



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-23:261</b>	<b>SUBJECT PROPERTY:</b>	1865 RYMAL ROAD E, HAMILTON
<b>ZONE:</b>	“C5, 589” (Mixed Use Medium Density)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** HOLIDA TEK IN TRUST FOR 2812885 ONTARIO INC.  
                                 **Agent:** MASRI O ARCHITECTS

The following variances are requested:

1. The finished floor elevation of any dwelling unit shall be permitted to be a minimum of 0.5m above grade instead of the minimum required 0.9m above grade.
2. A minimum setback of 1.5m shall be permitted from the hypotenuse of a daylight triangle for a building with residential units on the ground floor facing instead of the minimum 3.0m setback required for a building with residential units on the ground floor facing a street.
3. A minimum rear yard of 1.7m shall be permitted for an underground parking structure projecting above grade instead of the minimum 7.5m rear yard required.
4. A minimum interior side yard of 1.4m shall be permitted for the underground parking structure projecting above grade instead of the minimum 7.5m interior side yard required for a lot abutting a Residential or Institutional zone or lot containing a residential use.
5. A maximum building height of 28.2m shall be permitted instead of the maximum 27.0m building height permitted.
6. In addition to the definition of building height, any 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 permitted to project above the uppermost point of the building notwithstanding that:
  - a. A maximum of 19.8% the floor area directly beneath shall be permitted instead of the

## HM/A-23:261

maximum 10.0% of the floor area directly beneath permitted;

- b. Said areas may be located as close as 0.0m from the exterior walls of the storey directly beneath instead of a minimum 3.0m setback required from the exterior walls of the storey directly beneath; and
  - c. A maximum 3.4m vertical distance from the uppermost point of the rooftop enclosure shall be permitted instead of the maximum vertical distance of 3.0m from the uppermost point of the building to the uppermost point of the rooftop structure permitted.
7. A minimum 1.4m wide planting strip shall be permitted along the northerly lot line instead of the minimum 1.5m wide planting strip required where a property line abuts a property line with an Institutional zone and where a parking lot is located.
  8. A planting strip may be obstructed by an underground garage vent and a hydro transformer along with associated support structures including a concrete pad instead of the requirement that a planting strip may not include underground garage vents or hydro transformers as defined.
  9. An exterior staircase shall be permitted to be as close as 0.0m from the hypotenuse of the daylight triangle instead of the minimum 1.5m setback required.

**PURPOSE & EFFECT:** To facilitate the construction of a mixed-use building containing a total of 195 dwelling units and ground floor commercial.

### Notes:

The variances are necessary to facilitate Site Plan Control Application DA-21-017.

Previous Committee of Adjustment Decision HM/A-22:131, approved a maximum building height of 27.0m at this location.

The applicant shall ensure that the requested variance #6 is correct as it relates to the floor area calculation for the storey directly beneath the amenity floor. In addition, please note that the storage areas associated with the amenity areas have been included in the calculation for maximum floor area permitted.

Visual barriers were not clearly shown on the submitted plans. The applicant shall ensure that the required visual barriers along the northerly side lot line are provided; otherwise, further variances shall be required.

Balcony projections were not clearly shown on the submitted plan. The applicant shall ensure that all encroachments including balconies maintain the required setbacks; otherwise, further variances shall be required.

Required planting strips have not been clearly labelled or dimensioned on the submitted plan. It does not appear a planting strip is proposed where required between a street line and parking spaces; as such, further variances may be required.

Insufficient details were provided regarding the parking areas including an underground parking floor layout from which to confirm compliance respecting parking spaces sizes, access widths, minimum number of parking spaces, barrier free parking etc. Therefore, further variances may be required.

Details regarding bicycle parking were not shown. Therefore, the applicant shall ensure that required short-term and long-term bicycle parking is provided; otherwise, further variances shall 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:

<b>DATE:</b>	<b>Thursday, November 2, 2023</b>
<b>TIME:</b>	<b>10:35 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <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-23:261, 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.



DATED: October 17, 2023

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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, 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)

## 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.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.

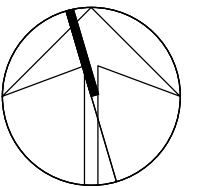
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REVISIONS:

NO.:	DATE:	ISSUED:
1	2021.06.23	ISSUED FOR CofA
2	2022.04.12	ISSUED FOR CofA
3	2023.10.02	ISSUED FOR CofA



**MASRI O Inc. ARCHITECTS**  
 101-609 KUMPF DRIVE  
 WATERLOO, ON, N2V 1K8  
 PH. 519.579.0072  
 www.MasriO.ca

PROJECT:

**MIXED-USE APARTMENT BUILDING**

1865 RYMAL ROAD EAST, STONEY CREEK, ON. L8J 2S1

**Stoney Creek Rymal GP Inc.**

DRAWING TITLE:

**SITE PLAN**

DATE: 2023.10.02

SCALE: As indicated

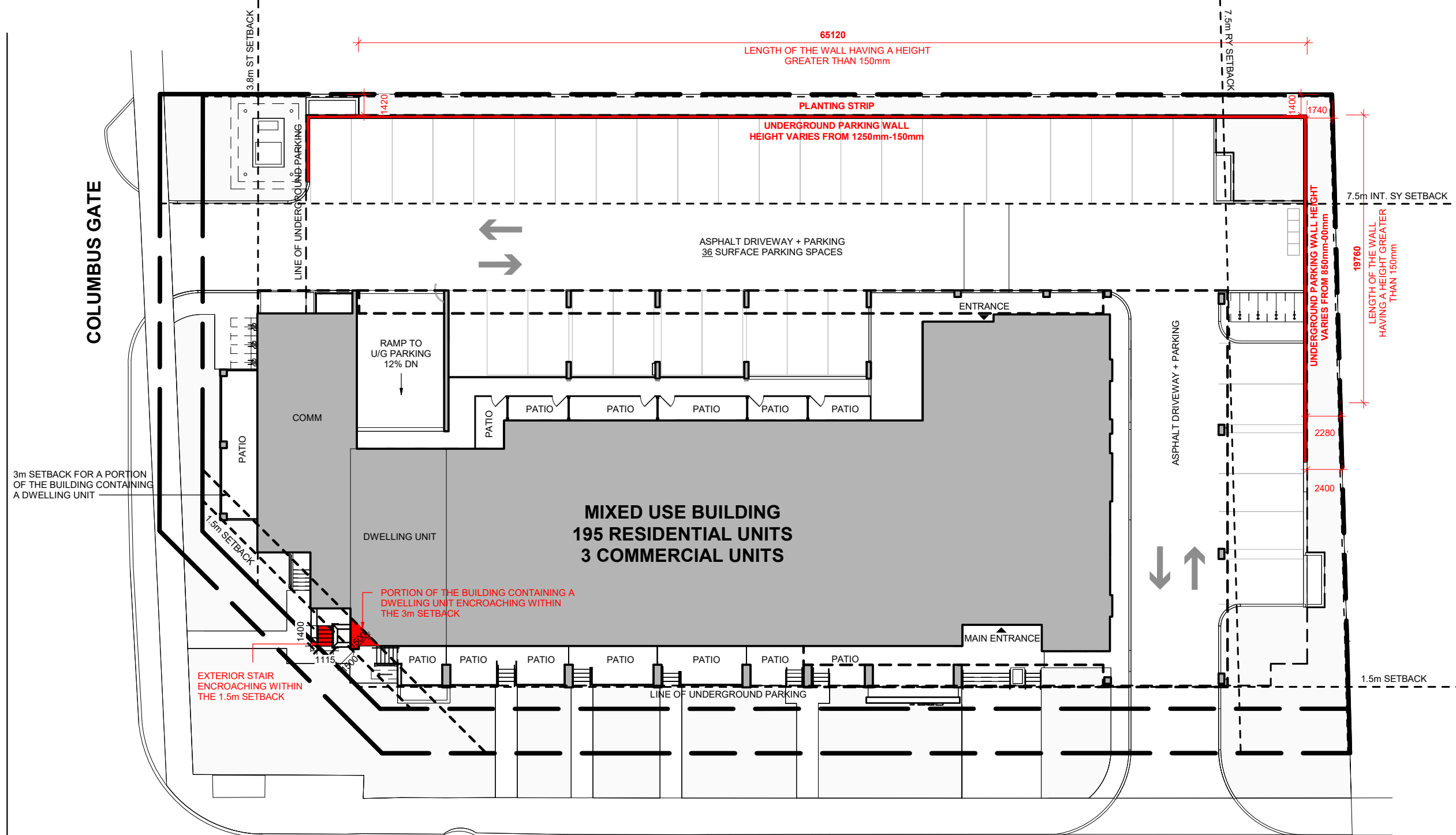
DRAWN: AUTHOR

STATUS: CofA

JOB No.: 2129

DRAWING NO.:

**.A1.1.**



SCALE: 1 : 300

RYMAL ROAD EAST

**DETAILS OF DEVELOPMENT**

DATA	REQUIRED	PROVIDED	DATA	REQUIRED	PROVIDED	DATA	REQUIRED	PROVIDED	
ZONING	C5 - 589 Zone		SETBACKS	Columbus Gate (m)	3.8*	3.8	AMENITY AREA (m <sup>2</sup> )	116 X 4 = 464	BALC.: 1049 PATIOS: 178 ROOFTOP: 284 INDOOR: 205 TOTAL : 1716
GROSS LOT AREA (m <sup>2</sup> )	3550			Rymal Rd E (m)	1.5*	1.5		79 X 6 = 474	
AREA OF ROW (m <sup>2</sup> )	331			RY (m)	7.5	7.5		464 + 474 = 938	
NET LOT AREA (m <sup>2</sup> )	3219			Int. SY (m)	7.5	13.4	TOTAL : 938		
BUILDING AREA (m <sup>2</sup> )	1566		<b>BUILDING HEIGHT (m)</b>	<b>27**</b>	<b>28.2</b>	PARKING: RESIDENTIAL Minimum units <50m <sup>2</sup> 0.30/unit 14 units >50m <sup>2</sup> 0.70/unit 15-50 units >50m <sup>2</sup> 0.85/unit 51+ units >50m <sup>2</sup> 1/unit Maximum all units: 1.25/unit	Minimum 116 x 0.3= 35 +14 x 0.7= 10 +36 x 0.85= 31 + 29 X 1 = 29	109	
BUILDING COVERAGE (%)	48.6		COMMERCIAL AREA (MAX- m <sup>2</sup> )	10,000	250		105		
<b>PLANTING STRIP (m)</b>	<b>1.5</b>	<b>1.4 - 2.5</b>	NUMBER OF UNITS	< 50m <sup>2</sup>	-		116		
NUMBER OF STOREYS	-	8	> 50m <sup>2</sup>			79	Maximum	244	
			TOTAL:		195				

\* : THE MIN SETBACK FROM COLUMBUS GATE SHALL BE 3.8m INSTEAD OF THE MIN REQUIRED 6.0m FOR A FRONT YARD.

THE MIN SETBACK FROM RYMAL ROAD EAST SHALL BE 1.5m INSTEAD OF THE MIN REQUIRED 3.0m FOR A FLANKAGE SIDE YARD (COMMITTEE OF ADJUSTMENT DECISION- APPLICATION NO. SC/A-21:257)

\*\* : A MAX BUILDING HEIGHT OF 27m SHALL BE PROVIDED INSTEAD OF THE MAX PERMITTED BUILDING HEIGHT OF 20.8m. (COMMITTEE OF ADJUSTMENT DECISION- APPLICATION NO. HM/A-22:131)

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.

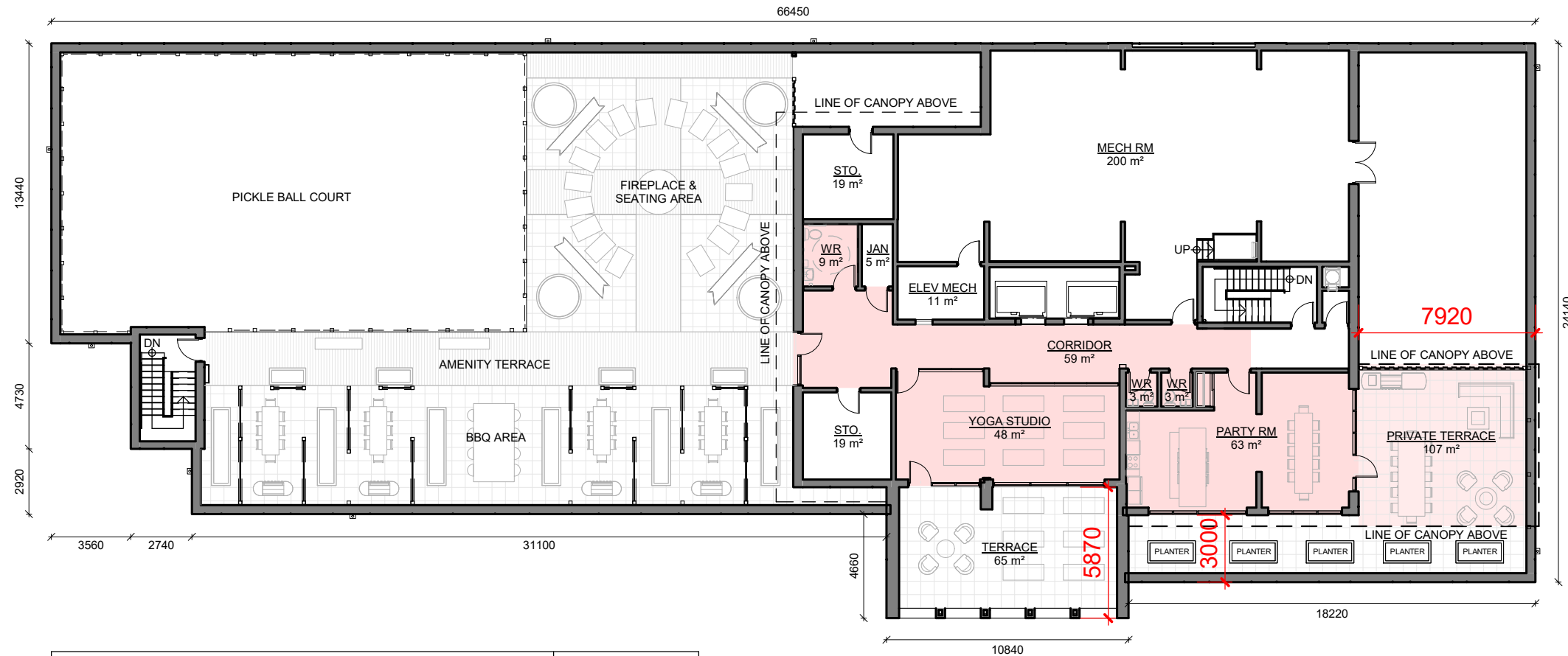
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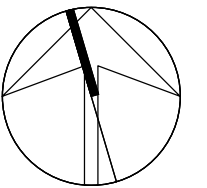
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REVISIONS:

NO.:	DATE:	ISSUED:
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2	2022.04.12	ISSUED FOR CofA
3	2023.10.02	ISSUED FOR CofA



ROOFTOP AMENITY AREA	AREA (m <sup>2</sup> )
ENCLOSED AMENITY AREA:	
PARTY ROOM	63
YOGA STUDIO	48
AMENITY WR	15
TOTAL	126
PORTION OF THE BUILDING PROVIDING ACCESS TO AMENITY AREA (CORRIDOR)	59
PARTIALLY ENCLOSED AMENITY AREA (PRIVATE AMENITY TERRACE)	57



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PROJECT:

**MIXED-USE APARTMENT BUILDING**

1865 RYMAL ROAD EAST, STONEY CREEK, ON. L8J 2S1

**Stoney Creek Rymal GP Inc.**

DRAWING TITLE:

**TERRACE FLOOR PLAN**

DATE: 2023.10.02

SCALE: 1 : 250

DRAWN: AUTHOR

STATUS: CofA

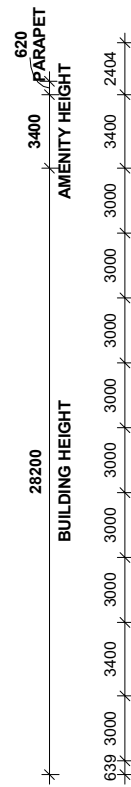
JOB No.: 2129

DRAWING NO.:

**.A2.1.**



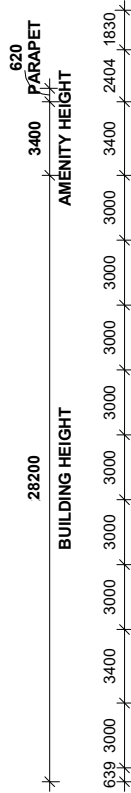
- T/O MECHANICAL ROOF  
247.234
- T/O AMEMNITY ROOF/CANOPIES  
244.830
- T/O TERRACE  
241.430
- T/O EIGHTH FLOOR  
238.430
- T/O SEVENTH FLOOR  
235.430
- T/O SIXTH FLOOR  
232.430
- T/O FIFTH FLOOR  
229.430
- T/O FOURTH FLOOR  
226.430
- T/O THIRD FLOOR  
223.430
- T/O SECOND FLOOR  
220.430
- T/O MEZZANINE FLOOR  
217.030
- T/O GROUND FLOOR  
214.030
- AVG GRADE  
213.391



FINISHED FLOOR ELEVATION OF DWELLING UNITS TO GRADE

## SOUTH ELEVATION

- T/O MECHANICAL ROOF  
247.234
- T/O AMEMNITY ROOF/CANOPIES  
244.830
- T/O TERRACE  
241.430
- T/O EIGHTH FLOOR  
238.430
- T/O SEVENTH FLOOR  
235.430
- T/O SIXTH FLOOR  
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217.030
- T/O GROUND FLOOR  
214.030
- AVG GRADE  
213.391



## NORTH ELEVATION

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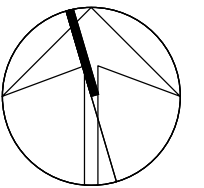
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3	2023.10.02	ISSUED FOR CofA



**MASRI O Inc.**  
**ARCHITECTS**  
101-609 KUMPF DRIVE  
WATERLOO, ON, N2V 1K8  
PH. 519.579.0072  
www.MasriO.ca

PROJECT:

## MIXED-USE APARTMENT BUILDING

1865 RYMAL ROAD EAST, STONEY CREEK, ON. L8J 2S1

**Stoney Creek Rymal GP Inc.**

DRAWING TITLE:

## ELEVATIONS

DATE: 2023.10.02

SCALE: 1 : 350

DRAWN: AUTHOR

STATUS: CofA

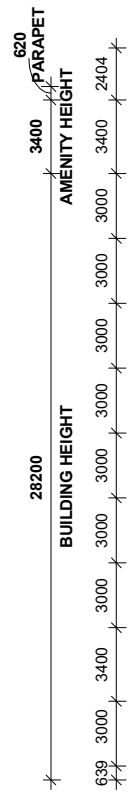
JOB No.: 2129

DRAWING NO.:

# .A3.1.

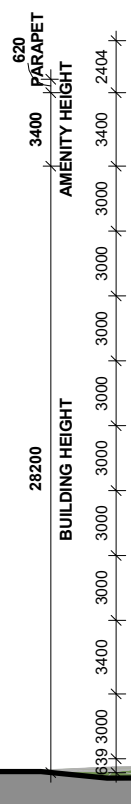


- T/O MECHANICAL ROOF  
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- T/O TERRACE  
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220.430
- T/O MEZZANINE FLOOR  
217.030
- T/O GROUND FLOOR  
214.030
- AVG GRADE  
213.391



## WEST ELEVATION

- T/O MECHANICAL ROOF  
247.234
- T/O AMEMNITY ROOF/CANOPIES  
244.830
- T/O TERRACE  
241.430
- T/O EIGHTH FLOOR  
238.430
- T/O SEVENTH FLOOR  
235.430
- T/O SIXTH FLOOR  
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217.030
- T/O GROUND FLOOR  
214.030
- AVG GRADE  
213.391



## EAST ELEVATION

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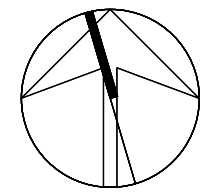
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**MASRI O Inc.**  
**ARCHITECTS**  
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WATERLOO, ON, N2V 1K8  
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### PROJECT:

## MIXED-USE APARTMENT BUILDING

1865 RYMAL ROAD EAST, STONEY CREEK, ON. L8J 2S1

## Stoney Creek Rymal GP Inc.

### DRAWING TITLE:

## ELEVATIONS

DATE: 2023.10.02

SCALE: 1 : 350

DRAWN: AUTHOR

STATUS: CofA

JOB No.: 2129

DRAWING NO.:

# .A3.2.



# Masri O Architects

609 Kumpf Drive, Suite 101, Waterloo, ON N2V 1K8 | 519-579-0072 | masrioinfo@masrio.ca | www.masrio.ca

October 2, 2023

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main Street West,  
Hamilton, Ontario L8P 4Y5  
P: (905) 546-2424 Ext. 4221  
E: cofa@hamilton.ca

## **Re: 1865 Rymal Rd E, Hamilton- Mixed Use Development- Minor Variance Application**

Dear Members of the Committee of Adjustment,

This letter has been prepared in support of and to provide additional details regarding the application for minor variances to the Committee of Adjustment of the City of Hamilton for a mixed-use residential development at 1865 Rymal Road East in the City of Hamilton (Site).

### **Introduction**

The development at 1865 Rymal Road East is an urban infill that intensifies living density and maximizes land use. It is a positive example of a good re-development and good use of land that provides much-needed residential accommodation in a mixed-use building with plenty of amenities and commercial spaces on the ground floor.

### **Background**

The development obtained conditional Site Plan Approval in 2021 for a six-storey mixed-use building. The property was purchased in 2022 by the Canadian Grand Developments Inc. (CGD). CDG has completed ongoing developments in Waterloo and Kitchener. It focuses primarily on mid-size buildings with small-size units that allow more affordable rents. Essentially, they cater to what is often referred to as ‘the missing middle’.

Since acquiring the land, CDG has applied for and obtained a Conditional SPA Approval and Site-specific Zoning Variance through this Committee (HM/A-22:131) to increase the building height to 27.0m to allow 8 storeys. Since then, we have been working with the Planning Staff to fulfil the conditions related to the SPA.

As a background, this mixed-use development is planned as a rental apartment building providing small-size units ranging from studio to single and double bedroom units and a wide range of on-site amenities. The development will be financed under the ‘MLI Select’ Programme by CHMC with the characteristics of sustainable design and affordable housing, targeting 25% better than the energy-saving measures under the Ontario Building Code (OBC) and 10% affordable units, respectively.

When completed this development will add 195 apartment-style homes in Hamilton, offering two types of affordable units:

- Attainable rental units, at market rent but with relatively low rents due to compact size units which suit single dwellers and couples who are young or ‘young at heart’.
- Affordable units, per CMHC guidelines at a maximum of 30% of median renter income.



In addition, the development will add to the built fabric along an intensification corridor and contribute to the public realm with a range of highly desirable urban features that will enhance the street and the pedestrian experience. With its great aesthetics, the proposed building will set a positive benchmark for new development along this corridor.

As was indicated at the time by the planning staff, the previous Minor Variance Application submitted in June of 2022 did not have the benefit of a comprehensive by-law review (see attached). The variances requested at that time were specific to the height and to a lesser extent setbacks and were advanced early to facilitate the development. At this time, this application is requesting relief from Zoning By-Law (ZB) regulations listed below following a review by Zoning:

### **Requested Minor Variances:**

1. Allow for a building height of 28.20m from the average grade to the uppermost point of the building, whereas a maximum of 27m is currently required per Committee of Adjustment decision HM/A-22:131.
2. Allow a finished floor elevation for ground-floor dwelling units of 500mm above grade, whereas a minimum elevation of 900mm above grade is required.
3. Allow a Roof Level Amenity with an area of 16.6% of the floor area directly beneath and a height of 3.4m, whereas 10% of the floor area directly beneath and 3m height is allowed.
4. Allow a 1.5m setback for the portion of the building that contains a dwelling unit, whereas a minimum of 3.0m is required.
5. Allow zero setback for the exterior stair whereas, 1.5m is required.
6. Allow a 1.7m rear setback for the underground parking walls that extend above the adjacent grade by more than 150mm, whereas a building setback of 7.5 is required.
7. Allow a 1.4m interior side yard setback for the underground parking walls that extend above the adjacent grade by more than 150mm, whereas a building setback of 7.5 is required.
8. Allow a 1.4m planting strip on the north side, whereas 1.5m is required.

### **Zoning By-Law Regulation Reference**

Section 10: Mixed Use Medium Density (C5) Zone

1. 10.5.3- d) Building Height- ii) Maximum 22.0 metres.  
Committee of Adjustment application number HM/A-22:131. A maximum of 27 is allowed.  
10.5.1.1- i) Restriction of Uses within a building- 1. *The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade*
2. 10.5.3- d) Building Height- iv) A, B, C- *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:*
  - 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;*
  - 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,*



*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.*

3. 10.5.3- a) Building Setback from a Street Line- i) *Minimum 3.0 metres for a building with residential units on the ground floor facing a street.*
4. 10.5.3- i) Planting Strip Requirements: *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.*

## **Justification of Requested Reliefs**

### **1. BUILDING HEIGHT**

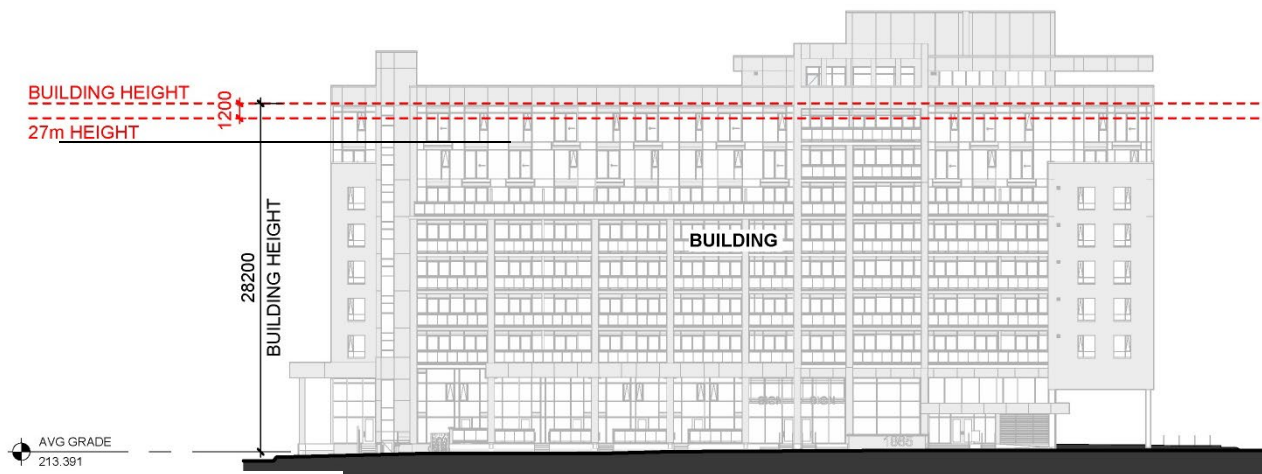
A 27m height was approved by this committee (HM/A-22:131) to allow an 8-storey building. This approval was based on the Official Plan allowing an 8-storey building at this location through a minor variance, i.e. without a Zoning By-Law Amendment. At the time the height was calculated as 3m per floor times 7 floors (excluding ground floor) or 21m, plus 4-m for the ground floor with an elevation of 1.5 above grade. This adds up to 26.5m anticipated at the early design stage.

The building remains at 8 storeys. However, having gone through more detailed design and planning feedback, the following additional considerations came into light/effect:

1. The ground floor height had to be increased to allow large trucks (garbage, moving) to manoeuvre the site. This added 400mm to the ground floor height.
2. The ground floor use changed from strictly commercial to both residential and commercial. A slightly higher ground floor height of 5.2m instead of 4m allows the better use of the extra height as a mezzanine floor.
3. The sixth-floor height had to be increased to allow for the additional space required for insulation due to the additional setbacks at this level (step-backs) required for the increased building height to 8 floors. This added 300mm to the overall building height.
4. The building height was originally estimated from the grade at the entrance. Planning staff advised that the building height is to be measured from the average grade. Despite the building ground floor finish level being lowered, this added an average of 500mm to the overall building height.

As a result, the overall building height has increased by 1040mm in total. This minor increase in building height is a result of more restrictive codes related to building envelope and increased insulation and more restrictive standards related to site functioning and operations that include buffers or possibly respond to bigger vehicles.

At this time, we are requesting a total height of 28.2m or an increase of 1.2m (with a small margin) whereas 27.0m was previously approved. The additional building height of 1.2m will allow for a better-functioning site and a better-functioning building, which is desirable and beneficial.



*Building Height*

## 2. RESIDENTIAL GROUND FLOOR FINISH ELEVATION

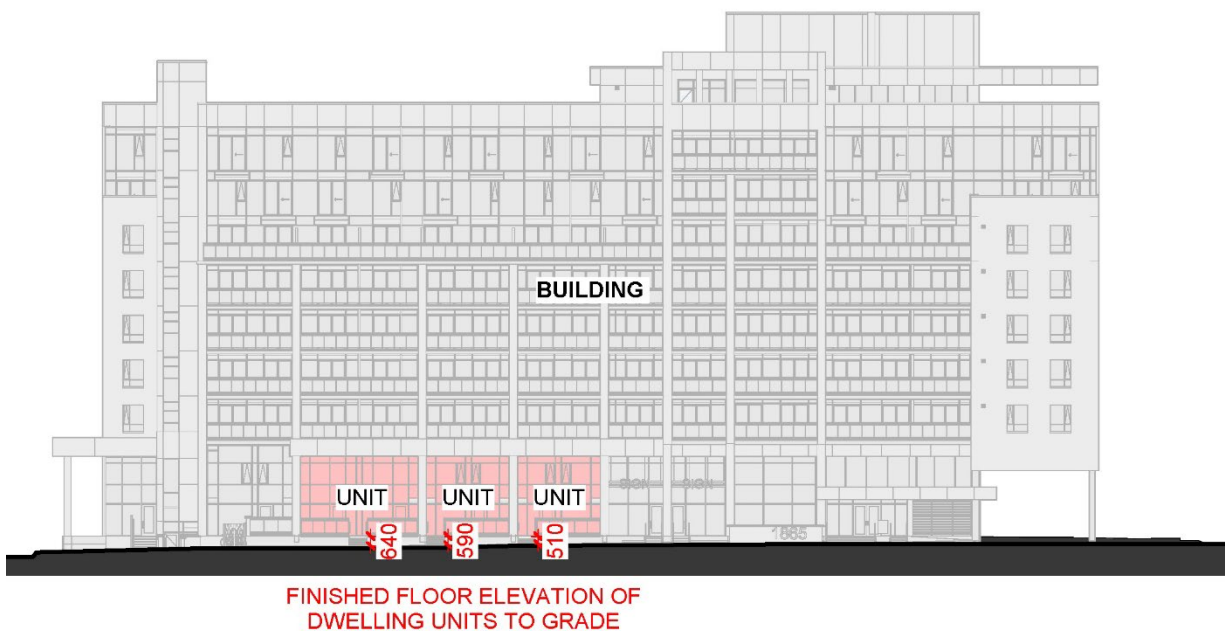
Through discussions with planning and urban planning staff, we were requested to lower the ground floor elevation for two reasons:

1. To allow accessible front entrance, as well as accessible commercial spaces, and
2. To reduce the wall effect of the potential raised basement floor along the street.

This resulted in a building that is more welcoming, more inclusive, and that better relates to the public realm by avoiding blank walls and minimizing stairs.

The side effect of this is now the residential units on the ground floor are from 640 to 500mm above the adjacent grade which is less than the required min. 900mm from grade. Despite this not meeting the ZB, it is a better design and results in a better building that relates positively to its context.

The ground floor units remain elevated off the grade, accessed via short stairs, and protected via private patios and canopies. The intent of the ZB is thus achieved.



*Ground Floor Dwelling Units Elevation to Grade*



### 3. ROOF LEVEL AMENITIES

In order to provide a good quality rental building that responds well to future tenants' needs and market expectations, the Owner opted to add a partial floor of amenities at the roof level.

Amenities are highly desirable in residential buildings especially when contribute towards active living and socialization. The amenities provided in this building include a range of indoor and outdoor areas, such as BBQ areas, Pickle Ball Court, and sitting/gathering area, as well as indoor and outdoor yoga and dining lounge.

The ZB allows the roof level amenity to be exempt from the overall building height calculation, provided that this storey complies with the requirements of subsection 10.5.3(d)(iv)(A), (B) & (C) – listed above.

Based on ZB an area of 145m<sup>2</sup> would be allowed to be enclosed on the roof.

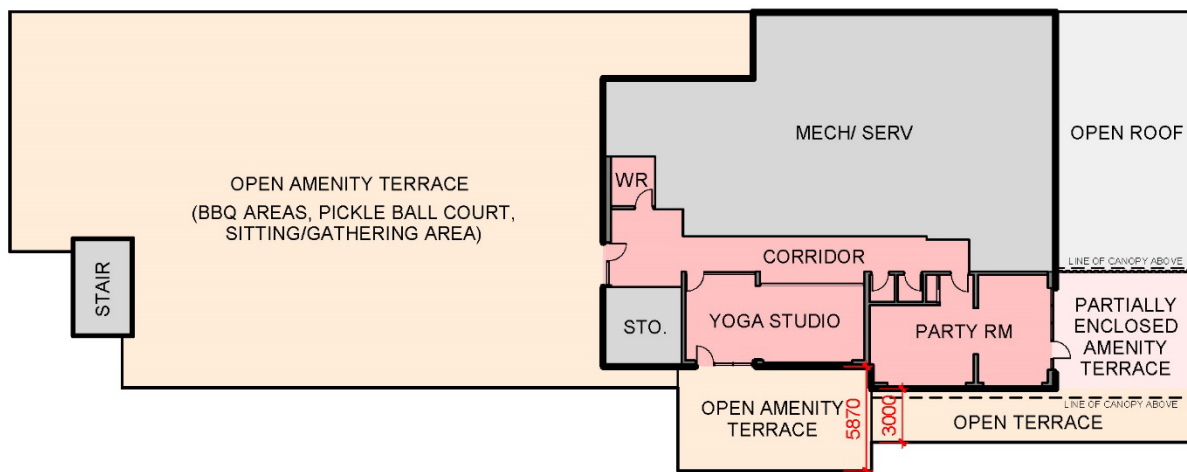
The amenity areas provided include 1) A 126m<sup>2</sup> indoor amenity area - Yoga Studio, Party Room, Washrooms, and 2) 59m<sup>2</sup> corridor and vestibule, and 3) A semi-enclosed outdoor terrace (roof only) of 57m<sup>2</sup>.

The total of all these areas is 242m<sup>2</sup> or 16.6% which is 97m<sup>2</sup> above the allowed 145m<sup>2</sup> or 10% of the floor area below. The “real” indoor spaces (excluding the covered terrace) however, is only 185m<sup>2</sup> which is 12.8%.

The rest of the roof is open as outdoor amenity areas for BBQs & picnics, gatherings, yoga & exercise, and a Pickle Ball court, as well as a mechanical area.

A 3.4m will allow sufficient space for HVAC ducts and lighting, leaving a minimum of 3m finished ceiling height which is a comfortable minimum for this type of use.

The additional 0.4m to the amenity floor height and the increase of 6% to the area will not affect the appearance of the building or its relation to the street, as the amenity areas are well behind the building line and are setback by a minimum of 3m from the exterior walls of the storey directly beneath as shown in the sketch below.



ROOFTOP AMENITY AREA		AREA (m <sup>2</sup> )
ENCLOSED AMENITY AREA:		
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	PARTY ROOM	63
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	YOGA STUDIO	48
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	WR	15
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	TOTAL	126
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	PORTION OF THE BUILDING PROVIDING ACCESS TO AMENITY AREA (CORRIDOR)	59
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	PARTIALLY ENCLOSED AMENITY TERRACE	57
<span style="display:inline-block; width:10px; height:10px; background-color:#f08080;"></span>	OPEN AMENITY TERRACE	





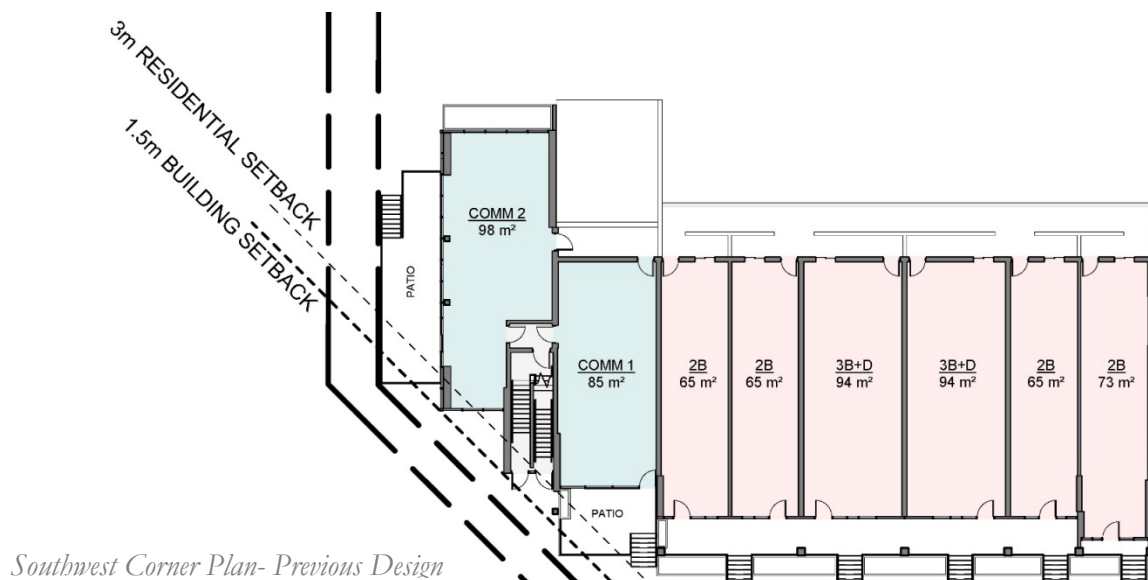
#### 4. RESIDENTIAL AT GRADE SETBACK

The building generally meets and exceeds the required building setback of 1.5m from the street line, being for the most part setback 3m from Rymal road. At the corner of the lot and due to the day light triangle, it gets tight and the building is set at the exact 1.5m required setback.

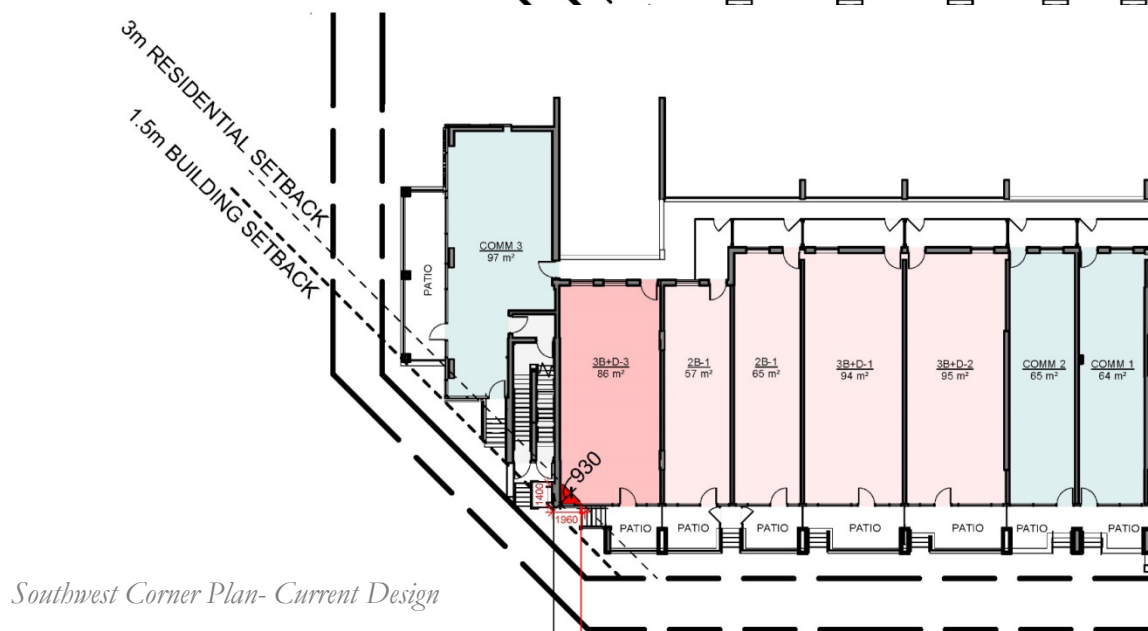
The original design had commercial units at the corner of the lot facing Columbus Gate Road and the street corner at Rymal Road. Although the commercial unit setback was only 1.5m from the street lot line, that met the ZB, as the 3m setback applied only to residential units.

Through discussions with planning and urban planning staff, some of the commercial units were moved closer to the main entrance (facing Rymal Road) so they could be accessible being adjacent to higher site grades.

This change resulted in a switch in the floor space allocation with residential in the middle and commercial units on each end. Inadvertently, this resulted in a very small portion of one of the (switched units) falling in the 1.5m setback applicable to residential uses on the ground floor.



*Southwest Corner Plan- Previous Design*



*Southwest Corner Plan- Current Design*

WALL SUPPORTING THE BALCONIES ABOVE

**PORTION OF THE DWELLING UNIT WITHIN THE 3m SETBACK**



As can be seen in the provided sketches, this is a minor condition that has no negative impact on the residential unit, the development, or the street. Not only the setback reduction is minor (about 0.9m), but there are no windows for the most part of this facade that would otherwise potentially affect the unit's functionality or livability.

Allowing this minor variance will not change the massing of the building or its relation to the street, as this portion of the wall supports the balconies above, so even if the unit were to be reduced in size (which would be detrimental to the unit) the wall would have to remain.



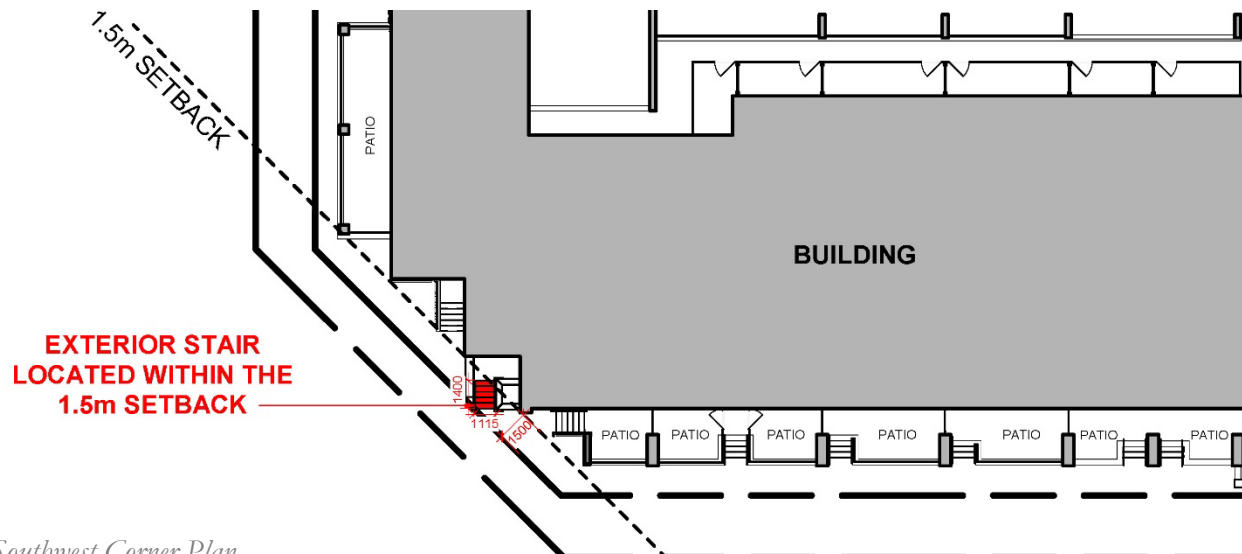
Southwest Corner- 3D view

## 5. EXTERIOR STAIR SETBACK

The Site slopes down from the east lot line towards the corner at the daylight triangle. Exterior stairs/steps are used to make up the change in grades. These exterior stairs are carefully integrated into the building design: generally, setback behind the setback line and integrated into patios and canopies.

At the corner of the site (at the daylight triangle) space is tight, and the exterior stairs are located within the setback while being fully integrated with the pedestrian walkways.

A part of the exit from the building at the corner of the site facing the daylight triangle is within the 1.5m setback. This exterior stair is at an intermediate level between the ground and basement floors. As such it is lower than the adjacent grade and is not visible from the street. This small portion of the exit is required to be at this position and location for safety of the residents.



Southwest Corner Plan



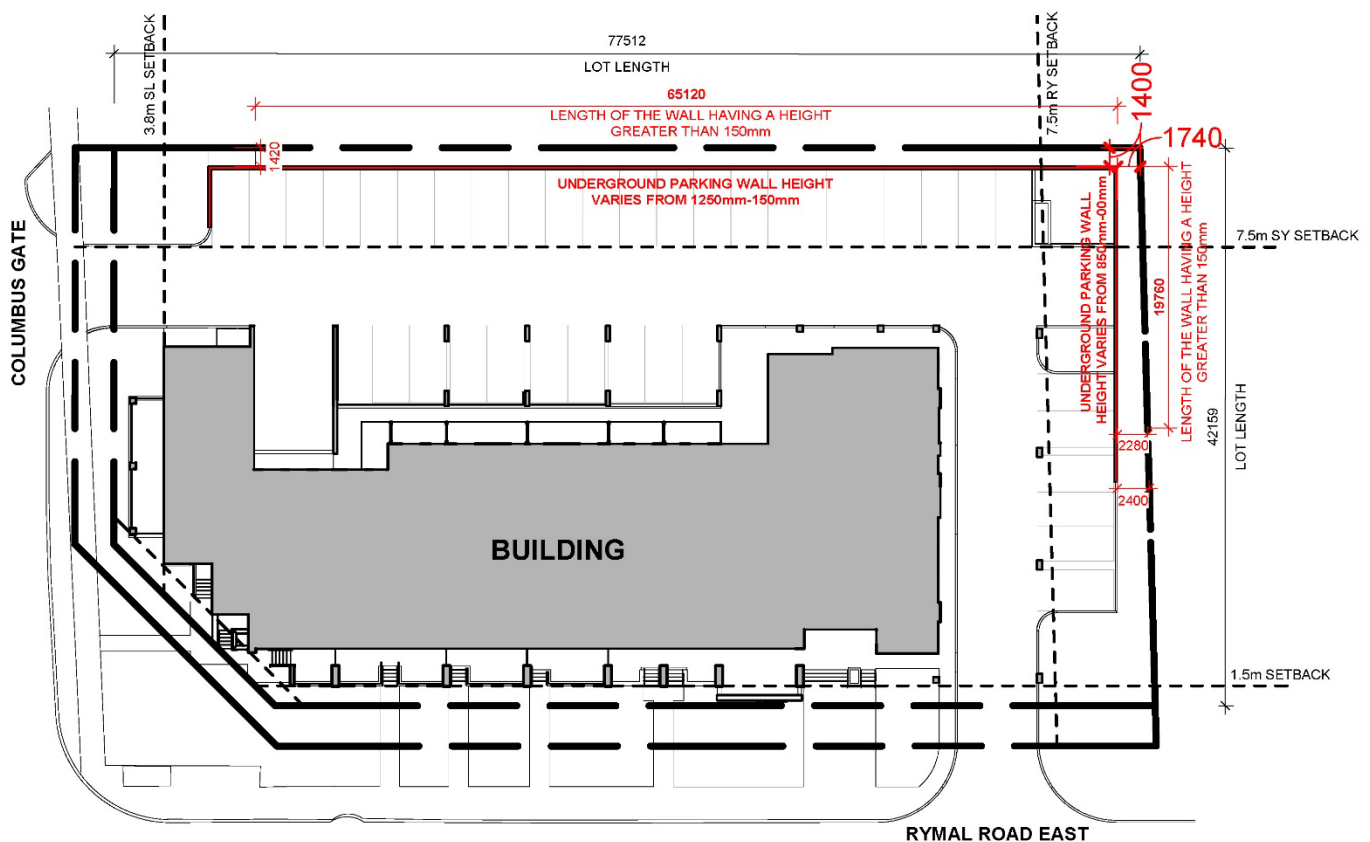
## 6. UNDERGROUND PARKING PROJECTION ABOVE GRADE

The design of the site aimed to reach a good compromise among various factors of site grading, soil conditions, fit within context, and meeting ZB requirements.

The geotechnical analysis showed rock at about 0.9-1.0m below grade. Building an underground parking garage is complicated and expensive at the best of times. However, this lot not only has a high level of rock that would need to be blasted, but it is also adjacent to a karst that limits and puts special conditions on excavation in this rock. For this reason, and while balancing all other factors, we placed the underground floor elevation as high as practically possible.

Other factors such as the ones mentioned above, such as items (a), (b) and (d) made us go back and forth in design lifting the building up and pushing it down to balance site functionality related to building height, accessibility, and residential floor elevation at grade.

After all the discussions and considerations, that included planning staff, the best outcome was a compromise that resulted in the parking garage sticking above grade minimally along the north lot line by 380 -1250mm. This minor projection of the basement floor wall above grade requires that full building setbacks of 7.5 be applied to the underground garage. This would not be practical, as it would result in the loss of much of the underground parking which is detrimental to the development and users' needs. There is no negative impact from this minor variance. The adjacent neighbouring use north of the Site is a parking.



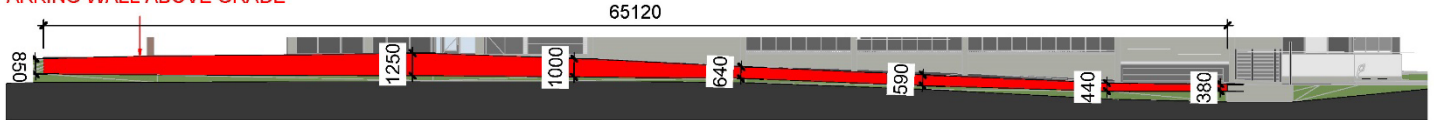
*Underground Parking Wall Plan*

The additional 1m projection of the basement wall above adjacent ground applies only to a portion of the north & east basement wall of about 20-30%. The remainder of this wall projects by about 600mm above the adjacent grade. The area between the basement wall and the property line will be landscaped and a 1.8m fence will be installed along the lot lines.



As such, and as seen in the elevations below, this minor additional wall height will hardly be visible. There is no adverse impact on the neighbouring property as a result of this minor increase in the basement floor projection or setback reduction.

**NORTHERN UNDERGROUND  
PARKING WALL ABOVE GRADE**



*Northern Underground Parking Wall Elevation*

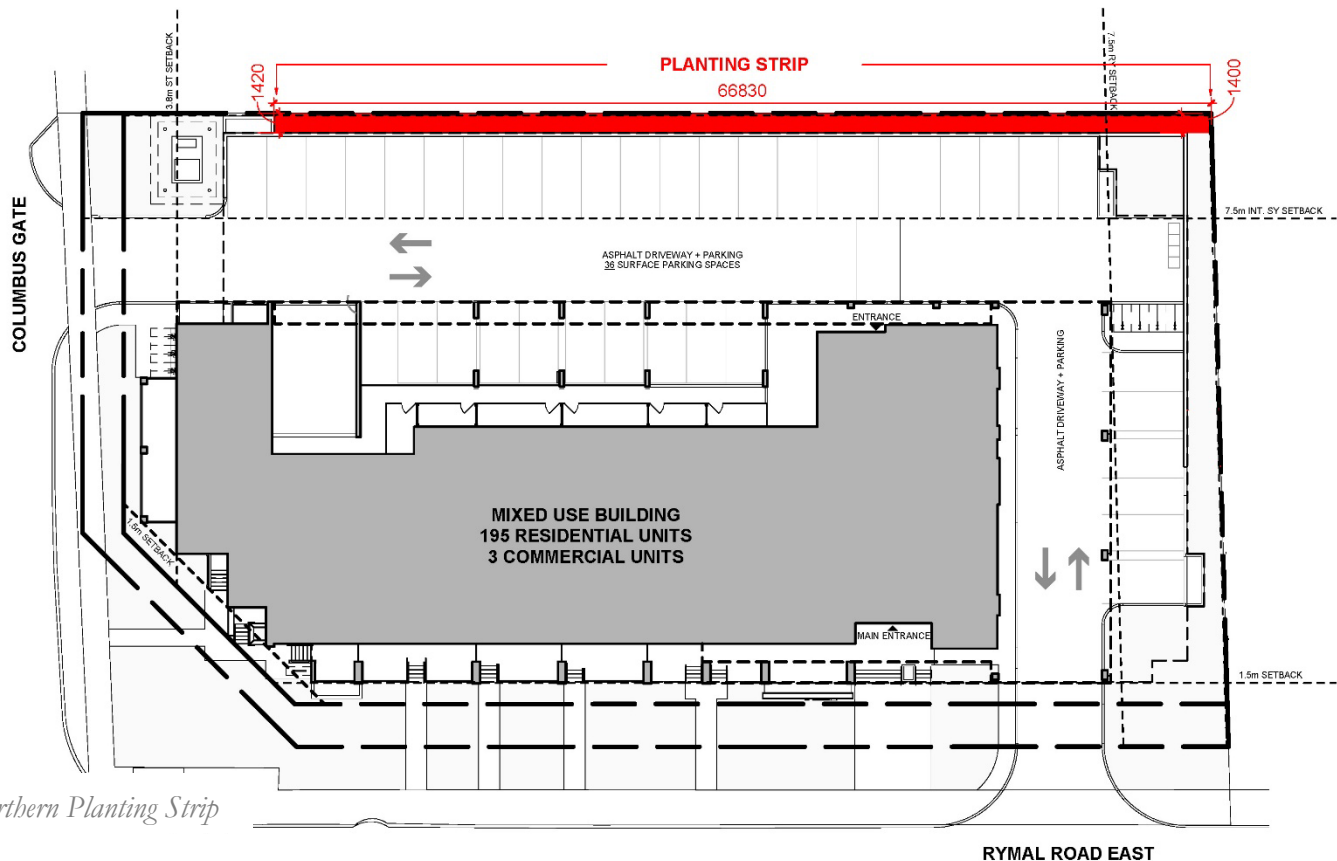
**EASTERN UNDERGROUND PARKING  
WALL ABOVE GRADE**



*Eastern Underground Parking Wall Elevation*

## 7. NORTHERN PLANTING STRIP

The planting strip along the north property line adjacent to the parking is reduced by 0.1m from 1.5m to 1.4m. This reduction was a result of the underground garage walls being used as retaining walls. This is a minimal change that is needed to make the site (driveway & parking) and the underground parking garage (driveways & parking) work. It will not change the intended use of this planting strip or the nature of the planting used. Furthermore, a 1.8m fence is planned at this location against the neighbouring property that happens to be also a parking area.



*Northern Planting Strip*

RYMAL ROAD EAST





## Conclusion

### **1. THE REQUESTED RELIEFS ARE MINOR IN NATURE**

The requested reliefs are minor in nature as they do not change the essence of the development or building (as previously approved) as an 8-storey mixed-use building.

- The minor increase in height of 1.2m does not affect neighbouring properties adversely. The building is located at a street intersection and internal to the site with an interior side setback (north) of 13.4 which well exceeds the 7.5m minimum and a rear setback (east) of 7.5m.
- The additional height does not increase the shadows generated by the building in any noticeable manner. As shown in the example sketches below, the black represents the building shadow effect at 28.2m, while the red illustrates the shadows at a height of 27m. (Additional shadow diagrams are attached at the end of this letter.) These diagrams illustrate that there is no substantial change in the shadowing effect as a result of the minimal (1.2m) increase in height.



*Shadow Diagram- March 21 @ 10:00 a.m.*



*Shadow Diagram- September 21 @ 10:00 a.m.*

- The reduction in the finish floor elevation of the ground floor units from 900mm to 500 is minor and does not affect the street the neighbours or the intended uses in any negative manner. There is no real loss of privacy for the residential units as these are well set back into the site behind patios and sheltered with canopies in fact, this is a desirable relief as it allows the building to better relate to the street and be more accessible and inclusive.
- The requested reliefs related to the rooftop amenity to relax (slightly) the restrictions to allow it not to be considered a storey is also minor as:
  - the indoor roof amenity area is very small at 16.6% of the floor area below instead of 10% and a portion of this area is a covered outdoor terrace,
  - The additional 0.4m height will allow a more usable and more comfortable ceiling height that suits the intended use as busy exercise and recreation spaces.

Not only the provided amenities are desirable for the building but this area has no impact on the neighbouring properties or the public realm especially being so high above the ground at the roof of the 8<sup>th</sup> floor and well setback behind the building line.

- The requested relief from the minimum 3m to 1.5m setback for residential use at grade is minor as it relates to a very small portion of a single unit at its exterior corner wall. This relief does not affect the functionality of the residential unit or compromise its privacy, as most of this wall is solid.



- The requested relief related to the parking garage setback due to its minimal projection above the grade is minor as it affects only a portion of the basement floor and only a portion of the north lot line which faces a parking lot. The proposed projection is minor ranging from 380-1250mm and the requested relief has no adverse effects on the neighbouring properties or the public realm.
- The requested relief to reduce the width of the planting strip by 0.1m to 1.4m is minor as it has minimal if any effect on the landscaping or privacy.

## **2. THE REQUESTED RELIEFS ARE DESIRABLE FOR THE DEVELOPMENT AND USE OF THE LAND OR BUILDING**

The requested reliefs are desirable for the development as they will allow this development to move forward providing 195 new, affordable, highly sustainable, rental units to potential renters at a time of much need for housing.

The requested reliefs are a result of detailed design in conjunction with planning staff and engineering consultants for what best suits the Site and its context, as well as the public realm. Often design requires some compromise in the details to achieve a well working whole. In fact, many of the requested reliefs are a result of discussions and recommendations by planning staff which improved the development in how it relates to the street.

## **3. THE REQUESTED RELIEFS MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW (ZB) AND OFFICIAL PLAN (OP)**

The proposed development meets the intent of the ZB & OP, as it provides a mixed-use building with high density along an intensification corridor.

- It is an intensification project in a changing neighbourhood that will set a high standard for mixed-use development in this area.
- It provides mid-rise, affordable, rental housing that is generally missed in the housing market (missing middle).
- It meets the general OP and ZB regulations (and regulations approved by this committee) related to height, setbacks, uses, parking, etc.
- The requested reliefs are minor, relating to the site and building specificity, allowing both to function better and generally apply only to small parts of the building.

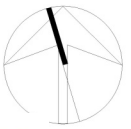
Based on the above we recommend that the Committee approve this application.

Respectfully,

Reema Masri, Architect  
B.Sc. Arch. Eng., OAA, MRAIC  
Masri O Inc. Architects

Attachments: Application for Minor Variance, Architectural Drawings, Scan of the Cheque for the Required Fee





SPRING



SUMMER



FALL



WINTER







Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

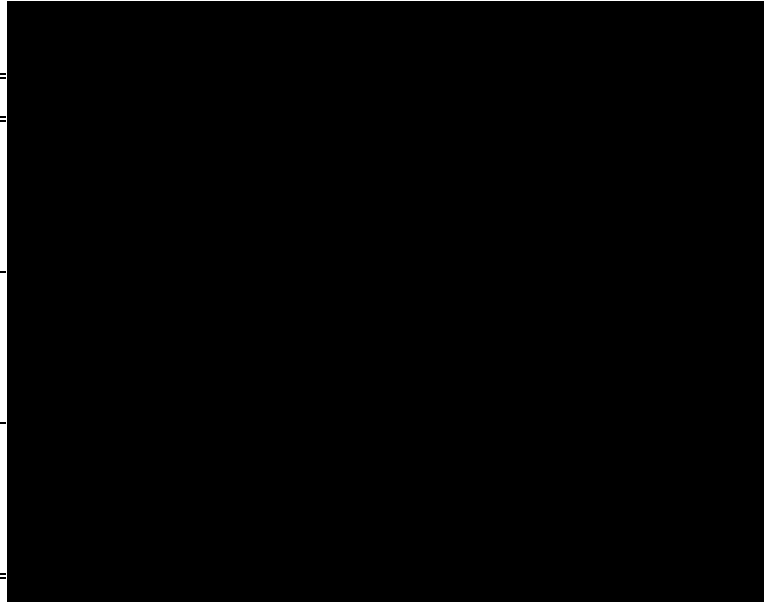
Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

1. APPLICANT INFORMATION

Table with 2 columns: Category (Registered Owners(s), Applicant(s), Agent or Solicitor) and NAME



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

1.3 Sign should be sent to [checkbox] Purchaser [checkbox] Owner [checkbox checked] Applicant [checkbox] AgentSolicitor

1.4 Request for digital copy of sign [checkbox checked] Yes\*

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

1.5 All correspondence may be sent by email [checkbox checked] 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	1865 Rymal Road East, Hamilton, Ontario		
Assessment Roll Number	00385084000		
Former Municipality	City of Hamilton		
Lot	Part of lot 32	Concession	8
Registered Plan Number		Lot(s)	Part of lot 32
Reference Plan Number (s)	62R- 21961	Part(s)	1

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 allow for these items: 1) A maximum height of 31.5m, whereas a maximum of 27m is allowed (Per the previous CofA application, HM/A-22:131)- 2) North and east retaining walls projecting more than 150mm into rear and side yard setbacks- 3) Ground-floor dwelling units have a finished floor elevation of less than 900mm above grade- 4) A portion of a dwelling unit (located in the southwest corner) to be 1.5m from the property line, whereas a 3.0m setback is required- 5) The exterior staircase (located in the southwest corner) encroaches into the setback  
Please refer to the architect's letter for more information.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The approval of the noted conditions will help better situate the building on the site topography and allow it to better relate to the street, as well as provide valuable amenities for the residents of this apartment building with affordable units. Please refer to the architect's letter for more information.

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
65	42	3550	24

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
Concrete Apartment Building	3.8	7.5	13.4	11/01/2023

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
Concrete Apartment Building	992 m2	Approx. 12986m2	8	28.2

- 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 Building

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

Single Family/ Townhouse (on the North side of the site)

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

November 2021

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

Single Family

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:

Unknown

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

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

(Please see the attached letter provided.)

7.6 What is the existing zoning of the subject land? C5-589 Zone

7.8 Has the owner previously applied for relief in respect of the subject property?

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: Committee of Adjustment No. HM/A-22:131

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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: 195

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

(Please see the attached letter provided.)



## 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
- 
-