



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.:	FL/A-23:124	SUBJECT PROPERTY:	106 MAIN STREET S, FLAMBOROUGH
ZONE:	"R5" (Core Area Residential)	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

APPLICANTS: **Owner:** PHILIP & CHANTAL HOLLETT
Agent: SMART DENSITY C/O MISHA BEREZNYAK

The following variances are requested:

1. A minimum lot area of 479.9m² shall be permitted instead of the minimum 660.0m² minimum lot are required.
2. A maximum lot coverage of 50% shall be permitted instead of the maximum 35% lot coverage permitted.
3. A minimum front yard setback of 1.5m shall be permitted instead of the minimum 7.5m required.
4. A rear yard porch and steps may encroach 3.0m into the required rear yard instead of the maximum permitted 1.5m encroachment.
5. A minimum of 40% of the front yard shall be landscaped space instead of the 50% minimum front yard landscaping required.

PURPOSE & EFFECT: To facilitate the construction of a proposed Semi-Detached dwelling on an undivided lot with each half of the semi-detached dwelling containing a Secondary Dwelling unit.

Notes:

1. Specific setback to the steps attached to a rear yard porch not provided. As such variance #4 has been written as requested, though further variances may be required at such a time that a specific setbacks are provided.

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 29, 2023
TIME:	12:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

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

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:124, 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: June 13, 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.



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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.

Project:
**106 Main Street South,
Waterdown**

Committee of Adjustment
Submission Package

STAMP

**NOT FOR
CONSTRUCTION**

KEYPLAN

PROJECT / TRUE NORTH



Title:
Cover Page

Scale

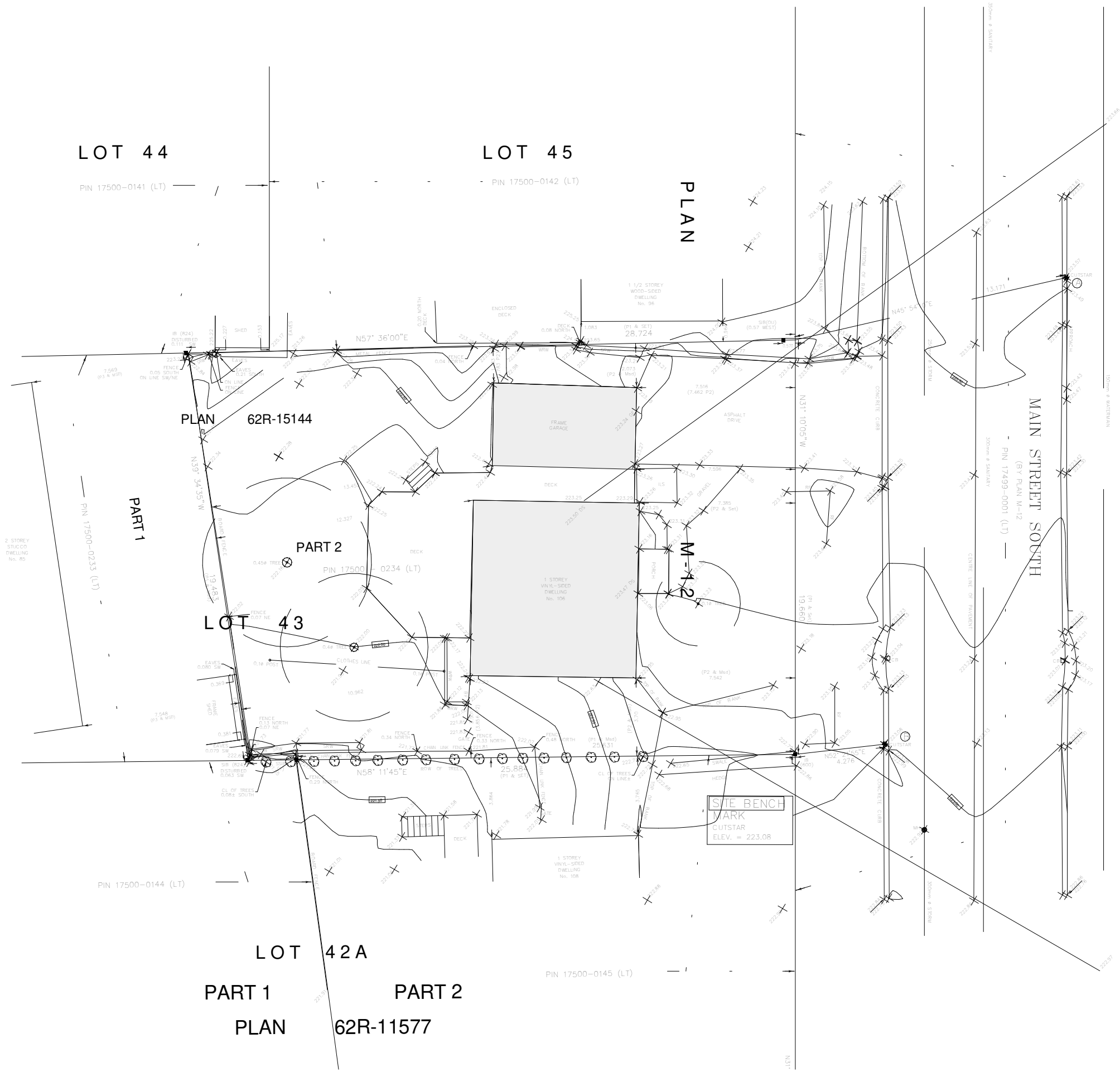
Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ000**

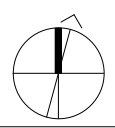




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KEYPLAN



PROJECT / TRUE NORTH

Title:

Survey

Scale 1 : 200

Revision

Job # CM 22-01

Date March 29, 2023

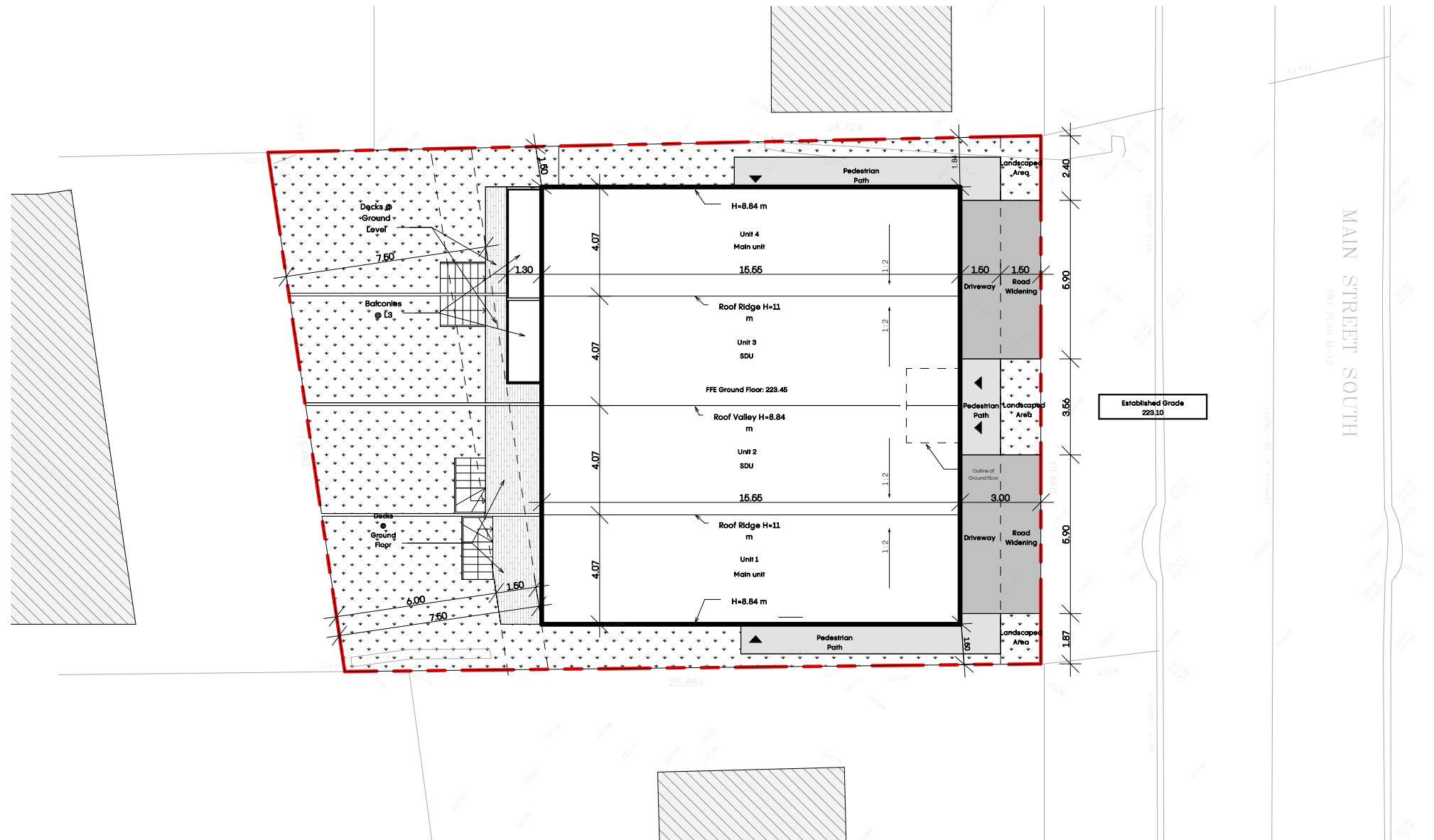
Drawing No. **AZ001**

106 Main St W, Waterdown

	m ²	ft ²
Site Area (Gross)	527.3	5,676.1
Road widening	29.4	316.8
Site Area (Net)	497.9	5,359.3
Paved Area	35.4	381.0
Landscaped Area	239.0	2,572.9
Building Coverage	252.9	2,657.2
Existing Buildings to be removed	65.0	2,631.8
Total Floor Area (Excl. Garage)	593.6	1,589.5
FSI	1.19	
# of units	4	
Parking Spaces	4	

	Unit 1		Unit 2		Unit 3		Unit 4		Total	
	m ²	ft ²	m ²	ft ²	m ²	ft ²	m ²	ft ²	m ²	ft ²
Level 1	35.82	385.6	40.58	436.80	40.54	436.37	35.81	385.46	152.75	1644.19
Level 2	56.21	605.0	54.01	581.36	54.29	584.37	55.93	602.02	220.44	2372.79
Level 3	56.08	603.6	54.22	583.62	54.22	583.62	55.93	602.02	220.45	2372.90
Total	148.11	1,594.2	148.81	1,601.78	149.05	1,604.36	147.67	1,589.51	593.64	6,389.88

Areas do **not** include Parking Garages and balconies



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PROJECT / TRUE NORTH

Title:
Site Plan

Scale 1 : 200

Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ101**

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PROJECT / TRUE NORTH

Title:
Ground Floor

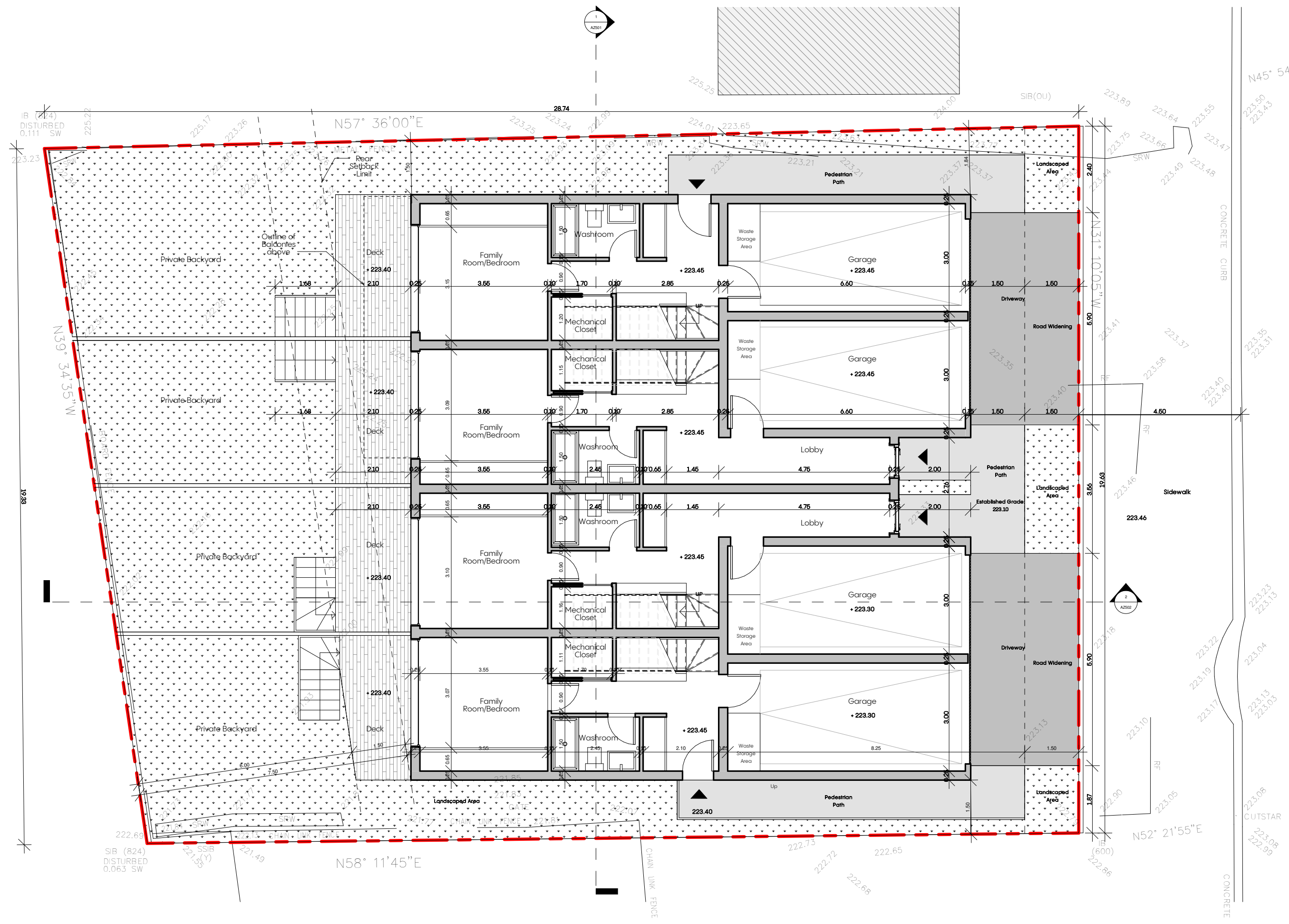
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ201**



1 Ground Floor
 1 : 100

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Title:
Level 2

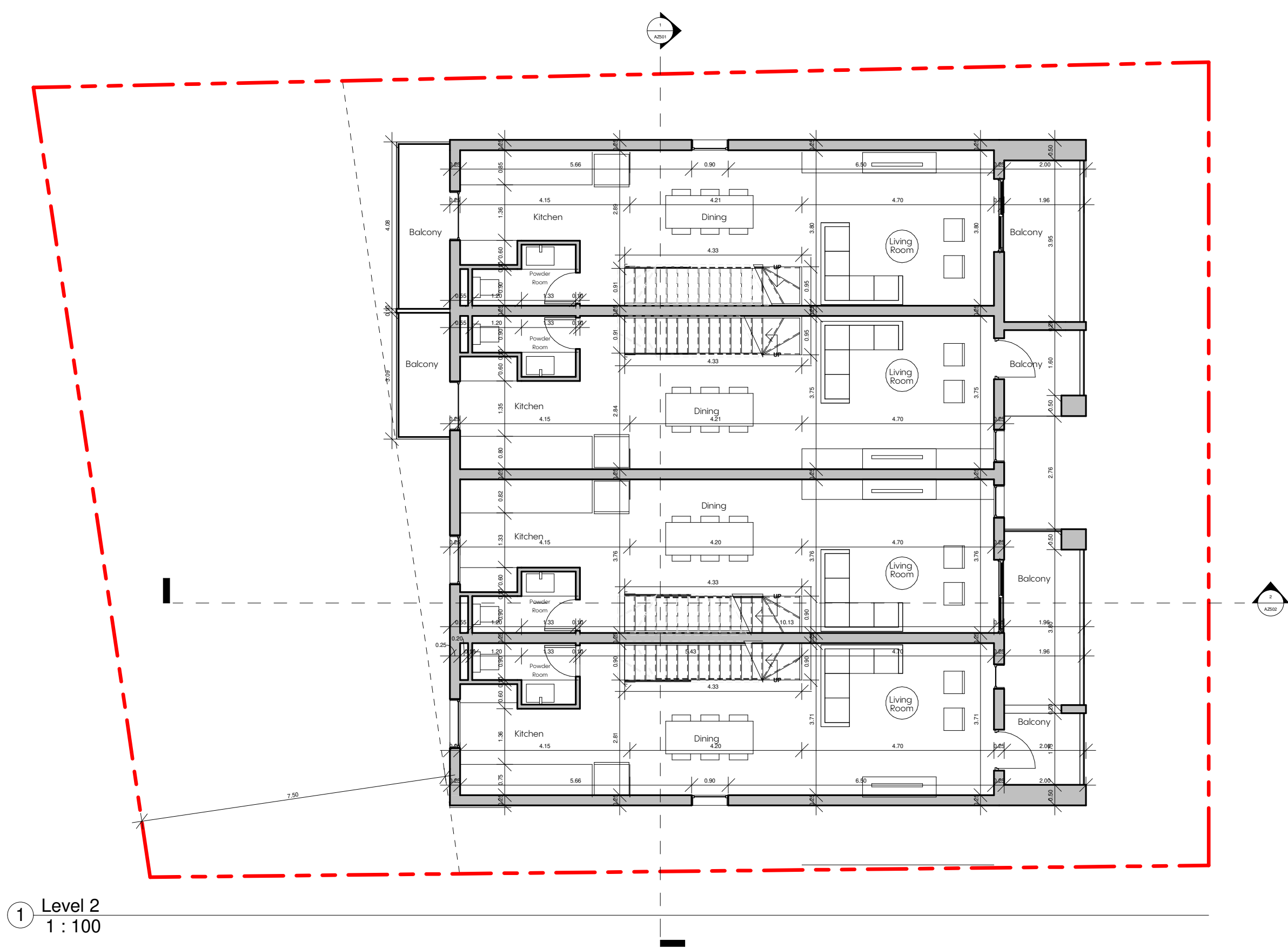
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ202**



1 Level 2
 1 : 100

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PROJECT / TRUE NORTH

Title:
Level 3

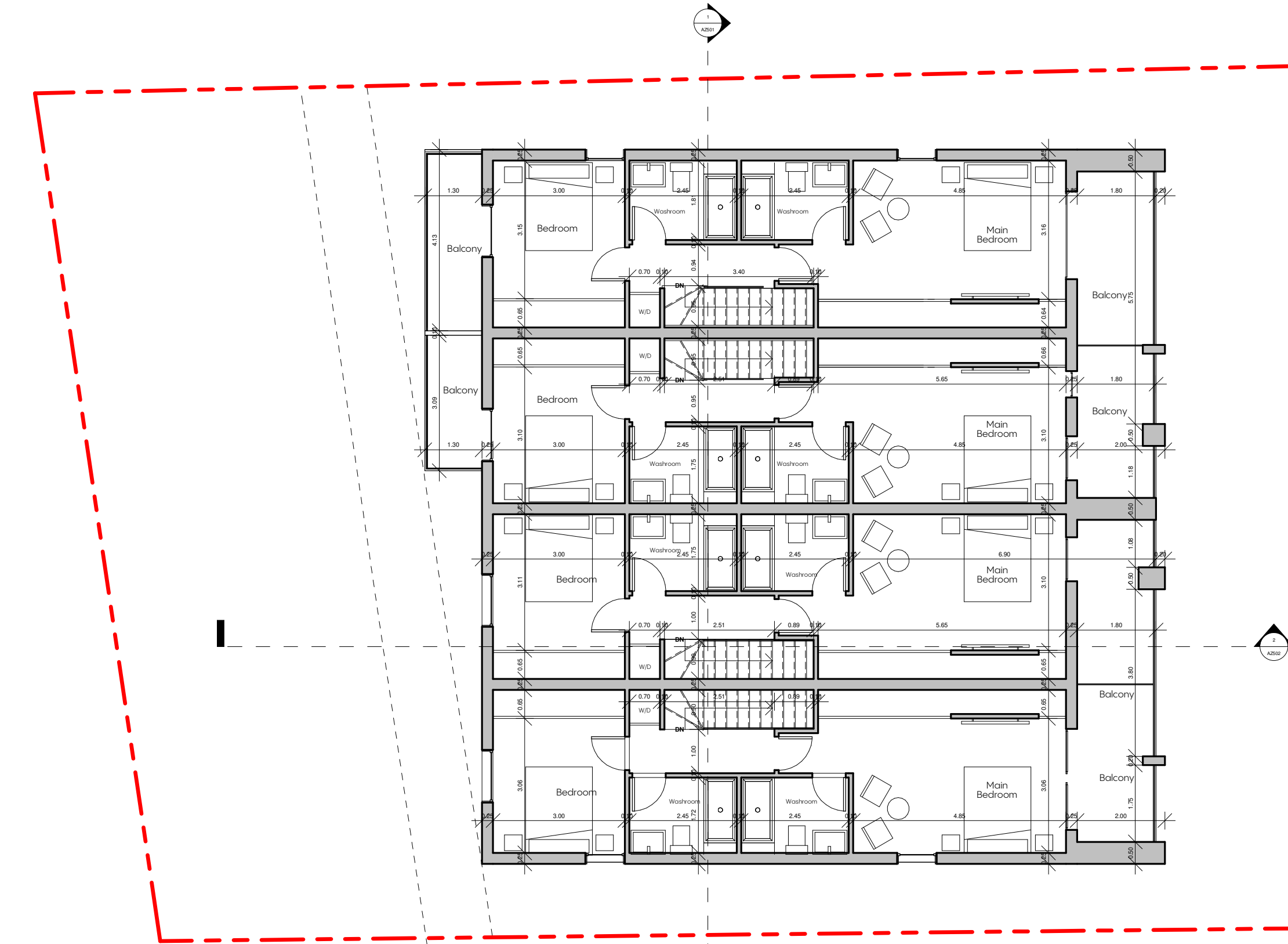
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ203**



1 Level 3
 1 : 100



① East Elevation
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KEYPLAN



PROJECT / TRUE NORTH

Title:
East Elevation

Scale 1 : 100

Revision

Job # CM 22-01

Date March 29, 2023

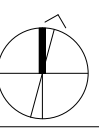
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PROJECT / TRUE NORTH



Title:
North Elevation

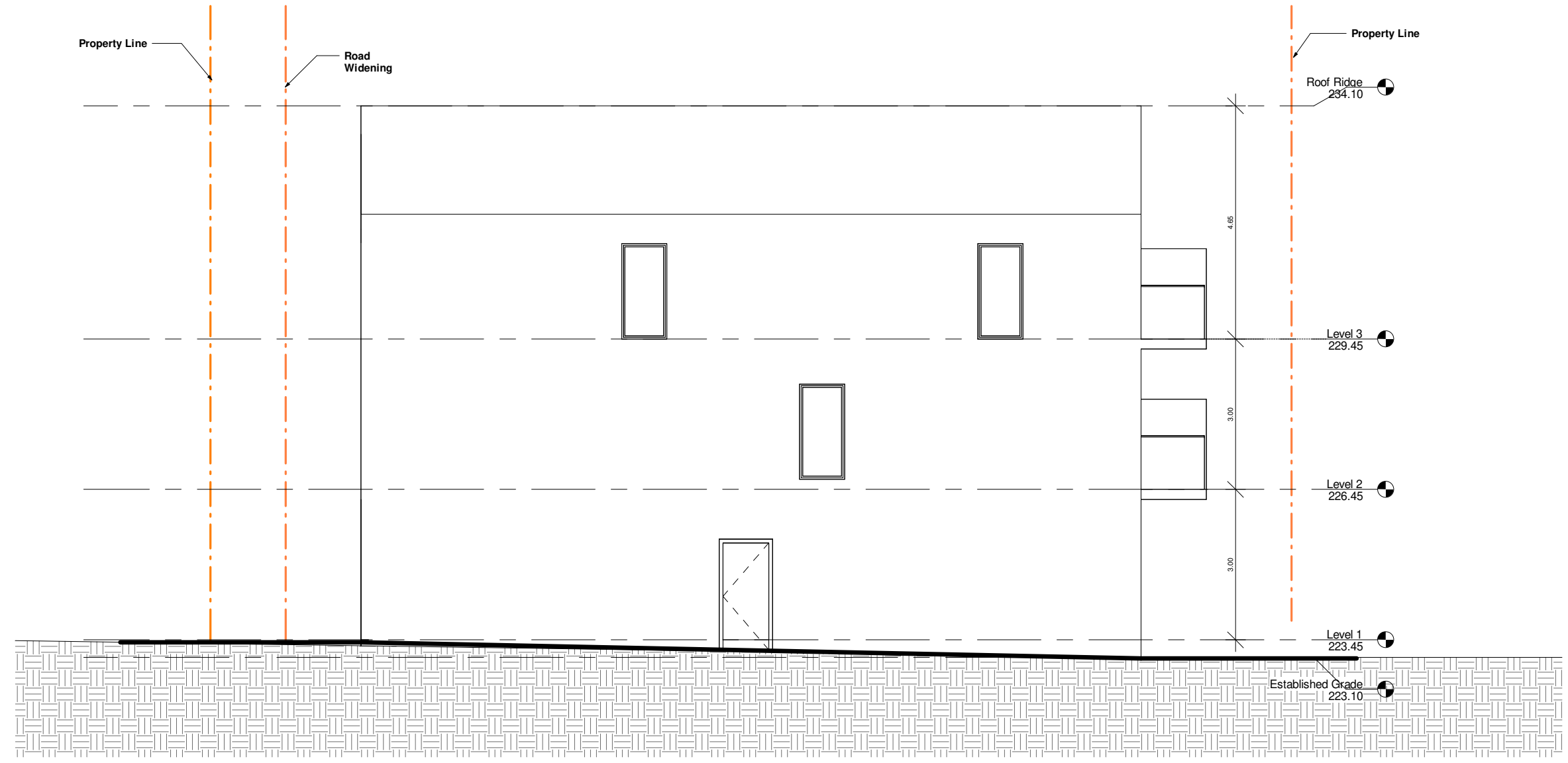
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ402**



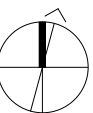
① North Elevation
 1 : 100

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 CONSTRUCTION**

KEYPLAN

PROJECT / TRUE NORTH



Title:
South Elevation

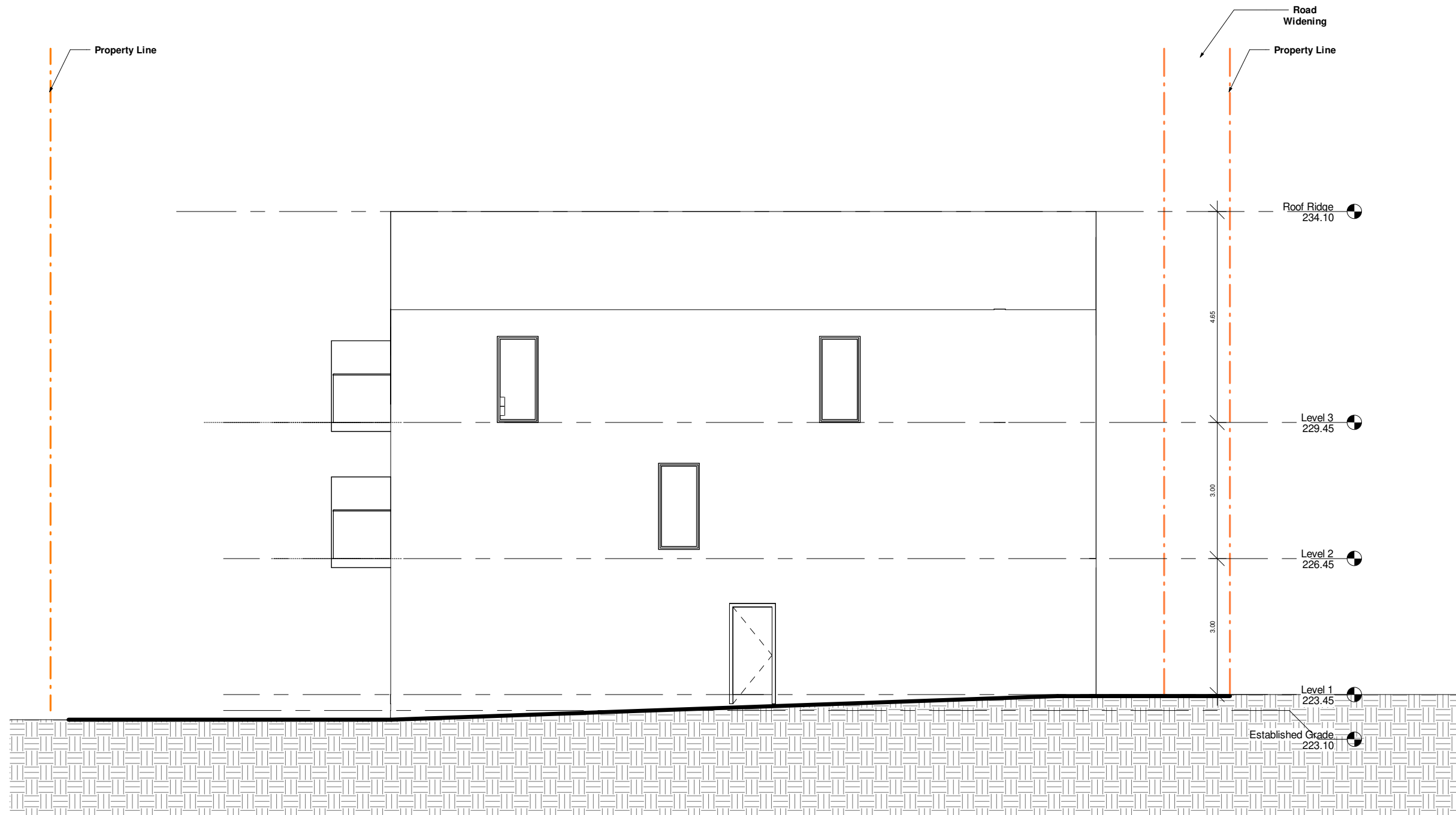
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ403**



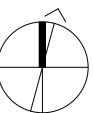
① South Elevation
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**NOT FOR
 CONSTRUCTION**

KEYPLAN

PROJECT / TRUE NORTH



Title:
West Elevation

Scale 1 : 100

Revision

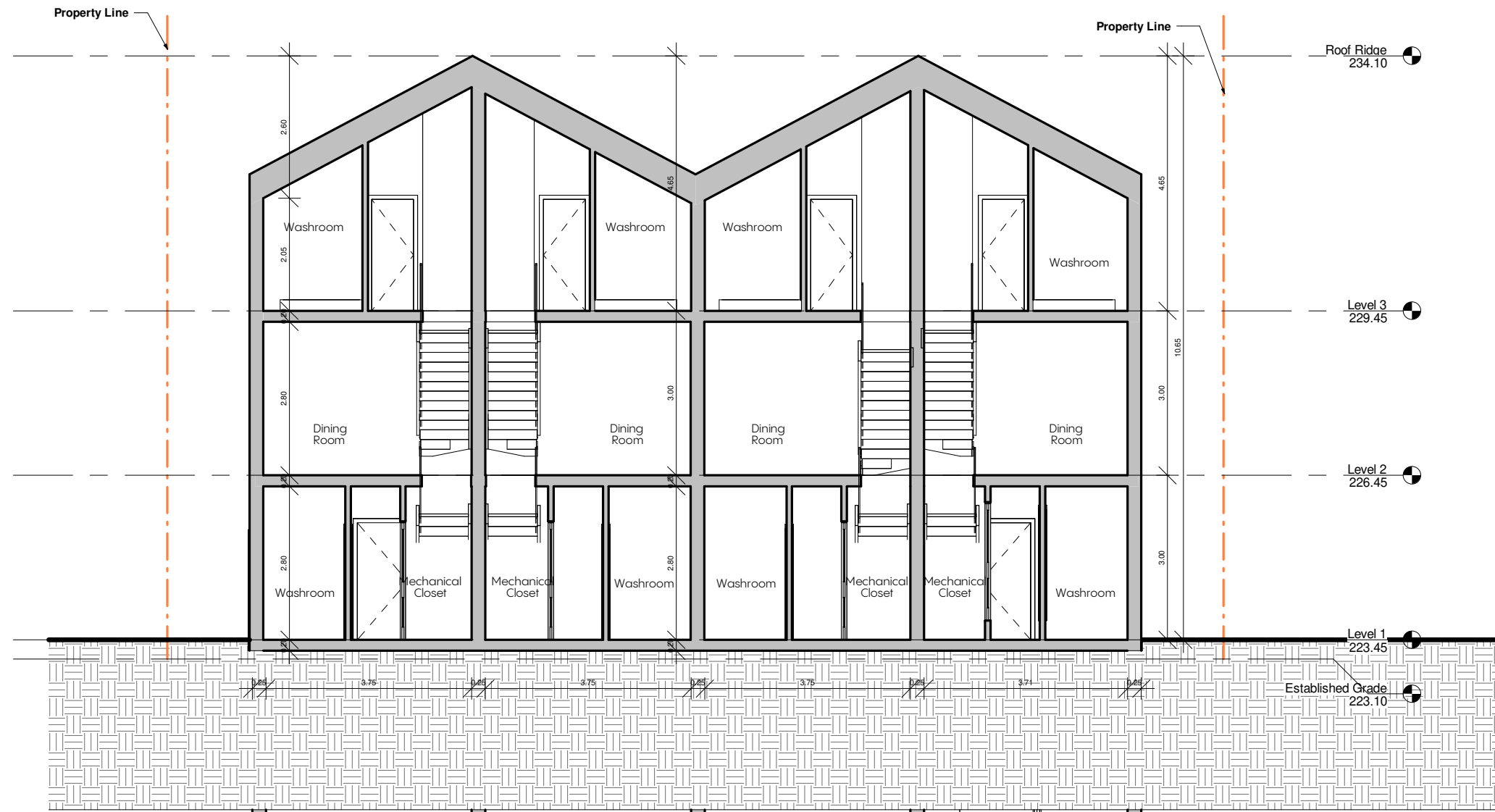
Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ404**



① West Elevation
 1 : 100



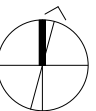
1 Section 1
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 CONSTRUCTION**

KEYPLAN

PROJECT / TRUE NORTH



Title:
Building Section 1

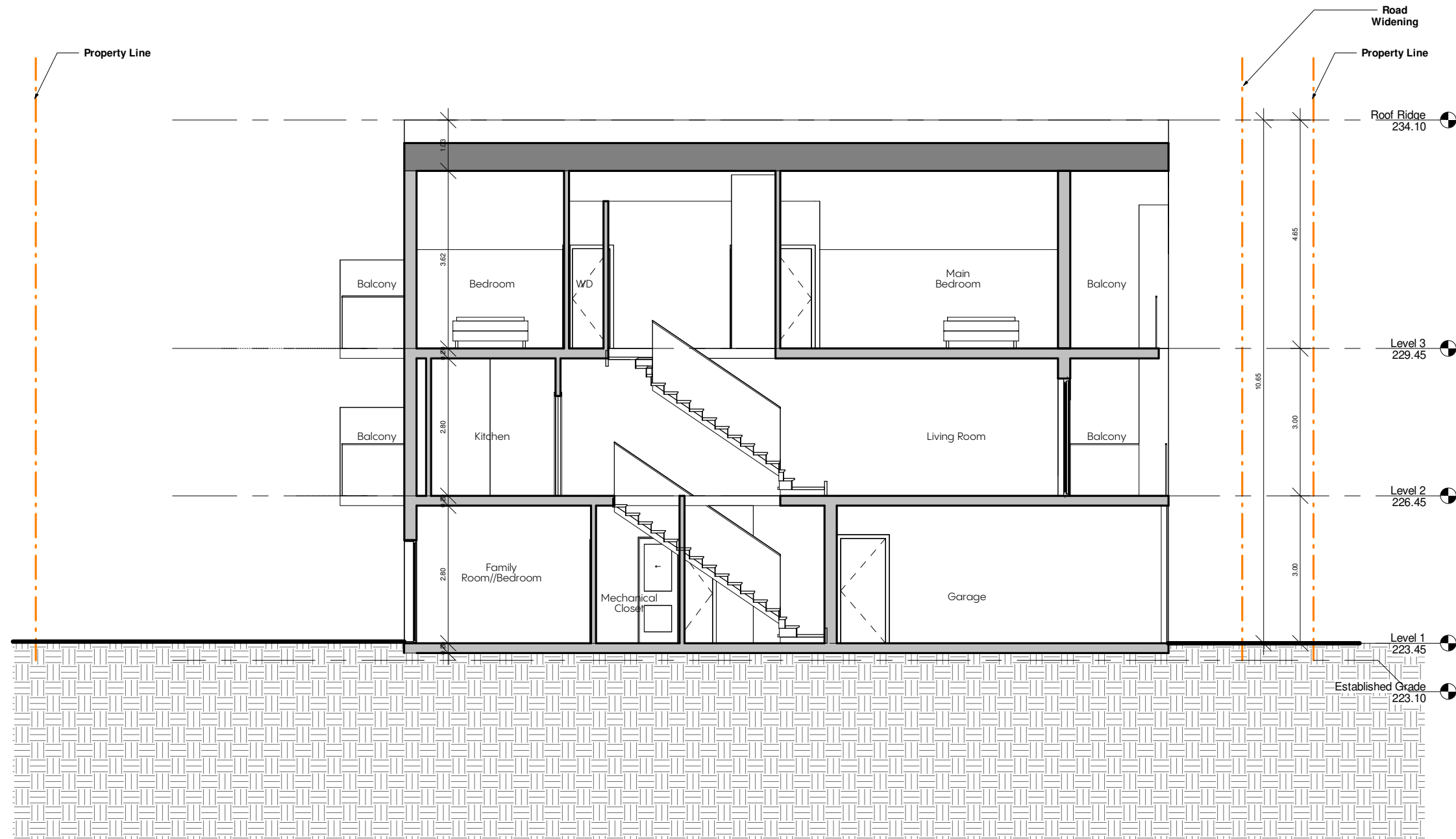
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Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ501**

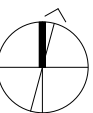


② Section 2
 1 : 100

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 CONSTRUCTION**

KEYPLAN



PROJECT / TRUE NORTH

Title:
Building Section 2

Scale 1 : 100

Revision

Job # CM 22-01

Date March 29, 2023

Drawing No. **AZ502**

March 29, 2023

**Committee of Adjustment
City of Hamilton**

Re: Request for Minor Variances

To the Chair and members of the committee.

Thank you for the opportunity to submit this package and for reviewing the proposed development concept for 106 Main Street South, Waterdown.

The project aims to propose a gentle intensification on the site with a single 3-storey building with 4 units. The project would be a modest, multi-generational, owner-occupied residential development and a great addition to the urban landscape.

This revised proposal is compatible with the surrounding dwellings and existing built forms within the neighbourhood, and for these reasons we would like to request your approval to a few minor variances.

Originally, the proposed building was a larger 3-storey residential building with 10 smaller units, and based on discussion with the city staff, we proceeded with a few changes to provide a better design with more appropriate features.

Please see below a list of the main changes:

- The height perception was reduced by the use of a sloped roof with an attic instead of a full 3rd storey within a mansard roof.
- The building now fits under a 45-degree angular plane from the rear property line, which limits its shadow impact and overlooking.
- Instead of an apartment building, the project is now designed as independent single-family units, while the number of units was reduced from 10 to 4.
- The building is grade-related, with all units accessed directly from the ground and has 1 parking space per unit.
- The large parking area at the back was removed, and the parking spaces are now accommodated in indoor garages.
- The site layout now includes significant landscaping on all sides of the lot.
- In the front, a large landscaped area provides opportunities for landscaping that are better than what is typical to the area.



Smart Density

180 John Street, Suite 617
Toronto, Ontario, Canada M5T 1X5
info@smartdensity.com
www.smartdensity.com

Overall, the impact of the requested variances is very small relative to the benefit of providing additional housing in an established neighbourhood in the form of gentle density, while also bringing improvement and beautification to its surrounding.

Regards,

Misha Bereznyak
Architect, Urban Designer
B.Arch, MUDS, OAA, LEED AP ND

March 29, 2023

Committee of Adjustment

City of Hamilton

Re: Rationale for the Requested Variances

To the Chair and members of the committee.

Thank you for the opportunity to submit this package and for reviewing the proposed development concept for 106 Main Street South, Waterdown.

Please find below a summary of each variance and the rationale for why the variances are minor, and the proposed development is appropriate.

Minimum Lot Area

Required: 660 m² (330 m² per dwelling unit)

Proposed: 497.9m² (after road widening)

Rationale: While the lot area is a little smaller than required, the change does not have a significant impact for the following reasons:

- The building is fully within the permitted building envelope.
- The building width has a much greater impact on the way the buildings are perceived than the lot area.

Maximum Lot Coverage

Required: 35%

Proposed: 50%

Rationale: The higher lot coverage is needed to accommodate functional units, but the change does not have a significant impact for the following reasons:

- The building is fully within the permitted building envelope.
- The site has a significant soft-scaped area at the rear and the sides.

Minimum Front Yard

Required: 7.5 m

Proposed: 1.5 m

Rationale: The front yard matches the yards of the two properties to the north. In addition, small front yards are not atypical to the area: 11 and 13 Union Street have front yards of approximately 2 m, while 3 Union Street has a front yard of approximately 0.6 m.

Rear Yard Encroachments

Required: Maximum 1.5 m – 6 m setbacks

Proposed: 6 m for yards, 4.5m setback for stairs

Rationale: The stairs are needed to provide access to the yard because of the height differences, but their impact is small and local.



Smart Density

180 John Street, Suite 617
Toronto, Ontario, Canada M5T 1X5
info@smartdensity.com
www.smartdensity.com

Landscaped Open-Space

Required: 50%

Proposed: 40%

Rationale: The plan has been revised to minimize the paved area; however, it is limited by the size of driveways needed to provide parking spaces to all units.

Regards,

Misha Bereznyak

Architect, Urban Designer

B.Arch, MUDS, OAA, LEED AP ND



Hamilton

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)			
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	106 Main street South, Waterdown		
Assessment Roll Number			
Former Municipality			
Lot	43	Concession	
Registered Plan Number	Plan M-12	Lot(s)	43
Reference Plan Number (s)	Plan 62R-15144	Part(s)	2

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

Construction of 2 3-storeys semi-detached dwellings with 2 SDUs with parking garage and no basement.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The proposed design allows for more functional units.

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
19.63	28.74	497.9	16

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
Single-family house	7.4 m	11	2	
Detached Garage	7.4	13.5	3.5	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Semi-detached townhouse	1.5	7.5	1.5	

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
Single-family house	67	134	2	6
Detached Garage	26	26	1	3

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Semi-detached townhouse	252.9 (incl. Garage)	593.6	3	11

- 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.):
Semi-detached dwelling with 2 secondary dwelling units

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
November 7, 2019

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:
1949 to date

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.

The site is located within the Waterdown Community Node Secondary Plan Study and is designated a Core Area Residential Zone.

7.6 What is the existing zoning of the subject land? Zoning By-law 90-145-Z Flamborough

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: Zoning By-law 90-145-Z Flamborough

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: 1

8.2 Number of Dwelling Units Proposed: 4

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
- _____
- _____