



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

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>HM/A-23:340</b>	<b>SUBJECT PROPERTY:</b>	78 ONTARIO AVENUE, HAMILTON
<b>ZONE:</b>	"R1a" (Low Density Residential – Small Lot)	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:** Owner: 78 ONTARIO AVE INC.(ADAM COLALILLO)  
Agent: A.J CLARKE & ASSOCIATES LTD. C/O FRANZ KLOIBHOFER

The following variances are requested:

Lot to be retained (Part 1):

1. A minimum lot area of 250m<sup>2</sup> shall be provided instead of the minimum lot area of 270m<sup>2</sup>
2. A minimum lot frontage of 8.4 metres shall be provided instead of the minimum lot frontage of 9.0 metres.
3. A minimum side yard setback of 1.06 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

Lot to be conveyed (Part 2):

4. A minimum lot area of 220m<sup>2</sup> shall be provided instead of the minimum lot area of 270m<sup>2</sup>
5. A minimum lot frontage of 7.5 metres shall be provided instead of the minimum lot frontage of 9.0 metres.
6. A minimum side yard setback of 0.9 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

**PURPOSE & EFFECT:** The variances are to facilitate a severance creating 2 lots on the subject lands:

## HM/A-23:340

### Notes:

- i) This application shall be heard in conjunction with Consent application HM/B-23:94
- ii) The variances are written as requested by applicant.
- iii) Additional variances may be required.

**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>Tuesday, February 13, 2024</b>
<b>TIME:</b>	<b>1:35 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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

### PUBLIC INPUT

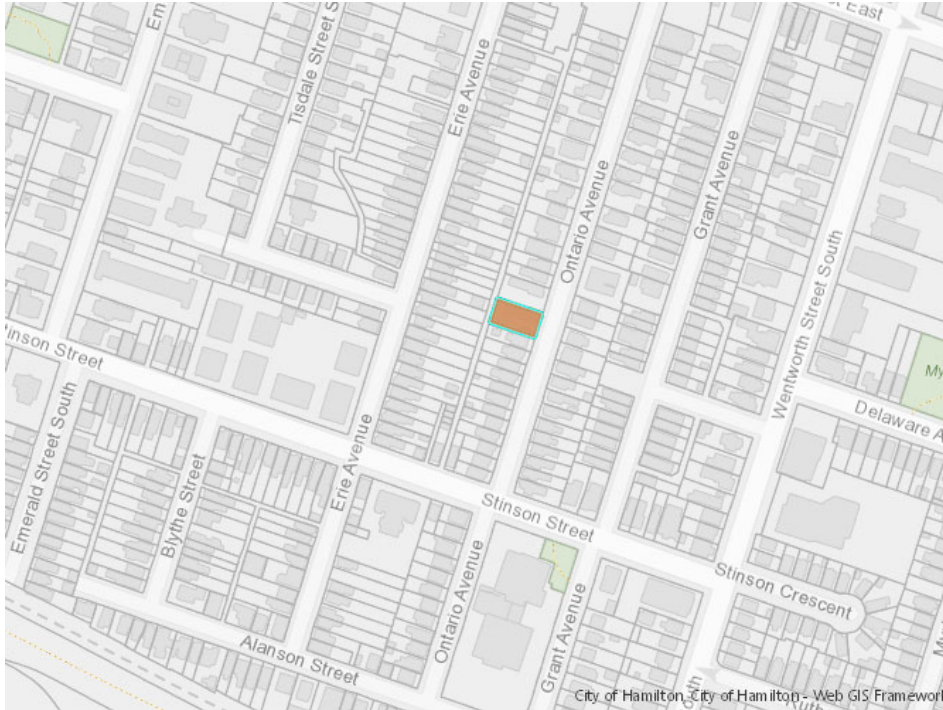
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than February 9, 2024

**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, registration to participate virtually must be received no later than February 12, 2024

### FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:340, 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 25, 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

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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday 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 on the day listed on the Notice of Public 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 one business day before the Hearing. Only those registered will be called upon to speak.

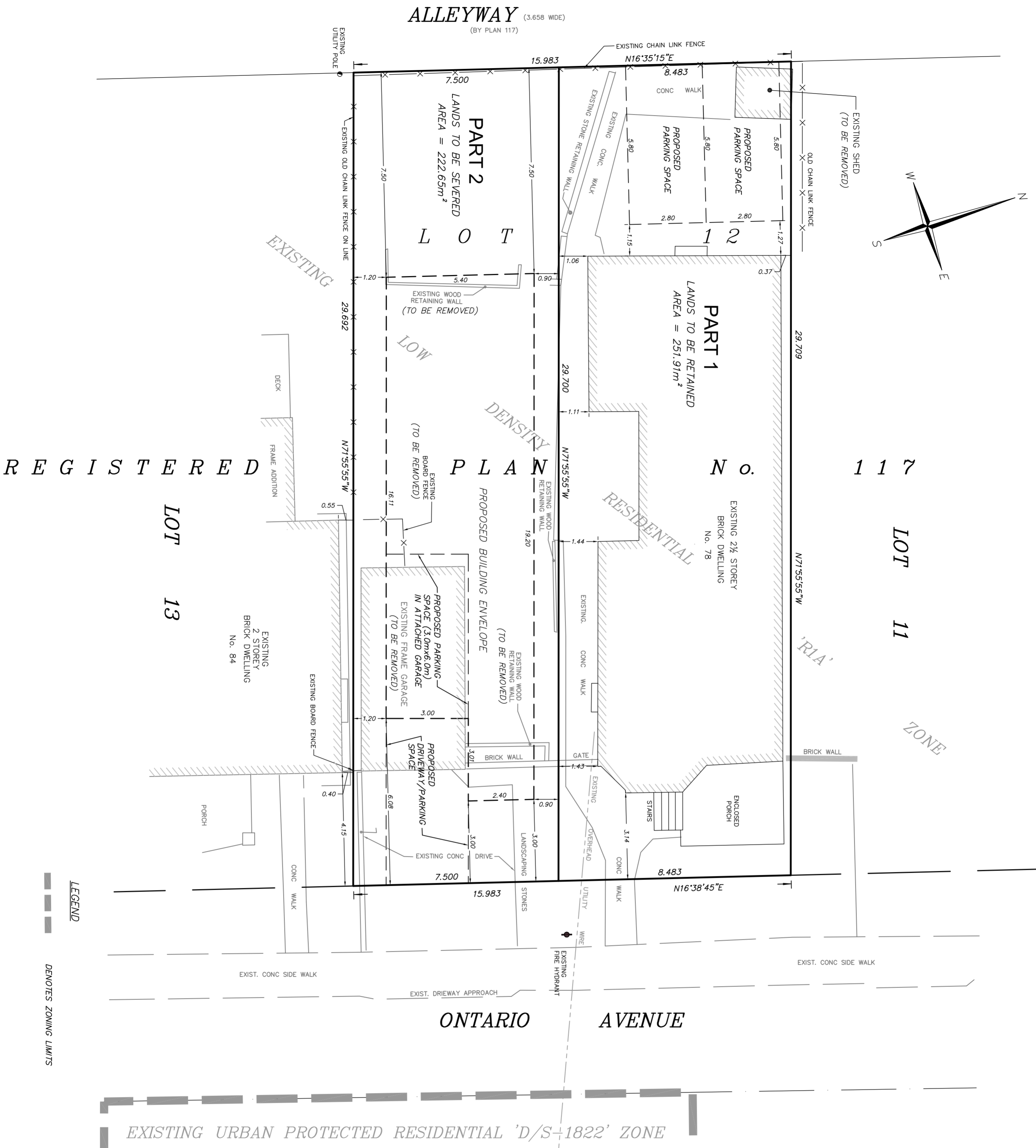
##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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.

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 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT,  
 IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF  
 A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.



REGISTERED

LOT 13

PLAN

No.

117

LOT 11

ZONE

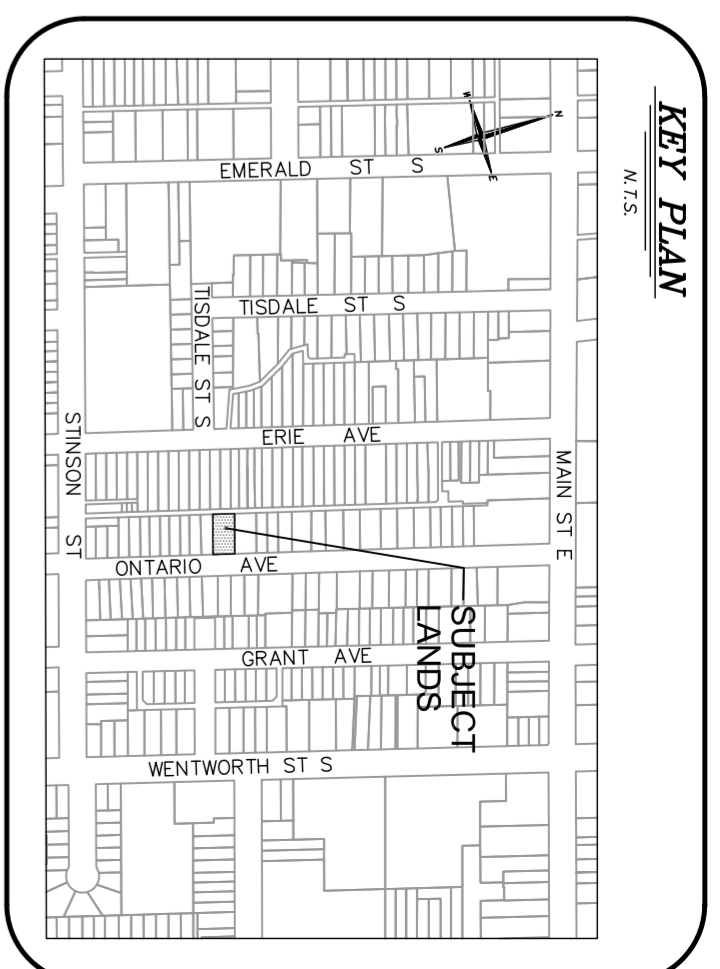
ONTARIO AVENUE

EXISTING URBAN PROTECTED RESIDENTIAL 'D/S-1822' ZONE

LEGEND  
 DENOTES ZONING LIMITS

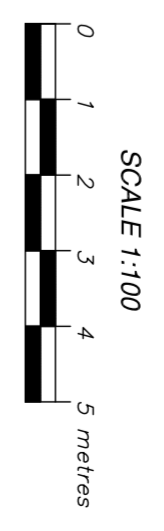
PROJECT No. 238192P

H:\Jobs\N-40-SRP\117\Lot 12\Current Work\R-4877.dwg, R-4877, 2023-12-19 2:36:30 PM



KEY PLAN

SKETCH FOR CONSENT TO SEVER  
 78 ONTARIO AVENUE  
 CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:  
 LOT 12, REGISTERED PLAN NO. 117  
 CITY OF HAMILTON

METRIC:  
 DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND  
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE:  
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
 ARE APPROXIMATE, COMPILED FROM PLANS ON FILE IN OUR  
 OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL  
 COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
 TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:  
 PART 1 (LANDS TO BE RETAINED) AREA=251.91m<sup>2</sup>  
 PART 2 (LANDS TO BE SEVERED) AREA=222.65m<sup>2</sup>

CAUTION:  
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE  
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

DEC. 19, 2023  
 DATE  
 NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 25 MAIN STREET WEST, SUITE 300  
 HAMILTON, ONTARIO, L8P 1H1  
 TEL. 905-528-8761 FAX 905-528-2289  
 email: ajc@ajclarke.com



**SURVEYOR'S REAL PROPERTY REPORT**

PART 1, PLAN OF

**LOT 12**  
**REGISTERED PLAN 117**

IN THE  
**CITY OF HAMILTON**

SCALE 1:100 METRIC

**R.A. McLAREN, O.L.S. - 2023**

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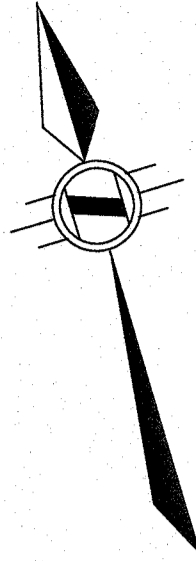
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15.232



LOT 9

LOT 10

IB (OU)  
(0.046 W)  
(P2 & Set)

(B)

**SURVEYOR'S REAL PROPERTY REPORT**

LOT 12, PLAN 117 IS NOT SUBJECT TO ANY EASEMENTS.

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

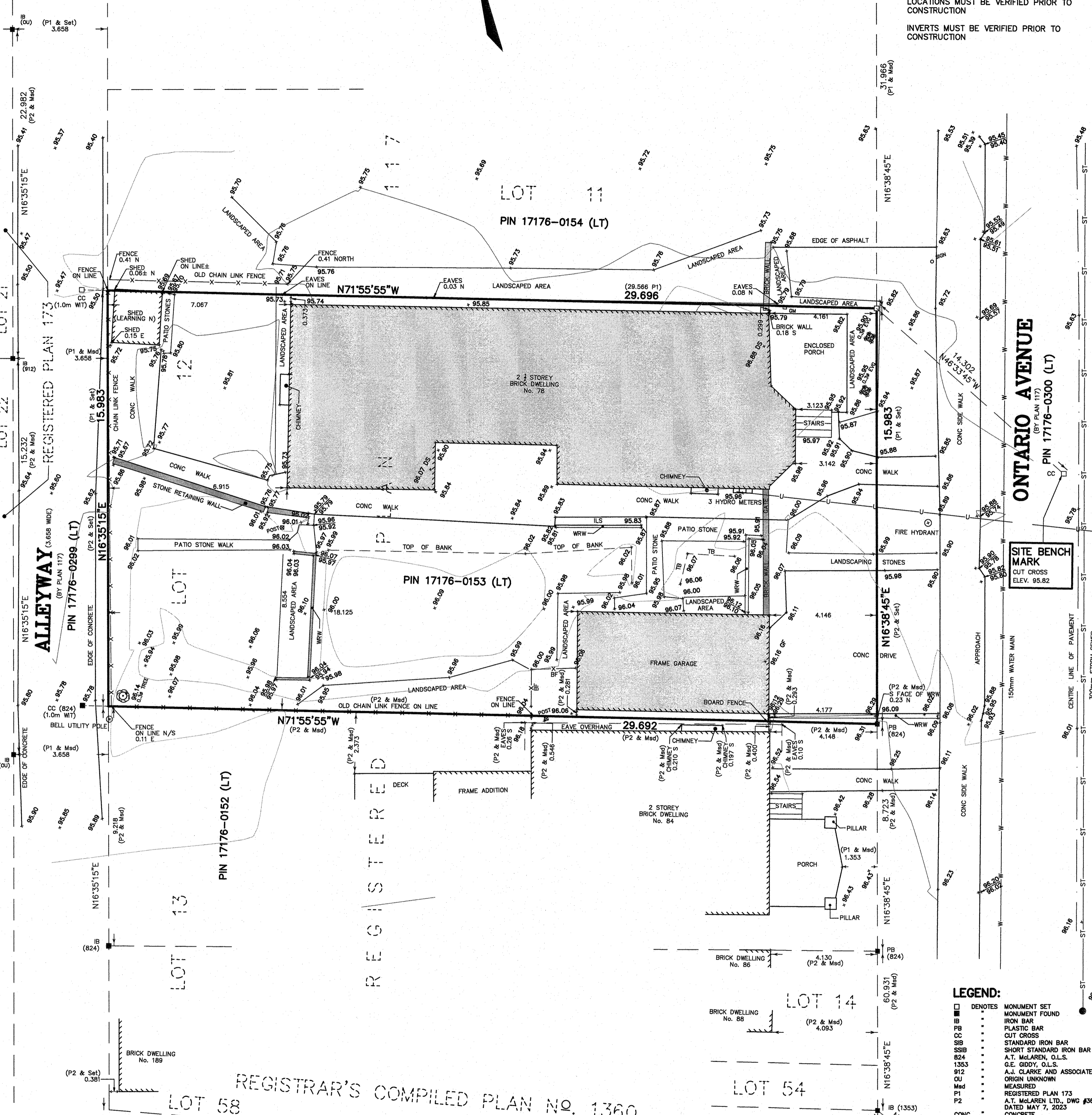
THIS PLAN WAS PREPARED FOR ADAM COLALILLO

**NOTE:**

UNDERGROUND SERVICE AND UTILITY LOCATIONS WERE DERIVED FROM DRAWINGS BY DUFFERIN CONSTRUCTION, FILE NO. IRO7229 AND FILE NO. IRO7230.

UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION



**ONTARIO AVENUE**  
(BY PLAN 117)  
PIN 17176-0300 (LT)

**SITE BENCH MARK**  
CUT CROSS  
ELEV. 95.82

**LEGEND:**

IB	MONUMENT SET
IB	MONUMENT FOUND
PB	IRON BAR
CC	PLASTIC BAR
CC	CUT CROSS
SSB	STANDARD IRON BAR
SSB	SHORT STANDARD IRON BAR
824	A.T. McLAREN, O.L.S.
1353	G.E. GIDDY, O.L.S.
912	A.J. CLARKE AND ASSOCIATES
OU	ORIGIN UNKNOWN
Med	MEASURED
P1	REGISTERED PLAN 173
P2	A.T. McLAREN LTD., DWG #36304, DATED MAY 7, 2023
CONC	CONCRETE
WRW	WOOD RETAINING WALL
	NOT TO SCALE

No.	DESCRIPTION	DATE	BY
1	UPDATE N AND W BEARINGS	DEC 18, 2024	MM
	ORIGINAL	NOV 29, 2023	MM

**REVISIONS**

© R.A. McLAREN, O.L.S. - 2023. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8599 FAX (905) 527-0032

**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999697025

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP (A)	4788956.310	593133.935
ORP (B)	4789095.747	593162.607

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**BENCHMARK:**

MONUMENT 07720100047  
NORTH WEST CORNER OF CORKTOWN PARK, ~22m EAST OF CENTRE LINE OF FERGUSON AVENUE SOUTH AND ~22m SOUTH OF THE CENTRE LINE OF YOUNG STREET  
ELEVATION: 99.836 metres CGVD-1928:1978

**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 SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF NOVEMBER, 2023

29 NOV 2023  
DATE

ROBERT A. McLAREN, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 66215

Drawn	Checked	Crew Chief	Scale	Dwg. No.
MM	RBM	MWR	1:100	37552



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 20, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 78 Ontario Avenue, Hamilton: Severance and Minor Variance Application Submissions**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by the owners of the subject lands, municipally known as 78 Ontario Avenue, for the purposes of submitting the enclosed Severance and Minor Variance Applications. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the required filled and signed Severance Application Form;
- One (1) digital copy of the required filled and signed Minor Variance Application Form;
- One (1) digital copy of the Surveyor's Real Property Report of the existing conditions, prepared by A. T. McLaren Ltd, dated November 29<sup>th</sup>, 2023;
- One digital copy of the Severance Sketch illustrating proposed lots, parking, and maximum building envelope, prepared by A.J. Clarke & Associates Ltd, dated December 2023;
- One (1) cheque in the amount of \$6,955.00 representing the required joint Severance and Minor Variance Application fees;

This analysis is in support of concurrently submitted Severance and Minor Variance Applications for the subject lands. The development will create one new residential lot while retaining the existing dwelling; parking for the existing will be provided in the rear yard, accessed by municipal alleyway. The severed lands will facilitate a single detached dwelling with sufficient on-site parking.

The subject lands are located on the western side of Ontario Avenue between Main Street East, to the north, and Stinson Street, to the south. The subject lands are currently occupied by one (1) single-detached dwelling with one (1) detached garage with access provided from Ontario Avenue. On-street parking is permitted on the western side of Ontario Avenue.

The surrounding area is primarily low density residential in the form of single- and semi-detached and converted dwellings within the historic Stinson neighbourhood. The neighbourhood is dotted with several multiple dwellings along Stinson Street, Emerald Street South, Wentworth Street South, and Main Street East. Main Street East has been zoned as Transit-Oriented Corridor (TOC1) and Mixed Use Medium Density (C5) Zones, with multiple existing commercial uses.

The subject lands are in proximity to multiple places of worship, 500 metres from Myrtle Park and the Wentworth Stairs with adjoining Rail Trail, 600 metres from Lifesavers Park, 660 metres from the Central Memorial Recreation Centre and Carter Park, 700m to St. Patrick Elementary School, 700 metres to Cathedral High School, 1.3km to Queen Victoria Elementary School, and 450 metres to a grocery store.



The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwelling, 2.5-storeys (72 Ontario Ave)
<b>South</b>	Single-Detached Dwelling, 2.5-storeys (84 Ontario Ave)
<b>West</b>	Single- and Semi-Detached Dwellings, 2.5-storeys (77-81 Erie Ave)
<b>East</b>	Single-Detached Dwellings, 2.5-storeys (73-75 Ontario Ave)

A review of the applicable planning policies has been included below.

## **Planning Policy Overview**

### **Planning Act**

The proposed severance and associated minor variances will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act, particularly subsections (b), (d), (f), (g), (h), (j), (l), (p), (q), and (r).

The proposed development is an example of gentle intensification that will sever the lands into two lots that will facilitate the infill development of a single-detached dwelling on the severed lands, where a detached garage currently exists. This infill development is an efficient use of land in the built-up urban area and the existing infrastructure, that continues the orderly development of a safe and healthy community, while providing additional housing. The development is transit-supportive in a pedestrian-friendly neighbourhood. The proposed development will maintain the character of the streetscape with consistent height, form, and proposed building materials. The existing building will be retained thereby conserving the cultural heritage of the structure and neighbourhood while reducing waste associated with redevelopment.

### **Provincial Policy Statement (PPS), 2020**

The proposed consent and development of the lands is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), c), d), e). The proposed consent and development are an efficient use of land that contributes to the housing stock while satisfying the growth management projections for the area through gentle intensification that is transit-supportive and economically efficient by utilizing existing infrastructure.

Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. As discussed, the proposed development is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, and public service facilities while supporting active transportation in a transit-supportive neighbourhood.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options





through intensification where feasible. Policy 1.1.3.4 states that *“development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”*

Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply of housing while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.

Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, and schools.

In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020**

The P2G Plan continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

Policy 2.2.1.2.a) states that *“the majority of growth will be directed in settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.”* As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.

Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities to meet projected needs. The proposed development is consistent with this policy as it creates additional housing through gentle intensification that falls within the densities permitted in the Official Plan.

The proposed development is consistent with the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.

### **Urban Hamilton Official Plan, 2022**

The subject lands are designated ‘Neighbourhoods’ on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The ‘Neighbourhoods’ designation permits uses including those proposed by this application.

Policy B.2.4.1.3.c) states that *“30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned housing units to be developed within the Neighbourhoods through intensification.”*

Policy E.2.2.6 also states that *“Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards.”*



Policies B.2.4.1.4 and B.2.4.2.2 of the Official Plan list numerous criteria with which residential intensification developments within the built-up area shall be evaluated. The proposed development is in conformity with these policies as described in the paragraphs below.

The proposed severance and construction of an additional single-detached dwelling will have a density of ±42.5 units per hectare (UPH); this is below the 60 UPH maximum for low-density residential areas. The lot pattern and frontage are consistent within the existing neighbourhood. Lot widths along Ontario Avenue vary in size, however 18 of the 29 lots are below the 9-metre requirement; of those 18, 5 are at or below the 7.5 metres proposed for the severed parcel. The retained parcel is proposed at 8.48 metres in width; 16 lots on the western side of Ontario Avenue are smaller. The current lot size of the subject lands is uncharacteristically large compared to the majority of lots along Ontario Avenue.

The lot fabric, building height and massing will be consistent with the neighbourhood. The parcel will be served by municipal water, wastewater, and transportation systems. The lands are located in proximity to existing mass transit lines, future high-order transit services, and cycling network. As described above, the lands are in proximity to multiple public community facilities and services. No existing trees are proposed to be removed and the cultural heritage of the existing dwelling will be conserved. No impacts from shadowing, overlook, noise, lighting, traffic, or other nuisances are expected.

The subject lands are located within the Stinson Historical Neighbourhood. In conformity with Policy B.4.3.6, the proposed development will be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood. The proposed lot size and pattern is consistent with the streetscape and overall neighbourhood. The mass and height allowable within the zoning and proposed maximum building envelope will lead to a structure of compatible size and massing to the neighbourhood. The proposal will also retain the existing dwelling located on the proposed retained lot. Appropriate setbacks are proposed that will allow for a compatible built form. Dwellings along Ontario Avenue are typically closer to side lot lines than by-law permits and the existing lot with a very large side yard is out of character for the street and neighbourhood with only the parcel to the north also having a similar lot size and coverage. These same qualities described above also show the development to be in conformity with Chapter F, Section 1.14.3 regarding lot creation in the urban area.

Upon review of the applicable policies, the proposed development conforms to and maintains the intent of the Urban Hamilton Official Plan.

**City of Hamilton Zoning By-law 05-200**

The subject lands are zoned “Low Density Residential – Small Lot (R1a) within the City of Hamilton Zoning By-law 05-200. The R1a Zone permits residential uses such as single- and semi-detached dwellings, and street townhouses. The zone provisions within Section 15 shall apply to the proposed development. A review of the applicable zone provisions is included below:

Regulation	Requirement (Single-detached)	Part 1: existing building	Part 2: severed lands
Min Lot Frontage	9 metres	±8.48m	±7.5m
Min Lot Area	270 m <sup>2</sup>	±251.4m <sup>2</sup>	±222.17 m <sup>2</sup>
Min Front Yard	3 metres	3 metres	3 metres



Min Side Yard	1.2 metres	0.3m (existing), <b>1.06 m (south)</b>	<b>0.9m (north)/</b> 1.2 m (south)
Min Rear Yard	7.5 metres	6.9m (existing)	7.5 m
Max Building Height	14 metres	2.5 storeys (existing)	Future building to comply

### Minor Variances

Variances are required for each lot to facilitate the proposed development. The variances are as follows:

#### Part 1 (Retained)

1. To permit a Minimum Lot Width of 8.4 metres, whereas 9 metres is required.
2. To permit a Minimum Lot Area of 250 m<sup>2</sup>, whereas 270m<sup>2</sup> is required.
3. To permit a Minimum Setback from a Side Lot Line of 1.06 metres, whereas 1.2 metres is required.

#### Part 2 (Severed)

1. To permit a Minimum Lot Width of 7.5 metres, whereas 9 metres is required.
2. To permit a Minimum Lot Area of 220 m<sup>2</sup>, whereas 270m<sup>2</sup> is required.
3. To permit a Minimum Setback from a Side Lot Line of 0.9 metres, whereas 1.2 metres is required.

This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:

#### **1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

As discussed in greater detail above, the proposed lot severance and residential land use maintains the intent and purpose of the Urban Hamilton Official Plan. The application is an excellent example of infill development within the built-up urban area of Hamilton in a built form compatible with the existing historical neighbourhood. The existing dwelling, along with trees in the municipal right-of-way, will be retained, conserving the cultural heritage of the street and neighbourhood.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

#### **2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?**

The required variances to City of Hamilton Zoning Bylaw are intended to facilitate a desirable built form which is compatible with the existing neighbourhood. The proposed lot fabric will require variances to address both the retained and severed dimensions for width and area, but they are comparable to, and in several instances larger than, the width and area of lots along the street.

The requested side yard setbacks of 1.06 for the retained lands and 0.9 metres for the severed should not only be sufficient for stormwater management but is highly comparable to the existing setbacks along the street. Further, the proposed building envelope line will be located 1.96 metres from the existing dwelling, buildings which is sufficient for access and maintenance. It should be noted that this is only required for the existing dwelling's rear addition of 5.68 metres. The rest of the existing structure will be located at a minimum of 2.33 metres from the proposed building envelope.



As noted above, the proposed variances are consistent with the established character of the neighbourhood, and it is my professional opinion that the requested variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200.

**3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services. Proposed is a built form and use that is consistent with the Planning Act, Provincial Policy Statement, and Growth Plan and conforms to the UHOP and general intent of the zoning by-law. It facilitates gentle intensification in a core residential neighbourhood in an attractive form. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot width, lot area, and side yard setback. Accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit a reduced lot width, lot area, and side yard setback will be required to facilitate the creation of the lots and the desired and compatible built form. The proposed minor variances will provide relief from these zoning deficiencies and requirements, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Prepared by:

James Thomas, HBA  
Planner

**A. J. Clarke and Associates Ltd.**

Reviewed by:

Franz Kloibhofer, MCIP, RPP  
Principal, Planner

**A.J. Clarke and Associates 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	MAILING ADDRESS
Registered Owners(s)	[REDACTED]	
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 \_\_\_\_\_

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	78 Ontario Ave.		
Assessment Roll Number	03020505700		
Former Municipality	Hamilton (Barton)		
Lot	11	Concession	3
Registered Plan Number	117	Lot(s)	
Reference Plan Number (s)		Part(s)	12

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:

Lot width and area for severed and retained lots. Side yard setback of 0.9 metres for northern side yard setback of proposed severed lot. See cover letter for more details. Side yard setback of 1.06 for proposed retained lot.

Second Dwelling Unit  Reconstruction of Existing Dwelling

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

Infill development efficiently utilizing lands. Please see cover letter for more detail.

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
Part 1 (retained):8.48m	29.7m	±251.7m <sup>2</sup>	±15.8m
Part 2 (severed): 7.5m	29.7m	±222.6	

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
Single-detached dwelling	3.12m	7.07m	0.3m(N)/ 8.55m(S)	01/01/1910
detached garage	4.14m	18.1m	±11.3m(N) 0.28(S)	01/01/1950
shed	n/a	0.15m	+0.6m (encroaching)	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Part 1: existing dwelling	same as above	same as above	0.3m(N-same)/ 1.2 (S)	01/01/1910
existing shed demolished				
Part 2: single-detached	3 metres	7.5 metres	0.9 m(N)/ 1.2 m(S)	12/01/2024
existing garage demolished				

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
Single-detached dwelling	122.6m <sup>2</sup>	approx 305m <sup>2</sup>	2.5	±9m
detached garage	28.1m <sup>2</sup>	28.1m <sup>2</sup>	1	±3m
shed	3.77m <sup>2</sup>	3.77m <sup>2</sup>	1	±2.5m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Part 1: existing dwelling	same as above	same as above	same as above	same as above
shed to be demolished				
Part 2: single-detached	max bldg envelope =93.2m <sup>2</sup>	max = ±233m <sup>2</sup> (if 2.5 storey)	2-2.5	<10.5m
garage to be demolished				

- 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.):  
single-detached dwellings (one per lot)

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

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

December, 2023

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

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

7.4 Length of time the existing uses of the subject property have continued:  
since construction; approx 110-130 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) Neighbourhoods

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

Please see cover letter for full details.

7.6 What is the existing zoning of the subject land? Low Density Residential - Small Lot Zone (R1a)

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: Concurrently submitted severance application

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

Yes       No

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

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

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

Minor variances will facilitate proposed severance to create an infill development of a single-detached dwelling on a newly created lot. Existing dwelling will remain with parking provided in rear yard accessed from municipal alleyway. New lot will provide parking in attached garage and front yard driveway (tandem). This driveway and garage will utilize current curb cuts, minimize existing driveway width and area, with garage located in approximate location of current detached garage. To conserve cultural heritage and building resources, the proposed application will maintain existing dwelling structure and build separate single-detached in appropriate lot, rather than demolish in favour of semi-detached.

## 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

Cover Letter with Policy Justification

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