



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/A-23:211</b>	<b>SUBJECT PROPERTY:</b>	542 CONCESSION STREET, HAMILTON
<b>ZONE:</b>	"C5a" (Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** 5024951 ONTARIO INC. C/O SUBRAMONIAPILLAY SUBRAMONIAN  
                              **Agent:** MARINA FENSHAM

The following variances are requested:

1. A fire escape or exterior staircase may be permitted to be located as close as 0.6m from the rear lot line whereas the zoning by-law permits a fire escape or exterior staircase to encroach into a required rear yard a maximum of 1.5m or to a maximum of half the distance of the required yard, whichever is the lesser.

**PURPOSE & EFFECT:**      To facilitate the establishment of eight (8) dwelling units on the second floor of the existing commercial building.

**Notes:**

No onsite parking is recognized and proposed to be maintained for this property which is an existing condition established prior to the Zoning By-law requirements.

This is a corner lot. The front lot line is the lot line along Concession street as being the shorter lot line abutting the street.

**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:

<b>DATE:</b>	<b>Thursday, September 7, 2023</b>
<b>TIME:</b>	<b>11:05 a.m.</b>

PLACE:	Via video link or call in (see attached sheet for details)
	2 <sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

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

## PUBLIC INPUT

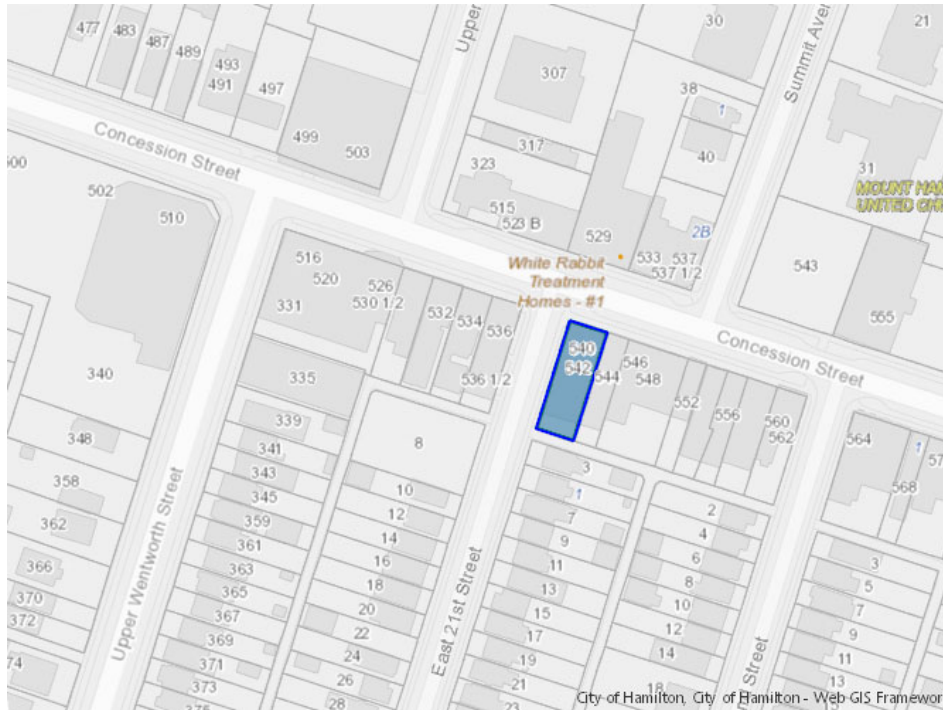
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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-23:211, you must submit a written request to [cofa@hamilton.ca](mailto: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](mailto: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](mailto: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](http://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](mailto: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.

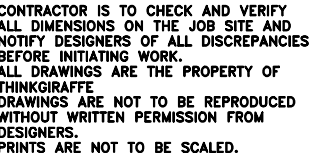
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### **2. In person Oral Submissions**

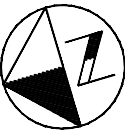
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto: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.



Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii)  
BCIN: 21574 / 116364



Aug 3, 2023: Issue for  
VARIANCE

FILE: ALR  
FOLDER: 23-122439-00 ALR

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe  
ENVIRONMENTAL DESIGN  
16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8  
905 304 1496  
thinkgiraffe@bellnet.ca

## PROJECT

540 Concession Street  
Hamilton, ON

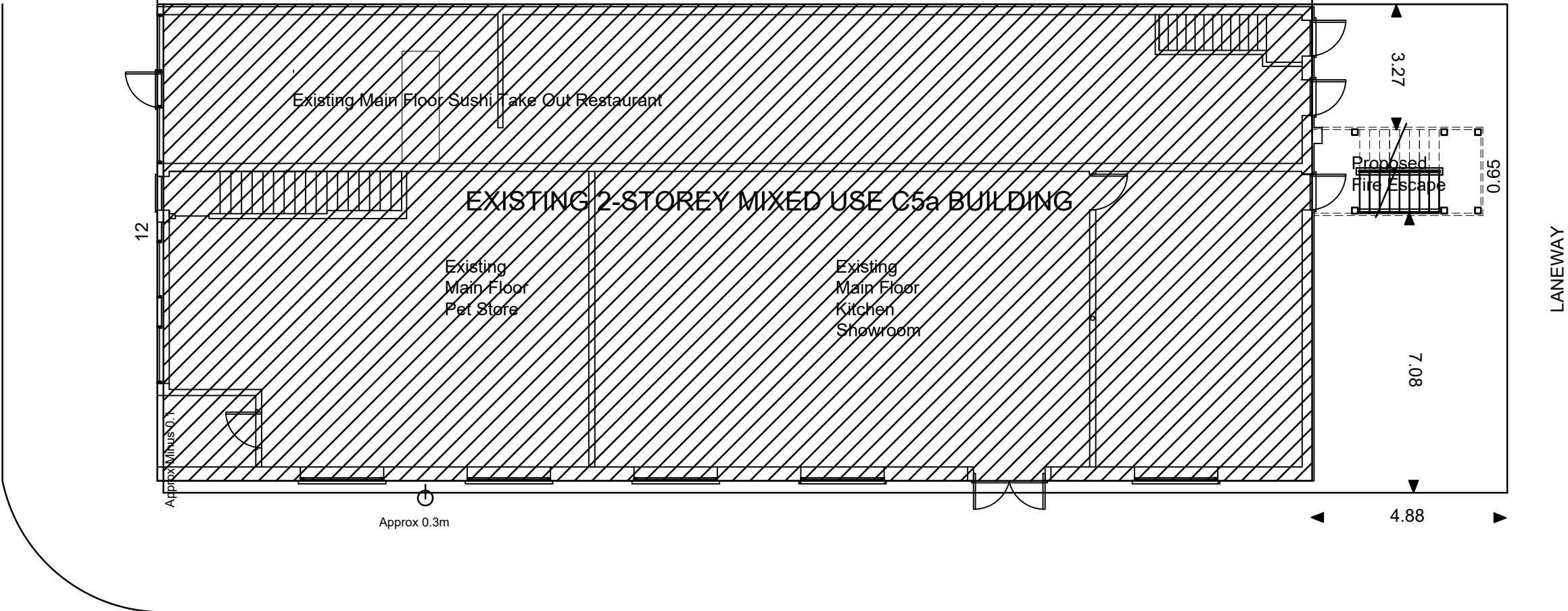
2nd Floor Office Conversion  
from Offices to Multi-Tenant  
(Rooming) House

## SHEET TITLE

## Site Plan

<b>FOLDER</b>	<b>DRAWN BY</b> MLF
<b>FILE</b>	<b>SCALE</b> 3/16" = 1'-0"
<b>DATE</b>	<b>NUMBER</b>

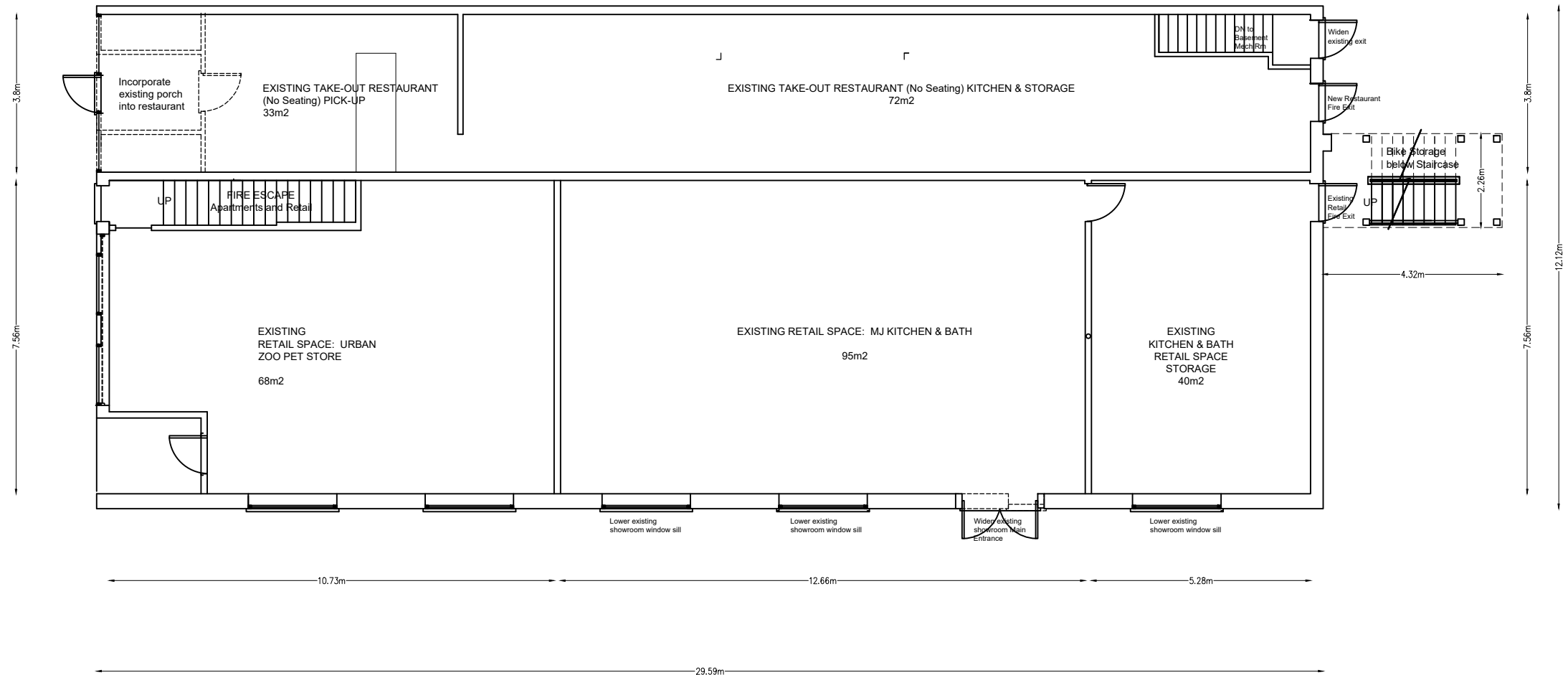
# A101



ONTARIO BUILDING CODE DATA MATRIX				OBC REFERENCE	
PROJECT DESCRIPTION:		Convert 2nd Floor from Offices Residence to 8 Residential Units with Shared Kitchen		<input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input checked="" type="checkbox"/> CHANGE OF USE	<input type="checkbox"/> PART 3 <input checked="" type="checkbox"/> PART 9
MAJOR OCCUPANCY(S)		C – RESIDENTIAL		-	-
BUILDING AREA (m <sup>2</sup> )		EXISTING 360.5 m <sup>2</sup> NEW 0 m <sup>2</sup> TOTAL 360.5 m <sup>2</sup>		-	-
GROSS AREA		EXISTING 721 m <sup>2</sup> NEW 0 m <sup>2</sup> TOTAL 721 m <sup>2</sup>		-	-
NUMBER OF STOREYS		Two		-	-
HEIGHT OF BUILDING (m)		7.3 m <sup>3</sup>		-	-
NUMBER OF STREETS/ACCESS ROUTES		Two		-	-
BUILDING CLASSIFICATION				3.2.2.47.	-
SPRINKLER SYSTEM PROPOSED		<input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED		-	-
STANDPIPE REQUIRED		<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO		-	-
FIRE ALARM REQUIRED		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		-	9.10.18.2.(1)
WATER SERVICE SUPPLY IS ADEQUATE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		-	-
HIGH BUILDING		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		3.2.6.	-
CONSTRUCTION RESTRICTIONS COMBUSTIBLE OR NON-COMBUSTIBLE PERMITTED				3.2.2.47.	-
MEZZANINE(S) AREA m <sup>2</sup>		N/A		-	-
TOTAL OCCUPANCY LOAD BASED ON		<input type="checkbox"/> m <sup>2</sup> /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING		-	9.9.1.3.(1)(o)
BARRIER-FREE DESIGN		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		3.8.1.(o)	-
HAZARDOUS SUBSTANCES		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		-	-
REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS)		LISTED DESIGN NO. OR DESCRIPTION		
	FLOORS 2HR				
	ROOF 45 Min				
	MEZZANINE N/A				
	VERTICAL ASSEMBLIES FRR (HOURS)		LISTED DESIGN NO. OR DESCRIPTION		
	Walls 45 Min				

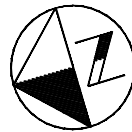
# EAST 21st STREET

Zoning Boundaries: C5a  
 Zoning Code C5a  
 Zoning Description Mixed Use Medium Density - Pedestrian Focus  
 Parent Bylaw Number 05-200  
 Parent Bylaw URL [More info](#)  
 Bylaw Number 17-240



CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THE JOB SITE AND NOTIFY DESIGNERS OF ALL DISCREPANCIES BEFORE INITIATING WORK. ALL DRAWINGS ARE THE PROPERTY OF THINKGIRAFFE. DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM DESIGNERS. PRINTS ARE NOT TO BE SCALED.

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii) BCIN: 21574 / 116364



Aug 3, 2023: Issue for VARIANCE

FILE: ALR  
FOLDER: 23-122439-00 ALR

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe  
ENVIRONMENTAL DESIGN  
16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8  
905 304 1496  
thinkgiraffe@bellnet.ca

PROJECT  
540 Concession Street  
Hamilton, ON  
2nd Floor Office Conversion  
from Offices to Multi-Tenant  
(Rooming) House

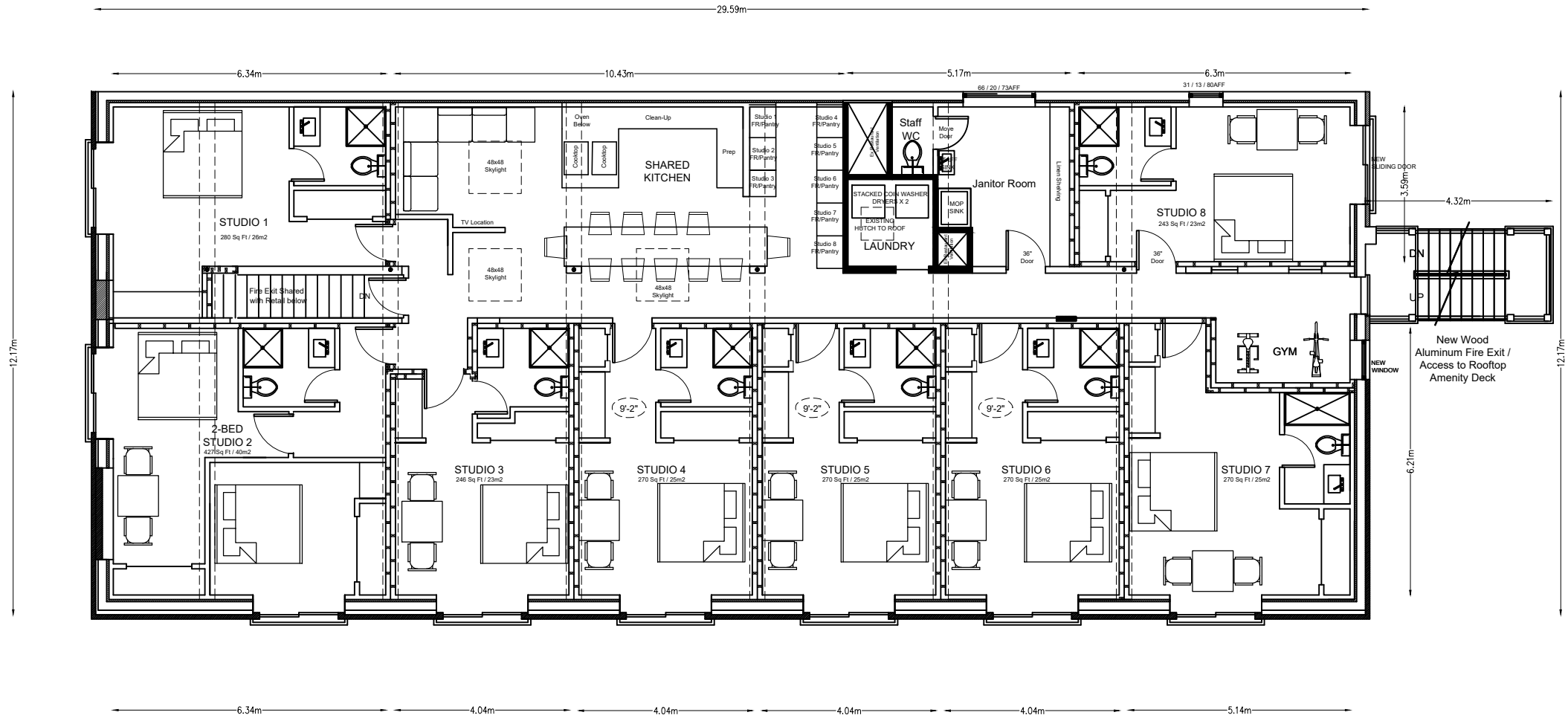
SHEET TITLE  
Main Floor Plan

FOLDER	DRAWN BY MLF
FILE	SCALE
DATE	NUMBER

A201

PROJECT STATISTICS

2nd FLOOR INTERIOR FLOOR AREA 3,518 Sq Ft / 326m2	STUDIO 1 280 Sq Ft / 26m2
	2-BED STUDIO 2 427 Sq Ft / 40m2
COMMON AREA 1,221 Sq Ft / 113m2	STUDIO 3 246 Sq Ft / 23m2
	STUDIO 4 270 Sq Ft / 25m2
	STUDIO 5 270 Sq Ft / 25m2
	STUDIO 6 270 Sq Ft / 25m2
	STUDIO 7 270 Sq Ft / 25m2
	STUDIO 8 243 Sq Ft / 23m2



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REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe

ENVIRONMENTAL DESIGN

16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8

905 304 1496

thinkgiraffe@bellnet.ca

PROJECT

540 Concession Street  
Hamilton, ON

2nd Floor Office Conversion  
from Offices to Multi-Tenant  
(Rooming) House

SHEET TITLE

Proposed 2nd Floor Plan

FOLDER	DRAWN BY MLF
FILE	SCALE 3/16" = 1'-0"
DATE	NUMBER

A202

Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii)  
BCIN: 21574 / 116364

FILE: ALR  
FOLDER: 23-122439-00 ALR

thinkGiraffe  
ENVIRONMENTAL DESIGN

16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8

905 304 1496

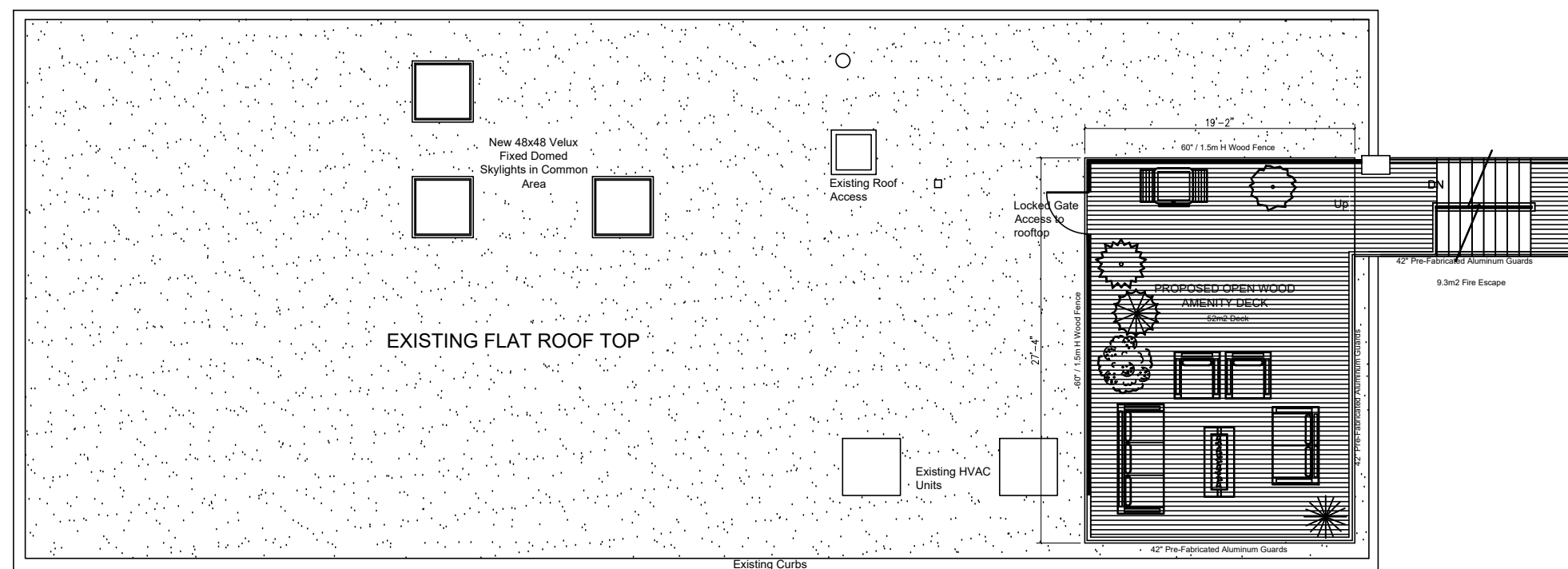
[thinkgiraffe@bellnet.ca](mailto:thinkgiraffe@bellnet.ca)

540 Concession Street  
Hamilton, ON

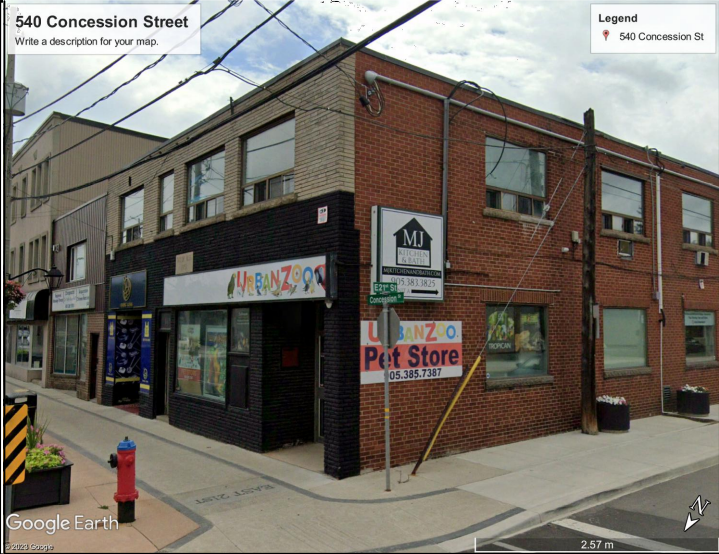
2nd Floor Office Conversion  
from Offices to Multi-Tenant  
(Rooming) House

Roof Plan  
Proposed Amenity Space

A203



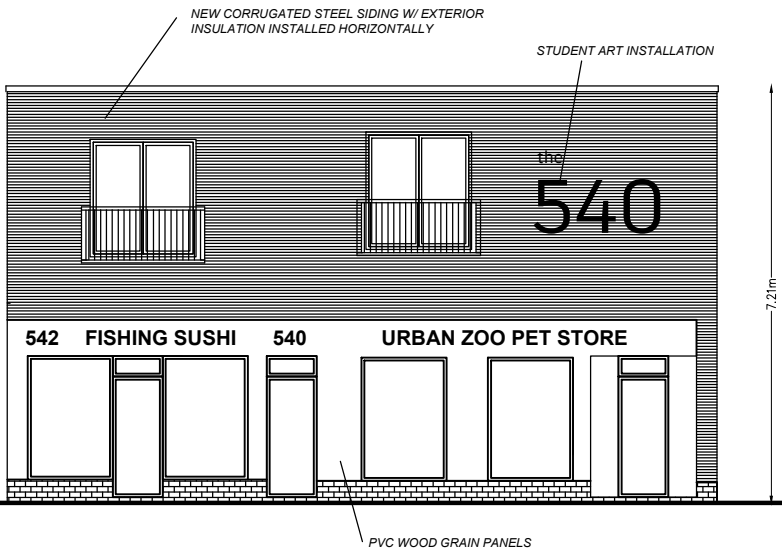




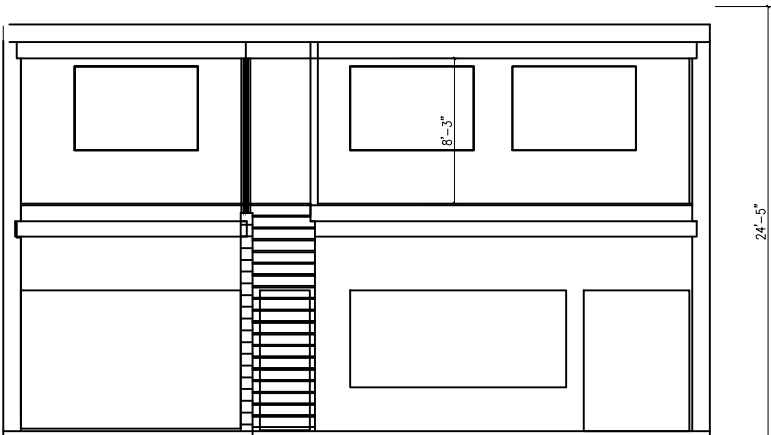
EXISTING FRONT ELEVATION



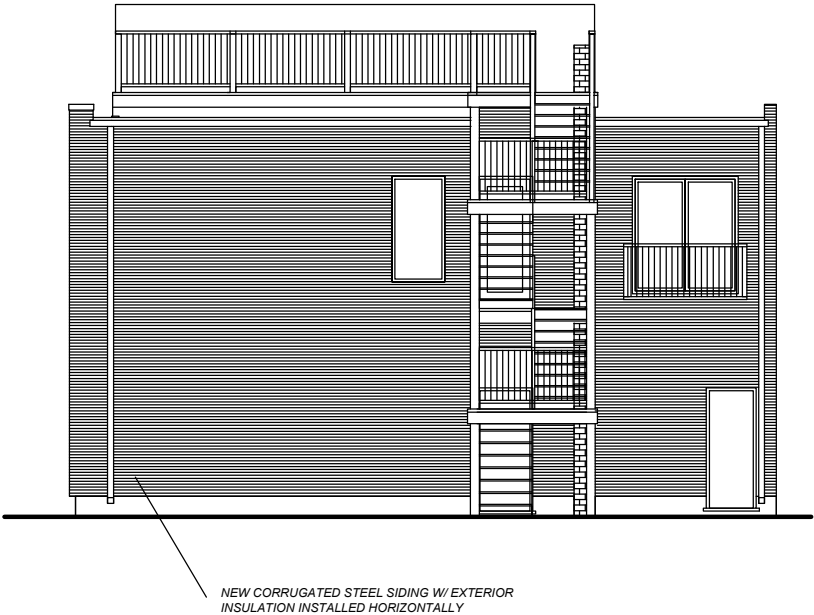
EXISTING REAR ELEVATION



FRONT ELEVATION



CROSS ELEVATION



REAR ELEVATION

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Aug 3, 2023: Issue for VARIANCE

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FOLDER: 23-122439-00 ALR

REMARKS	DATE	NO.
REVISIONS		

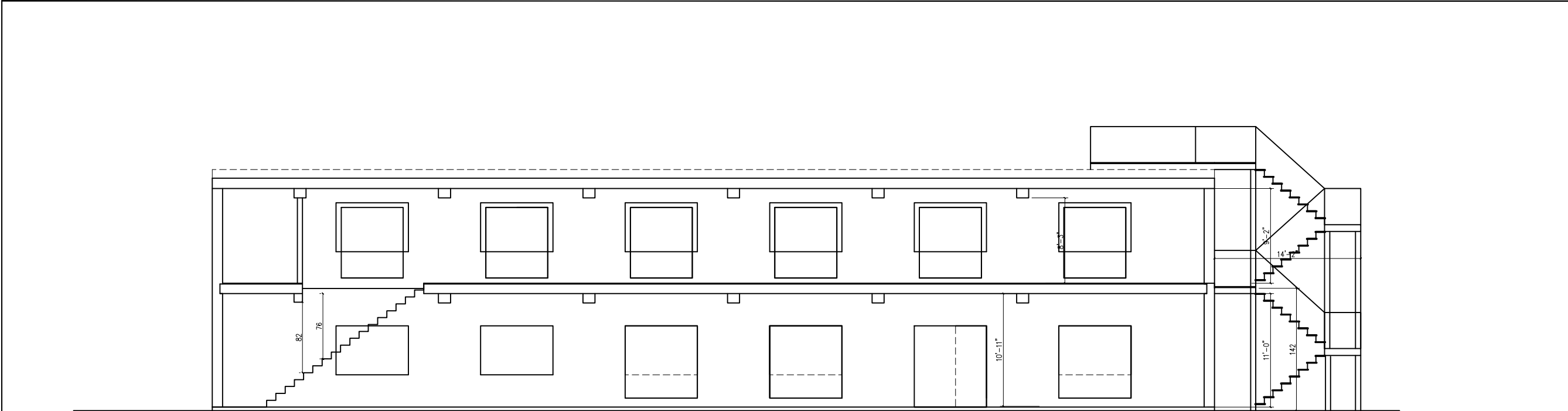
thinkGiraffe  
ENVIRONMENTAL DESIGN  
16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8  
905 304 1496  
thinkgiraffe@bellnet.ca

PROJECT  
  
540 Concession Street  
Hamilton, ON  
  
2nd Floor Office Conversion  
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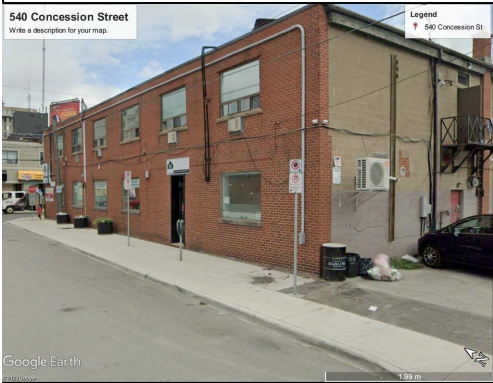
SHEET TITLE  
Cross Section  
Front & Rear Elevation

FOLDER	DRAWN BY MLF
FILE	SCALE 3/16" = 1'-0"
DATE	NUMBER

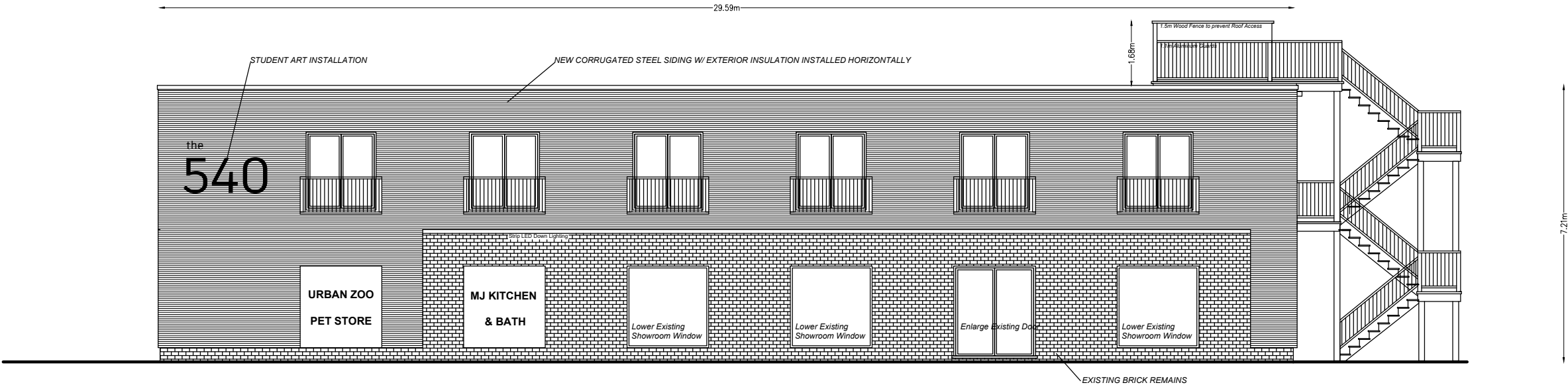
A301



LONGITUDINAL SECTION



EXISTING SIDE ELEVATION



SIDE ELEVATION

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Marina Fensham, Owner thinkGiraffe Design has reviewed and taken responsibility for the design activities described in this drawing set under OBC 2.17.4.7 f (ii) BCIN: 21574 / 116364

Aug 3, 2023: Issue for VARIANCE

FILE: ALR  
FOLDER: 23-122439-00 ALR

REMARKS	DATE	NO.
REVISIONS		

thinkGiraffe

ENVIRONMENTAL DESIGN

16 Sulphur Springs Road,  
Ancaster, ON, L9G 1L8

905 304 1496

thinkgiraffe@bellnet.ca

PROJECT

540 Concession Street  
Hamilton, ON

2nd Floor Office Conversion  
from Offices to Multi-Tenant  
(Rooming) House

SHEET TITLE

Longitudinal Section &  
Side Elevation

FOLDER	DRAWN BY MLF
FILE	SCALE 3/16" = 1'-0"
DATE	NUMBER

A302



Hamilton

June 16, 2023

FILE: ALR  
FOLDER: 23-122439-00 ALR  
ATTENTION OF: Alyssa Vaccari  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 2356-

Marina Fensham  
16 SULPHUR SPRINGS RD  
ANCASTER, ON L9G 1L8

**Attention:**

Re: **APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning: C5a**  
**Address: 540 CONCESSION ST HAMILTON, ON**

A Zoning Compliance Review respecting a Minor Variance Pre-Review has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing to convert an existing two (2) storey mixed use building into a Dwelling Unit(s), Mixed use.
2. The property municipally known as 540 – 542 Concession Street, Hamilton is subject to the “C5a” Mixed Use Medium Density – Pedestrian Focus Zone in the 05-200 Hamilton Zoning By-law.
3. The proposed use of a Dwelling Unit(s), Mixed Use is permitted within the “C5a” Zone.
4. Our records indicate that the recognized use is a take-out restaurant on the ground floor of address 540 Concession Street, a retail store on the ground floor of address 542 Concession Street, and offices on the second floor.
5. The construction of the proposed dwelling units is subject to the issuance of a building permit in the normal manner. Be advised the Ontario Building Code may require specific setbacks and construction types.
6. The proposed development has been reviewed and compared to the standards of the “C5a” Zone in the 05-200 Hamilton Zoning By-law as indicated in the following chart:

**C5a Zone – Mixed Use Medium Density – Pedestrian Focus**  
(Section 10.5a of Hamilton Zoning By-law 05-200)

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 10.5a– C5a Requirements</b>			
<b>Restricted Uses</b>  [as per section 10.5a.1.1 of Hamilton Zoning By- law 05-200]	ii) Uses Permitted Above Ground Floor:  1. Notwithstanding 10.5a.1, the following uses, excluding access areas, accessory office and utility areas, shall not be permitted on the ground floor in a building containing more than one nonresidential use: Day Nursery  Place of Worship  2. Notwithstanding Section 10.5a.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas.	Existing commercial located on the ground floor          Proposed on the second floor	N/A          Conforms
<b>Maximum Building Setback from a Street Line</b>  [as per section 10.5a.3(a) of Hamilton Zoning By-law 05-200]	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;  ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,  iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h) ii) and iii).	See Section 4.12 below	
<b>Minimum Rear Yard</b>  [as per section 10.5a.3(b) of Hamilton Zoning By-law 05-200]	7.5 metres.	See Section 4.12 below	
<b>Minimum Side Yard</b>  [as per section 10.5a.3(c) of Hamilton Zoning By-law 05-200]	7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.	See section 4.12 below	
<b>Building Height</b>  [as per section 10.5a.3(d) of Hamilton Zoning By-law 05-200]	i) Minimum 7.5 metre façade height for any portion of a building along a street line;	See section 4.12 for existing building height.	

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>ii) Maximum 22.0 metres; and,</p> <p>iii) In addition to Section 10.5a.3i), and notwithstanding Section 10.5a.3ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</p> <p>iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:</p> <p>A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;</p> <p>B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,</p> <p>C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.</p>	<p>Proposed rooftop amenity area does not appear to be fully open</p>	<p>Conforms</p> <p>NOTE: if rooftop amenity is proposed to be partially enclosed. Section 10.5.3 (d) iv) shall apply</p>
<p><b>Maximum Gross Floor Area for Office Use</b> [as per section 10.5a.3(e) of Hamilton Zoning By-law 05-200]</p>	<p>2,500.0 square metres.</p>	<p>Office space to be removed</p>	<p>N/A</p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Maximum Gross Floor Area for Commercial Recreation</b> [as per section 10.5a.3(f) of Hamilton Zoning By-law 05-200]	2,500.0 square metres.	N/A	N/A
<b>Maximum Gross Floor Area for Microbrewery</b> [as per section 10.5a.3(g) of Hamilton Zoning By-law 05-200]	700.0 square metres.	N/A	N/A
<b>Built form for New Development</b> [as per section 10.5a.3(h) of Hamilton Zoning By-law 05-200]	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <p>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.</p> <p>ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line.</p> <p>iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.</p> <p>iv) In addition to Section 10.5a.3i), ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.</p> <p>v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.</p> <p>vi) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. within the ground floor façade that is set back closest to a street; and,</li> <li>2. shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol>	Existing building	N/A

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>vii) A walkway shall be permitted in a Planting Strip where required by the By-law.</p> <p>viii) Notwithstanding Section 10.5a.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.</p> <p>ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.</p> <p>x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.</p>		
<b>Planting Strip Requirements</b> [as per section 10.5a.3(i) of Hamilton Zoning By-law 05-200]	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	Property line does not abut a residential zone	N/A
<b>Visual Barrier Requirement</b> [as per section 10.5a.3(j) of Hamilton Zoning By-law 05-200]	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	Property Line does not abut a residential zone	N/A
<b>Outdoor Storage</b> [as per section 10.5a.3(k) of Hamilton Zoning By-law 05-200]	<p>i) No outdoor storage of goods, materials, or equipment shall be permitted; and,</p> <p>ii) Notwithstanding Section 10.5a.3(i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.</p>	Not proposed	N/A
<b>Minimum Amenity Area for dwelling Unit, Mixed Use</b> [as per section 10.5a.3(L) of Hamilton Zoning By-law 05-200]	<p>On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:</p> <p>i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,</p>	Less than 10 dwelling units are proposed	N/A

[illegible]



	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>yard of not more than one-third of its width or 1.0 metres, whichever is the lesser; and,</p> <p>f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres, or half the distance of the required yard, whichever is the lesser. No such feature shall have a width greater than 3.0 metres.</p> <p>g) An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building</p>	<p>Not proposed</p> <p>Not proposed</p> <p>Not proposed</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>NOTE: confirmation is needed if the exiting building is intended to be recladded.</p>
<b>Mechanical and Unitary Equipment</b>  [as per section 4.9 of Hamilton Zoning By-law 05-200]	<p>Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line</p>	<p>No new mechanical equipment appears to be proposed, existing HVAC unit on roof</p>	<p>LNC</p> <p>NOTE: if new mechanical and unitary equipment is proposed outside of the building Section 4.9 shall apply.</p>
<b>Vacuum Clause</b>	f) Commercial and Mixed Use Zones	Building is existing prior to the passing of the By-law	Conforms as the

	Required By By-Law	Provided	Conforming/ Non-Conforming
[as per section 4.12 of Hamilton Zoning By-law 05-200]	<p>i) Notwithstanding any other provisions of this By-law, any lot within the Commercial and Mixed Use Zones of this By-law and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, façade building length, flankage yard, rear yard, lot width, lot area and building height and are permitted by this By-law.</p> <p>ii) In addition to Section 4.12 f)i) and notwithstanding Sections 10.3.3 a)ii), 10.4.3 a)i), 10.5.3 a)ii) and 10.6.3 a)ii), Sections 10.4.3 d)i), 10.5.3 d)i), 10.5a.3 d)i) and Sections 10.3.3 i) ii) and iii), 10.5.3 g) ii) and iii), 10.5a.3 g) ii) and iii), and 10.6.3 g) ii) and iii), within the lands zoned, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, or District Commercial (C6) Zone, an addition or alteration to a legally existing commercial building, to a maximum of 10% of the existing Gross Floor Area existing on the date of the passing of the By-law, shall be permitted.</p> <p>iii) In addition to Section 4.12.f)ii), an addition or alteration to an existing building shall be permitted to replace the existing legally established parking spaces prior to the addition provided the minimum legally established parking requirements are exceeded.</p> <p>g) Parking Space Size for All Zones</p> <p>i) Notwithstanding any other provisions of this By-law, parking spaces located within any zone and approved after May 25, 2005 and prior to the effective date of this By-law shall be deemed to comply with</p>	and is proposed to remain	Vacuum Clause f) i)

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>the regulations for the length and width and are permitted by this By-law.</p> <p>ii) Notwithstanding any other provisions of this By-law, parking spaces located within any D1, D2 or D5 Zone and approved or subject to a Formal Consultation request or Development Application after May 25, 2005 and prior to the effective date of the By-law No. 18-114, being the 9th day of May 2018, be recognized and deemed to comply with the Zoning By-law regulations in terms of length, width and are permitted by this By-law</p>		
<p align="center"><b>Section 5 – Parking</b></p> <p align="center"><i>(In accordance with the applicable regulations of Section 5 in the 05-200 Hamilton Zoning By-law)</i></p>			
<p align="center">No parking information provided – <b>Unable to Determine Compliance.</b></p> <p align="center">(Parking shall be in accordance with the applicable provisions of Section 5 of the 05-200 Hamilton Zoning By-law)</p> <p align="center">NOTE: if parking is proposed additional information is required</p>			
<p><b>Barrier Free Parking</b></p> <p>[as per section 5.5 of Hamilton Zoning By-law 05-200]</p>	1-49 Required Parking Spaces – minimum 1 space	Insufficient information	<b>Unable to determine compliance</b>
<p><b>Parking Schedule</b></p> <p>[as per section 5.6 c) of Hamilton Zoning By-law 05-200]</p>	<p>Dwelling Unit and Dwelling Unit Mixed Use (Commercial and mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones):</p> <p>i) Dwelling Units less than 50m<sup>2</sup> in gross floor area – 0.3 per unit</p> <p>ii) Dwelling Units greater than 50m<sup>2</sup> in gross floor area</p> <p>1-3 units: 0.3 per unit min / 1.25 per unit max</p> <p>4-14 units: 0.7 per unit min / 1.25 per unit max</p> <p>15-50 units: 0/85 per unit min / 1.25 per unit max</p> <p>51+: 1 per unit min /</p>	Insufficient information	<b>Unable to determine compliance</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>1.25 per unit max</p> <p>Calculation:</p> <p>8 units below 50m<sup>2</sup></p> <p><math>8 \times 0.3 = 2.4 = 2</math> spaces</p> <p>Retail with a Commercial and Mixed Use Zone:</p> <ul style="list-style-type: none"> <li>i) 0 where a use is less than 450.0 square metres in gross floor area;</li> <li>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</li> <li>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</li> </ul> <p>Restaurant (all zones except transit oriented corridor zones):</p> <ul style="list-style-type: none"> <li>i) 1 for each 8.0 square metres of gross floor area which accommodates such use. ii) Notwithstanding</li> <li>i), where there are no seats provided for dining purposes a minimum of 3 spaces shall be required.</li> </ul> <p>Calculation: Unable to determine, no floor plans for ground floor provided.</p> <p>As per past information parking spaces existing and in submitted plans appear to no longer be maintained. Therefore section 5.6 g) does not apply.</p>		



## CERTIFICATE OF ZONING VERIFICATION AND PROPERTY REPORT

**ATTENTION OF:** SUBRAMONIAPILLAY SUBRAMONIAN

**PROPOSED USE:** Mixed Use

**ADDITIONAL ONLINE PROPOSED USE:** convert the use of the second floor to either 6-8 residential units or into a residential space(s) that could be used as an Air B&B

**ISSUED BY:** Ilija Stipic

**TELEPHONE:** (905) 546-2424 ext. 4027

CERTIFICATE NO. 22-155151 00 ZR2

**540 CONCESSION ST , HAMILTON**

ISSUE DATE: JAN 03, 2023

**ZONING DISTRICT:** C5a

**SECTION 10.5a OF HAMILTON ZONING BY-LAW 05-200 AS AMENDED BY 17-240**

**SITE PLAN CONTROL:** For future development or redevelopment

**THE PROPOSED USE IS:** **SEE COMMENTS**

### COMMENTS:

This property is municipally known as 540-542 Concession Street, Hamilton.

Building Division records indicate that the recognized use is a take-out restaurant on the ground floor of address 540 Concession Street, a second-hand goods retail store on the ground floor of address 542 Concession Street, and offices on the second floor, which are all permitted.

The use of Dwelling Unit(s), Mixed Use are permitted above the ground floor level and in accordance with the section 10.5a of By-law 05-200. A building permit may be required in order to establish the proposed change of use. Please contact the Building Division at (905) 546-2720 for more information.

Dwelling Unit(s), Mixed Use Definition:

*Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule, or stairway and shall be located in the same building as a commercial use permitted in the zone.*

An Air B &B is a type of use that is not controlled under zoning regulations.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to Development Planning. For further information, please contact (905) 546-2424 extension 1355 or email [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca).

Tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.

No survey submitted showing actual conditions.



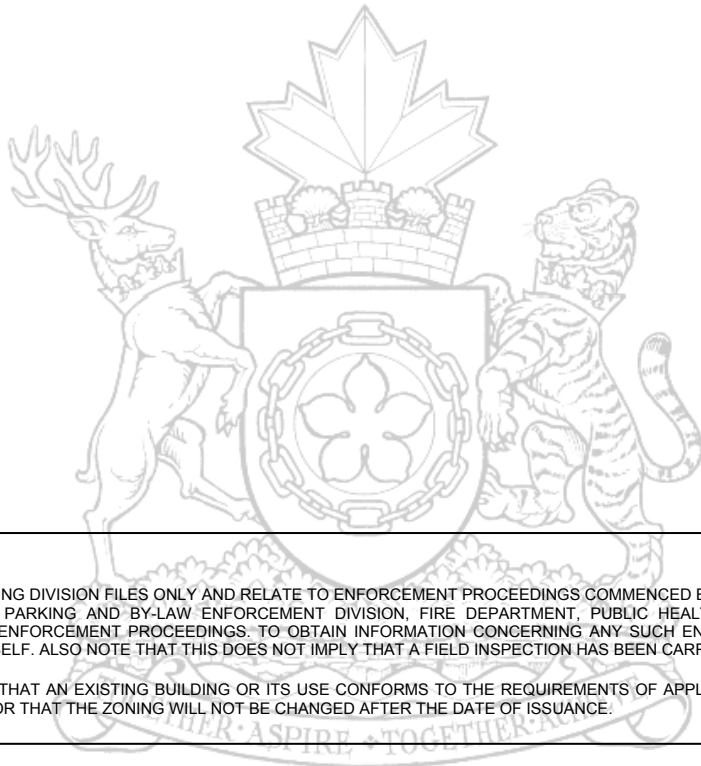
**Planning and Economic Development Department**  
Planning Division  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5  
Phone: 905-546-2424 x2719 Fax: 905-546-4202  
Email: [ZoningInquiry@hamilton.ca](mailto:ZoningInquiry@hamilton.ca)

**Hamilton**

## PROPERTY REPORT

Our records indicate the following:

**No outstanding work orders.**



**NOTE:**  
PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

**IMPORTANT:**  
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE.

*Mym Styrz*

FOR DIRECTOR OF PLANNING DIVISION

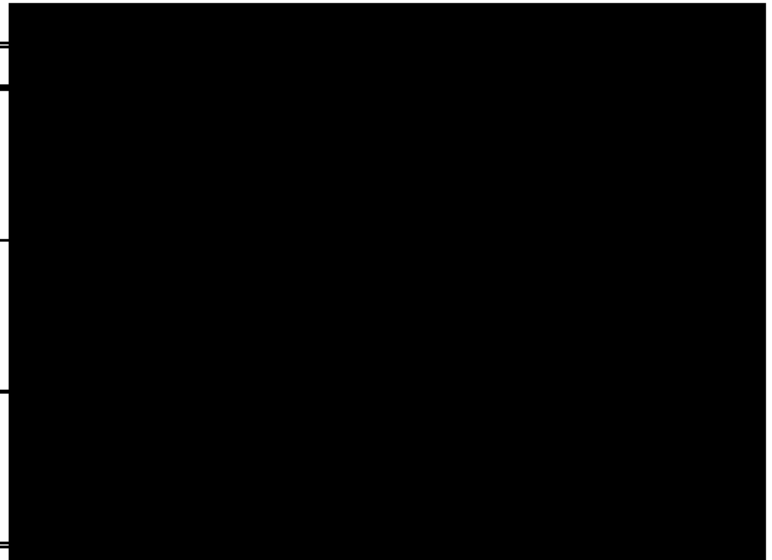
\*\*\* THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS \*\*\*



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

**1. APPLICANT INFORMATION**

	NAME
<b>Registered Owners(s)</b>	
<b>Applicant(s)</b>	
<b>Agent or Solicitor</b>	



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	540 – 542 Concession Street		
Assessment Roll Number			
Former Municipality	Hamilton		
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:

Section 4.6 of Hamilton Zoning By-law 05-200 - New Fire Escape encroaches in rear yard.  
Section 5.5 of Hamilton Zoning By-law 05-200: 1-49 - No Barrier Free Parking / C (i) Two Residential Spaces Required

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Rear yard is not deep enough to supply 2x parking spots from laneway and sufficient setback for proposed fire escape

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
12m	34.4m	413.3m	



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
2 Storey Brick w./ flat roof	Approx Minus 0.2	Approx 4.88	Approx 0.3	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
No Change	No Change	0.65	No Change	

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
2 Storey Brick Building	360.5m2	360.5m2	2	7.3m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Add Rear Fire Escape and 52m2 open Rooftop Amenity Deck	360m2	360m2 +	2	7.3m

- 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.):

Mixed Use Residential

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

Medical / Office

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

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

Take-out restaurant on the ground floor of address 540  
Concession Street, a second-hand goods retail store on the ground floor of address 542 Concession Street, and offices  
on the second floor

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

Mixed Used Main Floor Restaurant and Retail. 2nd Floor Offices

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

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) ZONING DISTRICT: C5a SECTIC

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

The use of Dwelling Unit(s), Mixed Use are permitted above the ground floor level and in accordance with the section  
10 5a of By-law 05-200.

7.6 What is the existing zoning of the subject land? C5a

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: C5a

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes

☒ No

If yes, please provide the file number: \_\_\_\_\_

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

☐ Yes

☐ No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

## **8 ADDITIONAL INFORMATION**

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 8

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

The Proponent is applying to convert the existing 2nd floor Office Space to 8 Studio Apartments under 50m each, with a communal kitchen, Gym, TV Area, and Laundry. The proximity of the site o both the Juravinsky Hospital and Mohawk College means that individuals to supports longterm patients or students can occupy the units. We propose a rooftop open deck, as an outdoor amenity space in recognition of the stressful situations users who support Juravinsky patients face.

## 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
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