



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.:	SC/A-23:285	SUBJECT PROPERTY:	38 King St W, Stoney Creek
ZONE:	"RM5-1" (Multiple Residential)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: FFS Multi Family Inc.
 Agent: Ken Bekendam

The following variances are requested:

1. To permit a maximum residential density of 199.1 units per hectare instead of the required maximum residential density of 40 units per hectare.
2. To permit a minimum landscape open space of 17.5% of the lot area for apartments with none of the required open space to be located in a yard other than the front yard or have to a minimum width of 6 metres, instead of the required minimum landscape open space of 25 percent of the lot area for apartments shall be landscaped with at least 25 percent of the required area being located in a yard other than the front yard and having a minimum width of 6 metres.
3. To permit no landscape strip to be provided adjacent to the portion of the lot that abuts a street except for point of ingress and egress instead of a required landscaped strip having a minimum width of 4.5 metres that shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.
4. To permit no amenity space to be provided inside the apartment building instead of the required minimum of 10 percent of the total of the amenity areas shall be provided inside the applicable apartment building, and such inside area shall not be less than 93 square metres.
5. To permit 0.75 parking spaces and 0.057 visitor parking spaces for each bachelor or one-bedroom apartment dwelling unit instead of the required 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one-bedroom apartment dwelling unit.

SC/A-23:285

6. To permit 1 parking space and 0.057 visitor parking spaces for each two-bedroom apartment dwelling unit instead of the required 1.5 parking spaces and 0.35 visitor parking spaces for each two-bedroom apartment dwelling unit.
7. To permit tenant parking to be provided above ground instead of tenant parking required to be provided underground.
8. To permit parking spaces to be provided 0.0 metres to any lot line instead of the required 3.0 metres to any lot line.

PURPOSE & EFFECT: The applicant is proposing to convert existing ground floor commercial units, basement storage areas and unexcavated parking areas within the building envelope into 14 additional apartment dwellings.

Notes: N/A

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

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

DATE:	Thursday, December 7, 2023
TIME:	12:35 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

SC/A-23:285

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:285, 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.



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

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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.

SITE INFORMATION & STATISTICS	
ADDRESS:	38 KING ST WEST STONEY CREEK, ON
ZONING TYPE:	RM5-1
LOT AREA:	37843.59 SQ FT (3515.79 m ²)
LOT FRONTAGE:	152' - 8" (46.53 m)

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
- CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
- ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION, AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
- DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

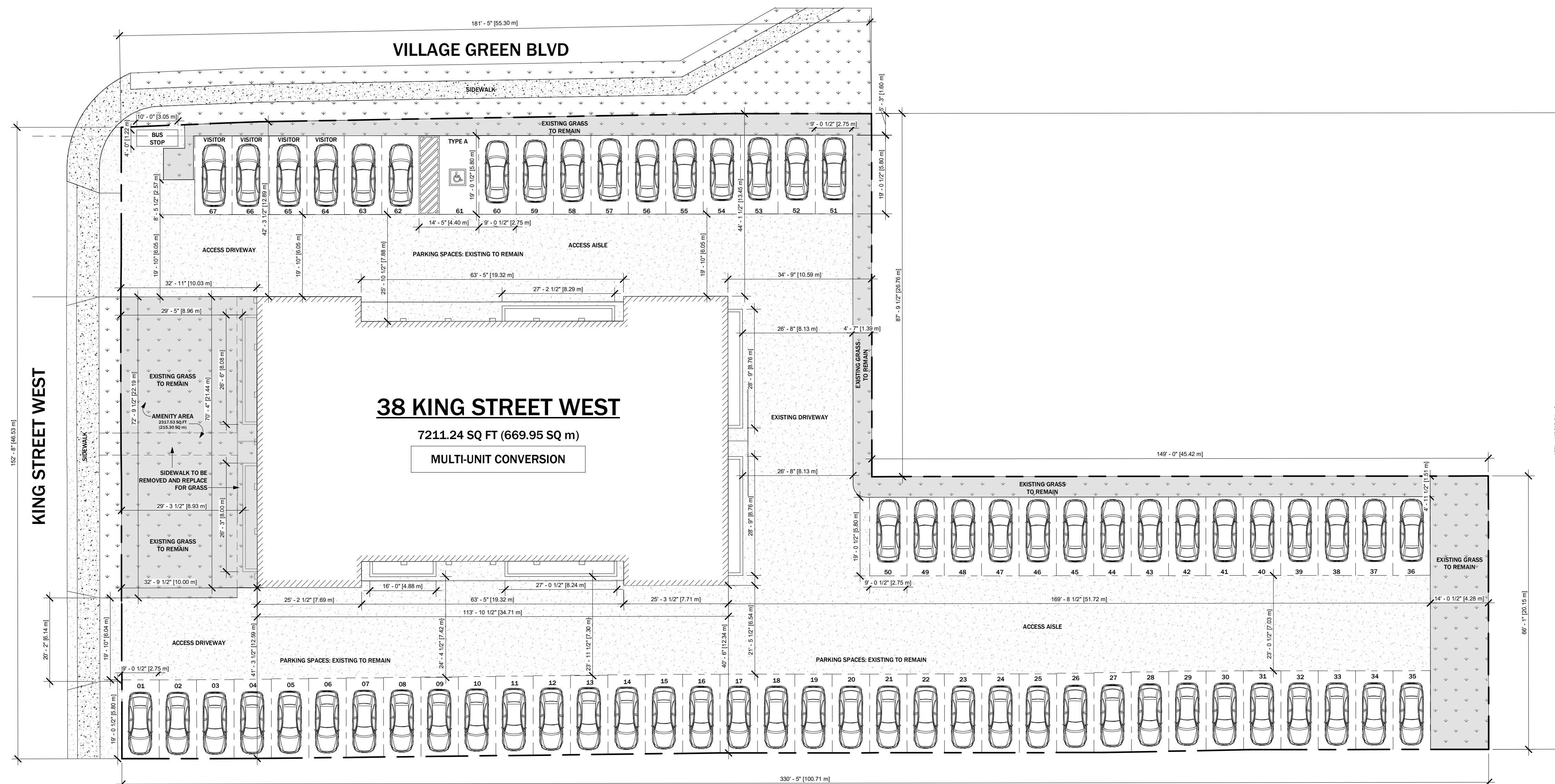
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON STONEY CREEK SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF STONEY CREEK MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCRANCH ONTO ADJOINING PROPERTIES.



UNIT TYPE		SITE STATISTICS - PARKING		NUMBER OF STALLS	
BACHELOR	2	REQUIRED RESIDENTIAL PARKING	95		
ONE BEDROOM	38	REQUIRED VISITOR PARKING	25		
TWO BEDROOM	30	PROPOSED RESIDENTIAL PARKING	62		
TOTAL	70	PROPOSED VISITOR PARKING	4		
		PROPOSED ACCESSIBLE PARKING	3		

LANDSCAPE OPEN SPACE	PERCENTAGE
REQUIRED LANDSCAPE AREA	1423.41
PROPOSED LANDSCAPE AREA	511.07
PROP./EX. HARDSCAPE AREA	2335.48
TOTAL	2845.94

CITY ELECTRONIC STAMP:

legal second suites.com

LEGAL SECOND SUITES ARCHITECTURAL AND ENGINEERING SERVICES ARE OWNED AND OPERATED BY KING HOMES INC.

LEAD DESIGNER & CONSULTANT: KEN BEKENDAM, B.A. BUSCON, L.T.
 CELL PHONE: 905-961-0647
 kenbekendam@gmail.com

OFFICE ADDRESS: 879 MAIN ST. E. HAMILTON, ON
 OFFICE PHONE: 905-546-4467

The undersigned has reviewed and takes the responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

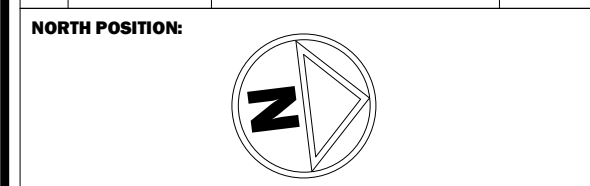
Required unless design is exempt under 2.17.5.1 of the building code

NAME: Ken Bekendam
 SIGNATURE: [Signature]
 REGISTRATION INFORMATION: 121307
 KING HOMES INC. 121307
 Name: Ken Bekendam

GENERAL NOTES:

- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
- ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
- FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
- UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
- USE LATEST REVISED DRAWINGS.
- ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
- ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION (LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.)
- BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
- CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01			
02			
03			
04			



ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:
38 KING ST W | STONEY CREEK, ON | L8G 1H6

SHEET NAME:
SITE PLAN

PROJECT NO.	DATE
23-18	08/23/23

SCALE:	REVISION:
1/16" = 1'-0"	

DRAWN BY:	REVIEWED BY:
DANILO MARTINELLI	KEN BEKENDAM

SHEET NO.

SP1.01



Hamilton

October 11, 2023

FILE: ALR
FOLDER: 23-137917-01 ALR
ATTENTION OF: Ross McIntosh
TELEPHONE NO: (905) 546-2424
EXTENSION: 2077

Ken Bekendam
160 WHITE SWAN RD
BRANTFORD, ON N3T 5L4

Attention:

Re: APPLICABLE LAW REVIEW – ZONING BYLAW
Present Zoning: RM5- 1 MULTIPLE RESIDENTIAL ZONE (BY-LAW NO. 3692-92)
Address: 38 KING ST W, STONEY CREEK, 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 convert existing ground floor commercial units, basement storage areas and unexcavated parking areas within the building envelope into 14 additional apartment dwellings. It is currently an existing 56-unit building. A total of 70 dwelling units with 67 parking spaces proposed. Existing unexcavated areas that are used for 9 parking spaces underneath the building will be constructed into new dwelling units.

2. The current use is permitted within the RM5-1 zone.

6.12.6 Special Exemptions:

RM5 - 1 28, 32, 34, 38 King Street West, Schedule "A", Map No. 5

In addition to the uses permitted in Section 6.12.2 of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-1" by this By-law, personal service shops or professional and business offices on the ground floor may also be permitted.

3. The following comments are provided for the proposed modified "RM5-1" Multiple Residential Zone of the Stoney Creek Zoning By-Law No. 3692-92;

MULTIPLE RESIDENTIAL "RM5" ZONE
(Section 6.12 of Stoney Creek Zoning By-law No. 3692-92)

	By-Law Requirement	Provided	Conforming/ Non-Conforming
Section 6.12– RM5 Requirements			
Permitted Uses for Each Lot [as per section 6.12.2 of Stoney Creek Zoning By-law No. 3692-92]	a) Apartment Dwellings b) A Home Occupation c) Uses, buildings or structures accessory to a permitted use	Apartment Dwellings	Conforms <i>(Existing)</i>
Minimum Lot Area [as per section 6.12.3(a) of Stoney Creek Zoning By-law No. 3692-92]	4000 square metres;	3515.79m ²	Conforms <i>(Existing)</i>
Minimum Lot Frontage [as per section 6.12.3(b) of Stoney Creek Zoning By-law No. 3692-92]	50 metres;	46.53m	Conforms <i>(Existing)</i>
Minimum Front Yard [as per section 6.12.3(c) of Stoney Creek Zoning By-law No. 3692-92]	7.5 metres	10.03m	Conforms <i>(Existing)</i>
Minimum Side Yard [as per section 6.12.3(d) of Stoney Creek Zoning By-law No. 3692-92]	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse	12.59m	Conforms <i>(Existing)</i>
Minimum Rear Yard [as per section 6.12.3(e) of Stoney Creek Zoning By-law No. 3692-92]	6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street	9.52m	Conforms <i>(Existing)</i>
Increased Yards [as per section 6.12.3(f) of Stoney Creek Zoning By-law No. 3692-92]	Front yard, side yard and rear yard requirements shall each be increased by 1 metre for each 3 metres or part thereof by which the building exceeds a height of 15 metres.	Existing Building	N/A
Maximum Lot Coverage [as per section 6.10.3(g) of Stoney Creek Zoning By-law No. 3692-92]	35 percent	19.1%	Conforms <i>(Existing)</i>
Maximum Residential Density [as per section 6.12.3(h) of Stoney Creek Zoning By-law No. 3692-92]	1. 40 units per hectare <i>70 Units / 0.351579 ha = 199.102</i>	199.1 UPH	Minor Variance Required
	2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building	Does not Apply	N/A
Maximum Building Height [as per section 6.12.3(i) of Stoney Creek Zoning By-law No. 3692-92]	None	22.48m	Conforms <i>(Existing)</i>
Minimum Landscaped Open Space	1. Not less than 50 percent of the lot area for Maisonettes, townhouses and dwelling groups shall	Does not Apply	N/A

[as per section 6.12.3(j) of Stoney Creek Zoning By-law No. 3692-92]	be landscaped including privacy areas.			
	2.	Not less than 25 percent of the lot area for apartments shall be landscaped with at least 25 percent of the required area being located in a yard other than the front yard and having a minimum width of 6 metres.	17.96%	Minor Variance Required
	3.	Not less than 1.5 metres of landscaped strip shall be provided between any privacy area and any lot line.	>1.5m	Conforms
	4.	A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.	Not Provided	Minor Variance Required
Minimum Distance Between Residential Buildings- Same Lot [as per section 6.12.3(k) of Stoney Creek Zoning By-law No. 3692-92]	21 metres		Only one residential building	Conforms
Minimum Total of All the Amenity Areas [as per section 6.12.3(l) of Stoney Creek Zoning By-law No. 3692-92]	Type of Dwelling Unit	Minimum Amenity Area	215 m ² of amenity area provided outside in front of the building. <i>No indoor amenity area provided inside the building.</i>	Minor Variance Required
	Bachelor (2 units)	1.5 square metres per unit		
	One Bedroom Unit (38 Units)	2 square metres per unit		
	Two Bedroom Unit (30 Units)	3 square metres per unit		
	Three Bedroom Unit	4 square metres per unit		
	Four Bedroom Unit	4 square metres per unit		
	Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment building, and such inside area shall not be less than 93 square metres. <i>169 sq. metres of amenity space required</i>			
Regulations for RM5 Parking <i>In accordance with the requirements of Section 6.12.4 of Stoney Creek Zoning By-law No. 3692-92</i>				
Minimum Number of Parking Spaces [as per section 6.12.4(a) of Stoney Creek Zoning By-law No. 3692-92] <i>Rounding - Where the calculation of parking space</i>	1) 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one bedroom apartment dwelling unit. (2 Bachelor Units & 38 One Bedrooms) $40 \times 1.25 = 50$ $40 \times 0.35 = 14$		Residential Parking = 63 Visitor Parking = 4	Minor Variance Required

<p><i>requirements in accordance with this By-law results in a fraction of a parking space being required for a lot, any fraction in excess of 0.5 shall be rounded up to the next whole number.</i></p>	<p>2) 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom apartment dwelling unit. (30 Two Bedrooms) $30 \times 1.5 = 45$ $30 \times 0.35 = 10.5 = 11$</p> <p>3) 1.75 parking spaces and 0.35 visitor parking spaces for each apartment dwelling unit having three or more bedrooms</p> <p><u>Required Residential Spaces = 95</u> <u>Required Visitor Spaces = 25</u></p>		
<p>Proximity of Parking Spaces to Residential Zones [as per section 6.12.4(b) of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached or duplex dwellings</p>	<p>Does not Apply</p>	<p>N/A</p>
<p>Tenant Parking [as per section 6.12.4(c) of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>All tenant parking shall be provided underground. Underground parking shall not be bound by setback requirements; however, a parking structure located above ground shall be setback a minimum of 3 metres from any lot line, except as required in clause (b) above.</p>	<p>All parking provided above ground</p>	<p>Minor Variance Required</p>
<p>Regulations for Accessory Buildings [as per section 6.12.5 of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>Accessory buildings are permitted in accordance with Section 4.5 and 6.1.4.</p>	<p>No Accessory Buildings Proposed</p>	<p>N/A</p>
<p>Parking Restrictions in Residential Zones <i>In accordance with the requirements of Section 6.1.8 of Stoney Creek Zoning By-law No. 3692-92</i></p>			
<p>Prohibited Vehicle Parking [as per section 6.1.8(a) of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>No land, building or structure in any residential zone shall be used for the locating, parking or storage of any commercial motor vehicle, heavy motor vehicle, commercial trailer, coach, street car or construction equipment. For the purpose of this paragraph, a trailer shall exclude a recreational vehicle and a coach shall exclude a school bus;</p>	<p>Applicant to Note.</p>	
<p>Permitted Required Front Yard Parking [as per section 6.1.8(b) of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>Notwithstanding any other provisions of this By-law, nothing shall prevent the locating of parking spaces in the required front yard for vehicles used for transporting physically challenged persons;</p>	<p>N/A</p>	
<p>Parking Abutting lot lines & Dwellings [as per section 6.1.8(c) of Stoney Creek Zoning By-law No. 3692-92]</p>	<p>Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any</p>	<p>0.0m</p>	<p>Minor Variance Required</p>

	parking space located within a private garage or underground garage;		
Parking Space Dimensions [as per section 6.1.8(d) of Stoney Creek Zoning By-law No. 3692-92]	Parking spaces shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres and parking spaces for physically challenged persons shall have a width of not less than 4.4 metres and a length of not less than 5.8 metres , exclusive of any land used to permit ingress or egress to said parking spaces, manoeuvring areas, driveways or aisles. One parking space within a private residential garage shall not be less than 3 metres in width or less than 6 metres in length;	2.75m x 5.8m	Conforms
		4.4m x 5.8m	Conforms
Adequate Access [as per section 6.1.8(e) of Stoney Creek Zoning By-law No. 3692-92]	Adequate access to a residential parking area, except those accessory to a single detached, semi-detached, converted, duplex, triplex, fourplex or street townhouse dwelling, shall be provided to permit ingress or egress of a motor vehicle from the street by means of a one-way driveway of at least 4.5 metres in width, or by means of a two-way driveway of at least 6 metres in width; and	6.14m	Conforms
Maintenance [as per section 6.1.8(f) of Stoney Creek Zoning By-law No. 3692-92]	Any parking area, parking space, loading space, driveway, manoeuvring area, or aisle required to be provided or permitted according to the provisions of the zone in which the use is permitted shall be provided and maintained in accordance with this By-law.	<i>Applicant to Note.</i>	

GENERAL PROVISIONS FOR ALL ZONES

In accordance with the requirements of Part 4 of Stoney Creek Zoning By-law No. 3692-92

PARKING REGULATIONS

In accordance with the requirements of Section 4.10 of Stoney Creek Zoning By-law No. 3692-92

Barrier Free Parking [as per section 4.10.4 of Stoney Creek Zoning By-law No. 3692-92] <i>Rounding - Where the calculation of parking space requirements in accordance with this By-law results in a fraction of a parking space being required for a lot, any fraction in excess of 0.5 shall be rounded up to the next whole number.</i>	At least 1 percent of the required parking spaces, with a minimum of one parking space, on any lot having more than 10 parking spaces, shall: $95 + 25 = 120$ required parking spaces $120 \times 0.01 = 1.2$ BF spaces = 2 BF spaces required	1 BF space provided	Minor Variance Required
	(a) have minimum rectangular dimensions of 4.4 metres by 5.8 metres; and	4.4m X 5.8m	Conforms
	(b) be located on level ground readily accessible to an entrance to such building; and	Provided	Conforms
	(c) be clearly identified and reserved for the exclusive use of physically challenged persons.	Provided	Conforms
Access to Parking Spaces [as per section 4.10.5 of Stoney Creek Zoning By-law No. 3692-92]	(a) Direct Access - Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a minimum width of 6 metres; and (b) Indirect Access - A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 4.5 metres where designed for one-way vehicular circulation or 6 metres where designed for two-way vehicular circulation.	6.05m	Conforms
			N/A

4. **4.4.11 Adequate Services**

Except for Section 4.20 – Model Homes in Draft Plans of Subdivision, no buildings or structures may be erected, used or occupied unless:

- (i) Adequate watermains, storm and sanitary sewer systems are existing or have been provided for in a binding and secured development agreement and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate; or*
- (ii) Where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the use of land for buildings or structures are existing or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate, and*
- (iii) The dedication of lands for parkland or payment of cash-in-lieu of parkland in accordance with the City of Hamilton Parkland Dedication and Cash-in-lieu of Parkland Policy has been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.*

5. **Minor Variances Required:**

- i. To permit a maximum residential density of 199.1 units per hectare instead of the required maximum residential density of 40 units per hectare.*
 - ii. To permit a minimum landscape open space of 17.5% of the lot area for apartments with none of the required open space to be located in a yard other than the front yard or have to a minimum width of 6 metres, instead of the required minimum landscape open space of 25 percent of the lot area for apartments shall be landscaped with at least 25 percent of the required area being located in a yard other than the front yard and having a minimum width of 6 metres.*
 - iii. To permit no landscape strip to be provided adjacent to the portion of the lot that abuts a street except for point of ingress and egress instead of a required landscaped strip having a minimum width of 4.5 metres that shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.*
 - iv. To permit no amenity space to be provided inside the apartment building instead of the required minimum of 10 percent of the total of the amenity areas shall be provided inside the applicable apartment building, and such inside area shall not be less than 93 square metres.*
 - v. To permit 0.75 parking spaces and 0.057 visitor parking spaces for each bachelor or one bedroom apartment dwelling unit instead of the required 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one bedroom apartment dwelling unit.*
 - vi. To permit 1 parking space and 0.057 visitor parking spaces for each two bedroom apartment dwelling unit instead of the required 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom apartment dwelling unit.*
 - vii. To permit tenant parking to be provided above ground instead of tenant parking required to be provided underground.*
 - viii. To permit parking spaces to be provided 0.0 metres to any lot line instead of the required 3.0 metres to any lot line.*
6. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
7. All mechanical and unitary equipment shall conform to Section 4.16 of the Stoney Creek Zoning By-law 3692-92.

8. All Yard Encroachments shall conform to Section 4.19 of the Stoney Creek Zoning By-law 3692-92.
9. All new signs proposed for this development must comply with the regulations contained within Sign By-law 10-197.
10. All new fences proposed for this development must comply with the regulations contained within Sign By-law 10-142.
11. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Best Regards,



for the Manager of Building Engineering and Zoning

ACKNOWLEDGEMENT CLAUSE (FOR ZONING COMPLIANCE REVIEW APPLICATIONS IN SUPPORT OF A ZONING BY-LAW AMENDMENT, SITE PLAN, OR MINOR VARIANCE APPLICATION)

I/We hereby acknowledge and understand the above noted comments and further acknowledge that the supporting documentation submitted with this Zoning Compliance Review application has not been changed or modified between the date of this letter and the date of application for the subsequent Zoning By-law Amendment, Site Plan, or Minor Variance application.

If the supporting documentation has been changed or modified, a new application for Zoning Compliance Review may be required prior to acceptance of a formal application for Zoning By-law Amendment, Site Plan, or Minor Variance application.



Hamilton

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

1. APPLICANT INFORMATION

	NAME		
Registered Owners(s)	FFS Multi Family Inc		
Applicant(s)	Ken Bekendam		
Agent or Solicitor			
			E-mail:

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	38 King St W, Stoney Creek		
Assessment Roll Number			
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

3. PURPOSE OF THE APPLICATION

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

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

3.1 Nature and extent of relief applied for:

See ALR with list of required variances

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Existing site constraints

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
46.53m	100.71m	3515.79sqm	20m

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
Apartment Building	10m	8.13	12.39m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
same as above				

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
Apartment Building	669.95sqm	5359.60sqm	8 Storeys	26.51m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
same as above				

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

- lake or other water body
 other means (specify)

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

- ditches
 other means (specify)

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

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

4.7 Type of access: (check appropriate box)

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

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

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

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)
Multiple Dwelling

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

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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

7.6 What is the existing zoning of the subject land? RM5-1

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

- Yes
- No

If yes, please provide the file number: _____

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes

No

If yes, please provide the file number: _____

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

Yes

No

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

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 56

8.2 Number of Dwelling Units Proposed: 70

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

Please see ALR for list of required variances.

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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