



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>SC/A-23:132</b>	<b>SUBJECT PROPERTY:</b>	58 KING STREET W, STONEY CREEK
<b>ZONE:</b>	"C5a" (Mixed-Use Medium Density – Pedestrian Focus)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      **Owner:** NATASCHA DIFRANCESCO  
                                 **Agent:** BRYAN DIFRANCESCO

The following variances are requested:

1. A minimum of three (3) parking spaces shall be provided instead of the minimum required ten (10) parking spaces.

**PURPOSE & EFFECT:**      So as to permit a medical clinic on the ground floor and two (2) dwelling units on the second floor of the existing building.

**Notes:** N/A

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

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

<b>DATE:</b>	<b>Thursday, December 7, 2023</b>
<b>TIME:</b>	<b>12:40 p.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:

## SC/A-23:132

- 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 SC/A-23:132, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



 Subject Lands

DATED: 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.



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## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

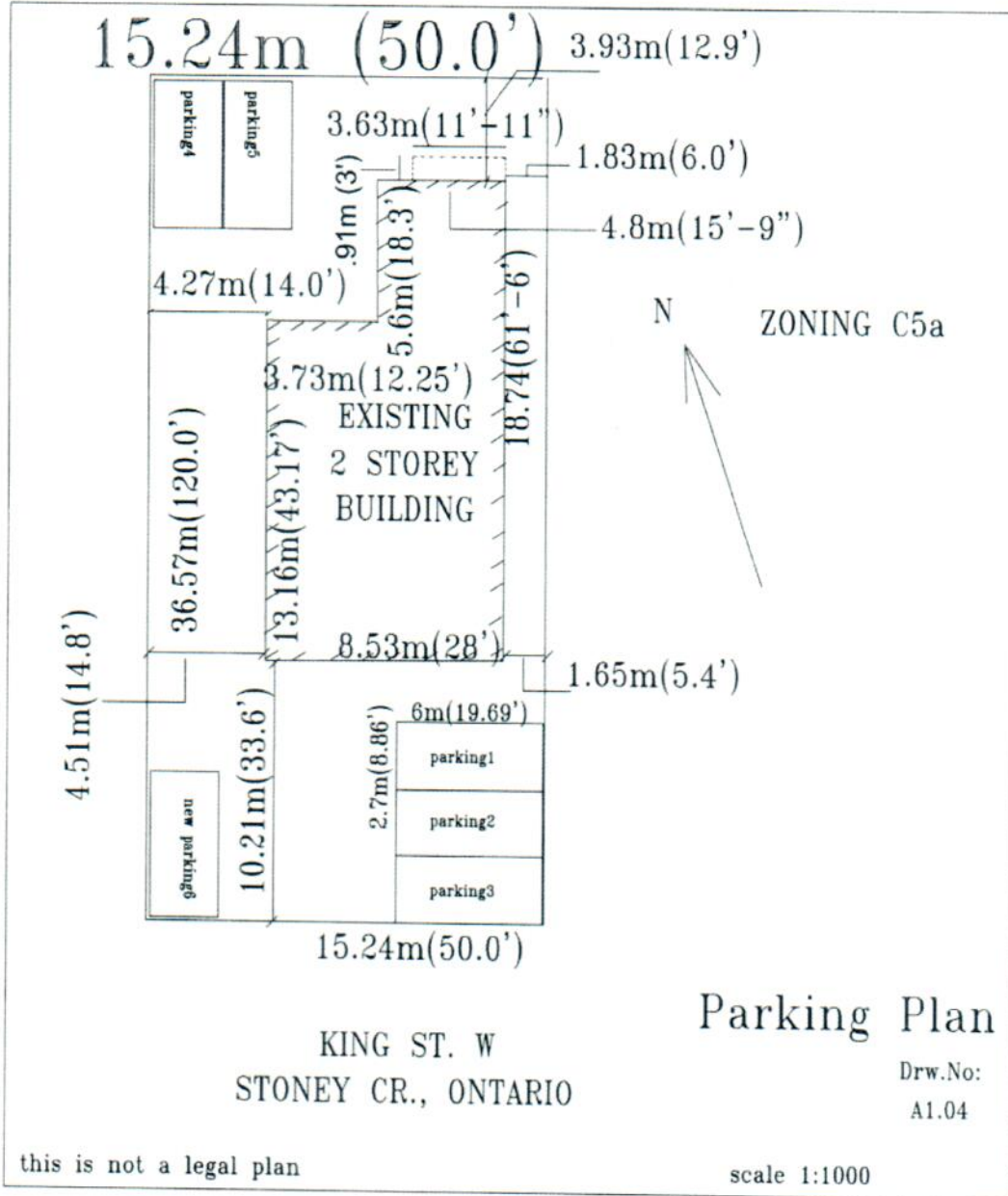
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

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

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

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



To: Committee of adjustment  
City of Hamilton, Ontario

From: Stantec Consulting Ltd.  
Waterloo

Project/File: 165001327

Date: October 25, 2023

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**Reference: 58 King Street West Minor Variance Application (230528)**

## Overview of the Development Proposal

Stantec Consulting Ltd. has been retained by Mr. Bryan DiFrancesco to conduct a parking study related to the development proposal for 58 King St. West in Stoney Creek, Ontario, to be submitted to the Committee of Adjustments.

This development proposal pertains to 58 King St. West, Stoney Creek, Ontario, L8G 1H8. The registered owner is Natascha DiFrancesco, and the applicant and agent is Bryan DiFrancesco. The subject property is located in the former municipality of Stoney Creek. There are no easements or restrictive covenants affecting the subject land.

The applicant submitted an application for a minor variance on May 10, 2023 citing a six-space parking provision plan. City staff were unable to support the consideration of the rear parking spaces as described for lack of maneuvering space as well as an additional space in the southwest corner of the lot, leaving three valid spaces to count toward provided off-street parking on this particular lot as shown and highlighted in Error! Reference source not found..

The nature and extent of the relief applied for concerns the required 10 parking spaces on the property site. As the site can only provide three approved parking spaces, the applicant is requesting relief for 7 parking spaces that cannot be provided on this lot due to physical constraints. It is not possible to directly comply with the provisions of the By-law.

## 1 Outline of the Parking Required Under the Applicable Zoning By-law for Each Proposed Land Use

The applicant's land in Stoney Creek has been operating as a combination of commercial and residential space for 15 years. Specifically, there are 2 apartment dwellings on the second floor and 3 clinic units on the main floor covering 160.72 m<sup>2</sup>. The subject lands, covering a total lot area of 557.33 m<sup>2</sup>, fall under the zoning by-law C5A: Mixed Use Medium Density.

According to the City of Hamilton's parking requirements outlined in section 5.6.c) of governing By-law 05-200:

- For residential uses, there must be 1 parking space allocated for each dwelling unit (in this case, two spaces)

Reference: Click or tap here to enter text.

- For medical clinic uses, there must be 1 parking spot for each 16 square metres of gross floor area (resulting in eight allocated spaces)

Section 5.2.g) of the parking by-law removes the parking requirement for the residential portion of the building owing to its location in a mixed-use zone. At 160.72 m<sup>2</sup> of clinic floor space, the required number of parking spaces for this property is ten (10).

## 2 The Proposed Parking Supply for Each Land Use and Identified Surplus or Deficiency and Site Plan

City review of the proposed parking supply for all land uses of the lot leaves 3 valid parking spaces, which is insufficient per the By-law. Therefore, the applicant is requesting relief for the 7 parking spaces that cannot be provided on the property.

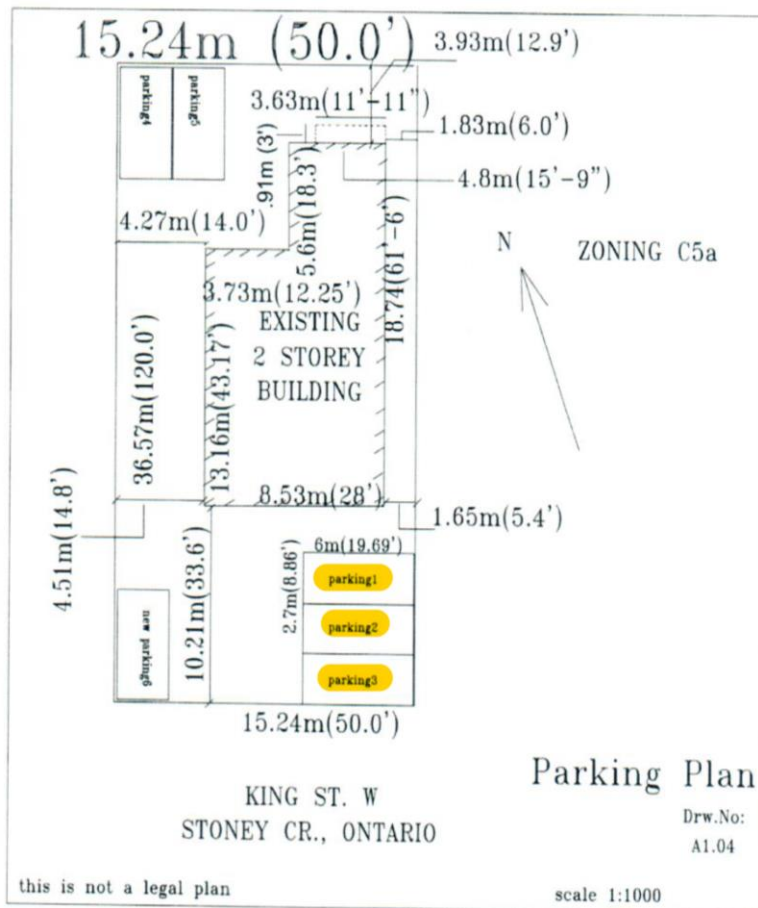


Figure 1: 58 King St West Site Plan

Reference: [Click or tap here to enter text.](#)

### 3 Identified Opportunities for Shared Parking Onsite

The applicant has disclosed that a secondary corporation, related to the applicant, owns the shared driveway next door at 60 King St West. The two parcels share an at-grade shared parking lot where vehicle circulation (driveways) is contingent on the use of both parcels. The two properties share access points to and from King Street and combine to house a total of 34 parking spaces, including spaces included in the minor variance application (**Figure 2**). Shared parking on the adjacent site can minimize the need for additional parking spaces on the applicant site. Benefits of shared parking facilities are outlined in the framework for both the City of Hamilton's Official Plan and Transportation Master Plan. Additionally, there is a publicly-owned parking lot located directly across King Street from the property, associated with the Stoney Creek Recreation Centre, that features a large parking inventory.

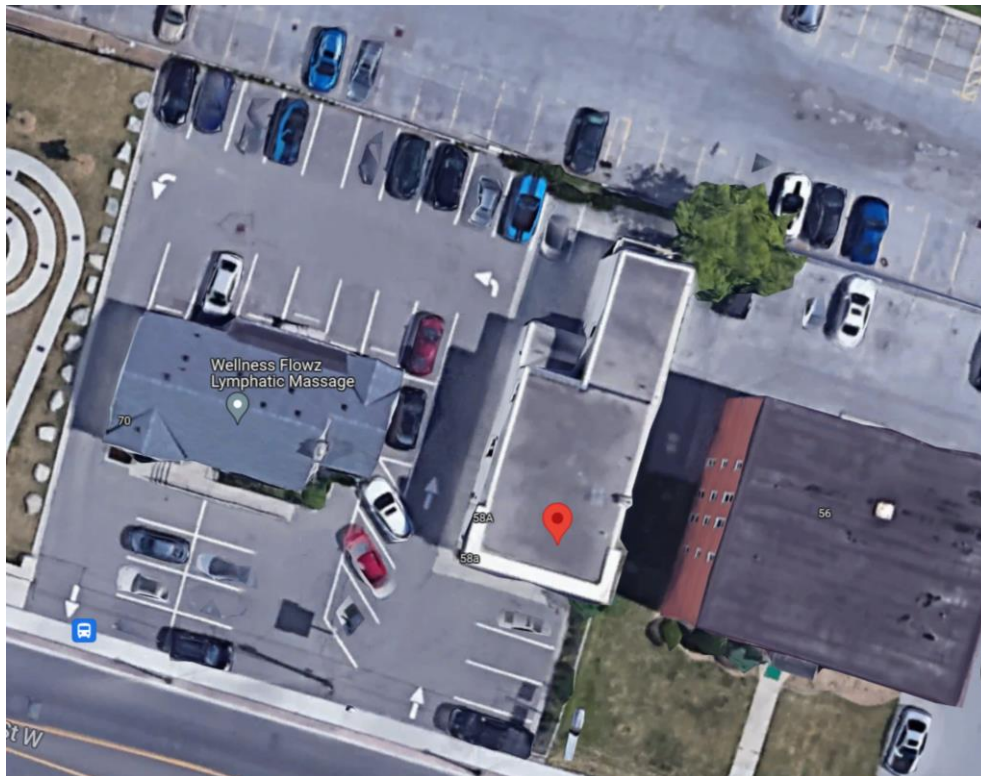


Figure 2: Aerial View of 58 and 60 King Street West

### 4 Identified Adjacent On-street Parking Supply

The nearest on-street parking to the subject lands can be found on Village Green Boulevard to the north and east of the site. On-street parking spaces without time limits or user fees are available ranging from 200 – 290 metres from the clinic entrance. It is notable that there is regular access to the public through cutting through private land which shortens this distance



**Reference:** [Click or tap here to enter text.](#)

considerably, although this is the condition we have not included it in this analysis as these are irregular routes that are not protected to public access.

## **5 The Existing Study Area Alternative and Active Transportation Facilities and Infrastructure, Including Direct Connections to Other Sustainable Travel Modes**

Two HSR bus stops are located along King Street within 35 metres of the building at 58 King Street West providing access to service in each direction. These stops are served by HSR bus route 05. Route 05 (5a Greenhill at Cochrane Via McMaster University) departs from Meadowlands Terminal Platform 2 and ending at the intersection of Greenhill at Cochrane. This route operates 7 days a week, and features 15-minute service intervals during the applicant's typical business hours. There are also bike lanes present immediately west of the property to support multi-modal travel.

In light of the impending implementation of the new and expanded HSR transit plan, it is noteworthy that the HSR stop adjacent to the clinic is anticipated to maintain its current level of service. In terms of the parking study at hand, the continued accessibility of public transit should allay concerns regarding any substantial fluctuations in parking demand. The City's Official Plan and Transportation Master Plan places a strong emphasis on balanced transportation networks, the reduction of greenhouse gas (GHG) emissions, and the strategic utilization of the existing built environment. The pursuit of a parking mitigation strategy that encourages public transit use and alternative transportation modes resonates with the city's commitment to fostering sustainable urban development.

## **6 Proposed Parking Mitigation Strategy to Offset the Impacts of a Reduced Parking Supply**

The proposed parking mitigation strategy primarily involves the continued informal shared site access and parking arrangement in tandem with the property at 60 King Street West to compensate for the lack of parking directly on the 58 King Street West parcel. Supplemental support factors include nearby high-frequency transit stops, on-street parking, publicly-owned off-street parking inventory, and active transportation facilities. The location of the two HSR bus stops outside of the property, as well as the nearby cycling infrastructure, is instrumental in encouraging the use of other modes of transportation to access the property.

Acknowledging the possibility that the properties may undergo ownership changes in the future, the continuity of the parking agreement could potentially be impacted. However, a prospective shift in ownership and expiration of the primary shared parking agreement can be mitigated by accessibility to alternative parking resources readily available in the vicinity. The suite of identified mitigation factors offers a pragmatic solution to ensure that any deficiency in parking inventory can be effectively addressed in multiple ways. This adaptability aligns with

**Reference:** [Click or tap here to enter text.](#)

the commitment to urban planning principles that prioritize the flexibility and sustainability in meeting the evolving needs of the community and the broader urban landscape.

Accessibility and inclusivity are important to consider, as it is crucial that parking remains accessible to all, including individuals with disabilities. Even a small number of parking spaces can significantly impact the accessibility of a facility. The spaces that are already in compliance on the site would best serve individuals with disabilities. Therefore, the accessibility of the lands should not be compromised by the shared parking agreement.

Vehicle travel and storage are associated with environmental impacts, such as pollution from vehicle emissions and the loss of natural habitat and green space. The proposed parking mitigation strategy, reliant on a de-facto shared parking agreement already in place, is more environmentally responsible than a strict interpretation of the By-law, which in practice would duplicate rather than supplement parking inventory.

## 7 Conclusion

Per By-law, the proposed development at 58 King St. West, Stoney Creek, Ontario, L8G 1H8, requires 10 parking spaces for clinic and residential uses. However, the parcel can only provide 3 valid parking spaces per City staff review. To mitigate this issue, the applicant is proposing a parking mitigation strategy reflecting the practical current parking and circulation operations of this and the adjacent lot at 60 King Street West. Should the primary shared parking agreement expire, the mitigation strategy defined in this document identifies existing nearby alternatives. In addition to a large publicly-owned parking facility across King Street and on-street parking available to the north and east, there are HSR stops in each direction within 35 metres of the building that feature high-frequency service in two directions during business hours along with cycling infrastructure to support multi-modal travel. The combination of these facilities adequately address the parking deficiency of the single parcel.

It is our professional opinion that the proposed parking mitigation strategy is adequate and aligns with the broader urban planning objectives and vision for development as stated in the Official Plan and Transportation Master Plan. The presence of shared parking facilities, transit stops, bicycle infrastructure, and adjacent city-owned parking resources would create a resilient and adaptable parking ecosystem. We firmly believe that this approach will not significantly disrupt the transportation, or the accessibility, inclusivity, environment, or character in and around the site. With these viable options for parking and the inherent flexibility in the strategy, we are confident that the transportation needs of the site can be effectively met now and well into the future, even amidst potential changes in property ownership. This approach will preserve the functionality and accessibility of the site at 58 King St. West.

Regards,

**STANTEC CONSULTING LTD.**



Hamilton

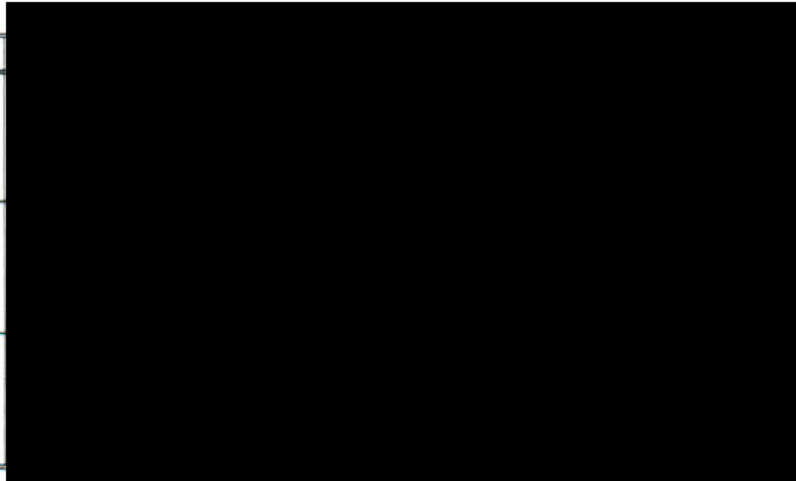
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	Natascha Di Francesco
Applicant(s)	Bryan Di Francesco
Agent or Solicitor	Bryan Di Francesco



- 1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor
- 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	58 King St. W.		
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:

*Required 10 parking spaces. Can only provide 6 parking spaces. Asking for relief of 4 parking spaces which cannot be provide*

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

*Size of lot does not have sufficient area to accommodate extra parking spaces*

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	36.57m	557.33m	~ 10m

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
Concrete Block 2 Story	10.21m	3.93m	1.83m (E) 4.27m (W)	1970(s)

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
Same as above (no change to structure)				

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

- 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.):  
*Commercial / residential detached building*

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

**7 HISTORY OF THE SUBJECT LAND**

7.1 Date of acquisition of subject lands: 2007

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

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

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

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) \_\_\_\_\_

Please provide an explanation of how the application conforms with the Official Plan.  
*Medium Density Residential 3*

7.6 What is the existing zoning of the subject land? C5a - Mixed Use Medium Density

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: \_\_\_\_\_

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

Yes  No

If yes, please provide the file number: \_\_\_\_\_

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

Yes  Not Applicable

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: 2 apartment dwelling on second floor  
3 clinic units on main floor

8.2 Number of Dwelling Units Proposed: Same as above

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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