



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-23:293</b>	<b>SUBJECT PROPERTY:</b>	71-75 Wentworth St S, Hamilton
<b>ZONE:</b>	“E” (Multiple Dwelling, Lodges, Clubs and Etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law former City of Hamilton 6593, as Amended

**APPLICANTS:** Owner: Anthony Cutrone of Macdane Group of Companies  
Agent: Corbett Land Strategies Inc. (Jonabelle Ceremuga)

The following variances are requested:

Retained lands (property municipally known as 71-75 Wentworth Street South)

1. A minimum southerly side yard width of 2.3m shall be maintained whereas the zoning By-law states that for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres, and need not have a width of more than 9.0 metres, but plus 3.0 metres where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres and need not have a width of more than 13.5 metres.
2. A minimum landscaped area of 20.9% shall be permitted instead of the minimum 25% landscaped area required.
3. A minimum of 34 parking spaces shall be permitted instead of the minimum 62 parking spaces required to be provided and maintained on the lot.
4. A minimum of six (6) visitor parking spaces shall be permitted to be maintained instead of the minimum sixteen (16) visitors parking spaces required.
5. No loading spaces shall be required to be maintained instead of the minimum one (1) loading space (which shall be 9.0m in length x 3.7m in width x 4.3m in height) required for 71 Wentworth Street South and the minimum one (1) loading space (which shall be 18.0m in length by 3.7m in width by

## HM/A-23:293

4.3m in height) required 75 Wentworth Street South.

6. A minimum manoeuvring space having a size of 5.0m shall be permitted for the twelve (12) spaces located on the most northerly portion of the lands instead of the minimum 6.0m wide manoeuvring space required.
7. A minimum parking space size of 2.4m x 5.2m shall be permitted instead of the minimum 2.7m x 6.0m parking space size required.
8. The boundary of the parking areas shall be permitted to be located as close as 0.0m from a residential district instead of the minimum 1.5m setback required.
9. No planting strip and no visual barrier shall be required between the parking area and the abutting residential districts whereas the zoning by-law requires a planting strip and visual barrier to be maintained between a parking area and an abutting residential district.
10. Required parking shall be permitted to be maintained in a required front yard whereas the zoning By-law states that no part of a required parking area in a residential district shall be located in a required front yard.
11. A mutual access driveway shall be permitted to have a width of at least 5.0m whereas the zoning by-law requires a mutual access driveway to have a minimum 5.5m width.
12. The parking spaces are not defined by wheel barriers or bumpers whereas the by-law requires parking spaces to have wheel barriers or bumpers.
13. An uncovered porch shall be permitted to be located as close as 0.0m to a side lot line instead of the minimum 0.5m setback required.

### Severed Lands (property municipally know as 89-91 Wentworth Street South)

1. A minimum northerly side yard width of 5.7m shall be maintained whereas the zoning By-law states that for every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres, and need not have a width of more than 9.0 metres, but plus 3.0 metres where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres and need not have a width of more than 13.5 metres.
2. A minimum of four (4) visitor parking spaces shall be permitted to be maintained instead of the minimum nine (9) visitors parking space spaces required.
3. No loading spaces shall be required to be maintained instead of the minimum one (1) loading space (which shall be 9.0m in length x 3.7m in width x 4.3m in height) required for 89 Wentworth Street South and the minimum one (1) loading space (which shall be 18m in length x 3.7m in width x 4.3m in height) required 91 Wentworth Street South.

## HM/A-23:293

4. A minimum manoeuvring space having a size of 3.6m wide shall be permitted for a maximum of eighteen (18) parking spaces and minimum manoeuvring space size of 5.9m wide shall be permitted for a maximum of eighteen (18) parking spaces instead of the minimum 6.0m wide manoeuvring space size required.
5. A minimum parking space size of 2.5m x 5.9m shall be permitted instead of the minimum 2.7m x 6.0m parking space size required.
6. The boundary of the parking areas shall be permitted to be located as close as 0.0m from a residential district instead of the minimum 1.5m setback required.
7. No planting strip and no visual barrier shall be required between the parking area and the abutting residential districts whereas the zoning by-law requires a planting strip and visual barrier to be maintained between a parking area and an abutting residential district.
8. A mutual access driveway shall be permitted to have a width of at least 3.5m whereas the zoning by-law requires a mutual access driveway to have a minimum 5.5m width.
9. The parking spaces are not defined by wheel barriers or bumpers whereas the by-law requires parking spaces to have wheel barriers or bumpers.

**PURPOSE & EFFECT:** To facilitate the severance of the lands in order to create two parcels and maintain the existing multiple dwellings buildings on said lands.

### Notes:

The variances are required to facilitate Consent Application HM/B-23:17.

This property is not located within Schedule "H" of Hamilton zoning By-law 6593.

The retained site has some parking space sizes with a length less than 5.2m directly behind building known as 75 Wentworth Street; however, sufficient space is provided within the access driveway from which to accommodate the requested parking space length per variance #7.

Requested Variances #8, 9 and 12 to the retained lands were previously approved through Committee decision HM/A-17:411 and are added to the current Minor Variance application HM/A-23:293 for continuity purposes only.

Requested Variances #5, 6 and 8 to the severed lands were previously approved through Committee decision HM/A-17:411 are added to the current Minor Variance application HM/A-23:294 for continuity purposes only.

Please note that the side yard width of 1.1m previously approved through Committee Decision HM/A-21:105, permitted the location of a southerly addition to the most southerly side on the building known municipally as 91 Wentworth Street which is not where the new lot line is being created through the current Consent application HM/B-23:17. Therefore, Variance # 1 for both the retained and severed lands is required to permit the proposed side yards.

Please note that previous Committee Decision HM/A-17:411, granted variances to the number of parking

## HM/A-23:293

spaces including visitor parking and loading to the overall lands for the existing four multiple dwellings; however, the approved variances were specific to a maximum combined total of 72 units on the lands. Since, the total number of units has increased; as such, these variances are no longer applicable to the overall lands.

The two (2) parking spaces located partially on the road allowance on the northerly side of the retained lands cannot be counted towards the overall parking provided on site for zoning compliance purposes; as such, only 34 parking spaces are considered for the retained lands.

**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, December 7, 2023</b>
<b>TIME:</b>	<b>10:20 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:

- 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.

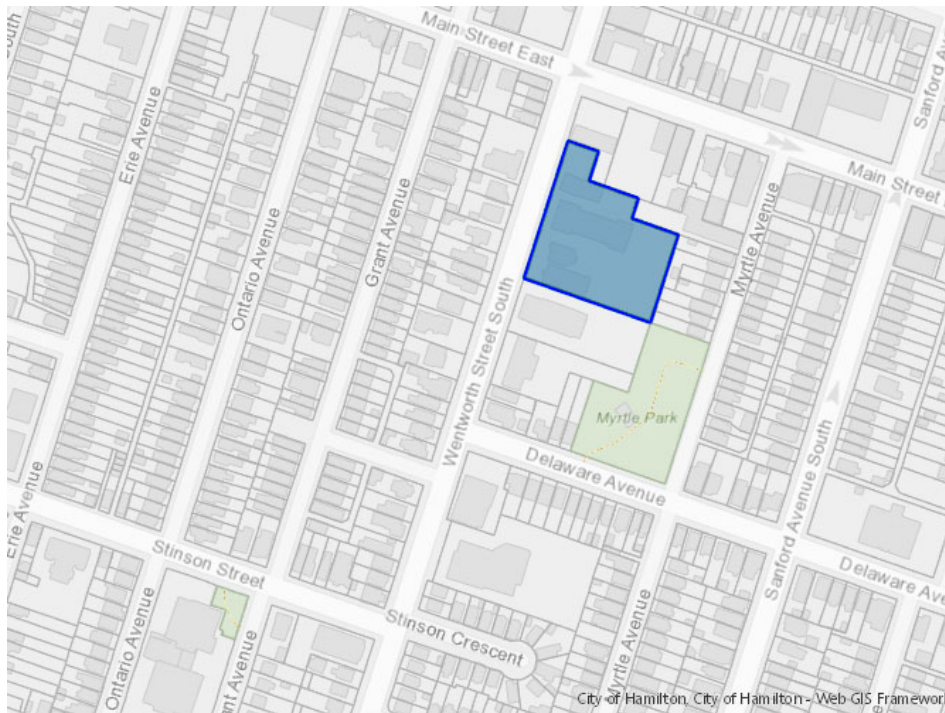
## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:293, 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

**HM/A-23:293**

Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 **Subject Lands**

DATED: November 21, 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

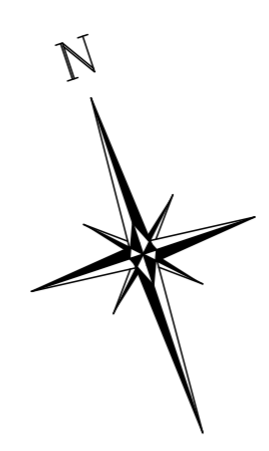
**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

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.

WENTWORTH STREET SOUTH  
 (ROAD ALLOWANCE BETWEEN LOTS 10 & 11, CONVESSION 3.)

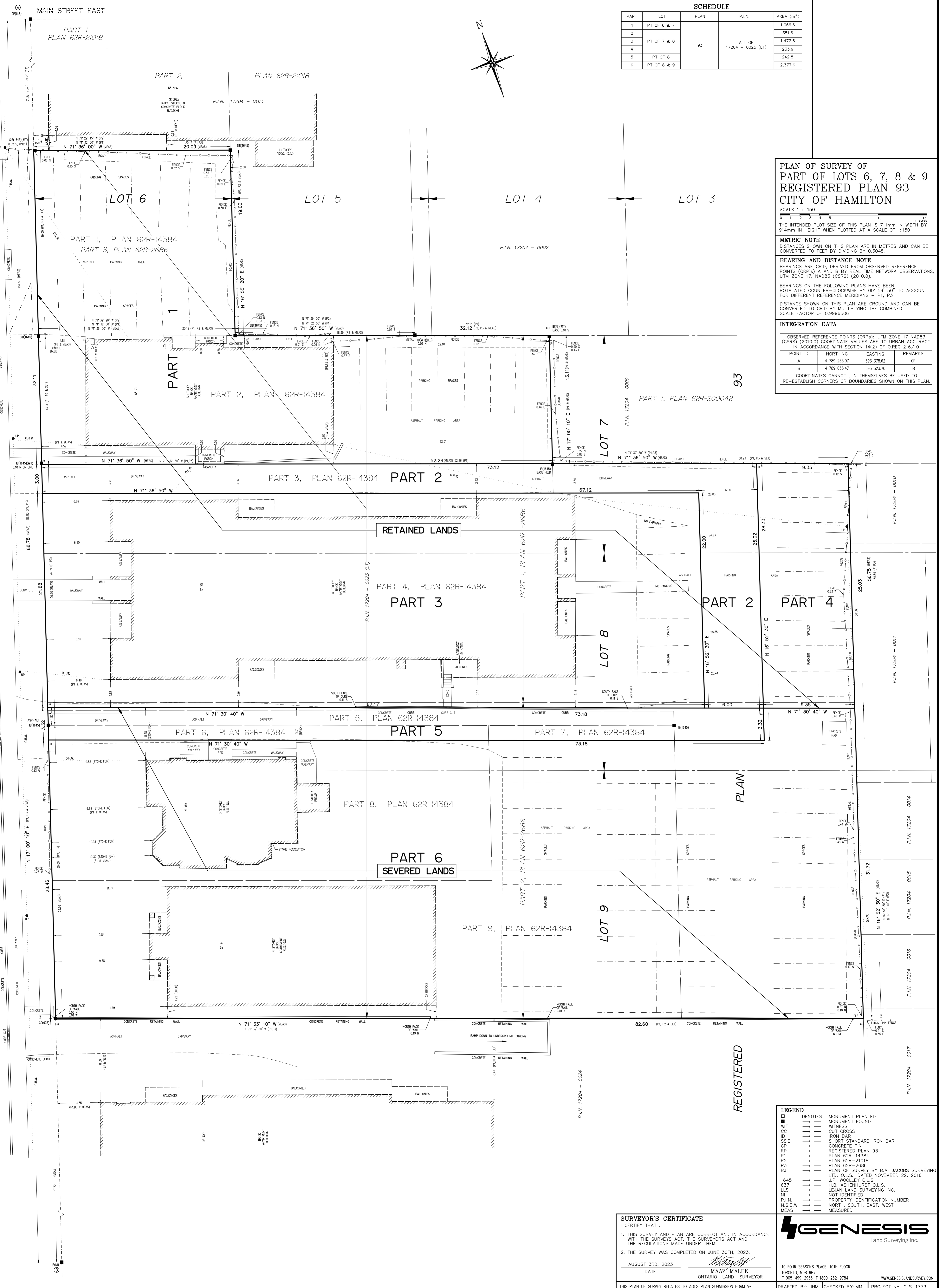
SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA (m <sup>2</sup> )
1	PT OF 6 & 7			1,066.6
2				351.6
3	PT OF 7 & 8	93	ALL OF 17204 - 0025 (LT)	1,472.6
4				233.9
5	PT OF 8			242.8
6	PT OF 8 & 9			2,377.8



**PLAN OF SURVEY OF PART OF LOTS 6, 7, 8 & 9 REGISTERED PLAN 93 CITY OF HAMILTON**  
 SCALE 1 : 150  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 711mm IN WIDTH BY 914mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:150  
**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
**BEARING AND DISTANCE NOTE**  
 BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A AND B BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
 BEARINGS ON THE FOLLOWING PLANS HAVE BEEN ROTATED COUNTER-CLOCKWISE BY 00° 59' 50" TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS - P1, P3  
 DISTANCE SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING THE COMBINED SCALE FACTOR OF 0.9998506  
**INTEGRATION DATA**  
 OBSERVED REFERENCE POINTS (ORP'S): UTM ZONE 17 NAD83 (CSRS) (2010.0) COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O. REG 216/10.  

POINT ID	NORTHING	EASTING	REMARKS
A	4 789 233.07	593 378.62	CP
B	4 789 053.47	593 323.70	IB

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



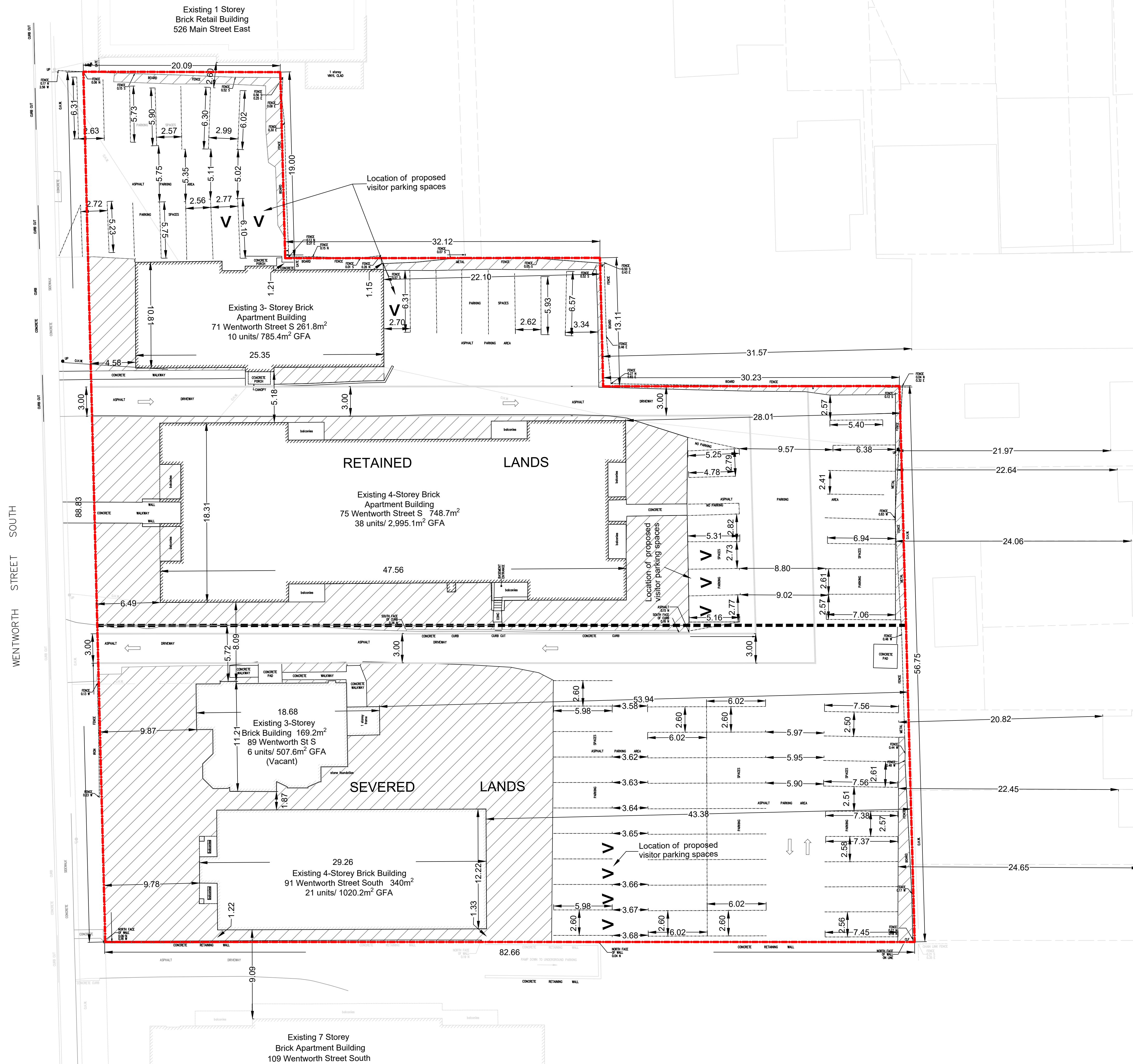
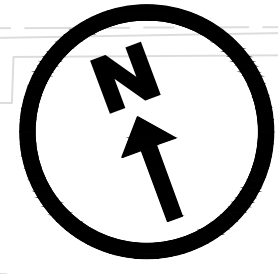
**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON JUNE 30TH, 2023.  
 AUGUST 3RD, 2023  
 DATE  
 MAAZ MALEK  
 ONTARIO LAND SURVEYOR

**LEGEND**

- LI DENOTES MONUMENT PLANTED
- WT MONUMENT FOUND
- CC CUT CROSS
- IB IRON BAR
- SSIB SHORT STANDARD IRON BAR
- CP CONCRETE PIN
- RP REGISTERED PLAN 93
- P1 PLAN 62R-14384
- P2 PLAN 62R-21018
- P3 PLAN 62R-2686
- BJ PLAN OF SURVEY BY B.A. JACOBS SURVEYING LTD. O.L.S., DATED NOVEMBER 22, 2016
- 1645 J.P. WOOLLEY O.L.S.
- 637 H.B. ASHENHURST O.L.S.
- LLS LEJAN LAND SURVEYING INC.
- NI NOT IDENTIFIED
- P.I.N. PROPERTY IDENTIFICATION NUMBER
- N,S,E,W NORTH, SOUTH, EAST, WEST
- MEAS MEASURED

**4 GENESIS**  
 Land Surveying Inc.  
 10 FOUR SEASONS PLACE, 10TH FLOOR  
 TORONTO, M9B 6H7  
 T 905-499-2956 F 1800-262-9784  
 WWW.GENESISLANDSURVEY.COM

DRAFTED BY: JHM CHECKED BY: MM PROJECT No. GLS-1773



# WENTWORTH PLACE

71, 75, 89 & 91 Wentworth St S  
Hamilton, ON

## KEY MAP



## LEGEND

Subject Lands - - - - -  
Severance Line

## Site Statistics:

Site Area	5,746.93 m <sup>2</sup> (0.57 Ha/ 1.42 Ac)
Existing Building GFA	5,308.3m <sup>2</sup> (0.53 Ha/ 1.31 Ac)
Landscaped Area	1451.89 (0.15 ha / 0.36 ac)
Total no. of Units	75 Residential Units
Proposed Blanket Easement	Reciprocal access, shared parking and pedestrian access
Total no. of Parking	73 existing spaces
<b>Retained Lands</b>	
Area	3080.08 m <sup>2</sup> (0.31 Ha/ 0.76 Ac)
Building GFA	3,780.5 m <sup>2</sup> (0.38 Ha/ 0.93 Ac)
Floor Area Ratio	1.23:1
Dwelling Units	48 units
Parking	36 spaces
Landscaped Area	643.81 m <sup>2</sup> (20.9%)
<b>Severed Lands</b>	
Area	2,666.85 m <sup>2</sup> (0.27 Ha/ 0.66 Ac)
Gross Floor Area	1,527.80 m <sup>2</sup> (0.15 Ha/ 0.37 Ac)
Floor Area Ratio	0.57:1
Dwelling Units	27 units
Parking	37 spaces
Landscaped Area	808.08 m <sup>2</sup> (30.2%)

## Minor Variance Application

Subject Lands



5045 South Service Road, Suite 301  
Burlington, Ontario L7L 5Y7  
corbettlandstrategies.ca

Scale 1:200

October 2023





SP1.01

Kevin Manuel Architect Limited

55 Town Centre Court \* Suite 700  
 Scarborough \* Ontario  
 M1P 4X4 \* Tel.: 416-290-5180

No.	Date	Issued
1	May 29, 2020	For Permit
3	Dec. 4, 2020	Revisions to resolve City Issues
1	Dec. 10, 2018	Committee of Adjustment Conditions
Revision Number	Revision Date	Revision Description
Revision Schedule		

This drawing is an instrument of service only. The copyright to this drawing belongs to the Consultant. This drawing may not be used by anyone for any purpose other than the intended original purpose for the original client unless authorized in writing by the Consultant. This drawing may not be reproduced in whole or in part in any manner, or stored in any form for reproduction without the written consent of the Consultant.

This drawing must not be scaled.

All persons relying on these drawings shall check and verify all dimensions, whether noted or implied, on site, and shall inform the consultant of any variation from the dimensions and/or the conditions prior to starting or continuing work.

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This drawing may contain information which was provided, for information only, to the Consultant, by others. The Consultant accepts no responsibility for the accuracy or completeness of this information. Should this information be determined to be critical to the performance of the work, the user is required to refer back to the original source of the information.

This drawing shall not be used for construction unless countersigned below by the Consultant

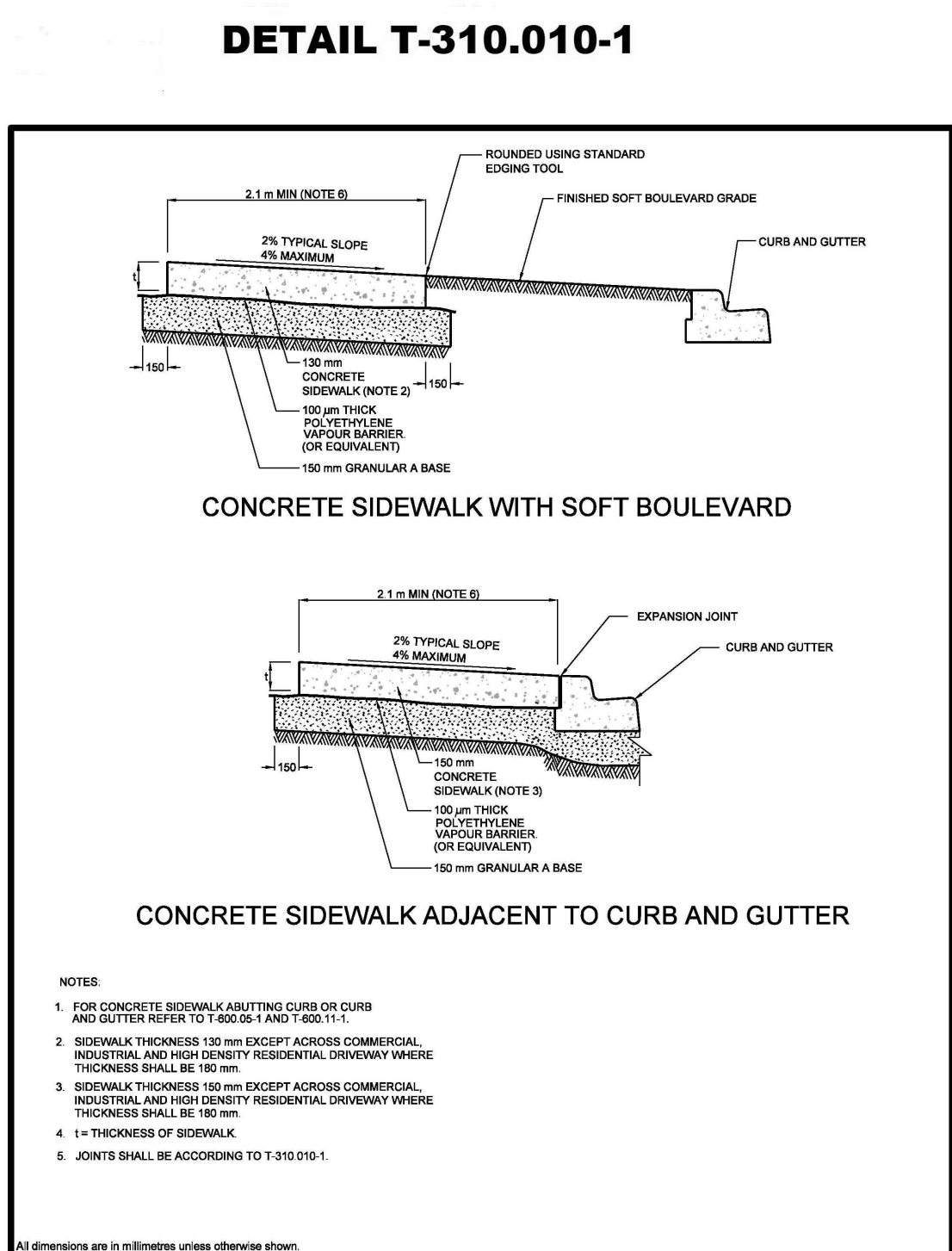
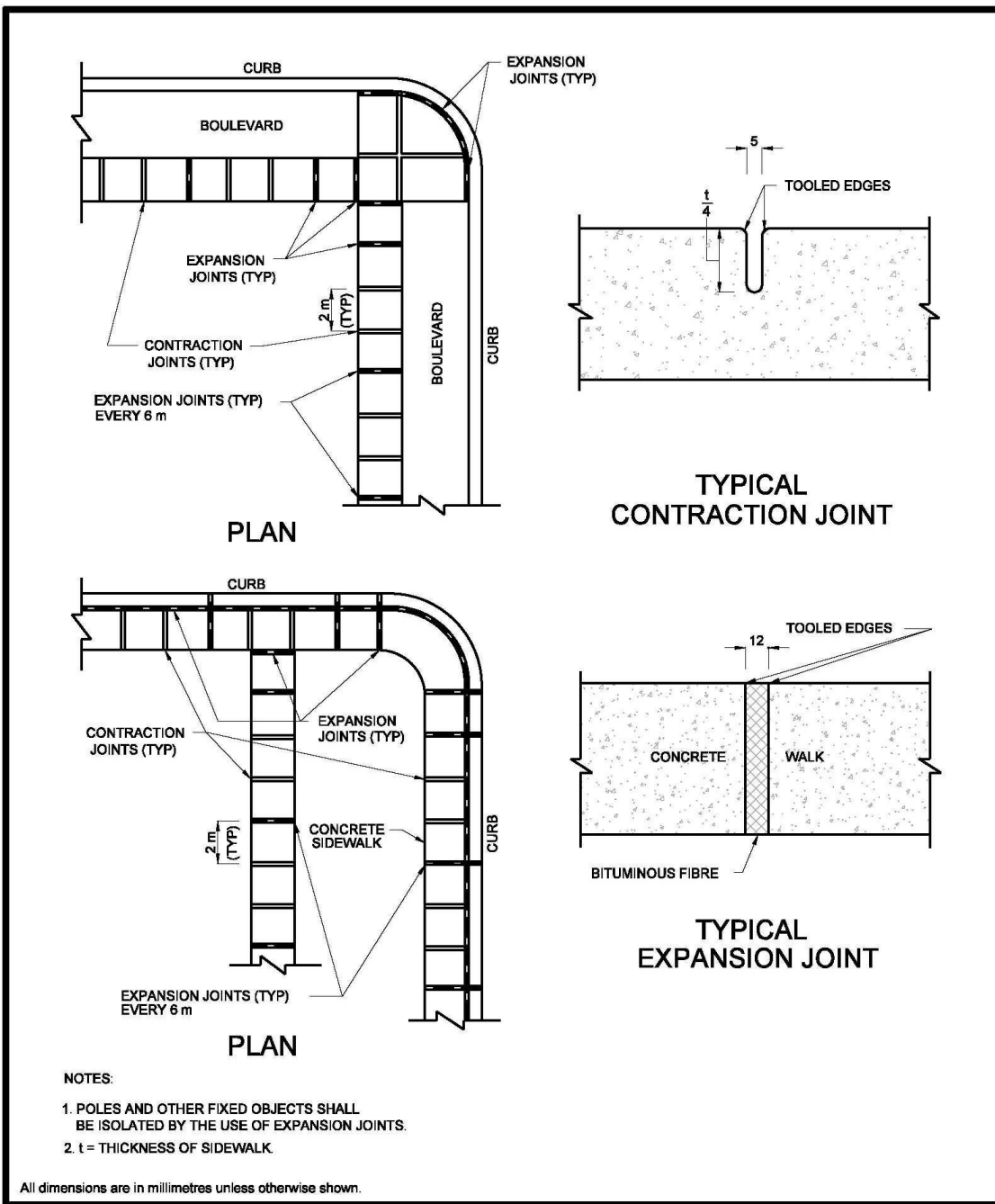
Approved for Construction

Wentworth Apartments  
 91 Wentworth St. S  
 Hamilton, Ontario  
 L8N 2Y6

Site Plan

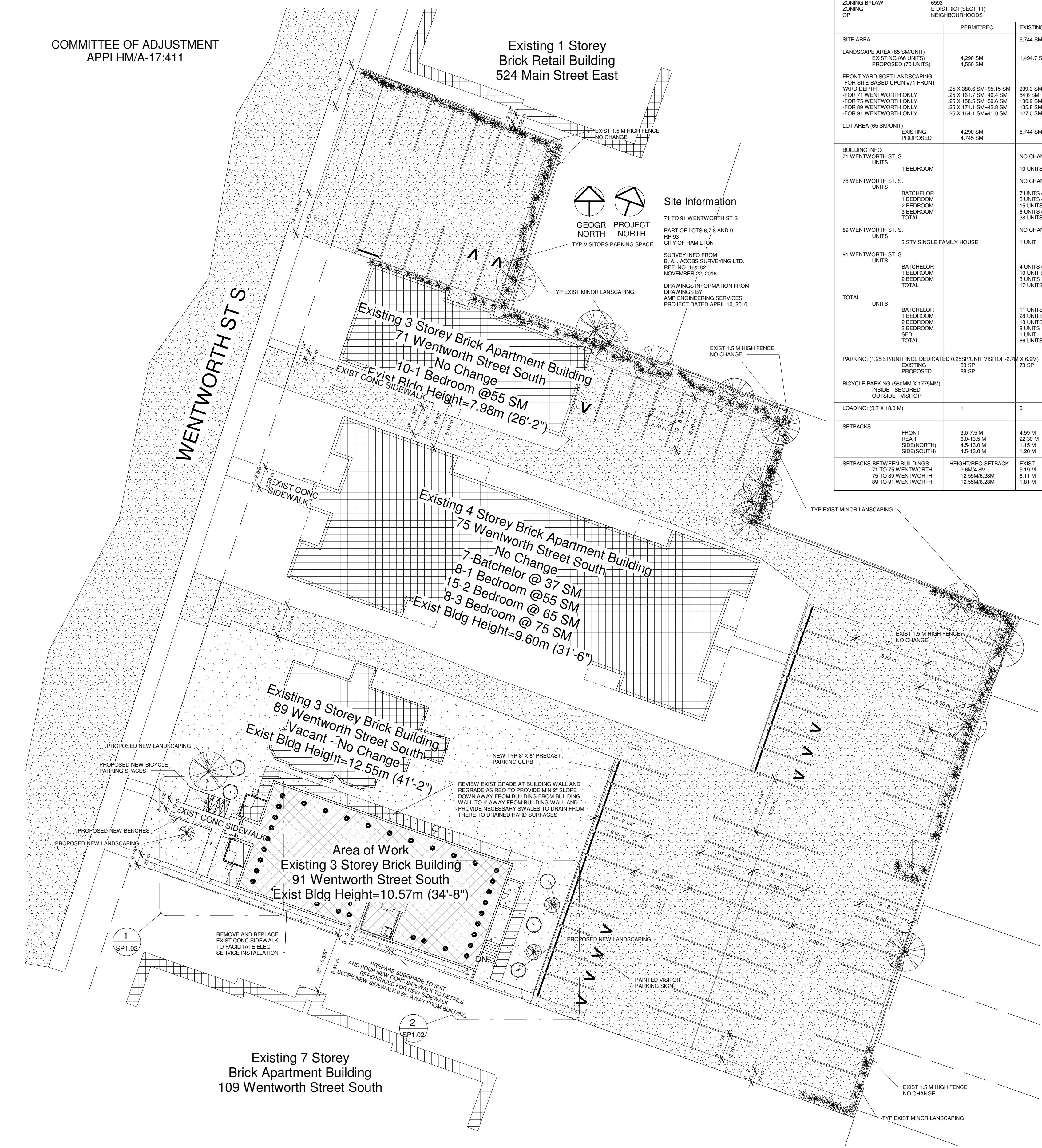
Project Number	16028
Date	07/21/17
Drawn By	GM
Checked By	KM
Scale	As indicated

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SITE STATISTICS					
71-91 WENTWORTH ST. S. MULTI-BUILDING MULTI-UNIT RESIDENTIAL DEVELOPMENT					
ZONING BYLAW	6993	E DISTRICT (SECT 11) NEIGHBOURHOODS			
ZONING OP	6993	E DISTRICT (SECT 11) NEIGHBOURHOODS			
SITE AREA	PERMIT REQ	EXISTING	PROPOSED		
LANDSCAPE AREA (65 SM/UNIT)	4,290 SM	1,494.7 SM	1,494.7 SM		
FRONT YARD SOFT LANDSCAPING - FOR SITE BASED UPON #71 FRONT YARD DEPTH	25 X 380.6 SM=95.15 SM	239.3 SM	239.3 SM		
- FOR 71 WENTWORTH ONLY	25 X 161.7 SM=40.4 SM	54.6 SM	54.6 SM		
- FOR 75 WENTWORTH ONLY	25 X 186.5 SM=46.6 SM	136.2 SM	136.2 SM		
- FOR 89 WENTWORTH ONLY	25 X 171.1 SM=42.8 SM	135.8 SM	135.8 SM		
- FOR 91 WENTWORTH ONLY	25 X 164.1 SM=41.0 SM	127.0 SM	127.0 SM		
LOT AREA (65 SM/UNIT)	EXISTING	5,744 SM	5,744 SM		
	PROPOSED	4,745 SM	4,745 SM		
BUILDING INFO	71 WENTWORTH ST. S. UNITS	NO CHANGE	NO CHANGE		
	1 BEDROOM	10 UNITS @ 55 SM EA	10 UNITS @ 55 SM EA		
	75 WENTWORTH ST. S. UNITS	NO CHANGE	NO CHANGE		
	BACHELOR 1 BEDROOM	7 UNITS @ 37 SM EA	7 UNITS @ 37 SM EA		
	2 BEDROOM	15 UNITS @ 65 SM EA	15 UNITS @ 65 SM EA		
	3 BEDROOM	8 UNITS @ 75 SM EA	8 UNITS @ 75 SM EA		
	TOTAL	30 UNITS	30 UNITS		
	89 WENTWORTH ST. S. UNITS	NO CHANGE	NO CHANGE		
	3 STY SINGLE FAMILY HOUSE	1 UNIT	1 UNIT		
	91 WENTWORTH ST. S. UNITS	NO CHANGE	NO CHANGE		
	BACHELOR 1 BEDROOM	4 UNITS @ 27.41 SM	4 UNITS @ 27.35 SM EA		
	2 BEDROOM	10 UNITS @ 46.59 SM	10 UNITS @ 46.59 SM EA		
	3 BEDROOM	17 UNITS	17 UNITS		
	TOTAL	21 UNITS	21 UNITS		
TOTAL UNITS	BACHELOR 1 BEDROOM	11 UNITS	14 UNITS		
	2 BEDROOM	28 UNITS	32 UNITS		
	3 BEDROOM	18 UNITS	15 UNITS		
	SFD	1 UNIT	8 UNITS		
	TOTAL	66 UNITS	70 UNITS		
PARKING: (1.25 SP/UNIT INCL DEDICATED 0.25 SP/UNIT VISITOR 2.74 X 6.9M)	EXISTING	83 SP	73 SP		
	PROPOSED	88 SP	88 SP		
BICYCLE PARKING (500MM X 1775MM) INSIDE - SECURED OUTSIDE - VISITOR			2 SP 4 SP		
LOADING: (3.7 X 18.0 M)	1	0	0		
SETBACKS	FRONT	3.0-7.5 M	4.59 M		
	REAR	6.0-13.5 M	22.30 M		
	SIDE(NORTH)	4.5-13.0 M	1.20 M		
	SIDE(SOUTH)	4.5-13.0 M	1.20 M		
SETBACKS BETWEEN BUILDINGS	71 TO 75 WENTWORTH	9.6M/4.2M	5.19 M		
	75 TO 89 WENTWORTH	12.5M/6.28M	6.11 M		
	89 TO 91 WENTWORTH	12.5M/6.28M	1.81 M		

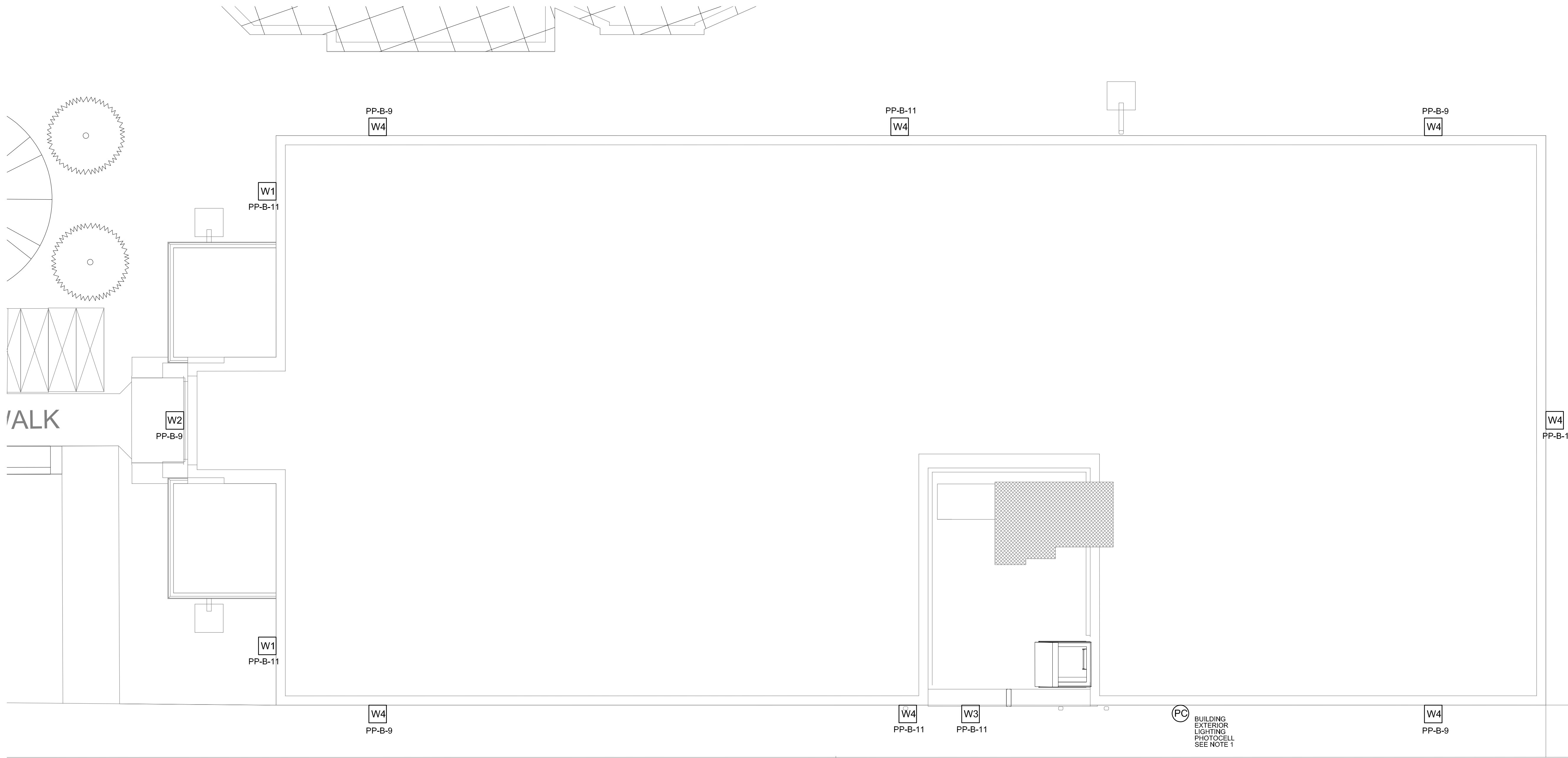
COMMITTEE OF ADJUSTMENT  
 APPLHM/A-17:411



1 Site  
 1 : 250

2 Building Unit Summary  
 1 : 50

Plotting Date: 2020-09-25 11:16:54 AM



**BUILDING EXTERIOR LIGHTING PLAN**

SCALE: 1/4"=1'-0"

**LUMINAIRE SCHEDULE**

W1 PP-B-##	LED SLENDER WALLPACK, 120V, 1P, 60Hz, 11W, 3000K, C/W DARK BRONZE FINISH, BY HUBBELL OUTDOOR LIGHTING, CAT. SG1-10-3K7-FT-UNV-DBT. WALL-MOUNTED AT 4.4m ABOVE GROUND. W1 DENOTES FIXTURE TYPE. PP-B-## DENOTES CIRCUIT NUMBER.
W2	LED SLENDER WALLPACK, 120V, 1P, 60Hz, 29W, 3000K, C/W VISOR AND DARK BRONZE FINISH, BY HUBBELL OUTDOOR LIGHTING, CAT. SG1-30-3K7-FT-UNV-DBT-VISOR. WALL-MOUNTED AT 4.4m ABOVE GROUND. W2 DENOTES FIXTURE TYPE.
W3	LED SLENDER WALLPACK, 120V, 1P, 60Hz, 21W, 3000K, C/W VISOR AND DARK BRONZE FINISH, BY HUBBELL OUTDOOR LIGHTING, CAT. SG1-20-3K7-FT-UNV-DBT-VISOR. WALL-MOUNTED DIRECTLY ABOVE SOUTH SIDE ENTRANCE DOOR, AT 3m ABOVE GROUND. W3 DENOTES FIXTURE TYPE.
W4	LED WALLPACK, 120V, 1P, 60Hz, 17W, 3000K, C/W DARK BRONZE FINISH, BY CURRENT LIGHTING, CAT. LNC-7L-U-3K-2-DBT. WALL-MOUNTED AT 4.4m ABOVE GROUND. W4 DENOTES FIXTURE TYPE.
C	LIGHTING CONTACTOR FOR BUILDING EXTERIOR LIGHTING, SUITABLE FOR PHOTOCELL AND TIMER CONTROL; C/W H-O-A SELECTOR SWITCH; BY EATON OR SQUARE D. LIGHTING CONTACTOR TO BE INSTALLED IN ELECTRICAL ROOM AND FED FROM DEDICATED 120V 1P BREAKER CIRCUIT FROM PANEL PP-B
PC	PHOTOCCELL, COMPATIBLE WITH LIGHTING CONTRACTOR, BY TORK

**DRAWING NOTES:**

1. LIGHTING CONTROL PHOTOCELLS SHALL BE WALL-MOUNTED ON BUILDING EXTERIOR SURFACE NO LOWER THAN MAXIMUM HEIGHT OF BUILDING EXTERIOR LIGHTING FIXTURES AND AT LOCATION PERMITTING ACCURATE SENSING OF NATURAL LIGHTING LEVEL WHILE MINIMIZING INTERFERENCE FROM ARTIFICIAL AREA LIGHTING.

CLIENT	
WENTWORTH APARTMENTS	
91 WENTWORTH ST. S HAMILTON, ONTARIO L8N 2Y7	

ENGINEER:	
SEBS ENGINEERING INC.	
151 BATHGATE DRIVE TORONTO, ONTARIO M1C 1T6 TEL: (416) 269-2464 FAX: (416) 269-8518 www.sebs.ca	

	PROFESSIONAL STAMP
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**GENERAL NOTE:**  
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 THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING APPLICABLE PERMITS, LICENCES, AND INSPECTIONS REQUIRED AS WELL AS APPLICABLE FEES RELATED TO SAME, UNLESS SPECIFIED OTHERWISE.  
 ALL WORK MUST CONFORM TO LOCAL BUILDING CODES AS WELL AS BASE BUILDING STANDARDS.

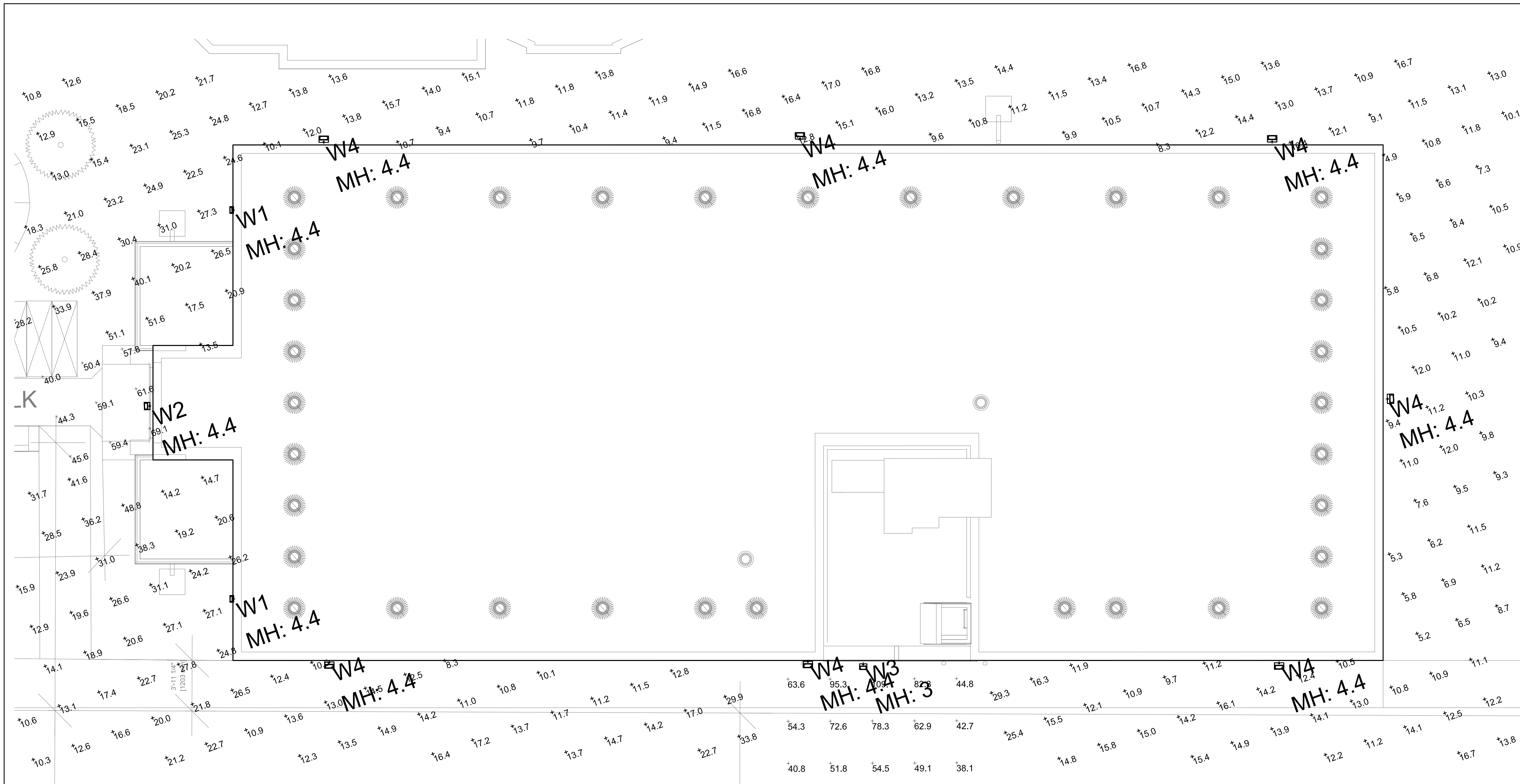
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	JAN 17 / 2023

REVISIONS/DRAWING ISSUE

CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT; AND TO REPORT ANY DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING WITH THE WORK. DRAWINGS ARE NOT TO BE SCALED. CONTRACT DOCUMENTS REMAIN THE PROPERTY OF THE CONSULTANTS AND SHALL BE RETURNED UPON COMPLETION OF THE PROJECT.

PROJECT TITLE: <b>WENTWORTH APARTMENTS</b>	
91 WENTWORTH ST. S HAMILTON, ONTARIO L8N 2Y7	
DRAWN AJ	PROJECT NO. <b>1407</b>
CHECKED PJ	DATE JAN 17, 2023
SCALE 1/4"=1'-0"	DATE JAN 17, 2023
DRAWING <b>BUILDING EXTERIOR</b>	
<b>- LIGHTING</b>	

**L-5**



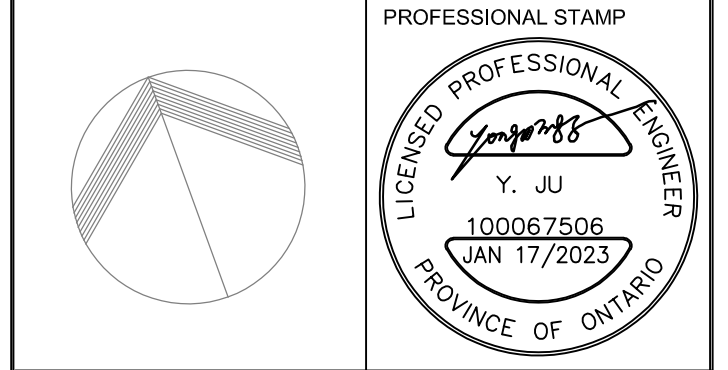
**BUILDING EXTERIOR PHOTOMETRICS**  
SCALE: 1/4"=1'-0"

Symbol	Qty	Label	Arrangement	LLF	Description	Luminaire Watts	Luminaire Lumens
	2	W1	Single	0.850	SG1-10-3K	11.4	1346
	1	W2	Single	0.850	SG1-30-3K7-FT-Visor	28.764	2027
	1	W3	Single	0.850	SG1-20-3K7-FT-Visor	21	1429
	7	W4	Single	0.850	LNC-7LU-3K-2	17	1272

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
BLDG PERIMETER	Illuminance	Lux	16.03	51.6	4.9	3.27	10.53
MAIN ENTRANCE	Illuminance	Lux	54.14	69.1	40.0	1.35	1.73
SOUTH ENTRANCE	Illuminance	Lux	62.68	109.1	38.1	1.65	2.86

CLIENT  
**WENTWORTH APARTMENTS**  
91 WENTWORTH ST. S  
HAMILTON, ONTARIO  
L8N 2Y7

ENGINEER:  
  
**S.E.B.S.**  
**SEBS ENGINEERING INC.**  
151 BATHGATE DRIVE  
TORONTO, ONTARIO M1C 1T6  
TEL: (416) 269-2464  
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www.sebs.ca



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NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	JAN 17/2023

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PROJECT TITLE:  
**WENTWORTH APARTMENTS**  
91 WENTWORTH ST. S  
HAMILTON, ONTARIO  
L8N 2Y7

DRAWN AJ	PROJECT NO. <b>1407</b>
CHECKED PJ	
SCALE 1/4"=1'-0"	DATE JAN 17, 2023

**BUILDING EXTERIOR**  
**- PHOTOMETRICS**



# Hamilton

September 29, 2023

FILE: ALR  
FOLDER: 23-140248-00 ALR  
ATTENTION OF: Victoria Brito  
TELEPHONE NO: (905) 546-2424  
EXTENSION: 7628

Candice Hood c/o Corbett Land Strategies Inc.  
5045 SOUTH SERVICE ROAD SUITE 301  
BURLINGTON, ON L7L 5Y7

**Attention: Candice Hood**

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW – CLEARANCE OF CONDITIONS**  
**Present Zoning: E (Multiple Dwelling, Lodges, Clubs, Etc.)**  
**File: CONSENT APPLICATION HM/B-23:17**  
**Address: 71 WENTWORTH ST S HAMILTON, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

**COMMENTS:**

1. The applicant is proposing to sever the existing lot into two parcels. The severed lands will contain two residential buildings (known as 89 & 91 Wentworth Street S.) and the retained lands will contain the two residential buildings (known as 71 & 75 Wentworth Street S.) All existing buildings are to remain.
2. **The applicant wishes to clear condition #5 of Consent file HM/B-23:17. However, at this time, this Division is unable to clear the requested condition. In order to clear Condition #5 of Consent file #HM/B-23:17, the applicant shall provide further information for the items listed in the chart below. Please note that some items will require a successful minor variance application in support of the current consent application.**
3. Multiple dwellings are permitted in the current district of the Hamilton Zoning By-law 6593.
4. This lot is municipally known as 71-91 (contains the addresses 71, 75, 89 and 91).
5. Per Building Division records, the following is recognized:
  - 71 Wentworth Street S., a multiple dwelling containing 11 dwelling units
  - 75 Wentworth Street S., a multiple dwelling containing 38 dwelling units.
  - 89 Wentworth Street S., a multiple dwelling containing 6 dwelling units
  - 91 Wentworth Street S., a multiple dwelling containing 20 dwelling units.

6. This property is not located in Schedule “H” (Reduction of parking for Multiple Residential Uses) of the Hamilton Zoning By-law 6593.
7. This property is included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days’ notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at [culturalheritageplanning@hamilton.ca](mailto:culturalheritageplanning@hamilton.ca), or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
8. Any proposed construction/alterations/renovations/conversions/additions is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 06-243. A building permit is required for all signage.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.
11. The proposed development has been reviewed and compared to the standards of the “E” district as indicated in the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Section 11C – E-3/S-332 Requirements</b>			
<b>Use comments</b> Section 11. (1)	A multiple dwelling, for special Requirements for Groups of Multiple Dwellings.	The proposal is to maintain two multiple dwellings on each of the proposed severed and retained lots.	<b>Conforms</b>
<b>Height Requirements</b> Section 11. (2)	Per Policy ZON-012 only the performance standard deficiencies triggered as a result of the severance are to be addressed as it relates to height.	<u>Existing Buildings</u> to remain.	<u>Existing</u>
<b>Area Requirements</b> Section 11. (3)	The front yard is not affected by the proposal.  Note: Per Policy ZON-012 only the performance standard deficiencies triggered as a result of the severance are to be addressed as it relates to yards.	Existing front yards unaffected.	<b>Existing</b>
	For every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres	The applicant shall submit the full height (from grade as defined in the By-law), the length of the buildings at its longest and the width of the buildings at its widest for all sides in order for the required yards to be determined. Note, this is required for the buildings	<b>Unable to determine compliance</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	(4.92 feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres	along the new lot line.	
	The rear yard is not affected by the proposal.  Per Policy ZON-012 only the performance standard deficiencies triggered as a result of the severance are to be addressed as it relates to yards.	Existing rear yards unaffected.	<b>Existing</b>
<b>Intensity of Use</b> Section 11. (3)	For a multiple dwelling, a width of at least 15.0 metres (49.21 feet) and an area of at least 450.0 square metres	A lot width of 31.78m and a lot area of 2619.0m <sup>2</sup> - Severed lands (89 & 91).  A lot width of 57.07m and a lot area of 3128.1m <sup>2</sup> for retained lands (71 & 75).	<b>Conforms</b>
<b>Floor area Ratio</b> Section 11. (3)	No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.7	Applicant to confirm floor area ratios.	<b>Unable to determine compliance</b>
<b>Landscaped Areas</b> Section 11. (3)	For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area.	Applicant to confirm landscaped areas.	<b>Unable to determine compliance</b>
<b>Section 18A - Parking Requirements</b>			
<b>Minimum Number of Parking Spaces</b> Section 18A(1)(a) and Table 1 of Hamilton Zoning By-law 6593 a amended by OMB	<b>62 spaces on retained lands</b> <b>33 spaces on severed lands</b>  <u>Requirement for a multiple Dwelling:</u> 1.25 spaces per class A Dwelling unit <b>Note: This property is not located in Schedule H.</b>	26 spaces on retained lands.  46 spaces on severed lands.	<b>Non-conforming</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p><i>There are no exceptions for parking under Policy ZON-012, therefore today's parking regs. apply.</i></p> <p><u>Breakdown:</u></p> <p>71 Wentworth Street S., 11 dwelling units – <b>Requires 13.75 spaces</b></p> <p>75 Wentworth Street S., 38 dwelling units. – <b>Requires 47.5 spaces</b></p> <p><u>Therefore, a minimum of 62 spaces</u></p> <p>89 Wentworth Street S., 6 dwelling units – <b>Requires 7.5 spaces</b></p> <p>91 Wentworth Street S., 20 dwelling units – <b>Requires 25 spaces</b></p> <p><u>Therefore, requires a minimum of 33 spaces</u></p>		
<p><b>Minimum Number of Visitor Spaces</b> Section 18A(1)(b) and Table 2 of Hamilton Zoning By-law 6593</p>	<p>Not less than the number of parking spaces exclusively for visitors at the ratio mentioned in column 2 for the corresponding residential use mentioned in column 1 of Table 2, as already included in the minimum number of required parking spaces for residential uses mentioned in Table 1.</p> <p><i><b>Note: This property is not located in Schedule H.</b></i></p> <p><i>There are no exceptions for parking under Policy ZON-012, therefore today's parking regs. apply.</i></p> <p>Therefore, requires 0.25 spaces per dwelling unit to be dedicated as visitors parking.</p> <p>Based on 62 spaces, a minimum of 16 spaces shall be dedicated for visitors parking for the retained lands.</p> <p>Based on 33 spaces 9 spaces shall be dedicated for visitors parking for the severed lands.</p>	<p>No visitor parking has been shown.</p>	<p><b>Non-conforming</b></p>

	Required By By-Law	Provided	Conforming/ Non-Conforming
<p><b>Minimum Number of Loading Spaces and Minimum Parking Space Size for Multiple Dwellings</b> Section 18A(1)(c) and Table 3 of Hamilton Zoning By-law 6593</p>	<p>Where a building is a multiple dwelling contained more than four dwelling units, a minimum number of loading spaces conveniently located for the building having the minimum dimensions mentioned in columns 2 and 3 for the corresponding number of dwelling units mentioned in column 1 of Table 3.</p> <p><b>Refer to Table 3 to determine the required number of loading spaces and add it here.</b></p> <p><b>There are exceptions for loading under Policy ZON-012, therefore today's regs. apply.</b></p> <p><u>Breakdown:</u></p> <p>71 Wentworth Street S., 11 dwelling units – <b>Requires 1 loadings space (9.0m x 3.7m x 4.3m)</b></p> <p>75 Wentworth Street S., 38 dwelling units. – <b>Requires 1 loading space (18.0m x 3.7m 4.3m)</b></p> <p>89 Wentworth Street S., 6 dwelling units – <b>Requires 1 loadings space (9.0m x 3.7m x 4.3m)</b></p> <p>91 Wentworth Street S., 20 dwelling units – <b>Requires 1 loading space (18.0m x 3.7m 4.3m)</b></p> <hr/> <p><b>Refer to Table 3 to determine the minimum size of the loading space and add it here.</b></p> <p>Minimum Loading Space Size Required:</p> <p>One at 9x3.7x4.3</p> <p>One at 18x3.7x 4.3</p>	<p>No loading spaces shown</p>	<p><b>Non-conforming</b></p>
<p><b>Minimum Manoeuvring Space</b> Section 18A(1)(f) and Table 6 of Hamilton Zoning By-law 6593</p>	<p>Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1,</p> <p><b>Refer to Table 6 to determine the minimum manoeuvring space.</b></p> <p>Minimum Manoeuvring Space Size:6.0m as all parking spaces shown are 90.0 degree</p>	<p><b>Not clearly dimensioned for all parking areas.</b></p>	<p><b>Unable to determine compliance</b></p>



	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Properties Shown on Area "A" and "B" in Schedule "I"</b> Section 18A(3) of Hamilton Zoning By-law 6593	Where the uses mentioned in paragraphs 2, 3, and 4 of Table 1 of clause (a) of subsection 1 are located in Areas "A" and "B" shown on Schedule "I", the minimum number of parking spaces mentioned in column 2 of Table 7 shall be provided and maintained for the corresponding Area mentioned in column 1.	For information in how the number of required parking spaces were calculated as the property is in Area "A" or "B" in Schedule "I".  <i><b>This property is NOT located in Schedule H.</b></i>	
<b>Parking Calculation Results in a Fractional Number</b> Section 18A(6) of Hamilton Zoning By-law 6593	Where calculations of the number of parking and loading spaces result in a fractional number of parking or loading spaces, the next higher number shall be taken.	For information in how the number of required parking spaces were calculated as it resulted in a fraction.	
<b>Minimum Parking Space Size</b> Section 18A(7) of Hamilton Zoning By-law 6593	Every required parking space, other than a parallel parking space, shall have dimensions not less than <u>2.7 metres width and 6.0 metres long.</u>	Not all parking spaces have been clearly dimensioned	<b>Unable to determine compliance</b>
<b>Minimum Parallel Parking Space Size</b> Section 18A(8) of Hamilton Zoning By-law 6593	Every parallel parking space shall have dimensions not less than 2.5m wide and 6.7m long	Not proposed.	<b>N/A</b>
<b>Location of Required Parking Space, Loading Space and Manoeuvring Space</b> Section 18A(9) of Hamilton Zoning By-law 6593	Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot which the principal use, building or structure is located.	Not all required parking is located on the lot.	<b>Non-conforming</b>
<b>Unobstructed Required Parking Space</b> Section 18A(10) of Hamilton Zoning By-law 6593	Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	Parking area appears unobstructed.	<b>Appears to conform</b>
<b>Parking Area with <u>Five or More</u> Parking Spaces</b> Section 18A(11) of Hamilton Zoning By-law 6593	The boundary of every parking area and loading space on a lot <u>containing five (5) or more</u> parking spaces located on the surface of a lot adjoining a residential district shall be fixed;  a) not less than 1.5m from the adjoining residential district boundary; and  Note: There is adjoining Residential to	The required setback is not proposed to be maintained from the easterly and southerly boundaries.  There is no Residential district affecting the front yards.	<b>Non-conforming</b>

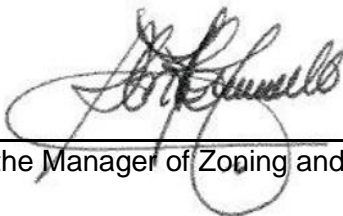
	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>the east of both the retained and severed lands.</p> <p>There is adjoining Residential to south of the severed lands.</p> <p>b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0m of a residential district.</p>		
<p><b>Parking and Loading Area Referred to in Subsection 11 Above</b> Section 18A(12) of Hamilton Zoning By-law 6593</p>	<p>For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,</p> <p>a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and</p> <p>b) between the boundary of the loading area and the residential district an area landscaped with a planting strip; and</p> <p>c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2m in height and not greater than 2.0m in height.</p>	<p>The required planting strip is not proposed to be provided and maintained.</p> <p>The required visual barriers are not shown. Note: chain link fence does not satisfy this requirement.</p>	<b>Non-conforming</b>
<p><b>Illumination for Parking Area</b> Section 18A(13) of Hamilton Zoning By-law 6593</p>	<p>Where illumination is provided for a parking area or loading space the illumination shall be directed towards or on the lot on which the parking area is located and away from,</p> <p>a) any adjacent use;</p> <p>b) any highway.</p>	Details not provided.	<b>Unable to determine compliance</b>
<p><b>Required Parking in the Front Yard</b> Section 18A(14g) of Hamilton Zoning By-law 6593</p>	<p>Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.</p>	Parking is proposed to be maintained in the required front yard of the retained lands.	<b>Non-conforming</b>
<p><b>Requirement for Required Visitor Parking</b> Section 18A(16) of Hamilton Zoning By-law 6593</p>	<p>Each required visitor parking space shall,</p> <p>a) be maintained for the exclusive use of visitors</p> <p>b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and</p>	Visitor parking has not been shown.	<b>Non-conforming</b>

	Required By By-Law	Provided	Conforming/ Non-Conforming
	<p>c) be maintained readily accessible to visitors and free and clear of all obstructions.</p> <p>(b) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.</p>		
<p><b>Access to Required Parking Spaces and manoeuvring Spaces</b> Section 18A(21) of Hamilton Zoning By-law 6593</p>	<p>All required parking spaces and manoeuvring space shall have access by means of one or more access driveways,</p> <p>a) located on the lot, or</p> <p>b) located partly on the lot in the case of a mutual driveway</p> <p>c) by means of a right of way.</p>	Access provided on the lot.	<b>Conforms</b>
<p><b>Unobstructed Access to and from Required Parking Spaces</b> Section 18A(22) of Hamilton Zoning By-law 6593</p>	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and from required parking spaces.	Appears unobstructed.	<b>Conforms</b>
<p><b>Access Driveway</b> Section 18A(23) of Hamilton Zoning By-law 6593</p>	Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.	Easy access shown.	<b>Conforms</b>
	<p>b) There are <u>more than five (5)</u> parking spaces shall have:</p> <p>i) not less than one access driveway or mutual access driveway having a width of at least 5.5m, or</p> <p>ii) a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0m and each operated in a one way but opposite direction to each other and so designed that vehicles shall not back out onto an adjoining highway.</p> <p>iii) Markings on the surface of the parking area delineating the separate parking spaces; and</p> <p>iv) bumpers or wheel barriers to prevent the physical encroachment beyond the parking area except at the entrance to and exit from the parking area.</p>	<p>Driveway widths have not been clearly dimensioned and appear some may be deficient.</p> <p>Markings shown. Bumpers not shown.</p>	<b>Appears non-conforming</b>

	<b>Required By By-Law</b>	<b>Provided</b>	<b>Conforming/ Non-Conforming</b>
<b>Townhouse Dwelling, Maisonette Dwelling or Multiple Dwelling</b> Section 18A(25) of Hamilton Zoning By-law 6593	Where a <u>townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district</u> that does not permit such uses, every access driveway to the townhouse, maisonette, or multiple dwelling shall be located not less than 3.0m from the common boundary between the district in which the townhouse, maisonette or multiple dwelling is located and the district that does not permit such uses.	Use not permitted on adjacent easterly and southerly lands .  No access driveway is shown to be located adjacent to said residential areas.	<b>Conforms</b>
<b>Residential District Vehicular Access</b> Section 18A(27) of Hamilton Zoning By-law 6593	No land in <u>any residential district</u> shall be used for the purpose of vehicular access to or egress from any land in a commercial district or industrial district.	Access used for residential purposes.	<b>Conforms</b>
<b>Residential - Lands a Multiple Dwelling is Not Permitted</b> Section 18A(28) of Hamilton Zoning By-law 6593	No land in any residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.	Use of a multiple dwelling permitted.	<b>Conforms</b>
<b>Parking Surface Material</b> Section 18A(30) of Hamilton Zoning By-law 6593	Except as provided in subsection 31, a permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.	Asphalt parking areas shown.	<b>Conforms</b>
<b>Unobstructed Loading Space</b> Section 18A(32) of Hamilton Zoning By-law 6593	Sufficient space addition to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.	No loading spaces shown.	<b>N/A</b>
<b>Loading Space – Readily Available</b> Section 18A(33) of Hamilton Zoning By-law 6593	Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading space and an access driveway.		

	Required By By-Law	Provided	Conforming/ Non-Conforming
<b>Encroachments – Section 18</b>			
<b>Unclosed porch</b> Section 18(3)(vi)(e) of Hamilton Zoning By-law 6593	A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line; and	Setback dimension to the new lot line not show for existing concrete porch and stairs.	<b>Unable to determine compliance</b>
<b>Balconies</b> Section 18(3)(vi)(cc) of Hamilton Zoning By-law 6593	(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet); (8544/59) (79-288) (80-049) (ii) into a required rear yard not more than 1.0 metre (3.28 feet); or (8544/59) (79-288) (80-049) (iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser	The balconies are shown to be flushed with building and not further encroaching into a yard.	<b>N/A</b>

Yours truly



for the Manager of Zoning and Committee of Adjustment

VB/vb



Monday, October 23, 2023

**Committee of Adjustment**

**City of Hamilton**

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

**Attn: Jamila Sheffield, Secretary Treasure**

**Re: Minor Variance Applications**

71 – 75 Wentworth Street South (Retained Parcel)  
89 – 91 Wentworth Street South (Severed Parcel)  
Part of Lots 6,7,8, and 9  
Registered Plan No.93  
City of Hamilton

Related File: HM/B-23:17 & HM/A-21:105

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Dear Ms. Sheffield,

On behalf of Macdane Group of Companies (the 'Client'), Corbett Land Strategies Inc. (CLS) is pleased to submit the enclosed Minor Variance Application for the lands municipally known as 71 & 75 Wentworth Street South and 89 & 91 Wentworth Street South, legally described as Part of Lots 6,7,8, and 9 Registered Plan No.93 in the City of Hamilton.

**Background**

The existing residential lot is occupied by legal non-conforming multiple dwelling buildings. An approved Building Permit (196246 000 00 R9) has been received to facilitate renovations on 91 Wentworth Street South. In order to advance the approved permit, a service connection for 89 & 91 Wentworth Street South is required to be established. However, Alectra permits only one servicing connections per site for a maximum of two (2) buildings, in which Alectra has already provided for 71 & 75 Wentworth Street South. As such, to receive a service connection for 89 & 91 Wentworth, a consent application to sever the existing lot of required is necessary.

On March 17, 2023, CLS submitted a consent application (file no. HM/B – 23:17) to sever the existing residential lot establishing municipal addresses 71 & 75 Wentworth Street South as the retained parcel

and 89 & 91 Wentworth Street South as the severed parcel. To maintain the existing access to the properties, a blanket easement is proposed to permit shared pedestrian and vehicular accesses for the retained lands and severed lands. The creation of the two new lots dissolved the 'legal non-conforming use' status of the site and therefore, must conform to the standards of the Zoning By-law.

Please be advised that as part of the approved Building Permit application was an approved Minor Variance, file no. HM/A-21:105, which sought a relief for a side yard width of 1.1 metres. Furthermore, the approved permit is for the interior renovation of 91 Wentworth Street South. The work includes parking space area improvements for both the retained and severed parcels. It is important to note that 89 Wentworth Street South is a vacant building and the landowner have no intention of renovating the building for tenancy in the near foreseeable future.

**Zoning By-law Compliance Review**

On May 18, 2023, a Notice of Condition was issued advising CLS to satisfy all seven (7) conditions, which includes Condition five (5) that states:

- 5. *The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).*

In receipt of the above condition, a zoning by-law compliance review was requested from planning staff to assist in fulfilling the above condition. The requested review verified the zoning deficiencies that are existing and variances that would be created from the proposed severance line, which will require a successful minor variance application in support of the current consent application.

In accordance with the zoning by-law compliance review, there are a total of nine (9) 'non-conforming' standards that requires relief from the Zoning By-law. Through this minor variance application, we respectfully request the committee to consider the provided responses to address the 'non-conforming' standards which are as follows:

Requirement	Provided	CLS Response
<b>1. Minimum Number of Parking Spaces</b> (1.25 spaces per class A Dwelling unit) <ul style="list-style-type: none"> <li>• 62 spaces on retained lands</li> <li>• 33 spaces on severed lands</li> </ul>	<ul style="list-style-type: none"> <li>• 36 spaces on retained lands.</li> <li>• 37 spaces on severed lands.</li> </ul>	Relief to be requested for the through this application.
<b>2. Minimum Number of Visitor Spaces</b> (requires	No visitor parking has been shown.	Relief to be requested for the through this application.

<p><i>0.25 spaces per dwelling unit)</i></p> <ul style="list-style-type: none"> <li>• 9 spaces on retained lands</li> <li>• 9 spaces on severed lands</li> </ul>		<p>The client will repave and repaint the parking area including the markings for visitor parking spaces.</p> <p>For the purpose of this application, we are proposing to provide:</p> <ul style="list-style-type: none"> <li>• 6 spaces on retained lands</li> <li>• 4 spaces on severed lands</li> </ul> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>
<p><b>3. Minimum Number of Loading Spaces and Minimum Parking Space Size for Multiple Dwellings</b></p> <ul style="list-style-type: none"> <li>• 2 loading spaces on retained lands</li> <li>• 2 loading spaces on severed lands</li> </ul>	<p>No loading spaces shown.</p>	<p>Relief to be requested for the through this application.</p>
<p><b>4. Location of Required Parking Space, Loading Space and Manoeuvring Space</b></p>	<p>Not all required parking is located on the lot</p>	<p>The client will repave and repaint the parking area including the parking lines on site (severed and retained parcels) to ensure that location of required parking space, loading space and manoeuvring space are within the boundaries of the site.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>



<p><b>5. Parking Area with Five or More Parking Spaces</b></p> <p>a) not less than 1.5m from the adjoining residential district boundary; and</p> <p>b) not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0m of a residential district.</p>	<p>The required setback is not proposed to be maintained from the easterly and southerly boundaries.</p> <p>There is no Residential district affecting the front yards.</p> <p>Note: There is adjoining Residential to the east of both the retained and severed lands.</p> <p>There is adjoining Residential to south of the severed lands.</p>	<p>As shown on the enclosed land survey, the setback to:</p> <ul style="list-style-type: none"> <li>• adjoining Residential to the east</li> </ul> <p>Retained: 21.97 m Severed: 20.82 m</p> <ul style="list-style-type: none"> <li>• adjoining Residential to south of the severed lands is 9.09 m</li> </ul>
<p><b>6. Parking and Loading Area Referred to in Subsection 11 Above Section 18A(12) of Hamilton Zoning By-law 6593</b></p> <p>a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; and</p> <p>b) between the boundary of the loading area and the residential district an area landscaped with a planting strip; and</p> <p>c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2m in height and not greater than 2.0m in height.</p>	<p>The required planting strip is not proposed to be provided and maintained.</p> <p>The required visual barriers are not shown.</p> <p>Note: chain link fence does not satisfy this requirement.</p>	<p>There is an existing landscape strip and, metal and board fence around the perimeter of the retained and severed lands. Due to the legal non-conforming status, these requirements are never updated.</p> <p>As mentioned, the client will be repaving and repainting the parking area. In assessing the current condition of the existing landscape strip, we have reasons to believe that it is not viable for any tree planting. Therefore, the client request for an alternative visual barrier such as a wooden fence around the perimeter.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>
<p><b>7. Required Parking in the Front Yard</b></p>	<p>Parking is proposed to be maintained in the required</p>	<p>Relief to be requested for the through this application.</p>

<p>Except as provided for in clauses (14a),(14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.</p>	<p>front yard of the retained lands.</p>	<p>The front yard parking has long been existing since the legal non-conforming status of the subject property.</p>
<p><b>8. Requirement for Required Visitor Parking</b></p> <p>Each required visitor parking space shall,</p> <ul style="list-style-type: none"> <li>a) be maintained for the exclusive use of visitors.</li> <li>b) have a sign appurtenant thereto legibly marked that the parking space is for the exclusive use of visitors; and</li> <li>c) be maintained readily accessible to visitors and free and clear of all obstructions.</li> <li>d) the number of the required loading spaces for the commercial uses may be reduced by 50% of the required number of loading spaces for the residential uses.</li> </ul>	<p>Visitor parking has not been shown.</p>	<p>Client will address this standard by repainting the parking lines on site (severed and retained parcels) and identify the spaces dedicated for visitor parking.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>
<p><b>9. Access Driveway</b></p> <p>b) There are more than five (5) parking spaces shall have:</p> <ul style="list-style-type: none"> <li>i. not less than one access driveway or mutual access driveway having a width of at least 5.5m, or</li> <li>ii. a separate ingress driveway and a separate egress driveway, each having a width of at least 3.0m and each operated in a one way but opposite</li> </ul>	<p>Driveway widths have not been clearly dimensioned and appear some may be deficient.</p> <p>Markings shown. Bumpers not shown.</p>	<p>Relief to be requested for the through this application.</p> <p>Client will address this standard by repainting the access driveway including the markings on the pavement. Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p> <p>Prior to the severance, the entire site had a separate</p>

<p>direction to each other and so designed that vehicles shall not back out onto an adjoining highway.</p> <p>iii. Markings on the surface of the parking area delineating the separate parking spaces; and</p> <p>iv. bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area.</p>		<p>ingress and egress driveway each having 3.0 metres. As a result of the severance, the access driveways had to be divided to serve each new parcel. Given the existing width of the driveway, we will request a relief to permit a driveway width of 3 metres instead of 5.5 metres.</p> <p>As mentioned, part of the consent application was a proposed blanket easement to serve both the severed and retained parcel to maintain the overall access to entire subject lands.</p>
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In addition to the above identified non-conforming standards, staff also identified standards that are “Unable to determine compliance”. Similarly, through this submission, we request the committee to consider the following responses, which are as follows:

Requirement	Provided	CLS Response
<p><b>1. Area Requirements</b></p> <p><b>Side Yard:</b> min.1.5 m (where no balcony, sunroom or any window of a habitable room overlooks the side yard)</p> <p>min. 3.0m (where any balcony, sunroom or window of a habitable room does overlook such side yard)</p>	<p>As part of this submission, a land survey is enclosed to show the length and width of the buildings to determine the required side yards.</p> <ul style="list-style-type: none"> <li>• 71 Wentworth St. S: 1.19 m</li> <li>• 75 Wentworth St.S: 2.63 m</li> <li>• 89 Wentworth St.S: 3.46 m</li> <li>• 91 Wentworth St. S: 1.12 m</li> </ul>	<p>As previously mentioned, through an approved minor variance (HM/A-21:105), a side yard depth of 1.1 m was approved.</p>
<p><b>2. Floor Area Ratio</b> No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the</p>	<p>Retained Parcel (3077.81sq.m) 71 Wentworth St S – 786.15 sq.m 75 Wentworth St S – 2980.96 sq.m</p> <ul style="list-style-type: none"> <li>• <b>FAR: 1.23</b></li> </ul>	<p>Based on the calculation, the existing FAR conforms to the zoning by-law.</p>

lot on which it is situate, multiplied by the floor area ratio factor of 1.7	Severed Parcel (2667.63 sq.m) 89 Wentworth St S – 456.75 sq.m 91 Wentworth St S – 1,362.36 sq.m • <b>FAR: 0.57</b>	
<b>3. Landscape Areas</b> (min. 25%)	Retained Parcel (3077.81sq.m) • 643.81m <sup>2</sup> (20.9%)  Severed Parcel (2667.63 sq.m) • 808.08m <sup>2</sup> (30.2%)	Relief to be requested for the through this application.
<b>4. Minimum Manoeuvring Space</b>	Not clearly dimensioned for all parking areas.	As shown in the enclosed land survey, it is shown that some of the manoeuvring spaces appear to be less than the 6.0 m and some appear to be more than 6.0m.  The client will address this standard by repainting parking lines on site and to ensure that a manoeuvring space of 6.0 m will be maintained throughout the site.  Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.
<b>5. Minimum Parking Space Size</b>	Not all parking spaces have been clearly dimensioned.	The parking space dimension for both retained and severed parcels is 2.60 m x 6.02 m.  As above-mentioned, the client will repaint the parking lines on site to ensure that minimum parking standards of 2.7 m x 6.0 m will be maintained throughout the site.  Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.

<p><b>6. Access Driveway</b></p>	<p>Driveway widths have not been clearly dimensioned and appear some may be deficient.</p> <p>Markings shown. Bumpers not shown.</p>	<p>The client will repaint the access driveway including markings and bumpers if existing.</p> <p>As shown in the enclosed land survey, the retained parcel has a 3.0 m wide driveway, and the severed parcel has a 3.0 m wide driveway.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>
<p><b>7. Illumination for Parking Area</b></p>	<p>Details not provided.</p>	<p>As part of the current work that client is doing on 91 Wentworth Street S, the client intends to provide appropriate illumination for the parking area.</p> <p>Currently, there are no detail plan/drawing for the existing illumination of the entire parking area. However, an exterior lighting plan for 91 Wentworth Street South is enclosed to demonstrate that lighting will be provided for the parking area.</p>
<p><b>8. Unclosed porch</b></p>	<p>Setback dimension to the new lot line does not show for existing concrete porch and stairs.</p>	<p>The severance line is located between 75 Wentworth St.S and 85 Wentworth St.S. Please see attached drawings/plans.</p>

## Minor Variance Application

Based on the foregoing, the two (2) minor variance applications will seek the following relief from the Zoning By-law:

### 71-75 Wentworth Street South (Retained Parcel)

Requirement (Zoning By-law 6593)		Standard	Retained Parcel	Difference
1	Rear Yard Depth	Max. of 13.5 m	28.01 m	15 m
2	Minimum Number of Parking Spaces	1.25 ratio (60 Parking Spaces)	0.75 ratio (36 Parking Spaces)	24 Parking Spaces
3	Minimum Number of Visitor Spaces	9 Visitor Parking	6 Visitor Parking	3 Visitor Parking
4	Minimum Number of Loading Spaces	2 Loading Spaces	0 Loading Spaces	2 Loading Spaces
5	Landscape Areas	Max. 25%	20.9%	4.1%
6	Required Parking in the Front Yard	See above.	For the purpose of this variance application, parking spaces fronting Wentworth Street South shall be permitted.	
7	Parking and Loading Area	See above.	Notwithstanding any provision of Zoning By-law 6593, the provisions in Section 18A(12) shall not apply to the retained parcel.	
8	Access Driveway	See above.	To permit an access driveway width of 3 metres instead of 5.5 metres.	
9	To all other "non-conforming" standards in relation to the parking area	See above.	<p>The parking area shall be repainted and ensure the markings for access, parking spaces, visitor parking space, bumps, are updated and to maintain driveway widths, manoeuvring space, and parking space required dimension.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>	

### 81-91 Wentworth Street South (Severed Parcel)

Requirement (Zoning By-law 6593)		Standard Required	Severed Parcel	Variance
1	Front Yard Depth	Max. of 7.5 m	9.78 m	1.83 m
2	Rear Yard Depth	Max. of 13.5 m	53.94 m	38.9 m
3	Minimum Number of Visitor Spaces	9 Visitor Parking	4 Visitor Parking	4 Visitor Parking
4	Minimum Number of Loading Spaces	2 Loading Spaces	0 Loading Spaces	2 Loading Spaces
5	Parking and Loading Area	See above.	Notwithstanding any provision of Zoning By-law 6593, the provisions in Section 18A (12) shall not apply to the severed parcel.	
6	Access Driveway	See above.	To permit an access driveway width of 3 metres instead of 5.5 metres	
7	To all other "non-conforming" standards in relation to the parking area	See above.	<p>The parking area shall be repainted and ensure the markings for access, parking spaces, visitor parking space, bumps, are updated and to maintain driveway widths, manoeuvring space, and parking space required dimension.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>	

### Planning Justification for Minor Variance

In preparation of the subject application, the four tests of a Minor Variance as provided for in Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, have been reviewed, and addressed as follows:

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

The subject lands are identified as "Neighbourhoods" within the Urban Hamilton Official Plan according to Schedule E – Urban Structure and is designated at "Neighbourhoods" according to Schedule E-1 – Urban Land Use Designations. The property contains historic structures that have been included within the City's Inventory of Historic Buildings and is located within the St. Clair Established Historical Neighbourhood.

Formerly, the existing residential lot was identified as legal non-conforming use which contains 4 multiple dwelling buildings. Currently, only 71 & 75 Wentworth St. S are occupied by tenants and have service connection from Alectra, while 89 & 91 Wentworth St. S are vacant buildings and does not have a service connection. The client proposes to renovate 91 Wentworth St S for future tenancy

which resulted to an approved building permit. Effectively, to advance the approved building permit the building requires a service connection.

As mentioned, Alectra’s servicing connection requirement drove the initiation for a consent application to create two new lots. The creation of the new lots dissolved the ‘legal non-conforming use’ status and activated the need for several minor variances to relieve the sites’ existing deficiency and ensure compliance with the Zoning By-law.

The variance applications do not seek any changes to the existing use of the lands. The applications propose to maintain the existing uses and will result in additional 21 rental units in Hamilton through the proposed interior renovation on 91 Wentworth St. S. The proposed improvement on the parking area will recover the overall appearance of the subject property, which will improve the public realm of the area. The proposed reduced parking will encourage for active and public transportation as the subject property is in an area served by transit.

Based on the foregoing, it is our opinion that the requested minor variances maintain the general intent and purpose of the Official Plan.

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

The subject lands are zoned as “E” District within the former City of Hamilton Zoning By-law No. 6593, which permits multiple dwellings. The proposed minor variances would seek to change the following zoning requirements:

**71-75 Wentworth Street South (Retained Parcel)**

Standard		Proposed Relief	Rationale
1	Rear Yard Depth	28.01 m	The rear yard deficiency is existing. The client does not intend to change or extend the existing buildings; therefore, the rear yard depth remains unaffected.
2	Minimum Number of Parking Spaces	0.75 ratio (36 Parking Spaces)	Prior to severing the lot, the entire lot has a total of 73 parking spaces with 10 visitors parking spaces. The deficiency in parking is existing, however resolved due to the previous legal non-conforming status.  As a result of the severance, the new lots can only accommodate 6 visitor parking spaces and 36 parking spaces for the retained parcel.
3	Minimum Number of Visitor Spaces	6 Visitor Parking	
4	Minimum Number of Loading Spaces	0 Loading Spaces	Due to the legal non-conforming status of the existing multiple dwelling buildings, the lack of loading space is an existing deficiency. As mentioned,



			the client intends to continue the existing use of the buildings. The lack of loading spaces never presented issues to the overall function of the use of the entire site.
5	Landscape Areas	20.9%	This variance is technical in nature and only applies to the retained parcel.
6	Required Parking in the Front Yard	For the purpose of this variance application, parking spaces fronting Wentworth Street South shall be permitted.	The parking spaces located at the front yard of the retained parcel has always existed. Due to the property's legal non-conforming status, the parking space provided parking services to the existing use of the site.
7	Parking and Loading Area	Notwithstanding any provision of Zoning By-law 6593, the provisions in Section 18A(12) shall not apply to the retained parcel.	Due to the legal non-conforming use status, many of standards not in compliance as they would have been constructed under previous zoning regimes. These standards include required parking strip in the parking area, access driveway and required illumination for the parking.
8	Access Driveway	To permit an access driveway width of 3 metres instead of 5.5 metres.	
9	To all other "non-conforming" standards in relation to the parking area	The parking area shall be repainted and ensure the markings for access, parking spaces, visitor parking space, bumps, are updated and to maintain driveway widths, manoeuvring space, and parking space required dimension.	<p>For instance, there is an existing landscape strip and, metal and board fence along the perimeter of the retained and severed lands. Due to is long standing legal non-conforming status, these requirements are not in compliance as they were constructed prior to the enforcement of Zoning By-law 6593. Additionally, prior to the severance, the entire site had a separate ingress and egress driveway each having 3.0 metres. As a result of the severance, the access driveways had to be divided to serve each new parcel.</p> <p>Majority of the non-conforming standards are relating the parking area. Therefore, the client proposes to improve the parking space area by repaving and repainting the lot.</p>

			Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.
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### 81-91 Wentworth Street South (Severed Parcel)

Standard		Proposed Relief	Rationale
1	Front Yard Depth	9.78 m	The front and rear yard deficiency are existing. The client does not intend to change or extend the existing buildings; therefore, the rear yard depth remains unaffected.
2	Rear Yard Depth	53.9 m	
3	Minimum Number of Visitor Spaces	4 Visitor Parking	<p>Prior to severing the lot, the existing residential lot comprised of 71, 75, 89 and 91 Wentworth Street South. The entire lot has a total of 73 parking spaces with 10 visitors parking spaces. The deficiency in parking is existing, however resolved as due to the previous legal non-conforming status.</p> <p>As a result of the severance, the existing deficiency is carried out to the new lots, which can only dedicate 4 visitor parking spaces for the severed parcel. Similarly, the requested relief is to ensure that the new lot conform to the Zoning By-law.</p>
4	Minimum Number of Loading Spaces	0 Loading Space	Evidently, because of the legal non-conforming status of the existing multiple dwelling buildings, the lack of loading space is an existing deficiency. As mentioned, the client intends to continue the existing use of the buildings. The lack of loading spaces never presented issues to the overall function of the use of the entire site
5	Parking and Loading Area	Notwithstanding any provision of Zoning By-law 6593, the provisions in Section 18A (12) shall not apply to the severed parcel.	Due to the legal non-conforming use status, many of standards have not been up to date. These standards include required parking strip in the parking area, access driveway and required illumination for the parking.
6	Access Driveway	To permit an access driveway width of 3 metres instead of 5.5 metres.	

7	To all other “non-conforming” standards in relation to the parking area	The parking area shall be repainted and ensure the markings for access, parking spaces, visitor parking space, bumps, are updated and to maintain driveway widths, manoeuvring space, and parking space required dimension.	<p>For instance, there is an existing landscape strip and, metal and board fence along the perimeter of the retained and severed lands. Due to is long standing legal non-conforming status, these requirements are not in compliance as they were constructed prior to the enforcement of Zoning By-law 6593. Additionally, prior to the severance, the entire site had a separate ingress and egress driveway each having 3.0 metres. As a result of the severance, the access driveways had to be divided to serve each new parcel.</p> <p>Majority of the non-conforming standards are relating the parking area. Therefore, the client proposes to improve the parking space area by repaving and repainting the lot.</p> <p>Please see the enclosed approved site plan by Building Department, which shows proposed parking area improvements.</p>
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Given the above, the deficiencies being sought for relief are existing and variances that would be created from the proposed severance line, which is required to establish servicing connection for 89 – 91 Wentworth Street South. As mentioned, there is no intention of any changes or extension to the building fabric. The requested relief are in keeping with the general intent and purpose of the Zoning By-law as these deficiencies are existing and necessary to maintain the permitted use of the subject lands.

Furthermore, the proposed improvement on the parking space will contribute to improving the public realm of the area. The proposed setbacks will not have any impact to the public realm and will not disrupt the existing urban edge in the area. It is our opinion that each of the requested minor variances maintains the general intent and purpose of the Zoning By-Law.

3. Desirable for the appropriate development or use

Historically, the subject lands have been occupied by legal non-conforming multiple dwelling buildings, which the Client has no intention of changing the use nor to redevelop. The existing building fabric and use of the lands will continue to be consistent with the adjacent residential uses located to the west of the subject lands, and across the street comprising of 2 or more storeys. The proposed renovation on 91 Wentworth St S will contribute to additional rental units in Hamilton and the proposed improvement on the parking space will create a better presence for the subject property.

Ultimately, the intention of the applications is bringing the existing conditions in conformance with the Zoning By-law to facilitate a service connection for 89-91 Wentworth Street South. It is our opinion that the requested minor variances are not anticipated to have any adverse impact on the adjacent lands and are desirable for the appropriate development and use of the subject lands.

#### 4. Variance is Minor in Nature

We do not anticipate any adverse impacts on the subject lands nor the adjacent uses as a result of the requested minor variances. As mentioned above, the proposed variances are initiated by severing the lot into two new lots which effectively dissolved the legal non-conforming use status. The creation of the new lots will accommodate for servicing connection on 89-91 Wentworth Street South, which effectively advances the approved Building Permit application (file no. 196246 000 00 R9). Moreover, no changes to the existing uses and/or expansions are proposed to the building fabric. For these reasons, the proposed variances are considered to be minor in nature.

Based on the above discussion, we are of the opinion that the proposed application for Minor Variance satisfies the four tests of a minor variance pursuant to Section 45 (1) of the Planning Act and would therefore recommend that the Committee of Adjustment approve the application as proposed.

In accordance with the submission requirements, please find enclosed the following materials in support of our request:

1. One (1) fully executed Minor Variance Application for 71 – 75 Wentworth Street South (Retained Parcel);
2. One (1) fully executed Minor Variance Application for 89 – 91 Wentworth Street South (Severed Parcel);
3. One (1) copy of the overall site for 71 & 75, 89 & 91 Wentworth Street South, prepared by Corbett Land Strategies Inc., dated October 20, 2023;
4. One (1) copy of the retained parcel for 71 & 75 Wentworth Street South, prepared by Corbett Land Strategies Inc., dated October 20, 2023;
5. One (1) copy of the severed parcel for 89 & 91 Wentworth Street South, prepared by Corbett Land Strategies Inc, dated October 20, 2023;
6. One (1) copy of the Zoning By-law Compliance Review, dated September 29, 2023;
7. One (1) copy of the (Site Plan) Proposed Parking Area Improvement, prepared by Kevin Manual Architect Limited, dated June 23, 2021;
8. One (1) copy of the Proposed Illumination of the Parking Area, prepared by Sebs Engineering, dated January 17, 2023;
9. One (1) copy of the Draft Reference Plan, prepared by Genesis Land Survey, dated August 15, 2023; and,

10. Two cheques (3390 & 3391) in the amount of \$3,735.00 for each application will be arranged by the Client once staff confirmed receipt of the Minor Variance Applications.

We trust that the above materials are in order. Should you have any questions with respect to the enclosed, or require anything further, please do not hesitate to contact the undersigned.

Prepared by:

*Jonabelle Ceremuga*

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Jonabelle Ceremuga, M.C.I.P., R.P.P.  
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Approved by:

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**Committee of Adjustment**  
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 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
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**APPLICATION FOR A MINOR VARIANCE/PERMISSION**  
 UNDER SECTION 45 OF THE *PLANNING ACT*

**1. APPLICANT INFORMATION**

	NAME		
<b>Registered Owners(s)</b>			
<b>Applicant(s)</b>			
<b>Agent or Solicitor</b>			
			<b>E-mail:</b>

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  AgentSolicitor

1.4 Request for digital copy of sign  Yes\*  No

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

1.5 All correspondence may be sent by email  Yes\*  No

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

**2. LOCATION OF SUBJECT LAND**

2.1 Complete the applicable sections:

Municipal Address	71 - 75 Wentworth Street South		
Assessment Roll Number			
Former Municipality	City of Hamilton		
Lot		Concession	
Registered Plan Number	93	Lot(s)	6,7,8 and 9
Reference Plan Number (s)	62R-14384	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:

Part 5 and Part 6 (62R-14384)

### 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:

This minor variance application is related to a consent application (HM/B-23:17) of a lot to be severed into two new lots.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

The creation of two new lots resulted into variances which requires relief from the zoning by-law.

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
57.07 m	82.45 m	3,128.1 sq.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
3-storey Apartment	4.59 m	22.32 m	1.19 m	
4-storey Apartment	6.5 m	28.5 m	2.63 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3-storey Apartment	4.59 m	22.3 m	1.19 m	
4-storey Apartment	6.5 m	28.5 m	2.63 m	
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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
3-storey Apartment	261.8 sq.m	785.4 sq.m	3	
4-storey Apartment	748.7 sq.m	2,995.1 sq.m	4	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
3-storey Apartment	261.8 sq.m	785.4 sq.m	3	
4-storey Apartment	748.7 sq.m	2,995.1 sq.m	4	

- 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.):

None. The existing uses of the property will remain.

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

Residential

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Unknown

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

Residential Apartment Building

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

Residential Apartment Building

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) Neighborhoods

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

Please see attached Cover Letter.

7.6 What is the existing zoning of the subject land? "E" (Multiple Dwellings, Lodges, Clubs, e

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: "E" (Multiple Dwellings, Lodges, Clubs, etc.)

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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: HM/B-23:17

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: 48

8.2 Number of Dwelling Units Proposed: 0

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

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.4 Other Information Deemed Necessary

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