

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-23:222	SUBJECT PROPERTY:	41 EARL STREET, HAMILTON
ZONE:	"R1a" (Low Density Residential, Small Lot)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: **Owner:** MICHELE & CARMIE-LYNN PASQUALI
 Agent: URBANSOLUTIONS PLANNING C/O MATT JOHNSTON

The following variances are requested:

1. A multiple dwelling shall be permitted within the "R1a" Low Density Residential – Small Lot Zone instead of the requirements that multiple dwellings are not permitted within the "R1a" Low Density Residential – Small Lot Zone.
2. A multiple dwelling shall be reviewed under the single detached dwelling regulations for setback requirements within the "R1a" Low Density Residential – Small Lot Zone.
3. A minimum lot width of 8.25 metres shall be permitted instead of the required minimum lot width of 9.0 metres.
4. A minimum side yard setback of 0.5 metres shall be permitted for a principle dwelling instead of the required minimum 1.2 metres side yard setback.
5. Parking shall be permitted to be located 0.0 metres from the street line and within the front yard between the building façade and street line for a multiple dwelling. Instead of the requirement that required parking for a multiple dwelling shall be located 3.0 metres from the street line and shall not be located between the building façade and front lot line.
6. Parking shall be permitted without 6.0 metres of maneuverability space and access to parking shall be permitted to be located not on the lot.

PURPOSE & EFFECT: To facilitate and permit the construction of a new Multiple Dwelling.

Notes:

1. Requested variance #2 is not required due to Section 4.12 of the Hamilton Zoning By-law 05-200.
2. Please be advised consent application HM/B-23:54 is associated with this development.
3. Please be advised no parking information was provided for the existing single detached dwelling.
4. Insufficient information was provided to determine encroachment conformity. Additional variances may be required if compliance with Section 4.6 in the Hamilton Zoning By-law 05-200 cannot be achieved.
5. Insufficient information was provided to determine mechanical and unitary equipment conformity. Additional variances may be required if compliance with Section 4.9 in the Hamilton Zoning By-law 05-200 cannot be achieved.

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, September 7, 2023
TIME:	10:35 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

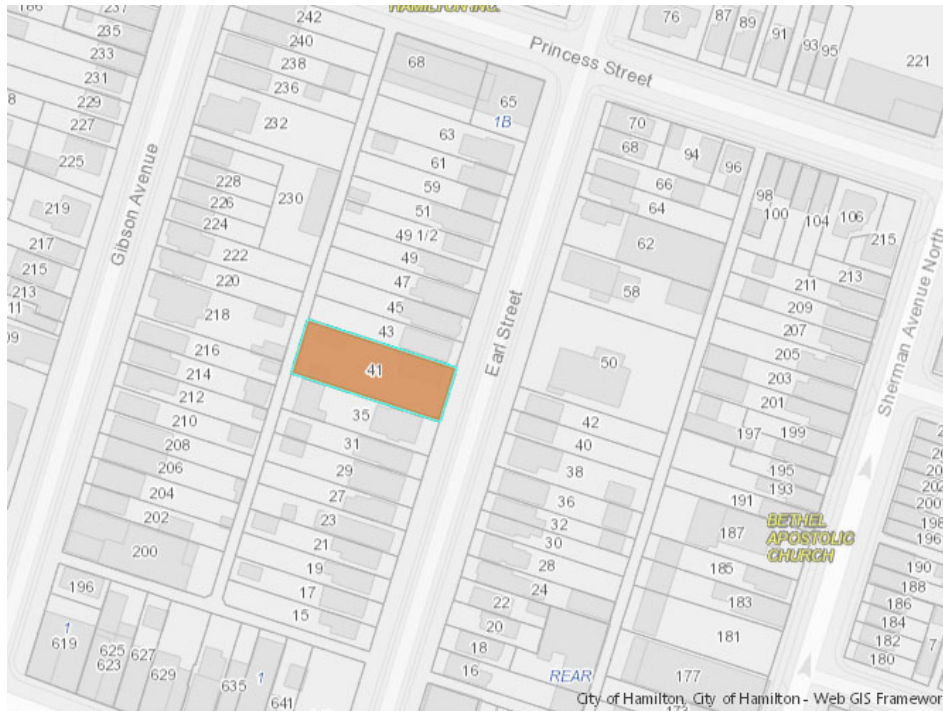
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:222, 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: August 22, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

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

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

**EXISTING
1 STOREY
ACCESSORY BUILDING
(TO BE DEMOLISHED)**
GROUND FA = ±26.71 m²
GROSS FA = ±26.71 m²
HEIGHT = ±3.0 m

LANDS TO BE
RETAINED
LOT AREA
 $\pm 408.53\text{m}^2$

**EXISTING
1 STOREY
GARAGE
(TO REMAIN)**
ROUND FA = ± 48.77 m
GROSS FA = ± 48.77 m
HEIGHT = ± 2.0 m

VARIANCE NO. 2

EXISTING
RESIDENTIAL

EXISTING
RESIDENTIAL

VARIANCE NO. 3

**PROPOSED
3 STOREY
3 UNIT
DWELLING**

LANDS TO BE
SEVERED
LOT AREA
 $\pm 396.24\text{m}^2$

VARIANCE NO. 4

**EXISTING
1.5 STOREY
SINGLE
DETACHED
DWELLING
(TO REMAIN)**
GROUND FA = ± 71.51 m
GROSS FA = ± 143.02 m²
HEIGHT = ± 8.0 m

VARIANCE NO. 1

VARIANCES TO CITY OF HAMILTON ZONING BY-LAW NO. 05-200,
LOW DENSITY RESIDENTIAL - SMALL LOT (R1a) ZONE

VARIANCE NO. 1: TO PERMIT A REDUCED SIDE YARD SETBACK FROM 1.2 METRES TO 0.5 METRES FOR PRINCIPAL STRUCTURES.

VARIANCE NO. 2: TO PERMIT A REDUCED SIDE YARD SETBACK FROM 1.2 METRES TO 0.5 METRES FOR ACCESSORY STRUCTURES.

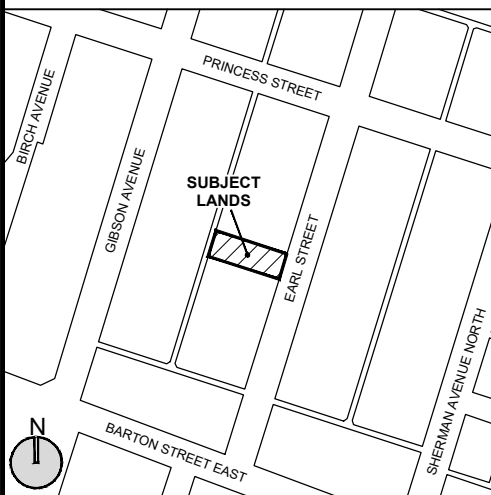
VARIANCE NO. 3: TO PERMIT '3 UNIT DWELLING' AS A PERMITTED USE.

VARIANCE NO. 4: TO PERMIT REQUIRED PARKING FOR 3 UNIT DWELLING BETWEEN THE FACADE AND THE FRONT LOT LINE.







DEVELOPMENT STATISTICS		
Item	Retained Lands	Severed Lands
Lot Frontage	±8.51 m	±8.25 m
Lot Depth	±48.01 m	±48.01 m
Lot Area	±408.53 m ²	±396.24 m ²
Use	Residential	Residential

EARL STREET

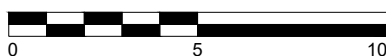
KEY MAP - N.T.S.



LEGEND:

- | | |
|---|---------------------------------|
|  | SUBJECT LANDS |
| | PROPOSED SEVERANCE LINE |
|  | LANDS TO BE RETAINED |
|  | LANDS TO BE SEVERED |
|  | PROPOSED BUILDING |
|  | EXISTING BUILDINGS TO REMAIN |
|  | EXISTING BUILDING TO BE REMOVED |

SCALE 1:200
METRES



PREPARED BY:



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

TITLE:

COMMITTEE OF ADJUSTMENT SKETCH

PROJECT:

41 EARL STREET
CITY OF HAMILTON

CLIENT:

CKD4 HOLDINGS INC.

DESIGN BY: UNIQUE DESIGNS INC.

CHECKED BY: S. MCKAY

DRAWN BY: S. ERICKSON

DATE: AUGUST 10, 2023

U/S FILE NUMBER:

487-23

SHEET NUMBER:

1

August 9, 2023

487-23

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

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

Dear Ms. Sheffield,

Re: 41 Earl Street, Hamilton
Consent to Sever & Minor Variance Application

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mr. Michele (Mike) Pasquali, the owner of the lands municipally known as 41 Earl Street in Hamilton. On their behalf, please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the future development of the subject property.

The subject property is a rectangularly-shaped, +/- 804.77 m² parcel with +/- 16.764 m of frontage onto Earl Street and +/- 16.764 m of rear frontage along an access alleyway. The parcel is designated as 'Neighbourhoods' in the Urban Hamilton Official Plan and is zoned 'Low Density Residential – Small Lot (R1a) Zone' in the City of Hamilton Zoning By-law No. 05-200.

Purpose of the Applications

The purpose of the Consent Application is to sever the existing single detached dwelling from the southern vacant portion of the property. As depicted within the enclosed Committee of Adjustment sketch, the lands to be retained will have +/- 408.53 m² of area and +/- 8.510 m of frontage onto Earl Street. The lands to be severed will have +/- 396.24 m² of area and +/- 8.254 m of frontage onto Earl Street and are intended to accommodate a 3-unit dwelling.

The following minor variances from the Zoning By-law are being requested to facilitate the development:

Variance No. 1: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for principal structures;

Variance No. 2: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for accessory structures;

Variance No. 3: To permit a 3-unit dwelling as a permitted use; and,

Variance No. 4: To permit required parking for 3-unit dwellings between the façade and front lot line.

These variances are required to facilitate the development of a 3-unit dwelling with a 1:1 parking ratio, as well as to recognize existing site conditions pertaining to setbacks for the single-detached dwelling and the accessory detached garage structure. The R1a Zone permits a range of residential uses such as single and semi-detached dwellings, duplexes, street townhouses, and converted dwellings. It is the intent of the R1a Zoning and the *Neighbourhoods* designation on site to permit up to 4 units outright on the parcel through the provisions contained for converted dwellings in Section 4.34 (d) of Zoning By-law No. 05-200. As such, the proposed 3-unit dwelling demonstrates an appropriate development concept for the lands from a land use policy perspective.

As per Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed 3-unit dwelling conforms to all existing R1a Zone regulations pertaining to building setbacks and height. The reduction of the side yard from 1.2 metres to 0.5 metres is required to reflect the existing conditions of the detached garage and single-detached dwelling along the eastern side yard. Further, retaining parking in the front yard will maintain the existing character of Earl Street. As the proposed size of the 3-unit dwelling is permitted outright by the Zoning By-law, and the requested variances intend to have regard for existing conditions and the intent of the Converted Dwelling policies within the R1a Zone regulations, the variance is deemed to be minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, of which the proposed development directly represents. The proposal appropriately implements the Official Plan's policies surrounding intensification by introducing compatible and compact urban forms of a similar scale to the surrounding urban fabric. Additionally, the proposed structure conforms to all size restrictions imposed by the Zoning By-law and seeks to create 3 residential units, whereas 4 units are permitted within Converted Dwellings as a permitted use within the R1a Zone. Additionally, the reduction from a 1.2-metre to 0.5-metre side yard is required to acknowledge existing conditions with the detached garage and single-detached dwelling. As such, the proposal meets the intent and purpose of the Official Plan and Zoning By-law.

Lastly, the proposal intends to develop a vacant portion of lands within the City's urban area in a location nearby to 3 Minor Arterial Roads, thereby making efficient use of Hamilton's available land base and creating appropriately-scaled infill development. The variances are also required to recognize existing conditions on site and to ensure the character of Earl Street is enhanced with a consistent streetwall. As such, the proposal is desirable for the appropriate development or use of the land.

Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is consistent with the Ontario PPS and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the '*Neighbourhoods*' policies of the Urban Hamilton Official Plan. Furthermore, the requested variances from the R1a Zone are minor in nature, meet the purpose and intent of the Official Plan and Zoning By-law, and are desirable for the development of the lands. Based on the above analysis, the proposed severances represent good land use planning.

In support of this application, please find enclosed the following:

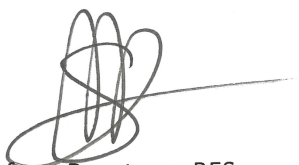
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee; and,
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Mr. Mike Pasquali

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		

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	41 Earl Street, Hamilton, ON, L8L 6L1		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		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:

Variance 1: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for principal structures;

Variance 2: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for accessory structures;

Variance 3: To permit a 3-unit dwelling as a permitted use; and,

Variance 4: To permit required parking for 3-unit dwellings between the facade and front lot line.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

[Please refer to the enclosed Cover Letter.](#)

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
+/- 16.764 sq.m.	+/- 48.000 m	+/- 804.77 sq.m.	+/- 20.200 m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Please also refer to enclosed Committee of Adjustment Sketch

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Single Family Dwelling	+/- 6.370 m	+/- 28.571 m	Min. +/- 1.041 m	
Existing Detached Garage	+/- 35.814 m	+/- 3.048 m	Min. +/- 0.610 m	
Existing Accessory Building	+/- 40.305	+/- 0.610 m	+/- 0.610 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Proposed 3-Unit Dwelling	+/- 6.960 m	+/- 15.901 m	Min. +/- 1.219 m	
Existing Single Family Dwelling	+/- 6.370 m	+/- 28.571 m	Min. +/- 1.016 m	
Existing Detached Garage	+/- 35.814 m	+/- 3.048 m	Min. +/- 0.610 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Please also refer to enclosed Committee of Adjustment Sketch

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Single Family Dwelling	+/- 71.51 sq.m.	+/- 143.02 sq.m.	1.5 Storeys	+/- 8.0 m
Existing Detached Garage	+/- 48.77 sq.m.	+/- 48.77 sq.m.	1 Storey	+/- 2.0 m
Existing Accessory Building	+/- 26.71 sq.m.	+/- 26.71 sq.m.	1 Storey	+/- 3.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Single Family Dwelling	+/- 71.51 sq.m.	+/- 143.02 sq.m.	1.5 Storeys	+/- 8.0 m
Existing Detached Garage	+/- 48.77 sq.m.	+/- 48.77 sq.m.	1 Storey	+/- 2.0 m
Proposed 3-Unit Dwelling	+/- 144.62 sq.m.	+/- 433.86 sq.m.	3 Storeys	+/- 10.25 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.):

[3-unit dwelling, existing single-detached dwelling](#)

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

[2 to 2.5-storey single-detached dwellings.](#)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

[unknown](#)

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:

[unknown](#)

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

~~Rural Hamilton Official Plan designation (if applicable): _____~~

N/A

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) ['Neighbourhoods' on Schedule E-1 Land Use Designations](#)

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

[Please refer to enclosed Cover Letter.](#)

7.6 What is the existing zoning of the subject land? [Low Density Residential - Small Lot \(R1a\) Zone](#)

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

☐ Yes

☒ No

N/A 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

N/A 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

N/A

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: 3

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

No dwelling units currently exist on the lands to be retained. 3 new dwelling units are proposed for the lands to be retained. The lands to be severed currently contain one existing dwelling unit. This unit will remain on the lands to be severed.

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
