is unbuildable with a required 4.5m side yard to Earl Street and a 7.7m to the west lot containing a residential use. This is a typical lot size on Barton Street.

- 1) Variance required: Provide 0m east side yard setback to Earl Street, instead of the required setback of 4.5m.**

(The required setback is 3.0m for a ground floor residential unit facing a street (See Variances 4-5 also)).

This is not sensible on a 15.7m wide site, which would reduce 25% of the lot width.

Our proposed design is consistent with the historic established development pattern along main streets and the urban fabric configuration in older areas of all Canadian cities, and is consistent

with other buildings all along Barton Street, and is a desirable built form. The Zoning Bylaw should allow the right thing !

Setbacks and landscape strips along arterial streets do not make sense, this is at the expense of important urban fabric and density.

The residential unit will achieve privacy by a fenced garden with gate, lush landscaping and strategic use of frosted glass in conjunction with window coverings.

2) Variance required: Reduce required 7.5m Interior side yard abutting a lot containing a residential use to be 0m (the west property line).

This is a nonsensical requirement since most commercial buildings on Barton Street and other main streets have residential units on the upper floors, and by best planning principles we very much want residential units there.

If we followed this requirement the highly desirable 0 setback side yards that deliver urban vitality and quality urban fabric would be eliminated and on these streets characterized by 10-30m wide lots we would lose at least 50% or more of their buildable areas, and these streets would become suburban in character. This would destroy our city's urban character on all main streets.

This requirement should be eliminated from the Zoning Bylaw to avoid similar future issues.

3) Variance required: Reduce required 7.5m north rear yard setback to the laneway to be 3.5m (the proposed rear wall is at 5.8m setback but we have a 3.5m setback to the east wall decorative fin projection).

We have a small lot and this would require the reduction of 15% of the apartments.

The laneway provides an additional rear yard buffer of 4.5m to the north single family dwelling neighbour.

Also, we have by design oriented the north apartments to face Earl Street instead of facing the north neighbours to minimize privacy issues. The neighbouring dwellings on Earl Street extend in depth west of our property before their backyards start, minimizing our overlook issues.

Many existing buildings along Barton Street have 0m rear yard setbacks.

GROUND FLOOR RESIDENTIAL UNIT

4) Variance required: Delete regulation 10.5.3(a) that the ground floor residential unit be setback a minimum of 3.0m facing a street.

This is a crude tool to restrict residential units on main streets, but the proposed ground floor residential unit faces Earl Street, which is entirely residential uses and is inherently more

private. Many dwellings along Earl Street have 0 or similar front yard setbacks and similarly use the ROW for parking and amenity landscaping area.

There are over 70 residential dwellings and ground floor units in multi-residential buildings just between James Street and Sherman Avenue, so this is a long established, successful, desirable form of development.

Privacy can be achieved in many ways simply by good design. We believe this can be a quality residential unit, and it will achieve privacy by a fenced garden with gate, lush landscaping and strategic use of frosted glass in conjunction with window coverings.

(Refer also to Barton Street -Kenilworth Avenue Commercial Corridor Study, Section 6.1, whose authors included CGS Architects, recommending ground floor units be allowed all along these streets, and giving design guidelines as to how to design them appropriately. Of course our proposed design follows these guidelines and is an excellent illustration of this).

Similar successful recent precedents are at the Gore Lofts, enfronting Catherine Street north of King Street that we also designed. The upcoming Jamesville redevelopment project features ground floor units enfronting James Street North in every building also.

This Planning rule is backward and should be eliminated from the Zoning Bylaw to avoid similar future issues.

5) Variance required: Delete regulation 10.5.1.1(i) that the residential unit on the ground floor must be located at least 0.9m minimum above grade.

This is a crude tool to restrict residential units on main streets and force one type of privacy to them but this creates inaccessible apartments requiring stairs both within and outside the building, which is far less safe for daily use. It also wastes space in small dwelling units, and wastes construction costs.

Providing accessibility by having the entrance at grade is more important. Privacy can be achieved in many ways simply by good design. The residential unit will achieve privacy by having a fenced garden with gate, lush landscaping and the strategic use of frosted glass in conjunction with window coverings. (Refer also to Barton Street -Kenilworth Avenue Commercial Corridor Study, Section 6.1, whose authors included CGS Architects, which we are designing to).

Our ground floor unit faces Earl Street which has all residential uses, and it is inherently more private. There are many low existing ground-related residential units on Barton Street.

PARKING

6) Variance required: Provide reduced parking from the 10 required spaces to 6 spaces.

Planning staff advise that 10 parking spaces are required, including one barrier-free.

If we were in the Downtown Zone:

City parking requirement is Units 1-12:0 + Units 13-14: 2x0.5= 1 space required.

C5 Zone: City parking requirement is Units 1-3: 3 units x 0.3/unit= 0.9 spaces
Units 4-14: 11 units x 0.7/unit= 7.7 spaces
Total: 8 parking spaces required.

(Commercial, Restaurant, Retail: 0 since less than 450m² GFA).

We had proposed providing 12 full size and 2 small parking spaces for a Total of 14 spaces. This included 6 compliant full size parking spaces and 6 existing compliant full size spaces that would continue to overhang the City ROW, but Planning staff asked us to remove those spaces. This parking overhang is an existing, successful encroachment of many decades that could continue.

Due to the existing lot size only 6 full size (including 1 barrier-free) space can be provided at current City parking space standard sizes (without 6 spaces overhanging onto the Earl Street ROW).

All parking spaces are surface type, on an asphalt paved lot accessed from the rear laneway, and most are covered.

7) Variance required: Delete 3.0m landscape strip to Earl Street.

8) Variance required: Delete 3.0m setback to parking from Earl Street.

We cannot provide this on our narrow 15.7m site without reducing the parking and the number of apartments by 50%; but in compensation for this we are providing a new approx. 16' (4.5m) wide lushly landscaped area along the entire Earl Street frontage, replacing existing concrete paving, a significant sustainability and aesthetic improvement, and a long-term City maintenance cost saving.

Similar to Variance 1), this is consistent with historic established development pattern along main streets and urban fabric configuration in older areas of all Canadian cities, as all along Barton Street. The Zoning Bylaw should allow the right thing!

Setbacks and landscape strips along arterial streets do not make sense, this is at the expense of important urban fabric and density. There are no landscape strips on this site nor on most similar properties along Barton Street.

9) Variance required: Delete Planting strip required along the laneway / Residential Zone.

No other properties have a landscape strip to the laneway. This would result in a loss of 15% of our parking spaces, a significant loss. Landscape strips to laneways rarely exist in urban areas, even on recent developments.

This requirement is not sensible and should be eliminated from the Zoning Bylaw to avoid similar future issues.

10) Variance required: Delete Visual Barrier Requirement from Parking area to Laneway / Residential Zone.

We need a vehicle driveway to the narrow laneway and clear and open sightlines for vehicle and pedestrian safety. No other properties have visual barriers between these kinds of very small parking areas and the alleyway.

This requirement is not sensible and should be eliminated from the Zoning Bylaw to avoid similar future issues.

11) Variance required: Allow planting as the Visual Barrier from Earl Street to the parking area.

Providing a wood board fence or metal fence to this small parking area will be far less aesthetically pleasing than continuous deciduous planting screening, a natural barrier is far more sustainable and requires less long-term maintenance. We want the natural screening as to help soften our metal sided building, more metal fencing/siding will be unattractive.

City Urban Design staff support in writing the use of tree and dense lower layer landscape planting that will 'effectively screen the parking' 'year round' from Earl Street.

12) Variances required from Section 5.7a: Locational requirements for Bicycle Parking -Long-Term:

A central bicycle room takes up significant, expensive space especially in a small building on a small property, and people are hesitant to leave bicycles there (or in an outdoor enclosure) due to security concerns. Most bicycle rooms are empty and unused.

Bicycle parking accommodation and a storage bracket will be provided inside each apartment (0.5 space per dwelling unit is required regardless of building size; we are providing 1.0). Our apartments are not tiny and can accommodate this.

13) Variances required from Section 5.7a: Requirements for Bicycle Parking -Short Term:

We are told by Planning staff that a staggering 10 short-term bicycle spaces are required for this tiny building (5 for the 14 apartments and 5 for the 90m² commercial space). This requires a footprint of 6x15'. This one-size-fits-all buildings approach does not make sense.

If we extended this requirement to just the 8 other buildings on this block the requirement would result in 80 short-term bicycle spaces, and this is in addition to using the public ROW as has been successfully done for 100 years.

We are proposing bicycle short-term spaces (5 seems more than reasonable) but are locating them on the Earl Street ROW using 3 dual bike standard ring posts, rather than on-site. This is a common provision on urban sites and more flexible and practical.

The alternative is a huge, unsustainable asphalt paved pad versus greenspace.

PATIO

14) Variance required from Section 4.20 (c) to allow an outdoor patio on a lot abutting a Residential Zone.

The proposed small patio is located at the corner of Barton and Earl Street only, and is at least 50m from the nearest existing dwelling. The laneway provides a further buffer zone but does not count. This is a consistent issue with every corner property along Barton Street, and there are many side yard and some rear yard patios that are very successful and free of issues. We have no other location for a patio, and this patio is very small so it is of limited concern.



July 27th, 2022

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT
SUBJECT: **C of A Application for 647 Barton St. E., Hamilton**

Dear City of Hamilton Committee of Adjustment,

The Barton Village Business Improvement Area are neighbours to the above property, and we are in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

Kind regards,

Jessica Myers
Executive Director
Barton Village BIA

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

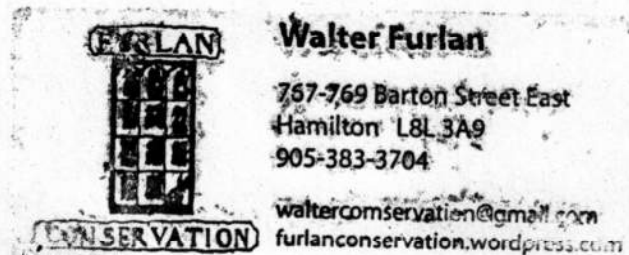
Please look favourably upon this Application.

NAME: Walter Furlan

ADDRESS: 765-67-69 Barton St E

DATE: August 12, 2022

SIGNATURE: W Furlan



TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX xxxx xx, 2022

Send to: curran@tcarch.ca

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.

We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: Mostafa Halawa (647-643-1542) mostafa.halawa5240@gmail.com

ADDRESS: 15 Earl Street, Hamilton, ON, L8L 6L1

DATE: September 12, 2022

SIGNATURE: 

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX xxxx xx, 2022

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.


We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: Jeannie Crawford (Madadi) _____

ADDRESS: 32 Beechwood Avenue (Residence) & 631 Barton St E
(Commercial) _____

DATE: 7/22/2022 _____

SIGNATURE:  _____
93806E8D1C2840E...

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

Good day,

We are neighbours to this property and I am in support of the Application of the 647 Barton St. E. redevelopment.

This proposal will infill a vacant parking lot, create new homes, and will be both aesthetically appealing and visually complementary to our properties, and to the entire neighbourhood.


We have seen the submission and design drawings and support this plan.

Please look favourably upon this Application.

NAME: MICHAEL HEWETT-HICKS

ADDRESS: 18 EARL ST.

DATE: JULY 22 / 2022

SIGNATURE: 

TO: CITY OF HAMILTON COMMITTEE OF ADJUSTMENT

SUBJECT: C of A Application for 647 Barton St.E., Hamilton

HM/A-XXX-XXXX xxxx xx, 2022

Hello,

I am the chef/owner of Maipai at 629-631 Barton St E. This property is just a few doors down from us and has our full support. The empty lot currently looks terrible and often ends up covered in trash and debris. It would be great to have new residential and business space adding more life to our immediate area, and I see it as nothing but an improvement.

NAME: Salar Madadi _____

ADDRESS: 629-631 Barton St E _____

DATE: July 26, 2022 _____

SIGNATURE:  _____



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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)	[REDACTED]		
Applicant(s)			
Agent or Solicitor			Phone:
			E-mail:

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	647 Barton St. E., Hamilton		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Lot 55, Part Lot 56	Concession	
Registered Plan Number	245	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:

See attached

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

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
15730	40225	669.8	

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
Mixed use commercial/residential	0	5.5m	0	

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
Mixed use commercial and residential	260 m ²	1,600 m ²	3 plus rooftop apartment	20 m

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

- 4.6 Type of sewage disposal proposed: (check appropriate box)
- publicly owned and operated sanitary sewage
 system privately owned and operated individual
 septic system other means (specify) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
One ground floor commercial unit, 14 apartments
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Ground floor commercial and residential, residential apartments above

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
2022
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Commercial with residential apartments above
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Vacant parking lot
- 7.4 Length of time the existing uses of the subject property have continued:
Approximately 50 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? C-5 _____
- 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: C-5 _____

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: 14

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
- _____
- _____