



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-23:274</b>	<b>SUBJECT PROPERTY:</b>	1033 MAIN STREET E, HAMILTON
<b>ZONE:</b>	"C2" (Neighbourhood Commercial)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** MARTINUS & NINA GELEYNSE  
**Agent:** A.J. CLARKE & ASSOCIATES LTD. C/O FRANZ KLOIBHOFER

The following variances are requested:

1. To permit the use of a converted dwelling with a total of four units whereas the by-law does not permit a converted dwelling as a use.

**PURPOSE & EFFECT:** As to permit the additional use of a converted dwelling with a total of four dwelling units.

**Notes:** N/A

**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 16, 2023</b>
<b>TIME:</b>	<b>9:30 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> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

## HM/A-23:274

- 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

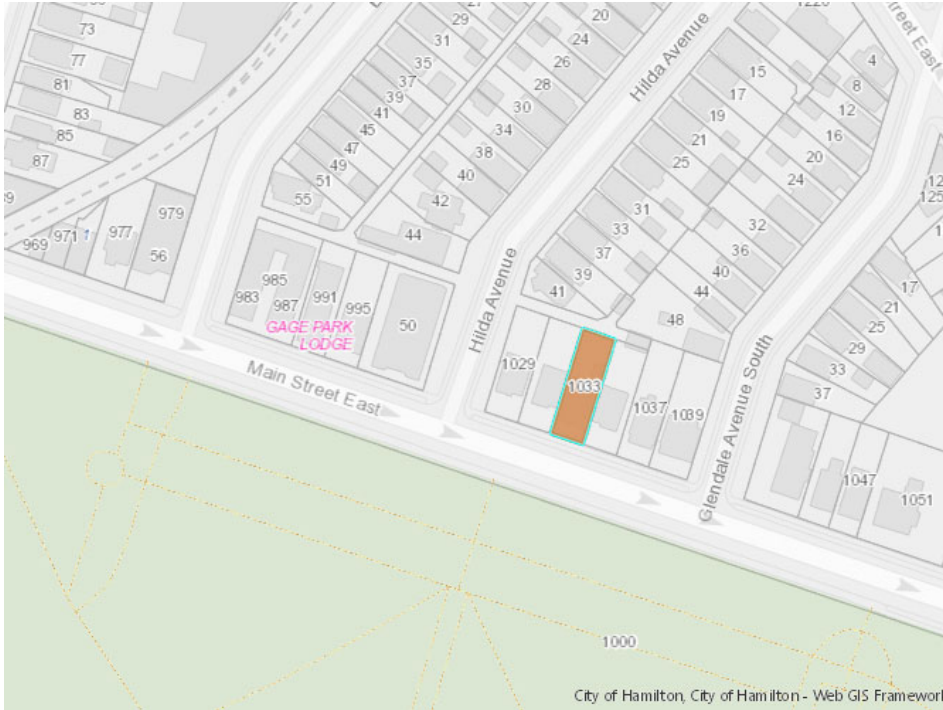
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**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-23:274, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: October 31, 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

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## 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.

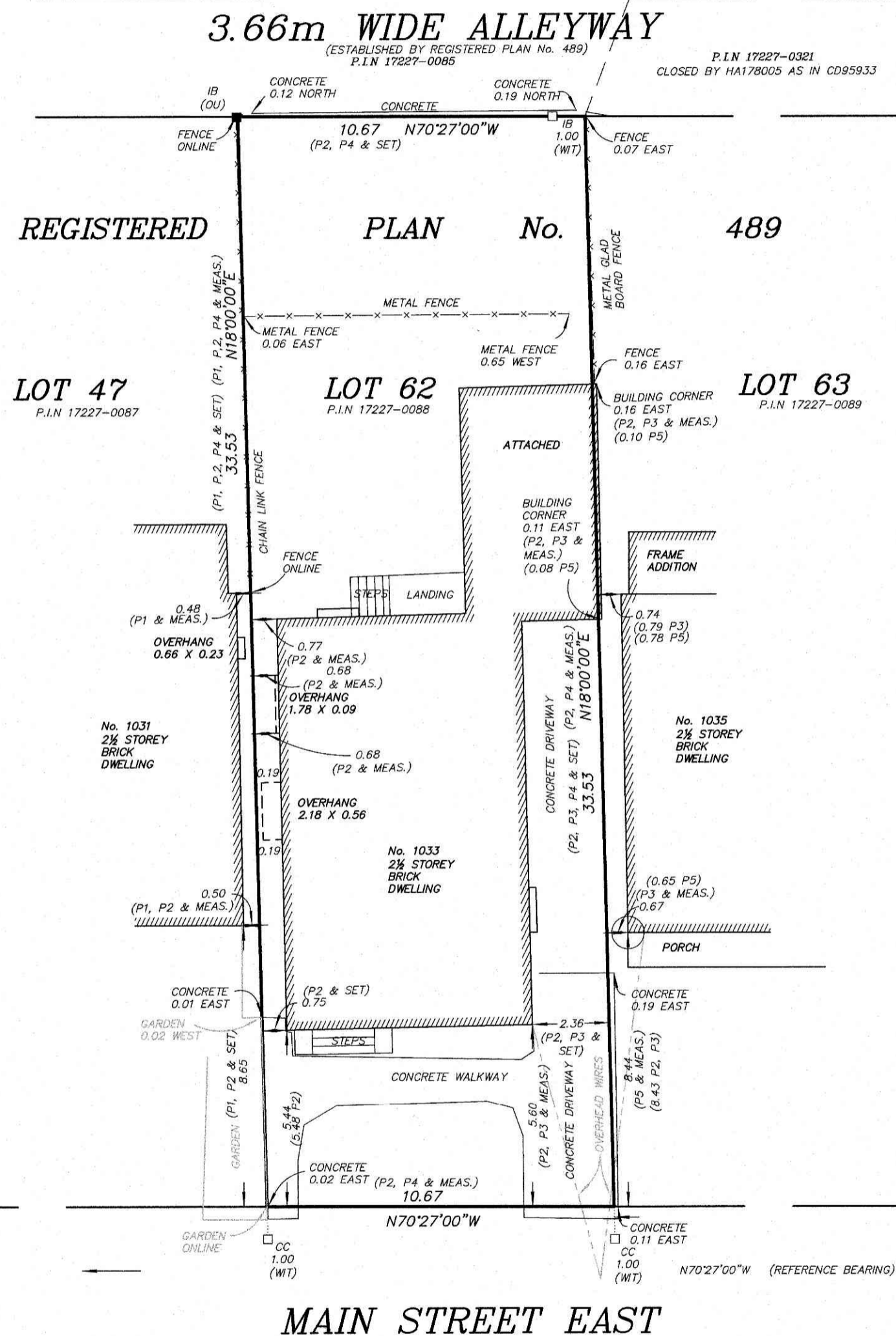
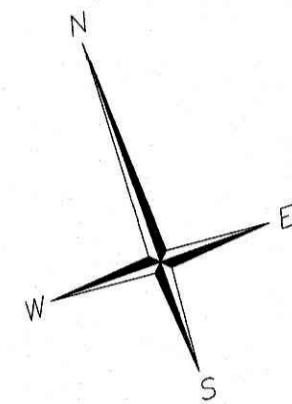
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

PLAN OF SURVEY  
**LOT 62**  
 REGISTERED PLAN No. 489  
 IN THE  
**CITY OF HAMILTON**

SCALE 1:200



KEVIN H. BROWN, O.L.S.



- LEGEND:**
- DENOTES SURVEY MONUMENT PLANTED
  - DENOTES SURVEY MONUMENT FOUND
  - IB DENOTES IRON BAR
  - (824) DENOTES A.T. McLAREN LIMITED
  - (OU) DENOTES ORIGIN UNKNOWN
  - (MEAS.) DENOTES MEASURED
  - (P1) DENOTES PLAN BY A.T. McLAREN LIMITED DATED APRIL 11, 1979 (INDEX 1326)
  - (P2) DENOTES BUILDING LOCATION SURVEY BY A.T. McLAREN LIMITED DATED AUGUST 17, 1987 (INDEX 23245)
  - (P3) DENOTES PLAN BY A.T. McLAREN LIMITED DATED JULY 28, 1977 (INDEX 9708)
  - (P4) DENOTES REGISTERED PLAN 489
  - (P5) DENOTES PLAN BY MacKAY MacKAY & PETERS DATED JULY 31, 1952 (INDEX 47467)

**BEARINGS NOTE:**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERN LIMIT OF MAIN STREET EAST AS SHOWN ON REGISTERED PLAN No. 489, HAVING A BEARING OF N70°27'00"W

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

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**REPORT**

PART 1 - PLAN R-4826

**PART 2**  
 -THE SUBJECT LANDS ARE COMPRISED OF ALL OF PIN 17227-0088 AND LEGALLY DESCRIBED AS LOT 62 REGISTERED PLAN No. 489  
 -PARCEL IS NOT SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY  
 -FOR THE SPECIFIC LOCATION OF THE OVERHEAD WIRES REFER TO THE FACE OF THE PLAN  
 -FOR THE SPECIFIC LOCATION OF FENCES REFER TO THE FACE OF THE PLAN  
 -NOTE THE LOCATION OF THE ATTACHED GARAGE IS LOCATED AT A MAXIMUM OF 0.16m EAST OF THE EAST LIMIT OF THE SUBJECT LANDS

THIS REPORT WAS PREPARED FOR  
 MARTINUS GELETNSE

**NOTE:**  
 TIES ARE TAKEN TO FOUNDATION  
 UNLESS OTHERWISE NOTED

**NOTE:**  
 A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this REPORT by any party or parties for FUTURE TRANSACTIONS or for any unrelated purposes.  
 This REPORT reflects conditions at time of survey. UPDATING may be required to issue ADDITIONAL COPIES subsequent to DATE of the SURVEYOR'S CERTIFICATE.

GLENDALE AVENUE SOUTH

**ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 V-63641**

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3)

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 4th DAY OF OCTOBER, 2023

OCTOBER 10, 2023  
 DATE

*Kevin H. Brown*  
 KEVIN H. BROWN  
 ONTARIO LAND SURVEYOR

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • ENGINEERS • PLANNERS  
 25 MAIN STREET WEST, SUITE 300  
 HAMILTON, ONTARIO, L8P 1H1  
 TEL 905-528-8761 FAX 905-528-2289  
 email: a.jc@ajclarke.com

DRAWN BY: MW	CHECKED BY: KB	PROJECT No. PROJECT No#	INDEX No. R-4826
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City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

October 6, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 1033 Main Street East, Hamilton  
Minor Variance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Martinus Geleynse (owner) for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 1033 Main Street East, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,735.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of a Real Surveyor's Property Report (Plan of Survey)
- One (1) electronic copy of Exterior Building Plans.

This analysis is in support of the Minor Variance Application submitted for the subject lands. The proposed use variance is to facilitate the conversion of an existing, single-detached dwelling into a fourplex.

The subject lands are located on the north side of Main Street East, between Hilda Avenue, to the west, and Glendale Avenue South, to the east, with Gage Park located to the south. The subject lands are currently occupied by 2.5-storey, single-detached dwelling with an attached garage with driveway leading to Main Street East. Three (3) additional surface parking spaces are provided in the rear with access provided via the north-adjacent alleyway leading to Hilda Avenue. The lands have a frontage of ±10.67 metres, a depth of 33.53 metres, and an overall area of ±357.4 square metres.

The surrounding area in the Crown Point West neighbourhood consists largely of residential and neighbourhood commercial land uses. Gage Park is located to the south, directly across Main Street East; the park includes expansive landscaped space and trail system, tropical greenhouse, tennis, baseball, and lawn bowling clubs. Multiple elementary schools are located within 1 kilometre of the lands including Memorial Elementary Public School, Adelaide Hoodless Public School, Holy Name of Jesus Catholic Elementary, and Notre-Dame French-Immersion Catholic Elementary. Bernie Custis Public Secondary School, Bernie Morelli Recreation Centre, and Jimmy Thompson Memorial Pool are located approximately 650 metres from the subject lands with Tim Horton's Field located north adjacent. St. Peter's Hospital is



located approximately 850 metres from the subject lands. All of the above public facilities are located within an approximate 12-minute walk of the subject lands. Multiple places of worship are also within a 15-minute walk of the subject lands.

Eastbound public transit is provided directly on Main Street East with a stop located 38 metres from the front door of the existing dwelling. Westbound public transit is located on King Street East 250 metre (4-minute walk) from the subject lands; this route will be upgraded to the anticipated, two-way LRT line. Both transit routes are the lower-city public transit backbone, connecting to dozens of other routes to provide public transit access to all urban Hamilton.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwelling, 2.5-storey
<b>South</b>	Gage Park (City-Wide Park Classification)
<b>West</b>	Converted Dwelling: Mixed Use Commercial and Residential, 2.5-storey
<b>East</b>	Converted triplex dwelling, 2.5-storey

A review of the applicable planning policies has been included below.

### **Planning Policy Overview**

#### **Provincial Policy Statement (PPS), 2020**

The proposed conversion is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Section 1 of the PPS outlines policy pertaining to building strong healthy communities including managing and directing land use to do so.

- Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), e). The proposed conversion is an efficient use of land that contributes to appropriate range and mix of residential housing types. The conversion contributes to satisfying the growth management projections for the area by creating gentle intensification which is transit-supportive and economically efficient by utilizing existing infrastructure.
- Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. The proposed conversion is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, including the preservation of the existing exterior built form, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form,*



*while avoiding or mitigating risks to public health and safety.”* As previously discussed, the proposed conversion will add variety to the existing housing stock in a transit-supportive neighbourhood through gentle intensification.

- Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply and range of housing options while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.
- Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, hospital, recreation centres, and schools.

In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020**

The P2G continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

- Policy 2.2.1.2.a) states that *the “vast majority of growth will be directed in settlement areas that i. have a delineated built boundary, ii. have existing or planned municipal water and wastewater systems and iii) can support the achievement of complete communities.”*

As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.

- Policy 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that features diverse land uses with convenient access to shopping, services, and public service facilities; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to a range of transportation options, public service facilities, open green space, and healthy food options; provide for a more compact built form and vibrant public realm; mitigate and adapt to climate change impacts, reduce greenhouse emissions, and contribute to environmental sustainability.

The proposed use variance will contribute to a complete community with access to nearby shopping, services, and public service facilities while contributing to a diverse range and mix of housing options. Access to a range of transportation options is present including active transportation, mass transit (including future LRT), and private automobile.

- Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing





options and densities to meet projected needs. The proposed development is consistent with this policy as it creates a wider range of housing options available through gentle intensification that falls within the densities permitted in the Official Plan.

The proposed development is consistent with the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.

### **MINOR VARIANCE APPLICATION TO PERMIT A CONVERTED, FOUR-UNIT DWELLING**

The proposal looks to merely add the permitted use of a converted fourplex through the conversion of an existing single-detached residential dwelling. Should the lands be redeveloped for commercial use in the future, it will not require a zoning by-law amendment to do so. By adding this intensified use through a minor variance, the lands can maintain the C2 zoning for the intended future development while currently providing much-needed housing in an appropriate location and conserving the cultural heritage of this inventoried property.

This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:

#### **1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?**

The Urban Hamilton Official Plan (UHOP) is the guiding document that provides direction and guidance on the management of the communities, land use change and physical development of the City of Hamilton over the next 30 years.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including secondary dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Policy B.2.4.1.3 b) states the *“Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.”*

*Policy B.2.4.1.4 Residential intensification developments within the built-up area shall be evaluated based on the following criteria:*

- a) a balanced evaluation of the criteria in b) through l), as follows;*
- b) the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*
- d) the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;*



- e) *the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f) *existing and planned water, wastewater and stormwater capacity;*
- g) *the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*
- h) *the contribution of the proposed development to supporting and facilitating active transportation modes;*
- i) *the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*
- j) *the availability and location of existing and proposed public community facilities/services;*
- k) *the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,*
- l) *compliance of the proposed development with all other applicable policies. (OPA 167)*

The requested use variance will permit the conversion of an existing single-detached dwelling and does not propose any new structure to be built. In this regard, the proposal is compatible and maintains the existing character of the area while providing a range of dwelling types and tenure. The proposal will facilitate a higher density of housing along a primary corridor with existing water and wastewater services. The increased density is transit-supportive and in proximity to numerous public community facilities and services, as previously described. The existing yards will be maintained with no removal of vegetation proposed. The proposal conforms to all other applicable policies except for a particular zoning by-law (discussed in greater detail below).

*Policy B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:*

- a) *the matters listed in Policy B.2.4.1.4;*
- b) *compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) *the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) *the consideration of transitions in height and density to adjacent residential buildings;*
- e) *the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f) *the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) *the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h) *the ability to complement the existing functions of the neighbourhood;*
- i) *the conservation of cultural heritage resources; and,*
- j) *infrastructure and transportation capacity and impacts.*

Within Subsection B.3.4.3 is a subsection describing policies relating to Established Historical Neighbourhoods:



*Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources.*

*B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.*

*B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.*

The subject lands are located within the Main Street East Cultural Heritage Landscape and are one of the four inventoried properties within a four-block span across from Gage Park.

As already discussed, the proposal is a conversion of an existing single-detached dwelling. As such, it is compatible with adjacent land uses (including the converted triplex to the east) and maintains the character of the existing structure. Amenity space will be provided in the rear yard and the proximity to Gage Park should be heavily considered in this regard. As the proposed conversion will not affect the exterior of the building, it continues to conserve the cultural heritage of the site. The building is already serviced and is adjacent to and in proximity to numerous mass transit lines.

Chapter E of the UHOP sets the goals and policies for urban systems and land use designations in the City of Hamilton. The following goals listed in Policy E.1.0 are applicable to the subject application:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.*
- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.*
- c) Accommodate growth through the development of compact, mixed use urban environments that support existing or planned transit, including higher order transit, and active transportation. (OPA 167)*
- d) Develop complete communities where people can live, work, learn, and play.*
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.*
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.*
- g) Promote and support appropriate residential intensification throughout the urban area with focused attention to development in the strategic growth areas of the Urban Nodes, Urban Corridors, and Major Transit Station Areas. (OPA 167)*



- h) *Recognize that Hamilton's neighbourhoods will evolve over time to accommodate projected household growth, and changing demographics, and respond to the changing needs of complete communities. (OPA 167)*

The subject lands are located on a primary corridor, as per Schedule E. Approval of the subject application will support development and investment that contributes to the overall urban structure and to a complete community. The intensification of the subject lands current land use of a single-detached dwelling utilizes a compact, urban form of housing that adds to the diversity of available housing options and is supportive of existing and planned transit and active transit as it is located in proximity to bike paths and trails. The exterior of the dwelling will maintain its appearance, respecting the character of the streetscape and neighbourhood. This development aims to accommodate projected household growth and is an exemplary example of responding to the changing needs of the community as the current housing crisis continues to impact the GTHA. Providing additional dwelling units within an existing single-detached dwelling should be considered a better use of the lands and built form as opposed to forcing any renovations to instead provide ground floor neighbourhood commercial in a corridor that already has numerous commercial vacancies to accommodate such.

Policy E.2.2.6 also states that *"Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards."*

The use is permitted in the Official Plan designation and would have typically been added through a Minor Zoning By-law Amendment, as described in Chapter F - Implementation, Policy F.1.5.8 and F.1.5.9:

**1.5.8** *A Minor Zoning By-law Amendment includes any or all of the following circumstances:*

- e) *To add a use permitted by the Official Plans;*

**1.5.9** *Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.8. (OPA 175)*

However, this Minor Zoning By-law Amendment implementation tool is no longer available to be applied for – despite the specific language describing such circumstance. Applying for a rezoning of the lands would further complicate potential future redevelopment and be an unnecessary burden on the City's resources. As such, a minor variance to add a use permitted within the 'Neighbourhoods' designated lands was suggested to permit the conversion of this dwelling.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

## **2. Does the proposed variance maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?**

The subject lands are zoned Neighbourhood Commercial (C2) Zone in the City of Hamilton Zoning By-law 05-200. In a conformity exercise with OPA 69 in 2017, the City rezoned the subject lands from "E-1/S-746" (Multiple Dwellings, Lodges, Clubs, etc.) to the current Neighbourhood Commercial (C2) zoning.



The E-1 Zoning allowed for residential uses including triplexes, multiple dwellings lodging homes, student residences, and residential care facilities along with institutional and limited commercial uses including offices. However, this zoning limited the use of residential dwellings in the same building occupied by an office. The C2 zone does permit limited mixed-use development, however any residential use must be located above the ground floor and only occupy 50% of the total gross floor area.

The C2 Zone permits uses such as: Artist Studio, Catering Service, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Unit (Mixed Use), Emergency Shelter, Financial Establishment, Medical Clinic, Motor Vehicle Service Station, Office, Personal Services, Repair Services, Restaurant, Retail, Social Services Establishment, and Veterinary Service.

The required variance to the City of Hamilton Zoning By-law 05-200 is intended to facilitate the conversion of an existing single-detached residential dwelling to contain no more than four units. In addition to the zoning by-law review above, the proposed residential conversion also meets or exceeds the requirements of the residential conversion policies set in Section 4.34 of the Zoning By-law:

#### **4.34 CONVERTED DWELLINGS**

- a) *For the purpose of Section 4.34, a Converted Dwelling shall mean a Single Detached Dwelling or Duplex Dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.*
- b) *A Converted Dwelling shall be permitted on a lot in an "R1" or "R1a" Zone.*
- c) *All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.34.*
- d) *Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot subject to Converted Dwelling permissions as identified in Section 4.34 (b).*
- e) *No parking spaces are required for Dwelling Units within a Converted Dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.*
  - i. *Notwithstanding Section 4.34 (e), one parking space is required for the following conditions:*
    - A. *For the fourth Dwelling Unit in a Converted Dwelling, and,*
    - B. *For the fourth Dwelling Unit on a lot.*

With the obvious exception that the lands are not zoned R1 or R1a, the proposal meets all of the requirements for conversion. Parking is provided in an existing garage and driveway accessed from Main Street East; parking is also through three additional spaces provided in the rear accessed by the adjacent rear alleyway entered from Hilda Avenue.

It should be noted that the lands located directly adjacent to the north, are a R1a – Low Density Residential zoned neighbourhood. Further, the three neighbouring parcels to the east are all residential conversions containing dwelling units on the ground floor.

Based on the discussion above, it is my professional opinion that the proposed variances maintain the intent and purpose of the Zoning By-law.

### **3. Are the proposed variances appropriate for the development of the subject lands?**



As noted above, the variances are intended to facilitate intensification of an existing use that is a desirable built form within an urban neighbourhood, on full municipal services. The proposed built form and use is consistent with the Planning Act, Provincial Policy Statement, and Growth Plan and conforms to the UHOP. It facilitates gentle intensification in a core residential neighbourhood. The planning policy housing objectives of the Planning Act, PPS, Growth Plan, and the Official Plans are all promoted through this application. As noted above, the proposed variance is high compatible and consistent with the established character of the neighbourhood and streetscape and is therefore appropriate for the development of the subject lands.

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the use variance to permit a residential conversion containing four units, as conversion policies would have otherwise permitted. The lands are currently a low-density residential land use, and the interior renovations would permit gentle intensification of the lands. Accordingly, it is my professional planning opinion that the variance is minor in nature.

As such, the subject land is appropriate for the intensification of the subject lands. Rezoning applications would be an unnecessary process that could hinder any potential future development for commercial use should the demand be present. The application has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

James Thomas, MBA  
Planner  
**A. J. Clarke and Associates Ltd.**

Reviewed by:

Franz Kloibhofer, MCIP, RPP, BES (Hons.)  
Principal, Project Manager  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Martinus Geleynse ([mgeleynse@sothebysrealty.ca](mailto:mgeleynse@sothebysrealty.ca))



Hamilton

Committee of Adjustment

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

71 Main St. W.,

Hamilton, ON L8P4Y5

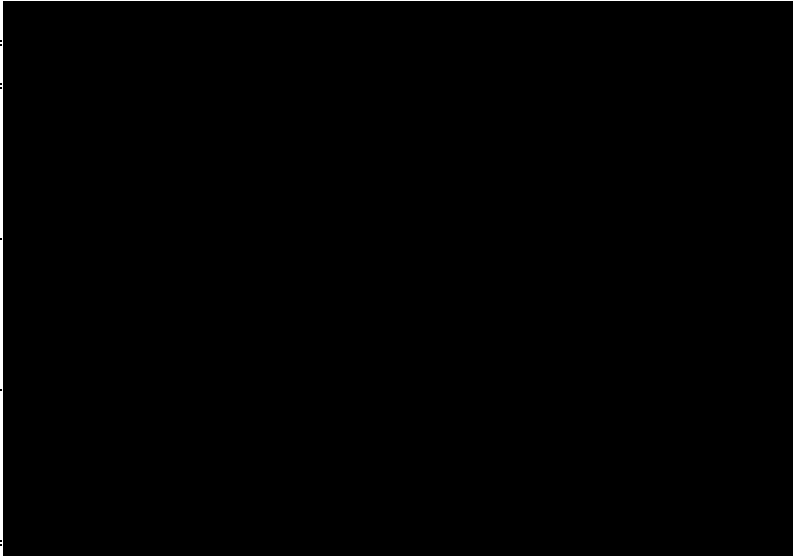
Phone: (905) 546-2424 ext. 4221

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 (Martinus Geleyense & Nina Geleyense)



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

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

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

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

1.5 All correspondence may be sent by email [x] 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	1033 Main Street East		
Assessment Roll Number	04028102090		
Former Municipality	Hamilton		
Lot	6	Concession	2
Registered Plan Number	489	Lot(s)	62
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 permit a use variance of a fourplex conversion of an existing single-detached dwelling.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Lands rezoned C2 Commercial. Minor Zoning Bylaw Amendment implementation tool removed.

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
±10.67	33.53	±357.4m <sup>2</sup>	±20.1 m



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
single-detached dwe	5.44m	8.24m	0.0 (east),0.75 (west)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
no exterior changes	existing	existing	existing	

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
single-detached dwe	125.6m <sup>2</sup>		2.5	±8.8m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
no changes				

- 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.):  
Converted fourplex

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):  
triplex (east), converted mixed use (west), single-detached (north), city-wide park

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2022

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

Singe-detached dwelling

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

single-detached dwelling

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

since construction estimated 1920s

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.

See attached cover letter

7.6 What is the existing zoning of the subject land? \_\_\_\_\_

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: 1

8.2 Number of Dwelling Units Proposed: 4

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

Please see attached cover letter with 4 Tests justification

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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