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	HM/A-23:322	SUBJECT	94 LANG STREET AND 2 HAYES
NO.:		PROPERTY:	AVENUE, HAMILTON
ZONE:	"D6, Exception 696, H74"	ZONING BY-	Zoning By-law City of Hamilton 05-
	(Downtown Multiple	LAW:	200, as Amended
	Residential)		

APPLICANTS: Owner: ROXBOROUGH PARK INC

Agent: URBANSOLUTIONS PLANNING & LAND DEVELOPMENT

CONSULTANTS INC C/O MATT JOHNSTON

The following variances are requested:

- 1. For the purpose of Special Exception No. 696 h) the following provisions shall apply to Block "5" and Block "6" as shown on Figure 20 of Schedule "F" Special Figures. Instead of the requirement that Section h) of Special Exception No. 696 shall apply to Block "5" as shown on Figure 20 of Schedule "F" Special Figures.
- 2. For the purpose of Special Exception No. 696 i) the following special provisions shall apply to a Multiple Dwelling within Block "6" as shown on Figure 20 of Schedule "F" Special Figure. Instead of the requirement that Section i) of Special Exception No. 696 shall apply to Block "6" as shown on Figure 20 of Schedule "F" Special Figures.
- 3. In addition to Section h) ii) of Special Exception No. 696, Multiple Dwelling Units shall be permitted instead of the requirement that Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted:

Block Townhouse Dwellings; Maisonette Dwellings; and Stacked Townhouse Dwellings.

4. All buildings or structures located on a property shall be permitted to be setback a minimum of 2.3 metres from a Conservation / Hazard Land (P5) Zone. Instead of the requirement that all buildings

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or structures located on a property shall be setback a minimum of 5.0 metres from a Conservation / Hazard Land (P5) Zone.

PURPOSE & EFFECT: To facilitate the construction of marionette dwellings and block townhouse dwelling in association with Site Plan Applications DA-21-044 and DA-23-037.

Notes:

- Please be advised that variance 1-3 has been written as required by the applicant. Insufficient information was provided to determine full zoning conformity for the proposed development. Additional variances may be required if compliance with the 05-200 Hamilton Zoning By-law cannot be achieved.
- 2. Please be advised the proposed development is associated with Site Plan Applications DA-21-044 and DA-23-037.
- 3. Please be advised Holding 74 is located on a portion of the property.
- 4. Please be advised a portion of the property falls under conservation management. Please contact the Hamilton Conservation Authority prior to any development.

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, January 18, 2024
TIME:	12:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd 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, <u>including deadlines</u> for submitting to be seen by the Committee.

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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-23:322, you must submit a written request to <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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



Subject Lands

DATED: January 2, 2024

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.



COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

Interested members of the public, agents, and owners <u>must register by noon the day</u> <u>before the hearing</u> 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.

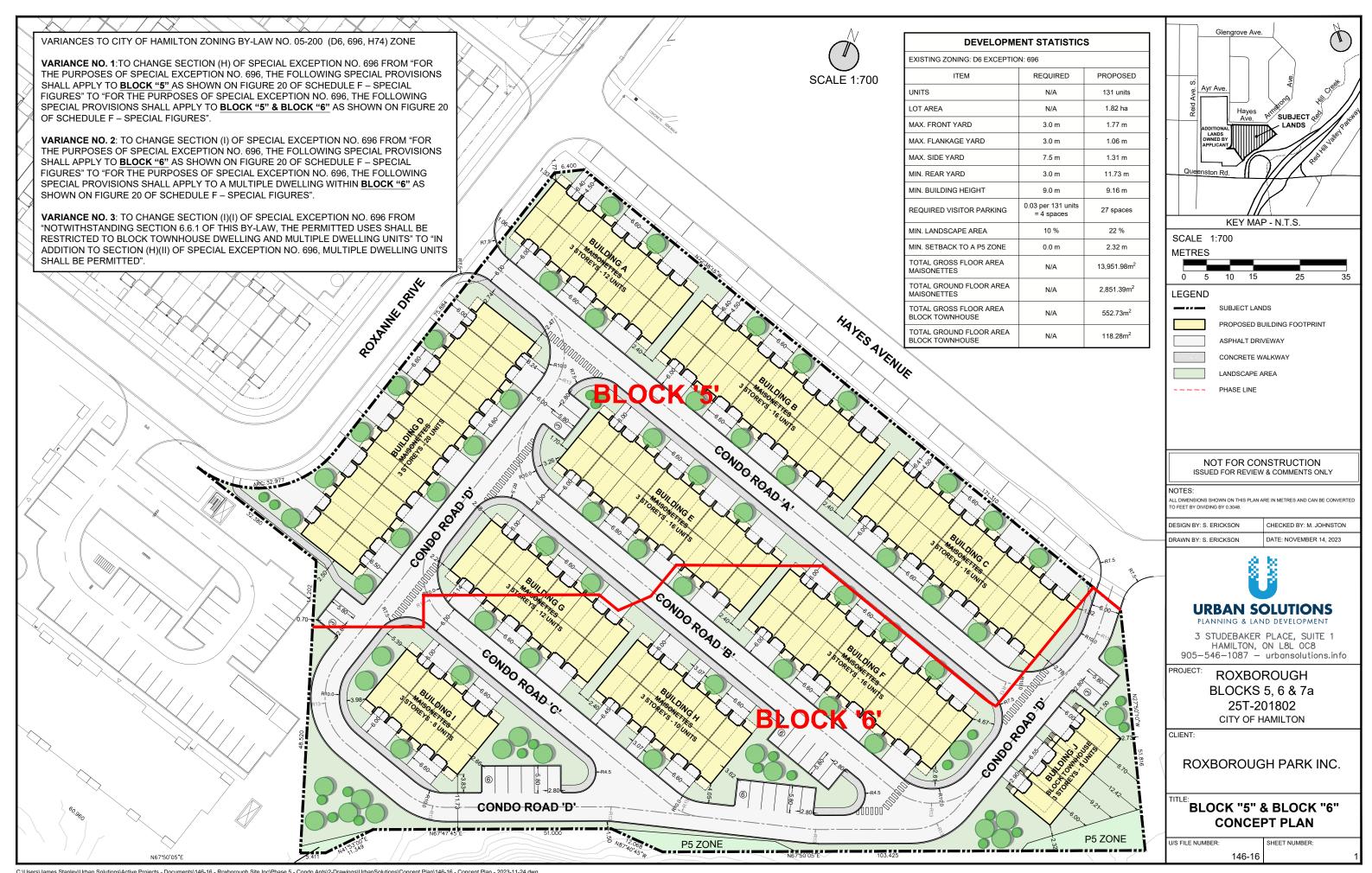
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.





November 24, 2023

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: 94 Lang Street & 2 Hayes Avenue, Hamilton (DA-21-044 & DA-23-037 | Block 5 and Block 6 of

62M-1278)

Minor Variance Application

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) are the authorized planning consultant for Roxborough Park Inc., the registered owner of the lands legally described as Blocks 5 and 6 of 62M-1278 in the Roxborough Park Subdivision in the City of Hamilton.

The subject lands are located within a site-specific Neighbourhoods (UHN-25) designation in the Urban Hamilton Official Plan and are within a site-specific Downtown Multiple Residential (D6, 696) Zone on Block 5 (94 Lang Street), and a site-specific Downtown Multiple Residential (D6, 696, H74) Zone on Block 6 (2 Hayes Avenue) in the City of Hamilton By-law No. 05-200.

The lands known as Block 5 received Conditional Site Plan approval on January 28, 2022 (DA-21-044), for 74 maisonette dwellings with 16 visitor parking spaces having 32 units fronting onto Roxanne Drive and Hayes Avenue and 42 units fronting on a condominium road. The lands known as Block 6 received Conditional Site Plan approval on July 11, 2023 (DA-23-037), for an 18 and 16 storey residential building connected by a 3-storey podium consisting of 549 dwelling units and 503 parking spaces.

Purpose of the Application

Block 5 and Block 6 are currently separate parcels; however the intent is to have these lots merge into a single parcel in the future to accommodate the proposed development. The proposal consists of 131 residential units in the form of Maisonette Dwellings and Block Townhouse Dwellings across Block 5 and Block 6 Registered Plan of Subdivision 62M-1278. Variances are required to apply consistent zoning across the two blocks to implement a mixture of block townhouse dwellings and maisonette dwellings. This proposed built form for the subject lands is consistent with the conditionally-approved Site Plan (DA-21-044) for Block 5. However, the D6, 696 zone contains different zoning regulations for 'Block 5' and 'Block 6', and requires the approval of three Minor Variances as follows:

- Variance No. 1: To change Section (h) of Special Exception No. 696 from "For the purposes of Special Exception No. 696, the following special provisions shall apply to <u>Block "5"</u> as shown on Figure 20 of Schedule F Special Figures" to "For the purposes of Special Exception No. 696, the following special provisions shall apply to <u>Block "5"</u> & <u>Block "6"</u> as shown on Figure 20 of Schedule F Special Figures".
- Variance No. 2: To change Section (i) of Special Exception No. 696 from "For the purposes of Special Exception No. 696, the following special provisions shall apply to <u>Block "6"</u> as shown on Figure 20 of Schedule F Special Figures" to "For the purposes of Special Exception No. 696, the following special provisions shall apply to a multiple dwelling within <u>Block "6"</u> as shown on Figure 20 of Schedule F Special Figures".
- Variance No. 3: To change Section (i)(i) of Special Exception No. 696 from "Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Block Townhouse Dwelling and Multiple Dwelling Units" to "In addition to Section (h)(ii) of Special Exception No. 696, Multiple Dwelling Units shall be permitted".

The purpose of Variance No. 1 is to permit and facilitate Maisonette Dwellings within Block 6 by applying the existing Block 5 provisions.

The purpose of Variance Nos. 2 and 3 is to maintain the existing permissions for multiple dwellings on Block 6, which provides flexibility should a multiple dwelling be pursued on Block 6 in response to a change in market demand in the future.

To assist in the evaluation of this application, please refer to the enclosed Concept Plan. The requested variances, in accordance with Section 45(1) of the Planning Act, must meet the intent of the Official Plan, meet the intent of the Zoning By-law, be desirable for the appropriate development or use of the land, and be minor in nature.

The proposed variances are in keeping with the general purpose and intent of the Official Plan as the proposed use directly implements a permitted built form of the site-specific Neighbourhoods (UHN-25) designation that accommodates a full range of housing types and tenures is intended to be developed across the overall development of the subdivision.

The proposed variances are in keeping with the general purpose and intent of the Zoning By-law, as the D6, 696 zone permits the following uses on a block-by-block basis:

- Block Townhouse Dwelling;
- Maisonette Dwelling;
- Stacked Townhouse Dwelling; and,
- Multiple Dwelling.

The site-specific zone elected to specify specific uses on each block as envisioned at the time of approval in 2019. As proposed, the minor variance meets the intent of the Zoning By-law by maintaining appropriate regulations for each permitted built form.

The proposed variances are desirable for the appropriate development of the subject lands. The variances intend to implement a built form and density which is consistent with the existing built out and planned character of the surrounding area. Further the minor variances are desirable and appropriate as they provide flexibility to permit all D6, 696 built forms across the subject lands with appropriate regulations.

The variances are minor in nature as the proposed built form is in keeping with the planned density of the subdivision and intends to apply zoning provisions that are pre-existing on a portion of the overall subject lands across a greater area to facilitate a comprehensive and cohesive built form for Block 5 and Block 6 of the registered subdivision.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is desirable for the appropriate development of the lands, is minor in nature, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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 Concept Plan prepared by UrbanSolutions; and,
- One (1) cheque in the amount of \$3,735.00 made payable to the City of Hamilton.

We trust that the enclosed is sufficient, however, please feel free to contact us with any questions.

Regards,

UrbanSolutions

Matt Johnston, MCIP, RPP

Principal

cc:

Roxborough Park Inc.

Stefano Rosatone, BES

Planner



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.			
	NAME			
Registered Owners(s)	Roxborough Park Inc.			
Applicant(s)	Same as Owner			
Agent or Solicitor	UrbanSolutions Planning Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions			
2 All correspond	dence should be sent to	☐ Purcha		☐ Owner☑ Agent/Solicitor
3 Sign should be	e sent to	☐ Purcha ☐ Applica		☐ Owner☑ AgentSolicitor
4 Request for di	gital copy of sign	□Yes*	☑ No	
If YES, provide	e email address where si	gn is to be se	ent <u>n/a</u>	
5 All correspond	lence may be sent by ema	ail	☐ Yes*	☑ No
(if applicable).	email must be included for Only one email address loes not guarantee all cor	submitted w	ill result in the	

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	94 Lang Street and 2 Hayes Avenue		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	62M-1278	Lot(s)	
Reference Plan Number (s)		Part(s)	

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
PURPOSE OF THE APPLICATION
litional sheets can be submitted if there is not sufficient room to answer the following stions. Additional sheets must be clearly labelled
limensions in the application form are to be provided in metric units (millimetres, metres, hectares,
Nature and extent of relief applied for:
Please refer to enclosed Cover Letter.
☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling
Why it is not possible to comply with the provisions of the By law?
Please refer to enclosed Cover Letter.
Is this an application 45(2) of the Planning Act. ☐ Yes
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 Concept Plan

Lot Frontage	Lot Depth	Lot Area	Width of Street
+/- 9.11 m	+/- 30.48 m	+/- 1.82 ha	+/- 18 (Roxanne Drive), +/- 20 (Hayes Ave)

Existing: Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
n/a	Selback		Selbacks	Construction
Proposed:				
Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Maisonette Dwellings	Refer to Concept Plan	Refer to Concept Plan	Refer to Concept Plan	n/a
Block Townhouse Dwellings	Refer to Concept Plan	Refer to Concept Plan	Refer to Concept Plan	n/a
sheets if neces	_	tures on or proposed	for the subject lands	(attach additional
sheets if neces	_	tures on or proposed Gross Floor Area	for the subject lands Number of Storeys	(attach additional
sheets if neces Existing:	ssary):		,	`
sheets if neces Existing: Type of Structure n/a	ssary):		,	`
sheets if neces Existing: Type of Structure n/a Proposed:	Ground Floor Area		Number of Storeys	Height
sheets if neces Existing: Type of Structure n/a	ssary):	Gross Floor Area	,	Height
sheets if neces Existing: Type of Structure n/a Proposed: Type of Structure	Ground Floor Area Ground Floor Area	Gross Floor Area Gross Floor Area	Number of Storeys Number of Storeys	Height
Sheets if neces Existing: Type of Structure n/a Proposed: Type of Structure Maisonette Dwellings	Ground Floor Area Ground Floor Area Refer to Concept Plan	Gross Floor Area Gross Floor Area Refer to Concept Plan	Number of Storeys Number of Storeys Refer to Concept Plan	Height Height Refer to Concept Plan

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)
Type of access: (check appropriate box)
□ provincial highway □ right of way
 ☐ municipal road, seasonally maintained ☐ other public road ☑ municipal road, maintained all year
manioparroad, maintained all year
Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Maisonette Dwellings and Block Townhouse Dwellings
Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Single-Detached, Semi-Detached Dwelling, Maisonette Dwellings, Block Townhouse Dwellings, Multiple Dwelling
HISTORY OF THE SUBJECT LAND
Date of acquisition of subject lands:
Unknown
Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Townhouses
Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Vacant
Length of time the existing uses of the subject property have continued:
Unknown
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) Site-Specific Neighbourhoods (UHN-25)
Please provide an explanation of how the application conforms with the Official Plan.
Please refer to enclosed Cover Letter.
What is the existing zoning of the subject land?
zone in the City of Hamilton Zoning By-law No. 05-200.
Has the owner previously applied for relief in respect of the subject property? (Zoning By-lawAmendment or Minor Variance)
✓ Yes □ No

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
7.40	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: 131
8.3	Additional Information (please include separate sheet if needed):
	Please refer to enclosed Cover Letter.

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

11 COMPLETE APPLICATION REQUIREMENTS