



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-23:119	SUBJECT PROPERTY:	122 FLORENCE STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: **Owner:** NEERAJ JAIN & JYOTI MAHWAL-JAIN
Agent: A.J. CLARKE & ASSOCIATES C/O FRANZ KLOIBHOFER

The following variances are requested:

1. To permit the use of a Three Family Dwelling whereas the Zoning By-law does not permit a Three Family Dwelling.
2. A minimum front yard setback of 3.0 metres to each building shall be provided whereas the by-law requires a minimum front yard setback of 6.0 metres.
3. A minimum lot width of 10.2 metres for Parts 1 and Part 2 whereas the by-law requires a minimum lot width of 18.0 metres.
4. A minimum lot area of 414 square metres for Part 1 and 416 square metres for Part 2 whereas the by-law requires a minimum lot area of 540.0 square metres.
5. A minimum front yard landscaped area of 45% for Part 1 whereas the By-law requires a minimum front yard landscaped area of 50%.
6. A minimum of 2 parking spaces per building, whereas the By-law requires 3 spaces per building.

PURPOSE & EFFECT: So as to permit the construction of 2 Three Family Dwellings on 2 separate lots as per provisional consent.

Notes: N/A

HM/A-23:119

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, June 15, 2023
TIME:	9:25 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-23:119, 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: May 30, 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.

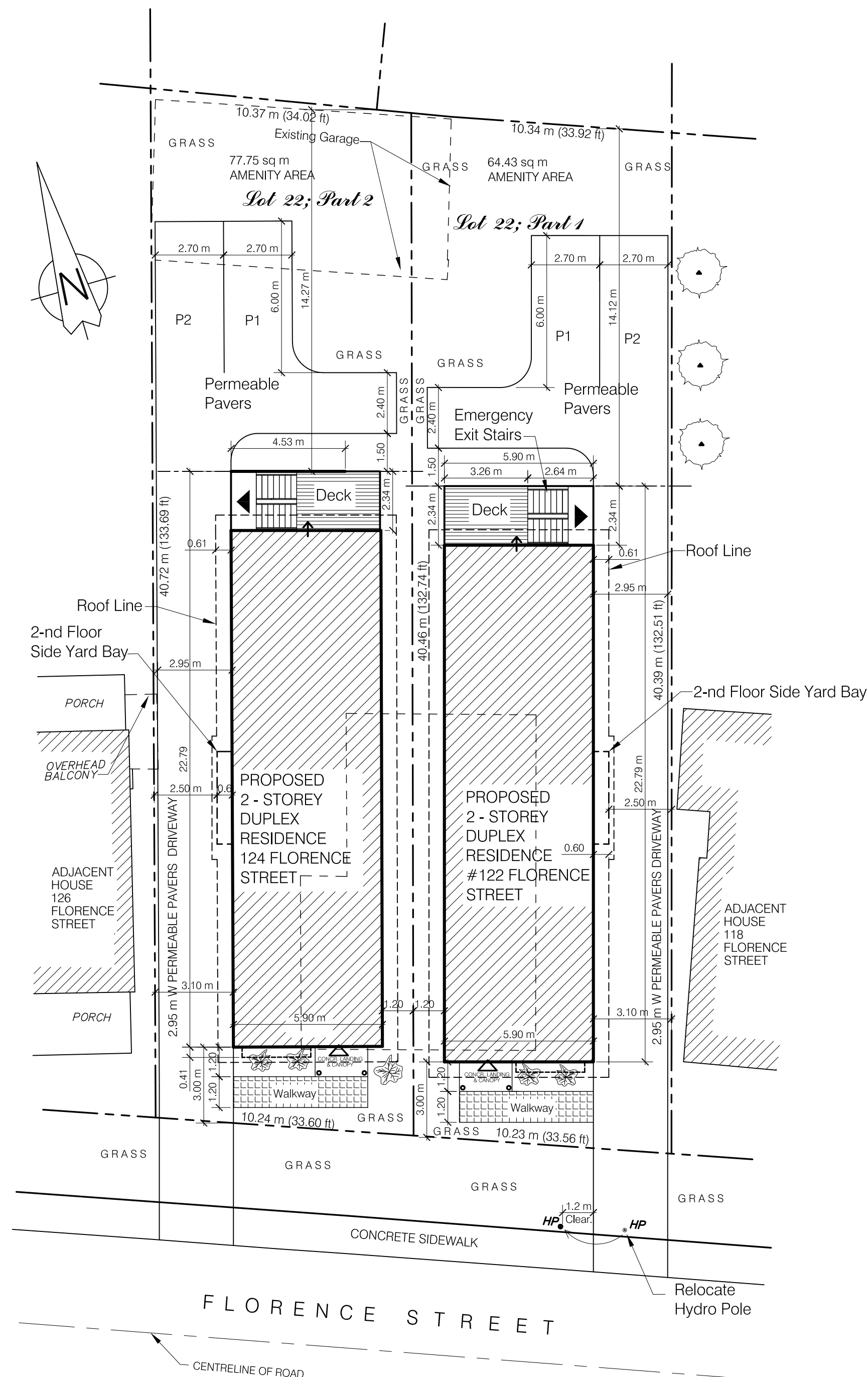
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



1 SITE PLAN
SP SCALE = 1:150

LEGEND:

- NEW 2 STOREY DUPLEX RESIDENCE
- DEMOLISH / REMOVE EXISTING HOUSE & GARAGE
- INDICATES MAIN BUILDING ENTRY
- INDICATES EMERGENCY EXIT
- SP1 / SP2 INDICATES PARKING SPOTS (2.6 m X 5.5 m)
- PROPERTY LINE
- SETBACK LINE
- INDICATES IRON BAR
- INDICATES HYDRO POLE
- SETBACK MEASUREMENT - meter (ft)
- EXISTING DECIDUOUS TREE

ZONE REQUIREMENTS FOR 122 & 124 FLORENCE STREET IN HAMILTON, ONTARIO

'D' District (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS ETC.)
 (Zoning By-law No. 6593; City of Hamilton - Hamilton Ontario)

	Required / Permitted	Provided
FOR UNIT 122		
- LOT WIDTH - Unit 122	18.0 m (59.05 ft)	10.23 m (33.56 ft)***
- LOT AREA	540.0 sq m	414.53 sq m***
- MAX. BUILDING HEIGHT	11.00 m (36.09 ft)	10.99m (36.06 ft)
- FRONT YARD SETBACK	6.0 m (19.7 ft)	3.0 m (9.84 ft)***
- REAR YARD SETBACK	7.5 m (24.61ft)	14.12 m (46.4 ft)
- FRONT YARD AREA		33.46 sq m
- LANDSCAPE YARD AREA (47 %)		15.65 sq m***
- 1st SIDE SET BACK - EAST - MIN.	1.2 m (3.94 ft)	3.1 m (10.2 ft)
- 2nd SIDE SET BACK - WEST - MIN.	1.2 m (3.94 ft)	1.2 m (4.0 ft)
*** MINOR VARIANCE PERMISSION REQUIRED		
FOR UNIT 124		
- LOT WIDTH - Unit 124	18.0 m (59.05 ft)	10.24 m (33.60 ft)***
- LOT AREA	540.0 sq m	416.69 sq m***
- MAX. BUILDING HEIGHT	11.00 m (36.09 ft)	10.99 m (36.05 ft)
- FRONT YARD SETBACK	6.0 m (19.7 ft)	3.0 m (9.84 ft)***
- REAR YARD SETBACK	7.5 m (24.61ft)	14.27 m (46.83 ft)
- FRONT YARD AREA		32.27 sq m
- LANDSCAPE FRONT YARD (50.5%)		16.30 sq m
- 1st SIDE SET BACK - EAST - MIN.	1.2 m (3.94 ft)	3.1 m (10.2 ft)
- 2nd SIDE SET BACK - WEST - MIN.	1.2 m (3.94 ft)	1.2 m (4.0 ft)
*** MINOR VARIANCE PERMISSION REQUIRED		

GRADING / DRAINAGE AND SITE SERVICING PLAN NOTE:
 GRADING / DRAINAGE AND SITE SERVICING PLAN IS PROVIDED BY OTHERS

METRIC / IMPERIAL NOTE
 DISTANCES AND OTHER DIMENSION SHOWN ON THIS PLAN IN METRIC CAN BE CONVERTED TO IMPERIAL (FEET) BY DIVIDING BY 0.3048

LOT DESCRIPTION:
Lot 22; Part 1 & Part 2
Registered Plan No. 41
City of Hamilton

SURVEY INFORMATION IS TAKEN FROM:
 A. J. Clarke & Associates Ltd.
 Ontario Land Surveyors, HAMILTON, ONTARIO
 Date: November 09, 2022

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Zuhdija Sakanovic *Z. Sakanovic* 31057
 Name Signature BCIN

REGISTRATION INFORMATION
 ATRIUM Design 36125
 Firm Name BCIN

Design: Harish Gupta, B.Arch

Drafting & Review:
ATRIUM Design
 Zuhdija [Zed] Sakanovic, DIA
 Tel: 613-224-7934
 1081 Meadowlands Drive
 Ottawa, ON K2C 0K5
 E: zsakanovic52@gmail.com

Consultant:

DO NOT SCALE DRAWINGS. ANY DISCREPANCIES TO BE REVIEWED WITH THE DESIGNER.

ALL CONSTRUCTION TO BE COMPLETED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE 2012 AND GOOD CONSTRUCTION PRACTICE.

NO	DATE	REVISION
04		
03	APR.19/23	REVISION: OPEN EMERGENCY EXIT STAIRS & NEW DECKS
02	MAR.20/23	ISSUED FOR MINOR VARIANCE / PERMISSION APPLICATION
01	FEB.23/23	ISSUED FOR REVIEW

Project Title:
2 STOREY DUPLEX RESIDENCE

Location:
 122 & 124 Florence Street
 HAMILTON, Ontario

Drawing Title:
SITE PLAN

Owner / Applicant:

Project NO:
2023\2302

Date:
February 2023

Scale:
AS SHOWN

Sheet No:
SP

Revision:



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

May 3, 2023

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

**Re: 122 Florence Street, Hamilton (HM/B-22:90)
Minor Variance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Neeraj Jain and Jyoti Mahwal-Jain (owners) for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 122 Florence Street, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,735.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of the Architectural Package including Site Plan and Elevations.

This analysis is in support of the Minor Variance Application submitted for the subject lands. The previously submitted Consent Application has received Provisional Consent Approval, and the enclosed Minor Variance Application will support the clearance of Conditions 4 and 6 for file HM/B-22:90. The proposed development is to facilitate a severance to create two (2) separate residential lots. The existing residential dwelling will be demolished, and two (2) new, triplex structures will be built (one on each new lot).

The subject lands are located on the north side of Florence Street, between Dundurn Street North and Strathcona Avenue North. The subject lands are currently occupied by one (1) single detached dwelling with one (1) detached three-vehicle garage in the rear. On-street parking is permitted on both sides of Florence Street.

The below table details the various lot frontages, depths, and areas, approved through Consent Application (Severance) HM/B-22:90.

	Part 1	Part 2
Lot Frontage	10.23m	10.24m
Lot Depth	40.72m	40.46m
Lot Area	+/- 414.53m ²	+/- 416.69m ²



The surrounding area consists largely of residential uses, and various institutional uses. The neighbourhood is surrounded by mixed and commercial uses on nearby arterial roads. Presently, the subject lot is one of two large lots on a block otherwise characterized by smaller frontages and deep lots. This neighbourhood sits between the York Boulevard and King Street West arterial roads. King Street West is designated as “Mixed Use – Medium Density” along a “Priority Transit Corridor” with various commercial, residential, and mixed-use buildings. York Boulevard also contains numerous commercial, and office uses along the northern limit of this residential neighbourhood.

The neighbourhood includes several places of worship including St. Demetrios Greek Orthodox Church, Our Lady of Mercy Lithuanian Catholic Church, Hamilton Christian Fellowship, and Korean United Church. Victoria Park is central to the neighbourhood, located less than 50 metres from the subject lands, and includes an outdoor pool, playground, gardens, baseball diamond, and tennis club. Further to the northwest of the neighbourhood is an extensive open space area consisting of Dundurn Castle and park, Harvey Park, Kay Drage Park, and Tom Street Park. The subject lands are also within walking distance to numerous transit routes and within 100 metres of the Strathcona Elementary School.

The immediate surrounding land uses include:

North	Single-Detached Dwelling, 1-storey
South	Single-Detached Dwelling, 1- and 2-storey
West	Single-Detached Dwelling, 2.5-storey
East	Single-Detached Dwelling, 1-storey

A review of the applicable planning policies has been included below.

Planning Policy Overview

Planning Act

The Planning Act was most recently amended to include the More Homes Built Faster Act, 2022, S.O. 2022, c. 21 - Bill 23, assented to November 28, 2022. Schedule 9 of this Act describes the amendments to the Planning Act, specifically:

“4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

Restrictions for residential units

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached



house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2)."

While both the Urban Hamilton Official Plan (UHOP) and the Strathcona Secondary Plan permit duplex and triplex residential built forms, there is a gap within the Hamilton Zoning By-laws that negates the uses permitted by the Planning Act, UHOP, and Strathcona Secondary Plan. This will be discussed in more detail when addressing the Four Tests required under Section 45(1) of the Planning Act.

The proposed severance and associated minor variances will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act, particularly subsections (f), (h), (j), (p), (q), and (r). The proposed development will sever the lands into two equal lots that will facilitate the construction of two triplex structures, where a one-storey, single-detached dwelling currently exists on an underdeveloped lot. This development is an efficient use of the existing infrastructure (f), that continues the orderly development of a safe and healthy community (h), while providing a fuller range of housing than exists in the neighbourhood (j). This development is proposed within the built-up, urban area just out of the downtown core and is a great example of gentle intensification within an existing residential neighbourhood (p), that will help support public transit in a pedestrian-friendly neighbourhood (q). The proposed development uses a well-designed built form that maintains the character of the streetscape with consistent height, form, and building materials. From its outward appearance within the streetscape, the form appears as a single-detached dwelling with the capacity to contain three separate dwellings safely and effectively.

Provincial Policy Statement (PPS), 2020

The proposed consent and development of the lands is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Section 1 of the PPS outlines policy pertaining to building strong healthy communities including managing and directing land use to do so.

- Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), e). The proposed consent and development are an efficient use of land that contributes to appropriate range and mix of residential housing types. The development contributes to satisfying the growth management projections for the area by creating gentle intensification which is transit-supportive and economically efficient by utilizing existing infrastructure.



- Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. As discussed, the proposed development is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”* As previously discussed, the proposed severance and development will add variety to the existing housing stock in a transit-supportive neighbourhood through gentle intensification.
- Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply and range of housing options while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.
- Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, and schools.

In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020

The P2G continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

- Policy 2.2.1.2.a) states that *“the majority of growth will be directed in settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.”* As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.
- Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities to meet projected needs. The proposed development is consistent with this policy as it creates a wider range of housing options available through gentle intensification that falls within the densities permitted in the Official Plan.

The proposed development is consistent with the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.



Urban Hamilton Official Plan, 2022

The Urban Hamilton Official Plan (UHOP) is the guiding document that provides direction and guidance on the management of the communities, land use change and physical development of the City of Hamilton over the next 30 years.

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

Chapter F Section 1.14.3 contains policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 includes various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- c) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- d) *The lots are fully serviced by municipal water and wastewater systems; and,*
- e) *The lots have frontage on a public road.*

The approved severance will create lots that conform with the relevant policies and with existing Neighbourhood Plans. Through this enclosed application, several minor variances will be required to address zoning deficiencies required to facilitate the proposed development of two triplex dwellings, on the two newly created lots.

The two (2) lots created via severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Florence Street is lined with lots of various widths and sizes; presently, the subject lands are one of the largest on the street. Lot widths on the street range from ± 5.58 metres to ± 21 metres; the average lot frontage is ± 10.68 metres wide along Florence Street, many of which have frontages smaller than 10 metres. The lot to the west has a frontage of approximately ± 10.8 metres and the lot to the east has a lot frontage of approximately ± 10.2 metres.

Policy B.2.4.1.3.c) states that *"30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification."*

Policy E.2.2.6 also states that *"Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards."*

The residential composition of the neighbourhood is predominantly single detached, one-to-2.5 storey dwellings, with limited low-rise multiple dwellings and a 12-storey, high-density, residential apartment structure at the northeast corner of Strathcona Ave. and Florence St. The proposed triplex structures (one



per lot) are consistent with the built form and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along Florence Street.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. The permitted uses within low density residential areas have also been amended to include single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings with a maximum height of three storeys, as per Policy E.3.4.3; the net density maximum will be 60 units per hectare (UPH). While the proposed permitted triplex structures would create a total density of 72 UPH on the subject lands and, in our opinion, the difference is minimal.

Another consideration when addressing permitted densities is to look to the residential conversion policies. Throughout most of the developed city, residential lots with existing dwellings can be converted to contain up to a maximum of four units per lot. This is notable to the proposed development, as Policy E.3.3.3 states "Secondary dwelling units shall not be included in the calculation of residential density (OPA 142)." Were the cellar units that are being proposed constructed through a conversion, the density of the lands would be 48.19 UPH. The proposed structures can be purpose built to accommodate three units in a safer and more effective manner than many conversions would permit. It is our opinion that the land use impact of a newly constructed triplex is no different, in fact lesser than, a converted triplex.

Upon review of the applicable policies, the proposed development conforms to and maintains the intent of the Urban Hamilton Official Plan.

Strathcona Secondary Plan

The subject lands are further designated as "Low Density Residential 3" as per the Land Use Plan, Map B.6.6-1, of the Strathcona Secondary Plan.

Volume 2, Chapter B.6.6 outlines the policies for the Strathcona Secondary Plan. Section B.6.6.5 deals specifically with residential designations. Residential development and infill development shall reflect and enhance the character of the residential areas through implementation of an architectural style that is sympathetic and complementary to the existing residential areas.

Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, fourplex, and street townhouse dwellings (Volume 1, Chapter E.3.4.3). In addition to the policies outlined for "low density residential" designated lands in Chapter E.3.4 of Volume 1, the Strathcona Secondary Plan permits all forms of townhouse dwellings in "Low Density Residential 3" designated lands. The Secondary Plan also limits the height of buildings within this designation at 2.5 storeys and sets a density of 20-60 units per net hectare (UPH).

The proposed structures will reflect and enhance the character of the neighbourhood with complementary style, built form, and building material. The proposed development is a permitted use within Strathcona Secondary Plan. Despite a higher 72 UPH within the subject lands, the proposed development maintains the intent of the Secondary Plan. With the two triplexes proposed, Florence Street would have an overall density of 32.54 UPH. In contrast, were these lots to only facilitate duplexes, the street would have a density of 31.36 UPH; the difference of UPH on the streetscape between the two built forms is negligible.



As the above analysis illustrates, the proposed development conforms to and maintains the intent of the Strathcona Secondary Plan.

Former City of Hamilton Bylaw No. 6593

The subject lands are zoned “D” District – Urban Protected Residential, Etc) within the Former City of Hamilton By-Law No. 6593 as per Zoning Map W17c.

The “D” District zoning permits uses such as: single family dwellings; two-family dwellings; foster homes; residential care facility or retirement home (of no more than 6 residents); day nurseries; school; seminary; and cultural, recreational, or community centre. The zone provisions within Section 9 shall apply to the proposed development. A review of the applicable zone provisions is included below:

Regulation	Requirement (Two-Family Dwelling)	Proposed
Uses Permitted	Two-family dwelling	Triplex (three-family dwelling)
Minimum Lot Frontage	18 metres	10.2 metres
Minimum Lot Area	540 square metre	414 square metres
Minimum Front Yard Depth	6 metres	3 metres
Minimum Side Yard	1.2 metres	1.2 and 3 metre side yards
Minimum Rear Yard	7.5 metres	Minimum 14.12 metres provided
Maximum Building Height	14 metres	11 metres (2 storeys)

Minor Variances

Variances are required for each lot to facilitate the proposed development. The variances are as follows:

Parts 1 (122 Florence) and 2 (124 Florence)

1. A use variance to permit three-family dwellings.
2. To permit a minimum lot frontage of 10.2 metres.
3. To permit a minimum lot area of 414 square metres.
4. To permit a front yard depth of 3.0 metres; whereas, a minimum of 6.0 metres is required.
5. To permit two parking spaces per lot; whereas a minimum of four would be required.
6. To permit Part 1 (122 Florence) a minimum front yard landscaping percentage of 45%; whereas, 50% is required.

This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:



1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan and Strathcona Secondary Plan?

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits duplex, triplex, fourplex and street townhouse dwellings. These uses are also permitted within the Strathcona Secondary Plan as the lands are designated “Low Density Residential 3” on Map B.6.6-1. The proposed development will feature a use that is permitted under the current Official Plan and Secondary Plan designations. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood while also capitalizing on the existing infrastructure and an opportunity for the gentle intensification of the neighbourhood.

This development proposes an overall density 72 units per hectare (UPH) inclusive of the two proposed lots, which is marginally above the maximum density of 60 UPH, as per Section E of the UHOP. With the two triplexes proposed, Florence Street would have an overall density of ± 32.54 UPH. In contrast, were these lots to only facilitate duplexes, the street would have a density of ± 31.36 UPH; the difference of UPH on Florence Street between the two built forms is negligible and is a density well under the maximum intensification goals for the immediate neighbourhood.

The Strathcona Secondary Plan further requires infill development to be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, and include materials that are compatible with the existing adjacent residential forms. The proposed building materials are sympathetic and complementary to the existing streetscape. The variance for a reduced front yard setback will allow the proposed development to be located closer to the street line. This will result in a development that is more consistent with the existing street line as the neighbourhood is generally characterized by dwellings that are located within 3 metres of the Florence Street right-of-way. Upon examination of satellite imagery provided on the municipal interactive zoning maps, many dwellings are in fact abutting the right-of-way.

The reduction in parking from the four spaces required of a “three-family dwelling” to two spaces, still maintains the intent of the Official and Secondary Plans. The lands are in a neighbourhood with substantial connections to mass transit facilities including HSR bus routes, GO Transit connections and the proposed Light Rail Transit stops located at the intersection of King Street and Dundurn Street. The aim of not only the Official Plans, but all other provincial planning policy is to direct growth in a manner that promotes the use of mass transit systems. Furthermore, as described above, existing dwellings converted to contain three dwelling units are not required to provide additional parking so long as the original spaces were still provided and maintained. It is our opinion that a converted triplex has the same parking demand as a newly constructed triplex. It should also be noted that on-street parking is also permitted on both sides of the right-of-way.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.



2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning Bylaw No. 6593?

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Use variance: Triplex (three-family)

A triplex (three-family) dwelling structure is proposed on each Provisionally Approved Lot. A use variance will be required to facilitate this desired built form.

On August 12th, 2022, the City of Hamilton rezoned much of the existing low-density residential zones including “B-1”, “B-2”, “C”, “R-4”, “D”, and “R-2” Zones. This was to facilitate more comprehensive and inclusive low-density residential zones into R1 and R1a zones while promoting a more compact lot fabric and built form to increase the housing supply and density within the built boundary of the city. By-Law 22-195 amended “B-1”, “B-2”, “C”, “R-4”, “D”, and “R-2” Zones that did not get rezoned into the R1 and R1a zones with a Site Specific “S-1822”. Unfortunately, any neighbourhoods contained within secondary plans, such as the subject lands, were not recognized in this city-wide rezoning exercise. Additionally, triplexes are a permitted built form on lands designated ‘Low-Density Residential 3’. This built form is not included within any low-density residential zones. Zoning By-law 6593 only permits a “three-family” dwelling in zones described as medium density.

Furthermore, the lands are not included in the updated Section 19 Residential Conversion Policies which redefined “two-family dwellings” and set zoning standards that promote a more compact built form and intensification in existing neighbourhoods through conversions of existing dwellings. Lands zoned “D District” outside of Secondary Plans are afforded the permission to convert existing dwellings to contain up to four dwelling units, as per by-law 22-195, Section 4.a).i):

“For the purpose of Section 4 to this By-law, a converted dwelling shall mean a single detached or two-family dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.”

Further, Section 4.a).iv) states:

“No parking spaces are required for Dwelling Units within a converted dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.”

This permits any other “D District” residential dwelling to not only contain up to four units, but as per Official Plan Policy, these additional dwelling units shall not be included in density calculations, as per Policy E.3.3.3 which states “Secondary dwelling units shall not be included in the calculation of residential density (OPA 142).” Were Secondary Plans included in the City’s rezoning exercise, a duplex in this zone would be permitted to create an additional unit that would not affect the calculated density of the lands and would not be required to provide any additional parking.

The Planning Act, UHOP, and Strathcona Secondary Plan permit the built form proposed. By omitting Secondary Plans from by-law amendment 22-195, low-density residential areas in the Strathcona,



Downtown Hamilton, and West Harbour Secondary Plans of Urban Hamilton are not permitted to facilitate dwelling types that are not only permitted, but are promoted in the Planning Act, PPS, Growth Plan, UHOP, and Strathcona Secondary Plan. These are the very neighbourhoods where infill development and intensification such as the proposed development should be endorsed.

The built form being proposed is incredibly analogous to a duplex with a converted cellar unit but is structured in a manner that could better accommodate three units than many existing dwellings throughout the city possibly could through conversion. It does so while still maintaining a built form that fits within the existing streetscape and is permitted in every other document of planning legislature. The proposed structure presents as a single-detached, 2-storey dwelling with one front façade entrance that is consistent with the height and width of neighbouring structures. The proposed front yard setback is also consistent with the balance of the streetscape. The building materials are complementary to that of the neighbourhood using brick, stucco, and vinyl siding, and sufficient amenity space is provided in rear yard. A newly constructed triplex would have no different an impact to the surrounding neighbourhood than an existing dwelling converted to a triplex would, and in our opinion, would better accommodate such a use than a simple conversion. The fact that a structure is newly built should not restrict its ability to facilitate housing that would otherwise be permitted through the residential conversion policies in any other “D District” zoned lands throughout Hamilton.

This application seeks to facilitate the demand for housing in a safe and attractive manner. The proposed cellar space will be constructed whether the proposed use variance is permitted or not. If refused, the proposed cellar space would be left underutilized, and the potential to house another household would be lost. Accordingly, the proposed built form is appropriate and compatible with the existing neighbourhood and maintains the overall intent of the Zoning By-law.

Lot Frontage

Part 1 is proposed to have a frontage of 10.23. Part 2 is proposed to have a 10.24 metre lot frontage.

A variance is required to the minimum lot frontage requirement to 10.2 metres on both Part 1 and 2. As previously discussed above, the two (2) lots created via severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Florence Street is lined with lots of various widths and sizes; presently, the subject lands are one of the largest on the street. Lot widths on the street range from ± 5.58 metres to ± 21 metres; the proposed lot widths of 10.23m and 10.24m are therefore consistent with the existing streetscape.

The purpose of the by-law requirement is to provide sufficient space for the dwelling structure, and parking access. The proposed design still allows for sufficient parking and driveway access, private yard space, and approximately ± 104 ($\pm 1,119$ sq ft) square metres of living space per unit. The two lots created via the Provisionally Approved Severance generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood while providing sufficient space for driveway and pedestrian access, front yard, and appropriate dwelling width. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.



Lot Area

Parts 1 and 2 are proposed have lot areas of 414.53 square metres and 416.69 square metres, respectively. A variance is required to the minimum lot area requirement for the proposed development. The surrounding neighbourhood contains a range of lot areas with an average lot area of 358.5 square metres along Florence Street.

The included site plan illustrates that sufficient space is provided for driveway access, parking, amenity area, and landscaping space, and two (2) triplex structures with approximately ± 104 square metres of living space per unit. The variance required will not have an adverse affect to the lots themselves, nor the surrounding neighbourhood and will have ample area to facilitate proper grading and drainage. Accordingly, the intent of the Zoning By-law is maintained.

Front Yard Depth

A variance to permit a front yard depth of 3.0 metres is required to facilitate the built form of the two structures proposed. The intent of the by-law is to ensure the streetscape provides sufficient space for landscaping and a consistent built form to create a safe, inviting sense of place.

As discussed above, the requested variance to permit a 3-metre front yard depth will allow the proposed development to be more consistent with the existing character of the street as many dwellings along Florence are located closer to the right-of-way than the zoning permits. Upon examination of satellite imagery provided on the municipal interactive zoning maps, many dwellings are in fact abutting the right-of-way. It should also be noted that the existing structure on the subject lands is located within 3.1 metres of the front lot line (not including front porch). The figure below shows the lot fabric and building setbacks along Florence Street as they exist today. Accordingly, the intent of the Zoning By-law is maintained.





Parking Reduction

A variance to permit two parking spaces per lot is required to facilitate the proposed triplex structures, whereas the current by-law would require four spaces. It is our opinion that such a variance is supportable since the conversion policies in Section 19 of the Zoning By-Law only require that existing parking spaces remain for a converted dwelling, until a fourth unit is proposed; this would permit three units within one lot containing only one parking space. It is our opinion that parking requirements for a dwelling converted to a triplex are no different than a newly built triplex.

Additionally, Zoning By-law 05-200, provides for reductions in parking requirements for all uses. Further, required parking spaces are calculated differently between the two existing by-laws; Hamilton Zoning By-law 6593 requires fractionally calculated spaces to round up, whereas Zoning By-law 05-200 would round down. This would result in a calculated requirement of three spaces for the proposed development.

The proposed development provides two spaces in the rear yard. Ample on-street parking is also provided on both sides of Florence Street. Parking of private vehicles for the proposed triplexes can appropriately be accommodated through the provided on-site spaces and on-street parking. As such, the intent of the by-law is maintained.

Front Yard Landscaping

A variance to permit a front yard landscaped area of 45% of the total front yard area, whereas 50% is required, will facilitate the development of the proposed structures. The intent of this by-law is to prevent the over-development of a residential streetscape with hard, impermeable surfaces. The variance requested for front yard landscaping is a negligible 5%, or $\pm 2 \text{ m}^2$ of the $\pm 32 \text{ m}^2$ front yard proposed and is comparable to the existing landscaped area of many lots along Florence Street.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services. The proposed built form and use is consistent with the Planning Act, Provincial Policy Statement, and Growth Plan and conforms to the UHOP and Strathcona Secondary Plan. It facilitates gentle intensification in a core residential neighbourhood in an attractive form. The planning policy housing objectives of the Planning Act, PPS, Growth Plan, and the Official and Secondary Plans are all promoted through this application. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage, lot area, front yard depth, or landscaping requirements as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the triplex structures, as conversion policies would have otherwise permitted. Accordingly, it is my professional planning opinion that the variances are minor in nature.



In accordance with the above criteria, variances to permit a reduced frontage, lot area, front yard depth, landscaping requirements and a use variance to permit triplexes will be required to facilitate the creation of the lots and the desired built form. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. The front yard depth is in keeping with the existing streetscape. The proposed variance to front yard landscaping is minimal and will facilitate a walkway that covers even less area than if it were oriented toward the street. The reduction in parking is in line with the policy direction of the Official Plan and Zoning By-law 05-200, while still providing space for private vehicles. The proposed triplexes will provide housing in a core neighbourhood close to public facilities, mass transit, and active transportation paths. The proposed minor variances will provide relief from these zoning deficiencies which are minor in nature.

As such, the subject land is appropriate for the redevelopment of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents 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,

Franz Kloibhofer, MCIP, RPP

Principal, Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Jyoti Mahwal-Jain (Jyoti.mj@gmail.com)



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

Registered Owners(s)	
Applicant(s)	
Agent or Solicitor	

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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

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	122 Florence		
Assessment Roll Number	01010305330		
Former Municipality	Barton		
Lot	18	Concession	2
Registered Plan Number	41	Lot(s)	22
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:

Triplex Use Variance, Front Yard Depth, Lot Width, Lot Area, Front Yard Landscaping, Permeable Parking, Parking Reduction.
Please see attached cover letter for full details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please see cover letter for justification and Four Tests (Section 45(1) Analysis)

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
122 Florence=10.23m	Max= 40.46m Min=40.39	414.53m ²	±20.2 metres

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
1-storey, single-detach dwelling	±3.11m	±23.77m	west=±5.75m, east=±5.37m	01/01/1880
3-car garage	±34 m	0.0m	west=0.0m, east=±8.75m	01/01/1880

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
(122) 2-storey duplex	3 metres	14.12m	3.1m and 1.2m	01/01/2024
(124) 2-storey duplex	3 metres	14.27m	3.1m and 1.2m	01/01/2024

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
1-storey, single-detach dwelling	±120m ²	±120m ²	1	±5-6 metres
3-car garage	±72.25m ²	±72.25m ²	1	± 4 metres

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
(122) 2-storey duplex	±132.16m ²	±266.58m ²	2	10.99 m
124) 2-storey duplex	±132.16m ²	±266.58m ²	2	10.99 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

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

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

Two, two-storey, Triplex dwelling structures (one on each lot).

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:

July 22, 2022

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

Single-detached dwelling

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

Single-detached dwelling

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

Since approximately 1880

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.

Low Density Residential 3 as per Strathcona Secondary Plan. See cover letter.

7.6 What is the existing zoning of the subject land? _____

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: HM/B-22:90

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: 1

8.2 Number of Dwelling Units Proposed: 6

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

Two, triplex ("three-family") structures to be constructed, one on each provisionally-approved lot. The built form appears to be a single-detached, two-storey dwelling from the streetscape. Units are provided on each level (one in cellar, one on first storey, and one in second storey) and will each have approximately 104m² of living space. Parking is provided in rear and utilizes LID permeable paving for driveway and parking spaces.

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

Cover Letter - Four Tests (Secion 45(1) Evaluation)
