



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-23:299	SUBJECT PROPERTY:	238 Mountain Park Ave, Hamilton
ZONE:	"R1" (Low Density Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: M. Berman Homes Inc. c/o/ Mark Berman
Agent: T. Johns Consulting Group c/o Katelyn Gillis

The following variances are requested:

1. A minimum lot area of 232.2m² shall be permitted instead of the minimum 360.0m² lot area required.
2. A minimum lot width of 7.6m shall be permitted instead of the minimum 12.0m lot width required.
3. A minimum easterly side yard of 0.9m shall be permitted for Part 1 and a minimum westerly side yard of 0.9 shall be permitted for Part 2 instead of the minimum 1.2m side yard required.
4. No parking spaces shall be required for an Additional Dwelling Unit instead of the minimum one (1) parking space required.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots (Part 1 and Part 2) for single detached dwelling purposes together with an additional dwelling unit.

Notes:

The variances are required to facilitate Consent Application HM/B-23:74.

No elevation drawings were provided from which to determine compliance for each of the dwellings. The applicant has advised that the proposed dwellings will not exceed the maximum permitted 10.5m height.

The applicant shall ensure 50.0% of the front yard shall be maintained as landscaped area; otherwise, additional variances shall be required.

The applicant shall ensure that the finished floor level of the garage shall be a minimum of 0.3m above grade; otherwise, additional variances shall be required.

HM/A-23:299

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, December 7, 2023
TIME:	12:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

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

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:299, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: November 21, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

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

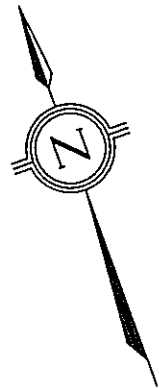
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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

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

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



MOUNTAIN PARK AVENUE
(BY REGISTERED PLAN 361)
PIN 17115-0349 (LT)

PLAN OF SURVEY
(WITH TOPOGRAPHIC DETAIL) OF
PART OF LOT 2
REGISTERED PLAN 361
IN THE
CITY OF HAMILTON
SCALE & NOTES
Scale 1:100
BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2023

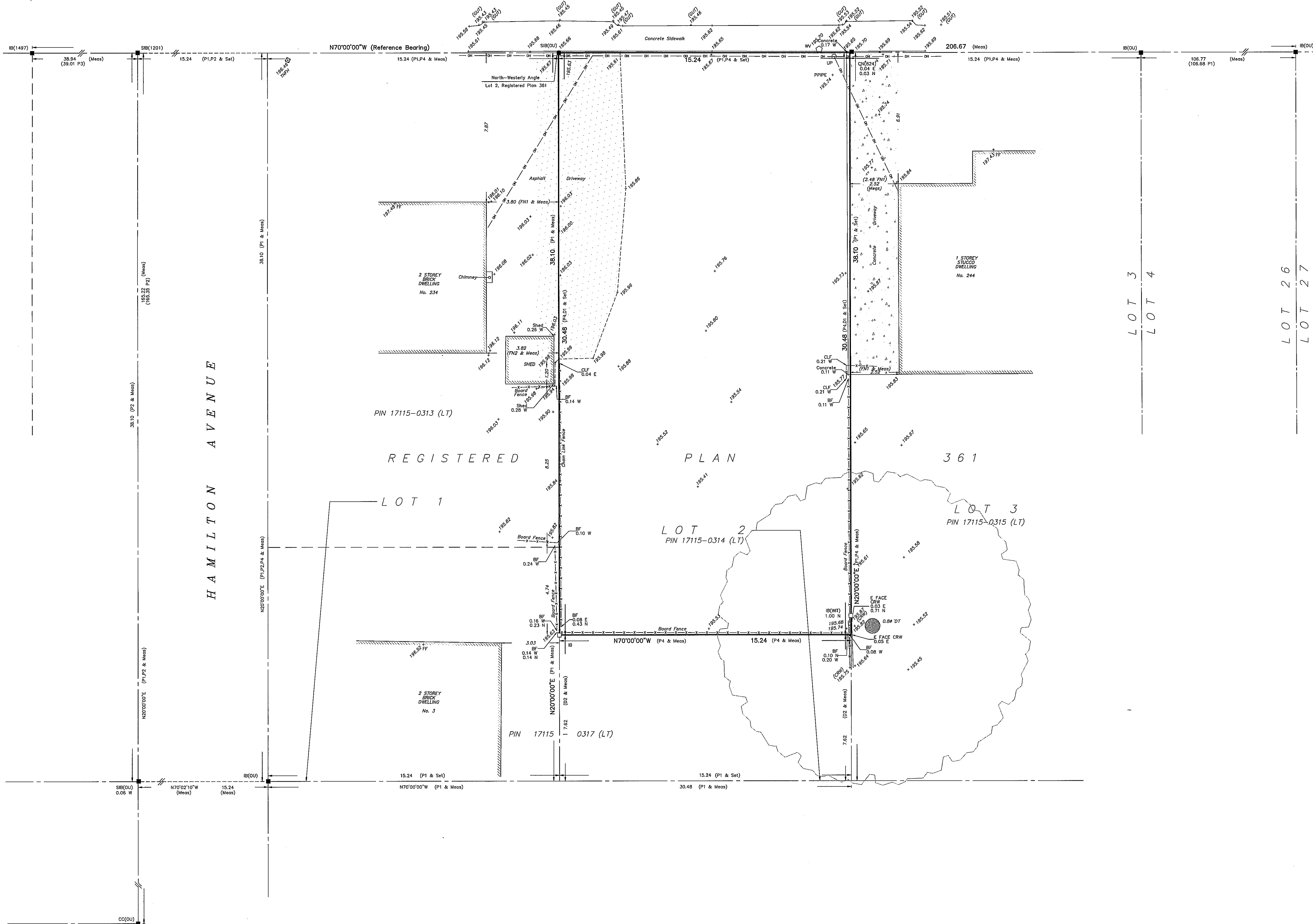
METRIC
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION NOTE
ELEVATIONS ARE GEODETIC ORIGIN (CGVD-1928:78), AND ARE DERIVED FROM
REAL TIME NETWORK (RTN) OBSERVATIONS AND NATURAL RESOURCES
CANADA'S GEOD MODEL HT2.0

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT
OF MOUNTAIN PARK AVENUE AS SHOWN ON REGISTERED PLAN 361 HAVING A
BEARING OF N70°00'00"W.

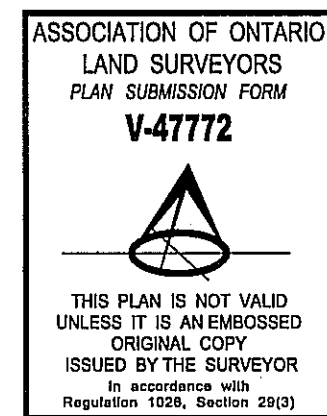
LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
ON	DENOTES	SURVEYORS NAIL SET IN WASHER
CC	DENOTES	CUT CROSS
OU	DENOTES	ORIGIN UNKNOWN
B24	DENOTES	A. T. McLAREN, O.L.S.
1201	DENOTES	R. A. CLARKE, O.L.S.
1497	DENOTES	J. P. NOUWENS, O.L.S.
P1	DENOTES	REGISTERED PLAN 361
P2	DENOTES	REGISTERED PLAN 388
P3	DENOTES	PLAN BY ASHENHURST NOUWENS LTD. DATED SEPTEMBER 11, 2013
P4	DENOTES	PLAN BY GLENN E. GIDDY, O.L.S. DATED MARCH 18, 1987
D1	DENOTES	INSTRUMENT No. W1190561
D2	DENOTES	INSTRUMENT No. H1224303
FN1	DENOTES	FIELD NOTES BY GLENN E. GIDDY DATED MARCH 18, 1987
UP	DENOTES	UTILITY POLE
QUT	DENOTES	CUTTER ELEVATION
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
WV	DENOTES	WATER VALVE
FF	DENOTES	FINISHED FLOOR ELEVATION
GF	DENOTES	GARAGE FLOOR ELEVATION
CRW	DENOTES	CONCRETE RETAINING WALL
TNFH	DENOTES	TOP NUT OF FIRE HYDRANT
BF	DENOTES	BOARD FENCE
CLF	DENOTES	CHAIN LINK FENCE
WIT	DENOTES	WITNESS



REGISTERED PLAN 361

LOT 1
LOT 2
LOT 3



THIS PLAN WAS PREPARED FOR MARK BERMAN AND THE UNDERSIGNED
ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

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 SEPTEMBER 18, 2023.

SEPTEMBER 20, 2023
ERIC G. SALZER
O.L.S., O.L.I.P.

Barich Grenkie
Surveying Ltd.
301 HWY No. 8 (2nd Floor) STONEY CREEK, ON
L8G 1E3 (905) 662-9787
A DIVISION OF GEOMAPLE

DWN BY: EWA
CHK BY: EGS
JOB No. 23-3173

DO NOT SCALE DRAWINGS

Note:
 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
 3) All works to be in accordance with the Ontario Building Code.



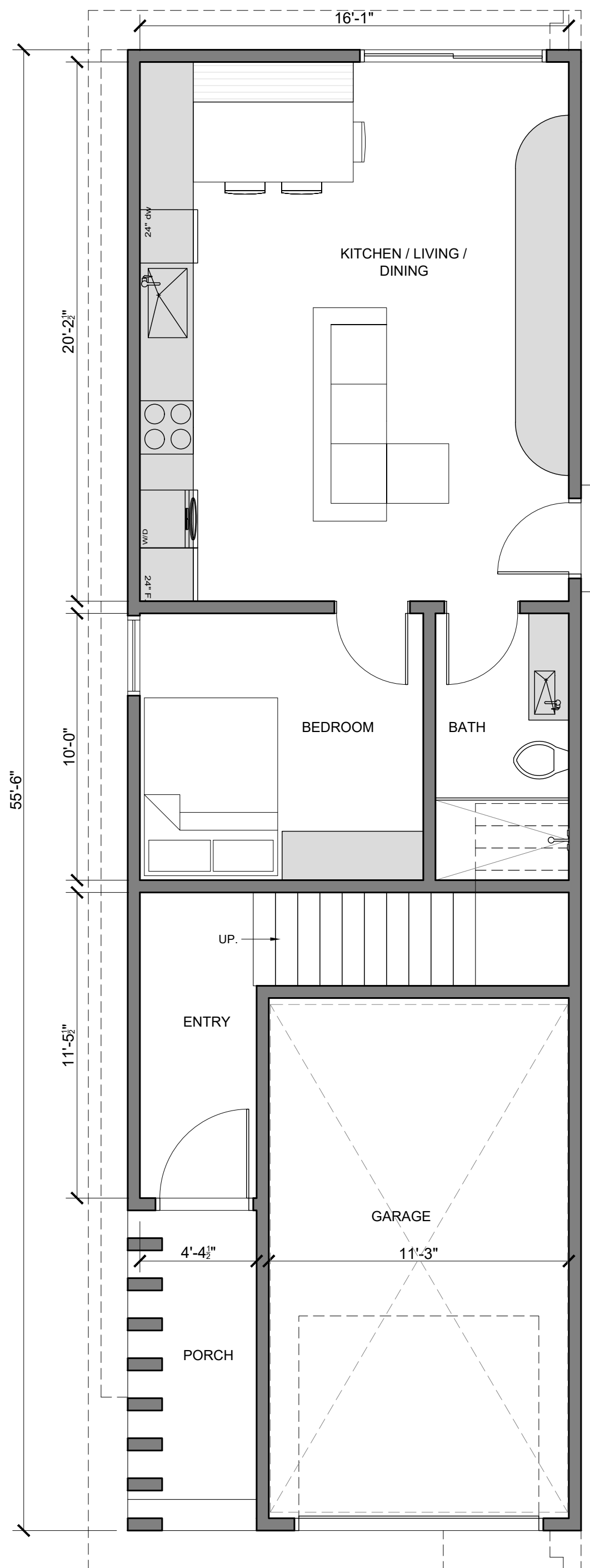
Drawing Submissions:	
Date:	Type:
2023.09.06	Concept

238 Mountain Park
Hamilton, Ontario

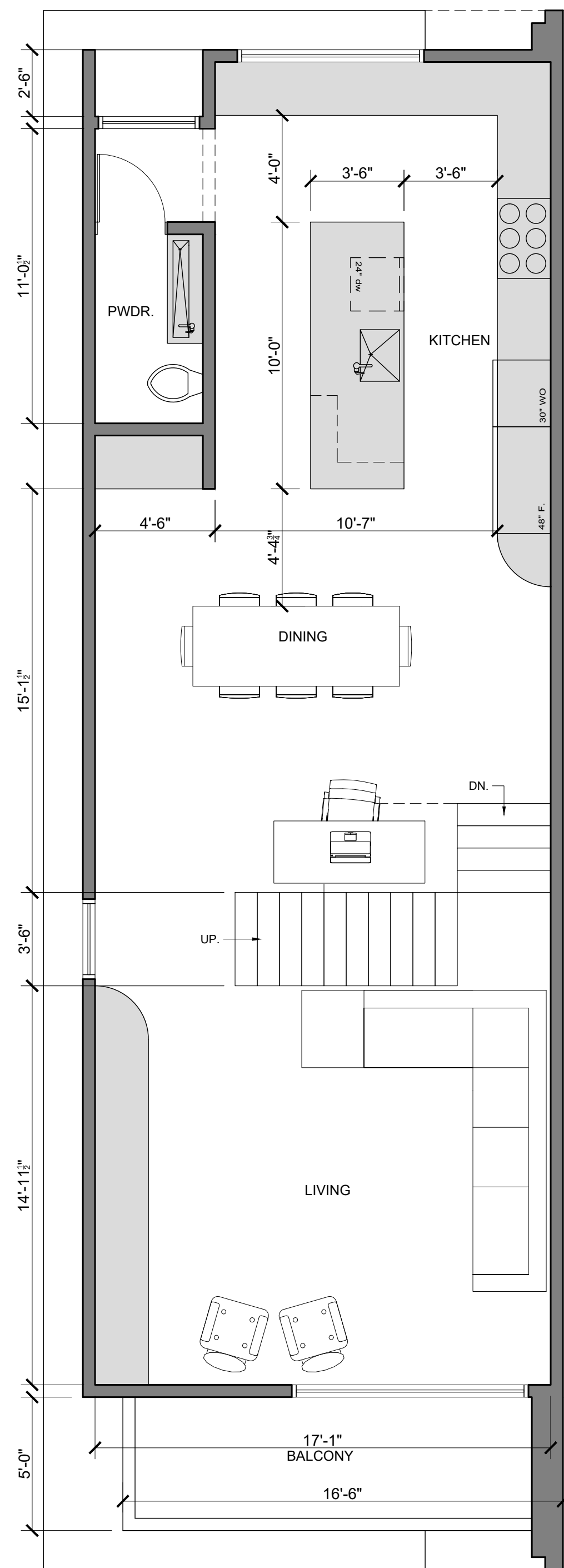
Reviewed By: JT
 Drawn By: TBD

Page
A1.01

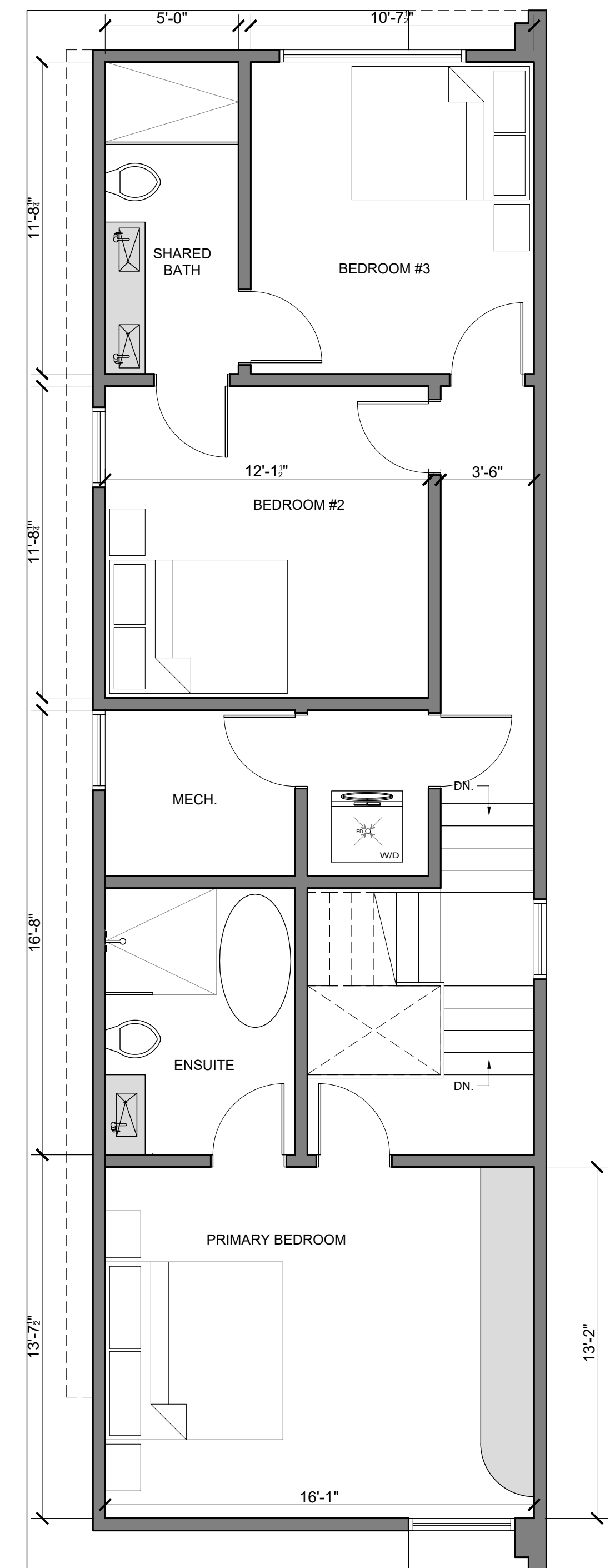
Basement
 Floor Plan



MAIN FLOOR UNIT: 536 ft ²
GARAGE: 243 ft ²
ENTRY: 102 ft ²



SECDOND FLOOR: 908ft²



THIRD FLOOR: 968ft²

238 Mountain Park Ave, Hamilton, Ontario

Part 1 Lot Area: 232.26m²
Part 2 Lot Area: 232.26m²

DO NOT SCALE DRAWINGS

- Note:
- 1) Contractor to check all dimensions, specifications, ect on site and shall be responsible for reporting any discrepancy to the engineer and/ or designer.
 - 2) These plans are to remain and the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
 - 3) All works to be in accordance with the Ontario Building Code.

Design Studio
smp

Drawing Submissions:

Date:	Type:
2023.09.26	Concept

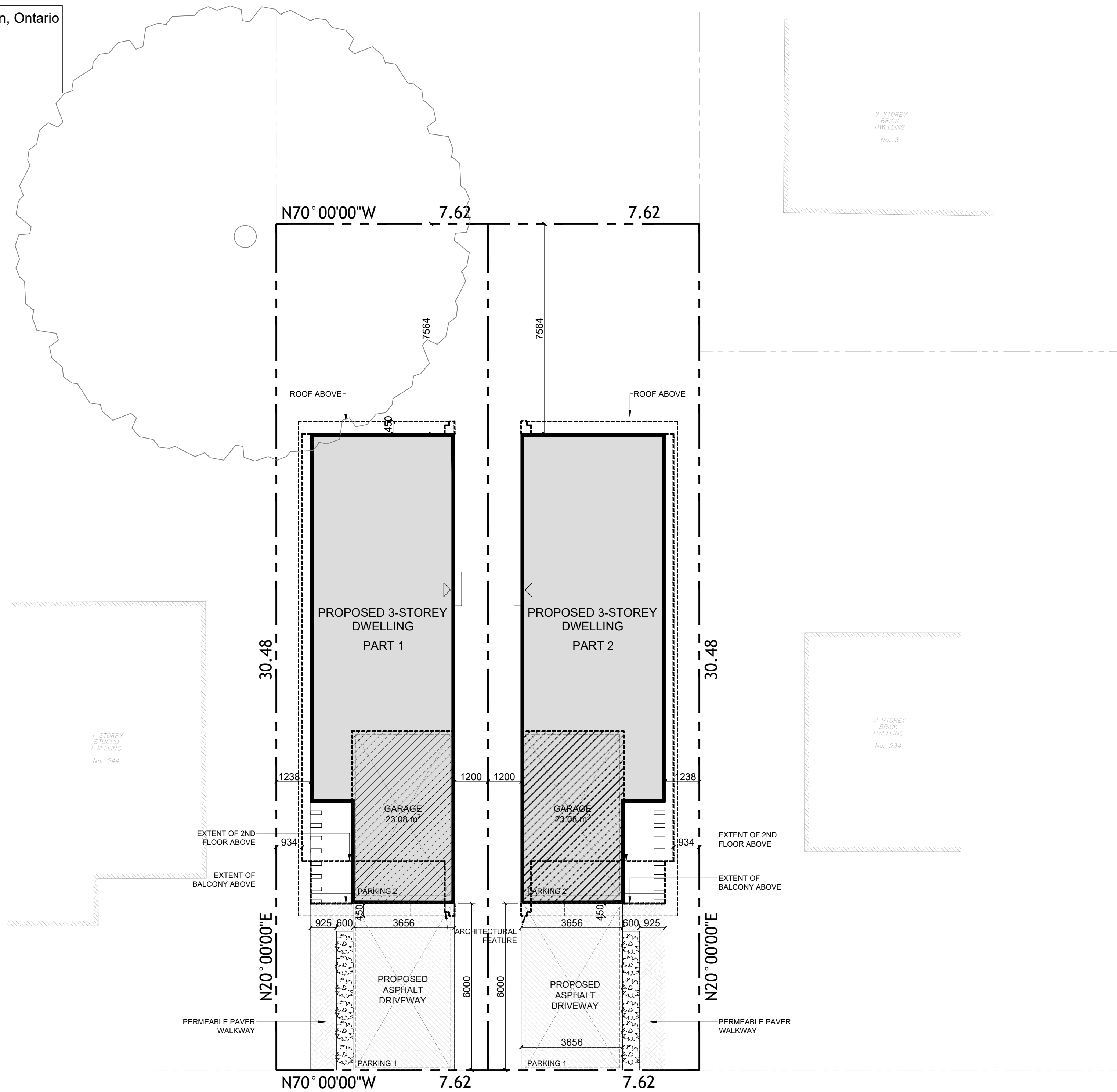
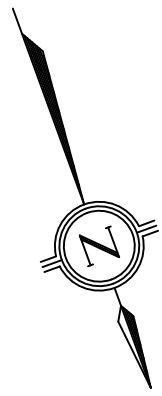
238 Mountain Park Ave
Hamilton, Ontario

Reviewed By: JT

Drawn By: SS

Page
SP1.01

Site Plan



M O U N T A I N P A R K A V E N U E

1
SP1.01

Site Plan
Scale 1:100

In accordance with subsection 3.2.4. of Division C,
of the Building Code. I am qualified, and the firm is
registered, in the appropriate classes/categories.

Individual BCIN: 19618 Firm BCIN: 31829

David Shouldice CBCO MAATO

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

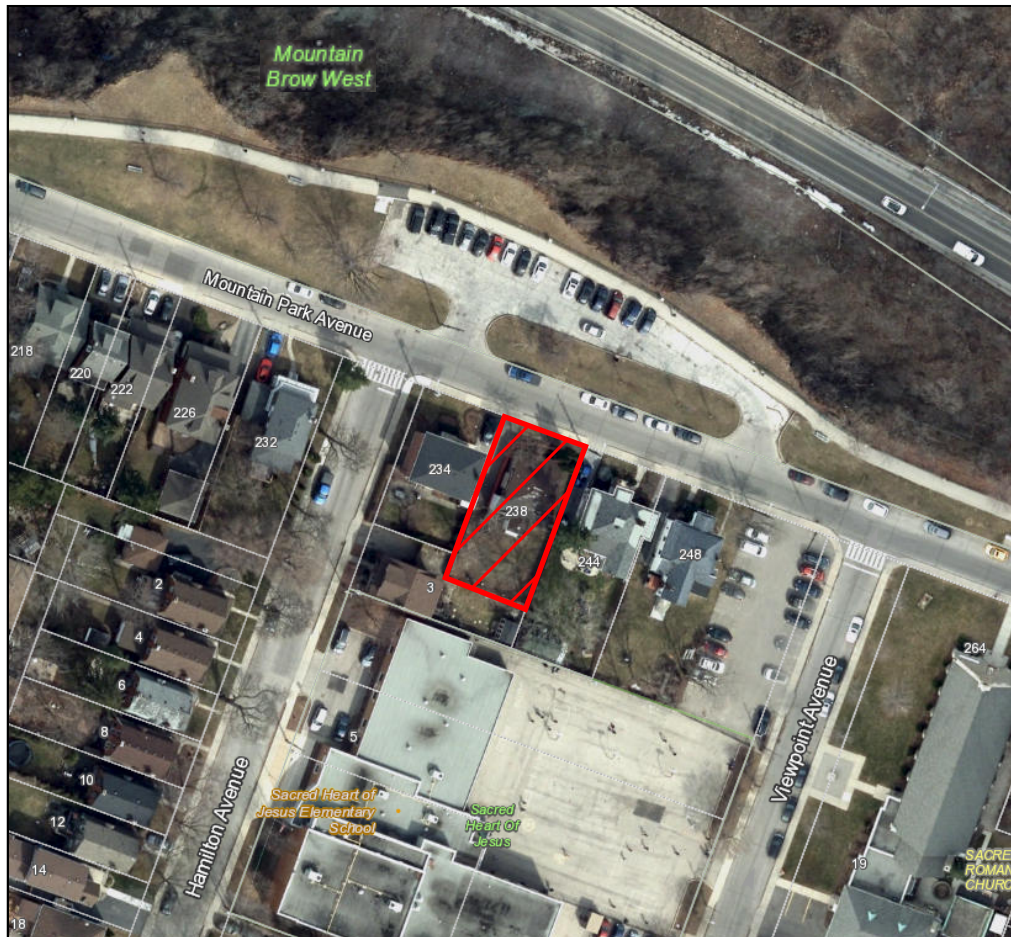
October 26, 2023

T. Johns Consulting Group Ltd. (“T. Johns Consulting”) has prepared the following Planning Rationale Report in support of the Consent and Minor Variance applications submitted for 238 Mountain Park Avenue in the City of Hamilton.

Description of Subject Lands

The subject lands are legally described as *Part of Lot 2, Registered Plan 361 in the City of Hamilton*, and municipally known as 238 Mountain Park Avenue, Hamilton (**Refer to Figure 1 - Site Location**). The subject lands are a rectangular shaped lot of an approximate lot area of 464.5 m² (0.05ha/0.11ac) and have 15.24m (50ft) of frontage along Mountain Park Avenue. The subject property was previously occupied by a single detached dwelling, which was demolished in 2021/2022 based on the information provided that a demolition permit was issued in 2021. The subject lands are currently vacant.

Figure 1 - Site Location



SUBJECT LANDS

238 Mountain Park Avenue,
Hamilton, ON

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

October 26, 2023



Planning Status

The *Urban Hamilton Official Plan, Volume 1, Schedule E - Urban Structure* identifies the subject lands as “Neighbourhoods”, and *Schedule E-1 - Urban Land Use Designations* designates the subject lands as “Neighbourhoods”. The “Neighbourhoods” designation permits a range of residential uses, including the proposed single detached dwellings.

The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands “Low Residential (R1) Zone”, which permits the use of single detached dwellings. Furthermore, the proposed additional dwelling units are permitted as of right within single detached dwellings in the R1 Zone, as implemented through By-law Nos. 22-132 to 22-138.

Proposed Development

The proposal is for infill redevelopment of 238 Mountain Park Avenue through the creation of one (1) additional new lot. Both proposed lots are intended to accommodate single detached dwellings within the R1 Zone.

To facilitate the proposed development, the following applications are required:

- Consent to Sever;
- Minor Variance to reduce the minimum lot area, minimum lot frontage, minimum side yard setback, and parking requirements for additional dwelling units of both the retained and severed lots; and,
- Building Permit.

The development proposes the retained lot (Part 1) and severed lot (Part 2) to have frontage along Mountain Park Avenue (**refer to the attached Consent Sketch**). Each lot is proposed to be developed with a single detached dwelling with an additional dwelling unit (ADU) within the principal dwelling. Each single detached dwelling is proposed to be supported by a total of two (2) parking spaces: one (1) in the attached garage and one (1) in the driveway.

Nature and Extent of Relief Applied For:

Four (4) Minor Variances are being sought from the former *City of Hamilton Zoning By-law 05-200* in order to facilitate the proposed residential development. The requested Minor Variances are as follows:

City of Hamilton Zoning By-law 05-200		
	Section	Purpose
1	15.1.2.1 a)	To allow a minimum lot area of 230.0m ² , whereas a minimum of 360.0m ² is required.
2	15.1.2.1 b)	To allow a minimum lot frontage of 7.6m, whereas a minimum of 12.0m is required.
3	15.1.2.1 c)	To allow a minimum interior side yard setback of 1.2m, except for the second and third storeys where the side yard setback shall be a minimum of 0.9m.

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

October 26, 2023



4	5.6. Table c)	To allow a minimum of zero (0) parking spaces per additional dwelling unit, whereas a minimum of one (1) parking space per additional dwelling unit is required.
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PLANNING RATIONALE

Overall Conformity to the *Urban Hamilton Official Plan*

The Urban Hamilton Official Plan (UHOP) identifies the subject lands “Neighbourhoods” on *Schedule E - Urban Structure* and designates the subject lands “Neighbourhoods” on *Schedule E-1 - Urban Land Use Designations*, which permits a range of residential uses, along with local institutional and local commercial uses (E.3.2.3). The subject lands are situated south of Mountain Park Avenue, identified as a local road on *Schedule C - Functional Road Classification*.

The subject lands are located in a Low Density Residential area within the Neighbourhoods designation. The existing built form surrounding the subject lands primarily features one- to two-storey single detached dwellings, low-rise multiple dwellings, and institutional uses, such as places of worship and Juravinski Hospital. Permitted uses in the Low Density Residential designation include single detached with direct access to local streets (E.3.4.3, E.3.4.6.a). Buildings within the Low Density Residential areas may have a maximum height of 3 storeys (E.3.4.5). A mix of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features, shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility (E.3.4.6.c). Mountain Park Avenue is made up of lot widths ranging from approximately $\pm 7.3\text{m}$ width to $\pm 16\text{m}$ width with dwellings that have a variation of design.

The UHOP encourages residential intensification throughout the entire built-up area (B.2.4.1.1). Residential intensification is evaluated based on the relationship between the proposed development and the existing neighbourhood character; contribution to the range of dwelling types and tenures; compatibility with the surrounding area in terms of use, scale, form and character; sustainable design elements; contribution to support and facilitate active transportation modes; contribution to transit-supportive development; availability of public community facilities/services; and ability to enhance the natural attributes of the site (B.2.4.1.4). The proposed development will provide two (2) new dwelling units with a compatible scale and use to fit within the character of the established neighbourhood.

Policy F.1.14.3.1 outlines the criteria for lot creation within the Neighbourhoods designation. It requires both of the severed and retained lots to comply with UHOP policies, conform to the Zoning By-law or approved minor variance, reflect the general scale and character of the established development pattern in the surrounding area, be fully serviced by municipal water and wastewater systems, and have frontage on a public road. The proposed consent to sever application is concurrent with a minor variance application to facilitate modifications to the zoning by-law, with regulations that are compatible with the surrounding neighbourhood fabric.

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

October 26, 2023

The proposed development represents subtle residential intensification that respects the surrounding neighbourhood built-form and character, consistent with the objectives of the Neighbourhoods designation. The proposed lot widths, yard setbacks, and lot area is designed to ensure appropriately scaled development and separation to adjacent properties while preserving the existing streetscape. The lands to be retained and lands to be severed are proposed to have frontage along a public road and access to municipal water and wastewater systems. Lastly, given the site's proximity to a HSR route and shared on-street bicycle routes, the proposal will promote active transportation and transit-oriented development.

Accordingly, the proposed creation of one (1) additional lot to facilitate the development of two (2) single detached dwellings, with requested variances, align with the residential intensification and lot creation policies of the Urban Hamilton Official Plan, and will contribute to the City's targets for residential intensification, and therefore maintains the intent of the Urban Hamilton Official Plan.

VARIANCE 1. To allow a minimum lot area of 230.0m², whereas a minimum of 360.0m² is required.

Why is it not possible to comply with the provision of the by-law?

The “Low Density Residential (R1) Zone” is intended to represent the average lot size within the City of Hamilton. Hamilton is made up of a number of neighbourhoods with varying lot widths and areas. The subject lands are appropriately sized to accommodate liveable single-detached dwellings with ADUs. However, the subject lands have an overall lot area of 464.52m² and therefore cannot accommodate two (2) lots with a minimum of 360.0m².

1. Conformity to the Intent of the Zoning By-law

The R1 Zone permits single detached dwellings on lots with a minimum area of 360.0 m². The intent of the lot area regulation is to ensure sufficient space for functionality and to maintain relative consistency in lot sizes within a neighbourhood. The requested reduced lot area will provide required R1 Zone yard setbacks to the building's first floor. Additionally, the existing residential lots within the vicinity are relatively smaller and vary in lot sizes, ranging from 280m² to 900m², as evident in more established neighbourhoods of the City. The reduced lot areas are not anticipated to adversely impact adjacent residential properties, nor the existing low-profile streetscape. The proposed reduction of lot area maintains the intent of the Zoning By-law.

2. Is the Variance Minor?

The requested reduction in a lot area from 360.0m² to 230.0m² is in keeping with the existing lot fabric and low density built form of the neighbourhood, while promoting gentle residential infill intensification on serviced urban lands. The proposed lot area provides sufficient space to support a single detached dwelling and maintains appropriate setbacks. Accordingly, the requested variance is minor.

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

October 26, 2023

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate the development of a rectangular shaped urban parcel of land in an efficient manner to add additional housing units and contribute to the City of Hamilton’s housing supply.

VARIANCE 2. To allow a minimum lot frontage of 7.6 m, whereas a minimum of 12.0 m is required.

Why is it not possible to comply with the provision of the by-law?

The “Low Density Residential (R1) Zone” is intended to represent the average lot size within the City of Hamilton. Hamilton is made up of a number of neighbourhoods with varying lot widths and areas. The subject lands are appropriately sized to accommodate liveable single-detached dwellings with ADUs however, the subject lands have an overall lot width of $\pm 15.2\text{m}$ and therefore cannot accommodate two (2) lots with a minimum of width of 12.0m.

1. Conformity to the Intent of the Zoning By-law

The R1 Zone permits single detached dwellings on lots with a minimum lot frontage of 12.0 m. The intent of the lot area provision is to ensure sufficient access to the property from a public road, the continuation of the neighbourhood character, and uniformity in the parcel layout. The proposed lot frontage of 7.6m is sufficient in order to provide a driveway for vehicle parking while not compromising safety between pedestrian and vehicles. The existing lot fabric within the immediate neighbourhood varies including widths ranging from 6.7m to 28m. The proposed lot width of 7.6m maintains the intent of the Zoning By-law No. 05-200.

2. Is the Variance Minor?

The requested lot frontage of 7.6m minor as it is within the range of varied lot frontage within the neighbourhood.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will facilitate gentle residential intensification within a walkable neighbourhood.

VARIANCE 3. To allow a minimum interior side yard setback of 1.2 m, except for the second and third storeys where the side yard setback shall be a minimum of 0.9 m.

Why is it not possible to comply with the provision of the by-law?

The City of Hamilton’s Zoning By-law No. 05-200 establishes a minimum interior side yard setback of 1.2m for single detached dwellings in the R1 Zone, which is measured from the side yard lot line to the closest part of the building. The proposed single detached dwellings are designed with 1.2m side yard setbacks from the ground level, with the second storey proposed at a 0.9 metre setback.

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

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The upper levels cantilever over the ground level to provide some weather protection for the foundation and lower-level walls while also providing a unique urban design opportunity.

1. Conformity to the Intent of the Zoning By-law

The intent of the interior side yard setback requirement is to ensure appropriate building form, transition, drainage, and access. The ground floor side yard setback is proposed to be 1.2m, meeting the minimum requirement, which will be able to accommodate adequate room for drainage and access purposes. Therefore, the proposed side yard setback maintains the general intent of the Zoning By-law.

2. Is the Variance Minor?

The proposed minimum side yard setback of 0.9m for the upper storeys while the ground level will accommodate the minimum requirement of 1.2m setback is minor as it is not anticipated to have negative impacts to adjacent properties which are greater than 2.0m from the shared lot lines nor the surrounding area.

3. Is the Variance Desirable for the development of the property?

The requested variance to facilitate the opportunity for creative dwelling design while maximizing the livability of the proposed dwellings. The proposed 0.9m setback to the creation of one (1) additional new lot and two (2) single detached dwellings is desirable in aiding the creation of more residential units.

VARIANCE 4. To allow zero (0) parking spaces per additional dwelling unit, whereas a minimum of one (1) parking space per additional dwelling unit is required.

Why is it not possible to comply with the provision of the by-law?

The proposed development proposes two (2) on-site parking spaces per lot: one (1) in the garage and one (1) in the driveway. A tandem parking space does not provide an adequate parking space for the proposed ADU as it needs to be unobstructed. Due to the infill nature of the proposed development and providing a minimum of 50% front yard landscape area, a double width driveway is not obtainable and therefore, a parking space is not proposed for the internal ADUs.

1. Conformity to the Intent of the Zoning By-law

The minimum parking requirement is to ensure sufficient on-site parking for the use of the lands. The proposed reduction to allow for no on-site parking for the ADU units is appropriate for the residential use of the subject lands as they are located within a highly accessible area of the City indicated by a 91 point “Walk Score”. Additionally, the subject lands are within convenient access to existing transit and bike infrastructure. Notably, two (2) HSR Transit routes service Concession Street, where the nearest bus stop is approximately a 3 minutes’ walk from the subject lands.

Additionally, the City of Hamilton is currently reviewing City-wide parking minimums and as discussed in Staff Report PED23156, 0 spaces per ADU unit are being considered within the

Appendix “A”: Planning Rationale

238 Mountain Park Avenue, Hamilton

October 26, 2023



former City of Hamilton neighbourhoods (i.e. Zone B) in order to achieve the intensification and climate sustainability goals of the City. The proposed reduction of parking requirements of ADUs to 0 spaces required maintains the intent of the Zoning By-law.

2. Is the Variance Minor?

The proposed variance is minor as the subject lands are within a highly walkable area of the City with access to daily and weekly needs by alternative transportation methods including walking, transit and biking. The proposed parking reduction will not impact the road network of the surrounding neighbourhood.

3. Is the Variance Desirable for the development of the property?

The requested variance is desirable as it will contribute to the City’s overall goals of housing intensification and environmental sustainability.

Conclusion

The proposed redevelopment of 238 Mountain Park Avenue for two (2) residential lots for single detached dwellings will establish a lot fabric and use that is appropriately scaled with the neighbourhood and will maximize the use of underutilized urban lands within a complete community. The proposed redevelopment will contribute towards the City’s housing supply. Based on the reasons set out in this report, the requested variances maintain the intent of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200, are minor in nature, are desirable for the redevelopment of the property, and represent good land use planning.

Respectfully Submitted,
T. Johns Consulting Group Ltd.

A handwritten signature in black ink that reads "Katelyn Gillis". The signature is written in a cursive, flowing style.

Katelyn Gillis, BA
Senior Planner



Hamilton

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

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	M. Berman Homes Inc. c/o Mark Berman
Applicant(s)	Same as Registered Owner
Agent or Solicitor	T. Johns Consulting Group c/o Katelyn Gillis



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

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	238 Mountain Park Avenue, Hamilton		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 2	Concession	
Registered Plan Number	361	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

- 1) To allow a min. lot area of 230.0 m² instead of 360.0 m²
 - 2) To allow a min. lot frontage of 7.6 m instead of 12.0 m
 - 3) To allow a min. interior side yard setback of 1.2 m, except for the 2nd & 3rd storeys where the min. is 0.9 m
 - 4) To allow a min. of zero (0) parking spaces per additional dwelling unit (ADU) instead of a min. of 1 per ADU
- Please refer to submitted Planning Rationale for additional details.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to submitted Planning Rationale.

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
15.24m	30.48m	464.52m ²	8.95m

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
None				

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
PT 1: Single Detached	Minimum 6.0m	Minimum 7.5m	Minimum 0.9m	TBD
PT 2: Single Detached	Minimum 6.0m	Minimum 7.5m	Minimum 0.9m	TBD

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
None				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
PT 1: Single Detached	59.27m ²	233.56m ²	3	Maximum 10.5m
PT 2: Single Detached	59.27m ²	233.56m ²	3	Maximum 10.5m

- 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.):

Two (2) single detached dwellings, each with an Additional Dwelling Unit within the principal dwelling.

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

North: open space (Mountain Brow Park); East, South and West: single detached dwellings.

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

September 25th, 2023

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

Single detached dwelling

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

Vacant

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

Demolition permit was closed in 2021.

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.

The application will contribute in the residential intensification of Low Density Residential areas, and make efficient use of lands. Refer to submitted Rationale Report for further details.

7.6 What is the existing zoning of the subject land? Low Density Residential (R1) Zone

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

(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: _____

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: Consent to Sever application submitted for concurrent review.

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 2

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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