



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 **CORRECTED** **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-23:207	SUBJECT PROPERTY:	136 UPPER MOUNT ALBION RD, HAMILTON
ZONE:	"C5, Exception 813" (Mixed Use Medium Density)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 22-207

APPLICANTS: **Owner:** 1000026563 ONTARIO INC. C/O AMBER LINDSAY
 Agent: BOUSFIELDS INC. C/O DAVID FALLETTA

The following variances are requested:

1. An increase in maximum building height to 24 metres shall be permitted for a building above 11 metres abutting a residential or institutional zone instead of the requirement that in addition to Section 10.5.3 (d) (i) and notwithstanding Section 10.5.3 (d) (ii), any building above 11.0 metres may be equivalently increased as the yard increased beyond the minimum yard requirements established in Section 10.5.3 (b) and (c) when abutting a residential or institutional zone to a maximum of 22 metres.

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

Notes:

1. Insufficient information was provided to determine zoning compliance for the finished floor elevation above grade of any dwelling unit. Additional variances may be required if the conformity cannot be achieved.
2. Insufficient information provided to determine underground parking space size and parking lot stable surface material. Additional variances may be required if zoning compliance cannot be achieved.
3. Insufficient information provided to determine zoning compliance for landscaped areas and landscaped islands in a parking lot. Additional variances may be required if conformity cannot be achieved.

4. Please note the principle building shall be constructed prior to the construction of all accessory buildings or structures.

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:	11:00 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

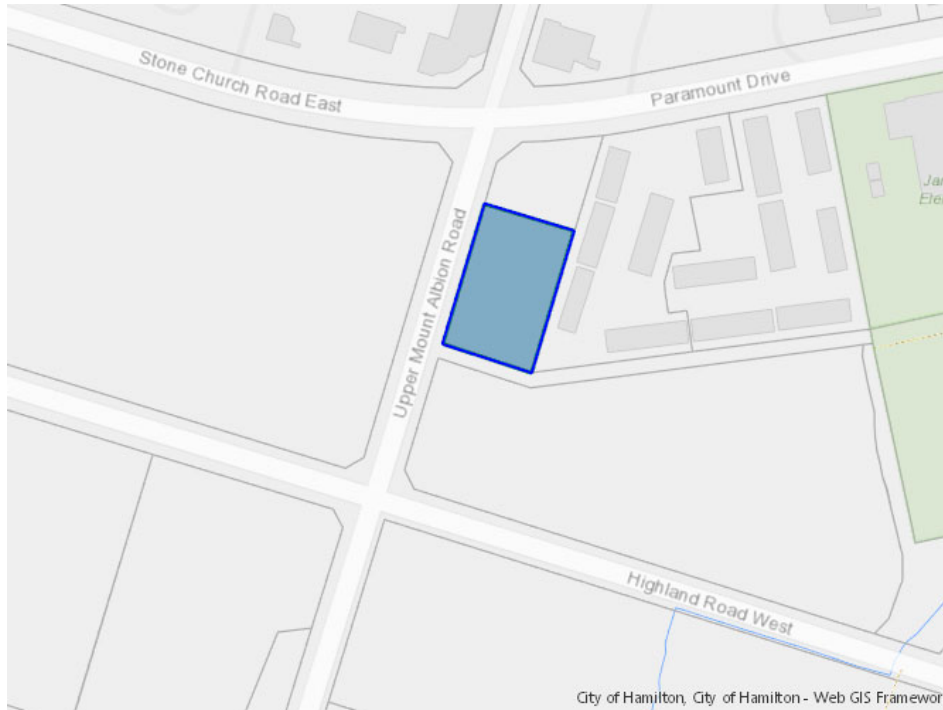
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:207, 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.

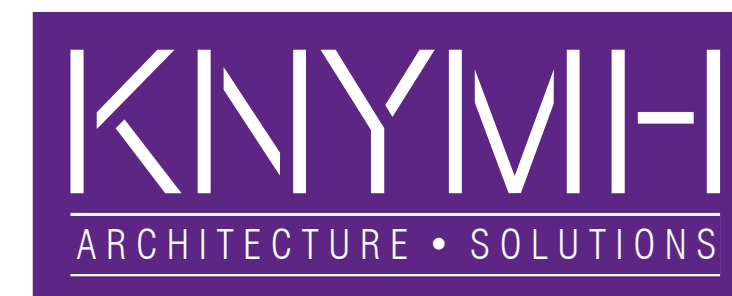


Upper Mount Albion

Valery Group

136 Upper Mt Albion Road, Stoney Creek, ON

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SUITE BREAKDOWN BY TYPE									
Name	SUITE PROPERTIES			# OF UNITS	INDIVIDUAL SUITE AREAS				Barrier Free
	Bedrooms	Dens	Description		Maximum	SF	Minimum	SF	
SUITE	1	0	1 BED	37	60.1 m²	647 ft²	42.6 m²	458 ft²	
SUITE	1	1	1 BED+D	48	75.2 m²	809 ft²	48.8 m²	526 ft²	
SUITE	2	0	2 BED	48	77.0 m²	828 ft²	72.3 m²	778 ft²	
SUITE	2	1	2 BED+D	12	105.6 m²	1,136 ft²	73.7 m²	794 ft²	
SUITE	1	0	3 BED+D	1	96.8 m²	1,041 ft²	96.8 m²	1,041 ft²	
TOTAL				146					

DEVELOPMENT STATISTICS		
MIXED USE MEDIUM DENSITY (C5) ZONE, EXCEPTION 813		
REQUIREMENTS	AS-OF-RIGHT	PROPOSED
TOTAL UNITS	-	146 UNITS
LOT AREA	-	5238.47 sqm
GROSS FLOOR AREA (MAX.)	-	12614 sqm
BUILDING SETBACK FROM STREET LINE	0.0m	8.4 m
MINIMUM REAR YARD	7.5m	
MINIMUM SIDE YARD	2.5m	
MAXIMUM BUILDING HEIGHT	24.0m	
MINIMUM AMENITY AREA	856 sqm	1618 sqm
PLANTING STRIP	1.5m	1.5 m
PARKING REQUIREMENTS		
TYP. PARKING SPACE DIMENSIONS	2.8m x 5.8m	2.8m x 5.8m
COMPACT PARKING SPACE DIMENSIONS	2.6m x 5.6m	2.6m x 5.6m
BARRIER FREE PARKING REQTS	4	4
BARRIER FREE PARKING DIMENSIONS	4.4m x 5.8m	4.4m x 5.8m
LONG-TERM BIKE PARKING	71	79
SHORT-TERM BIKE PARKING	5	20
EXPOSED SURFACE PARKING SPACES		20
COVERED SURFACE PARKING SPACES		46

TOTAL SELLABLE AREA		
1st FLOOR PLAN	200 m²	3
2nd FLOOR PLAN	1809 m²	27
3rd FLOOR PLAN (TYP.)	2028 m²	31
4th FLOOR PLAN	2028 m²	31
5th FLOOR PLAN	1803 m²	27
6th FLOOR PLAN	1799 m²	27
TOTAL	9668 m²	146

TOTAL AMENITY AREA		
1st FLOOR PLAN	230 m²	1
2nd FLOOR PLAN	871 m²	13
3rd FLOOR PLAN (TYP.)	122 m²	2
4th FLOOR PLAN	122 m²	2
5th FLOOR PLAN	108 m²	1
6th FLOOR PLAN	109 m²	1
TOTAL	1560 m²	20

TOTAL GROSS FLOOR AREA		
1st FLOOR PLAN	1275 m²	1
2nd FLOOR PLAN (TYP.)	2274 m²	34
3rd FLOOR PLAN	2378 m²	36
4th FLOOR PLAN	2378 m²	36
5th FLOOR PLAN	2122 m²	32
6th FLOOR PLAN	2119 m²	32
TOTAL	12545 m²	193

TOTAL PARKING PROVIDED		
REF. UNDERGROUND	RESIDENT	89
1st FLOOR PLAN	RESIDENT	57
1st FLOOR PLAN	TURNAROUND	1
1st FLOOR PLAN	UBER DROP-OFF	1
1st FLOOR PLAN	VISITOR	7
TOTAL		155

TOTAL LOCKERS PROVIDED		
1st FLOOR PLAN	STORAGE LOCKER 900x1500	70
3rd FLOOR PLAN (TYP.)	STORAGE LOCKER 900x1500	19
4th FLOOR PLAN	STORAGE LOCKER 900x1500	19
5th FLOOR PLAN	STORAGE LOCKER 900x1500	19
6th FLOOR PLAN	STORAGE LOCKER 900x1500	19
TOTAL		146

TOTAL BIKE PARKING PROVIDED		
REF. UNDERGROUND	LONG-TERM BIKE PARKING 600x900	68
1st FLOOR PLAN	LONG-TERM BIKE PARKING 600x900	11
TOTAL		79

SITE STATISTICS		
DETAILS OF DEVELOPMENT	REQUIRED	PROPOSED
TOTAL LOT AREA (SQM)		5238.47 SQM
BUILDING COVERAGE (MAX.)		3161.62 SQM
GROSS FLOOR AREA (MAX.)		12614 SQM
BUILDING HEIGHT (MAX.)		19.5 M
NUMBER OF PARKING SPACES	133 TOTAL	155 TOTAL
NUMBER OF LOADING SPACES		1 SPACE
LANDSCAPED AREA (MIN.)		1627.15 SQM

2 SITE KEYPLAN
A001 1:1500

SITE PLAN LEGEND

- B BALCONY ABOVE
 - BUILDING ENTRANCE/EXITS
 - C COMPACT CAR SPACE (2600mm x 5600mm)
 - P PARKING SPACE NUMBER
 - ACCESSIBLE PARKING SPACE (4400mm x 5800mm)
 - FDC FIRE DEPARTMENT CONNECTION
 - EXTENT OF UNDERGROUND BELOW
 - EXTENT OF CANOPIES/ BALCONIES ABOVE
- #### COLOUR HATCH KEY
- PRINCIPAL BUILDING
 - BUILDING ABOVE
 - VISUAL BARRIER
 - DAYLIGHT TRIANGLE

WASTE COLLECTION NOTES:

If the development is not designed according to specifications identified by the City, the developer must:

-Arrange a private waste hauler for the removal of waste materials.

GENERAL NOTES:

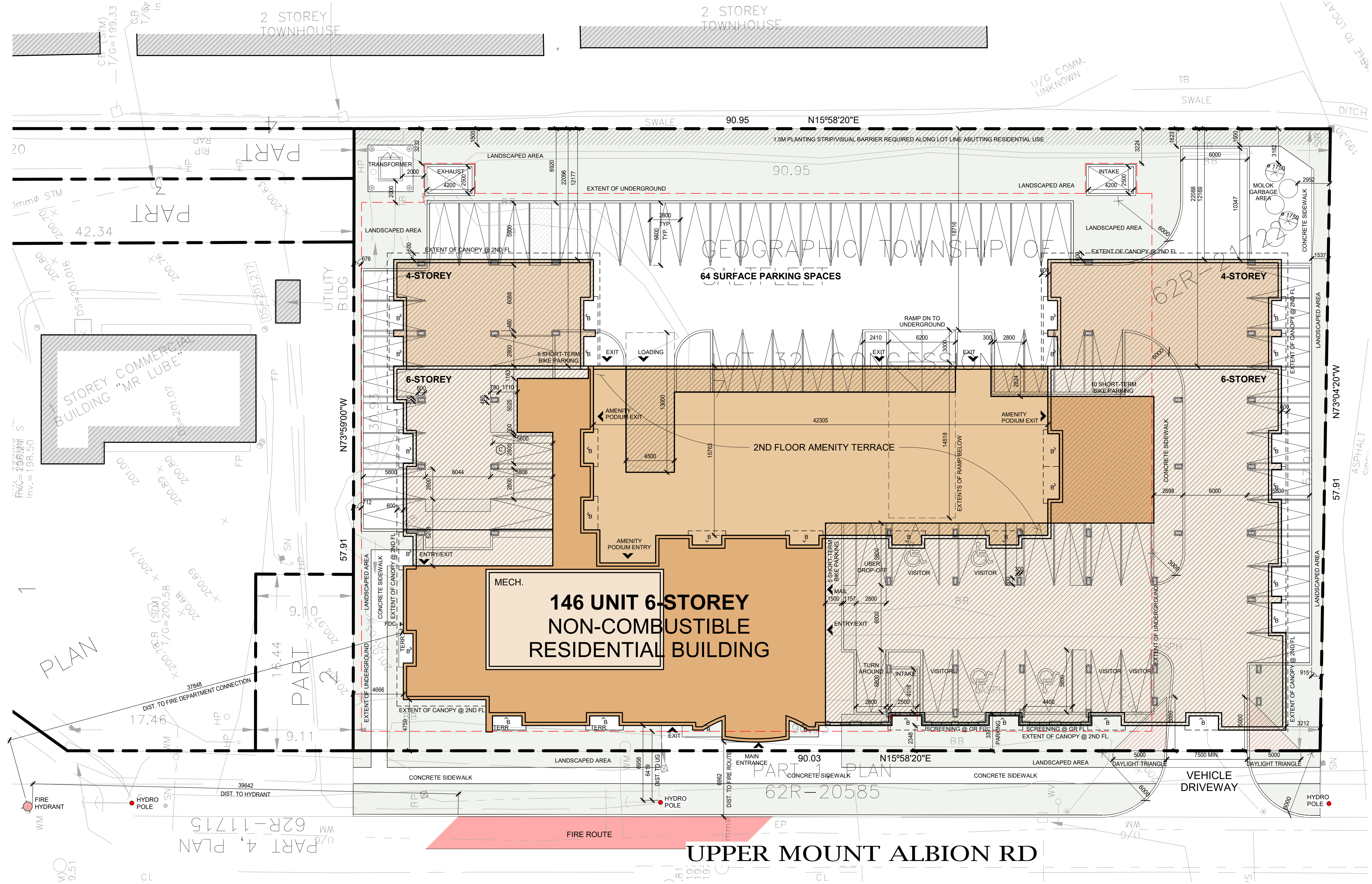
- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction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

UNDERTAKING

- RE: I, (We) _____, the owner(s) of the land, hereby undertake and agree without reservation, (a) to comply with all the content of this plan and drawing and not to vary therefrom; (b) 1 to perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____; (c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and, (d) in the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan. e) As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development that the property must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection. f) That the Owner agrees to physically affix the municipal number (1021) or full address (1021 West 5th Street) to the building or on a sign in accordance with the City's Sign By-law, in a manner that is visible from the street. g) Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed site plan. Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required would be at the cost of the Owner. h) That the Owner, shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include blanket easement for communications/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for such facilities. i) Warning Clause Type D: "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.

Dated this _____ day of _____, 20____

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



1 SITE PLAN
A001 1:200

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
	1	-	-

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING	No.	DATE (DD.MM.YY)	BY

NOT FOR CONSTRUCTION

BUILDING PERMIT NUMBER:
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VALERY
GROUP

PLANNING APPLICATION REF #: ZAC-19-029 • UHOPA-19-08
DA-21-109
Upper Mount Albion
136-144 UPPER MOUNT ALBION RD
HAMILTON, ON

DRAWING SHEET TITLE:
SITE PLAN

DRAWING SCALE:
As indicated

PROJECT NUMBER:
23450

DRAWN BY:
Author

CHECKED BY:
Checker

DRAWING SHEET NUMBER:
A001

DRAWING VERSION:
PLOT DATE:

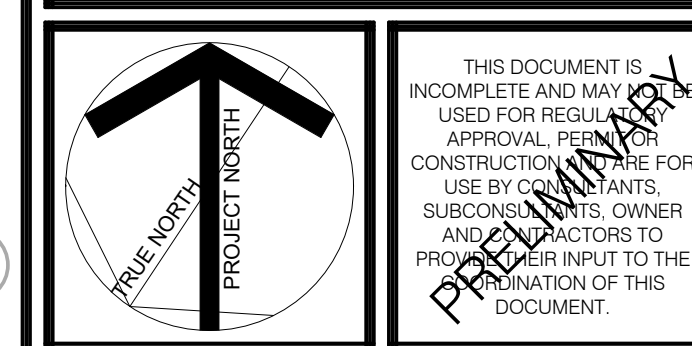


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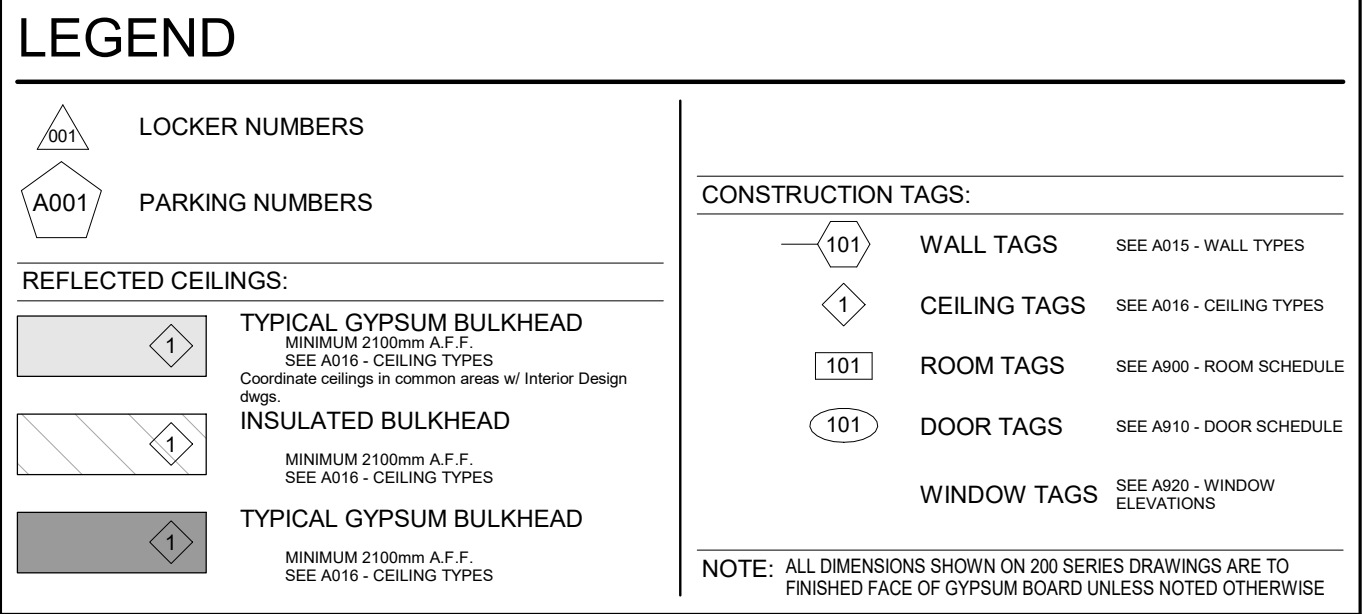
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DRAWING SHEET TITLE:

UNDERGROUND PLAN

DRAWING SCALE: 1 : 125		PROJECT NUMBER: 23450	
DRAWN BY: Author	CHECKED BY: Checker	DRAWING SHEET NUMBER: A200	
DRAWING VERSION:			
PLOT DATE:			

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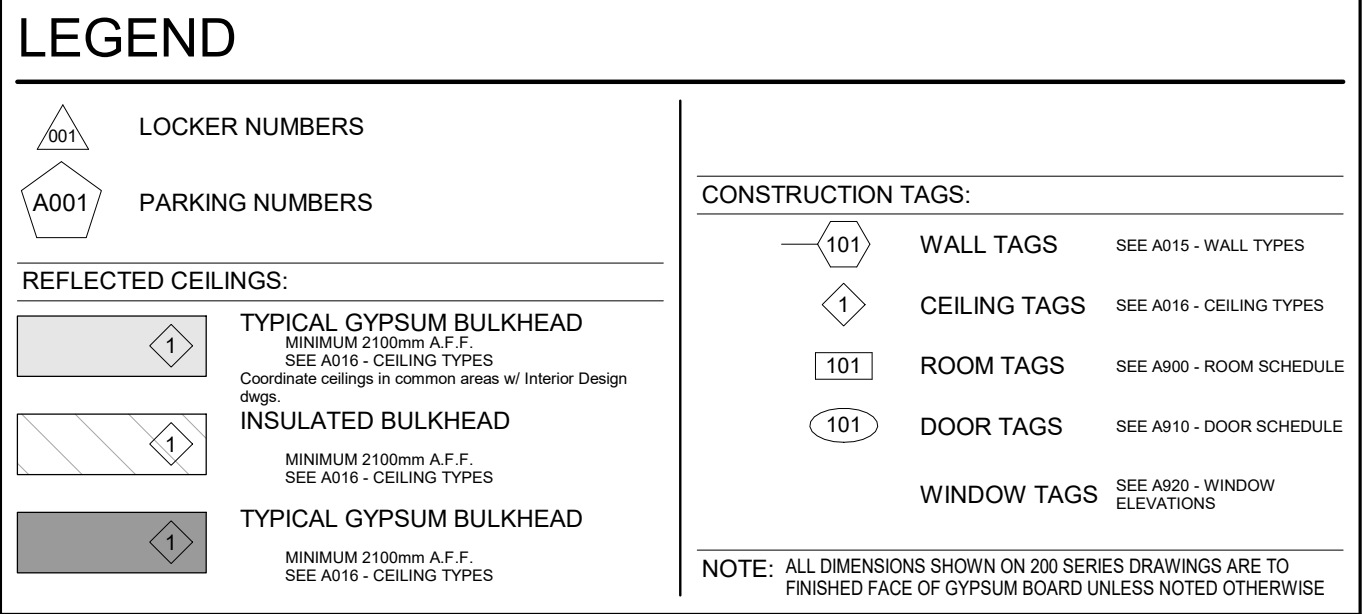
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DA-21-109

Upper Mount Albion
136-144 UPPER MOUNT ALBION RD
HAMILTON, ON

DRAWING SHEET TITLE:


2nd FLOOR PLAN

DRAWING SCALE: As indicated		PROJECT NUMBER: 23450	
DRAWN BY: Author	CHECKED BY: Checker	DRAWING SHEET NUMBER: A202	
DRAWING VERSION:			
PLOT DATE:			

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PRELIMINARY



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DA-21-109

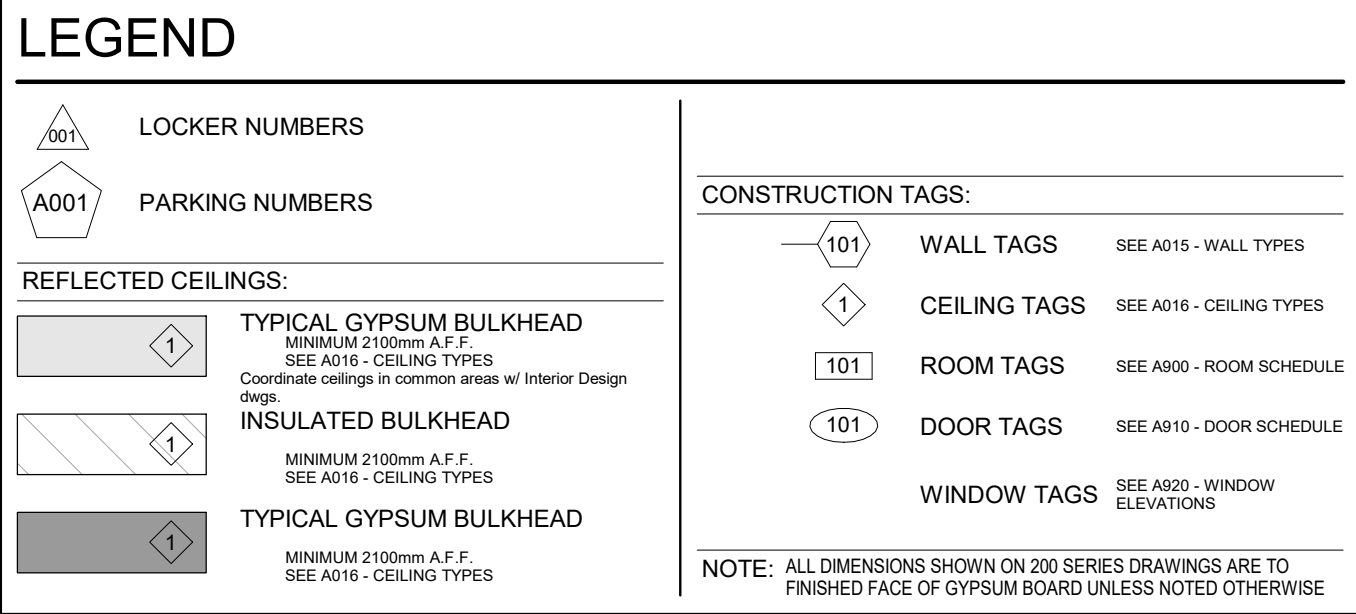
Upper Mount Albion

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HAMILTON, ON

DRAWING SHEET TITLE:

3rd FLOOR PLAN
(TYP.)

DRAWING SCALE: As indicated		PROJECT NUMBER: 23450	
DRAWN BY: Author	CHECKED BY: Checker	DRAWING SHEET NUMBER: A203	
DRAWING VERSION:			
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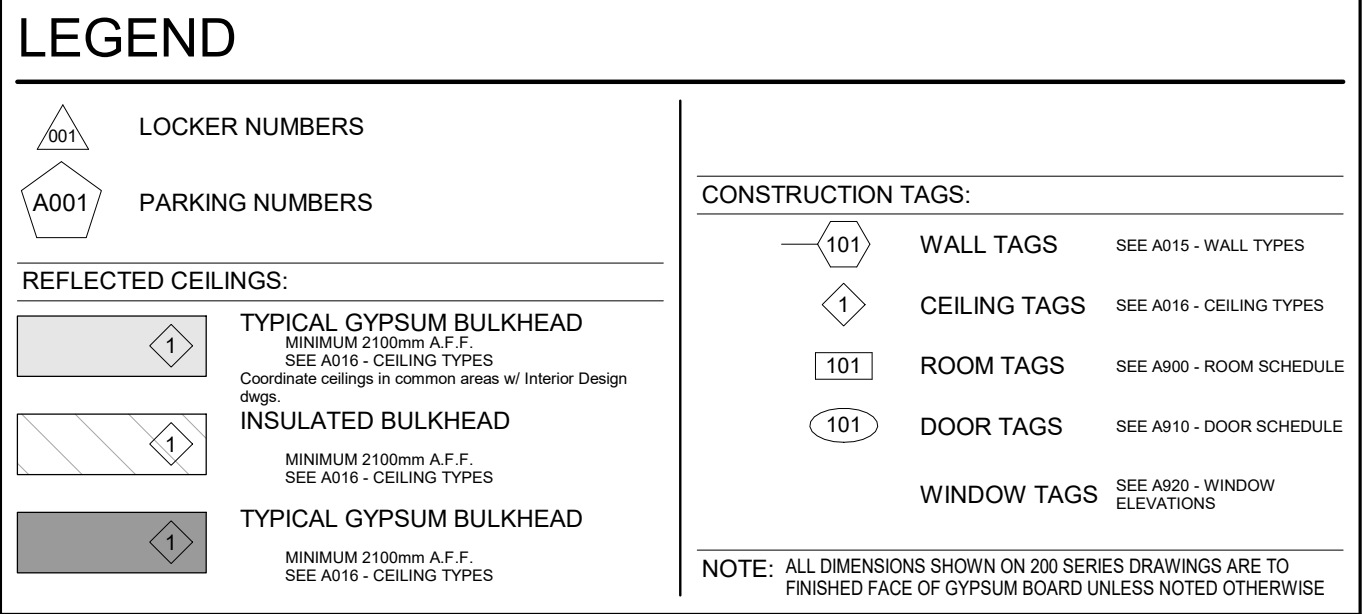
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Upper Mount Albion
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DRAWING SHEET TITLE:

4th FLOOR PLAN

DRAWING SCALE: As indicated		PROJECT NUMBER: 23450	
DRAWN BY: Author		CHECKED BY: Checker	
DRAWING VERSION:		DRAWING SHEET NUMBER: A204	
PLOT DATE:			

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DA-21-109

Upper Mount Albion

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HAMILTON, ON

DRAWING SHEET TITLE:

5th FLOOR PLAN

DRAWING SCALE: As indicated		PROJECT NUMBER: 23450	
DRAWN BY: Author	CHECKED BY: Checker	DRAWING SHEET NUMBER: A205	
DRAWING VERSION:			
PLOT DATE:			

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DA-21-109

Upper Mount Albion

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HAMILTON, ON

DRAWING SCALE: As indicated	PROJECT NUMBER: 23450
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DRAWING VERSION:		
PLOT DATE:		



1 SOUTH ELEVATION
A400 1:125



2 EAST ELEVATION
A400 1:125

LEGEND

GL	GLAZING PANEL
GG	GUARD GLAZING PANEL
MP	METAL PANELING
WP	WOOD PANELING
SP	SPANDREL PANEL
E1	EIFS COLOUR 1
M1	METAL COLOUR 1
B1	BRICK COLOUR 1
B2	BRICK COLOUR 2
AR	ALUMINUM RAILING W/ GLASS

NOTES:

ALL GUARDS TO MEET REQUIREMENTS OF THE O.B.C. 2012. MANUFACTURER/SUPPLIER TO PROVIDE ENGINEERED, STAMPED SHOP DRAWINGS COMPLETE WITH MOUNTING DETAILS. GUARDS SHALL COMPLY WITH O.B.C. 3.3.1.17, 3.4.6.5 AND 4.1.10.

GUARDS SHALL COMPLY WITH O.B.C. 4.3.6.

ALL GLASS IN GUARDS TO COMPLY WITH O.B.C. S8-13.

GLAZING LOCATED 1070 OR LESS ABOVE FINISHED FLOOR AND MORE THAN 600mm ABOVE GRADE SHALL BE DESIGNED AS A GUARD AND SHALL COMPLY WITH ALL REQUIREMENTS OF THE O.B.C.

ALL WINDOWS TO MEET THE REQUIREMENTS OF THE O.B.C. 2012 ARTICLE 3.3.4.8. PROTECTION OF WINDOWS IN APARTMENT BUILDINGS, WINDOW SUPPLIER TO PROVIDE ENGINEERED STAMPED SHOP DRAWINGS FOR REVIEW.

ALL DOOR AND WINDOW FRAMES AND SASHES TO MEET THE REQUIREMENTS OF THE O.B.C. 2012 ARTICLE 3.1.5.4. COMBUSTIBLE GLAZING AND SKYLIGHTS.

REFER TO NOISE IMPACT STUDY FOR ADDITIONAL GLAZING REQUIREMENTS.

ENSAURE, CO-ORDINATION WITH MECHANICAL DRAWINGS FOR EXHAUST WALL BOX LOCATIONS WITHIN ALUMINUM SCREENS.

ALL SPANDREL GLASS PANELS ARE TO HAVE A MINIMUM R-VALUE OF R-10, C/W METAL BACK PAN.

DOOR AND WINDOW LOCATIONS, DIMENSIONS, DETAILS AND BUILDING MATERIALS MAY VARY DEPENDING ON FINAL BUILDING LAYOUT, AND SHOWN FOR INFORMATION PURPOSES ONLY.

WINDOW SUPPLIER/INSTALLER IS TO PROVIDE DEFLECTION CONNECTION FOR ALL CURTAIN WALLS / WINDOW WALLS. (REFER TO STRUCTURAL DRAWINGS FOR REQUIRED DEFLECTION).

ALL WINDOWS AND GLASS DOORS TO MEET MINIMUM ENERGY RATING FOR WINDOWS IN ZONE 5 OF THE O.B.C. S8-10.

NON-METAL FRAME WINDOWS/DOORS 0.25 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

METAL FRAME (ALUM.) WINDOWS
0.25 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

METAL FRAME DOORS
0.35 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
	1.	-	-

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PLANNING APPLICATION REF # ZAC-19-029 • UHOPA-19-08
DA-21-109

Upper Mount Albion

136-144 UPPER MOUNT ALBION RD
HAMILTON, ON

DRAWING SHEET TITLE:
ELEVATIONS

DRAWING SCALE:
As indicated

PROJECT NUMBER:
23450

DRAWING SHEET NUMBER:
A400

DRAWN BY: Author
CHECKED BY: Checker

DRAWING VERSION:
000

PLOT DATE:



1 NORTH ELEVATION
A401 1:125



2 WEST ELEVATION
A401 1:125

LEGEND

GL	GLAZING PANEL
GG	GUARD GLAZING PANEL
MP	METAL PANELING
WP	WOOD PANELING
SP	SPANDREL PANEL
E1	EIFS COLOUR 1
M1	METAL COLOUR 1
B1	BRICK COLOUR 1
B2	BRICK COLOUR 2
AR	ALUMINUM RAILING W/ GLASS

NOTES:

ALL GUARDS TO MEET REQUIREMENTS OF THE O.B.C. 2012. MANUFACTURER/SUPPLIER TO PROVIDE ENGINEERED, STAMPED SHOP DRAWINGS COMPLETE WITH MOUNTING DETAILS.

GUARDS SHALL COMPLY WITH O.B.C. 3.3.1.17, 3.4.6.5 AND 4.1.10.

GUARDS SHALL COMPLY WITH O.B.C. 4.3.6.

ALL GLASS IN GUARDS TO COMPLY WITH O.B.C. S8-13.

GLAZING LOCATED 1070 OR LESS ABOVE FINISHED FLOOR AND MORE THAN 600mm ABOVE GRADE SHALL BE DESIGNED AS A GUARD AND SHALL COMPLY WITH ALL REQUIREMENTS OF THE O.B.C.

ALL WINDOWS TO MEET THE REQUIREMENTS OF THE O.B.C. 2012 ARTICLE 3.3.4.8. PROTECTION OF WINDOWS IN APARTMENT BUILDINGS, WINDOW SUPPLIER TO PROVIDE ENGINEERED STAMPED SHOP DRAWINGS FOR REVIEW.

ALL DOOR AND WINDOW FRAMES AND SASHES TO MEET THE REQUIREMENTS OF THE O.B.C. 2012 ARTICLE 3.1.5.4. COMBUSTIBLE GLAZING AND SKYLIGHTS.

REFER TO NOTICE IMPACT STUDY FOR ADDITIONAL GLAZING REQUIREMENTS.

ENSAURE CO-ORDINATION WITH MECHANICAL DRAWINGS FOR EXHAUST WALL BOX LOCATIONS WITHIN ALUMINUM SCREENS.

ALL SPANDREL GLASS PANELS ARE TO HAVE A MINIMUM R-VALUE OF R-10, C/W METAL BACK PAN.

DOOR AND WINDOW LOCATIONS, DIMENSIONS, DETAILS AND BUILDING MATERIALS MAY VARY DEPENDING ON FINAL BUILDING LAYOUT, AND SHOWN FOR INFORMATION PURPOSES ONLY.

WINDOW SUPPLIER/INSTALLER IS TO PROVIDE DEFLECTION CONNECTION FOR ALL CURTAIN WALLS / WINDOW WALLS. (REFER TO STRUCTURAL DRAWINGS FOR REQUIRED DEFLECTION).

ALL WINDOWS AND GLASS DOORS TO MEET MINIMUM ENERGY RATING FOR WINDOWS IN ZONE 5 OF THE O.B.C. S8-10.

NON-METAL FRAME WINDOWS/DOORS 0.25 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

METAL FRAME (ALUM.) WINDOWS
0.25 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

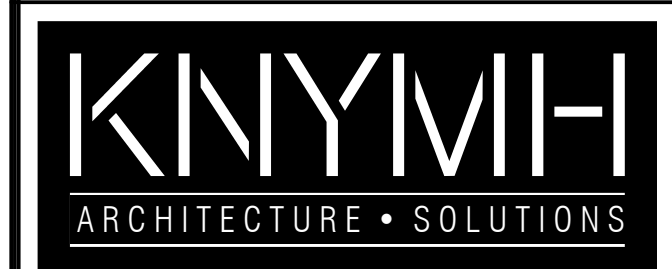
METAL FRAME DOORS
0.35 MAX U VALUE
0.35 SOLAR HEAT GAIN COEFFICIENT

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
	1.		

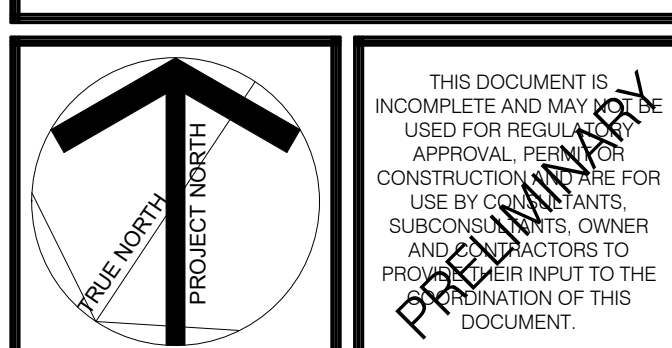
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING	No.	DATE (DD.MM.YY)	BY

BUILDING PERMIT NUMBER:
NOT FOR CONSTRUCTION WITHOUT PERMIT



KNYMH INC.
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DA-21-109
Upper Mount Albion
136-144 UPPER MOUNT ALBION RD
HAMILTON, ON

DRAWING SHEET TITLE:
ELEVATIONS

DRAWING SCALE: As indicated	PROJECT NUMBER: 23450
DRAWN BY: Author	CHECKED BY: Checker
DRAWING VERSION:	DRAWING SHEET NUMBER: A401
PLOT DATE:	



July 28, 2023

VIA E-MAIL (cofa@hamilton.ca)

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor.
Hamilton, ON L8P 4Y5

Dear Jamila:

Re: *Minor Variance Application*
136-144 Upper Mount Albion Road, Hamilton
(Related City File No.'s UHOPA-21-016, ZAC-21-033, DA-22-148)

1.0 INTRODUCTION

As you are aware, we are the planning consultants for 1000026563 Ontario Inc., the owner of the lands at 136 and 144 Upper Mount Albion Road (the “subject site” or “site”). On behalf of our client, we are pleased to submit the enclosed materials in support of a Minor Variance application. The following will provide a brief background of the project, the proposed minor variance, and our rationale for the minor variance.

2.0 BACKGROUND

The subject site has been the subject of an official plan amendment, rezoning and site plan application (File No.'s UHOPA-21-016, ZAC-21-033, and DA-22-148). The following is a summary of the previous approvals that apply to the subject site:

- **UHOPA-21-016** – By-law 22-206 was passed by Hamilton City Council on September 14, 2022, in order to re-designate the subject site from *Local Commercial* to *High Density Residential 1* and establish a new Site Specific Policy to permit the development of a multiple dwelling with a maximum density of 280 units per hectare.

- **ZAC-21-033** – By-law 22-207 was passed by Hamilton City Council on September 14, 2022, in order to rezone the subject site from the *Community Commercial (C3,304, 579, H82) Zone* to the *Mixed Use Medium Density (C5,813) Zone*. The Zoning was modified to permit a residential apartment building with a height of 24 metres and other performance standards to implement the proposed concept plan that was presented to the City Council.
- **DA-22-148** – Site Plan application DA-22-148 received conditional approval on December 1, 2022, to permit the construction of a 6-storey multiple dwelling building.

3.0 REQUIRED MINOR VARIANCE

The proposed building has not changed since By-laws 22-206 and 22-207 were approved by the City Council and Site Plan DA-22-148 received conditional approval. However, as part of the process to clear the conditions for site plan approval, a Zoning Compliance Review was completed and it identified an area of non-conformity. We have reviewed this issue further and determined that it was an oversight during the rezoning and site plan applications. As such, the following minor variance is requested:

Notwithstanding Section 10.5.3 d), the minimum interior side yard abutting a Residential or Institutional Zone shall be 2.5 metres.

4.0 RATIONALE FOR THE PROPOSED MINOR VARIANCE

We have reviewed the proposed minor variance against the four part test in the Planning Act and note the following:

4.1 Test 1 – Does the Proposed Minor Variance maintain the general intent and purpose of the Official Plan?

Yes. The proposed minor variance is required to implement the *High Density Residential 1* designation. More specifically, the original proposal that was presented to Planning Committee and Council in support of application UHOPA-21-016, included a 6-storey residential apartment building with a 2.5 metre interior side yard setback along the south property line abutting the Institutional Zone. In our opinion, the proposal maintains the general intent of the Official Plan, since the UHOPA

application and its supporting justification were based on plans that included a 2.5 metre setback.

4.2 Test 2 – Does the proposed Minor Variance Maintain the general intent and purpose of the Zoning By-law?

Yes. In our opinion, the purpose and intent of the Zoning By-law is to require side yard setbacks in order to provide sufficient space for maintenance, grading, and transition to abutting land uses. In this regard, a detailed review of the proposal against the surrounding land uses was provided as part of rezoning application ZAC-21-033. This included a shadow study and urban design brief, which reviewed the built form impacts and transition related matters. Those studies concluded that the proposed 2.5 metre setback to the institutional Zone to the south is appropriate and desirable in planning and urban design terms. This opinion was supported by City Staff and Council who approved the applications. Accordingly, it is our opinion that the proposed minor variance maintains the general intent and purpose of the zoning by-law, since it provides sufficient space for maintenance, grading and transition, all of which were reviewed and approved as part of the detailed conditional site plan application DA-22-148.

4.3 Test 3 – Is the Minor Variance appropriate for the development of the land?

Yes. In our opinion, the proposed minor variance is appropriate for the development of the land, since it will implement the proposal that accompanied the Official Plan Amendment, rezoning, and site plan applications, all of which have been approved by the City. Furthermore, it will allow for the development of a 6-storey residential apartment building on an underutilized and vacant site in the City's *built-up area* and an area that has supporting commercial amenities, public service facilities and transit.

4.4 Test 4 – Is the Minor Variance minor in nature?

Yes. In our opinion, an assessment of a minor variance against the test of “minor” is not solely a numerical assessment, but also an assessment of impact. Given that the modification to the regulation is an oversight and the plans have been thoroughly reviewed as part of the official plan amendment, rezoning and site plan applications, it is our opinion that the minor variance is minor in impact and is appropriate for the subject site.

5.0 ENCLOSURES

Please find enclosed the following materials in support of the application:

- Application Form; and,
- Architectural Plans (Site Plan, Floor Plans, and Elevations) prepared by KNYMH;

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

:DF/jobs

Attachment (2)

cc. A. Lindsay, Valery Group

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	136 Upper Mount Albion Road		
Assessment Roll Number	251800365090802		
Former Municipality	Stoney Creek		
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:

N/A

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:

To provide relief from Section 10.4.5(d)(iii) of Zoning By-law 05-200 to allow for a maximum building height of 24.0m for the portion of the building abutting an Institutional Zone (south property line).

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Correction to site-specific Zoning By-law 22-207.

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes

☒ No

If yes, please provide an explanation:

N/A

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
90.03m	57.91m	5238.47 sqm	+/- 26.2m

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

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multiple Dwelling	0.0m	12.1m	South: 3.2m/North: 4.6m	

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Multiple Dwelling	1,275 sqm	12,614 sqm	6	24.0m

- 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.):

Multiple Dwelling

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

North: Commercial / South: Open Space and Proposed Institutional / West: ROW / East: Residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

March 1, 2022

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

Commercial

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

Vacant

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

+/- 15 years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Refer to cover letter.

7.6 What is the existing zoning of the subject land? UHOPA-21-016 and ZAC-21-033

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: UHOPA-21-016 and ZAC-21-033

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: _____

8.2 Number of Dwelling Units Proposed: _____

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

Subject to Site Plan Control application no. DA-22-148

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
-
-