



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-23:309	SUBJECT PROPERTY:	396 Queenston Road, Hamilton
ZONE:	"DE/S-51" (Low Density Multiple Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Dawid Gorecki & Tomasz Artur Gorecki
Agent: UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

The following variances are requested:

1. To permit a front yard setback of 4.5 metres, except 6.0 metres to a garage, whereas a front yard setback of 6.0 metres is required.
2. To permit a side yard setback of 1.2 metres, except where there is a common wall a side yard setback of 0.0 metres shall be provided, whereas a side yard setback of 1.2 metres is required.
3. To permit a minimum lot width of 9.0 metres, whereas a minimum lot area of 18.0 metres is required.
4. To permit a minimum lot area of 230.0 square metres, whereas a minimum lot area of 540.0 square metres is required.
5. To permit a two-family dwelling on the lands whereas only the existing building shall be permitted.

PURPOSE & EFFECT: To facilitate the construction of a semi-detached dwelling.

Notes:

- i. Variances written exactly as requested by applicant.

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.

HM/A-23:309

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

DATE:	Thursday, December 7, 2023
TIME:	12:55 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

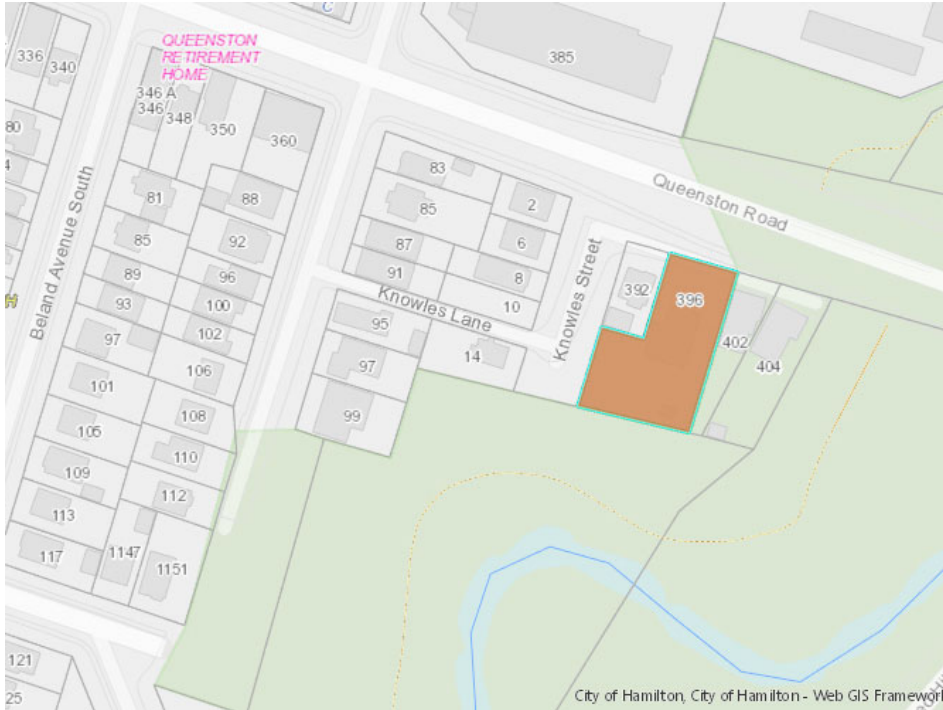
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:309, 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.



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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 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.

Development Statistics "DE/S-51" (Low Density Multiple Dwellings)		
Item	Required	Proposed
Min. Lot Area	540.0 m ²	278.70 m ²
Min. Lot Width	18.0 m	9.14 m
Max. Building Height	3 storeys (11 m)	TBC
Min. Front Yard	6.0 m	4.50 m
Min. Side Yard	1.20 m	1.20 m except 0.0 m for a shared lot line
Min. Rear Yard	7.5 m	7.5 m
Min. Landscaped Area	25% of Lot Area	118.484 m ² (42.50%)
Min. Front Yard Landscaped Area	50% of Front Yard	27.70 m ² (60.53%)
Min. Parking Spaces	1 space/Class A Dwelling Unit = 1 space	1 space (Garage)
Parking Dimensions	2.7 m X 6.0 m	3.0 m X 6.0 m
Location of Parking	Not In Front Yard	Not In Front Yard (Garage)

REQUESTED VARIANCES:

VARIANCE NO. 1: TO PERMIT A FRONT YARD SETBACK OF 4.5 METRES, EXCEPT 6.0 METRES TO A GARAGE, WHEREAS A FRONT YARD SETBACK OF 6.0 METRES IS REQUIRED.

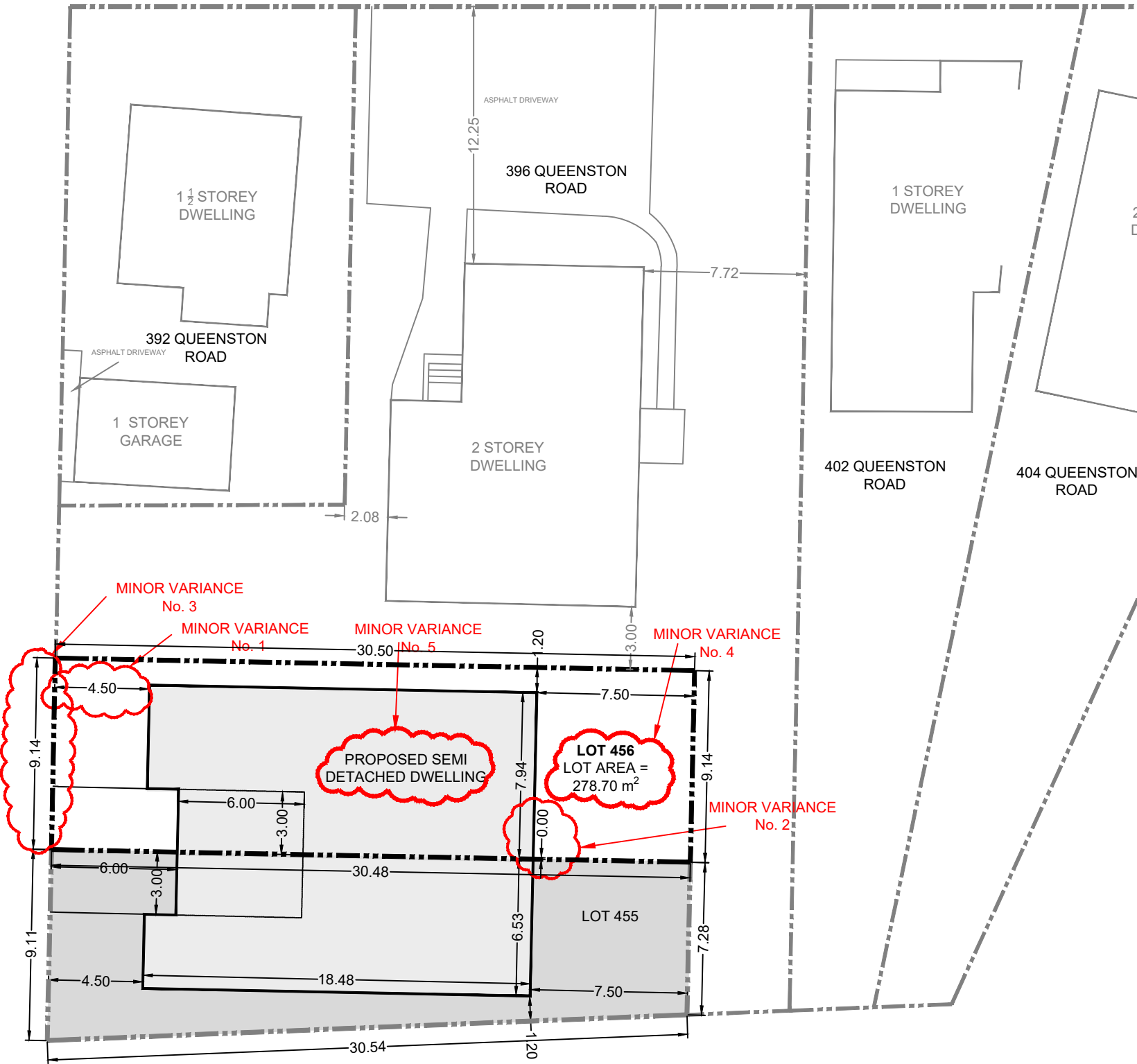
VARIANCE NO. 2: TO PERMIT A SIDE YARD SETBACK OF 1.2 METRES, EXCEPT WHERE THERE IS A COMMON WALL A SIDE YARD SETBACK OF 0.0 METRES SHALL BE PROVIDED, WHEREAS A SIDE YARD SETBACK OF 1.2 METRES IS REQUIRED.

VARIANCE NO. 3: TO PERMIT A MINIMUM LOT WIDTH OF 9 METRES, WHEREAS A MINIMUM LOT WIDTH OF 18 METRES IS REQUIRED.

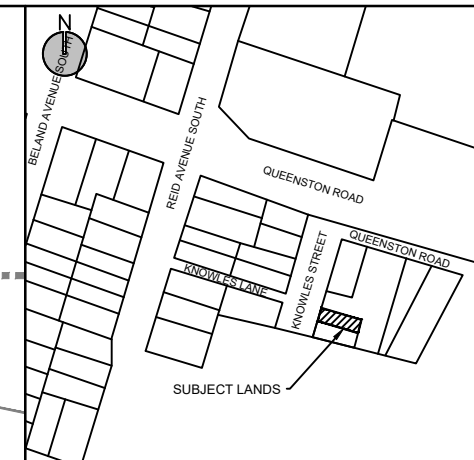
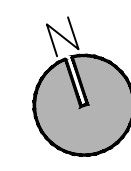
VARIANCE NO. 4: TO PERMIT A MINIMUM LOT AREA OF 230 SQUARE METRES, WHEREAS A MINIMUM LOT AREA OF 540 SQUARE METRES IS REQUIRED.

VARIANCE NO. 5: TO PERMIT A TWO-FAMILY DWELLING ON THE LANDS WHEREAS ONLY THE EXISTING BUILDING SHALL BE PERMITTED.

KNOWLES STREET



QUEENSTON ROAD



KEY MAP - N.T.S.
SCALE: 1:250 METRES
0 5 10
LEGEND:
- - - - - SUBJECT LANDS
- - - - - PROPERTY BOUNDARIES
- - - - - PROP. MINOR VARIANCE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: NOVEMBER 2, 2023

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
LOT 456
CITY OF HAMILTON

CLIENT:
DAWID GORECKI & TOMASZ ARTUR GORECKI

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 495-23 SHEET NUMBER: 1

Development Statistics "DE/S-51" (Low Density Multiple Dwellings)		
Item	Required	Proposed
Min. Lot Area	540.0 m ²	278.70 m ²
Min. Lot Width	18.0 m	9.14 m
Max. Building Height	2.5 storeys	TBC
Min. Front Yard	6.0 m	4.50 m
Min. Side Yard	1.20 m	1.20 m except 0.0 m for a shared lot line
Min. Rear Yard	7.5 m	7.5 m
Min. Landscaped Area	25% of Lot Area	118.484 m ² (42.50%)
Min. Front Yard Landscaped Area	50% of Front Yard	27.70 m ² (60.53%)
Min. Parking Spaces	1 space/Class A Dwelling Unit = 1 space	1 space (Garage)
Parking Dimensions	2.7 m X 6.0 m	3.0 m X 6.0 m
Location of Parking	Not In Front Yard	Not In Front Yard (Garage)

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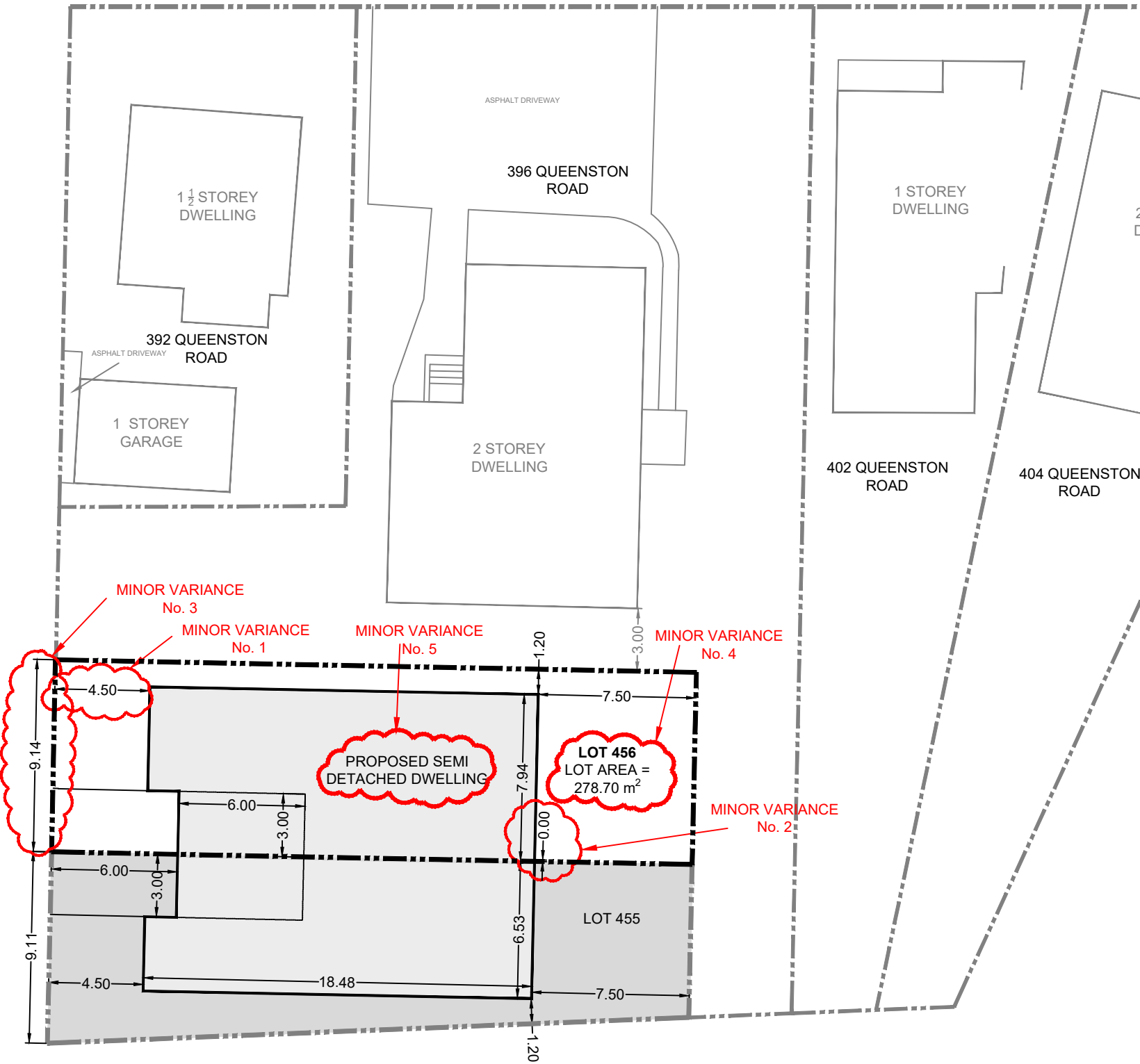
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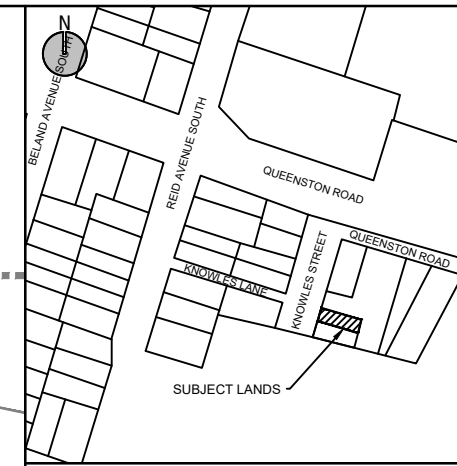
VARIANCE NO. 4: TO PERMIT A MINIMUM LOT AREA OF 230 SQUARE METRES, WHEREAS A MINIMUM LOT AREA OF 540 SQUARE METRES IS REQUIRED.

VARIANCE NO. 5: TO PERMIT A TWO-FAMILY DWELLING ON THE LANDS WHEREAS ONLY THE EXISTING BUILDING SHALL BE PERMITTED.

KNOWLES STREET



QUEENSTON ROAD



KEY MAP - N.T.S.

SCALE: 1:250 METRES

LEGEND:

- SUBJECT LANDS
- - - PROPERTY BOUNDARIES
- PROP. MINOR VARIANCE

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DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: NOVEMBER 2, 2023

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
LOT 456
CITY OF HAMILTON

CLIENT:
**DAWID GORECKI &
TOMASZ ARTUR GORECKI**

TITLE:
**MINOR VARIANCE
SKETCH**

U/S FILE NUMBER: 495-23 SHEET NUMBER: 1

November 2, 2023

495-23

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 396 Queenston Road, Lot 456 Hamilton
Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mr. Dawid Gorecki & Mr. Tomasz Artur Gorecki, the owners of Lot 456 on Registered Plan 574 and formerly part of the lands municipally known as 396 Queenston Road, in Hamilton. On their behalf, please accept the enclosed Minor Variance application to facilitate the future development of the subject property.

The subject property is a rectangularly-shaped, 278.70 square metre parcel with approximately 9.14 metres of frontage onto Knowles Street and 30.48 metres of depth. The property is situated between 396 Queenston Road and Lot 455 of Registered Plan 574. The parcel is designated as 'Neighbourhoods' in the Urban Hamilton Official Plan and is zoned 'Low Density Multiple Dwellings "DE/S-51" District' in the Former City of Hamilton Zoning By-law No. 6593.

Property History & Purpose of the Application

The purpose of the Minor Variance Application is to facilitate the development of a semi-detached dwelling on Lots 455 and 456 of Registered Plan 574. These lots were formerly a part of 396 Queenston Road, a larger parcel comprised of Lots 455 and 456, part of Lots 457, 458, 460, 461, 462, and 463, and part of Block B of Registered Plan 574. The Property Identification Numbers of Lots 455 and 456 have since been split from the greater parcel and are awaiting official municipal addresses.

The following minor variances from the Zoning By-law are being requested to facilitate the development:

Variance No. 1: To permit a front yard setback of 4.5 metres, except 6.0 metres to a garage, whereas a front yard setback of 6.0 metres is required.

Variance No. 2: To permit a side yard setback of 1.2 metres, except where there is a common wall a side yard setback of 0.0 metres shall be provided, whereas a side yard setback of 1.2 metres is required.

Variance No. 3: To permit a minimum lot width of 9.0 metres, whereas a minimum lot area of 18.0 metres is required.

Variance No. 4: To permit a minimum lot area of 230.0 square metres, whereas a minimum lot area of 540.0 square metres is required.

Variance No. 5: To permit a two-family dwelling on the lands whereas only the existing building shall be permitted.

These variances are required in order to permit the proposed semi-detached dwelling on the property and ensure the overall development conforms to Zoning By-law No. 6593. The “DE” District permits a range of residential uses such as single, two, and three-family dwellings, and multiple dwellings. It is the intent of the “DE” District and the *Neighbourhoods* designation on site to permit the proposed built form of a semi-detached dwelling for the subject lands.

However, the site-specific “DE/S-51” District through By-law No. 67-222 allows only the existing building on the lands known as 396 Queenston Road. Since Lot 456 is now separated from 396 Queenston Road, there is no existing building on the lands and as such, it is appropriate to provide relief from the Zoning By-law as per requested Variance No. 5 to permit the development of the vacant lot.

As per Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed semi-detached dwelling conforms to height requirements and is an outright permitted use within the “DE” District. The reduction of a required side yard from 1.2 metres to 0.0 metres where there is a common wall is requested to reflect the built form of the concept which proposes to occupy two abutting properties with a single structure, split into two units with one unit on each lot. As such, a 1.2-metre side yard setback is to be maintained along the northern property line of Lot 456 as is prescribed within the applicable zoning regulations. Further, the total lot width of Lot 455 and 456 combined exceeds the minimum required lot width for a semi-detached dwelling. Lot 456 is comprised of 278.70 square metres, however the combined lot area of Lot 455 and 456 is representative of the intended lot size for the proposed use. As the proposed variances intend to implement a permitted built form across two properties that, together, closely reflect the regulations prescribed within the “DE/S-51” District, the variances are deemed to be minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, which is reflected within the development concept for the subject lands. The proposal appropriately implements the Official Plan’s policies surrounding intensification by introducing compatible and compact urban forms of a similar scale to the surrounding urban fabric. Additionally, the proposed built form is a permitted use in the “DE”

District and implements a transitory built form in keeping with existing development on the subject lands to the north within the same zone. As such, the proposal meets the intent and purpose of the Official Plan and Zoning By-law.

Lastly, the proposal intends to create infill development which makes use of vacant land within the urban boundary on lands with exceptional access to existing and future transit infrastructure along a major arterial road. The overall development will also bring completeness to the Knowles Street community as Lots 455 and 456 comprise the remainder of vacant properties along the street. As such, the proposal is desirable for the appropriate development or use of the land.

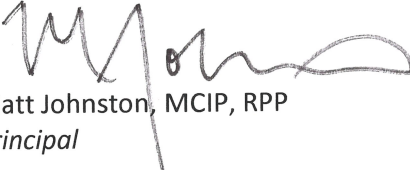
The requested variances from the "DE/S-51" District are minor in nature, meet the purpose and intent of the Official Plan and Zoning By-law, and are desirable for the development of the lands. Based on the above analysis, the proposed severances represent good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions

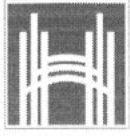


Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Mr. Dawid Gorecki
Mr. Tomasz Gorecki



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)		
Agent or Solicitor		

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 n/a

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	396 Queenston Road		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Lot 456	Concession	
Registered Plan Number	574	Lot(s)	456
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:

n/a

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:

Please refer to enclosed Cover Letter.

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 enclosed Cover Letter.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

n/a

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please also refer to enclosed Committee of Adjustment Sketch

Lot Frontage	Lot Depth	Lot Area	Width of Street
+/- 9.14 m	+/- 30.48 m	+/- 278.70 sq.m.	+/- 20.10 m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Semi-Detached Dwelling	4.5 m	7.5 m	0.0 m & 1.2 m	n/a

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

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Semi-Detached Dwelling	142 sq.m.	284 sq.m.	2	TBC

- 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.):

Semi-Detached Dwelling

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

Single Detached Dwelling, Multiple Dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

August 8th, 2023

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

Vacant, Lot 456 previously on same lot as multiple 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:

Unknown

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to enclosed Cover Letter.

7.6 What is the existing zoning of the subject land? Low Density Multiple Dwellings "DE/S-51" District in the Former City of Hamilton Zoning By-law No. 6593.

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: n/a

~~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 N/A~~

~~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: 1

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

Please refer to enclosed Cover Letter.

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
-
-