



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	HM/A-23:235	SUBJECT PROPERTY:	555-559 SANATORIUM ROAD , HAMILTON, Ontario
ZONE:	"I3 & I3,740" (Major Institutional)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 21-059

APPLICANTS: Owner: M RIAZ - 2358574 ONTARIO LTD
Agent: KAYLY ROBBINS - WESTON CONSULTING

The following variances are requested:

1. A maximum building height of 20.0m shall be permitted instead of the maximum 18.0m building height permitted for a retirement home.
2. A maximum building height of 20.0m shall be permitted for a multiple dwelling whereas a maximum 18.0m building height is permitted and whereas the by-law states that in addition, a maximum building height may be equivalently increased as yard increases beyond minimum yard requirement established in Section 8.3.2.2 a).

PURPOSE & EFFECT: To facilitate the construction of a six (6) storey residential apartment building as well as the construction of a six (6) storey retirement home on the subject lands.

Notes:

These variances are necessary to facilitate Site Plan application DA-22-142.

The building height dimension on the submitted elevation plans is not shown from grade as defined. Therefore, the applicant shall ensure that the requested variances to the maximum building height is correct; otherwise, further variances may be required.

No underground parking layout was submitted from which to determine compliance respecting parking requirements such as minimum number of parking spaces, barrier free parking, minimum sizes, aisle widths etc.; therefore, further variances may be required.

HM/A-23:235

The applicant shall ensure that the minimum requirements for Landscaped Areas or Landscaped Parking Island(s) is satisfied as per the zoning By-law; otherwise, further variances shall be required.

Further details regarding all uses on the lot shall be provided in order to confirm the minimum number of parking spaces required on site; as such, further variances may be required.

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, October 5, 2023
TIME:	9:55 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

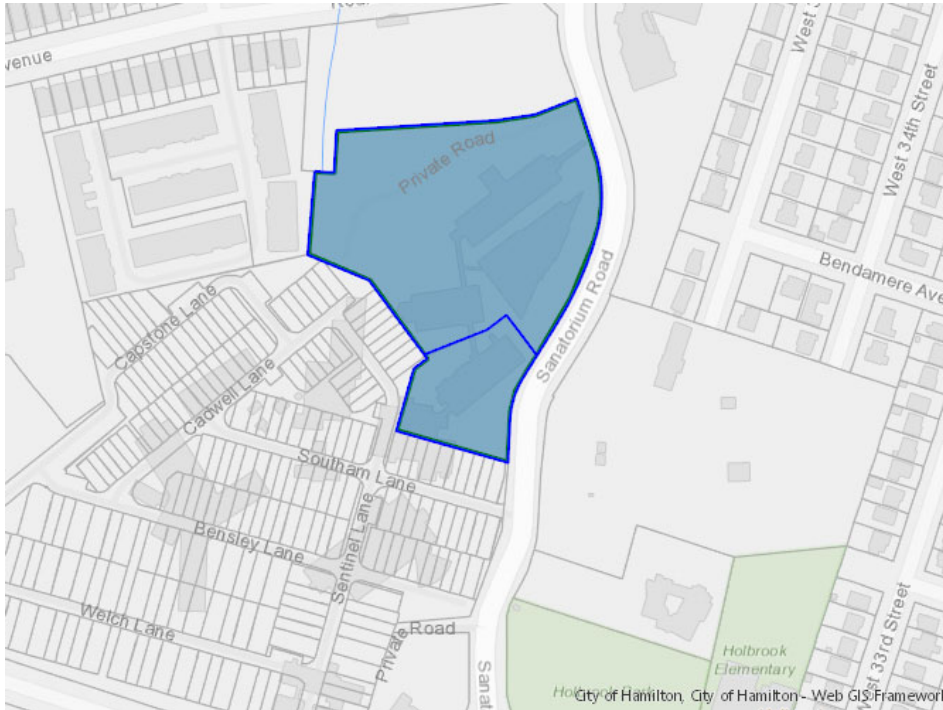
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:235, 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: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



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COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

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

2. In person Oral Submissions

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

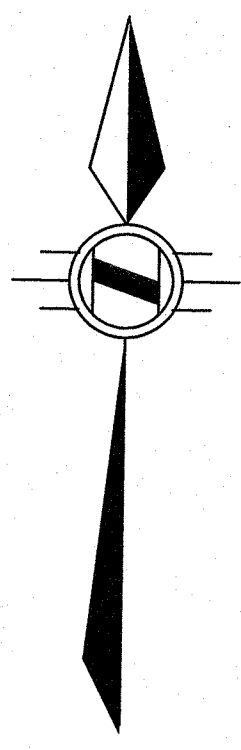
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

TOPOGRAPHIC SURVEY
OF PART OF
BLOCK 1
REGISTERED PLAN 62M-1191
IN THE
CITY OF HAMILTON

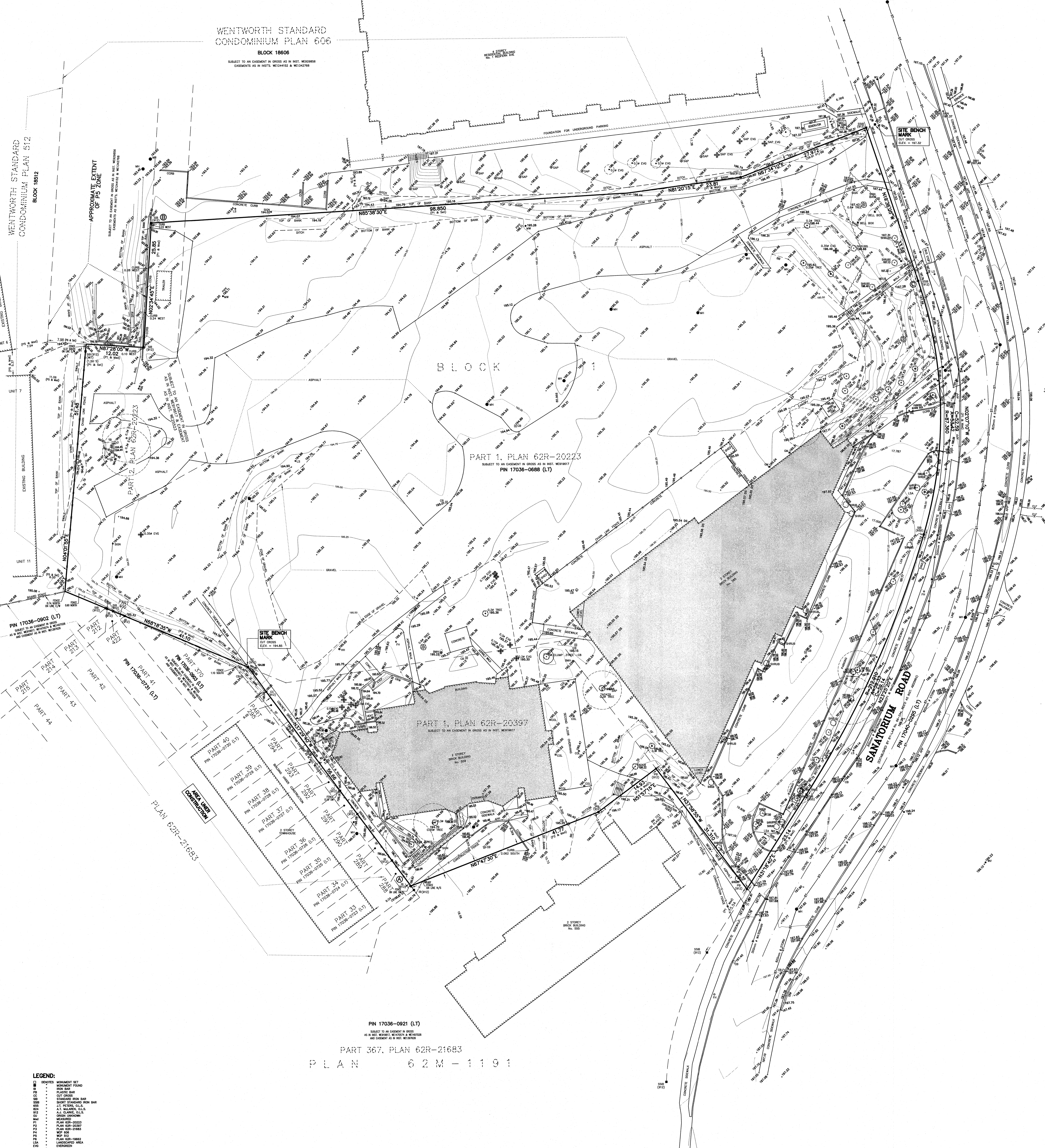
SCALE 1:250 METRIC

S.D. McLAREN, O.L.S. - 2023



WENTWORTH STANDARD
CONDOMINIUM PLAN 606
BLOCK 18606

SUBJECT TO AN EASEMENT IN CROSS AS IN INST. WE28286
EASEMENTS AS IN INST. WE28286 & WE28287



PART 1, PLAN 62R-20223
SUBJECT TO AN EASEMENT IN CROSS AS IN INST. WE28287
PIN 17036-0688 (LT)

PART 1, PLAN 62R-20397
SUBJECT TO AN EASEMENT IN CROSS AS IN INST. WE28167

PIN 17036-0921 (LT)
SUBJECT TO AN EASEMENT IN CROSS
AS IN INST. WE28167, WE28286
AND EASEMENT AS IN INST. WE28287

PART 367, PLAN 62R-21683
PLAN 62M-1191

- LEGEND:**
- 11 MONUMENT SET
 - 12 MONUMENT FOUND
 - 13 MONUMENT
 - 14 CLIP CROSS
 - 15 STANDARD IRON BAR
 - 16 SHORT STANDARD IRON BAR
 - 17 ALL IRONING, O.L.S.
 - 18 ALL QUARRY, O.L.S.
 - 19 CORNER MONUMENT
 - 20 MEASURED
 - 21 PLAN 62R-20223
 - 22 PLAN 62R-20397
 - 23 PLAN 62R-21683
 - 24 M.C.P. 512
 - 25 M.C.P. 513
 - 26 M.C.P. 514
 - 27 LANDSCAPED AREA
 - 28 CONCRETE
 - 29 CONCRETE CURB
 - 30 CONCRETE
 - 31 INVERT
 - 32 MANHOLE
 - 33 GUTTER
 - 34 GUTTER
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BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999889

INTEGRATION DATA

POINT #	E	N	HEIGHT
1	478267.432	56794.138	192.730
2	478268.132	56794.300	192.730
3	478268.372	56797.400	192.730

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BENCHMARK:
MONUMENT 0011950/036
CONCRETE BRIDGE ON SCENIC DRIVE, 91.4
M EAST OF OSSELDING AVENUE,
IMMEDIATELY EAST OF HOUSE NO. 979,
TABLET IN SOUTH FACE OF CONCRETE
WALL ON SOUTH SIDE OF ROAD, 36 CM
FROM EAST END, 36 CM BELOW TOP, AT
ROAD LEVEL.
ELEVATION: 190.741 metres CVD=1928.1976

NOTE:
UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO
CONSTRUCTION

METRIC NOTE:
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE:
I, S.D. McLAREN, O.L.S., being duly sworn, depose and say that I am a duly qualified and licensed surveyor in the Province of Ontario, Canada, and that I have personally supervised and controlled the execution of the survey shown on this plan, and that the same was completed on the 10th day of February, 2022.

REVISIONS

No.	DESCRIPTION	DATE	BY
1	ADDITIONAL TOPOGRAPHIC FEATURES	MAY 4, 2023	JL

A.T. McLaren Limited
69 JOHN STREET SOUTH, SUITE 230
PHILIPPSBURG, ONTARIO, CANADA
L7R 0E9
PHONE (905) 957-8939 FAX (905) 957-0932
WWW.ATMCLAREN.COM

SITE STATISTICS			
SITE AREA	20,261.39 M ² (218,099 FT ²)		
BUILDING COVERAGE			
BUILDING 'B'	2,825.44 M ² (30,414 FT ²)	- 13.95%	
BUILDING 'C'	499.59 M ² (5,378 FT ²)	- 2.46%	
BUILDING 'D' (EXISTING)	1,835.72 M ² (19,760 FT ²)	- 9.06%	
TOTAL BUILDING COVERAGE	5,160.75 M ² (55,552 FT ²)	- 25.47%	
LANDSCAPED AREA	9,434.82 M ² (101,559 FT ²)	- 46.56%	
PAVED AREA	5,665.76 M ² (60,988 FT ²)	- 27.97%	
BUILDING G.F.A.			
BUILDING 'B'			
GROUND FLOOR	2,825.44 M ² (30,414 FT ²)		
2ND FLOOR	2,641.26 M ² (28,431 FT ²)		
3RD FLOOR	2,350.05 M ² (25,297 FT ²)		
4TH FLOOR	2,350.05 M ² (25,297 FT ²)		
5TH FLOOR	2,350.05 M ² (25,297 FT ²)		
6TH FLOOR	2,223.85 M ² (23,938 FT ²)		
TOTAL G.F.A.	14,740.70 M ² (158,673 FT ²)		
BUILDING 'C'			
GROUND FLOOR	515.99 M ² (5,554 FT ²)		
2ND FLOOR	505.85 M ² (5,445 FT ²)		
3RD FLOOR	505.85 M ² (5,445 FT ²)		
4TH FLOOR	505.85 M ² (5,445 FT ²)		
5TH FLOOR	505.85 M ² (5,445 FT ²)		
6TH FLOOR	505.85 M ² (5,445 FT ²)		
TOTAL G.F.A.	3,045.24 M ² (32,780 FT ²)		

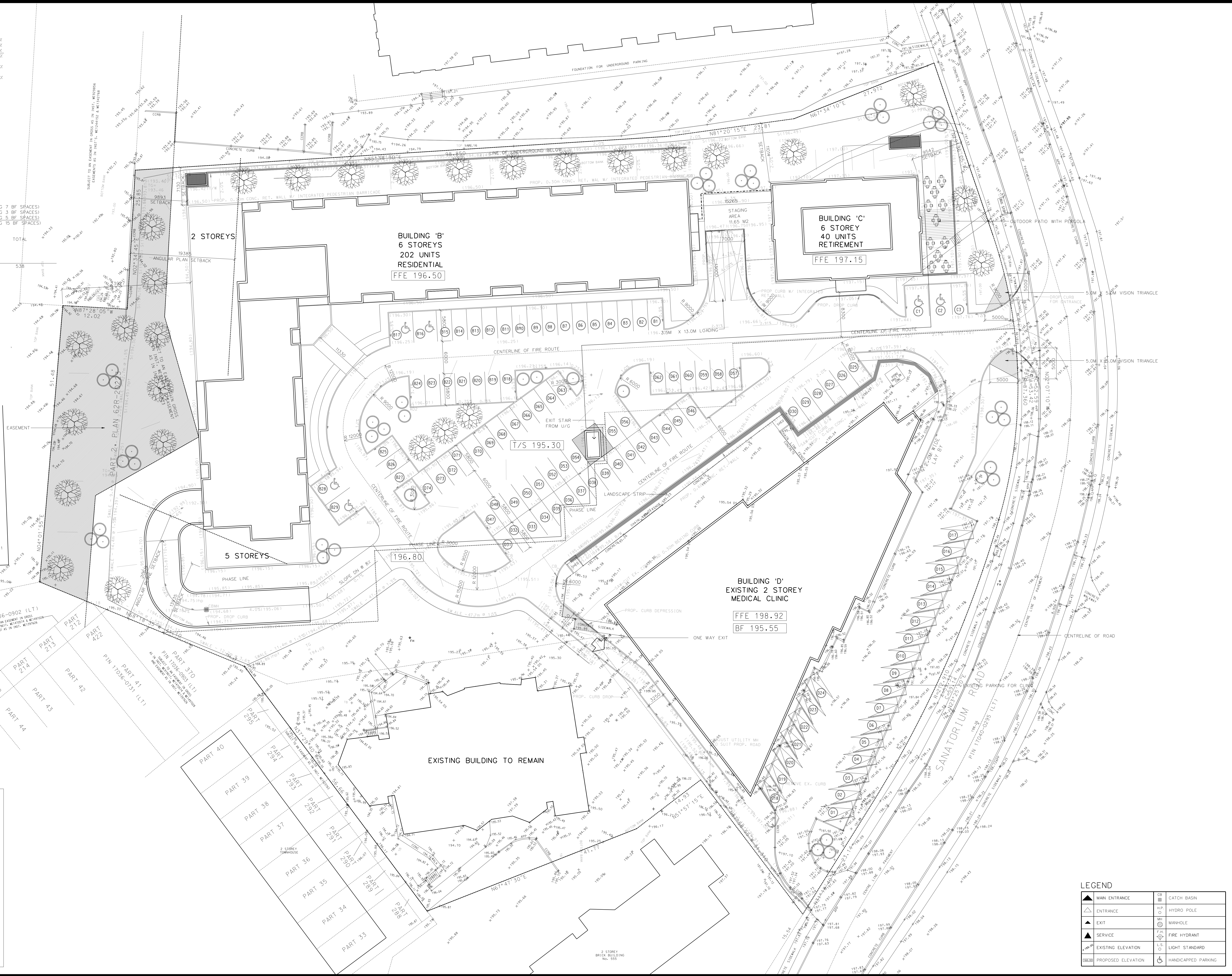
PARKING REQUIRED			
BUILDING 'B'	207 SPACES REQUIRED (INCLUDING 7 BF SPACES)		
BUILDING 'C'	17 SPACES REQUIRED (INCLUDING 3 BF SPACES)		
BUILDING 'D' (EXISTING)	233 SPACES REQUIRED (INCLUDING 5 BF SPACES)		
TOTAL PARKING REQUIRED	457 SPACES REQUIRED (INCLUDING 15 BF SPACES)		

PARKING PROVIDED			
BUILDING 'B'	29 (INCL 4 BF)		
BUILDING 'C'	3 (INCL 2 BF)		
BUILDING 'D' (EXISTING)	74		
TOTAL PARKING PROVIDED	106 (INCL 6 BF)	432	538

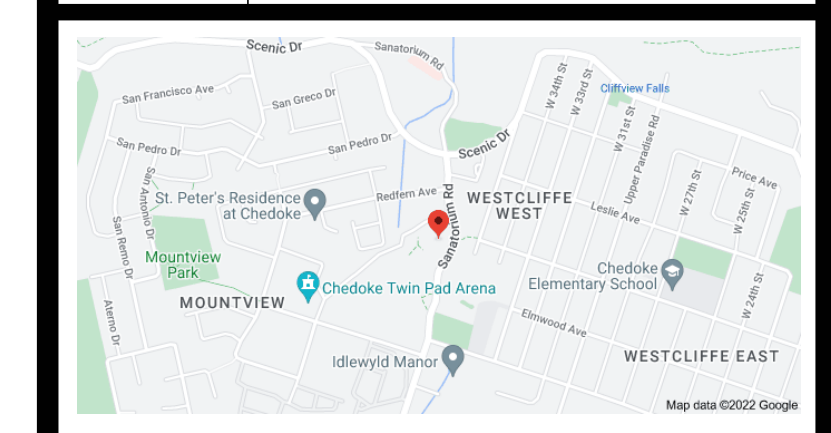
BUILDING HEIGHT			
BUILDING 'B' HEIGHT			
GROUND FLOOR	4.20 M		
2ND FLOOR	3.20 M		
3RD FLOOR	3.00 M		
4TH FLOOR	3.00 M		
5TH FLOOR	3.00 M		
6TH FLOOR	3.50 M		
HEIGHT TO MAIN ROOF	19.90 M		
BUILDING 'C' HEIGHT			
GROUND FLOOR	4.20 M		
2ND FLOOR	3.05 M		
3RD FLOOR	3.05 M		
4TH FLOOR	3.05 M		
5TH FLOOR	3.05 M		
6TH FLOOR	3.50 M		
HEIGHT TO MAIN ROOF	19.90 M		

GARBAGE NOTES

1. AN "AGREEMENT FOR ON-SITE COLLECTION OF MUNICIPAL SOLID WASTE" MUST BE COMPLETED AND EXECUTED IN ORDER TO RECEIVE MUNICIPAL WASTE COLLECTION FOR THE RESIDENTIAL DWELLINGS ON THE PRIVATE ROAD. THE DEVELOPER IS RESPONSIBLE FOR ALL WASTE REMOVAL UP UNTIL THE TIME THAT AN "AGREEMENT FOR ON-SITE COLLECTION OF MUNICIPAL SOLID WASTE" IS FINALIZED, AND MUNICIPAL COLLECTION SERVICES ARE INITIATED.
2. THE DEVELOPER MUST PROVIDE A SIGNED LETTER FROM A PROFESSIONAL ENGINEER CERTIFYING THAT THE ROAD BASE ALONG THE ACCESS ROUTE CAN SUPPORT AT LEAST 35,000 KILOGRAMS.
3. PRIOR TO THE START OF THE MUNICIPAL WASTE COLLECTION SERVICE, THE DEVELOPMENT MUST BE FREE OF CONSTRUCTION DEBRIS AND CONSTRUCTION RELATED ACTIVITIES.
4. IF THE DEVELOPMENT IS NOT DESIGNED ACCORDING TO SPECIFICATIONS IDENTIFIED HEREIN, THE DEVELOPER MUST:
 - i. ARRANGE A PRIVATE WASTE HAULER FOR REMOVAL OF ALL WASTE MATERIALS.
 - ii. AS PART OF THE PURCHASE AND SALE AGREEMENT THE DEVELOPER, OWNER, PROPERTY MANAGER OR AGENT FOR THE DEVELOPMENT MUST DISCLOSE IN WRITING TO A PROSPECTIVE BUYER OF A UNIT WITHIN THE DEVELOPMENT THAT THE PROPERTY IS NOT SERVICEABLE FOR MUNICIPAL WASTE COLLECTION.



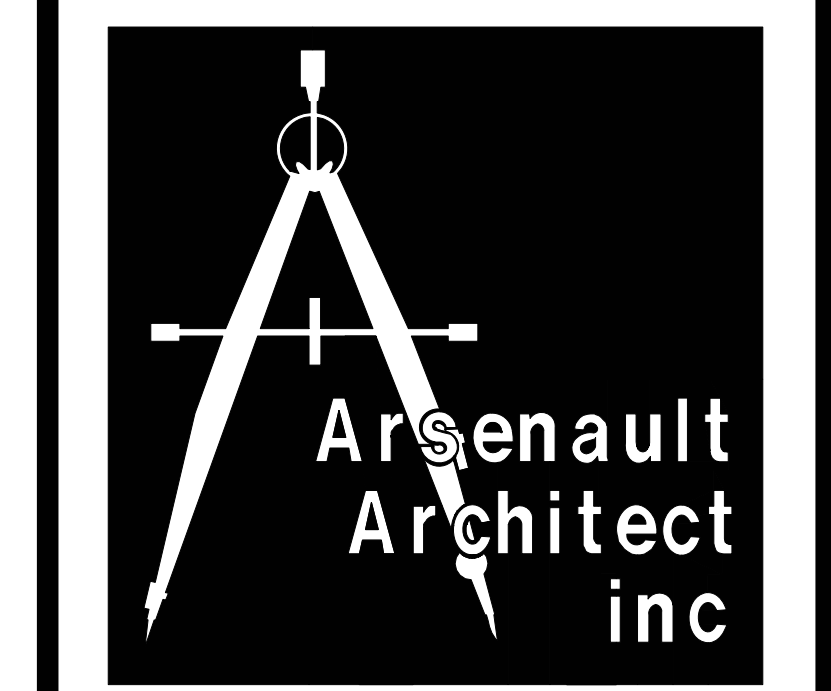
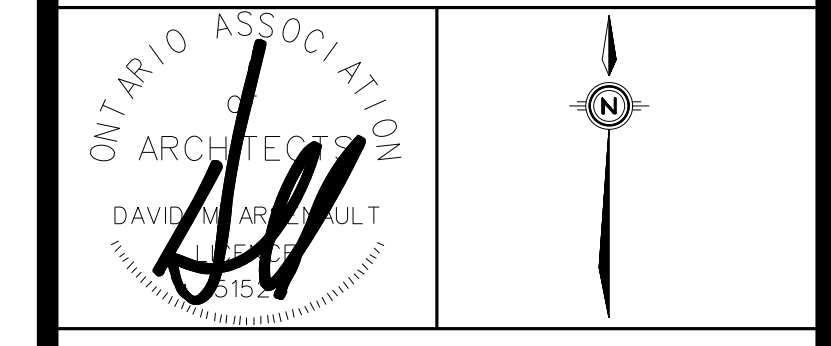
DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 16 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



No. Date Revisions

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME, REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK.

ALL DRAWINGS, PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED TO HIM ON COMPLETION OF WORK. LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION. PRINTS ARE NOT TO BE SCALED.



Tel: (416) 295-4378 5188A Dundas Street West
 Fax: (416) 295-4351 Toronto, Ontario, M6A 1C4

ARCHITECT	: D. ARSENAULT
JOB CAPTAIN	: D. ARSENAULT
DRAWN BY	: A. ARSENAULT
DATE OF PLOT	: AUG 1 2023
SCALE	: 1 : 250
CLIENT'S NAME	: ELITE DEVELOPMENT 102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO
PROJECT NAME	: RESIDENTIAL COMPLEX 565 SANATORIUM ROAD HAMILTON ONTARIO
DRAWING TITLE	: PHASE 1 SITE PLAN
PROJECT NO.:	22-103
DRAWING NO.:	A-101

LEGEND	
▲	MAIN ENTRANCE
△	ENTRANCE
▲	EXIT
▲	SERVICE
○	EXISTING ELEVATION
○	PROPOSED ELEVATION
□	CATCH BASIN
○	HYDRO POLE
○	MANHOLE
○	FIRE HYDRANT
○	LIGHT STANDARD
○	HANDICAPPED PARKING

PATH NO.

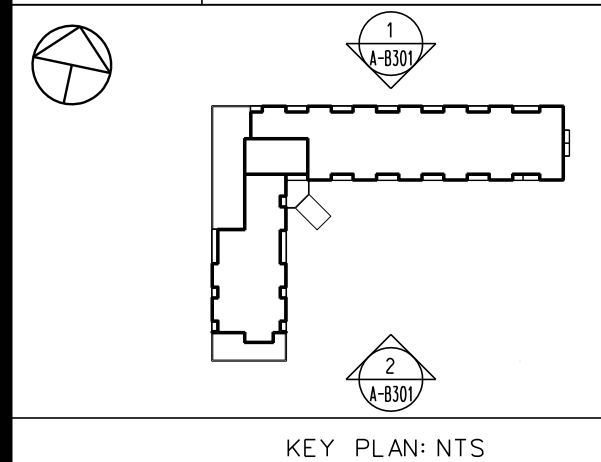


1 NORTH ELEVATION (REAR)
A-B301 SCALE : 1/125

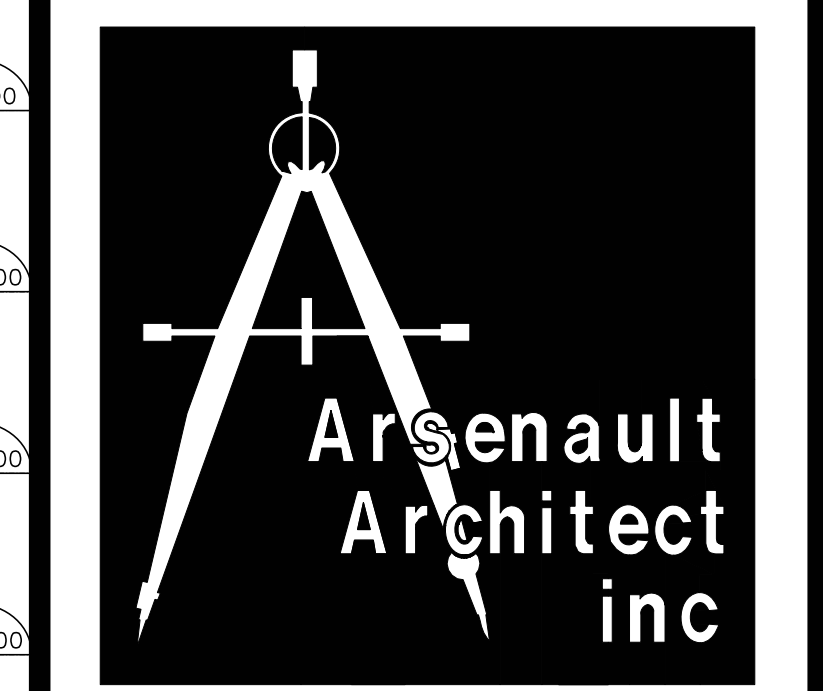
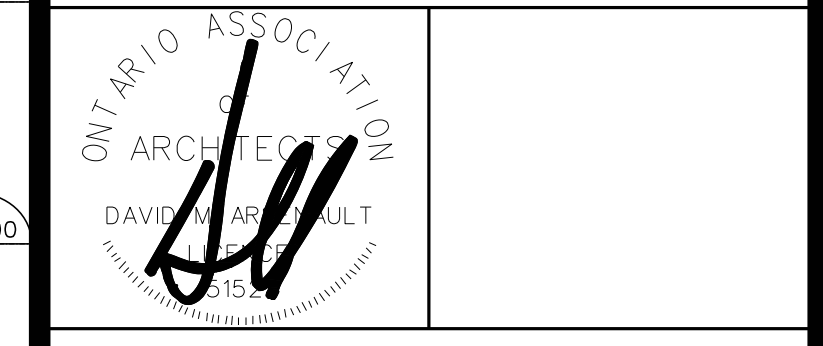


2 SOUTH ELEVATION (FRONT)
A-B301 SCALE : 1/125

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 16 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



No	Date	Revisions
CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME. REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK.		
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LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.		
PRINTS ARE NOT TO BE SCALED.		



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Fax (416) 255-4351 Toronto, Ontario, M5A 1C4

ARCHITECT : D. ARSENAULT
JOB CAPTAIN : D. ARSENAULT
DRAWN BY : PL
DATE OF PLOT : AUG 1 2023
SCALE : 1:50
CLIENT'S NAME : ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD
BURLINGTON, ONTARIO
PROJECT NAME : RESIDENTIAL COMPLEX
565 SANATORIUM ROAD
HAMILTON ONTARIO

DRAWING TITLE : NORTH & SOUTH ELEV. (FRONT & REAR)

PROJECT NO. : 22-103 DRAWING NO. : A-B301

PATH NO.

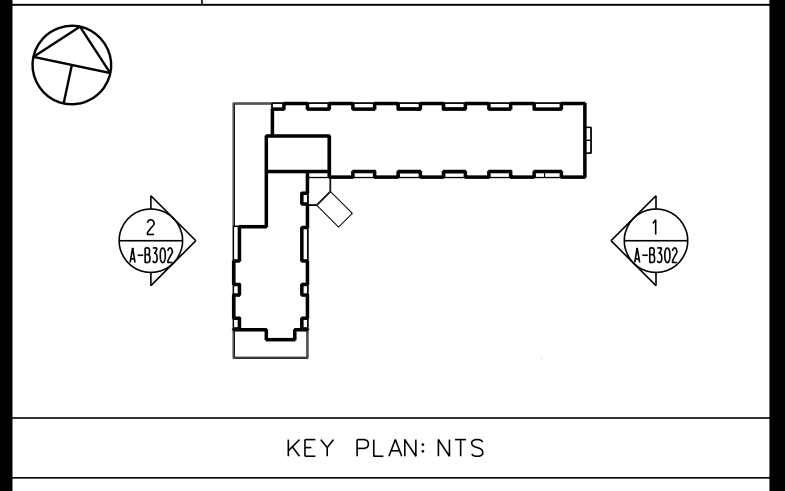


1 EAST ELEVATION (SIDE)
SCALE : 1/125

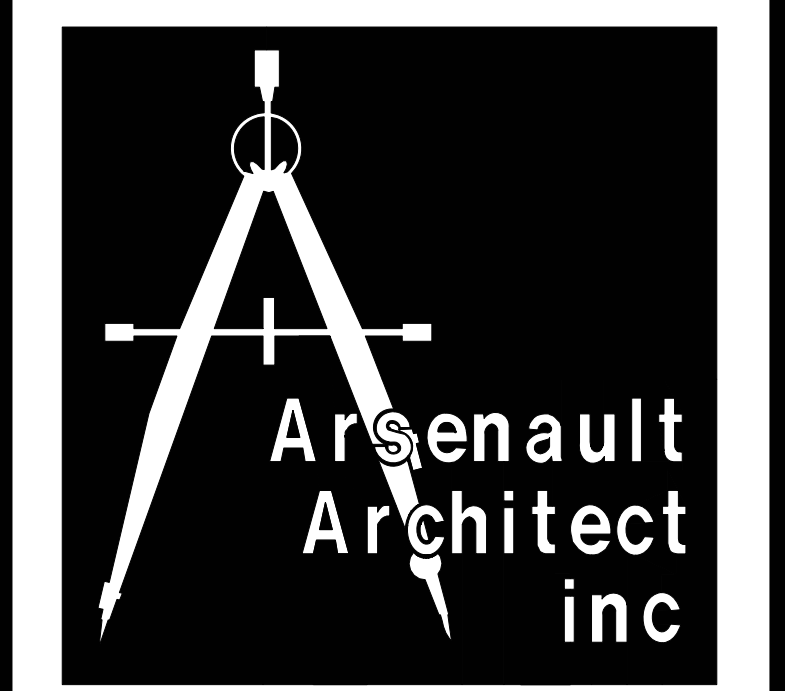
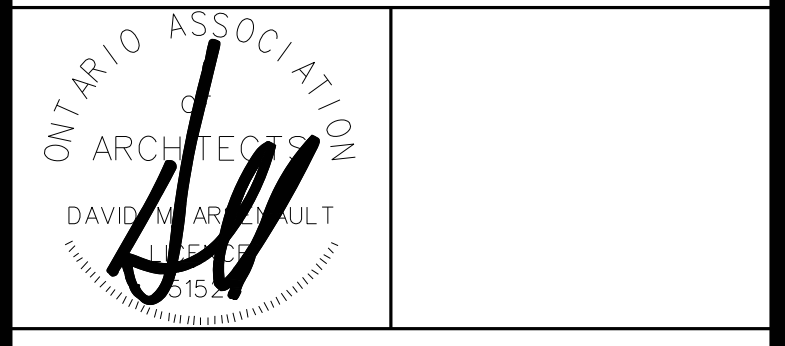


2 WEST ELEVATION (SIDE)
SCALE : 1/125

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 16 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



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ARCHITECT : D. ARSENAULT
JOB CAPTAIN : D. ARSENAULT
DRAWN BY : PL
DATE OF PLOT : AUG 1 2023
SCALE : 1:50
CLIENT'S NAME : ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD
BURLINGTON, ONTARIO
PROJECT NAME : RESIDENTIAL COMPLEX
565 SANATORIUM ROAD
HAMILTON ONTARIO

DRAWING TITLE : EAST & WEST ELEVATION (SIDE)
PROJECT NO. : 22-103
DRAWING NO. : A-B302

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

August 30, 2023
File 10421

Attn: Jamila Sheffield, Secretary-Treasurer for the Committee of Adjustment

**RE: Minor Variance Application – 555-559 Sanatorium Road
Related File No.: DA-22-142**

Weston Consulting is the planning consultant for 2358574 Ontario Ltd. the registered owner of the property located at 555-559 Sanatorium Road in the City of Hamilton (herein referred to as the 'subject lands'). This letter has been prepared in support of a Minor Variance application for the subject lands to permit the development of the vacant north portion of the subject lands with two mid-rise buildings, one residential building and one retirement building. The existing two-storey medical building will be retained. The proposed development is currently subject to a Site Plan Approval application, File No. DA.22.142 which received Conditional Approval on May 17, 2023. The purpose of this Minor Variance application is to:

- Increase the maximum building height of Building B (residential building) to 20.0 metres; whereas 19.1 metres is permitted; and
- Increase the maximum building height of Building C (retirement building) to 20.0 metres; whereas 18.0 metres is permitted.

It is our opinion that the proposed variances conform to the applicable planning policies set out in the Urban Hamilton Official Plan and meet the four tests set out under the *Planning Act* and should be approved. The rationale contained herein seeks to support this recommendation and our planning opinion that the proposed minor variances represent good planning.

Description of the Subject Property and Surrounding Context

The subject lands are located along the west side of Sanatorium Road, south of the Redfern Avenue and Sanatorium Road intersection. The property was formally part of the Chedoke Hospital Campus which was closed in 2014 and has been parcelled off and sold over time. The lands are currently occupied by a medical building and a vacant building with associated parking; a third building on the premises was recently demolished. The subject lands have an approximate area of 2.03 hectares (5.02 acres) and a frontage along Sanatorium Road of approximately 169.47 metres.

Abutting the subject lands are the following land uses:

North: Immediately north of the subject lands includes a 4-storey residential building, fronting onto Redfern Avenue and the Columbia International College residences. Further north of the subject lands includes single-detached residential dwellings and the Sanatorium Falls of the Chedoke Creek system.

East: Immediately east of the subject lands includes the Columbia International College campus. Further east includes single-detached residential dwellings.

South: Immediately south of the subject lands is a vacant two-storey building. Further south of the subject lands are street townhouses, fronting onto Southam Lane, Bensley Lane, Sentinel Lane, and Welch Lane and the Wellwood Cancer Support Centre.

West: Immediately west of the subject lands include street townhouses and single detached dwellings fronting onto Redfern Lane. Further west of the subject lands is the St. Peter's Residence at Chedoke long term care home and the Chedoke Twin Pad Arena.



Figure 1: Aerial Photo of Subject Lands

Description of Proposed Development

The development proposes the construction of two mid-rise buildings within the vacant portion of the subject lands and the retention of the two-storey medical clinic and associated parking in its current form. Building B, as identified on the Site Plan, consists of a six-storey residential L-shaped building, with a gross floor area of 14,740.70 square meters, 202 dwelling units, and a building height of 20.0 metres. Building C, as identified on the Site Plan, consists of a six-storey retirement home with a gross floor area of 3,045.24 square metres, 40 units and a building height of 20.0 metres. A total of 538 parking spaces are provided, including 74 existing at-grade parking spaces for the medical building, 432 proposed parking spaces within two levels of underground parking and 32 additional at-grade parking spaces. The proposal includes two vehicular accesses from Sanitorium Road, one of which is a one-way exit.

Description of Minor Variance Application

The purpose of the Minor Variance application is to seek relief from the City of Hamilton's Zoning By-law to address the following deficiencies:

- Increase the maximum building height of Building B (residential building) to 20.0 metres; whereas 19.1 metres is permitted in accordance with Section 8.3.2.2(b) of Hamilton Zoning By-law 05-200;
 - Section 8.3.2.2 (b)ii) allows for the maximum building height to be equivalently increased as yard increases beyond the minimum yard requirement. The required side and rear yard is 6.0 metres; however, this has been increased to 7.1 metres on the Site Plan, allowing a maximum building height of 19.1 metres.

1. The General Purpose and Intent of the Official Plan is Maintained.

Urban Hamilton Official Plan (2022 Office Consolidation)

The Urban Hamilton Official Plan designates the subject lands as *Institutional* which permits educational facilities, religious facilities, cultural facilities, health care facilities, long term care facilities, day care, and accessory/ancillary uses. Additionally, in accordance with Section E.6.2.4 of the Official Plan, residential uses ancillary to an institutional use are permitted provided that the residential uses are developed in accordance with the applicable policies of Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential. Per Section E.3.5.2, uses permitted in medium density residential areas include all forms of *multiple dwellings* which includes a building containing five or more dwelling units and apartment dwellings.

The proposed variances conform to the designation of the subject property and the policies of Section E.3.5 – Medium Density Residential. The proposed mid-rise buildings maintain the objective of the Official Plan by providing a built form that is compatible with the character of the existing neighbourhood through setbacks, use, building orientation, height, and architectural style. The Official Plan identifies a maximum height of medium density residential uses of six storeys, which the proposed development does not exceed. Furthermore, the four-storey residential building to the north of the subject lands is of a similar built form to the proposed development which will provide for a continuous built form along the north side of Sanatorium Road. Lastly, it is our opinion the proposed six-storey residential building complements and is compatible with the proposed six-storey retirement home.

For these reasons, it is our opinion that the required variances for increased height for the proposed mid-rise buildings maintain the general intent and purpose of the Urban Hamilton Official Plan.

2. The General Purpose and Intent of the Zoning By-law is Maintained.

City of Hamilton Zoning By-law 05-200

The City of Hamilton Zoning By-law 05-200 zones the subject property as *I3 – Major Institutional* which permits medical clinics, place of worship, recreation, social service establishments, retirement home, residential care facility and multiple dwellings when on the same lot as a retirement home. *Multiple Dwellings* are categorized in the Zoning By-law as buildings containing three or more dwelling units but not including a street townhouse or semi-detached dwelling.

The proposed mid-rise residential building and mid-rise retirement home are permitted under Section 8.3.1 and 8.3.2.2. The required site development provisions for the proposed retirement home are contained within Section 8.3.2.1 and for the multiple dwelling building the provisions are contained within Section 8.3.2.2.

A planning analysis of each of the variances requested is provided below.

By-law Section	By-law Provision	Required	Provided
8.3.2.1 d)	Maximum Building Height	18.0 metres	20.0 metres (Building C)
8.3.2.2 b)	Maximum Building Height	i) 18.0 metres; ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above The side yard has been increased to 7.1 metres, therefore, the maximum height in accordance with 8.3.2.2 b)ii) is 19.1 metres.	20.0 metres (Building B)

Table 1: Requested Variances

The proposed building height variance for 20.0 metres for Buildings B and C is to ensure a six-storey building height which provides an increased first floor height of 4.20 metres and an increased first floor height for the 6th storey. The deficiency of 0.9 metres and 2 metres for Building B and C, respectively, is only slightly above the maximum height requirement while still allowing for a six-storey building. The height of the buildings conforms to the Official Plan which permits six storey buildings. Furthermore, the increase of 0.9 metres and 2 metres is not expected to result in adverse impacts to the surrounding area as it does not result in additional storeys, rather it captures design elements that contribute to the building massing and architectural style. Furthermore, it should be noted the proposed residential building (Building B) is located 7.1 metres from the northern side yard and a minimum of 9.8 metres to the rear yard and the proposed retirement home (Building C) is located 11.0 metres from the northern side yard. The setbacks to adjacent lot lines have been increased where possible to provide for additional separation and buffering to adjacent uses.

It is our opinion that the proposed residential and retirement buildings will not result in negative impacts with regards to privacy and overlook. The proposed buildings have provided larger than required side yard and rear yard setbacks to further reduce any potential impacts on neighboring properties. The requested building heights maintain a 6-storey built form and is not expected to result in any negative shadow or privacy issues for adjacent lots. The proposed residential building contains a two-storey portion in the northwest corner, along the rear and side yard to provide for additional separation and buffering to the adjacent uses.



Figure 3: Proposed Elevation for Building B



Figure 4: Proposed Elevation for Building C

Based on the above, it is our opinion that the proposed variances maintain the general purpose and intent of the Zoning By-Law by permitting an increased building height to recognize the six-storey buildings.

3. Desirable and Appropriate

It is our opinion that the proposed variances will facilitate a development and built form which conforms to the Official Plan and is compatible with the site context, surrounding area. Furthermore, the addition of 202 residential units and 40 retirement units will provide for desired housing typologies and variety in housing options in the neighbourhood.

The proposed building height is desirable and appropriate and provides a built form that is compatible with the surrounding built form and neighbourhood pattern and an architectural style that represents good urban design principles. The proposal represents a desirable development while respecting and increasing yard setbacks where possible and all other provisions of the Zoning By-law, with the exception of the height. It is our opinion the increase in height is appropriate by permitting two buildings with a height of six storeys which provide increased floor to ceiling heights and architectural styles that contribute to the desirable design of the proposal. Minor relief is required as it relates to zoning provisions associated with the proposed development and in our opinion, does not represent an overbuild of the subject lands.

For the reasons listed above, it is our opinion that the proposed variances are appropriate and desirable for the use of the subject lands.

4. Minor in Nature

The requested variances are minor in nature as they meet the intent of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law 05-200 and represent an appropriate and desirable use. The proposed height of 20.0 metres for the residential and retirement building represent a nominal increase in height that maintains the buildings at six-storeys, as permitted through the Official Plan, and provides for an articulation of the proposed architectural style. The proposed setbacks for both buildings are in surplus of the minimum requirements and the six-storey residential building has been stepped back from the rear lot line, as such, issues of privacy, overlook and impact to the immediate neighbours are minimized.

For these reasons, it is our opinion that the proposed development and implementing variances will create no adverse impacts or undesirable impacts on neighbouring properties and are minor in nature.

Summary

In summary, it is our opinion that the proposed Minor Variance application maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the use of the land, and is minor in nature.

Concluding Remarks

Based on the information provided in this letter, and other materials accompanying this application, it is our opinion that the Minor Variance application before the Committee maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the use of the subject lands and is minor in nature. The application satisfies the four tests prescribed in Section 45(1) of the Planning Act, has planning merit, and represents good planning.

To support the Minor Variance application, one copy of the following materials has been submitted along with this covering letter and rationale:

1. Competed and Signed Minor Variance Application Form;
2. Application Fee in the amount of \$3,735.00;
3. Survey Plan prepared by A.T. McLaren Limited; and
4. Architectural Site Plan prepared by Arsenault Architect Inc;

It is our understanding that the above is in order and that staff have all of the required materials to facilitate their review and the preparation of a Staff Report for this application. We request that the application be scheduled for the next available Committee of Adjustment Hearing. Please do not hesitate to contact the undersigned at extension 315 or Rupneet Mangat at ext. 277, should there be any questions regarding this submission.

Yours truly,
Weston Consulting
Per:



Kayly Robbins, MPI, MCIP, RPP
Senior Planner

c. 2358574 Ontario Ltd.



Hamilton

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

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

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	2358574 Ontario Ltd. c/o Ma
Applicant(s)	Same as owner.
Agent or Solicitor	Weston Consulting c/o Kayly

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	555-559 Sanatorium Road		
Assessment Roll Number			
Former Municipality			
Lot	Part Lot 1 and 2	Concession	
Registered Plan Number	62M-1191	Lot(s)	Part Block 1
Reference Plan Number (s)	62R-20397	Part(s)	Parts 1 and 2 on 62R20

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:

WE919617 - Drainage / WE25523 - Underground Servicing

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:

Increase the maximum building height from 18.0 metres to 20.0 metres.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Grading on the subject property and to provide for an increased first floor height. Please refer to covering letter for additional information.

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
169.47 m	185.77m	2.03 ha	

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
Medical Office	13 m	85 m	3.25 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential Building	N/A	9.89 m	7.13 m	
Retirement Building	9.5 m	N/A	11.01 m	

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
Medical Office	1753.36 m ²	3,760 m ²	2	6.6 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential Building	2825.44 m ²	14,740.70 m ²	6	20.0 m
Retirement Building	515.99 m ²	3,045.24 m ²	6	20.0 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.):

The proposed development consists of residential and retirement building, both 6-storey's in height.

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

Residential, office, and institutional

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2017/03/30

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

Medical Building and vacant.

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

Medical Building and vacant.

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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Institutional

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

The proposed variances conform to the designation of the subject property and the provisions of section E 3.5 – Medium Density Residential. Please refer to covering letter for additional information.

7.6 What is the existing zoning of the subject land? I3 – Major Institutional

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

Yes

No

If yes, please provide the file number: _____

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

Yes No

If yes, please provide the file number: _____

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: 242

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

The development proposes the construction of two mid-rise buildings within the vacant portion of the subject lands. The proposed development will maintain the existing medical clinic and vacant building. Building B, as identified on the Site Plan, consists of a 6-storey residential L-shaped residential apartment building, with a gross floor area of 14,740.70 square meters, 202 dwelling units, and a building height of 20.0 metres. Building C, as identified on the Site Plan, consists of a 6-storey retirement home with a gross floor area of 3,045.24 square metres, 40 units and a building height of 20.0 metres. A total of 538 parking spaces are provided at grade and within two levels of underground parking, 74 of these parking spaces are existing.

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
- _____
- _____