



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-23:255	SUBJECT PROPERTY:	1021 WEST 5TH STREET, HAMILTON
ZONE:	"DE-2" (Multiple Dwelling)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 22-047

APPLICANTS: **Owner:** T. VALERI CONSTRUCTION LIMITED C/O AMBER LINDSAY

The following variances are requested:

1. Notwithstanding Section 18(3)(cc)(i), a balcony shall be permitted to project into a required front yard not more than 1.5 metre and that no such projection shall be closer to a street line than 1 metre. Instead of the requirement that a balcony shall project into a required front yard not more than 1.0 metre, provided that no such projection shall be closer to a street line than 1.5 metres.
2. Notwithstanding Section 18(4)(v)(a), a transformer shall be permitted to have a minimum setback of 1.5 metres from the street line instead of the required minimum setback of 3.0 metres from a street line.
3. Notwithstanding Section 18A(1)(C), table 3 and amending By-law 22-047 h., one (1) loading space 3.0 metres wide and 13.0 metres long shall be permitted instead of the requirement of one (1) loading space 3.0 metres wide and 13.9 metres long.

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

Notes:

1. Please be advised Site Plan application DA-17-022 and Zoning By-law Amendment ZAC-19-029 (amending By-law 22-047) are associated with this subject property.
2. Insufficient information has provided to determine building height (in metres) additional variances may be required in compliance cannot be achieved.

HM/A-23:255

3. Insufficient information has been provided for the proposed intake venting. If the proposed venting (intake) does not extend greater than 0.15 metres above grade, then it shall be permitted to encroach into a required yard. Additional variances may be required if venting is greater than 0.15 metres.
4. Insufficient information was provided to determine the rear yard setback for below grade parking. Additional variances may be required if conformity cannot be achieved.
5. Insufficient information was provided for proposed underground parking and small car parking spaces. Underground parking and small car parking spaces shall be in accordance with the regulations of Section 18A and Amending By-law 22-047.
6. Please be advised all accessory buildings (moloks) shall be constructed after the principle building and in accordance with Section 18(4).

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, November 2, 2023
TIME:	9:40 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

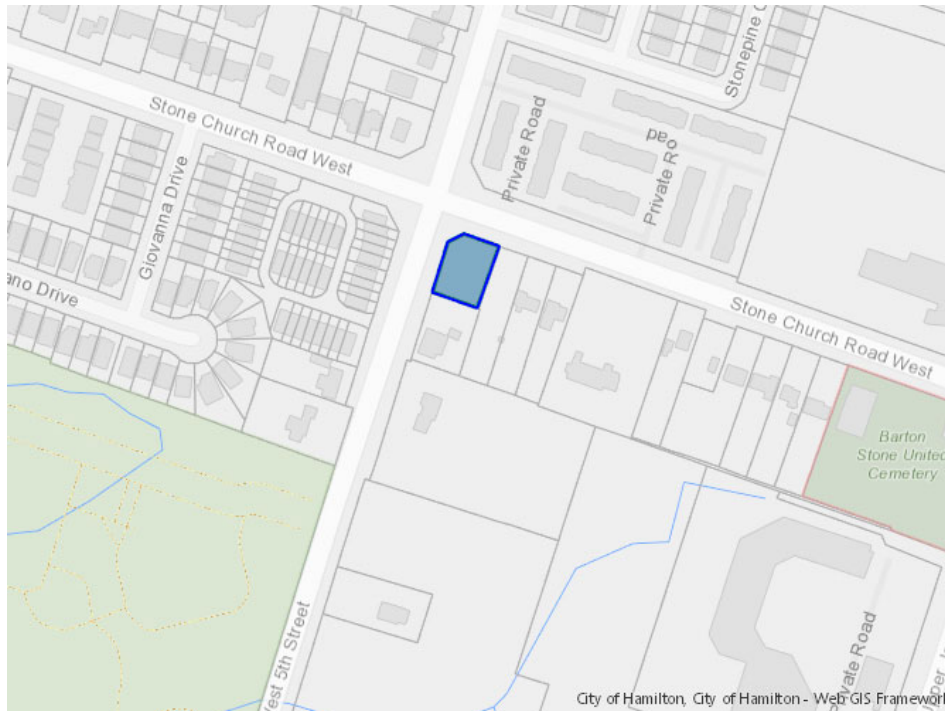
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:255, 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: October 17, 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.



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

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.

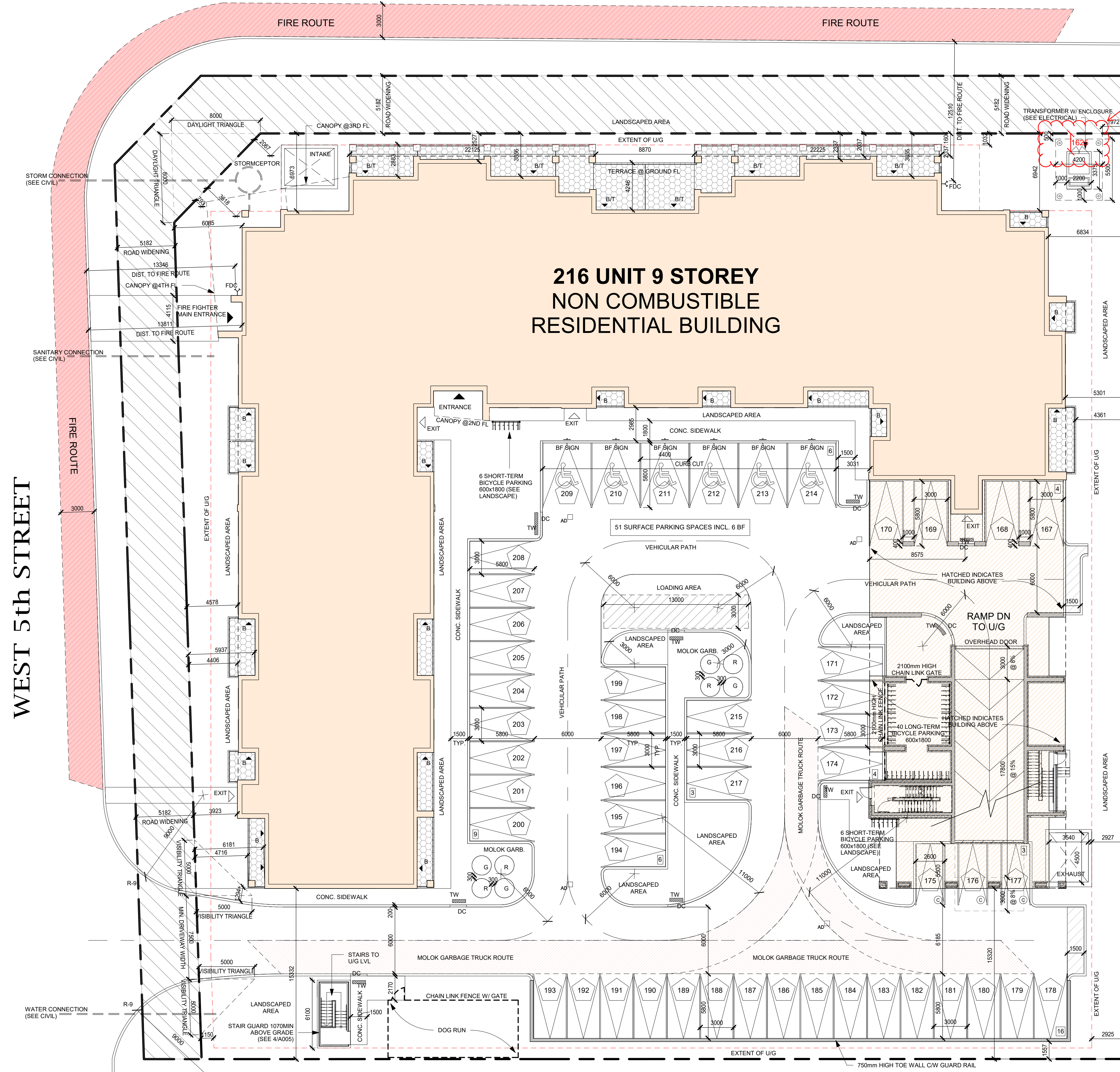
2. In person Oral Submissions

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.

STONE CHURCH ROAD W



216 UNIT 9 STOREY NON COMBUSTIBLE RESIDENTIAL BUILDING

1 SITE PLAN
A001 1:200

TOTAL 1 BEDROOM = 5
TOTAL 1 BEDROOM BF = 1 (20.00%)
TOTAL 2 BEDROOM = 92
TOTAL 2 BEDROOM BF = 16 (17.39%)
TOTAL 3 BEDROOM = 119
TOTAL 3 BEDROOM BF = 18 (15.12%)
TOTAL BARRIER-FREE SUITES = 35 (16.20%)

UNDERTAKING
RE: _____ 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 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. (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 servicable 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) Entridge 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)

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.

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.

SITE STATISTICS

TOTAL SITE AREA	6,981.48m ²
LOT COVERAGE	35.75%
FSI RATIO	3.54
LANDSCAPED AREA	2,259.92m ²

PARKING REQUIREMENTS

RESIDENT - 216 @ 0.8 = 172.8 SPACES
VISITOR - 216 @ 0.25 = 54 SPACES
TOTAL PARKING REQUIRED: 227 SPACES

PARKING PROVIDED

TOTAL PARKING PROVIDED: 216 SPACES
RESIDENT - 216 SPACES
VISITOR - 0 SPACES

BARRIER FREE REQUIREMENTS

REQUIRED - 2 + 2% TOTAL PARKING = 6 PROVIDED - 6 BARRIER FREE SPACES

BIKE PARKING PROVIDED

UNDERGROUND LVL. A - 59 LONG-TERM
12 SHORT-TERM
TOTAL BIKE PARKING: 111 SPACES

LOCKER COUNT

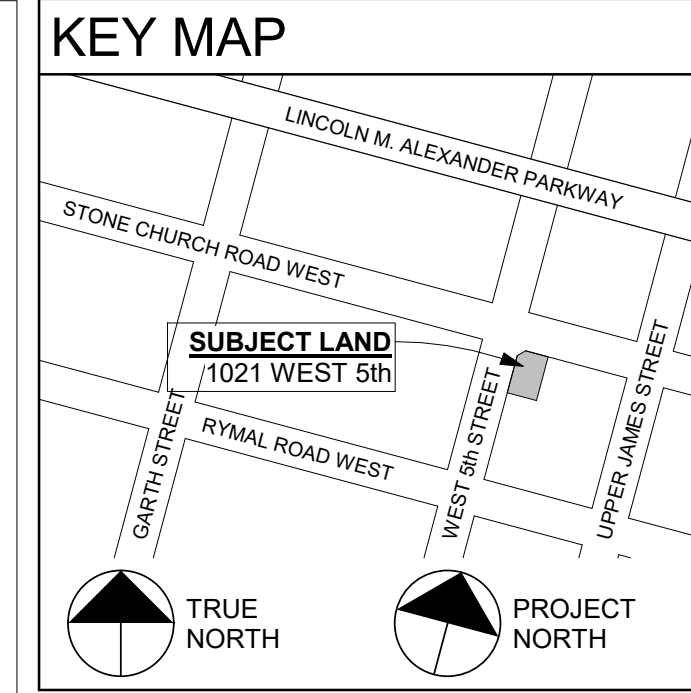
UIG REF. DATUM	35
1st FLOOR	24
2nd FLOOR	24
3rd FLOOR	38
4th FLOOR	22
5th FLOOR	22
6th FLOOR	22
7th FLOOR	22
8th FLOOR	22
9th FLOOR	22
TOTAL	253

PROVIDED PARKING SUMMARY

Location	Parking Space Type	Count
UIG LVL. A	Standard	165
1st FLOOR	Standard	51
Grand total		216

SUITE BREAKDOWN BY TYPE

Name	Bedrooms	Baths	Description	# OF UNITS	INDIVIDUAL SUITE AREAS		Barrier		
					Maximum	Minimum			
SUITE A	2	0	2BR	21	73.4 m ²	79.0 m ²	749 ft ²	No	
SUITE A1	2	0	2BR	17	72.2 m ²	77.8 m ²	715 m ²	769 ft ²	No
SUITE A2	2	0	2BR	8	78.0 m ²	83.9 m ²	77.3 m ²	832 ft ²	No
SUITE A3	2	0	2BR	8	70.2 m ²	75.5 m ²	69.6 m ²	749 ft ²	Yes
SUITE B	3	0	3BR	8	92.1 m ²	99.1 m ²	90.4 m ²	973 ft ²	No
SUITE B2	3	0	3BR	1	95.9 m ²	1,033 m ²	95.9 m ²	1,033 ft ²	No
SUITE C	2	0	2BR	17	92.7 m ²	99.8 m ²	90.8 m ²	978 ft ²	No
SUITE D	3	0	3BR	9	95.7 m ²	1,030 m ²	95.2 m ²	1,024 ft ²	No
SUITE D1	3	0	3BR	3	95.5 m ²	1,029 m ²	95.5 m ²	1,028 ft ²	No
SUITE E	3	0	3BR	8	89.3 m ²	96.1 m ²	88.5 m ²	952 ft ²	No
SUITE E1	3	0	3BR	8	92.1 m ²	99.2 m ²	90.4 m ²	973 ft ²	Yes
SUITE E2	3	0	3BR	1	92.1 m ²	99.2 m ²	92.1 m ²	992 ft ²	Yes
SUITE E3	3	0	3BR	42	89.3 m ²	96.1 m ²	87.7 m ²	944 ft ²	No
SUITE F	3	0	3BR	9	92.4 m ²	99.5 m ²	90.5 m ²	974 ft ²	Yes
SUITE G	2	1	2BR+D	2	94.1 m ²	1,013 m ²	94.1 m ²	1,013 ft ²	Yes
SUITE G1	2	1	2BR+D	2	88.7 m ²	95.4 m ²	88.6 m ²	954 ft ²	Yes
SUITE G2	1	1	1BR+D	1	70.9 m ²	76.4 m ²	70.9 m ²	764 ft ²	Yes
SUITE H	3	1	3BR+D	9	95.1 m ²	1,024 m ²	94.3 m ²	1,015 ft ²	No
SUITE J	2	1	2BR+D	4	96.7 m ²	1,041 m ²	91.7 m ²	988 ft ²	Yes
SUITE K	2	0	2BR	4	70.7 m ²	76.1 m ²	70.7 m ²	761 ft ²	No
SUITE L	3	0	3BR	8	87.3 m ²	94.0 m ²	87.2 m ²	939 ft ²	No
SUITE M	2	0	2BR	8	72.0 m ²	77.4 m ²	72.0 m ²	774 ft ²	No
SUITE N	1	0	1BR	1	51.1 m ²	55.0 m ²	51.1 m ²	550 ft ²	No
SUITE P	1	1	1BR+D	1	58.2 m ²	62.6 m ²	58.2 m ²	626 ft ²	No
SUITE Q	1	1	1BR+D	2	64.6 m ²	69.6 m ²	64.6 m ²	696 ft ²	No
SUITE R	3	1	3BR+D	4	121.2 m ²	1,305 m ²	121.2 m ²	1,305 ft ²	No
SUITE T	3	0	3BR	4	112.4 m ²	1,210 m ²	112.4 m ²	1,210 ft ²	No
SUITE V	3	0	3BR	4	91.6 m ²	98.6 m ²	91.6 m ²	986 ft ²	No
SUITE W	1	1	1BR+D	1	70.9 m ²	76.4 m ²	70.9 m ²	764 ft ²	No
TOTAL				218					



BASED ON ELECTRONIC SURVEY OF / PREPARED BY:
PART OF LOT 15, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE SURVEYING LTD.
© COPYRIGHT 2018

LEGEND

- PRINCIPAL ENTRANCE
- EXITS, SECONDARY DOOR, SERVICE/PERSON
- BALCONY ABOVE (FL VARIES - SEE ELEVATIONS/PLANS)
- BALCONY/TERRACE ENTRANCE
- PARKING STRING COUNT
- TACTILE WARNING STRIP
- SYMBOL OF ACCESSIBILITY LINE PAINTING OR ACCESSIBLE PARKING SPACE
- FIRE DEPARTMENT CONNECTION
- COMPACT PARKING SPACE (2600x5500)
- PARKING SPACE NUMBER
- EXTENT OF UNDERGROUND PARKADE
- EXTENT OF BALCONIES ABOVE

COLOR/HATCH KEY:

- PRINCIPAL BUILDING
- PRINCIPAL BUILDING ABOVE
- CAST IN PLACE CONCRETE CURBS
- PAVING/CONCRETE/ASPHALT WALK
- NEW PRIVATE TERRACE
- MOLOK TRUCK TURNING RADIUS
- AREA OF PROPOSED ROAD WIDENING ALLOWANCE

INDOOR AMENITY AREAS

Floor Level:	Name	(sm)	(sf)
1st FLOOR	LOBBY/LOUNGE	171.7 m ²	1,848 ft ²
2nd FLOOR	OFFICE	47.6 m ²	513 ft ²
2nd FLOOR	PARTY	100.4 m ²	1,081 ft ²
2nd FLOOR	YOGA	25.8 m ²	278 ft ²
TOTALS:		397.2 m ²	4,276 ft ²

TOTAL BUILDING AREAS BY FLOOR

Type of Area	(sm)	(sf)
UIG REF. DATUM	140.3 m ²	1,510 ft ²
Building Common Area	6,176.3 m ²	66,481 ft ²
Underground Parking	6,316.6 m ²	67,991 ft ²

PROVIDED AMENITY AREAS

Floor	Building Amenity Area	Residential Suite Area	Total
1st FLOOR	223.4 m ²	2,404 m ²	2,627 m ²
2nd FLOOR	173.8 m ²	1,871 m ²	2,045 m ²
3rd FLOOR	575.8 m ²	6,196 m ²	6,772 m ²
4th FLOOR	2,047.7 m ²	22,841 m ²	24,889 m ²
5th FLOOR	436.9 m ²	4,703 m ²	5,140 m ²
6th FLOOR	434.7 m ²	4,679 m ²	5,114 m ²
7th FLOOR	434.7 m ²	4,679 m ²	5,114 m ²
8th FLOOR	434.7 m ²	4,679 m ²	5,114 m ²
9th FLOOR	434.7 m ²	4,679 m ²	5,114 m ²

DRAWING SETS ISSUED

No.	DATE (DD.MM.YY)	BY
30	24-01-23	KNYMH
31	21-03-23	KNYMH

REVISIONS TO DRAWING

No.	DATE (DD.MM.YY)	BY

BUILDING PERMIT NUMBER:

NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
ARCHITECTURE • SOLUTIONS

KNYMH INC.
1006 SKYVIEW DRIVE • SUITE 101
BURLINGTON, ONTARIO • L7P 0V1
T 905.639.6595
F 905.639.0394
www.knymh.com info@knymh.com

VALERY GROUP

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

STONE WEST

1021 WEST 5TH STREET, HAMILTON, ON

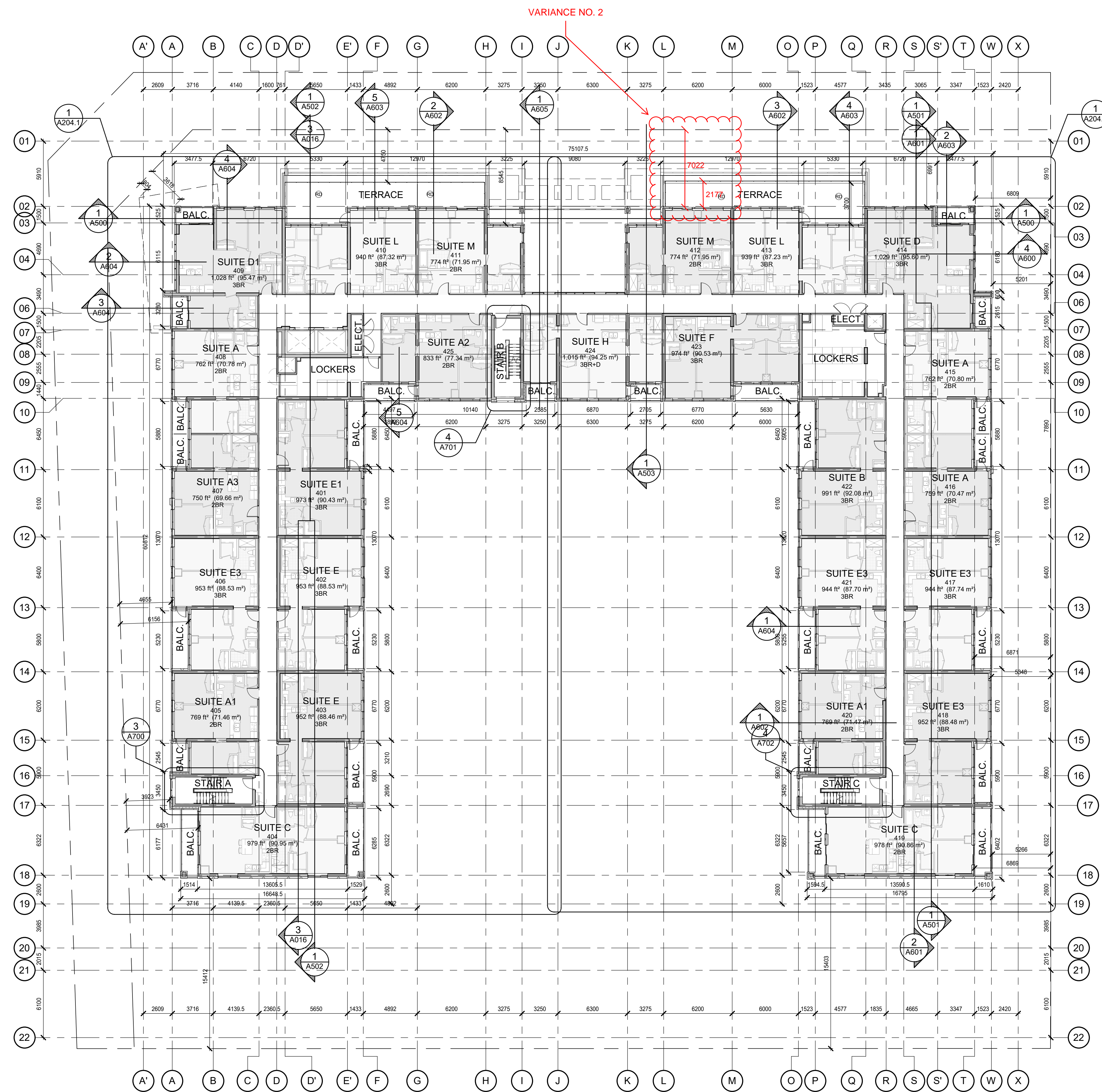
DRAWING SHEET TITLE:
SITE PLAN

DRAWING SCALE: 1:200

PROJECT NUMBER: 19075

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER: A001

PLOT DATE: 2023-03-21



1 4th FLOOR OVERALL PLAN
1 : 200

LEGEND

REFLECTED CEILINGS:

- TYPICAL INT. DRYWALL BULKHEAD
MINIMUM 2100mm A.F.F.
SEE A021 FOR CEILING ASSEMBLIES
*Coordinate ceilings in common areas w/ Int. Design dsgs.
- TYPICAL INTERIOR CEILING
MINIMUM 2100mm A.F.F.
SEE A021 FOR CEILING ASSEMBLIES
*Coordinate ceilings in common areas w/ Int. Design dsgs.
- HEATED CEILING PLENUM
MINIMUM 2100mm A.F.F.
SEE A021 FOR CEILING ASSEMBLIES
- TYPICAL GYPSUM BULKHEAD (SOUND ISOLATED)
MINIMUM 2100mm A.F.F.
SEE A021 FOR CEILING ASSEMBLIES

CONSTRUCTION TAGS:

- WALL TAGS SEE A020 - WALL TYPES
- CEILING TAGS SEE A021 - CEILING TYPES
- ROOM TAGS SEE A000 - ROOM SCHEDULE
- DOOR TAGS SEE A910 - DOOR SCHEDULE
- WINDOW TAGS SEE A020 - WINDOW ELEVATIONS
- HAIR INTERCEPTOR
- LOCKER NUMBERS (FD) FLOOR DRAIN
- PARKING NUMBERS (CB) CATCH BASIN

NOTE: DIMENSIONS NOTED WITH "—" SHOW DISTANCE FROM INTERIOR WALL TO NEAREST GRIDLINE

NOTE: ALL DIMENSIONS SHOWN ON 200 SERIES DRAWINGS ARE TO FINISHED FACE OF GYPSUM BOARD UNLESS NOTED OTHERWISE

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
ISSUED FOR FINAL REVIEW	30	24-01-23	KNYMH
BUILDING PERMIT SUBMISSION	31	21-03-23	KNYMH

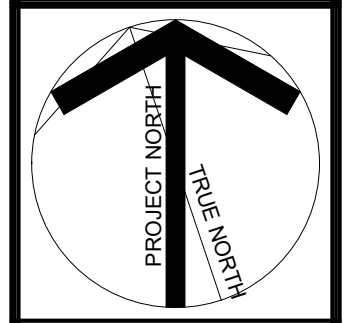
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

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

BUILDING PERMIT NUMBER:
NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
ARCHITECTURE • SOLUTIONS

KNYMH INC.
1006 SKYVIEW DRIVE • SUITE 101
BURLINGTON, ONTARIO • L7P 0V1
T 905.639.6595
F 905.639.0394
www.knymh.com info@knymh.com



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

STONE WEST
1021 WEST 5TH STREET, HAMILTON, ON

DRAWING SHEET TITLE:
4th FLOOR OVERALL PLAN

DRAWING SCALE: As indicated	PROJECT NUMBER: 19075
DRAWN BY: Author	CHECKED BY: Checker
DRAWING VERSION:	DRAWING SHEET NUMBER: A204
PLOT DATE: 2023-03-21	

September 27, 2023

Jamila Sheffield
Secretary Treasurer
Committee of Adjustment, City of Hamilton

VIA EMAIL

Dear Jamila:

**RE: Minor Variance Application
1021 West 5th St, Hamilton
City File No.'s UHOPA-19-08/ZAC-19-029, DA-21-109 & 23-132533-00**

T. Valeri Construction Limited is the registered owner of the land municipally known as 1021 West 5th Street (the "site"). The site was the subject of Official Plan and Zoning By-law Amendments (UHOPA-19-08/ZAC-19-029), approved via OLT Decision (PL200302) in 2020 to permit the development of a 9-storey purpose-built rental building. Moreover, Site Plan application DA-21-109 received final approval on September 6th, 2023 to implement the proposed development. As part of the building permit application process, a zoning review was completed and identified two (2) areas of non-conformity. I have reviewed the non-conformities and determined that they are the result of an oversight during the rezoning and Site Plan processes as the conditions requiring variance existed at both stages. As such, the following Minor Variances are required:

Variance No. 1: Notwithstanding Section 18(4)(v)(a), a transformer shall have a minimum setback of 1.5 metres from the street line, whereas a minimum setback of 3.0 metres is required, and shall not require screening from the street.

Variance No. 2: Notwithstanding Section 18(3)(cc)(i), a balcony may project into a required front yard not more than 1.5 metres, whereas a maximum encroachment of 1.0 metres is permitted.

Analysis

Section 45(1) of the *Planning Act* states that the Committee of Adjustment "may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof" provided the following four tests are met:

1. Do the proposed minor variances maintain the general intent and purpose of the Official Plan?
2. Do the proposed minor variances maintain the general intent and purpose of the Zoning By-law?
3. Are the proposed minor variances desirable and appropriate for the lands?
4. Are the requested variances minor in nature?

The analysis that follows demonstrates how the requested variances satisfy the four tests:

1. Do the proposed minor variances maintain the general intent and purpose of the Official Plan?

Yes. The proposed minor variances are required to implement the *Neighbourhoods* designation. More specifically, the original proposal that was approved via PL200302 and DA-21-109 included a 9-storey purpose-built rental building with a 1.5 metre setback from the transformer to the streetline without screening, and a 4th floor balcony encroachment of 1.5 metres into the required front yard. The rezoning and Site Plan approvals were based on plans with these specifications. As such, the proposed variances maintain the general intent and purpose of the Official Plan.

2. Do the proposed minor variances maintain the general intent and purpose of the Zoning By-law?

Yes. A detailed review of the proposal was conducted as part of rezoning application ZAC-19-029 and Site Plan approval DA-21-109. The proposed minor variances maintain the general intent and purpose of the zoning by-law as the proposed transformer and 4th floor balcony encroachment were all reviewed and approved as part of the detailed Site Plan application.

3. Are the proposed minor variances desirable and appropriate for the land?

Yes. Alectra Utilities requires unobstructed clearance in front of the transformer, per Section 37-218 of its design standards. Therefore Variance No. 1 is desirable and appropriate for the land as it will facilitate the site energization in keeping with the utility company's servicing requirements. Moreover, the proposed minor variances are appropriate for the development of the land, since they will implement the proposal that accompanied the Official Plan amendment, rezoning, and Site Plan approvals.

4. Are the requested variances minor in nature?

Yes. Given that the modification to the parent regulations were an oversight and the plans have been thoroughly vetted via the Site Plan approval, it is my opinion that the minor variances are minor in nature.

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

- Application Form;
- Application Fee; and,
- Architectural Plans (Site Plan and 4th Floor Plan) prepared by KNYMH.

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

Regards,



Amber Lindsay, MES
Director of Development
Valery Group



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

Table with columns for Registered Owners(s), Applicant(s), Agent or Solicitor, and NAME. Includes contact information fields like Phone and E-mail.

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

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

1.4 Request for digital copy of sign [checkbox] Yes* [checkbox] No

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

1.5 All correspondence may be sent by email [checkbox] Yes* [checkbox] 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	1021 West 5th St		
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:

To provide relief from Sections 18(4)(v) and 18(3)(cc)(i) of Zoning By-law No. 6593.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Conditions requiring relief were in place at time of OLT approval of site-specific zoning by-law and subsequent Site Plan approval.

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
78	83.5	6,981.48m ²	+/- 30.2m

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
N/A				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Multiple Dwelling	Refer to enclosed Site Plan	Refer to enclosed Site Plan	Refer to enclosed Site Plan	10/01/2023

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
N/A				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Refer to enclosed Site Plan				

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
 - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
 - swales

- ditches
- other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage
- system privately owned and operated individual
- septic system other means (specify) _____

4.7 Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Multiple Dwelling

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

East/South: Institutional, North/West: Residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Varies (lot consolidation)

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

Single-detached dwelling

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

Vacant

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

Varies by consolidated lot

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? ZAC-19-029

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: ZAC-19-029

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: N/A

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: 216

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

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
