



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**

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**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> | SC/A-23:326   | <b>SUBJECT PROPERTY:</b> | 347 FIFTY ROAD, HAMILTON   |
| <b>ZONE:</b>            | “RM3-49”, “RM2-37”, “RM2-38” (Multiple Residential – Three, Multiple Residential - Two) | <b>ZONING BY-LAW:</b>    | Zoning By-law former City of Stoney Creek 3692-92, as Amended 13-130 |

**APPLICANTS:** Owner: 5000933 ONTARIO INC C/O ANTHONY DICENZO  
 Agent: URBANSOLUTIONS PLANNING & LAND DEVELOPMENT  
 CONSULTANTS INC C/O MATT JOHNSTON

The following variances are requested:

1. The proposed development shall be permitted to have one building containing a maximum of 10 units, one building containing a maximum of 12 units and one building containing a maximum of 16 units whereas the zoning By-law states that a townhouse shall have a maximum of eight (8) dwelling units within a building.
2. A maximum density of 50.28 units per hectare shall be permitted instead of the maximum 50 units per hectare permitted.
3. A retaining wall shall be permitted to be located within a landscaped strip whereas the zoning by-law does not permit a retaining wall to be located within a landscaped strip area.
4. A minimum yard of 2.1m shall be permitted from the hypotenuse of the daylight triangle instead of the minimum 3.0m yard required from the hypotenuse of a daylight triangle.

**PURPOSE & EFFECT:** To facilitate a seventy-nine (79) unit development comprised of townhouse and maisonettes (back-to-back townhouse dwellings).

**Notes:**

These variances are necessary to facilitate Site Plan Control Application DA-22-075.

## SC/A-23:326

The zoning By-law requires a landscaped strip having a minimum width of 1.8m adjacent to every portion of any lot that abuts a street. Based on the plan provided it appears that a landscaped strip is not proposed to be maintained along Sonoma Lane and Pinot Crescent Street lines which may result in requirement for additional variances.

**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, January 18, 2024</b>  |
| <b>TIME:</b>  | <b>11:15 a.m.</b>  |
| <b>PLACE:</b> | <b>Via video link or call in (see attached sheet for details)</b>  |
|               | <b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>   |
|               | <b>To be streamed (viewing only) at</b><br><b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b> |

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

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

## PUBLIC INPUT

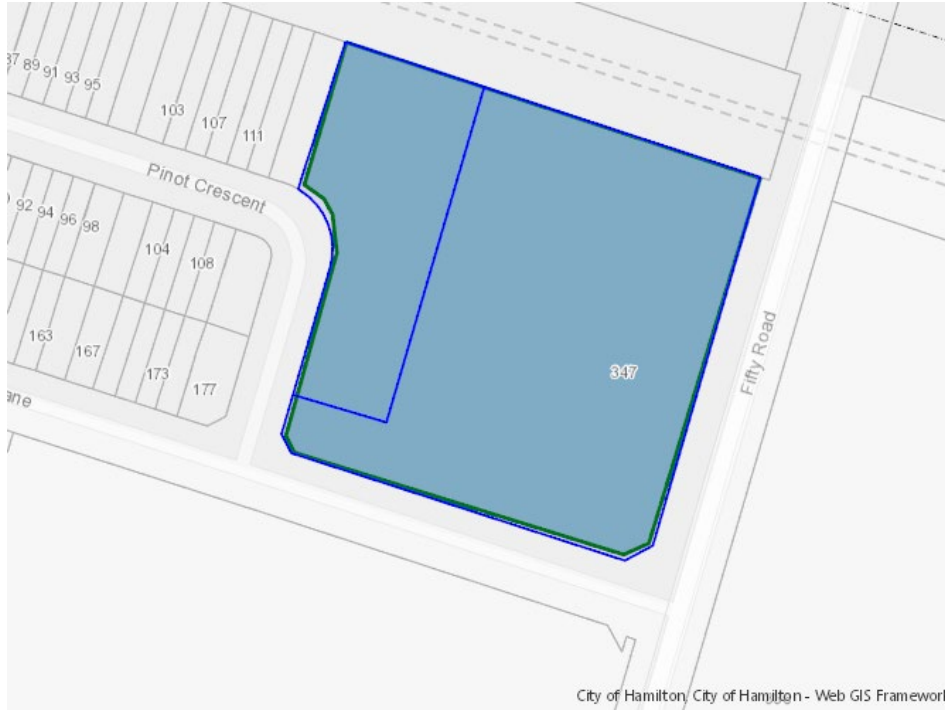
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-23:326, 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: January 2, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## PARTICIPATION PROCEDURES

### Written Submissions

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

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

### Oral Submissions

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

#### 1. Virtual Oral Submissions

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

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

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

#### 2. In person Oral Submissions

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

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

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

# FOOTHILLS OF WINONA - Phases 2 and 3

LOT 4

LOT 3

CANADIAN NATIONAL RAILWAYS  
PIN 17368-0122 (LT)

APPROVAL CERTIFICATE

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS 30TH DAY OF AUGUST, 2017

*Sergio Manchia*  
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

PLAN 62M-1241

I CERTIFY THAT THIS PLAN 62M-1241 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 13:52 O'CLOCK ON THE 14th DAY OF SEPT. 2017 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER(S)

17368-0652 (LT)

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. WE1234815

"CLANGANER"

REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES PART OF PIN 17368-0652(LT)

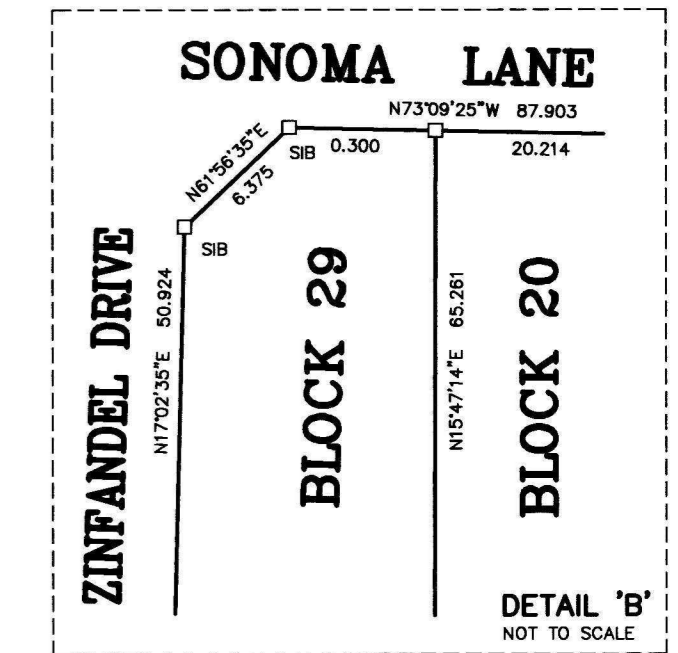
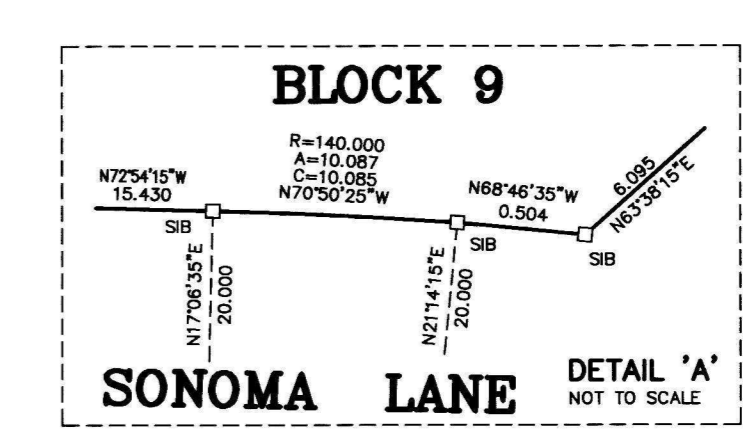
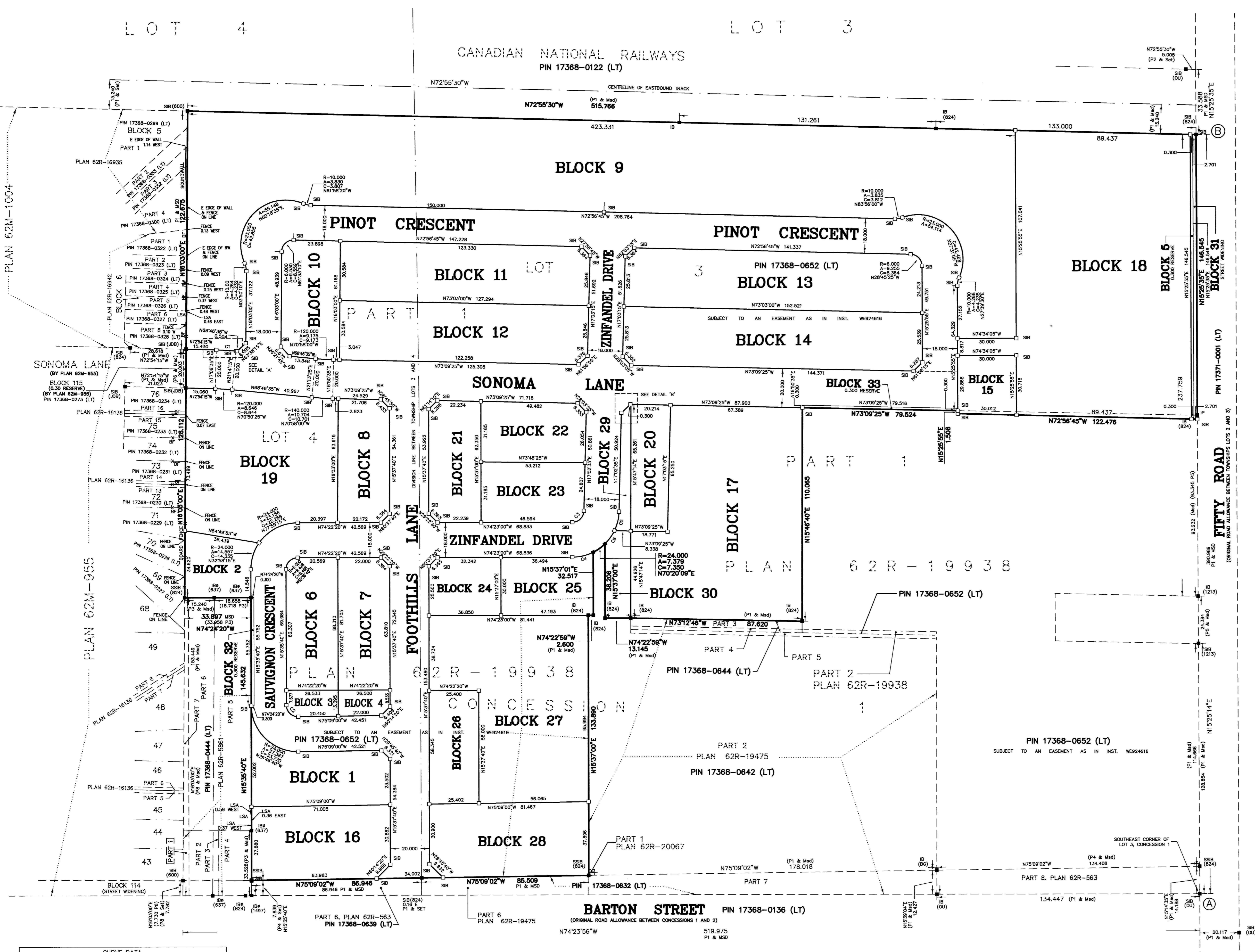
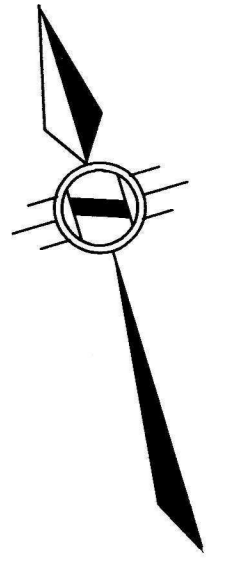
ALL OF BLOCKS 1 TO 33, INCLUSIVE, AND ALL OF SONOMA LANE, FOOTHILLS LANE, SAUVIGNON CRESCENT, PINO CRESCENT AND ZINFANDEL DRIVE ARE SUBJECT TO AN EASEMENT AS IN WE24816

PLAN OF SUBDIVISION  
OF PART OF  
LOTS 3 AND 4  
CONCESSION 1  
GEOGRAPHIC  
TOWNSHIP OF SALTLEET  
IN THE  
CITY OF HAMILTON

SCALE 1:1000 METRIC

20 0 20 40 60 metres

S.D. McLAREN, O.L.S. - 2017



**OWNER'S CERTIFICATE:**

THIS IS TO CERTIFY THAT:  
1. BLOCKS 1 TO 4, BOTH INCLUSIVE, BLOCKS 6 TO 30, BOTH INCLUSIVE, THE STREETS, NAMELY SONOMA LANE, FOOTHILLS LANE, SAUVIGNON CRESCENT, PINO CRESCENT AND ZINFANDEL DRIVE, THE STREET WIDENING, NAMELY BLOCK 31 AND THE RESERVES, NAMELY BLOCKS 5, 32 AND 33 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

2. THE STREETS AND STREET WIDENING ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.

OWNER'S NAME: 1800815 ONTARIO INC.

JULY 28, 2017 DATE *Anthony C. Dicenzo* I HAVE THE AUTHORITY TO BIND THE CORPORATION  
JULY 28, 2017 DATE *Sergio Manchia* I HAVE THE AUTHORITY TO BIND THE CORPORATION

**BEARING NOTE:**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (1997.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99974227

**INTEGRATION DATA**

|  |             |            |  |
|--|-------------|------------|--|
| COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.R.C. 216/10  |             |            |  |
| POINT ID   | NORTHING    | EASTING    |  |
| ORP A  | 4764984.386 | 610468.395 |  |
| ORP B  | 4763361.289 | 610468.395 |  |
| COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN. |             |            |  |

- LEGEND:**
- DENOTES MONUMENT SET
  - MONUMENT FOUND
  - IB IRON BAR
  - IB# ROUND IRON BAR
  - IP IRON PIPE
  - IP# STANDARD IRON BAR
  - SSB SHORT STANDARD IRON BAR
  - 800 S.W. WOODS, O.L.S.
  - 824 H.B. ASHURETTI, O.L.S.
  - 717 J.J. KEMWAY, O.L.S.
  - 824 A.T. McLAREN, O.L.S.
  - 1213 J.D. PETERS, O.L.S.
  - 1497 J.P. NOUNENS, O.L.S.
  - 80 BARKH CRUICK SURVEYING LTD.
  - JOB J.D. BARNES LIMITED
  - CU ORIGIN UNKNOWN
  - MEASURED PLAN 62R-19938

**NOTE:** ALL SET BARS ARE IB'S UNLESS OTHERWISE NOTED.

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

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF JULY, 2017

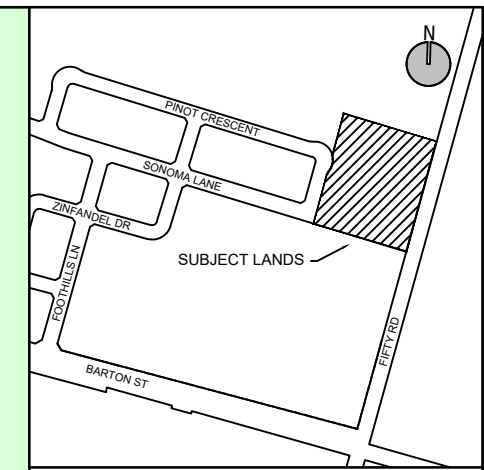
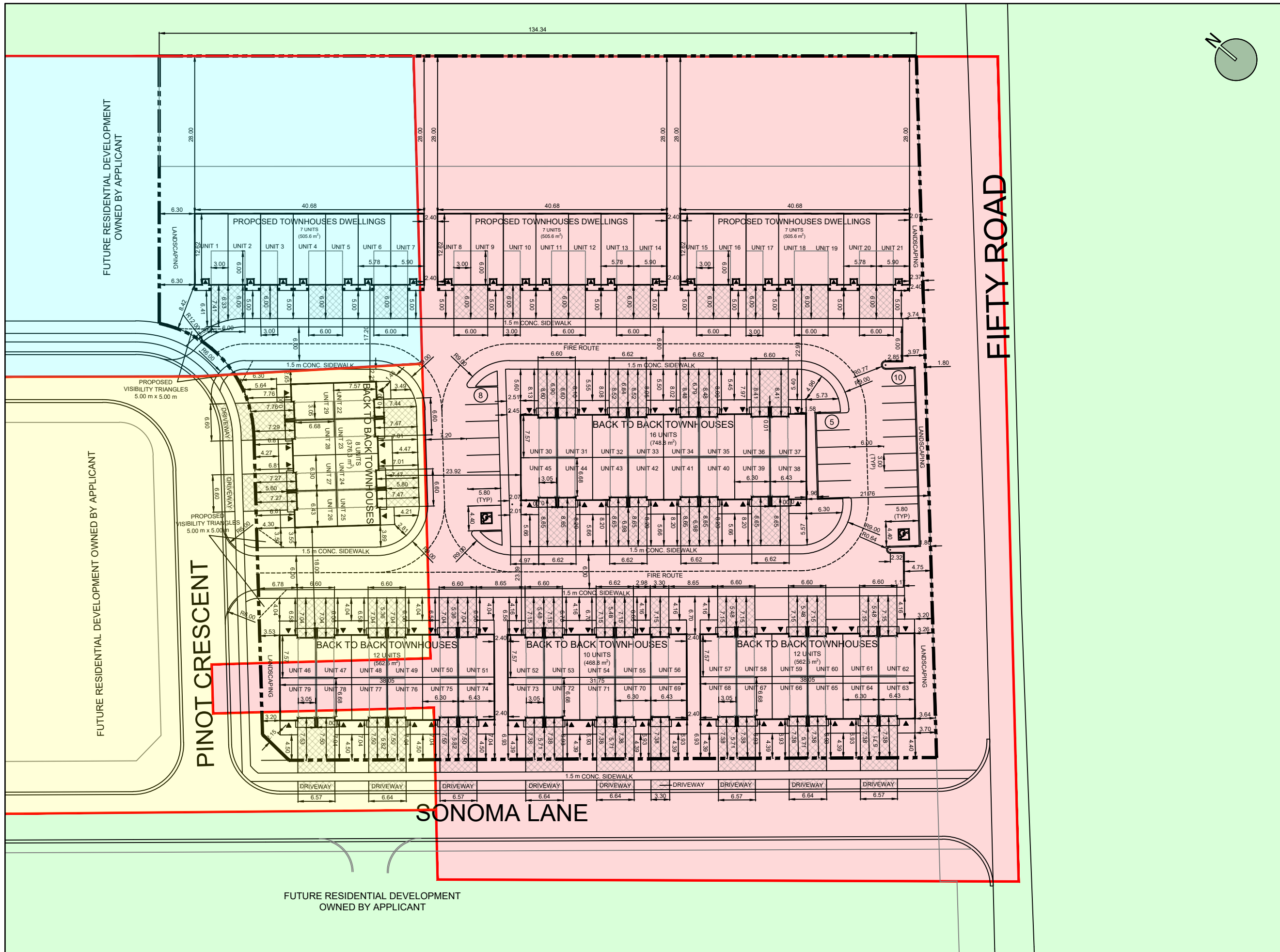
JULY 28, 2017 DATE *S. Dan McLaren*  
S. DAN McLAREN, O.L.S.

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn RMB Checked LD Scale 1:1000 Dwg.No. 34156-1A3

**CURVE DATA**

| BLOCK | RADIUS | ARC     | CHORD  | BEARING     |
|-------|--------|---------|--------|-------------|
| C1    | 9      | 140.000 | 10.087 | N70°50'25"W |
| C2    | 3      | 22.570  | 0.448  | N29°46'40"W |
| C3    | 23     | 6.000   | 9.275  | N61°19'50"E |
| C4    | 25     | 24.000  | 11.089 | N87°37'10"W |
| C5    | 29     | 24.000  | 10.132 | N29°08'20"W |
| C6    | 30     | 24.000  | 8.501  | N51°22'50"W |



**KEY MAP - N.T.S.**  
 SCALE: 1:600 METRES  
 0 10 20 30 METRES

- LEGEND:**
- SUBJECT LANDS
  - RM2-37 ZONE
  - RM2-38 ZONE
  - RM3-49 ZONE
  - AS ZONE

**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: S. MCKAY   |
| DRAWN BY: L. DRENNAN  | DATE: JANUARY 25, 2022 |



**URBAN SOLUTIONS**  
 PLANNING & LAND DEVELOPMENT

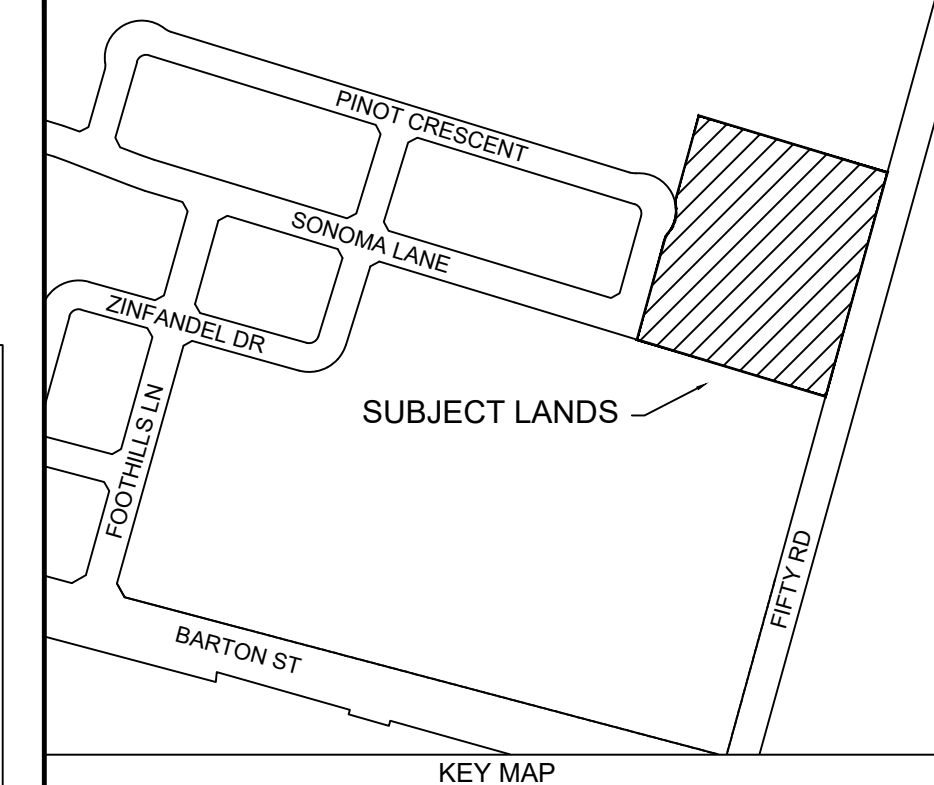
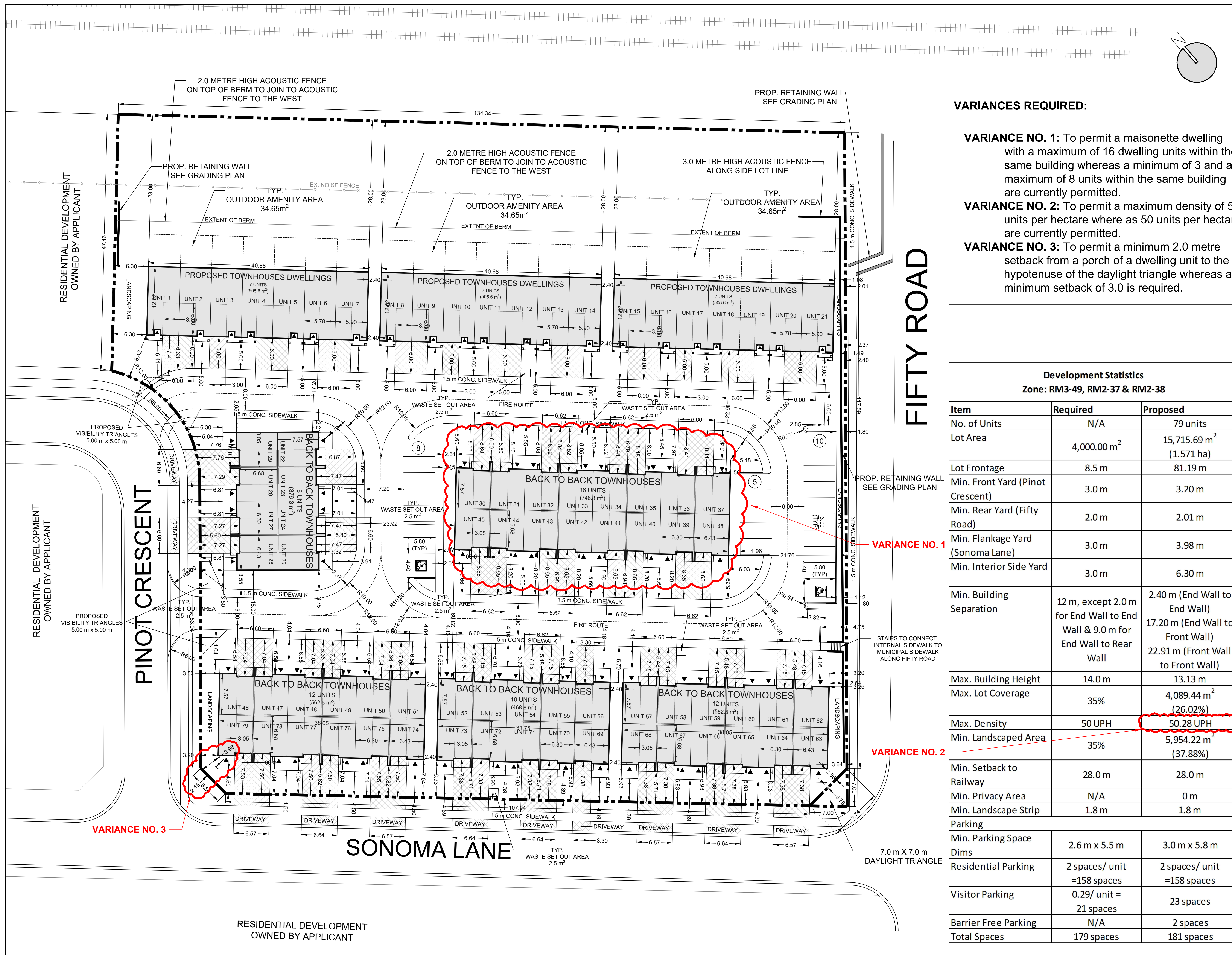
3 STUDEBAKER PLACE, UNIT 1  
 HAMILTON, ON L8L 0C8  
 905-546-1087 - urbancore.info

**PROJECT:**  
 339 & 347 FIFTY ROAD  
 CITY OF HAMILTON

**CLIENT:**  
 5000933 ONTARIO INC.

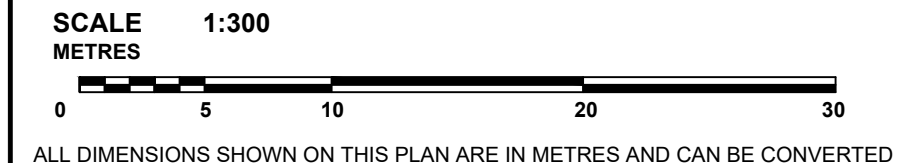
**TITLE:**  
 ZONING SKETCH

|                           |                    |
|---------------------------|--------------------|
| US FILE NUMBER:<br>246-17 | SHEET NUMBER:<br>1 |
|---------------------------|--------------------|



**MINOR VARIANCE**

PART OF BLOCKS 9, 15 & 18  
 REGISTERED PLAN 62M-1241  
 FORMERLY THE CITY OF STONEY CREEK  
 NOW IN THE CITY OF HAMILTON



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

- LEGEND:
- Subject Lands
  - Proposed Buildings
  - Proposed Garage
  - Proposed 2nd & 3rd Floor Extension
  - Proposed Entrance

**VARIANCES REQUIRED:**

**VARIANCE NO. 1:** To permit a maisonette dwelling with a maximum of 16 dwelling units within the same building whereas a minimum of 3 and a maximum of 8 units within the same building are currently permitted.

**VARIANCE NO. 2:** To permit a maximum density of 51 units per hectare where as 50 units per hectare are currently permitted.

**VARIANCE NO. 3:** To permit a minimum 2.0 metre setback from a porch of a dwelling unit to the hypotenuse of the daylight triangle whereas a minimum setback of 3.0 is required.

| Development Statistics<br>Zone: RM3-49, RM2-37 & RM2-38 |   |   |
|---|---|---|
| Item  | Required  | Proposed  |
| No. of Units  | N/A   | 79 units  |
| Lot Area  | 4,000.00 m <sup>2</sup>   | 15,715.69 m <sup>2</sup><br>(1.571 ha)  |
| Lot Frontage  | 8.5 m   | 81.19 m   |
| Min. Front Yard (Pinot Crescent)                        | 3.0 m   | 3.20 m  |
| Min. Rear Yard (Fifty Road)                             | 2.0 m   | 2.01 m  |
| Min. Flankage Yard (Sonoma Lane)                        | 3.0 m   | 3.98 m  |
| Min. Interior Side Yard                                 | 3.0 m   | 6.30 m  |
| Min. Building Separation                                | 12 m, except 2.0 m for End Wall to End Wall & 9.0 m for End Wall to Rear Wall | 2.40 m (End Wall to End Wall)<br>17.20 m (End Wall to Front Wall)<br>22.91 m (Front Wall to Front Wall) |
| Max. Building Height                                    | 14.0 m  | 13.13 m   |
| Max. Lot Coverage                                       | 35%   | 4,089.44 m <sup>2</sup><br>(26.02%)   |
| Max. Density  | 50 UPH  | 50.28 UPH   |
| Min. Landscaped Area                                    | 35%   | 5,954.22 m <sup>2</sup><br>(37.88%)   |
| Min. Setback to Railway                                 | 28.0 m  | 28.0 m  |
| Min. Privacy Area                                       | N/A   | 0 m   |
| Min. Landscape Strip                                    | 1.8 m   | 1.8 m   |
| Parking   |   |   |
| Min. Parking Space Dims                                 | 2.6 m x 5.5 m   | 3.0 m x 5.8 m   |
| Residential Parking                                     | 2 spaces/ unit = 158 spaces   | 2 spaces/ unit = 158 spaces   |
| Visitor Parking   | 0.29/ unit = 21 spaces  | 23 spaces   |
| Barrier Free Parking                                    | N/A   | 2 spaces  |
| Total Spaces  | 179 spaces  | 181 spaces  |

| NO. | DATE | BY | DESCRIPTION |
|-----|------|----|-------------|
|     |      |    |             |
|     |      |    |             |
|     |      |    |             |

DESIGN BY: S. MCKAY  
 CHECKED BY: M. JOHNSTON  
 DRAWN BY: L. DRENNAN  
 DATE: NOVEMBER 27, 2023

DRAWING ISSUE RECORD

**NOT FOR CONSTRUCTION**

STAMP

APPROVALS

3 STUDEBAKER PLACE, SUITE 1  
 HAMILTON, ON L8L 0C8

OWNER: 5000933 ONTARIO INC.

PROJECT: FOOHILLS OF WINONA

FILE NUMBER: 246-17  
 SHEET NUMBER: 1



November 30, 2023

246-17

**Via Delivered & Email**

Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield,

**RE:           Minor Variance Application  
              347 Fifty Road, City of Hamilton**

On behalf of the owner, 5000933 Ontario Inc., we are pleased to submit this Minor Variance application for the lands municipally known as 347 Fifty Road, Stoney Creek in the City of Hamilton.

The subject property is designated as “Neighbourhoods” in the Urban Hamilton Official Plan and “Low Density Residential 3, Area Specific Policy – Area I” in the Fruitland-Winona Secondary Plan. The lands are currently zoned Multiple Residential 2 “RM2-37” & “RM2-38” Zone and Multiple Residential 3 “RM3-49” Zone in the City of Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant and are Block Nos. 9, 15 and 18 on Registered Plan No. 62M-1241.

A Formal Consultation application was submitted on August 4, 2021 and a subsequent Development Review Team Meeting was held on September 22, 2021 (FC-21-128). In addition, on April 7, 2022, the subject lands received approval of various Minor Variances (SC/A-22:58) required to facilitate the proposed development. The subject lands received conditional Site Plan approval on July 4, 2022 (DA-22-075). This Minor Variance submission is required to capture zoning deficiencies identified in the conditional Site Plan approval.

The proposal entails a total of 79 residential dwelling units contained in 21 townhouse units and 58 back-to-back townhouse units. Each unit is proposed to have one driveway and one garage parking space, providing a total of 158 residential parking spaces. In addition, there are 23 visitor parking spaces proposed including two barrier free spaces.

For the purposes of evaluating this Minor Variance application against the Zoning By-law; as per the RM3-49 Zone, Pinot Crescent is deemed to be the front line, Fifty Road is deemed to be the rear lot line, Sonoma Lane is deemed the flankage yard and every other lot line is deemed as the interior side yard.

To facilitate the proposed development, a Minor Variance is required to vary the following by-law deficiencies:



- **Variance No. 1:** To permit a maisonette dwelling with a maximum of 16 dwelling units within the same building whereas a minimum of 3 and maximum of 8 units within the same building are currently permitted.
- **Variance No. 2:** To permit a maximum density of 51 units per hectare whereas 50 units per hectare are currently permitted.
- **Variance No. 3:** To permit a minimum 2.0 metre setback from a porch of a dwelling unit to the hypotenuse of the daylight triangle whereas a minimum setback of 3.0 is required

To assist in the evaluation of this application, please refer to the enclosed sketch. Justification for the proposed variances has been provided below in accordance with Section 45 of the Planning Act:

**1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?**

The subject lands are identified on Schedule E-1 – Urban Land Use Designations as being within the Neighbourhoods designation of the Urban Hamilton Official Plan. As outlined in Section E.2.4.1.4 of the UHOP, residential intensification shall be encouraged throughout the entire built-up area with compatible integration to the surrounding area while achieving a range of dwelling types and tenures. Furthermore, Section E.2.4.2.2 - Residential Intensification in the Neighbourhoods Designation, directs that residential intensification shall ensure compatibility with existing and future uses of the surrounding area, that transitions in height and density to adjacent residential buildings be considered, and that streetscape patterns be enhanced.

The subject lands are further identified as Low Density Residential 3, Area Specific Policy – Area I” in the Fruitland-Winona Secondary Plan. Chapter B, Section 7.4.2.6 of the Stoney Creek Secondary Plan, notes that developments must provide a compact urban form, with higher densities located closer to arterial roads that may serve as future transit corridors. The subject lands are located adjacent to the Major Gateway and Future Multi-Modal Transportation Hub as per Maps B.7.4-1 and B.7.4-3 of the Fruitland-Winona Secondary Plan. The requested variances meet the general purpose and intent of both the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan through the provision of residential intensification close to larger transportation areas while maintaining compatibility between the existing surrounding built forms. Therefore, the requested variances meet the general purpose and intent of the Official Plan.

**2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning By-law?**

The subject lands are located within the Multiple Residential 2 “RM2-37” & “RM2-38” Zone and Multiple Residential 3 “RM3-49” Zone in the City of Stoney Creek Zoning By-law No. 3692-92.

The purpose of Variance No. 1 is to increase the maximum number of units per maisonette dwelling to 16, whereas a minimum of 3 and maximum of 8 units is currently permitted. The proposed maisonette

dwelling conform to all “RM2-37”, “RM2-38” and “RM3-49” Zone regulations pertaining to building setbacks and height. The increased maximum number of units per dwelling will ensure ample living space and provide greater accessibility to housing within the locality consistent with recently approved variances in the Foothills of Winona Subdivision lands known as 40 Zinfandel Drive (DA-19-044 & SC/A-21:309) Furthermore, the development aligns with the community vision and urban design principles articulated in the Fruitland-Winona Urban Guidelines, which encourage higher residential densities to be located close to nearby employment and transit corridors. As depicted in Zoning-Bylaw 05-200, the development is adjacent to lands zoned “Prestige Business Park (M3) Zone” and “District Commercial (C6) Zone”. Variance No. 2 is requesting to increase the maximum density from 50 units per hectare to 51 units per hectare and continues to reflect an appropriate built form. Variance No. 3 is requesting to decrease the minimum yard setback requirement of 3.0 metres from the hypotenuse of a daylight triangle to 2.0 metres. Although the residential dwelling unit is setback 3.98 metres, the porch of the unit is setback 2.15 metres. The yard encroachments in Section 4.19 only permits a porch to encroach into a front or rear yard and does not speak to side yards or hypotenuse therefore this variance is required. The intent of the setback requirement established in the Zoning By-law is to ensure pedestrians and traffic are provided with adequate street visibility. As proposed, the reduced setback meets the needs of pedestrians and traffic without resulting in any adverse impacts to the surrounding area.

**3. Is the proposed minor variance minor in nature?**

The requested minor variances maintain the Low Density & Multiple Residential use of the subject lands which is in keeping with the land uses prescribed by the Fruitland-Winona Secondary Plan. The variances will allow for a comprehensive development which efficiently utilizes the space while maintaining consistency with the balance of the approved Foothills of Winona subdivision. Given that the proposed development conforms to all other regulations of the By-law, the request can be considered to be generally consistent with the Zoning By-law and is minor in nature.

**4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?**

The proposed minor variances are desirable and appropriate as it is consistent with the planned and existing built out character of the surrounding area. As discussed above, the subject lands are within the Registered Plan No. 62M-1241 and these lands have been reviewed by City departments through Site Plan DA-22-075, all other lands within this Foothills Plan of Subdivision have obtained Conditional or final Site Plan approval from the City. The requested minor variances will not present any undo adverse negative impacts to the surrounding area. Further, the proposed development represents a land use and development layout that is permitted in the Urban Hamilton Official Plan and Zoning By-law and this site has received conditional Site Plan approval. Therefore, the application can be considered desirable and appropriate for the development of the land.



As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law. This proposed development and requested minor variances if approved will provide and enhance the future growth within the Fruitland-Winona area.

In support of this request, please find enclosed:


- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Registered Plan No. 62M-1241;
- One (1) copy of the Minor Variance Sketch prepared by UrbanSolutions;
- One (1) copy of the Zoning Sketch prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton.

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



Laura Drennan, CPT  
Planning Technician

cc: 5000933 Ontario Inc. (via email)



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 | 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  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         | 347 Fifty Road |            |             |
| Assessment Roll Number    |                |            |             |
| Former Municipality       | Hamilton       |            |             |
| Lot                       |                | Concession |             |
| Registered Plan Number    | No. 62M-1241   | Lot(s)     | Lots 9 & 18 |
| 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:

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:

Please refer to enclosed cover letter

### 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

| Lot Frontage                 | Lot Depth    | Lot Area                     | Width of Street |
|------------------------------|--------------|------------------------------|-----------------|
| +/- 81.19 m (Pinot Crescent) | +/- 134.34 m | +/- 15,715.69 squared metres | +/- 18 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) *Please refer to enclosed Minor Variance sketch*

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 |
|-------------------|--------------------|-------------------|--------------------|----------------------|
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |
|                   |                    |                   |                    |                      |

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 |
|-------------------|-------------------|------------------|-------------------|--------|
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |
|                   |                   |                  |                   |        |

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.):  
Please refer to enclosed cover letter

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

## 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)  
Vacant
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)  
Residential/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? Multiple Residential - Two "RM2-37" & "RM2-38" Zone and Multiple Residential - Three "RM3-49" 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: SC/A-22:58

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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:

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: 79

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